

**STATEMENT OF CHAIRMAN JAMES E. GOINS, CHAIRMAN
LUMBEE TRIBE OF NORTH CAROLINA**

**Testimony
before the Committee on Natural Resources
United States House of Representatives**

Legislative hearing on H.R.65, *“To provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.”*

April 18, 2007

Chairman Rahall, Congressman Young, and members of the committee, thank you for the opportunity to testify today in support of H.R.65, a bill to extend federal recognition to the Lumbee Tribe of North Carolina. On behalf of the Lumbee people, I want to express our particular gratitude to you, Chairman Rahall and Congressman Young, for your support for our cause. Also on behalf of the Lumbee people, I want to express our heartfelt appreciation to Congressman McIntyre, Senator Dole, and Senator Burr for their leadership on this issue. With their efforts, the Lumbee people are hopeful that we will finally reach our goal of federal recognition this Congress.

Mr. Chairman, my name is James Ernest Goins and I am the Chairman of the Lumbee Tribe. I am joined by Kelvin Sampson, an enrolled member and Head Basketball Coach for Indiana University, who, after my statement, will tell the Committee what the prospect of federal recognition means to our people. Finally, Dr. Jack Campisi, an expert anthropologist who has worked with the Tribe for more than twenty years, will testify that the Lumbee qualify as an Indian tribe. We are accompanied by the Tribe's attorney on recognition, Arlinda Locklear, who will be available to answer any technical questions for the committee.

The Lumbee Tribe is well known in Indian country, both because of the Tribe's long quest for federal recognition and the number of prominent Lumbees who work throughout Indian country - political appointees in Indian affairs, educators, doctors, lawyers, and others, like Coach Sampson. In our relations with other tribes, we sometimes encounter people with questions about the Tribe's entitlement to federal recognition. We always invite these people to visit the Lumbee community, to walk among us in all Lumbee churches and schools, and to see where our history took place and continues to be made every day. When they do this, they are struck by the fact that Lumbee territory is Indian country: it is visible in the faces of our people and in the strong community ties that bind the Lumbees.

Mr. Chairman, we wish the committee could visit our community and see these things as well. Since that is not possible, we have done our best to bring our community to you. I will present a series of short film clips, all of which feature key parts of our community and history. We believe you'll see through these clips that Lumbee territory is Indian country. As such, we are entitled to the same federal recognition enjoyed by the rest of Indian country.

Before I show the film clips, though, I want to address something that the committee members are likely to hear a lot about today, and that is the name Lumbee Tribe. We Lumbees have not always been known by that name. In 1885, the State of North Carolina first recognized our ancestors as the Croatan Indians of Robeson County. In 1911, the State changed the law to recognize our ancestors as the Indians of Robeson County. And in 1913, the State again changed the law to recognize our ancestors as the Cherokee Indians of Robeson County. The Tribe did not choose any of these names. Instead, they were chosen by members of the State Legislature at the time who thought of themselves as amateur historians. Our people grew tired of all these names imposed by state law and, in 1952, asked the State to conduct a referendum on the adoption of the name Lumbee, drawn from the Lumber River where our people have always lived. The State agreed and the referendum passed overwhelmingly. In response, the State changed the law once again in 1953 to recognize the Tribe as the Lumbee Indians of Robeson and adjoining counties. We have been recognized by the State as the Lumbee Tribe ever since.

But whatever name the State called us, we are the same people that the State first recognized in 1885. In fact, I am a lineal descendant of one of the Croatan leaders who the State recognized in 1885 and who first petitioned the Congress for federal recognition in 1888. So the Lumbee community that you are about to see is the same Indian community that the State of North Carolina has recognized since 1885.

St. Anna's Church

The first video clip shows St. Anna's Church. This church is more than a hundred years old. It has today and has always had a Lumbee minister and an all Lumbee congregation. There are more than 120 such churches in Lumbee territory. They are an important part of our community, with most people's social lives organized around their church and their families. This particular church is significant because this is one of the places where Fred Baker, then the BIA Superintendent for the Sisseton Indian Agency, held meetings with the Lumbee people in 1935. Agent Baker was sent to Lumbee territory by the Commissioner of Indian Affairs to study the history and condition of the Lumbee people. He reported that 2,000 Indians showed up at his meeting at St. Anna Church and that he was deeply moved by their hope for federal involvement in the Indian community there. His report on the Lumbees was one of twelve that the Department of the Interior has done, starting as early as the 1912 Pierce Report. All these reports document the Indian ancestry of the Lumbees, our tight knit communities, and the need for assistance for federal Indian services.

