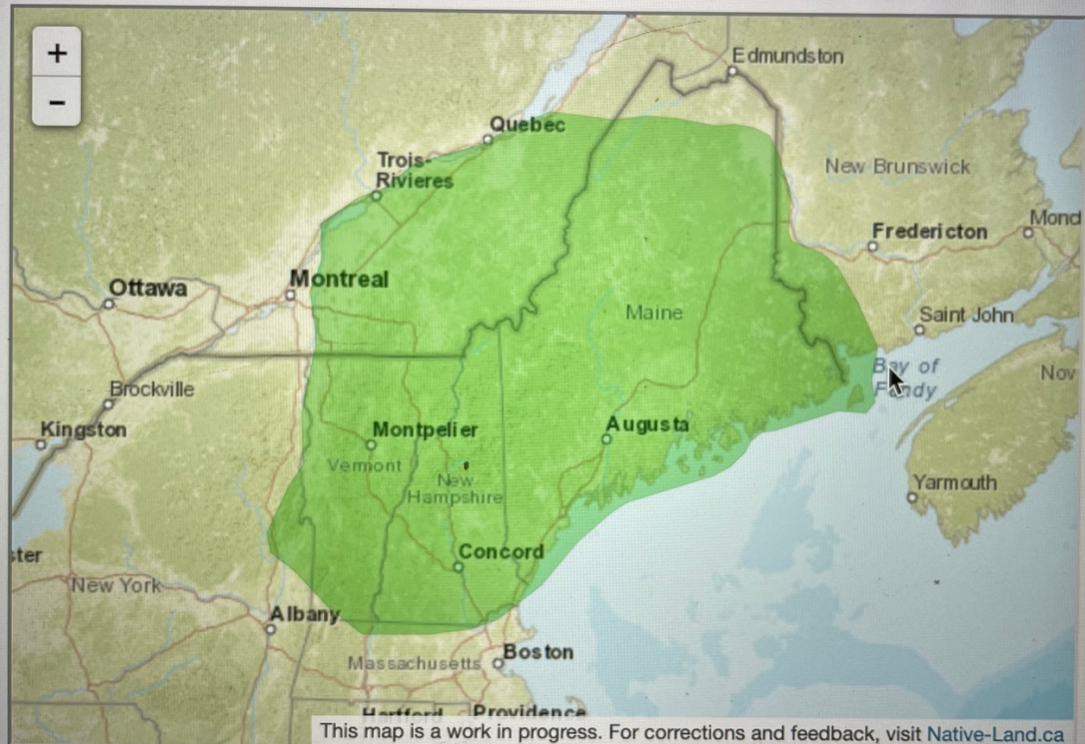


## lation and Territory



Abenaki traditional territory.  
(courtesy Native Land Digital / Native-Land.ca)

It was not my intention to post this document online at this time as it has not been thoroughly vetted, but it has been footnoted and statements are made only on material that I can produce documents for. It is lengthy, but because of the many issues being brought forward to discredit Vermont's Legislatively Recognized Bands of Abenaki (Elnu, Nulhegan, Missisquoi and Koasek), it seems necessary to respond in some way. Hopefully people will read the paper in its entirety including footnotes which hold important information as well as the references to original material. The work and thoughts in it are my own and do not represent those of any Band or

Tribe. I offer it simply as an academic researcher. Too much information being presented in current media is omitting important facts and I am offering them here as they have been removed from sites where I have tried to share them.

## **The Not so Invisible Border**

**By Jeanne Morningstar Kent, B.F.A., M.A. Ed**

### **Enrolled Citizen of the Nulhegan Band of the Coosuk Abenaki Nation of Vermont**

#### **INTRODUCTION**

The following statements and findings are being presented in order to share legal differences between Canadian and United States Laws regarding Natives since segments of our tribe occupy areas on both sides of the border. I am fully aware that colonial law and laws under sovereignty are not always the same, but have done my best to research how they affect one another so others can better understand. the current conversation taking place. Both sides should be considered.

For many years, in Vermont and New England, Abenaki have faced racism and struggled to be recognized by the state and federal governments. During that time the Abenaki communities have moved forward in developing programs to help feed and house citizens of the four bands and have assisted with the communities in which they reside. Communities in both the United States and Canada have

continued to develop. But, there has been some tension between them. As Vermont Abenaki strived to be recognized, those in Canada sometimes supported them and sometimes they did not. The negativism and division from those who did not want us to see recognition, insisted there were no Abenaki in Vermont or New England. This promoted suspicion and confusion among state citizens. The bands have now arrived at a collective agreement and are moving forward to build communities that are independant and sustainable. Mali Obamsawin (an Odanak citizen) points out that in the case of State v. Elliot (1991), sovereignty has been "extinguished by the increasing weight of history." "It is an example of how the "mere passage of time is overturning a Native Nation's right to exist."(1) Ironically, she and others from our Canadian family are trying to do just that to the four recognized bands in Vermont.

It was hoped that with recognition by the state, all Abenaki communities would find common ground and be supportive of one another. While there have been steps toward that end, outside dissenters (particularly academics and those with personal agendas) continue to disavow the existence of Abenaki People in New

England. They present paperwork to disprove any heritage, community or recognition among those of us in the U.S. in spite of the bands' years of hard work to fulfill Vermont's exhaustive requests for information prior to giving Legislative recognition to the Missisquoi, Koasek, Nulhegan and Elnu.

I am hopeful this paper will help to address some of the misinformation being published in books, posted to web sites and presented in lectures and college classes, or submitted as accurate "research" and will show how incorrect much of the information is. I speak only from my personal research and speak for no one other than myself.

Jeff Benay pointed out: "Participants in a democratic state is predicated on the notion that we can agree to disagree yet still move beyond speculative rhetoric which is based on emotional gut feeling...In other words, policy-making is for the common good, not the misguided ranting of a few individuals who represent themselves and a handful or other bitter people who have little regard for the next seven generations." (2)

## **DISCUSSION**

For those thinking EVERYONE is benefitting by claiming to be Native, there is a clear misunderstanding of what it means to be a state recognized Native. U.S. Abenaki tribal citizens do not receive individual government stipends. There are no

Abenaki reservations or government housing, health insurance or facilities provided to us. Any educational scholarships are competitive as are any grants. While Canadians are resisting the enlarging number of Metis claims because it will reduce the amount other tribes will receive from the government's federal budget, U.S. Abenaki receive no such benefits. In the U.S., state-recognized tribes do not receive any portion of federal funds allotted for Federally Recognized tribes. They are only allowed to compete for grants. While Canadian recognized Metis are accorded equal political voice with tribes, U.S. state recognized tribes are not sovereign and have no government-to- government powers.

It is tiring and annoying to continuously see articles, books, read posts on social media or hear speakers use terms like "Fakes", "Race Shifters", and "Pretend Indians" for all four groups of Vermont Abenaki. The journey to Recognition has been long and difficult. Respect is deserved for all who spent years providing required information and documents. Instead people have had to withstand ridicule, threats, and had their careers threatened.

Mali Obamsawin wrote: "Ignorance is an accessible popular tool. It doesn't require citizens to take up arms, acknowledge or interact with the intended target, leave their comfort zones, or jeopardize their status. As a weapon, ignorance is cheap, deniable, and nearly impossible to trace. Finally, ignorance is passively consumed and passively reproduced, cinching Native invisibility." (3).

Recent readings of blog spots and books by authors claiming to understand Native laws in both Canada and the U.S., claim to have reviewed thousands of genealogies in the span of five years, are claiming to fully understand the mountains of paperwork they have generated to drown out Abenaki voices. It reminds me of an old saying: "Bury them with paperwork." They have put up charts and statistics (without explaining the sources of the information), leading people to believe they have knowledge others do not. The truth is basic and simple. Natives need some proof of heritage (determined by the TRIBE), a community with a government, a common culture, and a relationship to one another (kinship). These groups have it and the state of Vermont has approved it. But, now dissenters want to change the rules.

Obamsawin clearly states what has been readily observed: "...tackling racism requires that white people confront the centuries-long project of trying to *get rid of us....*" "Erasure is the art of collective forgetting, and one of the most effective tools of racism. Crucially, it absolves the United States from addressing injustices festering at its foundation - and the fact that Native people are still here

resisting. Erasure nurtures ignorance through systematic miseducation, stereotyped iconography, and popular culture. We can no longer keep silent. (4)." The devastation of this happening at the hands of a government foreign to us is sufficient, but having it happen at the orchestration of our own relatives, is lateral violence.

The saddest result of the recognition process is that tribes now work against one another. The same government some allege to despise. now promotes "colonial greed" which is not traditional. Denying segments of a tribe's own by not recognizing us, making rules that abandon descendants, by disenrolling people or separating bands of our own creates new generations of trauma. It is happening across North America. Tribes are establishing cut off levels of cultural inheritance at three to four generations or dis-enrolling people who have been born and raised among tribes. Children raised on reservations (or off) who have been raised as Native by Native (or mixed) parents find themselves emotionally and financially orphaned from relatives because of "paper genocide." Discussions indicate that it is

to create true freedom under sovereignty, but true freedom is total detachment from a ruling government. Sovereignty in its current form, does not provide that.

And now land reclamation. In a discussion on the lack of Canadian sovereignty, Chief Scott McLeod noted that money used to fight (Canadian) imitation Metis groups in court, takes from their funds for housing and education and literally "starves" their children. (4). This comment reflects the difference in Canadian guidelines and U.S. guidelines for tribes. In their case, there is a real concern that tribal funding will be reduced as more Metis groups are recognized because that is how Canada deals with tribal finances. In the U.S., tribes may be recognized by states, but receive NO federal funds from the national allotment and none is taken from any tribes they derive from. Minority status only allows tribal citizens to compete for grants, scholarships, or contracts for which there is no guarantee it will be awarded. In Canada, newly recognized groups must break off from existing tribes and present an enrollment list. Funds for the new group are deducted from the original group so that no additional government funding is necessary. It is not the case here.

Under different circumstances, I would greatly support the return of lands to Natives, but under current guidelines, Indian Land is held in trust by the governments. When the Cherokee recently received the large swath of land in Oklahoma the celebration was darkened by the fact that oversight of the land was awarded to the government, not the tribe. The Mashpee and other federally

recognized tribes can attest to cases where their land has been reclaimed for colonial expansion, or the removal of resources, without the tribes ever having been consulted. Until Sovereignty leads to real self determination, such gestures are little more than publicity stunts. And in the case of one segment of tribal government trying to discredit another in order to have control over land, the entire concept of Native structure is destroyed.

