

ASSIMILATION, TERMINATION, OR TRIBAL
REJUVENATION: MAINE INDIAN AFFAIRS
IN THE 1950s

The conclusion of the French and Indian wars brought an end to a long period in which Maine Indians played an independent role in the state's history. After nearly a century of warfare only the Penobscot and Passamaquoddy tribes remained intact on tribal land, and most of this land was subsequently ceded to the Commonwealth of Massachusetts by treaties in 1784, 1786, and 1818. By right of colonial precedent Massachusetts administered the affairs of the Penobscot and Passamaquoddy tribes until 1820, at which time this administration was transferred to the newly formed State of Maine. Between 1830 and 1860, factional disputes within both tribes made it impossible for the tribal governments to function. During this chaotic period, the state and its agents accrued more and more control over the Indians and finally imposed compromises to resolve the most divisive issues. Although tribal factionalism waned after 1860, the state did not return any authority to the tribal governments. For the next century, a state agent handled Indian affairs in accordance with the Indian laws in the state legal code with little or no consultation with tribal leaders, who were unable to regain any of their previous authority. State policies were predicated on the assumption that the tribes would gradually disintegrate as individuals chose to leave the reservation and enter into the surrounding society.¹

The 1960s saw a decisive change in the conduct of Indian affairs, and indeed a change in the Indians' own determination to exert themselves in state politics. By 1965, state policy makers no longer assumed that the tribes would surely disintegrate, and Maine became the first state to establish a Department of Indian Affairs. Late in the decade the Passamaquoddy tribe,

joined subsequently by the Penobscot tribe and the Maliseet band in the Houlton area, gained nationwide attention by initiating federal lawsuits that resulted in one of the largest Indian land claims settlements in American history. The Indians' political resurgence won them a sizeable cash settlement, large additions in tribal real estate, and hopes for a stronger hand in shaping their own destinies.

The beginnings of this political reawakening can be traced to events in the 1950s. Early in the decade young Indian veterans of World War II infused the tribes with a better understanding of white society and a stronger interest in Indian culture and heritage. A more distinct source of Indian unity, however, came from outside political forces. Seeking to speed assimilation of individual Indians into white society, state administrators introduced legislation to terminate the tribal governments and the reservations themselves. The termination threat galvanized support — at least temporarily — behind the new tribal leaders, who were able to block the objectives of the state administrators. Ironically, it was the crisis brought on by proposals to dissolve tribal political structures that laid the basis for increasing tribal authority and provided the ideas, methods, and spirit with which the tribes later successfully pursued their land claims cases.

Conflicts over personal issues, religion, education, and tribal leadership had been a political stumbling block for Maine Indians since the early nineteenth century. During the 1820s and 1830s both tribes were split along kinship lines into factions labeled in both cases the Old party and the New party. Violent internal tribal disputes characterized the next few decades and prompted members of the Passamaquoddy New party to abandon their Pleasant Point reservation and establish a new village in Indian township, seventy miles away. A series of compromises initiated by the state in the 1850s and 1860s finally resolved the most divisive issues. For the Passamaquoddy Indians, for instance, these included alternating tribal elections between the two reservations. The disputes gradually became less emotional; an increasing number of Indians



Maine Indians in the twentieth century. Above: the Indian Island ferry about 1920, with the Penobscot Indian reservation in the background. Below: a 1932 Passamaquoddy celebration at Indian Township. Maine State Museum and the Smithsonian Institution.



became independent of either faction and, ultimately, the formal political parties were disbanded.² Divisiveness, however, remained characteristic of tribal politics.

A second political stumbling block was the state's perception of its responsibility toward the two tribes. State administrators viewed Indian affairs as a problem of individual rather than tribal welfare. From 1933 to 1965, Indian administration was the responsibility of the commissioner of health and welfare, a doctor of medicine. Under his guidance, a single Indian agent (two after 1952) administered state policy as a social worker in the Bureau of Social Welfare. Hiram Hall, who served in this position from 1946 to 1965, had previously been a fish inspector for the Department of Fish and Wildlife. The absence of any office or subdepartment of Indian affairs and the lack of relevant training and experience for the administrators of Indian policy was indicative of the state's disregard for issues other than individual welfare. Furthermore, state investigations of Indian affairs focused almost exclusively on topics of health, housing, education, and welfare and showed no recognition of the Indians as a political or ethnic entity.³ Agent Hall sought to interact with the Indians as individual welfare recipients and avoided or ignored contacts with tribal leaders. His office discouraged traditional crafts and promoted off-reservation employment and residence. Those receiving special training under state auspices were required to pursue their trade in white communities. Although Hall was reasonably generous to the elderly or infirm, he was tightfisted with unemployed Indians who were reluctant to abandon the reservation.⁴

Traditionally, state regulations were predicated upon this individualistic approach to Indian affairs, the underlying assumption being that ultimately individual Indians would be assimilated into the larger population and that the tribes would be disbanded. Tribal membership by birth or adoption was officially limited to individuals who were at least one-quarter Indian. Those who moved off the reservation had to

conduct an annual renewal process to maintain their membership, while those who remained on the reservation were ineligible to vote in local, state, or national elections. Free hunting and fishing licenses (a treaty right) were awarded only to individuals if both parents had been Indians. Education on the reservations was supervised by the adjacent local school systems and all classes were taught in English. A law adopted in 1941 denied tribal status to anyone whose spouse was less than one-quarter Indian. This policy, which would have dissolved the tribe in a generation, was so severe that it was repealed in 1947.⁵

