

### United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS WASHINGTON, D.C. 20245

MAR 28 1984

Tribal Government Services-FA

**MEMORANDUM** 

To:

Assistant Secretary - Indian Affairs

From:

Deputy Assistant Secretary - Indian Affairs (Operations)

Subject:

Recommendation and Summary of Evidence for Proposed Finding Against Federal Acknowledgment of the United Lumbee Nation of North Carolina

and America, Inc. Pursuant to 25 CFR 83.

### Recommendation

We recommend that the United Lumbee Nation of North Carolina and America, Inc. (hereinafter "ULN") not be acknowledged as an Indian tribe entitled to a government-to-government relationship with the United States. We further recommend that a letter of the proposed determination be forwarded to the ULN and other interested parties, and that a notice of the proposed finding that they do not exist as an Indian tribe be published in the <a href="Federal Register">Federal Register</a>.

### General Conclusions

The ULN is a recently formed organization which did not exist prior to 1976. The organization was conceived, incorporated and promoted by one individual for personal interests and did not evolve from a tribal entity which existed on a substantially continuous basis from historical times until the present. The ULN has no relation to the Lumbees of the Robeson County area in North Carolina (hereinafter "Lumbees") historically socially, genealogically, politically or organizationally. The use of the name "Lumbee" by the ULN appears to be an effort on the part of the founder, Malcolm L. Webber (aka Chief Thunderbird), to establish credibility in the minds of recruits and outside organizations.

The ULN has no characteristics of an Indian tribe which has maintained tribal relations from historical times. No evidence was submitted by the petitioner or found by the staff which indicates the organization ever had a political existence prior to or after its founding in 1976.

The ULN has undergone several changes in character since its founding. It was first a one-man idea, a small organization, and currently is an apparently substantial, widely dispersed, loose-knit organization, possibly nation-wide in scope. Webber organized and claimed leadership of several similar organizations including the Etowah Cherokee and Hightower Indian Tribes of Georgia in 1975; in 1976 the leadership of the Cherokee Nation-Iroquois, Georgia; in 1977 the ULN of Virginia; and in 1979, the ULN of California. He subsequently formed the Kaweah Indian Nation in 1980. Presently the ULN has the character of a widespread Indian-interest organization composed of individuals claiming ancestry from a diverse range of recognized and unrecognized tribal backgrounds. The ULN also appears to have a substantial number of non-Indians as members.

The present leadership and driving force behind the ULN group today are two individuals, Mrs. Eva Reed and Mrs. Ruby Boyer. Both women were recruits of Malcolm Webber, they wrested control of the organization from Webber with the help of the now-deceased spouse of Mrs. Reed. These women continue to operate the organization on a more discreet scale. As a result of the conflict over the control of the ULN Mr. Webber, a non-Indian, went on to form the Kaweah Indian Nation in 1980. The Acknowledgment staff could not verify that Mr. Webber has any Indian ancestry; his birth certificate indicates that he was born in Ellsworth, Maine (not Oklahoma, as he has publicly stated elsewhere) of non-Indian parents. Nothing in Mr. Webber's background discovered by the Acknowledgment staff indicates Indian ancestry in his family.

The present membership of the ULN is not composed of individuals of actual Lumbee descent. It is composed primarily of individuals who are recruited to join, who pay a modest membership fee, and who receive a wallet identification card in return. Some ULN members are also members of a wide variety of recognized tribes who are seeking Indian-interest organizations away from home reservations; some are members or believe themselves to be members of unrecognized Indian groups (other than Lumbee); numbers of members are non-Indian spouses and children of members who claim Indian ancestry; still others are non-Indians directly recruited by Mr. Webber in the early period of the organization and apparently inadvertently picked up by the later leadership when the group split in 1980. Most members cannot or have not established Indian ancestry through customary, accepted genealogical methods. Mrs. Reed stated that "We try to verify Indian ancestry as best we can." Documentation is not required, however, and applications are accepted with presentation of a completed family tree chart. Mrs. Reed and Mrs. Boyer have files with individual folders for members, but few contain documentation.

According to the current leadership of the ULN, its membership is composed of approximately 2000 members scattered widely throughout 43 states and the District of Columbia. The "Nation" (national organization) is a loose-knit organization of 18 "tribes" which have members in one or more state. The stated purpose of the ULN is "to enrich the cultural heritage of our people and help maintain their health and welfare, and to uphold the general rights of the Lumbee Indians. . . to be recognized as American Indians and to contribute a charitable service to our members." Local groups vary in character and in intensity of activity. Members of at least one of these "tribes" claim to have sent contributions to the "national headquarters" to help defray the cost of printing and mailing of the newsletter and for "other activities."<sup>2</sup>

There are no communities of ULN members, although there are non-Indian communities that have several ULN members residing intermixed with the general population. Membership is gained by application and payment of a ten-dollar "administrative fee." While it appears to be a relatively large organization numerically, it has no characteristics of an Indian tribe with the possible exception that some of its members may be Indian or part Indian. Few members, if any, appear to be Lumbees from Robeson County North Carolina or descendants of actual Lumbees. The ULN members generally claim membership from a wide variety of tribes.

### Evaluation of the ULN Petition by the criteria in Part 83 of Title 25 of the Code of Federal Regulations

The following is a discussion of the ULN in light of the criteria in Section 83.7 of the Acknowledgment regulations. It is based on research by the Federal Acknowledgment staff, submissions by the petitioner, and interviews with members and the principal leadership.

83.7 (a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of activity during various years.

There is no evidence that the group was identified on a prolonged and repeated basis as having been an American Indian entity by recognized Indian tribes, governmental agencies, scholars or other sources. The lack of evidence is not caused by fluctuations in the group's activity. The petitioner presented no evidence, nor could any be found by the staff, that any predecessor groups to the ULN existed prior to late 1976.

The ULN is neither a part of, nor is it an outgrowth of or in any way derived from, the Lumbees in Robeson County, North Carolina. No evidence was presented and none could be found that any relationship, historical or contemporary, existed between the ULN and the Lumbees, or any other North American Indian tribe.

