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LRDA
MAIN OFFICE
(919)521-9761

ANNEX
(919)521-2401

Lumbee Regional Development Association, Inc.

East Main Street

P. O. Box 68

Pembroke, N. C. 28372



June 9, 1976

JAMES H. WOODS
Chairman

JOHN R. JONES
Vice-President

CURT LOCKLEAR
Treasurer

MARY L. LOCKLEAR
Secretary

KENNETH R. MAYNOR
Executive
Director

Honorable Charlie Rose
Congress of the United States
7th District of North Carolina
House of Representatives
1724 House Office Building
Washington, D.C. 20515

Honorable Robert Morgan
U.S. House of Representatives
Washington, D.C. 20202

Honorable Jesse Helms
U.S. Senate Building
Washington, D.C. 20202



Gentlemen:

For sometime now we have been requesting assistance from the DHEW for adequate funding to sustain a respectable level of grantee administration, planning, and services for the Lumbee Indians. Our efforts have been in vain.

I feel it unnecessary in this letter to you, our distinguished congressional delegation, to list the problems and needs Indian people have in Robeson and our adjoining counties. As we have struggled these past years to build a viable organization for our people, we have encountered many obstacles but have managed to survive. We are looking ahead to our future and our relationship with the federal government. And, while we do not desire to depend or look to the federal government for all our needs, we feel it necessary to insure that our people have equitable access to those programs and resources available to Native American.

It is our contention that we have been denied equitable treatment and funding from DHEW. For example, let us look at the Office of Native American Programs directed by Dr. George Blue Spruce. If you will refer to attachments #2 and #3, you will find a list of grants made by ONAP to Indian organizations other than Indian urban centers. From this list you will note that the Lumbees comprise the second largest service population of all 92 grantees but receive the lowest level of funding. On the average, ONAP is expending \$45 per person. Some tribes receive as high \$225 per person. We receive \$7 per person - a gross disparity in funding

"Land of the Lumbee"

particularly if you look at other grantees with a service population near that of the Lumbees.

I would like to note at this point that we have requested from ONAP a listing, such as the ones attached, of all ONAP grantees and their funding level. We were told there was not one - obviously to prevent us from knowing the distribution of funds to Indian organizations compared to that of our own funding level.

We currently use our ONAP funds to support LRDA Administration over programs, grantee planning, and in the area of community development. And, with the addition of our CETA program and other programs, our organization needs have grown tremendously. At the present time, we do not have enough support from ONAP to effectively administer our programs, conduct the level of planning that desperately needs to be done, as well as provide services to those of our people in dire need of help. We are seriously handicapped and need the additional help from ONAP.

We are well aware of the efforts being made by the National Congress of American Indians, United Southeastern Tribes, the Eastern Band of Cherokees, and others to prevent us from being funded under ONAP as well as other HEW programs such as Title IV, Indian Education Act, P.L. 92-318. They have also actively sought the prevention of the amendment to the Lumbee Bill. In each of these programs, ONAP and Title IV - Indian Education, opinions from the general counsel office has been made available clarifying our eligibility to receive support under these programs. See Attachment 4, 5, and 6. Yet, these organizations have continued to persist in their efforts to have us cut off from these programs as well as other programs. (I might also note that while the Lumbees have been the target of this harassment, the overall desire of these organizations is to prevent all "non-federally recognized Indians" from receiving federal support under these programs.)

United Southeastern Tribes has now pending before the General Accounting Office a bid protest which questions the legal funding of LRDA under ONAP with respect to P.L. 84-570, the Lumbee Act. In 1975, USET had submitted a bid to ONAP for a training and technical assistance contract. Although having received a high rating on this bid, USET was determined by ONAP to be unresponsive to compliance requirement because they had refused to serve the Lumbee Indians under this proposed contract. It is our understanding that GAO will be looking further at P.L. 84-570, the Maynor VS. Morton Court decision, and our legal history to determine whether or not the Lumbees are eligible for ONAP assistance.

All these developments have created an unfavorable constraint upon our negotiation with the federal government - particularly the Office of Native American Programs and the Office of Indian Education where our

funding has more clearly been affected by the anti-Lumbee position pursued by these organizations and other persons within DHEW.

We feel that DHEW has attempted to avoid widening the division that already divides this country's Indian population by geography and status. But at the same time, the funding decisions of DHEW, in regards to the Lumbee's are, we feel, grossly inequitable and possibly influenced by pressures from these organizations.

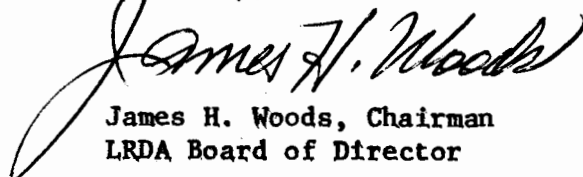
We call on your assistance. If at all possible, we would like for representatives from LRDA to meet with each of you in conference to more fully present our position and discuss steps that could be taken to rectify some of these problems we are encountering.

Mr. Micheal Smith, an intern with Indian Claims Commission, will be contacting each of you for scheduling this conference.

If you have any questions, please feel free to call Ruth B. Locklear at (919) 521-9761.

Thank you.

Sincerely,



James H. Woods, Chairman
LRDA Board of Director

cc: Attorney General of NC., Hon. Edminstein
Clyde Matthews, DHEW, Civil Rights
Dr. Marrs, Special Assistant to the President
on Indian Affairs

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Director

June 9, 1976

Dr. George Blue Spruce, Director
Office of Native American Programs
Office of Human Development
Department of Health, Education, and Welfare
200 Independence Ave. S.W.
Washington, D.C. 20201



Dear Sir:

I am writing you on behalf of the LRDA Board of Directors and the Lumbee Indians for increased federal support under Title VIII, The Native American Programs Act, P.L. 93-644. We have made similar efforts in the past through our executive director, Mr. Kenneth R. Maynor, without success and now find it necessary to formally petition ONAP for reconsideration and further examination of this matter.

We are currently funded by the Office of Native American Programs at the level of \$210,000 for a service population of 30,000. Actually, we are able to meet the needs of less than 1/3 of this population under our present funding level. I might note at this point that ONAP is currently expending \$45 per person in its grants to Indian organization. Yet, we the Lumbee people, with the second largest service population, receive the lowest level of funding, roughly \$7 per person. And, while we do not wish to take away from other Indian programs, it is our desire to be funded on an equitable basis and at the proper level to sustain our operations, planning, and the development of our communities. In this sense we feel that our goals are consistent with those expressed by ONAP.

Since being funded by the Office of Native American Programs, LRDA has experienced tremendous growth with the addition of new programs, services, and staff. In one program area (manpower) we have been able to serve our people in three additional counties. Yet, there is need in these Indian communities outside Robeson County for additional help in housing problems, community development and organization, education, social services, economic development, etc. Additionally, we have two adjoining counties from the state of South Carolina with an estimated 2,000 Indian population - Lumbee - who have petition our office for assistance.

Dr. George Blue Spruce,
Director

June 9, 1976

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We would like to see our current ONAP program expanded to accomplish several things:

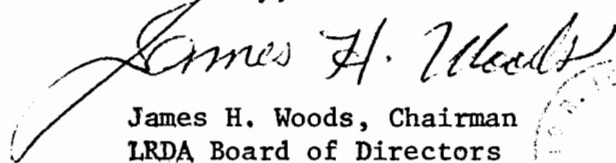
1. Community organization and development in the Indian Communities in Hoke, and Scotland counties in NC. and in Dillon and Marlboro counties in the State of SC.
2. Additional administrative support for effective grantee operations and control over our current programs.
3. Long-range planning in the areas of community health, community development, mobilization of community and other local resources, economic enterprises.
4. Program development for HUD programs, EDA, other HEW programs, and USDA programs.
5. The support of those students whose education now stands in jeopardy due to the denial of further assistance from the American Indian Scholarship in New Mexico.

Under our present funding level, as stated before, we are unable to meet the needs of 2/3 of our population in Robeson County. Since the majority of Lumbees live in Robeson, there is a definite need for expanded services and grantee planning that could mobilize other resources to serve this population. But to accomplish this requires additional resources and a greater level of grantee planning.

Before we begin our application to ONAP for FY'77 we would like an opportunity to discuss these matters with you. And, at that time, we can more fully present to you sufficient documentation of the conditions of our people, the need for additional assistance, and what we would like to see accomplished in the ONAP program for FY'77

Looking forward to hearing from you.

Sincerely,


James H. Woods, Chairman
LRDA Board of Directors



cc: Cong. Charlies Rose
Senator Morgan
Senator Jesse Helms

NATIVE AMERICAN PROGRAM

This list is ranked by service population

GUIDELINES: 7-1-75

TRIBAL:

Grant #	Grantee	State	1975	1976	Service Population	\$/per Person
1. 9005	ONEO (Navajo Tribe)	AZ	5,250,000	5,250,000	128,123	41
2. 40401	Lumbee	NC	210,000	210,000	30,000	7
3. 90-I-100	Five Civilized Tr. Foundation	OK	762,000	762,000	13,737	55
4. 80993	Oglala Sioux (Pine Ridge)	SD	561,000	561,000	11,500	49
5. 90053	California ITC	CA	557,000	557,000	11,000	51
6. 01251	STOWW (Small Tr. Western Wash.	WA	394,000	394,000	8,483	46
7. 90098	Gila River	AZ	423,000	423,000	8,311	51
8. 90018	San Carlos	AZ	183,000	183,000	8,047	28
9. 90078	Papago	AZ	357,000	357,000	7,668	47
10. 00912	Yakima	WA	269,000	269,000	7,480	36
11. 80995	Rosebud Sioux	SD	377,000	377,000	7,403	51
12. 80926	Turtle Mountain Chippewa	ND	376,000	376,000	7,380	51
13. 90066	Hopi	AZ	271,000	271,000	6,418	42
14. 80790	Blackfeet	MT	301,000	301,000	6,159	49
15. 90066	White Mountain Apache	AZ	292,051	292,051	6,144	48
16. 90-I-97	Oklahoma ITC	OK	190,000	190,000	5,525	34
17. 51204	Great Lakes ITC	WI	370,000	370,000	5,123	72
18. 90656	Nevada ITC	NV	296,000	296,000	4,977	59
19. 60385	Zuni	NM	170,000	170,000	4,952	34
20. 80936	Standing Rock Sioux	ND	249,000	249,000	4,892	51
21. 40359	Cherokee	NC	236,000	236,000	4,820	49
22. 22192	Seneca	NY	100,000	100,000	4,700	21
23. 60413	Six Sandoval	NM	210,000	210,000	4,364	48
24. 81052	Shoeshone & Araphao Tribes	WY	189,000	189,000	4,277	44
25. 80966	Cheyenne River Sioux	SD	264,385	264,385	4,232	62
26. 80776	Crow Tribe	MT	201,000	201,000	4,104	49
27. 80811	Fort Peek	MT	182,998	182,998	3,998	46
28. 40524	Choctaw	MS	163,000	163,000	3,309	49
29. 60492	Eight Northern Pueblos	NM	159,000	159,000	3,121	51
30. 90-I-99	No. Central Tr. of Okla.	OK	253,000	253,000	2,954	96
31. 80616	Flathead	MT	123,000	123,000	2,833	43
32. 50673	Leech Lake	MN	200,484	200,484	2,795	72
33. 50664	Red Lake	MN	147,000	147,000	2,761	53
34. 00010	Colville	WA	98,000	98,000	2,732	36
35. 80914	Three Affiliated Tribes	ND	135,000	135,000	2,720	50
36. 50664	White Earth	MN	147,000	147,000	2,659	55
37. 51157	Menominee	WI	120,000	120,000	2,607	46
38. 80815	Northern Cheyenne	MT	120,000	120,000	2,486	48
39. 60457	Laguna Pueblo	NM	89,000	89,000	2,464	36
40. 90049	Salt River	ME	30,000	30,000	2,410	58
41. 90-I-92	Sisseton - Wahpeton Sioux	SD	80,000	80,000	2,120	38
42. 90-I-415	Oneida	WI	91,350	91,350	2,030	45
43. 51508	Michigan ITC	MI	106,000	106,000	1,996	53
44. 80883	Devils Lake	ND	106,000	106,000	1,988	53
45. 90-I-98	Five Central Tr. Shawnee A.	OK	284,000	284,000	1,950	146
46. 60462	Acoma Pueblo	NM	104,000	104,000	1,944	53
47. 90108	Colorado River	AZ	66,000	66,000	1,860	35
48. 60414	Santo Domingo	NM	91,000	91,000	1,851	49
49. 60401	Jicarilla Apache	NM	65,000	65,000	1,797	36
50. 60454	Isleta Pueblo	NM	97,000	97,000	1,783	54
51. 80777	Fort Belnap	MT	97,000	97,000	1,778	55
52. 60390	Mescalero Apache	NM	110,000	110,000	1,695	65



