

# Wabanaki Alliance

## Suit alleges contractor botched job

INDIAN ISLAND — A lawyer for the housing authority here is preparing a lawsuit of several hundred thousand dollars, against a contractor who has allegedly bungled the job.

The suit is expected to be filed soon at U.S. District Court in Bangor, and will seek \$300,000 to \$400,000 in damages against a Boston general contractor, according to Paul F. Zandjian, lawyer for Penobscot Reservation Tribal Housing Authority.

To be named in the suit as defendants are J. W. Praught Company, chief contractor for \$1.2 million 29-unit housing project here, and Home Indemnity Company of New York City, Praught's bonding firm.

Among alleged problems with Praught are a failure to complete 21 units of family housing plus eight units of housing for clerical under terms of an original contract. Praught was allegedly more than 100 days late in constructing the homes, for which he has been assessed a \$500 per day penalty as specified in the contract.

Also, three existing homes in the project were reportedly built on improperly compacted soil in violation of the contract between Praught and the housing authority.

Carpenter said typical problems with units include faulty caulking, missing plates for electrical outlets, defective windows and unpainted areas. "When you come down to it, it's just lousy workmanship," he said.

Praught has already threatened a countersuit of \$2 million in a letter to Zandjian.

The 29 units were built last year as the first phase of a three phase housing authority construction program at Indian Island, funded through the federal Department of Housing and Urban Development (HUD).

An official of HUD's architectural and engineering division cited Praught as "very (Continued on page 5)



BIRD'S EYE VIEW of Penobscot reservation village on Indian Island was snapped from plane piloted by Rep. Michael Pearson of Old Town. (Cartwright Photo)

## Fraud found in sale of Townships

By S. Glenn Starbird, Jr.

In all the publicity attending the Maine Indian Land Case as it has progressed through the last few years an item has been largely overlooked, an item though seemingly small in the overall picture, sticks out as one of the biggest land frauds in the history of the State when one examines thoroughly the documents relating to it.

The item I refer to is the supposed sale of the so-called Four Townships, owned by the Penobscot Tribe, to the State in 1833.

The legal minds on both sides of the Indian Land Case can come up with all sorts of arguments and counter-arguments as to whether the Indian Land sales between 1790 and 1820 were or were not violations of the 1790 Federal and Non-Intercourse Act, but a fair-minded examination of the records concerning the sale of the Four Townships of land reserved to the Penobscot in the Treaty of 1818 will leave the researcher astounded if not sickened by the casual violation of both State and Federal law, by the Commissioner appointed by the State and by their complete disregard of common decency, morality and ethics.

### Indians retained Townships

The Treaty of 1818, also known as the Treaty of Bangor, was signed by the Chiefs, Captains, and Chief men of the Tribe on the one hand and the Commissioners appointed by the Commonwealth of Massachusetts on the other, at the old Penobscot County Court House in Bangor, Maine on June 29, 1818. (Continued on page 10)

## White House names claims task force

WASHINGTON — The White House has announced appointment of a three member task force to discuss a settlement of Penobscot and Passamaquoddy land claims in Maine.

Named to the panel and expected to meet soon with Maine Indian leaders were Leo Krulitz, solicitor for Department of Interior; Stephens Clay, who works with Judge William Guter, the President's Indian land claims advisor; and Elliott Cutler, former campaign aide to Sen. Edmund S. Muskie, D-Maine.

Officials of the Penobscot and Passamaquoddy tribes have called the White House action a favorable development in negotiations to settle the Maine Indians' claim to 12.5 million acres of the State.

Indians say they have repeatedly showed a willingness to negotiate a compromise settlement to their claims. At a meeting with Guter in August, Indian officials asked that a negotiator be appointed, and the recent White House move is seen as a "concession" by the Administration, according to one Indian leader.

Members of the Penobscot-Passamaquoddy tribal negotiating team were expected to meet soon with the new task force in Washington.

## New funds sought by alcoholism group

ORONO — Wabanaki Corporation, a statewide Indian alcoholism treatment and rehabilitation program, has applied for renewed three-year funding from Federal sources.

Organized in March 1975, the non-profit group submitted a proposal before an Oct. 1 deadline, seeking close to \$1 million for the next three years of operation. The monies sought represent a "substantial increase" over funding appropriations for the first three years, according to George M. Mitchell, Wabanaki executive director.

Wabanaki Corp. has applied for funds through the National Institute on Alcoholism and Alcohol Abuse (NIAAA), an arm of the Health, Education and Welfare Department. Mitchell said his agency will probably not hear about final approval of a grant until spring, following a Federal review process.

Wabanaki Corp. is involved in community education, counseling services and Wilderness Pursuits, a program started this year that gives young people experience in cooperation, dealing with challenges, and building self-confidence.

## Indian home solar heated

PLEASANT POINT — Construction has just begun here on 44 new units of housing on the Passamaquoddy Indian Reservation, and one of those units is designed to benefit from a solar heating system.

The new solar heated house will be the second experiment of its type built by the tribal housing authority. A first solar heated home was created through a \$15,000 demonstration project grant from the Federal Department of Housing and Urban Development (HUD).

"HUD's trying to interest people in solar energy," said Russell Lawson of Eastport, an engineer who supervised the demonstration project for the housing authority. Lawson claims the first solar conversion project may cut heating bills in half, with the sun providing as much as 60 per cent of heat and hot water for the home.

"The real telling is going to come this winter," Lawson said. The first solar home, otherwise oil-heated, has 28, three by eight foot solar collectors attached to the roof, each containing a system of copper pipes leading to a 950 gallon storage tank.

Besides a hot water supply, the storage tank provides heat for rooms in the house. The second solar home will have a modified design involving ten collectors and a reflector, plus heat storage built into inside walls, Lawson said.

## 'Proud to be Micmac,' say two UMO students

ORONO — Is being a Micmac Indian an important part of your identity?

It's important for two freshman women at University of Maine here, who also have in common that they are roommates, and share similar interests in life. "When people ask if I'm an Indian I say I'm a Micmac Indian," said Margaret (Freda) Harper.

Delora (Dee) Francis, her Micmac roommate, is equally enthusiastic about her cultural background. She said she has come to realize that Indians are "beautiful."

Neither Dee nor Freda is in any way stung about being Micmac, and both of them believe people can live as respectful equals and treat one another with consideration and love.

In their respective upbringings, Dee and Freda underwent many hardships... experiences that in 18 years shaped their lives

and attitudes. Some of the most difficult times they can recall led to their expressions of trust and self-confidence, in a recent interview at UMO.

That self-confidence shows when Freda, a former beauty contest winner, and her equally attractive roommate smile and joke about their careers. The two students were delighted to room together at UMO, where they can compare notes on everything from classes and professors to sports and dating.

Freda is so friendly she at times "gives everything away, and I end up bumming. It's lucky I have a generous roommate," she said.

Both women want to work in psychology, and are considering the subject for their major field of study. Freda said she might like to do psychiatric work on an Indian (Continued on page 9)

# editorials

## As Maine goes . . .

History is in the making. Whatever the outcome of the Penobscot-Passamaquoddy land claims case in Maine, the results are likely to set a national precedent.

Whether that precedent would be favorable to the return of aboriginal Indian lands across the U.S. remains to be seen.

Thomas Tureen, lawyer for Maine Indians, has said he is confident the tribes can win a substantial settlement, including both cash and land. Maine Atty. Gen. Joseph Brennan is equally confident that in a court battle, Indians would lose their claims — at least as those claims apply to State lands.

Both the claims by Tureen and those Brennan has made may be inflated for public relations purposes, but we are inclined to think Maine Indians have a substantial crack at winning their case, either through the courts or through negotiated arrangement.

We take this position after noting that the U.S. Department of the Interior saw fit to order a suit against Maine for \$300 million damages, on behalf of the two tribes. And we note that in New York State, an Oneida Indian land claim was recently upheld by the courts.

Brennan's argument that we cannot rewrite history in favor of Indians is a hollow one. Obviously a history of many injustices cannot be undone; but if there are the means at our disposal to right certain wrongs, why not pursue those means.

Lincoln could not undo a history of slavery in this country, but he changed the course of events by his Emancipation Proclamation. Indians are becoming aware of, and demanding their rights. Persons outside the Indian community are listening. Some non-Indians react with dislike and distrust, but many others show increasing sympathy for the Indian cause.

Not least of the supporters is former Watergate prosecutor Archibald Cox, a Harvard law professor with a summer place at South Brooksville. Even Brennan admits concern that someone of Cox's reputation has taken up the cause of Indians.

We hope there are persons like Cox in our government, because if there are, there is a genuine chance Indians will see justice done.

If the Indians here in Maine truly succeed — even if they receive far less than \$300 million or 12.5 million acres of land — their success will reverberate not only across the U.S., but worldwide.

[SC]

## Cultural roots

"Roots" has lately become an overworked word and a sort of fad, but its essential meaning in a cultural context remains as valid as ever.

Roots are vitally important to all of us, whether or not we are conscious of them. Our roots provide us with nothing less than our beliefs, customs, traditions and values — our roots are the past.

For Indian society, roots are lifelines to a culture that has suffered much oppression and many losses and setbacks. To research and preserve Indian roots is to rescue Indian cultural traditions. Such work is no dusty anthropological undertaking or some dry academic exercise.

To identify and establish roots — the patterns of the past — is to pump new blood into the heart of Indian identity itself. For several years, Wayne Newell and others at Indian Township and Pleasant Point have worked on a bi-lingual program that provides Indian children with native Passamaquoddy language instruction and exposure to traditional legends, rituals and practices.

The ultimate benefit of the bi-lingual program is more than fluency in the native language, it is a sense of "who you are." Who we are, after all, determines our attitudes toward ourselves and each other, and how we interact in the community.

The bi-lingual program, and such endeavors as Joseph Nicholas' Project Indian Pride at Calais (part of a Maine Indian education program) are both effective efforts to ensure the survival and expression of Indian cultural roots.

Giving children a positive, personal sense of pride and identity could be more important than anything else learned at school. Without a sense of "who you are," and just basically feeling good about oneself, all else to some extent fails.

One of the most heartening aspects of renewed interest in Indian cultural roots and identity is that the movement comes from within the native community. Until Indians perceive themselves as a people with a rich cultural heritage, one that needs to be studied, appreciated and expressed, they are missing a piece of their identity.

That a movement is underway to restore awareness of deeply rooted Indian identity is reason to rejoice.

## Alcohol and Indians

By itself alcohol is a powerful word. Add an "ism" to it, and we're talking about a subject of epidemic proportions.

Alcoholism is a worldwide problem that strikes without regard to race, creed, color or place of national origin. Abuse of alcohol is a particularly severe problem among native peoples in the U.S., and Maine Indians are no exception.

Of course, all of us must liberate ourselves from old, tired stereotypes of drunken Indians and related false images. A drunk is a drunk. A person who drinks to excess is a person with a serious problem, a person who needs help.

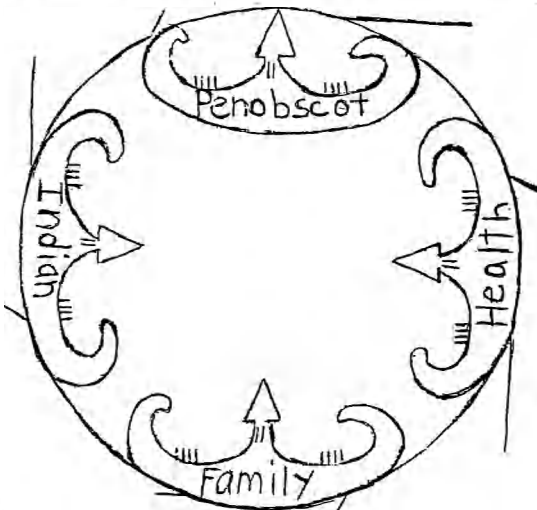
Unlike some diseases, alcoholism cannot really be cured by outside substance or intervention. Not unless the victim of the problem himself decides to reform. Just as victims of other serious medical problems must have a will to live, so the alcoholic must decide to do something about his condition.

Many Maine Indians have lived through an experience with alcoholic abuse, and as veterans of that problem are highly qualified to assist others in recognizing their plight. But though an alcoholic may reform, and never touch a drop, there are times when it's too late.

