

THE LUMBEE PETITION

Prepared By

LUMBEE RIVER LEGAL SERVICES, INC.



In Cooperation With

THE LUMBEE TRIBAL ENROLLMENT OFFICE
Lumbee Regional Development Association

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INTRODUCTION

Because of the complexity of the petitioner's history it is best that we summarize the principal points we intend to make in this petition. This approach is necessary because of features unique to the Southeast, and in particular, North Carolina. These points are presented below.

1. North Carolina was a border area between Spanish and English exploration.
2. English settlement did not proceed gradually in an east to west movement, but rather, moved southward along the coast, southwesterly above the fall line, and north from Charleston, South Carolina, and north from Wilmington, North Carolina, along the Cape Fear River.
3. Indian communities between the coastal plain and near the fall line were affected before sufficient contact had been made to permit knowledge of their languages, and social and political organizations.
4. Between 1550 and 1750 there was considerable movement of Indian villages, merging and dividing, coalescing into historically identified groups.
5. In this context the traditional definitions and concepts of tribe have little applicable meaning. Thus names like Cheraw, Catawba, Waccamaw, Peedee, and a host of others, do not necessarily represent socio-political units beyond the village at the time of exploration.

6. The ease with which groups recombined indicates a continuity of social and political patterns that make labels of minimal value.

7. Groups were autonomous before they were named: the socio-political groups were kin-based towns.

8. Although the ancestors of the present-day Lumbee were pervasively affected by these factors, the data show that the present-day Lumbee population derives from diverse origins, the core of which is Cheraw. They were primarily of Siouan origins with, in all likelihood, additions from other linguistic stocks.

9. The Lumbee tribe has maintained a continuous social and political existence in Robeson County since at least the early part of the eighteenth century. The Lumbees are, and have always been, a clearly bounded, distinctive community with its own political leadership.

10. The Lumbees have a long and continuous history and identification as Indians by the federal government, the state of North Carolina, the county, historians and anthropologists, public media and other American Indians.

EUROPEAN CONTACT

At the time of contact between the native populations and European explorers, there were three linguistic stocks represented in what is now the state of North Carolina (Map 2). Algonkian-speaking tribes extended along the coastline as far south as the Neuse River. Inland from them were the Iroquoian tribes, the Tuscarora, Nottoway, and Meherrin, east of the fall line, and the Cherokee along the ridge of the Appalachians. At the southern end of the state was a number of groups identified by Swanton as Siouan-speaking including the Waccamaw, Cheraw, Cape Fear, Winyaw, Catawba, to name but a few (See table facing page 10 of Swanton 1946). There was also a number of Siouan-speaking tribes in the southern Virginia area. Most prominent among these were the Saponi, Tutelo, and Ocaneechi (Ibid.).

The first known European contact with the Indian tribes in North Carolina occurred in 1524. In that year Giovanni da Verrazzano, acting on behalf of Francis I of France, sailed along the Outer Banks of Cape Hatteras, thus laying claim to the area for his sovereign. But France was unable to exploit its claim because of problems at home.

There were no such limitations on the explorers from Spain who, for the first two decades of the century, had made repeated expeditions along the Gulf Coast and the east coast of Florida. In 1526, Lucas Vasques de Allyon led an expedition from Santo Domingo to the River Jordan, which is probably the Cape Fear River (Lefler and Newsome 1954: 4). Many died, including Allyon,

and the few members remaining abandoned the expedition and returned to Hispanola (Swanton 1946:37). Thirteen years later Hernando de Soto landed on the coast and marched his party to the mountains of southwestern North Carolina in search of gold. Among the Indians he visited were the Cheraw, who at that time were located in the northwestern corner of South Carolina (Ibid.: 46).

In 1561, another Spanish explorer, Angel de Villafane, reached Cape Hatteras, only to be forced to return to Santo Domingo (Lefler and Newsome 1954: 4). In 1566, Juan Pardo marched with a force of 125 to claim the interior for Spain. Traveling in a northerly direction "... he came to 'Juada,' or 'Joara,' the Xuala of DeSoto, taking about the same length of time, and perhaps following the same trail" (Ibid.: 64). He built a fort, which he called Fort San Juan, and after leaving a small garrison, continued his explorations. Pardo stayed in the area for another year, returning to the Cheraw settlement in 1567 (Swanton 1946: 65).

It was the English who would have the greatest long range impact on the Carolinas. Queen Elizabeth granted a charter in 1583 to Sir Humphrey Gilbert and, after his death a year later, to his half-brother Walter Raleigh, to explore and settle lands "not actually possessed of any Christian prince, nor inhabited by Christian people." (Lefler 1934:3). Philip Amadas and Arthur Barlowe were sent to explore the Carolina coast for this purpose. After six weeks of natural history investigation and trade with Indians, they returned to England in August 1584. Reports of their trip and news of two Indian men who came with them from the New World, smoothed the way for fund-raising efforts (Quinn 1985:

A party left England on April 9, 1585, landed at Hatteras on July 27, and by August 17, reached Roanoke Island. After building cottages and fortifications the colonists set about exploring as far as 130 miles west and northwest of their base of operations. The expedition included Ralph Lane, directly representing the Queen, John White, a skilled artist, and Thomas Hariot, an Oxford don and noted scientist. White's paintings and Hariot's written accounts provide excellent information about the region's people and natural history (Ibid.).

The following June most of the party left for England with Sir Francis Drake when he briefly visited Roanoke Island. The settlers had been anxiously waiting for supplies that arrived only a few days after the colonists departed. A few men were left with the supplies, but they were apparently killed by the time members of the newly chartered colony arrived on the Outer Banks in July, 1587. The colony was started with 110 settlers, including seventeen women and nine children. Food was in short supply so Governor John White returned to England, at the urging of the other colonists, to secure provisions. Because of the activity of the Spanish Navy, he did not return until August, 1590. He found the houses in ruin, the word "Croatoan" carved on one tree, and "Cro" on another, but no cross, the sign of distress, as previously agreed upon (Lefler and Newsome 1954: 5-12).

In the face of such difficulties English efforts to colonize North America were halted, not to be renewed until 1606. In that year James I granted a charter to the Virginia Company, and the

following year Jamestown was established on Chesapeake Bay. Beginning with Sir Robert Heath in October, 1629, a series of proprietary land grants were issued as a means of stimulating the colonization of the areas adjacent to the Jamestown settlement. The next two decades saw repeated efforts to explore the Albemarle area and push back the occupying Indians by force, or negotiate land agreements with them (McPherson 1966).

By the middle of the seventeenth century England was embroiled in a civil war from which Oliver Cromwell emerged victorious. Charles I was beheaded in 1649, and Cromwell ruled until his death in 1658. Two years later Charles II claimed the crown after more than a decade in exile. Shortly after his return he granted a tract of land that extended from the southern shore of Albemarle Sound to what is now the Georgia-Florida state line, bounded on the east and west by the sea, to eight of his supporters. In 1665 the grant was expanded to include the area below the current Virginia-North Carolina boundary as far south as the Spanish territory in Florida (Lefler and Newsome 1954: 33). Between 1662 and 1667 the proprietors made a number of attempts to establish a permanent settlement on the Cape Fear River in Clarendon. As many as 800 men, women, and children lived there during this period. Convinced that the land was unproductive and the Indians hostile, and torn by internal dissension, they soon left. By contrast, Charleston, which was founded in 1670, quickly became the hub for the development of the colony of South Carolina.

Around the turn of the century, settlers began to establish communities along the sea coast. By 1690-91, French families had

settled on the Pamlico River. Others came to the Neuse and Trent Rivers around 1707. The town of Bath was incorporated in 1706. In 1710 New Bern was founded by Christoph von Graffenried, and included over 200 Swiss and German colonists. This southern expansion of Euroamericans lined the sounds, inlets, and rivers with their permanent settlements (Map 3). These were not explorers who would be gone in a few weeks or months, but a growing wave of immigrants looking for new homes and a new way of life. As such, they posed a serious threat to the neighboring Indian communities.

The settlement of other parts of eastern Carolina was first delayed, and then made possible, by the devastating wars between Indians and whites from 1711 to 1716. These wars accelerated the depopulation of the Indian that had earlier taken place in the northern coastal area. By 1724 the lower Cape Fear River received its first permanent Anglo-American settlers. Most came from South Carolina. The town of Brunswick was established in 1725 to be replaced by Wilmington a decade later as the area's center for trade, culture, and government.

By the 1730s there were 30,000 whites, 6,000 blacks and an estimated 1,000 Indians in North Carolina (Merrens 1964: 20). Of this total population just over a thousand were in the Cape Fear area, while the others were located in the older, more established parts of the colony to the north and northeast. North Carolina lagged behind its neighbors in new population growth. Outside the tidewater area, the Euroamerican population was limited to occasional visits by men who were explorers, traders, and surveyers.

In general, the settlement of North Carolina was influenced by two geographical factors. First, the lack of good harbors diverted European immigration to the north (Virginia and Maryland) and to the south (South Carolina). The coastal area, consisting of a chain of islands or banks, was separated from the mainland by five sounds. These sounds, which represent the largest inland waters of any state, are shallow, as are the inlets, making navigation dangerous. It is not without reason that the area has been named the "Graveyard of the Atlantic." The principal rivers of North Carolina -- the Tar, Neuse, and Cape Fear -- flow into this inland basin (see map 1 and Map 3).

Second, the rivers which offered access to deep-water ports flowed into neighboring South Carolina. These rivers are the Yadkin, Catawba, Pee Dee, Broad, and Saluda. Thus, those who settled above the fall line found no easy access by water to the markets (Ibid.: 19; see map 1). The movement of people and goods was along a northwest-southeast axis, and settlement was limited to areas near the overland routes.

Until the 1730s Euroamerican settlement of the Carolinas spread from two centers: the Albemarle region of North Carolina and Charleston, South Carolina. The development of the Albemarle settlements was hindered by a lack of good ports and the policies of the proprietors, who restricted the right of land ownership, and were, in general, corrupt and oppressive. By contrast, Charleston had a good harbor, and a more pleasant year-round climate.

By the early 1730s families had begun moving into the back country, although for several decades a sexual imbalance existed.

There were on the average three Euroamerican men for every woman (Bridenbaugh 1952: 172). Those who moved into the back country (the western piedmont and mountain regions) were a mixture of children or grandchildren of old country immigrants and some recent arrivals. They were generally non-English in nationality and typically anti-English in sentiment. Most were Scotch-Irish, presbyterian dissenters, or persecuted German Protestant (e.g., Moravians) groups. The majority traveled down the great valley of Virginia from earlier settlements in Pennsylvania looking for a new frontier, freedom and prosperity. Others moved into the backcountry north from Charleston along the drainages of the Wateree, Yadkin, and Catawba rivers. During this same period thousands of Highland Scots landed on the Cape Fear River and moved inland to the vicinity of what was to become Cross Creek (now Fayetteville). Map 5 shows the pattern of early eighteenth century settlement.

Several points should be made about the way North Carolina was populated during this period. First, in spite of early attempts to colonize the area, North Carolina lagged behind her neighbors in Euroamerican population growth and thus, was available as a convenient frontier for later expansion. Second, those who came to North Carolina in the eighteenth century were an ethnically diverse population. This diversity in language and culture prevented the development of a cohesive social structure. These ethnic communities, which included the Scotch-Irish, Germans, Welch, Swiss and French Huguenots (Ibid.: 21), found themselves isolated from each other, their principal, if not only point of contact being in commerce. Third, movement into the

region along old, well established transportation routes (e.g. the Great Valley of Virginia, and various drainages from Virginia, South Carolina, and the coastal mouths of North Carolina rivers) and the swamps of the coastal plain resulted in several areas left virtually unpopulated by the newcomers until the middle or the late 1700s.

By 1750 the population of the colony had reached approximately 75,000 and consisted primarily of individuals of English descent who came from neighboring colonies, particularly Pennsylvania. In addition, there was a large influx of Scottish Highlanders who moved into the interior through the Cape Fear River system. Map 6 shows the patterns of movement after 1750, while maps 7 - 9 show the locations of the various ethnic groups in the third quarter of the eighteenth century. Map 10 provides a summary of the distribution of the settlers.

It is clear that none of these groups occupied the area in which the ancestors of the present-day Lumbee lived, although the Scottish Highlanders were in the vicinity. The remoteness of the area is further illustrated by map 11-12; there was not a single road that traversed the Drowning Creek area in 1775, and the nearest town was Cross Creek (now Fayetteville), some forty miles distant. Geographical factors contributed to the lack of settlement in the area of Drowning Creek. But just as important was the fact that the area was occupied by an Indian group willing to contest for the land when European settlers arrived. Given the availability of cheap and better land elsewhere in North Carolina, it is not surprising that few whites sought land in the Drowning Creek drainage area.

The area occupied by the present-day Lumbee Indians was home to a number of autonomous groups during the sixteenth through the eighteenth centuries. The Cape Fear Indians occupied the coastal area to the east, along the Cape Fear River. According to Swanton (1946: 103), this group may have been part of the Waccamaw tribe, who, in 1670, "... were living along the river which bears their name and on the lower course of the Pee Dee, in close association with the Winyaw and Pedee tribes" (Ibid.: 203). Some joined the Catawba, others "the so-called Croatan Indians of North Carolina," while others remained in their traditional territory (Swanton 1952: 101). The Winyaw were also located on the Pee Dee River near its mouth (Ibid. 1946: 207), and many of them also joined the Catawba in the eighteenth century, while some remained in the vicinity of the white settlements, at least up through the 1750s (Ibid. 1952: 97).

While English settlement did not reach the area until the latter part of the seventeenth century, there were Spanish contacts from the early part of the sixteenth century which profoundly influenced these tribes, particularly the Cheraw.

Mooney (1928) has shown that the Cheraw are identical with the Xuala province which De Soto entered in 1540, remaining about 4 days. They were visited by Pardo at a later date, and almost a hundred years afterward Lederer heard of them in the same region. Before 1700 they left their old country and moved to the Dan River near the southern line of Virginia, where they seem to have had two distinct settlements about 30 miles apart. About the year 1710, on account of constant Iroquois attacks, they moved southeast and joined the Keyauwee. The colonists of North Carolina, being dissatisfied at the

proximity of these and other tribes, Governor Eden declared war against the Cheraw, and applied to Virginia for assistance. This governor Spotswood refused, as he believed the Carolinians were the aggressors, but the contest was prosecuted by the latter until after the Yamasee War. During this period complaint was made that the Cheraw were responsible for most of the depredations committed north of Santee River and they were accused of trying to draw the coast tribes into an alliance with them. It was asserted also that arms were being supplied them from Virginia. The Cheraw were then living upon the upper course of the Great Pee Dee, near the line between the two colonies and in the later Cheraw district of South Carolina. Being still subject to attack by the Iroquois, they finally - between 1726 and 1739 - became incorporated with the Catawba, with whom at an earlier date they had been at enmity. In 1759 a party joined the English in their expedition against Fort Duquesne, but the last notice of them is in 1768 when the remnant was still living with the Catawba (Swanton 1952: 76).

Swanton placed the Cheraw population at 510 in 1715, and between fifty and sixty in 1768 (Ibid.: 77). They were presumably living with the Catawba. These statements, while accurate as far as they go, do not presume that all Cheraw joined the Catawba. What Swanton is saying is that sometime between 1726 and 1739 a number of Cheraw joined with the Catawba, but maintained a separate identity. It is possible that this was a single village, but there is no evidence that it was the only Cheraw village.

The earliest documentary evidence of Indian communities in the area of Drowning Creek is a map prepared by John Herbert in 1725. Herbert was the commissioner of Indian trade for the Wineau Factory on the Black River, which was the closest European outpost to Drowning Creek. This position allowed him to have an intimate knowledge of the location of the tribes in the area. The area between the Pee Dee River and Drowning Creek, a region beyond the control of either North Carolina or South Carolina, contained a number of Siouan-speaking communities. Herbert

identifies four; the Saraws, Pedee, Scavanos, and Wacomas, with the Catabaws, Surarees, Tausequas, and Sugaws located to the west on the Wateree River (Map 13). There is no evidence of white settlement in the region at this time.

South Carolina began settlement in the upper reaches of the pee Dee River in 1736. In that year the colony authorized a group of Welsh and Pennsylvania settlers to establish a community. The new settlers moved further up the river than intended and located on land owned by the Peedee and Cheraw (Meriwether 1940: 92). In 1737, one John Thompson, acting as agent, purchased all the lands belonging to the two tribes along the Pee Dee River, except for two old fields. The Welsh settlement was located some distance southwest of Drowning Creek.

Apparently the purchase did not result in the removal of the Indians from the area or establish a clear title, for in 1739 the Welsh residents petitioned the South Carolina council for assistance.

Mr. John Thompson of Pee Dee attended to answer to the petition of the 16th March past from the Welsh people against him (setting forth the apprehensions they are under, from the Pee Dee and Charraw Indians running amongst their settlements under pretense of hunting; and several other complaints against the said Thompson; and so forth) (BPRO June 8, 1739).

On the fifteenth of June, Thompson appeared before the Council, and "... surrendered two conveyances from the Charraw Indians of their lands on Pee Dee River," one for the northeast side, and the other for the southwest side of the said river for the consideration of three hundred heavy buckskins. The instruments were signed by Robert, their chief, and fourteen of their head men, and dated the 4th day of August 1737 (Ibid. June 15, 1739).

As to the two old fields reserved by the Cheraw, one was held by an individual named Laroche, and the other by Thomas Grooms (Ibid.).

The first land grant in the area of Drowning Creek was to Henry O'Berry in 1748 (NCSA October 8, 1748: 298). A second grant was made to John Davis in 1750. His land was located near the present community of Harper's Ferry, while a third grant was made to William Pugh in the same general area. However, there was already a settlement on Drowning Creek.

In 1754, Governor Arthur Dobbs of North Carolina, intending to assist Virginia's war against the Indians along her western frontier, issued a request for information on the condition of the militia in the various counties (Dial and Eliades 1975: 30). The report for Bladen County (which included what is now Robeson County) stated:

Col. Rutherford's Regmt of Foot in Bladen County 441 a Troop of horse --- a new company necessary to be made at Waggamaw James Kerr recommended for Capt. - Drowning Creek on the head of Little Pedee 50 families a mixt Crew [or breed] a lawless people filled the lands without patent or paying quit rents shot a Surveyor for coming to view vacant lands being enclosed by great swamps - Quakers to attend or pay as in the Northern Counties fines not high enough to oblige the militia to attend musters no arms stores or Indians in the county - (NCSA 1754: TR.1-16)

It is clear that there was a community of 300 or more individuals on Drowning Creek that held land in common. The most reasonable explanation for its existence, given the lack of white settlement in the area, is that the community consists of resident tribal members. There is confirmation of the incident involving the surveyor and support for the contention that this was an Indian community existing on the frontier.

North Carolina
By the Honourable Matthew Rowan, Esq: President and
Commander in Chief, in and over his Majesty's Province
of North- Carolina.

PROCLAMATION

WHEREAS Information hath been made unto me, upon Oath that sundry Persons, under Colour and Pretence of Authority from his Majesty's Officers, in the Province of South Carolina, have come there into the County of Anson within this Province, and have there surveyed Lands by Virtue of the said Authority: And whereas, such illegal Proceedings tend manifestly to disturb the Peace, raise Doubts about the Property, and retard the Settlement of the said County of Anson, which is a Frontier to the Indians; I have thought fit, by and with the unanimous Advice and Assent of his Majesty's Council, to Issue this my Proclamation, hereby strictly requiring and commanding his Majesty's Officers, civil and military, within the Province, who shall be informed of any Offence in the Premises (sic), to apprehend or cause to be apprehended; every such offender, and to bring them, with due Proof of their Offence, before his Majesty's Chief Justice, or any one of his Associate Justices, to be dealt with according to Law. Herein they are not to fail.

GIVEN under my Hand and the Great Seal of the said Province, at Wilmington, the 10th Day of May, in the XXVI Year of his Majesty's Reign, Anno Domini 1753.

Matt Rowan.

By his Honour's Command.

Ja. Murray, Sec.

(New Bern North Carolina Gazette July 7, 1753)

The proclamation offers an explanation for the reference to there being no Indians in Bladen County. At this time Drowning Creek formed the boundary between Bladen and Anson Counties. Apparently the Indian community was on the Anson side of the river. The reference to the surveyor makes it clear that it is the same community referred to by Rutherford. Finally, there is the reference to Anson County being on the "Frontier to the Indians." The inescapable conclusion is that the community on Drowning Creek was an Indian community. Such an explanation is given strong support by a subsequent newspaper account.

The upper region of the Little Pee Dee River was outside the control of either North or South Carolina. During one of the many incidents that occurred in the area, a convicted felon, Winsler Driggers, sentenced to be hanged, was captured "... near Drowning Creek, in the Charraw Settlement" (South Carolina Gazette October 3, 1771). The reference is clear as to the location of the community; that it was a Cheraw settlement denotes its tribal composition. This is most certainly the same community identified in 1754.

The next reference to this community occurred two years later, in 1773, when an unnamed person compiled "A List of the Mob Railously Assembled together in Bladen County" (NCSA October 13, 1773). The list identifies twenty-one individuals and contains eleven surnames including two Iveys, four Sweats, five Grooms, three Locklears, one Chavours (Clark), one Dees, one Grant, one Pace, one Vaun, one Stapbleton, and one Carsey. With the exception of Grant, Pace, and Vaun, these are names associated with the ancestors of present-day Lumbees. No other documents have been found that can shed light on this list; nonetheless, it is fair to assume that it refers to some confrontation between the inhabitants and the colonial government, probably over land. The choice of the term "railously" is interesting, since it indicates a strong protest against some condition or action of government, rather than disorderly behavior. Three individuals were accused of harboring the others -- Major Locklear, Recher Groom, and Ester Carsey. They represent heads of households and were evidently community leaders. It is fair to assume that this is the same community as

that identified in 1754 because Major Locklear, who with his brother John are ancestors of substantially all of the present-day Locklears in the Lumbee tribe, was living on Drowning Creek as evidenced by a January 23, 1754 deed that contains the following legal description; "... on the north side of Drowning Creek and on White Oak Swamp being the place where Major Locklear now lives" (NCSA 1754). Another individual identified as a member of the community was Thomas Groom who was at one time the holder of the one of the old fields that the Cheraw had reserved in 1737.

In summary, the present-day Lumbee tribe is descended from an Indian community composed largely of Cheraw Indians and related Siouan-speaking people who were known to have inhabited the area of what is now Robeson County since the eighteenth century. Support for this comes from the anthropologist-historian John Reed Swanton. Called upon in the early 1930s to provide his expert opinion as to the origins of the Lumbee tribe he wrote:

The evidence available thus seems to indicate that the Indians of Robeson County who have been called Croatan and Cherokee are descended mainly from certain Siouan tribes of which the most prominent were the Cheraw and Keyauwee, but they probably included as well remnants of the Eno, and Shakori, and very likely some of the coastal groups such as the Waccamaw and Cape Fears. It is not improbable that a few families or small groups of Algonquian or Iroquoian may have cast their lot with this body of people, but contributions from such sources must have been relatively insignificant. Although there is some reason to think that the Keyawee tribe actually contributed more blood to the Robeson County Indians than any other, their name is not widely known, whereas that of the Cheraw has been familiar to historians, geographers, and ethnologists in one form or another since the time of De Soto and has a firm position in the cartography of the region. The Cheraws, too, seem to have taken a leading part in opposing the colonists during and immediately after the Yamasee uprising. Therefore, if the name of any tribe is to be used in

connection with this body of six or eight thousand people, that of the Cheraw would, in my opinion, be most appropriate (Swanton 1934).

In 1936 Swanton published an article in which he traced the movements of the Cheraw from the northwestern corner of South Carolina to the Dan River around 1700, and from there southeast to the Pee Dee River in 1710. According to Swanton:

In 1710 they moved southeast and joined the Keyauwee, but later the two tribes seemed to have separated, the Cheraw moving lower down the Pedee to the Cheraw district in South Carolina, where they proved a thorn in the flesh to the South Carolina colonists. In 1733 the Keyauwee, probably accompanied by the Eno and Shakori, are said to have gone south to join the Cheraw. Another tribe which must have united with them at this period was the Sissiphaw, whose fields were on Haw river. Barnwell says, indeed, that the Sissiphaw were the same tribe as the Shakori, but apparently this means that they were a branch of that tribe. Before 1739 the united tribes removed to the Catawba country, and Eno and Cheraw are mentioned by Adair as dialects spoken in the Catawba confederation about 1743. The Cheraw constituted a distinct body as late as 1768 (1936: 375-376).

In 1938 Swanton published a short description of the Lumbee tribe under the name "The Croatan Indians" reaffirming his opinion that the original members of the tribe were drawn from a number of Siouan tribes (1938: 323).

