Sovereign Municipalities?
Twenty Years after the Maine Indian Claims Settlement Act of 1980

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The 1980 Maine Indian Claims Settlement Act (MICSA) was a landmark moment in twentieth-century U.S.-Native relations. Based on treaty records from the 1790s onward, members of the Maine Wabanaki (Abenaki) confederacy, whose name means “people of the dawn,” successfully argued that they were entitled to compensation for illegal land sales and seizures performed by the states of Massachusetts and Maine. In exchange for vacating their claims to nearly two-thirds of the state of Maine, the Wabanakis, principally the Penobscots and Passamaquoddies, received a settlement of $81 million, federal recognition, the right to purchase at least 300,000 acres of land at fair market value, and limited immunity from state laws. In addition to being the largest compensation package awarded to a Native American group prior to 1980, the successful prosecution of the Maine land claim and settlement was part of a family of several other eastern tribal land claims in the late 1970s and early 1980s, which included those of the Pequots and the Narragansetts (Benedict 2000, 33-53).

Beneficiaries of the unprecedented size of the Maine agreement, several Haudenosaunee settlement negotiations in upstate New York are still pending, with the federal and state governments having tentatively consented to settle with the Oneidas for a figure in the vicinity of $500 million (Higgins 2002, 1; Dewan 2002).

As important as it was, the Maine settlement did not equally include all of the Maine Wabanakis, namely, the Maliseets and
the settlement generated extraordinary conflict between the State of Maine and the Wabanakis. For their part, the Wabanakis argue that Maine has refused to acknowledge their aboriginal claim to national sovereignty, which exists in addition to the municipality provisions of the settlement (Chavaree 1998). The state, in turn, argues that the Indians are trying to lay claim to a form of sovereignty that was explicitly extinguished by mutual agreement in 1980. At present, disputes about sovereignty have become so bitter that both the state and Native leaders are in the process of reviewing the 1980 Settlement.

THE 1980 SETTLEMENT

The Maine Indian Claims Settlement Act of 1980 was based on state purchases of Penobscot and Passamaquoddy land that violated the U.S. Trade and Intercourse Act of 1790, reconfirmed and amended several times in the early nineteenth century (Prucha 1994,

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Maine's native territories. (Map by Granville Garner)
guaranteed them federal subsidies long into the future. Today, government-sponsored programs provide much of the employment on Maine’s reservations (Young and Graettinger 2002, 1). By 1977, it became clear that the Passamaquoddy and Penobscots could press their claim to twelve and a half million acres of Maine land, which would displace 350,000 homesteading whites as well as several massive timber and paper companies. Their arguments were compelling enough that Peter Taft, head of the Justice Department’s Land and Natural Resources Division, wrote in a memo to Judge Gignoux that the Indian claim was “potentially the most complex litigation ever brought in the federal courts, with social and economic impacts without precedent, and incredible potential litigation costs to all parties” (99).

At the behest of President Jimmy Carter, a task force was appointed to settle the Wabanaki claim out of court in late 1977. As Carter’s term of office began to draw to a close, however, and Ronald Reagan’s election seemed imminent, negotiations were rushed. Both the Wabanakis and the state of Maine had much to lose. Reagan had vowed to quash the settlement if it were still pending when he was elected, and the Wabanakis were worried that time was running out (Stevens n.d.; Benedict 2000, 111). The U.S. Court of Appeals and the Maine Supreme Court had upheld the sovereign status of the Passamaquoddy and the Penobscots in 1979, and the State of Maine was anxious that it was fighting a losing case (Brodeur 1985, 120–23). By March of 1980, a tentative agreement was reached, and it was at that stage endorsed by a vote of the participating Wabanakis. Shortly afterward, the governor and the legislature of Maine passed the Maine Implementing Act in April. The Maine agreement was then ratified by the U.S. Congress with some significant additions to federal law and was signed by President Carter in early October 1980.

The 1980 settlement concerned state law, finances, and land. First, it revised the laws that are applicable to Natives and Native land in Maine—the Maine Implementing Act. Second, it established a $27 million trust to be shared equally between the Passamaquoddy and Penobscots, tax-free and with interest paid quarterly. Most importantly, it set aside $54.4 million to buy 300,000 acres to add to Passamaquoddy, Penobscot, and Maliseet territory. These new land acquisitions would be held in trust for the Wabanakis by the United States and would be subject to alienation and land management oversight by the U.S. Secretary of the Interior. Although the Houlton
Maliseets got $900,000 of this money for land trust acquisition, they did not get independent municipality status in their relationships with the state of Maine, nor did they get a trust fund (MITSC 1995, 16-17).

