



General Information

Private or Public Statement? - Private

Statement Provider: Barbara Kates

Date: October 15, 2014

Location: Caribou, Maine

Previous Statement? No

Statement Gatherer: Rachel George

Support Person: N/A

Additional Individuals Present: gkisedtanamoogk

Recording Format: Audio

Length of Recording: 01:43:30

Recording

RG: Alright, it is October 15, 2014, we're here in Caribou, Maine. My name is Rachel George and we're here today with—

BK: Barbara Kates.

G: And commissioner gkisedtanamoogk.

RG: Fantastic. The file number is ME 201410-00107. Barbara, have you been informed, understood, and signed the consent form?

BK: Yes.

RG: Great. And I have to let you know that if at any point during this interview you indicate that there is a child or an elder currently in need of protection or that there is imminent risk of serious bodily harm or death to an identifiable person or group, including yourself, that that information may not be protected as confidential. Do you understand?

BK: Yes.

RG: Okay. Do you have any questions before we start?

RG: Can you tell me a little bit about your experience- your work experience as someone who's provided services to children and families in Maine? *[00:00:56.21]*

BK: Yes. In- for about two years, 1983 nope, 1984 to 1986, I worked in a group home in Bangor with adolescents. And beginning in 1986 I worked for- as a liaison director for the Maine Foster Parent Association. I worked there until 1995. And then in 1997 I worked for- began working for Families and Children Together, and assisted them in program development in their treatment foster care program for two years. And then I began working in developing the program that would in time become the Maine Kids-Kin program, which provides services to grandparents, aunts and uncles who are raising their grandchildren, nieces and nephews mostly who are raising them outside of the foster- they weren't foster parents, the kids weren't in the custody of the state. They were in their parents' custody or in the relative's custody. And I did that until 2011. *[00:02:15.03]*

RG: Through your time in that variety of experiences, did you have many cases where you worked with Wabanaki children and families?

BK: No, I had some. Not many.

RG: Can you tell me about those in particular?

BK: Yeah. When I worked as a- with the Foster Parent's Association, we had- I don't recall any Wabanaki foster parents who I worked with. But I worked with non-Wabanaki foster parents who had Wabanaki children in their homes. And -and gave the information about how to find out more about the Indian Child Welfare Act and their roles in that. As well as in our training programs for foster parents, we provided training on that at our annual conferences some. So that was mostly what was there. And in working with the kinship families, I had one that I re- I mean there were probably more and I didn't know were Native American, but there was one who talked with me about that, and who was raising her grandson. And there were- no there was one- one...yeah I can think of four during that time as well as I also worked with non-Native people who had their Wabanaki grandchildren living with them. So...

RG: Can you tell me a little bit about the training that was offered to foster parents?

BK: Yeah. We usually- I think that we usually had someone from the Penobscots come and do that. I know John Silvernail gave it one time. I think we had someone else another time, and someone else another time. It was kind of like who was available to do that. We offered it at the conferences more than we actually had it. 'Cause it wasn't enough interest to make it worth a person making the trip to present it. It was really to a small population who choose that. It's usually offering a selection as a- at a conference so there'd be a selection of stuff, and people wouldn't choose that as much. So it wasn't as much. We had information in our office that I think again we'd gotten from the Penobscots to be able to provide to the foster parents should it come up in conversation.



Probably the most striking experience that I had that's the one that sits in my head around ICWA was I think it was around 1990, 1991. And part of my work was going around the state and talking to the foster parent groups and hearing what their concerns were. Because it was a membership foster parent organization. So I worked for the foster parents. So part of my work was to understand what it was they wanted me to do. And were we meeting their needs as an organization, that kind of thing. So I went to meet with a group of foster parents in Houlton. And early in the meeting one of the foster parents turned to the other foster parents in the room, and she said are you guys getting lots of calls from Indian kids. And the other foster parent said, "No, I'm not getting it." She said, "I am, and they know I'm full. And they keep calling me to place Indian kids." And she said, "I don't get it why they keep calling me." She said, "I'm not getting calls." So it wasn't really the focus of the conversation. We went on with whatever it was that we were talking about, and later on in the meeting we're on to other things and had been talking, and this woman talking about something totally different happens to mention that her husband is a member of one of the Western tribes. And it was like in my head at the time it was like ding ding ding ding.

And I'm thinking you know so.... they're calling her because they want to be able to check off that they tried to find a Native placement. And yeah they know that she's full and that she's going to say no, but they can check off that they tried to find a Native placement, and she has no idea. She wasn't talking about her husband being from a Native tribe because of ICWA. She had no idea. So it was bugging me, and I asked her if she would stay late a couple minutes. I just had something to ask her. And so I said to her, "Has anyone talked to you about ICWA and about your responsibilities around Native kids?" She said, "What's ICWA?" And I said, "So you don't know what it's about?" And I said- well, I started to talk to her about what was going on and what I thought was because- and she said I don't want to do anything with this. She was really clear. She said I get along great with the department. I was just curious as to why they keep making these placements, and you may or may not be right, but I don't want to do anything with it.

For the organization I worked for, that would be the end of my role. I worked for the foster parents and the foster parents don't want to go forward, you know, it doesn't go forward. But it bothered me. So I had my roots mainly in central office. I couldn't do anything locally because they'd be able to figure out who she was. I couldn't ask the local staff without them knowing who she was. What was going on or say anything about this. But I went to central office and asked them. And I tried to remember who specifically I spoke to there and I don't remember. There were people I generally talked to there, but I don't remember if they were the ones that I spoke to about this. But I told them what happened and said, "I'm not going to go forward with this because the foster parent doesn't want to, but you guys need to know this is what's going on." They said, "Yeah, well there's not much we can do about it cause we don't have Native homes. And we've got this law, and we're stuck." I mean that was the basic message back. And it's striking to me because I talk to hundreds of foster parents over those nine years, and there's

some stories that stick in my head. And that's one of them. So it reflects how much it bothered me. I didn't know what else to do with it at the time. So...

RG: When did you first learn about the Indian Child Welfare Act?

BK: I learned about it in the early '80s because my husband's an attorney and worked for Pine Tree Legal, and he... he was aware of it. So when I began working- when I was working at the group home, he already began talking to me about it, and the change it was making.

RG: Did you ever receive any training surrounding ICWA?

BK: I did attend one of the ones that we offer through the Foster Parent Association that I organized. And before that had done some reading about it.

RG: Can you describe a situation or situations in which you or your agency or staff felt very positive about your work with the Wabanaki child or family?

BK: Yeah (*laughing*). There were a couple of different situations. There was one...Wabanaki grandmother who I worked with who's in the Southern part of the state, and she was able to get custody of her grandchild away from the state into her. And she had to work really hard for that, and I was one of several agencies- several support people for her then to do that. Kind of people she'd go back to and say, "They said this, I said that, they said this, I said that." And that was the way that it most the work-when we really developed the kinship program I had the freedom to develop that program to what I thought was good services. It was all about people helping people figure out what they needed and how we can help them get that to happen. And they take the lead in their cases, and we're there providing support for them to determine how things are going to go and stuff.

