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11-4-2014

Statement by Kirk Francis collected by Charlotte Bacon on November 4, 2014

Kirk Francis

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Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission: Statements. 98.
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General Information

Private or Public Statement? - Private

Statement Provider: Kirk Francis

Date: November 4, 2014

Location: Indian Island, Maine

Previous Statement? No

Statement Gatherer: Charlotte Bacon

Support Person: N/A

Additional Individuals Present: Sue Dana-Ginn, Gail Werrbach, and Sandy White Hawk

Recording Format: Audio

Length of Recording: 01:16:13

Recording

CB: Alright, I like that. It's when these little needles move. If you see my finger go over there, Kirk, I'm just keeping her awake, just making sure she's paying attention (*laughter*). This statement is being provided by Kirk Francis, Chief of the Penobscot Nation. The file number is P 201411-00125-002. It's November 4, 2014, and we're in the Nick Sapiel room in the Penobscot Nation. Sue Dana-Ginn is with us, as is Sandy White Hawk and Gail Werrbach. And we are now prepared to start. So the first question I had to ask you Kirk that we were really curious about is, why did you decide to sign the TRC mandate in the first place, and what was your perspective on what we were supposed to be doing? What was the important—

KF: So as the tribal leader, you know, we deal with a whole host of comprehensive social-based issues that are affecting our community. I think getting at those root causes and trying to understand where all that is coming from is extremely important to us. Not just in healing and all of that which is critically important, obviously. But, obviously how we engage with each other, public discourse, why is animosity there? Why do all of these take place laterally within tribal communities? So, we work hard to try to figure out how we can lessen that burden on people, but also to focus on how to move forward in an education-based way to make sure that our community is grown not only in programs and our economies and healthcare and all those things that are important to us—but how to we grow in terms of how we are communicating with each other, how we're elevating our governmental discussions, and all of those.

So, I think that for me, the TRC presented the perfect opportunity to understand those root causes and also let people focus on healing to truly be able to focus on things like cultural rehabilitation, language preservation and all of those cultural-based ceremonies and practices that are critically important to the growth of our tribe and our people as well. The, you know, root causes for why those things aren't as prevalent today as they were 150 years ago and understanding what that historical trauma meant. Not only to our tribe but to individuals who have been affected. So, the TRC I think created the perfect partnership and you know, it was - there were a lot of benefits to the Truth and Reconciliation Commission and one of those was really creating a model for how tribes and states could talk about the difficult issues. And that it's ok to do that, and that it is not a shame and blame game. It's really about understanding how to help people. And so, for me it was a no-brainer. And it was really something that I've found to be extremely beneficial as we talk to people.

Because, you know, I know we talk a lot about child welfare, bad adoption policy, boarding schools, etc. And no question, those are foundational problems for a lot of things we see - everything from health disparities to emotional distress of people, etc. So critically important. And I have some family experiences around the effects of boarding schools, and I'll talk about that. But I think that the bottom line is that for us, when we look at the Wabanaki health assessment survey, when we look at—we see the number one thing contributed to problems today rooted in historical trauma. So that is really where we need to go. And what we're seeing in the community, too, is an expanded conversation. Not just around child welfare - there is a lot of ways to treat child welfare. Just because a child is old doesn't mean that the jeopardy they were in, the harm they were caused, still shouldn't be treated in that manner. So I think that even though we're dealing with adults many time, that now have the courage to talk about things, I think these remain child welfare issues forever. So, I think for us, hearing things like trauma that took place through the church, trauma that took place through the school system - public school system, through a lot of different areas...and how mascots and stereotypes makes people feel...

So, TRC has really provoked a conversation that I think [00:05:08.06] may be much more comprehensive than we even understand at this point. So, when you talk to, for example to - when I have people in my office talking about a whole host of things that have never been conversations in this community. And I think Indian people struggle internalizing their issues anyways. If you look at - from a policy standpoint, from a political standpoint, from all of those things. Why is it that other minority groups are so loud, so out front, so effective kind of on those things? And Indian people kind of, you know, "These are our issues, we can deal with them ourselves." Of course all know that that is not the most productive way to deal and I think we're seeing communities all across America try to get to the core issues of these problems. And I don't think it is a coincidence that Indian people are starting to try - both in the political arena, in the economic arena, really making head way in health disparities and social issues. And so, I think the TRC for me has provided a multi-faceted approach to address it a lot better in our communities. So I fully supported it.

CB: Did you find that that was the case with other members of tribal leadership, around the State? Did you have to do some - have conversations with people? Do you feel like there were... if you could reflect a little bit about the different experiences perhaps of the other tribal

people in Maine, because the Land Claim Settlement Act had such a different impact on different groups of people...

KF: You know, I think [00:06:54.02] one of the things that amazed me in our process leading up to the signing and doing all of that, what was in talking to tribal leaders – the diversity of issues within our communities. You know, for Passamaquoddy, it is still very much in their minds about forced hysterectomies and the population control efforts of people in charge of policy for Indians. Even when you look at Maliseets they still struggle with jurisdiction of their own children, even today. And so, and the – the place we were in was kind of different - well, we have the jurisdiction and authority over our children now, we have the ability to ensure that proper placement and constant oversight and all those things are in place...

I guess my point is just trying to understand each tribal resource and kind of where they were on these issues and kind of where their communities were in terms of willingness to discuss. And so, as we were talking about a lot of these things, I think the TRC did an excellent job of really explaining, “Look. This isn't just about compiling statements about some effort that is going nowhere; this is really about getting at these root causes.” But also understanding that we wouldn't have to have a wrap-around approach in terms of understanding that this was going to open old wounds. It's going to – the last thing we want to do is re-traumatize people and put them in a position where they maybe were 20 or 30 years ago. But again, I think the comprehensive approach of the TRC really made it easy for tribal leaders to focus on getting this underway.

