

Annotated Bibliography -- Tribal state relationship

Associated press. (1971, Mar 17). Indians hit agency practices. *Portland Press Herald*. Maine State Law and Legislative Reference Library, Augusta, ME.

This article describes a state senate hearing on an unnamed bill that would have forced the Department of Health and Welfare to license tribal foster homes on the recommendation of tribal governments. The article alludes to a strong and vocal criticism of the department for its practices with Native children and families, including a description of the written testimony of “Mrs. Mary Yarman” (possibly a misspelling of Yarmal) whose six children were removed by the department. The article stated that “Indian after Indian” gave testimony, in particular describing the negative impacts to a child’s cultural identity and sense of belonging when that child is removed from the Native community and returns later as an adult. The bill is not named, although it is likely the bill is LD 881 from the 105th legislature, which was enacted. LD 881 was titled “An Act Permitting Indian Homes to be Licensed as Foster Homes.”

[Author not known]. (1968). *Passamaquoddy reconnaissance report* (2512-0107, File: Planning). Indian Affairs Records, Maine State Archives, Augusta, ME.

This report was the product of a meeting to prepare a grant proposal for funding available through the Housing Act of 1954 for the Passamaquoddy reservations. Present at the meeting were representatives from the Passamaquoddy tribal council, the State Departments of Economic Development and Indian Affairs, and the US Department of Housing and Urban Development.

This report summarized the state’s approach to dealing with the tribes as follows:

For the past 300 years, with spasmodic exceptions, the thrust of Indian Affairs programming on the part of the state has been aimed towards 1) extinction of the Passamaquoddy Tribe as a physical and cultural entity; 2) maintenance of the tribe in a dependent relationship with the State; 3) elimination of the reservations as places where Tribal members might live securely and with satisfaction. (p.4)

The report also goes on to say that the tribes have been asking for improved housing, sanitation and economic development “for the past twenty years” (p.4).

This report summarizes in unflinching terms the approach and repercussions of the state’s relationship with the tribes, including the state’s longstanding assumption that the best outcome for the tribes would be for them to completely disappear.

[Author not known]. (1979). The meaning and implications of “Indian Country”: State v. Dana. *Maine Law Review*, 31(1), 171-211. Retrieved from http://mainelaw.maine.edu/academics/maine-law-review/pdf/vol31_1/vol31_me_1_rev_171.pdf

This article was written by an unidentified student in a Maine Law Review issue dedicated to the land claims settlement. The entire issue is available online through the Maine School of Law. The author characterizes the relationship between the state and tribes as one of complete control of the state over the tribes, writing that the “state of Maine, under the belief that no Indian country is located within its borders, has throughout its history exercised complete criminal, civil, and regulatory jurisdiction over the Passamaquoddy and Penobscot Indian Reservations” (p. 171). The author claims that the *State v. Dana* case “presages a dramatic shift in the federal-state balance of authority over Maine Indian affairs” (p. 211), and that federal recognition of tribes would provide an important safeguard for tribes from the state pushing the boundaries of jurisdiction.

Bangor Daily News. (1952, Apr 30). *Indian “showdown” forecast by governor of Penobscots in statement of complaint* (2512-0401, File: Reports - state). Indian Affairs Records, Maine State Archives, Augusta, ME.

Penobscot Governor Albert Nicola issued a statement of complaint in which he addressed a number of problems with state-tribal relationships. He argued that even though the state and other organizations have been preparing reports on the “Indian question,” the tribe was never consulted by the state or other organizations. “In all the investigations the tribe as a whole has never been consulted as to their needs and wishes.” He asserted “[r]eally we are a nation within a state” and that “we don’t want to feel we have been pushed around by any department, state or government.” Nicola challenged stereotypes about all Native people being alcoholics, that prostitution is prevalent over the reservation, that all Native people are lazy, and that Native people have been called the “largest parasite on the state” by someone who holds a high position in a state department. Governor Nicola also was protesting Director of Indian Affairs Stevens’ ruling that Native people should pay for medical expenses, which previously had been paid by the state.