And so I felt that that was really useful role for us. There was another woman I worked with who was non-Native. Her grandson's Passamaquoddy. She lived near Passamaquoddy community, and the Passamaquoddys decided to have her have the child during the week, and the child would go to his Passamaquoddy grandparent on most weekends. And she...really had to work through that whole experience for her as well as how it played out to her family, and how to develop a relationship cross-culturally and recognizing that's what she was doing in terms of the relationship with the other grandparent. And she worked really hard in that. And again being someone that she could bounce that off of, it felt like a really good thing. And hopefully they're still doing that years later. They'd be a teenager or older by now. So that was another good one. And then I worked that program- the way that we worked was that if people already had a connection with an agency, they didn't have to connect with us to deal with a whole new set of strangers. We were happy to provide that organization with as much information and resources we could so the family didn't have to keep going places. We regularly- regularly not the right word- probably several times over the years, we offered that to the tribal social services organizations. And...and made sure people put us up online and made sure people had it if they thought it was useful.

And at one point, Betsy Tannian invited us to come up and speak in the Maliseet community. It was the only time we were invited to speak in a community. And when we got there she had a-



she had really done a good job about outreach. There were quite a few grandparents there, but there was several of them who were pretty angry about us being there or about what had happened to them when we were available. Probably a combination of the two. Who took up a lot of energy of the room and the time. But there were like three families who were- when that was all done afterwards came and talked to us and we were able to provide service. And the main thing we provided was that some of what was happening in their family would have happened in any family, and they didn't have from their experience to know whether it was just a tribal experience or whether this had to do with kinship care. Very- there are some families where- in kinship care where everyone agrees. But they're unusual. More typically there's real differences in the family about whether these- this person should be taking care of this kid or not, and who's working with the department. And that's a real contentious issue in families generally. So I think that's the main- we told 'em about some resources and stuff, but I think the main thing we brought to them was kind of normalizing kind of the tensions that they had. Obviously were more intense than in other- than might be in other families, but that's part of the process of kinship care is dealing with- everyone's got an opinion in the family (*laughing*). And that seemed really helpful to them at the time to know that they weren't alone in that experience, and that there were resources and stuff to read and think about like that. I guess those would be the things that I'd think of. I think that's it.

RG: Can you tell me a little bit more about when you spoke with the Maliseet community?

BK: Yeah I went with Sue Burgess who was our clinical director at the time. And...I think we went up and spoke to some non-Native communities up in the county as well. Yeah, we did that first and then we went our way back through. And I think that Betsy and I had some miscommunication where you know, I thought it had been cancelled cause I hadn't heard from her in while, and I said, "Do you want to cancel this?" And then she was upset and worked really hard to set it up and thought I was cancelling (*laughing*), and so there was some tension there to begin with. I felt badly about that, and we recognized that we were two middle aged white ladies coming in to a commun-

BEGIN SECOND AUDIO FILE

RG: Alright. The file number is ME 201410-00107. Barbara, I'd asked if you could tell me a little bit more about the time when you came up to speak with the Maliseet community.

BK: So I came up with Sue Burgess who is our clinical director. She and I often did programs together. We talked to groups of grandparents who were raising their grandchildren. There were also aunts and uncles and sisters and brothers and others. But so many of them are grandparents, we tended to talk about grandparents with their grandchildren. And when we came into the community, we realized before we came that we were white and coming from a

different system. We weren't fully aware of what we were walking into. I'm trying to think about when it was. It was probably around 2005 maybe. It might have been more like 2008. I don't remember. But we were unprepared by the whole level of anger. There were some people who were actually raising relatives' kids- or kinship parents. But there were also people who were just grandparents. It had been advertised welcoming grandparents. So there were quite a few people that were grandparents who had had grandchildren who were in the foster care system. And they wanted very strongly to tell us that we didn't know what the experience was. That we had no ability to know that, and therefore shouldn't be presenting ourselves as people who knew something about that experience.

And it was a few people who were really loud. And it was hard for me to know whether they were representing the larger group or whether they were a few people and other people wanted other things. So we acknowledged that there was a lot that we didn't know, and that part of it was that they made things to teach us and we were open to hearing about it or they may not want to talk to us and that's fine too. And...so- but mostly we tried to listen to that. And then at one point Sue said, "Let's not lose sight of what we all have in common, and maybe that can be a place to start conversations is that we all know kids that we love and care for, and we can have conversations about how to take care of kids we love and want to care for." And that seemed to settle things down so that the people who had been really upset left. And the people- other people were able to ask other kinds of questions and sort things out. So it kind of settled down. I remember it ended pretty soon after that. But the people who really wanted something from us stayed and talked with us at length afterwards in a smaller like conversations with each of us. So we weren't sure how useful we had been. Mostly those people who had followed up with us who had wanted- we were useful to you know followed up and checked in with us, and we were on the phone with them and stuff afterwards. But you know we hoped that maybe having an opportunity for the community to hear each other's concerns may have been helpful, but there may have been other times too. So *[inaudible]*. So, yeah.

RG: Could you describe a time in which you or your agency or staff felt less positive about your work with the Wabanaki child and family?

BK: I would say that- I mean...when I worked in the foster care- in- for the Foster Parent Association, some of the issues like other people who we've talked to in this Maine community organizer existed for non-Wabanaki families as well, but in a different way. It's not the same, but some similarities. And in the '80s and the early '90s, so when I was with the Foster Parent Association. I don't have a background in social work. I didn't have training. I started doing this work and learned on the job, and so...there was a expectation that when non-Native foster parents - and that's who I knew were non-Native foster parents- took a Wabanaki child, that the requirements for ICWA were basically the expectation was to take them to a Powwow sometimes if there was one close by and they could do that and have some books in the house. That was called good practice. And I was really uncomfortable with that, and it just was one of many things in the foster care system that made no sense to me. That it was almost like we're going to say, "This is good 'cause we're not going to do anything else." And so we're going to say this is a good thing to do. And the foster parents that I knew were working hard to try to take good care of kids that were really troublesome because they were unhappy kids. So it wasn't...my role per se to tell them they should be doing something different. I didn't know what else they could do. Another thing that was very uncomfortable, it felt like for us offering

ICWA training sometimes when we could get people to go there also wasn't changing that.

RG: Thinking back on that experience in particular, what do you wish had been different?

BK: I wish that we had had the understanding of what the larger picture was of what was going on. And then if we had that we could have of had a discussion about what was our role here. Which may have included becoming advocates in different way- as a membership organization we could have had that conversation, but we didn't. We just accepted it as it was.

