Promoting Diversity in the Courts: Linda Wiedrick

John Caher: Welcome to Amici, News and Insight from a New York Court. I'm John Caher.

For today's Diversity Dialogue segment, I'd like to welcome to the program Linda Wiedrick, the chief clerk in Erie County Surrogate's Court.

Linda's maternal roots lie within the Mohawk tribe, the Iroquoian-speaking indigenous people of North America. Known as the "Keepers of the Eastern Door," the Mohawk were the traditional guardians of the Iroquois Confederation against invaders from the East. In this program, we'll ask Linda to share her family story as well as the story of her tribe.

Linda, thank you so much for joining us. So who are the Mohawk people?

Linda Wiedrick: Well, thank you for having me, John. It's a privilege to be part of this dialogue.

The Mohawk people are part of the Haudenosaunee or Iroquois North American Confederacy and that's comprised originally of five nations, the Mohawk, the Oneida, Onondaga, Cayuga, and Seneca, and then the Tuscarora were added as a sixth.

Mohawk are known as the Keepers of the Eastern Door. Senecas are the Keepers of the Western Door. The Haudenosaunee are the "People of the Longhouse." So extended families traditionally lived together in a shared space, which was the longhouse. Everyone pitched in with raising children and cooking meals and gathering for meals. Families each had their own separate living quarters, but the long house was the center of the community.

There's one thing that I really would love to mention because I'm from Buffalo, born and raised. My favorite part of the city is our City Hall. I'm sure you're familiar with it. I think you've mentioned that you have roots in Buffalo.

John Caher: I am. I'm also from Buffalo, and I worked in City Hall one summer. I'm very familiar with it.

Linda Wiedrick: Love the building. So, many people, I think, don't realize that that structure is actually based on a Seneca Indian chief, with the top of the

building being formed as a headdress. The artwork, both inside and outside the building, have many, many Native American influences. It's a beautiful building, and I just wanted to share that. If anybody ever has a chance to tour that, they do lunch hour tours every day from, I think it's 12 to one. They're free, and it's a beautiful, beautiful building.

John Caher: It is. It is. And the next time in town, I'm going to make a point to going up the observation tower, which I haven't been to in like 40 years.

Linda Wiedrick: Oh, yeah. It's a great view. You get the lake. You can go around the full circle so you can see the lake, and then you can see that whole view of the city. It's beautiful.

John Caher: Great advertisement for Buffalo! What is, or was, the Iroquois Confederacy?

Linda Wiedrick: The Iroquois or Haudenosaunee Confederacies originated before the United States was in existence and consisted of the five tribes that I previously mentioned. And it was actually the Confederacy that was believed to be a model for the U.S. Constitution.

The origin story is that the five nations were at war with each other and were brought together by a peacemaker who used arrows to demonstrate the strength of unity. One arrow alone could easily be broken, but when five arrows were bundled together, they could not be broken. So that's the basis that that peacemaker used to convince the tribes that they should live in peace. And once that was agreed upon, the people gathered together to celebrate, they buried the arrows beneath a great white pine tree, and that tree is known as the Great Tree of Peace. You can see that image, the Great Tree of Peace, in much of the Haudenosaunee traditional artwork. The most common image is Hiawatha's Belt, where you see the Great Tree of Peace in the center and surrounded by the remaining nations. So you see that a lot.

One of the things about the Haudenosaunee Confederacy's constitution is the Founding Fathers actually took that symbol of the arrows, and they used that when the 13 colonies originally came together. And you can see the bundle of arrows. If you look at a dollar bill, the eagle’s claw on the back is clasping a bundle of 13 arrows, and that was added on by Fathers as influenced by the Haudenosaunee.

John Caher: That's fascinating. So the Native American population is not just a group that we came here and displaced. They're a group that has influenced the formation of our country, our constitution, and our dollar bill.

Linda Wiedrick: Yes, they were here originally.

John Caher: Now, you told me offline that your maternal grandfather came to New York in the mid-1920s from Canada. What can you tell me about his story and why he left Canada?

Linda Wiedrick: His parents, my great-grandparents, were married on Pelee Island, which is an island on Lake Erie, part of Canada. They eventually moved to the Six Nations of the Grand River, which is a reservation in southern Ontario. It's actually one of the only, or I believe the only, reservation in North America where all six Haudenosaunee tribes nations lived together.