CB: And, what is your sense of [00:08:52.06] state/tribal relationships? And, whether you want to have broad overview from your perspective over - of having been part of this community for you entire life, whether you want to focus on the last 10-15 years... and what are your hopes for state/tribal relationships?

KF: We try to go about our governmental responsibilities here in a dignified manner. We try to explore diplomacy, exhaust that, and also make sure we're representing our people as the nation that we are. So, in describing the tribalsState relationship, I would just say that it is extremely challenging and I think that the problem is that you have on the one side a kind of thirst of control for all issues within Maine's borders without the understanding of the unique political entity that exists in Maine's tribal people and in tribal governments. You have jurisdictional confrontations and challenges that stem from an agenda on one side that may not be totally in line with the cultural values of the tribe in terms of the environment and land and how we govern that and develop and all those things. So, I think the tribal/state relationship is in some cases 100 years behind other states, in the state of Maine.

And I think that the respect for the tribal sovereignty and authority is just not where we'd like it to be at this point. I will say through all of that, that we're committed to continuing to educate,

to continue to exercise diplomacy, to work with those that are in that mindset to find solutions to very complicated issues. And I think what we've seen though, as a result of the tribal/state relationship is that real barriers have been put in place, so we have economic challenges. As we sit here today, we're almost 4 times the unemployment rate just across the bridge, the tribe has been consistently blocked from congressional tools that would put economic success stories that we see all over the country in Indian country here in Maine and to benefit the Wabanaki people of Maine. Everything from the age-old debate on gaming - but more than that, tax-free sales, a host of opportunities that a lot of bright people have formulated as solutions to centuries of being left behind [00:11:48.22].

So, I think that when you're in a modern era where those obstacles are recognized and the entity with plenary authority and the responsibility of oversight and the protection of Indians formulate things like the Tribal Law and Order Act, like Violence Against Women Act, like economic tools like the Indian Gaming and Regulatory Act, etc. disaster relief acts... etc. And you're consistently blocked from access to those tools... we're really still living in an era where in some cases people compare it to the Indian Agent era. Where you have state governments still exercising an authority and control that they really don't have. So, there is no question that the Settlement Act lays out a unique jurisdiction here in Maine, and that's ok. That's a modern day treaty and I think two sovereigns can work together to do that. But I think that what often happens is how that gets interpreted and how state legislatures see the world through that document and how state courts have seen the world through that document, is miles away from what the tribe understood they were getting. And I think that's one of the challenges. So, we're going to keep working hard in that area, but I think the TRC has become one of the shining example of what a true partnership on difficult issues and trying to find solutions can be. And so we're committed to finding those common ground products in a coexisting era, but we have to be respected as the sovereign authority that we are. And that's, you know, so I would just say one word: challenging. But I think that moreover, we're committed to finding solutions as long as that spirit exists on the other side.

CB: [00:13:40.24] Thank you very much. In your experience and awareness of ICWA and when was ICWA passed in '78 and its implementation in Maine, what is your sense of how it has been implemented in your community? Or, if you have a broader sensibility across the tribal landscape of Maine, that would be very helpful as well. Um, where has it been done well, where have the holes been? Where have the obstacles been? What have the obstacles been? What do you see as ICWA's future? Do you see that—have things gotten better in the last ten years? Have they gotten worse? What are the challenges relating to the proper implementation of ICWA? Because we are a TRC that is focusing on child welfare, as you pointed out, and child welfare is one of the many issues that can be used as a way to think about tribal/state relationships and improving tribal/state relationships... you could chose a lot of different things... it happens to be children, about whom everybody is passionate. The desire to see children well served is something that many, many people share. So it's a place that people have brought their hearts fully to the process and it is critical area to be resolved, but I am very conscious of the fact that – of what you pointed out – that there are many other things, many other wedges into this question. But, since it is child welfare, let's focus on ICWA for a little bit and give me your sensibility, if you wouldn't mind, about its implementation, its obstacles and where you see it going?



KF: Well, just to back up, [00:15:12.28] I mean, I think when the Indian Child Welfare Act was passed – and I'll talk about this as we move forward – but I think, you know, I grew up in an era being blessed in a tribal community to have what was taking place nationally and both in – also in Maine with the '70s, you know, the real effects of a lot of bad policy. So, I think the Indian Child Welfare Act obviously was probably one of the most important acts that's ever been passed, that benefitted Indians. I think the reason for that is the ability of nations to truly look out for the welfare of their citizens. It is critical to sovereign right. And, it's also a critically important sovereign right to the success of how tribes move forward. Obviously, having governments made up of people, and I truly believe ours is [00:16:14.13] in the most sincere way, when you look at how our laws are ratified, how – those are all done through general council here within our community, so having good strong citizenship with a sense of connection and understanding of their history is critical to how we propagate rules, laws, everything going forward with all those values in place. I think once you start to do those things and get away from that, you start to lose your identity. And so I think that the Indian Child Welfare Act has been critically important and I will say, from the mid '90s, the strength of our movement on this issue has been unbelievable. I think that in Maine one of the other real shining examples of education and results has been around this issue. So the mere fact that we're having this conversation, with State permission, shows you - and I shouldn't say permission but with their-

CB: Participation!

