

Letter written with concern over LRDA activities but also much hope for the future

As I read the Dec. 9 edition of the CIV, I had a big smile on my face and was bursting with pride from hearing about the good things my people are doing.

First, the Prospect Keen Agers are to be honored for their wonderful work. These Elders are continuing the oldest of Native Traditions, passing on the Wisdom and Knowledge of the generations to the Young Ones, ensuring the continuation of our culture and keeping the Circle alive and well.

Then there was the report on the progress of the Constitutional Assembly. In my eyes, these Delegates are the same as the warriors and Peace Chiefs of olden times. They are assuring the future well-being, strength, and security of our Lumbee Nation.

These are the kinds of people who make me feel so proud to be a Lumbee. These people come from the same mold as our past leaders, the ones who made sure we would still be together as a People. And they are the ones our future leaders will model themselves after.

As I continued to read, my happiness was dampened by the letters from David Lowery and Wendy Moore Ledwell reporting on that LRDA Board meeting and the comments made by James Hardin, Bruce Jones, Bobby Dean Locklear, and Dobbs Oxendine.

Mr. Lowery said in his letter that James Hardin accused Cynthia Hunt of "inciting anarchy in the tribe." Anarchy is the absence of political authority, dis-order, confusion, and lack of a common purpose. Well, if Ms. Hunt is trying to educate the Lumbee People on what the Constitutional Assembly is all about, it would seem to me she is trying to ensure that there WON'T be anarchy.

Ms. Ledwell said in her letter that Bruce Jones made the statement "the horse is out of the corral and he ain't wanting to come back in." I am assuming he was talking about domesticated horses. Now, I say if an animal is well-fed and well-cared for, you don't need a fence to keep him at home. Of course, if he is abused or

mis-treated, he's not going to stay put and you probably will need a fence to CONTROL him.

Mr. Lowery said in his letter that Bobby Dean Locklear told Ms. Hunt "I will do everything in my power to keep you from going out there" in reference to community education. Knowledge has always been a threat to those who seek to maintain power over others. African slaves were forbidden to learn how to read and write; citizens of the Soviet Union were allowed to read only State approved newspapers and to watch government-censored television programs.

Ms. Ledwell wrote that Dobbs Oxendine wanted to know why LRDA couldn't just change its name to Lumbee and write its own constitution. Being Lumbee is a matter of blood and heritage, not just a mantle one can assume to further one's own ends. The Lumbee are a People, NOT a commodity possessed by a certain few who can transfer ownership and identity as they see fit.

I wasn't at that LRDA Board meeting, so I don't know what all was said. I am responding to what I have read. My opinion is probably biased in favor of Ms. Cynthia Hunt because I can clearly see she is working for the good of our people.

My opinion is probably biased against James Hardin and Bruce Jones because I don't feel they are interested in helping Indian people make better lives for themselves. I say this because I have written letters to both of them asking to help with a Native American Spiritual Circle I am working with in a Federal Prison. I didn't ask for sympathy, I asked for help in locating an "outside" advisor for our group. THEY DIDN'T EVEN BOTHER TO ANSWER MY LETTERS. This is the way the Executive Director of LRDA and the head of the North Carolina Commission on Indian Affairs responds to Indian people who are trying to help themselves?

I would remind James Hardin and Bruce Jones that it has always been the Indian way to extend a helping hand to those willing to help themselves. It seems to me that

Cynthia Hunt is trying to help her people help themselves. Wendy Moore Ledwell was chosen by her community to represent them, obviously the people of West Robeson United Methodist Church want Ms. Ledwell's help. My question is why are these LRDA Board members trying to suppress the efforts of those who are working so hard for the Lumbee Nation?

I've read a lot about the disease the Europeans brought here that so decimated the Native population. Not all of them were physical illnesses, the worst one is a spiritual sickness that causes social dis-order. Many people in a position of power succumb to this sickness. Its symptoms are greed and oppression.

I would remind Dobbs Oxendine that un-authorized seizure of power is greed. I would remind Bobby Dean Locklear that the use of power to prevent a Nation from pursuing self-determination is oppression.

My own experience with James Hardin and Bruce Jones, coupled with the statements made and attitudes exhibited at that LRDA Board meeting makes me wonder if James Hardin, Bruce Jones, Dobbs Oxendine, and Bobby Dean Locklear aren't suffering from this White Man's sickness. Maybe that is what is blinding them to the needs of their people and the goodness of the work of the Constitutional Assembly.

