

Quinnehtukqut Legal News



www.ptla.org/quinnehtukqut/qlegal.htm

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Federal Recognition Update

Recognition Efforts

In 1980, the Nipmuc Tribal Council, Hassanamisco Reservation, in Grafton, Massachusetts submitted a Letter of Intent to Petition for Federal Acknowledgement. After the Petition had been placed on active consideration, a division occurred and a separate letter of intent was filed, in 1996, on behalf of the Webster/Dudley Band of Chaubunagungamaug Nipmuck Indians. In January of 2001, the Acting Assistant Secretary for Indian Affairs finally issued two preliminary factual findings regarding the two petitions. One was a preliminary finding that the Nipmuc Nation should be granted federal recognition. The second was a preliminary finding that the Chaubunagungamaug Band had not met all of the seven criteria necessary to prove the existence of a Tribe.

In September of that year, under a new administration, the new Assistant Secretary issued new proposed findings. These new findings reversed the proposed findings regarding the Nipmuc Nation, finding that the Tribe had not met all of the seven criteria, and approved the original recommendation regarding the Chaubunagungamaug Band. The Assistant Secretary noted that the original proposed findings had never been published in the Federal Register, as required, and stated that the Bureau of Indian Affairs, therefore, viewed these cases as pending matters which had not been finally decided by the prior administration.

Briefly, the new proposed findings for the Nipmuc Nation note that the Nation failed to meet the first, second, third, and fifth criteria necessary to meet federal recognition standards. These criteria are: that the Tribe has been identified as an American Indian entity on a continuous basis since 1900; that most of the petitioning Tribe is a community that has existed from historical times until the present; that the Tribe has had political influence or authority over its members since historical times; and that the Tribe's membership must be made up of descendants from a historical Tribe.

With regard to the first criterion, the Assistant Secretary noted that there had been regular external identification of people associated with the Hassanamisco Reservation since 1900. However, there had been no identification of any continuing Chaubunagungamaug Band between 1900 and the late 1970's. Since the original petition included the Chaubunagungamaug Band, the findings regarding that Band appear to have hurt the petition of the Nipmuc Nation as a whole.

The Assistant Secretary also found problems with the second criterion and proposed finding that from the 1780's through 1869 there was not enough evidence of

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 attorney Mike Guare, Paralegal Danny Mills, and is headed by Eric Nelson. Mike and Danny have worked with the Unit for a couple of 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.

Energy Assistance



If you are low-income, you may be eligible for energy assistance. If your income falls within 0-150% of the federal poverty guidelines, or if you get cash assistance from the Department of Social Services, you qualify for help from the Connecticut Energy Assistance Program (CEAP). If your income is slightly higher AND you have a disabled or elderly (60+ years) member of your household, you may qualify for the State Appropriated Fuel Assistance Program (SAFA).

Apply for CEAP and SAFA assistance at local Community Action Agencies. Call 1-800-842-1132 or INFOLINE at 211 for local sites. (You may also call these numbers to get any other energy information.) The application period is 11/1/01 through 4/30/02. If you get AFDC, TFA, AABD or food stamps, DSS should send you preprinted application forms. The heating bills must be in the name of a household member and a copy of the bill should be included with your application.

If you use deliverable fuel (oil, propane, gas, coal, kerosene, and wood) and you use up all your heat benefits before March 29, 2002, you can get **Crisis Assistance**. Up to \$200 is available to you if you cannot buy a deliverable fuel and that causes a life-threatening situation. **Safety Net** benefits may be available after that. Call INFOLINE for information.

For other places to go for help call INFOLINE at 211.

community among the members of the Hassanamisco Band. The proposed findings also found problems from the 1860's until the 1960's. The Assistant Secretary noted that most of the evidence related to the activities of

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only one extended family in that band. In addition, the Assistant Secretary found that there was no direct social interaction between the two Bands for nearly two centuries. Finally, the Assistant Secretary found that the current membership of the Nation was, to a large extent, the result of "a deliberate recruitment effort undertaken from 1989 through 1994."

Regarding the third criterion, the Assistant Secretary found that the only evidence of political authority related only to one extended family. The evidence did not show that it extended over any other family associated with the Hassanamisco Reservation. Finally, with respect to the fifth criterion, the Assistant Secretary stated that only 54% of the members of the Nipmuc Nation could document that they were descended from the historical Nipmuc Tribe.