KF: Participation, would be - is kind of historical and it's nothing something you see in a lot of states ... or countries for that matter. And I think, so that speaks well to the people that have done the work and shown the importance. I think ICWA has been implemented very well here and we take jurisdiction over everyone of our children that are presented to us. It's resource-intensive and I think that's a challenge. I think that, you know, right now we're battling with the state of Maine on IV-E dollars to follow children that start out in the state system that we've assumed jurisdiction for, that they've been funded for... but those dollars aren't following those children in to our jurisdiction. So we're challenging that but we find a way. And we're always going to make our presence felt in that child's life. So that when they grow up, they will know that tribe was interested, that they paid attention to me and this is where they're from. But, also, obviously to ensure proper placements and proper quality of life.

So that connects them by way – most importantly to their cultural values and upbringing and history. And one thing we're blessed with in tribal communities is, you know, the truly taking a village to raise children. I think that principal exists and there is not many places in America where I think that happens. And a lot of people say it but I grew up with a lot of moms and dads here and people that still feel that way about me and so I take my direction from a lot of folks (*laughing*) -

CB: Right, a lot of elders have their say in life.

KF: I mean, and one example of that is that this last time, even after eight years in this job and campaigning again, you know, I'm still really looked at as this little kid. And I think that is really a blessing that a lot of people don't really get to experience. But I – so I feel like we've done a very good job here. There are still challenges of course, you know, we have children in other states, like Florida, for example. There are many states not fulfilling their compliance to ICWA. There needs to be more mechanisms of enforcement on the federal side to deal with those states that are not fully complying with ICWA. So I think that is a current challenge; just to get a uniform compliance nationwide on how we're dealing with Indian children. And also, I think going forward it's going to be extremely important to continue to engage on the policy side. You know, we see the baby Veronica case in the Supreme Court -

CB: The Alaska case.

KF: The Alaska case. And we see a lot of nicks on tribal authority— one of the things I thought the court did a horrible job with addressing was the unique and distinct authority of tribal governments and their citizens and focused more on the individual. I mean, the whole purpose of the intervention of the tribe was for that to be recognized. That brings the weight to ensuring that Indian parents are given a fair shake or at least that the children are being placed in connection with their cultural roots. So, I think there's a lot of people out there that would like to see ICWA go away. And I think Indians - Indian governments - are being challenged more and more now as the entities that are doing the taking, if you will. So, we have to change that conversation before it gets away from us because it's really damaging to turn on a Dr. Phil or a national talk show and see people on there saying, “Well, we have these great parents here,” and showing pictures of reservations that depict broke down houses and people.... and this is exactly what they were doing during the boarding school era, right? “These places weren't good enough to raise children, and we're going to make these decisions for them.” So, that conversation maybe more subtly is there. And sometimes not so subtly. But I think that the conversation around that really needs to continue to be changed. And we work really hard nationally on a lot of policy issues to try to educate congress and fortunately there are more sane people on this issue than not [00:21:59.03]. But, when you have courts that are ruling against Indian communities and parents, it is concerning. So, I think we're a long ways from perfect in ICWA, but we have to stay totally committed through efforts like this and others to continue educating.

CB: And if you had recommendations to make to the state of Maine in terms of DHHS workers and their training – and if you had a – and also I'd love to hear your perspective on the history. When ICWA was first presented to people in '78, what did it look like? Did people respond? What happened, and when did it start to get better? It sounds like it did. When did it start to get better? And what really made the difference? What really were the interventions that made it get better? And, what are the recommendations going forward? So I'm thinking more specifically about the cases, the situation in Maine because that's where we'll be focusing the bulk of our recommendations. I'm fascinated by the general landscape and it's really, of course, incredibly concerning that these cases are going to the Supreme Court... but that, really kind of getting us back to Maine.

KF: Of course. So, when ICWA passed I was eight years old - so I will try to put that timeframe in perspective -

CB: And not yet a Chief. Not yet a chief.

KF: No. But I think, for me, it took not just the passing of ICWA but really the federal recognition of the tribes in the mid seventies, you know. In 1976. And so – to really shed light on the responsibility that people, governments have to Indian people. Not in a situation where these entitlement programs that we often hear about, but really in a reparation kind of way. So, in getting people healthy, and communities vibrant again, which is certainly the responsibility of many people... because the effects of those bad policies and all of those things were really the root causes for why those conditions existed . So to your question, when we started – to look back on the history or ICWA, we really start to see a lot of progress after 1980, right? People started to really understand, that you know there are communities in this state that live in a third world condition. And there are – “What do you mean the government just showed up and took kids? What do you mean that, you know, we had this Indian Adoption Act?”

A lot of people just started getting educated I think at that point, around the issues. And so, when I was growing up through the 1980s, we really started to see the rebuilding of the community. I look back on it now and what it visually looked like to me and what it looks like today for example. I think those are all the effects of building people up, making sure our brightest minds stay here, making sure that decisions are being made. So I can't speak to the exact timeframe of when ICWA started to take effect, but I would say it was a struggle to get uniform agreements on all the systems under ICWA until probably the mid '90s when the coalitions started to really get to work, in the early '90s, between the tribal governments. And the really – one of the things in Maine that is good is that you have fairly decent access to leadership in Maine. You know, there's not a lot of people in Maine and I think I would say the early '90s to 2000, probably was when a lot of that groundwork got laid for the success we see in ICWA now.

And I would say that in the last 10 years its gotten significantly better and again, we must recognize that there are challenges going forward and we'll continue to work though those. But I haven't seen, you know, we're challenged a little bit through the judicial process [00:26:16.19] of making sure other systems recognize our orders. That our judges are making decisions that need to be given full faith and credit outside of our judicial system. And so we deal with some municipalities that are still pushing back on some of that a little bit. But in the end I don't know of one case in eight years that I've been here where we've intervened, [00:26:44.19] where we haven't been the authority on these matters. So there has been a lot of progress. I think it directly correlates to the community's growth.

