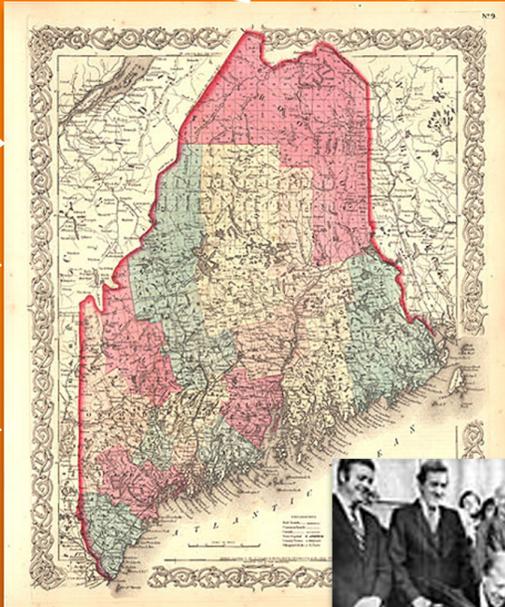


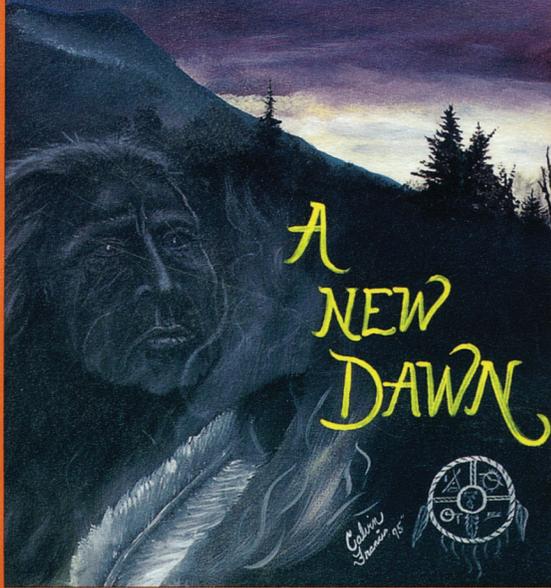
# Maine Indian Land Claims Settlement Act Unit



## Maine Indian Land Claims Settlement Act

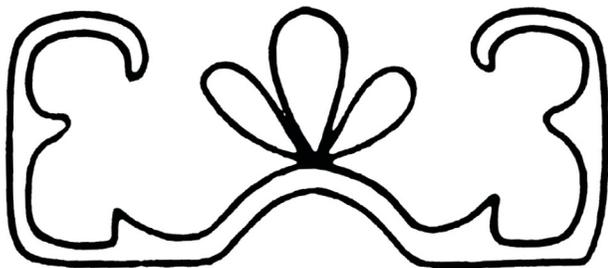


# Wabanaki



presented by the  
Maine Indian  
Tribal-State Commission

It is strongly recommended that the teachers using the Penobscot Nation Curriculum Packet view the films “Wabanaki A New Dawn” and “Invisible.” These films are included within the curriculum packet. High School teachers may also consider the films for their students. The teacher’s guide for Invisible is also included.



