



February 24, 2021

The Honorable Richard Burr  
United States Senate  
217 Russell Senate Office Building  
Washington, DC 20510

The Honorable Thom Tillis  
United States Senate  
113 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senators Burr and Tillis:

Thank you for your commitment to the people of North Carolina through your service in the United States Senate.

I write to express an interest in and submit a request regarding potential legislation that would grant full federal recognition to the Lumbee Indian Tribe of North Carolina.

I want to be very clear that the North Carolina Family Policy Council does not oppose full federal recognition for the Lumbee Tribe and the myriad of benefits that would include (such as funding for education, health care, housing, economic development, disaster relief, etc.). We do, however, strongly oppose the potential that full federal recognition would have in extending to the Tribe the right to pursue gambling operations in North Carolina.

**In short, we ask that if you introduce legislation to grant full federal recognition to the Lumbee Tribe, you include language in that legislation to expressly prohibit the Lumbee Tribe from pursuing or conduct gambling operations in North Carolina.**

**This request is not without extensive precedent.** Legislation to grant full federal recognition to the Lumbee Tribe has been introduced in the U.S. Congress for many years. In 2007, an amendment was adopted to H.R. 65 that would have expressly prohibited the Lumbee Tribe from pursuing gambling operations in North Carolina, should the Lumbee Recognition Act be enacted into law. The specific language of the amendment reads as follows:

“The tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.”

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This same provision was then incorporated as boilerplate language in every subsequent version of the Lumbee Recognition Act introduced in both the U.S. House and U.S. Senate between 2009 and January 2015 (see: H.R. 31—111<sup>th</sup> Congress, S. 1735—111<sup>th</sup> Congress, H.R. 27—112<sup>th</sup> Congress, S. 1218—112<sup>th</sup> Congress, H.R. 1803—113<sup>th</sup> Congress, S. 1132—113<sup>th</sup> Congress, and H.R. 184—114<sup>th</sup> Congress).

**Even more recently, this language was included in H.R. 3650 introduced by Congressman Robert Pittenger on August 11, 2017 during the 115<sup>th</sup> Congress. It is our understanding that at that time Tribal Chairman of the Lumbee Tribe of North Carolina, Mr. Harvey Godwin, Jr., consented to the inclusion of this language in H.R. 3650.**

So, why does this matter?

For more than two decades, the North Carolina Family Policy Council has researched the issue of gambling and its impact on the citizens of our state and nation. The addiction that results from the presence of gambling damages individual lives, destroys families, and plagues communities. Research consistently shows a very high correlation between gambling addiction and increases in crime, personal debt, bankruptcy, embezzlement, other forms of theft, domestic violence, child abuse, divorce, and even suicide.

This is why the North Carolina Family Policy Council fought vehemently for over a decade to prevent North Carolina from entering the gambling business through a state-run lottery; why we have fought to eradicate from North Carolina what many refer to as the "crack cocaine" of gambling—video poker and video sweepstakes; why we have consistently opposed efforts to expand gambling by the Eastern Band of Cherokee Indians; and why we are currently opposing efforts by the South Carolina-based Catawba Indian Nation to build a 200,000-plus square foot Las Vegas-style gambling casino in Kings Mountain, N.C., just 35 miles west of Charlotte.

As you know, the federal Indian Gaming Regulatory Act (IGRA) specifies the circumstances under which federally recognized Indian tribes are allowed to operate Class III gaming activities, such as video poker, table games, etc. North Carolina has already entered into a Tribal-State Compact with the Eastern Band of Cherokee Indians and is required by 25 U.S.C. § 2710 (d)(3)(A) to "negotiate...in good faith to enter into such a compact" at the request of any tribe that has full federal recognition and jurisdiction over Indian lands. As a result, the State of North Carolina would be unable to deny a similar compact to the Lumbee Tribe should the tribe gain full federal recognition.

This means that without a provision expressly prohibiting the tribe from gambling, the passage of the Lumbee Recognition Act could pave the way for the Lumbee Tribe to establish one or more gambling casinos along the I-95 corridor in Eastern North

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Carolina, offering video gambling, Las Vegas-style table games with live dealers, sports betting, off-track wagering on horse racing, and other forms of wagering.

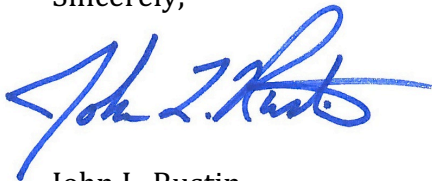
Such operations along the highly traveled, heavily populated Interstate 95 corridor in eastern North Carolina would change the face of our state forever, and, as some have argued, the entire eastern seaboard. While some may claim that a casino in Robeson and adjacent counties may provide some economic benefit for that particular region, it would do so by cannibalizing existing businesses, commerce, and tourism in the region. The presence of gambling casinos would also substantially increase the myriad of social ills mentioned above. This is not in the best interest of our state or its citizens.

**Again, should you decide to introduce the Lumbee Recognition Act, the North Carolina Family Policy Council strongly urges you to include language expressly prohibiting the Lumbee Tribe from pursuing or conducting gambling operations in North Carolina.**

Thank you for your consideration of these concerns. Please feel free to contact me by email at [jrustin@ncfamily.org](mailto:jrustin@ncfamily.org) or by phone at (919) 807-0800 if you have any questions or would like to discuss this matter in detail.

With kindest regards.

Sincerely,



John L. Rustin  
President