

**STATEMENT OF CHAIRMAN MILTON HUNT,
ON BEHALF OF THE LUMBEE TRIBE OF NORTH CAROLINA ON S.420
BEFORE THE UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS**

September 17, 2003

In 1888, Everette Sampson, along with other leaders of the Lumbee Tribe, signed a petition to Congress seeking federal recognition of our status as an Indian tribe and financial support for the education of our children. The year before the State of North Carolina had established by legislation a normal school for the Indian community, with attendance limited to members of the Croatan Tribe as we were called at the time. The state legislation authorized named tribal leaders to control admission into the school and hire teachers for the school. But the state statute provided only two years of funding for teachers' salaries and none at all for the purchase of land or construction of a school building. The Tribe itself donated the land and built the school, but had trouble keeping the school open with so little support for the state. These problems led Everette Sampson and other tribal leaders to petition Congress for support.

My name is Milton Hunt and I am the Chairman of the Lumbee Tribe. Everette Sampson was my great-grandfather. Today, I appear before you for the same purpose as my great-grandfather more than one hundred years ago -- to seek federal recognition of our people. I want to describe for you the efforts made by our people since that time so that you can understand the depth of our desire for federal recognition and our frustration over the federal government's neglect.

The 1888 petition failed. The House Committee on Indian Affairs asked the Department of the Interior for its opinion. The Department researched our history and eventually responded to Congress that the Croatan Band, as we were then called, had been recognized by the state and a school system

established by the state for the Croatan Indians. But the Department recommended against federal assistance because of insufficient federal funds.

It has been the same story every since. Time and again, our people asked Congress to recognize us, mostly so that we could get assistance for our Indian schools. Time and again, the Department of the Interior studied our history and our people and admitted that we were Indian people. Yet, time and again, the Department of the Interior has opposed bills by Congress to recognize our Tribe and our bills failed.

Our people have also tried to get federal recognition from the Department of the Interior. After Congress passed the Indian Reorganization Act in 1934, Felix Cohen told our people that we could qualify for recognition by allowing ourselves to be tested for blood quantum. This was a difficult thing to do, the most demeaning thing that's even been asked of our people. Even so, about 200 Lumbees submitted to physical examinations, including blood tests, head measurements, etc. Out of the 200, 22 Lumbees were certified and one-half or more Indian blood. Even so, the Department eventually refused to take land into trust for these individuals so that the Tribe could organize under a constitution and become recognized under the Indian Reorganization Act.

In 1956, Congress finally passed a bill for the Lumbees. As with the other bills, this one was intended to recognize the Tribe, just as the State had recently done, under the name of Lumbee. Once again, the Department opposed the bill and insisted that, if enacted, the bill should be amended to make sure that the Tribe was not eligible for Indian services. Congress amended the bill as the Department requested and enacted a law that gave with one hand and took away with the other -- the 1956 Lumbee gave us the name we had sought for so long, the giving of a name being thought by our people

to be official recognition, and the 1956 Lumbee Act prohibited the application of federal Indian statutes to the Tribe. Ever since, we have been considered second-class Indians -- by the Department of the Interior and even by some in Indian country.

Let me say that all this time the Lumbees sought federal recognition, we paid a high price for being an Indian people. We suffered the same discrimination visited upon other Indian peoples. A good example is the history of the Town of Pembroke. Pembroke was incorporated as a town in 1895. It became clear that Lumbees would soon have political control over town government and the local non-Indians took steps to prevent this. The state legislature began requiring the appointment of some town officials, rather than allowing election of those officers. In 1917, following a petition by leading white residents, the state legislature eliminated the election of all Pembroke town officials and provided for the appointment of all town officials by the Governor. Pembroke was the only town in the State of North Carolina governed this way. This continued until after World War II, when the Lumbee war veterans convinced the state to repeal this legislation in 1945. The Town of Pembroke has been governed by elected Lumbees ever since. Even though we've suffered for who we are, like all Indian people, the United States has never recognized us for who we are, like it has done for other Indian tribes.