This article highlights conflicts between the state and the Penobscot tribe, with the tribe advocating for itself as a sovereign nation, as well as elements of a dominant narrative about Wabanaki people.

Bangor Daily News. (1964, July 9). *Maine to observe “Indian Day”* (2512-0403, File: Press clippings). Indian Affairs Records, Maine State Archives, Augusta, ME.

This article is about the state’s attempt to recognize the contribution of Native people in Maine by establishing “Indian Day.” The Maine governor announced the first “Indian Day” in a ceremony with the governors of the Penobscot and Passamaquoddy tribes of Maine. Later on, the Passamaquoddy tribes refused to participate in Indian Day celebrations because of their unresolved land claims dispute with the state (see doc log *1964 article (unknown paper) “Passamaquoddies piqued, Penobscots prepared”*).

While state-tribal relationships had been strained for awhile, this article seems to show the state attempting to appease the tribes without actually taking any action to relate to the tribes on a more equal footing as sovereign nations.

Brimley, S. (2004). Native American sovereignty in Maine. *Maine Policy Review*, 13(2). (12 -26). Retrieved from <http://digitalcommons.library.umaine.edu/mpr/vol13/iss2/4>.

Brimley describes the history of Maine Land Claims Settlement Act, with attention to general sovereignty issues and federal recognition of tribes. The Penobscot, Passamaquoddy and Maliseet tribes were not federally recognized until land claims were settled in 1980. The Aroostook Band of Micmacs were not federally recognized until 1991. Brimley explains sovereignty conflict with state, which regards Penobscot and Passamaquoddy nations as only municipalities because of language in land claims settlement. Penobscot and Passamaquoddy nations argue that they never relinquished sovereign status. The 1991 Micmac land claims act does not include similar municipality language as the 1980 act, and so status as a sovereign nation is less in conflict with state as for other tribes in Maine.

Buesing, G. (Undated). *Maliseet and Micmac Rights and Treaties in the United States* (2512-0203, Box 21, File: AAI). Indian Affairs Records, Maine State Archives, Augusta, ME.

In this undated report, among other areas covered, Buesing described the current status and relationships of Micmacs and Maliseets with the state government in Maine. He wrote that Micmac and Maliseet treaties have been “completely ignored” by the federal and state governments (p.22) and that neither tribe had even been mentioned in state legislation until the 105th state legislature. Buesing pointed out the significance of the bill enacted by the 105th legislature regarding scholarships for North American Indians residing in Maine as the first state law to recognize Maliseet and Micmac people.

Of relevance to the TRC is the different relationship and level of visibility within the state, both officially and unofficially, of the Micmac and Maliseet tribes compared to that of the Penobscot Nation and the Passamaquoddy tribes, and the way in which that may have impacted the state’s child welfare interactions with these communities both before and after ICWA.

Diocese of Portland, Diocesan Bureau of Human Services. (Undated). *Proposal for Passamaquoddy education research program* (Box 2512-0412, File: Bilingual programs). Indian Affairs Records, Maine State Archives, Augusta, ME.

Although this is a proposal for an education program, it also contains what seems to be a Native ally’s perspective on the situation faced by Passamaquoddy communities in Maine. The proposal outlines “grievances” faced by Passamaquoddies relevant to child welfare and corrections-related issues: discrimination in employment, by state police, and by state Indian agents, state control of treaty lands, absence of equal police protection and freedom from arrest, and disproportionately high school drop out rates. It is reported that no Passamaquoddy has served on a Washington County jury for 144 years. In addition, the proposal addresses an underlying assumption by many white people who work with the tribes that relocation and assimilation are the “only ‘final’ solution to the Indian ‘problem’” (p. 5), as well as a dominant cultural bias in which Native people are viewed as permissive, having no discipline, not being

future-oriented, not respecting private property, and the Passamaquoddy language being considered to be more of a “jargon” than a legitimate language.

