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Carolina Indian Voice*

**AN URGENT MESSAGE TO  
LUMBEE TRIBAL MEMBERS,  
FRIENDS & SUPPORTERS**

Dear Tribal Members, Friends and Supporters:  
In 1956, the United States Congress recognized the Lumbee as American Indian while imposing a statutory restriction within the 1956 Lumbee Act that denies the Federal relationship to Lumbee. Passage of the 1956 Lumbee Act came during the height of the termination era when the policies of the Federal Government were aimed at terminating the Federal relationship to all American Indian tribes.

On October 23, the Associate Solicitor for Indian Affairs advised the Bureau of Indian Affairs that the termination era Lumbee Act, which provided that none of the statutes which apply to Indians apply to the Lumbees, precluded administrative acknowledgement of the Lumbee Tribe. In the words of the Associate Solicitor, "For all the above reasons, I am constrained to advise you that the Act of July 7, 1965 (70 Stat. 254), is legislation terminating or forbidding the Federal relationship within the meaning of 25 CFR sec. 83.3(e) and 83.7(g) and that, therefore, you are precluded from considering the application of the Lumbees for recognition." As a result of this opinion, it is now clear that corrective legislation is needed, i.e. amendment to the 1956 Lumbee Act to effect the Federal relationship to Lumbee. Simply stated, only the Congress can recognize the Lumbee.

A bill, H.R. 2335, for the recognition of the Lumbee Tribe was introduced in the United States House of Representatives by Congressman Charlie Rose (D-NC) in May 1989. An identical bill, S. 901, was introduced in the United States Senate by Senator Terry Sanford (D-NC) in the same month. If passed, these bills will immediately give Federal recognition to the Lumbee Tribe, and its members, and qualify membership for certain Federal Indian services, subject to Congressional funding, that the Government provides for American Indian Tribes and their members. Such services include but are not limited to: scholarships, Indian health care services, economic development assistance, job opportunities, and general assistance.

In addition to extending full federal recognition to the tribe, the bills deal with a number of related matters. First, they provide for delay in the delivery of B.I.A. and I.H.S. until funds are appropriated for those purposes and authorizes direct funding for those services. This direct funding mechanism will help insulate other tribes' budget from impact due to recognition of the Lumbee Tribe and will also give the Lumbee Tribe greater flexibility in the administration of federal Indian services. Second, they define a service area for the Lumbee Tribe and deal with other service-related questions that might arise due to the absence of a reservation. Third, they extend state civil and criminal jurisdiction over the tribe, giving the tribe and the state time to work out a jurisdictional agreement without a break in jurisdiction and the disruption in law and order that would occur otherwise. The Department of the Interior has no authority to resolve any of these issues, just as the Department presently lacks any authority to recognize the tribe. Tribes who are subject of Congressional legislation that terminates or forbids the Federal relationship are ineligible for Administrative recognition through Interior.

On February 7, 1990 the Lumbee Recognition bill, H.R. 2335, is scheduled for mark-up in the House Interior & Insular Affairs Committee. At that time, the Committee members will vote on H.R. 2335. United States Congressman, James McClure Clarke, who represents the 11th Congressional District (NC) in which the Eastern Band of Cherokee reside, is a member of the House Interior Committee which must vote on the Lumbee Bill on February 7, 1990. Under enormous pressure from Eastern Band of Cherokee to defeat the Lumbee Bill, Congressman James McClure Clarke will be introducing a substitute to H.R. 2335 on 2/7/1990 which will amend the 1956 Lumbee Act to make it plain that the tribe can go through the Federal acknowledgement within Interior.

The Lumbee Tribe is very much opposed to such an amendment. Over the past ten years, Congress has considered the status of eight other Indian tribes that were also precluded from administrative acknowledgement, like Lumbee, by earlier acts of Congress terminating or precluding the Federal relationship. In all eight cases, Congress enacted comprehensive recognition legislation that addressed the tribe's status and all related issues, such as jurisdiction, delivery of services, trust assets, etc.

The Lumbee recognition bills follow this legislative tradition. Under Cong. Clarke's amendment, however, Lumbee would be singled out for a different kind of treatment, i.e., relegation through Interior to decide on whether Lumbee should be a recognized tribe. Since Congress has not done that in the past with all other tribes ineligible for the Administrative process, it would be highly exceptional and unfair to single out Lumbee for relegation through Interior's federal acknowledgement process. (The Federal Recognition Process, by nature of governing regulations, requires exhaustive anthropological, historical, and genealogical study of a petitioning tribe. The Lumbee have already been studied on three different occasions by Interior: 1912, 1914, and during the 1930's. In each of these studies, Interior has acknowledged the Lumbee to be American Indian.)

Aside from the unfairness of Cong. Clarke's expected amendment which would force Lumbee through Interior's federal acknowledgement process, further study of Lumbee is not only redundant but a waste of taxpayers' money as well.