GW: Kirk, can I ask you something to follow up on the IV-E question? So what is – can you just speak to what the issues are on the IV-E funds being able to come into the nation? I'm not an expert on IV-E but I know that's been a huge issue.

KF: So what the, I mean what the problem is, is that just – every government and every town is struggling with resources and they don't want to get rid of them. We met with Commissioner (Maine?) [00:27:30] I believe three or four years ago and they started with the judge and social service people and all of that and we really thought we had some solutions going forward, but every time we think we're there, it kind of gets reeled back. And we haven't really seen any those. And it seems to be really a political problem at this time, you know? I just think it's a matter of resources and they're trying to keep everything in their system. But for the number of kids that we have, it just seems silly to me that that's an obstacle, but that just seems to be what it's boiling down to. So we need to - while everyone seems supportive and wants to do something, we can't really find out you know, where the breakdown is there.

GW: And if the tribe could access the IV-E funds, where would you see that? Where do you think those funds would be put to best use here?

KF: Well, what the - just as late as yesterday I received a call from a foster parent who has had two of our children for years and – talking to me about the challenges about just needing clothes and basic needs. You know, he went through the funding that he received for the children and it is just astonishing that they're not getting the level of support that is conducive to just meeting those basic needs. But – so we would house that in our Child Welfare program and utilize that for those resources for those families. 'Cause like all communities we are challenged in getting foster families, as it is. So, those IV-E dollars are extremely important to the resources that we have and to supporting the welfare. So our goal here is not to have these children growing up in poverty. Our goal is to – if we're going to take jurisdiction of them we're almost in the role of a parent, so we have to help provide for that child. It is not totally the responsibility of the foster parent.

CB: That's the spirit of ICWA.

KF: Exactly.

GW: So the funding for supporting any of the tribal foster parents, it all comes out of the tribe at this point?

KF: It does.

GW: It comes out of your budget. It comes out of basic child welfare. There's none – there's not access, at all, in terms of the IV-E funds?

KF: So, you know, the judge, our chief judge, has been working really hard with the state to try to mitigate this issue but its been just two steps forward... and its just been really slow. Hopefully we can find resolution to it fairly quickly. And you know, we will make it work. One wait or the other but it is just extremely challenging and we feel we are entitled to those



dollars that are coming in based on those Indian children. But we're still not receiving them and so....

GW: And some of those dollars, I think and I'm not the IV-E expert - but some of those dollars also pay for some training, right? How does that?

SWH: So I'm not an expert either, but yes. There are training dollars and however the tribe sees it... as training for parents and actually training for workers of the tribe. But it's also for resources for foster parents and to receive whatever will help them be better at what they're doing. But certainly for training of workers.

GW: This may be getting into – moving into the report and me being off the cuff in my early thoughts about this whole process, but I also have this feeling that for the Penobscot and the Passamaquoddy, where you have your own tribal court, that the State's also sort of just as happy - and I'm going to say this sarcastically - to unload kids on the tribes. Because they can – it's sort of cost effective. It is not just out of, “We want to follow ICWA, we want to do right by Indian families,” but, “Hey, gosh, this is great. Hey! Wonderful, have at it... but then not backing it up with the IV-E funds and other resources. I know now I'm moving on to soap box and off questions, but it struck me as we'd gone along with all sort of different people that we'd been talking to - both tribal and non-tribal. That some of the things getting better over the last, say, 10-15 years in terms of jurisdiction is not just because the state is getting better at doing ICWA. But, it's getting better at saying, “Jeez we could save some money here and not have to provide the support to the tribes that we need to for other foster parents.” Anyways, I know I'm going off on a slight rant here but....

KF: No, that's exactly the issue. “We don't have to do the work and we get to keep the money.” It's a ... so it's challenging. And we're seeing... the problem is in Maine, right, you have such an economic downturn, and probably the system is overburdened, to be fair a little bit. But the – so that everybody is scrambling for every dollar that they have. But the reality is, you know, this has to be an aspect that they take very seriously. It's not fair to receive those dollars based on – and then we assume those responsibilities and then say, “Well that's in funding is really not important to meeting your needs now because they're under tribal jurisdiction.” It's about the kids. It's not really about the jurisdiction. It's about making sure that those kids have the appropriate resources around then no matter that the foster home is. So I think this type of conversation and partnership can really highlight the need to truly stay engaged in those conversations. Not just say, “Here,” and walk away.

CB: And clarify the relationship? Make it really concrete, make it really open. It's really interesting.

KF: Right.

SWH: I have a follow up question. Was there ever a time in the tribe that you had plenty of foster parents – and I heard you say you don't have as many as you need, so what do you think the issue is? What's the barrier?

KF: [00:34:36.06] Well I think the barrier is kind of twofold in tribal communities. I think 1, we've kind of talked about, is the resources of it. I mean I think when you look at four times the unemployment rate, the average median income at the poverty level here... and you have, you know, for example in Maine over 50% of the people make over 50 thousand dollars per year. Over 50% of the people here make over 14 thousand dollars per year. So even those people that we don't count in the unemployment chain are challenged with resources. So I think that the resources issue and why we focus so hard on revenue-based opportunities and job creation and all those things is not because we're trying to get away from anything else. So you know, there's often this conversation about culture vs. economics. So we try to balance all that but I think it all plays together. And I think those resources and getting families economically healthy, really allows a lot of focus on these types of areas.