Alcohol has caused countless deaths. Death can be on the highway or from cirrhosis of the liver, but in both cases can be alcohol-related.

It's too late for those who have died, but it's never too late to work with those persons around us who need help, and need to help themselves.

To struggle to overcome alcoholism is to fight for our lives, and that is worth fighting for.



NEW LOGO — Diane Newell Wilson of Indian Island submitted this design which took first prize in a contest sponsored by Penobscot Indian Health and Social Services. The logo will be used on the department's stationery.

# Letters

Lincolntonville

To the editor:

Your newspaper is great, with so many articles that peaked our interest and enthusiasm to be involved. Wish we had known beforehand about the border conference.

Is there some way you could send dates for such things and University of Maine Indian happenings coming up? I guess that's your intention with the paper.

We'd like to come up to visit sometime this fall. Thanks for the newspaper.

Pat and Richard Tompkins

Palmyra

To the editor:

I was very glad to pick up a copy of Wabanaki Alliance at the "Common Ground Country Fair" in Litchfield this weekend. Like some other whites, I am very deeply distressed over the Indian predicament and it is good to have some news that is not filtered through the bias of our usual sources.

I was unaware of the border crossing problem until reading your report. The conference resolutions, in my opinion, are cogently stated and persuasive, but are considerably weakened by the inclusion of the resolution on Indian services and benefits. I mean, there is an essential absurdity (at least in white thinking) in saying in one breath: "We are a sovereign people; let us alone... but provide for all our wants and needs." This combination can only evoke paternalism in response. I believe it would be a more effective strategy to seek recognition of sovereignty in border crossings without raising the services issue. Once that is gained, a stronger argument could be made for obtaining the services you need, as I believe, separation of the issues could result in quicker resolution of both.

One final observation on the border issue. The conference resolutions specify the border as a white man's frontier, yet you caption Noel Knockwood as a Canadian Micmac! Is he not a Micmac who simply lives in Canada? I think there is a difference.

I was very surprised at the size of the bids on the Indian Township Municipal Building. \$129,000 seems like it ought to build a lot of building, especially when there are people in Maine who are building handsome and spacious houses (in the commercially-bid \$40,000-\$60,000 class) for \$3,000-\$10,000. Has the township considered the alternative of having a young non-establishment architect design a low cost building, and using Indian and maybe other sympathetic craftsmen to construct it? I will be glad to supply what information I have if there is interest.

Robert L. Daly

## Red Eye



St. John's  
Newfoundland



New York City



Indian Island

To the editor:

An article in the Quoddy Tides informs us that you propose to start a newspaper. This is very interesting to me, and I wish to become a subscriber. Will you please let me know how I may obtain your paper and what a subscription costs?

I am interested in all things pertaining to the Indians of Maine and the Maritime Provinces of Canada. At present I am trying to learn the Passamaquoddy language, not an easy task in isolation. It is like learning to swim where there is no water. However I have received help from the school at Indian Township (Robert Leavitt) and a couple of individuals at Pleasant Point as well as some Maliseet material from two professors at UNB in Fredericton.

Can you tell me if there are any people (left who can or do speak Penobscot. It is my impression that the Indian spoken at Old Town is now Passamaquoddy. As you no doubt know, the Maliseets and Passamaquoddyies speak the same language, but the Penobscot, although a close relative, is different.

Here in Newfoundland we have a few old Micmacs who can speak their language, but it is very different and no help in trying to learn Passamaquoddy.

Although I do not expect your paper to be written in Indian, perhaps there may be some articles sometimes in a what language?

I wish you success in your venture and look forward to many years of reading your work.

Thank you for your attention.

Lloyd Leland

### ASSISTANT EDITOR

The Wabanaki Alliance, a statewide monthly newspaper for Maine Indians published at Orono, has an opening for a full time assistant editor for one year. Duties will include reporting, writing and editing. Photography skills an asset, but not essential.

Residents of Penobscot and Hancock Counties eligible to apply; Indian preferred. Total salary \$8,780, paid through federal CETA Title VI LIFE funds.

Interested persons should contact Maine Job Service, 45 Oak St., Bangor, for details Tel. 942-6351.

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To the editor:

One aspect of the Maine land case has been its effect on the tribal rolls. In your August issue, page 8, under headline, "Tribal census shows upswing," you report: "Membership in the tribe totaled about 800 persons several years ago, and now hovers around the 1,200 figure, according to Nicholas H. Sapiel, tribal governor..." Sapiel said there are about one hundred more persons on a "waiting list" for tribal membership... genealogical research must prove persons are at least one quarter blood Indian...

But the one quarter minimum Indian blood requirement is the standard set by United States Government's Bureau of Indian Affairs! Yet, your September issue reports, under title: "Border talks focus on call for Indian rights..." An estimated 300 eastern Canadian and U.S. Indians attended the three days of workshops, meetings and talks... a majority of persons attending the conference were chiefs or other tribal officials representing Indians from Rhode Island to Nova Scotia... the second broad resolution dealing with tribal government, land and the border calls for action allowing reunification of border-divided tribes (and) self-determination of what constitutes a tribe...

The actual resolution itself reads: "Whereas, the aboriginal people and Indian tribal governments should re-assert their aboriginal rights as either band or tribal entities and should work to abolish all foreign governmental control over determination of their membership which should be entirely controlled by the Indian tribal governments, and... be further resolved that the determination of band or tribal membership is an aboriginal right reserved to Indian governments..."

If the Penobscot tribal council wishes to show its sincerity and implement these resolutions, it should immediately abolish this BIA requirement of one quarter minimum Indian blood.

The origin of the theory that a culture, either Aryan or Indian, can be determined by one's blood quantum is now well known to be repeated here. I am a member of the National Association of Metis Indians. We do not require that a member have Indian blood, and prove it, but only because we wish to remain an Indian "family."

However, we do not measure our members' Indian-ness by their Indian blood quantum, but their knowledge and practice of Indian culture, (i.e., religion, language and traditions) and their devotion and service to the Indian people.

In my opinion the Penobscot and Passamaquoddy tribal councils would do well to set such standards for tribal membership, and discard the BIA standard of one quarter minimum Indian blood.

Charles E. Coleford, Penobscot Meis Council Head, N.Y.C. Chapter  
National Assn. of Metis Indians

To the editor:

Within recent months newspaper articles are generating from Augusta, which indicate that Governor Longley opposes an Indian Nation.

I would like to take this opportunity as a private person to explain the concept of Indian Nation in the Indian context. When they (Indians) refer to themselves as a nation, which many of them do, they are not renouncing the United States. Rather, they are proclaiming that they are a distinct people, who share a common historical experience, a common set of values and a common world view. They just want their children and their children's children to be secure in the knowledge of who they are and where they came from. They want their own experiences, traditions and values to occupy an honorable place in the contemporary society of our country. When viewed in this perspective, the Indian people say their claims will lead to the enhancement of the Constitution, not its renunciation.

The term "Indian Nation" should not frighten the non-Indian society. Special status for Indian people is a strong element of the constitutional tradition of this country, treaties, resolves, agreements, etc. The attainment of native goals implies one thing: The Indian people must be allowed a choice about their future.

During my tenure as a law enforcement officer for this great state and involvement in the area of Indian affairs, I have concluded that the meaning of democracy from an Indian's point of view is: That system that allows mistakes to be made but it's also a system that allows us as human beings to correct those mistakes.

As previously stated in prior meetings, I want to live under the arm of democracy and also my children. However, I want my children to be secure in the knowledge of who they are and that their heritage and traditions, values and experiences, will hold a respectable position in today's society.

As we venture into our third century, which many of us will not see the end of, let's begin by honoring and respecting Indian rights and the rights of all minorities. To allow Indian people a choice about their own future is to enhance the meaning of the United States. To deviate from that goal is to undermine the whole concept of the United States.

As a young boy, I can remember vividly the words of my grandmother and they were: "Many people are trying to destroy our traditions and culture but son don't let them because what you lose can never be brought back because THEY will not allow it."

George M. Mitchell

San Jose, Calif.

To the editor:

Received your first two issues of newspaper. Very good — well-written and newsworthy. Would like to keep receiving them.  
Ruth Blank, Librarian  
Indian Center of San Jose, Inc.



The Rev. Raymond Picard of St. Ann's Parish, Indian Township, with Mary Ellen Socobasin, a Passamaquoddy, and Sister Janet Campbell of the parish.

## Cursillo: Indians find new faith in self, God

INDIAN TOWNSHIP — The Rev. Raymond Picard doesn't claim miracles for his Christian encounter group. But he says that the Cursillo has brought new meaning to people's lives.

The Cursillo movement in the Catholic Church is widely recognized as an experience for groups of adults that has resulted in a renewal of Christian faith and a new sense of personal purpose in life.

Father Picard, who joined St. Ann's Parish in January, has introduced Cursillo sessions here with considerable success. More than 100 persons at this northern Maine Passamaquoddy reservation have attended the once-only per person three day sessions.

Results can be anything from better attendance at Church services, to a feeling of self-esteem and new motivation toward a fulfilling life. "It's a renewal of faith for the Indian people who are discouraged with themselves. It's giving them a new lease on feeling good about themselves and about God," said Father Picard.

Cursillo (Spanish for short course and pronounced kur-see-yo) is an intense, concentrated experience intended to be joyous and rewarding. The session is led by a priest, plus a team of laymen who spend weeks in prayer and preparation.

Persons attending a Cursillo are called Cursillistas — they live and work together, and listen to talks on topics such as Grace, the Sacraments, environment, community action, and "After the Cursillo."

Father Picard, a 37-year-old Biddeford native, defines a Cursillo as simply, "Getting to relate, to understand, to realize that all life is based on one thing, on love."

Father Picard recalled that one participant in a Cursillo commented later, "I'm finding out the most important thing (in my life up till now) was not my wife and kids, but business and making money." The participant switched the priorities in his life after the Cursillo.

Groups of men and women meet separately for a Cursillo, but Father Picard said he feels the overall effects of the sessions strengthen family ties. He said the Church's role in general is "to bring stability to the family."

A pamphlet from St. Paul's Cursillo Center, Augusta, says the movement "proposes no new type of spirituality, but simply a method through which one's spirituality may be developed, lived and shared in any

area of human life where there are Christians willing to dedicate their lives to God in an on-going manner."

The pamphlet says, "The Cursillo gives those who attend it a living understanding of basic Christian truths and the desire to serve the Church. What's more it provides a means to continue the Christian formation which is just begun in the three day exercises."

For the Passamaquoddyies of St. Ann's, the Cursillo has shown the Indians "they are a loveable people," Father Picard said.

"If everything in society tells you that you're not good, that you're second rate, eventually you believe it, if not intellectually, then emotionally," Father Picard said.

But he added, "I see the Indians as a people rich, although not necessarily in material things, in spiritual and cultural values. I see the Indian as definitely going ahead. People are now aware that they can control their own destiny. I don't think they were allowed to in the past."

## BIA slates funds for Maine tribes

WASHINGTON — Federal funds totaling \$870,000 are budgeted in 1978 for Maine Indians, through the Bureau of Indian Affairs (BIA).

Those monies will be available to the Federally recognized Penobscot and Passamaquoddy tribes. "As soon as we and the tribes can get together," according to Raymond V. Butler, BIA chief of social services.

Butler said he has been meeting with Maine tribal officials, and that decisions about how services are delivered to Indians, "Will be entirely those of the tribes." Federal recognition of the tribes in a trust relationship is the result of a process started about four years ago. That relationship officially became effective Oct. 1.

Butler said BIA probably would not have completed the process without the impetus of the Indian land claims case in Maine.

Originally, the U.S. House approved \$916,000 for Maine Indians, but this was cut five per cent by the Senate. Of the \$870,000, \$137,000 is earmarked for Indian services, \$252,000 for economic development, \$147,000 for natural resources, \$270,000 for trust responsibility, and \$64,000 for administration.

# Bishops voice support for Indian justice

WASHINGTON — U.S. Catholic Bishops have issued a printed statement on American Indians, that explains the Church position, and spells out the Bishops' commitment to join native people in their struggle for justice.

