

## THE MAINE WABANAKI-STATE CHILD WELFARE TRUTH AND RECONCILIATION COMMISSION: PERCEPTIONS AND UNDERSTANDINGS

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### Introduction

On 29 June, 2012, the leaders of the five Wabanaki tribal governments within the state of Maine, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkmikuk (Indian Township), the Passamaquoddy Tribe at Sipayik (Pleasant Point), and the Penobscot Indian Nation, sat alongside Republican Governor Paul LePage in the gallant Hall of Flags in the State Capitol building. For those familiar with the history of State-Tribal relations in Maine, it might be presumed that this was another tense debate over the many issues and obstacles the Wabanaki have faced throughout their history as the region's Indigenous,<sup>2</sup> and arguably most marginalized,

1. The authors are extremely grateful to those involved in the Truth and Reconciliation Commission and Wabanaki REACH for the access they have granted us to their sensitive and important truth-telling process and especially Esther Attean, Penthea Burns, Donna Loring, Heather Martin, Arla Patch and Martha Proulx. We are keenly aware that we approach this process as non-Native researchers, and so would like to make clear that we are in no way speaking for those involved. This paper was first presented at the AHDA's 'Historical Justice and Memory Conference' at Columbia University, December 2013. We would like to thank the conference participants who commented at that time, and also pay respect to the Lenape people who were the original inhabitants of the land upon which Columbia University now stands. Bennett Collins and Alison Watson thank Will Moore, Sandra Norrenbreck, Kerry Probert, Professor Nick Rengger and the University of St. Andrews for their support in making this research possible. Siobhan McEvoy-Levy thanks Kelly Hamman, Rachel Bergsieker, Steven Tyler, Dean Jay Howard and Butler University. All errors remain the authors' own.

2. Note that the term "Indigenous" is a generic one that has no officially recognized definition, with the exceptions of the 1957 ILO Convention No. 107 on Indigenous and Tribal Populations and 1989 ILO Convention No. 169 on Indigenous and Tribal Peoples, which have 27 and 20 ratifications respectively. The UN Permanent

Peoples<sup>3</sup>. However, in this case, an audience of around 200 people was present to watch the Wabanaki Leaders and the State Governor come together—with a collective desire to seek truth, healing, and change—to sign the mandate of Maine's first Truth and Reconciliation Commission and the first Tribal and State government-endorsed Truth and Reconciliation Commission in the United States. This chapter presents preliminary findings from our study of the historic Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission (MWTRC), which held its first hearings in November 2013. Our ongoing research explores the origins and evolution of the MWTRC and the challenges and needs that it seeks to address.

As this chapter demonstrates, the MWTRC represents a unique and creative approach to healing in communities affected by historical trauma. This chapter presents the history and context of the MWTRC. Drawing on interviews with the key participants<sup>4</sup> in the MWTRC

than define Indigenous Peoples. This is based on the fundamental criterion of self-identification as underlined in a number of human rights documents." (United Nations Permanent Forum on Indigenous Issues, Indigenous Peoples Indigenous Voices Factsheet, [http://www.un.org/esa/socdev/unpfii/documents/5session\\_factsheet1.pdf](http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf)). One of the most frequently used descriptions of "Indigenous" is that of Jose R. Martinez Cobo, a former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, who noted: "Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system." See: <http://www.unric.org/en/indigenous-people/27309-individual-vs-collective-rights>.

3. For thousands of years, the Algonquian-speaking Wabanaki People, or 'People of the Dawnland', have historically occupied most of the area now known as the Maritime Provinces of Canada, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, Quebec, as well as the U.S. States of Massachusetts, Vermont, New Hampshire, and Maine.

4. The participants in the study were interviewed by Bennett Collins using a semi-structured questionnaire at different locations in Maine between August and September 2013. Those interviewed included TRC Commissioners and staff, staff and volunteers at Maine-Wabanaki REACH, members of the State Legislature, and

creation process, we explain the structure, mandate and role of the MWTRC and the accompanying community support structures that have been created. Key themes emerging from the interviews with the participants in the process are then discussed. The chapter shows that, originating in a deep understanding of the complex individual, family and community trauma that Wabanaki people have endured, the MWTRC embodies a collective desire for truth, healing and change. It provides a space for the articulation of a silenced history, and a process within which traumatic experiences and the trauma of memory can be shared in solidarity. The uniqueness of the MWTRC—a grassroots, community-organized, Indigenous community-state collaboration—makes it an important process for scholars and practitioners to follow. Although it faces challenges and tensions and involves difficult dialogues on race, privilege and accountability, this MWTRC is a new kind of truth commission, linking reconciliation with decolonization, and truth with practical policy change, in the process creating an important model of community-based conflict transformation and trauma recovery that has potentially wider implications for other communities—Indigenous, and non-Indigenous—seeking to reconcile, and to heal, after a period of long-term trauma. To see why such healing is truly necessary, this chapter turns to a summary of the historical context of trauma that the MWTRC aims to address.

## 1. History/Context

The mandate of the MWTRC, which will be discussed in the next section, is much like other truth and reconciliation commission (TRC) mandates (e.g. South Africa, Liberia, Canada) in that it demarcates the time and means that the MWTRC is allowed to work within. Thus the mandate specifically notes that the MWTRC will address events that occurred following 1978—the date that the US Federal Government passed the Indian Child Welfare Act (ICWA) in response to child welfare practices that resulted in high rates of removal of American Indian<sup>5</sup> children and their placement in foster and adoptive care, as

5 We use the term “American Indian” rather than “Native American” throughout

evidenced by programs like the Indian Adoption Project and Adoption Resource Exchange of North America.

During the interview process those involved in the founding of the MWTRC noted that this time-frame would be very difficult to implement. As Esther Attean noted:

“What happened to Wabanaki people with state child welfare from 1978 to the present...didn’t happen in a vacuum and it’s not going to be talked about in a vacuum.”

Indeed, the Wabanaki peoples in Maine and those across the border in the Maritime Provinces of Canada, as well as Quebec, have experienced a shared legacy of discriminatory policies. As the jurisdiction of the MWTRC remains confined to Maine, however, our research has remained contained to the narrative of the Wabanaki people in Maine and the nuances of their history as a Native people within the borders of the United States.<sup>6</sup> Within this narrative, we are able to pinpoint particular events, ranging from the very beginning of colonization to modern times, which have left the Wabanaki People of Maine in a state of “historical trauma.”