The panoramic view around St. Anna's Church is also important. It shows other all Indian institutions in our community, for example, the Pembroke Volunteer Fire Department and the headquarters of the Lumber River Holiness Methodist Conference established in 1900, an all Indian conference of Holiness Methodist churches. This panoramic view also shows that our people continue to live in the same areas as their ancestors. The family settlement of Reverend Zimmie Chavis is here. The Chavis family has owned this land since before the Civil War and remains there today.

Prospect Elementary School

This school is located in what the early land records identify as the Cheraw Old Field, the heart of the eighteenth century Cheraw community. Today, that community is known as Prospect. This school has an Indian principal, Indian teachers, and virtually all Indian student population. I attended this school as a child and my grandchildren attend it today.

There are many other schools like this in our community. Indian education and schools have been an important part of our history. Our people first sought recognition from the State because our children were not allowed to attend white schools after the Civil War. So, in the 1885 state statute that first recognized the Tribe, the state established a separate school system just for Lumbee children. Tribal leaders were authorized to control the schools and determine eligibility to enroll; our people established what we called blood committees for this purpose. As far as we know, the Lumbee Tribe is the only one in the country to control its own school system under state law. And we did so for nearly a hundred years. We use the records of those blood committees today as one of the base documents to establish eligibility for tribal enrollment.

In 1887, our people petitioned the State for a normal school to train Lumbees as teachers for our school system. In response, the State authorized and gave us some funding for the

Pembroke Indian Normal School; today, the Normal School is the Pembroke campus of the University of North Carolina. The State gave us too little money, though, to maintain the Normal School, so we first asked for federal recognition in 1888 so that we could get federal Indian education assistance. We continued to operate our school system until the early 1970's, when a federal judge ordered North Carolina to desegregate its schools. That judge told the Tribe that it could not maintain a separate school system since it was not federally recognized. So we lost our separate school system, but because most of our communities are predominantly Indian, many of our schools remain predominantly Indian.

A particular incident in the history of our Indian schools shows the strength of Lumbee leadership and independence. In 1913, the North Carolina Attorney General issued an opinion saying that the county board of education could overrule decisions by the Tribe's blood committees on who was eligible to attend Lumbee schools. This was not acceptable to the Tribe. The Tribe's leaders convinced the North Carolina Legislature to effectively set aside the Attorney General's opinion by passing a statute which established a committee of all Lumbees, named in the statute, with exclusive authority to hear challenges to enrollment decisions in our schools.

Lowrie site

This next film clip shows the homesite of Allen Lowrie, the father of Henry Berry Lowrie who led the Lowrie gang. This site is an important part of the Tribe's history dating back to the Civil War. Tribal members were prohibited from serving in the Confederate Army, but the Home Guard in the county conscripted our people into labor gangs and assigned to build fortifications to protect the City of Wilmington. Those who could escape did so and returned home where they hid out in the swamps of Robeson County, with the protection of other tribal members. Tension increased to the point of open hostilities by the end of the Civil War. Eventually the Home Guard captured Allen Lowrie and his son, William, at the Lowrie homesite, and executed them. This was in the winter of 1865. Henry Berry Lowrie, Allen's other son, launched a virtual war against the Home Guard and, by 1870, was able to strike the local authorities with impunity because of the protection of the Indian community. This continued until 1872, when Henry Berry disappeared in the swamps, never to be seen again. Henry Berry Lowrie is a folk hero among our people and we celebrate his exploits every year in an outdoor drama we hold called, "Strike at the Wind."

Red Banks

This particular area is called Red Bank, located on the Lumber River. You'll remember the 1935 Baker Report that I mentioned before. Well, Agent Baker recommended to the Department of the Interior that it acquire land for settlement of the Lumbees under the recently enacted Wheeler-Howard Act, also known as the Indian Reorganization Act. He recommended that the land be purchased here, at Red Bank. The Bureau of Indian Affairs initiated the project, but the project was transferred from the BIA to the Resettlement Administration of the Department of Agriculture, for reasons that were never explained to the Tribe. Indian families did eventually settle here and established the Red Banks Mutual Association, a long running farming cooperative that was all Indian. The effort to use this land base to organize under the IRA failed, though, when local white were allowed to settle a portion of the land.

