

MAINE INDIAN NEWSLETTER

VOLUME 5 NUMBER 2

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

-vs-

MARTIN ANTHONY NEPTUNE

RULING ON DEFENDANT'S MOTION
TO DISMISS THE INDICTMENT

The defendant, Martin Anthony Neptune, has moved to dismiss the indictment pursuant to Rule 12(b), Fed. R. Crim. P., because the place where he resides and where he was arrested is not in the United States and this Court is without jurisdiction; furthermore, he is not now and never has been a citizen or a national of the United States and hence is not subject to the Military Selective Service Act of 1967, as provided under 50 U.S.C. § 454(a). The Court finds that the claims which he has made are without legal merit and therefore denies his motion to dismiss the indictment.

...Neptune was born on July 12, 1950, in Old Town, Maine, a community located immediately adjacent to Indian Island, Penobscot Indian Territory. Both of Neptune's parents are full-blooded Indians, who were residents of Indian Island at the time of Martin Neptune's birth, and they continued to reside there until they moved in 1967. On September 24, 1968, the defendant registered with Local Selective Service Board No. 3, in Hartford, Connecticut, and gave as his home address, 160 School Street, Manchester, Connecticut. On November 12, 1968, he was classified 1-A; and on July 30, 1970, a notice of change of address was received for the defendant, indicating his new place of residence to be 111 Oak Hill

Street, Indian Island, Maine.

The defendant Neptune represents that these area locations are not and never have been "in the United States" for purposes of relevant citizenship and therefore he is not in fact and has never elected to become a citizen of the United States. To support this claim, he contends that the Penobscot Indian Tribe was never conquered by the United States and that it never voluntarily ceded its lands or sovereignty to the federal government. He argues further that the several treaties between the Penobscot tribe of Indians and the State of Massachusetts and subsequently the State of Maine, which purports to transfer to those states, the land on

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(Ruling...cont. from page 1)

which the community of Old Town, Maine, was built, and to thus preserve Penobscot Indian Island for the Penobscot Indian Tribe, are invalid, because these agreements are violative of these constitutional provisions, which only authorize the President to make treaties with the advice and consent of the Senate, (Art. 11, § 2, Cl. 2,) and expressly deny to the states themselves the sovereign power to enter into treaties, (Art. 1, § 10, Cl. 1). The defendant concludes that these lands which were attempted to be ceded to the states are in fact not a part of either the State of Maine or the United States, but still remain the territories of the Penobscots, under a separate and distinct tribal sovereignty.

The Court's disposition of this case on the grounds of national citizenship rather than tribal property rights, makes it unnecessary to determine at this time, the constitutional validity of those treaties insofar as they affect tribal land ownership between the Penobscots and the states concerned. Inasmuch as the defendant was born in 1950, his factual status of national citizenship is governed by the Nationality Act of 1940, because that law was in effect at the time of his birth. That statute provides in part:

"The following shall be nationals and citizens of the United States at birth:

...

"(b) A person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person or tribal or other property." 8 U.S.C. § 601 (b), (1946).

...While the full legal relationship between the United States and the Penobscot Tribe, as it relates to the Massachusetts and the State of Maine treaties of 1818, 1820, and 1843, respectively, may still remain undetermined in some of its aspects, on the issue of national citizenship, there is no question but that Congress intended by the Nationality Act of 1940 to make all persons American citizens, who were born after that date within the continental United States, including members of Indian tribes.

When defining "United States," Congress defined what comported with the realities of geographic existence of "continental United States" and that included all of what is now the State of Maine.

...The Court finds that Neptune was born in the United States, that he is subject to its jurisdiction as provided in 18 U.S.C. § 5; he is an American citizen, he was arrested pursuant to 18 U.S.C. § 3041 and Rule 4(c) Fed. R. Crim. P., on this charge within the continental United States and he is subject to the terms of the Military Selective Service Act of 1967.

The motion to dismiss the indictment must be denied. SO ORDERED.

Dated at Hartford, Connecticut, this 27th day of January, 1972.

T. Emmet Clario

United States District Judge

(For a thorough discussion of the relationship between the States of Maine and Massachusetts and the Passamaquoddy Tribe, a relationship similar to that of the Penobscots with those states, see O'Toole and Tureen, State Power and the Passamaquoddy Tribe: "A Gross National Hypocrisy?":....)

EDITORIAL SECTION

MAINE INDIAN NEWSLETTER

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* THOMPSON TALES

Tribal Court -

Judge Iam Orono made the following announcements in regards to the affairs of the Penobscot Nation.

Three Penobscot men were chosen by the Clan Mothers following the burial ceremonies of the three Tribal Chiefs who died of ptomoin poisoning while in Washington, D.C. attending a White House Conference on Indian Affairs. Long Sun, Gray Eel, and Lightning Thunder were selected as chiefs and were charged with the protection of the Penobscot Nation. Judge Orono added that the chiefs refrain from eating and drinking the food while away from the nation and suggested that pemmican and mineral water be used while on these trips.

PROJECT MOUNT KATAHDIN is in the final planning stages. The exact date is unknown. Judge Orono suggested that the absense of the seven young men would be a clue. When the men return, he cautioned the people about social intercourse with them for a week.