This proposal suggests that the issue of unequal treatment within the criminal justice system was beginning to be noticed by the larger Maine community, or at least by allies directly involved in working with the tribes.

Flanagan, D. (1983, Feb 10). Legislation affecting the Indian Land Claims Settlement. Maine State Law and Legislative Reference Library, Augusta, ME.

In this letter from David Flanagan (counsel to the Maine Governor) to the Judiciary Committee, Flanagan addresses a number of bills introduced in the 111th legislature that the state believed would erode the state’s jurisdiction in favor of the tribes. He wrote that the Maine Implementing Act “does not treat the Indian tribes as a nation within a nation. On the contrary, apart from some limited exceptions, it treats all Indians as equal citizens of the State of Maine subject to the general laws and jurisdiction of the state. You will recall that many legislator and many citizens were reluctant to grant any jurisdictional concessions to the Passamaquoddy Tribe and the Penobscot Nation” (p.1). He concludes with saying, “let me again underscore our major concern, that once any jurisdiction is conceded by this Legislature, it is gone forever for all practical purposes” (p.4).

This letter emphasizes that the underlying tension of the land claims settlement was one of the state fearing loss of jurisdiction, and therefore loss of control, through concessions to tribes. In addition, it references the frequently expressed fear of tribes being considered “nations within a nation,” as well as the general tone of hostility toward the tribes pressing unresolved land claims.

Fuller, D. W. (1952). *Report on the Institute of American Indian Assimilation conference* (2512-0401, File: Reports - state). Indian Affairs Records, Maine State Archives, Augusta, ME.

This report to the governor on a state official’s attendance at the Institute of American Indian Assimilation. The conference was hosted by the Association of American Indian Affairs, which later went on to do one of the definitive studies on the negative impact of state child welfare removals of Native children. This later study helped bring congressional attention to the issue, and led to the passage of ICWA.

Although it is presumed that the conference challenged the idea of assimilation (since this conference was organized by a Native rights group and Native leadership from around the country attended), it is not clear that the writer of the report fully realized this. Fuller still adopts a paternalistic attitude in which the problems of Native people must be solved by the state. For example, Fuller was impressed with the “high caliber of the Indians themselves who attended” (p.5) and that some of them “regularly appear before Congressional committees to support the rights of their people” (p.5). But he then goes on to say that “leaders should be found or developed within the tribes” (p.5) -- presumably found by the state. Among Fuller’s conclusions is “Assimilation is a long range goal but it is not to be reached by hasty measures” (p.7).

Hinckley, E. (1967, November 15). [*Letter regarding means of communication with Indian peoples of Maine*] (2512-0413, File: Canada Indian affairs). Indian Affairs Records, Maine State Archives, Augusta, ME.

In this letter to Charles Kerr of the Indian Affairs branch in Ottawa, Canada, Department of Indian Affairs Commissioner Edward Hinckley describes official channels of communication with the Penobscot and Passamaquoddy tribes in Maine. Hinckley wrote that he uses memos, letters and at least monthly visits to the reservations to stay in communication with the tribal governor and council, which he feels is an improvement on the way in which the state used to communicate with the tribes. Hinckley also describes the role of the tribal representatives to the state legislature, the history of enfranchisement for tribal members in Maine. He wrote that tribal members saw voting privileges as a “threat to whatever degree of tribal sovereignty that they still possessed within the state” (p.2). Hinckley also compared the status of tribal representatives at the state legislature with state representatives. Tribal representatives are paid less (\$500 per session compared to \$2000 per session for state representatives) and their travel to the capitol is restricted to 20 trips, where state representatives travel is unrestricted. Hinckley did not seem to think this was particularly problematic in any way.

