

Public Policy and Native Americans in North Carolina:

Issues for the '80s



**A N. C. Center for Public
Policy Research Book**

**Public Policy
and Native Americans
in
North Carolina:
Issues for the '80s**

Conference Proceedings

Edited by Susan M. Presti

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PREFACE

On April 24, 1981 the North Carolina Center for Public Policy Research sponsored a conference, "Public Policy and Native Americans in North Carolina: Issues for the '80s," which focused on the subjects of health, education, recognition, and economic status. The conference brought together approximately 100 Indians, policymakers, educators, and members of the press to discuss the effects of existing policies on Indians, how such policies could be made more responsive to the needs of Indians, and how policies could be initiated to better address problems of special importance to native Americans. Each panel session included panelist presentations and open discussions.

This document reports the proceedings of the conference. The presentations of each panelist, as they appear in this text, have been edited to make them more readable, not to distort their meaning in any way. Following the presentations are summaries of the discussions held in the panel sessions. The final chapter provides a summary of the major points and recommendations that emerged from the conference. Also included are the remarks given by Adolph Dial in reaction to the general tenor and substance of the conference.

Both the conference and this publication were funded in part by a grant from the North Carolina Humanities Committee, a state-based program of the National Endowment for the Humanities.

CONFERENCE PROGRAM

8:45 **REGISTRATION**

9:15 **INTRODUCTORY SESSION**

Keynote Address: **Adolph Dial**, Chairman, Department of American Indian Studies,
Pembroke State University

10:15 **EDUCATION**

Betty Mangum, Director, Division of
Indian Education, N.C. Department
of Public Instruction
Arnold Richardson, Economic Develop-
ment Specialist, Haliwa-Saponi
Tribe, Inc.
Helen Scheirbeck, Director of Program
Development, White House Conference
for Children and Youth; Project Co-
ordinator, Indian Information Project
Joyce Wasdell, Assistant Superintendent
for Instruction, Durham County
Schools
Moderator: **Earl Oxendine**, Director of
Compensatory Education, Hoke County
Schools; member, State Board of
Education

HEALTH

Cherry Beasley, Professor, University
of Tennessee College of Nursing
Carolyn Emanuel, Executive Director,
Pembroke Medical Services
Wes Halsey, Chief of Urban Programs,
Division of Indian Community
Development, U.S. Indian Health
Service
Ronald Levine, Deputy Director, Division
of Health Services, N.C. Department
of Human Resources
Moderator: **William Flash**, Professor,
School of Public Health, University of
North Carolina-Chapel Hill

12:15 **LUNCHEON**

Luncheon Address: **James Abourezk**, former U.S. Senator and Chairman,
American Indian Policy Review Commission

2:00 **RECOGNITION**

Jeanne Chastain, Lumbee River Legal
Services
Jo Jo Hunt, U.S. Senate Select Com-
mittee on Indian Affairs
Arlinda Locklear, Native American
Rights Fund
Horace Locklear, N.C. State Repre-
sentative (Robeson County)
Moderator: **Sandra Wurth-Hough**,
Professor, Department of Political
Science, East Carolina University

ECONOMIC STATUS

Norman DeWeaver, Economic Develop-
ment Specialist, Center for Community
Change
Kenneth Maynor, Executive Director,
Guilford Native American Association
Gary Shope, Director, Small Community
Economic Development, N.C. Depart-
ment of Commerce
Moderator: **John G. Peck**, Professor,
Department of Sociology and Anthro-
pology, North Carolina State University

3:40 **PLENARY SESSION**

Summations: Panel Moderators
Reaction: **Adolph Dial**

EXECUTIVE SUMMARY

The conference on "Public Policy and Native Americans in North Carolina: Issues for the '80s" examined many of the problems facing the state's Indians in the areas of education, health, economic status and recognition, and proposed remedial actions for some of the most pressing problems. In the area of education, Indians often perform poorly in school and frequently end their educations before completing high school. The discrimination many Indians encounter from teachers, administrators, and students does little to encourage them to continue their educations or to improve their educational performance. The conference participants agreed that, in order to enhance the educational environment for Indian students, teachers and administrators must demonstrate more respect for and understanding of Indian students. In addition, multi-ethnic studies, an essential ingredient for a complete education, must no longer be denigrated to the role of the mini-course. Minority education units must be integrated into the social studies and language arts curricula at all grade levels. Before this can happen, however, the conference participants agreed that Indians and other minorities must work to develop appropriate instructional materials, since existing textbooks frequently distort the history and culture of minorities.

In the area of health, the North Carolina Indian fares more poorly than does his white counterpart. Although accurate statistics are difficult to obtain (because the 1970 Census grossly undercounted the North Carolina Indian population), it appears that North Carolina's Indian population has at least a 30 percent higher incidence of the following maladies than does the general North Carolina population: leukemia, arteriosclerosis, diabetes, kidney disease, motor vehicle and other accidents, and homicides. The Indian's health problems are compounded by his rurality (83 percent of the state's 1970 Indian population lived in rural areas) and his failure to utilize existing health services, especially those offered by the county health departments. This underutilization is the result of a number of factors. Indians are often unaware of the services available to them, too poor to pay for such services, unable to find transportation to health departments, and — perhaps most importantly — suspicious of the health providers' attitudes towards Indians. For their part, health department staffs frequently do not employ Indian personnel, are unaware of the number of Indians in their area, do not conduct effective outreach efforts to inform Indians of available health services, and harbor prejudicial attitudes towards Indians.

The Indian's heritage and life-style provide him with a number of strengths upon which he can draw to improve his health status, among them his extended family support system, holistic view of health, and the ever increasing number of Indian health professionals. The conference participants feel that Indians will need to build on these strengths if they are to improve their chances of leading long and healthy lives.

Similarly, Indians will have to draw on local resources and local capital to improve their socioeconomic status in the future. Although most Indians have traditionally farmed, more and more are being forced to abandon their small landholdings. Because of their low levels of education and their rural backgrounds, Indians lack the rudimentary skills necessary to secure and maintain high-paying jobs. Migrating Indians also face numerous difficulties in adjusting to the depersonalized atmosphere of cities.

Indians have formed a number of organizations, or Indian centers, to help address the socioeconomic needs of native Americans. These centers, such as the Guilford Native American Association and the Lumbee Regional Development Association, have worked to improve the Indian's economic opportunities, help native Americans gain access to social welfare programs, and provide a supportive atmosphere for Indians alienated from the majority society that surrounds them. These centers, however, have survived largely on federal funding and will have to develop self-sustaining, locally initiated programs if they are to continue in the future.

Perhaps no other issue is as emotion-laden for North Carolina's Indians as the subject of recognition. Inconsistent policies at the state and federal levels have left many Indian tribes in this state unrecognized by either the federal or state governments. This has meant that North Carolina's Indians have lost millions of dollars in federal programs designed for federally or state recognized tribes.

Recently, however, both the United States and North Carolina have attempted to clarify their recognition processes. At the federal level, tribal petitions for recognition are now directed to the Federal Acknowledgement Project in the Bureau of Indian Affairs. In North Carolina, tribes must direct their petitions to the North Carolina Commission of Indian Affairs. Although there are many objections to the recognition regulations (both federal and state) as they now stand, the conferees believe the existence — at last — of formal procedures for petitioning tribes and government agencies to follow is a major step towards dissipating the recognition miasma.

Although the conference addressed the areas of education, health, economic status, and recognition individually, they can never truly be separated. Efforts to improve the overall status of Indians must take into account the interrelationship of these factors: poor education levels increase the difficulty of finding a good job and the awareness of positive health practices and services; low income levels increase the difficulty of paying for health care and for advanced education; poor health decreases a child's ability to learn and a person's ability to work. Many federal programs designed to aid Indians in the areas of health, education, and economic status have not reached North Carolina Indians because they are not federally recognized. Those programs that have been extended to state recognized Indians have done little to help the Indians that are still not recognized by the state.

Three themes dominated the conference: native Americans face numerous difficulties as they try to live in two often conflicting worlds, the world of their Indian heritage and the world of the dominant society; Indians will have to rely on and develop their resources in order to promote their well-being in the upcoming decade; and Indians will need to develop effective political strategies at the national, state, and local levels if they are to realize any of their policy goals for the 1980s.

As a result of the proposed Reagan budget cuts, many of the federal programs that have reached North Carolina's Indians in the past to help address their educational, health, and economic needs are now in danger of extinction. Consequently, if Indians are to obtain policies and programs that will address their needs in the 1980s, they will have to work to usher in an era of true self-determination at the national, state, and local levels. The conference participants agreed that the key to any successes in the upcoming decade will be political organization. Since native Americans constitute only a small percentage of the population (one out of every 200 Americans is Indian; in North Carolina, which has the largest native American population east of the Mississippi River, Indians are still only 1 percent of the population) their numbers alone will never afford them

great political leverage. They must utilize their limited political resources to the fullest, both by increasing the number of non-Indian advocates and by placing Indians and people with Indian sensitivities in positions of power where they can influence the policymaking process.

The conferees agreed that one person North Carolina's Indians must approach as they seek to improve their political network is U.S. Senator Jesse Helms. Indians must act as a bloc to convince Senator Helms that he should use some of his growing power in Washington to support programs important to his Indian constituents. If Reagan's proposed block grant funding packages are approved, Senator Helms could play a pivotal role in ensuring that block grants are distributed not only to states and federally recognized tribes, but to state recognized tribes as well. In addition, Senator Helms' political influence could be valuable in any effort by North Carolina Indian tribes to gain federal recognition.

In short, the conference participants concluded that North Carolina's Indians must combine their historical self-reliance with an effective political strategy in order to pursue their interests in the 1980s. Native Americans must decide for themselves what they want, they must expand their political base to include non-native advocates, and then they must approach local, state, and federal governments and demand that these governments guarantee their rights as Indians and as citizens.

KEYNOTE ADDRESS

Adolph Dial, *Chairman*, Department of American Indian Studies, Pembroke State University

In considering the issues facing the North Carolina Indians in the 1980s, I feel it is necessary to take a look at the treatment given to native Americans living in the formative years of this country. When Columbus sailed westward on his voyage of trade and discovery he came in contact with a radically different people, with radically different views and ideas.

Early Spanish apologists justified the conquest of Mexico and Peru on the grounds that the Indians were incapable of managing their own affairs. Central to this argument was the idea of the crusaders against the infidels. The Spanish strengthened their claim by asserting Aristotle's view that some men were naturally meant to be rulers and others were naturally meant to be slaves. Las Casas, a champion for the Indians, charged that Indians were endowed with reason and should be accorded the same respect as the Spaniards.

The French saw their position in a different manner; they wished to follow a policy of amalgamation. (Unlike the English, many left their wives at home.) The Dutch prided themselves on their dealings with the Indians. One Dutchman wrote to an Englishman, "We bought our land rather than steal it as the Spaniards did." The Pilgrims based their right to settlement on God's will and on the fact that the Indians were then occupying "waste and desolate lands." The English frequently referred to Genesis 1:28 — when Abraham came into the land of Canaan he made use of vacant land as he pleased. So did Isaac and Jacob.

A central justification for occupying the New World was to christianize the Indians. The invaders failed to understand that Indian traditions were probably stronger than the white man's religion. Roger Williams, William Penn, and James Oglethorpe had a Christian view on Indians and their land, but they were in the minority.

I have no way of judging the future but by the past. Looking at the past one finds ill treatment of American Indians by national, state, and local government. The future looks equally dark. Generally speaking, Republicans and Democrats alike suggest nothing good unless it is to their advantage. When we consider there is one native American to approximately every 200 Americans, it is easily seen that first Americans are not political vantage points. Comparatively speaking, there are 25 black Americans to every 225. This accounts for some black leadership in government while native Americans wait for their turn.

Native Americans have a history of giving fair treatment to non-natives. Even Columbus said, "The people of this island are artless and generous with what they have, to such a degree as no one would believe.... If it be asked for they never say no, but rather invite the person to accept it, and show as much lovingness as though they would give their hearts." A Virginia chief showed his love for the invaders when he asked, "Why should you take by force from us that which you can obtain by love?"

As the Indians encountered the non-Indians over the years, there appears to be strong evidence that the Indians were mostly morally and legally right. General Harney wrote in the 1860s, "I have lived on this frontier 50 years and I have never known an instance in which war broke out with these tribes, that the tribes were not in the right." The Indians knew they were right; that is why they fought with such great determination. A good example is Crazy Horse, as he led his people into battle and gave a sincere cry, "Come on Dakotas, it's a good day to die."

Today Indians find it difficult to believe their own history. Their treatment has been such that they find it difficult to believe. Felix Cohen observed, "Like the miner's canary, the Indian makes the shifts from fresh air to poison gas in our political atmosphere: and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith."

The American Indian Policy Review Commission reported in 1976, "What is not generally known, nor understood, is that within the federal system the government's relationship with the Indian people and their sovereign rights are [sic] of the highest legal standing, established through solemn treaties, and by lawyers of judicial and legislative actions."

Previous policies such as assimilation, removal, reservations, relocation, and terminations all failed. It is now time to listen to American Indians. One of the greatest obstacles faced by Indians today is their desire for self-determination, federally and nonfederally recognized. (I don't even like those words. I like the words "on reservation" and "off reservation." Because, after all, it's pretty difficult to say who's a nonfederally recognized Indian, just because he doesn't receive BIA* services. The Indian must decide for himself who his people are.) Future policy for native Americans must be a policy of self-determination.

Indians of the Carolinas cannot succeed unless their brothers succeed. That is, the BIA Indian must make some headway in his endeavor to save his reservation and the Indian way of life. This does not mean that off-reservation Indians want to become on-reservation Indians, but it does mean that they have to win in programs, etc. if the off-reservation Indian wins.

The greatest Chief Justice ever to sit on the bench was John Marshall, who held that position from 1801-1835. He observed the Indian cause when he wrote in *Worcester v. Georgia* (1832) "A weaker power does not surrender its independence, its rights to self-government by associating with a stronger and taking its protection."

Past government policy toward Indians is shown by statements like those of Commissioner Francis C. Walker in 1872: "No one certainly will rejoice more heartily than the present Commissioner when the Indians of this country cease to be in a position to dictate, in any form or degree to the government." In 1889 Commissioner Thomas J. Morgan stated, "The settled policy of the government is to break up the reservation, destroy tribal relations, settle Indians on their own homestead."

Reverend W.L. Moore, a Lumbee, in 1890 wrote to this same Commissioner Morgan. Moore said, "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?" The answer Moore received was disheartening. T.J. Morgan, Commissioner of Indian Affairs, replied: "While I regret exceedingly that the provisions made by the state of North

* Bureau of Indian Affairs

Carolina seem to be entirely inadequate, I find it quite impracticable to render any assistance at this time. The government is responsible for the education of something like 36,000 Indian children and has provisions 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.”

Termination was tried in the 1950s and 1960s. Its goal was to raise the social and economic status of the Indians, but termination ended in failure. It was during this period, in 1956, that the Lumbee Bill passed the U.S. Congress. The last sentence of the bill states, “Nothing in this act shall make such Indians eligible for any services performed by the United States government 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.” That was a point of recognition and in the same breath, a point of failure, too. How do you recognize someone and in the same stroke of the pen, fail to recognize him?

The 1960s was a decade for blacks, while during the 1970s Indians gained national attention. Looking into the 1980s we must take a policy of what Woodrow Wilson called “watchful waiting.”

All of us hope President Reagan is well, and also well acquainted with the late Senator Robert Kennedy’s report. Senator Kennedy revealed the following statistics on Indians:

1. Dropout rates are twice the national average.
2. The level of formal education is half the national average.
3. Achievement levels are far below those of their white counterparts.
4. The Indian child falls progressively farther behind the longer he stays in school.
5. Only one percent of Indian children in elementary school have Indian teachers or principals.
6. One-fourth of elementary and secondary school teachers — by their own admission — would prefer not to teach Indian children.
7. Indian children, more than any other group, believe themselves to be “below average” in intelligence.
8. Indian children in the twelfth grade have the poorest self-concept of all minority groups tested. The children often abandon their own pride and their own purpose and leave school to confront a society in which they have been offered neither a place nor a hope, and the consequence of this inadequate education is a life of despair and a life of hopelessness.
9. The average Indian income is \$1,500 a year — 75 percent below the national average.
10. His unemployment rate is 10 times the national average.
11. The death rate for his children is twice as high as the national average.
12. Tuberculosis rates are seven times higher than the average for Americans.
13. These facts are the cold statistics which illuminate a national tragedy and a national disgrace. They demonstrate that the “first American” is in fact the last American in terms of employment, in terms of education, in terms of a decent income, and the chance for a full and rewarding life.

Many problems facing the Indians for the past 300 years will continue for the next decade and decades to come. Today the big question confronting Indians of North Carolina and all Indians across the country is, what will President Reagan’s

"block grants" do to Indians? All of us realize that the "block grant" concept means money will come to the states and from there to the counties, and municipalities.

In the past few days I have talked with several people on the local, state, and national level and I find a definite consensus of opinion that no one really knows what to expect from the new administration. One high source in Washington stated that 10 BIA programs were being imposed on the BIA. This source seems to think that HEW and ANA (Administration for Native Americans) may not block to the states. On the state level an authority says, "Nobody knows what Stockman and Reagan have in mind." One former Harvard University professor who works in Washington states it will be another year before the impact of cuts by the administration are felt.

Some Indian leaders are saying that the block grants concept could be advantageous to Indians, because some Indians who are not getting funds now will stand a better chance. However, history shows North Carolina Indians traditionally fare better working directly through Washington, rather than through the state capital. History also shows Indians do not fare well under block grants. Most Indians agree they can live with block grants if there are "set asides" for Indian programs. Let us face it: all groups would like set asides for their programs. If block grants come to the state, politics will become the key word for the 1980s. At any rate, it appears the 1980s will be a strange decade for the Indians.

Indians have a better working relationship in North Carolina than many states: hopefully funds will find their way to Indians. There are many Indian Hunts in Robeson County and one big one in Raleigh, and we hope that he's on our side, and that the legislators are too. Because when this money comes to the state, we want our share.

Some Indian leaders are saying a 25 percent cut in the budget could be helpful because it will teach Indians to become less dependent on government. We need to become less dependent on government, but not overnight.

It is important that Indians manage well and learn to become more efficient with much less. It is my firm belief that Indians must become economically independent if they are going to survive in the competitive world. Yet, the U.S. government must remember Chief John Marshall's statement in the *Worcester v. Georgia* case in 1832: "A weaker power does not surrender its independence, its rights to self-government by associating with a stronger and taking its protection." A broad interpretation of self-government today, in my thinking, is that Indians want a fair share of the dollars regardless of the origin.

Felix Cohen says, "The Indian's right to self-government is a right which has been consistently protected by the courts; and the most basic of all Indian rights is the right of self-government, and is the Indian's last defense against administrative oppression." We hope this protection will continue as long as the green grass grows and the Lumbee River flows or until Indians say we have finished our course, we are now ready to set our compass in a new direction. Let the future make this decision.

Generally speaking, North Carolina Indians must remember government policy that is good for the BIA is also good for off-reservation Indians. If BIA Indian programs fade away in the next decade we can rest assured that off-reservation Indian programs will fade away tomorrow.

The Indians did not get the country into the mess that faces us today. As Chief Ten Bears said in 1867, "I was born upon the prairie, where the wind blew free, and there was nothing to break the light of the sun. I was born where there were no enclosures, and where everything drew a free breath... I know every stream and every wood between the Rio Grande and the Arkansas. I have hunted and

lived over that country. I lived like my fathers before me” As Vine Deloria has pointed out, Indians could not burn the Ohio River when the white settlers arrived on this continent. Today, anyone can burn the Ohio, it’s so polluted.

As far as the BIA is concerned, the only federally recognized Indians in North Carolina are the Cherokees. Some leading off-reservation Indians in North Carolina feel the struggle for recognition is worth the fight. When I look back, I am not looking backward, I am looking forward — the failure of the recognition fight was a blessing in disguise. Today, Lumbees are economically and educationally at the top of the ladder in the Indian world.

I say buy back America — this is the route. I say Indians must compete with the non-Indian world, in education or on the race track. But remember we still want our share; and for us to have our share, someone must move over a little.

Over the years North Carolina Indians have lost millions of dollars by not being federally recognized. We developed strong muscles during our fight for recognition. If we want recognition then we must win the battle. The decision must be ours, not bureaucrats’ in the nation’s capital. I hope North Carolina will always support us, and look at the people’s wishes and not at some self-styled leader who says our people don’t know what they want. Leaders among off-reservation Indians in North Carolina differ in their views on the role of the North Carolina Indian Commission and the state legislature in regards to recognition.

On April 18, 1978, native Americans testified before the United States Select Committee on Indian Affairs. I made the following statements on federal recognition:

There are more than 400 tribes within the nation’s boundaries and, yet, the Bureau of Indian Affairs services only 289. More than 100,000 Indians, members of “unrecognized” tribes, are excluded from the protection and privileges of the federal-Indian relationship. Inconsistencies and oversights in the Indian Policy have failed many unrecognized Indians. There is no legitimate foundation for denying Indian identification to any tribe or community. The BIA has no authority to refuse services to any members of the Indian population.

Non-recognition is incomprehensible to Indians who have been neglected and forgotten. There is no valid reason for it. The term “nonrecognized” is as obsolete as the circumstances that led to its invention. At the root of this problem is the identification of the rights of all Indian people to federal Indian programs, laws, and protections. Indian people have been denied services either because they are not identified as “Indians” or as “tribes” as the terms are used in United States policy and law. To dispel this problem, and to direct the federal-Indian policy to all Indian people, the term “Indian tribe” is defined by any one of a series of definitional factors enumerated in the recommendations of the American Indian Policy Review Commission.

[The Commission’s final report states that] “the term ‘Indian tribe’ is defined by any of a series of definitional factors enumerated in the recommendations which follow, and is intended to apply to all Indian people, including Indian communities, bands, clans, societies, alliances and groups, whether amalgamations or fragmentations of Indian tribes; but its use in this chapter is not meant to divide any presently recognized tribal entities or to apply to any people who are already formally recognized as part

of a tribe by the United States government for the purpose of federal Indian law or programs.”

The Commission’s report points out murky precedents, quirky administrations, indefensible bureaucratic decisions, colonialism harsh on Indians, the removal policy, and landless Indians, to mention a few, all having denied American Indians justice and a decent place under the sun.

The American Indian Policy Review Commission was composed of a cross-section of the national Indian community, senators and congressmen renowned throughout the land, eleven task forces staffed with the finest minds in the area of Indian affairs, consultants with expertise in bureaucratic failure, a superlative staff with tireless devotion to the enormous task placed before them, and a budget of almost \$3 million dollars. It would be like reinventing the wheel to stop the progress already in motion.

May I conclude with another quote from one of my favorites, Felix Cohen: “If we fight for civil liberties for our side, we show that we believe not in civil liberties but in our side. But when those of us who never were Indians and never expect to be Indians fight for the Indian cause of self-government, we are fighting for something that is not limited by accidents of race and creed and birth; we are fighting for what Las Casas, Victoria and Pope Paul III called the integrity or salvation of our own souls. We are fighting for what Jefferson called the basic rights of man. We are fighting for the last best hope of earth. And these are causes which should carry us through many defeats.”

Ladies and gentlemen, we appreciate all of you who work so diligently for the cause of Indians in North Carolina. This is not just a cause for Indians, it is also a cause for humanity that began in the Judean Hills almost 2000 years ago. Thank you.

EDUCATION

- Panelists:* **Betty Mangum**, *Director, Division of Indian Education, N.C. Department of Public Instruction*
Arnold Richardson, *Economic Development Specialist, Haliwa-Saponi Tribe, Inc.*
Joyce Wasdell, *Assistant Superintendent for Instruction, Durham County Schools*
Helen Scheirbeck, *Director of Program Development, White House Conference for Children and Youth; Project Coordinator, Indian Information Project*
- Moderator:* **Earl Oxendine**, *Director of Compensatory Education, Hoke County Schools; member, State Board of Education*

Mangum: It always is a pleasure to have an opportunity to share with you something that's near and dear to my heart. First of all I'd like to say good morning to our distinguished panel....It's a pleasure to be a part of the first conference ever in North Carolina to begin to focus on public policies affecting the native American people who reside in the state and whose children are educated in our public schools. I'm going to talk basically about where our children are, what their tribal affiliation is, what their educational achievement has been up to this point in North Carolina.

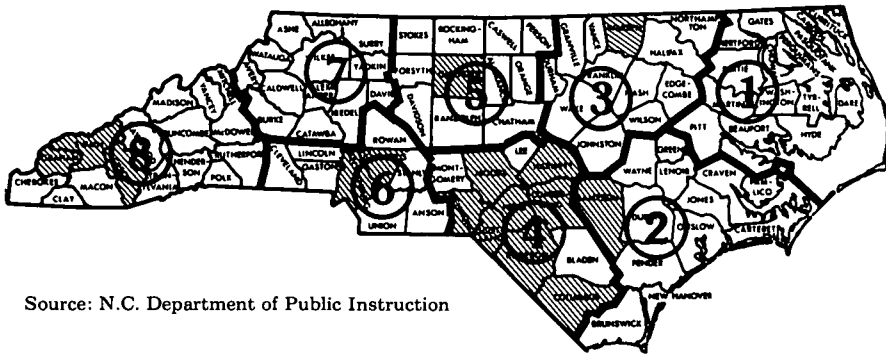
Public school in the state of North Carolina has never been geared towards the elite minority but is charged with providing an appropriate education for all children from many diverse groups: all races, all religions, all ethnic backgrounds. On the third floor in the State Department of Public Instruction, on the walls in the Board* room, it says, "The people have a right to the privilege of education and it is the duty of the State to guard and maintain that right." Each day as I go to my job, particularly if I've had a very difficult day the day before and could not get things moving as fast as I felt they should move, I'm reminded that the state must maintain our right to a free and appropriate education.

Here in the state of North Carolina, there are approximately 50,000 Indian people. We haven't disappeared, we have moved around within the state and out of the state, but 50,000 is the number that I use, even though it's a little higher than our 1970 Census. I break that down this way: approximately 40,000 Lumbees who live in Robeson County (Pembroke, Lumberton, Red Springs, Fairmont), Hoke County, some in Cumberland County, some in Scotland County, and then basically all across the state and across the United States. Secondly, there are the Coharie people, numbering approximately 1500. They live in Sampson County, the Clinton city area, and Harnett County. Thirdly, we have the Haliwa-Saponi people. They live in Halifax and Warren counties, up near the Virginia line, numbering 2500 people on their tribal roll. Then we have Waccamaw-Siouan people living in and around Bolton in Columbus County, around Lake

*State Board of Education

Waccamaw, numbering 1500 people. And finally, the group that you probably know the most about, the Cherokee people living in the western part of the state, numbering 5,000 people, attending public schools in Swain, Jackson, Graham, and Cherokee county schools as well as attending their own federal school — there are 1500 youngsters attending the BIA school in the western part of the state. Basically, these are the tribes that are served in our public school setting. Along with them, I would be remiss if I did not mention that there is a band of people living in Hertford County who now claim descendency from the Merrihan tribe and there also is a band of people living in Person County who have some descendency from the Cherokee tribe and some for the Occoneechee tribe. They have not agreed on a name at this point, but we're aware that there are Indian people in Person County who have been there over a number of years. And finally, the Tuscarora tribe living in and around Maxton and Pembroke, and basically attending the public schools in that area. These are the Indian boys and girls, for the most part, that are being served in our public school setting.

NORTH CAROLINA INDIAN TITLE IV PROGRAMS



Source: N.C. Department of Public Instruction

Now briefly, I want to tell you about the past. Upon my arrival at the State Department of Public Instruction, I began to look for data. It was rather sketchy, and there's a reason why. I would just like to allude to that briefly and then move into the current status of our people. After the post-Civil War reconstruction days, North Carolina began to establish separate school systems for whites and blacks. Between the years 1875 and 1885 there were no schools for Indian children in this state. I repeat, for ten years there were no schools for Indian children in this state. In 1885, the General Assembly in North Carolina decided that there should be a separate school for the native American people living in the state and in the year 1887, Croatan Normal School was established. That school now is called Pembroke State University.

So even in the 1800s, Indian parents realized the importance of acquiring knowledge and acquiring a skill to be utilized for the success of their tribe. Then in 1890 the Cherokees had a school, in 1891 the Waccamaw-Siouan people had a school, in 1910 the Coharie people had a school. In 1920, the State Department [of Public Instruction] here in Raleigh determined that Indian education records would be housed in the Division of Negro Education. Finally in 1957 — very recently — the Haliwa people established their school. So you see how difficult it has been for us as Indian people to have our own separate schools and to teach our own children, and yet we have continued to struggle and will continue to encourage the state to remember their commitment to maintain the right of all people to have a free education.

In 1977, after a certain amount of political pressure and some commitments on behalf of State Superintendent [of Public Instruction] Dr. Craig Phillips, who is elected, the Division of Indian Education was established. After hearing about the Division many people applied for the position. When I heard about it, I said I don't know how they could ever hire a Director of Indian Education, because what they really need to clean up all of this and to locate the records and data is truly a saviour, and I don't know if we have one — we've got many leaders, but they really need a saviour to do that. To make a long story short, I came in as Director of the Division in December of 1977 to find a desk and a chair and very little data. It's been an eye-opening experience for me, an experience I would not trade for anything.

My first responsibility as Director of the Division is to promote the education of all Indian children in North Carolina, to see that they know the appropriate agencies where they might receive any assistance. Number two is a public relations responsibility to encourage better understanding of the Indian culture and heritage. This is done with service clubs; this is done with administrators; this is done with workshops for teachers; this is done at university settings.

Now I'd like to move to consider the status of the Indians in the public school setting today. There are in North Carolina 16,789 Indian children attending our public schools. They are being served in 113 LEAs, 113 local school units. We have in North Carolina, since the establishment of Pembroke State University (which is a teacher-training university), a large number of Indian teachers. Our number employed as of yesterday was 591, with the new Reagan cuts I'm sure we will lose some of those because they're on federal payrolls. But 591 college-trained Indian people are teaching and working in 57 school systems. Fifty-seven — so you can begin to see that the majority of our teachers are in Robeson County, which has a school enrollment of 14,000 students, 8,000 of which are Lumbee and/or Tuscarora and other Indian groups in the area. So, while we have a large number of teachers, many of our teachers are located in Robeson County.