The organization which represents the preponderance of the Lumbees, the Lumbee Regional Development Association, Inc., (LRDA) formally opposes acknowledgment of the ULN. In a letter to the Acting Deputy Assistant Secretary of the Interior, Kenneth R. Maynor, Executive Director of the LRDA, wrote:

Although the Lumbee population is widespread and very large, none of our people claim ties or give support to the United Lumbee Nation, the fraudulent organization directed by "Chief Thunderbird" Webber. Our people who became involved in the United Lumbee Nation did so to learn about his fraudulent schemes and to disclose them to the public. When the Indians soon learned of his criminal activities, they publicly denounced the United Lumbee Nation. Webber and his accomplices then moved to Exeter, California, where they resumed their fraudulent operations. 9

Although a great deal has been written about the Lumbee Indians, no evidence was found to indicate any scholars such as Adolph Dial, Robert Thomas, Carl Seltzer or Karen Blu have ever studied or even mentioned the ULN. The ULN's own account of its history dates the formation of the group in November 1976: "Chief Thunderbird Webber and his wife, Princess Sunflower Morningstar Webber, resigned as Chief of the Georgia Cherokees to help the Lumbee people as their Grand Council Head Chief to form the Lumbees into a nation."10

Because of the group's failure to show that an antecedent group existed which could be identified as Indian we conclude the ULN fails to meet the criteria in 83.7(a)

83.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and

### distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

Insofar as can be determined, there are no ULN communities and no group of members inhabiting a specific area or living in a community viewed as American Indian. There is no evidence that the ULN has any connection with the Lumbees in North Carolina in the past or the present, though there may be a few Lumbee individuals who have joined the organization. The petitioner submitted no evidence that its members descended from an Indian tribe which historically inhabited a specific area.

In its <u>Tribal Directory</u>, the ULN lists 19 "tribes" or local units which purportedly operate in the local areas around the country. 12 These are as follows (blank spaces appear as is in the directory):

#### TRIBE

MEHERRIN

Chieftairess: Princess Eva Silver Star Reed

Vice-Chief:

Secretary-Treasurer: Ruby Momma Quail Boyer

Tribal Area: North of Kern County, California to the Oregon border.

The States of Nevada and Utah.

### THUNDER STAR

Chief:

Vice-Chief: Delbert Winter Hawk Teis

Secretary-Treasurer: Bette Morning Dawn Valdrow

Tribal Area: Kern County, California south to Mexico border.

MAYACA

Chief: Elmer War Eagle Beck

Vice Chief:

Secretary-Treasurer: Lynda Kiska Varney Tribal Area: Arizona and New Mexico

MUSWAA

Chief:

Vice-Chief:

Secretary-Treasurer:

Tribal Area: Farmersville, Tulare County, California For information contact Councilman Gary L. Bell

COOSA

Chief: Samuel Strong Blood Wolhai

Vice-Chief:

Secretary-Treasurer:

Tribal Area: Oregon, Washington, and Idaho

**ACCOM AC** 

Chieftainess: Julia Ratliff Vice-Chieftainess: Cora Kasey

Secretary-Treasurer:

Tribal Area: District of Columbia, Virginia, Maryland, New Jersey

and Delaware.

### TRIBAL AREAS WITHOUT LOCAL CONTACT

WINYAW

Tribal Area: Colorado, Wyoming, and Montana

TEJAS

Tribal Area: Texas and Oklahoma

KEOWEE

Tribal Area: Kansas, Nebraska, and Iowa

KROATAN

Tribal Area: North Dakota, South Dakota, and Wisconsin

ACCOHANOCK

Tribal Area: Louisiana, Arkansas, and Mississippi

WEANOC

Tribal Area: Missouri, Illinois, and Indiana

**CHICKAM AUGA** 

Tribal Area: Ohio, Kentucky, and Tennessee

UPPER CHICKAMAUGA Tribal Area: Michigan

UPPER ACCOMAC

Tribal Area: Maine, New Hampshire, Massachusetts, Connecticut, Vermont, Rhode Island, New York, West Virginia, and Pennsylvania

LOWER ACCOMAC

Tribal Area: Georgia and Alabama

SAPONI

Tribal Area: North Carolina and South Carolina

NOTTOWAY

Tribal Area: Florida

WESTERN ACCOMAC Tribal Area: Oregon

Membership in these local groups appears to have no common characteristic except receipt of the ULN newsletter. Individuals and families who belong to these local groups appear to be randomly scattered thoughout the general population in a large number of states. No instance was presented, and none could be found, in which the ULN members could be distinguished as an Indian group from other citizens in a particular area. There was no indication of a common social, cultural or genealogical background. There appears to be no general knowledge of a common history before 1976. Individuals interviewed claimed a wide variety of tribal backgrounds including Cherokee, Choctaw, Creek, Hopi, Navajo, and a variety of California tribes. Virtually every member interviewed claimed he knew of non-Indian members, even though the constitution required Indian ancestry. Mr. Webber, the group's founder, claimed to be an Indian of Standing Rock and Oglala Sioux, Cherokee, Comanche, Navajo and Apache ancestry,

born in Webber's Falls, Oklahoma (see Appendix A). He was actually born of Caucasian parents in Ellsworth, Maine. Local groups appear to have the character of Indian-interest urban groups which pursue a wide range of activities determined by local interest.

The ULN has not demonstrated that a substantial portion of the group lives in a specific area or community viewed as American Indian; the members are not distinct from other populations in the areas in which they live, and its members are not descendants of an Indian tribe which inhabited a specific area. We therefore conclude that the ULN does not meet the criteria set forth in 25 CFR 83.7 (b).

# 83.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

A constitution for the ULN was originally drafted in mid-year 1977. A number of minor revisions have followed as locations, group members, and circumstances have changed from 1977 until the present. Mrs. Reed and Mrs. Boyer drafted the last major revision of the constitution in 1981 after the split with Webber. 14

There is no evidence that the group maintains political influence over its members. Mrs. Reed acknowledges the fact that the primary function of the "national office" is to publish the newsletter; to accept donations, gifts and grants; to raise funds from sales of books, papers and other "enterprises in line with the nation's business"; and to collect admissions and donations to social events. The "national office" also keeps files on members and a mailing list for the newsletter. The purposes of the organization, as written in Article 7, Section A of the most recent constitution, are to enrich the group's cultural heritage, uphold the general rights of the Lumbee Indians, and to be recognized as true Native American Indians."

