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# People of the Dawn

The Struggle for Abenaki Sovereignty Continues

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struggle for meaningful sovereignty has by no means reached an end; perhaps just a new beginning.

Where will the struggle go from here? In this moment of symbolic triumph, few are commenting on the next path. Still, it is clear that the [Vermont] Abenaki, a people that has faced down centuries of attempted genocide, deserve their own land, or at least their own sovereignty. Toward this end, it would only seem just, if the state, at the minimum, began a volunteer program of land repatriation, paid for by tax dollars, in the area of Swanton [and in other areas where the Abenaki population is concentrated]. Once sufficient land is procured, Abenaki should be free to administer that area autonomously. On the other hand, if the Abenaki themselves decide that they would prefer to remain within the political structure of Vermont, and recognizing the disbursement of Abenaki population across the state, Abenaki should be given a special charter from the state that recognizes them essentially as an at-large town. Such a charter, the parameters of which negotiated between the state and tribal leaders, would be the basis for the Abenaki to meet on their own on Town Meeting day to discuss and vote on issues relevant to the native population, as well as give a recognized voice in the democratic process which most Vermonters take for granted. Anything less, lacks the real empowerment that the Abenaki both deserve and have an inalienable right to. After all, the Abenaki lived here for hundreds of years before the first European settler stepped foot in New England, and to deny them their right to sovereignty is nothing but a continuation of 400 years of oppression. And that is unacceptable.

## 2006 Appendix - New Dawn for Abenaki: Original Vermonters Recognized<sup>2</sup>

*Montpelier Vermont, 2006-* On April fifth, the Vermont House of Representatives voted to officially recognize the continuing existence of the Vermont Abenaki. While the bill, which passed unanimously on a voice vote, still has to be reconciled with the previously passed Senate version, lawmakers say that recognition is a done deal, and will become law by the end of this session. Abenaki leaders, such as Chief April Rushlow and the Swanton based Tribal Council [of the Missiquoi/Sokoki band], are expressing relief and joy over the General Assembly's decision. State recognition will mean that the tribe will be allowed to sell traditional crafts as "Native American Made." In addition, Abenaki [may] now qualify for certain Federal grants aimed to help Indian youth attain [quality] education. However members of the General Assembly are quick to point out that recognition will not open any legal doors to land claims, nor does it allow the tribe(s) to administer their own hunting and fishing regulations. The Vermont House was "courageously" moved to recognize the existence of the Abenaki after the Federal government denied national recognition in November. The Feds denial effectively shuts the legal door on land claims and political self-rule. Therefore, although Vermont politicians, both Republican and Democrat, have long sought to stifle recognition in the hopes of keeping a lid on Abenaki autonomy, they no longer had anything to fear. Even so, the Abenaki and their supporters are seeing state recognition as a step in the right direction. Tribal member Debbie Bezio told the AP, "I'm elated... [The Abenaki] will be able to have a sense of pride back... We'll have our chance to have our rights."

However, as things stand, those legal rights remain limited. In fact, House leaders point out that recognition will grant them no special rights. Therefore, it is likely that the Abenaki



Wooden statue honoring Abenaki Chief Greylock, Burlington  
VT

*Swanton Vermont, 2003* –More than 10,000 years before Europeans stepped foot on the shores of what is now called North America, Native Americans hunted and fished the forests and

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<sup>1</sup> The article was first published in Catamount Tavern News, 2003.

rivers of Vermont.<sup>1</sup> Many archaeologists contend that these natives were the distant ancestors of the contemporary Vermont Abenaki Tribes. By the time European settlers began to colonize New England in the 1600s, Abenaki communities, with an estimated combined population of 10,000, were firmly rooted in what is now considered Vermont. While other bands, numbering upwards of 30,000, existed in Maine, New Hampshire, and Quebec. Such communities were in continual existence within the Green Mountains hundreds, if not thousands of years before the first Englishman felled his first tree in this northern forest.