## Wabanaki A New Dawn

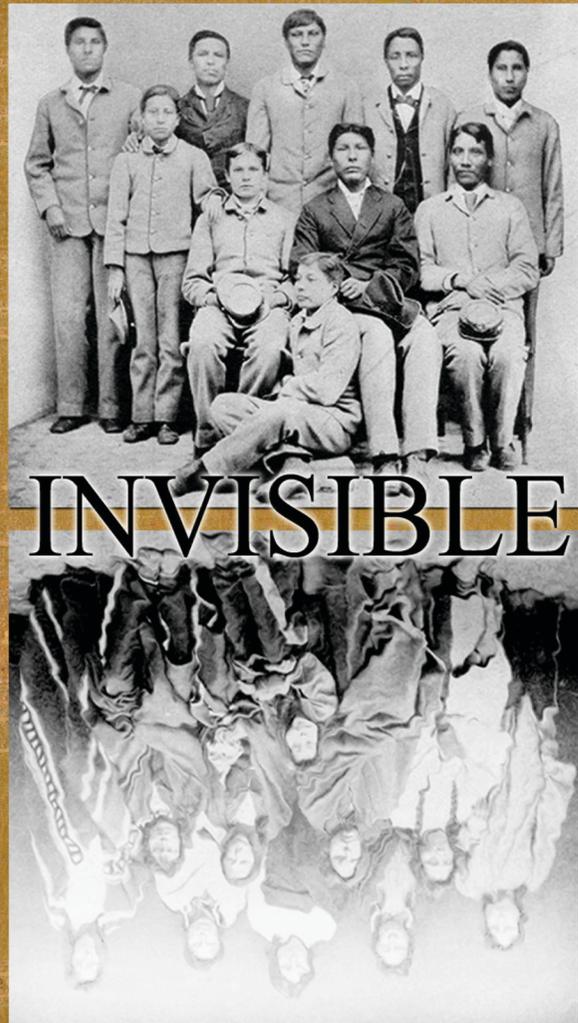
This film by the Maine Indian Tribal-State Commission was produced by Dennis Kostyk and David Westphal of Acadia FilmVideo (1995).

The film “shows the quest for cultural survival by today’s Wabanaki... the Maliseet, Micmac, Passamaquoddy, and Penobscot People.”

## Invisible

This film was commissioned by the Episcopal Diocese of Maine and was produced by Gunnar Hansen, David Westphal, and James Eric Francis of Acadia Film-Video (2004).

“This film examines some of the history of the relations between the white and Indian communities in Maine.”



## Maine Indian Land Claim Settlement Act

### **Introduction:**

These units were piloted with certain grade level students; they may be adapted to various other grade levels by changing the Performance Indicator, Summative Assessment and Rubric.

This is a very complex subject and will require the teachers to do some background research before teaching this unit. The teacher should look at the following resources to become familiar with the Maine Indian Land Claims Settlement Act and the history of the tribes in Maine.

- 1) Unsettled Past, Unsettled Future by Neil Rolde
- 2) Restitution by Paul Brodeur
- 3) Tribal Sovereignty by Mark Chavaree (included in PDF format)
- 4) At Loggerheads by Diana Scully
- 5) Wabanaki of Maine and the Maritimes



Unit Title:

# Maine Indian Land Claims

Grade 9-12

The Unit Focus:

The focus of this unit is for students to understand the 1980 Maine Indian Land Claims Settlement Act.

Big Concepts:

The Maine Indian Tribes had a legal right to land in the State of Maine.

Essential Understandings:

- 1) Students will understand that the Penobscot Nation and other tribes in Maine were involved in the Maine Indian Land Claim Settlement Act in 1980.
- 2) Students will understand the legal arguments for the Maine Indian Land Claim Settlement Act.
- 3) Students will understand the status of the Penobscot Nation, as a result of the Maine Indian Land Claim Settlement Act, as it relates to the U.S. Federal Government, and the State of Maine.
- 4) Students will understand what “Trust Responsibility” is.

Essential Questions:

- 1) What are the facts that contributed to the Maine Indian Land Claim Settlement Act?
- 2) What was the tone of Maine citizens when the tribes asserted claims on land in Maine?
- 3) What are the facts that resulted from the Maine Indian Land Claim Settlement Act?  
What is the status of the tribes today?

State Content Standards and Performance Indicators:

History

A. Chronology

Students will use the chronology of history and major eraS to demonstrate the relationship of events and people. Students will be able to:

Secondary Students: 9-12

Identify and analyze major events and people that characterize each of the significant eras in the United States and world history. (Maine Indian Land Claims Settlement Act of 1980)

## Activity 1:

### **Investigating Primary Resources:**

In this activity students will read a variety of primary historic documents that contributed to the legal argument for Indian land claims in the State of Maine. These documents are provided in PDF format and can be printed for this unit. These resources are:

1) The Indian Trade and Non-Intercourse Acts

In 1790, Congress enacted the first of a series of Trade and Non-intercourse Acts. The current federal prohibition on the transfer of Indian lands without federal consent has remained virtually un-amended through successive reenactment since the Trade and Non-intercourse Act of 1793. The Indian Non-Intercourse Act provides:

"No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution."