We have four Indian persons employed at the State Department of Public Instruction. I'm one of those; Isaac Tim Brayboy is Assistant Director of the Division of Athletics; Jack Morgan works at the Carthage Office in Moore County as a resource and evaluation consultant; Peggy Shepherd serves as a secretary to the Carthage Center there. Those are the four people out of 700 employees who are American Indians, who have some kind of native awareness through their heritage.

We have in the state of North Carolina, in all the school systems, one superintendent: Purnell Swett, the superintendent in the Robeson County school system. We also have in that same system one assistant superintendent. Across the state we have 19 principals, and, interestingly enough, these principals only serve in five different school systems. Two of those principals happen to be female, a fact that I would like to highlight just as a source of pride. Even though we have Indian people with administrative degrees, our principals are serving basically in and around Robeson County. Only a few venture out beyond that school unit. At the Central Office staff level, all across the state of North Carolina, we can claim only nine persons employed as supervisors. We also have one Indian person serving on the State Board of Education. Now, while all these statistics are rather boring and you probably will not need to use them a whole lot, you need to know that this is where our people are who serve in administrative positions and could effectively make some changes.

Now I want to move briefly to tell you what the status of our educational level is here in North Carolina. Annually in the fall we enroll approximately 1400 Indian students. And this number begins to filter down until the 12th grade.

Normally we have approximately 600 to 700 Indian students in the 12th grade. Annually, we can look for about 600 Indian graduates across the state of North Carolina receiving diplomas and transcripts and ready to move out into higher education or into the work force.

Some years ago, the State Board [of Education], under the direction of Governor Hunt, pushed very strongly for competency tests to be required of all students in North Carolina. So we began a testing program called the "minimum competency test," which is basically 120 items of math and 120 items of reading, and which eleventh-graders are expected to be able to pass. In order to pass you do not have to get all items correct. The first time around, 72 percent of our Indian students passed in math and 79 percent passed in reading. Right now across the state, 79 percent of Indian students are passing the math and 85 percent the reading.

When the competency test first came out, they geared up committees and looked at the test for whether it was culturally biased, whether it was relevant and whether it was testing accurate information. You heard across the state controversial discussions as to whether rural and isolated populations would be able to pass this test, and Indian people wondered if in fact the test was going to reflect that we were actually picking up any skills in the school system. My position was that the test might have some bias in favor of an urban student against a rural student, but that our students, if taught the skills, could pass the test. The point I want to make is that we've become more successful in taking the test. What we found in talking across the state to young Indian students who are at the high school level is that they simply have not had enough course preparation in how to take a test. Now, you and I both know your chances of being more successful in test-taking are higher if you don't freeze up on a test or if you know that you'll get another chance. The competency test does say that you can take the test as many times as needed up to age 21. As a result of the first scores hitting the newspapers and going all over North Carolina, the legislature said we've got to have some remediation money. And thank God many of our students were served in those remediation programs which have helped them learn more successfully how to take a test and how to actively guess or how to put the exact answer down. So, our chances of being more successful each year will continue.

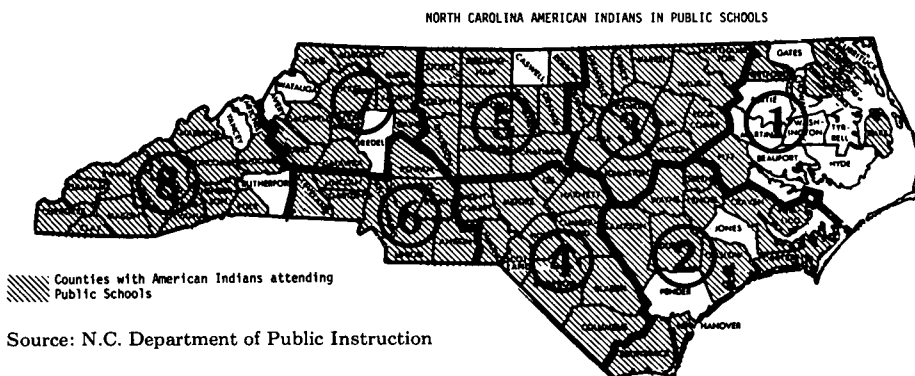
Before the competency test, there has always been the annual test, which is given at the first, second, third, sixth and ninth grades. Before the competency test results came out, I could have told you that chances were fairly good we wouldn't do very well as an Indian population, because when our youngsters start in first grade we're very, very strong in math because of our rural background. Our math is a very practical application of the math that we get in our homes. Our students test on grade level in reading and math through the third grade. Fourth grade begins an application approach: tell me if you understand, explain this to me, can you conceptualize this math concept. And our students begin to fall behind, so that at the sixth grade we are one year behind in our reading expectations and five months behind in our math. (Interestingly enough, our math is stronger all the way through.) The ninth grade students are two years behind in reading and one year behind in math.

Now, very briefly, I want to tell you some of the programs that our students are being served in and the number of students being served in these programs. Some of the programs are state funded, but basically most of them are supplemental federal funding, which is all under the gun. The only federal program that was not cut and is not slated to be cut under the Reagan budget is the Indian Education Program. The rest have substantial cuts recommended. Title I of our

ESEA* program provides supplemental educational services for students who are educationally disadvantaged; that program across the state was serving more than 3,000 Indian students. In the ESEA Title I migrant program, which serves those children whose parents are employed in agricultural jobs or fishery type jobs, 1,030 Indian students were served. (We have a lot of moving around, following the crops, especially in Region II and Region IV**) Another program where we're being substantially served, which is funded through state formula and federal grants, is the exceptional children's program, Public Law 92-142. We have across the state well over 1,000 children with exceptionalities. That might be a speech problem, a hearing problem, a visual impairment, a gifted and talented child. We show approximately 200 students being served in some gifted and talented program in the K-12 programs. We are also happy to claim each year approximately seven students who are selected because of academic achievement to attend the Governor's School.

Now I come to a program that's near and dear to many of you in this audience: the Title IV Indian Education Program.*** This has been a tremendous salvation for our people, particularly here in this state because this is a federal program that provides supplementary funds to enhance a child's educational and cultural background and achievement. So it can be used to teach an art lesson and used to teach a cultural lesson. It can be used to teach reading, it can be used to teach math, it can rent a band instrument, buy a pair of tennis shoes, take kids on a trip. It's been that marvelous supplementary money for Indians only. It's for the Indian child to supplement his schooling experience. We have 23 projects in this state. We're serving 16,192 Indian students.

In concluding this morning, I want to remind you in the audience that the transition and the acquisition of knowledge did not arrive in North Carolina on the Nina, the Pinta, and the Santa Maria. In other words, I don't believe that education arrived here with the Europeans. From the very beginning, our Indian parents have seen the value of education, as our history reflects in North Carolina. Two things are paramount for real learning to take place. One is the attitude of the teacher. Teachers need to understand American Indian children — what their background is, how they can supplement their learning. Secondly, our curriculum. Our books about North Carolina do not tell about North Carolina Indians. That's a problem. A little line about the Cherokees, a little line about the Lumbees. Just that Indians were here — we're not sure where they're at, but they were here. And that's how our children begin to learn about North Carolina. I want to close by saying that Indian people have the right and the privilege of a free education, and it is the duty of the state to guard and maintain that right.



* Elementary and Secondary Education Act

** The state is divided into eight educational regions

*** Title IV of the Indian Education Act

Richardson: When I grew up in the city, there were many things that I wished to know. I knew that Indian people were different, but I did not know how they were different. So I began to search deep within my soul and my heart and traveled to some of the traditional elders, in upstate New York on reservations and out West, to find out what the difference was. And I learned quite a good deal of differences between Indian people and non-Indian people.

When I was going to school in New York and Philadelphia, in my younger years I was taught — as we all were taught — that Columbus came to the Western Hemisphere and he discovered us. And he gave us the name Indians. In later years I found out that that was not the case. When Columbus came to the Western Hemisphere, he was looking for a new route to a country that was called Hindustan, and the people that he met here, he called them Indio. In Italian and Spanish, Indio means “in God.” And from this name, Indio, we became known as Indians because during that time in 1492, there was no such place as India. The country was called Hindustan. And so we in our community now look back to that and we feel very strong and reverent that we are Indians, Indio, in God. That we are the Creator’s people. And now we are teaching that to our young folks in the community, we have our languages being revived, we have our treaties that were not in this country but in London, England.

There was a time when native Americans lived in perfect harmony with nature, and had a true sense of the cycle of life. The interdependence of man, the spirit, and nature. There was a visible order to nature. The sun, the moon, the trees, the water, and Mother Earth. They all fulfilled the instructions of our Creator and the native American was sustained by these things. Besides fulfilling his physical needs, he also drew his spiritual needs from the dust of the forefathers who have been born and reborn, always to return to what we consider our mother, the earth.

With the settling of America by non-Indians, there was introduced a different aspect of social values. The natural riches of America were seen by the new settlers as unlimited opportunities for the individual to succeed. Self-interest became the name of the game and the winning of the game was very important — it was everything, it was the ultimate dream. Competition became the law of the new Americans and simple virtues such as love, faith, and honesty were swept aside by America’s rush for material development and land, and in search for happiness and material goods. If the acquisition and production of goods were seen as progress then the native Americans with their stubborn refusal to play the game of self-interest became a threat to progress. The native American was gradually pushed into smaller and smaller areas on our sacred mother the earth. Our religion, languages, the value of families, our structure and dignity were all but destroyed and we have, little by little through all the centuries of systematic erosion of our way, been forced to accept many of the values of the dominant American society or suffer further setbacks in our very survival.

Today, although battered and scarred in many cases, the native American community has survived. Many native Americans are now in search of all that has seemingly been lost from our culture over the last hundreds of years. Inconsistencies and gnawing doubts about civilization and programs keep coming to the forefront. The higher incidence of Indians in penal institutions, the growing frustration which is more and more frequently exploding into incidents such as Wounded Knee, led us to ask: “Does human community only exist in terms of consent in law, government and force?” The abusive use of alcohol in Indian communities is another symptom of the frustration of the native American when caught between two worlds. Why is an individual’s existence and usefulness in America defined only in terms of his acquisition of goods and material

productivity?

The dropout rate for the native American is twice the national average. The average education level for those under federal supervision is less than six years. Another indication of how the pressures of having to learn false values can systematically strip the student of his creativity, his personal feelings of self-esteem, and his uniqueness.

Is there no meaning or purpose in education other than to program individuals into the very technological society which has destroyed them? And now we must ask ourselves this question: Why is it that there is not just for the sake of the Indian student but for the red, the yellow, and the black and white, a better understanding and a better comprehension of the true meaning of Indian education and Indian history? That should be incorporated in the public school system in North Carolina, and I thank you for your time.

Oxendine: Our next presenter this morning is Joyce Wasdell. I first met Joyce about eight years ago, when she served as the chairperson of the State Textbook Commission. I remember about that time a little incident that happened to me. I was appointed to the State Board of Education by Governor Jim Holshouser. Prior to being confirmed by the General Assembly (you're appointed by the governor and you have to be confirmed by the General Assembly, so there's a period of about a month in there) the old Commission had adopted a new textbook on the history of North Carolina. I happened to be reviewing this book. It talked about the many Indians we had in North Carolina at the time Columbus discovered America, but that today we only had 5,000 Indians residing in North Carolina. This was a new textbook going out to all the schools that had already been adopted and approved by the State Board.

I happened to be at an education conference in Greensboro during that interim period. This book was published by the Singer Company and I was going through the exhibit hall there and I saw the display of the Singer Company, which included their new textbook. And I mentioned to the representative what I had found in the book, and he was not even interested in discussing it with me. He said the book had already been adopted and nothing could be done about it. I said, "Well sir, there's something I should inform you of, I have been appointed to the State Board of Education and I can assure you that you and your company will not get another textbook on the list with these kinds of mistakes in the future." When I told him that, he wanted to talk. I tried to leave, he followed me all the way out and continued to talk, and by that fall all those books had been replaced and the correction had been made in those textbooks. So this is the importance of having people at all levels of government, so these kinds of things can be corrected.

Wasdell: I must confess that I am the least knowledgeable regarding all the specific issues related to native Americans of any one up here and of any one in the audience. But I do have a little experience related to minority education and I do have a little experience related to the selection of materials that are used in the instructional programs in the schools in North Carolina.

My lack of firsthand information regarding native Americans stems from the fact that, in Durham County, we have a population of approximately 17,000 students and out of those 17,000, six are American Indian or Alaskan Natives. We do have 144 Asian students and 46 Hispanics, and we do have approximately a 28 percent black population. So, I don't want to come up here and pose as an

expert related to Indian education in Durham County schools because I'm not, but I do want to give you a brief sketch of some of the successes and mistakes that we've had in instruction and curriculum related to minority education in Durham County, and then also talk about some of the issues related to the selection of instructional materials.

I've been in Durham County long enough to watch it grow from about 9,000 students to 17,000. I was the entire Department of Secondary Education at one time, including vocational education, exceptional children, and everything else. So I've been around a long time and I've watched things come and go. I've watched the pendulum go in both directions and I keep hoping that it's going to get back in the middle and stay there. That just means that I intend to look at issues on both sides and then come to a point of view that makes sense for everybody.

In 1968, in our secondary schools in Durham County, we had begun integration without federal court order. In 1965, when I became that secondary education supervisor, jack-of-all-trades, we had an interesting situation in Durham County. I don't know the history of it, but we only had one secondary supervisor, three white high schools, three white junior high schools, two black union schools,* and one black junior high school. And we had two elementary supervisors, one for the black schools and one for the white schools. I never quite understood why we didn't have two for the secondary schools but I didn't ask. I decided for my own survival that I could not have different meetings for black teachers and white teachers, which had been the tradition in the past. I didn't ask anyone if I could do otherwise, I just held curriculum development sessions with all my English teachers, all of my social studies teachers, all of my math teachers, etc. I also had textbook selection committees that went across racial lines.

Now at that time the administrative offices of Durham County schools were located in the courthouse. Well, I had my sessions with my teachers in the courtroom when the judge wasn't using it, and since that was mutual ground, there was no problem. I was smart enough to know I couldn't go out and have them in the different schools. The black teachers wouldn't come to the white schools and the white teachers wouldn't go to the black schools. So I had integrated us before we had any kind of a mandate. I was not ahead of my time, I was just trying to survive. The reason I make this point is because some attitudes that were developed in working together, I think, made a great deal of difference in promoting a smoother transition in the Durham County schools. Many teachers have supported that, and many administrators have, too. I think getting to know each other is the important thing. And that's one of the reasons I am pleased to be here today. I am a learner today and I realize that.

With the court mandated integration in January 1970, unfortunately we were not permitted to move in as we had planned. I do say unfortunately because we had an awful lot of disruption, not violent, but a disruption of the instructional program. Problems surfaced relating to our curriculum which probably had been there all the time but pressure groups got into the act. I'm sure there were many good intentions, but there were some things that happened that probably as we look back now, we feel were very serious mistakes. The school systems were pressured to come up with many elective courses. And of course the goals for those courses were excellent. Some were called black studies, some were called black humanities, it just depended what they were. And of course the idea was to

* A union school includes grades 1-12

make the black population very proud of its heritage and that's a worthy goal. One of the important things that I think I've heard here as an underlying issue is that the Indian students within the public schools should have an appreciation for their heritage felt by everyone, and I agree with that. And I agreed with it at the time that this was a goal for our black students in Durham County, and I hope it still is one.

Of course the second part of that was to educate the white student related to the black heritage. Well you know what happened. I'm sorry to say that what we did was resegregate those courses because they were elective. Right now in one high school, no longer are the courses offered because no one signed up for them. In the other schools, we're down to maybe one section of each and basically black students take them. Now what was the success from that? There was some success from it: a new awareness did change the curriculum for all the language arts and English as well as social studies. So that was a plus. We sort of went through a period there, you might say almost a ten-year period of transition, that maybe was necessary. So along with the failure, I do see some successes.

And then I think there was another failure. I really feel that the terms "culturally disadvantaged" and "culturally deprived" are two terms that should never have been used in any way. I like the term "culturally different," and we're seeing that term in the literature these days. There isn't anything wrong with being culturally different. But to be labeled in any minority group as being "culturally deprived" or "culturally disadvantaged," that has always gone against everything I know about people. Culturally different would include all of us, because we are all culturally different. My background is so different from most North Carolinians that I definitely am culturally different.

But I believe that the pendulum did swing too far. We did overcompensate, I think we might call this a WASP yelp. Let me give you an example of something that I don't think anyone would want for any child who is a part of a minority group in a school system. I was asked to come out to one of our elementary schools about eight or nine years ago by a principal who was very concerned about teachers who were accepting less than the best from their students. They had been taught that one must accept everything that came from home. I agree with acceptance but that's where it stops. First you accept, then after, you correct. And you improve upon. My statement was, when is the moment of truth: is it when you got to junior high, is it when you take the SATs, is it when you try to get a job? When does the moment of truth happen? So I think we've gotten beyond that sort of token acceptance without really looking at what is a good education.

I don't believe in putting down anyone but on the other hand, I think that everyone deserves an equal opportunity to a good education. I believe we have begun to move to a more realistic position. We've worked hard in Durham County and in this state. We aren't there yet. Take a look at the total curriculum: I completely agree with what has been said — Betty and Earl both mentioned the lack of appropriate kinds of instructional materials and information related to native Americans.

Let me go on to talk just a little bit about the competing demands on schools and then I'll come back to the materials again. We have a lot of competing demands in our instructional day, and I think you know that. By state mandate we have a six-hour day. In the elementary program, we have to collect the lunch

money, take up picture money, have the Halloween carnival, etc. I'm not opposed to any of these things, I'm just saying they're there. We talk about an integrated day. Now, that has nothing to do with the racial issue, it simply means that we have language arts in our social studies and in our sciences and in all of these things. Sometimes we talk about that and don't do it. And then we've had the "back to basics" movement, and state mandated tests, which I certainly don't oppose.

I think some of this has caused us to really take a hard look at our instruction. But with this kind of pressure, on teachers and administrators, sometimes things get left out. And it's frequently the social studies and science, the art and music, the talk and discussion, the interest and projects about students who are culturally different.

In addition, the legislature has issued other mandates. Economic education now has to be taught at all levels: the free enterprise system, if you will. I have nothing against that, it's just that any time we get another mandate, then the instructional day becomes more and more compressed. At the secondary level, there are other pressures. Our students want high scores on the SAT to get into the colleges and universities of their choices. At the opposite end, everyone *must* pass the competency test. Frequently, the pressures of what will come later prevent a student from choosing a broader curriculum. For example, I know excellent students in art who never had the chance to take an art course at the secondary level because they were taking advanced math, AP* English, AP science. I know of one instance where the first time a student after elementary school was able to take art was in graduate school. Can you imagine such a horrible thing?

When courses involving minority studies are taught, one runs into yet another obstacle, which you might call appropriate instructional materials. I was chairman of the State Textbook Commission, and even in courses that were mandated by the State Department of Public Instruction, there were problems with instructional materials. Let me give you this example: in 1972, our first adoption that was called for was the seventh grade social studies text. Now if you are not familiar with the seventh grade curriculum, it is Africa, Asia, and the Ocean World. I promise you, the materials that were submitted to the Textbook Commission to be reviewed were totally inappropriate for the seventh grade student. The materials that were factually correct were written, most of them, on a senior high or college level — a very advanced level. Some of the material that was written on the appropriate grade level wasn't accurate. So we were in a real dilemma.

One of the real facts of life is that publishers do not publish textbooks for a single state. The seventh grade's curriculum nationally is not what our seventh grade curriculum is here. So consequently, if California and Texas didn't have the same kind of curriculum, the publishing companies were not going to go for this little tiny adoption in North Carolina, even though it sounds momentous to us. They still were not going to publish books just for us. So we were in a real dilemma. We did have one publishing company that came forward with a book that was acceptable and of course, we put it on the approved list. But let me say the Commission was hard pressed to find any competing books at all to go with that and, as you know, when you're using public funds, you must bid for books. I remember the flack I took when sometimes we'd come in and say, "This is the only appropriate book," and the [State] Board of Education would say, "Oh, that's impossible, we've got to bid the books. You can't say this is the only appropriate material."

But in that particular case, there was really only one appropriate book. Now we did put something on hold for advanced seventh graders — your seventh grader who's reading on the college level — but for the seventh grader who is

reading on the fourth grade level or third grade level, we really didn't have anything except fictionalized things about Africa. And that was ridiculous.

Let me give you another example of the problems we have in selecting materials. That same year, we also were asked to select reading materials — now this is 1972, remember, right in the middle of the surge of wanting to be sure that we had all kinds of materials in the schools related to different cultures. Especially at that time, the concern was for black culture. We had some materials submitted by one of the companies that actually, I suppose, had been published for the “ghetto set.” That's the only way I can describe it. The Commission members who were black were completely offended, the teachers who read the materials were offended, and we even had some parents look at the materials and they were offended. What was supposed to help us all understand was really offensive to even the black community. So obviously those materials didn't even get to the State Board. We were appalled at what was being offered in good faith by reputable publishing companies as reading materials. I shall never forget that.

I've indicated many problems involving minority education in a school system that really has had few problems related to that issue. Our biggest problem is the cheerleader; that was a much bigger issue than instructional materials. (You think I'm kidding, but I'm not.) But I know that our greatest resources are caring, understanding teachers and administrators who have a real respect for the culturally different child, see him as a resource for the class, and see him as an important person in the class. In this, I echo what Betty said earlier.

I believe that staff development is essential, but not the kind that is ordinarily prescribed. If minority teacher groups are truly to become an integrated part of the faculty and to have mutual respect, they must develop this through working together. I truly believe that the curriculum workshops where people learn to know each other as people and learn to respect each other for knowledge made more difference in Durham County than all the civil rights workshops we had where someone got up and told us how to respond to each other. More negative things came out of that than positive. If minority students are placed in the classrooms, then the teacher, if he does not understand that particular student, must be given some help.

We have had a very unhappy experience in which a teacher let a student who didn't speak English just sit this year. Believe me, that teacher won't be back next year, and all kinds of extra help have been given that student. But the teacher said, well I don't know what to do. And she didn't say, hey, help, I don't know what to do. Instead it was: I don't know what to do, so you sit in the back of the room and color. I believe that the fear on the part of teachers who are having problems can be diminished with the right kind of help.

During our days of trying to adjust our school system to total integration, we had many teachers who were walking on eggs. They were afraid to discipline, some were afraid to teach, and of course the only people that really suffered were the students. And I think for awhile many school systems really turned the asylum over to the inmates. And in many places — thank God not many places in North Carolina — the professionals haven't gotten the schools back yet. And I don't want to see that happen. The pendulum has swung back and hopefully it's going to stop in the middle, as I said in the beginning of this talk, and we can make multi-ethnic education a way of life by hiring and supporting caring, knowledgeable teachers and administrators.

Scheirbeck: I think you've heard this morning from each of our other panelists

some of the perspectives that trouble all of us who work in education and who strive to work on behalf of all people. Betty talked about the difficulty in getting data and records and I will just speak for a moment on that. Arnold talked about the soul of Indians: how do we build respect for our philosophy and our education and our way of life? My question is, can you do that in the public school setting which is charged to educate so many children? Then Joyce talked about the difficulty a conscientious person has in working in a multi-racial situation and in a situation where the publishers in this country have a monopoly on the knowledge that is given out. The way we're organized at the state level, the textbook commissions either say yes or no, or you don't have anything except for the minicourses that have started in education, and I think that those minicourses in social science are very helpful.

I think we have to admit as Indians to each other in this state that the burden of educating North Carolina and its school teachers and its administrators, the burden of educating them about North Carolina Indians, falls on us. We're going to have to do that. We are not going to get the publishers to write the kinds of insights and knowledge and understanding and even give the respect about us that is necessary and crucial for all of this state to understand. No matter how good the intentions are of that Textbook Commission, unless we as Indian people realize that we must write those documents, it will not happen.

I did my dissertation on the public policy of American Indians and I looked at the national policy and I looked at this state, North Carolina, and I spent a long time in those Archives and then I visited each of the tribal communities. I did not go to Cherokee, but I visited all of the other communities in this state and took oral histories. I did not get to put them in the dissertation but I do have an illustration in the dissertation of the Lumbee educational policies. And that is a policy which does apply to each group, and I would like to speak to that.

Let me say first, in assessing North Carolina public policy towards Indians — that policy was exclusion, and don't have any doubt about it, from 1776 until 1887. Now in 1887, the state's policy was directed towards the Croatan Indians and creating a school for them. It was not directed at that time towards the other Indians in this state. I looked at the colonial records of this state and found written indications that the Sampson County Indians did have land given for a school in the Revolutionary War, and money, but I could find no records to substantiate that that school was ever put together. I looked at the private and proprietary school records in the state; I saw no evidence that the Indians were given an opportunity for education. So I think we have to say, based on what we can find in the public records, we were excluded from any public education in this state until 1887. We were incorporated then as people of color.

North Carolina amended its Constitution after the Civil War at the direction of the federal government. That amended constitution said that North Carolina would educate white students and colored students. We were not looked at as colored at that time. The Croatan Indians, now the Lumbees in Robeson and adjoining counties, approached the state and wanted to, I don't say be recognized, but I say have their identity affirmed by this state. We are always Indians, and we always were Indians. We were not asking this state to recognize us as Indians, we were saying affirm our identity as Indians and do that by creating a public school for us. That was done, and I don't have time to talk about that except to say that if you look at North Carolina's legislation, you will find that every other school system for the Indians — the Coharies, the people in Sampson County, the Indians in Hoke, in Cumberland, the Indians down in Bladen and Columbus counties, and then later the Haliwas — used the Croatan bill and got that bill amended to get a school for themselves. So clearly our identity and education in

this state is tied together. I never like to talk about Lumbees because I do think we tend to brag a little bit, but this is a historic fact: the Croatan bill was used by every other community to get an amendment so that they could have a public school education.

The other thing you need to realize about the policy: when they started reporting us — and they did start reporting us in those 1888 records — they put us in the section for colored schools, but they clearly made a distinction that we were Indians. I'd like to give the definition of colored because I think there's always a misunderstanding about that word in the South. Colored means that you are not white. I think we have seen a lot of turmoil between blacks and Indians because Indians said "I'm not black, I'm an Indian," and blacks said, "I'm not Indian, I'm a black." Colored simply means that you're not white. So we were put in the colored records in this state and we were clearly shown as Indians in the records. The other thing the state did was to create an Indian Committee, first among the Croatans and then down in each of the other school systems, and that Indian Committee was charged with deciding who were Indians in the community. This happened in every one of the counties in North Carolina where there were Indians. The Committees particularly looked at new people moving into the community and decided yes they're Indians, no they're not, and accepted the children into the schools. They were charged with hiring the teachers and overseeing the school system.

How did we really move beyond those school systems? I wish I had time to tell you how long it took many of those systems to get certified — and some of them are not certified today, by the way. The next thing we saw was integration in this state. The Indians felt in every one of the communities except Dunn that they had fought very hard for their school systems and they were angry about integration because they said we're finally getting our school systems up to standards with our money and, only recently, federal money, and all of a sudden we are being integrated. And so we do still have in a number of our communities a strong feeling about that.

Integration came in 1970 to most of our communities. I like to tell the wonderful story about the Haliwas who finally used segregated and racist legislation in this state to create an Indian school system, and I am very proud of them. There was a gentleman named Pearsall who was in the state House of Representatives, and he was charged at the time of integration with looking at the school systems and seeing how North Carolina could respond, and I'm sure you remember this well. One of the ways they said they could respond was just to fire all the teachers and go to a system of private schools; another way was to put people under a contract. The Haliwas were very enterprising. They took advantage of the Pearsall plan; they petitioned the state for a tribal school and got one. For the first time they had their own Indian school.

I want to tell you about just one other school system that I think should be a source of great pride to North Carolina Indians. The Sampson County people did start a school system and that became, if we were talking reservation Indian language, an intertribal school system. They brought Indians from four counties, and they lived in the homes of Indian people in that county and that's how they got their education. The Indians in Person County took the Virginia Indians in, and they could not get the state of Virginia to pay the tuition; that was a big bone of contention, but they felt that they were Indian people and that they had to be concerned about them, and so they kept those people in the Indian school system.

Let me say that after integration in the '70s, even though we had Title I, which was very helpful to Indian children, the records on that by race were kept at the

county level but not at the state level. And thank God there was an Indian Education Act because if there had not been one, we would have had no records on the Indian children in this state. (Two years prior to that act, we were all integrated, and the records by race were done away with in Raleigh. Two years after that, the federal government came in with an Indian Education Act and we started keeping records again on the American Indians in this state.)

A couple of comments on the future challenge: I think we have to say in all fairness that there is no public policy for educating Indians in this state. There is not a policy directed towards us in North Carolina. We are part of the general educational policy in this state. If we feel strongly about getting Indian policy in this state, we're going to have to get busy and go to the state legislature and do something about that. Now I feel strongly about that subject, and I'd like to use the case of higher education as the reason I feel so strongly about the subject. I told you that my research shows that we were Indians in the state records from 1887 until about 1968. We, as all of you know, attended the segregated schools. During that time we had many Indians apply to higher education institutions in this state, and I myself have seen the letters in the State Department [of Public Instruction] which said, that person's an Indian and you have to send them back to Pembroke, to the state's Normal School. We could not go to the higher education institutions in this state. I was the first Indian to attend the University of North Carolina in the summer after a black person had attended.

All of a sudden, when we start getting federal money to assist the minority presence of students in this state in higher education and when we have finally gotten some scholarship money out of the federal government for American Indian students — and a number of those students are North Carolina Indians — our own state says those Indians aren't Indians, they're white, they can't have minority presence scholarships. We have talked to the State Department about this, we have talked with the Governor's office about this, we have talked with HEW about this. North Carolina's brief in response to the Brown decision clearly had surveys which showed that there were Indians in these counties in need of higher education and in need of elementary and secondary education, and yet the state now counts us as white for purposes of higher education. I think we should do something about that.

I do think we need to have a clearer definition and acceptance in terms of the state's policy towards Indian people. I am a great believer in the public schools; I have always sent my daughter to the public schools in Virginia. But I think that if we could get acknowledgement out of the state, it would not only help North Carolina accept us as Indians — as we are — it would also help us get the teachers into the staff development that Joyce talked about and possibly get a requirement in the state higher education system that the teachers have to take courses from Indians or about Indians on some of our needs. It would begin, I think, to really make us feel like we are truly participating citizens in this state.

