



Prepared Statement of the Honorable John Lowery, Chairman

Lumbee Tribe of North Carolina

In Support of the Lumbee Fairness Act (S.107)

Before the United States Senate Committee on Indian Affairs

November 5, 2025

Chairwoman Murkowski, Vice-Chairman Schatz, and members of the Committee, thank you for holding this hearing, and for the opportunity to appear before you today in support of S.107, the Lumbee Fairness Act. My name is John Lowery. I am the duly elected Chairman of the Lumbee Tribe of North Carolina.

The Lumbee Tribe has long appreciated the vital work of the Senate Committee on Indian Affairs. Over the last three decades, we have benefitted from at least nine hearings before this Committee, and we remain grateful for the Committee's work to favorably report our bill out of this Committee at least five times. Senators, please know we appreciate your commitment to Indian Country, and the kind attention you give to the Lumbee people again today.

It is with great pride that I also highlight the work of the senior Senator from North

Carolina, Senator Thom Tillis, who has been tireless in his efforts on behalf of the Lumbee Fairness Act. Together with Senator Ted Budd, they have again done the honorable and important work of sponsoring and championing full Federal recognition for the Lumbee Tribe. They follow in the bipartisan footsteps of North Carolina Senators Terry Sanford, Elizabeth Dole and Richard Burr, who during their terms introduced legislation for our Tribe a total of *thirteen times* before passing the baton in succession to each other, and now to Senators Tillis and Budd.

We will never forget what these proud North Carolinians have done for the Lumbee people; they have our people's everlasting gratitude. Based in no small part on their work, today, S.107 enjoys wide bipartisan support from the nineteen Republican and Democratic co-sponsors of this important legislation, and we are so grateful to each of them.

As you know, the House of Representatives has once again acted on the House version of our legislation. Championed by our Congressman David Rouzer, and enjoying bipartisan sponsorship from nearly all of the North Carolina delegation, H.R. 474 was added as an amendment to the House's Fiscal Year 2026 National Defense Authorization Act.

Today I am here as a direct descendant of Solomon Locklear, Sr., who was one of the 44 tribal leaders who signed a petition to Congress in 1888 asking the United States to recognize our Tribe, a crucial predicate to obtaining Federal funding to educate our Lumbee children. One hundred and thirty-seven years later, I am here again on the same business as my ancestors - to seek from Congress justice and the equal treatment of the Lumbee people through full Federal recognition. Seated immediately behind me are representatives of the Lumbee Honor Guard, all veterans of the United States armed forces. The Lumbee Honor Guard reflects my people's patriotism and love of country so fundamental to who we are as a people. We ask our country, in return, to do right by the Lumbee Tribe.

Lumbee Tribal Community and History

Home for us is the area in and around what is now Robeson County, North Carolina. This has been our home since the time of European contact when we were forced to take refuge in the swamps of Robeson County to find protection from ever-increasing encroachment from non-Indian settlement. We have been there ever since. Many of you have visited our home, and for those that have not, we urge you to meet our tribal members and experience this vital part of Indian Country.

Our roughly 60,000 enrolled members all directly descend from historical lists of tribal members that date back to the early 1900s. Our kinship ties to one another define our people. All of our people maintain close ties and live in communities --- what you might call neighborhoods --- that are composed of nearly all Lumbee residents. Most of our people attend schools and churches that are mostly Lumbee and marry other Lumbees. We have historic Lumbee institutions in our community that reinforce these community ties. For example, we have church conferences that consist of all Lumbee churches, such as the Burnt Swamp Baptist Association, which was formed around the turn of the twentieth century. There is also a separate Methodist conference for our Indian churches.