The U.S. government recognizes tribes and the tribes decide who will be its citizens. It is a right that Canadian indigenous leaders are still wrestling with. While tribes in both countries spend energy, money and court time proving tribes or individuals are "Fake". There appears to be no end of people willing to change recognition. One speaker likened it to a game of "Whack-a-Mole." Disprove two and four pop up. And that is exactly how it will continue because the efforts are put in the wrong place. Some groups are legitimate according to the law so attempting to create lateral violence against them only puts detractors in a bad light. It is the law which needs changing and energy, money and Legislative efforts should be put

there. Without that change, tribes will only continue generation after generation to spend resources on the same problem without ever rectifying it.

Several tribes in the U.S. have purchased land rather than subjecting themselves to the limitations and restrictions set forth on government owned reservation lands. In doing so, they are freeing themselves to establish self-supporting businesses, establish banks and build substantial communities that cannot be reclaimed by the government should enrollment numbers decrease (leading to the extinguishing of a tribe like in the 1960). It also frees tribes to more clearly establish tribal citizenship. It is a clear and distinct separation from colonial oversight.. Government reservations limit progress with the many restrictions set by the governments. An example of how reservation life has been restricted is in individual mortgages and loans. Because reservations are federal land (held in trust for Natives), U.S. banks are reluctant to give loans or mortgages to tribal citizens living on them. Should the borrower default, banks cannot take the land in repayment of the loan. It is not the individual's property to take. It is federal land. It is part of the reason for such substandard housing on reservations. I do not know if this is the same in Canada. This is informational and would require additional investigation before tribes could decide if it would be in their interest. Since it was proposed in Canada under Harper's leadership, it likely would not be favored.

There is a problem with people who suddenly make claims of indigenous heritage where none exists. There is no question of the many ways it affects Natives. It generally stems from the desire for some type of personal gain. There have been

examples of child custody cases where someone claimed heritage in an effort to gain parental favor from the courts. There have been examples of land owners wanting to claim heritage so they can declare their land "Indian land" thinking it will be protected or tax free. One older woman wanted to enroll her grandchildren to "guarantee" their "free college education." And there is the current issue in Canada of fishermen claiming heritage to fish in territories awarded to Micmaq. (5). Others are seeing their hunting grounds inundated by vacationers who are hunting without ecological preservation in mind. In doing so, they are either endangering species or totally extinguishing them. The issue of "self identification" perpetrated by the U.S. census, has only clouded the issue further for those who have little to no understanding of what it means to be Native. The general understanding of Native life has been skewed by misinformation and self-identification on the census. This casual act of simply checking a box has misled the general public to believe that is all that is necessary in order to obtain perceived benefits.

But, not everyone fits these categories. Recent academics seem to lack knowledge of the long history of Vermont Abenaki and their struggle towards recognition. That lack of knowledge makes the uninformed question and suspect those who have now satisfied the long and arduous task of providing substantial information to the State of Vermont. It is nothing short of racism to continue to call Vermont Bands "Fakes" or Race Shifters." The documents which follow, further explain the reality of Abenaki history and do not leave them to the interpretation of those who really do not understand what it means to be Abenaki in the United States.

At first glance, one may believe that author Darryl Leroux's statements regarding the protection of Native rights are the gallant efforts to expose "pretend Indians." This combined with his academic standing as an associate professor in the Department of Social Justice and Community Studies at Saint Mary's University in Kijipuktuk (Halifax, Nova Scotia), gives great authenticity to what are his personal views of who and what it is to be Native. Unfortunately, they are his own opinions and Canadian law, not traditional tribal practices or current law in the United States..

In the case of the fishermen in Canada, claiming ancestry in order to fish in Micmaq waters (6),it is a classic case of people thinking that Natives are a privileged class receiving benefits not everyone can receive. It generally occurs among those who have no knowledge of Treaties and ignores the long years of hardships suffered by Natives.

In research, there are basically two different approaches:

1. A researcher comes up with a question or hypothesis and sets out to prove or disprove it. Three groups are generally involved: those in support, those against, and a neutral group for perspective.
2. A researcher who comes up with a question or hypothesis and sets out to find information which supports the desired outcome but ignores evidence that is counter to the desired outcome.

It appears that Darryl Leroux (and some other academics) fit in the second group since he set out to prove that only non-Indians are seeking to "race-shift" to be Indian. What he did not do, is ask why more Indians are not "race shifting" to be "white" since the European community has long enjoyed more privilege than Natives? Leroux shows no statistics or references on that matter nor does he use a control group to better understand why some people wish to identify as Native while others (like himself) do not. He even goes a step further by denying that

ancestors of alleged "race shifters" ever had ancestors who "hid in plain sight" or were part of the eugenics project, or falsified records of children by putting "W" instead of "I" to protect them. Such real actions have cut the line of ancestry demanded by today's researchers. With the broom of arrogance, these researchers scoff at such stories as myth, giving no merit to the reality of Native history or generational trauma caused by it.

While Leroux mentions the "one-drop-rule" used to identify Black citizens as African American, he chooses to dismiss it as being an unacceptable measure of identifying any other race including Native American. Therefore, he shows that his "research" is specific and targeted against Metis groups and Abenaki Bands in Vermont. The problem with assigning Odanak as the mecca of "Abenaki", is that Abenaki is not a single race or tribe. It is a grouping of them more commonly referred to as the Wabanaki. Some were brought together by relationship, some by war. "Odanak was a refugee village with more than one tribe contributing to its population." (7). Frank Speck regarded Saint Francis as being comprised of "amalgamated fragments of the Wawenock, Norridgewock, Arosaguntacook and other bands driven from southern Maine and New England in the eighteenth century whereas, L.B. Truax, a Vermont archeologist, expressed the view that the Saint Francis Indians and *the Abenakis at the Missisquoi village near Lake Champlain were one people with the Missisquoi being their principal village.* (Huden 1971:68) (8) Other researchers assert that the Saint Francis Abenaki at Odanak, also contained Caughnawaga Mohawks, Sokoki, Androscoggin (Arosaguntacook), Weenoc, Taconnet, Pequawket, Cowassek (Coosuc), Pennacook, Ossipee, Nipmucs, Pacomtucks, Mohegans, Missassiks, Pequakets, , Squakheags, Winnipisaukees, and Schagticokes. (9)

His continuous references to Sturm's research ignores her findings that the Cherokee have identified the Freedmen as citizens of their tribes. It is a clear example of tribes (not government) determining who is Indian within Native communities. He chooses to concentrate only on groups he feels are not acceptable as tribes or bands according to HIS standards. It is not his legal right to do so. It is only the state and federal governments that have the right to set guidelines, standards and subsequent recognition, to recognize tribes and it is the tribes who recognize their citizens. It is not even his tribal right to do so as he is

not affiliated with any tribe let alone the leader of one. Through his slanted research, he serves only to separate tribal entities from relatives and create distrust among non-Natives toward those he labels as "fakes." (10)



The mere fact that he does not ask why people are not rushing to "race shift" from Native to White makes me believe that he is more politically motivated than fact motivated. He shows no interest in presenting opposing opinions. In some cases he broadly generalizes while in others he becomes uncomfortably specific, setting up distrust and racial disparity against those specifically identified as "FAKE." (11). When a Canadian chief asked if they might use his book to help make their case in court, I actually cried. He is a false prophet offering false hope while solving nothing. The idea that this individual teaches Native courses at a University is as much a disservice to Native People as professors accused of being without heritage.

His overall tone is that State Recognition is something new. In fact, the first State Recognized tribes were in 1658: "One of the earliest examples of state recognition is that of the Mattaponi and Pamunkey. As legal scholars Kirke Kickingbird (Kiowa) and Karen Ducheneau note, the Commonwealth of Virginia recognized both tribes in a 1658 treaty (Sheffield 1997:72). Other examples include the Shinnecock Indian Nation, originally recognized by the state of New York in 1792, and the Lumbee, whose recognition in North Carolina dates to 1885." (12)

Leroux states his research is built upon studies with Circe Sturm. In her paper she writes: "When speaking to me about their former white lives, race shifters often described a period of sadness when they searched for meaning and connection." (13) "Only when they began to look to their family histories did they realize all that had been lost when their families assimilated into whiteness. As one woman from Missouri put it 'They forced us to be white, act white, live white, and that is a very, very degrading feeling'...'The genealogical and historical details might not always be verifiable, but the emotions are real enough. It makes sense that once race shifters link their melancholy to assimilation, they try to ease their sadness by rejecting

whiteness and reclaiming an indigenous status.'" (14). In this statement and others, identity and a desire to reconnect with tribal family are brushed aside as "mental illness" which can and should be treated. Academic empathy stops at accepting that any person removed from their cultural links (however long removed) suffer a sense of loss and seek to find their connection. An example is the many adopted children seeking birth parents even after having been raised by exemplary adoptive

parents. Not everyone feels the pull or seeks the reconnections, but many do and there are government funded agencies which now assist them. It is not brushed away as "melancholy" which can be treated. It is a recognized human need.

Sturm's work serves to better understand why it is that Natives are always Native regardless of current documents which leave generational gaps or a demand for scientific proof of genetic continuity or DNA. All of these methods of identification have proven to be filled with errors and subject to interpretation. There is an unexplained recognition which draws Natives together. Whether raised with the culture or not, people know where they belong and search for "home." Perhaps, it cannot be explained scientifically or with statistics and charts, but it does not mean that it does not exist. The situation is not the same as those with no heritage claiming they were Indian in a past life, drawn to the culture, or simply having motives for personal gain. It is a genuine, unexplained connection that no amount of science can explain. Not even DNA has offered certainty because how much of one parent's genes are passed to siblings can vary so much that siblings appear to not even be related.

Problems with DNA leave more questions than answers. Twins have been found to have different DNA. Some have had DNA different from their parents. It is not a perfect science. Many Natives have declined volunteering for testing which makes the matching of genetics very difficult due to the small body of comparative

data. Even when DNA indicates Native heritage, the tribe cannot be determined by it. And due to the way it is done, any trace of Native heritage disappears within only a couple of generations. It does not help meet tribal guidelines which often require Blood Quantum of a quarter to fifty percent. (15) There are numerous books and articles which clearly discount DNA as being definitive.

Genealogy is more accurate only where records were maintained precisely. Since no records are without flaw, this is not a perfect identifier, either. With early people living in rural areas, and illiteracy common, information such as names and dates were particularly sparse in the United States. If Natives were members of a church, they appeared in those records. If they were not, there might not be a record of them. Early church records listed the Native names plus the Christian

names. Native names were anglicized and over time Native names were no longer recorded at all. Since records were kept by literate Europeans serving as members of the church, hospitals, boarding schools, census takers or government employees, birth, death, and marriage records generally recorded names acceptable to the individual or entity recording them. Native names were difficult to sound and spell and few early Natives were able to write in English, so records were not accurate in many cases. Along with the name changes, Natives stopped being identified as

Native and were recorded as "W". It was a common tactic leading to "paper genocide."