Now, some say repeal the 1956 Lumbee Act and force the Tribe to go through the administrative process that was set up in 1978. Our people have been down this road with the Department of the Interior for more than one hundred years now. Every time a bill was introduced to recognize us, the Department was asked to investigate our history and community. A list of these investigations and studies is attached to my statement. Each time the Department acknowledged the existence of an Indian

community, but opposed the bill because money was too short. How much do our people have to take? How many times does the Department of the Interior have to investigate our history? We believe enough is enough and the time has come for Congress to finish what it started in 1956.

Lumbee identity and culture

The Lumbee people are a proud and tightly knit Indian community with a strong sense of tribalism. For our people, the world is divided between Lumbees and others. Every Lumbee child is raised by an extended Lumbee family and the majority of Lumbees' contacts are with other Lumbees. As a child, I attended all Indian schools and churches. I still do attend an all Indian church, like most of our people. Nearly all my social contacts are with other Lumbees, like most of our people. I am also Mayor of the Town of Pembroke, which is located in the heart of Lumbee territory and is more than 90% Lumbee Indian.

The long congressional and administrative record on Lumbee history speaks to our Tribe's ability to survive by adaptation and yet maintain our culture. The Department of the Interior's investigation in the 1930's shows that our native language survived until the late nineteenth century. One of the last language speakers, Randall Locklear, was one of my relatives. He died in 1901 at the age of eighty-one. According to family history, Randall Locklear often communicated with Clarissa Lowry Chavis in the Indian language. One of Randall Locklear's grandsons, George Locklear, recalled in 1936 having heard his grandfather sing in the traditional Indian way. Other Lumbees interviewed by the Department of the Interior spoke of the use of the Indian language by the Lumbees. According to Duncan Locklear, "The language which the old Indians spoke was unlike any language used by the White people. The White people made fun of their speech and

said it sounded like the sound of hoot owls and screech owls and they shamed them into giving up their native speech and adopting that of White people." The native language spoken by the Lumbees was confirmed by linguist Ella Deloria, aunt of the highly respected historian Dr. Vine Deloria, when she visited our community in the 1940's.

There are other cultural practices among our people that you'll see only among other Indians. These were documented in the early nineteenth century by Dr. Frank Speck, a well known ethnographer of eastern Indians. Dr. Speck wrote about the extensive use made by southeastern Indians, including the Lumbees, of gourds in every day life. Others have written about the medicinal practices among the Lumbees, which like other Indians, depend heavily upon plant remedies. These practices among the Lumbees are documented and continue today.

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

Governance of the Lumbee Tribe

For most of our history, the Lumbee Tribe has functioned with informal leaders, people typically drawn from the leading families within our communities. These leaders took whatever steps were

required to protect our people, including self-defense such as during the Civil War, and handled all our government to government relations with the State of North Carolina.

Recently, our people decided to establish a formal tribal government. In November 2001, by special referendum conducted among enrolled Lumbees, a tribal constitution was adopted by the Lumbee people. It created three branches of tribal government: a tribal chairman with executive powers, a tribal council with 18 members representing districts within the Lumbee territory, and a tribal court to hear disputes arising under tribal law among members. This tribal government has been recognized by the State of North Carolina as the governing body of the Lumbee Tribe and I am the Tribal Chairman elected in accordance with its terms. A copy of the Tribe's constitution is attached.

Membership requirements of the Lumbee Tribe

Because the Tribe has not historically received services or other benefits for its members, the Tribe did not historically maintain a formal membership list. Informal and partial lists of tribal members have been prepared for various purposes, though. For example, attendance at the Lumbee schools was limited to Lumbee children and committees of Lumbee leaders (sometimes called blood committees) had authority to determine a child's eligibility to enroll. These committees produced partial membership lists. Lumbees have historically attended all Indian churches, which have also produced lists of church members at various times. Finally, the United States Census has occasionally prepared special Indian censuses to count Indians. This collection of documents was used to compile a base roll for the Lumbee Tribe for 1900.