As Swanton points out, this does not preclude the possibility that other Indian individuals and groups might have joined the tribe at various times. In fact, the origins of the Lumbee tribe has been a matter of discussion for the better part of 100 years. In 1888, Hamilton McMillan concluded that the Lumbees were descended from the lost colony of Roanoke, who had inter-married with the Croatan Indians (McPherson 1915:38). He described the early settlement of the area of the Lumbee River as follows:

At the coming of white settlers there was found

located on the waters of Lumber River a large tribe of Indians, speaking English, tilling the soil, owning slaves, and practicing many arts of civilized life. They occupied the country as far west as the Pee Dee, but their principal seat was on the Lumber, extending along the river for 20 miles. They held their lands in common, and land titles only became known on the approach of white men. The first grant of land to any of this tribe of which there is written evidence in existence was made by George II in 1732 to Henry Berry and James Lowrie, two leading men of the tribe, and was located on the Lowrie Swamp, east of Lumber River in present county of Robeson, North Carolina. A subsequent grant was made to James Lowrie in 1738. According to tradition, there were deeds of land of older date, described as "White" deeds and "Smith" deeds, but no trace of their existence can be found (Ibid.: 48-49).

O.M. McPherson, Special Indian Agent appointed to investigate "... the condition and tribal rights of the Indians of Robeson and adjoining counties ..." (Ibid.: 7), endorsed McMillan's argument that the Lumbee Indians "... were an amalgamation of the Hatteras Indians with Gov. White's lost colony; the present Indians are their descendants with a further amalgamation with the early Scotch and Scotch-Irish settlers, such amalgamation continuing down to the present time, together with a small degree of amalgamation with other races" (Ibid.: 17). While questioning whether the Lumbees were descended from the Cherokee, McPherson was willing to acknowledge the possibility "... that there was some degree of amalgamation between the Indians residing on the Lumber River and the Cheraws, who were their nearest neighbors" (Ibid.: 23).

Swanton classifies the Eastern Siouan speakers into two linguistic divisions: the Tutelo (principally Virginia), and Catawba (North and South Carolina). The Tutelo included the Monahoac, Monacan, Moneton, Nahyssan, Occaneechi, Saponi, and Tutelo. In the Catawba division were the Catawba, Cheraw, and

congaree, as well as the Eno, Keyauwee, Shakori, Sissipahaw, Sugeree (classified as the Eno Branch), and the Cape Fear, Pedee, Waccamaw, Winyaw, Santee, Sewee, Wateree, Waxhaw, Woccon, and yadkin (Swanton 1946: 10). During the turmoil of the eighteenth century, the tribes in the Catawba division maintained relatively close contact with each other, often sharing the same territory and villages (Swanton 1946; 1963). Dr. Frank Siebert, who conducted linguistic and ethnological research among the Catawba for over twenty years, maintains that the Cheraw spoke a dialect of Catawba (Brasser 1964: 279; Personal communication, Siebert to Campisi, November 21, 1985).

It must be pointed out that Swanton's classification is based as much on conjecture as on linguistic data. Hudson has argued that with the exception of Catawba, Tutelo, and Woccon, there is no linguistic evidence to support including the remaining groups within the Siouan classification (1970: 6-8). Swanton based his analysis upon Mooney, whose "... classification is not linguistic; it is one of those 'theories' that are often encountered in early studies of prehistory which seem to simplify but actually distort" (Ibid.: 7). Hudson puts the issue of linguistic and political correspondence in a suitable perspective:

As a general rule, it is hazardous to extrapolate from linguistic classifications; with rare exceptions, one cannot expect to find a simple coincidence of linguistic, cultural, and racial boundaries. Indeed, the picture is already so confused we would do well to simply abandon the "Eastern Siouan" classification, admit that the hiatus in our knowledge of the Southeast exists, and begin anew (Ibid.: 9).

In the Revolutionary War the population of North Carolina was

divided in its allegiance, and there were frequent battles between those loyal to the colonies and those who supported the crown. The Lumbees apparently sided with the colonies, quite possibly serving with Francis Marion, "the Swamp Fox," who, on occasion, took refuge in the Red Banks area, an area of Lumbee settlement (Dial and Eliades 1975: 36). A.W. McLean described the part played by the Lumbees:

During the Revolution some of these Indians served in the Continental ranks, as well as in the more local organizations raised by the State of North Carolina.

The territory embraced in Robeson County was much divided in sentiment, and toward the close of the Revolution it was the scene of murderous civil warfare of unparalleled atrocity.

The tradition of these people that some of their leaders fought on the side of the Colonies seems to be corroborated by certain circumstances. Giles Lietch says that during the Revolution some of these families acquired a considerable number of slaves. Had they acquired them from North Carolina, these slaves would have been recovered on the return of peace. Such slaves as the British captured, they sent either to Florida or Nova Scotia. It is therefore probable that these slaves held by these Robeson County Indians were acquired from South Carolina. Marion raised his celebrated band largely in that part of North Carolina, and as an inducement for serving with him he offered as pay to his North Carolina troopers slaves taken from the South Carolina Loyalists. So many of these were thus taken and held by his North Carolina troopers that after the war the question of their return became a matter of State Legislation.

After the war, feeling against the local Tories ran so high that they were discriminated against and severe tests of loyalty were applied. There seems to have been no feeling against these Indians, for although not white they were allowed to vote as "freemen," without any change being made in the law to include them, although only whites had earlier been allowed to vote....

Had they been of the Tory element probably they would not have been allowed the right of suffrage, because the feeling against Tories was very bitter, especially in that region where they lived (U.S. House of Representatives 1913).

Dial and Eliades identify from pension records eleven Lumbees who served in the Revolutionary War. They are John Brooks, Jacob

Locklear, Samuel Bell, James Brooks, Berry Hunt, Thomas Jacobs, Michael Revels, Richard Bell, Primus Jacobs, Thomas Cummings, and John Hammond (1975: 35, fn 3). Lumbees also served in the War of 1812 (U.S. House of Representatives 1913: 14-15). The names of a number of ancestors of present-day Lumbees appear on the 1790 census, as well as subsequent censuses. The data indicate the presence of a well established community whose heads of households are directly related to the contemporary tribal population.

Although generally classified as free non-whites or mulattoes during the post-Revolutionary War years, the Lumbees appear to have been treated more generously than free blacks, being allowed to vote without challenge (U.S. House of Representatives 1913: 14-15). The county tax returns show Lumbees owning property in various communities in the county, but concentrated in the more centrally located townships around present-day Prospect and Red Banks. However, this liberal treatment was limited as is illustrated by the case of Mary Cumbo who was prosecuted as a "free person of color" in the 1820s for allegedly trading with slaves (NCSA 1838).

In the 1830s, two seemingly unrelated actions -- one by the national government and the other by the state of North Carolina -- converged, their synergism having a disastrous impact on the Indians of the state. In 1830 the United States Congress passed legislation providing for the removal of all Indian tribes east of the Mississippi River to land set aside in the "Indian territory" in Oklahoma. Tribes such as the Cherokees and the Creeks were forced to leave. The purpose of the act was to clear

land for white settlement, and tribes with high visibility and valuable land were prime candidates.

The final assault against the Southeastern Indians came in the 1830s. Seldom in modern history has one people's aggression against another been so unforgiving, so relentless, and marked by such terrible results. The world of Southeastern Indians changed greatly before 1830, but what happened after 1830 virtually brought it to an end. In one great political and economic crunch the Americans gained a large portion of a continent, along with all its natural resources. At little cost they forced the Indians out of their homeland, for all but the Seminoles were already too beaten to offer much resistance. The impetus for removal came not from the poor whites on the frontier, but from the Southern planters, politicians, and land speculators. Many of their countrymen opposed removal, but those who were in favor of the policy prevailed in the end, although it was at the cost of a deep sectional division in the country which eventually ended in civil war. It was with Indian removal that the seemingly perpetual availability of free land became a dominant factor in American history (Hudson 1976: 451).

In the climate of removal, it did not benefit a tribe of Indians to manifest its identity overtly. Lumbees, like other Indians in the state held their land in severalty, but often without patents. Thus, they were in a precarious position.

Along with removal, there was an increasingly strident debate over slavery. As Dial and Eliades describe it:

... the question of slavery also appeared in national politics, partly as an aspect of what would be a continuing dispute over state's rights, but mainly as an independent issue. On January 1, 1831, William Lloyd Garrison issued the first edition of his abolitionist newspaper *The Liberator*. The slavery issue would not again slip into the dark recesses of the national mind. Then, eight months later, the visionary Nat Turner staged his insurrection in Southampton County, Virginia. For ten days all southern eyes and thoughts were focused on Virginia and what this development portended. When it became known that fifty-seven whites were dead, the South recoiled in mournful shock. Always frightened at the prospect of slave uprisings, the whites of the Old South would not again sleep easy. Never mind that few slaves joined Turner's uprising, or that approximately one hundred Negroes were killed in

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the manhunt that captured him, or that Turner and nineteen others were tried and executed. Garrison and Turner traumatized the ante-bellum South and henceforth all non-whites would pay for the fears they had fired (Dial and Eliades 1975: 39).

Relations in North Carolina between whites and "people of color" steadily worsened after the Turner uprising, and in 1834 the paranoia was given legislative status. As the population of the western counties grew so did the controversy over the allocation of power. In 1834 the state's electorate voted to hold a constitutional convention to resolve the dispute over representation. After agreeing that representation in the upper house would be based on wealth and property, and that representation in the lower house would be based on population, the convention turned its attention to "... the abrogation or restriction of the right of free Negroes or mulattoes to vote for members of the Senate or House of Commons" (NCSA 1836). After a lengthy debate, the convention adopted the following constitutional provision:

No free negro, free mulattoe, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive shall vote for members of the Senate or House of Commons (Ibid.: 421).

The constitution was subsequently adopted by a vote of 26,771 to 21,606 (Dial and Eliades 1975: 41).

The two actions trapped the Lumbees; a vocal assertion of their Indianness could have resulted in efforts to remove them, while compliance with the constitutional change in their status could have had the effect of imposing on them the restrictions placed on free blacks. However, as Dial and Eliades point out:

The Lumbee Indians watched the developments of the previous twenty years with some uneasiness; and yet they

could not bring themselves to be unduly alarmed. After all, they were not tribal Indians subject to removal. They had long enjoyed the prerogatives and met the responsibilities of citizenship, and the new constitution said nothing about depriving Indians of any rights they possessed. But the Lumbees misread the signs; the future was not going to be like the past. The authorities were pouring a cup of misery for all non-whites. Whatever distinctions that had existed in the past would be erased with a single mindedness of purpose that was awesome in its implications for the Lumbee Indians (Ibid.).

The Lumbees soon found that their unique status as Indians was threatened by the application of new laws regarding the rights of non-whites. In a series of cases between 1837 and 1860 tribal members were charged under the provisions of these laws that limited "free persons of color" carrying firearms, serving on juries, voting, and the like. In most instances, offending tribal members were freed on a technicality, but the implication was clear.

One case, however, went far to recognize the Lumbees as Indians. In 1857, a William Chavers was arrested and charged as "a free person of color" with carrying a shotgun. During the trial he alleged that he was white, and therefore not subject to the restriction. Nonetheless, he was convicted. He promptly appealed on a number of grounds, including one that argued that the law did not apply to him since it did not make it criminal for a free person of color to carry a gun, only a free Negro. The appeals court reversed the lower court, making a distinction between free Negro and free persons of color. The former is defined by the statute.

All free persons descended from negro ancestors, to the fourth generation inclusive, though one ancestor of each generation may have been a white person, shall be deemed free negroes and persons of mixed blood (North Carolina

Basing its opinion on this definition the court found that "Free persons of color may be, then, for all we can see, persons colored by Indian blood, or persons descended from negro ancestors beyond the fourth degree" (State v. William Chavers 1857 50 N.C.: 25). For all intents and purposes, the free population of the state had three categories of race; white, being persons with no known Black or Indian ancestry; free blacks, individuals with at least one-sixteenth Black ancestry, and free persons of color, who either were of Indian ancestry or less than one-sixteenth Black. Presumably, an individual who was Indian, but with a Black ancestor beyond the fourth generation, would be classified also as a free person of color. The following year, in another case involving a Lumbee, the appeals court held that forcing an individual to display himself before a jury was tantamount to compelling him to furnish evidence against himself (State v. Asa Jacobs 1858 50 N.C.: 256). Thus, the burden shifted to the state to prove that an individual was a free Negro through the introduction of genealogical data.

THE CIVIL WAR

During the Civil War the Indians of Robeson County were prohibited from serving in the Confederate Army and were, instead, conscripted into labor gangs and assigned to build fortifications at the mouth of the Cape Fear River to protect the city of Wilmington. The conditions were harsh and the treatment brutal. To add to the peril, a yellow fever epidemic struck

the manhunt that captured him, or that Turner and nineteen others were tried and executed. Garrison and Turner traumatized the ante-bellum South and henceforth all non-whites would pay for the fears they had fired (Dial and Eliades 1975: 39).

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Wilmington in 1862-63, driving out many of the inhabitants and decimating the slaves and conscripted laborers brought in to do the work (Evans 1971: 34-35).

For the Lumbee Indians the forced labor was the final insult, their treatment being no better than that accorded the slaves. Those who could do so escaped and returned home where they hid out in the swamps of Robeson County.

In 1860 Robeson county consisted of three distinct populations: a landed slave-owning gentry of Scottish ancestry, who owned much of the best land in the county; Gaelic-speaking scots called "Buckskins," who kept largely to themselves and who lived along the western perimeter of the county; and the Indians, who occupied small plots among the swamps that bordered the Lumber River. These swamps presented an almost impenetrable barrier.

Before the development of transportation, however, the valley of the Lumber was relatively backward and sparsely populated. This was because the productive land was cut up and crisscrossed by pocosins, or "bays," the curiously oval-shaped swamps characteristic of the eastern Carolinas. These have no particular significance now that good roads have been constructed, but in early historic and prehistoric times they may well have acted as a sort of filter determining the kind of people who settled the region. This was because in primitive days the chief mode of transportation was the dugout canoe; and in the Lumber River region the navigable watercourses were separated from the farm lands by tangled, almost impenetrable swamps. This difficulty was enough to discourage men from settling in the region. But not all men (Ibid.: 21).

Besides Indians, the swamps provided refuge for Union soldiers who had escaped from the nearby Confederate camps. Because of their treatment by the Confederacy, and more particularly the Home Guard, the Lumbees gave assistance and

protection to these soldiers. As the number of Lumbees and Union soldiers "laying out" increased, so did the burden of feeding them. With so many men in hiding or conscripted, there were few to do the farm work. The attitude of the Lumbees changed from a passive one to one marked by belligerence. In short order, a band emerged, led by the sons of Allen Lowrie (Ibid.:35-38).

Matters came to a head in 1864 when the Lowries slaughtered several pigs belonging to a planter named James P. Barnes. Unable to get satisfaction for his loss, Barnes resorted to directing conscription officers to the Lowries' house. The Lowries' retaliated by killing Barnes (Ibid.: 38-39). Following this they went after the conscription officer, James Brantley Harris. Apparently warned, Harris set up an ambush and killed an innocent member of the tribe, whose name was Jarman Lowrie, a cousin of Henry Berry Lowrie. Harris next killed two of Jarman's brothers who had just returned from conscripted service. On January 15, 1865, the Lowrie Band caught up with Harris and killed him (Ibid.: 40-41).

The Lowrie Band continued raiding plantations throughout the winter of 1865, taking what food and material they needed. In March, 1865, the reinforced Home Guard captured William Lowrie, who was most probably the band's leader, and his father, Allen, and after holding them for a short time, executed them. This was followed by a virtual reign of terror during which the Home Guard tortured members of the Lowrie family and their kinsmen in order to learn where the other members of the band were hiding (Ibid.: 43-53).

The end of the Civil War did not bring an end to the

fighting. The band, now led by Henry Berry Lowrie, struck back at the local constabulary. By 1870, Henry Berry had put together a formidable band that was able to defy the local authorities with impunity and style.

The Lowry Band was thus reconstituted; and although he was not quite twenty, Henry Berry was now its unquestioned leader. It would seem that such a group could not escape the Police Guard, strengthened by the return of Confederate veterans. But six years later some members of the band would still be free and even offering rewards for the capture of their pursuers. Yet, except for when the militia was around, these men did not vanish into the swamps. On the contrary Henry Berry "as well as his followers were often on the public highways or at work for the citizens. They ventured to attend church occasionally at New Hope [Chapel] ... in Scuffletown, but it was observed that they always went armed."

It seems clear that the arms of less than a dozen men were no match for the militia. They survived because of a one-way flow of information in Robeson county. The Lowrys were usually well informed as to the whereabouts of the militia: the authorities were usually misinformed as to the whereabouts of the Lowrys (Ibid.: 75-76).

Henry Berry continued his raids and other exploits until the winter of 1872 when he disappeared. The details of that disappearance are not known (Ibid.: 243-253). The turmoil did not end until the death of the last member of the band, Steven Lowrie, in 1874 (Dial and Eliades 1975: 82).

Perhaps Evans sums up best the importance of Henry Berry Lowrie to the subsequent history of the tribe.

What in fact did happen to Henry Berry Lowry? So far as verified, uncontradicted historical facts are concerned, in February, 1872, he might as well have been swallowed up by the winter mist that rises from the quagmires of Back Swamp. There the marked trail ends and Henry Berry enters the twilight world of hearsay and legend. But perhaps this is the most important part of the story - because legends are more indestructible than men, even men like Henry Berry. So long as he appeared from time to time in the flesh, there was always the possibility that he would be seized, humiliated, and used to prove once again that if you are poor, have dark

skin, or lack status, you will certainly pay dearly for rebellion

It is not possible to summarize here all the lore that has accumulated around the name of Henry Berry. But it may be said that one thing is certain: he made a difference in Robeson County. He gave the Indians, with all their diverse origins, the sense of being one people. From just what tribal origin one was not quite sure, whether Lumbee, Cherokee, Croatan, or descended from the survivors of the unsuccessful English colony on Roanoke Island during the 1580's. But one people they certainly are - united by ancient bonds of kinship, friendship, and above all the towering image of Henry Berry, who, living or dead, imparted some of his personal qualities to the thousands of brown-skinned people living along the banks of the Lumber.

The Indians have drawn strength from a mighty legend. As a result their subsequent history has been somewhat happier than that of the Negroes, during the years following the failure of the Reconstruction experiment in democracy, when there emerged a new, one-party South, based on restricted suffrage and repression. No one ever succeeded in putting Indians in what the Conservatives called their place, that is, the half-free status that Indians and non-slave Negroes had held before the war (Ibid.: 250-253).

NINETEENTH CENTURY -- POST CIVIL WAR

In 1868 the Republican controlled legislature amended the state constitution, restoring male suffrage and providing for a system of free public education. The following year the legislature passed a school law that provided for separate white and black schools to be funded by township or county taxes (Lefler and Newsome 1954: 500). After establishing a bi-racial system of education, the white leadership denied the Lumbees access to the white school system. The Lumbees, for their part, refused to send their children to black schools. Thus, whatever schooling the Indian children received came from subscription schools, private tutoring, or religious organizations.

For the first two decades following the establishment of segregated schools, the Lumbees continued their refusal to participate. Slowly, the Democratic county leaders became aware of the tribe's voting potential.

Thoughtful Democrats were slow to see the significance of the political power of the Indians. The Indians were voting against them and were demanding separate schools for their children. It took ten years for the Democrats in the county to see that in order to win the Indians' support they would have to do something for them (Oxendine 1945: 24).

In 1885, the North Carolina General Assembly passed an act recognizing the Lumbee tribe, and naming it Croatan, at the same time establishing a separate school system for the benefit of tribal members (N.C. Laws 1885, Ch. 51: 92-94). The bill was sponsored by Hamilton McMillan, an influential legislator from Red Springs, on the northwestern end of Robeson County. McMillan had spent several years investigating the tribe's history, and soon became a champion of their cause for a separate educational system. Writing of this time, Dial and Eliades observe:

The Indians, fortunately, had an advocate for their cause in the North Carolina General Assembly in the person of the Honorable Hamilton McMillan of Red Springs, representative from Robeson county. ... McMillan investigated the origins of the Robeson Indians and concluded that they were descendants of the "Lost Colony" and a tribe of coastal Indians he mislabeled the "Croatan." Consequently, he sponsored and successfully supported legislation giving the Indians of Robeson County a legal designation and the privilege of having their own public schools, under their own direction. The two significant provisions of the law were: Section 1. "That the said Indians and their descendants shall hereafter be designated and known as the Croatan Indians;" and Section 2. "That said Indians and their descendants shall have separate schools for their children, school committees of their own race and color and shall be allowed to select teachers of their own choice ..." (Dial and Eliades 1975: 90).

As McMillan described it, "In 1885 I got the North Carolina

Legislature to recognize them as Croatans and give them separate public schools" (McPherson 1915: 39-40). After the passage of the act, the Democratic party received the Indian vote at the next election (Oxendine 1934: 49-50).

The principal features of the 1885 law were:

1. recognition as Croatan Indians;
2. separate Indian schools;
3. separate school committees;
4. selection of teachers of their own choice;
5. pro rata share of the county's school funds;
6. fiscal disbursement through the county;
7. development or expansion of schools initially controlled by the county board of education;
8. right of Indian children in Robeson County to attend Indian schools outside their resident districts;
9. eligibility to attend Indian schools limited to Croatans "now living in Robeson County and their descendants; and
10. application of general school laws to the Indian school system unless inconsistent with the 1885 act (North Carolina Laws 1885, Ch. 51: 92-94).

In general, the Indian school system was intended to co-exist in with the existing county board of education's non-Indian administrative jurisdiction, but with two exceptions. Implicitly, the Indian school committees were empowered to determine the eligibility of students to attend, and explicitly, they were empowered to hire their own teachers.

The authorization of a school system did not automatically implement a school program. Besides buildings and teaching materials, the Lumbees needed teachers. Forty years without schools had resulted in high levels of illiteracy in the community. Therefore, the Lumbee tribal leaders requested McMillan's assistance. He responded by sponsoring legislation to establish an Indian normal school (Dial and Eliades 1975: 90).

On February 2, 1887, the North Carolina House of Representatives received the following petition:

To the Honorable, the General Assembly of North Carolina:

We the undersigned Croatan Indians of Robeson County in North Carolina, do respectfully ask, that you establish for us, a Normal School in Robeson County, for our race, and we do further ask that you do amend the general law upon marriages, as to make it a misdemeanor for any Croatan and negro to marry, and declare such marriages hereafter contracted, utterly void (NCSA February 2, 1887).

The petition was signed by 67 Croatans and six "White Citizens."

The Croatan signers were:

James Oxendine	Hector Locklear	William Goins
Alamander Locklear	J.W. Oxendine	Archie Oxendine
Isham Locklear	Magilbra Brayboy	G.W. Lowrie
J.H. Harris	William L. Locklear	Isac Braboy
James Braboy	Harrison Ransome	John E. Oxendine
B.J. Chavis	James Dial	Wesley Bullard
James Bullard	Soliman Locklear	Thomas Locklear
Robert Collins	Winslow Locklear	James I. Lowrie
Machire Locklear	Isham Locklear	J.J. Oxendine
Evander Blue	Peter Bullard	Preston Locklear
Malakiah Locklear	Isaac Brayboy	J.C. McEachin, Jr.
Nelson Locklear	Turner Lowerie	Willey Jacobs
Alexander Locklear	W.L. Moore	Joseph Locklear
J.P. Locklear	Zion Lowrie	Brown Lowerie
Neill Oxendine	Hugh Oxendine	Alva Oxendine
Solomon Oxendine	J.L. Monroe	J.W. Willis
Jordan Oxendine	Asbury Oxendine	Jack Oxendine
Purvie Jacobs	N.A. Locklear	Wm. Jacobs
Murdoch Chavis	Henry Brayboy	Hector Sanderson
A.J. Lowrie	A.J. Revels	Israel Rodgers
Peter Dial	Nelson Chavis	Paisly Sanderson
Thomas Deas	A. Bullard	
Thomas Sanderson.		

Virtually every traditional Lumbee name is represented in this list.

On February 10, 1887, Hamilton McMillan introduced the requested legislation, under the title a "Bill to establish a Normal School in Robeson County" (NCSA February 10, 1887), and was enacted into law on March 7, 1887 (NC Pub Laws, 1887 Ch. 400:

699-701). On the same day the General Assembly amended the marriage law to include the prohibition against marriages between Lumbees and blacks (NC Public Laws, 1887. Ch. 254: 499).

