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# CAROLINA Indian Voice

"Building communicative bridges in a tri-racial setting"

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## Constitutional Assembly of the Lumbee Tribe Continues to Meet and Draft Constitution for Consideration by Tribe

by Cynthia L. Hunt,  
Lumbee River Legal Services

In March, LRDA, a private non-profit corporation, received a \$7,000 grant to enable the tribe to begin looking at drafting a constitution. The grant was awarded by the General Commission on Religion and Race by the United Methodist Church. It was decided the most appropriate way to approach the drafting of the tribe's governing document was to revert to the traditional form of Lumbee government. Traditionally all matters of importance involving the tribe were decided through the Indian churches that were exclusively for our people. Therefore, all Indian churches in Robeson County were asked to submit one delegate to the Assembly based on the following qualifications: (1) Must be 18 years or older; (2) Able to read and write; (3) Cannot be an elected official (i.e., state, local, or county elected official or hold any position where the individual was elected); (4) Cannot be a member of the Lumbee federal recognition committee or any other LRDA committee, or a LRDA board member or staff person of LRDA; (5) Cannot be a board member or employee of any other NC Indian organization; (6) Must be an enrolled member or eligible for enrollment in the Lumbee tribe.

The following is a list of churches who responded. Also listed are the selected delegates:

Harpers Ferry, Rikki Barton; Faith Assembly of God, Evelyn Hicks; St. Annah Freewill Baptist, Raymond Cummings; West Robeson United Methodist, Wendy Moore Ledwell; Mt. Olive Baptist, Linda Hammonds; Reedy Branch Baptist, Belinda Harris; Galilee Baptist, Mitchell Locklear; Sandy Ridge Community, Gus Bullard; Ashpole United Methodist, Larnari Louise Mitchell; Ten Mile Center Baptist, Anthony Blanks; Rock of Ages, Sanford Locklear, Jr.; Elizabeth Heights Baptist, Mable Revels; Mt. Airy Baptist, Patricia Hagans; Smyrna Baptist, Rev. Earney D. Hammonds; Tabernacle Baptist, Grover Oxendine; Berea Baptist, Dr. Linda Oxendine; New Bethel Holiness Methodist, Carvicous M. Barfield; Prospect United Methodist, Harbert Moore; First United Methodist, Deanna Lowry; Mt. Olive Pentecostal Holiness, Vera L. Malcolm; Union Chapel Community, James Strickland; New Beginnings Baptist, Helen Lowery; Freedom Assembly of God, William A. Brooks, Jr.; New Philadelphus United Methodist, Anna Smith; Pleasant View, Geraldine Oxendine; The First Baptist Church, Carolyn Lowery; White Hill Freewill Baptist, Rev. Jerry Locklear; Mt. Calvary, Hayes Alan Locklear; Bear Swamp Baptist, Jo Ann Lowery; New

Point Baptist, Barbara Hunt; New Prospect Holiness Methodist, Sandra Strickland; Piney Grove Baptist Church, Rosalyn Sampson; Dundarrach Baptist Church, Proctor Locklear, Jr. Island Grove, Shirlene Deese; Deep Branch Baptist, Bruce Barton; Mt. Eliam Baptist, Betty L. Rogers; Grace United Methodist Church, Jennifer Morgan-Chavis; Liberty Holiness, Ray Brewer.

Technical advisors to the project are Arlinda F. Locklear, tribal attorney; Leon Jacobs, Director, HUD Indian Programs, Ruth B. Locklear, Director, Lumbee Tribal Enrollment Office; and Cynthia L. Hunt, Indian Law Unit at Lumbee River Legal Services, Inc. I would like to note, any church that has not selected a delegate needs to contact the Lumbee Tribal Enrollment Office to obtain the appropriate forms by November 20, 1993. All churches are encouraged to participate in this very important project.

The first meeting of the Assembly was held July 31, 1993, at the Indian Education Center, Pembroke, NC. Arlinda F. Locklear gave an overview of the project, and followed with a detailed discussion on the historical basis for tribes organizing under a formal government. The meeting also included discussion on H.R.334, the bill recently passed by the US House of Representatives that would extend full recognition to the Lumbee tribe. Ms. Locklear submitted an outline for issues to consider to the Assembly analyzing the basic considerations in drafting a Lumbee constitution (i.e., basic structure of tribal government - how is the power distributed?, basic governing principles - separation of governmental functions, etc.) Other issues discussed were the executive branch, legislative branch, judicial branch, tribal membership, tribal corporations, conduct of elections, special oversight provisions, and authority of Secretary of the Interior. These issues will be discussed in more detail in future articles as the Assembly meets to discuss them. This initial meeting was basically to familiarize the Assembly with its task to draft a constitution. However, the following matters were decided on by the group: (1) the meetings will be held the third Saturday in each month; (2) the meetings will begin at 9:00 and last until 12:00, unless additional time is needed; (3) Robert's Rules of Order will be adhered to; (4) meetings will be held at the Robeson County Indian Education Center. Also discussed at this question was that the Constitutional Assembly would draft the constitution, public hearings on the draft would be held to solicit input from tribal members, and once a final

draft was complete it would be put to the entire tribe for a vote.

