

Summary under the Criteria for the

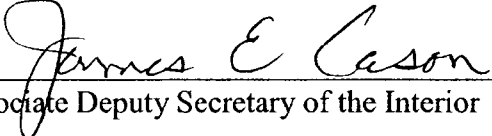
Proposed Finding

on the

St. Francis/Sokoki Band of Abenakis of Vermont

Prepared in response to a petition submitted to the Associate Deputy Secretary for Federal acknowledgment that this group does not exist as an Indian Tribe.

Approved: November 9, 2005



Associate Deputy Secretary of the Interior

Proposed Finding

ST. FRANCIS/SOKOKI BAND OF ABENAKIS OF VERMONT

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ACRONYMS AND ABBREVIATIONS

ADS	Associate Deputy Secretary
AS-IA	Assistant Secretary - Indian Affairs
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs
BIA	Bureau of Indian Affairs
CFR	<i>Code of Federal Regulations</i>
FD	Final Determination
FAIR	Federal Acknowledgment Information Resource
FR	<i>Federal Register</i>
FTM™	Family Tree Maker
IBIA	Interior Board of Indian Appeals
SSA	St. Francis/Sokoki Band of Abenakis of Vermont
OD	Obvious deficiencies letter
OFA	Office of Federal Acknowledgment
PF	Proposed Finding
TA	Technical assistance letter
U. S.	United States
VES	Vermont Eugenics Survey

Summary under the Criteria for the Proposed Finding

on the

ST. FRANCIS/SOKOKI BAND OF ABENAKIS OF VERMONT

INTRODUCTION

The Office of the Assistant Secretary - Indian Affairs (Assistant Secretary or AS-IA) within the Department of Interior (Department or DOI) has issued this proposed finding (PF) in response to the petition received from a group known as the St. Francis/Sokoki Band of Abenakis of Vermont (SSA, Petitioner #068) located in Swanton, Vermont. The SSA is seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83). By the Secretary of the Interior's Order 3259, dated February 8, 2005, and amended on August 11, 2005, the Secretary delegated to the Associate Deputy Secretary (ADS) most of the duties formerly delegated to the Assistant Secretary. (This delegation will expire upon the confirmation of a new Assistant Secretary or designation of an Acting Assistant Secretary.) Among the delegated authorities is the authority to "execute all documents, including regulations and other *Federal Register* notices, and perform all other duties relating to Federal recognition of Native American Tribes."

The acknowledgment regulations under 25 CFR Part 83 establish the procedures by which Indian groups may seek Federal acknowledgment and establish a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence to demonstrate that the group meets the seven criteria in Section 83.7 of the regulations. Failure to meet any one of the mandatory criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law. The Branch of Acknowledgment and Research (BAR), within the Bureau of Indian Affairs (BIA), was charged with the responsibility of petition analysis. Effective July 27, 2003, this office was renamed the Office of Federal Acknowledgment (OFA) and relocated administratively under the Office of the AS-IA.

The time periods for the evaluation of documented petitions are set forth in the acknowledgment regulations in section 83.10. Publication of the Associate Deputy Secretary's proposed finding in the *Federal Register* initiates a 180-day comment period during which the petitioner, interested and informed parties, and the public may submit arguments and evidence to support or rebut the conclusions in the proposed finding. Such comments should be submitted in writing to the Office of the Assistant Secretary-Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Attention of the Office of Federal Acknowledgment, Mail Stop 34B-SIB. Interested or informed parties must provide copies of their submissions to the petitioner. The regulations, 25 CFR 83.10(k), provide petitioners with a minimum of 60 days to respond to any submissions on the proposed finding received from interested and informed parties during the comment period.

At the end of the period for comment on a proposed finding, the Associate Deputy Secretary shall consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence submitted during the response period. The petitioner and interested parties shall be notified of the date such consideration begins.

After consideration of the written arguments and evidence rebutting or supporting the proposed finding and the petitioner's response to the comments of interested parties and informed parties, the Assistant Secretary shall make a final determination regarding the petitioner's status. A summary of this determination shall be published in the *Federal Register* within 60 days from the date on which the consideration of the written arguments and evidence rebutting or supporting the proposed finding begins.

After publication of the final determination, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures in section 83.11 of the regulations. A request for reconsideration must be made within 90 days of publication of the final determination. Unless a request for reconsideration is filed pursuant to section 83.11, the final determination will become effective 90 days from its date of publication.

Administrative History

The SSA submitted a letter of intent on March 28, 1980, to petition for Federal acknowledgment as an Indian tribe. On October 22, 1982, the SSA submitted a documented petition to the Department. The documents consisted mostly of a narrative, some family charts, abstracted lists of birth records from the 1920's, and a few primary documents mostly from before the 19th century or after the early 1970's. The petitioner did not provide copies of most of the primary and secondary sources referenced or quoted in the petition narrative, as required by the regulations (83.6(c)). Copies of these supporting documents should be submitted in response to all the criteria.

The Department conducted a formal technical assistance (TA) review of the petition, and on June 14, 1983, sent the first obvious deficiency (OD) letter to the petitioner. The petitioner responded to the first OD letter on May 23, 1986, with more documentation. These documents consisted mainly of a petition narrative, 26 appendices containing mostly lists of names abstracted from local records and Federal censuses, and family charts. The petitioner submitted copies of a small number of primary documents from before the early 1970's, with most of them being from the period before 1800. It did not supply copies of most of the primary and secondary sources referenced or quoted in the petition narrative. Included among the materials referenced but not submitted were numerous field notes and numbered but unidentified sources contained in the petitioner's archives. These numbered documents could, according to the group, "be consulted with the permission of the Abenaki Research Project Staff" (SSA 1986.05.23 [Addendum B], 356).¹ Also not included was "Addendum C," described as containing family histories, an oral history overview, and a pre-1800 historical work summary, which the petitioner promised to

¹Citations are the same as those used to identify the document in the FAIR database under the Short Cite Heading. For a discussion of the FAIR system see the final paragraph of the Administrative History.

submit at a later date (SSA 1986.05.23 [Addendum B], 356). This "Addendum C" was never submitted, although the Department informed the petitioner of its absence on December 1, 1988, and requested that it be provided (Thompson 1988.12.01; Salerno 2001.10.23). The petition narrative also made frequent references to an unpublished 1979 work by John Moody, one of its researchers, entitled "Missisquoi Abenaki: Survival in Their Ancient Homeland." This manuscript, part of the petition record, made frequent references to primary and secondary sources, including a number of interviews, copies of which the petitioner did not submit. The petitioner is encouraged to submit these materials to support its claims.

On September 22, 1988, the Office of the Attorney General of the State of Vermont (State) wrote the Department's Office of the Solicitor (SOL) requesting that it be provided copies of SSA membership lists in the petition record. The Attorney General's office stated these lists were needed as part of criminal prosecutions related to some petitioning group members (Eschen 1988.09.22). On October 19, 1988, the Department informed the State that these membership lists were protected by the provisions of the Privacy Act, but granted the State's request and provided the lists under a specific exception to the prohibition of disclosure, Section 56(c)(5) of Part 2 of Title 43 of the *Code of Federal Regulations* (Elbert 1988.10.19). This exception allowed disclosure of such materials

to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought.

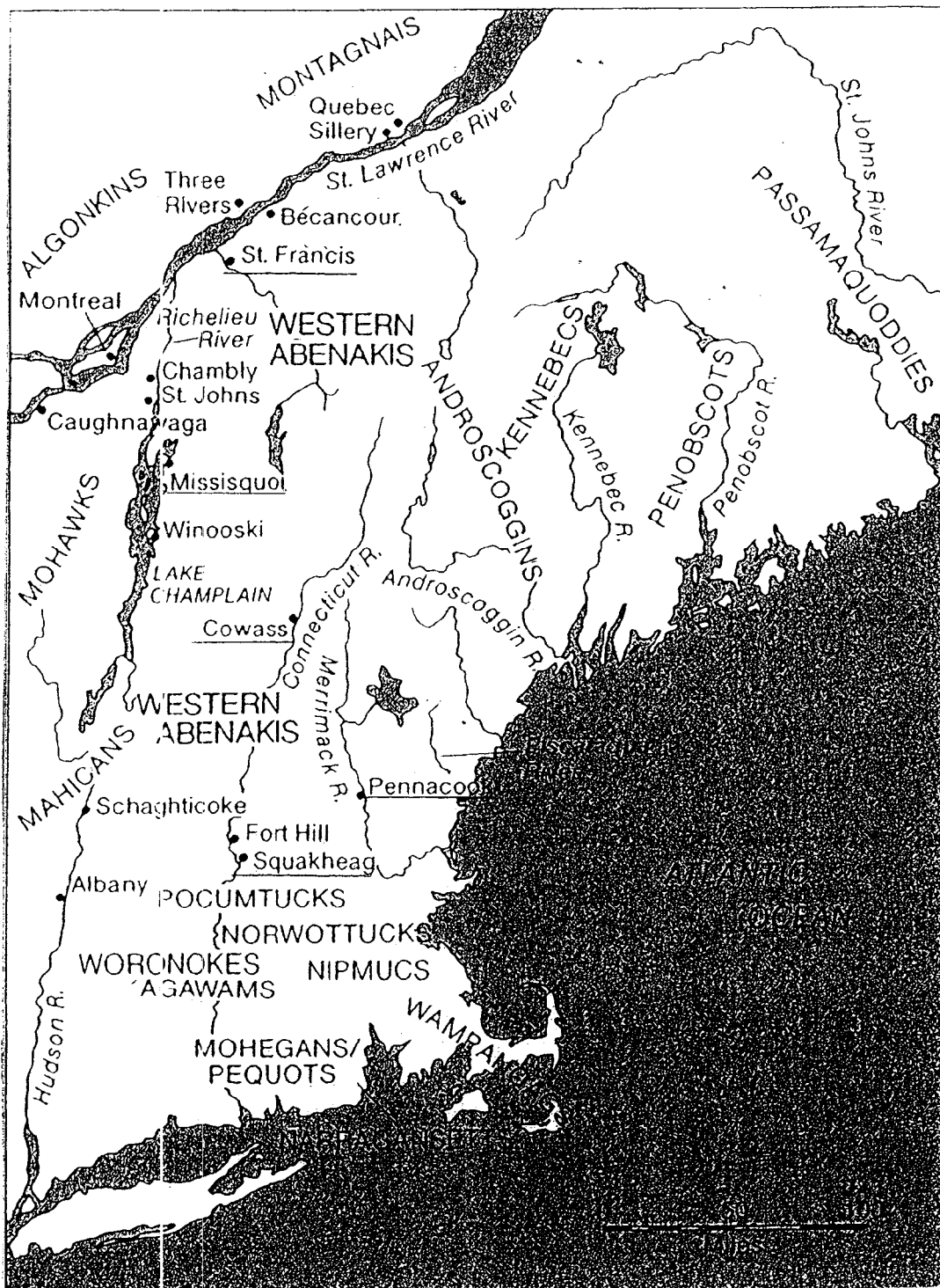
On January 11, 1989, the petitioner requested the return of its documented petition materials (St. Francis 1989.01.11). The Department informed the petitioner on February 23, 1989, that it was returning the materials under separate cover. Returned materials included a neighborhood map and pages 222-227 from the narrative portion of the petition, Addendum Part A, Appendices Part B, all membership rolls, all genealogical data, and specific material from the part of the petition submitted as Part A (Johnson 1989.02.23). The Department also notified the petitioner the material had to be resubmitted when the group's petition was placed on active consideration (Johnson 1989.02.23).

In December 1995 and January 1996, the group submitted a "Second Addendum" to its petition for Federal acknowledgment, which was essentially the same material provided in 1982 and 1986, without the neighborhood map, early membership rolls, and other materials returned by the Department in 1989. On January 17, 1996, the Department placed the group on the "Ready, Waiting for Active Consideration" list. After assigning a research team to evaluate and prepare recommendations on the SSA petition, the Department began active consideration of the proposed finding on February 4, 2005. The Associate Deputy Secretary projected issuing the proposed finding by October 28, 2005.

On April 13, 2005, the petitioner submitted a supplemental submission to its petition for Federal acknowledgment as permitted by the Department's *Federal Register* notice, entitled "Office of Federal Acknowledgment; Reports and Guidance Documents; Availability, etc." dated March 31, 2005. These materials consisted mainly of a genealogical database, Family Tree Maker™ (FTM™) file on diskette, the group's current membership list on diskette (separately certified by only five of the seven members of the governing body), letters from academics responding to the State's comments on the petition, resumes of several researchers and academics, a catalog of purported Native American artifacts from Vermont, four interview transcripts, documents related to the Vermont Eugenics Survey, copies of previously submitted articles from local histories, meeting minutes, newsletters, a videotape, and some correspondence. The FTM™ file and the group's membership list were submitted in a software format that could not be accessed by the computers of the Department researchers. This material was supplemented by additional documents on May 16, 2005, including another FTM™ file in compact disk format which could be accessed by OFA's computers, a paper copy of the group's membership list not separately certified by the governing body, a copy of a newspaper article, and the group's current constitution. On August 5, 2005, OFA researchers requested clarification of some of the terms used in the petition, and also requested copies of a number of membership files. On August 18, 2005, the petitioner submitted another membership list separately certified by all the members of the governing body, as well as the clarification of terms and copies of membership files requested by OFA.

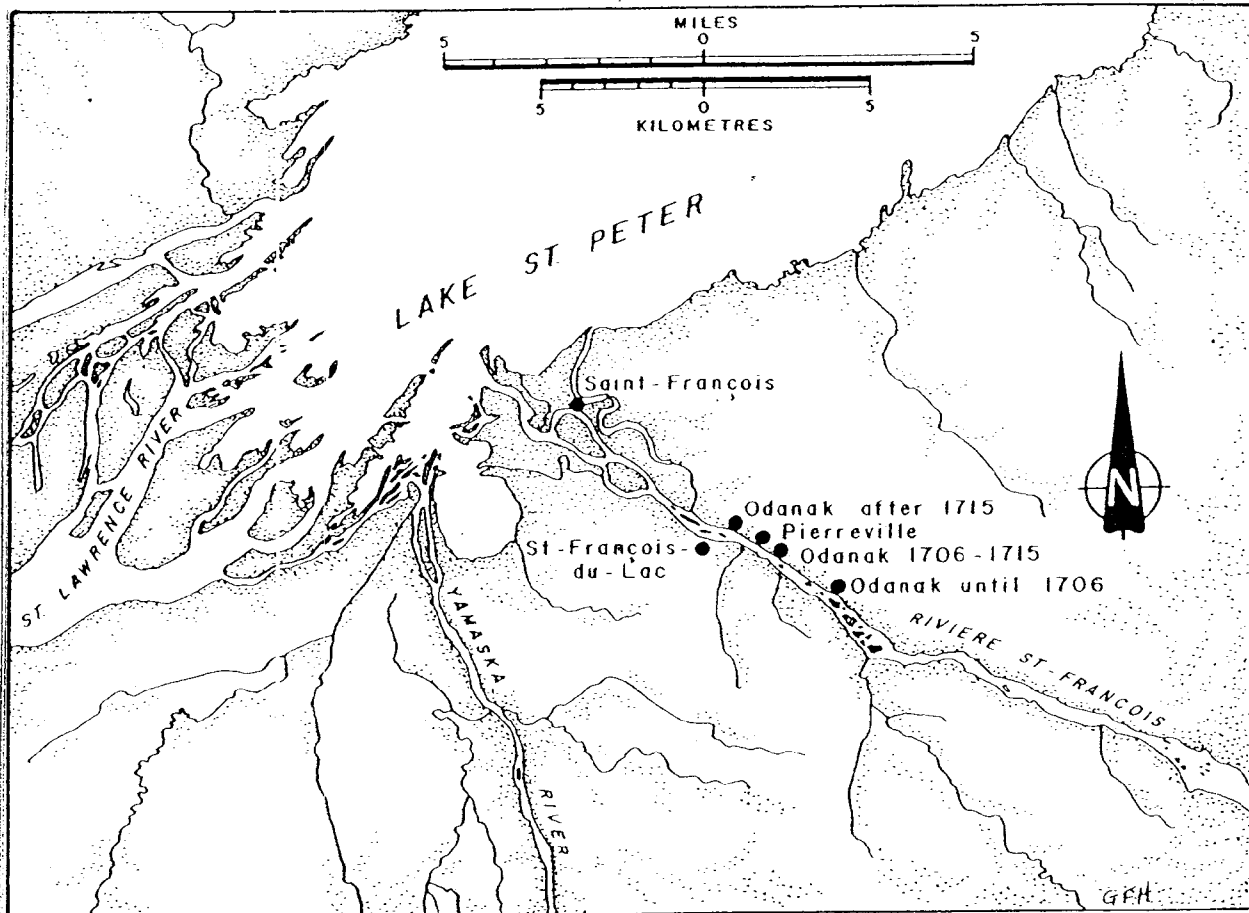
To create this proposed finding, the Department used a database system incorporating all data from the administrative record employed in the decision-making process. The database system is named FAIR, for "Federal Acknowledgment Information Resource system." It runs on Access 2000 software, a relational database capable of being operated on personal computers. The system provides on-screen access to the images of all of the documents in the record, which are linked to entries of information extracted from the documents. The system information includes the genealogical relationships between individuals, as well as the group's membership lists and reports. The genealogical information may be exported to a separate genealogical software program, FTM™, for preparation of genealogical charts. The complete documentary record considered for this proposed finding will be included and provided to the petitioner; a redacted version will be prepared for interested parties to protect privacy information. Any documentation not scanned in time for inclusion in FAIR for the proposed finding will be included in the database prepared for the final determination.

St. Francis/Sokoki Band of Vermont Abenakis: Proposed Finding– Summary Under the Criteria



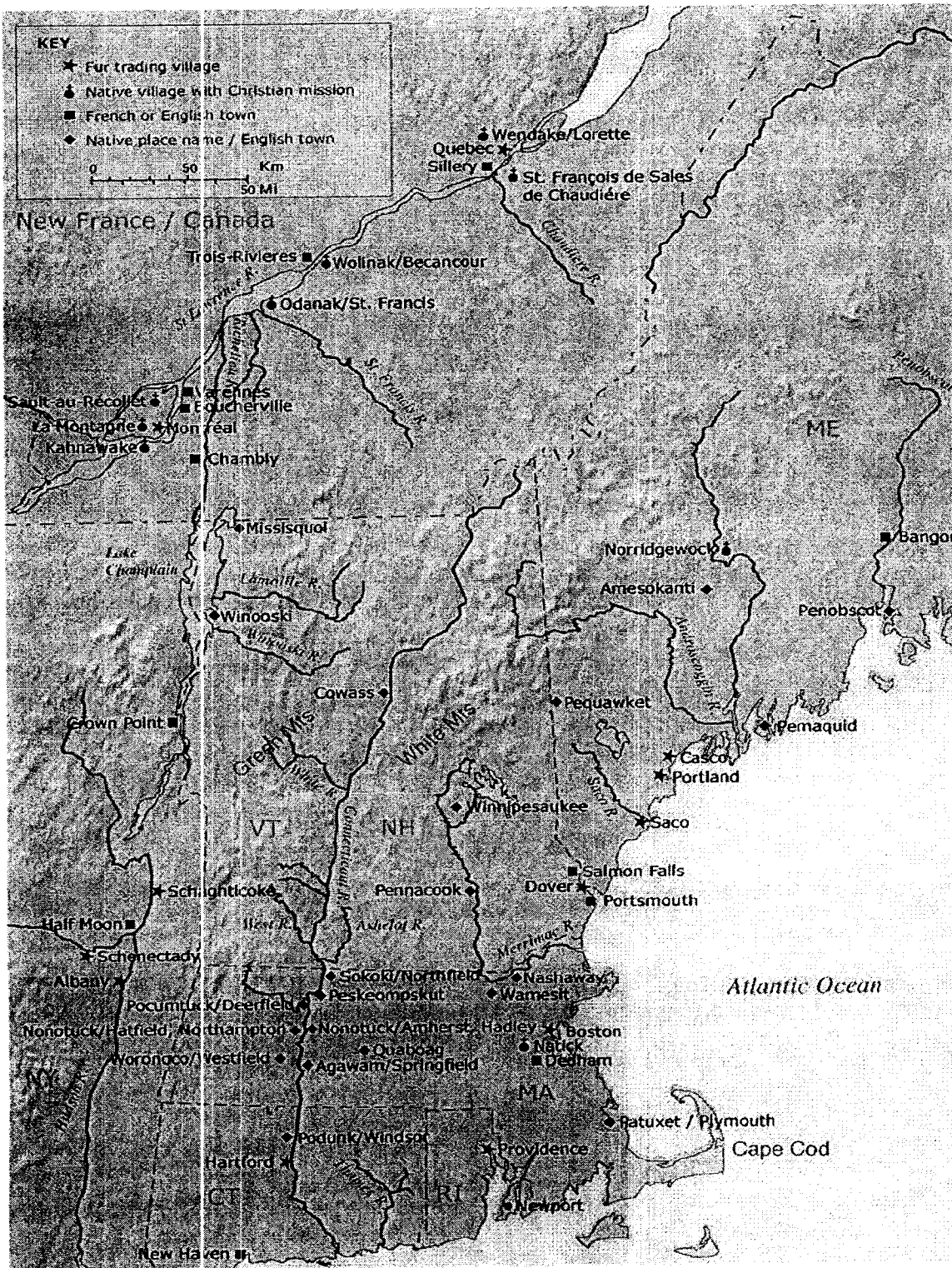
The Western Abenakis and Their Neighbors. (Map adapted from Colin Calloway, *The Western Abenaki of Vermont, 1600-1800*)

St. Francis/Sokoki Band of Vermont Abenakis: Proposed Finding- Summary Under the Criteria



Map of St. Francis/Odanak and Vicinity in the Province of Quebec. (Map adapted from Gordon Day, *The Identity of the Saint Francis Indians*)

St. Francis/Sokoki Band of Vermont Abenakis: Proposed Finding– Summary Under the Criteria



Colonial Northeast, circa 1660-1725 (Map adapted from Sweeny and Haefeli, *Captor and Captives: the 1704th French and Indian Raid on Deerfield*, 2003; <http://1704deerfield.history.museum/maps/northeast/html>)

Overview of the Petitioner and its Claimed Connection to the Historical Tribe

The Petitioner's Claims

The petitioner claims to have descended as a group mainly from the Missisquoi, a Western Abenaki tribe of Algonquian Indians which occupied the Lake Champlain region around the town of Swanton in northwestern Vermont during the colonial period (1650-1776). In the preface to its 1982 petition, the group defined itself and the historical tribe from which it claims to have evolved in this way:

It has been almost two centuries since the Indian ancestors of the contemporary Abenakis were driven from their villages by the tide of white settlement in northwestern Vermont. Some fled to Canada. Others stayed. Some who fled returned, joining others that stayed, accomodating [*sic*] themselves to a changed world. This petition contains a history of the Abenaki people of the Lake Champlain valley and Missisquoi Bay, and of individuals and families that maintained themselves in their traditional home. After years of silent and sometimes painful accomodation [*sic*], these families are now seeking recognition as an American Indian tribe. (SSA 1982.10.00 Petition, iv-v)

The petitioner further claimed the following:

While precise figures will probably never be known for certain, it is clear by now that a number of Abenaki families never left Vermont, and that by 1830, many had begun to reestablish communities in Swanton, St. Albans Bay, and Grand Isle which have a documented existence down to the present day. (SSA 1982.10.00 Petition, 9)

The State's Comments

The State disputes the petitioner's claim to have descended from the historical Missisquoi tribe from the Colonial period. It points out that the petitioning group adopted several names since 1976 that has confused the issue of the historical tribe. These names include the "Sovereign Republic of the Abenaki Nation of Missisquoi" and the "St. Francis/Sokoki Band of the Abenaki Nation of Vermont." According to the State, this "suggest[s] three possible historical tribes: St. Francis Abenaki, Sokoki, and Missisquoi" (VER 2002.12.00-2003.01.00 [Response], 1-2). It describes these three as follows:

The St. Francis Abenaki is, and was, a Canadian tribe based in St. Francis, Quebec, also known as Odanak, Quebec. The Sokoki, a tribe within the Wabanaki Confederacy, inhabited the Connecticut River Valley along the border between Vermont and New Hampshire. During the seventeenth and eighteenth centuries they resettled at Odanak/St. Francis. The Missisquoi inhabited the upper Lake Champlain region on the western side of Vermont. They have often been thought to be an offshoot of the Abenaki tribe at Odanak/St. Francis. Even the petitioner admits that "the Missisquoi villagers were never a tribe," but rather

a changing group of families who hunted in the area.² The confusion in nomenclature in the petitioner's submission may indicate a more serious ambiguity as to identity and an uncertainty about community and descendancy. (VER 2002.12.00-2003.01.00 [Response], 2)

On the question of the historical tribe, the State concluded thus:

The petitioner claims its historic origins lie in the northern Lake Champlain Valley, near Missisquoi Bay in Swanton, Vermont, the same area in which most of its members reside at present. This would suggest the petitioner's members view themselves as descendants of the Missisquoi, not the Sokoki. The history of the Abenakis of Missisquoi and those of the Odanak/St. Francis is extensively intertwined. The inclusion of the St. Francis tribal name in the petitioner's original submission indicates a sense of affiliation with that Canadian tribe. One theme of this Response to the Petition is that the Missisquois drew closer and closer to the Abenakis of Odanak/St. Francis so that by 1800 they were indistinguishable. (VER 2002.12.00-2003.01.00 [Response], 3)

Scholarly Views of the Evolution of the Historical Western Abenaki from 1600 to 1800

The most authoritative scholarship on the historical Western Abenaki comes from Gordon Day, an ethnologist from Dartmouth College and the National Museum of Man in Quebec, Canada. Day devoted over forty years of scholarship, from the late 1940's to his death in 1993, to the Western Abenaki. This research included extensive field work and interviews, mainly among Indians from the St. Francis Reservation in Quebec, Canada.³ According to Day, the Abenaki tribes of northern New England were divided into two groups, the Eastern Abenaki and Western Abenaki, distinguishable by an Algonquian language different mainly in "phonology, grammar, and lexicon." Generally, the Eastern Abenaki, which included the Penobscots, occupied portions of Maine and some sections of eastern New Hampshire during the period. The Western Abenaki inhabited most of Vermont, including the eastern section of the Lake Champlain Valley, most of New Hampshire, portions of central Massachusetts along the Connecticut River, and parts of southwest Quebec in the region of the Richelieu, Missisquoi, and St. François Rivers (Day 1978a, 148). Day estimated the pre-contact population of the Western Abenaki was about 5,000 before plague and war brought by European settlers severely reduced their numbers (Day 1978a, 152-153).

According to Day, the "geographically central tribe of the western Abenaki region, the one that formed the beginnings of the village of Saint Francis (Odanak)," was called "the Sokoki of the upper Connecticut River" (Day 1978a, 148). Primary documents from the 17th century show, according to Day, that the Sokoki inhabited "the entire upper Connecticut River, which would extend the name Sokoki to the Cowasucks at Newbury, Vermont." Other component groups

²See page 15 of the 1982 petition narrative.

³The scholarship includes dozens of books, articles, and reviews on the Western Abenaki. The best overview of Day's scholarship is *In Search of New England's Native Past: Selected Essays by Gordon M. Day*, edited by Michael K. Foster and William Cowan (Amherst, 1998).

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were the “tribes of the upper Merrimack River” including the Winnepesaukees and the Pennacooks at Concord, New Hampshire (Day 1978a, 148).

Day also asserted the following:

The Vermont shore of Lake Champlain was probably occupied by Western Abenakis from prehistoric times. Villages at the mouths of the Winooski, the Lamoille, and the Missisquoi rivers, on Grand Isle, and elsewhere are known. But in the eighteenth century, their population gradually concentrated at Missisquoi, and the Missisquoi tribe came to stand, in most writings, for all the Lake Champlain Abenakis. (Day 1978a, 149)

Day maintained that almost all of these Western Abenakis, “the inhabitants of the country from the Merrimack River to Lake Champlain,” eventually relocated to the Saint-François River area of Quebec,” and became part of the St. Francis [Odanak] village, which also incorporated “some Eastern Abenakis from the Chaudière mission and some southern New England Indians, probably mostly Pocumtucks and Nipmucks” (Day 1978a, 149).

The first French settlers arrived in the area between 1669 and 1672, and established a mission at St. Francis in Quebec in the late 17th century.⁴ The exodus of Western Abenakis in New England to the village, sparked first by Indian conflicts and later colonial warfare between the French and English, commenced in the late 1660’s and continued until just after the American Revolution (Day 1981, 5-12).

When the French settlers first arrived in the late 1660’s, there were probably already some Sokoki Indians in the area. It appears that the Sokoki were using the region south of the St. Lawrence River as hunting territory in the early 17th century. The Sokokis came from the upper Connecticut River near northern Massachusetts and southern Vermont. Their main village was called Squakheag at Northfield, Massachusetts. In the early 1660’s, the Sokoki may have been visiting Canada to trade with the French. In 1663, following an attack by the Iroquois [Mohawks, Onondagas, and Senecas], they began gradually migrating to the St. Lawrence River area. They abandoned Squakheag soon after and other Sokoki north on the Connecticut River soon followed. Additional Sokoki refugees came to the St. Francis region in Quebec during King Philip’s War from 1675 to 1676 (Day 1981, 12-16, 62-63). Day stated that “we cannot confidently reconstruct the population of Squakheag nor form a good estimate of the size of the groups which left the Sokwaki [Sokoki] country at different times for different destinations” He cited one scholar who estimated settlement sizes as “500-750 persons for Pocumtuck and from 1,764 to 2,000 for the middle Connecticut Valley between Springfield and Squakheag and 500

⁴The village, about four miles from the mouth of the Saint François River in Quebec, has been in existence since at least 1672. The French mission was established in 1683, and was originally located at the mouth of the Chaudière River near Quebec City, before it was moved southward around 1700 to the Indian village. Historians and other observers have tended to refer to the French mission and the Indian village as St. Francis. The Indians always called the village Odanak (Day 1978a, 1-2; 1981, 1, 5). In this finding, the Saint Francis Village or Reservation and Odanak are sometimes used interchangeably as a term for the location of the St. Francis Indians of Quebec, Canada, a Canadian-Indian entity which has existed since the colonial period. The petitioner has adopted the name “St. Francis/Sokoki Band of Abenakis of Vermont,” but it is not the same entity as the St. Francis Indians of Odanak in Quebec, Canada, and should not be confused with it.

persons at Squakheag” (Day 1981, 16). But whatever their estimated population at one time, losses to epidemics and further war casualties during the 1680’s and 1690’s drastically reduced their number at St. Francis to only 25 people. Others, however, lived elsewhere at other missions and villages in the region, and they later relocated to and augmented the population at Odanak (Day 1981, 63-64).

Other Western Abenakis began arriving in the St. Francis area in Quebec in 1676, one year after the outbreak of King Philip’s War. The first migrants, possibly some Pennacooks from New Hampshire, arrived in the spring of 1676, when the war’s course turned against the Indians (Day 1981, 18-19). As stated previously, more Sokoki were displaced and joined other extant tribal members who had left earlier. In the summer of 1676, about 250 Indians of various New England tribes, including some Western Abenaki, involved in the war fled across Massachusetts to settle in the Schaghticoke refugee village in upstate New York just north of Albany (Day 1978, 150; 1981, 20-21). A number of Schaghticoke refugees began gradually migrating to St. Francis in Quebec in the early 1690’s, some briefly stopping on Lake Champlain, and continued to do so for about 50 years (Day 1978a, 151; 1981, 64). Day also thought it probable that some Sokoki and Pennacook may have briefly settled in the Lake Champlain area of northern Vermont following King Philip’s War, and that there was a settlement, perhaps even a short-lived French mission, for these Indians in the early 1680’s at the lake’s northern end (Day 1978a, 150-151; 1981, 64).

The next Western Abenaki group to relocate to St. Francis in Quebec was the Cowasuck. The Cowasuck, a group closely related to the Sokoki, had inhabited the upper Connecticut River valley in the vicinity of Newbury, Vermont, possibly as early as 1663. They apparently abandoned the Newbury area in 1704 during Queen Anne’s War (1701-1713), and probably remained largely absent from the location until the 1760’s when English settlers began occupying the area in force. During this time the Cowasucks “may have been either at Odanak or the headwaters of the Connecticut River” (Day 1978a, 151; 1981, 52, 65). Day believed about 700 Cowasucks and Androscoggins still “remained in relatively safe retreats in the forests between the American and British frontiers in 1775” (Day 1981, 65). By 1798, most of these Indians had migrated to Odanak (Day 1981, 111).

It is difficult to determine the population of the St. Francis village in Quebec during this period, since it fluctuated dramatically with the influx of refugees seeking shelter or warriors desiring to use it as a base of operations during the colonial wars. In 1727, just after Dummer’s War (1722-1727; sometimes called Grey Lock’s War) between the Abenaki and Massachusetts, the village probably had 60 warriors or 300 people, although some may have been refugees who later returned to their homelands (Day 1981, 38). In 1752, just after King George’s War (1744-1748), Day estimated there were about 900 people at St. Francis in Quebec. In 1763, due to deaths and dispersal during the French and Indian War, the population had shrunk to about 400 (Day 1981, 42-45, 64).

The last significant component of Western Abenaki to migrate to St. Francis was the Missisquoi, who occupied the Lake Champlain region of northwestern Vermont. The petitioner claims to have descended from this group. Day believed evidence showed the village of Missisquoi (located near the contemporary town of Swanton, Vermont) was already in existence by the late

1690's or early 1700's, but the exact date of its establishment was unclear. It was briefly deserted by its inhabitants in 1732, when they fled to Odanak to escape an epidemic. The Massachusetts Indian warrior Grey Lock used it as a center of operations during Dummer's War, where he received assistance from several Western Abenaki tribes, including those at St. Francis. His hit-and-run attacks against the Massachusetts militia made the Missisquoi Indians on Lake Champlain well known among the colonists. In 1736, St. Francis and the Missisquoi village probably contained about 180 warriors or 900 people. In 1745, an estimated 90 warriors were at St. Francis and 40 at Missisquoi (Day 1981, 35-40, 64).

From about 1743 to 1759, there was a small French presence at the Missisquoi village. The French first established a mission (1743) and later a sawmill (1754) at the site. They were permanently driven out of the village by English troops in 1759 during the French and Indian War (1754-1763). For the most part, the Missisquoi Indians remained in their territory "until the outbreak of the American Revolution in 1775" (Day 1981, 49). The Revolution caused divided loyalties among many eastern Indians, including the Western Abenakis, who tried to remain neutral but were frequently drawn into the conflict anyway (Day 1981, 52-55; see also Calloway 1990a, 204-223). The precise location of many Western Abenaki during the war is difficult to determine because of the resulting disruption. Some retreated to safe zones in the forests between the American and British frontiers. Others made their way to St. Francis in Quebec (Day 1981, 52-55, 65). According to Day, Missisquoi

was seemingly abandoned for a time, but it is unclear what part of the population went to Odanak and what part merely withdrew to temporary havens close by. There was one camp at Clarence, Quebec, in 1782. A small village still existed at Missisquoi in 1786 after the war. Only some twenty persons remained in 1788, and these may have stayed on to contribute to the present-day Indian group at Swanton, but most of the Missisquoi had left by 1800. However indirect their withdrawal, there are a dozen Missisquoi family names in the 1829 census of Odanak. (Day 1981, 65)

Permanent non-Indian settlement of the Missisquoi area in northwestern Vermont began in the late 1780's, and played a key role in displacing the few remaining Indians.⁵ Indeed, "all but a few scattered" Western Abenakis appeared "to have left northern Vermont, New Hampshire and western Maine for Odanak, although they continued to hunt south of the border for several years." As Day saw it, the "village of Odanak was essentially complete" by 1800 (Day 1981, 65).

Since the 18th century, the St. Francis Indians at Odanak have had a well-documented existence on Canadian government censuses and other lists. According to Day, these censuses at Odanak showed "the great majority of the family names were of Missisquoi origin." This development meant that in the 20th century, scholars were able to work "directly with the descendants of Missisquoi families, many of whom returned regularly to Missisquoi until the 1920's," making it

⁵English settlers in significant numbers occupied most of Vermont except for the Missisquoi region during the 1760's and 1770's. The disruption of the American Revolution essentially delayed the inevitable settlement of the Missisquoi area until the 1780's (see Calloway 1990a, 183-186).

“possible to recover a considerable amount of information about the culture and way of life of the Abenaki at Missisquoi” (Day 1998, 146-147). Day did not indicate that any of the St. Francis Indians of Odanak who returned temporarily to the Missisquoi area of Vermont or elsewhere ever established or existed as an Indian community. He never identified the petitioner’s claimed ancestors, the Missisquoi, as an Indian community in either Canada or the United States.

The other leading scholars on the Western Abenaki are Colin Calloway and William A. Haviland. Calloway, a professor of history at Dartmouth College, has written several works on the Western Abenaki, focusing on the period before 1800.⁶ On the whole, Calloway’s work reflects the main arguments of Gordon Day with only minor variations. The major difference between the two occurs in Calloway’s brief discussions of the fate of Vermont’s Indians after 1800. In brief, Calloway, like Day, argued that the Western Abenaki had been adversely affected by war and migration before 1800. Most, by that time, had left northern Vermont for the St. Francis village, which during this period incorporated other displaced Indians and even European captives from other locations from northern New England. Calloway, however, diverted from Day’s thesis by arguing that some of the Western Abenakis in northern New England remained behind, living on the fringes of white communities, and practicing a transient lifestyle. He claimed at one point several hundred lived in northwestern New England. Calloway portrayed these people not as one group or as living in a particular settlement, but as a “fluid network” of family bands.⁷ Yet, when offering documentary evidence for their existence, he could provide only sporadic descriptions or reminiscences, mainly from pre-1860 Vermont newspapers or local histories, of mostly unidentified, isolated, dispersed, or nomadic Indians or Indian families (Calloway 1990a, 234). Much of Calloway’s thesis regarding the post-colonial period also depended heavily on the work of the petitioner and its researcher, John Moody, which, as this finding demonstrates, is highly speculative and not reliable.

William A. Haviland, a professor of anthropology at the University of Vermont, co-authored *The Original Vermonters*, published in 1981, and revised in 1994.⁸ Most of this work, except for the final chapter, covered Western Abenaki history in Vermont before 1800 with little difference from Gordon Day’s research. For the period after 1800, both editions drew heavily on the unpublished work of petitioner researcher John Moody and the group’s petition for Federal acknowledgment.⁹

⁶The major works are “Green Mountain Diaspora: Indian Population Movements in Vermont, 1600-1800,” *Vermont History* 54 (Fall 1986); “Survival through Dispersal: Vermont Abenakis in the Eighteenth Century,” AHA Meeting, 1987; “Surviving the Dark Ages: Vermont Abenakis during the Contact Period,” *Vermont History* 38 (Spring 1990); *The Western Abenaki of Vermont, 1600-1800: War, Migration, and the Survival of an Indian People* (Norman, Ok, 1990).

⁷See Calloway 1990a, 238-251; 1986.00.00, 220-222; 1987.12.30, 5-6.

⁸Marjory Powers was co-author.

⁹On page 301 in the bibliographical notes, the authors stated: “For events following 1763, we have relied almost exclusively on Moody (1979) and data from the Abenaki petition (1982) and its addendum (1986), much of which were gathered by Moocy.”

In the period after 1800, Haviland claimed at least 25 to 30 Missisquoi families chose to remain near their original village. The ones who stayed became “invisible” to whites, looking and acting like Europeans, adopting Western clothes, using guns and metal tools, speaking French, and practicing Catholicism. He argued the loss of land “forced them to break up into smaller, more mobile groups—the old family bands—heavily dependent on hunting, fishing, and gathering for subsistence, supplemented by the sale of baskets and other craft items.” These Indians maintained this lifestyle until about the 1850’s, when they were able to “regroup into small, but sedentary communities at such places as Swanton’s Back Bay” (Haviland 1994, 245-246).

Haviland provided no documentary evidence to demonstrate the existence of these “communities,” or to connect them to the petitioner. Like Calloway, he relied mainly on occasional references in local histories of sporadic sightings of unidentified Indians usually described as being from Canada. In addition, he also depended heavily on the highly speculative work of the petitioner and its researcher John Moody for his analysis on the post-colonial history of Vermont’s Western Abenaki. That research does not demonstrate the existence of a Western Abenaki community in northwestern Vermont, nor does it show that the petitioning group descended from any Western Abenaki entity in Vermont or Canada. Indeed, the available documentary evidence indicates that by 1800 almost all of Vermont’s Indians had withdrawn to the village of St. Francis, and the few who remained behind did not thereafter constitute a community distinct from other people.

The Petitioner’s Connection to the Historical Tribe, 1600-1800

The available evidence does not demonstrate that the SSA or its claimed ancestors evolved as a group from the St. Francis Indians of Quebec, Canada (or another Indian group in Quebec), a Missisquoi Abenaki entity in northwestern Vermont, or any other Western Abenaki group or Indian entity from New England in existence before 1800. Several Canadian censuses or lists of the St. Francis Indians from the 19th century are available, but only a very small number of the members of the petitioning group claim descent from a person descended from the Indians at Odanak.¹⁰ As best as can be determined, only 8 of the petitioner’s 1,171 members claim descent from the Odanak Indians at St. Francis. These few current members who claim descent from St. Francis Indians have only a very recent (post-1975) connection to the petitioning group. Also, the petitioning group has not submitted any copies of rolls or other documents in which its claimed ancestors are described as part of a historical tribe.

The petitioner submitted a copy of Robertson’s Lease of 1765 that contains the names of possible Missisquoi Abenaki (Robertson 1765.05.28).¹¹ Gordon Day described the document as

¹⁰Existing documents naming 19th century Odanak residents include the Durham lease of 1805, a War of 1812 Veteran’s roster, censuses from 1829, 1830, 1832, 1841, 1844, 1845, 1850, 1851, 1852, 1873, and 1875, an agreement from 1842 a petition from 1874 and a payment list from 1893 (see Day 1981, 70-73). The petition record contains the 1832, 1873, and 1875 censuses, the 1842 agreement, the 1874 petition, and the 1893 payment list, all of which the State submitted. Gordon Day’s 1981 *Identity of the Saint Francis Indians* also contains a comprehensive analysis of many of these sources (Day 1981, 66-107).

¹¹The only other pre-1800 document in the available record containing the names of possible Missisquoi Abenaki is a register of the chaplains at Fort Saint-Frédéric on Lake Champlain in upstate New York (Roy 1946, 268-312).

“a lease of land on the Missisquoi [River] in 1765 to James Robertson of St. Jean, Quebec, [which] bore the names of twenty signers and land owners at Missisquoi.” According to Day, “some of the names” were not “family names,” but of those which were, half were “later found at Saint-François” [Odanak in Quebec] (Day 1981.00.00, 68-69, see also 77, 78, 80 85, 89, 91, 93, 96-97, 99-100; see also Robertson 1765.05.28).¹² The location of the leased land, the lease transaction date and terminology, and the appearance of some of these family names later at St. Francis, allows for a reasonable assumption that the named individuals were mainly Western Abenaki, possibly from Missisquoi, although not all were identified or described as Indians or Missisquoi Abenakis (see discussion under criterion 83.7(e)). It is uncertain from the available evidence whether the people listed on the lease were still living in the area, or had left their territory near Missisquoi Bay and taken up residence (either temporary or permanently) at or near St. Francis. The petitioner, however, has not submitted evidence that demonstrates its claimed ancestors descended from individuals listed on Robertson’s Lease.¹³

The available evidence does not demonstrate the petitioner has a historical or social connection to any Western Abenaki entity in existence before 1800. The petitioner has not provided sufficient evidence to establish that a predominant portion of its claimed ancestors were interacting as a group before 1800. In fact, it is not known from the available evidence what the petitioner’s claimed ancestors were doing before taking up residence in Vermont in the 19th century. Contrary to the petitioner’s assertions, the evidence indicates that SSA’s claimed ancestors moved to northwest Vermont as individual families from a variety of locations (for a more detailed discussion, see criterion 83.7(b)), and had not known each other prior to their arrival in Vermont.

The Petitioner and its Claimed Ancestors, 1800 to the Present

The petitioner claims to have descended mainly from Missisquoi Abenaki who remained in northwestern Vermont after 1800 or returned to the area once they deemed it “safe.” The petitioner claims its ancestors lived an inconspicuous “underground” lifestyle until the 1970’s, although the details of this process are unclear, given the limited available evidence. A full discussion of the activities of the petitioner’s claimed ancestors following 1800 can be found mainly in criterion 83.7(b). The group’s 1982 petition described the claimed ancestors as living mainly around the towns of Swanton, St. Albans, and Highgate in Franklin County in northwestern Vermont near the Canadian border. In its 1986 petition, the group expanded its historical and geographical territory significantly. For 1790, the petitioner claimed 378 (possibly as many as 3,000) people in 61 families, 10 neighborhoods, in 8 towns in Franklin County. For

Gordon Day described the register (dated between 1735 and 1758) as containing “some 150 names of ‘Abenakis,’ sometimes indicated as from Missisquoi or Saint-François. The great majority were listed only by their French baptismal names, and very few can be identified” (Day 1981.00.00, 68). In fact, Day was able to identify only 17 surnames from the register as the names of families who later took up residence at Odanak, and only 5 names of known Missisquoi Abenaki families (Day 1981.00.00, 68). There is no available evidence that the petitioner’s claimed ancestors descended from these few individuals. See criterion 83.7(e) for more detail on this register.

¹²For versions of Robertson’s lease see FAIR Image File ID SSA-PFD-V003-D0051 or SSA-PFD-V003-D0048 under FAIR Short Citation: Robertson 1765.05.28.

¹³Nor is there available evidence to show these individuals made any later claims to lands at Missisquoi.

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1800, it claimed 207 ancestral members lived in 38 families, 19 neighborhoods, in 11 towns. For 1910, there were 1,623 claimed ancestral members in 329 families, 311 households, 30 neighborhoods, in 8 towns (SSA 1996.01.17, Appendix 1A, 9). As these figures demonstrate, the petitioner believes the group's claimed ancestors have had a well-established presence in Franklin County since 1800 (see also St. Francis 1989.01.27).

The available evidence, however, demonstrates that no external observers from 1800 to 1975 identified or described the petitioner's claimed ancestors, or any group of Indians, as an Indian entity in northwestern Vermont (see criterion 83.7(a) and (b)). Nor did any external observers during that time describe the group's claimed ancestors as a community that had maintained a minimal social distinction from other populations in the area. The available evidence from 1800 to 1975 also does not show that the petitioner's claimed ancestors described themselves as an Indian entity or described themselves as a community that had maintained a minimal distinction from others. Indeed, the available evidence indicates the group's claimed ancestors moved as individual families to northwestern Vermont from a number of areas in Canada and the northeastern United States. This began around the early 19th century and continued until well into the 20th century. Little is known from the available evidence about their existence before they arrived in Vermont, but there is no indication they descended from an Indian group in Canada. This evidence is discussed in detail in criterion 83.7(b).

As the following discussion under the criteria demonstrates, the few Indians described by external observers in Vermont from 1800 to 1975 were usually isolated individuals or groups traveling seasonally to the area to hunt, fish, or to sell baskets and crafts. These Indians are usually unidentified by name or point of origin, and the petitioner has not established a connection to these people. One important exception in the available evidence is the small Obomsawin family, well-known Western Abenakis long associated with the St. Francis reservation in Quebec, who lived at Thompson's Point on Lake Champlain in Charlotte, Vermont, from about 1900 to 1959 (Day 1948.07.00–1962.11.13, 1-2, 9, 13-14).¹⁴ Eight members of the petitioner claim descent from the father of this family, Simon Obomsawin, through his daughter Elvine. The available evidence, however, does not demonstrate that these current members who claim to be the descendants of Simon Obomsawin had any significant social interaction or relationships with the petitioning group or its claimed ancestors before the 1970's.

The current petitioning group organized around 1975 when it created the Abenaki Self-Help Association, Inc. (ASHAI). Two years later, it established a governing body called the "Abenaki Tribal Council." In its 1980 letter of intent for Federal acknowledgment, the group used the name "St. Francis /Sokoki Band of Abenaki of Vermont" (however, the petitioner is not the same entity as the St. Francis Indians of Odanak in Quebec, Canada, and should not be confused with it). Over the last 29 years the petitioner has employed and been identified by various other names containing the word "Abenaki," which are described under criterion 83.7(a). From 1977 to 1980, the group's elected leader was Homer St. Francis. From 1980 to 1986, Leonard Lampman led the group. Homer St. Francis was re-elected leader in a 1987 election, and held

¹⁴Thompson's Point near the town of Charlotte extends from the eastern shore of Lake Champlain in Vermont opposite Split Rock on the western shore just south of Essex, New York (Day 1998, 232, 256-257). Thompson's Point is more than sixty miles southwest of Swanton, Vermont, the claimed geographical center of the petitioner.

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the position until his death in 2002. In September 1989, the petitioning group appointed Homer St. Francis “chief” for life, and transformed the position from an elected to a hereditary one within the St. Francis family. The post-1976 history of the group is discussed in detail under criteria 83.7(b) and (c).

CONCLUSIONS UNDER THE CRITERIA (25 CFR 83.7)

Evidence for this proposed finding was submitted by the SSA and the State, and obtained through some limited independent research by the OFA staff to verify and evaluate the arguments submitted by the petitioner and interested parties. This proposed finding is based on the evidence available, and, as such, does not preclude the submission of other evidence during the comment period following the finding's publication. Such new evidence may result in a modification or reversal of the proposed finding's conclusions. The final determination, which will be published after the receipt of any comments and responses, will be based on both the evidence used in formulating the proposed finding and any new evidence submitted during the comment period.

Executive Summary of the Proposed Finding's Conclusions

The proposed finding reaches the following conclusions under each of the mandatory criteria under 25 CFR Part 83:

The petitioner does not meet criterion 83.7(a). The available evidence demonstrates no external observers identified the petitioning group or a group of the petitioner's ancestors as an American Indian entity from 1900 to 1975. External sources have identified the petitioner on a regular basis only since 1976. Therefore, the petitioning group has not been identified as an Indian entity on a substantially continuous basis since 1900, and does not meet criterion 83.7(a).

The petitioner does not meet criterion 83.7(b). The available evidence does not demonstrate the petitioning group and its claimed ancestors descended from a historical Indian tribe, and therefore the petitioner did not establish that it comprises a distinct community that has existed as a community from historical times until the present. The petitioner has not provided sufficient evidence to establish that a predominant portion of the petitioning group has comprised a continuous community distinct from other populations since first sustained contact with non-Indians. The available evidence indicates that the petitioner's organization was only established in the early 1970's. Since that time social interaction has been limited to a small portion of the group's membership. Therefore, the petitioner does not meet criterion 83.7(b).

The petitioner does not meet criterion 83.7(c). The petitioner has not provided sufficient evidence to establish that it or any antecedent maintained political authority or influence over its members as an autonomous entity since first sustained contact. The available evidence indicates that the exercise of political authority, formal or informal, has existed within the group only since the mid-1970's. Since that time political influence has been limited to a small number of members, who do not appear to have a significant bilateral relationship with the rest of the membership. Therefore, the petitioner does not meet criterion 83.7(c).

The petitioner meets criterion 83.7(d). The petitioner has presented a copy of its governing document and its membership criteria.