The ULN did not provide a statement of fact or evidence to suggest that the group maintained tribal political influence or other authority over its members at present or at any time during its existence since 1976. The organization was founded in 1976 and did not evolve from an earlier tribal political body. The present leadership does not control or affect the operation of local units, and in fact candidly stated that activities of the local "tribes" are determined by the local group. In a letter to the Branch of Federal Acknowledgment Ms. Reed notes that "Each tribe [local organization] has a tribal by-laws to govern their tribe." Because of this and the fact that a large portion of the Nation's executive officers are in the Meherrin Lumbee tribe of California and Nevada, a local organization in California, the National Office or Main Office was moved to Exeter, California in May 1979 and subsequently to Fall River Mills California in 1980.

We conclude that the ULN fails to meet the criteria in 83.7(c) because the group has not existed throughout history until the present; has never existed as an autonomous entity; and presently does not exercise political authority over its members.

83.7(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

The ULN leadership has submitted four separate governing documents. The first was submitted on June 10, 1978, when Mr. Webber resided in Richmond. Article VI of this document dealt with membership and simply said "Adopted into the nation a person may

keep his birth nation identity. No one with black African blood to be member of this nation." On January 22, 1979, this same document was resubmitted with a line drawn through the sentence "no one with black African blood to be a member of this nation" and a handwritten note added at the bottom of the ULN governing document stating "This is only part of our laws." A third and slightly longer version of the ULN governing document was submitted to the Bureau in September, 1979. The third version, dated July 12, 1979, provided for a \$10 "roll fee" to "help with printing." As will be seen in Sections 1 and 2 of the revised Article VI quoted below, membership was, for the first time, to be restricted to persons known as Lumbee:

- Section 1. Adopted into nation person must be known as Lumbee. Those with negro blood must prove thier [sic] Indian blood.
- Section 2. Citizenship of nation; any tribal member can join any group.

  But Lumbee people are allowed to carry roll card of our nation only.

The three preceding governing documents were submitted while the group was under the leadership of Thunderbird Webber. Following a split in the ULN organization in 1980. Mr. Webber went on to form the Kaweah Indian Nation.

The ULN organization continued under the leadership of Mrs. Reed, who submitted the fourth "clarified and amended constitution and By-Laws" of the ULN in November, 1981. This document describes how the group governs its members and sets forth the following requirements for membership in the ULN:

### Article 5, Membership:

- Section A. All persons must document their Indian blood line. To be excepted into the United Lumbee Nation of NC and America. Of not less than 1/16 Indian blood.
- Section B. Adoption membership is by being married to a Indian member, or by majority vote of the Grand Council, on recommendation of a local Tribal Chief.
- Section C. Citizenship of Nation: All members must acknowledge, they are members of the United Lumbee Nation of NC and America.
- Section D. There is a one time only roll donation fee, per application, to help pay printing and postage costs.
- Section E. There are no restrictions on members belonging to a club, or fraternitys. The United Lumbee Nation is a Soverign Nation not a Club.

(Note: The above article concerning membership is quoted exactly as it appears in the document, verbatim, including typographical and spelling errors.)

We conclude the ULN has met the criterion in 83.7(d) through the submission of its current as well former governing documents.

83.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined

criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

Information concerning the membership of the ULN was scarce. No membership roll/list was provided for the group covering the period when the ULN was under the leadership of Mr. Webber. The only roll available for review was one provided by Mrs. Reed on February 25, 1980, which contained the names of 1,321 members. The group presently claims over 2,000 members showing an increase of at least 679 members who have joined since the roll was submitted.

The 1980 roll was organized regionally into 19 different Lumbee "tribes" based essentially on member addresses. (For a list of the 19 "tribes," refer to page 2.) Information furnished for each member included his name and ULN roll number. Addresses were provided for roughly half of the names listed. However, except for a few notations indicating individuals to be "mother" or "children of roll number," the roll contained no other information of a personal nature. Further, no ancestry charts of any kind were provided and the acknowledgment staff was notified that release of such information would be against ULN policy.

Mrs. Reed, chairman of the group, states that the "[ULN] of North Carolina and America is a fragment of the Lumbee's of North Carolina [who were] recognized by Congress in 1956 as Indian people." She goes on the say "We are aware that the Lumbee Regional [Development] Association (LRDA) of Pembroke, NC does not agree with us." (Reed to Shapard, September 15, 1982) Mr. Kenneth Maynor of the LRDA maintains that LRDA knows of no Lumbees who have remained members of the ULN after learning the true nature of the organization. 19

Based on interviews with a number of the members and on ULN literature, Acknowledgment researchers anticipate that less than 4 percent of the group's members are likely to be of Lumbee ancestry. Mrs. Reed presently believes the percentage of Lumbee ancestry in the group to be somewhat higher. The Indian ancestry, if indeed any, of ULN members could not be verified, however, due the total lack of personal information about individual members.

Leaders state that although all ULN members are required to possess 1/16 Indian blood, they do enroll some non-Indian spouses to avoid breaking up families. Applicants for membership must complete a form giving their name, address and date of birth, and the names and dates of birth for their spouses and any children living at home. The membership application form asks only two questions regarding the Indian ancestry of the applicant and his/her spouse—"how much Indian" and "tribes if any." "Documentation of Indian ancestry as best [they] can," [Reed/Shapard interview, 11/15/82] and that most of the ULN members are Cherokee or Choctaw descendants. Mrs. Reed says the group has no illusions about being a tribe like the Hopis or the Navajos, but that they are rather a group of individuals of Indian ancestry who share a common interest.

Although the group has provided a current list of its members, it has not provided the genealogical information or documentation needed to establish the Indian ancestry of its members. Based on acknowledgment research and on evidence provided by the petitioner, we conclude that the group's membership has not established descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity. We further conclude that even if genealogical information were provided for individual members, it is unlikely that documentary

evidence would establish the group's members as being descendants of a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity. Therefore, the ULN does not meet the criterion in 25 CFR 83.7(e).

