

General Information

Private or Public Statement? - Private

Statement Provider: Anonymous

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Previous Statement? N/A

Statement Gatherer: Charlotte Bacon

Support Person: Greg Dorr

Additional Individuals Present: N/A

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Transcriber's Note:

This is an anonymous statement. Any redactions in the text, or alternations to the recording have been done at the request of the statement provider in an effort to protect his/her identity.

Recording

MS. BACON (CB): We're going to start the recording today on January 20, 2015. I am Charlotte Bacon. I'm here with an anonymous statement provider and Greg Dorr. The file number is ME-201412-00158-001 and it is about 11:20 and we're going to be beginning the statement now.

ANONYMOUS (A): Okay, so I thought that I would try to just go down the history, the line as I remember it, and I know that I had a lot of contribution before with you about (*inaudible*). But I would probably like to start and say maybe in 1997, I can't really remember the year that we all met in the AAG's office and I cannot remember his name right now, but the former AG, and I really have to say this because I think it's really important is that the person that really spearheaded most of this movement, regardless of where it came from, was Brenda Commander. And my brief understanding is to say that from her tribe anyway that there was many more children probably taken into custody than there were of any other tribes perhaps in the State of Maine. Penobscot and Passamaquoddy probably didn't have the same struggle

because they had their own court. Maliseets, Micmacs kind of were quiet. They never, they were never a really loud voice in any or all of this, but they still struggled and probably still continue to do this a little bit today. And so from that movement the thing that I remember the most and I can still not can't remember his name is that at the very end of all this, there were DHHS representatives, there were attorneys from the band and the tribe and tribes of the State of Maine, there were workers from the Department of Human Health and Services and there was all of the ICWA workers, and I remember that attorney saying after all of the presentation and the talk was we have a problem and we're going to fix it. You know it was the first and we need to fix it, very close to that. Steve Rowe was the AAG, AG at the time.

We thought that this was miraculous when we heard those words coming out of his mouth because there had been such a big fight, such a struggle from that time in the very beginning from Brenda Commander to try to get some notice as to what was happening in her area and with her band and with her children. As innocent as I was at that time I know that I was as some time, at some of the times someone explained to me, that I thought Steve Rowe at that time walked on water, but then I also came to find out that the State of Maine was probably in some deep dodo at that point and time from being out of compliance with the ICWA. I never knew that until somebody explained that to me and I had a hard time wanting to let go of that knight in shining armor, you know politics, politics, but nobody was ever really doing a great thing. They did what they had to do so there wouldn't be any more issues; however, I believe that the Maliseets worked it. They really worked it and probably got the most out of it than any other tribe in the State of Maine. And again, it's unfortunate that she hasn't come forward with her own story, but I have to say that Brenda Commander was in back of the whole thing and probably didn't let up and when she finally did let up and there was enough inaction that we went forward. For myself at that point and time I would say around 2001 when I got my masters I started working for the band.

CB: In what capacity? What was your job?

A: It was, I'm not sure what it was in the very beginning, but it was an ICWA worker at any rate that was supposed to be supporting the ICWA director at the time. But, he just struggled, I mean in the end he's passed and so that's the way I want to leave it is that he struggled terribly. I think we all do in Indian country. I don't think that there's a system for training. When you look at what the ICWA workers have to go through for the bands and for the tribes versus what the State is all about. They're trained almost every day, there's a fricking training going on and we're hanging on to coattails trying to, because they probably have ten divisions with how many people in those divisions to support all of that process and there's usually one person, maybe a (*inaudible*) person that's working part time that's working for the bands of the tribes trying to do it all. It's overwhelming and up until just recently I don't think that there was the education that could have been truly contributing and helpful along the way. So you had people that knew we had a law, we had the ICWA, what could it do, what could happen and then to come up against the people in the State or in the actual districts, Aroostook County was hideous in my opinion, at that time, fighting against, we have the ICWA, you have to pay attention to it. So when I first came on we had a supervisor up there that was really she was extremely intelligent, very intelligent and she also was such the leader that people in her group in DHHS really followed her. It was not good for us. She was devastating in my opinion. In my opinion she was fricking devastating to any Indian children in Aroostook County that she



may have come in contact with. Now you know looking back on it I don't know, sometimes, I'm older now and I think about it and how much ego do I still have left from that, but at that time sometimes it was heady when we got Steve Rowe that's got to fix his wrongs and so we have the help of an AA Chief who was David Hathaway at the time and the Maliseets had also taken on another attorney. I think he's passed and I can't remember his name right now that worked on some policies and of course along with Greg Dorr. We had a team and we had some power and I have to say Brenda ran with it and it was phenomenal what was beginning to be accomplished. And so they are the only, they are the only tribe that has walked away with intergovernmental agreement, which is phenomenal. It was very, very clear and for a long time there we were able to use it, use the words for the rest of the tribes of the bands in the State of Maine, because they would listen and it was powerful and the other attorney who has passed that was part of the writing was (*NAME UNCLEAR*) and so with a team of two attorneys, the AAG's office, which appeared to be on board with us and did it because they had to, things changed, a lot of things changed.

CB: Between what year and what year would you say?

A: Pardon me?

CB: Between what year and what year did you see this change happening?

A: Well I came on in 2001.

CB: More or less...2001.

A: It was signed in 2002.

CB: 2002.

MR. DORR (GD): Between 2000 and 2002.

A: All right. It wasn't long after I had come on. I didn't come on full time for a while there, and so I was just kind of like hanging on until I'm not sure what came about, but eventually the Maliseets hired me full time. So I really can't remember if I was still there as a consultant or if I, but things changed. There was forms, paperwork and I'm not going to take any credit for that because I really have to say that could I get out there and fight knowing something was terribly wrong yeah, but if it wasn't for the attorney that I worked with at the time, Greg Dorr, that started introducing the law, which I really hated. I didn't feel like to think that it was a legal thing. (*laughter from GD*) I like to think that we have the ICWA and damn it everybody better pay attention to (*inaudible 09:53.2*) the nuances in between. I didn't know what would've happened. I mean there was times that we had a particular case that, and isn't this

