



Design selected for National Native American Veterans Memorial

A design by Cheyenne and Arapaho artist, Cheyenne Peace Chief and Marine Vietnam veteran Harvey Pratt has been selected for the first National Native American Veterans Memorial in Washington D.C. The memorial, called the Warriors' Circle of Honor, will stand at the National Mall on the grounds of the National Museum of the American Indian near the U.S. Capitol. Dedication of the monument is scheduled for late 2020.

Selection of the design marks a major step in the process that started almost 25 years ago when Congress passed legislation authorizing a memorial at the National Museum of the American Indian in Washington D.C. At that time, the museum itself had not even been built.



The multimedia artist Harvey Pratt's Warriors' Circle of Honor will incorporate an enormous, upright stainless steel circle.

The Native American Veterans' Memorial Establishment Act of 1994 noted that "Native Americans across the nation, Native Alaskans, and Native Hawaiians, have a long, proud, and distinguished tradition of service in the Armed Forces of the United States." The act also recognizes that "Native Americans have historically served in the Armed Forces of the United States in numbers that far exceed their representation in the population of the United States."

In 2013, Congress amended the law to allow construction of the memorial on any part of the museum's property, and to give the museum authority to raise funds for its construction.

In 2016, an advisory committee of Native American veterans began an 18-month process of consultations with Native American communities across the country. The goal was to solicit advice and insights, which led to guiding vision principles of culture, spirituality, sacrifice, place, valor, healing, and the legacy of those past and those to come and design principles of balance, inclusivity, respect, sustainability, endurance, accessibility, and interpretation of memorial elements.

This memorial project is sponsored by the Eastern Band of Cherokee Indians, Bank of America, Northrop Grumman, the Citizen Potawatomi Nation, the San Manuel Band of Mission Indians, Hobbs, Straus, Dean & Walker LLP, General Motors, Lee Ann and Marshall Hunt, the Shakopee Mdewakanton Sioux Community and the Sullivan Insurance Agency of Oklahoma.

Congressional Action To Protect Native American Seeds and Associated Traditions

The U.S. House of Representatives and U.S. Senate have each passed their own version of the 2018 Farm Bill, the complex legislation that has historically established national policy on agriculture, food, and some public benefits programs for about five years at a time. Now, the two bodies are negotiating a compromise to reconcile their respective bills.

Much of the debate in Congress has focused on the House bill's provisions adding work requirements for some recipients of the Supplemental Nutrition Assistance Program (SNAP), commonly known as "food stamps." However, a less-noticed provision introduced by New Mexico senators Udall and Heinrich will attempt to provide what one of them described in a press release as protection for Native American seeds and the traditions associated with them.

"I stand with Native Tribes in support of cultural sovereignty and respect for traditional ways of life," said Democratic Senator Tom Udall in the press release. "I've seen the cultural, health, and agricultural significance that traditional Native seeds hold for Tribes in my home state of New Mexico and across the country. This amendment will ensure Native seeds and traditional agricultural practices can continue to be passed down for generations to come."

The provision would require the Government Accountability Office (GAO) to conduct a study on the market impact of traditional and tribally produced foods, the existence of fraudulent tribal foods, the potential for protections against such fraud, and "the availability and long-term viability of Tribal seeds" including their "storage, cultivation, harvesting, and commercialization." The GAO is a nonpartisan agency that primarily investigates federal government spending and advises Congress on things like government efficiency and effectiveness.

Dr. Frederick Wiseman said he hopes the bill could be a step forward. "As an advocate I'd like to see something that would make indigenous food systems be respected," he said. Wiseman is a Vermont-based paleo ethnobotanist, someone who studies relationships between people and plants of the past. Wiseman is Abenaki, and spends much of his time working to revitalize Abenaki culture and locate seeds used by tribes throughout present-day Eastern Canada and New England.

Wiseman started the "Seeds of Renewal" project to provide tribes with information about agricultural practices and ceremonies after he realized that indigenous agricultural practices were alive and well, and that many of the original seed species long ago used by Native Americans could still be found. When helping with the Vermont Abenakis' state recognition efforts in 2010, Wiseman also recalled hearing from some tribal members that they still raised crops in mounds and used fish for fertilizer, practices Wiseman knew about but believed had long ago disappeared. He also credited Steve McComber of Kahnawake, whom he called "one of the best indigenous ethnobotanists I know," for introducing him to a number of rare and endangered Abenaki seeds still in existence that led Wiseman to seek out still more seeds.

