

Quinnehtukqut Legal News



Volume 6 Issue 1

www.ptla.org/quinnehtukqut/qlegal.htm
A Newsletter for Native Americans in Connecticut

Summer 2002

Judith Plano Joins Native American Unit

In June of this year, attorney Judith Plano joined the staff of the Native American Unit of Pine Tree Legal Assistance. She is replacing attorney Craig Sanborn, who left this past spring to become Executive Director of Housing for the Penobscot Nation. Judy joins the staff directly from the Disability Rights Center in Augusta, where she has worked since 1999. Judy brings many years of experience, both in law and in other fields, to the Native American Unit.



Legislative Update Budget Cuts

On July 1, Governor Rowland signed into law a \$13.2 billion adjustment to the biennial budget. The budget contains a number of cuts in aid for poor people. It also gave the Governor power to cut an additional \$35 million from appropriations. It is expected that additional changes will be made to the budget in the fall.

The specifics about how cuts will be made will not be ready until later in the summer. However, some of the important cuts are listed below:

- ✗ \$11 million was cut from Medicaid services by eliminating non-emergency transportation, podiatry and naturopathic and chiropractic services for adult Medicaid recipients.
- ✗ Home Health Services have been eliminated from the services provided for recipients of SAGA medical assistance.
- ✗ Hunger outreach services were eliminated.
- ✗ There have been major cuts to HUSKY outreach services.
- ✗ The Department of Mental Health and Addiction Services budget has been cut by about \$20 million.
- ✗ The Department of Social Services housing budget has been cut by almost \$2 million and the Governor has put a hold on the issuance of most new Rental Assistance Program (RAP) certificates. It appears that the budget cut will come from the RAP program and could eliminate nearly all of the remaining new RAP certificates. (This does not affect the State's Section 8 program, which is funded 100% by federal funds. DSS expects to issue new Section 8 vouchers through the summer and early fall.)

The General Assembly did liberalize the eligibility requirements for the Security Deposit Guarantee Program. Under the new rules, DSS is allowed to give security deposit guarantees to tenants on Section 8 or

RAP. Before, a family had to be homeless or in the eviction process to qualify. However, the issuance of new security deposits was frozen on July 1.

The Transitional Rental Assistance Program (T-RAP) was also put on hold on July 1. This program gives a one-year RAP certificate to certain working families leaving Temporary Family Assistance. However, it appears that the hold may be lifted soon and that there may even be a slight expansion of the program.



Pine Tree Legal Assistance

www.ptla.org

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

Pine Tree operates a special Native American Unit in its Bangor, Maine office. The unit is staffed by attorneys Judith Plano and Mike Guare, Paralegal Danny Mills, and is headed by Eric Nelson. Judith has recently joined the Unit and will be working there full-time. Mike and Danny have worked with the Unit for several years. Eric has worked at Pine Tree for many years on behalf of migrant farmworkers and Native Americans.

Pine Tree attorneys are not licensed to practice law in Connecticut. However, the Native American Unit may be able to give information and help to low-income Native Americans in Connecticut with federal legal problems, such as questions about the Indian Child Welfare Act and the Jay Treaty. Pine Tree can also refer cases to lawyers in Connecticut. The telephone number is 1-800-879-7463.



Federal Recognition Update

On June 24, 2002, the federal Bureau of Indian Affairs granted federal recognition to the Paucatuck Eastern Pequots and the Eastern Pequots, recognizing the two entities as a single "historical Eastern Pequot Tribe." The groups had filed separate petitions and, on March 31, 2000, the Bureau had issued Proposed Findings recommending federal recognition of each group individually. See the *Quinnehtukqut Legal News*, Vol 4, Issue 1, for a discussion of the Proposed Findings (<http://www.ptla.org/quinnehtukqut/ct7federalrecognition.htm>).

In the Proposed Findings, which were identical in many areas, the Bureau found that there was not enough evidence in the existing record to decide whether the two Tribes were in fact a single Tribe after 1973. The Bureau did find that, whether there was one Tribe or two, there was enough evidence to give federal recognition. In reaching this conclusion, the Secretary placed great

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weight on the fact that the Eastern Pequots at the Lantern Hill Reservation had been recognized by the State of Connecticut since colonial times. The Tribes and other interested parties were invited to provide more evidence during the comment period on the question whether there were in fact two separate Tribes.

