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Testimony
Before the Committee on Natural Resources
U.S. House of Representatives

On
H.R. 31, “*Lumbee Recognition Act*”
March 18, 2009

My name is James Ernest Goins and I am Chairman of the Lumbee Tribe. I want to express the Tribe's appreciation to Chairman Rahall for his support for our bill and the opportunity to testify at this hearing in support of H.R. 31, a bill that would extend full federal recognition to the Tribe. I also want to express the Tribe's deep gratitude to Congressman McIntyre for his hard work and leadership on this issue. Lumbee history will record his faithfulness to the Lumbee cause.

As have generations of Lumbee leaders before me, I proudly appear today in support of H.R. 31 and the federal recognition for the Tribe that it would provide. Congress has deliberated on this issue for more than one hundred twenty years now and, on the Tribe's behalf, I urge the committee to report H.R. 31 favorably so that we can move one step closer to justice and fair treatment for the Tribe.

The Lumbee desire for federal recognition

I am a direct lineal descendant of tribal leaders who first petitioned the United States for federal recognition in 1888. This petition to Congress was a request for federal recognition and financial support for the education of Lumbee children. At the time, the State of North Carolina had just established a separate school system for the education of Lumbee children; at the same time, the State approved two years funding for a normal school to train teachers for our schools, but none for purchase of land or construction of a school building. The Tribe donated the land and built the school but had trouble keeping the normal school open with so little support from the State. So, the Lumbee Tribe sought recognition from Congress for the purpose of supporting the Tribe's normal school. The Congress referred the request to the Department of the Interior and the Department gave what was to become its stock response to the Lumbee quest for recognition:

While I regret exceedingly that the provisions made by the State of North Carolina seem to be entirely inadequate, I find it quite impractical to render any assistance at this time. The Government is responsible for the education of something like 36,000 Indian children and has provision for less than half this number. So long as the immediate wards of the Government are so insufficiently provided for, I do not see how I can consistently render any assistance to the Croatan or any other civilized tribe.

This was a theme that we were to hear often from the federal government – we know you are Indian and you are in need but we have too little funding to assist you.

In 1899, Congressman John Bellamy introduced a bill that would recognize the Croatan Indians and provide assistance to the Indian normal school. In 1905, our people made a third effort. A rally was held at the Indian normal school for the purpose of securing a federal census of Indians in the community and federal support for the Indian school. Both these efforts failed.

Between 1910 and 1924, no less than five separate bills were introduced to obtain federal recognition and assistance for the Indian normal school in Robeson County. Congress asked the Department of the Interior to investigate the history and needs of our people three times during this period. Each time the Department acknowledged that we were Indians, but each time the Department recommended against the bill, mostly for fiscal reasons.

During the 1930s when my people were attempting to organize under the Wheeler-Howard Act, my wife's grandfather helped raise money to send our people to Washington. Their pleas met with the same results. Dr. Swanton from the Bureau of Ethnology was sent to investigate our origins and history. He concluded that the Lumbee people are descendants of the Cheraw Indians. But the effort failed.

Then, in 1935, Assistant Solicitor Felix Cohen put in writing a plan that would allow the Indians of Robeson County to organize under a constitution. Tribal leaders immediately submitted a request to organize to the Department of the Interior. Commissioner Collier sent an Indian agent, Fred Baker, to Robeson County to work out a plan for land resettlement so that a reservation might be created for qualified half-bloods. The Indian agent reported in 1935 that he had met with approximately 4,000 members of the Indian community and found strong support for the idea. That meeting was held at a small Lumbee church between Prospect and an adjoining Lumbee community, known as Pembroke. In his report to Washington, he described this meeting:

It may be said without exaggeration that the plan of the government meets with practically the unanimous support of all the Indians. I do not recall having heard a dissenting voice. They seemed to regard the advent of the United States government into their affairs as the dawn of a new day; a new hope and a new vision. They hailed with joy the offer of the government; many of the old people could not restrain their feeling, -- tears filled many eyes and flowed down furrowed cheeks. We must confess to the fact that our own feelings were deeply touched as the old people expressed so deep a longing to have a piece of land on which they could live in peace...

The agent concluded, "It is clear to my mind that sooner or later government action will have to be taken in the name of justice and humanity to aid them."

