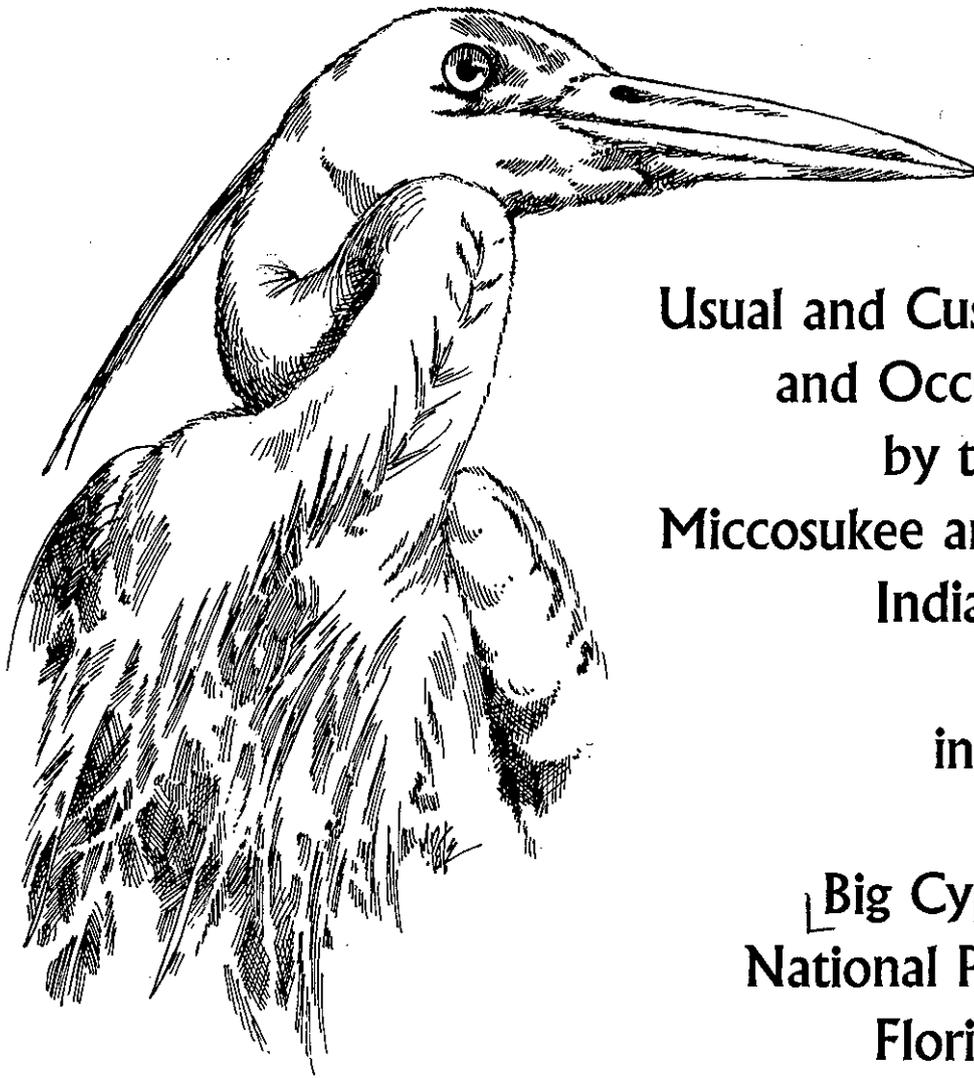


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Usual and Customary Use  
and Occupancy  
by the  
Miccosukee and Seminole  
Indians

in

Big Cypress  
National Preserve,  
Florida

James A. Goss, Ph.D.

1995

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USUAL AND CUSTOMARY USE AND OCCUPANCY BY THE  
MICCOSUKEE AND SEMINOLE INDIANS  
IN  
BIG CYPRESS NATIONAL PRESERVE, FLORIDA

By

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## 1. INTRODUCTION

### 1.1. BIG CYPRESS NATIONAL PRESERVE ESTABLISHED

The establishment of the Big Cypress National Preserve on October 11, 1974 marked the creation of a new multi-use category of lands within the National Park system. The United States Senate outlined the new concept (U.S. Congress, Senate 1974):

"National preserves will be areas of land and/or water which may vary in size, but which possess within their boundaries exceptional values or qualities illustrating the natural heritage of the Nation. . . The principal thrust of the areas should be the preservation of the natural values which they contain. They might differ, in some respects, from national parks and monuments insofar as administrative policies are concerned. Hunting, for example, subject to reasonable regulation by the Secretary, could be permitted to the extent compatible with the purposes for which the area is established. Other activities, including the extraction of minerals, oil, and gas could be permitted. . . All management activities within these areas should be directed toward maintaining the natural and scientific values of the area. National preserves may accommodate significant recreational uses."

Congressional creation of this new category of multiple-use lands under National Park Service jurisdiction increases the complexity of National Park Service management responsibilities.

Congress also introduced another management variable in the Big Cypress National Preserve enabling legislation by establishing special access rights of certain Native American communities:

". . .Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonies" (U.S Congress 1974 Public Law 93-440, Section 5, See Appendix 1.K).

Section 6 of the Act goes on to direct that the Miccosukee and Seminole people will have the right of first refusal in providing revenue producing visitor services within the preserve:

" . . . the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972, were engaged in the provision of similar services, a right of first refusal to provide such services within the preserve subject to such terms and conditions as he may deem appropriate. . ." (U.S. Congress 1974 Public Law 93-440, Section 6, See Appendix 1.K).

These congressional directives give statutory rights of use and occupancy to the Miccosukee and Seminole people. They also give the National Park Service and the Secretary of the Interior the responsibility for decision making that may directly and seriously effect the quality of life of approximately 2600 Miccosukee and Seminole people. It is very important to know that their quality of life has a direct relationship to maintenance of cultural traditions. These cultural traditions have a very significant tie to traditional foods and medicines of the Big Cypress Preserve. Also, of central spiritual importance, two of the active traditional Corn Dance sites are included within the boundaries of the preserve. Big Cypress Preserve managers are, in a very real sense, stewards of very important elements in the cultural maintenance, self esteem, and yes, the quality of life of these people.

These statutory rights set a new precedent and a new challenge for cooperative interaction between National Park Service managers and Native American peoples. These special directives raise questions that are of critical concern to the effected communities of the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, the Traditional Seminole Nation of Florida, as well as other independent Miccosukee and Seminole families and individuals.

They also raise new and complex concerns for National Park Service managers. Major of these questions are: 1. What is "usual and customary use and occupancy"? 2. What is "subsistence use" as opposed to other types of use? 3. What are "tribal ceremonials"? 4. What is "traditional"? 5. What are "reasonable regulations"? 6. What is meant by "permitted"?

Both Park Service managers and Miccosukee and Seminole community leaders are concerned about the appropriate modes of cooperative communication in regional planning, resource management, and interpretation of the resources that they have a vested interest in. They are also concerned about the appropriate modes for consensus building when Miccosukee and Seminole traditional rights and National Park Service management regulations seem to be contradictory.

The present project proposes to ESTABLISH A BASELINE UNDERSTANDING OF WHAT THE ACTUAL PATTERN OF MICCOSUKEE AND SEMINOLE "USUAL AND CUSTOMARY USE AND OCCUPANCY" OF BIG CYPRESS NATIONAL PRESERVE, FLORIDA WAS AS OF 1974.

## 1.2. HISTORY OF THE PROJECT

In March of 1992 John Ehrenhard, Chief of Interagency Archeological Services and Paul Hartwig, Deputy Associate Director for Cultural Programs, both at the Southeast Regional Office of the National Park Service, invited me to assist, as an independent outside consultant, in the development of an objective research report concerning the customary and traditional lifeways of the Miccosukee and Seminole peoples and how they have traditionally occupied and utilized the resources of the lands which are now included in the Big Cypress National Preserve.

The Principal Investigator, Dr. James A. Goss, made a brief site visit (May 6 through May 10, 1992) to Big Cypress National Preserve to scout the country and make initial contacts with preserve management personnel and with the Miccosukee and Seminole communities. Upon his return he agreed to continue negotiations to establish a working arrangement between the Southeast Region, National Park Service and Texas Tech University to facilitate this research.

This led to the establishment of a cooperative agreement between the National Park Service and Texas Tech University, formally executed on April 15, 1992 with James W. Coleman, Jr., Southeast Regional Director signing for the National Park Service and Donald A. Haragan, Executive Vice President and Provost signing for Texas Tech University.

This was followed by the submission of a proposal for the project entitled: USUAL AND CUSTOMARY USE AND OCCUPANCY BY THE MICCOSUKEE AND SEMINOLE INDIANS IN BIG CYPRESS NATIONAL PRESERVE, FLORIDA (Submitted August 8, 1992 and accepted on September 28, 1992).

Work was begun on the project on September 1, 1992. The period September 1 through December 28 was devoted to an exhaustive bibliographic search of library, archival, and documentary resources on the Big Cypress natural environment and its resources, the Miccosukee and Seminole cultural systems, and the history of the development and practice of the Miccosukee and Seminole special rights of access secured with the State of Florida and the federal government. This beginning familiarity with the literature enabled the PI to plan the logistics for the initial field sessions.

Initial fieldwork was pursued for 17 days (December 29, 1992 to January 14, 1993). The objectives of this first brief (essentially two effective weeks) field session were: 1. To begin familiarization with the study area of the Big Cypress National Preserve and the Big Cypress ecosystem. 2. To consult with National Park Service personnel at Big Cypress National Preserve and adjacent units to obtain first-hand information on their views of the critical management issues that should be addressed by the project and to assess the resources already available which may be of use in the study. 3. To make contact with the Miccosukee and Seminole communities, to meet leaders of each group, to begin work toward gaining official sanction of the Miccosukee and Seminole tribal administrations for this work, and to begin developing relationships which will lead to productive work with the most appropriate consultants. 4. To contact other persons in official and unofficial positions in the area that may be helpful in completion of the objectives of this study, such as county officials, extension agents, educators, local community leaders, leaders of local museums and historical associations, descendants of early non-Indian settlers in the area, and any other knowledgeable private citizens. 5. To plan logistics for the next field sessions, such as reasonable options for locations and housing in the study area. 6. To utilize the information derived from pursuing

the above objectives in formulating a clear research design for the rest of the project.

A draft of a Research Design was distributed January 31, 1993 to National Park Service Southeast Region, Big Cypress National Preserve, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and to interested private individuals. Concerns and comments on the Research Design were accepted and responded to. It was approved by the National Park Service Southeast Region on February 16, 1993 (letter from John E. Ehrenhard, Chief, Interagency Archeological Services). The final version of the Research Design was distributed on February 22, 1993 to National Park Service Southeast Region, Big Cypress National Preserve, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Traditional Seminole Nation of Florida, the legal firm of Hobbs, Straus, Dean, & Wilder, the Indian Law Resource Center, and to other interested private individuals.

The second phase of the project began with the first summer field session (June 1-July 31, 1993). The principal investigator returned to the study area for two full months of intensive field work. The field session was devoted to:

1. Getting more fully acquainted with the region, and especially the environmental features of the Big Cypress Preserve.
2. Meeting with and interviewing members of National Park Service management.
3. Visiting all of the Miccosukee and Seminole communities.
4. Meeting with and interviewing leaders of the Miccosukee and Seminole communities.
5. Identifying and interviewing appropriate consultants (Park Service personnel, Miccosukee and Seminole individuals knowledgeable about traditional subsistence and ceremonial use of the land, and other knowledgeable individuals).

At this point in the study, the method involved the standard ethnographic approaches of "participant observation" and directed, but "open ended", interviewing concerning the consultants' knowledge and understanding of traditional use and occupancy of the Big Cypress National Preserve and the statutory rights of the Miccosukee and Seminole people. Leaders of the Seminole and Miccosukee communities had received copies of the research design before the summer field session began. Field work began with telephone contact and the setting up of meetings with community leaders. These meetings led to consultations with private individuals.

The preliminaries to the interviews were quite time consuming. In each case of meeting with an individual, much time has to be devoted to just getting acquainted, and assuring the consultant that his or her identity would be held confidential in the journal and reports. In each case, I gave the individual a copy of a briefing statement that I had prepared on the objectives of the study. I used the same briefing statement for my contacts with all potential consultants, National Park Service, Miccosukee, Seminole, or "other". I also provided all with copies of the Site Bulletin for Big Cypress National Preserve (U.S. Department of the Interior. National Park Service 1993), which has a map which is very useful for getting the conversation going. Obviously, not much could be discussed if I didn't know the landscape, if the consultant didn't know the landscape, and if we didn't have some sort of a map as a useful tool of reference. This "ice breaking" strategy worked well. I also assured that major leaders all had copies of the Big Cypress General Management Plan (U.S. Department of the Interior. National Park Service 1991). In all individual and group meetings I had to spend some time convincing people that I was an independent consulting researcher without any "hidden agendas".

All individuals that seemed to have potential as project consultants were revisited one or more times for interviews after the initial "getting acquainted" contact. The development of confidence and a friendly relationship are necessary keys to accomplishing anything in the Miccosukee and Seminole communities. Any outsider that comes in and demands information, or takes an authoritarian pose will be "stonewalled". The issue is sovereignty. Outsiders have no legitimate authority in Miccosukee and Seminole communities. They are guests. This investigator has no "authority". He is only retained by the National Park Service to develop the most sensitive report that he possibly can on the Traditional Use and Occupancy by the Miccosukee and Seminole Indians of the Big Cypress National Preserve. He can only do this by combining as exhaustive an interpretation as he can make of the published and unpublished materials that he can complete, with the information that living consultants are able and willing to share with him. He has no "authority" to demand information.

The wide distribution of the Miccosukee and Seminole communities in south Florida necessitated extensive travel (see Map 4. The Miccosukee and Seminole Reservations of Florida). Members of the Miccosukee Tribe of Indians of Florida live both on the Tamiami Trail Special Use Reservation and in several locations off the reservation. Members of the Seminole Tribe of Florida live at the Hollywood (Dania) Reservation, the Big Cypress Reservation, the Immokalee Reservation, the Brighton Reservation, the Tampa Reservation, and off reservation. Members of the Traditional Seminole Nation of Florida and other "independent" Miccosukees and Seminoles live on the reservations, off the reservations on private or public lands, and at some of the "camps" along the Tamiami Trail (U.S. Highway 41) within the Big Cypress National Preserve.

The statutory right of these people to occupancy and use of resources in Big Cypress National Preserve applies to a constituency of an estimated 2600 people of Miccosukee and Seminole descent widely scattered over southern Florida from the Tampa Reservation south.

On returning to Texas Tech University, the period August 1 through August 31, 1993 was devoted to writing a draft of a Progress Report. The Draft Progress Report was delivered to all concerned parties on August 31. Written and telephoned comments for revisions were received until the first week in November and the revised final copy of the Progress Report was delivered to the National Park Service Southeast Regional Office on December 1, 1993. The Progress Report was formally accepted as "very satisfactory" (John Ehrenhard, letter of 12/27/93) on December 27, 1993 and was distributed to the project mailing list on December 23, 1993.

The Progress Report enabled me to plan the final phases of the work and to tentatively outline the form that the Final Report would take. With the Progress Report accepted, I entered Phase 3 of the project.

I continued bibliographic and documentary research with the help of Graduate Research Assistant, Hans Leo. I continued to receive suggestions, primarily by telephone, through the academic year. I began to draft portions of the final report and developed my plans for gap-filling strategies in the ensuing field sessions.

I returned to south Florida for two weeks, January 1-15, 1992, to personally orally report, and consult on the Progress Report and the work so far completed with the Miccosukee and Seminole leaders and with Big Cypress National Park managers. This personal reporting and consultation

focused on any problems, errors, or gaps that should be taken care of in the coming summer field session.

These discussions were very productive. I had a very meaningful dialogue with the resource managers of the Miccosukee Tribe of Indians of Florida, that resulted in a letter detailing the tribe's concerns, criticisms, and suggestions based upon the final version of the progress report (letter from Billy Cypress, Tribal Chairman, Miccosukee Tribe of Indians of Florida, January 18, 1994). The letter concluded by commending me for the "excellent" job that I am doing. This was followed by a letter to the Big Cypress National Preserve, asking for the opportunity for more tribal input into the ethnographic study ( letter to Wallace Hibbard, Superintendent, from Billy Cypress, Tribal Chairman, March 29, 1994). This exchange set the stage for a much closer cooperative effort in the ensuing summer session.

The brief January session also allowed me to confer with a group meeting of the clan leaders of the Traditional Seminole Nation of Florida. This meeting was very affirmative and set the agenda for futher meetings in the coming summer.

Also, in visiting the Collier County Museum in Naples it was discovered that the collection contained the D. Graham Copeland collection of maps and notes from the years that he was chief engineer and a leader in management of the Collier Corporation, and chairman of the Board of Commissioners of Collier County. Four days were devoted to surveying the contents of this collection. One of the most useful items in the collection was a 1930 map of the Seminole and Miccosukee camps in Collier County, located by Roy Nash who made a survey of the status of the Seminoles for the Bureau of Indian Affairs. There is also an accompanying exchange of letters. Copeland actually sent Nash a county base map, and asked him to locate the camps, based upon his survey.

Then, back at Texas Tech University the spring semester was devoted to setting the details for the final "gap filling" in the report. Documentary research continued with the help of the graduate teaching assistant.

Phase 4 began with the return for the final summer field session, May 23 through July 27. These two months involved directed in-depth interviews and final consultation with Miccosukee and Seminole leaders and consultants, with Big Cypress National Preserve management personnel and other concerned and knowledgeable persons. An attempt was made to fill all previous gaps in the information base and to "feel out" the potential impacts of alternative recommendations that could be developed in the report.

The Miccosukee Tribe of Indians of Florida gave me a warm welcome and I was placed officially in the hands of Steve Terry, tribal Land Resources Manager. The Government Programs Manager, the Tribal Planner, the Fish and Wildlife Director, and the Educational Programs specialist were all very helpful. I was given access to the Miccosukee Community Library, and the file of tribal comprehensive development plans. I was also given both airboat and truck tours of the Miccosukee tribal lands and was well briefed on resource and development concerns that have a relation to Miccosukee statutory rights to occupancy and resource use in the Big Cypress National Preserve. By the end of June, I very quickly was getting to the point that most of my questions were answered, and I began to get very little "new" information pertinent to the project. In other words, the Miccosukee tribal administration was as open and helpful as could possibly be expected.

July 27 marked closure of the final field session.

The month of August was devoted to completing the draft of the Final Report.

The draft of the Final Report was circulated for review and comment to Big Cypress National Preserve and Everglades National Park managers; and leaders and legal counsels of the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Indians of Florida, and the Traditional Seminole Nation of Florida.

Responses to the draft were received through January 9, 1995. Each response and suggestion from reviewers was specifically responded to and served as input to the final revision. The present report is the result, completed June 1, 1995.

### 1.3. SCOPE AND USES OF THIS REPORT

This is a project in APPLIED ANTHROPOLOGY. It reports anthropological research designed to help the managers of Big Cypress National Preserve to deliver and service their responsibility to the statutory rights granted by Congress to a specific public - In this case, to the Miccosukee and Seminole people.

The wording of the legislation begs for anthropological context and interpretation:

". . . members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonies" (U. S. Congress 1974).

The attempt to analyze this congressional statement is not an academic exercise in semantics. How this statement is analyzed and interpreted has a direct effect on the actions of preserve managers and upon the quality of life of members of the Miccosukee and Seminole communities.

At the present time, preserve management is resolving issues that depend upon interpretation of this statutory right on a case by case basis. Management has put into abeyance any attempt to clarify and simplify its role by establishing "reasonable regulations", until this report is available for consideration.

This places a large responsibility on this anthropologist, as an outside, unbiased, consultant. I fully understand that

the contents of this report can, and undoubtedly will, affect the quality of life of both the preserve management community and the Miccosukee and Seminole communities. But, this is the role of the applied anthropologist. The applied anthropologist simply must be as honest as possible in the unbiased interpretation of the evidence that may be brought to bear, in this case, on the nature of the traditional use and occupancy of the Big Cypress Swamp by the Miccosukee and Seminole People.

The applied anthropologist has a standard task - to mediate knowledge between cultures (Chambers 1985:26). That is, the applied anthropologist is a "cultural broker". The first task of a "cultural broker" is often to raise awareness of a cross-cultural issue. In this particular case both preserve managers and Miccosukee and Seminole leaders were well aware of a communicative impasse that had developed on the issue of the statutory rights. That is exactly why this researcher was called in as an outside consultant.

My job as mediator and cultural broker was to bring my training and experience to bear on the resolution of this impasse. It was my job to talk to both constitutencies, to try to get a full understanding of the events and contexts leading up to that impasse.

In this government to government relationship, it is obvious that communication will be facilitated if there is developed a better balance of mutual understanding and respect. This report is intended to give the preserve managers information to better understand the Miccosukee and Seminole people and the context of their culture, history, and their rights.

The applied anthropologist is also a facilitator. This report is offered as an aid in facilitating the preserve managers in getting fuller context on the Miccosukee and

Seminole statutory rights. It is hoped that the report will facilitate a continuous positive dialogue, rather than confrontations, on these statutory rights.

Finally, the applied anthropologist hopes to be a successful mediator. It is hoped that this report will lead to recommendations for successful modes of communication, and courses of action, for continuing dialogue on these statutory rights, viewed as positive responsibilities and opportunities, rather than as problems.

This report is not presented as a comprehensive ethnography or a full description of Miccosukee and Seminole Culture. It is based on a brief (five actual months in the Miccosukee and Seminole communities) acquaintance with a very complex way of life and a complex history. Based upon limited information, the report is practically oriented, applied, and written in straightforward non-technical language.

It is not written for other anthropologists. It is specifically designed to be useful to National Park Service managers, in the development of a better understanding of the statutory rights of the Miccosukee and Seminole People in Big Cypress National Preserve.

It is intended to provide a BASELINE UNDERSTANDING OF WHAT THE ACTUAL PATTERN OF MICCOSUKEE AND SEMINOLE "USUAL AND CUSTOMARY USE AND OCCUPANCY" OF THE BIG CYPRESS PRESERVE, FLORIDA was, AS OF 1974. It also includes what this writer feels is important for the present and future preserve manager to know about the context of Miccosukee and Seminole culture and history, to develop appropriate modes of communication with the Miccosukee and Seminole people, and to make informed policy decisions in fulfillment of the mandated stewardship of their rights.

From the initiation of this project, information has been shared fully with the Miccosukee and Seminole People. I hope that this report will be useful to them in their educational and development programs. If I may be of any further help on any particular issues, I have assured that I am at their service. In a real sense, and of necessity, this report is theirs. It is based upon information that the Miccosukee and Seminole People have been kind enough to share with me.

It is also hoped that National Park Service interpretive staff, especially at Big Cypress National Preserve and Everglades National Park, will find the contents of this report useful in their planning of interpretive programs that include a respect for the real and original experts on the south Florida wetlands - the Miccosukee and Seminole People.

2. THE PEOPLE TODAY: THE NATURE OF THE "MICCOSUKEE" AND "SEMINOLE" COMMUNITIES

There are approximately 2600 Miccosukee and Seminole People living in southern Florida today (1994). These people are the descendants of the less than 200 survivors that remained in southern Florida after the wars and removal of 1814-1858.

They still live in widely scattered communities. The majority today live on six different reservations, but many still live on public and private lands and have refused resettlement on reservations.

These residential groups are also crosscut by the traditional linguistic and ethnic distinctions between speakers of two mutually unintelligible languages, "Miccosukee" and "Muskogee".

I will now elaborate, in order, the nature of the adaptive system of the people. The following subchapters explain the nature of the population, language and ethnicity, reservations and residence, the Traditional Seminole Nation of Florida, the unaffiliated members, the Corn Dance groups, clan organization, and decision making.

## 2.1. THE POPULATION

The population of the Florida Indians, the remnants of whom became known as the "Seminoles", is estimated at about 4,500 just after 1800. By 1820 the population had swelled to nearly 6,000, primarily due to the influx of the refugees from the Creek war (see Chapter 5. THE UNCONQUERED). Then came the Seminole wars and the forced removal to the area west of the Mississippi River. By the end of the Second Seminole War in 1847 only about 360 remained in Florida. In 1858 the Third Seminole War ended with the last shipment to the west, which included Billy Bowlegs and his group. So, the majority of the Seminoles (primarily Muskogee or Creek speakers) were exiled to Oklahoma. By 1860 there remained less than 200 Indians in Florida. The surviving groups were left in their last refuges around Lake Okeechobee and in and around the Big Cypress Swamp and in the Everglades.

The majority of these last resisters, all now referred to as "Seminoles", were Miccosukee Hitchiti speakers. The others were Muskogee speakers, often referred to as Tallahasseees, Creeks, or Cow Creek Indians.

The Big Cypress Miccosukee-Seminole elders that I have spoken with keep offering the number 54 as the population of their group of survivors. This is passed down in their oral tradition, but it is not clear that this number refers to the total surviving population of the Big Cypress Swamp and the Everglades, or the total number of able bodied men, or "warriors". The interpretation of around 54 surviving "warriors" and a total population of under 200, including the women and children, is probably pretty close.

When Clay McCauley (1887:477) reported on the population in 1880 he found 208 persons, 37 families, living in 22 scattered camps. He grouped the camps by region into: ". . .

(1) The Big Cypress Swamp Settlement; (2) Miami River Settlement; (3) Fish Eating Creek Settlement; (4) Cow Creek Settlement; and (5) Cat Fish Lake Settlement" (MacCauley 1887:478) (see: Map 7.). Since 1880 the population has been growing. In the 60 years between 1900 and 1960 the population quadrupled from about 300 to about 1200, and this trend is continuing.

The following table generalized from the available census information represents the population trend and a conservative projection for surviving Florida Seminoles and Miccosukees:

Date	Population	
1800	4,500	
1820	6,000	
1847	360	(End of 2nd War)
1860	-200	(End of Removal)
1880	208	
1900	300	
1920	450	
1940	586	
1950	823	
1960	1,200	
1970	1,300	
1980	1,500	
1990	1,700	
2000 (projected)	1,900 (projected)	

In the 1980 Comprehensive Plan, the Miccosukee Tribe of Indians of Florida listed 260 tribal members, 117 members of families of tribal members, and 167 independent Miccosukees, Seminoles, or others, in the Miccosukee Service Area; for a total of 544 in the "service area". The Miccosukee Service Area is defined as including, ". . . Tribal members and their families, independent Miccosukees, Seminoles, and other Indian families residing along the Tamiami Trail from Naples east to Miami (Miccosukee Tribe of Indians of Florida 1980:19). The Comprehensive plan also noted that there was a dynamic fluctuation of population during any year, since an average of 5 families per year moved between the Miccosukee Service Area and the Seminole reservations. It was the

policy of both the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida to allow a Miccosukee or Seminole person to change affiliation from one tribe to another once, and only once.

The Comprehensive Plan also noted a young and growing population with an average age of 23.1 and that over 50% of the population was under 25 years of age.

In 1990 the Miccosukee Tribe of Indians of Florida listed 320 tribal members, 144 members of families of tribal members, and 88 unaffiliated Miccosukees and Seminoles in the service area. The developmental plan also reports an average of 11 births and 4 deaths each year among tribal members.

The most current official Miccosukee tribal census (1994) records 373 tribal members.

In summary then, the Miccosukee Service Area population is young and growing and the trend is towards increasing membership in the Miccosukee Tribe of Indians of Florida and a progressive decrease in the nonmembers in the service area.

The Seminole Tribe of Florida administers 5 reservations; the Brighton Reservation, the Hollywood Reservation, the Big Cypress Reservation, the Imokalee Reservation and the Tampa Reservation. The Tribe published the official roster of voting tribal members before the tribal election of 1993. The official count follows:

Seminole Tribe of Florida	
Brighton Reservation	236
Hollywood Reservation	295
Big Cypress Reservation	277
Immokalee Reservation	55
Tampa Reservation	24

Off Reservation	252
SUBTOTAL:	1,139

Voting tribal members must be over 18 years of age, so this count excludes minors in families of tribal members (The Seminole Tribune 1993:10-12). The Seminole Tribe published a count of total members, including children in 1992. This count reported over 1550 tribal members living on the reservations and 425 living off reservation (Seminole Tribe of Florida 1992:4).

The best estimate of the population of unaffiliated or independent Miccosukees and Seminoles (including the Traditional Seminole Nation of Florida) is about 200.

In summary, the Miccosukee and Seminole population at the beginning of 1994 based upon available evidence and best estimates may be represented as follows:

Miccosukee Tribe of Indians of Florida (primarily on the Everglades Special Use Reservation)	373
Seminole Tribe of Florida (Tribal Members)	
Brighton Reservation	236
Hollywood Reservation	295
Big Cypress Reservation	277
Immokalee Reservation	55
Tampa Reservation	24
Off Reservation	252
Independents (Estimated)	200
 Total Adults:	 1,712

To this we must add an estimate of the minor children that are not listed as voting members, remembering that this is a

young and growing population. This leads to a best conservative estimate of the total 1994 population of the Miccosukee and Seminole Communities of about 2,600.

## 2.2. LANGUAGE AND ETHNICITY

The Miccosukee and Seminole people of Florida speak three languages today; Miccosukee, Muskogee, and English. Two-thirds of the people speak Miccosukee as their native language, and the remainder speak Muskogee. There are many bilinguals, however, and Muskogee was traditionally used as a *lingua franca*. This meant that many Miccosukee native speakers learned Muskogee as a second language. English, today, is replacing Muskogee as the *lingua franca*. That is, Muskogee speakers and Miccosukee speakers today speak to each other in English.

Both the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida are making efforts in their educational programs to maintain Miccosukee as a spoken language, in the face of the growing dominance of English.

Miccosukee is the language of the Big Cypress Swamp and the Everglades areas and is the predominant language spoken on the Hollywood (Dania), Big Cypress, Imokalee, and Miccosukee reservations. The people on the Brighton reservation speak the Seminole dialect of Muskogee or Creek. This is the same dialect as the Seminole (Creek) that is spoken in the removed Seminole community in Oklahoma.

Since Miccosukee is the native language of the Big Cypress area, this report will focus much more on the Miccosukee speakers than upon the Muskogee or Creek speaking Seminoles.

It is surprising to the newcomer, that only 40 miles from Miami, in the year 1994, there are many people speaking only the native language. Many of the elders, women, and preschool children speak no English. The men and older children speak varying amounts of English, depending upon their dealings with the Anglo-american world and its

educational system. Tribal Council meetings and community meetings are primarily conducted in Miccosukee, and a translator is often needed.

The Miccosukee language and the Seminole dialect of Muskogee (Creek) are mutually unintelligible. They are, however, sister languages within the language family of the American Southeast which is called Muskogean.

The Muskogean Language Family has been well defined and described by the linguist Mary Haas (1941a). The family includes Choctaw, Chickasaw, Alabama, Koasati, Hitchiti, Miccosukee, Creek (or Muskogee), and Seminole. Mary Haas reported that: "Choctaw and Chickasaw are actually subvarieties of the same language and the same is true of Hitchiti and Mikasuki and of Creek and Seminole. . . . Hence, the distinction between Choctaw and Chickasaw, Hitchiti and Mikasuki, Creek and Seminole is of a political rather than of a linguistic order" (Haas 1941a:42).

This "cross-cutting" of political and linguistic entities has always caused great confusion. To avoid this confusion, it should be remembered that over two-thirds of the Florida Indians, generally referred to as "Seminole" are Miccosukee-Hitchiti speakers. One-third, principally the descendants of the so-called "Cow Creek" group, now living on the Brighton reservation speak Creek-Seminole. The majority of the Seminole population in Oklahoma speak Creek-Seminole. The Miccosukee-Hitchiti language, however, became extinct in Oklahoma with the death of the last few speakers in the 1940s. The 800 or so Florida Miccosukees that still actively speak the language are the last representatives of the Miccosukee-Hitchiti language tradition.

James Crawford, in his survey of southeastern Indian languages (1975:44), gives a good overview of the limited

literature available on the Miccosukee language. William C. Sturtevant has worked with the Miccosukee language in the course of his ethnographic field work from 1950 to 1953. His publications (especially 1954a, and 1971) contain some Miccosukee vocabulary, but no specific linguistic information.

John David West, working under the auspices of the Summer Institute of Linguistics, studied Miccosukee at the Dania and Big Cypress reservations for five years from 1955 through 1959. He published a very useful paper on Miccosukee phonology (West 1962) that contains a large quantity of vocabulary. He returned to the Miccosukee reservation in the 1970s, and worked with the Miccosukee Tribe of Indians of Florida. He developed excellent pioneering materials for the bilingual-bicultural education program of the tribe, including *A Guide to the Miccosukee Language* (West and Smith 1978) and an illustrated dictionary of the Miccosukee language (Miccosukee Corporation n.d.). West was also a major contributor to educational planning for the Tribal educational program. He is a major author of the *Miccosukee Educational System Handbook* (Miccosukee Tribe of Indians of Florida n.d.), which includes standards for the bilingual-bicultural program and the official tribally sanctioned system for writing Miccosukee.