### 83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

The petitioner did not directly address this criteron. However, research by the Acknowledgment staff, ULN publications and correspondence, and statements by ULN members all indicate that the ULN is composed of individuals who claim membership in or descendancy from a variety of recognized and unrecognized Indian tribes and groups, as well as some non-Indians. Because no personal information was provided for ULN members, it was not possible to verify or determine the extent to which ULN members were or were not enrolled in other tribes whether recognized or unrecognized.

Based on what little is known about the character of the ULN at this time, we conclude that the ULN does not meet criterion 83.7(f).

## 83.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

The petitioner states that the group is not nor has it ever been terminated by Congress and that their "membership does not belong to terminated tribes." (Reed to Commissioner of Indian Affairs, 2/25/80) The ULN of North Carolina and America does not appear on the Bureau's official list of "Indian Tribes Terminated from Federal Supervision." Research revealed no legislation terminating or forbidding a Federal relationship with the ULN. We should point out, however, that due to the incomplete nature of the membership list submitted and the total lack of information concerning the Indian ancestry of individual members, it has not been possible to determine if specific individuals have been terminated or are members of groups which have been forbidden the Federal relationship.

We therefore conclude, based on what is known about the character of the group, that the ULN is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship and that the group has met the criterion in 25 CFR 83.7(g).

### Lumbee Background

Because of the possibility of confusion caused by Webber's use of the name Lumbee, the following brief background of the Lumbee group is given here.

The Lumbees of Robeson County, North Carolina are a large unrecognized Indian group, estimated to have from 25,000 to 40,000 members. Although their members reside primarily in Robeson and adjacent counties, thousands of Lumbees are scattered throughout the United States. The Lumbees are the largest known unrecognized Indian group in this country. The group and several sub-groups have petitioned the Department of the Interior for recognition as an Indian tribe under 25 CFR 83.

The Lumbees came to the attention of the Department of the Interior in 1888 when a delegation came to Washington to seek recognition and assistance in educating Lumbee children. The request was denied on August 11, 1890 in a letter from the Commissioner of Indian Affairs to W.L. Moore of Osborne, North Carolina citing lack of adequate funds to provide for the "immediate wards of the Government."

The Lumbees again sought recognition in 1910, during the period when the Eastern Cherokees were being enrolled. Although they were not recognized at that time, they succeeded in obtaining legislation in 1911 from the State of North Carolina which changed the name of the group from Croatans to "Indians of Robeson County." This was again changed to the Cherokee Indians of Robeson county in 1913.3

The Bureau of Indian Affairs researched the group in March 1912. The research was conducted by Mr. Charles T. Pierce, Supervisor of Indian Schools. He observed "there are but few full bloods among the Croatans [Lúmbees] although one would readily class a large majority as being at least three-fourths Indian." Pierce further concluded that the State of North Carolina was providing adequately for the education of the Indians, although he noted he had not actually visited the schools.<sup>4</sup>

In 1912 and 1913, bills were introduced in the United States Congress to provide funds for construction and maintenance of a school for the Indians of Robeson County. The bill passed the Senate, even though the Department of Interior objected, but it died in the House committee. The Senate, however, passed Resolution 410 in 1914 directing the Secretary of the Interior to "cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina." The report was done by a Mr. McPherson, apparently relying on the historical work of Hamilton McMillion, and was described by a Department official as being of "doubtful value." Notwithstanding this, the report contained some discussion about establishing a Federal Indian loarding school for the Lumbees, but no Federal school was established. A number of Lumbee children apparently attended the Indian boarding school Carlisle, Pennsylvania.<sup>5</sup>

In February 1935, a Joseph Brooks appealed to the Commissioner of Indian Affairs to clarify the rights of the unorganized and unrecognized Indians in North Carolina under the recently passed Wheeler-Howard Act (Indian Reorganization Act). The question was referred to Felix Cohen, Departmental Solicitor, who replied in a memorandum dated April 8, 1935. Cohen expressed the opinion that the Lumbees could "participate in the benefits of the Wheeler-Howard Act only so far as individual members may be of one-half or more Indian blood." The Secretary of the Interior concurred with the Cohen opinion.

The opinion ultimately led to the now infamous physical anthropometric study of the Lumbees in 1936 in which it was concluded that only 22 Lumbee people of 108 tested were one-half degree or more Indian blood. A year prior to the report (1935), the group acquired 9,399 acres of land under the Department of Agriculture's Resettlement Administration. The land, however, was not considered Indian land and was administered by the Department of Agriculture. It was sold in fee by that Department in the 1940's. The land, however, was not considered that Department in the 1940's.

In 1956, Congress passed legislation designating the Indians of Robeson County "Lumbee Indians of North Carolina." The Act provided that "nothing in this act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians."

In recent years, several groups in Robeson and adjoining counties have petitioned for Federal acknowledgment under 25 CFR 83: the Hatteras Tuscarora (6-24-78), the Lumbee Regional Development Association (1-7-80), the Drowning Creek Tuscarora (2-25-81), and the Hoke County (NC) Cherokees (9-20-83).

## BACKGROUND OF THE UNITED LUMBEE NATION OF NORTH CAROLINA AND AMERICA

So far as can be determined by the Federal Acknowledgment staff there is no social, cultural, genealogical or historical connection between the United Lumbee Nation of North Carolina and America with the Lumbees indigenous to Robeson and adjacent counties in North Carolina or to any other North American Indian tribe. While certain Lumbees may associate with the ULN, this appears to be only a very few individuals. The North Carolina Indian Commission and representatives of the Lumbees have strongly opposed any recognition of the ULN and have challenged the ULN's right to conduct any business using the Lumbee name.<sup>21</sup>

A predecessor group, the "Cherokee Nation-Iroquois" of Albany, Georgia first came to the attention of the Bureau of Indian Affairs in October 1976, when President Gerald Ford asked the Interior Department to respond to a letter from Chief Thunderbird Webber and War Chief Red Bird requesting recognition of the tribe and a grant of money or land. Earlier documents have been found that indicate in the spring of 1975 Webber was publishing The Cherokee Nation Times and Etowah American Indian News. He listed himself on the front page of the paper as "Chief Thunderbird Webber, Principal Chief - Grand Chief of the Etowah Cherokee Nation of Georgia and the United Hightower Indian Tribes of America." These organizations were the predecessor groups to the ULN, and collowing the historical sequence of Webber's activities in Georgia will allow a fuller understanding of later events.