I will pray for the continued strength and vision of the Assembly Delegates. I will thank our Creator for the gifts of the Prospect Keen Agers. I will ask Him to heal the spiritual sickness that keeps us from working together in harmony for our future well-being.

I want to close by thanking David P. Lowery and Wendy Moore Ledwell for letting us know what these LRDA Board members seem to think about the plans of our duly elected Assembly Delegates for enlightening our community.

With concern, but also with much hope for the future...
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(Author's note: This story has appeared before around Christmas time. I believe it is important for us to bring it up again and again in this season — because it is not ancient history [it happened only 103 years ago]; because we need to be reminded what human beings are capable of; and because we must say with all conviction: "Never Again!")

On the 29th of December, 1890, one of the greatest tragedies in American history occurred. It happened on the Pine Ridge Indian Reservation, in what is now southwestern South Dakota.

Just two weeks before that, Sitting Bull had been killed while being arrested at Standing Rock Reservation, for what the U.S. government saw as inciting trouble among the Lakota (Sioux) by favoring the Ghost Dance. After Sitting Bull's death, many Lakota people fled their homes, fearing the soldiers who had recently been stationed in their homelands. There was great confusion. People were going in all directions.

One of the other leaders of the Lakota was a man named Big Foot, of the Minneconjou Band. He was also a proponent of the Ghost Dance as a way to bring back the old ways, and had, along with Sitting Bull, continued to hold Ghost Dances after being told to stop by fearful government agents. When Big Foot found out about the killing of Sitting Bull, he began moving his people toward Pine Ridge in the belief that the great leader Red Cloud would be able to prevent further violence.

On their way to Pine Ridge, they saw soldiers coming toward them. Big Foot, who was advanced in years and quite ill with pneumonia and thus forced to ride in a wagon, had a white

flag raised as a signal to the cavalry that the Minneconjou wanted no trouble. The cavalry commander, Major Whitside, who was under orders to bring Big Foot to the reservation, escorted the Minneconjou toward Pine Ridge.

As the sun went down on the evening of December 28th, Big Foot and his people, virtually surrounded by four troops of the Seventh Cavalry, stopped to make camp beside a stream which the Lakota people call *Chankpe Opi Wakpala*. Government maps showed it as Wounded Knee Creek. Major Whitside posted guards all around the Minneconjou encampment.

During the night, another cavalry detachment arrived, under command of Colonel J.W. Forsyth, who then assumed control of all the troops. Forsyth had orders to place Big Foot on a train to Omaha, where he was to be imprisoned. Probably everyone in the camp that night realized that some of these same Lakota warriors had been involved in the defeat of this same Seventh Cavalry Regiment at the Little Bighorn, in 1876.

On the cold morning of the 29th, the Lakota warriors were ordered to surrender their weapons, which most of them did. After a search of the Indian lodges, the soldiers began searching individual warriors for their weapons. They found two rifles, one of which belonged to young Black Coyote, who announced that he had paid for his rifle and that he didn't think he should have to give it away. A survivor named Wasumaza would later report that Black Coyote intended to lay down his rifle with the others, but that, while he was being jostled by the soldiers trying to disarm him, the rifle accidentally discharged.

The surrounding soldiers immediately fired into the clustered Minneconjou. Within a very few

minutes, more than half of the approximately 350 men, women, and children lay dead in the snow. According to American History, who testified the next year in Washington about what had happened at Wounded Knee, those who were not killed in the first volley ran in different directions but were shot as they tried to run away. American Horse also testified that after the shooting a call went out from the soldiers that anyone left alive should surrender, and that if they did they would not be harmed; but when some boys came forward they were immediately killed.

During the past 103 years, various accounts of this incident have been presented. On an 1891 U.S. government map showing the location, it was referred to as the "Affair at Wounded Knee." It has been called by government agents "a battle," and by many others "a massacre." The number of Sioux men, women, and children killed has been variously put at about 150, 200, and just over 300. In any case, what happened at Wounded Knee must be seen as a tragedy.

It was a tragedy in the modern sense of the word because so many people, unarmed, and many of them what we would now call "non-combatants" or "civilians," were senselessly killed. But it was also a tragedy in the earlier sense that a flawed government policy led directly to it — a policy in which treaties were broken, promises unkept, and sovereign nations treated like subjugated people.

