

THE CAROLINA INDIAN VOICE

Pembroke, NC

Robeson County

"Building communicative bridges in a tri-racial setting"

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Leroy Scott Re-Elected To Indian Commission Board

Lumbee Regional Development Association announces the re-election of Leroy Scott to the North Carolina Commission of Indian Affairs Board of Directors for a three year term. Scott ran unopposed in the August 2, election.

Scott has devoted much of his life to working with Indian people on cultural, educational, legal and governmental issues.

The N.C. Commission of Indian Affairs is a state agency created by the General Assembly to represent the

interests of Indian people and act as an advocacy agency. The Commission's purpose is to assure the rights of Indians to pursue their cultural, social and religious traditions and to increase economic and educational opportunities for Indians throughout the state.

The official swearing-in ceremony will be held September 7 in Raleigh during the regularly scheduled meeting of the N.C. Commission of Indian Affairs. Secretary of State James Lofton will administer the Oath of Office.

ROBESON DEMOCRATS TO MEET FOR BREAKFAST

The Robeson County Democratic Party will have a "dutch" breakfast on Saturday morning, September 22 at 7:30 a.m. at the Park Inn Restaurant (old Holiday Inn) off

I-95 in Lumberton. Congressman Charlie Rose is to be the guest speaker. For more information call Lee Helen Thompson, county chairperson at 628-6761 or 739-7611.

Dinner & Rally Planned For County Democrats

The Robeson County Democrats will sponsor a dinner and rally Thursday evening, Sept. 27 at 6 p.m. at the Bill

Sapp Recreation Center in Lumberton. Cost is \$5 per person. Come meet and greet the Democratic candidates.

University Theatre Holds Auditions At PSU

The University Theatre at PSU will hold auditions for Larry Gelbart's and Stephen Soundheim's Tony award winning musical *A Funny Thing Happened on the Way to the Forum* September 12 and 13, 7:30 p.m. in the Performing Arts Center's Main Auditorium.

Roles are available for eight men and seven women,

ages 18 and older. For those who have never auditioned before, a "pre-audition" workshop will be held at 7:30 p.m. on Thursday, September 6 in the Center.

The play, to be directed by Dr. Chet Jordan of PSU, will run November 8-10. For further information, call 521-0778 or 1-800-367-0778.

NC INDIAN HOUSING AUTHORITY TO MEET

The North Carolina State Indian Housing Authority will hold its annual Board of Commissioner's meeting on Monday, September 10. The meeting will be held at the Administrative office of the Housing Authority, located at 2200 Indian Creek Road, Fayetteville, NC at 7 p.m.

The public is invited to attend. For additional information please contact Gregory Richardson,

Executive Director, N.C. State Indian Housing Authority, P.O. Box 2343, Fayetteville, NC 28302. (919) 483-5073.

GNAA Plans Pow-Wow

The traditional sound of Native American music welcomes you and your family to a festival of celebration of our heritage. Guilford Native American Association is holding their 14th annual pow wow at the Guilford County Fairgrounds, off Penny Road, in High Point, NC, September 21 and 22.

Saturday.

Gospel singing for your enjoyment will be featured Saturday from 11 a.m. until 12 noon. Indian traders and craftspeople from all over the region will offer their art for sale and Native cooks will keep you filled with fry bread, Navajo tacos and other delicious foods. Camping space for tents and tipis and plenty of parking is available. Admission is \$2 per person, \$1 for Senior Citizens and children six and under admitted free. The general public is welcome.

Since seating is limited, the public is advised to bring blankets, folding chairs, etc.

We respectfully request that no alcoholic beverages or illegal drugs be brought to the festival grounds. For further information contact, Guilford Native American Association, Inc. in Greensboro at 919-273-8686.

This pow wow was made possible with a grant from the Greensboro Area Visitors and Convention Bureau.

Chris "War Eagle" Chavis to perform in area

Chris "War Eagle" Chavis, the Lumbee professional wrestling star of the North American Wrestling Association will be appearing as a headliner for the Bill Sapp Recreation Center in Lumberton on Friday night, September 14, 1990.