By 1976, Webber dropped any reference to the Hightower Indian Tribes (a non-existent tribe), shortened his title to Principal Chief, and had letterhead stationery printed for the Etowah Cherokee Nation of Georgia. Webber mentioned in a July 1976 letter to a contemporary that he had been contacted by the American Indian Policy Review Commission with a request for information about his organization. He also noted in the same letter that he had received a card from the National Congress of American Indians (NCAI) for membership "in their group HQ at Washington D.C." NCAI has no record of Webber's membership application or that of the ULN.<sup>23</sup>

Webber complained in the same letter that it was difficult to get anything done because "our nation does not recognize the BIA..." In the October 1976 letter to President Ford on letterhead stationery of the "Independent Cherokee Nation - Iroquois," he wrote that the United Cherokees of Georgia were "Cherokee people of Georgia and we have 27 tribes, about 1000 members. All we ask is that you give us a pierce [sic] of land set apart from the rest where we can live our lives the way we want is that to [sic] much to ask." Webber also claimed to be the Grand War Chief of the Etowah Cherokee Nation and told the President that if he were not given what he wanted or the money for it that "we will take whatever actions is [sic] necessary to get what is ours." The Solicitor for the Department of the Interior responded on November 11, noting the matter of recognition of Indian tribes was under close review and that it would be some time before the question could be resolved.<sup>24</sup>

In November 1976, Webber was interviewed by Joan McNeal, Managing Editor of Rural Georgia Magazine. Among other things, Webber noted in the interview that he was the Chief of the United Cherokee of Georgia which consisted of "twenty four tribes in 32 states and in Canada. We have roughly over 15,000 people in these tribes." This constitutes a difference of three tribes and a growth of 14,000 members from the previous month.

Webber also noted in the interview that to be a member one must be "at least one-sixth degree Indian Blood and be able to prove it!" (A 1/6 degree blood quantum is an impossibility.) Webber noted that the group also adopted "other Indian people into our tribes. . . Chaw-Chaws [a non-existent group], Chicosaws [sic], we have even adopted some Apaches." Webber concluded the interview with a statement indicating his group wanted to get recognized in Georgia. (The complete interview is attached as Appendix B.)

Webber's increasing activity and visibility apparently led to pressure from State officials and from other unrecognized Indian leaders in Georgia who claim to have exposed him for attempting to get a "free ride on the Indians" by misleading them into projects profitable for himself. Webber was also criticized for obtaining donations from his church operation to help Indians which he used for personal purposes. (Over the years, Webber has been associated with several Pentecostal religious organizations: The Open Door Church Fellowship in Georgia, a form of the Native American Church in Virginia, and the Pentecostal Charismatic Holiness Church, Inc. International in California. Webber listed himself in a brochure from the latter as Bishop Dr. M. L. Webber, International President.) Under this pressure concerning his Indian and church activities, Webber dropped out of sight for several months, during which time he moved from Georgia to Virginia. 26

On June 25, 1977, Webber wrote to the Bureau of Indian Affairs requesting copies of the proposed Acknowledgment regulations and stating that the Lumbees were already a recognized tribe. He used letterhead stationery of the "United Lumbee Nation of North Carolina and America" and signed as "Grand Council Head Chief." Webber was forwarded a copy of the proposed regulations on October 28, 1977, and advised by the Department of the Interior's Acting Assistant Solicitor in the Division of Indian Affairs that the proposed regulations were probably not applicable to the group he represented.

In the meantime. Webber drafted and had printed a constitution and by-laws for the ULN with a post office box and address in Richmond, Virginia. The organization also received a corporate charter from the Commonwealth of Virginia on September 16, 1977.

A second charter was filed in North Carolina on February 3, 1978. documentation for an application for non-profit status indicated the ULN membership was composed of Lumbee Indians and other Indian people nationwide and was organized for the purpose of helping American Indian people to receive their equal rights as Indians and American citizens. Jim Chavis, a Lumbee, signed the application for nonprofit status as "Grand Chief." A "to-whom-it-may-concern" letter appointing Chavis as Tribal Chief was signed by "Chief Thunderbird Webber Grand Council Head Chief." Mr. Webber's activities quickly attracted the attention of the Lumbees in North Carolina and the North Carolina State government. He was forced to leave a meeting at the North Carolina Indian Unity Day celebration by the Lumbees who were participating. Bruce Barton, editor of The North Carolina Indian Voice, a Lumbee newspaper for "all Indians and all their friends everywhere," insisted that Webber stop referring to The Webber had been ostensibly taking Indian Voice, in Webber's ULN newsletter. subscriptions for The Indian Voice. Barton alleged Webber was not of Indian ancestry and was basically a fake. Barton, in a letter to Webber, noted that many Indians across the nation had informed him that Webber was not Indian, that he knew little if anything about the Lumbee Indians, and called the ULN a questionable movement.27 The Executive Director for the North Carolina Commission on Indian Affairs, Bruce Jones, himself a Lumbee, wrote Webber on July 7, 1977, and questioned Webber's authority to represent himself as a Lumbee Chief and questioned the authenticity of a number of societies

mentioned on the ULN application form. Jones noted that "No Lumbee that I know is acquainted with you, and we seriously question your authority to represent yourself as a Lumbee Chief." Jones further noted that he was requesting the Virginia Attorney General to investigate the legal status of the ULN.

In his response to Jones on July 18, Webber noted that there was a "little misunderstanding somewhere." He wrote that "we are no crooked racket to get money from Indians... We are out to promote the Lumbee cause... I do not represent all Lumbees only those of our group."

Notwithstanding Webber's disclaimers and the pressure from the Lumbees, the State of North Carolina, and to some extent the Commonwealth of Virginia, Webber continued to operate much as he had previously. This included selling memberships through his newspaper, The Lumbee Nation Times. Angered by Webber's tenacity, the Lumbees, through contacts with the North Carolina Congressional delegation, requested the U.S. postal service to investigate the ULN's mail-order membership activities.

