

Thank you for inviting me here today to speak to you.
I stand before you as a representative of the Penobscot
Nation and my words will be on their behalf only.
I cannot speak for the Passamaquoddy Tribe.
I would like to begin by talking about the history
between the tribe and the State.

The words of Professor William Cronon, a researcher of
frontier and Native American History come to mind.

“Why the past matters”

...the past is responsible for everything we are. It is the
core of our humanity. The past is the world out of which
we have come, the multitude of events and experiences that
have shaped our conscious selves and the social worlds we
inhabit. To understand how and why we live as we do. We
cannot avoid appealing to the past to explain how and why
we go to be this way...”

Prior to the arrival of Europeans on our shores we
lived in a land that we were an integral part of physically
and spiritually. We had our own governments and our
hunting and fishing territories were scattered throughout
the eastern seaboard. Our numbers have been estimated to
be anywhere from fifteen to thirty thousand. We hunted and
fished seasonally. Our boundaries were usually rivers,
lakes, ponds, and streams as well as where we could find
specific animals, fish, fowl, plants, trees and herbs at
certain times of year. We believed that everything from
rocks to humans, to plants, and rivers even the wind had a

spirit and these must be respected. Our very lives depended on our treatment of this sacred environment (as it does today). When Europeans arrived on our shores they arrived with concepts and beliefs that we could not understand. They came here with one thing in mind and that was to control our lands and our resources. (The world as we knew it changed forever.) They were willing to do anything and use any means to accomplish their goals. As an example of this ruthless effort to eradicate us A proclamation by Spencer Phips, Lt Governor of Massachusetts reads:

...For every Male Penobscot Indian above the age of twelve years, that shall be taken within the time aforesaid and brought to Boston fifty pounds.

For every scalp of a male Penobscot Indian above the age aforesaid, brought in as evidence of their being killed as a foresaid, forty pounds.

For every female Penobscot Indian taken and brought in as aforesaid and for every male Indian prisoner under the age of twelve years, taken and brought in as aforesaid. Twenty five pounds.

For every scalp of such female Indian or male Indian under the age of twelve years, that shall be killed and brought in as evidence of their being killed as aforesaid, twenty pounds.

They had a value system that sought to accumulate wealth at any cost including genocide. Indian people were treated like animals by the English.

It is not surprising that during the Revolutionary war when asked to fight on the American side by George Washington we agreed. When the war was won we made a treaty with Mass and in 1818 the treaty was renewed and finally when Maine petitioned Mass for separation one of the conditions was that Maine take over its treaty obligations to the tribes. Once this was done Mass agreed to pay Maine \$30,000 dollars. Maine renegotiated the 1818 treaty in 1820 with the Penobscot and 1824 with the Passamaquoddy. After separation was granted by Mass, Maine in 1833 without the consent of the Penobscot took away 95% of Penobscot land consisting of four of the Penobscot townships one of those contained the sacred Mountain Katahdin. The state established a trust fund with \$50,000 dollars it placed there for the townships. In subsequent years monies from the sale of timber, hay and shore rights as well as hydro power was also placed in the trust fund. The legislature authorized leases and sale of tribal lands without their consent and sold several of the Penobscot Islands without compensation. During this time tribal people suffered as we were no longer allowed to maintain our way of life by traveling from place to place according to the seasons. In 1887 Louis Mitchell, Passamaquoddy representative to the state legislature described in a speech
On the floor of the House the enormity of what had happened:

“...Just consider today how many rich men there are in Calais, in St. Stephen, Milltown, Machias, East Machias, Columbia, Cherryfield and other lumbering towns. We see good many of them worth thousands and even millions of dollars.

We ask ourselves how they make most of their money? Answer is, they make it on lumber or timber once owned by the Passamaquoddy Indians...How many of their privileges have been broken: how many of their lands have been taken from them by authority of the state?

In 1833 the Penobscot trust fund was established with the \$50,000dollars, The Passamaquoddy fund established in 1856 by a deposit of \$22,500 dollars. Interest on the deposits was supposed to be paid at six percent per annum. For a period one hundred and ten years. From 1859 for Passamaquoddies, 1860 for Penobscots until 1969, no interest was ever paid, but rather went for the annual use of the Indian agents.

The states treatment of Indians was paternalistic. We who had once lived in abundance were now impoverished and wherever we went in the larger society we faced prejudice, discrimination and injustice. We were lazy they said, yet our livelihood had been taken from us. We lived on welfare, it was said. Yet the so-called assistance given to us was in fact income from products taken from our land or income from the rent and lease of our land. What was income was made to appear as welfare.

The state courts also held no relief for us as the judges had the same oppressive views as the state. The following court

cases give you a glimpse of the courts attitude towards Indians:

In a case decided by the Maine supreme court in 1842 Murch v Tomer 21 Me.535 The court said “Imbecility on their (the Indians) part, and the dictates of humanity on ours, have necessarily prescribed to them their subjection to our paternal control...”