The 1980 settlement was a great financial victory for the majority of the Wabanakis, but it also held enormous benefits for the state of Maine. First, the federal government paid the $81 million settlement cost. Maine paid nothing. Second, the state cleared title to all of its lands. The Implementing Act states that all Indian land claims were henceforth extinguished in Maine. (The state presently believes that even Aroostook Micmac claims were extinguished by the Act, but since they were not included in the Implementing Act, the federal government treated them independently in 1991—a situation whose advantage the Micmacs are presently studying (Phillips 2002). Third, Maine was able to dismantle its Department of Indian Affairs, divesting itself entirely from 150 years of supervision of some of the poorest Native populations in the country. The U.S. government would henceforth provide subsidies and care for the Wabanakis. (Again, until 1991 the Aroostook Micmacs were treated as if they did not exist.) Finally, and most important, even though Maine had rid itself of responsibility for the management of Indian affairs in Maine, it retained extensive regulatory authority over the territory of the Passamaquoddis, Penobscons, and Maliseets.

The crucial sections of the Maine Implementing Act that define this authority, 30 M.R.S.A. 6204-6, appear to restrict the sovereign powers of the Indian nations in Maine to jurisdiction over "internal tribal matters." In the Implementing Act, the Passamaquoddy and Penobscot nations are defined like state municipalities, not like independent sovereigns. Except as otherwise provided in the act, the Passamaquoddis and Penobscots have, exercise, and enjoy the rights, privileges, powers and immunities of a municipality, including the power to enact ordinances, and collect taxes; be subject to all the duties, obligations, liabilities, and limitations of a municipality; and be subject to the laws of the State, except that "internal tribal matters" are not subject to regulation by the State. Internal tribal matters include membership in the Tribe or Nation, the right to reside within the respective Indian territories, tribal organization, tribal government, tribal elections, and the use or disposition of Settlement Fund income. (quoted in At Loggerheads 2000, 11, emphasis mine)

According to the state's interpretation of this provision, the Native nations are thus at liberty to manage their own internal government, tribal membership, fiscal management, and legal system for minor infractions, but like city governments, they are otherwise regulated by the state on almost any issue of consequence. Particularly when it comes to financial or environmental development, the definition of a state issue is a determination initially made by state supervisory agencies. In other words, the state argues that the Wabanakis are like teenagers living in their parents' basement: they are free to make their beds or not, feed themselves as they may, but if they want to do anything their parents deem questionable, like have a card game on Friday night or take action on their plumbing needs, they need their parents' approval.

Although this is not a very complimentary characterization of the limitations of Native sovereignty under MICSA, and one which Wabanaki leaders currently dispute, the domestic analogy of parent and child has a long-standing tradition in American law, going back to the Marshall court decisions in the 1820s and 1830s. In a famous ruling in Cherokee Nation v. Georgia (1831), Justice John Marshall qualified Indian independence by denoting Native governments as "domestic dependent nations." Because of the paradoxes inherent in this concept, the words anomalous or anomaly are often used to describe both the type of sovereignty the Native nations have in the eyes of the U.S. courts, as well as the nature of the treaties made with them (Prucha 1994).

Wabanaki leaders argue that an exclusive focus on the municipality provisions of the Maine Implementing Act disregards their simultaneous aboriginal rights as sovereign peoples which existed long prior to European imperialism ("Maine Tribal" 2002, A-5; Cohen 1971, 122-26). In an essay in the Winter 1998 issue of Wabanaki Legal News, Penobscot counsel Mark Chavaree quotes from Senate reports made during the MICSA negotiations that explicitly state that MICSA should not be interpreted as reducing Native sovereignty—municipality status is an addition to their powers, not a limitation of it (Chavaree 1998). The courts, however, have not been persuaded by these arguments during the 1990s.

There is a second problem relating to the Maine Implementing Act, however, that occurred at the federal level. The federal government was
conscious that Maine's foremost concern during the 1980 Settlement was to maintain authority over trade and government within the bounds of the state. Thus, the federal act which ratified the Maine Implementing Act included provisions that reaffirmed the Wabanaki's former status as "state" Indians. Sections of 1980 Maine Settlement Act, 25 U.S.C. 1725 and 1735, state that federal laws and regulations that confer special status to Indians and that also preempt the jurisdiction of the State are inapplicable in Maine. Also, any federal law enacted after October 10, 1980 for the benefit of Indians which would effect or preempt the laws of the State of Maine "shall not apply within the State of Maine, unless [it] is specifically made applicable within the State" (quoted in At Loggerheads 2000, 13, emphasis mine). Wabanaki leaders point out that these federal provisions were drawn up after Wabanaki votes on the Implementing Act and thus did not reflect Native consent (13).