This letter gives a window into the complexity of the history of tribal members right to vote, as well as a glimpse into the institutionalized second-class status of tribal representatives to the state legislature and the ways in which this was the “norm” and therefore unquestioned.

Indian Affairs Subcommittee of the Task Force on Human Rights. (1968, July 20). *Interim minutes of the Indian Affairs Subcommittee*, (2512-0414, File: Executive task force, human rights). Indian Affairs Records, Maine State Archives, Augusta, ME.

These minutes appear to be a precursor to the actual recommendations of the subcommittee to the Task Force on Human Rights. Overall, these minutes give a picture of factors that were preventing the tribes from being able to exercise autonomy, including state control of tribal affairs through state control of tribal lands, lack of clarity around citizenship status, lack of clarity around individual land titles, the lack of voting representation for tribal communities at the legislature, the absence of tribal governments in the administration of trust funds intended for the tribes, and the inadequate training and pay for tribal law enforcement. Of relevance for the corrections issue, the subcommittee noted there is “rarely an Indian on any jury” (p. 3) in the areas around the reservations and that tribal constables do not receive full police training, and that tribal members do not have adequate access to legal counsel.

Indian Community Assistance Committee. (1967). *Report* (2512-0414, File: Exec. Indian Community Assistance Committee (ICAC)). Indian Affairs Records, Maine State Archives, Augusta, ME.

This report, requested by the Maine governor, highlighted needs of tribes, as gathered by state ICAC committee. Although tribal members reported discriminatory hiring practices, the committee found that “[t]here is no valid evidence to support the contention” instead citing another state agency’s findings that among other factors contributing to low employment rates for Native people, “Indians are not dependable and responsible when placed,” they “lack of social responsibility in that their personal appearance, manner and attitude make referral or placement difficult” and have a “lack of initiative and motivation.” The report concludes that the need for improved housing, sewerage and educational facilities are “symptoms and effects” of a larger problem, which is that “the welfare program has nurtured an inveterate attitude of dependency.”

This report characterizes the state’s (as well as outsiders’) perception of Penobscot and Passamaquoddy communities in 1967, with a key part of the dominant narrative about people living on reservations as lacking initiative due to being provided for by the state. Also reflected in this report is an inability to recognize racism and discrimination.

Lewiston Daily Sun. (1965, June 1). *Discrimination close to home* (2512-0403, File: Press clippings). Indian Affairs Records, Maine State Archives, Augusta, ME.

This editorial discusses concerns that Princeton-area barbers were refusing to cut the hair of Native people on the basis of race, and sets these claims within the national context of civil rights. The editorial goes on to say that state policies have treated Native people as “second rate humans” and kept Native people as “unproductive, poverty-stricken wards of the state.”

Longley, J. B. (1976, September 29). [*Letter regarding Indian land claims suit*] (2512-0108, File: Lands - Passamaquoddy land case). Indian Affairs Records, Maine State Archives, Augusta, ME.

In this letter from Maine Governor James Longley to Governor Francis Nicholas of the Passamaquoddy Tribe at Pleasant Point regarding the ramifications of the land claims law suit on municipal bonding needs, Longley pleads with Nicholas to see himself first as an American, second as a Maine citizen, and as "members of racial or ethnic groups third" (p.1). Longley uses the language of fairness and the “sacred duty” of leaders and public officials, as well as the need to avoid “bitterness and discord” within the state to appeal to Nicholas.

This letter indicates the anxiety experienced by the Maine governor as a result of the land claims dispute, as well as giving insight into the position of power held by tribal leadership during this time. In addition, Longley implicitly challenges and minimizes the notions of tribal membership and tribal sovereignty in his appeal to Nicholas to relegate his sense of belonging to a tribal nation after national and state citizenship.

Nicholas, J. (1964, Feb 27). [*State legislative research committee visit to reservation, removal of tribal members from census*] (2512-0401, File: Passamaquoddy Indians (misc.)). Indian Affairs Records, Maine State Archives, Augusta, ME.

