

## CONDENSED TRANSCRIPT

---

### NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS

---

Furnie Lambert, Chair  
Shirley Freeman, Acting Chair  
Helen Cook  
Gladys Hunt  
Sam Lambert  
Marvel Welch  
DeVane Burnett, Sr.  
Jeffrey Anstead  
Charles Richardson  
Larece Hunt  
Ricky Burnett  
Constance Mitchell  
Jessie Jacobs  
Walter D. Baucom  
Tony Hayes  
Dorothy Stewart Yates  
Danny Bell  
Elton R. Jacobs  
Daniel Locklear  
Christy Agner, Designee for Machelle Sanders  
George Sherrill, Designee for Anthony Copeland  
John Nicholson, Designee for Michael Regan  
David Locklear, Designee for Mandy Cohen  
Jennifer Haigwood, Designee for Cherie Berry

TRANSCRIPT OF THE PUBLIC HEARING ON  
TUSCARORA NATION OF NORTH CAROLINA  
PETITION FOR STATE RECOGNITION

Friday, July 26, 2019  
10:00 A.M.

GOVERNOR'S CRIME COMMISSION  
1205 FRONT STREET  
RALEIGH, NORTH CAROLINA

NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS

Furnie Lambert, Chair
Shirley Freeman, Acting Chair
Helen Cook
Gladys Hunt
Sam Lambert
Marvel Welch
DeVane Burnett, Sr.
Jeffrey Anstead
Charles Richardson
Larece Hunt
Ricky Burnett
Constance Mitchell
Jessie Jacobs
Walter D. Baucom
Tony Hayes
Dorothy Stewart Yates
Danny Bell
Elton R. Jacobs
Daniel Locklear
Christy Agner, Designee for Machel Sanders
George Sherrill, Designee for Anthony Copeland
John Nicholson, Designee for Michael Regan
David Locklear, Designee for Mandy Cohen
Jennifer Haigwood, Designee for Cherie Berry

TRANSCRIPT OF THE PUBLIC HEARING ON
TUSCARORA NATION OF NORTH CAROLINA
PETITION FOR STATE RECOGNITION

Friday, July 26, 2019
10:00 A.M.

GOVERNOR'S CRIME COMMISSION
1205 FRONT STREET
RALEIGH, NORTH CAROLINA

PROCEEDINGS

1 MR. F. LAMBERT: Good morning, ladies and
2 gentlemen.
3 ATTENDEES: Good morning.
4 MR. F. LAMBERT: I'd like to welcome all of you to
5 Raleigh, North Carolina, for a hearing on the Tuscarora
6 Nation of North Carolina about state recognition. And at
7 this time, I'd like to go into the adoption of the agenda.
8 Has all the Commission members had a chance to
9 look at the agenda?
10 MR. HUNT: Mr. Chairman, without modification, I'd
11 move that we adopt it.
12 MR. S. LAMBERT: Second.
13 MR. F. LAMBERT: Okay. The motion's been made and
14 seconded. Is there any discussion?
15 (No response.)
16 MR. F. LAMBERT: All in favor, let it be known by
17 saying "aye."
18 MULTIPLE PARTIES: Aye.
19 MR. F. LAMBERT: Those opposed, likewise.
20 (No response.)
21 MR. F. LAMBERT: Motion carries.
22 At this time, I'm going to ask Mr. Greg Richardson
23 to tell you about -- well, do our housekeeping events. So,
24 Greg.

1 MR. G. RICHARDSON: Okay. Well, good morning
2 again, and I'd like to welcome you again, as the Chairman
3 has already said.
4 A couple of things I need to mention, this side of
5 the building, over here, this parking lot, if you're parked
6 over in that section, I'd ask that you go and move your car
7 to one of the other sections immediately, because that's
8 another agency and they will tow you away. So we don't
9 anybody having to go pick their car up at a tow yard today
10 and spend extra money. So be mindful of that.
11 If anyone else comes in, if you-all will share
12 that information with other members that might come in,
13 other Commission Members, et cetera, et cetera. And I've
14 asked Candace back here at the door to do the same. Thank
15 you.
16 Across the hall here, as you go straight out this
17 door, the necessary rooms are right there on your left. And
18 we would ask that you not go beyond that point because there
19 are offices down the hall and they're conducting business
20 here for the Crime Commission. So we don't want to be
21 disrupting activities of the Crime Commission.
22 And the final thing that I wanted to say is that
23 out in the lobby area as you come -- come into the building
24 here, we cannot allow people to congregate out there because
25 the same thing applies. The noise, the speaking and that

1 kind of thing will overflow into the offices for the Crime
2 Commission, and they don't want us to be disruptive. So if
3 you would honor the wishes of the Agency, the Governor's
4 Crime Commission, today, we would certainly appreciate that.
5 Thank you, Mr. Chairman.
6 MR. F. LAMBERT: At this time, I would ask Ms.
7 Dorothy Yates -- she --
8 MR. G. RICHARDSON: Not here.
9 MR. F. LAMBERT: She's not here. Okay. We'll go
10 to another very experienced individual, Doctor -- as you
11 were, not Doctor, but the Reverend Ricky Burnett to do the
12 invocation for us.
13 MR. BURNETT: Let us stand. Let us pray. Father,
14 we thank you for another beautiful day that thou has blessed
15 us to see and thank you for this opportunity to come
16 together. We invite and ask you to be in our midst. We ask
17 you to lead and direct us in everything that we do.
18 Father, we pray for this nation in which we live
19 and pray for our leaders. We pray, God, that all decisions
20 that will be made will be pleasing unto thee. We ask now,
21 God, that you would touch those who are sick and afflicted,
22 those that stand in need.
23 We ask you, dear God, to help us to ever come
24 together as a people; Father, most of all that we'd share
25 love one unto another. Forgive us now, Lord, of our

Page 5

1 shortcomings; strengthen where we may be weak.  
 2 Father, we look and rely upon you. I ask, dear  
 3 God, help us not to lean upon our own understanding but in  
 4 all our ways, we would acknowledge you; God, that you would  
 5 lead and direct and you would help us, Lord God, on this  
 6 journey in which we travel.  
 7 Bless now each and every one. Bless their  
 8 families. And, again, Father, we thank you for this day.  
 9 Thank you for your love and for mercy. It's in your holiest  
 10 precious name I pray. Amen.  
 11 ATTENDEES: Amen.  
 12 MR. F. LAMBERT: Okay. Roll call.  
 13 MS. PINTO: Good morning, everyone.  
 14 ATTENDEES: Good morning.  
 15 MS. PINTO: Isabell-Freeman Elliott?  
 16 (No response.)  
 17 MS. PINTO: Lenora Locklear?  
 18 (No response.)  
 19 MS. PINTO: Helen Cook?  
 20 MS. COOK: Here.  
 21 MS. PINTO: Gladys Hunt?  
 22 MS. HUNT: Here.  
 23 MS. PINTO: Sam Lambert?  
 24 MR. S. LAMBERT: Right here.  
 25 MS. PINTO: Marvel Welch?

Page 7

1 (No response.)  
 2 MS. PINTO: Danny Bell?  
 3 MR. BELL: Present.  
 4 MS. PINTO: Elton Jacobs?  
 5 MR. E. JACOBS: Here.  
 6 MS. PINTO: Shirley Freeman?  
 7 MS. FREEMAN: Here.  
 8 MS. PINTO: Daniel Locklear?  
 9 MR. DANIEL LOCKLEAR: Here.  
 10 MS. PINTO: Wanda Burns-Ramsey?  
 11 (No response.)  
 12 MS. PINTO: Secretary Machel Sanders, Department  
 13 of Administration, Deputy Secretary Christy Agner, designee  
 14 for Machel Sanders?  
 15 MS. AGNER: Here.  
 16 MS. PINTO: Anthony Copeland, Secretary,  
 17 Department of Commerce, George Sherrill, Chief of Staff,  
 18 designee for Anthony Copeland?  
 19 MR. COPELAND: Here.  
 20 MS. PINTO: Michael Regan, Secretary, Department  
 21 of Environmental Quality, John Nicholson, Deputy Secretary,  
 22 designee for Michael Regan.  
 23 MR. REGAN: Here.  
 24 MS. PINTO: Dr. Mandy Cohen, Secretary, Department  
 25 of Health and Human Services, David Locklear, Deputy

Page 6

1 MS. WELCH: Present.  
 2 MS. PINTO: Jennifer Revels-Baxter?  
 3 (No response.)  
 4 MS. PINTO: Devane Burnett, Sr.?  
 5 MR. D. BURNETT: Here.  
 6 MS. PINTO: Jeffrey Anstead?  
 7 MR. G. RICHARDSON: He's supposed to be on the his  
 8 way.  
 9 MS. PINTO: Charles Richardson?  
 10 MR. C. RICHARDSON: Here.  
 11 MS. PINTO: Larece Hunt?  
 12 MR. HUNT: Here.  
 13 MS. PINTO: Furnie Lambert?  
 14 MR. F. LAMBERT: Here.  
 15 MS. PINTO: Ricky Burnett?  
 16 MR. BURNETT: Present.  
 17 MS. PINTO: Constance Mitchell?  
 18 MS. MITCHELL: Here.  
 19 MS. PINTO: Jessie Jacobs?  
 20 MR. J. JACOBS: Here.  
 21 MS. PINTO: Walter Baucom?  
 22 MR. BAUCOM: Here.  
 23 MS. PINTO: Tony Hayes?  
 24 MR. HAYES: Here.  
 25 MS. PINTO: Dorothy Yates?

Page 8

1 Secretary, designee for Dr. Mandy Cohen?  
 2 MR. DAVID LOCKLEAR: Present.  
 3 MS. PINTO: Cherie Berry, Commissioner for  
 4 Department of Labor, Jennifer Haigwood, designee for  
 5 Commissioner Cherie Berry?  
 6 MS. HAIGWOOD: Here.  
 7 MS. PINTO: John Mintz, State Archaeologist,  
 8 Advisor for Cultural Resources?  
 9 (No response.)  
 10 MS. PINTO: Brayden Locklear, Co-Chair of NCNAYO?  
 11 (No response.)  
 12 MS. PINTO: Ms. Dorothy is present.  
 13 MR. G. RICHARDSON: Mr. Jeff Anstead.  
 14 MS. PINTO: Yes.  
 15 MR. G. RICHARDSON: Mr. Chairman, we have a  
 16 quorum.  
 17 MR. F. LAMBERT: Okay. At this time, I'd like for  
 18 everyone to stand and join me in the Pledge of Allegiance.  
 19 ATTENDEES: I pledge allegiance to the flag of the  
 20 United States of America, and to the republic for which it  
 21 stands, one nation under God, indivisible, with liberty and  
 22 justice for all.  
 23 MR. F. LAMBERT: Thank you. You may be seated.  
 24 Okay. At this time, we'd like to have Greg  
 25 Richardson, Executive Director, read the ethics statement.

Page 9

1 MR. G. RICHARDSON: Thank you, Mr. Chairman.  
 2 Ladies and gentlemen, Commission Members and guests, I'll be  
 3 reading the ethics statement on behalf of Chairman Lambert.  
 4 In accordance with North Carolina General Statute  
 5 18A, it is the duty of every Commission member to avoid both  
 6 conflicts of interest and appearance of a conflict of  
 7 interest with respect to any matters before the Commission  
 8 today.  
 9 Does any Commission member have a known conflict  
 10 of interest or any perceived conflict of interest as it  
 11 relates to the matters before the Commission today?  
 12 And I think we have several that might need to  
 13 recuse, Mr. Chairman. And that would be Mr. Chairman,  
 14 Commissioner Larece Hunt, Commissioner Ricky Burnett. So  
 15 let the record show that these members have recused  
 16 themselves before the Commission today in all business  
 17 matters related to the work of the Commission. Thank you.  
 18 MR. F. LAMBERT: Okay. Before I turn the meeting  
 19 over to the Vice Chair, Ms. Shirley Freeman, we have some  
 20 council members here. We have several of them from the  
 21 Lumbee Tribe. I'd like for you to stand and be recognized,  
 22 Tribal Council Lumbee Tribe.  
 23 Okay. We've got two. Okay. Thank you.  
 24 MS. FREEMAN: Could you have them tell us who they  
 25 are for the record?

Page 11

1 Shirley Freeman, and she will take care of business from  
 2 here until we come back.  
 3 MS. FREEMAN: Let me say good morning.  
 4 ATTENDEES: Good morning.  
 5 MS. FREEMAN: And it is good to have all of you  
 6 here today that we may continue on our journey here with a  
 7 hearing today with the Tuscarora and hope all of us this  
 8 morning can be attentive to what we're doing and just pay  
 9 attention that we may make right decisions and good  
 10 decisions in our efforts today.  
 11 First we want to hear from Mark and he's going to  
 12 give us a overview of the legislation.  
 13 MR. G. RICHARDSON: Do you want to say who Mark  
 14 is?  
 15 MR. F. LAMBERT: Tell them who Mark is.  
 16 MR. TEAGUE: My name is Mark Teague. I'm with the  
 17 Attorney General's Office and I represent the Commission of  
 18 Indian Affairs.  
 19 This hearing before the full Commission is  
 20 required by the administrative procedures. If you have your  
 21 copy of the administrative procedures regarding recognition,  
 22 we are at 01 NCAC 15 .0209. These are the procedures  
 23 adopted by the Commission of Indian Affairs concerning legal  
 24 recognition of American Indian groups.  
 25 So the procedure for recognition or the steps --

Page 10

1 MR. F. LAMBERT: Okay.  
 2 MS. M. LOCKLEAR: Marshil Locklear, District 10.  
 3 MR. COOPER: Frank Cooper, Hoke County.  
 4 MR. F. LAMBERT: What district is that, Frank?  
 5 MR. COOPER: District 11.  
 6 MR. F. LAMBERT: 11. Okay. Okay. We have Chief  
 7 Richardson from the Haliwa Saponi Tribe.  
 8 DR. RICHARDSON: Thank you.  
 9 MR. F. LAMBERT: We have Mr. Leon Locklear from  
 10 the Tuscarora Tribe. He's the chief of the tribe, Tuscarora  
 11 Nation of North Carolina.  
 12 Mr. Leon, do you have any council members with  
 13 you?  
 14 MR. LEON LOCKLEAR: No.  
 15 MR. F. LAMBERT: Okay.  
 16 MS. LOWRY: We do. Yes, we do.  
 17 MR. G. RICHARDSON: Council members? Council  
 18 members?  
 19 MR. A. LOCKLEAR: Anos Locklear.  
 20 MS. J. LOCKLEAR: Jennifer Locklear.  
 21 MR. F. LAMBERT: Anyone else?  
 22 MS. LOWRY: I'm Tamra Lowry, Public Relations  
 23 Director for the Tuscarora Nation of North Carolina.  
 24 MR. F. LAMBERT: Okay. At this time, I'd like to  
 25 go ahead and turn the meeting over to the Vice Chair, Ms.

Page 12

1 there are approximately 19 of them -- are set out in the  
 2 administrative procedures. And under Step Number (11), the  
 3 Recognition Committee introduced its -- its recommendation  
 4 to the full Commission at the Commission's June meeting.  
 5 And the Recognition Committee recommended that the petition  
 6 that the Tuscarora Nation of North Carolina filed for state  
 7 recognition as an Indian tribe be denied.  
 8 Under the rules -- and this is Rule (12) -- if the  
 9 Recognition Committee recommends that a petition be denied,  
 10 the petitioning group can request a hearing before the full  
 11 Commission. So this hearing is required under the  
 12 administrative procedures.  
 13 The Commission will not take a vote today on -- on  
 14 the petition to grant or deny the petition. There will be  
 15 no vote. This is simply a hearing that allows the  
 16 petitioning group to address the denial -- or the  
 17 recommendation of denial of recognition, and it also  
 18 provides the full Commission to ask questions of the  
 19 petitioner or perhaps staff and seek additional information  
 20 so that the full Commission can make it a formal vote at a  
 21 future meeting.  
 22 The earliest that a vote can be had by the full  
 23 Commission concerning the recommendation is at the  
 24 Commission's next quarterly meeting, which will be in  
 25 September. That is the earliest that the Commission can

Page 13

1 vote. The Commission could decide that it needs additional  
 2 information and wants to send -- send the petition back to  
 3 the Recognition -- Recognition Committee for additional  
 4 information or for further study. That's entirely up to the  
 5 Commission. So, again, there will not be a vote today.  
 6 Does anybody have any questions about that?  
 7 MS. LOWRY: I have a question. Mr. Mark Teague,  
 8 just for -- Mr. Mark Teague, you did state -- I'm sorry.  
 9 MR. G. RICHARDSON: Press -- just press down and  
 10 hold it. Press it down. It's on the side.  
 11 MS. LOWRY: Mr. Mark Teague, you did state that  
 12 during this process, up until the Recognition -- the North  
 13 Carolina Commission of Indian Affairs makes a full decision,  
 14 the petitioner can continue to submit additional  
 15 supplemental evidence concerning the petition; is that  
 16 correct?  
 17 MR. TEAGUE: Correct. Let's see. Yes. Under  
 18 Rule (18) -- again, this is under .0209 -- it states,  
 19 "During the petition process, any such other material or  
 20 documents the Recognition Committee or Commission may  
 21 request are relevant to the Commission's decision."  
 22 So, again, the Commission can -- can request for  
 23 additional documents. Those additional materials or  
 24 documents shall be relevant to the recognition decision or  
 25 shall be directly related to the recognition requirement

Page 15

1 throughout the petition process until --  
 2 MS. LOWRY: Thank you.  
 3 MR. TEAGUE: -- until such time as the recognition  
 4 decision is made by the full Commission, as described in  
 5 this rule.  
 6 MS. LOWRY: Thank you.  
 7 MR. TEAGUE: Are there any other questions about  
 8 the process?  
 9 (No response.)  
 10 MS. FREEMAN: Okay. At this time, we will hear  
 11 from Ms. Elizabeth Walker, our state recognition director.  
 12 She's going to give us an overview.  
 13 MS. WALKER: Good morning. I see a lot of  
 14 familiar faces from last hearing. The procedures today will  
 15 be very similar to the hearing that was held on April 30th,  
 16 but just to review where we're at, the Committee for  
 17 Recognition of the full Commission made their preliminary  
 18 findings in January of 2018. The petitioner then had 180  
 19 days and requested another 180 days to submit their  
 20 responses, which were due on -- in January of 2019, which  
 21 the committee received.  
 22 Those responses were evaluated and there were  
 23 several committee hearings, one on March 6th and one by  
 24 conference phone, to discuss the evidence that was submitted  
 25 by the petitioner. And then the hearing was held on April

Page 14

1 deficiencies outlined in the Recognition Committee or the  
 2 full Commission.  
 3 And I think you were asking, Ms. Locklear, whether  
 4 the petitioner could submit additional --  
 5 MS. LOWRY: Yes.  
 6 MR. TEAGUE: -- documents; is that correct?  
 7 MS. LOWRY: Yes.  
 8 MR. TEAGUE: Yeah. Let me find that exact point.  
 9 I'm sorry.  
 10 MS. LOWRY: At a previous meeting, you did state  
 11 that the petitioner could continue to submit additional  
 12 material and documents up until the full Commission has  
 13 rendered a vote for or against the petitioner.  
 14 So this states that during the petition process,  
 15 any such material or documents the Recognition Committee or  
 16 Commission may request are relevant to the Commission's  
 17 decision. Any additional materials or documents shall be --  
 18 MR. TEAGUE: Yes, Ms. Locklear, you are correct.  
 19 Under .0209 --  
 20 MS. LOWRY: Lowry.  
 21 MR. TEAGUE: I'm sorry. Lowry. I'm sorry. Under  
 22 Rule .0209(7) --  
 23 MR. G. RICHARDSON: Number (7).  
 24 MR. TEAGUE: Number (7) -- the petitioner may  
 25 submit additional petition documentation and materials

Page 16

1 30th where the petitioner submitted oral testimony and some  
 2 documents at that time.  
 3 Final recommendation was completed by the  
 4 committee and submitted at the June meeting of the  
 5 Recognition -- of the full Commission. And the petitioner  
 6 did request this hearing, as Mr. Teague recounted.  
 7 So now we're at the -- the hearing. The hearing  
 8 procedures will go like this. The petitioner has two  
 9 witnesses. First will be Dr. Sider. After Dr. Sider's  
 10 testimony -- he'll be given 50 minutes. There will be a  
 11 timekeeper. And then there will be question -- a period for  
 12 questions by the Committee and the Commission members. And  
 13 then Ms. Lowry will have her opportunity to testify for 50  
 14 minutes and then there'll be opportunity for questions by  
 15 the Commission members. Again, there will be a timekeeper  
 16 and Mr. Richardson will be keeping time on that.  
 17 That's -- that's the procedures. If there's any  
 18 questions, let us know.  
 19 MR. G. RICHARDSON: You may want to ask them if  
 20 they received those findings and deficiencies.  
 21 MS. WALKER: Tamra, you -- we wanted to just  
 22 confirm you received the final recommendation and the  
 23 findings and deficiencies. We had sent those.  
 24 MS. LOWRY: (Nods affirmatively.)  
 25 MS. WALKER: Yes. All right. Thank you.

1 MR. E. JACOBS: I have a question for Mark.  
 2 MR. TEAGUE: Yes, sir.  
 3 MR. E. JACOBS: My name is Elton Ray Jacobs.  
 4 Number (7) there, you said that petitioners could submit  
 5 documents and stuff until the vote.  
 6 MR. TEAGUE: Yes, sir.  
 7 MR. E. JACOBS: Until -- until the day of the vote  
 8 or is there a time period before that all the documentation  
 9 needs to be in before we can review it?  
 10 MR. TEAGUE: Well, until such time as -- as a  
 11 recognition decision is made by the full Commission. So up  
 12 until the vote, I guess. But, you know, I think -- I think  
 13 the Commission would have some discretion to determine  
 14 whether it was timely. This petition has been under review  
 15 for seven years at least, I believe, and there's been ample  
 16 opportunities to submit documents.  
 17 So I think the Commission would have some  
 18 discretion to determine whether it's timely, whether it's  
 19 relevant and whether it really impacts the overall decision  
 20 and addresses the deficiencies noted by the Recognition  
 21 Committee.  
 22 But, yes, the petitioner can submit documents and  
 23 the Commission will receive them. It is up to the full  
 24 Commission to determine how it needs to handle those  
 25 documents once received.

1 Okay. I want to start with my relevant  
 2 background. This doesn't work because I can't see you with  
 3 my reading glasses. So I'll start with my relevant  
 4 background. I majored in anthropology at the University of  
 5 Pennsylvania as a first-semester sophomore in the fall of  
 6 1956, taking three anthropology courses. At the start of  
 7 the spring 1957 semester, my second semester there, I was  
 8 told that from then on I could take all graduate courses in  
 9 the anthropology program.  
 10 I took courses and tutorials with Professor  
 11 Anthony Wallace, a scholar of Tuscarora history and  
 12 anthropology who recently published a major book on  
 13 Tuscarora history and whose first work on the Tuscarora was  
 14 published in 1952. So my interest in Tuscarora and their  
 15 history started with my studies with him in '57.  
 16 In 1963, after teaching anthropology at university  
 17 for two years, I went to the University of Chicago Ph.D.  
 18 program, where I studied and worked with Professor Lou  
 19 Binford, an archaeologist who did his Ph.D. thesis at the  
 20 University of Michigan on the interactions between coastal  
 21 Native American peoples and the early Virginia colonists. I  
 22 became further interested in and began serious research on  
 23 coastal plain native peoples in the Carolinas and Virginia.  
 24 I have done research on southeastern Native American history  
 25 and anthropology for the past 62 years.