GUIDELINES: 7-1-75

Grant #	Grantee	State	1975	1976	Service Population	\$/per person
3. 90112	Quechan	AZ	115,000	115,000	1,681	68
4. 90-I-704	Kiowa	OK	30,000	30,000	1,601	19
5. 00002	Lummi	WA	73,000	73,000	1,384	53
6. 80096	Ute Mountain Tribe	CO	50,000	50,000	1,354	37
7. 00140	Nez Perce	ID	103,000	103,000	1,303	79
8. 81033	Ute Tribe (Uintah & Ouray)	UT	61,000	61,000	1,301	47
9. 91265	Pascua Yaqui	AZ	100,000	100,000	1,224	82
0. 80955	Crow Creek Sioux	SD	69,000	69,000	1,183	58
1. 80792	Rocky Boy (Chippewa Cree)	MT	66,000	66,000	1,179	56
2. 70009	Omaha Tribe	NE	55,000	55,000	1,101	50
3. 40149	Seminole	FL	56,000	56,000	1,069	52
4. 90059	Hualapai	AZ	59,000	59,000	1,035	57
5. 00804	Quinault	WA	56,000	56,000	1,002	56
6. 90-I-90	Aroostock	ME	30,000	30,000	1,000	30
7. 21116	St. Regis Mohawk	NY	30,000	30,000	1,000	15
8. 90-I-96	Cheyenne Arapaho Tribes	OK	165,000	165,000	974	169
9. 00927	Metlakatla	AK	40,000	40,000	953	42
0. 50721	Mille Lac	MN	52,000	52,000	795	65
1. 90-I-103	United Tr. of Kans. & SE Nebra	KA	55,000	55,000	763	72
2. 59671	Fond Du Lac	MN	59,000	59,000	744	79
3. 80064	Southern Ute	CO	106,000	106,000	690	154
4. 50761	Nett Lake	MN	45,000	45,000	675	67
5. 00864	Tulalip	WA	45,000	45,000	659	68
6. 90-I-101	W.C.D. Enterprises	OK	142,000	142,000	632	225
7. 80038	Lower Brule Sioux	SD	45,000	45,000	616	70
8. 00776	Makah	WA	45,000	45,000	566	80
9. 10005	Pasamaquoddy	ME	100,000	100,000	550	182
0. 90-I-95	Penobscot	ME	30,000	30,000	515	58
1. 00111	Couer d' Alene	ID	30,000	30,000	483	62
2. 40158	Miccosukee	FL	30,000	30,000	430	70
3. 90015	Havasupai	AZ	45,000	45,000	374	120
4. 90-I-435	Apache Tr. of Okla.	OK	40,000	40,000	371	108
5. 00857	Swinomish	WA	45,000	45,000	370	122
6. 90-I-436	Pawnee Tribe of Okla.	OK	50,000	50,000	318	157
7. 00778	Quileute	WA	45,000	45,000	301	150
8. 90-I-700	Coushatta	LA	30,000	30,000	284	106
9. 90-I-701	Chitimacha	LA	30,000	30,000	275	109
0. 90-I-102	Kickapoo Tribes of Kanas	KA	59,000	59,000	270	219
1. 70336	Santee Sioux	NE	45,000	45,000	244	184
2. 50679	Grand Portage	MN	45,000	45,000	212	212
Total			\$18,809,998	\$18,809,998	414,936	

GUIDELINES: 7-1-75

NATIVE AMERICAN PROGRAM

Attachment #3
 12
 List ranked by \$/pop person

TRIBAL: Grant #	Grantee	State	1975	1976	Service Population	\$/p Per
90-I-101	W.C.D. Enterprises	OK	142,000	142,000	632	225
90-I-102	Kickapoo Tribes of Kansas	KA	59,000	59,000	270	219
50679	Grand Portage	MN	45,000	45,000	212	211
70336	Santee Sioux	NE	45,000	45,000	244	18
10005	Pasamaquoddy	ME	100,000	100,000	550	180
90-I-96	Cheyenne Arapaho Tribes	OK	165,000	165,000	974	169
90-I-436	Pawnee Tribe of Okla.	OK	50,000	50,000	318	157
80064	Southern Ute	CO	106,000	106,000	690	154
00778	Quileute	WA	45,000	45,000	301	150
90-I-98	Five Central Tr. Shawnee A.	OK	284,000	284,000	1,950	146
00857	Swinomish	WA	45,000	45,000	370	122
90015	Havasupai	AZ	45,000	45,000	374	120
90-I-701	Chitimacha	LA	30,000	30,000	275	109
90-I-435	Apache Tr. of Okla.	OK	40,000	40,000	371	108
90-I-700	Coushatta	LA	30,000	30,000	284	106
90-I-99	No. Central Tr. of Okla.	OK	253,000	253,000	2,954	96
91265	Pascua Yaqui	AZ	100,000	100,000	1,224	82
00776	Makah	WA	45,000	45,000	566	80
00140	Nez Perce	ID	103,000	103,000	1,303	79
59671	Fond Du Lac	MI	59,000	59,000	744	79
50673	Leech Lake	MI	200,484	200,484	2,795	72
51204	Great Lakes ITC	WI	370,000	370,000	5,123	72
90-I-103	United Tr. of Kans. & SE Nebr.	KA	55,000	55,000	763	72
80038	Lower Brule Sioux	SD	45,000	45,000	616	70
40158	Wiccosukee	IL	30,000	30,000	430	70
90112	Quechan	AZ	115,000	115,000	1,681	68
00864	Tulalip	WA	45,000	45,000	659	68
50761	Nett Lake	MI	45,000	45,000	675	67
50721	Mille Lac	MN	52,000	52,000	795	65
60390	Mescalero Apache	NM	110,000	110,000	1,695	65
80966	Cheyenne River Sioux	SD	264,385	264,385	4,232	62
00111	Couer d'Alene	ID	30,000	30,000	483	62
90656	Nevada ITC	NV	296,000	296,000	4,977	59
80955	Crow Creek Sioux	SD	69,000	69,000	1,183	58
90049	Salt River	AZ	140,080	140,080	2,410	58
90-I-95	Penobscot	ME	30,000	30,000	515	58
90059	Hualapai	AZ	59,000	59,000	1,035	57
00804	Quinault	WA	56,000	56,000	1,002	56
80792	Rocky Boy (Chippewa Cree)	MI	66,000	66,000	1,179	56
50664	White Earth	MN	147,000	147,000	2,659	55
90-I-100	Five Civilized Tr. Foundation	OK	762,000	762,000	13,737	55
80777	Fort Belknap	MT	97,000	97,000	1,778	55
60454	Isleta Pueblo	NM	97,000	97,000	1,783	54
51508	Michigan ITC	MI	106,000	106,000	1,996	53
50664	Red Lake	MN	147,000	147,000	2,761	53
60462	Acoma Pueblo	NM	104,000	104,000	1,944	53
80883	Devils Lake	ND	106,000	106,000	1,988	53
00002	Lummi	WA	73,000	73,000	1,384	53
40149	Seminole	FL	56,000	56,000	1,069	52
80936	Standing Rock Sioux	ND	249,000	249,000	4,892	51
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90098	Gila River	AZ	423,000	423,000	8,311	51
90053	California ITC	CA	557,000	557,000	11,000	51
60492	Eight Northern Pueblos	NM	159,000	159,000	3,121	51

GUIDELINES:

NATIVE AMERICAN PROGRAM

TRIBAL: Grant#	Grantee	State	1975	1976	Service Population	\$/pe Pers
57.80914	Three Affiliated Tribes	ND	135,000	135,000	2,720	50
58.40359	Cherokee	NC	236,000	236,000	4,820	49
59.40524	Choctaw	MS	163,000	163,000	3,309	49
60.60414	Santo Domingo	NM	91,000	91,000	1,851	49
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63.80993	Oglala Sioux (Pine Ridge)	SD	561,000	561,000	11,500	49
64.80815	Northern Cheyenne	MT	120,000	120,000	2,486	48
65.90066	White Mountain Apache	AZ	292,051	292,051	6,144	48
66.60413	Six Sandoval	NM	210,000	210,000	4,364	48
67.81033	Ute Tribe (Uintah & Ouray)	UT	61,000	61,000	1,301	47
68.90078	Papago	AZ	357,000	357,000	7,668	47
69.80811	Fort Peck	MT	182,998	182,998	3,993	46
70.01251	STOWW (Small Tr. Western Wash	WA	394,000	394,000	8,483	46
71.51157*	Menominee	WI	120,000	120,000	2,607	46
72.90-I-415	Oneida	WI	91,350	91,350	2,030	45
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76.00927	Metlakatla	AK	40,000	40,000	953	42
77.90005	ONEO (Navajo Tribe)	AZ	5,250,000	5,250,000	128,123	41
78.90-I-92	Sisseton -Wahpeton Sioux	SD	80,000	80,000	2,120	38
79.80096	Ute Mountain Tribe	CO	50,000	50,000	1,354	37
80.60401	Jicarilla Apache	NM	65,000	65,000	1,797	36
81.60457	Laguna Pueblo	NM	89,000	89,000	2,464	36
82.00010	Colville	WA	98,000	98,000	2,732	36
83.00912	Yakima	WA	269,000	269,000	7,480	36
84.90108	Colorado River	AZ	66,000	66,000	1,860	35
85.60385	Zuni	NM	170,000	170,000	4,952	34
86.90-I-97	Oklahoma ITC	OK	190,000	190,000	5,525	34
87.90-I-90	Arrostock	ME	30,000	30,000	1,000	30
88.90018	San Carlos	AZ	183,000	183,000	8,047	28
89.22192	Seneca	NY	100,000	100,000	4,700	21
90.90-I-704	Kiowa	OK	30,000	30,000	1,601	19
91.21116	St. Regis Mohawk	NY	30,000	30,000	1,000	15
92.40401	Lumbee	NC	210,000	210,000	30,000	7
Totals			---\$18,809,998	\$18,809,998	414,936	

#45



MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY

OFFICE OF THE GENERAL COUNSEL
Human Resources Division

April 3, 1975

TO : Julia V. Taft
Deputy Assistant Secretary
for Human Development

FROM : Galen D. Powers
Assistant General Counsel

SUBJECT: Eligibility of Lumbee Indians for Funding under the Headstart, Economic Opportunity, and Community Partnership Act of 1974

You have asked us (1) whether the Lumbee Indians are eligible for funding under the Native American Programs Act of 1974, Title VIII of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, P.L. 93-644, January 4, 1975 (hereafter referred to as "Title VIII") and (2) whether P.L. 84-570 affects their eligibility by imposing a barrier to funding.

In order to be eligible to apply for and receive assistance under Title VIII, Native Americans (American Indians, Hawaiian Natives, and Alaskan Natives) must satisfy the requirements of section 803(a). That section provides in relevant part:

The Secretary is authorized to provide financial assistance to public and non-profit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native Villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Hawaiian Natives, and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purposes of this title ...

The Lumbees are not a Federally-recognized tribe nor do they reside on a State reservation. They have, however, been recognized by the State of North Carolina as Indians and would qualify for assistance under this provision as an Indian organization in a rural nonreservation area.

The issue then is whether P.L. 84-570 affects the eligibility of the Lumbee Indians for funding under Title VIII. It is our opinion that it does not and, therefore, that it imposes no legal bar to funding by the Office of Native American Programs (ONAP).