My grandfather was one of 12 children. When he was a young teenager, the family picked up and moved to the United States, basically looking for work and a better life than on the reservation. They lived as farmers. Life wasn't easy. Once they immigrated here, they were told to leave their old ways behind and to assimilate into the white society. They settled in the Black Rock/ Riverside neighborhood of Buffalo. Several years ago, one of my cousins unearthed an article that had appeared--I think one of my aunts had cut it out from the newspaper and saved it from 1927-- and it's a picture of my grandfather and seven of his siblings. So there were eight of them all lined up on the steps of School 51 and there's a caption, "The Groat Family, Full Blooded Mohawk Indians." Which had the distinct honor of having one child in each of grades K through eight, and all were honor roll students.

John Caher: Wow. I bet they had a heck of a grocery bill even in those days. Now, at the time your grandfather came to New York, it was probably to his advantage--you mentioned assimilation a minute ago--to blend in as much as possible. Were there any Mohawk or Native American traditions that your descendants observed and were passed on to you as a child?

Linda Wiedrick: Well, again, when my grandfather and his siblings and family came over, they were discouraged. He and his brothers and several of the others in the community played lacrosse at Front Park, so there was a bit of a Native community in that area. My mother recalls one of her uncles speaking in the Native tongue and her grandfather admonished him to speak English. So they really were very much discouraged from following any of that type of cultural tradition.

But we do come from the People of the Longhouse, and I think that subliminally that was handed down to us because we, from my very earliest memories and from my mother's earliest memories, the whole family always got together for a big family picnic once a year. All of the

extended family, aunts, uncles, cousins, we've done that for as long as I can remember my entire life. We still do it. My generation has actually tried to embrace some more of the traditions. So we now tend to call this our powwow, our annual powwow. We burn sage, we play drums. One of our cousins had some drums custom-made for us. So we drum, we have rattles. The kids all get together in a circle. We sing. We honor our ancestors, we pray.

One of my sisters has actually started trying to learn some of the Mohawk language, which is not an easy language to speak. It is traditionally a spoken language. So there's not a lot written down from many, many years ago. It's only in recent history that it's actually been written down, but we've discovered some wonderful Mohawk singers. Theresa Bear Fox is a singer of Mohawk origin from St. Regis. So we've learned some of her songs, and we just traditionally get together and do that. We honor the four seasons. We honor the four directions. She's got a great song that's a family protection song, and we gather and do that.

John Caher: Now, I find it real interesting that your Native American roots come from your mother. Unlike some of the other tribes, such as the Algonquin, the Iroquois were matrilineal, I believe. Property ownership resides with the woman. Married couples live with the wife's family. The mother was the unquestioned matriarch, and the children often took the mother's name. Would you say that the Iroquois were the first feminists?

Linda Wiedrick: Certainly. In fact, I've read that the Suffragettes were influenced by Native women, especially Iroquois women. I found a quote from a Bear Clan mother from the Mohawk nation who stated that it was the Native women who showed white women what freedom and liberty really looked like. These stories show up often when you read about the Suffragettes. In fact, I read that they had erected a statue of Sacagawea, back in the early 1900's at one of their national conventions to honor and acknowledge that influence.

John Caher: Oh, that's remarkable that they were even aware of that and were influenced by it.

Linda Wiedrick: Absolutely. I think the communities interacted. The white women were exposed to the freedom of the Native women, how they lived. They weren't subjected to what their husbands told them to do, and they held their own. They could wander about riding the forests freely. And that, I think, was something that the white women noticed and thought maybe they were being a little suppressed.

I definitely come from a strong line of women. My mother ended up raising six children basically on her own after my parents' divorce, but she had a lot of help. Again, the longhouse theme, she had a lot of help from her extended family. One of my grandfather's younger sisters, our Aunt Bell, was hugely involved in our life and supportive of my mother throughout raising us. In fact, Aunt Bell raised several of her nieces and nephews. The Native tradition, it's interesting to know that their word for mother and aunt is the same. So aunts are treated like mothers, and we experienced that.