There is no indication that Webber made any immediate changes in the ULN's operation as a result of the investigation. On June 10, 1978, Webber wrote the Federal Acknowledgment Staff that the ULN was planning to buy "thousands of acres of land in California and Oregon"; that the new tribal office would be in Portland, Oregon as of July 1978; and that the Lumbees were already recognized pursuant to the June 7, 1956 Act. 28 He also noted that the Lumbees in North Carolina were not on the ULN rolls and should be federally recognized. The letter is significant in that it indicates Mr. Webber appears to have made contacts in California. By January 10, 1979 Webber again wrote requesting "Guidelines of Preparing a Petition of Federal Acknowledgment" [sic] as an Indian Tribe and requested a copy be sent to Johnny "Silver Eagle" Reed in Exeter, California.

On January 22, 1979, Webber filed a letter formally petitioning the Department of the Interior for Federal Acknowledgment of the ULN. In the letter he noted that the "Greater Lumbee Confederacy covers three countries and is still growing with two governments. . . ."

Webber wrote again on March 5, 1979 confirming the fact that the ULN had petitioned with the January 22 letter and pressed the argument that the Lumbees were recognized through the 1956 Act. It appears that Mr. Webber moved the ULN operations entirely to California in the early Spring of 1979, and was himself residing in or near Exeter by May of that year.

### Summary

According to Mr. Webber's account, he resigned his office as Chief of the Georgia Cherokees in November 1976 "to help the Lumbee people form the Lumbee into a Nation." Mr. Webber worked for a time with Jim Chavis, Lumbee, to form an organization incorporated in North Carolina and Virginia, and to recruit members including Lumbees, other Indians, and non-Indians.

Activities while in Virginia included selling subscriptions to his newsletter The Lumbee Nation Times; selling miscellaneous items such as business cards and pamphlets on how to trace family roots; and selling memberships in the organization for \$1.00 to \$3.00. Webber also made extensive efforts to establish his credibility, at least at a certain level. He attended unrecognized Indian gatherings up and down the East Coast, espoused legitimate Indian causes in his newsletters, and claimed personal responsibility for the passage of legislation recognizing the Siletz Indian Tribe.<sup>30</sup> His activities soon captured

the attention of the Lumbees in North Carolina who were facing their own public image problem and who perceived the ULN as a detriment to their good name, and a threat to their aspirations for Federal acknowledgment and other Federal programs. Both North Carolina and Virginia expressed official concern about the ULN activities and the Postal Service, at the request of North Carolina's Congressman Charlie Rose, began an investigation of Webber's activities. Under this pressure, Webber moved to California.

### BACKGROUND OF THE CALIFORNIA LUMBEE

When Webber moved to California he attached himself first to an urban group called the Native American Wolf Clan (NAWC). The Wolf Clan was organized by Mrs. Ruby Boyer when she became unhappy about a citizens band radio club with which a number of the family's children were associated. She suggested to Mrs. Eva Reed, her aunt, that they establish their own organization, a charitable and educational club to benefit Indian people. Mrs. Reed and Mrs. Boyer also noted that the NAWC was also formed partially in an effort to improve operation of the Title IV Indian Education program in the local schools. 31

NAWC achieved some success locally in Exeter and vicinity, and received some publicity in Bishinik, a now-defunct newspaper printed by the Choctaw Indian Nation in Oklahoma, a recognized tribe. Shortly after publication of the article Mr. Webber contacted the Reeds and offered to get the group Federal recognition, tax free land, and Federal benefits. Webber also told them that since they had such a large following he was going to make them Chiefs of the "Meherrin Lumbee Tribe."

The Reeds and Mrs. Boyer were impressed by Mr. Webber's offers and agreed to meld the NAWC into the ULN's organization. The resultant organization became the expanded ULN with Chief Thunderbird Webber at the helm and with the Reeds essentially second in command. Correspondence and records indicate that the Reeds and Mrs. Boyer continued to maintain the NAWC as a separate operation from the ULN, but as a part of it. The Reeds kept control of the NAWC. The NAWC retained its urban character throughout. Individual members are now apparently scattered all over the United States. Membership included individuals from the Mission, Cherokee, Choctaw, Blackfeet, Lumbee and other tribes, and non-Indians as well. 32

Under the reorgenization of the ULN, a board of directors was created consisting of Mr. and Mrs. Webber, Mr. and Mrs. Reed and Mrs. Boyer. The new ULN was primarily comprised of urban Indian-interest groups in Exeter and Porterville, California. Both contained members of the original NAWC which remained under the administrative and financial control of the Reeds and Mrs. Boyer. Webber added individuals to the rolls whom he had recruited in Georgia and Virginia and with whom the group kept in contact through The Lumbee Nation Times.

The NAWC gave Webber and his wife Marie Reiners Webber (Princess Sunflower Morningstar) \$500 dollars for moving expenses. Other informants noted that the group collected \$600 & month to pay Webber a salary. This continued until he moved to Oatman, Arizona in 1980. After that the group funded some office expenses for a time. Mrs. Reed and Mrs. Boyer say that Webber received similar amounts from other members of the group. Because of Mr. and Mrs. Reed's and Mrs. Boyer's involvement in the Title IV Indian Education program, Webber was also able to obtain a position as Indian program worker in the local school system of Visalia, California.