1 MS. FREEMAN: At this time, we will begin to hear  
 2 from the witnesses. And we'll go to Dr. Sider.  
 3 DR. SIDER: Where can I put my -- right here?  
 4 MR. G. RICHARDSON: I'm going to ask the officers  
 5 to slide to the side, if you would.  
 6 DR. SIDER: There's no place where I can put my --  
 7 I'll just use this to hold my -- I just need to see if I  
 8 need my reading glasses. I better get my reading glasses.  
 9 Hang on a second.  
 10 MS. LOWRY: Dr. Sider, please make sure you use  
 11 the mic --  
 12 DR. SIDER: Well, where's the mic?  
 13 MS. LOWRY: -- so we can hear you in the back.  
 14 DR. SIDER: Where's the mic?  
 15 MS. WALKER: Here we go. Here we go.  
 16 DR. SIDER: Okay. I need to get my reading  
 17 glasses, because I thought there would be a lectern where I  
 18 can put my testimony to read it, but --  
 19 [PAUSE]  
 20 [WHEREUPON, THE TESTIMONY OF DR. SIDER BEGAN AT 10:27 A.M.]  
 21 DR. SIDER: That's the trouble with old age, is it  
 22 takes -- takes a lot of equipment to be old.  
 23 Okay. And I brought a copy of my CV which I  
 24 wanted to give to the Commission in case they wanted to hire  
 25 me to help them evaluate. Thank you.

1 I taught Native American history and anthropology  
 2 in City University of New York for 37 years. For 21 of  
 3 those years, I taught in the Ph.D. program, where I'm now  
 4 professor emeritus in the doctoral program. I have a  
 5 continuing -- I have a current and continuing -- it's hard  
 6 to hold the mic and this.  
 7 I have a current and continuing research  
 8 appointment in the Department of Anthropology at the  
 9 American Museum of Natural History, where my research  
 10 focuses on Native American people on the Atlantic Coastal  
 11 Plain, from the southeast -- I'm not used to working without  
 12 a lectern -- from the southeast --  
 13 MR. HAYES: Greg -- Greg, why don't you let him  
 14 sit at the table and put his stuff there so he can -- he can  
 15 read --  
 16 DR. SIDER: Oh, that would be wonderful. Thank  
 17 you.  
 18 MR. G. RICHARDSON: Come on up here. That's fine.  
 19 DR. SIDER: Thank you. Thank you. That's kind of  
 20 you to think of that. I don't have that much sense.  
 21 There we go. There we go.  
 22 My current research, which I'll get back to later,  
 23 supported by a National Science Foundation research grant,  
 24 is on youth suicide, Native American and Inuit suicide, and  
 25 youth health. And I published one book on Lumbee Indian

1 history with Cambridge University Press and one book on  
2 Tuscarora and Lumbee history with the University of North  
3 Carolina Press. The citations are in my CV.

4 Okay. Now it gets -- starts to get really well.  
5 I moved to Robeson County to do voter registration and civil  
6 rights organizing with the Lumbee and Tuscarora for 18  
7 months in 1967-68. While in Robeson County then, living in  
8 Pembroke, and based on my prior experience consulting on  
9 North American poverty by the -- in the Office of Economic  
10 Opportunity. The war on poverty -- the OEM had just started  
11 and they hired me to design poverty programs on Native  
12 American reservations.

13 With that experience, I wrote the -- I wrote the  
14 incorporation papers for LRDA with some help from my friend,  
15 Bruce Jones, and I was in its early stages on the board of  
16 directors of LRDA.

17 In 1981, I began to come back regularly to  
18 Pembroke to work with Julian Pierce on the early drafts of  
19 the Lumbee recognition petition. I did this episodically  
20 for about seven years, until my continuing urging that the  
21 petition be from the Indian Peoples of Robeson and adjoining  
22 counties, including the Tuscarora Nation of North  
23 Carolina -- and then the LRDA, then as now, was actively  
24 opposed to this -- led me to stopping working on the  
25 petition.

1 told them you've got to have a native organization. I'd  
2 been designing Indian poverty programs. I said, "You've got  
3 to have one," and so I -- I wrote the organizing thing for  
4 them. And then they -- so they did. And then they -- when  
5 they wrote a -- their history from '68 to the present, they  
6 had this statement saying -- in nineteen eighty -- eighty --  
7 in 1980-85, the Tuscarora received assistance from younger  
8 leaders who had experience in government programs.

9 The Tuscarora have received funding -- see, that's  
10 what troubled the Lumbee. They wanted the funding that the  
11 Tuscarora were getting. I know that history. I lived it.  
12 I was there. The Tuscarora received funding from federal  
13 agencies that are providing services to Indian people. They  
14 had begun a new tribe -- Tuscarora tribal role. So don't  
15 ever say that the Tuscarora just started then. This was a  
16 new one. They've been doing this for centuries.

17 They began a new Tuscarora tribal role and are  
18 still remaining critical of LRDA and the Lumbee leadership.  
19 The LRDA leadership has effectively blocked the Tuscarora  
20 from being recognized as a tribal organization by the state.  
21 The Tuscarora leaders have been able to get positions of  
22 leadership at the national level and assistance from other  
23 Indian tribes outside North Carolina, but they -- they came  
24 right out and said, "Look, we're blocking them," which they  
25 still are, as you know -- as you know.

1 My stopping work on the petition was also related  
2 to the murder of Julian Pierce, by then my dear friend, as  
3 well as my boss in the petition effort. I worked with him  
4 the day before he was murdered, helping him with his -- he  
5 was running for judgeship in Robeson County, and that night  
6 he was murdered -- horror, horror, horror.

7 And with Julian Pierce's quiet and careful attempt  
8 to support my petition on the inclusive breadth of the  
9 petition for recognition gone, there was no point in my  
10 continuing to be involved. LRDA -- see, let me explain  
11 something. Julian was on my side. He also thought the  
12 petition ought to include the Tuscarora and all the Indian  
13 peoples, plural, of Robeson County.

14 But LRDA was financing the petition, and Julian  
15 would say to me, "We've got to -- we can't do this  
16 petition" -- it cost a million bucks in those days. He  
17 said -- Julian said, "We can't do this petition without LRDA  
18 supporting it and they're against the Tuscarora. So shut  
19 up, Jerry." You know, that's -- that's how the whole thing  
20 unfolded. He was treading a fine line between our concern  
21 for the Tuscarora and how the petition was financed.

22 LRDA's opposition to Tuscarora was made explicitly  
23 clear in 1986, when they published an internal written  
24 history -- an internally written history of LRDA from '68,  
25 when I founded it -- I started it -- to 1985. Because I

1 Much as I admire -- much as I admire and respect  
2 and have worked for the Lumbee people -- you know, I've got  
3 to say this. I was registering Lumbee and Tuscarora votes  
4 back in '67-'68 and was beaten up by sheriff's deputies for  
5 doing that. So, you know, it's -- nobody can question my  
6 commitment to the Lumbee as well as the Tuscarora, even  
7 though in what I'm going to say now, I'm going to be  
8 somewhat critical of the Lumbee for opposing the Tuscarora.

9 And -- and -- and -- now it gets a little heavy  
10 here, but -- but -- but I remember being utterly dismayed in  
11 those early days of my work for and with the Lumbee that  
12 when the Haliwa, not then yet called the Haliwa Saponi,  
13 would -- when the Haliwa would come down to the Lumbee  
14 pow-wows, led by then Chief Richardson with their wonderful  
15 dances and very special native dress, several of the Lumbee  
16 elite would mock the Haliwa, calling them \$5 Indians, the  
17 cost of having Indian put -- the legal cost of having Indian  
18 put on their birth certificates.

19 Once the Lumbee needed them at the state level  
20 Indian Commission, they stopped this and started referring  
21 to the Haliwa Saponi as their fellow Indians. I just want  
22 to do that to clarify that I need this Commission to put  
23 aside the Lumbee opposition to Tuscarora recognition. It is  
24 not relevant. The Tuscarora are, of course, Native  
25 Americans, and Lumbee opposition is not relevant to your

1 decision.

2 With that history in mind, it is beyond

3 disappointing -- beyond disappointing that some of the

4 Haliwa leadership now seem so disdainful of the Tuscarora,

5 particularly when in southernmost Virginia in the early

6 Colonial Period, the Saponi were allied with the Tuscarora

7 in northern North Carolina, including fighting along with

8 the Tuscarora against the colonists. Further, a small but

9 important portion of the Saponi migrated with the Tuscarora

10 to what was then Bertie County.

11 The -- the Saponi and Tuscarora in important part

12 survived the assaults and diseases of the colonists by

13 supporting each other. They survived the colonists' assault

14 by supporting each other. So I want to ask you what has

15 changed now? Why aren't they still doing it now?

16 Native American history, as they -- as Native

17 Americans themselves see it and preserve it, has always been

18 properly based on a long-time perspective. Hopefully, my

19 testimony here can help all the members of their -- of this

20 Commission see their mutual histories, for native histories,

21 as you know better than I do, are an important part of how

22 native people live their today and tomorrow.

23 In other words, what I want to argue with you is

24 that native people have always lived their todays and their

25 tomorrows in terms of their histories and the history of

1 The fall line was an area of relatively dense

2 pre-contact native settlement, and it became even more

3 important as the Colonial Period developed from the 1600s to

4 the 1800s. See, what made the fall line so important was

5 that was the last point to the west that the colonists could

6 get freight boats to carry the agricultural cargo --

7 tobacco, rice, whatever -- down to the ocean to -- to be

8 sold, to be transported back to England. So the -- they

9 never wanted to go to the fall line. The colonists never

10 wanted the fall line because they couldn't use their freight

11 boats, and the land was swampy because the river slowed

12 down. The -- they couldn't use the area for multiple

13 reasons. So that became the area of native safety.

14 The Cheraw migrated from South Carolina all the

15 way up to Virginia, where they joined with the Tuscarora and

16 the Saponi and the people called the Lumbee -- and the

17 people called the Lumbee. Then they came back down to where

18 they are now in South Carolina up and down the fall line.

19 The natives moved through this highway.

20 And in doing so -- and you -- I -- I only have 50

21 minutes. I'm not going to take all of 50 minutes. But in

22 doing so, they combined and separated and combined and

23 separated so that -- Lawson in the early 1600s would talk

24 about being in Indian villages where nine different

25 languages were spoken. Lederer, who was there even earlier;

1 Haliwa Saponi and Tuscarora of North Carolina have always

2 been deeply interwoven, always; since the Tuscarora wars.

3 Coastal plain native history -- I need to do some

4 general background now. Coastal plain native history was

5 shaped by a geographic feature called the fall line zone.

6 The fall line zone is where the hard rock piedmont hills of

7 Virginia and the Carolinas meet the flat and often sandy

8 coastal plain.

9 The relevant portions -- the portions that are

10 relevant here -- the relevant portions of this fall line

11 zone run from Roanoke Rapids on the Roanoke River southwest

12 to Raleigh, to here, on the Neuse River to Fayetteville on

13 the Cape Fear River; to Lumberton on the Lumbee River; to

14 Cheraw, South Carolina, on the Pee Dee River; and further

15 south to Camden on the Wateree River; and Columbia, South

16 Carolina, on the Congaree River. This fall line was a major

17 region for native settlement and native migration. It was

18 the highway for native migration.

19 In this region, in the fall line region, the

20 fast-moving rivers of the piedmont uplands drop down to the

21 usually flat coastal plain, slow down and spread out. It

22 was a particularly rich area for diverse native foods,

23 because there were three different ecological zones with

24 major differences in seasonal food availability all within

25 about 20 to 30 miles of an east-west range.

1 de Soto in his recently translated -- translated travels

2 would talk about, oh, 27 different languages and peoples in

3 one native town.

4 So the BIA's insist -- got to explain. My

5 background. Sorry. I get wound up with this. I went to

6 school with George Roth. George Roth was the director of

7 the BIA federal recognition policy. We used to meet, drink

8 beer together and joke. And one of the things we joked

9 about was the BIA's -- the Bureau of Indian Affairs'

10 insistence that a native people be descended from a specific

11 pre-contact native people.

12 The Cherokee couldn't meet that. The Sioux

13 couldn't meet that. The Comanche couldn't meet that. No

14 native people -- because of the horrors of the slaughter or

15 disease and war. The Cherokee really -- the -- the

16 Tuscarora were reduced from over 10,000 to -- you know,

17 the -- 300 moved to north -- to northern New York state;

18 from 10,000 to 300.

19 With that kind of slaughter of native people, it

20 wasn't possible to have a viable community all by yourself.

21 So native communities continually combined in the early

22 Colonial Period and kept their separate identities. That's

23 crucial for understanding Lumbee and Tuscarora history.

24 They lived next to each other. They supported

25 each other with their numbers. And they kept their separate



1 identity, their separate languages, their separate churches,  
 2 their separate et cetera.  
 3 I'll stick to the Tuscarora wars of 1711-1713. In  
 4 the decade -- y'all know I've been talking about it. The  
 5 Tuscarora -- back up. The Tuscarora through their  
 6 communities, the so-called lower towns, the middle towns,  
 7 the upper towns -- the lower towns were near the colonial  
 8 settlement of New Bern. The settlement of New Bern, one of  
 9 the major economic activities was capturing Indian women and  
 10 children for sale in the Caribbean. You couldn't use Indian  
 11 slaves in the Americas. (A), they could run away too  
 12 easily, and (B), when they ran away, the fear was they would  
 13 come back for vengeance with some of their buddies. Huh?  
 14 So -- but there was a huge market for Indian  
 15 slaves in the Caribbean. I've done some Caribbean history,  
 16 too. The average life expectancy of a African slave when  
 17 landed in the Caribbean was seven years; seven years. So to  
 18 keep the sugar and other products that were growing in the  
 19 Caribbean going, there was a huge hunger for Native American  
 20 slaves, and the New Bern settlement was delivering those.  
 21 So the lower Tuscarora were the people that lived  
 22 closest to the New Bern settlement. The lower Tuscarora  
 23 went back -- on 1711, they assaulted the New Bern  
 24 settlements, trying to get them to stop this stuff. And  
 25 when they did that, first North Carolina attacked them and

1 there anymore. So the Catawba -- the Cheraw migrated back  
 2 down south to South Carolina. The Haliwa Saponi and the --  
 3 and the -- some of the remaining Tuscarora from the lower  
 4 towns, from the towns that made war, moved to -- moved east  
 5 to Bertie County, where they thought they'd be safer. And  
 6 middle towns ran north to Pennsylvania and then to join the  
 7 Iroquois; first to Pennsylvania, then to join the Iroquois.  
 8 And the upper towns stayed where they were. The upper towns  
 9 stayed where they were until a whole bunch of the people got  
 10 disappointed with the leadership of a guy called King  
 11 Blount, who sided with the colonists and fled north also to  
 12 join the Iroquois.  
 13 Okay. Back to -- back to work. More  
 14 specifically, the important history presented by the Haliwa  
 15 Saponi -- the Haliwa Saponi's own history in Wikipedia, with  
 16 a range of scholarly citations, points out that the Haliwa  
 17 Saponi descend from the Tuscarora, Nansmond and Saponi, and  
 18 notes that during, quote -- this is the Haliwa Saponi's own  
 19 history. They note that during the late 1600s, the -- the  
 20 Saponi undertook a political alliance with a culturally  
 21 related Tottero or Tutelow, and together they comprised the  
 22 Nassaw nation.  
 23 After the Tuscarora War, the Saponi by 1730 joined  
 24 the Tuscarora in Bertie County and found protection with the  
 25 Tuscarora before they moved about 30 miles back east -- back

1 then South Carolina, with the assistance of the Cherokee,  
 2 with assist -- and Cherokee -- the Cherokee were also Indian  
 3 slaving, by the way. The Cherokee got a lot of their guns  
 4 because they were Indian slaving.  
 5 And the -- see, the thing is the -- one of the  
 6 horrors of enslaving blacks -- I could go on forever on this  
 7 stuff. One of the horrors of enslaving blacks was that they  
 8 had to keep them from running west. As long as an escaped  
 9 slave could run north or south, there could be a good chance  
 10 of being caught and returned. If they ran west, they were  
 11 lost. And the so-called Seminole Wars -- the so-called  
 12 Seminole Wars were won by the Indians because about half the  
 13 soldiers in that war were black and they had a better  
 14 understanding of how to fight the colonists than the Indians  
 15 did because they had seen it in African slave wars.  
 16 Okay. But now -- okay. In the decades after this  
 17 1711-1713 war, a portion of the Tuscarora, including the  
 18 Catawba and the Cheraw, who were earlier migrated north to  
 19 the Virginia/North Carolina border to escape South Carolina,  
 20 migrated back. See, the Tuscarora War made northern North  
 21 Carolina unsafe. It gave -- they killed so many Indians in  
 22 that war. Nine hundred, I think, was -- was the -- more or  
 23 less the accepted death toll.  
 24 The colonists killed so many Indians in the  
 25 Tuscarora War that the Indians realized they can't stay

1 west to become the Haliwa.  
 2 Okay. The second -- I'm skipping a bunch. The  
 3 second major pressure on the Tuscarora in the late 1600s and  
 4 early 1700s -- oh, this is about slave catching. I can skip  
 5 that. I've done -- the upper town Tuscarora did -- back to  
 6 the Tuscarora War.  
 7 The -- the Tuscarora that assaulted the colonists  
 8 at New Bern were led by a man called King Hancock, the  
 9 settlers called Hancock, and a person called Cor Tom, C-o-r  
 10 T-o-m, who almost -- all the native wars in that area -- in  
 11 that era were religious, as well as -- it's crucial to you  
 12 to explain the difference.  
 13 The difference is not easily -- the Cherokee --  
 14 the Cherokee at one point marched out to war against the  
 15 French settlers in 1758, I think. And when they did,  
 16 when -- when they got 20 or 30 miles out of town, the -- the  
 17 religious leader, the priest, the sachem, did some prayers  
 18 and appeals to the Lord and the Lord -- their Lord, their  
 19 God -- did some appeals and -- and prayers to their God.  
 20 And their God said, "No, don't do it."  
 21 So the priest leader said to the Cherokee, "Turn  
 22 back. We can't go." And the Cherokee -- it's such a  
 23 tragedy. The Cherokee had to murder their own priest leader  
 24 so they could continue to -- because they had, for their  
 25 survival, to fight the French, the French colonists.

1 See, the point of all this, wars were religious.  
 2 The Cherokee War -- the Tuscarora War against the settlers  
 3 was led not simply by King Hancock but by this religious  
 4 leader, Cor Tom. And it gives the Cherokee -- because those  
 5 are the Cherokee whose survivors migrated to Robeson County,  
 6 first to Bertie and then south down the fall line to Robeson  
 7 County. And those are the Cherokees whose identity as  
 8 native people is at stake here. Once -- they -- they had to  
 9 leave Bertie County once the pressure on them got -- got too  
 10 severe.

11 Okay. I want to shift to some -- that's enough of  
 12 the background to the Cherokee -- to -- to Tuscarora. My  
 13 gracious. I want to shift to the present period.

14 In 1967, when I began my 18 months of civil rights  
 15 work in and mostly around Pembroke, I worked with several  
 16 communities of Tuscarora Nation people then in Robeson  
 17 County -- in Robeson County. I was particularly close to  
 18 Mr. Vernon Locklear, the head of one such community, and  
 19 several other Locklears who built a Tuscarora longhouse in  
 20 the vicinity of Prospect.

21 In 1980, I was taken by a man called Deese -- I  
 22 have his first name there; I forget it -- to visit their  
 23 longhouse in the vicinity of Prospect, and I was told by him  
 24 and his clan mother than Wallace "Mad Bear" Anderson, a  
 25 major New York Tuscarora leader of Tuscarora's struggles,

1 had come down twice to visit them. I mean, I knew --  
 2 because I worked and did -- in doing some background  
 3 research for the Tuscarora in their struggles with the  
 4 government. So Wallace "Mad Bear" Anderson was a major  
 5 Tuscarora leader, and he came down to visit this longhouse.

6 Wallace Anderson brought as a gift to the Robeson  
 7 County Tuscarora and their longhouse a song and a prayer.  
 8 It takes a serious knowledge of Native American culture to  
 9 realize the importance of this. Unlike Western societies,  
 10 where if you hear and learn a song, you can play it and sing  
 11 it and you can pray as you wish, however you wish, in many  
 12 eastern Native American societies, songs and prayers are --  
 13 are sacred, are themselves sacred.

14 The song is not just to the sacred. The song is  
 15 itself sacred. The prayer is not just to the sacred. The  
 16 prayer is itself sacred. Prayers -- songs and prayers are  
 17 gifted between kin, between clan members, between clan  
 18 allies, and the recipient then shares the ownership and can  
 19 legitimately sing and pray what has been gifted.

20 In other words, you don't just learn a song and  
 21 sing it. Wallace "Mad Bear" Anderson gave the Robeson  
 22 County Tuscarora, Tuscarora Nation of North Carolina, a song  
 23 and a prayer. That was an incredibly special gift. And  
 24 what it was, for one of the major leaders of the New York  
 25 State Tuscarora to recognize the Robeson County Tuscarora

1 Nation in this way, by these gifts, is crucial.

2 It is also -- it is also a contested position.  
 3 I'm almost done. It is also a contested position. For the  
 4 same reason that Carolina Cherokee strongly opposed Lumbee  
 5 recognition and the recog -- federal recognition of every  
 6 group represented here -- for the same reason that the  
 7 Cherokee opposed -- opposed federal recognition -- because  
 8 underneath all the ideology, there is a fear that Lumbee  
 9 recognition will deplete the federal funds that the Cherokee  
 10 have enjoyed.

11 I worked -- when I was down here in '67-'68, I  
 12 worked a couple of days a week as a consultant to something  
 13 called the North Carolina Mobility Project, which was trying  
 14 to move starving rural people, unemployed -- because the  
 15 farms were mechanizing then. They were trying to move  
 16 unemployed rural people into jobs in the furniture factories  
 17 and -- and, you know, in trucking and whatever. And they  
 18 hired me to go around to rural areas, particularly areas  
 19 where native people lived. So they sent me to Cherokee to  
 20 see who could or should be -- be moved to a city where there  
 21 were more jobs. And I worked for them also -- and I worked  
 22 among them also when I was consulting to the War on Poverty  
 23 on Indian poverty.

24 I was told directly by the Cherokee that they  
 25 didn't want anybody else recognized because they didn't want

1 to share their funds. It was too important to them. For  
 2 the same reason, the New York Tuscarora have been seeking --  
 3 they've been caught more than once seeking compensation for  
 4 the lands that were taken from them without even the  
 5 pretense of buying them -- for the lands that were taken in  
 6 northern North Carolina. They -- so they're suing North  
 7 Carolina, the federal government, for not protecting their  
 8 rights because they want to be paid for the lands that were  
 9 stolen from them.