Again, the longhouse theory, I think it's just subliminally passed down. My Aunt Bell, I just have to share, was one of the strongest women I've known in my life. Lived well into her nineties. She was a woman who was stricken by polio at age three and was paralyzed, partially paralyzed on her left side. She had no use of her left arm and only partial use of her left leg. So she could walk, she could amble, but her left arm was useless to her. But the kids knew that if they were not behaving well, they should be in Aunt Bell's bad side so that she couldn't wallop of them with her right hand! But she was beloved by all of us, and all our kids speak very fondly of her.

John Caher: If there's one thing that you could name that you really wish people better understood about our Native American cousins, what would it be?

Linda Wiedrick: We're still here. We're here. We're strong. We're surviving. We're striving not to lose those customs and traditions. Most of that was almost completely stripped away by colonialism, and we're striving to hold onto those things, and we're all connected. We're all connected to the land, to this planet. That's the root of the Native way of life, really. And it's true for all humans on earth. We all need to honor our Mother Earth. We need to understand that what we do with her, we do it ourselves. The impacts that we put on this planet was felt for seven generations into the future, and we are impacted by what happened seven generations ago. We need to just realize this reciprocal relationship that we have with this planet, and we need to honor that.

John Caher: That's beautiful. Now, Native Americans are not particularly well-represented in the New York courts. It was just about a year ago that the Honorable Mark Montour became the first Native American ever elevated to any of the four Appellate Division departments. And Judge Montour, of the Fourth Department, was the first Native American *ever* elected to a state level judicial position. But what about non-judicial roles? Are you, as a Native American woman working in the court system, a rarity?

Linda Wiedrick: Yeah, I don't know any other Native women. I hope there are more than just me, but as far as I know, the Native American population represents only about 1% of the court employees throughout the state, although the system does strive for diversity and I'm honored to be part of the system. I think they do a great job in being diverse and having people from many different backgrounds and many different cultural representations within the system.

John Caher: Now, you work in the Surrogate's Court, which of course deals with adoptions, and I believe this is National Adoption Month as well. Are there any issues or circumstances that arise in your court where it's helpful to have someone who relates to and understands the Native American customs and traditions?

Linda Wiedrick: Well, John, the Indian Welfare Act of 1978 is a federal statute with jurisdiction over American Indian children and their families in custody, adoption and foster care cases. It gives the tribal governments a strong voice in child custody matters involving Native children. It was enacted as a result of the disproportionately high rate of forced removal of Native children from their families and from Native cultures as a whole.

So the Indian Child Welfare Act gives the tribal government's exclusive jurisdiction over a case when a child resides on a reservation or is part of a tribe. Our courts are governed by this statute. Any adoption or guardianship proceedings involving Native American children should be referred to the tribal government if required.

I'm aware of a case in our court a few years ago where a woman who had been adopted filed a petition with our court to unseal her adoption records because through a DNA test, she discovered that she was 49% Native American and she wanted to pursue tribal affiliation. So our court looked at that, and because of the Indian Child Welfare Act, we ended up referring the adoption case. Adoptions are sealed records. So you can't just open them and reveal what's in there. So we just took the sealed file and sent it onto the tribal government so that they could pursue whatever action they thought was appropriate.

John Caher: That's interesting. Let me back up on that one. So what you did is you took the sealed record, you didn't look at it, you sent it to the tribal government to figure out how to handle that?

Linda Wiedrick: Well, we can look at them internally. So those who are involved in the file can look at it and know what's in there, but we can't divulge what's in

there. So we did not divulge what was in there, but referred it to the tribal government.

John Caher: I find that fascinating because you've got a couple of different governments in play, a few of them really, the state, federal and tribal governments, and so there seems to be some interplay there. So you're working with them, not just saying, “Well, this is the way we do it, go away.”

Linda Wiedrick: Absolutely. Absolutely. And there was another matter that I'm aware of that Judge Montour was involved in before he was a judge, when he was still in private practice. He had represented a woman who claimed to be the spouse of a deceased gentleman, and there was some dispute because his adult children claimed that they were not legally married, but it turned out that they did have a tribal ceremony and were considered married in Native lands. So that marriage had to be recognized in New York under State Indian Law Article 4, and that law dictates that Indians who have a contracted marriage according to the Indian customs, shall be deemed lawfully married, despite the fact that they may have not had a traditional license or been married by a judge or some other sort of officiant. The Native custom needs to be recognized.

