

General Information

Private or Public Statement? Private

Statement Provider: Freda Plumley

Date: July 18, 2014

Location: Augusta, Maine

Previous Statement? No

Statement Gatherer: Rachel George

Support Person: N/A

Additional Individuals Present: gkisedtanamoogk

Recording Format: Video

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Recording

RG: Alright. It is July 18, 2014. We're here in Augusta, Maine. My name is Rachel George. Would you mind stating your name for the record?

FP: Freda Plumley.

GK: And Commissioner gkisedtanamoogk.

RG: And the file number is ME-201407-00072. Freda, have you been informed, understood and signed the consent form?

FP: Yes.

RG: Fantastic. And I have to let you know that if at any point during your 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?

FP: I understand.

RG: Fantastic. Is there anywhere you'd like to start off today, or do you want me to go through the interview questions?

FP: Go through your questions, please.

RG: Okay. Could you tell me about your past employment with State Child Welfare – what kinds of positions you held?

FP: In 1960, I began as a child welfare worker at northern Penobscot County where, at that time, ah, we were generalists and did everything that was necessary within a geographical area – from child protective to court studies to adoptive studies and placement, foster home licensing and placement, supervision of placement – the entire gamut of child welfare was the responsibility of the individual caseworker at that time.

RG: Mmm.

FP: And that remained basically true for the first four years of work, when I left to go to graduate school. And, upon returning, I went to northern Franklin County, where I did the same work for a year, which was then State policy for people coming out of graduate school. I subsequently became a supervisor, moved to Augusta as a substitute care consultant, and then assumed administrative positions as, um, assistant bureau director and, ultimately, retired as the director of the Bureau of Child and Family Services. That spans a period of over 30 years.

RG: (*very softly*) Wow. Um, and during your time with DHHS, did you have many cases that worked with Wabanaki children and families?

FP: I personally did not. Um, in northern Penobscot County, I was north of the Old Town area, and there were not Indian foster children up there. I am unaware of placing any Indian children for adoption. I can't guarantee that that didn't happen, but, but there was none that I was aware of.

RG: Mm-hm. Mm-hm.

FP: And I placed a lot of children back in the early 1960s.

RG: Mm-hm. Um, in the 1960s, what was the State policy with regards to Native children?

FP: To my memory, there was none.

RG: Okay. That's quite all right. When did you first learn about the Indian Child Welfare Act?

FP: I learned about it in 1978, or at least then, because that's when it was enacted, and one of the people under my supervision was assigned responsibility for assuring its implementation, as far as the State was concerned.

RG: Mm-hm. Can you tell me a little bit more about that?

FP: Oh, my! (*exhale*) Well, I again, we're going back a lot of years in my memory, and I'm not a youngster anymore, so I don't remember as clearly, but I do remember that the person who was responsible for that, ah, developed policy; did statewide training; talked with me at different times about issues that had arisen.

RG: Mm-hm.

FP: Um, but, but the intent at that time was for us to be in compliance with the Federal law – the Indian Child Welfare Act.

RG: Mm-hm.

FP: Um, subsequently, I think it was in 1980, the entire Child Welfare law was recodified.

RG: Mmm.

FP: And I believe that that law also was in basic compliance with the structural requirements of what needed to be done.

RG: Mm-hm. Mm-hm. Can you tell me about what training you received with regards to the Indian Child Welfare Act? Or if you received any training?

FP: I did not receive any. It is possible that Nancy Goddard, who was responsible for the basic supervision of, of that – or the, she was the program specialist who was responsible – may have done some training through the Federal agency.

RG: Mm-hm.

FP: Um, but she was more responsible for administering the training than for receiving training. I did not receive any.

RG: Um, what would you say your level of understanding is of the Indian Child Welfare Act, in order to be able to supervise someone who was ensuring, ah, compliance?

FP: My level?

RG: Mm-hm.

FP: I think I understood it quite well at that time. Actually, I printed off, ah, a Wikipedia ‘picture’ of the Indian Child Welfare Act today, and looked through, and it was very familiar, in terms of the notice requirements and, and the Tribal Court having jurisdiction, and so forth.

RG: Mm-hm. Mm-hm.

FP: It, and it was looking back from ’78, ’88, ’98, 2008 – 36 years in memory.