As part of the Tribe's preparation of the acknowledgment petition done in 1987, the Tribe for

the first time reduced its membership criteria to writing and prepared a list of its members. The written membership criteria are those that have been used by the Lumbee people informally for generations for things such as school attendance. There are two criteria: first, the person must prove descent from an ancestor on the base roll; second, the person must maintain contact with the Lumbee community. To us, maintaining contact means that you must be known to us, that is, known to be related to one of the families at home. Unless the Tribe knows you, then you are not allowed to enroll even if you can prove descent from a Lumbee ancestor.

The Tribe has since the early 1980's (when work on the acknowledgment petition began) used a formal enrollment process. The data contained in every application is confirmed before an individual is enrolled. Using this process, we have enrolled to date nearly 53,000 members, which makes the Lumbee Tribe the largest non-federally recognized tribe in the country and the largest tribe east of the Mississippi River.

Conclusion

As the historical record shows, the Lumbee people have been patient and persistent in their quest for federal recognition, but I can tell you our people yearn for federal recognition. It is important to us that the federal government formally acknowledge what we have paid such a high price to maintain -- tribal existence. And federal recognition would give us the legal status necessary to preserve our unique institutions, such as Indian schools, that are key to our survival as a people. The time has come for the United States to acknowledge the fact that the Lumbee people are and have always been an Indian tribe. This is the truth of the Lumbee people. It is a truth that North Carolina has long

acknowledged. It is truth that other Indian people and experts on Indian history accept. And it is a truth that the Department of the Interior has known for one hundred years.

On behalf of the Lumbee people, I thank the committee for the opportunity to share our story with you and urge the Committee to act favorably on S.420.

LUMBEE TRIBE OF NORTH CAROLINA CONSTITUTION

PREAMBLE. In accordance with the inherent power of self-governance of the Lumbee Tribe of North Carolina (ATribe@), the Tribe adopts this Constitution for the purposes of establishing a tribal government structure, preserving for all time the Lumbee way of life and community, promoting the educational, cultural, social and economic well-being of Lumbee people, and securing justice and freedom for the Lumbee people.

Article I. Territory and Jurisdiction.

1. The territory of the Lumbee Tribe of North Carolina shall include the State of North Carolina;

Amendment: Article I, Section 2 amended March 8, 2003 to read: ~~A~~The territory of the Lumbee Tribe of North Carolina shall include Robeson, Hoke, Scotland and Cumberland Counties, North Carolina.@

2. The Tribe's jurisdiction shall extend to the fullest extent possible under Federal law to:

- a). all enrolled members of the Tribe, without regard to location or residence; and
- b). all persons, property, and activities located or taking place upon the Tribe's territory.

Article II. Membership

1. The general membership of the Tribe shall consist of those persons who apply for enrollment and demonstrate direct descent from a person listed on Source Documents, which are listed on Exhibit A to this Constitution and incorporated herein by reference, and who maintain contact with the Tribe.

2. Notwithstanding eligibility otherwise, no person's application for enrollment shall be accepted if the applicant has not historically or does not presently maintain contact with the Tribe. Enrolled members may be disenrolled for failure to maintain contact with the Tribe, in accordance with a tribal ordinance adopted under this Constitution.

3. Notwithstanding eligibility otherwise, no person's application for enrollment shall be accepted if the applicant is an enrolled member of any other Indian tribe, unless the applicant has relinquished in writing his or her membership in such tribe.

4. The voting general membership shall consist of those members of the Tribe who are eighteen (18) and older and who are registered voters in accordance with duly adopted tribal ordinance(s).