The paradox of the federal 1980 Settlement Act is that the Wabanakis lost elements of their federal recognition. The U.S. government ratified the Maine Implementing Act and henceforth excluded the Wabanakis from some types of federal legislation expressly designed to have national effect. Because few legislators will be likely to incur the ill-will of their Maine colleagues by including specifically "Maine" clauses to national Indian legislation, the Wabanakis are doubly held under the thumb of the state of Maine: first by the municipality provisions of the Maine Implementing Act, and second, by federal law that segregates them from national legislation that might otherwise bear on their status. In the two decades since the 1980 Settlement, federal legislation pertaining to casinos and pollution have made the Wabanakis painfully aware of the importance of maintaining regulatory authority over their own lands.

MAINE INDIAN TRIBAL-STATE COMMISSION (MITSC)

Despite the negative aspects of the 1980 Settlement, its initial appeal was mutual. The Wabanakis wanted land restitution and some money with which to rebuild their traditional way of life. Maine wanted assurances that it could control commerce and law within the state's boundaries (Brodeur 1985, 125). Both sides knew that disagreements were bound to arise and new laws created or modified. To negotiate the evolution of the compromise, which both sides recognized would take years to work out, the Maine Implementing Act provided for the establishment of an advisory body called the Maine Indian Tribal-State Commission (MITSC). The MITSC is composed of nine members: four appointees from the state, two each from the Passamaquoddi and Penobscots, and a chairperson chosen by the appointees. MITSC is charged with reviewing the effectiveness of the Implementing Act; to make recommendations on land acquisition; to promulgate fishing rules; to conduct fish and wildlife studies; and to review petitions by tribes for extensions to the reservations. The MITSC's budget has varied over the years but in 2001 it was just over $40,000 (At Loggerheads 2000, 17). From this small budget, MITSC employs a part-time Executive Director, Diana Scully, who has served in that capacity since 1990.

A 1997 state-sponsored review of the relationship between the Indians and the State of Maine, At Loggerheads, concluded that, although Native-State relationships were poor, the MITSC had performed a number of tasks well: work on fish and wildlife rules, and review of trust land applications. It also had developed an educational function that the framers of the Implementing Act had not envisioned. In 1995, the MITSC produced an educational video, Wabanaki: A New Dawn, and it has often provided testimony to the state legislature on Native issues. The MITSC has also become the central source for information about the Settlement and its legacy, as well as the facilitator of State-Tribe interactions. Director Scully reports that much of the agency's time is simply spent responding to information requests from the public because the state of Maine no longer has a Department of Indian Affairs (MITSC 1995, 17; Scully 2002).

In the At Loggerheads report, however, both state and Wabanaki representatives voiced concern that the MITSC had very little power and was not living up to its potential as a mediator for the discussion of tribal-state relations. Both the state and the tribes tend to feel that the MITSC is biased toward the other side. The MITSC itself presently feels frustrated by its small budget, its lack of access to independent legal counsel, and its generally unrecognized efforts on behalf of the legislature (31–33). As a result of being primarily an advisory body, the MITSC has been unable to defuse the tensions that have developed over the past decade over how to realize the spirit of the Implementing Act.

Despite its lack of enforcement power, the MITSC's role as a mediator has brought some positive results. The MITSC has brokered an annual Assembly of Governors and Chiefs from the late 1990s to
the present. In these meetings, representatives from the state, including Governor Angus King, met with the Chiefs and Governors of the Wabanakis to air their concerns. During meetings from 1999 to 2001, all parties expressed a desire for increasing the MITSC's involvement. In the unofficial minutes of the last meeting (yet to be ratified), December 7, 2001, representatives from several of the Wabanaki groups and nations voiced their satisfaction with Governor King's recent attempts to listen and respond to their concerns. Passamaquoddy state legislative representative Donald Soctomah pointed out accomplishments, such as the marine resources bill, offensive place names legislation (to remove the word squaw from state discourse), and the education bill to teach Native history in elementary schools, LD 291. Penobscot Chief Barry Dana remarked that a new era of Tribal-State relations seemed to be dawning, but he also insisted that the state needed to view the tribes as a separate and sovereign form of government that does not infringe on the state's sovereignty (Assembly of Governors and Chiefs 2001, 6).