William C. Sturtevant (1971) focused considerable effort on attempting to sort out the Miccosukee-Seminole ethnonymy, or how the people come to be called by outsiders, and how they prefer to call and identify themselves.

On the derivation of the word "Seminole", Sturtevant offers: "The ethnonym is of Muskogee origin: *simano.li* (earlier *simalo.ni*, surviving in some dialects) means "wild, runaway", as applied to animals and plants. It was originally borrowed by Muskogee from the Spanish word *cimmaron*, which has the

same meaning. A more appropriate translation of the Muskogee word in its extended, perhaps metaphorical use as an ethnonym is probably "emigrants", "pioneers", or "frontiersmen". The borrowing of the ethnonym into English and Spanish, early reports of its meaning as "wild, runaway", and its growing application toward the end of the eighteenth century all emphasize the tendency toward independence of the Florida Creek Settlements" (Sturtevant 1971:105).

Sturtevant points out that, by the 1850's the English speaking settlers had come to label all of the Florida Indians as "Seminoles", disregarding the names that these people had for themselves and their divisions into different linguistic and political groups. The point is, that "Seminole" is not a word that these people had for themselves. It was applied to them as they were lumped together and stereotyped by outsiders.

Sturtevant recognized in the 1950's that these people understood the derivation of the word "Seminole", but did not use it in their own language. They did not call themselves "Seminoles". They simply called themselves *ya.tkitisci*. or "red person". This corresponds to their words *ya.thatki*. "white person" and *ya.tlotci*. "black person". According to traditional Miccosukee belief, the Breathmaker created Red People, White People, and Black People. He purposely created them differently, with different physical characteristics, different talents and abilities, different duties on this earth, and different destinies. The difference is viewed not as a difference of degree, but as an absolute. It is Breathmaker's intent that Red People should stay Red People, and should not try to become White People. It follows that traditional people believe that Breathmaker did not intend for the races to intermarry.

Sturtevant also found that the Miccosukee called their own language *i.laponki*. and the Muskogee (Creek) language *chi.saponki*. and that they didn't even use the word "Miccosukee" in their own language to identify themselves, or their language (Sturtevant 1971:112).

In my interviews, the Miccosukee consultants generally corroborated Sturtevant's observations. The Miccosukee speakers call themselves *y.atkitisci*. and their language *i.laponki*.. Many of the Miccosukees today, however, are calling their language and their identity "Miccosukee" in their English usage. Many members of the Miccosukee Tribe of Indians of Florida, and especially their leaders, emphasize that they speak Miccosukee, they are Miccosukee, and that they have a separate history from the Seminoles (Muskogees or Creeks). They say that *simanoli* is an appropriate name for the Creeks who "ran away" from confrontations, and ultimately "ran away" to Oklahoma.

### 2.3. TRIBES RESERVATIONS AND RESIDENCE

Today the Miccosukee and Seminole people live on six different reservations or off the reservation. This year the foundations were poured for the first four residences on the Miccosukee Alligator Alley Reservation, so soon the residential reservation count will be seven.

#### THE MICCOSUKEE TRIBE

The Miccosukee Tribe of Indians of Florida was recognized by the United States Government as a distinct political unit in 1962 (see Appendix 1.I. Miccosukee Tribal Constitution). The Miccosukee Tribe of Indians of Florida now controls nearly 280,000 acres in western Dade and Broward counties. The lands under the administration of the Miccosukee Tribe of Indians of Florida (see Map 4. Miccosukee and Seminole Reservations) include the Tamiami Trail Miccosukee Reservation, the Alligator Alley Miccosukee Reservation, the Krome Avenue Miccosukee Reservation, the Dade Corners Reservation, and a large area in Water Conservation Area 3, which is leased from the State of Florida.

The Tamiami Trail Miccosukee Reservation is often called the "Forty-Mile-Bend" Reservation because of its location forty miles west of Miami. This reservation is the primary site of Miccosukee Tribal administration and residence. The reservation is on a strip of land 5 miles long and 500 feet wide, comprising 333.3 acres, which fronts on the Tamiami Trail. It is part of the land acquired for the Everglades National Park and the Miccosukee Tribe of Indians of Florida holds a 50 year special use permit to use the land (see Appendix 1.J. Miccosukee-Everglades National Park Special Use Permit (1973)).

The Tamiami Trail Miccosukee Reservation special use permit allows development of tribal administrative, educational, residential, or tourism oriented enterprises. The area is swampy and environmental protection regulations further limit the use of the land, and make any development complicated and expensive.

Adjacent to the permit area, three small parcels of land, comprising a total of 4.7 acres were granted in perpetuity to the tribe by the State of Florida. In 1982 these parcels were transferred to federal trust status. One of these parcels is now occupied by the tribal restaurant and the visitor information center. The second is occupied by the tribal service station and general store. The third parcel now has a cellular telephone tower on it, through a lease from the tribe.

The Tamiami Trail Reservation development includes the tribal government complex, the Miccosukee Cultural Center complex, and over 107 modern residences. Other commercial developments on the reservation include six airboat concessions, two restaurants, and, currently, two stores. About eight families are involved in the "cottage industry" of building cypress and palm thatched buildings or "chikees".

The Miccosukee government complex includes, a police station, a fire station, a tribal courthouse, an outpatient clinic, high school, tribal administration building, day school, water tower and water storage area, community library, gymnasium, track, tennis courts, basketball court, baseball diamond, vocational education building, community action agency office, woodshop, recreation building, and neighborhood facilities building.

The Miccosukee Alligator Alley Reservation comprises 74,812.37 acres. 54,241.37 of which are wetlands of extremely

limited development potential. The remaining 20,571 acres, however, have developmental possibilities.

With the completion of Interstate Highway 75 through the reservation, the tribe opened a service plaza including a gasoline service station, restaurant, and gift shop at the interchange with Snake Road. An auxiliary tribal police station and jail, and fishing and wildlife management station have also been established at the Snake Road interchange. This year (1994) the first 4 foundations were poured for Miccosukee residences on Snake Road, beginning a residential shift to the Alligator Alley Reservation.

So far, other development of the Alligator Alley Reservation has been limited to improving the land for future agricultural use, though a cattle ranching operation. Nearly 11,000 acres have been leased for cattle grazing, and have been significantly improved through fertilization and weed, brush, and exotic plant control. The Tribe is investigating its options for agricultural development of the improved lands.

There are also plans for the development of visitor and recreational facilities in the Snake Road interchange area and the possibility of airboat access to the reservation wetlands and the leased area of the state Water Conservation Area 3.

The latest tribal land acquisitions and development efforts have been in the area of the junction of the Tamiami Trail (U.S. Highway 41) and State Route 997 (Krome Avenue). The Krome Avenue Reservation, which is just west of the west Miami suburbs, was purchased by the tribe specifically for economic development. The 25 acre reservation is the site of the Miccosukee Tribal Bingo enterprise, on the northwest corner of the intersection. and the Dade Corners Reservation

is .92 acres on the southwest corner of this intersection, and is the present location of the tribal smoke shop.

The Miccosukee Bingo Hall at Tamiami Trail and Krome Avenue has seating for 2,000 people. Up to 30,000 people a month come to play. The hall employs over 200 people and, officially, tribal members are given first opportunity for employment. Besides Bingo, there is also a poker room (\$10.00 pot limit) and 120 video slot machines. It is estimated that patron wagering averages more than \$5,000,000 per month.

The cost of the land and construction of the bingo hall was \$6.5 million and it earned a profit of \$3.8 million in the first year that it was opened. Profits are now averaging \$7 million a year, though there was a brief financial setback during the closure to repair the damages after Hurricane Andrew in August of 1992.

The tribal share of the profits from the gaming operation means very significant improvement of the socio-economic status of the Miccosukee people. It adds up to over \$10,000 annually for each tribal member. The Tribal Corporation, of course, is presently directing a large portion of the profits to meeting the residential needs with the construction of modern housing and the improvement of educational and social services. The gaming enterprise is helping the tribe immensely toward its self-determination objectives. Now the tribe is developing capital for further land acquisitions and economic development.

The Miccosukee tribe also administrates 189,000 acres of leased wetlands within the state Water Conservation Area # 3, "to foster, assure and conserve to the Seminole Indians of Florida their native religion, customs, traditions and economy in their native habitat" (Denton 1960). The

continued use of this wetlands area is critical to the economy of the Miccosukee people, who access these lands from both the Tamiami Trail Reservation and from the Alligator Alley Reservation. The use rights of these wetlands, and the maintenance of adequate water storage levels within them, are basic requisites for the success of the six current tribal and independent tourist airboat concessions along the Tamiami Trail.

#### THE SEMINOLE TRIBE

The Seminole Tribe of Florida was recognized by the United States Government as a distinct political unit in 1957 (see: Appendix 1.H. Seminole Tribal Constitution). The Tribe administrates five reservations: The Hollywood (formerly Dania) Reservation, the Big Cypress Reservation, the Immokalee Reservation, the Brighton Reservation, and the Tampa Reservation. The following is from information largely abstracted from NA-GA-THA-THI-KI: "SOMETHING TO LEARN" (Seminole Tribe of Florida 1992), supplemented by my personal visits and tours on each reservation.

THE HOLLYWOOD RESERVATION is located in urban Hollywood in southern Broward County between Maimai and Ft. Lauderdale. The administrative complex for the Seminole Tribe of Florida is located here at 6073 Stirling Road. The Tribal Council and the Tribal Board meet here. The Bureau of Indian Affairs maintains an agency with a superintendent here. There is a modern residential area, administrative office buildings, a library, a gymnasium and youth center, and a Tribal fairgrounds. Commercial development includes several arts and crafts shops, several tobacco shops, a chikee building service, and the Seminole Bingo Hall. The reservation includes nearly 500 acres and is home to over 500 Seminole Tribal members.

THE BIG CYPRESS RESERVATION is located in Hendry and Broward County north of Alligator Alley about 50 miles west of Fort Lauderdale, along the northern edge of Big Cypress Swamp, adjoining the Big Cypress National Preserve. The Big Cypress Reservation is the largest of the Seminole reservations, with an area of 52,337.9 acres. This is the home of about 450 Tribal Members. The reservation includes much undeveloped land which is important to the maintenance and restoration of the Big Cypress ecosystem. The tribe has a cattle operation, citrus groves, and most recently a truck gardening operation to produce vegetables for the winter market. There is an administrative complex, senior citizen center, clinic, library, day care center, an airstrip and a camp ground. Ground has just been broken for the new Ah-Tha-Thi-Ki Tribal Museum. Tourist development includes a giant bingo hall; now unused since similar development in Hollywood, Tampa, and Immokalee; Billie Swamp Safari, a tourist ranch and exotic game animal farm, with lodge and the Swamp Water Cafe restaurant.

THE IMMOKALEE RESERVATION is located in Collier County just south of the town of Immokalee. This is a modern residential community that is home to about 150 Tribal members. The reservation was formally established in 1979. The people here have been involved in the agricultural economy of the Immokalee Area but economic development is moving here with the completion of a large now Bingo Hall and smoke shop on the southern edge of Immokalee. This development should pull a lot of business from the west coast centers of Naples and Ft. Myers.

THE BRIGHTON RESERVATION is located in Glades County northwest of Lake Okeechobee. About 400 Tribal members, mostly Muskogee (Creek) speakers, have their homes on this 36,000 acre reservation. The emphasis here is upon cattle

raising and farming. Brighton is home to the Tribal Cattleman's Association, and 4-H programs for youth.

THE TAMPA RESERVATION is located in Hillsborough county in urban eastern Tampa at the interchange of Interstate 4 and Orient Road. 56 Tribal members live here on 40 acres and maintain the tribal enterprises. There is a tourist village, a museum and interpretive center, and a smoke shop. The centerpiece on the Tampa Reservation is the convention center including the 276 room Sheraton Tampa East Hotel and the Seminole Bingo and Gaming Palace.

In summary, the Seminole Tribe of Florida is very progressive and successful in economic development and determining its own future. There is also an emphasis on keeping the traditional values. The slogan that is heard again and again from tribal leaders is "The Best of Both Worlds". They are moving forward, keeping their values, and succeeding in the modern Florida landscape. The Tribe administrates nearly 100,000 acres and serves the interests of over 2000 people. Over 300 Tribal members are employed in Seminole governmental or commercial enterprises. The tribal budget for the 1992-93 fiscal year was \$ 31,000,000.

2.4. THE TRADITIONAL SEMINOLE NATION OF FLORIDA AND  
THE "INDEPENDENTS"

The TRADITIONAL SEMINOLE NATION OF FLORIDA is a group of independent people of Miccosukee and Seminole heritage that has sought recognition as a distinct group through legal approach to the United States government. This group and other independents number probably about 200. The members of the Traditional Seminole Nation of Florida (primarily Miccosukee speakers) have steadfastly kept their autonomy and refused to affiliate with either the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida. They continue to hold that they are still the rightful owners of southern Florida soil.

The members of the Traditional Seminole Nation of Florida hold that they represent the traditional governing body of the Seminole Tribe, and that the new polities of the Seminole Tribe of Florida (established in 1957) and the Miccosukee Tribe of Indians of Florida (established in 1962) do not speak for them. They wish to make it very clear that they are not a "splinter group", as they have often been referred to by historians and anthropologists, but that they represent the oldest traditional governing body of the Seminole Nation.

They have refused to join the modern political "tribes" in their attempts to get payment for lands that were taken. The Traditional Seminole Nation of Florida continues the position that their land is not for sale and they hold that their lands in Florida have been illegally taken from them. They particularly claim that the land allocated to them under the Worth Agreement (Appendix 1.E., Map 6), is still rightfully theirs.

They have refused, at great sacrifice, to be parties to the distribution of claims monies distributed by the government

after the settlement of the Seminole Claims Case (see: Appendix 1.L. Seminole Claim: Distribution of Funds). They have refused to take any funds from the government and hold that they have signed no agreement to release their claim to land for money.

The Traditional Seminole Nation holds that the members of the modern "tribal" polities have given up their rights to the rest of their Florida lands by moving to reservations and taking government payments for their lands. Of course, following this logic, it is the members of the Traditional Seminole Nation of Florida and other independents that have not joined the modern tribal polities that contend that they have the continuing claim to the rights of residence and use of resources in Big Cypress National Preserve, since they have never relinquished their claim to this land. In other words, they view the Big Cypress National Preserve statutory rights as supporting the rights that they contend they have always had. In their view, the statute gives the National Park Service the responsibility of protecting these rights.

Members of the Traditional Seminole Nation and other independents today live along the Tamiami Trail (U S 41) and near Immokallee on state land (Royal Palm Hammock and Big Cypress Bend), federal land (Big Cypress National Preserve), and on private land (through the generosity and understanding of employers and land owners). A few of the independents that live in camps in Big Cypress National Preserve along U. S. 41 have title to their land. It is this group that could be considered more traditional and will be most interested in continuing much of the old pattern of residence and lifeway under the statutory rights in the Big Cypress National Preserve.

## 2.5. THE CORN DANCE GROUPS

The Green Corn Dance has been described by Louis Capron (1953) and William C. Sturtevant (1954a). Louis Capron had become an old and trusted friend of the Cow Creek Seminoles and was allowed to attend the secret ceremonies on the Brighton reservation. Sturtevant attended parts of two Cow Creek Green Corn Dances, but was unable to attend any Miccosukee ceremonies in the Big Cypress swamp. His knowledge of the Green Corn Dance is largely based upon interviews with Josie Billie, a medicine keeper for the Big Cypress Miccosukee. As a newcomer, I was not invited to a Green Corn Dance. The interested reader should consult the two above references for all the detailed information that has been published on the Miccosukee-Seminole Green Corn Dance.

It is important to know that the Green Corn Dance is the primary integrating ceremony of the Big Cypress people. It is a new year ceremony, a purification ceremony, and a world renewal ceremony. It is the most pristine form of the Green Corn Ceremony or "Busk", which was the prime ceremony of most of the Indians of the southeastern United States.

There are three Green Corn Dances held in Florida each year. Two of them are held in the Big Cypress National Preserve. The third is held on the Brighton Reservation.

Corn is ritually planted in February by young men of their clan. This is a sacred obligation and one of the requisites for young men getting new status at the upcoming Green Corn Dance. The timing is important since the corn must be ready for harvest and eating at the Green Corn Dance which is traditionally scheduled at the new moon late in May or early in June. Today, the Corn Dance can be scheduled a week or so into the new moon. The exact date varies according to the decision of the medicine maker in charge.

Today, the Ceremony lasts 4 days and is scheduled to run from Thursday through Sunday. In 1993 the first Corn Dance was held in Big Cypress National Preserve, south of the Tamiami Trail, May 13, 14, 15, and 16. The second was held, north of the Tamiami Trail, June 3, 4, 5, and 6. The third was held on the Brighton reservation, June 24, 25, 26, and 27. Logically, of course, the south to north sequence matches the sequence of the ripening of the corn.

According to the current schedule for a Big Cypress Green Corn Dance, the first day of the Ceremony is for preparation, the second day is for collecting firewood and court day (when members are brought before the elders for hearings and punishments for transgressions of traditional tribal laws), the third day is feasting, the fourth day is fasting and court day, and the fifth day is feasting and breaking camp (see Capron 1953, for details of the Brighton Green Corn Dance).

Traditional Miccosukees and Seminoles align themselves with one or another of these Corn Dance groupings. The different clans come and set up their camps around the ceremonial grounds. In 1993 Big Cypress Corn Dance Ground 1 consisted of 72 structures on about 2 acres. The structures were clustered into clan camps representing the presence of 9 clans. The Corn Dance Ground 2 was a bit larger with 79 structures, representing 10 clans.

The Medicine keepers for each of the Corn Dances are continuity of the pattern of traditional leadership, and come predominately from the War or Red Moiety and from the Panther, Otter, Wind, or Big Town Clans. They are traditional leaders in the Miccosukee and Seminole pattern of shared leadership.

## 2.6. CLAN ORGANIZATION

Gene Stirling wrote in 1936 that, ". . .the clan is the fundamental unit in their social organization. . .the importance of the clan cannot be overemphasized. It is still the dominant social unit that exerts a profound influence on all phases of native life " (Stirling 1936:1-2). Clan membership is still very important to Miccosukees and Seminole and very important to the understanding of their social and political systems.

The fundamental unit of Miccosukee and Seminole society is the Matrilineal Clan. The associated kinship system is called a "Crow" system by anthropologists interested in typologies because it was found among the Crow Indians of the northern Plains. This Matrilineal-Crow system was the common pattern for most of the Indians of the southeastern United States before they were impacted by the Anglo-American bilateral, patridominant system of kinship rekoning.

The conservative independent Miccosukees along the Tamiami Trail probably preserve the southeastern pattern in its most pristine form. Almost all of their social interaction is framed in clan membership terms.

There are 12 Miccosukee-Seminole clans today (Buswell 1972), although not all are represented on every reservation or in every community. These are: Panther, Wildcat, Deer; Bear, Wolf, Gopher; Bird, Little Bird, Wind; Otter, Snake, Big Town (Toad/Frog). Other clans such as, Alligator, Crocodile, Little Black Snake (Billy Bowlegs' clan), Eagle (Osceola's clan), have become extinct with the passing of the last clan member to the spirit world.

In some communities Panther Clan and Bobcat Clan may be combined and often Bird and Little Bird are combined. Big Town Clan is often referred to as Tallahassee or as Toad or Frog. When asked, a Miccosukee will most often respond that there are either 8 clans or 12 clans. It is important ritually to count clans as multiples of 4, the most sacred Miccosukee-Seminole number.

Each child is born into the security of mother's clan. Traditionally the clans are strictly exogamous, that is, marriage partners had to be found in other matrilineal clans. Traditionally, anyone committing the ultimate social crime of marrying within one's own clan was sentenced to severe punishment or death by tribal law.

Inheritance of property, privilege, and power traditionally was through the matrilineage. A medicine keeper, for example, normally was trained by a clan uncle and the medicine was passed on to the nephew. So, these sacred properties were not passed on from father to son and into other clans. Other leadership roles generally stayed with clans. Medicine keepers and leaders in time of major crises were often of Panther or Otter clans. Leaders in peacetime, the diplomats or peacemakers, were often from Bird or Wind clans. This pattern may go back to the old pattern of war (red) and peace (white) moieties and leaders. So the different clan leaders had complementary rather than conflictive roles, and kept social and political affairs in balance.

The camp or residence group was primarily a matrilineal extended family. The core group was a woman and her daughters. The camps were named for the matrilineal clans, not for the elder or leading male head of household as they are today. Men were not members of the camp clan, and were outsiders in their wives' clan camps. Leaders were

spokespersons put forward by consensus of the matrilineal clans.

To a participant in this system, only clan members are "real relatives". All older women in one's clan are considered grandmothers or mothers. All older men are considered uncles. All women of contemporary age are considered sisters, all men brothers. All younger women of the clan are nieces, all younger men nephews.

Father belongs to a different clan, and is not a "real" relative. Men of his clan are called little fathers and women are called aunts.

Of course, these days, the influence of the Anglo-American social system and the impact of moving into single-family modern homes on reservations has had a drastic effect on the traditional pattern and the kinship pattern is moving toward a patrifocus and a bilateral system with fuller consideration of the relatives on both the mother's and the father's sides. The complexities of kinship relations and the changes going on would be a weighty study for a social anthropologist, but this goes beyond the objectives of the present report.

2.9. CONTEMPORARY DECISION MAKING, SHARED  
AUTHORITY, CONSENSUS PROCESS

Politically, Miccosukees and Seminoles may belong to the federally recognized polities of the Seminole Tribe of Florida (organized in 1957) or; the Miccosukee Tribe of Indians of Florida (organized in 1962) or; they may belong to the independent Traditional Seminole Nation of Florida (not officially recognized by the government); or they may just be completely independent and not belong to any of the formal political organizations.

There are still three groupings that traditional people associate themselves with at an annual Green Corn Dance. These "Corn Dance" alignments correspond to the pattern of traditional religious-social-political structure that was in place before the people were formed into new political structures to deal with threats to their cultural survival.

The society of the people maintains its cohesiveness by the continuing importance of clan (sib) organization. There are nine or twelve exogamous matrilineal clans, depending upon how you are counting. Exogamous simply means that one must marry outside his or her clan. Matrilineal means that descent and clan membership are reckoned through the mother's line.

Clan membership traditionally not only serves to regulate marriage, but determines residence patterns. A groom moves into the matrilineal extended family camp of his bride. His children are not his, they are members of their mother's clan.

The system of exogamous clans weaves the different communities together. Clan membership crosscuts local community structure, language and ethnic affiliation, political affiliation, and traditional Green Corn Dance

alignments, weaving all of the people together in a common, though complex, identity. This complex, dynamic, system is their social adaptation for cultural survival in today's world.

The result is a dispersed society, that maintains a vital network of communication, combining inherited kinship associations, and voluntary social, religious, and political associations. This network of seemingly disparate groupings or factions, actually acts as a complex system of checks and balances and provides a very effective system of shared authority. Critical issues to the people are broadly considered through this network until a general consensus is reached. Leaders are "spokespersons" for their particular polities, clans, families, or Corn Dance Groups. It should also be kept in mind that the male clan spokespersons or "leaders" really derive their authority from the clan mothers where the power is vested in the matrilineal clans. Spokespersons act as a council and the power rests in their constituents, who have elected them by consensus. The power is vested in The People.

Federal recognition of the modern "Tribes" under the Indian Reorganization Act of 1934 did not introduce democratic process to these people. They were free, democratically organized people when the government left them alone in the Big Cypress Swamp and Everglades. The federal recognition of the new polities of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida just introduced a new layer of structure with low-context bureaucratic characteristics upon the high-context, highly communicative, consensus structure that was already in place.

Today, authority still rests in The People and it is channeled through their spokespersons of family, clan, Corn Dance group, and tribe. Decisions are still reached by

consensus. Authority is shared. U. S. government representatives are often confused and frustrated by this system, since consensus formation in such a system requires full dialogue and discussion at all points in the system and at every level. Much of the dialogue must be oral and bilingual as many of those in authority are limited in English usage and are not accustomed to, or distrustful of, dialogue on paper. This mode of reaching consensus takes time. No one is empowered to make quick "snap" decisions for any group. In other words, there is no "chief", no "boss", only spokespersons elected by consensus, relaying the consensus of The People.

### 3. THE BIG CYPRESS: ENVIRONMENTAL SUMMARY

The following general summary of the Big Cypress Swamp environment is derived primarily from McPherson (1974), Duever, et al (1986), Myers and Ewel (1990) and U.S. Department of the Interior, National Park Service (1991). For fuller details, these primary sources may be consulted.

The Big Cypress Swamp (see Maps 1. and 2.) is the term generally used for a large topographic, hydrologic, and ecologic unit in South Florida. This Big Cypress watershed unit has a total area of approximately 1,568,000 acres. The boundaries of the Big Cypress National Preserve, as originally established in 1974 contained 575,000 acres, or well over one-third of the watershed. The addition of the 146,000 acres added by Public Law 100-301 in 1988 brings the Preserve acreage up to 721,000, approaching one-half of the watershed.

The Big Cypress Swamp is a generally flat, swampland, but it is a little higher, more forested, and ecologically more diverse than the Everglades. It is an area of alternating pine forests; cypress strands, sloughs, swamps and domes; mixed hardwood hammocks and swamps; prairies, and marshes.

This flat wet land generally slopes to the south from fifteen feet above sealevel in the north to sea level on the the south and southwest where the Big Cypress Swamp meets the coastal mangrove forest.

Water is the controlling factor for the Big Cypress ecosystem. The seasonality, amount and quality of water flowing through the system critically effect the biota and human activity in the watershed.

The climate of the area is the result of the interface of both temperate and tropical patterns. This tropical savanna climate is characterized by hot, humid summers and mild, dry winters. Annual precipitation averages 54 inches, 80 percent of which falls between May and October. During the summer wet season up to 90 percent of the Big Cypress Swamp is flooded. The flooding normally lasts for several months beyond the heavy rainfall period. However, the wet season is too short to compensate for the water loss and the result is a drought condition toward the end of the dry period. The resulting hydrologic dynamic of the Big Cypress preserve is a pattern of alternation of flood and drought, which is critical to the maintenance of the ecosystem.

The natural drainage of the swamp is by slow sheet flow drainage into depressions such as swamps, sloughs, and strands; southward to estuaries along the southwest coast. Today, however a system of borrow canals, such as the Barron River Canal (along Route 29) and the Turner River Canal (along Route 839) divert the natural overland flow quickly and directly to the coast. The general result of this attempt at flood control and drainage modification is an increased rate of outflow and a longer and more severe period of drought. This has had drastic effects on the ecosystem and its stability.

The Big Cypress National Preserve was created to preserve the natural hydrologic cycle as closely as possible.

The vegetation of the Big Cypress Swamp is very sensitive to subtle topographic variations, the hydrologic cycle, and fire. McPherson has divided the Big Cypress Swamp into 6 major habitats. He calculates that 43 percent of the area is Cypress Forest, 24 percent is Prairie, 18 percent is Pine Forest, 6.4 percent is Mixed Swamp Forest, 4.2 percent is Marsh, and 1.5 percent is Hammock Forest (Duever, et al.

1986:83). McPherson (1974) is the authority on the habitats of The Big Cypress Swamp. His summary descriptions of the habitats catch the essence of each habitat well. I doubt that they could be improved upon, so I will simply quote them here:

"CYPRESS FORESTS are open areas of small cypress trees (*Taxodium*) and a scattered sparse growth of herbaceous plants, such as sawgrass (*Cladium jamaicensis*) or beak rushes (*Rhynchospora*), growing on a thin layer of marl soil or sand over limestone. Cypress domes and strands of larger trees grow over much of the forest. Domes are circular or egg-shaped features that are dome-shaped in profile on the horizon. Strands are elongate areas of large trees that follow drainage depressions. Shrubs and small swamp trees, such as wax myrtle (*Myrica cerifera*), coco plum, and pond apple (*Annona glabra*) are common understory species within the domes and strands.

"Cypress domes occur where bedrock surfaces are low. The largest trees are near the center of the dome where bedrock is lowest and organic soil and water deepest. Trees decrease in size toward the periphery of the dome where bedrock is shallow and soils are thin or absent.

"Cypress strands are associated with elongate depressions in the bedrock. Large cypress trees were present in the strands in the early 1900's, but logging has since removed most of them. However, one major area of large virgin cypress remains at Corkscrew Swamp where the National Audubon Society maintains a sanctuary. Some trees there tower 40 meters and have a girth of 8 meters" (McPherson 1974:10).

"PRAIRIES of the Big Cypress are associations of mixed grasses, sedges, and other herbaceous plants with a few trees. They may be seasonally inundated for months (wet prairies) seldom inundated (dry prairies) or intermediate between the two types, depending on land elevation. Common species in wet prairies include maidencane (*Panicum hemitomon*), blackhead rush (*Schoenus nigricans*), star dichromena (*Dichromena colorata*), muhly (*Muhlenbergia capillaris*), water dropwort (*Oxypolis filiformis*), ribbon lily (*Crinum americanum*), hempvine (*Mikania batatifolia*), the low shrub stillingia (*Stillingia* sp.), and scattered marsh vegetation, particularly sawgrass. Common species in dry prairies include saw palmetto and some of the grasses and sedges found in the pine forest. Wet prairies cover large areas south of U. S. Highway 41, where they merge in places almost imperceptibly with marshes. Dry prairies are more common in the northern part of the Big Cypress. Some prairies, particularly those west of State Road 29, have been farmed" (McPherson 1974:11).

"PINE FORESTS are open areas of pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), saw palmetto (*Serenoa repens*), and scattered hardwood shrubs and trees (scientific names are from Long and Lakela, 1971). Grasses are usually the dominant ground cover with common genera such as beardgrass (*Andropogon*), three-awn grass (*Aristida*), and panic-grass (*Panicum*). Sedges, rushes, and composites may also be present in the ground cover. The land is usually a decimeter to several decimeters above the surrounding cypress land. Pine forest is a sub-climax association maintained by fire, which restricts the spread and reduces the density of hardwood trees" (McPherson 1974:10).

"MIXED SWAMP FORESTS are areas of dense stands of trees, shrubs, vines, ferns, and epiphytes that usually occur as elongated strands that follow low drainage areas. Elevation of land within a forest is variable and ranges from deep-water areas that are inundated during most of the year to higher areas that are seldom inundated. Most of the land is seasonally flooded for months. The forest is usually a mixture of many shrub and tree species. Cabbage palm, red maple, wax myrtle, coco plum, sweet bay (*Magnolia virginiana*), and red bay are widely distributed. Cypress, willow (*Salix caroliniana*), pop ash (*Fraxinus caroliniana*), and pond apple tend to be more common in deeper water. Hammock vegetation, such as laurel oak, dahoon (*Ilex cassine*), wild coffee (*Psychotria undata*), myrsine (*Myrsine guianensi*), and occasionally live oak and pine grow on the higher land. Although the forest is generally a mixture of many trees, one species, such as willows, may predominate in small burned areas, or pop ash, pond apple, or cypress may predominate in deep water. Cabbage palm predominates at the seaward end of some strands. Large cypress trees dominated much of the forest before logging, but virtually all large trees have been removed.

The Fakahatchee Strand . . . is the largest mixed swamp forest in the Big Cypress. The Strand was logged in the late 1940's and early 1950's and virtually all the large cypress trees removed. Maple, oak, willow, and other swamp hardwoods became dominant after the cypress removal (Alexander and Crook, written commun., 1973). Despite logging operations and severe fires, the strand is known for its rich and diverse flora which includes at least 39 species of orchids, some of which are found nowhere else (Luer, 1964), 20 species of ferns, and 11 species of bromeliads (Finn, 1966). Numerous small lakes are distributed along the central axis of the strand" (McPherson 1974:11).

"MARSHES are dominated by such forms as cattail (*Typha* sp.), dense sawgrass, arrowhead (*Sagittaria lancifolia*), pickerelweed (*Pontederia lanceolata*), fire flag (*Thalia geniculata*), water rush (*Rhynchospora inundata*), spike rush (*Eleocharis cellulosa*), and bladderwort (*Utricularia* sp.).

Vegetation may be dense or sparse. Water is usually several inches deeper than in the surrounding prairies" (McPherson 1974:11).