So I think there's an economic problem that causes some of the... which makes those IV-E dollars critically important. Then I think there's just the issue of how we grow up together. How the people are so close. I think it's really hard for somebody to have someone they went to school with kids' removed and then they're raising them, you know? And then the contention that that often raises. So, I think the close-knit basis of the community is really challenging as well. But also, I mean right now we have four social services workers that have taken children themselves because they just want to do that. And they just want them to be in the system and to be with us. So, that's something that we have to find a solution to [00:36:53.04] though because we have a lot of good people that have volunteered in the past that it just gets to a place where its really hard to meet their own family needs. So I think it is economic and plus just challenging in terms of -

CB: Socially and emotionally.

KF: Yeah.

CB: In terms of Tribal Child Welfare –this is sort of echoing the same kind of question –what has gone well from your perspective in Penobscot Nation and where have some of the challenges been? Either in terms of tribal/state relationships, in terms of relationships with the tribal members themselves? We've heard many, many stories from Tribal Child Welfare workers and from people talking about those experiences – both their own personal with kids being removed from their own homes or their families' homes or just in terms of administrating their jobs. So those are people really in high pressure positions. Lots of attention focused on them, a lot of different expectations and it can be very, very hard.

KF: Absolutely. And broadly, I think that the challenges have been –for Child Welfare have been, yeah, you know keeping good people. We have a high burnout rate in this... Just last night - our workers feel everything. From bad court decisions to mom and dad relapsing, to a lot of other things. And they really become connected to those families. And I can't tell you how many times I've had our staff in the room breaking down and trying to make sure that they



understand that they've done their job. And so that, Child Welfare is challenged by... and again, it goes back to resources. I think the more people we have on staff, the less impact it has on them emotionally. But I do think that as part of the process one of those challenges needs to be not just recognizing victims, but often our own professionals become those victims emotionally because they're just as tied to it as—

So yeah, I think the challenges for Child Welfare today are adequate staff and engagement and that's resources. And also how do we make sure that every jurisdiction understands what ICWA means and what their responsibilities are under it. So I think that the challenges for ICWA going forward are going to be that. Exactly. Keeping people engaged. I mean, one of the things that we have here is a pile of social work degrees. People go in to that I think because they can connect to their own personal level of importance they put on, their own experiences... whatever it may be. And they recognize that as an important part—it's an extremely important discipline to help curing communities. But if we're getting them to a place where they're more emotionally scarred than the people we're trying to help then I think... and most of that is just over working and doing a lot of stuff. So we're working to try and mitigate a lot of that stuff. We were just having this conversation around a current case that we have that's very contentious. They're just in love with these two little girls and it's sad. You know, they don't often get the end result they're looking for but also the real genuine concern that is there for the young girls' safety... so I think more and more staff training, more and more engagement, what can we do to continue to support them as well as make sure that always on the policy side that we're focusing on total compliance with the agreement, that's where we're focusing.

CB: Gail and Sandy, do you have other question? I'm going shift the conversation for just a few minutes, if you're ready, to your personal experiences. But I wanted to be sure - oh, we have one other question.

SWH: Was there ever a time in the tribe's history when you had enough homes for children? And what were the circumstances that...

KF: Yeah, well I think that is for a couple of reasons. One is that, like we've just talked about, it's just gotten more resource-intensive. And the reason for that is that up until the last 15 years probably, we did not have the level of jurisdiction over as many of our children as we have today. So as our judicial system has grown, as our internal structure has grown, we've just gotten more and more responsibility. So it's really almost growing ourselves in all these aspects. So I think that's the main contributing factor.

GW: That it was much fewer children coming in..? And then that kept increasing over the years?

CB: So it's put more pressure on the system overall.

KF: Right. [00:42:24.29] Exactly.

SWH: So one other question: does the tribe have any idea or record –well it's hard to have records of this –of the people who were taken and adopted out? Does the tribe know who they were? I know this is from '78, this mandate is '78 plus, but do you have a record of that as well?

KF: We do. And I can't say that it is 100% accurate, but we have a list of people under the adoption policy. And we also have a list of people in the boarding group. So I think we have 120 something Penobscots and we have that well documented. We have – to the best we can we have a list of folks that were simply adopted out to non-Native foster parents, especially those that were subjected to abuse, and so yeah, we do have that.

SWH: So you do have that documented and you've been in touch with them and they've been back?

KF: Um, in touch with them—?

SWH: Meaning do they know that you have record of them? Have they...?

KF: I would think so. [00:43:41.04] But you know, of course, a lot of this stuff we're talking about is pre 1975-78, so a lot of those folks aren't with us anymore. But there has been, yes, some communication. I don't know how detailed that is in terms of what we told them but I'm sure they played a role in terms of how we were documenting them. I'll have to circle back on that. I can certainly find out. I do know because I've seen those lists and talked about some of those things, 'cause then we can get an understanding of those families, extended, that maybe had issues and how that all affected them. So yeah, I've seen those lists and I know we do have some documentation of that (*coughs*).

SWH: So when you think of the continuum from colonization, boarding school to adoption/foster care, just completely stolen, to the indentured and all of that and now in our current state of still losing children – what do you see as a community initiative that would address family circle that you think has not happened yet? What is it that you would...?

KF: Well, I think – I do think that the tribe is slowly and slowly overcoming its either fear or unwillingness to put themselves in a position. You see, its hard I think for people to help solve problems when those problems really rehash their own issues and things they don't want to talk about. This community is trying to move more and more towards exactly what you're talking about. We're seeing a lot of cultural revitalization, a lot of spiritual revitalization and traditional values coming back to the community. And what we're seeing is a lot of these talking circles, a lot of going visits, a lot of things to – but what we see, where we're still challenged and what we really have to do is to comprehensively get the families to take on that wellness conversation and a very comprehensive and sometimes painful way.