The act contains eleven sections. The first provided:

That W.L. Moore, James Oxendine, James Dial, Preston Locklear, and others who may be associated with them, and their successors, are hereby constituted a body politic and corporate, for educational purposes, in the county of Robeson, under the name and style of the trustees of the Croatan Normal School, and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, to have and to hold such property, including buildings, lands, and all appurtenances thereto, situated in the county of Robeson, at any place in said county to be selected by the trustees herein named, provided such place shall be located between Bear Swamp and Lumber River in said county; to acquire by purchase, donation, or otherwise, real and personal property for the purpose of establishing and maintaining a school of high grade for teachers of the Croatan race in North Carolina.

The act empowered the named trustees to select one of their number to serve as president and to select three additional trustees "... from the Croatan race in such manner as they may determine," to hire teachers according to their own rules, and to fill vacancies on the board of trustees by a majority vote (Ibid.). Further, the act provided \$500 for each of the first two years to pay teachers' salaries. It guaranteed that the property would be tax free so long as it was used for educational purposes, and required of every student who attended that they "previously obligate to teach the youth of the Croatan race for a stated period" (Ibid.). The act did not provide funds for the purchase of land or the construction of a building, and the two year limitation on funding suggests that the General Assembly was prepared to see what the tribe did with the opportunity before it committed any additional funds. Despite these limitations it is

clear that the legislature had vested in the tribe considerable authority to manage its own educational affairs, and that it recognized that the tribe had a number of well established leaders, some of whom it named in the act.

In 1889 the General Assembly amended the 1885 act by including in section two of the law the following words, "and there shall be excluded from such separate schools for the said Croatan Indians all children of the negro race to the fourth generation" (Laws of North Carolina 1889, Chapter 60; as quoted in McPherson 1915: 228). It fell to the school committees to determine student eligibility. Their power was soon tested. In 1890 a school committee denied admission to the children of a McMillan family. They appealed the decision to the North Carolina Supreme Court, which upheld the action of the school committee on the basis of Negro descent within the fourth generation. The decision virtually assured Indian control of their school system. It also provided a means for determining tribal membership.

The political context for passage of these acts is significant. In 1885 the Democrats had sought a rapprochement with Robeson County's Indians through the establishment of the Croatan School system. This proved unsatisfactory due to the history of educational oppression and the absence of qualified Indian teachers. Conservative Democrats had controlled the General Assembly and the governorship for about a decade (with slim majorities in the General Assembly since 1870), and the rigid do-nothing regime was under increasing criticism (Woodward 1951: 189-204).

By 1887 the growing dissatisfaction of the agrarian-reform wing of the Democratic Party, both at the state and the national levels, led to the formation of a national organization called the Farmer's Alliance. In 1891 this segment of the Democratic party captured the General Assembly, giving the state "the Farmer's Legislature," with its reform program. One of the Alliance's chief aims was a common school system for the rural poor. In the elections of 1894 and 1896, the small-farmer Democrats joined with Republicans, and captured control of the Assembly, thus giving the state the so-called "Fusion Rule" (Ferguson 1969: 130-133).

Robeson County in the 1880s was predominantly rural and agricultural, with a sizable Republican vote. Consequently, the Democratic hold on the county was fragile, dependent in large part on the fear that blacks and Republicans would take over as they had during the Reconstruction period. Given these electoral dynamics the Lumbee leadership appears to have taken advantage of the Democrats' predicament in 1887 by emphasizing that normal school legislation would help the Indian community to separate itself from the county's black population, thus strengthening the Democrats' hold on the county. In light of the critical role of Robeson County in statewide politics in 1875, an appropriation of \$1,000 over two years was a small price for the legislature's Democratic majority to pay in exchange for the opportunity to seriously weaken the county's Republican strength and drive a wedge between the blacks and the Lumbees.

The passage of the legislation establishing the normal school did not meet with universal acceptance within the Lumbee

community. Some considered it a trap rather than an opportunity, while others conceived that the leadership had sold out to the democrats for personal political gain, although the record is clear that this was untrue. More compelling is the explanation given by Dial and Eliades:

Since neither the state nor the federal government had ever before assumed any responsibility for their welfare, most of the Indians were wary about the legislation establishing the Normal School. The majority shared suspicions borne of fifty years of discrimination. It was difficult for them to believe that the whites would do something for their advancement. As a result, when W.L. Moore called a meeting to implement the provisions of this law, very few attended. Only with great difficulty could Moore arouse interest in the project and raise funds for land acquisition and construction of a building. Even then, he found it necessary to contribute \$200 of his own funds and to devote his energies full time to the school, so that it could open (1975: 91).

The school, consisting of one two-story building, opened in the fall of 1887 with fifteen pupils. Its first principal and teacher was W.L. Moore, who had himself completed four years of normal school before moving to Prospect (Ibid.: 91,93). The school struggled through the early years with inadequate staff, funding, and materials. In 1889 the legislature increased the annual appropriation to \$1000, but this fell far short of the need (Ibid.). W.L. Moore served as teacher-principal, without pay, for the first three years. The difficulties faced by the tribal leaders in raising funds, finding teachers, and recruiting students for the developing school system were compounded by the religious differences in the community, rivalries among community leaders, and the miserly support given by the state. In the face of these and other problems, a number of Lumbee leaders decided to petition Congress for assistance. In December, 1888,

for the undersigned a petition in which they requested an appropriation for the tribe's use.

State of North Carolina, county of Robeson.

To the Honorable the Congress of the United States:
The undersigned, your petitioners, a part of the Croatan Indians, living in the County and State aforesaid, their residence for a hundred years or more, respectfully petition your honorable body for such aid as you may see fit to extend to them, the amount to be appropriated to be used for the sole and exclusive purpose of assisting your petitioners and other Croatans in said county and State to educate their children and fit them for the duties of American Citizenship.

Your petitioners would show that there are in said county, of legal school age, of the Croatan race, eleven hundred and sixty-five (1,165 in December, 1887) children. That the Croatans in said county and State are industrious citizens, engaged for the most part in agricultural pursuits, and are unable to give their children the benefits of proper educational training, and would, as aforesaid, most respectfully petition your honorable body to assist them.

Your petitioners are a remnant of White's lost colony and during the long years that have passed since the disappearance of said colony have been struggling unaided and alone to fit themselves and their children for the exalted privileges and duties of American freemen, and now for the first time ask your honorable body to come to their assistance.

And your petitioners as in duty bound, etc.

James Oxendine, Ashbury Oxendine, Zackrious Oxendine, J.J. Oxendine, Billy Locklear, Malakiah Locklear, Preston Locklear, John Bullard, Croll Locklear, G.W. Locklear, Patrick Locklear, Luther Dees, John A. Locklear, Solemon Locklear, Anquish A. Locklear, Silas Deas, Olline Oxendine, Isaac Brayboy, James Lowrie, John A. Lockler, Marcus Dial, Josep Locklea=r, Eliach Lockler, Frank Locklar, W.W. Lockler, J.E. Lovit, Buey Lockler, John Lockler, Marcus Dial, Joseph Locklear, Alex Locklear, Frank Locklear, W.W. Locklear, J.E. Lovit, Buie Locklear, John Locklear, Joseph Locklear, Jr., Solmon Oxendine, A.J. Lowrie, Gorge Brayboy, Pink Lockler, John E. Oxendine, William Sampson, Steven Carter, Evert Sampson, Wues Sampson, John Sampson, Robert Carter, Quen Godwin, Jordan Oxendine, James R. Sanderson, Peater Dyall, Willey Jacobs, Murdock Chavous.

Your petitioners above named respectfully ask that if your honorable body admits an educational aid that it be so appropriated for the trustees of the normal school in said county to use so much thereof as may be necessary to complete the normal-school building, and that the residue be applied for the purpose of training teachers among the Croatan race who may attend said school

forty-four members of the tribe signed a petition in which they requested an appropriation for the tribe's use.

State of North Carolina, county of Robeson.

To the Honorable the Congress of the United States:

The undersigned, your petitioners, a part of the Croatan Indians, living in the County and State aforesaid, their residence for a hundred years or more, respectfully petition your honorable body for such aid as you may see fit to extend to them, the amount to be appropriated to be used for the sole and exclusive purpose of assisting your petitioners and other Croatans in said county and State to educate their children and fit them for the duties of American Citizenship.

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Your petitioners above named respectfully ask that if your honorable body admits an educational aid that it be so appropriated for the trustees of the normal school in said county to use so much thereof as may be necessary to complete the normal-school building, and that the residue be applied for the purpose of training teachers among the Croatan race who may attend said school

(Petition 1888).

The petitioners included all of the normal school trustees, with the exception of W.L. Moore and James Dial, as well as the names of many of those who had signed the 1887 petition to the North Carolina House of Representatives.

The petition was referred to the House Committee on Indian Affairs, which, on December 29, 1888, referred it to the Department of the Interior for its consideration. Commissioner of Indian Affairs John H. Oberly, in turn, sent a copy, on January 7, 1889, to J.W. Powell of the Bureau of Ethnology, with a request for information (McPherson 1915: 37). Powell wrote back four days later, giving a general history of the group and referring the commissioner to Hamilton McMillan (Ibid.: 37-38). On January 29, Oberly wrote to McMillan requesting what information he could furnish concerning the tribe (Ibid.: 38).

More than a year passed before there was any additional correspondence, by which time Oberly had left and T.J. Morgan had become commissioner. Apparently an individual in the bureau had written to W.L. Moore regarding the tribe's request, for on July 2, 1890, Moore addressed an answer to a Mr. T.W. Belt:

Dear Sir: Answering your letter of 7th ultimo will say that the people in whose behalf we wrote are not the Eastern Cherokees, but the Croatan Indians. Therefore they receive nothing appropriated for the Cherokees. The people for which I am officially interested have as a general thing grown up without so much as the rudiments of education, yet the youth who have had (to some degree) better opportunities for educating themselves show that the moral, intellectual, and social aptitudes in them are real. Can not something be obtained to assist them in a normal school for them? If so, direct me how to proceed.

There are 1,100 children between the ages of 6 and 21 years who need continual instruction.

Please reply at the earliest convenience (Ibid.: 38-39).

This exchange of correspondence prompted Commissioner Morgan to write another letter to McMillan, dated July 14, 1890. McMillan replied immediately, saying that he had not received the earlier letter and its enclosures. "Had they been received I would have responded with pleasure" (Ibid.: 39). He then went on to describe the tribe's history and his role in providing the assistance they had received from the state. "If you can aid them," he wrote, "in the way desired we would be glad. They are citizens of the United States and entitled to the educational privileges enjoyed by other citizens, but those advantages are not much" (Ibid.: 40).

On August 11, 1890 Commissioner Morgan sent his decision to W.L. Moore.

Sir: Referring to your letter of July 2 and office response thereto of the 16th, I have received a communication from Hamilton McMillan, of Red Springs, N.C., setting forth the situation of the Croatan Indians very fully. It appears from his statement that this band is recognized by the State of North Carolina, has been admitted to citizenship, and the state has undertaken the work of their education.

While I regret exceedingly that the provisions made by the State of North Carolina seem to be entirely inadequate, I find it quite impractical to render any assistance at this time. The Government is responsible for the education of something like 36,000 Indian children and has provision for less than half this number. So long as the immediate wards of the Government are so insufficiently provided for, I do not see how I can consistently render any assistance to the Croatans or any other civilized tribes.

I am obliged to you for calling my attention to the matter, and have been very much interested in the information furnished by Mr. McMillan regarding this very interesting tribe (Ibid.: 40).

The denial of services was based solely on economic considerations, the commissioner implying that if there were sufficient funds available services would be provided to tribes

he referred to as civilized. In 1895 tribal members again petitioned the Congress for an appropriation "... to aid in the support, maintenance, and improvement of the Normal School for Croatan Indians in the said County of Robeson (NCSA January 14, 1895). The matter was referred to committee. In support of the tribe's petition the North Carolina General Assembly passed a resolution urging its congressional delegation to support the petition (Ibid.).

CHURCHES

There is evidence that churches existed in the Lumbee community as far back as the eighteenth century. According to C. Franklin Grill, historian of the North Carolina Conference of the United Methodist Church, "[t]he earliest Native American church in the county [Robeson] was Saddletree Meeting House or Hammonds located five miles north of Lumberton on the Stage Road dated in 1792" (Grill March 27, 1984). But it was not until the 1870s that these churches united to form their own associations, or joined ones already in operation.

By the 1870s there were at least four other Methodist congregations located at Union Chapel, Bee Branch Church, Hammonds or Saddletree, and Pleasant Hill. There were probably no church structures, since a marginal note indicates that the congregations met in private homes (Circuit Register for the Robeson Circuit, 1870-1877). The United Methodist Church of Prospect was organized in 1874, although the church was in

existence as early as 1871. A local newspaper mentions U.S. soldiers being stationed near the church in that year (Wilmington Star September 7, 1871). Additional evidence comes from a letter received from the Reverend J. Claude Chaffin writing about his grandfather, who was a Methodist minister in Robeson County. In the period from 1865 through 1884 the Reverend W.S. Chaffin served Methodist churches in the Moss Neck area - Union, New Hope, and Saddletree, as well as Hopewell, Horeb, and Asbury.

Grandfather seems to have had a good ministry in the churches prior to the last months of 1867. He refers to a two-day meeting at Hopewell at which a large congregation was present and a deep, powerful feeling in the meeting. He refers to preaching to a large crowd at Union at which he baptized 27 children. He refers to preaching at New Hope and baptizing 31 children. None of these churches are in the North Carolina Conference at present (Chaffin November 25, 1983).

During the fourth quarter of the nineteenth century most Lumbees were either Methodist or Baptist. Methodism among the Lumbee dates as early as the Civil War. For example, during the post-Civil War period Patrick Lowrie, brother of Henry Berry Lowrie, was a Methodist (Evans 1971: 68). In 1844 the Methodist churches in the north and the south split over the question of slavery, and those in the south formed the Methodist Episcopal Church, South. Those in the north retained the name Methodist Episcopal Church. In a letter to Adolph Dial, J. Claude Chaffin, a minister and historian of the Methodist Church in North Carolina, describes the relationship between the split in the church and the development of Methodism among the Lumbee.

In 1865, the Methodist Churches in Robeson County were affiliated with the Methodist Episcopal Church, South. In the years 1868 or 1869 the Methodist Episcopal Church began sending preachers into the southern States, and in the tension and difficulty in Robeson in the late

1860's the churches I have mentioned [the Indian churches of Union, New Hope, Saddletree, Hopewell, Horeb, and Asbury] may have become affiliated with the Methodist Episcopal Church. Several United Methodist Churches in Robeson today, as you know, actually became affiliated with the North Carolina Conference when the Methodist Episcopal Church and the Methodist Episcopal Church, South, reunited in 1939.

your book [The Only Land I Know] made me aware that the churches I have mentioned may have been among the churches affiliated with the Methodist Episcopal Church which withdrew from that church in 1900 and became the Holiness Methodist Church of the Lumber River Annual Conference (Chaffin November 25, 1983).

Chaffin's grandfather had been a circuit minister in Robeson County in the Reconstruction period and had served a number of churches in the area occupied by the Lumbees in 1868 and 1869. It is from the writings of his grandfather that Chaffin draws the conclusion about the "tension and difficulty in Robeson," and the rise of the northern church coincidental with the ascendancy of Radical Republicanism. Under Republican influence, the Indian Methodists broke with the solid front of white Methodists in the South and joined the Northern Conference. This move reflected more than the Indian-white polarization during the height of the Lowry Band; it represented an affirmative, political defiance of the traditional dominance by white, conservative Democrats in the county, and also contributed to the insularity of their church affiliation.

The independence exhibited by the Lumbees of their white Methodist neighbors manifested itself in the 1880s when a significant group of the United Methodist decided that the time had come for the Lumbees to form an entirely Indian Methodist Conference. W.L. Moore and other prominent Methodists opposed this, but in 1900 a separate conference called the Lumbee

Methodist Conference was formed by the Hopewell Lowrys - the brothers Henry H., Calvin C., and French R. Lowry, all nephews of Henry Berry Lowrie. After the formation of the Indian conference, the Methodist Episcopal Church, on September 20, 1902, expelled Lowry and his followers, and revoked the right of marriage and baptism by ministers of the new conference. This in no way deterred the Lowrys, who continued to exercise a dominant influence for the next sixty-two years (Dial and Eliades: 109). Dial and Eliades have provided the following description of the factionalism of the time:

The second largest denomination among the Lumbees is the Methodist Church. The Methodists are split into two groups, the North Carolina Conference of the United Methodist Church and the Holiness Methodist Church of the Lumbee River Annual Conference. The latter is commonly known as the Lumbee Methodist Conference. Though the division occurred in 1900, the roots of the factionalism go back into the nineteenth century. The leaders of Lumbee Methodism at the time of the split were Rev. Henry H. Lowry and Rev. William Luther Moore. Lowry led the segment that broke away from the existing Methodist organization, whereas Moore remained as the leader of the established conference. It would be easy to blame the division on personalty differences or rivalry for leadership; however, this does not appear to be the case. Lowry and Moore remained life-long friends until Moore's death in 1931. The reason for the formation of the Lumbee Methodist Conference was to bring self-determination to the Lumbee people, to create an organization in which the Lumbees made the decisions from top to bottom. At their organizational meeting on October 26, 1900, they stated that their purpose was to organize a "Conference for the Indian descent" (Ibid.: 1975: 108).

The Preston Church, which follows the teachings of the Plymouth Brethren, formed around 1915. It is unclear what led to its formation; it may have been a result of a tragedy that divided two large families causing the one to leave the United Methodist Church of Prospect, or it may have been the product of

TABLE 1

LIST OF THE CHURCHES WHO WERE MEMBERS OF THE BURNT SWAMP BAPTIST ASSOCIATION, 1881 - 1901, Selected Years.

Church	1881	1886	1894	1899	1901
Burnt Swamp	70	61	109	83	91
Magnolia	21	104	93	51	58
Reedy Branch	20	124	98	96	91
Mt. Pleasant	23	45	---- not listed ----		
Bear Swamp		47	49	56	54
Deep Branch		37	46	51	56
Mt. Olive		22	52	68	53
Seven Bridge		25	---- not listed ----		
Oak Grove		76	92	76	83
Mt. Elam			43	44	dropped
Harper's Ferry				54	47
Piney Grove			43	50	51
Mt. Moriah				41	48
Smyrna				32	85
Spring Hill				22	not listed
Piney Hill				20	not listed
Antioch				22	40
Cheerful Hope				12	dropped
Pleasant View					37
Ashpole					28

Source: Annual Reports Burnt Swamp Baptist Association 1881-1901

a doctrinal division similar to the one that had split the Methodist Conference some fifteen years earlier. From what can be determined, the church gained its impetus from white missionaries from a neighboring community (Campisi 1985-1987, fieldnotes). The Plymouth Brethren is a Protestant sect that originated in England in 1830, and was led by J.N. Darby. Its chief distinctions are a belief in the strict interpretation of the scriptures, and a belief that both denominations and regular ministries are unnecessary. Every adult male may preach and prophesy (Barton 1967: 94-95).

The Baptist organized their association in January, 1881 when representatives of three churches -- Burnt Swamp, Magnolia, and Reedy Branch -- met at Burnt Swamp Baptist Church, chose officers and approved a constitution and a name: "The Burnt Swamp Missionary Baptist Association of the Mixed Race" (BSBA 1881). The three churches had a total membership of 111 (Ibid.: see table 1). Burnt Swamp was the oldest, having been formed in 1877. In November of 1881, the association held its second meeting and accepted Mt. Pleasant Church as a member (Ibid.). Over the course of the next twenty years the association included a total of eighteen churches. In 1898 there were fifteen churches active in the association. In 1901 Ashpole and Pleasant View were added, while Mt. Elam and Cheerful Hope were dropped because "... they have departed from the Baptist Rules of faith and become unorthodox in principle ... until they reformed" (BSBA 1901: 7; see table 1).

From the association's inception, three themes were continually stressed: the need for religious orthodoxy, the

dangers of alcohol, and the need for education. The members of the association reserved the right to review the practices of the member churches, and their ministers, and remove them when necessary. Concerning education the committee report was equally strong in expressing a community value:

Education implies a drawing out, or shaping, or moulding of the mind. It literally implies a knowledge of books, and how to reduce their contents to practice. Unless we have this knowledge, we are to all intents and purposes helpless.

Viewing the subject of general education, through all the avocations of life we notice that it terminates with success. Education is needed at the bar, in the cornfield, in the domestic business of the household, in conducting the affairs of government, in carrying on the cause of Christ; and, in fact, it is needed in every business avocation of life.

All the real influence that is possessed by the creatures of this world, is possessed by men and women of education. There is no possible chance for us to reach the zenith of our greatness in church matters, nor in our domestic, until we are educated. We, as a body of Baptists, need a school organized among us for the benefit of our children. This is the only way our race can be brought from the polluted valley of ignorance to the summit of intelligence.

Education is really necessary on the part of the clergy. Therefore we cannot insist too strongly on Ministerial Education, that the man of God may be thoroughly furnished to every good word and work - a workman that needeth not to be ashamed, but rightly dividing the Word of Life, may not only save themselves from the blood of all men, but those that hear them from eternal punishment. We have ministers among us who are deficient in education. What shall we do for them? Shall we suffer if we help them? We will not for it is our duty. Let us help them by concert of action, and by so doing we will attain to ourselves a more efficient ministry, and the work will redound more fully to God's glory.

Respectfully submitted,
J.S. Wilkins,
E.A. Bell,
Committee.
(Ibid.: 7).

In line with the above attitude the association urged that its members establish and maintain Sunday Schools and "... that

parents take their children and enlist them in this great work, and that each church member enlist and attend punctually" (Ibid.). In 1885 the association approved a motion calling upon the member churches to raise funds to establish "... a high school among the Croatan Indians..." (BSBA 1885:9).

There were other changes occurring in the part of Robeson County occupied by the Lumbees, in addition to the development of schools and churches. Between 1890 and 1900 the town of Pembroke was established at the intersection of two rail lines, the Wilmington, Charlotte and Rutherfordton, running east and west, and the "Wilson Short Cut" of the Seaboard Coast Line Rail Road, running north and south. The latter line was built in 1892. Up to that time the rail station was located at Moss Neck, which had developed as a small turpentine and trading community just east of present-day Pembroke. In 1895 Pembroke was incorporated (Thomas 1982: 177), and by the following year had a population of fifty (Oxendine 1945: 26). Pembroke quickly became a commercial center.

SUMMARY

At the turn of the century the Lumbees were recognized as an independent Indian community, by the local populations, the state's statutes, and by federal officials. Further, they had established their autonomy over the two principal tribal concerns, education and religion. Beyond these concerns, however, and basic to them, was the universally-held belief that they were a separate people, one that neither sought to be

considered white nor would accept being categorized as black. They were a people linked together by extended ties of kinship, and although they lived in a number of settlements separated by swamps, they maintained a close and continual contact. It is no coincidence that many of the early schools were built next to the church and cemetery, for these three were the focus of Lumbee life and identity.

The Lumbees had learned to use their voting strength to gain concessions from white politicians. Whites, in turn, had learned that it was less dangerous to accommodate the Lumbees than to anger them. Although Henry Berry Lowrie had passed from the scene some thirty years before, his name was enough to cause concern. For example, the Robesonian, the county newspaper, published a note to the effect that Henry Berry Lowrie had asked a resident of Scotland County to request a pardon for him (Robesonian February 3, 1905: 5). This concern translated into grudging respect for the Lumbees as a separate Indian people, and recognition that they were a cohesive community with leaders capable of marshalling support for issues and candidates. They were also a people capable of direct action when threatened, a lesson not lost upon groups like the Red Shirts and the Ku Klux Klan.

THE TWENTIETH CENTURY

Education continued to dominate Lumbee affairs in the early 1900s. Late in 1899, Congressman John D. Bellamy introduced a bill in Congress to provide educational assistance for the

Croatan Indians (U.S. House of Representatives December 13, 1899). On January 31, 1900, Bellamy appeared before the House Committee on Indian Affairs where he described the origins and history of the Croatan Indians. The following day he presented the same remarks to the full House. Bellamy recounted the Lost Colony origin of the tribe, the tribe's history through the antebellum and Civil War period, through the Henry Berry Lowrie years and the founding of the normal school. He praised the tribe's achievements and character, and made a plea for their educational assistance (Bellamy February 2, 1900: 1457-1458). Despite his efforts there is no record of the bill's passage.

Bellamy's support for the tribe highlights an important facet of Robeson County race relations at the time. The years 1898-1900 was a period of intense racial animosity on the part of whites towards blacks. The Democrats, chafing at the continuing hold by blacks and Republicans in local politics, returned to tactics designed to terrorize blacks and dissuade them from political participation. The disenfranchisement of blacks by the use of the Grandfather Clause dates from this period. Bellamy drew a great deal of support from the white supremacists without suffering in the least for his support of the Lumbees. As an example of his acceptance, Bellamy stopped to visit the "White Supremacy Club" of Robeson County while on his way to give the commencement address at the Croatan Normal School (Robesonian June 22, 1900: 3). In general the Red Shirts did not direct their attacks at the Lumbees, considering them distinct from the blacks (Robesonian June 26, 1900: 1). There was at least another reason for white reluctance; the Lumbees had both the inclination

and organizational ability to defend themselves from night riders (Campisi fieldnotes 1985-1987).