Native women marrying non-Native men in the church, were given baptismal names the night before and may or may not have been given a surname. Sometimes the surname was that of her betrothed since it would only be changed the next day in ceremony. This led many researchers to perceive incest when there was

none. Incidents like this have led researchers down the wrong family branch while pursuing linear genealogy. (16) (17)

All of these factors have led to generational connections being broken. (18)(19). With the government seeking sterilization of females and the placing of children into boarding schools to abolish traces of Native heritage, it takes no imagination to see why people who could "pass" as white, began to list themselves or their children as white and buried themselves in assimilation in order to survive. (20). Hiding in plain sight has long been a means of survival during war time, yet these academics scoff at the thought. Because some Natives were very visible, it is assumed ALL Natives chose to be. Generalizations are dangerous in any study. After years of this continuous attempt to commit genocide upon the Indian, the governments of both Canada and the United States now demand lengthy histories proving continued community, government, and proof of heritage of the same people who were denied the right to preserve them.

To say that this is a delicate and difficult process is to minimize the history of it. Proof is most certainly necessary in the matter of business, grants, education and other matters where funds have been set aside to be distributed to Natives specifically, in response to treaties and historical agreements in both countries. There just does not seem to be a perfect, common agreement as to what is sufficient and valid proof.

Donoval writes: "The Abenaki and their ancestors have lived in Vermont for 12,000 years, but in just the last 500 years, their population has been decimated. Before the Europeans brought the plagues that struck northeastern North

America as early as 1535, researchers estimated that the native population of New England numbered more than 90,000.

"As Europeans settled this region in the 1600s, choosing the most fertile lands with the majority of natural resources used by the Abenaki, the tribes were pushed to the

outer reaches of Vermont. Facing annihilation, *many* Abenaki began immigrating to Canada, then under French control, around 1669. To further *reduce* Abenaki presence, in the early 20th century the government sought to further *reduce* indigenous populations through eugenics policies such as forced sterilization.

"Children who spoke the Algonquian language in school were punished. *Many Abenaki disguised their identity* or fled the country, further *fracturing the indigenous community*. Poverty, prejudice and dependence on the white economy characterized their lives and promoted the *tendency to conceal one's indigenous identity*.

"*The Abenaki who chose to remain in the United States* did not fare as well as their Canadian counterparts. Compounding the displacement of the Abenaki from their land, the state of Vermont aimed to further *reduce* Abenaki presence in the early 20th century through eugenics policies such as forced sterilization." (21)

Sturm states that she repeatedly heard race shifters speak of an "ancestral calling to people to come back home." (22) "an emptiness", "a melancholy," "racial belonging," (23) a genetic memory (Arlo Davis) (24) "kinship" that almost sounds condescending of the people's feelings even while acknowledging their genuineness. *At no time is the question asked: How can so many different people, in different places and from different tribal origins, express the same feelings?*

Throughout Leroux's book, he refers to himself as a "genealogist." (25) Like others, he does not explain the extent of his training as a genealogist, whether he has taken courses on the topic or if he is certified by a reputable University or professional genealogy group. Two such groups are the Board for Certification of Genealogists (BCG) and the International Commission for the Accreditation of Professional Genealogists (ICAPGen). Other similar organizations exist in other countries. (26). BCG has modified four existing standards and added seven new standards to guide the use of DNA evidence in genealogical analysis. BCG also has updated the Genealogists Code to address the protection of individuals who provide DNA samples. New terms added to the glossary reflect the specialized language associated with DNA evidence. (27)

Upon certification, professional genealogists must agree to the following: a) "I will not publish or publicize as a fact anything I know to be

false, *doubtful* or unproved, nor will I be a party, directly or indirectly, to such action by others.

b) I will identify my sources for all information and cite only those I have *PERSONALLY* used.

c) I will quote sources precisely, avoiding any alterations that I do not clearly identify as editorial interpretations.

d) *I will present the purpose, practice, scope, and possibilities of genealogical research within a realistic framework.*

e) I will delineate my abilities, publications, and/or fees in a true and realistic fashion.

f) I will not publish any personal, genealogical, or genetic information disclosed to me unless I have *informed consent or omit personally identifying detail. I will also treat publicly available information about living people with sensitivity and will not publish any information with foreseeable potential for harm.*" (28)

Among Ethical agreements are:

" a) I will furnish only facts I can substantiate with adequate documentation, and I

will not *withhold* any data necessary for the client's purpose.

b) If the research question involves analysis of data in order to establish a

genealogical relationship or identity, I will report that the conclusions are based on the weight of the available evidence and the *absolute proof of genealogical relationships is usually not possible.*

c) *I will not publish or circulate reports in which a client or colleague has a proprietary interest without that person's informed consent.* I will respect this interest whether my report was made directly to the client or to an employer or agent.

d) I will participate in exposing genealogical fraud but I will not otherwise knowingly injure or attempt to injure the reputation, projects, or practice of another genealogist."

And to protect those who provide DNA samples, the following update to the "Ethics of Professional Genealogical Standards include:

*"When working with DNA test results of living people, I would not publish personally identifying information without each test taker's consent.* I will privately

share a match list without the list owner's consent. If I have the list owner's consent, I may privately share details of a match without the match's consent." (29)

Considering that Mr. Leroux uses both the literary audience and social media to identify information he claims to have researched as a "genealogist," he should identify his credentials. Visiting genealogical forums on web sites (30)(31)(32)(33) and his personal research on his own family genealogy *do not make him a professional genealogist*. But it also does not give him the right to go against professional standards. He does reference outside sources which indicate second hand information, stating only that he has "anonymous" sources. Ironically, he has represented himself as a "genealogist" and "researcher" in the same way he accuses "fake Indians" and "race shifters" as being unable to document themselves.

The focus of this response is upon U.S. Abenaki and Canadian Abenaki who have been squarely the target of Darryl Leroux's comments throughout his book, *Distorted Descent*, his social media posts and video interviews posted online.

While the U.S. has numerous definitions of what it is to be Indian, this definition comes from the Cornell Law School (Legal Information Institute)"

"In U.S. Law, the term "Indians" refers generally to the indigenous peoples of the continent at the time of European colonization. "Alaska Natives" and "Native Hawaiians" refer to peoples indigenous to the areas occupied by those named states. The terms "tribe" or "band" designates a group of Indians of the same or similar heritage united in a community under one leadership or government and inhabiting a particular territory. Because Indians have increasingly preferred "nation" or "people", the term "tribe" has become controversial. The terms used may vary from statute to statute and case to case as well.

*"States recognize particular Indian groups, even if the federal government does not recognize the group. To determine whether a group will be recognized, courts and legislatures examine such factors as the extent of Indian governmental control over individual lives and activities, the extent to which the group exercises political control over specific territory, and the continuity of the group's history."* (34)

There is nothing in the definition about genealogy, genetics or DNA.

Canada is more narrow in its description:

"The Canadian Parliament defined Indians as "Firstly, all persons of Indian

blood, reputed to belong to the particular tribe, band or body of Indians interested in such lands or immoveable property, and their *descendants*. Secondly, all persons residing among such Indians, whose *parents were or are, or either of them descended on either side from Indians or an Indian reputed to belong to the particular tribe, band or body of Indians* interested in such lands or immoveable property, and the *descendants* of all such persons. And thirdly, all women lawfully

married to any of the persons included in the several classes herein before designated; the *children issue of such marriages, and their descendants* " (13 S.C. 1868, 31 Victoria, c. 421 & 15). (35)

Not only is there no mention of genealogy, DNA or genetics, there is no mention of how closely members have to be related generationally in order to be enrolled. That is determined by the tribes.

In the United States, the Federal Government Acknowledgement of Indian Status is governed by the Constitution, Statutes and Case Law, but ultimately depends upon tribal governments to recognize specific individuals as members of a recognized tribe. In the jurisdictional context, individuals follow tribal status and *there can be no Indian without a tribe*. (36). Canby views U.S. Indian status to be political rather than a racial classification. "Indian Groups" *acknowledgment in Canada, is strictly determined by past treaties*. "New" Bands (Metis) can only be made by groups who *splinter from core groups* and provide a membership roll to the government

offices. In splitting away, *they take allotments from the core group to fund the new group so that no additional money is added to the national budget* for recognized tribes. (37). "...where pursuant to subsection (1) *a new band has been established from an existing band or any part thereof, such portion of the reserve lands and funds of the existing band as the Minister determines shall be held for the use and benefit of the new band.*" (38)

In the United States, tribes can be formed and receive federal acknowledgement in one of three ways:

- 1) A tribe can be recognized pursuant to the Bureau of Indian Affairs (BIA) 2) Through legislation
- 3) Or through the court system (as in the case of the Penobscot and Passamaquoddy) (39)

In the matter of recognition. "...*there are no new tribes*; just those that have always existed, but now seek the U.S. Federal government's acknowledgment of their existence for status reasons." (40). Unlike Canada the United States does not completely lock tribes out from recognition beyond the parameters of early treaties and documents. In the U.S., "It has always been the position of the federal government and the courts of the *United States that tribes have the exclusive authority to determine their membership*. (41). It has been recognized as central to its existence as an independent political community." (42)

It has been historically up to tribes to determine the heritage of its members in the U.S.

"Today, in Canada, while the bands may determine who is a member, it is the federal government that acknowledges both band and individual Indian status. Historically and contemporarily, in the United States, the federal government acknowledges tribes' Indian Status. However, it is tribal governments that have always exclusively determined their membership and acknowledged an individual's status." (Brian Lewis, Turtle Talk).

Some were born into the tribe, some married into it and some were taken in as prisoners or adopted . Once individuals were a part of a specific tribe, that was their identity. Different rights and privileges came with the degree of citizenship within the tribe. Today, Natives, like other Americans, offer a list of all our ancestral lines rather than offering a simple response that we are from one tribe with whom we are enrolled. But, in the eyes of the government, Natives can only enroll with one tribe in order to receive monetary benefits from said tribe. If the parents are from more than one tribe, they must choose which one the child will be enrolled with. It also reduces Blood Quantum by 50%. It was and continues to be a governmental tool for genocide of the Indian but was never a gauge of the Indian in identifying its citizens (until recently). The failure of researchers is to remember that "American Indian Politics and the American Political System and American Indian tribes are nations, not minorities. (David Wikins)" (44) (45). As such, guidelines frequently differ.

While Mr. Leroux uses the academic method of presenting his argument through the use of statistics and charts, Natives are not given to such means of identification. The identification comes from kinship. Family trees were often maintained orally and have been handed down through generations. (With today's distancing of people, that has become far more difficult.). While some eventually were written down by researchers, much of the oral history has never made it to



paper which makes it nearly impossible for non-Native researchers to prove lineages of any individual via genealogy. Both fortunately and unfortunately, the advance of Catholicism meant that churches recorded names and dates of marriages, births and deaths sanctioned by the church. And governments became record keepers of those living on reservations. Natives in both situations generally have searchable

records. Those more scattered, do not.