Whatever our view of Wounded Knee, we must not forget, so that it will never happen again. For more information, visit the Native American Resource Center in Old Main Building, on the campus of Pembroke State University.

Reader speaks out on Constitutional Assembly and responds to a friend

Dear Editor:
With all this cold weather, I am beginning to feel like Christmas. I am looking forward to the holidays. I always enjoy coming home to hear the latest.

I want to address the first part of this letter to a certain person who shall remain nameless. He thinks that because I no longer live in Robeson County I have forgotten my raising. He thinks I am filled with different ways of thinking. This friend of mine had the nerve recently to tell me: "We Indians in Pembroke are more prejudiced towards white people in Lumberton than they are toward us." Now, I didn't laugh in my friend's face because, in a way, I sort of respect him. But yes making statements like that did put a dent in my respect for him.

I figured he must not have read the article about the Lumberton Mayor's wife where she made a couple of racial comments. The truth is there is racism on both sides. No one side has more than the other. After all, I was taught a sin is a sin. No one sin is greater than any other. And, besides, some of my best friends are white. I always wanted to say that.

We were talking about moving "Strike at the Wind" so as you can expect, it got a little hot. He said no one is going to come to Pembroke because we have a reputation for cutting people. He said that when he goes to other places, he always gets people to laugh by saying, "I'm an Indian from Robeson County and I'll cut you." The way he sounded, you would think that no good could come from Pembroke, and the Indian people would never be able to solve their problems. The way I was raised, if you are a Christian, you don't think or talk like every one else because you have faith and hope. We as Christians should carry our light so others can see. If we go around painting the world dark and everything is hopeless then who in

their right mind would want to be a Christian. Now, if this sounds like I have forgotten my raising and started thinking different, I want my Elders to tell me so, not someone who has forgotten the most important part of being Christian.

Now, for part two this letter-the Constitutional Delegates. I just wish some of you guys would have read my article on leadership. Just the same, I'm glad some of you are finding out it is hard to be Indian, that the first taste doesn't go down too easily. But just like some good religion and medicine, it will do you a lot of good.

Long before there was a Cynthia Hunt, I was the first Indian Law Unit Paralegal. And it sounds like they still have not hired an attorney to head up the unit. On one of the many long drives back from visiting the other tribes across North Carolina, Julian Pierce and I got into a deep discussion as we often did. Now I knew the real Julian Pierce. The one with weaknesses and strengths, just like us. We were talking one time about Tribal Constitutions. I told him from my studies of what the Federal Government was looking for was the following: a Constitution written by the people for the people.

Julian stated the biggest problem would be to get the people who are in power to understand. There would be a need to change the way one comes into leadership. There is an old saying that a brave can only be as brave as the maiden he leaves at the lodge. This means that before you can have strong leadership, you must have strong followers. And it is from the followers that leaders get their strength. To be Indian is to have your own form of government in which the people have all the power, not just a few. So I am glad "The horse is out of the corral and he ain't wanting to come back in." It shows me that the horse has spirit and can think for itself and is not satisfied with business as usual. That

the horse has come into its own power and will not be lead around like sheep. Even the Good Book warns us against leaders who want us to follow them without thinking or having say and control over them. Isn't it called Communism when a few have all the power and the people must serve them? America is suppose to be a Democratic government. It may not work like one and you wonder where the idea came from?

This form of government was created by the Six Nations of which the Tuscarora are a part. Yes, they look to their religious leadership for direction. In this form of government, Clan Mothers have an important part in the say. It is a system older than America and is still in place. THE people are the tribe, not just one group who want the power for themselves. As a leader you are a servant to the people. The problem can not be solved by simply calling yourself a tribe and writing your own Constitution. The people would still have to vote on it. You see, Indian people believe that no man can tell another what they can or cannot do. We are a Democratic Society. So when I hear someone say "I will do everything in my power to keep you from going out there," this is someone who is in need of prayer and understanding. The only power we have comes from the Almighty. Of course, you people in the Indian business know all this already. Or do you? Maybe we Tuscarora aren't the only people in Robeson County who want to live the Indian way? In time we will see.

I will leave you with two old sayings. First, "Never get too far in another man's corner because you may have to fight your way out." Lastly, I want to leave this with all of you- "Never walk in the shadow of any man. Always walk in the light of the Almighty."

Derek Lowry
Greensboro, NC

State has illegally collected taxes

Over two hundred years ago, North Carolina was one of the foremost states to challenge the legality of the tax laws being imposed by English authorities and England's blatant disregard for citizen's rights.

