

June 18, 2020

The Honorable Janet T. Mills  
Governor of Maine  
1 State House Station  
Augusta, ME 04330

Dear Governor Mills,

We, the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations (hereafter, “the Commission”), believe that *all* people in Maine should have the opportunity to thrive socially and economically and that their ability to do so must not be impeded by their race, ethnicity or tribal status. Like you, however, we know that these factors *do* have a significant impact and are responsible for disparate outcomes in the quality of life between white, non-Hispanic Mainers and our racial, indigenous and tribal populations.

Due to our long and troubling history of racism and colonization, we also know that without specific interventions, our institutions, structures and systems, such as our schools, criminal justice system, system of healthcare and financial institutions, will continue to produce these results.

We are encouraged by your recent statement that you hope the Commission, in our advisory role to the Executive Branch, will assist you in understanding more fully and proactively addressing the underlying factors that contribute to racial disparities. To that end, we are writing to begin our role as an advisory body to you and consider this letter to be the first step in our partnership to identify actions the State can take to shrink disparities and dismantle structural racism.

The recently established Commission is an independent entity with a mission to not only examine racial disparities across all systems but to expressly improve opportunities and outcomes for historically disadvantaged racial, indigenous and tribal populations in the State. We are tasked with data collection and research; conducting public hearings and public outreach; and analyzing public policies as mechanisms to inform our own policy development as this Commission can submit its own legislation.

The events of the past two months reaffirm the importance of this commission to the State of Maine. The brutal killing of George Floyd on May 25th has reignited a global conversation about systemic racism and the ways in which anti-Black racism has structurally impacted the health and well-being of Black people living in the U.S. In addition, Maine’s communities of color have been demanding for weeks that the Maine Department of Health and Human Services address the

significantly disproportionate impact of COVID-19 on their communities. The fact that the pandemic is having a disparate impact based on race is not surprising, given the structural racism that is evident throughout the institutions that make up our society. However, the disparities in COVID-19 cases are extreme for Black Mainers - giving Maine the unfortunate distinction of having one of the largest-in-the-nation disparities in positive COVID-19 tests between white and Black residents.<sup>1</sup>

The Commission provides a vehicle, led and informed primarily by representatives of historically disadvantaged populations, to help the State grapple with and address these and other challenges faced by those same populations.

### **Snapshot of Racial Disparities in Maine<sup>2</sup>**

Maine is not immune to the systemic racism that has held back people of color over decades and centuries. As you acknowledged in your statement on George Floyd's death, our state has its own legacy of discrimination. Present-day policies and institutions also maintain inequality in our state. For example, we know that:

- The criminal justice system treats Black and white Mainers differently. Black Mainers are six times as likely to be incarcerated as white Mainers. This is especially true in cases of substance misuse. For example, even though Black Mainers make up just 1.1% of Maine's cannabis users, they account for 5.1% of arrests for cannabis possession in the state.
- Discrimination by individual employers, as well as unfair treatment in the education system, holds back the earnings of people of color even when they attend college. A woman of color in Maine with a college degree earns only slightly more than a white man with a high school diploma.
- Centuries of racist policies and individual actions have left generations of people of color without access to wealth or credit. While three quarters of white Mainers own their own home, the same is true for fewer than one in four Black Mainers.

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<sup>1</sup> Myall, James. *Black Mainers now 20 times more likely than whites to experience COVID-19 — and the disparity is growing*. (June 2020). Maine Center for Economic Policy. Retrieved June 15, 2020 from: <https://www.google.com/url?q=http://blog.mecep.org/2020/06/black-mainers-now-20-times-more-likely-than-whites-to-experience-covid-19-and-the-disparity-is-growing/&sa=D&ust=1592480312219000&usg=AFQjCNEvfqA5Rrw wfdT6LkiucjhRZNRp8Q>

<sup>2</sup> Myall, James. *Data on racial inequality shows need for solutions to advance racial justice*. (June 2019). Retrieved June 15, 2020 from: <https://www.mecep.org/wp-content/uploads/2019/06/MECEP-racial-inequality-fact-sheet-FINAL.pdf>

Many of these factors come together to hold back economic prospects for Mainers of color in all aspects of their lives. Mainers of color typically experience unemployment and poverty at twice the rate of white Mainers.

### **How COVID-19 has Laid Bare Maine's Racial Inequities**

Given the statistics above, it is not surprising that people of color in Maine would be more vulnerable to COVID-19 and its effects, and yet the degree to which this is true is shocking. 1 in 4 Mainers who have tested positive for COVID-19 are Black, indigenous or people of color, despite being only 1 in 20 of the state's population. Black and African American people make up more than 23% of the people who have tested positive for COVID-19 in Maine, despite making up only 1.4% of the State's population.<sup>3</sup> As of June 15, Black Mainers were more than 25 times as likely as white Mainers to have tested positive for COVID-19, according to Maine CDC statistics.<sup>4</sup>

Recent analysis reveals that Black workers, women, and immigrants are most likely to hold jobs on the frontline of the coronavirus fight.<sup>5</sup> As such, these workers are at higher risk of coming into contact with the disease. This is compounded by the facts that people of color have less access to health insurance and therefore affordable medical care and are more likely to live in overcrowded conditions with little ability to quarantine or practice social distancing. All of these potential reasons for the higher rates of COVID-19 among people of color in Maine can be linked to the intersecting systems of employment, education, housing, health care and more. We cannot address COVID-19 related disparities without also re-examining those systems here in Maine.