awful I can't remember the case, but anyway we had a case that had been going on and on and they were on their last leg. So we decided in the long run to make a shot to go to court on that, so there was a hearing and it was at that time that you could see, even the hearing stuff was going down. You heard about this supervisor from DHHS that would be walking up and down the hall saying oh, I got another one, baby coming along. Anybody want a baby. I mean I think that's probably not exactly the same words, but I mean she certainly was horrifically vocal in the hallways of that old courtroom. She was horrific to talk to and so we walked into court one time and I guess, I can't remember if it was before this court case or after this court case. It could've been afterwards. It must've been afterwards, but we walked into court one time and you would have to give your name and state who you are. So we went around and did that and then it came to the other side, which was us and Greg Dorr and his entourage, who's here is what the Judge said in so many words, and the whole courtroom erupted in laughter. I mean, it was like what the hell is this? What the hell is this, Greg Dorr and his entourage. That's how the tribe of the band gets introduced. I have to say it was probably one of those times I certainly understand that some people probably really didn't want to play a part because it's too risky. What the hell did I have to risk? And I did happen to know Donna Loring at the time who was the Penobscot representative and I contacted her and I said you got to go to the Chief Judge. I want her to know what happened here in this courtroom because this isn't okay. And it was probably one of the few times that without much of ado that I know of, I don't know how much you might've talked to any of her advisors, but Brenda got on board and brought another Maliseet with her and we went down and we had a face to face with the sitting Chief Judge right now.

CB: Lee Saufley?

A: Who?

CB: Lee Saufley?

A: Yes, and the way that I said it to her kind of was like, I said I'm not going to come in and try to tell you what happened. I'm giving you the docket number. I'm giving you the date. I want you to listen to it yourself. It wasn't pleasant and this is indicative of what the atmosphere was up there. It was awful.

Long story short, I even think the guy who's probably a nice guy, but the Judge never got reelected or however it went. He got a real slap on the hand and I think people started to treat us a little bit better, but in the meantime it's like, sometimes I think back on it now, honest to go and I think what the hell was I thinking. That was a lot of stuff and out there all by yourself and trying to say hey something's wrong with it.

But in the meantime there came this case and it was the first time that we argued that the parents, geez they really had some issues and, but we took a chance and we stepped out and all the nuances that were in the ICWA meeting, that they had a right to have native services. They had a right for this. They had a right for that. I can't remember the whole thing and you know what I really can't remember exactly what the turning point was, but we won and nobody expected. But that's how we felt like we won. It was so hideous that this was my first picture of what it was like when you can get up on the stand and they can strip you bare.

CB: Yeah.

A: And they had an expert that was a psychologist that had worked for the Passamaquoddies who was not native come in and try to testify as he was the State's expert witness, do I remember that correctly? And it was hideous. He actually, his main presentation, now I'm just recalling from the little I remember, was that he had a twenty page document and that was his claim to fame was being able to be an expert witness for the State, an ICWA expert witness. Come to find out, what a lot of people really don't know, but one of the main characters in the truth and reconciliation has disclosed that he was a sexual predator up on the Passamaquoddy lands, and I'm not sure that ever came to light, but nevertheless, this is what we were up against because he had a (*inaudible 15:33.2*) he was supposed to be able to speak to, I don't know, what could he speak to really, what did he know, it just wasn't, and I have to say that I think our attorney did an awesome job disarming him and really laying bare what he really did know and what he did have to offer for an expert witness, but it was quite small at that point.

CB: So this is a general question, would you say that there are very few expert witnesses of good caliber in Maine at that point or has that continued to be the case now? Do you feel like the situation has changed? Is that one of the weak points?

A: What I would say for a native expert witness it was kind of like unheard of because we didn't get that far in court. I don't know or maybe they didn't call it. The process that happens in court now isn't what happened in the beginning because nobody knew the steps.

CB: Right.

A: And it was all of the things that we fought for eventually came into being.

CB: Right.

A: You had to have an expert witness. You had to have the statement. They had to sit there and testify, do you think that this is going to be good or bad if the custody still remains with the parents. So everything that was totally ignored before came to have to be, a big difference, really, really big difference. And the AAGs maybe today where the young AAGs then and probably weren't so great for support at that particular time. But we all grew. We all decided at some point to sit down at the table and talk and it wasn't pleasant in the very beginning and to get to the point of you know what guys we have an ICWA and you got some issues going on here and you need to abide by it, as much as you like. And they in turn, in their own way also said well guess what, I mean these were like AAGs and attorneys and people were representatives from the State, said you know we're in a court of law and they're certain requirements, just kind of come in here right off the street. And I'm sure they didn't say it that way so this was my understanding and just start saying it's the ICWA so therefore you have to

understand it too and follow some of this legal procedure. So I think therefore it's like in the beginning I got up on the stand, in the end that we are here today I have a report. I have an investigation that I think is really important. I talked to everybody. I will not get on the stand unless I have every record that has come down and even law that may not be included sometimes in discovery, because I'm not going to get up there and make a statement that I don't really have enough information about.

So it was very, very difficult and young back at that time you know, and how many times did we fight? And how many times did we cry? And you know it was hard for an emotional person who was determined, trying to work with an intellectual attorney who knew the law and the requirements that we really had to do and fight up against it and finally come down to a respectful relationship and long term relationship and understood that maybe we come from different places, but when it comes down to representing and doing that job in the court, that we were really a team.

CB: Yeah.

A: So that was kind of like what it looked like when we came together.

CB: Right.

A: I'd like to talk about, and just to make a little bit mention of, maybe some of the specific cases. And this is where the you know I still get a little confused at the time because I would say to you personally what my thoughts are right now is you know what, just because it's a fucking ICWA case doesn't mean that Indians can do what they want to do. Sometimes they aren't safe parents and maybe because of the historical trauma, they aren't able to be. What's in the best interest of the children at the time? Can we get these people better? Doesn't make it okay, in my opinion. And this is my struggle today of which I feel as if I need to seek guidance because I think it's ongoing. You can't walk into court and say it's ICWA, Indian kids, when we have parents that are still struggling. And I'm only going to say this once and just say perhaps the biggest case that I know that the Maliseets always say started going and they always talk about it a lot, when the DHHS came on the reservation and removed some kids. You know what, they should've. What did they do wrong, in my opinion, they came when there was a celebration. They should've contacted the band and said this is what's happening. We want to give you a heads up. We're coming over to remove these kids. The home wasn't safe and unfortunately this particular family have ended up with felony charges against them and unfortunately, I hate to say it, but I'm sorry, the Chief has always defended this particular family. I have to say for my own self, I wonder what the hell does the family on this Chief, because the kids, the kids they removed that day, years ago, one of those little girls turned out to be a felon and spent some time in jail. Geez, I wonder what it would've been like if she was able to have the help that she could've had. I don't know. If you ever saw her when she was young, I don't know what she looks like now, this girl was beautiful, she was intelligent and she just had some sick stuff in here because of that upbringing and because of all the trauma that you can imagine that could have landed on one family, did. And so here we go with the struggle now. You got, you have a Chief and you got ICWA workers and then there's politics and they want you to do what they want to do and you can't, sometimes you just fucking can't because it's not safe and this has been ongoing with this family for years, no



