

**WRITTEN TESTIMONY OF BEN BARNES,
CHIEF OF THE SHAWNEE TRIBE AND CHAIR OF THE UNITED INDIAN NATIONS
OF OKLAHOMA**

BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS

ON “THE LUMBEE FAIRNESS ACT”

November 3, 2025

Chairwoman Murkowski, Vice-Chairman Schatz, Members of the Senate Committee on Indian Affairs, niyaawe, thank you for inviting me to testify on this important subject. My name is Ben Barnes. I serve as Chief of the Shawnee Tribe and Chair of the United Indian Nations of Oklahoma, representing the Tribal Nations now based in the state of Oklahoma. I also serve as Chair of the Board of the National Native American Boarding School Healing Coalition.

Let me begin with a truth our elders have taught us: Sovereignty is the inheritance of tribal survival. The Shawnee Tribe and other sovereign tribal nations from across Oklahoma and the United States continue to exist today despite federal policies and actions intended to end our existence as both humans and as separate sovereigns. Important for the subject of this hearing today, federal recognition of groups claiming to be tribes—sovereignty is not and cannot be created by Congress as a reward for simply claiming to be a tribe.

The Shawnee Tribe and other tribal nations exist today because our ancestors endured forced removal, warfare, termination policies, and the boarding school system. We entered into treaties with the United States as a consequence of these policies and actions. Federal acknowledgment of a group cannot *create* a tribe. Federal recognition does not *make* a tribe. It *acknowledges* a tribal sovereign that pre-existed the creation of the United States.

To understand our perspective, it is essential to remember: In Indian Country, tribal identity and individual identity as a tribal citizen is not formed by modern circumstance—it is proven by history and continuity. When the United States forced my Shawnee people from Ohio, through Kentucky and Missouri, to Kansas, and finally to Oklahoma, we did not reinvent ourselves at each river we came to. We remained Shawnee. We carried our ceremonies in secret. We kept our language alive in whispers. Our culture and our government lived in the hearts of our people, even when the United States wished it would vanish.

That is what nationhood looks like—not a label chosen to meet a moment, but an identity carried through generations of removal, loss, and resistance. I have seen what happens when identity becomes something someone can simply declare. Across every homeland we were forced through—Ohio, Kentucky, Missouri, and Kansas—there are now groups calling themselves Shawnee who:

- Do not speak our language,
- Practice no Shawnee ceremonies,
- Appear nowhere in our historical rolls or records, and

- Have no documented Shawnee ancestors or ties to our community. None.

The first time one of those groups opened a bank account using the name “Shawnee,” I learned a hard lesson: If identity becomes self-proclamation instead of documented history, tribal sovereignty becomes a sandcastle waiting for the tide. That is why I am here—we are here—to defend a sovereignty paid for in blood, land, and the lives of our ancestors, not a construct of modern paperwork.

Now, turning to the matter before this Committee: For years, this group claiming to be a tribal sovereign has shifted from one identity to another—the Lost Colony of Roanoke, Croatan, Cherokee, Cheraw, “Siouan,” Lumbee—changing claims but never producing documentation to support any of them. The so-titled “Lumbee Fairness Act” promotes this shifting tribal identity, prohibiting the Department of the Interior through the Office of Federal Acknowledgment from taking a close look at the Lumbee group’s vague claims of tribal and individual identity.

Out of concern for the integrity of tribal recognition and sovereignty, the United Indian Nations of Oklahoma turned to a respected historian and genealogist to examine the record. That research did not attempt to define who the Lumbee are. It simply asked a single question: *Can the Lumbee’s tribal claims be verified by historical and genealogical evidence?*

The answer was a resounding no. The expert found:

- No demonstrated descent from a historic tribal nation
- No continuous tribal government before the mid-20th century
- No ancestral Indigenous language
- Census records showing ancestors identified as free persons under British and American law, never as a tribal polity

Those findings do not come from emotion or politics. They come from the Lumbee’s own petition for federal acknowledgment before the Office of Federal Acknowledgment, as well as archives, documents, and history. I attach our expert’s reports to this written testimony for your review.

Tribal nations based in Oklahoma care deeply about this issue, and understandably so. Oklahoma is the final homeland for many tribal nations that once occupied in lands across the country. It was the destination for negotiated and forcible removal. Tribal pretendianism—groups falsely claiming to tribal nations and falsely claiming sovereignty and rights to bury our ancestors and practice religious ceremonies that do not belong to them and claim lands and falsely claiming to be Indian—is a modern phenomenon. Literally hundreds of groups falsely claiming to be tribes, many of them treaty-based tribes now based in Oklahoma, have sprung up across the country.

Now I must speak from a sacred place—the place where grief and memory live in our communities. As Chair of the National Native American Boarding School Healing Coalition, I have carried in my heart the names of Shawnee and other Native children who never came home from federal boarding schools. I have walked and prayed on the ground where they lie without

markers. I have been in rooms where Shawnee children lived and slept in the Shawnee Indian Mission Manual Labor Boarding School in Kansas and were prohibited from seeing their parents who came to visit them. I have sat with Indian boarding school survivors who still flinch when they hear their own language because it once brought punishment.

The Lumbee have invoked Indian boarding school history to claim Indigeneity. But the record tells another story. Nine individuals now touted in Lumbee narratives attempted to enroll at the Carlisle Indian Industrial School. Carlisle rejected them because they did not meet the federal definition of Indian. They were only admitted after claiming—falsely—to be Cherokee. And independent genealogical review shows not one of the nine had Native ancestry. Yet their descendants now identify as Lumbee, and Lumbee leadership presents that episode as proof of tribal status.

That is not survivorship.

That is stealing our pain to manufacture political support.

Our children's trauma is not a credential.

Our unmarked graves are not a strategy.

Our ancestors' suffering is not a political accessory.

To allow trauma to be impersonated is to betray the memory of our children and denigrate oneself.

There is an established path to federal recognition—the Office of Federal Acknowledgment at the Department of the Interior. The OFA protects my Tribe and other established tribes from false claims of tribal and individual identity that, unfortunately, we have seen over and over with the Lumbee. The OFA exists to examine history, continuity, and nationhood. The Solicitor of the Interior has made clear in a reasoned opinion that the OFA process is open to the Lumbee. They have been told they may use it. They filed a petition for federal acknowledgment in the OFA but now refuse to complete the process, choosing politics and emotion over facts.

The truth is simple: People confident in their history and ancestry do not avoid the place where history and genealogy are examined. So, I close where I began—with sovereignty. Tribal nations pre-date the United States. Federal recognition does not create us—it acknowledges us. If Congress replaces documented history with politics, asking which elected officials want it and abandoning the difficult merits questions at issue here, if identity becomes a matter of assertion rather than continuity, then this body will not be recognizing tribes—it will be manufacturing them. And once that begins, sovereignty will be defined not by history, but by votes.

Niyaawe. I welcome your questions.

Executive Summary: Analysis of Lumbee Historical and Genealogical Claims

By Jean M. Kelley, M. A.

- **Legislation Consideration:** Congress is evaluating legislation recognizing the Lumbee group from Robeson County, NC, as an Indian tribe. Recognition should be limited to groups with verifiable descent from a historic Indian tribe.
- **Historical Background and Shifting Claims**
 - The Lumbee have pursued federal recognition for many years, but Congress has repeatedly rejected their claims due to inconsistencies.
 - The group has shifted its historical narrative, sometimes claiming descent from the Cherokee, the Cheraw, and even the “Lost Colony” of Roanoke, but these claims lack sufficient documentation.
 - The 1956 Lumbee Act recognized the group's name change but withheld eligibility for federal services as Indians.
 - In 2016, the Department of the Interior determined that Lumbee could participate in the Office of Federal Acknowledgment (OFA) process.
- **Lumbee Historical and Genealogical Claims Lack Even Minimal Evidentiary Support**
 - The totality of Lumbee claims lacks properly attributed historical documentation and relies on speculative connections rather than verified facts.
 - Claimed ancestors cannot be identified as affiliated with any Indian tribe(s).
 - The claim of descent from the Cheraw tribe is inadequately supported, with little documentation.
 - Historical records do not support the Lumbee assertion that they were hiding out in the swamps of Robeson County for 100 years
 - The Lumbee have adopted various and inconsistent tribal identities, including "Cherokee Indians of Robeson County" and "Siouan Indians," reflecting an opportunistic approach rather than a deep-rooted historical identity.
- **Unprecedented Recognition Without Tribal Descent:**
 - If Congress grants recognition, the Lumbee would be the first and only group to receive federal acknowledgment without being able to identify a specific historic tribe or tribes from which they descend.
 - This would set a precedent for recognizing groups that cannot demonstrate a clear connection to a historical tribe, fundamentally altering the standards for federal recognition.
 - Extending recognition to groups with minimal evidence of Native ancestry would grant those groups legal rights to the identities, cultural resources, and sacred places of legitimate tribes.
- **Conclusion:**
 - The Lumbee's historical claims contain significant questions, gaps, and inconsistencies that make it impossible to determine their connection to any historic tribe.
 - Answering these questions requires careful evaluation beyond Congress's capabilities.
 - The OFA remains the only government entity capable of rigorously assessing the Lumbee's petition.
 - Granting recognition without meeting the established criteria would be unprecedented and harmful to tribal sovereignty, tribal identity, and the Federal trust responsibility.

Analysis of Lumbee Historical and Genealogical Claims

The United States Congress is considering legislation that would recognize a group which calls itself the Lumbee from Robeson County, North Carolina as an Indian tribe in a government-to-government relationship.¹ While the recognition of overlooked tribal communities is a laudable endeavor, it is an important responsibility of the Federal government to ensure that only groups that consist of persons who descend from a historical Indian tribe(s) are rightfully acknowledged as tribal sovereigns. As Tribal nations have seen over the past 30-some years, various states have extended “state recognition” to groups whose members do not have verifiable Indian ancestry, cannot identify descent from historical tribes, and have only recently come into existence claiming tribal identity. These types of government decisions endanger the solemn, Constitutionally-based relations between the United States and tribal sovereign entities that preexisted the creation of the United States, as well as the inherent sovereignty of Indian Nations of undisputed origin.

While the Lumbee of Robeson County have been pursuing Federal recognition for many years, shifting historical claims, uncertain development of the Lumbee group and other political factors have caused Congress to not pass Lumbee recognition legislation. One factor of concern is that the Lumbee have asserted descent from multiple, unrelated historic tribes and a mythical “lost Colony of Roanoke.” Between 1910 and the 1930s, the Lumbee community sought

¹ S. 521 and H.R. 1101—118th Congress (2023-2024), Lumbee Fairness Act. February 16 and 17, 2023. See: [Text - S.521 - 118th Congress \(2023-2024\): Lumbee Fairness Act | Congress.gov | Library of Congress.](#)

recognition as a Cherokee tribe, a Cheraw tribe and a Siouan tribe,² although Siouan is a language family, not a single historical tribe. Congress rejected each of these bills.

In 1956, Congress passed the Lumbee Act, a unique piece of legislation that “designates the name for the individuals who were, at that time, residing in Robeson and adjoining counties.”³ As this legislation simply acknowledged that the group previously calling themselves the “Cherokee Indians of Robeson County” or the “Siouan Indians of Robeson County” were now calling themselves the “Lumbee Indians of North Carolina,” it also made clear that its passage did not acknowledge any eligibility to receive Federal services as Indians.⁴ In 1975, the U.S. District Court for Maine’s decision in *Joint Tribal Council of Passamaquoddy v. Morton* drew a more general, land-based determination of the United States’ responsibilities to unrecognized Indian communities from the 1790 Non-Intercourse Act.⁵ By 1978, the Department of the Interior established the Branch of Acknowledgement and Research (BAR), the forerunner of the present Office of Federal Acknowledgement (OFA) to allow groups of individuals who claim tribal descent to seek tribal nation status through a rigorous petitioning process.

The Lumbee Group Can Access the OFA Process

In 1987, the Lumbee River Legal Services, Inc., in cooperation with the Lumbee Tribal Enrollment Office, filed a Petition with BAR for Lumbee recognition. BAR designated the Lumbee community as Petitioner number 65. Two years later, the Department of the Interior

² Tompkins, Hilary. *Reconsideration of the Lumbee Act of 1956*. United States Department of the Interior, Solicitor, 22 December 2016. See: [m-37040.pdf \(doi.gov\)](#) Accessed October 3, 2024, p. 2, FN 11.

³ Ibid.

⁴ 70 Stat. 375, “Relating to the Lumbee Indians of North Carolina.” See: [STATUTE-70-Pg254.pdf \(govinfo.gov\)](#)

⁵ 388 F. Supp. 649 (1975). See: [JOINT TRIBAL COUN. OF PASSAMAQUODDY TRIBE v. Morton, 388 F. Supp. 649 \(D. Me. 1975\) :: Justia.](#)

Solicitor released an Opinion stating the 1956 Lumbee Act precluded Lumbee participation in the administrative recognition process.

In 2016, the Department of the Interior Solicitor issued an updated Opinion which reconsidered the effect and scope of the 1956 Lumbee Act.⁶ Concluding her 19-page opinion, Solicitor Tompkins determined that the Lumbee community can put forth Petition #65 for consideration:

Over the past four decades, the Department has vacillated in its interpretation of the Lumbee Act...I find that neither the text of the Lumbee Act nor its legislative history precludes the Lumbee Indians from petitioning for Federal acknowledgment under the Department's regulations, I conclude that they may avail themselves of the acknowledgment process in 25 C.F.R. Part 83.

This revised Opinion made clear and enshrined into law that the Lumbee of Robeson County have the same right to participate in the OFA recognition process as any other group in America.

The 1987 Lumbee Petition #65

Over 35 years ago, in the first decade of the Department of the Interior's administrative recognition process, the Lumbee community filed Petition #65 to establish that the historical record and genealogical evidence demonstrate that the Lumbee community meets the criteria necessary under the 1978 regulations. Unfortunately, the citations to source documents in the Petition are not consistent, sometimes missing altogether, and often unhelpful when trying to reconstruct the base sources for various assertions within the Petition.⁷ There are tables in the

⁶ Tompkins, Hilary. *Reconsideration of the Lumbee Act of 1956*. United States Department of the Interior, Solicitor, 22 December 2016. See: [m-37040.pdf \(doi.gov\)](#) Accessed October 3, 2024.

⁷ If there were Exhibits attached to the Petition narrative, they have not followed the Petition into the Library of Congress.

Petition which, at a minimum, need more informative titles and/or introductions, and they tend to appear without attributions or citations back to source documents.⁸

In short, the Petition does not provide even a minimal level of properly attributed historical documentation to support Lumbee's claims made in the Petition and instead relies almost exclusively on unidentified people groups, glosses over the gaps between earlier groups and the people settled in the lands around the Lumber River, and uses the speculative manufacture of history to arrive at their desired conclusion.

Issues of Descent from Historical Tribe(s)

The Introduction to the Petition makes several concerning remarks regarding Indian communities or “historically identified groups” and some over-arching issues in identifying tribal communities that contributed to the development of the Lumbee community.⁹ The Petition asserts “the data show that the present-day Lumbee population derives from diverse origins, the core of which is Cheraw.”¹⁰ This theory was not explained or specifically supported by any sources in the Petition. This Cheraw identification requires more and clearer documentation. The claim of Cheraw descent relies on a 1725 map by John Herbert which did identify a Saraw settlement on the Pee Dee River to the southwest of the historical settlements that could be Indian on Drowning Creek, but this in itself is not enough to make a connection.¹¹ In 1739, there is an account of a dispute brought to the South Carolina Council by the Welsh settlers of lands purchased from the Saraw and Pee Dee Indians, who were still using the lands as their usual

⁸ Given the advances in technology since the late 1980s, the Petition could greatly benefit from hyperlinking and updated citation formats.

⁹ 1987 Lumbee Petition, Vol. 1, pp. 3-4.

¹⁰ Ibid., p. 4.

¹¹ 1725 00 00 Herbert, John. Map of the Carolinas. See: [New map of his majesty's flourishing province of South Carolina - Digital Library of Georgia \(usg.edu\)](#). This village on the Pee Dee was approximately 200 miles northwest of historic Robeson County Lumbee settlements. “Saraw” is an earlier spelling of Cheraw.

hunting grounds.¹² The Welsh settlers complained that a “Robert” and 14 other head men signed two land conveyances covering the lands of their settlement.¹³ Certainly, if this conveyance exists anywhere, even as a transcript with the signers’ names, this would begin to document the people living there. Such a document was not provided in the Petition. In addition, the Petition cites a 1771 news account of the capture of fugitives at “Charraw.”¹⁴ The article locates the capture “near Drowning-Creek, in the Charraw Settlement.” This is the first mention of any Cheraw living in a settlement near Drowning Creek, rather than on the Pee Dee River or in the Charraw village associated with the Catawba.¹⁵ If this 1771 settlement is the “Cheraw core” asserted by the Petition as the primary historical tribe, why is this argument not expanded to further document this claim of descent?

