

**Testimony of William Harris  
Chief, Catawba Nation  
Before the  
House Interior Appropriations Subcommittee  
Thursday, April 25, 2013**

**Introduction.** On behalf of the Catawba Nation, a federally recognized tribe located in South Carolina, thank you for this opportunity to testify before the House Interior Appropriations Subcommittee. My name is William Harris. I am the Chief of the Catawba Nation. I want to begin by thanking this Subcommittee and its leadership for supporting the Catawba Nation as we have addressed budget and audit issues with the Bureau of Indian Affairs. Your support means a great deal to the Catawba people and on their behalf you have our heartfelt “thank you!”

**Federal Support for Smaller, Economically Disadvantaged Tribes Seeking Self-Sufficiency.** I am here today to urge this Subcommittee and, indeed, the full House Appropriations Committee, to invest Federal dollars in programs that support economic development for smaller tribes that have limited resources but, like the Catawba, are committed to achieving economic self-sufficiency. Our Settlement Act specifically refers to the “policy of the United States to promote tribal self-determination and economic self-sufficiency” and it is about fulfilling this promise of support for economic self-sufficiency that I appear before you today. The limitations in our Settlement Act significantly inhibit our ability to achieve economic self-sufficiency. As is the case with many Native American tribes, the Catawba Nation struggles with poverty and its related issues. In the 2000 Census, the Catawba Nation had a per capita income of just \$11,096. The estimated current unemployment rate among the Catawba is more than double that of the state of South Carolina, which itself has very high unemployment. The tribe currently has no operating economic development ventures.

In our case, the Catawba Nation is one of a handful of federally recognized tribes that do not enjoy the range of sovereign powers possessed by most federally recognized Indian nations. Under the terms of our Settlement Act we possess what I would term “second class tribal sovereignty.” For example, the state government has enormous civil and criminal jurisdiction on our lands, far in excess of that commonly accorded to states over other tribes. This intrusion of state jurisdiction, on top of our own jurisdictional authority, has severely hampered our economic development.

Additionally, in the area of gaming, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to two bingo halls, neither of which has been in operation since the state adopted a lottery that consumes most of the gaming dollars spent in our state. We are also allowed certain electronic play devices on our reservation, if the state authorizes them. Since the State authorizes casino cruise ships, we believe that we can have similar games on our reservation; however, the State is opposing us and now, at great cost, we are seeking to vindicate our rights in court.

**Funding for the Energy and Mineral Development Program of the Office of Indian Energy and Economic Development.** The Catawba Nation has found the Energy and Mineral Development program of the Office of Indian Energy and Economic Development to be especially helpful. We have used it to fund a feasibility study for a 1MW photovoltaic system, as well as to partially fund analysis, testing and surveys related to energy-efficiency and renewable energy for four administrative buildings on the reservation. These two projects have laid the ground work for a more ambitious proposal by the Tribe to develop an energy strategy plan that will establish a Catawba vision for energy production and consumption on the reservation. This plan will be integrated with the Tribe's other efforts, like economic development, job creation and reinforcement of cultural values.

It is programs like this one that enable smaller tribes, like the Catawba, who have limited or no economic development, to take control of their future and have the hope that the next generation of Catawbans will know a more prosperous life than this generation. I urge the Subcommittee to support this and similar programs of use to smaller, less economically developed tribes.

There are other areas where the Tribe needs funding support. In addition to energy development, the Catawba are looking to establish a convenience store that would allow Tribal members quick access to groceries and supplies without the undue burden of traveling 15 miles roundtrip on country roads to Rock Hill, South Carolina. The Tribe also supports the extension of the Dave Lyle Boulevard, which would provide a critical connection between York and Lancaster counties, creating an "outer loop" south of the Ballantyne portion of I-485 for Charlotte, North Carolina. Approximately 1.5 miles of this road cross the Catawba Indian Nation. Finally, the Catawba Indian Nation seeks to continue a job training and placement program to assist Indian people to acquire the job skills necessary for full time satisfactory employment. Within that framework, the program provides testing, vocational counseling or guidance to assist program participants to make career choices relating personal assets to training options and availability of jobs in the labor market. This Federal program includes vocational counseling and employment services both on-reservation as well as in communities near reservations. The tribe also maintains a transportation program to get tribal members to work centers.