P.L. 84-570 (June 7, 1956) designates the Lumbees as Indians but provides that:

Nothing in this Act shall make such Indians (Lumbees) eligible for any service performed by the United States for Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

An indication of the Congressional intent behind the "services" portion of this provision is revealed in Senate Report No. 2012, 1956 U.S. Code Congressional and Administrative News, which states that the "... Lumbee Indians will not be eligible for any services provided through the Bureau of Indian Affairs to other Indians." Thus, it appears that this disclaimer pertains to BIA services only (BIA provides services only to Federally-recognized Indians; the Lumbees are not Federally recognized) and is not relevant to a determination of the legality of funding by DHEW.

It is the second portion of the above cited provision, the "statutes" clause, which is relevant. This restriction means that any U.S. statutes which pertain to or have an influence upon Indians because of their designation, classification, or status as Indians do not apply to the Lumbee Indians.

We have already determined by memorandum of October 18, 1974 to Dr. George Blue Spruce, Director of ONAP, that P.L. 84-570 does not preclude funding the Lumbee Indians under the Economic Opportunity Act of 1964, as amended, because assistance under that Act is predicated on economic condition rather than Indian status. It is our opinion that this same rationale applies to the issue of funding under Title VIII. 1/

Title VIII is part of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, which is an amendment of the Economic Opportunity Act of 1964. Section 2 of the Headstart, Economic Opportunity, and Community Partnership Act of 1974 states that "it is the purpose of this Act to extend programs under the Economic Opportunity Act of 1964..." There is nothing in Title VIII or the entire Act indicating that Congress intended to alter the nature of the program administered by ONAP. The

1/ See memorandum of April 10, 1974 from Harry J. Chernock, Assistant General Counsel, Education Division to Fred Hundemer, Jr., Contracts and Grants Division, Office of Education on the eligibility of Lumbee Indians under the Indian Education Act (P.L. 92-318, Title IV) and other OE programs wherein a similar legal argument is made to support funding (assistance based on educational deprivation or linguistic deficiency, not Indian status);

legislative history of this Act, in fact, supports the opposite view. House Report No. 93-1043 (May 15, 1974) states:

The Act authorizes the Secretary of Health, Education, and Welfare to continue operation of the Native American Program in the same manner as that program is now being carried out under Title II of the Economic Opportunity Act under a delegation from the Director of the Office of Economic Opportunity ...

Senate Report No. 93-1292 (November 20, 1974) states:

A major element for the variety of Native American projects is overcoming the problems of poverty ... The amount of the basic grants to reservations is based on the number of poor residents ... The Committee bill continues the present focus of the Native American Program ...

P.L. 84-570 excludes the Lumbee Indians from eligibility for assistance under statutes which affect Indians because of their status as Indians. Title VIII does not provide assistance to Indians because of their status as Indians, but instead provides assistance to Native Americans because of their economic and social condition. The purpose of this title (section 802) is to promote the goal of economic and social self-sufficiency for Native Americans, which includes, but is not limited to, American Indians. Hawaiian Natives and Alaskan Natives are also eligible beneficiaries. Any assistance received by the Lumbee Indians pursuant to Title VIII would be based on their status as a poverty group (Title VIII and the other titles within the Act continue the anti-poverty focus of the Economic Opportunity Act of 1964, as amended), not because of their designation, classification, or status as Indians. Therefore, the prohibitions contained in P.L. 84-570 would not affect the eligibility of the Lumbee Indians under Title VIII and present no legal bar to funding by ONAP.

Attachment # 5



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, D.C. 20410

OFFICE OF THE ASSISTANT SECRETARY
FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS

IN REPLY REFER TO:

20 APR 1976

Mr. A. Bruce Jones
Executive Director
Commission of Indian Affairs
229-239 Heart of Raleigh Motel
Person & Edenton Street
Raleigh, North Carolina 27603

Dear Mr. Jones:

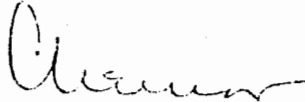
This is in response to your letter on behalf of the Lumbee Regional Development Association, requesting comments on papers assessing the situation which exists between the Lumbees and the resolutions of the National Congress of American Indians.

As you know, HUD's mandate is to promote the general welfare of the nation by assisting in the provision of a suitable living environment for all citizens, regardless of race, religion, national origin or sex. In assisting the Native American population, HUD has recognized the uniqueness of their status, and has set forth criteria of eligibility for the creation of Indian Housing Authorities. As a Federal Agency, HUD has set these criteria to cover both those tribes which have sufficient powers of self government to create their own authorities, and those which must be created pursuant to state-enabling legislation. Although the Pembroke Housing Authority was not created through either of these avenues, its units are allocated from the Indian housing set-aside, since the town is recognized as the center of the Lumbee community in Robeson County.



In short, HUD is striving to make eligibility requirements for its program - in terms of Indian tribes - as broad as possible. It recognizes that some tribal relationships with the United States precede the passage of the Indian Reorganization Act, and therefore does not intend to narrow its Indian eligibility factors to just the "Federally-recognized" tribes.

Sincerely,



Constance B. Newman
Assistant Secretary for
Consumer Affairs and
Regulatory Functions

Attachment # 6

U.S. DEPARTMENT OF LABOR
MANPOWER ADMINISTRATION*
WASHINGTON, D.C. 20210 -



APR 8 1975

RECEIVED

Mr. A. Bruce Jones
Executive Director
State of North Carolina
Commission of Indian Affairs
229-239 Heart of Raleigh Motel
Person & Edenton Street
Raleigh, North Carolina 27603

Dear Mr. Jones:

We have reviewed your recent communication concerning the Resolutions 75-46 and 75-54 passed by the National Congress of American Indians.

The Department of Labor provides services to Indians pursuant to the Comprehensive Employment and Training Act (CETA). This act clearly provides that all unemployed and underemployed Indians and other Native Americans, regardless of where they reside, are eligible to participate in CETA funded programs. We feel that the legislation has established our position for us and that we are bound, and we intend to administer the act in accordance with the intent of Congress.

With respect to the Lumbee Indians, we would agree that, while the Lumbees are not eligible for Bureau of Indian Affairs services, it is difficult to deny that they have been federally recognized when it was an act of Congress that, in fact, recognized them as the Lumbee Indians.

We appreciate the opportunity to comment on your paper.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pierce A. Quinlan".

PIERCE A. QUINLAN
Administrator
Office of Comprehensive
Employment Development

Attachment 1
C. Fuentes
copy



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

OFFICE OF THE
GENERAL COUNSEL

File
5/8/74

MEMORANDUM

TO : Mr. Fred Hundemer, Jr.
Chief, Policy, Procedures and Planning
Branch Contracts and Grants Division

FROM : Education Division
OFFICE OF GENERAL COUNSEL

SUBJECT: Eligibility of Lumbee Indians of North Carolina
to receive grants under the Indian Education Act
of 1972 (P.L. 92-318, Title IV), and other
programs.

This is in response to your memorandum of March 7,
requesting our opinion regarding the above-noted subject.
As we understand it, the question as to the eligibility of
the Lumbee Indians of North Carolina to continue to receive
funds under the Indian Education Act of 1972 (hereinafter
IEA) (P.L. 92-318, Title IV), arose when your office
received a copy of P.L. 84-570, which states in pertinent
part:

Nothing in this Act shall make such Indians [Lumbees]
eligible for any services performed by the
United States for Indians because of their
status as Indians, and none of the statutes
of the United States which affect Indians
because of their status as Indians shall be
applicable to the Lumbee Indians.

Thus, the controlling issue is whether this provision of
P.L. 84-570 affects the status of the Lumbee Indians to
receive assistance under the IEA from the Office of Education.



It is our opinion that the provision quoted above does not affect the eligibility of the Lumbees for such assistance.

I.

In order to be eligible to apply for and receive assistance under Parts B and C of the IEA (which are primarily at issue here) as an Indian tribe or organization, the members of such tribe or organization must, of course, satisfy the definition of Indian that appears in section 453 of the IEA. The pertinent part of this section reads as follows:

For the purpose of [the IEA], the term "Indian means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member . . .

P.L. 84-570 on its face recognizes the status of the Lumbees as a tribe, band or group of Indians; in fact, the Public Law is entitled "An Act Relating to the Lumbee Indians of North Carolina." In addition, since 1885 the State of North Carolina has recognized the group as Indians, although the name of the group has been changed several times under state law. ^{1/} More recently, the North Carolina State legislature granted recognition to the Lumbees and accorded them ". . . all rights, privileges and immunities enjoyed by citizens of the State . . ." ^{2/} Moreover, the Lumbees have mandatory statutory membership on the State Commission of Indian Affairs. ^{3/} Thus, it is clear that for the purposes of the IEA the Lumbees are Indians, and are eligible for assistance under the Act, provided that the applications submitted thereunder by Lumbee organizations have been approved by the U.S. Commissioner of Education. Indeed, in approving applications under Parts B and Section 314(a) of Part C of the IEA, the Commissioner must give priority to applications from Lumbee educational agencies, organizations, and institutions, as he must to applications under those Sections from all Indian educational agencies, organizations, and institutions. ^{4/}

Additional support for the conclusion that the Lumbees are eligible grantees, can be found in the legislative history of the IEA. In explaining the definition of "Indian" recommended for adoption (and adopted), the report submitted jointly by the Senate Committees on Labor and Public Welfare and on Interior and Insular Affairs states:

The broad definition is used in order to insure that State-recognized tribes and off-reservation Indians are included in the definition . . . (Emphasis added). 5/

II.

Since your memorandum goes beyond the IEA in questioning the eligibility of the Lumbee Indians to receive assistance from the Office of Education, a brief analysis of P.L. 84-570, and its effect on OE legislation, seems appropriate.

The purpose of this Act is to recognize and designate as the Lumbee Indians of North Carolina the Indians living in Robeson and adjoining counties of that State. The Act specifically denies the Lumbee Indians eligibility for receiving services provided to recognized tribes by the Bureau of Indian Affairs of the Department of the Interior. Thus, the report on the bill from the Senate Committee on Interior and Insular Affairs states:

The committee has amended the bill to clearly indicate that the Lumbee Indians will not be eligible for any services provided through the Bureau of Indian Affairs to other Indians 6/

At the time this law was enacted (1956) there were no other U.S. agencies providing direct services to Indians, its scope was clearly limited to the BIA and the services provided by that agency. This limitation on eligibility apparently was provided because at that time the policy of the Federal government was to terminate the special status of Indian

tribes vis-a-vis the government and to eliminate direct provision of services to Indians by the government, and there were some questions as to whether recognition of the Lumbees might actually create a special status where such had not previously existed. In the report on the bill submitted on August 3, 1955 to the House Committee on Interior and Insular Affairs by the Department of the Interior the following statements appear:

We are therefore unable to recommend that the Congress take any action which might ultimately result in the imposition of additional obligations on the Federal Government or in placing additional persons of Indian blood under the jurisdiction of this department

Except for the possibility of becoming entitled to Federal Services as Indians, the position of this group of Indians would not be enhanced by enactment of this bill. 7/

Congress obviously shared these misgivings, and the law was enacted with the limitation quoted on page 1 above.

In effect, the 1956 Act conferred on the Lumbees recognition equivalent of termination of any special status that might be claimed by the Lumbees as a result of this recognition. It thus would be inconsistent to preclude the Lumbees from eligibility under the IEA because of P.L. 84-570, when tribes formally terminated at the same time that law was enacted are now specifically included within the definition of "Indian" in section 453 of the IEA.

III.

The conclusion that the Lumbees are eligible to receive assistance under Office of Education programs is also based on language in P.L. 84-570, which states:

Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians. (Emphasis added.)

As discussed in Part II above, the section which speaks in terms of services performed by the United States for Indians was apparently intended to apply to the BIA, which provides many services directly to Indians living on or near reservations. The IEA on the other hand, provides under Part A of the Act financial assistance to local and non-local educational agencies which serve Indian children (See definitions at 45 CFR 186.2), and under Parts B and C of the Act provides assistance to a variety of other applicant groups including Indian tribes, organizations and institutions (Part B, sections 810(b), (c), and (e); Part C, Sections 314(a) and (b)), but does not provide direct services to any grantee.