2) Article VI section 2 of the U.S. Constitution

#### **Article VI. - The United States**

Section 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

3) “The Land” a small historical sketch written by Paul Smith, History Teacher, Old Town High School.

This document provides a base-line of knowledge for students before the implementation of the Indian Trade and Non-intercourse Acts.

4) Treaties that did not take into account the Indian Trade and Non-Intercourse Acts.

#### Teachers Notes:

1. Have students read selected newspaper articles over the Land Claims.
2. In “The Land” reading – discuss the two viewpoints of Native & European ideas of ownership & stewardship.  
-discuss how trade influenced the sale of land.
3. Describe how Article 6 of the U.S. Constitution makes any law or treaty passed by Congress superior to any similar law created by a state.
4. Explain how any treaties or laws which call for the trade, purchasing or ceding of Native lands from the Natives to private buyers is illegal without Federal permission.

Timeframe/Curricular Links:

2- 60 minute classes

Activity 2

In this activity, students will look at the events and public reactions to the filing of the suit against the State of Maine.

Teachers Notes:

1. The students will rely on the use of various documents such as: newspaper articles, citizen's letters, historical readings on the land claims issue, etc...  
A single document can be given to each student for them to evaluate and then report back to the class so that every article will be able to have some analysis.
2. Students should read documentation to determine if the material is pro or con toward the land claims.
3. Students will be able to judge the sentiment of the land claims on Mainers during the mid 1970s.
4. Determine what the legal arguments were for the claim.

Timeframe/Curricular Links:

2- 60 minute classes

Activity 3

In this activity, students will look at the Maine Indian Land Claim Act, and the Implementing Acts. The students will examine the following concepts as it relates to the Maine Indian Land Claim Settlement Act:

- 1) Hunting and Fishing Rights
- 2) Trust Land and Fee Land
- 3) Municipality Status
- 4) Casino/Racino Issue
- 5) Maine Indian Tribal-State Commission

Using the T-Charts provided brainstorm with the class the pros and cons of the Maine Indian Land Claims. There are two T-Charts, one from the perspective of the Native Americans, and the other from the State of Maine (Government or Citizens) point of view.

Discuss in class the new status of the Penobscot Nation as it pertains to the Maine Indian Land Claim Settle Act.

In what ways does the Settlement/Implementing Act address fishing and hunting rights?

What mechanism is in place to ensure a positive working forum between the Tribes and the State of Maine?

How did the Maine Indian Land Claims Act affect the Penobscot Nation's right to a Casino in Maine?

Using Bangor Daily News Articles from October of 2005, 25 years after the Settlement Acts, discuss some of the pros and cons that the Tribes in Maine face.

Was the Maine Indian Land Claim Settlement Acts fair? Why? Why not?

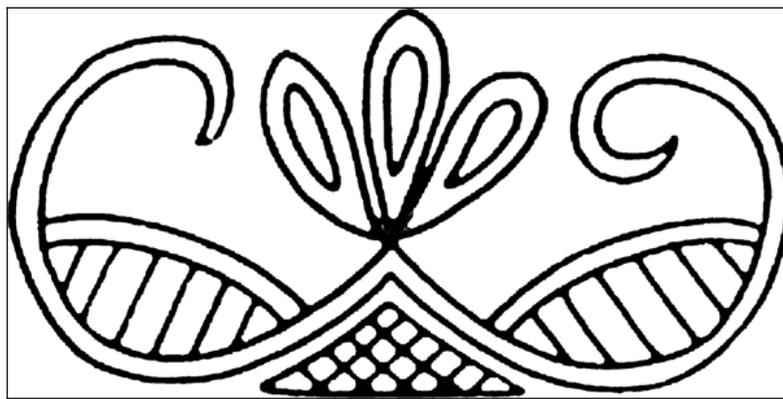
Teachers Notes:

The Maine Indian Land Claims Act created several issues that have become controversial within Maine and surrounding states and Canadian provinces. With the following issues, students can address the mistaken ideas that many Mainers have about Native rights.

