

Testimony of William Harris
Chief, Catawba Indian Nation
Before the
House Interior Appropriations Subcommittee
FY 2015 Federal Indian Programs Budget
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Introduction. On behalf of the Catawba Indian 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 Indian Nation. In the past, this Subcommittee has offered my tribe support in addressing 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 Indian Nation struggles with poverty and its related issues. In the 2000 Census, the Catawba Indian 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.

In our case, the Catawba Indian 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.” The state government has enormous civil and criminal jurisdiction on our lands, far in excess of that commonly accorded to states over other tribes. 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 (after an 8-year hiatus we will re-open one bingo hall in the next month or so) and electronic play devices on our reservation, if the state “authorizes” them anywhere else. Since the State authorizes casino cruise ships, we believe that we can have similar games on our reservation; however, just last week, the South Carolina Supreme Court ruled that although the State exercises extraordinary authority over the casino cruise industry, with boats operating out of South Carolina ports, and various taxes and regulations imposed, that is not the same as “authorizing” the games on the ships. There is a pattern in the South Carolina courts: Catawba always loses.

That pattern is evident at a larger level, as well. We settled a large land claim with the State of South Carolina, and gave up treaty-based rights in both North Carolina and South Carolina for the promise of a reservation of up to 4,200 acres. Twenty years later, our reservation is only 1,006 acres and our ability to add further lands has largely been thwarted by a combination of state and local action, as well as private party action that greatly inhibits the Tribe from acquiring lands or from acquiring it at a reasonable price.

Support for Economic Development for Smaller Tribes. I would ask that this Committee look at ways to support economic development initiatives for smaller tribes that have not benefitted significantly from gaming. Only through economic development can we lift our communities out of poverty and have the hope that the next generation of Catawbans will know a more prosperous life than this generation.

Specifically, the Catawba Tribe is seeking to examine whether we can offer any tax benefits that would attract outside investors to our land. It would be helpful if this Committee could support funding for such legal research. We also need to make some additional land purchases, where we can and when we can afford them. In this regard, it would be helpful if the Committee supported funding for land acquisitions for smaller tribes. The Tribe 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 would cross the Catawba Indian Nation. Funding for that road development would benefit the surrounding communities, as well. The Tribe maintains a transportation program to get tribal members to work centers and has had a summer program for tribal youth in which they get training in life and job skills. These types of project need funding support too. 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.

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 Indian 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-mile square 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 South Carolina, did Congress act in 1993 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 and other treaty-based rights on terms highly favorable to the State of South Carolina and the State of North Carolina.

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.