

# THE ASSOCIATION OF AROOSTOOK INDIANS, INC.

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MAYNARD POLCHIES  
PRESIDENT

May 10, 1979

TEL: 532-7317

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Mr. Forrest Gerard  
Assistant Secretary for  
Indian Affairs  
Department of the Interior  
Washington, D.C. 20210

Dear Mr. Gerard:

We are writing to you at the suggestion of Allan Parker, Staff Director of the Senate Select Committee on Indian Affairs, and Thomas Tureen, Attorney for the Passamaquoddy and Penobscot Tribes, to request a meeting with you in late May or early June.

Over the last several years the Passamaquoddy and Penobscot Tribes have dominated the news about Maine Indians by their victories in the courts and at the negotiating table. During this period very little has been heard about Maine's other Indians, the Micmac and Maliseet people. Although we have not had our own legal counsel, we have from time to time been advised that we too could file various claims under the same or related legal theories. We have not done so for a variety of reasons. We did not want to interfere in the complicated process which the Passamaquoddies and Penobscots had begun. Different defenses could be raised against us, thereby confusing some of the critical issues in the overall claim. We have not had the influence or resources to acquire legal counsel competent in this field. Finally, of all the eastern tribes with potential claims we may be the most exposed to harrassment. There is a great deal of racism in Aroostook County. We have no reservation or recognized tribal status to fall back on in Maine. Although we have played no part in the Passamaquoddy and Penobscot claims, we have taken the brunt of much of the anti-Indian backlash in the state. Even when individual Maliseets attempted to raise these claims, we remained silent, believing it better to wait.

We can no longer afford to wait. As the parties get closer to settlement, we desperately need help and advice, not so much to pursue a claim, but to make certain that our rights as Indians and as tribes under United States and Maine law are not unfairly changed, reduced or wiped out.

Over the last decade, the Maliseet and Micmac people of Maine have worked very hard to improve upon the meager level of services previously provided to us by the State of Maine. The state currently provides the following:

- special Indian scholarship for Maliseets and Micmacs;
- free hunting and fishing licenses for Maliseets and Micmacs;
- services of the Maine Department of Indian Affairs Off-reservation Office, which was located in Houlton for our benefit;
- state reimbursement of town welfare payments to our people;
- waiver on room, board, tuition and fees at State universities and vocational-technical institutes.

We have had the support of the Passamaquoddy and Penobscot people in acquiring these benefits. It is extremely worrisome to us that because of the settlement process, Governor Joseph Brennan has proposed no funding in his FY '81 budget for Indian programs in Maine, including those listed above. Whereas the claims of the Passamaquoddy and Penobscot Tribes have led to Federal Indian services for them, their settlement is bringing about an end of services to us, with no off-setting benefits. We believe that the Micmac and Maliseet people of Maine are eligible for Bureau of Indian Affairs Services.

We also believe that we are eligible for Federal protection of our tribal assets and rights. We were therefore very disturbed by the exchange of correspondence between the State and the White House in 1978. At that time, Maine Attorney General Brennan commented on our situation under the heading "other Indians in Maine":

The Joint Memorandum makes no provision for claims of or federal support for other Indians in Maine; i.e., the Micmac and Maliseet (Malicite). It is entirely possible, however, that either or both of these tribes may assert against the State the same kind of claims asserted by the Penobscot and Passamaquoddy. Indeed, it has curiously been ignored that the 1794 agreement that forms the basis of the Passamaquoddy claim was executed by Massachusetts, not only with the Passamaquoddy, but other eastern tribes, which appears to include the Micmac and Maliseet. What precedential value will the proposals in the Joint Memorandum have on these other latent claims? Will the federal government take the same posture toward settlement in those cases as it does in this?

The response to the Maine Attorney General to these questions by the White House Negotiating Team, including Mr. Krulitz, Mr. Cutler and Mr. Clay, was disturbing to us in that we would probably have to pursue at least some claims against the Passamaquoddy and Penobscot people. Their response stated:

Previously it has been reported that two tribes might assert claims to 12 million acres. With respect to that land, title will be cleared completely. All claims by these two tribes to Maine land will be extinguished.

If any other tribes have claims to any part of the 10 million acres now claimed by the Passamaquoddies and Penobscots, the defense of those claims and the responsibility for any settlement or liability arising from those claims must be assumed by the Passamaquoddies and the Penobscots. The Administration's bill will create a fund out of which all tribal claims to any part of the acres claimed by the tribes and cleared must be satisfied. Based on the information submitted to us to date, the Penobscots and Passamaquoddies are the only tribes entitled to participate in that fund. No other claims of substance in Maine have been made or brought to our attention.

The settlement proposed with respect to the Maine claims does not have particular precedential value with respect to any other claims. Each case is unique. In most other cases, there will be no need for any involvement by the Administration.

