

Claire Millikin Raymond  
Owls Head  
Maine

TO: The Honorable Anne Carney  
The Honorable, Matt Moonen Co-Chairs  
Members of the Joint Standing Committee on the Judiciary

DATE: February 26, 2024

RE: LD 2007 - An Act to Advance Self-determination for Wabanaki Nations

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Senator Carney, Representative Moonen and members of the Judiciary Committee, my name is Claire Millikin Raymond. I teach for the University of Maine system, and I am the author of several scholarly books that touch on Native American art, history, and the political relationship of the United States to Native American sovereignty. I am here to testify in support of LD 2007.

When the Maine Indian Claim Settlement Act went into effect almost a half century ago it was imperfect legislature. Its problems were recognized by many at the time. Those issues still need to be addressed. MICSA allows our state government to block the application of federal Indian policy in Maine. What this means is that the Wabanaki people for whom Maine is their homeland, their ancestral territory, are caught in a legal time warp where the progress of nearly half a century of United States policy on Native Americans is deprived them. As a thought experiment: imagine if you were forced to live with technology from half a century ago while everyone else around you had access to personal computers, iPhones, Zoom, and the like. How would you be able to keep up economically? That's a metaphor for the situation faced by the Wabanaki. All other federally recognized tribes benefit from policies of self-determination. The Wabanaki do not, and that's because of flaws in the Maine Indian Claim Settlement Act.

United States history is inextricably connected with Native American history since, I think we all agree, they were here first. But by the mid-nineteenth century, the United States government drawing on racist beliefs of the time established a wardship relationship with Native tribal nations in which it was explicitly stated that Native Americans were incapable of self-governance and must be treated like wards. The relationship between the State of Maine and the Wabanaki people is a holdover, a toxic remnant, of that history even as federal policy in the past half century has moved decisively toward tribal sovereignty and self-determination.

Why is self-determination so important? While I certainly know that Maine legislatures and governmental actors always strive to do the right thing, it is not possible for one group of people to determine the actions of another group of people without mistakes being made and without an imbalance of power. All human beings feel that we can make the best decisions for ourselves. That's what it means to be human. The Wabanaki people have lived in the area now called Maine for far longer than anyone else. They know this land. They know their culture. They know their values. Self-determination, which is federal policy for all other federally recognized tribes, allows for the full expression of Wabanaki knowledge, history, culture, and values. Studies have shown overwhelmingly that self-determination fosters thriving of Native American tribal

nations. It's commonsense. We all, as human beings, thrive when we are in charge of ourselves.

To advance self-determination for Wabanaki Nations is not to take anything away from those Mainers who are not Wabanaki. In this group I include myself. We will benefit from their prosperity. We won't be harmed by it. Studies show that Native American communities that have self-determination thrive economically and that that economic growth positively impacts the non-Native communities surrounding them. That makes sense: economic prosperity often spreads. Self-determination for the Wabanaki is not a threat to non-Native Americans in Maine.

Denying the passage of LD 2007 is to ignore basic human rights and to be out of step with the rest of our great nation, the United States. Because the Wabanaki in Maine have not benefited from 151 federal laws which have passed since the 1980 Maine Indian Land Claim Settlement Act was signed, including laws impacting housing, education, employment equality, food security, healthcare and healthcare access, we are facing a human rights crisis where the state of Maine is not upholding ethical principles in action. The Wabanaki should have the same benefits as tribal nations in other states. The Maine state legislation can and must fix this situation.

Without passage of the bill before you now, federal bills in the future, as in the past, will not apply to the Wabanaki in Maine unless they are explicitly named in each Act. That explicit naming is unlikely to happen because it is not part of how national bills are handled. Failure to pass LD 2007 will continue a human rights violation that Maine surely wants to end. Despite their inherent sovereignty, the Wabanaki in Maine have historically been excluded from both true sovereign status and equal voting rights with other Mainers. Maine was one of the last states to comply with the 1924 Indian Citizenship Act, which conferred US citizenship on all Native Americans born within the territorial limits of the country. Native American voters did not have equal voting rights in Maine until the 1960s.

Because of this history, it's all the more important that the Wabanaki in Maine be able to access the benefits of all the protections that come with equal status with other federally recognized tribal nations and move toward self-determination. We know that the Wabanaki tribes in Maine have fallen behind economically as other tribal nations have thrived over the past 30 years. LD 2007 would address these harms and restore fairness and equity for the Wabanaki Nations. As a scholar who writes about contemporary Native American visual culture I see how greatly federal policy has benefitted the generation of Native American artists and intellectuals now coming into prominence. I want to see the Wabanaki have these same benefits.

Please vote Ought to Pass on LD 2007. Thank you for the opportunity to testify.

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Sincerely,

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