Tribal governments in 1950 consisted of a few spokesmen who had no authority to make decisions. Although each tribe elected a governor, lieutenant governor, and a legislative representative every two years, these leaders were denied the responsibilities routinely exercised by similar officials in white communities. Indigent relief, street repair, zoning, building codes, schools, parks and recreation, canine control, and law enforcement were all administered by the state. The Indians had no control over the leasing of their reservation lands. Nor did they control the funds generated from these contracts. In fact, the Passamaquoddy had no decision-making power whatsoever, while the authority of Penobscot leaders was limited to the adoption of new tribal members. The Penobscot governor had been allowed to select the operator of the Old Town-Indian Island ferry, but in 1945 this prerogative was given to the commissioner of health and welfare. Each tribe also had a council of leaders to advise the governor, but these remnants of traditional Indian governments were not even recognized by the state until 1967.⁶

Despite minuscule official responsibilities, however, some Indian leaders became effective spokesmen and political organizers, able to influence official policy through personal correspondence, petition drives, and the drafting of legislation. The role of the tribal legislative representatives best illustrates the Indian leaders' ability to exercise informal power by utilizing

the tribes' few remaining privileges. Traditionally, tribal representatives had been assigned seats in the state legislature and could join in debate, although they were not allowed to initiate legislation or vote. In 1941 their seating and speaking privileges were removed and they were reduced to the status of observers. Still, the representatives were able to inform their tribes of upcoming legislation and provide advice on dealing with the state bureaucracy. Moreover, they lobbied with state leaders for or against particular bills and enlisted the help of legislators to submit tribal proposals.⁷

Despite the active lobbying efforts of tribal legislative representatives and other Indian leaders, state agencies stepped up the campaign for assimilation in the late 1940s and early 1950s. These efforts reflected a new mood in American society at large. Military success in World War II, economic prosperity, scientific advances, a fervent belief in the advantages of democracy, and a perceived absence of social problems all contributed to a nationwide feeling of optimism and self-congratulation. From an ethnocentric white perspective, Indian policy in the 1950s could do no better than to speed the assimilation of individual tribal members into this larger prosperous and democratic world. Many state administrators considered the continued maintenance of poverty-stricken reservations disgraceful; Indians were encouraged to discard their tribal structures and culture and embrace the rights, privileges, and economic advantages of white society.⁸

The acceptability — indeed inevitability — of tribal disintegration permeated all aspects of Maine Indian policy, which was to be “directed toward a more complete assimilation” of Indians into society, with the “ultimate goal” of doing away with the tribal reservations. Regulations were designed to promote these ends, and any enhancement to the tribal governments' organization or authority was perceived as an obstacle. In sum, state policy concerned only the individual needs of the 632 Penobscots living on the Indian Island reservation and of the 607 Passamaquoddies occupying the reservations at Pleasant Point and Peter Dana's Point. Tribal matters,

as such, were not considered, and those Indians residing off the reservation were assumed to be already integrated into white society.⁹

The goal of assimilation was attractive to many Indians as well as to whites. Certain factions in both tribes sought eventual integration into white society and supported the general goals and conduct of state policy. They viewed welfare programs as a form of dependency and urged stricter limitations. They believed the state's responsibility was best limited to welfare for the aged, infirm, and needy and opposed efforts to expand the administrative bureaucracy.¹⁰ On the other hand, a small but influential nucleus of reformers in each tribe voiced strong opposition to the state assimilation policy and advocated fundamental increases in the autonomy and authority of the tribal governments. They too resented the Indians' status as welfare cases and pointed out that state "aid" was derived from the Indian trust funds or the leasing of Indian lands. The reformers advocated a new Department of Indian Affairs, which would deal with Indians as a distinct ethnic group.¹¹

The controversies over assimilation and tribal autonomy divided the Penobscot tribe along the factional lines remaining from the old nineteenth-century disputes. The nucleus of active Penobscot reformers were descendants of Old party members, and the principal leaders all belonged to the extended family of the party's founder, John Neptune. The reformers were primarily Baptist and, like their ancestors, objected to the influence of the Catholic Church, particularly on the reservation schools. Those who defended the state's assimilation policy, on the other hand, were generally Catholics and, like their New party ancestors, wanted to limit the state's role in their lives. The reform group, although its members constituted only about 20 percent of the tribe, was far better organized than their opponents, and their arguments, influence, and (according to their critics) intimidation secured the election of their partisans to the top tribal positions from 1948 until 1962.¹²

The geographic separation of the Passamaquoddy parties resulted in a different situation, with the two Passamaquoddy

reservations each split into opposing factions by the 1850s. The Passamaquoddy factions were delineated in large part by their relationship with the Indian agent. Families that benefited from Hiram Hall's authority and welfare distribution generally defended state policy and administration, while those that did not were either critical or indifferent. Interestingly, whereas Penobscot reformers were descended from the Old party, Passamaquoddy reformers were most successful among residents of Indian Township, who were descendants of New party members.¹³

Nevertheless, the bulk of each tribe showed no strong allegiance to either faction. Depending upon the issue and the persuasiveness of the arguments, the division of political support for each group could vary. The tribal governor, no matter which faction he represented, was inevitably opposed by a large portion of his tribe. This discord limited the effectiveness of Indian spokesmen and contributed to the confusion of those whites sympathetic to Indian problems.¹⁴

Passamaquoddy reform leaders proved to be less effective in state politics than their Penobscot counterparts. The depressed economic conditions around the Passamaquoddy reservations increased the Indians' dependence upon Hall's assistance. More importantly, the alternation of elections between the two reservations prevented any continuity in Passamaquoddy leadership. Also, the legislative session commenced only two months after the tribal elections; new officers had little time to acquaint themselves with the mechanics of state government.

