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8-27-2014

Statement by Anonymous collected by Marilyn Bronzi on August 27, 2014

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General Information

Private or Public Statement? - Private

Statement Provider: Anonymous

Date: August 27, 2014

Location: Augusta, Maine

Previous Statement? N/A

Statement Gatherer: Marilyn Bronzi

Support Person: N/A

Additional Individuals Present: gkisedtanamoogk (GK), Matt Dunlap

Recording Format: Audio

Length of Recording: 54:14

Transcriber Note: This statement is anonymous at the request of the individual. Any redactions have been done with the approval of the statement provider in an effort to protect his/her confidentiality.

Recording

MB: The SP file number is ME-201408-00087. The date is 8/27/2014. The location is Augusta, Maine. Have you been informed, understood and signed the informed consent?

A: Yes.

MB: And the exceptions to confidentiality?

A: Yes.

MB: If the child is in protection, is in need of protection, if there is risk of harm to an un-identifiable person or group and risk of harm to yourself?

A: Yes.

MB: Okay. Thank you very much. So, now let's start the interview. Can you tell me, what is your position that you are giving this statement from?

A: I am currently in my own practice in Brunswick. I am an attorney, but I'm doing primarily Guardian ad Litem cases. I occasionally represent parents in child protection cases. Occasionally, I'll also do some other work, but for the purposes of today, most of my practice is in child protection, child welfare.

MB: Okay. And are you familiar with the ICWA?

A: Yes.

MB: And. So what we will be talking about are times in the past hopefully, and anything that you have in the current time that will help. Okay? Here's all the questions, many. Could you please tell me about your current and past employment and/or volunteer work as a Guardian ad Litem? How many years did you work as a Guardian ad Litem? How many years did this include working with Native American children, child welfare cases, and how many of those cases did you work on? If you know the answer to that.

A: I've been doing this for a long time. I think the most — probably the most pertinent work that I did was I was [REDACTED] the Maine CASA program [REDACTED] which you probably know is part of the Maine judicial branch. It's the program that uses court appointed special advocates. And, [REDACTED] when I started there were 100 volunteers for one end of the state to the other [REDACTED] so it was quite an — well, we won't go into all that, but there were challenges. So I put together a three-day training program for the volunteers, which subsequently has been adopted in large part and obviously modified by the judicial branch for training of all Guardians ad Litem. We did include ICWA training. Now I want to be candid. I don't think it was a whole hour-long segment of the training but it was certainly part of the training. So that is, I think, part of the answer. Prior to that I was on the faculty of a law school, not immediately prior. I've done a number of other things but — and working primarily with clinical faculty meeting students who were representing low income clients. This is before the legislation — ICWA precedes this but the other trouble for the legislation that was in the late '90s I think. But at that time also we did have some cases that involved Indian children and — am I using the right terminology?

MB: Mm hmm.

A: Thank you. Always like to check. And, I did co-teach a course with another faculty member in child welfare and what she was doing the academic component and I was working with the students on the hands-on clinical component.

MB: Okay. And when did you first learn about the Maine Indian child welfare policies and the Indian Child Welfare Act? How were you made aware of ICWA and could you please comment on the type and amount of training you received? It's a little redundant.

A: I actually don't know the answer specifically. I very likely first got it from Aria E., who was one of my students when I was at the law school. But probably when I was preparing the



training for past times, looking at materials, national materials and other materials, that was probably also the time.

MB: Could you, for the purpose of the statement, say what years those were, roughly?

A: Well, I was at CASA from 19- — I was interim director starting in the late fall of '97 and I left in July of '07. And I was teaching Aria and other people — I taught at the law school twice. But I think '93 to '96.

MB: Okay. I think that's important to this. Could you describe a situation or situations in which you felt very positive about your work with a Wabanaki child and family? So, what were the positive outcomes of your work? What was your work knowledge about the tribe and did you continue to — the positive outcomes of your work?

A: Well, again, I'm not sure how responsive this is but when I was the director of CASA, there was — I became aware of grant funding from the National CASA Association to provide or service in the tribal courts. And I — most of the money goes to states in the west I think, but I have the idea that we might get some of it here in Maine. So I did spend some time, primarily — probably with the Penobscots I think, primarily, trying to see if we could integrate some of the work that I was doing with CASA with what they were doing. And so that probably is my best time of actually really understanding the tribal court system and the difficulties, shall we say, between the state and the tribal court system. But I don't know that I had any particular success. Your questions suggests something — some kind of positive outcome, you know, other than I hope my own raised awareness and possibly raising other people's awareness, I don't know that I had any specific positive outcomes.