In the fall of 1905 the tribe made a third effort to secure federal assistance for their school system. On October 19, 1905, an "educational rally" was called at the Normal School at Pates. The stated purpose of the rally was to secure "... aid from the national government for [the Croatan] schools ... preliminary to the effort to secure a census of the Indians of this section" (Argus [Lumberton, N.C.] September 22, 1905: 3; Robesonian September 22, 1905: 1). Nothing came of this effort.

In 1907 the normal school trustees found another friend among the whites in the person of Colonel N.A. McLean. McLean was able to increase the normal school's appropriation to \$1,250 a year (Robesonian August 6, 1908). The trustees expressed their appreciation for his efforts in a letter to the editor signed by trustee A.N. Locklear (Ibid.).

With no support coming from the state for the development of the campus, the trustees of the normal school had to depend upon the local community. Funds were raised through picnics and rallies. In August, 1907, for example, \$800 was subscribed for a new school building (Ibid. August 5, 1907: 5). In 1909 the trustees accepted a suggestion that the school be moved from Pates to Pembroke (Dial and Eliades 1975: 94). They undertook a fundraising campaign that included subscriptions and a rally "at the New College Building." There were to be speakers and music by "the Indian Band" (NCSA November 13, 1909).

The fundraising effort was organized by Oscar Sampson, with the help of D.F. Lowry. Sampson went door-to-door with his

Anderson Locklear School
Pembroke, NC 1910



campaign raising \$500 for land and \$600 for a building. This sum was augmented by an appropriation of \$3000 from the General Assembly (Barton 1984: 54). Some of the funds were used to purchase a ten acre site in the town of Pembroke (Ibid.). Construction of the main building was commenced in the late spring and completed in time for the fall semester (Robesonian May 13, 1909; May 24, 1909).

The period from 1900 to 1909 was one of a general educational awakening in the state. In the ten year period the county built twenty-five white, nine black, and four Indian schools (Barnes 1931: 72). In 1900 there were 1,680 Indian children of school age in the county, with 867 enrolled and attending an average of 2.3 months per term. By 1910 the number of eligible Indian children had declined slightly to 1,594, with 936 enrolled. The average term had increased to 4.1 months (Ibid.: 74).

The normal school showed comparable growth. In 1909 it had a total enrollment of 166, sixty-six of whom were taking normal courses. In addition, fourteen of the Indian school teachers were attending the normal school (NCSA May 21, 1909). Clearly, by the close of the decade the normal school had gained broad community acceptance and had stabilized politically by incorporating within its board of trustees representatives of the diverse interests within the Lumbee community (see Criteria (b) and (c) for a fuller discussion of this point). When the school relocated in 1909, it did so under the capable leadership of Oscar Sampson, and with the support of the community and the General Assembly.

The name given the Lumbees by the legislature - Croatans - was often shortened by whites to "Cro," and used as a racial

pejorative impugning their Indian identity. Consequently, the Lumbees petitioned the legislature for a change in the tribe's name. The legislature accommodated the tribe by changing its name to "Indians of Robeson County" (N.C. Public Laws, March 8, 1911, Chapter 215). The same act changed the name of the normal school to the "Indian Normal School of Robeson County." On the same day, in an unrelated act, the legislature authorized the trustees of the Indian Normal School to deed the school property to the State Board of Education (N.C. Public Laws, March 8, 1911, Chapter 168), which they did two years later (Dial and Eliades 1975: 94).

The name selected by the General Assembly did not please the Lumbees so, in 1913, they petitioned for another name. The General Assembly responded, over the protests of the Eastern Band of Cherokee, by changing their name from the "Indians of Robeson County" to the "Cherokee Indians of Robeson County" and the name of the normal school to the "Cherokee Indian Normal School of Robeson County" (N.C. Public Laws 1913 Chapter 123: 215-216). This name was to remain the school's name for the next twenty-eight years (Dial and Eliades 1975: 94).

The tribe also attempted to get Congress to adopt a name change. In 1910 Representative Godwin introduced legislation to change the name to the "Cherokee Indians;" it did not pass (U.S. H.R. January 29, 1910). The following year Senator Simmons introduced legislation to establish "... a school for the Indians of Robeson County, North Carolina (U.S. Senate August 16, 1911). The bill provided for an appropriation of \$50,000 for construction and \$10,000 for maintenance. Congressman Godwin

joined with Senator Simmons in supporting the legislation, and came to speak to the tribe at Reedy Branch (Robesonian September 4, 1911: 5).

The Senate bill was sent to committee, which apparently requested information from the Department of Interior. To secure that information, the Indian Office sent Charles F. Pierce, the supervisor of Indian Schools, to Robeson County to conduct a study. Pierce reported his findings to the Senate on March 2, 1912 (U.S. Senate April 4, 1912), and summarized them in an article entitled "The North Carolina Tribe of Croatan Indians," published in 1913. Describing the tribe he wrote:

There are but few full bloods among the Croatans, although one would readily class a large majority as being at least three-fourths Indian. They are classed as good citizens, are quite industrious, law abiding, and, to repeat an expression used by the county superintendent of schools, "Are crazy on the subject of education."

They do not associate with the Negro race, looking upon them in about the same way as to [sic] do the whites of their community".

The Croatans are fine physical specimens; better than those of the western tribes. They are increasing in number, large families being the rule. One Joseph Locklear is the father of twenty-five children, one wife being the mother of all. Another woman, Missouri Locklear, is thirty years old and the mother of twelve children, there being two sets of twins (Pierce 1913: 305).

As to the school situation, Pierce reported that there were 1,976 Indian children of school age, and that the state and county were providing approximately \$5,000 for teachers' salaries and the physical plant. This was in addition to an unspecified amount raised by the Indian community (Ibid.). Pierce also visited the normal school which he described as "... in fact nothing more than an ordinary graded school, including about two years of high

school work. There is however, in connection with the regular course, a summer term of two months run as a sort of teachers' institute for the teachers of the district" (Ibid.:306). Pierce had no doubt that the Lumbees were Indian, or for that matter, that they were a tribe. Nor did he doubt that federal assistance would be beneficial. His objection was based purely on policy considerations.

The matter of securing Federal aid for this institution has been discussed by the citizens of the state, more or less, and, while it would no doubt be of much benefit, temporarily at least, at the same time it appears that it would be taking a step backward in our Indian school policy.

At the present time it is the avowed policy of the government to require the states having an Indian population to assume the burden and responsibility for their education, so far as possible. North Carolina, like the state of New York, has a well organized plan for the education of the Indians within her borders, and there does not appear to be any justification for any interference or aid on the part of the government in either case, especially in a prosperous community like Robeson County, North Carolina (Ibid.).

The bill passed the Senate and was sent to the House of Representatives for its consideration (Robesonian April 15, 1912: 1).

Once the bill had passed the Senate, the Indian leadership increased its planning and lobbying efforts. It began by holding mass meetings to rally support (Ibid. May 23, 1912; June 13, 1912). A steering committee was formed to coordinate the tribal efforts, that included representatives from a number of the Lumbee settlements. D.F. Lowry was named chairman. Other members appointed were:

W.F. Sampson (secretary of the committee)
A.N. Locklear
W.D. Oxendine
E. Sampson

J.J. Bell (Lumberton)
James A. Locklear (Lumberton)
C.B. Sampson (Lumberton)
S.A. Hammond (Fairmont)
Irwin Hammond (Fairmont)
Steven Hunt (Hamer, S.C.)
J.O. Brooks (Rowland)
Henderson Lowry (Maxton)
J.W. McGirt (Maxton)
C.F. Lowry (Buie)
(Ibid. June 13, 1912).

The House committee was not scheduled to hold hearings on the bill until the winter of 1913, but as the date approached the steering committee increased its activity. Beginning in January, 1913, it called for meetings to support the legislation (Ibid. January 27, 1913: 1). At the February meeting those in attendance formed a committee to go to Washington to lobby for the bill. The committee was headed by D.F. Lowry (Ibid. February 3, 1913), and consisted of A.B. Locklear, Preston Locklear, A.N. Locklear, James A. Locklear, W.R. Locklear, and B.F. Loud. A.W. McLean accompanied the committee and presented a statement and historical sketch of the tribe (U.S. House of Representatives February 14, 1913).

After the hearings the house committee decided against passage, the chairman feeling that the eligibility of the Lumbees to attend the federal Indian boarding schools, such as Carlisle, was sufficient, and that the expenditure of some \$50,000 for a new regional Indian school was not warranted (Ibid.). Undaunted, Senator Simmons introduced legislation in April, 1913, to change the tribe's name to the Cherokee Indians of Robeson County (Robesonian April 21, 1913: 1), following the similar action by the state (N.C. Public Laws, Chapter 123, March 11, 1913: 215-216). Later the same year Simmons and Godwin reintroduced

the bill to provide for an Indian school (Robesonian December 17, 1913: 1).

A tribal delegation consisting of W.R. Locklear, W.M. Lowry, and A. Chavis returned to Congress in 1914 seeking support for their educational system (Robesonian April 30, 1914:1). On April 28, 1914, the Senate passed Resolution 344, which called for an investigation into the status and conditions of the Indians of Robeson and adjoining counties (U.S. Senate April 28, 1914; Robesonian April 30, 1914: 1). The resolution prompted W.R. Locklear, A. Chavis, and W.M. Lowrie to call a mass meeting to discuss the implications (Robesonian May 7, 1914: 3). A second resolution, later that summer, called for an investigation of the Cherokee Indians of Robeson County, perhaps an effort to reflect the name adopted by the state (U.S. Senate June 30, 1914). In response, the Indian Office sent Special Indian Agent O.M. McPherson to Robeson County to conduct the study and to report his findings (Robesonian July 30, 1914: 1).

McPherson visited Robeson County in the summer of 1914, preceding his visit with letters designed to establish contacts and gather information. On his arrival McPherson was greeted at a mass meeting of the tribe called by Stephen A. Hammond, among others (Robesonian July 30, 1914: 5). During the visit the Indian leadership pressed for the right to send their children to the federal Indian schools. This was a particular concern at the time since the normal school did not offer advanced courses and the state schools were not open to Lumbees. McPherson reported that, in fact, the Lumbees were eligible to attend Carlisle, although few could afford to and most would find the federal

schools unsuited to their needs (McPherson 1915: 30).
McPherson, writing to Commissioner Sells, gave the following
description of his field research.

Hon. Cato Sells,
Commissioner of Indian Affairs, Washington,
Lumberton, N.C., August 6, 1914
D.C.

My Dear Mr. Sells: I have the honor to acknowledge the receipt of your letter of August 4, 1914, concerning my investigation of the condition, tribal rights, etc., of the Indians of Robeson and adjoining counties in North Carolina.

I beg to say in reply that prior to the receipt of your letter I had made arrangements to attend the meeting of the so-called Croatan Indians at Pembroke, on August 11, and had so advised the leading Indians of the band.

On Monday, August 3, I visited the homes of a large number of Indians living southwest of Lumberton in what are known as the Sampson and Hunt settlements. I took notes of their condition and conferred freely with them concerning their history, tribal rights, needs, conditions, and as to what Congress could best do for them. Tuesday, August 4, I conferred with a large number of Indians in Lumberton, along the same lines, who had come in by arrangement to meet me for such a conference. Yesterday I spent the entire day at Pembroke in a similar conference with the Indians of the Pembroke neighborhood, and conferred with a very large number. I had made arrangements to visit the homes of the Indians in the Pembroke district to-day, but had to postpone the trip on account of rainy weather. I shall go to-morrow if the weather permits, and shall spend Monday in a similar visit to a different part of the Indian settlement; and as I have said, I shall attend the Indian meeting at Pembroke on August 11.

I wish to assure you that I am making my investigation as thorough as possible, and shall put forth my best efforts to get at the "bottom facts."

With kindest regards, I am, very sincerely yours,
O.M. McPherson,
Special Indian Agent.
(Ibid.: 245-246).

The August 11 meeting referred to by McPherson was called by Stephen A. Hammond, J.A. Hunt, Stephen Hunt, Avenor Chavis and Troy Cummings, Committee on Invitation "... for the purpose of considering all matters in which the Indians are interested both

with reference to schools, the change of name and any other business which may be necessary" (Robesonian July 30, 1914: 5). A second notice, signed by A. Chavis, was published on August 6 (Ibid.: 1). On August 13, the Robesonian ran a short article to the effect that some 3,000 Lumbee Indians had attended the meeting on the 11th, and that A.W. McLean and O.M. McPherson had addressed the gathering (Ibid. August 13, 1914). Another article published on August 20, referring to the meeting on the 11th, provides details as to the organization of the tribe.

COMMITTEE ON INDIANS
Committees Appointed by General Committee to Look After
Interests of Indians in Various Parts of County.

At the mass meeting of Indians held at Pembroke Tuesday of last week a General Committee was appointed to have oversight of the welfare of the Indians of Robeson county. The General Committee has appointed subcommittees as follows:

For the district composed of St. Pauls, Lumberton, Raft Swamp, Saddle Tree, Howellsville and Rennert townships: A. Chavis, E.D. Smith, St. Pauls; Gilbert Locklear, J.E. Dial, J.A. Locklear, J.N. Lowrie, Floyd Locklear, Lumberton; E.M. Clarke, Rennert.

Of this sub-committee J.E. Dial is chairman and E.D. Smith is secretary.

Of that part of the county included in Fairmont, Alfordsville, Rowland, White House, Thompson and Gaddys townships, the following were appointed as members of the general committee: E.J. Hunt, Daniel Locklear, Rowland. Paul J. Chavis, Fairmont, Alfred Hunt, Hamer, S.C.; Stephen Hunt, Rowland; S.B. Hunt, W.M. Locklear, Fairmont; Lonnie Oxendine, Rowland.

Of this sub-committee Stephen Hunt is chairman, and Daniel Locklear is secretary.

Of that part of the county included in Pembroke, Red Springs, Smith's, Back Swamp, Maxton, Alfordsville, and Burnt Swamp townships, and also Hoke county, the following were appointed members of the General committee: Wm. M. Lowerie, James Cummings, Pembroke; S.T. Strickland, Red Springs; Wm R. Locklear, Pembroke; Noah Brewer, Red Springs; E.B. Sampson, Lumberton, Willie Chavis, Maxton; D.W. Locklear, Buie.

Of the above sub-committee Wm. M. Lowrie is chairman and James Cummings is secretary.

J.A. Locklear of Lumberton, was elected chairman of the General committee, and James Cummings secretary

(Robesonian August 20, 1914: 3).

The special agent's visit generated a great deal of interest and concern within the Lumbee community, as witness the letters from William Lowry, W.R. Locklear, and A. Chavis (McPherson 1915: 249-250).

McPherson submitted his report on September 19, 1914. The report itself is thirty-one pages long, and includes another 230 pages of exhibits. Most of the report is concerned with a discussion of the origin of the tribe, with McPherson accepting the possibility of the tribe descending from "... an amalgamation of the Hatteras Indians with gov. White's lost colony" (Ibid.: 17). He emphatically rejected the argument put forward by A.W. McLean that the tribe was of Cherokee origins, but was willing to accept the possibility "... that there was some degree of amalgamation between the Indians residing on the Lumber River and the Cheraws, who were their nearest neighbors" (Ibid.: 23).

Considering that one of the purposes of the study was to provide information on the educational system of the Lumbees, McPherson devoted little space to this subject, less than three pages in all (Ibid.: 24-26). He finished the report with slightly more than a page of discussion entitled "THEIR NEEDS." In it he said that while there were many viewpoints concerning the best way to help the individual families, there was universal agreement that there was a need for "... some higher institution of learning ..." (Ibid.: 30). He noted that the Lumbees were eligible to attend federal Indian schools, but doubted that these schools would meet their needs (Ibid.). His only recommendation was:

While these Indians are essentially an agricultural people, I believe them to be as capable of learning the mechanical trades as the average white youth. The foregoing facts suggest the character of the educational institution that should be established for them, in case Congress sees fit to make the necessary appropriation, namely, the establishment of an agricultural and mechanical school, in which domestic science shall also be taught (Ibid.: 31)

From the tribe's perspective the report must have been most disappointing. J.A. Locklear called another meeting of the General Committee for November 27, 1914, presumably to discuss the efforts to get the legislation regarding federal aid to education for the Lumbees and federal approval of the name change (Robesonian November 19, 1914: 4). It is not known when the tribal leaders found out the contents of the report, but it was not submitted to the Senate until January 4, 1915. The efforts to establish the school continued well into the spring of the same year (Robesonian May 20, 1915), but in the end, Congress took no action.

SUMMARY

For the Lumbees these efforts had considerable value. First, there is no doubt that the federal officials in Congress and the Department of Interior recognized the Lumbees as Indians who descended from a limited number of local tribes, mostly Siouan in origin. Second, the efforts of the Lumbees to improve their education and change their name provides important insights into their political organization. Leadership derived from local settlements and coalesced when there was an issue of common concern. Third, on fundamental issues such as education, the

leaders were able to get mass turn-outs for meetings, and could sustain interest in the face of repeated failure. Fourth, it is clear that the Lumbees were acting out of a sense of common and shared values that held that they were different from other populations in the county and state. These values included a belief in a common and unique ancestry, an overwhelming sense of belonging to a particular kin network, and through that belonging in a particular settlement, and therefore, being a member of the community. For this reason, education provided not just a means of improvement, but more importantly, a mechanism for determining community membership. Fifth, throughout the period the Lumbees acted in concert with white politicians who recognized them as Indians to achieve the tribe's goals. While Lumbees who went to places like Lumberton were subjected to virulent racism, within the Lumbee community Lumbee leaders were able to ameliorate some of this through their political influence. Sixth, while the Lumbee community was able on occasion to act in concert, Lumbee politics with its diverse pulls from family, religion, and settlement resulted in a highly decentralized and individualistic pattern of leadership. This accounts for the lack of a single political spokesman; Lumbee politics tolerated a good deal of diversity of opinion within well defined (although not always well articulated) limits.

POST-WAR PERIOD

As mentioned earlier, the town of Pembroke had been incorporated in 1895. Within a few years the legislature began altering the political structure of the town, first by changing

the terms of office from one year to two, and providing for the appointment of the town marshall by the town council, instead of by popular election (N.C. Private Laws 1905, Ch. 49: 169). In 1917, the legislature took a more drastic step aimed directly at the Lumbees. Acting on a petition from leading white residents, the legislature eliminated the election of all Pembroke town officers, and provided instead, for four commissioners to be chosen by the governor (N.C. Private Laws 1917, Ch. 63: 126-127). Among the four commissioners appointed was W.M. Lowrie (Pembroke Town Minutes May 10, 1917). The change in the system of governance was the direct outcome of the Lumbee population growth within the town limits, which resulted in the political control of the town shifting from whites to Indians. It is another indication of the unique legal and political status of the Lumbee tribe.

During the period of World War I, the tribe took little action to press its objectives in Washington; however with the war's end the leaders renewed their efforts. On March 26, 1913, the state's Attorney General Thomas Bickett had issued an opinion that the county board of education had authority to overrule an Indian school comittee's decision to exclude a child because he possessed black ancestry to the fourth degree (Bickett 1915: 129-130). This opinion was in opposition to the finding in the case of McMillan v. Locklear, and thus presented a potential threat to the tribe's autonomy. The state legislature resolved the problem in favor of the tribe by passing legislation that established an Indian school committee with exclusive jurisdiction to hear cases brought by individuals. Any question

raised concerning the action of the school committees before the county school board had to be referred by the board to this committee whose decision could be appealed to the superior court only (N.C. Public Laws, 1919 Chapter 211: 416). The law named Ralph Lowery, James B. Oxendine, J.E. Woodell, W.M. Wilkins, and Calvin Locklear to the committee. It effectively set aside the attorney general's opinion.

The tribe continued its struggle to improve its school system and to maintain its autonomy. In 1921 the state legislature approved a bill proposed by L.R. Varser that provided \$75,000 for capital improvements at the Cherokee Indian Normal School. Tribal members were troubled by one part of the bill that expanded the power of the State Board of Education to appoint the trustees of the normal school. However, within two years the tribe was able to get this legislation removed. When their good friend A. W. McLean became governor, he supported and signed legislation vesting the power of appointment in the governor (N.C. Public Laws 1925, Chapter 306).

By far the most significant issue for the tribe was the question of federal acceptance of their name. Early in 1921, A.B. Locklear wrote the Department of Interior requesting the status of the Cherokee bill (A.B. Locklear March 9, 1921). Finding that no legislative action had been taken, A.B. Locklear appears to have headed a three year effort to get a new bill introduced. In 1924, the tribe succeeded in getting a bill introduced in the House of Representatives that would have recognized its name as the "Cherokee Indians of Robeson and adjoining counties in North Carolina," and permitted tribal

members to attend the federal Indian schools (U.S. House of Representatives March 1924). To help with the drafting of the legislation, Locklear enlisted the assistance of a Washington attorney named Ellwood P. Morey. It is not clear why the provision concerning attendance at Indian schools was included since members of the tribe had previously been admitted. Among those who advised the tribe on the legislation and lent his support was Congressman L.R. Varser (JWBC April 12, 1932, Letter L.R. Varser to J.W. Bailey).

Although the Secretary of the Interior recommended passage of H.R. 8083 (McNickle 1936: 9), Commissioner of Indian Affairs Charles H. Burke opposed the legislation. On December 23, 1924, Senator Simmons wrote to Burke to ask the basis of his opposition. Burke made three arguments: the Robeson County Indians were self-supporting, they no longer lived in a tribal state, and they had never been recognized by the department (JWBC January 2, 1925, Memo C.H. Burke to the Secretary of the Interior). Burke was successful in convincing the secretary to drop his support of the legislation.

There matters stood until 1932 when a delegation from the tribe, along with their pro bono attorney Ellwood P. Morey met with John Collier, then Executive Secretary of the American Indian Defense Association (Ibid. March 26, 1932, Letter, J. Collier to J. W. Bailey). Collier received a legal brief drafted by Morey, which he transmitted with his recommendation for recognition:

The chief desire of these Indians appears to be that Congress shall do something which will recognize affirmatively that they are Indians. Being myself from

Georgia, I am able to appreciate the desire of these Indians for some status by which they would be, at least in their own thinking, clearly distinguished from negroes. And as a matter of fact, my impression of the group who came here was that they had strong Indian characteristics (Ibid.).

Three days after Collier's letter to Bailey, the senator received a petition signed by 604 tribal members asking him to introduce the "Cherokee bill" prepared by Morey. The group, calling itself the "Southeastern Cherokee Indians of North Carolina," requested that the tribe be designated by that name and that Congress direct that another investigation be conducted to update the 1914 McPherson report. The group's officers were B.G. Graham, president, A.B. Locklear, vice president, F.L. Locklear, secretary-treasurer, and C.B. Brayboy, corresponding-secretary (Ibid. March 29, 1932, Petition to Senator Josiah W. Bailey). A week after receiving the petition Bailey wrote to Varser asking whether the petition represented the consensus of the tribe, and acknowledging that recognition would be of benefit (Ibid. April 5, 1932, Letter, J.W. Bailey to L.R. Varser). Varser replied:

I feel that this legislation ought to be acceptable to all the Indians in this county. The State has recognized them as Cherokees and if the federal government will so recognize them, preserving, however, their status as citizens, as they now have it in all respects, I think it will be of considerable value to them. It will make them feel that they have the recognition from both the State and the Federal Government, and ought to inspire a spirit, and ambition, to accomplish the best as citizens. Of course, I know you will see to it that no limitations result to them from this, and the draft that I saw seems to me to take care of this

I am glad you are interested in their status, for I feel that anything that would tend to give them the proper recognition and to increase their efforts towards education and the acquisition of other qualities of good citizenship will be of value (Ibid. April 12, 1932, Letter, L.R. Varser to J.W. Bailey, April 12, 1932).

senator Bailey drafted a bill that reflected the objectives of the petitioners, and, as an added precaution, sent a copy to A.B. Locklear for his approval. The bill designated the tribe as "Cherokee Indians," to be recognized and enrolled as such, but specifically denied them any rights or interest in the lands and monies of the Eastern Band of Cherokees or the Western Cherokee tribe (Ibid. April 29, 1932, Letter, J.W. Bailey to A.B. Locklear). Locklear apparently expressed approval because the bill, S.4595, was introduced on May 9, 1932 (U.S. Senate May 9, 1932).