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The petitioner does not meet criterion 83.7(e). The petitioner submitted a membership list dated August 9, 2005, which was received by the Secretary on August 23, 2005. This list named 2,506 individuals, 1,171 of whom were designated as current, full-fledged members. The petitioner has not provided sufficient evidence acceptable to the Secretary that its membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.

The petitioner asserts that its present membership descends from the Missisquoi, a Western Abenaki tribe of Algonquian Indians that during the colonial period occupied the Lake Champlain region around the town of Swanton in northwestern Vermont. However, the petitioner has not provided sufficient evidence to establish that a predominant portion of the petitioning group descends from that entity or any other historical Indian tribe.

In addition, the petitioner's current membership list, dated August 9, 2005, and received by the Secretary on August 23, 2005, is not properly certified, and in many circumstances does not provide the full name, maiden name of married women, date of birth, and current place of residence of all members as required by the regulations. No evidence has been submitted for more than 90 percent of the membership to demonstrate that those individuals have applied for membership or even know they are on the membership list. Therefore, the petitioner does not meet the requirements of 83.7(e).

The petitioner meets criterion 83.7(f). The petitioner's membership is composed principally of persons who are not members of any federally acknowledged North American Indian tribe.

The petitioner meets criterion 83.7(g). Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

Failure to meet any one of the mandatory criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law. The petitioner has failed to meet criteria 83.7(a), (b), (c), and (e). Therefore, the proposed finding concludes the petitioner does not exist as an Indian tribe.

Criterion 83.7(a) requires that

the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group’s character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met.

Introduction

Criterion 83.7(a) is designed to evaluate the existence of the petitioner since 1900. The key to this criterion is identification of the petitioning group as an American Indian entity by an external source or sources. This criterion is intended to exclude from acknowledgment collections of Indian individuals that have not been identified as an Indian group or entity. It is also meant to prevent the acknowledgment of petitioners that have been identified as an Indian entity only in recent times, or whose Indian identity depends solely on self-identification. The regulations require substantially continuous identification since 1900, but provide no specific interval. Consistent identification is the primary requisite.

From 1900 to 1976, the available evidence demonstrates that no external observer identified the petitioning group now known as the “St. Francis/Sokoki Band of the Abenaki Nation of Vermont” (SSA). Thus, the petitioner was not identified as an American Indian entity on a substantially continuous basis during that 75-year period. External sources have regularly identified the petitioning group as an American Indian entity only since 1976.

Petitioner’s Claims

As described in its overview of the historical tribe, the petitioner claims to have descended as a group mainly from the Missisquoi, a historical Western Abenaki tribe of Algonquian Indians that occupied the Lake Champlain region of northwest Vermont during much of the colonial period.

Since its initial organization in 1976, the petitioning group has functioned or been identified under several names. In its 1980 letter of intent for Federal acknowledgment, the group used the name “St. Francis /Sokoki Band of Abenaki of Vermont.” Over the last 29 years the petitioner and its governing body have employed various other names, including “Abenaki Nation,” “St Francis/Sokok. Band,” “Abenaki Nation of Vermont,” “Abenaki Tribal Council,” “Sovereign Abenaki Nation,” “Vermont Abenaki,” “Council of the Abenaki Nation of Missisquoi,” “Sovereign Abenaki Nation of Missisquoi,” “Sovereign Republic of the Abenaki Nation of Missisquoi,” “Sovereign Republic of the Abenaki Nation International,” and the “Abenaki Nation of Missisquoi St. Francis/Sokoki Band.” For the analysis under criterion 83.7(a), all the available evidence from 1900 to the present in the record was examined to determine if any external observers identified an Indian entity, by any of these names or otherwise, composed of the petitioner’s members or claimed ancestors in the northwestern area of Vermont in the Lake

Champlain region. There is no available evidence to show there was a group identified by any of those names or other names from 1900 to 1975.

To explain the lack of identifications before 1976, the petitioner argued that “Abenaki families living in northwestern Vermont after 1800 were “only rarely . . . identified as Indians or aborigines, except by their closest neighbors, the same people who . . . either stigmatized or ignored them.” In addition, official records since 1800 “usually supported the widespread view that all Indians left Vermont after 1800” (SSA 1982.10.00 Petition, 145). As the below analysis shows, the petitioner submitted few primary documents to establish that it meets criterion 83.7(a) for the period from 1900 to 1975.

State of Vermont's Comments

The State asserted the following:

The evidence presented by the petitioner is totally insufficient to satisfy Criterion (a). The additional evidence presented in the State's Response to the Petition contradicts the petitioner's contention that it existed as an Indian entity from 1800 to 1976, or even 1981. The numerous examples of scholars who searched but did not discover this Indian entity weighs [*sic*] heavily against the petitioner's claims. It stretches credulity to believe that the petitioner existed as a tribe when Frank Speck, A. Irving Hallowell, Gladys Tantaquidgeon, Gordon Day, John Huden, and Alfred Tamarin were unaware of them. For the seventy-five year period between 1900 and 1976, there are simply no external observations of an Indian entity in northwestern Vermont—or anywhere in Vermont. (VER 2002.12.00-2003.01.00 [Response], 119-120)¹⁵

To support its argument, the State submitted most of the evidence from 1900 to 1975 examined for this criterion. The remainder of the evidence came from the OFA administrative correspondence file or the Department library.

Summary Analysis of Evidence for Criterion 83.7(a), 1900 to 1975

The types of evidence described by the regulations at section 83.7(a)(1-7) for meeting criterion 83.7(a) include repeated identifications of the group as an Indian entity by Federal, State, or local authorities, or by scholars, newspapers, or historical tribes, or national Indian organizations. The following does not summarize every document submitted. Instead, it introduces the major forms of evidence demonstrating where the petitioner does and does not meet the criterion. The following analysis demonstrates external observers did not identify the petitioning group as an Indian entity in the available evidence from 1900 to 1975.

¹⁵See FAIR Image File ID VER-PFD-V008-D0004.

Federal Authorities

The petitioner did not submit any records generated by Federal sources. The State submitted all the Federal documents in the record for 1900 to 1975 evaluated for this proposed finding, none of which identified the petitioner as an American Indian entity. These included the population schedules of the Federal decennial census for three cities in Franklin County, in northwestern Vermont: Swanton and Highgate in 1900, and St. Albans in 1910. Franklin County is the claimed historical center of the petitioner's claimed ancestors. Census enumerators did not identify the petitioning group as an American Indian entity in Swanton or Highgate in the pages of the census provided. Instead, they identified individuals, all of whom were listed as "white" in the racial category (1900 Census Swanton, Vermont; 1900 Census Highgate, Vermont). They did not identify an Indian entity for St. Albans, where almost all the residents were reported as "white." The pages provided from the St. Albans census, the enumerator may have recorded four individuals from one family as "Indian," but the surnames are illegible (1910 Census St. Albans, Vermont). Identifications of an individual or individuals as having Indian ancestry do not constitute external identifications of an American Indian entity.

The State also supplied portions of Federal decennial census reports for Vermont from 1900 to 1970.¹⁶ These census records furnished only the total number of people listed as "white," "Negro," and "Indian" by county. The statistics for those listed as Indian did not include tribal affiliations or specific Indian entities. As late as 1970, the census documented only 229 Indians in Vermont. It recorded 3 Indians in Addison County; 9 in Bennington; 7 in Caledonia; 46 in Chittenden; 3 in Essex; 9 in Franklin (the petitioning group's claimed historical center); 1 in Grand Isle; 14 in Lamoille; 5 in Orange; 5 in Orleans; 26 in Rutland; 26 in Washington; 36 in Windham; and 39 in Windsor (US Census Bureau 1973.01.00).¹⁷

The State provided 26 World War I draft registration forms for individuals claimed as ancestors by some petitioning group members. All the registrants identified themselves as "white," without comment by the registrar (US Military 2002.12.00). While these documents do provide some genealogical and biographical information about some of the group's claimed ancestors, they were not external identifications of those ancestors as an American Indian entity from 1917 to 1918.

¹⁶See US Census Bureau 1901, US Census Bureau 1922; US Census Bureau 1932; US Census Bureau 1943; US Census Bureau 1952; US Census Bureau 1960; US Census Bureau 1973.01.00.

¹⁷In 1980, the number of Indians recorded on the census expanded significantly. The census counted 984 Indians; 164 in the town of Burlington; 20 in Addison County; 38 in Bennington County; 16 in Caledonia County; 156 in Chittenden County; 7 in Essex County; 422 in Franklin County (183 in Swanton, and 91 in Highgate); 25 in Grand Isle County; 15 in Lamoille County; 29 in Orange County; 22 in Orleans County; 59 in Rutland County; 107 in Washington County; 91 in Windham County; 67 in Windsor County (US Census Bureau 1982.08.00). By 1990 about 1600 people identified themselves as Indian, with 585 in Franklin County. The number of Indians for other counties was: Addison, 77; Bennington, 54; Caledonia, 100; Chittenden, 294; Essex, 18; Grande Isle, total illegible; La Moille, 48; Orange, 67; Orleans, 56; Rutland, 70; Washington, 106; Windham, 74; and Windsor, 124 (US Census Bureau 1992.06.00). During this period, the petitioning group claimed about 2,200 members, mainly in Franklin County. The 1980 and 1990 census decennial reports listed only the number of Indians reported in Vermont and did not identify any Indian entities in the state.

Also included in the State submission were five pages of the 1937 guide to Vermont by the Works Progress Administration (WPA). The pages provided some details about the ethnic composition of Vermont's population at that time. They described several ethnic groups, with French-Canadians being the largest, but did not identify the petitioning group as an American Indian entity or any Indian entity in Vermont (WPA 1937, 51-52). One page mentioned an unidentified Indian "chieftain" in Bellows Falls, Vermont (120 miles southwest of the petitioning group's claimed historical center), described as the "last Abnaki [*sic*] seen" in the town, who in 1856 came to the area to die, and was later buried in an unmarked grave (WPA 1937, 84). This reference to the past was not to an antecedent of the petitioning group, and clearly did not identify any group after this unidentified alleged Indian's death.

The State provided excerpts from Gladys Tantaquidgeon's 1934 study of New England Indians, produced for the Office of Indian Affairs. A few pages offered a historical overview of various New England Indian groups. In portraying the social status of all these entities, the author reported "nearly 3,000 Indian descendants in the surviving bands in the New England area." Regarding the "the northern portion of the New England area, among the Wabanaki¹⁸ peoples, there has been a strong infusion of French blood since early times, and also some English, Scotch, and Irish" (Tantaquidgeon 1934, 4). She stated the "surviving bands" of "Wabanaki" were "the Penobscot, Passamaquoddy, Malecite [Maliseet], and the neighboring Micmac in New Brunswick and Nova Scotia" (Tantaquidgeon 1934, 2). Tantaquidgeon supplied a table of population figures for several mainly rural New England Indian groups, large and small, in states outside of Vermont, including the Penobscots and the Passamaquoddies of Maine, but she did not identify the petitioning group's claimed ancestors as part of any of these groups, or as an American Indian entity in Vermont or elsewhere.

The State submitted a partial chronology written in 1941 by Roaldus Richmond, supervisor of the WPA's Vermont Writers Project. Richmond included it in a February 1941 letter to Professor Arthur W. Peach of Norwich University in Vermont. The chronology, covering 1609 to 1860, was originally intended for a State Fact Book, but Richmond urged Peach to use it as a pamphlet for the Vermont Historical Society's Sesquicentennial. For 1856, the chronology noted: "Last native Indians in State leave Bellows Falls for Canada, November" (Richmond 1941.02.10 and Richmond 1941.02.10 Chronology, 17). The author cited no reference for this claim. While the chronology did provide some limited historical information about unidentified Indians leaving Vermont in 1856, it did not identify the petitioning group as an American Indian entity in 1941 or at any other time in the 20th century.

Relationships with State Governments

The petition record contains several documents from 1927 to 1944, almost all of which were submitted by the State, related to the Eugenics Survey of Vermont¹⁹ (Survey or VES). This project was sponsored in the 1920's and 1930's by the University of Vermont with backing from

¹⁸"Wabanaki" refers to the Wabanaki Confederacy, a political alliance formed in the middle 18th century of several northeastern Algonquian tribes including the Micmac, Maliseet, Passamaquoddy, and Penobscot, none of which were Western Abenaki. Sometimes it was also an older term used in place of Abenaki.

¹⁹See Criterion 83.7(b) for more details on the Eugenics Survey.

State officials, including the Governor.²⁰ These records are analyzed here because the petitioner claims the Survey targeted some of its members' ancestors due to their Western Abenaki ancestry, suggesting the possibility that the claimed ancestors may have been identified as part of an Indian entity within some of the records.²¹ One document, submitted by the State, is a three-page excerpt from the Eugenics Survey third annual report. This excerpt discussed "some English Corruptions of French Names," and listed some English family names with their French equivalent. Survey researchers "encountered" these names "in the course of [their] investigations" (University of Vermont 1929.00.00, 4-6). The document gave only limited information about French-Canadian family names and did not identify any Indian entity.

Included in the State submissions were portions of two documents by Henry Perkins, head of the Eugenics Survey. The first was part of a leaflet of a paper Perkins originally presented as an address in 1927 to the Legislative Forum of the Vermont Conference for Social Work, in which he reviewed the project. According to Perkins, Survey researchers obtained the names of prospective subjects for the study from the State industrial school, other State institutions, and the Vermont Children's Aid Society. The chosen families, he explained, were "conspicuously detrimental in the communities" (Perkins 1927.00.00, 6). The Survey eventually selected 62 families with 4,642 individuals. To categorize them, the Survey applied various sobriquets, including "Pirates," "Gypsies," and "Chorea." The "Pirate" group contained mainly poor families living near rivers or Lake Champlain. The "Gypsy" group migrated in the State during the summer and fall selling baskets and other wares. In the winter, they lived in rural areas, usually relocating annually. In the case of the "Chorea" group, it supposedly had a large number of individuals with mental illnesses or nervous disorders (Perkins 1927.00.00, 7-9). It further categorized 766 as paupers, 380 as "feeble minded," 119 as in prison or having criminal records, 73 as illegitimate, 202 as "sex offenders," and 45 as having some severe physical "defect," such as "blindness" or "paralysis." None of the families was categorized by race or ethnicity (Perkins 1927.00.00, 10-11). While this report reveals the methodology of the Eugenics Survey, and how it went about selecting and categorizing its subjects, nothing in it demonstrates the project identified or dealt with an Indian entity.

The second Perkins document was part of a 1930 booklet entitled *Hereditary Factors in Rural Communities*. It was a reprint of an article that had appeared earlier that year in *Eugenics*, a publication of the American Eugenics Society. Perkins also presented it at the Society's 1930 annual meeting. Perkins asserted the Eugenics Survey started in 1925, as an "outgrowth of [his] course in Heredity at the University of Vermont." A by-product of the Survey was the Vermont Commission on Country Life established two years later (Perkins 1930, 1). Perkins declared the Commission wished to examine the motives of those Vermonters leaving the rural villages and the more recent immigrants and their children taking their place (Perkins 1930, 2-3). He

²⁰Strictly speaking, many of the petition documents related to the Vermont Eugenics Survey were not official State government records. The Survey, however, operated out of the University of Vermont, a State institution, and had the backing and involvement of important State officials and agencies. For example, the names of prospective subjects for the Survey were obtained from the State industrial schools or welfare agencies which had contact with such individuals. Most importantly, the Survey's findings played a prominent role in the State's social welfare policies in the 1930's, including a "voluntary" sterilization program. For these reasons, the Survey materials are identified here as State-related documents.

²¹See, for example, SSA 1995.12.11 [Second Addendum], 4, 9.

indicated that the State’s “largest single foreign element” was “French-Canadian.” Smaller groups included the Scots, Italians, Welsh, Poles, and Russians, but Perkins but did not refer to any Indian group (Perkins 1930, 1-2). The Commission intended to study a “dozen or more towns,” and had already researched some “key families” in rural areas for more than a year (Perkins 1930, 4-5). While this article revealed the methodology behind the Eugenics Survey, nothing in it shows the project identified or dealt with any Indian group.

The petition record contains eight unnumbered pages of a Eugenics Survey “Pedigree” file compiled around 1927 to 1930 for a prominent claimed ancestral family of some petitioning group’s members.²² All but one page provided limited biographical information on six family members, including name, source of information for the subject, spouse’s name, nationality, personality characteristics, date of birth or death, and names of children. All these individuals except for one were identified as French in nationality, and that person was listed as Irish. No one was identified as having Indian ancestry or as being part of an Indian community (Pedigree SF 1927-1930).

One of the pages submitted, containing only two short paragraphs, did not discuss any family members, but stated that a high school principal, Mr. Bartoo, from Essex Junction, Vermont, was a good source of information about “families in Swanton.”

The document stated as follows:

Mr. Bartoo says that Back Bay, Swanton, was settled by the French when they thought they were settling in Canada. The result is a French and Indian mixture. He says the St. Francis Indians are a French and Indian mixture.

The principal, as paraphrased here, appeared to be giving his opinion of how he believed Swanton was originally settled by non-Indians, and how that might have contributed to the contemporary racial and ethnic makeup of the section of the town rather than identifying a contemporary Indian group in Swanton.²³ The principal’s comment on the St. Francis Indians was most likely a reference to the historical tribe at Odanak, Quebec, known by that name since the colonial period, rather than a contemporary Indian entity in Swanton. Although the petitioner goes by the name “St. Francis/Sokoki Band of the Abenaki Nation of Vermont,” a reference to the St. Francis tribe or Indians of Canada in a 20th century document is not a reference to the petitioning group or its claimed ancestors. It must also be remembered that none of the individuals in this file was identified by the Eugenics Survey as Indian. The principal did not identify the petitioning group’s claimed ancestors as part of an Indian entity in Swanton for 1927 to 1930.

The State provided some pages containing mostly biographical information relating to another family from the Eugenics Survey files, apparently compiled about 1930 (Eugenics Survey of Vermont 1930, npr). Some petitioner members claim to be descended from the family mentioned in these documents. The biographical information, consisting of 10 unnumbered

²²The State submitted six pages; the petitioner submitted two.

²³The principal’s opinion was historically incorrect. In fact, many of the original, permanent non-Indian settlers of Swanton in the late 1780’s and 1790’s, were not French from Canada, but English and Dutch settlers from the United States. French-Canadians began migrating to the Swanton area in significant numbers during the middle of the 19th century.

pages for a few of the ancestral members of this family, came from the notes of the Survey interviewer. While a few individuals claimed some Indian ancestry, the Survey did not identify any “tribal” entity to which they belonged or indicate they were part of a contemporary Indian entity. One family member mentioned her great-grandmother was an Indian from St. Regis, New York, and one male member reported being part Kickapoo. Another female member, who had married into the family, claimed to be from Caughnawaga, indicating likely Iroquois rather than Western Abenaki ancestry. The pages from this file identified other families married into the line as partially of Indian descent, but did not specify any Indian entity. It also contained five pages of information about several small towns in northwestern Vermont, including Grand Isle and Swanton, suggested for possibly being part of the study (Eugenics Survey of Vermont 1930). But the file offered no discussion of an Indian entity in these towns; rather it affirmed most of these towns were predominantly French-Canadian. This document did not identify the petitioning group’s claimed ancestors as an American Indian entity.

The State submitted portions of the first few chapters and the appendices from a 1937 book by Elin Anderson called *We Americans*, based on a Eugenics Survey project. It was a “sociological” study of ethnic groups in Burlington (Anderson 1937, 8). This study found that 40 percent of Burlington’s population was either immigrants or their children. French-Canadians were the largest ethnic group, being half of all the first- and second-generation ethnics, and one-fifth of the city’s population. Other ethnic groups in descending order by number were English-Canadian, Irish, Russian and Polish (these two groups classified as mostly Jewish), English, Italian, German, and 29 other nationalities. Two-thirds of the city’s population derived from these newer ethnic groups (Anderson 1937, 17-18). The remaining populace was “Yankee” or fourth-generation “kindred ethnic stocks,” defined as English, English-Canadians, or Germans of Protestant faith (Anderson 1937, 19). The study did not, however, describe or identify any Indian entity containing the petitioner’s claimed ancestors in the community.

The State also offered excerpts from Lillian Ainsworth’s article entitled “Vermont Studies in Mental Deficiency,” which appeared in the 1944 issue of *Vermont Social Welfare*. Ainsworth, a former journalist, poet, and editor of *Vermont Social Welfare*, served for several years as secretary to the Commissioner of the State Department of Public Welfare before her death in 1946. The article described the history of the Eugenics Survey from its inception in 1925 to its conclusion six years later (Ainsworth ca. 1944). Ainsworth provided some information about the methodology employed in the Burlington study and how it surveyed certain ethnic groups, but she did not identify the petitioning group’s claimed ancestors as part of an Indian entity considered for examination.

Dealings with County, Parish, or other Local Governments

The State submitted approximately three dozen birth certificates dated 1904 to 1920 from Swanton, Vermont, belonging to some of the petitioning group’s claimed ancestors. The petitioner contends the records are significant because in some cases individuals appear to be listed as “Indian-White.” But the racial designations are ambiguous, as described in more detail in criterion 83.7(b). In no case did the record keeper identify any of these individuals as belonging to a specific Indian group (Birth Certificates [BC] 1904-1920). And even if he or she had correctly identified Indian ancestry for the child, the identification of an individual as having

Indian ancestry does not constitute an identification of an Indian entity. To be acceptable evidence for criterion 83.7(a), an Indian group must be identified, not just an individual.

Anthropologists, Historians, and/or other Scholars

In 1907, the Smithsonian Institution's Bureau of American Ethnology published the *Handbook of American Indians North of Mexico, Part I*, edited by Frederick W. Hodge. The State provided a section of the book dealing with the Abenaki. The study described the historical Abenaki as being mostly from Maine. It asserted that since 1749, "the different [Abenaki] tribes" had "gradually dwindled into insignificance." The remaining descendants "of those who emigrated from Maine, together with remnants of other New England tribes," were "now at St. Francis and Becancour, in Quebec, where under the name of Abenaki, they numbered 395 in 1903" (Hodge 1907, 3-4). This identification of the Indians at St. Francis and Becancour in Quebec, Canada, is not an identification of the petitioner, whose claimed ancestors lived almost entirely in northwestern Vermont at that time. The book provided the populations of the Penobscots and Passamaquoddies of Maine, neither of which are Western Abenaki (Hodge 1907, 4). Regarding the historical Missisquoi ("Missiassik") Indians of Vermont, from which the petitioner claims to have descended, the book portrayed them as "formerly living" in a village on Vermont's Missisquoi River. According to Hodge, this village had been abandoned around 1730. He did not identify a contemporary group living in this area (Hodge 1907, 872). This selection did not identify the petitioning group as an Indian entity in 1907.

The State furnished excerpts from Warren K. Moorehead's *American Indian in the United States, Period 1850-1914*. When the book was published in 1914, Moorehead was curator for the Department of American Archaeology at Phillips Academy in Massachusetts and a member of the U.S. Board of Indian Commissioners. Moorehead described the present condition of northeast Indians. For New England, he discussed only the Penobscots and Passamaquoddies of Maine, neither of which are Western Abenakis or the claimed ancestors of the petitioner (Moorehead 1914.00.00, 32-35). The book did not identify the petitioning group as an Indian entity in 1914.

The State supplied a copy of the 1926 article, "Culture Problems in Northeastern North America," by anthropologist Frank Speck, which appeared in the *Proceedings of the American Philosophical Society*. Speck spent considerable time, including field work, studying Abenaki groups in Maine and Canada during his career. He described the article as a "survey" of the "cultural properties" of Indians in northeastern North America. Speck also discussed in broad cultural terms the "Wabanaki group south of the St. Lawrence." In this region were "the members of the "Wabanaki" group, beginning with the Pigwacket of New Hampshire, extending eastward and embracing the Sakoki,²⁴ Aroosaguntacook and Norridgewock, and the better known Wawenock, Penobscot, Passamaquoddy, Malecite and Micmac, with an approximate native population of some 6,000" (Speck 1926.04.23, 272, 282). As described here by Speck, none of these groups was in the Lake Champlain region of Vermont, which is the claimed geographical center of the petitioning group. Most of the analysis Speck provided focused on the Eastern Abenakis of Labrador or Maine and their aboriginal antecedents, with extensive reliance

²⁴Before Gordon Day cleared up the confusion in the late 1970's, many historians and anthropologists mistakenly identified the Saco River Indians of Maine, who were Eastern Abenakis, with the Sokoki Indians of the upper Connecticut River, who were Western Abenaki (Day 1978a, 148).

on archeological evidence (Speck 1926.04.23, 282-292). He did not identify the petitioning group's claimed ancestors as part of a contemporary Indian entity in Vermont or elsewhere in 1926.

The State included a copy of Irving Hallowell's 1926 article, "Recent Changes in the Kinship Terminology of the St. Francis Abenaki," published in the *Proceedings of the International Congress of Americanists*. The work was mainly a linguistic study of those St. Francis Indians in Quebec. Hallowell, an expert on Algonquian tribes, assessed changes in kinship terminology among the "St. Francis Abenaki tribe during the past two centuries" (Hallowell 1928, 98). These St. Francis Indians were not the claimed ancestors of the petitioner in northwestern Vermont in 1928. Hallowell described them as the Indians who had "occupied a reservation on the St. Francis River (? Q., Canada), about sixty miles east of Montreal since the end of the 17th century, although their ancestral home was in New England." In his view, these were the "native peoples who formerly occupied the lower Kennebec (Canibas or Norridgewocks, and Wawenock) and the Valley of the Androscoggin (Arosaguntecook) Rivers in Maine with at least some additions from the region of Saco (Sokokis) and Merrimac (Pennacooks) in New Hampshire" (Hallowell 1928, 98-99). While Hallowell discussed some historical groups in Maine and Vermont, and the contemporary St. Francis Indians of Quebec, he did not identify the petitioning group's claimed ancestors as part of an American Indian entity in Vermont or elsewhere in 1926.

In 1948, the Library of Congress published William Harlen Gilbert Jr.'s, *Surviving Indian Groups of the Eastern United States*, an excerpt of which the State furnished. Gilbert provided the population of many New England Indian groups, none of which identified the petitioning group. For Maine he supplied the following totals: 76 "Malecites" [Maliseets] in Aroostock County on the "northern border," 444 Passamaquoddies in Washington County on the "eastern border," and 354 Penobscots in the county of the same name in Central Maine. None of these groups are Western Abenaki. He did not note any "surviving social groups of Indians" for either New Hampshire or Vermont. Instead, he asserted New Hampshire had only a "few Pennacook Indians near Manchester," and Vermont a "few scattered Indians" on the census records (Gilbert 1948, 407, 409).

The State also submitted portions of journal notes from Gordon Day, a leading expert on the historical Western Abenaki. Day engaged in extensive study of the Western Abenaki from the late 1940's to his death in 1993. He kept this journal from 1948 to 1962, while doing field work among the St. Francis Indians of Quebec, Canada. Throughout the journal, Day recorded his visits to various Indians and Indian groups, mainly Western Abenaki from Canada. In August 1951, Day recorded his visit to "Chief Wawa's" camp in Keene, New York, operated by an Odanak Indian named Henry Wawanolett, indicating that early on he was attempting to visit Indians in the United States as well as at the St. Francis reservation in Quebec (Day 1948.07.00–1962.11.13, 1). He also mentioned members of the Obomsawin family, Western Abenaki informants connected to the Saint Francis reservation in Quebec, then living at Thompson's Point on Lake Champlain in Charlotte, Vermont. On July 28, 1957, Marion Obomsawin (b.1883) and her sister Elvine Obomsawin Royce (b. 1886) informed Day their father originally came from Odanak and migrated to Vermont between 1895 and 1900 (Day 1948.07.00–1962.11.13, 1-2, 9, 13-14).

Day also recounted his visit to an “Indian village” on Lake George, New York, on July 31, 1957 (Day 1948.07.00–1962.11.13, 14). He remarked that “no Abenakis” were present, only “Comanche and one Navaho,” a statement demonstrating he was actively seeking out possible Abenaki villages in the United States (Day 1948.07.00–1962.11.13, 14). The petitioner has not claimed descent from any Western Abenakis that might have lived at this Lake George “Indian village,” and the names of any individuals living there during that time are not in the available evidence. Day also wrote that one informant had stated there were “20-25 Indians” living in Waterbury, Connecticut, but he did not specify their names, Indian ancestry, or if they constituted a community. Another Day informant, John Watso, mentioned a “village of Abenaki” in New Hampshire, without offering details to their names, location, origin, or numbers. Watso also confirmed these Indians had not returned to the Odanak reserve in 50 years, indicating they were originally from the reservation in Canada (Day 1948.07.00–1962.11.13, 18-19).

Elsewhere Day stated the following: “[Irving] Hallowell told A. [Ambrose Obomsawin of Odanak] that some 250 Indians were living in the Victoriaville-Sherbrooke, Vermont, area as individuals separate from the reserve” (Day 1948.07.00–1962.11.13, 20). As best as can be determined, Ambrose Obomsawin most likely received this information between 1918 and 1932 when Hallowell conducted field work among the St. Francis Indians of Canada. It is unclear why Obomsawin was unaware of the existence of these individuals himself. It does not appear that these alleged 250 Indians were originally from Vermont, but, as the statement indicates, from the St. Francis reservation in Quebec. The statement also seems to indicate they were living as individuals, not as a group, dispersed across a large area of land mainly in Canada well east of Swanton, Vermont, the petitioner’s claimed historical center at that time.

The journal also indicated Day spent a week in July 1961 on vacation in Swanton. He acknowledged “the site of the monument established on the old village site in 1909,” but this was a reference to the historical Missisquoi village of the 18th century. He did not identify a Western Abenaki group containing the petitioner’s claimed ancestors in the town (Day 1948.07.00–1962.11.13, 61). Indeed, during the 14-year period of the journal, Day never visited a group of the petitioner’s ancestors in the Swanton area, nor did his St. Francis informants in Vermont or Canada connected to the Odanak reservation ever tell him of the existence of such a community. While these journal notes of Gordon Day identified some St. Francis Indians associated with the reservation in Quebec, and provided some vague, second-hand information about possible Indian groups in New York, Connecticut, New Hampshire, and Canada, they did not identify a group of the petitioner’s ancestors in any location.

The State of Vermont also submitted a December 1952 letter that Day sent to Charles Adams, head of a special commission to investigate Iroquois land claims in northern Vermont. There is no available evidence that a group of the petitioner’s ancestors in northwestern Vermont challenged the Iroquois claim. Day advised Adams, “[w]hatever the status of Vermont in pre-history, the only Indians whom white settlers found actually living in Vermont were Abenakis, whose descendants now live at Odanak [St. Francis] near Pierreville, Quebec. More aggressive claims by Iroquoian groups should not be allowed to prejudice any claim which the St. Francis Abenaki [of Canada] may have” (Day 1952.12.28). Day did not identify a predecessor group of

the petitioner's claimed ancestors or another contemporary Abenaki entity in Vermont that might have had claims to lands in the area.

In 1952 the Smithsonian Institution's Bureau of American Ethnology published John R. Swanton's *Indian Tribes of North America*, five pages of which the State supplied. Swanton gave an overview of the Abenaki tribes in Maine, Vermont, and New Hampshire during the aboriginal period. He also provided some population figures for the 1920's for the contemporary St. Francis Indians in Quebec and the Passamaquoddies in Maine. Swanton identified the four historical Indian groups in Vermont as he defined them—the "Abnaki [*sic*]," the "Mahican," the "Pennacook," and the "Pocumtuc," as having once occupied certain parts of western Maine, eastern New Hampshire, and northwestern Vermont (Swanton 1952, 13, 18-19). Because Swanton identified only historical rather than contemporary groups in Vermont, and since the petitioner is not a successor to the St. Francis Indians in Quebec or the Passamaquoddies of Maine, he did not identify a group of the petitioner's claimed ancestors as part of an Indian entity in 1952.

The State supplied several 1950's articles by John Huden, a professor of education at the University of Vermont, which appeared in *Vermont History*. In January 1955, the journal published Huden's "Vermont Sketchbook: Indians in Vermont—Past and Present," in which he declared that "very few Indians" made "their homes in Vermont" at the time. Huden revealed that on Thompson's Point in Vermont "some twenty-odd Abenakis lived up to about 1939," but as of 1955, "only William and Marian Obumsawin, an aging brother-sister team," still lived "there in the little cottage their father [Simon] built when he migrated from Canada back in Teddy Roosevelt's administration." According to Huden, these two were "probably the last Indian-speaking Indians in the Champlain valley" (Huden 1955.01.00, 25). He did not identify by name the 20 or so "Abenakis" from 1939 as an Indian entity, indicate their place of origin other than in the case of William and Marian, or describe what happened to them, so there is no way to connect them to the petitioner. Moreover, Huden's claim that some "twenty-odd Abenakis" lived at Thompson's Point "up to about 1939" is not supported by Federal census data for the location. Federal census population schedules for Thompson's Point in Charlotte, Vermont, Chittenden County, for 1910, 1920, and 1930 recorded the small Obomsawin family as the only Indians in the area. In 1910, 1920 and 1930 there were three family members listed (1910, 1920, and 1930 Census, Charlotte, Vermont). The Federal decennial census reports for the entire county listed 9 Indians in 1910, 4 in 1920, and 6 in 1930. In 1950, there were only six reported (US Census Bureau 1932; US Census Bureau 1952).

Huden advised that a "hasty survey of Lake Champlain and Connecticut River townships" had shown "no Indian residents other than the Charlotte basket weavers [the Obomsawins]" (Huden 1955.01.00, 25). He concluded that "since the late 1600's no large permanent Indian settlements have thrived in Vermont" (Huden 1955.01.00, 27). Huden also provided some sporadic evidence of smaller Indian settlements that disappeared in the 18th century. In addition, some "early town histories" reported "occasional groups that trickled back from Canada after the French and Indian War." Despite these occasional sightings of small groups of unidentified Indians, Huden was "certain" the Algonquians had "left Vermont well before 1760," and had never returned "in any great numbers." Even modern visitors who moved "down from Canada to work on bridges

and other steel structures” left their families behind “returning home only on weekends” (Huden 1955.01.00, 27-28).

Huden’s 1956 article in *Vermont History*, a “Vermont Sketchbook: The Abenakis, the Iroquoians, and Vermont,” was a five-page description of the Western Abenaki during early contact. He asserted the following: “The descendants of the survivors and other pitiful remnants of the New England Algonkians now dwell at St. Francis [in Quebec, Canada] and at Old Town, Maine” [the present-day location of the Penobscot Reservation just northeast of Bangor, Maine] (Huden 1955.01.00, see 1956 article, 23). He did not identify the petitioner’s members living in the 1950’s as part of these two groups. Nor did he identify any contemporary group of the petitioner’s claimed ancestors in Vermont.

Also in 1956, *Vermont History* published Huden’s “The Problem—Indians and White Men in Vermont—When and Where (1550-?).” This article described the Indians in Vermont during the early contact period (Huden 1956a, 110-119). According to Huden, “within 150 years of Champlain’s visit practically all of these tribes [in Vermont], and other New England Algonkians had either been killed off entirely or at least greatly reduced in numbers. Their pitiful remnants, almost without exception, sought refuge in Canada—particularly at Odanak, St. Francis” (Huden 1956a, 115-116). The author did not identify any contemporary group of the petitioner’s claimed ancestors.

Finally, Huden’s “Adventures in Abnakiland [sic]” appeared in *Vermont History* in July 1957. It was a transcription of a letter from Huden to a Dr. Wood regarding some previous articles on Indians Huden had penned for the journal. In the letter, Huden explained his research in 1955, and his interaction with Chief Laurent of the St. Francis Indians of Quebec, who was helping him translate some Abenaki documents. Part of his research included visits to Odanak to discuss the Abenaki dialect with Laurent and other St. Francis Indians who were living at the Quebec reservation or were members of the Canadian tribe (Huden 1957.07.00, 185-193). Huden did not identify any of these individuals as part of an Indian group linked to the petitioner. Although the author did identify the St. Francis Indians of Quebec and a few members of that tribe, he did not identify a contemporary group of the petitioner’s claimed ancestors in Vermont.

In 1959, the *Dartmouth Alumni Magazine* published Gordon Day’s “Dartmouth and St. Francis.”²⁵ It dealt with the relationship between Dartmouth College and the St. Francis Indians from Quebec who attended the college from the 1770’s to 1840’s. Day listed several of the family names on the Dartmouth rolls from that period which still constituted part of the contemporary St. Francis village in Quebec. According to Day, in 1959, the St. Francis tribe in Quebec had 130 resident Indians and 500 registered members. According to Day, a “sizeable” number of the Indians of St. Francis ancestry had “given up formal connection” with the St. Francis group in Quebec and lived elsewhere in the province, in Ontario, and the Northeastern United States (cited in Day 1998, 52-53). He did not, however, identify these migratory descendants as a group connected to the petitioner, nor did he identify a group of the petitioner’s claimed ancestors in Vermont in 1959.

²⁵ Reprinted in *In Search of New England’s Native Past*, ed. by Michael K. Foster and William Cowan, (Amherst, 1998), 49-53, a copy of which came from the OFA library.

One year later, *Contributions in Anthropology* published Day's "Tree Nomenclature of the St. Francis Indians."²⁶ This article focused mainly on identification of tree species with Abenaki names, but contained some ethnology. Day conducted research for it in Quebec, Vermont, and New Hampshire, with ethnological and botanical data gathered from five informants at the St. Francis reserve in Quebec. He gave the resident population of reserve in 1960 as 150, with about 500 registered members. Day pointed out that migration to Canadian and American cities after World War I had reduced the population by about one-third. He asserted that "[d]escendants of Indians who left the village during the past 150 years and who do not maintain any formal connection with the band probably number several hundred" (cited in Day 1998, 72-73). He did not, however, identify these migratory descendants as a group linked to the petitioner, nor did he identify a group of the petitioner's claimed ancestors in Vermont or anywhere else in 1960.

The State provided excerpts of a typed manuscript from the Vermont Historical Society by Elbridge Colby that described Indian names around Vermont. The catalog card from the historical society noted a "source" date of 1978 for this document, but a review of its contents suggests a date from the early 1960's. Colby worked as a journalist, professor at the University of Vermont, and government official. He spent his summers on Thompson's Point near Charlotte. These pages mainly classified Indian place names in Vermont, and did not identify any contemporary Indian entities in the state. In fact, while describing Indian place names around Missisquoi Bay, the petitioner's claimed ancestral center, Colby stated: "At its mouth, through most of the 1700's, there stood a very important Indian village called 'Missisiasuk' now disappeared. There the 'people of the great grassy meadows' lived. But both the town and the people are gone" (Colby 1978.12.00).

The State also submitted excerpts from the 1963 work *Vermont Indians*, a self-published book by Thomas E. Daniels. The author was a member of the State Board of Historic Sites and an amateur archaeologist (Daniels 1963, 7-19, 58-63). Most of the excerpts dealt with pre-historical Indian cultures and archaeological sites. He discussed no post-1800 cultures in these excerpts, and identified no contemporary Indian entity in Vermont.

The State provided a copy of a 1968 article in the *Indian Historian* called "Indian Communities in the Eastern States," by William C. Sturtevant and Samuel Stanley, two experts on American Indian culture from the Smithsonian Institution. The two authors included population estimates for many Indian groups along the east coast. They presented the population tables as a summary of the "available data on Eastern Indian or possibly Indian communities" (Sturtevant and Stanley 1968, 15). Some groups were quite obscure. The authors went to great lengths to find as many Indian groups as possible. Indeed, they located "70 communities with population ranging from less than 10 to over 30,000 and totaling some 95 to 100,000," but none was in Vermont (Sturtevant and Stanley 1968, 16). For Maine, the authors provided totals for the Passamaquoddies, Penobscots, and Maliseets, none of which are Western Abenaki. They also reported 25 Abenakis in New York without giving an exact location (Sturtevant and Stanley 1968, 18). But the petitioner does not claim a genealogical or a historical connection to these unidentified Abenakis in New York, and the available evidence does not indicate any. The

²⁶See *In Search of New England's Native Past*, 72-73.

authors did not identify the claimed ancestors of the petitioning group as an Indian entity in Vermont.

The State contributed a copy of W. E. Greening's 1966 article "Historic Odanak and the Abenaki Nation," which appeared in the *Canadian Geographical Journal*. It identified Odanak [Quebec, Canada], Old Town, Maine [Penobscots], and Becancour [Quebec, Canada] as the "only . . . Abenaki settlements in North America today. . ." (Greening 1966, 96-97). The author did not identify the petitioning group as an Indian entity in Vermont.

In 1972, Theodore Taylor's *The States and Their Indian Citizens* was published. Taylor had served as Deputy Commissioner of the BIA from 1966 to 1970, and conducted research for the book from 1970 to 1971 while on a Federal Executive Fellowship with the Brookings Institution. The book supplied a comprehensive overview of state Indian groups and their relationships with local and state governments. Taylor identified a number of small and large Indian groups in New England not then recognized by the Federal Government, none of which was in Vermont. These groups included the Maliseet (517 members), Micmac (600), Passamaquoddy (563), Penobscot (400), Nipmuc (2 to 300), Gay Head Wampanoag (100), Mashpee Wampanoag (435), Narragansett (424), Eastern (11) and Western Pequot (2), Golden Hill (2), and Mohegan (150). Regarding Vermont, Taylor provided only the total number of individuals listed as Indian on the 1970 Federal census, which was 229 (Taylor 1972, 176, 206). He did not, however, identify the claimed ancestors of the petitioning group as an Indian entity in Vermont in 1972.

One year later, *Man in the Northeast* published Gordon Day's "Missisquoi: A New Look at an Old Village."²⁷ Day first presented this article in 1973 as a paper at a meeting of the Northeastern Anthropological Association. Most of it dealt with the Missisquoi Indians of northwestern Vermont before 1800. Day explained that when the French abandoned North America following their defeat in the French and Indian War,

the Missisquoi Indians found themselves separated by the boundary line between New York and Lower Canada from their friends and relatives at St. Francis, their allies the French, and their closest trading center at Montreal. Their reaction was to lease their agricultural land on the Missisquoi River and move to St. Francis. This removal was neither simultaneous nor complete. They never relinquished their claim to the region and collected rent on it until at least 1800, many families returned to the Vermont shore of Lake Champlain until about 1922. With the departure of the bulk of the village about 1775, they practically disappear from New England history. . . . (cited in Day 1998, 146)

He further determined that shortly after 1800, "all the Western Abenaki were united at Saint Francis," in Quebec and the censuses at Odanak showed "the great majority of the family names were of Missisquoi origin." This development meant that in the 20th century, "scholars were able to work "directly with the descendants of Missisquoi families, many of whom returned regularly to Missisquoi until the 1920's," making it "possible to recover a considerable amount of information about the culture and way of life of the Abenaki at Missisquoi" (Day 1998, 146-

²⁷See *In Search of New England's Native Past*, 141-147.

147). In this article, Day did not identify the petitioning group's claimed ancestors as part of an Indian entity in Vermont in 1973, nor did he reveal the existence of any such group at any previous time in the 20th century.

Newspapers, Magazines, and Non-Scholarly Books

The State contributed all the evidence in the record from newspapers, magazines, and non-scholarly books for 1900 to 1975.

One document contains excerpts from Lyman Haye's 1907 *History of the Town of Rockingham, Vermont*. This book was a local history of a Vermont town, located over 100 miles southeast from the town of Swanton. In it, the author discussed the historical Abenaki Indians in Vermont, mainly during the colonial period. Hayes mentioned a small group of unidentified Abenaki who in the early 1800's visited the area around Rockingham during the summer months. These were migratory Indians who came down the Connecticut River to sell some of their handcrafted goods to summer tourists. According to the author, around 1856 these Indians stopped visiting the locale (Hayes 1907). He did not identify any contemporary Indian entity in Vermont in 1907.

On December 4, 1913, the *Swanton Courier* published several articles describing early contact Vermont Indians. The first, an article by L. B. Truax, dealt with Indians in Franklin and Grand Isle Counties from the aboriginal and colonial periods. It mainly recorded finding Indian relics in an area occupied before 1800 by the Missisquoi Abenaki. As the author related, most of these Indians relocated to St. Francis in Quebec after 1800, although they occasionally returned, according to "old inhabitants," in "bands of 8 to 10 families to favorite camping grounds to spend part of the year, as late as 1835 or 1840" (Truax 1913.12.04). The article did not identify any of these migratory Indians of the early 19th century from St. Francis in Quebec. The second article, by an anonymous author, noted the finding of Indian relics on the Frick farm near Swanton, Vermont (Swanton Courier 1913.12.04). It did not identify any contemporary Indian entity in northwestern Vermont. The last article, also by an unknown author, portrayed Swanton as a good place to find Indian relics (Swanton Courier 1913.12.04). It did not identify a contemporary Indian entity of any kind.

The record contains excerpts from Walter Hill Crockett's *Vermont, the Green Mountain State*, published in 1921. These excerpts dealt with the Indian presence in Vermont during the colonial period. The author discussed the existence of an 18th century Indian village in Newbury and one in Swanton (Crockett 1921, 49). He did not identify any contemporary Indian entity in Vermont.

The petition contains the first four pages from Frederic Palmer Wells's *History of Barnet, Vermont*, published in 1923. This was a local history of a town located in northeastern Vermont on the Connecticut River near the New Hampshire border, about 70 miles from Swanton. According to the author, nomadic Indians hunted in the area before white settlement. He reported "there was never, as far as we know, any permanent habitation of Indians in Barnet" (Wells 1923, 3). Wells also pointed out: "As late as 1780 there were about twenty Indian families in [nearby] Haverhill and Newbury." Apparently, the unidentified Indians who made up these families were gone shortly after 1819. Some townspeople still living in 1923 also recalled "small bands" of unidentified Abenaki Indians coming "down the river in birch bark canoes in

summer during several years” to sell “baskets and other trinkets,” and to hunt and fish. The last group of these unidentified Indians arrived in 1857 from unknown origins (Wells 1923, 4). The author, however, did not identify any contemporary Indian entities in Vermont which might have contained the petitioner’s claimed ancestors.

From July 1942 to January 1943, *The Swanton Courier* published a series of essays by Walter Bradford Scott entitled “Growing Up in Vermont.” Scott, a long time resident of Swanton, described his childhood in the town. He did not identify any Indian group in Swanton in existence during his childhood or in 1941, but did mention at least one of the petitioner’s claimed ancestors by name. On October 23, 1941, he portrayed William Morits as a beggar. He also mentioned one man who may have been an ancestor when he described “Duck” Brow as a meat-market employee. Although identification of an individual as Indian is not the test for criterion 83.7(a), none of these claimed ancestors were identified as Indian. In fact, Scott recorded only one person, Louis Button, as “part Indian” in the January 1941 article, but did not indicate that he was part of any Indian entity (Scott 1941.07.03). No one in the current petitioning group has claimed descent from Button.

Several articles from the 1950’s dealt with Canadian Iroquois land claims in Vermont. On April 19, 1951, the *Burlington Free Press* published an article describing two Iroquois Indian chiefs from a reservation in Quebec who had come to Vermont to present land claims to the State legislature. The claims encompassed Franklin, Chittenden, Grand Isle, Addison, and part of Rutland Counties in northwestern Vermont (*Burlington Free Press* 1951.04.19). One year later, the newspaper published an article on the appointment of Charles Adam to investigate these land claims in Vermont. It detailed Iroquois claims to 22,500 acres mainly in northern Vermont. The article identified only two Iroquois chiefs from Quebec (*Burlington Free Press* 1952.04.19). In November 1952, an article in the *Daily Messenger* also discussed Iroquois land claims in northern Vermont (*Daily Messenger* 1952.11.10). Six years later, the *Daily Messenger* again published an article about Canadian Iroquois, 200 of them, coming to the state to make further land claims in northern Vermont (*Daily Messenger* 1958.04.08). None of these articles identified the petitioner’s claimed ancestors as part of an Indian entity in Vermont. Nor did they describe any Indian entity from Vermont as objecting to the Iroquois land claims.

The State provided four pages of a 1955 *Vermont History* article by Steve Laurent on the aboriginal Abenakis of Vermont. Laurent was hereditary chief of the St. Francis Reservation in Quebec, Canada. He expounded on some of the aboriginal Abenaki groups in northern New England, such as the Sokoki, the Penobscots, the Cowasucks, and the Missisquoi during the colonial period (Laurent 1955, 286-289). But he did not discuss any contemporary Indian entities in Vermont that might have included the petitioner’s ancestors.

The State also submitted an essay by Mrs. Ellsworth Royce on the “last” of the Vermont Abenakis from the collections of the Vermont Historical Society. Information included in the essay indicates that Mrs. Royce wrote this essay between 1959 and 1969, when she donated it to the society. The text briefly recounted her experiences with the Obomsawin family who lived on Thompson Point’s on Lake Champlain near Charlotte, Vermont. Mrs. Ellsworth Royce was a non-Indian woman who married the nephew of Marion and William Obomsawin, and she described her family visits to the Obomsawin house at Thompson’s Point. This document

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revealed that the family originally came from the St. Francis reservation in Quebec, Canada, in the early 20th century. Although the author discussed individual Indians from Trois Rivières in Quebec, Intervale in New Hampshire, and Albany in New York, she did not identify the claimed ancestors of the petitioning group as being part of a Western Abenaki or Indian entity in Vermont or anywhere else (Royce 1959.00.00).

The petition record also contains 16 pages of excerpts from Alfred Tamarin's *We Have Not Vanished, Eastern Indians of the United States*, published in 1974. This work covered Indian groups on the east coast of the United States, but the excerpts provided dealt only with the Indian groups of New England, New York, and New Jersey. For Vermont, he found "there were over 200 Indians living in the state probably from tribes throughout the east as well as the rest of the country." He stated there were "no official tribal groupings in the state and no state agency concerned with Indian affairs." He further claimed "Vermont's modern Indian citizens are not descended from the state's original inhabitants." Rather, he concluded they descended from Indians from other New England states: Abenaki from Maine, Mahican from New York, Pennacook from New Hampshire, and other Indian groups from Massachusetts (Tamarin 1974, 43-44). Tamarin also identified a "community" of "about 25 Abenaki" near Lake George, New York (Tamarin 1974, 84), but the available evidence does not show that the petitioner had a connection to this group. The author did not identify the claimed ancestors of the petitioning group as an Indian entity in northwestern Vermont, where at that time, according to the petitioner, they numbered about 1,500.

Summary Analysis of Evidence for Criterion 83.7(a), 1976 to the Present

As the following analysis shows, external observers have identified the petitioner on a substantially continuous basis since 1976.

Identification as an Indian Entity by Federal Authorities

The available evidence shows the first identification of the group by Federal authorities occurred on April 4, 1976, during a hearing on "Non-Federally Recognized and Terminated Indians" before the American Indian Policy Review Commission (AIPRC), Task Force #10. This document was an excerpt of the testimony of Ronnie Cannes, identified by the commissioners as being "with the Abenaki Tribal Council" (AIPRC 1976.04.09, 1:114). The commission members lacked information about the group and the council's activities and were relying on Cannes for details. Cannes claimed there were 1,500 Indians, unidentified by "tribal" entity, in 4 of the State's 14 counties based on information collected by the local Indian manpower office of the Boston Indian Council. He reported 600 Native Americans for Swanton alone, but did not specify a "tribal" entity (AIPRC 1976.04.09, 1:117-1:118). Later in his testimony, Cannes repeated the 1,500 number, claiming this many Indians for northern Vermont, without supplying a "tribal" entity (AIPRC 1976.04.09, 1:124). During this hearing, the commission referred several times to the petitioning group's leadership as the "Abenaki Tribal Council," which was a commonly known designation for the petitioner's governing body at the time (AIPRC 1976.04.09, 1:122, 1:137). Because of the commission's repeated references to the "Abenaki Tribal Council," there is a reasonable likelihood that this document was an identification of the petitioning group by an external observer.