I would say the challenge for us in the '80s is a policy clarification by the state in terms of its educational responsibility to us: elementary, secondary, and higher education, and certainly a clarification in terms of the role of the Indian Commission so that they become a serious advocate for Indian education in this state. I think we need to work with Betty and get a uniform data reporting system in this state on Indian children and then begin impacting the other divisions of the State Department of Education in sharing those records and beginning to respond to some of the needs of Indian children. About the curriculum: I think that you and I will have to do that writing, and then come and hammer at the door of the State Department of Education and say, "Here, we've got something that the teachers need to use," and we need to make sure these things go into those regional curriculum centers (if they are going to be

maintained).

I do want to close not in disrespect to Dr. Craig Phillips, but I feel strongly that Indian people need to call on him. He is considered a great American educator in this country. He has headed many of the educational political organizations, like the Chief State School Officers. He is well regarded. I am very concerned because I don't feel nationally that he ever pushes the Indians in this state forward. I don't know of any Indian who has ever been sent from North Carolina to the Commission of the States in Denver, and they have a very active Indian education subcommittee which is always trying to impact state and federal policy. We need to get some of our people participating in those things.

I am pleased that we have had Earl on the State Board, that we have Betty in the State Department of Public Instruction and that we have the other people that she named this morning, but I don't think that's enough. I think we need to get Indians other than Lumbees in some of these advisory groups and I also think that we need to get Dr. Phillips to be our advocate at the national level.

DISCUSSION

When ethnic mini-courses began, large numbers of high quality, multi-ethnic students enrolled in them. Today this is no longer the case. One of the major reasons for this is the attitude of school teachers, administrators, and parents. Nonminority teachers argue that they cannot teach an ethnic course because they are not members of that ethnic group (yet they think nothing of teaching Russian or English literature when they are neither Russian nor English). Also, school personnel counseling college-bound students advise them to avoid such mini-courses because "they won't help you get into college."

This tendency to "ghettoize" minority studies — to view them as something to be taught by minorities for members of minorities — makes these courses second-rate in the eyes of school personnel and students. In an economic crunch or during a period when there is not much pressure from students, parents, or communities, these courses tend to be deemphasized. In this sense, the current fiscal environment coupled with the "back to basics" movement may signal the death of the mini-course.

The solution is to integrate these courses into the regular English and social studies curriculum and to include minority education units in these subjects at all grade levels beginning in elementary school. This will require the writing of more accurate and comprehensive textbooks — a task that Indians may be able to advance by writing their own historical texts. It will also require convincing school personnel, students, and parents that multi-ethnic studies are inherently sound for the general population because they help all students to broaden their understanding.

Indians are left out of many education policies, the most notable example being the Minority Presence Scholarship Program. This policy, designed to encourage desegregation in the 16-campus university system, applies only to blacks and whites. By excluding Indians, it continues in altered form the discrimination that Indians have historically experienced in North Carolina's educational system.

Teachers, administrators, parents, and DPI employees with Indian sensitivities are needed to help increase an awareness of Indians in the educational bureaucracy. To this end, Indians should try to build their political strength and exert political pressure on the 1984 candidates for Superintendent of Public Instruction to encourage them to choose aides who do exhibit some awareness of the Indian culture. One goal these new administrators should pursue is requiring all colleges of education in North Carolina to include a mandatory unit on the North Carolina

Indian heritage, so that every person certified to teach in this state will have some background in this area.

Another problem that educational administrators should investigate is that of discipline. Indian children are frequently removed from classrooms and kept out of the classroom for long periods of time. This occurs at a much higher rate than for non-Indian pupils. Many parents and teachers in Robeson County are expressing dismay over this situation, and something needs to be done to remedy it.

The biggest problem Indians face in education (and other areas) is getting the state to truly accept them — it seems the state has, and yet it hasn't. North Carolina historians must begin to include the history of the state's Indians in their research. The Department of Cultural Resources should sponsor more projects on Indian archaeology and on tracing the histories of the various Indian groups. The recent research of the Haliwa-Saponis into their tribal history, funded by the Department of Cultural Resources, demonstrates that such cooperation can be beneficial. The Haliwas have collected documentation of their past from numerous sources, including Virginia and Great Britain. Based on their research, they have developed a North Carolina Indian cultural manual and they hope that DPI will incorporate this manual into the public school curriculum. Projects like this should be expanded in the future, as they can do much to advance the knowledge of all North Carolinians about the history of their state.

HEALTH

Panelists:* Carolyn Emanuel, *Executive Director*, Pembroke Medical Services
Ronald Levine, *Acting Director*, Division of Health Services,
N.C. Department of Human Resources
Cherry Beasley, *Professor*, University of Tennessee
College of Nursing

Moderator: William Flash, *Professor*, School of Public Health,
University of North Carolina-Chapel Hill

Flash: It will be our purpose this morning to help you identify issues in public health for public policy towards American Indians in North Carolina, and to move on to the second phase of public policy issues: to consider what can or should be done. The panelists we have this morning have been asked to speak from their particular experiences in which they have been dealing first hand with issues in health and public policy in North Carolina for American Indians.

You will see that there is one chair that is empty. That represents the federal level of public policy that was to have been addressed by Wes Halsey of the Indian Health Service. He called this week and regretted very much that he couldn't be here because he had to testify in Congress. I want us to be aware that there is a federal presence even in its absence. We will be addressing that reality, I should think, in developing this panel's presentations. I'm asking Carolyn Emanuel to lead off because she will be addressing this situation from her perspective as Executive Director of Pembroke Medical Services.

Emanuel: I'm going to talk basically from my experiences with Pembroke Medical Services the past two years. To tell you just a little about the place where I work, it's characterized as a community health center. We have a physician and a mid-level practitioner and together with two other doctors in the community who have private offices, we provide health care to the people of Pembroke and the surrounding community. Our service population is made up of about 13,000 people; we have a drawing population of 25,000. Ninety percent of our users are American Indians and the other ten percent alternate between white and black. We do not receive any federal or state money at this particular time to deliver health care. We do it on a fee-by-service basis. It gets kind of desperate sometimes, considering the high poverty level of the people in the area.

The clinic is staffed basically by Indians; the providers are non-Indians, the administrative people and nursing staff are Indians — this makes the people feel comfortable coming in. We try to cut down the waiting time. We have an appointment system which works very well but at the same time we have a certain amount of time set aside during the day for walk-ins, so people don't feel

* Wes Halsey could not attend the conference because he was called to testify before Congress.

they must wait 2 or 3 weeks to get an appointment (which is what they go through down the road in the Lumberton area). In Lumberton, there are cultural barriers to the people — they don't feel like they're treated as human beings or the way they should be when they go to get services. Again, not knowing what to ask for or what to expect from the medical profession creates problems for them.

Often, we see patients who call on us, we give them an appointment for a follow-up visit, and then the Indians do not return for that visit. We assume this is because of the money situation. They cannot afford to pay to come back. Or, if they take their medication and feel better, they think they're fine and won't come back. This is understandable, considering that they need the money for certain other things: to buy food, to pay rent. We try to take this into account in setting our fees. We are a nonprofit corporation and our fees are somewhat lower than the fees of the other two physicians in the area because we do not have to look at making a profit or getting enough money to pay the salaries of the physicians and the mid-level practitioner (because they are National Health Service Corps people).

According to *Indian Health Trends and Services*, otitis media was the most frequently reported disease among Indians and Alaskan Natives in the U.S. It has been the leading cause of illness during each of the last seven years. Strep throat and scarlet fever replaced gastroenteritis as the second leading cause of acute illness with influenza and pneumonia next.

In the Pembroke area of Robeson County, which has the largest Indian population in the county, a very limited survey of the area primary care physicians indicated that for adult Indians, upper and lower respiratory problems are the most common acute illnesses. Among the Pembroke area population an unusually high prevalence of sinus problems in particular was noted. The providers indicated that urinary tract infections were the second most common acute illness among the area residents. The Lumbee children also suffer commonly from upper respiratory problems. However, chronic otitis media is the leading problem. The children in the Pembroke service area reflect the national native American problem with otitis media. One study done in the Pembroke area looked at 288 Lumbee children from birth to 11 years of age who visited the clinic during a three-month period. Of these 288 children, 170 had otitis media. This is a two-fold higher incidence rate than for North Carolina and four times that of the white North Carolina pediatric population of this age.

The major chronic diseases ranked by the Pembroke providers were diabetes, hypertension, arthritis, and anxiety and depression-related neuroses. National tuberculosis morbidity is striking for the native American. In 1971, all U.S. races had 17.0 tuberculin cases per 100,000 population whereas the native American had 152.0 cases per 100,000 population from tuberculosis.

Disability from these acute and chronic illnesses is another area where North Carolina Indian health statistics are scarce. In their limited survey, the Pembroke area providers indicated that the problems causing the majority of adult short-term bed disabilities were: 1. bronchitis, sinusitis, and other upper respiratory; 2. urinary tract infections for males and urinary tract and/or vaginal infection for females. The providers also felt the most chronic long-term disabilities involved: 1. arthritis, 2. uncontrolled diabetes and uncontrolled hypertension. These are all very general opinions but do come from the providers serving the largest number of Robeson County Lumbees.

The fetal death rate for Robeson County Indians from 1972-1977 was 13.3 percent. This figure is seven percentage points lower than blacks' and one point higher than whites'. The neonatal death rates are almost even for all three races; whites have a slightly high rate and Indians the lowest. Post neonatal rate

illustrates a large gap between whites and the other two races. Whites have a 4.4 rate while blacks and Indians have 11.7 and 10.3 percent respectively. The primary cause of Indian neonatal death was prematurity and immaturity from 1970 through 1978. These deaths constituted 58.4 percent of all Indian neonatal deaths during this time period in Robeson County. Respiratory distress syndrome and cardiopulmonary arrest were the second and third causes respectively of Indian neonatal death. The primary cause of post neonatal death for county Indians was sudden infant death syndrome (SIDS). Robeson County has the highest death rate for SIDS in the state. During the 1970-1978 time period 48.7 percent of all the Indian post neonatal deaths were from SIDS, while 47.2 percent of total post neonatal deaths in the county were from SIDS. The Indians had a higher rate of sudden infant death than either blacks or whites in the county. Pneumonia and accidents placed second and third respectively for Indian post neonatal deaths in the county.

The Indian rates are at least 30 percent higher than Robeson and/or North Carolina rates for the following underlying causes of death: arteriosclerosis, leukemia, diabetes, nephritis and nephrosis, motor vehicle accidents and homicide. These rates have to be looked at in light of the population age distribution. The median Robeson County Indian age is approximately eight years below that of the overall N.C. population. Forty percent of the Robeson County Indians are between the ages of five and 19, with 34 percent between 20 and 50 years of age.

The North Carolina Department of Human Resources has pointed out that to validly assess the mortality experiences of Robeson County Indians, there is a need for age-specific and adjusted rates. These statistical adjustments would help us to better evaluate the mortality rates of the Robeson County Indian in comparison with other groups. The adjustments would give a more accurate description of the causes of death among this population. Human Resources also stated that age-adjusted populations are not yet available for the Robesonian Indian.

External causes of death (accidents and homicides) appear more prevalent among Robeson County Indians than among the general population of North Carolina. Also, despite youthfulness of the population, Robeson Indians appear to have experienced some excessive mortality from arteriosclerosis, leukemia, diabetes, and nephritis/nephrosis.

The Indians in Robeson County live ten years less than do their non-Indian counterparts. This is difficult for me to accept because we're all in North Carolina within the same county. It's true among the females and the males; there's no sexual difference. The median age of death for Indian males is 54.6 years old; for Indian females, it's 63.8. For white males, it's 66.9 and for white females, 75.3. That to me is really disturbing. There's something there that needs to be dealt with. Poor health is a widespread problem in Robeson County — particularly among Indian people. Its victims are primarily the rural poor — infants, children, the elderly men and women — who cannot afford adequate medical care, are unknowledgeable in preventive health care and health education, and often never see a doctor or dentist except in extreme emergencies. The results are appalling.

There's a 25 to 30 percent rate of individuals infected with intestinal parasites; 72 percent of individuals examined for armed services are rejected for poor health or mental deficiencies (Indians have the highest number of military rejectees); 14.5 percent of the county population have mentally retarded symptoms either functionally or due to background; 70 percent of the Indian population have inadequate diets; 60 percent of Indian children under age 11 are underdeveloped due to malnutrition; there is no prenatal care available in the Pembroke area; based on our encounter experience, the incidence of venereal disease and

tuberculosis is rather high; the rate of teenage pregnancy is astronomical. Half of the births in Robeson County last year were to American Indians. Indians are said to make up approximately one-third of the population of Robeson County, and I think it says something that half of the births are to Indians. The Indian population is really growing there.

The incidence of depression is extremely high. I was really surprised at the people that come in — especially females — for whom depression is a leading problem. I tried to look at why they are coming in with depression as one of their leading problems. These people are 20 years through about 45, and I figure these people to be in the work force, married mothers with children, experiencing problems: the children are sick, and they have the type jobs that they lose if they must miss work because their child is sick. They are torn between what to do — I need to stay home, so what do you do? Go to work sick or go hungry? They're really caught up in a situation that's very difficult to get out of. A lot of times these people are married and there are compounding family problems.

This is one reason I think we really need some type of counseling or social service worker at the clinic to talk with our patients; this would be a great help in making some referrals. When I talked with some county people about this problem, and asked if there was some way we could get a counselor or some type of physician in our center, they said why don't you enter some type of contract with the mental health clinic in Lumberton, and I wanted to scream because this is part of the problem — how do you expect these people here to go to Lumberton and relate to someone when there's a barrier there to start with? We're trying to remove that barrier. And it would really be great if we had someone in the clinic to provide a social service, personal counseling service, to help do some referrals, and help these people in going from one place to another in seeking services.

Utilization of health facilities varies greatly between reservation and non-reservation Indians. The trend of Indian utilization for Indian Health Service facilities has been steadily rising over the years.

In his article, *The Differential Use of Health Services*, Thomas Wan states that "subcultural beliefs and practices may have the most marked influence in health service use." Ethnicity per se does not function to limit the access to health care but various man-made obstacles impede the health care behavior of ethnic populations and maldistribution of minority/ethnic health workers. The author then illustrated many social and personal factors which may hinder care for the ethnic consumer, like fears, misperceptions of health status, alienation, cultural definitions of "sick role", and finances.

Many of Wan's descriptions such as ignorance of ethnic differences, racial discrimination, and lack of accurate health statistics, are applicable to the Lumbee Indians. Another Lumbee specific study was done on the utilization of health care services by the urban Indians inside the Greensboro area. Most of these Indians were residents of Robeson County who left the county in search of employment when many jobs were eliminated by technological modernization in agriculture. In this study one-third of the sample was receiving Medicaid, 42 percent had been to the health department, 37 percent to the emergency room and 14 percent to neighborhood health clinics in the past twelve months. Twenty-one percent had been to the dentist in the same time period. One-third of the families had a physician and 20 percent had a dentist.

The families not utilizing the medical care facilities in the past twelve months stated the following as their major reasons: cost (25 percent); transportation (22 percent); and lack of information (7 percent). The same reasons were given for not going for dental care with a higher percentage of families quoting cost as their major reason.

In the study, interviews with the staff of the health department revealed perceived barriers between Indian clientele and services offered by the agency. The health department staff and leaders in the Indian population could agree that pride, beliefs, customs, life-styles, knowledge about services and economic status influence the Indian's response to available health care.

The Robeson County Health Department has seen a large increase in its family planning program by all ages and races. There was a 68.3 percent increase in the number of patients (over 19) they served between 1977 and 1979; and a 100.8 percent increase in the number of teens served. The 1977 statistics for the state population of pregnant females indicated that Indians seek care earlier in their pregnancy and have more prenatal visits than blacks but are slightly behind white averages for the same criteria. Information from the state Commission of Indian Affairs indicated that Indian utilization of local community mental health programs had increased significantly from fiscal year 1974-75 to fiscal year 1975-76.

Another factor relating to utilization among Robeson Indians is their method of health care payment. Since 45 percent of the Robeson County Indians have incomes below \$4,000 a year, finances have a great impact on their medical care utilization. In 1977, Robeson County had 11,833 persons on its Medicaid roster, 15,515 receiving food stamps and 8,052 Medicare enrollees. The Pembroke Medical Services has averaged 4.7 encounters daily for the past year with the following evaluation of its population's (90% Indian) financial coverage: 50 percent third party, 30 percent non-payers (financially unable), and 20 percent full out-of-the-pocket payment.

As illustrated in the urban study of the Lumbees, cost was most often cited as the reason for not seeking medical care. Even if the 47 percent of the below poverty level Indian families receive some type of medical assistance, the cost of transportation, drugs and accessories may often fall beyond the scope of this coverage. This is especially true for the elderly Indians. Nationally 50.8 percent of Indians 65 years and older are below the poverty level. As is true with the general older person, the elderly Indians exhibit the greatest need of all population groups for the medical services, yet often face the most barriers.

As I said earlier I would think one thing that we really need at Pembroke Medical Services that we do not have now is someone to do some counseling, some social service type work. As the director I get heavily involved in working with patients on an individual basis and dealing with battles that they face in Lumberton with the Department of Social Services, trying to get Medicaid. They are eligible but yet the hassle is so great that they just don't obtain it. This makes up the greatest part of those people we see that cannot pay or qualify for some reduced fee. They're sort of in that grey area, or else they're eligible for Medicaid, but just do not know how to go about getting Medicaid, how to become certified. They go to Lumberton and they're asked to bring back certain information — they don't know where to go to get the information they need. This information is not volunteered by the eligibility social specialist that they're working with. You can tell the person well, you need to bring to me a marriage certificate, a birth certificate, a bank statement, things of this sort. Suppose a person doesn't have a banking account, a checking account? Well, they think, okay, I must have a checking account in order to get Medicaid. They think if they don't have these things, they can't get Medicaid, so they don't go back. If they don't have a birth certificate and don't know that you go to the courthouse in the county where the child was born for a birth certificate, again they drop it. Or if there's a denial on the first go around for Medicaid, they do not know the

appeal process. And if they know, they do not feel very comfortable going through it because they feel they do not stand a chance; they were told no, so why fight it? They feel they must accept this decision.

All in all, the level of health care in the Pembroke area is very poor. There are so many people there that need health care, primary health care. These people wait until the last minute to come to the doctor. They wait until the illness is so great that it has caused a multitude of problems, whereas if they would come when they first felt sick or first realized they had a problem, it could be prevented from turning into something greater. One of the reasons we found that they do not come early is because of the money situation. We have yet to turn down a patient because they could not pay. We write off bad debts a great deal and at the same time try to collect the money in the best ways that we can, but yet we don't make the patients feel like you're not going to be seen here if you don't pay the bill.

In the area of health care the Lumbee Indians of North Carolina and other non-reservation Indians are a very special ethnic group. These Indians are not covered by the Indian Health Service which has had a large impact on reservation Indian health in the past twenty-five years. The U.S. reservation Indian population in general has been shown to have poorer health and living environments than non-reservation Indians. However, they both have very similar health problems. Through the Public Health Service, reservation Indians have health personnel that are interested in the native American population, understand their culture and attempt to meet health care needs within the orientation of the Indian background. This special interest does not hold true for the non-reservation Indian seeking care. As illustrated in the Greensboro report of the urban Lumbees, alienation was added to all the cultural, financial, and knowledge barriers to health care. The health care hurdles mentioned by the Greensboro Indians also relate to the Indians remaining in Robeson County except the strong, proximal family support replaces the physical alienation of the migrated Indian.

Within *rural* Robeson County, the Indians do not face much racial discrimination with their routine office visits since many of the health care providers and staff are Indian or local people. However, the referral contacts by the Indian population have a high possibility for racial and socioeconomic discrimination. Many specialists in the immediate referral area do not take Medicare and/or Medicaid and many of the Pembroke clinic patients complained of disturbingly blatant racism by some of these physicians. These complaints were geared more at provider attitude than at medical treatment.

The racial and financial barriers also put the referring provider in a bind. If a nearby specialist whom a provider knows and trusts will not accept the mode of payment of the patient, then the provider has to find a specialist that he does not know but who does accept Medicare/Medicaid. This may pose transportation difficulties for the patient. A similar problem arises when the patient refuses to return to a particular specialist after he felt that he was poorly treated as a person. The initial provider again must make provisions for the patient's perceived injustice. In essence, the generally poor Indian ethnic group of Robeson County does not have the same chance at certain types of health care as some of the Caucasian groups of Robesonians.

The basic rural, ethnic and low socioeconomic composition of the Robeson County Indian population predisposes them to a difficult entry and poor treatment within the present medical care system. A contributing factor to the basic make-up of this population group is its poor educational status. Besides the 14,332 total Robesonians with less than an eighth grade education, there are another 25,388 people that have no formal education. Referring back to Wan's article, the

health care barriers of pride and communication are two that are often encountered when dealing with poorly educated patients. Pride often keeps the older, poorly educated Indian patients from volunteering information about their reading and comprehension abilities. Health providers, on the other hand, often take it for granted that patients can read and that the patients understand information or instructions if patients do not voluntarily verbalize otherwise.

This is one of the things that we're very sensitive to at Pembroke Medical Services — when someone comes in and we need information from them, there are certain things that we can look for as hints that they are uncomfortable filling out forms. Usually the patient will say, "I don't really feel like writing today" or "I can't see very well," and we'll take that and go ahead and complete the information ourselves. We don't say, "Get someone to fill it out" or, "Can't you read or write?" We don't ask those questions that blatantly because these people feel that well, yes I can some, but I really can't do it well enough to fill in the forms. It's the information we need, not whether they can read or write.

The housing and water supply of the Robeson Indians adds both direct health hazards and indirect barriers to successful health management. Twenty-nine percent of the county's homes lack complete plumbing and 42 percent lack complete plumbing and/or adequate heating facilities. A high percentage of substandard housing and large percentage of privately dug wells with little sanitation control often pose physical barriers to carrying out successful health maintenance or disease management at home. There are other direct health problems related to insufficient heat and ventilation in substandard housing, but the water in Robeson County may be a virtual volcano of health problems. While the immediate effects of the poorly monitored water supply as seen in the high prevalence of urinary tract infections and kidney stones should be of concern, so should the long term, as yet unseen effects.

An attribute of the Indian population that sets it apart from either of the other races in the county is the lower median age. The median age of 18.9 years influences the high violent death rate (motor accidents, homicides, etc.). All of these external modes of death together cause the second highest number of Indian deaths. The high accident death rate is typical for younger population groups but the number one killer of the Robeson County Indian is heart disease. This is not so unusual in comparison with the U.S. general population; however, not only are the Robeson County Indians a relatively young population, they have a sharp decrease of elderly people in comparison to both Robeson County and North Carolina population in general. As indicated earlier, the county Indians have a significantly lower median age at death. For the year 1977, 50 percent of all Robeson County Indian male deaths from heart disease occurred before the age of 65. Thirty-five percent of all female Indian deaths from heart disease occurred before the age of 65. The heart disease mortality rate reflects many aspects of the Lumbee Indian life. All the demographic and socioeconomic factors, the stress of low socioeconomic life-style, the high prevalence of diabetes among Indians, and the high fat diet consumed by this region's Indian all weave the web leading to heart disease and a decreased potential for a healthy life.

The Indian children are also affected by all the socio-environmental factors, especially during the first year of life. Since SIDS is the leading cause of post neonatal death in the Indian infants and little is known about the disease, one can only ask what it is about the Indian infants' genetic composition, their environment and/or their natal life that predisposes them to higher incidence of sudden infant death syndrome than other infants in their county and state?

For the toddler and older Indian child, the possibilities for a healthy life depend not only on their environment but on their parents' perception and

pursuit of health care. In a study done on the Indian children with otitis media not only did 50 percent of the cases fail to respond to the first drug of choice, but there was a "failure to return" rate for these Indian children that was four times greater than the North Carolina average for this age group. When 34 of the families were contacted as to why they did not bring the child back, the answers correlated with the barriers to health care already mentioned: financial reasons, transportation, the child was well and doctors are alarmists, the child did not heal and so was taken to someone else. The last two answers manifest the parent's lack of understanding of the child's illness and treatment and their perception of the providers.

The average native American in Robeson County has, at best, a fair chance of leading a long, full, healthy life. When many socioeconomic and environmental hurdles have to be dealt with daily, health care often takes on a lower priority. With so much energy expended by the bulk of this population on day to day living, little energy is left to fight off disease, thereby predisposing one to illness. The high daily stress of low socioeconomic living also often leads to alcohol and anxiety and depression problems, which have been indicated as Robeson County Indian health problems. The ingredients surrounding the lives of the Robeson County native Americans do not mix for a healthy recipe of life.

Sensitivity to the special kinds of barriers facing minorities is a prerequisite to effective health service outreach in an area such as Robeson County. All the cultural, structural and technical barriers facing the Indians affect their health, their utilization of health care facilities, and their compliance to a practitioner's regime. The ultimate question with the Lumbees and other ethnic/racial minorities is: without the available statistics of the population's health care needs and barriers to health care, how can you effectively reach them?

Flash: I hope you clued in from the beginning that the services of the Pembroke Medical Services are not public per se in their initiative — that is, the clinic doesn't exist as a government agency. There are public policy issues involved here, though, in that at least part of the support of the clinic comes through third party reimbursement: Medicare and Medicaid patients who ultimately get to county, state and local funds. As public policy issues these are very much alive in today's setting — the degree to which Medicaid will be cut back, the degree to which Medicare may be cut back, the willingness and ability of county commissioners to pick up the costs of patients who cannot pay for themselves. All of this is part of the setting within which the work at the Pembroke clinic is going on.

Also, as part of the background to the issue of Indian health, I hope you realize that the Indian population being served in Robeson County by the clinic — and generally throughout the state — is not being served as American Indians; most have not been recognized by the federal government. The exception is the eastern band of Cherokees (in the western part of the state), where comprehensive health services are provided on the reservation itself. There are no federal programs reaching non-reservation Indians in Robeson County and elsewhere to any great extent. There are some initiatives like the rural health initiative that have been proposed for us. (I think there may be a project in Halifax County with the rural health initiative. We may hear more about that later.) I'm mentioning these things to help you sketch in a background for what we're trying to develop here this morning.

Dr. Levine will speak from his perspective as Deputy Director, and now Acting Director, of the Division of Health Services in North Carolina. That role

between the federal government and the local division of services to the local health department or to other programs is a key role, both for knowing what the problems are in Indian health and for helping to channel through programs those services that will more or less address these problems.

Levine: I really appreciate the opportunity to be here with you to talk a little bit about your friendly state and local governments' efforts in seeking an understanding of the health problems that our Indian population face, and in trying to come to grips with them and provide some well deserved relief. I want to make two statements at the beginning; I'll come back to them at the end. One is that we in state government obviously have as an important objective the concern about conditions of subpopulations within our state, on ethical grounds and also by virtue of the fact that only through solving the problems that are unique to our subpopulations — the aged, the newborn babies of North Carolina, the Indians, the blacks, and so on — can we overcome the barriers to good health of all of our citizens. So we must deal with the unacceptable situations that face all special groups within our state. We have not adequately paid attention to them.

We've talked about overall factors among North Carolinians, and very important and special problems among subgroups can be hidden within the overall statistics that are lumped together for a state. And only if you look specifically at the problems that face special groups within North Carolina can you come to grips with the reasons behind those problems and deal effectively with them. We've been very, very remiss in not taking this approach in the past, so my talk will end with a commitment to do a better job of looking quite specifically at the problems that face special subpopulations within North Carolina.

The other statement is related to the first, and that is that the quality of the data that I will present to you — Carolyn's already alluded to this regarding the health of our Indian population — the quality is terribly flawed. I think all of you probably know that determining rates of certain diseases among people depends upon knowing how many people there are in order to affect comparisons with other groups, and it is generally recognized that that denominator, the number of people, which is supposed to arise out of the decennial census, is terribly inaccurate in terms of the 1970 Census. So, much of the material I will present to you has to be taken with a very large grain of salt.

Let me begin with some demographic data. I will in most cases compare this data among our Indian population with that of the majority white population, not that Indians should necessarily aspire to the attributes of the white population — because in many respects the white population has significant health problems of its own — but only in that it helps us understand some of the environmental factors that may have an effect upon the health of our Indian population. At the time of the 1970 Census, we had approximately 44,000 Indians in North Carolina, or about 1 percent of our population. Today that figure is believed to be grossly underrepresented. Incidentally, 60 percent of the Indians in North Carolina lived in Robeson County at the time, and as you heard, were about 31 percent of that county's population. Other counties with sizable Indian populations include Columbus, Cumberland, Hoke, Scotland, and then up in the mountains, Jackson and Swain counties. In contrast to the white population, where approximately 56 percent of the population lived in rural areas, fully 83 percent of the Indian population lived in rural areas. There's nothing inherently wrong with rural areas, but you've heard some of the problems Carolyn talked

about, such as transportation. The rurality just adds to some of the problems that we face in providing health services.

Whereas only 13 percent of the white population fell, in terms of their economic condition, lower than the poverty level, 42 percent — or three times as many of the Indian population at that time — was below the poverty level. As far as the families together, 11 percent of the white population fell below the poverty level, 38 percent of the Indian families fell below the poverty level, and again, the on-scene, graphic description of the day to day, nuts and bolts problems that face that struggling clinic in Pembroke are largely attributable to the financial aspect.

In the educational area, whereas 56 percent of white females, aged 15-44, have completed at least 4 years of high school or greater, only 36 percent of Indian females between 15-44 have completed four years of high school or greater — another extremely important problem, the adequacy of education. Again you've heard it translated into real terms, in a young homemaker trying to negotiate the maybes of social programs and find a way through this complicated system of providing services at the local level. You also heard that the Indian population is a young population and that is true. Whereas only 32 percent of the white population was under 18 at the time, 44 percent of the Indian population was under 18. The median age of the white population in 1970 was 28 years and of the Indians, 20 years.

Let me go on to some characteristics surrounding the birth process. As I think Governor Hunt said, although children are only 33 percent of our population, they're 100 percent of our future. And someone has said you can measure the humanity of a nation by the way in which it deals with its young people, its children, its babies. The age of the mother is interesting: 6.4 percent of the whites in 1970 were mothers below the age of 18, whereas 11 percent of the Indian mothers were below the age of 18. I think you're all aware of a problem that we face today which is certainly not confined to the Indian population. Carolyn called it teenage pregnancy; another way I've heard it described is children having children. This is one of the major causes of infant mortality and of developmental problems in our babies. In looking at the education of the mother, the mean education of white mothers was 12 years of education, whereas in Indians it was 10 years of education. Percent of out of wedlock births: about 5 percent among the whites and about 18 percent among the Indians. And so on. I won't go any further into those factors, but you can see here that we have a population that is in greater need of service when you consider the implications of those factors.