The second part of the provision in P.L. 84-570 speaks of statutes which affect Indians because of their status as Indians. Unlike the IEA, OE typically provides assistance for Indian students under programs which do not provide direct services or funds to Indians because of their status as Indians, but instead provide assistance to State and local educational agencies to help them meet the educational needs of Indian students because these students are, for example, disadvantaged, handicapped, or of limited English-speaking ability, and not because of their status as Indians.^{8/}

It is true that, in regard to statutes such as ESEA, §103 (a) (1) (A) and §103 (a) (1) (B), the U.S. Commissioner of Education is directed to allot . . . the amount necessary . . . to meet the special educational needs of educationally deprived children on reservations serviced by elementary



Mr. Fred Hunseler, Jr. - Page 6

and secondary schools operated for Indian children by the Department of the Interior [BIA schools]." To be sure, this section of ESEA, Title I does affect the Indian school children on the basis of their status as Indians, but only to the extent that the Indian children attend schools which are operated by BIA as in part (A) or those schools which are under contract with BIA as in part (B) of section 103. Due to the exclusion of the Lumbees from the benefits of BIA programs by P.L. 84-570, no Lumbee children are enrolled in BIA schools and as such, no problems concerning the Commissioner's set-aside for the BIA schools arise. To the extent that Lumbee children do receive benefits under ESEA Title I or Title VII, it is by virtue of their educational deprivation or their linguistic deficiency, and not because of any special status conferred upon them as Indians.

IV.

On the basis of the foregoing, then, it is clear that P.L. 84-570 has no bearing on the administration of OE programs providing funds for meeting educational needs of Indian students, and grants made by OE to Lumbee organizations, or to local or nonlocal educational agencies which enroll Lumbee students, are legal.

In answer to your specific questions:

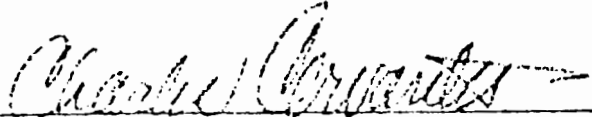
- 1) Grants made by OE under the IEA for fiscal year 1973, which benefit Lumbee Indian students, are legal;
- 2) No such FY 1973 grants should or can be terminated;
- 3 and 4) P.L. 84-570 does not appear to affect other OE programs which benefit Lumbee students because they fall within the category of beneficiaries to which the program is directed, e.g., educationally deprived.

Mr. Fred Hundemer, Jr. - Page 7

In addition, it would be inappropriate for you to continue to 1) withhold further payments on current IEA grants which support the Lumbees, or 2) delay processing IEA requests from Lumbee applicants for assistance for fiscal year 1974.

Harry J. Chernock
Assistant General Counsel
for Education

By


Charles Cervantes
Attorney

cc: Mr. McGettrick
Mr. Haefer
Mr. Demmert
Mr. Swett

FOOTNOTES

1/ See the Report on H.R. 4656 (which became P.L. 84-570) submitted by the Department of the Interior to the Chairman of the Committee on Interior and Insular Affairs, in which the history of the State or groups is outlined briefly.

2/ Lumbee Indians of North Carolina, §71-4, General Statutes of North Carolina, (1971) §71-6. Lumbee Indians of North Carolina: rights, privileges, immunities, obligations and duties.-The Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American Colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after April 20, 1953, be known and designated as Lumbee Indians of North Carolina and shall continue to enjoy all rights, privileges and immunities enjoyed by them as citizens of the State as now provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law. (1953, c. 674.)

3/ State Commission of Indian Affairs: membership, §71-16, General Statutes of North Carolina (1971) §71-16. Membership; term of office; chairman; compensation.-(a) The State Commission of Indian Affairs shall consist of the Speaker of the House Representatives, the Lieutenant Governor, the Director of the Department of Social Services, Director of the State Employment Security Commission, Director of the State Board of Health, the Director of The State Conservation and Development Department, and the Commissioner of Labor. There shall be 12 Indian members to be selected by tribal or community consent; three each from the four following major groups of North Carolina Indians: the Lumbee, the Haliwa, the Waccamaw Sapon, the Coharie tribes. In addition, at the discretion of the Commission and at such time as any other presently unrecognized group or groups of Indians residing in North Carolina are recognized by the Commission, the Commission may seat up to three representatives from such a newly recognized group who demonstrate their authority to speak in the interest of the group they represent.

FOOTNOTES - Page 2

4/ IEA, Part B, §310(c); Part C, §314(c).

5/ S. Rept. 92-384, 92 Cong., 1st Sess., 5 (1971).

6/ S. Rept. No. 2012, 84th Cong., 2d Sess., 2 (1956).

7/ S. Rept. No. 2012.

8/ See ESEA Title I, §103(a)(1)(A) and (B), (20 U.S.C. §241c(a)(1)(A) and (B); Education of the Handicapped Act §612(a)(1)(B) (20 U.S.C. 1412(a)(1)(B) Bilingual Education Act §706 (20 U.S.C. 880-3a).

9/ ESEA Title I, §103(a)(1)(A), (20 U.S.C. §241c(a)(1)(A).



MEMORANDUM

TO: Mr. Theodore Sly
Office of General Counsel

FROM: Chief, Policy, Procedures & Planning Branch
Contracts & Grant Division

SUBJECT: Request of General Counsel Opinion on Indian Education Grants

DAU 3/13/73 1314

*terminate
into
eligibility*

1. This office has received a copy of Public Law 570-84th Congress, which relates to the Lumbee Indians of North Carolina stating that, "Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians." (Copy of Public Law attached, Copy of H.R. 12216 attached).
2. Does the above language; 1) make those grants now in place illegal, (i.e., FY 1973 awards); 2) must the grants be terminated immediately in total requesting the return of all funds, which in most cases will result in an over-payment to the recipient; 3) does the language in the act affect other grants in whole or in part where support is being provided to the Lumbee Indians, though they may not be located in North Carolina; & 4) it is assumed by this office that the language affects other programs of OE where support may be provided to the Lumbees.
3. An immediate response to the above problems will be appreciated since this office is taking the following actions:
 - a. Authorizing the Finance Division to withhold further payments on current grants which are supporting the Lumbee Indians.
 - b. Delay processing awards for the current year for which an applicant request support for the Lumbee Indians.

F.H. Hundemer, Jr.

copy of this - 7



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Tribal Government Services
BCCO 4855

JUN 11 1976

Mr. Gerald Flute
Chairman
Board of Directors
United Tribes Educational Technical
Center
Bismarck, North Dakota 58501

Dear Mr. Flute:

Dr. Theodore Marrs of the White House staff has asked us to respond to your recent telegram regarding recognition of the Lumbee Tribe.

We are unaware of any consideration being given to an Executive Order that would extend Federal recognition to the Lumbee people as a tribe. We might point out that the language in and the legislative history surrounding the so called Lumbee Act of June 7, 1956 (70 Stat. 254), wherein the Indian people of Robeson and adjoining counties in North Carolina were designated as Lumbee Indians, makes it clear that these people, while Indians, were not to be considered as constituting a tribe and further were eligible to none of the services from the Federal Government for which Indian status might otherwise make them eligible. It would appear, therefore, that their status could only be changed by the Congress.

Your inquiry is appreciated, and your views have been made a part of the record.

Sincerely yours,

(SGD) THEODORE KRENZKE
Director, Office of Indian Services

Enclosures

cc: Dr. Theodore C. Marrs
Scott Keep, Rm. 6447
FSA - Atlanta
Code 1000



Public Law 570 - 84th Congress
Chapter 375 - 2d Session
H. R. 4656

AN ACT

Relating to the Lumbee Indians of North Carolina.

Whereas many Indians now living in Robeson and adjoining counties are descendants of that once large and prosperous tribe which occupied the lands along the Lumbee River at the time of the earliest white settlements in that section; and

70 Stat. 254.

70 Stat. 255.

Whereas at the time of their first contacts with the colonists, these Indians were a well-established and distinctive people living in European-type houses in settled towns and communities, owning slaves and livestock, tilling the soil, and practicing many of the arts and crafts of European civilization; and

Whereas by reason of tribal legend, coupled with a distinctive appearance and manner of speech and the frequent recurrence among them of family names such as Oxendine, Locklear, Chavis, Drinkwater, Bullard, Lowery, Sampson, and others, also found on the roster of the earliest English settlements, these Indians may, with considerable show of reason, trace their origin to an admixture of colonial blood with certain coastal tribes of Indians; and

Whereas these people are naturally and understandably proud of their heritage, and desirous of establishing their social status and preserving their racial history: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indians

Lumbee Indians
of North Carolina.

now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall from and after the ratification of this Act be known and designated as Lumbee Indians of North Carolina and shall continue to enjoy all rights, privileges, and immunities enjoyed by them as citizens of the State of North Carolina and of the United States as they enjoyed before the enactment of this Act, and shall continue to be subject to all the obligations and duties of such citizens under the laws of the State of North Carolina and the United States.

Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

SEC. 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved June 7, 1956.

S. 2763
Oct 29, 1971
repeals the
last sentence.
(if granted)



0
THE WHITE HOUSE OFFICE

REFERRAL

To: Department of the Interior

Date: May 25, 1976

76
ACTION REQUESTED

- Draft reply for:
- President's signature.
- Undersigned's signature.

- Memorandum for use as enclosure to reply.
- Direct reply.
- Furnish information copy.

- Suitable acknowledgment or other appropriate handling.
- Furnish copy of reply, if any.

- For your information.

- For comment.

4656

NOTE

Prompt action is essential.

If more than 72 hours' delay is encountered, please telephone the undersigned immediately, Code 1450.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

REMARKS:

For appropriate response. Copy, please, for our files.

Description:

Letter: Telegram: Other:

To: President Gerald Ford
From: Gerald Flute
Date: 5-14-76
Subject: Federal Recognition of Lumbee Tribe.

By direction of the President:



Theodore C. Marrs
Special Assistant to the President

(Copy to remain with correspondence)

The White House
Washington

1976 MAR 15 AM 10 21

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WH8811(1454)(2-837389E135)PO 05/14/76 1454

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7012553285 TDBN BISMARCK ND 92 05-14 0254P EST

PMS PRESIDENT GERALD R FORD

WHITE HOUSE DC

IT HAS BEEN BROUGHT TO OUR ATTENTION THAT YOU ARE CONSIDERING
ISSUING AN EXECUTIVE ORDER EXTENDING FEDERAL RECOGNITION OF THE
LUMBEE TRIBE.

THIS COURSE OF ACTION WOULD DRASTICALLY EFFECT THE EXISTING FEDERAL
INDIAN PROGRAMS AND WOULD BE IN DIRECT CONFLICT WITH THE POSITIONS
PREVIOUSLY TAKEN BY THE NATIONAL CONGRESS OF AMERICAN INDIANS THE
NATIONAL TRIBAL CHAIRMANS ASSOCIATION AND CONGRESS

ANY EXECUTIVE ACTION SHOULD AT LEAST AWAIT THE FINAL RECOMMENDATIONS
OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION WHICH IS PRESENTLY

4203

4656

COMPLETING HEARINGS THROUGHOUT THE UNITED STATES
GERALD FLUTE CHAIRMAN BOARD OF DIRECTORS UNITED TRIBES EDUCATIONAL
TECHNICAL CENTER BISMARCK NC

NNNN



NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20506
202 - 343 9484

June 30, 1976

United States General Accounting Office
Bid Protest Control Unit
Office of General Counsel
Washington, D.C. 20548

Attention: Bruce Krasker, Esq.

Re: Procurement Document: OHD-105-76-6100
B-185659

Gentlemen:

The National Tribal Chairmen's Association (NTCA) appreciates your courtesy in extending to us the opportunity to comment as interested parties in the referenced protest. NTCA is an organization composed of the elected or acknowledged leaders of the tribal governing bodies of one hundred and eighty-eight federally recognized Indian tribes of the United States. NTCA, in accordance with the Preamble of our Constitution, serves as the official voice of these leaders in promoting social, educational, and governmental progress among their Indian people.