### **Initial Recommendations**

It is not possible to reverse the impacts of centuries of systemic racism with one set of policy recommendations. It will require a long-term commitment to learning, investigating and most importantly, listening to impacted communities. This is precisely why the legislature established this commission as a *permanent* commission, recognizing the long-term nature of what is

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<sup>3</sup> Based on analysis by Maine Equal Justice of publicly available data published by the U.S. Census Bureau and Maine CDC.

<sup>4</sup> Based on analysis by Maine Center for Economic Policy of publicly available data published by the Maine CDC.

<sup>5</sup> Austin, Sarah. *Coronavirus relief for frontline workers has big implications for gender and race equity*. (April 2020). Maine Center for Economic Policy. Retrieved on June 15, 2020, from: <http://blog.mecep.org/2020/04/coronavirus-relief-for-frontline-workers-has-big-implication-on-gender-and-race-equity/>

necessary to meaningfully address these issues. That said, we believe that immediate action is also necessary. Maine's communities of color have waited long enough to see the State truly commit to addressing systemic racism. To demonstrate that commitment now would be a significant silver lining to the storm clouds of recent months.

We recommend that your administration adopt the following principles that should guide us all in this effort:

- **Awareness alone is not enough.** Building awareness of the disparities is a first, and important step, but awareness alone is not enough. Action needs to be taken to address their causes.
- **An adequate response requires a structural analysis.** Specific bills and policies may help provide relief in the short-term, but they are generally embedded in and reactive to the racist structures in our current systems and we need to re-examine those systems and how they intersect.
- **Developing solutions must be led by impacted communities.** We strongly believe that the right solutions will come from the communities most impacted by systemic racism. Black, indigenous and people of color are the best deliverers of their own livelihood and healing. Systemic racism has undoubtedly limited the ability of these communities to build the institutions and infrastructure that exist for white Mainers. In order to begin to change that, the State must invest directly in these communities' self-determination. Black, indigenous and people of color must lead the way in developing the infrastructure they need to heal and rebuild.

With these principles in mind, we recommend that you take the following immediate steps:

- **Provide emergency CARES Act funding and technical assistance to Black, indigenous and people of color.** The purpose of this should be to empower these communities to conduct their own needs assessments using participatory research methods. This would allow these communities to identify what the right solutions are for them in response to the COVID-19 public health crisis. It would also allow them to identify the factors that have caused the racially disparate impact of COVID-19 and what will be needed to address them going forward. While the CARES Act is about mitigating the effects of COVID-19, it should fund both things that fulfill our immediate response efforts and things that can be used to build, strengthen and support the social infrastructure of the most impacted communities. Funding should relieve the current predicament while setting communities up to address more permanent solutions.

- **Support LD 2094 - An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act.** For Maine's federally recognized Tribes, this bill is representative of the kind of self-determining process we believe needs to take place - one that is led by, and intimately informed by the communities seeking justice from systemic racism.
- **Empower this Commission with the resources needed to be most effective.** We appreciate that you are working to fill your two open appointments to this Commission. As briefly described above, the Commission has an immense charge and the legislature empowered it with a diverse set of tools to pursue its mission. However, the Commission lacks resources beyond a minimal amount of administrative support from the Maine Department of Labor and a very small appropriation of \$500. In order to sufficiently carry out our role as a body that conducts research, engages the public, advises the government, etc., we will need resources not only to do the work, but to also build our own capacity as commissioners. This is a brand new Commission with no institutional history upon which to build. Moreover, we serve in our roles on a volunteer basis and have other jobs and commitments and need dedicated staffing and administrative support.
- **Direct State agencies to collect, examine, monitor and communicate data, which illustrate the status of Maine's racial, indigenous and tribal populations.** Valid and informative data are needed to understand the scope of social, economic and health inequities in Maine. Careful examination of that data will help identify the factors contributing to them, and ongoing monitoring of the data is critical to ensure progress towards comprehensive, long-term reductions in disparities. We recommend that you direct state agencies to begin collecting and publishing data that is disaggregated by race, ethnicity and tribal status wherever possible and to begin tracking disparities in their areas of jurisdiction.
- **Support a 'Truth and Reconciliation' process conducted by this Commission and the Maine Human Rights Commission.** It is our intention to jointly hold public hearings in every county of the State to hear from members of all communities, including from both communities of color and white Mainers about their experiences of racial harm and privilege under the intersecting systems and structures that make up our society. The purpose will be to build a body of knowledge upon which all Maine people could draw from in seeking a way forward that no longer perpetuates the racism and discrimination that is inherent in our systems.

We look forward to your response on these initial recommendations and we look forward to working with you and your administration to bring forth the institutional and structural change needed to make Maine a leader in the nation in reversing the legacy of historical systemic racism. Please consider the Commission a resource for you as we collectively do this work.

Sincerely,

Commissioners:

Keith Bisson, Maulian Dana, Bruce King, James Myall, Garrett Stewart, Rachel Talbot Ross, Joby Thoyalil, and Ian Yaffe