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An October 22, 1992, ruling by the U.S. District Court in Vermont identified the petitioner. In the case, the petitioning group, identified as the “Abenaki Nation of Missisquoi” along with its governing body, the “Abenaki Tribal Council,” sued the Army Corps of Engineers and the town of Swanton to prevent the raising of spillway elevation at a hydroelectric facility in Highgate, Vermont. It claimed the intended action violated Federal statutes, including several environmental laws and the Native American Graves Protection and Repatriation Act (NAGPRA). In its ruling, the United States District Court acknowledged the group was not a Federal tribe as “recognized by the Secretary of the Interior,” but accepted it as an “Indian tribe” for purposes of NAGPRA because its members received some “funds and assistance from the United States” due to their “status as Indians” (US District Court 1992.10.22, 39).

State Documents that Identified an American Indian Entity

The petitioner and the State furnished a copy of Jane Stapleton Baker’s October 1976 “Report to Governor Thomas P. Salmon of the State of Vermont Regarding the Claims Presented by the Abenaki Nation.” In the report’s introductory letter, Baker, a consultant hired by the State to verify the claims of the “Abenaki” group, announced she had spent three months studying the petitioner. Baker claimed the “reformulation of the Abenaki Tribal Council” started in 1972 (Baker 1976.10.15, 8). The council “developed from a loose network of friends, relatives and fellow veterans living in and around the Swanton-Highgate Springs area.” Baker reported the group had 400 members in 1976 (Baker 1976.10.15, 8). Because Baker referred to the group as the “Abenaki Nation of Vermont” and its governing body as the newly-formed “Abenaki Tribal Council,” this document identified the petitioner as an Indian entity (Baker 1976.10.15, 8-14).

The petitioner submitted a copy of Governor Thomas Salmon’s November 24, 1976, executive order establishing a State commission on Indian Affairs and identifying the petitioning group as the “Abenaki Tribe” and its governing body as the “Abenaki Tribal Council.” The order stated that “in 1974, certain native American people living within the state of Vermont as members of the Abenaki Tribe reconstituted their governing body the Abenaki Tribal Council” (Salmon 1976.11.24). Although Salmon’s successor rescinded this order two months later, it was an identification of the petitioner as an Indian entity for 1976.

In addition, the petitioner submitted a copy of Governor Richard Snelling’s June 17, 1983, proclamation identifying the petitioner as the “St. Francis/Sokoki Band,” and as the “legitimate representative of individuals of Abenaki descent residing in the State of Vermont.” He also accorded his “support” for the group’s “seeking recognition” from the Federal Government (Snelling 1983.06.17). While it is somewhat unclear if the Governor was recognizing an actual group of Indians or simply an organization that functioned as legal representative for people claiming Abenaki descent, there is a reasonable likelihood that this document identified the petitioning group as an American Indian entity.

One State court document also identified the group. It was the *State of Vermont v. Harold St. Francis, et al.*, Vermont District Court-Franklin County, August 11, 1989. This was a fishing rights case that involved some of the petitioning group’s members, including its leader Harold St. Francis. While the district court dismissed the idea that “Indian country” existed in Vermont, it did rule the defendants’ “aboriginal right to fish” still existed “because aboriginal title was

never extinguished.” At various places in the record, the court identified the petitioner as the “Missisquoi Abenaki” of Vermont, a name which external sources have occasionally used to identify the group since the 1970’s. The court record also identified the petitioner’s self-help organization—the Abenaki Self Help Association, created in the 1970’s (Vermont District Court 1989.00.00, 32-34²⁸).

County, Parish, or Other Local Government Documents that Identified an American Indian Entity

In September 1995, the town of Burlington, Vermont, passed a resolution identifying the petitioner as the “Abenaki Nation” and the “Abenaki of Missisquoi,” names which have sometimes been used to identify the group since the 1970’s. The resolution stated that the group had “at least 2,000 members” residing “around Swanton and the Missisquoi Bay.” It also pointed out the group had petitioned for Federal recognition (Burlington 1995.09.18). Since the group was (and is) the only petitioner for Federal acknowledgment from the State of Vermont, there is a reasonable likelihood that this resolution was an identification of the petitioner in 1995.

Scholarly Documents that Identified an American Indian Entity

There are two identifications of the group by William Haviland, chairman of the Anthropology Department at the University of Vermont. The petitioner submitted a December 20, 1976, letter to the editor from Haviland to the *Burlington Free Press*. In it, he depicted the opposition to the “state recognition of the Abnakis [sic]” as “disturbing” and based on “erroneous information.” In this case, Haviland was referring to the Governor’s executive order that had identified the petitioning group a few weeks earlier. He based his historical argument on Gordon Day’s work on the Abenakis in Vermont during the colonial period. He argued Day had “pointed out that the Abnakis at St. Francis [Odanak] . . . essentially consist of descendants of families from Lake Champlain.” Haviland proposed these were the “same Abnakis [the St. Francis Indians in Quebec identified by Day] who just formally acknowledged the legitimacy of the Vermont Abnakis.” In this instance, Haviland was referring to an August 20, 1976, resolution from the St. Francis (or “Ocanak”) Indians of Quebec. Based on these facts, Haviland believed “the governor’s decision to recognize the Vermont group was “eminently reasonable and desirable” (Haviland 1976.12.20). This letter to the editor identified the petitioner, referred to as the “Vermont Abenakis,” as an American Indian entity.²⁹

²⁸See FAIR Image File ID: ACR-PFD-V001-D001.

²⁹This letter conflicts with Haviland’s letter to Gordon Day, dated April 22, 1976, in which he confessed surprise at the alleged number of Indians in Vermont (1,500 as originally claimed by the petitioning group) and admitted to his lack of knowledge of the petitioning group (Haviland 1976.04.22). In addition, nothing in Day’s writings to that time confirmed the existence of a group of Western Abenaki in Vermont after 1800. Indeed, Day had argued, and would continue to do so, that almost all the Western Abenaki in Vermont had removed to St. Francis in Quebec by that time. While Day acknowledged that isolated St. Francis Indians from Odanak in Quebec continued returning to Vermont up to the mid-20th century, some temporarily and others permanently, he never identified any entity of Western Abenaki in Vermont for that period.

The State submitted the preface and sixth chapter of the 1994 edition of Haviland's *The Original Vermonters*, and the Department library has a copy of the 1981 edition. Most of the book, except for the final chapter, covered the pre-1800 period. Regarding the current petitioner, identified here as the "St. Francis Sokoki Band," the 1981 edition gave some population estimates of "between 1,500 and 2,000 Abenakis living in Vermont." The largest number were in the Swanton-Highgate area of Franklin County, with fewer amounts in St. Johnsbury, Orleans, Waterville, Hyde Park-Eden, or dispersed around the state (Haviland 1994, 250-253). Haviland also described the events surrounding the formation of the group's council in the 1970's. This book identified the petitioner by name as an American Indian entity.

The State provided a copy of Gordon Day's 1981 *Identity of the Saint Francis Indians*. This was a survey, mainly up to 1800, of the composition and demographics of the St. Francis Indians at Odanak in Quebec, Canada. Regarding the historical Missisquoi Band of Western Abenaki in northwestern Vermont, from which the petitioning group claims to have descended, Day stated that a "small village still existed at Missisquoi in 1786 after the [Revolutionary] war. Only some twenty persons remained in 1788, and these may have stayed on to contribute to the present-day Indian group at Swanton, but most of the Missisquoi had left by 1800." He stressed, however that by "1800 all but a few scattered individuals seem to have left northern Vermont, New Hampshire, and western Maine for Odanak, although they continued to hunt south of the border for many years." According to Day, the tribal composition of the Odanak village was essentially completed by that time (Day 1981, 65). While Day did not identify the petitioner by name, his reference to "the present-day group at Swanton" presents a reasonable likelihood that he was referring to the current petitioner. This book identified the petitioning group as an American Indian entity in 1981.

Also included in the petition was a copy of Colin Calloway's 1990 *Western Abenakis of Vermont*. Most of the study analyzed the pre-1800 history of the Western Abenaki. Regarding the current petitioner, Calloway claimed the group "reconstituted" itself in the 1970's because its members were "no longer afraid or ashamed of admitting their Indian identity," and "were tired of resting at the bottom of the social and economic ladder." So they "took action to improve their community's well-being while preserving its cultural heritage" by forming a council and reconstituting the "St. Francis-Sokoki Band of the Abenaki Nation" of Swanton (Calloway 1990a, 248). Calloway identified the petitioner by name as an American Indian entity in 1990.

The State submitted a copy of Gary W. Hume's 1991 article on Joseph Laurents "Indian Camp" at Intervale, New Hampshire.³⁰ It began with a brief analysis of the geography of the historical Western Abenaki (Hume 1991, 102-103). The rest of the article examined Joseph Laurent, a chief of the Saint Francis Indians at Odanak in Quebec, and a summer camp he established in 1884 in the village of Intervale in the Town of Conway in New Hampshire's White Mountains. Laurent ran the camp until 1917, when his wife and family assumed operations and kept it going until 1960. His son maintained the site afterwards. The camp became and remains an important spot for the tourist trade, and for Indians to sell baskets and handicrafts (Hume 1991, 105-106).

³⁰It appeared in *Alkongians of New England: Past and Present* published by the Dublin Seminar for New England Folklife Annual Proceedings.

Hume mentioned that Frank Speck “spent many summers” from 1915 to 1944 at the Laurent camp. Irving Hallowell, a Speck student and his “successor” at the University of Pennsylvania, also spent many summers from 1918 to 1932 at Intervale and Odanak. Finally, Gordon Day from Dartmouth University made many trips from 1952 to 1965 to the camp (Hume 1991, 109-111). Hume, however, did not indicate that Laurent or any of these anthropologists ever discussed the existence of the claimed ancestors of petitioning group as an Indian entity in Vermont. Nor did he claim individuals from any such entity ever visited Laurent’s camp. There is also no evidence in the article to suggest the Laurents visited any Western Abenaki community from the Swanton area of Vermont, where the petitioner claimed the core of its membership lived.

Regarding the 1970’s and 1980’s, Hume noted: “Abenaki ethnic identity has been strengthened further by the political emergence of the Missisquoi Abenaki. For two decades now Missisquoi Abenaki have sought political recognition and redress for lands they claim were taken illegally without compensation following the American Revolution.” “Missisquoi Abenaki” has been a term occasionally used since the early 1970’s to identify the group. He also stated that the “group” had “been active in the identification and preservation of burial sites and sacred places” (Hume 1991, 113), as confirmed by other evidence in this petition. Given Hume’s use of the term “Missisquoi Abenaki,” the sources he referenced which also identified the petitioner, and the context of his discussion, there is a reasonable likelihood that this article identified the petitioner as an American Indian entity in 1991.

Newspapers, Magazines, and Non-Scholarly Books that Identified an Entity

Newspapers, magazines, and non-academic books have regularly identified the petitioner since 1976. Several items dealt with the group’s formation in the middle 1970’s and the controversy surrounding Governor Salmon’s November 1976 recognition of the group. These newspaper articles and other works referred to the group as “Swanton’s tribe of Abenaki Indians,” the “Abenaki tribe of Vermont,” or the “Vermont Abenakis” (Hall 1976.12.13; Anonymous 1977.02.00; Pierce 1977.00.00; Abbey 1979.07.22; Slayton 1981.09.00; Gram 2002.07.12).

Many newspaper and magazine articles discussed the frequent political fissures that have developed within the petitioning group over the last 30 years. They also identified leaders of the group like Homer St. Francis and other well-known members. These articles identified the group as the “Abenaki Nation,” “Abenaki Tribe,” “Abenaki Tribal Council,” “Abenaki Tribal Nation,” and similar names (Kreiger 1977.05.00; Hoague 1977.01.12; Reid 1977.10.21; Abbey 1979.00.00; Daley 1987.11.29, 1988.01.07, 1988.01.10, 1988.01.11; Cowperthwait 1995.10.29; Anonymous 1995.10.30; Walsh 1995.11.07).

Other items dealt with the group’s land claims or court cases involving its members’ attempts to fish or hunt without a State license. These documents also referred to the group’s leader Homer St. Francis and other well-known members by name, discussed its petition for Federal recognition, and its self-help association. These documents usually described the group imprecisely with such broad terms as the “Abenakis,” “Abenaki Indians,” or “Abenakis of Vermont,” but based on references to the group’s leaders and the context of the topics discussed there is more than a reasonable likelihood that they identified the petitioning group (Daley

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1987.09.10; Grodinsky 1987.11.11; Daley 1988.01.10; Polumbaum 1988.03.16; *New York Times* 1989.08.15, 1992.06.18).

Several newspaper articles focused on the leadership of Homer St. Francis, the group's leader for most of the period since 1976. These materials identified the group he led as the "Abenaki Nation," "St. Francis-Sokoki Band of Abenakis of Vermont," "Abenaki Tribal Council," or "Abenaki Nation of Missisquoi" (*New York Times* 1987.09.13; 1988.10.02, 1991.04.02; Daley 1987.09.13; Cowperthwait 1988.03.10, 1988.10.10, 1989.09.12; Diamond 1989.01.01; Ballinger 1995.11.17; *Indian Country Today* 1995.11.23; Jones 2001.07.12.).

Documents from Indian Organizations that Identified an Indian Entity

The OFA administrative correspondence file contained a copy of a 1988 statement of support from the New England Indian Task Force for the "Saint Francis Sokoki Band of Abenaki Indians in their efforts to secure justice and prosperity for all members of their nation" (New England Indian Task Force 1988.00.00). This document identified the petitioning group by name as an American Indian entity.

Conclusion

The available evidence demonstrates that no external observers identified the petitioning group or a group of the petitioner's ancestors from 1900 to 1975. External sources have identified the petitioner on a regular basis only since 1976. Therefore, the petitioning group has not been identified on a substantially continuous basis since 1900 and does not meet criterion 83.7(a).

The petitioner is encouraged to submit documentation that they were identified as an Indian entity from 1900 to 1975 if it wishes to overcome the documentary deficiency in the current record, which suggests the group was recently formed in the middle 1970's.

Criterion 83.7(b) requires that

a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.

Introduction

Criterion 83.7(b) requires that a “predominant portion of the petitioning group comprises a distinct community.” The term “predominant” establishes the requirement that at least half of the membership maintains significant social contact (59 FR 9287). This means at least half of the membership of the petitioner must participate in the social relationships, interaction, or institutions used to demonstrate community, and the remainder of the membership should be connected to those who participate.

The Federal acknowledgement regulations provide a specific definition of community.

Definition (83.1): Community means any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. Community must be understood in the context of the history, geography, culture, and social organization of the group.

To meet the requirements of 83.7(b), the petitioner must be more than a group of Indian descendants with common tribal ancestry who have little or no social or historical connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Petitioners must show interactions have occurred continuously since first sustained contact with non-Indians. Interaction should be broadly distributed among the membership, not just small parts of it.

The regulations also require the petitioner be a community distinct from other populations in the area. Members must maintain at least a minimal social distinction from the wider society. This requires that the group’s members are differentiated from and identified as distinct in some way from nonmembers. The existence of only a minimal distinction provides no supporting evidence for the existence of community among the membership.

As the following analysis shows, the available evidence does not demonstrate a predominant portion of the SSA petitioning group’s members or claimed ancestors have maintained consistent interaction and significant social relationships throughout history. Instead, it shows the petitioner is a collection of individuals of claimed but not demonstrated Indian ancestry with little or no social or historical connection with each other before the early 1970’s. The evidence also establishes that the petitioner’s claimed ancestors did not maintain at least a minimal distinction from nonmembers in the northwestern Vermont area and Lake Champlain region from historical times until the present.

Evidence of Community before 1800

The available evidence does not demonstrate the petitioner has a historical or social connection to any Western Abenaki entity in existence before 1800. The petitioner has not provided evidence to show that a predominant portion of its claimed ancestors were interacting as a group before 1800, and therefore does not meet the requirements of criterion 83.7(b). There is no evidence to support the petitioner’s assertion that its claimed ancestors never left (or “hid out” in) Vermont. In fact, it is not known from the available evidence what the petitioner’s claimed ancestors were doing before they took up residence in Vermont in the 19th century (see the following portions of criterion 83.7(b) for a discussion of this process). For additional discussion see the earlier section of the PF entitled *Overview of the Petitioner and its Claimed Connection to the Historical Tribe*.

Evidence of Community, 1800 to 1900

The Petitioner’s Claims

In the petitioner’s 1982 submission, it advanced the following theory about its claimed ancestors during the post-1800 period and relation to the present-day petitioner:

While precise figures will probably never be known for certain, it is clear by now that a number of Abenaki families never left Vermont, and that by 1830, many had begun to reestablish communities in Swanton, St. Albans Bay and Grand Isle which have a documented existence down to the present day. Some families . . . adapted differently. They maintained a well hidden yet traditional pattern of subsistence, a way of life that continued at least until World War I, largely disappearing only when automobiles and telephone lines penetrated Vermont’s backwoods in the years following the war. Other families adopted still a third pattern of accommodation, a more transient mode of existence that took them from town to town, traveling like gypsies (with whom they were often confused), horse trading at county fairs, settling down only briefly and then moving on. Oral histories collected in the past few years have provided evidence of these three modes of adaptation or accommodation to white settlement. All of these families maintained a flexible network of communication and intermarriage, and many have re-emerged in recent years to claim their rightful identity as the Abenaki Nation of Vermont. . . . (SSA 1982.10.00 Petition, 9-10)

This theory was originally developed by the petitioner’s researcher John Moody in a 1979 unpublished manuscript, and further developed in the group’s 1982 and 1986 petitions.³¹ Regarding the evidence to support this claim, the petitioner described four categories of records: The first was a “handful of accounts from local historians written after the Civil War which describe the sort of small parties [of Indians] in the region.” The second contained “[c]hurch and town records that provide more direct confirmation of families in the area.” The third included “U.S. Census Data that reveal the range of dispersed inhabitants which continued in the

³¹See “Missisquoi Abenaki: Survival in Their Ancient Homeland,” by John Moody (Moody 1979).

nineteenth century.” And the last was “genealogical research and research on Abenaki family names from the Missisquoi area” (SSA 1982.10.00 Petition, 53).

In its 1982 petition, the group submitted charts for about 15 claimed family lines from the Swanton, Highgate, and St. Albans areas of Franklin County. According to those charts, some of these family lines from unidentified origins began arriving in or establishing these “neighborhoods” around the 1850’s (SSA 1982.10.00 Petition, 219, and Family Charts 1-8). But their point of origin is unknown and the limited available evidence does not demonstrate that these families were previously connected to one another as a group.

By 1986, the petitioner had expanded the number of claimed family lines from the 19th century to hundreds in as many as three dozen “neighborhoods” from about a dozen towns in the Franklin County area of Vermont (SSA 1986.05.23 [Addendum B], 132, 133, also SSA 1996.01.17, Appendix 1A). The total number of ancestors claimed by the petitioner ranged from 378 (or possibly as many as 3,000) in 1790 to 1,623 in 1910 (SSA 1996.01.17, Appendix 1A).³² The petitioner also indicated that many of the “neighborhoods” containing its claimed ancestors were in place as early as 1800. In its 1986 petition submission, the group concluded that the 1982 Petition’s “basic position that the Abenaki Nation at Missisquoi lived a dispersed, family band existence from 1790 to 1840” had been “confirmed” (SSA 1986.05.23 [Addendum B], xiv). According to the petitioner, their research had confirmed “the perspective of a large, tenacious network of families and neighborhoods which remained centered around [*sic*] Missisquoi in the 1800 to 1920 period” (SSA 1986.05.23 [Addendum B], 1). These two conclusions seem contradictory, as the petitioner has not clearly explained the social processes that maintained both a “dispersed, family band existence” and a “large, tenacious network of families and neighborhoods” centered in the vicinity of the Missisquoi delta during overlapping time periods. However, the petitioner further explained in its 1986 petition narrative: “The distinctions between neighborhoods and the lifestyles of certain families reflected in Moody (1979) and the [first] Petition has fallen away to accommodate [*sic*] the commonly heard statement in the contemporary Abenaki community that ‘we are all related’” (SSA 1986.05.23 [Addendum B], 21).

The State’s Comments

In its comments, the State disputed the petitioner’s argument that the group’s claimed ancestral families constituted a distinct community during the 19th century. It argued as follows:

The lifestyle and migration pattern described by the petition is not evidence that these families are Indians. The movements of these people are the same as the travel patterns of the French Canadians who were migrating into and through

³²The petitioner provided no membership figures for its membership from 1910 to 1980, and has not explained this gap. Census population schedules for 1920 and 1930 were not available at the time of the 1982 and 1986 submissions, but were accessible for the petitioner’s 2005 submission. Presumably there is other available documentation, such as local, church, and school records, newspaper accounts, oral histories, and genealogical materials for this 70-year period that could be used to provide population data. The petitioner is encouraged to submit such evidence supported by as many copies of primary documentation as possible.

Vermont during the same time. There is nothing in the evidence of the lifestyles that distinguishes the petitioner’s relatives from the French Canadians. (VER 2002.12.00-2003.01.00 Response, 61)

Elsewhere, the State cast doubt on the petitioner’s documentation of its claimed ancestral family lines:

The petitioner has submitted various charts and lists of people who it claims are Abenaki Incians of the Franklin County area. These lists have the quality of shifting sands—ever changing and impossible to grasp. In the 1982 submission, petitioner included family charts of approximately fifteen extended families. Petitioner also provided a small group of names from the federal censuses from the first half of the nineteenth century to demonstrate the presence of Abenakis in northwestern Vermont. In 1986, petitioner vastly expanded its submission and included names of hundreds of families from the early nineteenth century (and into the twentieth) who it claimed were Abenakis. The 1986 list of names from the 1800 to 1830 censuses was over five times as large as the previous list submitted in 1982. The number of names that petitioner gleaned from the 1840 census and labeled as Indians grew fifteen fold between its 1982 and 1986 submissions. (VER 2002.12.00-2003.01.00 Response, 162-163).

The Problem of Using Family-Name Variations to Demonstrate Community

The petitioner identified the surnames of its claimed ancestral family lines based on variations of family names found mainly on 19th-century lists of St. Francis Indians at Odanak in Quebec. As best as can be determined, the group took the family names of present-day members and searched for variations of those surnames that appeared on these lists of the Saint Francis Indians at Odanak. The group next searched for further variations of those surnames in local church, town, land, school, and census records from the 19th century in the Franklin County area of Vermont, or from the “oral traditions” of current members. Once the petitioner perceived similarities between the surname of a current petitioner family line and surnames on these records, it designated the family line on the record part of an “Abenaki” community in the Franklin County area during the 19th century.

The use of such a methodology to demonstrate consistent interactions and significant social relationships for the group’s claimed ancestral family lines under criterion 83.7(b) is unpersuasive.³³ Using such a process means that these families were identified as part of a claimed ancestral community based mainly on the assumption that individuals with similar surnames had shared social interaction, and not because the record actually demonstrated consistent interactions and social relationships among them.

In addition, the petitioner has not submitted the primary documentation it used to create these lists of claimed ancestral family lines. While the petitioner described the contents of various town, church, and census records, and abstracted lists of unconnected surnames of claimed

³³The problem of using family-name or surname variations to demonstrate descent from the historical tribe is discussed in criterion 83.7(e).

ancestral lines from them, it did not submit them. Nor did it provide most of the interviews, field notes, or genealogical materials referenced in its narratives. The petitioner is encouraged to submit copies of as many of these documents as possible for verification and analysis.

Finally, the petitioner has not provided evidence to demonstrate the claimed ancestral family lines which shared these surname variations were consistently interacting in a way that could be used to meet the requirements of criterion 83.7(b). For example, the petitioner has submitted little or no primary documentation from the 19th century to show these claimed ancestral family lines had significant marriage rates within the group, significant social relationships, formal or informal, connecting individual ancestors, important cooperative labor or other economic activities among claimed ancestors, or noteworthy sacred or secular behavior involving most of the claimed group. These forms of evidence may be useful in satisfying criterion 83.7(b). It is also unclear if all the claimed ancestral family lines from the 19th century actually have descendants in the current group.

For the most part, the petitioner in both its 1982 and 1986 narratives relied on routine residency and biographical information to describe its claimed ancestors. This process involved using lists of family names abstracted from Federal censuses and local records to show that claimed ancestors belonged to a certain family line that lived in the Franklin County area, sometime between 1790 and 1910, or that they had a particular occupation, or attended a specific school (see, for example, SSA 1986.05.23 [Addendum B], 67-86). But the petitioner did not provide evidence of what the claimed ancestors were doing together as a group during specific time periods in the 19th century to give some chronological orientation to their possible activities. The petitioner is encouraged to review criterion 83.7(b)(1) and (2), and to submit additional evidence and analyses, perhaps arranged by decade, to demonstrate that its claimed ancestors meet the definition of community during the 19th century as defined in 83.1.

The Problems of Using the Four Categories of Evidence to Show Community

In its 1982 submission, the petitioner claimed four categories of evidence demonstrated the continued existence of an Indian community of its claimed ancestors in the Lake Champlain area after 1800 (SSA 1982.10.00 Petition, 53). The available documentation, however, does not demonstrate that these four evidence groups, accounts by local historians, church and town records, Federal censuses, and genealogical research on “Abenaki” surnames, as described in the petition narratives, show evidence of consistent interactions and social relationships among a predominant portion of the group’s claimed ancestors during the 19th century.

Accounts by Local Historians and Other External Observers

The difficulty with using the accounts of local historians, mostly described but not submitted by the petitioner, is that they were typically brief sketches of widely dispersed, unidentified Indians who are not connected to the group’s claimed ancestors by any evidence submitted by the petitioner (see, for example, SSA 1982.10.00 Petition, 53-56). In the main, they depicted one or two individual Indians or small groupings of migratory Indians, often portrayed as being from St Francis in Quebec or an unknown place of origin. Some of these sightings were actually

recollections of events which happened long before, in one case, almost 60 years earlier. They do not demonstrate that these individuals were part of an Indian community in Vermont or, more importantly, part of a distinct community from which the current petitioning group descended. In addition, they do not show the types of consistent interactions and social relationships among members of a community that would be useful in establishing the requirements of criterion 83.7(b), even if these individuals could be connected to the petitioner's claimed ancestors in the 19th century. What follows is an analysis of these accounts by local historians or chroniclers referenced by the petitioner. Also included are descriptions by other external observers who were actively looking for Indian communities in New England during the 19th century, and who might have been expected to describe the petitioner's ancestors, given their claimed numbers in northwestern Vermont during the time. Almost all these documents were submitted by the State. None described the petitioning group's claimed ancestors or any consistent interactions or social relationships among them.

In 1809, Edward Augustus Kendall described in six-volumes his travels throughout the northern regions of the United States. In the third volume, he related some of his travels in New England. He stated the Indians of Saint Francis and Becancour in Quebec still occasionally passed "between the Saint Lawrence and the Penobscot [northeastern Maine] and Saint John's [New Brunswick, Canada]" (Kendall 1809, 67-68). He also discussed some brief encounters with these Indians, none of whom were described by name or origin. Elsewhere in the volume, he recounted his travels in Rutland, Burlington, St. Albans, and Swanton, Vermont (Kendall 1809, 276, 304). While he provided an explanation of the Indian name of the Missisquoi River in this portion, he did not describe a group of the petitioner's claimed ancestors in the Franklin County area or any other Abenaki Indian entity that had remained in Vermont. For that time, the petitioner contends its claimed ancestors numbered 591 in the Franklin County area of northwestern Vermont, with 100 in Swanton and 81 in St. Albans.³⁴ In 1810, the population of Franklin County was 16,427 (US Census Bureau 1872). The population of Swanton at the time, according to the website of the Swanton Historical Society, was 858. Assuming that the petitioner's figures and the Historical Society's figures are both correct, Kendall failed to mention that Swanton's population was 12% Indian. It is highly unlikely that the author would have overlooked or neglected to mention a concentrated population of Indians in Swanton.

In its 1982 submission, the petitioner quoted from but did not provide a copy of an 1820 account from the *Burlington Free Press* of a "strolling party of Indians consisting of nine persons," which had camped out near the town of Rutland in Rutland County, Vermont, about 80 miles south of Swanton. The newspaper described these unidentified Indians as "squatters" from an unspecified area who intended to "remain during the winter" (SSA 1982.10.00 Petition, 56). While this account may show that some unidentified, migratory Indians were present in Rutland, Vermont, in 1820, it did not provide any specific tribal affiliation for these Indians, name any of the petitioner's claimed ancestors, or describe any social interaction among these Indians and the petitioner's claimed ancestors that would demonstrate community under criterion 83.7(b). In 1822, Jedidiah Morse compiled a report for the Secretary of War on Indian groups in the United States based on his 1820 travels, in which he listed the numbers of Indians east of the Mississippi. Some of these Indian groups came from isolated areas similar to northwestern

³⁴For the petitioner's population estimates of its claimed ancestors please see SSA 1996.01.17, Appendix 1A, 9-10.

St. Francis/Sokoki Band of Vermont Abenakis: Proposed Finding– Summary Under the Criteria

Vermont, and, in several cases their numbers were quite small (Morse 1822.00.00, 64-69, 361-365, 375). He did not, however, list or describe the petitioner's claimed ancestors or any other Indian entity in Vermont. For that time, the petitioner claims its ancestors numbered 316 in the Franklin County area of Vermont.³⁵

Six years later, F. S. Eastman produced an early history of Vermont and its "original inhabitants." Following a discussion of those original Indian inhabitants, he stated not "a vestige of them" remained as "the encroachments of the whites" pushed "them farther and farther on" (Eastman 1828.00.00, 20). He also discussed the "application" of "some of unidentified Indian Chiefs from Canada, claiming a large tract of land in the northwest part of the state" (Eastman 1828.00.00, 78-79). These were representatives from the so-called "Seven Nations" (see criterion 83.7(c) for a full discussion of these land claims). There is no available evidence that the petitioner's claimed ancestors were involved with these land claims. Eastman did not describe the claimed ancestors of petitioning group, who, at the time, according to the petitioner's calculations, numbered about 700 in the Franklin County area.³⁶

In April 1835, the *Green Mountain Democrat* of Vermont published an article called "An Indian Encampment in Connecticut." The article described a party of 15 Indians encamped for the winter at Windsor, Vermont, on the Connecticut River, which is about 100 miles southeast of Swanton, Vermont. It portrayed the Indians as "part of the tribe of the Missisquoi," which lived "a wandering life on the eastern shore of Lake Champlain." The group was traveling to Hanover, New Hampshire, "for the purpose of entering a member of the family in Dartmouth College" (*Green Mountain Democrat* 1835.04.03). The 17-year old potential scholar ("Say-so-saph Sabatese Al unum") was the only Indian identified by name. This description of these Indians provided here does not indicate that they were part of an Indian community composed of the petitioner's claimed ancestors in the Franklin County area, who, according to the group's statistics, numbered about 700 people in 11 towns at the time. The petitioner loosely translated the young boy's name as "St. Joseph St. John Baptiste Alanum," but admitted the Alanum family name had not been identified in either the present Odanak community in Quebec or the petitioning group. Nonetheless, the petitioner made tenuous connections to some members of the group who have claimed "St. John" ancestors, and then concluded this account was "a major confirmation of the continued Abenaki community in the Champlain Valley after 1800" (SSA 1986.05.23 [Addendum B], 311-312). A close reading of the document does not warrant such a claim, since it is only a brief, first-time sighting of a small group of mostly unidentified Indians, sighted far away from Lake Champlain, who then disappeared from the record.

In its 1986 submission, the petitioner described a July 1835 letter by Amable Petithomme, a French missionary from Burlington, Vermont, in which it claimed he made the statement: "I sleep in the poor cabins of the Indians' when traveling along the eastern shore of Lake Champlain" (SSA 1986.05.23 [Addendum B], 312-313). The petitioner did not provide a copy of the letter, and the State claimed the archives which housed the letter reported it "missing from their files" (VER 2002.12.00-2003.01.00 Response, 35). As the State correctly observed, the petitioner's quoted portion of the letter did not actually describe the location of these Indian

³⁵In 1820 the population of Franklin County was 17,182 (US Census Bureau 1872).

³⁶Two years later, in 1830, the population of Franklin County was 24,525 (US Census Bureau 1872).

cabins. In addition, the State provided a copy of R. P. Mouly's 1960 biography, written in French. The State claimed that the biography quoted from a portion of the 1835 letter, and argued the quoted portion actually read: "*une vie difficile et qu'il loge habituellement dans des cabanes*,"³⁷ or essentially that the missionary's life was a difficult one, and he often found lodging in cabins, without mentioning any Indians or an exact location (Vermont 2002.12.00-2003.01.00 Response, 35; Mouly 1960.00.00, 44). Even if the missionary's letter had indicated he slept in the cabins of some unidentified Indians, such a vague statement would not be a description of the petitioning group's claimed ancestors in the Franklin County area of Vermont. Nor does it provide evidence of social interaction among a predominant portion of those claimed ancestors.

In 1845 Samuel G. Drake's *Book of the Indians* was published, in which he provided a history of the Indians of North America since first discovery. In it, Drake supplied an alphabetical listing of Indian groups in the United States. Under "Abenakies," he stated they were "over Maine [*sic*] until 1754, then went to Canada; 200 in 1689; 150 in 1750" (Drake 1845.00.00, v). He listed several Eastern Abenaki groups in Maine and New Brunswick, Canada, but it is unclear at times if he believed all these were still extant or not. He stated that there were a small number of Passamaquoddies in Maine. Other small groups from New England described were the Wampanoag of Herring Pond, Mashpee, and Gay Head (Drake 1845.00.00, vi-xii). He did not describe the petitioning group's claimed ancestors or any Indian entity in Vermont. At the time, the petitioner's claimed ancestors, according to the group's estimates, numbered 912 people in 37 neighborhoods from 10 towns around the Franklin County area.³⁸

From 1848 to 1857, several works by Henry Schoolcraft were published. Schoolcraft wrote extensively on and traveled among numerous Indian groups during his life (1793-1864), starting as early as 1806. In his writings, he described and gave population estimates for many New England Indian groups, large and small. In none of these accounts did he describe the petitioning group's claimed ancestors in the Franklin County area, who by 1860, according to the group's statistics, numbered about 1,282 people in 32 neighborhoods from 8 towns.³⁹

³⁷The claimed quote in Mouly read "*Ainsi va le missionnaire, Le Père reconnaît lui-même qu'il une vie difficile et qu'il loge habituellement dans des cabanes*" (Mouly 1960.00.00, 44).

³⁸In 1840, the population of Franklin County was 24,531 (US Census Bureau 1872).

³⁹See *The Indian in His Wigwam or Characteristics of the Red Race of America* (New York, 1848). This book contained only one reference to "Abenakee" on page 234 in a section entitled "Ethnology." It referred to the group as "Eastlanders, a distinct people, consisting of a plurality of tribes, who formerly occupied the extreme north eastern part of the United States." See *Personal Memoirs of a Residence of Thirty Years with the Indian Tribes on the American Frontier: with Brief Notices of Passing Events, Facts, and Opinions, A.D. 1812 to 1842* (Philadelphia, 1851). In this work there was no mention of any contemporary Abenaki group in his journeys from 1812 to 1842. See *American Indians, Their History, Condition and Prospects, Original Notes and Manuscripts* (Buffalo, 1851; reprint New York, 1977). This was an expanded version of the 1848 book. It included the same reference to the Abenaki cited above. See *Historical and Statistical Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States; Collected and Prepared under the Direction of the Bureau of Indian Affairs per Act of Congress of March 3rd, 1847, Volumes 1-6* (Philadelphia, 1851-1857). Volume 1 of this work on page 524 gave an 1847 census of Indians. No Vermont or New Hampshire Indians were listed. Volume 3 on page 583 also provided a census of Indians groups in 1825. Schoolcraft listed 200 St. John's Indians in New Brunswick, Canada; 379 Passamaquoddies and 277 Penobscots in Maine; 320 Mashpee, 40 Herring Pond Indians,

In 1853, Edwin H. Burlingame, an instructor at Barre Academy in Barre, Vermont, just outside of Montpelier, 50 miles southeast of Swanton, described in his journal an encounter with some Indians. On October 22, during a walk with a friend, he came across “an encampment” of Indians “about a mile above the village,” who were “stopping . . . for a few days.” The Indians had pitched their tents “near the river.” The author claimed they were from “a couple of distinct tribes, one from St. Francis in Canada, and the other from Maine,” and their tents were filled “with basket stuff and material for bows and arrows” (Burlingame 1853). He did not describe any of the petitioner’s claimed ancestors from the Franklin County area in this account.

Seven years later, Samuel Sumner produced a local history of the Missisquoi Valley, which detailed the Franklin County area in northwestern Vermont. On pages 26 to 27, Sumner described an encounter in the winter of 1799-1800 between some of the early settlers near Troy, Vermont, about 30 miles east of Swanton, and a “small party” of nomadic Indians led by a Captain Susap (Sumner 1860.00.00. 26). One of the Indians was a medicine woman named Molly Orcutt. They were selling baskets and trinkets, and, according to the author, left in the spring and never returned (Sumner 1860.00.00. 26-27). Other evidence demonstrates that these Indians were probably originally from Maine.⁴⁰ Sumner did not describe the petitioning group’s claimed ancestors, who, at the time, according to the group’s statistics, numbered about 1,282 in the Franklin County area, or any social interaction among them.⁴¹

In 1863, John Perry wrote a history of Swanton, Vermont, which was published in 1882 in the *Vermont Historical Gazetteer*. In it, Perry described the origins of the St. Francis Indians of Quebec and the Missisquoi village near Swanton. According to Perry, the Missisquoi began moving to Canada after the American Revolution, as their sympathies lay with the British, and

340 Gay Head Indians, and 50 Troy Indians in Massachusetts; 420 Narragansett in Rhode Island; 300 Mohegan, 50 Stonington [Pequot], and 50 Groton [Pequot] in Connecticut. No Indians were listed for Vermont or New Hampshire. It also included a Table G on page 590, which indicated in 1829 there were 6,273 Indians in states from South Carolina to Maine. Connecticut, Maine, Massachusetts, and Rhode Island were all listed as having Indians. Vermont and New Hampshire were not. Volume 5 provided the totals of Indians in 1825 for Maine (956), Massachusetts (750), Rhode Island (420), and Connecticut (400). No Indians were noted for Vermont or New Hampshire. Volume 6 on pages 686-689 contained a census for 1857. It listed 420 Narragansett in Rhode Island, 379 Passamaquoddies and 297 Penobscots in Maine. No Indians were included for Vermont or New Hampshire. The State quoted from: Volume 4 (1851-1854, page 542), claiming Schoolcraft asserted the Abenaki were now “seated at the St. Francis Village” [Quebec] and inhabited territory “situated on the south of the St. Lawrence, between the St. John’s of New Brunswick and the river Richelieu, Canada.”

⁴⁰See the *Autobiography of a Criminal, A Narrative of the Life, Adventures, Travels and Sufferings of Henry Tufts*. This 1807 book chronicled Tufts sojourns among the Abenaki of Maine from 1772 to 1775. On page 60, he claimed to be in Sudbury, Canada, which Gordon Day in his article, “Henry Tufts as a Source on Eighteenth Century Abenakis,” identified as actually being Bethel, Maine (Day 1974, 191-192). Tufts apparently traveled around visiting various Abenaki camps, and contended the “entire tribe” was “in number about seven hundred of both sexes, and extended their settlements, in a scattering, desultory manner, from Lake Memphremagog [southeast Quebec just north of Newport, Vermont] to Lake Umbagog [Maine near the far northern New Hampshire border], covering an extent of some eighty miles” (Tufts 1807, 60, 64). Day believed these were Western Abenaki from Maine (Day 1974, 192). During his visits, Tufts encountered the Molly Orcutt mentioned in the Sumner book. The petitioner’s current members claim no descent from Molly Orcutt.

⁴¹In 1860 the population of Franklin County was 27,103. No Indians were listed (US Census Bureau 1872).

because they were Catholics rather than Protestants like most of the white settlers in the region. In 1793, he claimed there were still 70 Indians in the area. They continued gradually leaving until they were all gone by 1798. A group of four or five families of unidentified Indians moved to the village in 1825 to hunt and fish and sell baskets, but they left after a year or two. The author stated this event ended “the account of the St. Francis Indians in the region” (Hemenway 1882 Swanton and Others, 34⁴²). Perry, however, did not describe the petitioning group’s claimed ancestors, who at the time, according to the group’s statistics, numbered 1,282 people in the Franklin County area and 511 in Swanton, or any social interaction among them.⁴³

Four years later, the *Vermont Historical Gazetteer*, published Rowland Robinson’s “Sketch of the Early History of Ferrisburgh,” a town north of Vergennes and south of Burlington near the lower portions of Lake Champlain, about 50 miles south of Swanton.⁴⁴ The only reference to Indians in the excerpt provided was to “three Indian canoes, turned upside down with the paddles under them, and the poles of a wigwam” discovered by three boys “near the mouth of Mud Creek on Little Otter” (Hemenway 1867.00.00, 33). In a footnote, Robinson related that the origin of some Indian place names were explained to him by a man named John Watso, “an intelligent Indian of St. Francois [Quebec]”. He also stated “others of the tribe” he had “conversed with” had also given him interpretations of various names (Hemenway 1867.00.00, 33). John Watso, an acquaintance of Robinson’s who came from Odanak in Quebec and visited Ferrisburgh with other Indians from that village on a seasonal basis (see Day 1998, 239; 1978, 37-38). There is no available evidence to indicate Watso was part of an Indian group containing the petitioner’s ancestors in Vermont or elsewhere.

In 1868, S. R. Hall’s *Geography and History of Vermont* was published. In it, Hall discussed the Indians of Vermont from about 1609 to 1780. On page 100, he referred to the Indians as “formerly owners of the soil.” He also stated: “A tribe known as the Iroquois owned the land in the west part of Vermont, and once had numerous inhabitants on the lake and on the rivers that flow into it. Indians from the Cossuck and St. Francis tribes frequented other parts, rather as hunting ground than as a place of permanent residence.” He described no Indian group in Vermont after 1780 (Hall 1868).

Two years later, the American Association for the Advancement of Science published George H. Perkins’s “On an Ancient Burial Ground in Swanton, Vt.” This article discussed the discovery of an ancient Indian burial site in Swanton, which may have pre-dated the arrival of Missisquoi Indians. He explained that a “branch of the Algonquins, the St. Francis Tribe, as they were latterly called, were living on the banks of the Missisquoi River, near Swanton, when the place

⁴²Since the original page numbers in this document are either missing or illegible, the page number cited refers to the page number of the FAIR image file.

⁴³The population of Swanton in 1860, according to the website of the Swanton Historical Society, was 2,678.

⁴⁴During the latter part of the 19th century, Robinson also wrote a series of semi-fictional sketches of life in Vermont, some of which described sporadic encounters with individual Indians. These sketches, most of which appeared in collected editions during the 20th century, were based on his dealings with a few St. Francis Indians from Odanak who had relocated to or were seasonal visitors in Vermont (See Robinson 1921, 1934; Martin 1955, Day 1978, Dann 2001). In none of these writings did Robinson allude to the existence of a community of Indians in the Franklin County or elsewhere in Vermont.

was settled by white men. These Indians had a village near the river, which had been occupied since ancient times” (Perkins 1870.08.00, 4). Apparently the gravesite was not too distant from the village which also contained a more recent Indian burial site. The author also added the following: “While, of course, the survivors of the St. Francis tribe, a few of whom lived near Swanton not many years ago, were acquainted with the burial place of their own tribe, they had no knowledge . . . of the more ancient cemetery” (Perkins 1870.08.00, 4). Perkins did not provide specific information which would connect the petitioner’s claimed ancestors to an Indian entity in Swanton in 1870. Indeed, he indicates the historical Indian entity had left the region in the late 18th century when white settlement commenced in significant numbers. In 1870, the petitioner’s claimed ancestors, according to the group’s estimates, should have numbered over 1,000 people in the Franklin County area with as many as 500 living in Swanton.⁴⁵

Rowland Robinson also kept a journal called “Nature Notes,” which described events from his life from about 1879 to 1881. In the pages for February to May 1881, Robinson related an April 30th encounter near Ferrisburgh (located in Addison County, approximately 50 miles from Swanton) with some Indian friends—Joe Tucksoose, Louis Tahmont, and his wife and their baby girl, all of whom he described as Abenaki (Robinson 1879.00.00-1880.00.00). In his semi-fictional sketch “Silver Fields,” Robinson described Swasin Tahmont and the people connected to him as migratory Indians from St. Francis in Quebec. Robinson did not depict these individuals as being part of Indian group containing the petitioner’s claimed ancestors in this journal.⁴⁶

In 1883, Hamilton Child, in the *Gazetteer and Business Directory of Franklin and Grand Isle Counties, Vt.*, wrote that in 1755, “the northern parts of Lake Champlain were in the possession of the St. Francis tribe of Indians, . . . and as late as the time of the Revolutionary War, a branch of this tribe had a village at Swanton, consisting of about fifty huts, with a church, Jesuit missionary, and had some land under cultivation.” It appears, however, these Indians were no longer living there in 1798, when the “Caughnawaga” Indians advanced a claim for the area (Child 1883.01.00, 38). The author did not describe an Indian community of the petitioner’s claimed ancestors as residing in the Franklin County area in 1883. In fact, he indicated that the last Indian entity in the region had left in 1798. According to the petitioner’s estimates its claimed ancestors around Franklin County should have numbered over 1,000 in the early 1880’s.⁴⁷

The petition record also contains a copy of the 1891 *History of Franklin and Grand Isle Counties, Vermont*, edited by Lewis Cass Aldrich. The book claimed the Missisquoi Abenaki occupying the area began “their gradual withdrawal” from the Lake Champlain area after the French and Indian War. Yet, they “continued to occupy” the village at Missisquoi until “at least

⁴⁵The population of Franklin County in 1870 was 30,131. No Indians were listed (US Census Bureau 1872). The population of Swanton, according to the website of the Swanton Historical Society, was 2,866. The petitioner did not provide population estimates for the census years of 1870, 1880, and 1890, as part of its “Abenaki Population” statistics for 1790 to 1910.

⁴⁶See also Rowland Robinson 1894.11.00.

⁴⁷The population of Franklin County in 1880 was 30,225. No Indians were listed (US Census Bureau 1901).

as late as 1800,” and “were still in the habit of drifting back in bands of eight or ten families to favorite camping grounds to spend part of the year, up to as late as 1835 or 1840” (Aldrich 1891, 28). This article indicated the Missisquoi Abenaki community was gone by 1800, and only unidentified families from an unknown place returned to the area until around 1840 on a seasonal basis to hunt and fish. The author did not describe these migratory families as having any connection to or interaction with the petitioner’s claimed ancestors in the Franklin County area, who, according to the group’s estimates, numbered about 912 in 1840.⁴⁸ Nor did the author describe the existence of a group of the petitioner’s ancestors in the Franklin County area in 1891.

In its 1982 submission, the petitioner described but did not submit a passage from page 79 of Henry K. Adams’s 1899 centennial history of St. Albans, a border town in Franklin County, Vermont. The quoted portion read as follows:

Within my own remembrance, a squaw, who [was] assumed to be a descendant of one of the original proprietors of the soil, lingered here for many years on the Burton farm, as the sole representative of her tribe; and she was hopeful the lands of her father’s would be restored to her. Her name was Madam Campo and when she anticipated a business call from the possessor of her assumed heritage, would place a broad green ribbon on her stovepipe hat, and tramp with much dignity, with a pipe in her mouth, in front of her log cabin. But she hoped in vain, like many others: from the same source; and finally . . . retired from the haunts of civilization. (SSA 1982.10.00 Petition, 54)

The petitioner argued that the account demonstrated that Madam Campo “received business calls from those who assumed her heritage” and that there were “other Indians in visiting distance” (SSA 1982.10.00 Petition, 54). An analysis of the passage does not substantiate such a claim. For one, this was a retrospective description of a woman who was only “assumed” by others to be an Indian descendant. The author described Madam Campo as the “sole representative of her tribe,” suggesting she was an isolated Indian no longer in tribal relations. The passage also contains the statement that she “anticipated a business call from the possessor of her assumed heritage” suggesting the woman was waiting for a visit, one which did not occur, from the non-Indian person who now owned her land, rather than a social visit from other Indians in the area. Moreover, the petitioner has not presented evidence to demonstrate that any of the current members of the petitioning group descend from Madam Campo. This passage does not describe the petitioner’s claimed ancestors, who at the time, according to the group’s figures, numbered as many as 1,772 in the Franklin County area and 343 in Saint Albans. Nor does this passage describe any social interaction among those claimed ancestors.

As the above analysis of the local histories shows, the available evidence does not demonstrate that the petitioning group’s claimed ancestors lived as a group or as an entity that that was distinct from other populations. Nor does the available evidence demonstrate any social interactions or relationships among these claimed ancestors that might demonstrate community under criterion 83.7(b). The documentation submitted does not provide instances of outside

⁴⁸The population of Franklin County in 1890 was 29,641. No Indians were listed (US Census Bureau 1901).

observers describing social interactions in such an entity. This omission is especially surprising because the petitioner claims its community ranged in size from 207 people in 1800 to as many as 1,772 in 1900, which would have made it one of the largest Indian communities in New England. The petitioner contends the lack of description of its claimed ancestors was due to their going “underground,” hiding their identity to avoid detection from hostile outsiders. This claim is unpersuasive given the available evidence. It seems unlikely such a large group of Indians could have entirely escaped the notice of non-Indians for such a long time. Numerous travelers and surveyors of New England Indians during this time described many other Native-American groups, large and small, which lived surrounded by hostile or unfriendly neighbors. These Indian groups made little attempt to hide from these outsiders who proved very willing to describe them in great detail. Other external observers also frequently described migratory Indians from Canada who were passing through Vermont during this period, but they did not portray them as part of a group which contained or was connected to the petitioner’s claimed ancestors.

In addition to outside observers not recognizing or describing the group’s claimed ancestors as Indians or members of a distinct community, the available evidence indicates that the alleged ancestors themselves were unaware of their existence as an Indian group distinct from the wider society. In 1979, petitioner researcher John Moody advanced this claim:

Despite many strong traditions and the widespread knowledge of Abenaki heritage within the community, few if any outsiders knew its true extent until 1976. As it had been since the early days, *the only people who knew of all the families with Abenaki heritage were the central families* like those described here. (Moody 1979, 62; emphasis added)

Yet, as revealed in the petitioner’s 1986 submission, which was based on Moody’s research, these alleged “central families” constituted only 25 of the 266 various claimed families (SSA 1996.01.17, [Part B, Appendix 1A]).⁴⁹ In addition, many of these families, as described later in this section, came from unconnected points of origin, mainly from Quebec and other areas of Canada, and moved to northwestern Vermont over a very long time. Such a collection of disconnected individuals, never described by outsiders before the 1970’s as a group with at least some minimal distinction from others, and unknown to most of its members, does not meet the definition of a community under 83.1, which in part requires that a group’s members be differentiated and identified as distinct from nonmembers. The petitioner’s reliance on 19th century historical accounts is insufficient because these accounts do not describe such distinctiveness among the group’s claimed ancestors.