Policies designed to accelerate the pace of assimilation in the late 1940s brought protests from Indian leaders and the beginnings of a coherent Indian reform movement. Considering the importance of the agent in both state policy and tribal politics, it is not surprising that early reform efforts focused on replacing Hiram Hall. The Passamaquoddy, led by Representative George Stevens of Indian Township, sent five petitions requesting Hall's dismissal to the state governor between December 30, 1948, and February 1, 1950. The Penobscots dispatched a similar petition in March of 1949 and later voiced

their complaints to John Welch, assistant to Governor Frederick G. Payne. Both tribes were highly critical of Hall's abusive language, arrogant attitude, arbitrary use of authority, and preferential distribution of state aid. Many were angered by his refusal to attend tribal council meetings or to meet with tribal leaders. Furthermore, the Penobscots alleged that Hall ignored his obligation to remove white trespassers living on the reservations.¹⁵

The commissioner of health and welfare defended Hall and informed Governor Payne that the agent was to be commended on the improvements in reservation conditions. Commissioner Stevens characterized Hall's actions as consistent with the state's assimilation policy and dismissed the dissatisfied Indians as ungrateful welfare recipients. Claiming that the only whites on the reservation were the spouses of Indians, Stevens suggested that the reform leaders were using the issue to intimidate members of the opposition faction. The governor accepted these rebuttals and took no immediate action. However, the Indian complaints did prompt numerous investigations into state policy.¹⁶

Official Passamaquoddy protests against Hall declined after this unsuccessful effort to secure his removal. In the October 1950 elections, the Pleasant Point reservation selected tribal leaders who were less critical of state policies and officials. The Penobscots, on the other hand, reelected reform leaders who continued to protest Hall's refusal to remove white trespassers and initiated two unsuccessful legislative attempts to shift this responsibility to other state officials.¹⁷ The conflict between the Penobscot leaders and Hall was finally resolved after Penobscot Governor Albert Nicola voiced the tribe's complaints to the local news media in April 1952. Repeating the familiar charges, Nicola protested Hall's failure to consult with the tribe on Indian issues and claimed a "showdown" between the tribe and the state was imminent.¹⁸ This publicity prompted Commissioner Stevens to begin interviewing prospective agents to replace Hall. Governor Payne, however, refused to dismiss an obligation to a loyal employee. Sadie Mitchell, a Penobscot favoring state policy, was appointed

agent to her own tribe, and Hall was retained as Passamaquoddy agent, where he remained for the next eleven years.¹⁹

These same years saw a quickening of political activity in other areas as reform factions in each tribe sought to eliminate objectionable aspects of state policy through legislation. Starting in 1949 the tribal councils sent a series of bills to the legislature. The proposals were discussed and ratified by the council and given to the tribal representative, who arranged for a legislator to submit them. While there was little coordination between the three reservations in formulating these bills, the two Indian representatives usually cooperated closely in Augusta.²⁰

Although all of the reform efforts during these early years failed, they brought a growing awareness among tribal leaders of the need for political autonomy. Legislative attempts to secure the tribes' perceived treaty rights, in fact, enjoyed widespread support among the Indians and focused the attention of tribal leaders on the origins of Indian privileges in the original treaties with Massachusetts and Maine. These treaties, for instance, had repeatedly promised the unhindered "privilege of fishing, hunting, and fowling." However, the final Passamaquoddy treaty (1794) only mentioned fishing while the last set of Penobscot treaties (1818, 1820) failed altogether to address the topic.²¹ The Indians claimed that they had never relinquished these privileges, while the state countered that omission of the game rights in the later treaties relieved the state of any obligation. In 1951, 1953, and again in 1955 the Indians had legislation introduced to extend free hunting and fishing licenses to tribal members previously denied this right due to mixed parentage. The proposals were defeated in all three legislatures.²²

Another treaty right claimed by many Indians was free medical care. It is unclear how this perception originated, as the topic was not discussed in any of the treaties. Nevertheless, the numerous medical bills and accompanying letters received by Commissioner Stevens during the late 1940s and early 1950s clearly indicate that many Indians shared this belief. The state's

rejection of this point of view prompted unsuccessful legislative efforts to mandate state medical aid for all Indians.²³

The most persistent treaty conflict with the state concerned the loss of land reserved for Indian use. The Passamaquoddy tribe had never received the islands in the St. Croix River promised in the 1794 treaty because Massachusetts had sold them prior to the treaty. The Penobscots lost the Penobscot River islands above Mattawamkeag because the State of Maine misinterpreted the provisions of the 1818 treaty. Additionally, in 1833 the Penobscots were defrauded of four townships reserved for them. Twice during the late 1800s the Indians tried to resolve these problems but to no avail. State confiscation and sale of reservation land during the late 1940s and early 1950s triggered a new Indian initiative when the tribes proposed a commission to examine various individual and tribal land claims. In 1955, the legislature rejected this proposal too, but the continuing agitation for reinstitution of original treaty rights laid the foundation for stronger land claims in the next decades.²⁴

In contrast to the widespread support on issues of treaty rights, the tribes divided into factions on most of the other legislative reforms. The most important of these proposed the creation of a state Department of Indian Affairs. This would have transferred authority from the state's welfare-minded administrators to a new agency focused on (and, presumably, more responsive to) the full range of Indian problems. However, a separate state agency for Indians and a recognition of their nonwelfare concerns would have contradicted the policy of individual assimilation. Thus this bill was defeated when it was submitted in 1949, 1953, and 1955.²⁵

The Penobscot reform faction assumed a leading role in efforts to enhance tribal government authority. All of its efforts were defeated, however. Proposals that would have allowed the tribe to appoint its own constable and to license reservation dogs were offered to the legislature in 1951 with no success. A bill transferring the duty of recording Indian deaths from the agent to tribal officials was likewise voted down. Two years later, the state legislature refused to allow the Penobscot tribal

council to conduct the annual census. Also, when the Indians were finally given voting privileges in 1955, the administration of the reservation precincts was entrusted to adjacent town governments rather than to tribal officials.²⁶