The bill was referred to committee and from there to the Department of the Interior for comment. Commissioner of Indian Affairs C.J. Rhoads gave an unfavorable report citing James Mooney's assessment that the claim of descent from the lost colony was baseless (JWBC May 24, 1932, Memo, C.J. Rhoads to the Secretary of the Interior). Furthermore, he argued that the United States had not previously recognized the tribe and therefore should take no action on designating it as Cherokee (Ibid.). Rhoads's memo which was transmitted to the Senate on July 12, 1932, was instrumental in killing the bill (Ibid.).

The tribe planned a major effort to get a bill passed by Congress the following year. On January 23, 1933 tribal leaders held a special meeting to discuss strategies (Robesonian January 23, 1933: 5), and in March the petitioners mounted a letter writing campaign urging Senator Bailey to reintroduce the legislation. Typical was the letter written by Britton Locklear: "In regards to our Bill in Congress We the Indians of N. C.

refuses to give you our support in the next General Election unless you work in our behalf in regards of our Bill in Congress" (JWBC March 7, 1933, Letter, N.S. Locklear to J.W. Bailey). In a similar vein, but this time offering the carrot rather than the stick, D.J. Brooks wrote, "I haven't voted lately but I will support you if you represent [the] bill we are Cherokee Indians" (Ibid. March 6, 1933, Letter, D.J. Brooks to J.W. Bailey). In all, Bailey received in excess of 100 letters urging his support for the legislation and promising to support him in the next election.

One of the letters was from Joseph Brooks, writing as spokesman for Chief B.G. Graham:

We have received quite a few letter[s] from you assuring us that you will reintroduce Senate Bill No. S 4595. May I assure you that the Indian People of Roberson [sic] Co. and adjoining counties appreciate the fact, and we will remember it in 1937.

Now Mr. Bailey, I Have not got all the fact[s] yet that I wish to present to the Committee.

How ever I expect to have all the information in the very Near future. Then I expect to come to Washington with the Same.

May I ask you to wait until then to introduce the Bill (Ibid. March 13, 1933 J. Brooks to J.W. Bailey).

On May 1, 1933, Representative Clark and Senator Bailey introduced companion bills on behalf of the tribe. However, the bills contained one significant difference from the version reviewed by the tribe. Instead of recognizing them as Cherokee, the bill identified the tribe as the "Cheraw Indians" (U.S. House of Representatives, May 1, 1933; U.S. Senate, 1933). The name change was the result of a report written by the anthropologist John R. Swanton, entitled "Probable Identity of the 'Croatan' Indians." Swanton wrote:

My first encounter with a Robeson County Indian was in the office of Mr. Mooney a few years before his death. He called me in on this occasion, pointed to a tall swarthy individual standing near and asked me if I did not clearly recognize the Indian features.

Recently my interest was reawakened by a delegation sent to me by the Commissioner of Indian Affairs to answer certain questions regarding their history about which he thought I might have information. As their quest fell in line with some researches I had already been engaged upon, I spent a few days looking into the matter. This information seeming to be of interest in certain quarters, I am committing the main facts to paper.

When whites made their appearance on the southeastern coast of the present United States, the piedmont region of Virginia and North Carolina and most of that of South Carolina, was occupied by tribes belonging to the great Siouan family, a great linguistic group named after the well-known [sic] Sioux or Dakota Indians. In fact, the only exceptions were in the southernmost parts of South Carolina where Muskhogean tribes had intruded and a narrow strip of country along the fall line, between the Nottaway and Neuse Rivers where lived three Iroquoian tribes, the Nottaway, Meherrin, and Tuscarora. Two small tribes on the lower course of Neuse River, the Neusick and Corsa, were also perhaps of Iroquoian lineage, and between Cape Fear River and Winyaw Bay the Siouans had pushed as far as the coast. The rest of the tide water country of North Carolina and Virginia was occupied by Algonquian peoples. In the mountains to the west were the powerful Cherokee, related somewhat remotely to the Iroquois.

"The Siouan Tribes of the East" were the subject of a special bulletin by Mr. Mooney which is the standard work on the subject. One point, however, is not brought out clearly in his treatment, and that is the linguistic differences which existed between the Siouan tribes of Virginia and those of the Carolinas. The tongue or tongues of the former, as shown by the fragmentary evidence which has come down to us, was rather closely related to Dakota, Hidatsa, and other well-known Siouan languages to the northwest. This group comprised the Manhoac, Monacan, Saponi, Tutelo, and Occaneechi. The tribes to the south, however, seem to have been closely connected with the Catawba, and Catawba is the most aberrant of all Siouan languages....

This evidence [referring to a lengthy discussion of the movement of tribes after Spanish contact] shows, therefore, that in the early part of the 18th century a considerable number of small Siouan tribes converged upon the upper Pedee where they lived for a considerable period, that a part of at least one, the Cheraw, afterwards united with the Catawba, that another, the Eno, probably did the same thing and that the Shakori

Smithsonian Files
Indian Man, "Tribe: Croatan",
By Gill 1911



and Sissipahaw closely related tribes, may have accompanied them. The Keyauwee, however, occupied a village of their own on the Pedee River and no mention is made of any subsequent removal on their part.

On the other hand there are indications that certain of the Indians who had gone to the Catawba subsequently returned. In the course of his investigation above mentioned Mr. McPherson interviewed an old "Croatan" Indian named Wash Lowrie claimed to be almost 80. The old man informed him that "he was told by Aaron Revels, then 100 years old, and Daniel Lowrie, his father, then 73 years old, and Joe Chavis, age 80, that these Indians in Robeson County came from Roanoke in Virginia. That after remaining in Robeson county for some time they went to the mountains with the other Cherokees, but a number returned on account of leaving their relatives in Robeson County, where they had mixed with the other tribes and probably with several of the whites." This statement has been misunderstood on account of an obsession that the Robeson County Indians were Cherokee and confusion between Roanoke River and the City of Roanoke. When we understand the facts regarding Cheraw history, these statements begin to have meaning and the story is consistent. Previous to 1700 they had settled on the Dan River near the southern line of Virginia, and it is to be remembered that the Dan and Staunton unite to form the Roanoke. They moved south about 1710 on account of Iroquois attacks and established themselves on the upper Pedee near the present settlements of the "Croatans", some Occaneechi, Saponi and Tutelo who had been living near the junction of the two rivers perhaps accompanying them. Later we know that some Cheraw moved to the Catawba country and this accounts for the tradition that "they went to the mountain with the other Cherokee." The return of part of them at a later date is not recorded in any history of the section known to me but it is highly probable....

The claim that these Indians were Cherokee is based partly on the assumption that they were descended from Cherokee auxiliaries who had accompanied Colonel Barnwell in his campaign against the Tuscarora in 1711-12. Rivers, the South Carolina historian, does, indeed, say that there was a body of Cherokee as well as a body of Creeks with Barnwell, but he is wrong, because Barnwell himself, in a letter dated February 4, 1712, gives a detailed statement of all the Indian tribes represented in his army, and this includes a very complete representation from all of the Siouan tribes in the region, besides contingents from the Muskhogean, Apalachee, Yamasee, and Cusabo and from "Hog Logees" (Yuchi). The Yamasee were plainly withdrawn at the end of the contest. Nor are the Cherokee settlers accounted for by the Indian allies of Colonel Moore who headed the second Tuscarora expedition. To be sure he set out with a force of native auxiliaries said to number about a

thousand (illegible) the taking of Fort No-ho-ru-co all but 180 of these returned to South Carolina and there is no evidence that the 180 remained permanently. Confusion of these Indians with the Cherokee was probably due in part to the fact that the Cherokee have been their nearest neighbors of consequence for a long period and in part because of the resemblance between the names Cheraw and Cherokee.

Evidence that these people were connected with the Croatan is still less valid. Croatan was the name of an island and an Algonquian Indian town just north of Hatteras, to which the survivors of the Raleigh colony are supposed to have gone since, when White revisited the site of the colony on Roanoke Island in 1590, he found no trace of it except the name "Croatan" carved upon a tree. But, assuming that the colonists did remove to Croatan there is not a bit of reason to suppose that either they or the Croatan Indians ever went farther inland.

The evidence available thus seems to indicate that the Indians of Robeson County who have been called Croatan and Cherokee are descended mainly from certain Siouan tribes of which the most prominent were the Cheraw and Keyauwee, but they probably included as well remnants of the Eno, and Shakori, and very likely some of the coastal groups such as the Waccamaw and Cape Fear. It is not impossible that a few families or small groups of Algonquian or Iroquoian may have cast their lot with this body of people, but contributions from such sources must have been relatively insignificant. Although there is some reason to think that the Keyauwee tribe actually contributed more blood to the Robeson County Indians than any other, their name is not widely known, whereas that of the Cheraw has been familiar to historians, geographers, and anthropologists in one form or another since the time of De Soto and has a firm position in the cartography of the region. The Cheraw, too, seem to have taken a leading part in [illegible] the colonists during and immediately after the Yamasee uprising. Therefore, if the name of any tribe is to be used in connection with this body of six or eight thousand people, that of the Cheraw would, in my opinion, be most appropriate (U.S. Senate January 24, 1934: 3-6).

Given the eminent position held by Swanton as a scholar and specialist on southeastern Indians, it is no wonder that the congressman changed the bill to reflect his recommendation.

The Lumbees were not as enthusiastic, and very quickly divided into two opposing groups on the issue of tribal name. Shortly after Swanton's report reached the local press, Joseph

Brooks traveled to Washington on behalf of "the Cheraw Tribe," to secure some additional research materials. Apparently James Chavis wrote the Senate Committee questioning the authority of Brooks to represent the tribe. A.A. Grorud, a staff member for the committee, wrote back saying that Brooks had informed him that he was to be in Washington to continue research on the Cheraw. He issued a not too veiled warning that Chavis should abide by the will of the majority, "... if you do not do this I cannot see much hope for your future welfare." He went on to say:

Mr. Brooks also tells me that a majority vote of your council decided that one delegate would be sufficient to send to Washington. In this the council acted in my judgement wisely. So long as one delegate honestly represents the council, he is as effective as a large number of delegates. I trust that the council will stand by the majority. However, if a delegate who may be sent to Washington is found not to represent the will of the council he should be repudiated (JWBC July 28, 1933, Letter, A.A. Grorud to J. Chavis).

It is not clear what council Grorud was referring to; it may have been the Siouan Lodge.

The Senate Committee on Indian Affairs held hearings in January the following year, and Joe Brooks and B.G. Graham appeared with Senator Bailey in support of the bill (Charlotte Observer February 4, 1934). Secretary of the Interior Harold L. Ickes recommended that the bill be amended to provide for the recognition of the "Siouan Indians of Lumber River," and further recommended against a federal wardship for the tribe by adding a clause providing "that nothing contained herein shall be construed as conferring Federal wardship or any other governmental rights or benefits upon such Indians" (U.S. Senate

January 24, 1934). Ickes went on to warn that

should the bill as it now reads be enacted, it is estimated that the eventual charge against the Federal Treasury, to provide school facilities and educate some 2,000 children of school age, would approximate \$700,000 the first year, and about \$500,000 annually thereafter (Ibid.).

The Senate Committee accepted the changes proposed by Ickes and recommended that the bill be passed (Ibid.).

The Lumbee tribe split sharply over the "Siouan" bill. The Reverend D.F. Lowry and Clifton Oxendine, who had worked since at least 1909 to secure recognition of the tribe as Cherokee, in the face of fierce opposition from the Eastern Band of Cherokee, were taken by surprise when their Cherokee bill of 1932 surfaced first as the "Cheraw" bill, and then as the "Siouan" bill. They immediately set about the task of defeating the bill.

Clifton Oxendine wrote Senator Bailey shortly after the Senate report became available and told him, "The majority of the Indians of Robeson county are absolutely opposed to the passing of such a bill by congress" (JWBC, February 1, 1934, Letter, C. Oxendine to J.W. Bailey). Oxendine challenged the leadership status of Brooks and Graham, claiming they "are not leaders of our race" but are "of that class that believes that the government owes us something" (Ibid). Oxendine reviewed the theory of the origin of the tribe as set forth by McMillan, and supported by former Governor A.W. McLean and Special Indian Agent McPherson. Oxendine called on Senator Bailey to "... use your influence in getting others to see and understand that this bill isn't backed by our race as a whole but only by a few who do not know exactly what is best for us" (Ibid.).

Others joined in voicing their opposition, among them T.A. McNeill, a prominent white politician from Lumberton. First he sent a cable to Bailey advising him that the "Robeson County Indian leaders" were opposed to the bill and that a delegation was coming to see him (JWBC, February 11, 1934, Letter, A.W. McNeill to J.W. Bailey). He followed this with a lengthy letter that explained the strong opposition manifested by the Lumbee leadership, one that provides considerable insight into the tribe's politics and values. McNeill wrote:

A delegation of about thirty of the leading ones of them came down to see me Friday night, and they requested me to advise you that all of the leaders of the Indian race in the County are very much opposed to the bill referred to and desire that you use every effort to kill the same.

These leaders, and others among them now dead, have for forty years labored faithfully to get some status for their people, and have succeeded in having the state recognize them in a creditable manner as a race. The state has given them separate schools, separate quarters in penal institutions and in corrective schools belonging to the state, etc.

They have had considerable trouble keeping the mulatto people from adjoining counties, and particularly from South Carolina, from moving into Robeson County and entering their schools under false claim of Indian blood. That have had many law suits about this, and it is now generally understood that none but Robeson County Indians, or Indians of that descent can enter these schools, and they have not had much trouble for the last three or four years.

They feel, and I think rightly so, that this connection with this supposed tribe of Indians (Cheraw) will again open the flood gates to South Carolina and adjoining counties, and their schools will be crowded out and great expense be put upon the state, and innumerable law suits will result. They told me that they were going to send a delegation of three or four to Washington to see you. This delegation was to be selected from those who were in conference with me Friday night, and I advise you that you may rely upon anything they tell you about the situation, for they are from among the real leaders of their race, and are honorable and upright. I unhesitatingly advise that you follow their suggestions to kill this bill. It seems that they have been asleep on the job, and did not know

of the petitions circulated among their people in support of this change of name, and they stated to me that most of those who signed from Robeson County are of the uninformed portion of their race, and only a small proportion, as there are from eighteen to twenty thousand of them in this county.

I suggest that you confer with Congressman Clark on this matter. I think he is aware of the facts that those Indians who have been for years engaged in building up their race, and who are the educated ones among them, are opposed to this bill (Ibid. February 12, 1934, Letter, A.W. McNeill to J.W. Bailey).

The letter is interesting in that it attributes the opposition to the Siouan name to the problems that the tribe was having, and had been having, keeping the Smilings, a small group that had moved to North Carolina from South Carolina, and others out of its school system. It also demonstrates the polarity that had developed within the tribe. The first group used its contacts with the local political leaders to bring pressure to bear on the congressmen. Although the numbers may well have been inflated, there is no doubt that the tribal leaders' ability to control a large bloc of votes made local white politicians sensitive to the tribe's interests.

Added to those in opposition was another prominent lawyer from Lumberton, E.J. Britt, who wrote to Bailey urging the bill be killed. He, too, had been visited by a delegation of Lumbees the day after McNeill (Ibid. February 12, 1934, Letter, E.J. Britt to J.W. Bailey). Bailey also received a letter from D.F. Lowery informing the senator that the Lumbees who supported the Siouan bill were misled by the opposition and urging the defeat of the legislation (Ibid. February 12, 1934, Letter, D.F. Lowry to Bailey).

During February, both groups visited the senator, pushing

their respective positions (Ibid. February 14, 1934, Letter, J.W. Bailey to D.F. Lowry; Robesonian February 15, 1934: 1). In the face of this dissension, Bailey indicated that he would withdraw his support for S.1632 (JWBC, February 12, 1934, Letter, J.W. Bailey to T.A. McNeill; Ibid. February 14, 1934, Letter, J.W. Bailey to E.J. Britt; Ibid. February 14, 1934, Letter J.W. Bailey to D.F. Lowry). The controversy continued through March, and more letters from both sides were sent to Washington. In late March, delegations from the Brooks-Graham Siouan group and the Lowery-Oxendine Cherokee group met together with the Senate Committee on Indian Affairs for several days to iron out their differences. A.A. Grorud of the committee staff reported on the tenor of the meetings to James E. Chavis, secretary of the Siouan Lodge, the organization formed by Brooks and Graham.

The delegates representing the Indians of Robeson County, North Carolina, have been here for at least two or three days endeavoring to come to some agreement with reference to the spending legislation with which it is sought to establish a name and designation of the Indians residing in Robeson and adjoining counties. I had the pleasure of meeting all the delegates and members of the tribe while here, also sat in the informal hearing which was held with both Congressman Clark and Governor McLean present. The delegation and people who favor the name "Siouan" claim that at least 90 per cent of the Indian population of Robeson and adjoining counties favor the Senate bill. At no time have I heard anyone challenge such statement, therefore it is assumed such a statement is correct. Messers Brooks and Graham believe that in as much as such a large majority favor such provisions as are in the Senate bill that they are duty bound to stand for the Senate bill and feel that they should not yield to the minority.

Personally, I have no interest other than to help the Indians but it seems to me that the "Siouan" name is the proper name in as much as the experts of the Ethnology Department have found such name to be most suitable.

The delegates held a conference in the Senate Committee on Indian Affairs committee room last evening. The attitude of the delegates who represent the

minority, seemed to me, would not yield.
Basing my opinion on the report of Dr. Swanton of the
Smithsonian Institute, I would say that the proper
designation is that set forth in the Senate bill (Ibid.
March 28, 1934, Letter A.A. Grorud to J. Chavis).

The struggle returned to Robeson County as supporters and
opponents rallied their forces. The opponents led by D.F. Lowry
held a meeting on April 14, at Pembroke (Robesonian April 12,
1934: 1; Robesonian April 16, 1934: 5). Supporters countered
with a meeting on April 16, at St. Annah Church just north of
Pembroke. The speaker at this meeting was R.T. Bonnin, a Sioux
Indian and president of the National Council of Indians, who
urged the Lumbees to press the fight for the legislation. The
group voted to join the council (Ibid. April 23, 1934: 1,8).

On May 23, 1934, the House Committee on Indian Affairs
reported favorably on the bill (U.S. House of Representatives May
23, 1934), but the action was meaningless; Senator Bailey had
withdrawn his support and the bill died in the Senate.

THE WHEELER-HOWARD ACT

The defeat of the "Siouan" bill did not bring to an end the
efforts by Brooks and his followers to gain recognition. On June
18, 1934, Congress passed the Wheeler-Howard Act, also known as
the Indian Reorganization Act, which permitted tribes to
reorganize under a federally granted charter. Although Brooks
had initially opposed the legislation (JWBC June 10, 1934, Letter
J. Brooks to J.W. Bailey), soon after it became law he wrote
Commissioner John Collier to find out whether the Lumbees were
eligible under its provisions (Ibid. January 28, 1935, Letter, J.

Brooks to J. Collier). Collier, in turn, sent a memorandum to Assistant Solicitor Felix Cohen requesting an opinion. Cohen responded:

Your memorandum of February 18 raises the question, with regard to the Siouan Indians of North Carolina, whether this group can organize under the Wheeler-Howard Act to receive a constitution and charter. Clearly, this group is not a "recognized Indian tribe now under Federal jurisdiction", within the language of Section 19 of the Wheeler-Howard Act. Neither are the members of this group residents of an Indian reservation (as of June 1, 1934). These Indians, therefore, like many other Eastern groups, can participate in the benefits of the Wheeler-Howard Act only in so far as individual members may be of one-half or more Indian blood. Such members may not only participate in the education benefits under section 11 of the Wheeler-Howard Act and in the Indian preference rights for the Indian Service employment granted by section 12 of the Wheeler-Howard Act if the Secretary of the Interior sees fit to establish for these eligible Indians a reservation. Such a reservation might be established either through the outright purchase of land by the Secretary of the Interior, under section 5 of the Wheeler-Howard Act, or by the relinquishment to the United States of land purchased by the Indians themselves, under the same section of the Wheeler-Howard Act, or by a combination of these two methods of acquisition. A reservation having been established, those residing thereon will be entitled to adopt a constitution and bylaws and to receive a charter of incorporation. Under section 19 of the Wheeler-Howard Act the "Indians residing on one reservation" may be recognized as a "tribe" for the purposes of the Wheeler-Howard Act regardless of their previous status.

In order to attain these benefits some such plan as the following would, I think, be necessary: A group of landless Siouan Indians of one-half blood or more, recommended by the Siouan Council for their agricultural ability and industry, and approved by the Commissioner of Indian Affairs, would purchase a suitable tract of land and surrender title to the United States to be held in trust for the group. The land would, of course, become tax-exempt. The money needed for such purchase might be contributed in part through the generosity of several members of the Siouan Tribe and in part by the Indians who are to benefit from the project. The Indians chosen for the project would then adopt a suitable constitution and bylaws and receive a charter. The group might be designated as the "Siouan Indian Community of Lumber River." It would participate, along with other Indian groups, in the benefits of the Tribal

Credit Fund, established under section 10 of the Wheeler-Howard Act. In the case of these Indians the fund could be used to finance the purchase of seed and agricultural machinery and the improvement of the land. Furthermore, cooperative marketing, the establishment of a cooperative store, and possibly a cooperative dairy, might be financed by means of such credits. Such activities would make the project useful, as well as educational, to the entire Siouan Tribe.

Such a project, begun in a fairly small scale, would naturally tend to expand in membership and area if the cooperative endeavors undertaken should prove successful. Provision for the adoption of new members and the acquisition of further lands should be included in the constitution of the group.

In general, I think that some such plan as that above sketched, resting entirely on a voluntary basis and requiring no initial outlay by the United States, would prove suitable for many other nonreservation groups of Indians, and possible for some reservation groups that are "reservation" in name only (Cohen April 8, 1935).

Cohen's memorandum went well beyond the question asked by Brooks: it outlined an ambitious social and economic plan for the tribe as a model for other tribes.

Upon receipt of Cohen's memorandum, Brooks immediately submitted a proposal that mirrored the recommendations. He proposed that the tribe acquire unimproved land, transfer it to the United States to be held in trust for the tribe, borrow money either from the Public Works Administration or the Tribal Credit fund to improve the land, and place on this land Siouan members of one-half or more Indian blood (JWBC April 11, 1935, Letter, J. Brooks to J. Collier).

Brooks complained of a growing land-loss among the Lumbee in Robeson County, and observed, "what land we still have is nearly all under mortgage which leaves the Indians only one choice to survive, 'the share crop or 1/3 crop system'" (Ibid.). He informed the commissioner that the tribe was prepared to purchase a 1,000 acre tract of unimproved land, but that the tribe would

require additional funds to improve the land to make it suitable for individual family farms (Ibid.). The discussions that followed led eventually to the establishment of Pembroke Farms, a 17,000 acre resettlement project for the Indians, the Red Banks Mutual Association, a cooperative of about 15 families leasing 1,700 of the Pembroke Farms's acres, and a prolonged attempt to organize as a tribe under the Wheeler-Howard Act.

After meeting with Brooks on a number of occasions, Collier sent Indian Agent Fred Baker to Robeson County to work out a plan for land resettlement. Baker was in the county from June 16 through June 27, 1935 (Robesonian July 4, 1935: 1), discussing the plans with a wide range of individuals from the tribe (Brooks June 16-27, 1935). He met with 700 Lumbees from the Indian districts of Hollywood, Sycamore Hill, and White Hill at the White Hill Church on June 17. The next day he met with about 1,000 Indians at Piney Grove School in Saddletree. Later the same day he met with another 1,500 at Barker Ten Mile School. The third day was spent visiting three tracts of land that might be purchased; on one the Lumbees had constructed a cabin to demonstrate the low cost derived from Indian labor. Thursday morning Baker met with 800 Lumbees from Robeson, Hoke, and Scotland Counties at Cherokee Chapel Church. In the afternoon he met with another large group at Mt. Airy Church in Burnt Swamp Township. On Friday, Baker went to Raleigh, but returned that afternoon and met with about 200 Indians at New Bethel Church. On Saturday he addressed a crowd of 2,000 at St. Annah Church. After the meeting he spent the rest of the day in discussions with the leaders from Pembroke (Ibid.).

On Sunday Baker visited resettlement projects for whites and blacks in Elizabethtown, in neighboring Bladen County and on Monday, he looked over more land as possible purchase sites. Tuesday evening he met with about 2,000 Indians at Mt. Airy Church. He ended his visit with a discussion with R.D. Caldwell, Director of Relief. At these meetings the Lumbees expressed their support for the project, which offered them a chance to escape the share-cropping and credit system.