The course of Penobscot mid-wivery is completed. The new graduates are Laughing Face, Spring Rain, and Morning Star. These women have had extensive studies in the ancient tribal knowledge relating to childbirth. Ceremonies were postponed because of the arrival of two babies in the lower village.

The addition of the new nursing mothers, Golden Rod, and Little Acorn, brings the total of wet nurses to fourteen.

Judge Orono issued warnings to the Winooches who remained on the land after nine o'clock in the evening. For the safety of the People and of the Winooches, this ordinance must not be ignored. The regrets of the nation were given to the Winooches who were detained by the local war-chief overnight when adequate identification could not be given. In order to facilitate this ordinance, the war drums will sound at nine o'clock, and all Winooches on the nation must turn in their passports at the bridge.

Delegations of the Native American People of the North East will meet at the Capitol on Saturday. Coffee and donuts will be served. The People are invited to attend. The spiritual leaders will preside over the morning session and the chiefs will conduct the business in the afternoon. Social dancing will take over in the evening. The Immigration Office will not be issuing passports during that day.

Tahu

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"A wise man...is the man of energy, in whom subtle and poetic thoughts are bred...How many feel free to think? Free from fear...from prejudice?"

L E T T E R S

to

the

E D I T O R

To The People Of Indian Island

To the people of Indian Island, you called your self Penobscot or Passamaquoddy's. But what do you really call yourself White's or Indian. I'm only one person and have live here on the Island all my life I have seen the older one's look out for their self money wise and land wise. They do not care about their own people young or old.

The children of today go to the Indian Island School there they are told that the Catholic Religion is the only one to live by and to go in to the whiteman's world to live and be white because the Indian way is no good.

I have been in the whiteman's world and have seen their big citys and car's and all the good money you can earn with a good education.

But look at your people the Penobscot what will happen to the Blood of you, and your children. In time it will die out. Is that what you want no more Indian's in the world?

Rick Nicola(Penobscot)

What Has Bunny Done

For The Tribe?

Bunny has never done anything worth while for the tribe. The only one he wants to benefit is himself. Of course he'll say that he wants to help the people. So far he has done nothing for anyone but himself.

What has the council done for the tribe?

Well as far as I can see the only thing the council members know how to do is argue. Of course

they aren't as bad off as Bunny. They never can get anything settled. They either argue all evening or they don't have enough for a quorum.

So you can put these two together (the governor and council) and see what they do for the people.

What we first need to do is recognize the fact that we are Indians and are a separate nation. We do not have to go to the state for anything. We are Indians who are suppose to have chiefs, who know their people and know what they are talking about. We have to have someone who does not want any ties with the state what-so-ever.

We are a free nation. When we first came here we hunted our food make our own clothing. Take a look at us now. We are living like everyday White people.

I recently visited the Onondaga reservation in Nedrow, New York. They are what I consider to be a free nation. They will not accept anything from the state. They have no such things as Constables. If a person does something he is taken before the chiefs. If their crime is big enough they could be banned from the tribe.

I could write and write about these things and the way things ought to be. What we got to do is say, to hell with these people here who want to be tied in with the state. We are Indians and we are strong enough to go on our own.

Kathy Paul(Penobscot)

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Opinions expressed in the Maine Indian Newsletter are not necessarily the opinion of the Editor. Anyone wanting to express an opinion can send them to The Maine Indian Newsletter, Box 553, Old Town, Maine.

* * * * *

February 24, 1972

PROPOSAL

Submitted by The Penobscot Indian Academy.

INTRODUCTION

The following is a proposal from the Penobscot Indian Academy. The chief aim of the academy is to supplement the education of tribal members to both assist them in living in today's world and to instill and encourage the redevelopment of Penobscot Tribal culture.

The Academy is not a substitute for established education, and the academy is not seeking to return the tribe to Penobscot life of 300 years ago.

First, we seek to teach trades which are in keeping with our heritage and culture, and secondly we seek to bring in guest Indian speakers as well as to provide the way for our people to travel to other places where they may see and hear other Indians and learn from them.

EXPENSES

- | | |
|--|-----------|
| 1. Books pertaining to Indian culture and How-to-do-it books. | \$ 500.00 |
| 2. Stipends for visiting teachers. | 500.00 |
| 3. Expenses for guest speakers. | 400.00 |
| 4. Trip to Wesleyan University for 2 people to record Penobscot songs. | 200.00 |
| 5. Trip to museum Albany, N.Y. to see Penobscot crafts and artifacts (Group) | 300.00 |
| 6. <u>Leather Crafts</u> | |
| a. Tools | 100.00 |
| b. Leather hides for Indian dress | 300.00 |
| 7. <u>Oil Painting</u> | |
| a. Paints | 100.00 |
| b. Brushes | 50.00 |
| c. Canvases | 50.00 |
| d. Easels | 100.00 |
| 8. <u>Silversmithing</u> | |
| a. Materials | 300.00 |
| b. Tools | 300.00 |

(Cont. on page 6)

(Proposal...cont from page 5)

9. Basket Making

a. Tools

\$ 50.00

10. Miscellaneous

a. Telephone

300.00

b. Postage

200.00

c. Office Supplies

100.00

Total Expenses \$ 4100.00

If full funding cannot be given any portion will be a great help to the Penobscot Indian Academy.