If the petitioner intends to use local histories, newspapers, and accounts by travelers from the 19th century to demonstrate community, it is encouraged to locate and submit copies of other

⁴⁹The petitioner described these families as 25 “central” families, 30 “other” families, 131 “small” families, and 93 “ancestral” families, for a total of 279 rather than 266 families. Presumably there is some overlap or duplication that explains the discrepancy in figures. According to the petitioner “[a]ll of the Central families, half of the Other and one quarter of the small families of the Small families in the present membership” appeared in the Franklin and Grand Isle County records they referenced from 1790 to 1910. And “over fifty of the ancestral families” referenced had “known Abenaki Indian origins and/or ties to the 18th century Missisquoi Abenaki community (SSA 1996.01.17 [Part B Appendix 1A]). In 1995, the petitioner claimed 20 “core” families for the purpose of descent (SSA 1995.12.11 [Second Addendum], 10; see criterion 83.7(e) for further details).

such sources from the period that show actual social interactions and relationships, as described in criterion 83.7(b), specifically among its claimed ancestors. The petitioner may wish to integrate its discussion of such documents with other documentary evidence and provide a chronological analysis, possibly arranged by decade, demonstrating the existence of a community, as defined in 83.1, containing its claimed ancestors during the 19th century.

School, Church, and Town Records

The local records used by the petitioner to claim the existence of community in the 19th century are also unpersuasive. A major problem is that the petitioner has described but not submitted these records, making it very difficult to analyze and validate the group's claims. Yet even as described or listed, the records do not demonstrate that a predominant portion of the petitioner's claimed ancestors maintained social interaction or relationships.

School Records

In its 1986 submission, the petitioner provided a "Scholar's List, 1822-1858" for Swanton, Vermont. It described this list of abstracted names as "taken from a periodic census done by the town of Swanton on those families in each school district sending their children to the one room school houses in March of the year cited" (SSA 1996.01.17, Appendix 3, 118). In "most cases," the list contained the name of only the father of the children. The petitioner did not supply the copies of the original public school censuses, and is encouraged to do so. The petitioner further explained "no indication of race was given in these records, but the names found here have been independently confirmed to be Abenaki from other sources" (SSA 1996.01.17, Appendix 3, 118). These other sources were not provided, and the petitioner is encouraged to supply them for analysis and verification. According to the petitioner, "most of the individuals cited here appear in the family genealogies and histories found in this Addendum," suggesting that some undetermined number may not appear in those records (SSA 1996.01.17, Appendix 3, 118). An evaluation of the actual names by an OFA researcher indicates that only one person listed, Lewis Colomb, has been identified as having possible descendants among the current members (see criterion 83.7(e)). Two other individuals listed, Richard and Antoine Colomb, may have been Lewis's brothers, but it is unclear from the available evidence if they have descendants among the current membership. These lists of names also do not demonstrate community under criterion 83.7(b), particularly given the small number of identifiable ancestors represented on them, the limited time frame of the records, and narrow geographical area covered. The petitioner has not provided evidence the claimed ancestors who attended this school were a predominant or significant portion of the students during this time. There is no available evidence demonstrating that the school functioned as an important institution in which shared secular or ritual activity took place (83.7(b)(1)(vi)). The petitioner has not provided evidence that significant informal interaction among a broad number of its claimed ancestors occurred at the school (83.7(b)(1)(iii)). Nor has the petitioner explained how its claimed ancestors' activities in this school differed in some way from those of other students (83.7(b)(1)(vii)). In fact, it is unclear whether the petitioner is claiming that all or only some of the names of the students on the school lists were its claimed ancestors. These lists of names from school records do not indicate the existence or activities of a group of the petitioner's claimed ancestors in northwestern Vermont from 1822 to 1858.

If the petitioner intends to use school records to demonstrate that a predominant portion of its claimed ancestors comprised a distinct community under criterion 83.7(b), it is encouraged to locate and submit copies of other school records from the Franklin County area of Vermont during the 19th century. The petitioner should examine these records for evidence that demonstrates consistent interactions and significant social relationships among its claimed ancestors which differentiated them from other students who were not its claimed ancestors. The petitioner must also be able to demonstrate that these claimed ancestors are ancestral to present-day members of the group. The petitioner might wish to provide an analysis of these and other submitted documents, perhaps arranged by decade, which traces the activities of its claimed ancestors throughout the 19th century.

Church Records

For the period from 1800 to about 1830, the petitioner relied mainly on a few baptismal records from several parishes in Quebec, well north of the Franklin County area of Vermont. As stated before, most historians believe the vast majority of the Missisquoi Abenaki from Vermont had relocated to Saint Francis in Quebec by that time. The Canadian baptismal records, discussed but not submitted by the petitioner, did not describe anyone as being from an Indian group in northwestern Vermont from 1800 to 1830, when the petitioner's claimed ancestors ranged in number, according to the group's statistics, from 207 to 700 people. In most cases, it is impossible to identify the origin of these described people, or if they belonged to an Indian community of any kind (SSA 1982.10.00 Petition, 58-61). In fact, they may have simply been migrants in the area or traveling Saint Francis Indians from Quebec. That some of these individuals may have shared family-name variations with current members of the petitioner does not demonstrate that they were actually part of or interacting with a group containing the petitioner's ancestors. Nor does the appearance of these random Indian names in baptismal records from Quebec demonstrate that the petitioner's claimed ancestors were interacting as part of a distinct community in northwestern Vermont or anywhere else.

For the post-1830 period, the petitioner has submitted two lists of names of mostly baptismal and a few marriage records from two separate Catholic churches in northwestern Vermont. The petitioner did not submit copies of the original records and is encouraged to do so for analysis and verification. One set of abstracted names is from the Burlington Mission," 1831-1847, which was actually St. Mary's of Burlington, Vermont, in Chittenden County. The other is from St. Mary's Church of St. Albans, 1847-1858, in Franklin County. St. Mary's of Burlington was founded in 1830 with Father Jeremiah O'Callaghan as its first priest. O'Callaghan also provided missionary services to other Catholics in northern Vermont. St. Mary's Church of St. Albans was founded in 1847. No Catholic Church records were available in Vermont before the 1830's, when the first missionaries arrived to serve Vermont's Catholics. The Catholic Church did not establish permanent parishes in the state until the 1850's.

These lists of names do not provide evidence of consistent interactions and significant social relationships as described in 83.7(b) among the petitioner's claimed ancestors. The vast majority of Catholic parishioners in Vermont parishes like those in Burlington and St. Albans were French-Canadians and Irish (Ledoux 1988, 137-139). The only Catholic missionaries appointed

for Abenaki Indians in New England were in Maine, not Vermont (Shea 1855, 152-162). In its 1986 submission, the petitioner admitted these church records did not identify any of its claimed ancestors as Abenaki. While the petitioner claimed the “individuals and families cited” in these documents were identified as Abenaki “by at least one other source,” it did not submit these documents. It is also unclear if any of the people on these lists were the petitioner’s claimed ancestors or if they have descendants in the current group (see criterion 83.7(e)). Moreover, in most cases, claims of Indian identity were based on family-name variations identified by the petitioner, which, as discussed previously, does not demonstrate that these individuals were interacting as part of a distinct and separate community (SSA 1996.01.17, Appendix 5, 134).

The petitioner has not provided evidence its claimed ancestors formed a predominant or significant portion of the parishioners in these churches. There is no available evidence the churches functioned as places where shared sacred or secular activity took place encompassing most of the group’s claimed ancestors (83.7(b)(1)(vi)). The petitioner has not provided evidence that significant informal interaction among a broad number of its claimed ancestors took place at the churches (83.7(b)(1)(iii)). Nor has the petitioner explained how its claimed ancestors’ involvement in these churches differed from that of other parishioners. There is no indication from these lists that a significant portion of the petitioner’s claimed ancestors may have maintained strong religious beliefs or practices different from those of other church members (83.7(b)(2)(iii)).

If the petitioner intends to use church records to demonstrate criterion 83.7(b), it is encouraged to locate and submit copies of other church records from the Franklin County area during the 19th century. Such records might include membership files, baptismal, marriage, confirmation, and death records, cemetery records, or even records from religious fraternal organizations. The petitioner should examine these records for evidence that demonstrates consistent interactions and significant social relationships among its claimed ancestors which differentiated them from other churchgoers who were not its claimed ancestors. The petitioner might then wish to provide an analysis of these and other submitted documents, perhaps arranged by decade, which traces the activities of its claimed ancestors throughout the 19th century.

Town Records

In the case of the town records, the petitioner did not provide any of them as part of its 1982 petition because it argued that very few of them existed before the 1840’s, and were, therefore, of “limited value” (SSA 1982.10.00 Petition, 57). In 1986, however, it submitted some “land records lists” of land transfers from Swanton, Highgate, and St. Albans, Vermont. These were petitioner-generated abstracts of lists of individuals taken mostly from sporadic real estate transactions from throughout the 19th century. The petitioner did not provide copies of the original documents, and is encouraged to do so for as many of them as possible for analysis and verification. The petitioner contends this “material is only a small sample of the numerous examples of Abenakis assisting each other to retain lands for familial and community subsistence” (SSA 1996.01.17, Appendix 4, 124). However, the petitioner did not claim these lands were identified as Indian property. It made no assertion that anyone in these documents was described as Indian or Western Abenaki, their Indian identity once again being claimed on unsupported family-name variations, rather than on any evidence that these individuals interacted

with each other as part of a group (SSA 1996.01.17, Appendix 4, 124). It also is unclear if most of the individuals mentioned in these lists have descendants among the current membership (see criterion 83.7(e)).

While these lists of names from land records might indicate some of the petitioner's claimed ancestors resided or purchased land in Swanton, Highgate, and St. Albans, they do not demonstrate that a predominant portion of them comprised a distinct community in the 19th century. Nor does this list of names from routine real estate transactions show the petitioner's ancestors were involved in some significant economic activity, such as logging or fishing together, aimed at preserving group subsistence (83.7(b)(1)(iv)). The abstracts do not indicate that the individuals were retaining "Indian" or "Abenaki" land. If the petitioner wishes to use land records to demonstrate community, it is encouraged to use them as part of a residency analysis to demonstrate that more than 50 percent of its claimed ancestors resided in a geographical area exclusively or almost exclusively composed of those ancestors, and that the balance of the group's claimed ancestors maintained consistent social interaction with the members of this core community (83.7(b)(2)(i)).

Federal Census Records

The petitioner has provided a set of abstracted census data for 1790 to 1910 it claims demonstrates the existence of an Indian community composed of its claimed ancestors in northwestern Vermont. The petitioner did not submit copies of the actual censuses, and is encouraged to submit these for analysis and verification. An evaluation of the abstracted census data, along with other limited available evidence, does not demonstrate the petitioner's claimed ancestors maintained consistent interactions and significant social relationships with each other, or that they were differentiated from and described as distinct from nonmembers.

The Federal censuses for Vermont from 1860, when the racial category for "Indian" was first used in Vermont, to 1910 never listed more than 30 Indians in the state. None of the petitioner's claimed ancestors was listed as Indian on these censuses (1860 Census St. Albans, Vermont; 1860 Census Swanton, Vermont; US Census Bureau 1864; 1870 Census Highgate, Vermont; 1870 Census Swanton, Vermont; US Census Bureau 1872; 1880 Census Highgate, Vermont; US Census Bureau 1894; 1900 Census Swanton, Vermont; 1900 Census Highgate, Vermont; 1910 Census St. Albans, Vermont; US Census Bureau 1901).

The petitioner claimed some people included in their "census lists" were identified as Abenaki in others sources, presumably by some form of family-name variation. But the group did not provide these sources, and the available evidence does not demonstrate these people had descent from or were connected socially as a group to an Indian entity. The petitioner also described some individuals on the census lists as "highly likely to be confirmed as Abenaki in further research" (SSA 1996.01.17, Appendix 1B, 26-98). Elsewhere, the petitioner professed that "over fifty of the 93 ancestral families" from its 1986 submission had "known Abenaki Indian origins and/or ties to the 18th century Missisquoi Abenaki Community," which implies the other 43 families did not (SSA 1996.01.17, Appendix 1A, 7). A survey of the families who "were highly likely" to be confirmed as Abenaki at some future date shows the names of such families are dispersed liberally throughout the population lists. This fact indicates the petitioner was

claiming as parts of its historical community many families who had not been identified by the group as Abenaki or who do not have descendants among the current membership. It also suggests the petitioner based its description of the historical community not on social interaction or significant relationships among claimed ancestors but on their purported family-name variations, followed by their residency patterns. A community theoretically constructed in such a manner by SSA does not meet the requirements of 83.7(b).

These abstracted census lists do not show that more than 50 percent of the claimed ancestors lived in a geographical area exclusively or almost exclusively composed of those claimed ancestors (83.7(b)(2)(i)). They were living dispersed among other non-member families in the Franklin County area, families which the petitioner has not described. Other evidence in the record indicates these neighborhoods were probably largely French-Canadian (Vicero 1971.00.00, 290-294; Hamon 1891, 194-198, 227-228). The petitioner has not provided evidence that significant informal interaction among a broad number of its claimed ancestors occurred in the neighborhoods listed in the abstracted census records (83.7(b)(1)(iii)). Nor has the petitioner explained how its claimed ancestors in these areas differed in some way from other residents (83.7(b)(1)(vii)).

Finally, by relying on unsupported family-name variations to construct a historical community rather than evidence of actual consistent interactions and significant social relationships, the petitioner has described a collection of people whose migration and demographic patterns do not demonstrate the behavior of a group of people who comprised a distinct community. For example, the petitioner contends that its claimed ancestors in 1800 numbered 207 people in 38 families, 19 neighborhoods, and 11 towns in the Franklin County area. By 1810, the number of ancestors had more than doubled to 591 people in 96 families, 25 neighborhoods, and 11 towns. Just 10 years later, however, the claimed group had shrunk to 316 people in 50 families, 23 neighborhoods and 2 islands, and 7 towns. But by 1830, the number of claimed ancestors more than doubled in size to 700 people in 111 families, and 11 towns. In 1840, they rose in number to 912 people in 154 families, 37 neighborhoods, and 10 towns. Ten years later, 924 people lived in 169 families, but the number of neighborhoods had fallen, without explanation, to 27 in 10 towns. In 1860, the totals had climbed to 1,282 people in 235 families, 32 neighborhoods, and 8 towns (the number of people in Swanton doubled in this time). The petitioner provided no figures for 1870 to 1890, and it unclear why it did not. In 1900 the number of claimed ancestors reached 1,322 people in 243 families, 27 neighborhoods, and 8 towns, but also included an unexplained “2 or 3 three groups of 100-150 each living in the Islands, St. Albans Bay and Swanton/Highgate” for a total of 1,522 to 1,772 (SSA 1996.01.17, Appendix 1A, 8-9). Such drastic fluctuations in the group’s claimed ancestral population, often over a 10-year period, without any reasonable explanation of the social forces causing them, raises serious questions regarding the behavior of the petitioner’s claimed ancestors in the 19th century. A community of people who have consistent interactions and significant social relationships with each other, and who have existed on a substantially continuous basis as required by the regulations, do not come and go so easily without reason. Therefore, the census data, for the reasons stated above, do not demonstrate the petitioner constituted a historical community as defined under criterion 83.7(b).

Petitioner’s Use of Vital Records in Demonstrating Criterion 83.7(b)

The petitioner’s genealogical research as presented does not demonstrate that a predominant portion of the group’s claimed ancestors comprised a distinct community during the 19th century. Generally, vital records are used as evidence for criterion 83.7(e), but they can in some circumstances have application as supporting evidence for certain aspects of criterion 83.7(b), such as demonstrating kinship ties and significant rates of patterned marriage among a group’s members. In the petitioner’s case, its assertions regarding kinship and marriage cannot be adequately analyzed or validated because the group did not provide any copies of primary vital documents such as birth records, baptismal certificates, marriage licenses, military documents, or death records for either its present-day members or its claimed ancestors. According to the petition, sources for data cited in the family history files and oral histories, including “Abenaki” and non-Indian “oral tradition” and other material, were supposed to be part of an Addendum C in the 1986 petition. The petitioner, however, never submitted these records (SSA 1996.01.17, Appendix 2, 99; Salerno 2001.10.23). The petitioner is encouraged to submit copies of vital records which demonstrate their case for criteria 83.7(e) and (b).

Despite the lack of documentation, some preliminary conclusions about its claimed ancestors can be drawn from the petitioner’s limited evidence. The available evidence indicates the petitioner’s claimed ancestors did not move to Vermont as a group; rather, they came as individual, unrelated families from different or unknown origins over an extended period of time. This does not demonstrate that the petitioner’s claimed ancestors comprised a distinct community that has existed from historical times, as required by criterion 83.7(b). For instance, an analysis of the petitioner’s family descendant charts from the 1986 submission reveals the petitioner’s claimed ancestral families began moving to Vermont over many years in the early 19th century, in a disconnected fashion. These families continued moving to Vermont in a very gradual fashion until well into the 20th century. Many came from unknown places in Quebec or separate locations in the province like Waterloo, Saint Regis, Saint Gregoire, Iberville County, Saint Hyacinthe, Saint Dominique, or Saint Armand. Others came from Massachusetts, New York, Connecticut, or Rhode Island (Appendix A: Information Chart on Petitioner’s Claimed Ancestors; see also VER 2002-12.00-2003.01.00 Response, 133-136). There is no available evidence showing these families interacted with each other as part of a community in Canada or the United States before they took up residence in Vermont, or as part of one distinct in some way from the wider society after they arrived in Vermont.

If the petitioner intends to use vital records from its genealogical research to demonstrate community under criterion 83.7(b), it is encouraged to submit photocopies of marriage licenses, birth certificates, and death records, and to use those documents as part of a marriage-rate analysis, perhaps arranged by decade, for its claimed ancestors and current members from historical times to the present (see for example, the Jena Band of Choctaw Proposed Finding 1995). Under criterion 83.7(b)(2)(ii), evidence that at least 50 percent of the marriages in the group are between members of the group shall be considered sufficient evidence of community at a given point in time. If the rates of marriage within the group fall below 50 percent but are still significant, then they may provide supporting evidence of community under criterion 83.7(b)(1)(i).

Conclusion on Evidence of Community from 1800 to 1900

The evidence does not support the petitioner's claimed ancestors evolved from a Missisquoi Abenaki community that remained in northwestern Vermont after 1800. The available evidence does not demonstrate that the petitioner's claimed ancestors from the 19th century descended from a Western Abenaki community that originated in Canada and later migrated as a group to Vermont in the 19th century. The available evidence does not demonstrate those claimed ancestors were part of a community distinct in some way from the wider society in northwestern Vermont. Nor does the available evidence show a predominant portion of the petitioner's claimed ancestors during this time maintained consistent interactions and significant social relationships. Thus, the petitioner does not meet the requirements of criterion 83.7(b) from 1800 to 1900.

To demonstrate that a predominant portion of the petitioner's claimed ancestors did comprise a distinct community that existed during the 19th century, the petitioner is encouraged to provide analyses based on primary evidence, copies of primary documentation, and other evidence that shows those claimed ancestors meet the definition of community as set forth in criterion 83.1. The submission of primary documentation is crucial in order to establish that the petitioner's claimed ancestors are indeed their ancestors. Further, the petitioner is encouraged to review criterion 83.7(b)(1) and (2) for examples of what types of evidence might be useful. The petitioner needs to demonstrate that the group's claimed ancestors lived in a community that others viewed as distinct from other populations during the 19th century. In general, what is missing from the petition is a discussion of how the claimed ancestors interacted with each other as a group during this time. The petitioner needs to show these claimed ancestors were participants in a continuously existing group and doing things together, such as making decisions, having and resolving disputes, perhaps marrying one another, maintaining property such as a cemetery, or any number of other activities that show them acting together. These might include, but are not limited to, discussions of the group's sacred or secular rituals, kinship ties, group meetings or projects, land management activities, and specific examples of social interaction between members. The petitioner needs to show its claimed ancestors interacting with each other, in addition to describing activities and events. Moreover, the analysis and evidence should address interaction across the claimed ancestral families and not just interaction among members of a single family.

Comments Regarding the Petition, 1900-1940

The petitioner's 1982 petition narrative makes several claims to the presence of a distinctly Native-American community in and around the Swanton/Highgate/St. Albans area in the late 19th and early 20th centuries. Evidence presented by the petitioner includes, but is not limited to, numerous excerpts from oral histories and interviews, abstracts of local church records and birth certificates, a videotape of a television show in which some group members are interviewed, and a collection of objects purported to have been manufactured during the early 20th century by the petitioner's ancestors. The State disputes the petitioner's claims and has submitted evidence including, but not limited to, copies of birth, death, and marriage certificates of individuals identified by the petitioner as ancestral to the group, copies of Federal census

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records, an analysis of specific birth certificates cited by the petitioner, World War I draft records, and newspaper and scholarly articles.

The petitioner has submitted many claims about the composition of the group in the early part of the 20th century, which it argues demonstrates there was a community of Abenaki living in the Swanton area. However, another major flaw of this claim is the number and type of documents that have been referenced or quoted in the SSA petition, but not submitted. These documents include (but are not limited to) at least four interviews and oral histories referenced in the petitioner's 1986 Response to the Letter of Obvious Deficiencies ("1986 Response"),⁵⁰ the field notes of one of the petitioner's main researchers, and one large, multi-sectioned appendix to the petitioner's 1986 Response. Documents are referred to or abstracted, but copies are not included in the petitioner's submission. A document included with the group's 1995 petition submission stated that these documents were being intentionally withheld by the group "...because of the incident involving the Attorney General of the State of Vermont obtaining membership and other sensitive information on Abenaki members in the late 1980's . . ." (SSA 1995.12.11[Second Addendum], 5).⁵¹ However, abstracts of documents compiled by the petitioner are inadequate. Departmental researchers need to examine documents for what they contain, not just what the petitioner claims they contain. The State has submitted copies of some of the original documents which the petitioner did not include, and when these records are examined, they do not support the petitioner's claims. The problems related to the petitioner's documents are not simply matters of interpretation of the meaning of document texts; rather, the petitioner's arguments are often demonstrably erroneous when the original documents are examined.

The problems associated with the petitioner's arguments can be demonstrated by the following example. On pages 81 to 82 of the 1982 Narrative,⁵² the petitioner states the following: "The 1870 census for that town [Grand Isle] lists William and Mary Cowin, both twenty-eight years old, as basketmakers, and they appear again in the 1880 census as William and Mary Obumsawin, a well known Abenaki name from Missisquoi. . . ."⁵³ In this instance, the petitioner did not submit any copies of the census for examination. However, the 1870 and 1880 censuses were located and examined by Department researchers. The original documents demonstrate that the petitioner's assertions cannot be supported. The 1870 census of Grand Isle does not list any "Mary Cowin" in 1870, only a "William Cowin, 28, Male, Indian, born in Canada." (US Census 1870, Grand Isle County, Vermont) The 1880 census of Grand Isle, Vermont, lists "William Bomsawin, Male, Married, Indian, 46, born in Canada." His wife was listed as "Mary Bomsawin, Female, Married, Indian, 39, born in Canada." (US Census 1880, Grand Isle County, Vermont) The petitioner attempts to identify the "Mary Obumsawin" on the 1880 census as "Mary Maurice [Moritz] from Missisquoi" (SSA 1982.10.00 Petition, 82), without any marriage certificates, birth records, family Bibles, or other documentation giving the maiden name of

⁵⁰See FAIR Image File: SSA-PFD-V005-D001.

⁵¹For more information about this case, see the Administrative History.

⁵²See FAIR Image File: SSA PFD V002-D0021.

⁵³This name is also spelled "Obomsawin," and "O'bomsawin." It is a well-known Abenaki name among people who trace their ancestry back to the Odanak, or St. Francis, reservation in Canada.

“Mary Bumsawin.” The petitioner also offers no explanation as to why, if the two men were the same person, the names “Cowin” and “Bumsawin” changed so drastically in a 10-year period. Cowin was recorded as being 28-years old in 1870 and therefore should have been recorded as age 38 on the 1880 census; Bumsawin was recorded as age 46 in 1880. Although it is possible that these men were the same person, the discrepancies in their names and ages do not support this argument.

According to the petitioner, William and Mary “[O]Bumsawin” were remembered by a few older residents of Grand Isle, and the narrative stated that “[t]he information regarding the older Obumsawins from Grand Isle was recorded in interviews with John and Irene Baker and Clifford and Pearly Dubuque in 1978 and 1979” (SSA 1982.10.00 Petition, 82). None of the interview subjects’ names appears in genealogical data submitted by the petitioner, and it seems they are not members of the group. It is not unusual to cite multiple interviews with both members and non-members of a group regarding certain individuals, but the text references only interviews conducted with non-members. There is no explanation as to whether this is because the Obomsawins had lived at the end of the 19th century, before the oldest group members had been born, or for some other reason. Most crucially, the interviews themselves are not included with the petitioner’s submission. According to the bibliographic citation, the information was taken from a manuscript written by John Moody and in the possession of the Abenaki Self-Help Association, the petitioning group’s social service organization (SSA 1982.10.00 Petition, 230). Although the manuscript was submitted, the interviews were not, and therefore could not be examined in their entirety. The petitioner is encouraged to submit this document and others like it to support its contention that the Obumsawins were members of a community of Abenaki descendants in and around the town of Swanton.

Another example of the petitioner’s interpretation of the data not conforming to the actual documentation is the assertion that a woman named Cordelia (Freemore) Brow (1843-1923) was “a popular midwife in her later years, and many of the children whose births she assisted around 1900. . . were listed as Indian-white [*sic*] in the town birth records” (SSA 1982.10.00 Petition, 74-5). This ethnic categorization is credited to the intervention of Mrs. Brow. The group submitted no documentation or local histories naming Cordelia Brow as a midwife. Federal census records from 1910 do indicate that a 65-year old “Delia” Brow was living with her 73-year-old husband John on upper Fourth Street in Swanton, but with no indication of an occupation (US Census 1910, Franklin County, Vermont). The petitioner has not submitted any documentation produced during her lifetime identifying Mrs. Brow as a midwife. The group also generated and submitted a list of the 20 children it claims were listed as “Indian-White” (SSA 1982.10.00 Petition, 211-12), but did not submit any copies of their actual birth records.

The State did submit photocopies of each of the birth certificates, as well as those of some siblings of people on the list (Birth Certificates [BC] 1904-1920). Upon examination of these documents, it is clear that the petitioner’s claims are not supported by the evidence. The original documents are often ambiguous in their recording of any person’s ethnic identity. Each form contained five qualifiers and instructions to strike out the ones that did not apply to the person being recorded. Some of the “strikes” are ambiguous, and do not appear to extend fully through a category; other times, they appear to extend through only by accident. For example, no specific category of “Indian-White” exists; instead, the other qualifiers “Black (Negro or

mixed),” “Japanese,” and “Chinese” would be stricken, leaving the categories of “Indian” and “White” on the page. Four certificates appear to indicate that the children were “White” and “Indian,” while another six could be interpreted either as “White” or as “Indian” and “White,” depending on the interpretation of the strike marks. Four children appear to be “Indian-White-Chinese,” an obvious error, given the known information about the petitioner. One record has every identifier crossed out, while three have none crossed out. One has all the qualifiers except “Black” clearly stricken. One child is identified only as “White.” Several copies of the records are difficult to read. Additional birth certificates and records provided by the State indicate that many times, full siblings were recorded differently, even when the informant was the child’s father. Neither the State nor the petitioner included other birth certificates from other people in the area to demonstrate whether other children’s ethnic identities were recorded in the same fashion.

Further, the petitioner maintains that Cordelia Brow was an active midwife in the area at the time, and was at least “partly” responsible for the recording of these individuals as “Indian.” However, this theory is not demonstrated by the evidence presented in the documents. Three medical doctors are identified on the birth records as providing information for the birth certificates (A. Parenault is recorded on three certificates, C. E. Allen on two, and E. R. Lape on one). Two other individuals (A. L. Cross and H. H. Pierce⁵⁴) are also listed as informants on one certificate each. Mrs. John Brow (Cordelia Freemore Brow) is listed as the informant for one child, Emma St. Francis (St. Francis, Emma 1916.04.24[BC]).⁵⁵ The other eleven informants were the children’s fathers, including three sons of Mrs. Brow who were listed as the informants for their own children. Therefore, the only documentary evidence presented regarding any involvement of Mrs. Brow in the delivery of a baby was her name on the birth record for one child.

There is no other information in the submission that attributes the ambiguous recording of the ethnicity of these 20 children to any involvement by Cordelia Brow. Although she may have delivered the occasional baby (which would not have been uncommon for a rural woman in the United States), there is no information identifying Mrs. Brow as an active midwife responsible for the recording of births in the town records.

Indians in Vermont, 1900-1940

The petitioner has presented descriptions and photographs of several items that it maintains demonstrates the vitality of its ancestral community during the early 20th century. These items are included in a “catalog” of artifacts in the petitioner’s museum that it maintains were made by Abenaki Indians. It is not clear, however, that anyone other than the petitioner has identified these articles as “Abenaki.” However, the petitioner has not demonstrated these items originated in a Swanton-based community, rather than a collection of objects manufactured by Abenaki

⁵⁴ A “Dr. Pierce” is named in the excerpt of an interview with a former midwife (SSA 1986.05.23 [Addendum B], 111).

⁵⁵ Genealogical information included in the petition indicates that Emma was Cordelia’s first cousin, thrice removed.

Indians who visited the area. Identifications of Abenaki Indians were not necessarily identifications of the petitioner or its claimed ancestors.

The petitioner submitted a copy of a picture postcard of a man fishing from a small boat. The photograph is undated, but the petitioner has estimated that it was taken around 1900. The postcard is inscribed with the caption “Chief of the Wabanacus, Highgate Springs, Vt.” (Catalog, Wiseman, 2005, np1). The petitioner maintains that this document is “a Euroamerican technology (postcard) explicitly listing a status position (chief), cultural identifier (‘Wabanacus, a mis-hearing of an indigenous pronunciation of ‘Abenaki’), and a northwestern Vermont location” (Wiseman 2005.00.00, npn). However, there are several problems with the petitioner’s interpretation, namely that the postcard’s meaning for purposes of determining tribal status is, at best, vague, and cannot be linked with any surety to the petitioner or any particular Indian tribe or individual. Therefore, the title of “chief” on a souvenir tourist postcard without any other documentation supporting the identity of the person in the photograph cannot be taken as an indicator of political status. Many tourist items from all over the country used (and still use) the term “chief” to describe any male Indian, just as they might use the term “princess” to describe any young female in tribal regalia. Further, the postcard appears as if the name of the individual had been scratched out, and the petitioner has offered no identification of this man, even though his face is visible. If this man was a “chief” of a Highgate Springs Abenaki community, then the petitioner should be able to provide a name for him, and describe at least some of the actions carried out under his leadership. The petitioner has offered no such information regarding this individual.

The petitioner includes a reference to an interview with a non-Indian, non-member named Alice Roy of Barre, Vermont. In this interview, Ms. Roy is said to have remembered her father describing a visit to “the Indians in northern Vermont, with descriptions of clothing and housing . . . about 1910-1912.” According to the petitioner, this demonstrates “that the Abenaki community was widely known, at least to the Vermont francophone community, or Alice Roy’s father would not have known where it was located” (Wiseman, 2005.00.00, npn). Again, the petitioner did not submit a copy or transcript of the interview.⁵⁶ Regardless, the petitioner’s description of the interview is unpersuasive. The petitioner says only that Ms. Roy’s father visited “the Indians” in northern Vermont, without giving the name of any particular town in the area, or any tribal identification for the Indians he is supposed to have visited. Without any explanation of where in northern Vermont this supposed community was located, it is not possible to state that Ms. Roy was referring to the petitioner’s claimed ancestors.

The contention that the Roy interview demonstrates that “the Abenaki community was widely known, at least to the Vermont francophone community,” is unsubstantiated. No interviews, newspaper articles, or other documents in French or English submitted by the petitioner

⁵⁶The “catalog” also makes reference to another interview, also not included with the petition, in which Ms. Roy and Professor James Petersen “share personal and family stories of Vermont’s Gypsies in the 1920’s and 1930’s. Roy indicated that the Franco-Vermont community knew the Gypsies were Indians” (Wiseman, 2005.00.00, npn). Without the text of the interview, there is no way to know just what Ms. Roy actually said. Further, there is no explanation of just how it was that the “Franco-Vermont” community obtained this information, or why there are no references to this in any additional interviews or in any documents submitted by the petitioner.

described any Indian community in northern Vermont. Describing this “community” as “widely known” during the early 20th century also contradicts the petitioner’s own claims that the group was “underground” during this time. To maintain that the “community” must have been widely known or else Ms. Roy’s father would not have been able to locate it is also erroneous. Without the text of the interview to examine, it is impossible to know how the “community” was located by Ms. Roy’s father. He could have come upon the area by accident, or been told by someone else where the “community” was located. The excerpt also does not describe whether the “community” was visited repeatedly, or if Ms. Roy’s father went only one time. The petitioner did not include the name of Ms. Roy’s father, his occupation, or under what circumstances he may have been visiting an “Indian” community. The petitioner’s brief abstract of second-hand information does not support the “reasonable likelihood of the validity of the facts” (83.6(d)).

The petitioner describes a basket set collected in the 1920’s by a local woman who purchased or bartered with “the Gypsies” for the objects. The petitioner maintains the people who made these baskets were “probably the Phillips family, who seemed to have the Route 15 trail to themselves” (Wiseman 2005.00.00, npn). This statement apparently refers to one of the families of descendants of Antoine Phillips (1781-1885), a claimed ancestor of some group members. However, the petitioner offered no information as to how it reached this conclusion. The petitioner did not include any information as to the location of the family farm where the baskets were supposed to have been obtained. There is also no information as to how the petitioner learned this particular family traveled this particular route. Other information included in the petition does indicate that Peter Phillips (abt. 1829-1906), his wife Eliza (Way) Phillips (dates unknown), and some of their other family members did sell baskets (Eugenics Survey of Vermont 1930, npn), and are claimed ancestors of some group members, but there is no information in the petition that links this particular family to these specific baskets.⁵⁷

The petitioner also submitted additional information about other “Abenaki” baskets in their collection. However, the petitioner and the State both submitted evidence which demonstrated that Western Abenakis from Odanak and Passamaquoddy and Penobscot from Maine traveled to the large summer resort hotels throughout the region, selling baskets and other crafts to tourists. This tourist trade started in the 1870’s, when Victorian Americans traveled to northern New England in large numbers. Some built summer homes, while other stayed at large resort hotels. Many of these resorts were built near mineral springs believed to be beneficial to health, where many traveled to take in the waters. At the same time, Indians from the United States and Canada were often hired as hunting and fishing guides, and found a receptive market for their handicrafts, particularly baskets. By the 1880’s, Abenaki Indians from Quebec and Passamaquoddy and Penobscot Indians from Maine were beginning to manufacture baskets specifically for the summer tourist trade.

⁵⁷It is also important to note that Indians were not the only people who made baskets. Articles submitted by the State include information of baskets being made and sold by Roma Gypsies and French people (Lester 1987; Pelletier 1982.00.00; Salo and Salo 1984.00.00). In some cases, Gypsies apparently purchased baskets from the Passamaquoddy and Penobscot, and sold them on their own travels (Lester 1987, 57). In the case of the Phillips family, from whom some petitioner members descend, one record indicates that they learned basket making from a Frenchman while in residence at the local poor farm (Eugenics Study of Vermont 1930, npn).

Highgate Springs, a town approximately three miles north of Swanton, was a popular tourist resort and a very well-known stop along the basketry trail until the 1930's. One Abenaki woman from the Odanak reservation in Canada, Sophie Nolett, recalled spending summers there:

I started making baskets when I was nine. Because my mother always said if you want to earn some money, you'll have to make baskets. So we made baskets, my sister and I. Every summer we used to go to Highgate Springs. We rented a house, and we had like a counter to sell the baskets. We used to leave for there at the end of the school in June, and we went back first September to go to school again. There's a lot of families used to go and sell baskets in the States. It was good, then, those years were good. (Vermont Folklife Center 1997.00.00, 13)

There is no indication in the materials submitted that the Indians who came to sell their baskets in the vicinity of Swanton visited or associated with any local Indian community. Nothing in Ms. Nolett's interview or any other documents submitted indicated that the Indians who traveled to the area to sell baskets visited with the ancestors of the petitioning group, or identified them as fellow Indians or Abenakis. No other information in the submission indicates that the baskets were made by members of a Swanton-based Abenaki community.

The petitioner's "catalog" describes a curved knife stamped with the name of the recipient and dated 1913. According to the researcher's notes "the Indians made this distinctive of [*sic*] knife as a presentation piece for my Grandfather, apparently having it professionally stamped with his name. It was from the "West Swanton Indian Fish Camp" (Wiseman 2005.00.00, npn).⁵⁸ However, the petitioner has not submitted information describing any of the group's claimed ancestors as Indian members of this camp. Just as some Abenakis from Canada and Maine traveled to the area to sell baskets, others traveled there to serve as fishing and hunting guides. The petitioner has not provided information demonstrating that the "West Swanton Indian Fish camp" was actually an Indian or Abenaki endeavor rather than simply a local commercial business using the term "Indian" in its name without any actual association with Native Americans.

Another object from this early 20th century period described by the petitioner as an item indicative of an Abenaki community in Vermont is a gold watch with a beaded watch-fob. The watch is inscribed "Presented to Arthur Stevens May 16 1918 from Abenaki Tribe for Faithful Work." The petitioner claims these items

... probably together comprise the most important object [*sic*] in the collections from this time period. The fact that the watch is an American Waltham Watch Co., [*sic*] and the engraved message is in English is indicative of an American, rather than Canadian origin. Furthermore, the included elaborate American Flag watch-fob has a fringe type that was commonly made by Native People in the late 19th and early 20th Century. This indicates both the presence of an "Abenaki

⁵⁸The petitioner submitted a photograph of six men with the caption *We Were Always Here: Missisquoi Abenaki Guides, Camp Cooks and Their Clients, Metcalf Island, Missisquoi River Delta. 1910* (Wiseman, 1910.00.00, npn). None of the individuals, either clients or guides, were identified.

Tribe” and the collective resources to purchase a 14k gold watch to give to the bearer of a Euroamerican name. (Wiseman 2005.00.00, npn)

There are several problems with the petitioner’s analysis of this watch. The petitioner offered no explanation of who “Arthur Stevens” was or why he would have received such an elaborate gift from the alleged “community” in and around Swanton (which was described as quite poor in other petition documents). There are no newspaper articles or other documents which describe any ceremony where the watch was presented, or what “faithful work” Stevens performed. The petitioner also did not include any interviews or oral histories describing Stevens or the awarding of the watch.

There is also another, more plausible, explanation for this object: the Improved Order of the Red Men (IORM). This organization, still in existence, was a very popular fraternal order during the late 19th and early 20th centuries. The organization, successor to the Order of the Red Men, describes itself as “devoted to inspiring a greater love for the United States of America and the principles of American liberty” (www.redmen.org). The IORM and its sister organization, the Daughters of Pocahontas, had many small chapters (called “tribes”) across the United States during this time. These “tribes” were often named after tribes (such as “The Ponca Tribe” and “The Iroquois Tribe”), and also used proper names from a variety of Native languages, or “Indian-sounding” phrases to designate these chapters (e.g., “The Canonicus Tribe,” and “The Grey Eagle Tribe”). Members of these early “tribes” appear to have all been white men inspired by various idealized and romantic images of the early Native Americans.⁵⁹

Members sometimes dressed in faux Indian regalia for certain ceremonial occasions, and used such titles as “Great Sachem,” “Great Chief of Records,” and “Great Keeper of the Wampum” to describe their leadership positions.⁶⁰ Most importantly for this finding’s purposes, the group often gave engraved watches to its members commemorating their years of service to the organization (D. Lintz, OFA researcher personal communication, 6.8.2005). Considering that many of the men were patriotic war veterans, the presence of a beaded American flag watch fob in an organization consisting of Indian hobbyists would not be unusual.

Records were kept by each individual “tribe,” but many chapters dissolved without notifying the national headquarters. There is no record of an “Abenaki tribe” in 1918, but there are records of an “Abenaki Tribe #538” in Girardville, Pennsylvania, before 1925 (D. Lintz, OFA researcher personal communication, 6.8.2005). There were also two other chapters using the name “Abenaki” in the early 20th century, one in Ohio and the other in New York. It is plausible that the watch included in the petitioner’s collection and described in its submission has nothing to do with an Abenaki Indian entity in Vermont, but was connected to a fraternal order of Indian

⁵⁹For example: “Outside of and in addition to the patriotic, fraternal and charitable beauties of our Order, there is a fascination for Red Men in the imagery and poesy of the thoughts and language of the aboriginal people whose names we have taken, whose virtues we emulate, and whose traditions and customs form the structure on which has been built what is conceded to be the most beautiful ritual extant.” (Introduction in Donnalley 1908, npn)

⁶⁰For more information regarding the Improved Order of the Red Men, see *Hand-Book of Tribal Names of Pennsylvania*, Philadelphia, 1908; Thomas K. Donnalley, ed.

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admirers. The petitioner needs to document who “Arthur Stevens” was, where he lived, and his connection to any “Abenaki tribe” that may have existed. Likewise, the petitioner needs to document that there was an “Abenaki” entity, other than the IORM, which was conferring gifts for services rendered.

The “catalog” submitted by the petitioner describes many other items, including other baskets, clothing fragments, and assorted implements which the petitioner claims are evidence of its ancestors’ presence as “Abenaki” in the vicinity of Lake Champlain. However, it has not demonstrated that the objects are necessarily indicative of a community, Abenaki or otherwise, populated by its claimed ancestors. To support its contentions, the petitioner should submit full-text interviews, as well as original documents (not petitioner-created extracts). Further, it should present evidence which demonstrates the items and documents refer specifically to its community and its claimed ancestors, rather than Indians who visited the area seasonally.

Canadian Abenakis in Vermont

As was noted in the previous section, many Abenakis (Western and Eastern) traveled to Vermont during the summer to work in the lucrative tourist industry that existed there during the late 19th and early 20th centuries. However, some Abenakis of Canadian descent moved to the United States and established small communities in Massachusetts, Connecticut, and New York in the early 1900’s and particularly after the Second World War (Day 1948.07.00- 1962.11.13, 2, 15, 18, 19). Some of these people maintained close ties to the Canadian reserve of St. Francis/Odanak in Quebec, while others lost touch with the home community.

The petitioner has a few members who claim to trace their ancestry to the Obomsawins, a well-known Abenaki family originally from Canada which settled in the United States. These members are descended from Simon Obomsawin (abt. 1850- aft. 1930), who was born, married, and raised his children at Odanak until the death of his first wife. He left Canada for the United States early in the 20th century (Royce 1959.00.00, 1-2), and built a house at Thompson’s Point, Vermont, in 1907. His children Elvine (Obomsawin) Royce (1886-1967) Marion (1885-1980), Marie (dates unknown), and William (abt. 1879- aft.1959)⁶¹ moved to that location shortly after their father had established his residency. Simon, his second wife Agatha, and his daughter Elvine were all recorded on the 1910 Federal census, all enumerated as “Indians” (US Census

⁶¹Neither Marion nor William was described by Gordon Day or John Huden as having children. An article written by a daughter-in-law of Elvine Royce also describes Marion and William, and makes no mention of either having children (Royce 1959.00.00, 1-2). However, some abstracted materials submitted by the petitioner indicate that Marion was married and had two children (14 and 15) in 1929. It is possible that the similarity of names between “Marion” and her sister “Marie” resulted in some confusion between the two siblings. “Marie” is described as having married and moved with her husband to Atlantic City, New Jersey, to sell baskets (Royce, 1959.00.00, 1). A “Marie Remington” is recorded in the petitioner’s abstract living in Charlotte, Vermont, and is described as a basket maker and mother of two. A “Fred Remington,” born in New Jersey, appears on the 1930 Federal census of Charlotte, Vermont, as a “grandson” in the household of “Simon Obomsawin” along with “Marion Obomsawin,” “William Obomsawin,” and a non-Indian lodger (US Census 1930, Chittenden County, Vermont). The 1920 and 1930 Federal censuses and documents located independently by Department researchers all recorded “Marion” under the surname of “Obomsawin,” never “Remington,” and as “single,” not “divorced” or “widowed.” Further, “Marion Obomsawin” was enumerated on the 1920 census with her father and brother, but without the four- and five-year-old children she should have had with her if she was “Marie Remington.” The evidence indicates that these two women had their identities confused at various points in time.

1910, Chittenden County, Vermont). Elvine also told Gordon Day that she had lived for a time at Intervale, a famous Indian summer camp in New Hampshire, where many Abenakis (and other Indians) sold baskets and other crafts to visiting tourists (Day 1948.07.00-1962.11.13, 9). Most of the petitioner's members who claim Simon as an ancestor are descended from Elvine, who married a non-Indian named Daniel Royce sometime around 1913, moved to Montpelier, and had four children. Unmarried siblings Marion and William were recorded on the 1920 and 1930 Federal census with their (now widowed) father in the house he had built. Although they are not known to have returned to Odanak, the siblings had many Abenaki visitors from both the United States and Canada at the family home in Charlotte, Vermont. The siblings spoke Abenaki, and were informants for Gordon Day.

The petitioner and the State of Vermont have both submitted documents related to the Obomsawins and their descendants.⁶² However, all the submitted evidence indicates that the relationship between these descendants and the Swanton-based membership is of relatively recent origin, not pre-dating 1975.⁶³ The documentation does not describe any interaction between the Obomsawins and the petitioner's ancestors. The petitioner has not provided any explanation as to why, if there was a large group of Abenakis living in Swanton, there are no records of their interacting with the people living at Thompson's Point. The Obomsawins continued to be a part of a widespread, well-documented social network, maintaining social ties with other Abenaki living in the United States and on the Canadian reservation, even though they had left the reservation many years before. No such information is available for members of the Swanton-based membership. Further, the Obomsawins were well-known and acknowledged by non-Indians in Vermont as Abenakis (1910, 1920, and 1930 Federal censuses all record the Obomsawin family members as "Indians"). There is no available information of the Obomsawins or the other Abenakis with whom they associated being forced "underground," or denying their Indian ancestry. The petitioner has not provided any information to explain why its claimed ancestors had to deny their heritage, while the Obomsawin descendants and the other Odanak Abenakis with whom they associated openly celebrated theirs.

The lack of information regarding social relations with other Indian people in the area is especially difficult to explain in the early years of the 20th century, when many of the Indian groups in New England were forming pan-Indian organizations. Groups such as the Algonquin Indian Federation included members from several groups in southern New England (e.g., Pequot, Wampanoag, Narragansett, and Nipmuc). Before the development of these organizations,

⁶² A 1976 report commissioned by the State in response to the group's early political activities cited one of Elvine's descendants as having "decided that knowledge and awareness of Abenaki heritage would only make life more difficult" and therefore did not teach her child the "lifeways, secrets, and language of the Abenaki" (Baker 1976.10.15, 6-7). Aside from a glaring error in recording the family genealogy (Baker identified Elvine's daughter Nettie as her granddaughter, an error that the petitioner repeated without correction in their 1982 submission), this particular description of Elvine is out of character with other descriptions of her, particularly in regards to the use of the language. In fact, Day's field journal specifically addressed Elvine's use of the language with her children, stating that she tried to speak Abenaki to them and that they knew some words but were not fluent (Day 1948.07.00-1962.11.13, 9, 16).

⁶³ The petitioner also describes 30 people in its first 2005 membership submission as having ancestry from other Odanak Indians. These members do not appear on the 1995 membership list, and their involvement with the group apparently does not pre-date the 1990's.

Abenaki Chief Joseph Laurent of Odanak organized several well-known Indian “camps,” the first and most famous being the camp at Intervale, New Hampshire. This “camp,” which is still in existence, was first established in 1884. Indians from across New England and Canada spent summers there educating tourists and selling baskets and other handicrafts (Hume 1991, 7). However, none of the information submitted identifies any participation by the petitioner’s claimed ancestors in the activities at Intervale. While the petitioner makes the argument that its claimed ancestors had to go “underground” to avoid detection by non-Indians who wished them ill, no argument with supporting evidence has been offered to explain why these people remained hidden from other Indians as well.

Social and Economic Connections

The 1982 Narrative and 1986 Response included a description of informal social gatherings, called “tunks” or katunks” prior to World War II (SSA 1982.10.00 Petition, 91-2; SSA 1986.05.23 [Addendum B], 114-15). These get-togethers included card-playing, square-dancing, and drinking. The petitioner indicates these gatherings occurred in several different neighborhoods and on some of the islands in the vicinity, and were attended by many of the petitioner’s claimed ancestors. A document submitted by the State also identifies “tunks” occurring in Vermont, and describes them as French-Canadian social gatherings (Horsford 1925, 12). If “tunks” were held by the petitioner’s claimed ancestors, the group should present evidence of them and describe how they differed from those of French-Canadians in the area.

The petitioner referred to some ancestors traveling together during the summer during the first half of the 20th century. According to Leonard “Blackie” Lampman (1922-1987), his parents traveled to the mouth of the Pike River with members of the St. Francis family.⁶⁴ Lampman also described groups of families picking and selling berries, and also selling fish around Swanton (SSA 1986, 98-99). For this time period, descriptions of these types of activities may be used as evidence to demonstrate a “. . . significant degree of shared or cooperative labor or other economic activity among the membership” (criterion 83.7 (b)(1)(v)). The petitioner should submit the full text of this interview, paying particular attention to identifying the family members and individuals who may have worked and traveled together as a group. The petitioner should also include more information about any other trips, including the destinations, when and how frequently they occurred, and if they continued after the 1930’s. The petitioner also should indicate who the travelers saw or visited with while away from Swanton and how long they stayed before returning.

The petitioner also included some descriptions of people coming together to build a house or raise a barn. An excerpt of an interview with a member identified as Joe Bellevue stated that he had a photograph of his grandparents engaged in building a barn. According to the interview, the photograph was taken by a visiting Indian from Canada (SSA 1986.05.23 [Addendum B], 118). There are, however, two problems with this interview in that the full text of the interview and the photograph are not included in the submission. The group should include full-text interviews

⁶⁴The excerpt from the interview with Lampman (SSA 1986, 98-9) does not provide a date for this activity, but if Lampman was born in 1922, the events probably occurred in the early 1930’s. The interview refers to Nazaire St. Francis, Sr., (1869-1936) as one of the individuals the Lampmans traveled to Canada with; it is also possible that it was actually Nazaire Jr. (1890-1960), who was closer in age to Lampman’s parents.

describing any communal labor efforts, and supporting documentation, such as captioned photographs.

The petitioner has also claimed that annual fish runs were occasions for members of the group to come together and celebrate. The 1986 Response specifically mentions gatherings on Charcoal Creek to catch bul heads (SSA 1986.05.23 [Addendum B], 105). However, springtime in New England attracted (and attracts) people of all backgrounds to catch fish or otherwise enjoy natural resources. If use of this location was exclusive to the group’s ancestors, the petitioner should include descriptions of this spot (including a map), as well as interviews naming specific years and specific participants. This would also apply to other places, such as berry patches or hunting areas, which the petitioner maintains were sites of social gatherings.⁶⁵ In each instance, the petitioner must submit evidence of the years these gatherings were held, and the names of the participants.