Justice did not come that time either. The plan was contingent upon certification of Indians in the county as half or more Indian blood. Initially, Assistant Commissioner Zimmerman and Assistant Solicitor Cohen had thought that Indian school enrollment records, other state records, and oral tradition would all be used in this process. But in the end, the determinations were made based solely on physical measurements and features, e.g., body measurements, skin pigmentation, and facial features, which have since been discredited as having no scientific basis. Only 209 tribal members agreed to submit to these tests, out of which 22 were eventually certified as half-bloods. This effort eventually failed, too.

In the early 1950s, the Tribe once again looked to legislation as the answer. After obtaining state legislation in 1953 recognizing the tribe under the name Lumbee, the Tribe sought federal recognition legislation on the same terms. In 1956, Congress did pass the Lumbee Act, designating the Indians in Robeson and adjoining counties as Lumbee Indian. But at the request of the Department of the Interior, the bill was amended before enactment to provide that Lumbees could not receive services as Indians. Thus, we failed once again because of the intervention of the Department of the Interior.

Our latest effort for special legislation began about twenty years ago, after the Department of the Interior had promulgated regulations on recognition. In December 1987, the Tribe filed a fully documented petition for federal acknowledgment. Two years later, the Solicitor's Office decided that the Lumbee Tribe is not eligible for the administrative process because of the termination language of the 1956 Lumbee Act added at the request of the Department of the Interior.

Even so, some say repeal the 1956 Lumbee Act and force the Tribe to go through the administrative process. My answer to this is to pose the following question: What will the Department of the Interior learn that its experts haven't already told them? Every time a bill was introduced in Congress to recognize us, the Department studied our history and community, but opposed the bill because money was too short. How much do our people have to take? How many times does the Department of the Interior have to study our history? We believe enough is enough and the time has come for Congress to finish what it started in 1956.

Our people lost control over our Lumbee schools because we are not federally recognized. When a federal judge ordered North Carolina to disband its segregated schools, the Tribe lost its separate schools. This was a serious blow to our people's independence. Without federal recognition, we cannot have full charge of our communities. Without federal recognition, we will continue to be treated as second-class Indians.

The Lumbee community and governance

My family and I are typical of Lumbee families. Let me share a little about myself and my family to illustrate the strength and ties that bind our people.

I am the son of Ernest and Ola Jacobs Goins and a son of the Prospect community, oldest documented Lumbee community located in the historic Cheraw settlement. My wife is Diane Locklear Goins, a Lumbee, and a retired schoolteacher, who taught at Pembroke Elementary School, a Lumbee school, for 31 years. Diane grew up in the Union Chapel Lumbee community, the home community of my mother. My oldest daughter Rhonda is a Rehabilitation Coordinator with the Robeson County Mental Health Department where she works with children from birth to three years of age. My daughter Jacqueline is a Lumbee educator at a predominantly Lumbee school. My youngest daughter Jamie recently served as an Ambassador with the Americans for Indian Opportunity's American Indian Ambassador Program. All my sons-in-law are Lumbee Indians and grew up in Lumbee communities in Robeson County.

My family, like other Lumbee families, takes pride in our community and maintains a strong sense of tribalism. Because our communities are composed of large extended families, our children are not only our children but also the sons and daughters of our Lumbee communities. Children are raised by the whole family, not just mothers and fathers. Our people live in parallel worlds. We know what it is to be Lumbee and we know about the world outside the Lumbee world.

Throughout my life, I attended all Indian churches. Growing up in Prospect community, I attended Prospect United Methodist Church, located immediately across from the Prospect School. The Prospect United Methodist Church is the largest American Indian church in the United Methodist Church. I now attend Union Chapel Holiness Methodist Church, my wife's home church. This church is part of the Lumbee River Holiness Methodist Conference (LRHMC), founded by the Lumbee people in 1900. This religious conference is composed solely of Lumbee churches.

I attended Prospect School, an all-Indian school. Its teachers and principals were all Indian. This school was part of the separate school system established for the Lumbee Tribe by the State in 1885. Only a rural country road separates the school from my church. During the school year, I – along with all other students – marched across that road for “religious emphasis week”. I have grandchildren who attend Prospect School today. And they continue to cross the road one week during the school year where they receive one hour of religious training. Today, however, students are required to obtain parental consent.