Those who were members of the ULN during this period now have widely varying views on Webber's activities and his leadership, some declaring he was a scoundrel and a fraud and others saying that he "was the greatest thing that ever happened." One member noted that "Thunderbird was really into helping people."33

According to members of the group Webber's activities included the following:

- 1. Wrote numerous letters and made many phone calls on behalf of the group purportedly seeking treaty rights.
- 2. Fought to enroll members' children in the Title IV program.
- 3. "Got the ball rolling and got people interested in the organization" (i.e., recruited members)
- 4. Pressed the Federal Government for Federal recognition of the group as an Indian tribe, primarily through letters to the Branch of Federal Acknowledgment.
- 5. Oversaw collection and disbursement of money. Activities included bake sales, garage sales, and other similar activities.
- 6. Incorporated the organization and filed for tax-exempt status.
- 7. The NAWC sponsored an all-Indian rescue unit which apparently raised some funds separately. It is unclear how involved Webber was with this aspect of the operation.
- 8. Eventually, a major fund-raising project evolved in which members pledged \$3500 each ("which can be paid in cash or on a payment plan") for a share of a land base which was to be purchased when everyone had completed payments on their \$3500 share and an appropriate land base could be found. 34

Webber also tried to establish a relationship between the group and the Tule River Tribe (a recognized Indian Tribe) based on "common treaty interests." The leadership of Tule River courteously declined to associate with the ULN or with a subsequent organization, the Kaweah Indian Nation (KIN). The Tule River Tribe's position, spelled out in a council resolution, was not to recognize, support or endorse Webber's organization or any of its activities. Members of the Tule River Tribe were told by several members of the ULN that Webber would bring potential recruits on auto tours through the reservation to show them tribal buildings, land areas, etc. and intimated that these were benefits they would receive if they joined his group. A "life time roll donation per family \$10.00, if you have it" was the standard membership fee at this time. The recruitment effort was apparently successful. After the ULN split into two groups (the ULN and the Kaweah Indian Nation (KIN)) in 1980, the ULN or the Exeter group claimed about 1700 members and the KIN (Porterville group) claimed about 1500 members. It is unclear if there is an overlapping of the membership.

The recruitment efforts were, however, extensive enough to raise official concern by the Tulare County Deputy District Attorney who wrote the Commissioner of Indian Affairs on April 6, 1979. He stated that:

Persons associated with the United Lumbee Nation have been recruiting members in the Exeter, California tribe. They have been collecting initiation fees of \$10.00. For payment of these fees they are adopted into the Lumbe [sic] Nation, and as I understand it are told they can now apply for federal and state benefits that only indians are eligible for. I have talked to the members of the Lumbe tribe in Exeter and they have told me that they will only accept into their membership people that have a claim to at least some Indian blood. They have also told me that many of these members apply because this, they believe, makes them eligible for Federal benefits and admission into the Exeter tribe. 37

The Deputy District Attorney inquired as to the requirements for tribal membership and receipt of Federal benefits and suggested the possible illegality for solicitation of such membership.

Recruiting success for the ULN, however, was the harbinger of problems for the group. As the group's bank account grew, several meetings were held concerning the land purchase. The goal was to purchase  $2\frac{1}{2}$  acres of land on which to establish camp sites, a pow-wow ground and an economic enterprise. Mrs. Reed was selected to go to Northern California to find a site.

According to one faction of the group, in her absence Mr. Webber went through the financial records of the group and found that the group's funds were being transferred to the NAWC account which was in Reed's and Boyer's name. Reed and Boyer were able to do this because they were the Secretary and Treasurer of both the ULN and the NAWC and because they had a majority on the board of directors (Reed-Reed-Boyer/Webber-Webber). Another faction of the group maintains that Webber attempted to take all of the group's funds and that the Reed/Boyer faction managed to save the funds by virtue of their positions on the board and their astute management.

The dispute over the group's funds caused a major split in the ULN, much along geographic lines, developing early in 1980. On August 17 of 1980, Webber addressed the following brief letter to John and Eva Reed: "This letter is to inform you that you and your family and other kin have been removed from the nation. Also all wolf clan [sic] members who associate with you. We don't need you in our nation. Since when do you tell me what to do the FOUNDER and GRAND COUNCIL HEAD CHIEF of the nation." By December of that year, the strife was over and two factions existed. Those in Exeter primarily stayed with the Reeds and retained the name of the ULN. Those in Porterville remained loyal, for the most part, to Webber and took on the new name of the Kaweah Indian Nation (KIN) in the summer of 1980. It is unclear which individuals went with which group, and which members remained with both since both groups continued to use the same list of members or parts of it. The reformed ULN now claims over 2,000 members and the KIN reports it has "about 1500 members."

Mr. and Mrs. Reed and Mrs. Boyer moved the "Lumbee Nation Main Office" to Fall River Mills in Northern California and continued to operate in a more subdued manner from there. Mr. Reed died in 1981.

Mrs. Reed says she has purchased  $2\frac{1}{2}$  acres with her own money which she intends to give to the tribe when she has been repaid. She and Mrs. Boyer continue to print the Lumbee Nation Times and charge \$10.00 for membership which covers "the cost of printing the membership cards and mailing."

Mrs. Reed makes no promises to prospective members and claims that the local organizations are "what the members make of them." Some funds are raised by bake sales and contributions. Some funds have been obtained through grants—one from America Beautiful (\$500) and one from Shasta County (\$200) for arts and crafts. Local organizations apparently send some funds to Mrs. Reed for the national organization.

Mrs. Reed apparently has no illusions about the ULN being a tribe "like the Hopis or Navajos." She views her group as individuals of Indian ancestry with a common interest and began using the terms "tribe" and "Chief" in this context. She also noted that they were somewhat locked into the terminology when they joined with Webber's organization.

Mrs. Reed and Mrs. Boyer appear to equate the concept of ULN ("Nation") with a national organization and ("tribe") with local organizations, and are unaware of ramifications of those terms as they apply in Federal Indian law. It is clear from interviews with a number of members and from correspondence received in the

Acknowledgment office that this is extremely confusing to members and recruits in those organizations, and that many if not most new members believe they are joining a genuine Indian tribe.

The present ULN leadership is aware of the concerns caused by the use of the name Lumbee to the actual Lumbees but feels it would be impossible to change without totally confusing the membership. Mrs. Reed expresses a hope that the Lumbees understand that she and her members view it as a tribute to the Lumbees; that she is out to assist all Indians and that she is not trying to capitalize on the Lumbee name financially. She says she sends her newsletters to the North Carolina Indian Commission, the Lumbee Regional Development Association, and the library at Pembroke College in North Carolina. She claims to have had no problems with the Lumbees since the split with Webber.