matter who the ICWA worker is or how they decide to work with the Chief on this there was still allowances and I hate to say this, but I would say maybe no more than four or five years ago that someone shared with me that this Chief went down to the BIA social worker and pleaded for this family again (*phone ringing*) on one account. So I'm saying as ICWA workers and people out in the State, you're so pushed and pulled all the time. You don't know what you're talking about and beginning to learn how to do it and then when you learn how to do it you really see what's going on and how can you be in the middle. It is so fricking difficult it isn't even funny. I know, let me turn this thing off. So, it causes a lot of stuff you know you got the child that was moved so long ago and ends up in jail. (*phone rings. A: how come that's still ringing?*) (*Inaudible*). Would you just say yes or no and write it down on a piece of paper?

GD: I'm writing some things down.

A: Pardon me?

GD: I'm writing some things down.

A: Okay, that's all.

GD: Yes, it's interesting that how true to the narrative of my testimony, yours is. I mean a lot of the same memories are... If you put them side by side --

A: There it is right there. It's difficult, I mean how do you do this? You know, (*inaudible 25:21.7*) scared when a new case would come because, what the hell is gonna-- I don't care what tribe I work for. Same in the Penobscots. It's probably part of my parting from them is because a Chief thought differently about what I was doing, he wouldn't listen to his attorney. You know that? I have another question I want to ask you later. And it's like so where, where does that leave our kids. And then you have all of this trauma that everybody has gone through and you know, I had such an awesome opportunity when, being a Udall intern, and being in Washington and going and really seeing the crap, I honest to god can remember calling up my advisor, now here I am with my masters and I'm calling my advisor one night, bawling my eyes out because I see all the crap that's happening for one of the first times in my life, right up front, you got enough money I might take on your idea. I don't care who the rep, or who the (*inaudible 26:39.3*) is. So it's like you got all this pushing and pulling to the point that you think you're kind of like a crazy person and then you walk through Carlisle and I know they use these stats because I gave them to them and brought it to their attention, but I want to tell you the first time that I heard 10,000 kids walked through that place and a thousand of them died and guess what, I saw the cemetery out there so I know it is and I know, guess what, I think there's 333 graves out there, where are the rest of the kids? And my thought is that when it came time and (*inaudible*) was the star of the show at Carlisle, they built the gymnasium in

his name and they dug up the graves that went out to the edge of the road. They dug them all up. A thousand kids, so stop and think about it, one out of every ten kids died going to Carlisle, how is that great? What did that do and the end thing is you got an Indian coming out that has a foot in the white world and a foot in the Indian world and they don't know where they belong and sometimes they don't fit back in. So my point is it's not only is on State as well on tribal, it goes out to bigger and bigger and bigger and the trauma, the long term trauma truly is impacting and I feel so pushed and pulled sometimes. Sitting here right at this moment kind of like in some ways saying bad things about my Indians and we're just struggling and we have this crabs in the bucket thing where we're pulling each other down, but when it comes down to being an ICWA worker and working out there and working so hard you still have to come down to what's in the best interest of the kids. I'm still torn about that. What is in the best interest of my Indian kids? If I think they're going to go back home and these parents are using and abusing and just putting on a good front and sometimes they're able to or they've got political pull. So I think it's a double whammy. I'm not sure, I don't know, because I don't work for the State, I don't know how much Governor LePage steps in, but I can tell you our chiefs step in. So it's traumatic for the attorneys. It's traumatic for the ICWA workers, but you know what, the impact is on the kids. And we all make each other, when I talk about you know we have our Indians making each other small, what do you call that, internalized racism and so we're all like in separate --

CB: And lateral oppression.

A: Parts over here working and sometimes not all working together. But I do think that one of the biggest efforts out of the TRC that ever got undertaken was what happened in Aroostook County and some of that structure still remains. I happen to have the, it isn't even a luxury, but maybe for this it is, but I really do happen to have the experience of working statewide and I know what it's like to walk in to every other DHHS and guess what, not welcomed.

CB: Can I ask you to compare and contrast DHHS services and offices and cultures from north to south. And I understand these are your experiences. I understand these are your memories. I'm not asking you, I'm not expecting that these are an unbiased account. This is your perspective on the situation, but given that you have this statewide experience it would be incredibly valuable to have a sense from you about what the different interpretative, what the different moods and cultures were in those places and if you could also, if you're comfortable, compare and contrast tribal cultures between Maliseet and Penobscot of your experiences working there. Why that's important and if you don't feel comfortable don't do it.

A: No, I'm just thinking.

CB: But that it's important and that one of the things we're encountering is that people will frequently say to us, I can't say that because people will know who I am.

A: Well they're going to know who I am.

CB: And I... Maine is a small state and the Wabanaki community is a small community. People know one another. They can recognize certain things. We can provide, provide as much --

A: Oh, I don't think that many people will feel judged.

CB: We can provide as much about protection of identity as possible. People say oh I used a name, we'll redact it. If you don't want your material made available that is part of your informed consent process and there's a part of me as the Executive Director and as someone very much from away, I will never be from Maine. This is not, I love Maine and I love living here. I am not from this. It's not part of my formative history, so I recognize that it's easy for me to say this, but I've seen it happen in many other areas of my life and many other places where I do really belong and where I am part of the culture, that if we don't get used to speaking hard truths the stories will control us and the history will swamp all of us, Native, non-Native, people who are really trying to make ICWA work. People are really trying to bring ICWA down. It will swallow all of us and who will suffer will be children. That I'm fairly clear on so that I want to provide some framework for you about speaking difficult truths, they stay here.

A: Well I've already decided that I'm certainly going to be identified (*inaudible 33:11.9*), but I don't need, I don't need --

CB: You don't need --

A: For a while now, guess what I don't need, I don't need from my tribe.

CB: Right.

A: I don't need from Brenda. I don't need. I don't need a job. I don't need to keep it.

CB: It's a powerful place.

A: And in a lot of ways can they hurt me? Some ways I'm sure they have. Yeah, but I think it needs to be said. If it's not said it's craziness in my opinion.

