

Excerpt from *Beyond the Mandate: Continuing the Conversation, Report of the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission*, pp. 6-10.

This report describes the process and findings, discoveries and recommendations of the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission, whose mandate was endorsed in February 2013. The governor of Maine and the five tribal chiefs signed as equals to authorize the Commission to investigate whether or not the removal of Wabanaki children from their communities has continued to be disproportionate to non-Native children and to make recommendations, as the Declaration of Intent exhorts us, that “promote individual, relational, systemic and cultural reconciliation.” This Commission is the first in the United States in which two parties agreed to come together to pursue answers to difficult questions, and it is one of the first in the world to examine issues of Native child welfare. While our commission does not involve an entire country as did the process brought to prominence by Nelson Mandela in South Africa, it nonetheless marks a historic moment, one we have been proud to steer and witness.

First, we are grateful to our signatories for their support of this undertaking. We thank the governor of Maine. And we thank the chiefs of the Houlton Band of Maliseets; the Aroostook Band of Micmacs; the Passamaquoddy governments of Sipayik (Pleasant Point) and Motahkomikuk (Indian Township); and the Penobscot Nation, who represent the approximately 8,000 Native people in Maine known collectively as the Wabanaki.

We also need to extend our deepest gratitude to the hundreds of men and women who came forward to share their truths. We honor all who participated.... These brave people took part in an experience that was freighted with both hope and anxiety, and whose outcome could not be predicted.

What we learned in the last 27 months is sobering and powerful. Wabanaki children in Maine have entered foster care on average at 5.1 times the rate of non-Native children during the past 13 years. In addition, federal reviews in 2006 and 2009 indicate that sometimes up to half of all children coming into care do not have their Native heritage verified. The state thus must still make strides to ensure full compliance with the Indian Child Welfare Act (ICWA). This federal legislation, passed in 1978, created a higher standard for removing Native children from their homes, in an effort to help Native people maintain critical cultural and linguistic ties to kin and tribe. ICWA can also be viewed as an effort to stem the displacement of Native children from their communities, in the recognition that every child’s separation from her culture engenders further loss for her people.

From our perspective, to improve Native child welfare, Maine and the tribes must continue to confront:

1. Underlying racism still at work in state institutions and the public
2. Ongoing impact of historical trauma, also known as intergenerational trauma, on Wabanaki people that influences the well-being of individuals and communities
3. Differing interpretations of tribal sovereignty and jurisdiction that make encounters between the tribes and the state contentious

We further assert that these conditions and the fact of disproportionate entry into care can be held within the context of continued cultural genocide, as defined by the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948. In particular, the convention notes that genocide means “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” We posit that Article 2, Sections b and e – “Causing serious bodily or mental harm to members of the group” and “Forcibly transferring children of the group to another group” – apply to what Wabanaki communities face here in Maine.

Not everyone will share our interpretation. But it would violate the terms of our mandate should we fail to respond to what we had seen and how we came to understand it. Nor does silence serve to advance the relationships and engagement that make concrete progress possible.

Without the evocation of root issues and the naming of both past harms and hopes for what’s to come, practical suggestions for change may remedy certain problems while leaving the hardest ones unresolved. Not acknowledging these complexities hurts not only Wabanaki families and others directly involved in child welfare, but to some degree, all who call Maine home.... We have heard the voices of the many who spoke with us and to remain quiet is to continue to perpetrate harms that must be known. Consider this report as a step toward refusing that silence and continuing this conversation, that will, we hope, like all the best communication, offer ample time for everyone to simply listen.

Sincerely,

Matthew Dunlap, gkisedtanamoogk, Gail Werrbach,

Sandy White Hawk and Carol Wishcamper

Commissioners

Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission

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