MB: Okay. And could you describe a situation or situations in which you felt less positive about your work with the Wabanaki people?

A: All the time, every day. When we sit around in a courtroom and the judge says are there any ICWA considerations and everybody kind of looks around at each other going, 'What do you think? Well, I don't think so. I don't know.' And that's as far — you know, I guess not — and that's as far as we get. I think that's — that's disturbing to me.

MB: Could you please describe your experience in working with the Indian Child Welfare Act? And this is what we're after; what challenges did you find in the initial identification of a child who is Native American, notification of children to Tribal Child Welfare, working with tribes to identify Native children, determining jurisdiction residence of Native American children, child custody hearings, foster parent placement, family team meetings, family visitation, kinship care, determination of parental right or adoption?

A: Well, again, I think I've made, to some extent, of what you answered it, I mean, it's a plus that it's on the form that the judges are reading because then we all do address it. But the addressing of it is often very superficial. And I think from the department's — I mean, the Maine Department of Health and Human Services, point of view, it's one more box that they need to check off. And I don't mean to say that they don't sometimes and that there aren't workers who do take it seriously and follow-up, but I think, I mean — I don't want to be impolite and, you know, lot of things that people are concerned about. I was in court the other day as a GAL and the judge raised an issue that I hadn't thought of, much to my embarrassment, which is the child was placed in a house that is undergoing renovation. It's a tiny baby. The judge said what about the airborne lead paint? You know, I'm fairly embarrassed. And I don't mean to minimize the importance of what we're doing here but I think everybody's just overwhelmed by the amount of work and the amount of information that needs to be gathered and addressed in these cases. And so at least, you know, if what is on there, if there's a box and it comes up that I think it is somewhat disheartening. To be honest when someone does identify that they might have a connection to a tribe, I have to admit I'm not sure, as a GAL, how thoroughly that is checked out by the department. I think — I just don't know.

MB: Okay. That's —

A: It probably — you know, it probably varies.

MB: I think that's all good information, I really do. Commissioners can say what they're not ... I think it — information is good whether it's happening or not. So, how are Tribe and Child Welfare staff included in the development of a family case plan involving an Indian child?

A: I'm not aware of that happening in any cases that I've had.

MB: Okay. To the best of your knowledge, if a tribe declines to intervene in a child custody proceeding covered by ICWA, what are the reasons for this decision?

A: I don't know.

MB: Okay. To the best of your knowledge, when the state declines to transfer a child custody proceeding covered by ICWA to tribal court, what are the reasons for this decision?

A: I — again, this is going back to when I was with CASA. I already gave you those dates and the conversations that I was having. I think it probably had to do with lack of resources, primarily. The state system is not exactly well funded, but comparatively, the needs of children, if there were special needs or other kinds of needs, their resources are better in the state system.

MB: Oh, oh. Could you elaborate on that, please?

A: My recollection is that the tribal courts were much more skilled at working with the community in providing safe havens, shall we say, you know — what's the word I want? I mean, in those days we didn't even have kinship placements in the state system so really looking at it much more holistically. But if there was a child who had significant mental health

diagnoses or other kinds of challenges, that I think there was a sense that they might get better service. It's like it's a trade-off. It's a trade-off.

MB: Okay. Have you had experience in working with expert witnesses for Indian Child Welfare?

A: No.

MB: And what do you consider — what would you consider active efforts to prevent the breakup of an American Indian family before recommending an out-of-home placement for an Indian child?

A: What's the beginning of the question?

MB: There's a difference here between active efforts and reasonable efforts that are going to go through the next maybe ten questions, I think.

A: Right. But my question is what's the beginning of — what are you asking me about that?

MB: What do you consider active efforts to prevent a breakup of an American Indian family before recommending an out-of-home placement?

A: I mean, I don't feel really qualified to answer. I mean, active efforts to not — to avoid the breakup of a family are, um, important. And it's a question of providing needed services in the home. Looking at other resources in a community, trying in every way possible to reach for and find ways to make it work. And, you know, at the same time addressing whatever the concerns are. Why we are even looking at that family? That's a pretty general answer.

MD: It's a good answer, but I think getting away from maybe the simple question and getting more into the narrative of your experience, which is, you know, how do things change over the course of your experience, dealing with these types of cases? Has it gone from complete ignorance of the Indian Child Welfare Act to checking a box to maybe full integration of you trying to make sure that these families have access to these services within communities, and what do you see, when did you see it and do you think it's made a difference? Is it more than just simply checking a box. or is that the maximum improvement in terms of what's happened in the course of these cases?