John Caher: That's fascinating. Part of what fascinates me is the attempt to be fair in the state law. I mean, it’s not like there was a huge political presence of Native Americans pushing for this or that there was a big voting bloc. I mean, somebody thought it was the right thing to do and it happened.

Linda Wiedrick: Yeah, yeah and I guess it should be really.

John Caher: Yeah. But it is encouraging. I know it is not always the case, but it's encouraging that that is still possible. What are the most pressing issues, not just legally, but socially, affecting the indigenous populations today?

Linda Wiedrick: Well, certainly intergenerational trauma after suffering genocide and extradition from Native territories. There's been so much suffering and loss through colonialism and missionaries trying to wipe our ancestors of their language, their spirituality, their way of life. So much has been lost for generations that just can probably never be regained. It affects the Native communities across the country. There's too many that suffer from alcoholism and addiction and poverty, and that's 100% the result of what the European invasion imposed.

You know, land is still being stripped away from Native communities in the name of commerce. The oil and gas drilling, at the expense of clean

water. Natives across the country, I think, continue to fight for clean air and clean water, which are essential to human life on this planet.

We take these things for granted, I think, and don't realize that clean water and clean air really are essential to human life. I do have to say I'm really proud that our Secretary of the Interior, Deb Haaland, is a Native American and she's fighting for the Native rights. I've read a really nice article in the *Washington Post* this past summer featuring her, just talking about her accomplishments and some of the things that she's come up against.

She had a great victory in a Supreme Court case, *Haaland v. Brackeen*, which was brought by the state of Texas. They were trying to dispute the constitutionality of the Indian Child Welfare Act, but they lost. Fortunately, the Supreme Court, our United States Supreme Court, found in their favor, keeping indigenous children with their families, which is all the result of this largely, I guess previously unknown, history of the Indian boarding schools where children were stripped from their families and forced into these missionary schools.

John Caher: And stripped of their heritage as well.

Linda Wiedrick: Yeah, yeah. So the Supreme Court did the right thing in that case and upheld the Indian Child Welfare Act, which was a victory for Deb Holland for Natives in general. But at the same time, she had opposed in Congress the Willow Oil Drilling Project, the Alaska oil drilling which was recently approved by the Biden Administration, and she now has become the face of that for the initiative, which is kind of a conflicting thing. It is a complicated scenario. There are native Alaskans who support it because it creates jobs, but at the same time, it's in direct opposition to what she had opposed Congress as part of the Green New Deal. There was a whole faction of congresspeople who were trying to keep the country green. So as a Native American, she opposed it, but then as the head of the Department of Interior, she had to become the face of that oil drilling approval. So the battles are complicated and ongoing.

John Caher: They are complicated, and they are ongoing. I want to return to something you mentioned kind offhand a little while ago. You've mentioned the environment and the human need for air and water and that sort of thing. You mentioned earlier the seven-generation rule, and I think what you're saying is your environmental decisions should be viewed on how they will affect things seven generations in the future. Is that right?

Linda Wiedrick: Absolutely. Yes, that's been a Native teaching for generations. How we impact this planet impacts our grandchildren and their grandchildren and on and on for generations.

John Caher: That is a good lesson to learn. Offline you told me about the Thanksgiving prayers. Can you tell our listeners what that's all about?

Linda Wiedrick: Well, there's a traditional Mohawk Thanksgiving prayer that's very long. It's I think three pages or so, but properly so, when you consider all of the things that we have to be thankful for in this world.

Judge Montour and I will be reciting that prayer in its entirety during our Native American heritage celebration that's scheduled to take place here in at Erie County Hall coming up on November 27th. In the full version, with each of the phrases, you include an ending phrase “and now our minds are one,” just as a reminder of all of the things that we can agree on. I'd be happy to share a condensed version with you.

John Caher: Oh, please do. Please do.

Linda Wiedrick: We return thanks to our mother of the Earth, which sustains us. We return thanks to the rivers and streams, which supply us with water. We return thanks to all the herbs which furnish medicines for the cures of our diseases. We return thanks to the moon and stars, which have given us their light when the sun is gone.

John Caher: What a wonderful and beautiful way to end. Linda, thank you so much for sharing your story and for that beautiful prayer. May you and your family enjoy this season of gratitude.

Linda Wiedrick: Thanks so much, John. It's been a pleasure.