There also appears to have been confusion between the presence of the Cheraw and Pee Dee Indians and a separate “mix’d crew” of families in the Drowning Creek area during the 18th century. In 1739, Welsh settlers on the Pee Dee River complained to the South Carolina Council in March that Peedee and Cheraw Indians were “running amongst their settlements under the pretense of hunting.”¹⁶ In July, 1739, the Welsh settlers made a second complaint to the Council, this time of “outlaws and fugitives, most of whom are mullato (sic) or of a mixed blood, living adjacent to them are a pest and a nuisance.”¹⁷ Contrary to the Petition’s assertions, it is not

¹² Lumbee Petition, Vol. 1, p. 15. The location is still well to the northwest of the Drowning Creek area.

¹³ Ibid. The names of the reserved old fields owners, Laroche and Thomas Grooms, are listed.

¹⁴ South-Carolina Gazette, *Winsler Driggers*. Charleston, South Carolina. October 3, 1771. See: [Oct 03, 1771, page 2 - The South-Carolina Gazette at Newspapers.com](#).

¹⁵ See: [Feb 06, 2011, page A1 - The Herald at Newspapers.com](#). The villages further west in South Carolina are the historically better known. The Catawba town site of Charraw was excavated along with five other townsites in western South Carolina during 2010-2011. The town of Cheraw is located west-northwest of Robeson County on the Pee Dee River. The mention of another Cheraw settlement in the Drowning Creek area is consistent with indications the Cheraw may have split up before or after some families going to Catawba. However, if the 1771 settlement is on Drowning Creek, additional research to more firmly document this is necessary for evidence of a previous historic tribe.

¹⁶ Lumbee Petition, Vol. III, p. 3.

¹⁷ Ibid., pp. 3-4.

logical to draw the conclusion that these complaints refer to the same group. The March complaint clearly states it was Peedee and Cheraw Indians who the Welsh were having difficulties with, and that these Indians were “running through” their settlements while on hunting trips. The July complaint just four months later, however, refers to a much more ambiguous group, and the quote in the Petition does not make clear the specific complaint or composition of this group, except that they were seen as “outlaws and fugitives.”¹⁸ The lack of specific identification of the second group, so soon after the first complaint specifically of the Peedee and Cheraw, does not lead to the conclusion that the Welsh were complaining about the same group. The complaint about the Peedee and Cheraw never described them as “outlaws and fugitives.” Indeed, as the former occupants of the Welsh settler lands, the Cheraw and Peedee may have considered the lands still open to traditional hunting. The specific complaints about the “outlaws and fugitives” are ambiguous (as was their identity), and were limited to the Welsh settlers’ statement that “living adjacent to them are a pest and a nuisance.” In 1754, a second group, never identified as Indians, appeared to be similar in description to the 1739 group, although this “mix’d crew” was located well south of the Indians noted in 1739 “on Drowning Creek on the head of the Little Pedee.”¹⁹ Dr. Robert K. Thomas, in his “A Report on Research of Lumbee Origins,” came to the same conclusion, finding that the group referred to were not Indian or mixed-blood Indians:

I think his (Wesley White) citation of 1754 does not refer to Indians or to even people of mixed racial background. In 1754, there were, in fact, Scots settlers living on Drowning Creek...The were in 1750 settled on Drowning Creek which was the border between Anson and Bladen Counties, now the border between Hoke and Scotland Counties. There are family traditions that many Scots in these early days were squatters on the land...I think that if they had been mixed

¹⁸ Ibid.

¹⁹ Ibid., p. 4.

racially they would have been referred to simply as Mulattoes...I would think “mixed crew” would mean perhaps mixed in language spoken, in nationality, in geographical origins...It is very possible that a group of Scots on Drowning Creek, some speaking English, some speaking Gaelic, perhaps of varied educational backgrounds, might seem like a “mixed crew” to a standard Englishman from further south on the North Carolina coast.²⁰

Additionally, the 1754 “mix’d crew” was said to have been comprised of 50 families.

This was larger than the first enumeration of the individuals claimed as Indian ancestors in Petition #65 on the 1790 Federal census. In 1790, the number of Robeson households of “All other Free” people was 47, numbering 245 individuals. An additional 32 “All other Free” people were present in white households.²¹ If the “mix’d crew” had been a developing tribal community in 1754, the expected increase over the next 3+ decades would be much greater. The assertion in the Petition that correlates to Section 83.7(A) of the 1978 regulations that “the first recorded contact with the Lumbee was in 1753 when 50 families were recorded as living as (sic) Drowning Creek” is inaccurate and unsupportable without further investigation of the composition of that community.²² The use of the 1739 “outlaws and fugitives” and the 1754 “mix’d crew” as antecedents for the Lumbee, aside from lack of Indian identification, does not make sense from multiple historical aspects.

The Petition repeats the tribal identity claims attached to the Lumbee by North Carolina and then noted by the United States in the 1956 Lumbee Act, and the frequency and ease with which those labels were changed at the request or with the approval of the Lumbee. There is great concern among the tribes whose identities are not in dispute regarding the incorrect or

²⁰ Robert K. Thomas, *A Report on Research of Lumbee Origins*. c. 1977, pp. 11-12.

²¹ U.S. Federal Census, 1790, North Carolina, Robeson, Not Stated. See: [Ancestry.com](https://www.ancestry.com) - [1790 United States Federal Census](https://www.ancestry.com).

²² Lumbee Petition, Vol. II, p. 4. This community was also located well south of Robeson County, at the confluence of the Little Pee Dee and Drowning Creek.

fabricated tribal names the Lumbee have allowed to be attached to their group. Affording recognition to a group of people that does not know and cannot name, let alone demonstrate its tribal origins and descent from those tribes, would be the first of its kind in United States history.

Congressional testimony from the Department of the Interior officials also supports the notion that Petition #65 does not demonstrate descent from a historic tribe or tribes. As noted in his 1991 testimony before the Joint Committee, then-Director of the Office of Tribal Services Ronal Eden stated that, “the Lumbee have not documented their descent from a historic tribe...The documents presented in the petition do not support this (Cheraw) theory...”²³ The Cheraw descent asserted in the 1987 Petition, in order to be substantiated as the previous historic tribe, requires more evidence and documented connections than provided in the Petition. Even Dr. Jack Campisi, consulting anthropologist to the Lumbee and an author of the 1987 Lumbee Petition, testified under oath that the Lumbee have no remnant of an Indigenous language, and that any identifiable tribal traditions “were gone before the end of the 18th century.”²⁴ The lack of documenting connections to a previous historic Indian tribe, combined with the attempted appropriations of another Indian tribe’s identity, specifically Cherokee, within the 1987 Petition exhibit fundamental failings in laying a foundation for recognition as an Indian tribe.

Further Issues of Indian Descent

Since the late 19th century, various and ill-considered claims of identification with historical tribes or even entire linguistic families have been accepted and used by the Lumbee

²³ Eden, Ronal. *Testimony of Ronal Eden, Director of the Office of Tribal Services, The Department of the Interior before the Joint Hearing of the Select Committee on Indian Affairs, United States Senate, and the Interior on Insular Affairs Committee, United States House of Representatives, Hearing on S. 1036 and H.R. 1426*, August 1, 1991, pp. 3-5.

²⁴ H.R. Rep. No. 103-290, 103rd Cong., 1st Sess., pp. 186-187 (1993).

group. Each of these theories share a common fallacy. Rather than studying history to *determine* whether the group in question are in fact Natives, each theory fiats the conclusion that Lumbee are a tribe and seeks to contort history to fit that theory. In 1885, Hamilton McMillan, a Robeson County politician and local historian, proposed his theory that the Lumbee group was composed of descendants of the 1587 English “Lost Colony” from Roanoke Island and “Croatan” Indians from the Outer Banks of North Carolina. Most of his informants are not named, and his methodology and ability to record any oral traditions he heard faithfully and without his own personal lens are questionable. Further, he posits that surnames found on the list of 1587 colonists were present “among the Indians residing in Robeson County and in other counties of North Carolina.”²⁵ The 41 surnames he identifies as “present among the Indians” are not Robeson County surnames from 1790, with the exception of Brooks. Brooks is a common English surname which wasn’t unique to the Roanoke Island colonists. Sampson was listed as a surname at Roanoke and shows up during the 19th century in Robeson County, but like the other surnames, was not traced by McMillan genealogically. A link, especially a claim of *lineal descent*, between a historic list of individuals and a later group, must be traced definitively and verifiably through the generations to be considered as meeting the definition of lineal descent. Vague and uncorroborated tales of having come from somewhere else without clear attribution of the community or families moving does not provide the evidence necessary to identify a group as a historical tribe.

²⁵McMillan, Hamilton. *Sir Walter Raleigh's Lost Colony*. Wilson, North Carolina, *Advance Presses*, 1888. pp. 22-24. See: [Sir Walter Raleigh's Lost Colony - Google Books](#).

McMillan admits that the region of the Outer Banks and northeastern North Carolina was little known during the period of 1587 to 1690.²⁶ Without further evidence, he then asserts the Croatans “removed farther into the interior where portions of that tribe had previously located.”²⁷ These ideas and conclusions are based on speculation drawn from echoes of the author’s own suppositions which may have been overlaid or inserted into what he wanted to hear from his informants. This is the work of an amateur historian who, as sincere as he may have been, never tested his supposition or conclusions to ensure there weren’t more solid, less fanciful traditions on which to base his theories.

In 1891, another North Carolinian, Steven Weeks, published a more formal version of McMillan’s theory. Although Weeks used good citations when going over the known history of English exploration, the circumstances of the Roanoke Island colony, and early historical maps showing various supposed locations of the Croatoan or Dasamonguepeuk sites, the citations end when he theorized about what may have happened to the colonists after the Roanoke Island settlement was found to be abandoned. Weeks supposed the Hatteras Indians, who he found were likely the tribe referred to earlier as “Croatoans,”²⁸ “may have come into communication with kindred tribes on the Chowan and Roanoke rivers, to which they seem to have gone at a later period.”²⁹ Weeks then indicates that his supposition was “one end of the chain of evidence

²⁶ Ibid., p. 25.

²⁷ Ibid.

²⁸ Ibid. The meaning and spellings of “Croatoan” and “Croatan” were used flexibly from 1587 through the 19th century. “Croatoan,” although used in the 17th century as a name for the people who lived at Croatoan village, was rectified during the 18th century, when the people of that village told colonists they were the Hatteras. “Croatan” was another attribution to the people of Croatoan village.

²⁹ Weeks, Stephen B. *The Lost Colony of Roanoke: Its Fate and Survival*. New York, New York, Knickerbocker Press, 1891, p. 25. See: [00013444.pdf \(ecu.edu\)](#)

in this history of survivals”³⁰ without evidence, documents indicating a chain of evidence, or a supportable history of survivals.

He then continued his “chain of evidence” theme:

The other end of the chain is to be found in a tribe of Indians now living in Robeson county (sic) and the adjacent sections of North Carolina, and recognized officially by the State in 1885 as Croatan Indians. These Indians are believed to be the lineal descendants of the colonists left by John White on Roanoke Island in 1587. The migrations of the Croatan tribe from former homes farther to the east can be traced by their traditions...³¹

The fallacy presented here is the lacking evidence of the amalgamation of the Roanoke Island colonists and the Croatoan or Hatteras Indians following the abandonment of the colony, as well as the lack of correlating sources of a migration from the Outer Banks, through northeastern North Carolina, and then heading southwest into the Robeson County environs. Attempting to bridge a 300-year silence between a historical tribe and a group several hundred miles away without clear knowledge of that specific tribe or indigenous language, clans, or cultural traditions to connect with the earlier tribe does not demonstrate descent. Weeks also described the Lumbee group as “lineal descendants” from the Roanoke Island colonists and the Croatan/Hatteras, which was then and is now a claim which cannot be made absent an actual genealogy showing such descent.

The Lumbee group itself did not appear to be heavily invested in this origin theory or in affiliating with the historic Croatan. By 1911, the group was intent on changing its name again due to whites of Robeson County shortening the name “Croatan” to “Cro” to make a slur from it.³² One would expect, if the Roanoke Island-Croatan origin theory was viewed as a valid

³⁰ Ibid.

³¹ Ibid.

³² Lowery, Malinda M. *Lumbee Indians in the Jim Crow South*. The University of North Carolina Press, 2010. p. 87.

origin, the Lumbee group would be more likely to ignore the slur. The North Carolina General Assembly passed an Act changing the name of the Lumbee group from the “Croatan Indians of Robeson County” to the “Indians of Robeson County.”³³ A mere two years later in 1913 and because the Lumbee group “wanted a more clearly identifiable name for themselves,” the legislature approved re-labeling the group the “Cherokee Indians of Robeson County.”³⁴ This designation may have stemmed from Angus McLean, a Robeson County banker who would later become the governor of North Carolina, declaring that “several of the Cherokees” “were located in Robeson County” after hearing “several stories about the Tuscarora War from local Indians.”³⁵ This story has not been substantiated, and even if several men had stayed in Robeson County, that would not have made the entire Lumbee group a “Cherokee” society. Thomas summed up the problems with this theory:

If one looks at Cherokee tradition, there is no evidence whatsoever that Cherokees ever got as far east as Robeson County, except perhaps on war parties, and have no traditions of having relatives in Robeson County whatsoever. In fact, Cherokees are very tied to a mountain environment...I cannot imagine Cherokees migrating to an area like Robeson County...Clear creek water, which is very important in the Cherokee religion, is absent in Robeson County. Cherokees today have no notion of ever having lived east of the Blue Ridge Mountains.³⁶

With the new name, the Lumbee group contacted Congress with the object of the recognition of the new name and possibly funds for education. The U.S. Senate passed Resolution 410 on June 30, 1914, directing the Secretary of the Interior “to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and

³³ Dial, Adolph, and David K. Eliades. *The Only Land I Know: The History of the Lumbee Indians*. 1st ed., Syracuse University Press, 1996. p. 185.

³⁴ Ibid., p. 94.

³⁵ Lowery, Malinda M. *The Lumbee Indians: An American Struggle*. The University of North Carolina Press, 2018. p. 110.

³⁶ *A Report on Lumbee Origins*, p. 7.

adjoining counties in North Carolina...and report to Congress what tribal rights, if any, they have with any band or tribe.”³⁷ Special Indian Agent O.M. McPherson submitted this report, noting that the Indian Office had no knowledge of the group until late 1888, when a petition was received from the Lumbee group requesting “such aid as you may see fit to extend to us” under the name of the Croatan Indians of Robeson County. McPherson summed up the situation to Congress as follows:

Much doubt and uncertainty has existed as to the source of the Indian blood of this people and as to whether their ancestors comprised a part of White’s lost colony...Some of these Indians hold to a tradition that they are of Cherokee origin and affect to believe that the action of the General Assembly of North Carolina in designating them as “Cherokee Indians of Robeson County” in some way confirms this tradition. I find that the question of the source of their Indian blood, and whether their ancestors were part of Gov. White’s lost colony are so inextricably bound together that it will be necessary to treat both subjects under the same heading.³⁸

As to the “lost colony” theory, McPherson wrote he regarded it “as of little value.” He then cited James Mooney writing in the Handbook of Indians:

The theory of descent from the lost colony may be regarded as baseless, but the name itself serves as a convenient label for a people who combine in themselves the blood of the wasted native tribes, the early colonists or forest rovers...³⁹

McPherson also referenced the comments of Samuel A’Court Ashe, a historian, regarding the “lost colony” theory. Mr. Ashe was likewise unconvinced by the theory and the “surname evidence”:

³⁷ U.S. Senate, Senate Document No. 677, “*Indians of North Carolina, Letter from the Secretary of the Interior Transmitting, in Response to a Senate Resolution of June 30, 1914, A Report on the condition and Tribal Rights of the Indians of Robeson and Adjoining Counties of North Carolina.*” 63rd Cong. 3rd Sess. (1915), p. 5. See: [O. M. \(Orlando M.\) McPherson. Indians of North Carolina: Letter from the Secretary of the Interior, Transmitting, in Response to a Senate Resolution of June 30, 1914, a Report on the Condition and Tribal Rights of the Indians of Robeson and Adjoining Counties of North Carolina \(unc.edu\)](#)

³⁸ Ibid., p. 9.

³⁹ Ibid., p. 10.

Because names born by some of the colonists have been found among a mixed race in Robeson County, now called “Croatan, an inference has been drawn that there was some connection between them. It is highly improbably that English names would have been preserved among a tribe of [Indians] beyond the second generation, there being no communication except with other [Indians]. If English names had existed among the Hatteras Indians in Lawson’s time [1714], he probably would have mentioned it...⁴⁰

McPherson concluded that if the “lost colony” theory had basis, “I do not find that the Hatteras Indians or the so-called Croatan Indians ever had any treaty relations with the United States, or that they have any tribal rights with any tribe or tribe of Indians, neither do I find that they have received lands or that there are any moneys due them.”⁴¹

As to the Lumbee group’s claim of Cherokee origin, McPherson wrote:

The history and traditions of the Cherokee Indians of North Carolina, in my judgment, do not confirm the claim of the Robeson County Indians to Cherokee origin. The Cherokees were the mountaineers of the South, originally holding the entire Appalachian region from the headwaters of the Kanawha on the north to middle Georgia on the south...As far as I can learn, there is no tradition that they ever occupied the coast country in North Carolina or elsewhere.⁴²

Recognition by Congress under the “Cherokee Indians of Robeson County” failed in 1915, 1924, and 1932. The lack of a treaty relationship and the continued lack of clear and demonstrable tribal descent meant neither the Office of Indian Affairs nor Congress was persuaded to extend either recognition or educational services to the Lumbee group.

