

Editorially Speaking

Why does the Lumbee Tribal Government operate as a private nonprofit corporation?

Last week we editorially asked our Tribal Council to stop thinking like board members of a private-nonprofit corporation. Since that article, we have discovered that our Government is indeed operating as a private non-profit corporation, Lumbee Tribal Nations Programs. We understand also that there are several non profit corporations and the 21 member tribal council has been named as the board of directors of Lumbee Tribal Nations Programs. This will not work. While we understand grants from ANA and other funding sources require a nonprofit corporation, our government does not. The Lumbee Constitution was adopted by the people as our governing document. It makes no provisions for our tribal business to be handled through private nonprofit corporations. It reminds me of the reason we have a Constitution. For more than 20 years LRDA, a private nonprofit corporation with no members operated as our governing body, with tribal consent. Eventually the people felt left out and decided the best interests of the tribe were not being served by government by a private nonprofit corporation. Therefore, after two elections on a constitution and a lawsuit to settle the issue, the present Lumbee Constitution was adopted and the 21 member tribal council was duly elected under that document. Tribal members seeking election under the document as tribal councilmen and women, promised to abide by the Constitution. As a matter of fact, they took an oath to do so. Now they have carried us right back to government by a private nonprofit corporation. They do not have the authority to do this! To have tribal monies in private nonprofit corporations raises too many questions. What are they hiding? The best way to avoid questions and complaints is to conduct business in an open and public forum as the Constitution requires. Mark Twain once said, "Always do the right thing. This will gratify some people and astonish the rest." We encourage our leadership to take his advice seriously and do it hurriedly.

Our Constitution provides that the tribal membership can enact any ordinance (law) that it deems in its best interest. I recommend an immediate ordinance to dissolve all non profit corporations, except for the one needed to receive grants. An ordinance can be voted on by the membership and become law with a simple majority of 30 percent of the eligible voting tribal members. The Constitution states, "The power to initiate a vote on a tribal ordinance is specifically reserved for the general membership of the Lumbee Tribe of North Carolina."

"A minimum of ten (10) percent of the eligible voters may initiate consideration of a proposed tribal ordinance by submitting to the Tribal Elections Board a petition." (Article V Initiative)

It is possible. It can be done. When the leadership appears to abuse its power and decides arbitrarily not to abide by the Constitution, it is time for the tribal members to rise up and take necessary action. Think about this and call or write if you are interested in restoring our government to the people before things get any further out of hand.

Recent news articles and an editorial in the Fayetteville Observer about our government have proven to be embarrassing. Why should someone in Fayetteville have to remind us to do the right thing? We hope our leadership will rectify the problems faced in housing and do it hurriedly. We hope also that they will begin to answer questions and document the answers. We deserve to know exactly what is going on. If there are problems, and it appears there are, leadership needs to acknowledge them and provide an immediate solution. To do any less is to continue to embarrass us. In which case, we, the people, do have the recourse of recall under the Constitution. We encourage our tribal leadership to immediately remove our tribal monies from the private non profit corporations and place them in a general government fund. We must have accountability. We deserve no less and should demand no less.

Visit to Washington proves not only historical but also revives memories of friend lost in Viet Nam

by Bill James Brewington, special to the Carolina Indian Voice
On Sunday, September 19, I departed Pembroke with 56 other local Lumbees to attend and celebrate the Grand Opening of the National Museum of the American Indian in Washington, D.C. The procession of thousands of American Indians was colorful and breath taking and represented Americans Indians from many tribes and organizations. The procession began at the Smithsonian Castle and ended across the street from the American Indian National Museum. Attending the procession, opening ceremony and the visit to the Museum was part of history that will be long remembered by myself and thousands of others. However, an even greater event in my life took place the day prior to the Grand Opening of the Museum. On Monday, I had the opportunity visit the three National Military Memorials- War II, Korean and Vietnam. After graduation from high school, I attended college, but a close friend of mine, Bradley (Baby) Chavis chose the Army with plans to

attend college after his tour of duty in the military. However, Bradley was not given the opportunity to pursue his career, instead he gave his life in Vietnam.

It has always been my desire to view the Vietnam Memorial and find my friend's name on the wall.

On behalf of Bradley's family and classmates, I knelt to show our love, grief and honor in remembrance of one who gave it all that we might continue to pursue our dreams and careers.

Bradley (Baby) thank you and you have not been forgotten by the Class of 1964.

Bradley (Baby) Chavis was the son of Mr. and Mrs. Septer Chavis of Pembroke.

Memorial to be erected in Pembroke Park

A memorial to Baby Chavis will be placed in the new Pembroke Town Park. If you would like to contribute to this effort, please contact Rudy Locklear at 521-4798 or Erle B. Smith at 521-2345. Contributions for this memorial may be sent to Bill Brewington at PO Box 2076, Pembroke, NC 28372.