RG: Did you have any relationship with the tribe in that experience?

BK: No. Except for asking people to come and do ICWA. And I remember asking peop- when people did as me what else we could do, and that's when we got our materials and stuff. So it was just kind of accepted that's what we would do. And the department didn't expect anything else. Folks who were talking to the tribe who were willing to come and give trainings didn't suggest anything else. But on a gut level we knew that wasn't true. I knew it from my own culture. But that's part of- and for me it was part of a larger issue. It wasn't just about Native American kids. There were so few in the number of families I worked with. They weren't my primary focus. For me it was, you have...the whole foster system pretends that things are okay that just aren't okay. All the time. So you take kids out of their culture or out of their world, out of their families, and that's not okay to do. And so *[inaudible]* was part of larger issue that they lied to me at one point to leave *[inaudible]* foster care. I no longer want to be part of that.

RG: What would you like to see happen in those cases where you don't feel like the system is doing enough?

BK: I think that what needs to happen is that we need to support families to do what it is they want to do, which is take care of their kids well. And we have to be asking the families, "How do we do that?" And if they don't know, then we give them support so they can figure it out.

RG: What kind of supports do you mean?

BK: Sometimes the- I mean I don't know for Native peoples 'cause it's a different culture so for that in terms of for Native American families, I don't feel in a- I could say generally when I work with families and help them do that has been being a listening board for them, and say you know here's what I'm hearing. Does that make sense? Am I off or am I getting it? And as they help me get it, they're helping themselves figure out what it is as well, and beginning to make some commitments in that process. And it's such a simple easy thing to do that for the most part systems don't want to support it (*laughing*). They want something more complicated like therapy or something. It's really...I think that that can be huge. And I think communities can do this as well, and they can sit down together and do this as individuals and then as

families in these communities to figure that out. And I- in terms of foster care system, the indigenous people in New Zealand developed a system that worked for them and other folks have that...there's a lot that can be learned from other cultures, but part of it's figuring out what's going to work in this one. So the family team meetings the department has it's like- (*sighs*) what the departments comfortable is a variation of some of that stuff that works better in other places.

RG: As you think back over your experience as a service provider and your variety of experiences, were you provided with any instructions or training regarding special responsibilities in working with Native American children and families?

BK: No.

RG: Did the placing agency- so did DHHS encourage you or help link you to services and resources that would help you in your work?

BK: No. There were just the ones that I found myself.

RG: Did you experience any challenges in caring for or in your work- working with children who are Native American that fall under ICWA?

BK: I think more to what I said earlier which is not knowing what would be the good thing to do.

RG: Did you have any contact with aside- well no let me go back? Did you have any contact with tribal child welfare staff?

BK: Uh-huh. Yeah we had- when I worked with Foster Parent Association, they said they'd contact with the Penobscots 'cause they were willing to provide training of foster parents. We may have had some with the Passamaquoddys. I can't remember specifically, but it was a long time ago. And then when I worked with Kinship care, I was part of committee that developed the subsidized guardianship program. And so Passamaquoddy staff who were on that committee as well, as well as, I think that Betsy was on that as well too. I think that's how I made the connections with them. And then as I said we would let people know- staff know at intervals, reminded that we were around and available if they wanted help.

RG: What were the strengths of those contacts? And then following that, what were the challenges?

BK: I think the strengths of the contacts was being able to let folks know (*laughs*) that- I mean I was working in kinship care at that time, and the reason why we were able to be having those conversations about kinship care at that point was because of ICWA. And I knew that. And I was able to tell people (*laughing*). So I really was able to tell people, "You know you're in the leadership role here," and I also asked people for feedback and stuff. So it felt good to shift things a little bit. The challenges were that there wasn't a lot of contact and I didn't know if there was something more that I could be doing. Didn't want to push people and say, "Don't



you want to talk to me?" 'Cause I'm *[inaudible while laughing]* be there if there was something more we could do. So that was the challenges.

RG: Were there any ways that DHHS provided support in your work for- or supporting your work with Native American children?

BK: They were the funders for both the programs, key funders for both the programs I worked for. We had contracts with them. They knew that was a small piece of what we were doing. So they gave the funding, and that we were going to provide for all the kids who were in our care or might be coming into our care as a case with kinship care. But I don't remember them asking specifically that we reach out. But they may have. Maybe, I don't remember. But did they reach out around ICWA or not.

RG: What state child welfare policies, practices, and events influenced your work with Wabanaki children and families?

BK: *(Sighs)* I don't know. I don't think there- nothing's coming to mind.

RG: That's okay. And...how did state child welfare policies, practices change during your work with Wabanaki children and families?

BK: I don't know that it affected my work directly. I certainly saw, like in a subsidized guardianship program the tribes were invited specifically to participate in that is different than what was happening. So I saw that change happening.

RG: Over the course of your work, what did you see as barriers to the successful implementation of ICWA?

BK: Oh well *(laughing)*. I think a lot of people didn't know about it. I think that early on once people did know about it, it was a checklist of many things that had to be checked off. I think that- you want things from the department that are barriers for?

RG: Any barriers you saw.

BK: Oh any barriers from anywhere? I think that there's a lot of not understanding in the non-Native communities about Native Americans as a culture, as a- as sovereign nations, as individuals affected by history. So that was a barrier. I think that there was a general viewpoint that for things that aren't going in the direction of where the department sees they need to go to, that they're problematic and need to be managed. And so it's been a bit- that viewpoint is a barrier. And so it's been a- that makes it challenging for the department to do collaborative work, and so this is part of why it's been slow to move forward collaborating with the tribes. I

think that diminishing...in the foster care system my experience people tend to- difficulties children are experiencing and expressing, people tend to blame what happened before they came into foster care for that, and not the process of coming into foster care. And so that's a barrier too 'cause people don't understand the cost to the kids. That's the ones that come to me at this moment (*laughing*).

RG: Do you think ICWA does enough to protect the rights of Native American Children and Native American tribes?

BK: I don't know. I don't know what's- I don't know if more needs to be done in terms of law, but I also know the laws on their own can do a lot of instigating change, but they can't make the overall change happen. So I don't know. Sorry.

RG: That's okay. How could state child welfare improve in terms of ICWA compliance?

BK: This kind of overlaps into my community organizing 'cause a lot of change has happened that I was unaware of in the world that I was working in. I think there needs to be a lot of work with...ask the question again?

RG: How could state child welfare improve in terms of ICWA compliance?

BK: I think there needs to be a lot of work done around...for dominant culture understanding that doesn't have all the answers. And what seems like right may not have a readiness to question moving in your head. I think that would greatly improve the child welfare system overall, and just as ICWA improved the child welfare overall, if we begin here, that'll happen their way too. But it would be good if we could make it a little different for Wabanaki children and families. As well as in the collaborative work between the tribal and state governments, and I think that the more we can...the more that the state can let go of some control of powers in various ways, that would be useful too in allowing tribal communities to take off.

