

A Call for Repairing the Harms of Colonization:

Maine's Bicentennial as an Opportunity for Truth, Acknowledgment, Resistance, and Healing

by Erika Arthur and Penthea Burns

Abstract

The authors examine the colonized history and present of Maine to recognize that the state's bicentennial may not mean the same thing to all who live here. They explore the impact of settler colonialism on Wabanaki people and settler descendants and recognize the ways colonization lives in our laws, structures, policies, and worldview. And yet, in Maine today, there are already examples of the holistic, indigenous-led engagement, healing, and advocacy that this history and present call for, such as the work of Maine-Wabanaki REACH. However, this moment asks for many more of us who trace our lineages to settlers to commit to these processes. Using interviews, case studies, and literature reviews, this article proposes a set of questions that researchers, policymakers, advocates, and others can ask ourselves about our roles in processes of decolonization.

COLONIZATION

“The state of Maine happened to us,” Dr. Darren Ranco, University of Maine professor and Penobscot nation member, remarked at a recent event celebrating the life of Dr. Martin Luther King Jr. (2020). Ranco was referring to the fact that the activities of settlers and governments that culminated in statehood were imposed on Wabanaki tribal lands and people whose ancestors had been traversing these territories for more than 13,000 years. This imposition was violent and devastating, and its impacts ripple into the present day. The four federally recognized tribes within the borders of Maine—Maliseet, Micmac, Penobscot, and Passamaquoddy—and other indigenous people have been working to heal and thrive in the face of colonization's ongoing harms.¹ This work has been constant, even as we who have most benefitted from these harms have largely been blind to these struggles and Native people's presence in the state.²

With this history in mind, any commemoration of Maine's statehood must grapple with colonization, and any efforts to chart a course forward must have Wabanaki

well-being at their center. Ranco went on to define sovereignty as roles and relationships rooted in place and interrelationship (2020). What would it look like in our next 200 years to create a state of being based on interrelationship rather than a state that benefits some and happens to others? To begin with, such work requires acknowledgement of past harms and their current manifestations. In the fertile ground of shared understanding, present-day healing and mutually supportive paths into the future can emerge. The blindness and sickness of heart that colonization creates can be replaced by clear

vision and reciprocity among the people, land, and waters of this place.

An organization already engaged in these efforts, Maine-Wabanaki REACH (2017), defines colonization as

not only an historical concept related to European arrival and governmental relations. It is a current and active internalized system that defines all things (i.e., children, citizenship, rights, land, water, etc.) as resources that exist for the benefit of some through the oppression and harm of others, particularly Indigenous people. It supports powerful individuals and organizations to take as much as they want without concern for others who are affected now and in the future.

This orientation toward extraction and domination has its roots nearly 1,000 years ago when Pope Urban II issued the papal bull *Terra Nullius* in 1095. This edict asserted that princes and kings have the right to discover lands empty of Christians and take possession of them. A series of papal bulls throughout the ensuing centuries, collectively known as the Doctrine of Discovery, reaffirmed the notion that God sanctioned the takeover of non-Christian lands and

the domination of non-Christian people. Like colonization in general, this may seem to some like ancient history; however, the 1823 US Supreme Court ruling *Johnson v. M'Intosh* codified the Doctrine of Discovery, laid the foundation for federal Indian Law, and forms the basis of court rulings to the present day (Newcomb 2008: xii).

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The tribal nations of the Northeast felt the most destructive blows of the Doctrine of Discovery in the seventeenth century. This phase of colonization was preceded by more piecemeal contact, mostly with traders and mariners, and turned out to be unimaginably devastating. These earlier encounters were responsible for the introduction of European diseases, which wiped out entire peoples such as the Penacooks of the region around what is now York, Maine (Rolde 2004: 83). The epidemics reached their apex between 1616 and 1619. So while the Native nations of the Northeast resisted the forces of war and colonization mightily, they were doing so on the heels of what would come to be known as the Great Dying, a pandemic across tribal nations that killed as much as 90 percent of the population of coastal New England (Mann 2006: 90). A horrific, world-altering, and disorienting loss to the Wabanaki and Wampanoag peoples was understood and even celebrated by English settlers as further proof that their mission was ordained by God. Settlers capitalized on the opportunity provided to them by this devastation and in many instances carried out what can only be called a campaign of genocide against Indigenous peoples.