WATER POLLUTION AND SOVEREIGNTY

Despite the publically optimistic tone of recent Assemblies of Governors and Chiefs, bitter disputes between the Wabanakis and the state have occurred in the past ten years over water quality and pollution controls. Maine's largest rivers have been significantly polluted by mercury and dioxin. The toxic effects of mercury poisoning, such as birth defects, have been known for many years but dioxin is a more recently acknowledged threat. Maine's paper production industry generates many kinds of organochlorides called dioxins, but the most stable is 2,3,7,8 tetrachloridibenzo-p-dioxin, or TCDD. TCDD is the organochloride most commonly referred to as dioxin. It is indisputably carcinogenic and one of the most toxic synthetic substances known to man (Ranco 2001, 43, 174–78). It is of interest to researchers because it seems to be potent even in trace amounts, causing cancer in unusual and unpredictable ways. The Lincoln paper mill, thirty-five miles north of the principal Penobscot reservation of Indian Island, produced TCDD until 1999 as a result of the hot chlorine bleaching process it used to create high quality paper (179, 7–9). (Lincoln's parent company, Eastern Pulp and Paper, filed for bankruptcy in 2000 (Young 2000)). Because of the high levels of dioxin in the rivers, the Environmental Protection Agency (EPA) has posted warnings since the 1980s that people shouldn't eat more than 16 ounces of fish per month from stretches of the Penobscot river if they want to protect their health. Pregnant women shouldn't eat any fish taken from south of the Lincoln mill (Ranco 2001, 10). These are the same types of warnings presently encountered on the piers of New York City's East River.

Each of Maine's high-quality paper mills produce many tons of dioxin-related organochlorides a day, but the kind of pollution that these plants produce has other consequences as well. Maine's paper mills have stained many of Maine's rivers, like the Androscoggin, dark brown, nearly black. Waterfalls downstream from the plants are coffee colored and smell bad. The rivers have a stiff brown foam that cakes in the eddies. No one knows exactly which pollutants cause the foam. Wabanakis note that frogs and turtles do not seem to behave normally when the mills discharge effluent (Ranco 2001, 14). There are no laws that speak to the psychological effect that this type of pollution produces. For this reason, Wabanaki leaders ask the state to also consider the cultural effects of pollution.

The Wabanakis have a long-standing relationship to Maine rivers, not only as a source of sustenance but as the matrix of their culture (Speck 1940). Penobscot Governor Barry Dana and Passamaquoddy Governor Rick Doyle addressed the Maine legislature on water and sovereignty issues in a historic March 19, 2002 State of the Tribes speech, the first by Native chiefs since the early nineteenth century. During his speech, Governor Dana told the story of Gluskabe, a Wabanaki epic hero, who noticed that the river was drying up. Investigating the source, he found that a giant frog was swirling the water up at its source. Gluskabe struck the frog with a giant white pine, breaking the frog open into a thousand pieces and restoring the flow of the Penobscot river. Dana then explained to the legislature that the Penobscot see themselves as the descendants of Gluskabe, stewards and protectors of the river. He said that “our waters are not just a resource, they are us” (Maine Tribal 2002, A-5). Chief Dana's identification with Gluskabe in his legislative address emphasizes that the Wabanaki's bureaucratic fight for clean water is part of Wabanaki culture and mythic history.

In some ways, the Wabanakis have been successful in influencing the environmental regulations pertaining to their lands. As Penobscot Darren John Ranco explains in his recent Harvard anthropology dissertation, the Penobscots successfully convinced the EPA to nearly double the daily fish consumption factor that they used to calculate their health risk analysis for a 1997 permit given to the Lincoln Pulp
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process. Wabanaki leaders protested the state's application, arguing that state officials were too easily influenced by state business interests. The Maine paper companies, who were preparing a lawsuit against the EPA to push it toward compliance, sought water quality information from the Wabanakis in May 2000 (Murphy 2002). The Wabanakis refused, claiming sovereignty. In November 2000, a state judge threatened to have three Wabanaki governors jailed for contempt and fined $1,000 a day (Murphy 2002). The Wabanakis appealed to the Maine Supreme Court, which ruled on May 1, 2001, that they had to surrender the documents because they were not sovereign "when they interact with other governments or agencies in their municipal capacities" (Great Northern Paper v. Penobscot Nation 2001).