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

BK: Learn from their families how they could be with them and not involved in ICWA (*laughter*). Back it up. That's what I would do.

RG: Would you like to take a break or do you want to keep going?

BK: I'm okay.

RG: Can you tell me about your role as a community organizer with Maine Wabanaki REACH?

BK: Hold on let me just look at- and see if there's anything else that I know from my experience that I wanted to...before we shift roles. There were two things not related to what you asked me, but that have been in my head. But maybe you're- you can go on to the next part. One of them I think- I think one of the things that I just want to add to this is I'm like-



some of the people I've been talking to as community organizer, a strong value we had in the '80s was treating kids equally. We didn't- I had inklings but didn't really get and I think most people really didn't have inklings. Maybe they did. I don't know. But anyways that that wasn't okay. So...but there were clearly biases that the department had and that I saw in action. And the one that I saw in action most often was around poverty. That people who had less education, who had less knowledge- the problem with having less education in the formal system was that that's where a lot of people learned how to manage systems. Those who were sort of successful in the education system, use that experience of having...to access that system to then approach other systems in their lives. And I really found that for foster parents who I was working with who didn't have that experience, who had less education which was often combined with poverty, had more difficulties in working with the department. And that that was going on. And so I feel like for Wabanaki people, they had double or triple or quadruple or whatever that burden because they were dealing with the race issue, with indigenous people issue, and all the things that had- and what I saw regularly, which was the poverty and less education in the formal system. And so I just wanted to add that piece in. Okay. Now we can shift (*laughing*).

RG: Can you tell me about your experience as a community organizer for Maine Wabanaki REACH?

BK: Sure. So I started in March of 2014, and really as you can tell from my early piece had very little experience involving Wabanaki people. Had- now I've experience around the knowledge of the history, knowledge of race issues and those pieces, but had some. So I was asked- invited to apply for the position because I had experience with the child welfare system, and because I had experience as a community organizer. So it was a steep learning curve (*laughing*), and I'm still climbing up. So...

G: You must be doing some things good.

BK: (*Laughing*) I remember saying the first- at the first couple of weeks- saying to Esther who I had only recently met, "So I'm going to mess up some but I'm counting on you to tell me when I do." And she said, "Oh I will." (*Laughter*) So...that's been pretty amazing. I am incredibly honored and feel incredibly lucky to be in this job. I- there are several times a week that I just go, I can't believe that I'm doing this and have this opportunity to do this. 'Cause it brings together a whole variety of pieces of my life into a moment when I get to be in the front row seat of history in the making. And I can't believe that I get to do this (*laughing*). So spend time on the phone talking to people who work in the child welfare system about our relationship with indigenous people, and are we okay or not. And do they want to talk about it? And I spend time trying to reach people who aren't calling me back. And spend time going and talking to groups of non-Native people. Spend time learning from the other Wabanaki

community organizers and other REACH people about things that I hadn't known and need to think about. And reading stuff online, trying to understand...different viewpoint in the world.

RG: What are some of the major things that you've learned throughout this process?

BK: Um...

RG: What are some of the things that you're learning from your colleagues? Let's start there.

BK: That'd be better. *(Laughing)* I was like, I don't want to get into the personal stuff. Okay. Well what I talked about before I really learned from my colleagues that...this value in the non-Native community to treat people equally is just so strong and it's a very comfortable place for non...white people in particular to be. Even though we know it's not true- it's like those other things in our heart of hearts we know that- I have three kids and I- I guess you could say I treat them equally 'cause I love them all, but I don't treat them the same. They're different. They need different things from me. They have different strengths. They bring different things to me. So I know in my heart of heart that treating people the same isn't okay. But it was just interesting to learn what a value that is...I've been learning about the history of the foster care system in a little bit different way. The adoption assistance act that passed in 1980, came right on the heels of ICWA, was a much bigger deal in the daily lives of most people in the child welfare system. And I think in some ways overshadowed the changes of ICWA for the regular child welfare staff. And it's hard for them to sort those things out. 'Cause they didn't get ICWA from the beginning. I've been learning about that... I've been learning about the tendency of people to...combine their- the work related to Native American people with their work related to other minority groups and not able to distinguish that out. So they'll get the cultural difference somewhat and so talk about that, but not deal with the density of the hist- still avoiding the history that we represent. And I- to each other. I mean we come together. And that's a really hard one to... to deal with in quick conversations. Calls for a more in-depth piece.

RG: What are some things that are coming out of your conversations with people who've worked within the child welfare system in the state of Maine?

BK: People deal with it- I'm really getting a whole range of stuff from people who will respond to me in a very professional way of this is what this, this, and that. And other people for whom this is very personal and a lot of personal pain and all the pieces in between. So I think that some trends of information that I get from folks... is that people feel that the- who work for the department- often feel the department's got a lot of criticism around this. That their- they should get criticism around it. But they also feel like there hasn't been enough help around specific cases. So they feel like they get criticized around specific cases and what they're doing, but that there isn't often enough help around that.

RG: Help coming from where?

BK: Coming from the tribes in terms of being told, "You shouldn't be doing this." "Well what should we do instead?" Given what the resources are and that kind of thing. So there's some pieces around that. There's a trend of people who talk about the collaboration they've done with the tribes, and they're very proud of it and feel like they've worked very hard and they very



much want me to know about that and the work they've done. The changes they've seen. That's like a huge thing for a lot of people is the changes that have happened. It gets different things, but it seems particularly around like- certainly in the last decade and even more so around the last five or six years, and people very much want to talk about that and the work that they've done around that. Some people looking from an earlier time- who've been around for quite a while have some kids that they're holding in their hearts that they're worried about. And some of those tend to be one of two kinds that I've heard. One is a kid who- they ended up living with non-Natives or- and they feel badly about it. They feel like they wonder if there's something more they could have done. Or it was okay with them at the time and then later learned more and felt like they hadn't realized before the losses that were involved in that. So there's that piece and then there's also sometimes the tribe makes a decision- they've been involved earlier on and the tribe took the case- and that they don't feel the tribal decision is keeping a child- that the child's safe. And they're worried about the child. They just worried and wondered again if there was something that they could have done to provide more information that kind of letting go that someone else saw differently, different decision is hard. It's hard because they're really just heartfelt worrying about the kid. I need some notes on what those trends are.

