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Written Testimony
Before the Committee on Indian Affairs
United States Senate

Senate Committee Hearing on Senate Bill 2285: Lumbee Recognition Act , *“A Bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes .”*

September 7, 2016

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Good Afternoon Chairman Barrasso, Vice Chairman Tester, and members of the Committee on Indian Affairs. My name is Harvey Godwin, Jr. and I proudly serve as Chairman of the Lumbee Tribe of North Carolina. It is my honor and privilege to address you this afternoon regarding Senate Bill 2285, a Bill to provide for the recognition of the Lumbee Tribe of North Carolina. I would like to give a special thank you to Sen. Richard Burr for sponsoring this legislation. He has proven to be a champion of the Lumbee people, and we greatly appreciate his efforts to bring us here today.

The Lumbee Tribe of North Carolina represents approximately 35,000 enrolled members. Our tribal territory has traditionally consisted of Robeson, Scotland, Hoke, and Cumberland counties. North Carolina recognized the Lumbee's status as an Indian tribe in 1885. The Lumbee began their fight for federal recognition in 1888 by petitioning the federal government for educational aid to support the Croatan Indian Normal School.

After successfully establishing what is now the University of North Carolina at Pembroke, historically the Nation's first American Indian university institution, tribal leaders then sought assistance, resources, and tools from the government so that they might, through hard work and self-determination, build a better and more prosperous life for their members.

The Lumbee have respectfully and patiently sought federal recognition for 128 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.

As a result of this and an ever-diminishing regional economy, the Lumbee people currently endure high levels of unemployment resulting in low socio-economic status, low educational attainment, and significant health-related issues. Since 1990, over 12,000 jobs were lost within the tribal territory. Manufacturing has all but evaporated. Farming, once the life-blood of our people, is not at all what it used to be. Robeson County, the seat of our tribal government, has the highest county-level poverty rate in the state and is one of the top ten poorest counties in the nation, with 1 in 3 residents living in abject poverty.¹ Lumbee Indians make up 39.9% of the population of Robeson County.² Approximately 34% of children in Robeson County live in food insecure homes, without even the most basic needs, placing our county 10% higher than the North Carolina state average. American Indian children in Robeson County experience food insecurity at almost double the county rate.

Without the benefits afforded to fully recognized tribes, our efforts have focused on developing a strong tradition of self-governance to try to combat the socio-economic afflictions we face. We developed a tribal government committed to the Rule of Law and governed by a Constitution crafted for our people by our people. 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 membership; and the Judiciary to hear disputes arising out of our tribal law.

Our formalized government is young and like any other government there have been bumps and growing pains as we have found our way. Recently, however, there have been a number of governmental reforms instituted to ensure that there is greater transparency and

¹ <http://pulse.ncpolicywatch.org/2014/01/11/north-carolinas-counties-remain-in-povertys-tight-grip/>

² <http://www.census.gov/quickfacts/table/RHI125215/37155>

efficiency for the benefit of our people. My own election represented a mandate from our tribal members to take back our government and reestablish our core Lumbee values: Belief in God, preserving our unique culture, the importance of education, and our connection to the land.

The Lumbee Tribal Government today views federal recognition as an opportunity to create a solid economic foundation that will ensure a better future for the next seven Generations of our People. Federal recognition is a vehicle for empowering our communities rather than an end-all-be-all for our problems. We do not seek recognition as an entitlement fostering dependency on the federal government rather we seek resources to help us cross the bridge towards prosperity that 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. Through federal programs such as the WIOA, we will implement programs promoting workforce development, giving our members the skills they need to find their own success, as opposed to merely relying on support from the tribal government. 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.

Our home area is fortunate to have proximity to major interstate trade routes, viable infrastructure and educational venues, all of which are primary ingredients for sustainable business/industry development. It is our desire to utilize federal recognition as a tool to leverage these existing assets, guided by tribal leadership that is focused on the will of the People. We envision the Lumbee Tribe assisting tribal members in developing business ventures based on our cultural and natural resources. For instance, we have a recognized natural resource in the

Lumber River that holds tremendous opportunity for recreational business development. Our own Cultural Center has significant potential for cultural and recreational tourism, and is the site of our planned Tribal Community Garden. Endeavors such these could employ not only tribal members, but others in the area that are in pursuit of opportunity, thereby enriching the entire area.