A: I understand your question; I'm afraid I just don't feel that I have the answer because I don't think I've worked with any cases in recent years, so the comments that I make are sort of generally about the Tribe welfare system. When I started doing this, which was a long time ago, Indian or non-Indian family, kin were never looked at. You could have the most loving relative who'd been raising the children and — "The apple doesn't fall far from the tree," they said, and that was the end of that discussion. Now obviously the pendulum has swung.

(laughs) I have had some involvement with that, but anyway. Now sometimes frankly, in those cases I'm in where looking at kin would maybe — would be better if we weren't.

(laughs) That's a different topic I think than what we're talking about. So I think there is much more of a sense, generally again, of keeping families together and keeping children with extended — more people to love them. That this, you know, taking them away from this 'bad environment' and putting them into the model foster home that I think some people used to have in their minds, I think that's not the thinking now. And I would hope that that would extend to Indian children as well, perhaps even more so. But I don't know if, again — if I'm really answering your question.

MD: You are. You are.

MB: Yes. That was a very helpful answer, I think. This question is specific about active efforts versus reasonable efforts. Is the active efforts standard used in cases involving Indian children different than the reasonable efforts standard applied in cases not involving Indian children?

A: I don't know.

MB: In what ways do you see the Indian Child Welfare Act and the Adoption and Safe Families Act working together? And then, in what ways do you see them not working together?

A: I'm thinking. *(soft laugh)* I mean, the Adoption and Safe Families Act has caused us to stay on — at least more stay on track as far as, ah, what we're doing with children that we've gotten involved with and potentially removed from their families. When I started doing this work, um, before that, if one wanted to contest the removal of a child, you would have, which you are entitled to by Constitutional law to have your hearing — you'd have about maybe ten or 15 minutes of your hearing and then it would be continued for maybe three or four months, and then you'd have another ten or fifteen minutes of a hearing and then it would be continued again. So by the time you are actually completing the hearing, even about immediate risk, the child had often been in a foster home for ten months and then of course, you're dealing with attachment arguments. So the fact that we're addressing things now in a realistic time frame and it's actually happening — when I used to train about it I'd say, you know, you get on the train and then there are certain stations that you hit. Now, the quality of what happens between those stations, *(laughs)* of course it varies, significantly. But um, there are many — as far as your specific questioning, I don't have much experience with it, but it seems to me there are many more times that a judge is asking about ICWA. It used to not be even on anybody's screen or on anybody's panel so I think the fact that there are these forums at regular intervals has to be a plus.

MD: When did they start asking about ICWA, approximately?

A: I would think after the Adoption and Safe Families Act and they got the form — I mean, you can get that information but they probably got the forms together around that time. That would be my guess.



MB: Okay. Odd connection. Over the course of your work as a Guardian ad Litem, what do or did you see as barriers to the state's promoting ICWA compliance?

A: *(laughs)* Resources, as I said before. It's hard to — it's hard to get everyone to understand the importance of that not because, in my opinion — not because they resist it or they don't understand why it's important but because there are a million other things going on.

MB: What strengths does the Child Welfare possess in insuring ICWA compliance? What effective procedures does the state have in place for promoting ICWA compliance?

A: Well, again, I mean, I've mentioned the judge, which is where I'm familiar with it, that's one, but I don't know what the department — I don't know what the department has. I mean, it is a little bit disconcerting to have caseworkers sitting there as I said before in the courtroom. I don't know. I suspect it's part of their training, but I don't know. I mean, I just will also say that there are, as you all probably know — there is — goes in cycles, tremendous turnover in the department and we've just been through a new round so there are a lot of new caseworkers and it's fun to watch — I mean, not — I don't mean its fun, like I would find it amusing, but you can tell what they got focused on in training because they are very diligent in certain areas and you know other things. So, I don't know, that's sort of the word on the street is the ones you can reach don't do the paperwork and the ones who do the paperwork you can't reach. *(laughs)* I don't mean to be flip, but they all have their strengths and weaknesses and we just so much need more resources.

MB: I think you just answered the next question, but I'll ask it anyway. What weaknesses does state Child Welfare possess in ensuring ICWA compliance and what could the state do to better promote ICWA compliance?

A: I think I have answered it, I mean, obviously more training. I think this Commission hopefully will cause people to be more aware of it and more concerned about it and make it a more significant part of the work. Add lead paint to it. *(laughs)*

MB: What strengths do Wabanaki tribes possess in working with the state for ICWA compliance?