"HAMMOCK FORESTS are areas of vegetation including hardwood trees, palms, shrubs, ferns, and epiphytes. They grow on land slightly higher than that of surrounding marshes, prairies, or cypress forest and often stand out on the horizon as a "tree island". Hammock forests often represent a climax community developed in the absence of fire. Areas surrounded by deep water or areas of dense vegetation that retain high humidity and soil moisture are protected from fire. In the northern part of Big Cypress, temperate-zone trees, such as red maple (*Acer rubrum*), and Laurel oak (*Quercus laurifolia*) predominate in lower areas and live oak (*Quercus virginiana*) and cabbage palm predominate in higher areas. To the south, broad-leaved tropical trees and shrubs, such as strangler fig (*Ficus aurea*), wild tamarind (*Lysiloma latisiliqua*), pigeonwood (*Coccoloba diversifolia*), Gumbo limbo (*Bursera simaruba*), poison wood (*Metoim toxiferum*), redbay (*Persea borbonia*), and coco plum (*Chrysobalanus icaco*) become dominant, where they grow on numerous tree islands. These islands are most abundant southeast of a line that extends from the Training and Transition Airport southwestward to Lostman's River. Near the coast, red mangrove (*Rhizophora mangle*) and cabbage palms are generally abundant" (McPherson 1974:10).

McPherson's summary of the animals of the Big Cypress is useful:

"The animals of the Big Cypress are aquatic or water tolerant and are adapted to seasonal inundation. Small animals such as many insect species spend part of their life cycle in the water; others such as fishes and prawns are completely aquatic. Many larger animals such as frogs, alligators, some snakes, wading birds and some mammals are dependent on the aquatic environment for food or living conditions. Other species such as deer, bear, or panther, thrive in swamps or dry lands.

"Seasonal water fluctuations provide the conditions necessary to feed the animals of the Big Cypress (Kushlan, 1972). During high water, aquatic plant and animal production abounds in the marshes, sloughs, and prairies, and energy stored by the plants is used by small crustaceans, insects and fish. Receding water levels during the dry season force the small aquatic animals to concentrate in scattered ponds, tributary creeks, and sloughs. The concentrated biomass becomes a rich source of food for larger animals. A lowered water level allows wading birds to feed in the remaining water. The wood ibis, for example, feeds on

small fish by wading and groping with its bill. The efficiency of its feeding depends directly on the number of food items per volume of water. In South Florida the wood ibis can obtain enough food for breeding only in winter, when the density of small fish becomes high as a result of declining water levels (Kahl, 1962). Two thirds of the wood ibis of the United States breed in the Big Cypress and are dependent on the seasonally fluctuating water levels there (Leopold and others, 1969).

"Most other large animals of the Big Cypress derive some food from the aquatic food web. The water-dependent birds, including rare and endangered species, such as the roseate spoonbill, the Florida Everglades kite, and the southern bald eagle, inhabit the Big Cypress. Other birds and some mammals, such as the Florida panther and the black bear, are not as water-dependent, but they exist in the Big Cypress primarily because it is a wilderness. The wilderness, although now reduced in size, remains because the aquatic nature of the environment has made development difficult" (McPherson 1974:11-12).

#### 4. HUMAN ADAPTATIONS TO THE BIG CYPRESS BEFORE MICCOSUKEE AND SEMINOLE ENTRY

The Big Cypress Swamp has been a fishing and hunting ground for over 2,500 years. The general pattern of human occupation of the Big Cypress Preserve has been well documented in the reports of a five year archaeological survey (Ehrenhard, Carr, and Taylor 1978, 1979; Ehrenhard and Taylor 1980; Ehrenhard, Taylor and Komara 1980; Taylor and Komara 1983). The survey, which was done by the Southeast Archeological Center, in compliance with Section 106 of the Historic Preservation Act of 1966 and Executive order 11593, located and recorded 394 sites on the original (1974) 575,000 acres of the Big Cypress National Preserve.

The majority of these sites were prehistoric sites of the Glades Culture. Less than one-third (114) of the sites included historic Seminole components on, or adjacent to, Glades components.

This survey, of course, provides a basic understanding of, and model for, Seminole adaptation to the Big Cypress Preserve lands.

The site types located were black earth middens, sand mounds, rock mounds, and transient camps. The survey team used four methods for locating sites. These were photographic interpretation (Ehrenhard 1980), informant information, on the ground field investigations or proofing by the survey team, and gleaning site information from published maps. The aerial photographic interpretation was the single most productive method of locating sites (Ehrenhard, Carr, and Taylor 1978:3). There is no doubt that the five season survey got good coverage and representative information in a very large tract of land, under very difficult conditions.

## 5.1. THE GLADES CULTURE

The majority of the sites (over two-thirds) in Big Cypress National Preserve are representative of the Glades Region Culture. The Big Cypress Glades manifestation is a local variation of the Glades Region, which includes essentially all of south Florida, south of the Okeechobee and Caloosahatchee regions (Milanich 1994: 298). The region includes the diverse environment of the Everglades, Big Cypress Swamp, and the saltwater marshes and mangrove forests of both coasts. The Glades sites are larger and more frequent along the coasts, especially at the estuaries, where rivers draining the interior wetlands meet tidewater. These sites, obviously, provided easy access to the abundance and diversity of both coastal and interior resources.

In the interior wetlands the sites were smaller, generally representing temporary, seasonal, fishing, hunting, and gathering camps set on the dryer hammocks or tree islands of the Everglades and Big Cypress Swamp. It is evident that the tree island camps were accessed by a complex network of canoe trails.

In other words, the Big Cypress area was generally a peripheral area or "hinterland", seasonally visited for exploitation of resources, by the Glades people from the nuclear villages near the coasts. At the nuclear villages near the coast, the estuarian resources, fish, shellfish, manatees, etc. were locally exploited. The interior seasonal camps were focused on the local exploitation of the interior resources such as, fish, turtles, alligators, fresh water shellfish, amphibians (frogs and sirens), deer, etc.

The Glades people made pottery, but apparently practiced no significant cultivation or gardening. Their fishing, hunting, and gathering lifeway appears to have served them

well and the population grew and flourished in the period from about 500 B. C. until european entry, in the early sixteenth century. Laura Kozuch (1991) has documented an increase in Glades sites (and presumably in population) through Glades periods I, II, and III.

The chronology of the Glades Culture has been well worked out during the past fifty years. John Goggin (1939, 1940, 1944) has developed a relative chronology based upon ceramic styles. This chronology has been further established with radiocarbon dates in the work of John W. Griffin (1974, 1988). This work is summarized in Widmer (1988) and the most recent summary of the chronology may be found in Milanich (1994: 301).

John Goggin's (1976: 13-14) chronology is summarized in the first report of the Big Cypress Survey as follows:

Glades I Late	Ca. A.D. 500-700
Glades IIA	A.D. 700-900
Glades IIB	A.D. 900-1000
Glades IIC	A.D. 1000-1200
Glades IIIA	A.D. 1200-1400
Glades IIIB	A.D. 1400-1513
Glades IIIC	A.D. 1513-Ca. 1750

Ehrenhard, Carr, and Taylor (1978:10) use this general chronology in classifying the components of the Big Cypress Preserve sites.

John Goggin (1949:28) suggested that the subsistence pattern of the Glades tradition was characterized by, ". . . the exploitation of the food resources of the tropical coastal waters with a secondary dependence on game and some use of

wild plant food". Based upon the Big Cypress National Preserve survey, Ehrenhard, Carr, and Taylor (1978:9) amend and elaborate Goggin's description by pointing out that, ". . . this resources exploitation featured adaptive strategies that reflected the local microenvironments. In the case of the Big Cypress; faunal data from sampled sites situated along the northern section do not reflect a primary exploitation of coastal waters, but rather, as might be expected, local interior environments".

Early in the Big Cypress survey, Ehrenhard was able to construct a predictive "site signature model", ". . . based on the fact that most middens and campsites are situated on the higher dry hammock islands. A second element of this model is that sites would tend to occur on that portion of the hammock island opposite the deepest slough or marsh that is adjacent to the island. Such a site location would furnish canoe access to the island during dry periods that would have made other water routes more difficult or impossible to use. Also, these wet areas would have offered the opportunity for certain types of resource exploitation" (Ehrenhard, Carr, and Taylor 1978:14).

Carlton Tebeau's description of the settlement pattern seems to fit very well with this model of Glades settlement and adaptation: "Villages were usually located at the mouths of rivers and inlets and on offshore islands. Indians travelled freely in the Everglades but rarely lived for any length of time in the Everglades. They traveled mostly by canoe and though no remains or descriptions exist to guide us, we may reasonably assume that dugout canoes not unlike those used by other southeastern Indians were used in the Glades. There is little evidence of overland travel, but signs of canoe trails through the watery region can be traced by middens -refuse heaps marking human habitations- that mark stopping places on

the banks of streams and island way stations" (Tebeau 1968: 41).

The model of settlement and adaptation that emerges for Glades Culture, then, makes the Big Cypress Preserve lands a local peripheral portion of a larger dispersed settlement pattern. The Big Cypress lands were probably exploited seasonally as a fishing and hunting ground. Logically the season for canoe access to the interior was during the high water months of late summer and early fall. The environment also undoubtedly dictated this pattern for the historic Miccosukees and Seminoles when they later made their adaptation to the Big Cypress Swamp. The seasonality of canoe access undoubtedly effected the pattern on through the later exploitations of plumes and alligators for trade. This pattern is evident in the annual trading cycles of the the Miccosukees and Seminoles through the 1920's (Kersey 1975).

#### 4.2. THE DEMISE OF THE GLADES CULTURE

The Glades Culture is obviously the archeological designation for the peoples ultimately recognized by the european colonists as nations such as the Calusa and the Tequesta, since they were the groups inhabiting this land and following this adaptive pattern at the time when documented history begins. Although the scope of the present report does not include a full description of Calusa culture, it is important to include a few of the important aspects of the Calusa adaptation to the environment that the Miccosukee and Seminole people were to inherit. A good summary description of Calusa culture may be found in Goggin and Sturtevant (1964) and Milanich and Fairbanks (1980).

The Calusa society was an example of a remarkable development of a complex stratified society, based upon fishing, hunting, and gathering, rather than upon cultivation. In a very successful adaptation to the southeastern coast, estuaries, and interior of Florida, the population peaked at an estimated 4,000 to 7,000 inhabitants (Goggin and Sturtevant 1964:187).

The Calusa were skilled woodworkers with cypress and pine. They made many wooden objects of utilitarian value and aesthetic beauty. They built temple mounds, dug canals, and built peirs for their canoe landings. They built houses on wood pilings and thatched them with palm (Milanich and Fairbanks 1980:246). They brought canoe making to a fine art. They were successful seafarers and whale hunters. Their canoes were seaworthy enough to take them on trading trips to the Bahamas and Cuba. They attacked Ponce de Leon at sea with "scores of canoes", some of which were made more stable by ,". . .lashing them together in twos" (Davis 1935).

Middens from the larger coastal villages indicate a local utilization of a tremendous variety of resources. The plentiful supply and variety of fish and shellfish was supplemented by, ". . . opossum, rabbit, dog, bobcat, racoon, gray fox, white-tail deer, whale, grey seal, loon, gannet, cormorant, great blue heron, american egret, snowy egret, white ibis, greater scaup duck, lesser scaup duck, hooded merganser, red-breasted merganser, turkey vulture, black vulture, long-billed curlew, herring gull, ring-billed gull, Royal tern, alligator, mud turtle, box turtle, diamond-back terrapin, chicken turtle, gopher tortoise, green turtle, soft-shell turtle, water snake, racer, rat snake, cottonmouth moccasin, eastern diamond-back rattlesnake. . ." (Milanich and Fairbanks 1980:223-244).

Fontaneda (1945) reported that inland resources included roots made into bread (presumably the *Zamia* or "Coontie"), roots like "truffles", fish, deer, birds, alligators and turtles (Milanich and Fairbanks 1980:249).

Analysis of the faunal remains from the middens at Hinson Mounds site (NPS-2) and the Platt Island Site (NPS-5) within the Big Cypress National Preserve indicated utilization of white-tailed deer, black bear, bobcat, racoon, opossum, rabbit, squirrel, striped skunk, muskrat, cotton rat, heron, American egret, snowy egret, yellow crowned night heron, ducks, white ibis, mud turtle, snapping turtle, pond turtle, box turtle, horn snake, water snake, cottonmouth moccasin, rat snake, indigo snake, black snake, eastern diamond-back rattlesnake, American alligator, frogs, greater siren, garfish, bowfin or mudfish, catfish, jackfish, black drum, sunfish, largemouth bass, mullet, tiger shark, stingray, stone crab, whelk, horse conch, olive shell, pond apple snail, and sunray venus clam (Ehrenhard, Carr, and Taylor 1978:89-95). This inventory indicates the diverse pattern of resource utilization that was so important to the Calusa

adaptation, to the area that the Miccosukee and Seminole people were to inherit.

By the early 1700's european diseases and raiding from the north had taken their toll and southern Florida was becoming quickly depopulated and was open to resettlement by the ancestors of the Miccosukee and Seminole people (see Chapter 5. THE UNCONQUERED, for a brief summary culture history of the Miccosukee and Seminole People up to settlement in the Big Cypress Swamp and the Everglades).

By the time of the Moultrie Creek Treaty of 1823 (see APPENDIX 1.A.), Miccosukee and Seminole villages had been established as far south as Tampa Bay and Charlotte Harbor and the people were seasonally hunting and raiding throughout south Florida to the Keys. By 1840, with the winding down of the Second Seminole War of attrition and removal, the ancestors of the Miccosukees and Seminoles were firmly established in their last refuge of the Everglades and the Big Cypress Swamp.

There, they had to adapt to a new environment and new survival strategies. They, of course, combined strategies that were already in place and well tested, with the traditional strategies that they brought with them. Also, since they were under siege by an unrelenting military force, they had to make do with the resources of of the Everglades and Big Cypress Swamp, which had only been peripheral fishing and hunting territory of the Calusa. They, of course, added their tradition of cultivation. Each family camp cleared a bit of the most fertile soil on the higher hammocks of the Everglades and Big Cypress and continued their sacred tradition of planting a garden. They also planted banana and citrus trees and brought pigs and a few chickens.

In their new settlement they had contact with the so-called Spanish Indians. The Spanish Indians were evidently the remnants of south Florida Indians that had amalgamated with the Spanish fishing colonies along the coasts. The resulting mestizo or mixed population spoke a dialect of Spanish. Some of the "Spanish Indians" went to Cuba to escape the American occupation. Some of them took refuge in the interior, and became allies with the Miccosukees and Seminoles.

A debate continues concerning whether the Spanish Indians and the Miccosukee and Seminole populations came to include remnants of the Calusa. Sturtevant (1953) and Neill (1955) seem to favor a view that the Spanish Indians were, ". . . a band of Mikasuki Seminole who, settling about Charlotte Harbor, intermarried with Spanish fishermen and to some extent departed from the customary Seminole way of life. Nevertheless, when the fish were not running, they dwelt in palmetto-thatched huts, cultivated corn, pumpkins, melons, and peas, gathered coontie, and ate fish and turtle. They maintained contact with Havana, from which they obtained coconuts, limes, and oranges, and to which they sent certain produce of their own. . . .They seemed well on the way towards forming a hybrid culture of Hispanic, Indian, and perhaps Negro elements until uprooted by the war." (Neill 1955:53).

Charles Fairbanks, however, contends that the "Spanish Indians", ". . . were probably remnants of the Calusa, plus Negroes, plus Spanish-Indian hybrids who had been attached to the Spanish fishery ranchos along the southern Florida coasts. . . . with the flight to the south of the Seminole during the Second Seminole War they were absorbed into the Seminole Bands." (Fairbanks 1974:267).

Kenneth Mulder found that, "Some Seminoles claimed knowledge of lineage from early Spanish-Indians, builders of these huge

shell mounds found at the island of Chokoloskee, down the Turner River, Lopez River, Chatman River and Shark River. On many hunting trips they would camp on these ancient shell mounds." (Mulder 1991:6).

Several Miccosukee speaking elders have told me that they consider the Calusa among their ancestors and that they have spiritual responsibilities to their sites, graves, and relics.

I find it hard to believe that remnants of the Calusa were not included in the new settlement of the Big Cypress Swamp and the Everglades. The Miccosukees and Seminoles settled on Calusa sites, picked up their hunting and gathering skills, built their houses on wood pilings and thatched them with palm, and seem to have fallen heir to an elaborate and full blown wood technology culminating in the complex masterpiece of their adaptation, the cypress canoe.

This debate concerns a complex period of amalgamation of remnants of cultures in contact and the details of the exact nature of the combinations probably cannot be reclaimed at this late date.

In any case, there was a period of 50 years or so when the late Glades Culture (or Calusa) had lost dominance in the Big Cypress Swamp and the ancestors of the Miccosukees and Seminoles were just seasonally hunting and raiding in the area. A beginning date for Miccosukee and Seminole settlement in the Big Cypress Swamp is about 1820. By 1858, after forty years of war and removal, there were less than 200 Miccosukees and Seminoles left in their Florida refuge of the Big Cypress Swamp and the Everglades.

Ehrenhard, Carr, and Taylor (1978:11) constructed the following chronology for the Miccosukee-Seminole phase in the Big Cypress National Preserve:

Seminole I: 1820-1860  
Seminole II: 1860-1900  
Seminole III: 1900-1940

This construct works pretty well. The interior camps were generally being abandoned by 1940 as the country moved from the depression into the war years. Many were moving to the reservations, to new camps along the Tamiami Trail, near Miami, near Fort Lauderdale, and near Immokalee. At this point archeology merges into the camps occupied today.

Of the 114 archeological sites located in the Big Cypress National Preserve that have Seminole components, ten have been determined to have regional significance. All of these sites have Seminole components on or adjacent to earlier Glades components. Most of the sites within the Big Cypress National Preserve fit the predicted model of transient camp sites. A couple are important "landings" on the Big Cypress Swamp - Everglades boundary and at tidewater in the Ten Thousand Islands area. Three are abandoned ceremonial Corn Dance grounds. It is anticipated that when the survey of the new additions to the Preserve is completed, there will be a better representation of sites near the heartland of the "refuge" area in the northeast corner of the Preserve and in the tidewater area near Everglades City in the southwest corner of the Preserve.

Main areas of settlement are obviously in "edge areas" or "ecotones" where different ecosystems merge, giving the advantage of local exploitation of more diverse and abundant resources. Preferred sites are a fertile hammock, with a place to plant a garden and canoe access for efficiency in exploiting wetland resources. Important clusterings of sites are, 1. along the line of interfingering of the Big Cypress with the Everglades, 2) along the line of tidewater towards

the Ten Thousand Islands area, and 3) along the northern boundary of the Big Cypress Swamp where the Big Cypress gives away to higher country with Oak and Palm hammocks and Pinelands.

The greatest concentration of sites in the Big Cypress Preserve is very likely in the northeast corner that was added by Public Law 100-301 in 1988. Much of this 146,000 acre addition has not been acquired yet, however, and there has been no survey. This area, where Collier, Hendry, and Broward Counties come together is also the area where the Big Cypress Seminole Reservation, the Miccosukee Reservation, and the Big Cypress National Preserve come together. This general area was the area of concentration of army and naval activities during the last stages of the Second Seminole War and the area of trader and missionary activity when more friendly contact began with the Miccosukees and Seminoles. This is, obviously, where the people were - where the Everglades, the Big Cypress Swamp, and Devil's Garden came together. It is still one of the most isolated places to get to in Florida. Alligator Alley (Interstate 75) runs through it now, but generally denies access, except by Snake Road to the Big Cypress Seminole Reservation. The area is half way between the coasts, fifty miles from Fort Lauderdale on the East, fifty miles from Naples on the West, fifty miles of dreary lonely road south of the Caloosahatchee and Lake Okeechobee, thirty miles by airboat north of the Tamiami Trail (U.S. Highway 41) and eighty miles of wetlands north of Florida Bay.

The most interesting Miccosukee and Seminole archeological assessment is probably yet to be done, in this area. It will undoubtedly be most productive and successful as a joint cooperative effort between the National Park Service, The Miccosukee Tribe of Indians of Florida, and the Seminole Tribe of Florida, since they jointly administrate this area.

5. THE UNCONQUERED: A SUMMARY CULTURE HISTORY OF THE  
FLORIDA MICCOSUKEE AND SEMINOLE PEOPLES AND THEIR  
RELATION TO THEIR LANDS

This report does not propose to present a comprehensive history of the Miccosukee and Seminole peoples. However, it is important to sketch the general pattern of the historical events that effected the relations of the people to their lands. Comprehensive historical accounts may be found in Sprague (1848), Mahon (1967), Coe (1898), and Covington (1993). These sources are all readily available and may be consulted for more detail. For the period of 1870 into the 1940's, Harry A. Kersey (1975 and 1989) provides the most detailed history.

The pattern may best be grasped by scanning the following chronology of major events in the history of the Miccosukees and Seminoles and their relation to their lands. This chronology will be followed by a summary elaboration of the most critical events. I have added the actual texts of the major treaties and official documents that have affected the Miccosukee and Seminole relations to their land in the Appendixes. It is very important for the preserve manager to know the particulars of these documents as they have critically effected the rights of the Miccosukee and Seminole people to use of their traditional lands.

MICCOSUKEE - SEMINOLE CHRONOLOGY

- |             |  |
|-------------|--|
| ? - 1565    | Development of the Miccosukee and Seminole (Muskogean) ancestors in the American South-east. |
| 1565 - 1769 | Spanish colonization of Florida.   |
| 1739        | Beginning of significant Hitchiti migration into northern Florida.                           |

- 1769 - 1783 British colonization of Florida.
- 1771 First documented use of the word "Seminole" for Hitchiti speaking settlers in northern Florida.
- 1783 - 1819 Second Spanish colonization of Florida.
- 1814 Muskogee speaking Upper Creek refugees from the Creek War find sanctuary among the Hitchiti speaking communities in northern Florida.
- 1818 The First Seminole War. Andrew Jackson's forces raided Spanish Florida, destroying Miccosukee and Seminole towns and crops. The dislocated people began withdrawing southward.
- 1819 The United States occupies Florida
- 1828 The Moultrie Creek Treaty
- 1830 The Indian Removal Act
- 1832 The Treaty of Payne's Landing
- 1833 The Fort Gibson Treaty
- 1835 - 1842 The Second Seminole War
- 1842 The MacComb Treaty and Worth Agreement
- 1850 The Swamp Act
- 1855 - 1858 The Third Seminole War
- 1858 - 1910 The Florida Miccosukee and Seminole survivors find a new life of seclusion in the Everglades and Big Cypress Swamp.
- 1911 The Dania (Hollywood) Seminole Reservation established.
- 1917 The Monroe County State Reservation established.
- 1918 The Big Cypress Seminole Reservation established.
- 1928 The Tamiami Trail (U. S. Highway 41) was completed.
- 1936 The Brighton Seminole Reservation established.
- 1947 Everglades National Park was dedicated.

- 1953            The Federal Government attempted to "terminate" the Miccosukee and Seminole tribes.
- 1954            The Buckskin Declaration.
- 1957            The Seminole Tribe of Florida established.
- 1962            The Miccosukee Tribe of Indians of Florida established.
- 1974            The Big Cypress National Preserve established.
- 1978            The Traditional Seminole Nation of Florida declared and supported its independent status in a report submitted to Congress.
- 1990            The Seminole Tribe of Florida and the Seminole Nation of Oklahoma land claims were settled. The Miccosukee Tribe of Indians of Florida, the Traditional Seminole Nation of Florida and many other independent Miccosukees and Seminoles continue to refuse to be part of this settlement, and refuse to accept funds under the terms of the settlement.

The ancestors of the Miccosukee and Seminole people have a long history of adaptation to the lands that have subsequently become the eastern United States. They belong to the Muskogean Family of the Macro-Algonquian Phylum of languages which has undoubtedly been evolving in the eastern United States for thousands of years. Although closely related, Mikasuki-Hitchiti and Muskogee (or Creek) are mutually unintelligible. The language situation was very confusing to outsiders since there were, and still are, many bilinguals who can switch languages freely. Another confusing factor was that Muskogee became a trade language or jargon, which was used when dealing with outsiders. Mikasuki-Hitchiti speakers often shifted to Muskogee when dealing with outsiders.

Historically, before the Creek War, there were many more Mikasuki-Hitchiti speakers in Florida than Muskogee speakers. After the Creek War of 1814, when over 2,000 Muskogee speaking refugees moved into Florida, Muskogee became the majority language. By the end of the Second Seminole War in 1842, when the great majority of the Muskogee speakers had been exiled to Oklahoma, Mikasuki-Hitchiti had again become the majority language. This is the situation that persists in Florida today, with at least two-thirds of the Miccosukee and Seminole descendants speaking Mikasuki. The Big Cypress people are Mikasuki speakers.

By the sixteenth century, before the entry by the Europeans the ancestors of the Miccosukees and Seminoles had developed a mixed economy combining hunting and gathering of natural food resources with swidden agriculture. They lived in what is now Alabama, Georgia, and northern Florida in towns, often of several hundred houses, near their communal fields. Very importantly, they were settled farmers, living in permanent towns before the Europeans came and dispossessed them.

Early Spanish colonization did not directly or drastically effect the ancestors of the Miccosukees and Seminoles and their relation to their lands, which were in the interior of what is now Georgia and Alabama. By 1739, however, Miccosukee-Hitchiti speaking settlements were established in what is now northern Florida.

In 1763, with the Treaty of Paris, the right of colonization of Florida was transferred from Spain to Britain. The British were in control of the colony from 1769 to 1783. During this period of British entry, the Royal Proclamation of 1763, which mandated legal recognition and protection of Indian land title, was in effect.

This is the period during which the word "Seminole" came into general use by the British, for the Hitchiti speaking settlers of north Florida. Several treaties were made between Britain and the Seminole Nation, guaranteeing Seminole rights to their land and restricting British rights generally to designated areas on the coast for ports and trading centers. The British colonization at this time could be characterized more as extractive through chartered trading companies, rather than as settlement.

During this period the "Seminoles" were very much in control of their lands, their homes, and their cultivated fields. From all evidences, they were prospering. This is the period that we begin to get reports in English such as those from the travels of remarkable pioneer naturalist, William Bartram (1771 and 1955). Bartram's description of Cuscowilla, Secoffee or "The Cowkeeper's" town in Alachua (near present Gainesville, Florida) in 1773, gives us a significant point of reference for subsequent changes in the style of Miccosukee and Seminole residence and land use:

"The town of Cuscowilla, which is the capital of the Alachua tribe, contains about thirty habitations, each of which consists of two houses nearly the same size, about thirty feet in length, twelve feet wide, and about the same in height. The door is placed midway on one side or in the front. The house is divided equally, across, into two apartments, one of which is the cook room and common hall, and the other the lodging room. The other house is nearly of the same dimensions, standing about twenty yards from the dwelling house, its end fronting the door. The building is two stories high, and constructed in a different manner. It is divided transversely, as the other, but the end next the dwelling house is open on three sides, supported by posts or pillars. It has an open loft or platform, the ascent to which is by a portable stair or ladder: this is a pleasant, cool, airy situation, and here the master or chief of the family retires to repose in the hot seasons, and receives his guests or visitors. The other half of this building is closed on all sides by notched logs; the lowest or ground part is a potatoe house, and the upper story over it a granary for corn and other provisions. Their houses are constructed of a kind of frame. In the first place, strong corner pillars are fixed in the ground, with others somewhat

less, ranging on a line between; these are strengthened by cross pieces of timber, and the whole of the roof is covered close with the bark of the Cypress tree. The dwelling stands near the middle of a square yard, encompassed by a low bank, formed with the earth taken out of the yard, which is always carefully swept. Their towns are clean, the inhabitants being particular in laying their filth at a proper distance from their dwellings, which undoubtedly contributes to the healthiness of their habitations.

"The town stands on the most pleasant situation that could be well imagined or desired, in an inland country; upon a high swelling ridge of sand hills, within three or four hundred yards of a large and beautiful lake, the circular shore of which continually washes a sandy beach, under a moderately high sloping bank, terminated on one side by extensive forests, consisting of Orange groves, overtopped with grand Magnolias, Palms, Popular, Tilia, Live Oaks, and others already noticed; and the opposite point of the crescent, gradually retires with hommocky projecting points, indenting the grassy marshes, and lastly terminates in infinite green plains and meadows, united with the skies and waters of the lake. Such a natural landscape, such a rural scene, is not to be imitated by the united ingenuity and labour of man. At present the ground betwixt the town and the lake is adorned by an open grove of very tall Pine trees, which standing at a considerable distance from each other, admit a delightful prospect of the sparkling waters. The lake abounds with various excellent fish and wild fowl; there are incredible numbers of the latter, especially in the winter season, when they arrive here from the north to winter.

"The Indians abdicated the ancient Alachua town on the borders of the savanna, and built here, calling the new town Cuscowilla: their reasons for removing their habitation were on account of its unhealthiness, occasioned, as they say, by the stench of the putrid fish and reptiles in the summer and autumn, driven on shore by the alligators, and the exhalations from the marshes of the savanna, together with the persecutions of the musquitoes.

"They plant but little here about the town; only a small garden plot at each habitation, consisting of a little Corn, Beans, Tobacco, Citrus, &c. Their plantation, which supplies them with the chief of their vegetable provisions, such as Zea, Convolvulus Batata, Cucurbita citrulus, Cuc. lagenaria, Cuc. Pepo, Cuc. Melopepo, Cuc. verrucosa, Dolichos varieties, &c. lies on the rich prolific lands bordering on the great Alachua savanna, about two miles distance. This plantation is one common enclosure, and is worked and tended by the whole community; yet every family has its particular part, according to its own appointment, marked off when planted; and this portion receives the common labour and assistance until ripe, when each family gathers and deposits in its granary its own proper share, setting apart a small gift or

contribution for the public granary, which stands in the centre of the plantation.

"The youth, under the supervisal of some of their ancient people, are daily stationed in the fields, and are continually whooping and halloeing, to chase away crows, jackdaws, black-birds, and such predatory animals; and the lads are armed with bows and arrows, and being trained up to it from their early youth are sure at a mark, and in the course of the day load themselves with squirrels, birds, &c. The men in turn patrol the corn fields at night to protect their provisions from the depredations of night rovers, as bears, raccoons, and deer; the two former being immoderately fond of young corn, when the grain is filled with a rich milk, as sweet and nourishing as cream; and the deer are as fond of the Potatoe vines" (Bartram 1955:168-170).

Spain was again the colonizer of Florida after the American Revolution from 1783 to 1819. During this period, Indian policy did not change much. In fact, British trading companies stayed in place under Spanish charters. This British presence in Spanish Florida continued to be a "thorn in the underside" of the new United States of America.

Spain recognized the British treaties with the Seminoles, and continued to recognize their legal rights to their lands. The United States moved to expand and secure its frontiers during the war of 1812. At the same time, the Upper Creeks united to resist american expansion into their lands of interior Georgia and Alabama. The United States moved to quash this resistance in the resulting Creek War.

The Creek resistance was broken at the Battle of Horseshoe Bend at the Creek village of Tohopeka in Alabama on March 27, 1814. Tohopeka was attacked by a force under General Andrew Jackson of 1500 anglo Americans, 500 Cherokees, and 100 "friendly" Creeks. Eight hundred Creek resistors died in the field and 350 women and children were captured. With this victory the United States secured the Creek lands for American settlement. The victory also secured a place in history for the commander Andrew Jackson, and for a young officer named Sam Houston. The Battle of Horseshoe Bend set

the stage for the political ascent of these two warriors from Tennessee in the expanding new nation.

It is estimated that over 2000 Muskogee speaking Creek refugees fled into Spanish Florida after Horseshoe bend. This ballooned the Indian population to 5000 to 6000 people and introduced new stresses and new pressure on the carrying capacity of the landscape. The refugees joined, and began to amalgamate with, the Hitchiti speaking Seminoles already there. The Hitchiti (Miccosukee) speakers, of course, considered themselves the proprietors of the northern Florida soil and considered the Muskogee speaking Creeks as intruders. But, they soon united in common cause resisting and retreating from the American invasion from the north.

The United States considered Spanish Florida to be a multi-faceted security problem. There was still the British presence and Florida was still a sanctuary for escaped African-American slaves. The Florida Seminoles were considered conspirators for harbouring the escaped slaves. The large population of refugees from the Creek War was considered a continuing threat to the security of the southeastern settlements.

In the spring of 1818, General Andrew Jackson invaded Spanish Florida with a force of 2000 Tennessee volunteers, 1000 regular forces, some Georgia volunteers and some "friendly" Creek volunteers. He penetrated 30 miles south of the Georgia line into Spanish territory and attacked the Miccosukee villages near Miccosukee Lake, 25 miles east of Tallahassee, on April 1, 1818. The death toll is not available, but Jackson's forces destroyed more than 300 houses in the Miccosukee villages and took or destroyed their stored provisions and their cattle.

