

Testimony of the Committee on Indian Relations of the Episcopal Diocese of Maine

In Support of LD 78 Resolution, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations, introduced by Rep. Rachel Talbot Ross of Portland

And in Support of LD 578 Resolution, Proposing an Amendment to the Constitution of Maine Concerning the Publication of Maine Indian Treaty Obligations, introduced by Senator Richard Bennett of Oxford

Presented for the Public Hearing Before the Maine Legislature's Joint Standing Committee on Judiciary, March 7, 2023

Sen. Carney, Rep. Moonen, and members of the Joint Standing Committee on Judiciary, my name is John Maddaus, and I serve as chair of the Legislative Committee of the Committee on Indian Relations of the Episcopal Diocese of Maine. Thank you for the opportunity to offer testimony on these bills. The Episcopal Committee on Indian Relations was formed by resolution of the Diocesan Convention in 1991. For over 30 years, we have lived into our mission “to deepen our relationship with the Wabanaki of Maine, to stand with the tribes in the pursuit of justice, to affirm their inherent sovereignty, and to support the preservation of Native languages and culture.”

LD 78 and LD 578 both propose an amendment to Article X of the Constitution of Maine which would remove the restriction on publishing Article X, Section 5 dealing with the transfer of treaty obligations to the Wabanaki nations located in Maine from the Commonwealth of Massachusetts to the State of Maine when Maine gained statehood in 1820. These treaty obligations were rendered invisible (not to be printed) when the Constitution was amended in 1876. However, Section 5 remains in force, and is one of the foundations of subsequent relationships between the State of Maine and the Wabanaki nations located in Maine to the present day.

Removing the Constitutional restriction on printing Article X, Section 5 would make Maine's treaty obligations visible once again to readers of the Constitution. We're happy that this proposed resolution has bipartisan support, as signified by these two bills with identical language. This is a small but significant step in once again reminding legislators and other citizens of Maine of the central place of relationships between the State of Maine and the Wabanaki nations located within the State of Maine. Failure to print Article X, Section 5 amounts to “out of sight out of mind”, in reality.

For over thirty years, the Committee on Indian Relations of the Episcopal Diocese of Maine has been working to improve relations with our Wabanaki neighbors. Given the last 400 years of history, including over 200 years of statehood, in which these relationships have been invisible to many non-Indigenous people, the work of strengthening relationships has been a significant challenge, and it remains a work-in-progress.

In 2001, Penobscot Representative Donna Loring, having encountered the obstacle to her legislative efforts of ignorance on the part of Maine citizens, including many legislators, regarding tribal-state relations, introduced LD 291 An Act to Require the Teaching of Maine Native American History and Culture in All Maine Schools. LD 291 became Chapter 403 of the Maine Public Laws of 2001. Rep. Loring had been frustrated that Maine schools, at that time, rarely taught anything about Wabanaki history and culture. Wabanaki nations and peoples were invisible. (*Invisible* is the title of a documentary film about the Wabanaki which the Committee on Indian Relations helped produce.) If schools addressed the Wabanaki nations and people at all, students often learned misconceptions and stereotypes. If this Constitutional amendment passes, students could read the Constitution of Maine as a classroom resource and find Maine's treaty obligations printed there. Imagine what students might learn from a lesson on Article X, Section 5! High school students might, for example, review and debate the issues regarding Article X, Section 5 as outlined in the *Research Report of the 1876 Removal of Article X Section 5 from Printed Copies of the Maine Constitution*, by Judson Esty-Kendall and Rachel T. Hampson (Jan. 11, 2021), written for the Maine Indian Tribal-State Commission (MITSC).

After 146 years, it's long past time for greater visibility! It's time for the State of Maine to once again make its original treaty obligations to the Wabanaki nations visible in its Constitution.

Thank you for your consideration.