RG: Mm-hm.

FP: Um, but, but I had a pretty good memory as I looked over that of what it was, and is.

RG: Mm-hm.

FP: I'm not aware of modifications to the law that may have taken place, since I retired.

RG: Mm-hm. How long were you the supervisor of someone who was ensuring ICWA compliance?

FP: She was still there and still responsible when I left in 19 – I, I left the building in 1990; it was formal in ’91, ah, and the Act was in, it was 19– ah –78. So – (*counting under her breath*) ’78, ’80, ’9 – 12 years, at least.

RG: Mm-hm. Um, can you tell me a little bit more about what your role was as supervisor for her?

FP: (*inhale*) I made assignments to her. I received reports of the work she was doing. I reviewed the policies that were written. I don't remember doing it, but I think I would've reviewed the training plans because that's the kind of – , that's the way I worked at that time.

RG: Mm-hm.

FP: Um, and I would've met with her regularly.

RG: Mm-hm.

FP: I was not her *direct* supervisor by the time – because I had promoted up through a couple of levels, but, I was still aware of what was going on. I was aware of all the policies that were going out, the statutory changes, until I did leave.

RG: Absolutely. Did any, ah, problems ever arise that she brought to you that – Maybe I'll – Let me rephrase that. If there was something that came up, a question that she had that you didn't have the answer to, who would you reach out to?

FP: I would've reached out to the assistant attorney general who was responsible for, for all her programs.

RG: Mm-hm. That's great. And do you remember who that was at the time?

FP: At that specific time, I'm not sure. I do know that Leigh Saufley, who is now the Chief Justice of the Maine Supreme Court, was our attorney for a period of time. Um, I'm trying to remember the names of some of the other people who worked for us and worked with us. *(pause)* And I'm going to come up short there.

RG: That's okay.

FP: If I saw a list, I could easily identify them.

RG: The next couple questions, I'm not sure if you will have direct experience with, but I'm going to ask you anyways, and if you don't, then you just have to let me know. That's quite all right.

Um, could you describe a situation in which you or your staff felt very positive about your work with Wabanaki children and families?

FP: I don't have enough information.

RG: That's okay. Um, how about a situation where you felt less positive about your work?

FP: Again, I don't have that direct contact and information.

RG: Throughout your number of roles within DHHS, what were your experiences in, um, so for example, perhaps supervising somebody who was dealing with initial identification of a child as Native American?

FP: I don't remember ... working ... with ... any Native American children or families in northern Penobscot County.

RG: Mm-hm.

FP: And definitely not in northern Franklin County.

RG: Mm-hm.

FP: If you were asking me about French Canadian families, yeah, I could give you a lot of information about that, but – but, I wasn't near the Reservation in the Old Town, um, and the family –, people who needed placement, they didn't tend to go up in that direction.

RG: Mm-hm.

FP: So I didn't, I didn't have any.

RG: I know you've kind of answered this already, but could you tell me a little bit – , in a little bit more detail, what State policy was, with regards to the Indian Child Welfare Act, when it came in, in 1978?

FP: (*inhale*) My memory ... was, is ... that the, um, Tribal Courts had jurisdiction over any child welfare action that would take place with people living on the reservations. I don't, I don't re – . And, and that would be jurisdiction over all of the child welfare matters, ah, but I don't remember much else.

RG: Mm-hm.

FP: That was, you know, that's pretty all-inclusive in terms of, of that. And the, the areas that had Native American populations were, were Down East, Ellsworth, Machias area – where the offices were, and the Bangor office, that covered, ah, the Old Town area.

RG: Mm-hm. Mm-hm.

FP: And I frankly don't remember hearing a lot from those supervisors or those three administrators about issues with Native American people.

RG: That's okay. Did those policies change at all throughout the time that you were working there until 1991?

FP: The policies in regard to the Indian Child Welfare Act –

RG: Mmm.

FP: – I'm not, I haven't, I don't have memory of changes. There may have been some as issues arose.

RG: Mm-hm.

FP: Policies, in general, were in constant state of being changed here and there, but not as far as the, um, the Indian Child Welfare Act was concerned.

RG: Okay.

FP: Again, we're going back for a lot of years in memory.