This thrust uprooted the Miccosukee communities and started several thousand of the Miccosukees and Creek refugees on their southward withdrawal. Many of the refugees went south to "Old Town" on the Suwanee River, where Jackson struck them again on April 19th. He burned Old Town and every other village that he found in that area, and captured over 300 women and children. The survivors scattered and fled into southern Florida making it impossible for Jackson to force further confrontation. The people of the devastated villages lost their homes, their property and probably half their populations. On his return from Old Town, Jackson ordered two British citizens, licenced to trade in Spanish Florida, hanged. He then declared the war to be over in May and he and his troops went home.

This raid into Spanish Florida, which violated Seminole, British, and Spanish sovereignty was very controversial. It was an "undeclared" war not authorized by Congress. Subsequently it was the subject of a congressional investigation. American public opinion seemed to be that the end justified the means, and Jackson was exonerated. And, as everyone knows, the American people subsequently elected their new hero to the presidency.

This border raid came to be known as the First Seminole War. The results led quickly to the transfer of Florida to the United States by the Treaty of 1819.

In the ensuing years, Jackson's Indian policy became U. S. Indian policy, and the Seminoles' fate was in the hands of their most dreaded adversary. Jackson's actions have entered the traditions of the Seminoles. From the 1818 raid on, the Seminoles considered the American army, volunteers, and settlers as lawless hostiles from the north that had no respect persons, their lives, their property; or the sovereignty of nations. This stereotype has continued to

effect Miccosukee-Seminole-U.S. Government relations to the present day. To put it simply, Florida Miccosukees and Seminoles have resisted, and retreated from, Americans in uniforms since 1818.

In 1821, the United States occupied Florida and Andrew Jackson became the first Territorial Governor. The United States Government chose to ignore the earlier Spanish and English treaties and policies that had established legal Seminole title to their lands, even though later the U. S. Supreme Court ruled that the United States was legally the protector of the rights that the Seminole had enjoyed under the Spanish and British administrations.

The United States moved quickly to extinguish the rights of the Miccosukees and Seminoles to their fertile lands and villages in northern Florida, to make way for the tide of American settlers.

On September 2, 1822, General Andrew Jackson proposed the removal of the Seminoles from Florida Territory. He recommended that the Seminoles should be compelled to "reunite with the Creeks" by leaving Florida and returning to Creek country. He said that, "this must be done, or the frontier will be much weakened by the Indian settlements and be a perpetual harbor for our slaves. These runaway slaves. . . must be removed from Florida, or scenes of murder and confusion will exist" (Giddings:1858:71).

Commissioners were sent to the Florida Seminoles with the purpose of first collecting them in one controllable area, and subsequently moving them from Florida. The removal policy was beginning, which was later formalized in the 1830 Removal Act under President Andrew Jackson's administration. The commissioners, William P. Duvall, James Gadsden, and Bernard Segui; called a meeting at Moultrie Creek, seven

miles south of St. Augustine, in September of 1823. The commissioners were able to secure the "marks" of 32 "leaders" on the document that came to be known as the Moultrie Creek Treaty of September 18, 1823 (see: Appendix 1.A. for the full text of the treaty). Under the terms of this treaty the signatories ceded all the Seminole lands in northern Florida in exchange for a reservation in central peninsular Florida (see: Map 5. The Moultrie Creek Treaty Reservation). Six leaders; Nea Mathla, Mulatto King, John Blunt, Tuski Hajo, Ematheochee, and Econchatimico; however, refused to sign the treaty until certain concessions were granted. They were appeased by an additional article to the treaty which allowed each of them to stay on separate reservations in fertile northern Florida, while they signed on for the removal of the others to the new reservation.

This treaty remains an object of controversy. Besides some leaders signing only upon concessions for special treatment (which could readily be interpreted as bribery), representatives from less than half the known Seminole villages were signatories. From the perspective of the Seminole people, this minority of leaders did not have the right to speak for or commit the whole group. However, in 1824, the majority of the people did move to new locations within the boundaries of the new reservation, where the U. S. Government promised to: "take the Florida Indians under their care and patronage against all persons whatsoever; . . . afford them protection against all persons whatsoever; and to restrain and prevent all white persons from hunting, settling, or otherwise intruding upon it".

Congress passed President Jackson's Indian Removal Act on May 28, 1830 (see: Appendix 1.B.). The Act effectively gave the executive the right to remove Indian tribes or nations to lands west of the Mississippi. This statute was quickly followed by actions intended to move the Seminoles from their

Moultrie Creek Treaty Reservation to Indian Territory beyond the Mississippi.

James Gadsden was again appointed as special agent to negotiate the removal of the Florida Seminoles. The plan was to move the Seminoles west of the Mississippi and amalgamate them with the Creeks who had already moved. The meeting was arranged at Payne's Landing on Oklawaha Creek near the present town of Eureka, in May of 1832. The treaty was signed with the marks of only 13, a small fraction of those signing the Moultrie Creek Treaty, indicating that it was much less representative than even the controversial Moultrie Creek Treaty (see: Appendix 1.C. for the full text of the Treaty at Payne's Landing).

The gist of the treaty was: "The Seminole Indians relinquish to the United States, all claim to the lands they presently occupy in the Territory of Florida, and agree to emigrate to the country assigned to the Creeks, west of the Mississippi river . . . The Seminole Indians will remove within three years after the ratification of this agreement . . .", they are, "willing that their confidential chiefs, Jumper, Fuck-a-lus-ti-had-jo, Charlie Emartla, Coi-had-jo, Holsti Emartla, Ya-ha-hadjo, Sam Jones . . . should be sent at the expense of the United States as early as convenient to examine the country assigned to the Creeks west of the Mississippi river, and should they be satisfied with the character of that country, and of the favorable disposition of the Creeks to reunite with the Seminoles as one people. . .".

Later many of the Seminole "signatories" claimed that they had not "touched the pen", and that those that had, had been coerced (Mahon 1976:75). Amid the controversy, a party of Jumper, Charlie Emathla, Coa Hadjo, Halata Emathla, Yahadjo, John Hicks, and Nehathoclo went to investigate the designated lands in Arkansas Territory. While there, the seven were

coerced into signing the even more controversial Fort Gibson Treaty (Mahon 1967:82-85) on March 28, 1833 (see: Appendix 1.D. for the full text of the Fort Gibson Treaty). The treaty specifies that, ". . .the special delegation, appointed by the Seminoles on the 9th day of May 1832, have since examined the land designated for them . . . and have expressed themselves satisfied with the same".

The government then moved to get the Seminoles relocated as quickly as possible. The Seminoles held that the agreement to removal was not representative and was fraudulent. The result was the precipitation of the Second Seminole War, the most concerted resistance to the Removal policy. This war of conquest, eviction, and exile took a terrible toll in human life and expended over \$ 30 million dollars from the U. S. Treasury. I will not here recount and detail the actions of that war of 1835-1842. They are well described in Sprague (1848) and Mahon (1967), for the interested reader. For the purposes of this report, I will move to the status of the ancestors of the Miccosukees and Seminoles in the Big Cypress area at the end of that costly conflict.

By 1840, as the war wound down, communities of Miccosukees and Seminoles had secreted themselves in a last refuge in the lands south of the Caloosahatchee River, through Devil's Garden, the Big Cypress Swamp and into the Everglades. The leaders were Arpeika (Sam Jones), Molatter Micco (Billy Bowlegs), Otalke-Thlocko (The Prophet), and Hospertache (Shivers and Shakes) (Sprague 1848:254). Chekika, a leader of an affiliated group of so-called "Spanish Indians" had his refuge on the islands in the Everglades. Colonel Harney's expedition with 100 men in canoes in December of 1840, found and destroyed Chekika's stronghold and Chekika was killed. This act ended the confidence that these refugees had in the impregnable isolation of their settlements. From this time, the remnant resistors scattered and withdrew from the U. S.

armed forces as their homes, canoes, provisions, and fields were destroyed. Sprague described the Big Cypress Community as of June 1841:

"Arpeika or Sam Jones, then about seventy-eight years of age, occupied the country near the mouth of the Kissimmee river and the eastern border of Lake Okeechobee. He had seventeen warriors, and a large number of women and children. With him was associated Otulke-Thloko (the Prophet), a renegade Creek, thirty-eight years of age, who exercised a wonderful influence by ingenious tales and practices, making the Indians believe that he held communion with the Great Spirit, a delusion which he continued to keep up, by midnight fires, by dances, songs, and the use of roots as medicine, effecting pretended cures, and telling fortunes. These impostures he executed so successfully, that the most intelligent feared his indignation. Hundreds of miles distant, those who had surrendered for emigration, and were safely within a military camp, held sacred festivals to avert the pernicious influences and designs of this prophet. His success impressed the Indians with awe and reverence, enabling him to exercise a complete control over their minds. He lived in the Big Cypress Swamp. Holatter Micco (Billy Bowlegs), Hospetarke, Parsacke, Assinawar, Fuse Hadjo, all brave and intelligent chiefs, followed this prophet with fear and apprehension, admitting him at the same time to be a coward. He avoided all conflicts by ingenious pretexts, but no one dared to upbraid him. In the Big Cypress Swamp, under these various chieftains, there was supposed to be one hundred and sixty fighting men. The swamp commences thirty miles south of the Carloshatchee river, running east and west from the Everglades to the Gulf. It is thirty-five miles in breadth, north and south, and fifty in length east and west. The vegetation is so dense that the sun never penetrates to the earth, and the water stands the year round, from six inches to two feet deep, covered with a green slime, which when disturbed emits a most noxious vapor. Snakes and alligators are here found in great abundance. In the centre of the swamp there are a few ridges or islands, upon which the Indians lived and planted. In canoes, this band navigated the Everglades to the eastern coast, where for several seasons they had planted extensively, but the movements of troops in boats had deterred them from doing so. The Coonta Ground, opposite Cape Florida, twenty-four miles along the coast, was a place of resort, to which the women repaired at a proper season, and procured enough for the ensuing year" (Sprague 1858:270-271).

"Forty-seven thousand square miles in the territory of Florida, was occupied by an enemy by nature vindictive and revengeful, treacherous and subtle, striving for their rights, and for the soil made sacred by those superstitious influences which become a part of an Indian's nature, by his

duty to the *Great Spirit*, and the injunctions of parents and prophets. Every hammock and swamp was to them a citadel, to which and from which they could retreat with wonderful facility. Regardless of food or the climate, time or distance, they moved from one part of the country to another, in parties of five and ten; while the soldier, dependent upon supplies, and sinking under a tropical sun, could only hear of his foe by depredations committed in the section of country over which he *scouted* the day before" (Sprague 1858:273).

Sprague also informs us of the Seminole settlements and the extent of their cultivation, in the course of reporting their destruction:

"The enemy found, to their sorrow, that they could be pursued at all seasons. Thirty-two fields were destroyed, containing all kinds of products, from five to twenty acres in extent. Five Indians were captured and one hundred and eighty sheds or huts burnt. The bands of Indians which for years had lived, from season to season, in the enjoyments of abundance, celebrating their corn-dances and festivals, harassing the white man, as suited their convenience or inclination, were now driven, in small parties, to remote and unhealthy hiding-places, dependent upon the industry of the women for subsistence. This was hazardous, lest they might be discovered, and the discharge of a rifle betrayed their seclusion; thus were they deprived of game and subjected to a limited supply of food of every kind" (Sprague 1858:283).

In April of 1841 the surviving refugees held a council at the Corn Dance in Big Cypress Swamp. The council including, Arpeika, Holatter-Micco, Otulka-Thloco, Hospetarke, Fuse Hadjo, and Parsake, decreed that anyone who communicated with, or brought messages from the whites would be executed. This council and its deliberations were reported by a eye witness captive, and recounted by Sprague:

"In April, 1841, a great council was held, to prevent intercourse with the white men. A law was passed, that should any Indian, male or female, be found in communication with a white man, they should be put to death. Plans were concerted to convey information in the most rapid manner. The canoes seen in the Everglades, had determined them to keep within the swamp. It was understood in council, that being so reduced in numbers, and in to confined a space, they must now ambush the enemy, fire, and then run. The powder was deposited with the chiefs. In all they had five kegs;

four of which were obtained at Indian Key when it was attacked by Chekika, and the residents murdered. When going upon a war-party, each man drew a powder-horn full; but for the purpose of hunting, it was purchased -- giving a hog for five charges. In the center of the swamp, is the council-ground. South of this, within ten miles, is the village of Sam Jones. Otulke Thlocko (the Prophet) lives within two miles of him. Hospetarke's town was near the Everglades, twenty miles from the council-house. Near him, Passacka, his sub-chief, resided. Trails or foot-paths communicated with all these places. No trail whatever is visible outside the swamp, as such would guide their pursuers. Within the swamp are many pine-islands, upon which the villages are located. They are susceptible of cultivation; and between them is a cypress swamp, the water from two to three feet deep. The Indians rely principally upon their crops, which though small, add much to their comfort. Corn, pumpkins, beans, peas, and mellons are raised. When these fail, roots, coonta, berries, wild potatoes, and cabbage palmetto afford subsistence. The scarcity of powder deprives them partially of game; though bears and turkeys are frequently killed with arrows. Discharging a rifle was forbidden, as in a country so flat and wet the reverberation is heard at a great distance. Fish and oysters on the coast, can be obtained in abundance; but there they apprehend discovery. A few ponies, cattle, hogs, and chickens are owned by the chiefs" (Sprague 1858:317-318).

Sprague, in passing, reenforces the separate status of the Miccosukees with the following statement:

"Fourteen Mickasukie Indians were sent at the same time. This tribe, though small, have always been the most resolute and vindictive in Florida, perfectly regardless of all laws, or the opinions and advice of chiefs. They were the legitimate occupants of the soil, and looked upon others as interlopers, and cherished the same vindictiveness towards their own color as they practiced towards the whites. In camp, they obstinately refused rations when issued with the Seminoles, or with any other band. . . .they resisted the encroachments of the Seminoles and Tallahasseees, but finding it ineffectual, united with them to expel the whites" (Sprague 1858:322-323).

In the continuing war of attrition, the Big Cypress settlements had been essentially depopulated by 1842 as the people dispersed in small mobile groups. The Second Seminole War ended as the government decided that the few survivors were not a threat. Hostilities stopped with an order by

Colonel Worth (see: Appendix 1.E. The Worth Agreement). The remaining survivors were allowed to stay in peace within a described territory in southwestern Florida (see: Map. 6. The Worth Agreement Territory).

This assigned land was essentially the territory south of Pease Creek above Charlotte Harbor and west of the middle of Lake Okeechobee, thence southward to Florida Bay. The assignment of land, which was approved by President Polk in 1845, was considered a reservation established by presidential proclamation. Since that time, no proclamation or legislation has ever terminated this reservation. Traditional Miccosukees and Seminoles still consider this land of southwestern Florida as rightfully theirs.

In 1843 General Worth reported the total surviving Indian population of Florida Territory at about 300. He counted 42 Seminole men, 33 Miccosukee men, 10 Creek men, and 10 Tallahassee men, for a total of 95 warriors (Sprague 1858:507).

These survivors lived in relative peace in their assigned territory until 1850 when Congress passed the "Swamp Act" (see: Appendix 1.F.), which declared that federally owned swamp and overflowed lands were transferred to state ownership. The Swamp Act, however, did not legally disestablish the 1845 reservation and did not legally divest the Seminoles of any land rights. In effect, though, the Miccosukees and Seminoles had the "rug pulled out from under them" when the federal government transferred their remaining lands to the State of Florida.

The cry was again out for removal of the remaining survivors. Surveying and military movements began again in their territory and on December 20, 1855, hostilities erupted again. The ensuing conflict was called the Third Seminole

War or "Bowlegs' War". This war ended when Billie Bowlegs and his followers were on their way to a new home west of the Mississippi River on May 8, 1858. After 1858 there were less than 200 survivors in southern Florida. These survivors were left to their chosen isolation for about 20 years as the Civil War diverted the attention of the state, the nation, and the armed forces.

6. TRADITIONAL USE AND OCCUPANCY OF THE BIG CYPRESS 1874-1974

To establish a baseline understanding of the traditional use and occupancy of the Big Cypress Swamp it is very important to provide the ethno-historical context of the 100 years of adaptation of the Miccosukee and Seminole people to the changing conditions of their Big Cypress refuge.

The twenty years after 1858, when the Third Seminole War ended and the last group was removed to Oklahoma, is a blank page of history and ethnography for the Miccosukee and Seminole people. The country and, especially, its military activity were largely distracted by the Civil War and its aftermath. The 200 or so Miccosukee and Seminole refugees were left to their own adaptive ingenuity in the difficult environment of the Big Cypress Swamp and the Everglades. Although documented history tells us little about this period, it was undoubtedly a very important period to the refugees. In their isolation and self-segregation from the tide of Anglo-American settlement, they had to make very important adjustments demographically, ecologically, and socially for their cultural survival. That their culture and identity have survived is evidence of the success of their adaptive strategies.

They travelled a long painful 200 year journey from the idyllic life described by William Bartram (1791) in 1773 until 1974 when the Big Cypress Preserve was established. The period from 1817 until 1858 had seen a concerted effort on the part of the United States to destroy their culture and their claims to Florida lands. The forty years of "scorched earth policy" of the United States military had reduced the refugees to the bare edge of survival. Their crops, their

stored food, their houses, their canoes, and all their belongings were systematically destroyed, when they were found.

The twenty year period from 1858 to 1878 gave them a period of relative peace and isolation to restructure their survival strategies in their last refuge.

#### PRATT'S REPORT (1879)

Their isolation was significantly broken and documentation of their "postwar" condition began in 1879 with the investigation of Lieut. Richard Henry Pratt (Sturtevant 1956b). The investigation, initiated by a mandate from the War Department, required that Pratt should investigate the condition of the Florida Indians, determine their locations and their numbers, and ascertain, ". . . their views with regard to their removal to Indian Terr." (Sturtevant 1956b:4).

Pratt reported that the Florida Indians lived in four separate communities. He identified these by the leading male spokesperson of each community at that time.

Chipco's community was near Fort Clinch, about 30 miles from Fort Mead. Pratt's census placed 26 people in this community, one-third of whom were absent at the time of his visit. These people spoke Creek and considered themselves to have a separate history from the rest of the Florida Indians. This community was later referred to as the Catfish Lake community.

Tuscanugga's community was near Fort Center on the western shore of Lake Okeechobee. Pratt reported 90 residents. This community was later referred to as the Fisheating Creek community.

Old Chief Tigertail's community was near Fort Shackelford in the area of the present Big Cypress Seminole Reservation. Pratt reported 76 residents. This community was later referred to as the Big Cypress Community.

The fourth community was Young Tigertail's village along the Miami River near present Miami. Pratt recorded 80 residents. This group came to be known as the Miami River Settlement.

To his census counts and estimates, Pratt added 20 for possible oversights and estimated a total maximum of 292 Florida Indians in 1879. He believed that this was, "rather more than the actual number" (Sturtevant 1956b:13).

Pratt, personally, visited only Chipco's village, spending the night of June 29th, all day on June 30th, and leaving on the morning of July 1, 1879. He described a village located in pinelands of ten "substantial buildings". He described and illustrated the houses. They had timbers for beams, rafters, posts, and floors. Chipco's house had vertical clapboard siding. Other houses were open-sided, with raised sleeping platforms and shingle roofs. Pratt also illustrated corn cribs and a sugarcane mill.

Chipco complained to Pratt that "game was getting scarce", but Pratt observed "dozens of deerskins" and "a few otter pelts" in the village (Sturtevant 1956b:8). The only other mentions of utilization of wild products are the abundant "black bass" from the lakes and the use of the "coontie" (Zamia) root. They fished for the bass with a long pole of elm, three feet of line, and two hooks baited with deertail and red flannel. They hunted with a few old Kentucky rifles (presumably flintlocks) and bows and arrows. The bows were 6 feet long, the arrows 4 feet. Tom, one of the residents of

Chipco's village demonstrated the accuracy of the bow and arrow at one-hundred-ninety yards.

Pratt noted that they had many hogs, chickens and eggs, some ponies, and some cattle. Chipco's people were tilling 15 acres in the middle of a dense fertile hammock. They raised corn, sweet potatoes, rice, sugarcane, melons, and some tobacco. They even produced a surplus of corn and sweet potatoes, which they sold. He also reported that the fields were carefully kept and that a few orange trees were carefully tended.

He estimated that all of the Florida Indians annually earned \$ 3000 from the sale of skins and pelts, \$ 2000 from the sale of hogs and cattle, and \$ 1000 from the sale of "produce, etc. etc." (Sturtevant 1956b:10).

When Pratt told Chipco that he had been sent to see what help the government might give him, Chipco replied that, ". . . they did not want to hear any "Washington talk", that while it was true game was getting scarce, their wants were all supplied & they needed no education or other help. . . . he said. . . they wanted to be left alone." When Pratt invited him to a conference in Ft. Myers to talk further, Chipco said that, ". . .he was old and his pony lame." When asked to send a delegate if he could not come, Chipco said that, ". . . none of them cared to go" (Sturtevant 1956b:8).

This "Leave us Alone Policy" has been a common thread in the Miccosukee and Seminole dealings with the United States Government up to the present day. They still are distrustful of and don't have much time for "any Washington talk". Pratt's attempt to have a conference at Ft. Myers with representatives of all the communities was a notable failure. Chipco had said that he needed nothing from "Washington", and refused to come to the conference or send a delegate.

Fifteen came in from Big Cypress. They refused to accept food and tobacco and said that they could buy what they wanted. They said that if the Fort Center group came in and talked, they would talk too. Noone came in from Fort Center, but they sent word that they had nothing to say and did not want to hear any "Washington talk". Then word came that Tuscanuggas had been snakebitten and was not coming in. So, Pratt gave up all attempts to get a representative conference together.

Even though Pratt's investigation was not very successful, it gives us information on how the Miccosukees and Seminoles were living in their last refuge and how they were using the resources, and properly portrays the continuing importance of their swidden agriculture or gardening.

Pratt's report also sets the mood for the continuing pattern of relations with the government, the "Leave us Alone Policy".

The most important contribution of this investigation, from the point of view of the Miccosukees and Seminoles is Pratt's recommendations concerning the possibility of removal to Indian Territory. Pratt recommended: "Their removal to the civilized portion of their tribe in the Indian Territory would do more for their advancement than any other plan, but, except by some unworthy trick, they could not be procured to go there. I very much doubt that they could be gathered into one community in Florida. To reach them in their present divided state and exercise any authority as an agent, would be an extremely difficult task, even should the Indians be willing to accept such authority. Their spirit of independence and self help should not be destroyed" (Sturtevant 1956b: 14).

Pratt's thoughtful recommendation is prophetic. It seems to have ended the serious attempt by the government to move the remaining Florida Miccosukees and Seminoles to Oklahoma. It acknowledged the impossibility of gathering them all into one homogeneous community in Florida. And, it foresaw the difficulty for any agent to attempt to wield authority over these survivors. These people are still unconquered and do not accept or recognize the legitimacy of any external authority over them and their lands. This is a continuing and real issue today. Finally, Pratt commended, and obviously admired, these people for their real spirit of independence and self determination.

#### MACCAULEY'S REPORT (1887)

The next important report is that of Clay MacCauley (1887). MacCauley was commissioned by the Bureau of American Ethnology to assess the status of the Florida Indians and to do a census. He spent January, February, and March of 1881 on the project.

MacCauley's census reported 208 persons (112 males and 96 females), 37 families, living in 22 camps in 5 general settlement areas (see Map 7. The Seminole Settlements in 1880 (after MacCauley 1887)). MacCauley described the settlements as follows:

"These settlements, from the most prominent natural features connected with them, I have named, (1) The Big Cypress Swamp settlement; (2) Miami River settlement; (3) Fisheating Creek settlement; (4) Cow Creek settlement; and (5) Cat Fish Lake settlement. Their locations are, severally: The first, in Monroe County, in what is called "Devil's Garden," on the northwestern edge of the Big Cypress Swamp, from fifteen to twenty miles southwest of Lake Okeechobee; the second, in Dade County, on the Little Miami River, not far from Bicayne Bay, and about ten miles north of the site of what was, during the great Seminole war, Fort Dallas; the third, in Manatee County, on a creek which empties from the west into Lake Okeechobee, probably five miles from its

mouth; the fourth, in Brevard County, on a stream running southward, at a point about fifteen miles northeast of the entrance of the Kissimmee River into Lake Okeechobee; and the fifth, on a small lake in Polk County, lying nearly midway between lakes Pierce and Rosalie, towards the headwaters of the Kissimmee River. The settlements are from forty to seventy miles apart, in an otherwise almost uninhabited region, which is in area about sixty by one hundred and eighty miles. The camps of which each settlement is composed lie at distances from one another varying from a half mile to two or more miles" (MacCauley 1887:477-478).

MacCauley's detailed descriptions provide us the best baseline information for patterns of residency and use of the Big Cypress Swamp one-hundred years ago. Rather than try to summarize his description of the Big Cypress settlements, it will be most useful to simply quote his description in full. He describes the residence patterns as follows:

"SEMINOLE DWELLINGS - I-FUL-LO-HA-TCO'S HOUSE."

". . .The Florida Indians are not nomads. They have fixed habitations: settlements in well defined districts, permanent camps, houses or wigwams which remain from year to year the abiding places of their families, and gardens and fields which for indefinite periods are used by the same owners. There are times during the year when parties gather into temporary camps for a few weeks. Now perhaps they gather upon some rich Koonti ground, that they may dig an extra quantity of this root and make flour from it; now, that they may have a sirup making festival, they go to some fertile sugar cane hammock; or again, that they may have a hunt, they camp where a certain kind of game has been discovered in abundance. And they all, as a rule, go to a central point once a year and share there their great feast, the Green Corn Dance. Besides, as I was told, these Indians are frequent visitors to one another, acting in turn as guests and hosts for a few days at a time. But it is the fact, nevertheless, that for much the greater part of the year the Seminole families are at their homes, occupying houses, surrounded by many comforts and living a life of routine industry.

"As one Seminole home is, with few unimportant differences, like nearly all the others, we can get a good idea of what it is by describing here the first one I visited, that of I-ful-lo-ha-tcho, or "Charlie Osceola," in the "Bad Country," on the edge of the Big Cypress Swamp.

"When my guide pointed out to me the locality where "Charlie" lives, I could see nothing but a wide saw-grass marsh surrounding a small island. The island seemed covered with a dense growth of palmetto and other trees and tangled shrubbery, with a few banana plants rising among them. No sign of human habitation was visible. This invisibility of a Seminole's house from the vicinity may be taken as a marked characteristic of his home. If possible, he hides his house, placing it on an island and in a jungle. As we neared the hammock we found that approach to it was difficult. On horseback there was no trouble getting through the water and the annoying saw-grass, but I found it difficult to reach the island with my vehicle, which was loaded with our provisions and myself. On the shore of "Charlie's" island is a piece of rich land of probably two acres in extent. At length I landed, and soon, to my surprise, entered a small, neat clearing, around which were built three houses, excellent of their kind, and one insignificant structure. Beyond these, well fenced with palmetto logs, lay a small garden. No one of the entire household - father, mother, and child - was at home. Where they had gone we did not learn until later. We found them next day at a sirup making at "Old Tommy's" field, six miles away. Having, in the absence of the owner, a free range of the camp, I busied myself in noting what had been left in it and what were its peculiarities. Among the first things I picked up was a "cow's horn."

"This, my guide informed me, was used in calling from camp to camp. Mounting a pile of logs, "Billy" tried to summon "Charlie," thinking he might be somewhere near. Meanwhile I continued my search. I noticed some terrapin shells lying on a platform in one of the houses, the breast shell pierced with two holes. "Wear them at Green Corn Dance," said "Billy." I caught sight of some dressed buckskins lying on a rafter of a house, and an old fashioned rifle, with powder horn and shot flask, I also saw a hoe; a deep iron pot; a mortar, made from a live oak (?) log, probably fifteen inches in diameter and twenty-four in height, and beside it a pestle, made from mastic wood, perhaps four feet and a half in length.

"A bag of corn hung from a rafter, and near it a sack of clothing, which I did not examine. A skirt, gayly ornamented, hung there also. There were several basketware sieves, evidently home made, and various bottles lying around the place. I did not search among the things laid away on the rafters under the roof. A sow, with several pigs, lay contentedly under the platform of one of the houses. And near by, in the saw-grass, was moored a cypress "dug-out," about fifteen feet long, pointed at bow and stern.

"Dwellings throughout the Seminole district are practically uniform in construction. With but slight variations, the accompanying sketch of I-ful-lo-ha-tco's main dwelling shows what style of architecture prevails in the Florida Everglades (Pl. XIX.).

This house is approximately 16 by 9 feet in ground measurement, made almost altogether, if not wholly, of material taken from the palmetto tree. It is actually but a platform elevated about three feet from the ground and covered with a palmetto thatched roof, the roof being not more than 12 feet above the ground at the ridge pole, or 7 at the eaves. Eight upright palmetto logs, unsplit and undressed, support the roof. Many rafters sustain the palmetto thatching. The platform is composed of split palmetto logs lying transversely, flat sides up, upon beams which extend the length of the building and are lashed to the uprights by palmetto ropes, thongs, or trader's ropes. This platform is peculiar, in that it fills the interior of the building like a floor and serves to furnish the family with a dry sitting or lying down place when, as often happens, the whole region is under water. The thatching of the roof is quite a work or art: inside, the regularity and compactness of the laying of the leaves display much skill and taste on the part of the builder; outside - with the outer layers there seems to have been less care taken than with those within - the mass of leaves of which the roof is composed is held in place and made firm by heavy logs, which, bound together in pairs are laid upon it astride the ridge. The covering is, I was informed, water tight and durable and will resist even a violent wind. Only hurricanes can tear it off, and those are so infrequent in Southern Florida that no attempt is made to provide against them.

"The Seminole's house is open on all sides and without rooms. It is, in fact, only a covered platform. The single equivalent for a room in it is the space above the joists which are extended across the building at the lower edges of the roof. In this are placed surplus food and general household effects out of use from time to time. Household utensils are usually suspended from the uprights of the building and from pronged sticks driven into the ground near by at convenient places.

"From this description the Seminole's house may seem a poor kind of structure to use as a dwelling; yet if we take into account the climate of Southern Florida nothing more would seem to be necessary. A shelter from the hot sun and frequent rains and a dry floor above the damp or water covered ground are sufficient for the Florida Indian's needs.

"I-ful-lo-ha-tco's three houses are placed at three corners of an oblong clearing, which is perhaps 40 by 30 feet. At the fourth corner is the entrance to the garden, which is in shape an ellipse, the longer diameter being about 25 feet. The three houses are alike with the exception that in one of them the elevated platform is only half the size of those of the others. This difference seems to have been made on account of the camp fire. The fire usually burns in the space around which the buildings stand. During the wet season, however, it is moved into the sheltered floor in the building having the half platform. At Tus-ko-na's camp, where several families were gathered, I noticed one building

without the interior platform. This was probably the wet weather kitchen.

"To all appearance there is no privacy in these open houses. The only means by which it seems to be secured is by suspending, over where one sleeps, a canopy of thin cotton cloth or calico, made square or oblong in shape, and nearly three feet in height. This serves a double use, as a private room and as a protection against gnats and mosquitoes.

"But while I-ful-lo-ha-tco's house is a fair example of the kind of dwelling in use throughout the tribe, I may not pass unnoticed some innovations which have lately been made upon the general style. There are, I understand, five inclosed houses, which were built and are owned by Florida Indians. Four of these are covered with split cypress planks or slabs; one is constructed of logs.

"Progressive "Key West Billy" has gone further than any other one, excepting perhaps Me-le, in the white man's ways of house building. He has erected for his family, which consists of one wife and three children, a cypress board house, and furnished it with doors and windows, partitions, floors, and ceiling. In the house are one upper and one or two lower rooms. Outside, he has a stairway to the upper floor, and from the upper floor a balcony. He possesses also an elevated bed, a trunk for his clothing, and a straw hat" (MacCauley 1887:499-501).

MacCauley did an excellent job of describing the importance of agriculture to the people:

"Prominent among the industries is agriculture. The Florida Indians have brought one hundred or more acres of excellent land under a rude sort of cultivation. To each family belong, by right of use and agreement with other Indians, fields of from one to four acres in extent. The only agricultural implement they have is the single bladed hoe common on the southern plantation. However, nothing more than this is required.

"Soil.--The ground they select is generally in the interiors of the rich hammocks which abound in the swamps and prairies of Southern Florida. There, with a soil unsurpassed in fertility and needing only to be cleared of trees, vines, underbrush, &c., one has but to plant corn, sweet potatoes, melons, or any thing else suited to the climate, and keep weeds from the growing vegetation, that he may gather a manifold return. The soil is wholly without gravel, stones, or rocks. It is soft, black, and very fertile. To what extent the Indians carry agriculture I do not know. I am under the impression, however, that they do not attempt to grow enough to provide much against the future. But, as they have no season in the year wholly unproductive and for which

they must make special provision, their improvidence is not followed by serious consequences.