Today, the Missisquoi Abenaki tribe [one of four Abenaki Tribes in Vermont] has an estimated population of over 1200. The Missisquoi Tribe exists on the west side of the Green Mountains, along Lake Champlain and its tributaries with the highest concentration being in the north, in and around the towns of Swanton and Highgate. Central to the Swanton area is the Missisquoi River, which provides good agricultural land along its floodplain. [Other Tribes with varying populations exist in the Northeast Kingdom, the Nulhegan, in mid-Vermont along the Connecticut River, the Koasek, and in southern Vermont, the Elnu.] For the Missisquoi Abenaki, the Town of Swanton is not only the location of a contemporary indigenous community, but represents a continuous Abenaki presence in the region dating back at least 200 years prior to the establishment of the Republic of Vermont in the late 1700s. The only exception to this continuity is found during brief periods of evacuation in the face of British and American military aggression, and during a one year period between 1730-1731 when it was temporarily abandoned in the face of a massive smallpox epidemic (a disease carried to North America by way of European settlers). Currently state officials do not recognize the existence of the Missisquoi Abenaki [or any other Abenaki Tribe] in Vermont. The Vermont Abenaki Tribes hold no reservation land and no *recognized* form of self-government. This denial

and then handed over to the Abenaki to be self-administered, the state would begin to set right the unspeakable wrongs of the past.

At a time when all Vermonters are struggling to retain their autonomy in the face of corporate consolidation and the expansion of the powers of the federal government, the cry of the Abenaki must not fall on deaf ears. If we the people of Vermont are to not only stand up to the encroaching threats to our freedoms, but to win a more directly democratic society, we must all face up to the wrongs committed by the ruling class of past generations. We must clearly see that those original Vermonters, the Abenaki, have suffered at government hands. We must make amends in order that we can stand together in good faith and with a clear conscience as autonomous equals and defend the democratic traditions of all people against the growing forces of greed, bureaucracy, and militarism.

While the Abenaki struggle for recognition and self-determination is likely to continue for years to come, I for one take heart in the possibility that on a summer morning, while driving up Route 7, there is still a good chance you will pass a car proudly bearing the Abenaki nation license plate. The Abenaki still live among us, like it or not, and with or without recognition they will continue to exist as a proud and independent people in the land which they have lived in from times unmemorable.

*For more information on Abenaki struggles, past and present, contact the Abenaki Nation of Missisquoi at: 100 Grand Avenue, Swanton, VT 05488.*

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<sup>2</sup> This article was first published in Catamount Tavern News, 2006. Today [2017] four separate Abenaki Tribes are officially recognized by the State of Vermont; the Missisquoi, Nulhegan, Koasek, and Elnu. In 2012 the Nulhegan acquired their first tribally owned forest in over 200 years.

In addition to the above arguments against recognition, former Governor Howard Dean and a number of other Vermont lawmakers oppose Abenaki sovereignty based on the fear that the granting of a reservation would bring with it the opening of casinos. However, many Abenaki traditionalists have made it very clear that they do not have any interest in promoting organized gambling. Chief Rushlow, while stating that any final decision would have to be made democratically by all the people of the Tribes, points out that the Missisquoi Abenaki are currently permitted to organize bingo nights at their Tribal Headquarters in Swanton, yet have no interest in doing so. For Abenaki, the issue at stake is the dignity and historical justice that goes along with sovereignty, not the money that could be generated through blackjack, roulette, and powerball.

In light of the failure of the state and federal governments, perhaps it is time for sympathetic Vermonters to again bring the issue of Abenaki sovereignty to their respective Town Meetings. Perhaps recognition should be granted town by town, with each resolution calling on local law enforcement to respect Abenaki hunting, fishing, and travel rights. Tribal leaders are currently discussing such an approach. Perhaps more public demonstrations and direct actions are called for.

What is certain is that the Vermont Abenaki population has been decimated over the course of hundreds of years largely due to European and American wars of aggression, sterilization, and foreign disease. The Vermont Abenaki population [approximate total of 2500] is 75% below estimated levels prior to European contact. These Abenaki make up less than one half of a percent of the total Vermont population. The vast majority is poor and working class. A number are presently serving time within Vermont prisons, some, according to Chief Rushlow, for political reasons.

After hundreds of years of oppression and disenfranchisement, state recognition would seem the right thing to do. If even a relatively small amount of Vermont land was purchased

of Abenaki sovereignty goes so far that when archaeologists find what are clearly remains, the State of Vermont forces them to be sent to recognized Abenaki bands in Quebec. Ironically enough, the Vermont Chamber of Commerce has named the annual Shelburne Native American Pow Wow, a cultural event largely organized by the Missisquoi Abenaki such as Barre resident Jenny Brinks, one of the top ten summer events. While at the same time the state continues to deny the ancestors of the event organizers even the small dignity of a Green Mountain burial.