During the 1930s, another name for the Lumbee group emerged following the failure of 1932 recognition legislation. While the “Cherokee Business Committee” organization remained, a new organization, the “General Council of Siouan Indians” or “Siouan Council” emerged as

⁴⁰ Ibid.

⁴¹ Ibid., p. 17.

⁴² Ibid., p. 18.

frustrations with the lack of recognition under the “Cherokee” label arose. This political split meant the Office of Indian Affairs would not consider recommending funding or recognition. This new label of “Siouan,” while not appropriating another tribe’s name, does not refer to any specific tribes. “Siouan” is a linguistics term describing language families, not a tribal community.

During these multiple name changes, the Lumbee group seemed to have accepted the influential outsider theories of the day, rather than knowing the previous historical tribe they descend from and telling outsiders with whom they identify. As Malinda M. Lowery wrote in 2010, “Robeson County Indians displayed a willingness to work with whatever name the state and federal governments accepted, regardless of how foreign it was to their own approach to identity.”⁴³

Historical Records Do Not Support Claims of “Hiding Out”

In the narrative for Section 83.7(A) of the Federal acknowledgment regulations, Petitioner stated (after the erroneous assertion of the “mix’d crew”) that for “the next 100 years the Lumbee remained relatively isolated in the swamps of Robeson County.”⁴⁴ “Relatively isolated” here seems a conveniently loose term. The Lumbee individuals (although not yet identified as Lumbee, as the term did not come into existence until the 1950s) were apparently known well enough that they were located and enumerated on all U.S. Censuses from 1790 forward. While the self-sufficiency of the enclaves within the swamps may have allowed families to have little interaction with outsiders, there were commercial products even in the early 19th century which most rural Americans, including the individuals from this community,

⁴³ Lowery (2010), p. 106.

⁴⁴ Lumbee Petition, Vol. II, p. 4.

usually purchased ‘in town,’ such as cloth, flour, sugar, plows, harnesses, etc. The claim of exclusive enclaves of individuals claiming Lumbee in the swamps of Robeson County has not been substantiated. It is clear that, by the mid-19th century, white farms were beginning to locate closer to these settlements, and paying taxes on land under threat of losing acreage was an issue throughout the 19th century.⁴⁵ As was the case in many rural areas of that time, there may have been isolation in interacting with the larger Robeson County population, but Federal and state authorities certainly knew of the existence of the enclaves. After approximately 1831, men from these enclaves were required to obtain gun permits, along with other “free people of color.”⁴⁶ There was not a separate process for these permits between ethnic variations of “free people of color,” and as it was a yearly permit, it was an onerous burden for the men who needed firearms as part of their families’ survival during this period. While some individuals may have preferred isolation to being known in the wider Robeson County society, this was never an option where the County government was concerned.

Unsupported Claims that Ancestors and Communities Identified as “Indian”

Despite Lumbee claims that the community may have identified itself as “Indian,” the Petition does not attempt to clearly demonstrate a previous autonomous Indian tribe as the antecedent for the Lumbee. One of the issues in the ability to do this is the lack of data connecting early ancestors with the known late-18th century community. While several ancestors are mentioned as having served in the Revolutionary War as well as the War of 1812, the citations and lacking genealogical evidence have not been specific enough to identify Lumbee

⁴⁵ For example: The Raleigh Register, *Sheriff’s Sale*. Raleigh, North Carolina. November 7, 1843, p. 1. See: [Nov 07, 1843, page 1 - The Raleigh Register at Newspapers.com](#). Several Lumbee ancestors are listed, including several Locklears, Oxendine, Revels, Hunt, and Bullard.

⁴⁶ Lumbee Petition, Vol. II, p. 59.

ancestors.⁴⁷ While pre-1800 genealogical research may have been quite a difficult undertaking during the 1980s, present-day databases, abstracts of various colonial and early United States land documents, court proceedings, and especially electronic genealogy programs should allow more documentation and answer foundational questions about what, if any connection with historic tribe(s) existing among the Lumbee past.

Conclusion

The Office of Federal Acknowledgement within the Department of the Interior issued updated regulations in 2015 for the recognition of Indian tribes. This administrative process currently uses seven criteria to evaluate all petitioning groups. The regulations do explicitly require a petitioning entity to identify a previous historic Indian tribe as the recognition of a sovereign entity must originate from a previous Indian tribe with political authority over its members as well as the ability to deal with outside entities as a sovereign unit. To recognize a petitioner as a tribe without meeting these seven criteria ensures dramatic consequences for Indian policy and federally recognized tribes.

The issue of Lumbee recognition is not only an issue for the Lumbee group itself. Allowing Federal recognition for a group without clear antecedents of previous historical tribe(s) would dramatically redefine the standards for receiving Federal recognition, almost to the point of being meaningless. Such low standards would pave the way for groups with little to no evidence of Native ancestry to claim the cultures and identifies of legitimate tribes and assume legal rights over their sacred places and ancestral remains under the Native American Graves

⁴⁷ For instance, on a Revolutionary War Land Warrant list, there were three listings of James Lowry, each approved for 100 acres. There appear to be additional men with the same names as those listed in the Petition, who served from North Carolina. Additional genealogical research and citations are needed to clearly identify these men.

Protection and Repatriation Act (NAGPRA). Imbuing such groups with the legal authorities to act as sovereigns would have significant consequences for communities across America. It would enable those voices in America today who call for another era of Termination to paint such a decision, absent clear descent from historic tribe(s), as an illegal tier of benefits to racial groups. The issue of Lumbee recognition must be considered on the basis of verifiable historical facts in a process that remains unmoved by emotions, historical grievances, or purely political motives.

The historical and genealogical research required to properly evaluate and verify the Lumbee claims clearly exceeds the capabilities of Congress. It would be extremely reckless for Congress to overlook the extreme historical gaps, shifting claims, and assumed history that underpin the Lumbee's claims. Thus, the OFA is the only entity capable of examining Lumbee's request for Federal recognition.

Historical Political Activities of Lumbee

Introduction

From the historical records beginning in the early to mid-1700s documenting the people the Lumbee now claim as forebears, these individuals acted as colonial British subjects, and later exercised and insisted on their rights as American citizens. These forebears legally entered into Robeson County lands and purchased them, paid colonial and American taxes, served in colonial and American militias, probated estates, served as witnesses in various legal capacities, and availed themselves of political processes. At no time did these claimed forebears of the Lumbee resist the application of colonial or American law to themselves, nor did they make arguments about belonging to an autonomous or semi-autonomous entity with rights that predated colonial or American authority.

Colonial Era

Evidence of these claimed forebears moving into the environs of present-day Robeson County began in the mid-1700s. Land entries, sales, and notations of locations can be traced in predecessor forebears moving from the northeastern counties of North Carolina or southern counties of Virginia as individual families that moved into the western area of Bladen County (present-day Robeson County).

Some of this evidence documents these families prior to emigrating to the area of present-day Robeson and surrounding counties. For instance, Chavis/Chavers family predecessors Gibeau and

William were signatories on a 1771 Petition to the North Carolina General Assembly protesting unequal taxation. In 1723, the General Assembly and Lords Proprietors had passed a tax law which, in addition to the free male tithes for colored or white men ages 12 and over, required a tithe on all “free Negroes & Mulato” women aged 12 and over.¹ Due to the fragmentary survival of colonial tax lists in North Carolina, attempts to gauge the impact of this statute on the free people of color in the Carolinas are difficult, as the extant tax lists do not show this tithe being collected regularly. However, by 1771, apparent collection of this tax had become untenable to the free people of color in Granville County. Using the right of petition, many of the free men of color signed a petition to the Carolina General Assembly requesting relief from this form of unequal taxation.² Although this Petition did not receive action from the General Assembly, the signatures of 61 men indicate a county-wide interest in the subject. The text of this Petition reads:

To the Honble. The Speaker and Gentn. Of the house of Assembly

The Petition of the Inhabitants of Granville County Humbly Showeth that by the Act of Assembly Concerning Tythables it is among other things enacted that all free Negroes & Mulato Women and all wives of free Negroes & mulatoes are Declared Tythables & Chargeable for Defraying the Public County & Parish Leveys of this Province which Your Petitioners Humbly Conceive is highly **Derogatory of the Rights of Freeborn Subjects Your Petitioners** therefore Pray that An Act may pass Exempting Such free negroes & mulatoe women and all wives other than Slaves of free negroes & mulatoes from being listed as Tythables & from paying any Public County or Parish Levys and Your Petitioners shall ever pray &c.³ (emphasis added)

¹ See: [An Act, for and additional Tax on all free Negroes, Mulattoes, Mustees, and such Persons, Male and Female, as now are, or hereafter shall be, intermarried with any such Persons, resident in this Government.](#) | [Laws of Enslavement and Freedom](#)

² See: [Session of November-December, 1771: Lower House Papers; November 12 and 27, Petitions rejected or not acted on - North Carolina Digital Collections](#)

³ Ibid.

All of these men who signed this petition viewed themselves as free British subjects, able to participate through the petitioning process provided to British subjects under the North Carolina colony charter. None of these men declared they were exempt from North Carolina taxes as members of any Indian community.

Among these Granville County signatories were men whose descendants later emigrated to western Bladen County and became families the Lumbee point to in their lineage. Surnames such as Hunt, Wilkinson, and Lowry are present on the Granville County petition. Gibeia Chavis (b. abt. 1690) and his son William Chavis (b. abt. 1710) were also signers of this petition. These Chavis men were landowners and businessmen living in Granville County during the early to mid-18th century. As men of property, they would have had voting rights, such as there were, under the Carolina Colony royal charter. On the list of titheables for Granville County in Fall 1771, Gibeia Chavis was listed for six tithes (p. 10) and William Chavis, Sr. was listed for 9 tithes (p.10). This list of tithables did not break down the tithables into men, women, or white/free colored, but did note taxed carriage wheels were appropriate.⁴

Claimed forebears of the Lumbee also exercised their responsibility of colonial military service. A 1754 muster roll of the Granville County militia commanded by Col. William Eaton included William Chavis as well as sons William Chavis, Jr. and Gilbert Chavis.⁵ Militia lists for Edgecombe County between 1750-1759 included James Lowry, James Wilkins, John Wilkins, Thomas and George Kersey, David and William Going, Edward Going, Peter Revels, Cannon

⁴ See: [Tax Lists, Granville County, 1771 - North Carolina Digital Collections](#), p. 10.

⁵ See: [Documenting the American South: Colonial and State Records of North Carolina](#). On this muster roll, William is listed as “Negro” and his sons are noted as “mulatto.” The name and ethnicity of William Chavis, Sr.’s wife is currently unknown.

Cumber/Cumbo, and Joseph Chavers/Chavis.⁶ At this time, there was no segregation in the militia between free whites and free people of color. While these documents do not directly indicate political activity, the military service, presence on extant tax lists, and petitioning the General Assembly all indicate the ability of free people of color to participate as British colonial subjects during this period.

Another aspect of participation in the legal-political colonial society was the entering and purchase of land deeds in Bladen County. While rumors of land grants or deeds to predecessors of Lumbee prior to 1750 persist, land entries and deeds have been discovered dating from the earliest of 1748 and later.⁷ Although the British, and later, the American government required oversight and approval for Indian-white land transactions, the people the Lumbee assert they descend from were never subject to this requirement—these predecessors were always able to buy and sell lands within the colonial and later the American systems. If there had been a tribal organization to which they belonged, the ability of these men to participate in these transactions is extremely doubtful. Some examples of these early land documents for Bladen County include:

1759—John Oxendine, Jr. had 100 acres surveyed on the east side of Drowning Creek.⁸

1764—John Locklier patented 200 acres on the east side of Long Swamp.⁹

⁶ Edgecombe County: Militia of the county, 1750-1759. See: [Edgecombe County: Militia of the county - North Carolina Digital Collections](#).

⁷ There are land sales from 1748 grants to a Henry Obery through his son John Obery, but as these grants were sold off in the mid-1700s and the fragmentary nature of colonial tax lists, the ethnicity of Henry and his son John are unknown, and whether the Obery men ever resided in Bladen County is doubtful. Records of land grants/entries from the 1750s until the early 19th century are extant for ancestors of the Lumbee.

⁸ See: [Ancestry.com - North Carolina, U.S., Land Grant Files, 1693-1960](#)

⁹ See: [Ancestry.com - North Carolina, U.S., Land Grant Files, 1693-1960](#)

1768—land sale of 100 acres on the north side of Saddletree Swamp to John Hammond, planter. Sale was witnessed by Thomas Ivey.¹⁰

1769—land sale on the east side of Wilkinson’s Swamp from Philip and Selah Chavis to Daniel Mclean.¹¹

1770—Thomas Kersey, planter, purchased 250 acres on “the North side of Drowning Creek below Smiths bridge.”¹²

1772—James Lowry, planter sold a 1767 land grant “below Joshua Braveboy’s land” to Daniel Smith. James also sold 200 acres of his 1771 land grant “above the head of the White Oak Swamp” in the same 1771 court term.¹³

1775—James Lowry proved in court a land sale on Beaver Dam Branch on Raft Swamp from Ann Perkins to William Lowry in 1772.¹⁴

1775—Cannon Cumbo, planter, purchased 100 acres “on the east side of the great swamp on the bottom of Gourleys Neck.” The seller, Lewis Thomas, was noted as a farmer.¹⁵

Once lands had been granted/purchased from North Carolina, subsequent land sales were testified to by men of color as well as white men. This further established the position of these predecessors as subjects of the British Crown and later as citizens participating in the socio-political society of early America. At no point did these individuals attempt to consolidate their

¹⁰ Holcomb, Brent . *Bladen County, North Carolina: Abstracts of Early Deeds, 1738-1804*. Greenville, South Carolina, Southern Historical Press, Inc., 1979, p 14. Many of these deeds reference these predecessors, such as John Hammond here, as “planters,” indicating they were men of property.

¹¹ Holcomb, p. 11.

¹² Holcomb, p. 8.

¹³ Holcomb, p. 22.

¹⁴ Holcomb, p. 50.

¹⁵ Holcomb, p. 54.

lands as a group or claim the lands as territory having belonged to them prior to the establishment of the Carolina Colony.

In addition to owning lands in western Bladen County, people the Lumbee now claim as forebears were also paying taxes to the Crown during the colonial period. For example, a 1763 tax list listed David Braveboy as paying three “white male” tithes and three additional taxes.

During 1872 hearing in front of a Congressional Joint Select Committee, Giles Leitch, a Robeson County resident and former state representative and senator during the Confederacy, testified as to the views of white Robesonians regarding the families from whom the present-day Lumbee assert descent during the late 18th century:

Before the revolutionary war they were wealthy, and owned slaves. During the revolutionary war they were known in that country as robbers; they were neither whig nor tory particularly...During the war they accumulated and amassed a large fortune and at the close of the war they were rich...¹⁶

Although colonial and early American tax lists of Bladen and Robeson counties do not indicate that 18th mixed-ancestry families in Bladen County owned slaves in any appreciable numbers, they did own lands and likely held political influence as planters. This did not fit into the racially stratified society envisioned by many white Robesonians and North Carolinians, and following the Turner rebellion, white North Carolina acted to remove access to the political and judicial systems in the 1835 Constitution.

¹⁶ *Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, V. 2 (North Carolina)*. Washington, DC, Government Printing Office, 1872, p. 283. See: <https://hdl.handle.net/2027/miun.aca4911.0002.001>

Documentary evidence from the colonial era shows the participation in political processes and exercise of rights, responsibilities, and privileges of predecessors of Lumbee as British colonial subjects. Subsequent testimony alluded to the dissatisfaction of the white population with ethnically mixed families who lived among them and exercised their rights as colonial subjects, and then as American citizens. This evidence indicates individual interest and participation in important issues of the time by these claimed forebears of the Lumbee. No appearance of a group organization can be gleaned from the documented events of this period.

Early American Period, 1783-1878

Individuals claimed as ancestors by Lumbee served with the American troops during the Revolutionary War and the War of 1812, indicating that political thinking of these men sided with developing American political thought, rather than continuing the hidebound and unwieldy British colonial system. At no point during this period did the documented actions of people the Lumbee claim as forebears indicate an existing autonomous or semi-autonomous group. Rather, ancestors of the Lumbee continued to exercise the responsibilities and privileges of citizens of the United States.