Social Bonds

The petitioner included descriptions of its claimed ancestral families in the area it identifies as “Back Bay”⁶⁶ sharing resources, such as vegetables and game, during times of scarcity. The petitioner also described how residents of the neighborhood, particularly children, could rely upon a number of households if they needed a place to sleep or food to eat (Wells, Bob and Alma 1982.03.18, 11). There is no information detailing whether all the residents of “Back Bay” participated in the sharing and “open door” relationships or only members of the petitioner’s ancestors assisted each other. The petitioner’s unsupported contention that the group was receptive to visits from “Indians from Canada” might be used as evidence to demonstrate a distinctly “Indian” community. Evidence, however, is lacking. The interviews do not include the names of these visitors from Canada or adequate details of specific visits.

The 1986 Response maintains that “one memorable Abenaki-style winter burial” occurred in 1926 (SSA 1986.05.23 [Addendum B], 106). However, the petition does not include any information regarding who was buried or who attended the ceremony, and there is no evidence that the burial was of anyone connected to the petitioner. The petition did not specify what made this particular burial an “Abenaki” burial, as opposed to any other type of burial. Another quote from the 1986 Response maintains that people used to “dress up in their costumes” and also smoke what the interview subject referred to as “peace pipes” (SSA 1986.05.23 [Addendum B], 106-7), but the interview subject is unnamed,⁶⁷ and the quote does not contain the names of the

⁶⁵ Maps of the area located by Department researchers did not include any body of water called “Charcoal Creek.” The petitioner should identify geographical features by their formal names, as well as by any local appellations.

⁶⁶ Although the petitioner makes several references to the “neighborhood” of “Back Bay”, maps of Swanton located by Department researchers do not refer to any specific area of the town by this name. The petitioner also did not supply any map indicating where this neighborhood was located, although information included in the submission indicates it includes Swanton’s Liberty, Pine, and First Streets. The Swanton Historical Society indicates this area also includes Bushey and Elm Streets (Swanton Historical Society, 2005, OFA researcher personal communication). The petitioner should submit a detailed map of “Back Bay.”

⁶⁷ The interview subject’s father’s name is given in this particular quote, but it appears to be a nickname rather than a given name. Without the given name or some other identifier, it is not possible to identify the person who provided

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people who attended this event. The quote also does not indicate the date of these events, while the preceding paragraph states only that these events occurred “. . . within the last sixty years” (SSA 1986.05.23 [Addendum B], 106-7). If the petitioner wishes to demonstrate that funerals were important events among its ancestors, additional evidence of important funerals (such as sign-in books and newspaper obituaries) should be submitted to demonstrate who attended these events.

The petitioner mentioned that some group members had been buried in St. Mary’s Cemetery in Swanton, Vermont. However, the group did not submit any documents providing the names or the number of the group’s members buried in this cemetery. The State did include a book which lists all of the people buried in the cemetery (Leduox, 1993.08.00) but did not perform any analysis of this record. The records submitted contain the surnames of many of the families claimed to be ancestral to the petitioner, which indicates that some of the petitioner’s claimed ancestors are buried in this cemetery. However, nothing in the record shows that cemetery officials segregated or treated the petitioner’s claimed ancestors differently from other people buried there. Several members of two well-known petitioner families (the St. Francis and Brow families) are buried in St. Mary’s cemetery, but a brief analysis of the cemetery records indicates the graves of these individuals were located in several different areas rather than a specific location. The petitioner should submit a list identifying the petitioner’s claimed ancestors buried in this cemetery, as well as an analysis of the location of those graves.

The petitioner maintains that “Cadell Brow” “frequently appeared as the ‘informant’ on death, as well as birth records” (SSA 1986.05.23 [Addendum B], 107) for many of the petitioner’s claimed ancestors. This is another reference to Cordelia Freemore Brow, who was also described as a midwife in the petitioner’s 1982 narrative and 1986 response. Again, the petitioner did not submit copies of the actual death certificates, so this claim cannot be verified. The State submitted some death certificates of the petitioner’s claimed ancestors (including Brow’s own), but they reveal no pattern of any person serving repeatedly as an informant. The petitioner may wish to submit copies of the death records that it claims demonstrate individuals serving as informants for many of the petitioner’s ancestors. The petitioner needs to demonstrate that these alleged “informants” were not merely performing this service for their close relatives, but also executed this service for people from a number of other families.

Discrimination

From the records presented by the petitioner and the State, it appears that the claimed ancestors of the current petitioners were part of the Swanton general population. Although the petitioner has maintained that the “stigma” associated with being identified as Indian kept its claimed ancestors from publicly identifying themselves as Indians, the petitioner has not included any “. . . evidence of strong patterns of discrimination or other social distinction by non-members,” as defined by criterion 83.7(b)(1)(v).

Many people identified by the petitioner as ancestors of the current membership were Catholic, which may have separated them (to some degree) from the Protestants in the town, but not from the French-Canadians and Irish Catholics. As children, these claimed ancestors attended public

this information or verify the claims.

schools (some may also have attended a local Catholic school), but there is no indication they ever applied to attend Federal Indian schools. No documents in the petition indicate that the petitioner's claimed ancestors were served by a particular priest or other religious figures, and nothing indicates they had a separate church. The petitioner has not included any records of annual celebrations, such as seasonal festivals or saints' days, which outsiders noted were held as community feasts. The petitioner has not shown that holidays such as Christmas or New Years were celebrated by members of the group in ways different from their Catholic or Protestant neighbors. The petitioner has not submitted evidence that would demonstrate that the Catholic Church (or any other church) was a center of "shared sacred or secular ritual activity encompassing most of the group" as defined under criterion 83.7(b)(1)(vi).

Documents from this early period identify the petitioner's claimed ancestors as "white" or "French," and no other records from that period indicate that any people inside or outside of the group objected to this categorization, or contested that the members of the group should be classified as anything other than "white." For example, all 26 of the petitioner's ancestors whose World War I draft registration records the State submitted identified themselves on those forms as "white" or "Caucasian," even when the documents offered the alternative category of "Indian" (see "[WWI Draft]" documents). Nothing in the record shows that military authorities tried to place these people in another category during a time when black and Indian units were segregated from white military units. No other records submitted by the petitioner provide any examples of the group's claimed ancestors self-identifying as "Indian" or as "Abenaki."

None of the interviews or excerpts of interviews described any instances of a person being denied employment because of anti-Indian prejudice. The petitioner has not provided any evidence of children experiencing discrimination in school attributable to their claimed ancestry. There are no examples of members being refused service by local medical practitioners, or being prevented from voting, buying alcohol, or serving on juries.

The available documentation contained no examples of other families disowning children for or forbidding them from marrying the petitioner's claimed ancestors. Although marriages did occur between individuals from the petitioner's claimed ancestral families, there is no indication that such marriages were preferable to one with an outsider.

The petitioner maintains that the derogatory terms "gypsies," "pirates," and "river rats" were used to denigrate its claimed ancestral families.⁶⁸ However, there is no information in the petition that links these terms with the petitioner's claimed ancestors, or that provide any evidence of anyone using these terms to identify or describe the petitioner's claimed ancestors. Instead, the terms are cited only in conjunction with the Vermont Eugenics Survey (VES), which used "Gypsy" and "Pirate" as pseudonyms to describe two composite "families" of "undesirables" (Perkins 1927.00.00, 8). While a few members of the petitioner's claimed ancestral families were identified by name in the State documents that were eventually used to create the VES composites, they were not identified as Indians (some of the petitioner's claimed ancestors were identified as "French;" one man was identified as "Irish"). One of the families ancestral to some members of the petitioner was described as having some members with Indian

⁶⁸In 2005, the petitioner also asserted that the term "French-Canadian" as insulting (Wiseman 2004.03.00, 15), but did not demonstrate that the use of this term was pejorative.

ancestry, but the tribal affiliations were not Abenaki. These family members were cited as having “Indian blood,” or being “part Indian;” one was identified as claiming “Kickapoo” ancestry; the other was acknowledged as being from the Caughnawaga reservation in Canada, which was and is a Mohawk reservation (Eugenics Survey of Vermont 1930, npn). This particular family is also described as traveling “as gypsies” selling baskets (i.e., traveling in a manner perceived to be similar to that of Roma Gypsies), and it is possible this particular family may well have been confused with or called “gypsies.” However, there is no information indicating that the petitioner’s claimed ancestors were referred to by this or any other appellation outside of the composites created by the VES. There is no information in the petition about which members’ families are supposed to have descended from the riverboat-dwelling “Pirates” or “river rats.” Further, the VES identified many other families with no connection to the petitioner’s claimed ancestors, and the petitioner has not demonstrated that the references applied solely to these people and not to the other families identified by the Survey. To be useful in the overall analysis of demonstrating the existence of a distinct community, the petitioner should provide examples that demonstrate others exclusively used these derogatory terms when referring to the petitioner’s claimed ancestors.

The petitioner maintains that a member served as a midwife to members of the community sometime between 1920 and 1970, but does not give her actual years of service. In the interview portion included in the submission, she described her fear of being arrested if the local doctor found her delivering babies without trained medical supervision (SSA 1986.05.23 [Addendum B], 111). However, there is nothing in the submission indicating that she was singled out as an “Indian” midwife, rather than as a woman practicing midwifery at a time when delivering babies was becoming monopolized by trained physicians. The petitioner has not included any information describing how other midwives at that time were treated, to demonstrate that this woman was subject to punishments different from other midwives. Additionally, the petitioner has not demonstrated that this woman practiced midwifery exclusively or predominantly among the petitioner’s claimed ancestral families.

The petition contains an interview which contains, among other information, some information regarding specific stores frequented by the petitioner’s ancestors, and identifies “Levicks” as a shop where “Back Bay” families shopped for groceries (Wells, Bob and Alma 1982.03.18, 10). “Prouty’s,” “Keefe’s,” and “St. Marie’s” were also mentioned (SSA 1982.10.00 Petition, 94). However, the interview does not demonstrate that any discrimination was responsible for the “Back Bay” families patronizing one store rather than another. Instead, this store was less expensive than the others in town, and so was patronized by the poorer members of “Back Bay” (Wells, Bob and Alma 1982.03.18, 10). There is nothing in the petition indicating that the more affluent grocery stores refused service to the petitioner’s claimed ancestors.

Some of the petitioner’s documents mentioned that some people had vague memories of there being a fence around “Back Bay” before World War I (Wells, Bob and Alma 1982.03.18, 14), but no archaeological or photographic evidence has been presented to demonstrate that this fence existed. Even so, one of the petitioner’s informants stated that he never saw or heard of such a fence, but if one had been there, it would have been to prevent illegal train riders from jumping off the train and running into the neighborhood unimpeded (Wells, Bob and Alma 1982.03.18, 14). There is also no available evidence showing that the “Back Bay” area (or any other place

populated by the petitioner’s claimed ancestors) was a “ghetto” where specific groups of people were forced to live. There are several descriptions of people moving to different areas of the town and the region as their economic and social fortunes changed (SSA 1986.05.23 [Addendum B], 107; 108; 118).

The petitioner asserts that the “Back Bay” area “. . . through the mid 20th century, was always considered by the citizens of SWANTON [*sic*], both white and Indian, as the place where the Indians lived” (SSA 1995.12.11 [Second Addendum], 7). The son of a Swanton storekeeper is quoted in the petition and does identify some of the petitioner’s claimed ancestors as Indians (SSA 1986.05.23 [Addendum B], 97). Another storekeeper’s son from St. Albans is also quoted as knowing that the claimed ancestors of the petitioner were Indian (although he does not identify them as “Abenaki”). However, the assertion that “many people” in the community knew and acknowledged a separate Abenaki community in the area is not supported by the documentation submitted, and again contradicts the petitioner’s claim that the group was “underground” for most of the 20th century.

The full text of these interviews, and any others conducted with knowledgeable outside members of the Swanton community, should be included in the petition to provide more insight into how the local population related to the petitioner’s claimed ancestors.

The Vermont Eugenics Survey

After 1995, the petitioner’s submissions contain many references to the VES. This project began in the middle 1920’s and was overseen by University of Vermont Professor Henry Perkins. Field workers conducted interviews and collected information on individuals and families who were considered to be “socially inferior” (particularly those deemed “criminals” or “sexual deviants”). Researchers also investigated prison files and records from State and local charity institutions to identify families who were considered genetically predisposed to “criminality,” “degeneracy,” and “immoral behavior.” Some of this information may have been used later by the State Welfare Department to identify and track some individuals, who were surgically sterilized.⁶⁹ The petitioner maintains that the VES, which did identify some (but by no means all) of the petitioner’s claimed ancestors,⁷⁰ is directly responsible for the group’s reluctance to identify

⁶⁹ Just how many of the people identified by the VES were actually surgically sterilized is unknown. A 1961 report claimed that 210 people had been sterilized since the passage of the State’s voluntary sterilization law in 1931 (*Boston Sunday Globe*: 1995.09.03, 41). However, there is no information to determine what percentage of these people had been identified by the VES and what percentage had been identified after they had been admitted to State institutions or had otherwise come to the attention of authorities.

⁷⁰ The petitioner submitted a list in which they identified five families followed by the VES as ancestral to their members, but did not cite the source or sources from which this list was compiled (Families Identified n.d. List). This list identified a total of 60 families, with a grand total of 5,516 individual members. These numbers contrast with documents generated by the Survey itself, which claimed to have identified 62 families with a total of 4,642 individuals (Perkins 1927.00.00, 7). This is a difference of two families, but 874 more individuals. Of the 60 families listed in the petitioner’s documents, the petitioner identified five families as ancestral to their current members, with a total of 1,187 members (approximately 21.3% of the people the SSA identified). This would seem to indicate 5 highly extended families, averaging 237 members each. However, the petitioner maintains that the group consisted of far more than five families during this period. For the petitioner’s hypothesis of a persecuted group to be persuasive, more than five of its ancestral families should have been identified by the VES.

themselves as Indians during this time. According to its submission, people of Abenaki descent were deliberately targeted and sterilized because they were Indians, which so frightened the group's ancestors that they hid their ancestry even more than in the past. In addition, the group points to its ancestors' survival in response to the Eugenics Survey as a symbol of tenacity in the face of adversity. These claims are unpersuasive because there is no evidence in the materials that the claimed ancestors of the petitioner were targeted because they were Indians. The oral histories and other documents submitted to OFA by the petitioner prior to 1995 do not mention the VES at all.

Information and publicity about the VES after 1995 has resulted in the emergence of several unsubstantiated accounts among members of the SSA, including stories of makeshift field hospitals being erected in the area to facilitate sterilizations, and 15 people (in some accounts, 15 families) disappearing from the Monument Road area of Swanton in one night (Squires 1996, 127-9; *Boston Sunday Globe* 1995.09.03, 41). In the case of the missing individuals, none of the documentation includes the names of any people who supposedly disappeared. It is unlikely that the disappearance of 15 people would go unnoticed or unmentioned in a community the size of Swanton; it is even more unlikely that 15 families would disappear without anyone remembering their names or publicly commenting on their absence. The petitioner also has not provided the names of any claimed ancestors who lived on Monument Road during the 1930's.

The SSA has not presented any evidence that anyone among the petitioner's claimed ancestors knew about the VES or that the residents of Swanton were aware of or affected by the actions. While it is understandable that people might be reluctant to talk if they had been sterilized involuntarily, there is only one example of a contemporary group member telling the story of how she believed her aunts were allegedly sterilized:

Actually, in my family two of my aunts were sterilized. They were picked up, and brought to the State Hospital, in the state of Vermont, drugged up, sterilized without their knowledge. . . One of my aunts were [*sic*] picked up because she had been drinking. My other aunt, I don't really quite know the story . . . she never really talked about it as much as my other aunt did. (*Chronicle* Video Interview 3.19.01)

The interview does not indicate when this sterilization was supposed to have taken place. Existing records from the VES submitted by the petitioner and the State do confirm that one particular woman related to the interview subject was followed by the survey, and that this woman had five children (two of whom were recorded as being illegitimate). For unspecified reasons, records note that the State had given custody of her children to their grandfather. In 1929, this woman was arrested, convicted, and sentenced to one year in jail on an adultery charge (Pedigree, NSF, 1930 npn). The same record indicates that one of her brothers and one of her sisters were also incarcerated or institutionalized (the petition contains no additional information from the VES regarding the woman's sister, who may be the other aunt referred to in the interview). All of these events occurring in one family may have drawn the attention of authorities looking to identify "low quality families." There is, however, no documentary evidence demonstrating that this woman was targeted for any other reason, such as Abenaki or Indian ancestry.

The petitioner maintains that the Survey material demonstrates “. . . the ancestry of the Native Americans in Vermont who were especially targeted to be victims of this program.” (SSA 1995.12.11 [Second Addendum], 9), but this claim is not substantiated by the materials included in the submission. Although one claimed ancestral family was identified by the Survey as having some Indian ancestry, the others were identified as “French” or “Irish.” Further, the other information available in the submission gives no indication that Native Americans as a group were of concern to the study, although other ethnic groups were identified as sources of potential problems for Vermont. For example, the Survey leaders appear to have shared an anti-French-Canadian bias with many other authorities of the day (Gallagher 1999.00.00, 46). At the time, French-Canadians made up the largest minority group in Vermont, and some articles expressed concerns about the “peaceful invasion” of Vermont by this foreign element overwhelming the “Yankees” that controlled Vermont institutions. This is in contrast to a complete lack of any mention of Indians as an ethnic or political category, although there were a few references to individuals of Indian descent in the literature produced by the Survey.

There is also no available documentary evidence indicating that the sterilization described by the member of the SSA was actually performed, or that, if it was, it was as a result of the individual having been identified by the VES. The Survey identified over 4,500 people, but there is no available evidence that all or most of the people who were identified were then sterilized, or that only people who had been identified by the VES were sterilized. The operations that did take place occurred years after the initial reports, and were performed by the State Welfare Department.

The petitioner’s claim that this project directly targeted its claimed ancestors and their families because of their “Abenaki” ancestry has not been demonstrated in the materials presented. If the petitioner wishes to demonstrate that the group’s ancestors were targeted specifically because of their Native American ancestry, the group should search the files of the VES for letters and other documents demonstrating this bias.

Summary, 1900-1940

The information provided by the petitioner to demonstrate community during the early years of the 20th century is not sufficient to satisfy the requirements of criterion 83.7(b) from 1900 to 1940. The petitioner should submit field notes, full text interviews, and other documents which it cites in its narrative and Response, as well as copies of original documents such as birth, death, and marriage certificates to provide evidence that might be useful in substantiating its claims. The petitioner must also demonstrate that its ancestors (and not the Abenakis who visited Vermont seasonally) were the people being referred to as “Abenaki” by scholars and members of the Swanton community. The group should also document and provide evidence of specific examples of discrimination against its members because of their Indian identity, which resulted in group members hiding their identity. Finally, if the group wishes to demonstrate that its ancestors were targeted by the VES because of their Native-American ancestry, then it must include far more analysis of the project’s documentation. The analysis should demonstrate and provide evidence that the petitioner’s ancestors were targeted as a group, were sufficiently distinct from the many other families studied, or were described in terms which differentiated them from other people who were subjects of the survey.

Community, 1940-1970

The evidence presented by the petitioner to demonstrate community between 1940 and 1970 includes, but is not limited to, four oral histories. The evidence presented by the State of Vermont also includes, but is not limited to, various newspaper and scholarly articles and selected birth, death, and marriage records.

The deficiencies noted in the previous section regarding the lack of original records in the petition are also present for this period. The petitioner has not submitted copies of birth, death, marriage, church, or other records which might support the petitioner's arguments. The petitioner is strongly encouraged to rectify these deficiencies before the issuance of the Final Determination.

The Swanton Area, 1940-1970

After the American entry into World War II, a number of the petitioner's claimed ancestors are said to have either joined the military or worked in plants supporting the war effort. After the war ended, the men who had served in the military returned to Swanton. According to the petitioner, a number of them began frequenting the local Veterans of Foreign Wars club (referred to as "the V"), which it characterized as later becoming an "Indian bar." The group's male members are described as congregating regularly at this club, while the women socialized during the Wednesday night bingo games (SSA 1982.10.00 Petition, 138). The petitioner should include more information about the composition of "the V" in the years after the war, particularly the ratio of SSA members' and/or their claimed ancestors to non-SSA members. The group should name the SSA members and/or their claimed ancestors who frequented the club, describe if they held any official leadership positions in the organization, and cite any oral histories and other sources describing how and when it became to be regarded as an "Indian bar." The petitioner also maintains that several members identified themselves as "Indians" on military records from the 1950's to the 1970's (SSA 1986.05.23 [Addendum B], 125), but none were submitted. The petitioner is encouraged to submit copies of these military records.

The petitioner maintains that the establishment of a wildlife refuge in 1941 on the land around the mouth of the Missisquoi River adversely affected the lives of the group's members who had previously hunted and fished there without licenses or restriction (SSA 1982.10.00 Petition, 101). To document these contentions, the petitioner should include more information about the role of hunting and fishing in the supposed ancestral community, and explain how it differs from the many other rural Vermonters who also hunted and fished to supplement their incomes and provide their families with food. The petitioner should also include more information about their claimed ancestors' interaction with local game wardens and discuss how their relationship with them differed from other individuals who might have also disobeyed local hunting and fishing regulations.

After the war, the petitioner also maintains the enlargement of the village of Swanton resulted in the loss of the "hemp yards," an area northeast of the village which had been a meeting place and common area for many years. The petitioner claims

[i]t was a spot that Indians had long considered their own, a place where they could camp during the summer months, where they still planted corn in common fields, where men enjoyed the company of the sweat lodge, where the old folks could picnic and relax. (SSA 1982.10.00 Petition, 102)

The petitioner has not included any evidence to identify the people enjoying this alleged common area, and has presented only one recollection describing the presence of a sweat lodge on the property (Wells, Bob and Alma 1982.03.18, 18). If, as the petitioner claims, people were still planting corn in common fields as recently as the World War II, then there would likely be some newspaper articles or public records detailing this practice. To demonstrate this claim, the petitioner should include documentation of the communal use of this piece of property, such as interviews, well-captioned photographs, newspaper articles, oral histories, and other information showing such use.

The petitioner has submitted four oral histories which contain information about the Swanton/Highgate/St. Albans area during this period. These interviews identified a few people as informal leaders and discussed some of the activities people engaged in, such as hunting, fishing, and berry picking. However, the petition did not contain descriptions of other activities, such as notable birthday or anniversary celebrations attended by a wide range of group members. There are no descriptions or photographs (captioned or otherwise) of weddings, baptisms, First Communion, school graduations, or similar events. There are no descriptions of the group honoring its members who were serving in the military, or ceremonies honoring servicemen or women who may have died overseas. There are also no descriptions of any organizations (such as a Ladies Aid Society) composed of or controlled by a number of members, and the petition contained no descriptions of member organizations performing activities such as sponsoring clothing drives, hosting Christmas parties for member children, or providing financial assistance for elderly members. Such information might demonstrate “significant social relationships connecting individual members,” as defined under criterion 83.7(b)(1)(ii), as well as demonstrating “significant rates of informal interaction which exist broadly among the members of a group,” as defined under criterion 83.7(b)(1)(iii). The petitioner should submit such materials to demonstrate that the members of the petitioning group were not simply residents of the same geographical area, but actually knew each other and participated in activities as a social community.

Catalog of Artifacts, 1940-1970

The petitioner has included descriptions of several items made or acquired by group members during this period. The petitioner has submitted a “catalog” of these items to demonstrate that Abenaki Indians were present in Vermont, and that these Indians were the claimed ancestors of the SSA. However, the petitioner has provided insufficient evidence that these items were produced or used by its claimed ancestors, or that anyone other than the petitioner has identified them as “Abenaki ”

One of the major difficulties with using artifacts from the mid-20th century to demonstrate any particular cultural identity is that such objects can change hands over time and lose their affiliation with the group which produced them. Objects can also be copied by people who may

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have no relationship to the group which originated the style. Had the petitioner submitted more information regarding the context or provenance of items, as well as more information regarding the social interaction between the group's members and how they worked together to produce these items, a better argument could be made that these items were indicative of usage or manufacture by the group, and might indicate "a significant degree of shared or cooperative labor or other economic activity among the membership" as defined under criterion 83.7(b)(1)(v). However, the relatively few items included in the petitioner's descriptions apparently were not commonly used or produced by the petitioner's claimed ancestors, and in many cases, it is uncertain that the items have anything to do with the claimed ancestors of the SSA.

The catalog describes a 1943 split ash basket as ". . . the only known dated Abenaki basket after the Eugenics Period and before the 1980's . . . it is interestingly similar to Abenaki revival baskets. . ." (Wiseman 2005.00.00, npn). The problem with this description is that the weaver of the basket is unknown. Although the catalog states that the basket was purchased from a local antiques dealer, there is no other provenance provided. Without this information, it is impossible to know if the manufacturer was an Abenaki (and if that Abenaki was Western or Eastern, from Canada or from somewhere else).

The catalog describes a fish spear, given to the researcher's father at some unspecified time (probably after the Second World War). According to the description, the spear was used by a group member from the time he was young until the outbreak of the Second World War. However, the petitioner has not demonstrated that only members of the Swanton-area group used such implements. Even if the spear can be described as "Wabanaki," there is considerable information in the petition to demonstrate that many "Wabanaki" people from Canada and Maine summered and fished in the area, and could well have sold or given such an implement to a local resident. Objects can also be copied, if a person recognizes and desires to recreate an interesting or efficient design. This problem is similar to that of other objects presented in the catalog, including a "loon cup" and toy canoe made between 1950 and 1960. There are no earlier examples of these items to indicate that they were of a style or design used by a substantial portion of a group of the petitioner's claimed ancestors on an ongoing basis.

The catalog includes a description of a beaded headband, portrayed as a 1950's replica of a piece from the proto-contact period. The catalog states the headband

. . . indicates a decision of Northwestern VT Abenakis to make items identifying the weaver as Abenaki. All Native people in the Northeast dressed in "Pan-Indian" regalia in the 1950's and 1960's. Indicates Abenaki participation in regional cultural processes. (Wiseman 2005.00.00, npn)

Beadwork, like basketry, has never been exclusive to people of Indian descent. For example, it is a popular activity taught at children's summer camps. There is no information of who made the referenced piece, so it is unclear whether "the beader" was Abenaki. No photograph of the piece is included, making it impossible to determine how the headband was supposed to identify the wearer or maker as "Abenaki," as opposed to another group. Finally, and most importantly, the assertion that this object ". . . indicates Abenaki participation in regional cultural processes"

is unsubstantiated by the available evidence. If, for example, the petitioner had submitted a captioned photograph (or photographs) of several named members of the group wearing beadwork (including the headband in question), then there would be some evidence to support the petitioner's argument. However, there are no indications of group participation in regional Native activities until the 1970's. One example of beadwork, without any contextual supporting documentation, is insufficient to demonstrate "group" social processes.

The catalog describes a cradleboard made and used by a family during the 1960's. Although the catalog characterizes this object as an "important ethnic identifier" because the board was not used just for display, the petitioner has not demonstrated that this was an ethnic identifier. The name of the person who previously owned the object is given, but there is no evidence that he was the person who made it. Further, the catalog does not indicate whether this person is a member of the SSA (the name does not appear on the most recent membership list). If the petitioner could demonstrate that cradle boarding was used consistently by a number of its members' families, then the argument would be considerably stronger; as it stands, it is equally possible that a single person reproduced the object based on photographs in books or from museum displays on his or her own, and not as part of a group activity.

The petitioner should include much more information regarding the social context of the creation and usage of these objects if it wishes to demonstrate that they are indicative of the material culture of a Swanton-based American Indian entity. The group should submit evidence such as captioned photographs of these items (or items similar to those on display) in use by people identified as community members. Contemporaneous articles or publications describing their use should also be submitted.

Summary, 1940-1970

The material submitted by the petitioner is insufficient to satisfy criterion 83.7(b) from 1940 to 1970. The information in the petition does not include any reliable evidence that the ancestors of the petitioner comprised a distinct community, or that they were regarded as distinct from other residents of Swanton. To satisfy this criterion, the petitioner must submit evidence, such as captioned photographs, full-text interviews, and additional documentation from organizations such as the VFW to substantiate its claims. Further, the group must provide more evidence that a distinct community of its members actually existed in Franklin County.

Community, 1970-2005

There is no question that, after 1975, the group now known as the "St. Francis-Sokoki Band of Abenaki" became active socially (for information about the formal organization of the group, see criterion 83.7(c)). The group organized a number of activities, including establishing relationships with the Abenaki at Odanak and other New England Indian tribes and organizations. A number of political activities, such as "fish-ins" protesting State licensing requirements, were also held during the late 1970's and early 1980's. In the 1990's, the group began hosting activities such as "Heritage Days," which included powwows. A relationship with Burlington College enabled the group to establish the "College of Missisquoi," which offered instruction in Abenaki language and crafts for about a year (Wiseman 2001, 169). The group

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worked with the University of Vermont (UVM) to have some skeletal remains and grave objects held by the University returned and reburied, as well as excavating another archaeological site on Swanton’s Monument Road. Minutes submitted by the petitioner include descriptions of Harvest Suppers attended by group members, and the start of “Operation Santa Claus,” a program which distributes Christmas gifts to children. The group also obtained funding to move to a new headquarters and open a small cultural museum. It also purchased a parcel of land called Brunswick Springs.⁷¹ In 2004, the group produced a pageant (later made into a videotaped presentation) entitled *Apciwi Bezegatag (Against the Darkness)*, which purports to demonstrate seven generations of the SSA community in Vermont from the 1790’s to the present.

In addition to the “council” started in the early 1970’s, the petitioner also instituted an organization called the Abenaki Self-Help Association, Incorporated in 1975. This group became very active applying for grants to provide services such as adult education and youth counseling (ASHAI Minutes 1978.02.02). It has continued to be active until the present, providing services such as a food pantry and tax form preparation assistance. However, the information submitted by the petitioner includes only a portion of the organization’s minutes. The organization, which uses the term “Incorporated,” in its title, has not submitted articles of incorporation or by-laws. The group submitted minutes from 1978 to 1984, but then submitted no minutes covering the next 17 years. When the ASHAI council began to hold joint meetings with the group’s governing body in 2001, additional minutes were then submitted.⁷² Further, the minutes of the organization from 1978 until 1984 have all the participant’s names blacked out. Other minutes have entire paragraphs blacked out, making it impossible to know what the group was discussing or who was being helped by this organization during this period. This information is important in determining how the group was constituted during this period. The petitioner has included no explanation as to why the minutes were not included, whether they were lost, stolen, destroyed, or if they ever existed in the first place. The petitioner should include its charter, articles of incorporation, and any other information relating to the establishment and functioning of the organization. To demonstrate the importance of the ASHAI organization to the group, the petitioner also should include as many copies of available ASHAI minutes, or provide some explanation as to why the information is unavailable. Further, the group should also submit uncensored copies of the 1978 to 1984 records.

Relations Between the Petitioner and Odanak

In the early 1970’s, the SSA made overtures to the leadership of the Odanak reservation in Canada. Before this time, there is no available evidence demonstrating any contact between the two groups. In 1976, the council of Odanak passed a resolution acknowledging the group and

⁷¹ Brunswick Springs apparently was acquired by the group at some point in the mid-1990’s (the actual date of acquisition is not included in the petition, but it is mentioned in the group’s minutes in 1996). It is located in the town of Brunswick, Vermont, approximately 70 miles east of Swanton on the New Hampshire border. The spring is described in subsequent documents as “sacred,” but there is no mention of this spring in any documentation submitted in the petition before the 1990’s. In 2004, the land was sold to the Vermont Land Trust, which will prohibit any future development on the site (www.vermonter.com Brunswick Springs Legend, 3-4).

⁷² Additionally, eleven years’ worth of the group’s council minutes (1985- 1996) have not been submitted to OFA. The group has not explained the absence of these minutes.

requesting that Vermont honor its land claims and hunting and fishing rights (Abenaki of Odanak and Becancour 1976.08.20, 1). A 1977 resolution is also mentioned in the petition, but no copy of it was included in the submission. Documentation in the petition indicates that there may have been some correspondence between the governing bodies of both groups after 1977, but it does not appear to have been on a regular basis. There are some examples of cultural activities, such as the formation of a dance group, involving members from both the SSA and Odanak (Vermont Folklife Center 1997.00.00, 15), but these activities did not occur until the 1980's and 1990's.

In the 1990's, the SSA participated in the repatriation of certain skeletal materials found in 1973 at a site on Monument Road, an area of Swanton where many of the petitioner's families either live or had lived. The group eventually obtained the remains from the University of Vermont and, in partnership with the State and local historic preservation societies, purchased land to rebury the remains (Thompson 1996.09.27). Although Gilles O'Bomsawin, as president of the "Grand Council of the Waban-Aki Nation," wrote a 1999 letter of support for the repatriation of the remains to the Vermont group, a 2003 letter from the council of Odanak to the State of Vermont's "Division for Historical Preservation" appears to be evidence of a shift in attitude. This letter, submitted by the State, was accompanied by a copy of a 2003 resolution by the governing body of Odanak and Wolinak, which rescinded its recognition of ". . . any organizations claiming to be First Nations in the United States or Canada, with the exceptions of our brothers and sisters at Wolinak and Penobscot" (Abenaki of Odanak and Wolinak 2003.09.29, npn). In this same resolution, the group stated the following:

While we recognize that the Band Councils of Odanak and Wolinak [the Abenaki name for the Canadian reservation previously referred to as "Becancour"] 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. (Abenaki of Odanak and Wolinak 2003.09.29, npn)

In the letter accompanying the resolution, the same Gilles O'Bomsawin, now Chief of the Band Council of Odanak, also stated as follows:

We understand that your office [the Vermont Division for Historic Preservation] currently deals with an entity known as the "Abenaki Nation of Missisquoi," led by April St. Francis Rushlow. Please be advised that we have no knowledge of this organization's alleged [*sic*] connections to our ancestors. We knew nothing of them until the 1970's, and they have done nothing 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 and our cultural patrimony. (O'Bomsawin to Wadhams, 2003.09.02, npn)

The SSA appear to have received a copy of this letter, as the minutes of a 2003 meeting state "Chief showed Tribal council a letter Chief Gilles Obomsawin [*sic*] sent to State. Chief says she will call him tomorrow to find out why he sent this letter" (ATC and ASHAI 2003.10.06, 1).

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A subsequent letter from Gilles O'Bomasawin, dated April 4, 2005, makes no reference to the 2003 letter or the council resolution, and appears to be a response to a meeting between him and Ms. St. Francis-Merrill. The letter states as follows (all spelling, grammar, and punctuation *sic*):

We know our people, our members our descendant; so to me it still stands that someone who claims to be Abenaki from Odanak has to prove it. And also I, as Chief, have to respect the demands of our registered members who are not even reconized in Vermont . . . so by that we have to be strick and hard, we have to prove who we are and who they the members are.

So by this rny solution (may be) and I say may be the thing to do is try to unite with the Abenakis of Vermont by this I say not all the Wannabees that spring out of every bush. . . They are the ones who realy hurt you and I and the real members who have suffered. . . A nation in Vermon did exist and still does.

By this I mean a nation of many clans, the bear, the Wolf, and so many more that formed the Wabanaki Confederacy. . . (O'Bomsawin 2005.04.04, 1-2).

Although the petitioner maintains that the April 4, 2005, letter should call into question the previous correspondence from Odanak submitted to OFA by the State of Vermont (SSA 2005.04.11, 4), the letter is actually very ambiguous. The letter did not include any mention of rescinding the 2003 council resolution, nor was the letter signed by any members of the Odanak council other than Gilles O'Bomasawin. The petitioner should submit other examples of its relationship with the governing body of Odanak if it wishes to clarify its relationship with the Canadian tribe.

Defining the Community

One of the most consistent problems with the SSA petition is the lack of a definition of community membership. Before the formal organization of the group in the early 1970s, the petitioner stated that it had never maintained any type of list of members because everyone in the community knew each other, making an official list unnecessary. Since no list of "Western Abenaki" had been compiled by any United States authority,⁷³ the group chose to construct its membership based on the approval of prospective members by the group's governing body. When the group's first list was compiled, the membership criteria were apparently very open. Although certain "core" and "lesser" families were said to make up much of the membership, as many as one-third of the membership were described as people who claimed a separate Indian identity (there is no information regarding how these "claims" of Indian identity were vetted by the group). Some of these people had married into the group, while others had been drawn to the organization's activities (SSA 1982.10.00 Petition, 117). Nevertheless, the group claimed in

⁷³The Canadian government did take several censuses of the St. Francis/Odanak reservation between 1850 and 1900, and also compiled other documents listing the residents of the reservation as well as those who had moved off the reservation. Several of these 19th century documents were submitted by the State. One census from 1875 (*Recensement du Villages 1875: npn*) names several families as "*Absents aux Etats*" (Absent in the States), but none of the petitioner's members have claimed descent from any of those particular St. Francis Abenaki families. The United States government does have records for the Penobscot, an Eastern Abenaki group in Maine.

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1982 to have a membership of 935 adults and 750 children under age 15 for a total of 1,685 members. Minutes submitted by the group from a 1982 meeting indicate that some people applying for “enfranchisement” were accepted and others rejected (SSA Minutes 1982.01.22, 1), but the minutes include no discussion of the reasons for these decisions. The membership list submitted with the petition in 1982, along with supplemental appendices and additional membership information submitted in 1986, was returned to the group in 1989 (BAR 1989.00.00 Abenaki Inventory), and was not resubmitted (see the “Administrative History” for a discussion of the return request for this information). The group has since indicated that it will not submit the 1975 or 1986 membership rolls because “Some Tribal Members who were listed on the earlier Tribal Rolls adamantly refuse to allow their identity to be known . . . we assured those members that their names wouldn’t be included in a list sent to the B.I.A” (St. Francis-Merrill to AS-IA 2005, 2). The petitioner’s decision not to resubmit these rolls makes it nearly impossible to determine continuity for the group since 1975.

The next list submitted for examination was in 1995. It enumerated 1,248 members, 437 fewer members than the 1982 list.⁷⁴ However, it is impossible to determine which members were removed from the group or if they withdrew voluntarily. There is also no means to determine who may have joined or left the group during the interim.

Information included in the petition indicates that the standards for membership became more formalized in the 1995 constitution, with a specific emphasis on being able to trace descent from the 1765 Robinson’s Lease.⁷⁵ Although the lease had been regarded as an important document by the group, the 1995 constitution was the first time it was specifically mentioned as a source document for descent. However, other people who could not meet this particular standard were still able to qualify with the approval of the group’s governing body.

The membership list received on May 13, 2005 (designated by OFA as “2005A”) is the most confusing because it is divided into several sections. Minutes submitted by the petitioner indicate that before 1997 the membership had been divided into separate categories: “A1,” “A2,” and “3” (ATC Minutes 1997.08.12, 2).⁷⁶ The petitioner was asked to provide information clarifying these categories, and a letter received August 23, 2005, defined the “A1” group as members with complete membership files. According to the minutes submitted by the group, and confirmed by the petitioner’s correspondence, “A1” members are the only members eligible to vote in the group’s elections (ATC Minutes 1997.08.12, 2). The “A2” individuals are described as “Abenaki,” but cannot vote until they complete their files as requested” (St. Francis-

⁷⁴The petition actually listed 1,257 people, but included seven double-listings and one triple-listing. A total of 1,248 members were left after these redundancies were eliminated.

⁷⁵For more information about the lease and for specific problems with the group using this standard to demonstrate descent, see criterion 83.7(e).

⁷⁶The original 2005 membership submission included 59 people in the category “M2” (“looking for more proof”) and 30 in the category “O” (“Families with Descendants from Odanak”). According to the August 23, 2005, correspondence, these individuals are not members. There are also 113 people listed as “Not Abenaki” in the original 2005 submission, but there is no information regarding how these people were determined to be “Not Abenaki” (there was no information as to whether these people had once been considered members, or if they had applied for membership and been turned down).

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Merrill to AS-IA 2005, 1). The “3” individuals are described in the correspondence as people who “have applied for citizenship, but we do not know if they are Abenaki” (St. Francis-Merrill to AS-IA 2005; 1), and are therefore not members. The August 23, 2005, correspondence included a list (designated by OFA as “2005B”) of “A1” members, and “A2” members. On 2005B, the group listed 1,171 “A1” members, both adults and children; the second list designated 1,335 adults and children as “A2” members.⁷⁷ However, there is no information in the submission clarifying how the “A2” members are able to participate in the group if they are ineligible to vote. The petitioner did not explain if the “A2” members are allowed to attend meetings even if they cannot vote. The petition did not detail if these individuals are permitted to participate in the various cultural programs established by the group, and, if they are permitted to attend, whether or not they actually participate. Additional documentation such as records from ASHAI might indicate who was being served by the organization, but few records have been submitted.

The lack of a consistent standard of membership and the difficulties in identifying members on the group’s membership lists make it impossible to define what the petitioner means when it refers to “the community.” No assumptions about the history of the group or its current membership can be made because of these inconsistencies. The petitioner should document changes in the composition of the group, such as submitting a list of people who have withdrawn voluntarily from the SSA and the date these withdrawals took place. The group should also compile a list of people removed involuntarily from the group’s roll, the date of removal, and the reason for the removal. Other information, such as captioned event photographs, sign-in sheets from group activities, or condolence books from funerals or guest books from weddings would further help to define the community and indicate the social relationships among the members of the group.

Conclusion, 1900-2005

The petitioner has not demonstrated that a distinct community of the petitioner’s claimed ancestors existed in Franklin County, Vermont, and therefore does not satisfy the requirements for criterion 83.7(b) for any time since 1900. The lack of coherent membership information indicates a very amorphous group, with no clearly-defined, consistent standards for membership. Without this information, it is not possible to determine who was supposed to have been a member of this “group” before the 1970’s. The petition also lacks the type of evidence which, in the absence of formal lists, would help to define the makeup of a community, such as lists of attendees at meetings or other gatherings, letters detailing interaction among people in religious or social organizations, or journals describing the participation by people in rituals such as baptisms, marriages, and funerals.

The information presented by the petitioner does not indicate the presence of a group or a community of the petitioner’s claimed ancestors before the early 1970’s; rather, it indicates only that some of the current petitioner’s claimed ancestors lived in Franklin County (particularly in

⁷⁷The 2005 revised list (“2005 B”) actually totaled 1,204 “A1” members and 1,335 “A2” members (these totals include children). However 33 of these members were also included on both the “A1” and “A2” lists. They were subtracted from the “A1” total, as their status was unclear.

Swanton) during the 20th century. Information provided by the petitioner does not show that these claimed ancestors formed an “enclave” in the town of Swanton. Some claimed ancestors apparently lived on the streets defined as making up “Back Bay,” but others lived elsewhere in the town. The petitioner has not demonstrated the existence of a distinct community within Swanton consisting of the petitioner’s claimed ancestors, or that those claimed ancestors constituted a “community-within-a-community” among the Catholic families in the town. The petitioner has also not demonstrated that assorted references to “Abenaki” Indians refer to its claimed ancestors, rather than to Abenaki from Maine or Canada who traveled to the area to hunt, fish, or sell crafts.

After the formal organization of the SSA in the early 1970’s, the group became a somewhat more organized body, with an emphasis on providing services such as after-school programs and vocational training through ASHAI. The group has also introduced some elements of Western Abenaki and pan-Indian culture into its gatherings, sought to establish both political and social ties with the Canadian Abenaki of Odanak, and has actively tried to establish relations with other unrecognized groups and recognized Indian tribes. These developments notwithstanding, the group has not displayed a level of community that would meet criterion 83.7(b) for this period. The social and cultural elements are of recent introduction, and there is not enough information to indicate that these events are of more than symbolic value to the group as a whole, rather than to a few involved members. Although the group has arranged events that allow members of the group to congregate, the petitioner has not demonstrated that a significant portion of its membership regularly associate with each other. The lack of documentation also makes it difficult to determine who among the membership has participated in the group’s various activities.

To rectify the many deficiencies in the petition, the group must submit more documentation to substantiate its claims. This documentation would include (but are not limited to) additional census records, minutes from the group’s council and the ASHAI, captioned photographs, sign-in books, and other evidence of social gatherings. The group must also submit the vital records (birth certificates, death certificates, marriage records and the like) described in the petition to demonstrate descent, and copies of any other vital records that the group maintains demonstrate evidence of community (for example, copies of death certificates that indicate that a single person served as an informant for a number of people outside their families). Other records, such as baptismal certificates, might also help to demonstrate social connections among purported members of the community. Family journals and letters from the early 20th century might also help to clarify the membership and describe some of the activities of the petitioner’s claimed ancestors before to the 1970s. Further, the group should provide further clarification of the various levels of membership described in the 2005 membership roll to determine the relationship between the “A1” and “A2” individuals and define how membership in the group is comprised.

Criterion 83.7(c) requires that

the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.

Introduction

Under the acknowledgment the regulations, a petitioner must be a distinct political body, able to exercise significant formal or informal influence over its members, who in turn influence the policies and actions of the leadership. The regulations do not require that political influence be exercised over all aspects of the lives of the members of a petitioning group. They do not require that the group influence people or governments outside of the group. Significant political relationships are more than those maintained in a social club or other voluntary organizations, in which leaders have authority over very limited aspects of an individual's life.

It must also be shown that there is a political connection between the membership and the action being taken. Groups that lack a bilateral political relationship between members and leaders would not meet criterion 83.7(c). Such a lack would be evident if a small group of people carry out actions or legal agreements affecting the economic interests of the group without much political process going on or without the awareness or consent of those affected.

The petitioner should demonstrate there exists now and has existed throughout its history a method of dealing with group problems and making group decisions. An analysis of the available evidence demonstrates the petitioner has not maintained political influence over its members throughout its history as an autonomous Indian entity.

The Petitioner's Claims and the State's Comments

The petitioner claims the group expressed political influence mainly through "family bands" before the formation of its council in the middle of the 1970's. In its 1982 submission, the group explained the political influence of these families during the colonial period:

It is a matter of speculation to what degree these families from Missisquoi constituted a distinct entity that superseded the autonomy of family hunting bands, especially in the Missisquoi region where natural abundance allowed families whatever autonomy they desired. Research on the social and political organization of Eastern Woodland Bands suggests that families acted independently and as separate groups whenever possible. Indeed, the independent family band was the normative pattern of social and political organization. (SSA 1982.10.00 Petition, 159-160)

Apparently, named political leaders within this political system were necessary only when dealing with non-Indians or their government officials. Regarding the post-colonial period, the petitioner claimed:

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Once Abenaki families realized that the wave of settlement at Missisquoi was unstoppable, and that traditional lands would be lost, they stopped dealing with the Anglo-American authorities . . . and learned to live in the context of the newly developing society, maintaining the traditional organization of the extended family band. While the role of the political “head” for external dealings became unnecessary, the role of leadership and influence in families and neighborhoods continued. (SSA 1982.10.00 Petition, 161)

In its response, the State countered the petitioner’s claims:

The petitioner has not submitted evidence of political authority or a political organization governing an Abenaki tribe in Vermont from 1800 to 1974. There is a glaring example of the lack of political authority in the 1950’s when Caughnawaga Mohawks laid claim to land in Vermont. While a political organization was created in 1974, it appeared to be a separate organization from whatever might have existed in the eighteenth century. As discussed under Criteria (b) and (e), there is no significant overlap of individuals and their descendants between the eighteenth century tribe and the group created in the 1970’s. (VER 2002.12.00-2003.01.00 [Response], 160)

Evidence for Political Influence, 1600-1900

Leadership during the 17th and 18th Centuries

The petitioner’s contention that independent family bands rather than formal leaders or “chiefs” were the center of political influence for Western Abenakis was not shared by Gordon Day, the leading authority on the tribe. Day defined the Western Abenaki social organization during the colonial period in this way:

Western Abenaki society was patrilineal. The basic unit was the household, one to several nuclear families of the same patrilineage living together in one long bark house. The formal unit was a patrilineal totemic descent group regarded as the descendants of a remote male ancestor, not of the totem animal, together with their wives and children. The tribe was denoted “all the households together.” (Day 1978a, 156)

But regarding its political organization, he explained as follows:

Each Western Abenaki nation had a civil chief and a war chief. A chief was selected for outstanding ability and installed in a chief-making ceremony in which he received a new name. His influence was considerable because of his prestige and personal powers, but the extent of his absolute authority is uncertain. Chiefs held office for life unless they were deposed for bad behavior. The civil chief usually presided at the Great Council of the nation, which was composed of the war chief and the elders of the several families. At Saint Francis [Odanak] the council consisted, by the eighteenth century, of a grand chief and several chiefs,

probably as an accommodation to the diverse elements that had come together there. (Day 1978a, 156)

The names and political activities of most of these chiefs are not well known. Historical records reveal two well-documented political figures among the Western Abenaki before 1800—Grey Lock and Joseph-Louis Gill. Colin Calloway described Grey Lock as the leader of a group of Indian warriors fighting the Massachusetts militia during Dummer’s War in the 1720’s. He became the “leader of the Missisquoi Indians at the northern end of Lake Champlain,” and the “arch enemy” of the colony “in the western theater of the war” (Calloway 1987, 212-214). Yet, Grey Lock was actually a Woronoke Indian from western Massachusetts. He had fled his home territory during King Phillip’s War, finding his way to the Lake Champlain region by the 1720’s, where he “attracted a following of refugee warriors, including discontented Schaghticoke, who were determined to resist English expansion” (Calloway 1987, 214). He had his headquarters “on a small creek some distance from the main village and fields at Missisquoi,” where this “encampment of warriors” drew “on the main village for manpower” (Calloway 1987, 214). This elusive Indian chief and his fellow warriors conducted a fairly successful guerilla war against the colonists throughout most of the 1720’s. But he did not participate in the 1727 peace treaty, and disappears from English records after the war. He may be the Jean-Pierre, father of the Jean-Baptiste, whose name appeared in a 1740 baptism record from the registers of Fort Saint-Frédéric. His death date is unknown, but he may have died between 1744 and 1753. The names of most of his fellow warriors also remain unknown (Calloway 1987, 224; Day 1965, 265-266).

Joseph-Louis Gill was known as the “white chief of St. Francis.” He was the son of two white captives of the Abenakis, a man named Samuel Gill, taken prisoner in 1697, and a woman called “Miss James,” kidnapped some time later. The two captives married around 1715, and the tribe adopted them and their resulting seven children, who were raised as Roman Catholic Abenaki. Some of this captive couple’s children eventually married Indians, including Joseph, their second child and first son. Joseph-Louis Gill was elected sagamore of the Abenaki in the late 1740’s, after taking part in a campaign with the French against the Miami Indians. As sagamore, he participated as a military leader against the British in both the French and Indian War and the American Revolution (Huden 1956b, 199-207; 1956c, 337-347). He died in 1798.

A 1765 colonial document (with transcription), in English, submitted by the petitioner and commonly known as “Robertson’s Lease,” names 10 individuals as grantors of land to one James Robertson for a lease of 91 years (Robertson 1765.05.28). Although no chief is specifically named in this document, a woman named Charlotte [no surname] is identified as the “widow of the late chief of the Abenackque Nation at Missisque[?].” The document does not identify Charlotte’s late husband. A comparison of the names of the individuals identified on the 1765 Robertson lease with other records does not connect the petitioner’s known or claimed ancestors to the individuals named on this document.