**History of the Catawba.** Since time immemorial the Catawba have lived in the Piedmont generally and along and upon the Catawba River specifically. In ancient times, the Catawba lived off the land and the river, hunting for game, fishing for shad, eels and other fresh water species, and farming corn, beans and squash. The tradition of pottery making among the Catawba, unchanged since before recorded history, links the lives of modern Catawba to our ancestors and symbolizes our connection to the earth and to the land and river we love. No less today, the sovereignty of the Catawba Nation and our survival as a distinct people upon the earth is tied to our lands and the river. Like our pottery, the Catawba people have been created from the earth, and have been shaped and fired over time and so have survived many hardships to provide a living testament to our ancestors and to this place we call home.

The Catawba world was transformed by contact with European explorers and colonists. The Catawba's first encounter with Europeans was with the Spanish explorer Hernando de Soto, in 1540, and then with Juan Pardo in 1566. The Europeans brought guns, which made hunting easier, but they also brought disease, including small pox, which repeatedly decimated the tribe. Encroachment by settlers reduced Catawba lands. In 1760, the Catawbas entered into the Treaty of Pine Hill with the British authorities, which established a 15 square mile reservation in South Carolina. Although the Catawba honored the treaty, the Government of South Carolina and white settlers did not, encroaching further upon Catawba land such that by 1826 only a small number of Catawbas remained, occupying one square mile.

Notably, during the Revolutionary War, the Catawba Indian Nation stood with the American colonists in their struggle for independence from the dictatorial mandates of King George III. Catawba scouts accompanied then-General George Washington on many of his campaigns. Ever since, the Catawbas have always answered the call of country, living up to their half of the Tribe's government-to-government relationship with the United States - and we will continue to do so.

Regrettably, in 1959, the Congress enacted the Catawba Tribe of South Carolina Division of Assets Act which terminated the tribe's Federal recognition and liquidated the tribe's 3,434 acre reservation.

After a long struggle, and only after the tribe threatened to invoke its treaty rights to 225 square miles of ancestral lands in South Carolina, did Congress act by passing the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, which restored the trust relationship between the Catawba Indian Nation and the United States. This law also had the effect of settling treaty-based Catawba land claims on terms highly favorable to the State of South Carolina.

**USET Priorities.** The Catawba Nation is proud to be a member of the United South and Eastern Tribes, Inc. (USET), an inter-tribal organization representing 26 federally recognized Tribes from Texas across to Florida and up to Maine. Along with USET, the Catawba Nation believes that *all* Indian programs are vital to creating strong Tribal Governments and healthy Tribal communities, and that Congress should protect and improve current base funding levels for all programs and provide for increases in excess of the inflation rate. The Catawba Nation also supports USET's priority programs, which are:

- **Tribal Priority Allocations (TPA).** Funding for the Eastern Region Tribes TPA needs to increase by at least \$10 million, even without considering our unmet historical needs.
- **Tribal Courts.** Currently, in the Eastern Region only 46% of the tribes receive BIA funding for the operation of their tribal courts. There should be sufficient funding for any tribe that needs to establish a court.

- **Scholarships.** Over the last several years, funding for BIA's post-secondary education programs has remained largely stagnant. This area should see increased funding.
- **Contract Support Costs.** There should be sufficient funding to assure that the BIA is able to meet 100% of its contract support obligation. Other Bureaus within the Department of Interior, as with other federal agencies, have achieved their obligation of paying a 100% contract support costs to their non-native contractors; this obligation cannot be ignored when it involves tribal 638 contractors.
- **Cultural Resources.** Adequate funding for Tribal cultural resource programs is essential to the spiritual, health, social, and economic wellbeing of Tribal communities.

***Carcieri* Fix.** In FY 2011, this Subcommittee included *Carcieri* fix language in its appropriations bill. In doing so, this Subcommittee was seeking to overturn the unjust Supreme Court decision in *Carcieri v. Salazar* which has led to two classes of Tribes – those that can take land into trust and build up their communities and those that cannot. Although Interior has determined that the Catawba Indian Nation does not have a *Carcieri* problem, it is not right that are two classes of Tribes. We ask that this Subcommittee take up the fight for fair and equal treatment of all Tribal nations and, once again, advance a *Carcieri* fix.

**Conclusion.** In conclusion, I thank you for this opportunity to talk about the needs of the Catawba Indian Nation. Your support for our people and, indeed, for all Native peoples is greatly appreciated and truly in the best traditions of the government-to-government relationship.