I've heard from...foster-adoptive parents and foster-adoptive- people who work close with foster-adoptive parents of even now the same thing that I saw when I was working in foster care, people feel like they don't have the resources to do the connections in the way that they want to. And I don't know if there's a way that they can really do that well if they're not connecting the kids with families or with mentors or...you know the somebodies of the tribe who are there to help the child do that. Cause you just can't get it from a book and visiting of the Powwows. So they talk about outreach to people and not getting what they were looking for to be able to do more for the kids. It's confusing to them and sometimes they've reached out to Native members of the family, and the Native members have said it's better- a couple of stories of people saying it's better for them not to be connected. It's too hard. You can not connect them and that kind of thing. So it's confusing to people cause they're not sure kind of what they're trying to do. What would success look like? And again, they want to be sure that they're doing enough. And then for the people who don't- I'm hearing from lots of people about- because for people in the department most of them don't deal with ICWA on a routine basis, there's this chat about what do you do when you get an ICWA case. And there's a lot of talk about, "You've gotta find someone, you've gotta look at that piece of paper again," I've heard that like three or four times, you've got to find that piece of paper about ICWA. So getting a sense that it's not routine, people have to be a beginner each time. And then I've heard from some folks who deal with a lot of ICWA cases and the frustration that is. Feeling like [inaudible].

G: On that part is it- I'm really intrigued that you've made that insight because some of the testimony that we've heard so far is in particular coming from former DHS workers that they

think that the state policy of Indian Child Welfare is being met. That in fact ICWA has informed state policy. Which I find a little suspicious because prior to ICWA there was no state policy pertaining to Native American, particularly Wabanaki children. And so did this kind of identifying characteristic kind of in the framework of a former DHS workers that DHS has embraced ICWA. So now I'm rather intrigued that from your perspective that ICWA doesn't even seem to come into the mind of a caseworkers and probably management and supervision until such time that they identify a Native American child. Is that a correct statement?

BK: I gotta sort out my pieces here. So as a community organizer what I'm hearing from folks is for current act practice- so I talk to people from lots of different time periods- for current practice what I'm hearing from folks is that it is routine for them to ask the question of the parents. I don't know exactly what the question is but I assume it's something like around, "Is there a Native American heritage?" or something like that to the parents. That that part is routine. What I hear from people who don't- aren't near the communities. So we're talking about Bangor and south, and...it may (*inaudible*) some folks in Ellsworth...but what I hear in general is that until they get- when they get a yes, it's, "Oh my gosh we gotta find- we gotta make sure we're doing this right." It's not that they don't know ICWA exists, but they're not confident that they're going to do it right cause a lot of them haven't done it before. And I don't know that their supervisors get it that often. When I- one of the first things that people say to me when I call them is, "Why are you calling me?" And I say, "Well, you're the director, you're the supervisor da da da." And they say, "Yeah but I hardly had any cases. I can't even remember one or I can only remember one or two." Or something like that is typically where the conversation goes like, when you asked me I said well I had three four. It wasn't high on our radar to- lots of times I think we're not picking it up but also in terms of the overall number of families we're working with, it's a small number. So that's typically what people say to me. And I had a conversation with a...well this is where the recording and the privacy issue becomes an issue.

RG: Want me to pause it?

BK: Yeah that would be great.

RG: You mentioned something to me about the turnover rate.

BK: I think one of the key things for the department is that it isn't a happy place to work, and they have a turnover rate of the caseworkers- I assume they average about two years there. So it takes two years to be able to do your job well in complicated jobs. All kinds of complicated jobs. My theory. And so, just at a point where you might have someone who can do their job well, they're on average they're gone. No less a lot of people are gone before that. So it's this constant teaching that happens. So people are going to be taught those things they're going to be dealing with most frequently. So that's one issue. The other issue is that the departments historically has been in control of cases. And they're now expanding out and doing more collaborations and stuff. But that's really new in terms of the institution. And so they tend to focus on those things that meet their goals as they see them and other things are to the side. So that's problematic. And then you cou- so that happened even in programs that I was involved in that didn't have anything to do with ICWA or Native Americans that were to the side and getting them to understand and know that that was available to families that they cared about



and that could be used, was constant education. It just amazed me the number of times that they weren't involved or working with it and didn't think that...so that's when anyways- and then you combine that with white people not wanting to think about the history with Native Americans and what we represent in all that. So we want to walk away from that anyways. You have that underlying what exists anyways for this institution and we've got a serious challenge. And you already know that (*laughing*). That's why we're here. It's a serious challenge.

G: Cause the difference is now you know it. That's what makes this forward moving is that more and more people becoming educated. The challenge for you is that you had to self-educate because the kind of training was originally not in existence or quite superficial. And that's one of the things we need to change.

BK: Yeah.

G: Fortunately for us, you had the presence of mind and the openness and the willingness if not determination to self-educate. And I think that most people are not quite there yet.

BK: Yeah, and I had that because of a lot of things in my private life that took me there. But it is unusual I think. And I think that for- in Maine we have more of a challenge than in other parts of the country in some ways because...people have- I once was asked when I worked with foster families and children to gather together this- part of my job was to do diversity training for the foster parents in the agency or to bring that together. And I used to invite other people in the agency. We had a Native American foster parent in the agency. And we had a Franco-American foster parent in the agency. And the three of us would do the training together some. But I remember being up in Washington County for the foster parents there were non-Natives, and they were mostly people who had lived in Washington County all their lives, and I said we're going to talk about culture, and they said, "We don't have any." (*Laughter*) So...it's like. Okay. You know we ended up a good conversation about what are the values that they grew up with and where that comes from. But we never got talking about anyone else.

G: That's a start- 'cause that would kind of segue into...recognizing that there are other cultures there.

BK: Yeah. And you know when I went to talk to a foster parent group in Washington County recently about the TRC, there were only a few people there, and I wondered whether they would pick up on this as I talked about the history. I thought about bringing it up, and I thought, "No I'm an outsider. It's not my place to do that." And then they brought it up and they said, "You know we're really poor up here and a lot of people would think that we shouldn't be raising our kids here. And that our kids would be better off living someplace else with someone else." And I was so impressed that they would make that connection to their own experience.

G: And you're not necessarily talking about Wabanaki. You're talking about-

BK: No these were non-Native people from Washington County who were hearing about what happened to Wabanaki people from Maine and realizing that outsiders from a community and look at their community and do value judgments on how they're raising their children and what they're providing for them. And that that was what was happening to Wabanaki people as well. And they were able to identify with that. They felt vulnerable somewhat themselves to make that connection personally was impressive to me.

RG: Can you tell me a little bit more about some of the other things that are coming up for you in your discussions?

BK: I think those are the ones that I noted to myself generally, but there's probably a lot more in there so keep asking me questions and I'll respond to it. When we talked about the issue- just to add to the issue about with the ICWA case what we could do to for the older people who had been around awhile, they asked about Freda Plumley and Nancy Goddard. Those were the big things that came up. And- and people often say to me I didn't want to find out about ICWA later, which again talked to me about the lack of people getting it more solidly in terms of what ICWA's about. Because what they're saying is, "I didn't want things to get screwed up for this kid cause I missed something later on in the court process." You know, that we would be on to adoption or live longer with the foster parent or something happening and then we find out. They're saying it's better to find out earlier which is good, but it also felt to me like they were missing the other reasons for finding out earlier.

