

Lumbee Indians - Part 5: Fight for federal recognition ^[1]

Lumbee Indians

by Glenn Ellen Starr Stilling

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Part v: The Fight for Federal Recognition

The Lumbee have never received funding through the [U.S. Bureau of Indian Affairs](#) ^[8] or the [Indian Health Service](#) ^[9], although the tribe has been working to obtain true federal recognition since 1888. By virtue of state recognition, they have received aid from other federal programs for Indians. In 1935 the Lumbee received a memo from the U.S. Department of the Interior stating that those who were of one-half or more Indian blood could organize under the Wheeler-Howard Indian Reorganization Act to receive employment, education, or reservation benefits. To determine who was eligible, Harvard anthropologist Carl C. Seltzer was sent to [Robeson County](#) ^[10] to test the 209 Lumbees who were applying for recognition. According to his anthropometric measurements, only 22 qualified. Although Seltzer's methods fit the theories of race at that time, they later came to be viewed as invalid.

Several other bills representing various strategies for obtaining support for the Lumbee were introduced in Congress, but all were unsuccessful until the 1956 Lumbee Act. It designated the Indians living in Robeson and adjoining counties as "Lumbee Indians of North Carolina" (the state of North Carolina had recognized the Lumbee name three years earlier). The final sentence declared that the act did not make them eligible for any federal services offered to Indians, however, and that federal laws affecting Indians did not apply to the Lumbee.

In 1978 a set of seven mandatory criteria for federal acknowledgment of tribes was published in an attempt to make the process of recognizing additional tribes uniform, rigorous, and systematic. Tribes are required to prepare a detailed petition addressing all of these criteria, and the petition is then evaluated by the Bureau of Indian Affairs' Office of Federal Acknowledgment. The Lumbee spent seven years preparing their three-volume petition and submitted it in 1987. Two years later, the Bureau of Indian Affairs' Office of the Solicitor issued a ruling that the language of the 1956 Lumbee Act forbade a relationship between the Lumbee and the federal government through the bureau. Therefore, the petition could not be considered unless Congress amended the last sentence of the Lumbee Act. This action prompted the Lumbee to continue seeking federal recognition by asking Congress to pass a new recognition bill, rather than asking that the 1956 act be amended and probably waiting many more years for their petition to be evaluated. From 1988 through 2003, the Lumbee introduced 12 bills asking for complete federal recognition. Two practically identical bills seeking Lumbee recognition were introduced in 2004 by Senator Elizabeth Dole and Congressman Mike McIntyre; Dole introduced another bill, the Lumbee Recognition Act, in March 2005.

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Authors:

[Stilling, Glenn Ellen Starr](#) ^[14]

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