RG: (*overlapping*) Yeah, of course. Of course.

FP: And it was some distance as I moved on through different positions from the more direct

contact.

RG: Oh, absolutely. Absolutely. What do you consider active efforts to prevent the breakup of an American Indian family?

FP: Would you ask that again, please?

RG: What do you consider *active efforts* to prevent the breakup of an American Indian family? As opposed to, um, the reasonable-efforts standard?

FP: Oh, my! That's a hard one. I would *assume* that the reasonable effort would be an active effort, first. And that all of the resources would be brought to bear to prevent the breakup of, of a Native American family, just as they would any other.

RG: Mm-hm.

FP: And that, in my thinking, if I were there, I would want to include the people within the Tribe and, and, ah, whatever assistance could be, could be gotten there to support the family and keep it intact.

RG: Mm-hm.

FP: And if it were not going to stay intact, I would, I would want to have the children placed, if possible, with, with relatives or other Native American people.

RG: Mm-hm.

FP: But I need to say that the importance on relative placements did not happen early on. The basic notion in child welfare, among the child protective people, as I understood it, was, quote, The apple doesn't fall far from the tree. And, therefore, it's a good idea to get them away from their family. That philosophy changed remarkably over the last couple of decades.

RG: Mm-hm.

FP: But at that time, I – I'm talking about how I would think was a reasonable way to respond. At that time, I do not believe that that was the philosophy that was common within the child protection group. I think it was much more likely, ah, to – whether it was, it didn't matter whether it was a Native American or not – that notion, if you're dealing with alcoholism, or if you're dealing with abuse, or whatever – would be, the wiser thing would be to get them out of the family.

RG: Mm-hm. Mm-hm. Ah, do you recall when, about, that shift started?

FP: (*deep breath*) I'm going to say, I can't remember exactly – and part of it, of course, came when, when our friend was working with the kinship care project.

RG: Mm-hm.

FP: Um, I'm going to say **at least** 20 years ago.

RG: Mm-hm.

FP: But not way back.

RG: Mm-hm. Mm-hm. Um, to the best of your knowledge, if a Tribe declines to intervene in a child custody proceeding, what are the reasons for that?

FP: If who declined?

RG: A Tribe declines to become involved in a child custody proceeding.

FP: Perhaps if they didn't believe that there was an issue in the first place. I'm just guessing now, that perhaps that they felt too closely involved to be objective. I, I don't know. Um, my assumption would be that if the family was a member of the Tribe, that the Tribe would want to be involved.

RG: Mm-hm.

FP: But I don't know that from first-hand knowledge.

RG: That's okay. To the best of your knowledge, when the State declines to transfer a child custody proceeding to the Tribe, what are the reasons for that decision?

FP: I don't know.

RG: That's okay!

FP: I can only speculate that for some reason, they thought they couldn't be objectively handled, but, but I don't know.

RG: That's all right. You don't have to have answers to all of these questions. Don't worry.

FP: (*putting up her hands, smiling, soft laughs*)

GK: That's, that's the good part.

RG: Yeah!

FP: *(laughs)* That's the good part, I can just say I don't know.

GK: (coughs)

RG: Um, over the course of your work with DHHS, what did you see as barriers to the successful implementation of the Indian Child Welfare Act, if you saw any barriers?

FP: *(deep breath)* Other than lack of resources, or insufficient resources, I don't know.

RG: Can you tell me a little bit more about insufficient resources? How did that impact, ah, State implementation?

FP: *(overlapping)* It would whether or not, in terms of *placement,* for instance, of children, whether or not there were people within the Tribes that were willing and ready and able to care for them.

RG: Mm-hm.

FP: Um, I can't – It wasn't a, a financial issue, because they would be treated the same as any other, any other child in terms of the amount of money available. Um, I can't think of any.

RG: That's okay. Um, in the early years of the Indian Child Welfare Act, how did foster care, ah, foster home licensing work between the Tribes and the State of Maine.

FP: I don't have enough information.

RG: That's all right. What strengths do you see State Child Welfare possessing in ensuring Indian Child Welfare Act compliance?

FP: *(deep breath, pause)* I don't know. I don't know. I would only speculate. I don't know.

RG: What weaknesses do you see State Child Welfare possessing in ensuring ICWA compliance?