On May 13, 1976, the Board of Directors of NTCA passed Resolution No. NTCA 5/76-4 a copy of which is enclosed. In essence this resolution authorized our organization to support the United Southeastern Tribes, Inc. (USET) in seeking redress concerning the basic issue of their not being awarded a contract under the instant solicitation because of their refusal to service the Lumbee people of North Carolina.

One of NTCA'S primary objectives has been and remains the encouragement of proper and adequate funding of services to Indian tribes. Inadequate funds are appropriated each year to meet the needs of Indian tribes. We strongly object to the diversion by the Department of Health, Education, and Welfare (HEW) of a portion of these funds to the Lumbee people of North Carolina in violation of P.L. 84-570.

Had NTCA submitted a proposal in response to the solicitation we would have had to take the same position as did USET and for the same reasons.

The contracting officer has only those powers which are properly delegated to him by the Secretary. Likewise, in the selection of ultimate beneficiaries of Section 803(a) projects under Title VIII of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, P.L. 93-644, the Secretary of HEW has only those powers which Congress has either expressly conferred upon him or which can

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FILES

be reasonably implied from those powers expressly conferred. The Secretary was authorized to expend appropriated funds for projects pertaining to the purpose of Title VIII. Section 802 of Title VIII reads as follows:

The purpose of this title is to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives and Alaskan Natives. (emphasis supplied).

The purpose of this title is not to aid Japanese Americans nor inner-city Blacks nor Chicanos nor Appalachians. Moreover, the purpose of this title is not to aid "Native Americans". The only reference to Native Americans appears in the "Short Title" and in the title prefacing Section 803 of Title VIII. Nowhere in the substantive portions of Title VIII does the broad terminology Native American appear. The term Native American which seems so crucial to HEW's position ^{1/} is a broad generic term which could include almost anyone. Congress expressly limited potential ultimate beneficiaries to the three categories enumerated in Section 802 above. Title VIII is a "poverty" program intended to assist those who are economically disadvantaged and who come within the three categories. Economically disadvantaged communities outside the three classifications are not entitled to assistance under Title VIII.

The legal issue to be properly addressed is simple. It is whether the Lumbees fall within the class "American Indian" which the legislation was enacted to benefit, it being obvious that they are neither Alaskans nor Hawaiians, and if they may be so classified, the effect of P.L. 84-570 on that classification. The issue has been clouded by a misinterpretation by HEW of Title VIII. This misinterpretation will be discussed herein.

If the Lumbees are not American Indians, then neither the contracting officer nor the Secretary himself is authorized to expend funds which Congress has expressly appropriated in implementing Title VIII.

The traditional indicia which have identified American Indians are as follows: Indian customs, religion, rituals, language, land base, government, or treaties, tribal rolls or standards for membership. The Lumbees, on the other hand, according to P.L. 84-570, purport to be descendants of a once large and prosperous tribe which at the time of their first contact with the colonists were already ensconced in European style houses, settled towns and communities, owning slaves, practicing many of the arts and crafts of European civilization and having typical Anglo-Saxon names.

^{1/} The HEW position referred to is that set out in a memorandum supplied to us by the General Accounting Office, dated April 3, 1975, from Galen D. Powers, Assistant General Counsel, HEW to Julia V. Taft, Deputy Assistant Secretary for Human Development Subject, "Eligibility of Lumbee Indians for Funding under the Headstart, Economic Opportunity, and Community Partnership Act of 1974".



Based on the factors enumerated above, the only reason for drawing the conclusion that the Lumbees constitute anything other than the mixed-blood descendants of early American colonists is the aforementioned act of Congress, P.L. 84-570, which designated the Lumbees as "Lumbee Indians of North Carolina".

Notwithstanding the fact that P.L. 84-570 allows the Lumbees to "be known and designated as Lumbee Indians of North Carolina" the statute in question further provides that

[n]othing in this Act shall make such Indians eligible for any service performed by the United States for Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

Thus, Congress allowed the Lumbees to call themselves Indians, but, at the same time, denied them any of the federal rights or privileges which were and generally continue to be associated with the title "Indian".

In terms of the simple legal issue introduced above it is obvious that the act of Congress which caused the Lumbees to fall within the class of American Indian also denied the Lumbees any federal benefits which could possibly flow from their inclusion within said class. While both the contracting officer and the Secretary may feel confident that their current position is indeed aimed at benefitting a people which the Congress of the United States has designated as Indians they should think twice before acting on the basis of such classification in light of the fact that the statute which placed the Lumbees in that category also directs all federal officers to deny them the benefits of any statutes of the United States which impact the Lumbees solely because of their new-found status as Indians.

HEW's Office of General Counsel, Human Resources Division, has taken certain legal positions interpreting Title VIII and P.L. 84-570 as supporting the position that the Lumbees are eligible for funding under Title VIII, notwithstanding the specific provisions of P.L. 84-570. NTCA disagrees with both HEW's interpretations and its conclusion. There follows an examination of the significant points in the HEW memorandum referred to in note 1 supra.

The essential problem with HEW's analysis is that it has confused the directives in Section 803 (a) with the purpose in Section 802, the end result being that HEW interprets recipients of financial assistance for projects under section 803(a) to be in some manner synonymous with the ultimate beneficiaries of those projects, designated in Section 802.

The last portion of the second paragraph of the HEW memorandum, following quotation of a part of 803(a) states that Lumbees are not a federally recognized tribe and that they do not reside on a state reservation, but then continues to allege that the Lumbees have been state recognized and would therefore qualify for assistance under this provision as an Indian organization in a rural non-reservation area. Section 803(a) lists Indian organizations in rural nonreservation areas as eligible under Section 803(a) for financial assistance. Assuming, arguendo, that the Lumbees do qualify under this stated criterion, they are eligible to receive assistance under Title VIII, Section 803(a), for servicing those classes of people enumerated in Section 802. Even if the Lumbees qualified under every criterion listed in Section 803(a) it would be irrelevant to their eligibility for the purpose designated in Section 802. NTCA believes that close and accurate analysis of Section

803(a) may even disqualify the Lumbees for assistance under that section on the basis of their being "Indian" due to their state recognition. Congress knows how to say "state" when it means "state" and that word appears in only one place, i.e., in reference to "State reservations". If any designation of the Lumbees as Indian is relevant, we submit that it is the federal designation contained in P.L. 84-570, the statute which, as it were, both gives and takes away.

Article 1, Section 8, Clause 3 of the United States Constitution is the primary basis for operation through Congress of the relationship between the federal government and Indian tribes. States may if they choose recognize Indian tribes for state purposes, as distinguished from federal. Absent a federal congressional act accepting state recognition as a criterion for federal purposes, mere state recognition is useless as a federal eligibility criterion.

There is precedent for federal acceptance of state recognition in the Indian Education Act of 1972, P.L. 92-318, which gives in Section 453 the definition of "Indian" as eligible for assistance under Parts B and C as "those recognized now or in the future by the State in which they reside". Precedent also exists in the House and Senate versions of the new Indian Health Care and Improvement Act, H.R. 2525 and S. 522, which specifically state that some portions are applicable to State recognized Indians. S.522 passed the Senate May 16, 1975 and ~~S. 522~~ is now awaiting a vote by the full House. H.R. 2525

The point in our elaboration above is twofold. First, for clarity, we suggest that close and accurate analysis of Section 803(a) may disqualify Lumbees as eligible for financial assistance to render services to those designated in Section 802. Second, in the event that the General Accounting Office is not persuaded by the distinction which NTCA has drawn between Section 802 and Section 803(a), we submit that the Lumbees are not eligible as "Indians" of any kind to receive the benefits of Title VIII.

We move next to the quote on page two of the HEW memorandum, from P.L. 84-570:

Nothing in this Act shall make such Indians eligible for any service performed by the United States for Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

HEW resorts to the legislative history in Senate Report No. 2012, 1956 U.S. Code Congressional and Administrative News, seeking to find the definition of "service". The report states that "...Lumbee Indians will not be eligible for any services provided through the Bureau of Indian Affairs to other Indians". HEW then goes on and concludes that the services portion of the disclaimer pertains only to BIA services and is not relevant to a determination of the legality of funding by HEW. NTCA submits that the statute is clear on its face. It states "service performed by the United States". Surely, the United States is larger than the Bureau of Indian Affairs. If Congress had meant to say "services provided only by the Bureau of Indian Affairs" it could have done so. What is not clear is the single, isolated, out-of-context statement from the Senate Report.



The P.L. 84-570 language quoted by HEW is in fact essentially that used in termination statutes passed during the 1950's, the intent of which was to terminate the relationship of the designated tribes with the federal government, thereby making them ineligible for any federal services from any federal source and making inapplicable federal statutes which affect Indians. See 25 U.S.C. 564, 691, 722, 821, 741, 899, and 980. Interpreting P.L. 84-570 in para materiae with the enumerated sections of the United States Code, it is plain that the intent of Congress was to prevent the Lumbees from receiving any federal benefits due to status as Indians. This does not mean that Congress is not free to repeal P.L. 84-570, as it has repealed 25 U.S.C. 892 et seq., the act terminating the Menominee Indian Tribe, in P.L. 93-197. Congress has not, however, done so, despite repeated attempts in past congresses to have the act repealed and to have the Lumbees declared eligible for a variety of federal services because of their status as Indians. Two bills introduced this Congress to amend P.L. 84-570 making Lumbees eligible for federal benefits extended to non-federally recognized Indian tribes, S.159 introduced 1/16/75, and H.R. 4007 introduced 2/27/75, were referred to the respective House and Senate Committees on Interior and Insular Affairs and have received no action. Congress could also pass a statute making it applicable to the "Lumbees", as it has done in regard to terminated tribes, for example, in the Indian Education Act, P.L. 92-318, which in Section 453 defines as eligible for assistance under Parts B and C of that act "groups terminated since 1940". Again, in the case of the Lumbees, Congress has not done so. Until legislation is passed repealing or amending P.L. 84-570, the Lumbees will by specific statutory mandate remain in a position of ineligibility for federal services and inapplicability of federal statutes affecting Indians because of their status as Indians.

Still traveling under the assumption that this analysis is unnecessary due to the lack of understanding of HEW regarding the relationship of Section 802 and Section 803(a), but taking precautionary measures, NTCA moves now to the HEW determination in paragraph 4 of its April 3, 1975 memorandum, that P.L. 84-570 does not preclude funding the Lumbees under the Economic Opportunity Act of 1964, as amended, because assistance under that act is predicated on economic condition rather than Indian status, and that this same rationale applies to the issue of funding under Title VIII. Assuming, arguendo that the Office of The General Counsel is correct in its opinion with regard to the Economic Opportunity Act of 1964, as amended, being predicated on the economic condition of Indians rather than their status as Indians, we would have no problem with their conclusion that the Lumbees are indeed eligible under that act. However, the act under consideration is predicated not only on need, but also on the ultimate beneficiaries being either "American Indians, Hawaiian Natives or Alaskan Natives". We find irrational the application of a "rationale" from one statute to another statute wherein the state purposes are different. There is a clear distinction between receiving or providing assistance and receiving or providing assistance for a stated purpose, as is the case in Section 802 and Section 803(a) of Title VIII.

Footnote 1 in the same paragraph of the HEW memorandum deserves closer scrutiny. The criteria under the Indian Education Act, P.L. 92-318, Title IV are dual criteria. Not only must persons be educationally deprived; they must also meet the definition of Indian set out in Section 453 of that act. The criteria for eligibility are quite broad and quite possibly the Lumbees do qualify, but it is not solely on the basis of their educational deprivation, as the footnote misleadingly states. Quoting from page 2 of the April 10, 1974 memorandum from Harry J. Chernock, Assistant General Counsel, Education Division to Fred Hundemer, Jr., Contracts and Grants Division, which memorandum is referred to in note 1 supra of the April 3, 1975 HEW memorandum,

"In order to be eligible to apply for and receive assistance under Parts B and C of the IEA (which are primarily at issue here) as an Indian tribe or organization, the members of such tribe or organization must, of course, satisfy the definition of Indian that appears in section 453 of the IEA."