So we have – we talk – it's like the drug problem, right? We say we want to help and we'll do this and do that and we have the conversations and we got six drug addicts in our own family and a lot of problems. If we don't talk about that and show those initiative internally within the things we can control – I think instead what happens is we deflect away from that and focus on the broader problem without really... If everyone just does their piece then we can kind of ... So, we're in those conversations now, very deeply, within the community and I think that the same thing in Child Welfare. We just need more good honesty about what we can do to help people within our own family. One of the other things we talked about is, you know, I have children in my family that are lost, quite frankly. And you know, if I don't chose do anything about that – whether they're my children or not – I think that is a disservice to the community but it is also not helping family to overcome these issues. So, I think taking that responsibility on these very intimate issues that are going on within our own lives and then somehow also tailoring that to a broader conversation is critically important. So I think that needs to happen more comprehensively as we move forward. That's really kind of ... its really hard ice to break sometimes, with these very sensitive issues.

SWH: So you're thinking that the cultural revitalization will really create that safety net in the long run?

KF: I do, I do. I think that whether we're talking about educational outcomes, whether we're talking about economic success, whether we're talking – getting that cultural base connection, we're finding is equaling success in all those other areas. So, whether you're bringing environmental programs and tying that to their spirituality and ties to the environment and our cultural practices and we start those conversation off around medicines and all that. I think we're seeing those kids – especially those kids that are really gravitating to language – medicines doing outstanding stuff. To me that cultural piece is huge.

SWH: Following the cultural values, the Penobscot values specifically? Then they are that foundation for the rest of those pieces.

KF: Correct.

CB: And one of the things I would love to invite you to speak to your young people about if they've had experiences in foster care or having been part of that DHH process and they are thriving, or if they've had difficult experiences, we'd love to speak with them. I feel like it's incredibly important to interview and connect with the youth in this process - this is the generation that has experienced the latest wave of this impact. What do they have to tell us about what they need, what worked, what did work, where they see this going? To make sure those vital young voices who are experiencing this re-flourishing of the culture and this re-inhabiting of the culture and of its traditions, what do they have to tell us and what are their recommendations? I know that that's in there. I know that's in there. Like Gail said about her

soapbox, that's mine. I have three kids who are 14 to 4 and the thought that there are young people whose sacred lives we're tending are part of this process is incredibly important to me. So if you know of folks or if you want to connect me with anybody, let's be in touch on that front. I know Wynona knows about that as well. But we're more than happy to travel to make it possible to do a focus group or some kind, obviously get consents from parents and from children - not to violate anybody's privacy. But if they do have experiences they want us to know about, and ideas that have to be inside [00:50:40.21] in this report, let's get them there. Because it all changes with them. And it is for them, in so many ways.

KF: They will really truly know the effectiveness of these things, right? So we have better policies we have better engagement, we have all these things, what does that really mean in the end? And only they can tell you.

CB: So let's be in communication about that.

KF: Some selective folks will tell you it's great all the time and all our efforts are perfect but I think that at the end of the day, what that really means on the ground is... one of the things that we hear in my office, which is probably 15 feet from the teen program... so I see a lot of the kids, and I know them all, what situations they're in and all that. And you know, we hear a lot of good things. You know, kids talk about never being really happy about rules they have to follow and that sort of thing but I think the program has really made a difference on our people. You know, we have people working in tribal government now that grew up in foster care that tell me they never would have been anything if they didn't get out of the situations they were in and so – and they certainly wouldn't have been if they were removed from here and came back till much older.

I mean, we see people that come back after five decades of being away... that's is another lateral problem that we have, is accepting them back... but also just listening to them and their total lack of understanding who they are is just really sad. It has played - you know one guy was telling me that he said he always just had this feeling of confusion, right? And he knew he was part of something but he just didn't know what. So, it means so much to them to be back and to get connected to that and as a community I think we can do a better job of accepting them and helping them through that process. But again, it's all historical trauma. You know, you have a group of people that were here, that remember no running water, that remember having to fight for food, going through bad processes with Indian agents, going through and trying to get basic medical care... all of those things. And then people come back and they're like, "Well you weren't here to go through all of that stuff." So getting by that - and it's getting better - but that needs some more work as well but, yeah.

CB: And Gail, these are questions for you before I ask Kirk about some of his own story. And I am so grateful for your time and conscious of trees on power lines and know you have many other people to see and to talk to, but I think one of the things I'm most impressed with, Kirk, is your awareness, Kirk, that vulnerability is part of healing and that you have to be real and honest about whatever problems that you're facing. And name the names, name the feelings, name the issues and that it comes from - people's reactions - come from people's personal experiences and part of this process is the ability to share your own story around issues of who in your own family may have gone through these experiences, if you have, what would you



like to tell the commission about what happened in your family? In your history, with your ancestors, with your own kids? Whatever it is that you need to bring some of that personal context to the situation - that you're comfortable sharing.

KF: So, my upbringing – you know, I grew up right here on the reservation and I had a great grandma and my father and mother were outstanding people and I was blessed to have really, really engaged authority figures over me, all the time. And as I said, in this community I had several parents and I remember a specific example of me and another kid from here goofing around in the grocery store and getting drug home by the ear by an elder from across the street. And you didn't go tell your parents either, you know (*laughter*). Nowadays... anyways, I wanted to say that because I am in no way saying I grew up in some harsh condition because I didn't notice what we didn't have. I didn't – I had good people in my life and I was blessed to have that. My mother was French, from French Island and my father grew up right here, a Penobscot. So, I was very, very blessed to grow up here. But, I realize not all people are in that situation.

