

**Maria Girouard. Penobscot organizer and activist,
Dawnland Environmental Defense**

**(Speaks with Meredith DeFrancesco, Sunlight Media Collective, WERU
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Maria Girouard:

Thanks. I appreciate the opportunity to share my personal responses to the recent news.

Meredith DeFrancesco:

So tell us who is Assistant Attorney General Jerry Reid, and why are members of the Penobscot Tribe, and others concerned, most specifically in the context of his role in the case *Penobscot Nation versus Attorney General Janet Mills*?

Maria Girouard:

Well, for me, Jerry Reid is someone who has gone toe to toe with Penobscot Nation, particularly in our most recent legal battle, Penobscot Nation versus Janet Mills. And I believe that Reid's nomination demonstrates that Governor Mills is intent on carrying out this battle against Penobscot Nation and her people. So this move is viewed as a attempted territorial taking, by not only Penobscot Nation but by the Department of Justice. And I have personally witnessed Jerry Reid fighting against Penobscot Nation in federal district court. So when I had learned about him being nominated for this position, I felt it very viscerally. I felt it in my gut. And for me, it was just perpetuating this colonizing agenda. He was the person that was in court -- federal district court in Portland -- and taking the stand and fighting against Penobscot Nation.

So for me, I view him very hostilely, he's almost, he's the enemy. And so for him to be in a position such as the DEP Commissioner, that's just not going to work for us. I can't imagine that he would be fair or unbiased in his treatment of tribal environmental concerns, which in essence are concerns for all of us who appreciate clean water and healthy fisheries.

And as you know, Penobscots have overwhelming ally support and appreciation, not just Native but non-Natives, in the state who appreciate our steadfast stewardship of the Penobscot River. So this isn't really just about how he could potentially treat Penobscot Nation, but what he stands for in terms of protecting the air and the water, especially where he's already made his presence on the wrong side of history, in my opinion.

Meredith DeFrancesco:

In this case, *Penobscot Nation v. Mills* was specifically a case of river sovereignty and sustenance fishing rights. Again, you were talking about being in court with him and some of the arguments you witnessed him presenting, and I know some were not only in opposition to the Tribe, but extremely problematic in what they were putting forth, referring in particular to the Tribe's history of fishing and how they fished. Do you want to talk about some of those examples?

Maria Girouard:

Yes, absolutely. So when Jerry Reid was in court fighting against Penobscot Nation, he presented these ludicrous assertions. And one of them that stuck out in my mind the most was him telling the judge that traditionally, Penobscots only fished with one foot on an island. And it seemed like such a ludicrous assertion at the time. And the whole courtroom was packed full, not only of people from Penobscot Nation, but with our allies and our supporters. There were over a hundred people in there, just standing room only. And in response to this, the statement, the judge asked him, "You don't think that they fished in boats or canoes or anything like that?" And the whole room just burst out laughing. That's helpful which it was. But, and for me, it just felt insulting to have this man at the stand, saying how we traditionally fished when we're obviously presenting a different story, that this case is attempting to remove us from our ancestral river.

So for us it's more than just ownership or rights. It's about a relationship and a sacred responsibility for stewardship. So there's obviously that

disconnect that happens. And I also remember him making a comment about how the Penobscots' interpretation of our reservation, how it would hamper industry along the river. And so, in my mind, this really is about promoting industry along the river, that it's not really about protecting the environment. It's more making way for industry to happen. So for me, that's what comes to mind when I went hear Jerry Reid in this position. It's almost as ludicrous as his statements are.

Meredith DeFrancesco:

The Attorney-General Office under Janet Mills' leadership received kudos for progressive stances at the national level on a number of environmental and social issues, nationally joining Maine in a number of federal lawsuits. But there were at least two environmental suits where she opposed the stronger environmental protections when they were tied into tribal rights. And one of the recent cases was the Maine Attorney General's Office joined with the State of Washington, this spring, I believe, in its fight. The state was fighting against the federal order to spend money on culvert work that would aid in the restoration of the Pacific salmon, important to Tribes in that state. And then, as we know, still ongoing Attorney-General's Office here under Janet Mills, and presumably with Jerry Reid, (*note: Jerry Reid has been lead counsel*) they are suing the Environmental Protection Agency regarding water quality standards that would be protective of sustenance fishing rights for tribes in the state. Do you want to comment on that disconnect as well?

Maria Girouard:

Well obviously, her actions aren't matching the words that she's saying. These cases that she has involved herself in, particularly the one having to do with Washington, she really didn't have any business being in that case. And so the fact that she felt the need to put herself into that position and to take a stance really tells you what her position is. It's really anti-tribal and anti-tribal rights. And so it's trying to wrest control of the river away from us. And the one thing that I continue to question over all these years, it's been since 2012 that those particular legal battle is happening. But I

continue to ask "Why, what is this all about, and who's funding this? Is this the state of Maine taxpayers that are leading the charge and funding this battle?" It's been going on for six, going on seven, years and we need to find out why. What's behind all of this?

So I know when she was campaigning, Mills stated that, as governor, she would be able to offer a different stance toward the tribes, that she's sort of inherited this Penobscot Nation v. Janet Mills case, and that she had to carry it forward, it was her duty as the Attorney-General. But, as governor, she gave us the idea that things might be different, I never personally believed that they would be. And this nomination of Jerry Reid really just tells me that it's going to be business as usual if he is nominated and appointed to that position, and really, that this move tells me that she'll say anything to get elected.

Meredith DeFrancesco:

There is an email campaign currently underway, directed towards the Environmental and Natural Resources Legislative Joint Council, which would be who confirms Jerry Reid as Commissioner of the DEP, if that indeed it occurs. But it's asking Governor Mills to nominate someone else without a history of positions aggressive to the tribes. Do you want to talk a little bit more about how important you think it is to have the state's highest environmental office have a conciliatory relationship with the tribes?

Maria Girouard:

Well, I think it's very important, and like I was saying earlier, we have such overwhelming ally support from Mainers, and in appreciation for our stewardship, and the Department of Environmental Protection, that seems to be where we always have to take our fights and to know that we're going to be received and that we're actually going to be listening to and given, fairness in our concerns is really important. A lot of people are really depending on us to remain good stewards of the Penobscot River. And we need to know that there's somebody in there who is not going to be biased towards us. We have constantly seeing our stewardship challenged just in

the past maybe 10 years that I have been involved in tribal-state relations. There's been us fighting the state-owned mega-dump that is just expanding to enormous proportions in our watershed.

And we've had to fight to keep the siting of even more dumps out of the watershed, that would directly impact our hunting and fishing territories. There's been this looming threat of a four-lane industrial corridor and pipeline traversing the state, and there's leachate being dumped into the river. And the state's ongoing effort to strip us of our territory to separate us from our river, this is a lot of stuff that we have going on that we're going to really depends on Department of Environmental Protection to actually do it's job and to protect the environment for all of us. So it's very, very important to have somebody in there that we feel we can work with and who's going to take our concerns seriously.

Meredith DeFrancesco: Maria Girouard, anything else you would like to add?

Maria Girouard:

Only that we're going to continue our responsibility toward the river. We're going to continue our steadfast stewardship. It's something that we have to do. And so we really appreciate all the people who have stepped up to not only support us, but to learn about these difficult issues that oftentimes don't make it in the forefront of news. And so I particularly appreciate you as well, always the amplifying voices and raising these concerns, and giving us time to educate others. So thank you.