In the last paragraph of the second page of the April 3, 1975 HEW memorandum, it states that Title VIII is a part of the entire Headstart, Economic Opportunity and Community Partnership Act of 1974 and that Section 2 of that Act states that "[i]t is the purpose of this Act to extend programs under the Economic Opportunity Act of 1964..." While this is generally an accurate statement, Title VIII states its own purpose very plainly and concisely as follows:

Statement of Purpose

Sec. 802. The purpose of this title is to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives and Alaskan Natives.

HEW contends that the legislative history supports its position, and as evidence of this contention quotes House Report No. 93-1043 (May 15, 1974) as follows:

The Act authorizes the Secretary of Health, Education, and Welfare to continue operation of the Native American Program in the same manner as that program is now being carried out under Title II of the Economic Opportunity Act under a delegation from the Director of the Office of Economic Opportunity...

NTCA believes that the portion cited fails to support HEW's position and, in fact, when portions of the quote omitted by HEW are supplied, the House Report supports the position of NTCA:

The Act not only continues the present focus of the Native American Program, but also parallels the language of those sections of the Economic Opportunity Act that affect the conduct of the program. The Secretary is authorized to provide financial assistance to public and non-profit private agencies for projects to promote the goal of enabling American Indians and Alaskan natives to become economically self-sufficient. (emphasis supplied).

Finally, in summary, HEW repeats its erroneous position to the effect that Title VIII is essentially a poverty program for "Native Americans". They buttress their assertion with the following:

Title VIII does not provide assistance to Indians because of their status as Indians, but instead provides assistance to Native Americans because of their economic and social condition. The purpose of this title (section 802) is to promote the goal of economic and social self-sufficiency for Native Americans, which includes, but is not limited to, American Indians. Hawaiian Natives and Alaskan Natives are also eligible beneficiaries. Any assistance received by the Lumbee Indians pursuant to Title VIII would be based on their status as a poverty group...not because of their designation, classification, or status as Indians.

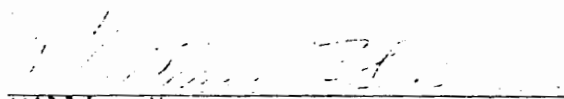


June 30, 1976

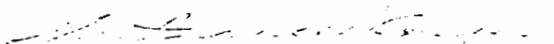
Page 7

(The last sentence quoted seems irreconcilable with the statement in the last portion of the second paragraph on page 1 of the memorandum that "[t]hey have, however, been recognized by the State of North Carolina as Indians and would qualify for assistance under this provision as an Indian organization in a rural area".) NTCA submits that a more accurate statement of the purpose of Title VIII may be found by reading Section 802 itself, many times referenced and quoted in this letter. Finally, we restate our initial assertion that the term "Native American is not to be found in the body of Title VIII. Moreover, it is the opinion of NTCA that the term "Native American" has commonly become so all-encompassing, nebulous, and confusing that for all intents and purposes the phrase is meaningless. Along these lines, we note that HEW has consistently in its April 3, 1975 memorandum given the impression that the term Native American is the operative term in Title VIII, rather than the actual terms "American Indians, Hawaiian Natives and Alaskan Natives". We believe that this is a not unintended attempt to broaden HEW's very specific and limited congressional mandate under Title VIII of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, P.L. 93-644, January 4, 1975.

Sincerely yours,

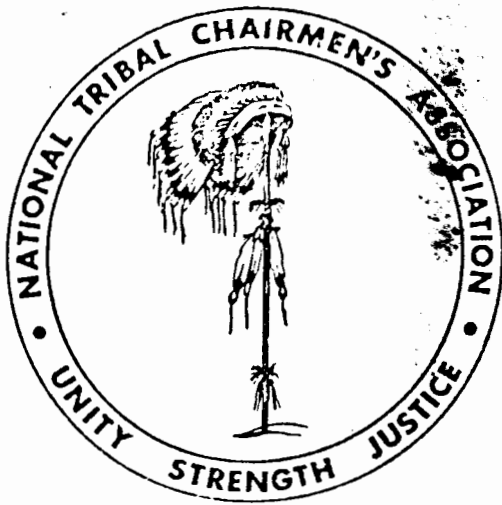


William Youpee
Executive Director



M. Frances Ayer
House Counsel

Enclosure



NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION

Suite 207 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006
202 - 343-9484

RESOLUTION

No. NTCA 5/76-4

WHEREAS, the United Southeastern Tribes, Inc. (USET) and Tri-States CAP, Inc. (Tri-State) submitted a joint proposal to the office of Native American Programs in the Department of Health, Education, and Welfare for the provision of services to Indian CAP Agencies in the Eastern United States, and

WHEREAS, this proposal was the most highly rated proposal of all competitive proposals submitted, and

WHEREAS, USET and Tri-State have five years experience in providing these services to their respective Indian CAP Agencies, and

WHEREAS, USET and Tri-State are Indian-governed and controlled tribal organizations administered by Indian, professional people, and

WHEREAS, the office of Native American Programs has awarded a contract to an organization with little or no experience in working with the Indian CAP Agencies formerly within the responsibility of USET and Tri-State, and

WHEREAS, this organization is not controlled or governed by American Indian people, and

WHEREAS, the decision not to award a contract to USET and Tri-State was based upon their refusal to service the Lumbee people of North Carolina, and

WHEREAS, the Lumbees are not entitled to federal Indian appropriations in accordance with 70 Stat. 254, and

WHEREAS, USET and Tri-State seek an opportunity to cooperate with the federal government in developing positive methodologies which would prevent this type of conflict in the future, and


WHEREAS, USET and Tri-State desire proper redress concerning the basic issue of their not being awarded the grant,

THEREFORE, BE IT RESOLVED, that National Tribal Chairmen's Association, its President, and/or executive staff assist USET and Tri-State in effecting a meeting with Secretary Matthews and other appropriate officials of HEW, so that USET and Tri-State can make their concerns known to the highest officials in HEW, of which the Native American Program is a part, and

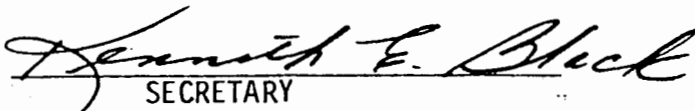
BE IT FURTHER RESOLVED, that NTCA support USET and Tri-State in the basic issue as defined herein and on their behalf as members of NTCA and of their Indian membership constituency.

CERTIFICATION

It is hereby certified by the undersigned that the foregoing Resolution was adopted by the Board of Directors of the National Tribal Chairmen's Association in a duly constituted meeting on the 13th day of May, 1976, at which meeting there was a quorum present and a majority of the Board members voting.


ACTING PRESIDENT

ATTEST:


SECRETARY





UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

18 1976 SEP

Mr. Brad Patterson
Special Assistant to
the President
The White House
Washington, D.C. 20501

Dear Brad:

This is in response to your note of August 27 concerning a request by Nick Locklear, the Treasurer of a band of Tuscaroras, for recognition.

My staff has in the past had some communication with Locklears, who are members of a group which identifies itself as "Hatteras Tuscaroras." They are part of the Indians of Robeson County, North Carolina, called the Lumbees. In 1938, the Bureau of Indian Affairs certified 22 of these individuals as being of at least one-half or more Indian ancestry. Congress later passed the Act of June 7, 1956, (70 Stat. 254) which declared that such Indians "shall be known and designated as the Lumbee Indians of North Carolina." That Act went on to state, however, that nothing in the Act was to make such Indians eligible for services performed by the United States for Indians because of their status as Indians. In 1975 the U.S. Court of Appeals for the District of Columbia held that this Act did not affect the right of the 22 previously certified individuals to receive Bureau services. (Maynor v. Morton, 510 F.2d 1254).

Neither Mr. Nick Locklear nor Mr. Vermon Locklear is among the 22. As a result, they have made a number of inquiries seeking recognition. The most recent was in November of 1975. In responding to that request, the Under Secretary stated that there was no proper basis for treating Mr. Locklear's group as a federally recognized Indian Tribe. Under Secretary Frizzell concluded that Congress would have to modify the 1956 Act before any federal recognition or services could be extended to Mr. Locklear's group. A copy of his response to Mr. Locklear of January 20, 1976, is enclosed.



Since this group has received a fairly definitive "no" from the Under Secretary on their request for recognition, it is perhaps not accurate now to say that their application for recognition is pending.

We certainly concur in your recommendation that Mr. Locklear not plan a trip to Washington in the immediate future.

Sincerely yours,

A handwritten signature in black ink that reads "Reid". The letters are cursive and connected, with a prominent "R" and "i".

Reid P. Chambers
Associate Solicitor
for Indian Affairs

Enclosure

SEP 13 1976

Mr. Brad Patterson
Special Assistant to
the President
The White House
Washington, D.C. 20501

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Sincerely yours,

(SGD) REID P. CHAMBERS

Reid P. Chambers
Associate Solicitor
for Indian Affairs

Enclosure





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JAN 20 1976

Dear Mr. Locklear:

This letter responds to your telegram of November 24, 1975, requesting a meeting with respect to federal recognition of the "Hatteras Tuscaroras" as an Indian Tribe.

Earlier this year you requested meetings with the President and with Secretary Morton concerning the same subject. In a letter to you dated April 14, 1975, Secretary Morton indicated the Department's position that the Act of June 7, 1956, 70 Stat. 254, does not authorize the Department to make services or other benefits available generally to the Indians of Robeson County and surrounding counties in North Carolina (designated in the Act as "Lumbee Indians") on the basis of their status as Indians. By the same token, it is our view that it would be improper under the 1956 Act for the Department to extend to a group of Robeson County area Indians recognition as a tribe as you request and give to its members the the entitlement to services and other benefits which such recognition would carry with it.

Secretary Morton's letter referred to the Act as having in a sense extended recognition to the Indians of Robeson County, but that reference of course had to do only with the statute's declaration that such Indians "shall . . . be known and designated as the Lumbee Indians of North Carolina" The Act goes on expressly to state that "[n]othing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable" to them.

RECEIVED
JAN 20 1976

Secretary Morton acknowledged that the Department's position with respect to services was being contested in litigation (Maynor v. Morton) by one of twenty-two individuals from the Robeson County area certified in 1938 as being of at least one-half degree Indian ancestry. At that time the Secretary did not know that the United States Court of Appeals for the District of Columbia Circuit had ruled, in a decision handed down on April 4, 1975, that the 1956 Act had not affected the earlier certification of the twenty-two. That decision did not, however, deal with the status of persons not certified as Indians prior to the 1956 Act.

Following the decision, in July, the Commissioner of Indian Affairs met with you and the group you represent. Then on August 27-29, representatives of the Bureau of Indian Affairs traveled to Robeson County and met with you and your group along with certain of the twenty-two individuals referred to above, and engaged in extensive discussions concerning the questions you seek to raise. I understand that they informed you at that time of the basic principles set out above and of the Department's position with respect to services and tribal recognition. You have been advised that in accordance with the April 4 court decision the Bureau of Indian Affairs is prepared to provide services and other benefits (as required by the Indian Reorganization Act of 1934) to the twenty-two certified Indians--or to those members of that group who are alive today--but that the 1956 Act remains a bar to extending such benefits to any other individual Indians of Robeson or surrounding counties. And you have been informed that in this context there is no proper basis for treating your group as a federally recognized Indian tribe. This Department, having discussed the matter at some length with you and your group, remains of these views. Given this background, I do not believe any useful purpose would be served by a meeting with me. I am sure BIA officials would be willing to meet further with you here in Washington, however, if you should seek to present matters not discussed at your earlier meetings.



I understand that requests by certain of the twenty-two certified Indians, made under the IRA, are pending before the Commissioner of Indian Affairs; and I am sure they will receive full and fair consideration. In our view, however, Congress must modify the 1956 Act before any federal recognition and services can be extended generally to a group such as the Hatteras Tuscaroras, as you request.