A: I guess I don't — I don't really know the answer to that. I mean, one could surmise they have knowledge and experience and history but I don't know.

MB: What — and so you don't know the strengths — the next question is what weaknesses do the Wabanaki tribes possess in working with ICWA compliance, and what more could they do to ensure it was followed in every case?

A: I don't — I don't know that I know the answer to that. I mean, again, I'm guessing. Resources are such an issue.

MB: Are there any questions about that? Please talk about the importance of a Guardian ad Litem's learning about and how to acknowledge of Native American family structure and culture.

A: *(laughs)* Yeah, well, you just said it in the question. I mean, obviously if a Guardian ad Litem is going to be affective, then a Guardian ad Litem needs to have an understanding of all the issues that are of concern with regard to the child. The one it's appointed to represent. So if it's an Indian child, there's a lot of other information one needs to know.

MB: Please talk about the importance of a Native American child who was placed in out-of-home care to be placed within reasonable proximity to his or her natural family.

A: I mean, it just seems — I mean — I'm sorry.

MB: It's alright.

A: *(laughs)* I mean, it just seems so obvious. I mean, children are — we need — we should only be intervening when we absolutely need to. That does not erase a child's entire prior life, culture, connections, family, food preferences, everything. And so, that idea that the family, and I mean extended family by that, could continue to be involved with that child seems of critical importance.

MB: Okay. I think that relates to this question, but I need to read it. Please talk about the importance for an Indian child who was placed in out-of-home care to participate in his/her traditional tribal events, spiritual customs and social activities.

A: Yes! *(laughs)* It's very important.

MB: Do you think ICWA does enough to protect the rights of Indian children and/or Indian tribes?

A: You mean ICWA — the law as it's written?

MB: The laws.

A: I guess I don't — I don't —

MB: So I would say this would be best answered from the position of people you have trained or people who might work for you who are working — or you are, you are also working with children who would be affected by the law, are protected by the law, and so what else do they need, you know, what else do you see them needing?



A: And I am sorry. I am an attorney so I don't want to like, be splitting hairs with you. I mean, I don't know whether the legislation needs to be changed. I'm not addressing that. Certainly the practice could be vastly improved.

MB: That's probably a good enough answer. And I think you've answered how could the state child welfare system improve in terms of ICWA?

A: Better training.

MB: If you could change anything or make anything happen for Native American children involved with ICWA, what would you do?

A: I think all the things that we've talked about. I mean, we need to have people who are more aware of why this is so important. We need to have more of them. We need to have the resources for them to stop and think occasionally. Some people, when they think that something's important, they still maybe can't get themselves to address it so, knowledge, training, and resources would be my answer. (*laughs*)

MB: What do you think is the nature of the training that they need since that's where they start? Or the knowledge of the training?

A: Well, I think the failings probably of the training including, likely the one that I did, was much more of a superficial — There is this law, be aware of it, which is very different than a training, in really understanding why it's important and the impact on the children. We did have — I'm going to embarrass myself by not remembering the details, but I was in a state training of some kind where they did show a film, I think there was more than one. So, I mean, I think there's an effort to bring to people — but they were all familiar with the film, but the one — people talking about bad experiences that they had essentially, and what an impact it had and I think that's terrific. I mean, I don't want to go off on a tangent about training I mean, there is training almost like I made the distinction — this is what the law says is one kind of training, but then there's training about this is why, and this is what's important about it. So I think that is — we need more of that.

GK: Just as a fine point in the training, are you aware — has there been Native people involved in the training themselves as trainers?

A: Aria. (*laughs*) But you know she has a lot of other things that she's often training about as well, so the answer would be generally, no.

GK: Okay. And that would be — in your opinion, that would be a much-needed aspect of the training that needed Native experts involved in this, too?

A: Well, yes. I mean, I think — I think — yes. The answer is yes.

MD: I think, too, what you've described is really, really useful for our understanding but getting into the training piece with the training video that you mentioned was sort of how this whole thing got started. It was understanding that, you know, it's not a matter of simply checking a box. It's not a matter of simply being aware of it but having a lack of understanding of — among the people that are working, really on the very front lines, and you deal with that a lot as an attorney. One of the things I've always admired about attorneys is how they can help people through their worst times, at their worst sometimes. *(laughter)* And understanding that the Indian Tribe Welfare Act was really designed to *help* people and has an impact on people and as it's written, if it was implemented the way it was written, maybe we wouldn't be here. But understanding the lack of body of knowledge, the lack of any type of understanding behind the training — it's like you've got to go and do this, go forth and do it.