The Lumbee are known for our entrepreneurial spirit. Just this year, the Lumbee Tribe of North Carolina along with the University of North Carolina at Pembroke and the North Carolina Military Business Center hosted the first annual Lumbee Nation Economic Summit. Federal recognition will allow the Tribe to assist entrepreneurial development, help members with attaining necessary banking/lending support, and promoting the economic development partnerships created by federal recognition. Additionally, the provision of adequate healthcare for tribal members would be a boost to the health and well being of our people. Establishing an economic engine that will create more healthcare jobs for our people and reduce dependence on such things as Medicaid. We have obtained Tribal 8A Certification administered by the Small Business Administration. As a state recognized tribe, our corporations are eligible for some government contracts but until we gain full federal recognition, we cannot fully claim our seat at that table. Full federal recognition will make the Lumbee eligible for grants through the USDA and other federal governmental agencies, programs that we are ineligible to participate in now because of our status as non-federally recognized tribe. There are a number of Lumbee Indians who currently employed by the federal government; because they are not members of a federally recognized tribe they are ineligible for Indian Preference when applying for jobs and promotions within our government.

The Lumbee's unique legal status was created through congressional action and should be rectified by congressional action. The Lumbee Act of 56 acknowledged that the Lumbee were in fact an Indian tribe. However language was added to the Lumbee Act, denying our people federal benefits. Congress's action in 1956 placed the Lumbee in a quasi status, acknowledged as Indian tribe but denied the federal benefits that are associated with that recognition. It is important to understand that during this period of our country's history Congress's policy toward all Indian tribes was termination. 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 Indians of Ysleta, Texas and included the same language that denied benefits, that was a part of the Lumbee Act. Congress rectified this in 1987, passing legislation that restored the federal trust relationship with the Tiwa and provided federal Indian services for the tribe.

The Department of Interior has created a process for acknowledging American Indian Tribes. This process is not an option for the Lumbee Tribe of North Carolina. In 1989, the Department of the Interior released an opinion from the Associate Solicitor regarding the 1956 Lumbee Act. The opinion advised the Department of Interior that the Lumbee were ineligible to complete the BIA process because of the language of the Lumbee Act.

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.” In 2013, Assistant Secretary for Indian Affairs, Kevin Washburn testified before this very committee saying “Given that it is Congress that has specifically addressed the Lumbee Indians on a previous occasion and has barred Interior from undertaking this review, only Congress can take up the matter of federal recognition for the Lumbee Indians”. Congress placed the Lumbee Tribe in legal limbo with the Lumbee Act of 56 and only Congress can remove this status and restore the Lumbee to full federal recognition.

I want to reiterate that the Lumbee people are seeking a new type of partnership with the federal government. We will use federal recognition to help create an atmosphere for economic development in rural North Carolina, thereby bolstering the American Middle Class. Your support of this bill is a strategic investment in the Lumbee people and the country as a whole. It will become a new reference point for how to allow American Indians to truly develop sovereign, self-determined, broad-based economies that will improve the lives of all.

I would like to end my testimony by emphasizing the importance of the circle in indigenous cultures. The circle is important in all Native cultures, and especially so in the Lumbee Tribe. The circle shows our connection with each other, with our past, our present, and our future, representing the 7 Generations. I cannot help but feel the significance of that connection today as I come before you asking for your support in empowering my people, in much the same way as my Great Grand Father Quinny Godwin did as one of the original petitioners of Lumbee federal recognition in 1888. I am blessed that things have come full circle today and like my great-grandfather before me, I am asking this Committee to do the same. My

greatest hope is that my great-grandchildren will not have to fight this battle three generations from now.

On behalf of the Lumbee Tribe, thank you for the opportunity to address this Committee.