

### Court decision allows Catawba Tribe to pursue land claim

**BOULDER, COLORADO:** The Catawba Indian Tribe of South Carolina will be able to continue to pursue a claim for possession of a 140,000 acre reservation in South Carolina based on a 1763 Treaty with the King of England according to a recent federal court decision. The claim was upheld in a decision by the Fourth Circuit Court of Appeals which reversed the lower district court in South Carolina in *Catawba Indian Tribe of South Carolina v. State of South Carolina*. The Court of Appeals held that a 1959 act of Congress which terminated aspects of the trust relationship between the Tribe and the United States did not extinguish the right of the Catawba to pursue its claim for possession of property based on the 1790 Non-Intercourse Act. The Non-Intercourse Act prohibits transfers of Indian land without the consent of the federal government. The Catawba Tribe claims that the 1790 Act invalidated an 1840 treaty between the Tribe and the State of South Carolina under

which the 140,000 acres were ceded to South Carolina. The Court of Appeals majority opinion stated: "We conclude that the Catawba Indian Tribe Division of 1959 did not ratify the 1840 Treaty. Extinguish the Tribe's existence, terminate the trust relationship of the Tribe with the federal government arising out of the Non-Intercourse Act, or make the state statute of limitations applicable to the Tribe's claim."

Don B. Miller of the Native American Rights Fund, counsel for the Catawba Tribe, indicated the Tribe would not move forward with its claim for the reservation land. Chief Gilbert Blue issued the following statement on behalf of the Catawba Indian Tribe of South Carolina shortly after the decision:

**Statement of Gilbert Blue, Chief of the Catawba Indian Tribe of South Carolina**

As you know, the Fourth Circuit Court of Appeals ruled last week that the Catawba Tribe of Indians the right to maintain a suit in Federal

to recover its land and damages for trespass to its lands.

We filed this suit because our efforts to seek a reasonable settlement were ended when a State Commission voted against any Federal services and any possibility of expansion of our tiny, 630 acre reservation by voluntary purchases from willing sellers. That commission, like other governmental bodies before it, had no Indian members, and in its result ignored history, ignored justice and ignored fair treatment.

Now, the Fourth Circuit has given us a forum so that our claims can be heard. The issues we will raise in this suit are the same issues raised by other Eastern Indian Tribes such as the Oneida of New York and the Passamaquoddy of Maine. In each of these cases courts have held that tribes have the right to sue to recover their lands and money damages based on the tribe's historical title to land.

In our case, we have one other factor that strengthens our claim. The Catawba Tribe, like many other landowners in South Carolina, traces its land title back to the King of England. In 1763, the Catawba Tribe entered into a

treaty with the King to grant to the King Indian title to much of the land that is now the Carolinas, in exchange for recognized title to a tract 15 miles on each side.

In 1840 the State of South Carolina moved the Catawba Tribe off its land in exchange for a promise of land in North Carolina and the payment of money. The Catawba Tribe never got the land and never got the money. Since that time the Tribe has sought return of its 144,000 acres.

All the Tribe has gotten is promises and a 630 acre reservation.

All we have sought by way of settlement is sufficient land and resources to permit the Catawba Tribe to be culturally and economically viable.

All we have sought is to be treated fairly and honorably. Now, the matter will be decided by the Courts.

We are pleased by the decision of the Fourth Circuit. We believe the decision is historic, monumental and significant to all Indian peoples. In terms of our own suit, the Fourth Circuit eliminated all doubt about there being any legal roadblock to our claim raised by the 1959 decision of assets act.

We, and others who have examined this claim fairly, have known that the Catawba Tribe has a strong case and is likely to recover its land and obtain a damage award in the trial of the case. We were confident that the Fourth Circuit in deciding this case fairly would uphold our rights. We are just as confident of a victory at trial.



One way to cut driving costs in the winter is to clean the snow and ice off from under the fender to reduce gas-eating weight.

