

James McCarthy  
Brunswick  
LD 2004

To: Sen. Carney, Rep. Moonen, and members of the Joint Standing Committee on Judiciary

Re: Support for LD 2004, An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations, sponsored by Rep. Rachel Talbot Ross, D-Portland.

Dear Sen. Carney, Rep. Moonen and members of the Judiciary Committee, my name is James McCarthy and I live in Brunswick. I'm a retired journalist and a member of the Episcopal Committee on Indian Relations. I appreciate this opportunity to submit written testimony in support of LD 2004.

Like many Mainers who've been working to modernize the 1980 Maine Indian Claims Settlement Act, I've been disappointed by how often proponents of preserving the status quo have done their best to stoke fears whenever even modest changes are proposed. You might recognize some of their catch-phrases: A deal is a deal. We support the Wabanaki tribes, but they need to meet the state halfway and scale back their demands. There will be "unintended consequences" — typically unstated, I've noticed — if the legislation is passed. The proposed changes are "too broad" ... they are likely to disrupt the "delicate balance" in Wabanaki-state relations "achieved" by the 1980 Settlement Act.

What's missing from these arguments is any acknowledgment that the Wabanaki people have been harmed by the Settlement Act's overly restrictive language these past 43 years.

Consider just three measurements of economic and social well-being and ask yourselves — as I have since the 69-page Harvard analysis of MICSA was released six months ago — why are proponents of the status quo so notably silent about these findings?

— Childhood poverty rates between 2014 and 2019 ranging from a low of 40.2% at Passamaquoddy's Indian Township to a high of 76.9% at Mi'kmaq. Maine's childhood poverty rate for the same five-year period? 15.1%.

— Annual per-capita income "markedly lower than the annual per capita income of all people in Maine": Maliseet, \$11,320; Mi'kmaq, \$11,431; Passamaquoddy / Indian Township, 14,435; Passamaquoddy / Pleasant Point, \$13,741; Penobscot, \$18,809; Maine, \$34,593. (Based on 2019 U.S. Census five-year average).

— Wabanaki unemployment rates that are consistently higher than for Maine as a whole: Penobscot, 5.7%; Maliseet, 5.8%; Passamaquoddy / Indian Township, 6.5%; Mi'kmaq, 7.5%; Passamaquoddy / Pleasant Point, 8.7%. By comparison, Maine, 4.1% (Based on 2019 U.S. Census five-year average).

I applaud House Speaker Rachel Talbot Ross and House Minority Leader Billy Bob Faulkingham for their roles in inviting one of the Harvard study's co-authors — Dr. Joseph Kalt, a nationally acknowledged expert on economic development in Indian Country — to speak directly to the 131st Legislature about the various ways MICSA has blocked economic development, to the detriment of the Wabanaki communities and their neighbors in rural Maine. I'm grateful for their leadership in doing so.

Knowledge, not fear, should be the guiding principle as our state begins to move away from the harmful policies embodied within the 1980 Settlement Act.

Enacting LD 2004 would at least begin the process of placing the Wabanaki Nations on the same footing as the other 570 federally recognized tribes. Modernizing the Settlement Act would ensure that when Congress passes federal legislation benefiting tribes nationwide, the tribes in Maine are not excluded — as they have been at least 151 times in the past 43 years.

The result of four decades of blocking beneficial federal Indian laws? No gains in

health, incomes or employment. And, in the case of the Violence Against Women Act, a needless seven-year delay before the Wabanaki could take advantage of those provisions. Why should it take seven years for the tribes in Maine to protect their tribal members from domestic violence?

Thanks to the Harvard study, we now know those federal laws supporting tribal self-governance and self-determination have fostered a 30-year economic boom among the rest of Indian Country. Isn't it time to stop blocking Wabanaki citizens and their rural neighbors from achieving similar gains?

Along with thousands of other Mainers, I stand with the four Wabanaki chiefs who've shared their stories and voiced their people's hopes for a better future. In so many words, they've told us: "All of Maine succeeds when the Wabanaki succeed."

Thank you for the important work you are doing. I appreciate your time and consideration of my testimony urging you to vote "Ought to Pass" on LD 2004.