Sincerely yours,

/S/ KENT FRIZZELL

Under Secretary of the Interior

Mr. Vermon Locklear
Route 3, Box 047A
Maxton, North Carolina 28364

bcc:

AKPa

THE WHITE HOUSE

WASHINGTON

August 27, 1976

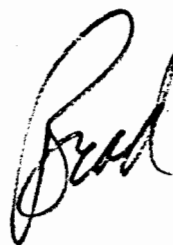
NOTE TO REID CHAMBERS

I talked on the phone today with a Mr. Nick Locklear (919-844-5922) who is the Treasurer of a band of Tuscaroras. The Chairman of this group is a Vernon Locklear (evidently there are several bands).

This is another recognition application, evidently; he says he has sent material to the Secretary.

Can you confirm that this group is among the 30-35 whose applications are pending?

I told him about the process envisaged for the future and also recommended that he and his associates not plan a special trip up here in the immediate future...



September 16, 1976

Dear Mr. Maynor:

Thank you for your gracious note of the 9th.

I very much want to be kept on the mailing list for monthly newsletter of the Lumbee Regional Development Association.

With warm personal regards,

Sincerely,

Bradley H. Patterson, Jr.

Mr. Kenneth R. Maynor
Executive Director
Lumbee Regional Development Association, Inc.
East Main Street
PO Box 68
Pembroke, North Carolina 28372

BHP:msp



LRDA
MAIN OFFICE
(919) 521-9761

ANNEX
(919) 521-2401

Lumbee Regional Development Association, Inc.

East Main Street

P. O. Box 68

Pembroke, N. C. 28372

KENNETH R. MAYNOR
Executive Director



JAMES H. WOODS
Chairman

JOHN R. JONES
Vice-Chairman

CURT LOCKLEAR
Treasurer

MARY L. LOCKLEAR
Secretary

September 9, 1976

Mr. Bradley Patterson, Jr.
Special Assistant to the President
for Indian Affairs
Room 134 - Old Executive Office Bldg.
Washington, DC 20004

Dear Mr. Patterson:

The Board of Directors of Lumbee Regional Development Association and the Lumbee Nation would like to congratulate you on your appointment as Special Assistant on Indian Affairs. We feel you will represent all Indians justly in your endeavor.

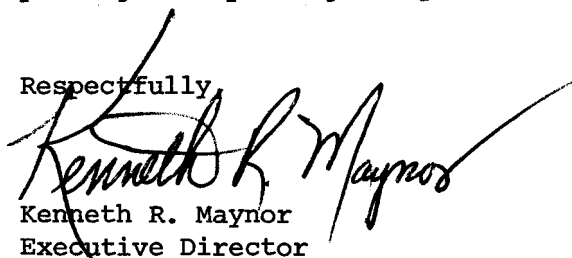
In our plight for justice and equality, we challenge you to serve as an advocate for the cause.

We would especially welcome an opportunity to establish a relationship with you to become more familiar with your responsibilities as well as your position on various Indian issues.

Enclosed is a copy of Lumbee Regional Development Association's monthly newsletter to better acquaint you with the Lumbee Indians as well as programs being administered by the agency to help solve problems that the Lumbee Indian people have in Robeson and adjoining counties. We would like to include you on our monthly mailing list.

Again, congratulations and may the great spirit guide you always.

Respectfully,



Kenneth R. Maynor
Executive Director



KRM: jw

"Land of the Lumbee"

LUMBEE REGIONAL DEVELOPMENT ASSOCIATION

P.O. Box 68

Pembroke, North Carolina 28372

Phone No. 521-9761

"AN INDIAN AGENCY FOR INDIAN PEOPLE"

Volume IV

August, 1976

Number 5

Portrayal of Indian Unity

The concept of being Indian and proud is being exhibited among Indian tribes throughout North Carolina and the nation. We, LRDA, are thankful that we have the opportunity in our daily work to strengthen and encourage that concept among our people. I would like to encourage each community throughout Robeson County and elsewhere to join together in support of the development of this concept to capacity.

During the past few years I have witnessed a change in Indian people related to positive self-concepts and struggle for unity. This change can more realistically be observed during annual parades and pow-wows taking place throughout North Carolina and the nation. Recently I had an opportunity to be a part of a very special and memorable event portraying vividly the concept of "Indian and Proud" as well as "Indian Unity" in Fayetteville, North Carolina.

A special thanks to Chief Jacobs who afforded LRDA an opportunity to attend and participate in the annual parade and pow-wow of the Cumberland County Association for Indians, August 27&28, 1976. The parade was held downtown in Fayetteville. Miss Lumbee participated in the parade. Immediately following the parade the people were entertained with Indian dancing, various Arts & Crafts exhibits, and a very special treat, the performance of a local Indian band known as "Broken Arrow." Mr. Bruce Jones, Executive Director of North Carolina Indian Commission, introduced a very well known and admired Lumbee, Mr. Lindburg Martin, who delivered the keynote address. Chief Jacobs served as Master of Ceremony and deserves recognition along with the Board of Directors and staff for undertaking this venture in the name of Indian Unity.

The Waccamaw Siouan Tribe located in Bladen & Columbus County, North Carolina will be sponsoring an annual celebration October 15, 1976 and I would like to encourage each of you to participate in this annual event strengthening the concept of Indian Unity among all tribes. Will look forward to seeing you during this event.

Yours in the Struggle

Kenneth R. Maynor

Kenneth R. Maynor
Executive Director



ECONOMIC DEVELOPMENT

The phrase "Economic Development" has many different and often confusing definitions. Basically, Economic Development appears in two forms. A frequent concept is that of "economic inducement in which an industry moves into an area creating jobs which serve as vehicles raising the per capita' income of the local residents." This increase in income is felt throughout the community. Another concept is that of "enterprise creation in which individuals or groups of individuals form the target population, with the proper assistance, act the entrepreneurs."

Individuals frequently request a definition of economic development. A definition which has met with favor is the following: "Economic Development is a means by which an individual's quality of life is changed as a function of his performance." The quality of life for a poor person is changed when he obtains: 1) more money, 2) decent housing, 3) land for farms, industry, and recreation, 4) adequate food, 5) education or the chance for self-development, 6) Political and economic power, 7) strong organized communities, 8) a measure of security in terms of such things as insurance against bad health, unemployment and death.

The function of man's personal performance differentiates economic development from welfare. Some action which he performs raises his quality or life.

With the above comments in retrospect let's compare these to our existing Economic Development Project. The main purpose of the Economic Development Project is to develop a long range economic development program through controlled meetings and other public functions, that will upgrade and continuously develop the social and economic conditions and atmosphere of all Indian inhabitants of Robeson County. Under this project

are six components (programs): 1) Community Development, 2) Business Development, 3) Neighborhood Service Centers, 4) Resource Identification (Planning & mobilization), 5) Housing, 6) Lumbee Indian Arts & Crafts Association.

By applying the goals and activities of these six programs to the eight functions that were listed previously, one can readily see a definite correlation between the two. Since our E.D. Project deals exclusively with poor people and their numerous problems, an important analysis exists. Therefore, the goals and daily activities of LRDA's Economic Development Project are in unison and comparability with the universal ideologies, concepts, and practices of the phrase, "Economic Development." The final outcome and justification of the E.D. Project's success and application is that an individual's (participant) quality of life is definitely changed through his participation and performance; thus fulfilling one of the basic definitions of "Economic Development."

Panel Discussion

Four County Community Services conducted a workshop on August 4, 1976 at Pembroke State University. The atmosphere of the workshop was a panel discussion on Community Involvement. Representing LRDA on the panel was Mrs. Lynneettah Jacobs, Community Development Director. The workshop was coordinated by Mr. Ray Brayboy, Community Coordinator for Four County.

The purpose of the panel discussion was to exchange ideas and concepts encompassing all facets of community development. The workshop was extremely enlightening and very successful. Approximately fifty five (55) persons attended the workshop and most of these

were professional services agency individuals.

Senior Citizens Activities

The month of August has been very exciting for the Economic Development Project's sponsored Senior Citizen Chapters. Many of groups attended the outstanding and highly successful outdoor drama, "Strike At The Wind." Those chapters attending were: Smyrna, Antioch, Bethel Hill, Saddletree, and Pembroke. Transportation was provided via the E.D. Project vans. These visitations were part of the Senior Citizens Cultural Enrichment Program. The ladies were extremely fascinated throughout the entire production and thoroughly enjoyed themselves.

The ladies would like to thank Mr. Rock Kershaw, General Manager of "Strike At The Wind," for providing them with reduced admission tickets to this interesting and cultural enrichment drama, depicting the Life of Henry Berry Lowry, an outstanding Lumbee Hero of the 19th Century.

A-95 Review

On August 19, 1976 Robert DeCarlo, Housing Coordinator, attended the monthly meeting of the Lumber River Council of Governments at their office in Lumberton, N.C.

The agenda consisted of the A-95 review of the General Community Programming Project (Economic Development). This process is part of the Federal Office of Management and Budget (OMB) A-95, review as stated by Federal Law, which appears in the Clearinghouse Procedures Manual. The actions taken by LRCOG was the official regional clearinghouse review covering Region N of the State of North Carolina.

The General Community Programming Project was given a favorable recommendation. It was the COG's conclusion that "this project does not conflict with any regional

plans or policies, nor does it duplicate the efforts of any local reviewing agencies."

We would like to thank Mr. John V. Highfill, LRCOG's Executive Director and his staff for the immediate review of our federal application.

New Senior Citizen Chapter

The Community Development Component would like to announce that a new Senior Citizen Chapter will be organized in the Deep Branch and Back Swamp communities. Anyone living in these two communities who wish to attend the one day per week arts & crafts class may become a member of this group by contacting Mrs. Lynneettah Jacobs, Community Development Director, at 521-9761. Also Mrs. Voncile Cummings, Community Developer, will be coordinating the recruiting effort during September to obtain as many participants as possible.

Neighborhood Service Centers

The Economic Development Project continues to operate its Neighborhood Service Centers throughout Robeson County. There now exists four (4) service centers:

- 1) Bethel Hill N.S. Center
Edith Hammonds, Director
Telephone: 738-6955
- 2) WOW N.S. Center
Uyon Sandoval, Director
Telephone: 628-9546
- 3) Evans Crossing N.S. Center
Eula Scott, Director
Telephone: 521-2006
- 4) Smithtown N.S. Center
Melba Lowery, Director
Telephone: 844-3903

The purpose of these centers is to serve and cater to the needs of the Indian people in that respective target area. If anyone needs some type of assistance, please contact that particular center between the hours of 8:30 a.m. - 5:00 p.m.

TALENT SEARCH

All post-secondary institutions are in session once again, and the Talent Search Project has students going off to school in the following states: Alabama, Florida, North Carolina, South Carolina, Tennessee, Utah, and Virginia.

Staff Worksites

For the new school year our Counselors have been assigned to the following schools: Mitchell Locklear, Orrum and Fairmont High Schools; Wanda Hammonds, Parkton and St. Pauls High Schools; Jane Hall, Prospect High; Nell Oxendine, Pembroke and Maxton High Schools; Wanda Hunt, Magnolia and Littlefield High Schools; and Peggy Hunt will be at Fairgrove and Rowland High Schools.

Union Carbide Corporation Representatives

On August 23, 1976, two representatives of the Nuclear Division with Union Carbide Corporation, Dr. Charles Blake and Ms. Kay Condra, came down to make some efforts in recruiting people that were interested and qualified for employment with Union Carbide.

Dr. Blake and Ms. Condra met with several staff people who could possibly assist them in their recruitment. They were particularly interested in people who had a strong background in fields such as: math, biology, chemistry, physics, drafting, and office technology. To meet people in these particular fields they visited Robeson Technical Institute,

Richmond Technical Institute, Fayetteville Technical Institute, and Pembroke State University.

After having visited and talked with representatives from each institute, Dr. Blake and Ms. Condra suggested that we set up some type of referral program between LRDA and Union Carbide Corporation. The main purpose of this referral program would be to place more Native Americans in these areas at Union Carbide in permanent positions. They also suggested that we take interested persons up and tour the Corporation this fall.

