



Harvey Godwin Jr.
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Written Testimony
Before the Sub Committee on Indian, Insular and Alaska Native Affairs
United States House of Representatives

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Good Afternoon Chairman LaMalfa, Vice Chairwoman Gonzalez-Colon, and members of the Committee. My name is Harvey Godwin, Jr. and I am proud to serve as the Chairman of the Lumbee Tribe of North Carolina. It is my honor and privilege to come before you this afternoon to discuss House Bill H.R. 3650, the Lumbee Recognition Act. I would like to give a special thank you to Congressman Robert Pittenger for sponsoring this bill, as well as to Congressman Richard Hudson and Congressman Don Young for signing on as co-sponsors. The Lumbee people are thankful for your commitment to our cause.

The Lumbee Tribe of North Carolina is the largest American Indian tribe east of the Mississippi River. There are over 61,000 tribal members, of which 35,000 are actively enrolled and eligible for services. The majority of Lumbee tribal members reside in the traditional tribal territory; Robeson, Scotland, Hoke, and Cumberland Counties in North Carolina.

Our tribe has resided in the Lumbee traditional territory since time immemorial; Archaeological data demonstrates a continuous Indian presence dating back to 12,000 years BC. The Lumber River was geographically isolated and in colonial times lay between the oft-contested borders of North and South Carolina. Our ancestors have always resided on these swamps and river, and history proves that the area has been a 'cultural crossroads' for thousands of years. In the 1700's it made an ideal refuge for Indian people from the effects of the ever-encroaching post-contact world which brought

with it disease, war, and oppression. The Lumber River protected our tribe and allowed us the ability to accept other Indian people who sought refuge, which for many, became home. We were not always immune from outside forces and by 1830 our Tribe faced numerous outside threats to our right of self-determination. In face of those threats, Lumbee people have continuously exercised their right of self-determination and functioned as a single political entity, facing colonization and surviving by formal assertions of their collective political identity. These are the ancestors of the Lumbee people.

During the Civil War, a time during which the Tribe confronted direct military aggression from both the Confederate and Union forces, we did not lose possession of our homelands though our rights of self-determination were constantly challenged. In 1885, the Lumbee were officially recognized by the state of North Carolina, as a tribe which brought with it legal recognition of our right to self-determination. The fight for full recognition from the Federal Government began in 1888, when tribal leaders, petitioned Congress for federal government for educational aid to support the Croatan Indian Normal School. My Great Grandfather, Quinny Godwin, was one of the original petitioners and I am here today continuing his work.

The Lumbee have respectfully and patiently sought full federal recognition for 129 years. During this pursuit we have endured an array of research, pseudoscientific studies, and even congressional legislation that has ultimately resulted in the marginalization of our people despite meeting or exceeding the mark set before us. In 1956, the United States Congress officially recognized the Indians living in and around Robeson County as Lumbee Indians. However, the 1956 Lumbee Act contained

language that the Executive Branch of the federal government determined made the Lumbee ineligible for services performed by the United States for Indians because of their status as Indians. Our people have been seeking to right that wrong ever since.

The Lumbee are and always have been survivors: we have continued to survive and prosper despite being denied the benefits and protections afforded to other Indian Tribes. Our efforts have focused on developing a strong tradition of self-governance, eliminating discrimination and seeking education. While we have been continuously self-governing despite poverty and extreme discrimination, the Lumbee people established a written constitution, which was adopted by the membership, to memorialize a more formal structure for our tribal government years ago. There are three branches of government: the Legislative, a 21 member tribal council, comprised of representatives from 21 districts; the Executive: a Chairman elected by the entire membership; and the Judiciary to hear disputes arising in our tribal community.

Recently, the Lumbee Tribe had the great privilege of hosting Lumbee Days at the Smithsonian's National Museum of the American Indian in Washington, D.C. This three-day event was an unprecedented and monumental opportunity for the Lumbee people to narrate our own story to the broader public. Museum attendees from across the nation and all over the world had the opportunity to learn about our culture, history, and traditions.

Our Tribal Government currently enjoys a Government-to-Government relationship with the United States through a number of Federal Agencies, most recently and notably, the Federal Emergency Management Agency (FEMA). It is no secret that our tribal community was devastated by the floodwaters of Hurricane Matthew last fall.

Through our interagency agreement with FEMA the Lumbee Tribe is exercising our tribal sovereignty and making decisions about what is necessary and essential to our recovery. This is what our people are fighting for, respect and the right to decide what Lumbees need, the way we have for generations, and the way other federally recognized tribes do with the federal government's blessing.

Full Federal Recognition with benefits for the Lumbee Tribe of North Carolina will end a century long struggle to bring justice to the to the descendants of the first inhabitants of this country. When this Congress signs H.R. 3650 into law, it will finally remedy the injustice created by the 1956 Lumbee Act. It is often said there are three types of Indians in the United States: federally recognized tribes, non federally recognized, and the Lumbee. The 1956 Act has created a world where Lumbee people find themselves continuously explaining to other people, Indian and non-Indian, that they are Indian but they are not Indian enough for the government to treat them the same as other tribes. I dream of a time when our children are able to say "I am Lumbee" and no further explanation is required.

The Lumbee Tribal Government has long been a leader in our local economy; we know that federal recognition is as an opportunity to receive benefits that help build a solid foundation for future economic development and continued protection of our lands and our people. A foundation that is essential to ensure a better future for the next seven Generations of our People. We do not seek recognition as an entitlement fostering dependency on the federal government rather we seek resources to help us in our goal of achieving the financial, physical, mental, spiritual and emotional health we have been seeking for these many years. To us, recognition is a tool that will greatly aide our

current endeavors to create sustainable economic development for the Lumbee and the poor rural areas of Southeastern North Carolina that we occupy. The national conversation is always focused on the American Dream. The American Dream is and always has been the Lumbee Dream. Provide people the tools necessary and the opportunities and they will excel and create a better life for themselves and the seven generations that come after them.