(Ed. Note: Anyone wishing to donate to the Penobscot Indian Academy can send donations to: Penobscot Indian Academy, P.O. Box 553, Old Town, Maine 04468. All contributions will be greatly appreciated.)

STUDENT ACTIVISTS:
THE NAVAJO WAY
by Stan Steiner

An educated person is open-minded. He never laughs at new ideas, before making a decision. He is a lover of beauty. Love of beauty enriches his life and gives it deeper meaning.

-Frank Todacheeny,
a Navajo student,
Many Farms High
School, Arizona

Where The Navajo shepherders wander like gypsies after their flocks, in the desolate and beautiful red-cliffed valley of Many Farms on the Navajo Indian Reservation in northern Arizona, a modern college opened last January. It is the first "tribal college" in the country.

The young Indian boys and girls who have enrolled at the Navajo Community College may soon be studying medicine. Navajo medicine, that is. An "internship program is being discussed, to be taught by tribal medicine men. Such a college level course

in the most ancient of the healing arts is but part of a bold and inventive contribution to the field of "ethnic studies" being made by American Indians.

"We would have an internship program, headed by the medicine man, the way medical students are in effect apprenticed to hospital doctors in medical schools," says the college's young dean of students, Al Spang, a pipe-smoking, sports-coated member of the Northern Cheyenne tribe. Spang came to the deserts of the Navajos from the far-off forests of Montana. The college, though primarily Navajo, is open to all Indians, and non-Indians, too. One white student has come from Massachusetts to study Navajo silversmithing. "But only Navajos would be taught by the medicine man," Spang emphasizes.

"Not all of what the medicine man knows can be taught. Some things would have to remain secret. Some things you can teach, some things you can't teach anyway. It would be up to the medicine man to decide

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(...Navajo Way cont. from page 6)

these things, and work out his 'core curriculum.' He is a scholar, you know. He has to be scholarly to be a medicine man."

"On our college's Board of Regents we have a medicine man, Yazzie Begay," Spang adds. "So, you see, it can be done."

The curative power of the medicine man, especially in treating psychic ills, has been recognized by U.S. Public Health doctors who have worked on the Navajo Reservation. In the fields of psychological therapy the effect of the medicine man's beliefs and songs upon hospitalized patients who cannot be reached by medical analysis has been demonstrated time and again. The medicine man is still a vital force for the health and strength of tribal communities. And the modern medicine man has successfully worked beside medical men in diagnosing and curing the sick.

Still, the teaching of a college course in "the ways," or rites, of the medicine man for practical use, not for anthropological study, is a unique idea. It has never been attempted within a classroom.

When the Navajo Community College was nothing but an unfunded dream, its pioneering staff toured the Chapter Houses of the tribe, asking: "If we build this college what would you want us to teach? Tell us what courses you want." The sheepherders and city tribesmen responded by requesting courses, among others, in auto mechanics and sheep raising, job training and Navajo culture and medicine. These courses have become part of the experimental curriculum.

"Our school is not just a Junior College. It is a genuine Community College. That means we do not merely 'serve' the community. We belong to the community," says John Gray, a former

staffer for the late Senator Robert Kennedy, who is the college's assistant director.
(To be continued in next issue)

PENOBSCOT TRIBE REPRESENTED

The new semester has brought new faces to the IAIA campus according to Mrs. Ruth Duncan, registrar.

Undergraduates who have recently arrived are Gilberta Milane, freshman from Zuni, New Mexico; Katherine La Rose, freshman from Winnebago, Nebraska; Jean Lewis, freshman from Zuni, New Mexico; and George Williams, junior from Burbank, California.

Returning are Mavis Osborn, sophomore from Browning, Montana, and Experanza Touche, a junior from Pierre, South Dakota.

New postgrads who are all in grade 13 are Nona Black Bear from Rosebud, South Dakota; Emerson Black Cloud from Cannonball, North Dakota; Leonard Boyd from Spokane, Washington; Sharon Burnett from Remer, Minnesota; and Charles Jennings from Old Town, Maine.

Charles represents a new tribe at the Institute. He is a Penobscot, at one time the most numerous tribe of the Abnaki confederacy.

Returning postgrads are Jonah Mitchell, a 14 from Ft. Defiance, Arizona; and Judy Griffin Pebeashy, a 13 from Quapaw, Oklahoma. Judy is married to former student Charles Pebeashy now serving in Vietnam.

NEW TRIBES: Seneca Laura Wittstock claims to have encountered a tribe up on the Eastern Seaboard lately called the Knick-Knacks, who, she noticed, "just hang around."

COPS vs WARRIORS

by Nancy Duffy

It was the mid-point of the ancient New Year's celebration for the Onondagas, the week-long ritual held in conjunction with the January new moon, but the callers to the Edward Shenandoah home were not a part of the tradition.

The solemnity of the night was shattered at 2 a.m. by six members of the State Police barging in unannounced into the sleeping home demanding to serve a warrant for harassment on one of the Shenandoah sons -- all while two more troopers waited outside in a patrol car.

Harassment is a minor violation when prosecuted in town and city courts with but a 15 day maximum penalty -- and yet the State Police left other areas throughout the county unprotected to send a regiment of troopers to the darkened house across from the Longhouse.

The confrontation inside the house was marked by an exchange of angry words, the troopers threatening at one point to arrest the head of the household, and the turmoil awakening the entire family.

