



UNITED SOUTH AND EASTERN TRIBES, INC.

USET RESOLUTION No. 2004:014

OPPOSITION TO FEDERAL LEGISLATION RECOGNIZING THE LUMBEE GROUP OF NORTH CAROLINA

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an inter-tribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** USET is an organization dedicated to protecting the sovereignty of the federally recognized Indian tribes of the southern and eastern United States; and
- WHEREAS,** USET has consistently expressed serious concerns about federal recognition being conferred legislatively to non-federally recognized Indian groups because it allows these groups to circumvent an established process based upon objective criteria and because the legislative recognition process is vulnerable to subjective, political, and ephemeral considerations; and
- WHEREAS,** USET, as indicated through previous resolutions and Congressional testimony, supports the use of the Federal Acknowledgment Process administered by the Bureau of Indian Affairs for determining whether non-federally recognized Indian groups should be federally recognized because this process is based upon criteria recommended by the American Indian Policy Review Commission and supported by federally recognized Indian tribes across the country and is administered by experts, such as ethno-historians, genealogists, anthropologists, and other technical staff; and
- WHEREAS,** on October 23, 1989, William Lovel, Assistant Solicitor for Indian Affairs, issued an opinion stating that federal law bars the Lumbee group from going through the Federal Acknowledgment process due to language in the June 7, 1956 Lumbee Act that prohibits them from receiving "any services performed by the United States for Indians because of their status as Indians," and
- WHEREAS,** in the past, legislation has been introduced in previous sessions of Congress, which has been repeatedly rejected by Congress, that would have extended federal recognition to the Lumbee group of North Carolina; and
- WHEREAS,** in response to this previous legislation in Congress that would have extended federal recognition to the Lumbee group, USET in Resolution No. 93-15LA, *Restating Position on Lumbee Recognition*, reiterated its long-standing position of rejecting the concept of legislative recognition of Indian groups, which was and is being sought by the Lumbee group, and instead favoring legislation that would allow the Lumbee group to go through the Federal Acknowledgment Process from which they have been unfairly excluded; and
- WHEREAS,** S. 420, the Lumbee Acknowledgment Act of 2003, and H.R. 898, the Lumbee Recognition Act, have been introduced in the 108th Congress, and these bills would extend federal recognition to the Lumbee group of North Carolina; and


"Because there is strength in Unity"

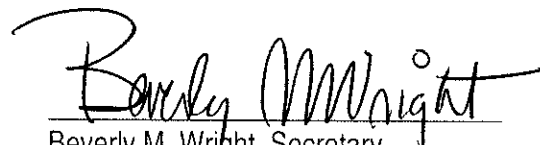
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- WHEREAS,** H.R. 1408 has also been introduced in the 108th Congress that would amend the 1956 Lumbee Act to allow the Lumbee group to go through the Federal Acknowledgment Process on an expedited basis; and
- WHEREAS,** on September 17, 2003, the U.S. Senate Indian Affairs Committee held a hearing on S. 420 and USET testified at the hearing supporting such legislation as H.R. 1408 that would allow the Lumbee group to go through the Federal Acknowledgment Process and expressing grave concerns with S. 420 and H.R. 898 that would extend federal recognition to the Lumbee group; and
- WHEREAS,** the U.S. Senate Indian Affairs Committee has scheduled a mark-up of S. 420 for October 29, 2003; and
- WHEREAS,** USET last week sent a letter to the U.S. Senate Indian Affairs Committee urging the committee to address USET's concerns articulated in its September 17, 2003, testimony before marking up S. 420; therefore, be it
- RESOLVED** that the USET Board of Directors does hereby express its strong opposition to S. 420 and H.R. 898 because these bills allow the Lumbee group to circumvent the established system of the Federal Acknowledgment Process by giving them immediate recognition without the use of objective guidelines or expert analysis; and, be it further
- RESOLVED** that the USET Board of Directors does hereby express its strong support for H.R. 1408 which offers a fair remedy for the Lumbee group by amending the 1956 Lumbee Act to allow them to access the Federal Acknowledgment Process; and, be it further
- RESOLVED** that the USET Board of Directors does hereby urge the Senate Indian Affairs Committee, the House Resources Committee, and the Congress as a whole to reject S. 420 and H.R. 898 and to pass H.R. 1408.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting and EXPO, at which a quorum was present, in Mashantucket, CT on October 23, 2003.


Keller George, President
United South and Eastern Tribes, Inc.


Beverly M. Wright, Secretary
United South and Eastern Tribes, Inc.