The second meeting was held September 18, 1993. The following items were agreed upon by the Assembly:

1. BASIC STRUCTURE: A. System of checks and balances with legislative and executive functions divided generally between tribal council and tribal chair/president. B. Significant powers to be retained by tribal membership or general council.

2. TRIBAL COUNCIL: A. Will have all legislative powers and will formulate annual tribal budgets. B. Members will be elected from communities, with districts drawn to reflect traditional community boundaries as much as possible to be consistent with one-man, one-vote principle.

3. TRIBAL CHAIR/PRESIDENT: A. Will act as on council, will have constitutional responsibility of execution of all laws and fiscal management. B. shall appoint a tribal administration with advice and consent of tribal council. C. elected directly by all members, with election to be held at different time from any council members. The Assembly also adopted the following by formal vote: 1. Tribal members 18 years and older are eligible to vote; 2. Tribal members with principal place of residence in Robeson and adjoining counties for six months and at least 21 years old are eligible to run for tribal office; 3. Tribal members with principal place of residence in Robeson and adjoining counties for six months and at least 35 years old are eligible to run for tribal chairman/president.

The third meeting was held October 23, 1993. The following officers were selected by the Assembly: Rev. Earney Hammonds, Chairman; Ms. Mable Revels, Vice-Chairperson, and Hayes Alan Locklear, Secretary. A community education plan presented by Cynthia L. Hunt of Lumbee River Legal Services, was adopted by the Assembly. The plan consists of public meetings, newspaper articles, brochures, etc. An article will appear in next week's edition detailing the issues agreed upon by the Assembly at this meeting.

The next meeting will be held November 20, 1993. All tribal members are encouraged to attend. You will be given an opportunity to voice your opinion on the issues discussed at the end of each meeting. If you have any questions regarding this project, please feel free to contact me or Ruth B. Locklear. Also, we are available to conduct a presentation on the project to local civic organizations, churches, or any other group at your request.

## Brooks and Oxendine returned to Pembroke Town Council



Larry T. Brooks

Incumbent Pembroke Town Councilmen Larry T. Brooks and Harry Oxendine were returned to office Tuesday. Six candidates were competing for six seats.

Brooks, a 16-year veteran of the Pembroke Town Council, retained his seat with 256 votes (unofficial); Oxendine, completing 5 1/2 years, one-and-a-half as an appointment, received 216 votes (unofficial).

Other unofficial vote totals included: Mildred O. Jacobs, 196; Allen G. Dial, 189; William E. Locklear, 136; and Barbara Pearson, 32.



Harry Oxendine

## Lumbee Bill Passes the House and Receives White House Approval

In a vote of 228 to 184 the U.S. House of Representatives passed the Lumbee Bill on Thursday, October 28, 1993. Passage of the bill followed the defeat of an amendment offered by U.S. Representative Craig Thomas (R-Wyoming) which would have left the fate of the Lumbee up to the U.S. Department of Interior. In a surprising and historic move, the White House issued a brief statement to the Congress stating that it had no objection to the passage of the Lumbee bill. If passed in the Senate, the White House letter removes any doubt about the possibility of a presidential veto.

If passed, the Lumbee bill requires the U.S. Department of Interior and the U.S. Department of Health and Human Services to include services in their budget for Lumbee. The bill does not require additional appropriations, only that Lumbee must appeal in these budgets as a condition for Lumbee to receive services. Attorney Arlinda Locklear states that if passed, it could be 3 to 4 years before the tribe actually receives services.

The only stipulation on the Lumbee tribe is that it must organize under a tribal constitution. Advocates of the Lumbee bill see this stipulation carrying wide support among Lumbee people. At present, the private corporation of LRDA has been acting as a quasi-governing body of the tribe. However, the Lumbee bill requires the tribal members to formally organize under a tribal constitution and elect a tribal council.

According to information provided by the BIA, as distributed by Attorney Arlinda Locklear and the Lumbee Enrollment Office, the vast majority

of recognized tribes in the United States, excluding Alaska Natives, are organized under tribal constitutions and not private corporations.

What this means for the more than 40,000 Lumbee Indians is that this bill will give opportunity to the tribal members to decide how they want to be governed. Under a 1984 referendum sponsored by LRDA, the tribe voted to allow the LRDA Board to represent the tribe for the limited purpose of seeking recognition through the BIA's acknowledgement process. In 1989, LRDA was advised that the Lumbee Tribe was not eligible for the BIA acknowledgement process. The same referendum sponsored by LRDA carry the stipulation that LRDA's authority to represent for purpose of recognition would cease once the tribal members organized and elected a tribal council.