Finally the troopers stomped out -- leaving the Shenandoahs still recoiling from the enormity of the intrusion on their home and their national identity. For the Onondagas who met in the Longhouse over the event, the case most blatantly represents the tension brewing between outside police forces who attempt to treat the Reservation as a part of their patrol territory -- and the Onondagas who refuse to recognize their authority.

Despite the issuance of warrants and the patrols, the Onondagas have long established their own jurisdiction in local courts. Three years ago, Jerome Thomas, an Onondagan, was arrested on Commissary road on the Reserve for driving a

minibike without a license and unregistered.

Peace Justice Vernon Schmitz of Onondaga Hill dismissed the case on the grounds the State Motor Vehicle laws have no jurisdiction on Indian land. Similarly, Onondaga Justice Morris Wentworth turned over a dog-shooting case to the Longhouse to settle, since the incident took place on the Reservation and not within his jurisdiction.

At the Longhouse trial, the culprit was defamed for using a gun and was ordered to replace the dead dog.

In another instance, former Deputy Jerry Anquee, a Kiowa Indian from Oklahoma who was assigned to the Reservation arrested a White Man there for dumping trash on Onondaga land. Both Justice Wentworth and the District Attorney claimed the town court had no power to prosecute.

The jurisdiction issue is further confused by Public Law 785, section 5192, passed in 1948 during the Truman administration. The 81st Congress opened the courts to the Indians giving them the choice to seek redress either in the courts or in the Longhouse. The Six Nations who viewed the act as preliminary to taxation, disagreed in a formal statement presented in person to Congress. Chief Floyd Henhawk and Crouse Webster are two of the Chiefs still living who signed the protest.

But despite their objection, the Congressmen passed the bill. "It was passed illegally," Chief Irving Powless, Sr., the elder of the two Powless chiefs said. "By ignoring the Indians, it is simply not valid. The use of the courts was not necessary."

Deputies claim that most sheriffs are apprehensive when they are dispatched to the Reserve -- and usually they travel in strength because of this question of jurisdiction and the

(cont. on page 14)

LOOK TOWARD THE SUN

Look toward the rising sun as it warms earth's breast;
 Look as your forefathers and their fathers looked.
 As its light, bright and strong casts its rays,
 Be Strong, full of pride to challenge what today may bring.
 Tho you may wake in other lands or jungles of darkness,
 Remember you are braves.
 Each daybreak when I see the sun in all its majesty from the east,
 I say thank you Great Spirit for all you grant.

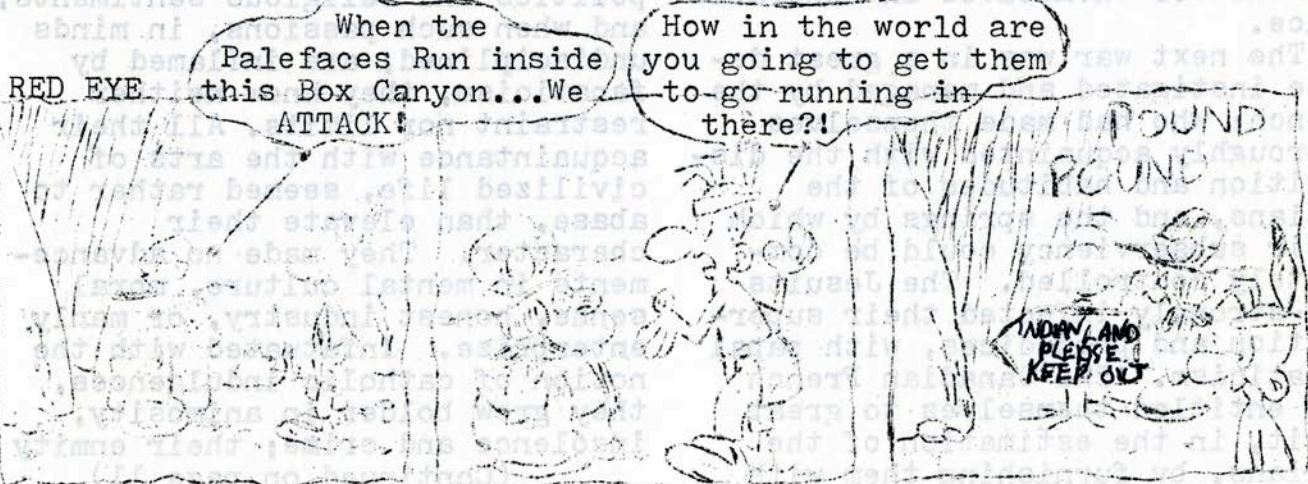
Grant love for all the world to see and feel,
 Strength for all to endure the battles and temptations of life.
 Place humbleness for without it where is love of fellowmen,
 self or life.

Hope for without it where is man-kind.

Grant peace to the world,
 Especially for all the braves who may look toward the sun.
 Look toward the sun my brother, my son, my love,
 For someone far away looks with you...

(Smoke Talk Oct. 1, 1971)

Estelle Yava



THE INDIAN WARS

An Indian war always has associations, which strike the mind with pain. So shocking to the attributes of humanity, are the circumstances, which frequently attend its progress, that were calamities, cruelties, carnage and suffering, or even personal exploits and hardships, its only characteristics, it might justly be considered a burden to history. But every war with the natives, developes facts and peculiarities, worthy of the notice it claims. It has its own features and own cast of character.