10 And if the Tuscarora here were recognized, the New  
 11 York State Tuscarora think, "Oh, we'll have to share any  
 12 payments we get with them." So for the same reason the  
 13 Cherokee opposed your recognition federally, the Tuscarora  
 14 oppose -- the northern Tuscarora oppose the recognition.  
 15 But that has nothing to do with the justice of the  
 16 situation; nothing whatsoever to do with the justice and  
 17 truth and honor of the situation.

18 Okay. Almost done. But the American Indian  
 19 movement has welcomed the anticipation -- has welcomed the  
 20 participation of the Robeson County Tuscarora Nation. On  
 21 the Trail of Broken Treaties in the fall of 1972, a major  
 22 attempt to transform some of the continuing wrongs since the  
 23 early 19th century Trail of Tears, a large progression of  
 24 Native Americans from the Midwest, wending their way to  
 25 Washington, DC, in the fall of '72, stopped in Robeson

1 County, stayed with the Tuscarora and only the Tuscarora,  
2 made public speeches against the treatment of Indian people  
3 in Robeson County and then were joined by many Tuscarora  
4 Nation people when they continued the march to DC.

5 In DC, they occupied the federal BIA offices for  
6 several days. And when they left to avoid police assault --  
7 after the -- after the recommendation -- after the Trail of  
8 Broken Treaties occupied the BIA offices, the police were  
9 all out in front. They rented a BA -- they rented a U-Haul  
10 truck and drove it around to the back door of the BIA  
11 offices. And when they left after several days, they took  
12 several file cabinets of documents with them.

13 Now -- how much more time do I have?

14 MR. G. RICHARDSON: You're okay.

15 MS. WALKER: Sixteen minutes.

16 DR. SIDER: Good. Easy, easy, easy. I was long  
17 an active supporter of the American Indian movement. I was  
18 a supporter of their -- their -- their occupation of Wounded  
19 Knee, et cetera, et cetera. So I knew -- I knew personally  
20 several of the people on the inside of the BIA that was --  
21 they were doing this for two reasons.

22 They were making this march on the Trail of Broken  
23 Treaties, and they were -- referencing the Trail of Tears,  
24 they were making this march to get public recognition of the  
25 plight of Indians in America. And they knew from their own

1 oral history that the U.S. Government had never lived up to  
2 the treaties that they signed with the Indians.

3 Even as little as those treaties gave the native  
4 people, the Government never lived up to it. And not only  
5 that, the Government -- the Government had never let the  
6 Indians see the treaties. The -- the Government had never  
7 let -- let the Indians see the treaties.

8 So what the Trail of Broken Treaties wanted to do,  
9 they wanted to take those treaties back away from the  
10 Government so they could read through them. They knew they  
11 have to Xerox them and give them back -- give the originals  
12 back to the Government, because the whole point was to sue  
13 the Government, saying, "Look, you signed this treaty saying  
14 you'd give us that. You never damn did it. So now we want  
15 reparations. We want you to live up to your skimpy  
16 promises."

17 And so they were going to give it back, but those  
18 file cabinets full of treaties were full -- were -- of not  
19 just the treaties they took but the dreams of the Indians  
20 that they would finally get some justice. And they took  
21 those several file cabinets that they had spent their days  
22 in the BIA researching and gathering the critical treaties  
23 together -- they took those file cabinets on the way back to  
24 the Midwest and hid them in Tuscarora barns, Tuscarora  
25 tobacco barns.

1 So if you ever want to talk about Native Americans  
2 trusting the Tuscarora, Native Americans accepting the  
3 Tuscarora, Native Americans partnering with their brothers,  
4 the North Carolina Tuscarora Nation, I can think of nothing  
5 more important than that. But, unfortunately, it was  
6 betrayed by somebody who saw them unload the stuff and the  
7 FBI grabbed it and took it back before the Indians could use  
8 it, before the Indian -- what a -- I worked with those  
9 folks. It was such a heartbreak, people crying for days.

10 Okay. One final point. One final point. As a  
11 historical anthropologist who has worked with the Indian  
12 peoples in Robeson County since 1967, I have spent a lot of  
13 time discussing with native peoples, and especially elders,  
14 what is simplistically called oral history. It's one of the  
15 things I do. I do what's called an oral history, what it's  
16 called by the headquarters office.

17 This is much more properly understood as the  
18 cultural, moral and social framework of native lives and  
19 native communities as their lives stretch from yesterday to  
20 tomorrow guided by these so-called oral histories. In  
21 other words, what -- what the Americans call oral history is  
22 actually the moral, ethical and community principles for  
23 getting from yesterday to tomorrow. And that's how it --  
24 that's how it lives in Indian communities.

25 In this context, I have spent in recent years a

1 lot of time talking now to the current Tuscarora chief, Leon  
2 Locklear, sitting back there, and -- and before that, to Mr.  
3 Vernon Locklear, and the Deeses, who were in the Prospect  
4 longhouse. And then years ago, I spent -- I don't know if  
5 people know it, but years ago, I spent a lot of time walking  
6 and talking with Lumbee elders, including especially old Mr.  
7 Jim Chavis from the Saint Anna community, active since the  
8 '40s in Indian recognition. And I was dear and close  
9 friends with Mr. Barto Clark and Ms. Geraldine Clark,  
10 recognized as honored and honored as elders by the Lumbee  
11 Tribe. And my work doing -- organizing voter registration  
12 in the '60s and '70s was supported by Dr. Martin Brooks, who  
13 emotionally supported, intellect -- politically supported,  
14 not financially.

15 The differences that emerge from these discussions  
16 both with Tuscarora elders and Lumbee elders -- differences  
17 especially about how these two communities are lived by the  
18 ordinary people within them -- are very substantial and very  
19 significant. This is especially so in the different ways  
20 families and kin groups and churches make community.

21 Tuscarora Nation of North Carolina communities  
22 rather more well up from below from the ordinary people in  
23 the community are what gives the community its force, its  
24 life, its dynamic. Tuscarora communities well up from  
25 below. Lumbee communities are much more about leadership,

1 much more about leadership from the top down.  
 2 I'm not -- I'm not saying one is better than the  
 3 other. It's not my place to say, "This is right. This is  
 4 wrong. This is better. This isn't better." I'm just  
 5 saying they're different. So that you can go around -- what  
 6 I did that year and a half of voter registration and civil  
 7 rights organizing, I lived in Pembroke. I never organized  
 8 in Pembroke. I organized out in the swamps because I was  
 9 most concerned with the poor Indian. So I know these  
 10 out-of-the-way communities tucked off the main road, tucked  
 11 back up a little dirt road with a little cluster of houses  
 12 or trailers back -- back in the woods, back off the -- back  
 13 out of view. I know these communities well. I still have  
 14 friends and I still visit there.  
 15 They're different. The Tuscarora communities are  
 16 communities from below. The Lumbee communities are  
 17 communities from -- where they are run from above. And so  
 18 they -- they live in the same region, Tuscarora and Lumbee,  
 19 but at the level of community life, they are quite  
 20 different.  
 21 Okay. Thank you for listening to my testimony.  
 22 The Tuscarora Nation clearly deserves state recognition just  
 23 as much as any other state-recognized nation. And to say  
 24 anything different, to say that they don't deserve state  
 25 recognition any more than any of you would be a breach of

1 for her testimony.  
 2 MS. FREEMAN: Questions?  
 3 MR. HUNT: Madam Chair -- Dr. Sider --  
 4 DR. SIDER: No. They want to sit back where  
 5 they -- can I -- should I --  
 6 MS. FREEMAN: You -- you can take a seat.  
 7 DR. SIDER: I'm only 81 and a half. Thank you.  
 8 MS. FREEMAN: At this time, though, we're -- we're  
 9 totally dependent upon you to answer your questions --  
 10 DR. SIDER: Yes, ma'am.  
 11 MS. FREEMAN: -- about --  
 12 DR. SIDER: Yes, ma'am. I will --  
 13 MS. FREEMAN: -- your research.  
 14 DR. SIDER: After being married for several  
 15 decades, I've been trained to do what I'm told.  
 16 MS. FREEMAN: And I -- I -- I only want to say we  
 17 respect and appreciate your research. But we're trying to  
 18 get knowledge.  
 19 DR. SIDER: I'm trying to give it, but whatever.  
 20 MS. FREEMAN: Thank you.  
 21 DR. SIDER: Okay. Thank you. All right. How can  
 22 I help? Yes, ma'am.  
 23 MS. MITCHELL: I just wanted to know if you were  
 24 provided with any information --  
 25 MR. G. RICHARDSON: Microphone. Microphone.

1 justice. I very much look forward to this group  
 2 recommending recognition, and if I can provide any further  
 3 information, I would be glad to work with you towards that  
 4 goal. Thank you.  
 5 MS. FREEMAN: Does anyone have questions for Dr.  
 6 Sider?  
 7 DR. SIDER: I would like -- if there are going to  
 8 be questions for me, I would like Ms. Lowry to come up and  
 9 join me so she can help me with that.  
 10 MR. G. RICHARDSON: Dr. Sider --  
 11 DR. SIDER: Yeah.  
 12 MR. G. RICHARDSON: That goes back to the Chair.  
 13 She will decide how to move forward from there.  
 14 DR. SIDER: I'm sorry. What?  
 15 MR. G. RICHARDSON: The Chair will decide how we  
 16 go forward.  
 17 DR. SIDER: Okay. What I'm going to need --  
 18 MS. FREEMAN: She will have her time. I think if  
 19 we've got questions, it's just going to be about your  
 20 research.  
 21 DR. SIDER: Okay. Sure. But I need to maybe turn  
 22 to her and ask her.  
 23 MR. G. RICHARDSON: Madam Chair, we still have  
 24 nine minutes remaining on --  
 25 DR. SIDER: I cede that nine minutes to Ms. Lowry

1 Name.  
 2 MS. MITCHELL: My name is Connie Mitchell.  
 3 MR. G. RICHARDSON: Hold the button down until the  
 4 light's on.  
 5 MS. FREEMAN: Is the light on? The green light  
 6 on, Connie?  
 7 MS. MITCHELL: It was on.  
 8 MR. G. RICHARDSON: You have to hold the button  
 9 down.  
 10 DR. SIDER: How do I turn -- oh, this is on.  
 11 MS. LOWRY: It's on.  
 12 MR. G. RICHARDSON: Okay. You should be good.  
 13 MS. MITCHELL: Am I good now?  
 14 MR. G. RICHARDSON: Okay.  
 15 MS. FREEMAN: I thought she was.  
 16 MS. MITCHELL: My name is Connie Mitchell. I'm  
 17 with the Meherrin Tribe. My question to you is -- well,  
 18 first of all, let me thank you for the information that you  
 19 provided to us.  
 20 DR. SIDER: And let me say I'm very glad to meet  
 21 you, because one of the ways I got through graduate school  
 22 was writing an early colonial history of the Meherrin. So  
 23 I'm delighted to meet you.  
 24 MS. MITCHELL: I'd love to read it sometime.  
 25 DR. SIDER: I don't know if I still have it. That

1 was 1963 I wrote that.

2 MS. MITCHELL: I just wanted to know if you were  
3 provided with the deficiencies that the Tuscarora Nation --

4 DR. SIDER: No. No. No, I wasn't. I'd like to  
5 see it. If you want my help responding to it, I'd be glad  
6 to do that.

7 Let me -- okay. All right. Go ahead. No. Wait.  
8 Wait. Wait. Let me answer it a little differently than  
9 that. I'm sorry. I think a little slowly.

10 I heard that the Commission said at one point that  
11 the Tuscarora only organized in the 1980s. I heard that one  
12 of the things that was -- was said when they were denied  
13 recognition was that they were only organized,  
14 quote/unquote, in the 1980s. I've got a -- got a  
15 complicated response to that.

16 For the past 12 years, I have worked in North  
17 Atlantic Canada opposite -- opposite the greenway, in  
18 mainland Canada, northern end of Hudson Bay. I worked right  
19 on the forest line. North of the forest, out in the tundra,  
20 is the Inuit, the Eskimos. In the forest are the Northern  
21 Cree Indians. Both of them have the highest youth suicide  
22 rate in the world.

23 The National Science Foundation -- you know, I  
24 tell them "Leave me alone. I'm 81 years old." The National  
25 Science Foundation keeps sending me up there to do research

1 on why those kids kill themselves at three times the  
2 national Indian rate, three times; both the Inuit and the  
3 Cree Indians.

4 Similarly and peculiarly, the Australian  
5 aborigines have just about the identical child suicide rate;  
6 nine-year-old kids killing themselves. So that -- I've been  
7 flown out to Australia twice to work with them on why the  
8 Australian aborigines have such a high suicide rate to see  
9 if -- okay. This is the background to what I am going to  
10 say.

11 Up until a few years ago, the government -- the  
12 Australian government just took aborigine land without  
13 recompense, saying the land was legally terra nullis,  
14 t-e-r-r-a n-u-l-l-i-s. Terra nullis is Latin for  
15 unoccupied.

16 The early colonists in the U.S. and America is --  
17 was a group that was capable of fighting back; in other  
18 words, one of these militarized confederacies. They made  
19 treaties with a small settlement of Indians along the coast.  
20 They, too, said, "The land was terra nullis. We're just  
21 going to damn take it."

22 And the justification they said -- the  
23 justification they used for saying the land was empty was  
24 that they weren't organized politically. They didn't have a  
25 king. They didn't have a chief. They weren't politically

1 organized. They lived like wild animals just off the  
2 forest, just gathering nuts and berries.

3 That racist -- and we've got to understand it's  
4 racist. That racist refusal to recognize that native people  
5 could organize themselves politically in communities run by  
6 consensus and communities run by their religion -- they were  
7 as fully and as tightly organized as anybody with a king.  
8 Maybe they were better organized than somebody.

9 So to say that the Tuscarora weren't organized  
10 until 1980 is to fundamentally misunderstand native  
11 organization outside of the militarized confederacies.

12 I hope that answers your question. I hope that  
13 answers your -- after teaching for so many years, I allow I  
14 go on too long. I'm sorry.

15 MS. MITCHELL: Thank you.

16 MR. C. RICHARDSON: My name is Charles Richardson.

17 MR. G. RICHARDSON: Excuse me. We're going to  
18 necessarily have to limit responses and questions because if  
19 we continue the lengthy responses and questions, we'll be  
20 here until after the expiration date -- time today. So --

21 MS. FREEMAN: Is our time up on --

22 MR. G. RICHARDSON: I would say probably three  
23 minutes.

24 MS. FREEMAN: Okay.

25 DR. SIDER: Don't tell my wife that. She's been

1 trying to shut me up since --

2 MR. C. RICHARDSON: Yes. I have a question.  
3 Again, my name is -- my name is Charles Richardson.

4 Mr. Sider, thank you for the information and your  
5 presentation. I noticed, according to the Internet -- I was  
6 looking at it -- you wrote several books, and you've got one  
7 in particular that caught my eye. I read a little summary  
8 on "Living the Indian Histories," and that was about the  
9 Lumbees.

10 DR. SIDER: And the Tuscarora, this one.

11 MR. C. RICHARDSON: Yeah. But the -- the one you  
12 wrote in 1993 was about --

13 DR. SIDER: The Lumbee.

14 MR. C. RICHARDSON: -- the Lumbee. And you redid  
15 pretty much the same name on the book in 2003, November, it  
16 was published.

17 And with all the information I've seen on the  
18 Internet regarding -- in reference to you've done several  
19 books and research on the Lumbee and Tuscarora over the  
20 years of the sixty-something to -- through the '80s, could  
21 you summarize a little bit about the research that you did  
22 on the Tuscarora Nation at that time period?

23 I mean, did you write -- did you write  
24 documentation bookwise or research papers regarding the  
25 Tuscarora Nation of North Carolina through the '60s through

1 the '80s?  
 2 DR. SIDER: I know -- you have my -- my curriculum  
 3 vitae, which is nine pages long. I know that -- I know that  
 4 I gave several papers. It's hard to say.  
 5 I gave several papers that talked about the  
 6 Tuscarora. I was the keynote speaker at the Canadian Anthro  
 7 Society. I was the keynote speaker at the Australian  
 8 Anthropology Society. I -- I wrote pages -- oh, I wrote  
 9 pages of -- pages of -- six pages in -- I don't remember.  
 10 I know -- I know that I've constantly talked about  
 11 the Tuscarora and the Lumbee and the other native peoples  
 12 that I worked with, but I don't -- I can't sort of say this  
 13 one, that one, this one, that one. And many -- I'm just  
 14 now, at the end of my life, doing my collected essays. So I  
 15 don't -- I saved most of them from publication because I  
 16 wanted to do my collected essays.  
 17 MR. C. RICHARDSON: Thank you.  
 18 MS. WELCH: Hello. I'm Marvel Welch. Thank you  
 19 for being here, Dr. Sider. I just have two questions. And  
 20 the first one is you talked about a fall line zone. So is  
 21 that part of your research or where did -- where did you  
 22 reference that from?  
 23 DR. SIDER: That's part of my research --  
 24 primarily my research from -- the first draft was, what,  
 25 1993. The first draft of this book, I spent 21 years in the

1 state archives of South Carolina and up here in Raleigh and  
 2 in New York and in DC doing the research for this book.  
 3 So most of what I know -- oh, and I also worked in  
 4 England in the public record office, because they have an  
 5 extraordinary map collection, and I worked in the map  
 6 collection of the New York Public Library.  
 7 And -- and -- and I was -- most of my work was --  
 8 was -- in -- was -- in '67-'68 was with native people who  
 9 lived in trailers. I was most concerned -- they're the  
 10 people in Pembroke that the people out in the swamps call  
 11 brick house Indians. The brick house Indians were taking  
 12 care of themselves. They didn't need my help. I was  
 13 working with the Indians -- so I worked out in -- and people  
 14 took me -- a man called John L. Locklear, Jr. -- the Indian  
 15 Pope, he called himself.  
 16 He took me walking along the swamp. He said,  
 17 "This swamp used to be 1500 feet wide. It's now an  
 18 eight-foot channel." And I went, in fact, found the  
 19 government records and it was in 1916 reduced from 1500 feet  
 20 wide to -- to a eight-foot channel. So, I mean, I've done  
 21 the research on the swampiness of the -- and it's in my  
 22 book. I mean, this -- this was a lifetime of work. This  
 23 wasn't easy.  
 24 MS. WELCH: So I hear that you don't have a citing  
 25 for that reference.

1 DR. SIDER: Me?  
 2 MS. WELCH: Yes.  
 3 DR. SIDER: Wait a second. Wait. Wait. Wait.  
 4 When you say I don't have a citing for that reference, it  
 5 could be you're saying it's not serious. I have been asked  
 6 to do tenure and promotion reviews at Harvard University.  
 7 That's in my CV.  
 8 I am -- by this time, with a lifetime of research  
 9 in native people, I am allowed to discover facts myself.  
 10 MS. HUNT: Dr. Sider, my name is Gladys Hunt.  
 11 Would you say that you've done as much research for the  
 12 Tuscarora as you have the Lumbee Tribe?  
 13 DR. SIDER: I can't really answer that question  
 14 because my concerns were always with the Indian peoples,  
 15 plural, of Robeson County. So I have worked -- I have  
 16 worked -- I have worked, you know, doing research in the  
 17 county on the Indian people.  
 18 So yes -- yes and no. I mean, no. Because there  
 19 are more Lumbee than there are Tuscarora, I have spent more  
 20 time talking to people that identify as Lumbee than I have  
 21 talked to the people who identify as Tuscarora. But I have  
 22 felt as close and as seriously involved with trying to help  
 23 the Tuscarora as trying to help the Lumbee.  
 24 MS. FREEMAN: Dr. Sider, I think we have one more  
 25 question from --

1 DR. SIDER: Okay. Let -- let -- let me also say  
 2 something. For example, I worked with the Lumbee to start  
 3 LRDA. I told them they had to do it, et cetera, et cetera.  
 4 I was working with people many of whom had college degrees,  
 5 many of whom were -- when I worked with Mr. Vernon Locklear  
 6 and his neighbor, Jesse James Locklear, these were people  
 7 who could barely read and write.  
 8 So I could do things with my knowledge of how to  
 9 design an Indian poverty program for the Lumbee that I  
 10 couldn't do for the Tuscarora much as I wanted to.  
 11 MS. WELCH: Thank you. This is -- comes from a  
 12 statement or an e-mail that you sent Ms. Walker, and I would  
 13 like to get your meaning of your statement.  
 14 So this is by the way of asking if you are sure  
 15 you want to proceed as your e-mail of 28 May 2019 asserts.  
 16 "I have been informed by the Tuscarora that there  
 17 may be more consequences for you and the Committee than you  
 18 or the Committee currently realize if the Tuscarora are not  
 19 given a fair hearing before this goes to final  
 20 determination."  
 21 DR. SIDER: Look -- look, you know, I'm going to  
 22 go back to the point that in registering -- trying to  
 23 register Indian people to vote back in the days where their  
 24 schools weren't properly funded, back in the days where they  
 25 were -- you know, I worked with the Lumbee when the rural

1 people I worked with -- the sheriffs used to wear two pair  
 2 of steel handcuffs on their waist. And they'd handcuff you  
 3 with one pair and whip you in the face with the other.  
 4 I have seen an enormous amount with my work with  
 5 the American Indian movement, with my work with Indians all  
 6 across the nation, with my work up in Canada, still with  
 7 Indians who commit suicide -- I have seen an enormous amount  
 8 of suffering of Native American people and have worked since  
 9 the early 1960s in trying to do something about it.  
 10 I was concerned that the Tuscarora was being --  
 11 were being poorly treated by the subcommittee here, were  
 12 being treated somewhat arrogantly, and I wanted to  
 13 encourage -- I was encouraging them go to court. Don't sit,  
 14 take quietly for this. And that may have been out of place  
 15 for me. It may have been wrong for me to do as an outsider.  
 16 But the point is you've got to understand -- if  
 17 you've worked in Indian poverty as long as I have, the  
 18 suffering you have seen in native communities left me with a  
 19 certain bit of maybe improper anger. Let's call it that  
 20 way.  
 21 MS. FREEMAN: Okay. Dr. Sider, my comment or  
 22 question goes back to something that has already been asked.  
 23 The time that you were doing your research, my question  
 24 is -- and you talked about working for -- for the Indian  
 25 people as a whole.