Nicholas (state representative for the Passamaquoddy tribe at Pleasant Point) wrote to Paul McClay (the state director of Indian Affairs) to protest a recent visit from the state legislative research committee to the reservation, saying that the tribe had not been notified of the visit. And "I would also like to put in a strong opposition in the manner which of the members of the tribe were taken off the census."

Although there are numerous references in the Indian Affairs archives in which someone appeals to the Maine State Division of Indian Affairs, and then later the Department of Indian Affairs, and the state says that tribal membership is solely determined by the tribal governor and council, it seems that the state did have some role in mediating tribal membership, as indicated in this letter.

Paterson, J. M. R. (1979). *Appropriations for Maine Indian program* (2512-0104, File: Legislative hearing notes). Indian Affairs Records, Maine State Archives, Augusta, ME.

In this memo from Paterson (Deputy Attorney General) to David Flanagan (not identified in the letter but believed to be legal counsel to the governor), and Charles Rhynard (Commissioner of Indian Affairs), Paterson outlines the civil rights issues that may arise as a result of the state's proposed defunding of the Department of Indian Affairs (DIA) in the context of unresolved land claims issues. The question of civil rights violations arose from the Penobscot tribal representative to the state legislature, to whom the state declined to answer so as to not jeopardize their negotiations over land claims. The state attorney stated in this letter to the Commissioner that it may be a violation of civil rights to defund programs selectively for Native people. These potential civil rights violations were characterized as "problems" for the plans to defund the DIA. The state attorney also warned, "the more the state disclaims financial responsibility over Indian lands, the harder it is for us to argue in law or equity for state police power jurisdiction" (p.3).

This memo makes clear the dominating influence the land claims dispute had over the relationship between the state and the tribes during the time of the passage of ICWA. It also strongly suggests that the nature of the relationship was highly adversarial, and that the state regarded potential civil rights violations as "problems" and was less concerned with the impact of defunding the DIA on tribal members and reservation residents than with the weakening of their own position with regard to the land claims negotiations. Lastly, the memo offers a window into the increasing power of the tribes and tribal representatives to assertively use the legal and legislative arenas to advance their own goals.

Potter, B. (1974, March 21). Commissioner lists gains, needs. *Kennebec Journal* (2512-0112, File: Clippings). Indian Affairs Records, Maine State Archives, Augusta, ME.

This article reported on an address from the Indian Affairs Commissioner John Stevens (formerly the governor of the Passamaquoddy Tribe at Indian Township) to the central Maine branch of the NAACP, in which Stevens outlined the current status of the relationship between the state and the tribes. Stevens said that the relationship had improved, but that lack of federal recognition for the tribes in Maine has been a barrier.

Stevens specifically stated that the tribes had tried to get the state to allow the tribes to keep children who needed to be removed from their homes in foster homes on the reservations, but that the state had refused because the state-built homes on the reservation did not pass standards for foster homes. Stevens said that "when children are taken away from the reservation they always return with more problems than they had in the first place." This article represents the only document seen so far in the Indian Affairs archives that references the removal of Wabanaki children from the reservations by the state. Significantly, this reference was made by John Stevens, who was the first Native individual appointed to lead the Maine Department of Indian Affairs.

Proctor, R. W. & State of Maine. (1942). *Report on Maine Indians, or, Proctor Report* (2512-0401, File: Pass. Indians constables). Indian Affairs Records, Maine State Archives, Augusta, ME.