Their statement, published earlier this year, said in part:

"The American Indian people had developed rich and diverse cultures long before the first Europeans came to the American continent. Migrating across this great continent, they dispersed over thousands of years, from the coasts of the Pacific Northwest to the arid mesas of the Southwest, the vast grasslands of mid-America and the mountains and woodlands of the East. Adapting themselves to changing environments as they went, they developed over 200 distinct languages and a variety of carefully developed social, economic and political institutions to meet their needs.

"But the arrival of later immigrants created conflicts not yet resolved. Indian ways of life were challenged; their very existence was continually threatened by newcomers who were their superiors in the arts of war. For the Indians, the saga of nation building in America has been a story filled with sorrow and death.

"American Indians in the United States today comprise less than one percent of our total population. In all, they belong to more than 25 distinct tribes and bands.

"Many tribes have retained a special trust status with the United States and continue to live on reservation lands held in trust for them by the federal government. Over the long years, however, many tribes have been deprived of their communal lands, and with them have partially or entirely lost the traditional vestiges of their culture, their languages, customs and ways of living.

"During recent decades, increasing numbers of American Indians, especially the young people, have migrated to cities in search of jobs, shelter and social services which are sorely lacking on many reservations. Those who have chosen or been forced to migrate to cities in response to promises

of employment and a better life have too often found only new frustrations and broken dreams. Many contend with a deep sense of uprootedness, trying to maintain ties with their families and tribes while coping with the economic hardships and social prejudices, even racism, of urban society.

"American Indians today are struggling against great obstacles to renew the special values of their unique heritage and to revitalize the ways of their ancestors. They are striving to achieve economic development and social justice without compromising their unique cultural identity. For some American Indian peoples the struggle is to retain rights to their land and resources; for some it is to gain employment and economic security; and for others, it is to obtain political power in order to set their own goals and to make decisions affecting their own futures. These goals, to be achieved within the framework of Indian culture and traditions, test the strength of the American ideal of liberty and justice for all. America must respond, not to atone for the wrongs of the past, for that in a sense is beyond our power, but to be faithful to our national commitment and to contribute to a truly human future for all.

"As American Catholics, we have a special responsibility to examine our attitudes and actions in light of Jesus' command to love our neighbor and to proclaim the Gospel message and its implications for society. The Church is compelled, both through its institutions and through its individual members, to promote and defend the human rights and dignity of all people.

"Accordingly, we recognize our own responsibility to join with our American Indian sisters and brothers in their ongoing struggle to secure justice. We realize that there is much that we can and must do within our Church and in society to make our support real. We must first of all increase our understanding of the present needs, aspirations and values of the American Indian peoples. This responsibility can only be carried out effectively in dialogue with American Indians."

## Longley opposes State paying reservation priests

AUGUSTA — Gov. James B. Longley says he is strongly opposed to the State of Maine picking up the tab for Indian reservation priests, plus paying for other parish expenses.

In a recent interview with Wabanaki Alliance, Longley said, "I just feel the State should not be telling you what denominations to believe in." The Governor said he supports separation of Church and State, and paying priests' salaries is in his opinion a clear violation of that concept.

Traditionally, Maine has paid the salaries of the Catholic priests at Indian Township, Indian Island and Pleasant Point. The State has also footed the bill for fuel and utilities for reservation churches and rectories.

Longley did not say he is against funds for reservation schools, which are administered by the Catholic Church. Longley has corresponded with tribal governors and with Diocesan officials in Portland, but issues have so far not been resolved.

Because withdrawal of State support for reservation chaplains appears likely, the Catholic Diocese in Portland has applied for additional funds from a national Catholic commission for Blacks and Indians, to ensure the continued work of the Indian parishes.

Longley declined to say what further action he might take in the matter. "I think I have made my position clear," he said.

## Health and social services director sought

INDIAN ISLAND — The Penobscot Indian Health and Social Services Department is seeking a Director of Community and Health Services to plan, organize, and manage programs in the areas of health services, social services, senior citizens, and youth programs.

Preference will be given to a Penobscot

Indian, according to a Community Action Program (CAP) official.

Applicant must have high potential, interest and experience in the health and human services field. Must be willing to work over and above 40 hours per week. Applicant must be highly mobile and have own transportation, the official said.

# Indian panel says land means survival

ORONO — The cultural importance of land to Indians was described at an informal discussion of Penobscot and Passamaquoddy land claims at University of Maine here Oct. 11.

"Land is very important to the Indian people. Within the Indian culture we don't survive if we don't have land. Everything relates to the land. We revere the land," said George M. Mitchell, director of an Indian alcoholism program and one of three speakers at the evening program.

"From the land we obtain food, clothing and shelter, which are necessities," said Mitchell, a former Maine commissioner of Indian Affairs. Recalling his days as commissioner, Mitchell said trying to discuss Indian land claims with Gov. James B. Longley was, "like walking into a stone wall."

"Finally, it came to a decision of what side I was going to take on the land claims. The decision was quite obvious: I want back to my people," Mitchell said. "We can argue all night, but it (land) was taken away from us, no question."

Mitchell said the current land claims case in Maine shows a desire for Indian self-determination. "Some people are trying to create the impression that we're monsters," he said, adding, "We're concerned for our future . . . we want to make changes, but make changes so the traditions and culture are not lost."

"Negotiations (with Federal government to settle claims) are being conducted in an honorable way. Non-Indians have no reason to be afraid of us," Mitchell said.

Mitchell told about 30 students and a few others at the meeting that Indians were fighting 200 years ago, and "we're still fighting today." He pointed out that Maine Indians helped fight the British in the American Revolution.

"Many inferences are going to come from this case. It's going to change for one thing history books. You may not think so, but it's going to," Mitchell said.

Another speaker, Penobscot-Passamaquoddy Tribal Planning Board Director Andrew X. Akins, said he wasn't surprised that the State, which opposes Indian land claims, did not show at the meeting. "They only seem interested in publicizing their views through the newspapers," Akins said.

UMO Dean of Student Activities David Rand, organizer of the land claims discussion, said Dr. Ronald F. Banks, a UMO historian who has been working on the State's case against Indians, declined an offer to participate in the program.

Akins presented an overview of the two tribes' land case, noting, "As we've stated in the past, we're not interested in harming individual property owners. We do want land back, that's true. We want a good land base."

Akins, member of a land claims negotiating team, said he would "welcome" going to court over claims, "that's how confident we are."

The third speaker, Penobscot Tribal Lt. Gov. Wally Pehrson, said that despite Federal acknowledgement of some validity to the land claims, "We have two men in the State of Maine, Gov. Longley and Atty. Gen. (Joseph E.) Brennan, that say our claim has no merit."

Pehrson said a settlement of land claims favorable to Indians could mean, "We won't have to run to Augusta for help, or even to Washington. We'll be able to take care of ourselves."

"We're not lawyers but we do abide by the law. We'll play the game. All we want is what's rightfully ours," Pehrson said.



Posing in front of Penobscot Indian health center are from left, Ruth Davis, Paul Buckwalter, Violet Francis and Denise Gilman, all members of a planning committee for the new building. (Cartwright Photo)

## Health services complex under construction

INDIAN ISLAND — Construction of a \$468,000 medical services building is well underway here, on a site opposite the Community Building.

Consisting of two buildings joined by a passageway, the new center will house the Penobscot Indian Health and Social Services Department. Special programs, previously not available on the reservation, are planned, along with continued medical services from the tribal health department.

Among planned programs are day care, activities for the elderly, various medical clinics, home health aid and a complete range of primary care and social services.

"The Penobscots have been underserved in the Bangor region, explained health department Director Paul W. Buckwalter, who will become deputy director of the department as soon as a new director is found.

"The tribal government is developing its own health department to serve its members and the residents of the island. We're setting up a primary care unit and a special service unit to provide doctors and dentists, medical social workers, day care, senior citizens, family counseling and crisis counseling," Buckwalter said.

"The new center is expected to create a number of new jobs. "One thing that needs to be emphasized and underlined is that preference will be given to Penobscot people," Buckwalter said.

Buckwalter credited a health and social

services committee and the Penobscot-Passamaquoddy Tribal Planning Board as, "The ones pulling together that made it happen." Construction on the project began last spring, and is slated for completion April 1, 1978.

Architect for the project was Penobscot Indian Warric Akins of Lewiston. A Bangor contractor is handling construction. Fund to build the health and social services center were obtained through the Federal Economic Development Administration.

Additional funding comes from Indian Health Services, a Federal program of the Department of Health, Education and Welfare. If Penobscots were not a Federally recognized tribe, those monies would not be available, Buckwalter pointed out.

Violet Francis, Senior Citizens Club president, said the new center will include a meal site for the elderly, including kitchen, dining room and lounge. "What we want is to have our own cultural foods whenever possible, depending on the season," she said.

Denise Gilman, VISTA worker, health department administrative assistant, and senior citizens treasurer, said the day care program will probably be set up for 25 youngsters.

Ruth Davis, R.N., tribal nurse, said the health department hopes to contract with a physician to be at the new building on a regular visiting basis. Rural pediatric services from an Eastern Maine Medical Center mobile unit will continue, she said.

## Brewer seeks minority contractors

BREWER — Indian business enterprises are being solicited for a variety of public works projects in the City of Brewer.

The City is undertaking a sanitary sewer project using Federal Local Public Works funding from the Economic Development Administration, and under EDA guidelines must spend 10 percent of its total grant on services or supplies from minority businesses.

A letter from Assistant City Manager Reynold Perry says Brewer would like to fulfill its requirement using local or in-state minority enterprises, "so that the maximum benefit of Local Public Works funding can be realized preferably at the local level or at least within the State."

Work on the sewer project will require sewer and pumping station construction, landscaping, structural steel erection, excavation, plumbing, paving, carpentry,

masonry, electrical wiring and various supplies and materials, such as hardware and industrial machinery.

For more information contact Perry at Brewer City Hall.

## Botched job

(Continued from page 1)

poor," the architect for the project as "fair," and the housing authority as "good," according to housing authority executive director Morris Carpenter.

Asked why plans to file suit in federal district court, rather than a county court, Zenzian said, "I'd much rather have a federal judge and jury deciding the issues than a Penobscot County judge, not because of any prejudice but because we'd end up there (in federal court) anyway."



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THE LORD'S PRAYER as translated into native Passamaquoddy at St. Ann's Parish, Indian Township. The translated text is shared with Passamaquoddiess at Pleasant Point reservation. "We have to translate the liturgy into Passamaquoddy," says The Rev. Raymond Picard, Catholic priest at the Township.

# An explanation of Penobscot and

## MAINE: Passamaquoddy and Penobscot

The President's special representative has expressed confidence that a negotiated settlement can be reached by the first of the year in the historic land claims case in Maine. Following a series of meetings in Maine during the month of August, Judge William B. Gunter (Georgia Supreme Court, Retd.) stated that he will conclude his role in the matter by pressing for mediation and settlement within three months. Unless settlement is reached within this time, he predicts that the economic consequences will become severe within the state. Judge Gunter was assigned by the President in Maine to study the Indian land cases in Maine and Mashpee, Massachusetts. Widely perceived as a mediator, negotiator and representative of OMB, he has described his role variously as catalyst, fact-finder and "more than that of a judge."

Earlier, on July 15, 1977, Judge Gunter recommended that the President urge Congressional extinguishment of the legal rights of the Indians in Maine if they did not acquiesce in his proposed settlement terms. (Details of that recommendation appear in the chronological listing.) The Passamaquoddy and Penobscot Governors reacted to the recommendations in a joint statement of July 26, stating that they were shocked that the President's representative made no provision for negotiating with them and appalled that he had recommended that 90% of their claims be extinguished without compensation should they not accept his offer. "We spent five years getting the courts to force the federal government to act as our trustee. Now this man says that if we don't accept his terms, the President should protect the big timber companies by taking away our rights. I just don't understand it," stated Governor Francis Nicholas of the Pleasant Point Passamaquoddy Reservation.