Birth-outcome is an extremely important factor and there's some disturbing data here. The infant death rate (the number of deaths in the first year of life for every 1,000 live births) among whites — and this is more recent data, 1973 through 1977, a four year period — the infant death rate among whites in North Carolina was 15.1 (15.1 deaths for every 1,000 live births). Among Indians it was 23.1 — unacceptable. In fact the 15.1 figure is unacceptable because North Carolina trails every state in the United States except 3, and Washington D.C. There are only 3 states with worse overall infant mortality rates than the state of North Carolina, and then to further compound the embarrassing situation we face, the United States trails a number of other countries in the world in infant mortality rates. We, the most powerful and the wealthiest country in the world.

These are a few of the important health indices that I think we need to look at when we talk about the health status of a people or a group. The least reliable data we have from the 1970 Census are death rates, what are the major problems that cause deaths. Carolyn already told you that overall, just as you might

expect, and just as is true of the entire population of the U.S., heart disease is number one, cancer number two, stroke number three. But comparing with other groups, we find that the Indian race is at least 30 percent higher than the North Carolina rate for certain problems: arteriosclerosis, hardening of the arteries, leukemia, diabetes, kidney disease, motor vehicle accidents and other accidents, and homicide. Again, some of these, it has previously been pointed out, can be directly related to a very large young population.

Let me move from this set of data with just one other statement that I will pledge today. Based on our understanding, the 1980 Census is infinitely more accurate and more appropriately carried out, not only in terms of the Indian population, but all populations. Since that is our understanding, that the figures are very much more reliable, we do intend and are ready to commit today that we will do a very intensive, complete restudy of all health factors relating to our Indian population just as soon as that census data arrives in Raleigh. We're expecting it to begin to arrive very soon and we'll continue to get more data from the 1980 Census over the summer. It is our hope that in the fall or winter we will do a very extensive analysis, and this will be made available to all appropriate and interested groups who are concerned about the health status of our Indian population.

Let me go on and talk a little bit about a study that was performed by our agency with the help of a student from Dr. Flash's department in the School of Public Health. The study looked at utilization of services in the local health department sector by Indian residents in North Carolina. Why is the public health department important to the Indian population or any other population in spite of some of its deficiencies which you'll hear about (and you've already heard about a couple of them)? Well, first of all, since many Indians have low economic status, they find it difficult in many instances to seek and obtain care in the private sector of medicine. You've heard some of the problems they encounter in seeking and obtaining that care. The health department as a government institution, may often be seen as a court of last resort. When all else fails, it is the responsibility of government to fill the gap which cannot be filled in any other way. Secondly, the overriding theme of public health since its inception has been a concentration on prevention of disease, not just to cure disease but to prevent disease, so that there is a marked focus in the development of their programs on those services which will serve to protect mothers, babies, the aged, and our other citizens against the ravages of sickness. Again, there are two factors here: one is an ethical consideration — isn't it more ethically sound if you have the tools to prevent disease to do that, rather than to wait till it occurs and then try to seek treatment; the other is a pure cost factor — the old adage that an ounce of prevention is worth a pound of cure — it is far more costly to treat disease than to effectively prevent it. When you look at the federal budget, and see the enormous sums of funding that go into the treatment of disease through Medicare and Medicaid versus the amount of money that's spent on the prevention of disease, it's almost obscene. So for that reason, it is essential that health department services be available and acceptable to our Indian population. A third thing that health departments will be getting into, I think, much more in the near future, is the issue not only of prevention, but of promotion of health, talking about wellness instead of just prevention of disease, because there are tremendous opportunities for promoting good health and preventing disease through changes in lifestyle, through good health education. This I think will be concentrated on in the future.

But at any rate, because of the importance of the health department and its potential for filling these gaps and providing services, we did engage in a study

of utilization of some health services by Indians in the counties with large concentrations of Indians. We tried to assess utilization of services, their availability and accessibility, and some important factors involving attitudes and climate in terms of Indian utilization of these services. We decided to study utilization of two particular services, because they were felt by public health leaders in the community to be services that were extremely useful, valuable, and needed by Indians. One was the supplemental food program for women, infants, and children (W.I.C.) and the other was the family planning program. In both of these areas there was significant evidence of underutilization of services. Where rolls on the W.I.C. program were growing, at the same time the percentage of Indians enrolled in those programs was declining. There was unmistakable evidence that ineffective outreach for Indian clients was an important factor there. The same thing with family planning — there was definite evidence of inadequate utilization of programs.

Our one student staff who engaged in this study visited all the health departments, chatted with the health director, the nurses, the nutritionist, health educators, and other staff working with the population served by their health department. She found some interesting facts about the health department. When she first went to the health department in a number of the counties, usually they had no conception about how many Indians there were in the county. They always guessed low, and it's significant that in almost every one of those health departments there were no Indian employees. The health department was aware of health problems facing the Indian populations in most cases, particularly needs for maternal and child health services and good nutrition services.

One of the most distressing findings was, again, a lack of sensitivity, I guess you'd call it, towards the needs and problems of the Indian. There was a great deal of emphasis by health department staff on so-called lack of motivation among the Indians seeking health care. They did mention the lack of transportation frequently as a problem but felt that this so-called lack of motivation, or perceived lack of motivation, came across time and time again.

The study went on to talk with individuals in the Indian community and got a somewhat different picture there. We learned there, of course, of the lack of transportation, but also learned of other factors. A serious lack of awareness among the Indian community of just what services were available at the health department, a serious question of the staff of the health department's attitudes towards Indians were cited by individuals in the Indian community. They mentioned that when members of the community feel that they have not been treated appropriately, the communication network is extremely strong and the word spreads rapidly among the Indian community and will decrease utilization of services if that impression gains hold.

This study time and time again disclosed that Indians particularly resent those who reject their heritage. Let me just read you a few quotes from health department personnel, without trying to point a finger at any particular health department, but think how such attitudes might affect a perceptive client or patient: "We have no Indians in this county, they call themselves Indians but aren't." "They don't utilize health department services they need because of priorities, their personal needs come first, like alcohol." "They won't accept health department services, they are a suspicious group." It is impossible for an intelligent person not to perceive the nature and attitude of a so-called helping person to them. This is true in any group. So these are some serious problems I think that we face in trying to improve the degree to which health services delivered through the public health system are utilized by the Indian population.

In terms of some recommendations, I feel that several things would be useful in trying to improve this situation and make health services more generally available and utilized:

- We must do more to orient the Indian population in these communities to the services that are available in the health department. People from the health department, preferably Indian staff as appropriate, would make presentations before groups and go out, have orientations and educational programs, outlining the services available in the health departments.
- In some instances it may be appropriate to develop satellite clinics rather than expect largely rural populations to engage in considerable cross-country travel to reach the source of health care.
- The health department must be proactive; it cannot sit back and say, we're here, come get us. It must take an active role in seeking out those in need of services, particularly those who do not have recourse to other available services. I think if this kind of orientation and this kind of special effort is made by the public agencies in those counties with large Indian populations, there would be considerably increased utilization of services by the Indian population.

I want to say one final word about these dry statistics. They *are* important and it is essential that we understand better the health status of all our important subpopulations, including the Indian population. It will be even more important in the future. We are facing at least three to five years of not increased funding for services, but decreased funding for services, and in times like these it is even more important to target the money that we do have to those health problems that have the greatest deleterious effect on our health and well-being. So it is even more essential in a time of scanty resources to be able to pinpoint the most serious health problems that we face.

Flash: You have certainly helped broaden our perspective from that with which Carolyn started us — from the very real local dealings with health care in Robeson County — and have made us aware of the state context, that is, what the state of North Carolina can and should do. The state should be aware of the situation of its Indian population, and it certainly is encouraging to have your pledge as the Acting Director of Health Services to extensively study the new census data. We may want to ask you more about positive public policy recommendations, taking into account this condition you and Carolyn have been sketching out for us. What sort of public policy steps are ones which we ought to see initiated?

Our next panelist will be Cherry Beasley. She's now teaching in Tennessee, where she is an Assistant Professor at the University of Tennessee's Center for Health Sciences in the College of Nursing.

Beasley: It's good to be back home in North Carolina. Tennessee's beautiful, but it doesn't compare to our state at this time of year. In listening to the statistics and the speeches given prior to me it is amazing that they were all developed in such wide geographic ranges, because I think you'll see they fit very well together.

In giving the health status of the North Carolina Indian, the picture that was painted showed less than optimum health. Positive as well as negative factors

have influenced the health status of the North Carolina Indian. If not for the negative factors, the pictures we have seen today would have been rosy; and conversely, if not for the positive factors the picture would have been even darker and gloomier. This morning I'd like to examine some of these positive and negative factors and then make some recommendations on how the positive can be enhanced and the negative lessened.

There are five positive factors which I wish to discuss briefly. The first is the presence of an extended family support system. This support system allows the Indian family to pool resources and problem solving ability to better meet the needs of all family members. Thus an Indian child has multiple care providers who can guide, direct, and love him. The young adult is rarely without help in childrearing and house management, farming and work practices. (In fact many father-sons and mother-daughters have the same place of employment, so you see that the work pattern of families extends into the work place.) The older adult in Indian culture usually maintains a vital role in family life. Frequently the older adult has a powerful position in the family, is very involved in childrearing and in aiding the family's present economic development — through knowledge, encouragement, labor, or a combination of all three. Therefore, the extended family takes away many of the stressors felt by the mobile, nuclear family in the modern United States.

Akin to this is the second positive factor influencing the health status of North Carolina Indians, a sense of tribal unit. Through much discrimination from outside forces these little bands of people have struggled together to overcome many obstacles. Just like with the extended family, this has allowed them to pool resources and decision-making abilities toward a common goal and the common good. I don't mean to say that this sense of community spirit doesn't exist in other communities in the country, because it does, but it's a very vital resource, and it's alive and growing in the Indian community. This spirit has been demonstrated in history as Lumbees have served as teachers for Indian children from other tribes. You see that pooling and sharing of resources among all the Indian groups in the state.

I see the strong community spirit when I am away in Tennessee and I read the *Carolina Indian Voice*, and realize the community concern shared not only by those Lumbees living in Robeson County, but by Lumbees in Charlotte, Greensboro, Baltimore and Detroit. I saw that this community spirit was prevalent when I worked among the Haliwa-Saponi tribe: many individuals asked if I was also going to see a specific family in the community; their thanks was "for coming to us," not "for coming to me." Urban groups like the Guilford County Native American, Metrolina, and Cumberland County Indian Associations admirably demonstrate how people being of one mind can positively affect the existence of each group member.

The third positive factor influencing health is the Indians' holistic view of health. Western medicine has indoctrinated society with a body systems approach to health care and the germ theory of disease, but the Indian has always maintained a relationship between life-style, health, and one's spiritual being. To validate the presence of this philosophy in North Carolina Indians I refer to an unpublished study by Dr. Charles Beasley. In his study based on non-structured interviews among Lumbee Indians, Dr. Beasley found:

1. That health was attributed to living a good life, taking of teas, and hard work with nature.
2. That the use of traditional healers was still prevalent among this tribe, though the young refused to openly admit to the use as readily as older persons.

3. That health care was usually sought first within the confines of the extended family.

The renewed interest in self-care, life-style and even such areas as therapeutic touch in modern medical literature has clearly demonstrated that the world now views this as a positive attitude towards health. An interesting note from Dr. Beasley's study is that no one interviewed completely discounted the germ theory, they just felt there was more to health care than that.

The fourth and fifth positive factors are relatively recent phenomena: an increasing number of indigenous persons who are trained in the health professions, and an increase in efforts to record and reactivate the traditional history and customs of the Indian people in North Carolina. It seems that in the past the Indian people have always had at least a few trained health professionals. Most of these have chosen to serve the best interest of Indians by destroying some of the stereotypes that majority society held about Indians. A very few chose to dedicate their lives to working as providers among the Indian people. But not until the last five years has there been enough Indian health professionals to be both.

The goals of these providers are four-fold 1) to provide acceptable standard care to Indians; 2) to work as teachers/trainers for non-Indian providers to improve their understanding of needed health care and acceptable practices; 3) to work as providers for the general population so that the negative stereotypes of Indians can be dissolved; and 4) to act as positive role models to Indian youth. In order to accomplish these goals, the number of Indian health professionals needs to be increased, and those who decide to enter this field need to be supported.

Finally, in the past there have always been those who have been concerned with preserving the history and culture of the people. In the past ten years, there has been a noted change and an increase in this activity of recording the history of these people. This spirit — proclaimed through written word, songs, painting, and play — has helped to renew our pride in who we are as a people. Again, we see this spirit statewide, as Indian groups join with other Indians to celebrate their joys and proud heritage. As with the Indian professionals, this philosophy is in its infancy among our people, and it is vital that it continue and that it grow.

Now, to turn to the negative factors that have influenced the health status of North Carolina Indians. I will concentrate on negative factors for which public policy can make a difference. The strongest of these I would like to discuss first — that of being victims of racial prejudices and the life stressors this phenomenon brings. As an Indian child I was taught and had to learn how to live and cope in two worlds. The Indian world was the world of my heritage, of my kindred. The majority world was the world in which I had to work, to succeed, and the world within which my Indian world had to exist. This call for dual development brings with it numerous stressors. Much damage has been done to the mental health of a person whose basic culture has been undermined and who has been constantly taught its inferiority.

A repetition of the classic "doll study" was done as a graduate study at UNC-G with Lumbee children. (In the doll study, you show dolls to a young child — in this case, a white doll, a black doll, and an Indian doll — and ask the child which doll he likes best, and why. The study shows how a person feels about his own people and how he perceives himself.) The findings demonstrated that at the age of three the Lumbee child had a strong positive self-image. Yet something seems to happen after this tender age and we see in our adolescents excessive alcohol consumption, a high accident rate and an alarming number of violent acts. (Even when controlling for age, the Indian rate is significantly higher in these areas

than is the rate of the general population.)

The difference between the two cultures and the effects of racial prejudice are also apparent when one encounters the health care system. The health care system is individual and oriented towards the nuclear family, while Indians are group and extended family oriented. For example, an Indian child who needs services may be brought in by a grandmother, aunt or sister-in-law just as well as by the mother. (This in our culture does not constitute abandonment or lack of concern on the mother's part.) The health care system requires parental consent, or that the parent take the responsibility for the child, or that the necessary history and financial status be disclosed by the parent. In short, our health system requires that a parent at least take some responsibility for the child. The results are that you have a clash and frequently have services that are slow, services that are given with a negative attitude by the provider, and a feeling of distrust and invasion by the Indian client.

Most of our people encounter the dual system when forms must be completed. Again, the system is individual, written, and futurisitic oriented; the Indian society tends to be group, oral, present, and very private oriented. Thus, forms would be an area of conflict. But when an Indian is accompanied by another Indian who will aid with the completion of the forms, this is viewed with negative connotations by the members of the majority culture. It is seen as indicating incompetence and ignorance on the part of the Indian client or deviousness on the part of the friend.

The last thing about the cultural differences I wish to discuss here today is the place of land in Indian culture. Your homeland is not something to be sold or used in accounting for your worth. Frequently land is heir property and cannot be sold. But because of the existence of this land, many Indians are ineligible for assistance programs.

The second negative factor affecting health is the overrepresentation of Indians in low socioeconomic groups. The cost of health care is something that is prominent in all our minds. The high number of Indians who are in the lower socioeconomic groups (40 percent below the poverty level) and the high cost of health care limit the number of out-of-the-pocket services we can buy.

But health is affected in an even greater way than by the lack of ability to pay for services. Transportation to and from health services, to and from grocery stores, pharmacies, and other services that make up the total perspective of health care can be expensive and require a considerable percentage of the client's income. Income plays a major role in the nutritional status of people. Fresh fruits and vegetables, sources of Vitamin C and protein, are very expensive to buy. Many of our Indian clients are diabetic and hypertensive, and the diets we recommend to them are extraordinarily expensive. Groceries are usually more expensive at local neighborhood stores but are more accessible there. And another fact about being a rural population is that, in a rural versus an urban state, there's a substantial difference in the price you pay for a gallon of milk. Consequently, the diet of the person with low socioeconomic status is usually expensive but lacking in essential nutrients.

The interplay of these factors can be seen in the high rate of obesity resulting from high carbohydrate diets, and the epidemic proportion of dental disease resulting from diets inadequate in calcium and protein but high in sugar. One of the distressing things for me, as I've been an Indian nurse in various states in the country now, is the lack of knowledge that nutritionists and other nurses have about what minority people eat, and their lack of ability to help minorities use traditional foods and compose a nutritional diet that is okay for hypertension

and okay for diabetes. It can be done, the diet is there, but when you go in and get instruction for a white-middle class diet, it doesn't surprise me that there's noncompliance with the diet on the part of Indians.

Economic status also directly affects the environmental conditions in which one lives, especially housing. Many Indian people live in substandard housing with poor food storage facilities, warmth, and sanitation and very crowded living conditions.

The third factor which negatively affects health is the small percentage the Indian population is of the total population. Being only one percent of the state population, we are frequently lumped together with other minority groups. Though the statistics indicate that we have similar health problems and conditions this in no way indicates that the solutions are the same. Minority groups tend to have little knowledge or understanding about each others' needs and cultural heritages. (Of course some individuals have made an effort, but I'm just refuting the general assumption that one minority can speak for another minority. This also is true for Indian groups in the state — one group cannot speak for the others.) This frequently leads to legislation that is based on the assumption that what will work for one minority will work for another.

There is a factor that fits both in the positive column and the negative column — I'm referring to the frequent migration between urban and rural groups. Most Indian families have members who have migrated to the city for various reasons. And many of these make their permanent homes in the urban setting. But this simply expands the geographic area of the extended family; it doesn't destroy it. Some family members move back and forth. In the mental health arena, this is considered positive; in health policy arenas this is negative. It is negative because many services, and understandably so, have residence requirements for eligibility. Therefore, persons moving back and forth are frequently ineligible for needed services and families experience differing strains on their economic resources — one month they may have ten people in their household, the next month they may have eight. We need to understand that the reason family members move back and forth is to best utilize family resources, not to "beat the system" as is often assumed.

I in no way want to suggest specific policy statements about specific areas. I believe in the richness of the differences between the Indian groups in the state. I would like to suggest some things that will allow Indians to use their resources to positively affect health. I also believe that North Carolina is in a position to become a national model for Indian affairs because of the richness and variety of differences in the Indian population and the resources of the state.

1. At the tribal level, I propose a tribal health board that will serve as an advisor to legislators, public personnel, and university personnel in health matters. This group can also serve as educators to their local representatives on health issues. The North Carolina Commission of Indian Affairs should be funded to hire a physician to assist groups in this endeavor.

2. Health Systems Agencies that service Indian populations should have voting Indian representation. This pertains not just locally and regionally, but also statewide.

3. The recruitment and training of Indian health providers should be continued on a large scale. I have to commend the university system in North Carolina for undertaking this; it needs to continue these efforts because, as we said earlier, there's a lot of work to be done.

4. The North Carolina Humanities Committee should continue to work with and fund projects that will help in the documentation of Indian history and

customs and in educating the general population about this heritage. I'm appalled by the number of North Carolinians who have no concept of the size of the Indian population in the state.

5. I would like to see assured funding for research projects that will benefit the Indian population by making an adequate needs assessment and that will support the tribal health boards as they develop and begin operating.

6. I would like to see a training program for all non-Indian people who are going to work in Indian populations. This program should be approved by the tribal health board. I would really like to see it required of those people who come to us from the U.S. Public Health Service. Very frequently I've seen conflict when the major problem is lack of communication, lack of understanding. The physician had no understanding about the Indian population he was servicing and the Indian population had no understanding about the health care system and what the physician was trying to accomplish.

7. I would like to see the universities closely cooperate with the North Carolina Commission of Indian Affairs, tribal health boards, and Indian health professionals in conducting research on the positive strengths in Indian populations and how these can benefit all North Carolinians.

Flash: I referred at the outset to the fact that we have an empty chair that Wes Halsey from the Indian Health Service was going to sit in. I'll just say a word in case some of you grope for an understanding of what the federal government's posture is in terms of help for American Indians. Generally it considers itself in fulfillment of its treaty obligations if it deals with reservation Indians and provides comprehensive services to those reservation Indians. The threat of cutbacks in funding across the board in all levels of government means that the Indian Health Service will have to pull in whatever extension of services it has been able to make beyond its commitment to reservation Indians, particularly to urban Indians or to rural Indians who are not bound to reservations. So what we have from the arena within which we are used to thinking the greater capabilities lie (that is, within the federal government) to deal with certain situations within the states, within that arena we have a shrinking capability or at least a shrinking likelihood that capabilities will be put forward either in the Indian Health Service's traditional role or within those measures the Indian Health Service has taken to help tribes that are not recognized. One of the particular contributions that Cherry made, it seems to me, is to remind us that public policy does need a substratum dealing with the strengths, building on the strengths that are there. She has a very sociological awareness of the strengths within tribes, within the Indian peoples, within the cultural way of dealing with life, including health. These strengths are fundamental and will have to be dealt with. We can't look realistically to different levels of government, the county provision of services, the state level, or the federal level, without recognizing that the departure point is the conditions and the relationships among the Indian peoples themselves.

DISCUSSION

Public policy needs to build on existing strengths. So, for example, inter-professional networks should be tapped as a resource for promoting concerns for

Indian health. These networks may be able to play a significant role in the training of non-Indian professionals who will be working with Indian populations — helping them to project a respect for individuals and to aid people in gaining access to services. Education plays a key function in any such training. Workshops, possibly sponsored by professional organizations, on the Indian life-style, especially the operation of the Indian's extended family support system, are good vehicles for promoting understanding.

Health Systems Agencies, which are supposed to assess the health conditions and need for services of their populations, should have effective Indian representation. In this way, HSAs can better address the needs of *all* their people. One of the areas the HSAs and other health officials might want to improve is the mental health delivery system. Many people of all races who seek services from a mental health center are alienated by the atmosphere of the center. The recommendations of the Governor's Conference on Mental Health concerning Indians, if implemented, may help improve the availability and quality of mental health services to native Americans.

If one believes that those closest to a problem are best able to examine and solve it, the block grants advocated by the Reagan administration may improve health services by placing people closer to the allocators of services. However, there may be some groups or individuals who need health services and currently receive them through targeted funding, but will lose these services under a block grant system. This may affect any special funding for Indian health initiatives in North Carolina. Decisions to allocate the monies of the block grant would be made in a political environment. Although it is not clear whether the legislative or executive branch of government would play the dominant role in dispersing block grant monies, politics would play a decisive role in the decision-making process. Consequently, every group interested in preserving a niche for itself in health — or any other — funding would be wise to solidify its political strength and to cultivate voices from outside its official group to advocate its cause. In this way, its needs may be addressed.

The complexity of the situation facing North Carolina Indians is inevitably caught up in the basic social and demographic factors characterizing their existence: poverty, the inadequacy of education, the problems caused by rural living. However, there are also strengths on which Indian people can draw, including the Indian people's social structure and the increasing number of Indian role models in the health professions. Although there is unlikely to be much in the way of public policy initiatives from the federal level, there does appear to be a new concern on the part of the state, exemplified by Dr. Levine's pledge to conduct an intensive analysis of the 1980 Census data, to make the county health departments more responsive to Indian health needs.

LUNCHEON ADDRESS

James Abourezk, *former U.S. Senator (South Dakota) and Chairman, American Indian Policy Review Commission*

This seems to be an appropriate time to hold this conference — a time when a new administration is settling in, with all of the uncertainties which accompany the changeover. Before I begin to discuss the policies of the 1980's with respect to American Indians, I believe it will be useful to discuss how we have reached where we are today. Please permit me then, to quickly review federal policy toward Indians. This 500 year review will, hopefully, be less painful for you than it was for the Indians who were on the receiving end of the policy itself.

Although we dislike talking about it, America has been from the beginning an imperial nation. Our empire has taken a somewhat different form than that of, say England, for example. Externally, we have couched our search for markets and for control over the people and resources of the Third World in moral terms, rather than in commercial terms. Teddy Roosevelt saved Cuba *from* Spain, rather than *for* his own dreams of empire. We expended our national soul in Vietnam, to prevent China from expanding. We destroyed entire Vietnamese villages to save them from the Communists. And so, as a nation, we have gone. Today we are in the process of protecting El Salvador from land reform and we are doing so by furnishing the firepower to the right wing which kills sometimes 500 people each day.

Internally, we have been, since 1492, a white settler society, much the same as was Algeria, Kenya, Rhodesia, and those white settler regimes which are still in existence today — Israel and South Africa. There are two views of Indian-white relations since the beginning of white settlement here — the white view, and the Indian view.

The white perspective is one which boasts of civilization coming to America to redeem the souls of the red savages who populated this great land. And redeem their souls we did. An estimated 5 million Indians lived throughout America in 1492. By 1890, after redemption, an estimated 300,000 were still alive. Our missionary spirit has declined somewhat in the last 80 years, as evidenced by the buildup of the American Indian population today to about 1 million.

From the Indian perspective the coming of the white man was not exactly what they had been asking of their maker. Although historians have recorded that America's colonial years up to 1783 were years of relative independence and equality for most Indian tribes, the formulation of a new nation by white Americans and the subsequent push westward after 1783 gradually and systematically eliminated the independence of the Indian tribes, and in fact, a great many Indians.

The founding fathers, who did so much for the establishment of the white man's liberties, were actually proud of their policy of interference in the lives of Indians. Andrew Jackson, whose name we Democrats revere on an annual basis at Jefferson-Jackson Day dinners throughout America, was perhaps the most ingenious of the lot. When the eastern tribes resisted giving up their lands, he pushed through Congress the Indian Removal Act. The money appropriated by

this Act was used in part by the War Department to bribe tribal leaders and to buy out individual Indian's farms. Then, Jackson denounced those tribal leaders who accepted bribes as corrupt, justifying their removal to the West.

Although initial policy was to civilize the eastern Indians before they moved them out of the way, when the time came for the Plains Indians to give up their lands to railroads, homesteaders and gold prospectors, the government decided against wasting the time it might take for the "civilization" process. They went to war—a war that took over 20 years to win. But in the end, by 1876, the Indians were herded onto reservations that could not provide food, disarmed, and reduced to eating the handouts and suffering the whims of capricious and corrupt Indian agents. Indian pride and dignity made one final twitch in 1890 in the form of the ghost dance religion, but that was quickly snuffed out by the Army's massacre at Wounded Knee.

In the 19th century, treaty-making with tribes was recognition that the tribes possessed military strength sufficient to bring the government to the bargaining table. But even that half-hearted process ended in 1871 when Congress was convinced that enough Indians had been forced into dependency and were no longer a threat.

Once the government's policy of total domination was in place, in the 1880's, Indians began to receive the benefits of the so-called liberal reformers. At the center of the reformist policy was the notion that Indians were mistreated simply because they were Indians. If they were no longer Indians, they would no longer be mistreated. Of course, it never really occurred to the reformers that perhaps government policy could be changed. But nevertheless, it is not clear which policy did more damage to Indians, the government's or the reformers'. The crowning star in reformist policy was the education of Indian children in boarding schools. They were totally cut off from their parents and from Indian culture in the most inhumane way.

Then came the Dawes Act of 1887, the system of land allotment, which was a further move toward the assimilation process. The success of Indian land allotment is revealed by two simple statistics—in 1887, the year of the Dawes Act, Indian tribes owned about 140 million acres of land. Before it was abandoned 45 years later, some 90 million acres had been transferred to white ownership.

The headlong rush toward destruction of Indian culture was slowed somewhat in 1934 with passage of the Indian Reorganization Act. But the government once again experimented during the 1950s with the relocation program, which was such a colossal and obvious failure that it simply faded away as a program without even an announcement of its death.

The 1960s was a period of gradual re-awakening of a dormant Indian culture, punctuated by the explosion of a red pride movement. Indians became militant at Alcatraz, at the BIA building in Washington, and at Wounded Knee. Although the actual number of Indians involved in confrontational politics was small, the feelings which stirred in Indian breasts around the nation were significant.

The result of Richard Nixon's "self-determination" statement of 1970 was that tribes used his pronouncement to begin the long slow climb out of dependency and back to some semblance of self-sufficiency. Indians, in a manner of speaking, treaded water during the presidency of Jimmy Carter, whose administration had neither the time nor the interest to deal with Indians. There were few votes to be had in the Indian business, and hence no political profit to be made as a result.

Now we find ourselves face to face with the Reagan administration. It is my task today to try to predict what federal Indian policy might be during his term of office. We have very little to go on, which is a slight problem. During his campaign, he said he believed that the U.S. should live up to its treaty obligations

to the Indians. But I'm sure you're aware that campaign rhetoric bears little relationship to reality.

We have seen very little in the way of Indian policy come out of the administration so far, but can we draw any lessons from Reagan's other policies? He is cutting taxes for the rich and budgets for the poor. He is getting tough with Moscow by arming the Saudis and the Salvadoran army, and by threatening to crush Cuba. He is attempting to destroy the legal service program as well as public television. He is generally against the things Indians are for.

Is there a pattern from which we can extrapolate a potential Indian policy? I am afraid not.

Interior Secretary James Watt said during his confirmation hearing that even though he might have held a different view as a private lawyer, he enthusiastically supports and endorses Reagan's stated positions in favor of Indian self-determination and the requirement that the U.S. live up to its full trust and treaty responsibilities to the tribes. Additionally, there is tentative evidence appearing that the Reagan administration's state's rights views might work to the benefit of the Indian tribes. Although a cutback in CETA funding will devastate the already ailing economies of some reservations, they will most likely be replaced by block grants to tribes who are to be considered on the same level as the states.

Watt shows signs of trimming the Indian bureaucracy. We could speed that process if we could only convince Reagan that the Indian bureaucracy is more dangerous to Indians than OSHA is to his corporate friends. The test of his commitment to Indian trust rights will be when his constituents in the West run head on into Indian water rights demands.

But if Reagan and Watt keep their promises, the next four years promise to be years of great opportunity for Indian people — an opportunity to gain *real* self-determination, something which will go far beyond the lip service of the Carter years.

I have been doing a book on the militant Indian movement and one of the conclusions expressed to me by every Indian we interviewed for the book is that, while the government's policy changed not at all because of the confrontation, Indian people have become better organized. To me that is the key to it all. Organizing together political strength will allow the Indian people to move on the opportunities when they are there.