Baker filed his report on July 9, 1935, describing his attendance at seven community meetings where he met with approximately 4,000 Indians (Baker 1935: 1). Based on the numbers given in the log kept by Brooks, it appears that he met with over 8,000 Lumbees (Ibid.). Baker reported:

It may be said without exaggeration that the plan of the government meets with practically the unanimous support of all of the Indians. I do not recall having heard a dissenting voice. They seemed to regard the advent of the United States government into their affairs as the dawn of a new day; a new hope and a new vision. They hailed with joy the offer of the government; many of the old people could not restrain their feelings, -- tears filled many eyes and flowed down furrowed cheeks. We must confess to the fact that our own feelings were deeply touched as the old people expressed so deep a longing to have a piece of land on which they could live in peace without fear of ejection by a landlord (Ibid.).

Baker went on to remark upon the tribal cohesion and solidarity that was maintained and increasingly expressed among the Indian people of Robeson. Despite the deplorable conditions of the sharecropping families, Baker noted:

I find that the sense of racial solidarity is growing stronger and that the members of this tribe are cooperating more and more with each other with the object in view of promoting the mutual benefit of all the members. It is clear to my mind that sooner or later government action will have to be taken in the

name of justice and humanity to aid them (Ibid.: 3). Baker found no opposition to the proposed project from the white landlords, who he said were willing to sell their land at a fair price. Baker concluded his report with a recommendation that the project be supported.

In the fall of 1935, Brooks sent Collier an agreement to take property (September 9, 1935, Letter, Joseph Brooks to John Collier). On September 12, 1935 Brooks was interviewed by John Pearmain in Washington on a variety of subjects, including the organization of the Siouan tribe. Brooks reported that there were ten Siouan communities centered around Pembroke, each with at least one Indian public school. The tribal council consisted of eighteen elected representatives, each from a separate electoral district. In addition, there was an eighteen member advisory council called the Tribal Business Committee. The tribe had no written constitution. Brooks reported the total number of Siouans in Robeson County to be 11,000, with another 2,000 resident elsewhere (Pearmain 1935: 41).

Pearmain conducted an independent survey at which time he interviewed 44 tribal members. He reported that there were seventeen Indian communities in Robeson County. In his preface he spoke most favorably of the project and its leadership saying "With his [Brooks] leadership and the backing of the various members of the Tribal Council, together with the favorable local sentiment for the project, the undertaking should be a success" (Ibid.: 1).

The project seemed well on its way to fruition when it was suddenly shifted from the Bureau of Indian affairs to the Rural

Resettlement Administration of the Department of Agriculture. No satisfactory explanation of the change was provided. Following this move came the appointment of an employee of McNair Investments of Laurinburg to serve as federal civil service manager for the project. Brooks and the other leaders were particularly incensed by this action since McNair was one of the principal reasons for the massive Indian land loss through foreclosures in Robeson County (July 6, 1936, Letter Groome to Stewart).

Up to this point there had been no opposition from the white population, but this changed in 1938. In February, Senator Bailey and Representative J. Bayard Clark received a petition signed by the white members of the Mount Moriah Church, located near Pembroke Farms, complaining in the baldest racial terms of the placement of Indian families near their church. The thrust of their complaint was that the 125 year old church and cemetery were about to be abandoned by its members because of the settlement of Indian families in the area (Petition 1938). Bailey and Clark transmitted the petition to the Farm Securities Administration, endorsing its insistence that Pembroke Farms be opened to settlement by whites, and that Indian families be barred from tracts near the church (Ibid.).

The controversy over whether whites could occupy the land continued for several months and was finally resolved by a compromise that allowed the tracts adjacent to the church to be leased to whites. In addition, a grove of trees was to be preserved to screen off the Indian settlements (May 20, 1938, Letter, Alexander to Mitchell).



Duncan Locklear
Seltzer Photo 1936

Henry Locklear
Seltzer Photo 1936

during the efforts to establish Pembroke Farms and the Red Banks Association, Brooks was also busy with his efforts to have the Siouan tribe federally recognized under the "one-half or more Indian blood," provision of the Wheeler-Howard Act (Section 19). Following his receipt of Cohen's memorandum, Brooks sought and received confirmation from the Secretary of Interior (McNickle 1936: 13). On June 11, 1935 Assistant Commissioner of Indian Affairs William Zimmerman wrote Brooks requesting "a list of members of the [Siouan] group who are one-half or more degree Indian blood" as well as information as to how this quantum could be established (June 11, 1935, Letter, Zimmerman to Brooks). A month later the Siouan Council submitted its approved roll (Ibid.).

Table 2 Enrollment of Siouan Indians of the Lumber River

District	Heads/Hshlds	Councilman
1. Piney Grove	7	T.H. Locklear
2. St. Annah	81	A.C. Locklear
3. New Bethel	36	A.A. Oxendine
4. Deep Branch	18	J.T. Hunt
5. Leland Grove	22	Johnie Cummings
6. Macedonia	7	Arch Locklear
7. Prospect	45	Shelton Bullard
8. Barker Ten Mile	33	Henry McGirt
9. Sycamore Hill	23	Charlie Locklear
10. Mt. Elam	54	Charlie Oxendine
11. Burnt Swamp	85	Cloyd Chavis
12. Bethel Hill	47	D.L. Lowery
13. White Hill	80	Josiah Locklear
14. Saddletree	90	Riley Locklear
15. Philadelphus	62	Hezzie Deese
16. Cherokee Chapel	36	Elwood Oxendine
17. Holley Wood	6	Hector Locklear
18. Smyrna	35	Eddie Locklear
(Siouan Tribal Council 1935)		

The enrollment list, which was dated May 18, 1935, listed



Jimmy Locklear
Seltzer Photo 1936



Willie Jones
Seltzer Photo 1936

eighteen districts with the number of heads of households and the names of the tribal councilmen in each district. The Piney Grove district had a total of fifty-nine members, or just over eight per family. The roll lists 767 families, which would suggest a total enrollment of around 6,000, out of a total Indian population of 12,404 (U.S. Department of Commerce 1937: 21,175).

After some discussion with Assistant Commissioner Zimmerman, the Siouan Council accepted, in June of 1935, with slight modification, the blood-quantum form devised by the Bureau of Indian Affairs (June 3, 1935, Letter Zimmerman to Brooks). There remained a serious problem of the criteria to be used in determining blood-quantum, as well as the procedure for validating the applicants. Assistant Solicitor Cohen addressed these questions in a memorandum in April, 1936.

On the basis of Mr. McNickle's report dated April 7, it seems to me quite feasible and entirely desirable to prepare a list of those Indians who can fairly establish that they are of more than one-half Indian blood. The stringency of proof to be required is largely a question of administrative policy that should be determined by the Commissioner. One of the factors to be borne in mind is the scale on which this project is to be attempted.

I should think that Mr. McNickle's estimate that of the 12,404 listed in the census of 1930 there ought to be at least several hundred entitled to recognition as of one half or more Indian blood is probably quite conservative.

With respect to the type of evidence on blood that we are to require, I do not think the choice is necessarily, as Mr. McNickle suggests, between depending "entirely on tradition" and undertaking "a long and tedious procedure of tracing each applicant back through state and county records." I think that we have to rely not only on oral evidence, but also on evidence from enrollment in Indian schools and other special Indian institutions maintained by the state.

I agree with Mr. McNickle that the best way of sifting such evidence is through a commission which would sit continuously for a stated period to hear applicants and witnesses under oath. It would be an excellent idea, I



Bedan Brooks
Seltzer Photo 1936

Annie Locklear Jacobs
Seltzer Photo 1936

think, to have one or more Indians sitting on this commission and to utilize a special jury of local Indians to decide disputed questions of fact which might be presented by the commission. Such a special jury might be selected by the existing council.

My own feeling is that such a commission should not attempt the task of preparing an exhaustive roll but should pass only on the cases of persons applying for land or educational privileges under the Indian Reorganization Act that the group selected for occupancy of land to be acquired should serve as a nucleus which could make additions from time to time to its own body, with the approval of the secretary if that approval be considered necessary but upon the basis of its own independent investigations. Of course the critical point in this program is the selection of the original nucleus group (Cohen April 8, 1936).

Cohen's memorandum makes clear three important points: 1) acceptable evidence will consist of oral statements, school records, and other state documents, 2) the final determination of facts where disputes exist will be made by a jury of tribal members, and 3) the records to be reviewed will be limited to those persons who are applying for federal Indian assistance. In addition, the core of people will represent a nucleus group for the purposes of recognition and will be able to admit others who meet the criteria.

The Bureau had never faced the problem of determining blood quantum for such a large group in the absence of a solid base of tribal records. Consequently, several methodologies were considered before the final plan was accepted. This plan combined tribal and family tradition with documentary research. One additional criterion was included; the use of anthropometric data. In June of 1936, Dr. Carl C. Seltzer, an anthropologist and member of the "Eastern Siouan Indian Commission," visited Robeson County and took physical data on 108 Indians applying for recognition as one-half or more Indian blood. He took data



Jessie Oxendine
Seltzer Photo 1936

Dunnehugh Wilkins
Seltzer Photo 1936

concerning skin pigmentation, hair, ears, eyes, nose, lips, teeth, and head, as well as blood type and general body measurements, in accordance with "the International Agreement and as recorded by Dr. Ales Hrdlicka in his 'Anthropometry' published in 1920" (Seltzer July 30, 1936).

For each applicant Dr. Seltzer prepared a "Racial Diagnoses," with the following categories: one-half or more Indian blood, borderline; probably more than one-half Indian blood; probably less than one-half Indian blood; more than one-half Indian blood; less than one-half Indian blood; and doubtful (Ibid.). Of the 108 applicants, only three - Lawrence Maynor, Vestia Locklear, and Jesse Brooks - were diagnosed as one-half or more Indian blood (Ibid.). Table 3 summarizes Seltzer's findings according to category.

Table 3 Results of Dr. Seltzer's Study of 108 Indians.

Category	No. of Applicants
Borderline	2
Probably < 1/2	4
Probably > 1/2	1
Less than 1/2	97
1/2 or More	3
Doubtful	1
Total	108

At a later date Seltzer returned to Robeson County and examined another 101 applicants. Of the 209 applicants, the Secretary of Interior eventually certified twenty-two as having one-half or more Indian blood (February 24, 1938, Letter to Brooks; December 12, 1938, Letter, Zimmerman to Brooks).

What had started out as a reasonable plan of Cohen's quickly became a ludicrous exercise in pseudo-science. The disreputable



Lucy Ruby Jacobs
Seltzer Photo 1936

Jesse Brooks
Seltzer Photo 1936

anthropometric data were without merit and meaningless. (In accepting these as the principal determinants, the federal government ignored the more than 150 years of endogamous marriage in the community.) If twenty-two met the criteria, surely so would their siblings, and for that matter, most of the rest of their families. Yet there were instances where one sibling appeared on the accepted list while another was rejected. How Cohen's proposal could have been so corrupted, and in such a short length of time, is beyond comprehension.

Despite the failure of the recognition process and the less than satisfactory establishment of Pembroke Farms and the Red Banks Mutual Association, the decade ended with some positive results for the tribe. The federal government repeatedly acknowledged the Indian ancestry of the Lumbee. Throughout the period it continually referred to the tribe as Siouan, to the displeasure of some important tribal leaders, but to the satisfaction of others. Furthermore, through its actions it acknowledged the existence of a tribal structure with whom it negotiated and communicated on a regular basis. The Siouan Tribal Council and their opposing group -- those who sought the Cherokee name -- ably demonstrated their ability to marshal large numbers of tribal members to support their respective positions. Both were able to bring their influence to bear on the national government, although in different ways. The Siouan group operated most successfully when dealing with the Bureau of Indian Affairs, while the Cherokee group showed more influence with local white politicians and congressmen. It is ironic that in order to prevent their being named Siouan the opponents had to



Allie Byrd Hammonds
Seltzer Photo 1936



Mareller Wilkins
Seltzer Photo 1936



sacrifice the opportunity to receive federal approval of the Cherokee name.

Although there was a sharp split between the Siouan and Cherokee segments of the tribe, it is incorrect to assume from this that the two sets of leaders did not share similar aims for the tribe or were unwilling to cooperate for common goals. One example of this was the Indian Pageant, organized and staged in 1940 and 1941, and sponsored initially by the Red Banks Mutual Association. Inspired by the success of the 1936 "Lost Colony" outdoor drama at Manteo by Paul Green, community leaders contacted the Bureau seeking assistance in staging a similar drama in Pembroke. Walter Smith, Joe Brooks, D.F. Lowry, W.R. Maynor, C.E. Locklear, S.A. Hammonds, and C.D. Brewington worked through George Mitchell in Washington to have the Bureau hire Ella Deloria as an "Indian specialist in cultural history" to work with the Indian committee in Pembroke to put on an agricultural fair and pageant to celebrate "the history and progress of the Indian people around Pembroke" (July 15, 1940, Letter, Mitchell to Smith). Apparently the leadership went directly to Collier who coordinated the project through Mitchell's office.

The Office of Indian Affairs arranged for \$1,200 to hire a person for five months to perform the following duties:

The person chosen is to be assigned duties as advisor to committees of citizens, principally Indians, in their plans to develop a Pembroke Indian Fair which it is hoped it will be possible for them to hold in late November, 1940. The individual should have some special abilities in the field of Indian cultural history, the public presentation of historical and folk material, preferably some knowledge of agriculture, and in addition should be familiar with Indian sports and

PROGRAM

Second Annual Presentation Of

"The Life Story Of A People"

SPONSORED BY

PEMBROKE STATE COLLEGE

FOR INDIANS

December 5, 8 and 10, 1941

At 8 P. M.

College Gymnasium

PEMBROKE, N. C.

Written and Directed by
MISS ELLA C. DELORIA

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pastimes (Ibid. July 11, 1940, Letter Mitchell to Collier). The letter went on to note that the Farm Securities Administration, which was ultimately funding the project, felt that the tribe's sense of "... cultural and racial pride ..." would be enhanced by the project.

The Indian Office hired Ella Deloria, a Dakota Indian who had worked as an anthropologist at Columbia University with Dr. Franz Boas for eleven years. Her contract ran from the middle of July to the end of November, 1940 (July 11, 1940, Letter, Mitchell to Gordon). Deloria began her work immediately and by August had sketched out her ideas for an Indian Pageant. Her first item of business, a trip to see the "Lost Colony" pageant, met with a cool reception. The Siouan group disavowed descent from the Algonkian tribes of the coast, and those who believed in the Lost Colony origins were afraid to assert their beliefs out of fear of being ridiculed by doubters and of reviving the loathed "Croatan" slur (August 21, 1940, Letter, Deloria to Faris). She had also been warned against relying on the Lost Colony legend by the North Carolina historian Dr. Crittenden (Ibid.). Nevertheless, she decided to see the drama, if only to understand its technical aspects.

Deloria's idea for the pageant was to show the evolution of the tribe from white contact to the present, highlighting the change from confrontation, to mutual assistance between the races. She planned to mix the general history of Indian-white relations with specific points of Lumbee history, such as the original settlement of Indians in Robeson County, subscription schools, military service, the Lowry War, and ending with the

Outline Of Pageant

PART I

A Symbolical Prelude: The Last Indian Questor.

PART II

"The Life-Story of a People": From a Modern Questor's Notebook.

Episode one—Aboriginal Life (A conjectured scene).

1. Primitive Religion
2. Primitive Sorrow
3. Primitive Hospitality.

Episode two—Life among the "Lumbee"

1. Pioneer Church—The Circuit Rider
2. Pioneer Education—The Subscription School
3. Pioneer Justice—Me-mekie and the Outlaws.

Episode three—Progress since 1885.

1. The Church of today.
2. Education of today.
3. Glimpses of the present scene.
 - a. Pembroke College.
 - b. Public Health Program.
 - c. The Boy Scouts; the Girl Scouts.
 - d. Indians in National Defense.
4. Earth's Rewards—A Tableau and Dance.

PART III.

Finale—The Indian Expresses Loyalty—

1. To his Home.
2. To His Country.
3. To His God.

Cast

LAST INDIAN QUESTOR: Paul Sampson; Joseph Sampson, (alternating).

MOTHER EARTH. In the Vision: Bertie Thomas Revels.

THE FOUR WINDS: Mabel Lowry, Anna Oxendine, Lucy Locklear, Tessie Hunt.

INTERPRETING CHORUS: Reba Lowry, Frances Stinebring, Fossie Maynor, Mary Sharpe, Elizabeth Maynor, Mary Jacobs, Lucy Chavis, Alyce Maynor.

CIVIL CHIEF: Roy Maynor

TRIBAL QUEEN: Ruby Dia

HIS ATTENDANT: John Lowry.

BATTLE COURIER: Tommy Oxendine.

WAR CHIEF'S ATTENDANT: Earl Oxendine

CORN RITUAL DANCERS: Wilma Sampson, Martha Sampson, Inez Thompson, Lillian Thompson, Maud Wilkins, Georgia Locklear, Margaret Locklear, Parree Chavis.

BOY SINGERS FOR CORN DANCE.

GIRL SINGERS FOR CORN DANCE.

WHITE REFUGEES: Joe Smith, Anna Cummings, Eulalia Lowry, Annie Neal Locklear, and others.

MODERN QUESTOR: Ledger Locklear.

CIRCUIT RIDER: Anson Locklear.

CHAIRMAN OF SCHOOL MEETING: James Albert Sampson.

ME-MEKIE: Earl Lowry.

VOICE IN THE DARK: Marvin Howington.

THE LOWRY GANG: Joe Sampson, Ira Pate Lowry, Carlee Lowry, Burney Locklear, Plummer Locklear, Gaston Reve's, James Albert Sampson, Elmer Lowry, Theodore Maynor, Delton Lowry, Ernest Sampson.

MOTHERS: Rose Carter; Lucy Locklear.

DAUGHTERS: Cynthia Brooks, Ruth Sampson.

BOY SCOUT LEADER: Walter Pinchbeck, Neighborhood Commissioner

GIRL SCOUT LEADER: Lois Sampson, Fossie Maynor, assistant.

NATIONAL DEFENSE: Russell Oxendine, John H. Lowry.

INDIAN FAMILY: Anson Locklear, Evelyn Stone, Sammy Locklear, Louise Carter.

PUBLIC HEALTH NURSE: Velma Maynor, R. N.

INDIAN FARMER: Richard Jones.

COTTON DANCERS: Anna Victoria Smith, Alyce Maynor, Martha Sampson, Wilma Sampson, Parree Chavis, Margaret Locklear, Georgia Locklear, Reba Chavis, Anna Oxendine, Lucy Locklear, Mary Wilkins, Maud Wilkins, Lillian Thompson, Inez Thompson, Clatter Godwin, Ella Jones.

assistance given by the Farm Security Administration (Ibid.).

The project was a massive undertaking involving all segments of the Indian community in prop construction, music and choreography, costuming, lighting, advertising, fundraising, and the like. Indian school teachers rehearsed their classes for "mass effects or choruses of movement of song," and the people generally were very enthusiastic (Ibid.). Between August and October 1940, the community was fully engaged in preparations for the pageant. The script was completed by late October, and rehearsals started almost immediately at the newly constructed college gym. Deloria reported:

Some white women from Red Springs asked to be in it [the pageant] but the people feel it is their pageant, their first chance to do something interesting and that they have enough blonds to play white parts. (When white men stage a show calling for Indians, they don't go out after real Indians; they make up as Indians; why can't we [make up as white]? said one man) (October 22, 1940, Letter Deloria to Mitchell).

The pageant, entitled "The Life Story of a People," was presented on three successive nights, December 5, 6, and 7, 1940 (Robesonian December 3, 1940). It attracted much local and statewide attention, and was well supported by local businesses (Lumberton Voice November 30, 1940: 1-5; Raleigh News and Observer November 28, 1940; Robesonian December 6, 1940). George Mitchell wrote:

It was a grand job. Everyone is agreed that the whole business did more to draw the Indians together as a group and to get them known as a people with special needs than anything that has occurred at all (December 11, 1940, Letter, Mitchell to Deloria).

On the same day he wrote to Collier:

All who have known the Indian group there and who were present for the occasion agreed that it has done more



Pageant

OF THE ROBESON COUNTY INDIANS

"PAGEANT, SHOWING THE DEVELOPMENT OF THE INDIANS OF ROBESON COUNTY FROM EARLIEST TIMES TILL NOW
STAGED AND ENACTED BY PERSONS OF INDIAN ORIGIN"

PEMBROKE, North Carolina

COMMITTEES

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CHAIRMAN
JOHN J. BROOKS
IRA PATE LOWRY
MRS. IRA PATE LOWRY
W. R. LOCKLEAR
MRS. W. R. LOCKLEAR
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PAUL SAMPSON
SANFORD SAMPSON

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REV. D. F. LOWRY
REV. L. W. JACOBS
J. A. SAMPSON
LEVI HUNT
MISS ELLA DELORIA,
EX-OFFICIO, ALL COMMITTEES

Dear Friend:-

We, the Indians of Robeson County, are giving a pageant on December 7, which will present the development of our people and their achievements from earliest times until now. It will have an all-Indian cast, and will open with very striking, authentic ceremonies of the pre-Columbian Indians who were our ancestors, and will give the highlights of our history as derived from both tradition and written record.

It bids fair to be good entertainment as well as informational. It will give a complete picture of a unique group of Indians; for we are unique in many respects, particularly in this: What we have attained has come not through idle waiting for possible Federal help, but through industry and sobriety and a consistent determination to survive. Furthermore, although we have always paid taxes and carried our share of civic and national duty, we obtained our public school system only four years ago. Yet in that short period, our people have made remarkable progress as the closing scenes will show.

The pageant theme is based on this obvious truth: That those people who live in close partnership with God's earth, and in a harmonious relation with their fellow men, find for themselves a way-of-life that is satisfying to the spirit. Our people have done this and have learned thereby to live in serenity and simplicity; loyal to their land of their birth and to its government, and true to the God who made them.

The production is in the capable hands of one who has had considerable experience with Indian pageantry, as an avocation. The fact that her major interest is Anthropology only gives added assurance that the Indian scenes will be racially and regionally correct. Because we feel we have something that serious-minded people would appreciate, we are sending you this word with the hope that you will be interested to pass it on to such of your friends and acquaintances as you feel might be interested.

Sincerely yours,

THE PUBLICITY COMMITTEE

Per _____

than anything in recent years to draw all the conflicting groups together and to get the special situation of the Indians known throughout the state (December 11, 1940, Letter, Mitchell to Collier).

so successful was the pageant that tribal leaders requested Deloria's services the following year to organize another presentation. The leaders of the Red Banks Mutual Association (RBMA) decided to run an Indian fair in conjunction with the pageant (Ibid. Letter, Mitchell to Gordon, May 5, 1941). The fair was a tremendous success as was the second Indian pageant. The fair, which was held in October, had many displays of crafts, farming techniques, farm machinery, canning, art and fashion, animals, and music to draw large crowds. The RBMA received assistance from the college and the high school, the National Youth Administration, and the Indian Boy Scout troops. Deloria especially noted that the fair brought together the eighty-five per cent of the people who lived in the isolated farm areas with the so-called "progressives" of Pembroke, and that for the first time the progressives seemed genuinely impressed with and respectful of what the RBMA farmers had accomplished (Ibid.). At the height of their success war broke out and the fair and pageant were discontinued.

During this period the Siouan Council continued to function maintaining close ties with the RBMA. The council was increasingly concerned with the management of RBMA and Pembroke Farm affairs, and lodged complaints about mismanagement and racial discrimination with Senator Bailey (May 3, 1941, Letter, Chavis to Bailey). Bailey virtually ignored the complaints, relying on the assurances of the local white politicians that

The Indians of Robeson County

Present

"The Life-Story of a People"

A pageant showing the development of the Indians of Robeson County from earliest times until now. Produced under the sponsorship of the State Indian Normal College and the kindly auspices of the National Farm Security Administration and the Office of Indian Affairs, Washington, D. C.

Written and directed by
ELLA CARA DELORIA

College Gymnasium
PEMBROKE, North Carolina

DECEMBER 5, 6, 7, 1940
at 8 o'clock, P. M.

they were groundless. He went so far as to reject the personal overtures of George Mitchell from the Indian Office (June 19, 1941, Memo, Albert Maverick, Jr.).

At the conclusion of World War II the Department of Agriculture adopted the policy of disposing of surplus property holdings to returning veterans, to ease their reintegration into the economy. As part of this policy, the Department identified the National Youth Administration community center at Red Banks as surplus property and scheduled it for sale at public auction. The Indians immediately protested and enlisted the aid of Collier to prevent the sale. Although Collier supported the tribe, they were too late and the building was sold to a local white man. A group of Indians then pooled their funds and purchased the center. The farm cooperative continued in operation until 1968 and was the longest operating government-sponsored cooperative in the nation (Raleigh News and Observer July 7, 1968).