MB: They're not doing it with any feeling.

A: That's right.

MB: They don't know what it feels like to do —

GK: Another thing, I think that hearing about the experience in Indian country focus would be a really effective part of the training.

A: I agree completely. Um, I, I just — and I don't want to do, 'Yeah, but,' [00:28:30] and I know why you're here and I joked about the lead paint but, I mean, when I sat down to think about doing process of what CASA is, I think you may know, is finding people in the community who are going to volunteer their time to being — standing up in a court room on behalf of a child as a Guardian ad Litem. So first of all, finding the right people, screening, training and supervising. Those are the keys, right? So in thinking about training, they gave me three days, which was astonishing. Now think about what they needed to know. Someone who has never had anything to do with the court system, maybe never had anything — I mean, probably they all had something to do with children. And so, I'm agreeing with you completely, but I'm also — as you're saying it I'm thinking, you know, so you have the experts joking about this and then you need sexual abuse and domestic violence and substance abuse and — I mean, it's just, it is overwhelming. So I'm not taking away from what you're saying, and I think seeing that film was very important. And I think the point that I think you're making is for all of the work we do, whether it's about ICWA or whether it's about anything else is to really look at the impact. And that's why, I mean to me — I'm thinking like a trainer now. This is almost the — could be — this is what I would suggest is using this as a pathway into everything else that we need to know. Because it is about community and culture and identity and helping children, but not removing them. So that would be my answer. Instead of arguing to try to get some experts integrated into the training, it's to try to figure out how to — you didn't ask me this — *(laughs)* how to say, you know, this is the prototype. Let's talk about ICWA and use it as a way to think about all the children that we work with.

Because the issues are true for all of them. They're not as extreme, obviously. So, anyway, you didn't ask me that. *(laughs)*

MB: You answered the last question.

A: Okay, good. You were going to ask me. *(laughter)* Do you see what I'm saying?

MB: Yes.

A: And, I mean, my hesitation is, having been around this for such a long time — I remember, and you may, too — when the domestic violence community really, you know — when they were being more successful than many of us have been in making sure that they train the judges and you know — and it was very good. It was very positive. Don't get me to take away from that. On the other hand I've been at many meetings where people are like, 'Oh gosh, here we go again.' And you don't want to have this and be ohhh, you know, that kind of thing. So, anyway.

MD: That was great.

A: That's why when you asked me about the experts, if I seemed a little hesitant, it's not that I don't think it's a great idea, I was just thinking about your trying to, you know, agitate to get yourselves in there. Sorry.

MD: No, no. It's great. I mean, one of the things that I've learned, because I came through this not as an expert, is that really the tribal communities are much different from other communities and that had not been accounted for. They approach their community differently than I grew up with in my hometown, and that was not accounted for and that was what ICWA was designed to do was to account for that.

A: Right.

MD: And we didn't.

A: But as I said, and I suppose we could debate it, I think the child welfare community, at least in Maine, has moved more toward that model.

MD: Absolutely.

A: In recent times.

MD: Absolutely.

GK: And, you know, as a person that has had some experience on the other side of the line kind of thing, this might be kind of a, you know, out in left field kind of remark, you know because I suspect that the whole context of ICWA was an attempt of the Federal Government to acknowledge that one of the leading components of genocide is the forcible removal of children into another — and that carries a whole historic context that I think sometimes is missing from the training because it's really important to link why we've come to this kind of thing, you know, is this, you know — we talk about residential admission schools, we talk about the forced relocation of Indian people, you know, so there's a historic pattern that we need to address kind of thing. And if we look at it in that context — we're not passing judgment on state concerns about the integrity and well-being of children. What we will begin to see in the context, kind of thing. And we've heard testimony of Native people who were placed in really sound, loving communities, foster care, outside of their culture, you know, they've had everything going for them. But the impact that this had on them, kind of thing, it really reinforces that we're not just talking about one homogeneous society we're, talking about. — And I'm not even sure — well, I would even throw in that there is an obligation on the part of the state. And this is that kind of murky sovereignty kind of thing, you know, ongoing issue, that we have treaties that recognizes international law, that's the basis of Constitutional law in the United States that is consisted of — we don't have an idea of how treaties work in these kind of, you know, really basic daily practices but it has an underlying context to it so — and that it would take more than three pages. I would suspect that, you know, it's a — I think it helps put the matter to a different light, what we're talking about, the consequences of the practices.