We find this response rash and unfair. If part of the 10 million acres involved in the settlement covers the St. John watershed, we would be placed in the impossible position of suing neighbouring tribes. We would either have to abandon our claims or abandon our strongly held belief in intertribal unity. If Congress votes a six month statute of limitations for other Indian claims in Maine on the Narragansett settlement model, we would not have the resources to respond in time. As it stands now, the 1980 cut off is equally impossible, given our lack of resources. The fact of the matter may be that we will be denied both the benefit of settlement and the right to make a claim. Having passed major legislation, we doubt if Congress would ever again give serious consideration to a major Indian claim in Maine.

We have a right to be here. It is a thoroughly documented fact that the northeastern area of Maine, roughly the area of Aroostook County, is the aboriginal territory of the Maliseet or St. John River Tribe. Aroostook County covers the U.S. portion of the St. John River watershed. The word Aroostook is a corruption of the Passamaquoddy word for both the Maliseet Tribe and the River. The Micmacs have always lived among the other tribes, as we have among them; they are welcomed to do so.

We have a special relationship with the United States, Massachusetts and Maine. In 1777 Congress directed Col. John Allan to negotiate a treaty with us. In a letter dated 1793 to Samuel Adams, Allan explained the provisions of this Treaty which initially included the Passamaquoddies and Maliseets and was subsequently agreed to by the Penobscots and Micmacs:

It was agreed and concluded that peace and friendship be now established permanent and lasting between the United States and the several Tribes that such of them as were in the vicinity of the States should immediately withdraw and assist in the defense of the country which lay within the jurisdiction of the United States. That any Indian individual belonging to those Tribes whose situation would not permit them publicly to take an active part were admitted to join with those who did. That those employed should be supported during their service and the widows and children of such as died in the time, to be taken care of till otherwise provided for. That they should be forever viewed as brothers and children, under the protection and fatherly care of the United States and enjoy every right and privilege, according to the difference of situation in proportion with others. They should enjoy the free exercise of religion agreeable to their profession, a clergyman of that denomination be furnished and a suitable residence be provided for him, on which a place of worship was to be erected. They were to have exclusive right to the beaver hunt, or if not consistent with the rights of others, necessary steps were to be taken, as to prevent a destruction of the game and other enormities committed by the white hunters by which conduct a great diminution of that ancient and profitable support has been the consequences. That in times of difficulty and distress, or by any unforeseen calamity those who live within the Territory of the United States, should be furnished with ammunition for fowling and in proportion as their necessities. That trade was to be so regulated as to prevent imposition, that an agent should constantly reside as near them as possible, to whom they might apply for redress, and to assist in transacting of business among the inhabitants and such other necessary matter as their situation required. (Emphasis Added)

Col. Allan reported that without subsequent Maliseet and Micmac support, most of northern and eastern Maine would now be part of Canada.

Consequently, the 1794 Treaty, whose provisions have now been called into question, was intended to protect not only the Passamaquoddies, but also all those connected with them. Col. Allan noted that in the final negotiations in 1794:

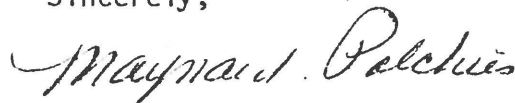
the Chiefs of Passamaquoddy and Maliseet Tribes, delivered their speeches alternately. No distinction was observed, nor would they allow any settlement wherein they were not equally concerned, as well more residing in the Micmac Country and confines of Canada.

Our rights were further confirmed in the Jay Treaty of 1794 and in the Treaty of Ghent of 1814. When Congress made some of our members citizens in 1924, it did not diminish the rights of others. In 1928 and again in 1952 Congress confirmed our rights of access to our homelands. In 1972 two non-citizen members successfully challenged Department of Justice efforts to force them to register as aliens. Subsequently, it was determined that such Indians cannot be deported.

The recently published Federal recognition regulations, we believe, provide a clear basis for the recognition of the tribal status of at least the Maliseet tribe. It can be argued that both the Maliseet and Micmac people are indigenous to the United States under these regulations. The Houlton Maliseet (and Micmac) community has existed as a distinct band in the United States at least since the 1870's. Prior to that time, the core families of the band lived largely a subsistence lifestyle in their hunting territories which were primarily on the Maine side of the border. In the late 1960's the Houlton band reached out to all the Indians in Aroostook County to form the Association of Aroostook Indians. We have also considered requesting that you provide services and set aside a reservation for us as Indians of one half or more degree Indian blood, pursuant to the Indian Reorganization Act.

We wish to explore all options available to us and to share with you the research that we have completed, including documentation of the points made in this letter. We need your help to judge the direction of our future. We approach you with a great sense of urgency as we see the possibility of losing what little we have gained over the last decade.

Sincerely,



Maynard Polchies  
President