Governors Nicholas, John Stevens of the Indian Township Passamaquoddy Reservation and Nicholas Sapiea of the Penobscot Indian Island Reservation said that the very recommendation that the claims should be settled was further affirmation of their longstanding belief in the validity of those claims and that, in this regard, "Judge Gunter has come to the only conclusion that any rational man could reach." The State's top political officials, Governor James Longley and Attorney General Joseph Brennan, have consistently maintained that the claims are without merit and, therefore, too weak to settle. However, when Interior and Justice concluded otherwise and informed the court that they intend to file suit on the Indians' behalf unless settlement is reached, the

State's politicians recommended total extinguishment of the claims in order to avoid the test of litigation.

At the request of the White House, Indian, State and Congressional representatives from Maine met in late July to discuss the recommendation with Judge Gunter and Robert Lipshutz, Counsel to the President. In separate sessions, the State rejected the recommendation, the Congressional delegation urged that settlement talks continue and the Indian representatives insisted upon negotiation, stating that they would consider the recommendation "a point of departure." Following these sessions, Judge Gunter met with various parties in Maine and found the climate favorable for a negotiated settlement.

1777-1977 The Passamaquoddy Tribe and Penobscot Nation recounted the events of 200 years and the facts of their land case in their statement of March 8, 1977:

Both our nations fought on the side of the Americans in the Revolutionary War pursuant to a treaty negotiated by a federal Indian agent in 1777. Because of our efforts, much of Maine is in the United States today rather than in Canada. In that 1777 treaty, the federal government promised to provide us with supplies and promised to protect our hunting grounds. That federal treaty, however, was never ratified by the Congress and, in a series of transactions starting in 1794, Maine and Massachusetts took practically all our lands (ten million acres, half of the present State of Maine) and left us totally destitute.

For 150 years we knew nothing but hardship, although we did keep alive our reservation communities, our cultures and our languages. In 1971 our prospects brightened considerably when we discovered that, even though our 1777 federal treaty had not been ratified, the state transactions through which we lost our lands were legally void under the 1790 federal Indian Nonintercourse Act, since they had not been federally approved. When we asked the federal government to represent us in our claims, however, the government refused, saying that the Nonintercourse Act did not protect us. We sued the government (and the State of Maine), and in 1975 won a decision holding that the Nonintercourse Act does protect us and imposes a trust responsibility on the federal government to represent us in our claims.

On February 28, 1977, the Department of the Interior and the Department of Justice announced that they had concluded that our tribes have valid claims to at least five million acres in the State of Maine, and they intend to file suit for return of between five and eight million acres of land on June 1, 1977, unless a settlement is negotiated before that time. The government also announced that it will seek monetary damages for the wrongful use of our lands. As a matter of grace, we agreed that the government should take no immediate action against any of the 350,000 homeowners and small business people within the claim area, and said that we would accept a substitute claim against the State of Maine or the federal government for the value of our claim against these individuals.

The State of Maine, which has steadfastly refused our offer to negotiate responded to these developments the following day by having the Maine Congressional delegation submit identical bills in the House and Senate providing for the total elimination of our claims by retroactively ratifying these illegal transactions. While the members of the dele-

gation tried to tell us that these bills would preserve our rights to sue for money (as though that should be enough), anyone who reads the legislation can see that it leaves no claim at all.

February 25, 1977 In its modified litigation report, the Department of the Interior committed itself to a central role in the efforts to achieve a just settlement of the Passamaquoddy and Penobscot claims. With tribal agreement, Interior recommended to the Justice Department that:

Claims be filed on behalf of the Passamaquoddy and Penobscot Tribes for those lands which the Tribes actually used and occupied as of 1790. Thus, omitted from the claims are those coastal areas which had been substantially settled by non-Indians by that time, and those lands which had been granted prior to 1790, (the date of the passage of the first Trade and Intercourse Act. . . .) these coastal areas are presently the most densely populated portions of the claimed area. Therefore, the Tribes have agreed at this time to seek an alternative legislative solution with respect to these coastal areas.

With respect to those areas . . . in which a claim will be asserted, the Tribes have indicated their intention not to pursue any remedy against any homeowner or other small property owner if they can substitute a satisfactory monetary claim against an appropriate sovereign body for the full value of such claims. Accordingly, we have agreed to assist them in developing a legislative package submitting a monetary claim in lieu of other claims and to support them in obtaining passage of appropriate legislation.

With respect to the coastal areas on which land and trespass claims will be withheld at this time, we have agreed to work with the Tribes for a similar just legislative solution for these claims.

February 28, 1977 The Justice Department announced its intention to proceed on the Tribes' behalf. In requesting an extension of time to report to the Court, the Justice motion stated:

There are two basic reasons for the extension. First, an extension is necessary to enable plaintiffs to adequately prepare proposed claims discussed herein and to coordinate them with other claims against major landholders in the affected areas. While substantial work has been completed additional work is required.

Second, the President has announced that in response to the request of the Maine Congressional delegation he is appointing a special representative to help the parties reach an amicable settlement for submission to Congress. The extension of time is necessary to allow all parties to engage in meaningful settlement talks and to permit Congress sufficient time to adopt any agreement reached. As stated in our memorandum of January 14, 1977, only Congress can correct past injustice to the tribes without causing new hardship to other citizens of Maine. We therefore fully support and endorse the settlement process. On the other hand, if it proves unsuccessful, we have no choice but to proceed with the litigative course. . . .

March 4, 1977 Senate Indian Affairs Committee Chairman James Abourezk (D-S.D.) declined to hear the extinguishment bills, H.R. 4169 and S.842. He responded to the Justice announcement and to the proposed extinguishment legislation in a meeting of the American Indian Policy Review Commission. (The Maine delegation had requested that the Commission not take a position on the land claims issue at that time and the Indian Governors agreed, in order to avoid precipitous action in the Congress regarding their litigation and settlement talks. The Commission agreed to withhold full consideration of the issue and commended the Indian people in Maine for their patience and statesmanship. One Commission Member, however, later violated the agreement. Rep. Lloyd Meeds, D-Wash., within weeks of the meeting, published his Separate Dissenting Views to the Report of the Commission, which included a chapter recommending extinguishment of the legal rights of the Passamaquoddy and Penobscot people. As his views, prepared by a private attorney at a cost of \$37,000 to the Commission, dissented to a non-existent Commission position, he urged for inclusion of a settlement on the Maine land claims in the Commission Report. At the final Commission meeting, a brief and hastily prepared statement was inserted into the Report.) In the March 4 meeting, Sen. Abourezk made the following statement:

I think it is highly commendable of the Administration to come out as they have with a very positive position on this, in say that we are going to help the tribes because we owe them that duty. . . . I would say that, speaking only for the Senate Indian Affairs Committee, I do

**Do you have a drinking problem?**

Wabanaki Corporation offers an alcoholism program for Indian people who need help because of problems with alcohol.

If you have such a problem and need help, or know of someone in need, please contact the Alcoholism Counselor in your community or area.

- Indian Island — Alcoholism Counselor — Clarence Francis — 207-827-7484 or 866-5577.
- Indian Township — Alcoholism Counselor — Martha Baustis — 207-796-2321.
- Pleasant Point — Alcoholism Counselor — Grace Rudenick — 207-853-2537.
- Association of Arctostook Indians — Alcoholism Counselor — Pinus Perley — 207-762-3751.
- Central Maine Indian Association — Alcoholism Counselor — Alfred Dana — 207-269-2653 or 207-866-5887.



**MUSEUM LACKS FUNDS** — The Indian Tribal Museum at Unity ended its regular season recently, mostly because the building, a former meeting hall, is unheated, but also because attendance was low. The independent museum is in dire need of funds, according to Director Lloyd Varney of Waterville, who volunteers his services. Varney has been cataloging material at the museum, about 75 per cent of which is connected with Maine Indians.

# Passamaquoddy tribal land claims

not intend to have any hearings on that legislation that was introduced . . . . If the time comes when we ever have to have hearings on anything, it will not just be on that legislation. It will be on the entire question of negotiations of the rights of the Indian tribes in Maine, and where the justice of the situation can be aired to the Congress. It is not going to be any one-sided consideration of that kind of a bill, and I don't much like the bill either myself. I just want to say that on the record. It just seems to me that it would be a very one-sided attempt to obviate and preclude any just claim on the part of the tribes. Now, for how many years have we been saying that the Indians ought to get into the political process and the legal process, and once they are in it they get screwed up against the wall. That is not very good encouragement for Indian tribes to do that kind of thing; the same thing we have been encouraging them to do. They are entitled to their day in court, and I commend the Indian tribes of Maine . . . for their efforts to negotiate this matter in a very reasonable manner . . . I don't know about the House, but I'm not going to hold any hearings . . . .

**March 12, 1977** President Carter announced the appointment of his special representative in the Maine and Massachusetts, Judge William B. Gunter, whose identity was unknown to the Indians prior to the public announcement. House Interior Committee Chairman Morris Udall (D-Az.) and Indian Affairs & Public Lands Subcommittee Chairman Teno Roncalio (D-Wy.) responded to the recent events in a news release the same day, stating that they would "take a dim view" of any party not participating in good faith in the negotiations:

Whatever the ultimate merit and legal validity of these claims, there is no denying the impact that they have had within the affected states and communities . . . . Yet, despite this impact, we must support the right of the tribes to initiate and proceed with litigation to try their claims. Under our Constitution and system of law, every individual has a right to his day in court, whatever the ultimate legitimacy of the claim. If we deny it to me, we can deny it to all. Nevertheless, we are not unsympathetic to the local problems caused by the claims nor the desire for an expeditious solution and settlement of the claims . . . . We are advised that there is a serious effort to achieve a negotiated settlement. We understand that the Indian tribes, the Interior Department, and the Justice Department support this approach and have obtained consent from the Federal District Court to extend, until June 1, the deadline for filing the Federal suit. We also understand that, at the request of certain members of the Massachusetts Congressional delegation, President Carter has agreed to appoint a Federal mediator to work toward a negotiated settlement. At this time, we would strongly urge this approach.

Therefore, we feel that it is inappropriate for the Congress to involve itself in the dispute at this time. Under existing circumstances, it is our position that the House Committee will initiate no legislative or oversight activity on the matter in order to facilitate the possibility of a negotiated settlement.

**March 20, 1977** The President's special representative held a "pre-acquainted meeting" with the State and Indian Governors and their counsel, the Maine Congressional delegation, Interior and Justice officials and members of the President's

legal and public relations staff. Judge Gunter, who characterized his role as that of a "catalyst," was never to call a meeting of all the parties. Subsequently, Judge Gunter held separate sessions with all of the above parties, private interests, members of other Eastern states' Congressional delegations, representatives of the Office of Management and Budget and the chairmen of Congressional committees with jurisdiction over Indian legislative matters. At Judge Gunter's request, legal issues were briefed over the next two months by Maine Attorney General Brennan, Attorney Edward Bennett Williams (Special Counsel to the Maine State Governor), NARF attorney Tom Tureen for the Tribes, Professor Archibald Cox (Special Counsel to the Passamaquoddy Tribe and Penobscot Nation) and others.

One meeting held during Judge Gunter's period of review was with representatives of the American Land Title Association, which was reported in the ALTA publication, *Capital Comment*:

ALTA representatives met in May with Judge William B. Gunter . . . . The purpose of the meeting was to express the title insurance industry's concern with pending and potential Indian land claims. The uncertainty of status of land titles in Maine and Massachusetts because of such claims was given particular emphasis. Federal Legislative Action Committee Chairman Dawson described the difficulties of transferring land in the 'claim' areas because of the inability of sellers to provide assurance of marketable title. Dawson also stated that the interest of ALTA is essentially identical to that of the land owners. As long as there is a question regarding title to property, he explained, hardship and injustice will be experienced by land owners holding property in good faith. In order to alleviate these inequities, the ALTA representatives recommended that any federal legislative solution include the following two ingredients: (1) land owners, purchasers, lenders and local tax authorities must be assured that existing titles are marketable and insurable; and (2) land owners must not be subject to financial liability for trespass damages or any other forms of damage.

Judge Gunter stated at the meeting that his primary concern is to relieve the economic uncertainties that have resulted from the Indian claims. However, the judge stated that if legislation is proposed to extinguish aboriginal title, he feels confident that the Indians would challenge such extinguishment on constitutional grounds unless it provides full compensation for the value of the extinguishment title.