Our tribal government is organized according to our tribal constitution. We have a Chairperson elected by the Lumbee citizenry, and a Tribal Council composed of 21 tribal representatives elected from districts within our territory. We live and exercise tribal authority, independence and self-governance. We are a fiercely independent people, with a very long history as a cohesive, self-governing community. We have protected our community in part by organizing and exercising our influence in local offices that affect our people on a day-to-day basis. Lumbees serve in all levels of local government --- as county commissioners, on the board of education, as superior court and district court judges, and district attorneys. The Town of

Pembroke, which is the heart of Lumbee territory, has a Lumbee mayor and all-Lumbee town council.¹ The Chancellor at the University of North Carolina is also Lumbee.²

There is one other important thing to know about our people. Our community is dedicated to ensuring the best possible education for our children. Shortly after the Lumbee Tribe was formally recognized by the State of North Carolina in 1885, the State authorized the Tribe to run its own school district for our children. Tribal leaders controlled it completely and enrollment was limited to Lumbee children only. Two years later, the State authorized an “Indian normal school” to train teachers for our Indian schools, but provided no money for construction of facilities. This why in 1888 our tribal leaders approached Congress to request that the Federal government recognize the Tribe and by doing so provide Federal funding for education.

In the absence of Federal funding, tribal members pooled their resources and built their own Indian normal school to train Lumbee teachers for our Lumbee run school system. The Indian normal school evolved over time and eventually became the University of North Carolina at Pembroke -- a remarkable achievement by any standard. So even though our efforts to obtain Federal Indian education assistance failed, our dedication to the education of our children persisted. In fact, the Tribe operated its own Indian schools and the Indian normal school until the mid-1970s, when a Federal judge ordered the desegregation of our schools because the Tribe

¹ The Town of Pembroke was incorporated in 1895. But at that time, it was singled out as the only incorporated town where the Governor appointed the mayor and other leaders. All those appointees were non-Indians. Our Lumbee warriors returning from World War II refused to accept this situation. In 1945, State law was changed under pressure of Lumbee people to allow for election of these positions. Ever since, the Town of Pembroke leadership has been all Lumbee.

² The University began as “the Indian Normal School,” and was designated by the State of North Carolina as an historically American Indian university in 2005. General Assembly of North Carolina, Session 2005, Sess. Law 2005-153, Bill 371.

was not Federally recognized.

Lumbee Tribal community and history also have been the subject of extensive professional research and is well-documented by a host of doctorate-level and legal experts. I am attaching to my testimony today the Prepared Statement of Dr. Fred Hoxie, who along with various other experts, like Dr. Jack Campisi, have testified before Congress on multiple occasions confirming the Lumbee Tribe's status as a tribe deserving of federal recognition. I am also honored to be joined in this hearing today by the United States' foremost legal expert on federal recognition, Ms. Arlinda Locklear, who I am proud to say is also a member of the Lumbee Tribe. Ms. Locklear will testify in much greater detail about the immense amount of documented scholarship verifying the vitality and continued existence of our community.

Respectfully, I say all of this to demonstrate that the Lumbee are a vibrant, productive, proud people, and we have dealt with the same problems as other Indian communities. We have not only survived, we stand strong. We are well known in Indian Country. We are the largest tribe east of the Mississippi River and the largest non-Federally recognized tribe in the country and our people have served this country and Indian Country in the military, as educators, doctors, lawyers, and business people.

Passage of the Lumbee Fairness Act is Very Long Overdue

As both this Committee and the House of Representatives committee of jurisdiction have well documented, congressional efforts to extend formal recognition to the Lumbee Tribe stretch back to 1899.³ These proposed Federal bills generally followed the terms of the most recent State legislation recognizing the Tribe but none was enacted until Congress passed the Lumbee

³ Senate Report No. 111-116, 111th Cong., 2d Sess; House Report No. 111-103, 111th Cong., 1st Sess.

Act of 1956.⁴

Unfortunately, this enactment occurred at the height of the Federal Indian termination era, when the Federal government was actively terminating tribes' special legal relationship with the United States. As introduced in 1955, the bill was once again intended to recognize the Tribe on the same terms by which the State had most recently confirmed its recognition of the Tribe. But the bill was amended in the Senate before enactment to include termination language. Thus, while the 1956 Act designated the Tribe as Lumbee Indians, it went on to provide "nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indian shall be applicable to the Lumbee Indians." 70 Stat. 254.

Sadly, at the time the Lumbee Indians thought that we had been recognized and so we celebrated - oral tradition tells us that the streets of Pembroke were closed for a tribal-wide celebration.⁵ But instead of clarifying the status of the Tribe, the 1956 Lumbee Act caused confusion and effectively has relegated the Tribe to "second class" status. For example, at various times, lawyers at the Department of the Interior have interpreted the 1956 Lumbee Act as prohibiting administrative action to clarify the Tribe's status, and at other times, they argued the opposite. However lawyers might interpret the 1956 Lumbee Act, the reality is that the Tribe never received Federal Indian services or enjoyed the protective reach of Federal Indian statutes.