The first one would have been a fair sample of savage warfare, had not the Indian warriors used fire-arms, instead of the bow and arrow. Skulk, ambush, surprize and massacre, were its traits and footsteps, from beginning to end. They fought single-handed, without the arts or aid of Europeans. Their numbers were respectable, and their motives comparatively noble. For though their design was partly to avenge themselves of injuries; it was principally to disperse the obtrusive settlers, and recover their entire native country. King Philip's war was short, continuing only about three years. By a long one, they are always tired and exhausted. The time chosen by them for closing it, was in the height of their successes, when they could command for themselves an honorable peace.

The next war was in a great degree instigated and managed by the French; who had made themselves thoroughly acquainted with the disposition and habitudes of the Indians, and the springs by which their subserviency could be completely controlled. The Jesuits had strongly infected their superstition and prejudices, with papal fanaticism. The Canadian French had entitled themselves to great merit, in the estimation of the Indians, by furnishing them with

arms and ammunition,--leading them to war,--fighting by their side,--and helping them to achieve victories. Campaign, siege, undermining, and other arts of warfare, were taught and promoted; captives and scalps were considered the greatest trophies; premiums being offered and paid for them by the French.--The latter was a long war, lasting about ten years; for after they had sued for peace and entered into treaties, French artifice was able to give the savages an effectual impulse to acts of treachery, their vengeance was rekindled, and their minds inflated with new-formed expeditions.

Another, called Queen Anne's war, now opened under circumstances differing from either of those preceding. A short interval of peace had, in no considerable degree, recruited the strength of the Indians. They saw that their tribes were thinned; and that they had gained nothing permanent by former wars. Every hope of enjoying their native land, freed of white man, was full of despondency. Their fathers had conveyed extensive territories, and what was recovered in war, if any thing, was presently lost in peace, if not actually resigned by treaty. They agreed with the French, in their aversion to the English, and in a hatred of their free politics and religious sentiments; and when such passions, in minds undisciplined, are inflamed by fanaticism, they know neither restraint nor limits. All their acquaintance with the arts of civilized life, seemed rather to abase, than elevate their character. They made no advancements in mental culture, moral sense, honest industry, or manly enterprize. Infatuated with the notion of catholic indulgences, they grew bolder in animosity, insolence and crime; their enmity

(Continued on page 11)

(...WARS cont. from page 10)

was more implacable; their habits more depraved; and a keener appetite was given for ardent spirits, for rapine, and for blood. Dupes to the French, they lost all regard to the sanctity of treaty obligations; and Indian faith among the English, became as proverbially bad, as the Punic, among the ancient Romans. Their natural love of country had degenerated, and their fire of patriotism was evidently abating.

* * * * *

HOW THE PENOBSCOT INDIANS LOST MARSH ISLAND

...Before beginning the story I would like to add one last piece of background information; I am referring to the white man's concept of land as practised in the seventeenth and eighteenth centuries. In 1652 a Massachusetts Bay Colony ordinance was drawn up stating that if a settler lived on a measured piece of land for five years peaceably he could acquire deed and title to that land fee simple (i.e. he would own everything on it). Even wars and skirmishes with Indians did not break up continuum of acceptance of this ordinance as long as the white settler did not cause the war. In 1692 this ordinance became statute drawn and acted upon by the Massachusetts General Court. In this legal understanding of land Indians were not considered land owners. Thus one could not buy land from Indians unless the province or colony had laws saying one do so. No such laws appeared to exist in Maine.

Against this concept of ownership the Indians in the seventeenth century viewed land as something everyone could use and this use did not conceive or imply ownership. This communal use of land (important to note here is that this is not communal ownership) sharply

contrasts to private ownership, i.e. non-restricted use of land contrasted to restricted ownership.¹¹ By the time of our story the Indian concept of land appears to have changed from communal use to communal ownership and use. This can be seen in an address by Penobscot chief and sachem Joseph Orono in 1788 before a representative of the Massachusetts General Court visiting Maine to receive forfeiture of lands by the Penobscots, "Brothers we are all men; we don't talk of hurting one another. We live here to serve God, we all live together... We don't mean to take any lands from you... The Almighty placed us on this land and it belongs to all of us."¹² Though community owned, the land use is not considered restricted, nor is communal ownership restricted.

Thus when dealing with Indians the British and later the colonists saw the Indians as a power to deal with when acquiring land. They did not view Indians as owners of land, but as a group to be gotten off desired land under the assumption they would not possibly do so peaceably. Thus Indians could not sell land. Since they were considered a power the colonists resorted to negotiation, diplomacy, intermarriage, propaganda, threats, war and disease when confronting the Indians. Their primary objective was land, and legal control of that land.¹³

The story of the acquisition of Marsh Island begins in 1786, "After the War (against the British wherein the Penobscots sided with the colonists against the British) it was found that the Indian claim to the tract (from the Head of the Tide toward the beginning of the river and six miles on either side therein) was an obstacle to the settlement of the country. The whites enroached upon it, and some ill feeling was

(Continued on page 12)

(Marsh Island cont.)

likely to prevail unless the Indian title could be extinguished; therefore the Massachusetts government commenced negotiations in order to release it."¹⁴ The argument prevails that the Penobscot Valley was choice land for speculation and the Indians threatened that future.