CB: I feel like it can add to the trauma and I think that this process, flawed as it is and incomplete as it is, is one small step toward helping people recognize that we can collectively, slowly, with great care, great thoughtfulness, begin to address the trauma; begin not finish it, not end it, not do it in a week, a day, a year, two years, five years, not even do it in a generation. It's going to take a really, really long time to undo pieces at the pace they need to be undone. But that at stake is this current generation, and so the more truth we can add to the process, the more clarity about deep underpinnings.

A: Let me talk about that I --

CB: So the DHHS culture would be helpful and then what your experience was between, I know Maliseet and Penobscot were the two tribes you worked with most, but --

A: No, the thing that I want to talk about is what it's like to be an Indian and coming back and I think that impacts everybody, every Native. It's my tribe, it was -- I was so excited probably come back up here and go to school and I was going to come back and there'd be some family there you know and unfortunately my family has died off. And then that's when I, I was stunned to experience the impact of the nastiness, in my opinion, of trying to come back on the reservation again. It just --

CB: We've heard this from a lot of people too.

A: I'm not sure what it was about, but I have the sense that and I'm not sure, I can be really clear because I have emotion attached to it, but I think that the people on reservations don't want you to come back. You know, they're the ones that have gone through all this stuff. It's their place and you're not coming in and I think my best story is to say that you know no matter what's happened over there, every Christmas, because my son works for *(inaudible 35:38.6)* or I bring all the puzzles to the elders. You have no idea what I go through, *(inaudible 35:44.1)*. It's like so all my years before I would get over there about 8:00 or 8:30 because I didn't have to do this walking by and I didn't this year. So I walked in and I, I don't know, and just that it's so awful I don't know how to experience it from a strength point, but it's like I'm looking in their faces and it's just this mean looking face of the elders and I want to fricking run out of there. And then I'm thinking geez these are my own people; this is what you happen to walk into in DHHS. It's a lousy feeling all the way around. So many ways not to feel a part and even the people that I trusted so deeply because we're all so wounded and I know people at this table know exactly who I'm talking about, they aren't in my life today because... I don't know. It's very, very painful.

So I think that's how we are to our own. So let alone being from another tribe trying to work for another tribe and yet I have say it's where I did my best work. I'm not sure how that lasted, but for as long as it did, but we did our best work doing that as far as like the Penobscots and the Passamaquoddies, they have their own court, you know that? *(Inaudible 37:36.7)* *(phone rings)*. **A:** Always that fricking phone... *side conversation about the phone ringing)*

I don't think I knew what I was talking about when I started working for the Penobscots in that realm because I was used to fighting. Now all of a sudden it kind of like turned around and I think the feeling that I had was that if it wasn't out in the State someplace and it was on the reservation, boy we've got to get these people off because, and I loved the Judge... But I couldn't believe what I was seeing and it was like coming up against, there was one case, coming up against the Chief and all of his little followers and their families and it turned out to be a family member. I couldn't tell you right now that, and I don't care, this is really what happened. There was a kid that they thought was sexually molested in the Boys and Girls Club.

CB: In the Penobscot Nation.



A: That's correct. Got the call and I saw from one of my colleagues, went over and I said I wanted to call, that we should probably call in the State Police. In the meantime, the Chief of Police on the reservation had already called the State Police. Now I want this to be known, I already had training in conversation or interviewing a child that had been sexually molested or any of that. I knew the process. I was told by my Chief to go home and I was not to be in that room where there was going to be two white people, our Chief of Police, who is white and the State Police person that was white with this little Indian boy. He had no Indian in that room for him and I was told to go home.

CB: Who was the Chief?

A: I'm not saying, and I played it. I got my attorney on the line with him. Everything I possibly, he was so freaking mad at me. It never got better after that.

CB: How old was the child?

A: I don't think he was any more than eight. So by, just by saying that, but on the other hand, it had, what if this went into court? There was no testimony. There was nothing that I could (*inaudible 40:48.6*) because I didn't know the story number one and number two how about that family that suffered afterward that didn't turn out to be that, but it was traumatic, but the most I could do was go to the family's door, which is what I did and say I'm so sorry. I know I haven't been involved in this, but if there's anything I can do to help, if you need me to talk or whatever, so the family didn't get the help it needed and I still haven't gotten over that. I cannot freaking get over that, that they never considered, there was too many people in there. It would never have happened even up in Maliseets. It wouldn't have, but in Penobscot because the Chief and the Chief of Police happened to be best friends, I mean you know how I fight, so that was it. That was the beginning of the undoing as far and as everybody was concerned and he accused me of putting him on the spot, making him uncomfortable with stuff he didn't know. I even called Jill Shibles who was a former Judge of Penobscot and said can you please, and she sent me a thing about, no that was another case that I called Jill.

But after that same family, same man with a nephew of his, there was a custody issue and the custody was between the man and the wife leaving one another and getting custody. The kids moved off the reservation, pissed as hell because we wouldn't step in and I tried to say to them even if the kids are over there, Penobscot people when they're off, they're off and the police take over on the weekend, and you don't get phone calls and they called me. And I said this is a custody case between a man and a wife. It's not a custody, there isn't anything we can do about it. That was it. I'm telling you, that put the nails in the coffin. He didn't understand. This Chief did not understand. It was more important for him to be political. Now, I'm not going to say, I felt so useless and I felt so useless working for my own people because there was no strengths that I felt like I had and then to see these kids that were being, I don't know,

placed over and over and over back into families that couldn't get better, and if you did something they went to the Chief, it was often, it was worse working for Brenda. It was worse than working for Brenda and that's the truth. I haven't ever told this whole whole story to anybody and then on top of it all, I can't begin to tell you, and you'd never even understand, you can't imagine what it was like to work in that department. I honest to god, on my computer I have letters that one of my workers were sending over to the Chief and if you saw the shit she was bringing up, she's not doing this, she's not doing that, he never told me this ever. I felt like am I Penobscot here? You know. It was so awful. The workers were so, I hate them, I'm sorry. I freaking hate them. I thought Brenda was bad, I hate them. So what are we doing to our own? What are we doing to our own people all the time? You know, giving us a position and not, I don't think I really had a lot of training to take on that big department and doing this --

CB: Were you head of Tribal Child Welfare?

A: No, it was the--

CB: Were you the ICWA liaison?