" *Corn.*--The chief product of their agriculture is corn. This becomes edible in the months of May and June and at this time it is eaten in great quantities. Then it is that the annual festival called the "Green Corn Dance" is celebrated. When the corn ripens, a quantity of it is laid aside and gradually used in the form of hominy and of what I heard described as an "excellently beautiful meal, white as the finest wheat flour." This meal is produced by a slow and tedious process. The corn is hulled and the germ cut out, so that there is only a pure white residue. This is then reduced by mortar and pestle to an almost impalpable dust. From this flour a cake is made, which is said to be very pleasant to the taste.

"*Sugar cane.*--Another product of their agriculture is the sugar cane. In growing this they are the producers of perhaps the finest sugar cane grown in America; but they are not wise enough to make it a source of profit to themselves. It seems to be cultivated more as a passing luxury. It was at "Old Tommy's" sugar field I met forty-eight of the people of the Big Cypress Swamp settlement already mentioned. They had left their homes that they might have a pleasuring for a few weeks together, "camping out" and making and eating sirup. The cane which had been grown there was the largest I or my companion, Capt. F. A. Hendry, of Myers, had ever seen. It was two inches or more in diameter, and, as we guessed, seventeen feet or more in length. To obtain the sirup the Indians had constructed two rude mills, the cylinders of which, however, were so loosely adjusted that full half the juice was lost in the process of crushing the cane. The juice was caught in various kinds of iron and tin vessels, kettles, pails, and cans, and after having been strained was boiled until the proper consistency was reached.

"At the time we were at the camp quite a quantity of sirup had been made. It stood around the boiling places in kettles, large and small, and in cans bearing the labels of well known Boston and New York packers, which had been purchased at Myers. Of special interest to me was a platform near the boiling place, on which lay several deer skins, that had been taken as nearly whole as possible from the bodies of the animals, and utilized as holders of the sirup. They were filled with the sweet stuff, and the ground beneath was well covered by a slow leakage from them. "Key West Billy" offered me some of the cane juice to drink. It was clean looking and served in a silver gold lined cup of spotless brilliancy. It made a welcome and delicious drink. I tasted some of the syrup also, eating it Indian fashion, i.e., I pared some of their small boiled wild potatoes and, dipping them into the sweet liquid, ate them. The potato itself tastes somewhat like a boiled chestnut.

"The sugar cane mill was a poor imitation of a machine the Indians had seen among the whites. Its cylinders were made of live oak; the driving cogs were cut from a much

harder wood, the mastic, I was told; and these were so loosely set into the cylinders that I could take them out with thumb and forefinger.

"It is not necessary to speak in particular of the culture of sweet potatoes, beans, melons, &c. At best it is very primitive. It is, however, deserving of mention that the Seminole have around their houses at least a thousand banana plants. When it is remembered that a hundred bananas are not an overlarge yield for one plant, it is seen how well off, so far as this fruit is concerned, these Indians are" (MacCauley 1887:510-512).

MacCauley was obviously impressed by the diversity of foods that the people had access to:

"Here is a list of their meats: Of flesh, at any time venison, often opossum, sometimes rabbit and squirrel, occasionally bear, and a land terrapin, called the "gopher," and pork whenever they wish it. Of wild fowl, duck, quail, and turkey in abundance. Of home reared fowl, chickens, more than they are willing to use. Of fish, they can catch myriads of the many kinds which teem in the inland waters of Florida, especially of the large bass, called "trout" by the whites of the State, while on the seashore they can get many forms of edible marine life, especially turtles and oysters. Equally well off are these Indians in respect to grains, vegetables, roots, and fruits. They grow maize in considerable quantity, and from it make hominy and flour, and all the rice they need they gather from the swamps. Their vegetables are chiefly sweet potatoes, large and much praised melons and pumpkins, and, if I may classify it with vegetables, the tender new growth of the tree called the cabbage palmetto. Among roots, there is the great dependence of these Indians, the abounding Koonti; also the wild potato, a small tuber found in black swamp land, and peanuts in great quantities. Of fruits, the Seminole family may supply itself with bananas, oranges (sour and sweet), limes, lemons, guavas, pineapples, grapes (black and red), cocoa-nuts, cocoa plums, sea grapes, and wild plums. . . . The Seminole, living in a perennial summer, is never at a loss when he seeks something, and something good to eat. I have omitted from the above list honey and the sugar cane juice and sirup, nor have I referred to the purchases the Indians now and then make from the white man, of salt pork, wheat flour, coffee, and salt, and of the various canned delicacies, whose attractive labels catch their eyes (MacCauley 1887:504).

"The unique industry, in the more limited sense of the word, of the Seminole is the making of Koonti flour. Koonti is a root containing a large percentage of starch. It is

said to yield a starch equal to that of the best Bermuda arrowroot. White men call it the "Indian bread root," and lately its worth as an article of commerce has been recognized by the whites. There are now at least two factories in operation in Southern Florida in which the Koonti is made into a flour for the white man's market. I was at one such factory at Miami, and saw another near Orlando. I ate of a Koonti pudding at Miami, and can say that, as it was there prepared and served with milk and guava jelly, it was delicious. As might be supposed, the Koonti industry, as carried on by the whites, produces a far finer flour than that which the Indians manufacture. The Indian process, as I watched it at Horse Creek, was this: The roots were gathered, the earth was washed from them, and they were laid in heaps near the "Koonti log."

"The Koonti log, so called, was the trunk of a large pine tree, in which a number of holes, about nine inches square at the top, their sides sloping downward to a point, had been cut side by side. Each of these holes was the property of some one of the squaws or of the children of the camp. For each of the holes, which were to serve as mortars, a pestle made of some hard wood had been furnished.

"The first step in the process was to reduce the washed Koonti to a kind of pulp. This was done by chopping it into small pieces and filling with it one of the mortars and pounding it with a pestle. The contents of the mortar were then laid upon a small platform. Each worker had a platform. When a sufficient quantity of the root had been pounded the whole mass was taken to the creek near by and thoroughly saturated with water in a vessel made of bark.

"The pulp was then washed in a straining cloth, the starch of the Koonti draining into a deer hide suspended below.

"When the starch had been thoroughly washed from the mass the latter was thrown away, and the starchy sediment in the water in the deer skin left to ferment. After some days the sediment was taken from the water and spread upon palmetto leaves to dry. When dried, it was a yellowish white flour, ready for use" (MacCauley 1887: 514-515).

MacCauley estimated that the Florida Indians had 100 acres under cultivation; raised 500 bushels of Corn; milled 1,500 gallons of sugar cane syrup; owned 50 cattle, 1,000 swine, 500 chickens, 35 horses; processed 5,000 bushels of Koonti; raised 5,000 bushels of sweet potatoes, and 3,000 melons (MacCauley 1887:516).

He also noted the importance of palmetto and cypress:

"In this connection I call attention to the inestimable value of the palmetto tree to the Florida Indians. From the trunk of the tree the frames and platforms of their houses are made; of its leaves durable water tight roofs are made for the houses; with the leaves their lodges are covered and beds protecting the body from the dampness of the ground are made; the tough fiber which lies between the stems of the leaves and the bark furnishes them with material from which they make twine and rope of great strength and from which they could, were it necessary, weave cloth for clothing; the tender new growth at the top of the tree is a very nutritious and palatable article of food, to be eaten either raw or baked; its taste is somewhat like that of the chestnut; its texture crisp like that of our celery stalk.

"Canoe making is still one of their industrial arts, the canoe being their chief means of transportation. The Indian settlements are all so situated that the inhabitants of one can reach those of the others by water. The canoe is what is known as a "dugout," made from the cypress log" (McCauley 1887:517-518).

Fifty years after the MacCauley Report, Roy Nash (1931) was commissioned to survey and report on the conditions among the Seminole Indians of Florida. By this time the Dania Reservation had been established in 1911, the Monroe County State Reservation had been established in 1917, and the Big Cypress Reservation had been established in 1919. Very few of the people, however, could be enticed to move to the reservations.

The Tamiami Trail (U.S. Highway 41) had just been completed and dedicated in 1928, ending the isolation of the people in their last refuge in the heart of the Big Cypress Swamp and the Everglades.

The 1920's were a period of land speculation and development. The Miccosukee and Seminole people were being pushed out of their settlements near Miami and Fort Lauderdale. The Tamiami Trail expanded the development possibilities of the Fort Myers and Naples areas on the west coast. With the loss of isolation in the Big Cypress swamp came increased pressure

on the hunted resources. Also, logging of the pine and cypress forests began, and agricultural development moved into the area.

The Miccosukee and Seminole people began to shift their residence patterns. Many were forced to move on the reservation as their traditional lands and campsites were developed. Some moved into tourist camps in Miami, Ft. Lauderdale, Tampa, St. Petersburg, and Silver Springs. Some were encouraged to move to the Tamiami trail, where they often built camps on the fill left by the Trail construction camps. These were often just north of the filling stations and tourist facilities that were built at regular intervals along the Trail, always on the south side of the highway. Some of these stations were at Belle Meade, Royal Palm Hammock, Big Cypress Bend (Weaver's Station), Turner's River, Monroe Station, and Paolita. Predictably, residence camps, often developed as tourist attractions with crafts for sale, are found across the highway from the stations, usually across the borrow-canal and accessed by a footbridge. Since these camps are very close to the highway they are usually behind a tall privacy fence and a gate that can be securely paddlocked.

New camps were also established near the logging and sawmill communities, such as Copeland and Miles City, and near the agricultural communities such as Deep Lake and Ochopee. Subsistence hunting and the trade in skins and pelts diminished at about the same time that the people were shifting to a cash economy and piece or wage labor. The communities shifted to where the work was available.

Roy Nash's census depended upon the 1930 census that agent Lucien Spencer was involved in at the time of his death. This census enumerated 578 Miccosukees and Seminoles (more than twice the number counted by McCauley in 1880). Four-

hundred of them were referred to as the "Everglades-Big Cypress Group". Nash's description of the Miccosukee and Seminole Camps follows:

"The location of present Seminole habitations is shown on my map of "Permanent Seminole Camps." By permanent camps I mean habitations which can not be packed up and moved; many of them are occupied only a part of the year. In the nature of things, such a map can lay claim neither to precision nor completeness; it does indicate the extent of Seminole dispersal. Mr. Earl Anderson, Indian enumerator for the 1930 census, says that in Monroe County there are Indians on Rock Creek and Shark River, with Chokoloskee as their trading point. I found none as far south as Shark River. Ingram Billy has his camp on Lostmans River, Charlie Jumper (Chief Charlie) has his permanent camp beside the road at Monte Carlo Casino, and Jim Tiger camps down there somewhere. In Collier County there is Charlie Tigertail's Camp on Turner River and a score or more in the Big Cypress and on the edge of the Everglades, all of them east of the Everglades-Immokalee Road. From this group a band of 30 or 40 under Josie Billy migrated to St. Petersburg last winter to exhibit themselves in an amusement park.

"The few camps in Hendry County are all south of the Devil's Garden; white hunters and trappers have preempted the territory between there and La Belle. The Indians from both Collier and Hendry Counties trade at Everglades, Immokalee, and Fort Myers. The Indians of Glades County live in three or four camps in the "Cabbage Woods" south of Brighton, using Brighton and Okeechobee as their trading points. I know of no permanent camps in Highlands County, although the Indians hunt as far north as Lake Istokpoga. The Cow Creek camps are 8 or 10 miles northeast of Okeechobee City, chiefly in St. Lucie County. Indians come into Kenansville, in Osceola County, but so far as I can learn they camp on the Brevard County side of the line, on Ten Mile Creek and the Blue Cypress. This is right at the headwaters of the St. Johns River, 180 miles from the camps in Monroe County. There are no Indians in Florida north of the headwaters of the St. Johns.

"Coming south along the east coast, the venerable Billie Smith, medicine man for all these Okeechobee Indians, has his camp in the swamp 6 miles northeast of Fort Drum, in the southwest corner of Indian River County. In western St. Lucie County there are a few camps both north and south of the Fort Pierce-Okeechobee Road; these Indians trade in both county seats. In Martin County there is but one Indian family, living between Indian Town and the lake. In Palm Beach County there is one camp. And in Broward County there are the sick and indigent on the reservation at Dania, as well as the Osceolas and Tommies who were crowded from their Fort Lauderdale hammock in the days of the boom and the

Jumpers crowded from the coast a few miles south. In Dade County there are the Indians on exhibition at Musa Isle and in Coppinger's Tropical Gardens in the city of Miami; also one camp 15 miles west of Homestead, and perhaps two or three camps on islands in the Everglades north of the Tamiami Trail.

"Inasmuch as all Indian habitations on the east coast between the head of Lake Okeechobee and Miami are the white man's creations, this region can not be considered Indian country at all in the sense that Cow Creek and the Big Cypress are Indian Country. Number 6 of the Okeechobee camps represents a band of 8 or 10 Indians who live in an old house on the farm of a friendly whiteman, Mr. Clarence Summerlin; they come and go, working for him when he has work for them, hunting and berrying as the mood strikes them, distinctly a transition type. In No. 11 of the Okeechobee camps, Dan Parker houses his family in an old barn and makes a precarious living as a casual laborer. Number 12 of the Okeechobee camps represents an experiment in interracial friendship which is only 2 months old; Mrs. Ella Montgomery, a sister of former Chief Justice White, by the gift of a Ford car persuaded the family of Charlie Cypress to abandon his home in the Big Cypress and build a camp adjoining Mrs. Montgomery's home at Loxahatchee Farms, 10 miles west of Palm Beach.

The larger Seminole camps are simply multiples of the typical camp described in Chapter I. The largest group in the Cypress camping at one place numbers between 40 and 50, and at the camp of Billie Stewart and Charlie Snow south of Brighton there were about 25 living when I was last there" (Nash 1931:20-22).

Nash also describes the Seminole House from his observations at Guava Camp in 1930:

"About the fireplace, here at Guava Camp, are grouped four dwellings, the nearest one 15 feet from the fire, the farthest extending to the very edge of the 50-foot circle of dry land. The largest is perhaps 12 by 20 feet. It is essentially a platform 3 feet from the ground covered by an overhanging roof, the generous eaves of which, curved wide about each end, extend down to within 3 feet of the platform. The roof is supported by 10 or a dozen durable hardwood posts set in the ground, notched at the top to receive the girder. Upon a frame of light poles thus supported is thatched an exquisite roof of palmetto leaves, the thatch weighted by logs tied together and slung across the ridge. A separate set of short posts supports the platform, which is floored with hand-hewn planks leveled and smoothed to a degree worthy of honest workmanship. In this particular long house there

are three sections to the platform, one for dining and two for sleeping, with narrow alleys between.

"The suitability of this house for hot weather is manifest. Visibility is perfect. As a protection against a driving rain it is not too good; in very cold weather one would naturally quit it to sit by the fire. Its great merits are a floor that is out of the mud, that is high enough to sit upon and let the legs swing clear, a floor from which crumbs and dirt are easily swept; and an absolutely tight roof directly under which, upon the beams and suspended from the rafters, can be stored clothing, guns, food, buckskin, whatever it is desired to keep dry.

"Two other houses are in nowise different except that they have undivided platforms and are somewhat smaller. But it should be noted that ridgepoles do not all run one way, so that if one building is flooded by a driving storm, there is likely another comparatively dry. The fourth is framed and floored, but not roofed; it is used for drying skins and cutting up meat; two days work would convert it into a habitable dwelling.

"Certain other structures deserve mention. There is a high table where dishes are washed and dried in the sun; a stockade around some banana plants; a movable pen 3 feet square for holding a pig or an alligator. The mortar and pestle, the former hollowed in the head of an 18-inch log, are highly important in the domestic economy, being used for hashing dried venison as well as for pounding corn.

"The garden at this time of year is wet and full of weeds; inclosing it is a tight fence of palmetto stems and logs. The hole for drinking water is within 70 feet of the fireplace. Not much farther away in another direction is the depression where clothing is washed, with a post set in the ground surmounted by a broad board by way of a table. A high line of clean poles takes the place of a clothes line.

"The construction of these houses is identical with the typical construction described by Clay MacCauley 50 years ago with one exception; nails are now so cheap and easily procured that they are used in fastening the thatch; formerly the framework was lashed together and the thatch tied on with any of half a dozen easily procurable fibers" (Nash 1931:5).

"Except for the Indians at Summerlin's, Dan Parker in his old barn, those in Government mansions at the Seminole Agency, and one possible exception to be mentioned below, all the Seminoles in Florida live in open, palm-thatched shelters like those at Guava Camp.

"It should not be assumed that the stranger can go to these "permanent camps" and find Indians there at all seasons. They move about a good deal; they come in to Everglades or Immokalee or Fort Myers and visit for weeks at a time. After a death they sometimes abandon a camp entirely and build afresh. But they keep within the same broad areas defined above.

"Almost all Seminoles spend some part of the year in temporary camps, where their shelter is a tent fly, and that not usually of waterproof material. Camps of this sort can almost always be seen beside the Tamiami Trail, noticeably so at the beginning of the hunting season when there is the expectation of obtaining employment as guides" (Nash 1931:22).

In summing up Miccosukee and Seminole traditional housing, Nash holds that the adaptation is perfectly appropriate:

"A Seminole family can erect a shelter in three days that will last him 30 years with an occasional renewal of thatch. There are sentimentalists infesting Florida who pity the poor Indian because he lives in an open house. Fresh air and an occasional wetting never killed anybody. The Seminole lives in an open house because he likes an open house. If a man can thatch a roof exquisitely, can he not also thatch a wall? Compare the clean, airy quarters at Guava Camp with the dog kennels provided for Indians at the Seminole Agency, and say which way is best" (Nash 1931:35).

Nash recorded a decline in Miccosukee and Seminole gardening and gave it a very secondary place in relation to hunting for subsistence and market and the shift to a cash economy:

"The balance of his food the Seminole derives from his planted crops. His gardening is the simplest. Either near his camp or on some rich hammock in the vicinity, he clears a half acre or an acre at most, using no tools but the ax and hoe, fences it to keep out hogs, and grows his corn, sweet potatoes, squash, melons, and some cowpeas.

"In addition to garden truck, the Seminole formerly planted a good deal of sugarcane. In 1915 Mr. Spencer wrote: "Billie Johns made 150 gallons of cane sirup which on my advice he put in tin cans. He sold the same at \$1.10 the gallon. Naha Tiger made 50 gallons and found a ready sale for it.

"The patches of cane have diminished much since then. Charlie Tigertail, on Turner River, has an acre in cane and some is grown in the Big Cypress camps, but the total acreage is insignificant. Why is it that even his gardens shrivel?" (Nash 1931:41).

Nash went on to recommend (without much knowledge of the past history of Miccosukee and Seminole cultivation):

"In considering new sources of income for the Seminoles, let us not start out with the mistake of trying to make them

over into dirt farmers. These Indians are not by nature primarily tillers of the soil. Agriculture in Florida is highly specialized -- citrus, garden truck, tropical fruits, florists' supplies -- industries which must pay dividends on from \$500 to \$3,000 per acre, industries requiring fertilizers and sprays and a complicated technique. Many a white man goes broke every year gambling on beans and tomatoes -- this is a game wherein the Indian is doomed to defeat.

"By all means encourage him to cultivate garden truck for home consumption; let him sell some if he can. But to make truck farming or citrus growing the goal of his economic ambition seems to me extra hazardous advice.

"Where, then, lies his hope of economic security if hunting and trapping should fail? I have just three suggestions for bettering the economic position of those Indian who elect to remain in the swamps: (1) Cattle for the men, (2) handicrafts for the women, (3) better hogs for both" (Nash 1931:78).

Nash contended that the game was abundant but that the two native sources of flour, the coonti and chinabrier (*Smilax*), were declining. He noted that the Dania reservation was the only place where coontie was still processed and consumed. He also listed the use of saw palmetto and cabbage palm, huckleberries, coco-plums, seagrape, pigeon plum, gopher apple, prickly peas and sour oranges (Nash 1931:40).

Hunting and trapping for the cash hide and pelt market was listed as the principal occupation of the Big Cypress people in 1930. This occupation, of course, assured that meat was in the cooking pot. Nash estimated that the Miccosukees and Seminoles realized about \$25,000 per year in the fur and skin trade, with racoon skins averaging \$1.50, otter skins averaging \$12.00, and alligator skins averaging \$1.00 (Nash 1931:37). He put the total cash income of all 578 Miccosukees and Seminoles at \$38,145.00. This was itemized as \$25,000 for furs, \$8,945 for wage labor, \$1,500 for sale of handicrafts, \$1,500 from "show business", \$500 from sale of venison and turkey, \$500 from sale of huckleberries, and \$200 in contributions to "beggars" along the Tamiami Trail (Nash 1931:41).

The map accompanying Nash's report is very valuable to the present study, as the first locating the known camps in the Big Cypress Swamp area (See Map 8. The Miccosukee and Seminole Settlements in Big Cypress Swamp in 1930). The map was developed from his field notes after he had returned to Washington. D. Graham Copeland, executive of the Collier Corporation and Collier County commissioner sent Nash a base map of Collier County and asked him to locate the villages. The result was the map and some correspondence between Copeland and Nash that is now in the Copeland Collection of the Collier County Museum in Naples. Map 8 is a reproduction of the Big Cypress Swamp area of the original map. Map 9 locates Nash's inventory of camps on a modern base map of Big Cypress National Preserve. Nash located the following 24 "permanent" camps in 1930. But, it should be kept in mind that camps were moved on a regular basis, depending upon fertility of gardens, water, and game conditions in a particular area. Also, traditionally, camps were abandoned after someone died. Nash named most of the camps for the leading male "head of household". The camps were generally owned by the matrilineal clans. Unfortunately, we are not able to reclaim the Miccosukee names for these clan camps. I have elicited further information on each site from Miccosukee and Seminole consultants during the last year.

1. Immokalee. Just south of the present town of Immokalee on State Route 29. The original location of this camp was where the state forestry fire tower is now located. More recently the Immokalee Seminole Reservation has been established a little further south. The Seminole Tribe's newest Bingo hall was opened just the the north of the fire tower this year. Immokalee is Miccosukee for "your home". Traditionally Immokalee was a trading center for the Miccosukees and Seminoles to the east. The name reflects the policy of the town to always welcome the people. The

Immokalee camp seasonally gained in population as need for agricultural labor increased.

2. Josie Billy's Camp. This camp was just to the east of State Route 29, south of Sunniland, just at the present northwest corner of the Big Cypress National Preserve. I was told that Kissimee Billy and Charlie Billy also had camps in this general location. Josie Billy was a "medicine maker" who was a Corn Dance leader. Josie Billy was at this camp sometimes, but he was very mobile. He was often at tourist camps in St. Petersburg. He later had a camp on the Tamiami Trail, and finally moved to the Big Cypress Reservation, where he became a Baptist minister.

3. Rock Island. This camp was on the east side of State Route 29, just south of Miles City. There is still a road in to the camp site on a high hammock, next to a limestone borrow-pit that is now a small lake. The road goes on eastward to some cattle pens. This is an abandoned Corn Dance site. This camp was once occupied by Bert Frazer.

4. Johnny Buster's Camp. This is Johnny Buster's camp at Deep Lake. This camp was established near the grapefruit grove development at Deep Lake. The group was seasonally employed in the agriculture and in logging and sawmilling in the area. This is the camp visited by Cecil R. Warren in his tour which led to his "expose" in the Miami Daily News in 1934. It was also reported upon by agent James Lafayette Glenn (Glenn 1982) and he selected it for a visit by Secretary of the Interior Harold Ikes, and Commissioner of Indian Affairs John Collier in 1934.

5. Everglades Camp. This camp was located east of State Route 29, on the southern edge of present Everglades City, where the causeway to Chokoloskee Island begins. This was a permanent camp encouraged in its establishment by the

missionary Deaconess Bedell at Glade Cross Mission. It also served as a transient camp for interior Miccosukees when they came to Everglade City and Chokoloskee to trade. The site is a landing at tidewater, just south of the present Hamilton's Tower.

6. Charlie Dixie's Camp. Charlie Dixie's camp was rather isolated north of the present Preserve, east of Sunniland. Charlie Dixie's mother was African-American.

7. Charlie Jumper's Camp. Charlie Jumper's had his camp east of Miles City on the edge of East Hinson Strand.

8. Billie Osceola's Camp. Billie Osceola's camp was south of Charlie Jumper's in the Pines.

9. Charlie Buster's Camp. Charlie Buster had a camp near or at the present site of John Poole's Indian Village on the Tamiami Trail between 50 Mile Bend and Paolita.

10. George Osceola's Camp. George Osceola's Camp at this time was at the site of the Oasis Visitor's center on the Tamiami Trail. Later, he moved to the site just north of the Trail at Monroe Station.

11. Guava Camp. Guava Camp was just north of the northeastern corner of the boundary of the 1988 addition to the Preserve, within the southern boundary of the Big Cypress Seminole Reservation. Both Nash and Glenn visited Guava Camp and gave detailed descriptions of it. It was a landing on the natural boundary between the Big Cypress Swamp and the Everglades. It was generally know as a Panther camp since the matrilineal Panther clan women were the core of the persistent group living there. Billie Fewell, Whitney Cypress, and Wilson Cypress all lived there at one time or

another. Nash gives a full description of Guava Camp as "A Typical Camp of 1930":

"Guava Camp . . . lies 35 miles southeast of Immokalee, . . .precisely on the western margin of the Everglades, 50 mile northwest of Miami.

"Those who occupied Guava camp in August of 1930 were eight. Whitney Cypress is the head of the family, a position carrying more duties than rights. Six feet tall, lean, muscular, upstanding, he carries his 50 years unmarred by abdominal deformation or fallen arches and with a vigor which the average man of 30 might envy. It is his custom to roll out of bed shortly after dawn, pull over his shirt of many colors a pair of cheap cotton trousers tied with cord about the ankles, stow shotgun and shells in the bow of his cypress canoe, and start off on his daily hunt without eating a mouthful of breakfast. Where the water is shallow, he wades; when it deepens to 8 or 10 inches he steps in and poles.

"Sally Cypress . . . is a woman of 38, a tall woman 5 feet 9 or 10. Although she has given birth nine times, she still carries herself erect; generously fleshed, she yet moves with vigor and alertness. Of the 9 children born to Whitney and Sally Cypress, 5 live and 4 have paid the penalty of being born to primitive parents crouched on the edge of the Big Cypress Swamp. The living are Suc-la-ti-kee, a daughter of 16; See-ho-kee, her sister, two years younger;; Che-na-see, a girl of 9; a son and heir aged 11; and a lad of 7.

"By far the most interesting member of Guava Camp remains to be mentioned, Billy Fewell, the father of Sally Cypress. Whether he is 83, as the census states, or 100 as some of his many friends aver, makes little difference. He is old. Old enough to remember that May 4 in 1858 when the Grey Cloud, bearing Billy Bowlegs and 163 of his kinsmen, sailed out of Fort Myers bearing the last of the Seminole emigrants into exile west of the Mississippi.

"This grand old man was a famous character 50 years ago when Clay MacCauley was here, for he had earned the name "Key West Billy" by paddling a dugout canoe from Miami to Key West, remaining a fortnight there among the whites. (Nash 1931:3-8).

Nash's description of the structures at Guava camp have already been cited.

12. Califormee Camp. The site of Califormee Camp is just east of the L-28 Interceptor Canal in the northeast corner of the 1988 addition to Big Cypress National Preserve. Agent James L. Glenn gives a description of Califormee Camp, along with some good photographs , in the 1930's:

". . .Californee is another fifteen or twenty miles east and south of this place (the Hendry County agency). This is one of the most beautiful Indian homes that I have ever known. Here lived Billy Fewl and his son-in-law Wilson Cypress. . . The home is built on a high spot of land and is surrounded with guava and banana trees" (Glenn 1982:72-78).

Note that Billy Fewell, Billy Fewl, or Key West Billie "lived around". Billy Fewell was of Wind Clan. He had daughters, of Panther Clan, living in both Guava and Californee (Panther) camps and was welcome and respected in either place. Wilson and Whitney Cypress were both his sons-in-law. Wilson, Whitney, Futch, and Charley Cypress were all of Otter Clan.

According to a Big Cypress Reservation consultant, a grandson of Billy Fewell, Fewell died at Californee Camp in July of 1932. It was traditional to abandon a camp when someone died there. Whitney and Sally Cypress, along with their children left Californee on July 17, 1932. They went to stay in John Osceola's camp near the ruins of old Fort Shackelford on the Big Cypress Seminole Reservation. So, we have a date of July 17, 1932 for the abandonment of Californee Camp and the move of the Whitney Cypress Family onto the Big Cypress Seminole Reservation.

13. Girtman Billie's Camp. Girtman Billie's Camp was south and east of Californee camp. This was another landing on the Everglades - Big Cypress Swamp interface.

14. Charlie Tiger's Camp. This camp was a little further south on the Everglades - Big Cypress boundary.

15. Grover Doctor's Camp. This camp was on the hammocks along Kissimmee Billy Strand, north of the present Interstate 75 about midway across the Big Cypress National Preserve.

16. Charlie Billie's Camp. Charlie Billie's Camp was also in hammock along Kissimee Billy Strand.
17. Charlie Cypress's Camp. Charlie Cypress also had his camp in hammock along Kissimee Billy Strand. This Charlie Cypress is the father of Charlie, Futch, Wilson, and Whitney.
18. Charlie Tommie's Hog Camp. This camp was in the central pinelands of Big Cypress National Preserve.
19. Jim Tiger's Camp. This camp was down in the Gator Hook area.
20. John Tiger's Camp. This camp was a couple of miles northwest of Calornee Camp, along the present L-28 Interceptor Canal.
21. Monte Carlo Casino. Charlie Jumper had a camp near the Monte Carlo Casino on the Loop Road (Route 94) near the present community of Pinecrest. A Pinecrest consultant reports that Charlie Jumper's camp was actually at Tamarind Hammock, just east of the present Environmental Education Center. There was also a temporary camp near the casino at Pinecrest.
22. Sam Willie's Camp. Sam Willie had a camp on the boundary between the Everglades and the Big Cypress Swamp, just north of the Tamiami Trail northwest of 40-Mile-Bend.
23. Ingraham Billie's Camp. At the time of Nash's visit, Ingraham Billie had a camp on the old Monroe County State Reservation, south of the present boundary of the Preserve in what is now Everglades National park. Ingraham Billie later moved to the Tamiami Trail at Turner's River.

24. Billy Motlo's Camp. Billie Motlow had a camp on the Everglades - Big Cypress Swamp boundary about 8 miles north of the Tamiami trail. It was in the area of an abandoned Corn Dance site.

It didn't take long in interviewing elders to corroborate the locations of the camps listed by Nash. However, it was quickly evident that there were many that he had not visited and the census takers had probably not visited. For example, three miles west of Californee Camp was Banana Camp where George Osceola and Cuffney Tiger lived. Five miles north was Fort Shackelford where John Tiger had his camp. John Osceola lived back and forth between Fort Shackelford and Californee Camp. Jack Clay "had a camp out there". Jack Clay was Bobby Clay's Father and was half brother of Abraham Clay, who had a camp at Ochopee.

As I went over the map the distribution of the camps over the landscape was richly recalled. I will just give some examples from my field notes: Rock Island: In 1937-1939 there was a Green Corn Dance there. Go in on the road about 5 miles. Deep Lake. Johnny Buster lived there about 2 miles southeast of the lake, right on the edge of the grapefruit grove. Billie Osceola (father of Jimmie Osceola) had a camp in from there on Deep Lake Strand. And, Charlie Dixie lived in there. Charlie's mother was a "full blood negro", she was a slave. Frank Charlie was at Carnestown on the NE corner of the intersection. At Everglade the Indian camp was there on the south side east of the road where it goes out to Chokoloskee. Harley Jumper (Henry Jumper's brother) was at Royal Palm Hammock. Robert Billie was at Weaver's Station at Big Cypress Bend. At the canal at Big Cypress Headquarters where the palm trees are was Cory Osceola's place. At Ochopee was Abraham Clay. That is where Addie Billie (Sonny Billie's mother) lives now. Ingraham Billy was at Turner's River on the west side of the river, south side of the road,

east of the store that is there now. Charlie Tigertail was on the west side of the river, about a quarter of a mile north of the road where later there was Turner River Tropical Gardens, and where the Preserve is now putting in an interpretive trail. Charlie Tigertail had a two-story building there, with a landing on Turner's River. At the next bend on the south side of the road was Josie Billie's place. Now Joe Jimmie lives there. John Osceola used to live there in the pines at monument road. George Osceola lived at Monroe Station. Wild Bill Osceola had the Indian Village one half mile west of 50-Mile-Bend. Four miles down the Trail is John Poole's camp. His children are there now. Chestnut Billie had a camp just east of John Poole. Next traveling east on the north side of the Trail is Osceola's Otter camp. Leroy Osceola, and his brothers live with their mother there. Osceola Brothers build chikees. The sign on the south side of the Trail says "Chikee Service". Their workshop is under a giant strangler fig tree. About 500 yards east of Osceola Brothers on the south side of the Trail is Mary Larkin's camp. She is Jimmie Billie's daughter. That is a Wildcat camp. Then there is a big camp just on the other side of the county line in Dade county. That is Willie Jim's camp, originally built by John Motlow.