The Bureau concluded

that the evidence shows the existence of only a single tribe, the historical Eastern Pequot tribe, including the ancestors of both petitioners. This tribe was continuously recognized as a single tribe by the State of Connecticut since early colonial times and occupied a single state reservation. Although there are internal conflicts, and divisions which date from as early as the beginning of the 20th century, there is only one tribe within the meaning of the regulations.... This determination does not merge two tribes, but determines that only a single tribe exists which is represented by two petitioners.

The Bureau placed great reliance on the fact the Eastern Pequots had been recognized as a Tribe by the State of Connecticut. It stated:

The historically continuous State relationship provides additional evidence which exists throughout the time span but is most important during specific periods where the other evidence in the record concerning community and political influence would be insufficient by itself. The continuous State relationship, although its nature varied from time to time, provides additional evidence in part because of its continuity throughout the entire history of the Eastern Pequot tribe. The continuous State relationship with a reservation is not evidence sufficient in itself to meet the criteria and is not a substitute for direct evidence at a given point in time or over a period of time. Instead this longstanding State relationship and reservation are additional evidence which, when added to the existing evidence, demonstrates that the criteria are met at specific periods in time.

The Bureau noted that evidence supplied by the petitioners after the Proposed Findings were issued gave additional support to many of those original findings.

The decision becomes final 90 days after its publication in the Federal Register on July 1, 2002, unless a request for reconsideration is filed. The petitions were opposed, but it is not known at the date of publication what steps might be taken by the Connecticut Attorney General or the towns of Ledyard, North Stonington or Preston. The Bureau has never reversed a final decision on recognition. There is still a lawsuit pending in federal district court in Connecticut over the Bureau's original Proposed Findings.



Native American Legal Briefs

--Jurisdiction of the Mohegan Gaming Disputes Court-- --Sovereign Immunity--

Connecticut Supreme Court Rules There Is No Subject Matter Jurisdiction In State Court In Personal Injury Case Brought Against The Mohegan Sun Casino

In April, 2002, the Connecticut Supreme Court dismissed a personal injury case filed in state court against employees of the Mohegan Sun Casino. The case was brought by a patron of the casino who was not Indian against non-Indian employees of the Tribe and the Mohegan Tribal Gaming Authority. The alleged injury occurred on land belonging to the Tribe. The Court found that there was no subject matter jurisdiction in this case, because the proper way to bring the action would have been to bring the case to the Mohegan Gaming Dispute Court.

The Court concluded that

The tribe . . . is a sovereign entity with the authority to create and enforce its own laws. The exercise of jurisdiction by state courts in this type of action would be in direct contradiction to the procedures established and consented to by the tribe after negotiation with the state of Connecticut and the federal government.

Federal Court Dismisses Lawsuit By Native American Mohegans Challenging Mohegan Land Claims Settlement Act

In February of 2002, the Federal District Court of Connecticut dismissed a lawsuit filed by the Native American Mohegans (NAM) against the Mohegan Tribe of Indians of Connecticut, the State of Connecticut, and the federal government. NAM claimed that the Mohegan Nation of Connecticut Land Claims Settlement Act of 1994 is unconstitutional. Alternatively, NAM asked for a declaration from the court that its own land claims had not been eliminated by the Settlement Act. Finally, NAM asked for judicial recognition as a federally recognized tribe.

This case results from a schism between two different factions claiming to be members of the historical Mohegan Tribe. One faction is the Mohegan Tribe of Indians of Connecticut (MTIC), which has benefited from federal recognition and the settlement of the Mohegan Indian land claims. This group operates the Mohegan Sun gambling casino. The other faction, NAM,

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!Your Welfare Assistance May End Soon!

