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Committee on Indian Relations of the Episcopal Diocese of Maine
LD 1970

Testimony of the Committee on Indian Relations of the Episcopal Diocese of Maine
In Support of LD 1970 An Act to Enact the Maine Indian Child Welfare Act

Submitted for the Public Hearing Before the Maine Legislature's Joint Standing
Committee on Judiciary, May 31, 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 in support of LD 1970 An Act to
Enact the Maine Indian Child Welfare Act.

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."

Like many others in the state of Maine, we followed and to varying degrees
participated in the work of the Maine Wabanaki-State Child Welfare Truth and
Reconciliation Commission in 2012-2015. We were profoundly moved by the
testimonies of tribal citizens regarding their experiences as children who were
removed from their families and communities and placed in non-Indigenous foster
homes where they suffered multiple forms of abuse. The removal of even one
Wabanaki child from their family and community is bad enough, but removal
happened to Wabanaki children at a rate 5 times that of non-Wabanaki children. And
this removal continued after the passage of the federal Indian Child Welfare Act
(ICWA) of 1978 and right up to the time of the Maine TRC, despite Maine being
identified in 1999 as in violation of ICWA. That systematic bias, rooted in the cultural
assumptions of white, middle class people, is horrendous. The removal of Wabanaki
children and their placement in non-Indigenous foster homes built on the legacy of
forced removal of Indigenous children nationwide to be placed in boarding schools or
put up for adoption by non-Native families. The Maine TRC correctly concluded that
systematic child removal of Indigenous children from their families and communities
is a form of cultural genocide, and a violation of the 1948 United Nations Convention
on the Prevention and Punishment of the Crime of Genocide, Article II, section (e).

The members of the Episcopal Committee on Indian Relations understand that
Indigenous children are best raised within their extended families, communities, and
cultures, and that tribal sovereignty includes the right of Indigenous nations to make
decisions about what is best for children who are tribal citizens. We agree with the 18
national child advocacy organization that have labeled ICWA as the "gold standard"
in child welfare policy and practice. Christians, including Episcopalians, have
participated in the past in the practice of removal of Indigenous children from their
families and communities. The 2022 General Convention of The Episcopal Church
adopted a resolution to investigate The Episcopal Church's participation in the history
of Indian boarding schools. Sadly, however, some people who identify as Christians
are among those pursuing the current challenge to the constitutionality of ICWA at
the federal level. We stand in opposition to the assumptions underlying their
challenge to ICWA. We reject the assumptions of race and class and religious
superiority that claim that Indigenous children are better off raised by white middle
class Christian families who offer material advantages for the children involved while
advancing Christianity. We call this rationale what it is: an attack on Indigenous
children, families, nations, and cultures.

Wabanaki and Maine state child welfare workers, attorneys, and judges, among
others, have invested a great deal of time and effort since 1999 in seeking to bring
Maine into compliance with the federal Indian Child Welfare Act. Much has already

been accomplished in Maine, and the work continues. While the Supreme Court of the United States deliberates on the constitutionality of ICWA at the federal level, we ask that the State of Maine join with 12 other states that have already written the protections of the ICWA into state law.

We urge you to vote “Ought to Pass” on LD 1970, and thank you for your consideration of our testimony.