A: Director of DHS for the Penobscot Nation. No wonder Erlene ran like hell, no wonder because I don't know how she survived this long working in that -- so, so yeah I was a little stunned with the way that it came down and how it happened, but you know what, I'm so blessed to be where I am today. Honestly, I am so blessed and I can tell you there's nobody, there isn't a person out there that can fight for an ICWA case in the way that I can. I know there isn't. So I would fight for the kids, but I can't fight if I think that they're not going to be safe and so what is it like for the Micmacs? They're kind of different. You know they really are not bad, they're different. They're just kind of into realizing that maybe they can have some say, I don't know, I don't know, all I know is that they kind of leave, and yet I don't know what the ICWA worker is like up there. And I do know him very well, but I don't know if he gets any pressure from the band or whatever, but we're pretty well allowed to go into and do what we think is right with these kids. So what are some of those issues that come up, up there, it's, yeah I think that there's a, I don't know what's fair to say. Aroostook County DHHS is (*inaudible 47:01.0*) as far as I can see. Is it because of the PA? I don't know if that's fair to say. I think that what's happened is that they've never kept their health fresh, that they have really retained a lot of long-timers that are stuck in a certain way of doing things and but especially in the Caribou area it's hideous, what they have left the people to work the cases who haven't got the time and it leaves me the ICWA cases hanging out there, which you really have to put much more effort into. And you have on the other hand, the plus side, they have an AAG up there, Heidi Silver whose phenomenal and very well learned as far as the ICWA is concerned. And then you have another one that in my opinion is a road-blocker. I really have to say it feels so racist you know and the way that I think she handles the cases that I'm involved with. If you were an attorney and you're an AAG and you hired me to be an expert witness, you would damn well call me up. You would damn well be on the phone and talk to me and you'd make damn sure I had a subpoena. A lot of these things are not happening. I had no idea what she was going to ask me. And I will tell you this much, I can't remember the judge up there now, Soucy, (*inaudible*) I'm used to (*NAME UNCLEAR*) but Soucy's different he comes right out of nowhere and -- but when I sat down and I testified on one of their cases



and he got an opportunity to ask me a question, which he always does, well (*NAME REDACTED*) why did you, I can see in your report that you're requesting to have therapeutic foster care, why? And I'm like, oh mother (*inaudible 49:06.5*) and the testimony that I got my, what I heard about afterwards, he had called everybody in his chamber afterwards and said what great testimony that I had given and it was because I could tell you why, you know and he said well even though it doesn't appear in this report, there is was a Harvard study that indicates that the effects of domestic violence from a very young age in this particular case. We have testimony and evidence that states this started when this little person was two weeks old. And the reports are coming in, the domestic violence and this yelling and screaming at this baby. So my point was I can tell you what's going on in this case and I would fight like hell for that kid. That kid was placed in a therapeutic foster home and we had some thoughts about finding out the relatives coming from here and was able to say can you just give this kid a chance to be in place and get a little bit healed before you arrive and (*inaudible 50:22.4*).

CB: Back to other cultures at DHHS offices around the State --

A: It's a (*inaudible 50:36.6*) when I was working down in Aroostook and because we used to go around and give training for everybody and when I first, when Esther and I started giving training in the Lewiston office for the ICWA and for the new people and the old people, Kathy, I can't remember her last name, but she was the PA down there. I thought they were phenomenal. We both were so used to the stare and we've got to go through this training, it was a horrible atmosphere to have to do that training in. They were so open. They were paying attention. They didn't like argue. I don't know how else to say it. They weren't mean. And we had the PA that was backing us. That was when I was working for the Maliseets as well. When it came time that they wanted to hire me as an expert witness it was a whole new different story. My thoughts, the way that I had thought about it then was that they had just had gone through Somalis coming in and that they had to be open to different culture and they were forced to and I thought they did a damn good job.

So working the ICWA wasn't such a big deal, but when I came in as a, working for them and they wanted me to work for them, it was horrible. I ended up telling them I wasn't going to do it. They, Kathy, said you're not doing this, you're not having that. You only have this amount of time to be able to do this and at the time Martha Proulx was in her higher up position. So it was no big deal at that point for me to call Martha Proulx and say Martha what's going on here. And I think that she was also ICWA liaison for the State and I said this is what I'm seeing. I said I only have to do this so, you know I don't have to do this. Then I said you can call them up and tell them that, and they can get somebody else. They said because, I said I don't have to take this crap and I don't know what she said. I don't care, but I came back and they called me back at the end and I said I'd be willing to come in, I said but you know what, I'm charging you \$75 an hour and they said that's the way it's going to go for this case. And

this is what I want and I don't want anybody to get in between the information that I need to come to testify on this. So it's very, very surprising.

Also, to have worked for the Biddeford office and Mark Dalton (*phonetic*) at time when he was a PA there. I don't know who climbed in his ear, but he was kind of neat. He was always neat to work for. I never really got, is it Sweeney that's a PA there? Who used to be a PA up here in Bangor and he was an old hot-to-trot and meant really well, but I think he... so I don't mind the Biddeford, I've testified out of the Sanford office meaning that they had open up their arms to me. I don't even know what it's all about. I feel really comfortable going in there.

However, there was an attorney, I mean a worker there, I forget, she's not there anymore, Susan maybe something or other, she was horrid because we had a case in Biddeford, and did they, there was an AAG down there, I think now that, I think is an idiot and pretty determined to not really follow the ICWA in my opinion or she doesn't want to give any leeway over, she doesn't want to give any credibility to what you're asking for. She does this with her hair all the time. You know this is what I'm talking about. (*GD: That can be annoying*). Oh yes. The other AAG that was there, that guy, that he was tall, very, he was awesome to work for. I forgot his name now and in Biddeford office they had a Judge, I don't know if her first name may be Judy, but, is it Judy?

GD: Think so.

A: I can't remember.

GD: Okay.

A: Phenomenal. You would want to be in that Judge's presence. She gets the ICWA. She's respectful. I just testified in Lewiston not too long ago with a former, well I happen to have, do you remember the name?

GD: David.

A: David Hathaway, a whole world of difference when they're on board, a whole world of difference. Where's the report, up at Aroostook County? They don't always circulate my report. So what do I do, I sent it to the attorney for the band because I know that they're going to know and if they don't like what's happening they can talk about it. Walked in, David is let's sit down and talk about the case. Anybody that goes through a court situation knows you don't settle anything in the courtroom. It's all in the back room, and why not get that settled before you go in there and fight and have it miserable. Even right beforehand everybody should be talking. Three people make a decision in my opinion in an ICWA case, the ICWA worker, the caseworker and the guardian ad litem. You're not always going to agree, but at least each other knows what going on and it works so that you're not in there fighting like idiots.

CB: Right.