The most important request made by the Penobscots concerned control over leasing their lands and the expenditure of the resulting funds. Governor Nicola considered jurisdiction over Indian lands the major vehicle for increased tribal autonomy. As matters stood, the state placed revenue from timber harvests on reservation lands in a special tribal trust, which the legislature could allocate for reservation improvements. Traditionally, the interest from these funds had been used by the agent to provide welfare. However, after 1945 the interest was deposited in the state treasury, and subsequent welfare payments assumed the appearance of state aid.²⁷ Between 1949 and 1953, the Penobscots attempted in various ways to gain control over the funds. After several attempts to reroute the funds through the tribal governments, in 1953 the Indians drafted two bills that would have distributed all funds generated from Indian land evenly to each tribe member. This proposal too was rejected by the legislature.²⁸

The Passamaquoddy were somewhat less active on these issues of tribal authority. They did support the proposals for tribal appointment of constables and tribal control over trust funds, and Tribal Governor William Altevater (an independent) sought unsuccessfully to impose a curfew and a dog tax in 1955. However, Passamaquoddy reform energies were spent primarily on the continuing battle with Agent Hall. Criticisms voiced repeatedly throughout the period suggest that the campaign from Pleasant Point made little headway.²⁹

This litany of denied reforms appears to portray the Maine legislature of the early 1950s as conservative, dogmatic, and resistant to change. In actuality, the legislature questioned state policy and initiated three separate investigations. Representative David Fuller was dispatched to the Institute on American Indian Assimilation and returned with numerous suggestions for promoting assimilation of individual Indians. Frank

Haynes, director of social welfare, conducted a lengthy study of state policy and expenditures going back to 1821. Lastly, Commissioner Stevens evaluated the reservations and recommended methods of improving living conditions and speeding the assimilation process. Concurrently, Governor Payne initiated two separate evaluations of the Penobscot tribe's grievances, which emphasized the internal tribal dissension and portrayed the Indian reformers as an insignificant minority faction. In addition, Commissioner Stevens brought the state's actions and policies to the attention of the Bureau of Indian Affairs in Washington and sought their advice. The agency congratulated Stevens on his conduct and confirmed the concurrence of state and federal Indian policy.³⁰

That none of the above reports seriously questioned overall state policy is a testimony to the pervasive feeling during the decade that assimilation into white society was the enlightened and progressive course for Indian affairs.³¹ On the rare occasions that Indian affairs received attention from newspaper editors, individual assimilation and tribal termination were inevitably the themes. On January 11, 1956, for instance, the *Portland Press Herald* claimed, "The goal [of state Indian policy] should be eventual first-class citizenship for the Indians, placing on them the same privileges as everyone else. The reservation has no place in this civilized age."³² In fact, independent reports issued by the Indian Rights Association, the Portland Catholic Archdiocese, and the Maine Council of Churches' Social Action Committee either endorsed the state's practices or indeed urged more rapid assimilation.³³

All of these reports were considered by a Legislative Research Committee on Indian Affairs during the 1951-1952 legislature. This committee's findings wholeheartedly embraced assimilation/termination while focusing primarily on issues of welfare. To expedite the assimilation process, the committee advocated state purchase of reservation lands, revision of certain state laws, and education of Indian children in nearby white schools. The Penobscot proposal for a state Department of Indian Affairs was rejected, but the committee

recommended that Commissioner Stevens be authorized to appoint a Director of Indian Affairs within the Department of Health and Welfare. The legislature enacted this proposal during the 1953 session, but Commissioner Stevens and his successor, Dean Fisher, chose not to make the appointment. The position appeared on government "line and block" charts, but in fact no change occurred.³⁴

One reform recommended by nearly all of the reports and investigations was the granting of voting rights to the Indians. In response, the Maine Legislature extended suffrage in county, state, and national elections to the reservation Indians in 1955, being the next to last state in the nation to do so. However, Indian reaction to this reform provides another indication of the dissension within the tribes. Passamaquoddy Governor William Altevater praised the act as "one of the best things that has ever happened" and recognized voting as an important privilege and a potential means for improving his tribe's welfare. The majority of Penobscot leaders, on the other hand, recognized that the small number of Indian voters, split as they were, would have little impact on the elections. Furthermore, some feared that the state government might claim that Indians were adequately represented by the new voting privileges and attempt to abolish the tribal governments.³⁵

The assimilation/termination program was advanced significantly in late 1954 when Dean Fisher, a doctor of medicine, was appointed to replace David Stevens as Commissioner of Health and Welfare. Fisher endorsed assimilation and claimed that state policies, coupled with educational opportunities, economic pressures, and intermarriage, would eventually bring an end to the tribal reservations. Fisher pursued this objective aggressively, encouraged by the general ethnocentrism implicit in public attitudes toward the Indians. His aims were augmented by a comprehensive review of all aspects of state government initiated by Governor Edmund S. Muskie in 1956 and conducted by the prestigious Public Administration Service of Chicago. The section on Indian Affairs concurred with the state's practice of administering

Indian affairs through the Bureau of Social Welfare, but castigated the state for the “squalor” in which many Indians lived and “for allowing the reservation system to continue into modern times.” The Public Administration Service urged a more aggressive policy “to abolish the reservation segregation system and absorb the Indian population into normal community life.” It suggested that restricted eligibility for reservation rights and the elimination of some of the state’s treaty commitments might be conducive to this goal.³⁶

Armed with these recommendations, Commissioner Fisher proposed a series of resolutions to the legislature in 1957 that would have reduced tribal membership and discouraged residence on the reservation. One would have transferred authority over tribal adoptions from the Indians to the state governor and council. Another sought to repeal the state requirement to return destitute Indians to the reservation. A third would have disallowed the inheritance of reservation land and eliminated the means for nonreservation Indians to retain their tribal status. Still another bill sought to empower judges with discretion to remove individuals (Indian and non-Indian) from the reservation.³⁷

Far more controversial, however, was Fisher’s proposal to eliminate both the reservations and the tribal governments. This new termination policy was to be accomplished by converting the reservations into unorganized territory and by repealing various laws which distinguished between Indian and white residents. Persons residing in each area would then be governed equally — tribal members and white trespassers — according to the laws for unorganized territories. These new governments would replace the tribal governments. Many tribal leadership positions were specifically cited for elimination, and, as unorganized territory, the unoccupied land would be open to purchase by anyone.³⁸