This recognition of historical trauma is an important one. Oglala Lakota scholar Maria Yellow Horse Brave Heart defines “historical trauma and unresolved grief” as the “cumulative wounding across generations”<sup>7</sup> She recognizes American Indian experiences as “analogous to the ‘survivor syndrome and survivor’s child complex’—identified among those who endured the Jewish Holocaust, and their progeny.”<sup>8</sup> Child survivor’s complex, according to Brave Heart and DeBruyn, is

by a number of organizations, e.g. the Bureau of Indian Affairs. In a less specific context the terms “Native” and “non-Native” are also used.

6 This does not imply that the narratives of the Wabanaki in Canada are in anyway less significant. On the contrary, we recognize that the Wabanaki will have a different narrative from other Native Americans/First Nations, not only because they will be under the jurisdiction of two different TRC mandates (i.e. the Canadian TRC and the Maine Wabanaki-State Child Welfare TRC), but also because the two TRCs have attracted attention and participation from across the international border. The opportunities and consequences that come out of these circumstances will need further attention at a later date.

7 Brave Heart, Maria Yellow Horse, *Wakiksuyapi: Carrying the Historical Trauma of the Lakota*, *Tulane Studies in Social Welfare*. 2000, p. 246.

where “descendants of survivors feel responsible to undo the tragic pain of their ancestral past, often feeling overly protective of parents and grandparents, and are preoccupied with death and persecution.”<sup>9</sup> Maria Yellow Horse Brave Heart draws the parallel between the high mortality rates on American Indian Reservations, due to alcoholism, substance abuse, and suicide, and their experience of historic trauma, resulting from centuries of genocide as well as racial and cultural discrimination.

For the Wabanaki People in Maine, their experience with historic trauma dates back further than most due to their geographic location on the east coast—the starting point for European and American colonization. Their history, like that of so many other American Indian communities and nations across North America, has been one of decimation. The Wabanaki lost around 90% of their population in a genocide that is perhaps most clearly summed up by the existence of the Spencer Phips Bounty Proclamation of 1755:<sup>10</sup>

“And I do hereby require his Majesty’s Subjects of this Province to embrace all Opportunities of pursuing, capturing, killing and destroying all and every of the aforesaid Indians.... For every Male *Penobscot* Indian above the Age of Twelve Years that shall be taken within the Time aforesaid and brought to *Boston, Fifty Pounds*. For every Scalp of a Male *Penobscot* Indian above the Age aforesaid, brought in as Evidence of their being killed as aforesaid, *Forty Pounds*. For every Female *Penobscot* Indian taken and brought in as aforesaid and for every Male Indian Prisoner under the Age of Twelve Years taken and brought in as aforesaid, *Twenty-five Pounds*. For every Scalp of such Female Indian or Male Indian under the Age of Twelve Years that shall be killed and brought in as Evidence of their being killed as aforesaid, *Twenty pounds*.”

9 Brave Heart, Maria Yellow Horse & M. Lemyra DeBruyn *The American Indian Holocaust: Healing Historical Unresolved Grief, American Indian and Alaska Native Mental Health Research*, 1995, p. 66.

10 Spencer Phips Governor of Massachusetts, *Phips Proclamation*, (1755), *Documentary History of Maine*, (1998) 24 p. 63, <http://www.abbemuseum.org/>

Spencer Phips, the then-Governor of the colony of Massachusetts, had placed this bounty on the members of the Penobscot Nation but, as was pointed out in our interviews, this was seen as an order to eliminate all Wabanaki. The Spencer Phips’ Proclamation was one of many colonial policies that led to the complete destruction of more than 16 Wabanaki nations. Only five remain today: the Penobscot, Passamaquoddy, MicMac, Maliseet, and Abenaki.<sup>11</sup> This Declaration, a shocking document, was indicative of the social environment that had been created many years before by the Doctrine of Discovery (DOD). The DOD, articulated by papal decrees, gave Christian colonizers authority to control and enslave Indigenous Peoples in order to take their land and resources. This was frequently cited amongst interviewees as the foundation of oppression of Wabanaki Tribes. The impact of this Doctrine continues, as the UN Permanent Forum on Indigenous Issues noted in 2012, when the Forum “urged the rejection of such ‘nefarious dogmas,’” instead encouraging “measures that would redefine relations between Native and aboriginal peoples and the State based on justice.”<sup>12</sup> However, the Doctrine itself and its impact extend beyond the Catholic Church. For example, scholars have referenced the fact that the Doctrine of Discovery has already been institutionalized in US law via Supreme Court Cases, like *M’Intosh v. Johnson*.<sup>13</sup> The Doctrine of Discovery is at the heart of the policies of assimilation that are characterized by the U.S. Indian boarding school system of which the Carlisle Indian Industrial School, based in Pennsylvania, was at the forefront. Founded in 1879, the goal was very clearly one of the assimilation of American Indian children into “mainstream” culture. As the School’s Founder, Richard Henry Pratt noted: “In Indian civilization I am a Baptist, because I believe in immersing the Indians in our civilization and when we get them under

11 The Abenaki do not have federal recognition in the State of Maine, but are nonetheless one of the five members of the Wabanaki Confederacy.

12 Department of Public Information ECOSOC, *Concluding Session Permanent Forum says Impact of Racist ‘Doctrine of Discovery’ Endures Today, but Indigenous Rights Declaration offers Framework for Redress*, UN doc. HR/5099 (18 May 2012) [www.un.org/News/Press/docs/2012/hr5099.doc.htm](http://www.un.org/News/Press/docs/2012/hr5099.doc.htm)

13 See Blake Watson, *The Doctrine of Discovery and the Elusive Definition of*

holding them there until they are thoroughly soaked.”<sup>14</sup> Over 10,000 Native children attended the school between 1879 and its closure in 1918. A historical marker now highlights the place where 186 children who died whilst at Carlisle are buried.<sup>15</sup> Carlisle’s founder, Henry Pratt gave us the phrase “Kill the Indian and save the man” a phrase that would become foundational in many Canadian residential schools. Carlisle’s rosters include 5 Abenaki, 8 Passamaquoddy and 44 Penobscot students.