Judge Gunter indicated that he had been told the Maine Indian tribes, the Passamaquoddy and Penobscots, have placed a claim as high as \$25 billion to reflect the full compensation for the value of 12½ million acres in Maine that are under dispute.

ALTA Special Indian Research Counsel John Christie, Jr., stated that he is confident Congress could devise a solution that would be upheld constitutionally and agreed to furnish the judge with a legal memorandum in support of this position. Later in May, ALTA forwarded to the Judge a legal analysis indicating that a legislative proposal can be — and should be — developed to resolve the hardships and inequities that have resulted from the pending Indian land claims. It was contended that such legislation would clearly be within the power of Congress to enact and would not give rise to any valid fifth amendment claims. Presently, ALTA's Indian Land Claims Committee is structuring a legislative approach and

language that would protect present and past land owners from financial liability or any other form of damages and would make certain that present titles are marketable and insurable.

Judge Gunter said he was uncertain as to whether he would recommend a legislative solution. His present focus is on the need to devise a procedure by which the litigation will continue to an end, with Congress determining a ceding on the amount of property and money damages that could be recovered if the Indians prevail.

Following a June meeting with the Chairmen of the Senate Indian Affairs Committee and the House Interior Committee, Rep. Udall and Sen. Abourezk communicated with Judge Gunter and President Carter and issued a joint statement calling for a Congressional-Administration effort to provide funds for neutral third party mediators for each claim, where needed. Such an initiative, the Chairmen stated, "places a premium on obtaining the agreement of all affected parties" without extinguishing "those Indian claims which are meritorious and thus repeating historical injustices to the Indian people." Their requests for the mediation effort and for consultation prior to the announcement of recommendations regarding the Passamaquoddy and Penobscot case went unanswered.

**July 15, 1977** Judge Gunter submitted his written recommendation to the President:

I have given consideration to the legal merits and demerits of these pending claims. However, my recommendation is not based entirely on my personal assessment in that area. History, economics, social science, justice, and practicality are additional elements that have had some weight in the formulation of my recommendation.

My recommendation to you is that you recommend to the Congress that it resolve this problem as follows:

(1) Appropriate 25 million dollars for the use and benefit of the two tribes, this appropriated amount to be administered by Interior. One half of this amount shall be appropriated in each of the next two fiscal years.

(2) Require the State of Maine to put together and convey to the United States, as trustee for the two tribes, a tract of land consisting of 100,000 acres within the claims area. As stated before, the State reportedly has in its public ownership in the claims area in excess of 400,000 acres.

(3) Assure the two tribes that normal Bureau of Indian Affairs benefits will be accorded to them by the United States in the future.

(4) Request the State of Maine to continue to appropriate in the future on an annual basis state benefits for the tribes at the equivalent level of the average annual appropriation over the current and preceding four years.

(5) Require the Secretary of Interior to use his best efforts to acquire long-term options on an additional 400,000 acres of land in the claims area. These options would be exercised at the election of the tribes, the option-price paid would be fair market value per acre, and tribal funds would be paid for the exercise of each option.

(6) Upon receiving the consent of the State of Maine that it will accomplish what is set forth in numbered paragraphs (2) and (4) above, the Congress should then, upon obtaining tribal consent to accept the benefits herein prescribed, by statutory enactment extinguish all aboriginal title, if any, to all lands in Maine and also extinguish all other claims that these two tribes may now have against any party arising out of an alleged violation of the Indian Non-intercourse Act of 1790 as amended.

(7) If tribal consent cannot be obtained to what is herein proposed, then the Congress

should immediately extinguish all aboriginal title, if any, to all lands within the claims area except that held in the public ownership by the State of Maine. The tribes' cases could then proceed through the courts to a conclusion against the state-owned land. If the tribes win their cases, they recover the state-owned land; but if they lose their cases, they recover nothing. However, in the meantime, the adverse economic consequences will have been eliminated and Interior and Justice will have been relieved from pursuing causes of action against private property owners to divest them of title to land that has heretofore been considered valid title.

(8) If the consent of the State of Maine cannot be obtained for what is herein proposed, then the Congress should appropriate 25 million dollars for the use and benefit of the tribes (see paragraph numbered (1)), should then immediately extinguish all aboriginal title, if any, and all claims arising under an alleged violation of the 1790 Act as amended, to all lands within the claims area except those lands within the public ownership of the State. The tribes' cases could then proceed through the courts against the state-owned land. If the tribes win their cases they recover the land; but if they lose their cases they recover nothing against the state of Maine. However, in the meantime, they will have received 25 million dollars from the United States for their consent to eliminate economic stagnation in the claims area and their consent to relieve Interior and Justice from pursuing causes of action against private property owners to divest them of land titles that have heretofore been considered valid.

It is my hope that the Congress can resolve this problem through the implementation of numbered paragraphs (1) through (6) above. Paragraphs (7) and (8) are more alternatives to be utilized in the event consensual agreement cannot be obtained. (Reprinted with permission from Announcements, August 1977, Native American Rights Fund.)

## HEW okays bi-state welfare services plan

**ORONO** — The Federal government has agreed to fund a two state, six county research and demonstration project for child and family welfare services to Indians.

First year funding from the Department of Health, Education and Welfare (HEW) totals \$110,000, according to Michael Ranco, director of Central Maine Indian Association here. That association, the Association of Aroostook Indians, and the Eastern Indian Council had requested the grant in a proposal submitted to HEW several months ago.

Wabanaki Alliance incorrectly reported in its August issue that an initial grant had already been awarded at that time. The story should have said only that a grant proposal had been delivered, and was under consideration by Federal officials.

The grant monies will be used for research in Maine's Penobscot, Washington and Aroostook Counties, and in Massachusetts' Lowell, Lawrence and Worcester areas.

Ranco explained that the project will seek to improve foster care for Indian children, who are often placed in non-Indian homes on an arbitrary basis. Other parts of the study will deal with family reunification and solutions to child abuse, he said.

## Indian scholarships said not in jeopardy

OLD TOWN — A Maine Indian Scholarship Committee awarded a number of grants improperly, according to an opinion by the Attorney General's office.

However, officials of the Indian Scholarship Committee told Wabanaki Alliance, that the improper awards were an oversight that can be easily corrected by "ratifying" those scholarship grants already awarded.

No students will lose their funds, an official said.

At the request of Rep. Michael D. Pearson of Old Town (D-District 79), Assistant Attorney General S. Kirk Studstrup wrote in a Sept. 1 letter, "It is our understanding that the Indian Scholarship Committee . . . met during the month of July 1977, and sent letters to applicant scholars awarding grants for the coming school year.

"These letters were apparently sent without knowledge by the Committee of legislative action by the 108th Legislature . . . any award of scholarships by the Committee to individuals who do not meet the current definition of North American Indians residing in Maine would be contrary to statute and must be considered as improperly granted," Studstrup stated in his letter to Pearson.

The legislative action Studstrup mentions was a bill (LD 415) introduced by Pearson that defines North American Indians residing in Maine as any current member of the Penobscot or Passamaquoddy tribes, or any Miamee or Malacite Indian who can prove one quarter Indian blood and who has resided in Maine five consecutive years prior to apply for a scholarship.

To belong to either the Passamaquoddy or Penobscot tribe, an Indian must be at

least one quarter blood, but for Miamee and Malacite, the case may be difficult to prove. In any case, if scholarship grants were awarded to Indians who did not meet the new requirements, those awards would apparently be invalid.

Further complicating the matter is Studstrup's statement that, "The Committee had no statutory authority to award any scholarships, regardless of the qualifications of the applicants, during the period from June 27, 1977 to July 25, 1977."

Earlier this year, at a House budget vote, Pearson said he opposed passage. "Because there wasn't a cent in there for Indian scholarships." Later, with Pearson's new definition for Indian scholarship aid, the 108th Legislature passed the budget as emergency legislation.

The budget in revised form earmarks \$55,000 for North American Indian Scholarships. Pearson's bill, L.D. No. 415, defines the qualifications for scholarship aid, which will probably total \$1,000 or less per individual.

Pearson defended his definition of eligible Indians, saying he acted in the interests of his Old Town constituency, which includes Penobscot Indians at Indian Island. "I did it (presented a bill) because the Penobscots asked me to do it and because I feel that now Indians scholarships will be going to Indians." In past years, scholarship monies were not guaranteed to Maine Indians, he said.

Pearson explained that scholarships can cover "anything from learning how to be a beautician to going to college." The funds can be used for all kinds of secondary and post secondary education, he said.



Vickie Tibbetts

[Laber photo]

## Penobscot woman learns drafting skills

By Dottie Laber

### U.S. Soil Conservation Service

ORONO — Vickie Tibbetts of Hudson is a budding draftsman with the U.S. Soil Conservation Service. She is well-liked for her combination of a peppy personality and hard-working attitude, according to her co-workers.

Vickie has been working since she was 15 years old. Her first job, making sock linings in a shoe factory, was followed by a series of others in shoe shops and woolen mills.

These jobs were not to her liking. Yet with an eighth grade education, Vickie, a Penobscot Indian, had limited choices for employment.

Then she got a break. A cousin told her about CETA (Comprehensive Employment and Training Act) which helps unskilled people find jobs.

Through the local CETA office, Vickie was placed in the Soil Conservation Service (SCS) as a supply clerk. After that things began to improve.

Vickie caught on quickly to the supply system that serves five U.S. government agencies on the University of Maine, Orono campus. Secretaries soon recognized that a tricky reproduction job was easy for Vickie. She enjoyed tinkering with an old offset duplicator to get top-notch printing results.

SCS — a U.S. Department of Agriculture agency which helps landowners, organizations and town conserve and wisely use both soil and water — renewed her first appointment. But regulations eventually ended the job.

Meanwhile another section of the agency needed a person to do simple, but accurate drafting on soil survey maps. Vickie was given a new, temporary appointment. Though neither skilled nor familiar with the material, she caught on and produced clean, correct maps.

A professional draftsman with SCS commented that Vickie showed a natural skill for drafting. But again, the work was temporary.

When she found that she might not get a good, permanent job without a high school education, Vickie turned back to her schoolbooks. In less than six months she successfully completed her high school equivalency tests.

With the GED (General Educational Development) diploma in hand she qualified for a worker trainee appointment and returned to the Soil Conservation Service in the spring of 1977. But even the earlier experience was limited background for the engineer drafting she now does for the Watershed Staff of SCS.

"I couldn't do it without the help of the guys here. Without them I wouldn't have understood what I was doing." And, by implication, she would not have been able to do a good job.

Vickie's work includes drafting on maps of flood prone areas in the state, being studied under Flood Hazard Analysis or Flood Insurance Studies. The work requires a steady hand and sharp eye for detail. Lettering and demarcation lines must be drawn precisely as she transfers statistics reported by a survey crew onto maps.

"Vickie is a valuable addition to our Watershed Planning Staff," says State Conservationist Warwick Tinsley, head of the SCS in Maine. "We appreciate her sparkling personality as well as her expert drafting skills, which we so sorely needed in our organization."

Vickie and her husband, Duane, have a daughter, Lori, 10, and son, Floyd, seven. Vickie is expecting a new baby before the year is out, but will be back at her job before long.



HOUSING was the topic of a recent training session at Bangor. Among participants were from left, Robert Newell, Passamaquoddy housing commissioner from Pleasant Point, Jack Partridge, an official of National American Indian Housing Council, Clayton Cleaves, Passamaquoddy housing authority director, and Joel Frank, housing authority vice-chairman from a Seminole reservation, Hollywood, Fla.

## Housing leaders hold session

BANGOR — Indian officials from local housing authorities from Maine to Florida gathered for two days of intensive training at a Bangor hotel recently.

Represented at the teaching sessions, sponsored by National American Indian Housing Council (NAIHC), were Passamaquoddy and Penobscots from Maine, Cherokee from North Carolina and Seminole Indians from Florida.

"We're providing training not as a commercial endeavor, but to ensure that Indians are aware of their rights and power under existing housing regulations. They are in the process of learning about the regulations that govern their housing programs," said Jack Partridge, NAIHC training coordinator.