Fisher’s legislative proposals encountered unified opposition from the Indians. Several months earlier both tribes had elected members of the reform factions to the positions of governor and legislative representative. The state’s termination

policy angered these leaders, but, more importantly, it alienated many Indians who had previously endorsed the state policy of gradual assimilation. Consequently, a large majority in each tribe supported the leaders' strident opposition to Fisher's proposals. This rare consensus gave the new reform leaders an effectiveness no Indian leader had previously enjoyed.³⁹

The Indians were first informed of Fisher's plans by their legislative representatives in late January 1957. During the following weeks both tribal councils conducted lengthy discussions concerning the proposals and strategies for defeating them. Both tribes drafted petitions to Governor Muskie and to the legislature attacking the new policy and objecting to the lack of consultation with the Indians. The tribal councils exchanged observers to coordinate their actions and the tribal representatives increased their lobbying efforts.⁴⁰ Indian leaders sought the support of state religious organizations, and in early March the Penobscots hired a lawyer to argue their case before the legislature. Just prior to legislative hearings on the bills, the two tribes held a joint news conference to publicly protest state policy. After explaining the implications of Fisher's bills, various Indian leaders voiced stern opposition to the state's effort to "abolish 1,200 people and set them adrift."⁴¹

The Penobscots responded to the termination crisis by initiating some proposals of their own. One bill sought to strengthen tribal authority by transferring responsibility for appointing Indian constables from the state governor to the tribal governors, while another would have authorized the use of \$4,000 of tribal funds to defend Indian rights. In addition, they endorsed Fisher's bill granting judges discretion to remove individuals from the reservation, but recommended an amendment to require the appropriate tribe's recommendation. This would not only shift authority to the Indian leaders but might also serve as a means of eliminating white trespassers.⁴²

All of Fisher's proposals and those initiated by the Penobscots were referred to the legislature's Joint Standing Committee on Welfare. A delegation of Indians representing both tribes



The above occasion marks the first meeting of the Coalition of Eastern Native Americans, held November 1972 in Washington, D.C. Delegates to the gathering included Passamaquoddy, Penobscot, Micmac, and Maliseet Indians. Smithsonian Institution.

and all political factions presented their views to the committee on March 26. Penobscot Representative John Nelson charged that the state proposed “to liquidate the entire tribe as a nation.” Passamaquoddy Representative George Stevens condemned the state’s refusal to cooperate with tribal leaders on Indian issues. Taking a different tack, Penobscot Councilman Leo Shay claimed that assimilation was inevitable but should be accomplished through education rather than abolition of the reservations. Some leaders claimed to be seeking only to postpone legislation for further consideration; another bluntly ordered the legislators to “leave our laws alone.”⁴³

Penobscot attorney James Murphy presented a more formal argument to the committee — an argument that foreshadowed the land claims of the 1970s in both scope and appeal. Murphy claimed that the tribe was “a free nation and a free people, subject to certain treaty obligations,” and that the state could “not legislate unilaterally as to the Penobscot nation, its lands or its existence.” Requesting a moratorium on the bills,

Murphy threatened to appeal to President Eisenhower, Congress, or even the United Nations. He closed by claiming that the tribe would "take any and all peaceful steps necessary to preserve their nation as a free nation, their people as a free people."⁴⁴

The Indians were not the only ones heard by the committee. Commissioner Fisher testified that the bills only eliminated obsolete or conflicting laws which had been passed during the previous century. Codification, he argued, would make the reservations eligible for additional state funds. Its intent was "to make the Indians full-fledged citizens with the same rights as other citizens." On the other hand, Frederick Payne, ex-governor of Maine, claimed that since the bills concerned the Indians' land and lives, the committee should listen to them. This view was echoed by a few religious leaders whose support had been recruited by the Indians.⁴⁵

The unity of Indian opinion and the effectiveness of their tactics, which included petitions, testimony, lobbying efforts, publicity, and recruitment of non-Indian supporters, won over the legislature. In early April, all of the legislation that the Indians had opposed was either withdrawn or reported unfavorably out of the welfare committee. Moreover, the committee endorsed changes that would permit tribes to appoint constables and require tribal approval before a judge could remove an individual from the reservation. However, the committee rejected the allocation of tribal funds to defend Indian rights. The tribal representatives continued their lobbying efforts and, in late April, secured passage of the two proposals approved by the committee. The legislature rejected all the remaining legislation in accordance with the welfare committee's recommendations.⁴⁶

The defeat of Commissioner Fisher's initiatives eliminated the threat of termination, but the state policy of individual assimilation remained intact. Welfare administrators continued to perceive the Indians only as welfare recipients and the Indian agents continued to ignore tribal leaders, discourage tribal crafts, and promote emigration from the reservations. Fisher opposed further legislative reforms in the early 1960s

and complained that the press focused too much on Indian problems. Indians, he argued, received "more assistance than ordinary welfare cases." Hall agreed that the Indians had "a better set up than white people," and revealed that he kept "the food down so that they [would] try to work."⁴⁷

The campaign for tribal autonomy was far from over. The termination crisis had radicalized a number of Indian leaders, particularly among the Penobscots. Spokesmen began to refer to themselves as "the Penobscot Nation" and to dispute the state's right to pass legislation affecting them. Two lengthy Penobscot council meetings in late May 1957 were devoted to the tribe's rights as a nation and to strategies for regaining tribal sovereignty. During the following months, the Penobscots changed the tribal governor's title to tribal chief and began referring to Indian Island by its Penobscot name, *Burnurwurbskek*. In September, Chief Ranco informed the state of the tribe's desire for separate-nation status, and the following May delegates to the United Nations were selected. Although patently unacceptable to the state, such actions suggest a remarkable change in Indian attitudes following the termination crisis.⁴⁸