### A. Bruce Jones elected to NCAI Board

Kenneth R. Maynor, Executive Director of LRDA (Lumbee Regional Development Association, Inc.) today announced A. Bruce Jones, LRDA Board Member, the official delegate to the 40th Annual Convention of the National Congress of American Indians (NCAI) in Green Bay, Wisconsin, was elected to the NCAI Board as the Southeastern area Vice President for a 2-year term. Maynor said that Jones will represent all of the Indians in the Southeastern area of the United States. James Sampson, Jr., LRDA Board Member, also attended the convention as the alternate delegate.

Maynor also said that Jones is the first Lumbee to serve on the NCAI Board. He is also the Executive Director of the N.C. Indian Commission and is a member of the Board of the Governor's Inter-State Indian Council. He has a long and distinguished history of involvement in Indian affairs and will represent Indians on a fair and equitable basis.

Rod Locklear, Vice Chairman of LRDA Board, said that the Lumbee Indians have a long history of involvement and participation in the National Congress of American Indians. And that Jones' election to that organization is another of the many significant and major milestones of accomplishment for Lumbee Indians. He also said that Jones would represent us well and he will be a strong advocate for all Indians at the national, state and local levels. Adolph Dial, LRDA Board Chairman, along with Ralph Hunt, who was a delegate to the NCAI Conference in Bismarck, North Dakota in 1982, said that with the election of Bruce to the NCAI Board, the NCAI and Indian people will have a vocal advocate that will fight for the right of Indian people and for their involvement in decisions that affect them. He said that he appreciated and respected the efforts of all Lumbee Indians who have given of their time to involve our tribe with, and in, NCAI activities. He stated that while members of the Lumbee Indians have been involved with the NCAI, the Lumbee Indians became a tribal member of the NCAIA by vote of the NCAI Board members at the NCAI Mid-Year Convention in Reno, Nevada in June, 1980. Rod Locklear was the Lumbee Indian delegate at that meeting. Janie M. Locklear was the alternate delegate. Dexter Brooks and Phyllis Emanuel also attended the convention.

In October, 1980 at the 37th Annual NCAI Convention in Spokane, Washington, the

### Pork prevails at N.C. State Fair

RALEIGH-Pork prevailed here at the North Carolina State Fair Tuesday during the swine breed shows.

In the Yorkshire breed, Joe Moyer Jr. of Farmville walked off with both the grand and reserve championships in the gilt class along with the grand champion boar.

Reserve champion honors went to Norman Denning Jr. of Four Oaks.

Ernest Hall of Jacksonville had the grand champion Hampshire gilt and boar and reserve boar, honors were taken by Lycourous Lowry of Pembroke. The reserve champion gilt was shown by Alan Nichols of Bailey.

The grand champion Chester White came from Feather Down Farm of Apex and the reserve title went to Oland Peele of Nahunta Farm, Nahunta near Goldsboro.

Champ sow honors were claimed by Jason Thomas of Apex and Nahunta Farm had the reserve.

With the Tamworth breed, Bennett Brothers of Kenton,

speaking on behalf of all the Indians in the United States. And that his energies will be directed toward that end to bring unity and harmony within the Indian ranks so that problems can be resolved in a united effort.

Ohio showed the grand champion boar and sow and reserve boar. The reserve champion show was from Arrowhead Stock Farm of Hillsboro, Ohio.

The best market barrow was a product of Sharp and Sharp Farms of Sims and the reserve honors belonged to Allison Jackson of Dunn.

Junior showmanship was awarded to Robbie Wood of Willow Springs with the reserve junior showmanship going to Jason Thomas of Apex.

Francis Callahan of Milford, Ill. judged the show and superintendent was Bruce Shankle, livestock specialist, N.C. Department of Agriculture.



Kilts are not native to Scotland. They originated in France.



A squirrel has no color vision, it sees only in black and white.



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