## A Peoples' History

Historically, the Abenaki have fared worse than other eastern tribes such as those within the Iroquois Confederation. In part this difference can be attributed to the Abenaki's reoccurring military alliance with the French in Quebec, in opposition to the British in the south. While the French were more interested in maintaining a lucrative fur trade with the natives, British imperial policy centered on the goal of forming permanent settlements and gaining absolute authority over the lands that they claimed. The Abenaki fought alongside the French in 1701-1713, 1744-1748, and 1755-1763. This animosity towards the British Empire can be attributed to the Abenaki's correct understanding of the early presence of British colonizers as a direct threat to the integrity of their historic territory. From 1717 onwards, British colonizers migrated up the Connecticut River valley in increasing numbers, forcibly driving indigenous people further north. In addition, where British entered, settlers occupied much of the quality farmland along river floodplains. Contrary to popular myth, many Native Americans were accomplished farmers by the time of European contact. In fact it was native people that taught the English how to cultivate corn, prepare maple syrup, and produce many other

agricultural products. It is thought that the Abenaki had more than 250 acres under cultivation along the Champaign Valley alone by the early 1600s; no easy feat prior to the invention of modern farm equipment (see Sultzman, *Abenaki History*, [www.tolatsga.org/aben](http://www.tolatsga.org/aben)). Therefore, the European seizer of native farmland began to take a devastating toll on the Missisquoi Abenaki who relied on the cultivation of corn, beans, and squash (the three sisters) as a staple of their diet.

Between 1677 and through the conclusion of “Greylock’s War” in 1727 (*a period of fifty years*), the Abenaki, armed with French guns, fought the British continually in a struggle to retain their territory and political autonomy. Their method of warfare was one of hit and run. They employed guerilla tactics, much like the later Green Mountain Boys, and coordinated the evacuation of villages upon encroachment of British troops. In their time they were legendary for their ability to disappear into the forest, only to re-group and attack British outposts when least expected. At times such tactical retreats forced the Missisquoi Abenaki to temporarily seek refuge among related bands in Quebec; these Abenaki retreated but *never* surrendered or ceded any land to the British, Vermonters, or Americans. However, these withdrawals rarely lasted more than two or three years and inevitably ended in the reoccupation of their traditional homelands along the western shores of Lake Champlain, and throughout the Green Mountains, as soon as hostilities cooled or at such a time when British forces seemed exhausted.

This method of struggle, one of resistance and periodic withdrawal, has been used by contemporary state officials to justify their position that the Missisquoi Abenaki [or any other Abenaki Tribe] have not had a continuous existence in Vermont, and thus has served as a means through which to deny the granting of recognition. Here the argument runs that since the Abenaki periodically retreated from their historical terri-

olution and the *public* reemergence of the Missisquoi Tribal Council in 1972. Although they did not position themselves as a *public* political force, it would be absurd to hold them to such a criteria when a public presence could have resulted in land seizures (late 1700s through 1800s), or sterilization (after 1931). No one would claim that Jews did not exist in Germany during the Third Riche, even if they were forced to take secret refuge in closets, basements, and attics, and it would be just as absurd to argue the Abenaki did not exist in Vermont during the 200 years of blatant racial oppression.

As for at the Attorney General’s Office claim that many current Vermont Abenaki are descendants of French Canadians, this claim has more than a touch of truth to it. Many Abenaki do have *some* French blood in their veins. Early French settlers, unlike the English, married into Abenaki bands. In the French culture of Quebec as in the Abenaki culture of Vermont, there was not the racist stigma attributed to such love relationships. Any of these French citizens eventually become absorbed into Abenaki culture and communities. It would appear to be a continuing posit of prejudice within the ruling class of current society that still demand some sort of “racial purity” from indigenous minority groups in order for them to officially recognize their existence. Oddly enough, Native Americans are the only people on earth that the American government defined by bloodlines rather than culture and self-identification. Regardless, public records in churches and numerous towns demonstrate the Abenaki lineage of hundreds of natives still living in Vermont today [see Haviland and Powers, *The Original Vermonters*, page 249-250]. Besides this, the fact that hundreds of men, woman, and children presently residing in Vermont have publicly come forth and identified themselves as Abenaki, despite the history of discrimination and harassment, should serve as a reality check for government officials still bent on continuing a policy of denial.