Beginning October 1, 2001, most families receiving cash benefits will be limited to an initial 21 months of benefits plus only three 6-month extensions. There are exceptions to these limits, **But You Need To Ask DSS For Them!**

If you have problems like:

- Lack of available child care
- Substance abuse or addiction
- Severe mental and/or physical health problems
- Severe learning disability
- A child with serious physical and/or mental health problems
- Domestic violence
- Working 35 hours a week and still earning below the TFA monthly benefit amount
- Working less than 35 hours a week because you or someone you care for are disabled

you may qualify for additional extensions of TFA cash assistance.

Except for victims of domestic violence, almost all Connecticut families are limited to 60 months of TFA cash assistance in their lifetime. This includes any ~~benefits that the family may have received from other states.~~

You Need to Do the Following 3 Things to Protect Your Rights:

1. **Go to your exit interview** to see if you qualify for an exception.
2. **If you live in public housing**, tell the Housing Authority (in writing) that you will be losing benefits and that your rent should be lowered. If you have a Section 8 or RAP certificate, in writing tell the Housing Authority or the Agency that you received the certificate from that your rent should be lowered because you will be losing benefits.
3. **Call Statewide Legal Services at 1-800-453-3320 or (860) 344-0380, if:**

- You have been denied TFA cash assistance,
- Your benefits have been reduced,
- Your cash benefits have ended because you reached a time limit, or
- The Housing Authority or Agency refuses to lower your rent due to your reaching a TFA time limit.

This information was produced by the Legal Assistance Resource Center of CT, 80 Jefferson St., Hartford, CT 06106 (860) 278-5688. Website: <http://www.larcc.org>.



*The articles in this paper 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*

Statewide Legal Services



Call Statewide Legal Services of Connecticut, Inc. (SLS) if you are low income and believe you have a legal problem. It is a toll-free telephone hotline that can give you free help in the following areas:

- | | |
|-------------------------|------------------------------------|
| ★ Housing | ★ Medicare |
| ★ Family Matters | ★ Medicaid |
| ★ Welfare | ★ Other Government Benefits |

Telephone Numbers To Call:

In the Middletown calling area: **1-860-344-0380**
From other places in Connecticut: **1-800-453-3320**


9 a.m.- 3 p.m., Monday through Friday

Website: <http://slsct.org/>

Now you can call for free advice and information on Thursday nights from 5:30pm-7:30pm, as well as Monday-Friday from 9am-3pm.

("Legal Briefs" continued from page 2)

states that its membership consists of the living descendants of the aboriginal Mohegan Tribe who now follow the leadership of Eleanor Fortin, the successor to John Hamilton. ~~Many of the members do not qualify for membership with the MTIC.~~

The court ruled that both the State of Connecticut and the MTIC were protected from many of the issues raised in the lawsuit by "sovereign immunity." The Court decided that these parties were not protected, however, from NAM's claim that the Settlement Act was unconstitutional. A provision in the Settlement Act set a 180 day period in which challenges could be brought against the Act. NAM claimed that that period was too short and that it violated NAM's right to due process. The Court disagreed and found that the 180-day period was reasonably related to the legitimate government interest in resolving the Mohegan's land claims. Finally, the Court concluded that it would not reach the issue of whether NAM should be federally recognized since the proper way to address this question was through a ruling from the Bureau of Indian Affairs. 



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We Want To Hear From You!

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

Please send articles or letters to:

Quinnehtukqut Legal News, Pine Tree Legal Assistance, Coe Building, 61 Main Street, Room 41, Bangor, ME 04401.

Or you can send e-mail to csamp@ptla.org.



INDEX of COMMUNITY RESOURCES

This is a list of some key resources, which will offer you service or direct you to the best local resource.



CRISIS SERVICES

(available 24 hours a day)



INFOLINE

Website: <http://www.infoline.org>

211

INFOLINE is a Statewide Information, Referral, and Crisis Intervention Service. Callers can get help 24 hours a day. The professional caseworkers answering the phone can give up-to-date information about agencies and programs, can make referrals, and can intervene in crises, including suicide prevention.



LEGAL RESOURCES



Lawyer Referral Service:

This service can recommend a private lawyer who, for a small fee, will assess a case and give an estimate of charges.