And I think it's hard for people...for them I think that for a lot of non-Natives that when they learn about ICWA, they want to understand it. It still feels like a theory that the kids would be better off as apposed to the non-Native foster parents where they've been so good to them and the kids are really connecting with those people and love them very much. And this idea that they could be taking away from something that seems to be working so well for this other thing that... isn't as there for them. It was this same thing that- I mean not the same thing, but it was similar to what I would get around grandparents raising grandchildren all the time was that same thing that often the grandparents weren't involved initially so the kids had been living in foster care and they'd already be attached to the foster parents. And people would say, "Really you're going to take them away from these good foster parents in order to live with these grandparents?" And I was like, "Yeah. (*Laughing*) That's what we need to do." But it was really hard because the child welfare system has invested a lot around attachment. And so we would have to do this process with them and do you believe the kids can be the kids can be successfully adopted. And they go, "Yeah." And I said well you believe kids can be attached and they can leave here and in the long run this will be better cause this is their family. This is their family, family. And yeah. And I think that for people who haven't had the experience- for older- a lot of older staff, they get that better- or they can because they can- they've seen kids when they're fifteen, sixteen who were in the best foster homes, the best adoptive homes that we could find for them, and left to go find their families. They need to do that.

G: It's something that prior testimonies have talked exactly about that. What statement was that they had experienced so much love coming from their foster adoptive parents, I think but it



never addressed the emptiness that they felt. The obvious differences that they felt. And they had nowhere to go to relieve that. And it really weighted heavily on them. So even- even the best scenarios, it's really not enough. And I think for most part- and it was something I was going to ask you later, but for the most part when you talk about training, there's some- what I would think would be helpful and I was kind of looking for your opinion on this again, but one of those key elements about training is to make those links. 'Cause we're talking about historical trauma and multi-generational trauma. One generation after another and it doesn't seem like it changes. And sometimes it seems like it gets worse. Even in the face of the UN Declaration on the Rights of Indigenous People, you see even governments on the national level resisting that. That there seems to be something in the psyche- and I think you kind of maybe indicated a little bit with DHS- is somewhat resistant to sharing jurisdiction to opening up everything. This is their control. This is where they get their money from. It's almost like Indians become an industry. Some kind of an economic venture within- rather than see the... the human side of all this.

BK: I don't think- I think money drives how programs get developed. I haven't seen it driving how individuals around a particular kid, decisions get made. I think that the place where the humanness gets lost- this isn't from this- this is from my own experience the other part of my thing... is that they're making- the history, the child welfare is making decisions that don't fit the heart to begin with. Taking kids from their parents doesn't fit to begin with, and so there's some cases we say, "Yeah I know but it doesn't fit and it's the right thing to do and I know I need to do it." And so you've got some, and that, "I really don't need to do it here, and it may happen that the situation I want for this kid but it doesn't matter. This is their family." They've got some that are in the black and the white, but boy we live in the grey most of the time. And so people have to make things into black and white in order to do- it doesn't make sense in a heart place.

G: Absolutely.

BK: And that's what I see happening. The individual decisions. And so, "I need black and white so I'm going to tell myself that the Native Americans who I know that under there there's all this history and stuff. I might know some things about that. That doesn't matter. I treat all kids the same because I care about them all the same. And now it's black and white where I'm comfortable with and that's where I'm going to stay." And I think that that's the resistance from my experience.

G: And I believe you're absolutely right. It's the nature of the institution. We have this mandate to fulfill. We have an ideological framework of the best interest of the child kind of thing. So this is what we're pursuing. Everything that- we can't be distracted by emotions, by outrage, by conflict. We're coming in there with the force of the police to do our job kind of thing- reminds me- and maybe this is an unfair metaphor or equation in this, but it reminds me of the good

soldier. I'm sent here to do this job. I'm going to do this, and I'm trained not to think about the human trauma, the consequences of this. But as they engage in that, now they're ex-soldiers and it plagues them for the rest of their lives. And in fact it's almost a known reality for soldiers coming out of a war situation. There's nothing to- to debrief them. There's no services for them. "You've done your job. Go be a US citizen again." And you think of the amount of homeless people that are- these are Vietnam veterans. Haven't been able to-

BK: And past foster children (*laughing*). Yeah. When we- in terms of the trainings- when we first began to do the work around kinship care and I got the opportunity to start this program and was able to start hiring staff- we needed a bunch of part-time staff. Not a lot of money a lot of part-time staff who would all work in the foster care system and really wanted to see change and really wanted to support grandparents to raise their grandchildren instead of the kids going into foster care, all those things- they were the people who wanted to do it, and when we first started that program, we were so excited about starting it and we didn't know what we were doing, and we were creating this new thing, and we were trying to figure it out and blah blah blah. And we would have these staff meeting, and after about six months, people came to staff meetings incredibly grumpy. I mean just- I was like- "Jeez, we had so much fun and now it's not. What am I going to do with these people?" I was the director. And when we started talking, it turned out they began thinking about all the kids who they had some role in keeping from their grandparents and their aunts and uncles. And they were grieving. And they were thinking about mistakes they had made through ignorance.

And we had to go through grieving process of knowing that kids had suffered for our lack of knowledge as the adults in their world. And it... and I- when we did that, and I thought, "Oh my gosh, in order to change the department everyone's going to have to go through this, and (*laughing*) they've got this new staff coming all the time." And to some extent that happened. But mostly it probably didn't. And so I think about that experience and then I think about this experience. That's a piece of the process, that the more that people can do that and then they can do some of that grieving, which is what people start doing with me on the phone sometimes. You know and I have a case- I've had a caseworker on the phone who says to me I still think about that child from... two years ago, five years ago, ten years ago. And did I- now that I know more about ICWA, know more about the history, did I do right by that kid? To me that's like, so heartfelt. I'm so glad I had that conversation and am hopeful that this is helpful to everything. Because that's- that's the work that brings ICWA out of the theory out of the- not- and into what we do. That we think about those kids that we didn't have it for.

G: Yeah. Absolutely.

BK: I had one person say to me, "I should have known better. And I didn't. Why wouldn't I know better? Why didn't I know?" Those are really moving moments.