Also known as the "Proctor Report," this 1942 document was prepared at the request of the Maine State legislature, and continued to be referenced by the Commissioner of Indian Affairs into the 1970s. This document gives insight into the state's narrative about tribes at the time, saying "the whole impression one gets is of slackness, lack of pride or initiative" regarding Indian Island community. The report comments on Peter Dana Point: "A general dirty appearance, even worse than at Old Town, impresses one here. The Indians are shiftless, take no care of their houses or land, and little of themselves." The report concludes with a summary in which a series of questions are asked -- presumably for the state to answer in moving forward in work with tribes. This includes the questions: "Who is an Indian?", "Is it legal to prevent Indians from voting provided they pay a poll tax?" and "Has the past and present policy of ever-extending paternalism been helpful to the Indian?". The full report can also be retrieved at the Maine State Museum.

This report, which can plausibly be regarded as a significant, authoritative document of state opinion from its time, provides insight into the state government's attitude toward Native peoples in Maine as well as the state government's policy stance regarding Native peoples.

Rhynard, C. (1979). [*Letter regarding support for a joint grant application by the Maine Association of Aroostook Indians and the Central Maine Indian Association*] (2512-0203, Box 21). Indian Affairs Records, Maine State Archives, Augusta, ME.

In this letter to the U.S. Department of Health, Education and Welfare, Commissioner of Indian Affairs Charles Rhynard expressed support for a joint application for funding by the Association of Aroostook Indians (AAI) and the Central Maine Indian Association (CMIA). Rhynard

commented that the "dominant society" in Maine was "reluctant to provide any services unique to Indian people" due to the land claims controversy and that he "does not anticipate any expanded support for Indian people" (p.1).

Of relevance to the TRC, this letter describes a dominant attitude regarding Native people in Maine, shaped in part by the land claims situation, suggesting a sense of hostility from the general public.

Shay, L. (1962, October). *Wrong decision* [Letter to the editor]. *Sunday Press Herald* (2512-0401, File: General Indians clippings 1953-1963). Indian Affairs Records, Maine State Archives, Augusta, ME.

Indian Island resident Leo Shay protested the Maine Division of Indian Affairs (DIA) interference in a close tribal election, contending that the state did not like the outcome and therefore interfered with the vote. The DIA was involved in recounting the votes and reviewing the voter list. The winner of the recount later wrote a letter to the editor responding to Shay, saying that the state was appropriately involved and that Shay just didn't like the outcome of the election because a member of the younger generation won.

Regardless of whether wrongdoing occurred or not on the part of the state, this letter highlights the relationship between the state and tribes in which the state would step in as an authority providing oversight to tribal functions as basic to sovereignty as elections.

State of Maine. (1965). *Report to the One Hundred and Second Legislature: The administration of Indian affairs* (2512-0401, File: Duplicates). Indian Affairs Records, Maine State Archives, Augusta, ME.

This report, conducted by an interim joint committee for the state legislature, makes recommendations for improving state administration of Indian affairs. The committee members must have interviewed tribal members and the report gives perspectives of Penobscot and Passamaquoddy community members. The report highlights a Native perception that having Indian affairs administered by the Department of Health and Welfare creates an unwanted welfare-recipient stigma. The report also conveys that tribes feel that "initiative has been taken from them" (p.7) by guardianship of state and that tribes "should have a greater voice in their own affairs and perhaps ultimately a voice in the distribution of tribal monies" (p.7). The report also recognizes that "upon leaving the reservation some feel that they are losing their identity and are no longer a part of their people" (p.9).

This seems to represent a slight shift in the relationship between the state of Maine and the tribes in which the state expresses some awareness of the tribes' desire for autonomy, as well as beginning to question the assumption that assimilation is ultimately the goal for Wabanaki people in Maine.

This report can also be retrieved at the Maine Law and Legislative Library.

State of Maine Department of Health and Welfare Advisory Subcommittee on Indian Affairs. (1965). [*Minutes, February 4, 1965*] (2512-0403, File: Indians general - Advisory committee). Indian Affairs Records, Maine State Archives, Augusta, ME.

