

Statement by U.S. Senator Elizabeth Dole
Before the House Committee on Natural Resources
Hearing on Lumbee Recognition
Wednesday, April 18, 2007
Remarks as Prepared

Chairman Rahall and Ranking Member Young, thank you very much for holding this important hearing today. Thank you for your leadership on so many issues affecting Native Americans – in particular, for your attention to the plight of the Lumbees and for strongly considering full federal recognition of this tribe.

I greatly appreciate the hard work of Congressman Mike McIntyre on this issue. Mike McIntyre's district includes Robeson County, the traditional home of the Lumbee Tribe. This recognition effort enjoys bipartisan support both in the House – including Congressman Robin Hayes, whose adjacent district has many Lumbee residents – and in the Senate, where I have introduced companion legislation to the bill we are considering today. I welcome the support of my good friend Senator Richard Burr, a cosponsor of my bill. Senator Burr wishes he could be here today, and Mr. Chairman, I request that his statement be included in the record.

The Lumbee Recognition Act was the very first bill I introduced as a member of the United States Senate. I have since continued to champion this cause because I passionately and fervently believe that Congress must act to provide full federal recognition for the Lumbees. With more than 50,000 members, the Lumbee Tribe is the largest east of the Mississippi River, as well as the largest non-federally recognized tribe in America. For more than a century, the Lumbees have been recognized as American Indians. North Carolina formally recognized the tribe in 1885, and three years later, in 1888, the tribe began what has become a very long quest for recognition and assistance from the federal government.

Over the years, many bills were introduced in Congress to provide the Lumbees with federal recognition, but these bills were never acted upon or were passed by only one chamber. Finally, in 1956, Congress passed the Lumbee Act, which recognized the tribe ...but it included a terribly unfair caveat: the Lumbees were denied the benefits that every other federally

recognized tribe receives. Refusing to accept this partial nod to their legitimacy, the Lumbees – and their allies in Congress – have remained dedicated to the quest for the full recognition that the tribe deserves.

I know there are those who have argued – and will do so again today – that the Lumbees should be required to go through the Bureau of Indian Affairs, rather than receive full recognition through an act of Congress; however, the Lumbee Act of 1956 actually prohibits the tribe from going through the BIA process. As the law now stands, the Lumbee Tribe can only be recognized by an act of Congress. Just one other tribe, the Tiwas of Texas, faced a similarly unfair situation following the passage of a comparable bill in 1965. But in 1987, Congress enacted special legislation to recognize them. This makes the Lumbees the only tribe in the country still trapped in this legal limbo and ineligible for the administrative acknowledgement process because of an earlier act of Congress

The BIA process is reserved for tribes whose legitimacy must be established, and as we know, that is certainly not the case with the Lumbees. Their legitimacy has been established – time and time again. There have been numerous studies by the U.S. Department of the Interior, beginning as early as 1912, then again in 1914, and yet again in 1933. Each time, it has been determined that the Lumbees are indeed an Indian tribe, descended from the historic Cheraw Indians. There is no need to waste the tribe's or the government's time and money again.

It has also been documented by GAO that getting through the BIA process can be arduous and extensive. A 2001 GAO report revealed that it can take up to 15 years to resolve petitions for recognition. And a 2005 follow-up report underscored that even with some improvements to the BIA process, it would still take years for BIA to work through its current backlog of recognition petitions, and even longer to consider new petitions. It is clear that even if the Lumbee could legally go through BIA, this would only impose yet another lengthy delay on this tribe.

I have had many opportunities to visit with the Lumbees. They are a people of great pride, and I am in awe of their steadfastness on this issue, even after years of disappointments.

One occasion in particular stands out in my mind, a 2003 rally in Robeson County with Congressman McIntyre. This rally brought together the entire community – folks from all backgrounds and walks of life – uniting for a common goal: getting the Lumbee Indians the full recognition and benefits they deserve.

Today, we continue working to achieve that goal. Since my arrival in the Senate in 2003, this is the third committee hearing that Lumbee Chairman Jimmy Goins and members of the Lumbee tribe have journeyed to Washington to attend. Each time they have made their case for federal recognition. Even though we've been delighted a number of times by the Senate committee approval of this legislation, the full House and Senate have yet to take positive action. Undeterred, the Lumbee tribal leadership is here once again, and I am inspired and immensely proud to continue this fight alongside them.

I am confident that after hearing testimony today, you will agree that the Lumbee Tribe deserves full federal recognition, and I urge you to report out this legislation as expeditiously as possible. The long record on this effort compiled by the Congress and the Department of the Interior demonstrates the legitimacy of the Lumbee Tribe. The State of North Carolina has acknowledged Lumbee tribal existence for well over a century.

Simply put, this is about righting a wrong...and allowing future generations of Lumbees to benefit from the recognition for which their ancestors have tirelessly fought. The time is now Mr. Chairman. The time is now. It is time for decisive action by Congress – and providing the tribe full recognition and benefits is the only fair and just course.

Thank you again, Mr. Chairman and Mr. Ranking Member, for giving this issue the attention it deserves. And thank you for the privilege of presenting my heartfelt concerns regarding the need for Lumbee recognition.