5. The Tribal Council shall have authority to enact such tribal ordinances governing tribal membership as are consistent with this and other articles of this Constitution, provided that no individual shall be eligible for adoption into the Tribe unless such individual can

demonstrate Lumbee or other Indian ancestry.

Article III. Distribution of powers.

1. The powers expressed herein and those powers necessary and proper to the exercise of those powers expressed herein are delegated to the specified branch of government by the general membership of the Lumbee Tribe of North Carolina. Those powers not delegated herein are reserved by the general membership of the Tribe.
2. The members of the Tribe shall be secure in their persons and property and such security shall be preserved by the government created by this Constitution.
3. The powers delegated to the legislative, executive, and judicial branches, except as expressly provided in this Constitution, shall be separate and distinct and no branch shall exercise the powers delegated herein to another branch, except for the office of vice-chairman.

Article IV. Recall.

1. The power to recall any elected official of the Lumbee Tribe of North Carolina who is in the second calendar year or later in his or her term is specifically reserved for the general membership of the Tribe.
2. A recall election shall be held when a petition bearing the signatures, names, addresses, and enrollment numbers of at least ten (10) percent of eligible voters who voted in the election from the district electing a tribal official or ten (10) percent of eligible voters who voted in the election for the tribal chairperson, alleging in one hundred (100) words or less that the tribal official is guilty of malfeasance in office, gross disregard for tribal law or custom, or open abuse of authority, and designating three signatories as a Petitioner's Committee, is filed with the Tribal Elections Board.
3. Upon certification of the signatures on and grounds stated in the petition and within no more than five (5) days of its receipt, the Election Board shall:
 - i). serve a copy of the petition upon the named tribal official, who shall have fifteen (15) days from the date of said notice to respond to the reasons stated in the petition in one hundred (100) words or less;

- ii). immediately upon receipt of any response, serve all members of the Petitioner's Committee with a copy of the same;
 - iii). allow the Petitioner's Committee forty-five (45) days from the date of receipt of the response to collect additional signatures upon their petition;
 - iv). conduct a recall election within ten (10) days of the resubmission of the petition, provided that the petition is signed by twenty (20) percent of the voters who voted in the election for the recalled tribal official;
4. If at least thirty (30) percent of the voters who voted in the election for the recalled official vote and a majority of those voting vote in favor of recall, the Election Board shall declare the office vacant and the vacancy shall be filled in accordance with the appropriate provisions of this Constitution, except that the recalled tribal official shall not be qualified to run for office in that special election.
5. If a recall election on a tribal official fails to obtain a majority of those voting, the Election Board shall not certify any recall petition against that tribal official for a minimum of one year thereafter.

Article V. Initiative.

1. The power to initiate a vote on a tribal ordinance is specifically reserved for the general membership of the Lumbee Tribe of North Carolina.
2. A minimum of ten (10) percent of the eligible voters may initiate consideration of a proposed tribal ordinance by submitting to the Tribal Elections Board a petition bearing the following:
 - i). their signatures, names, addresses, and enrollment numbers;
 - ii). the terms of the proposed tribal ordinance; and
 - iii). the designation of three signatories as a Petitioner's Committee.
3. Upon certification of the signatures on the petition and within no more than five (5) days of its receipt, the Tribal Elections Board shall serve a copy of the petition bearing

the proposed tribal ordinance upon the Tribal Council, which shall take the proposed tribal ordinance under consideration and take a vote thereon at its next regularly scheduled meeting, but no more than thirty (30) days after its receipt from the Tribal Election Board.

4. The Tribal Elections Board shall notify all members of the Petitioner's Committee of the Tribal Council's action on the proposed tribal ordinance within five (5) days of such action.
5. If the proposed ordinance is not enacted or is enacted with substantive changes, the Petitioner's Committee shall have thirty (30) days from their receipt of notice of Tribal Council action to collect additional signatures upon their petition proposing a tribal ordinance.
6. The Tribal Elections Board shall conduct an election upon the proposed tribal ordinance within ten (10) days of the resubmission of the petition proposing the tribal ordinance, provided that the petition is signed by twenty (20) percent of eligible voters.
7. If at least thirty (30) percent of the eligible voters participate in the initiative election and a majority of those voting vote in favor of the proposed ordinance, the Tribal Election Board shall declare the ordinance duly enacted law of the Lumbee Tribe of North Carolina.