Founded in 1958, the federally-financed Indian Adoption Project (IAP) replaced the practice of institutionalizing Native children in boarding schools like Carlisle, with a policy of placing Native children for adoption into white homes and was administered by the Child Welfare League of America and the Bureau of Indian Affairs. In its nine years of existence, it is thought that the IAP resulted in between 25 and 35 percent of Native children being adopted into non-Native homes, in a policy that activists “denounced...as the most recent in a long line of genocidal policies toward Native communities.”<sup>16</sup> In Maine, the likelihood of Native children being removed from their homes was 19 times more than non-Native children. Sadly, even when the IAP ended, these policies continued with the creation in 1966 of the Adoption Resource Exchange of North America (ARENA), which continued placing American Indian children within white homes until the early 1970s.

According to the National Indian Child Welfare Association, “The Indian Child Welfare Act (ICWA) is a federal law that seeks to keep American Indian children with American Indian families.” Congress passed ICWA in 1978 in response to the high number of Indian children being removed (some sources report from their homes) by both public and private agencies. The intent of Congress under ICWA was to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families.”<sup>17</sup> ICWA sets federal

14 See Barbara Landis, *Carlisle Indian Industrial School History*. (1996), [http://www.english.illinois.edu/maps/poets/a\\_f/erdrich/boarding/carlisle.htm](http://www.english.illinois.edu/maps/poets/a_f/erdrich/boarding/carlisle.htm)

15 To see the marker, visit <http://carlisleindian.dickinson.edu/websites/carlisle-indian-industrial-school-historical-marker>

16 University of Oregon, *Adoption History: Indian Adoption Project*. (University of Oregon Department of History, 2012) <http://pages.uoregon.edu/adoption/topics/IAP.html>

17 25 U.S. Code § 1902—Congressional declaration of policy.

requirements that apply to State child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.” However, ICWA implementation in Maine, and across the country, was and has been extremely difficult to fulfill given the complete lack of trust that resulted from decades of discriminatory federal and State child welfare practice. Thus, even after ICWA was passed, social workers and police continued to remove Wabanaki children from their homes at alarmingly high rates. From interviews with social workers, it was gathered that many State workers at the time thought that what they were doing was in the best interests of the child. However, in other interviews with Wabanaki tribal members, it was reported that some social workers did indeed abuse their authority in relation to Wabanaki people. One particular interview with Chief Brenda Commander of the Houlton Band of Maliseet Indians made this point clear: “[The police and DHHS] were trying to remove two teenage girls and I said, ‘What’s going on?’ and [the DHHS representative] said, ‘We have an emergency protection order’ and I said, ‘Can I look at it?’ and she threw it at me. She threw it at me and it fell on the floor and it wasn’t signed by a judge...”

The experience that Chief Commander described was an important catalyst for State change. Also, in 1999 the Muskie School of Public Service, through a State contract, facilitated the founding of the ICWA Workgroup to improve the State’s compliance with the ICWA through staff training and other initiatives. It was after nearly 10 years of work, with successes and barriers, that this group began efforts to establish the MWTRC, at the suggestion of the State’s Child Welfare Director.

## 2. TRC mandate and Structure

### *The Declaration of Intent*

The Declaration of Intent (DOI) was the start of a difficult journey in forming the MWTRC. Modeled after the ones used by the Mississippi Truth Project and the Greensboro Truth and Reconciliation Commission, the DOI was used to broadly outline the historical and

contemporary purpose of the MWTRC and the path that parties would need to take to establish a TRC. The drafting of the DOI was done by the ICWA Workgroup members (which included staff from tribal child welfare programs, Department of Health and Human Services Office for Family and Child Services, and the Muskie School of Public Service at the University of Southern Maine). These individuals formed what came to be known as the TRC Convening Group.

The effectiveness of the TRC Convening Group is seen in two particular instances. The TRC Convening Group, because of its long history of collaborative work, created the environment for comprehensive and leveled dialogue between the State of Maine and the five Wabanaki communities so that neither party would have a unilateral say over the planning process. Martha Proulx, from the Office of Child and Family Services stated, “[T]he value of this truth and reconciliation [process] is that it is a true partnership that we are undertaking as equals. It is a government-to-government effort to understand what happened, to promote healing for Wabanaki communities, and to improve child welfare practice.”<sup>18</sup> Secondly, the TRC Convening Group demonstrated the significance and impact of historical dialogue at the grassroots level. Esther Attean states, “It has allowed us to learn about and discuss white privilege, racism, oppression, and internalized oppression.”<sup>19</sup> This emotional journey that was shared by both Non-Native and Native members of the TRC Convening Group in drafting the DOI acts as a microcosmic example of the desired dialogue and relationship which would result from the MWTRC.

On May 24, 2011, the Chiefs and representatives of all five Wabanaki communities, Governor Paul LePage, and a representative from the Maine Indian Tribal State Commission (MITSC) signed the DOI into effect ceremoniously in the Penobscot community on Indian Island. The DOI was very concise in its ambitions in calling for pragmatic cooperation between the State of Maine, all tribal governments, MITSC, and the TRC Convening Group to carry out three objective goals: the drafting of a Mandate for the MWTRC, the drafting of

18 Attean, Esther and Jill Williams, *Homemade Justice*, Cultural Survival Quarterly. 2011. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/united-states/homemade-justice>

19 *Ibid*

Letters of Commitment for the tribal and state governments, an participating in the selection of the Commissioners for the MWTRC. In the end, the DOI carried the signatures of seven government entities and the agreed participation of community organizers at the grassroots level, which in itself made the process unprecedented in the history of US-based TRCs.

### The Mandate

“This document creates the Truth and Reconciliation process between the State of Maine and the Wabanaki Tribes”<sup>20</sup>.

The objectives of the DOI were already coming to fruition with the signing of the TRC’s Mandate on June 29, 2012 at the Hall of Flags within the State Capitol Building in Augusta. The Mandate officially established the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission and outlined the following objectives for the process:

- “1. Give voice to Wabanaki people who have had experiences with Maine state child welfare;
2. Give voice to state and tribal child welfare staff, care providers and legal community in regard to their work with Wabanaki families;
3. Create and establish a more complete account of the history of the Wabanaki people in the state child welfare system;
4. Work in collaboration with the TRC Community Groups and Convening Group to provide opportunities for healing and deeper understanding for Wabanaki people and state child welfare staff;
5. Improve child welfare practices and create sustainable change in child welfare that strives for the best possible system;
6. Formulate recommendations to state and tribal governments and other entities to ensure that the lessons of the

truth are not forgotten and to further the objectives of the Commission; and

7. Promote individual, relational, systemic and cultural reconciliation.”

The Mandate stipulates a three-year timeline for the MWTRC to accomplish these objectives, allowing a 6-month extension if the signatories agree. By the end of the Mandate, 2015, the document calls for the MWTRC to provide a report, outlining their findings and recommendations on child welfare practices vis-à-vis the implementation of ICWA in Maine. It calls for the creation of an archive of “all such documents, materials, and transcripts or recordings of statements received, in a manner that will ensure their preservation and accessibility to the public and in accordance with agreements with individuals, between the Maine State and Wabanaki governments and any other applicable legislation.” Together, the report and archive follow the “traditional” TRC model of ensuring that the process has a long-term and continuing legacy. However, at the same time, non-binding Commission reports have been notorious for collecting dust on the shelves of government offices and thus require assistance with their implementation.