FP: The thing I would have worried about would be attitude.

RG: Mmm.

FP: And questions about whether or not the State felt that the families or Tribes were adequate to do what needed to be done. I don't like that, but, but that's what I think – might have been an issue.

RG: What strengths do Wabanaki Tribes possess in working with the State for ICWA compliance?

FP: I don't have enough information.

RG: That's okay. Weaknesses that Wabanaki Tribes possess in working with the State for ICWA compliance?

FP: I'm sorry?

RG: What weaknesses do Wabanaki –

FP: Again, I don't –

RG: That's all right.

FP: – I don't have enough information.

RG: Um, is there an importance of having caseworkers learn about and having knowledge of the American Indian family structure?

FP: Oh, yes!

RG: Can you tell me a little bit more about why that's important?

FP: (*overlapping*) Wh-What I'd like to say, and-and I thought about this, I was awake in the middle of the night, while I was thinking about this. I went to college in the late '50s, where I got a degree in psychology, and then I went to graduate school for social work in the middle '60s. Now, in the '50s, I was in the South. We were in the middle of, of, segregation issues – and that really didn't resolve itself. But there was not any discussion, when I was in college, about issues of race or ethnicity or anything of that sort. So I went to graduate school with a degree in social work in 1966. Again, no discussion whatsoever about those issues. So I talked with a friend who just graduated from a school where she majored in social work. Again! 19–, ah, 2014. *No* discussion about ethnic or Native Americans or anything of the sort, *except,* she said, during the policy discussion, during the policy course on social policy, there was some discussion of that, um, back in the early 1900s, when national policies were being developed. So what I'm basically saying is that there was *nothing* in my college graduate school or her college, even though they're 50 years apart, that dealt with any of these issues, which *distresses* me.

RG: Mm-hm.

FP: And so, carrying that a bit further, there's a young man taking care of my little grandson. And he is 13 and will be entering high school this year. And I asked *him* the question about whether there was any discussion of Native Americans, or anything of that sort, and he said – this is all, I wrote this down right afterwards, 'Only if we can get the teacher off-track, but

we're not supposed to.'

GK: Mmm.

FP: So, right up until today – based on my observation or what little I can learn, I don't think there is any significant education or discussion of that range of issues within any part of the educational system.

RG: Mm-hm.

FP: There may be things I don't know about, but I'm talking about having talked with a college graduate within the *year,* and a ... elementary school student who tells me that *they're not supposed to* talk about those things. I find that very distressing. (*slightly shaking her head 'no'*)

RG: Mm-hm. Absolutely.

FP: Okay. I'm sorry. I get off on a – (*folding hands together*)

RG: No, that's great.

FP: (*softly laughing, rubbing hands together*)

RG: Um, is there an importance for an Indian child who's placed in out-of-home care to be placed within a reasonable proximity to his or her birth family or community?

FP: Of course.

RG: Could you tell me a little bit about *why* that's important?

FP: Well, I'm going to go off on another short tangent, if you don't mind.

RG: Of course.

FP: And I – This will be in relation to adoption.

RG: Mm-hm.

FP: And I have strong feelings about this. When children are placed for adoption, that decision is made by adults – often from agencies and from birth parents, and state agencies and so forth – that make information about that child confidential. Medical information is gathered at that

time, but when that person grows up, becomes an adult and wants to know their heritage, currently, they can register with the court. And if the parent also registers, information is exchanged. But basically, if a Native American child is adopted, unless the court will sympathize in some fashion, or unless the parent has registered with the court, that child's heritage is kept secret. I think that is wrong. I don't think that anybody – and I understand that people who are – and, and the morality that is, that the morality that was in place 50 years ago – that there was shame involved with illegitimate pregnancies, and people didn't want that information to be known. But I don't think there is any basis or any right anywhere to deprive an individual of knowledge of their background and their heritage, even if it protects the mother or the birth mother or keeps the adoptive family happy or whatever. *(smiles)* Did that answer your question? *(laughs, bows head)*

GK: *(softly laughs)*

RG: Yes! This one's kind of along that same line. Is there an importance for an Indian child who's placed in out-of-home care to participate in his or her traditional Tribal events, spiritual customs, social activities?