Tax lists of this early American period recorded information regarding the lands owned and number of men over the age of 16 living in Bladen and Robeson counties. For example the 1784 tax list for Bladen County recorded:

Ishmael Chavers/Chavis, taxed on 100 acres and 1 white male poll;

William Chavers/Chavis, taxed on 150 acres and one white male poll;

Phillip Chavers/Chavis, taxed on 750 acres and three white male polls and one black male poll;

Randall Locklier, taxed on 150 acres and one white male poll;

John Chavers/Chavis, taxed on 400 acres and one white male poll;

Joseph Ivey, taxed on 100 acres and one white male poll;

Benjamin Sweat, taxed on 100 acres and one white male poll;

James Ivey, Jr., taxed on 100 acres and one white male poll;¹⁷

Edmund Revels, taxed on 300 acres and one white male poll;¹⁸

John Lockalier/Locklier, 200 acres and one white male poll;

William Lockalier/Locklier, 100 acres and one white male poll;

Robert Lockalier/Locklier, 100 acres and one white male poll;

Jacob Lockalier/Locklier, 100 acres and one white male poll;

Joseph Lockalier/Locklier, 100 acres and one white male poll;¹⁹

John Hammons, 450 acres, one white male poll and one black male poll;²⁰

David Braveboy, 250 acres and one white male poll;

Isham Ivey, 950 acres and one white male poll;

Thomas Ivey, 640 acres and one white male poll;

William Wilkins, 100 acres and one white male poll;²¹

Cannon Cumbo, 100 acres, one white male poll and one black male poll;

Nathaniel Cumbo, 100 acres and one white male poll;

Gilbert Cumbo, 250 acres and one white male poll;

Peter Kersey, 150 acres and one white male poll;²²

¹⁷ 1784 Tax list of Bladen County, North Carolina, image p. 33. See: [Tax Lists, Bladen County, 1784 - North Carolina Digital Collections](#). The tax on adult white and black men are listed here as “polls” apparently the same as the older “tithes” of the colonial period.

¹⁸ Ibid., image p. 34.

¹⁹ Ibid., image p. 36.

²⁰ Ibid., image p. 37.

²¹ Ibid., image p. 38.

²² Ibid., image p. 39.

Charles Oxendine, 150 acres and one white male poll.²³

The 1788 Bladen tax list denoted acres of land owned, town lots owned, a “Free Poll” tax category, and a “Black Poll” category. This categorization of taxpayers indicated no ethnic differences between free American citizens.²⁴ As an example, among the taxpayers of Bladen County in 1788, John Chavers/Chavis was taxed on 150 acres and one free poll.²⁵ These tax lists do not list any people identified as Indian, although in 1784 there are two individuals noted as mulatto, paying both white and black polls.²⁶ As the listed men were paying the white poll, they would have had the same political rights as other free property-owning male citizens during this time.

During the 1790s, ancestors of the Lumbee continued to be active in the purchase and sale of lands in Robeson County. Far from isolating themselves, or “hiding out” in the swamps of southern Robeson County, ancestors of the Lumbee appeared in court records, probated estates, and appeared on United States censuses. The families from whom the present-day Lumbee assert descent used the process of wills and probate to direct their estates and pass property on to their relatives, just as other free American citizens did.

Charles Oxendine, Sr. (b. 1741-1808) and his family provide good examples of this participation. Since arriving as a child in the area of Robeson County with his parents John and Sarah Clark Oxendine around 1750, Charles, Sr. had been purchasing land in the county from the late 1760s

²³ Ibid., image p. 45.

²⁴ 1788 Tax List of Bladen County. See: [Tax Lists, Bladen County, 1788 - North Carolina Digital Collections](#).

²⁵ Ibid., image p. 18. While the men listed on the 1784 tax list were likely still in residence, they were located in the newly-formed Robeson County, for which no early tax lists appear to have survived.

²⁶ 1784 Tax List of Bladen County, image pp. 16 and 37. Jo Willis was noted as “mulatto” with 320 acres, paid one white poll and two black polls; and Molatto Jo had 1,620 acres, paid one white poll and two black polls. Unknown if this is two individuals or the same man listed twice for separated acreages.

until the 1790s. His tracts had been noted as boundaries in deed books for other purchases or land sales during this period. In his last will and testament of 1808, he was able to pass on his lands and property among his ten children.²⁷ Distribution of his lands included:

Son, David (b. abt. 1780) was to have “one hundred & fifty acres of land containing the plantation on which I now live, one rifle gun, also the working tools on the plantation.”

Son, Aaron (b. abt. 1775?) was to have “two hundred acres of land containing the grist mill above my plantation.”

Daughters, Nanc, Betsey, Catherine and Sarah were to have “my household furniture & one bay horse called Buck” equally divided among them.

His cattle and hogs were to have been equally divided among all ten children.

Sons, Benjamin and John were appointed executors of the estate.²⁸

In another probate on March 30, 1810, James Lowry (b. abt. 1735- March, 1810) divided his estate among his wife, sons William (b.abt. 1755), Thomas (b.abt. 1760), and James (b.abt. 1750), daughters Mary Elizabeth (b. abt. 1790) and Cecily (b.abt. 1795). Lands owned by James Lowry, Sr. amounted to over 480 acres, including an unknown acreage of the lands of the plantation where he and his wife resided with their two daughters. The will was witnessed by Wallace Neill, Neill McNeill, and “Benet” (?) Locklear.²⁹

While land records show vigorous purchasing and selling of lands in Robeson County in the last decade of the 18th century by these mixed-ancestry families, this activity dwindled in the early 19th century due to changing socio-political pressures and economic hardships. North Carolina was eroding the rights of free people of color during the early 19th century, culminating in the

²⁷ See: [North Carolina, U.S., Wills and Probate Records, 1665-1998 - Ancestry.com](#)

²⁸ Ibid.

²⁹ See: [Ancestry.com - North Carolina, U.S., Wills and Probate Records, 1665-1998](#). The witnesses appear to be both white and a “free colored” man of the Locklear family.

1835 Amendments to the North Carolina Constitution, which stripped free men of color of their right to vote, and further required free people of color to have gun permits.³⁰ Typical of some political currents in the Jacksonian era, with the addition of the fallout from the Turner rebellion, citizens who were free people of color came under scrutiny, resulting in the loss of access to and representation in the political system. This was a startling reversal of the 1776 State Constitution, which allowed free men of color who had lived in a North Carolina county for 12 months and paid public taxes to vote. There had been no restrictions on the right to bear arms for free people of color.³¹

Land losses to tax sales became an issue for predecessors during this period. Despite having to pay local and county taxes, there was no clear way to preserve political representation by voting. For instance, a Robeson County Sheriff's tax sale in 1843 listed ten predecessors out of 35 individuals as subject to the sale for delinquency on 1841 taxes.³²

The removal of the right to vote and bear arms by free non-whites in North Carolina had a suffocating effect on the ability of free non-whites to participate in the mainstream political process until after the Civil War. From 1835, when the vote and the right to bear arms were stripped from non-white citizens, until after the Civil War, political activities of these people the Lumbee now claim as forebears are very muted in the historical record. There was little recourse for the free non-white people under the overtly paranoid white-dominated political and economic system of 1835-1865. Both slaves and free non-white men were being impressed into forced labor, prevented from voting, testifying in court against whites, and subject to egregiously

³⁰ See: [NC-Constitution-Amendments-1835-1862.pdf](#). Section 3.3 removed the franchise of individuals classed as "free Negro, free mulatto, or free person of mixed blood."

³¹ See: [Constitution, 1776 - North Carolina Digital Collections](#)

³² See: <https://www.newspapers.com/image/58072111/>

manufactured accusations of theft by neighboring whites who then took their lands as ‘compensation.’³³ Some academics posit this period was a time of developing internal group organizations such as churches in the various swamp enclaves.³⁴

The rise of Henry Berry Lowry and his associates’ violent reaction to this atmosphere of oppression and more importantly, the murder of his father and brother Allen and William Lowry, brought the conditions of the Robeson free non-whites to the forefront of public awareness. Although how political Henry Berry Lowry and his “gang” were in their activities is debatable, the Lowry gang influenced wider political developments in Robeson County. Henry Berry Lowry began his campaign of robbery and targeted murder following the murders of his father and brother, in addition to other relatives, as a very personal campaign when the civil justice system was unavailable as an avenue to bring his relatives’ killers to justice. In his 1872 testimony to Congress, Giles Lietch stated “I think that Henry Berry Lowry never had much politics.”³⁵ Whatever Henry Berry Lowry’s politics may have been, his campaign of revenge added to the development of involvement in political processes by mixed-ancestry families in Robeson County.

Within the political realm, predecessors turned to the Federal government following the Civil War. In 1868, the first known petition sent to a Federal agency by individuals the Lumbee claim as forebears to was to the Commissioner of the War Department to protest the replacement of the

³³ Sider, Gerald M. *Lumbee Indian Histories : Race, Ethnicity, and Indian Identity in the Southern United States*. Cambridge England ; New York, NY, Cambridge University Press, 1994, pp. 158-160. See: [Lumbee Indian histories : race, ethnicity, and Indian identity in the southern United States : Sider, Gerald M : Free Download, Borrow, and Streaming : Internet Archive](#)

³⁴ Malinda Maynor Lowery. *Lumbee Indians in the Jim Crow South*. Univ of North Carolina Press, 2010, p. 21.

³⁵ *Testimony Taken by the Joint Select Committee*, p. 287. See: <https://hdl.handle.net/2027/miun.aca4911.0002.001>

citizens was a threat. The Freedmen's Bureau agent had, in coordination with the county sheriff, persuaded Henry Berry Lowry to give himself up, and Lowry was placed in the county jail, and subsequently escaped. This series of events indicated to the white community that the agent was too involved with and had a bias towards the free non-whites of Robeson, and worked successfully to have the Freedmen's Bureau agent removed.

In the aftermath of Henry Berry Lowry's disappearance in the early 1870s, people in the white community began writing of some of the non-white Robeson County people formerly known as "mulattos" or "free people of color" as separate from the "Negros" or blacks. In 1875, Mary C. Norment, the widow of one of Henry Berry Lowry's victims, asserted in her book, *The Lowrie History*, that Henry Berry Lowrie was "of mixed blood, strangely comingled, having coursing in his veins the blood of the Tusccarora Indian, the Cavalier blood of England, and also that of the descendants of Ham [African]..."³⁹ In his 1872 testimony to Congress, Giles Leitch, also attempted to explain his understanding of the ethnicity of Robesonians who were not black and not white:

[R]eally I do not know what they are; I think they are a mixture of Spanish, Portuguese and Indian...I do not think in that class of population there is much negro blood at all; of that half of the colored population that I have attempted to describe all have always been free...They are called "mulattoes;" that is the name they are known by...I have not been able to learn the origin of that family [Lowry], though for several years I have been endeavoring to do so. I think they are of Indian origin.⁴⁰

³⁹ Norment, Mary C. *The Lowrie History*. Lumberton, NC, Lumbee Publishing, 1909, pp. 9-10. See: [The Lowrie history : as acted in part by Henry Berry Lowrie, the great North Carolina bandit, with biographical sketch of his associates : Norment, Mary C : Free Download, Borrow, and Streaming : Internet Archive](#). The genealogical information in this book is extremely suspect, as no documents for a manumission of James Lowry or the ethnic claims made by Mary Norment can be verified, and her sources are unknown.

⁴⁰ *Testimony Taken by the Joint Select Committee*, p. 283-284. See: <https://hdl.handle.net/2027/miun.aca4911.0002.001>

While noting “Indian” as a portion of ethnicity for historical populations tied to Lumbee claims, these mentions of “Indian” never state or indicate there existed any tribe extant in Robeson County.

Also in the aftermath of the Civil War, the U.S. Southern Claims Commission was authorized to review claims of damages from Union troop actions on civilian property and provide compensation for such damages. Only eight of these claims were filed in Robeson County. Of these eight claims, the three claims approved and issued compensation to were three claimed forebears of Lumbee: Henry Sampson, Hugh Oxendine, and Soloman (or Solomon) Oxendine.⁴¹

Interactions and familiarity with these post-Civil War Federal programs show the ancestors of Lumbee were part and parcel of the mainstream society of Robeson County and knowledgeable about post-war assistance from the Federal government. While the suppression of the rights of free people of color during the period of 1835-1865 was onerous to the political participation of all people of color in Robeson County, developing party politics post-Reconstruction would result in avenues for increased cooperation and patronage between white Democrats and the people the Lumbee assert they descend from.

⁴¹ See: [Sampson, Henry - Fold3 - US, Southern Claims Commission Approved Claims, 1871-1880 - Fold3](#); [Oxendine, Hugh - Fold3 - US, Southern Claims Commission Approved Claims, 1871-1880 - Fold3](#); and [Oxendine, Solomon - Fold3 - US, Southern Claims Commission Approved Claims, 1871-1880 - Fold3](#)

Late 19th and Early 20th Century

After the Reconstruction period, ethnic/racial stratification continued to harden. While the voting rights of people of color and emancipated slaves had been exercised for a time, the end of Reconstruction and withdrawal of Federal oversight of the southern states' elections allowed political oppression to increase. However, free people of color in Robeson County found ways to work within the political system to achieve goals to improve their families' lives.

Although North Carolina began establishing and providing for public schools in the 1870s, there was no provision for children of citizens who did not identify themselves as either white or black. By the 1880s, some ancestors of the Lumbee began working to establish their own separate public schools. The educational opportunities for these families were limited to either private instruction or occasional classes offered in local churches. Because of the limited political influence that ancestors of the Lumbee could exercise, they needed to ally themselves with local sympathetic politically-connected white men to gain the attention and favor of North Carolina to achieve this goal.

Hamilton McMillan was the influential white man who assisted in the attainment of the goal of establishment of a third public school system in Robeson County. During the 1860s, McMillan was the editor of the *Robesonian*, and became interested in the predecessors and their origins.⁴² Elected to the North Carolina legislature in 1885, McMillan was instrumental in attaining approval for and limited funding of a third public grade school system for the free families of

⁴² The Robesonian archives available are fragmentary until the early 20th century. Other North Carolina newspapers do not write about people the Lumbee now claims as forebears as "Indian" until the Lowry gang's emergence in the 1860s. Even then, the ethnicity of Henry Berry Lowry and his associates were vigorously debated until the mid-1870s.

color in Robeson County who would not use the schools with black families and were barred from the white schools as well.⁴³

When North Carolina established public schools across the state in 1875, each district school had a ‘school committee’ of three men that determined enrollment for each school. In Robeson County, there were a few schools within the “colored system” that had claimed forebears of the Lumbee making up the entirety of the committee.⁴⁴ As no schools in Robeson County had been open to non-whites since 1835, these families were generally eager to obtain educational opportunities for their children in order to make up societal and political opportunities lost under the 1835 Constitution through the Civil War. School committees controlled by men claimed by the Lumbee as forebears, while not specifically intended for their children alone, became defacto schools for these claimed ancestral families. However, appeals to the Robeson County Board of Education by black families finished this end-run around the two-tier system which excluded mixed ancestry families from the white schools and who excluded themselves from the black schools.

The growing concerns surrounding the mixed ancestry families’ separate claimed “Indian” identity and increasing ability to differentiate themselves from the black community gave white political party operatives very good reasons to court the patronage of the predecessors. Giles Leitch was very open about numbers of voters in Robeson County since the re-enfranchisement of the free people of color following the Civil War:

The county of Robeson had about one thousand five hundred white voting population before the close of the war. Since then, since the colored population has been enfranchised, there are about three thousand voters in the county; of that one thousand five hundred

⁴³ Lowery, 2010, pp. 25-26.

⁴⁴ Lowery, 2010, pp. 24-25.

additional voting population, about half were formerly slaves, and the other half are composed of a population that existed there and were never slaves and are not white...I cannot tell with absolute certainty...In 1835 there was a State convention which disfranchised them; up to that time they had exercised the elective franchise.⁴⁵

The Conservative Democrats, as they were known then, used to being the majority political party during the Confederacy years, were dismayed to find, as Leitch stated:

[T]hat the politicians who have established in that county (Robeson) the republican party have got all this class of people into that party by instilling into it a hatred toward the white race. I believe they have been taught to hate the white man as one who was endeavoring to keep away from them what are their rights...⁴⁶

The request of the families the Lumbee point to in their lineage for their own segregated schools presented Conservative Democrats the opportunity to split the non-white votes in Robeson County at no loss to the white schools or the advancing racial segregation practices in North Carolina. Hamilton McMillan was the first Robeson County politician to begin working for establishment of the “Indian” schools in Robeson County. By 1885, as a state legislator, McMillan had successfully lobbied for a grade school system for “Indian” children.⁴⁷ This 1885 North Carolina statute establishing a third public school system for the predecessors did so under the label of “Croatan Indians” but did not, as this statute has been used, recognize or formalize any relations with an actual “tribe.” Rather, the label of “Croatan Indians” was used for “said

⁴⁵ *Testimony Taken by the Joint Select Committee*, p. 283. See: <https://hdl.handle.net/2027/miun.aca4911.0002.001>.

⁴⁶ *Ibid.*, p. 289.

⁴⁷ Lowery, 2010, p. 25.