MD: And I think that's great. You know, your reflections on training and understanding resources are really pretty critical to this work because, you know, I used to read history in college, but, you know, our review of the American Civil War was three pages long, and that's it, right? So if I was going to be a scholar in that field, I wouldn't depend on three pages and I think that part of what the challenge has been for the state is that they have caseworkers, they put them out in the field to deal with these issues and they give them the three pages.

A: Right.

A: That's it. And it's up to the caseworkers to figure it out and I think that's been a bit of a systemic issue.

A: I would agree.

MB: I think the interview is over.

MD: You think?

MB: — want to record this?

MD: Well, it's entirely up to her.



A: I don't mind. I mean, either way is fine with me. I mean, as long as holding forth on topics is, you know — you can edit it out, right?

MB: No, they are going to use the information — I'm not trying to shut it down for —

A: No, I mean, it's just an interesting discussion but that's up to you whether you want to record it.

MD: Once we get past the questions that were scheduled — I mean, you have a narrative and we just want to make sure that you have the opportunity to say anything that you —

A: No, I mean, I just love a good conversation. This is interesting. I mean, I was listening to what you were saying and I was thinking about it. I'm Jewish and my — you know, because you used the word genocide and everybody thinks of the Holocaust of course, or at least I do. In my life, I've met people who are adults now, but when they were children, their family put them on a train and sent them —

MD: Away.

A: — away to save their lives like many people whose families converted them. I've met people who have passed as not being Jewish. You know, it's all — and some people believe no matter what you look like, and no matter what you do, it's still in here, who you really are. And maybe some people don't believe that, I don't know, but —

GK: Some do.

A: Some do. So I hope that we're moving forward in the world and in this state and to be more of a multi-cultural in the truest sense of that word. My mother lives in Canada, and you may know, they have a somewhat different approach. I don't know — you probably know more than I do whether it's been with any more success, but I know that it's a different approach.

MD: Well, the difference in our approach is that this is the first time in the world that you had all the entities agree to do this, come together, and with the Canadians here, I see it was part of the settlement, wasn't it?

GK: I think that the settlement in residential schools, kind of thing, prompted the TRC in Canada.

MD: It was a different process. And it's actually fascinating to — I didn't know anything about truth commissions so it's been fascinating to learn about how — their approach in

different areas around the world. And if somebody — I had no idea that it was so prevalent to try to — and you know what happens if you don't have it? Really, have we examined those issues? I was — I met — as part of a delegation abroad, I met a member of a regional Russian Duma. Talk about being put on trains and what not. The Red Army would chase the Nazis out and they would come into these villages where everyone had been massacred. And they'd find babies and they'd just send them to these vast orphanages, and he said I have no idea who I am, where I came from, what my name is, but he had a good life. He was a member of the Regional Duma. But still, there's a huge gap in his soul and I think that's what we want to try to heal.

A: Yep.

GK: I agree with you, but I would like to think that we're moving forward. I have the feeling that we're moving forward because we're here discussing these matters. I think that putting it in that kind of light makes it happen.

A: I hope so.

GK: I mean, I really appreciate your perspectives and the candor of not really knowing if these things are actually doing what they're supposed to. So it feeds into the area of training and making sure that people really understand the context of what we're talking about here. I think it leads to the extremely important — and this, if I can be so bold as to say that, I think this process of what we're specific — as to what were specific to ICWA, it really applies to all of us. This is a healing for all of us. So, I'm really personally proud to be part of this process, because this is one area — this is dark matter that doesn't exist anywhere else in the United States and this is the first effort to begin to address those kinds of things.

A: Yeah, and I mean as an attorney who, to some extent, does social work — one of my friends who's a social worker said, 'Gee, it sounds like you're just doing social work.' And I said, 'Coming from you, that's a compliment.' Coming from other attorneys, of course, it's a big put down. (*laughs*) And the reason I'm mentioning that is that I guess I see that as a fundamental value in our society. I mean, is efficiency our value — you know, I'm in court and, you know, and my — take no prisoners — you know, that could be my — I was trained to do that as an attorney. You can tell just by talking to me and looking at me that's not my choice. You know, so I think some of it is, to me — it's — it is a whole larger than what we're valuing in our society and in our courts. We're blessed, in my opinion, by having many, many good judges. I don't know a lot of the new ones, but, I mean, a lot of the judges at the district court level who deal with these cases are very thoughtful and very —

GK: That's good to hear.

A: — you know — have a good awareness and the one here in Augusta certainly does. And so, you know, I'm sure you've already thought about this, but some of them might be great allies and if — are you interviewing with any of them?