The firm Indian consensus that had emboldened tribal leaders in the late 1950s gradually disappeared as the threat of termination receded. Some Indians may have been alienated by the radicals, while others simply resumed their traditional support of gradual assimilation. By the early 1960s, the two tribes were again evenly divided over opposition to state policies. In a bitter 1962 political contest, a one-vote majority elected a new Penobscot governor who was a vigorous defender of state policies. The Passamaquoddy governor, on the other hand, proved to be so critical of state policies that numerous tribe members launched a campaign for his removal. This discord was exacerbated by the fact that each tribe's legislative representative held views opposite those of his respective governor.⁴⁹

Although the drive for tribal autonomy was temporarily eclipsed by resurgent factionalism, Fisher's initiatives nevertheless marked a turning point in the legislature's attitude

towards the Indians. Gradually over the next few years the legislature began to respond to the demands of the Indian reformers. The two Penobscot proposals enacted during the termination crisis were followed in 1959 by the extension of free hunting and fishing licenses to all members of either tribe. Four years later, the Penobscot government was authorized to pass and enforce local ordinances and to utilize the funds generated from dog licenses and automobile taxes on their reservation. The following legislature extended most of these powers to the Passamaquoddy tribe.⁵⁰

Creation of the Maine Department of Indian Affairs in 1965 confirmed the legislature's growing distance from the policies of termination and forced assimilation. The agency had been recommended by a legislative research committee whose report acknowledged that most Indians took "pride in their blood and heritage and desire[d] to remain Indians."⁵¹ The research committee expressed doubts that the tribes would ever disintegrate or that individual Indians would become fully assimilated. It also criticized past legislatures for ignoring many Indian grievances while concentrating on welfare issues. The committee recommended that the state provide "every assistance" for tribal members "to advance in all facets of living ... [while retaining] their identity as Indians."⁵²

There were, of course, broader reasons for the Indians' legislative successes during the early 1960s. The national civil rights movement, the proliferation of white liberal Indian advocates, and a shift in the assumptions and perceptions of white society all played a role in the gradual abandonment of an active assimilation policy. But state and tribal politics, charged by the tensions of the termination crisis, carried their own dynamic as well. April 1957 marked both the last legislative efforts to undermine tribal integrity and the first enactment of Indian-sponsored reform legislation.

Historians of American politics have labeled the 1950s a "crucial decade," a time of subtle changes that blossomed into lively political debate later in the 1960s and 1970s. During the 1950s the Maine Indians successfully defended their tribal

integrity and reservation land when they were in the greatest peril. This victory was largely due to the tribal representatives at the legislature, unique to Maine, who alerted the tribes, organized effective opposition, and utilized their legislative contacts to secure the defeat of Fisher's designs. Moreover, the 1950s was an important gestation period for the ideas, methods, and tactics that the tribes used later to resolve important political grievances. During the 1960s, a series of Indian sponsored legislative initiatives to enhance tribal authority, expand eligibility for treaty rights, and create a Department of Indian Affairs was enacted into law. All of these reforms had their origin in the tribal council meetings and the defeated legislative resolutions of the early 1950s.



Indian tribal leaders like Passamaquoddy Governor John Stevens pushed to liberalize state administration of the two reservations. The reform issues of the 1950s laid a foundation for the land claims cases of the next two decades. Smithsonian Institution.

The Maine Indian land claims had more direct connections with this crucial decade. The issue had been raised repeatedly in the tribal council meetings and in defeated legislation during the 1950s and early 1960s. The state's reluctance to consider this grievance, coupled with a new incident, prompted the Passamaquoddy to seek a judicial resolution in the late 1960s. The two principal leaders of this effort, John Stevens and George Stevens, had been Passamaquoddy governor and representative, respectively, during the termination crisis. When the Penobscots initiated their own case in 1971, they were led by Governor Francis Ranco who had held that same position fourteen years earlier when he had argued against Fisher's proposals before the legislature. Other leaders of both tribes had been council members or youthful observers in the 1950s, and this shared experience was the basis for their decisions concerning the land claims issue. Ultimately, after lengthy legal and political maneuvering, the key judicial decision, *Passamaquoddy vs. Morton*, in effect ruled that the federal government should have had authority over Indian affairs in Maine, not the state government. Without discounting the enormous effort and the imaginative legal tactics required of the Indians' lawyers to win this case, this contention had been voiced repeatedly during the 1950s by the reform factions in both tribes.

NOTES

¹Maine was distinct as the only state with a significant tribal population living on reservations that were exclusively and completely administered by the state. New York, South Carolina, Michigan, Florida, and Texas all had state Indian reservations, but shared their administration with the federal government. The only states that had no federal control over the Indians within their jurisdiction were Massachusetts (one Indian on one reservation), Connecticut (fifteen Indians on four reservations), and Virginia (ninety-eight Indians on two reservations). However, none of these states had an agent or bureaucracy to administer the Indians or any body of legislation or policy concerning them. Statistics are for 1969 taken from Theodore W. Taylor, *The*

States and Their Indian Citizens (Washington: Department of Interior, Bureau of Indian Affairs, 1972), pp. 27-47, 226-28; Dean R. Snow, "The Historical Development of Official Indian Policy in Maine: A Unique Case," n. d., box 1, Indian Affairs Papers (hereafter cited as IA), Maine State Archives, Augusta; John H. Wessels, assistant to the governor of Virginia, to Donald Brown, director of Indian Affairs, July 12, 1962, *ibid.*, box 3.

²Susan MacCulloch Stevens, *Passamaquoddy Economic Development in Cultural and Historical Perspective* (Washington: U. S. Economic Development Administration, 1973), pp. 13, 51-52; *Fredericton Royal Gazette* (New Brunswick), July 17, 1839; *Wabanaki Alliance* (Orono, Maine), January 1978.