DISCUSSION

In response to questions, Senator Abourezk once again noted that the Reagan administration's policy towards any Indian — federally or nonfederally recognized — is unclear. However, he emphasized that Indians in North Carolina need to agree upon what they want from the federal and state governments and then, united, approach policymakers. He offered some political advice: North Carolina's Indians should strengthen their ties with Jesse Helms. State recognized Indians may be able to convince the Reagan administration to distribute block grants to them as well as to states and federally recognized tribes, and Jesse Helms might be able to assist in this persuasive work.

Senator Abourezk also said that he felt the work of the American Indian Policy Review Commission was not in vain, despite the fact that many of its administrative recommendations have not been adopted. He believes that the Reagan administration, with its emphasis on streamlining the federal bureaucracy,

may look favorably on these recommendations and may implement many of them, thereby increasing Indian self-determination.

Senator Abourezk said that in his travels he has sensed a new spirit among the Indians of the country, a spirit of pride, a desire to stand up for what is important to them. This spirit, coupled with the talents of the cadre of Indian leaders that continues to develop nationally, may ensure a better life for Indians in the 1980s.

RECOGNITION

*Panelists:** **Arlinda Locklear**, *Native American Rights Fund*
Jeanne Chastain, *Lumbee River Legal Services*
Helen Scheirbeck, *Director of Program Development*, White House
Conference for Children and Youth; *Project Coordinator*, Indian
Information Project
Jo Anne Sanford, *Special Deputy Attorney General*,
N.C. Department of Justice
Moderator: **Sandra Wurth-Hough**, *Professor*, Department of Political Science,
East Carolina University

Locklear: I'm going to discuss the history, development, and present status of federal recognition policy and do something similar on state recognition policy so that we can see by comparison what the most favorable aspects are of both policies. Hopefully that way we can influence the state of North Carolina to change some aspects of its policy that are not good and pay some more attention to aspects of federal policy that to this point have been ignored. Mr. Abourezk at his luncheon presentation gave us a nice overview of federal policy in Indian affairs, and I'm not going to repeat that. What I am going to do though is say specifically how that federal policy since 1783 applies to recognition.

As Mr. Abourezk stated, between 1783 and 1871, the federal government acknowledged the sovereign status of Indian tribes by the negotiation of dozens of treaties between the United States and tribes. The purposes of these treaties were manifold. In several cases, it was to establish peace after there had been some conflict between the tribes and the United States. In many cases, it was for the purpose of purchasing tribal lands. Through the negotiation of those treaties a legal relationship was established between the United States and the particular tribe with which the United States was negotiating. That status is what we call "recognition" today. That status varied a bit from tribe to tribe, depending on the purposes for which the treaty was negotiated.

After the end of the treaty-making period, that is, after 1871, federal policy shifted a bit and the federal government began to deemphasize the sovereign status of Indian tribes. As a result, individual transactions between the United States and tribes were negotiated by agreement rather than by treaty. Agreements still to a large extent recognized the independent self-governing status of Indian tribes, but they were largely of a more prosaic nature than treaties. They were more a matter of extinguishment of Indian rights rather than a confirmation of any rights to acknowledge lands, as had taken place in some treaties. The agreement-making period ran roughly from 1871 to around 1910 or 1920. The relationship between an individual tribe and the United States was governed a lot by individual executive orders signed by the president; that is, a presidential commission would go out to a particular tribe and negotiate with that tribe

* Because of pressing legislative matters, neither Jo Jo Hunt nor Horace Locklear could attend the conference. Helen Scheirbeck substituted for them. In addition, Sandra Wurth-Hough asked Jo Anne Sanford, who was in the audience, to join the panel.

over whatever issue it was that was of concern to the federal government. Oftentimes it was the allotment of lands or the purchase of additional "excess lands," as they were called. But, again, the effect was the same: a legal relationship between that particular tribe that was a signatory to the agreement and the United States was acknowledged, so that there was a government to government relationship between the two. Those agreements, along with the prior executive orders and the prior treaties, defined what the nature of that relationship was.

About that same period, roughly around the 1910-1920 era, Congress began to legislate more generally in Indian affairs. At that point in time there were roughly 250 tribes that Congress had established an individual relationship with. The Indian business was getting a bit burdensome, and after 1871 jurisdiction over Indian affairs was taken away from the Secretary of War. So as a result of all these administrative complications, Congress began to legislate more generally in Indian affairs. In other words, it would pass one statute of general application to all tribes with which it had had prior dealings. As a result, recognition — the process of establishing a legal relationship with an individual tribe — stagnated.

The services and the relationship that resulted from those prior treaties and those prior agreements were generally administered by the Department of the Interior and the Bureau of Indian Affairs so that Congress itself was not dealing specifically, on a case-by-case basis, with each tribe. As a result, you had a well-defined group of Indian tribes who were, because of their historic dealings, "recognized" by the federal government. The Department of the Interior on the other hand never really got into the business, at that time, of recognizing Indian tribes — that was pretty much left to the province of Congress. Congress did during that era pass specific statutes, as it had done with agreements and treaties, dealing with a specific tribe. In some cases, this resulted in legal recognition of that tribe. Then, that tribe would come under the jurisdiction of the Department of the Interior for the purposes of administration of services and the details of day-to-day business between the tribe and the government. But as a general proposition, Congress didn't transact individual affairs nearly as much with each tribe as it had done in the past. The Department of the Interior at the time did not get into the policy of recognition, so by the time of 1940 or 1950 you had a discreet group of Indian tribes that, because of their historic dealings with the United States Congress by treaty, agreement, or statute, had been recognized. The Department of the Interior administered services for them and the size of that group did not as a general proposition expand in terms of numbers of groups served. Of course, the population expanded as the population of each tribe grew, but new tribes were not as a general matter being recognized.

Because that's the way the federal recognition policy developed — and I think it's more fair to call it a nonpolicy than a policy — a lot of tribes were just left out. The federal government only felt a necessity to conclude a treaty or an agreement or pass a special statute whenever a specific need arose having to do with a particular tribe. For instance, if there was a parcel of land like the Black Hills they wanted to buy, they'd do it by treaty up till 1871. If there was a specific reservation that they thought was too large to sustain the Indian population that was there, after 1871 they'd do it by agreement.

But before the federal government in this country was even organized, the colonies themselves had had extensive dealings with tribes on the eastern seaboard, and in many cases the colonies themselves, even before the Constitution was ratified in 1789, had effectively deprived tribes on the eastern seaboard of many of the resources that the federal government later was to become interested in. For instance, many of the tribes had already lost all of their land base or had been so isolated in small areas that there was really nothing of any economic

interest to prod the federal government into dealing with that tribe. As a result, around the 1950s the Department of the Interior had under its jurisdiction approximately 250 recognized tribes, while there still remained at least 150 unrecognized tribes who just because of the vagaries of history had never had any specific dealings with the United States Congress and as a result were so-called "unrecognized people."

In the late '60s and early '70s, pressure mounted for the United States to develop a real recognition policy, some rationale to support this distinction between recognized and unrecognized people. Much of this came about because unrecognized people around that period began to assert their rights on their own behalf in federal courts. There were two pieces of litigation that I think contributed a lot to that movement. First of all, on the eastern seaboard, there was litigation coming up under what Mr. Abourezk referred to earlier — the Non-Intercourse Act. The Non-Intercourse Act was a statute passed by the United States in 1790; it's still on the books. It's codified now as 25 USC Section 177, which is simply a statement saying that no tribe of Indians can lose its land without the consent of Congress to a state, to a private individual, or otherwise. Any such transaction is void under law. Beginning in the late '60s and early '70s, eastern tribes who had lost their land during the colonial period and in some cases lost their land to the state after the colonial period, began to test what that statute actually meant.

The test case was filed by the Maine tribes in the early '70s; it was actually a lawsuit by the tribes against the United States. The tribes had asked the United States to bring a lawsuit on their behalf to recover land that they had lost in the early 1790s in a transaction with the state. The United States responded, we can't, we won't, we have no trust responsibility to you, you are not a recognized tribe, and therefore you're on your own. The protection of your resources is left up to you, if you're going to try and recover it, you're going to have to do it yourself. That was the crux of the lawsuit that was brought in Maine and the federal district court judge there ruled that the Non-Intercourse Act applied to protect the resources, primarily land, of *any* tribe of Indians wherever located, whether recognized or unrecognized by the federal government.*

That was a very significant ruling for the purposes of federal Indian law. It opened up a whole new era for eastern Indians. As a result of that, tribes began to look around and say, hey, just because we haven't been recognized by the federal government does not mean we don't have status as a tribe. So long as we exist as an Indian tribe, so long as we have maintained our Indian community and can prove that, then we are at least entitled to the protections of the Non-Intercourse Act. As it turned out, there were a lot of tribes in the same circumstances, and after the Maine case was brought, we've been involved in at least a dozen other cases based on very similar circumstances for eastern Indians.

On the western coast there was another piece of litigation that had, I think, a lot of influence on the development of the recognition policy. About the same time that Indians in the east began to pursue the lands claims cases, the tribes in western Washington got deeply involved in fishing rights litigation. Tribes in western Washington were signatory to the Treaty of Point Elliot which was signed in 1855. That was by and large a treaty of cession where at least six,

* *Joint Tribal Council of the Passamaquoddy Tribe v. Morton*, 388 F. Supp. 649 (1974), aff'd 528 F. 2d 370 (1975)

perhaps up to a dozen different tribes, depending on how you define that term, sold their aboriginal property rights to the United States, but significantly, retained the right to hunt and fish in their traditional places. What had happened though, was that because of the presence of commercial, non-Indian fishermen, those rights did not mean much anymore. The Indians were excluded and the right had been completely abrogated by the non-Indian population. So Indian tribes on their own part brought suit in federal district court saying, we want the right, we want this court to declare that right still exists in the first place and to administer a decree so that that right has some significance.*

Now many of those tribes were still federally recognized but many of those tribes who had signed the treaty of Point Elliot for some reason or another were no longer considered federally recognized tribes by the BIA. So you had tribes who had rights given and confirmed by that treaty but because of the BIA's restrictive definition of who is a tribe, could not get Bureau assistance to participate in the lawsuit. Several of those tribes, however, did on their own behalf file a motion to intervene in those cases. The federal district court judge there also ruled that if they had a treaty-confirmed fishing right, that right was a property right to be protected by federal Indian law regardless of whether or not the tribe still exists in terms of BIA services. All that's required is that the tribe itself exists as a political unit, and recognition by the BIA is irrelevant.

So you've got a federal district court in Maine and a federal district court in western Washington minimizing the impact, the significance, of recognition, and at the same time confusing the whole recognition area. Before it had been black or white, you were either recognized or you were unrecognized, and how you got from one to the other was a complete mystery. Now there were people in between, there were people who were recognized for some purposes but not recognized for other purposes.

Those people who had been successful in western Washington litigation went to the BIA and said, we don't understand why we can be a tribe for this purpose and not for another. We want BIA services as well. Our people are not healthy, we want health services. The BIA threw up its hands in despair, and said we don't know how to deal with this. As a result there were a series of hearings sponsored by Senator Abourezk's committee. Legislation had been introduced and there were literally dozens of discussions in both the congressional and the administrative context as to how to resolve this dilemma. As a result of this furor over recognition, in 1978, after having been in the Indian business for 200 years, the Department of the Interior at last promulgated final regulations to govern the issuance (really it's not even the issuance, it's the acknowledgement) of a relationship between an individual tribe and the United States. The regulations became final in September; the Federal Acknowledgement Project which is an office in the BIA and which is responsible for administering the regulations, started its operations towards the end of 1978.

The regulations themselves went through several drafts. It was a painful process but I think the end result, the merits of the criteria, are fairly good. Basically, the two criteria that a petitioning group must demonstrate to prove eligibility for federal acknowledgement is first of all that the group itself is composed of people of Indian ancestry. Now that's an understandable criterion.

* *United States v. Washington*, 384 F. Supp. 312 (D.C. Washington, 1974), which was later consolidated for appeal with three other cases and decided in *Washington, et.al. v. Washington State Commercial Passenger Fishing Vessel Association, et.al.*, 443 U.S. 658 (1979)

No blood quantum is required. The Bureau in administering those regulations is not interested or even concerned with who else members of the tribe may have intermarried with, the degree of that intermarriage, or any other matter. The only important fact is that members of the petitioning group be able to trace Indian ancestry. Degree of Indian ancestry is irrelevant in federal law, and I think that's a very significant and very important point that the state of North Carolina needs to look hard at.

The second aspect that a petitioning group must demonstrate to the Federal Acknowledgement Project is that they have operated as a political unit "substantially on a continuous basis." That criteria I think is subject to a little criticism. On its face it's not unfair, but as a practical matter it is extremely burdensome to petitioning groups to demonstrate. Particularly for tribes who have been subject to domination by the dominant society for three to four hundred years. Political institutions have changed. Political institutions evolve in all societies as well as the Indian society, and that is a very difficult thing for most petitioning groups to prove.

But those are the two operative criteria that the Department of the Interior uses when it examines a group to determine if they're eligible for federal acknowledgement. So what you have now is a policy. At least we've gone that far — the federal government has finally established a federal recognition policy. Groups who are successful through that petitioning process are eligible for all of the services and all of the benefits and all of the immunities from state law that previously federally recognized tribes receive. So, there will be, theoretically, no further discrimination against people who just by the accident of history never had any reason before 1978 to deal with the federal government.

In the meantime and partly as a result, I think, of the whole confusion and controversy over federal recognition, state recognition became an issue of concern as well. As I mentioned before, well before the federal government was organized, many of the eastern colonies had had specific one-to-one dealings with tribes located in their borders. In many cases the British crown had signed treaties as early as 1633 with tribes located in a particular colony. When the colony was organized, it assumed the legal obligation of the crown under that treaty so that in effect the colony itself recognized that tribe.

So what you had even before the federal government was organized was the development of the same kind of policy that the federal government later had with its recognized tribes — importantly, it was the same sort of nonpolicy. In other words, there was no rhyme or reason to which group the state dealt with and which group the state did not deal with. It was a matter of public exigency. Whenever there was a necessity for it, then the colony or the state would conclude a treaty, pass a statute, sign an agreement or in some other manner deal with the particular problem that was before it. But there was no overall policy in the colony, just as there had not been in the federal government, to determine who should be recognized and who should not be recognized. As a result, just like you have at the federal level, there are states where you have a number of state recognized tribes by either treaty or statute, but you also have a number of tribes that still exist in the borders of that state that are not recognized by either the federal government or the state.

Some states have made more progress than others. North Carolina, as far as I know, is the first state to adopt regulations to define the criteria for determining state recognition of tribes.* There are states that have a more advanced Indian

* The state regulations on recognition appear in Appendix C

policy generally, for instance, the state of New York has an entire volume of its Code dealing with Indian affairs and Indian rights. The state of Virginia has had longer dealings in terms of date and time with its Indians than the state of North Carolina has had. But no state has gone through the trouble of addressing the policy considerations that are relevant in determining recognition to the extent that North Carolina has. To that extent, the North Carolina Commission of Indian Affairs is to be praised, I think. But we have to take a long hard look at some of the decisions that were made in that process. It seems to me that the regulations that were adopted by the Commission on the one hand ask too much of the petitioning tribe and on the other hand, ask too little. I'm going to deal with the second one first.

Indian tribe implies a political unit, a political existence, a government. Indian people are self-governing. A tribe is the non-Indian word that was used to describe the self-government of aboriginal people when the white people first arrived here. But the regulations that the Commission has adopted do not take into account the political existence of an Indian community. And I think there are serious problems with that. In the early '70s, for instance, the Supreme Court issued a decision in *Morton v. Mancari*.^{*} The issue in that case was whether or not the Indian preference for hiring that the BIA applied for federally recognized Indians was discriminatory, was a violation of the 14th Amendment. The case came about because a non-Indian who lost out on a job to an Indian at the BIA sued, saying that his rights against race discrimination had been violated. The case made its way to the Supreme Court and the Supreme Court held in favor of the Indian, saying, no, your rights to freedom from racial discrimination have not been violated. The classification between Indian and non-Indian is not a racial classification. It is a political classification, so that the benefit that this Indian received and that you were denied was not a racial benefit. It was a political benefit. This Indian received that benefit by virtue of, in effect, citizenship in an Indian tribe.

Now, in the absence of that sort of political overtone to a definition of Indian tribe, you face a real problem of having other racial minorities come in and insist on getting the same rights that an individual Indian gets. Without recognition of the fact that Indian tribe is essentially a governmental classification there's no difference between Indians and other racial minorities in this country. And in that case every other racial minority can, and I think would, at some point in time insist on the same benefit that an Indian gets by virtue of being state recognized. That, it seems to me, is the case where these regulations as they now stand require too little of the petitioning groups.

Now this is a touchy issue because when the federal government was drafting its recognition regulations, there were a lot of complaints that a lot of tribes, including a lot of the tribes in North Carolina, cannot prove political existence, at least not the way it's defined in those regulations. That may be true, I have some concerns myself. It seems to me that the BIA might have gone overboard when they were defining tribes; they are in effect requiring proof of a sophisticated kind of government that tribes have never had, aboriginally or today. But the people in North Carolina have got to be realistic. Legally, unless a tribe is defined in some sense as a political unit, then there is no distinction between Indians and other ethnic minorities. And that is the distinction that aboriginal people have got to hold on to dearly because without it we just become another ethnic group. We lose our uniqueness, and I think that is the source of our uniqueness — that ability and that insistence that we govern ourselves.

^{*} 417 U.S. 535 (1974)

That self-government has got to be reflected in the regulations that North Carolina now has on recognition. Otherwise you're going to have legal problems with it and I think even more serious than that, you're going to have problems in the future, sociological problems, with how the group defines itself. If the definition is that loose, then voluntary associations of other ethnic minorities are eligible for recognition as well. It cannot be that loose.

Now as I said earlier, there is another aspect of the North Carolina policy where I think they ask the petitioning groups to prove too much. That's the blood quantum. In the regulations as they now stand, the Commission requires that the petitioning group prove that its members are, I think, quarter-blood. In the first place that has no relation to law at all. There's no legal obligation that to be eligible for services you prove blood quantum, not even before the federal government. There are some special instances where blood quantum has been relevant in federal law, where there was a distribution of a judgement fund or where an individual could not prove membership in a recognized tribe, but in terms of tribal membership, the federal government has never imposed a minimum blood quantum on individuals and I think it's foolish for the state of North Carolina to adopt that policy, especially in light of the state's history.

That's a second problem that I see. It seems to me that proof of blood quantum has no relation, not only legally but no relation historically, to the Indian people of North Carolina. We cannot prove blood quantum in North Carolina. There have been no rolls maintained for Indian people in North Carolina, with the exception of the Cherokees. Proof of Indian blood quantum where it has been required, for instance in the distribution awards, has always been a very strict standard. It has required tracing your lineage back to people who were designated as one-quarter, one-half or whatever the blood degree, on accepted Bureau rolls. It is not a matter of self-identification. The individual Indian has never been able to declare, I know I'm one-quarter blood and that should be acceptable. That has never been the case in either federal law or policy and I think it's foolhardy for the state to adopt that kind of policy now.

If the state insists on adopting that kind of policy, it can have only one effect: the state recognition process loses all credibility. To have any credibility at all, the state recognition process must have some meaning. It must delineate between Indian people and non-Indian people on a basis that has some relationship to the history of those people. Blood quantum doesn't do that, acceptance of proof of blood quantum by self-identification won't do that, and I think it's a dangerous precedent for the state to set.

There is one final point I want to make and that is that establishing criteria for determining who should and who should not be recognized is just the beginning of the recognition issue. In this state, nobody has any idea what recognition means. Recognition in federal law is fairly well determined now in terms of what it means and what it implies in terms of benefits, services and immunities. In other states they have made more progress on that than North Carolina has. For instance, in the state of Virginia, recognition as a tribe entitles you to tax exemption for your land base, tax exemption from certain regulatory taxes, and certain criminal and civil jurisdictional benefits. In this state, nobody has any idea what recognition means, and I think the fault for that lies not with the Commission but with the legislature of North Carolina.

It's the legislature's responsibility to adopt a recognition policy. A recognition policy does not mean simply defining who is and who isn't Indian. It means defining *what is* the relationship once the relationship is established. And at this point, that's unknown. The only push behind state recognition at this point is to

make North Carolina state recognized Indians eligible for federal services. But that cannot be enough.

The state itself has to assume the responsibility for having a meaningful relationship with state Indians. If state recognition is going to be worthwhile at all then the state has to define what services are eligible, what immunities it entitles that group to and what aspects of self-government the state is thereby willing to recognize. It implies a wide range of subjects, including educational possibilities, taxation possibilities, self-governing in its broadest sense. And until the state, specifically the legislature, is willing to tackle that problem, then North Carolina still will not have a recognition policy.

Chastain: Two of the questions that were put to me were what will be the Reagan administration's policy towards nonfederally recognized tribes and what is North Carolina's moral responsibility towards its Indian tribes. My answer to both of those questions is none. I think that we can, though, take a look at what the Reagan administration's policy is towards the federally recognized tribes, what it appears to be at this point in the first three months of the administration, and draw from that some conclusions about the nonrecognized tribes. As Arlinda pointed out, these are the tribes to which the federal government at least admits they have a trust responsibility. These tribes gave up valuable resources and land, the ability to self-govern in order for them to get this trust relationship with the federal government. At this stage, the Reagan administration has a policy of serious cutbacks to the Indian community.

I don't think I share Senator Abourezk's optimistic outlook for the future of Indian tribes. Let's look at what the cutbacks look like. In Indian housing, they're slated to be cut back \$722 million; that's a 96 percent reduction. In health facilities, \$36 million, an 82 percent reduction. In jobs and training — this includes CETA, and we all know how important that's been to the Indian communities in the state of North Carolina — cutbacks of \$113 million. I'm sorry I haven't translated these into figures for North Carolina, but we're working on that now. Indian Legal Services is slated for 100 percent reduction.

The Indian community then is asked to bear more than its fair share of these "across-the-board" reductions. They make up about .4 percent of the population and will bear about 3 percent of these reductions. This is Reaganomics for the Indian community; I think it's a policy of termination. Perhaps that's a term for polite company. It's extermination and genocide, and these are the tribes which they've admitted they have a responsibility towards. So again, I repeat my answer about Reagan policy towards the nonfederally recognized. I don't think there is one.

We can look to some alternatives. I don't think the picture is as bleak for the North Carolina Indian tribes as perhaps for reserved Indians. I think native Americans in North Carolina can utilize what they have historically utilized and that is self-reliance. But they can develop a working relationship with the state of North Carolina where this has been difficult in other states. It looks like we have the beginnings and the possibility of doing that here. When the block grant approach comes in, I think there's going to be a major question as to what kind of formula is going to be used to get monies to the Indian governments, not just to Indian individuals. And Helen Scheirbeck talked about that briefly this morning and asked Senator Abourezk about it, and it's going to be an important question for Indian leadership. I think the tribes can be bold about demanding this relationship. They have given up resources, too. I was very interested in a report by some Duke University students looking at Robeson County's land-

holdings over the last four years. Twenty percent of the holdings of the small landowners have been lost in the last four years. This has gone over to large landowners. I think it's probably a fair assumption to make that these are small Indian farms being given over to large industrial holdings in the Robeson County area. We need to look at what's happening around the rest of the state in that regard, too. I think the big questions facing North Carolina policymakers, and I think I'm speaking mostly of Indian policymakers, is: what is the policy for Indians in education, in industry, and the basic rights to self-government? I think that is part and parcel of what state recognition is all about.

In the area of education, before we get to the question of higher education, I think we could look at what's going on in the primary and secondary grades. Taking a look at the Department of Education's statistics that come in through the Office of Civil Rights, we still see that Indian students are being removed from the classroom at a greater rate than white and black students, that they're being disciplined, and I'm talking about corporal punishment, at a greater rate than white and black students. That they are being expelled and they are dropping out of school before they can ever talk about the question of higher education. So some of these benefits that perhaps are sifting to some, I don't think that they are sifting down to the majority of Indian students in schools today.

In one situation in one high school in the Robeson County area, we still have one principal who does all the scheduling for 600 students; we have one counselor who serves all of those students. We see tracking (putting students into different classes depending on their supposed ability), and Indians are not put into college preparatory courses.

I heard a lot when I first came to the community from the white settlers in the area that Indian parents weren't too interested in these questions, that you didn't hear too much from Indian parents. I found that that is not the case. Minority parents associations are forming at a great rate and that will be, I think, a real help to the Indian leadership and Indian educators in getting better policies to keep children in school and take on this question of higher education.

In the area of higher education in the state of North Carolina, only after years of struggle did the University of North Carolina put into effect a special scholarship program for minority students, the Minority Presence Scholarship Program. After years of burdens to Indian students, we finally see that there will be some benefits passed out, but what is done? The Indians are defined as whites all of a sudden for this benefit that's going to be passed out. So the only opportunity for an Indian student to get a scholarship under this program would be to go to a black university or a predominantly black university, of which there are very few in the state of North Carolina. I think the Indian leadership is very clear and very vocal about how intolerable this situation is and I think that they have legal people waiting and working on this question. I guess my only suggestion would be that we need to join up with the mainstream of people and families that this impacts upon. We need to work together for a strategy to deal with this question.

Our office made a formal complaint to the Office of Civil Rights, asking them to investigate this policy, and arguing that it was in violation of Title VI,* which says that federal monies coming into the schools could not be used in a discriminatory way. The Office of Civil Rights refuses to take jurisdiction

* Of the Civil Rights Act of 1964

in the case, as blatant as I think the case appears to be. I think this can be solved when there's a large and long outcry by the Indian community. I think the leaders are right there, I think we need to put this on the front burner and strategize so that there is this kind of an outcry. I think we'll see the Office of Civil Rights put it on the front burner and the University of North Carolina put it on the front burner when they're forced to.

I want to take up a question about voting rights, the basic democratic right to self-government which is important to the Indian governments in and around the state of North Carolina, and ask what will be the policy of North Carolina in regards to these questions. I want to take up a case that we're working on now, though I will get into trouble by doing it. The city of Lumberton some years ago made an annexation of white upper middle class communities into the white school system in Lumberton. This was objected to by the Department of Justice. They said it was illegal and violated the Voting Rights Act. The city fathers ignored it, the North Carolina legislature put their stamp of approval on it and that's where it sat for years, although it's been objected to by the Justice Department. There's been legal action filed on the basis of this case: we're going to go before a three judge court very shortly with hearings on the matter. What we need in a situation like this is a public outcry. Again I think the leadership is clear on the issue. I think we need the community coming together and taking a look at this picture. Everyone should get out a map of the Lumberton city school lines and perhaps school lines in other Indian communities and take a look at those school lines. You'll find they are not drawn according to density of population. They're not drawn in nice, neat round circles. I would like to draw you a picture of it right now. When there's a brand new, nice housing project built here on the outskirts of the city, we draw a little line, pull that in. We've got a nice, private airport down here; we draw a little finger and pull that in. In the center you'll find two doughnut holes that aren't part of the city school system; those are your public housing projects. I think we need to have an outcry of the community, which finds this intolerable. Not just the leadership in the community, but the entire community. We need this right now because I think there's going to be an effort by these powerful folks to do this line-drawing, to get the Justice Department to back off; and our experiences with the Justice Department, I think, suggest that they very well might back off and withdraw those objections. They've asked for years for statistical evidence and maps and so forth, and there's been no compliance. I think there's nothing more basic than the voting rights of the Indian community, especially around the question of education, and in my opinion, in the short year that I've been in the Robeson County community and working with Indian rights around the state, there are no more important questions to the Indian parents than leadership and education. And it is right here where we see the discrepancy among schools — it starts in the voting box.

In the area of industry, what's going to be the policy of the Indian leaders? What kind of policy are they going to extract from North Carolina policy-makers? I think it's fair to say that industry is going to be locating in North Carolina; they don't need to be wooed there. They're going to be coming along and hopefully providing some sort of service to the community — jobs, hopefully higher income for some people in the community. However, I'm not so sure that that's going to be as beneficial as it looks from the outset, unless we demand more from industry. We don't allow people to come into our homes, just take from our homes and leave — I think we should take the same view around the community, the Indian community. When these large industries come into the community and they want to burden the water supply, they want a special bond issue to protect them, who's going to pay for that? That's going to be your low-

income, rural community paying for that water. When they hire Indian employees and there's a cutback or minority workers are fired, are they going to challenge unemployment? We see this at Legal Services constantly. They will charge that they should not have to pay for unemployment and then where does that fall? On the public tax rolls. It sure does not pay for what it breaks.

I think we should take the example of L.O.F. Glass Company in Scotland County, reputed to be the largest float glass plant in the world. It is located right in the heart of the Indian community. You might have thought that would have brought a lot of jobs into the community. I think it's the largest plant in the world and I think it's kind of surprising that it only brings 600-odd jobs to the community. Are they going to be able to maintain themselves just with one-third of their work force being Indian, and only having them at the unskilled levels? There are very few Indians or other minorities above the unskilled job level. There is no objective policy for promotions, no objective policy regarding absenteeism. If they don't like the way you talk, if they don't like the way you look or the shade of your skin, there are ways that this reason can bring itself out and people can be fired and there's very little that can be done. Is the Indian community going to require an objective policy for its Indian employees? And what are they going to give back to the community, are they going to support the arts, give donations to "Strike at the Wind," donations to the colleges? I think there's been a great deal of effort in that regard and I would support its continuance.

So it sounds as if we've strayed from the question of state recognition, but I say again that these issues are well within the ambit of what federal recognition of Indian tribes is all about. The proper solution to these questions rests with the ability of Indian governments to organize themselves and their community, and work with their politicians and their legal workers, and come together with an overall strategy and policy for finding a good solution for these questions.

Wurth-Hough: I'd like to interject a little personal note here. In the first two presentations, the one thing that's come across so much is political clout. In looking at the North Carolina Commission of Indian Affairs' blurbs that they put out on what they should be doing, they say it is the purpose of the Commission to assure the rights of Indians to pursue their cultural, social, and religious traditions and to increase economic and educational opportunities for Indians throughout the state. You'll notice that there's no statement about political clout whatsoever.... Our next speaker is Helen Scheirbeck, who has agreed to substitute for both of our missing panelists, Jo Jo Hunt and Horace Locklear.

Scheirbeck: The question underlying this issue of state recognition, it seems to me, is how do we get North Carolina Indians to feel that they have the *real* right to exert their influence and their pressure to get this whole question of "tribe" and "state responsibility" to relate to us as Indian people? This is a question that I wish to return to later. But first, I'm not here as myself today — I'm here speaking for Jo Jo Hunt and then for Horace Locklear.