Partridge called the lectures, discussion and video tape lessons a form of "orienta-

tion training" for Indian officials. He and co-teacher Wynema Coyle, both from NAIHC headquarters in Carson City, Nev., led 25 other participants through workshops.

Partridge and Coyle's program is funded by the Department of Housing and Urban Development (HUD). Partridge said HUD's Indian housing programs are so difficult to understand. "It's an absolute wonder that there has been any success at all of the housing programs (on reservations)."

HUD has its own trained experts for various programs, Partridge pointed out. But Indians have no such advantage, he said.

The Bangor conference was called Preparation for Decision Making. Additional training sessions will cover other topics, and will be scheduled elsewhere.

## Catawba Indians seek tribal land

WASHINGTON — The Catawba Indian Tribe is considering legal action to recover its 140,000 acre reservation in South Carolina, according to a recent news release from the U.S. Department of the Interior.

The Interior Department recommended that the Justice Department begin legal action on behalf of the Catawbans, according to Interior Department Solicitor Leo M. Kufus. Catawbans want the return of 15 square miles at Rock Hill, S.C.

The news release said the Catawba claim is similar to land claims by Maine's Penobscot and Passamaquoddy Indians. As with Maine, the Catawba claim is based on alleged violation of the 1790 Non-Intercourse Act, which required all treaties be approved by Congress.

By 1840 the Catawba's Treaty reservation was overrun by non-Indians who continually ignored the Tribe's protests. "In 1840," Kufus said, "the Tribe finally purposed to convey their remaining title and interest in the 140,000 acres to the State of South Carolina by treaty. The Federal Government was in no way involved in the negotiations and never subsequently gave its consent. The 1840 conveyance was therefore void under the Non-Intercourse Act."

"The action we recommend is that the United States finally act upon its long neglected duty under the Non-Intercourse Act to nullify the 1840 Treaty with South Carolina and restore possession of the 1763 Treaty reservation to the Catawba Tribe," Kufus said.



# Proud to be Micmac

(Continued from page 1)

reservation; Dee said "it doesn't matter where" she does her work.

Both bright and articulate, Freda and Dee participated last summer in an Orford program at University of Maine, preparing them for college. Dee reports there are more than 100 native Indians attending UMO as freshmen this year, a dramatic increase from previous years.

Although Indians may attend the university tuition-free, that doesn't necessarily make life easy. There are still many bills to pay.

Money is only one problem. Dee and Freda have had more than their share of problems growing up, but have emerged from trying circumstances as strong and mature individuals.

Freda is a graduate of Ellsworth High School. She left home in the Boston area at age 14, and was invited to live with an Ellsworth family. She credits that family with making it possible for her to be where she is today.

Freda has three brothers and one sister, but her mother was generous and tried to care for a total of 11 children. Freda tried to help, but the responsibility was over-weighing for a young girl.

In school in Boston, Freda recalls being teased about being Indian. So she pretended she was Oriental, and that worked for awhile. Living on her own, moving to Maine, made Freda, in her words, "tough and bitter."

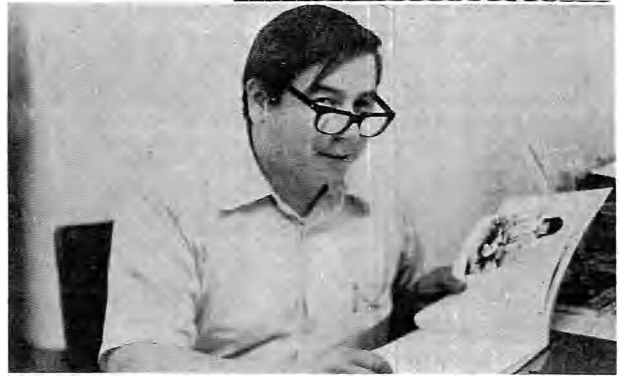
But her contact with the Ellsworth family showed her people could be gentle and caring, and she wouldn't have missed that experience for the world. Freda has not been in touch with her parents, Margaret and Wilburn Harper of Moncton, N.B., in some time. She wants them to know she loves them very deeply. And she also loves her "family" in Ellsworth.

Dee has only lately become close with her mother, but is very happy to share things with her today. Her mother, Irene Augustine, recently moved to Bangor, and the two can see a good deal of each other.

"I didn't do well in school in Bridgewater, but my foster mother in Houlton really encouraged me," Dee recalled, adding that in Junior High School, "I was going to quit school. But [my foster mother] stood by me. It was such a hard year; I cried a lot. But it felt so good to be loved!" Dee has four sisters and three brothers.

The next year of junior high, Dee decided to make the Honor Roll, and she did. She won a Citizenship award, and that made her extremely proud and grateful. Freda also won a Citizenship award at her school.

Both Dee and Freda have lived on New Brunswick Indian reservations, Dee at Big Cove, Freda at Eel Ground. The women said their sense of Indian-ness deepened with that experience, and both would like to revisit the reservations, located near New Castle, N.B.



Passamaquoddy educator Wayne Newell looks over text in native language.

## Bi-lingual project thrives at reservation

INDIAN TOWNSHIP — "It's like learning to read twice, except the second time it's much more beautiful."

That's how Passamaquoddy educator Wayne Newell began describing a program he has helped create to bring the native Indian language into the classroom. Since 1971, with a grant from the federal Department of Health, Education and Welfare, and with diligent work by concerned staff, the program has flourished.

Newell is modest about his own role in developing the language program at Indian Township elementary school, and would rather not take credit personally for its success. He said that Indians working together, with a unified purpose, deserve the credit and recognition.

Newell, 35, a Passamaquoddy Indian born at Pleasant Point, chose to return to his people rather than seek a career away from the reservations. A graduate of Ricker College with a master's degree in education from Harvard, Newell directs the only Indian bi-lingual project in New England.

More than 50 books have been published through the program, most of them written in a standardized Passamaquoddy, and a few of them in both English and the native language. These books, a great many of them illustrated for children, recount traditional Indian legends and stories that were almost lost to present Indian generations.

The books are used in the school, of which Newell is co-principal, and Indian teachers instruct pupils in spoken and written Passamaquoddy, one lesson per day. Passamaquoddy teachers share duties with certified (non-Indian) teachers in the classroom. Schools such as the one at Indian Township are part of the state system, but remain under jurisdiction of the Catholic Church.

Newell, who said he much prefers actual teaching to administrative work, believes education goes well beyond the classroom walls. Already a progressive curriculum in a cheerful, modern building, education at Indian Township involves field trips, community involvement and creative use of a variety of resources such as graphic arts and audio-visual equipment.

A field trip to dig up a traditional Indian medicinal herb is at least as important as a lesson in algebra, Newell said. "We've changed the attitude — I guess that's what we've done mostly. In the 20th century there are certain skills we need, but they're not our savior," he said.

Newell talked about "reshaping our thinking" during an interview at the school. "The values we are trying to keep are those values that our forefathers had. 'We're not paddling canoes, but we can shut off our TVs and tell stories,'" he said, adding, "We do this in the Newell household."

Newell said he hopes the bi-lingual program will show Indian children their cultural roots, so that they may become aware and proud of their heritage. Newell became involved in the language program when he realized, "Things were slipping out of our grasp."

Is Indian culture being preserved? "Time will tell," Newell said.

"In the school we try to teach that everybody has a part, that we're all in it together. When you examine it, there was always something missing in education, at least in my education, in the so-called white man's education," Newell said.

An advantage of the Passamaquoddy language project, officially known as Wabanaki Bilingual Education Program, is that the Maliseet Indian language is virtually the same, and the two tribes have little difficulty understanding one another when conversing in their native languages. A similar language was shared by Indians of the Algonkian group, from Newfoundland to the Great Lakes.

Newell explained that know and using one's own language leads to a sense of pride and self-worth for Indian children. "You don't talk about pride, you experience it. You find ways to feel good about being Indian," he said.

Although federal funding for the bi-lingual project is about to expire, the program itself is expected to continue and expand. Newell said he has seen many programs come and go, but this one is different.

"I never say that this is the way to do it, I just want to lay the foundation," Newell said. The language needs to be taught, "Not in the sense of somebody forcing it on you, but because it's part of you."

"One of our goals is to make this school the happiest place on the reservation," he said.

## Rhynard still on job as commissioner

AUGUSTA — Maine Indian Affairs Commissioner Charles W. Rhynard was still on the job as of press time, although he hinted he might work only part time until a replacement is named.

Rhynard, a consultant from Camden, took the commissioner's job at the request of Gov. James B. Longley last spring, with the understanding he would leave after 90 days. However, the State has been unable to find a successor to Rhynard, and Rhynard has already overstayed his original tenure by a month. Rhynard's predecessor, Penobscot Indian George M. Mitchell, quit the post over a dispute with Longley.

The Department of Indian Affairs was created in 1965 by then Gov. John Reed.



Micmac students attending UMO are Freda Harper, left, and Dee Francis.

## Thomas quits PIE, Wehrman hired

INDIAN ISLAND — A 32-year-old Bangor man has been hired as general manager of Penobscot Indian Enterprises (P.I.E.), replacing Michael D. Thomas who resigned in September for employment elsewhere.

Hired to direct the Penobscot Indian-owned business was George F. Wehrman, a New York City native who graduated from University of Maine with a degree in business. Wehrman has marketing research and development experience, and formerly owned a construction firm.

P.I.E., organized through Thomas' efforts in 1976, operates a moccasin factory at

Indian Island that employs 24 persons. A retail outlet store is maintained at Bar Harbor. Since its founding, P.I.E. assets have grown from \$27,500 to \$430,000.

P.I.E. officials have recently been negotiating for a sizeable loan to expand business enterprises. Other P.I.E. projects include a heating firm and service station, wilderness waterway recreation program, and several proposed new ventures.

Wehrman said he is currently developing new plans and marketing strategy, but he declined to discuss details. Wehrman spent eight years as a pilot in Air National Guard, Bangor. He and his wife have two sons.

## Gerrard warns of political pressures

WASHINGTON — Forrest J. Gerrard, recently confirmed Interior Assistant Secretary for Indian Affairs, has challenged national Indian leaders to join in the preparing of a national policy statement on Indian affairs.

Gerrard made the challenge in an address at the 34th annual convention of the National Congress of American Indians (NCAI) in Dallas, Texas.

Gerrard acknowledged that "there has been concern on the part of the Indian

people that this Administration has yet to announce a comprehensive Indian policy statement." He said that the Administration wanted the Assistant Secretary to take the lead in policy initiative for Indian affairs. Gerrard then asked NCAI and the other major Indian organization, the National Tribal Chairmen's Association (NTCA), to "come up with a joint policy statement . . . so that we will have your input in formulating policy."

# Fraud discovered in Townships purchase

(Continued from page 1)

In that treaty the Tribe gave up all claims to lands in the State of Maine except the islands in the Penobscot River above Old Town, two acres of land in Brewer and four townships of land each six miles square, whose locations are described in the treaty and which are to be surveyed and laid out as soon as possible. This was eventually done but not without some prodding from the Tribe since we find that the Resolve passed in 1826 to resurvey the two lower townships did not occur until the Legislature was directly petitioned by the tribal officials.

During the fifteen years the Tribe held the townships they derived a considerable income from them. The Agent could, under the law, lease cutting rights to persons or companies who wished to cut on Indian land, the income from which was set up in a trust fund for the Tribe. The Agent however, was not long in finding out that much of his time was being spent in trying to keep out lumbermen cutting illegally, or in Court trying to get those who had already cut and sold illegally, to pay up.

## State pressures Tribe

Soon the Agent had another problem to contend with. Squatters began to move in and build camps and houses and sometimes only the presence of the Sheriff with the Agent was sufficient to remove these later comers.

Finally in the middle 1820's the State officials began to pressure the Tribe to sell their two lower Townships where most of the trouble was occurring. The Tribe consistently refused to sell and there the situation rested, until an unfortunate chain of circumstances conspired to change the whole picture and in time to change the whole course of Penobscot Tribal history.

## Tribal disruption

In 1816 John Aitean had been elected Governor or Chief of the Tribe and John Neptune Lieutenant Governor. Both were chosen for life in accord with the law of that time. The Chieftain had been semi-hereditary for several generations although it did not necessarily descend to the sons of the former Chief. The office of Chief was elective but the new Chief had to be related in some way to the old. Over the years since 1816 a number of differences had arisen between Aitean and Neptune, some of them personal rather than of a political nature.