State V Newell, 84 Me. 465 (1892) , the court following Murch said “Though these Indians...perhaps consider themselves a tribe, they have for many years been without a tribal organization in any political sense...They are as completely subject to the State as any other inhabitants can be.” Id at 468 (This at a time when Indian representatives were in the State Legislature representing tribal governments)

One of the worst injustices to our tribes was our disenfranchisement. It was sanctioned at the highest levels of power in the state.

On March 14th 1941 the Legislature requested on solem occasion to the Maine Supreme Judicial Court the following question:

“If by legislative enactment a poll tax should be imposed upon the Indians living on reservations within the state, would said poll tax be such tax as within the meaning of section 1 Article 11 of the Constitution that it would entitle Indians, subject to such tax to vote?”

Answer: March 19th, 1941

To Honorable Senate of the State of Maine:

“The undersigned justices of the supreme court, having considered the question upon which their advisory opinions were requested by senate order March 14th, 1941 inform the honorable senate that we are of the opinion that it is not within the scope of our duty to answer this question in view of the fact that senate paper 486 entitled “An act Permitting Indians to vote in state elections”, to which the interrogatory refers, not only does not conform with or justify the question submitted, but is inherently illegal and insufficient.”

Although Indians were made citizens of this country in 1923 Maine Indians were not allowed to vote in US elections until 1954 and state elections until 1967.

Indian agents and treatment of Indian people

Forbidden to speak their own language
Marriages and offspring kept track of
Children sent to Carlisle Indian school at Carlisle
Penn. 1899-1912
What was income was made to appear as welfare
Self image suffered/loss of self-respect
Faced prejudice, discrimination and injustice

Land Claims Settlement Act:

The Land Claims Settlement Act was signed into law in 1980. It is a document that presently defines our relationship with the state.

The terms of the Act are as follows:

54.41 M to buy 300,000 acres (both tribes) 27.70 each
27M in trust fund from which we could draw interest only (both tribes) 13.5 each

Houlton band of Maliseets \$900,000 dollars to purchase 5,000 acres

State retains certain jurisdiction.

MITSC created

What did the state get from the Land Claims?

- A settlement of over 2/3rds of the state lands
- State did not pay one penny
- State kept majority of it's jurisdiction
- Tribes were excluded from any new Fed laws
- State is held harmless for any past injustices
- Tribes cannot sue for past abuses or stolen resources.
- State never has to admit any wrong doing



By His HONOUR

S P E N C E R P H I P S, Esq;

Lieutenant-Governour and Commander in Chief, in and over His Majesty's Province of the *Massachusetts-Bay* in *New-England*.

A P R O C L A M A T I O N.

WHEREAS the Tribe of *Penobscot* Indians have repeatedly in a perfidious Manner acted contrary to their solemn Submission unto His Majesty long since made and frequently renewed;

I have therefore, at the Desire of the House of Representatives, with the Advice of His Majesty's Council, thought fit to issue this Proclamation, and to declare the *Penobscot* Tribe of Indians to be Enemies, Rebels and Traitors to His Majesty King *GEORGE* the Second: And I do hereby require His Majesty's Subjects of this Province to embrace all Opportunities of pursuing, captivating, killing and destroying all and every of the aforesaid Indians.

AND WHEREAS the General Court of this Province have voted that a Bounty or Inco-uragement be granted and allowed to be paid out of the Publick Treasury, to the marching Forces that shall have been employed for the Defence of the *Eastern* and *Western* Frontiers, from the *First* to the *Twenty-fifth* of this Instant *November*;

I have thought fit to publish the same, and I do hereby promise, That there shall be paid out of the Province-Treasury to all and any of the said Forces, over and above their Bounty upon Justice, their Wages and Subsistence, the Premiums or Bounty following, viz.

For every Male *Penobscot* Indian above the Age of Twelve Years, that shall be taken within the Time aforesaid and brought to *Boston*, *Fifty Pounds*.

For every Scalp of a Male *Penobscot* Indian above the Age aforesaid, brought in as Evidence of their being killed as aforesaid, *Forty Pounds*.

For every Female *Penobscot* Indian taken and brought in as aforesaid, and for every Male Indian Prisoner under the Age of Twelve Years, taken and brought in as aforesaid, *Twenty-five Pounds*.

For every Scalp of such Female Indian or Male Indian under the Age of Twelve Years, that shall be killed and brought in as Evidence of their being killed as aforesaid, *Twenty Pounds*.

Given at the Council-Chamber in *Boston*, this Third Day of *November* 1755, and in the Twenty-ninth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of GOD of *Great-Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c.

By His Honour's Command,
J. Willard, Secr.

S. Phips.

G O D Save the KING.