With respect to the Petition filed for the Chaubunagungamaug Band, the Assistant Secretary repeated the findings made in the Nipmuc Petition regarding the first criterion. The documentation for the period from 1900 to 1978 provided no evidence of external identification of the group as an American Indian entity.

Regarding the second criterion, the Assistant Secretary found that the Band could prove that a community existed until 1870. From 1870 until 1891, the evidence became weaker, but was still adequate to meet the criterion. The Assistant Secretary concluded, however, that from 1891 until the mid-1970's, the evidence does not show community between the core family of the Band and "any other Nipmucks of Dudley/Webster descent." The Assistant Secretary found the same problems over the same time period regarding the third criterion.

The parties have 180 days from the publication of these proposed findings in the Federal Register to challenge the proposed findings.

Deadlines Set For Recognition by Federal Courts

In December, a U.S. District Court judge set a June 4, 2002 deadline for the BIA to issue its final decision on the petitions for recognition filed by the Eastern Pequot and the Paucatuck Eastern Pequot. Both Tribes have received preliminary recognition for their petitions.


Also in December, the Golden Hill Paugussetts, reached an agreement requiring the BIA to rule on its petition by no later than 2003. That matter is in federal court. The Schaghticoke Tribal Nation has also turned to the courts to speed up the recognition process

The Recognition Process

In November Of 2001, the General Accounting Office issued a study of the process used by the Bureau of Indian Affairs to grant federal recognition to Indian Tribes. The study concluded that:

Because of weaknesses in the recognition process, the basis for BIA's recognition decisions is not always clear and the length of time involved can be substantial. First, while there are set criteria that petitioners must meet to be granted recognition, there is no clear guidance that explains how to interpret key aspects of the criteria. For example, it is not always clear what level of evidence is sufficient to demonstrate a tribe's continuous existence over a period of time....As a result, there is less certainty about the basis of recognition decisions. Second, the regulatory process is not equipped to respond in a timely manner.

The GAO study went on to note that BIA did not have enough staff to handle the increased workload in the recognition area. In addition, there were no effective timelines that imposed any sense of urgency in resolving petitions.

The Department of the Interior commented on the GAO study and generally agreed with its findings and recommendations. 

Important Tax Information




Claim your Earned Income Credit.

If you worked in 2001, you may be eligible for up to \$4008 through the Earned Income Credit. You can get the EIC even if you don't owe income tax..

If you were raising children in 2001, file federal tax return Forms 1040 or 1040A, **not** Form 1040EZ. **Be sure to attach Schedule EIC.** If you weren't raising children in 2001, file the return you would normally file. Be sure to write "EIC" or the dollar amount of your credit on the Earned Income Credit line of your tax form.

FREE Help Filing Taxes! VITA, a program of the IRS, helps people fill out their tax forms for **free**. VITA sites are open from late January through April 15. For information call **1-800-829-1040**. Paying for tax preparation takes money away from **YOUR** refund.

EIC Advance Payment. You can increase your take-home pay by using the EIC Advance Payment option.. With this plan, your employer can add part of your EIC to every paycheck. You get the rest of your credit after you file your return. In order to qualify, you must be a worker with at least one "qualifying child" and you must expect your 2002 income to be less than \$29,201. Fill out a **W-5 form** and give the bottom part to your employer. **If you get advance payments during the year**, file a tax return at the end of the year **and** include the total amount you received as an advance payment. 

Child Tax Credit and The Child and Dependent Care Credit. You may also qualify for other federal tax credits. **The Child Tax Credit** is worth up to \$600 per child in 2001 for families with children under age 17. Congress has made changes to this credit. The credit is now refundable-- you can get the credit even if you owe no income tax. **The Child and Dependent Care Credit**

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helps pay for child care you need in order to work or look for work. You can also use the credit if you must pay for the care of a spouse or an adult dependent who cannot care for him or herself. Because of changes in the law, you may benefit by filing for both credits. That was not always true in the past

Free Help For Tax Problems

If you are a low income tax payer facing an audit, an administrative appeal, or litigation about your state or federal taxes, you may be eligible for free legal help. Quinnipiac College School of Law Legal Clinic (203-287-3238) and UCONN School of Law Tax Clinic (860-570-5165) offer free clinics to help with tax problems. They can give you free advice about your rights and free income tax preparation. All consultations are free and all information is confidential. Income limits apply.