LRDA legal advisors have previously stated that nothing in the Lumbee Act or the bill before Congress, or the 1984 referendum precludes the tribal members from organizing at any time for purpose of electing a tribal council.

On the third Saturday of each month, delegates selected by Indian Churches at the request of LRDA are now meeting with LRDA advisors to draft the Lumbee Constitution. Once drafted, Delegates will present the constitution to the community for comment. Delegates will then take those comments under consideration for making the changes in the constitution desired by the community. At that point, the tribe will be asked to vote on passage or rejection of the constitution. Once the constitution has been passed by the tribe, the tribe may proceed to the election of its tribal council.

According to Ruth B. Locklear, the decision to ask Churches to select delegates was based upon the need to identify the traditional leadership of the tribe. Without the support of the community based leadership, the likelihood of Lumbee endorsing a constitution was not good.

Research from Lumbee River Legal Services show the tribe has relied upon traditional community leadership for coming together for purpose of tribal leadership. In analyzing this traditional leadership, it was discovered that heads of Lumbee extended families were the community based leadership and that these leaders were predominantly represented in the tribe's religious institutions. Their approval was and continues to be essential for things to progress in the community, according to Locklear.

The Lumbee Bill, according to Locklear, has now been sent over to the Senate. She states that Attorney Arlinda Locklear is closely monitoring the developments on the Senate side. In 1992, the Senate failed by two votes to cut off a filibuster threat on the bill which, according to Locklear, requires a 2/3 vote of the Senate.

Going up for the Lumbee vote on October 28 from Robeson were: LRDA Board Members Virginia Jacob and Dorothy Lowry, Lumbee Federal Recognition Committee members Connie Brayboy and Ray Littlefurtle, Enrollment staff members Ruth B. Locklear and Gladys Freeman; and tribal members David Paul Lowry, Rebecca Ann Locklear, Raymond Clark, and Michael Clark.

## Selected for "Who's Who"

"Scooter" L.F. Kniffin-Bernier has been accepted to the "Who's Who of High School Students." Only five percent of high school students in the nation can qualify for this honor.

"Scooter" is a sophomore at Purnell Swett High School. Her other interests include the Spanish Club, NASO (Native American Student Organization), traditional dance and culture. She enjoys traveling, camping, baseball card collecting and attending pow wows where she participates in traditional dance.

She plans to attend college as a math major.

"Scooter" is the daughter of Wild Turkey and Dolly Bernier of Pembroke. Her sister, Angela, is a junior/senior B honor roll student at Purnell Swett High School. Her mother is a housewife and her father is retired and serves as a part time consultant at the Carolina Indian Voice.

## Educators to attend PSU session

Some 75 public school educators are expected to attend a training session on "Exploring Cultural Diversity Through Science" this Friday, November 5th, in the Chancellor's Dining Room at the Chavis University Center on the campus of Pembroke State University.

This week's session is one of a series of "First Fridays" in-service training for regional schools coordinated by Dr. Zoe Locklear and designed for educators in grades K-12. These monthly sessions are intended to enhance the working relationship between the university and the public schools which, in turn, will benefit all public school students.

Friday's session will begin with lunch at noon followed by the two-hour in-service program from 1-3 p.m. There is no charge to those attending with all costs borne by the university.

## PSHS Officers initiate Click it or Ticket Campaign

by Yvonne Barnes Dial  
With the strong drive to encourage everyone to wear seatbelts, officers of Purnell Swett have organized a joint effort to enhance the "Click it or Ticket" campaign.

Ardeen Hunt, Jr., Public Schools of Robeson County's Resource Officer, and Reece Oxendine, Swett's security officer, both sharing an interest in students and young people, created and effort to encourage students of Purnell Swett High to buckle up for

safety as they prepare to depart from school Friday, October 15.

As both officers stood at the exit, students patiently and enthusiastically shared the campaign with their seatbelts fastened and smiles, waves, and friendly comment to reveal their cooperation and concern.

"There was an outstanding response from the student during the click it or ticket campaign. Approximately 85-90% of the students leaving campus were wearing their seat belts, those that were not wearing belts were reminded to buckle up prior to entering the highway. I think the students have experience enough (tragedy in the past three years), they now have a different view of highway safety, and how important it really is," Ardeen Hunt said.

Hunt received his BS degree in criminal justice at Pembroke State University. He has received school recognition as the Law Enforcement Officer for the Month of July in 1993, and is a member of the National Association of School Resource Officers, Robeson County MADD Chapter, Lumberton Emergency

Rescue Unit, and is employed by the Robeson County Sheriff's Department.

Reece Oxendine graduated from West Robeson Senior High School in 1987. He received several athletic awards as Robeson County Athlete of the Week, all conference and all county. He also was selected as employee of the Month at Southeastern General Hospital.

Efforts of the campaign yielded very favorable results from students.