There are several significant points about the Mandate that showcase the process’ unique and unprecedented nature that should be observed over the duration of the MWTRC. First, the MWTRC is provided with clear autonomy from both Wabanaki and State governmental influence in assembling its final report. From interviews with members of the TRC Convening Group, this was intentionally done to give the MWTRC an apolitical character and as much objective credibility as possible. If this distance can be maintained, it will set a precedent for future US TRC’s and their cooperation with local government. Second, the MWTRC will not provide means of legal redress to survivors or witnesses of child welfare malpractice. “The Commission will have no authority to either pursue criminal or civil claims or to grant immunity from such claims.” This absence of legal recourse for survivors, victims, and their families is becoming a tradition of US-based TRCs, but its effects on the reconciliation and healing processes have yet to be properly examined. Lastly, the MWTRC will

adapt its activities aimed at truth-seeking, reconciliation, and healing according to the nuances and character of each Wabanaki community it seeks to engage. This is a notable feature of the bottom-up process that led to the establishment of the MWTRC and will be a significant element when considering future statewide truth-seeking, reconciliation, or healing projects.

### Maine-Wabanaki REACH

By the time the Mandate was signed, the TRC Convening Group included the same affiliated organizations, as well as representatives from Wabanaki Health and Wellness and the Wabanaki Program of the American Friends Service Committee—a Quaker-affiliated non-governmental organization. The Mandate dictates the relationship that must be maintained between the MWTRC and TRC Convening Group. In 2013, the TRC Convening Group transformed itself into a coalition of organizations called “Maine-Wabanaki REACH” (known as REACH, an acronym for Reconciliation, Engagement, Advocacy, Change, and Healing). Described by its Co-Director Esther Attean as the ‘Mother’ organization of the MWTRC, REACH advises the MWTRC on the engagement of Wabanaki communities in truth-seeking activities, prepares communities prior to the MWTRC entering, provides education on the history of relations between Wabanaki and non-Native peoples, advises on Native child welfare practices, and will ultimately evaluate the impact of the MWTRC and REACH. Its current structure includes seven community organizers, a community engagement coordinator, and two co-directors—Esther Attean and Penthea Burns.

### The Commission

As directed by the Mandate, the MWTRC is composed of five Commissioners, four of which must be residents of Maine. A confidential Commission selection panel was formed between the parties committed to the MWTRC in order to complete the directive. In the end the panel selected the following Commissioners: Maine Secretary of State Matthew Dunlap, Dr. Gail Werrbach, Director of



the School of Social Work at the University of Maine, Sicangu Lakota Sandra White Hawk from the First Nations Repatriation Association in Minnesota, Native rights activist and University of Maine instructor gkisedtanamoogk from the Wampanoag Nation, and former Chair of the Maine State Board of Education Carol Wishcamper. The MWTRC staff includes Executive Director Heather Martin and support staff including a research coordinator, a special projects coordinator and interns. During the field research, it became evident that the MWTRC faced skepticism over the selection of its Commissioners. Some interviews mentioned the controversy surrounding the decisions to not select a Wabanaki person to become a Commissioner, the appointment of a Maine government official as a Commissioner (thus bringing State politics into the MWTRC), and that the Executive Director is non-Native, citing that these issues may make the MWTRC look illegitimate in the eyes of some Wabanaki citizens.

### Other Actors

#### The International Center for Transitional Justice

The ICTJ began in 2001, and is both a practitioner-based, and research-focused, organization. Its remit is “to help societies in transition address legacies of massive human rights violations and build civic trust in state institutions as protectors of human rights.”<sup>21</sup> Their role so far in the MWTRC has been to provide advice and support for the establishment of the MWTRC, and, subsequently, to the MWTRC to publicize its activities, with the activities of the MWTRC being frequently highlighted on the ICTJ website.

#### American Friends Service Committee

This non-governmental organization seeks to put into action the Quaker commitment to peace, equality and non-violence in order to support communities in overcoming “oppression, discrimination, and

violence.”<sup>22</sup> The AFSC has a “Wabanaki Program,” based in Perry, Maine that has been highly significant in supporting the MWTRC in helping to bring “tribes, state workers, and communities together to confront injustices and promote healing.”<sup>23</sup> Denise Altvater is the AFSC’s Wabanaki Program Director, and also one of the key actors in the creation of the MWTRC, and a signatory to the Declaration of Intent.

#### The Portagers

The Portagers began as a group of mature students studying a course on American Indian women at Acadia Senior College. The Portagers’ ongoing role focuses on education, and in particular communicating with non-Native audiences the history of what the Wabanaki peoples have suffered, and the role of the MWTRC in helping to heal from this history. As one member of the Portagers, Anne Funderburk, noted, they are “out there... trying to educate people as to what is really going on and what really went on.” With this in mind, they have prepared Op-ed pieces for local newspapers, have organized events, and have helped in preparing presentation materials to raise awareness of the MWTRC, and the reasons why it is necessary.

### **3. Perspectives on the MWTRC**

So, in review, ICWA did not in reality mean an immediate change in social welfare practice, nor did it eradicate painful memories and experiences. In Maine, Native children continued to be sent into foster care at a higher rate than in most other states, with little accountability, and with insufficient regard for local communities’ wishes or for maintaining familial and cultural connections. For the Wabanaki people, these child welfare policies mirrored and exacerbated their past dispossession, displacement and eradication through early settler-colonization. Thus, even though the MWTRC focuses on what has happened to children within the foster care and adoption systems since 1978, inevitably

<sup>22</sup> For further information on the AFSC, visit their website at <http://afsc.org/our-work>.