While the British are gone, the same attitude once again prevails in Raleigh. The State of North Carolina has illegally collected taxes from North Carolina Taxpayers and regardless of decisions by the U.S. Supreme Court refuses to make restitution.

The U.S. Supreme Court has declared that taxes imposed on Federal Retirees' pensions since 1941 are in violation of Federal Law and the U.S. Constitution. A suit was initiated seeking refund for only four (4) of the 47 years the taxes were

unconstitutionally collected which was denied by the North Carolina Supreme Court. The U.S. Supreme Court decreed that when a state has imposed a tax, later determined to be unconstitutional, it must provide retroactive relief where no predeprivation procedure was in effect. The North Carolina Supreme Court decision denying refunds was, thus, vacated by the U.S. Supreme Court. North Carolina, at the time in question and to this day, has no predeprivation procedure in effect.

North Carolina does have a law which, the State claims, requires an individual taxpayer to first pay an illegal tax and then demand refund within 30 days of payment. Even if this claim were to be true, this is a post-deprivation, not a predeprivation procedure as referred to by the U.S. Supreme Court.

North Carolina Department of Revenue Instructions mailed to ALL individual North Carolina Taxpayers

for the Tax Years 1985-1992 provide no mention of any such 30 day limitation and speak uniformly only of a three (3) year limitation on refunds. Timely class demands for refunds were submitted by North Carolina Federal Retirees pursuant to Federal and State Court Orders. Refunds still were not provided by the state.

A Federal Judge has determined that the State cannot apply the thirty-day limitation not only because of the above; but, because the State cannot determine when a particular tax return was received.

The North Carolina Supreme Court, in its initial 4 to 3 decision reversing awarded refunds for federal retirees, took "judicial notice" of claimed state fiscal problems, which it stated would involve an estimated \$140 million. Justice Mitchell, joined by Chief Justice Exum and Justice Frye are the three who are convinced that fairness, justice and the Constitution require refunds of the

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illegally collected taxes. However, during the last two budget years the state has had a surplus of approximately \$162 million and \$350 million respectively. The U.S. Supreme Court now has ruled relief is necessary in North Carolina by overturning the state Supreme Court decision. The State has the money but our elected officials would rather spend the money than return even a portion taken from taxpayers whose constitutional rights have been violated.

Despite the foregoing, the North Carolina Attorney General refuses to even consider an equitable or fair resolution of this case and continues trying to avoid refunds and has now asked the North Carolina Supreme Court to continue to deny refunds to these elderly Federal Retirees. Perhaps the leadership in Raleigh is hoping they will die and the problem will go away?

Immediate actions by the Governor and the Attorney General are necessary to avoid further dragging out of refunds for these elderly taxpayers. The window of opportunity for settlement will close with the now inevitable North Carolina or U.S. Supreme Court decision which finally affirms the four (4) years of refunds adjudged by the Tribal Court in 1990 for those taxes unconstitutionally collected during the tax years 1985-1988.

For those who would understandably assume that I would be a recipient of such funds, you would be in error. I am not eligible for any such refund; however, after serving our country for thirty-three years and looking after soldiers that responsibility did not cease upon my

retirement. I am speaking for all those 39,000 plus retired enlisted personnel residing in North Carolina.

One would expect that the standards set forth by North Carolina's Leadership two hundred plus years ago would serve as a shining example to North Carolina's Leadership of today. So far to date, by their lack of honor and contempt for their constituents rights, they have demonstrated an inability to even stand in their predecessors' shadow. We will keep it in mind come the next election.

Sincerely,
Manila G. Shaver,
Major General (Retired) USA.

Carolina Indian Voice is published every Thursday by First American Publications
304 Normal St. - College Plaza
Post Office Box 1075
Pembroke, North Carolina 28372
Phone (919) 521-2826
Fax (919) 521-1975
Connie Brayboy, Editor
Helen Locklear, Office Manager

Subscriptions
One year in NC, \$20.00
Out of state, \$25.00
Second Class Postage Paid at Pembroke, NC



In Loving Memory

In memory of our son, Brincy Cummings, Jr.
On December 20, 1983, ten years ago, God took you away. There has not been a day that thoughts of you haven't passed our way. Your love is missed in so many ways that words cannot explain. We are thankful for the wonderful years we shared together.
Mom