The next two centuries were woven with betrayals, broken treaties, violence, and the usurping of tribal lands. As France and England competed for control of the territories of the Northeast, Wabanaki peoples navigated the ongoing wars and struggled to maintain their homelands as colonization increasingly threatened their ways of life. In

1644, the Massachusetts Bay Colony passed legislation that outlawed Native spiritual practices. As the settler population grew and resource extraction intensified, leaders like Chief Polin of the Presumpscot River recognized the grave threat that colonial relationships to the land and water had for his people and nonhuman relations. For instance, the damming of the rivers throughout what would become the state of Maine had devastating effects on Indian fishing practices, which were based on the belief that the people belonged to the river, rather than the other way around (Brooks and Brooks 2010). In 1755, the colonial government issued a proclamation that offered money in exchange for the scalps of Penobscot men, women, and children (Rolde 2004). The proclamation can be read as an order to kill and brutalize Penobscot people to clear the way for English control of land and resources in the region. Throughout this period, numerous treaties were signed between the settler government and the Wabanaki. They were almost uniformly ignored or left unenforced. By 1803, there were only 347 Penobscots left, from 10,000 prior to European arrival (Penawahpskewi Indian Nation).³ Three decades later, just after statehood, Maine sold 100,000 acres of Penobscot land, reducing their land base to less than 5,000 acres. The Doctrine of Discovery was taking on its American form, Manifest Destiny.

Alongside the theft of land, the theft of children is a tool of colonization that has had shattering effects on Indian communities. This practice took a particularly insidious form in the Indian residential schools, which first opened in the late 1800s and carried out their mission to “kill the Indian, save the man” through the mid-twentieth century. Wabanaki children were sent to such schools in both the United States and Canada. Passamaquoddy teacher, storyteller, and language scholar Roger Paul recalls that as a child he was moved from family member to family member following the death of his mother, to avoid being sent to Shubenacadie, one such school in Nova Scotia, where his older siblings had suffered (Paul 2020). Thousands of children were taken out of their tribal communities, forced to give up their identities, cultural practices, and languages, and abused emotionally, physically, and sexually. Many children died in the boarding schools. Those who survived experienced trauma that reverberates today in the generations that have come after them.

It would be easy for those of us who have most benefited from colonization to leave these stories of violence in the past. However, in the latter half of the twentieth century and up to the present day, the legacies of the residential schools live on in the ways Indian communities experience the child welfare system. The theft of children now looks like extraordinary rates of Indian children in foster care and adopted out of tribal communities. In 1977, the US Senate found that Maine had the second highest rate of foster care placement for Indian children in the country. More than two decades later, Houlton Band of Maliseet Indians Chief Brenda Commander reported that “16% of all Maliseet children were in State custody. This disproportionate taking of our children threatened the survival of our Tribe.” (Maine-Wabanaki REACH 2016).⁴ The 2015 report of the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission found that Wabanaki children in Maine had entered foster care on average at 5.1 times the rate of non-Native children over the previous 13 years (TRC 2015).

Further, when we become willing to look for them, we can see the ongoing impacts of colonization in contemporary national- and state-level data on health, poverty, education, gender-based violence, criminal justice, and the environment. Nearly a quarter of American Indian/Alaska Native (AI/AN) people live in poverty, a rate higher than any other racial group (US Census Bureau 2018). Research has shown that AI/AN women are murdered at rates nearly three times those of non-Hispanic white women (Petrosky et al. 2017). In Maine, per capita income for Native Americans averages \$5,117 below the state average; life expectancy averages 14 years lower than the statewide average; and the bachelor’s degree attainment level is 11.1 percent lower than the state average. Maine incarcerates Native people at a rate of 747 per 100,000, compared to a rate of 259 per 100,000 for white people.⁵ Further, a preliminary study conducted by the EPA in 2015 concluded that “the ecosystems that support the flora and fauna historically used by the Penobscot Indian Nation are contaminated by air, water, and land pollution so that many of these traditional activities cannot be carried out without fear of harmful health effects” (Marshall et al. 2015: 5).