Despite state success thwarting Wabanaki claims to sovereignty in the courts, Maine Governor Angus King sought to resolve the water permit situation more amicably by convening negotiations between the state, the Wabanakis, and the paper companies in February 2002. At that point, the EPA had already granted to the state Department of Environmental Protection (DEP) the authority to issue NPDES waste water permits on all but the Indian territories of the St. Croix and Penobscot rivers. The negotiations appeared to be successful, and by April, Wabanaki councils had voted to support a state DEP compromise agreement. During this process, however, the paper companies maintained that they would not withdraw their EPA lawsuits until the state DEP was given licensing authority. Furthermore, Native leaders were concerned that the compromise reduced their role to mere consultants, weakening the input of Indian representatives with the words may, rather than will (Young 2002). On May 10, the day the EPA was to decide whether to grant authority to the state DEP, the Wabanakis withdrew from the compromise, citing undue influence and bad-faith negotiations by the paper companies (Young 2002). On May 23–24, 2002, the Wabanakis organized a thirty-three-mile protest march to the state capitol in Augusta. At the capitol, they pledged to continue defending Maine's waterways and protested the court's insult to their sovereignty, but they consented to release information to the paper companies (Groening 2002; Murphy 2002). As of September 2002, the EPA had still not decided if it would grant to the state DEP the authority to issue NPDES permits concerning Native territory, forwarding the issue to the Department of Justice for further review.
CASINOS AND PUBLIC RELATIONS

Tom Tureen, the Wabanakis' principal lawyer during the 1980 settlement, was aware that the provisions of MICSA would cede many types of regulatory authority to the state, particularly concerning gambling (Benedict 2000, 111–12). MICSA was approved by traditionalists like Passamaquddy John Stevens, who imagined that the act would protect Wabanaki folkways and culture, like building sweet grass baskets and birch bark canoes. Unlike the Pequots, the desire to build a gambling operation was not foremost in their minds. Rather, they imagined that MICSA would allow them to develop a diversified Native economy. During the 1980s and 1990s, the Penobscots built a hockey rink and secured a contract for a factory that molded tape cassettes (Ranco 2001, 6). The Passamaquoddiess ran a very successful concrete business which they later sold. They also continue to run blueberry and cranberry businesses (Scully 2002). The Penobscots are presently in negotiations to start a bottled water business as well as a windfarm for electricity in Alder Stream Township (Dana n.d.). In general, however, Wabanaki businesses have not yet brought much economic relief, particularly in poor areas such as Washington county. Forty-two percent of Pleasant Point Reservation residents were unemployed in 1999, with residents observing that selling drugs is one of the few jobs around (Young and Graettinger 2002). In Indian Township, the per capita income in 1990 was $6,165, less than half the state average (Young and Graettinger 2002). Although there are Natives who don't want to pursue gambling as an economic stimulus, poverty is making a strong case for the creation of a gaming industry in northern Maine. As in their fight to preserve clean water, however, the Wabanakis' sovereignty arguments have not been sustained by the courts on the casino issue.

Since the passage of the Indian Gaming Regulatory Act (IGRA) of 1988, which classifies gambling into three levels, many Indian nations have begun to pursue class III, or casino gambling (Mason). In the early 1990s, the Passamaquoddiess attempted to start a casino in Calais and acquired a small parcel of new land on which to build it. The state legislature eventually approved use of the land for a casino if the tribe could get the support of the city council and the state's governor, or, lacking the governor's consent to negotiate a gaming contract, the ruling of a court of competent jurisdiction. The Passamaquoddiess, represented by Tom Tureen, pushed for the commencement of gaming negotiations in 1995 and lost. In 1996, the U.S. Court of Appeals upheld the 1995 Maine decision in Passamaquddy v. Maine that the 1988 Indian Gaming Regulatory Act did not apply to the Passamaquoddiess. The appeals court argued, as did the Maine courts, that the federal Settlement Act of 1980 stipulated that no federal Indian laws would effect or preempt Maine law unless made “specifically applicable” to Maine.

The Passamaquoddiess' loss in this appeal had stunning consequences because they thought they had found a way to get around the “specifically applicable” clause that blocks them from the benefit of some federal Indian laws. Like the Wabanakis, the Narragansetts of Rhode Island had also negotiated a land claims settlement in the late 1970s. When they ran into state opposition to their gaming business, they successfully argued in the U.S. Court of Appeals that the federal gaming law of 1988 implied the repeal of the gaming provisions of their own 1978 Settlement Act (Rhode Island v. Narragansett Indian Tribe 1994). Similarly, the Passamaquoddiess had attempted to argue that the Congress's 1988 IGRA laws had also implied the repeal of the 1980 Maine Settlement Act. If successful in their argument, the Passamaquoddiess stood to gain precedent to benefit from the passage of other federal laws since 1980, too. The federal appeals court quashed this hope, however, by responding that their previous ruling in Narragansett merely removed a specific "incoherence" between federal gaming laws and state ones in favor of the federal laws, a situation which did not apply to the general principals of the Maine Settlement Act (Passamaquoddy Tribe v. State of Maine 1996).