The other Archaeologist, who wishes to remain unnamed, believes that there is a strong case for Abenaki recognition, and states that he is a firm supporter of Abenaki sovereignty. In addition, many historians have made compelling cases, intentionally or not, for recognition.

William Haviland and Marjory Power's groundbreaking 1981 book *The Original Vermonters* clearly demonstrates the continuing and distinct presence of Abenaki in Vermont from times prior to European contact through the present. These findings are supported by the works of other historians and anthropologists; Bea Nelson of the Northeast Kingdom Historical Society, and Lee Sultzman, to name but two. And again, would not the fact that the Abenaki, living in Vermont, petitioned the government for recognition in 1798, 1800, 1812, 1826, 1853, 1874, and 1976 prove their continuing presence? If they did not exist in Vermont at these times, are we to believe that some long dead apparition filed these petitions on their behalf? Such findings and public records stand in contradiction to points one and two of the claims made by the Attorney General's Office. Points three and four also must be understood in a correct historical perspective.

Traditionally the Abenaki, unlike tribes such as the Mohawk, organized themselves in a very decentralized and democratic manner. Extended family units would select a representative to serve on a kind of Tribal Council, and tribal decisions were made through a democratic process. When larger tribal decisions were not required, individual extended families acted autonomously from each other. After the Abenaki were essentially driven underground following the expulsion of the British, extended family units retained a close connection with each other. Mutual aid was given when necessary, and traditional practices were continued away from the racist eyes of authority.

In essence these continuing family ties represent a link between internal political structure prior to the American Rev-

tory, their status as a continuous indigenous people in Vermont has been forever compromised.

By the time of the Revolutionary War the Abenaki still effectively held large portions of Maine, New Hampshire, Quebec, and northern Vermont. The Missisquoi Abenaki, located in the strategic northwestern region separating British controlled Quebec and revolutionary Vermont, were divided as to which side, if any, to support. To quote Native American historian Lee Sultzman, "The American Revolution presented the Abenaki with two poor choices between Americans who were taking their land and the British who were giving it away." Here some Abenaki allied themselves with the revolutionaries against their now common enemy, the Brits. Some hoped that with the expulsion of British forces from North America the Abenaki would be in a better position to retain autonomy. Still, other Abenaki's hoped that the defeat of the British would lead to a return of the French, with whom they previously shared a more or less amicable trading and political relationship. History was to prove tragic. The victory of the revolution, while freeing colonists from the yoke of British imperialism, left the Abenaki more exposed than ever.

During the revolution, many Missisquoi Abenaki again retreated north into southern Quebec. As the war died down, they began to return to their traditional lands in northwest Vermont. In 1790 there were at least 70, and maybe as high as 200, Abenaki living in 50 cabins in the areas around present day Swanton. In contrast, there were as estimated 74 Vermonters of European decent living in the same region (see Haviland and Powers, *The Original Vermonters*, University Press of New England, 1981). However, the number of non-native immigrants to the region increased the number of European inhabitants to 858 by 1800. As such demographics trends continued, pressure was put on the Abenaki to abandon their lands. "In 1789, some Abenaki requested compensation for loss of their lands, which they never got; a year later a number of families left to settle

in Odanak [Quebec].” (ibid) Even so, relatively large numbers of Missisquoi Abenaki refused to leave the Champlain Valley. Proof of this is born out in the records of Catholic churches that still list numerous names of Abenaki families living in Vermont in their official records throughout the late 1770s, 1800s, and 1900s.

All told the remaining Abenaki petitioned the State of Vermont for granting of a recognized homeland in 1798, 1800, 1912, 1826, 1853, and 1874. All these requests were rejected.

Many of these remaining Abenaki survived by blending into the Euro/Vermont status quo. They gave up traditional dress, used modern tools, lived in cabins as opposed to wigwags, and in general made themselves *appear* like the Europeans around them. While they *seemingly* integrated themselves into the larger Vermont culture, they continued to stay in close touch with each other, and retained their cultural heritage, if only in a more secretive form.