Another effort by the Tribe to organize under the IRA should also be mentioned. At the same time that the resettlement effort was underway, Assistant Solicitor Felix Cohen wrote to Lumbee tribal leaders and laid out a plan that would allow the Tribe to become organized. First, tribal members had to consent to physical examinations to determine whether they were one-half or more Indian blood. Most of our people refused to consent to these examinations, testing hair, teeth, head size, and other such demeaning things. 209 of our people agreed to submit to these examinations and the BIA certified 22 of these individuals as one-half or more Indian blood. This was really just made up science – in some cases, full blood brothers and sisters were said to have different quantum of Indian blood. But this effort eventually failed, too, when the BIA refused to take land into trust for these half-bloods so that they could organize under the IRA.

Main Street, Pembroke

This film clip shows Main Street in the Town of Pembroke. Pembroke is in the heart of Lumbee territory. All its elected and appointed officials are members of the Lumbee Tribe - the mayor, the town council, town clerk, police department, etc. This particular clip shows an event that takes place in Pembroke every year that is important to Lumbees - the annual Lumbee Homecoming that takes place every year at the Fourth of July. Thousands of Lumbees come home for this event because Robeson County is always home to us wherever we may live. During Homecoming we visit family and participate in tribal events such as a parade, beauty pageants, and a pow-wow.

In 1956, the streets of Pembroke were closed for a parade and celebration of the passage of the 1956 Lumbee Act by Congress. As I mentioned earlier, the Tribe first sought federal recognition in 1888 so that we could get federal assistance for the Indian normal school. That request was turned down by the Secretary of the Interior in 1890, because as he said, he had too little education funding for tribes already under his jurisdiction and the Lumbees, as a so-called “civilized” tribe recognized by the State, should look to the State for assistance. After that, the Tribe’s congressional delegation introduced a series of bills in Congress to extend federal recognition to the Tribe. These bills generally were copied from the most recent state legislation recognizing the Tribe. After the State amended state law to recognize the Tribe as Lumbee in 1953, an identical bill was introduced in the Congress to achieve federal recognition on the same terms. When this bill passed Congress in 1956, the Tribe celebrated in the streets of Pembroke.

However, the 1956 Lumbee Act was not identical to the State law passed in 1953. The Department of the Interior had requested that Congress amend the federal bill by including termination language, language that the Department of the Interior said was necessary so that the Tribe would not get federal Indian services. The Congress included this termination language in the 1956 Lumbee Act. And because of that termination language, the Lumbee Tribe is not eligible for federal Indian services. Also because of that termination language, the Lumbee Tribe is not eligible for the administrative acknowledgment process at the Bureau of Indian Affairs. So as the law stands now, the Lumbee Tribe can be federally recognized only by an act of Congress. As far as we know, the Lumbee Tribe is the only tribe in the country in this position.

VFW Post, Pembroke

This last film clip is particularly significant to me – it shows the VFW Post in Pembroke. All the members of this post are Lumbee Indians. It includes veterans from World War II, the Korean War, Viet Nam, and Dessert Storm. We also have a tribal color guard of our Indian

veterans. Our tribal color guard members wear a special uniform that shows our pride in being Lumbee and our pride in our service to our country.

I'm a proud member of this Post. I enlisted in the Army and served in Viet Nam. The men in my squad called me "Chief." For my service in Viet Nam, I earned the Purple Heart, the Bronze Star, and the Air Medal. My father, too, serviced this country in World War II. Lumbee people have always served this country as far back as 1775 when we fought with the colonists. Many of our veterans' records identify them as Indian, yet the United States does not officially recognize us.

Conclusion

Mr. Chairman and members of the community, our people have been at this work for federal recognition for more than one hundred years. The Bureau of Indian Affairs has studied us and the Congress has developed a voluminous congressional record on us. No other tribe has come to Congress with such an extensive record, one that consistently supports our Indian ancestry, our descent principally from the aboriginal Cheraw Tribe, and our separate community with distinct and strong leadership. Mr. Chairman, we hope these film clips have shown you what visitors to our community see, that we are Indian country and should be recognized as such.