Financial Aid Booklet

The Lumbee Talent Search staff has completed a Financial Aid Booklet for the purpose of furnishing the students the information needed when applying for financial aid. These financial aid booklets will be placed in all secondary school libraries. Students who need financial assistance will be able to check these booklets out for a period of time and familiarize themselves with the different types of grants, loans, and fellowships. It is most important that the students know when and how to submit the application. This booklet will help teach the students some knowledge of responsibility. These booklets will also be placed in all of LRDA working sites.

Financial Aid Workshop

The Lumbee Talent Search staff sponsored a financial aid workshop on August 20, 1976 at the LRDA Annex Building. Mr. Ken Maynor gave the welcome and expressed his appreciation for the workshop. The agenda was as follows: Ronald C. Brown, Registrar from Robeson Technical Institute; Tommy Swett, Administrative Assistant to the Chancellor, PSU; Dr. E. Allison, Dir-

ector of the N.C. Health Manpower Program; Dr. Ollie M. Bowman, Dean of Admission, Hampton Institute; and the Guest Speaker was Dr. Dalton Brooks, Executive Secretary of Title IV Advisory Council. Following the workshop was a student retreat. All the students enjoyed the retreat because it gave them the opportunity to meet and make new friends with the other students. After the retreat, Dr. Bowman presented a series of slides of Hampton Institute in Virginia. Dr. Allison shared with the group a movie called Billy and it was enjoyed by all because the main character was an Indian Boy.

Eighty-six (86) students attended the workshop and one Guidance Counselor, Mr. Larece Hunt, from Fairgrove High School.

LUMBEE INDIAN EDUCATION Candidates' Night Held

"Candidates' Night" was held on Tuesday, August 3, 1976 at the LRDA-Annex Building in Pembroke from 7 to 10 p.m. This event was sponsored by the LRDA (Lumbee Regional Development Association) Educational Advisory Committee.

Invited guests consisted of candidates for local office--the Robeson County Board of Education, Board of Commissioners, State Legislature, District Judgeship, and County Register of Deeds. Those candidates present included the following: Thurman Anderson, Ms. Shirley Britt, Morris Britt, Ms. Ruby L. Hammonds, Mr. Laymon P. Locklear, Ms. Lillian F. Locklear, Mr. Bernard Lowry, Mr. Robert Mangum, Mr. Ralph Hunt, Mr. L. Harbert Moore, Mr. Simeon Oxendine, Mr. David R. Green, Mr. Carnell Locklear, and Dr. Gerald Maynor (representing Tommy D. Swett)---Candidates for County Board of Education; Mr. H. T. Taylor, Ms. Vera M. Lowry, Mr. Thomas D. McCallum, Mr. Bobby Dean Locklear, and Ms. Aileen B. Holmes--Candidates for County Commissioner; Horace Locklear and David R. Parnell--Candidates for N.C. House of Representatives; Henry W. Oxendine and Craig Ellis--Candidates for District

Judge; James B. Locklear and J. Earl Musselwhite--Candidates for County Register of Deeds.

An informal reception was held prior to the program, which began at 8:00 p.m. The invocation was given by Rev. Robert Mangum, Director of Robeson County Church and Community Center. Opening remarks were presented by Ms. Christine Moore, Educational Research & Planning Co-ordinator, LRDA. Robert Locklear, Director of Community Food & Nutrition Program, LRDA, introduced several visiting guests and served as facilitator for the program. The individual candidates' presentation, which consisted of three (3) minutes for each speaker, was the highlight on the agenda. This was followed by a question and discussion session.

Approximately 125 persons from the various communities throughout Robeson County attended this event.

The Lumbee Indian Education Project of LRDA is proud to announce the continuation of the Community Services program for the fiscal year '76-77. The major objective of the Community Services program is: "To provide for school-base Cultural Enrichment Activities and other program services for 5 target schools maximizing the cooperation of the IEA committees that will strengthen the Indian community involvement and role in the school."

We are to provide the aforementioned services to at least 600 students by way of class instruction and field trips. Class instruction will involve Indian culture and history from Pre-Columbian period to contemporary problems in all parts of the U.S. We, of course, cannot do this alone. We will be aided by principals, teachers, IEA committees, and Trio teams.

Trio teams will be composed of one student, one teacher, and one parent from each school. They will in turn form their own committees to poll each other on the types of classes and when

and where classes will be taught. We will then pool this information in conjunction with the principal and schedule the classes accordingly. These people will be chosen by the principal and IEA committee.

Community Services will also offer during the summer months instruction in Native American Arts and Crafts for children and adults in the local communities.

We shall also provide special on-going assistance to all IEA committees in Robeson and adjoining counties. In the 3rd quarter of operations we shall hold a training session with assistance from Title IV Part A Division headquarters for IEA committees. We hope that each year will be a better year for Indian students in Robeson and adjoining counties.

The Community Services staff consists of the Native American Studies Co-ordinator, Henry W. Oxendine; the School Co-ordinator, Florence Ransom; and the Director of Community Services, Ed K. Chavis.

Lumbee Indian Education is funded under Part B of the Indian Education Act from the Office of Education, HEW.

For further information, call 521-2401

**TRAIL OF SELF-
DETERMINATION
MEETING HELD**

A meeting of representatives from the various Indian nations across the United States was held in Pembroke, North Carolina on Wednesday, July 28, at 8:00 p.m. at the LRDA Annex. The meeting focused on "The Trail of Self-Determination."

An opening drum song was presented by Harold G. Dial and the Hawk Claw Dancers. The leaders of the traveling group--Ron White Eagle (Ojibwa), T.J. James (Colville), Ron Buffalo (Sioux), and Barrie Moving Rock (Cree)--introduced themselves to the

group. Mr. Moving Rock, who was spokesman for the group, urged the Indian people of North Carolina to unite and support the Trail of Self-Determination. His presentation consisted of the numerous problems facing the Indian people within the country, together with a summary of a 20-point solution which was presented to the White House and President Ford.

Approximately 30 persons, including Lumbees and Tuscaroras, from the local area attended the meeting.

STORYTELLING TO BEGIN IN AUGUST

The Native American Library in the LRDA Annex Building will begin this year's storytelling August on the 18th and 25th at 3:00 p.m. for one (1) hour.

The purpose of storytelling is to help Indian children of Robeson County to understand who they are and to learn more about themselves as Native Americans. The children will hear some music by Native Americans and learn some songs.

This special hour is for children in Robeson County between the ages of pre-school and 2nd grade. All Indian children of this age group are invited.

The Media Specialist, Shirlean C. Hunt, will begin her regular storytelling in September at the three (3) Lumbee Longhouse Learning Centers (LLLC).



COMPREHENSIVE EMPLOYMENT AND TRAINING ACT
(CETA)

Classroom Training

The Classroom Training Program has consisted of preparations of meetings for participants for the Fall Quarter at the various technical institutes and community colleges and completion of forms and follow ups on participants who have completed their training.

The participants who have completed their training this program year and their areas of training are as follows: General Office Technology--Carvicious Barfield, Katheryn Eddings, Elayne Hagans, Diantha Locklear, Marilyn Oxendine, Vennie Sue Sweat; Accounting--Nancy Jacobs; Secretarial Science--Marilyn Locklear; Cosmetology--Patricia Barton, Doris F. Brayboy, Pamela Hunt, Brenda K. Locklear, Cynthia Locklear, Lynda Jacobs; Practical Nursing--Reba Eddings, Brenda K. Locklear Jacobs; Police Science--Evelyn Clark, Gwen Hammonds, Jennifer Wynn; Welding--Gene T. Chavis, Stanley Hunt, Helen O'Briant, Mary Pierce; Electrical Installation--Doro Clark, James Arnold Hammonds, Terry Williamson; Automotive Mechanics--Donald Revels, Marcus Strickland; Masonry--Archie Jones, Jr.; Machinist--Willie Oxendine, Air Conditioning & Refrigeration--Jerry W. Locklear, James Lowery, Horace Oxendine.

All of the above participants completed their training at Robeson Technical Institute in May and/or August, 1976. Twenty-one of these participants have found jobs.

Many of these participants completed their training with honors. Katheryn Eddings, Patricia Barton, Doris F. Brayboy, and Ronald Dial completed their training with honors. Those who were selected among Who's Who were Gwen Hammonds, a Police Science student, and Archie Jones, Jr., in Masonry. Nancy Jacobs, an accounting student, received the Distinguished Service Award.

Fayetteville Technical Institute will be among the Technical Institutes that the program will be working with during the fall.

This month orientation will be presented to all participants on August 31, 1976 at 4:00 p.m. at the LRDA Annex.

PUBLIC SERVICE EMPLOYMENT

The PSE program presently has forty-three (43) enrollees working. We have five enrollees whose time will be up at the end of September and we are hoping they will be hired full time by the agencies at which they are training. This past month our PSE program had two enrollees hired full time. Dorthy Jane Chance was hired full time as Librarian by Mr. John N. Sampson at Deep Branch School. Jimmy Bullard was training with the Hoke County Bus Garage as a mechanic and was hired full time also.

ON THE JOB TRAINING

Our last group of OJT trainees finished up June 30, 1976. We did not place any OJT trainees this three month period. Our OJT program will start October 1, 1976. We will have 15 OJT trainees for the four county area. The OJT staff is in the process of contacting private Indian businesses to place these 15 OJT trainees.

WORK EXPERIENCE

The work experience component of the CETA Program has completed a very successful summer youth program. The program was designed for economically disadvantaged youth between the ages of fourteen (14) and twenty-one (21) years old. In order to give students

an opportunity to gain experience on a job, they were permitted to work thirty (30) hours per week at a non-profit organization or public agency. The summer youth program was in operation for a total of nine weeks - began June 14, ended August 13.

Four hundred trainees were provided employment in Robeson, Hoke, Bladen, and Scotland counties. Public agencies have been very cooperative in providing employment for these young people.

September sixth (6th) will be the beginning date for the IN-SCHOOL program; this program is designed for economically disadvantaged youth between the ages of fourteen (14) and twenty-one (21) and who are considered full time students. One hundred youths will be employed to work a total of eight (8) hours per week at a rate of \$2.30 per hour.

PLACEMENT OFFICER

The primary purpose of the Placement Officer is to provide assistance to clients that are unemployed. The Placement Officer assists CETA participants and walk-in clients in helping them locate jobs within the four county area.

During the month of August the Placement Officer worked with Eckerds Drugs. Mr. Boyles, the pharmacist, requested our assistance in locating a young female to assist in filling prescriptions. Their department will be hiring Vista Oxendine.

The Placement Officer also has been working with Gregg Richardson of the N. C. Commission of Indian Affairs in relocating individuals from this area to seek employment with state agencies in the Raleigh and Greensboro area. Also, the Placement Officer is taking applications for Southern Bell Telephone for the Charlotte area in conjunction with the N.C. Indian Commission.

Mr. James Hines, District Director of Southern Pharmaceutical of Georgia, con-

tacted the Placement Officer for references on Wynn Oxendine. The Placement Officer has been working closely with Mr. Hines for the last two (2) months on various jobs that his agency has available. Mr. Oxendine also started with Southern Pharmaceutical on August 5th and will be in a training program for (8) eight weeks.

During the month of August the Placement Officer placed 11 clients in various positions in North Carolina and Georgia.

COMMUNITY FOOD AND NUTRITION PROGRAM (CFNP)

The Community Food and Nutrition Program is pleased to announce that it has successfully reached its planned goal of serving the needy Indian families in Robeson County.

A total of 15 food vouchers were issued during this quarter serving a total of 113 men, women, and children. Twenty (20) families received instruction in areas of meal preparation, food budgeting, family budget, and Food Stamp Programs.

The quarterly results were completed and submitted to the LRDA board for review, comments, and approval. The CFNP Co-ordinator has worked closely with the Robeson County Food Stamp Task Force and the Robeson County Church and Community Center. Outreach is steady reaching a point of awareness in terms of LRDA, CFNP, and all other projects.

Unfortunately, the Community Food and Nutrition Program will end Tuesday, August 31, 1976. We hope to be refunded later this year. All efforts of the program will cease on the date listed.

On behalf of the staff of CFNP, we thank you for your support and look forward to serving you again.