In 1786 three men were appointed commissioners, Benjamin Lincoln, Thomas Rice, and Rufus Putnam, to deal with the Penobscots. Robert Treat and John Marsh acted as liasons between the commissioners and the tribe. By this time Marsh had already settled on the island that was to bear his name and resided with his family near the Webster Park area of present day Orono.

By the Treaty (included in this paper as Appendix A) the Indians "would relinquish all claims and interests to all lands on the west side of the Penobscot being about 43 miles and on the east side from the Head of the Tide to the River Mantawonkuktook, being about 85 miles and reserving only to themselves the island on which Old Town stands"¹⁵ and those islands between Old Town and Passadumkeag. In return the Indians received a "present" of 350 blankets, 200 pounds of powder, with a proportion of flints and locks.

However, the Treaty never came to be ratified. Two years later the Reverend Daniel Little was sent with the above presents to complete the deal, i.e. obtain the marks of the Indians. The meeting was held on Indian Island as the Indians balked coming to Condukeag (Bangor). The Penobscots were represented by four chiefs, Orono, Orsong, Neptune, and Neptonbovett. The Tribe announced they could not follow through with the Treaty and forfeit such lands. Orono recited the speech given above and added, "The General said (General Warren of

Watertown who presided over the ceremony when the Penobscots agreed to fight with the colonists against the British) no other person should interfere and take away our land, but that we should have them. Now why should we not hold the bounds as the Almighty God gave them to us. The General Court fixed the bounds at the Head of the Tide up to the head of the river. The English will come on us from before and you from the other side, so that we will have little left. Concerning our selling the land, we never sold any, to our knowledge, and we never will while we live."¹⁶

The Reverend Little replied, "At Condukeag, General Lincoln told you in Gov. Pownall's day, in a former war against us, you lost all your lands in this part of the country."¹⁷ The Indians held steadfast. Orono made the final shot as he told Little to stick to matters of religion.¹⁸

So, "By the Treaty of 1786 the government supposed the tribe had nothing remaining, but the islands in the river. Whereas the Indians insisted that the territory from the Head of the Tide, six miles on either side and upward indefinitely was theirs, and they were determined not to relinquish."¹⁹ Further, Godfrey implies that Marsh was in no way a part of this claim of the Treaty of 1786 and his role was solely that of liason between government officials and the Penobscots.²⁰

(Continued in the next issue)

(Ed. Note: "How The Penobscot Indians Lost Marsh Island" is a research paper written by John Green. The Maine Indian Newsletter wishes to express its gratitude to John for making a copy available to us.)

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NEWSPAPER THOUGHTS

Working in the world of the 'Native publications' sometimes tends to give a person all the humor of a traffic cop on a Sunday afternoon in a traffic jam.

In the early hours; just before dawn, typewriters tend to do strange things. Ours came up with thoughts about some of the people encountered in our world, and some of the feelings that people sometimes express.

Do you know any of these people? We do. Have you ever felt like this? We have.

'Our next Indian speaker...': I knew I should have brought my lunch along.

An Indian Spokesman (or a spokeswoman): The one who has the most to say when the press is around but can't be found when the meeting hall needs to be swept out.

Indian Press Release: 'I have spoken.....Anyone out there listening?'

Elected 'Chief': One slightly more certain of their leadership ability than the ones who would never vote for them in the first place.

Elected Councilman: '...And that bum actually got elected...?'

Indian Affairs Representative: I wonder if this one has boiled or fried noodles between the ears?

Reservation cop: Take away his billyclub and bullets and he would feel castrated.

On seeing an 'Indian movie star': Let's see now...Greek, Italian, Mexican...?

Powwow: NOW we see who the 'closet drunks' are!

Indian Editor: How have YOU managed to live so long?

Hippie Indian: One with longer hair than the one doing the name calling.

Indian publisher: The editor's other left foot.

Equality: An Indian living in a Black ghetto operated by Mexicans and owned by whites.

Reservation: Something no one else wanted till we started living there.

Drunken Indian: drinks in a public bar because the whites won't let him join their club.

Community Relations Program: No dogs or Indians permitted.

Reservation store: a quart of blood for a can of beans.

Tribal interprises: de rich get richer and de poor gets dust in their eyes.

Tribal royalties: the white man's payment for his rape of your mother.

Treaty: something we have to keep so someone will remember that there ever was one.

Priest: Mafia boss in funny clothes.

Rich Indian: So THAT'S what a hen's tooth looks like!

Assimilation: The PHS gets your flesh and blood, the priests get your soul, the anthros get your bones and you get to keep your treaty.

VISTA worker: a white liberal without any money.

Government Relocation Officer: Slum Lord.

Indian Department teacher: The only good Indian is an all white one. (Continued on p. 18)

(...vs. Warriors cont. from page 8)

hostility it breeds.

"When there is a major emergency the Indians do talk to us. But if we're looking for somebody for questioning, then nobody knows nothin", one said.

But statistics in the Sheriff's Department show the Reservation in comparison to other areas of the county has an almost negligible reportable crime quotient. Many calls are ambulance emergencies, and in 11 months of last year, not one felony was recorded, and only 11 minor violations.