Jo Jo did, I think, a wonderful service to all Indian people who are not federally recognized Indians in Task Force 10 of the American Indian Policy Review Commission. That is the first time that Congress really utilized an investigative task force to go out and listen to the Indian people who were not under the jurisdiction of the BIA. Only in one other period of time, under Woodrow Wilson, did the federal government, as an extension of some of the work begun under John Collier, go out and look for groups that might need to be recognized by the

federal government. And so, when Task Force 10 began its work we were all very concerned that these communities, these nonfederally recognized groups, might not be able to give us their background or say who their people were. That was not the case. It was really wonderful to sit in those task force hearings and have the Indians come and say this is our history and say we know who our people are, we have a way of following those people, even though we don't have "rolls" like the BIA says you must have for Indian people.

The task force's work produced a document which we can now take and utilize on behalf of groups like the North Carolina Indians, which we can utilize together on our own behalf. It is a very large study. I would say one of the things we need to do is to try to find a way to distill from that big book and make it into almost a handbook with some of the facts and figures that could be utilized.

Jo Jo also came out of that report with a suggestion about the federal acknowledgement process. I happen to think that that suggestion scared the BIA so badly that they really got on the stick and decided, by God, if we don't put the regulations together, these people may get busy in the Congress and may pass a piece of legislation. The psychological scare really got them to put together the regulations and the Federal Acknowledgement Project that Arlinda talked about. So, while Jo Jo's major recommendation was not implemented, Senator Abourezk's group did put a bill together and held some hearings on it. And we have the record from those hearings and we can use that material, it seems to me, as the process goes forward.

I would like to give you a minute's insight about something that I found very curious and didn't know until I started looking at putting together a roll for the Lumbees. I wanted to know how the Secretary of the Interior had recognized Indians. I knew about special bills being introduced in the Congress, executive orders, the agreements that Arlinda talked about, and I knew there had been other groups that managed to get themselves recognized. And I wondered how that happened. Let me just tell you about our good friend Mr. Louis Bruce who, when he was Commissioner of Indian Affairs under Mr. Nixon, recognized the New York Indians. So you see, the Commissioner and the Secretary of the Interior do have discretion to recognize Indian groups without legislation. And I have been told by several congressmen that if we can get a very smart Lumbee over there like Arlinda, a lawyer, maybe we could get ourselves recognized just by being in that Department [of Interior]. I really don't think that would happen but I thought it was an interesting insight, because what they were really saying is that if you've got the right inside tool, you can probably get yourself recognized. It's difficult for groups like the Lumbees because they are so large; a lot of people in the BIA feel that it's the largeness of the group, plus many other factors, that make it imperative that they look closely at any kind of recognition. But there are administrative ways to recognize groups at the BIA.

Arlinda pointed out to you that the concept of history was related to federal recognition. I'd just like to throw out another concept: outside of the BIA, one of the ways that people have been busy trying to make sure that nonfederally recognized groups get services is to watch pieces of legislation very carefully and make sure that the eligibility requirements for Indians use the right words in identifying the characteristics of Indians so that services will reach all Indian people. It's tough to do that now because people have caught on to it, but I do think there is a movement in the federal government which we should encourage, and that movement says that outside of departments like Interior, state recognized Indians should be on an equal par for services. That is the strategy we need to think about.

Let me now move to Horace. Horace and I talked a little bit about his viewpoint on state recognition; he feels very strongly that the recognition should come through the state legislature. He does not believe that the recognition should be given through an administrative body like the North Carolina Commission of Indian Affairs. I do not know what his opinion is on the [current North Carolina] regulations, but I would guess that he feels the groups need to petition the state and work out the politics for recognition.

Now let me talk about the future. I would like to throw my own bias in here if I may. We have been thinking as individuals that the importance of recognition is a psychological one, you know, the United States finally affirms that we are Indians. I think we need to reexamine that and see how important it is to us, because it seems that we would have to do a major educational job on the Congress to get them to look at recognition in another fashion, other than through the Bureau of Indian Affairs.

So we may want to think about concentrating our efforts on the eligibility requirements in law rather than worrying so much about the jurisdiction requirements under the BIA. If we did that at the federal level, it would free some of our energy to concentrate on the state of North Carolina — and I do feel that the points made this afternoon are critical for this state. That is, the state has really not defined what state recognition is. In putting the recognition bill together on the Croatans and then the Lumbees, North Carolina only used geographical terms: "living in Robeson and adjoining counties." And so we need to think through a strategy of what kind of recognition we want from the state. And I again believe that if Indians themselves don't take that initiative and do the defining it will not happen. The state's not going to take that initiative for us. The only reason we got recognition and affirmation of our identity in education is because we approached the state for it.

We have seen the benefits at the federal level and we know our background, what we've been through. We also know that we have come a long way and utilized things very well. It seems to me that now we need to decide what the benefits are that we need assurances on from the state. We need to get that policy put together — particularly in view of the Reagan administration — and then take the initiative, come to the state legislature, and really put it to the test so that we can find out what North Carolina's commitment is to Indians. As a part of all that, let me close by saying I would sure like to hear the group say something to us on how we can get our own people to realize the marvelous rights they have as Indians and begin pushing to clarify, take the initiative, and move some things forward.

Sanford: I deal with matters for the Attorney General's office which concern Indian jurisdiction or Indian problems. One of my responsibilities is to provide legal representation to the Commission of Indian Affairs. I am not speaking for the Commission of Indian Affairs, let me say that right now.

I will tell you what the current situation is in regard to the recognition procedures that Arlinda spoke to and presented some criticisms of. The legislature has charged the Commission of Indian Affairs with doing a number of things, among them developing procedures for the recognition of currently unrecognized tribes. These procedures went to public hearings and were adopted in accordance with the State Administrative Procedures Act. I guess they have been on the books for a year and a half now. The Commission is currently processing petitions. At least one petition for recognition has been formally filed, and there may be more. I'm not involved in any of the actual dealings with the petitions, or have not been yet.

There are various objections to the procedures as they are written now. The blood quantum requirement is a particular source of distress to some people. This is the situation as it now exists. As to what is going to be done in the future, I don't know. The Commission has discussed the objections to the procedures and the possibility of changing them. As I said, they were adopted by the Commission pursuant to public hearing and public notice, and they can be changed by the Commission in the same way.

On the whole subject of recognition, the first question in my mind is what does state recognition mean? It's been pointed out today that it's a fairly ill-defined concept here in North Carolina. There is no statutory guidance as to what it means. We have a number of statutes in Chapter 143B of the General Statutes which individually, as Helen pointed out, denominate people who live in certain geographic areas of the state as various Indian tribes. (The Indians living in Robeson and other counties "heretofore known as Croatans," is the way legislation at one point read, "are henceforth to be known as Lumbee Indians.") The "recognition" that the state has extended to Indian groups is constituted in the very sparse language of those statutes. As far as what North Carolina is saying it means, I'm still very, very unclear but I'm increasingly impressed by the fact that state recognition of Indian groups is being bootstrapped into a greater level of importance because the federal government is looking at what the states have done.

I am increasingly involved in the process of trying to determine what state recognition means. Now, it's occurred to me that state recognition of Indian groups can mean things on a scale that extends from an honorary designation to eligibility for a number of services. For example, we can recognize that these people are called Lumbees, Haliwa-Saponis, or whatever. Recognition can mean just that and nothing more, or it can mean (as it does in Virginia, I believe, in accordance with the treaties entered into in colonial times) that state recognized Indians are entitled to a panoply of state services, just as federal recognition carries with it a range of federal services.

As to what it means here in North Carolina, I am looking for guidance. I'm looking for insight in terms of making a legal determination of that. It is, I'm about to decide, virtually an impossible thing to do. These statutes do not carry with them the guarantee of various kinds of services.

So I think this issue of state recognition of Indian groups is one to be taken very, very seriously, particularly if, as Senator Abourezk speculated today, the situation were to come about that the federal government, in the form of block grants, gave certain amounts of money to the state with the condition that the state distribute such monies to state recognized Indian groups. This may be a completely out-of-bounds speculation, but if something like that were to come about, then the matter of state recognition of Indian groups in North Carolina takes on an increased level of importance, at least economically.

It's a question that I'm personally and professionally involved with. At this point it's gotten to be a little bit more than a professional inquiry because it's one that I'm very concerned with and I think that there are a number of members of the Commission and certainly of the Indian community that are likewise concerned. So I think it's something that bears careful thought and I think your views should be expressed on the matter.

DISCUSSION

In the last 15 years, state recognition has been used increasingly as a criterion for eligibility in federal programs developed for Indians and administered by

agencies other than the BIA. So, in many programs, state recognized Indians have been able to receive essentially the same services as federally recognized tribes. However, in the proposed Reagan budget cuts, it is these programs that have been deemed the most expendable (with the exception of Title IV Indian Education monies). This is because it is politically easier for the federal government to cut programs to nonfederally recognized tribes than to federally recognized tribes.

This leaves North Carolina's tribes with three major strategies to pursue in the 1980s:

1. to seek federal recognition through the BIA's Federal Acknowledgement Project;
2. to strengthen their national political strength, especially their ties with Jesse Helms;
3. to strengthen their political ties at the state level.

Federal Acknowledgement

There are essentially two steps to the federal acknowledgement process. The first is a professional inquiry, conducted by the staff of the Federal Acknowledgement Project, into the petition of a tribe applying for recognition. (Due to the small size of the Project's staff and the large number of documents required of petitioning tribes, this is a very time-consuming process.) The staff then makes either a favorable or unfavorable recommendation on the application. In the second step, the Secretary of Interior makes the final decision on whether to grant federal recognition. At this stage, "all other interested parties"* are invited to comment on the application and the Secretary can consider evidence outside the record in making his decision. This can lead to a very complex political process.

Strengthen National Political Strength

In order to improve their position in the political maneuvering that would probably take place during any Secretarial consideration of their application, North Carolina's Indians need to strengthen their national political ties. Most especially, they must seek to make Jesse Helms an advocate for their case. As Helms's influence in Washington grows, his Indian constituents must demand that he use some of his influence to advance their interests.

In addition to federal recognition, another area that Helms and others can exert some influence over is that of state recognition — in terms of its relation to federal funding of programs. If Reagan's idea of massive block grant funding is approved by the Congress, North Carolina's Indians can try to exert some influence over block grant distribution. The grants would probably be distributed to states and to federally recognized tribes. Convincing the federal government that block grants should also be distributed to state recognized tribes will require effective political pressure. Senator Helms would be a valuable ally in any such effort. Alternately, Senator Helms could help push for certain set-asides from block grants for programs important to the Indian community.

Strengthen State Political Ties

Political strength at the state level must be solidified as well. Perhaps most importantly, the state must be pushed to clarify *what* state recognition means — what obligations and privileges it entails. The state must also work with its Indians to obtain a clearer definition of the term "tribe" as it is used in the state regulations for state recognition, so that it may prove to be a fair criterion for state recognition.

*This is the language of the regulations guiding the federal recognition process.

As Indians pursue these political strategies and objectives, they need to weigh three considerations. First, they may need to emphasize the difference between *Indian* programs and *poverty* programs. Most poverty programs benefit the Indian community extensively, but these programs also have a rather large coalition supporting them. It may be most cost-effective for Indians to expend their limited political capital in building broader support for Indian programs.

Second, Indians must learn to use the media better. The media can be a vehicle for projecting a positive image of Indians across the state. However, on the whole, the state's newspapers and television stations continue to project a basically negative image of Indians. This can be very damaging to any effort to build broader support for Indian programs.

Finally, the model used so effectively by blacks to increase their political effectiveness — working to unify their large numbers behind particular objectives — probably will not work for Indians. The Indian population is too small to ever exert much influence at the polls, except in special instances. And Indians are not currently in strategic positions to influence policymaking. (For example, in affirmative action programs the numerical size of minority groups becomes very important. In the recently formed minority hiring plan for the North Carolina Highway Patrol, there are no provisions for hiring Indians. This is because the Justice Department has insisted that Indians are not an “identifiable minority” — that is, that they are not a large enough percentage of the overall population to be specifically included in a minority hiring plan.) However, if Indians were to follow the Jewish model — to train highly skilled people and place them in strategic positions in the political decision-making process, they could exert a good deal of influence on policies affecting Indians in the 1980s.

ECONOMIC STATUS

Panelists: **Ruth Revels**, *Executive Director*, Guilford Native American Association
Kenneth Maynor, *Executive Director*, Lumbee Regional Development Association
Norman DeWeaver, *Economic Development Specialist*, Center for Community Change
Gary Shope, *Director*, Small Community Economic Development, N.C. Department of Commerce
Moderator: **John G. Peck**, *Professor*, Department of Sociology and Anthropology, North Carolina State University

Revels: I hope that what I have to say this afternoon will not only be of interest but will help you Indian people and non-Indian people to think of better ways to shape policy for Indian people in this state, especially during this next year when we're going to need help, I feel, more than ever. I'm going to talk primarily about Indian problems and accomplishments and economic status and the impact of the Guilford Native American Association on Indian people in Guilford County, since that is where I work and where I feel I am most familiar with what's happening. However, I do feel competent to respond to questions later regarding Indians generally throughout the state, and I am quite interested in them as well.

I'd like to begin by giving you a very brief history of Guilford Native American Association and the approximately 3,000 Indian people in Guilford County. Guilford Native, which operates as a nonprofit urban Indian center, was conceived and established in September of 1975 by a group of Indian people who had become quite concerned primarily about the high dropout rate of Indian students in the county. My husband was very instrumental in organizing that group; we were also assisted by some concerned people from the Lutheran churches in the area. Reverend Dick Rhyne became quite involved and concerned about Indian problems throughout the state and Guilford Native actually received its first funding of \$8,800 from the North Carolina Lutherans. We did not become a viable organization until October 1, 1977 when we received our first Administration for Native Americans grant, our first major federal funding, a \$44,000 grant. Of course, that was a great deal to us because up until that time we had operated primarily on small donations and with two CETA employees.

There are approximately 3,000 Indians in the Guilford County area, although even the 1980 Census does not show that — and the 1970 Census shows little more than 800. The preliminary count that just came out of the 1980 Census shows us to have little more than 1300, but through various needs assessments, services provided, identification of more than 400 Indian children through the Indian Education Program, we feel confident that there are 3,000 or more Indians in the area. Approximately 90 percent or more of these are Lumbees, although we have many other tribes. The majority of these Indian people can trace their roots back to rural Robeson County or to other normal Indian communities, primarily in North Carolina.

The migration pattern of the Indian people began some 15 to 20 years ago when they came to the High Point/Greensboro area, looking primarily for employment opportunities. Many of them were actually brought into the area

because of the need for employees in the furniture markets and other mills and textiles in the High Point area. These Indians came looking for better job opportunities, a better way of life because of the disappearance of the small farms and tenant farming in Robeson County. I myself and my husband, who is a Lumbee from Pembroke, left Robeson County in 1960 and went to Charlotte, where he sought a job other than teaching school or farming. We came to Greensboro three years later.

Most of these migrating people encountered great disappointment. They literally suffered what we refer to as cultural shock because they found that they came without the necessary skills to adjust to a more complicated and complex urban life than they had been accustomed to in the rural areas. They found themselves lacking job skills to get even the simplest kinds of jobs in the area. They encountered perhaps a different kind of discrimination than they had been accustomed to in the rural North Carolina counties from which they had come, but nevertheless, it was discrimination.

The skills for employment were not there. They had little education; in fact they often found themselves unable to articulate their needs when they did apply for a job or go for various kinds of social assistance. They also encountered an identity problem. When my husband and I and many other Indian people in the area go out, we often see someone and regardless of what they look like — they may have blonde hair or blue eyes or whatever — we say, “That looks like a Lum.” We’ve even gone up and asked people, “Are you from Pembroke?” “Are you Lumbee?”

In Robeson County or on the reservation or in other rural Indian communities, there is something about our ability to identify each other, to relate to each other. And when most of these people came to a city like Greensboro or High Point they found themselves facing an identity problem. The children especially continue to fight identity problems in the schools. (I think you heard it mentioned in one of the sessions this morning that the lack of positive concepts can create a problem, that the lack of role models for our Indian children in urban areas such as Greensboro and High Point is bad.)

They also found themselves paying bills for the first time, very often, in their lives. Monthly payments, the rent comes due, and they’ve never been accustomed to this because they maybe have been able to live in some little tenant house or Uncle John’s house or with Grandma or with their Mom or Dad. Housing in Greensboro even today is one of the greatest problems that poor people face. I’m on the Greensboro Housing Authority Commission and there is right now a need for 5,000 houses in Greensboro alone, primarily for low-income and elderly people. Many of our Indian people today live in trailer parks and some of those parks, we feel, are not even good enough for rats to inhabit, much less for people to inhabit. They also found themselves facing problems of transportation. How do they get to the places that they need to go?

Guilford Native, by the way, organized primarily as an advocacy agency. Our primary goal at the time was to give the Indian people some kind of spokesman or advocate to help express and identify their needs and their dilemmas to school systems, to the social services, political leaders, etc. In 1976, Greta Tilley, who is a writer with the *Greensboro Record* wrote an article about the Indian people and she entitled it “The Invisible Community.” Most people in Guilford County were totally unaware that there were any Indians in this county, because they were looking for the stereotypes. They expected if an Indian did walk into the Social Services office, they quite naturally had to have long black braids, they would be wearing moccasins, some kind of beads, feathers would be in their hair, they would talk in a strange Indian language or have some visible signs of identity. And so we even suffered that problem tremendously.

In May of 1975, a few months prior to Guilford Native's organization, we had one Indian student graduate from high school in the entire county; we had a 95 percent dropout rate. It was very easy for Indian students to drop out of school and it is still very easy for them to drop out before they're sixteen and go totally undetected. All they have to do is to say to the counselor or to the teacher, "Well, we're moving back down home tomorrow and I won't be at school anymore." And that's the end of it. And they can stay home forever.

As far as the economic status of the Indian people in Guilford County, I think you have heard that the unemployment rate among Indians nationally is ten times the national average. In Greensboro the unemployment rate among Indians is 28-34 percent, and this varies because many of the Indians are engaged in seasonal work such as the construction industry. This is compared to a 7 percent unemployment rate in Guilford County overall.

There is no policy for employing Indian people by the state of North Carolina or by the county of Guilford. For instance, we have a young man who is a college graduate working with us now as a public service employee under the CETA program. His time is up May 15 and we have been trying to work with him to get other employment. He took the North Carolina Social Services Placement Test, and made an 87 on it, which we thought was quite good because we had several Indians score from 76 to 83 (which seemed to be somewhat the average of those we had worked with). But when he applied for a job in social work with the Social Services Department of Guilford County, they informed him that they would not consider anyone unless they had a score of 97, so he went back yesterday to take the exam again. And I bet the Director of Social Services couldn't score 97 on that test.

That's the kind of thing that we encounter. We meet with groups and they tell us, "Send us some Indians," but without any kind of policy for employing Indians, we're often not able to get the jobs unless we are quite extraordinary as far as credentials. And in Guilford County among our 3,000 Indians, we have a very small population that we would identify as highly educated. Our leadership population there is very small.

The average income, for instance, for Indians of Guilford County is \$6,800 dollars compared to \$15,000 average income overall in Greensboro. Greensboro is really one of your more affluent cities in the nation. It's largely a middle class community. And there are many large families, many mothers without husbands, many mothers on welfare. There are 958 Indian people in Guilford County that are reported as receiving food stamps, and I don't have to tell you that if this many people are receiving food stamps, the children from these families are also receiving free lunches and probably free breakfasts in the schools. We have operated at our Center for the last three years a summer lunch and supper program for children 18 years and under, and many of these mothers are also on the W.I.C.* program. In other words, many of the programs that are targeted for cuts will affect the same family over and over and over, so there's quite a concern now.

As far as some of the impact that we have made as an agency, especially in the last 3½ years, we just did a proposal that we submitted for refunding from the Guilford County Commissioners. (By the way, we have been funded five times by the Guilford County Commissioners, \$13,000, which we think is terrific, since we've been able to access some non-federal money.) In putting this proposal together, we itemized some of our successes and our impacts over the past year.

*The Women, Infant and Children supplemental food program

We assisted 506 families with food and clothing, we operate a food closet in our center which is primarily stocked by donations from churches, we also operate a youth clothing closet at our center. We assisted in placing 175 people in employment.

One of the new terms that's coming out of the Reagan administration — perhaps most of you have heard — is “safety netting” to catch the poorest of the poor. We feel that the Indian organizations are going to fit right in with most of these big terms because that's what the Indian organizations do. We have been practicing safety netting. We have been catching those hundreds of Indians who fall through the net of the regular agencies that are supposed to be helping people.

Some of the people we help find employment we have seen more than one time, and that's a big problem among Indians in the urban areas. They get a job, they decide they don't like it, they quit. Or they go down home on Friday and they don't want to come back on Monday because it's hunting season, or some distant cousin died and they want to stay and go to the funeral, or whatever happened, so they don't show up for work and they find themselves unemployed when they return. Many different things happen to bring about a high turnover in employment.

We have assisted 65 adults in classroom and skill training. This is primarily through the CETA program; we do operate a CETA program under the Indian Title III program. We have assisted through our supportive services — and again, if you don't know, you're not supposed to say social services anymore (you know the Reagan team will get you for it) — 1500 people. And again, many of these are the same people that come into Guilford Native for various things.

We have had 300 youths involved in recreational activities. (We do have a recreation area in our center, we're funded \$2400 through the United Way in Greensboro to buy recreational equipment.) We have had 124 students involved in cultural activities. Last fall we were very pleased that we were funded almost \$5,000 through the North Carolina Humanities Committee to conduct a series of workshops which we entitled “Mother Earth,” which involved not only our Indian community but non-Indian members and especially school teachers in the area, in various cultural workshops and activities. Youth and adults involved in the workshops numbered 900. Again some of those were repeats, we had nine workshops and we averaged almost 100 people at the two workshops each day. And so on, and those are just a few of the kinds of things that we have done that we feel have impacted the Indian community.

Our total budget this year is approximately \$300,000. We get some very small grants and donations which we do not include in this total. The total is primarily from the CETA program Title III; we have four positions funded through the local CETA program. We have a \$44,000 grant from the Community Services Administration and of course there are our ANA grant and the Guilford County grant, and some other small grants. There is no question in my mind and in the minds of any of our people that if you were suddenly to close Guilford Native down, or if there is a drastic cut in our funding, there is definitely going to be an impact as far as the kinds of services that the people have been receiving, and as far as the quality of life and the opportunities for them to continue to achieve social and economic self-sufficiency.

I'd like to share with you one of the projects that we feel is one of our great accomplishments as far as helping not only the agency to achieve self-sufficiency, but in helping the Indian people and individuals to achieve self-sufficiency. We have begun operating a workshop that we call “Guilford Native Industries.” It's similar to a semi-sheltered workshop whereby we get contracts from businesses in the area and then we target the Indian women in the community who are

mostly on welfare, who have practically no skills for getting a job. We hope to not only expose them to the world of work by giving them an opportunity to train, to get experience, as well as to be paid minimum wage, but we are also providing adult basic education training. We are also bringing in various resource people to talk with them about how to deal with transportation problems, childcare, and so on. And then eventually we will move them into unsubsidized employment. It's very similar to CETA except that they don't have to meet all the requirements. If we send them out and they fail, we can bring them back into our program and we don't have to worry about positive or nonpositive terminations as far as the federal government is concerned. And we're being very successful.

We don't have the workshop going so that we're totally employed all the time but thus far we've been able to get contracts with L'eggs out of Winston-Salem and Hanes Hosiery and we have some other good contracts promised. And again, to show the kind of impact we had with the non-Indian community, we've received \$4500 from Blue Bell, Burlington Industries, and Cone Mills to actually start this workshop. And when you can impact those guys, I think you're doing something right.

And I'd like to share just a couple of comments. We asked the women recently to comment on what the workshop meant to them. I'd like to share just a comment or two because I was so impressed with what they were saying: "I look forward to working in the workshop each day," "I can relate well to the other people in the workshop and I will be glad when I can see the day when I can get off welfare." Another one said, "I look forward to getting off food stamps and being able to support my family and myself for the first time." And another said, "It's a good opportunity for people who want to work but honestly don't know how," and so on.

While we can say that the state of North Carolina does not have a policy for Indian people as far as helping them to develop their economic resources, helping them to achieve economic self-sufficiency, I feel like Ms. Scheirbeck said in the education workshop: it's up to the Indian people to get in there, to make what we are doing work. To make an impact not only on our people or the groups we're working with but on the state, on elected officials. We need to get people such as the group that is sponsoring this workshop to also speak for us and show them what we are doing with the few resources that we have. And then we need to do as Senator Abourezk said the Sioux are doing: to stand up and say we are here, we are Indian people, and we demand that you treat us as a group of people who are entitled to some rights, we demand that you come up with some kind of policy in helping us to develop our economic resources.

Peck: Our next speaker is Kenneth Maynor. Ken is best known as the Executive Director of the Lumbee Regional Development Association (LRDA) where he's been since 1973. He's going to talk about LRDA and about Pembroke and about the things that have happened down there. They've had almost fifteen years of very, very rapid change and very, very rapid growth. By and large it's been growth through a vehicle that will change, if we are to hear and to believe Senator Abourezk. Many of the vehicles that have contributed to the growth down there are changing with the new administration as we go away from direct grants, which was essentially how LRDA got started, and toward a block grant which goes through a rather lengthy in-state political process before it gets down to the local community.

Ruth has given us some indication that possibly the function of these urban Indian centers is going to have to change. In the past, they have been primarily

used to identify people and then to process and they bring them into many of our social programs. As those programs are discontinued, and it is clear that a lot of them are going to be, possibly the function of the Indian centers is going to change, and I wonder if Ken has some thoughts about what LRDA may be doing over the next four to eight years.

Maynor: Lumbee Regional Development Association, which I will call LRDA for short, is a private, nonprofit corporation chartered by the state of North Carolina to improve the social, economic, educational and general welfare of the estimated 40,000 Lumbees in and around Robeson County. The organization is headquartered in Pembroke, North Carolina and has a seventeen member board of directors who represent the Indian communities in Robeson, Hoke, Scotland, and Bladen counties. By the way, these directors are elected by the community. LRDA was formed in 1968 by local Indian people because of the critical need for an Indian organization to serve the Indian people, to be an advocate for their needs and interests, and to provide services and outreach to the Indian communities. Presently LRDA receives federal, state, and private funds to support twelve community service projects designed to meet the various needs of the Lumbee people. The total operating budget for the fiscal year 1980-81 is \$4.2 million.

LRDA has directed its efforts toward the areas of greatest need among the Lumbee communities. Needs assessments conducted in the Indian communities indicate that educational disadvantages, lack of employment opportunities, and the resulting low income are major problems causing a high incidence of poverty. Major health problems, a lack of adequate housing, compounded with other problems lead to a high mortality rate for Indians. The thrust of LRDA programs is to help alleviate these problems.

The Lumbees are widely recognized for their farming skills and have traditionally been heavily employed in agriculture-related jobs. The economy of the region has changed dramatically in the past 10 years from predominately agri-business to low-wage industry. Because of intense pressure and competition from large agri-business firms, the Lumbees who were tenant farmers, sharecroppers, or worked small family farms have been forced into employment in other areas where they have little or no training and skills. In 1976, only 20 percent of the Lumbees were employed in agriculture. In addition, illiteracy has put the Indian adult at an extreme disadvantage when competing with better educated whites and youths for jobs in the job market.

Discrimination and unfair employment practices have also kept the Indian worker in the least desirable jobs. According to the North Carolina Advisory Committee on Civil Rights in its study of private employment in Robeson County in 1972, "the largest number of Indians are relegated to operatives, laborers, and service classifications. These represent the lowest paying jobs in the blue-collar category." In 1970, 33 percent of all Indian people were employed as operatives, with the largest number of Indians in any one salary category earning below \$2,000 per capita annually.

Poverty is a stark reality for Indians in Robeson County. In 1967, the median family income for whites was \$4,656; for Lumbees, it was \$1,324 per capita. The 1970 Census data shows that 72 percent of all Indian families had annual incomes below \$7,000, compared to 20 percent of the white families. The census data indicates that almost 50 percent of the Indian population lived below the poverty level, compared to 19 percent for whites. In 1976, the median family income for Robeson County was \$8200 annually, compared to \$14,405 in the United States.

This makes the county one of the poorest in the nation with 35 percent of the total population living at or below the poverty level. For blacks and Indians, the number living at or below the poverty level is about 45 percent. The unequal earning power is especially hard for Lumbee families because of the larger number of dependents (Lumbees average 5.8, blacks 4.4, whites 3.5).

Low educational attainment, illiteracy, profound health problems, and lack of adequate housing are major problems that lower the economic status of the Lumbees. From this one can see that the socioeconomic level of the Lumbees is far below that of the average citizen of North Carolina. In order to address some of these problems, LRDA has been a very active advocate and catalyst for improvement of the social and economic conditions in Indian communities. Its accomplishments are a result of effective planning, community participation, and aggressive pursuit of support for programs and activities. LRDA has been a visible example of what Indians can do to help themselves and their community through concentrated cooperative efforts. LRDA has helped accomplish the following goals for Indian people:

- 1) Improve services in education and decrease illiteracy;
- 2) expand job opportunities and promote better employment;
- 3) expand economic opportunity for Indian business;
- 4) improve delivery of social services to low-income rural Indian families;
- 5) provide adequate day care services and enhance pre-school learning for Indian children;
- 6) increase knowledge and awareness of Lumbee culture and history and stimulate interest in native American studies by students and teachers;
- 7) increase Indian enrollment in post-secondary institutions and develop more professionals in technical, health, and human service careers;
- 8) stimulate increased knowledge and awareness of public issues affecting Indians;
- 9) promote Indian unity and organization;
- 10) provide services in housing, health, social services, and nutrition to meet the crisis needs of low-income Indian people.

In 1972, LRDA received its first grant from the Office of Economic Opportunity, which is today CSA (Community Services Administration), to provide a variety of economic development services to the Indian communities. Since its inception, LRDA has utilized about \$26 million in federal and other funding to provide services to the Indian communities. The funds have been efficiently utilized to provide services and assistance to over 15,000 people annually.

I would like just briefly to go through some of the programs LRDA has, and I want to emphasize the programs that have had a large impact on the community, such as CETA, day-care, and business development. The Comprehensive Employment and Training Act project (CETA) operated by LRDA from 1974 until the present has given a tremendous boost to the economy of Indian communities. Last year the CETA project provided manpower employment and training services that enabled over 1,000 Indian adults and youths who were unemployed or underemployed to obtain and retain employment. The CETA project encourages youth to continue studies in school or training and technical institute systems, and helps adults move into full-time employment through work experience and on-the-job training. The current budget for the CETA project is about \$3,171,000 and the goal for this year is to work with about 1,100 participants.