1 God's assistance. They pray for -- because churches are so  
 2 important in communities, husbands and wives often go to  
 3 different churches.  
 4 MS. FREEMAN: Okay. Not being disrespectful, but  
 5 I don't think that's really answering my question.  
 6 DR. SIDER: No. So -- no. So the Tuscarora  
 7 mostly go to their churches with --  
 8 MS. FREEMAN: What --  
 9 DR. SIDER: -- some Lumbee coming there and --  
 10 MS. FREEMAN: What time period was this that  
 11 you're speaking about?  
 12 DR. SIDER: From the '60s to now. From the '60s  
 13 to now. I don't know how to --  
 14 MS. FREEMAN: Okay.  
 15 DR. SIDER: They go to their own churches, which  
 16 is not easy. Some of these rural Indians are not terribly  
 17 wealthy and they put up these brick churches.  
 18 MS. FREEMAN: This is just information that --  
 19 that the body has to have to follow our criteria. You know,  
 20 that's why we're asking these questions.  
 21 DR. SIDER: Okay. No. I'm glad to try and answer  
 22 them. I'm sorry I don't answer them specifically enough.  
 23 MS. FREEMAN: Okay. We thank you, and I think our  
 24 time's up. And --  
 25 MR. G. RICHARDSON: Madam Chair, I'm going to ask

1 Did any time in your research in working with the  
 2 Tuscarora, the Lumbee or LRDA, as you put it, did you see  
 3 separation there in any way in schooling, churching?  
 4 DR. SIDER: Yes. Yes. The answer is yes.  
 5 MS. FREEMAN: Okay.  
 6 DR. SIDER: Their communities were different.  
 7 And -- and that --  
 8 MS. FREEMAN: Your mic.  
 9 MS. LOWRY: Use your mic.  
 10 DR. SIDER: Oh. Yes, I did see separation. Their  
 11 communities are different and -- there's a very special --  
 12 it's going to take me more than two minutes to answer this  
 13 question.  
 14 In Robeson County, as elsewhere, churches play a  
 15 crucial role in community. I have -- all the time I've been  
 16 there, most Sundays, I got to church with somebody, with  
 17 somebody I'm friends with. I don't care -- Baptist,  
 18 Methodist, Pentecost. I -- I go to church with them because  
 19 it's a -- an act of brotherhood and sisterhood. You know, I  
 20 go there.  
 21 The communities of churches pray for each -- not  
 22 just for themselves, not just for the people in the  
 23 congregation. I find incredibly impressive they pray  
 24 hard -- hard, seriously, for people in their community who  
 25 are suffering, who need help, who are drug addicts, who need

1 the Commission members to make note of your questions and we  
 2 can follow up after Tamra's presentation.  
 3 DR. SIDER: Yeah. Yeah. I can -- I'd be glad  
 4 to -- I'll stay here as long as you want. I don't care.  
 5 MS. FREEMAN: Okay. I think next on our agenda --  
 6 we're going straight on through. Tamra.  
 7 MS. LOWRY: Hmm?  
 8 MS. FREEMAN: You're next.  
 9 MS. LOWRY: Oh, okay. I just need to grab some  
 10 stuff.  
 11 [WHEREUPON, THE TESTIMONY OF DR. SIDER ENDED AT 11:32 A.M.]  
 12 MS. LOWRY: I generally don't get nervous, but  
 13 after following Dr. Sider, I'm a little bit nervous, because  
 14 he's a phenomenal --  
 15 MR. G. RICHARDSON: That's okay.  
 16 MS. LOWRY: -- phenomenal, phenomenal researcher,  
 17 and I can only hope to one day be as good as him.  
 18 [WHEREUPON, THE TESTIMONY OF MS. LOWRY BEGAN AT 11:34 A.M.]  
 19 MS. LOWRY: So there's a lot of information I'm  
 20 going to discuss today. So just bear with me.  
 21 As I kind of transition from document to document,  
 22 I will pause, give you time to just kind of digest what I'm  
 23 saying. There's a lot that I'm going to be talking about,  
 24 but I am going to be reference -- referencing multiple  
 25 documents here today. So just bear with me.

1           Once again, we find ourselves here at a public  
2 hearing before the North Carolina Commission of Indian  
3 Affairs to address the state petition for recognition.  
4           Since our last public hearing, there has been  
5 significant dialogue regarding the Tuscarora people. This  
6 dialogue was generated by your Recognition Committee members  
7 during teleconference calls in which they deliberated their  
8 official recommendation.  
9           I wish I could say that I, the Tuscarora Nation of  
10 North Carolina Public Relations representative, and our  
11 lawyer had an equal opportunity to participate in this  
12 dialogue. Unfortunately, that was never the case. The  
13 Tuscarora representatives were given -- were allowed only to  
14 listen but were prohibited from having any level of  
15 discussion with Recognition Committee members during these  
16 calls. No reason was given to us for denying participation  
17 on these calls.  
18           If we had been provided equal opportunity to  
19 engage in a meaningful dialogue as it concerns the criteria  
20 and how the -- we, the Tuscarora Nation of people, address  
21 that criteria, many of your questions and your comments  
22 could have been answered and debated immediately on those  
23 calls. This entire process which the Tuscarora Nation of  
24 North Carolina peoples have endured has been burdensome,  
25 expensive, tiresome, frustrating and unnecessary.

1 the North Carolina Commission of Indian Affairs stating the  
2 following. And this letter actually came directly from Ms.  
3 Liz Walker at the request -- at my request, and I'm going to  
4 read this letter which she -- when I asked for this denial  
5 letter, this was what I received.  
6           It's addressed -- it's addressed to Chief Leon  
7 Locklear, Tuscarora Indian Tribe, Drowning Creek  
8 Reservation.  
9           "Dear Chief Locklear, the Recognition Committee of  
10 the Commission held a regular meeting on August the 27th,  
11 1981, at 9:30 a.m. This meeting was held to discuss the  
12 petition for recognition submitted by the Tuscarora Tribe of  
13 Drowning Creek. A copy of the minutes of that meeting are  
14 attached for your information.  
15           "In keeping with the last paragraph of the motion  
16 passed by the Committee, I am detailing the specific areas  
17 of deficiency in the petition. There are eight criteria for  
18 recognition as a tribe by the Commission of Indian Affairs.  
19 These are listed below with a discussion of how the  
20 Tuscarora petition appears to the staff to meet the  
21 criteria. Only five need to be met.  
22           "One, traditional North Carolina Indian names.  
23 The 67 names submitted on the tribal roll do appear to meet  
24 this requirement.  
25           "Two, kinship relationship with other recognized

1           The establishment of this Commission of Indian  
2 Affairs for North Carolina was to overall bring together  
3 representatives from North Carolina tribal nations to  
4 provide for greater advocacy, support, promotion and  
5 representation on state and federal matters affecting the  
6 Indian people of North Carolina.  
7           I am unable to find anywhere in your outlined  
8 duties of this Commission in which your role is to  
9 antagonize, misconstrue, smear, employ tribal politics,  
10 discriminate and ultimately stand in opposition to the  
11 recognition of other neighboring tribes. Unfortunately,  
12 this is what this Commission has a past of doing. So since  
13 many of you are new to this Commission and I've spent the  
14 last three years studying extensively from the time you  
15 created this Commission to -- up until now -- and I mean  
16 I've read every single minute for every single year for  
17 every single quarterly meeting -- I think it's time you guys  
18 need to be reminded of your past.  
19           So we'll start here. The Tuscarora people filed  
20 their official petition for state recognition in 1981 as the  
21 Drowning Creek Band of Tuscarora. The North Carolina  
22 Commission of Indian Affairs states the petition was denied.  
23 This is actually incorrect.  
24           On September the 18th, 1981, the Tuscarora Indian  
25 Tribe of Drowning Creek Reservation received a letter from

1 Indian tribes. There is nothing in the petition that  
2 addresses this requirement.  
3           "Three, official records, such as birth, church,  
4 school or other recognizing the people as Indian. No such  
5 documentation is attached to the petition.  
6           "Four, letters or statements from state or federal  
7 authorities recognizing the people as Indian. No such  
8 documentation is attached to the petition.  
9           "Five, anthropological or historical accounts tied  
10 to the tribe's Indian ancestry. The historical accounts are  
11 extremely sketchy. There is nothing that ties the present  
12 people to the historical -- to the history listed. There is  
13 no current historical definition or description of the  
14 people to identify them in any special way.  
15           "Letters or statements from present -- number six,  
16 letters or statements from -- from presently recognized  
17 tribes or groups or their representative attesting to the  
18 Indian heritage of the tribe. No such documentation is  
19 attached to the petition.  
20           "Number seven, any other documented traditions,  
21 customs, legends, et cetera, that signify the tribe's Indian  
22 heritage. No such documentation is attached to the  
23 petition.  
24           "Number eight, participation in or grants from  
25 sources or programs designated for Indians only. There is



Page 61

1 no mention of this in this petition.  
 2 "In summary, only criteria one appears to be met.  
 3 However, the requirement that the members of the tribe to be  
 4 one-quarter blood Indian has not been addressed in the  
 5 petition. Please call if you have further -- if you need  
 6 further help. Sincerely, A. Bruce Jones."  
 7 The problem with this letter is this is not an  
 8 official denial letter. It is a letter from the Recognition  
 9 Committee outlining the deficiencies with the Drowning  
 10 Creek -- Tuscarora Tribe of Drowning Creek. It's not  
 11 official denial.  
 12 In fact, nowhere have I received where the  
 13 Commission -- the North Carolina Commission of Indian  
 14 Affairs during this 1981 time frame held a meeting in which  
 15 the North Carolina Commission of Indian Affairs board as a  
 16 whole unanimously denied the Drowning Creek Band of  
 17 Tuscarora. So your statement that the Drowning Creek Band  
 18 of Tuscarora's petition has -- was denied is inaccurate.  
 19 Let's continue. January the 16th, 1990, the North  
 20 Carolina Commission of Indian Affairs receives a petition  
 21 from the state -- for state recognition from the  
 22 Eno-Occaneechi Indian Association.  
 23 On December the 5th, 1991, the Recognition  
 24 Committee decides to consult the State Office of Archaeology  
 25 to review the historical narrative of the Eno-Occaneechi

Page 63

1 mixed Indian ancestry."  
 2 In all, Dr. Daniels found that the Eno-Occaneechi  
 3 Band Association met seven out of the eight criteria. The  
 4 Recognition Committee determined that they only met two out  
 5 of the eight.  
 6 During this process of the Eno-Occaneechi  
 7 Association's petition, there derived a division in the  
 8 petitioning group [and] the newly elected chief of the  
 9 Occaneechi Band of Saponi Nation. And despite -- in spite  
 10 of this division, the North Carolina Commission of Indian  
 11 Affairs decides to move forward regardless of this division  
 12 and they vote to recognize the Occaneechi Band of Saponi's  
 13 name change and, further, their newly elected chief,  
 14 Lawrence Dunmore.  
 15 In another meeting held just two months later --  
 16 excuse me -- the Recognition Committee meet again. And this  
 17 time, they deliver presentations to both the Eno-Occaneechi  
 18 Indian Association and the Occaneechi Band of Saponi Nation,  
 19 two different -- two different leaderships.  
 20 It is clear from the contested case findings of  
 21 the Occaneechi Band of Saponi Nation after Administrative  
 22 Law Judge Dolores O. Smith found -- she also evaluated the  
 23 Occaneechi Band of Saponi's petition for state recognition.  
 24 And after an exhaustive analysis of state recognition  
 25 procedures, NCAC 15 .0209, she finds that the Recognition

Page 62

1 petition. The state archaeology reviews the  
 2 Eno-Occaneechi's historical narrative and concludes the  
 3 following. This is what they state.  
 4 "Our basic opinion of the petition is that the  
 5 archaeological and historic background sections are  
 6 technically and historically as accurate as current research  
 7 allows."  
 8 The North Carolina Commission of Indian Affairs  
 9 Recognition Committee, seemingly not satisfied with this  
 10 conclusion, decided to further hire Dr. Robert Daniels of  
 11 the Department of Anthropology, University of North Carolina  
 12 at Chapel Hill, to review the Eno-Occaneechi petition, and  
 13 he reports the following.  
 14 Dr. Daniels' review concluded, quote, "In my  
 15 opinion, the petition does demonstrate that a significant  
 16 proportion of the petitioners have a valid claim to a  
 17 heritage derived from Indian tribes indigenous to North  
 18 Carolina 200 years ago." Positive conclusion.  
 19 He further concludes, "The petitioner's case rests  
 20 on assembling several pieces of evidence that together  
 21 amount to an explanation, in my opinion, that is credibly --  
 22 credible beyond reasonable doubt. Those pieces involve  
 23 documents which show the Indians of the Saponi or related  
 24 groups did survive into the 1700s, that their earliest named  
 25 ancestors were associated with the same area and were of

Page 64

1 Committee had numerous areas of misrep -- misinterpretation  
 2 of NCAC 15 .0209.  
 3 It was apparent from the start of the review of  
 4 the Occaneechi Band of Saponi Nation's petition that they  
 5 were up against a Commission that had already  
 6 self-determined as a board that they did not meet the  
 7 criteria outlined for state recognition despite positive  
 8 conclusions of the State Office of Archaeology and Dr.  
 9 Robert Daniels.  
 10 This is a prominent example of a continuous  
 11 refusal to recognize a distinct tribal nation and this  
 12 refusal continues to invade this process of state  
 13 recognition. Despite the evidence the Tuscarora Nation of  
 14 North Carolina has submitted to the North Carolina  
 15 Commission of Indian Affairs beginning in 1981 until present  
 16 day, the Tuscarora people are still rejected by this  
 17 Commission.  
 18 Now I'm sure by now you're all wondering what's  
 19 the relevance of this discussion of the Occaneechi Band of  
 20 Saponi Nation's court case against the Commission. Well,  
 21 here's the relevance.  
 22 One, the North Carolina Commission of Indian  
 23 Affairs went to the extent to hire not only one  
 24 state-accredited organization/institution to conduct an  
 25 official review of the Occaneechi Band of Saponi's petition;

1 they consulted two. State Archaeologist Steve Claggett was  
2 contacted to conduct a review, and Dr. Robert Daniels of the  
3 Department of Anthropology of -- at UNC-Chapel Hill was  
4 contacted for an official review.

5 To this date, the North Carolina Commission of  
6 Indian Affairs has not consulted any licensed or state  
7 nationally board-certified archaeologists, genealogists or  
8 anthropologists to retain their services for an official  
9 review of the Tuscarora Nation of North Carolina's entire  
10 petition, including the response to the August deficiencies  
11 where the Tuscarora Nation of North Carolina submitted in  
12 five binders genealogical and historical evidence for all  
13 eight criteria.

14 The North Carolina Commission of Indian Affairs  
15 has even failed to consult their current State  
16 Archaeologist, who, if I'm not mistaken, sits on this --  
17 maybe he's consulting and comes to the meetings. I've seen  
18 nametags. I'm not sure if he sits on the Board. Is that --  
19 does he sit on the Board?

20 MR. TEAGUE: He's ex-officio.

21 MS. LOWRY: Okay.

22 MR. TEAGUE: He's not on the Board.

23 MS. LOWRY: Gotcha. Let me continue. To the  
24 current knowledge of the Tuscarora Nation of North Carolina  
25 and myself, the North Carolina Commission of Indian Affairs

1 has reported having heard -- heard historical reports from  
2 the following people: Dr. Larry Tise, Charles Heath, Forest  
3 Hazel and Wes White. I did request that the reports from  
4 Mr. Forest Hazel be forwarded to me and sent to me. They  
5 were sent to me in the final -- in the Recognition  
6 Committee's final recommendation packet.

7 The reason why I asked for Forest Hazel -- I  
8 apologize. I don't know what's going on with my voice. I  
9 asked for Forest Hazel's report because during the  
10 teleconference calls, this individual's name and his report  
11 was brought up several times. So let's talk about Mr.  
12 Forest Hazel.

13 The North Carolina Commission of Indian Affairs  
14 Recognition Committee focused much of its dialogue on  
15 discussing the, quote, unofficial report and findings of the  
16 Tuscarora Nation of North Carolina petition conducted by  
17 Forest Hazel.

18 Well, this is problematic for several reasons.  
19 First of all, Forest Hazel specifically states in his report  
20 the following statement. This is from Mr. Forest Hazel's  
21 report.

22 "When Mr. Greg Richardson asked me if I would be  
23 interested in analyzing the petition of the Tuscarora Nation  
24 of North Carolina for official state recognition, I advised  
25 him that some 12 to 15 years ago, I briefly worked for the

1 petitioner, the Tuscarora Nation of North Carolina, under a  
2 ANA-funded status clarification grant and so would not be  
3 able to review the material in an official capacity to avoid  
4 any claims of bias for or against the petitioner.

5 "I did, however, agree to examine the materials  
6 submitted in the historical narrative section and provide  
7 the Recognition Committee with my thoughts and opinions as  
8 an informed individual who has assisted other tribes in the  
9 process of state recognition in years past. I told Mr.  
10 Richardson that this was a unofficial review; I would  
11 require no compensation on the part of the Indian  
12 Commission; and that they would need to secure the services  
13 of another individual to review the petitioner's material in  
14 a official capacity."

15 The Recognition Committee even despite Mr. Forest  
16 Hazel himself -- thank you, Andi -- even despite Mr. Forest  
17 Hazel stating this is a unofficial review, continued to use  
18 the unofficial review of Mr. Forest Hazel in their  
19 deliberations over rejection against the Tuscarora Nation of  
20 North Carolina petition.

21 This is nothing more from Mr. Forest Hazel than  
22 his thoughts and opinions. You used his thoughts and  
23 opinions to reject the Tuscarora Nation of North Carolina's  
24 petition. You did that, the Recognition Committee members.  
25 You were given -- allocated additional funding in

1 your 2018-19 budget for the purposes of hiring additional  
2 state recognition program personnel and being able to  
3 officially consult agencies to come in and review state  
4 petitions.

5 I'm not sure exactly how much you were funded.  
6 Can -- I mean, how much you were allocated. Can someone  
7 give me the -- the -- the amount that was allocated? Does  
8 anyone have that number in your physical [sic] budget?

9 MR. G. RICHARDSON: I think it was over 200,000.

10 MS. LOWRY: Oh, yeah. That's right. Yeah. I  
11 remember now. Yeah. Over 200,000. Let me continue.

12 So here's what you did do. You hired -- you  
13 officially hired a, quote, Eastern Band of  
14 Cherokee-recognized genealogist who holds no national  
15 board-certified genealogist license. Well, the hiring of  
16 the Eastern Band of Cherokee-recognized genealogist is also  
17 problematic for several reasons.

18 We decided to do a little digging in on Ms. Anita  
19 Smith's -- Finger-Smith's background. And since she has on  
20 her bio on the Association of Professional Genealogists --  
21 she says the following: "Anita Finger-Smith is the  
22 principal genealogist for Cherokee genealogy services  
23 licensed by the Eastern Band of Cherokee Indians."

24 We decided to call the Eastern Band of Cherokee  
25 Indians Office -- Office of Enrollment. And I'm going to

Page 69

1 play for you a recording of a individual -- I don't know her  
 2 first name. I do know her last name was Mrs. Welch -- and  
 3 what she said regarding Ms. Anita Finger-Smith. So you guys  
 4 listen.  
 5 [MS. LOWRY PLAYED A RECORDED PHONE CALL]  
 6 VOICE 1: Hi. Yes. My name is Thomas and I -- my  
 7 name is Thomas Walkingstick, and I was calling to find  
 8 out -- there's a woman that I was considering hiring. She  
 9 says she's a certified genealogist from Eastern Band of  
 10 Cherokee. Her name is Anita Finger-Smith.  
 11 VOICE 2: [Inaudible.]  
 12 MS. LOWRY: She does specialize in Eastern  
 13 Cherokee genealogy.  
 14 VOICE 1: Did the Band certify her or does she  
 15 just have a business there?  
 16 VOICE 2: [Inaudible.]  
 17 MS. LOWRY: She does have a tribal business  
 18 license, but they do not certify genealogists.  
 19 VOICE 1: So because I think she said her husband  
 20 was an enrolled Cherokee, I think --  
 21 VOICE 2: [Inaudible.]  
 22 MS. LOWRY: He is enrolled.  
 23 VOICE 1: I was trying to remember his first name,  
 24 but I can't -- I can't. I know I --  
 25 VOICE 2: [Inaudible.]

Page 71

1 THE REPORTER: Okay. Thank you, Mr. Sider -- Dr.  
 2 Sider.  
 3 MR. S. LAMBERT: And one more question, please.  
 4 She was Enrollment?  
 5 MS. LOWRY: This individual was an enrollment  
 6 officer for the Eastern Band of Cherokee.  
 7 So let's talk a little bit about the Association  
 8 of Professional Genealogists, because there's a code of  
 9 ethics and professional practices that has to be adhered to  
 10 when individuals are representing themselves as -- as a  
 11 genealogist.  
 12 Reading this bio leads one to believe that this  
 13 individual has been licensed by Eastern Band of Cherokee as  
 14 a genealogist. There's a code of ethics, and Number 4 of  
 15 the code of ethics for the Association of Professional  
 16 Genealogists states "Represent my abilities, services and  
 17 credentials honestly, avoiding the use of misleading or  
 18 exaggerated statements."  
 19 Could easily look at that and think it's been  
 20 exaggerated a little bit, especially calling the Eastern  
 21 Band of Cherokee Enrollment Office and them saying that they  
 22 do not certify genealogists. And, in fact, they didn't even  
 23 refer to Ms. Anita Finger-Smith as the principal  
 24 genealogist. They just said she served -- she specialized  
 25 in Eastern Band of Cherokee manuscripts and genealogy.

Page 70

1 VOICE 1: That's right. That's right. Okay.  
 2 Well, thank you very much. What is your name? Because  
 3 I'll -- I'll tell her that I spoke with you.  
 4 VOICE 2: [Inaudible.]  
 5 MS. LOWRY: She works in the Enrollment Office.  
 6 VOICE 1: Thank you so much. All right. Bye.  
 7 MR. S. LAMBERT: I didn't catch that name.  
 8 MS. WELCH: She didn't --  
 9 THE REPORTER: I did not catch anything that the  
 10 lady said.  
 11 MS. LOWRY: Yeah. It's very hard.  
 12 MS. WELCH: What was her name? You said that --  
 13 MS. LOWRY: I don't know. I couldn't catch her  
 14 first name --  
 15 DR. SIDER: Latisha Welch.  
 16 MS. LOWRY: -- but her last -- Lakisha? Did you  
 17 guys hear that?  
 18 DR. SIDER: Latisha Welch was her name.  
 19 MS. LOWRY: Latisha Welch.  
 20 THE REPORTER: And -- I'm sorry -- who indicated  
 21 Ms. Welch's first name?  
 22 DR. SIDER: She did.  
 23 THE REPORTER: No. I'm sorry. In the audience,  
 24 who said that?  
 25 DR. SIDER: Oh, I said it.

Page 72

1 The hiring of the Eastern Band of  
 2 Cherokee-recognized genealogist is also problematic for  
 3 another reason. Nowhere in Ms. Anita Finger-Smith's  
 4 research background do we find her expertise extending  
 5 beyond Eastern Cherokee records.  
 6 Why is this a problem? Well, because the  
 7 Recognition Committee used the conclusive genealogical  
 8 findings of Ms. Anita Finger-Smith, someone whose expertise  
 9 doesn't extend beyond Eastern Band of Cherokee manuscripts  
 10 to again support their recommendation of rejection against  
 11 the Tuscarora Nation of North Carolina. Hopefully you're  
 12 following me by now.  
 13 Additionally, the hiring of the Eastern Band of  
 14 Cherokee-recognized genealogist, Ms. Anita Finger-Smith, is  
 15 problematic because she's married to the Eastern Band of  
 16 Cherokee enrolled member. Well, I'm not going to sugar-coat  
 17 this. We all know how the Eastern Band of Cherokee feel  
 18 about North Carolina tribes. Hmm. Again, let's go back to  
 19 the code of ethics.  
 20 "Disclose potential conflicts of interest." There  
 21 could be a potential conflict of interest there given they  
 22 have been very forthcoming -- the Eastern Band of Cherokee  
 23 Indian Nation has been very forthcoming about their views on  
 24 North Carolina tribes. That's a potential conflict of  
 25 interest.

