

United States Representative Richard Burr

Testimony

House of Representatives Committee on Resources

April 1, 2004

Chairman Pombo, Ranking Member Rahall, my friend Mr. Jones from North Carolina, Members of the Resources Committee: thank you for giving me the opportunity to come before you today to testify about H.R. 898, a bill that will grant full federal recognition to the Lumbee Tribe of North Carolina.

I want to take this opportunity to first highlight the work of two of my North Carolina colleagues, Senator Elizabeth Dole and Representative Mike McIntyre.

Upon taking office last January, Senator Dole made it her first legislative priority that the issue of Lumbee recognition be resolved. Her determination and hard work have paid off as her companion bill has been reported out of the Indian Affairs Committee and now awaits consideration by the full Senate.

But I don't think this issue would be receiving the attention it is today if it were not for the work of my colleague from Robeson County, Mike McIntyre. Mike's work behind the scenes both in North Carolina and here in Washington - his passion for this issue - have been crucial to the momentum this bill has gained in the House.

It is a pleasure to join both of them here today in support of Lumbee recognition.

The Lumbees have been a part of eastern North Carolina history for centuries. They have served their community as farmers, doctors and lawyers, small business owners and bankers. They have served their county as sheriffs and clerks of courts; served our state as legislators and judges. Some have protected all of us with their service in our nation's Armed Forces.

It is long past time that the Lumbee Tribe receives the full recognition they deserve. The Lumbees have been seeking this recognition since the 1880's. The issue has been studied by the Interior Department since 1913 and debated in Congress since at least 1956, if not earlier.

As a co-sponsor of both pieces of legislation that would move the Lumbees towards full federal recognition, I feel that the question is not so much whether they should be recognized, but how the federal government goes about granting this recognition. That is a decision this Committee and, upon the recommendation of this Committee, the full House, will make.

There are those who will argue today that the Tribe should go through the Bureau of Indian Affairs process for federal recognition. The Tribe is currently prohibited from utilizing the petition process. Our colleague from Asheville, Chairman Taylor, has introduced legislation that would remove this barrier and allow the Lumbees to submit a petition to the Bureau of Indian Affairs.

While that argument does have merit, let me point out two things that I hope you will keep in mind during this hearing today:

- The Bureau's process is reserved for Tribes for whom legitimacy must be established. The legitimacy of the Lumbees dates back to the late 1800s and has been reaffirmed many times over in the 100 plus years since - by our state government, the federal government and by leaders in the field of anthropology who have studied Native American Tribes.
- The Bureau's process itself is flawed. You will hear a lot today about a 2001 GAO Report on the recognition process. Let me sum up for you what I find to be the most glaring problem identified by the report. According to GAO, the length of time to resolve a completed petition process may take up to 15 years – assuming that the Lumbee petition would be moved to the front of the line. Is it fair to make a tribe, whose legitimacy has already been established, wait the better part of two more decades to be granted recognition it has sought for over one hundred years?

The McIntyre and Dole bills would grant the Lumbees full federal recognition. Some will argue that a legislative approach will circumvent the BIA process and that the Lumbees would be receiving an unprecedented

legislative remedy that no other Tribe has ever received. The Congress has, however – in various legislative vehicles – granted tribes full federal recognition through the legislative process. In fact, since 1980, at least four Eastern Tribes that received full recognition from the federal government, received that designation as the result of an act of Congress.

Mr. Chairman, the state motto of North Carolina is “*Esse Quam Videri*,” and translated from Latin it means: “to be, rather than to seem.” I don’t think it could better describe that which the Lumbees seek – to **be** a tribe, rather than **seem to be** a tribe.

The Lumbees pursuit of this recognition has now touched three centuries. By whatever method the Committee chooses to bless this recognition, I will support wholeheartedly. Again I appreciate the opportunity to testify before this Committee and look forward to working with all of you on this matter.