### Summary of ULN Activities in California Prior To Factionization of the Group

- 1. Webber spent a good deal of time seeking Federal recognition, treaty rights, and relationships with recognized tribes on behalf of the ULN. He was singularly unsuccessful, but his efforts had a subtantial impact on the group.
- 2. The NAWC had an emergency rescue squad in training, apparently when Webber arrived in California. This continued to operate under the larger scope of the ULN when the ULN and the NAWC joined.
- 3. The Lumber Nation Times continued to be published in a more sophisticated (and expensive) format. Subscriptions were sold for \$4.00.
- 4. Recruitment of members continued and expanded with the help of the enthusiastic California members, and membership fees increased to \$10.00
- 5. Several small books were published by the group and sold for \$2.00. These included such titles as <u>United Lumbee Nation History</u>, <u>The United Lumbee Constitution and By Laws</u>, and <u>United Lumbee Ceremonies</u>.
- 6. The group also instituted a number of other activities to raise money including bake sales, garage sales, etc.
- 7. The leadership of the group developed a program to collect \$3500 from each member-family to purchase 2½ acres of tribal land.
- 8. The group received a small piece of land donated by a well-wisher in Coffeville, Kansas. The ultimate disposition of this land is unclear, although the Lumbee Nation Times has carried several advertisements offering the land for sale after the Reed's split with Webber, leading to the conclusion that the Reed/Boyer faction gained title to the property.

## Summary of ULN Activities in California After The Factionization of the Group

- 1. The Reeds and Mrs. Boyer moved to Northern California in the vicinity of Fall River Mills. They apparently were able to keep many records of the ULN and continued to operate much as the group had prior to the split but on a much smaller scale.
- 2. ULN has received at least two small grants for development of arts and crafts.
- 3. The leadership of the group continues to publish a newsletter.
- 4. Membership registrations continue to be accepted for a ten dollar fee and there are apparently a substantial number of "tribes" (local groups) in the "nation" scattered about the country.
- 5. The land acquisition program has been continued but the present format is unclear. The group has apparently acquired 5 acres of land and members are now buying 7.5 additional acres.
- 6. Mrs. Reed and Mrs. Boyer are occasionally asked to put on arts and crafts demonstrations and to speak at schools.
- 7. The group has continued to recruit members with a high degree of success.
- 8. Plans have been drawn to put an administrative complex on the group's land which would include a museum, media office, administrative office and a campground.

### **FOOTNOTES**

- 1. Personal interview with Eva Reed and Ruby Boyer, executives, ULN. Fall River Mills, California November 5, 1982.
- 2. Reed and Boyer, November 5, 1982.
- 3. Memorandum from D'Arcy McNickle, Bureau of Indian Affairs, Washington, DC to files concerning Indians of Robeson County, North Carolina. Washington, DC May 1, 1935. pg 4, and 63rd Congress, 3 Session, Senate Document No 677. "Indians of North Carolina," Washington, 1915 BFA Files.
- 4. McNickle, May 1, 1935 pp 2-3.
- 5. McNickle, May 1, 1935 pg 2.
- 6. Memorandum from Felix S. Cohen to the Commissioner of Indian Affairs. April 8, 1935.
- 7. McNickle, May 1, 1935 pg 4.
- 8. 70 Stat. 254, "The Lumbee Act."
- 9. Letter from Kenneth R. Maynor Executive Director, Lumbee Regional Develoment Association to Ralph Reeser, Acting Deputy Assistant Secretary Indian Affairs. July 1980.
- 10. ULN information pamphlet, 1980. Exeter Printing Co., Exeter, California.
- 11. Letter from Malcolm Webber to the Director, Office of Indian Service, June 25, 1977.
- 12. "Tribal Directory," Lumbee Nation Times, Spring 1981, Vol. 3, No. 1, pg 2.
- 13. Wilma Cisco and Su Wyatt, "Inside the 'Kaweah Nation'," California Indian Journal May-June 1981, Vol. 1, Pub 6, pp 2-4.
- 14. Reed and Boyer, November 5, 1982, and ULN Clarified and Amended Constitution and Bylaws. March 12, 1981.
- 15. Reed and Boyer, November 5, 1982.
- 16. Reed and Boyer, November 5, 1982.
- 17. Telcon interview with Eva Reed. October 27, 1982.
- 18. Reed and Boyer, November 5, 1982.
- 19. Maynor to Reeser, July 1980.
- 20. Reed and Boyer, November 5, 1982, and ULN Clarified and Amended Constitution and Bylaws, March 12, 1981, and Thompson, October 20, 1983.

- Maynor to Reeser, July 1980, and letter from Bruce Jones, Executive Director State of North Carolina Commission of Indian Affairs to Chief Thunderbird Webber, July 7, 1977, and letter from Bruce Barton, Editor, The Carolina Indian Voice to Chief Thunderbird Webber, July 19, 1977. BFA Files.
- 22. Letter from War Chief Red Bird and Chief Thunderbird Webber to President Gerald Ford, October 16, 1976. BFA Files.
- 23. Letter from Chief Thunderbird to Chief Greywolf, July 6, 1876. BFA Files.
- Letter from H. Gregory Austin, Department of the Interior Solicitor to Mr. Thunderbird Webber, November 11, 1976.
- 25. "Rural Georgia Profile," Rural Georgia Magazine, November 1976.
- 26. Telephone interview with recognized group leaders in various southern states, May 1, 1980 through December 30, 1983.
- 27. Barton to Webber, July 10, 1977.
- 28. 70 Stat. 254.
- 29. Letter from Thunderbird Webber to Commissioner of Indian Affairs, January 22, 1979.
- 30. Meeting and individual interviews with members of the Kaweah Indian nation, Porterville, California November 7, 1982.
- 31. Reed and Boyer, November 5, 1982.
- 32. Reed and Boyer, November 5, 1982.
- 33. Reed and Boyer, November 5, 1982 and meeting and individual interviews with members of the Kaweah Indian Nation, Porterville, California November 7, 1982.
- 34. Letter from Chief Silver Eagle Reed to "Land Share Holders", Exeter, California August 2", 1980 and Letter from Chief Silver Eagle Reed to members of ULN, January 15, 1980 Exeter, California.
- 35. Meeting with Tule River tribal officials, Tule River Reservation, California, November 8, 1982.
- 36. "Application for membership in ULN" <u>Lumbee Nation Times</u>, winter 1980-81, Vol. 2, No 4. pg 3.
- 37. Letter from Andrew Gindes, Deputy District Attorney to Commissioner of Indian Affairs, April 6, 1979.

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