1 Let's continue. Let's -- let's move -- let's  
 2 transition to some inaccuracies that have been found.  
 3 During the May 9th teleconference call, the Recognition  
 4 Committee -- listen to this. The Recognition Committee  
 5 changed their decision of satisfied -- they said, "Okay,  
 6 You satisfied criteria .0212(2)(h)." Let me go back to  
 7 criteria .0212(2)(h) so you guys will follow me.  
 8 This is what it states. "Participation in grants  
 9 from sources or programs designed -- designated as for  
 10 American Indian only."  
 11 They said, "Okay. You meet that. Oh, wait.  
 12 Scratch that. No, you don't. Here, this is why you don't  
 13 meet it because eligibility requirements for ANA grants are  
 14 open to nonprofits and groups serving Native American  
 15 organizations and purposes and do not require the group be  
 16 designated as state or federally recognized tribe."  
 17 Hmm. Here's the problem with that. The plain  
 18 language of your criteria states "Participation in grants  
 19 from sources or programs designated as for American Indian  
 20 only." It does not stipulate that the participating tribe,  
 21 the petitioner, must be designated as a state or federally  
 22 recognized tribe in the plain language of .0212(2)(h).  
 23 That's an inaccuracy.  
 24 Let's continue. Further, the Recognition  
 25 Committee noted in their final recommendation the following.

1 Tuscarora Nation of North Carolina organized in modern  
 2 times. So I'm going to -- we're going to spend a little  
 3 time talking about organization, what does that mean,  
 4 because everybody here on this Board, you're indigenous  
 5 people, right? Right? You're indigenous.  
 6 So let's talk about organization from an  
 7 indigenous framework. Historians -- Dr. Malinda Maynor  
 8 Lowery, who I know many of the Lumbee representatives here  
 9 hold to high esteem, because she's -- you know, she's done a  
 10 lot for the Lumbee people. She argues in the context of an  
 11 ethnography anthropological framework of study in  
 12 organization -- she would say -- she would argue, because  
 13 this is found in her book, that indigenous people -- for  
 14 indigenous people, any form of political, social, cultural  
 15 activism, regardless of if it's individual or collectively  
 16 as a group, is a form of organization for indigenous people.  
 17 So let's take a stab at that. My ancestors,  
 18 Tuscarora people's ancestors, 54 individuals from Robeson  
 19 County, petitioned in 1885 -- petitioned the federal and  
 20 state governments for funding for a Indian school, a/k/a the  
 21 Croatan Indian Normal School. These 54 individuals had no,  
 22 quote -- according to the Western Colonial mindset --  
 23 organization. According to the Western Colonial mindset,  
 24 they had no tribal distinction at that time.  
 25 That's actually incorrect because Hamilton

1 This was in their final recommendation that was sent to  
 2 myself and the Tuscarora Nation of North Carolina people.  
 3 Quote, to date, modern documentation has been  
 4 submitted showing an American Indian designation for 93 out  
 5 of 106 members, equating to 87.7 percent."  
 6 Now, at the last public hearing, we heard Ms. Liz  
 7 Walker state, "This is a positive finding. This was good.  
 8 You guys satisfied the American Indian designation. You  
 9 satisfied that."  
 10 The Recognition Committee made no effort to  
 11 officially state that the Tuscarora Nation had satisfied  
 12 criteria .0212(c), which states -- listen to the plain  
 13 language -- "Official records may -- which may include  
 14 birth, church, school, military, medical, local or county  
 15 government records or official records identifying the group  
 16 as American Indian. These vital records shall be used in  
 17 assisting the group's documentation of American Indian  
 18 identity."  
 19 If I had time, I would pull up the contested case  
 20 decision for the Occaneechi Band and we would really dig  
 21 deep into exactly how that criteria's interpreted. We  
 22 satisfied that criteria based on the plain language of the  
 23 criteria.  
 24 Something that has been a continuous discussion in  
 25 the -- from the Recognition Committee is the statement the

1 McMillan was quoted in the Harper's Weekly magazine when he  
 2 gave -- or thought he was doing a favor by giving us the  
 3 Croatan name, he stated these individuals did not recognize  
 4 that as their belonging, their tribe, their -- and I'm  
 5 paraphrasing right now, but who they are, but they say that  
 6 they are Tuscarora.  
 7 The action of these 54 individuals began to set  
 8 things in motion for them to politically, socially and  
 9 culturally organized with an end goal -- their end goal was  
 10 to cultivate a collectively agreed upon tribal identity.  
 11 They did that in spite of the fact that the tribal name that  
 12 was agreed upon was not -- was not a collective census among  
 13 the majority of the Indians of Robeson County.  
 14 Let's dig a little deeper. You state that the  
 15 Tuscarora Nation of North Carolina was organized --  
 16 organized in modern times. Let's talk about the Lumbee  
 17 name. Now, Dr. Sider just told you and just gave you his  
 18 background, the he officially incorporated and organized the  
 19 LRDA. The only thing he didn't tell you is that when he  
 20 incorporated their papers -- papers, they were not the  
 21 Lumbee Regional Development Association. They were the --  
 22 they were the Regional Development Association.  
 23 How can you argue that the Tuscarora Nation of  
 24 North Carolina organized in modern times when the -- when  
 25 the majority of the tribes represented here have names that

Page 77

1 were organized in modern times, incorporated in modern  
 2 times?  
 3 There's another discussion I want to have at this  
 4 time, and this is related to something that was said,  
 5 something that was very painful to hear on the Recognition  
 6 Committee's teleconference calls.  
 7 Ms. Shirley Freeman, you made the comment that if  
 8 we were unsatisfied with not -- with the Lumbee Act of 1956,  
 9 we should have done something about it like you guys did. I  
 10 mean, you rallied together, your people, to come from under  
 11 the jurisdiction of that Lumbee Act.  
 12 MS. FREEMAN: Right.  
 13 MS. LOWRY: You did. That's right. In fact, you  
 14 hired Dale Deese from the Lumbee Legal Services to help you  
 15 write to the Solicitor's Office and argue how you do not  
 16 constitute the meaning of the Lumbee Act.  
 17 And in doing that, you were able to come from  
 18 under the jurisdiction of the Lumbee Act. Prior to that,  
 19 they lumped you all together under the Lumbee Act and there  
 20 was no distinction. You did that.  
 21 You stated that we should have did that. Let me  
 22 tell you what we did. My people, the Tuscarora people, have  
 23 been fighting the Lumbee Act and its jurisdiction long  
 24 before -- yes, Ms. Freeman, long before you guys started  
 25 fighting against it, we were fighting against it.

Page 79

1 And it's unfortunate that here we are -- here we  
 2 are not fighting against not -- a non-native organization, a  
 3 Western Colonial organization that is oppressing our people,  
 4 but here we are sitting before indigenous people on the  
 5 North Carolina Commission of Indian Affairs telling you why  
 6 we are who we are, going to the extent to -- to meet your  
 7 criteria when we should never have had to do this process  
 8 because we already talked about at the last public hearing  
 9 we had a document signed by Chief Leon Locklear, a  
 10 resolution that was unanimously passed at a board meeting.  
 11 We should have been recognized at that time. And it was --  
 12 was a failure on this Commission's part, on the state's  
 13 part.  
 14 Now here we are in 2019 in this process, and it's  
 15 sad. It's unfortunate. I look around this room and I don't  
 16 dislike any of you guys. At the end of the day, my faith  
 17 supersedes how I feel about individuals. At the end of the  
 18 day, I can go home with my heart clear because I don't have  
 19 any hate in my heart for anyone. But here's what I do. I  
 20 have the strong will that I'm going to stand for my people.  
 21 We're going to fight this. We're going to fight  
 22 this oppression. We don't want to fight against you guys,  
 23 but it may take us going to the next level. We don't want  
 24 to do that, but we're definitely prepared to do that.  
 25 One last thing before I close. It has been stated

Page 78

1 Lawrence Maynor, one of the original 22 who was  
 2 certified by the Bureau of Indian Affairs, Office of  
 3 Interior -- Indian Affairs, in 1935 -- one of the youngest  
 4 ones, if I'm not mistaken, that was certified -- was  
 5 enrolled with the Tuscarora Nation of North Carolina.  
 6 He fought tirelessly to come to help the people as  
 7 a whole come from under the jurisdiction of the Lumbee Act.  
 8 Matter of fact, we were -- we were one of the first ones to  
 9 put in a petition for federal acknowledgement. In fact, I  
 10 have a document that lists the first -- the second  
 11 petitioning group for federal acknowledge through the BIA as  
 12 the Hatteras Tuscarora, our ancestors, same people. 1935 is  
 13 when they put that petition in. I have that information.  
 14 Lawrence Maynor and many of my ancestors began  
 15 tirelessly working to put together a lawsuit that would  
 16 bring the Tuscarora people from under the jurisdiction of  
 17 the Lumbee Act. He went through the court systems, the  
 18 local, state, until he exhausted and had to ultimately go to  
 19 the DC Circuit Court, where he actually won his case.  
 20 Now, he won his case as a individual, as one of  
 21 the 22 recognized Tuscarora in 1935. So when you make  
 22 statements that if we were unhappy, we should have fought  
 23 against it, I take great offense to that because we were  
 24 fighting against it. My people were fighting against it for  
 25 a long time, for a long time.

Page 80

1 in the Recognition Committee's recommendation that we failed  
 2 to fully document our tribal enrollment. So myself and my  
 3 team just early this morning, at 7:00 a.m., sent Ms.  
 4 Walker -- Ms. Liz Walker and Mr. Greg Richardson a ZIP drive  
 5 of about seventy-some pages of official documentation,  
 6 including birth certificates, marriage certificates, death  
 7 certificates for a entire line from 1790 to present day in  
 8 hopes that this will finally clear up this deficiency.  
 9 Now, I understand -- Ms. Liz Walker informed me  
 10 she was not able to open up that document. And I don't -- I  
 11 didn't expect her to be prepared to even discuss any of that  
 12 information --  
 13 [INTERRUPTION FROM AGENCY AUDIO SYSTEM]  
 14 MS. LOWRY: I can speak my language, but not that  
 15 language.  
 16 So we submitted this information in hopes that it  
 17 will clear up this continuous deficiency that the  
 18 Recognition Committee continues to state. And I know it  
 19 will take some time to go through those if -- that  
 20 information.  
 21 I do want to read -- how much time do I have left?  
 22 MS. WALKER: About ten minutes.  
 23 MR. G. RICHARDSON: You have nine minutes.  
 24 MR. F. LAMBERT: You have nine minutes.  
 25 MS. LOWRY: I have ten minutes?

1 MR. G. RICHARDSON: Nine minutes.  
 2 MS. LOWRY: Nine minutes. Is that including Dr.  
 3 Sider's nine minutes that he gave me?  
 4 Okay. There are two primary master family  
 5 genealogies incorporated into the Tuscarora Nation of North  
 6 Carolina petition. This research is compiled genealogies in  
 7 pursuit to the guidance of the U.S. Department of Interior,  
 8 Office of Federal Acknowledgement, OFA, 25 CFR 83.7. We are  
 9 following the Office of Federal Acknowledgement's criteria  
 10 because -- well, we're going to follow theirs; I'll just  
 11 leave it at that -- on this particular one.  
 12 Since many of the foregoing tribal bloodlines --  
 13 testing -- ancestry charts and tribal ancestries of the  
 14 petitioner have been federally certified and recognized by  
 15 the Office of Indian Affairs, Bureau of Indian Affairs,  
 16 pursuant to 1934 Indian Reorganization Act.  
 17 In 1934, the U.S. Department of Interior, Office  
 18 of Indian Affairs, Bureau of Indian Affairs federally  
 19 certified 22 Tuscarora individuals -- Indians by way of  
 20 their tribal ancestors with indigenous blood degree of  
 21 one-half or more Indian blood.  
 22 When the BIA did their tribal ancestral charts,  
 23 Exhibit D -- all of this is going -- this is going to be --  
 24 this is attached in the ZIP drive that was sent that you'll  
 25 have access to at some point in time.

1 100 acres of his land from Chief Samuel Bridges. Their --  
 2 their land actually adjoined to each other. On March the  
 3 10th, 1799 -- 1779, Entry Number 954, the historical  
 4 Tuscarora Chief Samuel Bridges from Bertie County, after his  
 5 migration to Bladen County, obtained 240 acres of land on  
 6 Aaron Swamp. James Lowery lived and resided next to him.  
 7 On July the 8th, 1794, Entry Number 297, Charles  
 8 Lucas, assignee of Samuel Bridges, issued in 1797 and gives  
 9 total control of land of 100 acres between Aaron Swamp and  
 10 Horse Swamp. And this is found File Number 1776 land  
 11 patent. The land would be considered Tuscarora sovereign  
 12 land because it was owned by the historical Tuscarora Chief  
 13 Samuel Bridges, and this land is presently located in the  
 14 areas of the towns Rowland, McDonald, Thomas (phonetic) and  
 15 Fairmont, connected to Back Swamp in Robeson County, North  
 16 Carolina.  
 17 All this information has been attached to the ZIP  
 18 drive in addition to the birth certificates, marriage  
 19 certificates, death records, census records.  
 20 The people who have identified -- that are  
 21 identified in the historic records as Indian, mulattos,  
 22 yellow, colored, issued, free person of color or free issue  
 23 may well indeed be the people of Indian heritage, as the  
 24 petitioner asserts, with all other North Carolina state  
 25 tribal U.S. census records when they identified ancestors

1 These same ancestral charts are the ancestors of  
 2 Tuscarora Chief Leon Locklear and many of those -- and many  
 3 of the members of the Tuscarora Nation of North Carolina.  
 4 These tribal ancestral charts and records are the most  
 5 thorough researched families of the petitioning tribal  
 6 group, the Brayboy, the Cumbo, the Jacobs, the Locklear and  
 7 Lowery. However, in the tribal genealogy, many other  
 8 surnames of the ancestors are also prominent.  
 9 They have been found to be Tuscarora who migrated  
 10 between 1761 and 1763 from Bertie, Edgecombe Counties in  
 11 North Carolina to Bladen County and now Robeson County and  
 12 their ancestors remained in North Carolina, in Robeson  
 13 County, for over 200 years.  
 14 For their case, according to the historical  
 15 documents, publications, testimony or tradition and land  
 16 deeds, the ancestors of the Tuscarora Nation of North  
 17 Carolina were a small band of individual Tuscaroras under  
 18 direct control and autonomy, living on sovereign lands in  
 19 Bladen County obtained by the following Bertie County  
 20 historical Tuscarora chiefs: James Blount, William Pugh,  
 21 Samuel Bridges, John Cain, John Smith, William Taylor -- who  
 22 signed as Tuscarora chiefs in land deeds. And all of the  
 23 exhibit and where this information is found is going to be  
 24 attached.  
 25 James Lowery in 1778 was among those that received

1 across the state of North Carolina. However, for the  
 2 purposes of these genealogical charts, the main core  
 3 ancestors of the petitioner that was indicated by federal  
 4 records as Tuscarora Indians are noted as Allen Lowery and  
 5 William Lowery on June the 8th, 1867, by the Office of  
 6 Indian Affairs via the U.S. War Department.  
 7 Allen Lowery was identified in ancient historical  
 8 documents, books, newspapers as Tuscarora from 1867 through  
 9 1900, specifically in 1872, with the United States  
 10 Congressional hearings regarding Lowery history, Henry Berry  
 11 Lowery.  
 12 Allen Lowery's daughter, Cecelia Lowery, married a  
 13 Maynor, the ancestors of Lawrence Maynor, who was federally  
 14 acknowledged and certified as one-half or more Indian blood  
 15 according to his genealogical ancestors' DNA and physical  
 16 anthropology pursuant to the 1934 Indian Reorganization Act.  
 17 Again, he won this federal lawsuit, Maynor versus Morton,  
 18 Lawrence Maynor against Rogers C.B. Morton, Secretary,  
 19 Department of Interior.  
 20 All this information is attached in the ZIP drive  
 21 which you will have access to. I could keep going, but  
 22 you're going to have access to this. Let me read the  
 23 conclusion.  
 24 It is concluded that Braybo, Lowery, Jacobs and  
 25 Locklear family have -- have a very extensive, fully

Page 85

1 documented tribal ancestry which dates back to the Tuscarora  
 2 War and their direct descendants are people on the current  
 3 tribal rollment -- enrollment that date back more than 200  
 4 years. They have been identified as Indians in various  
 5 federal, state and historical records.  
 6 It is concluded that the Tuscarora, Saponi,  
 7 Occaneechi, Tutelows and Catawbas were tribes indigenous to  
 8 North Carolina 200 years ago.  
 9 It is concluded that the Tuscarora were under the  
 10 control of different chiefs.  
 11 It is concluded that the Tuscarora, Saponi,  
 12 Meherrin, Chowan -- Chowan tribes interacted together and  
 13 lived together on the same land at least two occasions in  
 14 Bertie County, Chowan Counties in North Carolina for  
 15 decades, spoke a linguistic language different and were  
 16 otherwise allied.  
 17 Some Tuscaroras -- that some Tuscarora Indians  
 18 remained and migrated to Bladen County -- migrated to Bladen  
 19 County, now part of Robeson County. The petitioning group's  
 20 tribal identity rules dealing with 200-year tribal  
 21 enrollment that petitioning groups trace back to indigenous  
 22 tribes using the plural of the word which is substantiated  
 23 with this fully document to the North Carolina Commission of  
 24 Indian Affairs.  
 25 Perfect timing. That concludes the official

Page 87

1 MR. C. RICHARDSON: And -- because when you  
 2 referenced to it, I didn't know if you was referencing that  
 3 as the Tuscarora Band of -- Tuscarora Nation, part of the  
 4 Tuscarora Nation, because you said the Tuscarora Band of  
 5 Drowning Creek, and I -- I was just clarifying it because --  
 6 MS. LOWRY: To answer your question, a significant  
 7 amount of those individuals are deceased.  
 8 MR. C. RICHARDSON: Thank you, ma'am. And I would  
 9 like to reserve a spot -- I've got a question for Mr. Sider  
 10 when he get -- when she finishes, because we said we would  
 11 finish our questions for him once we finish the  
 12 presentations.  
 13 MS. FREEMAN: Mr. Jacobs. Ray?  
 14 MR. E. JACOBS: In -- Ms. Tamra, in your last  
 15 genealogy, you were stating that -- in your report there,  
 16 are these Tuscaroras related to Allen Lowery?  
 17 MS. LOWRY: Yes. You're talking about the  
 18 Tuscarora -- my people, the Tuscarora Nation of North  
 19 Carolina, the members that -- the enrollments --  
 20 MR. E. JACOBS: Yes.  
 21 MS. LOWRY: -- that you said -- yes.  
 22 MR. E. JACOBS: The ones you were reading off --  
 23 MS. LOWRY: Uh-huh (yes).  
 24 MR. E. JACOBS: -- where you sent on the ZIP  
 25 drive?

Page 86

1 testimony by the Tuscarora Nation -- the Tuscarora Nation of  
 2 North Carolina representative. I would love to answer your  
 3 questions.  
 4 MS. FREEMAN: Thank you, Tamra. At this time --  
 5 I'll bring this to the Committee. Would you rather us just  
 6 go on through and finish up, you know, asking her questions,  
 7 rather than take a break? Continue on?  
 8 MULTIPLE PARTIES: Yes.  
 9 MS. FREEMAN: We'll continue on then, Tamra.  
 10 Questions?  
 11 MR. C. RICHARDSON: Again, my name's Charles  
 12 Richardson. I've just got a question to the statement you  
 13 read earlier. You stated that in -- let me get -- sorry  
 14 about that -- in 1981, the letter that you referenced about  
 15 the finding deficiencies and you stated that it was for the  
 16 Drowning Creek Band of Tuscarora.  
 17 I was just curious, for clarification, the list of  
 18 names -- the 67 names on that petition in 1981, how many of  
 19 those names are on this petition for the Tuscarora Nation of  
 20 North Carolina?  
 21 MS. LOWRY: Well, Mr. Charles, they're probably  
 22 dead.  
 23 MR. C. RICHARDSON: Ma'am?  
 24 MS. LOWRY: Those -- a lot of those individuals  
 25 may be deceased now.

Page 88

1 MS. LOWRY: Yes.  
 2 MR. E. JACOBS: And my next concern I mentioned to  
 3 the attorney at the beginning of this process. If the  
 4 petitioner has the right to send additional information  
 5 until the vote, is this not delaying the process also?  
 6 MS. LOWRY: No. I think you're -- you guys are  
 7 the one that has delayed the process.  
 8 MR. E. JACOBS: I mean, when you send in a ZIP  
 9 drive as of 7:00 this morning, is that not delaying the  
 10 process?  
 11 MS. LOWRY: No, not at all. Let -- let me just --  
 12 that's a great question. Let us -- let's -- let's talk  
 13 about that.  
 14 Because I -- I'm not sure if all of you understand  
 15 that the Tuscarora Nation of North Carolina submitted a  
 16 petition -- a revised petition in 2003. It stayed before  
 17 this Commission -- give me a second because I want to make  
 18 sure. This is going on -- this is being recorded by a court  
 19 report -- reporter, so we've got to make sure this is right.  
 20 The Tuscarora Nation of North Carolina initially  
 21 petitioned under previous regulations for state recognition  
 22 in March of 1986. The Commission sent a letter of obvious  
 23 deficiencies to the petitioner in June 1986. The petitioner  
 24 did not respond to the deficiency refundings and the  
 25 Commission received no further submittals with regard to the

Page 89

1 initial petition. And that's why the Commission decided to  
 2 go ahead and pursue the review of the Occaneechi Band of  
 3 Saponis' petition, because we were not actively pursuing --  
 4 the Tuscarora people -- the Tuscarora Nation of North  
 5 Carolina was not actively pursuing at that time.  
 6 The petitioner submitted new petition materials in  
 7 March of 2003 and June 2003. In September 2003, the  
 8 petitioner confirmed that -- that the materials it had  
 9 submitted completed its petition for state recognition.  
 10 Do you know where I'm reading this from, Mr. Ray?  
 11 MR. E. JACOBS: No, ma'am. I do not.  
 12 MS. LOWRY: Okay. I'm reading it from your -- the  
 13 Recognition Committee's -- North Carolina Commission of  
 14 Indian Affairs Recognition Committee preliminary review of  
 15 the petition for tribal recognition of the Tuscarora Nation  
 16 of North Carolina. This was submitted to me January 2018.  
 17 Did you get a copy of this?  
 18 MR. E. JACOBS: I probably have a copy in here, in  
 19 my papers.  
 20 MS. LOWRY: Yeah. Yeah.  
 21 MR. E. JACOBS: I most likely have it.  
 22 MS. LOWRY: Did you -- did you read -- did you  
 23 read over this?  
 24 MR. E. JACOBS: I've read over some of your  
 25 papers.