⁴ The State recognized the Tribe as Croatan in 1885, as Indians of Robeson County in 1911, as Cherokees of Robeson County in 1913, and as Lumbee in 1953. The final name change was the only one requested by the Lumbee Tribe, following a referendum conducted by the State. Up until that point, the Tribe has simply followed whatever name the State imposed so that it could continue to maintain control of its State authorized school district.

⁵ Because of the history of State recognition under various names, tribal members viewed the "giving of a name" as recognition. Even today, older tribal members who inquire about the pending bill will sometimes ask when Congress will give the Tribe its name.

The bottom line is this: only Congress can for all time and for all purposes resolve this uncertainty with the Lumbee Fairness Act. The 1956 Lumbee Act is now 70 years old. It is long past time to rectify the injustice it has inflicted on our Tribe and our people.

Broad Support for Lumbee Recognition in Indian Country

The Lumbee Tribe is honored to have broad support throughout Indian Country for full Federal recognition of the Tribe. Altogether, more than two hundred tribes have expressed support. This includes large tribal organizations, such as the Alaska Federation of Natives, with a membership of 186 tribes, and the Midwest Alliance of Sovereign Tribes, with a membership of 35 tribes. It also includes approximately 20 individual tribes that have adopted resolutions of support. These supportive tribes represent all regions of Indian Country. For example, the Blackfeet Tribe from Montana, Jamestown S’Klallum Tribe from Washington State, the Jamul Indian Village of California, Hopi Tribe from Arizona, Choctaw Nation of Oklahoma, and Oneida Nation from Wisconsin all support Lumbee recognition. The long list of support also includes tribes which are members of United Southern and Eastern Tribes (USET), such as the Mashantucket Pequot Tribal Nation (Connecticut), the Mashpee Wampanoag Tribe (Massachusetts), the Pamunkey Indian Tribe (Virginia), the Catawba Indian Nation (South Carolina), and the Tunica-Biloxi Tribe of Louisiana.

The Eastern Band of Cherokee, which for generations has jealously guarded its position as the only federally recognized tribe in North Carolina, has long waged a vicious campaign against Lumbee recognition based on mistruths. While the Eastern Band has urged some other tribes to join in their opposition, the reality is that the opposition has been wildly overstated. For example, Eastern Band has argued that all 35 tribal members of USET oppose Lumbee recognition – but this is demonstrably untrue, as Lumbee has received from eight individual

USET Tribes letters and resolutions explicitly supporting the Lumbee legislation. Not only that, Eastern Band's claim of USET opposition was based on a USET resolution that supported the administrative acknowledgment process, *but which did not oppose Lumbee recognition or even explicitly reference the Lumbee Tribe*. This is, at best, a misrepresentation about those tribes' positions.

When letters and resolutions are fairly and closely read, it becomes clear that the majority of tribes that have expressly taken a position on recognition of the Lumbee Tribe support recognition. In the end, though, a fair and just Indian policy does not depend upon a head count in Indian Country. It depends upon equal treatment for all Indian tribes and the Lumbee Fairness Act is built upon this principle.

There is No Sound Reason to Oppose the Lumbee Fairness Act

Some people have urged that the Lumbee Tribe should be made to go through the administrative recognition process. But Congress has never imposed this on tribes in a position like the Lumbee Tribe -- instead, Congress has enacted recognition or restoration legislation. The best example is the Tiwas of Texas. Just as the Lumbees were recognized by the State of North Carolina, the Tiwas had been long recognized by the State of Texas. But in 1968, Congress enacted legislation to transfer any Federal responsibility to the State and included termination language -- in fact, the legislative history of the 1968 shows that it was modeled on the 1956 Lumbee Act. 82 Stat. 93. In 1987, Congress enacted remedial legislation to restore Federal responsibility for the Tiwas and recognize them as the Ysleta del Sur Pueblo. 101 Stat. 667. It is long overdue for Congress to do the same for the Lumbee Tribe by enacting the Lumbee Fairness Act.