The rift grew and eventually divided the Tribe into two political factions.

In time (some time after sale of the Four Townships) Aitean and Neptune again became friends and put aside their other disagreements but the opposition party who had originally sided with Aitean now felt that he was no better than Neptune and decided that they both should be thrown out of office.

The final rupture of the Tribe into the Old Party (favoring the Old Governor & Lt. Governor) and the New Party (who wished to choose new leaders) did not occur until the summer of 1838 but the party factionalism and political unrest in the Tribe, an unrest that had risen to such heights as to prompt John Neptune to completely vacate the reservation early in 1832, was sufficient for the State to take advantage of it and try again to purchase the Four Townships of Penobscot land that certain State officials had long viewed with covetous eyes.

## False report filed

In 1832 the State Legislature passed a Resolve (Chapter III of the Resolves of 1832) authorizing the Governor and Council to appoint two Commissioners who are empowered on behalf of the State to purchase from the Penobscots such of their lands as they may be disposed to sell, at such price, time and mode of payment as may be agreed upon. The two commissioners appointed were Amos M. Roberts of Bangor and Thomas Bartlett of Orono.

Most of the maneuverings described in

the various accounts however apparently are the work of one Stephen Lovejoy of Old Town, who does not seem to rate very high in Indian Agent Mark Trafton's opinion.

The report of the sale made to the Governor and Council of Maine by the Commissioners is a model description of how land transactions with Indian peoples should be carried out. They speak of their proposition of sale being "cordially received," of the Tribe "convening their Council and Chiefs, consisting of members of both parties," of "having public deliberations on the matter—for several weeks," of "frequent interviews with us by delegates appointed by their convention and receiving from us a full explanation of the subject."

This report filed with the Governor and Council is exactly opposite to the facts as presented by the reports and affidavits of Mark Trafton, the Indian Agent and the Penobscots themselves.

Apparently on June 10, 1833, Tribal Governor John Aitean and some others signed a deed purporting to sell the Four Townships to the State. According to Trafton and the Indians' report Stephen Lovejoy had been on the island for about a week previous to this trying to get the Indians to sell their lands. What Lovejoy was doing here instead of the Commissioners is unknown. According to later reports by most Tribal members no one was aware the Commissioners had any intention of purchasing Indian land.

## Lovejoy promises new houses

After a while, by some means, Lovejoy prevailed upon the Governor and several others to meet him and Bartlett on the day following at the Indian School at a set time to sign a paper. For doing this Lovejoy promised them all that the State would build them new houses. He cautioned them not to mention this to anyone else.

At the hour appointed they met at the school but two or three men standing near the schoolhouse saw them go in with Bartlett and Lovejoy and resolved to go in and see what was going on. When they arrived and found the question was the sale of the Townships these two or three opposed it with vigor.

The Governor then seeing how things were going, requested that the signing be put off until the next day but Lovejoy refused and urged them to sign, promising that next day the Commissioners would return with a legal document that would secure them in all their rights. Some of those present then signed the deed after which Bartlett and Lovejoy left and had still not come back when the Indians finally told Indian Agent Mark Trafton of the above described events some two days later.

A general meeting of the Tribe was called on the 13th of June and a messenger was sent to get the Agent who was in Bangor. He agreed to meet with them and did so on the 14th of June. On learning the truth of what had happened and the strong opposition of the whole Tribe to the sale of any of their lands, even the Governor and those others who had signed, "appeared to be sorry," and "all requested me to write to the Governor of the State not to take away their lands without the consent of the Tribe." So reported Mark Trafton the Indian Agent.

In addition to the charges of bribery and corruption levelled at the Commissioners by Trafton should also be added that of forgery. It is plain that at least one man's name was signed to the document without either his knowledge or consent, that of Captain Peol Snickies.

John Neptune did not sign either for he had been gone for over a year. Peol Molley signed for him claiming to have been given authority to do so, but that claim was later denied. Joseph Poris' (Polis) name is also affixed, signed by a mark. Why should Polis sign by mark when only a few days later he signed a petition protesting the whole business in his own hand?

Although Trafton sent his report accompanied by the affidavits of the Indians and sent them directly to the Governor by the hands of Joe Sockabason and Peal Mitchell, who as he says in a letter to the Governor of Maine dated June 18th, 1833 can give a good explanation of what went on and answer any questions. It would seem that Governor Smith did nothing.

When Trafton's four year term as Agent was up in 1836 a certain Joseph Kelsey was appointed to succeed him. Kelsey was the man who was chosen by the State to survey and lot the Townships in 1834. In 1835 the second conveyance of land on the Townships to an individual by the State was for a tract of 2,881 acres which was bought by Amos Roberts, Samuel Smith and Edward Smith. (Note the first two names.) This was in February 1835. In April of the same year Roberts bought 8,467 acres more. The entire cost of the two sales was about \$1.00 per acre. Between this time and 1838 when an investigation of the whole affair was made by the legislature the State Land Agent had issued 66 deeds to land on one or another of the Four Townships.

## Investigation dropped

The next reference found to the matter is the Legislative Investigation of 1838. In their papers we find where Governor Kent submitted copies of the documents as requested. It is among these copies that we find the only surviving text of the Four Townships Deed. What this committee of the Legislature discovered we do not know but they quickly dropped it.

On March 22, 1838, the committee reported to the House and Senate that they wished to be "relieved from any further consideration of the subject." The report was read and accepted without comment in both Houses. From there on the record tells us nothing, except as I said in the beginning, in the summer following a joint tribal meeting to impeach Aitean and Neptune and choose new leaders was held.

It was destined to be the last time that such a convention was to be held between the three Federated Tribes, Maliseet, Passamaquoddy and Penobscot. The old leaders refused to step down and the new leaders elected at that time (August 31, 1838) attempted to assume authority resulting in a political confusion that was to last for the next three decades. In such a state of confusion in the Tribal Government, lasting for such a long period, (a whole generation) it was fairly easy for the State officials to cover up their part in the affair.

## Deed lost or destroyed

The deed to the Four Townships has been lost or destroyed and has never been recorded. The State Officials who figured prominently in the affair later as purchasers of land on the townships or in the possession of more lucrative State jobs.

I believe the two deeds to Roberts and his Associates however, viewed against the background of the Trafton Report and the Affidavits of the Tribal Members submitted with it, as well as the curiously worded report of the Joint Select Committee on Indian Affairs submitted March 22, 1838, throws a flood of light on the whole dirty business.

## An odd circumstance

With the material presently available we can prove nothing against those men of course, but isn't it an odd circumstance that one of the Commissioners appointed to buy the Indian lands should be almost the first to purchase part of those lands from the State, along with a certain Samuel Smith. Whether this is the same Samuel Smith—who was Maine's Governor in 1831-32-33 I have been unable to determine. Isn't it also very strange that Joseph Kelsey the surveyor who lotted No. 1 Indian Purchase for the State should be appointed Indian Agent in 1836 to replace Mark Trafton? In addition to this the Copy of the survey of the Two

Upper Townships returned to the State Land Office show at least a quarter of the lots in Township 3 were marked Smith as well as several in No. 4. Whether this is the same Smith who as Governor I don't know but it looks somewhat odd considered against other known facts.

I think with this information at hand it isn't too hard to figure out why Lovejoy, Roberts and Bartlett showed such arrogance and contempt to Trafton and his Penobscot friends. It isn't too hard either to see why their Prayers and Petitions encountered blind eyes and deaf ears when they reached Samuel Smith, Governor of Maine.

To the above account I have an interesting Postscript to add, taken from *Louis C. Hatch's History of Maine (1919) Vol. I Page 197* in giving a short account of Gov. Smith's life; a postscript that fits ideally with what we have learned: "Judge Smith was an able lawyer, industrious, well supplied with this world's goods, and said to be very diligent in acquiring them."

One more item needs to be added also from Hatch's history; and that being that Smith was an "Ardent Supporter" of President Andrew Jackson's Indian Removal Policy.

## Copy of deed located

I wish also to add that in addition to not being recorded the Original of the Four Townships Deed has apparently been lost. After a diligent search of material in Maine State Archives including quite a bit of help by the people working there, we have been unable to find the Original Deed.

However, some time after our search a copy was located. The copy was found in a collection of papers from the various past legislatures known as the "Legislative Graveyard." Much of this material hasn't yet been sorted and indexed. All this material in relation to the Four Townships in the form of copies had been presented to the Legislature by Governor Edward Kent in response to a legislative order for an investigation into the matter.

The copy of the deed shows one defect that quite likely prevented its being recorded. It shows no evidence of ever being acknowledged before a Justice of the Peace or Notary Public as required by Law.

The plain record of what took place during the transaction combined with a legally defective deed that has been lost, and never recorded gives the State and all who derive title from her a very shadowy claim at best to land on the Four Townships.

Note: S. Glenn Starbird, Jr. is currently employed by the Penobscot Nation as Tribal Historian and genealogist. He is a former deputy commissioner of Indian Affairs for Maine.

## Bid awarded on town building

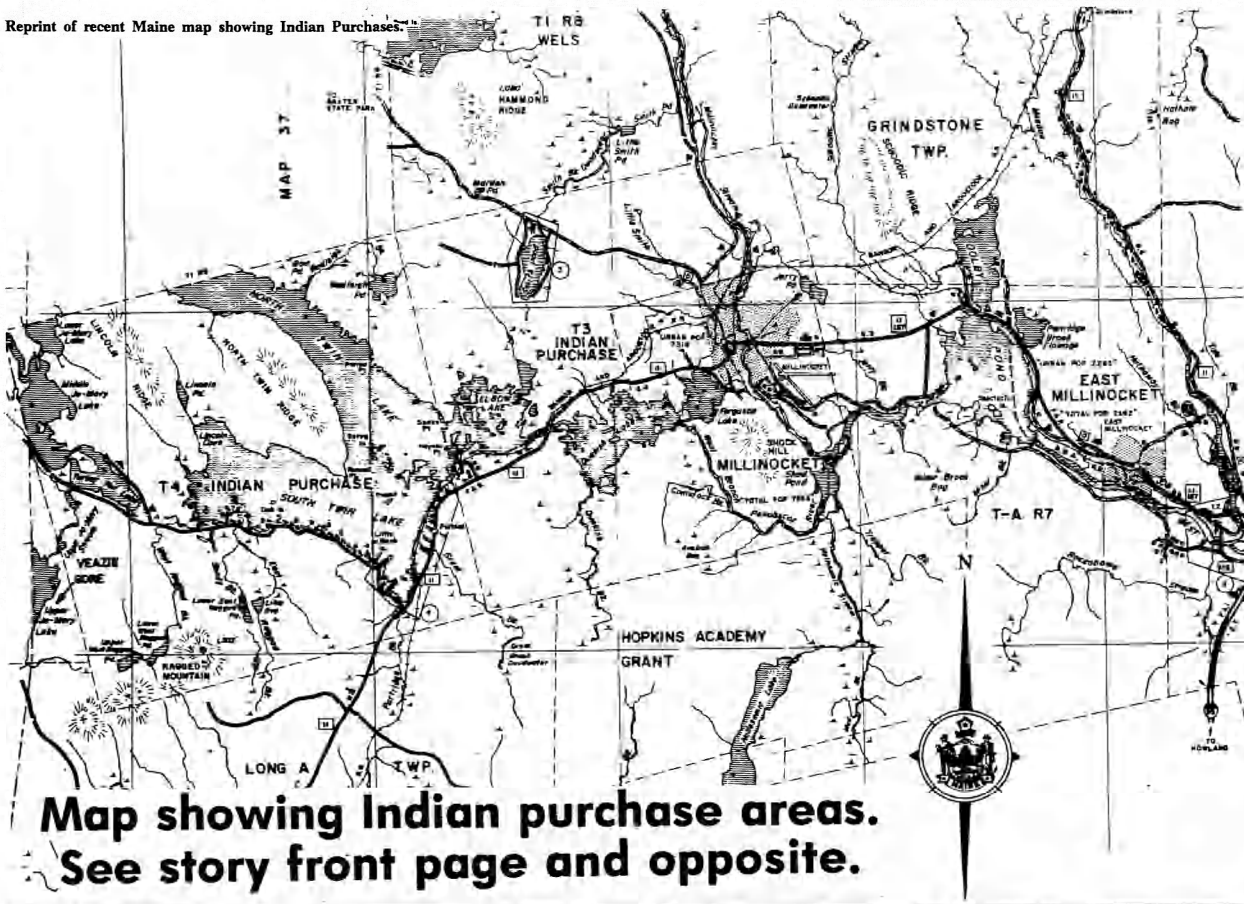
**INDIAN TOWNSHIP** — A Massachusetts contractor has been hired to construct a municipal building here, by a vote of the Passamaquoddy Tribal Council, Oct. 3.