<sup>23</sup> For further information on the Wabanaki Program in Perry, Maine, visit <http://www.afsc.org/our-work>.

this recent experience and the memory of it that remains is embedded within a much longer historical memory of mass extermination and an extended process of cultural genocide that included the placing of children in residential schools and the Indian Adoption Project. The MWTRC's purpose is to find out why this happened. Those involved in the early conceptualization and development of the idea for the MWTRC, and other involved parties in Maine, were interviewed in August and September 2013. Although the MWTRC process is still young and evolving, it is possible to identify several key themes in these interviews related to the envisioned role of the MWTRC.

#### 4. Emerging themes

The emerging themes of the MWTRC are as follows:

- Breaking a “Killing” Silence;
- Acknowledging Suffering & Healing Trauma;
- Clarifying the Historical Record;
- Improving Child Welfare Policy;
- Better State-Tribal Relations; and
- Decolonization.

##### a) Breaking a “Killing” Silence

In remembering their history, Wabanaki participants in the MWTRC process have highlighted how child welfare policies perpetuated “cultural genocide” and contributed to community demoralization, feelings of powerlessness, stigma, and shame. In the everyday lives of the tribal communities in Maine there is a legacy of hyper-vigilance, fear and suspicion of the State, particularly of police and welfare officials. In addition to direct memories of children being taken away, failure to talk about and process this history has left a well of grief and unresolved trauma, transmitted across generations. For some witnesses and bystanders there is guilt and confusion at not being able to understand and stop the removals of children. Because extended kinship networks are part of Wabanaki culture the removal of children

affected not just individual families but the community as a whole. For others, there is a lack of knowledge due to the silence of traumatized individuals and communities. Therefore, in the first instance, the MWTRC offers a space for the voicing of complex trauma, that is both ongoing and trans-generational, both personal (affecting individuals) and rooted in community memory:

“I think the purpose is very important because we need to recognize what has happened to let the truth be told, and allow for healing because it [...] for so many years has been an unspoken thing. It's been hidden. Nobody talks about it, and it's killing us.”

—Belinda Miliano-Bernard, Community Organizer  
(Sipayik), Maine-Wabanaki REACH

“I remember one day just the anxiety and the fear was so high. Somebody said ‘we can't do this, this is wrong, we can't do this, because as soon as people start talking about this, people are going to start drinking and drugging and killing themselves.’ And then we stopped and said, ‘You know what? We're already doing that. The silence is not working for us.’”

—Esther Attean, Co-Director,  
Maine-Wabanaki REACH

##### b) Acknowledging Suffering and Healing Historical Trauma

The MWTRC will acknowledge the suffering of the survivors through failures in child welfare policy, and draw attention to the wider suffering that the Wabanaki communities as a whole have experienced. Some interviewees stated that an apology could be appropriate if it was “sincere” and would help repair relationships. But they held that a more important development would be that the white population recognize and understand what has happened. Recognizing that historical trauma is deeply felt, lived, and passed on, but difficult to articulate, this process will allow a suppressed history to surface and to be faced so that mutual healing may begin:



“The TRC really represents a mechanism for us to be able to deal with historical trauma [...] whether it’s the taking of land, the fractionalization of communities, or what the TRC focuses on—the separation of our people from their communities, often into very vile situations. So the TRC represents an opportunity, in a very formal way, which is the most difficult thing to do, to put these mechanisms in place to be able to comprehensively deal with that trauma so we can get our communities healthy.”

—Chief Kirk Francis, Penobscot Nation

“And in my hope too is to see the reconciliation between [the] state workers who thought that they were doing their job but really caused more harm than good, police officers who went into the home[s] and [...] took children thinking that they were doing the right thing, and [that there is] reconciliation and healing for the people who had suffered at the hands of the state.”

—Belinda Miliano-Bernard, Community Organizer  
(Sipayik), Maine-Wabanaki REACH

Thus, although the mandate for the MWTRC is focused, and deals with what happened to the Wabanaki people in the child welfare system from the period following the passing of ICWA to the present, it is clear that other issues will also emerge during the testimony process. The REACH coalition and many others are creating parallel processes to facilitate healing; recognizing that the natural expectation or hope for healing surpasses what the actual Commission can deliver given its limited timeframe and mandate.

#### c) Clarifying the historical record

“The purpose is to look into the history of the taking of children from Native families and placing them in the white community, often with standards and practices that were not culturally appropriate, and that continued after the passage of the Indian Child Welfare Act, and our job is to look

practices in the future that will hopefully be more beneficial to children and to the tribes.”

—Carol Wishcamper, MWTRC Commissioner

The narrative that the MWTRC will document of the post-ICWA period contributes to a larger process of historicization for the Wabanaki people. Neither the Wabanaki story nor their child welfare history is told in traditional history textbooks. Some interviewees recalled their school years as times of alienation, and of being made to feel inferior, noting that they hoped that the MWTRC would help document material that could then be incorporated in textbooks and curricula. Another perspective, from a member of the State legislature, was that correcting the historical record was also important for the United States’ national identity and “our great experiment in democracy”:

“[T]he model of either pretending it didn’t happen or glossing over it briefly in a textbook, written by the victors, is not one that really serves to advance the American experiment in my view.”

—Seth Berry, Democratic Majority Leader,  
Maine House of Representatives

Again, looking beyond its official mandate, some conceptualize the MWTRC as a mechanism for formally recording the 500-year-old dispossession of the Wabanaki people and then encoding the truth in the larger U.S narrative.

#### d) Improvements in Child Welfare Policy

Another theme emerging from the interviews was that the process of making this truth public should not only result in greater awareness and acknowledgement of suffering but lead to tangible changes in child welfare policy.

“[J]ust reflecting on what happened in the past is not going to be enough to promote healing in Wabanaki communities—but changing how we are together is the thing that will enable healing to go further and to prevent harm from

continuing—or continuing with the whole state system behind it.”

—Pentheia Burns, Co-Director,  
Maine-Wabanaki REACH

The ultimate success of the MWTRC would not be in surfacing the past alone but in ensuring improved child welfare practices so that the abuses of the past never happen again. In individual and community memory, school and church abuse also loom large. Participants recall stories of mothers fearing that if they sent their children to school with dirty faces, the nuns would report them and help the State take their children into care. Some participants in the MWTRC believed that the role of the Catholic Church should be addressed, but recognized that it would be difficult and controversial because of the devout Catholicism of some of the Wabanaki people as well as resistance within the church hierarchy.