Maine's opponents of casino gambling often invoke moralistic language—the influx of a bad element, corruption, false prosperity (Shanahan 2002)—but the more likely reason for their opposition is simply a fear of Native power. Wenona Lola, a Wabanaki editorialist in the April 4, 2002, Bangor Daily News, suggested that allowing the Wabanakis to develop their economy through casinos would upset the power relations between the state and the tribes. Long comfortable with keeping the Native voice in state politics silent and marginalized, Lola argued that the state of Maine feared a stronger Indian presence in its affairs. With more money at their disposal, the Wabanakis might be able to fund more formidable environmental challenges to the state's timber and paper industries. A financially powerful Wabanaki confederacy could completely rearrange state lobbying politics.

Chastened by recent court rulings against their sovereignty, however, the Wabanakis have begun to pursue casino gambling by
including the state as a prospective partner, rather than an opponent. Sensing that they might get more with a carrot than a stick, the Wabanakis have turned to public relations and the conventional politics of deal-cutting. They have supported several recent referenda on gaming issues. In May of 2002, they resoundingly lost a city referendum in York by a ratio of 5 to 1, which asked if residents favored casino gambling in southern Maine, but the referendum, and seven others held in June, nonetheless has kept their agenda well-advertised and in public view (Associated Press 2002; Graettinger 2002). Also, polls indicate that state-wide opinion seems to be split, with poorer districts favoring casino gambling ("Casino Study" 2002, 8). Further, during the spring of 2002, the Wabanakis convinced the legislature to fund a study of the impact of casino gambling in Maine. In a spring 2002 editorial in the Bangor Daily News, Governor Angus King repeated his opposition to casino gambling in Maine, but the Bangor Daily News itself strongly supported legislative research into the casino question (Lola). Even the former governor, Kenneth Curtis, has agreed to serve on the board of directors of a tribal casino (Casino Study 2002, 8). In July 2002, Chief Dana proposed a plan to bring in the state as a partner in a $400–600 million casino-resort in the Kittery area in 2003, and several Republican legislators seem to be warming up to the idea (Murphy 2002; Dana n.d.; Higgins 2002).

EDUCATION AND TRUST

In the past decade, the Wabanakis have not been successful in advancing their claims to sovereignty in court (the Aroostook Micmacs are an important exception). In fact, the courts have consistently chosen to interpret the Implementing Act in its narrowest sense, giving the Penobscots, Passamaquoddies, and Maliseets very little authority in the large business and environmental issues that their nations face. As long as provision 6204 of the Maine Implementing Act (municipality status), and sections 1725 and 1735 of the federal Settlement (excluding Maine Indians from some kinds of federal Indian legislation) remain unchanged, there seems to be very little potential for improvements in the degree of their sovereignty, even in the limited sense that federal law recognizes it in other Indian nations (Cohen 1971, 122–26).

Despite these restrictions, and perhaps because of them, the Wabanakis nonetheless have found several ways to advance their interests in Maine. First, the invitation to share profits with the state in the casino business may have a fruitful political yield in years to come. Second, the Wabanaki still have compelling arguments to make to the state of Maine and the U.S. government act upon their needs as trustees (Pevar 1992, 26). As Darren Ranco has shown in his study of Wabanaki-EPA relations, the trust obligation has been an effective legal and political tool on behalf of Native environmental concerns (111–22). If the state is going to deny the Wabanakis the sovereignty necessary to protect themselves, then the state and government need to bear that responsibility for their care. Finally, according to the recent statements made at the annual Assemblies of Chiefs and Governors, the Wabanakis see civic education as an important long-term avenue toward their political and economic advancement in Maine. By educating their peers about Wabanaki history, and by sponsoring educational and antiracist legislation, the Wabanakis hope to defuse the prejudice and xenophobia that has biased Maine’s reaction to their existence for years.

REFERENCES


Atkins v. Penobscot Nation. 130 F. 3d 482 (1st Cir. 1997).


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Rhode Island v. Narragansett Indian Tribe. 19 F. 3d 685 (1st Cir. 1994).