Conclusion Regarding Political Evidence during the 17th and 18th Centuries

As described in criterion 83.7(b), the available evidence does not demonstrate the current petitioner or its claimed ancestral families descended from or evolved socially as a group from

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any Western Abenaki tribe either in Quebec or Vermont. Thus, evidence of political activity from Western Abenaki chiefs like Grey Lock and Joseph-Louis Gill during the colonial period does not demonstrate political influence among the petitioning group's claimed ancestors, whom the petitioner has failed to demonstrate had any connection to the known historical Western Abenaki nation. There is also no evidence linking the late husband of the widow "Charlotte" to any of the known or claimed ancestors of the petitioning group. The petitioner has not provided evidence of what its specific claimed ancestors were doing as a group to exercise political influence before 1800 and is encouraged to do so. The petitioner does not meet the requirements of criterion 83.7(c) during the 17th and 18th centuries.

Political Influence or Authority in the 19th Century: The Iroquois Land Claims, 1798-1874

There is one important set of Vermont records that indicate the lack of any identifiable Western Abenaki group exercising political influence in Vermont during the 19th century. These are six claims from 1798 to 1874 by the Iroquois [Caughnawaga or Mohawk] Indians for over two million acres of land in Vermont. A summary of the documents follows:

October 1798: The Indian Chiefs of the Seven Nations of Lower Canada brought a petition for land claims in the northwest part of the State to the legislature in Vergennes, Vermont. The petition was apparently signed by 20 chiefs but the submission provided has no record of their names. The Abenaki were mentioned directly in only one section, an inquiry to the Governor in which the chiefs stated the following: "You enquire who were our neighbors, to which we answer, that on the southwest were the Stockbridges, and on the northeast by [sic] the Abenakees of St. Francis. . ." (Governor and Council of Vermont 1880.00.00, 314). The Abenakis would have been one of the seven nations, but there is no indication the petition was brought on behalf of all the nations or just the Mohawk. If it were brought on behalf of all, the Abenaki were clearly no longer in Vermont but in St. Francis at Odanak in Quebec, and were permitting the Iroquois to advance a claim for land from their historical territory. If there were a large number of Indians who were the petitioner's claimed ancestors still living in northwestern Vermont at that time, 300, or possibly even as many as 3,000 as the petitioner claimed, presumably the Governor or legislature would have acknowledged them as having possible first claim to compensation for the land. But neither did, and the Iroquois claim was rejected by the legislature without reference to any Abenaki entity. In the Governor's 1799 report on the land claims, he discussed only one Indian group, which he referred to as "[t]hese Indians, the Cognawagahs [sic]," who were part of a six-nation confederacy of Iroquois from which they withdrew during the French and Indian War (Governor and Council of Vermont 1880.00.00, 319). This indicated that the Mohawk were the only group actually pressing the claim.

October 1800: In this year, the Mohawk renewed their claim "joined by a representation from the Abenaki nation." This statement suggests that the Abenaki were probably not part of the 1798 petition (Governor and Council of Vermont 1880.00.00, 321). The one document regarding this claim, the Governor's report, did not identify who these Abenaki chiefs were, their number, or point of origin. Given the Iroquois claimants' description of the location of their Abenaki neighbors in 1798, it is reasonable to assume these neighbors were from St. Francis in Quebec. No Abenaki from Vermont or Canada ever again joined with the Mohawk to press the many land claims they brought before the legislature up to 1874 and again in the 1950's (see

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later section of this criterion for a discussion of the 1950's claims). The legislature also rejected this petition (Governor and Council of Vermont 1880.00.00, 321-322).

October 1812: The Mohawk again submitted a land-claim petition. No Abenaki group from Vermont or Canada was described in the document, and the legislature again rejected the petition (Governor and Council of Vermont 1880.00.00, 322-325).

October 1826: The Mohawk brought another claim that was rejected. No Abenaki group was described in the document (Governor and Council of Vermont 1880.00.00, 325-328).

June 1853: This time the Mohawk were joined by the Iroquois at St. Regis and the Lake of Two Mountains. The legislature again rejected the petition. Six chiefs were identified as Mohawk, five as St. Regis, and two as Lake of Two Mountain; none as Vermont Abenaki (Governor and Council of Vermont 1880.00.00, 328-343).

October 1874: The same three groups as in 1854 brought suit and were again rejected. No one in the documents was described as Abenaki (Governor and Council of Vermont 1880.00.00, 343-361).

These documents suggest no Western Abenaki entity containing the petitioner's claimed ancestors existed in northwestern Vermont in the 19th century capable of exercising political authority or influence. Except for the 1800 petition, which mentions unidentified Abenaki representatives of unknown origin, all these petitions were the work of the Canadian Iroquois. If, as the petitioner claims, 1,000 to 3,000 of its claimed ancestors lived in northwestern Vermont from 1790 to 1910, it is reasonable to assume someone from this group of people would have protested this attempt by an outside Indian entity to claim their ancestral lands. But none did.

The petitioner has not submitted evidence to demonstrate how its claimed ancestors exercised political influence or authority as a group from 1800 to 1875. The petitioner is encouraged to review the requirements of criterion 83.7(c) and to submit evidence that its claimed ancestors maintained political influence or authority over each other as an autonomous entity during this period.

Informal Leadership during the Late 19th Century

The petitioner has claimed a few individuals were informal leaders during the late 19th century, beginning with Nazaire St. Francis (1868-1936), the grandfather of Homer St. Francis, one of the group's leaders in the late 20th century. According to the group's 1982 narrative,

[h]is grandchildren remember him returning home in the evenings with the odds and ends he had collected from the houses and stores he had visited, old clothes and unsold food, which he would then redistribute among the children in the Back Bay where he lived. . . . [His daughter Claire] grew large gardens in back of her home, from which she would distribute excess food to the other families in the Back Bay [section of Swanton], just as her father had done. (SSA 1982.10.00 Petition, 79-81)

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To demonstrate this alleged political leadership, the petitioner should provide more evidence of the activities of the St. Francis family. Providing children with food and clothes does not necessarily demonstrate leadership. The petitioner should also identify the people who were the recipients of the food and clothes said to have been redistributed by Nazaire St. Francis (and his daughter Claire) to demonstrate that the petitioner’s ancestors were involved in a network of mutual assistance that marked them as distinct from the rest of the community. The petitioner should consider obtaining information from other sources to determine if other people in the Swanton area described the activities of Nazaire St. Francis which show he was a leader or exerted influence among the “Back Bay” residents or of an Indian community. Records such as court documents or social-service records might indicate whether residents asked him for assistance, or if local officials consulted him regarding problems with people from “Back Bay.”

The petition also identified Cordelia (Freemore) Brow aka Mrs. John Brow (1836-1923) as a midwife and informal leader in “Back Bay” into the early 20th century. Her role as a midwife was discussed under criterion 83.7(b), but the petition has not included sufficient information regarding her activities during the late 19th century. A portion of an interview with a granddaughter claims that Brow broke up fights in people’s homes, but does not identify whether these were fights between the petitioner’s claimed ancestors or merely anyone living in the area (SSA 1982.10.00 Petition, 75). The petitioner has not provided any other details of her activities as a leader in “Back Bay.” To demonstrate her alleged leadership, the petitioner should include more information about specific actions taken by Cordelia Brow during the late 1800’s, and should also search for any documentary evidence that external authorities viewed Brow as a person of influence among “Back Bay” residents or among members of an “Indian” community.

Conclusion Regarding Political Evidence for the 19th Century

The available evidence does not show informal or formal political authority or influence on the part of the petitioner’s claimed ancestral families before 1900. Therefore, the petitioner does not meet the requirements of criterion 83.7(c) from 1800 to 1900. The petitioner is encouraged to review the requirements of criterion 83.7(c) and to submit additional evidence that its claimed ancestors maintained political influence or authority over each other as an autonomous entity during this period.

Leadership, 1900 to 1975

The petitioner has presented no evidence of any formal leadership structure within the group before the formation of the group’s council and the ASHAI in the 1970’s. The petitioner maintains that informal leaders, particularly heads of families, served to maintain order in the community. The evidence submitted by the petitioner is mostly limited to four oral histories, some charts included with the 1986 response, and additional excerpts from other interviews not in the petition. The petitioner is, again, strongly encouraged to submit the full text of interviews excerpted in the group’s 1982 Narrative and the 1986 Response to the Obvious Deficiencies.

Leadership as Defined by the Petitioner

According to the petitioner, leadership authority was vested predominantly in the heads of families until the establishment of the group's council in the 1970's. In accordance with the petitioner's claim to being "underground" for a number of years, the group explains the absence of documentary evidence of leaders by maintaining that these individuals were likewise hidden. The 1986 Response includes a quote which the petitioner maintains describes the group's notion of leadership:

The Anglo understands power from what he sees in the leaders of a given group. Those leaders [*sic*] actions are recorded and made history. For two hundred years our people haven't had any leaders stand up out of our circles for the Anglo in this part of the country to view and to understand. Therefore, for 200 some odd years our people have blended. We've disappeared. We still don't have leaders as you understand them. We have people who go out and share our feelings and our opinions today with the [non-Indian] community. We are trying to let people know who we are here, there are more of us. . . . (SSA 1986.05.23 [Addendum B], 122)

The petitioner submitted a document entitled "Family History and Leadership Chart" (SSA 1996.01.17 [Part B, Appendix 2]) as part of an appendix to the 1986 Response. According to the petitioner, ". . . through the oral traditions of the Abenaki community, many of the leaders have been identified for the 1900 to 1985 period and are listed in an Appendix here" (SSA 1986.05.23 [Addendum B], 123). The petitioner did not include a description of how this information was gathered, or cite the particular "oral traditions" from which this information was said to have been gleaned.

This list contains the names of a number of people whom the petitioner described as leaders during the 20th century, but the group has not included information as to what qualified these individuals to be called leaders, other than that they were the parents of particular families. For example, the petitioner has not identified any activities which these people played a role in organizing. The petitioner did not identify instances in which an individual was called upon to render assistance to another member. The petitioner has not offered evidence that people in the larger community acknowledged these people were influential within the community as a whole, not just within their own families. The petitioner has offered no explanation as to why, if the group was so concerned with hiding from "Anglos," none of the Indian groups in New England acknowledged any leaders of this group. The petitioner has also not offered sufficient information to demonstrate that people within the group looked at these individuals as leaders. The petitioner should provide examples of this type of information to demonstrate that these people were actually leaders, and to provide evidence of their leadership activities.

Many of the petitioner's ancestors came from very large families, married other people from equally large families, and then went on raise large families of their own. The size of these families led the petitioner to state that having a large family was "commonly the baseline and essential starting point for any leader" (SSA 1996.01.17 [Part B Appendix 8], 163). The petitioner should demonstrate that the individuals it identifies as leaders not only influence their

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numerous family members, but also can influence and mobilize people other than family members (even if they exert influence by mobilizing their own family members to sway those outside their families).

Maintaining Order in “Back Bay”

The petitioner maintains that Nazaire St. Francis Jr. (1890-1960) was one of the family leaders among the members of the “Back Bay” area, just as it claimed that his father had been in the late 19th century. According to the petitioner,

Nazaire St. Francis Jr. raised as many as six gardens at different locations in the Back Bay, and regularly distributed the extra food to families that were short. In some cases, he even donated food to St. Anne’s School to help cover the cost of tuition for his children when he had no other means of paying the fee. (SSA 1982 10.00, 94)⁷⁸

Distributing extra produce from gardens does not necessarily show leadership. The petitioner should demonstrate that Nazaire St. Francis’s generosity stemmed from his responsibilities as an Abenaki community leader. Further, the petition states that Nazaire St. Francis gave the St. Anne’s School⁷⁹ vegetables when he was unable to afford to pay his children’s tuition, but does not include information as to whether he ever contributed to the tuitions of children outside of his family.

Another interview indicates that St. Francis would sometimes intervene in domestic problems:

. . . [H]e was broad-shouldered, thick set—if he got his hands on you; you did what he wanted you to do. He was in a similar position to [Arthur] Gene Cote (1822-1937) [a claimed ancestor of some members of the group]. He lived farther down the street and he took care of his end. He’d take care of the lower section, like down where the Browns lived; more or less keeping the place law abiding. But if one of the boys stole chickens and got caught, then the law would come in, and there wasn’t anything we could do. (Wells, Bob and Alma, 1982.03.18, 9)

This description suggests these men were able to assert some limited authority over some people outside their nuclear families, possibly due to the force of their personalities. However, another quote also indicates that this community authority was not limited to these two men:

⁷⁸ An outsider is quoted in Wiseman’s *The Voice of the Dawn* as saying “I remember when I was a kid; we had a (Indian) Chief in town” (Gravel quoted in Wiseman 2001, 144). Wiseman tentatively identifies the “chief” as Nazaire St. Francis (Wiseman 2001, 145). However, the quote does not include the name of the man remembered as “chief,” nor does it include a description of his activities. The quote also does not include an explanation of what led the man to believe that the man he remembered was actually a “chief.”

⁷⁹ St. Anne’s Catholic School opened in 1872 (www.swantonhistoricalsociety.org; 7), and was staffed predominantly by French and French-Canadian nuns from the Sisters of the Holy Ghost in 1930 (1930 US Census). No other information about the school has been submitted by the petitioner, including information on which of the St. Francis children were supposed to have attended the school, or information of how many other people ancestral to the group attended the school.

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Well, if there were any big, big problems, the law would take care of it. Now, if you lived on Gene Cote's street and you beat your wife or something, Gene would step in and shake you up and give you hell, and talk to you. And you might go out 3 houses down from you to somebody who was out of line, and do the same thing. (Wells, Bob and Alma, 1982.03.18, 9)

This quote indicates that the area was, in some ways, responsible for policing itself. If anyone behaved in an unacceptable fashion, then another person (not just Cote or St. Francis) could intervene and attempt to discipline him or her. The statement also does not indicate whether Cote and St. Francis intervened only in disputes between the petitioner's purported ancestors, or if they involved themselves in the affairs of all residents of the area. The statement also makes the point that external authorities handled "big" issues, although the interview does not indicate what some of those issues might have been (other than stealing chickens). These quotations do not indicate that these men intervened with formal authorities on behalf of those who had committed a "big" crime, or that formal authorities turned to these men to resolve particular issues in their area. The petitioner may wish to discuss specific conflicts (either between its claimed ancestors or between its claimed ancestors and other individuals living in the area) which may have been mediated by Cote or St. Francis, and describe how these disputes were settled.

The petitioner has also made the argument that Cordelia (Freemore) Brow was a popular midwife and informal leader who was also responsible for the recording of 20 children as "Indian-White" in town records from 1900 to 1920. However, a review of the actual birth records submitted by the State does not support this assertion (see criterion 83.7(b) for a discussion of this topic). The petitioner may wish to present additional evidence of Mrs. Brow's leadership.

Informal Meetings

The petitioner argues that, in the years before the development of the group's council, some members began holding informal meetings around various members' kitchen tables (SSA 1982.10.00 Petition, 104). Although the petitioner has provided some names of participants and a description of some of the topics discussed after 1972 (Wiseman 2001, 153), the earlier years lack detail. The petitioner should include descriptions of any pre-1972 meetings, including when they occurred, the names of the people hosting the meetings, the names of people attending, and the topics discussed.

During this time, the group also maintains that people known as "backstops" or "mouthpieces" served as representatives from the various family groups. The group should provide the names of these people, give more specific examples of the duties they performed, the dates when they served, and how they came to occupy these positions.

The Vermont Eugenics Survey

As was discussed under criterion 83.7(b), the VES followed various "deficient" families and individuals, particularly those who had been institutionalized or involved with the criminal

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justice system. The petitioner maintains that some families ancestral to the petitioner had been identified by the survey, and argues that the sterilizations which later occurred under the auspices of the State Welfare Department were an attempt to destroy the group because of its members' Native-American ancestry.⁸⁰ However, the petitioner has not presented evidence that any member or members of the community protested the actions of the Survey, or expressed concern regarding its aims. There is no evidence in oral interviews or other documents to support the petitioner's claims.

The Iroquois Land Claims, 1951-1953⁸¹

On April 19, 1951, two Canadian Iroquois chiefs from the Two Mountains Reserve in Quebec appeared before the Vermont legislature and presented a claim for \$89,000 for land in the northwestern portion of the state, including Franklin, Grand Isle, Chittenden, Addison, and part of Rutland counties (*Burlington Free Press* 1951.04.19, npn). Gordon Day wrote to Charles Adams, head of a special State commission appointed to investigate Iroquois land claims in northern Vermont, informing him that the St. Francis Indians living in Odanak were the only true heirs to the Abenaki who had once resided in Vermont. He added, "... more aggressive claims by Iroquoian groups should not prejudice any claim which the St. Francis Abenakis may have" (Day 1952.12.28, 1).

In 1958, the Iroquois returned to Vermont to continue to press their case. This time, 17 representatives and 200 members from the Caughnawaga, St. Regis, and Oka reserves traveled to Vermont to lobby the legislature. Their lawyer, Roland Stevens, stated that they hoped to gain a settlement of as much as \$4 million dollars. The group also planned to erect dwellings on the lawn in front of the State legislature and to perform various dances for the public (*Daily Messenger* 1958.04.08, A1-2).⁸² No further evidence was submitted regarding the outcome of the Iroquois claims to land in northwestern Vermont.

Throughout the entire 1950's, there is no available evidence to demonstrate that the petitioner's ancestors protested the claims activities of the Iroquois or joined the lawsuits they filed. No one, including Gordon Day, described any Vermont Abenaki entity living in one of the counties named in the lawsuit. Day, in fact, instead identified the residents of Canada's Odanak reserve as the rightful claimants to the Vermont territory claimed by the Iroquois. The petitioner has provided no evidence of any objections made by a resident group of "Abenaki" in Vermont.

⁸⁰ As was stated under the discussion of the subject under criterion 83.7(b), there are no available records documenting who was sterilized, only figures identifying how many people were sterilized.

⁸¹ Evidence regarding the Iroquois land claims was submitted by the State; the petitioner submitted no evidence regarding these claims.

⁸² Squires, in her 1996 thesis, attributed the presence of wigwams on the lawn of the State capitol to the activism of the St. Francis family protesting the State's decision to take the Missisquoi delta as a wildlife refuge (Squires 1996, 61). Yet, there is no available evidence of participation by the St. Francis family or any other families from the petitioning group in the land claims activities of the 1950's; further, there are no available newspaper accounts or other accounts of protests launched by the petitioning group against the establishment of the Missisquoi wildlife refuge.

Leadership, 1960-1975

According to Wiseman, the “council” that the group organized in 1975 was an evolution of a number of informal meetings that had been taking place (Wiseman 2001, 152). Wiseman identified individuals such as Wayne Hoag (unknown), Kent Ouimette (unknown), Richard Phillips (1937-unknown), Robert Wells (1922-after 1983), and Homer St. Francis (1935-2001) as participating in these meetings. However, the group has not included interviews or other information detailing when these meetings took place or what specific topics were discussed. The petitioner is encouraged to provide considerably more details of these informal meetings, including when they occurred, who attended, what topics were discussed, and what (if any) actions were taken as a result of the discussions.

Leadership, 1975-2005

The petitioner has presented considerable documentation regarding the group’s political activities after the early 1970’s. Documentation submitted by the group includes, but is not limited to, minutes from the ASHAI, group council minutes, newspaper articles, scholarly monographs, court documents, and correspondence between the group’s representatives and various government officials and agencies. The State has submitted documentation including, but not limited to, newspaper articles, court documents, and scholarly monographs.

ASHAI and the Abenaki Council

Petitioner researcher Frederick Wiseman asserts that the formation of the “Tribal Council” was an outgrowth of informal meetings which had taken place in previous years. However, documentation included in the petition narrative and in support of the petition indicates that the real catalyst in the organization of the group was Ronnie Cannes, who worked for the Boston Indian Council in the early 1970’s. Cannes came to Vermont to establish an Indian Manpower Office and to take a census of Indians in Vermont.⁸³ Before the early 1970’s, there is no available evidence that Cannes had ever met or associated with members of the Swanton group. Cannes is cited in the 1982 petition as providing a “vision of organization and social action” (SSA 1982.10.00 Petition, 105), and encouraging the group to organize itself into a council.⁸⁴ The body that was formed appears to have been the Abenaki Self-Help Association, Inc. According to documents submitted by the petitioner, ASHAI was established in 1975 (ASHAI 1984.00.00, 2), and there is some indication that ASHAI served as the group’s governing body. For example, Cannes testified at a hearing of the American Indian Policy Review Commission Task Force Hearing on Non-Federally Recognized and Terminated Indians in 1976 and was introduced as a representative of the “Abenaki Tribal Council” (AIPRC 1976.04.09). The “Abenaki Tribal Council,” was not formed until late 1976 or 1977 (Abenaki Tribal Council 1977.00.00, 1).

⁸³ Although the 1982 petition referred to Cannes as “a young Abenaki from St. Johnsbury,” the 2005 membership list includes Cannes in the “3” category (“Needs More Information”).

⁸⁴ Wiseman, however, does not mention Cannes or the Boston Indian Council in his discussion of the origins of the group’s council (Wiseman 2001, 151-60).

The first chairman of ASHAI, Wayne Hoague, served only a few months before he resigned. The reason or reasons for his resignation are not entirely clear, but Hoague may have objected to actions taken by some members of the group to “reclaim” the land where a monument erected in honor of the first Jesuit mission to the Abenakis stood (SSA 1982.10.00 Petition, 105). Other information indicates Hoague was also unhappy with the actions of council members Homer St. Francis, Ronnie Cannes, and Kent Ouimette, particularly the filing of harassment charges against the police with Cannes acting as the “Attorney General” for the group (Abenaki Council Ex-Member 1997.01.17, 1). Upon his resignation, Homer St. Francis assumed the position of Chairman,⁸⁵ and when the group formed the actual “Abenaki Tribal Council” in late 1976, St. Francis was the first leader listed in 1977.

The petition contains copies of ASHAI minutes from 1978 to 1984, and then again from 2001 to 2005, a total of 10 years. However, the information submitted by the petitioner includes only a portion of the organization’s minutes. The group submitted some minutes from 1978 to 1984, but submitted no minutes for the following 17 years. It did submit additional minutes for the post-2001 period, when the ASHAI board began to hold joint meetings with the group’s governing body. Further, the minutes of the organization from 1978 until 1984 have the participant’s names blacked out. Other minutes have entire paragraphs blacked out, making it impossible to know what the group was discussing. Newspaper accounts and letters written to BAR during this 17-year period indicate that various activities were taking place during this time, so it does not appear that the group was dormant. The lack of 17 years of minutes is problematic in that the petitioner has given no explanation as to whether they were lost, stolen, or destroyed. If minutes were not kept during this time, the petitioner has not explained why. The petitioner should include as many copies of ASHAI minutes as it has, or include an explanation as to why the information is unavailable. Further, the group should also submit uncensored copies of the 1978 to 1984 records.

The petition also contains copies of the council minutes, but they are likewise incomplete. Copies of minutes were submitted for 1976 to 1984, and then from 1996 to 2005, a total of 17 years. However, no minutes were submitted for 1985 to 1996, a period of 11 years. As is the case for the ASHAI minutes, there is no explanation given for the absence of these minutes. Some minutes also indicate that sign-in sheets were attached to the minutes, but these were not included in the petition. As with the ASHAI minutes, the group should submit any additional minutes, and explain the absence of the other records.

Participation in SSA Elections

Article IV of the group’s current constitution (ratified in 1996) provides for the election of a council. Few of the minutes contain actual vote tallies, particularly in the period after 1997.⁸⁶

⁸⁵ Although the group submitted ASHAI minutes from two 1977 meetings and two 1978 meetings, the list of the ASHAI board of directors (1975-1984) submitted by the petitioner contains no list of directors for either 1977 or 1978 (ASHAI 1984.00.00, 1-2).

⁸⁶ Minutes submitted between 1977 and 1984 have large amounts of information blacked out and do not appear to contain any references to elections; there are no minutes for the period from 1985 to 1996. References to elections held during that period of time are taken from newspaper accounts.

For example, minutes from the group’s September 27, 1998, general meeting includes the information that 14 people were in attendance, but does not say whether those 14 included the people who were already serving on the council, or if all 14 of those people were eligible to vote. Nominations were made for members to serve on the ASHAI board and on the group’s governing body, but instead of ballots being cast, the minutes indicate that “...the Chief cast one ballot, to elect Tribal Council and ASHAI board of directors by acclamation” (SSA 1998.09.27, 1). Further, the minutes read as follows: “We don’t have to have an election. You are all now all Tribal Council and ASHAI board of directors. . .” (SSA 1998.09.27, 1).

Other minutes submitted by the group also show that participation by group members in elections is low.

Fig. 1- SSA General Meeting Attendance and Election

Date	No. in attendance	Nominations and Elections held	Meeting for Nominations Only
Feb. 23, 1997	“35+ people”	No	No
Sept, 14, 1997	9 listed	No	Yes
Sept. 27, 1998	14*	Yes	No
Feb. 21, 1999	21*	No	No
Sept, 26, 1999	20*	Yes	No
Sept. 17, 2000	25*	Yes	No
Feb. 18, 2001	13*	No	No
Sept, 30, 2001	26*	Yes	No
Oct. 13, 2002	23*	Yes	No
Oct. 26, 2003	41*	Yes	No

*Records do not indicate if this figure includes sitting council members

The low rate of participation in the group’s elections demonstrates that a bilateral relationship between the group’s leadership and the broader membership does not exist. The lack of many years’ worth of minutes and the redaction of others also makes it extremely difficult to tell who attended meetings, what issues were discussed, and whether leadership actions reflected the concerns of the whole group. The lack of sign-in sheets for many of the minutes also makes it impossible to know if the people attending were drawn broadly from a number of families across the membership, or if they constituted only a narrow portion of the membership. The petitioner should submit more evidence demonstrating that the programs and issues addressed by the leadership are actually important to the group as a whole.

The Role of the St. Francis Family

Without doubt, the single most active family among the group’s membership since the 1970’s has been (and continues to be) the St. Francis family. The St. Francis family’s presence in Swanton dates to the 1860’s when Mitchell St. Francis (1841-1918) moved to Swanton from

Canada. Certain members of the family also believe that they are direct descendants of Grey Lock, the Woronoke warrior who became a chief of the Abenakis during the 18th century; although no documentary evidence has been submitted to support this claim. Mitchell St. Francis fathered a large family, and then later the grandfather of numerous descendants when his children had equally large families. His son Nazaire (1868-1936) and grandson Nazaire Jr. (1890-1960) were both identified by the petitioner as informal leaders in the “Back Bay” area during the late 19th and early 20th centuries.

During the formation of the petitioner’s organization in the early 1970’s, Mitchell’s great-grandson Homer St. Francis (1935-2001) became the most outspoken and confrontational member of the group, eventually becoming “Grand Chief.” He was the group’s first “Chief” and served from 1977 until 1980, when he was sentenced to jail after being convicted for breaching the peace. He was defeated in subsequent elections by Leonard “Blackie” Lampman (1922-1987), a man from another large Swanton family, and was narrowly re-elected to the position in 1987 after Lampman’s death (Daley 1987.09.13). In 1995, he led a successful drive to change the group’s constitution to make the position of “Chief” a lifetime appointment limited to members of his family, a move that many in the group disagreed with and which contributed to a split within the group (Walsh 1995.11.07).⁸⁷ When he became too ill to handle the daily responsibilities of the group, he named his daughter “Acting Chief” and then became the “Grand Chief.” He remained in this position until his death in 2002, and his daughter April (St. Francis) Merrill currently serves as “Chief.” Two of St. Francis’s sons served on the group’s governing body with their father and sister for many years, as did a number of nieces and nephews.

St. Francis was not without his critics, both inside and outside the group. A newspaper report from 1979 indicates that there was already some splintering of the group, with the formation of the (seemingly short-lived) “Missisquoi Band” after a disputed election in which allegations of ballot-tampering were made (Abbey 1979.00.00:1). According to the article, St. Francis’s “authoritarian style” and his disregard for the opinions of others led to the formation of the breakaway group. This would not be the last time that a portion of the group split away from the main body nor would it be the last time that St. Francis’s leadership was cited as the reason. Nevertheless, he inspired fierce loyalty in many members, who appreciated his aggressiveness in pursuing various claims against the State of Vermont. St. Francis was often described as “militant” (*New York Times* 1987.09.13) when dealing with the larger community, and made various threats against local residents and authorities, including threatening to set fire to the home of the State’s attorney for Franklin County (*New York Times* 1988.10.02). He proposed actions such as issuing the group’s own license plates, and claimed jurisdiction over the Missisquoi Wildlife Reserve. He was also active in the “fish-ins” held by the group in the 1970s and 1980s to protest State fishing and hunting licensing requirements for SSA members.⁸⁸ His

⁸⁷ Approximately 70 former SSA members formed the “Traditional Abenaki of Mazipskwik and Related Bands” in 1995, in response to what they considered the “dictatorial” attitude of Homer St. Francis and the monopolization of the group by his family members (Anonymous 1995.10.30). This group has not petitioned for Federal acknowledgment.

⁸⁸ Wiseman claims that the first “fish-in” took place on April 19, 1974 (Wiseman 2001, 154), but no documentation included in the petition contains information about that event. The first date given for a “fish-in” within the submitted documentation is 1979.

“militancy” continued throughout his leadership, and although no violent incidents are recorded as having taken place due to his instigation, newspaper articles indicate that some residents of the Swanton area were wary of him and the group as a whole.

The Role of the Lampman Family

In the years between 1980 and 1986, Leonard “Blackie” Lampman (1922-1987) served as the group’s “chief” and on the ASHAI board of directors. The Lampmans were, like the St. Francis, a large family with roots in the area going back to the late 19th century. “Blackie” Lampman was not as confrontational as Homer St. Francis, and under his leadership, the group began to pursue social and educational opportunities, as well as preparing its petition for Federal acknowledgment.⁸⁹

After Lampman’s death in 1986, his son Lester Lampman lost an election to Homer St. Francis by three votes, 144-141 (Daley 1987.09.13, 1).⁹⁰ This close election was contested, but St. Francis refused to hold another election. Bank accounts for ASHAI were frozen because local banks were unable to determine who had the authority to make decisions for the group (Daley 1988.01.07). A judge ordered that the ASHAI board of directors hold another election, and 298 members voted, electing a slate of candidates supportive of St. Francis (Daley 1988.01.11). The Lampman family was largely removed from positions of authority, although some members did serve on the group’s council. In 1995, the group revised its constitution to make St. Francis leader for life, essentially keeping the position of “chief” within the St. Francis family.⁹¹

After the mid-1990’s, the Lampman family’s role is less clear. There is some indication that a few members remained involved with the group, but minutes provided by the group also suggest there was considerable friction between the group in power (many of whom were St. Francis supporters) and those who backed the Lampman family. Wiseman indicates that some Lampman family members were involved with the Missisquoi Health Center and the Title V Indian Education Office during the late 1990’s, but no other information about participation in the group has been included in the submission (Wiseman 2001, 185). Minutes from one 1998 meeting show that several members of the family attended a meeting and at least one stated her intention (as well as that of her family members) to withdraw from the group (SSA 1998.04.19, 2). At the same meeting, some members moved to have this person and her “supporters” removed from the group’s rolls, although the minutes did not include the names of the people to

⁸⁹Wiseman maintains that the group established a Section 8 Low-Income Housing project called “Abenaki Acres” in 1982 (Wiseman 2001, 159). However, minutes submitted from ASHAI and the Council from 1981 and 1982 include no mention of “Abenaki Acres,” and there are no newspaper articles discussing the establishment of the Housing project. The petitioner should include more specific information regarding the development of this project.

⁹⁰The 1982 petition narrative indicated that the petitioner had 935 adult members, presumably all eligible to vote.

⁹¹According to Wiseman, at least two Lampman family members on the council signed the ratification of the constitution (Wiseman 2001, 170); however, the petition includes no council minutes between 1984 and February 1996. All vote totals reported have been taken from contemporary newspaper reports.

be removed (SSA 1998.04.19, 4).⁹² Whether they withdrew or were removed, members of the Lampman family do not appear to be as active in the group as they had been in earlier years.

Political Issues Involving the SSA

Although the group did not formally organize until the 1970's, it immediately confronted the State, particularly regarding hunting and fishing rights. The group engaged in at least three "fish-ins," in 1979, 1983, and 1987. This last fish-in resulted in a court case, in which the State court ruled that, although "Indian Country" did not exist in Vermont, aboriginal hunting and fishing rights had not been relinquished (Vermont District Court 1989.00.00).⁹³ However, a subsequent decision ruled that all aboriginal title in Vermont had been extinguished when the territory became a state (Vermont Supreme Court 1992.06.12). Afterwards, the group's leaders continued to deliberate further pursuing land claims action, but the petition submission contains no indication that any were filed.

In addition to the "fish-ins," the group also made other political statements. For a time, the group issued its own license plates, in defiance of State licensing laws. Some members reportedly used these plates without incident, while others are reported to have had their cars impounded or otherwise suffered police harassment (Wiseman 2001, 163). The group should submit documentation, such as police records, demonstrating which members took part in this action and who may have been targeted by the police. The group also made a claim to the land at the Missisquoi Wildlife Refuge (St. Francis 1988.06.13), and staged patrols there during the Federal Government shutdown in 1995 (*Indian Country Today* 1995.11.23 Refuge). Details of these actions, such as the names of those who participated, might demonstrate the ability "... to mobilize significant numbers of members and significant resources for group purposes," as defined under criterion 83.7(c)(1)(i). The petitioner is encouraged to submit any additional information regarding these events, including additional interviews with people who took part in these political actions. Documentation, such as sign-in sheets from the particular actions, would also demonstrate who was taking part in these activities.

The petitioner should submit an analysis of member participation to demonstrate that decisions being made by the group's council actually show a bilateral relationship between the leadership and the members. The group should demonstrate that the issues deemed important by the council were also important to the membership as a whole, and that the leadership is responsive to the concerns of the members. Information such as attendance lists from meetings, lists of participants in events such as the "fish-ins," and a list of those who attended the wildlife refuge "patrols" during the governmental shut-down might be helpful in determining who was participating in actions promoted by the leadership.

⁹² Although text in the minutes indicates that a sign-in sheet had been filled out at the meeting, it was not included in the petition submission

⁹³ In the prosecution of this case, the assistant Attorney General (AG) of the State requested the group's membership roll from the BAR, the precursor to the present OFA (Eschen 1988.09.22, 1). BAR provided this roll to Vermont because it was requested by a State in the prosecution of a criminal charge (Elbert 1988.10.19, 1). At SSA's request (St. Francis 1989.01.11), BAR returned the roll and certain other documents to the group, but stressed that these documents should be resubmitted as soon as possible (Johnson 1989.02.23, 1). For more information on this series of events, see the Administrative History.

Conclusion

The available evidence does not demonstrate the current petitioner or its claimed ancestral family lines descended socially as a group from any Western Abenaki tribe either in Quebec or Vermont. Thus, evidence of political activity from Western Abenaki chiefs like Grey Lock and Joseph-Louis Gill (or the unknown “chief” identified as the late husband of a widow named “Charlotte”) during the colonial period does not demonstrate political influence among the petitioning group’s claimed ancestors. The petitioner has not provided evidence of what its specific claimed ancestors were doing as a group to exercise political influence before 1800 and is encouraged to do so. The evidence presented for the 19th century is also inadequate. The petitioner has not submitted evidence to demonstrate what its claimed ancestors were doing as a group from 1800 to 1875 to exercise political influence or authority. For the period from 1875 to 1900, the petitioner has presented insufficient evidence to demonstrate that Nazaire St. Francis and Cordelia (Freemore) Brow served as informal leaders of a community of its claimed ancestors. The petitioner is encouraged to review the requirements of criterion 83.7 (c) and to submit evidence that its claimed ancestors maintained political influence or authority over each other as an autonomous entity during this period.

For the first 75 years of the 20th century, the petitioner has presented little evidence demonstrating informal leadership among any group of the petitioner’s claimed ancestors. Information describing Nazaire St. Francis, Jr., ‘Gene’ Cote, and Cordelia (Freemore) Brow as informal leaders must be supplemented with additional information if the petitioner wishes to substantiate its claims. To satisfy the criterion, the petitioner must submit more evidence of an individual’s influence over members of the population; further, the petitioner must demonstrate that his or her authority extends beyond members of his or her immediate (and even extended) family. The petitioner may also wish to provide additional information regarding the political activities of the group as they related to the Vermont Eugenics Survey or to the land claims of the Iroquois. The petitioner is encouraged to seek any information on relationships between the people whom the petitioner identifies as leaders and external authorities such as law enforcement officers and school officials, which may provide additional insight into political relationships among the petitioner’s claimed ancestors. The petitioner has not demonstrated informal or formal political authority among the group or its claimed ancestors at any time before 1975, and therefore it does not satisfy the requirement for 83.7(c) for this time period.

During the 1970s, the SSA became an active political organization. Under the leadership of Homer St. Francis and Leonard Lampman, the group began its petition for Federal acknowledgment, instituted some social and cultural programs, and engaged the State in a number of legal battles. However, the petition lacks evidence to demonstrate that participation in the group’s political processes was widespread across the membership of the group. The lack of sign-in sheets and named participants is especially problematic because it is impossible to demonstrate who exactly was involved in the group’s various meetings. Further, the lack of 17 years of ASHAI minutes and 11 years of council meetings (and the submission of redacted ASHAI and council minutes spanning 8 and 9 years respectively) also makes it difficult to understand what issues were important to the group and who was participating in the group’s political organization. The petitioner has not demonstrated that the organization formed after 1975 has a bilateral relationship between the membership and the elected (or appointed)

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governing body. Rather, the evidence indicates that political influence is limited to the actions of a few group members pursuing an agenda with little input from the membership. Therefore, the petitioner has not satisfied the requirement to 83.7(c) from 1975 to the present.

To rectify these deficiencies, the petitioner should include copies of the documents cited in the finding, including the missing minutes, sign-in sheets, and lists of participants in activities such as the “fish-ins.” The group should also submit other documentation, such as interviews, which describe issues of importance to the group, including discussions of conflict (particularly during the years for which the petitioner has not submitted any meeting minutes), and how those issues were addressed or resolved. There should also be, to the extent possible, an effort to link membership to participation in group political activities.

Criterion 83.7(d) requires that

a copy of the group’s present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

Governing Document

Current Governing Document

The petitioner’s current governing document, received with the petitioner’s submission on May 16, 2005, is entitled “Constitution of The Sovereign Republic of the Abenaki Nation of Missisquoi.” The Preamble states:

The Abenaki People of the St. Francis/Sokoki Band of the Sovereign Republic of the Abenaki Nation of Missisquoi and our descendants, recognizing the need to preserve the heritage of our Ancestors, our culture, our history, our language, our ancestral native lands, and our sovereign right to live free and commune with the spirits of the natural world, do hereby establish this Constitution as the Great Law of the Sovereign Republic of the Abenaki Nation of Missisquoi.

The document is 11 pages long with 13 articles addressing membership, leadership, voting, meetings, justice and security, civil rights, assets, amendments, and ratification, plus a section entitled “Interpretation” containing definitions. Article XIII (Ratification) states “[t]his constitution was presented to the citizenry at a Special General Meeting on November 5, 1995,” and that it “was ratified at a Special General Meeting on . . . February 25, 1996.”⁹⁴ Article XIII is followed by the signatures of the “chief” and six “councilors” as well as the petitioner’s seal (Petitioner 2005, 1996 constitution).

Previous Governing Documents

In 1982, the petitioner submitted a governing document entitled “Constitution of the Abenaki Nation of Vermont,” which contained a preamble, interpretation (definitions), and seven sections (SSA 1982.10.00 Petition, 163-167). This document was unsigned and undated.

The July 22, 1982, minutes of the petitioner’s governing body (“tribal council”) note that “when the council approved the membership criteria (attached) the council felt that the added criteria was needed to explain questionable members that already have membership cards” (SSQ Minutes 1982.07.22). The membership criteria identified as “attached” to the minutes were not submitted with that document by the petitioner. However, a undated list of membership criteria

⁹⁴The available record contains no minutes of either of these special general meetings. There are no meeting minutes in the record for 1995, and the minutes for the “Abenaki Tribal Council” meeting on February 10, 1996, contain no mention of either the general meetings or the constitution (ATC Minutes 1996.02.10).

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were submitted with the 1982 constitution (SSA 1982.10.00 Petition, 168). The minutes further state, “[t]he vote to except [*sic*] the membership criteria was put to a vote with 16 approve 4 disapprove.” Although 20 persons voted on this item, the 1982 constitution states that “the council of the Tribe shall consist of one Chief and six councillors [*sic*]. . .”(SSA 1982, 10.00 Petition, 164 [Section II (4)]).

The October 6, 1981, minutes of the petitioner’s “tribal council” note that the next council meeting, on October 20, 1981, will “[g]o through by-laws and change [them]” (SSA Minutes 1981.10.06). No minutes for a council meeting on October 20, 1981, and no by-laws were submitted by the petitioner.

Governance and Membership as Presented in Miscellaneous Documents

Leadership

Articles II through VII of the petitioner’s current governing document are concerned with leadership. Article II provides that the “Chieftainship shall rest exclusively within the traditional hereditary families’ and “shall be held for life and shall be without regard to gender.” The document does not define “traditional hereditary families,” and, although the article provides for the appointment of a successor by the “present Chief,” no provision is made for succession if the “present Chief” dies or resigns without naming a successor. The petitioner submitted a newspaper article dated September 12, 1989, which announced “Abenakis make leader chief for life.” However, apparently no amended governing document, changing the leadership from a two-year term of office to lifetime appointment, was passed by the group until the current governing document was ratified on February 25, 1996. Article III defines the duties and powers of the office of the “Chief.”

Article IV of the current governing document provides for the election of a “tribal council.” There is no mention anywhere in the document of how many persons are to serve on the “tribal council” but eligibility to serve is defined in Article IV, Section 9, as persons “eligible to vote in the next annual Tribal elections.” Voter eligibility is defined in Article IV, Section 4, as “[a]ny Tribal citizen at least fifteen (15) years of age.” Article V defines the duties and power of the council, Article VI provides for recall of council members, and Article VII provides for council meetings.

Article VIII of the current governing document describes the duties of the “Tribal Judge” and “Head of Security,” although no definition of eligibility or process for election or appointment of individuals to serve in these positions is provided.

Membership

(a) Membership Eligibility Criteria

Article I of the petitioner’s current governing document defines and describes the registration of members. Section 2 states that persons applying for membership “must submit an official enfranchisement form and genealogical proof of Abenaki descent to the Chief and Tribal

Council.” The petitioner submitted a sample of an “official enfranchisement form” and an enfranchisement form for “reauthorized families” (Petitioner 2005.08.05). The petitioner also submitted copies of selected membership files but none contained examples of “genealogical proof of Abenaki descent” for current members. Eligibility criteria for membership as presented in Section 2 include:

- a) Documentation of direct descent from an Abenaki family listed on the 1765 James Robertson lease.⁹⁵
- b) Any person of Abenaki descent as determined by the Chief and Tribal Council, who is not a citizen of any other North American Tribe and who is not a citizen of any other country, is eligible for citizenship. The Chief and Tribal Council may seek advice and council from the Board of Elders regarding citizenship eligibility. (Petitioner 2005, 1996 constitution)

The “Board of Elders” is defined in the “Interpretation” (Definitions) section of the petitioner’s current governing document as “a group of five or more citizens, age 50 years and over, who are steeped in the Law of the Nation” (Petitioner 2005).

In an earlier petition submission (SSA 1982.10.00 Petition, 181[168]), additional “criteria used in determining membership,” which were “otherwise tacit and taken-for-granted among Tribal Council members,” included:

In the Absence of documented verification of Indian ancestry, membership in a family with long-standing local community recognition as Indian shall make a person eligible for membership.

Other Individuals who claim Abenaki descent, and who are closely affiliated with or related by marriage to current band members shall also be eligible for membership.

The Tribal Council may adopt into the band and nation any Indian or non-Indian they so choose. (SSA 1982.10.00 Petition, 181[168])

The current governing document does not address criteria or procedures for adoption of individuals into the petitioner’s membership, nor does it specify any age requirement for membership. The petitioner has not submitted any definition of or examples of documentation acceptable for satisfying membership eligibility. The petitioner does not identify a specific “ancestral historical tribe” other than “Abenaki” in the current governing document. The only list, census, or other document cited as containing names of ancestral tribe members, from whom current members or eligible applicants should descend, is the 1765 James Robertson lease (Robertson 1765.05.28).

⁹⁵The FTM™ databases submitted by the petitioner do not contain the names of any descendants of the individuals named on the 1765 James Robertson lease, nor do these databases link the petitioner’s current members to any of the individuals named on this lease.

St. Francis/Sokoki Band of Vermont Abenakis: Proposed Finding– Summary Under the Criteria

(b) Resignation and Removal

Sections 3 through 7 of Article I of the petitioner’s current governing document briefly address procedures for voluntary resignation of membership, causes for temporary and permanent expulsion, and removal from the “Tribal Roll or List.” Reference is made to “resolutions” and “statutes” regarding these matters but no copies of these “resolutions” or “statutes” were submitted by the petitioner.

Analysis

The current governing document, the February 25, 1996, constitution, submitted by the petitioner contains rules of government and membership. However, it fails to address some critical aspects of membership, administration, and governance.

Membership application procedures, genealogical documentation, maintenance of membership lists (like those outlined in the earlier governing document submitted in 1982) and membership files, membership severance and appeal, and identification of appropriate documents specifying the ancestors from whom current members descend and from whom eligible applicants should descend, are not codified in bylaws, regulations, or official resolutions. If the petitioner has such additional governing documents, such as the “by-laws” mentioned in the October 6, 1981, minutes of the petitioner’s governing body, it should submit them.

With regard to leadership, the term “traditional hereditary families” is not defined or the families listed so that leadership eligibility is clarified. Also, succession to leadership if the current leader does not name a successor is not described in detail. The number of “tribal council” members and the eligibility and election or appointment process for other offices are also not codified.

Although the criteria do not require the petitioner to address these concerns specifically, the petitioner is advised that future problems with group administration and membership certification may arise if these topics are not addressed in the governing document or in bylaws, regulations, or official resolutions. If the petitioner practices some method for determining eligibility and verification of descent from the historical tribe, it should provide a written statement describing these practices.

Conclusion

The petitioner has submitted a governing document containing membership criteria. Therefore, the petitioner meets the requirement of criterion 83.7(d).

Criterion 83.7(e) requires that

the petitioner’s membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.

Petitioner’s Claims

The SSA claims descent from the Western Abenaki Indians who resided at Missisquoi, near present-day Swanton, Vermont (see Overview of the Petitioner). This historical group was identified in contemporaneous documents up to the mid-1700’s as residing in the area of the northeastern shore and islands of Lake Champlain, as well as at the Indian village/mission at St. Francis (Odanak), in the Province of Quebec, Canada (see discussion under criterion 83.7(b)). The petitioner does not claim descent from St. Francis Abenaki Indians other than asserting that some residents there were Missisquoi Abenaki who relocated to St. Francis (Odanak) to escape warfare between England and France or between the American Colonies and England (see discussion in Overview of the Petitioner).

The petitioner claims that its members descend from “such historically documented family lines as: Cajiais, Morice, Nepton, Obomsawin, Philippe, Portneuf, St. Francis, Toxus, and Wawanolett” (SSA 2000.00.00 ca). It also asserts that its members meet the group’s descent criteria as set forth in its constitution – that is,

- a) Documentation of direct descent from an Abenaki family listed on the 1765 James Robertson lease.
- b) Any person of Abenaki descent as determined by the Chief and Tribal Council (Petitioner 2005, Constitution ratified February 25, 1996)

The petitioner does not specify, either in its governing document or in its petition, whether applicants for membership must meet both of these criteria or only one criterion.

The petitioner identifies 20 “historical 20th century social core families” that the petitioner asserts “comprised the [Missisquoi] Abenakie community. They are: Barratt, Belrose, Cheney, Colomb, Demar, Ethier/Hakey, Gardner, Hance, Hoague, Lafrance, Medor, Morits, Nepton, Obomsawin, Ouirrette, Partlow, Phillips, Richards, St. Francis and St. Lawrence” (SSA 1995.12.11 [Second Addendum], 10). Although not specifically stated in its petition, the petitioner implies, through information supplied in its genealogical database and its petition documents, that the progenitors of these 20 family lines are the Abenaki ancestors of all of its current members.

Based on the SSA’s governing document and other petition documents, the petitioner’s members and, by extension, its progenitors claim descent from individuals named on the 1765 Robertson Lease or from some other Abenaki entity that may or may not have resided at Missisquoi.

Genealogical Evidence: Records Reviewed

The regulations describe types of evidence that are acceptable to the Secretary under 83.7(e). However, the acceptable evidence is not limited to the categories listed in the regulations. The specified types of evidence examined for this petition are described below.

(1) Rolls prepared by the Secretary on a descendancy basis for purposes of distributing claims money, providing allotments, or other purposes.

At this time, there is no evidence that the Secretary or any other Federal agency prepared tribal rolls for the Western Abenaki Indians or the petitioner's ancestors in the United States. However, tribal rolls prepared by the Canadian government do exist for the Abenaki affiliated with the Odanak Reservation at St. Francis in the Province of Quebec, Canada. These rolls include an 1832 return (report) naming heads of Abenaki families and young warriors (Nominal Return of the Abenagois Indians 1832), 1873 and 1875 censuses listing the names and ages of all Abenaki household members at St. Francis (Odanak), in Canada but not at St. Francis, and in the United States (*Recensement du Villages* 1873, 1875), and an 1893 pay list naming heads of St. Francis Abenaki households (Indian Distribution Pay List 1893.04.14).

The State of Vermont submitted a photocopy of an original 1832 return (report) of the Abenaki Indians at St. Francis (Odanak), written in English, containing the names of 100 heads of families and young warriors above 15 years of age as well as a tabulation of persons in each household (adult males and females, boys, and girls) (Nominal Return of the Abenagois Indians 1832). Although the report provides a great deal of information on Abenaki surnames, total population, and the size of families, it provides no information on kin relations beyond individual households or on adult ages. An examination of the names on the return reveals none of the names of the petitioner's claimed ancestors, although similarities of surnames alone would not constitute evidence of descent or tribal affiliation.

The State submitted a photocopy of an original 1873 census of the Abenaki Indians at St. Francis (Odanak), written in French, and containing the names and ages of a total of 316 persons, including 154 adults, 65 school-age children, and 97 infants, making up approximately 72 households (*Recensement du Villages* 1873).⁹⁶ It also contains information on families living away from St. Francis, including 5 families (28 persons) as "residents of Canada" (*Residents [sic] En Canada*) (not at St. Francis) and 7 families (23 persons) in the United States (*Residents [sic] aux Etats Unis*). It also reports population change, such as deaths and births in margin notes. This document provides a wealth of information on families, descendants, and intermarriage kinships because it lists the names of children and elderly parents living with adult couples, and frequently provides both the maiden name and married name of female spouses. For fathers and sons with the same name, each heading their own household, the list denotes which is the son (*filis*). If a woman is a head of household, it indicates whether she is a widow and often gives the complete name of her deceased husband. One of the petitioner's claimed Indian ancestors, Simon Obomsawin (1850-after 1930), is possibly the 22-year-old "Simon Obumsawin *filis*," enumerated at St. Francis (Odanak) on this list with 16-year-old Marie Jeanne

⁹⁶All French spellings and diacritical marks are as they appear on the document quoted.

Obumsawin (probably his sister, see 1875 census). None of the other ancestors claimed by the petitioner are enumerated on this list, even though some were born in Quebec and may have been living near the reserve, as evinced by census and birth records (see discussion under 83.7(e) – Analysis).