These minutes are from a meeting of a committee formed by the Department of Health and Welfare in an attempt to reorganize the bureaucracy for dealing with tribes. Notably, the committee included no Native people, although “[s]pecial interest was shown in finding out what plans, if any, Indians have for themselves” and that eventually there would be tribal representation on the committee, but not until the committee already knew what its goals were and what its relationship would be with the Department of Health and Welfare. The minutes say that a motion to send the minutes to the tribal governors was defeated.

These minutes mark a shifting stance toward the tribe in which the state seems to recognize a need to do things differently, but still feels the need to be in control of the tribes’ ability to literally have a seat at the decision-making table or to have a voice in their own affairs that is unguided by the good intentions of the state.

State of Maine, Governor’s Task Force on Foster Care for Children. (1980). *Your neighbor’s kid: Report of the Governor’s Task Force on Foster Care for Children*. Augusta, ME: The Governor’s Task Force on Foster Care for Children.

In this report, the Maine governor’s Task Force on Foster Care for Children found that “DHS has not done enough to help Native American children in foster care retain their cultural ties” (p. 75). The task force reported that 2 percent of Maine’s foster children were Native American (p. 16). The report goes on to identify the lack of Native foster placement options as a problem, citing that there were 50 Native children in foster care and only 15 Native foster placement options (p. 20). The task force reported that Native families’ fear of state workers’ bias contributed to the problem of insufficient Native foster placements, stating that “[r]epresentatives of Indian agencies testified that Indian families are often hesitant to have state officials come into their homes and ‘pass judgment’ on their way of life” (p. 68). The task force recommended that the Department of Human Services (DHS) work with off-reservation Native Americans and tribal governments to recruit more Native foster families and license foster homes. Finally, the task force reported that much of the time, DHS did not record a child’s race, or if race is noted as American Indian, the tribal affiliation is not. ICWA is referenced in this report.

Published two years after the passage of ICWA, this report establishes the state government’s awareness of the Indian Child Welfare Act, as well as problems with compliance. The report raises the question as to how the state child welfare system responded to the need for increased compliance, as well as the negative impact racist attitudes on relationships between Native families and state workers.

Stevens, D. H. & State of Maine. (1952). *Report to Legislative Research Committee regarding Indian Affairs* (2512-0401, File: Duplicates). Indian Affairs Records, Maine State Archives, Augusta, ME.

Stevens (Director of Indian Affairs) makes recommendations to solve the “Indian problem” and also addresses land ownership issues with islands on the Penobscot River and jurisdiction issues related to law enforcement. Stevens’ assessment is that the “Indian problem” is largely created by a lack of clarity in state law about the state’s obligations to the Penobscot and Passamaquoddy tribes. The obligations to the tribes are essentially social services-related -- providing for education of children and financial assistance (“caring for the needy Indians”). The tribes apparently disagree with the state about the state’s interpretation of their obligations based on past treaties. The state forestry department managed the 17,000 acres of Indian Township land “for the benefit of the Passamaquoddy tribe,” and Stevens recommends that the state take over the 146 islands owned by the Penobscot tribe to be logged because the land ownership titles held by tribal members are too confusing. Stevens writes, “In any event, the title to these lands is held by the Indians only through permission of the State Legislature and supposedly the State Legislature could withdraw this permission” (p.10).

This report gives insight into state-tribal relationships (at one point he described the Penobscot tribal council as “very aggressive” (p.17)) and a dominant narrative about Wabanaki people, namely that “the Indians will continue to demand services and assistance not provided for in the law” (p.2), as well as an overall paternalistic role in which tribal lands are managed for the tribes by the state forestry department, or suggested to be taken over entirely by the state. The full report can also be viewed at the Maine Legislative and Law Library.

U. S. Commission on Civil Rights. (1974). *Federal and state services for the Maine Indian: A report* (2512-0203, Box 21, File: AAI). Indian Affairs Records, Maine State Archives, Augusta, ME.

