



**PREPARED STATEMENT OF THE HONORABLE HARVEY GODWIN
CHAIRMAN, LUMBEE TRIBE OF NORTH CAROLINA**

on

THE LUMBEE RECOGNITION ACT (H.R. 1964)

Hearing before the Subcommittee for Indigenous Peoples of the United States

United States House of Representatives Committee on Natural Resources

December 4, 2019

Introduction

Chairman Gallego, Ranking Member Cook, and members of the subcommittee, thank you for the opportunity to appear before you today in support of the Lumbee Recognition Act (H.R.1964). I would like to express my people's deep appreciation to our champions on this bill, Representatives Butterfield and Hudson, as well the other members of our delegation who have cosponsored our bill including Representatives Alma Adams and Dan Bishop. We are honored to have such strong bipartisan support from our home state, and to have the support of our

Governor, the Honorable Roy Cooper. Finally, I want to thank the Dean of the House and member of this august Committee, Don Young, and former Co-Chair of the Native American Caucus Betty McCollum, for their sponsorship of our legislation, and for their longstanding friendship and deeply appreciated support for our Tribe.

I am the elected Chairman of the Lumbee Tribe of North Carolina. I am the descendant of Quinny Godwin and William Corvel Jacobs, two of the 44 tribal leaders who signed a petition to the Congress first seeking federal recognition of our people in 1888. I am sorry to say that 131 years later, I am the 19th Lumbee Tribal Leader to come before Congress, asking yet again for justice and equal treatment for our people.

With me today are the gentlemen immediately behind me who represent the Lumbee Warriors Association. My Tribe has a long history of service in the United States' military, reflecting our patriotism and love of country. That love of country is fundamental to who we are as a people. Sitting in the audience today also are several of our Lumbee youth. It is my hope that with your help, they are here today to part of a historic moment when the Lumbee Tribe moves closer to full federal recognition.

About the Lumbee People

Home for the Lumbee is Robeson County, NC, and the three counties surrounding it - Scotland, Hoke and Cumberland Counties. This area has been our homeland since time immemorial. As non-Indians began to settle and overtake our traditional homelands, we took refuge in the swamps of Robeson to find protection, and we have been there ever since. No matter where a Lumbee goes or moves, home will always be in in our Tribal Territory.

Our kinship ties to each other define our people. We have just over 60,000 enrolled tribal members. We maintain close ties and tend to live in communities, what you might call

neighborhoods that are made up almost entirely of Lumbee members. Our people attend schools and churches that are mostly Lumbee and marry other Lumbees. We have historic Lumbee institutions in our community that reinforce these community ties. For example, we have church conferences that consist of all Lumbee churches, such as the Burnt Swamp Baptist Association, which was formed around the turn of the twentieth century. There is also a separate Methodist conference for our Indian churches. We actively share our customs with others; just a few weeks ago we showcased our culture and stories with local schools and non-Lumbee members of the community. The Lumbee cultural influence is respected in the region by local North Carolina tribes and cultural exchanges frequently occur – for example, the Lumbee drum group, WarPaint was featured at the Eastern Band of Cherokee powwow in 2018.

Our community has and always will work to protect itself, and does so in part by making sure that even though we do not have a federally-protected reservation, we engage in as much self-determination as possible by managing programs and services such as housing, elder care, road maintenance, and others just like any other tribal government. In addition, Lumbees are active in organizing and exercising our influence in local offices that affect our people on a day-to-day basis. Lumbees serve as county commissioners, on the county board of education, the county sheriff's office, and local town offices. Just this past year, a Lumbee was elected as the District Attorney in Robeson County and the first American Indian District Attorney in the State of North Carolina. In 1988, we had never had an Indian superior court judge, even though our people compose a third of the Robeson County population. That year, a prominent Lumbee lawyer, Julian Pierce, ran to be our first Lumbee superior court judge. I was Mr. Pierce's campaign manager. We worked hard to achieve that milestone. Tragically, for us though, Mr. Pierce was murdered right before the election, too late to get another Indian on the ballot. But

our people worked hard, determined to show that Mr. Pierce would have won had he lived. And he did posthumously win that election, even though he could not serve. Soon afterwards, we prevailed by getting another Indian lawyer appointed as the first Lumbee superior court judge. And now in 2019, voters in Robeson elected the first two American Indian women to the bench – both are Lumbee.

Another way in which we have survived despite the federal government’s failure to extend the full measure of recognition to us has been through our focus on education as a core value of the Lumbee people. Shortly after the Tribe was recognized by the State of North Carolina in 1885, the State authorized the Tribe to run the State’s school district for our Lumbee children. Tribal leaders controlled it completely and enrollment was limited to Lumbee children only. Two years later, the State authorized the opening of a special advanced Indian school known as a “normal school” to train teachers for our Indian schools. Although the State provided no money for construction of facilities, our people managed to pull together and construct an Indian normal school. That Indian school has been continuously in operation – and today it is the University of North Carolina at Pembroke.