The *Quinnehtukqut Legal News* is published by Pine Tree Legal Assistance, Inc. The views expressed by individual authors in this Newsletter are not necessarily shared by Pine Tree Legal Assistance or its staff.

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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>

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.



Child Abuse and Neglect:

Child Abuse & Neglect Hotline 1-800-842-2288
 TDD 1-800-624-5518



Domestic Violence:

- Ansonia:**
The Umbrella Project 860-892-7042
- Avon:**
Interval House 860-409-2583
- Bridgeport:**
Center for Women and Families of Eastern Fairfield County, Inc. 203-384-9559
- Danbury:**
Women's Center of Greater Danbury 203-731-5206

- Danielson:**
Domestic Violence Program/United Services, Inc 860-774-8648
- Enfield:**
Network Against Domestic Abuse 860-763-4542
- Falls Village:**
Women's Support Services 860-824-1080
- Greenwich:**
Domestic Abuse Service Greenwich YWCA 203-622-0003
- Hartford:**
Interval House 860-527-0550
- Manchester:**
Interval House 860-645-4033
- Meriden:**
Meriden-Wallingford Chrysalis 203-238-1501
- Middletown:**
New Horizons 860-301-0030
- New Britain:**
Prudence Crandall Center for Women 860-225-6357
- New Haven:**
Domestic Violence Services of Greater New Haven 203-789-8104
- New London:**
Domestic Violence Services of New London County 860-301-0030
- Norwalk:**
Domestic Violence Crisis Center 203-852-1980
- Stamford:**
Domestic Violence Crisis Center 203-357-8162
- Torrington:**
Susan B. Anthony Project 860-482-7133
- Waterbury:**
Women's Emergency Shelter 203-575-0036
- Willimantic:**
Domestic Violence Program/United Services 860-456-9476



Mental Health:

- Ansonia:**
Valley Mental Health Center 203-736-2601
- Bridgeport:**
Greater Bridgeport Community Mental Health Center 203-551-7400
Hotline 1-800-586-9903
- Danbury:**
Danbury Hospital 203-797-7899
- East Hartford:**
Emergency Services 860-895-3100
- Enfield:**
North Central Counseling Services 860-253-5020
- Hartford:**
Capitol Region Mental Health Center 860-297-0999
- Manchester:**
Genesis Center 860-643-3680
- Meriden:**
Mid-State Medical Center 1-800-567-0902
- Middletown:**
River Valley Services 860-262-5200
- Milford:**
Bridges Community Support System 203-878-6365
- New Haven:**
Connecticut Mental Health Center 203-974-7300
- Norwich:**
Southeastern Mental Health Authority 860-886-9302
- Plainville:**
Wheeler Clinic 860-747-8719
- Stamford:**
F.S. DuBois Center 203-358-8500
- Torrington:**
Northwest Mental Health Authority 860-482-1560
- Waterbury:**
Waterbury Hospital 203-573-6500
- Willimantic:**
United Services 860-456-2261

**Poison Control:**

Connecticut Poison Control Center

1-800-343-2722

TDD 860-679-4346

**Sexual Assault Crisis Programs:***(Hotline Numbers)*

- ❖ Center for Women and Families of Eastern Fairfield Co., Inc. Rape Crisis Service 203-333-2233
- ❖ Women's Center of Greater Danbury Sexual Assault Crisis Service 203-731-5204
- ❖ Hartford Region YWCA Sexual Assault Crisis Services 860-522-6666
- ❖ Central Connecticut YWCA Sexual Assault Crisis Service 860-635-4424
- ❖ Rape Crisis Center of Milford 203-878-1212
- ❖ New Britain YWCA Sexual Assault Crisis Service 860-223-1787
- ❖ Coordinating Council for Children in Crisis 203-624-2273
- ❖ Northeastern Connecticut Sexual Assault Crisis Service 860-456-2789
- ❖ Susan B. Anthony Project for Women (Serving Northwestern Connecticut) 860-482-7133
- ❖ Women's Emergency Shelter Sexual Assault Crisis Service (serving greater Waterbury) 203-753-3613
- ❖ Sexual Assault Crisis Center (Lower Fairfield County) 203-329-2929

**Youth Crisis:**

Contact the nearest Youth Service Bureau through your town hall

**Social Security**

1-800-772-1213

**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 Assistance (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>