This report, based on the findings of the Maine Advisory Committee to the US Commission on Civil Rights, included a section on foster care. The report stated that one in eight Native children in Maine were being placed in foster care, which was a rate 16 times higher than that of the general population. Robert Wyllie, Director of the Maine Bureau of Social Services, was asked by the committee why there were not more Native foster care placement options, and he said that substandard housing was the primary impediment. The report noted that many of these substandard homes were built by the state on the Passamaquoddy reservations. The committee recommended that the state seek funding to support the upgrading of homes to increase the availability of Native foster placement options and that the U.S. Commission on Civil Rights initiate a national effort to “determine if there is a massive deculturation of Indian children” as a result of child welfare removals (p. 89).

This report indicates that there was increasing attention to the problem of disproportionate removals of Native children in Maine, and that the state was aware of the attention on the problem. It also places the situation in Maine in a larger national context during the time leading up to the passage of ICWA.

WGUY. (1964, August 1). Editorial. *WGUY radio*. Maine State Archives, Augusta, ME.
Doc log (IA): 1964 WGUY editorial

This radio station editorial sets the relationship between the state of Maine and the tribes within a national civil rights context, and accuses the state of treaty infractions including selling off tribal lands to private timber corporations. The editorial was sparked by a recent incident in which the state refused to allow tribal trust fund money to be spent on an attorney hired by the tribes to contest land claims. The editorial states that “in official circles, Maine’s Indians are considered an [sic] nuisances and jokes,” offering a perspective into a dominant narrative about Wabanaki people in Maine in the 1960s.

Wyllie, R. O. (1977). *1115 project proposal - Maine Indians* (2512-0203, Box 21). Indian Affairs Records, Maine State Archives, Augusta, ME.

In this memo from the Acting Director of the Maine Bureau of Resource Development Robert Wyllie to David Smith (Commissioner of the State Department of Human Services), Wyllie evaluated the merits of a project proposal (identified but not fully explained) related to collaboration on child welfare services between Central Maine Indian Association and possibly federally-recognized tribes and the Department of Human Services. Wyllie begins by referencing a history in which tribal representatives have expressed concerns about the lack of Native foster home options and "the lack of sensitivity on the part of our agency to the needs of Indian foster children" and references a public demonstration at the Bangor office "six or seven years ago." Handwritten notes suggest that that demonstration was not about child welfare, but about budget cuts to the Department of Indian Affairs. Wyllie then reviews actions that had been taken to address these concerns, citing that the Bangor regional office kept a goal of increasing the number of Native foster homes (although without results). In addition, the Bangor office sometimes asked tribal leaders about appropriate placement of a Native child, with a frequent response from tribal leaders that Department should use its “own best judgment” (p. 1). In addition, Wyllie cites that the Machias office recently hired a Native American social worker to “be more sensitive to the unique needs of the Indian children requiring protective or substitute care services” (p.1).

Based on Wyllie’s evaluation, the positive aspects of the proposal were that it would improve Department’s ability to appropriately place Native children and meet their unique needs and develop mutual trust and respect. Wyllie noted that the central and regional offices supported the idea of joint training “to be responsive to background, philosophy and unique needs of Indian children” (p. 2). The negatives highlighted were that proposal would lead to conflict (unspecified), that it would be illegal to have tribal courts involved (also not specified what the proposal was, but assumed that tribal courts would hear child welfare cases). Wyllie concludes that the department will pursue a course of conditionally supporting the proposal with the need for changes to address concerns expressed.

This memo is relevant in that it was written just prior to the passage of ICWA, after which tribal courts would be legally able to hear child welfare cases. In addition, the comparison between the

requirements of ICWA and the efforts described in the memo by the state to “be more sensitive to the unique needs of the Indian children” are stark. The memo also documents that there had been a history of tribal leaders expressing concerns to the Department of Human Services. There is also a sense from the memo about the state fearing losing control, and in spite of the language of cooperation used, a need to maintain control over as much of the process as possible.