Generally, Wiseman learns of new seed species when people find Seeds of Renewal online. He hunts down the seeds and works to have them preserved and cultivated by

Memorial

Continued from Page 1

Pratt attended two meetings about the memorial and was encouraged to enter his own design. A Marine Corps Vietnam veteran himself, he also has an extensive art background, having retired last year as a police forensic artist for the Oklahoma State Bureau of Investigation (OSBI). His public art works have included a sculptural relief and mural at the OSBI, a sculpture at the Colorado Capital Building honoring the victims of the Sand Creek Massacre, and paintings included in the collections of the National Park Service.

Pratt drew up some designs. His son told him, "Dad, you need to get that animated and submit that," Pratt recounted in an interview with Wabanaki Legal News. Pratt worked with his son, who is also an artist, and his wife, who has an education in marketing, to put the submission paperwork together. An Oklahoma City animation firm helped animate the idea for presentation to the jury members, and Pratt also teamed up with Hans and Torrey Butzer, the architects behind the Oklahoma City National Memorial. He submitted the design in January of 2018.

"It should be able to touch the tribes," Pratt said of his idea. "What all tribes used are the elements - the water, the fire, the wind, and the earth." The design would incorporate these elements and make prominent use of the circle, a symbol that can be appreciated by people of diverse tribal as well as non-tribal cultural backgrounds. "Circles are continuous, timeless, seamless," Pratt said.

The design competition drew over 400 registrations and 120 completed design submissions. By February, a jury of experts on art, design, history, and veterans' and tribal affairs had narrowed the submissions down to five finalists, including Pratt.

The jury announced their unanimous decision on June 26th. They favored Pratt's design for its "universal and inclusive" nature. It consists of an upright circle of stainless steel placed on a large drum with water flowing over it, all surrounded by circular walkways which visitors can enter to pray or perform ceremonies. The jury report confirmed that Pratt had the right idea with his design, noting the special significance of the circle to many Native cultures as well as

its ability to speak to non-Native visitors. Here is the description of the memorial posted by the Smithsonian National Museum of the American Indian:

An elevated stainless steel circle balanced on an intricately carved stone drum, the design is simple and powerful, timeless and inclusive. The design incorporates water for sacred ceremonies, benches for gathering and reflection, and four lances where veterans, family members, tribal leaders, and others can tie cloths for prayers and healing.

Harvey Pratt's design for the National Native American Veterans Memorial creates an interactive yet intimate space for gathering, remembrance, reflection, and healing. It will welcome and honor Native American veterans and their families, and educate the public about their extraordinary contributions.

The monument will represent the first major recognition of Native American military service located in the nation's capital. Native Americans have served in every U.S. conflict dating back to the Revolutionary War. A remarkable 44,000 Native Americans served in World War II, according to the website of the National Museum of the American Indian, at a time when the total Native American population was less than 350,000. The service rate for Native Americans in the post - 9/11 period was 18.6 percent, while it was 14 percent for the general population.

"Through meeting thousands of Native American veterans, I learned most of all about the commitment these veterans have to the well-being of the United States," said Kevin Gover, director of the museum, in a press release marking the selection of the winning design. "These veterans are perfectly aware that they are serving a country that had not kept its commitments to Native people, and yet they chose, and are still choosing, to serve. This reflects a very deep kind of patriotism. I can think of no finer example of service to the United States and the promise it holds."

A national memorial that celebrates and honors the service, sacrifice, and dedication of Native American veterans as well as their families has been long overdue. This memorial provides an opportunity for Americans to learn of the proud and courageous tradition of military service by Native Americans.

Pine Tree Legal Assistance is a non-profit organization that gives free legal help to low-income people with civil (non-criminal) legal problems in Maine.

Pine Tree operates a special Native American Unit from its Bangor, Maine office. This unit is staffed by attorneys and paralegals in offices located throughout Maine. We help clients with many civil legal issues related to their Native American status.