Ten years after Nash's visit, the distribution of camps had changed. Most of the interior camps had been abandoned and the people had shifted north to the Big Cypress Seminole Reservation or south to camps along the Tamiami Trail. A map for 1940 (See Map 10. The Seminole and Miccosukee Settlements in 1940) accompanies the W.P.A. Writer's Program (1941). This map locates 9 camps in the reservations that were later consolidated into the Big Cypress Seminole Reservation and 16 camps along the Tamiami Trail. Since the interest of this report is the Tamiami Trail camps that are distributed though the Big Cypress Preserve, I will enumerate and locate them:

10. Jimmy Osceola's Camp. South of the Trail on a hammock in the Everglades.
11. John White's Camp. South of the Trail on a hammock in the Everglades.
12. William McKinley Osceola's Camp. South of the Trail on a hammock in the Everglades.
13. Frank Willie's Camp. South of the Trail in the present Tamiami Trail Miccosukee Reservation.
14. Jimmy Tommie's Camp. North of the Trail, due north of the Miccosukee boat ramp, on a hammock in the Everglades.
15. John Motloe's Camp. In Hunter's Hammock, south of the Tamiami Trail near Paolita.
16. Chestnut Billie's Camp. Near the Dade-Collier Jetport site north of the Trail near 50-Mile-Bend.
17. John Poole's Camp. In 1940 John Poole had his camp south of the Trail just east of 50-Mile-Bend. Later he established John Poole's Indian Village 4 miles southeast of 50-Mile-Bend, on the north side of the Trail.
18. Captain Tony's Wife. Some distance south of the Trail near Midway.
19. Cory Osceola's Camp. Near Monroe Station. This is probably the same camp as the George Osceola camp recorded by Nash ten years earlier.
20. John Osceola's Camp. This camp was in the pinelands north of Tamiami Trail at Monument Lake. This was the site

of the February 11, 1936 meeting of Miccosukee and Seminole leaders with Governor David Scholtz and D. Graham Copeland.

21. Josie Billie's Camp. By 1940 Josie Billy had moved from his camp near Sunniland to the Trail. His camp was at the first bend of the Trail east of Turner's River. This is now Joe Jimmie's camp.

22. Ingraham Billie's Camp. Ingraham Billie, Josie Billie's younger brother had now moved in from the Monroe County Reservation camp to Turner's River on the Tamiami Trail. His camp was on the south side of the Trail just West of the River.

23. Frank Charlie's Camp. Frank Charlie had his camp just north of the intersection of the Tamiami Trail (U.S. Highway 41) and Immokalee Road (State Route 29), on the east side of Route 29).

24. Robert Billie's Camp. This camp was, and still is north across the Trail and canal from Weaver's Station at Shell Mound or Big Cypress Bend.

25. Harley Jumper's Camp. This camp was, and still is north across the Trail from Royal Palm Hammock station. Bobby Clay lives there now.

Since 1940 there has been a reduction in the number of camps and Miccosukee people living in Big Cypress National Preserve lands as more people have joined the federally recognized tribes and moved to the reservations.

It is safe to say that every suitable hammock within the Big Cypress National Preserve was used by the Miccosukee people. Many were used as permanent villages, while others were used as temporary camps or as farms. Traditionally, when a family

member died, the camp was abandoned, either temporarily or permanently. These people were constantly moving. They followed the game and the annual cycle of the plant products. Their movements were closely tied to the water conditions. In really wet years, they moved to higher camps. Most families had two to four camps that they used as season, water conditions, and food resources dictated.

## 7. BASELINE USE AND OCCUPANCY 1974

Now, to a summary wrap-up of the general patterns of Miccosukee and Seminole occupancy and use of the land now within the boundaries of the Big Cypress Preserve as of the 1974 date of the enabling legislation.

The closest thing to a "social impact statement" is included in the Resource Inventory and Analysis of the Big Cypress National Preserve done by the Ecosystem Research Unit of the National Audubon Society between 1977 and 1979. This report was published as The Big Cypress National Preserve (Duever, et al 1986). This report provides a baseline that fuller information may modify, add to, subtract from, or negate. It is best to begin by simply quoting the report:

"There are eight Indian villages in the BCNP, all of which are along US 41 (Figs. 8.5-8.16). These villages are generally less than 0.4 ha (1 acre) in size and consist of 6-10 chickee structures. It is difficult to estimate the number of Indians per village or the total number in BCNP, since the population is constantly changing as inhabitants move about freely both within the preserve and outside it to various reservations in Florida. Generally, however, there are several families in each village, so the total BCNP population is probably somewhere around 150 (Osceola, pers. comm.). Virtually the entire population is composed of independent Miccosukee Indians who do not belong to the federally recognized Miccosukee tribe, and who also choose not to live on reservation land.

"Four of the BCNP villages are commercial tourist attractions. This number changes periodically and at least three other villages have been open to tourists in the past. Commercial tourist villages usually consist of a souvenir shop and a self-guided walking tour of the villages where the Indian life-style can be observed. Some local wildlife may also be on display, including penned alligators, raccoons, and turtles. Impacts associated with villages are minimal. Cleared and filled ground does not extend beyond the actual living area. We saw no lands that had been cleared for growing crops, although there are modest plantings of citrus and banana within the villages.

"Indians use the income from their tourist business and from local jobs to buy food and supplies and generally do not hunt, farm, or gather wild foods. The only wildlife taken with any regularity are garfish, mudfish, deer, and turtles. The Indians are said to believe turkeys are poisonous, and

they do not hunt them for food. The entire tribe probably takes no more than one or two deer per week (Dayhoff, pers. comm.). The impact of their fishing is minimal, since it is done in roadside canals, a man-made habitat with unnatural fish populations.

"BCNP Indians generally do not use ORVs and do not seem interested in backcountry travel, so there are few significant ORV trails near Indian camps. In fact, long-time residents and hunters told us that Indians are rarely seen in the interior of BCNP, few are known to hunt the backcountry, and none guide hunting parties.

"The Indians' most significant present use of the BCNP is the collection of native materials, particularly cypress, for souvenirs and chickee construction materials. This is a major activity for both the resident Indians and those from the Forty Mile Bend reservation. Objects sold as souvenirs include small diameter cypress carved into replica knives and tomahawks, cypress knees, slabs of cypress trunks, and native bromeliads (*Tillandsia spp.*).

"Cypress is also harvested for chickee building material. Chickees have become popular as rustic shelters in urban coastal areas and chickee construction is now a commercial enterprise for the Miccosukees. Nearly every Indian village we were able to visit had a stockpile of peeled (debarked) cypress poles in the 15-30 cm (6-12 in) diameter and 3-10 m (9-30ft) long size range, and we saw over 100 poles of various sizes in one BCNP village. Live trees of all sizes are cut. The larger poles are used for uprights while smaller ones down to 5 cm (2 in) in diameter are used for rafters. Some of these poles are used within the villages, although the majority are apparently used for commercial purposes. Some poles come from the Seminole Big Cypress Indian reservation (Maus, pers. comm.), but some are taken from the BCNP. We could not identify any particular areas of the preserve as primary sources of cypress poles; generally in the BCNP they are harvested near villages or along secondary roadways, wherever the trees are readily accessible. We saw Indians cutting cypress near the intersection of US 41 and Loop Road. Cypress suitable for chickee construction is an abundant resource in the BCNP, and the number necessary for resident Indian home construction is insignificant. Commercial demand could eventually result in overharvest, however, since cypress normally grows quite slowly in South Florida (Duever et al., 1978). Damage due to cutting in inappropriate places seems to be a more serious problem, particularly since the areas near roads where the trees are most commonly harvested are also the places most visible to visitors. The NPS should work with the Indians and develop plans to assure that trees are not cut in interpretive areas, habitats critical to rare and endangered species, or other places where it is important that the landscape remain natural. Since pole cutting results in slash accumulations which could affect the likelihood of fire, and the associated site disturbance might influence

exotic plant invasion or other habitat changes, all such harvests should be coordinated with NPS management programs.

"Some of the cabbage palm, *Sabal palmetto*, fronds used for thatching are also collected in the preserve, but, because there are few conveniently located large stands of palms in the BCNP, most fronds come from outside the preserve.

"The Miccosukees also use the BCNP for their major religious ceremony, the Green Corn Dance. This ceremony, a celebration of tribal purification and renewal, is usually held in June or July and lasts several days. . . .

"Although the Green Corn Dance is private and the Indians are generally secretive about it, the ceremony has been witnessed and documented (Capron, 1953). Impacts associated with the dance itself are insignificant, but it may require site clearing (usually in hammocks) and the construction of ceremonial chickees, although the Indians normally use the same site for a number of years. Litter is a problem around the Corn Dance sites. Many potential ceremonial sites have been unavailable to Indians in the past because they were privately owned, but now that these hammocks are coming into federal ownership, Miccosukees may choose to hold Green Corn Dances on them. It is unlikely that this impact on hammock habitats will become extensive enough to be significant, but the Indians should coordinate any use of new hammocks with NPS management programs so as to avoid adverse impacts on biologically significant sites.

"There is little information available on the Indians' use of native wildlife for religious purposes. Neill (1976) mentions that white heron (presumably Great Egret, *Casmerodius albus*) feathers are used in the Green Corn Dance and we have heard that box turtle shells and turkey tail feathers are also involved. We were told that anhinga feathers are such valuable religious items for Seminole Indians that a commercial trade in them has developed" (Duever, et al 1986:388-389).

"Except where rare and endangered plants and animals or especially sensitive sites are involved, the number of Indians in the Big Cypress probably could not do significant environmental harm if given more or less free rein to conduct their activities in the same manner and with the same implements they have been using for hundreds of years.

"It must be recognized that it may not be legally possible for the NPS to require the Indians to do everything that should be done to safeguard the natural integrity of the preserve. However, it is difficult to believe that, in the long run, sustaining the ecological health of the Big Cypress is not extremely important to the Indians. Thus it would be hard for them to reasonably object to a sound environmental management plan developed in view of their needs. But, it will be vital for the NPS to keep lines of communication open

and give consideration to the Indians throughout the planning and management processes.

"Further information relevant to Indian use of the BCNP would probably be useful to the NPS, but we were unable to learn more because the Miccosukees are a very conservative people and are generally reluctant to discuss details of their life-style with outsiders" (Duever, et al 1986:389-390).

On November 12, 1981, the National Park Service published some proposed regulation in the Federal Register (46 FR 55709). These were revised based upon requested input and republished in the Federal Register (36 CFR PART 7) May 10, 1988. This publication contains a description of current use and occupancy, and borrows freely from the Audubon Society report (Duever, et al 1986). It is also important to provide this in full to serve as a point of reference:

#### "Residential Use

"There are an estimated 100 to 150 Miccosukee and Seminole Indians residing in the Preserve. Some of these Indians are carried on the tribal rolls of their respective tribes and others are eligible for tribal membership but are unaffiliated by personal choice. They reside in 11 camps, villages, or individual homes within the preserve. The majority of these camps are on Federally acquired lands.

"Historically (pre-1900), Indians in the Preserve relocated frequently in search of better hunting and agricultural lands. In the 1930's and 1940's, after the construction of U. S. Highway 41, the Indian lifestyle changed gradually. Camps were located more and more frequently beside the highway and the Indians came to rely heavily on income from the tourist trade or from jobs in local communities and thus, became less dependent on a subsistence lifestyle. In recent years, these camps have been relatively stable in population and location. Expansion of existing camps or establishment of new camps has been due primarily to marriage and family growth, with some in and out migration from other areas.

"Camps are generally one acre or less in size and consist of six to ten structures, most of which are traditional chickees---a roofed, opensided shelter constructed of cypress poles and thatched with a palm frond roof. Cleared and filled ground generally does not extend much beyond the actual living area.

#### "Subsistence Use

"Subsistence use within the Preserve by Indians has declined substantially in recent years. Only a few camps

within the Preserve have lands that are cleared specifically for agriculture. Several camps do contain small orchards of fruit-bearing trees. Some corn is grown by Indians on hammocks within the Preserve. Gathering of native plants for food, medicine, and ceremonial purposes also continues on a limited scale. Backcountry use by Indians for hunting and gathering activities is limited. This is evidenced by the general lack of off-road vehicle trails near Indian camps. The low level of use is perhaps due in part to low population levels of game species. The primary species taken by Indians are garfish, mudfish, deer, hog, and turtles.

#### "Commercial Use

"The number of camps open for commercial tourist trade is variable. At present, four camps within the Preserve are known to be open to tourists, but at least three other camps have been open in the past. Commercial activity at these camps usually consists of a small curio shop where various handmade articles can be purchased. A self-guided walking tour of the village is sometimes available, allowing observation of Indian lifestyles.

"Commercial guiding of hunting parties by Indians is at present infrequent. However, there is a potential for expansion of this activity.

"The most significant Indian commercial activity within the Preserve is the collection of native materials for curio and for chickee construction. The natural resource most actively sought is cypress. Small diameter cypress poles are carved into toy canoes, knives and tomahawks. Cypress knees and slabs from larger cypress trunks are also harvested for sale as souvenirs. Most cypress taken, however, are for use as building materials in the construction of chickees, both at a subsistence and commercial level.

"Since chickees have become popular as decorative shelters in nearby urban areas, their construction has become a commercial enterprise. During previous discussions with the tribes, the Service was informed that no more than seven Indian families within the Preserve had indicated an interest in taking Preserve cypress for commercial chickee construction. Local staff believes as many as nine families are now engaged in commercial chickee construction. Since south Florida has one of the highest rates of urban growth in the nation and chickee construction provides a unique opportunity of commercial gain through the use of a traditional skill, the number of families or individuals engaged in commercial chickee construction will no doubt increase.

"Depending upon its size, a chickee requires 25 - 40 poles (trees) of various sizes down to two inches in diameter. Since only straight trees of certain diameters are desirable, cypress stands are generally selectively cut rather than clear cut. Due to access and transportation problems, suitable cypress stands near existing camps and

roads are most favored for pole-cutting, thus visually impacting the natural scene of the scenic corridors (one-half mile) along highways within the Preserve.

"Cabbage palm fronds for thatching of chickee roofs are also commercially collected from the Preserve. Since there are relatively few conveniently located large stands of palms, this activity may be minimal.

"The quantity of cypress harvesting for chickee construction, whether subsistence or commercial, is extensive. Since the number of villages is known and the rate of population growth can be projected, the impact of cypress harvest for subsistence use can be managed. The Preserve may be able to sustain such use, if monitored and controlled. This activity, at this level, is consistent with P.L. 93-440 and Service general regulations.

#### "Religious Use

"The Miccosukee Indians currently utilize two sites which are in Federal ownership for their major religious ceremony, the Green Corn Dance, a celebration of tribal purification and renewal. The ceremony is normally held in June or July, and runs several days.

"Ceremonial sites are usually located in hardwood hammocks. The development associated with the ceremonial site is normally limited to some clearing of vegetation and construction of ceremonial chickees and the overall impact should be minimal. The Indians normally utilize a site for several years. As Federal acquisition of land proceeds, other ceremonial sites will become potentially available to the Indians.

"The extent of Miccosukee and Seminole use of native plant and animal life for religious purposes is not well known. Egret, turkey, and anhinga feathers and box turtle shells are reported to be used. Statements by the Chairman of the Miccosukee Tribal Council (Mr. Buffalo Tiger) call for the opportunity for Indians to collect, maintain, and use all plant and animal species traditionally employed in Indian medicine, religious, or cultural practices, unless protected by State or Federal law as threatened or endangered species.

To the subsistence use above, should be added: birds. They were and still are an important part of the diet.

These two accounts do catch the general pattern of occupancy, subsistence use, commercial use, and religious use of the Big Cypress Preserve lands by the Miccosukee and Seminole people. There are presently 12 active residential villages in Big Cypress National Preserve. The population is a bit dynamic,

as it always has been. The best estimate is between 100 and 150 people. The traditional mobility is still evident, with an average of perhaps 1/3 of the population of any given village absent at any given time. During the winter, when the tourist season is at its height, the population will generally be highest. During the summer, when the tourist season is off, many of the villages will be nearly or completely vacated, as the occupants go elsewhere to find seasonal employment opportunities or just to visit.

All of the present villages in Big Cypress National Preserve are along the Tamiami Trail (US 41). There are no "backcountry" camps. The move to the Tamiami Trail that started after its completion on 1928, is complete. With the population shift, the people have traded their cypress canoes for Ford pickup trucks. They have traded their canoe landings on strands and sloughs for short driveways and bridges across the borrow canal to the highway. They have traded their subsistence economy for a "cash" economy. Instead of gardening, fishing, and hunting, most of the subsistence is gleaned from the Publix supermarket 40 miles down the Trail at the Tamiami Shopping Center in West Miami.

To locate the residential villages, I will take the reader on a trip from west to east across the 36.4 miles of the Tamiami Trail within the Big Cypress National Preserve. I will begin the "road log" at the junction of US 41 and State Route 29 at Carnestown (see: Map 11. 1974 (and Present) Miccosukee and Seminole Villages in Big Cypress National Preserve).

#### Start

- 0.0. mi. Carnestown junction. This is the site of Frank Charlie's Camp, which is now replaced by non-Indian commercial development.
  
- 0.1. Big Cypress National Preserve boundary sign.

- 2.7. Big Cypress National Preserve Headquarters. This the the site of Cory Osceola's commercial camp. It was displaced by non-Indian commercial development, before the National Park Service took over the site.
- 3.7. Village 1. (SR 0-106) Addie Billie's Camp. This camp was earlier know as Abraham Clay's Camp. It the only camp left in Ochopee. There were several camps in the area when there was significant agricultural development in the Ochopee area in the 1940's and 1950's. A new chekee was under construction here in January of 1994. A few stalks of corn were planted along the canal bank in Addie Billie's camp in the summer of 1994, indicating that she has a devoted traditional son.
- 4.3. Ochopee Postoffice ("America's Smallest Postoffice").
- 5.4. Ochopee Fire Station.
- 6.2. Turner River Bridge. This is the site of Ingraham Billie's Camp south of the Trail, and Charlie Tigertail's Camp north of the Trail. Charlie Tigertail's Camp and landing were about a quarter of a mile north of the Trail on the west bank of the river.
- 7.4. A slight bend in the Trail.
- 8.4. Village 2. (SR 7). Joe Jimmie's Village. This well kept village is on the site of Josie Billie's Trail camp.

- 16.2. Monument Lake Road. The monument is now missing. This is the site of the conference between Governor David W. Sholtz, D. Graham Copeland, and the Seminole (Miccosukee) Indians, Feb. 22, 1936. The missing plaque read:

1936 SEMINOLE CONFERENCE

On February 22, 1936, this pine hammock was the site of a conference attended by about 275 Seminoles and several representatives of state and local governments. Florida's New Deal governor, David W. Sholtz (1933-37), had aided the state's recovery from the great depression. Accompanied by members of his cabinet and D. Graham Copeland of the Collier County Board of Commissioners, Sholtz journeyed into the Everglades to discuss with Seminole leaders what the government could do to assist the Indians in those trying times. A ceremonial welcome was followed by conversations in which Gotch Nagotee (Josie Billie) and Tush Kee Henche (Corey Osceola) spoke for the Seminoles. The Indians appreciated the offer of aid but, fearing removal from the Everglades, gave the Governor this reply: "Pohosa Chechish", "Just leave us alone."

The historical context of this conference indicates it was set up to appease the Seminoles (Miccosukees) at the same time that the Monroe County State Reservation was being taken away from them as they were being evicted from the lands which became Everglades National Park. The leaders perpetuated the "leave us alone" policy of their Big Cypress ancestors. An impressive conference "Cekeechobee" or "Big House" was set up for this conference on a dry Pine Island. This was on or very near the site of John Osceola's camp.

- 17.0. Monroe Station. Village 3. (S R Box 9A). George Osceola's Village. This village is north of the Trail, across from the station. Presently there are two trailer houses, 6 chekees, and several frame outbuildings. Cory Osceola previously lived

- on this site.
- 21.2. Oasis Visitor's Center, Big Cypress National Preserve. Crossing of the Florida Trail.
- 27.8. Village 4. (S R 23B). William (Wild Bill) McKinley Osceola's Shop and Tourist village of 7 chekees. This shop was originally started by the Osceola Brothers Doug, Howard, and Homer. It was later sold to their brother, William McKinley Osceola. In 1994 new construction was doubling the gift shop size.
- 28.1. Jetport Road and Fifty Mile Bend. Jetport Road leaves the highway, to the north, where the old Corn Dance Trail starts.
- 3.4. Village 5. (S R Box 30). John Poole's Indian Village. This village has a long history as a tourist village. It is closed now, and the signs are down, but construction is now in progress doubling the size of the shop. There are 6 large chekees, banana and citrus trees, a nicely kept lawn, and a big Royal palm tree. The village is located on fill from the construction of the Tamiami Trail.
- 31.0. Paolita Station. (S R Box 33A). Village 6. Osceola Brothers, Camp. The Camp is on the north side of the Trail, across the canal behind a fence. There are 10 chekees on about an acre. The Osceola Brothers live here with their Otter Clan mother. Across the highway, to the south, under a giant strangler fig tree is the workshop for the family chekee service.

- 31.2. Village 7. Mary Larkins' camp. There is a large chekee behind a fence on the south side. Further back there is a double-wide trailer and 3 more chekees. Mary Larkins, Jimmie Billie's daughter is clan mother here. This is a Wildcat clan camp.
- 31.6 Village 8. (S R 37-1). Howard Osceola's Village, south of the Trail.
- 31.6 Village 9. North of the Trail is Cliff Huggin's camp.
- 31.8. Trail Gospel Center. On the north side of the Trail. There is a large chekee and firepit. This "traditional Baptist" mission has meetings on Sundays and sometimes on Wednesday. Just east of the center is another village , a chekee with an adjacent hunter's lean-to type chekee. I have designated this Village 10.
- 32.1. Village 11. (S R 37 C 2). Another Osceola Village. North of the highway. A large improved chekee and two smaller ones, one a hunting lean-to style.
- 32.5. County Line. Trail Center. Headquarters for this Research Project.
- 32.8. Village 12. (S R 39A). Willie Jim's Village. This is a large village of about 10 chekees separated into two segments. This village was established by John Motlow.
- 36.4. Big Cypress National Preserve Boundary Sign.
- 36.5. Miccosukee Indian Reservation Boundary Sign. Forty Mile Bend.

According to my observations in 1993 and 1994, only one gift shop and tourist village was open. That was Village 4, William (Wild Bill) Osceola's. That one and the one at John Poole's (Village 5) were in the process of expansion.

Residence patterns have shifted to the established villages along the Tamiami Trail. However, it is evident that the population in the camps is variable at any given time. Half of the villages now have trailer houses as well as traditional chekees. The chekees used as primary family dwellings are now generally walled or "improved" chekees. A case can be made for the walled houses being traditional, going back to the houses in Cuscowilla reported by Bartram (1791), and Chipco's clapboard house of 1879, reported by Pratt (Sturtevant 1956b).

The villages are still of an acre or less and contain 2 to 10 structures. The residents do not wish to have their homesites surveyed. One resident reminded me that Billy Bowlegs had had trouble with surveyors in his village. So, we do not have exact plats of any of the villages.

The villages contain from 2 to 10 structures. Each village has some fruit trees. Those specifically noted were banana, orange, and grapefruit. Some of the villages still have a small garden. In some, a scattered random planting of corn was noted both in the summers of 1993 and 1994. Every village has some chickens, and there is usually a hog pen, with at least one hog being fattened.

Miccosukee - Seminole agriculture has declined in the Big Cypress National Preserve. There are no large sugarcane or corn fields such as were reported in the 1880's or even the 1930's. Elders deplore the fact that hardly anyone is really

involved in farming any more and only a few of the villages have even a small garden.

The traditional pattern was to have a garden adjacent to the village and then have some larger plantings of corn and sugarcane on more distant hammocks, often some miles from the village. The gardens have produced sweet potatoes, pumpkins, melons, beans, and a little tobacco. Corn is important not only for food, but for the sacred tradition of the Green Corn Dance. Young men have the spiritual obligation to plant corn for their mothers. The gardens belong to the mothers in this matriclan centered society. A well kept and productive garden is evidence of a devoted and respectful son.

One consultant told me that the last time that he had tried to plant corn in the spring in a traditional, and already disturbed area along the Trail in the Big Cypress National Preserve, he was told by a ranger that it was not allowed. Rather than push the issue, he just backed away from it and has not planted corn since.

It would seem that the statute should protect the rights of the Miccosukee and Seminole people, living in and around Big Cypress National Preserve, to continue to plant gardens on already disturbed land, near the villages. Further, they do have a tradition of planting larger fields some distance from the village, often with some traditional clearing of the land so that the crop is not shaded. Traditional people, especially, should be protected in their sacred responsibility to their religion and their mothers, to plant corn.

Native plants for food are rarely taken any more. The coontie (*Zamia*) is not abundant in the Big Cypress. It always was a "starvation food". It does not rapidly

replenish itself. It is very "labour intensive" to process. It was not used, if the traditional corn crop was sufficient. As the people moved to a cash economy, purchased hominy has been the accepted replacement for coontie or homemade hominy. The Indian potatoes from the chinabrier, are rarely gathered today.

Medicinal and sacred plants are gathered secretly by the medicine makers. This impact is surely minimal and the spiritualists should be allowed their privacy. As far as I can ascertain, there are no endangered plants on the list (see: Appendix 3). On privacy of these spiritual leaders, I have been asked to pass on their opinion that "traditional use" doesn't include the requirement to get a written permit, or to have a NPS ranger looking over your shoulder as you collect the earth's medicines for physical and spiritual health.

With the decline of hunted species, the closing of the pelt and plume trade, and the move to a cash economy, hunting has declined. The people continue to take deer, feral hogs, and turtles. These are taken essentially opportunistically. If a deer is seen at a convenient distance from the village or the road, it will be taken. Venison is still esteemed as the ideal meat, but it is more and more rarely on Miccosukee and Seminole tables. It is important to have some venison for the traditional feasting at Corn Dances. But, usually only a couple of deer are taken for these feasts. The estimate of a couple of deer a week for the whole group (including the people in the Big Cypress Preserve villages and the Miccosukee reservation residents) is close. Quite simply, the Miccosukee and Seminole hunting impact on the Preserve is statistically insignificant.

Fishing is now done primarily in the artificially created canals and borrow pits near the villages. It has no real

impact on the natural ecosystem. The garfish and mudfish are the usual species taken, by spear or hook and line. Largemouth bass are also taken, and occasionally an exotic "Oscar". Recently, the mercury content of the fish in the Big Cypress and Everglades has reached dangerous levels. The Miccosukee and Seminole people, along with the general public, have been warned to limit their intake of fish. This is another case where circumstances beyond the control of the Miccosukee and Seminole people have begun to limit their subsistence possibilities.

"Commercial camps" have been part of Miccosukee and Seminole traditional use since the early 1900's with the establishment of Willie Willie's camp on the Miami River, and later developments such as Musa Isle and Coppinger's in Miami; and other camps in St. Petersburg, Tampa, and Silver Springs. With the completion of the Tamiami Trail, the pattern was extended out into the Everglades. The several active, and potentially active, commercial camps within the Big Cypress Preserve are part of this tradition.

The taking of cypress, pine, palm, and pop ash for the manufacture of toy canoes, knives, tomahawks, bows, and arrows for sale to the tourists has been a long standing practice. Cypress "knees" have also been an important item in the tourist shops.

The continual use of firewood from the Preserve is part of living in the traditional way.

Cypress canoe construction was carried to a high level, but has declined since drainage operations in the Big Cypress and the development of roads. Craftsmen such as Charlie Cypress were still making excellent canoes in the 1950's. Since then, the tradition has declined, but recently there has been

some canoe building activity on the Big Cypress Seminole Reservation.

Two spiritual leaders asked me in 1993 and 1994, if I thought it was possible to obtain a large cypress tree from a Preserve strand to make a canoe.

The process is exacting and time consuming. The tree must be girdled and left standing for over a year after it has died. Then it is felled and is buried in a marsh for a year to season properly. Then, as it is carved, it must be carefully treated through a slow process to keep the wood from "checking" or cracking. The manufacture of a canoe is not something to be taken lightly or done haphazardly. A proper canoe represents a craftsman's five years of devotion.

Most cypress logs, large enough for proper canoes, were cut in the Fakahatchee Strand, which is not in the Big Cypress National Preserve. The Fakahatchee Strand is now in the Fakahatchee State Preserve.

Today, there are few canoe-size cypress trees left in Big Cypress National Preserve. Most that are large enough for canoes were left after the logging that ended in the 1950s, because they were hollow or not suitable for milling and probably not suitable for making canoes.

Cypress canoe making is a major traditional use. It should be allowed if the harvest of large cypress is reasonable. Taking into consideration the traditional knowledge, time, and effort needed to make a canoe, this demand will probably not be very high.

If, however, in the future, the Preserve management bans off-road vehicles and airboats; and if more of the natural hydrologic pattern is restored, cypress canoes could again

become important for low-impact access to the Big Cypress Swamp and the Everglades.

The traditional house or "chekee" is the hallmark of the Miccosukee and Seminole people. It is a very important symbol and is even represented on the official national seals of both the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida. To traditional Miccosukee and Seminole people, living in a chekee is the essence of still being Indian. It represents family and it represents clan. It represents separateness from the Anglo world. It represents tradition.

The chekee itself is the highest point in craftsmanship using native products of the Big Cypress Swamp, the cypress and the palm.

The National Park Service has not questioned the traditional right of the Miccosukee and Seminole people to use the resources of the Preserve for making traditional chekees for their own residential and ceremonial use.

Several Preserve managers have, however, raised the question of whether traditional use includes taking the resources of the Preserve to build chekees for non Indians in the surrounding area as a commercial enterprise.

Several of the chekee building families have held that this was a "subsistence" activity well before the Big Cypress Preserve was established. And, indeed, it is clear that Miccosukees and Seminoles were actively involved in building chekees as a commercial enterprise from the early 1900's, on through the 1930's and up to the present. So, they have a defensible position on the basis of "usufruct" or "traditional use".

Some National Park Service managers hold that this use cannot be interpreted as "for subsistence purposes". So, they have a position for arguing their case.

I would contend that there is common cause here. Both the National Park Service and the Miccosukee and Seminole people are interested in the continued survival of the cypress resource. A joint planning venture in the interest of managing the resource for future sustained yield seems reasonable.

It should be noted that some chekee builders are now purchasing pressure treated poles for their commercial use and passing the cost on to the customer. They also say that the commercial poles are more uniform and easier to work with on a commercial scale. This innovation, however, should not effect the traditional right of the people to continue the harvest of cypress poles for their own use.

Active ceremonial use of the Big Cypress Preserve focuses on the two Green Corn Dance Sites. The Green Corn Dance Sites are areas of about two acres on hammocks, where a circle of over 70 traditional chekees is built around a central dance and ceremonial ground. The National Park Service has been responsive to requests from the Corn Dance leaders in providing access for the participants, materials for construction and refurbishing the structures, and expansion of the grounds from time to time.

The spiritual leaders say that the current sites are fine and that the Preserve administration has been responsive to their needs. But, they want the managers to be aware that Corn Dance sites are traditionally moved from place to place. The present sites should not be viewed as permanent.

These sites should be closed to the general public on a year-around basis (see Appendix 3 for fuller information on Sacred and Ceremonial concerns). It has been the policy of Preserve managers to take requests concerning protection and facilitation of Miccosukee and Seminole ceremonial rights on a "case-by-case" basis. This is undoubtedly the best policy for the present and the future.