The year 2020 marks Maine’s bicentennial; it also marks 40 years since the Maine Implementing Act (MIA) and the Maine Indian Claims Settlement Act of 1980,

which have been the subject of decades of litigation due to their inherent ambiguities. These were critical pieces of legislation for the Wabanaki, which came out of years of organizing and were meant to at least partially redress centuries of colonial theft. However, they were passed in the context of heightened racism against members of the tribal nations and threats from President Reagan to terminate federal tribal recognition. Within this hostile environment, the tribes agreed to terms within the acts that ultimately have created barriers to the sovereignty of Wabanaki tribal nations by centering power on the authority of the state. The outcomes of this legislation over the past four decades have demonstrated that the state will protect itself at the expense of Indian communities at every turn, unless state leaders become willing to examine deeper relational dynamics (Girouard 2012: 72).

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It may be that when confronted with the actions of settler ancestors, with the generations of violence and theft, and with the ongoing devastation wreaked by colonization, we may find ourselves experiencing defensiveness or disbelief. It may even be an urge born of compassion to try to recognize the ways in which the enforcers of the Doctrine of Discovery, even the perpetrators of colonial violence, were products of a culture that left no room for the humanity of indigenous peoples. Christian Europeans and European Americans, who would become white as that category came to mean power, could not see beyond the bounds of their lives. These lives were built out of institutions such as education, religion, medicine, and language. These institutions not only served as fortresses around the imaginations of settlers but came to be used as weapons against Indians and others who would arrive later. But there were always those who resisted colonial violence, even as the colonizing project was burgeoning around them. What does resistance look like now?

Once we have acknowledged the full truth of the history that led us to this day we will, like the settlers who came before us, face a new and unknown landscape—one that could honor the sovereignty and continued existence of Wabanaki people in their own homeland. Can we resist the urge to declare our innocence (Tuck and Yang 2012)? To escape our discomfort with the harms of the past? To avert our eyes from how we have benefitted from these harms? Can we collectively seek to understand

1. How these harms have impacted Wabanaki people and their communities?
2. What repair is needed to restore Wabanaki communities?
3. How we chart a new path forward, sharing authority and responsibility?

Like those who resisted colonial violence, there are those in Maine who are committing themselves to this path forward. The following examples illustrate how we can begin to coexist in interdependence rather than domination in this place we call Maine.

WAYS FORWARD

When Congress passed the Native American Graves Protection and Repatriation Act, cultural institutions and museums were required to report any Native artifacts in their collections. This act was met with trepidation about the future of cultural institutions and museums when they were forced to talk with Native people and be accountable. Though far from perfect, there are examples of their fears lessening, deep relationships being formed, and the emergence of a shared value for “Native people having authority over their stuff.” (Lasky, personal communication, 2020)

One such example is the Maine Historical Society’s opening its commemoration of Maine’s Bicentennial in 2019 with *Holding Up the Sky*, an exhibit about the Wabanaki people created in collaboration with seven advisors from Wabanaki communities. Their 2020 exhibit *State of Mind: Becoming Maine* will explore Maine’s statehood in the context of this territory being Wabanaki homeland. Tilly Lasky, curator at the Maine Historical Society (MHS), declares that “we can’t go back,” that is, we can’t talk about Maine without acknowledging this place as Wabanaki territory, and “we can’t talk about Indigenous

people without involving them.” Lasky regards this approach as “sharing authority.” Others use terms like decolonization or restorative justice; all are active contradictions to the strategies of colonization (Lasky, personal communication, 2020).

The Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission investigated the experiences of Native people in the Maine child welfare system from 1978 to 2012. It was the first truth commission in the United States to deal with the matter of Indigenous people’s experience in a government-run child welfare program and perhaps one of the only truth commissions to focus on healing. The commission was organized at the grassroots level and with representatives from both Wabanaki tribal and Maine state child welfare programs. It provided Wabanaki people and non-Native representatives from the child welfare system the opportunity to be heard. The commission reported that they interpreted the evidence that they had gathered “within a web of interconnected causes, including the presence of institutional racism in state systems and the public; the effects of historical trauma; and a long history of contested sovereignties and jurisdictions between the state and the tribes” (TRC 2015: 64). Ultimately, the success of the commission “would not be in surfacing the past alone but in ensuring improved child welfare practices” (Collins et al. 2014: 158).