- Hunting and Fishing Rights – use Settlement/Implementing Act
- Trust Land and Fee Land – what are they?
- Municipality Status – discuss the status of the Penobscot Nation following the guidelines of the Maine Indian Land Claims Settlement Act
- Casino/Racino Issue – look at the Federal Indian Gaming Act & how the Maine Indian Land Claims Act affects Native rights to open a casino or racino.
- Maine Indian Tribal-State Commission – the creation of MITSA
- Current issues facing Natives Americans in Maine a quarter of a century after the initial court decision:
  - -Liquefied Natural Gas terminals on tribal lands
  - -Casino/Racino issues

Timeframe/Curricular Links:

2- 60 minute classes



## Teacher Notes for Maine Indian Land Claims

### Act. 1

1. Have students read selected newspaper articles over the Land Claims.
2. In “The Land” reading – discuss the two viewpoints of Native & European ideas of ownership & stewardship.  
-discuss how trade influenced the sale of land.
3. Describe how Article 6 of the U.S. Constitution makes any law or treaty passed by Congress superior to any similar law created by a state.
4. Explain how any treaties or laws which call for the trade, purchasing or ceding of Native lands from the Natives to private buyers is illegal without Federal permission.

### Act. 2

1. The students will rely on the use of various documents such as: newspaper articles, citizen’s letters, historical readings on the land claims issue, etc...  
-a single document can be given to each student for them to evaluate and then report back to the class so that every article will be able to have some analysis.
2. Students should read documentation to determine if the material is pro or con toward the land claims.  
-Students will be able to judge the sentiment of the land claims on Mainers during the mid 1970s.
3. Determine what the legal arguments were for the claim.

### Act. 3

1. The Maine Indian Land Claims Act created several issues that have become controversial within Maine and surrounding states and Canadian provinces.

With the following issues, students can address the mistaken ideas that many Mainers have about Native rights.

- Hunting and Fishing Rights – use Settlement/Implementing Act
- Trust Land and Fee Land – what are they?
- Municipality Status – discuss the status of the Penobscot Nation following the guidelines of the Maine Indian Land Claims Settlement Act
- Casino/Racino Issue – look at the Federal Indian Gaming Act & how the Maine Indian Land Claims Act affects Native rights to open a casino or racino.
- Maine Indian Tribal-State Commission – the creation of MITSC
- Current issues facing Natives Americans in Maine a quarter of a century after the initial court decision:
  - Liquified Natural Gas terminals on tribal lands
  - Casino/Racino issues

Summative Assessment

Students will write a letter about one of the three scenarios below. The letter should be addressed to the Maine Indian Tribal-State Commission or a Congressman/Congresswoman.

- Travel back in time to the time of the Maine Indian Land Claims suit. Write a letter to your congressman/woman expressing your opinion of the settlement act. Cite specific reasons for your opinion using the information provided in this unit.
- Write a letter to the Maine Indian Tribal-State Commission about your opinion on the Casino issue. This can be the original Casino referendum issue from 2003 or the more recent petition for a Racino in Washington County. Cite specific reasons for your opinion using the information provided in this unit.
- Write a letter to the Maine Indian Tribal-State Commission about your opinion on the plans to put a Liquefied Natural Gas (LNG) terminal in Washington County. Cite specific reasons for your opinion using the information provided in this unit.

<b>Land Claims</b>	<b>1 Does Not Meet Standard</b>	<b>2 Partially Meets Standard</b>	<b>3 Meets Standard</b>	<b>4 Exceeds Standard</b>
<p>History A: Chronology Students will use the Chronology of history and major eras to demonstrate the relationship of events and people. Students will be able to</p> <p>Source of evidence: Constructed responses</p> <p><u>Secondary students</u> Will identify &amp; analyze major events &amp; people that characterize each of the significant eras in the U.S. &amp; World History. ( Maine Indian Land Claims Settlement Act of 1980)</p>	Evidence and examples are NOT relevant AND/OR are not explained.	At least one of the pieces of evidence and examples is relevant and has an explanation that shows how that piece of evidence supports the student's position.	Most of the pieces of evidence and examples are given and are relevant and has an explanation that shows how that piece of evidence supports the student's position.	Most of the pieces of evidence and examples are given and are relevant and has an explanation that shows how that piece of evidence supports the student's position.  Also, student will develop a poster or media presentation that helps promote the ideas relevant to the student's position.