The State submitted a photocopy of an original 1875 census of the Abenaki Indians at St. Francis (Odanak), written in French, and containing the names and ages of a total of 391 persons, including 250 adults, 56 school-age children, and 31 infants, making up approximately 75 households (*Recensement du Villages 1875*). It also contains information on families living away from the reserve, including 9 families (38 persons) as “residents of Canada” (*Residents [sic] En Canada*) (not residing at Odanak) and 13 families (45 persons) in the United States (*Etats Unis*). This document also specifies causes of population change (*Causes de Diminution*), such as “struck from the list” (*Rayes de La [sic] liste*), “absent or away in the [United] States” (*Absents aux Etats*), “absent in Canada” (*Absent En Canada*), deaths (*Deces [sic]*), births (*Naissances*), and returnees (*Retour [sic]*). This document provides the same type of information as found on the 1873 census. In one instance, when a man is enumerated at St. Francis (Odanak) and his spouse and children enumerated as living in the U. S., his wife’s entry includes a note indicating her husband’s full name. One of the petitioner’s claimed Indian ancestors, Simon Obomsawin (1850-after 1930), is again possibly the “Simon Obumsawin *filis*” (no age given) enumerated as “resident in Canada” on this list with “his sister” (*sa sœur*), Marie Jeanne (no age given). None of the other ancestors claimed by the petitioner are enumerated on this list, even though some were born in Quebec and may have been living near the reserve at this time (see list discussed above under the 1873 census).

The State submitted a photocopy of an original 1893 Indian interest distribution pay list for Abenakis at St. Francis (Odanak), written in English (Indian Distribution Pay List 1893.04.14). It contains the full names (given name and surname) of 115 adults, probably heads of households because beside each name is a tally of the number of men, women, boys, and girls presumably living in the household. The tally also indicates the number of individuals who emigrated, died, and were born since the last distribution. Although some names on this list are identical to some shown on the St. Francis censuses, it is difficult to verify identities because no ages or names other than the head of the household are given. Again, as in the 1873 and 1875 St. Francis censuses, the only one of the petitioner’s claimed ancestors who may be found on the list is possibly “Simon Obumsawin *filis*,” identified as a single head of household living alone.⁹⁷

None of the individuals named in these documents are specifically identified as Missisquoi Abenaki or other Abenaki coming from or living in the Swanton area of Vermont. The petitioner has not claimed or shown descent from individuals on these Canadian censuses, other than possibly “Simon Obumsawin *filis*.”

⁹⁷The petitioner’s claimed ancestor named Simon Obomsawin married in 1878 at Odanak and had at least three children by 1893 – William Simon (1879-?), Marion Marie-Anne (1883-?), and Elvine (1886-1967). All three would have been adolescents at the time of the 1893 census and most likely still living at home. It is possible that the 1893 “Simon Obumsawin *filis*” is the same person as the petitioner’s claimed ancestor because the list shows four children of “Simon Obumsawin *filis*” adopted by three other individuals on the list. However, there were numerous Obumsawins named on the 1893 pay list and the “Simon Obomsawin *filis*,” who was living alone in 1893 and had four children adopted out, may not be the petitioner’s ancestor.

(2) State, Federal or other official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

The State submitted photocopies of numerous State birth, marriage, and death records for individuals the SSA claims are members or ancestors of members. These included 37 birth records for individuals born between 1904 and 1937 (Birth Certificates [BC] 1904-1937), 28 marriage records for unions recorded between 1820 and 1966 (Marriage Certificates [MC] 1820-1966), and 8 death records for individuals who died between 1885 and 1937 (Death Certificates [DC] 1885-1937).

The petitioner submitted transcriptions of 20 births in Swanton, Franklin County, Vermont, between 1904 and 1920 from Franklin County record books, claiming the births were “identified as mixed or Indian-White” (Swanton Birth Records 1900.00.00-1920.00.00). The petitioner did not submit copies of these original birth records from Swanton. However, among the vital records submitted by the State were photocopies of 37 birth records from Franklin County, including all 20 of the records itemized on the petitioner’s transcribed list (Birth Certificates [BC] 1904-1937). Department researchers examined these records for authenticity, source, and other pertinent information. The birth certificates provided the usual genealogical information, such as date and place of birth, full birth name, color (race), sex, the “number of child of mother,” and each parent’s name, age, place of birth, place of residence, and occupation. This information enabled verification of some lineage information submitted by the SSA. However, the documentation of “color” (race) on these records is both unclear and inconsistent (see in-depth evaluation and discussion under criterion 83.7(b)), and does not note Indian ancestry for these named individuals.

The State submitted copies of 28 marriage certificates recorded in Vermont and Quebec Province, Canada, for individuals married between 1820 and 1966 whom the SSA claims as members or ancestors of members (Marriage Certificates [MC] 1820-1966). Of these 28 marriage records, 12 are official typed copies of certificates of marriage from the State Department of Health, which contain the most genealogical information of any of the records, including names of the bride and groom, their town of residence, place of birth, age, occupation, color, number of past marriages, all parents’ full names and birthplaces, and date of marriage. Three of the marriage records were photocopies of the handwritten town or county marriage register for marriages in the early to middle 19th century. The remaining 13 records are copies of microfilmed town clerk information cards, including 10 groom and 3 bride cards. These cards do not provide information about the spouse other than the name. The remaining information pertains exclusively to the individual for whom the card was completed, including name, age, place of birth, occupation, residence, parents’ names, date of marriage, place of marriage, and name of person officiating. None identified an individual as Indian. The genealogical information provided by these documents proved useful in verifying genealogical information submitted by the petitioner.

The State also submitted copies of eight death records for individuals who died in Swanton, Franklin County, Vermont, between 1885 and 1937, whom the petitioner claims were members or ancestors of members (Death Certificates [DC] 1885-1937). None of these records identified

individuals as Indian or Abenaki. These records provided some genealogical information about the deceased, including date, place, and cause of death, age, marital status, occupation, birthplace, and parents' names.

In addition, Department researchers examined historical Vermont records, Canadian records, and land transaction records, for both the colonial and post-colonial periods, dealing with the historical Western Abenaki tribe. These were submitted by the petitioner and the State of Vermont and included the transcription of a register of baptisms, marriages, and deaths recorded at Fort Saint-Frédéric between 1732 and 1759 (Roy 1946, 268-312), a 1765 lease designated "Robertson's Lease" for land "in the bay of Missisque" (Robertson 1765.05.28), a 1766 speech of the Misiskoui Indians (Misiskoui Indians 1766.09.08), an 1874 petition of the Abenakis of St. François (Abenaki Indians of St. Francis 1874.04.24), and a 1788 declaration by Louis Outalamagouine (Outalamagouine 1788.09.01).

The register of Fort Saint-Frédéric, written in French, was transcribed from the original records by Pierre-Georges Roy and published in *Hommes et Choses du Fort Saint-Frédéric* (Roy 1946, 268-312). It was submitted by the petitioner and covers the period 1732-1759. Fort Saint-Frédéric was a French military fort located on the southwestern shore of Lake Champlain, which was abandoned in the middle to late 18th century. The register, which appears to be an official record of the fort administrators, reported baptisms of 255 individuals (mostly children), both French and Indian, and listed both the names of the parents and the names of the godparents. Of these, 16 of the children baptized were designated as having parents who were "Abenaki Missisquoi" or "Missisquoi Indian." In addition, the parents of 21 children were designated "Abenaki St. Francis," the parents of one child were designated "Abenaki Becancour," the parents of one other child were designated "Abenaki Debaguanos? [sic]," and the parents of 15 children were designated simply "Abenaki." The total number of Abenaki or Missisquoi children whose baptisms were recorded totals 54.⁹⁸ For non-Indian baptisms, both the given names and surnames of the parents and godparents were recorded. However, only the first name (given name) of the Indian parents and godparents was recorded. A total of 30 marriages were shown in the register but no Indian marriages were recorded. The register listed the deaths of 4 individuals whose parents or personal identity were designated "Abenaki Missisquoi," 12 individuals whose parents or personal identity were designated "Abenaki St. Francis" or "St. Francis Indian," and 2 individuals whose parents or personal identity were designated simply "Abenaki." The total number of deaths recorded in the register was 194, of which 18 were Abenaki or Missisquoi or St. Francis Indian deaths; 10 of the 18 Abenaki deaths appear to have included the surname of the individual. Only one Abenaki Indian couple recorded the baptism of more than one child (two). Kinship relations were available only in the form of parent-child entries in the baptismal records and parent-child entries for infant deaths. First names and the few available surnames of the Indian individuals were compared with later censuses of Indians at St. Francis (Odanak) and other available evidence but could not be linked to known or claimed ancestors of the petitioner.

⁹⁸ Abenaki, Missisquoi, and St. Francis Indians were not the only Indians who had children baptized. The register includes at least seven baptisms of Iroquois du Sault Saint-Louis children.

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A photocopy of a 1765 colonial document in English (with transcription), submitted by the petitioner and commonly known as “Robertson’s Lease,” names 10 individuals as grantors of land on “Missisque” [Missisquoi] bay and river to one James Robertson for a lease of 91 years (Robertson 1765.05.28; see Appendix B). The grantors include the following:

Daniel Poorneuf [Portneuf],
François Abernard,
François Joseph,
Jean Baptist,
Jeanssis[?] or Jeances[?],
Charlotte widow of the late chief of the Abenackque Nation at Missisque,
Marian Poorneuf [Fortneuf],
Ther[e]sea Daughter of Joseph Michel,
Magdalaine Abernard, and
Joseph Abomsawin.⁹⁹

Charlotte [no surname], identified as the “widow of the late chief of the Abenackque Nation at Missisque[?],” is not identified specifically as Indian or as Abenaki in the document, although it is implied. Nor are any of the other grantors identified as Indian or as Abenaki. Three of the grantors have two of the surnames which are found on the 1873 and 1875 Canadian censuses of the St. Francis Abenakis (*Recensement du Villages 1873; Recensement du Villages 1875*) and on the 1893 pay list of Interest Distribution for the St. Francis Abenakis Band (Indian Distribution Pay List 1893.05.09) – namely, Poorneuf [Portneuf] and Abomsawin [Obumsawin/Obomsawin]. Along with the grantor Poorneuf [Portneuf], two of the neighboring Indian landowners (see below) have names that are very similar to those found on the above-mentioned Fort Saint-Frédéric register – namely, Momtock [Mantoch or Mantok] and White Head [Tete Blanche]. In addition to the grantors named on the Robertson lease, several other individuals, identified as Indians, are named as holders of 12 farms bounding the property being leased, all of which are located on the “Missisque” [Missisquoi] river, including

(on the south side of the river)

Old Abenard,
Towgisheat,
Cecile,
Annome [Annance?] Quisse[?],
Jemonganz Willsonsquax,
Jean Baptist the Whitehead, and
Old Etienne,

and (on the north side of the river)

Old White Head,
Pierre Peckenowax,

⁹⁹Another person, Kapen Segou, is named by Richard McCarty in his witness statement for this document. None of the petitioner’s members claim descent from Kapen Segou.

François Nichowizet[?],
Annus Jean Bapt. Momtock, and
Joseph Compient.

The lease indicates that the neighboring landowners are Indians, and it is probable that the grantors as well as the landowners named on the Robertson lease are Indians. Other than the statement that Theresa is the “Daughter of Joseph Michel,” no information is provided concerning kinship or other relationships between the grantors or between any of the grantors and other landowners named in the lease or a tribal affiliation for them. The grantee, James Robertson, is not identified as Indian; in fact, the wording of the document implies that he is not Indian. The three witnesses recorded on the lease (Edward Simmonds, Peter Hanby, and Richard McCarty) are also not identified as Indians, and it is implied that they are not.

As indicated by this document, the geographical proximity of property held by numerous individuals who were identified as Indian implies that there was an Indian settlement at this location.¹⁰⁰ Comparison of the names of the individuals identified on the 1765 Robertson lease with other records does not reveal a connection to the petitioner’s known or claimed ancestors, although the SSA governing document allows descent from individuals on this 1765 lease as eligibility for membership.

The petitioner submitted a photocopy of a 1766 speech (in Abenaki with an English translation) of the “Misiskoui Indians at St. Francis” to the governor of Quebec Province, regarding the appropriation of their lands at “Misiskoui” by English settlers (Misiskoui Indians 1766.09.08). This document contains no names and thus this does not provide genealogical evidence to determine ancestry for any of petitioner’s members or ancestors of petitioner’s members. It does indicate that there were already Missisquoi Indians at St. Francis in the mid-18th century.

The petitioner submitted a photocopy of a 1788 declaration (written in English) of Louis Outalamagouine, identified in the document as “an Abenaki Indian of Misiskoui,” which discusses an expedition to “Misiskoui” (Outlamagouine 1788.09.01). This document also mentions “another Abenaki Indian named Xavier” [no surname]. Both Outalamagouine and Xavier were to serve as French-Abenaki interpreters. This document is a report to Lt. Col. Campbell at Montreal concerning incidents which took place on an expedition from St. Johns (Canada) to “Misiskoui” to investigate complaints made against the Indians there. Thus it provides some evidence of an Indian presence at Missisquoi as late as 1788. The petitioner does not claim either of these persons as ancestors of its members. Department researchers were unable to trace the petitioner’s ancestry to these individuals.

A photocopy of an 1874 petition of the “Abenakis Indians of St. François” (in French), submitted by the State, contains a list of 36 signatories, all male, many of whose names also appear on the

¹⁰⁰Since the grantors were leasing their land for 91 years, this document may indicate that at least a number of the community members were relocating, although it is not known whether they relocated to other holdings they may have had in the area or to more distant locations, such as Odanak/St. Francis. The document hints that at least some of the grantors might have been planning to reside in the area for at least a part of the year since, as a condition of the lease, Robertson agreed “to plow as much land for each of the above persons [grantors] as shall be sufficient for them to plant their Indian corn every year . . .” (Robertson 1765.05.28).

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1873 and 1875 St. Francis censuses (Abenaki Indians of St. François 1874.04.24; *Recensement du Villages* 1873; *Recensement du Villages* 1875). This document is a request from the Abenaki Indians at St. Francis (Odanak) to the Governor General (of Quebec?) imploring him not to emancipate (disband?) the settlement/mission at Odanak, stating that the Indians there wished to continue the circumstances of their relationship with the government of Canada. Although the entity which is represented by the petitioners is identified as Abenaki, none of the individuals signing this petition are identified as Missisquoi Abenaki. Many of the individuals who signed this document are also enumerated on the 1873 and 1875 St. Francis censuses (*Recensement du Villages* 1873; *Recensement du Villages* 1875). However, even though several of the signatories have the surname “Obumsawin,” none of the signatories can be identified as related to petitioner’s claimed ancestor, Simon Obomsawin, or any other known or claimed ancestors of the petitioner.

The register of Fort Saint-Frédéric identified approximately 65 Missisquoi Indian individuals (Roy 1946, 268-312). However, the register recorded only 4 identified Missisquoi Indians with surnames: Andre Mantoch, Pierre-Jean dit le Tete Blanch [*sic*], Pierre-Thomas Cadenait, and Francois Mantok. These individuals could not be linked to the petitioner’s known or claimed ancestors and no members of the petitioning group claim or demonstrate descent from these individuals.

Fourteen decennial U.S. censuses taken in 1790, 1800, 1810, 1820, 1830, 1840, 1850, 1860, 1870, 1880, 1900, 1910, 1920, and 1930 (U.S. Census 1800-1880, 1900-1930) provide information on persons residing in Vermont and on the eastern shores of Lake Champlain. The State submitted copies of portions of some census records for selected towns and counties as well as copies of census indexes compiled from Family Quest (Heritage Quest™) census software. OFA researchers examined the submitted documents as well as full copies of these censuses available at the National Archives and Records Administration (NARA). None of the individuals claimed by the petitioner as members or ancestors of members were enumerated as Indians in these records (see discussion under criterion 83.7(e) – Analysis).

Eight members of the petitioning group claim descent from Elvine (Obomsawin) Royce (1886-1967) who lived in Montpelier, Vermont.¹⁰¹ The petitioner’s 2005 Family Tree Maker™ (FTM) database contained the names of 22 of her descendants (including the 8 who are members). Elvine was the younger sister of William Obomsawin (abt. 1879-1959) and Marion Obomsawin (1885-1980), all three of whom were informants for Gordon Day (Day 1948.07.00-1962.11.13). William and Marion lived on Thompson’s Point in Charlotte, Chittenden County, Vermont.¹⁰² These three siblings were the children of Simon Obomsawin (1850-after 1930), who is likely the

¹⁰¹ Elvine (Obomsawin) Royce is enumerated on the 1930 U. S. census for Duxbury, Washington County, Vermont (U. S. Census 1930). However, according to Day she was living in Montpelier, Vermont, in 1955, and in a nursing home in Graniteville, Vermont, in 1961 (Day 1948.07.00-1962.11.13).

¹⁰² Another William Obomsawin [Obomsawin] (1879-?), and his wife Mary (1882-?), both born in Canada, were enumerated as Indians on the 1880 U. S. census for Grand Isle, Grand Isle County, Vermont (U. S. Census 1880, Grand Isle County, Vermont). However, their kinship to William, Marion, and Elvine Obomsawin is unknown at this time. None of the petitioner’s members claim descent from these two individuals, and none of the petitioner’s claimed ancestors were enumerated as living near this William and Mary.

same Simon Obomsawin¹⁰³ listed on three censuses of St Francis (Odanak), Canada, as an Abenaki Indian and named as one of the petitioning group's twenty "primary" ancestors¹⁰⁴ (see below) (*Recensement du Villages* 1873; *Recensement du Villages* 1875; and possibly Indian Distribution Pay List 1893.05.09).

The censuses do not document any of the petitioner's members or ancestors as living near the Obomsawins between 1880 and 1930, and no documentation has been submitted to indicate that the Obomsawins had any interaction with the petitioner's group before the 1970's. In addition, these records do not document any other group or groups of Indians who are ancestors of the petitioner's members. The 1870 and later censuses enumerated some individual Indians or single Indian families in Vermont but the petitioner has not identified them as ancestors of its members.¹⁰⁵ However, some census records provided genealogical information, such as age, birth year of birth, place of birth, household relationships, and parents' birthplaces, for some of petitioner's members and ancestors of members, which was useful in verifying lineage submitted by the petitioner.

The State submitted five "Pedigree" charts from the Vermont Eugenics Survey (VES) conducted in the late 1920's; the information on these charts was derived from records at the Vermont Industrial School and Vermont Social Services Department (Pedigree SF 1927-1930) (see discussion under criterion 83.7(b) for historical background of VES and analysis of its records). These charts generally contained information on an individual, the individual's spouse, children and "nationality," comments on "mentality," and the source of the information. One of the charts also contained information on the individual's siblings. The charts recorded the "nationality" (ancestry) of the individuals surveyed, including some claimed "Abenaki" ancestors of the petitioner's current members, as "French" (for four individuals from three families) or "Irish" (for one individual). The petitioner's current 2005b membership list includes 112 members who claim descent from one family identified by VES as "French," 14 members who claim descent from another "French" family, and 12 members who claim descent from the "Irish" family. The petitioner does not claim the third "French" family as a Missisquoi Abenaki ancestral family, but it is linked by marriage to the other two "French" families and the "Irish" family, as well as to six other "primary" ancestral families. (See discussion under criterion 83.7(b) for a detailed description and evaluation of these documents.) One of the families ancestral to some members of the petitioner was described in the VES as having some members with Indian ancestry, but the tribal affiliations were not Abenaki. In addition, the petitioner has

¹⁰³ The widowed Simon Obomsawin was enumerated on the 1930 U. S. census for Charlotte, Chittenden County, Vermont (b.abt.1848, male, Indian), apparently living with his children, William and Marion, and a grandson, Fred Remington (abt. 1916-aft. 1930) All four individuals were identified as "Indian." One "A2" member of the petitioner also claims descent from Fred Remington.

¹⁰⁴ When referring to any of the 20 ancestors claimed by the petitioner to be original "Missisquoi Abenaki" progenitors, the designation "primary" ancestors or "primary" ancestral lines will be used. See discussion under "Criterion 83.7(e) – Analysis."

¹⁰⁵ Some of the individuals claimed by the petitioner as Indian ancestors of members were enumerated on the U.S. censuses as white and born in Canada. However, being born in Canada is not evidence of Indian descent.

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not demonstrated that individuals with these surnames married into an existing tribe, thus introducing French and Irish surnames into an Indian population.

(3) Church, school, and other similar enrollment records identifying present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

The petitioner submitted a transcription of the baptism register of Ste. Mary’s Catholic Church in St. Albans, Vermont, including baptisms during the 1847 to 1858 period (SSA 1996.01.17 [Part B Appendix 5B]). A photocopy of the original document was not submitted. This document presents the year, month, and day of baptism, child’s given name, parents’ names, and godparents’ names. Of the 42 baptisms recorded, none of the names of the parents, children, and godparents were among the ancestors of the petitioner’s members. This transcription did not show the petitioner’s claimed ancestors serving as godparents for each other’s children. The baptismal records transcription did not identify individuals as Indian or as descendants of Indians.

The State submitted a photocopy of gravestone information for St. Mary’s Catholic cemetery in Swanton, Vermont, compiled for the Swanton Historical Society (Ledoux 1993.08.00).¹⁰⁶ It contained an alphabetical listing of gravestone inscriptions, including all available information (name, birth and death dates, parents’ names, spouse’s name, military ranks and service, remarks, and location), a map of the cemetery, and history of the sections. This document contained names of several persons claimed by the petitioner as ancestors of members, including, but not limited to, the following individuals:

Name (birth year-death year)¹⁰⁷	Connection to “primary” ancestor	Number of descendants on SSA 2005b member- ship list (n=1,171)
Mary Jane Campbell (abt.1872-1897)	wife of claimed “primary” ancestor, George W. Belrose (1872-1931)	19 members claim descent from this individual
Lewis S. Coolomb [<i>sic</i>] (abt.1802-1887)	son of claimed “primary” ancestor, Jos. Colomb (abt.1775- aft.1822)	215 members claim descent from this individual
Regis Richard Coolomb[<i>sic</i>] (abt.1812-1866)	son of claimed “primary” ancestor, Jos. Colomb (abt.1775- aft.1822)	0 members claim descent from this individual
Dellia (Colombe [<i>sic</i>]) St. Francis (1846-1910)	granddaughter of claimed “primary” ancestor, Jos. Colomb (abt.1775-aft.1822)	138 members claim descent from this individual

¹⁰⁶ The document submitted is missing 24 pages, so the information is incomplete.

¹⁰⁷ Dates listed are those shown on the gravestone (Ledoux 1993.08.00). Birth years preceded by “abt.” are calculated from age at death as shown on the gravestone.

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Name (birth year-death year) ¹⁰⁷	Connection to “primary” ancestor	Number of descendants on SSA 2005b member- ship list (n=1,171)
Sophia (St. Laurent) Coolomb [sic] (abt.1808-1884)	daughter-in-law claimed “primary” ancestor, Jos. Colomb (abt.1775-aft.1822)	52 members claim descent from this individual
Eli Adelard Hakey (1868-1952)	claimed “primary” ancestor, Eli Adelard Hakey (1868-1952)	207 members claim descent from this individual
Delia (Martell) Ha key (1876-1962)	wife of claimed “primary” ancestor, Elia Adelard Hakey (1868-1952)	207 members claim descent from this individual
George Delwin Ha key (1914-?)	son of claimed “primary” ancestor, Elia Adelard Ha key (1868-1952)	11 members claim descent from this individual
Ella M. Ha key (1916-1970)	daughter-in-law of claimed “primary” ancestor, Elia Adelard Ha key (1868-1952)	11 members claim descent from this individual
Edward D. Hance (1849-1919)	son of claimed “primary” ancestor, Antoine Edward Hance (1816-1911)	23 members claim descent from this individual
Caesarie (Calcagno) Hance (1813-1899)	wife of claimed “primary” ancestor, Antoine Edward Hance (1816-1911)	23 members claim descent from this individual
Ambrose Hoague (1868-1931)	son of claimed “primary” ancestor, Flavien Fabian Napoleon Hoague (1830- aft.1883)	4 members claim descent from this individual
Napoleon Hoague (abt.1864- 1956)	son of claimed “primary” ancestor, Flavien Fabian Napoleon Hoague (1830- aft.1883)	70 members claim descent from this individual
Peter E.[F.?] Hoague (1862-1948)	son of claimed “primary” ancestor, Flavien Fabian Napoleon Hoague (1830- aft.1883)	0 members claim descent from this individual
Clara (Hoague) St Francis (1870-1922)	daughter of claimed “primary” ancestor, Flavien Fabian Napoleon Hoague (1830- aft.1883)	112 members claim descent from this individual
Peter C. Medor (1814-1890)	claimed “primary” ancestor, Peter Cayie Medor (1814-1890)	49 members claim descent from this individual
Marguerite Julia (St. Pitie) Medor (1814-1883)	wife of claimed “primary” ancestor, Peter Cayie Medor (1814-1890)	49 members claim descent from this individual

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Name (birth year-death year) ¹⁰⁷	Connection to “primary” ancestor	Number of descendants on SSA 2005b member- ship list (n=1,171)
Edward Medor (1845-1915)	son of Peter Cayie Medor (1814-1890)	0 members claim descent from this individual
Peter Medor (1834-1908)	son of Peter Cayie Medor (1814-1890)	26 members claim descent from this individual
John F. Morits (1826-1910)	son of claimed “primary” ancestor, John F. Morits (1790-aft.1827)	0 members claim descent from this individual
William Ouimett[e] (1863-1938)	son of claimed “primary” ancestor, Theodore Amable Ouimette (1799-?)	9 members claim descent from this individual
Mitchell St. Francis (1841-1918)	grandson of claimed “primary” ancestor, Michel St. Francis (bef.1811-1863)	138 members claim descent from this individual
Nazaire St. Francis (1867-1936)	great-grandson of claimed “primary” ancestor, Michel St. Francis (bef.1811-1863) (son of Mitchell St. Francis)	112 members claim descent from this individual
Nazaire St. Francis (1890-1960)	great-great-grandson of claimed “primary” ancestor, Michel St. Francis (bef.1811-1863) (son of Mitchell St. Francis)	93 members claim descent from this individual
George St. Francis (1899-1967)	great-great-grandson of claimed “primary” ancestor, Michel St. Francis (bef.1811-1863) (son of Mitchell St. Francis)	4 members claim descent from this individual
Eugene St. Francis (1906-1968)	great-great-grandson of claimed “primary” ancestor, Michel St. Francis (bef.1811-1863) (son of Mitchell St. Francis)	0 members claim descent from this individual

The gravestone information list also contains individuals with surnames consistent with individuals who have married petitioner’s members or ancestors of members, such as Brow, Champagne, Cusson, Freemore, Giroux, Greenia, Greeno, Hakey, Lapan, Lavigne, Minckler, Patnaude/Patnode, Parizo, Therrien, Vanslette, Vincelette, Young, Zweeres, and possibly others.¹⁰⁸ The cemetery record did not identify individuals as Indian or as descendants of Indians, but it did supply limited information on family relationships, such as names of parents and spouses, including maiden names of married women. It also supplied information that at least a number of the petitioner’s ancestors attended the Catholic Church and were buried in its cemetery. The birth and death dates show that some individuals were contemporaries and thus

¹⁰⁸One surname appearing on the document – Paquette – is identical to an Abenaki surname on lists naming Indians at St. Francis in 1873-1875 and in 1893, although it does not appear in any of the lineages of the petitioner’s members or ancestors of members.

the petitioner might pursue this as an avenue of research to establish evidence that there may have been a community of the petitioner’s ancestors centered at this Church.

The petitioner submitted a partial transcription of town “scholar’s [*sic*] lists” for the period 1822-1858 from Swanton, Vermont (SSA 1996.01.17, Appendix 3, 118). Photocopies of the original documents were not submitted. According to the petitioner, the transcription was taken from a “periodic” (most years, but not every year) report for the town of Swanton, recording families who sent their children to district one-room schools in the month of March. According to the petitioner, the document contained a listing of names, ordered by year and then by school district, and “[o]nly the father of the children was listed in most cases.” This statement suggests that some of the names are those of students, which seems to be so for one of the petitioner’s claimed ancestors, Antoine Colomb (1822-?) (discussed below), as he would have been only 10 years old in 1832 when his name first appears. No information on students’ names, ages, mothers, siblings, or race or ethnic ancestry was provided in the record. Only three names on the lists were identified as probable names of ancestors claimed by the petitioner: Lewis Colomb (1802-1887), Richard Colomb (1808-1866), and Antoine Colomb¹⁰⁹ (1822-?), three sons of the petitioner’s claimed “primary” ancestor, Jos. Colomb (abt.1775-?). Other surnames which appear on the lists, including Belrose and Medor, may denote other ancestors of the petitioner. Thus, although this document, at minimum, provides the names of male individuals residing in the town and verifies that they were alive during a particular year, it does not provide information on genealogical relationships or evidence identifying individuals as Indian or as descendants of Indians.

(4) Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

No such affidavits were submitted by the petitioner.

(5) Other records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

(a) County, City, and Family Histories and Commentaries, and Personal Records

The petitioner submitted abstracts of land records from Highgate, St. Albans, and Swanton, Vermont (SSA 1996.01.17, Appendix 4, 124). Photocopies of the original records were not submitted. Individuals named in these records appear to include one of the petitioner’s claimed “primary” ancestors, John Morits; some descendants of other claimed ancestors, Lewis Colomb, Richard Colomb, Peter Medor, Edward Medor, and Mitchell St. Francis, as well as possible ancestors of lines that married into the “primary” ancestral lines, such as Sisco, Lampman, Lefevre, Bessette [Bassett], Vansalette, Cota, Champang [Champange?], Lapan, Greenia, and

¹⁰⁹Possibly listed as Antoine Coolum in 1832 (Back Bay/Bow of the River/Dist. #9) and 1933 (Back Bay/Bow of the River/Dist. #9), as Antwine Coolum in 1934 (Back Bay, Bow of the River/Dist. #9), as Antwine Colomb in 1841 (Back Bay/Bow of the River/Dist. #9) and 1847 (Swanton Jct./Dist. #2), and as Antwine Coolom (Swanton Jct./Dist. #2) or Antwine Colom (Back Bay/Bow of the River/Dist.#9) in 1850.

Levick. These records provided limited information on spouses, the period of residency, and names of other local residents and land owners. The petitioner should submit copies of the original documents in order for OFA to verify the spelling of names, the dates of transaction, and other information such as heirs or owners of land bounding the parcel of record.

The petitioner also submitted a transcription of poor farm records from the Sheldon, Vermont, town offices for the years 1891 to 1948 (SSA 1996.01.17 [Part B Appendix 3]). Photocopies of the original records were not submitted and the petitioner is encouraged to submit them along with its analysis. The submission introduction stated that “[d]eath records of the farm have generated the following list of Abenakis who were living there [the Sheldon poor farm] at the time of their death[s].” The attached list contained the names of 52 individuals with the years of their birth and death. Only one of the petitioners’ claimed ancestors from the “primary” ancestral families can be identified: Mary Hoague 1844-1914. Other names include individuals with surnames of families that married into the “primary” ancestral lines (Barrett, Laplant, Greenia, Ploof, Laripman, Cota, and Martell). Some individuals had the same surnames as some of the petitioner’s “primary” ancestral lines, but could not be identified as descendants or relatives. The document did not provide any genealogical information regarding family relationships.

No family histories, commentaries, or personal records were submitted.

The petitioner derived much of the information used in its historical narrative from academic publications on the history of Missisquoi, Becancour, and St. Francis Abenaki Indians by Day (Day, 1981), Calloway (Calloway 1987.12.30, 1990, 1990a), Haviland (Haviland 1994 (Revised Edition; first ed. 1981)), and Wiseman (Wiseman 2001). A thorough discussion of these publications is provided under criteria 83.7(a) and 83.7(b). These publications did not provide information concerning a continuously existing Missisquoi or Western Abenaki tribal entity that included the petitioner’s ancestors. Nor do they provide names of individuals identified as members of the historical tribe, that is, persons documented as Missisquoi or Western Abenaki in the United States or Canada, or their genealogical connections to the petitioner’s claimed ancestors.

(b) Oral Histories

The petitioner submitted transcripts of interviews with four individuals (see discussion under criterion 83.7(b) for additional analysis). All informants claimed descent from one of the “primary” ancestors and all were born in the early part of the 20th century in Swanton, Vermont. These transcripts included a discussion of individual ancestors, relatives and kinship relationships, and memories of neighbors and schoolmates. However, while these records provide some limited insight into the petitioner’s claimed relationships and activities (see discussion under criterion 83.7(b)), and contained some genealogical information on parents, grandparents, siblings, and cousins, they did not contain information leading to the documentation of Indian descent, since the informants’ lineages were not systematically explored. What little information was obtained about ancestors was primarily anecdotal “family tradition.” The petitioner needs to submit photocopies of birth, marriage, and death records, or other reliable evidence to substantiate claims made in the oral histories.

(c) Personal Information

In its petition narrative, the petitioner names 20 specific “primary” ancestors (see below), none of whom are identified as Indian, Missisquoi Abenaki, or Western Abenaki on any historical documents or from information found in the petitioner’s submissions.¹¹⁰ The petitioner submitted 6 family ancestry charts (SSA 1982.10.00, Chart 1), 7 individual history charts (IHC 1982), 20 descendancy charts (one for each of the 20 “primary” ancestors (SSA 1995.12.18), and member information compiled in a Family Tree Maker™ (FTM™) genealogical database (SSA 2005). The family ancestry charts diagrammed multiple family lines through 4 to 5 generations over a period of approximately 120 years and included contemporary heads of households. The individual history charts were standard genealogical forms and, for these records, contained the name of an individual, the name of the individual’s parents, and (in a few cases) the name of the individual’s spouse, children, and siblings. The descendancy charts were outline descendant charts produced with FTM™ software using the petitioner’s genealogical database. Although these charts were useful in evaluating genealogical relationships, they were not accompanied by copies of vital records documenting birth, parentage, marriage, or ancestry. OFA researchers confirmed some of the dates and relationships through examination of census records. Nevertheless, the petitioner is advised to send documentation verifying birth, death, and marriage dates of its “primary” ancestors and succeeding generations of their descendants.

(d) Other Sources

Numerous newspaper articles dated from 1892 to 2002 submitted by the petitioner, and particularly three obituaries (Lampman, Leonard Sr. 1987.05.10, Laurent, Stephen n.d.,¹¹¹ St. Francis, Homer 2001.07.09) submitted by the State of Vermont, provided some confirmation of information from primary sources. However, the reliability of newspaper accounts vary according to the type of event, the source of information, and the perspective of the writer. For example, contemporary notices of marriages, births, or deaths are generally more reliable than reminiscences of genealogical connections to historical figures. Although these obituaries provided some useful genealogical information on the individuals discussed, such as birth or death dates, and names of spouses, children, siblings and parents, none of the information contained in these documents provided evidence of a contemporaneous Indian entity of which the petitioner’s ancestors were a part.

Analysis – Descent from a Historical Tribe

In order to meet criterion 83.7(e)(1), the petitioner must demonstrate descent from a historical tribe, or from tribes which combined and functioned as a single entity. When it is documenting descent from members of the historical tribe or tribes, the petitioner must show that the persons claimed as Indian ancestors were descendants of the particular historical tribe.

¹¹⁰ The information on Simon Obomsawin (1850-after 1930) was either submitted by the State or located by OFA researchers.

¹¹¹ It should be noted that Stephen Laurent was not a member of the petitioner and is not listed on any membership list or in the petitioner’s genealogical database.

The SSA claims that its members descend from “such historically documented family lines as: Cajiais, Morice, Nepton, Obomsawin, Philippe, Portneuf, St. Francis, Toxus, and Wawanolett” (SSA 2000.00.00 ca). The surnames Cajiais, Morice, Philippe, St. Francis, and Toxus do not appear on any historical document in the current record identifying Abenaki or other Indian individuals associated with a historical Abenaki. Specifically, none of these five surnames appear on the mid-18th century register of Fort Saint-Frédéric (Roy 1946, 268-312), on the 1765 Robertson Lease (Robertson 1765.05.28), or on the censuses or pay list for St. Francis (Odanak) Indians in Canada (*Recensement du Villages* 1873; *Recensement du Villages* 1875; Indian Distribution Pay List 1893.04.14), and there is no reference in the record of any female Abenakis marrying individuals with these surnames. An individual named Joseph Portneuf is identified in 1751 as a St. Francis Indian on the register of Fort Saint-Frédéric (Roy 1946, 303), but none of the petitioner’s current members claim descent from this person. Individuals named Joseph Abomsawin [Obomsawin] and Marian Porneuf [Portneuf] appear on the 1765 Robertson Lease, as names of the persons (presumed Abenaki Indians) leasing land to James Robertson at Missisquoi, but there is no evidence in the current record showing that any of the petitioner’s current members descend from these individuals. Numerous individuals, both male and female, with the surnames Obomsawin, Portneuf, and Wawanolett are found on the 1873 and 1875 censuses and the 1893 pay list for St. Francis (Odanak) Indians in Canada and 8 of the petitioner’s current members claim descent from Simon Obomsawin (1850 Odanak, Quebec-aft.1930), who is likely the same person as “Simon Obomsawin *fils*” who is listed on these three documents, although the evidence to support this claimed descent is tenuous. This “Simon Obomsawin *fils*” may have had Portneuf and Wawanolett ancestors; however, none of the petitioner’s current members document descent from Portneuf or Wawanolett ancestors separately from the Obomsawin family line. Jean Charles Nepton (1831 Massachusetts-aft.1877), claimed ancestor of 16 of the petitioner’s current members, is recorded on a census (taken in about 1870) of Chicoutimi County, Quebec, Canada, as an Abenaki Indian from Massachusetts, but there is no evidence in the current record indicating that this Nepton ancestor was either a Missisquoi Abenaki or a Western Abenaki or that he ever resided in Vermont or in the area of Missisquoi.

The petitioner has not demonstrated descent from Abenakis named at Fort Saint-Frédéric or in the 1765 Robertson lease and, thus, has not demonstrated descent from the historical tribe, assuming the persons named on these lists were part of a historical Western Abenaki tribe residing at Missisquoi in the mid-18th century. At this time, with the exceptions noted above, the petitioner has not shown descent from any documented Abenaki individuals.

The petitioner names 20 individuals as “primary” ancestors¹¹² from whom it claims all members descend, and who it claims are descendants of the historical Missisquoi Abenaki tribe. Although these are the only ancestors named by the SSA in its petition documents, some members listed on its current (2005b) membership list are not linked to these ancestors in the group’s 2005 genealogical database.¹¹³ These 20 ancestors include the following:¹¹⁴

¹¹²As stated earlier, when referring to any of the 20 ancestors claimed by the petitioner to be original “Missisquoi Abenaki” progenitors, the designation “primary” ancestors or “primary” ancestral lines will be used.

¹¹³That is, they were either not entered in the 2005 FTM™ database or were in the 2005 FTM™ database but were not connected to any of the ancestral family lines.

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- Sarah (Morits) Barrett/Barratt (1806 Vermont-aft.1856) – married abt.1827 to Samuel Barratt (1800 England-aft.1856); 10 children all born in Vermont between 1827 and 1856; petition documents indicate the first presence in Vermont for this family is 1806 birth of Sarah (Morits) Barrett, the “primary” ancestor (see Appendix A); 71 individuals on the group’s current 2005b membership list claim descent from this ancestor;¹¹⁵
- George W. Belrose (1872 Swanton, Vermont-1931 Vermont) – married 1889 (in Swanton, Vermont) to Mary Jane Campbell (1872-1897); 4 children all born in Vermont between 1889 and 1897; petition documents indicate the first presence in Vermont for this family is 1872 birth of George W. Belrose, the “primary” ancestor (SSA 2005, FTM) (see Appendix A); 19 individuals on the group’s current 2005b membership list claim descent from this ancestor;
- Margaret (Gibeau) Cheney (1906 Lacolle, Quebec-1927 Swanton, Vermont) – married 1924 (in Swanton, Vermont) to Giles Gilbert Cheney (1895 Dickenson Center, New York-1945 Swanton, Vermont); 2 children, one born in 1926 in Swanton; petition documents indicate the first presence in Vermont for this family is marriage of Margaret Gibeau and Giles Gilbert Cheney in 1924 in Swanton (SSA 2005, FTM) (see Appendix A); 5 individuals on the group’s current 2005b membership list claim descent from this ancestor;
- Jos. [Joseph] Colomb (abt.1775 Quebec-aft.1822) – spouse unknown; 3 children all born in Quebec¹¹⁶ between 1802 and 1822 (two sons buried in St. Mary’s Catholic cemetery in Swanton, Vermont); petitioner claims first presence in Vermont for this family is the birth of the eldest son in 1802 (SSA 2005, FTM) (see Appendix A); 215 individuals on the group’s current 2005b membership list claim descent from this ancestor;
- Louis Desjarrais/Demar (1830 Quebec-aft.1857) – married abt.1857 to Marie Belisle (abt.1843 Quebec-aft.1857); one child born in 1857 in Vermont; petition documents indicate the first presence in Vermont for this family is birth of child in 1857 (SSA 2005, FTM) (see Appendix A); 94 individuals on the group’s current 2005b membership list claim descent from this ancestor;
- Louis Garner (1810-aft.1835) – married abt.1835 to Mary Spabin (1815-aft.1835); one child, born about 1835, birthplace unknown; petitioner claims first presence in Vermont for this family is in 1830s (SSA 2005, FTM) (see Appendix A); 90 individuals on the group’s current 2005b membership list claim descent from this ancestor;
- Eli Adelard Hakey/Ethier (1868 Spencer, Massachusetts-1952 Swanton, Vermont) – married 1891 to Delia Martell (1875 Swanton, Vermont-1962 Swanton, Vermont); 10 children born between 1893 and 1914, all probably born in Swanton, Vermont; petition

¹¹⁴ Very little of the genealogical information about these individuals and their descendants provided by the petitioner in the SSA 2005 FTM™ genealogical database is supported by documentation submitted by the petitioner or the State.

¹¹⁵ The number of descendants (current members) given for all “primary” ancestors will be more than the total number of current members because numerous members claim descent from more than one “primary” ancestor.

¹¹⁶ The two eldest sons, Lewis S. Colomb (betw. 1802 and 1808-1887) and Regis Richard Colomb (1808-1866), may have been born in Vermont.

documents indicate the first presence in Vermont for this family is marriage of Eli Adclard Hakey and Della Martell in 1891 (SSA 2005, FTM) (see Appendix A); 207 individuals on the group's current 2005b membership list claim descent from this ancestor;

- Antoine Edward Hance/Hains (1816 St. Mathias, Quebec-1911 St. Albans, Vermont) – married 1843 (in Marieville, Rouville, Quebec) to Caesarie Sarah Calcagno (1813-1899 Swanton, Vermont);¹¹⁷ 9 children born between 1843 and 1868, the first 4 and the 8th born in Quebec (St. Jean and St. Gregoire), the 5th through the 7th and the last born in Vermont (Swanton?); petition documents indicate the first presence in Vermont for this family is birth of 5th child in Swanton in 1854 (SSA 2005, FTM) (see Appendix A); 23 individuals on the group's current 2005b membership list claim descent from this ancestor;
- Flavien Fabian Napoleon Hoague (1830 Quebec-aft.1883) – married 1855 (in St. Rosalie, Quebec) to Adelle May Billings Belair/Bellaire (1831 Quebec-aft.1878); 12 children born between 1856 and 1878, 5 of first 7 born in Quebec (St. Dominique and St. Hyacinthe), last 5 born in Vermont (one in Swanton); petition documents indicate the first presence in Vermont for this family is birth of 8th child in 1870 (SSA 2005, FTM) (see Appendix A); 218 individuals on the group's current 2005b membership list claim descent from this ancestor;
- Charles Lafrance (1838 Canada-1882 Vermont) – married abt.1855 to Mary Berard/Barnes (1835 Phillipsburg, Quebec-1911 Highgate, Vermont); 12 children born between abt.1855 and 1873, first 5 and 9th children born in Quebec (Henryville and Bedford), 6th through 8th and last 3 children born in Vermont (Highgate); petition documents indicate the first presence in Vermont for this family is birth of 6th child in Highgate in about 1867-68 (SSA 2005, FTM) (see Appendix A); 49 individuals on the group's current 2005b membership list claim descent from this ancestor;
- Peter Cayie Medor (1814 St. Regis, Quebec-1890 Swanton, Vermont) – married 1833 (in St. Regis, Quebec) to Marguerite Julia St. Pitie (1814 St. Regis, Quebec-1883 Swanton, Vermont); 6 children born between 1832 and 1853, 4 of first 5 born in Vermont (Swanton),¹¹⁸ last child born in New York; petition documents indicate the first presence in Vermont for this family is birth of first child in Swanton¹¹⁹ in 1832 (SSA 2005, FTM) (see Appendix A); 49 individuals on the group's current 2005b membership list claim descent from this ancestor;
- John F. Morits (1790-aft.1827) – married abt. 1815 to Elizabeth Salisbury (bef.1803-aft.1827); 3 children born between 1816 and 1827, the first born in Quebec, the last 2 born in Vermont (Highgate); petition documents indicate the first presence in Vermont for this family is birth of 2nd child in abt.1830 (see Appendix A); 60 individuals on the group's current 2005b membership list claim descent from this ancestor;
- Jean Charles Nepton (1831 Massachusetts-aft.1877) – married 1851 (in St. Urbaine, Quebec) to Josephine Girard (1835 Quebec-aft.1877); 10 children born in Quebec

¹¹⁷ This individual was buried in St. Mary's Catholic cemetery in Swanton, Vermont (Ledoux 1993.08.00).

¹¹⁸ Third child may have been born in St. Regis, Quebec, in 1834.

¹¹⁹ First documentation of Vermont residence on U. S. census is birth year of son in 1845 (1870 census).

between 1853 and 1877 (Lac St. Jean); no documented presence in Vermont, only in Massachusetts and Canada (see Appendix A); 16 individuals on the group's current 2005b membership list claim descent from this ancestor;¹²⁰

- Simon Obomsawin/Obumsawin (1850 Odanak, Quebec-aft.1930) – married 1878 (in Odanak, Canada) to Celine (maiden name unknown) (bef.1867 Odanak, Quebec-bef.1910); 7(?) children born between 1879 and 1886 all born in Quebec; petition documents indicate the first presence in Vermont for this family is 1907, attested to by a daughter of Simon & Celine (Day 1948.07.00-1962.11.13, 4), but the first documentation of residence is Simon Obomsawin's enumeration on the 1910 U. S. census in Charlotte, Vermont (U. S. Census, 1910) (see Appendix A); 8 individuals on the group's current 2005b membership list claim descent from this ancestor;
- Theodore Amable [C.?] Ouimette (1799 St. Armand, Quebec-aft.1872) – married 1845 (in St. Georges, Quebec) to Louisa Sweeney (1822 Quebec-aft.1872); 5 children all born in Quebec (St. Armand) between 1849 and 1872; petition documents indicate the first presence in Vermont for this family is marriage of second child in Swanton, Vermont, in 1878 (SSA 2005, FTM), (see Appendix A); 27 individuals on the group's current 2005b membership list claim descent from this ancestor;
- Charles Henry Partlow (1839 Alburg, Vermont-1913 Highgate, Vermont) – married 1864 (in Rouses Point, Clinton, New York) to Sophie Blair/Blain (1847-aft.1885); 9 children born between 1869 and 1885, 3rd and 5th children born in NY, 7th child born in Quebec; petition documents indicate the first presence in Vermont for this family is birth of Charles Henry Partlow, the “primary” ancestor, in 1839 in Alburg, Grand Isle, Vermont (SSA 2005, FTM) (see Appendix A);¹²¹ 84 individuals on the group's current 2005b membership list claim descent from this ancestor;
- Antoine Bellipe Phillips (abt.1787 Quebec-1885 South Burlington, Vermont) – married abt. 1834 to Catherine Cadaire (1820 Quebec-aft.1848); 6 children born between 1834 and 1848, first 2, 4th and 6th children born in Quebec, 5th child born in Highgate, Vermont; petition documents indicate the first presence in Vermont for this family is birth of 5th child in 1846 in Highgate (SSA 2005, FTM) (see Appendix A); 166 individuals on the group's current 2005b membership list claim descent from this ancestor;
- Peter Richard/Richards (1814 St. Albans Bay, Vermont-1880) – married abt.1855 to Genifer Laporte (?-?); 3 children born between 1855 and 1868, birthplaces unknown; petition documents indicate the first presence in Vermont for this family is birth of Peter Richards, the “primary” ancestor, in 1814 in St. Albans Bay (SSA 2005, FTM) (see

¹²⁰ Transcriptions of Canadian documents submitted by the petitioner in a member file indicate that Jean Charles Nepton was Abenaki. However, until copies of the original records are provided by the petitioner, his Indian ancestry cannot be confirmed. Also, although the transcriptions indicate he was Abenaki, they do not specify whether he was Western Abenaki or Eastern Abenaki and they do not indicate that he was a member or descendant of any Abenaki group from Missisquoi. The petitioner is encouraged to submit further information in the form of original documents to clarify Nepton's ancestry.

¹²¹ A Civil War pension record for Charles H. Partlow of Alburgh, Vermont, married to Sophia Partlow, was located by OFA. It does not identify Charles Partlow as an Indian.

- Appendix A); 38 individuals on the group’s current 2005b membership list claim descent from this ancestor;
- Michel St. Francis/St. François (bef. 1811 Canada-1863 Swanton, Vermont) – spouse unknown; 1 child, birth date and birthplace unknown; petition documents indicate the first presence in Vermont for this family is birth of grandson in 1841 in Vermont (see Appendix A); 138 individuals on the group’s current 2005b membership list claim descent from this ancestor;
 - Hippolyte D. St. Laurent (1780 Quebec-1860 Swanton, Vermont) – married abt. 1808 to Elizabeth Lafrance (1788 Quebec-1860 Swanton, Vermont); 3 children born between 1808 and abt. 1830, 2nd child born in Quebec, 1st child born in Swanton, Vermont; petition documents indicate the first presence in Vermont for this family is birth of first child in 1808 (SSA 2005, FTM) (see Appendix A); 297 individuals on the group’s current 2005b membership list claim descent from this ancestor.

The SSA has consistently claimed descent from the Missisquoi Abenaki or Western Abenaki Indians. The only documents in the record that name members of the Missisquoi Abenaki Indians are the Fort Saint-Frédéric register covering the 1733 to 1756 period (Roy 1946, 268-312) and probably the 1765 Robertson lease (Robertson 1765.05.28, see Appendix B). However, the Fort Saint-Frédéric register listed most of those individuals who were identified as Indian only by their given names,¹²² did not indicate where the individuals were living at the time, and did not provide information on genealogy or family relationships beyond the parent-child relationship. In addition, none of the 20 “primary” ancestors claimed by the petitioner are known to have been born before 1775, and the petitioner did not submit information on their parents or earlier ancestors. Therefore, it is not possible to connect the petitioner’s claimed ancestors to the individuals listed on the Fort Saint-Frédéric register or the Robertson’s lease, and the petitioner does not document such ancestry in its FTMTM database. Names of individuals listed on the Fort Saint-Frédéric register were compared with later censuses at St. Francis (Odanak) and other available documents and could not be reliably linked to individuals named in those other documents or to known or claimed ancestors of the petitioner. As yet, none of the petitioner’s 20 “primary” ancestors are listed on any document as being a member or descendant of the Missisquoi Abenaki or the Western Abenaki tribe as it may have existed in the 1700’s.