A: Really fighting, so the last time we went in there to testify, there's David Hathaway, he's been on board. He gets the ICWA. He doesn't have an issue with it, comes in, presents my report to the former AAG, is it Bill that's in a wheelchair? And I expected some stuff because



I wasn't quite sure how he was going to go, so respectful. I mean it was nice to, he got it, he could, he got it and it was like a breath of fresh air. You don't have all of this foolishness. The worst Judge that I ever, ever went in front of was Judge Jordan (*phonetic*) here in Bangor. I don't know what his issue is. He's awful and I hope he's not your best friend, but I don't like him one bit and there was a case, there was another case that I sat in on as an expert witness in the Bangor area. This was after, this was maybe like a year and a half ago maybe. After all of this TRC is in motion, I get called on a case and we have a brand new attorney up there, who today going good, but she's brand new and I said to her what is going on down here? I said we went into this court case, you didn't have an expert witness you can vacate right now. It's clear as it can be, this Attorney General, AAG, I couldn't believe. I've worked with him. He knows better. I got on the phone to him and said what are you thinking. Do you realize we can vacate you right now and I know you know. Why didn't you pay attention to the ICWA? This is Bangor. Penobscot Nation is here, what the hell.

CB: Why? It's been since '78--

A: Why? Because they can get away with it.

CB: Why?

A: That's why, they can get away with it and I walked into that court and I want to tell you I met the AAG outside after I said to Carlton (*phonetic*) (*phone rings*) and said to him what the frick are you thinking. Have you lost your mind? I said you know better. You've gone through the training. We trained you.

Walk into court, we're talking outside in the hallway, I said I'm not familiar with this court, what do I do? He said oh no, come right in, come sit right up there, which they don't like usually, but he invited me to do that. So I come in, I sit down, I'm not going to remember all the words, but I know the other attorney that was listening in was stunned. And so I'm sitting there and I think the guardian ad litem might've been beside me. He starts looking at me and the Judge said what are you doing up here? And I looked to the Attorney General, who I thought would've had enough respect to say I invited her. He didn't say a word. I said I was invited, Your Honor, but if you don't want me here, I'll go sit by, he said yeah, go sit back there. I'm not kidding. This is Judge Jordan. That's how it started and I was like what is all of this stuff? It was because there wasn't really, ICWA was not followed from the get-go. I don't even think they called the tribe and said they're removing a kid. So this is today, and then you walk in and you get this crap from a Judge, what the hell. I'm really getting crazy about this.

CB: It's not crazy at all.

A: So that's what it's like sometimes out in court. I worked with a long term PA down in Ellsworth who I know, Marie Kelly. Worked with the caseworker whose long term that I really like and nobody read about having to have an expert witness until they called me. I don't know if they thought I was going in and they weren't going to have to pay me or what they thought. I laid it out. This is what I get, I get travel, I get this, I get that. You get a report, yada, yada, yada. He was stunned. Well, this isn't what's happened before. I said you had people from the band or the tribe, which must've been Penobscot because that's who he deals, I mean Passamaquoddy because that's who he deals with. He said we've never had to do this. I said you want an expert witness, this is what I do and you can go get someone else if you want to, call me back when we're going to do this. I talked to Marie Kelly, we're going to do this, it did my work, did my job, submitted my bill. They wouldn't pay me for the whole thing because she decided at that point that I shouldn't be paid for this and I said, but that's not what we, I never got my money from them, cases and closed. They ever need me again I won't work for them. And then even within our own, one of the first reasons that I was brought in on an ICWA case in Biddeford, which was not a Maine tribe because Martha Proulx had recommended, whose the Passamaquoddy lady up there? I can't remember. She used to be the director.

GD: Molly.

CB: Molly Newell.

A: Came down, started working on the case, couldn't get the phone call, she dropped the case. She didn't even answer their phone calls. You're laughing, no I was doing this. So what the hell was going on with all of us now that the pieces fit in together so I want to say some areas are easier than others. It's difficult for me because I don't have any power in back of me anymore. There isn't anybody that I can call. Martha Proulx does not take my phone calls anymore. I don't know why. What I have found with the different areas that I've worked out there with, with the caseworkers is to say why aren't you calling Martha Proulx? She's the liaison, ICWA liaison for the State. No one knows that. No one knows what she does and where is that thing... that, here it is right here. So yeah there's issues that go on up in Aroostook County and so we sat down. I asked them, Becky can we sit down and just talk about it and come up with some steps because these things are happening, we have a turnover of caseworkers up there, they're young or they're old. One of the things are happening and so therefore you're to the point that you can be vacated because you're not doing the first steps. So how can we sit down and get anything to unfold in the way that it should be unfolded that, they weren't getting the letters, the band wasn't even going to the mail and finding them and there was a lot of stuff that was happening. How can you stop this?

So there was Heidi, Becky, myself and Lisa Chase that sat down and put this together and this sat on Martha Proulx's desk. She's never approved it. It has never been circulated.

CB: When did you do that?

A: I don't know, it must've been maybe about a year ago, maybe -- let's just say (*inaudible*) and this is what I put together and this is what I sent out to all the caseworkers that send me a case because you get a training and then you get ICWA case that has 99 steps to it.



CB: Right.

A: So what do you do? So I remind them that they have, you've got a policy, I want you to go to page 12. This is all the stuff that you need to have to do and this is what I want. It's simple as can be. It's step by step by step by step and this is what Becky had wanted her DHHS caseworkers to do. It was more about what Becky wanted for DHHS. And she made that clear when we sat down at the table. Couldn't get Martha Proulx to even read it. So on came a new AAG Chief, Nora, is that her name? So I had heard through the grapevine that she was really open to getting ICWA out there because she realized that there was stuff that was happening and so they encouraged me to call her. She was waiting for me to call. I did, I called her, she was great, loved talking to her, and I said this is what's happening. She said I know I called Martha myself and she gave me the run around. Right, so I had to call Mark Dalton (phonetic). Isn't that her boss? What, is this something that's hidden? She's the ICWA liaison but nobody can call her. She won't return phone calls and she won't push something through, what the hell is going on?

CB: Explain to me too why Lori Jewell won't come forward?

A: Because Brenda wouldn't her, I'm sure. I'm not sure what Lori Jewell deals with up there in (*inaudible*), I'm imagining it's difficult. I don't hear that from her or I don't hear that she said that. That doesn't mean it's not happening, but if she hasn't come forward, Brenda won't let her. That's easy.

So, so Charlotte who's going to hold Martha Proulx accountable? Who's supposed to be out there to assist the ICWA and let's a document like this sit on her fricking desk. Who? And why is there a block? What the hell is happening?

