

James McCarthy
Brunswick
LD 1970

To: Sen. Carney, Rep. Moonen, and members of the Joint Standing Committee on Judiciary

Re: Support for LD 1970, An Act to Enact the Maine Indian Child Welfare Act, sponsored by Rep. Donna Bailey, D-York.

Dear Sen. Carney, Rep. Moonen and members of the Judiciary Committee, my name is James McCarthy and I live in Brunswick. I'm a retired journalist and a member of the Episcopal Committee on Indian Relations. I appreciate this opportunity to submit written testimony in support of LD 1970.

In preparing these remarks I took the time to read "Beyond the Mandate," the June 2015 report of the Truth and Reconciliation Commission that spent three years investigating and reporting heart-rending testimonies of Wabanaki citizens who'd been placed in non-Indigenous foster homes both before and after the enactment of the federal Indian Child Welfare Act in 1978.

First and foremost among the hard truths within that report are the painful stories of the long-lasting harm suffered by Wabanaki children who'd lost their connection to culture, extended family and community after being taken into non-Wabanaki foster care. I trust you will be mindful of the deep suffering many Wabanaki citizens still feel as a result of the lingering presence of what the commission described as "institutional racism in state systems and the public." (Page 64). Passing LD 1970 would show our Wabanaki neighbors that we have taken their suffering into our hearts and minds and are committed to making sure those past abuses will never happen again.

I appreciate the written testimony by Todd A. Landry, director of Maine's Office of Child and Family Services, supporting this bill. I share his concern that the pending *Haaland vs. Brackeen* case before the U.S. Supreme Court creates uncertainty about ICWA's future on the federal level. Your committee and the 131st Legislature can remove that uncertainty by joining at least 12 other states that have acted to codify ICWA protections on the state level. This would protect Wabanaki children, families, culture and sovereignty if the U.S. Supreme Court decides in June to weaken or destroy protections that have been known as the "gold standard" of child welfare policies for 40 years.

As Landry concluded in his testimony, "Enshrining these rights and safeguards into State statute will provide continuity regardless of the U.S. Supreme Court's ruling."

I also would note that Maine is one of 26 states that filed "friends of the court" briefs in 2019 supporting ICWA in the pending *Brackeen vs. Haaland* case. I trust your committee will be reassured by this amicus filing and the fact that the Child Protective Division of the Maine Attorney General's office helped craft the language of LD 1970.

Thank you for the important work you are doing. I appreciate your time and consideration of my testimony in urging you to vote "Ought to Pass" on LD 1970. In doing so, you will be joining thousands of other Mainers who are working with the Wabanaki Alliance to heal our relations with all our Wabanaki friends and neighbors.