Page 91

1 provided the petitioner with copies of 299 pages of  
 2 documentation. The Commission received no further response  
 3 from the petitioner until 2001 -- I mean, 2011. In 2011,  
 4 June the 2nd, the Commission notified Mr. Chief Leon  
 5 Locklear, Tuscarora Nation of North Carolina, that it was  
 6 prepared to proceed with the formal recognition -- the  
 7 formal recognition process of your group. A copy of the  
 8 recognition procedures was attached to the letter and the  
 9 petitioner was requested to respond to our office within 30  
 10 days of receiving this letter notifying us of the group's  
 11 interest.  
 12 Okay. July the 18th, 2011, we respond. We state  
 13 that we're ready to proceed. I could continue, but I'm  
 14 going to just tell you just -- somewhere in this process, it  
 15 just lingered on; not -- not the Tuscarora Nation of North  
 16 Carolina.  
 17 The North Carolina Commission of Indian Affairs  
 18 just lingered on until they decided "You know what? We need  
 19 to convince the Tuscarora Nation of North Carolina to submit  
 20 a new petition -- a fully new petition under the new rules  
 21 and regulations because we've updated our rules." I'm  
 22 speaking on your behalf. This is what the Commission said.  
 23 "We've updated our rules. And you know what? We  
 24 need to have a meeting with the Tuscarora Nation of North  
 25 Carolina and we need to go ahead and, you know, convince

Page 90

1 MS. LOWRY: My papers?  
 2 MR. E. JACOBS: Or -- or --  
 3 MS. LOWRY: What about --  
 4 MR. E. JACOBS: -- the paperwork from the  
 5 Commission.  
 6 MS. LOWRY: Yeah. Okay. But you -- you're not  
 7 familiar with the -- what I'm saying right now?  
 8 MR. E. JACOBS: No, ma'am. I'm --  
 9 MS. LOWRY: No?  
 10 MR. E. JACOBS: -- I'm not. I don't -- I don't  
 11 read every --  
 12 MS. LOWRY: You don't read every -- you don't --  
 13 hmm.  
 14 Between 2003 and 2008, the Commission was  
 15 processing multiple petitions for state recognition from  
 16 various groups. In August 2008, the Commission notified the  
 17 petitioner it was prepared to proceed with the recognition  
 18 process.  
 19 In September of 2008, the petitioner submitted a  
 20 letter of intent to continue the state recognition process  
 21 and requested that the Commission provide it with copies of  
 22 past correspondence and documents that the Tuscarora Nation  
 23 of North Carolina submitted for recognition process years  
 24 ago.  
 25 In response, the -- in response. the Commission

Page 92

1 them let's submit a -- you've got to submit a new petition.  
 2 Submit a new petition under the new rules and we'll look at  
 3 it without prejudice."  
 4 And we'll stop there. So to answer your question,  
 5 no, we have not delayed this process. You have delayed the  
 6 process. The Commission has delayed the process.  
 7 Any other questions?  
 8 MR. DAVID LOCKLEAR: Ms. Lowry, my name is David  
 9 Locklear. I serve as the designee for Dr. Mandy Cohen, with  
 10 the Division -- Department of Health and Human Services.  
 11 What -- two questions. The documentation that you  
 12 submitted today -- I mean, it sounds like very substantial  
 13 documentation to support your petition. So I'm just curious  
 14 why this information was not submitted with your original  
 15 petition, why just today.  
 16 MS. LOWRY: That's a great question. Because the  
 17 plain language in your criteria did not specify -- see --  
 18 this is criteria 01 NCAC 15 .0212.  
 19 "Petitioner may submit official records, which may  
 20 include birth, church, school, military, medical, local or  
 21 county government records or other official records  
 22 identifying the group as American Indian. Vital records  
 23 shall also be used in asserting -- or assisting the group's  
 24 documentation of American Indian identity."  
 25 The plain language of that criteria does not state



Page 93

1 what Ms. Anita Finger-Smith stated -- states, that we need  
 2 to provide official documentation for every single tribal  
 3 member for their maternal line going all the way back to  
 4 1790 up until present. It's not worded like that.  
 5 So we have no -- we only go by -- the guidance  
 6 that we have is this. If it's not -- if it's not spelled  
 7 out in this, how do we know what you want? We didn't know  
 8 that we -- she wanted every single member on the tribal  
 9 enrollment fully documented of -- for every single  
 10 corresponding preceding -- let me say this. For every  
 11 preceding generation, you wanted documentation for every one  
 12 of those ancestors. You know, that's a lot of work, Mr.  
 13 David; a lot of work.  
 14 Could you imagine if the Lumbee tribe with 50,000  
 15 plus -- could you imagine if they could have done this with  
 16 the time that we've been given?  
 17 MR. DAVID LOCKLEAR: And just for the record, I  
 18 don't represent any of the tribes. I represent the  
 19 Department of Health and Human Services.  
 20 MS. LOWRY: Oh, okay. You're a good person.  
 21 MS. MITCHELL: I have a question.  
 22 MS. FREEMAN: Ms. Connie.  
 23 MS. MITCHELL: Connie Mitchell from Meherrin  
 24 Nation. In the last hearing that we had, did you state that  
 25 your mother and father were Lumbee?

Page 95

1 Connie?  
 2 MS. MITCHELL: What your statement was in the last  
 3 hearing.  
 4 MS. LOWRY: Okay. What my statement was? Oh, I  
 5 said I was raised Tuscarora/Lumbee. What -- what are you --  
 6 what are you asking me?  
 7 MS. MITCHELL: That's what I'm asking you, what --  
 8 MS. LOWRY: Yeah.  
 9 MS. MITCHELL: -- your statement was.  
 10 MS. LOWRY: My dad is Lumbee and my mom is  
 11 Tuscarora. I go by my mother's bloodline. I'm Tuscarora.  
 12 [Speaking in another language.] My name is  
 13 Kave'nachrehnurih. It means she awakens them.  
 14 Any other questions?  
 15 MS. WELCH: Tamra --  
 16 MS. LOWRY: Yes.  
 17 MS. WELCH: How are you? Thank you for being here  
 18 today.  
 19 MS. LOWRY: Uh-huh (yes).  
 20 MS. WELCH: And you are very beautiful.  
 21 MS. LOWRY: Thank you.  
 22 MS. WELCH: I'm going to follow up with  
 23 Constance's question. When did you disenroll with the Lumbee  
 24 Tribe?  
 25 MS. LOWRY: Eighteen. When I was 18; probably 18.

Page 94

1 MS. LOWRY: You know what, Ms. Connie? Thank you  
 2 for asking -- Mom, Dad, will you guys stand up? Stand up,  
 3 Mom.  
 4 Look at there. Hey, Mom.  
 5 MR. LOWRY: I'll speak to that, if you'll allow  
 6 it.  
 7 MS. LOWRY: And you know what, Daddy? I think  
 8 that would be great, because I think they are all just so  
 9 curious.  
 10 MS. FREEMAN: We had two witnesses --  
 11 MS. LOWRY: Uh-huh (yes).  
 12 MS. FREEMAN: -- you and Mr. Sider.  
 13 MS. LOWRY: Oh, okay. But we need to answer her  
 14 question. Would you like me to answer her question?  
 15 MS. FREEMAN: She asked the question to you.  
 16 MS. LOWRY: Okay. Ms. Connie, I am Tuscarora. I  
 17 was born -- my mom is Tuscarora. She was born and raised  
 18 Tuscarora, rolled over at Prospect longhouse. In fact, her  
 19 granddad, Mr. Buck Barton, helped to build our longhouse.  
 20 MS. MITCHELL: Well, let --  
 21 MS. LOWRY: And my dad's Lumbee. He was born and  
 22 raised and knew -- knew nothing more than the -- just  
 23 Lumbee. Right, Dad?  
 24 MR. LOWRY: That's correct.  
 25 MS. LOWRY: Okay. And what's your question, Ms.

Page 96

1 I got married when I was 19, so sometime around that time  
 2 frame.  
 3 MS. WELCH: So can you tell me what your meaning  
 4 of a splinter group is?  
 5 MS. LOWRY: I think that's a great question.  
 6 Splinter group. You know what? Hmm. That's a great  
 7 question, but I don't think -- I'm going to be honest with  
 8 you.  
 9 I'm an indigenous person and I've trained myself  
 10 to think -- despite being raised in a Western mindset --  
 11 when you go to school, you know, they're -- you're  
 12 intutionalized [sic] to believe this -- this mindset that  
 13 it's not indigenous; it's not our indigenous way of  
 14 thinking. So I've trained myself to think and -- and be  
 15 trained to think like who I am, an indigenous person.  
 16 So this whole terminology of a splinter group,  
 17 this criteria that you established, I wouldn't even agree  
 18 with this. I wouldn't even agree with that -- using that  
 19 word. I don't even agree with using that word.  
 20 MS. WELCH: Okay. My -- my follow-up question  
 21 would be of the members that are on the enrollment list that  
 22 you currently have now on this petition, how many of those  
 23 members have disenrolled with the Lumbee Tribe or other  
 24 state-recognized tribes?  
 25 MS. LOWRY: I have -- I don't know the answer to

Page 97

1 that question. But let me ask you this. Why is that  
 2 relevant?  
 3 MS. WELCH: I asked --  
 4 MS. LOWRY: Okay. So you're -- let's think about  
 5 this historically. Who are we historically? We were  
 6 Tuscarora.  
 7 Okay. Somewhere in the process in Robeson County,  
 8 we allowed non-natives, politicians to influence our mindset  
 9 of how we thought we viewed ourselves. And somewhere in  
 10 that time frame, all these names started emerging:  
 11 Cherokee, Siouan, Cheraw, Lumbee.  
 12 But who were we in the beginning? Who were we  
 13 before we allowed these politicians -- we were Tuscarora.  
 14 We identified as Tuscarora. So if you want to bring up the  
 15 splinter group, I mean, I can go there, but in all this --  
 16 because we aren't the ones you're talking about as being the  
 17 splinter group. We didn't split from anyone. We are who  
 18 we've always been. I don't -- you know --  
 19 UNIDENTIFIED AUDIENCE MEMBER: We didn't sell out.  
 20 We're the people that did not sell out.  
 21 MR. ANSTEAD: I've got a question, Ms. Shirley.  
 22 MS. FREEMAN: Jeff.  
 23 MR. ANSTEAD: Tanra, this information that you  
 24 submitted to Ms. Liz, is that all the information -- the  
 25 supportive information?

Page 99

1 MS. LOWRY: So how about when you guys see it --  
 2 MS. WALKER: So my --  
 3 MS. LOWRY: -- you can get back --  
 4 MS. WALKER: I'm sorry to interject, but what I'm  
 5 saying is -- what he's asking is that if you could submit it  
 6 30 days so then we have time to do that with that  
 7 information.  
 8 MS. LOWRY: Well, it's submitted. You have it.  
 9 MS. WALKER: Yeah. Okay. Thanks. Thank you.  
 10 MS. LOWRY: I mean, you need to figure out how to  
 11 open it. I don't know how to tell you --  
 12 MS. WALKER: We might when we get to different --  
 13 MS. LOWRY: It's a ZIP drive. I mean, it's -- you  
 14 can open it. Yes, it's a large amount of .pdfs.  
 15 MS. FREEMAN: Jeff, were you asking her if she had  
 16 any more other than that that we received this morning?  
 17 MR. ANSTEAD: Yes, ma'am. And if you do, if  
 18 you -- if we can get it in a timely manner because --  
 19 MS. LOWRY: So what would be the exact deadline?  
 20 I need to know the exact deadline. I know you said 30 days  
 21 before September the 6th. Can somebody just tell me --  
 22 MR. ANSTEAD: Well, that -- and I'd like to say  
 23 now that's me asking.  
 24 MS. LOWRY: Uh-huh (yes). And I -- and I need  
 25 to --

Page 98

1 And the reason why I ask is that we need -- I know  
 2 I need -- I need anything that you guys have as supportive  
 3 documentation. And I'm just asking is this it, and if not,  
 4 could we receive whatever you have as supportive  
 5 documentation at least 30 days prior to our next meeting  
 6 so --  
 7 MS. LOWRY: Thirty days prior to your next  
 8 meeting? When's your next meeting scheduled?  
 9 MR. G. RICHARDSON: September 6th.  
 10 MR. ANSTEAD: September 6th.  
 11 MS. LOWRY: September the 6th? I think that's a  
 12 reasonable -- yeah, I can do that. Let me write that down.  
 13 MR. ANSTEAD: And that would be the final, because  
 14 we need supportive information to have a accurate  
 15 determination.  
 16 MR. G. RICHARDSON: Madam Chair, that may not be  
 17 an accurate time frame, because it appears to me some  
 18 information has just been newly submitted. It's going to  
 19 have to go back to the Recognition Committee.  
 20 Liz, can you --  
 21 MS. LOWRY: Yeah. It was pretty extensive. It's  
 22 a lot of information.  
 23 MS. WALKER: I think at this stage, it -- the  
 24 Commission makes that decision, Greg, once we see it. We  
 25 can't make that decision now. We've got to see it.

Page 100

1 MR. ANSTEAD: It's not the Board asking.  
 2 MS. LOWRY: Before I confirm this --  
 3 MR. ANSTEAD: Hold on one second.  
 4 MS. LOWRY: -- agreement --  
 5 MR. ANSTEAD: Let me finish talking.  
 6 DR. SIDER: It's August 7th.  
 7 MS. LOWRY: August the 7th?  
 8 DR. SIDER: August the 7th.  
 9 MS. LOWRY: Okay.  
 10 DR. SIDER: It's pretty close --  
 11 MS. LOWRY: Yeah, that's pretty close. You know  
 12 what?  
 13 DR. SIDER: That's a couple of weeks from now.  
 14 THE REPORTER: I'm sorry. I can only get one  
 15 person talking at a time. So when y'all talk over each  
 16 other, I can't get you.  
 17 DR. SIDER: Apology.  
 18 MR. C. RICHARDSON: Madam Chair, in reference to  
 19 the request, our process dictates when we take the last  
 20 piece of information. We can set a date, but if we go about  
 21 it -- the process that's in place, it clearly says up until  
 22 that date. But -- and I mean, we can say it as a board, but  
 23 if we -- if we do anything other than this, I don't think  
 24 we'd be following --  
 25 MS. LOWRY: Yeah, I agree. So you know what?

1 Let's stick to what's on the --  
 2 MR. C. RICHARDSON: We can't -- we can't set a  
 3 date because this -- this guidelines from the state dictates  
 4 to us --  
 5 MS. LOWRY: Yeah. Mr. Charles, I agree with you.  
 6 MR. C. RICHARDSON: -- how we do -- and I think  
 7 what we would be doing is putting ourself in a bad position.  
 8 MS. LOWRY: You know what? I agree. I agree what  
 9 you said.  
 10 MS. FREEMAN: Ms. Dorothy?  
 11 MS. YATES: Hey. I'm Dorothy Yates from the  
 12 Saponi Tribe, and I'd just like to make a clarification  
 13 point with you, please, Ms. Lowry.  
 14 If -- your statement was the Recognition Committee  
 15 requirement of you submitting the documentation with the  
 16 rolls. This was not our requirement. This is in the state  
 17 legislation. And you said you failed to see that.  
 18 Well, as with Mr. Elton Jacobs, I'm sure you've  
 19 read this packet, but you may not remember it. We don't  
 20 memorize all that we read. But I want to call your  
 21 attention to the Section .0200 --  
 22 MS. LOWRY: Wait. Which document are you talking  
 23 about?  
 24 MS. YATES: It's the state --  
 25 MS. LOWRY: Are you talking about the first -- the

1 member on your tribal enrollment need to provide  
 2 documentation for every single generation to seventeen -- to  
 3 before 1790? Does it say that?  
 4 MS. YATES: You did not submit even one. Your  
 5 genealogy went back to the 1930s. It did not even go back  
 6 to close to 1790.  
 7 MS. LOWRY: So -- yeah. Let's talk about that.  
 8 We did submit ancestry charts, if you look on the ancestry  
 9 charts, it goes all the way back to the 1700s.  
 10 MS. YATES: Now --  
 11 MS. LOWRY: So what you're saying is --  
 12 MS. YATES: -- (unintelligible) ancestry chart,  
 13 then you have to give us that documentation that goes back  
 14 with the connection and we don't -- we didn't have that.  
 15 MS. LOWRY: Well, Ms. Dorothy, you have it now.  
 16 It's in your possession now. I think you'll find it --  
 17 MS. YATES: I think you sent that this morning.  
 18 MS. LOWRY: Yes. And I think you'll find that it  
 19 will -- it will do just that, what you just said. So I just  
 20 look forward to you reviewing it and let me know what you  
 21 think of it.  
 22 MS. YATES: Well, I just wanted to clear up the  
 23 statement that we're not adding extra. This was in the  
 24 beginning that this requirement was --  
 25 MS. LOWRY: Well, it still goes back to what I

1 first submitted --  
 2 MS. YATES: Yes.  
 3 MS. LOWRY: -- preliminary findings, or are you  
 4 talking about the final recommendations?  
 5 MS. YATES: The state procedures.  
 6 MS. LOWRY: Oh, the state procedures. Oh, okay.  
 7 Okay.  
 8 MS. YATES: Under 01 NCAC 15 .0203, "Groups  
 9 Eligible for Petitioning Process" --  
 10 MS. LOWRY: Yes.  
 11 MS. YATES: -- (a), only American Indian groups  
 12 located in North Carolina who can trace their historic  
 13 origins to indigenous American Indian tribes prior to 1790  
 14 are eligible to petition or to be considered for state  
 15 recognition as an American Indian tribe."  
 16 MS. LOWRY: Okay. And what -- and what was  
 17 your -- yeah, I know. I've got it right here.  
 18 MS. YATES: Yes. Your statement was the  
 19 Recognition -- to Mr. Locklear was the Recognition Committee  
 20 did not let -- did not inform you of what you needed. This  
 21 was in the state regulations.  
 22 MS. LOWRY: Okay. So let's talk about that.  
 23 MS. YATES: Yes.  
 24 MS. LOWRY: Let's talk about the plain language  
 25 that you just read. Does it state that every single tribal

1 said. The plain language of the criteria does not stipulate  
 2 for every single tribal member --  
 3 MS. YATES: You didn't even do one, ma'am. Thank  
 4 you.  
 5 MS. LOWRY: Yeah. That's open to interpretation,  
 6 too. We can interpret that multiple ways.  
 7 MS. FREEMAN: Mr. Richardson.  
 8 MR. C. RICHARDSON: Thank you, Madam Chair. Ms.  
 9 Lowry, I've got a question in reference to Mr. Sider's  
 10 report.  
 11 Back in -- let me get my dates correct. By the  
 12 way, my name's Charles Richardson again. Back in April the  
 13 30th, at the Tuscarora hearing, there was a individual in  
 14 the audience and her name was Ms. Catherine Anderson. She  
 15 lived in New York.  
 16 She stated that there have been a few people found  
 17 within the Tuscarora Nation with ties to the Tuscarora of  
 18 New York. She also stated that there is documentation on  
 19 the connection between north and south per leadership. In  
 20 other words, that came from her leadership in New York.  
 21 And I guess my question is with all the  
 22 information that Mr. Sider -- and research that Mr. Sider  
 23 presented here today, not once did he mention any ties  
 24 between the Tuscarora of New York and the Tuscarora of  
 25 Bertie County or North Carolina -- southern North Carolina,

1 the Tuscarora Nation.  
2 However, he did go to the extent of trying --  
3 revealing information that's tying the Haliwa Saponi and  
4 other groups to each other. But he failed to put anything  
5 out there with the research -- with research pertaining to  
6 the ties between the Tuscarora of New York and the Tuscarora  
7 of Bertie County or Tuscarora Nation of North Carolina.

8 And we've got this -- I've got these notes that I  
9 wrote from April 30th, at our previous hearing, and she  
10 stood and stated these comments. So I was just wondering if  
11 he might do that part of the research or it wasn't in his  
12 documentation.

13 DR. SIDER: Can I answer that?

14 MR. C. RICHARDSON: Again, her name was Catherine  
15 Anderson.

16 MS. LOWRY: Hold on, Dr. Sider. Hold on. Hold  
17 on.

18 Mr. Richardson, are you -- why would you -- why  
19 would you want us to show this connection? What would be  
20 the relevance of showing this connection to the Tuscaroras  
21 of New York?

22 MR. C. RICHARDSON: Well, I feel like it would be  
23 relevant because, one, she stated that on behalf of the  
24 Tuscarora Nation at our previous hearing.

25 MS. LOWRY: Uh-huh (yes).

1 needle or a tweezer to take out any notional splinter that  
2 anybody tries to stick to me.

3 So I very strongly do not agree with the whole  
4 notion of splinter group. It's part of the notion of  
5 unrealizing the complex ways native people under the  
6 genocidal assault of the colonists have been reduced in  
7 numbers and necessarily to survive combine in ways that  
8 preserve their identity but pull them together to -- to make  
9 the numbers that can sustain their lives.

10 So that -- the whole notion of splinter group is  
11 inappropriate because it adopts the colonist view --

12 MS. LOWRY: Yes.

13 DR. SIDER: -- of the -- of that.

14 Similarly, I don't understand the question that --  
15 I gave in reference to your state Tuscarora -- I talked  
16 about Wallace "Mad Bear" Anderson coming down with this  
17 incredibly important gift, these gifts that are gifts of  
18 togetherness. It's not -- and -- and lastly -- yeah, one  
19 second.

20 Lastly, I talked about the Tuscarora of New York  
21 State being divided over whether or not they wanted to  
22 support -- I've worked in New York State when the people  
23 called the Mohawk by Americans -- when the people called the  
24 Mohawk at Ahkwesasne -- and I have -- I gave to -- I gave to  
25 Ms. Lowry a clan beadwork thing that was given to me from

1 MR. C. RICHARDSON: The second thing is that the  
2 ties and documentation goes back to what Ms. Welch was  
3 stating earlier in our criteria as a splinter group.

4 MS. LOWRY: And I think Ms. Catherine --

5 MR. C. RICHARDSON: This is the -- let me say  
6 this, please. This is the guidelines and the process that  
7 the State of North Carolina makes us go by. This is not our  
8 dictation.

9 And I was just looking at information that I had  
10 from the previous meeting and I was wondering -- there was  
11 nothing mentioned regarding these ties, and she stated that  
12 they had documentation. So I figured if he did an extensive  
13 research on the Tuscarora Nation as he did the Bertie County  
14 Tuscarora that he would have found these pieces.

15 MS. LOWRY: I'll let him answer that question, but  
16 let me finish this. Ms. Catherine Anderson was not  
17 scheduled initially to be -- to give testimony. That  
18 doesn't change the fact that I did allow her to give  
19 testimony. I did not know what she was going to say. So  
20 we -- we'd need to ask Ms. Catherine Anderson to provide  
21 information to us that supports her statement, to answer  
22 your question.

23 DR. SIDER: Hi. I just want to say that in my  
24 travels in -- up in New York and in rural Australia, I  
25 always carry with me a first aid kit. And in it is always a

1 the supportive people from Ahkwesasne and it's signed by  
2 "Your Mohawk Brother, Tom," because I had worked with  
3 Ahkwesasne on their treaties, on their -- I gave it as a  
4 present to Ms. Lowry's husband, but it's a whole beadwork  
5 clan symbol.

6 And so I've been working in New York State for  
7 decades, for decades, since the '70s on supporting native  
8 rights. And their -- the Tuscarora in New York State -- I  
9 said over -- very clearly how divided between the -- the  
10 fraction of people that support Mr. Deese. Mr. Deese is  
11 back there. He can talk about it.

12 The people who support Mr. Deese's longhouse and  
13 their clan mother brought these incredible gifts are the  
14 people who don't want to share any reward.

15 MS. LOWRY: There we go. So that answers your  
16 question. And she was specifically talking about how we're  
17 related. You know, indigenous people, especially in the  
18 Haudenosaunee way -- you know, blood -- blood relations are  
19 relations -- let me say this. Relations extend beyond  
20 blood. Okay?

