

Penobscots Speak On Reid Nomination to DEP

Narration: (Dawn Neptune Adams, Sunlight Media)

Governor Janet Mills has said, relations with the Wabanaki Tribes in Maine would be different from what they had been when she was State Attorney-General. Tribal leaders have said, they would welcome this progress. But Governor Mills' nomination of Assistant Attorney General Jerry Reid to serve as the Commissioner of the Maine Department of Environmental Protection has Tribal members alarmed, since his positions to date have disregarded treaty rights and past interpretations of the Maine Indian Land Claims Settlement Act to the detriment of environmental protections.

As Assistant Attorney General, under Mills, Jerry Reid has been lead counsel representing the State, and industrial interests, in two active cases directly opposing tribal sovereignty and environmental stewardship. These are *Penobscot Nation v. Attorney General Janet Mills*, in which the state refutes the existence of tribal waters within the Penobscot River. And in the State of Maine's lawsuit against the federal Environmental Protection Agency for their order to increase water quality standards in tribal sustenance fishing waters in Maine.

Maria Girouard, Penobscot Organizer:

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

..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.

...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.

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.

Chief Kirk Francis:

Obviously given the years of battles over the Penobscot River in the case and Jerry Reid being a central figure in those fights, we have some serious concerns about that appointment. The Maine Department of Environmental Protection and the Penobscot Nation kind of work seamlessly together on water quality sampling, for example, and other issues. We feel like that department can have a huge impact on tribal territory. And given his views in those cases, specifically around the river case is, again, concerning for the tribe when we think about a guy who in oral arguments says the tribes really weren't tribes, we just kind of wandered around and didn't have a specific territory. We were never in the river fishing, which is a ridiculous statement and just overall has questioned the inherent authority of the tribe, has fought tribal sovereignty, a whole host of things, and currently in the fight against the EPA and the water quality standard issue is saying that there's no such thing as Indian territory.

So I don't know how we get a unique and distinct protection from a department when its head has those types of views.

Sherri Mitchell, Penobscot, Indigenous Rights Attorney:

As a citizen of the Penobscot nation, I'm very concerned with the appointment of Jerry Reid to head the Department of Environmental Protection. One of the things that concerns me most is Mr. Reid's willingness to misrepresent fact in order to sway not only public opinion regarding the state of our environment, but also to misrepresent fact, material fact, historical fact in front of the court in order to sway the court's decision regarding a vital waterway not only to the Penobscot people, but to the State of Maine.

There is a very clear and very accurate historical record of our relationship with the Penobscot River. And in the hearing related to the

territorial taking of the Penobscot River, Penobscot Nation v. Mills, Mr. Reid argued before the court that Penobscot people only ever fished from the land. Despite all of the historical record, despite all of the known facts related to our relationship with the River that's been very well documented, well recorded throughout history, he falsely represented to the court that we did not have canoes, that we did not canoe upon the waters of the Penobscot River. When he said that, the judge actually laughed at him.

To have somebody who has demonstrated a willingness to not only be dishonest, and unethical in a position of power, appointed to this post, but also one who has been willing to do so in order to take away protections from a waterway that has been stewarded by the Penobscot people for hundreds of years, demonstrates that he is certainly not competent. He's not trustworthy to be holding that position.

Ambassador Maulian Dana:

I want to think philosophically about these people saying tribal sovereignty should not supersede Maine rights. I think they don't understand where the rights of tribal nations fit into this argument, and they need to understand that they do, and that it is very important. And that the tribal governments have that sovereign ability to control things and to maintain our standards. And that we do have a very unique and special relationship with the federal government based on a huge history, much deeper and more complicated than the relationship between the state and federal government.

So with all of that I think Maine politicians are really lacking in a lot of ways in that understanding...

...So, with Governor Mills and her appointment of Reid, I think we're cautious and we're concerned. And he did make some statements that are blatantly kind of just a slap in the face to us. You know, there is no way way we only fished from islands..You know there is no way that, he had some inflammatory remarks about how to interpret the Land Claims Settlement Act. So, it hurts...

Maria Girouard:

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.

Narration: (Dawn Neptune Adams)

On Wednesday, January 30th, at 10 am, the Maine Legislative Joint Standing Committee on Environment and Natural Resources will hold a public hearing and vote on whether to recommend the appointment of Jerry Reid to head the Department of Environmental Protection. The final vote goes to the Maine Senate.

Chief Kirk Francis says, that the Penobscot Nation will be conveying their concern to the Committee. Tribal members, and many others through out the state who oppose Reid's nomination, are urging lawmakers to vote against Reid and instead support a nominee who does not have an established adversarial relationship with the Wabanaki people.

For further coverage and interview transcripts, please visit

www.sunlightmediacollective.org, or Sunlight Media Collective on Facebook.