Since its incorporation, Pembroke had been operating as an exception to the general laws of the state. Instead of electing its officials, as was the case with other towns in the state, the public officials were appointed by the governor. This was because Pembroke was the only non-reservation town in the state that was controlled by an Indian majority. However, in 1945, under pressure from returning Lumbee war veterans, the General Assembly was persuaded to return the franchise to the citizens of the town, thus ending the legal anachronism. Notwithstanding this change in the law, the Indian leadership agreed to continue the informal tradition shortly after 1917. The seats were divided, two white and two Indian, with each race running its

candidates in alternate elections (Robesonian February 22, 1945). However, the arrangement lasted but a few years.

POST-WAR PERIOD

In the early 1950s D.F. Lowry reopened the campaign to have the tribe's name changed, this time to the Lumbee Indians. The name was derived from the Lumber River, which got its name from the poetry of John Charles McNeill, a native of Scotland County (Thomas 1982: 11). The Lumber River was originally known as Drowning Creek until its name was changed in 1809 by the legislature (N.C. Public Laws, Chapter 32, 1809). The first reference to the tribe as the Lumbee Indians appeared in 1926 (Raleigh News and Observer February 21, 1926). In 1948 Lowry organized a group of Indian ministers to advance a broad spectrum of social and political programs, including changing the tribe's name. The group, which called itself the Lumbee Brotherhood, chose Lowry as its first president (Raleigh News and Observer May 12, 1953; Robesonian October 31, 1950, Pembroke Progress January 26, 1950).

In justifying Lumbee as the name of preference, Lowry argued that because the tribe was originally composed of members from different tribes, no one historical name was appropriate. Rather, the tribe should take its name from a geographical name, as had other tribes in the area. Lowry cited the Wateree and Pee Dee as examples (State December 20, 1952). An impetus to the organization of the Lumbee Brotherhood may have come from a group of rural Indians who organized in the spring of 1949 to obtain

"special rights" (Robesonian April 22, 1949). Lowry's group was quick to disassociate itself from this group and its methods. In what appears to be a replay of the battles fought within the tribe over the Siouan bill, the Lowry group met opposition over its proposed name. Nonetheless, the Lumbee Brotherhood persisted and was able to get a bill introduced in the North Carolina Legislature in 1951 by State Senator Watts (Charlotte Observer April 2, 1951; Robesonian April 5, 1951). When it became clear that there was no consensus among the tribal members, the Assembly refused to act, and, instead, passed a resolution calling for a vote of the Indian people in Robeson County on the name change (N.C. General Assembly Joint Resolution No. 36, 1951). Late that summer the Lumbee Brotherhood began circulating a petition in favor of the name change (Robesonian August 17, 1951). After some problems regarding the financing of the referendum, it was scheduled for February 2, 1952 (Robesonian January 8, 1952).

During January the entire Indian community was involved in the debate over the issue (Robesonian January 15, 1952, January 21, 1952, January 23, 1952, January 31, 1952, February 1, 1952; Raleigh News and Observer January 10, 1952). The choice presented on the ballot was either to adopt the name Lumbee or stay with the name Cherokee of Robeson County (Raleigh News and Observer January 10, 1952). The schools were to be used as polling places.

Voting took place on February 2, at the fourteen polling places in the county. The results were: 2,109 in favor of the name change and 35 opposed (Raleigh News and Observer February 4,

1952; Robesonian February 5, 1952). Immediately following the vote the Indian leadership called a mass meeting for February 14. This meeting was attended by the local delegation to the General Assembly (Robesonian February 13, 1952, February 15, 1952).

Because the next session of the legislature was not due to convene until January of the following year, tribal leaders had plenty of time to organize a campaign to get the change accepted. The same opposition to the 1951 legislative effort surfaced when the Lumbees took the results of the referendum to the legislature in February, 1953 (Raleigh News and Observer February 21, 1953). Throughout the winter and early spring the two sides waged battle in the halls of the General Assembly. Those supporting the legislation were led by D.F. Lowry. Judge L.R. Varser, long time friend of the tribe, spoke against the bill arguing that the change would open the schools to "every mulatto in Hoke and Cumberland" counties, who would claim to be Lumbees in order to get into the Robeson County schools (Raleigh News and Observer February 26, 1953).

After losing at the committee level, the opponents next challenged the validity of the referendum, claiming that the majority of the adult Indians had preferred to retain the Cherokee name, but had boycotted the vote. The opponents called for another referendum, however, this was not accepted by the Assembly Committee (Ibid. April 2, 1953). Finally, on April 20, 1953 the General Assembly enacted Senate Bill No. 114 into law (N.C. Public Laws Chapter 874, 1953). Shortly thereafter, the Lumbee Brotherhood called community meetings to celebrate (Raleigh News and Observer May 12, 1953).

The tribe followed its 1953 success with a federal bill two years later. Congressman Carlyle introduced legislation to recognize the Lumbee Indians of North Carolina (U.S. House of Representatives July 1955). From the standpoint of the Lumbees the bill could not have been introduced at a worse time. Under presidents Truman and Eisenhower the United States had embarked on a policy of terminating its relationship with the federally recognized tribes. As described by Laurence M. Hauptman, a noted historian of federal Indian policy of the twentieth century:

These "termination laws" of the Truman and Eisenhower administrations ended federally recognized status for 109 Indian groups, totaling 13,263 individuals owning 1,365,801 acres of land; removed restrictions on Indian trust lands to allow for easier leasing and sale; shifted Indian health responsibilities from the BIA to the Department of Health, Education and Welfare; and established relocation programs to encourage Indian outmigrations from reservations to urban areas. Even the creation of the Indian Claims Commission in 1946 became tied in with congressional efforts at "getting the United States out of the Indian business" (Hauptman 1986: 31).

Because of the prevailing federal policy the bill as proposed attracted the opposition of the Department of Interior. On August 3, 1955, Assistant Interior Secretary Orme Lewis wrote the Chairman of the House Committee on Interior and Insular Affairs, Clair Engle, that H.R. 4656 should be amended "to indicate clearly that it does not make these persons eligible for services provided through the Bureau of Indian Affairs to other Indians (U.S. House of Representatives January 18, 1956). The department opposed placing "... additional persons of Indian blood under the jurisdiction of this Department" (Ibid.). In spite of the opposition the committee recommended enactment of the bill (Ibid.).

The bill passed the House without change and was sent to the senate (Raleigh News and Observer February 22, 1956; Lumberton post February 23, 1956; Robesonian February 21, 1956). When the bill emerged from the Senate Committee it contained the limitations proposed by the Department of Interior (U.S. Senate May 16, 1956). The amended bill was passed by the Senate on May 21, 1956 and by the House three days later and signed by the president on June 7, 1956 (70 Stat. 254-255).

AN ACT

Relating to the Lumbee Indians of North Carolina

Whereas many Indians now living in Robeson and adjoining counties are descendants of that once large and prosperous tribe which occupied the lands along the Lumbee River at the time of the earliest white settlements in that section; and

Whereas at the time of their contacts with the colonists, these Indians were a well-established and distinctive people living in European-type houses in settled towns and communities, owning slaves and livestock, tilling the soil, and practicing many of the arts and crafts of European civilization; and

Whereas by reason of tribal legend, coupled with a distinctive appearance and manner of speech and the frequent recurrence among them of family names such as Oxendine, Locklear, Chavis, Drinkwater, Bullard, Lowery, Sampson, and others, also found on the roster of the earliest English settlements, these Indians may, with considerable show of reason, trace their origin to an admixture of colonial blood with certain coastal tribes of Indians; and

Whereas these people are naturally and understandably proud of their heritage, and desirous of establishing their social status and preserving their racial history: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumber River in Robeson County, and claiming joint descent from remnants of early American colonists and certain tribes of Indians

originally inhabiting the coastal regions of North Carolina, shall, from and after the ratification of this Act, be known and designated as Lumbee Indians of North Carolina and shall continue to enjoy all rights, privileges, and immunities enjoyed by them as citizens of the State of North Carolina and of the United States as they enjoyed before the enactment of this Act, and shall continue to be subject to all the obligations and duties of such citizens under the laws of the State of North Carolina and the United States. Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

The tribe had finally received some degree of federal acceptance after fifty years of trying.

There can be no doubt that for the period covered by this section of the report the Lumbee have been continuously and repeatedly recognized as American Indians. This was made explicit by the state in the 1880s and by the federal government from the beginning of the twentieth century on. Federal and state officials have, on numerous occasions, detailed in this report, reviewed the evidence, and at no time did they question the fact that the tribe consisted of people of Indian descent. Federal reluctance with respect to acknowledging the tribe centered more on questions involving the extension of services and the attendant costs.

RECENT LUMBEE HISTORY

The 1950s were marked by a major change in Lumbee society. While the debate over the tribal name was going on, a new and potentially disruptive set of conditions was developing - the civil rights movement. The first indication of impending change

came when the United States Supreme Court issued its decision in the case of Brown v. Board of Education of Topeka, Kansas, holding that separate facilities were inherently unequal. The case was decided in 1954, but its effect was not felt in Robeson County for ten years.

More immediate was the impact of the Ku Klux Klan. Klan activities increased in the early 1950s, but were suppressed by a series of arrests and convictions, only to reoccur by 1957. In January, 1958, the Klan carried out two cross-burnings directed at Lumbees and announced that it would hold a rally at Maxton (Raleigh News and Observer January 18, 1958; Robesonian January 17, 1958). Tribal members made it eminently clear that they would not permit a rally, the local paper warned the Klan of the danger, and the sheriff told the Klan leaders that his department would not protect the Klan members should they proceed with the rally (Robesonian January 17, 1958; Raleigh News and Observer January 17, 1958; Charlotte Observer January 17, 1958). In spite of the warnings the Klan decided to hold the rally.

On the evening of January 18, the Klansmen gathered in a field outside of the town of Maxton. They were quickly surrounded by several hundred Lumbee who, in short order, drove the Klan from the field. The sheriff arrived just after the rout and arrested the Klan leaders, charging them with disorderly conduct and inciting a riot. They were later convicted and sentenced to terms in prison. Blu sums up the impact of the Lumbee challenge to the Klan as follows:

And indeed, the Klan has not returned publicly to Robeson County. In 1966, it sought to hold another rally there in order to regain the prestige it had lost

in 1958. Many Indians threatened that they would never allow a Klan rally to take place in Robeson. And because some Indians feared that it would be impossible to prevent serious bloodshed a second time, they persuaded authorities in the state capital to issue an injunction against the Klan, preventing them from holding the rally. Although the legality of the injunction was questionable (the American Civil Liberties Union later took the case for the Klan), it was effective. No rally was held.

Many of the Indian participants in these events were veterans of World War II, and no one today is given credit for leading the Indians. Once again Indians had resorted flamboyantly to defensive violence as a political tactic, but this time there was no one heroic leader, and "the Indian people" have become the hero in the retelling of the story.

With the return to defensive violence, the Lumbee story seems to have come full circle back to Henry Berry Lowry days. But new possibilities emerged in the 1960s and new tactics began to be used. The net result of the brief and relatively unbloody return to defensive violence was, apparently, increased wariness and respect on the part of many Whites, and amplified pride on the part of Indians. This new situation helped Indians to take advantage of the possibilities opening before them and helped Whites to accept such Indian behavior, however reluctantly (1980: 89-90).

Even before the Klan incident Lumbees were showing a restiveness in their relations with the white power structure in the county. By 1950, they were electing tribal members to all of the offices in Pembroke (Dial and Eliades 1975: 143). Beginning in the early part of the 1950s, a group of tribal members took the first steps to challenge the white control of the political apparatus. They formed an informal, loosely organized group, initially called "The Organization," began in the Maxton District, which was comprised of the townships of Pembroke, Smiths, Alfordsville, and Maxton (Sider 1971: 122).

In North Carolina, as in other states, the county is the key political unit. The county political organization provides the grass-roots support for state-wide candidates; it is the core of

the political partys' power. It is through the county that funds are raised, candidates chosen, and votes garnered. The process relies upon political discipline and rewards local leaders who can successfully turn out the vote. Thus, the county leader with a strong organization can exert a powerful influence on those who hold or seek state-wide office. The system is one that thrives, unabashadly, on reward and punishment.

Until the end of World War II, Lumbee political leaders practiced a strategy of accomodation with respect to the white political leaders in the county. Local Lumbee leaders got out the vote for the Democratic candidates and received, in return, some influence over local affairs. But this strategy, while reasonably successful before World War II, offered diminishing returns for the post-war Lumbees. Sider provides the following insights:

The patterns and the purpose of political accomodation is clearest during the early years of the re-enfranchisement of the Lumbee. Indians acting in the context of their Indian identity allied with the Democratic party, and by so doing obtained both concrete communal benefits (schools, laws, etc.) and freedom to institutionalize their identity as Indians. They thus, through accomodation, secured their separate position and brought prestige and benefits to this position. Later, when increases in real benefits, and when developments in Black political assertiveness came to be felt as a pressure to "do likewise," accomodation lost its effectiveness and its central position in the strategic orientations of the Lumbee (Sider 1971: 100).

While there was general agreement as to goals (i.e. Indian education, access to political power and jobs, and an end to segregated facilities) there was no consensus on methods to achieve these ends. The division within the Lumbee community centered on "... the issue of cooperating with the whites, 'going

it alone,' or making political alliances with the Blacks" (Ibid.: 102-103). Complicating the problem of exerting independence was the fact that, in 1960, blacks and Indians in the county were equal in number and comprised 58% of the population, while whites made up the remaining 42%. In terms of individuals of voting age (twenty-one or older) the two categories were almost evenly divided: Indians and blacks 51%, whites 49% (Ibid.: 109). However, since these populations were not evenly distributed throughout the county, there were townships and precincts where Indians were a majority, others where whites were in the majority, and still others where the combined Indian-black population outnumbered the whites (Ibid.: 121-122).

The Maxton district was one place where the Lumbees held a majority, and it was here, in 1956, that the Organization was successful in electing a Lumbee as judge. In 1958, they supported another Lumbee who was elected as county commissioner (Ibid.: 124).

The civil rights laws passed in the 1960s led to voter registration drives throughout the south. In 1967, the American Friends Service Committee (AFSC) began an intensive effort in Robeson County. This followed a drive directed by Dr. Martin Brooks, a Lumbee physician, in 1962. Using a \$7,000 grant from the Voter Education Project of the Southern Regional Council, the drive was designed to combat the increased use by whites of the literacy test to deter Lumbee and black registration. This effort resulted in nearly 5,000 new registrants, including about 3,000 Lumbees (U.S. Commission on Civil Rights 1974: 8). Like the Brooks effort, the AFSC focused on registering Indians and

blacks, and on increasing minority political involvement in all levels of county politics (Lumbee March 30, 1967: 3). The drive began in March, and by June Lumbee registration had increased from 4,618 to 5,842 (Ibid. June 15, 1967: 1). By October, Indians had increased to 6,974, a net gain of 2,356 Indian voters in a six month period (Ibid. October 5, 1967: 1). During this period an effort was made to establish a coalition between blacks and Lumbees. These efforts, their results, and the insights they allow into Lumbee political organization, as well as the labyrinth party politics in Robeson County, have been carefully described and analysed by Blu (1980).

In coordination with the registration effort, the Indian leadership began a campaign of political education and grassroots organization in an effort to consolidate the tribe's political clout. Between 750 and 800 Lumbees attended a fish fry organized by Carnell Locklear and Thadis Oxendine and held at Clark's Landing, near Maxton, in October, 1967 (Lumbee October 12, 1967: 1). Encouraged by the large turn-out, Thadis Oxendine and others began organizing other Lumbee settlements (Ibid. October 19, 1967: 1; October 26, 1967: 1; November 2, 1967: 1). These efforts were coordinated with political education meetings conducted by the AFSC (Ibid. December 7, 1967: 1; December 14, 1967: 1). In addition, some effort was made to bring the political power of Indians and blacks into a coalition in Robeson County, a clear threat to the white-controlled status quo (Ibid. November 9, 1967: 1).

At the time when the Lumbees were meeting with some limited success in their quest for representation, they were faced with a

number of severe challenges to their autonomy and identity. First among these was desegregation. The most serious threat to Lumbee autonomy came in 1954 with the U.S. Supreme Court decision in *Brown v. Board of Education*, although the effect was slow to manifest itself. It was not until the 1964-1965 school year that the Robeson County school system made any effort to integrate. By 1969 most schools in the state had been forced to integrate; however, the Lumbee schools were still in tribal control. Tribal leaders saw integration as a means by which blacks were allowed access to white schools, not as a mechanism to force Lumbees, who were satisfied with the school system they had constructed through eighty years of struggle and sacrifice, to attend predominantly white and black schools.

In the summer of 1970, some tribal members formed a political action group called Independent Americans for Progress, whose principal purpose was the preservation of the Lumbee school system (Winston-Salem Journal Sentinel July 5, 1970). Shortly after its formation, the leaders called a rally at Pembroke to discuss Indian grievances. Billed as a "Red Power" rally, it was attended by around 1,000 Lumbees (Sider 1971: 156). The speakers called for boycotts of white stores that refused to hire Lumbees, the organization of an Indian bank (which was started in December, 1971) and the development of an Indian-owned shopping center. The Lumbees were warned "... against patience, distrust of each other, and neutrality" (Ibid.). There were additional expressions of tribal pride and independence. In line with this overt manifestation of Indian identity was the organization of the Lumbee Homecoming in 1970.

Tribal leaders announced their intention to fight the loss of the schools (Robesonian August 26, 1970). That fall, as the county attempted to integrate the schools (mostly by integrating black and Indian schools), the Lumbees defied the county, staged a sit-in, and filed a law suit (Raleigh News and Observer September 10, 1970: 3, September 11, 1970; Winston-Salem Journal September 11, 1970; New York Times September 13, 1970). Lumbee leaders protested the change and asked the Department of Health, Education and Welfare to allow them to keep their schools separate (Robesonian September 2, 1970). When this failed Lumbee parents filed a suit in the U.S. District Court for the Eastern District of North Carolina, seeking to enjoin the Robeson County Board of Education from including the Lumbee schools in its desegregation plan, and asking that the United States Department of Health, Education and Welfare be prevented from supplying funds to the county school system (Raleigh News and Observer September 25, 1970). The suit became known as the Prospect Suit.

The case was heard by Judge Algernon Butler who denied a request for an injunction (Ibid.). By that time it was too late for the county to carry out its desegregation plan.

The following fall the county again attempted to integrate the Lumbee schools by busing black children in and Lumbee children out to black schools. Thirty-five Lumbee parents, impatient with the court delays, blockaded the Prospect school; someone went so far as to threaten the life of Danford Dial, the school's principal. Many parents held their children out and the situation became so intense that the school was closed (Ibid. August 31, 1971). Dial, caught in the middle, offered his

resignation. The Board of Education passed a resolution banning unauthorized persons from school property, and, a week later, reopened the school. Seven parents were prosecuted and convicted in connection with the disorders (Robesonian September 9, 1971; September 23, 1971: 3). In the meantime, the suit was stymied in the courts, the county school board using it as a means to delay integration. This continued until 1978 when, its value gone as a device to prevent integration, the suit was dismissed (Carolina Indian Voice September 28, 1978: 1; hereinafter CIV).

As a result of this turmoil a group of parents of Prospect High School students, along with other Lumbees concerned about the school situation, formed another organization in December, 1971, called the Eastern Carolina Indian Organization (Raleigh News and Observer January 9, 1972). Carnell Locklear was one of the early leaders of the group, which had as its stated purpose to pursue federal recognition of the tribe (Ibid.).

The members of the Eastern Carolina Indian Organization began calling themselves Tuscaroras. There were a number of factors that precipitated the use of the Tuscarora name for what was and is a dissident faction of the Lumbee tribe. First, the Tuscarora adherents felt that one reason the Indians of Robeson County were repeatedly turned aside in the attempts to gain recognition by the federal government was the lack of a historically recognized name. The name "Croatan" was a place name, while "Lumbee" was thought of primarily in a riverine association. The name "Cherokee Indians of Robeson County" had caused problems with the Eastern Band of Cherokee and had provided an excuse for ridicule by some federally recognized tribes. It had, nonetheless,

convinced many people in Robeson County that the tribe required the name of a historically known Indian nation as a precondition to full federal recognition. Some of these individuals resented the 1953 and 1956 change from Cherokee to Lumbee.

The second basis for their contention related to an assertion that one of their ancestors was Tuscarora. According to this argument, James Lowrie, one of the primal ancestors of the tribe, had married a "half-breed" Tuscarora woman (Norment 1875: 5). As a result, a large number of families thought of themselves as descendants of the Tuscaroras.

Their third concern related to the 1956 Lumbee Act. According to the Tuscarora view, the language of the act was perceived as keeping the Lumbees from full recognition. The Tuscaroras not only wanted to disassociate themselves from the name Lumbee because of the act, they also viewed the Lumbee leadership as, in some measure, responsible for problems that resulted from the act. Finally, during the hearings in the Prospect suit, Judge Butler apparently had suggested to the Prospect parents that if they were unhappy with the Lumbee name and desired the name of an historical tribe one was available -- Tuscarora. Given the frustrations of the members of the Eastern Carolina Indian Organization with the school situation, the Lumbee name and act, the Lumbee leadership, and the tribe's nebulous status, the ECIO leadership adopted and promoted the use of the name Tuscarora (Raleigh News and Observer October 15, 1972; Robesonian January 7, 1972).

The continuing controversy over the Lumbee name caused Doctor Fuller Lowry to submit a lengthy response in which he outlined

the earlier controversy. In an article entitled "Lumbee Indian Act of 1953: Its Origin and Rationale," Lowry described the efforts that led to the use of the the tribe's name.

It would appear that history is repeating itself, and the name of the Indians living in and near Robeson County is being considered again for a change. The purpose of this letter is to remind all of you, especially the young, of the long and arduous road by which we and our ancestors arrived at the present name: Lumbee Indians.

Prior to the Revolutionary war of 1775 our Indian ancestors had assembled along Drowning Creek, now Lumber River, in the area now Robeson County. It was an assembly point for distressed Indians seeking geographic safety. At that time there were Indians here from multiple groups -- Corees, Cherokees, Red Bones, Tuscarora, Hatteras and other tribes -- the resultant of amalgamation with Colonists since 1587. Our group joined in winning independence from the British, having always been full citizens of the state and nation in which they lived. Some of our men drew pensions for wounds received in the Revolutionary war. (William Lowry Pension File No. 6732). Others received bounty land for such services, (John Brooks, Warrant No. 80030).

After helping wih (sic) independence in 1775 we continued to be full citizens of the United States and in the War of 1812 placed some ten Indian boys in the Army, contributing to that victory. The father of Henry Berry's (Lowry) mother, Stephen Cumbo, was such a soldier. By this time the application of a tribal name due to our multiple origins was difficult indeed, if not impossible. However, we went to church, school, voted and fought in the military service, enjoying all the rights of full citizenship.

In 1835 Sect. III, Clause 3 of the Constitution of North Carolina was approved withdrawing voting privileges from free persons of color. The local governemnt of Robeson County declared and implemented the law to include Indians. The voting privilege was denied, we were removed from churches and schools, and when the Civil War began, 1860, we were denied the privilege of serving as soldiers in the Confederate Army.

The above described events shocked the entire Indian Community and brought on chaotic conditions which became progressively worse until 1880. In 1868 the courts ruled that the law of 1835 did not and had never applied to Indians of Robeson County (State V. Wolf 145 N.C.; State V. Tachanatah 64 N.C. 641). Before 1835 and during the repression period we were without a name. In 1885 the North Carolina Legislature gave us the name Croatan Indians, knowing of the descent of many of us

from White's Colony of 1587 (Laws of N.C. 1885 - Chap. 51). This was our name, although unpopular, until 1911, or for 26 years.

The Legislature of North Carolina was persuaded at the 1911 session to change the name again to Indians of Robeson County, an accurate geographic name (P.L. of N.C. 1911 Chap- 215). This name was of short duration and in 1913 was changed Cherokee Indians of Robeson County (P.L. of N.C. 1913- Chap. 123). Obviously, those Indians not of Cherokee descent were unhappy with the name. The name was more durable, however, and remained in effect from 1913 to 1953.

Multiple efforts continued to change the name, to have a tribal reservation and to seek government pensions as some reservation Indians. All these efforts were without success, yet there was an absence of tranquility among our people on the whole issue. Accordingly, a group of leaders among us joined in support of a name previously suggested -- Lumbee -- which would give us a well adapted legal name, geographically proper, and equally support the historical fact of our multiple tribal origins.

First, our group of leaders contacted and made representation to our state legislators of Robeson County. The writer was requested to draft a letter to our three members of the N.C. Legislature and solicit their assistance and action in the effort. This letter was signed by Harry Wess Locklear, C.E. Locklear, L.W. Jacobs and D.F. Lowry.