21 You've got to understand that. That's how we  
22 think as indigenous people. It extends beyond blood in that  
23 we are related and connected by our ceremonies, our  
24 government that we -- you know, that Haudenosaunee  
25 government -- the Mohawk, the Seneca, the Cayuga, the

Page 109

1 Oneida, Tuscarora -- we're all -- we -- we consider each  
 2 other brothers and sisters, you know. They -- they're our  
 3 brothers. They accepted us under that confederacy. Yes,  
 4 ma'am.

5 MS. FREEMAN: Ms. Dorothy?

6 MS. YATES: Dorothy Yates of the Saponi. I would  
 7 like to make a statement for something that you were talking  
 8 about earlier, the September 18th, 1981, letter to the  
 9 Tuscarora of Drowning Creek.

10 That is -- has no relevance to what we're  
 11 discussing today. This is a different petition from a  
 12 different group, from a different tribe. That tribe was the  
 13 Tuscarora of Drowning Creek. This is a whole new petition  
 14 for the Tuscarora Nation of North Carolina. So there is no  
 15 relevance for your comments for that letter, because this is  
 16 a different situation, a different petition.

17 MS. LOWRY: Ms. Dorothy, I'm so glad you said  
 18 that. At the last public hearing, I made that point myself  
 19 when you started questioning about Drowning Creek Band of  
 20 Tuscarora.

21 The reason why I needed to insert this is because  
 22 it is relevant, and here's why it's relevant. You included  
 23 it on your initial report that was sent to me. You included  
 24 that. So if it wasn't relevant, then you would not have  
 25 included it. Am I correct?

Page 111

1 MS. YATES: Yes. That is --

2 MS. LOWRY: -- of your report.

3 MS. YATES: That is our background information  
 4 that was -- that we were explaining why we were at this  
 5 process.

6 MS. LOWRY: But you --

7 MS. YATES: But your point was on why that  
 8 petition was deficient. We're no longer addressing those  
 9 deficiencies.

10 MS. LOWRY: You addressed it when you made --

11 MS. YATES: Excuse me, please. I am talking.

12 MR. G. RICHARDSON: Madam -- Madam Chair. Sorry.  
 13 Madam Chair. We need to say again the reporter cannot keep  
 14 up with all the discussions. So one person needs to speak  
 15 at a time.

16 MS. YATES: I was speaking and was interrupted.  
 17 Excuse me.

18 But going back to the point where you addressed  
 19 the deficiencies for that report, that has nothing to do  
 20 with the deficiencies with this petition. What we were  
 21 asking you to supply information for was the deficiencies  
 22 for this petition. Thank you. No response needed.

23 DR. SIDER: Go ahead. Respond anyway. Go ahead.  
 24 Respond anyway. Go get her.

25 MS. FREEMAN: Daniel?

Page 110

1 MS. YATES: You requested that.

2 MS. LOWRY: No, ma'am. No. No. No. No. Hold  
 3 on. Let me -- let me clarify something.

4 Your original report -- your original preliminary  
 5 findings that you sent in January of 2018, on Page -- do you  
 6 have a copy of this?

7 MS. YATES: I do.

8 MS. LOWRY: Okay. Let's go.

9 MS. YATES: Page what?

10 MS. LOWRY: On Page 5, at the bottom, in a  
 11 footnote, it states the following. "The Committee found in  
 12 its records that Leon Locklear, Chief of the petitioner,  
 13 submitted a previous petition for state recognition under  
 14 the name, quote, Drowning Creek Band of Tuscarora, which was  
 15 denied by the Commission in 1981. The denial of the previous  
 16 petition could make the current petitioner ineligible under  
 17 15 .0204(2). Furthermore, if the petitioner is denied here,  
 18 would be prohibited from submitting another petition."

19 So it's relevant. It's on your paperwork. It's  
 20 very relevant.

21 MS. YATES: That was historical information --

22 MS. LOWRY: Oh, no. It's --

23 MS. YATES: -- (unintelligible) --

24 MS. LOWRY: -- relevant. It's on your -- it's on  
 25 your preliminary findings --

Page 112

1 MR. DANIEL LOCKLEAR: I just have a quick  
 2 question. Daniel Locklear.

3 What then separates or defines Tuscarora versus  
 4 other indigenous groups? I was listening to Dr. Sider, and  
 5 he referenced that -- it seems as though he said it's an  
 6 amalgamation of indigenous people. So what then delineates  
 7 Tuscarora from the Haliwa and, in your opinion, what makes  
 8 Tuscarora Tuscarora and how are you different?

9 MS. LOWRY: That's a great question, Mr. Daniel.  
 10 What makes us different? Linguistically, we're different.  
 11 We speak Skarure Tuscarora, Tuscarora language.

12 Culturally, we're different. Our regalia is very  
 13 much different from the Lumbee Tribe. Well, that's  
 14 debatable, because they decided just recently to change  
 15 that. But, anyway, we'll get on that -- that's another  
 16 topic for another day.

17 But we're very different; very different in terms  
 18 of culturally, linguistically. Our ceremonies are in -- in  
 19 itself separate from anything -- if we're comparing it to  
 20 the Lumbee Tribe, from anything that the Lumbee Tribe  
 21 considers their history. Very, very different.  
 22 Politically, we're different.

23 Politically, we're different. Our governance is  
 24 different. We are governed by our clan mothers, our clan  
 25 chiefs. Our government is different. The Lumbee tribe has

1 a chairman and they have representatives from districts. So  
 2 their government is completely different.  
 3 So we're very different and distinct in multiple  
 4 ways. Culturally, politically, socially, linguistically,  
 5 we're different. And all that, by the way, has been  
 6 documented on how we are different.  
 7 Does that answer your question?  
 8 MR. DANIEL LOCKLEAR: Yes, it did.  
 9 MS. FREEMAN: Okay.  
 10 MR. E. JACOBS: Madam Chair? Ms. Lowry, Mr.  
 11 Mitchell Locklear, was he once the chief of the Tuscarora  
 12 Nation?  
 13 MS. LOWRY: He was.  
 14 MR. E. JACOBS: Is he now serving federal term for  
 15 drug trafficking?  
 16 MS. LOWRY: I -- what's the relevance of this, or  
 17 how is this relevant to the criteria that we are addressing?  
 18 MR. E. JACOBS: I just asked the question.  
 19 MS. LOWRY: Oh. Well, it's not relevant.  
 20 MR. E. JACOBS: Is there any knowledge as to him  
 21 being the chief of the --  
 22 MS. LOWRY: I -- well, I answered that.  
 23 MR. E. JACOBS: -- Tuscarora -- is he still on  
 24 your list of members of Tuscarora Nation?  
 25 MS. LOWRY: He's not on the leadership. Is he

1 question, so be it.  
 2 Daniel, do you have another question for Dr.  
 3 Sider?  
 4 MR. DANIEL LOCKLEAR: Here's my question for Dr.  
 5 Sider. Even with all his testimony, I was still trying to  
 6 determine how that supported the Tuscarora's petition  
 7 outside of what -- you know, we have what we call a splinter  
 8 group, whether you like the term or whatever, but it does  
 9 exist. That's how we had these meetings and that's how we  
 10 handle the petition.  
 11 So as a splinter group, can you determine or  
 12 separate the Tuscarora from any other group? How are they  
 13 not a splinter group considering the geographic location to  
 14 a tribe that's existing and has a seat on the Board?  
 15 I'm just trying to make a determination in my mind  
 16 what is -- how do you identify --  
 17 DR. SIDER: Okay. Let me -- as I mentioned in my  
 18 own testimony, I was close friends with George Roth, who  
 19 was -- we went to school together. He was the director of  
 20 the BIA. He was the head of the BIA's recognition process.  
 21 He and I had several conversations over the years  
 22 about the whole notion of splinter group. And what -- his  
 23 point, as he explained it to me, was -- he said, "Look, most  
 24 Native American communities -- many Native American  
 25 communities in the United States are factionalized.

1 Tuscarora? Yes.  
 2 MR. E. JACOBS: That's all.  
 3 UNIDENTIFIED AUDIENCE MEMBER: That makes a  
 4 difference? That is ridiculous.  
 5 MS. FREEMAN: Okay. Order.  
 6 UNIDENTIFIED AUDIENCE MEMBER: I have to  
 7 apologize. That's ridiculous. We've got --  
 8 UNIDENTIFIED AUDIENCE MEMBER: Shame on you.  
 9 UNIDENTIFIED AUDIENCE MEMBER: -- Mr. Harvey  
 10 Trogon --  
 11 MS. FREEMAN: Order. Are there any more  
 12 questions?  
 13 (No response.)  
 14 MS. FREEMAN: If not --  
 15 MR. DANIEL LOCKLEAR: Are we talking about  
 16 questions to Ms. Lowry or Dr. Sider?  
 17 DR. SIDER: I'll answer more questions if you want  
 18 me to. I'm not shy, as you can tell.  
 19 MS. FREEMAN: Daniel?  
 20 DR. SIDER: But I do want to say at the end I want  
 21 to thank you-all for allowing me to testify on behalf of the  
 22 Tuscarora. That is an honor from this Committee that I very  
 23 much appreciate.  
 24 MS. FREEMAN: If you have a question, make it  
 25 clear. And if he can answer directly in accordance to that

1 It happens to all oppressed peoples. It happens  
 2 to all exploited people. Indians are clearly oppressed and  
 3 exploited in most places. They divide very precisely, as we  
 4 discussed and as I tried explaining. It's in my book.  
 5 No strategy of a vulnerable people for opposing  
 6 their domination and their exploitation -- no strategy in  
 7 the long run works. You can accommodate. You can oppose.  
 8 You can include. You can do this. You can do that. You  
 9 can run away. It doesn't matter what strategy the native  
 10 people took. It didn't damn work over a long period of  
 11 time.  
 12 So native communities often split, as did the  
 13 historic Tuscarora into three groups of the historic  
 14 Tuscarora. Native communities necessarily split along  
 15 themselves, often bitterly, often antagonistically. The  
 16 Cherokee in 1715 had a civil war among themselves; over the  
 17 protection of blacks, by the way.  
 18 Native communities often split because -- and  
 19 largely underneath the split was different strategies of --  
 20 of encourage -- of opposing domination or escaping  
 21 domination. George said to me, "We cannot recognize these  
 22 splits within communities, so we have to oppose splinter  
 23 groups."  
 24 But a splinter group is a split within the  
 25 community. When the LRDA in, I think, '92 wanted an

1 election -- LRDA wanted an election to certify themselves as  
2 the leaders of the Lumbee. Huh? And my heart's with LRDA  
3 because I started it.

4 The vote in the Lumbee community was 200 votes for  
5 LRDA and 8,000 votes for the tribal council for the tribe,  
6 for the Lumbee Tribe. That's a split within the community.  
7 It is profoundly different, profoundly different from two  
8 separate people living nearby.

9 What you get with the Tuscarora and the Lumbee are  
10 two separate people living near to each other, not a faction  
11 within the Lumbee, within the Lumbee.

12 MS. LOWRY: So Dr. Sider just gave us an example  
13 of a split -- splinter group. I mean, there we go.

14 Any other questions?  
15 (No response.)

16 [WHEREUPON, THE TESTIMONY OF MS. LOWRY ENDED AT 1:06 P.M.]

17 MS. FREEMAN: Okay. No more questions at this  
18 time. We need a motion from the floor.

19 MR. G. RICHARDSON: Madam Chair, we want to make  
20 sure that everybody's satisfied that their questions -- we  
21 don't want to cut them off because there's still a ton of  
22 time in the schedule today. But if there are no other  
23 questions --

24 MR. BAUCOM: I have one question. The -- the  
25 three groups that split, do they all share the same

1 ancestors?

2 MS. LOWRY: Did you say the three groups that  
3 split?

4 THE REPORTER: Microphone, please.

5 MS. LOWRY: What three groups are you saying  
6 split? The three groups that Dr. Sider historically was  
7 river region and they had the same ancestors?

8 MR. BAUCOM: Yes.

9 MS. LOWRY: That's a great question.

10 DR. SIDER: I was referring --

11 MS. LOWRY: If you're talking about  
12 historically --

13 DR. SIDER: I was referring to the upper towns --

14 MS. LOWRY: Yes.

15 DR. SIDER: -- the middle towns, the lower towns,  
16 a split that happened -- the Tuscarora historically, when  
17 they were being enslaved or when they were being raided by  
18 the settlers -- mostly German settlers, by the way.

19 The German settlers at New Bern under von  
20 Graffenreid was the leader -- were financing themselves by  
21 slaving the Tuscarora and selling them out to the Caribbean.  
22 That strategy of how to cope with it -- the upper towns  
23 wanted to negotiate with the state of Virginia to help  
24 defend them against New Bern. The middle towns just thought  
25 they could run away.

1 And the lower towns, who lived nearest New Bern,  
2 they wanted to fight and -- which is the ancestors primarily  
3 of the ones who migrated to Robeson County. But that's  
4 what -- was 1710.

5 MS. LOWRY: Yeah. So his --

6 DR. SIDER: That's not -- not now.

7 MS. LOWRY: So his question are -- his question --

8 DR. SIDER: About the Drowning Creek or --

9 MS. LOWRY: No. No. No. No. No. His  
10 question --

11 THE REPORTER: Microphone, please.

12 MS. LOWRY: Your question is are those three --  
13 those three people -- group -- bands of communities of  
14 Tuscarora -- historically, did they have the same ancestors.  
15 That's your question, right?

16 MR. BAUCOM: Yes. I guess I was more asking the  
17 tribe in New York, are they the same ancestors as the --

18 DR. SIDER: They're from the upper towns and  
19 middle towns.

20 MS. LOWRY: Hold on a second. There is a family  
21 line in New York that carries the Jacobs -- there are  
22 Tuscarora in New York that have that Jacobs bloodline. And,  
23 yes, they are actually doing -- currently, they're doing  
24 research right now and they're finding relations --  
25 bloodlines that tie directly into our bloodlines in Robeson

1 County.

2 Now, have they provided me with that information  
3 yet? No. But they are actively researching bloodlines that  
4 tie to the Tuscaroras of New -- in North Carolina.

5 Does that answer your question?

6 MR. BAUCOM: Yes.

7 MS. FREEMAN: Is everyone satisfied?

8 (No response.)

9 MS. FREEMAN: Okay. Ms. Dorothy, I think what  
10 we're going to do, if -- if you do have more questions,  
11 let's break for a little bit, if that's okay with -- with  
12 you. And if you've got pressing questions, Tamra, I'm  
13 sure will be glad to answer them.

14 MR. G. RICHARDSON: Bless the food.

15 MS. FREEMAN: Mr. Burnett?

16 MR. BURNETT: Ma'am?

17 MS. FREEMAN: Would you bless the food?

18 MR. BURNETT: Yes, ma'am. Father, as we come  
19 before you again today, we say thank you and we ask now that  
20 thou would bless the food which we're about to receive. Let  
21 it be a nourishment to our body and give us the strength  
22 that we need. In your holy name we pray. Amen.

23 MS. FREEMAN: Okay. Let's be back in here by  
24 2:00, by 2:00.

25 [LUNCH RECESS - 1:10 P.M. TO 1:53 P.M.]

1 MS. FREEMAN: I think everyone is back in. And at  
2 this time, we will continue on with our meeting for today.  
3 And we said if you have questions, let's go through our  
4 questions. And when you come to -- Tamra, to do a response,  
5 you or Dr. Sider, we would like to have maybe a three-minute  
6 response on each question; two to three minutes, if  
7 possible.

8 Tamra, we'll go back with you --

9 MS. LOWRY: Do you want me to come up there?

10 MS. FREEMAN: -- for questions.

11 MR. G. RICHARDSON: We're going to ask Tamra to  
12 come back up there. I think it will be easier for the  
13 presentation for them to answer questions.

14 MS. FREEMAN: If you could -- okay. At this time,  
15 does anyone have a question for Tamra?

16 MR. DANIEL LOCKLEAR: Ms. Lowry, I -- I don't want  
17 to beat this horse to death, but I want to just get some  
18 clarity, going back to a question that Commissioner  
19 Richardson asked earlier about additional information. And  
20 I'm not sure you can or will answer, but based on the  
21 information you -- again, you sent this morning -- and it  
22 sounds like a lot of information -- do you have more  
23 information that you intend to send?

24 So -- so for -- for the benefit of the Commission,  
25 is there something else they can expect, or is -- is what

1 you sent today -- is that it? I hope that's a fair  
2 question. So, Mr. Charles, I think --

3 MS. LOWRY: Yes. That's --

4 MR. DANIEL LOCKLEAR: -- think that's kind of  
5 where you were going earlier.

6 MS. LOWRY: That's a fair question. We do intend  
7 to send more information, because the guidelines and  
8 procedures state that the petitioning group may continue to  
9 submit additional information up until a final  
10 recommendation -- recommendation is rendered.

11 MR. DANIEL LOCKLEAR: And to follow up, I -- I  
12 guess if you -- you have more, why aren't you just sending  
13 everything you have at --

14 MS. LOWRY: Because we're still --

15 MR. DANIEL LOCKLEAR: I'm just curious.

16 MS. LOWRY: That's a great question. Because  
17 we're still working. It's not that we're just withholding  
18 and deciding just to send it at the last minute.

19 MR. DANIEL LOCKLEAR: Okay.

20 MS. LOWRY: Let me say it like this. Maybe  
21 we'll -- it'll -- we are going above and beyond trying to  
22 make sure that we address every single deficiency that you  
23 come at us with.

24 Because, ultimately, you know, we understand that  
25 this is the procedures that you've set forth. This is the

1 statute. And we want to be able to demonstrate if this goes  
2 to another level that we cooperated to the fullest extent  
3 and went above and beyond and continued to carry the burden  
4 of meeting these deficiencies.

5 I want it to be very clear to anyone -- any  
6 outsider, any judicial branch -- that the burden was  
7 continuously carried up until the last minute to try to  
8 alleviate and rectify these deficiencies. I want that to be  
9 very clear. So, yeah, we're going to exhaust these  
10 procedures and we're going to follow the procedures and  
11 continue -- because it states that we can, so we're going to  
12 do that.

13 MS. FREEMAN: Anyone else?

14 MR. G. RICHARDSON: Madam Chair, may -- I just  
15 want to make a quick comment in relation to that and I want  
16 to put for the record --

17 MS. LOWRY: Could I --

18 MR. G. RICHARDSON: I'm not a member of the  
19 Committee, but the way that we're, looks like, going right  
20 now, there needs to be an understanding that if we're going  
21 to continue to get information, then there can't be a final  
22 decision. So if we keep going with that and information,  
23 there can't be a final decision until we've got all the  
24 materials from the Tuscarora Nation of North Carolina.

25 So at the September meeting, if there's more

1 information, just understand that's probably going to create  
2 another delay in the final decision. So you won't --

3 MS. LOWRY: There's nothing -- there's nothing in  
4 your -- there's nothing in your criteria that states that  
5 the continuous submission of documents will delay the  
6 process. That's not outlined. That's -- it doesn't say  
7 that.

8 MR. G. RICHARDSON: Administratively or logically,  
9 it will delay the process because the Commission can't make  
10 a decision until we've got everything that -- that the  
11 Tuscarora submits.

12 MS. LOWRY: Mr. Richardson --

13 MR. G. RICHARDSON: I just want you to understand  
14 that.

15 MS. LOWRY: Respectfully, I'm going by what's  
16 before me that's outlined in the procedures. Now --

17 MR. G. RICHARDSON: And the --

18 MS. LOWRY: -- if I'm not -- if I'm  
19 misinterpreting --

20 MR. G. RICHARDSON: No.

21 MS. LOWRY: -- what's here --

22 MR. G. RICHARDSON: Madam Chair, I'm just making a  
23 statement for clarity and so that the petitioner understands  
24 that until the Commission has everything from the  
25 petitioner, there cannot be a final decision.



1 MS. LOWRY: So let me clarify.  
 2 MR. G. RICHARDSON: That's the only thing I want  
 3 to say.  
 4 MS. LOWRY: Let me clarify. The reason why we've  
 5 had to submit additional information is because there's  
 6 continuous deficiencies. That's why we continue to submit  
 7 more information, because we're trying to address the  
 8 continuous deficiencies.  
 9 So every time we submit something, you come back  
 10 and say this has not been satisfied. Then we come back  
 11 again and we submit more. Do you get what I'm going --  
 12 you -- you following me, Mr. Richardson?  
 13 We're trying our best to rectify the continuous  
 14 deficiencies. Therefore, it prompts us to continue to  
 15 submit more information. I mean, the burden lies on us,  
 16 right?  
 17 MR. G. RICHARDSON: Yes.  
 18 MS. LOWRY: Okay. So that's why we are having to  
 19 continuously submit additional information, because there's  
 20 continuous deficiencies.  
 21 MR. G. RICHARDSON: Just understand, the  
 22 procedures are open-ended like that. The Commission should  
 23 not be blamed for continuous process if -- as long as the  
 24 petitioner continues to submit documents is the only thing  
 25 I'm saying. You --

1 So -- but I -- I know the statement you're talking about,  
 2 because I've read it multiple times.  
 3 MS. FREEMAN: Any more questions?  
 4 MR. BAUCOM: I have a question. Have you ever  
 5 been a contestant in any of the Lumbee pageants?  
 6 MS. LOWRY: What -- what -- so, W.D., what's the  
 7 relevance of that? Tell me how that relates to the criteria  
 8 that as the petitioning group we have to address.  
 9 If you can tell me which criteria that falls  
 10 under -- (a), (b), (c), (d), (e), (f), (g), (h) -- I'll be  
 11 more than glad to answer it.  
 12 MR. BAUCOM: No. I'm just trying to get some  
 13 clarification on what you said earlier about you follow your  
 14 mother's bloodline.  
 15 MS. LOWRY: Do you know how old I was when that  
 16 took place?  
 17 MR. BAUCOM: I -- I don't even know if you was a  
 18 contestant. I'm asking.  
 19 MS. LOWRY: Twelve years old, yeah.  
 20 MR. BAUCOM: Okay. You answered my question.  
 21 MS. LOWRY: Yeah. There we go. I mean, it's not  
 22 relevant, but there -- there's your answer.  
 23 MR. BAUCOM: Thank you.  
 24 MS. FREEMAN: Anyone else?  
 25 MR. BAUCOM: Can we ask Sider a question, too?

1 MS. LOWRY: But that again -- there again, it goes  
 2 back to --  
 3 MR. G. RICHARDSON: Just one second.  
 4 MS. LOWRY: -- the procedures for recognition.  
 5 There's nothing outlined that states that if you continue to  
 6 submit additional information, that will delay -- I'm  
 7 following the procedure --  
 8 MR. G. RICHARDSON: I know. Just --  
 9 MS. LOWRY: -- for recognition.  
 10 MR. G. RICHARDSON: Ms. Lowry, I'm just making a  
 11 statement. So I wanted to point out, too, that in the  
 12 record at the Commission meeting, I believe, in 2012, we  
 13 were told by your consultants at a meeting in Cherokee,  
 14 North Carolina, that there would not be any additional  
 15 information.  
 16 So we have continued to receive additional  
 17 information. So the Recognition Committee -- every time  
 18 additional information is submitted, they're obligated to  
 19 work on that. That -- that's the only --  
 20 MS. LOWRY: Okay. That's fair enough.  
 21 MR. G. RICHARDSON: Just for clarity --  
 22 MS. LOWRY: Just clarify I wasn't on, I wasn't  
 23 on --  
 24 MR. G. RICHARDSON: Right.  
 25 MS. LOWRY: -- I wasn't in this position in 2012.