Article VI. Referendum.

1. The power to conduct a referendum on any tribal ordinance adopted by the Tribal Council is specifically reserved for the general membership of the Lumbee Tribe of North Carolina.
2. A minimum of ten (10) percent of the eligible voters may initiate a referendum by submitting to the Tribal Elections Board a petition bearing the following:
 - i). their signatures, names, addresses, and enrollment numbers;
 - ii). the terms of the challenged tribal ordinance adopted by the Tribal Council;

and

- iii). the designation of three signatories as a Petitioner's Committee.
3. Upon certification of the signatures of the petition and within no more than five (5) days of its receipt, the Tribal Elections Board shall serve a copy of the petition bearing the challenged tribal ordinance upon the Tribal Council, which shall reconsider its adoption of the challenged ordinance and take a vote thereon at its next regularly scheduled meeting, but no more than thirty (30) days after its receipt from the Tribal Elections Board.
4. The Tribal Elections Board shall notify all members of the Petitioner's Committee of the Tribal Council's action on the challenged tribal ordinance within five (5) days of such action.
5. If the challenged tribal ordinance is not rescinded or substantively altered by the Tribal Council, the Petitioner's Committee shall have thirty (30) days from their receipt of notice of Tribal Council action to collect additional signatures upon their petition for a referendum on the challenged tribal ordinance.
6. The Tribal Elections Board shall conduct a referendum upon the challenged tribal ordinance within ten (10) days of the resubmission of the petition seeking a referendum on the challenged ordinance, provided that the petition is signed by twenty (20) percent of eligible voters.
7. If at least thirty (30) percent of the eligible voters participate in the referendum election and a majority of those voting vote in favor of rescinding the challenged ordinance, the Tribal Elections Board shall declare the ordinance rescinded.

Article VII. Tribal Council.

1. The legislative power to enact ordinances of the Lumbee Tribe of North Carolina shall reside in the Tribal Council. Such legislative power shall include:
 - a). the enactment of annual tribal budgets, provided that budgets shall be enacted into tribal law following the conduct of tribal hearing(s) on budgets proposed by the Tribal Chairperson;

- b). the adoption of rules and regulations governing the Tribal Council's procedure and decorum, consistent with the provisions of this Constitution; and
 - c). the confirmation of either employment or dismissal of a Tribal Administrator.
2. Except as otherwise provided, members of the Tribal Council shall serve three (3) year terms and no council member can serve more than two (2) consecutive terms. The privilege to run for election to the Tribal Council shall be limited to those members of the Lumbee Tribe of North Carolina who at the commencement of the term of office for which the member stands for election:
- a). are over the age of twenty-one (21);
 - b). have maintained their principal place of residence in the particular council district for which the member stands for election no less than the preceding one (1) year;
 - c). the Tribal Council shall have authority to enact an ordinance governing disqualification from Tribal Council office due to felony conviction.
3. The Tribal Council shall consist of twenty-one (21) members who shall be elected from districts within Lumbee territory. These districts shall have boundaries as drawn in accordance with the provisions of Article XII, section 3, below, which boundaries shall be redrawn within one (1) year following the publication of each decennial federal census to maintain equal representation for each tribal member.
4. The council members shall elect from their members the following officers:
- a). a speaker, who shall preside over council meetings;
 - b). a vice-chairman, who shall preside over council meetings in the absence of the speaker and who is willing and qualified to serve as chairman in the event that becomes necessary;
 - c). a secretary, who shall oversee the maintenance of all records of proceedings