MD: Oh, we're interviewing everybody in the —

(crosstalk)

A: Yeah, because —

GK: On a personal matter, it's somewhat related. As an attorney, I'm not too sure, to what extent, if it ever existed in your training as an attorney, but there's a whole body of law in the United States called Federal Indian Law and so, that has some linkages as to this — I think ICWA is kind of a remote outcome of that. Have you ever been trained in any —

A: I went to law school a long time ago, but I was not personally trained. I do know — I don't want to be dropping names. I do know — I can't think of her name right now — Nell somebody who was the dean in Colorado who wrote the first casebook about Indian law. And I — through — a weird set of circumstances. (*laughs*) There's a Public Interest Law Conference that takes place every year in February in New Hampshire. It's a long story and I'll tell you if you want, but in any event, I met her at it and, um, that was quite a while ago. That's got to be at least probably 15 years ago, probably that she wrote that book or longer — in the history of our lives it's not that long. So I think that there are courses now in law schools. You may probably know that there are, you know, some law schools more than others. I doubt that there is here in Maine.

GK: I would think that here in Maine since we have a population of Wabanaki people it would be something of, you know, an in-depth part of the training.

A: You would think.

GK: You would think.

A: But, I mean, no, I didn't have any training in law school.

GK: I suspect that, unless you're from Oklahoma or someplace where there's a large population, that law schools would probably incorporate Federal Indian law.

A: Well, and that's — you know, you say we have a large population here and of course, I agree with you, but then I used to go to these national conferences when I was at CASA and they said, 'You're trying to get some of this tribal money? I mean, come on. You're in Maine. What are you talking about?' (*laughs*) Because, you know, they have much —

MD: I have neighbors in Old Town. We have the Penobscot Nation right across the bridge. 'We have Indians here?'

A: Really?

MD: Yeah.

A: Really?

GK: Yeah. It's remarkable. The kind of level of invisibility.

MB: Actually, I moved here in 1975 and we were aware that there were Indians here then. And over time, I think it's become less and less, accepted, —

A: Oh, because the Land Claims Act was going on and litigation was going on.

MB: Well, I don't know. I don't know why I knew, but I know that I knew there were Native Americans here. But, I think that it's — oh, well, I'd be making a story about why became invisible, why the people became invisible.

A: And again I — I mean, it's so funny being Jewish because the Jewish holidays are coming up in September. This is really not something that is rocket science. I mean, it's in the calendar. It's not something I just made up. And all I can tell you is it's always, you know, I say — well, I can't be in — it's always like sort of this taken aback thing and, you know, I mean, I'm not trying to share, you know, compare pain or whatever, but, you know, having kindergarten screening on Yom Kippur which is the holiest day of the year or something. Come on, it's just like, what is this that there's such an invisibility?

MD: I don't know what it is either. You know, I have a co-worker who's very devout Jewish and I took him with me to the conference and at first he wasn't going to go because he observes everything. You do not travel on certain days. You don't use escalators on certain days, whatever. It's fascinating for me to learn this, because, you know, somebody I try to be sensitive to, but I don't understand it.

A: Well, sure. Ask the questions and let him tell you, right? That's something.

MD: We were able to regard that he was a huge asset to that conference because then we were able to accommodate his needs and I learned a lot and I still learn a lot. You know, the things I don't understand, I don't understand.

A: I was — I'm sorry. Did I interrupt you?

MD: No, not at all.

A: I was at a diversity training, again through CASA one time. It actually happened to be on 9/11, which is a whole very weird thing to be in the middle of a training when that was going on. A certain group of us chose to participate in it. They said something like, 'Do you ever feel different?' And, I was like, I mean, do I ever not feel different? You know, it seemed like such an odd question to me. I mean, I'm sort of still puzzling out are there people who don't feel different? Because — do you understand what I'm saying? I mean —



MB: Yes. There's a really nice experience that children have been being introduced to where just to stand in line and hold hands and then difference questions are asked.

A: Oh, yeah. I've done this one, yeah.

MB: And I listened to a woman say when she was up at the front of the line and she looked back at the girl that she was holding hands with and she had recognized that's what it feels like, you know, to be different.

A: Yeah, but —

MD: But we like things to be normal. We like things to be the same and stable.

A: Well, I think that's interesting. Would you say that statement? Because I don't know that I would say that statement.

MD: I'm thinking culturally speaking.

A: Right.

A: You know, we like good stories, happy endings. You see people in the grocery store and say, 'How are you doing?' and they will say, 'Great.' Then you find out that they're fighting cancer. But we don't talk about that in the grocery store.

A: Well, that's — but that's, you're talking about in Maine, culturally?