It is, therefore, essential that we defeat Cong. Clarke's amendment on February 7, 1990 and win passage of H.R. 2335, the Lumbee Recognition bill. Once we have cleared the House Interior and Insular Affairs Committee on February 7, 1990, our bill can then proceed to the U.S. House of Representatives for a vote.

Feedback from members serving on the House Interior & Insular Affairs Committee reveals that their mail is generally anti-Lumbee. They are getting very little mailing in favor of the Lumbee Recognition bill. That is why it is vitally important for you to write letters to those members on the House Interior & Insular Affairs Committee and your Congressional delegation to urge support of H.R. 2335, the Lumbee Recognition bill. A list of the House Interior and Insular Affairs Committee membership follows. Refer to this list for sending your letter(s).

**MEMBERS OF THE U.S. HOUSE COMMITTEE OF  
INTERIOR AND INSULAR AFFAIRS**

- DEMOCRATS:**  
Morris K. Udall of Arizona-Committee Chairman, George Miller of California-Vice Chairman, Philip R. Sharp of Indiana, Edward J. Markey of Massachusetts, Austin J. Murphy of Pennsylvania, Nick Joe Rahall II of West Virginia, Bruce F. Vento of Minnesota, Pat Williams of Montana, Beverly B. Byron of Maryland, Ron de Lugo of Virgin Islands, Sam Gejdenson of Connecticut, Peter H. Kostmayer of Pennsylvania, Richard H. Lehman of California, Bill Richardson of New Mexico, George (Buddy) Darden of Georgia, Peter J. Visclosky of Indiana, Jaime B. Fuster of Puerto Rico, Mel Levine of California, James McClure Clarke of North Carolina, Wayne Owens of Utah, John Lewis of Georgia, Ben Nighthorse Campbell of Colorado, Peter A. DeFazio of Oregon, Eni F.H. Falsonavaaga of American Somos, Jim McDermott of Washington

- REPUBLICANS:**  
Don Young of Alaska, Robert J. Lagomarsino of California, Ron Marlenee of Montana, Larry E. Craig of Idaho, Denny Smith of Oregon, James V. Hansen of Utah, Barbara F. Vucanovich of Nevada, Ben Blaz of Guam, Elton Gallegly of California, Stan Parris of Virginia, Robert F. (Bob) Smith of Oregon, Jim Lightfoot of Iowa, Craig Thomas of Wyoming, John J. Duncan, Jr. of Tennessee

**ADDRESSING CORRESPONDENCE:**  
The Honorable (Insert Name)  
U.S. House of Representatives  
Washington, D.C. 20515

You can write to all the above using the same address above. Also, please feel free to include facts in this letter you write.

Another way you can help aside from your letter writing is through relatives and friends you may have in other States. If you have friends or relatives in any of the House Committee members' states call them right away and ask them to write the Congressman on this committee from their state or district. Ask them to get their friends, and neighbors to do likewise. Remember this needs to be done right away before the February 7th committee vote!

The failure of the United States to recognize the Lumbee Tribe is one of the greatest injustices in Indian affairs today. Since 1889 when our tribe first petitioned the federal government, the government has repeatedly recognized our people as American Indian but has always given as its excuse the cost of such recognition. However, we all know that if fiscal concerns were allowed to determine Indian policy, justice for Indian people would never be done. We earnestly request that you notify your congressional delegation and the members of the House Interior and Insular Affairs Committee to express your support for the Lumbee recognition bill, H.R. 2335.

**Please act now as H.R. 2335 will be voted on February 7, 1990.**

Sincerely,  
Adolph Blue, Tribal Chairman  
Lumbee Regional Development Association, Board of Directors

**SPECIAL REQUEST**

The Lumbee Tribe is dependent upon private donations to pay the cost of lobbying the Lumbee Recognition bill. If you have not contributed to these efforts, please make your financial contribution now so that these important efforts can continue. Please return this section with your check or money order.

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
AMOUNT CONTRIBUTED: \_\_\_\_\_ \$300 \_\_\_\_\_ \$250 \_\_\_\_\_ \$150 \_\_\_\_\_ \$75 \_\_\_\_\_ \$50 \_\_\_\_\_ \$25 \_\_\_\_\_ OTHER \_\_\_\_\_

\_\_\_\_\_ I am unable to financially contribute to my tribe's federal recognition efforts at this time. However, I pledge to contribute \_\_\_\_\_ on \_\_\_\_\_ to these important efforts.

\_\_\_\_\_ I am unable to make a financial commitment at this time. However, I will write my Congressional Delegation and the members of the House Interior & Insular Affairs Committee to urge their support of H.R. 2335, the Lumbee Recognition bill.

\_\_\_\_\_ Please return a receipt for the financial contribution I have enclosed.

RETURN THIS FORM TO: LUMBEE RECOGNITION FUND, c/o Lumbee Regional Development Association,  
P.O. Box 68  
Peebles, NC 28372

CHECKS SHOULD BE MADE PAYABLE TO: LUMBEE RECOGNITION FUND