It is repeatedly noted throughout Leroux's book that "*Indigenty* is bound up in their ongoing kinship, relations with other...indigenous peoples, their political history of resistance to the (Canadian/U.S.) government, and their marginalization in the ...provinces." While he continuously attempts to argue genetics, paper trails and

historical records as the better means of identifying Natives, he also keeps insisting that these should not be the means by which Natives are evaluated because they are unreliable. Colonization has changed the rules by which such identifications are currently made interjecting legal demands that are contrary to tribal expectations.

Odanak is specifically mentioned here, only because Mr. Leroux attempts to use Odanak to condemn and invalidate the Bands recognized by the state of Vermont. He assigns Odanak the title of definitive resource for the recognition or denial of American Abenaki. He totally ignores the fact that Odanak is under the regulations of the Canadian government while those in Vermont are regulated by laws of the United States. They are two very different entities separate from one another because of modern laws and a not-so-invisible border. Whether tribes wish to acknowledge either government is immaterial. In a court of law (where most disputes are settled) it is law which prevails.

While there are still a few Abenaki language speakers at Odanak and Wolinak, the Encyclopedia Canadien states there are no current fluent speakers. The death of Cecile Wawanolette and her son Eli Joubert Wawanolette, were a great loss from the small group of fluent speakers there. Tribal citizens there are now learning the language as adults just as those among us. Odanak consists of 265 residents then mixed with other tribes who sought shelter at Fort Odanak during Indian wars. The reservation (Fort) was moved three times before settling on its current location when families were recorded as simply Abenaki with no further tribal discrimination. If they were put under the same scrutiny as those in the U.S., some would likely discover ancestors among the Montagnais, Mohawk and others who fled the encroaching armies and settlers. At one point, a white captive became a

well- respected chief.(46). Regardless of the respect and tribal traditions of historical acceptance, current descendants of the (Joseph) Gill, are denied citizenship at the two Canadian reservations. If traditional tribal rules were followed, they would be included. By colonial law, they are not because in Canada, not every tribe has the right to recognize its own citizens.

As noted in numerous historical accounts, there were various other tribes who took shelter at Fort Odanak, at various times during the Indian Wars. While all those who currently reside at Odanak are identified as Abenaki, none have ever been called upon to provide genealogy or documents in the detail they are demanding of Vermont Abenaki. Vermont citizens have followed stringent processes to be recognized by the European government of the United States while those in Odanak have not been subjected to the repeated and extended demands for proof of their genealogical history. In a video, Jacques Watso stated that his family went to

Odanak in 1760. (47), but he presents no further information regarding his family history before that time. Their genealogies are likely to include a mix with other tribes due to intermarriage or other historical coupling. Blood Quantum has most likely dropped among the overall population since they only recognize three generations of heritage for tribal citizenship: grandfather to father to son. (48). With these stringent requirements, the tribe will have limited choices as time progresses due to (a) intermarriage, (b) marriage with distant Abenaki cousins (perhaps at Wolinak) or (c) eventual genocide d) or exceptions. All four have lasting ramifications upon the future and health of the tribe.

While some Abenaki moved with the reservation as it was relocated, others chose to live quietly on the outskirts of towns and settlements, passing as French or even Quakers (in America). (49). The boundaries between Canada and the United States were not yet set and were, at times, fluid. So, Mr. Leroux's statements that there are no American or Canadian Abenaki citizens in the U.S., is unfounded. Even now, many retain dual citizenship and visit relatives in the United States and others now live both on and off historical tribal territory.

It should be further noted that, historically, there were two missions established in Vermont. The Missisquoi and Koasek were well established, not just Odanak or Wolinak in Canada. It is irresponsible to suggest that no one from those historical groups failed to survive or that they no longer inhabit traditional homelands. The Missisquoi and Koasek (who are now recognized by the state of Vermont) have provided sufficient historical evidence of that presence (as separate villages from Odanak which means "village" in the Abenaki Language), to satisfy the demands

of recognition. Two other tribes, the Nulhegan and Elnu, have also met the state's burden of historical proof.

Later, it was apparent that priests in Canada steered Canadian Natives moving to the U.S. to Catholic parishes where other Natives were already settled. This formed unidentified communities where Natives shared, married and raised their children while appearing to be part of a non-Native society. (50)

Work as masons or lumberjacks offered opportunities to Natives trying to escape reservation restraints and racial ridicule. Women and children kept house or did farm work or created crafts to help sustain our families. Some children were adopted, some enslaved, some men were lured onto sailing ships, and some became servants. (It depends upon what time in history we look at.) Yet, even as Natives attempted to meld into non-Native society, we told our stories around the house fires, continued life ways we did not even identify as being Native, married with

other Natives, and retained our "Indianness". And so we remained Native and handed down those traditions of fishing, food gathering, and told our stories. Others rejected our heritage, intermarried and forgot our histories. Unfortunately, some were sent to boarding schools, placed in foster homes with non-Native families and eventually adopted by them and forced to assimilate. Such people only know the emptiness and spiritual calling referred to in Circe Sturm's writing. (51)

Mr. Leroux would do well to have paid closer attention to the content of Sturm's research and to have read the *Rights of Indians and Tribes* by Stephen L. Pevar in which the author explores the various means by which people are racially identified. It should also be noted that there are Natives vs. Natives with motives of personal gain. It is another segment of the issue not discussed in Mr. Leroux's acceptance of what is truth from his somewhat prejudicial sources. Pevar states: "...neither in an ethnological nor legal sense is there just one method of determining who is an Indian." (52). Mr Leroux and some of his consorts, would do well to keep this in mind.

Many years and two chiefs ago there was discussion of plans for a casino at Odanak and its subsequent denial (because of the proximity of an existing one). At least some of the citizens were not in favor of having a casino on the Odanak reservation. Leaders later considered obtaining land in Vermont or New Hampshire where they thought they could build another Abenaki community and a

casino.(53). The plan never materialized. While Odanak citizens with dual citizenship might have benefitted from such a plan, the laws only allow Canadian Natives to work, attend educational classes, hunt, fish, or gather wild materials, or spend part of the year in the U.S. If individuals seek citizenship, they need to apply. Then candidates can receive social services. If Canadians expect to stay and seek Social Security, they need to apply for a Social Security card and work to contribute to

it. If tribal members wish to retain indigenous rights and benefits, they would need proof of 50% Blood Quantum and be from a tribe federally recognized by the United States. Indians born in Canada can not simply take up permanent residency and receive Native benefits from the U.S. (or double dip from both), The main reason the plan to establish a settlement in the U.S. met difficulties was, that there was no recognized Abenaki tribe in the U.S. at that time. Remember: *One Indian does. not make a tribe.* Now that the Missisquoi, Koasek, Nulhegan and Elnu are state recognized, it would mean those seeking tribal recognition *could* be directed to join one of the four groups. (54)(55) Such was the case with the Mashantucket Pequot and the Paucatuck Eastern Pequots of Connecticut. (56)

Other differences in government handling of Indian Affairs show that "Canada's federal policies lag behind those of the U.S. in a key area: recognition of political autonomy or self-determination. In 1975, the U.S. government passed the Indian Self-Determination and Education Assistance Act. Under the "Treatment as State" clause, "the U.S. federal government recognizes the Native American tribes' right to self-determination, or sovereignty within reservation boundaries, with the autonomy to collect and spend tribal tax dollars, to provide their own education, judiciary, and law enforcement, and to self-govern without the interference of federal agents from the Bureau of Indian Affairs."...(Zoltan Grossman)... "tribes have a right to control the budget now, instead of the feds"..."On the other hand, the Canadian government still operates under the Indian Act of 1876, which defined First Nation citizenship and regulates the establishment and affairs of reservations. The Act establishes a "warden-guardian kind of relationship" and controls "so many aspects of even daily life,; according to Grossman. "Most crucially, there is no universal acknowledgement of the right to self-determination, and treaties are individually negotiated between the (Canadian) federal government and each nation, resulting in a highly variable, piecemeal approach." (57)

The difference in regulations has historically caused some dissension between U.S. and Canadian branches of the Abenaki due to a lack of understanding of the differences between the two governments' regulations.

Some detractors hinted that there was an attempt to be less than transparent during the recognition process. There was complaint (which continues) that Canadian Abenaki leaders were "not *invited*" to testify during the Vermont Abenaki recognition hearings. Testimony from Canadian Abenaki for U.S. recognition was not pertinent under U.S. Law. Testimony could be offered in writing, but they did not do so. Richard Bernier and Denis Watso both offered testimony and both were affiliated with Odanak although they apparently did not speak for tribal

leaders. But the suggestion that testimony was stifled, is incorrect. When recognition for the four bands was finally approved, the following agreement was made:

"Vermont Commission on Native Affairs, Official Government Website, 'Act 107 Sec 4.1 V.S.A. S853 is amended to read "S853 Criteria and Process for State Recognition of Native American Indian Tribes (\*) Recognition of a Native Indian tribe shall not be construed to create, extend, or form the basis of any right or *claim to land or real estate in Vermont or right to conduct a (or invest) in any gambling activities prohibited by law*, but confers only those rights specifically described in this chapter."

The only request was to honor our heritage and for our artists/craftsmen to legally label work as "Indian Made." in accordance with the Indian Arts and Crafts Act of 1990. (58)(59)

Wolinak was just approved (2022) to build a casino and has invested in natural gas. Odanak has continued to build a strong, family oriented community with a new family center, museum, library and the first reservation college in Quebec. Each U.S. tribal band is moving in positive directions toward food sovereignty and better education for our children. There is nothing to be gained by the attempts at divisionism, negativism or destruction of one another. It is recognized, however, that Odanak is in need of additional housing for its citizens and recently added approximately twenty new units. All groups concerned would do well to ignore the detractors and not give credence to the divisionism disguised as "research." I am surprised those involved have not realized that with the attack of one upon another, there has to be a counter action. In that, there is destruction that will make two governments happy and leave none of the Natives at peace.

What is singularly disturbing in the U.S. is that the first nations have to continuously prove who is Native and who is not. Tribes are expected to have retained the culture, language, music, arts, and historic geographic existence which

was repeatedly denied us. No other culture, nationality or race needs to do that. If one is French, Spanish, Italian, African, Hispanic or any other designation, it is not required. They need not be approved by the government to be identified as such. They need not prove heritage, genealogy, DNA, or Blood Quantum. Only because of the government's obligation to honor treaties and to pay tribute, are Natives constantly scrutinized by those who want the land or those who "*want us gone*."(60). Once a tribe is classified as extinct, all land and resources return to the government. It has been and continues to be, motivation to commit genocide.