By 1850 a number of these families began to concentrate in the Back Bay area of Swanton. However, some extended families continued to live in a more seasonal, migratory fashion. As recent as 1930 a number of Abenaki families, perhaps three bands numbering 150 persons, lived by hunting, fishing, gathering, and traditional crafts production at Grand Isle, St. Albans, and the Missisquoi River regions (ibid).

It is difficult to estimate the number of Abenaki living in Vermont between 1920 up until the 1970s. Vermont of the 20s was the staging ground for the movement to enact forced sterilization laws aimed at “idiots, imbeciles, feeble-minded, or insane persons likely to procreate.” (see Gallagher, *Breeding Better Vermonters*, University Press of New England, 1999) This movement, ostensibly grounded upon the since discredited “science” of eugenics was often used as a tool of the Anglo-Protestant ruling class to weaken, incarcerate, and sterilize elements from the lower and working classes, as well as “non-white” minority groups (ibid). In the 1930s, Dr. Henry F. Perkins, a University

holds, do not qualify for Native American college scholarship programs.

Here in Vermont, the City of Burlington (which has long elected Progressives to the Mayorship and many City Council seats), and three other towns have voted to recognize the Abenaki Nation. Also, one year ago (2002) all thirty Vermont State Senators, and one hundred and ten members of the Vermont House of Representatives publically endorsed recognition. However, resulting legislation was stalled in committee. The Executive Branch of state government is still adamantly opposed to the granting Abenaki sovereignty rights. According to Bill Giffin of the Attorney General’s Office, the Missisquoi Abenaki fail to meet the basic federal criteria for recognition. In a phone interview Giffin asserted that 1.) anthropologists, historians, and archaeologists fail to support Abenaki historical and territorial claims, 2.) the Abenaki, with the exception of the 1970s till today, have not existed as a distinct community for 200 years, 3.) prior to 1970 they failed to retain political influence and authority among their own people, and 4.) the Vermont Abenaki cannot trace their lineage to the historical Abenaki. Giffin argued that those calling themselves Abenaki are, for the most part, descendants of French Canadians. Chief Rushlow, for her part, countered that those assertions are “bologna.”

These claims serve as the basis through which the state continues to keep the Missisquoi Abenaki [and other Abenaki Tribes] under Vermont jurisdiction. However, do they stand up to the facts? Two Vermont archaeologists [who work for the University of Vermont Consulting Archaeology Program] who were interviewed for this article disagree. Both contend that their findings at sites throughout Vermont clearly indicate a historical presence of the Abenaki. Archaeologist Kate Patterson stated, “Every farmer in Vermont, anyone who has ever used a plow near a good water source has found evidence of Native Americans in this state.”

## Vermont Abenaki in The 1980s & 1990s

Throughout the 80s and 90s the fight for recognition continued. Time and again the Missisquoi Tribal Council and Abenaki people challenged the near monopoly of political power enjoyed and protected by the politicians in Montpelier. Actions targeting hunting and fishing regulations, as well as other aspects of Abenaki sovereignty multiplied.

In 1989 Vermont District Court Judge Joseph Wolchip upheld Abenaki aboriginal title and rights to parts of ancestral land, now referred to as northern Vermont, and recognized that they have the same rights to hunt, fish, and travel as their ancestors did. Like with Governor Salmon's Executive Order #36, this was soon overturned by the Vermont Supreme Court on June 12th, 1992. With that ruling, the Vermont State Prosecutors Office and local law enforcement began to step up their legal maneuvers and harassment against Abenaki caught breaking disputed regulations.

## The Battle For Sovereignty Today [2003]

Currently the Missisquoi Abenaki, their Tribal Council, and Chief April Rushlow are engaged in programs which seek to teach their history and language to tribal members and other interested parties. Politically they have filed documents with the federal government requesting recognition. The decision is still pending, although they have been first in line on a waiting list for review for more than seven years. In the meantime, they do receive a limited amount of money from the federal government which goes toward the educational needs of Abenaki children, and they receive a limited amount of funds from the Department of Labor. But without full state or federal recognition, Abenaki youth, most coming from lower income house-

of Vermont professor, and chief architect of the Vermont eugenics project, received a personal letter from then dictator of Fascist Germany, Adolph Hitler, thanking him for "showing how much can be done, in so little time."