So Nora said she was going to go into her AAG training and have somebody come in and give the training. It's supposed to be David Hathaway. The first training that went down he was sick or someplace and Heidi Silver came down and she gave a training that spoke to some of these issues that needed to be known by the AAGs so that if you get an ICWA case you just don't ignore it you've got to get your people on board. Can I see what you've got over there? Am I supposed to see that, no? Or did you want to speak to it? I don't know.

GD: Well, let me take a break and talk about it.

A: Okay.

CB: We're going to stop for a moment.

A: She's got 25 minutes, 35.

[BREAK IN RECORDING]

A: It's just nice to talk about it and it's all right.

CB: We're just, we're re-recording now with statement number ME-201412-00158-001. I'm Charlotte Bacon. I'm here with an anonymous provider and Greg Dorr. It is a quarter of one on January 20th.

A: Twenty minutes of one.

CB: Yeah, twenty, you've got lots of time. Sorry, mine's a little fast.

A: I think something got brought up that I want to go back to and to say, so here we have issues now with what are we going to do with my kids because they're being taken, removed and I think the basic issue with Indian families, Indian tribes, there are no foster homes, there are no foster homes happening in the State of Maine and they're really scrapping and I think if I had to make a statement, a political statement that comes back and trace it right back to the governor. They have really not honored or appreciated what these homes that have been doing. So we don't have Native homes. I'm not quite sure, I feel like I've given the recipe out so many times that I think that I can't say it anymore to the Micmacs that here's the deal. Here's the tribes that have been successful. Here is their phone numbers. Give them a call, see if they can send, will they send you back their recipe and how, appoint out of your family tree members a group that will take this apart and figure out a recipe for you to get homes, foster homes, therapeutic homes because how can you squawk about where the child is going if you have no homes. I mean it's not making any sense to me. This is one of the worst things that's out there. So yeah, they're going to go into white homes. That's not a fault, but you can't hold the kid back because there isn't a native home, which comes down to what we probably talked about, how can we go ahead and do this and we talked a lot about the long house. I have some other thoughts about that, but I think natives have got to step up someplace and take responsibility for providing and training. You cannot place a kid in a native home if they don't have the training of what's expected to them because they'll boot them right out and I don't blame them because they didn't know and they're so scared of DHHS you know. So I think that that is a huge, huge effort. We have to remove these kids. It's in their best interests. They're getting hurt. We can't keep them there and guess what, there's nobody in your house that wants to take them in. So what are we going to do? And then it comes down so then they're experiencing life in a white home and then it comes down to some of my own personal things that I am still struggling with and this is where I need to have help. What happens to the person whose up, whose tribe is up in Maine, but their whole family satellite group has come down to another place in Maine and they're living in Maine down there, not living at a tribe. Their little family is down here and the kid gets removed, gets put into a non-Native home mostly and doesn't that change things?

I think the ICWA needs to be rewritten some place because the tribe is the third parent, but not the first or the second. So what's so important? If this family unit has chosen to come down here to live why did the kid has to go back up to the tribe to be taken care of where there's no homes anyway to begin with? There shouldn't be that kind of allowing. There needs to be something to be put in here because permanency is important. The kid's got to have



permanency eventually. And isn't it reunification with the parents? If the parents are down here then their aunts and their uncles and some cousins, what the hell do they have to go back up to a tribe for? I don't know. I'm not understanding anymore. And that's a lot of case that is horrific. The kid died, it's not a Maine tribe and they want to take one of the kids and I'm like why would you do this? This is the only life that this kid probably has known (*inaudible*) family unit that has chosen not to live on... I wouldn't live on the reservation. I wouldn't live on the reservation no matter how bad it was. I could never make myself live on the reservation. So would I want my kid to have to go back to a reservation because my family might be down here? What opportunity do I have to get better and to bring my kid home, you know. So I think that there's a lot of big stuff that's coming up for me and honest to god I feel like I'm not doing right by my Indian families because I want the kids to stay here and not have to go up here. So what's happening? There's so much that's going on and to kind of like bring it back to a little bit to say there's been one thing that I'm really paying attention to because I think that it feels right. It feels safe and it may be an avenue that I will consider. We have, I'm sure everybody knows Maria Girouard, I just think that there's nothing like her and she's the second coming as far as I'm concerned myself. Plus when she didn't run for Chief, I understand why she didn't, but she's got this sense of I don't know goodness. I feel like I'm in the spotlight of a holy like saint when I'm with her. But what am I noticing is a little drum group over on the reservation and they put it up on Facebook a little bit and I've been really following this. They're peaceful. They're happy. They don't have this eeeee underneath and this meanness and you know every so, once in a while I have breakfast with Maria and we sit down and she knows everything and I said you know like, Maria I said I hate even going over and picking up my prescriptions. I hate it. I have, why should I feel like I was the idiot, I don't know. Isn't that my people? Isn't that, you know where I should be able to be? And I said but your drum group feels like it's kind of like calling to me because it's safe. They're drumming. They're laughing. They aren't letting in that nasty, and is this (*inaudible*) a step towards healing this rather than all of that nasty stuff, but we got to heal and I know I've made comments again about some of the people that are out there and I think I need to make it again here and to say that if our main picture show right now is, I so hate to say this because I wouldn't want to avoid a minute in her life, but if our main person is telling this horrific story over and over and over for fifteen years if not more, and she's not getting better why would other people want to tell their story if there's no hope. So, what do we do about that? There's things now, it is time to get better. There's really, I don't care what goes on, there's time to heal. There's time, you know and there's just, it's time. I don't know why it worked so well with black people. From place to place aren't they powerful and they all seem to come together somehow for the cause. I don't know what they're doing with light blacks, or black blacks, I don't know how that works, but they're powerful if they all come together and guess what, their kids when they come in custody don't have to go back someplace. They just have to find the right home for them and recognize their culture. They don't send them back up to a reservation. Something's not right anymore and you know it all comes down to the kids. Today I don't think there's any one of my kids in my families that I'm working with that they don't know that they're Indian.

It isn't like snatching them 2000 miles away and bringing them to a place like Carlisle and they don't know who the hell they are afterwards. I think these kids know who they belong to. We certainly make a point for that.