While broader accountability may be difficult to achieve and ultimately unsatisfactory for some, the final aim of the MWTRC is not to attribute blame but to elicit, from those most affected, the recommendations for future child welfare policy. While implementation of these recommendations cannot reverse the past, it can provide a constructive way to honor the survivors while ensuring that future children, families and communities are better supported and protected.

#### e) Improving State-Tribal Relations and Decolonization

“I really see it as a healing opportunity for tribal relations. There has obviously been a history of tension between the tribal relations and the state.”

—Mark Eves,  
Speaker of the Maine House of Representatives (D)

In addition to improved child welfare practices, better Tribal-State relations are seen as a probable outcome of the MWTRC process. Interviewees mentioned issues such as gaming and fishing rights as areas that could be improved through engagement. For communities

hampered by official policies that reproduce structural domination and harm. Indeed, some envision a much more significant transformation than only improved State-Tribal relations, citing “decolonization”<sup>24</sup> (undoing colonialism and unequal relationships) as a possible outcome. Some of the participants acknowledge that the MWTRC process will entail difficult conversations, internal soul-searching, and the surfacing of hard truths about white privilege and internalized racism. They describe the process as “decolonization of hearts and minds,” a conceptualization that challenges all parties:

“This country needs to understand that it’s built on the bodies of Native people, and they need to accept that, and they need to move forward, admit it, and then once that happens then they can handle other things, in other countries, but until they do, they’re...going to...keep making the same mistakes as they’re doing now.”

—Donna Loring, Tribal Elder,  
Penobscot Nation Council member

On the other side, acknowledging that victimhood has been instrumentalized as a political tool is necessary. If the MWTRC is to truly represent and effect a decolonization of hearts and minds, then the survivors and their advocates will need to reject self-defeating stances where being victim is a comfortable but stagnating position, or as described below, “give up” this position in the interests of conflict transformation:

“[S]ometimes we’re put into that victim role and we gain something from that. I have been in meetings, mixed meetings with tribal and state people and we’re deferred to a lot. Sometimes we can get away with saying things that a white professional would not be able to get away with saying, and we’re placated because white people are so afraid of looking like a racist, or looking like a bigot, that it goes the other way. The TRC process means that we have to give that up. [...] I wasn’t able to articulate it then but what I was feeling

24 Ester Attean & Jill Williams, *Homemade Justice* (2011) 35 Cultural Survival Quarterly. <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/united-states/homemade-justice>

and thinking about was this process of decolonization. And how we all have a role in that.”

—Esther Attean, Co-Director,  
Maine-Wabanaki REACH

The MWTRC is a process in which different perspectives are currently being negotiated both within and between the Native and non-Native communities of Maine. Out of the process, new norms and values are likely to emerge.

## 5. Challenges and tensions

The challenges and tension of the MWTRC are related to:

- Mandate and Managing Expectations;
- Funding;
- Wider community engagement & youth engagement; and
- Reconciliation versus Decolonization.

### a) Mandates, Managing Expectations and Funding

One of those more skeptical about the MWTRC stated that: “If the TRC touches the heart of the problem, the gates may be open for more action against colonialism.” The interview suggest that the heart of the problem is the historical trauma of colonization, but the mandate of the MWTRC is much narrower than that. The MWTRC will share with other processes the problem of how to manage the expectations of participants, particularly those of survivors. REACH’s work has been to prepare the communities and protect against re-traumatization. If the surrounding activities, support networks, dialogues and longer-term connections that the MWTRC idea has produced continue to thrive through the work of REACH, wider impact is achievable.

Funding, however, is an ongoing challenge. The founders of the MWTRC have sought to avoid financial ties with political parties in the Maine State Legislature in an attempt to keep the process independent of State politics. However, as stipulated by the mandate, the MWTRC has received payment in kind in that both Tribal and State governments

have permitted the involvement of the staff and use of public buildings (Tribal community centers, Hall of Flags). In addition, the MWTRC has received grants from national and Maine foundations, like the Andrus Family Fund, Casey Family Programs, Lerner Foundation, The Bingham Program, BroadReach Fund, and Maine Community Foundation. Fundraising continues at the grassroots level.

### b) Wider Community Engagement and Youth Engagement

This TRC is not happening post-war or post-authoritarianism, and therefore is likely to avoid the problems of political expediency seen in such contexts. The MWTRC is not a part of a peace agreement or any formal political transition process, and its workings do not affect the success or failure of ceasefires and negotiations; nor do they involve prosecutions, amnesties, or reparations. The stakes, then, are relatively low, politically speaking. However, this does mean that the majority population of Maine and its welfare officials could potentially ignore or withdraw from the MWTRC if it proves too discomforting, as the costs of nonparticipation for the dominant group are low. This underlines the important role that REACH is playing in public education and community engagement. Additionally, youth engagement will be critically important in ending the trans-generational transmission of trauma within the Wabanaki communities and for preparing Maine’s young people more widely for a transformed understanding of their relationship to their Wabanaki neighbors.

### c) Reconciliation Versus Decolonization

Although there appears to be a significant consensus around the role that the MWTRC can play in improving child welfare policies going forward, there may be differences between different stakeholders in Maine about the extent to which both reconciliation and decolonization can occur and what these concepts actually mean. For example, members of the majority population and politicians emphasize the process as a “transition” in Tribal and State relations leading to healing between the Tribes and the State, while Wabanaki interviewees

emphasized their community's healing, and publically acknowledged truth about, and change in, child welfare practices.

Indeed, it should be expected that the Maine process entails tensions seen in other processes where power relations are asymmetrical or in flux. For example, in Northern Ireland and Israel/Palestine, the use of the term "reconciliation" remains controversial, understood by many to imply a return to an earlier period of "good" relations that either never existed or were overtly stable but unjust. Reconciliation is thus viewed as re-legitimizing existing power relations and injustice, as normalization and/or pacification.

The MWTRC commissioners, staff and community activists supporting the process are keenly aware of the importance of language and how concepts shape dialogue. A MWTRC Commissioner recognized the difficulties of the term "reconciliation":

"We have talked about it, we have not come up with a single term, the term reconciliation is problematic. And we haven't been able to define it, so, and I think we probably won't, I think we'll get through the process [...] defining our work as truth, healing and change."