There is no doubt that those who think becoming Indian will bring them land or riches, are not aware of how the treaties and laws are written. I once observed a lot of trash at a powwow in Nebraska and asked an Elder woman why it was not cleaned up. Her soft response was: "It is not our land."(61). The depth of her sadness was fully understandable. So while some Natives fight with other Natives over land, or non-Natives try to obtain it, some fully realize that it is not and never will be Indian Land in the way non-Natives view their ownership. Even though it was once ours, it is now ours only until we die and then it returns to the

government. Without absolute sovereignty, the land will slowly slip back to our aggressors leaving nothing for future generations.

After persistent demands of DNA, genes and genealogy, Mr. Leroux states his "expressed concern is in particular...the concern that the continued racialization of Indigenous people's identities overrides the political basis for Indigenous people's relationships with the United States and Canada." (62). A layman would say this is an example of "when one cannot win by existing rules, change the

rules." Regardless of the arguments of scientists, genealogists, historians, anthropologists or academics, the definition of a tribe remains based upon kinship, culture and family regardless of adoption, rape, infidelity or the number of generations from tribally registered citizens one may be. As of 2011 and 2012, the State of Vermont legislatively defined every citizen in the four bands as Abenaki in the eyes of the law. We are all Abenaki and our identity was affirmed at that time. To say we are "FAKE" is professionally and ethically irresponsible. It amazes me that a University published his book and he received an award for it. It is a celebration of racism.

It is interesting that Leroux states that his project grew out of his own family genealogy search which established early indigenous roots. At least two members of his family are currently enrolled in Metis groups in Canada. Other family

members, like Leroux, do not claim heritage. He cites numerous early ancestors alleged to be Native and then disproves their roots. Amazingly, he appears to have done most of his *research* on genealogical websites. (63) from which he quotes posts and repeats discussions. One must ask whether or not he had consent from the site moderators or participants to utilize these discussions for his book, lectures and classes as required by the rules and ethics of professional genealogists.

He presents himself as the savior of Native rights while widening the breach between cultures which (and within tribes) that have struggled to co-exist for at least 200 years. He professes to be able to determine who is and who is not Native, even though the Vermont Legislature has already made that determination. Nowhere in state or federal guidelines is authority to identify tribes or its citizens designated to authors, philosophers, sociologists, historians, anthropologists, psychologists or genealogists. It is power restricted to the government agencies of either the United States or Canada. As he presents himself as saving "real Indians" from being used for monetary gain by non-Natives, he himself is profiting from books, lectures, and a career as an assistant professor teaching Native topics. He has gained grants for his "research." All the while, he ignores the fact that Odanak and our four bands are not in competition for federal or state funds or even grants designated for minorities,

simply because we are citizens of two different countries under two different governments and separate budgets..

Leroux states: *"I have sought to remain sensitive to the emotional and/or intellectual roadblocks that might present themselves."* (64)(65) but his articles and Twitter posts are far from sensitive. He further states: *"The interpretation herein is not meant to foreclose the possibility of reconnection with Indigenous kin for those who have been dispossessed..."* Yet, his posts to social media do exactly that. They are judgemental and accusatory. His comments cast doubt upon state recognized tribes and their citizens. He makes false statements that inflame readers who are less informed about the laws and the process of recognition. Though there are state recognized tribes throughout the United States, he singles out those in Vermont due to their relationship with those in Quebec. His reference to Sturm's Cherokee study once again fails to recognize that the Cherokee are all in the United States. The Abenaki are in both Canada and the U.S. and are subject to very different laws. One case does not support the other.

Ironically, I heard one chief complain that states should not be allowed to recognize tribes and that it should only be left up to the federal government. The

same government that has taken tribal land, resources and set up the reservation system. It would be funny if not so sad that trust is so badly misplaced in the aggressor but not in one's own People.

It is especially sad that he gaslights Canadian tribal leaders into believing that his "research" can and will help them in their struggles against a growing number of Metis groups seeking recognition in Canada. By not thoroughly researching Canadian laws, he gives them false hope with his dazzling statistics which frighten leaders with their enormity. By omitting the differences between countries, he has left them uninformed and misled. He is a false prophet who will walk away wealthy from his professional endeavors, panel appearances and "advisory position." Tribes will be left no better off than before he arrived, because the laws will not have changed.

Few academics use Twitter to advance their hypothesis or use genealogical web sites as a source of research, but it seems that Leroux finds them valuable resources. He is causing suspicion between related groups to sensationalize and build his reputation. His lack of knowledge is astounding and he displays irresponsible research practices by not properly investigating or sharing information that would clarify issues. He has simply chosen to mislead his readers and to sensationalize an issue from which he himself can profit.

Leroux posted the following on Twitter: (7:43 a.m. Dec. 11, 2020):

"I just completed a journal article on the fake "Abenaki tribes" in Vermont. What

I uncovered is remarkable. They ALL rely on French-Canadian immigrants in the mid-1800s as "root ancestors," no Abenaki ancestry whatsoever."

It is unclear why this statement is made since ALL genealogical records are not public information. A simple visit to the Nulhegan web page would note the following:

"Please note that it may take between three and six months to process your application. When sending in your application, it is necessary to provide documentation to prove your relationship to an Abenaki ancestor. This would include your birth certificate. Also, include other documentation such as a copy of your genealogy or other proof of origin, such as marriage certificates of ancestors, birth and death certificates, or other items that tie you to such ancestor(s). Thank you. (66)



It is, therefore, inappropriate for Leroux to generalize by saying "ALL" citizens derive from the same ancestors and that "NONE" relate to Canadian families. (67)(68)(69). He does not have access to EVERY tribal citizen's genealogy or history and neither do his "anonymous sources." The reality is there are numerous Vermont band members with Canadian origins who are either not Canadian citizens, dual citizens, or who do not qualify for the three generation cut off applied by Odanak and Wolinak.

Under Canadian status, the government may choose to or not to recognize people, assign them status or recognition. Native citizens born in Canada may live, study and work in the United States. [Reis Pagtakhan (MLYALKINS)] notes:

"Indigenous Canadians can obtain United States permanent residency (a "Green Card") immediately upon entry into the U.S. if they have at least 50% of what Americans call "American Indian Blood."..."determination as to whether an individual qualifies as an "American Indian born in Canada" will be determined strictly based on the individual's blood quantum...a person who is a status Indian under the Indian Act will not automatically qualify as an American Indian born in Canada." (70) (71)

In his pursuit to reclassify ancestral lines, Leroux states: "Sylvestor is also claimed as a root ancestor of a number of members of the principal "self-identified" Abenaki organizations in Vermont, New Hampshire and Quebec. Four so-called Abenaki

tribes have been granted state recognition in Vermont since 2011, despite the fact that the two existing Abenaki Nations in Quebec (Council des Abenakis d'Odanak and Conseil des Abenakis de Wolinak) have largely opposed such moves...(Sturm)" (73). Once again, a simple review of state requirements would prove this statement to be erroneous, misleading and inflammatory.

The reference to Denise Watso's comments further shows his dependence upon hearsay over fact. The mere fact that she chose to spend most of her time living in Albany, New York (caring for a sick parent), points to a personal presence of Canadian Abenaki in the U.S. When four Canadian band councilors were invited to testify at the recognition hearing in Vermont, then uninvited, she and others considered it an attempt to hide information. Leroux quotes Jacques Watso as saying: "This is an attempt to silence the Abenaki People and is in direct opposition to Abenaki history and to our aboriginal rights. Some of us have primary residence in Vermont, and many others live in Quebec, New York,

Massachusetts, Connecticut, New Hampshire and elsewhere. However, Vermont has been part of our homeland for thousands of years...."(74).[I wish to thank Jacque for testifying to that fact. One cannot say in one context that there are NO Abenaki living in the U.S., then turn around and point to the many who do. Such inconsistency leads to discrediting of facts.] Academics failed to understand the difference between Canadian and U.S. laws and guidelines. Their testimony was simply not needed because they had no (U.S.) federally recognized tribal presence here. However, written testimony was welcomed and both Richard Bernier (Vermont) (75) and Denise Watso (N.Y.), both Odanak affiliated, presented written testimony opposing recognition. Those at Odanak could have done the same. They could have done so for the past ten years. Now, at our tenth anniversary, the issue is once again brought up because the issue of land reparations is on the table.

Indians born in Canada are allowed to live, work and study in the U.S. and may apply for a Green Card (not required), but must prove they are 50% Indian and present numerous documents to be recognized as Indian in the U.S. They may apply for Social Security and other supportive services, but unless they are accepted into a U.S. Federally Recognized tribe, they function mainly as private citizens without any Native "privilege." Since there were no state or federally recognized Abenaki tribes here in the U.S., there was no tribe here to accept them. Their request for laying claim to a large tract of land was denied. Any opinion by Canadian Abenaki citizens was moot." Until such time as they are federally recognized as a tribe in the United States, the issue will continue to be moot.

Persistent in his negativity, Leroux writes "Consistent efforts to oppose the state-recognition process by Abenaki individuals and political organizations have been rebuffed by using the same international boundary that dispossessed the Abenaki people in the first place."(77). He seems unable to accept the differences between how the two governments operate. If information does not meet the needs of his hypothesis, he dismisses or omits it. (78). It is ironic that he resists understanding this since he has just stated the fact that he knows that the (not so invisible) border does affect the recognition process. It can, therefore, be assumed that his omission was intentional.

Further inflammatory dialogue reads: "For the most part, 'self-identified' Abenaki tribes in New England have actively opposed all efforts by Odanak and Wolinak citizens and political institutions to question their 'Abenaki' identities, perhaps because many members of the 'self-identified' tribes highlighted in (Christopher A. Roy's work, trace their genealogy back to Sylvestore in New France..." "...I

observed [this] in some of their *publicly* available organizational records." (79). In as much as genealogical information provided for recognition is private and only a few records have been made public (against laws protecting them), it is difficult to understand what Leroux is considering "public" and in what numbers. Perhaps, it is his constant reference to the genealogical sites he references in his book. If he is the researcher he claims to be, he must know there are many errors made by such sites where information is submitted by untrained people and frequently with no references or documentation as proof of accuracy. Therefore, unless Leroux researched the original documents himself, it is difficult to have faith in his "facts." Especially when he claims to have reviewed "thousands" in his five years of research.

Another Leroux Twitter post (Dec 11, 2020):

"They (the four Abenaki tribes of Vermont) now receive *Millions* in state and federal educational funding, lifetime fishing licenses, authorization to sell products under Indian Arts and Crafts Act of 1990, repatriated human remains and land to manage."