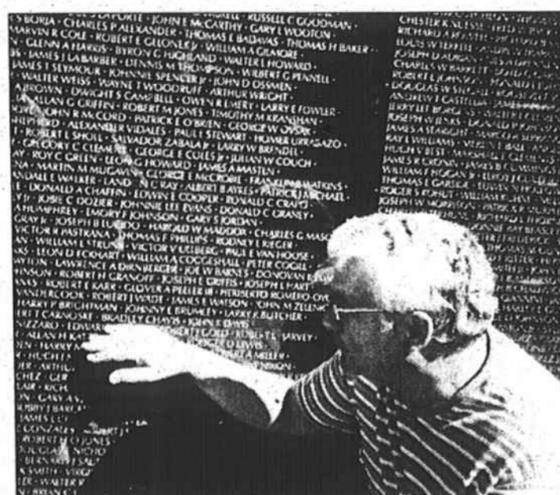
Bill James Brewington's hand points out the name of Bradley Chavis on the Viet Nam Memorial Wall.



Part of the Lumbee delegation who attended the opening of the National American Museum in Washington, D.C. last week. Left to right: Cathy Locklear, Rose Marie Lowry-Townsend and Ann Crain. (Photos by Bill James Brewington)



Korean War Memorial



Bill James Brewington is seen looking at the name of his friend, Bradley Chavis at the Viet Nam Memorial Wall.

Dr. Britt named liaison physician for cancer program

General surgeon Samuel E. Britt II, M.D., has received a three-year appointment as cancer liaison for the hospital cancer program at Southeastern Regional Medical Center. The program covers all services to cancer patients, including those provided by Gibson Cancer Center, Community Health Services, Hospice of Robeson and the medical center. The Cancer Liaison Physician Program is an integral part of the Commission on Cancer (CoC) of the American College of Surgeons. Dr. Britt is among a national network of more than 1,600 volunteer cancer liaison physicians who provide leadership and support to the CoC approval program. His interest in the diagnosis and treatment of patients with malignant diseases enables him to provide direction as a member of the multi-disciplinary cancer committee as his institution in order to maintain or seek CoC approval of their cancer program. The commission is a 39-member group of professional organization dedicated to reducing the morbidity and mortality of cancer through education, standard-setting and monitoring quality of cancer care. Dr. Britt, a board-certified general surgeon, is in private practice with Lumberton Surgical Associates.



Shown in front of the World War II Memorial are, left to right, Doris Brewington, Vera Doris Malcolm and Emma Lee Locklear.

Report to the Tribal Membership

Recent conflicts from Lumbee tribal members, as well as recent media coverage discussing the countless problems surrounding the Lumbee tribal government, has encouraged me to take the opportunity in this week's "Report to the Tribal Membership," and discuss Article IV of the Lumbee Tribal Constitution. Article IV details the Recall process. Recall is one of the powers reserved for themselves for the tribal membership. It gives tribal members the right and authority to remove from office any and all elected officials of the tribal government. Elected officials would include the Tribal Chairman and members of the Tribal Council. The Recall process can not be used to remove members of the Lumbee Tribal Elections Board or the Lumbee Supreme Court. Persons serving on these bodies were appointed and not elected. It should be noted, however, that there are certain requirements which must be met in the Recall Process.

As stated, this process is outlined in Article IV of the Constitution. Article IV Section 1 states: "The power to recall any elected official of the Lumbee Tribe of NC who is in the second calendar year or later in his or her term is specifically reserved for the general membership of the Tribe." Therefore, those Tribal Council members elected in the November 2003 tribal election, and who are not up for re-election in the November 2004 tribal election, will all be in the second calendar year of their term in January 2005. The names of those Council members who would fall into this category are as follows: Linda Hammonds, Pearlean Revels, Kenneth Locklear, Jimmy Hunt, Rudolphus Hunt, Larece Hunt, Lois Oxendine, J. Garth Locklear, Francis Chavis, Henry Clay Chavis, Kent Hunt, Aggie Deese, Sanford Locklear, and Sherry Carter. All of these persons were elected in November 2003 under the terms of the Lumbee Tribal Constitution. These Council members, in accordance with the governing document under Article XII Section 3 subsection (c) received either a two or three year initial term. This provision was included to allow seats to be staggered, and to ensure that all Tribal Council seats would not be vacant at the same time. Seven of the Council members received an initial one year term, and out of those seven, three were ineligible to run for a seat on the Council in 2004 because they had exceeded the term limits in the Constitution. Those members were Louise Mitchell, Larry Townsend and Delton Oxendine.

Council members Alton Locklear, Jerl Locklear, Montford Dial and David Carter who also received an initial one year term are running in the November 2004 tribal election, and because they will only be in the first year of their term in 2005, they are not subject to Recall until 2006. Tribal Chairman, Jimmy Goins elected in November 2003, will be in his second calendar year of his term in January 2005. Tribal officials were sworn into office in January, therefore, one would have to use January as opposed to November, when officials were elected.