—Carol Wishcamper, MWTRC Commissioner

Addressing this problem, some of the interviewees contrasted this understanding of "reconciliation" with "decolonization." For these actors, the MWTRC involves a deliberate re-appropriation of the colonial State's counter-insurgency strategy with a view to throwing off the mental chains of victimhood and oppression. Along with the ideas of Truth, Healing and Change, this reframing of reconciliation promises to be one of the MWTRC's most important theoretical contributions.

## 6. Contributions

The contributions that the MWTRC will make include:

- A first for the U.S (involving Indigenous and State actors);
- Hybrid model (bottom up, but state participation);
- Discrete focus (child welfare) with in-built wider social impact;

- Role in public education and conflict transformations;
- Space for "new forms of solidarity" in addressing historical trauma; and
- Reframing reconciliation: a "truth, healing and change" commission.

The first TRC in the U.S. to involve Native peoples and State government, the hybrid model that the MWTRC represents distinguishes it from other processes in North America. The Canadian TRC has been criticized for being elite-driven and disconnected from the everyday realities of ongoing marginalization and injustice affecting the Indigenous Peoples of Canada. The MWTRC, on the other hand, originated in a tribal-state grassroots initiative that later expanded to draw in leaders from the Maine and Wabanaki governments. As reported in the introduction, during the ceremonial signing in the state capitol Augusta, a space was claimed for the Wabanaki in the public, political landscape, an important step in reversing historic invisibility. But the MWTRC process remains micro-locally driven by the Wabanaki community organizers and allies and has not been co-opted or taken over by the legislature or other high level officials. This seems to be in part due to both the commonsense of some political actors and the apathy of others. Most importantly it appears to result from the unique support structure created for the MWTRC (see section 3), a structure which may suggest a model for a more hands-off and humble role for official State and high profile actors in future truth-telling processes.

The MWTRC process in Maine is also developing an approach to conflict transformation that makes communities stronger and more resilient, building peace both within and between communities that have historically been in conflict.

"If we can work together in that good way [for the TRC], in a system of mutual respect, to work for our children, then I think we can work together in anything because nothing is more sacred than our children."

—Esther Attean, Co-Director,  
Maine-Wabanaki REACH

While emphasizing commonalities, as above, it also is recognized that uncomfortable truths would emerge for both the majority community in Maine and for the Wabanaki people. For example, several of the interviewees noted that current social problems should be traced not only to colonization, long-term discrimination and injustice but also understood as a manifestation of internalized racism. Yet, the risks, while well understood, were not perceived to outweigh the need for and the potential benefits of uncovering the truth. Local community leaders and activists have been preparing the survivors and those around them, hoping to mitigate the possibilities of re-traumatization. As Esther Attean conceptualizes it, the ability to withstand the sadness that a wave of truth will bring, is a collective one, developed through many conversations, reflections and a solid support system of relationships:

“We’ve focused a lot of energy and time to prepare our people and to make sure there’s a safety net for them so when we do open this can of worms, when they do start sharing this grief, there’s a way to support them—there’s no way to shield them from it. I like to think it’s like you’re standing on the edge of the ocean and there’s a huge wave coming, there’s no way to stop the wave, you’re going to have to let it just wash over you and we’re there to hold their feet to the ground so they don’t get sucked into the water. And we’re there to help them withstand that wave together.”

—Esther Attean, Co-Director,  
Maine-Wabanaki REACH

A distinctive feature of the MWTRC is its focus on child welfare, a tackling of a ‘manageable’ issue that models how to make reconciliation a practically implementable norm. Learning from the MWTRC will help us expand and enrich the transitional justice “tool kit.” We can compare it with approaches taken in other cases of institutionalized abuses of children.

Further, the MWTRC shows how a discrete issue, such as child welfare, reaches into the heart of much deeper historical injustices such as, in this case, colonialism and settler-Native conflict. “From the earliest days of the American republic, one of the primary intents of federal Indian policy was to eradicate the “Indianness” in young

people.”<sup>25</sup> A formal TRC on child welfare effectively places a full stop at the end of this historical policy, at least in Maine. Moreover, because child welfare policies intersect with many social practices and institutions—including family, school, church, police and the judicial system—as well as the welfare system, some wider social impacts are in-built. The MWTRC may demonstrate how a narrow focus on a very specific issue of social suffering can open a window into a larger landscape of collective trauma. It promises to open up “multidirectional” dialogues across groups and time, which create “new forms of solidarity and visions of justice.”<sup>26</sup>

The MWTRC is emerging as a new form of truth commission, where the grassroots originators of the process are asserting their authorial power and redefining reconciliation as “truth, healing and change” and, perhaps more controversially, as decolonization. It is likely to enhance the current body of knowledge on TRC processes and their efficacy, particularly for the United States for which the literature on reconciliation models remains scarce. Moreover, the new kind of the truth commission that has been created in Maine offers hope for healing not only for the Wabanaki People, but also for those in other conflicts between Indigenous Peoples and contemporary States, and for the prevention of abuses within other child welfare systems.

## 7. Potential Wider Implications

The previous section opened up the discussion regarding some of the contributions that the MWTRC can potentially make not only to the future of tribal-state relations in Maine, but also to other communities seeking to reconcile and to heal following a period of long-term trauma. This section will take this discussion one stage further by examining the wider implications that the MWTRC has in potentially paving the way for other processes of healing for those communities that have been wounded by colonial practice whether across the United States or globally.

25 Marc Mannes, *Factors and Events Leading to the Passage of the Indian Child Welfare Act* (1995) 74 *Child Welfare Journal*, p. 266.

26 Michael Rothberg, *Multidirectional Memory. Remembering the Holocaust in the Age of Decolonization*. (Stanford, CA: Stanford University Press, 2009) p. 5.

As noted earlier, the construction of the MWTRC is groundbreaking—and as a grassroots model of reconciliation and healing, its unique structure may eventually be used as a model elsewhere. This has not only been noted in Maine itself, where Seth Berry (D), Majority Leader of the Maine House of Representatives, observed,

“We need to make sure the TRC is successful and if it is, that will certainly make it more likely that others will try it out.”

But it has also been recognized by others with a specific interest in the improvement of Indigenous Peoples’ rights. As previously mentioned, one key external advocate for the MWTRC has been the International Center for Transitional Justice (ICTJ). As Esther Attean notes, Eduardo Gonzalez, Director of the Truth and Memory Program at ICTJ:

“came up at the signing of the mandate, he was here, and he met with us...He has been the consistent voice helping us [and]...has shown us how what we’re doing here has never been done before this way in the world.”