Since it began, the LRDA CETA project has utilized over \$18 million in federal funds to serve a total of about 10,000 low-income Indian people of Robeson, Hoke, Scotland, and Bladen counties. With LRDA assistance, many of these people have received training and improved their skills to enter into and remain

in permanent jobs. Their income levels have risen significantly and hopefully will continue to rise. Unfortunately, in future years, we anticipate that CETA will be cut back severely. The increase in the number of trained, skilled, and efficient Indian workers has helped the area to attract more and better paying industries. While there has been a large drop in the number of Indians employed in agriculture, this has been offset to some degree by a large number of Indians employed in manufacturing, transportation and public utilities, wholesale and retail trade, finance, insurance and real estate, and all kinds of service industries.

The General Community Programming Project is the major tool utilized by LRDA to directly stimulate economic development in Indian communities. Of the project's nine components, two are directly related to the economic growth, productivity, and improvement of the economic levels of Region N (Robeson, Scotland, Hoke, and Bladen counties).

In 1971 the agency began to assist Indian entrepreneurs within its service area in counseling, development analysis, technical assistance and loan packaging. This activity has been successful and continues to help produce independent Indian businesses. Thanks to a grant from the Administration for Native Americans, the office serves more clients in many phases of business development.

With help from the program, 36 new Indian businesses have been developed within the target area in the past year. The total amount of all business loans obtained with the assistance of LRDA was \$1,752,500. This activity has enormously impacted the economy of the area. This impact is more significant when one considers and applies the "multiplier effect". Money coming into the economy stimulates the local economy by a factor of four to seven times. These numerous new businesses definitely assist in better meeting the service needs of the Lumbee community and make the community more self-sufficient. This is economic development at its best because it uses local resources as the central focal point.

The most rapidly expanding program at LRDA has been the agency's day-care program. This program began in September, 1977 with the first center located near Pembroke. Today, LRDA operates seven centers serving low-income communities in two counties all licensed by the state of North Carolina to provide services to 315 pre-school children. The goal of the day-care program is to help increase the economic status of families by providing full-time day-care services that relieve parents of child care responsibility and enable them to obtain employment. The centers serve children from infancy to age five who live in low-income communities where appropriate day-care services are not available. The centers provide an educational and developmental curriculum, a safe and healthy environment, and nutritious meals and snacks. To enroll their children in the centers, parents pay a weekly fee that is based on a sliding scale determined by family size and yearly income. About 80 percent of the families served have low incomes.

By providing day-care facilities, approximately 210 mothers are able to re-enter the labor force, thus helping to stimulate the local economy. Our newest day-care center was developed through a joint agreement between LRDA and University Sportswear Inc., a division of 5 G's which is owned and operated by a local Lumbee businessman.

From a developmental point of view, this center is an excellent example of self-supporting day-care centers. After the first two years of operation with LRDA support, the industry will then operate and assume all costs. Furthermore, this last center is being used as a demonstration project for future development. Not only will badly needed day-care services be provided, LRDA will have demonstrated to the private sector the feasibility and benefits of creating such an operation.

To continue to upgrade the economy of the Lumbee communities, the LRDA suggests the following programs and policies:

- 1) To enforce "affirmative action" in hiring, firing, and promotions in large industries and businesses of the area, especially with a clear majority of non-minority employees.
- 2) To continue to provide special employment and training programs for Indians until some parity has been reached in income levels.
- 3) To continue to provide special educational services to enable Indians to overcome educational disadvantages that hinder their employment.
- 4) To continue to recruit better paying industry and businesses into the area to enhance employment opportunities and reduce unemployment among Indians.
- 5) To provide economic incentives to Indian businessmen to enable them to develop viable and competitive businesses in Indian communities.
- 6) To ensure that Indian programs receive necessary funding, a portion of the state block grant monies should be set aside for Indian tribes and organizations if the President's proposed block grant program is implemented.
- 7) To ensure that the Lumbee communities continue to exercise self-determination, we strongly recommend that the U.S. government through the Bureau of Indian Affairs recognize the Lumbee tribe and promote self-government among the Lumbee.

Although the statistics presented earlier clearly indicate that Indians in North Carolina continue to suffer from poor economic conditions, I have attempted to show that over the past decade LRDA has had a positive influence on the socio-economic level of the Lumbee people. However, it is important to stress that progress has just begun and must not stop here.

DeWeaver: I am very pleased to be here. I am particularly honored since I am probably one of the few people at the session who is neither a native nor a resident of the state of North Carolina, so I feel very privileged to be invited. I suffer from a couple of handicaps I can share with you. Number one, since I come from Washington, D.C., I'm an escapee or a momentary refugee from a trauma zone. The Reagan administration is very real and the shock waves, as is usual, are felt by those closest to the scene, and we're at about ground zero. Secondly, we have a subject which is really one which, to me, has pretty much all questions and no answers. I think the best discussion I have heard — and I mean this very seriously — in years of listening to discussions about the economic status and economic development of Indian people, is the discussion that's taken place over the last 45 minutes from Ruth and Ken about what they're doing in their own programs locally, in both urban and rural settings, to help address the economic problems of Indian people most directly. And I think that those examples that both Ruth and Ken have given certainly are examples that are going to have to show the way, not just in the state of North Carolina but among Indian groups in other states, in terms of what can be done with a very limited resource base and exercising a maximum amount of local initiative and local organizational strength, which is very important.

In looking at what's happening to the federal programs, I'll just hit the highlights; if there are any questions we can fill in the details. What we have had really is a very unfocused federal effort, even if we add all the initials together, for the last 15 years in terms of programs to improve the economic status of culturally unique people, particularly Indian people. You had a variety of programs that were Indian specific — the classic example being BIA programs going to the

federally recognized groups — but you also had other programs which began as they expanded through the '70s particularly, to recognize Indian people with a different status. These included CETA, which I know of fairly well, and even EDA (Economic Development Administration) where some of my ancient associates had begun in the last few years to pay more attention to the problem of nonfederally recognized tribes.

Then you had another collection of programs which were basically local development programs and were oriented around two or three ideas. I was very taken not too long ago when I read Galbraith's *The Nature of Mass Poverty* where he says, in talking about international economic development in the Third World, that what donor countries and the official development agencies do is deal not so much with the problems or necessarily with their solutions, but with a concept of what *they* can do. So, they define economic development as a situation needing technical assistance because the development agencies feel they can provide technical assistance, and they define economic development in terms of credit needs, needs for capital, because they feel they can provide them. On the domestic scene we have a series of programs that concentrate on local public facilities which are justified in terms of their need for growth, particularly manufacturing growth. EDA and HUD (Housing and Urban Development) programs have been of that type. We have other programs that look at capital needs. Farmer's Home Administration has a relatively new program which is about to be consigned into oblivion, a loan guarantee program for businesses in rural areas. SBA (Small Business Administration) has had some programs to the federally recognized tribes, and the BIA has had some programs.

What we are going to have to look for down the road is what's really been there all along but what people like myself, who are used to the grant programs, haven't thought of in economic development terms: the programs that depend upon modifications in the tax structure — industrial revenue bonds, industrial tax credits, accelerated depreciation allowances. There has been some experimentation in the last few years in combining the private capital need type activity that agencies like SBA have addressed in a public-private partnership best illustrated by HUD's Urban Development Action Grant, or UDAG.

Throughout it all, a key, which is best illustrated by both LRDA and Guilford Native, is the development of institutions themselves, and this has never been very well funded by the federal government. I guess at the bottom of a lot of policy literature is the notion that, in terms of low income people specifically, what we have to do is deal with cash assistance, transfer payments, and also deal with a skill development process funded primarily through both the educational system and through the Department of Labor's training programs, most recently CETA. So that's a kind of panoply of programs, most of them non-Indian, most of them at least in theory accessible to communities in which Indian people would be concentrated, including rural parts of the state of North Carolina.

Now what's in store under the new Reagan revolution in federal programs? Well, the notion is that a lot of these programs should disappear, and the budget proposals would totally wipe out in their original form the Economic Development Administration and all its programs. The Regional Development Commissions — there are two active in the state of North Carolina, the Appalachian Regional Commission and the Coastal Regional Commission, the Piedmont being relatively healthy, I guess — would disappear. On the rural side, Farmer's Home Administration's largest economic development program, the Business and Industry Loan Guarantee Program, would disappear totally. Interestingly enough, the one program that's really community-oriented, that not too much has been heard from lately although it's been chugging along all these years, is a program

sponsored by CSA (Community Services Administration) to promote community development corporations. This program would disappear. Other programs would shrink — the major shrinkage estimated to be in SBA loan programs and the disappearance of subsidized interest rates. Some of the programs going to the federally recognized tribes would shrink.

In transportation — and this is where the block grant concept comes in — and in the economic development program field, the main transmutation that's being discussed is the conversion of both HUD's Urban Home Action Grant program and the Community Development Block Grant program serving rural areas, the small cities program, into a state block grant program. This is the one major block grant that's being discussed in the economic development area. So these are some of the things that are in store. One agency I have not mentioned, although it's been key obviously in both the Guilford situation and Robeson County is ANA, the Administration for Native Americans, which is not thought of, at least in Washington, as an economic development program although the commissioner has worked mightily to give it that image. That program at the moment looks safe for two years, but at a reduced funding level.

Coming out of all this, what does this mean to Indian people in North Carolina? I would like to point out a couple of things that strike me as morals, even though I don't have the time to amplify them. One is that the reduction of federal funding, even though it will hurt some programs that are not that relevant to Indian people or other low income people, will mean that there will be less of an ability to explore options. With a shrinkage in federal money, you don't have the ability that, for instance, ANA has had within this state to test out some things which can eventually become self-sustaining or largely revenue producing, like the day-care programs. Less of an ability to explore options, much greater dependence on business ventures which are straight market, competitive ventures. Very hard business development, no game playing. Thirdly, what would seem to be a potentially enlarged state role. (I'm glad to be followed on the panel by someone who can speak to the state role within North Carolina.) On the block grant matter, I don't have quite the view that Senator Abourezk had, but something is going to happen that will probably affect at least one of the major economic development programs.

But through it all, looking at the status of Indian people, particularly the very unique status of Indian people in this state, there is a need I think at least intellectually — sometimes it's hard to put this in program terms — to look at what's really there and that's always overlooked. It's not in any of the programs. The intergenerational ability to develop human capital to me is extremely important. The family as a unit becomes very key, which is why the issue of family disintegration that Ruth talked about is so important. Because as we look at economic development apart from all the jargon, apart from all the federal alphabet soup, that would seem to be extremely important in the long-run survival of a people and a people's culture. There is also a need, I think, to test new development models, which presumably will thrive now that we don't have the feds to play around with anymore, or at least not on the same terms that we have in the past. So there are some real challenges, some challenges which I think will stimulate some new ideas which are badly needed — there's no doubt about it — will carve away some dead wood — there's no doubt about that either — but a situation which is going to be difficult to adjust to, particularly in the short run, for many, many organizations, including Indian organizations in the state.

Shope: What I would like to do very briefly is give you an overview of the different divisions that we have within the Department of Commerce. It's not really a lesson, but I think it will help explain what we're trying to do within the Department of Commerce. We have four different divisions that are called Economic Development Divisions, and I want to check through all four of them very quickly for you and give you an idea of what each division does by way of promoting industrial and economic development in the state.

The first division we have is the Industrial Development Division. Very simply, they work primarily with domestic industrial clients that are looking to relocate out of the Northeast, to put up a branch facility perhaps in the Southeast, or to make an expansion somewhere in the southeastern part of the United States. And we try to work very carefully with them in terms of doing a target industry analysis, trying to recruit only those good industries that would fit in North Carolina.

As I'm sure you're aware, we spend a lot of time talking about the microelectronics industry in the state of North Carolina. We feel that's a good industry and a good match for this state. That's one of the areas we're going to be focusing a lot of attention on in the next few years, not only microelectronics, but also pharmaceuticals, automotive, and other industries as well. That division works very aggressively; we have a full-time industrial development staff, we have very aggressive marketing and advertising program, and we feel that we are in fact keeping a fairly close edge on the competition.

The second division that we have is our International Development Division. They work primarily with foreign clients or with companies that locate out of North Carolina in Europe or in the Middle East or somewhere else. We also contact those companies that perhaps would like to visit North Carolina and set up operations. North Carolina ranked first in 1980 in new foreign industrial investments among the fifty states. That's something we're very proud of. The Division also works in the area of import/export. Companies across the state of North Carolina are very interested in exporting, and we have export specialists on our staff who work with those particular firms.

The third division we have is the Business Assistance Division. This division works primarily with existing industry by way of helping them to expand their operations, having employees change technology, and perhaps putting up a new building to house that new technology. Business Assistance also works in the area of financing, with industrial revenue bond financing being the primary vehicle for financing new industrial investments as well as expanding existing industry. They also have a third component and that is Small Business — businesses in North Carolina that are commercial, residential, and so on. The Small Business section works with those particular companies that, again, are interested in perhaps expanding.

The final division that's responsible for economic development, with a little different twist, is Travel and Tourism, which is a multi-billion dollar industry in the state. Our people are already working on the 1982 World's Fair that's going to be hosted in Knoxville. We feel that western North Carolina will certainly reap the benefits of those 11 million-plus people who will be visiting the World's Fair during the next two or three years.

In essence, those are the four primary divisions that we call Economic Development Divisions. And what we're trying to do, what we're trying to prepare for is, as Norm indicated, the Reagan revolution's federal cuts. They will impact very severely on economic development in this state, primarily through the demise of the Economic Development Administration. Our people indicate the EDA is pretty much out of business with one exception, and that is the

Public Works Division. We hopefully will have some water and sewer money left over from EDA.

One of the things that we're trying to do in this state is hold on to two specialty programs, one of those being the Governor's Community of Excellence, or Small Communities Program, and the other one our Metropolitan Marketing Program. I want to talk very briefly about each one of those. In the first, we work with small communities of 15,000 or less people that are interested in promoting economic development in their local areas. We do this through a very aggressive program. We sit down with community leadership, help them to form a local government corporation, take a look at their assets by the way of water, sewer, industrial sites, industrial training, in order to make them more competitive in luring new industry to their particular community. It takes a good bit of time for these communities to enter this program. It's an ongoing program, it's not a yearly designation. They have to come back year after year after year to make certain that they are keeping up with what most of the other communities and towns are doing across the state. We are servicing now about 120 different communities across North Carolina and again, the primary purpose is to help these communities get ready for industrial investment.

In addition to the Small Communities Program, we also work very closely with other state agencies. The two primary agencies we work with are Natural Resources and Community Development, by way of a series of workshops, and the Department of Community Colleges, which is becoming an important part of economic development in this state.

The other program I'd like to talk very briefly about is our Metropolitan Marketing Program. We have divided the state into nine different regions. There's no other state in the country that we're aware of that's putting a program like this together. Again, it is a very aggressive marketing program. We are saying to corporate facility planners and major Fortune 500 companies around the country and internationally that North Carolina is not a rural state. That in fact we do have some very fine metropolitan regions. For example, the Triad region (Greensboro, High Point, Winston-Salem) is in the top ten largest SMSAs* in the country. When you pool all those assets together into one bona fide region, you're talking about a lot of clout with industrial clients.

For too long North Carolina has lost major firms to Nashville, Houston, Philadelphia, and Atlanta because they get the image that North Carolina is in fact a small state, composed of small communities. We're working to change that image. Through a very aggressive marketing program, through launching this Metropolitan Marketing Program, by establishing nine different regions, we are in essence telling industrial clients all over that North Carolina does have some very fine assets in terms of its metrocenters.

This, in capsule form, is what we're looking at. I'm sure you're aware that North Carolina has achieved tremendous attention in terms of new industrial investments in the last ten years. I believe the total investment in this state over the last 10 years is about \$11 billion and that has added about 120,000 jobs. Obviously, we've got to continue in our efforts. And it's becoming more and more and more competitive. What we're looking at in terms of the Metro Marketing Program is that each of these nine regions now are forming associations, whether they're profit-oriented or nonprofit. Each of the nine regions will be represented

*Standard Metropolitan Statistical Areas

by an association which should be able to take over a lot of the economic development activities if in fact the local COG's* are phased out by the Reagan cutbacks. So again, we're trying to keep ahead of the competition, we're trying to see in the crystal ball what the major impact will be if all the federal programs are cut.

We feel the Metro Marketing Program will pick up a lot of that slack, at least that's our intent. But the competition is becoming very severe. We're not only competing now with some of the southeastern states, Tennessee, Virginia, South Carolina, and so on, but we're also competing very much with the northeastern markets. We're talking about New York, Pennsylvania, Ohio. The Northeast is beginning to turn around: they're finding out that they're losing a lot of their industrial base, their tax base is eroding. And that's going to change because they're developing some very attractive incentive programs for industry to remain right where they are in the northeastern part of the country.

So we hope we can continue to keep a couple of steps ahead of the competition. We hope to do that by encouraging our industrial-revenue bond financing authority, that's a very positive incentive for industries to come into the state. We're also encouraging the phase-out of the inventory tax — that's a disincentive for industries to locate, particularly if they carry a heavy inventory. We're also encouraging private development of organizations, and nine of those will be formed, as I indicated already, through the Metro Marketing Program. And also we're looking at bolstering very heavily our technical training programs. That's very, very important in terms of looking at the microelectronics industries that we hope will be coming into the state. It's also very obvious that many of the pharmaceutical companies, the automotive companies, and so on need a work force that is trainable and reliable.

Those are some of the things we're looking at in the Department of Commerce. We hope through the Small Communities Program as well as through the Metro Marketing Program that we'll be able to continue to beat the competition. We've had some very good success stories in the past with our smaller communities. I believe that we are making balanced growth work. It is being implemented, and people in Commerce seem to agree that we are spreading growth and spreading investment all over the state. We hope to continue doing that through these programs.

Peck: Ruth told us about the client group that she's got and the needs that they have, and addressed the job that she had been doing. She gave us the numbers and they were impressive. She also indicated that they were anticipating things getting pretty tight in terms of new kinds of money, and indicated they were beginning to try to develop some self-sustaining programs that weren't dependent on who gets elected, when, and where.

Ken came and gave us some more pretty impressive numbers and we'll be anxious to see what the 1980 Census tells us about Robeson County, because then we'll really have some solid benchmarks to compare. The size of his budget scared me, and it scared me because he's got a long way to come down if these programs really get cut as it seems they will be.

I looked with hope to Norm DeWeaver and what he said was hey look, the cafeteria of programs, the cafeteria of grants is closed and you better start

* Councils of Government

looking to your local situation. And that means your locally raised capital and your local social capital as well as financial. I think those are hard words and I think they're very important words, and they were echoed by Gary who said we'll give you lots of advice, we'll come and consult with you. We'll help you arrange a loan if you can find a bank willing to loan money to a profit-making operation. But he was pretty straight — no more free gifts.

The thing that strikes me is that this is where the Lumbees have historically been able to pull it together and prove it. When I first went down there, they did a lot of bragging about the fact that they weren't part of the Bureau of Indian Affairs — they had made it on their own, they had succeeded and survived in an atmosphere full of complications. As an anthropologist and as an observer, I am beginning to suspect that maybe some really good times are coming down there, that it's going to be tough for awhile but it's going to be the kind of situation that calls for what's best among the Lumbees. It's going to be the area where they really excel above other Indian groups. Maybe another way to look at it is that the last ten to fifteen years have been Phase I: to get you almost ready to make it in the real world. And, now, we're at the point where you are going to make it in the real world.

DISCUSSION

The task of the Small Business Division is to foster homegrown industry in North Carolina. In 1979, total investment in the state was \$2.4 billion, over half of which was due to the expansion of existing industry in North Carolina. The figures for 1980 are similar. Yet, there is some concern that North Carolina's focus on small community development concentrates on attracting out-of-state businesses, rather than on developing the state's local and human resources. People are migrating to the South, creating new markets and acting as an incentive for some corporations to open branch offices. There is a question as to whether the state should be using its energies to encourage corporate transplants rather than to foster local business and capital.

There is also a question as to whether the types of industry North Carolina is recruiting (micro-electronic, pharmaceutical, automotive) will provide job opportunities for minorities. Many Indians and members of other minorities are low-skilled or unskilled workers, whereas these industries demand a more highly skilled employee.

Finally, relocating corporations tend to bring in their own mid-level technicians to their new facilities. Once the facility is producing at full capacity, they often try to recruit local personnel to fill some mid-level technical positions. If Indians are to be among those hired, they will have to increase their educational and training levels.

CONFERENCE CONCLUSIONS AND RECOMMENDATIONS

The following is a summary of the major conclusions and recommendations of the conference.

EDUCATION

From 1776-1887, North Carolina's educational policy towards Indians was one of exclusion. In order to gain access to educational facilities, Indians led the fight for the establishment of Indian schools, beginning with the Croatan Normal School in 1887. By 1957, there were five Indian schools in the state. With the advent of integration, the pupils in these schools were gradually merged into the public school student body.

Today, although they are educated in the state's public schools,* Indians still are the victims of discrimination. In elementary and secondary schools, Indians are disciplined through corporal punishment and are removed from the classroom far more frequently than other children. In higher education, after being refused admission to the North Carolina university system for years because they were not white, Indians are now considered to be whites under the Minority Presence Scholarship Program. That is, Indians qualify for such scholarships only if they attend a predominantly black institution.

The continuing occurrence of discriminatory practices is partly a result of the lack of school personnel who understand Indian culture. Native Americans have always believed in the importance of education, but have traditionally held different values and practiced different life-styles from those of the dominant society. Self-interest and self-advancement, integral parts of American society, are inimical to the Indian's way of life. The conflict between these two worlds is often manifested in poor educational performances on the part of Indian children. For example, in the annual tests given students in grades 1,2,3,6, and 9, Indians test on grade level for the first few years but, by the time they are in ninth grade, they read two years below grade level and their math skills are one year below grade level.

There are a variety of governmental programs designed to address the educational needs of Indian students and, taken together, these programs now reach over 16,000 North Carolina Indian children. However, virtually all of these programs are federally funded and many of these funds will be slashed if the proposed Reagan budget cuts are passed. Consequently, Indians must work at the state level to get North Carolina to do more to improve the education of Indian children. Two factors are of paramount importance for the success of any such effort: the schools must hire teachers and administrators who have an awareness of and a sensitivity for the unique culture of American Indians, and the schools must improve their curriculum so that all children learn about Indian culture and heritage.

Currently, Indian and other minority studies, if offered by a school, are usually in the form of elective ethnic mini-courses. These mini-courses often suffer from low enrollment. Counselors frequently advise high quality students to avoid such classes because they will not help the student get into college, and instructors often refuse to teach these courses because they feel the courses should be taught only by minorities. This tendency to "ghettoize" minority studies — to view them

* Except for the federally recognized Cherokees, who may choose to attend the BIA school on their reservation

as classes taught by minorities for minorities — denigrates these courses and makes them likely candidates for elimination during periods of fiscal austerity. This attitude overlooks the important contribution minority studies make in broadening all students' understanding and perspectives.

The solution to this problem is to integrate minority studies into the overall social studies and English curricula, so that the education of all students at all grade levels includes minority study units. But this cannot be accomplished without improving the quality of available instructional materials. In the area of Indian studies, materials are particularly poor — textbooks providing accurate histories of North Carolina's Indians are in scant supply.

The burden of educating North Carolina's teachers and administrators about the state's Indians lies on the Indians themselves. They must take the initiative in writing the necessary documents. But there must also be a receptiveness on the part of the state to utilize these materials and incorporate them into the overall curriculum.

The panel's recommendations included the following:

1. Indians must pressure the General Assembly and the State Board of Education to clarify North Carolina's educational policy towards Indians.
2. The social studies curriculum for all grade levels dealing with United States and North Carolina history must be expanded to include the Indian heritage unit. Language arts curricula should include the work of Indians.
3. Local boards of education and superintendents should employ more Indians in administrative positions, and Indians now working in the schools should look to expand into districts outside the Robeson County area (where they are currently concentrated).
4. Indians must work to develop textbooks on Indian history, and then offer them as curriculum materials across the state.
5. DPI should develop a uniform data reporting system on Indian pupils and should use this data to respond to the needs of Indian students.
6. The North Carolina university system should adopt a requirement that all prospective teachers take at least one course on North Carolina Indian culture and history.
7. Superintendent of Public Instruction Dr. A. Craig Phillips should do more to enhance the status of North Carolina's Indians nationally, especially by appointing them to the Indian education subcommittee of the Education Commission of the States and to other national educational panels and study groups.
8. Indians from tribes other than the Lumbees need to attain administrative and other positions within the school systems.
9. Indians must exert political pressure on the 1984 candidates for Superintendent of Public Instruction in order to get them to be more responsive to the educational needs of Indians.

HEALTH

Serious health problems exist within North Carolina's Indian population. Compared to the general population, Indians have at least a 30 percent higher incidence of leukemia, arteriosclerosis, diabetes, kidney disease, motor vehicle

and other accidents, and homicides. The incidence of teen pregnancy among Indians is high, as is the infant death rate (23.1, compared to a 15.1 rate for the white population). Indian children suffer from high rates of sudden infant death syndrome (SIDS) and ear inflammation. The life expectancy of Indians is significantly lower than that of white North Carolinians: in Robeson County, for example, the average Indian lives 10 fewer years than does his white counterpart.

The rural environment in which many Indians live, their low socioeconomic status, their large numbers of young people, and their low level of educational achievement often contribute to their health problems. According to the 1970 Census, 86 percent of the state's Indians live in rural areas (compared to 56 percent of whites); 42 percent of the Indian population have incomes below the poverty level (13 percent for whites); the median age of the Indian population is 20 years (28 years for whites); and only 36 percent of the Indian female population between the ages of 15 and 44 has completed at least 4 years of high school (compared to 56 percent of the white females in the same age group). Indians often live in substandard housing and have access to poor water supplies. These characteristics work together to mitigate an Indian's chances of leading a healthful life.

The poor health status of Indians is compounded by their failure to utilize existing health services, especially those provided by county health departments. This results from a number of factors. The staff members of the health departments — who are rarely Indians — are often ignorant of the number of Indians in their county and frequently exhibit little sensitivity towards Indian health needs and problems. For their part, Indians are often unaware of the services available from the health department and many times lack either a means of transportation to get to the health department or a means of payment for health services. Mutual suspicion often damages the provider-client relationship: the health department staff sees a lack of motivation and lack of proper priorities as the Indians' chief problems, while Indians view the staff's lack of respect for Indian culture as presenting a barrier to the utilization of health services.

The cultural differences between native Americans and the dominant society can greatly hinder utilization of health services by Indians. While Indians are group- and extended family-oriented, the health care system, with its many forms and rules, is individual- and nuclear family-oriented. The frequent migration of Indians from rural to urban areas also restricts their access to and awareness of health services.

However, there are also some factors that positively influence Indian health. The native American's extended family support system and sense of tribal unity provide a number of resources that can be pooled to meet health needs. The Indian's holistic view of health (centering on the relationship between life-style, health, and spiritual well-being) and the increasing number of Indians who are trained and practicing in the health professions also create a positive (albeit limited) effect on Indian health.

The Reagan administration's proposed budget cuts and block grant funding mean that North Carolina's Indians will have to build upon the strengths of their communities and also pressure the state to be more responsive to their health needs. At the same time, North Carolina will have to accurately assess the health needs of its many subpopulations in order to parcel out scant resources to address the most pressing needs of its citizens. In the past, the quality of health statistics on Indians has been flawed because the census data upon which many of the statistics were based has been inaccurate in assessing the size of the Indian population. This has contributed to a lack of knowledge about the most pressing health needs of the Indian population, and a concomitant lack of programs to

meet those needs. However, the 1980 Census seems to be far more accurate in counting the Indian population than its predecessors, and the Division of Health Services has pledged to conduct an extensive analysis of the census data in order to assess the health needs of North Carolina's Indians. This may mark a new concern on the part of the state to deal with the special health needs of North Carolina's subpopulations, an area that has been neglected in the past.

The panel's recommendations for improving Indian health policies during a period of fiscal austerity included the following:

10. A tribal health board should be established to advise legislators, public personnel, and university personnel on Indian health matters.
11. Health Systems Agencies that service Indian populations should have voting Indian representation.
12. County health departments should perform more outreach services to make their Indian populations more aware of available health services.
13. The School of Public Health's Indian recruiting program should be continued and expanded so that Indian health providers are recruited and trained on a large scale.
14. Training programs, possibly sponsored by interprofessional networks, should be established for all non-Indian health personnel who will be working with Indian populations.
15. Where feasible, county health departments should establish or expand satellite clinics to reduce the distance rural populations have to travel to reach health services. Satellite clinics might be especially helpful to rural Indians in Robeson, Warren, Bladen, Scotland, and Hoke counties.
16. Research should be conducted into the positive health strengths of the Indian population and how these strengths can benefit all North Carolinians.

RECOGNITION

The history of federal recognition has been one of nonpolicy rather than policy. Today's federally recognized tribes are those with whom the federal government felt it necessary to bargain (usually for economic reasons). From 1783-1871, Congress concluded a number of treaties with various tribes, thereby establishing legal relationships with those tribes. From 1871-1920, legal relationships were consummated through agreements between tribes and federal representatives. After 1920, the "process" of recognition — the haphazard establishment of legal relationships between the U.S. government and Indian tribes — stagnated. Consequently, by the 1950s there were approximately 250 Indian tribes that were "recognized" because of their previous dealings with Congress and, as a result, they received BIA services. Those tribes with whom the federal government had not signed agreements were not entitled to such services.

In the 1970s, spurred by the insistence of nonrecognized tribes, by two judicial decisions (*Passamaquoddy v. Morton* and *United States v. Washington*), and by the work of the American Indian Policy Review Commission, the BIA at last developed a policy concerning federal recognition of Indian tribes. Now, according to the regulations of the Federal Acknowledgement Project, Indian tribes petitioning for recognition must be able to demonstrate that the group is of Indian descent and has operated as a political unit "substantially on a continuous basis."

The latter criterion may prove difficult to demonstrate since political institutions evolve over time, but logically and legally, Indians must be able to prove the

existence of some form of political organization to differentiate themselves from other minority groups. If they cannot do this, any special services they receive by virtue of being Indian would have to be open to other minority groups as well. (This conclusion is supported by the Supreme Court's decision in *Morton v. Mancari*, 1974. In this case, a non-Indian who had been denied employment by the BIA sued, claiming that he had been the victim of racial discrimination. The Court ruled that the BIA's policy of Indian preference for hiring was not a violation of the 14th Amendment, that the classification between Indian and non-Indian was political, not racial.)

