

**Chairman Akaka, Committee Members, Tribal Leaders and Staff:**

**Thank you for the opportunity to address the Federal Acknowledgment process from the perspective of my people. Other panelists have specific complaints about how the process is inefficient and in some respects completely broken. On behalf of my people, I am here today to tell you that there is no administrative process for the people of the Lumbee Tribe of North Carolina.**

**Congress passed the Lumbee Act in 1956. This legislation acknowledged the Indians of Robeson County and surrounding Counties, but the following clause was included to prevent federal services to my people: “Nothing in this Act shall make Indians eligible for any services performed by the United States because of their status as Indians,...” In 1989, the Lumbee petitioned the Bureau of Indian Affairs for full federal recognition. The Secretary of the Interior requested a review of the Lumbee Act of 1956 from the Office of the Solicitor in light of the Lumbee petition. The Solicitor indicated that the acknowledgment regulations (25 CFR Part 83) do not apply to groups which are the subject of Congressional legislation terminating or forbidding the Federal relationship. Based on the language in the Lumbee Act, the Solicitor opined that the Lumbee Act terminated or forbade the Lumbee from a relationship with the Federal Government. The Solicitor recommended to the Secretary that the Department had no authority to act on the extensive petition submitted by the Lumbee. To support his opinion, the Solicitor**

concluded that the Department would be exposed to substantial risk of litigation if it provided services or acknowledged a government-to-government relationship with the Lumbee Indians.

The Solicitor refused to acknowledge a well-established government-to-government relationship between the Lumbee and the United States. In 1887, the North Carolina General Assembly passed a bill to provide education assistance for the Lumbee people by financing the construction of an Indian Normal School and the present day University of North Carolina at Pembroke was born. In 1900, Congressman Bellamy reported to the United States House Committee on Indian Affairs on the origin, history and needs of the Indians of Robeson County. In 1910, the United States Government completed a special census of Indian population of Robeson and adjoining counties as part of the decennial Census survey. In 1913, the United States Congress held a hearing on the status and concerns of the Indians of Robeson County. In 1914, United States Senate Resolution 410 directed the Secretary of the Interior to investigate the Indians of Robeson and adjoining Counties of North Carolina. In 1915, Indian Agent O.M. McPherson concluded that the Lumbee are of Cheraw descent. In 1923, the Superintendent of the Cherokee Agency recommended the State's 1884 Indian rolls be revised and undisputed Indians be granted access to training at Haskell University due to education disparities caused by lack of funding in Robeson County. In 1933, Jon Swanton, a Smithsonian Institute anthropologist, studied the

tribe and declared the Lumbee to be of Cheraw Indian origin and other closely related Siouan speaking tribes. These are just a few examples of the government-to-government relationship between the Lumbee Tribe of North Carolina and the United States.

For more than 100 years, my people have petitioned, applied and appealed for recognition of our sovereignty. My people have served in every major conflict in which our United States military has engaged including, but not limited to, the Revolutionary War, the Civil War, World War I, and World War II.

I respectfully offer today that the various means of federal recognition have failed the Lumbee Tribe of North Carolina. The Constitution of these United States makes this Congress responsible for the well-being of indigenous peoples of the United States. There is no delineation or classification of tribes in the United States Constitution. The United States Congress has a responsibility to my people to deal with them as they do with other tribes across this country without regard to recognition status. Never before has the government required a tribe like Lumbee that is not eligible for the process to go through a process that everybody admits is broken. The Solicitor's office has said that we are not eligible for the federal acknowledgment process so Congress should do what it has done for every other tribe like that and pass full federal recognition legislation. Some might say that the recognition process has been delegated to the Department of Interior. Respectfully, I suggest to

**you that delegation of a responsibility by the United States Congress does not relieve Congress of the responsibility to uphold the Constitution.**

**For over 100 years, my people have followed the processes of this Government. We worked with the various federal agents as they studied us, we have testified numerous times before Congress, we have petitioned the Bureau of Indian Affairs, and we have had legislation introduced almost every Congress since 1988. I implore you to make a way for the recognition of the Lumbee Tribe of North Carolina. Our elders are dying waiting for health benefits and our children struggle to become educated while waiting for benefits available to other tribes by federal statutes.**

**Mr. Chairman, I thank you for the opportunity to address this Committee, and I look forward to the day when my people, the Lumbee Tribe, receive the same benefits afforded Indian people who have been recognized by these United States.**