

Marvin Ellison
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LD 2007

To: Senator Carney, Rep Mooney, and members of the Joint Standing Committee on Judiciary

As an ordained Presbyterian minister and (now retired) professor of Christian ethics at Bangor Theological Seminary, I offer this testimony in support of LD 2007, An Act to Advance Self-Determination for Wabanaki Nations.

As soon as I moved to Maine in early 1981, I began to hear about the strengths and weaknesses of the federal Maine Indian Claims Settlement Act (MICSA) and the State of Maine implementing act (MIA), both of which been ratified the year before. I was surprised to learn that the state of Maine did not contribute money to the settlement. I was even more surprised to learn that the settlement did not actually give land to the tribes, but rather only established a federally funded mechanism for land restoration, which in the intervening years has had only modest success. Above all, I have been surprised, and dismayed, that the Settlement Acts have allowed Maine to exert an unusual jurisdiction over tribes, an arrangement unlike that of any other state. Although the Wabanaki tribes are federally recognized, the State of Maine regards them not as sovereign, self-governing tribal nations, but rather more like municipalities or, alas, to use an antiquated term, as if wards of the state, without the freedom or capacity for self-determination.

The moral and political right to self-govern is foundational to tribal integrity, tribal development, and tribal well-being. Because the 1980 Settlement Acts prevent the tribes in Maine from exercising self-governing in the same way that the vast majority of tribes throughout the U.S. do, Maine's Wabanaki people have been disrespected and disadvantaged. While the good news, as the recent Harvard Report documents in detail, is that tribes across the U.S. have experienced significant economic growth and political stability in recent decades, the bad news is that Maine's tribes have fallen seriously behind according to important metrics for gauging both personal and social well-being. The reason? The state of Maine has consistently maintained that the Wabanaki tribes are subject, first and foremost, to state law and have been blocked from benefiting from more than 150 federal laws passed by Congress since 1980. Those federal laws have greatly improved conditions for other tribal nations, but not for Maine's own. Maine's tribal communities have been left behind, unnecessarily, to everyone's detriment.

As a faith leader and Christian ethicist, I see this moment as a promising opportunity to correct a matter of grave injustice. By acting in fairness and with respect, this legislature can help fix a broken relationship by recognizing the Wabanaki Nations' inherent right to self-governing and by clarifying how tribal sovereignty extends over a range of public policy concerns, including economic development and care of the land. The good news is that both the tribes and the State will benefit from a more equitable ordering of their relationship. After all, isn't living together as truly mutual and respectful partners the way life should be for us all?