G: And I can come back with all kinds of answers to that cause you know I think deep down inside we do know better. But we're expected- we have this expectancy of the agency. This is- this is- we're being objective, we're being professional all those kinds of scripts that keeps us from that kind of thing. And that would be my first response with that is... the desire to approach this as a human being to another human being is kind of edged out of our vocabulary in exchange for this because we have to get the job done kind of thing. And that in itself... I-



considering the best practice modality, framework. Sometimes in our communities we talk about what's the best practice. And maybe as we're thinking about recommendations kind of thing is how do we- how do we put it in a succinct poignant manner about reformatting or re-establishing our humanity as a process of this. Otherwise what we're dealing with here is the aftermath- aftermath of how the Germans are dealing with the Holocaust. Generation after generation, what are the healing. A lot of self-healing kind of thing. And that's one of the lessons of genocide. How do we deal with this? Same with South Africa and Rwanda and so many other places that there is a- a- a real consequences in the absence of our humanity. That's why it's really important. I feel I'm taking far too much time (*laughing*).

While we're on the subject of just your opinion and I won't deliberate too much. So in the training... this seems to be the response that most of the statement givers have provided. That there's not enough training. Training is very limited. We're talking about DHS personnel. And you know the kind of employees that in their opinion I wonder if this would also be suitable in their training. And that is to be aware of the genocide law. That that's part of that. To be aware of the treaties that the Wabanaki have engaged in Canada, the United States, and England and France. Particularly because this sets what the relationship should have been all this time. So we're no longer talking about treating everybody the same kind of thing. 'Cause now we have this treaty. And how do we maintain that understanding about we're dealing with another nation kind of thing. Another culture in that framework. If things would have been different, we wouldn't be here talking about this. I think a real important... history about Maine and Wabanaki and in a much broader sense the United States and Wabanaki is that element of a missing piece. "We don't know what the Indians are so upset with. We've treated them well all this time." Completely gloss over understanding of why we're in this scenario. So those particular elements plus multi-generational trauma and how that works, and how that's worked in this case. In your opinion, would you find that useful?

BK: I think that would be really useful. But I think that depending on training for making change is capturing a small percentage of people who somehow are ready for change, are going to go to that training and go, "Oh now I see it." And that's one- that's very important and good to do. What I think makes institutional change is something that that's a beginning, and the key thing is to get supervisors so that they're integrating this into their supervision. So that when they ask question and when they're talking to people someone comes back and they... caseworker told me a story about a situation with a protective worker with a Wabanaki family situation said, "We're really concerned. We feel like we need to take this kid into care if things don't change dah dah dah. This is a very dangerous situation." Looking for action in their mind in the next day. And the family said to the caseworker something like, "Well we think we need to bring the family together and do the smudging and have a conversation about this. We'll get back to you." And this caseworker just was quite upset. And said I can't wait for some smoke to make this clear.

G: Some magical smoke. (*Inaudible, laughing*).

BK: There needs to be at that moment a supervisor for that caseworker at that moment who has some pieces to say, “Let's talk about these two systems that are colliding here and who has this child” (*laughing*). And maybe that supervisor doesn't have all the pieces, but has right there someone who's going to help them do that. The supervisor has the skills and stuff to recognize what we're doing here and what needs to happen for this child to be able to safely remain with its family, which is what everyone's goal is right now. And so it's- so to- in my looking at the department, it always felt like those supervisors who are the ones who survived the two years, who chose to continue, who somehow have made some way however that is to manage those issues we were talking before about what happens to your humanness when you're being a good soldier in the process here. That those- and they're then going to teach the next group who are going to come up and learn those skills and how to do that, that they're the key people who need something intensive happening there. So that they can really look at their supervision. So we make it not just about how they're personally going to change but how your supervision's going to be totally different.

G: Just to- just as a real brief follow up. So my vision of a training it seems is Rachel and I come in here and we sit around the table and then we leave. And I think you made a really important distinction is that the training's not only to initiate the conversation and to initiate a process of clarity and envisioning. But it's actually integrated into the system. That's a big difference than coming here, doing your program and leaving. And that- the cost for integrating into the system is a reflection of that treaty relationship. We have a firm relationship here. A formality, and it would mandate in terms that are not even an offer of training, it's a mandated offer. A mandated training for looking at ICWA as a basis of policy. ‘Cause outside of ICWA we maintain the status quo, we're talking about genocide. The forcible removal of children from one group to another group. And that is in the system of international human rights law is crimes against humanity. And the state can't afford to be doing criminal activity. When we're thinking about such wonderful testimony and statements provided by yourself and others who've come into this- this becomes a picture that's really clear. And I feel inspired, I feel possibility of seeing this even in my lifetime. In the other- and I'm not going to say any more after this, but the other really important... insight that you offered was both the nature of healing, that it goes both ways. So when you're talking to the former workers who have done potential statement gatherers and they're sharing their grief with you, well that's something that they've been carrying, while providing a context of a new vocabulary for a great many people who are coming into this process, and it's a healing for them.

BK: I think that the other piece that- I struggle to do this in presentations. And I don't know that I've expressed it well enough yet, that people are getting it what I'm trying to say. So I'm going to try it here, we'll see (*laughing*). You can feed it back to me. I think one of the other pieces of this process that I want people to understand is that we- as we believe we're doing good things for other people, we can be doing bad things and truly believe that we're doing good things. And that I want people to understand that so that they can be questioning that in their process as they're working with folks. So I spend a bunch of time thinking about the adoption time period ‘cause I think that's the part that child welfare people can best understand. I spend a lot of time thinking about those people who are part of the adoptions that were



happening in the '50s and '60s in particular, and what interested me in looking at some of the materials about them was that they thought they were doing this incredible thing. That race didn't matter. That they were beyond race. And that, wasn't it wonderful that people wanted to come forward and adopt Indian children because they were beyond race too. And wasn't this a wonderful thing, and being old enough to understand that mindset. I want people to understand that so we can question our activities now. Because the idea that I'm saving this child from abuse and neglect and you're telling me it's a part of genocide is a really hard thing to get unless I can get that something that looks really good to me can be really bad. If I don't check with those people who are affected and learn from them what good would be. And so- and if that's the piece that in terms of institutional change and this humanness piece needs to happen is that we forget who the key players are. And that that's how we avoid doing bad. Don't do harm is by making sure the key players are in control and that we haven't taken the control. Does that make sense?

G: Definitely. That gets straight to the point.

BK: Yeah. And people have confused that I'm trying to understand what happened in the '60s and trying to excuse it, but not at all. I think it's like far enough away for us to use as a lesson point- and close enough that we can say, "Wow that's just what we're doing- taking these poor kids who however we've defined it can't live there anymore. And we're going to take them and get them adopted in a good home."

G: It's a common clash of values.

BK: That is the key. When... so when some of the people are spoken to they speak about permanency. They're talking about from the time they met that kid forward. (*Laughing*) As if that's how we get permanency. That's not how we get permanency. No one does it that way. Everyone takes what they've got from behind and brings it... We're going a long time, Rachel, sorry.

RG: Don't be at all.