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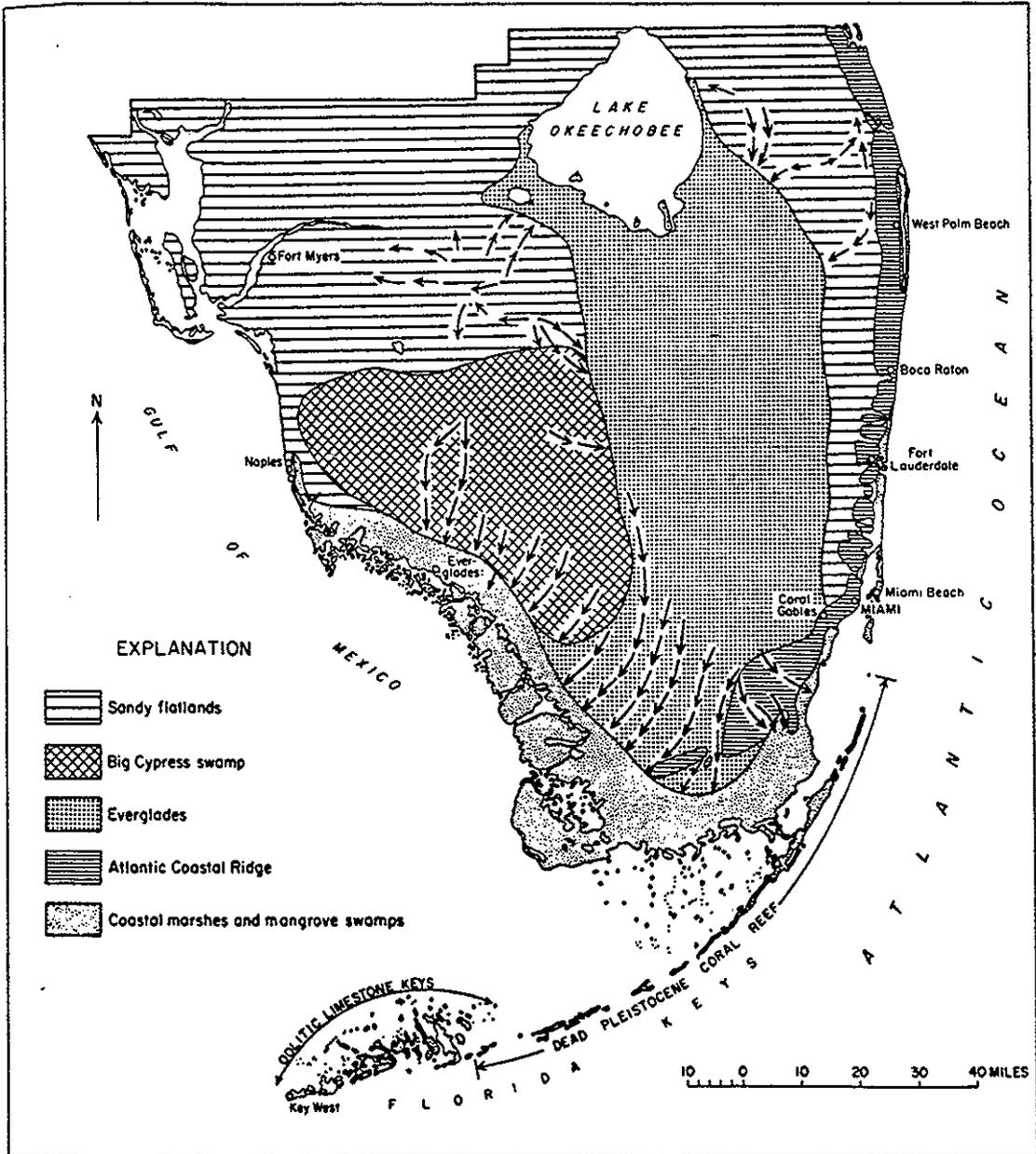
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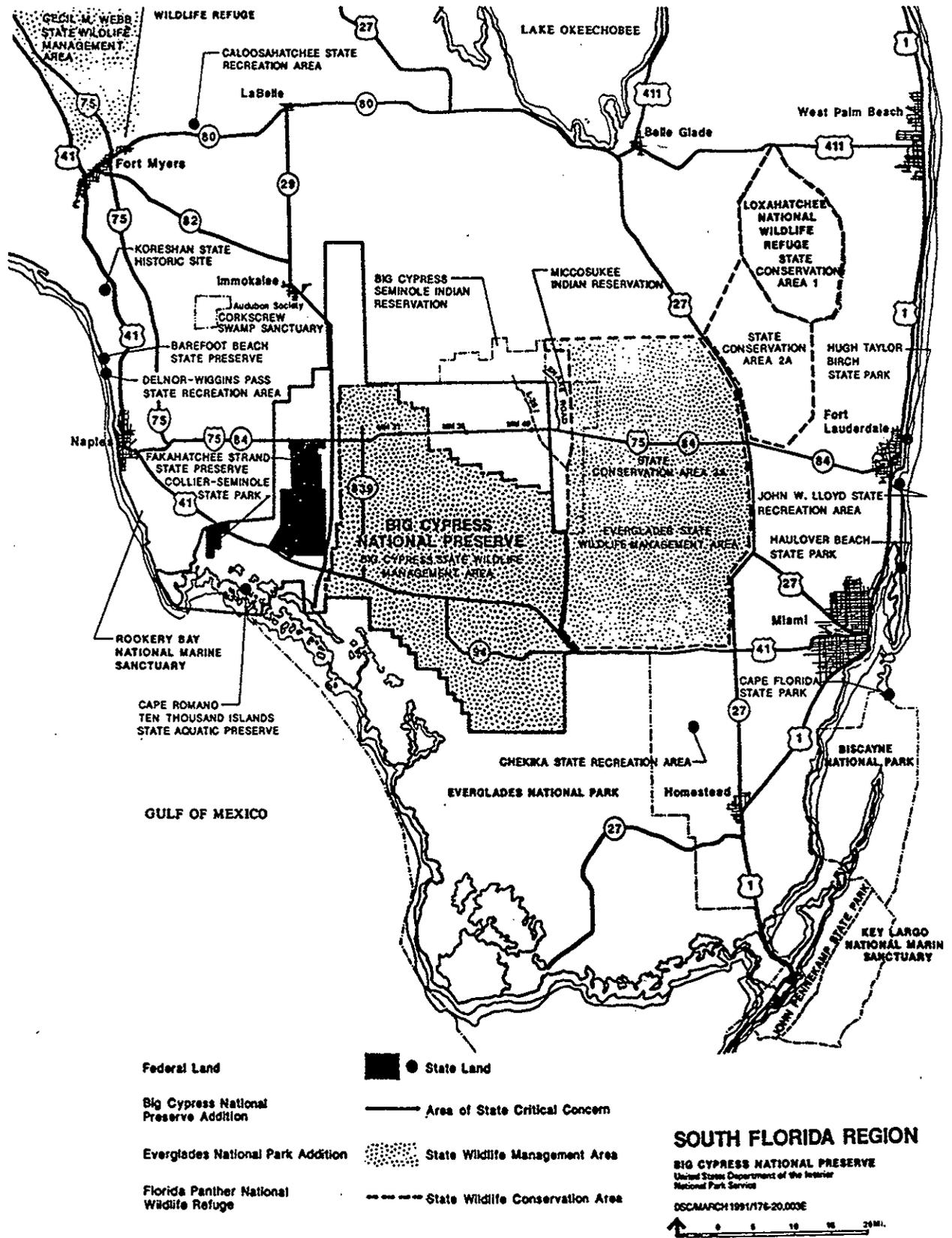
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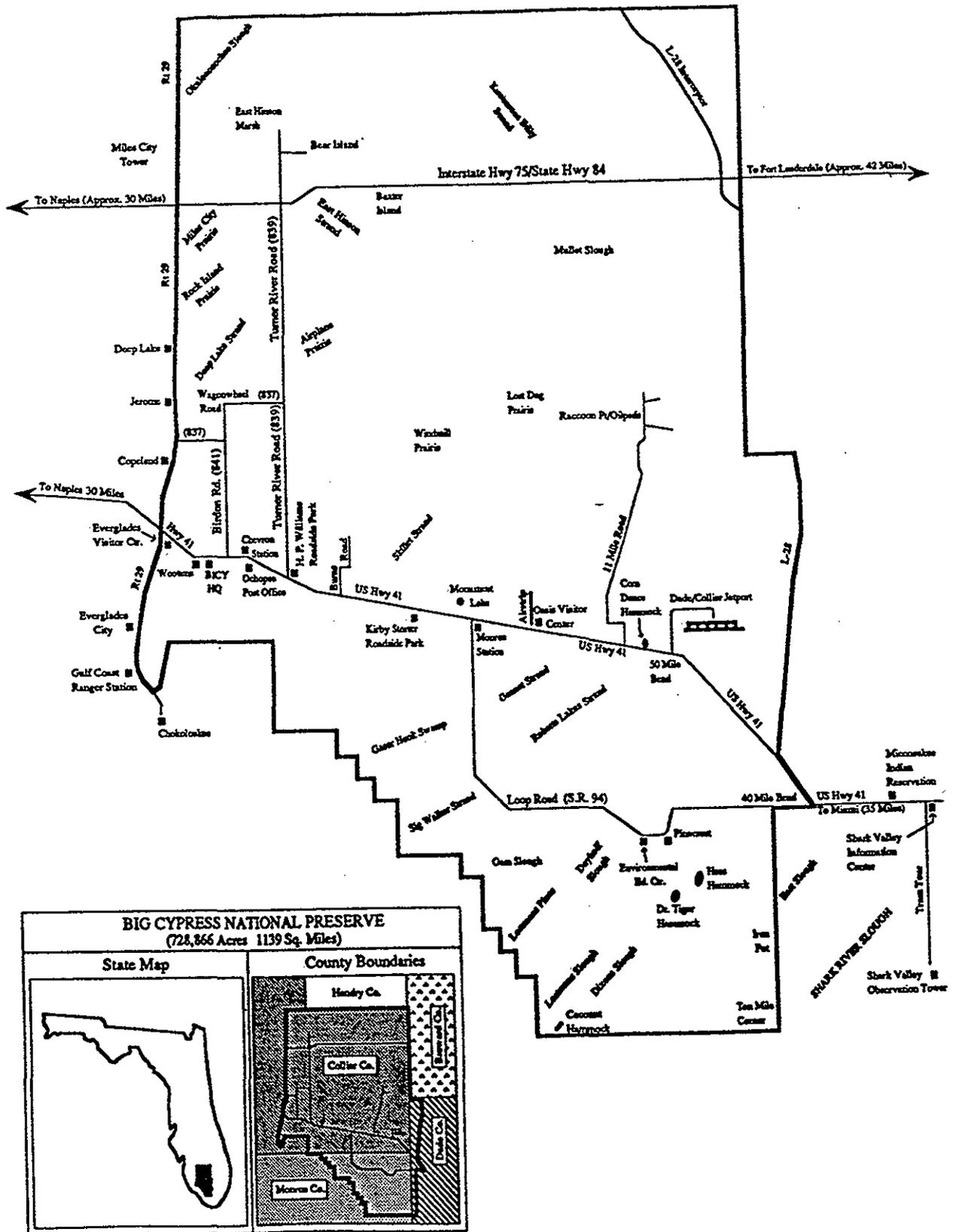
9. ILLUSTRATIONS AND MAPS

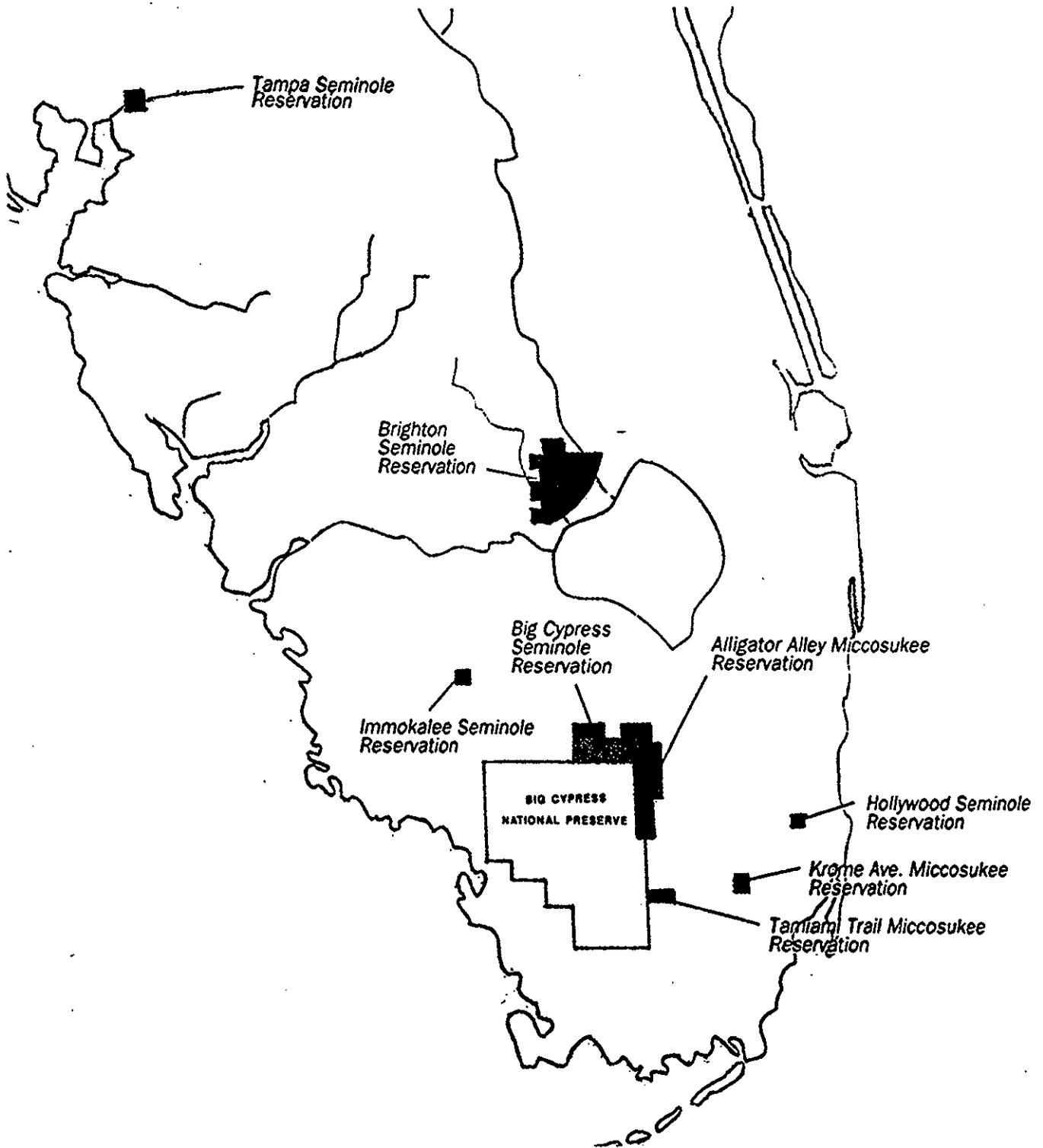


Map 1. Topographic-ecologic Region Map of South Florida (after Thornbury 1965:51).

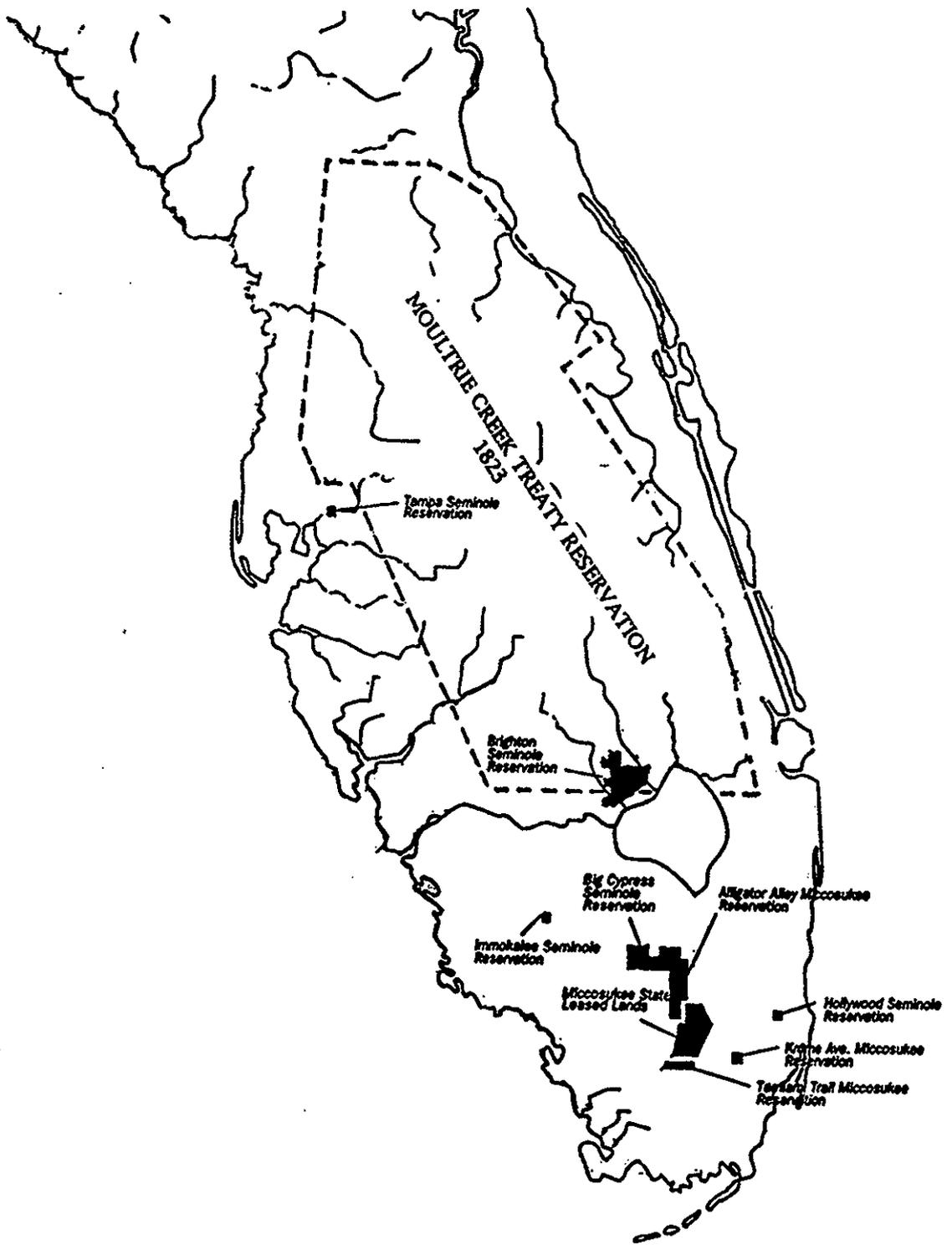


Map 2. South Florida Region Map (after U. S. Department of Interior, National Park Service 1991:5).

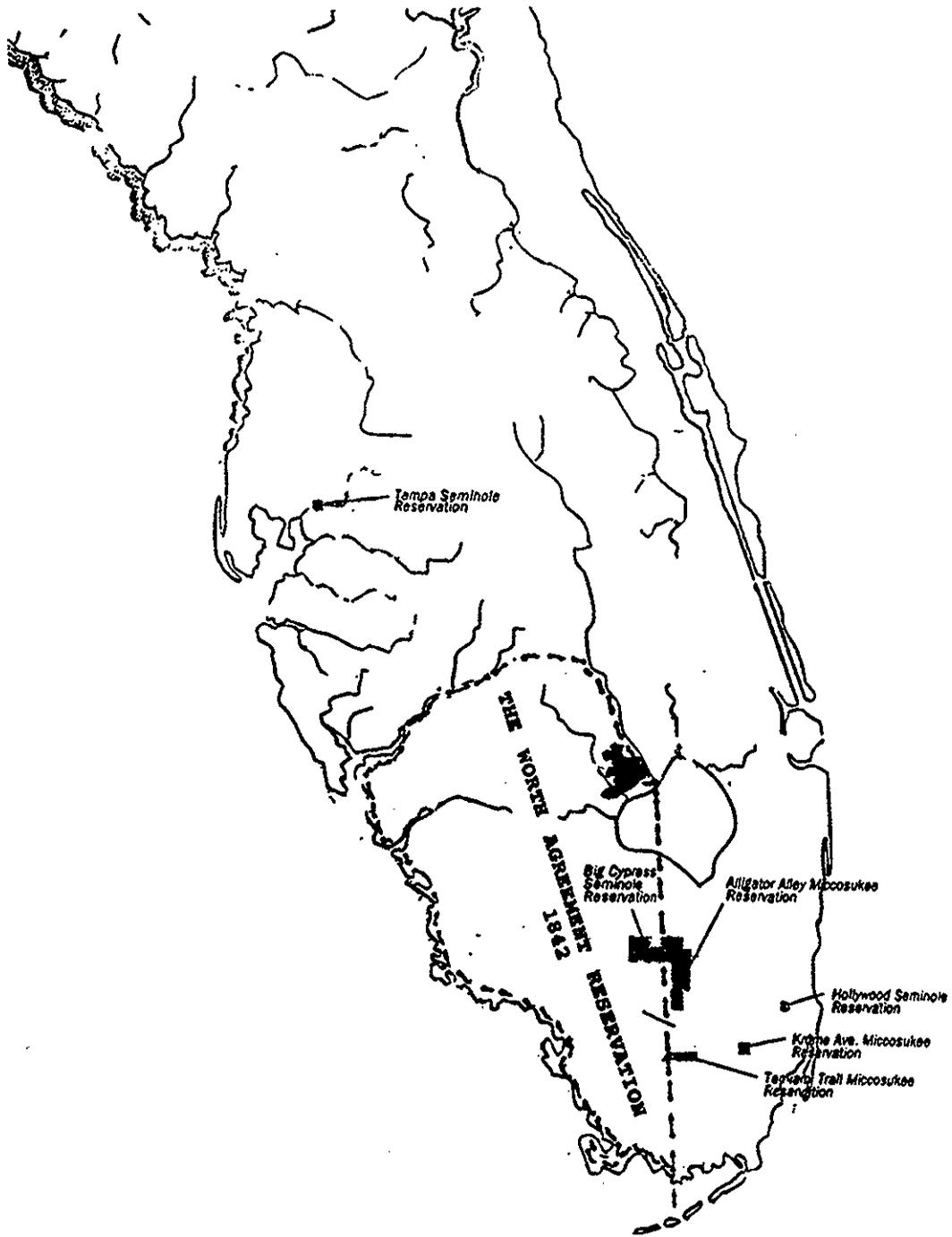




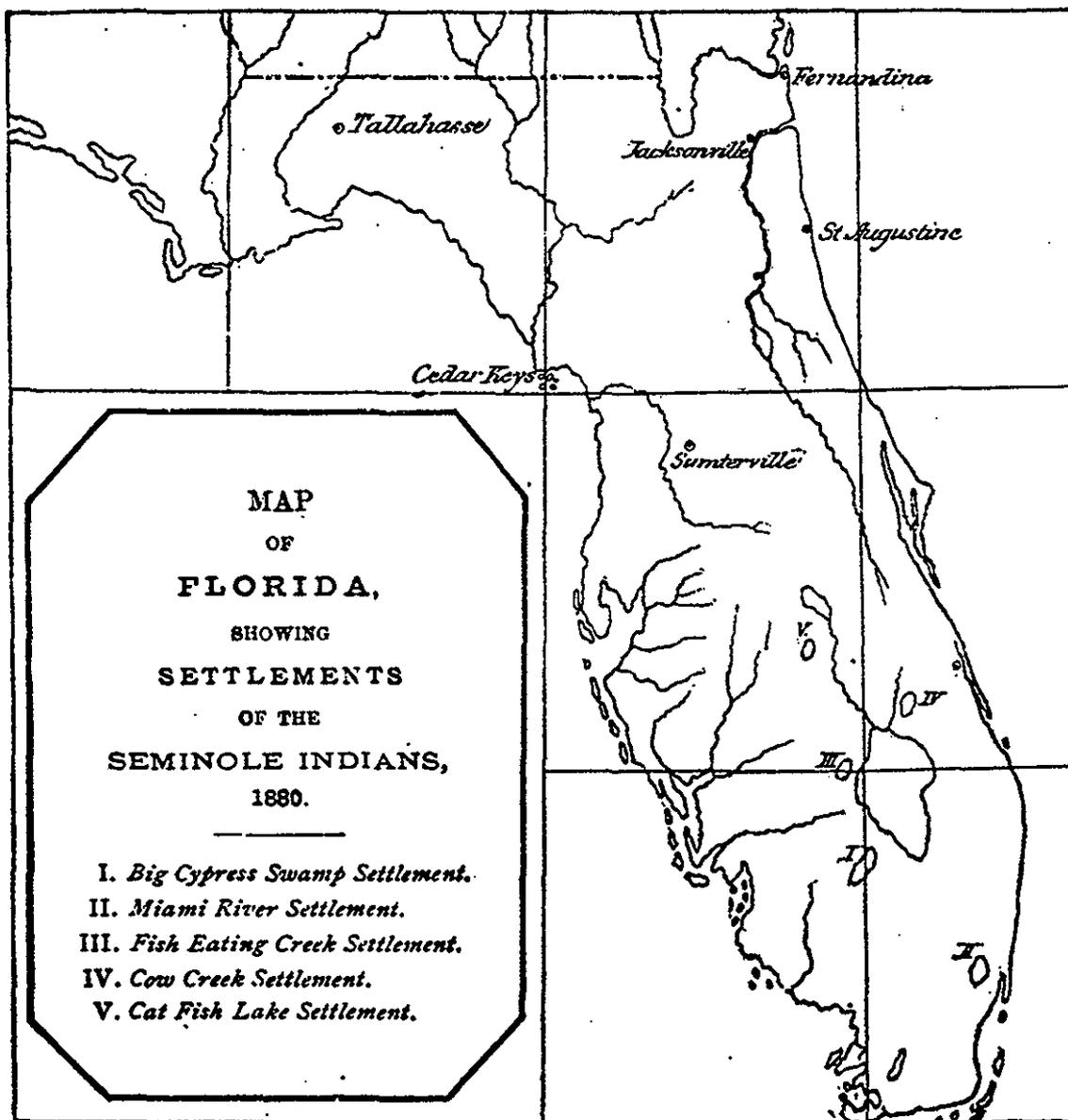
Map 4. The Miccosukee and Seminole Reservations of Florida.



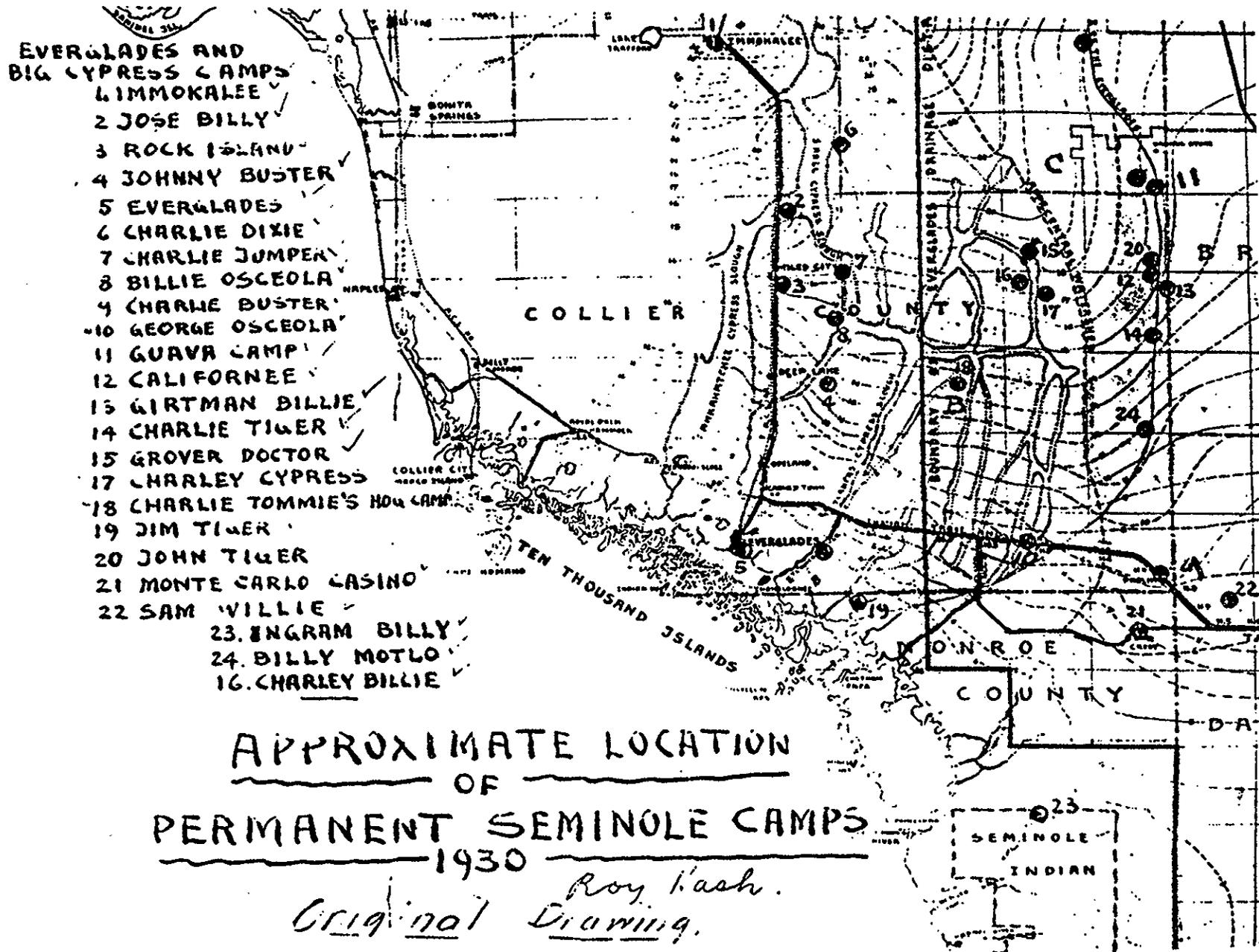
Map 5. The Moultrie Creek Treaty Reservation.



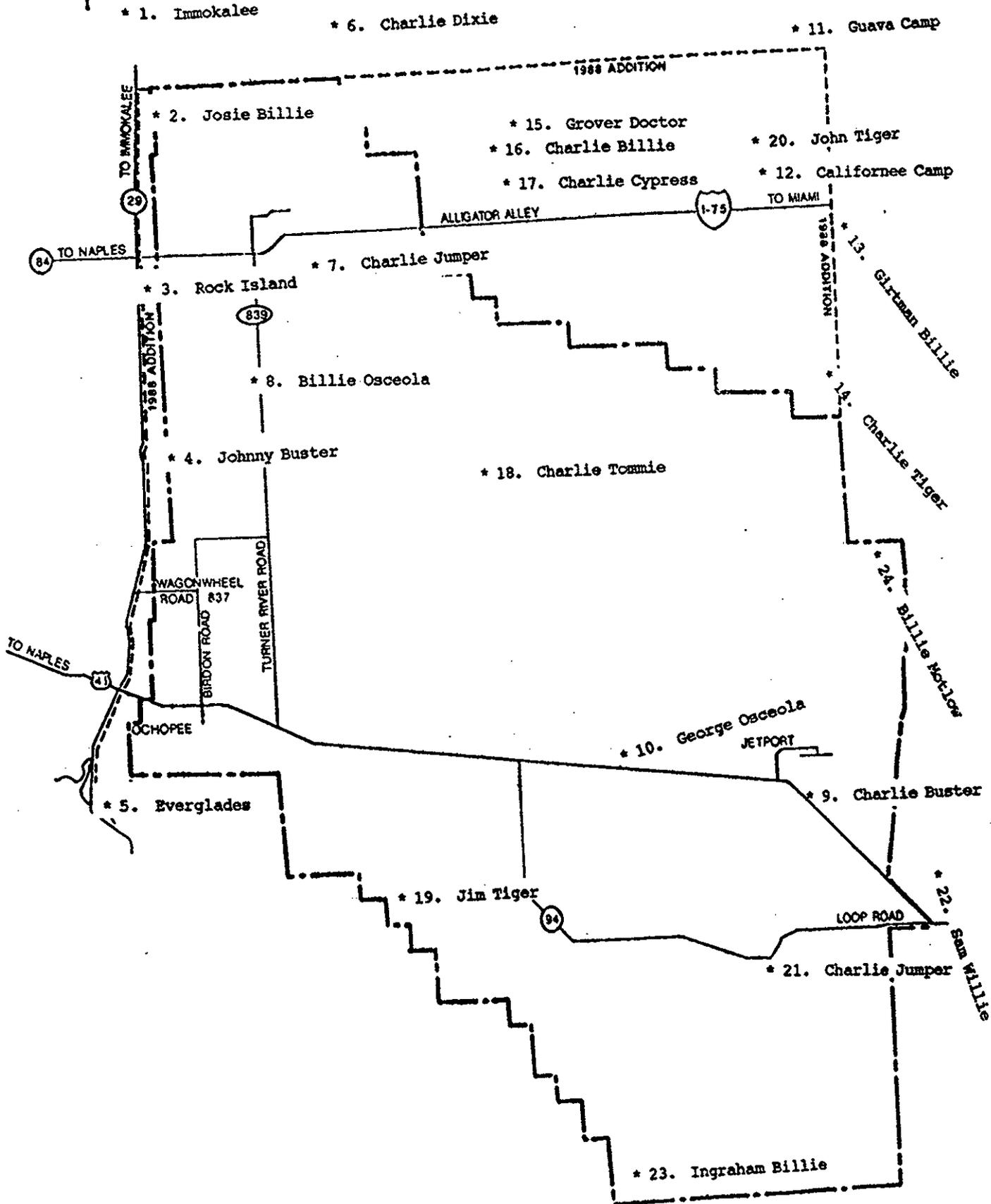
Map 6. The Worth Agreement Territory.