But I will tell you the effects of bad policy and bad boarding schools and all that had a direct effect on my life. You know, we had – my grandfather was at Carlisle. And I had seven aunts and uncles and unfortunately no longer are with us, any of them. So, we lost them all at fairly young ages to alcohol or cancer, diabetes. So I grew up around a lot of people, here. And a lot of different perspectives on life. And I think that luckily I had stronger folks that I directly reported to. My father and my grandmother and others was that helped me a lot. But I remember those conversations in her house, you know, my uncles would come home and talk a lot about, “There's no future in that drunk,” you know, “There's no future in these practices...” So you know, you get a job, get an education, not necessarily in that order but you just figure out how to take care of yourself. And you know, there were other people in my life that were, you know, “Hey that is probably not the way to go.” But... and fortunately, in the '70s I was both blessed and cursed at the same time with the timeframe I grew up in - but I never noticed, really until I thought back on it. Some of the problems around my time but I think that to hear your uncles and everyone talk about... and that's what they did, they moved to the cities, they worked ironwork, they traveled and did construction. They did whatever they could.

And I look back on that about the enormous racism that was out there for them, and they did what they had to do. So, culture became secondary to everything else and really not thought of. I remember in the '70s [00:58:28.08] alcoholism was very visible here in the community. It was beside the road, it was in driveways, it was everywhere. And so the – when you look back on it, the hopelessness and despair that was here, while I didn't experience in my home because I had – even though we didn't really have anything – but people in my life didn't make it visible for me. So, it was, like I said an extremely great upbringing I had but I remember all those lessons of a lot of people in my life. But when it came to my immediate family, there was a real sense of the culture had been obliterated at that point really. The good news was that you

had the American Indian Movement, you had a whole host of things taking place at that time. A lot of people were participating that and making sure it never got lost. And today, we're excelling in the revitalization, we're excelling in ceremonial practices, we're excelling in medicinal ... food growing ... all of those things that are extremely important, again, to successful communities. So again, for me, as I got to around 1980 hearing all these lessons, seeing, very visibly, the alcoholism. And again, I think that was rooted in hopelessness and -

CB: Despair.

KF: Self esteem. Hopeless about things. As we get by 1980, I'm getting ready to start middle school and had nuns until the 7th grade and went over to the public school system and played a lot of athletics and had a lot of great friends across the bridge. But I remember those conversations, because we're very close to the Land Claims, "Why are my parents paying your taxes? Can't you guys get jobs on our own?" You know, at the time, our young people were extremely resilient. So, whatever it is, you just blow it off and just keep moving on. But how I looked really exposed me to a lot of openness around conversations. You know, a lot of kids were much darker than me or clearly what they were. People would be more subtle with those conversations.

So when we talk about this I tell people I think I was more exposed to it because people just felt more comfortable. I don't know what it was, but anyways... So I would hear all of those things. But I would, for example, I went to pick up a girl to go to the Junior prom and her parents wouldn't let her go with me. They thought I was from French Island they said when we go from Indian Island, we'll bring her, and that kind of stuff and so - which by the way my mom was not happy! (*Laughing*) But, so you know, I remember being really confused but you just go on and it is what it is. And then so - I remember being a lot of things at the University and hearing people ask why we don't get jobs and (*conversation, lots of ambient noise, interview interrupted*)

CB: I love it; it's so great. So you were at Junior prom.

KF: Oh yes. So I experienced some of those things, when you look back on it. Would I say I was brutally exposed to racism? No. I mean I would... but I would hear those things, and hear people talk. And you knew. When I reflect back on it now, you know, "My parents are paying your taxes, you guys need to get off the reservation and find jobs, you guys"... those weren't conversations originating from kids, right? And there were dozens and dozens of homes in the area having these conversations. I'd have to meet my friends at the end of the bridge, you know. A lot of those different things because of perception of - it wasn't safe here... and all those things. Which, I never experienced that. So, for me it was just the lessons that I got taught from my family. You know? We got cheated a lot in terms of language and songs and all those things for a long time and so even though I never left here for 30 years, I mean the first 30 years of my life. So now I feel like in my role as chief I'm really blessed in my opportunity to give back to that.

You know, we've got our language on iTunes and we've got all kinds of great learning tools and we're doing a lot of different thing. And I can participate in that now. I feel like that has really changed my life over the last eight years. So, I feel like I'm a better father, I've exposed



my daughters and sons to things that are truly important and helped them in life. So for me I think for me in the '70s and '80s, you know, I look back and I can see the effects of boarding schools and bad policy in the overall sense that that gave the community, but also in the people in my life, people that I looked up to. So, it was a message that we don't ever want being taught to kids again, that there's no future here. I think that is what we work hard to do but ... I don't really have a lot of stories that I feel like have emotionally scarred me but I think that I had a lot of hard life lessons about what is important.

And I know that because I have been taught both ways. And I know that for me when you're connected it's one thing to live here but another things to be truly connected with what it is like to be Penobscot. And when you find that I think that it is life changing and it is something that has made me - I always tell people it took me 38 years to grow up and I think that it was - I think that's true. I think things that were important to me 10-15 years ago are just not relevant to me anymore. And what's important to me are family, community and that world. So I - so we just work hard to be good people and be connected to those issues. So I think I can be a living example of what it is like to experience both of those things - the effects of that but also the effects of what it can be like when you're exposed to the proper kind of educational tools that a tribal person should be. And so, yeah.