There is an issue about adoptions here in the State of Maine because they're closed and you hope to hell that they will at least, with all of the training that these parents have had and can we not do something about that maybe, is there not something that we could do about that so that the kids will always know who they are and how they can go back if they want. Things aren't the same as the way that they were before. There are some changes and I think they all have to be recognized and to be addressed. We have to have some kind of hope and some kind of healing and getting back to the long house, there needs to be something real specific, so I say it needs to be attached to ICWA and its kids and a concrete plan with one tribe to figure out how it's going to work so it can spread because some kids up there need to go back someplace and live close to the tribe. What are we going to do? What could we do with them? Can we not have the long house idea where it's kind of like an orphanage? That's the only word I know how to use with native people in there, maybe have native offices in there, but a place to go back that there's concrete steps about what's going to happen. Why not? And what are we going to do about dissing our own, hating on our own. What are we going to do about our Chiefs and councils that come in and haven't got a fucking idea what the ICWA is all about? They really need to be trained because it all comes down to politics, they want to be elected again, so they do anything. How hurtful is that?

So, and then we have a history of a tribe that made fantastic steps and because they're so dysfunctional, the freaking Chief doesn't even know. Here it is right here. That's a shame that those people don't have that. That's a shame that she didn't come with me to Sacramento and accept that award. It's a shame that we had to call Amy Besof (phonetic) from Harvard to call Brenda to get her on board to finally let us go out and receive that. And it's a shame the \$2000 award had to be used for our travel fare and not towards a project in the ICWA. What in the hell is that all about? So we need to get better. We need to get better if we want our kids to be better and want to know who they are, and maybe want to come back. I don't know, it's like, and I'm not saying this for any other kind of thing, but it's a fact, so I grew up in red culture down in Massachusetts. I don't know any other difference except to not belong and not to know what it feels like to belong someplace. Do I have white friends? Oh yeah, you know I'm that kind of person, I'm going to have a friend, but I didn't belong. I was always different, and I know that. It was awful sometimes. What are we doing to one another? What are we doing to our kids? And what the hell is the State doing that knows so much about ICWA and not everybody being on board. What the hell is Martha Proulx's position doing, that nobody within her realm knows that she's the ICWA liaison and could call her. That's just awful, awful that people are up there in this movement and (*inaudible*). Maybe I'm not on this (*inaudible*), I'm sure it has to be. It's painful to be Indian. It's painful to work the ICWA. I'm done. You got five minutes if you want to... I'm switching on the light (*inaudible*). You've got five minutes if you want to summarize. Sorry.

CB: No apologies.

A: Is there anything I left out?

CB: It's painful to be Indian. It's painful to work the ICWA.

A: It is.

CB: I just, I'm letting the weight of that settle in my heart and my mind. Then my question is given that the TRC is a tiny vehicle, a first step, a partial step in which people will only share part of the truth, if there is one thing you need me to say in our report that I promise you, I'm already meeting with legislators. I'm meeting with people in Augusta, meeting with DHHS people. I'm meeting with the Catholic Bishop. I'm meeting with the Episcopal Bishop. I'm met with, I've met with all these people. I will be meeting with them again, Tribal Chiefs, councils. If there was one thing you wanted me to be sure that I told them, that I wrote down and I'm saying I collectively. It's simply the TRC had in its report, had in its recommendations, what's the one thing we need to honor above everything else?

A: The best interest of Indian children. Both sides have got to come together.

CB: And really discuss what are those best interests.

A: Yes.

CB: And be brave and honest about discussing what's in the best interest of Indian children.

A: It has to cease being such a political thing for the tribes and the people coming on or even old people. They need to be trained in the ICWA. They really need to be. It isn't just a vehicle for Indian children to stay with Indian families. They aren't always healthy. So, stop the politics. The State needs to be more homogenous, I've always said that you know if you ever heard, it's got to be a trickle-down effect. I said that from the beginning. If it doesn't trickle down to whoever the Commissioner is, it doesn't sound like she's terribly taken up with ICWA that I can hear. She's trying to make the government happy from the way that I can see it and hold her job. If it doesn't come from her, that this is the ICWA and you have to do this. If it doesn't come from the AG, who I think it is, total, total idiot, Janet Mills, you have no idea, you have no idea what she's doing out there. You might see her involved in her badness as far as the river is concerned. You don't know what she's doing to our people and where it might impact her family and somebody losing their job because of her sister being involved. This woman is a menace to Indian people.

CB: I've met with her, because it's part of what we do. Ee meet with everybody who's part of the conversation as far as, as part of the story.

A: Well, ask Maria how it went when she presented all of the --

CB: The signatures.

A: Yeah, and for the river. She presented it to her office and then met her downstairs by chance and introduced herself and she said, the look that came over her face was (*inaudible*). You know Maria, if you know Maria, you got to know she's the only person in this world that I know who'd be so sincere and being able to say I'm Maria and I'm really glad to meet you. I want you to know that I brought up the things and dropped them off in your office and I really hope that we'll be able to work some of this through in a sincere and loving way and this woman... So where are the people like that come from? Sometimes I say to myself what's started her off for being so ugly that this is happening. I don't know. Where is Laura in all of this? You know we were supposed to get back and talk together ourselves. I've just gone ahead and done something, but what's the impact going to be on her if her AG is you know on such a track? So, do I miss the other person, while I knew her better, but it sounds like she just had been there for a while and like Heidi said she played favorites so it wasn't easy to maneuver around the AAG after a while and, but we grew up with her. I mean I remember how she was in the courts in Waterville is what I'm saying. It was the first time that for me anyway, I don't know what Greg experienced, but coming down from Aroostook when we were really working the stuff up there. We had a case down in the Waterville area, what the hell was her name, I can't remember.

GD: Janice Stuver.

A: Janice Stuver. And Janice was the AG on the case and we came down, all it was, was the law, remember? There was no animosity. Nobody was fighting or at least this is my take on it. We did a lot and she was talking.

GD: Yeah, that's my fear that the legislature would do something like other legislatures in other states have done which is pass a, a companion ICWA as a state law and we lose sight of the idea that you really got to be vigilant about the whole process and you got to, your people have to be open-minded and willing to put it to work and as Janice observed, just because it's a federal law

A: Doesn't make it a state.

GD: Doesn't mean that you don't have to enforce it here. So, if you --

CB: It actually means the opposite.

GD: It means the exact opposite. You've got to follow that federal law, and I don't know whether --

CB: It takes precedence.

GD: Yeah, and I don't know what the thought process is of the people that are --

A: I don't get the hate. That's what comes down to it to me.

GD: Right, well --

A: It's the hate.

GD: It's not part of DHS' framework, DHS' law, so you've got to be vigilant about the whole process in the spirit of the law.

CB: Anything else?

A: Do we (inaudible) or all of this stuff or, again or where are you?

CB: Hold on. I'm going to stop.

A: Yeah, stop.

CB: Okay.

[END OF RECORDING]