MD: Culturally, yes.

A: No, that's absolutely true.

MB: I would agree with that.

GK: But it's how we define normal.

A: Right.

GK: And I think it's the point of departure. Normal is defined in a particular genre, if I can say that, of values and philosophies and those — that is the fact that normal is defined outside of our experiences as Indian people because we have a different standard of normal kind of thing. So I can appreciate what Matt is saying. But what I think what we're all accustomed to is this — in humor this is how I make the distinction. The view from the boat or the view from

the shore, every aspect of our being, living in this experience is from the viewpoint of the boat. We don't know the viewpoint from the shore. So when we think about the people on the shore, you know, I think part of that sense of overwhelmingness is somehow to legitimize the view from the boat. I think that's why we have such a distinction and such a challenge when we talk about sovereignty and when we talk about being neighbors kind of thing. So we have this whole other experience that, I mean, to some extent it's invisible but it keeps popping into our conversation.

MB: Well, in order for us to be multi-cultural it needs to pop in. We need to understand culture (*laughs*) if we're going to —

A: So, what's interesting about what you're both saying — I moved to Maine in 1983 and I feel like I moved to a new culture.

MB: Yes, I did too.

A: Right. I'm guessing that you did. And, you know, I think I'm reasonably well acclimated to it at this point. So I was very conscious of being in the boat (*laughs*) for a very, very long time. And I still think I function. You know, I understand the Maine culture. (*laughs*) I understand that people say that in the grocery store but it's still a little weird to me. (*laughs*)

MB: Well, there's actually a little inoculation in that when you become part of the Maine culture, you know, that you're not of it if you're from away.

A: Right, that's true but I —

GK: Some Mainers will make sure you know that.

A: And I get it. I mean, we're all here in Maine and I chose to live here but I've talked about these issues a lot with my children because one of the choices to live in Maine was I wanted to make sure that they were not — I don't want to choose the word, but like from — that, you know — that their outlook on the world was more broad and so we went other places a lot. (*laughs*) And so it's just — anyway. I don't mean to go on a tangent but they've both chosen to live in very multi-cultural communities as young adults.

GK: I think your off on a tangent is everything — is very relevant to the conversation.

A: Well, thank you, except that we are in Maine and we're talking about — you know, in other words, one solution is to move to — New York is where my son lives. My daughter just finished school in Hawaii which is a pretty multi-cultural community. You know what I'm saying? We're here.

GK: And for Wabanaki, moving elsewhere is not possible and I think that's the only difference.



A: No, and I understand that, and again, for me, moving here as a Jew, I mean, there are lots of places not all that far away that I could live in a community where everybody would know all that — you know, it would just be familiar, all that, and so living here is a choice for me in maybe a different way. We've been talking about education and awareness, right? It's certainly worth doing and I'm feeling a little more encouraged than I used to but it's a journey, right?

GK: It is a journey in the basis of your encouragement.

A: Well, I think some of what I said — I mean I think the child welfare system, in my view, isn't embracing how the pendulum swings. But right now, we are much more focused. I say we, meaning those of us on recognizing the importance of community and family and identity than we were in the past.

GK: I feel encouraged too by some of the comments that you've made a little bit. The court is asking.

A: Oh, well, they are but it's on the form to check off, but yes they are. They are. Definitely. Yeah, and I don't know who got that done. I don't know if you do? Who got that on the form? Somebody?

A: Somebody making mischief.

A: No, no! I mean, somebody recognizing the importance. So — someday they'll have lead paint (*laughs*) on the forms. I think I don't have anything else to add.

MD: Well, great. This has been wonderful. Thank you.

A: Well, thank you very much. Good luck.

MB: You are a wonderful statement provider.

A: Oh, well, thank you.

GK: I'm hoping that you feel free to keep in contact with us.

A: I'd love to. Yes, I'd love to hear how it's going. And your plan is to develop a report at the end?

GK: Yeah, I think next year at this time we'll be in the deep.

MD: Yeah, we're supposed to — we have a 27-month mandate. So, technically, next June. But we'll be on the trail for a long time after that, I'm sure.

A: That's great. All right. Well, maybe we'll run into each other. Again.

GK: I hope so.

A: Thank you. I know Barbara Kates pretty well from way back. We've worked together a long time.

MD: She's great.

A: So she's the one who called me and I'm thinking of some other people who might be helpful.

GK: Good. Good. We really appreciate that.

MB: That would be really good.

A: Alright, folks. Thank you so much.

MD: Thank you.

A: Good luck.

END OF RECORDING