of the council and tribal ordinances; and

- d). a treasurer, who shall oversee council proceedings to prepare annual tribal budgets.
4. All proceedings of the Tribal Council shall be conducted in public session, except for proceedings certified in advance by the speaker as implicating privacy rights of a tribal employee or member. No proceedings of the Tribal Council shall take place in the absence of a quorum which shall constitute two-thirds (2/3) of the sitting council members and all decisions of the Tribal Council shall require an affirmative vote of the majority of present council members, except that a veto override shall require two-thirds (2/3) vote.
 5. No ordinance enacted by the Tribal Council shall be binding and effective until such ordinance has been posted in a place reserved for this purpose at the offices of the Tribal Council for a period of thirty (30) calendar days following its enactment, provided that such ordinance was not certified for referendum by the Tribal Chairperson in accordance with Article VIII, section 1 (b) within that period. The Tribal Council shall periodically publish in a newspaper of general distribution in Lumbee territory a calendar of proceedings showing all council actions taken and the address and phone number where copies of ordinances are available.
 6. Any council member who is absent from three (3) consecutive regularly scheduled meetings of the council shall be removed from office, provided that such absences are unexcused in accordance with a governing tribal ordinance. A vacancy in a Tribal Council seat will also occur automatically upon the death of a Tribal Council member or the occurrence during that member's term of any circumstance listed above in section 2 that would have disqualified the member from serving upon the Tribal Council. Vacancies in Tribal Council seats shall be filled as follows:
 - a). If a Tribal Council seat becomes vacant for any reason and one calendar year or less remains in the term of the vacant seat, then
 - i). the Tribal Council shall schedule, advertise and conduct a public hearing in the district with the vacant seat for the purpose of receiving nominations from district residents to fill the vacancy, then elect as council member for the vacant seat from among those individuals nominated at the public hearing by a 2/3 vote of the

Tribal Council;

- ii). if no candidate described in (i) above is nominated or qualified to serve, the Tribal Council shall appoint a person who would be qualified to stand for election to that seat to serve the remainder of the term.
- b). If a Tribal Council seat becomes vacant for any reason and more than one calendar year remains in the term of the vacant seat, then:
- i). a special election shall be conducted to fill the vacancy, and
 - ii). the newly elected council member shall serve out the remainder of the vacated term.

Article VIII. Tribal Chairperson.

1. All executive powers, including implementation of and compliance with annual budgets, of the Lumbee Tribe of North Carolina shall reside in a Tribal chairperson, who shall cause all laws of the Tribe to be faithfully executed. Specifically, the Tribal Chairperson shall:
 - a). deliver to the general membership an annual State of the Tribe Address during the first week of July, which Address shall include a proposed budget for the upcoming fiscal year;
 - b). within ten (10) days of its passage by the Tribal Council, certify for referendum by the general voting membership any tribal ordinance that affects fundamental rights or interests of the Lumbee Tribe of North Carolina. Any ordinance imposing a tax or authorizing gaming in Lumbee territory shall be deemed to affect fundamental rights or interests of the Tribe. No ordinance certified as requiring a referendum shall be effective unless and until such ordinance is approved by a majority of those voting in the referendum, such referendum to be conducted in accordance with Article V of the Constitution;