FP: *(overlapping)* I think so. It's their identity.

RG: Mmm. Can you tell me about why that's important?

FP: *(deep breath)* Well, it's, it's difficult. I think, for any person, it's important to know who they are. I have been aware of a man who is about 50, who, who, is Native American and disabled by head injuries, I believe. Who, for whom, *his* heritage is very important. And the people with whom he was placed, in an in-home arrangement, took him back to, to his Tribe for, ummm ... oh, I'm going to forget what they call them. ... Ah, gatherings *(gesturing in a circular motion)* of, of the Tribe. And he had –

GK: Like, like Pow Wows, for instance.

FP: *(turning toward GK)* Pow Wows. Yes, exactly. *(turns back to RG)* Went back, went back for that. And, and he was proud to – I knew him. I, I did things with him. He was proud to bring me a blanket that his aunt had made, a quilt that his aunt had made. And, knowing who he was, was very important to him. I think for any person, knowing who they are, knowing their heritage, knowing who their parents were, is part of the identity that we have. If we don't have that, what have we got?

RG: Mm-hm. Mm-hm. In what ways do you see Maine's Indian Child Welfare policies and the Adoption and Safe Families Act working together? In what ways do you see the two policies not working together?

FP: Well, I've just mentioned one of them. And that is the, the secrecy that's involved with adoption. And that is, to some extent, I think, relaxing, but I don't have good first-hand knowledge to say that that's the case. I would like to see *(pause)* I would like to see collaboration between the, the Tribes and the State on those things, and have better

understanding and, um. But unless that happens, I don't see how they can be working together. *(slightly shakes head 'no')* There has to be talking and considering and mutual respect.

RG: Mm-hm. Mm-hm. If you could change anything or make anything happen at the Tribal, State or Federal level to improve the lives of children touched by the Indian Child Welfare Act, what would you do?

FP: *(deep breath)* I would work toward more knowledge, information, and attitude changes that were mutually respectful.

RG: Mm-hm.

FP: *(sad smile, raising eyebrows)* In a nutshell. *(smile)*

RG: Is there anything about your experience in working with DHHS that you want to share with the TRC that I didn't perhaps specifically ask about?

FP: I don't think so. No. I – The things that interested me, ah, were related to the laws and the policies that were being developed. And, as I said, when the Indian Child Welfare Act came out in 1978, we were, within the next two years, working very hard on the State Child Welfare Act. And that was entirely redone.

RG: Mm-hm.

FP: It was recodified. The adoption law *(inhale)* came a little while later, and, and I co-chaired that with, ah, Tom Hallett, who's a lawyer out of Portland.

The pieces that were missing, for me, as I look back on it, was an active thinking and awareness of the Indian –, of the Native American people. And I think we did our work. And I think we did it well, but I don't think we thought as much as we should have. We were in compliance with the law, but I don't think we thought as much as we should have about *how* we should be working together and, and, ah, I just think we failed there. *(opens up her folded hands and refolds them together, sad smile)*

RG: Is there anything you would like to add, gkisedtanamoogk?

FP: *(turns toward GK)*

GK: Yes. *(laughs softly)*

FP: *(smiles, puts hand on cheek, leans on her hand)*

GK: First of all.

FP: *(bows her head in to listen)*

GK: *(more loudly)* First of all, thank you so much coming and participating in this. It really means a lot to our work.

FP: *(nodding, smiling)* Yeah, I appreciate that.

GK: I really appreciate that. Um, *(clears throat)* in listening to your experience, um, a, a number of things that come to my mind. And I, and I – and this is just your opinion, right? Um, what– Ah, and, basically has reaffirmed what, just what you just said about the lack of experience in knowing the Wabanaki or Native Americans. But, and I think that's, ah, fairly consistent right across the board, I think. I would speculate 95 percent of North Americans know very little about Indian peoples, kind of thing.

Um, *(clears throat)* and I guess – in keeping in mind the spirit and the intent of the law, kind of thing – um, I'm curious, it seems to me that you would be an advocate of, of knowing the people that you were serving and particularly Indian, Indian peoples. And there's a very long history of displacing Indian people from their homes.

