

of Ed

LETTING TRIBAL DELEGATES VOTE IS JUST AND FAIR AND THE RIGHT THING TO DO

On September 14th and 17th the Portland Press Herald published editorials about the Committee to Address the Recognition of the Tribal Government Representatives of Maine's Native Sovereign Nations in the Legislature. I believe that these articles expressed a very narrow viewpoint and were not well researched. For instance the writers never contacted Donald Soctomah, the Passamaquoddy Representative or me, the Penobscot Representative, even though I called the paper after the first editorial, expressing my concerns.

I am writing here to respond to the second editorial, "Letting tribal delegates vote on laws gives too much power," written by Jim Brunelle. As a Native American I take offense at his societal guilt theory and his conclusion that "Maine Indians have the same electoral power as everyone else." My position is that Maine Indians have no electoral power and should be allowed to vote, furthermore, not only should there be Penobscot and Passamaquoddy representation, but Micmac and Maliseet as well.

So in the spirit of education and understanding I will try to explain my position by having you imagine the following:

First I will take your money, your home, and your land, and make it impossible for you to make a living. Then I will create my own rules regulating all these things. It's okay because I will take care of you.

If you should become invisible in the process then I'll feel guilty. If guilt is the only price one pays for stealing, manipulating, killing and rendering an entire race foreigners and refugees in their own country, then I submit to you, it is indeed a small price to pay! Guilt is a commodity made to order by the dominant society. It is a commodity Indian people cannot afford.

Education, communication and understanding will go a long way in improving relationships between the people of the State of Maine and Tribal members. To this end I would like to give you a little background on the Native American presence here in Maine. Many Maine people do not realize there are four tribal governments: the Aroostook Band of Micmacs, Houlton Band of Maliseets, Passamaquoddy Tribe, and the Penobscot Nation. Total tribal membership in the State of Maine is close to seven thousand.

Tribal governments had been in existence thousands of years before Europeans set foot on this continent. These governments existed long before the United States was formed and long before the Constitution was developed. When the colonists were getting ready to fight the British in what was to become known as the Revolutionary War, they approached members of the Wabanaki Confederacy consisting of the Penobscot, Passamaquoddy, Micmac and Maliseet. They approached the Tribes on a government-to-government basis. In September of 1775 the chiefs of the Penobscots and the St. John Indians (Micmac and Maliseet) held a conference and resolved "to stand together with our brethren of Massachusetts and oppose the people of Old England that are endeavoring to take our lands and liberties from us." In May of 1775, the Provincial

Congress sent the Penobscot Nation a letter which said, "Our liberty and your liberty are the same, we are brothers, and what is for ours is also for your good, and we by standing together, shall make those wicked men afraid and overcome them and be all free men."

George Washington wrote the Passamaquoddy Tribe a letter dated 24 December 1776 just before crossing the Delaware River further asking their support. Washington realized that without Wabanaki intervention it would have been impossible to hold the boundaries around the area we now call the State of Maine. The Penobscot Nation and Passamaquoddy Tribe provided six hundred warriors. Chief Francis Joseph of the Passamaquoddy Tribe fired the first shot at the Battle of Machias during the Revolutionary War, after asking and receiving permission from Capt. John Smith. He fired and killed a British officer who was in a boat three quarters of a mile away.

I mention these events in our history to demonstrate to you that we are not the enemy. Native people have fought alongside the United States in every war and police action since the Revolution. We have given our lives so that we all could be "free". George Washington promised that we would be brothers, not paupers or wards of the state. We only want to be equal and be partners with the State of Maine.

Tribal governments have a unique relationship with the State of Maine. However, we have never been able to be equal. For over one hundred and seventy nine years we have not been fully represented in the Legislature. We were not given the right to vote in State elections until 1967. It is true we can now vote for a Representative from our district. Representatives from our district, as wonderful as some of them are, are not tribal members however. Tribal Representatives in the Legislature should be allowed to vote on issues that directly affect their Native communities.

There are no easy answers to this dilemma. There are no road maps to follow. The committee formed to address the Tribal Government Representatives of Maine's Native Sovereign Nations in the Legislature has a lot of work to do and may even have to start "thinking outside the box".

Maine can take the lead in the new millennium by introducing a different paradigm, one that recognizes a new dynamic partnership between Maine's Native Sovereign Nations and the State of Maine. We are on the cutting edge, and Maine can truly earn its motto "Dirigo" (I Lead). I only ask that you do not dismiss this out of hand. Give us thoughtful consideration, and then give us equality.