Indians and their descendants” to “establish such suitable school districts as shall be necessary for their convenience” including a census of these newly-created “Croatan Indians” children.⁴⁸

A short time following the establishment of these “Indian” schools, some predecessors recognized that a Normal school (or high school) was necessary in order to grant teaching certificates for “Indian” students looking to teach in their own school system⁴⁹. In 1887, men the Lumbee assert they descend from petitioned the North Carolina legislature, requesting funding for a Normal School.⁵⁰ This 1887 petition was signed by 67 of these men. Some of the signers of this petition had also been signatories on the 1868 Freedmen’s Bureau petition, such as Preston Locklear and Alexander Locklear.

On March 7 1887, the North Carolina legislature passed “An Act to Establish a Normal School in the County of Robeson.” Section 1 of this Act appointed four signers of the 1887 petition, W.L. Moore, James Oxendine, James Dial, and Preston Locklear as “a body politic and corporate, for educational purposes” to be the trustees of the Normal School.⁵¹

In 1888, McMillan published a book outlining his theories on the origins of the free families of color in Robeson County.⁵² As is the case with many amateur historians, McMillan appeared to make evidence fit into his own version of this history, rather than assembling evidence to develop a workable theory. McMillan asserted that the Robeson County free families of color

⁴⁸ *An Act to Provide for Separate Schools for Croatan Indians in Robeson County*. Public Laws of the State of North Carolina, 1885 Public Laws: Chapter 51, pp. 92-94. See: [An Act to Provide for Separate Schools for Croatan Indians in Robeson County](#).

⁴⁹ Dial, Adolph L, and David K Eliades. *The Only Land I Know*. Syracuse University Press, 1 Feb. 1996, pp. 90-91.

⁵⁰ [1887 Croatan Indian Petition Signers | Native Heritage Project](#)

⁵¹ *An Act to establish a Normal School in the County of Robeson*. Public Laws of the State of North Carolina, 1887 Public Laws: Chapter 400, pp. 699-701. See: [An Act to Establish a Normal School in the County of Robeson](#).

⁵² McMillan, Hamilton. *Sir Walter Raleigh's Lost Colony*. Wilson, North Carolina, Advance Presses, 1888. pp. 22-24. See: [Sir Walter Raleigh's Lost Colony - Google Books](#).

were comprised of descendants of the 1587 English “Lost Colony” from Roanoke Island and “Croatan” Indians from the Outer Banks of North Carolina. Most of his informants are not named, and his methodology and ability to record any oral traditions he heard faithfully and without his own personal lens are very questionable. McMillan’s ideas and conclusions are based on speculation drawn from echoes of the author’s own suppositions which may have been overlaid or inserted into what he wanted to hear from his informants. This is the work of an amateur historian who, as sincere as he may have been, never tested his suppositions against wider documentation or conclusions to ensure there wasn’t more solid, less fanciful evidence on which to base his theories.

However, the book and McMillan’s imagined “Croatan” identity were welcomed by many predecessors. For the first time, the ancestral families of the Lumbee had a theoretical, albeit ahistorical, name they could apply to their families and use to further political goals, as indeed, was accomplished by North Carolina establishing “Croatan Indian” schools. While limited funding and establishment of the third school system in Robeson County was in place by 1885, and the Normal School by 1888, the state funding was proving inadequate, and local fundraising was not enough to ensure the schooling of all the children.

In December, 1888, 54 men of these newly debuted “Croatans” submitted its first petition to the Department of the Interior, requesting additional funding for the school at the Federal level. While political activity of predecessors at the county and state level of North Carolina had been exercised as individual subjects of the British Crown and then as U.S. citizens, this petition in 1888 marked the first educational funding effort as a group of people the Lumbee now claim as forebears.

By 1908, Congressional legislation was being introduced to gain additional funding for the “Indian” schools of Robeson County. A list of legislation relating to Indian Affairs listed HR 17424, “For the establishment of a Croatan Normal College near Pembroke, in Robeson County, N.C.” introduced to the House Committee on Indian Affairs on February 18, 1908.⁵³ This bill appeared to die in Committee, and was not reintroduced.

Abruptly in 1910, Congressman Godwin, after meeting with Aren S. Locklear, Daniel Locklear, and Aaron Brooks, introduced “a bill to change the name of the Croatan Indians to Cherokee, which they claim as their original name.”⁵⁴ This appeared to have been the first public claim to a “Cherokee” affiliation by the predecessors. The bill read:

Whereas the Croatan Indians who reside in the state of North Carolina are a branch of the Cherokee tribe of Indians and are desirous of changing their name to the original name, Cherokee: Now therefore “Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, That the name of the band of Croatan Indians in said State of North Carolina be, and the same is hereby, changed to Cherokee, by which name they shall be hereafter known and designated.”⁵⁵

This bill does not appear to have been acted on or passed out of committee and no report on this legislation by the Department of the Interior has been located.

In a letter to the Robesonian newspaper on February 14, 1910, A. S. Locklear attempted to explain the reasoning behind a desire to change the Croatan name. “The name ‘Croatan’ does not mean anything,” Locklear wrote, “If anyone can prove to me by the history of our State that there ever was a tribe of Indians known as Crotans [sic] I will consider it a great favor.” Mr.

⁵³ Office of Indian Affairs, Legislative List, 1907-1909, NARA-DC, RG75, CCF 1907-1939, Legislation, Box 1.

⁵⁴ “Croatan to Cherokee: Croatan Indians Want Name Changed to Cherokee.” *The Robesonian*, February 3, 1910, p. 3. See: [Feb 03, 1910, page 3 - The Robesonian at Newspapers.com](#).

⁵⁵ Ibid.

Locklear gave some insight into the rationale behind this push to find a new label, “We are only trying to fix our prestige among the Indian tribes of the United States...and by careful study we are sure that we are a branch of the Cherokees.”⁵⁶

Congressman Godwin’s announcement did not receive an entirely positive response. Some of the claimed forebears’ of the Lumbee internal discussions over this name issue were published as letters to the editor or articles in the *Robesonian* newspaper. At a gathering in July 1910, Col. N.A. McLean, a Robeson lawyer and businessman, gave a speech at the Union Chapel Croatan Indian annual picnic which included advising against attempting to change the name of Croatan to Cherokee. McLean also advised the gathering that, “they could have their name changed if they so desired by an act of the Legislature, and not as some politicians have led them to believe they could have it done.”⁵⁷

In a letter published by the *Robesonian* on August 25, 1910, C.F. Lowery, identifying himself as “Chairman,” and O.H. Lowery, “Secy” wrote:

[T]here has been and is a race of people in Robeson County known as Croatan Indians by the laws of North Carolina for near 25 years...We are sorry to see our people divided, for we know that the division is going to work against us as a race—it will effect our educational system, our citizenship will be in jeopardy and we will be set lower than ever.”⁵⁸

⁵⁶ “A Protest. The Indians of Robeson Merely Want Their Original Name and are not “Pursuing a Shadow,” *Robesonian*, February 14, 1910, p. 8. See: [Feb 14, 1910, page 8 - The Robesonian at Newspapers.com](#). The “evidence” mentioned in this letter by A.S. Locklear cannot be verified. There is no page 28 in McMillan’s *The Lost Colony*—Chapter 4 is between pages 8 – 11 and nowhere does it mention Cherokee. The James Lowry who signed the 1806 Treaty with the United States was not related to the Lowery/Lowrie families of Robeson County.

⁵⁷ “Annual Indian picnic. Held at Union Chapel Saturday—Col. N.A. McLean and R.W. Livermore the Speakers—a Great Occasion,” *The Robesonian*, July 25, 1910, p. 1. See: [Jul 25, 1910, page 1 - The Robesonian at Newspapers.com](#)

⁵⁸ “Croatan vs. Cherokee. Croatan Indians Protest Against Proposed Change of Name to Cherokee.” *The Robesonian*. August 25, 1910, p. 8. See: [Aug 25, 1910, page 8 - The Robesonian at Newspapers.com](#). The organization C.F. Lowery and O.H. Lowery were representing is unknown.

C.F. Lowery referenced a meeting held at the Croatan Indian Normal schoolhouse, stating that following a discussion, “it was adjudged to be the wise and the best thing for those who were Croatan Indians to take their stand and protest against any movement that the “Cherokee” may ask the State to do as to the Croatan Indian in Robeson County.”⁵⁹

On May 29, 1912, the Bureau of Indian Affairs reported on the bill, H.R. 20728, Indian Appropriation Bill, to the Senate Committee on Indian Affairs. The House bill contained a line item for \$25,000 to purchase a site and school building in Robeson County.⁶⁰ The BIA was asked to evaluate the amendment for Robeson County and stated:

The amendment...providing for the purchase of a site and the erection of a school building for Indians of Robeson County, N.C., was inserted by the Senate committee, and was not estimated for by this department. The department on March 30, 1912, in report to the chairman of the Senate Committee on Indian Affairs, recommended adversely on this item, for the reason that these people have heretofore been provided for by the State, and it is not deemed advisable at this time for the Federal Government to undertake the education of these people.⁶¹

This amendment was not included in the 1912 Indian Appropriation Act. This particular amendment had dropped any mention of “Cherokee.”

In 1913, the “Cherokee” faction of Robeson County along with Robeson State legislators, were successful in passing “An Act to Restore to the Indians Residing in Robeson and Adjoining

⁵⁹ Ibid.

⁶⁰ "Appropriations for Indian Affairs Office, 1913." U.S. Congressional Serial Set, , 1911, p. 3. See: <https://heinonline.org/HOL/Page?handle=hein.usccsset/usconset25261&collection=usccsset&id=77&startid=77&end=136>

⁶¹ Ibid., p. 23.

Counties Their Rightful and Ancient Name.”⁶² The political alliances of this faction proved successful in enshrining this historical fiction into North Carolina law.

Also in 1913, a Senate bill, S. 3258, entitled “An Act To acquire a site and erect buildings for a school for the Indians of Robeson County, North Carolina, and for other purposes,” had been passed from committee to the House Committee on Indian Affairs.⁶³ Hearings were held on February 14, 1913. North Carolina Senator F.M. Simmons was one of the main witnesses in favor of the bill, and Preston Locklear and Preston Lowry were present and occasionally spoke at the hearing. Preston Locklear was the same man who signed the Freedmen’s Bureau petition of 1868, as well as the 1887 and 1888 petitions for establishing the “Indian” schools of Robeson County. While documentation is sparse as to the political connections between the predecessors and Senator Simmons, it is highly likely that the Senator gave his support to the school funding efforts in order to gain political favor from the families in Robeson County whose identities were later rebranded as Lumbee and secure their votes for Democrat candidates. Senator Simmons was a staunch segregationist who fought against the enfranchisement of North Carolina blacks during his entire political career.⁶⁴ Securing more funds for an agricultural and industrial training institution in Robeson County for the growing “Indian” sector of the voting public would not only benefit his party and satisfy the current goals of the politically active people the

⁶² See: [Public laws and resolutions of the State of North Carolina \[serial\] : passed by the General Assembly at its session of ...](#), Image p. 249.

⁶³United States Congress, House, Committee on Indian Affairs. S. 3258, *To Acquire a Site and Erect Buildings for a School for the Indians of Robeson County, N.C. and for Other Purposes*, Government Printing Office, 1913, p. 3. See: [School for Indians of Robeson County, N.C.: Hearings Before the Committee on ... : United States Congress. House . Committee on Indian Affairs : Free Download, Borrow, and Streaming : Internet Archive](#).

⁶⁴ See: [Furnifold McLendel Simmons \(1854-1940\) - North Carolina History](#).

Lumbee assert they descend from, but this action would further divide the non-white vote of the county in favor of the Democrats.

Another well-connected Robeson attorney and politician, A.W. McLean, testified at this hearing. McLean entered his report, “Historical Sketch of the Indians of Robeson County, N.C.” into the record. This report makes a more confused history and unsupportable claims than the Croatan theories of the late 19th century. McLean appeared to equate the Cheraws with the Cherokee, stating, “The Cheraws appear to have been a bunch of the Cherokees.”⁶⁵ Although the appropriation of “Cherokee” was not known until the first decade of the 20th century,⁶⁶ McLean wrote that: “[t]he universal tradition among the Indians found in Robeson County, N.C....is that they are the descendants of English people and the Cherokees.”⁶⁷ While political goals and expediency may be understandable in any group, rapidly changing identities and using wishful thinking as evidence to achieve political goals does not make for good law or policy.

Preston Locklear also provided some testimony during this hearing. He related a meeting in 1911 with the Cherokee Superintendent and some unidentified Cherokee tribal members:

...We met the superintendent in charge at Raleigh with one or two of the other Cherokees...when we were trying to get recognition from the State...They met us down there and they were very bitter...He [the superintendent] told them that we were not entitled to it [the name Cherokee] at all, and in fact that the Government would not want it.⁶⁸

⁶⁵ S. 3258, *To Acquire a Site and Erect Buildings for a School for the Indians of Robeson County, N.C. and for Other Purposes*, p. 20.

⁶⁶ Evidenced by the news articles previously presented. No mention of “Cherokee” in Robeson County has been found until 1908. Speculations of Tuscarora descent were previously the sole potential tribal antecedent, beginning c. 1870.

⁶⁷ S. 3258, *To Acquire a Site and Erect Buildings for a School for the Indians of Robeson County, N.C. and for Other Purposes*, p. 21.

⁶⁸ S. 3258, *To Acquire a Site and Erect Buildings for a School for the Indians of Robeson County, N.C. and for Other Purposes*, p. 26.

S. 3258 did not make it out of the House Committee.

The success of the claimed forebears of the Lumbees' political activities and ability to occasionally have legislation introduced and passed at the State level contrasts with the challenges the predecessors faced at the Federal level. All investigations and subsequent reports of the Office of Indian Affairs came to the same conclusion—these mixed ancestry families did not qualify as an Indian tribe or for services as Indians. These conclusions were reached through several avenues: predecessors had been exercising the rights and privileges of American citizenship since 1783; there were no treaties or interactions with an earlier autonomous or semi-autonomous socio-political entity; and, as this was an era of Indian policy that viewed tribes as “wards of the government,” allowing the predecessors into the Federal Indian system would interfere with their status as American citizens and degrade their ability to exercise the vote, given the political inclinations of segregationist North Carolina.

The 1920s

Following World War I, predecessors again engaged with North Carolina political allies to lobby the Department of the Interior for permission for children the Lumbee claim as forebears to attend Federal Indian schools. A report from the *Robesonian* on March 17, 1924 noted that State Senator L.R. Varner and Early Bullard, Crawley Locklear, Chesley Locklear, and W.D. Oxendine met with DOI Secretary Work and Commissioner of Indian Affairs Charles H. Burke “on behalf of securing for the Cherokee Indians of Robeson county the right without question to attend

Federal Indian schools.”⁶⁹ During this meeting, they urged an amendment to “a bill affecting the Indians” to give predecessors “all right of admission to the Federal Indian schools of higher learning in the United States.”⁷⁰

Following this March meeting, Congressman Homer Lyon, who succeeded Hannibal Godwin as the Congressman of the Congressional 6th District in North Carolina, introduced H.R. 8083, “A Bill to Designate the Croatan Indians of Robeson and Adjoining Counties in North Carolina as Cherokee Indians.”⁷¹ The apparent goal of this legislation was not to secure funding for a normal or industrial training school as during 1911-1913, but instead to allow children claimed by the Lumbee as forebears to attend Federal Indian schools. Previous attempts of families from whom the present-day Lumbee assert descent to enroll children at Carlisle had not met with any success—not only were these children ineligible to attend Carlisle, but most of the nine children who were able to enroll between 1909-1911 ran away or otherwise dismissed from the institution.⁷² None of these children completed their agreed-on course of study.

H.R. 8083, as the previous bills prior to World War I, was unable to pass out of any Congressional committee. On June 5, 1924, this bill was reported to the House, and although Congressman Zebulon Weaver (D-NC) attempted to deny the bill would do anything except “give them [mixed ancestry Robeson County families] a statue or designation,” Congressman

⁶⁹ “Indians of Robeson Demand Right to Attend Federal Indian Schools,” *Robesonian*, March 17, 1924, p. 1. See: [Mar 17, 1924, page 1 - The Robesonian at Newspapers.com](#)

⁷⁰ Ibid.

⁷¹ See: [A Bill to Designate the Croatan Indians of Robeson and Adjoining Counties in North Carolina as Cherokee Indians | Digital Scholarship and Initiatives](#)

⁷² See: [Lumbee | Carlisle Indian School Digital Resource Center](#).

Cramton (R-MI) objected to the bill coming to a vote.⁷³ The bill's author, Congressman Lyman (D-NC), was not present for this brief debate, and the bill was not brought up again.

The Collier Years

Following the failure to pass the 1924 recognition legislation, the political influence of the educationally-focused political figures greatly diminished. While new organizations arose to exercise political influence, the same issues precluding recognition by the Federal government remained.

By 1934, a new group called the "General Council of the Indians of Robeson" had formed.⁷⁴

This new organization joined the National Council of American Indians, Inc. co-founded in 1926 by Gertrude Zitkala Sa Simmons Bonnin.⁷⁵ By 1934, the North Carolina Congressional delegation introduced legislation on behalf of this group for the recognition of the "Siouan Indians of Lumber River."⁷⁶

In 1934, another legislative attempt to designate another name for the predecessors was introduced. The *Robesonian* reported, "A committee of the Croatans has been in Washington

⁷³ United States, Congress. 68th Cong, 1st Session, Congressional Record, Volume LXV—Part 11, June 5 to June 7, 1924, p. 10745.