Because other state-recognized tribes have received large amounts of project funding. Leroux makes it appear that those in Vermont are receiving *millions* of dollars, also. None of the bands have. A simple visit to *Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs*, (BIA Archives, Federal Register) would show that the Abenaki of Vermont are not on the list or receiving a portion of federally allotted funds for tribes. After ten years of struggling, a recent award of \$350,000 was granted to the Vermont Abenaki to hire a coordinator to oversee cultural and educational programs. This is not a single

wage or a single person. It is a program much needed to assist students who have historically performed below average. Other similar programs have successfully restored tribal pride and provided support programs that have helped increase the number of successful students and add to the number of high school

graduates. These funds do not affect funding for Canadian Abenaki in any way as they are from the U.S. Congress which controls funding for such projects. Canadian tribes cannot apply for U.S. funding.

The thought of any tribe with no reservation and an agreement with the state to make no claim on lands and not support gaming, receiving millions of dollars, should have been dismissed on common sense alone. State-recognized tribes do

not receive an allotment from the national budgeted amount for federally-recognized tribes. Only U.S. federally-recognized tribes do. (Canadian Metis would qualify for Canadian government funds taken from the tribe they broke away from.). None of the individual citizens of the U.S. state-recognized bands receive personal

stipends. Only one group has received land (Koasek) which was donated to them from a private citizen and another has a small land grant (Nulhegan) which the tribe leases out for maple sugaring to cover the cost of taxes. Insinuating that these bands are receiving millions is mere theatrics intended to stir racial hate from citizens against the recognized bands.(80) Like so many of Leroux's statistics, the amounts are greatly exaggerated.

Comments regarding U.S. Abenaki taking charge of repatriation burials is incorrect as well. . State tribes such as those in Vermont, work through federally recognized tribes who receive remains and then have the authority to turn them over to whomever they choose. Under the Federal Register, state-recognized tribes are listed only as "*interested parties*" as any other non-indigenous entity would

be. Only federally-recognized tribes have a government-to-government relationship as Indian tribes under the current law. Again, Leroux has failed Research 101.

Another Leroux Twitter posting on December 11, 2020 reads:  
" They have NO Abenaki ancestry. Plus the Abenaki people (Canada) have publicly opposed their claims for about 20 years."

The struggle for recognition has been going on for about thirty-six years (2006) (81). During that time, various groups came and went. Some granted it only to have the next one take it back. When the legislature became involved, additional information was requested and researchers continued to provide it. It also took a long time to bring our four bands together in a cooperative effort ending a long time disparity among us. The Abenaki to whom Leroux refers (who are objecting to the

four bands) are Canadian and bear no influence upon those in the U.S. Each is governed by different laws. The reason for the tension between those in Canada and the U.S., was due to early political aspirations of chiefs and their lack of understanding of international, Indian Laws. (82) (83)

Today the immigration laws do not recognize tribal cards from Canada, as a means of identification when individuals seek residence in the U.S. The cards (issued in Ottawa), do not signify the Blood Quantum among the information on it. The requirement to become a U.S. Indian born in Canada (U.S. Citizen) requires 50% Blood Quantum. Also, tribes in both countries are sovereign which means they create the guidelines for their membership. As Blood Quantum drops, they can rewrite the guidelines to accommodate families divided by the ability to enroll but the Blood Quantum requirement to become a status Indian in the U.S. does not change.

Over the years, there have been as many statements from Odanak of acceptance of U.S. Abenaki, as there have been statements of opposition. It basically depended upon which political wind was blowing.

1. "At the request of Arthur "Bill" Seymour and Kent Ouimette, Chief Noel ST. Aubin of Wolinak's Abenaki Community situated in the Province of Quebec, Canada, issued a Resolution

from Abenaki of Becancour (Wolinak) in support of all the Abenakis in the United States." (86)

2. "Band Council Resolution 1976-1977. The Counsel De La Bande Indienne: Abenakis of Odanak and Becancour. Agency District: Montreal. Province: Quebec. Place Nom: De L'Endroit: Odanak and Becancour recognize the Abenakis of the State of Vermont as our BROTHERS and request that 1. The State of Vermont recognizes the Indians of the State as Aborigines of the North American

Continent. 2. To be treated and provided for by the State Government and the U.S. Federal Government (B.I.A.). 3. That their land claims be recognized. 4. That their hunting and fishing rights be recognized. (87)

3. "We, the Abenakis of Odanak and Becancour recognize the Band Council of the St. Francis and Sokoki Bands of Abenakis in the State of Vermont and their duly elected successors as the legal government of the Abenaki Nation of Vermont, and we recognize the (88) Tribal Chairman or his designate and his duly elected successor as the representative and spokesman for the Abenakis of the State of Vermont." Signed by Odanak Band Council Walter Watso, Jean Marie Sadaques, Louis OBamsawin, Jacques Gill, Rita Nolet from Becancour (Wolinak) the same

persons were signers as the document on August 20, 1976. The document was received on this date, January 8, 1977, from Chief Walter Watso by hand at

Swanton, Vermont by Homer St. Francis. On this, the 10th day of January, A.D. 1977, personally appeared Homer St. Francis and acknowledged the foregoing instrument to be his free act and deed. Signed by Kent Ouimette, Notary

Public. (89)

4. "Panel on Indian Rights Called. A public forum on Abenaki Indian hunting and fishing rights will be held at the University of Vermont on Saturday, Feb. 26, at 2 p.m., in the Benedict Auditorium, Marsh Life Sciences Building. The panel for the forum will consist of members of the Vermont Abenaki Tribal Council. Chief Walter Watso of all Abenakis from Odanak, and a member of the Becancour Band Council, Dr. William A. Haviland, chairman of the anthropology department, will moderate. A few of the sponsors from the anthropology club at UVM." (90)

5. "While we recognize that the Band Councils of Odanak and Wolinak issued resolutions in 1976 and 1977 recognizing the St. Francis/Sokoki Band of Abenakis as a group of Abenakis living in the United States, we also recognize that these resolutions were not based on any genealogical or historical evidence linking these "St Francis/Sokoki" to our Abenaki and Sokoki ancestors. We also recognize that the number of organizations claiming to be Abenaki in the United States and in Canada has increased greatly since that time, again without genealogical and historical evidence presented to this Council. (91)

6. "History has dealt us a story that separates us; let us work together on a better story. Our children and grandchildren are counting on and learning from us...Peace and friendship. Chief Richard Obamsawin. (92)

Words of peace spoken even as they released accusatory statements and are presenting a public forum to denounce the four bands in Vermont. Empty words. But with any response, we are accused of being " Pretend Indians " who act aggressively and defensively. Interesting.

Yet another Twitter post from Leroux on December 11, 2020:

"They (Missisquoi) have done nothing to prove their identity to us (Chief at

Odanak) to prove their identity to us [...] Accordingly, we request that you no longer deal with this organization and instead begin to deal with us on all matters related to our ancestors."

There is no requirement for American Abenaki to prove ourselves to Canadian Abenaki. Yes, if we joined and accepted their chief as ours, there would be a

reason to present ourselves, but as Abenaki have done for thousands of years, when folks do not get along, we simply pick up, move and create a new family village with a new chief. Absolutely nothing new about this. Been happening for thousands of years. When Abenaki left and moved to Canada, citizens did so during war time and left other families to survive on their own. We had the option of going there, perhaps. Perhaps there were elders too sick to go, perhaps others simply did not wish to resign themselves to life at a fort when we could live more comfortably in a quiet village within traveling distance of other Abenaki who did not leave. In doing so, new heads of family took leadership, new bands formed and life went on.

Some individuals and researchers feel they are privileged to personal information and have published some information (including social security numbers, phone numbers, names, addresses and birth certificates of children) online leaving them open to personal and racial hostilities as well as identity scammers. Even when asked to stop, one individual persists and after all these years, continues. He has been made aware of genealogical and historical errors, been advised that some of his interpretations of material are incorrect, but he simply blocks people and continues his negativity. He has been reminded of the Code of Ethics for genealogists (since he lists himself as a genealogist) as published by the National Genealogical Society, and responded only that he did not have to follow them. It is an unhealthy attempt at revenge for having his Abenaki citizenship removed and subsequently denied by bands when he was found to have a police record that made it unsafe for him to work with tribal children. (93) The same person is one of Leroux's "anonymous" contributors. It leaves one to question the professionalism of other "anonymous" sources.

Because Leroux has chosen to accept information from these various sources without further investigation and promotes his "findings" as "fact", he lowers the quality of his own work. He is either not aware of the reasons for some of his sources' negativism or has chosen to ignore them because they reduce the sensationalism he seeks for his books. It is most unfortunate that his "research" was not as in depth as he claims. But, understanding Indian law and politics really takes a closer association and much more than five years of cursory attention. There are no shortcuts. With the grants he received for his research, he should have been able to do more than adequate research to confirm his facts.

Leroux displays a continuous lack of understanding regarding the laws for Natives. He applies Canadian guidelines to U.S. recognition, which produces an

inaccurate interpretation of both events and outcome. A quick search on line would have provided him with the actual regulations and all the documents required to understand the processes in both Canada and the U.S. It is unclear whether omissions and lack of understanding comes from poor research skills, or is intentional in order to create the desired "shock" affect.

Over the years we have watched historians, scientists, genealogists, politicians and others develop new and different ways to determine that Natives no longer exist or never were the first nations of the continent. We have moved from "fakes", to having no ancestry, to having ancestry that is too far back, to now claiming that our Native ancestors were really French or that if they were Indian, they were raised by whites and knew nothing about being Indian. *But we are still here.*

And yet another Leroux Twitter post (December 11, 2020:

"In April 2019, the Abenaki at Odanak said, "We declare that the W8banaki

Nation doesn't recognize any of the "Abenaki" groups in Vermont and New Hampshire[...] We declare that among these groups, their "leaders" self-identify as chiefs, councilors, spiritual guides[...]"

Tribes and bands are self-governing in the United States. Leaders and council members are elected or appointed according to the requirements needed to exist as a tribe. So, yes, Abenaki bands here have such leadership. It is required. Continuously suggesting that we need to be recognized by a Canadian leadership, does not meet the requirements of U.S. law. Suggesting that electing leaders is not traditional and contributes to suspicion is ridiculous. Having these academics and others suggesting otherwise, leaves doubt in the mind of those not well versed in Indian law. The way statements are phrased by him, is inflammatory. In Leroux's case, he contradicts his own earlier statement: *"I have sought to remain sensitive to the emotional and/or intellectual road blocks that might present themselves.* (94). Not at all.

And in January, 2021, Leroux posted on Twitter:

"Oh, yeah? Here's the State of Vermont's response to their petition for federal

recognition in 2003. The petition was denied in 2007. Only a few years later they received state recognition in a process that involved NO genealogical verification." (95)

Again, this is not correct. Genealogies submitted as part of the application process were protected. Once tribes are recognized, the responsibility of checking



genealogies is left to leaders. We have genealogists in our bands who check people's

histories. Private citizens demanding access are denied for the purposes of protecting private information just as businesses spend millions of dollars on security programs to protect personal information of customers and clients from identity theft. It is not a lack of transparency with intention to deceive

anyone. Information is available to those with the authority to review it. Private citizens, researchers, genealogists without credentials, and people who do not have written permission from the individual in question, have no legal right to the information. Period.