Dalton Industries of Chelmsford, Mass., has agreed to construct the new fire and police complex for \$137,530, a figure slightly higher than the \$129,000 the tribe budgeted for the building.

Approval of Dalton's bid took place at a joint meeting of the Indian Township housing authority and the council. At an earlier council meeting several bids on the proposed project were opened, but all far exceeded the project budget.

In other business, the council recently voted to approve spending a local public works grant on grading and drainage work, and a "good gravel collector road," at Peter Dana Point. Funds for those projects total \$78,000.

Reprint of recent Maine map showing Indian Purchases.



Map showing Indian purchase areas. See story front page and opposite.

# Brennan says history supports State's case against Indians

AUGUSTA — "History is on our side," says Maine Atty. Gen. Joseph Brennan, discussing the Penobscot-Passamaquoddy Indian land claims case.

And that's what Brennan wants to convince the nation's top counsel to believe. Brennan met recently with U.S. Atty. Gen. Griffin Bell in Washington to present the State's side of the 12.5 million acre Indian and claims suit in which the federal government is suing Maine on behalf of the tribes.

Brennan called his meeting with Bell, "A good meeting, a healthy meeting. Our discussion was fairly general. We weren't down there to negotiate, we were there to talk about this case in reference to how strongly we feel about our defenses." Bell was "very receptive," Brennan said.

Also attending the Washington meeting was Thomas Tureen, lawyer for the Maine tribes.

Brennan said he and Bell, "Discussed the case rather generally and we feel we have very substantial and historical defenses. . . . Important for us to bring to the attention of the chief lawyer of the country."

(Brennan later told a Maine Sunday Telegram reporter that he is considering asking for a Federal court case granting the tribes the right to pursue land claims be opened.)

In an interview with Wabanaki Alliance, Brennan said he is critical of Federal government. "I don't see how they can sue innocent people," the Attorney General said, referring to non-Indian citizens of state.

"I'm not unaware of the less than proud history of this country and the tribes. But you cannot ignore that 200 years is a long time. You run into problems when you try to rewrite history," Brennan said.

Brennan bases the State's case on the fact that Maine did not achieve statehood until 1820, and is not responsible for actions involving Indians prior to that time. Also, Brennan claims a 1790 Non-Intercourse Act — the crux of the tribes' claims — does not apply to Maine Indians and never did apply.

Brennan maintains the 1790 Congressional act was intended for Indians in other parts of the country, and does not apply to New England Indians. The Penobscot-Passamaquoddy claims are based on the argument that treaties subsequent to 1790 were not ratified by Congress as required under the Non-Intercourse Act. Also, Brennan argues tribes lost their title to land in the period 1755-1790.

"The more research we do, the more confident we are that our defenses are strong," Brennan said, citing research being done by historian Dr. Ronald F. Banks at University of Maine at Orono.

Brennan is confident he is well prepared for any upcoming court battles. Widely known lawyer Edward Bennett Williams is a consultant on the case, and Brennan himself is a former Cumberland County District Attorney, and spent eight years in the Legislature.

However, Brennan conceded that Indians have "articulate voices" on their side, including Native American Rights Fund, a national organization.

Asked if he favored a Presidential adviser's compromise recommendation that Indians be given 100,000 acres plus \$25 million, Brennan said, "It would be rather awkward for me to recommend giving away the State's lands when we feel we have a strong defense."

Brennan said since there is a dispute, "I guess disputes are best resolved in the courts. I don't support paying off claims that are unfounded," he added.

Brennan said if the land claims case ends up in court, proceedings could last five to six years. He does not think any immediate out-of-court settlement is likely to occur, he said.

In his role as Attorney General, Brennan said he must, "Look at whether we're being responsible to all the people of the State of Maine."

Brennan also said, "I think whatever takes place in Maine will set a national precedent."

## Planner needed

MERIDEN, Ct. — American Indians for Development (AID) has announced a job opening for a planner.

The Indian advocacy group is seeking someone to fill a slot with an annual salary of \$17,000. A job description says the planner will work closely with five consortium tribes in developing a comprehensive plan, and will develop broad management and administrative policy for AID programs. Other duties will include evaluation and accountability techniques.

## Forrest Gerrard confirmed BIA head

WASHINGTON — Forrest J. Gerard has been confirmed by the U.S. Senate to become the first Assistant Secretary for Indian Affairs in the Department of the Interior.

Gerard's confirmation came after the Select Committee on Indian Affairs gave its unanimous approval to the full Senate.

In the past the top job at the Bureau has been Commissioner of Indian Affairs, but Interior Secretary Cecil Andrus announced when he took office that the position would be upgraded to that of Assistant Secretary.

Gerard, a Blackfeet, was nominated for the position by President Carter following an extensive selection process. His nomination had been questioned by Sen. James Abourezk, D-S.D., but before the Committee vote Abourezk explained to the members that his doubts about Gerard's willingness to make changes in the Bureau had been overcome during the confirmation hearings and that he was going to vote for his confirmation.

Gerard brings an extensive background in Indian affairs to the post. He retired last year from the staff of the Senate Interior Committee which had been responsible for Indian Affairs in the upper chamber. He also has worked in the Bureau of Indian Affairs, Indian Health Service, and prior to his nomination had operated a private consulting firm working with Indian tribes.

During the confirmation hearings Gerard said his top three priorities upon taking office would be to strengthen the trust functions of the Bureau, to help strengthen tribal governments, and to improve service delivery to the tribes, either through direct delivery by the bureau or through self-determination mechanisms initiated by the tribes.

# News briefs

## Micmacs list demands

ESKASONI RESERVE, N.B. — A 400-page document that lists a series of demands by Canadian Micmac Indians was presented to government officials here recently by 12 Micmac chiefs, representing 5,500 registered Indians.

According to a story in Indian News, a Canadian publication, Micmacs have spelled out demands in the areas of education, economic development, social services, welfare, local sovereignty, royalties on mineral and other leased resource rights, and "an increased land base for the sole use and benefit of Micmac people and complete taxation exemption."

Also, Micmacs stated in the report that they want a range of medical services, and a program of cultural preservation.

At the presentation of the document, National Indian Brotherhood President Noel Starblanket said, "If the government refuses to recognize and guarantee the aboriginal rights of Micmacs, it will display to all the complete disregard the government could have toward the fulfillment of its lawful and moral obligation."

"All the eyes of Canada will be upon us and watching how we negotiate. . . do not compromise or concede aboriginal title," Starblanket said.

## Indian talks held at Geneva

GENEVA, Switzerland — A conference on discrimination against American Indians ended here last month with a resolution asking for United Nations protection.

A wire service story said that concern was expressed at the week-long conference about "plunder and exploitation" of native lands by multinational corporations. A U.N. Human Rights subcommittee was asked to study the case.

Other resolutions of the conference included demands that Indians have the right to own their own lands and natural resources, and that legal services be provided to ensure those rights.

## TV program set

ORONO — Maine Indian Journal is the title of a half hour, monthly television program being organized here at Maine Public Broadcasting Network (MPBN) studios.

The first segment of the program is scheduled for 10 p.m., Monday, Oct. 10, on MPBN TV stations. The show will be taped Oct. 7, at the network's studios on the University of Maine campus here.

The first Maine Indian Journal program will tentatively include an interview with the heads of Maine's three Indian reservations, Penobscot Gov. Nicholas Sapiel, and Passamaquoddy Governors John Stevens and Francis Nicholas.

Hosts for upcoming Journal programs may be Joseph Nicholas, Project Indian Pride director at Maine Indian Education offices, Calais, and Jean Mitchell, a University of Maine student and a member of the Penobscot-Passamaquoddy Tribal Planning Board, Inc.

Nicholas is a Passamaquoddy; Mitchell is a Penobscot.

## A flashback to the past



WINTRY SCENE — Three unidentified Penobscot men pose in the snow for anthropologist Frank G. Speck in 1910, in this photo from the Museum of the American Indian collection, New York

City. Reprinted with permission. Andrew X. Akins of Perry, who submitted the photo to Wabanaki Alliance, asks if readers can supply any information.

## Quaker group tapes talk on land case

ORONO — A Quaker service group filmed and taped a discussion of Maine Indian land claims recently, at Maine Public Broadcasting Network studios here.

The Maine Indian Program Committee, plans to use the videotape program to educate people on the land claims case. "The purpose of it is really to reduce tensions, to get people talking," said Robert L. Cates of Bradley, committee member and producer of the program.

Called Four Perspectives, the program consists of a panel discussion of Penobscot and Passamaquoddy Indian land claims to 12.5 million acres of the State. Panelists are Wayne Newell, Passamaquoddy Indian, educator and member of a land claims negotiating team; Willard Walker of Wesleyan University, anthropology professor; Robert Reuman of Colby College, philosophy professor; and lawyer James Mitchell, former Maine State Housing Authority director.

The Indian committee contracted with the public broadcasting studios to make the film and tape. Assisting with production was Kim Mitchell, a Penobscot Indian employed at the studios. Cates said the videotape may be used in schools, and will be available to interested groups of any kind. Someone will hopefully accompany the program at showings, to explain background.

Among remarks on tape was a comment by Newell that he thinks, "A settlement can be reached in 1977 that is acceptable to the Indian people. The legal system of this country continues to back us," he said.

Questions for the panelists were moderated by Winnie McPhedran of Readfield, another Quaker committee member.

At one point Mrs. McPhedran asked why don't Indians join the traditional "melting pot."

Newell answered, "We want to participate but on our terms. In the past 200 years it's always been us giving up something."

Mrs. McPhedran asked about an image of Indians as people who are "lazy and drink too much." Newell responded humorously that the same could be said about the Maine Legislature.

Newell defended Indians' handling of the land case in terms of economic disruption, saying, "We have gone out of our way to seek a negotiated, out-of-court settlement."

Mitchell said that if Indians "win" their case, "we all win" because of an expected increase in jobs and revenue.

Mrs. McPhedran asked why Congress doesn't simply extinguish land claims.

Mitchell answered, "Because it's outrageous. Congress has done a lot of bad things, but they wouldn't do that. I don't believe Congress is in the mood, now that the Indians are using the court system, to cut that out from under them."

Mrs. McPhedran ended the panel discussion, saying, "I hope that in some way our consideration will be helpful."

## Land claims seminar slated at Portland

PORTLAND — The University of Maine at Portland-Gorham is sponsoring a seminar on Maine Indian land claims, Saturday, Oct. 29, at the college's Portland gymnasium.

Scheduled speakers at the all-day program include Thomas Tureen, lawyer for the Penobscot and Passamaquoddy tribes, Maine Atty. Gen. Joseph E. Brennan, Passamaquoddy Gov. John Stevens, Penobscot

Gov. Nicholas Sapiel, and Wayne Newell, Passamaquoddy educator and member of a land claims negotiating team.

Members of Maine's Congressional delegation may also attend. On the agenda, entitled A Claim of Ancient Right, is discussion of the history, economics, politics and legal aspects of the Penobscot-Passamaquoddy claims to 12.5 million acres of aboriginal land.

The U.S. Justice Department has been ordered to file suit against the State on behalf of the tribes, seeking \$300 million damages based on the land claims. That suit has been in abeyance while a Presidential advisor seeks an out-of-court settlement of the case.

The seminar is set to start at 9 a.m., ending at 4:30 p.m. Registration is open to the public, for a \$20 fee that includes lunch.