Some people alleged that the origins of the Lumbee Tribe are unknown and therefore Congress should not recognize the Tribe. This is just not true. In response to one of the many bills to recognize the Indians of Robeson County as “Siouan Indians of Lumber River,” Senator Wheeler, Chairman of the Committee on Indian Affairs in 1934, asked the opinion of Dr. John Swanton on the origins of the Lumbee Tribe. Senate Report No. 204, 73d Cong., 2d Sess. Dr. Swanton was the most well-known and respected anthropologist in the field of American Indian studies. Dr. Swanton researched the question and concluded that the Robeson County Indians descend from the aboriginal Cheraw Indians, along with remnants of other Siouan speaking tribes.

Other historical data support Dr. Swanton’s conclusion. A 1725 map showed that at the time of sustained European contact, there was a Cheraw Indian community located on Drowning Creek. A 1771 document lists names of the “Charraw Settlement” and the list included classic Lumbee names, such as Sweat, Groom, Locklear, Chavis and Dees. The 1790 census identifies families with these same names residing around Drowning Creek, and modern-day Lumbees can trace genealogical descent from those families. In 1809, the State of North Carolina enacted legislation to change the name of Drowning Creek to the Lumber River. NC Public Laws of 1809, Chap. XXXII. This is the very same river where Lumbees reside today. It is from the Lumber River that we derived our name, and the same river after which our name was acknowledged by the State of North Carolina in 1953 and by the Congress in 1956. Congress has known of our origins since at least 1934, and likely even earlier.⁶

⁶ In a 1915 report to Congress, Special Indian Agent O.M. McPherson conducted a thorough review of the historical record, noted other historical possibilities, but also identified Cheraw as the probable origin of the State recognized Croatan Indians. Senate Document No. 677, 63d Cong., 3d Sess., at 23.

*Some have argued that making Lumbees eligible for Federal Indian services will cost too much, or that the budget for those services may reduce the services for other recognized tribes in the Eastern Region, Bureau of Indian Affairs. Not only inaccurate, this is the most unjust reason of all to oppose the Lumbee Fairness Act. It is simply beneath the dignity of other tribes even to suggest that Federal recognition of a deserving Tribe should depend upon *cost to the federal government*. And it is factually inaccurate to suggest that the cost of Lumbee services will impact the level of services for other tribes in the Eastern Region.*⁷

In sum, I am sad to say that in my opinion, all of these allegations are beneath the dignity of the tribal leaders who have made them.

Conclusion

We Lumbees are now in the seventh generation of efforts to achieve full Federal recognition. In many tribal traditions, Native people plan for their future for the next seven generations. In our case, we extend gratitude and honor to our last seven generations for having kept the faith, for focusing on the future, for teaching us the values that have enabled us to endure, and for getting us to this moment in history when we are so close to full Federal

⁷ As a state recognized tribe, the Lumbees already receive Federal funding from several Federal agencies, including Housing & Urban Development, Department of Energy, Department of Education, which means that enactment of S. 107 would impact only the Bureau of Indian Affairs at the Department of Interior and Indian Health Services at Health and Human Services. And these agencies have processes for bringing on so-called new tribes into their programs, processes that protect the services of other recognized tribes. The Bureau of Indian Affairs has a three-year process for this purpose, at the end of which the newly recognized tribe receives services when Congress provides appropriations for that purpose. Similarly, the Indian Health Service brings new tribes into its budget process in a way that guarantees those tribes will receive services when Congress explicitly appropriates funding for those services. Finally, there are regulatory guardrails in place that protect the existing budgets for Federally recognized tribes. See 25 C.F.R. § 900.19 (Secretary must provide full amount of funds set out in self-determination contracts with tribes); 25 C.F.R. §§ 1000.501, 1000.671 (A self-governing compact is an enforceable contract under which Secretary must provide all funds for which the compact contracts).

recognition from the United States.

I urge you to support our effort and to join us in this righteous cause. Thank you Chairwoman Murkowski, Vice Chairman Schatz, and members of this vitally important Committee for your consideration of our situation and support of the Lumbee Fairness Act. I am happy to answer any questions you or the committee members might have.