

**Testimony of John Dieffenbacher-Krall, Executive Director,  
Maine Indian Tribal-State Commission (MITSC),  
in support of  
LD 140, An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of  
Trustees of the Maine Criminal Justice Academy  
March 4, 2013**

Senator Gerzofsky, Representative Dion, and members of the Joint Standing Committee on Criminal Justice and Public Safety; my name is John Dieffenbacher-Krall. I live in Old Town, Maine and I appear before you today in my capacity as the Executive Director of the Maine Indian Tribal-State Commission (MITSC). For those of you unfamiliar with MITSC, we are an intergovernmental body described in 30 MRSA §6212 charged with reviewing the effectiveness of the Maine Implementing Act, the state companion legislation to the Maine Indian Claims Settlement Agreement, “and the social, economic and legal relationship between the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and the State.” Thank you for the opportunity to express MITSC’s support for LD 140 An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy.

I deeply regret that MITSC did not appear at the public hearing that your committee held on LD 140 last Monday. I say that because I would have liked to have been present to correct immediately the terribly wrong information that you received concerning LD 140. To begin, both Ms. Berry and Mr. Rogers described Wabanaki Tribal Governments as a special interest group. Special interest groups are generally considered a group of people working for some particular cause, such as an item of legislation, an industry, or a special segment of society. In political discourse, labeling a group of people a special interest group is generally meant to dismiss or diminish the importance of the group’s position.

Wabanaki Tribal Governments are not a special interest group. They are Indigenous Nations, some of the oldest continuous governments in the world, far older than the State of Maine or the United States. The first treaty ever signed by the United States, the Treaty of Watertown, was negotiated with three of the four Wabanaki Tribal Governments that remain in Maine today, the Maliseets, Micmacs, and Passamaquoddy Tribe. On February 21 of this year, the Maine Legislature acknowledged the significance of the Treaty of Watertown by unanimously passing a legislative resolve that recognizes "the United States and the Tribes of Indians shall henceforth be at peace with each other and be considered as friends and brothers united for their mutual defense, safety and happiness." The Aroostook Band of Micmacs, Houlton Band of Maliseets, Passamaquoddy Tribe, and Penobscot Indian Nation are sovereign governments recognized by the State of Maine, United States, and international law. No person should ever call these Indigenous Peoples a special interest group. They were among the first allies of the United States who helped secure America’s freedom against the world’s greatest superpower at the time.

Representatives of the Maine Criminal Justice Academy and Department of Public Safety have suggested that the Wabanaki Tribal Governments could gain occasional representation on the Academy Board of Trustees by appointment to either the seat reserved for a chief of a

municipal police department or one of the seats designated for an officer of a municipal police department. Such an offer is inappropriate and insensitive to some of the tensions that have existed in tribal-state relations since the passage of the Maine Indian Claims Settlement. Tribal governments are not municipalities. They are a distinct form of government completely separate from the State of Maine. Though the Passamaquoddy Tribe and Penobscot Nation do enjoy some powers of municipalities as enumerated under the Maine Implementing Act, to suggest they should gain possible representation on the Maine Criminal Justice Academy Board of Trustees through seats created for municipalities could be perceived by them as another attempt to mischaracterize them and undermine their inherent sovereignty.

Mr. Rogers cited in his testimony possible problems that would be created should the Maine Criminal Justice Academy Board of Trustees be expanded from 17 to 18 seats. Many solutions could be devised to address the possible situation of a tied vote on some issue. This concern pales in importance to including the Wabanaki Tribal Governments with their own seat.

The Maine Legislature has recognized the importance of seating the Wabanaki Tribal Governments with their own representatives. Today the Houlton Band of Maliseet Indians, Passamaquoddy Tribe, and Penobscot Nation all have formal representation as governments in the Maine House of Representatives. Should LD 45 An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives be enacted all four federally recognized tribes will enjoy that status. Though total Wabanaki Tribal citizenship only ranges from somewhere between 7,000 and 8,000 people within the State of Maine, I have heard no one in the Maine Legislature question the importance of having that governmental perspective directly represented in the Maine's legislative branch. I question what point Mr. Rogers is attempting to make in his testimony when he cites the number of Wabanaki law enforcement officials except the fact that the overall Wabanaki population is much small than the settler population.

Instead of opposing the creation of a Wabanaki seat on the Maine Criminal Justice Academy Board of Trustees, the Academy's leadership should embrace it. With direct Wabanaki representation on the Board of Trustees, the Maine Criminal Justice Academy will be better positioned to develop and refine its training program to meet the needs of all the Wabanaki law enforcement personnel who attend the Maine Criminal Academy **and all other law enforcement personnel who may interface with these independent Tribal police departments.** Wabanaki Tribal Governments deserve direct representation on the Maine Criminal Justice Academy Board of Trusts as all of their law enforcement personnel are required to meet the same training standards as non-tribal law enforcement (see 30 MRSA §6210, §§4).

The opinions expressed by Ms. Berry and Mr. Rogers in their testimony in opposition to LD 140 reinforce for MITSC why Wabanaki Tribal Governments need direct representation on the Maine Criminal Justice Academy. The two top leaders of the Maine Criminal Justice Academy **mischaracterized the status of** Wabanaki Tribal Governments and their relationship with the State of Maine and United States. MITSC **is concerned that this lack of understanding may** permeate the Maine Criminal Justice Academy curriculum, a deficiency given Wabanaki law enforcement officials and their non-indigenous counterparts will find themselves working together in many instances. The Maine Criminal Justice Academy should be focusing on building understanding of the Wabanaki to help ensure tribal and non-tribal Academy graduates

work together as well as possible. A minimum of one Maine Criminal Justice Academy seat reserved for the Wabanaki would provide Tribal Governments with decision making authority to guide the curriculum and training programs.