In turn, Gonzalez has publicly acknowledged the potential significance of the MWTRC (ICTJ, 2013):

“The TRC is addressing one specific issue—treatment of indigenous children by the child welfare institutions...But it’s also trying to throw light over issues of marginalization, and discrimination, to cast some light on race relations in the state of Maine.”<sup>27</sup>

Of course, the universality of genocidal policies towards American Indians means that there is the same need for healing right across the United States. Those Tribes that were not wiped out completely were largely left with only the remnants of their Tribal communities, and the deep wounds from policies that were designed, one way or another, to wipe them out. Wabanaki, Lakota, Hopi, Navaho, Cherokee, Navajo, Ojibwe, the list goes on, as do the battles that they face, for rights and

27 ICTJ, New Release, *Maine Truth Commission to Tell Story of Forced Assimilation of Wabanaki Children* (19 February 2013) <http://www.ictj.org/news/maine-truth-commission-tell-story-forced->

for healing. As James Anaya, the U.N. Special Rapporteur on the Rights of Indigenous Peoples, stated in 2012 (in Charbonneau, 2012)<sup>28</sup>:

“It is clear that this history does not just blemish the past, but translates into present day disadvantage for indigenous peoples in the country...There have still not been adequate measures of reconciliation to overcome the persistent legacies of the history of oppression, and...there is still much healing that needs to be done.”

The unique way in which the MWTRC was constructed and designed to operate—with its emphasis on a healing process that is bottom-up as opposed to top down, and its unique Tribal-State collaboration—is a model that therefore offers a great deal of promise in overcoming this “persistent legac[y] of the history of oppression:” in the US; in other “Settler Nations;” and in Indigenous and non-Indigenous communities across the globe. Despite the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in September 2007, Indigenous communities are not noticeably any further forward in their claims for rights. The case of Canada, of course, is a particularly interesting one, in that they too are in the middle of an active process of healing—the TRC of Canada—that is also centered on child welfare (Indian Residential Schools) but theirs is being conducted in a noticeably different way from the MWTRC. The Canadian TRC is both top-down and nationwide. Given that the Wabanaki Tribes cross the US-Canadian border, when both TRC’s mandates have expired, there will be an opportunity to examine the similarities and differences between how the communities perceive their process of healing, and to consider how the alternative models have worked and, thus, their applicability to other Indigenous rights claims. Indeed even in a country like Guatemala, with a majority Indigenous population, there remain grave problems for securing rights, creating representation, and addressing the issues that surround the political participation of Indigenous Peoples, if indeed those issues are even on the agenda which, for so many Indigenous Peoples, they are not.

28 Louis Charbonneau, *U.S. Must Heal Native Peoples’ Wounds, Return Lands: UN*, Reuters (4 May 2012), <http://mobile.reuters.com/article/>



Of course, it must also be remembered that the MWTRC is not only a model that can inform processes that aim to heal the hurt caused to Indigenous Peoples, but may potentially be applicable to a variety of truth and reconciliation processes globally. As Pat Clark, one of the Commissioners on the Greensboro TRC noted when discussing the MWTRC, these events do not “happen in a vacuum.”<sup>29</sup> Issues of dispossession and oppression are universal for those needing the justice and healing that a truth and reconciliation process can offer. Thus, just as the MWTRC learned from the process at Greensboro, future processes, whether inside or outside the U.S, will learn from the experiences that the MWTRC model can provide, whatever its eventual outcome. What is also particularly noteworthy is that the gaze of the MWTRC is not only focused on what is happening in the Maine Tribal communities, but instead looks out to others to find parallels with their own, and to learn from others, as they themselves continue to teach the impact that the U.S.’ genocidal policies has had upon them. One process that closely parallels the MWTRC in many ways is Fambul Tok, a community based and supported process in post-conflict Sierra Leone that “provides Sierra Leonean citizens with an opportunity to come to terms with what happened during the war, to talk, to heal, and to chart a new path forward, together.”<sup>30</sup> The Fambul Tok initiative (Fambul Tok means ‘Family Talk’ in Krio) has now been broadened to be used as a model in other post-conflict communities in recognition of the fact that there are similarities between those communities in their need for reconciliation. These initiatives recognize that many of those impacted by conflict want to be able to tell their stories, and to have them listened to, in order to attempt to put the past behind them and to have hope for a more peaceful future.

29 Nick McCrea, *Wabanaki Truth and Reconciliation commissioners sworn in; prepare to begin learning, healing* *Bangor Daily News*. (12 February 2013). <http://bangordailynews.com/slideshow/wabanaki-truth-and-reconciliation-commissioners-sworn-in-prepare-to-begin-learning-healing/>

30 Fambul Tok International, *What is Fambul Tok* <http://www.fambultok.org/what-is-fambul-tok>.

## Conclusion

On 20 November 2013 the first hearings of the MWTRC opened in the Passamaquoddy Community of Sipayik (Pleasant Point). Early in the morning, on a clear Maine day, the sacred fire was lit and three days of testimonies began, testimonies that would start to reveal the true human cost of the State of Maine’s child welfare policies with regard to the Wabanaki Nation. Only at the end of those three days were the sacred fires extinguished, ready to be lit again at the next set of testimonies.

These sacred fires not only mark the testimony process itself, but are also symbolic of the cleansing of hurt that the MWTRC process seeks to engender, and of the hope for new beginnings in its aftermath. This chapter has examined the history and context of the MWTRC, its structure, the perspectives that those close to the process have about its themes, challenges, and contributions, and the process’ potentially wider implications. It is a landmark process because it is a Tribal and State government-endorsed truth and reconciliation commission, working from the grassroots level up, and with a structure that, if successful, could be used by other communities. Perhaps most important of all, however, is that this process offers an opportunity for the wrongs that the Wabanaki peoples have endured, like those that other Native communities have endured—for the past 500 years—to be recognized and for attitudes to begin to change, both systemically and culturally. The MWTRC is more than a process. As Maine artist Robert Shetterly recently said, the:<sup>31</sup>

“TRC [is] a metaphoric altar...a sacred place which people can approach carrying whatever piece of this traumatic burden that they own, lay it down, and find reconciliation in seeing all those true pieces laid out together.”

31 Arla Patch & Robert Shetterly, *A Story of Forgiveness, a moment of grace*, *Sun Journal*, (22 December 2013), <http://www.sunjournal.com/news/columns-analysis/2013/12/22/story-forgiveness-moment-grace/1469348>