⁷⁴ "Mass Meeting of Indians at St. Anna Church April 21," *Robesonian*, Lumberton, NC, April 16, 1934, p. 1. See: [Apr 16, 1934, page 1 - The Robesonian at Newspapers.com](#). This name comes a month following an article in the *Robesonian* claiming this organization did not have a name. The personnel of its Executive Committee: Bethel Graham, Joseph Brooks, and James Chavis indicate this is the same organization.

⁷⁵ See: [Zitkála-Šá \("Red Bird"\)/Gertrude Simmons Bonnin](#)). The National Council of American Indians ended with Ms. Simmons Bonnin's passing in 1938.

⁷⁶ "Recognition as Siouan Indians of Lumber River of certain Indians in North Carolina."

U.S. Congressional Serial Set, 1934, pp. 1-6. See:

<https://heinonline.org/HOL/Page?handle=hein.usccsset/usconset24078&collection=usccsset&id=509&startid=509&end=514>

since Congress convened in the present session asking for the legislation in question so that they may have nation-wide recognition.”⁷⁷ This “committee of Croatans” were not identified, but were likely to have been members of the “Siouan Lodge.” Senate bill S. 1632 “providing for the recognition and enrollment as Cheraw Indians of certain Indians in the State of North Carolina” was introduced by Senator Bailey on the Senate floor on February 6, 1934.⁷⁸ This was a third reading of the bill, and had been amended in committee, striking “Cheraw” and, on request from the Department of the Interior Secretary Ickes, inserting “Siouan Indians of Lumber River.” In his comments on S. 1632, Ickes noted:

These Indians in Robeson and adjoining counties in North Carolina have heretofore been designated by the General Assembly of the State of North Carolina as “Cherokees”; and several bills have been introduced in congress for their recognition and enrollment as Cherokees of North Carolina, and to permit their children to attend Government Indian schools...The records show that the United States has never entered into treaty relations with, or provided benefits for, the Croatans...that their status is similar to that of other citizens of like class in the State... and that North Carolina maintains a system of schools for them. It is further shown that the Federal Government is in no way indebted to them...⁷⁹

Secretary Ickes correspondence included the 1933 report by Dr. John Swanton on the “Probable Identity of the ‘Croatan’ Indians.”⁸⁰

As with previous legislation, the 1934 legislation focused on the ability to enroll in Federal Indian schools. S. 1632, as amended read:

⁷⁷ “Robeson County Indians Would Be Called Siouan Under Senate Bill.” *Robesonian*, Lumberton, NC, February 12, 1934, p. 1. See: [Feb 12, 1934, page 1 - The Robesonian at Newspapers.com](https://www.newspapers.com/reading-room/1934/02/12/robesonian/).

⁷⁸ “Congressional Record.” *Congress.gov*, Library of Congress, February 6, 1934, p. 2004. <https://www.congress.gov/bound-congressional-record/1934/02/06/78/senate-section/article/1981-2050>.

⁷⁹ U.S. Congress. Senate Report No. 204. 73rd Cong. 2nd Sess., January 24, 1934, pp. 1-2. See: <https://heinonline.org/HOL/Page?handle=hein.usccsset/usconset24078&collection=usccsset&id=509&startid=509&end=514>.

⁸⁰ *Ibid.*, pp. 3-6.

That those Indians in Robeson and adjoining Counties, N.C., who were formerly known as “Croatan Indians”, shall hereafter be designated Siouan Indians of Lumber River and shall be so recognized by the United States government: *Provided*, That nothing contained herein shall be construed as conferring Federal wardship or any other governmental rights or benefits upon such Indians.⁸¹

This bill passed a Senate floor vote on this third reading; however, the House bill did not pass a floor vote, despite the efforts of the Robeson ‘committee’ and the North Carolina delegation.

However, by late February, an attempt was made to amend the House and Senate bills to use the name “Cherokee” once again.⁸² There were also accusations of exaggerated representation and promises of “land grants and cash awards” by Joseph Brooks, the executive Vice-President of the “Siouan Lodge.”⁸³ Interestingly, the February 19, 1934 Robesonian article stated that this organization, with President Bethel Graham, Vice-President Joseph Brooks, and Secretary James Chavis had “no formal name” despite the letterhead of the group in 1934.⁸⁴

By April 1934, a public meeting was held at St. Anna’s Church to discuss the name change in the Congressional bills. This meeting, which included Gertrude Bonnin (Zitkala Sa) and her husband, was covered by the Robesonian, which also ran letters to the editor both for and against a name change to “Siouan.”

This debate and uncertainty about a name appeared to collapse any support the 1934 legislation may have had, and the legislation was not passed. In the hope of achieving some form of

⁸¹ “Congressional Record.” *Congress.gov*, Library of Congress, 1 September 2025, pp. 2004. <https://www.congress.gov/bound-congressional-record/1934/02/06/78/senate-section/article/1981-2050>.

⁸² “Dispute of Robeson Indians Over New Name Based on Motives for Adoption,” *Robesonian*, Lumberton, NC, February 19, 1934, p. 2. See: [Feb 19, 1934, page 1 - The Robesonian at Newspapers.com](#).

⁸³ *Ibid*.

⁸⁴ *Ibid.*, p. 4. However, these individuals were all noted as part of the Executive Committee in the “Siouan Lodge” correspondence, meetings, etc. with the BIA during 1934-1940. By April 1934, this organization called itself the “General Council of the Indians of Robeson,” and in May, “The General Council of Siouan Indians of Robeson.” In turn, this became the “Siouan Lodge” in 1935.

Federal recognition, the claimed forebears of the Lumbee had gone through four names, none of which had any demonstrable evidence as to a previous historical tribe. While these names may have been adopted for internal group concerns or suggested political expediency, the fact remained that the Department of the Interior, and indeed, many Congressional representatives outside of North Carolina were not supportive of a group who did not appear to know what tribe they may have descended from and had no previous history of a relationship with the Federal government.

The “Siouan Lodge” adopted a strategy of engaging the Bureau of Indian Affairs directly, as under CIA John Collier, the Bureau was shifting its decades-long policy of assimilation and “wardship” to developing the Business Committee models of the Indian Reorganization Act. This Siouan faction had also worked with John Collier’s Indian Defense Association on the 1931 “Siouan Bill” which had been defeated. This effort had familiarized Collier with the Siouan organization and the situation in Robeson County.

For the first time, predecessors had a more visible method of political representation interacting with Federal authorities. The “Siouan Lodge” (and the various names thereof) was organized in mixed ancestry families’ areas through community meetings and elections of local representatives and a General Council of a member from each community.⁸⁵ In May 1935, a roll of “Siouan Indians of Lumber River” was presented to the BIA of the families included in the “Siouan Tribal Council.”⁸⁶ This “Siouan” group was represented by Joseph Brooks also heavily

⁸⁵ Blu, Karen I. *The Lumbee Problem : The Making of an American Indian People*. Lincoln, University Of Nebraska Press, 2001, p. 8.

⁸⁶ “Enrollment of Siouan Indians of Lumber River.” Siouan Tribal Council to Commissioner of Indian Affairs. May 18, 1935. NARA-DC, RG 75, CCF 1907-1939, General Services, Box 902.

lobbying for the inclusion of predecessors in the BIA's Work Relief and Rural Rehabilitation program, and eight tracts of land had been identified for this project.⁸⁷

Commissioner John Collier directed Indian Agent Fred Baker to engage in a feasibility study for this program in Robeson County, which Baker undertook during the summer of 1935. The report was requested following a request by the Siouan Council to organize under the provisions of the IRA.⁸⁸ Collier explained that Baker's preliminary survey was:

to determine whether a body of land suitable for the use indicated can be acquired (sic) and what measure of relief the acquisition of such a tract will afford by reason of work program will tend to take Indians off the relief rolls.

Such a purchase and relief program must meet with tentative approval of the Regional Director of the Resettlement Administration Rural and Planning and Development.⁸⁹

Due to the racial policies of North Carolina, the Federal Resettlement Administration had to run three parallel programs in Robeson County based on ethnicity—white, black, or 'Indian.'

After spending a week in Robeson County, Agent Fred Baker filed his report with Commissioner Collier in April, 1936. In his general review of predecessors history, Baker wrote in part:

The visitor among these Indians will find them almost desperately anxious to maintain their racial identity. They resent the fact that Negroes, in one manner or another, have become intermixed with them; and they feel, perhaps rightly, that the discrimination which works against them in spite of recent favorable legislation is due largely to the fact of this intermingling. Recently they have been split into two factions over the question of their rightful name, but so genuine is their desire to be recognized as Indians that they may be counted upon not to permit a factional dispute to interfere with the task of enrolling them, should the Office decide to help them in

⁸⁷ Memorandum, CIA Collier to Indian Agen Fred Baker, 1935. NARA-DC, RG 75, CCF 1907-1939, General Services, Box 1403.

⁸⁸ Lowry, 2010, p. 184.

⁸⁹Memorandum, CIA Collier to Indian Agen Fred Baker, 1935. NARA-DC, RG 75, CCF 1907-1939, General Services, Box 1403.

that matter. The question of a name they will also leave for determination at some time in the future...⁹⁰

Baker also admitted, as to finding any individuals meeting the IRA qualification of one-half or more Indian blood, “the applications for registration as an Indian which I brought back from Robeson County show no documentary proof of Indian blood.”⁹¹

At this point, with the lobbying pressure from Joseph Brooks and the Siouan Committee and Collier’s sympathetic interest in including claimed forebears of the Lumbee in provisions of the IRA, a method of determining “Indian blood” of predecessors was deliberated. To that end, Dr. Carl Selzer agreed to conduct anthropometric studies among the forebears. Selzer went to Robeson County and, using the 209 applications brought to Washington by Agent Baker, used the now long-discredited anthropometry measurements to determine “Indian blood” of the applicants. Despite have zero identifiable Native blood, what is now known as the “Original 22,” twenty-two individuals of the 209 applicants were found to be “one-half or more Indian blood” using this discredited methodology. Form letters were sent to all these individuals from CIA Collier, informing them of what this determination meant under the IRA:

...I regret that such a long period of time has elapsed since you submitted your application, but it was necessary to make a considerable study of the problem presented by the Robeson County Indians.

It has finally been determined that, on the basis of all the evidence presented in your application, you are entitled to recognition as an Indian of one-half or more degree...**This enrollment does not entitle you to membership in any Indian tribe, nor does it establish any tribal rights in your name.** It entitles you solely to those benefits set forth in [the IRA], for which you may otherwise be eligible. These benefits include educational assistance,... [and] in employment in the Indian Service under Civil Service

⁹⁰ Memorandum. Indian Agent Fred Baker to CIA Collier, April 7, 1936, p.5. NARA-DC, RG 75, CCF 1907-1939, General Services, Box 322.

⁹¹ Ibid., p. 7.

regulations...the land purchase funds authorized by the above Act will probably not be available for individual Indians, since it will be necessary for many years to come to use these funds in the purchase of land for landless tribal groups.

Furthermore, this enrollment would not apply to any children you may have, unless they are born of a father who had likewise been determined to be one-half or more Indian. (emphasis added)⁹²

As sympathetic as the Indian Commissioner may have been to the Siouan Council and the situation in Robeson County, Collier and his staff could find no method to include people the Lumbee claim as forebears in the provisions of allowing a vote to accept an IRA constitution.

During the late 1930s, the General Council of Siouan Indians lobbied the Works Resettlement Administration (which became the Farm Security Administration or FSA) for an “Indian” project in Robeson County, alongside the developing white and black projects. Known as Pembroke Farms, the project began in 1935⁹³ within the OIA, although funding levels could not sustain the project and due to its duplicating the FSA projects, was transferred completely to the Farm Security Administration by 1936.

During 1935-1939, the Farm Security Administration purchased, developed a framework for the Pembroke Farms project and was able to place around 75 mixed ancestry families claimed by Lumbee on over 9,000 acres of agricultural lands.⁹⁴

By 1943, the FSA was winding down resettlement projects in view of production and budget necessities of World War II. Most of the predecessors had been renting their lands from the

⁹² CIA Collier to Mrs. Annie May Brooks Locklear, January 28, 1939. NARA-DC, RG 75, CCF 1907-1939, General Services, Box 323. This form letter was sent to all 22 individuals found to be “one-half or more Indian blood.”

⁹³ Joseph Brooks to CIA Collier, May 31, 1935. NARA-DC, RG 75, CCF 1907-1939, General Services, Box 902.

⁹⁴ Lowry, 2010, pp. 159-160.

Federal government, although some had taken low-interest mortgages for their farms. The lands were first offered to the families occupying them, but eventually, unpurchased tracts were sold at public auction. With the Federal government's focus on the war effort, the ability of the forbears to further advocate for economic development or further recognition was ineffective for the remainder of the 1940s.

Conclusion

Since the earliest documentation of free families of color in northeastern North Carolina and southern Virginia in the mid-18th century, these individuals exercised political rights of British colonial subjects by purchasing lands, witnessing deeds, voting, paying taxes, serving in militias, probating estates, and petitioning the colonial government for the redress of perceived wrongs. Following the founding of the United States in 1783, these mixed ancestry families claimed by Lumbee continued to exercise these rights as citizens. Unfortunately, due to rising racial animosity during the early 19th century, the right to vote, serve as a court witness or as a juror, possess firearms without a permit, or attend public school were abrogated by the North Carolina Constitution of 1835.

Until after the Civil War, access and ability to influence political processes or redress grievances was next to non-existent. During Reconstruction, mixed ancestry families and individuals not only regained these various civil rights, but began to exercise these rights again, this time to include the Federal government.

Throughout these attempts to "just be recognized as Indian" or gain funding sources for local education, or "just to attend Federal Indian schools," the claimed forebears of Lumbee's political activities at the Federal level were unable to overcome the facts of their situation. During

allotment and assimilation policies, their lack of identifiable tribe or treaties and (aside from the Southern racial issues) living as did their white and black neighbors, and lack of an indigenous language and traditions did not arouse any reason to recognize or provide funds in Congress or the Office of Indian Affairs.

Federal, as well as North Carolina state, legislation during the period of 1885 until 1956 never referred to these mixed ancestry families in Robeson County as a “tribe,” but only as “Indians.” Claimed forebears of the Lumbee during this era never included “tribe” in their requests for a recognized name or educational funding, and only during the 1930s with the Siouan Council in its various iterations, was there any reference to themselves as a “tribe.”

Currently, Federal Indian policy views relations with Indian tribes in a ‘government-to-government’ lens. This solemn relationship is based on treaties from colonial times to the agreements following the end of treaty-making; clear tribal autonomous existence and continuity through United States history; and specific socio-political separate traditions. The claimed forebears of the Lumbee exhibited none of these traits, and no amount of attempting to rewrite history will change this basic absent evidence.

Research into Lumbee Claims of Tribal Affiliation

Since the late 1880s, the group currently calling itself the Lumbee Tribe of North Carolina has been seeking recognition as an Indian tribe from the Federal government, including a current effort for Congressional legislation. The issues of this potential recognition are fraught with foreseeable negative consequences due to the absence of evidence of any specific previous historic tribes in Lumbee history. The history and apparent lack of any previous historic tribes of the Lumbee require the specialized research components of the Office of Federal Acknowledgement to provide a comprehensive report on the Lumbee to Congress prior to the consideration of any new recognition legislation.

Early Claims of Tribal Progenitors and Theories

Tribal progenitors of the Lumbee have been theorized since the late 19th century. Still, evidence of any tribal affiliations of ancestral families of the present-day Lumbee has never been found to meet any reliable standard. Beginning in the 1880s, various non-Lumbee individuals have posited theories for the past tribal affiliations of the Lumbee group in and around Robeson County, North Carolina.

The “Lost” Colony of Roanoke Island

The first well-known theory of Lumbee tribal ancestry was Hamilton McMillan’s 1885 “Lost” British colony of Roanoke Island and the Croatoan Indians. In his book, McMillan shortened Croatoan to “Croatan.” Many Lumbee people and the State of North Carolina adopted this unsubstantiated affiliation until white people in Robeson County began using a shortened form of this name as a slur. McMillan also claimed Lumbee people were lineal descendants of the Roanoke Colony based on his assertion that 41 Roanoke colony surnames were present in

Lumbee families.¹ However, genealogical evidence of such descent does not exist. In reviewing the surnames of the Roanoke colonists, McMillan's assertions that 41 of the colonists' surnames existed in 19th century Lumbee families was completely erroneous. The sole surname in common is Brooke/Brooks and perhaps Berrye/Berry, although neither are uncommon English surnames. By the late 17th century, colonists with these surnames had established families in North Carolina and Virginia.² There is no genealogical connection of lineal descent between Lumbee progenitors and the Roanoke colonists or their Indian allies of the Outer Banks.