³Maine, Department of Health and Welfare, *Biennial Report, 1950-1952*, p. 73; Citizens' State Government Committee, *Administrative Agencies: Structure and Function* (1952); Ralph W. Proctor, *Report on Maine Indians* (Augusta: Legislative Research Committee, 1942); George M. Haynes, *Report on Maine Indians* (Augusta: Legislative Research Committee, 1942); Haynes, *Report on Maine Indians* (Augusta: Legislative Research Committee, 1952).

⁴These comments are based on personal interviews with five Indians who were active in tribal politics during the period (hereafter cited as interviews with past tribal leaders). See also interview with Sadie Mitchell, November 15, 1962, box 2, IA; exchange of letters between Joe Nicholas and Commissioner Fisher, September 1955, *ibid.*; and the folder of Hiram Hall correspondence, *ibid.*

⁵Maine, *Revised Statutes of Maine* (1944), ch. 22, sect. 317, 324-28, 330-31, 337, 346-49, 354, 356, 364; Maine, Legislature, *Report of the Legislative Research Committee on Indian Affairs*, 96th Legislature, December 3, 1952, pp. 6-7, 12; David H. Stevens, *Report to Legislative Research Committee Regarding Indian Affairs* (Augusta: Department of Health and Welfare, August 4, 1952), p. 12.

⁶*Revised Statutes* (1944), ch. 22, pp. 308-15, 320, 324-25, 330-31, 333-44, 346-51, 354, 356, 359, 361-65; Maine, *Private and Special Laws of 1945*, ch. 85; Maine, Department of Health and Welfare, *Maine Indians* (1964), p. 8.

⁷S. Glenn Starbird, Jr., "A Brief History of Indian Legislative Representatives in the Maine Legislature," in *Maine Indians: A Brief Summary* (Penobscot Indian Nation, June 1981); *Wabanaki Alliance*, August 1977.

⁸For a general discussion of white perceptions of the Indians, see Robert F. Berkhofer, Jr., *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Vintage Books, 1979).

⁹*Report of the Legislative Research Committee on Indian Affairs*, pp. 7-8. See also Lawrence Lindley, "Maine Indians," *Indian Truth* 29 (January-February 1952): 7. For information on federal Indian policy during the same period, see Kenneth R. Philip, "Termination: A Legacy of the Indian New Deal," *Western Historical Quarterly* 14 (April 1983): 165-68; Larry Wayne Burt, "United States Expansion and Federal Policy toward Native Americans, 1953-60," Ph.D. dissertation, University of Toledo, 1979; or Donald Lee

MAINE INDIAN AFFAIRS

Fixico, "Termination and Relocation: Federal Indian Policy in the 1950's," Ph.D. dissertation, University of Oklahoma, 1980.

¹⁰Interviews with past tribal leaders; Ferguson Report, October 11, 1951, box 1, IA; Peter Ripple, "An Analysis of the Social System of Indian Island," October 31, 1962, *ibid*.

¹¹Interviews with past tribal leaders; correspondence and petitions from reform leaders, 1949-1955, box 1, IA.

¹²Interviews with past tribal leaders; Ferguson Report; David Stevens to Governor Frederick G. Payne, August 16, 1949, box 1, IA.

¹³Interviews with past tribal leaders; Donald F. Brown to Director McClay, Division of General Assistance and Indian Affairs, May 28, 1962; Stevens, *Passamaquoddy Economic Development*, pp. 51-52.

¹⁴Commissioner Stevens to Governor Payne, August 16, 1949, box 3, IA; Penobscot Indian Nation, *Tribal Council Records*, March 26, 1957; Stevens, *Passamaquoddy Economic Development*, p. 9.

¹⁵*Portland Telegram*, December 30, 1948; John Welch to Governor Payne, August 9, 1949, box 1, IA; David H. Stevens to Payne, February 16, 1950, *ibid*.

¹⁶John Welch to Governor Payne, August 9, 1949, box 1, IA; David H. Stevens to Payne, August 16, 1949, February 1, 1950, *ibid*.

¹⁷Maine, Legislature, *Register of All Bills and Resolves — History and Final Disposition*, 1951, p. 107; 1953, p. 58; Maine, Legislature, *Legislative Documents*, 1951, no. 320; 1953, no. 33.

¹⁸*Bangor Daily News*, April 30, 1952.

¹⁹Maine, Department of Health and Welfare, *Biennial Report*, 1952-1954, p. 78; *Portland Telegram*, April 12, 1964; Indian agent interviews, May 27, June 3, 1952, box 3, IA; Governor Payne to David Stevens, May 20, 1952, *ibid*.

²⁰These comments are based on interviews with past tribal leaders and on a complete review of records in the Maine State Archives, Penobscot tribal records, and the *Register of Bills*, 1945-1965.

²¹Quote from "Conference with the Eastern Indians . . . in July 1727," *Maine Historical Society Collections 3 (1853): 418*; Maine, Department of Indian Affairs, *Treaties: Legal Basis of the Relationship between the State of Maine and the Indians*, 1969.

²²*Legislative Documents*, 1951, no. 288; 1953, no. 1184; 1955, no. 1278; *Register of Bills*, 1951, p. 67; 1953, p. 58; 1955, p. 57; *Penobscot Council Records*, February 9, 1953, December 29, 1954.

²³*Legislative Documents*, 1953, no. 1167; 1955, no. 1275; *Register of Bills*, 1953, p. 93; 1955, p. 57; *Penobscot Council Records*, February 2, 1953; Commissioner Stevens to Penobscot Governor Nicola, March 20, 1952 (and numerous other letters concerning medical care), box 1, IA.

²⁴*Legislative Documents*, 1955, no. 1283; *Register of Bills*, 1955, p. 57; *Penobscot Council Records*, December 29, 1954, January 4, 1955; *Wabanaki*

Alliance, October 1977; Stevens, *Passamaquoddy Economic Development*, pp. 49-53.