Pine Tree attorneys are not licensed to practice law in Connecticut. However, the Native American Unit may be able to provide information and help to low-income Native Americans in Connecticut with federal legal problems such as those related to the Indian Child Welfare Act and the Jay Treaty. Pine Tree can also refer cases to Connecticut attorneys. The Pine Tree Legal Native American Unit can be reached at (207) 400-3290.

The articles in this newsletter are meant to give information, NOT to give legal advice. No one should interpret any law without the help of an attorney who has been told all the facts of the legal issue.

The Quinnehtuhqut Legal News is published by Pine Tree Legal Assistance, Inc. and is funded in part through a grant from the Legal Services Corporation. The views expressed by the authors in this newsletter are not necessarily shared by Pine Tree Legal Assistance or its staff.

Executive Director of PTLA:

Nan Heald, Esq.

Native American Unit

Directing Attorney:

Judd Esty-Kendall, Esq.

Staff Attorney:

James A. Mitchell, Esq.

Law Student Intern:

Daniel Smith

We Want to Hear From You!

If you have comments, articles or ideas on how the newsletter can be helpful to you, please let us know.

Pine Tree Legal Assistance, Inc.

Native American Unit

James Mitchell, Esq.

115 Main St.

Bangor, ME

jmitchell@ptla.org

(207) 400-3290

Beware Of Payday Loans

Your first payday loan is unlikely to be your last

Consumers with bad credit often turn to payday lenders as a last resort when in need of a short term, personal loan to use for personal expenses because they rarely require credit checks and they are given without considering a borrower's ability to repay the loan.

Payday lenders typically offer small loans of a few hundred to one thousand dollars, with repayment due after a very short period of time at very high interest rates. These loans are called payday loans or paycheck advance loans because they are often offered with a requirement of full repayment by the borrower's next payday. Traditionally, payday lenders ran their businesses out of storefronts promising easy cash, and many now operate online.

These companies make it easy to qualify for their loans, advertising to people with poor credit histories or other financial problems. But the resulting debt can be nearly impossible to escape because of the high interest rates and because many people who acquire payday loans end up using them month after month, taking out new loans to pay off the old ones.

Lenders often ask for reasonable-sounding one-time fees in exchange for loans of a few hundred dollars. Many require direct access to the borrower's checking account to deposit the loan and withdraw repayment. What they all have in common are excessively high annualized interest rates sometimes in the range of 300-600 percent, or higher. Borrowers often get caught up paying down interest and fees on loan renewals without ever making any impact on

These examples are taken from the websites of real payday lenders. While their advertising suggests that their loans are simply a short-term fix for a difficult situation, their true purpose is usually to keep borrowers in debt for as long as possible. Your first payday loan is unlikely to be your last. A 2016 report by the federal Consumer Financial Protection Bureau found that more than 80 percent of payday loans are renewed or lead to another loan within 30 days, rather than being repaid. Fees are often added for late payments or renewal of loans, in addition to rapidly increasing interest. The result is ever-growing debt.

In short, payday loans, particularly those from online lenders operating outside the law, can lead to entrapment in debt, targeting for harassment by debt collectors, bank fees, and other negative consequences. If the lender has your bank account information, be sure to request your bank to deny access to the lender to prevent the lender from making any further withdrawals from your checking or savings account.

If you are struggling with payday loan debt or are being pursued by debt collectors, you can contact these credit protection organizations:

**National Foundation for Credit Counseling at
1-800-338-2227**

Certified credit counselors can help you develop a plan to deal with outstanding debts or everyday costs. These services are available at little or no cost. Call the National Foundation for Credit Counseling to find an accredited credit counselling agency in your area.

**Connecticut Department of Banking Consumer Affairs
Unit at 860-240-8170 or by email at
banking.complaints@ct.gov**

Visit the Department of Banking website at <http://www.ct.gov/dob> or by contacting them using the information above for help filing a complaint against a lender. The Department of Banking requests that the following information be included with a complaint:

- A copy of the agreement you signed with the company, including a description of services and fee agreement.
- The United States Postal Service mailing address of the company and the telephone number.
- Proof of your payment(s) to the company such as copies of both sides of your canceled checks and/or bank statements showing withdrawals/payments to the company.
- A brief description of how and when you first learned of the company.
- A copy of your credit report

**Submit a complaint to the federal Consumer Financial Protection Bureau online at
<https://www.consumerfinance.gov/complaint/> or call
855-411-2372**

CFPB can contact the lender on your behalf and seek a response, usually within 15 days. Depending on the issue, CFPB may be able to help resolve it.

