UCLA
American Indian Culture and Research Journal

Title
Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation. By Malinda Maynor Lowery

Permalink
https://escholarship.org/uc/item/46n5v5mm

Journal
American Indian Culture and Research Journal , 36(1)

ISSN
0161-6463

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Publication Date
2012

DOI
10.17953

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a new code of juvenile criminal procedure for Navajo courts. Judge Kirk was impressive; I was honored to work with him. His concern was to integrate the 1967 decision of the US Supreme Court in a juvenile case, *In re Gault*, which had arisen in Gila County, Arizona, just south of the Navajo Nation border. It held that a juvenile defendant has due process rights: notice of charges, counsel, confrontation and cross-examination of witnesses, and privilege against self-incrimination. Moreover, the US Congress had just passed the Indian Civil Rights Act of 1968, mandating application to "Indian tribes" of the basic elements of the Bill of Rights in the US Constitution. The statute stated that "the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe."

Judge Kirk had a reputation for a keen sense of right and wrong and sensitivity to inequities in the law. Whether he believed Navajo courts were legally subject to US due process rules, it was apparent that he felt the importance of these rules. I especially enjoyed my assignment because I had to learn how juvenile misbehavior was handled by traditional Navajo practices. I found out right away that there are great differences between a kinship-based society and a society built on what I later came to call "market individualism." Whatever benefit my research may have had to the Navajo courts, it ignited in me an appreciation for the social and cultural dimensions of studying and practicing law. From my perspective, Richland and Deer hit the mark.

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Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation. By Malinda Maynor Lowery. Chapel Hill: University of North Carolina Press, 2010. 376 pages. $65.00 cloth; $21.95 paper.

The Lumbee Indian people of Robeson County, North Carolina, have always been something of an enigma. As Karen Blu's standard *The Lumbee Problem: The Making of an American Indian People* (1980) highlighted, the group has long challenged the once-common sociological and anthropological orthodoxy that ethnic groups had to possess distinctive cultural traits and unifying community structures in order to remain distinct from others. The dominant thematic paradigm of studies on the group has explored related questions: Who are the Lumbees? What are their origins? How do they maintain their identity without traditional markers of distinctiveness? Lumbee tribal member Malinda Maynor Lowery's new work about the people during the age of Jim

Crow, roughly the 1880s to the 1950s, largely eschews these questions, taking as a given that the Lumbees are an Indian people; she is more interested in excavating the legal and social category of "Indian." The book explores what Lowery defines as the four levels of Lumbee identity: people, race, tribe, and nation. Like others before her, Lowery finds that kinship and place are the most important internal markers of Lumbee identity in Robeson County; faced with outside pressures, they have added layers of tribe, race, and nation as a strategy to maintain their indigenous identity and to pursue self-determination.

Much of Lowery's work regards the Lumbees' efforts to gain recognition of their Indianness and the negotiations, compromises, and dependencies incumbent in this often-demeaning process. As Lowery rightly notes, for centuries the Lumbees have been a distinct people. However, at first contact with Europeans during the eighteenth century, the ancestors of the group possessed few, if any, surviving aboriginal cultural traits and already were of mixed racial ancestry. Like many other indigenous southeastern tribes, they also lack a treaty or other relationship with the federal government that would confirm their tribal status; as a result, outside acceptance of the Lumbees' Indian identity has never been a given. An odd manifestation of their clouded history, especially to non-Indians and many western tribes, is that the people have gone by several names, including Croatan, Cherokee, Siouan, and finally Lumbee, which are tribal designations often taken from outside "experts"—local historians, politicians, and even well-known national figures such as anthropologist James Mooney and Secretary of the Interior Harold Ickes. As noted by Lowery, the Lumbee have always known who they are; they accepted these various monikers as a strategy to gain access to federal Indian programs and tribal status. As the author lucidly argues, the Lumbee people have had to negotiate with outsiders in order to maintain their Indian identity in the historically biracial, black-and-white South; examples include the devil's bargain made when the group embraced Jim Crow segregation, accepting the racial hierarchies and logic of race of the era, compromises that gained the people voting rights, its own locally controlled Indian schools, and Indian-dominated churches. Like other unrecognized southern indigenous groups, questioned Indian status found the people distancing themselves from blacks, fearful that association would lead to a diminution of their fragile status in the Jim Crow South.

