



06-22-17P04:37 RCVD BB

THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA

Sofia Locklear, PETITIONER

Case No.: 2017-002

VS.

Denial of Petition

Affirmation of Administrative Court Decision

Lumbee Tribe of North Carolina
Tribal Enrollment, RESPONDENT

This petition having been brought to the attention of the Court, and thereafter having been reviewed and deliberated in chambers on June 5, 2017 by Justices Tina Dicke, Francine Chavis and Von Locklear unanimously makes the following finding of facts and renders the following decision:

Procedural History

The evidence indicates Petitioner applied for recertification on May 23, 2016. Pursuant to Tribal Ordinance CLLO-2010-0121-01 the Office of Enrollment and Records "shall develop day to day procedures, guidelines, and/or policies for implementation of this ordinance." Thereby the Enrollment Office has enacted and enforces the rules and policies that determine if a tribal member meets the criteria to become and/or remain a tribal member of the Lumbee Tribe of North Carolina. In doing so the Enrollment Office put into place policies that determine membership descent, historical contact and continued tribal community contact (known as community ties). The Enrollment Office further developed an application and interview process that consists of questions to determine said criteria. If an applicant fails to meet the criteria for a new enrollment or to renew an enrollment, the applicant has the right to appeal the decision of the Enrollment Office to the Administrative Court of the Lumbee Tribe of North Carolina. If a petition is filed and subsequently denied by the Administrative Court, Petitioner has the right to appeal said denial to the Supreme Court of the Lumbee Tribe of North Carolina. Petitioner's application was denied on August 2, 2016. Her subsequent appeal on September 16, 2016 before the Administrative Court was denied on March 6, 2017. As a result, Petitioner's appeal to the Supreme Court was filed on May 5, 2017 which places this matter before the Supreme Court at this time.

Whereas the Petitioner has waived her right to an in person hearing due to various reasons, the Court's decision is based solely on the evidence and information in Petitioner's file.

Finding of Facts

In order to fully understand community ties, also known as "tribal" contact, one must understand the historical significance of why it is required. Our tribal government was formed to help enhance and promote Federal Recognition efforts for the Lumbee Tribe of North Carolina. In order to accomplish that there are certain policies that must be met in the process. The policies and procedures the Enrollment Office has in place must specifically meet the Office of Federal Acknowledgment's (OFA) regulations, known as "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe," governed by 25 CFR Part 83. In reviewing the regulations one can see that OFA considers and uses the term "community" versus

family (other than showing one's "family lineage or family bloodline") in order to consider if "an American Indian Group Exists as an Indian Tribe". In order to assist with this requirement the Tribe must maintain "community" and political authority. From this, one can understand that the OFA view on visiting one's family in the community does meet "community ties" but only indicates family ties. It would only prove or confirm the continued existence of the tribe's descendants. A member must be knowledgeable of the tribe's community and "maintain" interaction with same on some acceptable level, not only through family visitations but how you are a part of the tribal community you visit.

Petitioner maintains she meets the definition of "community ties" because she visits her family and her history shows various things she did when she was growing up. Recertification for membership is required to show how a member is maintaining meaningful contact with the "tribal" community not family. This is not to be taken in any way to indicate that any family contact is not meaningful, but that it does not rise to the level of "community" ties by the OFA's definition for acknowledgment purposes. In her statement for appeal, Petitioner did state that she attended Lumbee Pow Wows and Homecomings, but did not indicate any specific dates. She further stated she was "there at least once a year if not more". While the evidence overwhelming indicates that Petitioner does maintain contact with her family, Petitioner did not provide specific dates of her visits or was specific on what she did when she visited. This would specifically come to the Court's attention when Petitioner failed to indicate on her update application for recertification any specific dates or places within the community she visited or had any knowledge of. The record actually indicates she stated she knew of "only place family lives and only community she visits".

Court's Decision

Therefore, based upon the Petitioner's record and statements, the Court finds that she has not provided evidence that she meets the necessary requirements for maintaining "community ties". The Court further adopts the Administrative Court's decision and finds Petitioner may apply for membership on or after March 6, 2020.

Entered this 22nd day of June, 2017, written and signed by Justice Francine Chavis on behalf of the Supreme Court of the Lumbee Tribe of North Carolina.



Justice Francine Chavis