In 1891, another North Carolinian, Steven Weeks, published a more formal version of McMillan's theory. Although Weeks used better citations when going over the known history of English exploration, the circumstances of the Roanoke Island colony, and early historical maps showing various supposed locations of the Croatoan or Dasamonguepeuk sites, there are no citations for his theories concerning what may have happened to the colonists after the Roanoke Island settlement was found to be abandoned. Weeks theorized that the Hatteras Indians, who he found were likely the tribe referred to earlier as "Croatoans,"³ "may have come into communication with kindred tribes on the Chowan and Roanoke rivers, to which they *seem* to have gone at a later period." (emphasis added)⁴ Weeks then indicated that his supposition was "one end of the chain of evidence in this history of survivals"⁵ without evidence, documents

¹ McMillan, Hamilton. *Sir Walter Raleigh's Lost Colony*. Wilson, North Carolina, *Advance Presses*, 1888. pp. 22-24. See: [Sir Walter Raleigh's Lost Colony - Google Books](#).

² See: [A List of Participants in the Roanoke Voyages - Fort Raleigh National Historic Site \(U.S. National Park Service\)](#).

³ Ibid. The meaning and spellings of "Croatoan" and "Croatan" were used flexibly from 1587 through the 19th century. "Croatoan," although used in the 17th century as a name for the people who lived at Croatoan village, was rectified during the 18th century, when the people of that area told colonists they were the Hatteras. "Croatan" was another attribution to the people of Croatoan village.

⁴ Weeks, Stephen B. *The Lost Colony of Roanoke: Its Fate and Survival*. New York, New York, *Knickerbocker Press*, 1891, p. 25. See: [00013444.pdf \(ecu.edu\)](#).

⁵ Ibid.

indicating a chain of evidence, or a supportable history of survivals of the Roanoke colony or their Indian allies.

He then continued his “chain of evidence” theme:

The other end of the chain is to be found in a tribe of Indians now living in Robeson county [sic] and the adjacent sections of North Carolina, and recognized officially by the State in 1885 as Croatan Indians. These Indians are believed to be the lineal descendants of the colonists left by John White on Roanoke Island in 1587. The migrations of the Croatan tribe from former homes farther to the east can be traced by their traditions...⁶

The fallacy presented here is the lack of evidence of the amalgamation of the Roanoke Island colonists and the Croatoan or Hatteras Indians following the colony's abandonment. There is also a lack of correlating sources of any migration of a group or portion of a tribe from the Outer Banks through northeastern North Carolina and then southwest into Robeson County and surrounding areas prior to the mid-18th century.

Early historical sources have fed into this “Lost Colony” theory, based on jumps made by European observers from general comments made by various, unnamed indigenous individuals. In 1654, Francis Yeardley, a Virginian born about 1622 and the son of an early colonial governor, wrote to a former treasurer of the Virginia Company in England regarding his travels among some of the indigenous peoples of what is now northeast North Carolina. He wrote of his associations with a “king” of a tribe “Rhowanoke,” and his subsequent meeting with along with this king with the “king” of the Tuscarora (Tuskarorawes). He stated a Spaniard was living among the Tuscarora at the time with “about thirty in family, seven of whom are negroes” who

⁶ Ibid.

had been with the tribe for about seven years, approximately since 1647.”⁷ Yeardley appeared to have met the Rhowanoke king through a fur trader who had met this king on Roanoke Island “and shewed them the ruins of Sir Walter Raleigh’s [sic] fort, from whence I received a sure token [unspecified] of their being there.”⁸ Yeardley further related a story which was repeated by another Carolina traveler almost 60 years later: that the Rowanoke king brought his “only” son to Yeardley to be educated and brought up in Christianity in the Virginia colony. Yeardley did not record any mention that the Roanokes or the Tuscaroras related information that there was any European ancestry among them, although the Tuscaroras had a Spaniard living with them at the time.

Over 50 years later in 1709, John Lawson wrote of the Indian interpreter who joined him on his travels, Enoe-Will, the “chief Man” of “the Shoccories, mixt with the Enoe-Indians,”⁹ who similarly asked that his only son Jack be taught by Lawson to “talk in that Book and make Paper speak,” an episode which mirrors Yeardley’s encounter with the unnamed “Rhowanoke king” in 1654.¹⁰

Lawson also remarked on relations between English traders and Native women, stating:

The English traders are seldom¹¹ without an Indian Female for his Bed-fellow, alledging [sic] these Reasons as sufficient to allow of such a Familiarity. First, They being remote from any white People, that it

⁷ *Narratives of Early Carolina, 1650-1708*. Edited by Alexander S. Salley ... New York, Ch. Scribner’s Sons, 1911, pp. 25-27. See: [Narratives of early Carolina, 1650-1708 : Salley, A. S. \(Alexander Samuel\), 1871-1961, editor : Free Download, Borrow, and Streaming : Internet Archive](#).

⁸ *Ibid.*, p. 26.

⁹ Lawson, John. *A New Voyage to Carolina*. London, 1709 p. 56. See: [A new voyage to Carolina; : containing the exact description and natural history of that country: together with the present state thereof. And a journal of a thousand miles, travel'd thro' several nations of Indians. Giving a particular account of their customs, manners, &c.](#)

¹⁰ *Ibid.*, p. 59.

¹¹ As customary spelling of the late 17th and early 18th centuries, a letter f was used in place of the current use of the letter s.

preserves their Friendship with the Heathens, they esteeming a white Man's Child much above one of their own getting...¹²

If these customs of sending Indian boys to receive English education and Indian women bearing English traders' children were unremarkable in the first decade of the 18th century among the Indians of North Carolina, there were apparently many families who raised these mixed-blood children in their communities from the mid-17th into the 18th centuries. These mixed-blood children would know their fathers were English and "spoke from a book." The tradition of European descent among northeastern North Carolina tribes would be better explained by these strategies of establishing kinship with European colonists through children and the education of young Indian men rather than a more fanciful attribution to an amalgamation with early colonists whose fate remains unknown.

Attempting to bridge a 300-year silence between a historical tribe and a group several hundred miles away without clear knowledge of which specific tribe(s) or indigenous languages, clans, families, or cultural traditions connected with the earlier tribe(s) does not demonstrate descent. Weeks had described the Lumbee group as "lineal descendants" from the Roanoke Island colonists and the Croatan/Hatteras. This lineal descent claim was then and remains today a claim that cannot be substantiated unless a genealogy showing such descent can be documented.

¹² Lawson, John. *A New Voyage to Carolina*. London, 1709 p. 29. See: [A new voyage to Carolina; : containing the exact description and natural history of that country: together with the present state thereof. And a journal of a thousand miles, travel'd thro' several nations of Indians. Giving a particular account of their customs, manners, &c.](#)

Appropriation of Cherokee Identity

In 1911-1912, due to the use of “Croatan” as a slur, the legislature of North Carolina revised the name of the Lumbee group to the “Indians of Robeson County.” However, by 1913, another name change was legislated by North Carolina on request of the group to become the “Cherokee Indians of Robeson County,” and Congress was asked to do the same.¹³ This was unfortunate, as the Lumbee group has no historical, genealogical, or cultural ties to any actual Cherokee tribe. The claim of Cherokee descent was drawn from legends surrounding the return of Col. John Barnwell’s expedition force from the 1712-1713 Tuscarora War. Legends have grown up around this militia force that on the return from fighting, some Cherokees elected to remain in Robeson (then Bladen) County.¹⁴ Without any genealogical evidence, this legend cannot be supported, and Barnwell’s force was made up of other tribes, predominantly Yamassee and Essaw, as Barnwell was the British trader in their territory. While there may have been some individual Cherokee men in either Barnwell’s or the later Col. Moore’s force, these individual men, from a society that reckoned societal memberships and responsibilities through the maternal line, could not have conferred a Cherokee identity to children or a family in Robeson County. Any children of such men would be the primary responsibility of their maternal relatives, not their father. While this legend persists within the community, Lumbee sources have admitted that the “Cherokee” appellation was more for the convenience of presenting a recognizable tribal name to state and federal authorities, rather than an actual tribal affiliation.¹⁵

¹³ This was a change from the short-lived name of “Indians of Robeson County.” The Lumbee understood that a specific tribal appellation was important; however, the appropriation of an unsupportable designation underscores the lack of any previous historical tribes from which they were descended.

¹⁴ Dial, Adolph L., and David K. Eliades. *The Only Land I Know*. Syracuse University Press, 1 Feb. 1996, pp 14-16.

¹⁵ Lowery, Malinda Maynor. *The Lumbee Indians: An American Struggle*. Chapel Hill, The University of North Carolina Press, 2018, p. 132.; Dial and Eliades, p. 16.

Emergence of a 'Siouan' Identity

By 1932, the Lumbee had organized a “Cherokee Business Committee” which continued to lobby for recognition under the name of “Cherokee Indians of Robeson County” despite the absence of evidence connecting the Lumbee to any Cherokee identity, as well as over the strenuous objections of the Eastern Band of Cherokee.¹⁶ The emerging Indian policies under the Office of Indian Affairs (OIA) focused on providing Indian tribes mechanisms for more independent self-government, and the “Cherokee Business Committee” was eager to be included. The 1932 recognition bill was similar to the 1915 and 1924 recognition bills in that it would declare a historic tribal affiliation without any investigation.¹⁷ The Senate Committee on Indian Affairs, however, submitted the bill to Commissioner of Indian Affairs Charles Rhodes with a request for a report. The Rhodes report, quoting as it did from a 1907 article by James Mooney and not addressing any historic tribal affiliation, ensured the bill would not be advanced and began causing political consternation within the Lumbee community. By 1933, after the death of the 1932 bill, the OIA, after a meeting with Lumbee representatives, selected John Swanton to research and report on any previous historical tribes of the Lumbee.¹⁸

Swanton used geographic locations to construct his determination that “placed particular Indian groups at certain locations during the colonial period.”¹⁹ Based on this entirely indirect and faulty reasoning involving only geography without evidence of family locations, Swanton declared in his report that the Lumbee were descended from the Cheraw and Keyauwee.²⁰ This

¹⁶ Lowery, Malinda Maynor. *Lumbee Indians in the Jim Crow South*. Univ of North Carolina Press, 2010, pp. 96-97.

¹⁷ Ibid., pp. 98-99.

¹⁸ Ibid., p. 107.

¹⁹ Ibid.

²⁰ Ibid.

report and conclusion were the basis for the development of the appellation of “Siouan,” as the Cheraw and Keyauwee spoke Siouan languages. This report helped drive an emerging political split among the Lumbee, between those who preferred the appellation of “Cherokee” and those who were in favor of the Cheraw or “Siouan” name based on Swanton’s report.²¹

The faction in favor of the new Cheraw/Keyauwee attribution formed a “Cheraw Business Committee” to promote the assertion by Swanton of a Cheraw tribal antecedent and distinguish themselves from the “Cherokee” political faction. This Cheraw name was suddenly changed following correspondence by the Secretary of the Interior Ickes to the Senate Committee on Indian Affairs asking that the name be changed again to the “Siouan Indians of Lumber River.”²²

In response to Secretary Ickes’ new proposed, imposed name, the Cheraw faction of Lumbee then formed the “General Council of Siouan Indians.” Not only did Ickes’ correspondence impose yet another name change from outsiders for the Lumbee, but the Secretary also noted the lack of any treaty obligations to the group. Ickes may have thought this new name would embrace multiple tribal identities of the Lumbee, but instead, this name complicated the issue of previous historical tribes by using a linguistic group rather than any specific historical tribe.

The political split between the “Cherokee” faction and the “Siouan” faction continued until the present-day designation of Lumbee was adopted in 1953. There does not exist any historical tribal or cultural basis for this name, taken from the Lumber River, previously known as Drowning Creek. There have been claims since the late 19th century that Drowning Creek was

²¹ Ibid., pp. 108-109.

²² Ibid., p. 109.

called the “Lumbee” river long ago, but there is no documentation of Drowning Creek’s aboriginal name prior to the early land grants where Drowning Creek was the only name used.

Cheraw Connection Theories

As previously noted, John Swanton’s theory of possible Cheraw descent as part of the Lumbee group has extraordinarily little evidence to substantiate it. Documents that have been cited as documenting Cheraw presence in the Robeson County Drowning Creek area during the 18th century are two 1739 complaints of Welsh settlers in South Carolina, and another complaint in 1754 concerning a general description of “50 families” that were not described as Indian.

In March 1739, a dispute was brought to the South Carolina Council by the Welsh settlers of lands purchased from the Saraw (Cheraw) and Pee Dee Indians, who were still using the lands as their usual hunting grounds.²³ The Welsh settlers complained that a “Robert” and 14 other head men signed two land conveyances covering the lands of their settlement.²⁴ Certainly, if this conveyance exists anywhere, even as a transcript with the signers’ names, this would begin to document the people living there. Such a document was not provided in the 1987 Lumbee Petition #65 to the Office of Federal Acknowledgment (OFA). In addition, the Petition cites a 1771 news account of the capture of fugitives at “Charraw.”²⁵ The article locates the capture “near Drowning-Creek, in the Charraw Settlement.” This is the first mention of any Cheraw living in a settlement near Drowning Creek, rather than on the Pee Dee River or in the Charraw village associated with the Catawba.²⁶ If this 1771 settlement is the “Cheraw core” asserted by

²³ Lumbee Petition, Vol. 1, p. 15. The location is still well to the northwest of the Drowning Creek area.

²⁴ Ibid. The names of the reserved old fields owners, Laroche and Thomas Grooms, are listed.

²⁵ South-Carolina Gazette, *Winsler Driggers*. Charleston, South Carolina. October 3, 1771. See: [Oct 03, 1771, page 2 - The South-Carolina Gazette at Newspapers.com](#).

²⁶ See: [Feb 06, 2011, page A1 - The Herald at Newspapers.com](#). The villages further west in South Carolina are the historically better known. The Catawba town site of Charraw was excavated along with five other townsites in

the Petition as the primary historical tribe, this argument and all associated evidence should have been expanded to document this claim of descent. More likely, however, the “Charraw Settlement” was referring to the colonists’ town of Charraw, South Carolina, west-southwest of Robeson County, North Carolina. Nothing in the article indicates the posse looking for the fugitives crossed the North Carolina border to capture them, or that they were brought back to South Carolina in order to be executed under South Carolina jurisdiction.

There also appears to have been confusion between the presence of the Cheraw and Pee Dee Indians and a separate “mix’d crew” of families in the Drowning Creek area during the 18th century. In 1739, Welsh settlers on the Pee Dee River complained to the South Carolina Council in March that Pee Dee and Cheraw Indians were “running amongst their settlements under the pretense of hunting.”²⁷ In July, 1739, the Welsh settlers made a second complaint to the Council, this time of “outlaws and fugitives, most of whom are mullato [sic] or of a mixed blood, living adjacent to them are a pest and a nuisance.”²⁸ Contrary to the Petition’s assertions, it is not logical to draw the conclusion that these complaints refer to the same group. The March complaint clearly states it was Pee Dee and Cheraw Indians who the Welsh were having difficulties with, and that these Indians were “running through” their settlements while on hunting trips. The July complaint just four months later, however, refers to a much more ambiguous group, and the quote in the Petition does not make clear the specific complaint or composition of this group, except that they were seen as “outlaws and fugitives.”²⁹ The lack of

western South Carolina during 2010-2011. The town of Cheraw is located west-northwest of Robeson County on the Pee Dee River. The mention of another Cheraw settlement in the Drowning Creek area is consistent with indications the Cheraw may have split up before or after some families going to Catawba. However, if the 1771 settlement is on Drowning Creek, additional research to more firmly document this is necessary for evidence of a previous historic tribe.

²⁷ Lumbee Petition, Vol. III, p. 3.

²⁸ Ibid., pp. 3-4.

²⁹ Ibid.

specific identification of the second group, so soon after the first complaint specifically refers to the Pee Dee and Cheraw, does not lead to the conclusion that the Welsh were complaining about the same group. The complaint about the Peedee and Cheraw never described them as “outlaws and fugitives.” Indeed, as the former occupants of the Welsh settler lands, the Cheraw and Pee Dee may have considered the lands still open to traditional hunting. The specific complaints about the “outlaws and fugitives” are ambiguous, as was their identity, and were limited to the Welsh settlers’ statement that “living adjacent to them are a pest and a nuisance.” In 1754, another group, never identified as Indians, appeared to be similar in description to the 1739 group, although this “mix’d crew” was located well south of the Indians noted in 1739 “on Drowning Creek on the head of the Little Pedee.”³⁰ Dr. Robert K. Thomas, in his “A Report on Research of Lumbee Origins,” came to the same conclusion, finding that the group referred to were not Indian or mixed-blood Indians:

I think his (Wesley White) citation of 1754 does not refer to Indians or to even people of mixed racial background. In 1754, there were, in fact, Scots settlers living on Drowning Creek...They were in 1750 settled on Drowning Creek which was the border between Anson and Bladen Counties, now the border between Hoke and Scotland Counties. There are family traditions that many Scots in these early days were squatters on the land...I think that if they had been mixed racially they would have been referred to simply as Mulattoes...I would think “mixed crew” would mean perhaps mixed in language spoken, in nationality, in geographical origins...It is very possible that a group of Scots on Drowning Creek, some speaking English, some speaking Gaelic, perhaps of varied educational backgrounds, might seem like a “mixed crew” to a standard Englishman from further south on the North Carolina coast.³¹

Additionally, the 1754 “mix’d crew” was said to have been comprised of 50 families. This was larger than the first enumeration of the individuals claimed as Indian ancestors in

³⁰ Ibid., p. 4.

