This bill pulls major support from party politics with this being a predominantly Democratic bill, heavily leaning towards Blue Dog Democrats. Testimony from Rep. Mike McIntyre (D-NC), introducer of the bill, calls for the end of discrimination and to right an injustice that was set upon these native people. He states that it is unfortunate that 55,000 people have been oppressed from being federally recognized as a tribe (McIntyre). Lumbee Indians feel as if they are being discriminated against, since they have a long, proven history and have gone through the process to get recognition for decades. After being forced to establish their own school for Lumbee children, they were stripped of control, because they were not federally recognized. As the Chairman of the Lumbee Tribe states, "without federal recognition we cannot have full control of our communities. Without federal recognition, we will continue to be treated as second-class Indians" (Goins).

The Lumbee Tribe has a strong self-identification as an Indian Community.

BIA criteria states that the comprising group seeking recognition as a tribe needs to comprise of a "distinct community [that] has existed as a community from historical times until the present" (BIA, B). This criteria is very apparent through Lumbee culture, and their people carry with them a strong sense of community. The 55,000 member tribe primarily lives in Robeson, Hoke, Cumberland and Scotland counties of North Carolina. The Lumbee community displayed their strength in the nineteenth century when the State of North Carolina restricted Indian children from attending public schools, and forced the Tribe to establish a school for Lumbee children. The Tribe did not have the adequate funding for such a task, and with minimal help from the State, it was the community spirit that held the school together until the State reneged the decision and stripped the Tribe of their powers (Goins). The Tribe's cultural attributes are still thriving as they celebrate their culture yearly with an extravagant Pow Wow, one that is so festive it was showcased in USA Today. Tribal members identify themselves as a community, a family, and under the Lumbee Tribal seal they are bonded by the same desire for federal recognition.

The State of North Carolina has officially recognized the Lumbee Tribe as an official Native American Tribe, and the tribe has the bi-partisan support of executive, legislative and local officials of the state.

Another bloc of supporters comes from the State of North Carolina, the home state of the Lumbee Tribe. The State of North Carolina has formally recognized the Lumbee Tribe, yet to no avail from the federal level has recognition come. Bi-partisan support stems from the legislature, executive branch, and governmental agencies from the state. At a state level the personal claims of the tribe to be recognized are more sympathetic, because there is a tangible history and understanding of what the tribe has gone through. Also the cry of support from the state

level is bi-partisan because the state would not hesitate to accept federally granted funding for the tribe and members' benefits, which have been supplied a great deal by the state taxpayers.

The power of federal recognition for a tribe should rest in the hands of Congress and subcommittees, not be guided by a governmental department or agency.

In the past, Congress was the only able body that could grant tribes recognition; now that power has been handed to the Department of the Interior (Bureau of Indian Affairs). Members of the House Natural Resources Committee have spoken out that their committee has specifically focused on Indian affairs and should be the body to conduct legislation to be put before the body as a whole. Representative Kildee (D-MI) spoke as both a member of the committee and as a veteran congressman, stating that this power, of Indian tribal recognition, should be wielded by those chosen by the public citizens and not by appointed bureaucrats. Institutional loyalists would also serve as a supporting bloc, both in the Natural Resource Committees and in a broader context. These members are also criticizing that the agency (BIA) for not performing its duties correctly and creating a hardship in making the recognition process very slow.

The Lumbee Tribe has a central form of government, including authority, documentation and membership criteria.

BIA criteria states an applicant group must have "maintained political influence or authority over its members as an autonomous entity," and "governing documentation including its membership criteria" are required for any tribe to gain federal recognition. The Lumbee Tribe provide all required (BIA, C-D). The Lumbee Tribe has created a governmental structure comparable to that of the United States. The Lumbee government consists of an executive, legislative and judicial branch. The tribe also has a documented constitution with the purpose of "establishing a tribal government structure, preserving for all time the Lumbee way of life and community, promoting the educational, cultural, social and economical well being of the Lumbee people, and securing justice and freedom of the Lumbee people" (Lumbee preamble). Article II of the Lumbee Constitution also provides for the membership criteria and procedure of the tribe.

<u>Opposition Arguments</u>

The Federal recognition of the Lumbee would place a large added expense of supplying governmental services and benefits to over 55,000 people, and in this current economy it would be very difficult for the BIA budget to include these increased costs.