Forced sterilization became sanctioned in Vermont law in 1931. In its wake, large numbers of Abenaki fell victim to the racist and classist standards of normative social behavior. Large sections of *known* Abenaki were sterilized, perhaps thousands. This situation drove the Abenaki further underground. Now, public acknowledgement of native heritage ran the risk of state reproductive repression. In other words, the genocidal policies of the Euro/American elite, as set forth from the time of Columbus on continued, if only under the sanitized justification of a now dead and discredited science. The affects are still being felt today.

During a phone interview, Chief April Rushlow, current elected leader of the Missisquoi Abenaki Tribe, questioned whether or not forced sterilization has ever ended. Chief Rushlow stated that she has two aunts that were forcibly sterilized, and, at 34, this is not exactly ancient history. Chief Rushlow further asserted that "some elders still won't say they are Abenaki because of the eugenics movement. To me that is very sad."

## The 1970s: A Decade of Renewed Pride & Resistance

By the 1970s Native Americans across North America began to build a movement towards the reemergence of traditional native culture, as well as gaining back their political self-determination, which had been devastated through centuries of Euro-American imperialism. In 1973 armed contingents of the American Indian Movement (AIM) occupied Wounded Knee, South Dakota; site of the horrific massacre of hundreds

if unarmed Sioux Indians (some men, but mostly women and children) at the hands of the U.S. Cavalry in 1890. There, in protest of the continuing impoverishment and political domination of native people, they held the U.S. military at bay for more than 70 days with little more than .22s and old shotguns. Daily struggles for native rights remained intense across the continent throughout the 70s. This decade also brought forth a resurgence of “Indian Pride” and self-assertiveness in regards to native issues and concerns.

It was during this time that the Vermont Abenaki began to build their own movement for self-determination and cultural renewal. Their situation differed from many other native struggles in that they were, and remain, unrecognized by the state and federal government. In short, the Abenaki did not and do not, have any land in the form of a reservation. In kind, these Abenaki do not even have the slight degree of recognized self-rule that many other native people retain. Therefore, one of the primary goals of this internal resurgence was to gain recognition, and in turn, to secure land which they could be more free to administer according to their own initiative.

In 1972 the Missisquoi formed a Tribal Council. This Council was, and continues to be, democratically elected by tribal members, and is composed of seven members, and a Chief that is empowered to cast a vote on any Council decisions that may initially result in a tie. Homer St. Francis was elected Chief, and retained that position until 1996. In 1975, the Odanak and Becancour Band Councils officially recognized this Tribal Council. The following year, the Council presented the State of Vermont with a petition containing 1400 signatures (many from non-Abenaki Vermonters), demanding that the Abenaki be granted the right to hunt and fish without being subject to state regulations.

The motivation for this campaign stemmed from relatively new state fish and wildlife regulations that came into being in the 1960s. These regulations severely hampered the Abenaki’s

ability to subsist and make a living, as many such native people were compelled to engage in such activity for basic survival. Here we must recall that from the early 1700s onward, European settlers had illegally appropriated Abenaki farmland, and hunting and fishing therefore took on a much more prominent role as a means of survival.

Chief Homer St. Francis further clarified the Abenaki position at a 1977 University of Vermont forum on native issues. There, he stated that the Abenaki did not intend to take unlimited game and fish, but rather to be empowered to regulate these practices for themselves in such a way that sustained the wildlife population, while simultaneously best serving native needs.

On Thanksgiving Day, 1976, then Vermont Governor Thomas Salmon-Democrat granted official recognition to the Missisquoi Abenaki in Executive Order #36. This order also established a commission on Indian affairs that was charged with looking into Abenaki requests such as those relating to the regulation of fish and game. This recognition was rescinded the following year by Governor Richard Snelling-Republican in Executive Order #3.

The Abenaki responded to Executive Order #3 by holding a “fish-in” on April 22, 1978, wherein large number of natives fished the Missisquoi River in flagrant violation of state regulations. Their goal was to make public their demand to be allowed to fish for basic subsistence, and not be subject to state limits, or licensing fees. Thirty-four persons were cited by state officials for fishing without a license.

Around this time the Missisquoi Abenaki Tribal Council also began to issue car and truck license plates and claimed this to be a right of the Abenaki Nation. State officials disagreed and numerous citations were given out by law enforcement. In many cases vehicles were impounded. Here the Abenaki set up a defense fund and often allocated money to native individuals to pay the accrued costs.