Fairfield County	203-335-4116
Hartford	860-525-6052
New Haven Area/Waterbury/Middlesex County	203-562-5750
New London/Norwich	860-889-9384

Legal Assistance Programs:

These organizations give free civil legal help to income eligible people. This help includes telephone advice, referrals, direct representation, and giving out self-help material, depending on the priorities and resources of the organization.

STATEWIDE	Statewide Legal Services	1-800-453-3320
	in Middletown	860-344-0380
	Website: http://slsct.org/	

Statewide Legal Services screens cases for all legal assistance programs in the state, giving brief service and advice, community education materials, and referrals to local legal services offices for non-criminal cases

◆ Bridgeport	Connecticut Legal Services	203-336-3851
◆ Hartford	Greater Hartford Legal Aid, Inc (serving Greater Hartford)	860-541-5000
◆ New Britain	Connecticut Legal Services	1-800-233-7619
◆ New Haven	New Haven Legal Assistance	203-946-4811
◆ New London	Connecticut Legal Services	1-800-413-7798
◆ Stamford	Connecticut Legal Services	1-800-541-8909
◆ Waterbury	Connecticut Legal Service	1-800-413-7797
◆ Willimantic	Connecticut Legal Services	1-800-413-7796
	Legal Assistance to Medicare Patients	1-800-413-7796

Connecticut Legal Rights Project

This organization helps low-income adults who have or are perceived to have psychiatric disabilities. Its staff may also help clients to protect their civil rights in conservatorship and commitment proceedings or in discrimination in housing.

Telephone **860-262-5030**

Connecticut Lawyer's Legal Aid to The Elderly

This organization offers legal help to low-income elderly in the Hartford area.

Telephone: **860-273-8164**

Children's Law Center

This organization gives legal representation to children in northeastern Connecticut using a lawyer/mental health team approach. The Center also provides legal information about situations involving children through the Children's Lawline (1-888-LAWDOOR)

Telephone: **860-872-7220**

Hartford Office: **860-951-1520**

Connecticut Women's Education and Legal Fund

This organization provides a free telephone counseling, information and legal referral line for help on discrimination, harassment and family matters. The group also offers community education and training, mainly in employment and family law. For information on workshops, call **860-247-6090**.

Telephone: **1-800-479-2949**

Website: <http://www.cwealf.org>

Legal Assistance to Medicare Patients

LAMP is part of Connecticut Legal Services, Inc, a non-profit law firm.

Telephone: **1-800-413-7796**

Website: <http://ctelderlaw.org>

Disabilities:

Connecticut Office Of Protection and Advocacy For Persons With Disabilities

60B Weston Street
Hartford CT 06120
Toll Free Telephone: **1-800-842-7303**
Hartford area: 860-297-4300
TDD: 860-566-2102
Fax: 860-566-8714; E-Mail: ctopapd@connix.com
Website: <http://www.state.ct.us/OPAPD>



Discrimination:

Connecticut Commission on Human Rights and Opportunities

Capitol Region:
1229 Albany Avenue
Hartford, CT 06112
Tel.: **860-566-7710**

Southwest Region:
1057 Broad Street
Bridgeport CT 06604
Tel.: **203-579-6246**

West Central Region:
50 Linden Street
Waterbury CT 06702
Tel.: **203-596-4237**

Eastern Region:
City Hall, Room 210
100 Broadway
Norwich CT 06360
Tel.: **860-886-5703**
TDD: **860-886-5707**

Central Office
21 Grand Street
Hartford CT 06106
Tel.: **860-541-3400**
1-800-477-5737



Some Helpful Native American Web Sites

- Native Web: <http://www.nativeweb.org/NativeTech/Nipmuc/>
- Pine Tree Legal Assistance: <http://www.ptla.org>
- Index of Native American Resources on the Internet:
<http://www.hanksville.org/NAresources/>
- Free Indian News: <http://www.freeindiannews.com/>
- Native Links: <http://www.johnco.com/native/>
- Native Sense: <http://www.nativesense.com/>
- Aboriginal Links:
<http://www.bloorstreet.com/300block/aborcan.htm>
- Wabanaki Confederacy:
<http://communities.msn.com/WabanakiConfederacy>
- Legal Assistance Resource Center of Connecticut
<http://www.larcc.org>