My schoolteachers were also my Sunday school teachers. The headmen of the community, being also the heads of our large extended families, selected the teachers for our schools. They also decided who could attend our schools. Both my paternal and maternal grandfathers, Willie Goins (Prospect community/school) and Anderson Jacobs (Union Chapel community/school) were among these headmen. They, along with the headmen from other Lumbee communities, had sole authority to decide who attended Indian schools and who would be allowed to teach in these schools. Teachers were selected based not only on qualification but also on their moral character. As religious and school leaders, these tribal leaders not only shaped our schools, churches, and communities, they ultimately governed the Tribe.

After graduating from Prospect School in 1966, I enlisted in the United States Army and was severely wounded in the rice paddies of Vietnam on December 31, 1969. The men in my squad called me “Chief” and gave me the job of walking point through the jungles. Like all Lumbee veterans, I am proud of my service to this country and I wear its medals with pride: the Purple Heart, the Bronze Star, and the Air Medal. My father, too, served this country in World War II. Indeed, Lumbee people have served this country as far back as 1775 when we fought side by side with the colonists. The only war the Lumbees did not serve in was the Civil War. During that period of time, we engaged in our own war against the Confederacy.

Our connection to the land we call home and to each other is typical of Indian people. We draw our strength from home, known to others as Robeson County. Regardless of where a Lumbee may reside, home is always Robeson County. And when two Lumbees meet for the first time, the first question asked is who are your people, i.e., your family lines. All Lumbees know their family history three generations back and with a little discussion any two Lumbees can connect themselves either by direct kinship or marriage. These bonds – the ties to our land and each other – are the ties that have enabled us to survive as a tribe even without federal recognition.

For most of our history, the Lumbee tribe has functioned with informal leaders, people typically drawn from the leading families within our communities. These leaders took whatever steps were required to protect our people, including self-defense such as during the Civil War, and handled all our government-to-government relations with the State of North Carolina. Recently, our people decided to establish a formal tribal government. We adopted a constitution with three branches of tribal government: a tribal chairman with executive powers, a tribal council with 21 members representing districts within the Lumbee territory, and a tribal court to hear disputes rising under tribal law among our members. This tribal government has been recognized by the State of North Carolina as the governing body of the Lumbee Tribe and I am the Tribal Chairman elected in accordance with its terms.

Lumbee membership

Because the Tribe has not historically received services or other benefits for its members, the Tribe did not historically maintain a formal membership list. Informal and partial lists of tribal members have been prepared for various purposes, though. For example, attendance at the Lumbee schools was limited to Lumbee children and committees of Lumbee leaders (sometimes call blood committees) had authority to determine a child's eligibility to enroll. These committees produce partial membership lists.

A few lists of tribal members can also be found in our churches' records. Since Lumbee people have historically attended all Indian churches, these lists are among the Tribe's base rolls. Finally, the United States census has occasionally prepared special Indian censuses to count Indians. The censuses are excellent records because Indian households are listed by order of visitation. So the censuses provide of record of families that comprise our communities, e.g., Prospect, Pembroke, Union Chapel, Saddletree, and Fairgrove. This collection of documents – school and church records and federal Indian censuses – was used to compile a base roll for the Lumbee Tribe.

As part of the Tribe's effort to write a petition for federal recognition under the regulations, the Tribe initiated a formal enrollment process. The Tribe reduced to writing the membership criteria that it has always used informally and prepared a complete list of its members. There are two membership criteria: first, the person must prove descent from an ancestor on the base roll; second, the person must maintain contact with the Tribe. To us, maintaining contact means that you must be known to us, that is, known to be related to one of the families at home. Unless the Tribe knows you, then you are not

allowed to enroll even if you can prove descent from a Lumbee ancestor. And the data in every application for enrollment is confirmed before an individual is enrolled. Using this process, we have enrolled approximately 55,000 members.

Conclusion

The Lumbee Tribe believes it is time for Congress to finish what it began in 1956 and enact Mr. McIntyre's recognition bill. The Lumbee people have been patient and persistent in their quest for federal recognition, but I can tell you that our people have had about enough. The time has come for the United States to acknowledge the fact that the Lumbee people are and have always been an Indian tribe. This is the truth of the Lumbee people. It is a truth that North Carolina has long acknowledged. It is a truth that other Indian people and experts on Indian history accept. And it is a truth that the Department of the Interior has known for one hundred years.

On behalf of the Lumbee people, I thank the committee for the opportunity to share our story with you and urge the committee to act favorably on H.R. 31.