I think having my grandfather at Carlisle had a significant effect of my family and I think that today we're blessed to have family so big and by and large doing fairly well and that culture has become extremely important again. And that's important. And even my own father, you know, who is in his 60s now, and he worked hard his whole life. He had a business when we were young so economically we weren't as challenged as some but he never talked about culture. And he talks about it regularly now. Those experiences were there because he grew up in the late '40s and '50s. You know, those cultural experiences were there but he just didn't talk about it. And now, it's amazing. We'll be at camp and discussing this tribal stuff and just the overwhelming connection he has to a lot of things that I never realized. So, for some people it was much more... it was much deeper than that. You know you talk [01:07:52.26] about physical abuse and sexual abuse and a whole host of other issues that I certainly didn't have in my life but all of our people haven't been blessed to have the strength in their lives that I've had. So, it's - yeah. Just the effect that it's had on me and my life, it really seemed important to me to support this effort. Make sure that we're doing all we can to support it and also work with our cultural department to understand that we gotta elevate the game in terms of getting people connected. One of the things I'm learning through the language classes and other things is just how significant language is in terms of... it has very little to do with communicating and really has a lot more to do with understanding the perspective of Indian people, specifically Penobscot here... by how the communicated and how they saw the world. Through things like place names and just a whole host of ... its a constant educational experience there. And that can be extremely helpful in combating the devastating effects of what has taken place.

CB: Kirk, absolutely beautiful. Very moving. I feel very honored to have heard your words today.

KF: Well, like I said, I love participating in it. I talk to Esther and others regularly and I just think that you guys are on the right track in terms of understanding the entire record approach and making sure anything we do with trauma, there's a support system there. And so, you know, I will say, you know, that the effects of this TRC has been wide and broad. Because to have nine full grown men sit in your office about sexual assault and talking about wanting to discuss this, wanting to publicly deal with it – people that I've known my whole life that I didn't think would discuss it. Didn't know, first of all, and never would have thought discussed it. And to see them breaking down, talking about these issues that they've had with them for 35-40 years is really... gratifying to see them getting over that stuff. Maybe not getting over but starting to cure themselves a little bit. So those are conversations. I mean if you even said anything about the church here when I was growing up! I mean, that was a no-no.

CB: We're making outreach to the Catholic bishop. We have two avenues that we're trying to use. Both through the episcopal bishop and then somebody else that has a lot of influence with the new bishop. The request is going to be to him to inform him about the TRC and then get the names of clergy who were involved in Maine from 1978 on. To see if we can actually speak with them about their experiences and if they have stories that they would like to share. I don't know where we're going to go with that but we're going to document that attempt and document every moment of follow-up to that attempt. We've had a lot of closed doors, but we're trying. And if any of the people that you know would like to participate in our process in a protected, safe way that can support them, we are more than open to that as well. And at some point this spring I'm going to be knocking on your door again, to come talk to you and your council, if you don't mind. To present our recommendations, to get more feedback from you to have a more formal engagement with your entire leadership team so that you are well aware of where we're heading. [01:12:13.27]

And I would also like to say that we, the TRC is not on a track – we are a vehicle for Wabanaki people. We are empowered by people in order to take on this work and we are advancing it where we can but it is really for – it is because of Wabanaki people that we're here and it is for Wabanaki people that we're here. And just to really clarify that, I feel like we're really – I'm really trying to keep this in service for the potential of truth, healing, and change. And also for the non-Native people who have been affected who really carry a lot of burden as well. We've really learned that. People who are foster parents who felt they weren't doing right by their kids, that they had people who tried to adopt kids and it really didn't work out well – they've carried burden as well, they're had the chance to share that too. I'm not comparing pain – it's not my job. I'm just listening to what people have been through. I just get the sense that that the sharing of these stories is advancing the beginning of the acknowledgement that is needed for people to be able to get to a greater degree of reconciliation with one another, between Native and non-Native communities, within community itself, within family itself. So. A slow process. Not making great claims but every step counts. And as a place to move forward inside a strength-based, resiliency-based focus.

KF: And I think that timing is really good. We're seeing a lot of really good partnerships out there with the non-Native community. Whether it's environmental issues or other things. And I



think public opinion is really changing how we approach our tribal partners in terms of making sure that Maine's heritage highlights the place of the Wabanaki people that we have. East of the Mississippi there's no more Indian territory than there is in Maine. So, it's extremely important that we figure out a way to get over our differences and find a way to coexist successfully. 'Cause there are solutions here to broader issues and hopefully we can figure out a way to get over our infantile fights, a lot of times. I think by and large when you see people like Esther and others working with Maine State DHS people, they work great together. When you see people on the ground, our game wardens and state game wardens, they work fine together. When you have fisheries people and water quality people and all of the people that partner, they do fine. It's just as you get up the food chain, things just get a more complicated.

CB: Well, let's model good relations. We're trying. Step by step, piece-by-piece, mistake by mistake. That's how we learn...

KF: Well, the mere fact that you could get the State Governor to sign this thing and admit there was a problem... pretty historical. You know, because I serve on the Executive committee for the United Southeastern Tribes and we talk about this. Esther's been to the conferences and people just come up to me and say, "How'd you get this done? We can't even get our folks to talk about foster care, let alone have these kinds of partnerships and really have the difficult conversations." And I think that's a credit to all the people. I mean –

CB: It's been a privilege to be involved, I'll tell you that. I've learned a lot more than I've given. I know that, I really know that. Thank you so much for your time. [01:16:13.20] I'm going to – hold on one second, I'm going to officially stop this –

[END OF RECORDING]