- c). have authority to veto any ordinance enacted by the Tribal Council;
 - d). shall nominate a Tribal Administrator, subject to confirmation by the Tribal Council or its designee(s), the Tribal Administrator can be removed by the same process;
 - e). represent the Lumbee Tribe of North Carolina before all other governments and tribunals, including the United States, the State of North Carolina, and all federal and state agencies.
2. The Tribal Chairperson shall be elected by the voting general membership for a term of three (3) years and shall not serve more than two consecutive terms. The privilege to run for the office of Tribal Chairperson shall be limited to those tribal members who at the commencement of the term:
- a). are thirty-five (35) years of age or more;
 - b). have maintained his or her principal place of residence in the territory of the Tribe for the preceding one (1) year;
 - c). the Tribal Council shall have authority to enact a tribal ordinance governing disqualification from office of Tribal Chairperson due to felony conviction.
3. A vacancy shall occur in the office of Tribal Chairperson upon the death of the chairperson or the occurrence during that chairperson's term of any circumstance listed above in section 2 that would have disqualified the chairperson from running for office. Vacancies in the office of Tribal Chairperson shall be filled as follows:
- a). If a vacancy occurs in the office of Tribal Chairperson with one calendar year or less remaining in the term of office, then the Tribal Vice-Chairperson shall serve out the term, provided that the Vice-Chairperson would be otherwise qualified to run for the office of Tribal Chairman.
 - b). If the vacancy occurs in the office of Tribal Chairperson with more than one calendar year remaining the term of office, then a special election shall be conducted and the newly elected Tribal Chairperson shall serve out the remainder of the vacated term.

Article IX. Judiciary.

1. The judicial power of the Lumbee Tribe of North Carolina shall reside in the Supreme Court of the Lumbee Constitution and such inferior courts as the Tribal Council may establish. The Supreme Court of the Lumbee Constitution shall have original jurisdiction over all cases and controversies arising under the Lumbee Constitution and all ordinances of the Lumbee Tribe of North Carolina. In the event the Tribal Council establishes inferior courts, the Supreme Court of the Lumbee Constitution shall have appellate jurisdiction only over those cases and controversies arising under tribal ordinances.
2. The rule of law to be applied in the Supreme Court of the Lumbee Constitution in all cases and controversies within its original jurisdiction shall be the will of the Lumbee people as expressed in the Lumbee Constitution, duly adopted tribal ordinances, and Lumbee custom. In the absence of a governing rule of law from these sources, the governing rule shall be federal common law.
3. The Supreme Court of the Lumbee Constitution shall consist of five sitting judges, who shall serve five-year terms; no judge may serve two consecutive terms. These judges shall have the qualifications and be selected as set out below:
 - a). the qualifications for Tribal Chairperson specified in Article V, section 2, shall apply to judges of the Supreme Court of the Lumbee Constitution, except that the minimum age of judges shall be thirty-five (35);
 - b). at all times, two of the sitting judges shall be graduates of accredited law schools and three shall be lay people;
 - c). for the initial appointments to the Court, the Tribal Chairman shall nominate ten qualified candidates, from whom the Tribal Council shall appoint five. By some method of chance, one of the initial appointees shall serve a one-year term, one a two-year term, one a three-year term, one a four-year term, and one a five-year term. Thereafter, each appointed judge shall serve a five-year term. In making nominations and appointments, the Tribal Chairperson and Tribal Council shall to the greatest extent possible select candidates who reside in different areas or communities of the Lumbee territory.

4. There shall be a Chief Judge of the Supreme Court of the Lumbee Constitution who shall bear administrative responsibilities for the conduct of the Court's business and who shall be elected on an annual basis by the sitting judges.

Article X. Elections Board.

1. There shall be an independent Tribal Elections Board of the Lumbee Tribe of North Carolina, which shall have the following authority:
 - a). to promulgate necessary and appropriate regulations under authority of this Constitution and tribal ordinances governing voter registration and the conduct of all regular and special tribal elections;
 - b). to conduct all recall, initiative, and referendum proceedings; and
 - c). any other matters specified herein or authorized by tribal ordinance.
2. The Tribal Elections Board shall consist of five (5) enrolled members over the age of eighteen (18) appointed by the Tribal Council. For purposes of this appointment, the council members shall be divided as equally as possible into five (5) appointing committees by some method of chance. Each of the five appointing committees shall appoint one Elections Board member. The Board members shall serve six-year terms and may not serve consecutive terms.
3. Any matter decided or certified by the Tribal Elections Board shall be deemed final tribal action and shall be reviewable by the Supreme Court of the Lumbee Constitution.