The quasi-legal status the Lumbee Tribe is in has resulted in unequal protections for our tribal members. When Hurricane Matthew was barreling toward our Tribal Territory, the Lumbee Tribe was without access to HUD Imminent Threat funding, despite being a recipient of NAHASDA funds. Had the Lumbee Tribe been recognized last year, we would have been eligible for at least \$400,000.00 prior to the hurricane, to better help prepare our area for what came after, an investment that could have saved untold funds that now have to be expended in recovery. We would have been eligible for the assistance the Indian Health Service and Bureau of Indian Affairs provide to other affected Tribes. If the 1956 Act did not include its offensive and discriminatory language, the Lumbee Tribe would have the autonomy to create and maintain health clinics or even a hospital to address the dire health needs of our community. Our veterans would get the additional benefits afforded to other Indian Veterans. Our elders would receive the assistance needed to make their final years quality years. We would be able to create a police force to address the violent crime and drug problems riddling our community. We could build schools for our children that teach our culture and our history. Who is better able to make decisions about what kind of schools will best serve Lumbee children than Lumbees? If we had the benefits afforded to other tribes Lumbee

Children taken from their homes and placed into the foster care system would receive the same protections as other Indian children placed into the system. At this time the Indian Child Welfare Act does not apply to our children since we are not fully federally recognized. Instead of staying in our community our children can be sent anywhere in the Nation. When cultural artifacts or even the bones of our ancestors are found within our Tribal territory, the Lumbee are not given a voice in determining what happens to them, we are not even entitled to notice, because the government does not think the Native American Graves Protection and Repatriation Act applies to us. Even though we have a relationship with FEMA before work could begin on the Lumbee Tribe's recent project with FEMA at the Lumbee Tribe Cultural Center, the Seminole of Oklahoma, the Shawnee, the Catawba, and the Cherokee of Oklahoma, had to be contacted. The list of inequitable treatment goes on and on.

The United States Constitution gives Congress the authority to deal with Indian Tribes. The Lumbee's unique legal status that resulted in our discriminatory treatment was created through congressional action and should be rectified by congressional action. The Lumbee Act of 1956 acknowledged that the Lumbee were in fact an Indian tribe, but has been interpreted to result in denying our people federal benefits. To put what happened in context it is important to understand that during this period of our country's history Congress's policy was to terminate tribes and force assimilation. History shows us that Congress's views on American Indians and Indian policy evolved. They repealed all legislation that was interpreted as termination from this era EXCEPT for the Lumbee Act. In fact, there is one other tribe who has suffered from the same quasi status as the Lumbee, The Tiwa of Texas. Congress passed legislation in 1968 that recognized the

Tiwa Indian of Ysleta, Texas and included the same language that was a part of the Lumbee Act. Congress rectified this for Tiwa in 1987, by passing legislation that restored the federal trust relationship with the Tiwa and provided them federal Indian. We ask that you do the same for us and end the era of termination once and for all.

As you know, the Bureau of Indian Affairs through the Office of Federal Acknowledgement has an administrative process to recognize American Indian tribes. There are some, usually lobbyists, who have their employer's financial interests in mind, who argue that the Lumbee Tribe of North Carolina should be required to complete the OFA process to gain recognition. The petition process is long, expensive, and riddled with issues of fairness. We tried long ago to undergo this process and submitted a petition. We lost many years and much money trying to follow this process only to have the OFA determine we were not even eligible to go through the process due to the Lumbee Act. Requiring a petition for review by the OFA would be to further delay the justice we deserve. Even if we submitted a perfect petition it can take a tribe fifteen to twenty years to get through the process. In addition, there are long time OFA employees who have expressed bias against us to be concerned about. The Lumbee have already waited for 129 years. How is it fair or just to make us wait 149 years for the government to rectify this wrong assuming we would get a positive outcome? Requiring the Lumbee Tribe to go through the OFA process also ignores the undisputable and well-documented fact that the Federal Government has recognized the Lumbee as an Indian Tribe time and time again, since that first petition in 1888.

In recent hearings the Department of Interior has gone on record a number of times supporting Congressional Legislation to restore full federal recognition to the

Lumbee Tribe. During a 2009 hearing before the House Natural Resource Committee, Assistant Secretary for Policy and Economic Development for Indian Affairs for the Department of Interior George Skibine advocated for congressional action for the Lumbee. Assistant Secretary Skibine said "...there are rare circumstances when Congress should intervene and recognize a tribal group, and the case of the Lumbee Indians is one such rare case." Congress placed the Lumbee Tribe in legal limbo with the Lumbee Act of 1956 and Congress should act to clearly restore the Lumbee to full federal recognition with benefits or clarify that its language and intentions have been misinterpreted these many long years.

The Circle is important in Lumbee culture. The circle shows our connection with each other, with our past, our present, and our future. It represents the 7 generations and how all our actions and decisions must take into account the work of the three generations before us, and consider the effect it will have 3 generations that come after us. My great grandfather came before this body seeking justice for our people; I come before you today seeking the same, so that three generations from now my great grand children will not have to.

On behalf of the Lumbee Tribe of North Carolina, I thank you for the opportunity to address this committee and ask for your support on H.R. 3650 and justice for the Lumbee people.