TESTIMONY OF REPRESENTATIVE DONNA M LORING OF THE PENOBSCOT
NATION BEFORE THE JOINT RULES COMMITTEE

9/28/00

Good morning Senator LaFountain, Representative Saxl and members of the Joint Rules Committee.

The Penobscot Nation has had a Representative present in the House of Representatives since Maine became a State. The earliest documentation of that presence was in 1823. The State of Maine, the Penobscot Nation and Passamaquoddy Tribes have a unique relationship. A relationship like no other in the United States. Two Tribal Representatives represent their respective Tribal governments in the Maine State Legislature. Legislators have wondered about our presence in this body, our powers and duties and our voting rights. The 119th Legislature passed a Joint Order to establish a committee to study these questions. The committee to Address the Recognition of the Tribal Government Representatives of Maine's Sovereign Nations in the Legislature.

The committee met seven times and reviewed many historical documents and interviewed numerous individuals with expertise in the law, Native Tradition and culture, and looked at International Aboriginal models.

Historically the Wabanaki Tribes were asked by General George Washington to fight on the American side during the Revolution. The Wabanaki Confederacy fought on the side of the Americans and helped to secure the borders of what is now called the State of Maine. Without our help Maine may very well be a part of Canada right now.

As a reward for our support the Continental Congress in Boston allowed our representatives to attend their sessions.

This practice was continued when Maine took over the Treaty obligations from Massachusetts. Wabanaki people have continued to serve in the military and fight for the United States. We have never fought against the United States.

In 1923 The United States declared all Native Americans to be citizens. They had the right to vote in Federal elections but it was not until 1967, well after the Civil Rights Act, that Maine Indians were fully franchised to vote in State elections. Maine was the last State in the union to allow it's Native American population to vote in State elections.

Native people have been the invisible population. Yes we have held a place in the State Legislature for almost two hundred years. We have kept our place here simply by being persistent and staying. In 1941 the Tribal Representatives were unseated from the House Yet they remained. In 1975 they were reinstated after a long and exhaustive debate on the floor. The 1975 debate is a prime example of racism and prejudice that still existed at that time even after Civil Rights were won for the African Americans in this Country. The history between the tribes and the State is not a good one. It is one of distrust, abuse and neglect. This State has benefited from our natural resources as well as human resources. We have been the most heavily State regulated tribes in the country. There was a State law for every day of the year. The Tribes were under the control of Indian Agents who sometimes didn't care about the sick and elderly and even allowed some to go without food and wood for long periods of time. The living conditions of the Tribal Communities were dreadful, no sewer or running water, and no electricity. One day an old treaty was found in the attic of a Passamaquoddy elder and the tribes began a process of litigation that led to Federal recognition and improvements in housing, health and a higher standard of living.

On October 10th, 1980 the Maine Indian land Claims Settlement Act was signed into law. Much has improved since 1980 including the standing of the Tribal Representatives. Tribal Representatives now have the ability to speak on the floor of the House, cosponsor any legislation, sponsor sentiments, and be on committees. We have no voting rights either in committee or on the floor.

After reviewing the history and hearing testimony from a number of individuals the committee has recommended a two Joint Rules changes. The first is a unanimous recommendation that the Tribal Representatives be allowed to sponsor any legislation. The second, a recommendation by a majority of the committee that Tribal Representatives be allowed to make motions and vote in committee.

It was determined that Tribal Representatives should not vote on Gubernatorial nominations. The majority of the committee felt that Tribal representatives vote in committee did not affect the outcome of the Legislative process. (However a floor vote would clearly affect that process.) Therefore it could withstand a constitutional challenge. I feel strongly on this issue. I sit in committee day after day and watch as votes are taken and it is as if I am invisible, a non-person. I can see it in the faces of my fellow legislators and on the faces of the general public. There is heaviness in the air and I know people feel this is not right. The message this sends to everyone in the room is that this person is less important and less valued than everyone else.

This committee has an opportunity to take the lead in recognizing and treating Indian People as equals. Allowing us to participate fully in committees would give us a small voice in the policy making process that has had a such a tremendous effect on our Tribal Governments, our ever day life and our very survival. It is simply a question of human decency. I urge you to support a rule change that would allow us to be equal participants of committees.

Thank you.