²⁵*Register of Bills*, 1949, p. 82; 1953, p. 57; 1955, p. 57; *Legislative Documents*, 1949, no. 52; 1953, no. 1255; 1955, nos. 1281, 1282. See also *Penobscot Council Records*, December 29, 1954, January 24, 1955.

²⁶*Legislative Documents*, 1951, nos. 451, 803, 1055; 1953, no. 614; 1955, no. 1018; *Register of Bills*, 1951, pp. 67, 107; 1953, p. 93; 1955, p. 57.

²⁷John Welch to Governor Payne, August 9, 1949, box 1, IA; Assistant Attorney General Folsom to Director MacDonald, Bureau of Social Welfare, November 30, 1944, *ibid.*; *Bangor Daily News*, October 13-14, 1956; Stevens, *Report to Legislative Research Committee*, p. 13.

²⁸*Legislative Documents*, 1949, no. 49; 1951, nos. 451, 802; 1953, nos. 1165, 1166, 1255; *Register of Bills*, 1949, p. 82; 1951, p. 107; 1953, pp. 57, 93.

²⁹Interviews with past tribal leaders; Dean Fisher to Passamaquoddy Governor William Altevater, March 11, 1954, box 3, IA; Fisher to Governor Edmund S. Muskie, March 31, 1955, box 2, IA; numerous other Passamaquoddy letters complaining about Hiram Hall, box 2, IA.

³⁰John Welch to Governor Payne, August 9, 1949, box 1, IA; Ferguson Report; correspondence between Commissioner Stevens and the Federal Bureau of Indian Affairs, box 3, IA.

³¹David W. Fuller, "Report on the Institute on American Indian Assimilation," June 5, 1952, box 1, IA; Haynes, *Report on Maine Indians*; Stevens, *Report to Legislative Research Committee*.

³²Governor Muskie to Penobscot Governor Albert Nicola, March 8, 1957; unidentified newsclipping, December 2, 1954, box 1, IA. See also *Bangor Daily News*, October 31, 1955, October 13-14, 1956, March 28, 1957; *Portland Press Herald*, January 12, 1956.

³³Report of Lawrence Lindley, general secretary of the Indian Rights Association, 1951, box 1, IA; Martial Maling, "Study of the Legal Basis of the Relationship between the State of Maine and the Indians," 1951, *ibid.*; *Our Maine Indians* (Portland: Maine Council of Churches, 1951).

³⁴*Report of the Legislative Research Committee*, pp. 3-7, 10-12, 14-15; Maine, Legislature, *An Act Creating a Division of Indian Affairs*, 96th Legislature, no. 226, 1953; Maine, Department of Health and Welfare, *Summary of Information*, 1955, p. 12.

³⁵*Bangor Daily News*, October 31, 1955; *Penobscot Council Records*, January 24, 1955; *Kennebec Journal*, March 27, 1957; Governor Muskie to Penobscot Governor Nicola, August 23, 1955, box 1, IA.

³⁶Public Administration Service, *Organization and Administration of the Government of the State of Maine: A Survey Report* (Chicago: Public Administration Service, 1956), pp. 111-12.

³⁷*Legislative Documents*, 1957, nos. 788, 1131-32, 1255.

³⁸*Ibid.*, no. 788.

³⁹*Penobscot Council Records*, March 8, 13, 18, 26, 1957; *Bangor Daily News*, March 23, 1957.

⁴⁰*Penobscot Council Records*, January 27, February 4, 11, March 7, 13, 26, 1957; *Kennebec Journal*, March 23, 1957.

⁴¹*Kennebec Journal*, March 23, 1957; interviews with past tribal leaders.

⁴²*Penobscot Council Records*, February 4, 11, March 18, 26, 1957; *Legislative Documents*, 1957, nos. 785, 1131, 1257.

⁴³*Kennebec Journal*, March 27, 1957; *Bangor Daily News*, March 27, 1957.

⁴⁴*Kennebec Journal*, March 27, 1957; *Bangor Daily News*, March 27, 1957.

⁴⁵*Kennebec Journal*, March 23, 1957; interviews with past tribal leaders.

⁴⁶Maine, Legislature, *Legislative Record*, 1957, pp. 714, 722, 728, 730, 736, 751, 797, 827, 837, 849, 871, 956, 975. None of the bills with unfavorable committee recommendations were brought up for a vote in the legislature.

⁴⁷*Portland Telegram*, April 12, 1965. See also Dean Fisher to legislative committee on health and institutional services, January 30, 1963, box 2, IA.

⁴⁸*Bangor Daily News*, March 27, 1957; *Penobscot Council Records*, May 25, 27, September 3, 10, 1957, March 6, May 6, 1958.

⁴⁹*Kennebec Journal*, October 5, 1962; *Portland Telegram*, October 14, 21, 1962; Governor John Reed to Passamaquoddy Representative Joseph A. Nicholas, September 28, 1964, box 2, IA. For a defense of state policies, see Penobscot Governor Goslin to Ben Bubar, January 7, 1963, or Goslin to Richard Gaffney, February 2, 1963, *ibid.*

⁵⁰*Legislative Documents*, 1959, no. 930; 1963, nos. 605, 620, 1566; 1965, no. 1040; *Register of Bills*, 1959, p. 41; 1963, pp. 52-53; 1965, p. 55.

⁵¹Maine, Legislature, *The Administration of Indian Affairs*, 102d Legislature, January 1965, p. 8.

⁵²*Ibid.*, pp. 7-9.

David L. Ghere received his masters degree in history from the University of Maine at Orono in 1980. He is currently completing a Ph.D degree through UMO with a National Endowment for the Humanities predoctoral fellowship at the D'Arcy McNickle Center for the History of the American Indian, located at the Newberry Library in Chicago. His dissertation research involves the social history of Northern New England Indians, 1730-1760.