While this seems like only a four year difference, the reality of the length of time recognition has taken extends much further. The papers were submitted, reviewed and additional materials requested. This happened several times. During those four years, this process was moving forward and additional information continued to be provided in response to those requests. It was not a start to finish application during only four years as Leroux is suggesting. It was more like thirty six!

"Cultural identity refers to identification with, or sense of belonging to, a particular group based on various cultural categories, including nationality, ethnicity, race, gender and religion. Cultural identity is constructed and maintained through the process of sharing collective knowledge such as traditions, heritage, language, aesthetics, norms and customs. As individuals typically affiliated with more than one cultural group, cultural identity is complex and multifaceted. While past scholars assumed identification with cultural groups to be obvious and stable, today most view it as contextual and dependent upon temporary and spatial changes. In the globalized world with increasing intercultural encounters, cultural identity is constantly enacted, negotiated, maintained, and challenged through communicative practices." (96). "...Intercultural dialogue is essential to constructing cultural identity as it encourages individuals to see similarities with and differences from others and define who they are." (97)

"The concept of cultural identity has mainly been studied in multicultural societies and societies with histories of modern Western colonialism. The U.S. and the U.K. have been at the center of the production of relevant theories and empirical studies, influenced by civil rights movements in the 1960's and identity politics in the 1980's. As a result, existing studies of cultural identity do not reflect the social and cultural contexts in other parts of the world. " (98)

Leroux's quote by Denise Watso, indicates she is steadfast on tradition (99) but he later states: "All these 'tribes' operate according to membership policies that accept members on the basis of any purported indigenous ancestry *at any time or place*

*within their lineage.*" He then states:(100) "In the case of French-descendant race shifters in this study, I have seen neither any evidence of kinship relations with living indigenous peoples, nor effort to articulate the specific territorial basis for their "indigeneity." All of this was presented in the 161 page application presented by the Missisquoi and subsequent information added by the other three bands as part of the recognition process. All applications and government reports are available online and readily accessible for free.

Leroux's book is full of contradictions and irony as he seems oblivious to the destructiveness of his own words that criticize others. "Most often, French-descendant generic scientists, genealogists, and/or race shifters employ conventional mtDNA analysis *with no apparent regard for how their research may impact living indigenous people.* Instead, their research exclusively serves French descendants. " (101) It is truly sad that such molecular investigation by people like Leroux himself, also plants the seeds of doubt, racism and inherent destruction by those who choose to continue to live along the indigenous lines of their ancestry. And in doing so, he and others do the work of those who seek the ultimate genocide of Native people in order to gain government ownership of lands and resources currently in trust for tribes.

While Sturm and others have used their research to try to understand what it is that defines an Indian, Leroux and those like him are practicing genocide by disavowing descendants. Even as they identify themselves as the "saviors" of the "real Indians," they are paving a road that current Natives will eventually have to travel. Those who currently identify themselves as Irish-American, Italian-American, African- American, etc. will eventually be held to the same measure of authenticity. How many generations away from original ancestors will people be allowed before being denied that they were ever a part of their own cultures? Will the traditions, songs, stories, life ways all become myths to be denied? And what will the new race without a name be called? What tribal citizen will look into the eyes of their child, grandchild or great grandchild and have to tell them "You are Indian no more?" In spite of tribal extensions to those who are born and raised on reservations or are closely related, it seems unlikely that at some point the governments of both countries will cease reparations. Harper's dissolution program is still floating around in the minds of Parliament, I am sure.

A recent discussion put forth two solid insights and suggestions. The first concerns those who are more distantly removed from their culture but who do have ancestry. The Second concerned those with no heritage who feel Natives are receiving benefits they want or need. (102) The first concern has been approached

in different ways, but it has been noted more than once that there needs to be a place in the Native communities for those who have heritage but for whatever reason have been distanced from it and wish to return. To date, there has not been a suggestion as to how that might be accomplished other than the rebirth of new bands branched from existing tribes. In some cases, individuals forgo any kind of enrollment and are simply "family" participants allowed to attend ceremonies or other tribal events.

The second, Treveno BringPlenty noted that those seeking to claim heritage for monetary reasons have needs that are not being met by society. When people claiming heritage are seeking free education, housing, insurance, business opportunities, etc. it is because those needs are not being met in their own society. Therefore, there is resentment when they perceive that others are receiving them. (Even when it is not true.). To reduce the perceived need to race shift, those needs need to be met in the general population and Natives can help see that those items are voted through. When funds come from one source (government), those resources are limited and competition between groups to obtain them it brings racial hostility and competition between groups to obtain them. It also brings false claims in an attempt to access them.(103). A positive example of this is when the Missisquoi Mentoring Project (which matched adults with children at risk) was so successful that it is now the Watershed Mentoring Project of Franklin and Grand Isle Counties. (104). This greatly raised school graduate success. In 1981 50% of heads of household left school before the ninth grade. Only 5% pursued any post graduate studies. But, in 2009, the drop out rate was under 3% and 63% of graduating Abenaki went on to college. (105)

Work of such scientists as Carl Jung and Arlo Davis on the theory of Collective or Genetic memory (which has been accepted by those who have no explanation for people who have knowledge they have not been taught) provides some insight. In Jung's theories, those with an ancestor of certain heritage may pass along their knowledge for generations. Not every descendant will have it. Not every descendant will want to have it. But for those who do, we can take heart that the Indian will never die. In spite of every attempt to wipe Natives off the face of the earth, on paper, physically, mentally, by poverty, starvation, distribution of disease and abuse, Natives will live on.

So, when these "alleged academic saviors" mockingly say that they have heard descendants say that we have "been called home", know it is true. They just have not been privileged to hear it. They are part of the unnamed, unaffiliated future with no history. #

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## FOOTNOTES

1. Mali Obamsawin, Citizen of Odanak, graduate of Dartmouth and Berklee Colleges, a musician who performs with Lula Wiles group and lives in Lubec, Maine. Quote from online post.
2. Abenaki Nation of Missisquoi, Swanton, VT. *State Recognition Achieved for the Abenaki Nation of Missisquoi*, Vermont Governor Signs Tribal Recognition Bill, Monday, May 7th, 2012, Montpelier, Vermont.
3. Ibid.
4. Presentation on Algonquins of Ontario (AOO) and Metis Nation of Ontario (MNO) at the Robinson Huron Waawindamaagawin Treaty Governance Forum. Darryl Leroux, guest speaker.
5. Leroux, *Distorted Descent-White Claims to Indigenous Identity*. 6. Leroux, (*Sturm*). 19.
7. *The Identity of the Saint Francis Indians by Gordon Day*, National Museum of Man, Mercury Series, 1981. 6
8. Ibid. 7
9. Ibid. 9-10.
10. Leroux, Facebook, January 3, 2021 "...I have the same genealogy as the folks I study, as well as the same family lore. While every individual's story varies somewhat, the consistency across these stories is quite uncanny, so that an English-speaking Michelle Latimer or Ernest Matton ("Little Bear") in Ontario or a French speaking Nadine St. Louis or Sylvain Rivard in Quebec or even the crowd of "Fake Abenaki" leaders in Vermont and New Hampshire, mobilize virtually the same stories as my own family members had."
11. Leroux. 36, 43, 59-61, 143, 216-218.

12. Circe Sturm, *Becoming Indian, The Struggle over Cherokee Identity in the Twenty-First Century*, SAR Press, School for Advanced Research Press, Santa Fe. 229.

13. Sturm, *Native American Population in U.S. Increased*, 14. Ibid.

15. Leroux. 18. (Deborah Bolnick) "...the assumptions and limitations of these tests make them less informative than many realize, and (iii) commercialization has led to misleading practices that reinforce misconceptions." More recently, Mark Jobling, Rita Rasterior and Jon Watetton have affirmed those concerns, arguing that "the practice of individual genetic ancestry testing is unreliable and powerfully influenced by cultural and other social forces...posing risks to indigenous claims to land and life."

16. Kylie Rice. *Blood Quantum and Its Role in Native Identity*.

17. After working with genealogy for over twenty years, much of this information was experienced first-hand.

18.

Sturm, 230. "Scholars who are critical of the federal acknowledgement process have argued that it is much too rigorous. And "woefully inconsistent" in that the smaller, less aggressive groups and those that suffered colonialism at an earlier date - particularly those on the eastern seaboard-often fail to meet the criteria for recognition because of characteristics or conditions that the federal government created in the first place. (Garroue 2003-29)

19. Sturm, 190.

20. Beatrice Sonders, *Hiding in Plain Sight: My Holocaust Story or Survival*, July 4, 2018. David Salama, Publisher.

21. Monica Donovan, *As Abenaki Bills Pass, A Look at Where Vermont's Indigenous Tribes Stand*, Heady Vermont.

22. Sturm, 41. 23. Sturm, 34.

24. Sturm, 41.

25. Leroux, 34, 54.

26. Kimberly Powell, ThoughtCo., March 17, 2017.
27. Ibid.
28. Powell, March 17, 2017.
29. Ibid.
30. Leroux 2, 67.
31. Leroux, 28.
32. Leroux, 42.
33. Leroux, 72.
34. Cornell Law School, Legal Information Institute, *American Indian Law*.
35. William C. Canby, Jr. *American Indian Law* (4th ed. 2004)(citing Epps vs. Andrus, 611 F. 2d915 (1st Cir. 1979), page 8.
36. Canby, 11.
37. *Indian Act* (R.S.C. Revised Statutes of Canada), 1985, c. 1-5.
38. *Indian Act* (R.S.C. Revised Statutes of Canada), 1985, c. 1-5) )Act current tp 2022-02-23 and on 2019-08-15.
39. Rhian Lowndes, *1980 Maine Indian Settlement Act, Indigenous Tribes in Maine Look for Sovereignty*. May 16, 2021.
40. Canby, 12. See Wyandotte Nation v. Nat's Indian Gaming Common, 437.F. Supp. 2d 1193 (D.. Kan. 2006); Grand Traverse v. U.S. Atty, 198 F. Supp. 2d 920 (W.D. Mich. 2002) 56 25.
41. Canby, 22.
42. Canby, 25. 106 Martinez U.S. at 72 n. 32
43. Omitted due technical error.
44. Davis Kateri. *Measuring Race: Blood Quantum Laws and Native American Identity*. Orange Magazine, October 15, 2018.