The evidence for using “Abenaki” family names to demonstrate descent from the historical tribe as presented by the petitioner is unreliable. The available evidence does not demonstrate the petitioner’s ancestors trace to a Western Abenaki or any other Indian tribe. The petitioner acknowledged this scarcity of evidence in its 1986 petition:

Identification of Abenaki individuals or groups as Indian has been quite low in all sources after 1800 except for the general accounts of “St. Francis Indians” down to 1860, some isolated citations of individual families from Odanak and Vermont in the census and town records as well as some local Indian and non-Indian oral traditions. Generally, the best accounts of the “St. Francis Indians,” from the early 19th century and the Indian “swamp” or “marsh people” from the late 19th

¹²²Out of approximately 200 Abenaki individuals identified in this register, the surnames of only 17 individuals were recorded.

and early 20th century were not specific to the contemporary Abenaki community. The twenty or so baptisms from 1903 to 1922 which showed “Indian” origin were the only clear connections of the present community to recorded Indian ancestry before the first tribal roll (1976) and 1980 census showed several hundred Indians living in Swanton, Highgate, St. Albans and the immediate area. (SSA 1986.05.23 [Addendum B], 304)¹²³

As best as can be determined, it appears the SSA’s researcher, John Moody, developed the connection between names of the claimed ancestral family lines and the Indians at St. Francis based largely on “variations” of names found on 19th century lists of Indians at St. Francis in Quebec. Moody described this process in his 1979 unpublished manuscript, which formed the foundation of the group’s argument in the 1982 and 1986 submissions. He stated as follows:

The majority of the families discovered so far lived on Missisquoi Bay and Lake Champlain with the other areas being maintained by individual families at different periods from 1820 to 1850. Not one of the families is cited as being “Indian,” “Abenaki,” or anything of the kind. The names are variants of those familiar at Odanak like Panadis (Benedict), Lazare, Gonzague, Benoit, Laurent, Denis, Saint Denis, Marie and Maurice in various combinations with names developed exclusively at Missisquoi like Campbell, Peter, Coulomb-Cadoret, and Francis. French names later found as Abenaki names at Missisquoi and Saint Albans Bay included Guyette, Deno, Boucher, Tiriac, Gauthier, and others. (Moody 1979, 49)

The researcher apparently took the family names of SSA members and searched for them on lists of the Saint Francis Indians at Odanak in the late 18th and 19th centuries. When he did not find the exact name, he then searched for “variations” of those names at St. Francis (Odanak), in local church, land, school, and census records from the 19th century in northwestern Vermont, or which came from the “oral traditions” of current members. Once Moody found presumed similarities between the name of a SSA family line and names on the other records, he designated these family lines “Abenaki.” Moody incorporated this research into the group’s 1982 petition and further expanded it in the 1986 submission. Such a process is not based on sound genealogical, anthropological, or historical methodology. As a result, the petitioner has identified families as Western Abenaki mainly on speculation, not because the record demonstrated they were identified as Indian or as part of an Indian community. The petitioner has not provided evidence to show that the family lines from the 19th century listed as St. Francis Abenaki have descendants or any social or historical connection to the current members of the group.

Another difficulty in the use of family names is that the SSA provided almost no documentation to trace the evolution of how and when the claimed family name changes may have occurred, or how they might connect genealogically to actual family names on specific lists of Odanak Indians. While the petitioner described the content of various land, church, school, and census

¹²³ The “twenty or so baptisms from 1903 to 1922” are discussed in criterion 83.7(a), (b), and later in this criterion. They are actually birth records and do not clearly identify Indian ancestry.

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records, and abstracted lists of names of claimed ancestors from them, it did not submit copies of them. Nor did it provide most of the referenced interviews or genealogical materials. The petitioner is encouraged to submit copies of these documents.

While it is not uncommon for names to have various spellings in the historical records, such as Benedick for Benedict or LaDue for Ladeau, it is very unusual for the same individual to be identified by a completely different surname. The SSA has not shown that these widely different names were indeed “variations” of the petitioner’s ancestors’ names. For example, according to the petitioner, the Benedict family of Alburg and the Lake Champlain Islands included the name variations of Bartern, Barnaby, Benway, Pandike, Prado, and Paradee. The Glode family of the same area had the possible variations of Latto, Ladue, Glodue, Ladura, Latuse, and Ladeau. In the case of the Hanks family of St. Albans, the claimed versions were Hinis, Hennisse, Hanass, St. Anus, Hance, Hanes, Hances, Arsinau, Hence, Henry, Hendrix, Hendrin, Henren, Henris, and Hendrick. Yet, the Hanks family of nearby Swanton had the unexplained name alternatives of Hance, Anus, Amis, Ascino, and Arseno. The Mortis family of St. Albans included the name shifts of Moritt, Murray, Merrick, Morice, Morriseau, Moricette, Morquis, and Marais. The Morits family of Swanton was attributed with the undocumented name variations of Morat, Maray, Morin, Morreson, Mercik, Merreik, and Morris. Numerous other examples of multiple name variations could be described (SSA 1196.01.17, Appendix 1A, 1-24). Without proper genealogical evidence, such as birth, baptismal, marriage, and death records or deeds, probate records, or church records that identify the petitioner’s ancestors by whatever variant spelling of their names there may be, the SSA’s assertions concerning these widely diverse names are without support. Name changes are accepted if it is clear from a large variety of records that over time a family’s name has actually altered. At present the petitioner has not demonstrated that these different surnames actually apply to their ancestors.

It should be pointed out that the surnames contained in documents listing individuals at St. Francis (Odanak), vary only slightly over approximately 60 years, from the 1832 St. Francis return (Nominal Return of the Abenquois Indians 1832) to the 1893 St. Francis pay list (Indian Distribution Pay List 1893.04.14). Examination of the available rolls of the St. Francis Abenaki at Odanak taken during a period of 60 years (Nominal Return of the Abenquois Indians 1832; *Recensement du Villages* 1873, 1875; Indian Distribution Pay List 1893.04.14), and Day’s examination of leading St. Francis family names (Day 1981, Table 2), indicates very little variation in surnames save phonetic spelling variations which do not significantly change the pronunciation of the surname, for example, Capino for Capineau, Camp for Kemp, Msadaquis or Msadoques for Mesatoncous, and Nagazoa or Nigajoie for Nigajowa or Negajoua. A comprehensive examination of the origin and evolution of leading St. Francis family names compiled by Gordon Day in 1981 from various 19th century censuses and lists at Odanak shows relatively few name variations during a time when the petitioner claimed its ancestral family names were undergoing frequent, major alterations (Day 1981, Table 2; also 73-107). With so little variation of known Indian surnames in official documents over such an extended period of the 19th century, the SSA’s claim that its ancestors’ surnames changed into so many variations, with grossly differing spellings and pronunciations, is unconvincing.

Another complication in the use of family name variations culled from historical lists of St. Francis Indians of Quebec is that only 8 current members of the petitioner (out of 1,171

members) claim descent from that Indian group. In the case of 14 additional claimed descendants, it is unclear whether they are actually current members of the group. The available evidence does not demonstrate that the remainder of the petitioner's claimed ancestors descend from the St. Francis Indians of Odanak or an Indian entity in Vermont which evolved from them. Day's exhaustive research led to the conclusion that by 1800 "practically all of the Indians originally living in Vermont, New Hampshire, western Maine and the Connecticut Valley in Massachusetts, excepting the Pigwackets, had moved to Odanak" (Day 1981, 117).

These problems with its researchers' use of family name variations were not unknown to the petitioner. In April 1979, Gordon Day wrote the petitioner's researcher, John Moody, and advised him to be cautious when dealing with Western Abenaki family names. First, he urged caution in using church registries because it was "uncertain" if the people listed in them were "residents in the vicinity or transients." Next, he advised Moody on the difficulty of dealing "subjectively with the degree of 'Indianess' of persons with French or English family names." Finally, he counseled interpreting "family names as disfigured Indian names" involved "a high degree of subjectivity" (Day 1979.04.27).

Moody himself described some of the dangers in relying on family names in his 1979 unpublished study. Regarding the Morins or Maurice family names, he stated they "illustrate[d] the difficulty in accurate tracing of the family names at this time. Aside from the frequent absence of surnames in the Abenaki women, the Maurice name has at least five [*sic*] major variations including Moricette, Morisseau, Molisse, Morrisey, Morris, and Morits" (Moody 1979, 43, n. 22).

Gordon Day reiterated his concerns about the use of family names to show Western Abenaki ancestry in his 1981 *Identity of the Saint Francis Indians*, a work focusing on the pre-1850 period. He warned the "student who would identify Indians and trace families in the records" was "faced with two sets of formidable problems, one set arising from Indian naming practices and the other arising from the nature of the records" (Day 1981, 73). Regarding the first set of problems, an Abenaki child could have several first names, including a childhood name, a teenage name, a nickname, and a baptismal or official name which had French, English, and Indian equivalents (Day 1981, 73). The original Abenaki family name was generally replaced by an official French surname, which was normally used when dealing with whites or officials, while the Indian name remained known as the ancestral family name. Sometimes the given name of a father also became the family name of the child (Day 1981, 73-74).

Official recorders also compounded the confusion. Day explained:

The early church records often contain only the French baptismal names, because the recorder was either unaware of or indifferent to the correct Abenaki name. Given names and family names derived from given names are often reversed, presumably because the recorder did not know which was the family name. . . . European and Americanized names may exist side by side for the same person, such as Benedict and Panadis. One problem is pervasive—the common inability of the recorders who wrote the censuses and other documents to understand and write Abenaki names in any suitable orthography. The sole [*sic*] exception to this

in the materials used in this study are the two documents prepared in the 1840's by or under the direction of educated members of the band. (Day 1981, 74)

The SSA echoed and even cited most of Day's concerns regarding "the problem of Abenaki names" in its case as part of a five-page discussion of the issue located in Appendix D of its 1982 submission. It stated as follows:

Genealogical research on Abenaki families in northwestern Vermont has been complicated by the changes in Abenaki names, especially in the period following the American Revolution and the first few decades of the nineteenth century. There are two aspects of the problem. The first is simply the lack of any comprehensive records for the group as a whole. The other is the variation in names that occurred as a result of cultural interaction and intermarriage with French, Dutch and English settlers. (SSA 1982.10.00 Petition, Appendix D, 206)

It added,

Were it only these problems of the records, the research on Abenaki families in northwestern Vermont would be difficult enough. But Abenaki naming practices in the context of French and English record-keeping make the tracking of names unusually complicated. Not only are the records sparse, but names change radically and unpredictably as they enter the record books of Europeans. (SSA 1982.10.00 Petition, Appendix D, 206)

Without copies of primary records, and the appropriate analysis of them by the petitioner to trace the group's claimed ancestors and the evolution of their family names to copies of rolls or other documents created when those ancestors can be identified clearly as affiliated with a historical tribe, the available evidence does not demonstrate that the family name variants presented by the SSA are accurate or that they demonstrate descent from a historical tribe.

Documents in the record which name the claimed ancestors of the SSA's members consist primarily of abstracts of U.S. Federal censuses for 1800-1860 and 1900-1910. U.S. censuses generally provide only limited evidence for tracing descent from persons living between approximately 1790 and 1840 because only the heads of households are named and records generally do not identify individuals as being members of an Indian community. These documents provide information on head of household, age, place of birth and, beginning in 1850, names, ages, and birthplaces of family members. Later censuses included, for example, information such as parents' origins, kinship relations, household head, occupation, wealth, education, and number of children born to a mother and number of those children then surviving. Therefore, these 1800-1860 and 1900-1910 censuses do not provide evidence of Indian or Missisquoi Abenaki ancestry for any of the petitioner's members or ancestors of the petitioner's members except perhaps for those 8 current members who descend from Simon Obomsawin (1850 Odanak-aft.1910). It is uncertain, but likely, that this Simon Obomsawin is the same individual named as "Simon Obumsawin *fils*" on the 1873 and 1875 St. Francis (Odanak) Abenaki censuses. Day interviewed the Obomsawins frequently about Abenaki language and the

Obomsawins themselves identified specific people living on the reservation as their relatives; Day also spoke to people living on the St. Francis reservation who remembered Elvine (Obomsawin) Royce (Day 1948.07.00-1962.11.13, 1-2, 4, 14, 19). If Day's identification of the family as St. Francis Abenaki is correct, then the descendants of Mrs. Royce would also be St. Francis Abenaki.¹²⁴ Although the tribal entity from which the Obomsawins claim descent is not designated on the Canadian reservation census, the reliability of Day's ethnographic research strongly suggests that the Obomsawin and Royce descendants are indeed descended from a member or members of the Canadian St. Francis Abenaki, although there is no documentation to support the petitioner's claim that they are Missisquoi Abenaki descendants. However, the Obomsawins left the Canadian tribe (Elvine Obomsawin Royce told Day in August 1956 that she left St. Francis in 1907 and had not returned since (Day 1948.07.00-1962.11.13, 4)), and there is no evidence in the record that the Royce descendants have continued to interact with the St. Francis Abenakis on a regular basis.

There is currently no documentation in the record to substantiate any genealogical connection between named Missisquoi Abenaki or Western Abenaki individuals from the 18th and early 19th centuries and persons claimed by the petitioner as Western Abenaki Indian ancestors. The petitioner relies primarily on census information documenting Canadian birth for 12 of these ancestors but Canadian birth alone is insufficient to demonstrate the connection to the known Abenaki at Odanak/St. Francis in Canada.

The SSA claimed that all persons listed on the petitioner's 1995 membership list descended from one of the 20 named ancestors. However, the primary genealogical documentation (such as birth records, baptismal certificates, marriage licenses, military documents, or death records) submitted for members named on the group's 1995 membership list did not verify the ancestry of the individuals listed. Sources for the data cited in the family history files and oral histories, including Abenaki and non-Indian "oral tradition" and other material, were supposedly included as part of Addendum C, which the petitioner never submitted (SSA 1996.01.17, Appendix 2, 99; Salerno 2001.10.23). OFA researchers were unable to document the asserted genealogical descent for the individuals named on the petitioner's current 2005b membership submission.

As far as can be determined, the SSA does not assert Missisquoi Abenaki or Western Abenaki descent through any ancestors other than the 20 "primary" ancestors named in the petition.¹²⁵ Further, the 20 "primary" ancestors claimed by the petitioner did not live contemporaneously or in geographic proximity to one another. The petitioner furnished no evidence generated in the lifetimes of these 20 "primary" ancestors identifying them by tribal affiliation or even as Indian, except for Simon Obomsawin and Jean Charles Nepton. Thus, the 20 "primary" ancestors appear to be simply the earliest known individuals from whom current members do descend, rather than members of a historical tribe from which current members must descend. If the petitioner wishes to pursue Federal acknowledgment, it must provide evidence acceptable to the Secretary of descent from the historical tribe.

¹²⁴ Elvine (Obomsawin) Royce has 8 descendants listed on the petitioner's 2005b membership list.

¹²⁵ A total of 3 members on the 2005b membership list appear in the petitioner's FTM™ database as descendants of "Chief Louis Annance" (1794-1875), alleged to have been Chief of the St. Francis Indians at some point.

The information in the SSA's 2005 genealogical database did not link members' ancestors to a historical tribe. The database did not include source citations for information contained in the database and the vital records and other historical documents submitted by the petitioner, and the State of Vermont supplied documentation for only a few of the petitioner's members and claimed ancestors (20 birth records, 28 marriage records, and 8 death records plus 3 obituaries). Thus, OFA researchers were unable to verify birth date, birthplace, parents' names, marriage date and spouse's name, or children's names except for those enumerated on U.S. censuses. The petitioner needs to update its genealogical database to include citations to evidence verifying dates and relationships, historical "primary" ancestor, and membership status. Numerous individuals listed on the SSA's 2005b membership list (as A-1, A-2, and Children) were not entered in the 2005 FTM™ database (see discussion under criterion 83.7(e)(2)).

In addition, the 20 "primary" ancestors claimed by the petitioner were not of the same generation and OFA researchers were unable to verify that individuals in all the "primary" ancestral families were living in a community together continuously through time. In some cases, their first recorded residences in Vermont span more than a century, indicating they did not all immigrate at the same time. The petitioner will need to demonstrate that its named progenitors were a part of a community that migrated over time, or that the progenitors arriving at later dates joined the existing community. Some did not live at the same location prior to appearing in Vermont, according to the petitioner's records (Hakey came from Massachusetts; Medor came from St. Regis, Quebec; Gibeau/Cheney came from Lacolle, Quebec, Hance came from St. Mathias/St. Jean, Quebec, area; Hoague may have come from the St. Dominique/St. Hyacinthe, Quebec, area; and Obomsawin came from St. Francis/Odanak, Quebec). Standard genealogical research starts in the present and works back through time, documenting each preceding generation. By doing this, the petitioner should be able to identify its ancestors who may have been contemporaries and living in a community.

The petitioner needs to provide an analysis of documents which it claims contains the names of members or ancestors of members, including a list of members or ancestors of members shown in each document. If the identity of a person on the list is uncertain or incomplete, such as having only initials, or the wrong initials, or naming a person identified on another document in a different place at the same time, the petitioner should include in its analysis supporting documents or information to substantiate the identity of the claimed member or ancestor named in each document.

Although documents submitted by the SSA provided evidence indicating that 8 of the petitioner's current members may in fact descend from one Indian ancestor (Simon Obomsawin) who appears to have been an Abenaki Indian living at St. Francis (Odanak), Canada, in the late 19th century, and 16 of the petitioner's current members may in fact descend from a second Indian ancestor (Jean Charles Nepton) who appears to have been an Abenaki Indian living in Roberval Township, Chicoutimi County, Quebec, Canada, at about the same time, no primary or reliable secondary documentation was submitted or located that adequately identified any of the other 18 claimed ancestors as descending from or belonging to a community of Missisquoi Abenaki or Western Abenaki Indians residing in Canada, Vermont, or elsewhere prior to their appearance in the Swanton, Vermont, area.

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The petitioner should seek contemporary, primary evidence documenting individual family ancestors identified in the petition so that they can be traced to their historical ancestors. Vermont county court records, contemporary newspaper accounts, and provincial records from Canada are possible sources of evidence. Although deeds are limited in the amount of individual identification they provide, they can be used to locate ancestors, especially if these records span decades. Records of the French and Indian War and the American Revolutionary War, as well as U.S. Civil War pension or service records, often identify individuals as Indian, sometimes naming the tribe of affiliation, but more importantly they tell the genealogist vital details about the lives of soldiers and their dependants. These types of records are readily available from a variety of sources. The petitioner should also submit the photocopies of the records it previously submitted as abstracts.

As stated in Procedures for Establishing That an American Indian Group Exists as an Indian Tribe:

For most groups, ancestry need only to be traced to rolls and/or other documents created when their ancestors can be identified clearly as affiliated with the historical tribe. (U.S. Federal Register 2/25/1994, Vol. 50/38, 9288)

About 10 percent of the individuals named on the SSA's current (2005b) membership list (section A-1 and Children labeled C-1) and database cannot be connected to parents or spouses, much less to distant ancestors. Therefore, family charts, showing names of spouses, parents, and children are vital information in documenting the lineage of the petitioner's membership to the claimed historical tribe. Ensuring that members are entered in the group's genealogical database, along with their ancestors and descendants, provides OFA researchers the necessary information to conduct an analysis of the petitioner's claims. Where possible, the petitioner should submit vital records, which are critical in understanding the ancestry and genealogical relationships of group members. The petitioner should also submit evidence that persons on the membership list have affirmatively consented to be included in the petitioner's membership (see 25 CFR 83.1, "Member of an Indian group").

Summary

The entity claimed by the SSA as its historical tribe is the "Missisquoi Band of Western Abenaki Indians." There is no primary or reliable secondary evidence in the record that the petitioner's claimed ancestors (specifically the 20 "primary" ancestors discussed above) descended from such a tribe. Nor is there evidence in the record that any of the SSA's current members descend from individuals named on historical documents which list Abenaki, such as the mid-18th century register of Fort Saint-Frédéric (Roy 1946, 268-312), the 1765 Robertson lease (Robertson 1765.C5.28), or the censuses or pay list for St. Francis (Odanak) Indians in Canada (*Recensement du Villages* 1873; *Recensement du Villages* 1875; Indian Distribution Pay List 1893.04.14), with the possible exception of the 8 current members who are descendants of Simon Obomsawin. "Determination" of Abenaki descent by the "Chief" or "Tribal Council," as specified in the group's governing document, is insufficient to document descent from a historical Indian tribe.

There is insufficient genealogical documentation of the petitioning group’s members and their individual ancestors; to demonstrate descent from a historical Indian tribe by evidence acceptable under 25 CFR Part 83. The primary evidence submitted by the petitioner and the State, or found by OFA researchers, does not support the petitioner’s claims.

Criterion 83.7(e)(2) requires that

the petitioner must provide an official membership list, separately certified by the group’s governing body, of all known current members of the group.

Membership

Membership Eligibility Criteria

As defined in the SSA’s current governing document, dated February 25, 1996, members must document direct descent from “an Abenaki family listed on the 1765 James Robertson lease” or “be a person of Abenaki descent as determined by the Chief and Tribal Council” (SSA 2005, 1996 constitution).

Membership Application Process

The petitioner has not submitted documentation of the methodology for enrolling members. The minutes and correspondence of the petitioner’s “Tribal Council” do not contain any mention of the governing documents or ordinances being used to determine membership. The minutes do show votes by the tribal council to accept members as well as disenfranchise members in 1977 and 1978 (SSA Minutes 1977.02.21,1; SSA Minutes 1977.11.28,1; SSA Minutes 1978.03.21), but the names of the individuals were redacted or were not recorded. The minutes do not show a vote by the tribal council to certify membership lists.

Documentation of Descent

The documents submitted by the petitioner do not demonstrate how its membership meets the group’s own membership criteria. However, the regulations under criterion 83.7(e) do not require that a petitioner’s members meet the group’s membership criteria, only that a petitioner’s members “descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.” The documents submitted by the petitioner do not demonstrate that its members descend from such a historical Indian tribe.

Termination or Severance of Membership

The petitioner’s current governing document (SSA 2005) briefly addressed procedures for voluntary resignation from membership, causes for temporary and permanent expulsion, and removal from the “Tribal Roll or List.” Reference is made to “resolutions” and “statutes” regarding these issues, but no copies of such documents were submitted by the petitioner.

Membership Lists

The petitioner has submitted three membership lists: one dated December 19, 1995, and received by BAR on January 17, 1996, one undated¹²⁶ and received by OFA on May 16, 2005 (see detailed description below), and the third one dated August 9, 2005, and received by OFA on August 23, 2005. For purposes of this PF, the first membership list will be referred to as the 1995 list, the second membership list will be termed the 2005a list, and the last will be designated the 2005b list. They are all incomplete; that is, they do not meet the regulations as defined under criterion 83.7(e). The 1995 membership list is not certified and does not contain the full residence address for all members and maiden names for married female members. The 2005a membership list does not contain the full birth date or residential address for all members, and does not contain the maiden names of married female members. In addition, the 2005a list is not separately certified, as required by the regulations under criterion 83.7(e). Finally, the 2005b membership list does not contain the full birth date or residential address for all members and it is not separately certified. These technicalities may be corrected for the FD.

The 1995 membership list contained 1,257 names of adults and children, including 7 double entries and 1 triple entry, making the corrected total membership 1,248. This list was composed of 51 pages with columns headed Last (name), First (name, sometimes with middle initial), Address (mailing), City, State, Zip, Band (membership number), DOB (date of birth), Maiden (name), Father, and Mother. The 1995 membership list was not dated and no information was provided concerning the circumstances under which the list was compiled.

The 2005a membership list contained 4,753 names distributed into sections as shown below.

<u>Section Label</u>	<u>Number</u>	<u>Pages</u>	<u>Notation on Divider</u>
A1	1,077	98 pages	Completed file
A2	1,029	94 pages	File not completed
Children	284	26 pages	
Deceased	268	25 pages	
M2's	59	6 pages	Looking for more proof
O's	30	3 pages	Families with Descendants from Odanak
3's	1,891	172 pages	More documentation needed
N's	115	11 pages	Not Abenaki
<u>Total</u>	<u>4,753</u>	<u>435 pages</u>	
Total A1 + Children	1,361		

This membership list, excluding deceased members, contained 4,485 entries, although this includes some duplicate entries and individuals not currently considered members by the petitioner (see discussion below). No explanation of the categories (A1, A2, M2, O, etc.) was included with the submission, although sections labeled “Children” and “Deceased” were self-

¹²⁶ The binder containing the governing document was dated May 13, 2005.

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explanatory. For the purposes of this PF, only the A1 and Children categories on the 2005a membership list are considered full members (see below), reducing the group’s membership to 1,361 individuals. Each section comprises pages printed front and back with a single-column of individual names arranged alphabetically by surname, with an address following the name. As on the 1995 membership list, addresses are often incomplete (“same as father”) or given as a mailing address rather than as a residential address as required by the regulations. Maiden names of married female members are not provided on this list. The 2005a membership list submitted in May 2005 was not separately certified as required by the regulations and no information was provided concerning the circumstances under which the list was compiled.

The 2005b membership list contained 2,506 names distributed into sections as shown below. An explanation of the categories (A1, A2, and Children labeled as C1 or C2) found on this membership list and those categories used on the 2005a membership list was included with the submission. OFA researchers compared the petitioner’s 2005b membership list with the petitioner’s 2005 FTM™ genealogical database and identified duplications in the lists. The membership figures shown below have been adjusted for these duplications.

<u>Section Label</u>	<u>Number</u>	<u>Pages</u>	<u>Designation by Petitioner</u>
A1	1,038	20 pages	Completed membership file
A2	1,184	22 pages	Membership file not completed
Children		6 pages	
C1	133	.	Completed membership file
C2	151		Membership file not completed
Total on List	2,506	48 pages	
Total A1 + C1	1,171	= Petitioner Membership	

The number of members with completed membership files on the current (2005b) membership list totaled 1,171. The A1 and A2 lists were printed on one side of double-sized (11 in. x 17 in.) computer printout paper in the form of a 10-column table. Names were arranged alphabetically by surname with columns headed Rec# [record or line number], ‡ [A1 or A2 classification], Last Name, First Name, Address, City, ST [state abbreviation], Zip_Code, Band_#, D.O.B. [date of birth], and Maiden_Name. The C list was also printed on one side of double-sized computer printout paper in a 14-column table. Names were arranged alphabetically by surname as in the A1 and A2 sections and the same columns were present, with the addition of four columns labeled P.O.B. [place of birth], Mother, Father, and Sex [M or F]. Individuals (children) classified as C1 (complete membership file) and C2 (incomplete membership file) were interspersed on the children’s list. As on the 1995 and 2005a membership lists, addresses were often incomplete (“Carrie Road” or “Same as Mom”) or given as mailing address or post office box rather than the residential address as required by the regulations. In all of the sections (A1, A2, and Children), most of the listings contained full birth dates (although a few birth dates are missing). The 2005b membership list submitted in August 2005 was not separately certified as required by the regulations and no information was provided concerning the circumstances under which the list was compiled.

The SSA informed OFA that individuals listed in the A1 section of the group's 2005a and 2005b membership lists had completed their membership documentation and were considered full members with voting rights. Individuals listed in the A2 section were considered full members also but without voting rights until their membership files are complete; OFA researchers are uncertain whether the files are incomplete because of missing ancestry documentation, application forms, or copies of vital records, or because of some other problem. Children of members are considered members of the petitioner even though, according the group's current governing document, they cannot vote until they are 15 years of age (2005 Petitioner, 1996 constitution), so the "Children" list was sorted into C1 and C2 individuals and the C1 members were counted with the A1 members as the group's total current membership.

For the purposes of this PF, only the A1 and C1 individuals were considered to be members of the SSA, because the A2 and C2 individuals had not satisfied the petitioner's required documentation for membership. The SSA stated in a letter received by OFA on August 23, 2005, that individuals listed in the M2's, 3's, and N's sections of the group's 2005a membership list are not considered members because their ancestry documentation is not complete. The petitioner also stated that the individuals listed in the O's section of the same membership list are affiliated with Odanak/St. Francis and thus are not fully members of the petitioner's group. Of course, the individuals listed in the Deceased section are no longer members, but having an updated listing of deceased members, provided with the 2005a membership list, was helpful for updating the group's genealogical database and comparing the current 2005b list of members with the 1995 membership list.

Although a detailed membership application process was not defined in the petition, the group has revised its membership list occasionally since the first membership list was submitted in the early 1980's.¹²⁷ The petitioner did submit sample application forms ("enfranchisement forms") and copies of 26 member files containing completed applications forms. However, the petitioner has not submitted any signed declarations of descent or affidavits of membership affiliation. The petitioner also submitted also six separate five-generation ancestor charts to show lines of descent from claimed ancestors (SSA 1982.10.00 Charts 1, 2, 3, 4, 5-6, 7, 8). Most of these charts were only partially completed, lacking names, dates, and places of birth for each of the generations. In addition, the SSA presented charts for only 14 of the 20 ancestral families claimed by the petitioner. As shown in the tabulation above, the current 2005b membership submission contains many new names that are not entered in the 2005 FTMTM genealogical database or on ancestor or family charts. OFA researchers have been unsuccessful in connecting many of these new names to previously listed members.

Analysis - Membership

The present-day members of the SSA claim descent from 20 separate ancestors living at different times and at different places. The number of members listed has varied from 1,257 in 1996, to 1,361 in May 2005, to 1,171 in August 2005. The membership lists that were submitted are not certified, and do not include all members' dates of birth, maiden names, and complete residence addresses.

¹²⁷ The OFA, formerly BAR, returned the original membership list at the request of the SSA in 1989, and it was not resubmitted by petitioner.

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At OFA's request, the petitioner submitted copies of 26 selected membership files which OFA evaluated for membership procedures (St. Francis-Merrill to AS-IA 08.23.2005). All but one of these files, classified as A1 (complete) by the petitioner, contained a signed "enfranchisement" form, although some of the forms are different versions than the sample forms submitted with the membership files. They all contained a photocopy of the member's birth certificate, and some included photocopies of the member's marriage licence and children's birth certificates. Some of the files included very limited ancestry information on the "enfranchisement" form. Only seven of the files contained documentation or information of generations ancestral to the member's parents. The petitioner will need to make available to OFA the complete membership files for all of its members, and evidence that its members have declared affirmatively that they are not enrolled in a federally recognized tribe and wish to be accepted for membership in the petitioner's group (25 CFR Part 83 Supplementary Information, II, Tribal Roll: U.S. Federal Register 2/25/1994, Vol. 59/38, 9284). OFA has requested this from other petitioners in previous decisions.

There is a great deal of inconsistency between membership lists, particularly with regard to members' names, making it difficult for OFA researchers to track membership through time. Without birth dates on the 2005a membership list, it is difficult to identify different generations and persons with the same name or initials. Many members are listed under various names, sometimes by their full name, sometimes by a nickname, without clarification of the member's true identity. In other cases, identical names are used for two different persons with no distinction between them, as when a male child is given the same name as his father and no designation such as "Jr." or "Sr." is entered. The maiden name or married name of many women members is not specified or has been confused with a previous married name or a step-parent's name. Occasionally non-Indian spouses appear to be included on the membership list and new members are added who bear names that do not link with any others on earlier membership lists. Thus, there is no information about the new members' claim of descent from the historical tribe.

Individuals have been added to the group's membership lists with no report of the application approvals to the SSA's governing body, although in contrast, several names appear in the minutes of the governing body as being presented for membership but their names are not found on any of the membership lists. Other individuals disappear from the group's membership list with no indication of whether they were deliberately excluded, accidentally omitted, or removed at death. Neither is any information provided concerning whether a member is temporarily suspended or permanently severed from membership. The SSA has provided a list of deceased members, which helped explain some discrepancies between the 1995, 2005a, and 2005b membership lists.

One particularly difficult problem with the membership involves non-kin members. No records have been submitted documenting any vote by the membership on any adopted member. Although the 1996 petition states that "[t]he Tribal Council may adopt into the band and nation any Indian or non-Indian they so choose" (SSA 1982.10.00 Petition, 168), the current governing document makes no reference to non-Indian or adopted members. No notation is made on later membership lists to indicate whether previously adopted members were disenrolled or continue to be listed on the membership roll.

No detailed procedures were given regarding the application forms, ancestry charts, decision-making process for approving applications, appeals process, or records maintenance. The first of the SSA's two principal descent requirements for membership as stated in the current governing document is very specific: "[d]ocumentation of direct descent from an Abenaki family listed on the 1765 James Robertson lease" (Petitioner 2005, Constitution). However, according to the SSA's governing document, barring the ability to prove descent from a Robertson lease "family," members may be determined to be of Abenaki descent by the "Chief" and "Tribal Council," with optional advice from the "Board of Elders" (Petitioner 2005, Constitution). The regulations do not require that a group meet its own membership requirements, but only that its members descend from the historical tribe. The Department has determined that the 1765 James Robertson lease names individuals who are most likely Abenaki Indians living at Missisquoi at that time and, thus, is a document that could be used for tracing descent. However, claimed descent from a single historical individual or declaration of descent by a current leader or governing body does not provide adequate evidence of descent from the historical tribe as required by the regulations. The judgment of an "elder" should only augment, and should not be substituted for, actual documentation of descent. Based on the available evidence in the record, none of the petitioner's members have documented descent from any person named on the 1765 James Robertson lease¹²⁸ or from any individual identified as belonging to or descending from the historical Indian tribe.

The Department has repeatedly requested that the SSA submit previous membership lists, particularly those of 1975 and 1983, which are referenced in petition materials. However, in a letter dated August 18, 2005, the petitioner specifically declined to submit these lists (St. Francis-Merrill to AS-IA 08.18.2005, 2). The regulations state

The petitioner must also provide a copy of **each available former list of members** based on the group's own defined criteria, as well as a statement describing . . . the circumstances surrounding the preparation of former lists. (25 CFR 83.7(e)(2)) [Emphasis added.]

It is important for the petitioner to submit these previous lists in order for the Assistant Secretary to know the composition of the group through time and to evaluate the group's membership practices. Without these lists, the petitioner may not meet the acknowledgment requirements under this and other criteria. The petitioner is strongly urged to submit these previous membership lists for the final determination.

The SSA's August 18, 2005, letter also states that some members requested that their names not be included in the group's membership list and that the petitioner "assured those members that their names wouldn't be included in a list sent to the B.I.A." (St. Francis-Merrill to AS-IA 08.18.2005, 2). If the petitioner's current membership list does not contain the names of all of the group's members, the petitioner is strongly advised to submit a revised membership list including the missing names. The regulations state

¹²⁸The FTM™ databases submitted by the petitioner do not name descendants of any of the individuals named on the 1765 James Robertson lease.

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The petitioner must provide an official membership list, separately certified by the group's governing body, of **all known current members** of the group. (25 CFR 83.7(e)(2)) [Emphasis added.]

If the list submitted to the Assistant Secretary for consideration is not a complete list, then the complete composition of the group cannot be evaluated and the petitioner cannot meet the regulations under this and other criteria. The petitioner is strongly urged to submit the names of all members as well as all previous membership lists for the final determination.

Summary

Criterion 83.7(e)(2) is the foundation for defining the current membership and thus the community the petitioner claims exists. A complete and accurate list of the membership must be provided as part of the petition.

The petitioner has submitted three membership lists, but all are incomplete and are not separately certified by the governing body. The most recent membership list enumerates 1,171 members. However, the petitioner has not submitted evidence acceptable to the Secretary that the group's membership descends from a historical tribe or tribes which combined and functioned as a single autonomous political entity.

The membership list must have each member's complete birth name (first name, middle name, last name) (not nickname or initials unless the birth name actually contains initials), maiden name of married female members, complete residential address (not household affiliation or mailing address, e.g., a post office box number), and complete birth date (month, day, and year) as required by the regulations at 83.7(e) (2). Once the list is completed, it must be separately certified by the governing body before it is submitted in response to this PF.

The petitioner should submit any previous membership lists, including the 1982 list that was returned to the petitioner in 1989. These lists will help to define the community that may have continued to exist. In addition, the petitioner should submit a statement describing the circumstances surrounding the preparation of each membership list, as required under criterion 83.7(e).

Conclusion

The petitioner (SSA) has not demonstrated that its members descend from a historical tribe, or tribes that combined and functioned as a single autonomous political entity.

The membership lists submitted by the petitioner do not meet the requirements of the regulations.

Insofar as none of the petitioner's members have documented descent from the historical Western Abenaki Indian tribe, or any other historical tribal entity, and the petitioner has not submitted a complete, properly certified membership list or list preparation statement, the petitioner does not meet the requirements of criterion 83.7(e).

Criterion 83.7(f) requires that

the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.

In its petition, the SSA states, “The current membership of the St. Francis/Sokoki Band is not composed of people who have membership in any other North American Indian Tribe” (SSA 1986.05.23 [Addendum B] 171).

An earlier petition submission (SSA 1982.10.00 Petition, 181[168]), presenting “criteria used in determining membership” that were “otherwise tacit and taken-for-granted among Tribal Council members,” contained a proscription against membership for any applicant who is a member of a federally acknowledged tribe, band, or community:

Any person of Abenaki descent, whether through the male or female line *[sic]*, who is not currently a member of another recognized North American Indian tribe, is eligible for membership in the St. Francis/Sokoki band of the Abenaki Nation. (SSA 1982.10.00 Petition, 181[168])

The SSA’s current governing document contains a similar proscription in Article I, Section 2 (b):

Any person of Abenaki descent as determined by the Chief and Tribal Council, who is not a citizen of any other North American Tribe and who is not a citizen of any other country, is eligible for citizenship. The Chief and Tribal Council may seek advice and council from the Board of Elders regarding citizenship eligibility.” (Petitioner 2005, 1996 constitution)

The petitioner submitted two copies of an “enfranchisement form” mentioned in Article I, Section 2, of the current governing document. The first form was hand-labeled “Enfranchisement form” and was entitled “Application for Citizenship and Indian Status Sovereign Republic of the Abenaki Nation of Missisquoi.” It included labeled spaces for name, address, telephone, spouse’s name, maiden name, birth date and place of birth, and names, birth dates and places of birth of the applicant’s children. At the top, the form provides spaces for date of “citizenship” approval, initials of certifying official, “identification number” and “band number.” At the bottom of the form are two statements with a signature line for the applicant: a “certification” statement avowing that the applicant has entered true information and is applying for “citizenship” in the group, and a “subordination” statement agreeing to abide by the rules, regulations and policies of the group. Space is not provided beneath these statements for a date of signature or for a witness signature. The back of the form is a three-generation ascending pedigree history chart, beginning with the applicant’s parents and ending with the applicant’s great-grandparents. The second “enfranchisement form,” specified for “reauthorized families,” is identical to the first with the exception of the pedigree history chart; the second “enfranchisement form” has spaces only for the applicant’s parents’ information, followed by the statement “the remaining information is available in the archives.” The “enfranchisement” forms do not have a statement that the applicants must sign affirming that they are not members of a

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recognized North American Indian tribe and are not citizens of another country. The petitioner is strongly encouraged to require such a statement from its members.

The petitioner indicated that a number of current members are not listed on the group's current 2005b membership list. The petitioner is strongly encouraged to include all members on its membership list for consideration under this criterion.

The Department has not compared the petitioner's membership list with the membership lists of the Canadian Abenakis or any of the New York or northeastern United States tribes.

Conclusion

No evidence has been found to indicate that any of the petitioner's members are enrolled in any federally recognized tribe. Therefore, the petitioner meets the requirements of criterion 83.7(f).

Criterion 83.7(g) requires that

neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

In its petitioner, the SSA states, “[The Band] has never been terminated by the Congress nor does the membership of the Band belong to any terminated tribes” (SSA 1986.05.23 [Addendum B], 171).

There is no evidence that the petitioner has been subject to congressional legislation that has terminated or forbidden the Federal relationship as an Indian tribe.

Conclusion

The petitioner meets the requirements of criterion 83.7(g).

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Appendix A
Information Chart on Petitioner’s Claimed Ancestor Families

First Vermont Appearance by Petitioner’s Claimed Ancestors or Their Descendants

“Primary” Ancestor Spouse Children	Birth Date/ Birthplace	Marriage date/ Marriage place	First Vermont Appearance of Ancestor or Descendant Claimed by Petitioner	Previous Residence or Residence of Earlier Generation	Number of Descendants on 2005b Membership List (n=1,171)
Barrett, Sarah (Morits)	1806 VT	Abt.1827	1806 Birth of Ancestor in VT	Vermont?	71
Spouse	1800 England				
10 Children	1827-1856 all VT				
Belrose, George W.	1872 Swanton VT	1889 Swanton VT	1872 Birth of Ancestor in Swanton VT	Vermont	19
Spouse	1872				
4 Children	1889-1897 all VT				
Cheney, Margaret (Gibeau)	1906 Lacolle PQ	1924 Swanton VT	1924 Marriage of Ancestor in Swanton VT	Quebec – Lacolle	5
Spouse	1895 NY				
2 Children	1926-? all VT?				
Colomb, Jos.(Joseph)	abt.1775 PQ	Abt.1802	1802 Birth of 1st Child	Quebec	215
Spouse unknown					
3 Children	1802-1822? all PQ?				

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Appendix A

Information Chart on Petitioner’s Claimed Ancestor Families

“Primary” Ancestor Spouse Children	Birth Date/ Birthplace	Marriage date/ Marriage place	First Vermont Appearance of Ancestor or Descendant Claimed by Petitioner	Previous Residence or Residence of Earlier Generation	Number of Descendants on 2005b Membership List (n=1,171)
Desmarais (Demar), Louis	1830 PQ	Abt. 1857	1857 Birth of 1st Child in Vermont	Quebec	94
Spouse	1843 PQ				
1 Child	1857 VT				
Gardner, Louis	1810	Abt.1835	1830s Birth of 1st Child	New York	90
Spouse	1815				
1 Child	abt.1835				
1 Grandchild	1860 Magog PQ				
Hakey, Eli Adelard	1868 MA	1891 Swanton VT?	1891 Marriage of Ancestor in Swanton VT?	Massachusetts	207
Spouse	1875 Swanton VT				
10 Children	1893-1914 all Swanton? VT				
Hance, Antoine Edward	1816 St. Mathias PQ	1843 Marieville, Rouville PQ	1854 Birth of 5th Child in Swanton? VT	Quebec – St. Mathias, St. Jean and St. Gregoire	23
Spouse	1813				
9 Children	1843-1868 all PQ exc. 5th-7th & 9th Swanton? VT				

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Appendix A

Information Chart on Petitioner's Claimed Ancestor Families

"Primary" Ancestor Spouse Children	Birth Date/ Birthplace	Marriage date/ Marriage place	First Vermont Appearance of Ancestor or Descendant Claimed by Petitioner	Previous Residence or Residence of Earlier Generation	Number of Descendants on 2005b Membership List (n=1,171)
Hoague, Flavien Fabian Napoleon	1830 PQ	1855 St. Rosalie PQ	1870 birth of 8th Child in Swanton? VT	Quebec	218
Spouse	1831 PQ				
12 Children	1856-1878 all PQ exc. 1st, 3rd & 8-12th VT				
Lafrance, Charles	1838 Canada	Abt.1855 PQ?	1867-68 Birth of 6th Child in Highgate VT	Canada	49
Spouse	1835 Phillipsburg PQ				
12 Children	Abt.1855-1873 all PQ exc. 6th-8th & 10th-12th VT				
Medor, Peter Cayie	1814 St.Regis PQ	1833 St. Regis PQ	1832 Birth of 2nd Child in Swanton VT	Quebec – St. Regis	49
Spouse	1814 St.Regis PQ				
6 Children	1832-1853 Swanton VT exc. 2nd born St.Regis PQ & 6th in New York				

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Appendix A
Information Chart on Petitioner's Claimed Ancestor Families

"Primary" Ancestor Spouse Children	Birth Date/ Birthplace	Marriage date/ Marriage place	First Vermont Appearance of Ancestor or Descendant Claimed by Petitioner	Previous Residence or Residence of Earlier Generation	Number of Descendants on 2005b Membership List (n=1,171)
Morits, John F.	1790	Abt.1815 PQ?	1826 Birth of 2nd Child in Highgate VT	Quebec	60
Spouse	Bef.1803				
3 Children	1816-1827 1st PQ, 2nd & 3rd Highgate VT				
Nepton, Jean Charles	1831 MA?	1851 St. Urbaine PQ	No evidence of residence in Vermont	Massachusetts or Quebec	16
Spouse	1835 PQ				
10 Children	1853-1877 Lac St. Jean PQ				
Obomsawin, Simon	1850 Odanak PQ	1878 Odanak PQ	abt.1907 Oral History ¹ , 1910 VT Census	Quebec – St. Francis (Odanak)	8
Spouse	Bef.1867 Odanak PQ				
7? Children	1879-1886 all Odanak? PQ				

¹Day 1948.07.00 - 1962.11.13, 4.

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Appendix A

Information Chart on Petitioner’s Claimed Ancestor Families

“Primary” Ancestor Spouse Children	Birth Date/ Birthplace	Marriage date/ Marriage place	First Vermont Appearance of Ancestor or Descendant Claimed by Petitioner	Previous Residence or Residence of Earlier Generation	Number of Descendants on 2005b Membership List (n=1,171)
Ouimette, Theodore Amable	1799 St. Armand PQ	1845 St. Georges PQ	1878 Marriage of 2nd Child in Swanton VT,	Quebec	27
Spouse	1822 PQ				
5 Children	1849-1872 all St. Armand PQ all died in VT				
Partlow, Charles Henry	1839 Alburg VT	1864 Rouses Point, Clinton NY	1839 Birth of Ancestor in Alburg VT	Vermont – Alburg, Grand Isle County; married in New York	84
Spouse	1847				
9 Children	1869-1885 all VT exc. 3rd & 5th NY & 7th in PQ				
Phillips, Antoine Bellipe	Abt.1787 PQ	1834 PQ?	1846 Birth of 5th Child in Highgate VT	Quebec	166
Spouse	1820 PQ				
6 Children	1834-1848 All PQ? exc. 5 th Highgate VT				

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Appendix A

Information Chart on Petitioner's Claimed Ancestor Families

"Primary" Ancestor Spouse Children	Birth Date/ Birthplace	Marriage date/ Marriage place	First Vermont Appearance of Ancestor or Descendant Claimed by Petitioner	Previous Residence or Residence of Earlier Generation	Number of Descendants on 2005b Membership List (n=1,171)
Richard(s), Peter	1814 St.Albans Bay VT	Abt.1855 VT?	1814 Birth of Ancestor in St. Albans Bay VT	Vermont? – St. Albans Bay, Franklin County	38
Spouse	Unknown				
3 Children	1855?1868				
St. Francis, Michel	Bef.1811 Canada	Unknown	1841 Birth of Grandchild in VT	Quebec – Iberville?	138
Spouse Unknown	Unk.				
1 Child	Unk.				
1 Grandchild	1841 VT				
St. Laurent, Hippolyte D.	1780 PQ	Abt.1808 PQ?	1808 Birth of 1st Child in Swanton VT	Quebec	297
Spouse	1788 PQ				
3 Children	1808-abt.1830 1st Swanton VT, 2nd PQ				

Appendix B

Transcription of James Robertson's Lease 1765¹

Know by all men these presents that we Daniel Poorneuf, Francois Abenard, Francois Joseph, Jean Baptiste[,] Jeanssis, Charlotte widow of the late chief of the Abenackque at Missisque, Marian Poorneuf, Theresa daughter of Joseph Michel, Magdelaine Abenard, and Joseph Abomsawin for themselves their heirs assigns and administrators do sell, let and concede unto Mr. James Robertson, merchant of St. Jean his heirs assigns and administrators for the space of ninety one years from the twenty eight day of May 1765 a certain tract of land lying and being situated as follows viz being in the bay of Missisque on a certain point of land, which runs out in the said bay of Missisque and the river of Missisque running from the mouth up said river near east, one league and a half, and in depth. North and south running from each side of the river sixty arpents, bounded on the bank of the aforesaid bay and etc., and at the end of the said league and a half to lands belonging to Indians. Joining to a tree marked on the south side of the river, said land belonging to old Abernard and on the north side of said river to lands belonging to old Whitehead; retaining and reserving to the proprietors hereafter mentioned viz on the north side of said river five farms belonging to Pierre Peckenowax, Francois Nichowizet, Annus Jean Baptiste, Momtock, Joseph Compient, and on the south side of said river seven farms belonging to Towgisheat, Cecile, Annome Quisse, Jemonganz Willsomquax, Jean Baptiste the Whitehead, and Old Etienne, for them and their heirs; said farms contain two arpents in front nearly and sixty in depth.

Now the condition of this lease is that if the aforesaid James Robertson himself his heirs and assigns or administrators do pay and accomplish unto the aforesaid Daniel Poorneuf, Francois Abenard, Francois Joseph, Jean Baptiste, Jeanssis, Charlotte the widow of the late chief of the said nation of Abenackques at Missisque, and Marian Poorneuf, Theresa daughter of Joseph Michel, Magdelaine Abenard, and Joseph Abomsawin, their heirs or assign and administrators a yearly rent of fourteen Spanish dollars two bushels of Indian corn and one gallon of rum and to plough as much land for each of the above persons as shall be sufficient for them to plant their Indian corn every year not exceeding more than will serve to plant one quarter of a bushel of corn for each family to them and their heirs and assigns for which and every said article well and truly accomplished, he the said James Robertson to have and to hold for the aforesaid space of time for himself his heirs assigns and administrators the aforesaid tract of land as mentioned aforesaid to build thereon and establish the same for his use and to concede to inhabitants, make plantations, cut timber, of what sort or kind he shall think proper for his use or the use of his heirs assigns and administrators.

And for the performance of all and every article of the said covenant and agreement either of the said parties bindeth himself unto the other firmly by these presents. In witness whereof we have interchangeably put our hands and seals hereunto this thirteenth day of June in the fifth year of the reign of the reign of our sovereign Lord George the Third King of Great Britain France and Ireland etc. and in the year of our Lord 1765.

¹For lease see Robertson 1765.05.28; FAIR Image File ID: SSA-PFD-V003-D0048. Original is in Public Archives of Canada, Record Group 68, reel 3945. Spelling in this transcription of the document has been corrected for clarity.

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Witnesses Present

Edward Simmonds
Peter Stanley
Richard McCarty

(Signed)

Daniel Porneuf	(LS)
Francois Abenard	(LS)
Francois Joseph	(LS)
Jean Baptiste	(LS)
Jeanssis	(LS)
Charlotte	(LS)
Marian Porneuf	(LS)
Theresa daughter of Michel	(LS)
Magdelaine Abenard	(LS)
James Robertson	(LS)

Be it remembered that personally appeared before me Richard McCarty ascribing witness to the foregoing instrument, and made oath on the holy evangelist of Almighty God that he the informant is ascribing witness to and did see the within named Kapen Segou, Daniel Porneuf, Francois Abenard, Francois Joseph, Jean Baptiste and Jeanssis, Charlotte, Marian Porneuf, Theresa daughter to Joseph Michel, Magdelaine Abenard, sign, seal and as their respective acts and deeds, deliver the within written instrument in writing purporting to be a lease of land therein mentioned, to James Robertson, therein also mentioned and that the several names of him this informant, Edward Simmonds and Peter Stanley are of the respective hand writing of him, this informant Edward Simmonds and Peter Stanley.

(signed) Richard McCarty

Sworn before me this 20th Day of September 1765
(signed) Thomas Brashay, J. P.

The foregoing is a true copy of the Original,
Registered and Recorded by me, J. Goldtrap
Debrigs [?]