In 2001, Maine passed a bill that became PL 403, a law to teach about Maine’s Native Americans in Maine schools. The law, passed without a fiscal note, led to a Wabanaki Studies Commission that produced materials to guide and support teachers, yet most Maine schools spent years after passage of this legislation not complying with the unfunded mandate. In 2018, Portland Public Schools began a concerted effort to comply by “meeting with tribal leaders to create the basic outline of a curriculum. That has involved finding new resources and adapting existing ones that tribes have already created. Much of the work has been in conjunction with tribal historians” (Feinberg 2019). The school system is doing more than incorporating content about the Wabanaki into classes and curriculum. They are committing time and resources to a system-wide transformation of how teachers understand and relate to the history and content and how they approach teaching.

The Task Force on Changes to the Maine Indian Claims Settlement Implementing Act issued a report to the Maine Legislature in December 2019. The report presents

22 recommendations that address issues of dispute resolution, criminal jurisdiction, fish and game, land use, taxation, gaming, civil jurisdiction, federal law provisions, and trust land acquisition and that are submitted collectively in an omnibus bill to the Maine Legislature. If passed, these matters would go before the governments of the relevant tribe(s) for their consideration.

Review of the report offers a glimpse of a process where representatives from Wabanaki and Maine government crafted “consensus-based recommendations and suggested legislation,” which they consider to be mutually beneficial to the state of Maine and the Wabanaki Tribes (Maine OPLA 2020: i). Does the process employed here, or do the outcomes achieved by this process, reflect interdependence among the six sovereign governments that reside within the boundaries of what we call Maine?

The process included representatives from Maine and Wabanaki governments, yet a more parallel representation could have created an even stronger process. The task force was comprised of tribal chiefs from the five Wabanaki communities, Maine legislators, Maine state government agency representatives, and the director of the Maine Indian Tribal-State Commission, Maine’s only intergovernmental organization. Had the Maine governor been present, it would have represented a greater effort in the face of mistrust and skepticism. Had the governor sat at the table, it would have truly been a meeting of governmental peers and her position on the resulting recommendations would be more transparent. The passage of time will clarify whether the 22 recommendations will be passed by the Maine Legislature, signed into law by the Maine governor, and authorized in Wabanaki communities by their tribal councils and chiefs. Time will also tell whether the state of Maine will move toward a more parallel arrangement of power with the tribes.

What also remains unknown is how this will play out in Wabanaki and Maine communities. We could further strengthen restoration and interdependence through a transparent hearing from the people who have been affected by the land claims to establish a shared understanding of what happened. This process would include acknowledging past harms such as broken treaties and their destructive consequences. Such an inquiry would further support the identification of strategies to repair harm and to chart a new path forward.

We, as a people, are hungry for authenticity, hungry to be heard and to understand one another. Our government cannot accomplish this for us as individuals, but it can facilitate the conditions in which we can value interdependence over domination. The examples above offer hope for curing the sickness of heart that colonization has perpetuated for generations. But for these efforts to bloom to their fullest potential, we—particularly those of us descended from settlers—must keep looking at difficult histories, asking difficult questions of ourselves and our leaders, and being willing to fundamentally change the way we are in relation to one another. 🐾

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NOTES

- 1 There are four federally recognized tribes but five sovereign tribal governments since the Passamaquoddy Tribe has two reservations in Washington County: Motahkokmikuk and Sipayik.
- 2 The authors are both white women whose ancestors were settlers on the Indigenous territories of the Northeast and mid-Atlantic.
- 3 Penawahpskewi Indian Nation: http://www.penobscotculture.com/?option=com_content&view=article&id=58&Itemid=72
- 4 From Maine-Wabanaki REACH's website: http://www.mainewabanakireach.org/history_impacts.
- 5 From the Prison Policy Initiative's website: <https://www.prisonpolicy.org/profiles/ME.html>. [Accessed January 26, 2020]

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