Under the new regulations, the federal recognition process essentially consists of two phases: an evaluation by the staff of the Federal Acknowledgement Project on the merits of a tribe's petition, and a final decision on the petition made by the Secretary of the Interior. Politics will play a role in the latter phase, as there will be parties interested in seeing a particular tribe gain recognition and parties interested in seeing that tribe remain unrecognized. Consequently, if North Carolina's Indians are to pursue federal recognition, they will have to shore up their political support.

The area of state recognition has been dominated by the same haphazard nonpolicies that have characterized federal recognition. Since the states have followed no consistent policy for establishing legal relationships with the Indian tribes within their borders, the situation today in the states parallels that at the federal level: within the same state, there are often a number of state recognized and nonrecognized tribes. This is true in North Carolina, which recently adopted regulations to guide the future process of state recognition.

There are many objections to the current North Carolina regulations. Most center around the requirement that petitioning Indians prove they are at least one-quarter Indian blood. This requirement ignores the history of North Carolina's Indians, who have not maintained tribal rolls. Without such rolls, attempts to prove blood quantum are difficult. This requirement also bears no relation to U.S. policy, since blood quantum is irrelevant in federal law.

By imposing a blood quantum requirement, the state appears to be asking too much of Indians. Yet, at the same time, the regulations may require too little: unlike the federal regulations, the state does not require petitioning Indians to prove any history of political existence as an Indian community. Consequently, the regulations fail to acknowledge any political distinction between Indians and other minorities, and this may lead to legal difficulties in the future. Without a political distinction between Indians and other minorities, any benefits the state might give to recognized Indians would have to be given to other minorities as well.

Currently, however, such legal questions are academic in North Carolina, because the state has yet to define what state recognition means. Unlike federal recognition, state recognition in North Carolina does not carry with it any rights or obligations. Until North Carolina defines what immunities and services state recognition entails, the state will not have a recognition policy.

The panel's recommendations included:

17. The state's Indians must decide what they believe state recognition should mean, and then must pressure the General Assembly to enact legislation defining the immunities and services state recognition entails.
18. Indians must develop stronger political relationships both at the state and national levels to advance their interests. This will be especially important if North Carolina's Indians seek federal recognition in the future.

ECONOMIC STATUS

The majority of North Carolina Indians live in the state's rural areas and suffer from educational disadvantages, lack of employment opportunities and resulting low incomes, illiteracy, health problems, and lack of adequate housing. These problems combine to produce the low socioeconomic status characteristic of many Indians.

Recent changes in the economy of the state have brought some new opportunities for Indians as well as many new difficulties. In Robeson County, where over 35,000 Indians live, the economy has changed in the past ten years from predominantly agri-business to low-wage industry. This has forced Indians, who traditionally have been tenant farmers or sharecroppers, to seek new areas of employment. Unfortunately, they lack the training and skills necessary to obtain the few high-paying industrial jobs that are available in the area. Consequently, Indians are employed in low-paying service or operative positions.

The difficulty in finding good jobs in rural areas leads many Indians to migrate to urban areas, where many of the same obstacles to employment exist. In Greensboro, for example, the unemployment rate for Indians is 28-34 percent, compared to a 7 percent overall city rate. Indians lack the education and skills needed for even the simplest of jobs. They often encounter discrimination and suffer from culture shock: separated from the sense of community identity so common in their rural towns, they often feel alienated by the depersonalized urban culture. They also experience problems adjusting to certain aspects of urban life: paying bills on time, finding adequate housing, obtaining a reliable means of transportation. Consequently, the Indian who moves to a city seeking employment often finds himself no better off than before.

While North Carolina has developed several programs to encourage economic development across the state, there is no state policy for encouraging the employment of Indians in North Carolina. Without a policy and without educational skills, it is very difficult for Indians to find secure, well-paying jobs. In order to better address their needs, Indians in a number of communities in North Carolina have formed Indian centers. These organizations, such as the Lumbee Regional Development Association (LRDA) and the Guilford Native American Association, have sought to improve the economic status of Indians (through public and private programs) and the sense of community among Indians.

The centers have developed a number of programs aimed at increasing Indian self-sufficiency and job marketability. LRDA, for example, runs a business development project that uses local resources to promote business expansion, and a day-care project that allows over 200 low-income women to reenter the labor force. Guilford Native runs the "Guilford Native Industries" program in conjunction with several area businesses. Similar to CETA's Displaced Homemaker Program, it provides unskilled women with the opportunity to learn marketable skills while earning money.

By providing assistance in securing food, clothing, housing, and employment skills, and by serving as a focal point for cultural activities, these centers have helped improve the quality of life for many native Americans. However, the functions of these Indian centers will probably have to change because they rely to a great extent on federal funds for many of their programs, and many of these funds are scheduled to be cut. (Although in the past there has been an unfocused federal effort to improve the economic status of culturally unique people, several federal programs have assisted the Indian community. Many of the programs have been channeled through the Indian centers.) CETA, the Small Business Administration, and the Economic Development Administration have all been important to Indians — and all are facing severe reductions or extermination.

The Reagan budget would also eliminate the regional development commissions, many Farmer's Home Administration and Community Services Administration programs, and would reduce the funding of the Administration for Native Americans, which has been an active supporter of North Carolina Indian centers in the past.

In the future, the Indian centers will have to rely more on self-sustaining programs initiated through private capital. Any development projects will have to maximize local initiative and local organizational strength. The panel's recommendations included the following:

19. Native Americans should be included specifically in any minority hiring plans developed by the state, and existing affirmative action programs should be enforced.
20. Some federal, state, and local monies should be channeled to Indian centers so that they can continue their work among the native American population.
21. Indians must improve their educational achievement levels in order to compete for skilled, high-wage jobs.
22. The state or localities should provide economic incentives to Indian businessmen to develop competitive businesses in Indian communities. In order to do this Indians will have to work with local and state authorities to develop viable programs.
23. The state should recruit better paying industries and businesses into areas with heavy Indian populations, including Robeson, Hoke, Scotland, Halifax, Warren, and Bladen counties.

In the final plenary session of the conference, Adolph Dial offered the following reactions to the themes of the conference:

First of all I'd like to say that I am very appreciative to the Center for putting this conference together. Remember I said in the keynote address, I quoted Felix Cohen, that we have to have other people working with us, we can't just depend on our own side. It's going to take many people to help us push health and recognition and economics and education and any other area that needs help.

I've been hearing all day that the Reagan administration is a new way of life — maybe — and also hearing that we don't know quite yet what to expect, whether it be health or education or recognition or some other area. But I believe we must recognize that President Reagan is the president of the United States and that one of his strongest senators is from North Carolina, none other than Jesse Helms. I believe that Republicans and Democrats alike must use this man. I believe that too often we take the political side of the loser. If a man's for you and he can't help you, you're wasting your time. (I say this as a Democrat.) I have found that Jesse Helms in the past supported the Lumbees just like Charlie Rose. It's an established fact, I can prove it.

Now, on health, I hear all the problems — otitis media, diabetes, and so forth. I remember what Congressman Yates said in one of the American Indian Policy Review Commission meetings as they talked about this and this and this for Indians. He brought up the question of a national health program: do you really need a good clinic just for Indians if you're taking good care of all the people? You have to say that's a good question. I'm sure that one thing that I would like for someone to address, maybe in another meeting, is a national health program that includes Indians. Now, I'm not against Indians, I'm not against Indian

programs; I've probably done as much for Indians as half of the people here, and oftentimes when I speak like this, people don't understand what I am saying.

On recognition I hear some say well, we need BIA recognition, and then I hear others say maybe we don't need it, or do we really need recognition, what does it really mean to us? I hear some say again that the Secretary of Interior can recognize a tribe by himself. This being true, you see how important it is, politically speaking.

On economics, I think the Indians in North Carolina are quite different from the Indians of the Southwest. We are so much better off. I've visited the Southwest many times, and also the Sioux. We're so much better off. I think in North Carolina we need to spend a lot of time teaching our people to prepare, to get ready — get ready for the winter, you know, in the summer. Plant a garden so you'll have more food. Start a savings account if you only have a hundred dollars. I believe the time is coming when we must be able to get along with much less: therefore, we must become more efficient. Self-sufficient is the word.

In education, I appeared on the Buckley show back in September on public television, and I was asked a question on Indian education. I pointed out that there was very little in the way of books that gave fair treatment to the native Americans. And Buckley said there's *Bury My Heart at Wounded Knee*, a best seller, or *Custer Died For Your Sins* by Vine Deloria. He said, it seems to me that you're getting fair treatment. But he overlooked the one important issue: the textbooks aren't giving fair treatment to the native American. And when I got to that point (he didn't know that I had written a book on Lumbee history), he said I suggest that you write your own history. And you know, that's true.

Now I don't know what you see and I don't know what some of our Indian friends see in Washington over the past few years, but I believe I see native Americans — in the way of legislation, in the way of concern for all people — going slightly downhill since some years in the '70s. Maybe that's not taking place, but it seems to me that we were up at the top of the hill maybe around '76 but since that time I believe we've been going downhill. So I'd like to conclude by saying we need to work for all we can possibly get, and it almost sounds contradictory to say: be prepared to be on your own to do all you can so that you can make it on your own if you have to, so your children won't suffer.

APPENDIX A

Many of the recommendations made during the conference were general in nature and did not specify how they could best be implemented. The Center decided to refine some of these recommendations in order to suggest agencies that might most appropriately respond to them and processes for implementing them. The numbers beside the recommendations in this appendix correspond to the numbers assigned to the conference recommendations found in the final chapter of this report.

EDUCATION

1.a) The Division of Indian Education in the Department of Public Instruction should work with the State Board of Education to adopt a policy statement on Indian education that would require that Indian education units be incorporated into social studies and language arts curricula in grades K-12, encourage teachers and administrators to respect the heritage of Indian students and to view them as a cultural resource, and encourage local boards of education, superintendents, and principals to hire school personnel with Indian sensitivities.

b) If the U.S. Congress substantially cuts the funding of many of the programs currently serving North Carolina Indian pupils, the General Assembly should appropriate state monies to help compensate for the loss of these funds. Those programs currently serving North Carolina Indians include:

- Indian Education Title IV-A monies, providing supplementary funds to meet the special educational and cultural needs of Indian students and serving 16,192 students in North Carolina.
- Title I of the Elementary and Secondary Education Act (ESEA), providing funds to LEAs to improve the educational achievement of educationally disadvantaged children and serving 3,610 North Carolina Indian students.
- ESEA Title I Migrant funds, providing supplemental services to children of migratory agricultural and fishery workers and serving 1,030 North Carolina Indian students.
- Education for the Handicapped (P.L. 94-142) Title VI-D funds, to supplement the free educational services being provided for handicapped children, serving 1,368 North Carolina Indian students.
- Vocational Education (P.L. 94-482) funds for vocational skills development and job entry preparation, serving 700 North Carolina Indian students.
- Bilingual Education (P.L. 95-561) funds, to develop and carry out programs to meet the educational needs of children with limited proficiency in English, serving 94 Indians.

In addition, many North Carolina Indian students receive monies or special services from the following sources: the Emergency School Aid Act, Community Schools Act, School Lunch Program, and the Comprehensive Employment and Training Act (Title II-B).

6. All accredited colleges of education in North Carolina should offer at least one course on North Carolina Indian history and culture. At the state level, as part of the Quality Assurance Program the State Board of Education should require as a competency* that graduates of education programs be aware of the heritage of the state's Indians and be

*The state requires teachers to have certain "competencies" in order to be certified.

able to teach courses with multi-ethnic perspectives. In addition, the Commission of Indian Affairs should develop a resolution emphasizing the need for teachers, especially in social studies and language arts, to have some knowledge of North Carolina Indian history and awareness of Indian culture. This resolution should be presented to the University Council of Teacher Educators for consideration and adoption.

HEALTH

10. The Commission of Indian Affairs should request funding from the General Assembly to hire a person to assist each Indian tribe in the state in establishing a tribal health board.

11. Health Systems Agencies that service Indian populations (most especially, the Cardinal HSA which is based in Lumberton) should ensure that their membership includes voting Indian representatives. At the state level, the governor should appoint Indian representatives to the State Health Coordinating Council. In order to help assure that Indians will be appointed to these positions, the Commission of Indian Affairs should submit the names of qualified Indian applicants to the local HSAs, to the Director of the State Health Planning and Development Agency in the Department of Human Resources, and to the Secretary of Human Resources.

12. Indians should write to members of the Executive Committee of Local Health Directors and to the Director of the Division of Health Services to urge that the topics of Indian health and outreach by county health departments to Indian populations be put on the agenda for discussion at their upcoming fall, 1981 meeting. (Personnel from the Division of Health Services and the Executive Committee of Local Health Directors meet periodically to determine the most pressing health problems that are not being addressed by state policy and to recommend actions to address these problems.)

ECONOMIC STATUS

19. Indians should meet with representatives of the State Personnel Commission to urge the Commission to revise its hiring policy guidelines for the state to specifically include Indians. The Commission should also improve its data collection practices so that the Commission will keep track of the number of Indians employed by state government (Indians are currently lumped into the category of "other" because they do not make up 2 percent of the population). Indians should also meet with representatives of their local governments to convince them of the need to hire more Indian employees. In addition, Indians should meet with businessmen to work out agreements on Indian hiring practices to reduce the job discrimination many Indians face in the private sector.

20. Some federal, state, and local monies should be channeled to Indian centers so that they can continue their work among the native American population.* In addition, if federal economic development programs are consolidated into an economic development block grant, the state should channel some of these monies directly to its state recognized Indian tribes.

*Federal agencies or programs that have provided economic development funds to North Carolina Indians include: Small Business Administration, Administration for Native Americans, CETA, Economic Development Administration, and Farmer's Home Administration.

APPENDIX B

The following is Chapter 71A of the North Carolina General Statutes, in which the state recognizes several Indian tribes.

Chapter 71A.

Indians.

Sec.	Sec.
71A-1. Cherokee Indians of Robeson County; rights and privileges.	immunities, obligations and duties.
71A-2. Chapter not applicable to certain bands of Cherokees.	71A-5. Haliwa Tribe of North Carolina; rights, privileges, immunities, obligations and duties.
71A-3. Lumbee Tribe of North Carolina; rights, privileges, immunities, obligations and duties.	71A-6. Coharie Tribe of North Carolina; rights, privileges, immunities, obligations and duties.
71A-4. Waccamaw Siouan Tribe of North Carolina; rights, privileges,	

§ 71A-1. Cherokee Indians of Robeson County; rights and privileges.

The persons residing in Robeson, Richmond, and Sampson counties, who have heretofore been known as "Croatan Indians" or "Indians of Robeson County," together with their descendants, shall hereafter be known and designated as "Cherokee Indians of Robeson County," and by that name shall be entitled to all the rights and privileges heretofore or hereafter conferred, by any law or laws of the State of North Carolina, upon the Indians heretofore known as the "Croatan Indians" or "Indians of Robeson County." In all laws enacted by the General Assembly of North Carolina relating to said Indians subsequent to the enactment of said Chapter 51 of the Laws of 1885, the words "Croatan Indians" and "Indians of Robeson County" are stricken out and the words "Cherokee Indians of Robeson County" inserted in lieu thereof. (1885, c. 51, s. 2; Rev., s. 4168; 1911, c. 215; P. L. 1911, c. 263; 1913, c. 123; C. S., s. 6257; 1977, 2nd Sess., c. 1193, s. 1.)

Cross References. — As to the North Carolina State Commission of Indian Affairs, see §§ 143B-404 to 143B-411.

§ 71A-2. Chapter not applicable to certain bands of Cherokees.

Neither this Chapter nor any other act relating to said "Cherokee Indians of Robeson County" shall be construed so as to impose on said Indians any powers, privileges, rights, or immunities, or any limitations on their power to contract, heretofore enacted with reference to the Eastern Band of Cherokee Indians residing in Cherokee, Graham, Jackson, Swain and other adjoining counties in North Carolina, or any other band or tribe of Cherokee Indians other than those now residing, or who have since the Revolutionary War resided, in Robeson County, nor shall said "Cherokee Indians of Robeson County," as herein designated, be subject to the limitations provided in the Chapter Contracts Requiring Writing, G.S. 22-3, entitled Contracts with Cherokee Indians. (1947, c. 978, s. 1; 1977, 2nd Sess., c. 1193, s. 1.)

§ 71A-3. Lumbee Tribe of North Carolina; rights, privileges, immunities, obligations and duties.

The Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee 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 April 20, 1953, be designated and officially recognized as Lumbee Tribe of North Carolina and shall continue to enjoy all rights, privileges and immunities enjoyed by them as citizens of the State as now provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law. (1953, c. 874; 1977, 2nd Sess., c. 1193, s. 1.)

§ 71A-4. Waccamaw Siouan Tribe of North Carolina; rights, privileges, immunities, obligations and duties.

The Indians now living in Bladen and Columbus and adjoining counties of North Carolina, originally found by the first white settlers in the region of the Cape Fear River, Lake Waccamaw, and the Waccamaw Indians, a Siouan Tribe which inhabited the areas surrounding the Waccamaw, Pee Dee, and Lumber Rivers in North and South Carolina, shall, from and after July 20, 1971, be designated and officially recognized as the Waccamaw Siouan Tribe of North Carolina and shall continue to enjoy all their rights, privileges and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law. (1977, 2nd Sess., c. 1193, s. 1.)

§ 71A-5. Haliwa Tribe of North Carolina; rights, privileges, immunities, obligations and duties.

The Indians now residing in Halifax, Warren and adjoining counties of North Carolina, originally found by the first permanent white settlers on the Roanoke River in Halifax and Warren Counties, and claiming descent from certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after April 15, 1965, be designated and officially recognized as the Haliwa Tribe of North Carolina, and they shall continue to enjoy all their rights, privileges and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law. (1965, c. 254; 1977, 2nd Sess., c. 1193, s. 1.)

§ 71A-6. Coharie Tribe of North Carolina; rights, privileges, immunities, obligations and duties.

The Indians now living in Harnett and Sampson and adjoining counties of North Carolina, originally found by the first white settlers on the Coharie River in Sampson County, and claiming descent from certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after July 20, 1971, be designated and officially recognized as the Coharie Tribe of North Carolina and shall continue to enjoy all their rights, privileges and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law. (1977, 2nd Sess., c. 1193, s. 1.)

The following are sections of the North Carolina General Statutes pertaining to the Commission of Indian Affairs.

Chapter 143B, Article 9

Part 15. North Carolina State Commission of Indian Affairs.

§ 143B-404. North Carolina State Commission of Indian Affairs — creation; name. — There is hereby created and established the North Carolina State Commission of Indian Affairs. The commission shall be administered under the direction and supervision of the Department of Administration pursuant to G.S. 143A-6(b) and (c). (1977, c. 849, s. 1; 1977, 2nd Sess., c. 1189.)

Editor's Note. — The 1977, 2nd Sess., amendment deleted "a commission to be known as" following "established" near the beginning of the first sentence, deleted "of the Department of Administration" at the end of the first sentence and added the second sentence.

§ 143B-405. North Carolina State Commission of Indian Affairs — purposes for creation. — The purposes of the commission shall be to deal fairly and effectively with Indian affairs; to bring local, State, and federal resources into focus for the implementation or continuation of meaningful programs for Indian citizens of the State of North Carolina; to provide aid and protection for Indians as needs are demonstrated; to prevent undue hardships; to assist Indian communities in social and economic development; and to promote recognition of and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans. (1977, c. 849, s. 1; 1977, 2nd Sess., c. 1189.)

Editor's Note. — The 1977, 2nd Sess., amendment reenacted this section without change.

§ 143B-406. North Carolina State Commission of Indian Affairs — duties; use of funds. — It shall be the duty of the commission to study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs; to investigate relief needs of Indians of North Carolina and to provide technical assistance in the preparation of plans for the alleviation of such needs; to confer with appropriate officials of local, State and federal governments and agencies of these governments, and with such congressional committees that may be concerned with Indian affairs to encourage and implement coordination of applicable resources to meet the needs of Indians in North Carolina; to cooperate with and secure the assistance of the local, State and federal governments or any agencies thereof in formulating any such programs, and to coordinate such programs with any programs regarding Indian affairs adopted or planned by the federal government to the end that the State Commission of Indian Affairs secure the full benefit of such programs; to review all proposed or pending State legislation and amendments to existing State legislation affecting Indians in North Carolina; to conduct public hearings on matters relating to Indian affairs and to subpoena any information or documents deemed necessary by the commission; to study the existing status of recognition of all Indian groups, tribes and communities presently existing in the State of North Carolina; to establish appropriate procedures to provide for legal recognition by the State of presently unrecognized groups; to provide for official State recognition by the commission of such groups; and to initiate procedures for their recognition by the federal government. (1977, c. 849, s. 1; 1977, 2nd Sess., c. 1189.)

Editor's Note. — The 1977, 2nd Sess., amendment inserted "to provide for official State recognition by the commission of such groups" near the end of the section and made certain minor changes in punctuation and wording throughout the section.

§ 143B-407. North Carolina State Commission of Indian Affairs — membership; term of office; chairman; compensation. — (a) The State Commission of Indian Affairs shall consist of the Speaker of the House of Representatives, the Lieutenant Governor, the Secretary of Human Resources, the Director of the State Employment Security Commission, the Secretary of Administration, the Secretary of Natural Resources and Community Development, the Commissioner of Labor or their designees and 15 representatives of the Indian community. These 15 Indian members shall be selected by tribal or community consent from the Indian groups that are recognized by the State of North Carolina and are principally geographically located as follows: the Coharie of Sampson and Harnett Counties; the Haliwa of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the Waccamaw-Siouan from Columbus and Bladen Counties; and the Native Americans located in Cumberland, Guilford and Mecklenburg Counties. The Coharie shall have two members; the Haliwa, two; the Lumbees, three; the Waccamaw-Siouan, two; the Cumberland County Association for Indian People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two. If the Eastern Band of Cherokees should choose to participate, then they shall have two members on the commission thereby bringing the total Indian membership to 17.

(b) Members serving by virtue of their office within State government shall serve so long as they hold that office. Members representing Indian tribes and groups shall be elected by the tribe or group concerned and shall serve for three-year terms except that at the first election of commission members by tribes and groups one member from each tribe or group shall be elected to a one-year term, one member from each tribe or group to a two-year term, and one member from the Lumbees to a three-year term. Thereafter, all commission members will be elected to three-year terms. All members shall hold their offices until their successors are appointed and qualified. Vacancies occurring on the commission shall be filled by the tribal council or governing body concerned. Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member causing the vacancy. The Governor shall appoint a chairman of the commission from among the Indian members of the commission, subject to ratification by the full commission.

(c) Commission members who are seated by virtue of their office within the State government shall be compensated at the rate specified in G.S. 138-6. Commission members who are members of the General Assembly shall be compensated at the rate specified in G.S. 120-3.1. Indian members of the commission shall be compensated at the rate specified in G.S. 138-5. (1977, c. 771, § 4; c. 849, s. 1; 1977, 2nd Sess., c. 1189.)

Editor's Note. —

The 1977, 2nd Sess., amendment added "or their designees and 15 representatives of the Indian community" at the end of the first sentence of subsection (a) and rewrote the

remainder of subsection (a). In subsection (b), the amendment substituted "the Lumbees" for "each tribe or group" near the end of the second sentence and inserted "all" near the beginning of the third sentence.

§ 143B-408. North Carolina State Commission of Indian Affairs — meetings; quorum; proxy vote. — (a) The commission shall meet quarterly, and at any other such time that it shall deem necessary. Meetings may be called by the chairman or by a petition signed by a majority of the members of the commission. Ten days' notice shall be given in writing prior to the meeting date.

(b) Simple majority of the Indian members of the commission must be present to constitute a quorum.

(c) Proxy vote shall not be permitted. (1977, c. 849, s. 1; 1977, 2nd Sess., c. 1189.)

Editor's Note. — The 1977, 2nd Sess., of their office within State government" amendment deleted "and two members by virtue following "commission" in subsection (b).

§ 143B-409. North Carolina State Commission of Indian Affairs — reports. — The commission shall prepare a written annual report giving an account of its proceedings, transactions, findings, and recommendations. This report shall be submitted to the Governor and the legislature. The report will become a matter of public record and will be maintained in the State Historical Archives. It may also be furnished to such other persons or agencies as the commissioner may deem proper. (1977, c. 849, s. 1; 1977, 2nd Sess., c. 1189.)

Editor's Note. —
The 1977, 2nd Sess., amendment reenacted this section without change.

§ 143B-410. North Carolina State Commission of Indian Affairs — fiscal records; clerical staff. — Fiscal records shall be kept by the Secretary of Administration and will be subject to annual audit by a certified public accountant. The audit report will become a part of the annual report and will be submitted in accordance with the regulations governing preparation and submission of the annual report. (1977, c. 849, s. 1; 1977, 2nd Sess., c. 1189.)

Editor's Note. — The 1977, 2nd Sess., amendment reenacted this section without change.

§ 143B-411. North Carolina State Commission of Indian Affairs — executive director; employees. — The commission may, subject to legislative or other funds that would accrue to the commission, employ an executive director to carry out the day-to-day responsibilities and business of the commission. The executive director, also subject to legislative or other funds that would accrue to the commission, may hire additional staff and consultants to assist in the discharge of his responsibilities, as determined by the commission. The executive director shall not be a member of the commission, and shall be of Indian descent. (1977, c. 849, s. 1; 1977, 2nd Sess., c. 1189.)

Editor's Note. — The 1977, 2nd Sess., descent" for "should be of Indian extraction" at amendment substituted "shall be of Indian the end of the last sentence.

APPENDIX C

The following are the state regulations guiding the recognition process (from 1 NCAC 15.0207-.0214):

NORTH CAROLINA ADMINISTRATIVE CODE

ADMINISTRATION - COMMISSION OF INDIAN AFFAIRS

.0207 PROCEDURE FOR RECOGNITION

The procedure to be followed for recognition will be:

- (1) Petitioner (tribe or organization) submits a petition as set out in .0204 of this Section to the Commission of Indian Affairs at the address stated in .0107 of this Chapter;
- (2) Commission certifies receipt and explains procedure to petitioner;
- (3) With assistance from the commission, petitioner prepares a full application (may take up to one year), which is sent to the special committee on recognition;
- (4) Hearing before the special committee on recognition;
- (5) Decision is rendered by special committee on recognition;
- (6) If petitioner is not satisfied with the decision of the special committee on recognition, an appeal may be taken to the full commission;
- (7) The decision by the full commission will be rendered by at least a two-thirds majority of Indian members;
- (8) If requested, a hearing will be held before the full commission; the procedure as set out in Sections .0600 and .0700 of this Chapter will be followed;
- (9) If the decision is for recognition, the tribe or group is recognized by the state. If the decision is against recognition, appeal to the courts will be explained.

History Note: Statutory Authority G.S. 143B-406;

Eff. February 11, 1980.

.0208 TYPES OF RECOGNITION

A petitioner may apply to be recognized as one of the following:

- (1) "Indian tribe" is a population of Indian people all related to one another by blood, tracing their heritage to Indian tribes indigenous to North Carolina within the last 200 years, and whose members are one-quarter blood Indian;
- (2) "Indian organization or group" is a population of Indian people made up of members of state or federally recognized Indian tribes. Ninety percent of the organization or group must be Indian.

History Note: Statutory Authority G.S. 143B-406;

Eff. February 11, 1980.

.0209 CRITERIA FOR RECOGNITION AS A TRIBE

(a) The criteria to be used in the decision whether to extend official state recognition as a tribe are:

- (1) traditional North Carolina Indian names;
- (2) kinship relationships with other recognized Indian tribes;
- (3) official records such as birth, church, school or other recognizing the people as Indian;
- (4) letters or statements from state or federal authorities recognizing the people as Indian;
- (5) anthropological or historical accounts tied to the tribes' Indian ancestry;
- (6) letters or statements from presently recognized tribes or groups or their representatives attesting to the Indian heritage of the tribe;
- (7) any other documented traditions, customs, legends, etc. that signify the tribes' Indian heritage;
- (8) participation in or grants from sources or programs designated as for Indian only.

(b) In addition to the criteria listed in (a) of this Rule, the following are also relevant to the decision:

(1) any other material or documents the tribe may wish to present;

(2) any other material or documents the commission or special committee on recognition may request.

(c) Five of the recognition criteria listed in (a) of this Rule must be satisfactorily met to achieve state recognition.

History Note: Statutory Authority G.S. 143B-406;

Eff. February 11, 1980.

.0210 CRITERIA FOR RECOGNITION AS A GROUP OR ORGANIZATION

(a) To be recognized as an Indian group or Indian organization, the petitioner must show that at least 90 percent of their registered members are certified members of recognized state or federal tribes. The remaining up to 10 percent may be either members of un-recognized tribes or non-Indians.

(b) Inquiries will be made with the named tribes as to the tribal status of the members listed.

History Note: Statutory Authority G.S. 143B-406;

Eff. February 11, 1980.

.0211 RECOGNITION REQUIREMENT

Only tribes tracing back to Indian tribes indigenous to North Carolina at least for the last 200 years will be considered for recognition by the commission.

History Note: Statutory Authority G.S. 143B-406;

Eff. February 11, 1980.

.0212 COMMISSION ASSISTANCE TO PETITIONER

The Commission of Indian Affairs assistance to the petitioner will be limited to a full explanation of the procedure, informational requests, and limited technical advice.

History Note: Statutory Authority G.S. 143B-406;

Eff. February 11, 1980.

.0213 SPECIAL COMMITTEE ON RECOGNITION

A special committee on recognition will be established when the petition process is initiated. The committee will be appointed by the chairperson of the Commission of Indian Affairs from the present commission members who are Indians.

History Note: Statutory Authority G.S. 143B-406;

Eff. February 11, 1980.

.0214 TRIBAL ROLL

Each petitioning tribe or organization must submit to the commission at the address set out in .0107 of this Chapter, a roll of their members as a condition to recognition. The tribal roll should list the names and addresses of the people and relate each one to their kinship ties. For organizations, the roll should list the names and addresses of all members and if Indian, the recognized tribe to which the person belongs. These rolls must be submitted prior to the recognition decision of the Commission of Indian Affairs.

History Note: Statutory Authority G.S. 143B-406;

Eff. February 11, 1980.