FP: Mm-hm. *(nodding)*

GK: And, in this particular case, there is a legacy of *removing* Indian children, you know, and we're talking about, as a policy, a Federal policy. Um, and I, and I see that ... the best intentions, you know, a, a real concern for the well-being of Indian people.

FP: *Mm-hm.* *(softly, nodding)*

GK: Ah, and so, I'm thinking about, about the training aspect with this. And, and there is a historical basis, you know, really fundamental about the nature of sovereignty, um, when we're talking about law.

FP: *Mm-hm.* *(softly, nodding)*

GK: Ah, the nature of sovereignty and jurisdiction, even something as basic as understanding treaties. You know, and those things, I think, are habitually absent of training when we talk about the Welfare Act – you know, ICWA, for instance. We're really looking at the law. You know, we're really looking at placement and so forth, but what's behind that? And what informs those kinds of things?

FP: *(nodding)*

GK: Even ... um, even the matter of genocide, you know. One of the outstanding characteristics of genocide is forcibly removing children from homes. You know, which I believe spawned ICWA –



FP: Mm-hm. (*softly, nodding*)

GK: – somewhere along the line, there's that connection, so (*deep breath*) would you, in your opinion – it sounds like you're an advocate of really learning and really getting to know people and working together in a mutual – You mentioned mutuality a lot in, in your presentation. So, would, would you be an advocate of extending training that would include a fundamental, basic knowledge of treaties and how they work; the nature of indigenous sovereignty; what jurisdiction, um – Ah, it, it sounds like the Maine Indian policy, if there was such a thing, would, um, ah ... ah, kind of extending the welfare of the child or any child, including Native Americans, in, in displacement, foster care and, in some, and just kind of having a sense of, ah ... your advocacy of including.

FP: I think there needs to be an inclusion of, of those things.

GK: Yeah.

FP: Um, I think there needs to be some better understanding of, of each other.

GK: Yeah.

FP: Of, of who Native Americans are and, and respect. Basic respect. I think those need to happen. And I don't see that, again, during my experience, it was not happening.

GK: Mm-hm.

FP: It was not happening.

GK: Hmm.

FP: There was – I never received any training on treaties and any of the things that, ah, were, were going on. I've been following the articles in the newspaper and, ah, and thinking, thinking how little people knew and, and also the impression that I had about how manipulative people were, as they dealt with the Tribes during that time – or with the attorneys.

GK: And manipulative in what way?

FP: Well, as I read the articles ... (*exhale*) it appeared to me that judges and others were, were – with one exception (*holding up her index finger*) – ah, were being ... well, I come back to the word 'manipulated' –

GK: Mm-hm.

FP: – that there was not a basic fairness. The one person, as I was reading the articles, who, who, ah, was appearing much more fair was Judge Ian MacInnes, ah, who, who dismissed some charges against the Indians and asked for an investigation.

GK: Mmm.

FP: And I go back to that because I worked with him and I knew him and I respected him. Ah, I didn't know a lot of the others.

GK: Right.

FP: I, I knew Ed Hinckley, who was, ah, Commissioner of Indian Affairs at that period of time.

GK: Mmm.

FP: Um ...

GK: This is for the State?

FP: Yes.

GK: Yeah.

FP: Yes. I, I, I was distressed, as I read that, and I understand that, that, ah, there may be another perspective, but ... I don't know, it just, it just seems like so many of the people were being manipulated.

GK: Mmm. ... In, in kind of an unjust ...

FP: *(overlapping)* Oh, yes!

GK: Yeah. 'Cause I really appreciate, you know, your ... your feelings of distress over this, that this becomes part of the problem overall, you know, so. *(coughs)* So, thank you. Thank you for, for sharing that.

FP: So have we finished?

RG: Is there anything else you want to add?

GK: Oh, I think Rachel would probably remind us all that anyone, that you're welcome to contact us at any time –

RG: Mm-hm.

FP: *(nodding)* Thank you.

GK: And we look at you as a human resource, in this work. And if there is further things that you would like to share with us, so –

FP: Appreciate it. (*nodding*)

GK: Or even distress you –

FP: Appreciate it.

RG: Absolutely.

GK: Thank you.

RG: Thank you so much. I'm going to stop the recording now —

FP: (*smiling, nodding*) Yes, please.

RG: – if that's okay.

[END OF RECORDING]