³¹ Robert K. Thomas, *A Report on Research of Lumbee Origins*. c. 1977, pp. 11-12.

Petition #65 on the 1790 Federal census. In 1790, the number of Robeson households of “All other Free” people was 47, numbering 245 individuals. An additional 32 “All other Free” people were present in white households.³² If the “mix’d crew” had been a developing tribal community in 1754, the expected population increase over the next 30+ years would be much greater. The assertion in the Petition that correlates to Section 83.7(A) of the 1978 regulations that “the first recorded contact with the Lumbee was in 1753 when 50 families were recorded as living as [sic] Drowning Creek” is inaccurate and unsupportable without further investigation of the composition of that community.³³ The core progenitor families of the Lumbee cited in the Petition and more recent works on the Lumbee were known and have records which place them in the early 1700s to the north and northeast of Robeson County.³⁴ These core progenitor families do not begin in historic Bladen County, but move from the north and northeast into the Drowning Creek area by the mid-18th century. The core families, Lowrie/Lowry/Lowrey, Oxendine, Locklear, Ivey, Chavers/Chavours/Chavis, etc. are never identified as Cheraw, or indeed, in the available documentation, as Indian during the 18th century. The use of the 1739 “outlaws and fugitives” and the 1754 “mix’d crew” as antecedents for the Lumbee, aside from lack of Indian identification, does not make sense from multiple historical aspects. From the mid-18th century onwards, these core progenitors and their descendants can be seen in the historic record as are many other families in the area. They paid taxes, petitioned the

³² U.S. Federal Census, 1790, North Carolina, Robeson, Not Stated. See: [Ancestry.com - 1790 United States Federal Census](#).

³³ Lumbee Petition, Vol. II, p. 4. This community was also located well south of Robeson County, at the confluence of the Little Pee Dee and Drowning Creek.

³⁴ For instance, John Oxendine, Sr. (b. abt. 1693) was indentured until the age of 31 in Northumberland County, Virginia and brought an action in court to win his freedom. He and his wife Sarah began their family and had their first five children baptized in Northumberland County before moving to Bladen County before 1750. See: [Ancestry.com - Virginia, Colonial Abstracts, 1632-1810](#) Thomas Kearsey (b. abt 1705) was born in southeastern Virginia and had moved to Bertie County by 1730 where his daughter Sally (Sarah) was born. Sally married James Lowrie who had land deeds in Bladen County prior to 1750.

government, testified about land deeds and sales, probated estates, and were described in some land records as “planters,” despite paying county taxes as free people of color and paying additionally for the women of their households. They were not part of any autonomous, indigenous community, but were participating in the wider colonial community as colonists subject to British rule.

1987 Lumbee Petition

Similar to Swanton’s theory, the 1987 Lumbee Petition asserted a “core Cheraw” identity; however, the scant evidence provided for this identity was made with documents that do not show what the Petition’s authors claimed they showed. For example, the Petition cited a 1725 map of North Carolina by John Herbert as showing “the earliest documentary evidence of Indian communities in the area of Drowning Creek.”³⁵ This map was not drawn to any realistic scale, and the Cheraw (Seraw) PeeDee locations are nowhere near Drowning Creek, which was not even shown on the map. These two 1725 villages are clearly located on the PeeDee River in South Carolina.³⁶ Malinda Lowery claimed, in *The Lumbee Indians*, that this 1725 map contains a marked village without a name; however, there are no unnamed villages on this map.³⁷ A contemporary map produced by the North Carolina Department of Cultural Resources denotes historical North Carolina tribes during the Tuscarora War era (1710-1713).³⁸ This map shows the Cheraw and Keyauwee residing well to the northwest of Drowning Creek and present-day Robeson County, contrary to the assertions of the Petition and other Lumbee sources. Based on

³⁵ 1987 Lumbee Petition, Vol. 1, p. 12.

³⁶ 1725 00 00 Herbert, John. Map of the Carolinas. See: [New map of his majesty's flourishing province of South Carolina - Digital Library of Georgia \(usg.edu\)](#). This village on the Pee Dee was approximately 200 miles northwest of historic Robeson County Lumbee settlements. “Saraw” is an earlier spelling of Cheraw.

³⁷ Lowery, *The Lumbee Indians*, p.34.

³⁸ See: [The Tuscarora War in North Carolina](#).

the 1739 land dispute, a Cheraw village was located in South Carolina, to the west of Cheraw lands sold to Welsh settlers. However, this village was still not in the area of Robeson County or Drowning Creek and associated swamps. No Lumbee families are documented as Cheraw or originating from any “Cheraw settlement.” Any “core” or “progenitor” families should have been named and evidence presented for determining Cheraw affiliation. The 1987 Petition is silent on these important points.

Another claim of Cheraw descent is made without evidence in *The Lumbee Indians: An American Struggle*. Lowery wrote that the progenitors, brothers Major and John Locklier, were born in Halifax County, in northeastern North Carolina and married “probably with Indian women who may have been affiliated with the Cheraw or another group that had made their homes there.”³⁹ The citation provided for this encompassing statement is not informative and cannot be reviewed, as it consists of correspondence which was not described or quoted.⁴⁰ The known historic locations of the Cheraw have been described, and they are all in southwestern or northwestern North Carolina and north central and western South Carolina. No Cheraw settlements in the northeast of North Carolina were noted on Herbert’s 1725 map. The claim that Major and John Locklier’s wives were Cheraw has no evidence to support it.⁴¹ The attribution of any previous affiliation with either the Cheraw or the Keyauwee from northeast North Carolina is insupportable based on evidence of Cheraw movements, locations and history.

Further, Cheraw history and genealogy do not support having been a “core” of the development of the Lumbee. Prior to the 1730s, the Cheraw moved around central-western South Carolina

³⁹ Lowery, *The Lumbee Indians*, p. 36.

⁴⁰ The footnote for this information is “Merrell to Rose, 18 October 1989.” No description of the contents of the correspondence is given.

⁴¹ See: Dial and Eliades, pp. 5-6.

and western/northwestern North Carolina, appearing on one map as having a village or town near the Virginia border in the general area of present-day Rockingham County. By the 1740s, the Cheraw had established a village in Catawba territory and as a result, merged with the Catawba. The Catawbas maintained their tribal relations and community autonomy into the 19th century, and, having a reservation in western South Carolina, did not participate in the wider colonial culture. While progenitors of the Lumbee have been Christian since their earliest historical records, the Catawba did not baptize their children until the 1880s, when genealogical records became more available. A review of Catawba surnames reveals the complete absence of any surnames in common with the Lumbee.⁴² Catawba people did not begin adopting English-style surnames until about 1730, and even by the 1780s, only 56% of Catawba men had actual surnames.⁴³ Despite contemporary claims, no evidence of intermarriage between Catawba/Cheraw and Lumbee individuals has been found. Additionally, the Catawba population had, from the late 1700s through the early 20th century, a severe imbalance of men-to-women ratio. Watson states that in 1840, there were 36 Catawba women to 12 men.⁴⁴ Had Catawba women been leaving their community or Lumbee men joining the community, that would be reflected in the censuses of the 19th century, in addition to expanding the surnames included in Catawba. There is no evidence that this happened, and the 1987 Lumbee Petition and more recent scholarship do not name or describe the purported “Cheraw core” of Lumbee progenitors. Any Cheraw identification as a “core” or historical antecedent requires additional and clear evidence.

⁴² Watson, Ian M. *Catawba Indian Genealogy*. State University of New York Press, 1995, Family sketches listed in Contents and pp. 15-82.

⁴³ Ibid., p. 87.

⁴⁴ Watson, p. 85.

The identification of an individual's ethnicities in colonial North Carolina is difficult to uncover. Once Indian communities were no longer a military threat to colonists, the tribal designations were not regarded as relevant, especially following the final sales of 17th century reservations. There are some documents which do indicate Lumbee progenitors' ethnicity to some degree. For example, on a 1754 Muster roll for the Granville County Militia under Col. William Eaton, progenitor William Chavers and his sons William Jr. and Gilbert were listed. William Sr. was identified as Negro, and his sons as mulatto.⁴⁵ William Sr. (b. abt. 1710) resided in Granville County most of his life, and owned significant amounts of land in both Granville and neighboring Edgecombe County.⁴⁶ This family had been free for at least a generation, as William Sr.'s father owned land and his estate was probated in Granville County, identifying his wife and children as his heirs of his property.⁴⁷ Until further information regarding William Sr.'s wife is found, however, the designation of his sons as "mulatto" can only be stated to consist of black and something else. In another example, a list of individuals of the "Mob Railously Assembled" is extant in the records of the North Carolina General Assembly. On October 15, 1773, a list was sent to the North Carolina General Assembly concerning "the Mob Railously Assembled together in Bladen County."⁴⁸ The cover letter for this list calls the individuals "free Negroes and Mulattos" and does not mention any Indians or tribes. This document differs from the 1739 South Carolina complaint by Welsh settlers of a "mix'd crew" in that the 1773 North Carolina complaint lists the names of individuals "who infest this that County (Bladen) and annoy its Inhabitants."⁴⁹ This list contained potential Lumbee progenitors who may not have

⁴⁵ See: [Documenting the American South: Colonial and State Records of North Carolina](#).

⁴⁶ See: [Ancestry.com - North Carolina, U.S., Land Grant Files, 1693-1960](#).

⁴⁷ See: [Ancestry.com - North Carolina, U.S., Wills and Probate Records, 1665-1998](#).

⁴⁸ See: [Session of December, 1773: Lower House Papers; Petitions rejected, tabled, or not acted on - North Carolina Digital Collections](#).

⁴⁹ Ibid. Image page 19.

owned land in Bladen County, but were certainly related to family members who did own land.

A transcribed list of these individuals characterized by the cover letter as “free Negroes and Mulattos” follows:

- 1 Captain James Ivey
- 2 Joseph Ivey
- 3 Epharaim Sweat
- 4 William Chavoure Clark
Commonly called Boson Chevors
- 5 Richd. Groom
- 6 Bengman(?) Dees
- 7 William Sweat
- 8 George Sweat
- 9 Benjamin Sweat
- 10 William Groom Senr.
- 11 William Groom Junr.
- 12 Gidion Grant
- 13 Thos. Groom
- 14 James Pace
- 15 Isaac Vaun
- 16 (page torn) Stableton
- 17 Edward Locklear
- 18 Tiely(?) Locklear

Also listed were “Harbourers of the Rogues:” Major Locklear, Reeker (Rachel?) Groom, and Ester Cairsey (Kearsey).⁵⁰ In her book, *The Lumbee Indians*, Malinda Lowry conflated this 1773 list with correspondence of British Indian Agent James Stuart in 1775.⁵¹ The Stuart

⁵⁰ Ester or Estee Cairsey/Cearsey/Kearsey was likely the mother of Sally/Sarah Kearsey (b. abt. 1735), the wife of James Lowrie (b. abt. 1735). Ester may have resided at Indian Town in Bertie County, but her parentage or tribal affiliations, if any, are unknown.

⁵¹ Lowry, p. 42-43.

correspondence specifically referenced the Cherokee and Catawba, not any community in Bladen County. Stuart did note the apprehensions of the colonists that “the Negroes were immediately to be set free by Government and that Arms were to be given them to fall upon their Masters.”⁵²

As the 1773 “Mob Railously Assembled” list was tabled by the lower House of the North Carolina General Assembly, it is doubtful Stuart was aware of that list, and in any case, as Indian Agent, his duties and authority did not encompass any Indians east of Catawba territory.

This 1773 list had additional information, a petition, on a second page— although the petition does not appear to have survived. Without the entire list and petition to shed light on the events which led to the “mob railously assembled,” any speculation about the incident or incidents is useless for lack of evidence. Despite this lacking evidence, the Petition stated, “No other documents have been found that can shed light on this list; nonetheless, it is fair to **assume** that it refers to some confrontation between the inhabitants and the colonial government, probably over land.”(emphasis added)⁵³ The transmission letter indicates the list was sent by the magistrate of Bladen County for action by the colonial government, not a direct incident against the colonial government. As 13 of the 18 men named on this list were of families with known land holdings in Bladen County from at least the 1750s, a more likely assumption was this incident may have been over taxation, which at the time was falling more heavily on people of color than it had prior to 1780. In any case, this list is useful only to identify these individuals as having ethnicities other than white.

⁵² See: [Documenting the American South: Colonial and State Records of North Carolina](#).

⁵³ Lumbee Petition, Vol. 1, p. 16. (Emphasis added.)

Lumbee Historical Assertions, 2017-2025

As noted throughout this report, the Lumbee have never been able to demonstrate a connection to any previous historical tribe. Descent from the Roanoke colony and Croatoan people is unsubstantiated, as early intermarriage or associations are a more likely explanation of early European ancestry in indigenous communities. Descent from or connection to Cherokee tribes is improbable to the point of impossible. Connections or descent from Cheraw people cannot be substantiated.

In her 2018 book, Malinda Lowery posits that “Lumbee ancestors belonged to many of the dozens of nations that lived in a 44,000-square-mile territory.”⁵⁴ Far from clarifying any evidence of descent from previous historic tribes, this statement and the accompanying list of “Indians who moved to the present-day homeland” are simply a 16-tribe list of who’s who of historical tribes of northeast North Carolina and southeast Virginia.⁵⁵ Lowery’s list consists of “Yeopim, Potoskite, Nansemond, Nanticoke, Pamunkey, Gingaskin, Winyaw, Saponi, Weyanoke, Tuscarora, Tutelo, Wateree, Pee Dee, Coree, Neusiok, Cape Fear, and other Indigenous communities” not identified.⁵⁶ Yet once again, these identified tribes are not connected with the known progenitor individuals of the Lumbee. Prior to January 22, 2025, the official Lumbee website posted the same list as Lowery’s 2018 list. The 2017 archived webpage for Lumbee “History and Culture” stated Lumbee’s previous historical tribes were “survivors of tribal nations from the Algonquian, Iroquoian, and Siouan language families, including the Hatteras, the Tuscarora, and the Cheraw.”⁵⁷ No evidence was provided for those assertions. Presently, the

⁵⁴ Lowery, 2018, p. 18.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ See: [History and Culture | lumbee-tribe-of-nc](https://lumbee-tribe-of-nc.org/history-and-culture).

Lumbee website page “Origins and Migrations” references a map from *Lumbee Indians in the Jim Crow South* and states that the Lumbee “belong to three language families: * Eastern Siouan *Algonquian *Iroquoian.”⁵⁸ No evidence is provided for any previous historical tribes or languages proto-Lumbee ancestors may have used. A linguistic group does not confer cultural affiliation, nor does it specify descent from an antecedent tribe.

Federal Recognition Standards

The issue of previous historical tribes is not something to be shrugged off when it comes to the Federal recognition of Indian tribes. A general attribution of “Indian” or a claim to “Indian” ancestry does not meet the standard for recognition of an Indian tribe by either Congress or the OFA. The OFA regulation criterion of §83.11 (e) *Descent* requires that:

The petitioner’s membership consists of individuals who descend from a historical Indian tribe (or from historical Indian tribes that combined and functioned as a single autonomous political entity).

The documents being used by the Lumbee do not rise to the level of authoritative sources, nor when combined, do they become a reasonable chain of evidence. There is no evidence to indicate that the known progenitors of Lumbee amalgamated with Cheraw people in the areas of historic settlement in Robeson County.

The fast-changing and memory-holing web pages of the theoretical origins on the official Lumbee website indicate the group knows this issue is critical, and they have no chain of evidence for such descent from any Indian tribe. Genealogical research has provided much information about the progenitors’ settlement in the area of present-day Robeson, Cumberland,

⁵⁸ Lowery, 2010, p. 6.; See: [1b5843_444a9c2bf112479eb85987c0f8823fb4.pdf](#) [accessed 1/23/25].

and Anson counties, yet the parentage and ethnicities of those progenitors remain obscured. American Indian tribes do not have a government-to-government relationship with the U.S. Federal government because they are “Indian.” The tribes have this political relationship based on their status of autonomous sovereign entities prior to colonization. The Lumbee have never been autonomous during the historic period: they have, like other colonists and then American citizens, paid taxes, been counted on censuses, bought and sold land, made wills and probated their estates, and solemnized marriages with North Carolina marriage bonds or registrations. During the 19th century, non-Lumbees in North Carolina have acknowledged that the Lumbee, by whichever name was currently in use, were citizens of North Carolina and therefore of the United States. There is simply no evidence in current historical or genealogical research to connect Lumbee to any specific historical tribe or tribes. This lack of previous historic tribe(s) indicates that even if there is Indian ancestry in Lumbee, they would be Indian descendants and not an Indian tribe.