Chris, born in Robeson County, has been friends and relatives in this area. This will be his first opportunity to wrestle professionally in front of a hometown crowd.

His scheduled opponent is Robert Fuller, the Tennessee Stud, currently the league Heavyweight Champion.

Posters are posted throughout the county with details of the events. There are five big matches scheduled with War Eagle in the Main Event.

Now is the time to come out and see War Eagle in action. Tickets will be on sale soon at Southern Interiors, Union Chapel Road, Pembroke and at Kimbrell's Furniture on the Plaza in Lumberton.

Let's show our support for our first Lumbee professional wrestler. Take the family and friends and spend a Friday night at the Bill Sapp Recreation Center in Lumberton beginning at 8 p.m. September 4, 1990.



Pembroke Kiwanis Meet

Program Chairman Clayton Maynor presented Mr. Bruch Thompson, Adult Probation Officer for the State of North Carolina. The weekly meeting was held at the Town and Country Restaurant on Tuesday evening.

"The probation officer works very closely with the Court system and they have very little to do with the prison system. There are three levels of the probation system-regular probation, intensive probation and work release probation."

Intensive officers have a smaller case load and are armed. They see their clients four to five times a week. Regular probation officers are not armed and have about 100 clients. Their work is not as dangerous as the intensive probation officers.

The electronic house arrest is technically advanced. The band on the prisoner is connected with the telephone line and if the prisoner goes beyond 200 feet it is recorded by computer and the officers are notified. The prisoner's voice is recorded and identified.

The work release program works the same way as the house arrest. It even wakes the person up and records his out of house whereabouts. There are three officers in Lumberton working with the house arrest program.

There are 18,000 in prison in North Carolina, so house arrest helps to relieve this number. There are 77,000 on regular probation in North Carolina. Eleven million dollars is collected in fines. Restitution is difficult. In Robeson County there are 2,026 on regular probation, 233 on work release, 70 on house arrest.

"People must get involved, evil flourishes when good men do nothing. Standing still means backing up," Mr. Thompson explained.

Lt. Gov. D.C. Adams of Wilmington explained the main emphasis is being extended to three years. It is dealing with the abuse of children of one to five years. And it is hoped this will help.

Presiding Mitch Lowry; Song leader- Ed Teets; Invocation- Pete Jacobs; Program- Clay Maynor; Reporter- Ken Johnson.

Revival Planned

Revival services will begin at Harper's Ferry Baptist Church on September 16 and continue through the 21st. Services begin Sunday night at 7 p.m. and Monday-Friday at 7:30 p.m. The pastor, Steve Jones, and the congregation invites every one to attend the annual revival. The guest evangelist will be Ernest Best of Eufaula, Oklahoma.

Revival Planned

The annual fall revival will begin at Union Chapel Community Baptist Church on Sunday, September 9. Service will begin on Sunday night at 7 p.m. and continue throughout the week at 7:30 p.m.

Visiting ministers for the week will be Rev. Roy Clark and Rev. Johnny Pastor.

The pastor, Rev. Jimmy Strickland and the congregation extend a cordial invite to the public to attend.

PTA & OPEN HOUSE PLANNED

Piney Grove School's PTA and Open House will be held Tuesday, September 11, 1990 at 7:30 p.m. Principal Grady Locklear encourages all parents to attend.

Applications Accepted For Tomahawk Meadows Apts.

Greg Richardson, Executive Director, has announced that the North Carolina State Indian Housing Authority will take applications for its 1991 waiting list beginning September 17, 1990 between the hours of 9 a.m. and 4 p.m. at the Haliwa Indian Tribal Administrative offices, mobile unit, located approximately one mile south of Essex, North Carolina. Applications will be accepted on Monday and Tuesdays only, during the above hours.

The telephone number for the Indian Housing Authority is (919) 586-2868.