A meeting was then requested with all concerned, including area representatives of the Indian Community, to draft the necessary legislation for a change of name. Indians attending the meeting were Early Bullard, Ornie Bullard, Lindsay Revels, L.W. Jacobs, Burt Locklear, Harry Wess Locklear, C.E. Locklear, J.A. Wilkins, Fuller Locklear, Luther Moore and D.F. Lowry. The result of these studies and meetings was the completion and eventual approval of a change of name from Cherokee Indians of Robeson County to Lumbee Indians of the State of North Carolina (Laws of N.C. 1953, Chap. 814, page 747).

[Lowry then quoted the act in its entirety.]

Following the draft of the above legislation the Commissioners of Robeson County held a duly constituted referendum and the bill was approved by a vote of some 2,000 for and 30 against. The Commissioners then unanimously concurred in the referendum result, following which the legislature enacted it into law. It was then submitted to the House and Senate of the U.S., passed and signed by the President of the U.S., with minor amendments, as national legislation.

Hence, since that time we have been Lumbee Indians of Robeson County, North Carolina and the United States. Today, we are legally and geographically known as Lumbee Indians by all concerned, including all Indian tribes

and groups in North and South America. The writer believes that this name has really solved a difficult historical problem and should not be changed (Robesonian February 22, 1973: 3).

RECENT LUMBEE HISTORY

Although the efforts to change the content of the Lumbee legislation failed, there existed a number of issues that required the attention of the the Lumbees and other tribes in the state. Urged on by common problems, particularly those related to schools, the Lumbee leaders in concert with leaders from the Waccamaw-Siouan, Coharie, and Haliwa-Saponi tribes successfully lobbied for the creation of a North Carolina Commission of Indian Affairs. The commission was created by law on July 20, 1971 (N.C. Session Laws 1971 Ch. 1013: 1591-1593, codified as G.S. 71-1 to 20). The initial act was amended several times. The act provides for a commission consisting of four members from state government, two appointed by the General Assembly, and fifteen Indian members selected from six Indian communities, two each from six communities (Haliwa-Saponi, Coharie, Waccamaw-Siouan, Coharie, Guilford County, Cumberland County, and Mecklenburg County), and three from the Lumbee community. The executive director is required to be of Indian descent. The commission's purpose is to assist the state's Indian communities in a wide range of social, legal, political, economic, and cultural concerns (Ibid.).

In 1972, the Board of Trustees of Pembroke State University decided to demolish the main building on the campus and replace it with another structure. Very quickly, a group formed to "Save

Old Main," led by Janie Maynor Locklear, Danford Dial, Luther M. Moore, and W.J. Strickland (Robesonian January 21, 1972: 1). From all accounts the effort was initiated and to a large degree directed by Janie Maynor Locklear.

A number of prominent Lumbees gave their support to the demolition project pointing out that the building had outlived its usefulness, the space was needed for a more modern building, and the cost of renovation would exceed the cost of new construction. Voicing such a view was John L. Carter, twice a graduate of Pembroke.

'I graduated from Pembroke once when it was a two-year normal college,' he explained. 'Then they stepped it up to a three year school in 1935 and into a four-year school in 1940. I went back and graduated again in 1940.'

'Keeping Old Main would just be for sentimental reasons,' Carter said. 'And it's just too large to save for a monument.'

'I don't like the idea of standing in the way of progress,' he continued. 'I think Old main has served its purpose.'

Carter said he didn't think Old Main could be feasibly renovated. 'When you start renovating one thing, you usually upset another. It's usually cheaper to build from scratch.'

'Maybe they could take the front of it and save that - for a symbol,' he added.

Lonnie Oxendine, 69 year old graduate of the class of 1929, also feels that Old Main has served her purpose.

'I don't think we should retard progress,' he said. 'The building needs to come down. It has been condemned by the state. I've talked with Jones and others and it's my understanding that it can't be renovated.'

English Jones, himself a Lumbee Indian and president of the university says that the matter is entirely out of his hands.

'I'm willing to abide by the decision of the state,' he said. 'Old Main has been condemned by the state. Funds have been approved to build a facility to replace it. There are no funds available to renovate it.'

'Old Main is in a very bad state of repair,' he continued. 'The plaster is falling in. You can't heat in properly in the winter or cool it in the summer.'

'As an administrator,' he added, 'I have to concern

myself with providing facilities for present and future students.' He added that an unofficial estimation of the cost of restore (sic) Old Main was in the neighborhood of half a million dollars (Ibid.).

Those opposed to the demolition of Old Main saw the issue in cultural terms, not economic ones. Danford Dial argued that the building was an intregal part of the tribe's heritage, a focus of its history. He told the local paper that "It's a symbol. A symbol of Indian education and progress in the great state of North Carolina -- something that every Indian should treasure" (Ibid.). Janie Maynor Locklear, referring to Old Main as a visual symbol of Indian education, argued that "[i]f the building is demolished then the last ties between the Indians and the university will be broken" (Pine Needle January 20, 1972).

Danford Dial, Janie Maynor Locklear, and Carnell Locklear appealed to the Board of Trustees, asking them to change their minds, or at the very least, to allow the committee time to explore other options such as setting up a non-profit corporation to repair the building, and using it for a tribal museum. The board, however, refused to delay their decision (Ibid.).

The Save Old Main committee, realizing that the board was adamant, took steps to gain public support. Through rallies, demonstrations, news articles, and an almost endless succession of meetings they built a strong public appeal that increasingly placed the Board of Trustees on the defensive. They gained support from organizations like the National Congress of American Indians, and prominent Indian leaders like Louis R. Bruce, then Commissioner of Indian Affairs. Nor did they neglect the white politicians. They were able to get the support of gubernatorial

hopeful Hugh Morton (Raleigh News and Observer February 12, 1972). In the middle of February, 1972, the governor of the state, Bob Scott, acknowledged receiving "... a letter from the White House urging the saving of the Old Main building on the campus of Pembroke State University" (Greensboro Daily News February 13, 1972). The governor did not commit himself to the building's restoration.

The struggle to save the building continued for a full year, and when it seemed that the committee would be victorious, tragedy struck. On March 18, 1973, Old Main was burned to the ground (Winston-Salem Journal March 19, 1973; Winston-Salem Sentinel March 19, 1973). The tribe overcame this blow and pushed hard for reconstruction of Old Main, which they eventually accomplished. The building was completed by 1975 and made the site of the new Pembroke State University Native American Resource Center.

The problem of Old Main had hardly been settled when the Lumbee leadership began its efforts to end the inequitous system controlling the Robeson County School Board elections. The system, called "double voting," allowed whites in the major towns to vote with the whites, who were in the minority in the remainder of the county, to maintain white control over the county school system. Robeson County had five school administrative units for the towns, all controlled by whites and none having a predominantly Indian population. The five towns with separate schools were Lumberton, Red Springs, St. Pauls, Parkton, and Maxton. The rest of the county consisted of Indian and black schools that were being integrated. Through careful

drawing of the boundary lines of the white school systems significant numbers of blacks and Indians were excluded; thus integration meant the mixing of blacks and Indians. Residents of the town administrative units were allowed to vote for both town and county school board members. County residents could vote only in county elections.

For 1972-1973, the county system consisted of 56.8 percent Indian and 22.8 percent black. In terms of staffing 58.7 percent of the professional staff were Indian and 17.3 percent were black; out of 544 teachers, 314 were Indian and 98 were black (Raleigh News and Observer April 20, 1973: 31; Winston-Salem Journal April 20, 1973). The county school board consisted of twelve members, two of whom were Indian and one of whom was black (Winston-Salem Journal May 10, 1973). Thus while the school system was predominantly Indian, it was dominated by whites, elected by voters who sent their children to different school systems. Given the importance of education to the Lumbees, this was an intolerable situation. In a few short years they had gone from an autonomous educational system to one that forced their children to be bused beyond the limits of their respective settlements, and that permitted outsiders to dictate their educational values.

The battle to remedy this situation was led by Janie Maynor Locklear, Dexter Brooks, Harbert Moore, and Robert Mangum, among others. In May, 1973, forty Lumbee leaders took their protest of double voting to the General Assembly (Raleigh News and Observer May 31, 1973). When no satisfactory response appeared likely, the Lumbee leaders decided to sue in federal court under the

voting Rights Act (U.S. Commission on Civil Rights 1974: 13). A hearing was held before Judge Algernon Butler, who denied relief (CIV January 18, 1973: 2). The case was then appealed to the Fourth Circuit Court of Appeals, which on April 23, 1975, reversed Judge Butler and ordered a halt to town residents voting in county school elections (Winston-Salem Sentinel March 17, 1973). Within a year the composition of the Robeson County Board of Education changed from a majority of whites to a majority of Indians. The county system at the time was over sixty percent Indian (Winston-Salem Journal April 30, 1973).

The language of the Lumbee Bill continued to cause some of the tribal leaders problems. In 1974, they prevailed upon Congressman Charlie Rose and Senator Jesse Helms to introduce legislation to clarify that the Lumbees were entitled to participate in non-Bureau of Indian Affairs federal programs on an equal basis with all other tribes. Hearings were held in April, 1974 (U.S. Commission on Civil Rights 1974; Winston-Salem Sentinel September 17, 1974). Brantley Blue, Linda Oxendine, Helen Scheirbeck, Tom Oxendine, Jo Jo Hunt, Purnell Swett, Rod Locklear, and others worked with Congressman Rose and Senators Erwin, Abourezk, and Helms. The bill drew opposition from the Tuscaroras led by Howard Brooks, the Eastern Band of Cherokee, and other reservation tribes (U.S. House of Representatives 1974). Brooks argued that what was needed was a change of the tribe's name to Tuscarora, a reservation, and full recognition of all Indians in Robeson County. He sent a petition containing 151 signatures to Congressman Rose and the Committee on Interior and Insular Affairs (U.S. House of Representatives April 5, 1974).

senator Jesse Helms introduced identical legislation.

The House Committee on Interior and Insular Affairs made its report on October 1, 1974, recommending enactment of H.R. 12216 (U.S. House of Representatives 1974). John Kyl, Assistant Secretary of the Interior, expressed his views on the legislation and recommended that more explicit language be used to make clear that the bill did not accord the Lumbees the status of a federally recognized tribe (Ibid.). The House took no action on the bill that session; the following year Helms re-introduced the bill in the Senate. Again the bill died.

Although the efforts of the tribal leaders were effective in gaining the support of their congressmen, they were stopped by the mis-information and myopia of the administration, and the opposition of Indian groups, particularly the United Southeastern Tribes and some federally recognized tribes that feared that their funding would be jeopardized by the addition of the Lumbees.

Throughout the period the Lumbee tribe was undergoing an important organizational change. In 1968 a group of Lumbee leaders including W.J. Strickland, James H. Woods, Horace Locklear, Rod Locklear, A. Bruce Jones, Adolph Dial, and Tommy Dial, formed an organization to improve the economic and social conditions of the tribal members in Robeson and adjoining counties. This was made necessary by the failure of an existing program to meet these needs. Initially the organization was named the Regional Development Association, but within a year of its chartering the name was changed to the Lumbee Regional Development Association. The new organization operated through a

board of Directors that was self-perpetuating. Its day-to-day operations were managed by an Executive Director; the first individual to hold this position was Tommy Dial.

In 1975, LRDA's charter was changed to permit the election of the Board of Directors by members of the Lumbee tribe. Under the new charter there are seventeen members on the board; fourteen are elected by districts, while three are elected at large to represent Hoke County, Raleigh, North Carolina, and Baltimore, Maryland. In 1984, LRDA was empowered by the tribal members to submit a petition on their behalf for federal recognition.

SUMMARY

In the nearly 300 years covered in this Historical Narrative we have demonstrated that the present-day Lumbee tribe descended from an indigenous Indian population of North Carolina, that there was a recognized Indian community in existence as early as the 1750s, before there was any appreciable white settlement in the area, that that community with its leaders continued in the same location to the present day, and that that Indian community has maintained or exerted political leadership or control over its members. We have further argued that in all likelihood that community was made up of members from a number of tribes, the most dominant one being the Cheraw. Finally, we have shown that the federal, state and local governments have recognized the existence of Lumbees as an Indian group since the nineteenth century, and that the Lumbees have maintained a separate existence despite a century of racism and mistreatment.

83.7 (A) A STATEMENT OF FACTS ESTABLISHING THAT THE PETITIONER
HAS BEEN IDENTIFIED FROM HISTORICAL TIMES UNTIL THE
PRESENT ON A SUBSTANTIALLY CONTINUOUS BASIS, AS
"AMERICAN INDIAN," OR "ABORIGINAL."

See Volume 2.

DATE

- Pre-1700 to 1703: Cheraws living on or near the Dan River, NC in 2 settlements near the Virginia southern line
- Circa 1703-1737: Cheraws living on the Pee Dee, SC
- 1725: Herbert's map showing Wacoma (Waccamaw) Tribe on Drowning Creek
- 1727: Catawbas tell SC that the Cheraws do not live "along with" them
- 1737: Robert the King of the Cheraws gives up Cheraw lands on the Pee Dee, SC
- 1739: Welsh people inhabiting Cheraw land in SC complain that several outlaws and fugitives from NC most of whom are mullato or of a mixed blood, living adjacent to them are a pest and a nuisance
- 1739: Welsh settlers on Pee Dee River, SC complain of Peedee and Cheraw Indians coming back to hunt
- 1753: Governor Rowan's Proclamation saying Drowning Creek is frontier to Indians
- 1754: John and Major Locklear in Bladen County land records on Long Swamp (present day Prospect)
- 1754: Mixed crew shot a surveyor in Bladen, reportedly holding land without patent
- 1767: James Lowrie appears in Bladen County land records
- Prior to 1768: Phillip Chavis appears in Bladen land records
- 1768: Charles Oxendine appears in Bladen County land records on the Long Swamp
- 1772: Ishmael Chavis appears in Bladen County land records
- 1773: Cumbos appear in Bladen County land records
- 1773: Rogues list
- 1790: Locklears, Chavis, Oxendines, Hammonds, Brooks, Cumbos, Revels, Carters, and Kerseys listed on the 1790 Census for Robeson County as "All other free persons"

83.7 (B) EVIDENCE THAT A SUBSTANTIAL PORTION OF THE PETITIONING GROUP INHABITS A SPECIFIC AREA OR LIVES IN A COMMUNITY VIEWED AS AMERICAN INDIAN AND DISTINCT FROM OTHER POPULATIONS IN THE AREA, AND THAT ITS MEMBERS ARE DESCENDANTS OF AN INDIAN TRIBE WHICH HISTORICALLY INHABITED A SPECIFIC AREA.

THE EIGHTEENTH CENTURY

The nature of tribal organization in North Carolina in the period from first contact to the middle of the eighteenth century has been described in the "Historical Narrative." In summary, there were three linguistic stocks represented -- Iroquoian, Algonkian, and Siouan -- and these, in turn, are represented in the documents and the subsequent anthropological literature by a number of tribal units. Due to the disastrous impact of European trade, raids and settlement, disease epidemics, and resultant population decline, combined with warfare among the tribes which included raids from tribes as far away as New York, those tribes in North Carolina exhibited a wide variety of sociocultural adjustments. They moved frequently, and divided and merged to form new units. It is fair to assume that only a part of this process has survived in the records.

As pointed out in the "Historical Narrative," English settlement in the area of the Pee Dee River began in the early eighteenth century. At that time there were a number of Siouan tribes in the area of Drowning Creek, including the Cheraw, the

Table 4

ABSTRACTS OF THE 1790 CENSUS

NAME OF HEAD OF FAMILY	FREE WHITE MALES OF 16 YEARS & UPWARD, INCLUDING HEADS OF FAMILIES	FREE WHITE MALES UNDER 16 YEARS	FREE WHITE FEMALES, INCLUDING HEADS OF FAMILIES	ALL OTHER FREE PERSONS	SLAVES
Hammonds, John				9	
Lockileer, Randal				10	
Kersey, America			3		
Lockileer, John				1	
Hunt, Ferebe			2		
Hunt, Alex ^r		3	2		
Chavers, Ishmael					
Lockileer, John				10	
Kersey, James	1			4	
Lockileer, Joseph				6	
Lockileer, Jacob				6	
Lockileer, Robert				9	
Lockileer, William				11	
Lockileer, Malcolm				6	
Brooks, Betty				4	
Kersey, Redding	1				
Oxendine, John				1	
Strickland, Aron	3	2	2		
Oxendine, Charles				1	
Lockileer, Samuel				1	
Braveboy, Lydia				7	
Hammonds, Jacob				4	
Revil, Burwell				1	
Oxendine, Charles				11	
Lowry, James				6	3
Strickland, Joseph	2		1		
Chavers, Richard				3	
Jones, Ephraim	1	3	4		
Jones, Richard		1	1		
Strickland, William	1	1	2		
Wilkins, William	2				
Hunt, James		1	2		
Hunt, William	2				

pedee, and the Waccamaw (HN: 8-9). The locations of these Indian settlements, as well as others in the area, are found on John Herbert's map of 1725.

There are at least five historical references to the Indian community on Drowning Creek. In 1753, Governor Rowan of North Carolina identified the area where the present-day Lumbees live as "... a Frontier to the Indians" (New Bern, North Carolina Gazette July 7, 1753). The 1754 report on Bladen County specifically refers to "Drowning Creek on the head of Little pedee, 50 families a mixt Crew [or breed]..." (NCSA 1754: TR. 1-16). A 1771 newspaper article reported that an escaped criminal was captured "... near Drowning Creek, in the Charraw Settlement" (South Carolina Gazette October 3, 1771). Further evidence of the existence of an Indian community can be taken from "A List of the Mob Railously Assembled together for Bladen County." This list contains many traditional Lumbee names such as Sweat, Dees, Locklear, Chavours (Chavis), and Carsey. The list helps link the community identified in 1754 and 1771 to the present-day Lumbee community. There is further evidence that the names connected with the Lumbee community were resident during the eighteenth century. Pension records from the Revolutionary War period include the following surnames: Brooks, Locklear, Bell, Hunt, Jacobs, Revels, Cummings, and Hammonds (HN: 16).

The first federal census contains the names of forty-eight heads of households who are identified as "all other free persons." Thirty-five of these households were Lumbee. These thirty-five households contained a total of 181 persons (U.S. Census 1790; see Table 4). In addition, there are a number of

Table 4

-2-

ABSTRACTS OF THE 1790 CENSUS

NAME OF HEAD OF FAMILY	FREE WHITE MALES OF 16 YEARS & UPWARD, INCLUDING HEADS OF FAMILIES	FREE WHITE MALES UNDER 16 YEARS	FREE WHITE FEMALES, INCLUDING HEADS OF FAMILIES	ALL OTHER FREE PERSONS	SLAVES
Stableton, Alex ^r					
Hunt, Alex ^r	1	3		7	
Hunt, Richard	1	1	2		
Ransome, Simon			2		
Hunt, Lewis				6	
Jones, Frederick	1		2	3	
Cumbo, John				3	
Cumbo, Cannon				11	1
Cumbo, Nath ^l				4	
Cumbo, Gilbert				1	
Revil, Edmund				9	
Carter, Emanuel				5	
Kersey, William				4	
Kersey, Peter				7	
Kersey, Betty				2	
Oxendine, Benjamin				1	
Strickland, Abraham	2	2	4		

individuals listed as free whites who have Lumbee surnames. These include Kersey, Hunt, Strickland, Wilkins, and Bullard. The names included as other free persons are Hammonds, Lockleer, Chavers, Brooks, Oxendine, Braveboy, Scott, Revil, Lowry, Hunt, Ransome, Harding, Cumbo, Carter, and Kersey. Only two possessed slaves: James Lowrie, and Cannon Cumbo.

There is no question that an Indian community existed on Drowning Creek from at least the first quarter of the eighteenth century, and that the community was identified as a Cheraw settlement. This settlement formed the nucleus of the present Lumbee tribe. There is clear and compelling evidence based on the continuity of family names, as well as other genealogical data, that the community was the antecedent of the present-day Lumbee Indian community of Robeson County.

THE NINETEENTH CENTURY - ANTEBELLUM PERIOD

The federal censuses of 1800 and 1820, while adding little about the organization of the community, do indicate that there was a growing and stable free population. The same family names listed above appear throughout. In 1850 the census bureau increased the number of categories surveyed. For the first time enumerators recorded the names of every individual in the household, along with place of birth, literacy, occupation, and value of personal property. From this it is possible to draw some conclusions. The household numbers suggest that the Lumbees lived in clusters, or neighborhoods, separated by white settlements. There were occasional whites living among the

Indians. Most of the adult male Lumbees either worked their own land or hired out as laborers, while a few had trades such as blacksmith and cooper. Total personal property values were low, generally between \$50 and \$100, compared with whites, whose values ran slightly higher, \$50 to \$250. (U.S. Census 1850).

Using data from the 1850 United States Census, as well as birth, marriage, death, court and property records, and oral traditions we are able to identify 168 households headed by ancestors of the present-day tribal members in Robeson County circa 1850. These households were clustered in three general areas. The principal settlement extended from Moss Neck on the east to Wakulla on the west, and was located between Back Swamp on the south and Bear Swamp and its tributaries on the north. It contained 121 households. Approximately ten miles to the northeast was a second settlement along Saddletree Swamp, to the northeast of Lumberton. This contained twenty-nine households. The third settlement area was southeast of the main settlement in the area of Fairmont and contained eighteen households (Map 19; Chart 2).

Of the 168 Indian households we were able to identify the kin relations of sixty-six. These are portrayed on Chart 2 and Map 20. It is apparent that by 1850 every principal Lumbee name was represented in the community. These included descendants from the families of Major and John Locklear, James Lowrie, Ishmael Chavis, Charles Oxendine, and Cannon Cumbo, who were living in the community in the 1750s (Chart 2). In addition, other traditionally Lumbee names are present: Bullard, Dial, Quick, Strickland, Revels, Sweat, Carter, Jacobs, Ransom, Hammonds,

Bell, and Goins.

Because of the paucity of data on some families it is not possible to show the kin linkages among all of the households, although we are convinced that such linkages exist. Additionally, little data exist for the two settlement areas -- Saddletree and Fairmont -- making it difficult to show how these Lumbees were related to each other and who their kin were in the other settlements. In the Saddletree area there are seven households for which some data exist. Nathaniel Revells lived in 316S (the number refers to the number of the household in the 1850 U.S. Census, the letters "S" and "U" indicate "Southern" and "Upper" divisions respectively); his son Jonathon lived in 218S. Jonathon was married to Hardy Bell's daughter. Nelson Smith (157S) was married to another one of his daughters. Bell (321S) was a prominent and prosperous member of the community who owned property in the city of Lumberton. Revels had two sons who lived in the main settlement. They were Owen (949S), married to Dorcas Hammond, and Elijah (951S). There was a second family cluster living in the Saddletree area, that of William Goins, Sr. (345S). He had a son William (344S) married to Levisa Locklear, and a daughter Margaret (342S) married to Malcolm Locklear. Both spouses were Indians.

In addition, there were some thirty-four households occupied by Indians in these two settlements, and based solely upon surnames, it is likely that many of these were related to one another. These households are listed below.

Saddletree

152S Daniel Revells

Fairmont

374S Ralph Revells

153S Mary Hammons
163S William Carter
181S Kinlaw Hunt
201S Eliza Jacobs
208S Ollen Hammonds
216S Orra Hammonds
220S Alfred Chavis
226S Hardy Wilkins
228S David Wilkins
322S Sally Bell
331S Jarvis Hammons
340S Leachy Hammons
343S Eli Hammons
346S Jeremiah Revels
347S Winny Revells
348S David Revells

390S Sarah Hammons
760S Samuel Brayboy
773S John Oxendine
774S William Locklear
778S Lewis Hunt
779S Edward Hunt
791S James Jacobs
788S Cade Chavis
795S James Chavis
815S John B. Lewis
858S Kiziah Hunt
860S Lovett Hunt
865S Lewis Oxendine
872S Jordan Chavis
875S Wilson Chavis
729S Olivia Hardin

The data for the main settlement are the more extensive.

Chart 2 illustrates the extent of intermarriage among the Lumbee ancestors. The dominant family lines are Locklears, Lowries, and Oxendines. Married into these kin lines are the Dials, Deeses, Chavises, Sweats, Bullards, Cumbos, and Carters. As pointed out above, the consistency in family names and the relative proximity of the households, clearly establishes that these families were acting together and were isolated from the whites and blacks in the area. There is no doubt that there was a well-established separate Indian community in Robeson County in 1850.

The main settlement was located in the area of the present settlement of Prospect. This is the area where Major and John Locklear lived, where the "Mob Railously Assembled." Their property was located where the present Prospect School and the United Methodist Church are located. This, in all likelihood, is the location of the Cheraw settlement referred to in 1771.

This settlement was almost totally Lumbee. There were a few white farms scattered throughout the area with greater concentrations as one approached the periphery. Not only was the