BK: There are some things that people specifically ask me to bring that they didn't- they either couldn't fit into the schedule or timing and they're a little off. But I want to make sure that I do this [inaudible.] Okay. One is a gentleman who got in touch with me because of an article that was in the paper, newspaper. He found this himself. And he was adopted as an infant, and into a- intellectuals, he described it, a middle class white home. He- as an adult in his forties went back to find his background and to find out who his parents were and was able to find his mother. He's in his seventies now. And he learned from his mother and from certain other people- a couple other people that he was able to find, that his father was an indigenous man from Canada. And his mother he doesn't know what all her background was but he suspects that she may have had some indigenous background as well. When he asked her why she gave him up, she said, "The nuns came and took you."

G: And that was it?

BK: That was it. I asked him whether he had a sense about whether that was because she wasn't married or because she was indigenous or that the father was. What that meant for him. And he said he didn't know. That that's all she would say. And he talked about how his entire growing up how he felt not a part. He felt apart. He never felt part of the family-

G: His adopted family?

BK: Never felt part of his adopted family. Always felt like he was something that they presented to other people. And people would say, "Isn't that nice of you to take an- isn't that nice of you to take in this child." He says that he looks Native American, and his daughter looks even more Native American than he does (*laughing*). And he wanted- so when I talked to him he said he just wanted people to know about how he never felt- part of the community. The expectations of him was to be- meet the values of that family, which was to be very intellectually and financially successful. And he was able to do that, but he wasn't happy. And now he works as a guide and lives in the woods, and he's in his seventies, and that works for him. So he says he feels like he's found home.

G: You know this- I think is a fitting example of being raised in a home, to the point of what it does to the person, what it does to the child at this time. In this particular case when he's reflecting, he's being paraded around. He's being told that he's different. The best practice is- was for the parents to say, "We aren't disclosing any differences. Here's our family, these are our children," kind of thing. And that would have settled all that. But the fact that they singled out and, "This is sort of like our trophy. Look how good we are." And the damage to the psyche that does.

BK: Right. He didn't have siblings. But that's how he felt about it. There is another DHHS worker who had been- worked for the department since 1950. And that's when she started working for the department and she described her first job was working in Calais. And she wasn't from Calais. And it was the first time that she met Native Americans. And just the way she said it I said, "That must have been really hard from you being away- might have been your first time away from home, here you are, you have no experience." She said, "Yeah I was scared." So again it's that culture piece and she is... what were people's impressions in the 1950s was- but she remembered after ICWA was passed the people from Augusta- she said the DHHS people from Augusta were going to come to Washington County to meet with the Passamaquoddys about how they were going to work together around ICWA. And her memory was that the folks that were with the Passamaquoddys didn't show. And there she was with these people who had come all the way from Augusta, and no one else was there. And how tense that moment was and such. It was just the way she said it brought an image to mind, what that must have been like. (*Laughing*) Here she was with her higher-ups.

And I heard from a couple of people and then she- it was someone else. Another older person talked to me about the early- after ICWA was passed and what it was like for her as a DHS worker. She felt that the- she was working with the Penobscots- that they had little professionalism compared in terms of their staff and what they knew and knew how to do. She said she tried to help them out some, but she was really struck by that, and so it was interesting



to me listening to people talk about those initial collaborations. People not being there, feeling like they don't have the education I do.

You know that kind of the same perspective. How's those initial things, and the gulf that was there. And then one other person found us through the newspaper again who...spoke to me about- her child went into foster care. Her child's grandmother was adopted as an infant. Was always told that she was Native American. But she was never told what her original name was. So, when this woman's child went into the child welfare system, they didn't have any way to prove that that child would have come under ICWA, she believed. Because they couldn't, didn't have any information from the earlier generation. So it was this non-Native (*inaudible*) non-Native person experiencing (*inaudible*) what the generations did. Those were people I felt like I had a commitment to them. Oh and then I talked to this one guy who had a general practice of law in the 1980's including child welfare cases. And he didn't know ICWA existed. 'Cause it was a federal- he really raised some good questions. It's a federal law; it's not something you learn working for the state. (*Laughter, inaudible*). So at that time it was so not in people's purview that he'd been practicing along and nobody was asking or talking about it.

G: You know and that seems to be rather common just how much practicing attorneys don't know the legal history. So it's not even in their training as lawyers. To talk about Indian-federal Indian law for instance, what that's about. To talk about treaties that- even constitutional law. Some constitutional lawyers that never think about the required constitutional mandate to affirm treaties with Indian Country. They never even think- it doesn't come up in their training. And yet that's the formal rule- that's the formality of the law of these ongoing conflicts. So you have a situation even the Penobscots right now they started- are engaged in a lawsuit against the state. As the state's trying to separate them from the river. (*Inaudible, paper being shuffled*) All that background, I'm not even sure that the state attorney general's never had a course in federal Indian law and treaties. So each of these components to this work is intertwined and linked. But still I'm inspired by the possibility. 'Cause we're talking about it now you know. Establishing the links. Even that whole scenario about- you know I can understand what DHS workers who are leaving the policy regarding policy. And I can have some appreciation for that, but when applied to Wabanaki people, imagine a federal policy that's built on an intentional impoverishment of Indian communities. And so they're several times victimized by the system and by the structures. Of course I can go on (*laughing*). And we probably didn't even get through all the questions.

RG: They're all in my brain anyways.

BK: What the questions? Do you want to do it another time?

RG: No I think this is great. Is there anything else you want to add about your experiences working with REACH?

BK: I am grateful for the personal education that came as part of it (*laughing*). It will forever be...so yeah.

RG: Thank you so much.

BK: Thank you.

G: Thank you two very much. You know just to say you're grateful for working this process. I'm grateful that you're in this process. I think it's a mutual confirmation that we- Indian Country been saying this for as long as Columbus. "Hey, this has to be different, this can't be (*inaudible*)."

So we've been constantly talking to people.

BK: Yeah. And the other piece I think that is part of the education piece is you know most white people like myself, and my family came here fleeing genocide. It's hard for us to make that shift in terms of what we represent and who we are now given that we're working with our own generational trauma. And there's so many Americans who are like that. I mean I'm not a historian, but just imagine being more and more that people came here for economic opportunity and political freedom. Most of us came here 'cause we couldn't stay where we were and still live. So (*laughter*) so once we get that, that it wasn't like, "Oh great let's go to this great land." It was like, "Oh crap. We don't have much choice here, this is the best option we've got." You know how- helping us move our headsets into who we are now as apposed to how we see ourselves. And that when you and I meet that we represent all of those pieces of history come together and meeting as well.

G: And we have an opportunity to begin a process.

BK: Yeah.

G: 'Cause as you were just describing that little bit about how you even got here from genocide. That's the exact story of what we call the pilgrims. That their future was imprisonment or take your chances in the New World. They were actually on their way to Jamestown, and lucky us, they got blown off course (*laughing*). Let's take a breather.

BK: Go for it (*laughter*)!

[END OF RECORDING]