Section 2 of Article IV states: "A recall election shall be held when a petition bearing the signatures, names, addresses, and enrollment numbers of at least ten (10) percent of eligible voters who voted in the election from the district electing a tribal official or ten (10) percent of eligible voters who voted in the election for the tribal chairperson, alleging in one hundred (100) words or less that the tribal official is guilty of malfeasance in office, gross disregard for tribal law or custom, or open abuse of authority, and designating three signatories as a Petitioner's Committee, is filed with the Tribal Elections Board." For example, if the tribal members in District Ten wanted to recall their representative, they would have to have a petition signed by ten percent of those members who voted for that member. Tribal members who did not vote in that district would not be eligible to sign the petition. Also, those seeking to remove the Council member would be required to give a reason why they felt the person should be removed from office. The Council member may be accused of malfeasance which simply is defined as wrong doing. A petition would have to explain why tribal members felt the representative was guilty of wrong doing, and filed with the Tribal Elections Board.

Section 3 of Article IV then requires the Elections Board to certify "the signatures on and grounds stated in the petition and within no more than five (5) days of the receipt of the petition, the Elections Board shall: i) serve a copy of the petition upon the named tribal official, who shall have fifteen (15) days from the date of said notice to respond to the reasons stated in the petition in one hundred (100) words or less; ii) immediately upon receipt of any response, serve all members of the Petitioner's Committee with a copy of the same; iii) allow the Petitioner's Committee forty-five (45) days from the date of receipt of the response to collect additional signatures upon their petition; iv) conduct a recall election within ten (10) days of the resubmission of the petition, provided that the petition is signed by twenty (20) percent of the voters who voted in the election for the recalled tribal official."

The next step in the process as outlined in Section 4 of Article IV states: "If at least thirty (30) percent of the voters who voted in the election for the recalled official vote and a majority of those voting vote in favor of recall, the Elections Board shall declare the office vacant and the vacancy shall be filled in accordance with the appropriate provisions of the Constitution, except that the recalled tribal

official shall not be qualified to run for office in that special election."

Section 5 of Article IV states: "If a recall election on a tribal official fails to obtain a majority of those voting, the Elections Board shall not certify any recall petition against that tribal official for a minimum of one year thereafter."

This same process would be followed in the Recall of the Tribal Chairman.

Copies of the Lumbee Tribal Constitution are readily available at both the Tribal Office and the Lumbee Tribal Enrollment Office. I encourage each tribal member to obtain a copy, and become familiar with its content. Next week my report will include a detailed review of the current problems with the Lumbee Tribal government, and whether or not they could constitute malfeasance or an open abuse of authority by Tribal Chairman Jimmy Goins or the members of the Tribal Council.

by Cynthia L. Hunt, Enrolled Member
Tribal News Correspondent

A Commoner Comments

by Robert Currie, Jr.

Referring to presidential candidate John Kerry, the feature editorial in the August 25, 2004 edition of The Tabor-Loris Tribune of Tabor City, N.C. and Loris, S.C. stated: "As a Senator from Massachusetts, Kerry has voted to destroy the military strength every time he had a chance. In fact, if all his negative votes had passed in Congress, Saddam Hussein would still be mass-murdering the Iraqi people and the extremist Muslim terrorist would have a safe haven in his Mid-Eastern mountain hideouts..." Unfortunately, George W. Bush has exhausted much of our military strength capturing our lesser threat, Saddam Hussein rather than focusing on our greater threat, Osama Bin Laden who may still be in an Afghanistan mountain hideout after mass-murdering some 3,000 Americans, besides the U.S. victims of former al-Qaeda attacks in other countries. The editorial closed with: "In a democracy, the people own the government. In a dictatorship, the government owns the people." And this is true. Unfortunately, our nation has digressed into a "special interestocracy," in which a "dictatorship" of politically powerful corporations "dictate" policy to whichever party is in power. As evidenced by the bipartisan "free trade" agreements with nations that have nothing to trade, save cheap labor for our worker's jobs, our government's tax base, and our nation's economic stability. The editorial offered numerous examples pointing out that Senator Kerry voted against military enhancement. Unfortunately, his opponent abandoned the pursuit in Afghanistan of our greatest enemy and captured a lesser threat in oil-rich Iraq. All the while allowing his running-mate's former/future employer unlimited no-bid contracts, leaving the door for Arab accusations of U.S. corporate imperialism wide open. So what good is superior military might if its use is based on the dictation of private special interests, rather than in the best interest of our nation at large? Whether voting against, or simply wasting our military strength on the wrong objective, is either candidate truly qualified? Or must voters choose a "lesser of two 'special interest puppets'?" Think about it, please!