1 MS. FREEMAN: Okay. W.D.  
 2 MR. BAUCOM: This -- I believe there's numerous  
 3 Tuscarora Tribes across the state of North Carolina. Have  
 4 you done any work with those other groups?  
 5 DR. SIDER: No, not with the Tuscarora anywhere  
 6 else but Robeson County. But with Robeson County, I have  
 7 worked with the different Tuscarora communities, not groups.  
 8 I've worked with the different Tuscarora communities.  
 9 MS. LOWRY: Have you -- do you understand why he  
 10 uses the term "communities"?  
 11 MR. BAUCOM: Yes, with Robeson County.  
 12 MS. LOWRY: Yes.  
 13 MR. BAUCOM: But groups -- I used groups for all  
 14 those scattered all over North Carolina.  
 15 MS. LOWRY: Yeah. We could -- could theoretically  
 16 call the LRDA and the Lumbee Tribe two separate groups,  
 17 right? I mean, when we talk about groups --  
 18 MS. FREEMAN: Jeff?  
 19 MR. ANSTEAD: Ms. Chair, I'd just like to say I  
 20 just thank everybody for coming out today. You know, we --  
 21 we can sit here and throw fault -- we can throw a ball back  
 22 and forth all day long. But as a Commissioner appointed  
 23 from my tribe, my job is to do the duty of this Commission,  
 24 because, ultimately, responsible -- I'm responsible to my  
 25 tribe.

1 But I'd like to thank everybody for coming out and  
2 I'd like to thank everybody. It was informative. There was  
3 a lot of engagement here, and I thank everybody very much.  
4 I thank Tamra and the young man down there for coming. And  
5 I just wanted myself to leave it on a good note, because the  
6 air is getting a little thick, and I just wanted myself to  
7 leave here on a good note.

8 And -- and I'll say this and then I'll move on. I  
9 hope all the documentation that's needed is submitted  
10 because just and fair is what I'm all about, but I'm also --  
11 as said, I also want to see -- I want to see -- this process  
12 has got to have a stopping point, and it can't continue to  
13 stop -- continue to stop if things are always done. You  
14 know, somebody asked me one time about research. They said  
15 when will it be finished. I said no, because there's always  
16 things.

17 But I like for people -- I understand now. I  
18 think myself that some people is getting personal feelings,  
19 personal issues against people. It's not about that. We  
20 have a criteria that we have to abide by. We have a job  
21 that we have to do. So that's why I was referring earlier  
22 to all the information, everything that is part of the  
23 puzzle.

24 We want to be fair and we want to be just. I  
25 truly believe that. So I just thank everybody for coming

1 hoping this letter finds you in good health and fine  
2 spirits.

3 "In reference to your hearing of the Recognition  
4 Committee held on April 30th, 2019, that Catherine Anderson  
5 spoke at, she did not speak on behalf of the Tuscarora  
6 Nation and is not working on the genealogy -- genealogy of  
7 the Tuscarora Nation and its connection to herself and any  
8 people claiming to be Tuscarora in North Carolina.

9 "The Tuscarora Nation has recently obtained  
10 from" -- gives you the web site -- "https://www.ancestry.com  
11 a report on Catherine Anderson. In the ethnicity estimate,  
12 see Section 2.1, her ethnicity is Central and South --  
13 Southern Mexican under Native American under the Native  
14 American category. In her genealogy tree, see Section 2.2,  
15 none of her listed ancestors appear anywhere in our records.

16 "Any person who testifies -- testified on April  
17 30th, 2019, is -- another person who testified April 30th,  
18 2019, is Christopher Lowry. In his ethnicity estimates, he  
19 is zero Native American. See Section 2.3.

20 "The Tuscarora Nation of the Haudenosaunee  
21 Confederacy that includes the Onondaga" -- and I'm sorry if  
22 I mis-say all this -- "Mohaeh, Seneca, Cayuga and One --  
23 Oneida Nations, sent a letter dated October 10th, 2001, to  
24 Gail Norton, Secretary of the Interior of the United States,  
25 and Gregory A. Richardson, Executive Director of Native

1 out today and -- and saying good things.

2 MS. FREEMAN: Okay.

3 MS. LOWRY: Why -- why was I given this?

4 MS. WELCH: Okay. Tamra, this is for me.

5 MS. LOWRY: Oh.

6 MS. WELCH: It's for my purposes.

7 MS. LOWRY: Okay. So was this sent to --

8 MS. WELCH: You have a letter in front of you --

9 MS. LOWRY: Uh-huh (yes).

10 MS. WELCH: -- that was received on July 24th,  
11 2019.

12 Okay. You remember the letter that I asked you  
13 about from Chief Leo Henry stating for the Tuscarora Nation  
14 of North Carolina to cease and desist?

15 MS. LOWRY: Yes.

16 MS. WELCH: Okay.

17 MS. LOWRY: Yeah. I remember that letter.

18 MS. WELCH: Okay. So now I am going to read to  
19 you this updated response.

20 MS. LOWRY: Okay.

21 MS. WELCH: It was sent from Jackie Ray. She's  
22 one of the staff persons with our State Recognition  
23 Committee.

24 It says, "Greetings. I extend greetings on behalf  
25 of the Tuscarora Nation Chiefs Council and Clan Mothers,

1 American Affairs in Raleigh, North Carolina, that the  
2 Tuscarora Nation have nothing to do with the group from  
3 North Carolina. Further, the Tuscarora Nation or the  
4 Tuscarora Nation of North Carolina or the Tuscarora Nation  
5 of" -- I can't say that -- "Kau-ta-noh, or any other group  
6 claiming to be Tuscarora descent looking for recognition."

7 And it is signed by Chief Leo Henry of the  
8 Tuscarora Nation.

9 MS. LOWRY: Was there a question?

10 MS. WELCH: I just needed you to read that and  
11 understand where we're at in -- in the respect to the other  
12 tribe, especially the Tuscarora of New York,

13 MS. LOWRY: Okay. So here's my response. Does  
14 what the Tuscarora in New York change our genealogy? Does  
15 it change our history? Does it change anything as it  
16 concerns to our bloodlines? Does it change anything?

17 Because we submitted -- when you get this  
18 information, you'll see -- additional genealogical  
19 information, official birth certificates, marriage  
20 certificates, death certificates -- all these things, all of  
21 these records, in addition to we submitted once again the  
22 war records for our ancestors Allen Lowery, William Lowery,  
23 who were noted by the United States war records to be  
24 Tuscarora.

25 Does it change -- what I'm trying to say is what

1 they say, does it change who we are?  
 2 MS. WELCH: That's only for you to answer.  
 3 DR. SIDER: Can I -- I want to speak --  
 4 MS. LOWRY: Hold on one second, Dr. Sider. Hold  
 5 on. Hold on.  
 6 Furthermore, Catherine Anderson is not on the  
 7 enrollments for the Tuscarora Nation of North Carolina. She  
 8 came willingly on her own and asked to testify, and I did  
 9 allow her to testify. So that should answer her statements  
 10 in itself. Yeah. Yeah, I'm not really -- this doesn't  
 11 concern me, Ms. Welch, because it doesn't change who we are  
 12 or bloodlines, the history, everything that makes us who we  
 13 are, the Tuscarora Nation of North Carolina.  
 14 It doesn't -- it doesn't really, frankly, bother  
 15 me or -- or concern me what the Tuscarora Nation of New York  
 16 thinks about who we are, because it -- quite honestly, when  
 17 they left here, they relinquished their rights to the land  
 18 here when they joined in New York on Lewiston territory and  
 19 joined the Haudenosaunee Confederacy.  
 20 So what they say in regards to who the Tuscarora  
 21 people are here in -- in Robeson County is not my concern.  
 22 MS. WELCH: Duly noted.  
 23 DR. SIDER: Can I speak to --  
 24 MS. FREEMAN: Dr. Sider.  
 25 DR. SIDER: The last point that Ms. Lowry raised

1 a notification to all the surrounding North Carolina tribes.  
 2 Am I correct, Mr. Mark Teague?  
 3 MR. TEAGUE: That is correct.  
 4 MS. LOWRY: And you're supposed to send out the  
 5 petition to the organizations; is that correct, the Native  
 6 American organizations that's represented on this  
 7 Commission?  
 8 Is there anywhere in your guidelines that it  
 9 stipulates that you are to send out information as it  
 10 relates to petitioning groups -- let's just say the  
 11 Tuscarora Nation of North Carolina -- to the Tuscarora Tribe  
 12 in New York?  
 13 MR. TEAGUE: Madam Chair, do you want the  
 14 question -- there's nothing that precludes it.  
 15 MS. LOWRY: So I guess my next question is this.  
 16 What is the relevance of even contacting the Tuscarora  
 17 Nation of New York regarding the Tuscarora Nation in North  
 18 Carolina's petition?  
 19 Why do we -- why is -- in your preliminary  
 20 findings and deficiencies from January, why is there  
 21 multiple instances where you felt the need to notify and  
 22 beg -- pretty much beg, because you -- you sent them several  
 23 letters saying, "Hey, can you send us some information?  
 24 Hey" -- and they didn't respond until after several  
 25 attempts.

1 is absolutely crucial. The point that she said that when  
 2 they left New York, they relinquished their rights -- you  
 3 have to -- to land in North Carolina. You have to  
 4 understand that the New York Tuscarora are suing -- it's a  
 5 still active case, still under appeal. They're suing the  
 6 State of North Carolina and the federal government for not  
 7 protecting their rights to be recompensed for the land that  
 8 was taken from them in North Carolina in the 1700s.  
 9 If they agree to recognize the Tuscarora here,  
 10 then the Tuscarora can legitimately -- here can say, "Oh,  
 11 hey, we need to be included in this recompense if you ever  
 12 win this suit." They never have that much chance of winning  
 13 the suit, but that's the reason why the New York Tuscarora  
 14 want -- some of them -- not the ones who brought the gift of  
 15 a prayer and a song, but some of them want to say, "Oh, the  
 16 North Carolina Tuscarora Nation is not us," so they can  
 17 claim that they have a right to the suit.  
 18 MS. FREEMAN: Thank you.  
 19 MS. LOWRY: I -- Ms. Freeman, can I add an  
 20 additional comment?  
 21 MS. FREEMAN: You can.  
 22 MS. LOWRY: Okay. I understand that in the  
 23 procedures for legal recognition of American Indian groups  
 24 that when you receive a petition from a group -- from a  
 25 petitioning group in North Carolina that you are to send out

1 Why -- why is that a necessity? Why is that  
 2 needed?  
 3 MS. FREEMAN: It -- it was needed, Tamra, because,  
 4 as I stated earlier, we're going to gather information as  
 5 much as possible to find out what we were working with and  
 6 who we were working with.  
 7 If I make no mistake -- and you can correct me if  
 8 I'm wrong -- in one of our meetings here, there was a group  
 9 that came in with you and -- and they were from out of town.  
 10 And one of the ladies that got up to talk or to speak said,  
 11 "They are a part of us. They are a part of us." So that  
 12 made us want to look a little deeper and see what part.  
 13 I mean, you know, there's so much took place and  
 14 so much to listen to and so much to -- to try and find out  
 15 and know, and -- and that's all this is about. It's  
 16 about --  
 17 MS. LOWRY: Ms. Freeman, at the last public  
 18 hearing, you told me that you would -- you were going to  
 19 adhere --  
 20 MS. FREEMAN: We're not getting into a debate.  
 21 MS. LOWRY: Well, no. No. We're not debating.  
 22 You were going to stick strictly to the procedures and to  
 23 what's outlined as far as the statute. Am I correct?  
 24 MS. FREEMAN: Well, you are correct. You are --  
 25 MS. LOWRY: I think it could easily be argued that

1 you're going a little above and beyond what the procedures  
 2 require when you really want to investigate.  
 3 MR. E. JACOBS: Point of order.  
 4 MS. FREEMAN: Well, no.  
 5 MS. LOWRY: We're -- we have outlined -- outlined  
 6 procedure here for how you're supposed to conduct us. And  
 7 when you start treading on the lines of that makes me want  
 8 to investigate, well, is investigating a part of the  
 9 criteria?  
 10 MS. FREEMAN: You can use that term. We're not  
 11 going to debate --  
 12 MR. E. JACOBS: Point of order, Mr. Attorney.  
 13 MS. WELCH: Point of order.  
 14 MR. E. JACOBS: It's getting to be a debate.  
 15 MS. FREEMAN: Mr. Richardson?  
 16 MR. C. RICHARDSON: I think in reference to her  
 17 question or her statement, Madam Chair -- and this is my  
 18 opinion, because I sit on this Committee and I've been at  
 19 every meeting and every -- on every conference call that  
 20 we've had.  
 21 When you get a name -- a petitioner -- regardless  
 22 of who it is, if I got a petition from a group saying that  
 23 they're part of -- they're Cherokee from Halifax, Zuka,  
 24 whatever, the first thing comes to mind is I want to reach  
 25 out to the Cherokee out west or in Cherokee, North Carolina,

1 Secondly, I want to say that in terms of the DNA,  
 2 we should not put much stock in this, what -- what the DNA  
 3 says for any human being, because your DNA can come -- I'm  
 4 not a DNA expert now. I'm not trying to put myself out like  
 5 that. But I have investigated and researched enough to know  
 6 that what comes up on your DNA is kind of the luck of the  
 7 draw, because we are all in this room and in this United  
 8 States a mixture of people -- peoples from various groups.  
 9 And so it depends on how far down the line, how  
 10 far back your -- your particular -- your children may come  
 11 up to be something much different than what you are and  
 12 you're, like, what's that all about. So we don't need to  
 13 put a whole lot of stock in this. It's kind of a starting  
 14 point for all of us to figure out where our ancestors came  
 15 from.  
 16 And secondly to that point is that our DNA is  
 17 matched to a database of people. So somebody has gone to  
 18 England and said this is what English DNA looks like. And  
 19 we know that -- that's almost an impossibility because there  
 20 is -- there is no DNA line from England to France to  
 21 America. There's no DNA line, but there are attributes of  
 22 various people. For instance, I had Neanderthal in mine  
 23 and -- and they've been gone for centuries in this -- in  
 24 this world. So don't put a lot of stock in that.  
 25 And, secondly, I want to say that I appreciate

1 to see if they're tied to them or they're on a double roll.  
 2 That's our obligation, to be thorough and -- to be fair and  
 3 thorough on this.  
 4 Because if we see it -- it's just like I said.  
 5 You see it all the time. People say, "Well, I'm from the --  
 6 I'm from the Cherokee Band of so-and-so." Well, the first  
 7 thing my intuition tells me to do this right would be to  
 8 reach out to the Cherokee of North Carolina and the Western  
 9 Cherokee to make sure that they're not already on that roll  
 10 out there. That's our obligation and that's the way most  
 11 petitioners or -- or requests is done.  
 12 It's just like we do our tribal work. If you come  
 13 to me to apply for roll -- enrollment with our tribe, the  
 14 first thing we do is make sure that you're not enrolled in  
 15 another tribe. And that's clarification for our work. That  
 16 eliminates a lot of stuff down the road. And that's why I  
 17 think that was done.  
 18 MS. FREEMAN: Ms. Connie?  
 19 MS. MITCHELL: I just have a statement, not a  
 20 question. Initially, I just want to say that we're all here  
 21 in support of all Native Americans in this United States.  
 22 And, personally, I dislike the fact that we have to prove  
 23 the fact that we are Native Americans, but that's a  
 24 different -- whole different bailiwick that we need to deal  
 25 with in a -- in a different way.

1 anybody who speaks to me respectfully. I do not appreciate  
 2 anybody who does not. I try to be respectful to everybody.  
 3 I expect to be treated the same.  
 4 MS. FREEMAN: Thank you, Ms. Connie. Ms. Dorothy?  
 5 MS. YATES: Dorothy Yates from the Saponi Tribe.  
 6 I have a question. Could I ask that to Mr. Sider?  
 7 MS. FREEMAN: Sure.  
 8 MS. YATES: Okay. Mr. Sider, how long have you  
 9 been a research assistant for the Tuscarora Nation of North  
 10 Carolina, the petitioning group?  
 11 DR. SIDER: I don't know. Several years. I  
 12 haven't been, actually, a research assistant. I have been  
 13 interested in Tuscarora history since my sophomore year in  
 14 college in 1957 and I go out and talk with them. I -- you  
 15 know, I -- I talked with Chief Leon over several years.  
 16 I've never once called myself a research assistant  
 17 or had them call me a research assistant. We share our  
 18 mutual concern for Tuscarora history.  
 19 MS. YATES: I just noticed on our agenda that you  
 20 are down as a research assistant of the Tuscarora Nation.  
 21 So I --  
 22 DR. SIDER: I didn't -- I didn't put -- I'm sorry.  
 23 I didn't put that down, ma'am. I'm sorry. I don't call  
 24 myself that.  
 25 MS. YATES: And I was made aware at our last

1 hearing that I was not aware of that there are different  
2 Tuscarora groups in North Carolina that are going by  
3 Tuscarora other than this petitioning group.

4 So the only group that you have -- or tribe that  
5 you have worked with is this petitioning group; is that  
6 correct?

7 DR. SIDER: Yes, ma'am. And I've spent also a --  
8 well, I -- I've done a lot of work on colonial North  
9 Carolina. Much of it's still not published in papers I've  
10 given at conferences but not published yet. And I've done a  
11 lot of research -- I used to teach Cherokee history and I've  
12 published a very lengthy -- a ten-page book review of Cecily  
13 Stern's (phonetic) work on Cherokee history. So -- so I --  
14 I mean, while I -- I'm not a Cherokee specialist, but I've  
15 had a long-standing concern with Cherokee history.

16 MS. LOWRY: I guess the same applies for Ms. Anita  
17 Finger-Smith. Thank you.

18 MR. C. RICHARDSON: Madame Chair, I would like to  
19 apologize --

20 DR. SIDER: I don't -- I don't understand that  
21 last bit.

22 MS. LOWRY: Yeah.

23 DR. SIDER: Ms. -- Ms. Finger-Smith presented  
24 herself as a certified Cherokee -- Cherokee-certified  
25 genealogist and she wasn't. So I don't understand the

1 same -- and also, I'm not passing myself off as a Cherokee  
2 expert the way she tried to pass herself off as an expert on  
3 anybody else but the Cherokee when she has no research  
4 background.

5 I have published in academic journals a ten-page  
6 article on Cherokee history. I'd be delighted to talk with  
7 you at length, because I've put years of my life doing  
8 Cherokee history. I'd be delighted to talk with you about  
9 Cherokee history. So I don't understand the comparison  
10 between me and Ms. Finger-Smith.

11 MS. YATES: On how we get titles. Thank you.

12 MR. C. RICHARDSON: Madam Chair, I would just like  
13 to apologize to everyone, but I have to excuse myself. I've  
14 got an obligation six hours away I've got to attend. And  
15 I'd just like to thank everybody for coming out and  
16 participating and I hope this gets us closer to resolving  
17 this petition. Thank y'all.

18 MS. FREEMAN: Is that all the questions from the  
19 Committee?

20 (No response.)

21 MS. FREEMAN: When we sent our notice to Tamra, we  
22 let her know -- or she let us know that she had two  
23 witnesses. And I'm bringing this before the Committee. She  
24 has requested for someone else to have some time to speak.  
25 I am bringing that to the Board. Yes or no?

1 MR. E. JACOBS: Motion to adjourn.

2 MS. MITCHELL: Second.

3 MS. FREEMAN: All in favor?

4 MULTIPLE PARTIES: Aye.

5 MS. FREEMAN: Okay. The "ayes" have it.  
6 Liz, you -- you need to -- you do need to take the  
7 time to let us know our next steps.

8 MS. WALKER: Yeah. I just -- let me get a  
9 microphone.

10 DR. SIDER: Wait a second.

11 MR. G. RICHARDSON: Madam Chair --

12 DR. SIDER: Nobody even asked who else she wanted  
13 to hear testify. You can't treat people like that.

14 MR. G. RICHARDSON: I think you -- I think some  
15 people didn't hear what you were saying.

16 MS. FREEMAN: We asked if there was any more  
17 questions from the Committee, and no one had any more  
18 questions.

19 Therefore, I asked the Committee to say yes or no  
20 to another speaker. We had -- we have allotted for two  
21 speakers today, two witnesses. Now, Ms. Liz are going to  
22 come and tell us our next step.

23 And Mr. Jacobs has made a motion to adjourn.  
24 We're going to take that motion and put it back -- hold back  
25 on that until Ms. Liz gives us -- to be sure that we're

1 still in our meeting.

2 MS. WALKER: For the Commission members, we have a  
3 court reporter today and she's going to transcribe a  
4 transcript which we will get to everyone. And then we will  
5 take all the testimony, make sure -- we have copies of Mr.  
6 Sider's, make sure people get copies of that. And Tamra  
7 said she will give us a copy of her written statement.  
8 We'll make sure that gets to everyone. And then we'll get  
9 back to you with how we want to proceed in terms of a draft  
10 for your next meeting. And that's -- that's where we stand.

11 Is there anything else, Greg?

12 MR. G. RICHARDSON: Madam Chair, and for Ms. Tamra  
13 and Dr. Sider, if you would, leave copies of your  
14 presentation today for the record so we'll have it.

15 DR. SIDER: I did, and also --

16 MS. WALKER: He has.

17 DR. SIDER: I -- I did that. And I offered to  
18 answer any more questions by e-mail, by whatever. I mean,  
19 I'm always glad to help.

20 MR. G. RICHARDSON: I'll tell -- I'll tell the  
21 Committee.

22 MS. WALKER: And Tamra's agreed to send us hers.  
23 She doesn't have an extra copy with her today, but she's  
24 going to send it to us.

25 That's it, Ms. Chair.

1 MS. FREEMAN: Okay.

2 MR. E. JACOBS: Motion to adjourn.

3 MS. MITCHELL: Second.

4 MS. FREEMAN: Motion carried.

5 [WHEREUPON, THE PROCEEDINGS WERE ADJOURNED AT 2:30 P.M.]

6 -----

1 STATE OF NORTH CAROLINA

2 COUNTY OF FRANKLIN

3

4 CERTIFICATE

5 I, PATRICIA C. ELLIOTT, VERBATIM REPORTER AND

6 NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE FOREGOING IS A

7 TRUE AND ACCURATE TRANSCRIPTION OF MY VOICE WRITER NOTES

8 AND IS A TRUE RECORD OF THE PROCEEDINGS.

9 I FURTHER CERTIFY THAT I AM NOT EMPLOYED BY OR

10 RELATED TO ANY PARTY TO THIS ACTION BY BLOOD OR MARRIAGE


11 AND THAT I AM IN NO WAY INTERESTED IN THE OUTCOME OF THIS

12 MATTER.

13 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND

14 st

15 THIS 31 DAY OF JULY, 2019.

16 

17 PATRICIA C. ELLIOTT

18 VERBATIM REPORTER/NOTARY PUBLIC

19 NOTARY #19940480043

20

21

22

23

24

25