Please see **Payday Loans**, Page 4



repayment of the underlying loan amount known as the principal loan.

"They can save you from embarrassment or stress by literally buying you time until your next paycheck."

"If you are feeling a little strapped for cash, ask us about our payday loans ..."

"An increasing number of consumers choose a loan to cover unexpected expenses or bridge to a short-term cash crunch between paydays without incurring revolving debt."

"People from all walks of life generally use their payday loan for emergency expenses, including doctor bills, utility payments, rent payments, or to avoid bouncing a check (or checks) at their financial institution."

Understanding Due Process In Tribal Courts

Due process is a constitutional right afforded to people involved in or affected by government actions through the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution that requires government legal proceedings or other procedures to be conducted fairly in matters where a person's life, liberty or property is at risk from federal or state government actions. This right as established by the U.S. Constitution does not apply to the governments of federally recognized Indian Tribes.

However, the right to most of the due process protections contained in the U.S. Constitution apply to tribal members in tribal courts in matters involving the a tribal court review of actions of tribal governments under a federal law called the Indian Civil Rights Act (ICRA). The right of criminal defendants to a jury trial and to a government paid defense attorney is not contained in the ICRA. Additional due process rights can exist in tribal matters as established by tribal constitutions, codes or ordinances or as established by tribal customs and traditions. Some tribes enact their own due process rights laws and some specifically recognize and adopt the specific protections or only portions of the ICRA and U.S. Constitution.

Your specific due process rights in a tribal court or in tribal government agency actions include the right to be given fair notice of government actions or tribal court proceedings and fair notice of what adverse actions the tribal government plans to take against you. You also must be given a fair opportunity to be heard or judged by a neutral decision maker when a tribal government entity is taking action that adversely affects your life, liberty or property interests. Your life, liberty and property rights can be infringed upon only when the protections described above have been met and when the government's action is necessary to achieve a compelling objective (such as protecting the public or Tribal self-government). These are the issues a Tribal court will focus on when determining whether a Tribal member's due process rights have been violated.

This article presents a broad and general explanation of the role of due process rights afforded to Tribal members for the purpose of informing the readers of potential due process issues they might encounter with tribal governments. Whether specific due process rights apply to a tribal court matter or to tribal government actions and what relief can be requested by a tribal member who believes their due process rights have been violated can be legally complex matters that require advice from an attorney.

Seeds

Continued from Page 1

individuals or organizations he has partnered with. The other prong of Seeds of Renewal involves speaking and workshops. Other tribes Wiseman has worked with include Passamaquoddy at Pleasant Point and Indian Township in Maine.

"I try not to proselytize," said Wiseman, noting that he only goes to work with tribes when they show interest, and not all do. "The goal is basically to be of service. I let it be known that this information exists." Overall, however, he would like to see indigenous agriculture restored not only in terms of traditional crops and ceremonies, but overall as indigenous "food systems." "You can't separate the seeds from the technology of growing them and the spirituality of raising them," he said.

Payday Loans

Continued from Page 3

Call the Statewide Legal Services hotline at 1-800-453-3320

Statewide Legal Services offers legal services to lower-income people with debt collection problems as resources allow. Call this office to request a review of your legal problem and possible legal representation.

Call the Connecticut Law project for Elders at 1-800-296-1467

Alternatives to high-interest/payday loans

There are also alternatives to these high-interest loans if you are in urgent need of financial assistance. Here are some options that may help with everyday expenses, major bills, or outstanding debts:

- Get help with your debts before resorting to risky solutions such as payday loans. A consumer credit counseling agency can help you to work out a debt repayment plan or develop a budget. These services are available at little or no cost. Call the National Foundation for Credit Counseling at 1-800-388-2227 to find an accredited counseling agency in your area.
- You may be eligible for government assistance from the state or federal government. If you are already receiving assistance, you may be eligible for more. To get answers to your questions, or help if you are being denied benefits, contact Statewide Legal Services of Connecticut at 1-800-453-3320 or online at <https://slsct.org/>.
- Credit unions, small consumer finance companies, and some banks may offer loans at lower interest rates, sometimes specifically for active duty and retired military personnel.
- Credit cards come with their own risks, but may offer better deals than payday lenders even if you have a poor credit history or other financial problems.
- If you have trouble keeping a positive balance in your bank account, you may be able to purchase overdraft protection from your bank for a fee in order to avoid bouncing checks. Beware of the costs of these protections as the associated fees can create new problems, and watch out in particular for "bounce protection" schemes that charge daily fees for loans to cover overdrawn accounts.
- You may be able to get a paycheck advance from your employer without interest.
- If you owe money, you can try to work out a payment plan with the person you owe. Many creditors will allow regular partial payments on a plan that is manageable for you.

Contact the organizations listed above and use the information in this article to avoid falling prey to payday loan scams.

LEGAL RESOURCES

CIVIL LEGAL MATTERS

Connecticut Legal Services:

- CLS is a non-profit organization that provides free legal assistance to eligible people with legal problems in Connecticut. Most of our legal services are available only for people with household income at or below 125% of the federal poverty level.
- Services include: family law, discrimination, public benefits, educational issues, housing matters, consumer issues and employment issues.

Contact: <https://ctllegal.org> 860.344.0447

Statewide Legal Services of Connecticut:

- Help with legal questions about family, public benefits, housing, unemployment and other problems.
- Provides free legal advice answers to questions and helps to understand your legal rights and responsibilities so you can make the right choices for you and your family.
- Some cases may be referred to other legal aid programs or a volunteer attorney.
- You must have very low household income for us to be able to help you.
- Your case must be in Connecticut.
- Cannot help with criminal or immigration problems.
- A non-profit organization with limited funding. Cannot help everyone who applies for help.

Contact: <https://slsct.org/> (800) 453-3320

New Haven Legal Assistance Association:

- Free legal services to lower-income people in the New Haven area.
- Services include: child protection, education law, family law, housing law (including fair housing), immigration, public benefits, disability rights and workers' rights.

Contact: <https://nhlegal.org> 203-946-4811

Greater Hartford Legal Aid:

- Provides free legal services to lower-income people in the Hartford area to:
- Help tenants avoid homelessness.
- Preserve options for decent and affordable housing.
- Enhance the safety of family violence victims.
- Increase opportunities for an adequate public school education.
- Maintain workers' employment & related income.
- Increase access to employment opportunities.
- Seek federal immigration protection for battered immigrants.

- Preserve government benefits and access to health care.
- Protect the health, safety and self-determination of seniors.

Contact: <https://www.ghla.org> 860-541-5000

CRIMINAL LEGAL MATTERS

Connecticut Public Defender Services:

The State Division of Public Defender Services provides counsel in accordance with both the United States and Connecticut Constitutions to any indigent person charged with the commission of a crime that carries a risk of incarceration. In addition, representation and guardian ad-litem services are afforded to indigent children and parents in child welfare, family, and child support matters, in accordance with the Connecticut General Statutes and by order of the Superior Court.

Contact: <http://www.ct.gov/ocpd> (860) 509-6400

SPECIALIZED LEGAL ASSISTANCE

Commission on Human Rights and Opportunities

The mission of the Connecticut Commission on Human Rights and Opportunities is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all persons within the state through advocacy and education.

Contact: www.ct.gov/chro/site/default.asp (860) 541-3400

Disability Rights Connecticut

The mission is to advance the cause of equal rights for persons with disabilities and their families by:

Increasing the ability of individuals, groups and systems to safeguard rights.

Exposing instances and patterns of discrimination and abuse;

Seeking individual and systemic remediation when rights are violated;

Increasing public awareness of unjust situations and of means to address them.

Empowering people with disabilities and their families to advocate effectively.

Contact: www.disrightsct.org 860-297-4300

Connecticut Pardon Team

Offers many informational and education processes designed to help you file your own Connecticut Full Pardon or a Certificate of Employability (Provisional Pardon).

Contact: www.connecticutpardonteam.org/pardon-services/ 860-823-1571