45. Leroux, 118.
46. Joseph-Louis Gill, son of Samuel Gill and "Miss James" *Abenaki Backgrounder*, 1749, Biographies of a Nation, 3.
47. Jacques Watso, Odanak Councilor, *February 2021, Interview on Ethnicity Shifting in Vermont/New Hampshire*, Video.
48. A Note from Gilles Obamsawin, Odanak, January 24, 1997. Copy in my possession.
49. Biographies of a Nation, Abenaki Backgrounder, 1749, 1-3.
50. Sturm, *Becoming Indian*, 34.
51. Ibid.
52. Sturm, 34.
53. *Alsigunticlik Sovereignty Project*, October 1, 1997. Odanak Band Council. A proposal to reclaim Land across Vermont and New Hampshire.
54. Canby, *American Indian Law*. U.S.A. in the Jurisdictional context, individual status follows tribal status, and "there can be no Indian without a tribe." (4th edition 2004) (citing *Epps vs. Andrus* 611 F. 2d 915, 1st Cir. 1979), 8
55. Anne Galloway, *Vermont Governor. Legislature Formally Recognizes Abenaki Bands* VTD, Crime and Justice. May 28, 2012.
56. Petitioner #113: *Paucatuck Eastern Pequot Indians of Connecticut*, U.S. Department of the Interior, Indian Affairs. [www.bia.gov](http://www.bia.gov).
57. Zaho, *Harvard Political Review*. January 22, 2021.
58. Act 107. Title 1 of Vermont Statutes. Annotated, Chapter 23. "Native American Indian People. State-recognized Native American Indian tribes and their members will continue to be subject to all laws of the state, and recognition shall not be construed to create any basis or authority for tribes to establish or promote any form of prohibited gambling activity or to claim any interest in land or real estate in Vermont." 571990 Arts and Crafts Law.

59. Ibid. "Under the Act, an Indian is denied as a member of any federally or officially state recognized tribe of the United States, or an individual certified as an Indian artisan by an Indian Tribe."

60. Rayna Green, *The Only Good Indian: The Image of the Indian in American Vernacular Culture* (Diss. Indiana University, 1973), 56-65. A mere short paragraph (p. 56-57) is dedicated to a general remark concerning the proverb: "The only good Indian is a dead Indian."

61. NCSL, Trust Lands. Updated August 2012. "Placing tribal land into trust is a process whereby the secretary of the Department of the Interior acquires title to property and holds it for the benefit of a Native American tribe or individual tribal member.

62. See *Recognition Guidelines for the U.S.A. and Canada*. 63. *Leroux*, 103.

64. *Ibid.* 3

65. *Ibid.* 41

66. See *Application for Tribal Enrollment*, Nulhegan Band website.

67. *U.S. Office of Personnel Management Guide to Personnel Data Standards*. Racial Category: American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America and who maintains tribal affiliation or community attachment." Standard Form 1812. Revised August 2005. Previous editions not usable, 42 U.S.C. Section 2000-16. NSN 7540-01099-3446.

68. *Alsigunticook Sovereignty Project Proposal*, October 1, 1997. "We are Federally recognized group representing the direct descendants of the St. Francis Indians, or Odanak Abenaki, recognized historically as the Native people whose territory extends from the Kennebec River watershed in Maine to Lake Champlain and Southern Quebec...Our goal is to win the return of the remaining nearly wild areas of our territory through a legal challenge to illegal land title held by the region's largest landowners...contacts: Thomas Obomsawin, Richard Obomsawin, Patricia Benedict." NOTE: Signers and officers are identified as Abenaki "descendants".

69. State of Vermont, Criteria for State Recognized Native Indian Tribes: "(2) A substantial number of the applicants members are related to each other by kinship and trace their ancestry to a kinship group through genealogy or other methods. Genealogical documents shall be limited to those that show a



descendancy from identified Vermont or regional native people. (3) The applicant has a connection with Native American Indian tribes and bands that have historically inhabited Vermont. ...(5) The applicant has an enduring community presence within the boundaries of Vermont that is documented by archeology, ethnography, physical anthropology, history, folklore, or any other applicable scholarly Coosuck research and data....Any documentation relating to genealogy submitted in support of the application shall be available only to the three-member panel.

70. Drew Lafond. *How American Indians Born in Canada Can Live & Work in the U.S.* MLYALKINS, January 31, 2018.

71. The North American Indian Center of Boston, *Rights of First Nation Members in the United States. Jay Treaty of 1952, Section 289.* "Canadian born Indians living in the U.S> may freely cross the Canadian-U.S.A. Border, live and work in the U.S., apply for public benefits in the U.S> and register for college or university as a domestic student. They must apply for a social security. card before applying for a job and pay U.S. customs and duties on goods that are brought into the U.S.

72. Sturm, 153.

73. State of Vermont, Criteria for State Recognized Indian Tribes. "...(2)a substantial number of the applicants members are related to each other by kinship and trace their ancestry to a kinship group through genealogy or other methods. Genealogical documents shall be limited to those that show a descendancy from identified Vermont or regional Native people. (3) The applicant has a

connection with Native American Indian tribes and bands that have historically inhabited Vermont...(5) The applicant has an enduring community presence within the boundaries of Vermont that is documented by archeology, ethnography, physical anthropology, history, folklore or any other applicable scholarly research and data...Any documentation relating to genealogy submitted in support of the application shall be available only to the thrtee-member panel."

74. Leroux, 60.

75. An outspoken member of Odanak against the Vermont tribes, Richard Bernier of Newport Vermont, was listed as "W" in the Vermont, U.S. Birth Records, 1909-2008 as his father was "W" and mother listed as having been born in Pierreville,

P.Q., Canada. Richard was born in Barton, Vermont. Further indication that there are Abenaki descendants living below the not-so-invisible border.

76. The North American Indian Center of Boston, *Rights of First Nation Members of the United States*. Jay Treaty of 1952, Section 289. "Canadian born Indians living in the U.S.A. and registered for college or university as a domestic student." They must get a social security card before applying for a job, pay U.S. customs and duties on goods that are brought into the U.S. All natives entering the U.S. for education, work, residence, gathering, fishing, hunting and gathering of natural materials, must cross at official border checkpoints.

77. Leroux, 60.

78. U. S. Citizenship and immigration Services, an official website of the United States Government, "*American Indians Born in Canada*." USCIS will create an admission for permanent residence if an American Indian born in Canada wishes to reside permanently in the United States. Because the Abenaki had no reservations or recognized bands before recognition, Canadian Abenaki could not join a group here. Now that four groups exist, only these bands can grant them citizenship and give them Indian status as U.S. tribal citizens. Since we currently do not receive government stipends (because we are not federally recognized) Canadian born Abenaki might do better to remain enrolled in Canada where stipends are

provided. It is not legal to enroll on both sides of the border beyond carrying dual citizenship as private citizens.

79. State of Vermont, Criteria for State Recognized Native Indian: "...Any documentation relating to genealogy submitted in support of the application shall be available only to the three-member panel." Remember that genealogists are

supposed to research their own information and not rely upon second-hand information.

80. Stephen I Pevar. *The Rights of Indians and Tribes*. Fourth Edition. Introduction by John Echohawk, Executive Director of the Native American Rights Fund, page 274. "Non-recognized tribes generally are ineligible to receive the millions of dollars in various federal programs and services, and are viewed by the federal government as not having a government-to-government relationship with the United States." "In limited situations, then, even non-recognized tribes are entitled to certain federal protection, but for the most part, the decision not to acknowledge an Indian tribe is crippling because it denies access to

most federal Indian programs and the money, assistance and opportunities that go with recognition. 25.U.S. C. 175."

81. Anne Galloway, Vermont Governor, *Legislature Formally Recognize Abenaki Bands*. Vermont Digger, May 8m, 2012.

82. *Un Casino a Odanak*, Radio-Canada, 2003.

83. *Le Fonds de Development Pour Les Autochtones et la Communauté d'Odanak: Partenariat pour L'Avenir?* Researchs Amerindiennes au Quebec, January 16, 2022. 33(2), 120-122. Entrevue avec Gills OBosmawin, chief du Conseil des Abenakis d'Odanak.

84. Green Card for an American Indian Born in Canada, supra note 100. Not that DOS website for the embassy in Canada incorrectly reports that an ABC must file an 1985 application. First Nations and Native Americans, supra note 4 ("Canadian Born American Indians cannot be denied [permanent residence] status, but is required to complete the I-485 in order to receive any benefits under U.S> Federal Law.") (d. at 423.8(a))

85. "A byproduct of assimilation has been the gradual decline of blood quantum in Indian groups. If this decline continues as projected, fewer and fewer Canadian-born Indians will possess the requisite blood quantum to benefit from INA §289. See Paul Adams, Blood Quantum Influences Native American Identity BBC News, July 10, 2021.

86. November 4, 1977, communication.

87. *Band Counsel Resolution*, August 20, 1976, Chief Watso to Homer St. Francis.

88. *Bennington Banner* Newspaper, Feb. 22, 1977, 3.

89. Haviland and Power, *The Original Vermonters*, January 3, 1977, 257.

90. University (UVM) announcement for panel discussion.

91. *Resolution of the Band de Odanak*, Chronologique GOB-046003-04, September 29, 2003.

92. Rick Obasawin, Word from the Chief, W8banaki Pilaskw, Odanak Newspaper, Volume 5, November 4, Winter, 2020.

93. Washington State Identification Section, F.B.I., Number 222877KA9.  
Disposition Date 9-27-89.

94. Leroux, 3.

95. Leroux needs to refer to: *State of Vermont, Criteria for State Recognized Native American Tribes*: "All proceedings, applications and supporting documentation shall be public except materials exempt pursuant to state 1 V.S.A. 4327(40). *Any documentation relating to genealogy submitted in support of the application shall be available only to the three member review panel.*

96. Vivian Hsueh-Hua Chen, Assistant Professor, Nanyang Technological University, Singapore, *Cultural Identity Center for Intercultural Dialogue, Key Concepts in Intercultural Dialogue*, key-concepts-cultural-identity, pdf.

97. Ibid. 98. Ibid.

99. If this were true, she and others would be pushing to recognize members of the Gill family. Joseph Louis Gill was a white captive who went on to become an Abenaki chief which is evidence that we did not historically judge people by lineage or blood line. We evaluated them as a person and offered respect to those who earned it. He was elected one of the four principal chiefs of the Abenaki in spite of being white. Tradition judges the person by their qualities as a human being rather than the color of their skin, DNA, genes or paper ancestries. Gill was the son of parents who had been taken captive and raised as Abenaki even though they were

white by heritage. (Smith, Don, Toronto Star, The Complex Issue of Indigenous Heritage, Mixed Race Studies). They were adopted into Abenaki families and raised as Indian. While navigating today's laws, one needs to be careful when saying they are "traditional" because tradition is no longer practiced due to government intervention. Traditional would not have drawn a line determining when someone would stop being Indian.

100. Leroux, 62. 101. Leroux, 102.

102. Academy as a Factor to self-indigenization, Unsettling Genealogies Conference, Michigan State University with Panelists, Gordon D. Henry, Lianna Costantino and Heather Syrette, Trevino BringsPlenty.