Full Federal Recognition is Long Overdue, and Should Be Addressed by Congress

The Lumbee Tribe has been petitioning Congress for full federal recognition since 1888 when we first requested that the federal government – consistent with its federal trust obligations to Indian tribes – provide us with federal assistance for our Indian schools. Congress referred the request to the Department of the Interior, which in turn refused to help because it said there were too many of us and too little money available, so no services would be provided to the Lumbee. In other words, our federal trustee refused to help because there were too many Lumbee Indians

that needed help. This would not be the first time that the Department of the Interior would place protection of its budget above its trust responsibility and the good of the Lumbee people.

Between 1888 and 1956, as many as a dozen bills were introduced in Congress to extend full federal recognition to our Tribe following on the State of North Carolina's own recognition of the Tribe. In 1956 – unfortunately for the Lumbee people – in the middle of the termination era, Congress again took up and enacted one of these bills, but at the insistence of the Department of the Interior, Congress adopted an amended version that terminated the Tribe's eligibility for federal services, essentially protecting Interior from having to serve a large Indian population. As a result, the Tribe was left half-in and half-out of the federal relationship.

H.R. 1964 would amend the 1956 Lumbee Act by repealing the termination of services language and extending full federal recognition to the Tribe. This is the same type of remedial legislation that has been provided to a similarly situated tribe, the Ysleta del Sur Pueblo, and is now terribly overdue for my Tribe.

In seeking passage of H.R. 1964, we only ask that Congress complete the task that was started in 1956 when it provided a measure of recognition to the Lumbee Tribe, that is, to put us on equal footing with tribes that enjoy full federal recognition. Refusal to move this legislation forward on an argument that the Lumbee Tribe should pursue federal recognition via the Department of the Interior's Part 83 process ignores the work already completed by Congress in 1956 in its acknowledgement of the Lumbee as a people. Further, it ignores the clear authority that Congress has exercised numerous times to extend full federal recognition to tribes, including as recently as 2018, when six tribes in Virginia were recognized by Congress.

Continued Delay is Causing Continuing Harm

How many generations of Lumbee elders must we lose before the federal government ceases to treat us as a second-class tribe? How many generations of our children must grow up without enjoying the benefits of a federally-protected homeland over which the Lumbee Tribe can exercise true sovereignty and self-determination? How much longer will we be deprived of the ability to engage in government-to-government consultation on federal agency policies and decision-making that may impact natural resources and cultural sites that require protection? How much longer will our federal status hinder our ability to access federal resources and to respond swiftly and comprehensively to natural disasters like the storms that have devastated our tribal community during the last three years?

The delay in extending full federal recognition to the Lumbee Tribe has real life consequences. For example, today the Tribe is not allowed to operate its own schools, even though it had done so for nearly one hundred years until the early 1970s. Then, the State of North Carolina was ordered by a federal court to dismantle its racially segregated schools. While that was a laudatory goal, it had a devastating impact on our right to educate our own children. At first, we thought our school system was exempt because, after all, it was not built upon a racial classification but on a political classification - enrollment depended upon membership in the Tribe. But a federal judge decided that because the Tribe was not federally recognized, its separate school system had to be dismantled, too. The Tribe has struggled ever since to maintain the same level of achievement by our children in schools we no longer control.

Another example relates to federal funding for disaster management. Southeastern North Carolina where we live is subject to violent hurricanes. During my first term of Chairman, two hurricanes overwhelmed our tribal territory – Hurricane Matthew in 2016 and Hurricane

Florence in 2018. Both devastated our community, flooding homes, schools, churches, and work places. Unfortunately, because of our ambiguous federal status, we are not eligible for federal “Imminent Threat Grant Funding” for natural disaster preparation – this aid is reserved only for fully federally recognized tribes. This was a devastating blow at a time when we most needed the ability to fully exercise our sovereignty and provide directly for our people.

Most profoundly, without full federal recognition we are unable to benefit from a federally-protected reservation. We have no land on which to exercise our fundamental right to self-determination and self-government, no land on which we can exert our own jurisdiction, no land on which we may exercise our sovereignty as a government. This is the most striking way in which the federal government continues to treat us as a second-class tribe.

Conclusion

We are a proud sovereign people who have held on to our culture, our traditions, and our community. We have maintained our integrity through war and peace, through the brutal federal policies of removal, assimilation and termination, through state segregation and through federal neglect. We have won the friendship and respect of the non-Indian community around us, of our nearby local governments, and of the great State of North Carolina. The Lumbee Tribe and its members have served the United States with valor and distinction. The Lumbee Tribe’s long and proud history of self-sufficiency and independence is too often discounted and disrespected because we lack the stamp of approval by the United States as a fully federally-recognized tribe.

It is high time that United States exercise its responsibility to put an end to the treatment of the Lumbee as a second-class tribe. H.R. 1964 is the thirteenth House bill introduced over the course of more than a century that would extend full recognition to the Lumbee Tribe. We have full faith in the members of this Subcommittee, and we know you understand the importance of

your actions here today, the importance of full federal recognition for our Tribe, and the roll you can play in correcting this historical injustice.

I thank you for your time today and look forward to answering any questions you may have.