Article XI. Duty of Loyalty.

1. Every elected and appointed tribal official empowered herein shall affirm upon taking office that he or she will abide by this Constitution and laws of the Lumbee Tribe of North Carolina and will, to the best of his or her ability, perform his or her duties with undivided loyalty to the Lumbee Tribe of North Carolina.
2. The first Tribal Council elected under this Constitution shall adopt an ordinance proscribing conflicts of interests in the performance of duties by elected and appointed

tribal officials, which ordinance shall require a tribal official to recuse him or herself from any decision or vote affecting his or her pecuniary interest or a family member.

Article XII. Adoption.

1. A referendum on the adoption of this Constitution shall be conducted among the enrolled members of the Lumbee Tribe of North Carolina aged eighteen (18) and above on November 6, 2001.
2. This Constitution shall be deemed adopted if, at the general referendum conducted therefore, a majority of those enrolled members voting vote in favor of adoption of the same. Specific provisions of the Constitution set out for special vote at the same referendum, if any, shall be deemed adopted upon favorable vote of a majority of those voting on each specific provision as if those provisions were set out in the document itself.
3. Upon adoption, this Constitution shall be considered immediately effective as the governing document for the Lumbee Tribe of North Carolina. The tribal chairperson and Tribal Council members elected on November 7, 2000, shall serve out their full terms, set to expire in November 2003, and shall in the meantime be bound by the terms of this Constitution, subject to the following exceptions and special responsibilities as the first tribal officials to serve under the Constitution:
 - a). the present Tribal Council members shall be deemed council members-at-large in the interim between the adoption of this Constitution and the first set of elections held under the Constitution in November 2003, without regard to district boundaries from which they were elected;
 - b). before the election in November 2003, the present tribal officials shall draw boundaries for the twenty-one (21) Tribal Council districts, provided that:
 - i). each tribal member has equal representation on the Tribal Council;
and
 - ii). the boundaries for Tribal Council districts shall be drawn and published throughout the tribal territory no less than sixty (60) days in advance of the election to be held in November 2003;

- c). for purposes of the conduct of the election to be held in November 2003, the present tribal officials shall serve as election commissioners, authorized to promulgate regulations governing this election only;
- d). for purposes of the conduct of the election to be held in November 2003, the present tribal officials shall be qualified to stand for office under this Constitution provided that they meet all qualifications therefore, their present term to be counted as their first under this Constitution;
- e). upon election in November 2003, the twenty-one Tribal Council members shall be divided into three groups of seven by some means of chance, with the first group serving a one year initial term, the second group serving a two year initial term, and the third group serving a three year initial term, after which all Tribal Council members shall serve three year terms.

Article XIII. Amendment.

1. An amendment to the Constitution can be proposed by either two-thirds (2/3) vote of the Tribal Council or by a petition bearing the signatures of five (5) percent of tribal members eighteen years of age or older. Upon certification by the Tribal Elections Board of a proposed amendment to the Constitution, the Tribal Elections Board shall within ten (10) working days post the proposed amendment at appropriate public places and publish the proposed amendment in newspapers of general distribution.
2. Within sixty (60) days after the posting and publication of a proposed amendment, the Tribal Elections Board shall conduct a special election on the proposed amendment. The amendment shall be adopted upon the majority vote of qualified voters voting in the special election. If adopted, the Tribal Elections Board shall within five (5) days of the special election post the amendment at appropriate public places and publish the amendment in newspapers of general distribution with notice of its adoption by special election. The amendment shall become effective ten (10) working days after its posting and publication.

THIS CONSTITUTION ADOPTED AND RATIFIED BY THE LUMBEE PEOPLE THIS
THE 16TH DAY OF NOVEMBER, 2001.

Constitutional Amendment enacted by the Lumbee People:

Amendment # 1: The Territory of the Lumbee Tribe of North Carolina shall include Robeson, Hoke, Scotland and Cumberland Counties.