The jurisdiction question has prompted Dr. Lee Porter of University College to initiate a plan for the Onondaga Reservation Police Force funded by the Law Enforcement Assistance Administration of the federal government with training through the Metropolitan Police Training Council, and with local control. But in meetings with Chief Lloyd Elm, Dr. Porter has found reluctance on the part of the Indians to enlist outside aid.

"We don't need a police force," Chief Irving Powless, Jr. said. "We have warriors to maintain the laws of our nations."

The chief pointed to the Canandaigua Treaty of Nov. 11, 1794 where in Article VII, the federal government agreed to exchange with the Six Nations complaints of all injured parties to the other for their own methods of prosecution. "If we apprehend non-Indians on our land, we by treaty can turn them over for prosecution," the chief insists.

Indian justice is more direct than those outlined in McKinneys Consolidated Laws of New York State. Trial is in the Longhouse before the Council of Chiefs, and for serious crimes, such as murder, rape and robbery, the verdict may be death or exile from all Indian territory. There hasn't been a death penalty in this century.

Misdemeanors are settled by the chiefs meeting with the families

involved.

"There is very little need for law enforcement here," Chief Powless said. "We don't lie or steal. We respect each others property. And for years, no one ever thought about locking their doors."

But to understand the low crime rate you have to understand the Longhouse people and their values. "It's a different philosophy than most Americans would understand," Chief Powless said.

"The things that make the non-Indian happy and give him status may be a larger house, two cars in the garage and color television. To an Indian, these don't mean much. It doesn't matter to him that he doesn't own a car or that he never owned one." (Syracuse GAZETTE Jan. 20-27, 1971)
* * * * *

INDIAN UNITY

J.E. Officer

Those who labor for a period in any business or profession--and I include the Indian business in this broad category--tend to develop what Professor John Kenneth Galbraith refers to as a "conventional wisdom," or a collection of cliches about those phenomena upon which they direct their attention. Many of these notions contain more than a grain of truth, but what distinguishes them is the fact that they are so readily accepted without concern for whether or not they are true.

...Finally, we come to unity between Indians and non-Indian people living in nearby areas. I fear this adjustment will long continue to be more puzzling than the two we have previously discussed, mainly because most non-Indians, even including those of good will and the best intentions expect all the changes or

(cont. on page 15)

(...Unity cont.)

concessions to be made by the opposite group. Perhaps in a society as dynamic and domineering as ours this attitude is inevitable and unchangable. After all, while in this country we are increasingly concerned with minority rights, we remain very much dedicated to the principle of majority rule.

In this dilemma, what can the concerned citizen do to promote unity, friendship and understanding across the invisible barriers still existing between Indians and non-Indians? I think Dr. Vogt may have an answer for us. In his discussion of cultural change among the Navaho to which I have already referred, he makes this significant point:

The Spanish never succeeded in bringing the Navahos under their control, except on retaliatory punitive expeditions which affected only a few Navahos at a time. The only real attempts at conscious and directed change were the missionary endeavors of 1629 and 1746-50, and these efforts to carry out programs of 'reduction' and conversion were short-lived. In the Anglo American Period, more change again seems to have resulted when the contact conditions were permissive rather than forced. The application of force at Fort Sumner did eliminate the raiding complex from Navaho culture, but all other crucial patterns appear to have remained the same. The general point is that basic change was, on the whole, more impressive and more lasting when new cultural models were presented to the Navahos without any attempt to force them to accept the new patterns.

I would not conclude, however, by leaving the impression that few bridges are being built between the

Indian community and the non-Indians. Many, of course, are being built and many are already in full use. This conference is itself a demonstration of understanding, friendship and unity of purpose. More than half of all Indian children are now attending public schools. Indian mothers and fathers serve on public school boards in their neighborhoods, and many more are members of Parent-Teacher Associations. The availability of free education to every American child, irrespective of race or religion, has long been, and today remains, the greatest single unifying force in the country.

You or I could name numerous Indians who have achieved distinction in modern American society. A few who immediately come to mind are Congressman Ben Reifel, a Sioux, of South Dakota; Napoleon B. Johnson, a Cherokee, Chief Justice of the State of Oklahoma, and his associate on the State Supreme Court, Judge Earl Welch, a Chickasaw; and Maria Tallchief, an Osage Indian, who is perhaps the leading American ballerina...

But, you may say, such Indians are exceptional rather than the rule. True, but it is equally true that the educational level of our rank-and-file Indians, low as it still is, is constantly rising; more and more are registering and voting in state and national elections; and more and more are participating personally in the business and civic activities of their reservation areas.

I know from my personal experience in Washington that many Indians have learned the art of writing their Congressman and practice it frequently. Commendable as is this interest in national affairs, I cannot help

(cont. on page 16)

(...Unity cont. from page 15)

wishing occasionally that a few of them would exhibit a similar zeal in correspondence with governors and other state and local officials!

The barriers of misunderstanding between the Indian and the white man stand highest, I think we will concede, in the communities just outside the reservations. There are hard historical and sociological reasons for the rise of these barriers and it will take a long time to bring them down. Indeed, so long as the Indian insists on preserving his Indian-ness and the white man insists that all Americans conform completely to his conception of the good life, differences and misunderstandings will probably persist and we may never attain fully the unity we sometimes dream of.