If outsiders questioned them, it is clear from Lowery's detailed analysis and personal insights that the Lumbees ("Our People") never have doubted who they are: an Indian people indigenous to North Carolina bound by kinship, residence, community, tribe, and race. In Lowery's rendering, they forged a unique ethnic group and became a people in ways typical of all ethnic enclaves. The folk legend of guerilla leader Henry Berry Lowry emphasized their resistance to subjugation, Indian communities anchored by church and schools tied them

together in dense social webs, and social distance (often centered on notions of "race") from African Americans and whites provided a sense of separateness. Readers familiar with Lumbee history will find that Lowery covers much old ground; however, she provides new insights and rich details regarding several major developments in the group's history. Her chapters about the people's interface with the New Deal, particularly the Farm Security Administration's (FSA's) experimental Pembroke Farms, are a welcome addition to the literature. Here Lowery provides the fullest explication of anthropologist Carl Seltzer's infamous "anthropometric" studies on the Lumbees. Using what was seen as scientific and quantifiable standards of the day, the Office of Indian Affairs sent Seltzer and a team to take measurements of Lumbee physical features, hair texture, and skin color in order to determine whether individuals were of at least "one-half or more" Indian blood, the threshold for nonreservation groups to organize under the Indian Reorganization Act of 1934. This effort resulted in one of the many "factions" (the author and others see as endemic to the group): the "Original 22," a small group that was deemed to meet this blood-based requirement. This group, whose descendants later formed the Tuscarora splinter tribe, accepted the Indian Office blood-quantum criteria as an internal marker of its true Indianness and as a strategic maneuver to access government services and potential tribal sovereignty. As the author argues, this faction added yet another layer to its identity (beyond kinship and place) by incorporating blood-based notions into its self-concept. Lowery presents a richly detailed history of the FSA Pembroke Farms project, one of only two Indian-oriented programs pursued by this agency during the New Deal. This largely non-Indian agency bought land, built modern houses, and set about raising the Lumbees out of poverty and the grips of the tenant-farming system. Lowery concludes that, although the experiment did raise living standards, it ultimately failed, because it did not challenge the white supremacist hierarchy that kept the people dependent and subordinate.

Lowery likewise presents a finely detailed analysis of the Lumbees' various attempts to secure federal tribal recognition during the 1880s through the 1950s. These resulted in what the author terms a "Pyrrhic" victory—a 1956 act that recognized her people as Lumbee Indians yet did not provide them access to federal Indian services or tribal status. Here readers gain valuable insights into the two enduring "factions" that have existed among the people, the "Siouans," mostly rural and impoverished, and the "Cherokees," consisting of "town Indians" based in Pembroke who were the Lumbee middle-class progressives. The Siouans and Cherokees competed for the mantle of leadership and, as Anne Merline McCulloch and David E. Wilkins previously noted ("'Constructing' Nations within States: The Quest for Federal Recognition by the Catawba and Lumbee Tribes," *American Indian Quarterly*, 1995, 361–90),

confounded the people's political efforts, making the group appear to lack cohesion and governmental (tribal) unity. As Lowery makes clear, the Lumbees have had to negotiate their identity in attempts to secure tribal status. They have confronted a fundamental problem with federal acknowledgment policy: Congress has tended to see tribal recognition as a political favor to constituents, and the Office of Indian Affairs generally privileged treaties, official blood quantum, and surviving aboriginal culture—traits the Lumbees did not possess.

Overall the book is enriched by Lowery's autoethnological approach (or use of personal and family knowledge) and fluid use of secondary and archival sources. It could benefit from a firmer grounding in the literature about the federal acknowledgment process that is so central to the group's twentieth-century history. As argued by Lowery, little doubt exists that the Lumbees became, through struggle and negotiation, an Indian people and tribe; it is questionable whether they are, as the author asserts, a sovereign nation. Throughout the book, the author uses this term in the loosest of senses. Without a reservation and federal tribal recognition, true sovereignty as used in a tribal context—seen in powers to govern one's own territory, make laws, and tax, and in a host of other governmental powers—certainly eludes the Lumbee people.

As the first major book about the Lumbees in more than a decade, Lowery's monograph is a welcome addition to the literature; written from an insider's perspective, the author accomplishes her goal of enlightening the reader to a "Lumbee way of seeing" the world. Lowery's exploration of the category of "Indian" is an important endeavor, an enterprise that promises to become increasingly important in coming decades. Based on a wealth of primary sources, secondary literature, and personal insights, Lowrey's new book should be of interest to scholars of Native American studies, race relations, ethnic identity, and related fields.

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Natalie Curtis Burlin: A Life in Native and African American Music. By Michelle Wick Patterson. Lincoln: University of Nebraska Press, 2010. 430 pages. $45.00 cloth.

Utilizing a wealth of published and unpublished primary sources, Michelle Wick Patterson provides a comprehensive and nuanced account of the life of Natalie Curtis, an important figure in the research and preservation of