All applicants must provide the following information:

Independent verification of income for all family members that will live there; verification of housing preference; a preference for housing is a family who pays 50 percent of their income towards rent; a displaced family; a family who currently lives in substandard housing; criminal records verification; picture identification- a copy of identification must be attached to each application.

Applications will be taken continuously, weekly at the above prescribed time and place until there is sufficient applications on file to fill projected vacancies for the fiscal year 1991.

Direct inquiries to: Connie Jackson assistant executive director, North Carolina State Indian Housing Authority, P.O. Box 2364, Fayetteville, North Carolina 28302. (919) 483-5073

Indian Housing Authority will accept applications for Tomahawk Meadows Apartments.

Judge rules military personnel, retirees can sue state for taxes

By JANE RUFFIN
Staff writer

A federal judge has ruled that federal government retirees and military personnel may pursue a suit accusing the state of collecting millions of dollars in unconstitutional income taxes from them.

U.S. District Judge Malcolm J. Howard on Thursday denied a motion by the state to dismiss the suit. The state, he said, offered an "inadequate" remedy to those seeking refunds.

Further, he said former state Revenue Secretary Helen A. Powers, who was sued individually, may be liable individually for damages. Under a state law, the state would pay such damages.

But the judge dismissed the plaintiffs' claims for refunds from state officials in their official capacities who were not sued individually, saying the 11th Amendment barred federal courts from awarding such damages.

The plaintiffs also seek refunds in a related class-action suit in Wake Superior Court. Their lawyers, in the firm of Womble Carlyle Sandridge & Rice, contend the state owes up to \$40 million a year, dating back at least to 1985, to some 100,000 individuals.

The suits contend state income-tax laws discriminated against federal retirees and active-duty military personnel and reservists. Last year, the U.S. Supreme Court ruled it unconstitutional for states to tax federal pensions without

taxing those of state and local government retirees.

Until last year, the state exempted state retirees' benefits from income taxes but granted only a \$4,000 exemption to federal pensions. Until this year, the state also granted a \$1,500 exemption on state income taxes to members of the N.C. National Guard without allowing a similar benefit to other military personnel.

The state had sought dismissal of the suit based on a federal statute prohibiting federal suits over state taxes as long as a state offers "a plain, speedy and efficient remedy."

But in North Carolina's case, Judge Howard concluded, the remedy "is not plain, speedy and efficient." Instead, he said, state officials had caused confusion by announcing different rules for getting refunds.

The state Revenue Department originally told taxpayers they could demand refunds within three years of paying taxes. But just before the filing deadline for 1989, the state announced a different rule, saying retirees had to demand refunds within 30 days of payment. That barred thousands of retirees from receiving refunds.

But the state cannot administer the 30-day rule because it does not note the date of returns filed before the April 15 deadline, Judge Howard said. Instead, the state assumes the date a return is signed is the date of payment, regardless of when it was filed. Therefore, a retiree loses the

chance to demand a refund if he files a return more than 30 days after signing it.

And the judge said a new state law for granting refunds to federal retirees who paid income tax on their pensions for 1988 was inadequate. The law allows such retirees to claim a tax credit in installments over three years, beginning with tax year 1990.

The remedy, he said, failed to consider the "time value" of the retirees' money. Some retirees, he said, will not live long enough to collect the credits, and others may not be able to use the credit because they won't have tax liability. And he noted that the law did not cover military personnel seeking refunds.

The judge also rejected immunity for Ms. Powers, who left office in April. She contended the U.S. Supreme Court's decision last year had established a new rule of law that previously had been unclear. But Judge Howard said that the court's ruling was inevitable and that potential problems with North Carolina's system had been noted for years.

"Powers had the statutory responsibility to regulate, monitor, advise and act upon problems in administering the state tax code," he said. "Nevertheless, she collected unconstitutional taxes that she should have known were unconstitutional."

Lawyers in the state Attorney General's Office, representing Ms. Powers and other state officials, could not be reached for comment.