Oliver LaFarge once wrote: "Although there are many individual exceptions, the deeply embedded desire of most Indians is to prove themselves whole men in our world without ceasing to be Indians." As an American who takes some pride in his European ancestry, I, for one at least, am willing and glad to go along with that compromise.

*This article is an untitled speech presented by Dr. Officer at the Arizona Indian Education Association, Phoenix, Arizona, March 20, 1964. The theme of the conference was Indian Unity.

* * * * *

ARTS AND CRAFTS GROUP FORMED IN WALTERS

The Cotton County Indian Arts and Crafts Association is a newly formed group of dedicated Indians working in the Walters region.

The group was organized for the purpose of instructing local adult residents in efforts to produce

traditional and contemporary arts and crafts.

Classes are held Tuesday evenings in beadwork, featherwork, art and the Comanche language. Instructors include Morris Wer-yahvah, Doc Tate Nevaquaya, Leonard Riddles and Allen Tah-chawwickah.

The members are in the process of forming an Indian Community Education Committee to deal in Indian problems such as the expenditure of Johnson-O'Malley funding.

Officers of CCIACA are Mrs. Ava Doty, chairwoman; Leonard Riddles, vice-chairman; and Marlene Fodder, secretary. A permanent location will be established in the Walters area in the near future.

(OIO Newsletter, Jan. 1972)

* * * * *

HOPI

Hopi means peace. This rap is by Andrew Hermeguaftaina, the Bluebird Chief of a Hopi Indian village. He tells the Hopi story of the creation and the problems the Hopis have had in living the will of God.

Now I will begin from the very beginning of our traditional history of the Hopi.

Somewhere the human life began. There are many stories of this beginning. The Hopi believe that Maasau, the Great Spirit was the leader and the Creator of our land. With Him in the early beginning were the Spider Lady to keep the fire and her two nephews. These were the four of the beginning.

A long time has passed and there were other worlds and other peoples. We now are living today as descendants of people who were saved from the other world. Now, we call that

(Continued on page 17)

(Hopi cont. from page 17)

of the others. They were to be the eyes, the scouts, to show the way. And there were others appointed to follow after, to see that everything designated was taken along with them. So it is, even today. I belong to that clan that was appointed to follow. It is the duty of the Bluebird clan to follow all others. We watch for everything. We guard them along the life plan of Maasau.

(Continued in next issue)

* * * * *

(...Thoughts cont. from p. 13)

Articulate Indian: knows every airline schedule in two countries-seldom seen below 15,000 feet.

Indian politician: Moves about with their nose in the air-above 15,000 feet in a 747. Knows stewardess by first name but doesn't know the color of the inside of the Tribal Hall.

Indian Affairs Area Officer: brains self-destructed at birth and mouth has been out of control ever since.

HOW IT WORKS:

1st injin: if you have an injin paper, how come you don't give it away?

2nd injin: We do give it away. We give it to you and you donate a few pennies so we can give it away.

1st injin: Here's two cents.

2nd injin: Here's half a page of our newspaper.

* * * * *

It has been our government policy from colonial times to make white men of the Indians, to try to destroy their culture, to absorb them into the anonymity of our population. Their heritage, their culture, however are far too unique to be lost or submerged.

EASY BIRTH

Childbirth was generally easy for Indian women, as most early European observers commented in amazement. Squatting, or "standing" on hands and knees, were favored positions for delivery. Above all, the Indians were advanced in their obstetrical practices in massage and manipulation techniques used on the abdomen for the expulsion of the fetus and the afterbirth. Such techniques were not introduced into "civilized" medicine till the second half of the 19th century, when they were advocated (in vain, at first) by Carl Franz Crede. The Crede method for expelling the placenta is, of course the standard practice today.

Not quite so enlightened were the Indians on the subject of menstruation. Generally, this was considered an unclean condition, and often women were kept in isolation during their monthly periods, lest they cause illness or harm to others.

When it came to treating physical injuries, however, as noted earlier, Indians paid little attention to what we would call superstitious taboos.

Fractures, sprains, and dislocations were skillfully treated by Indian medicine men, as early observers and modern writers alike testify, according to Vogel. "The Mescalero Apaches rubbed the dislocated parts until warm and then with a quick jerk forced the bone into place, rubbing medicine on afterwards to allay the pain, and finally tied with a bandage. In fractures, rubbing and straightening as well as pain-allaying medicine was employed, and finally sticks were applied all around as splints, being bound tightly with rags."

(Prevention July 1971)

* * * * *

(Hopi cont. from page 17)

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...Except, far interior, in rough country, amongst dry-brush hills,
there is heard the sound of soft crying. You stop very briefly where
an old man, plainly much beloved by his family and friends who sit
close to him, lies, not far from death. Seeing their grief, the
Old One, indicating in turn each man and woman and child there,
counsels them:

When I am dead

Cry for me a little.

Think of me sometimes

But not too much.

*

It is not good for you

Or your wife or your husband

Or your children

To allow your thoughts to dwell

Too long on the dead.

*

Think of me now and again

As I was in life

At some moment it is pleasant to recall.

*

But not for long.

*

Leave me in peace.

And I shall leave you, too, in peace.

While you live

Let your thoughts be with the living.

(The American Way, January 1972)

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