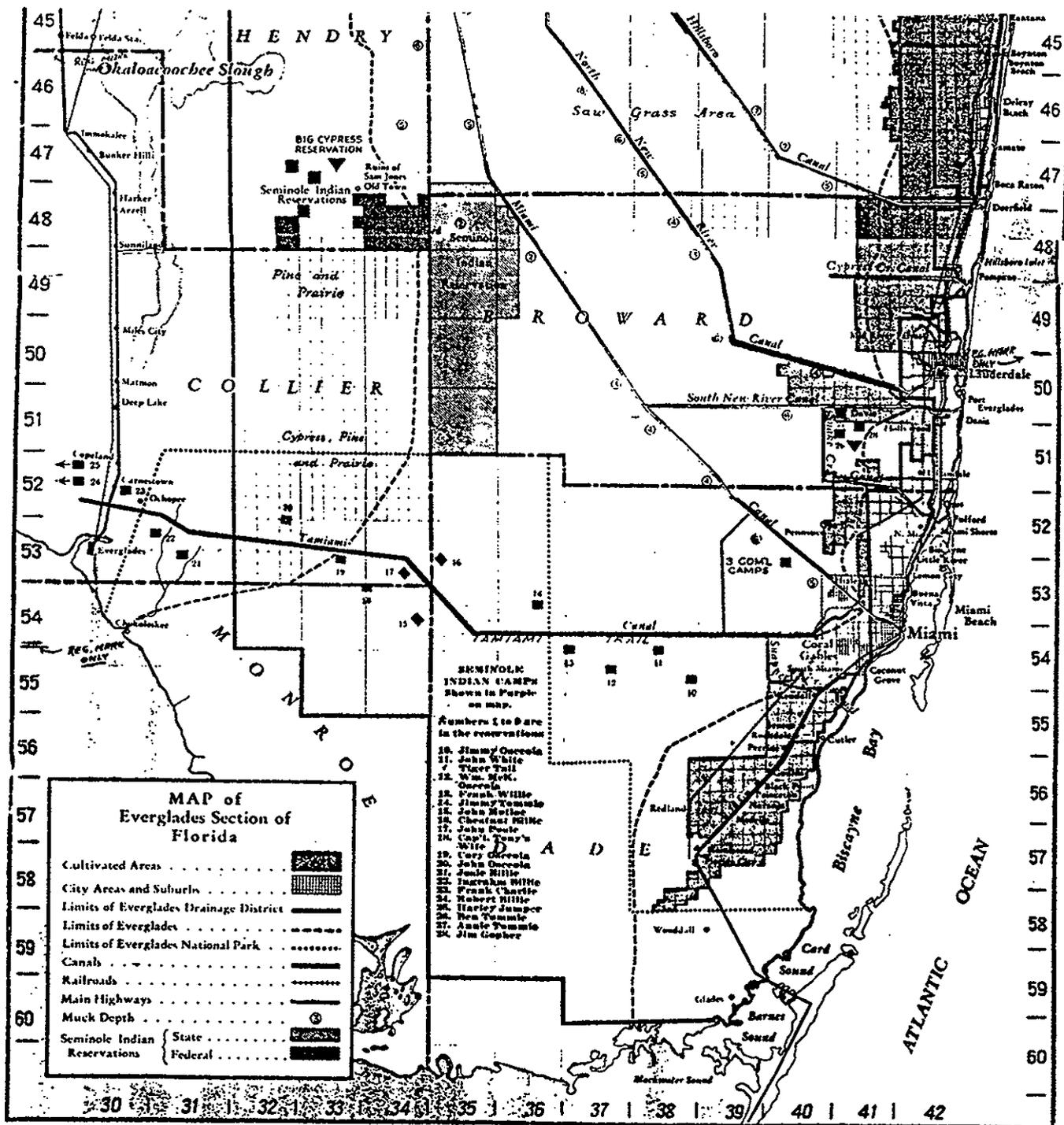
Map 7. The Miccosukee and Seminole settlements in 1880  
 (after MacCauley 1887:477)



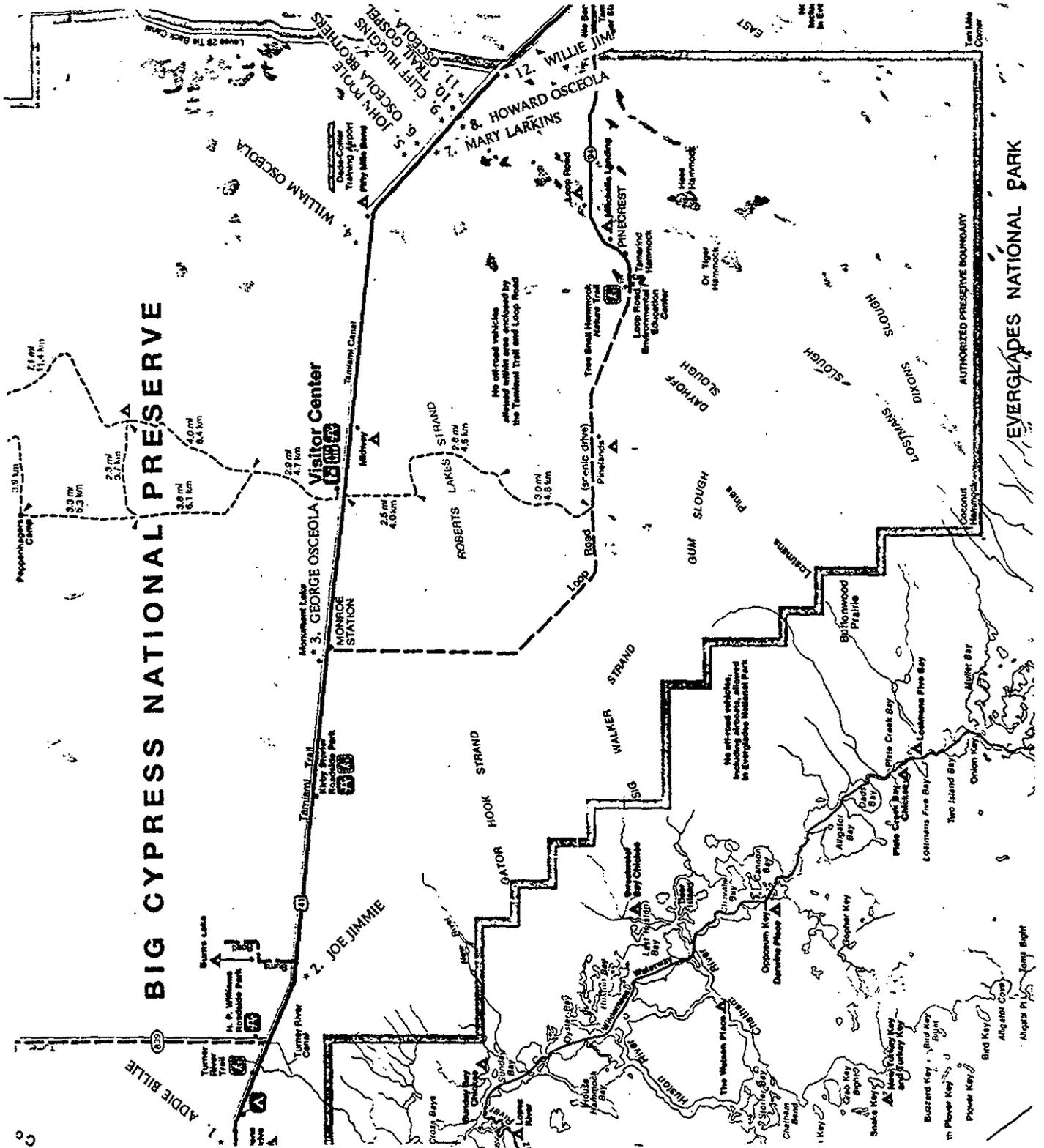
Map 8. The Miccosukee and Seminole Settlements in Big Cypress Swamp in 1930 (after Nash 1934).



Map 9. The Miccosukee and Seminole Settlements in Big Cypress Swamp in 1930 (Nash Revised).



Map 10. The Miccosukee and Seminole Settlements in Big Cypress Swamp in 1940 (after W. P. A. Writer's Program 1941).



Map 11. 1974 (and Present) Miccosukee and Seminole Villages in Big Cypress National Preserve.

APPENDIXES

APPENDIX 1. CRITICAL TREATIES AND LEGISLATION

1.A. THE MOULTRIE CREEK TREATY (SEPTEMBER 18, 1823)

TREATY WITH THE FLORIDA TRIBES OF INDIANS

ARTICLE I. The undersigned chiefs and warriors, for themselves and their tribes, have appealed to the humanity and thrown themselves on, and have promised to continue under, the protection of the United States, and of no other nation, power, or sovereign; and, in consideration of the promises and stipulations herinafter made, do cede and relinquish all claim or title which they may have to the whole territory of Florida, with the exception of such district of country as shall herein be allotted to them.

ARTICLE II. The Florida tribes of Indians will hereafter be concentrated and confined to the following metes and boundaries: commencing five miles north of Okehumke, running in a direct line to a point five miles west of Setarky's settlement, on the waters of Amazura, (or Withlahuchie river,) leaving said settlement two miles south of the line; from thence, in a direct line, to the south end of the Big Hammock, to include Chickachate; continuing, in the same direction, for five miles beyond the said Hammock -- provided said point does not approach nearer than fifteen miles the sea coast of the gulf of Mexico; if it does, the said line will terminate at that distance from the sea coast; thence, south, twelve miles; thence in a south 30 degrees east direction, until the same shall strike within five miles of the main branch of Charlotte river; thence, in a due east direction, to within twenty miles of the Atlantic coast; thence, north, fifteen west, for fifty miles and from this last, to the beginning point.

ARTICLE III. The United States will take the Florida Indians under their care and patronage, and will afford them protection against all persons whatsoever; provided they conform to the laws of the United States, and refrain from making war, or giving any insult to any foreign nation, without having first obtained the permission and consent of the United States: And, in consideration of the appeal and cession made in the first article of this treaty, by the aforesaid chiefs and warriors, the United States promise to distribute among the tribes, as soon as concentrated, under the direction of their agent, implements of husbandry, and stock of cattle and hogs, to the amount of six thousand dollars, and an annual sum of five thousand dollars a year, for twenty successive years, to be distributed as the President of the United States shall direct, through the Secretary of War, or his Superintendents and Agent of Indian affairs.

ARTICLE IV. The United States promise to guaranty to the said tribes the peaceable possession of the district of country herein assigned them, reserving the right of opening through it such roads, as may, from time to time, be deemed necessary; and to restrain and prevent all white persons from hunting, settling, or otherwise intruding upon it. But any citizen of the United States, being lawfully authorized for that purpose, shall be permitted to pass and repass through the said district, and to navigate the waters thereof, without any hinderance, toll, or exaction, from said tribes.

ARTICLE V. For the purpose of facilitating the removal of the said tribes to the district of country allotted them, and, as a compensation for the losses sustained, or the inconveniences to which they may be exposed by said removal, the United States will furnish them with rations of corn, meat, and salt, for twelve months, commencing on the first day of February next; and they further agree to compensate those individuals who have been compelled to abandon improvements on lands, not embraced within the limits allotted, to the amount of four thousand five hundred dollars, to be distributed among the sufferers, in a ration to each, proportional to the value of the improvements abandoned. The United States further agree to furnish a sum, not exceeding two thousand dollars, to be expended by their agent, to facilitate the transportation of the different tribes to the point of concentration designated.

ARTICLE VI. An agent, sub-agent, and interpreter, shall be appointed, to reside within the Indian boundary aforesaid, to watch over the interests of said tribes; and the United States further stipulate, as an evidence of their humane policy towards said tribes, who have appealed to their liberality, to allow for the establishment of a school at the agency, one thousand dollars per year for twenty successive years; and one thousand dollars per year, for the same period, for the support of a gun and blacksmith, with the expenses incidental to his shop.

ARTICLE VII. The chiefs and warriors aforesaid, for themselves and tribes, stipulate to be active and vigilant in the preventing the retreating to, or passing through, of the district of country assigned them, of any absconding slaves, or fugitives from justice; and further agree, to use all necessary exertions to apprehend and deliver the same to the agent, who shall receive orders to compensate them agreeably to the trouble and expenses incurred.

ARTICLE VIII. A commissioner, or commissioners, with a surveyor, shall be appointed, by the President of the United States, to run and mark, (blazing fore and aft the trees) the line as defined in the second article of this treaty, who shall be attended by a chief or warrior, to be designated by

a council of their own tribes, and who shall receive, while so employed, a daily compensation of three dollars.

ARTICLE IX. The undersigned chiefs and warriors, for themselves and tribes, having objected to their concentration within the limits described in the second article of this treaty, under the impression that the said limits did not contain a sufficient quantity of good land to subsist them, and for no other reason: it is, therefore, expressly understood, between the United States and the aforesaid chiefs and warriors, that, should the country embraced in the said limits, upon examination by the Indian agent and the commissioner, or commissioners, to be appointed under the 8th article of this treaty, be by them considered insufficient for the support of the said Indian tribes; then the north line, as defined in the 2nd article of this treaty, shall be removed so far north as to embrace a sufficient quantity of good tillable land.

ARTICLE X. The undersigned chiefs and warriors, for themselves and tribes, have expressed to the commissioners their unlimited confidence in their agent, Col. Gad Humphreys, and their interpreter Stephen Richards, and, as an evidence of their gratitude for their services and humane treatment, and brotherly attentions to their wants, request that one mile square, embracing the improvements of Enehe Mathla, at Tallahassee (said improvements to be considered as the centre) be conveyed, in fee simple, as a present to Col. Gad Humphreys. --And they further request, that one mile square, at the Ochesee Bluffs, embracing Stephen Richard's field on said Bluffs, be conveyed in fee simple, as a present to said Stephen Richards. The commissioners accord in sentiment with the undersigned chiefs and warriors, and recommend a compliance with their wishes to the President and Senate of the United States; but the disapproval on the part of the said authorities, of this article, shall, in no wise affect the other articles and stipulations concluded on in this treaty.

In testimony whereof, the Commissioners, William P. Duval, James Gadsden, and Bernard Segui, and the undersigned Chiefs and Warriors have hereunto subscribed their names, and affixed their seals. Done at Camp, on Moultrie Creek, in the Territory of Florida, this eighteenth day of September, one thousand eight hundred and twenty-three, and of the Independence of the United States the forty-eighth.

WILLIAM P. DUVALL,  
JAMES GADSDEN  
BERNARD SEGUI

Nea Mathla,  
Tokose Mathla,  
Ninnee Homata Tustenuky,

Holatefixico,  
Chefixico Hajo,  
Lathloa Mathla,

Miconope,  
Nocosee Ahola,  
John Blunt,  
Otle mata,  
Tuskeeneha,  
Tuski Hajo,  
Econchatimico,  
Emoteley,  
Mulatto King,  
Chochohohano,  
Ematlochee,  
Wokse Holata,  
Amathla Hajo,

Senufky,  
Alek Hajo,  
Fahelustee Hajo  
Octahamico,  
Tusteneck Hajo,  
Okoskee Amathla,  
Ocheeny Tustenuky,  
Phillip,  
Charley Amathla,  
John Hoponey,  
Rat Head,  
Holatta Amathla,  
Foshatchimico.

Signed, sealed, and delivered, in the presence of George Murray, Secretary to the Commission. G. Humphreys, Indian Agent. Stephen Richards, Interpreter. Issac N. Cox. J. Erving, Capt. 4th Artillery. Harvey Brown, Lieut. 4th Artillery. C. D'Espinville, Lieut. 4th Artillery. Jno. B. Scott, Lieut. 4th Artillery. William Travers. Horatio S. Dexter.

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#### ADDITIONAL ARTICLE

Whereas Neo Mathla, John Blunt, Tuski Hajo, Mullatto King, Emathlochee, and Econchatimico, six of the principal Chiefs of the Florida Indians, and parties to the treaty to which this article has been annexed, have warmly appealed to the Commissioners for permission to remain in the district of country now inhabited by them; and, in consideration of their friendly disposition, and past services to the United States, it is, therefore, stipulated, between the United States and the aforesaid Chiefs, that the following reservations shall be surveyed, and marked by the Commissioner, or Commissioners, to be appointed under the 8th article of this Treaty: For the use of Nea Mathla and his connections, two miles square, embracing the Tuphulga village, on the waters of Rocky Comfort Creek. For Blunt and Tuski Hajo, a reservation, commencing on the Apalachicola, one mile below Tuski Hajo's improvements, running up said river four miles; thence, west, two miles; thence, southerly, to a point two miles due west of the beginning; thence east, to the beginning point. For Econchatimico, a reservation, commencing on the Chatahoochie, one mile below Econchatimico's house; thence, up said river, for four miles; thence, one mile, west; thence, southerly, to a point one mile west of the beginning; thence, east, to the beginning point. The United States promise to guaranty the peaceable possession of the said reservations, as defined, to the aforesaid chiefs and their descendants only, so long as they shall continue to occupy, improve, or cultivate, the same; but in the event of the abandonment of all, or either of the

reservations, by the chief or chiefs, to whom they have been allotted, the reservation, or reservations, so abandoned, shall revert to the United States, as included in the cession made in the first article of this treaty. It is further understood, that the names of the individuals remaining on the reservations aforesaid, shall be furnished, by the chiefs in whose favour the reservations have been made, to the superintendent or Agent aforesaid; And, as the aforesaid Chiefs are authorized to select the individuals remaining with them, so they shall each be separately held responsible for the peaceable conduct of their towns, or the individuals residing on the reservations allotted them. It is further understood, between the parties, that this agreement is not intended to prohibit the voluntary removal, at any future period, of all or either of the aforesaid Chiefs and their connections, to the district of country south, allotted to the Florida Indians, by the second article of this Treaty, whenever either, or all may think proper to make such an election; the United states reserving the right of ordering, for any outrage or misconduct, the aforesaid Chiefs, or either of them, with their connections, within the district of country south, aforesaid. It is further stipulated, by the United States, that, of the six thousand dollars, appropriated for implements of husbandry, stock &c. in the third article of this Treaty, eight hundred dollars shall be distributed, in the same manner, among the aforesaid chiefs and their towns; and it is understood, that, of the annual sum of five thousand dollars, to be distributed by the President of the United States, they will receive their proportion. It is further stipulated, that, of the four thousand five hundred dollars, and two thousand dollars, provided for by the 5th article of this Treaty, for the payment for improvements and transportation, five hundred dollars shall be awarded to Neo Mathla, as a compensation for the improvements abandoned by him, as well as meet the expenses he will unavoidably be exposed to, by his own removal, and that of his connections.

In testimony whereof, the Commissioners, William P. Duval, James Gadsden, and Bernard Segui, and the undersigned Chiefs and Warriors, have hereunto subscribed their names, and affixed their seals. Done at Camp, on Moultrie Creek, in the territory of Florida, this eighteenth day of September, one thousand eight hundred and twenty-three, and of the independence of the United States the forty-eighth.

WM. P. DUVAL  
JAMES GADSDEN  
BERNARD SEGUI

Nea Mathla,  
John Blunt,  
Tuski Hajo,

Mulatto King,  
Emathlochee,  
Econchatimico

Signed, sealed, and delivered, in the presence of George Murray, Secretary to the Commission. Js. W. Ripley. G. Humphreys, Indian Agent. Stephen Richards, Interpreter.

APPENDIX 1.B. THE INDIAN REMOVAL ACT (MAY 28, 1830)

CHAP. CXLVIII. --An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.*

SEC. 2. *And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United states, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.*

SEC. 3. *And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: Provided always, That such lands shall revert to the United states, if the Indians become extinct, or abandon the same.*

SEC. 4. *And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and*

possession shall not afterwards be permitted to any of the same tribe.

SEC. 5. *And be it further enacted,* That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged: and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

SEC. 6. *And be it further enacted,* That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

SEC. 7. *And be it further enacted,* That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided,* That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

SEC. 8. *And be it further enacted,* That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, May 28, 1830.

APPENDIX 1.C. TREATY AT PAYNE'S LANDING (MAY 9, 1832)

TREATY WITH THE SEMINOLES

The Seminole Indians, regarding with just respect, the solicitude manifested by the President of the United States for the improvement of their condition, by recommending a removal to a country more suitable to their habits and wants than the one they at present occupy in the Territory of Florida, are willing that their confidential chiefs, Jumper, Fuck-a-lus-ti-had-jo, Charlie Emartla, Coi-had-jo, Holsti-Emartla, Ya-ha-hadjo, Sam Jones, accompanied by their agent Major Phagan, and their faithful interpreter Abraham, should be sent at the expense of the United States as early as convenient to examine the country assigned to the Creeks west of the Mississippi river, and should they be satisfied with the character of that country, and of the favorable disposition of the Creeks to reunite with the Seminoles as one people; the articles of the compact and agreement, herein stipulated at Payne's landing on the Ocklewaha river, this ninth day of May, one thousand eight hundred and thirty-two, between James Gadsden, for and in behalf of the Government of the United States, and the undersigned chiefs and head-men for and in behalf of the Seminole Indians, shall be binding on the respective parties.

ARTICLE I. The Seminole Indians relinquish to the United States, all claim to the lands they at present occupy in the Territory of Florida, and agree to emigrate to the country assigned to the Creeks, west of the Mississippi river; it being understood that an additional extent of territory, proportioned to their numbers, will be added to the Creek country, and that the Seminoles will be received as a constituent part of the Creek nation, and be re-admitted to all the privileges as members of the same.

ARTICLE II. For and in consideration of the relinquishment of claim in the first article of this agreement, and in full compensation for all the improvements, which may have been made on the lands thereby ceded; the United States stipulate to pay to the Seminole Indians, fifteen thousand, four hundred (15,400) dollars, to be divided among the chiefs and warriors of the several towns, in a ratio proportioned to their population, the respective proportions of each to be paid on their arrival in the country they consent to remove to; it being understood that their faithful interpreters Abraham and Cudjo shall receive two hundred dollars each of the above sum, in full remuneration for the improvements to be abandoned on the lands now cultivated by them.

ARTICLE III. The United States agree to distribute as they arrive at their new homes in Creek Territory, west of the Mississippi river, a blanket and a homespun frock, to each of the warriors, women and children of the Seminole tribe of Indians.

ARTICLE IV. The United States agree to extend the annuity for the support of a blacksmith, provided for in the sixth article of the treaty at Camp Moultrie for ten (10) years beyond the period therein stipulated, and in addition to the other annuities secured under that treaty; the United states agree to pay the sum of three thousand (3,000) dollars a year for fifteen (15) years, commencing after the removal of the whole tribe; these sums to be added to the Creek annuities, and the whole amount to be so divided, that the chiefs and warriors of the Seminole Indians may receive their equitable proportion of the same as members of the Creek confederation--

ARTICLE V. The United States will take the cattle belonging to the Seminoles at the valuation of some discreet person to be appointed by the President, and the same shall be paid for in money to the respective owners, after their arrival at their new homes; or other cattle such as may be desired will be furnished them, notice being given through their agent of their wishes upon this subject, before their removal, that time may be afforded to supply the demand.

ARTICLE VI. The Seminoles being anxious to be relieved from repeated vexatious demands for slaves and other property, alleged to have been stolen and destroyed by them, so that they may remove unembarassed to their new homes; the United States stipulate to have the same property investigated, and to liquidate such as may be satisfactorily established, provided the amount does not exceed seven thousand (7,000) dollars.--

ARTICLE VII. The Seminole Indians will remove within three (3) years after the ratification of this agreement, and the expenses of their removal shall be defrayed by the United States, and such subsistence shall also be furnished them for a term not exceeding twelve (12) months, after their arrival at their new residence; as in the opinion of the President, their numbers and circumstances may; require, the emigration to commence as early as practicable in the year eighteen hundred and thirty-three (1833,) and with those Indians at present occupying the Big swamp, and other parts of the country beyond the limits as defined in the second article of the treaty concluded at Camp Moultrie creek , so that the whole of that proportion of the Seminoles may be removed within the year aforesaid, and the remainder of the tribe, in about equal proportions, during the subsequent years of eighteen hundred and thirty-four and five, (1834 and 1835.)--

In testimony whereof, the commissioner James Gadsden and the undersigned chiefs and head-men of the Seminole Indians, have here-unto subscribed their names and affixed their seals -- Done at Camp at Payne's landing on the Ocklewaha river in the Territory of Florida on this ninth day of May, one thousand eight hundred and thirty-two, and of the Independence of the United States of America the fifty-sixth.

James Gadsden, (L. S.)

Holati-Emartla,	Tokose-Emartla or Jno. Hicks,
Jumper,	Cat-sha-Tusta-nuck-i,
Fuck-ta-lus-ta Hadjo,	Hola-at-a-Meco
Charlie Emartla,	Hitch-it-i-Meco
Ar-pi-uck-i or Sam Jones,	Ya-ha-emartla Chup-ko
Ya-ha Hadjo,	Moke-his-she-lar-ni
Meco-Noha,	

Witnesses:--Douglas Vass, Secretary to Commission. John Phagan, Agent. Stephen Richards, Inpt. Abraham, Interpreter. Cudjo, Interpreter. Erastus Rogers. B. Joscan.

To the Indian Names are subjoined marks.

APPENDIX 1.D. THE FORT GIBSON TREATY (MARCH 28, 1833)

TREATY WITH THE SEMINOLE INDIANS

WHEREAS, the Seminole Indians of Florida, entered into certain articles of agreement, with James Gadson, [Gadsden,] Commissioner on behalf of the United States, at Payne's landing, on the 9th day of may, 1832: the first article of which treaty or agreement provides, as follows: "The Seminoles Indians relinquish to the United States all claim to the land they at present occupy in the Territory of Florida, and agree to emigrate to the country assigned to the Creeks, west of the Mississippi river; it being understood that an additional extent of territory proportioned to their number will be added to the Creek country, and that the Seminoles will be received as a constituent part of the Creek nation, and be re-admitted to all the privileges as members of the same." And whereas, the said agreement also stipulates and provides, that a delegation of Seminoles should be sent at the expense of the United States to examine the country to be allotted them among the Creeks, and should this delegation be satisfied with the character of the country and of the favorable disposition of the Creeks to unite with them as one people, then the aforementioned treaty would be considered binding and obligatory upon the parties. And whereas a treaty was made between the United States and the Creek Indians west of the Mississippi, at Fort Gibson, on the 14th day of February 1833, by which a country was provided for the Seminoles in pursuance of the existing arrangements between the United States and that tribe. And whereas, the special delegation, appointed by the Seminoles on the 9th day of May 1832, have since examined the land designated for them by the undersigned Commissioners, on behalf of the United States, and have expressed themselves satisfied with the same, in and by their letter dated, March 1833, addressed to the undersigned Commissioners.

Now, therefore, the Commissioners aforesaid, by virtue of the power and authority vested in them by the treaty made with Creek Indians on the 14th of February 1833, as above stated, hereby designate and assign to the Seminole tribe of Indians, for their separate future residence, forever, a tract of country lying between the Canadian river and the north fork thereof, and extending west to where a line running north and south between the main Canadian and north branch, will strike the forks of Little river, provided said west line does not extend more than twenty-five miles west from the mouth of said Little river. And the undersigned Seminole chiefs, delegated as aforesaid, on behalf of their nation hereby declare themselves well satisfied with the location provided for them by the Commissioners, and agree that their nation shall commence removal to their new home,

as soon as the Government will make arrangements for their emmigration, satisfactory to the Seminole nation.

And whereas, the said Seminoles have expressed high confidence in the friendship and ability of their present agent, Major Phagen, and desire that he may; be permitted to remove them to their new homes west of the Mississippi; the Commissioners have considered their request, and cheerfully recommend Major Phagan as a suitable person to be employed to remove the Seminoles as aforesaid, and trust his appointment will be made, not only to gratify the wishes of the Indians but as conductive to the public welfare.

In testimony whereof, the Commissioners on behalf of the United States and the delegates of the Seminole nation, have hereunto signed their names, this 28th day of March, A. D. 1833, at Fort Gibson.

MONTFORD STOKES,  
HENRY L. ELLSWORTH.  
JOHN F. SCHERMERHORN.

Seminole Delegates:

John Hick, representing Sam. Jones,	Charly Emartla,
Holate Emartla,	Ya-ha-hadgo,
Jumper,	Ne-ha-tho-clo,
Coi Hadgo,	representing Fuch-a-lusti-hadgo.

On behalf of the Seminole Nation.

Read and signed in our presence: S.C. Stambaugh, Secty. Comm'rs. John Phagan, Agent. P.L. Chouteau, U.S. Ind. Agt. for Osages. A.P. Chouteau. Enoch Street. Abraham, Seminole Interpr.

To the Indian names are subjoined marks.

APPENDIX 1.E. THE WORTH AGREEMENT (AUGUST 1842)

From Sprague 1847:486.

Order No. 28.                    "*Headquarters, Ninth Military Department, Cedar Key, Fa., August 14, 1843 (sic. should be 1842).*"

"I. It is hereby announced that hostilities with the Indians within this territory, have ceased. Measures are taken to pass the few remaining, within certain limits -- those in the far south, immediately; those west of the Suwanee, in a few days; who, meantime, there is every reasonable assurance, will conduct inoffensively if unmolested in their haunts. The land thus temporarily assigned as their planting and hunting grounds, are within the following boundaries, to wit: From the mouth of Tallockchopco or Pease Creek, up the left bank of that stream to the fork of the southern branch, and following that branch to the head or northern edge of Lake Istokpoga; thence down the eastern margin of that lake to the stream which empties from it into the Kissimmee river, following the left bank of the said stream and river to where the latter empties into Lake Oke-chobee; thence down due south through said lake and Everglades to Shark river, following the right bank of that river to the Gulf; thence along the Gulf shore (excluding all islands between Punta Rossa and the head of Charlotte's Harbor) to the place of beginning.

"The foregoing arrangements are in accordance with the instructions of the president of the United States.

By order of Colonel Worth,

S. COOPER, *Assistant-Adjutant-General.*"

From Sprague 1847:508-509.

"The temporary arrangement made with them by General Worth, in August, 1842, permitted them to plant and hunt within a boundary thus defined:

" 'From the mouth of the Pease Creek up the left bank of that stream to the fork of the southern branch, and following that branch to the head or northern edge of Lake Istokpoga; thence down the eastern margin of that lake to the stream which empties from it into the Kissimee river, following the left bank of said stream and river to where the latter empties into Lake Oke-cho-bee; thence due south through said lake and the Everglades to Shark river, following the right bank of that river to the Gulf, thence along the Gulf shore to the place of beginning, excluding all islands lying between Santa Rossa and the head of Charlotte Harbor. Within the boundaries herein described, no settlement can with safety or propriety be formed; any person in making settlement within those limits, will be subject to removal.

The foregoing temporary arrangement being in conformity with the instructions of the president of the United States."

"on the 19th of May last, the president of the United States directed that a strip of the public lands, twenty miles in width, around the district set apart for the use and occupancy of the Seminoles in Florida, should be reserved from survey and sale; and the necessary instructions (says the communication from the commissioner of the general land-office) were this day (20th of May, 1845,) sent to the surveyor-general of Florida, and the land offices at St. Augustine and Newnansville, in Florida."

"As near as this boundary can be defined, without actual survey, it can be traced on the map of Florida published in 1839 by order of General Taylor: commencing at the north point of Boca Gasparilla, on the Gulf coast; thence northwest to within five miles of Fort Gardner; thence southeast to the head of Cypress Swamp; thence south, via Fort Lloyd, to the southern extremity of the Peninsula, terminating in Barnes's Sound. These points have been given to the Indians, within which they must confine themselves for all purposes--conditioned, clearly explained and understood, upon their cultivating at all times and under all circumstances, a friendly feeling with the whites. To this they have adhered, ever since the first boundary was defined, with the most scrupulous fidelity. So far as their acts and feelings are concerned, this can be continued without detriment to the public good, or the sacrifice of principle or of honor." (Sprague 1847:508-509).

[The Worth Agreement map is inscribed:

Approved by President James Polk on the 19th May 1845.

Memorandum:

Within the red lines is the country assigned to the Seminoles by General Worth August 14, 1842, in which, for the present, they were allowed to live, hunt, and Plant.

Between the red and the blue line is a neutral ground, under instructions from the Commissioner of the General Land Office as of May 1845.]

APPENDIX 1.F. THE "SWAMP ACT" (SEPTEMBER 28, 1850)

CHAP. LXXXIV. --*An Act to enable the state of Arkansas and other States to reclaim the "Swamp Lands" within their limits.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be, and the same are hereby, granted to said State.*

*SEC. 2. And be it further enacted, That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the governor of the State of Arkansas, and, at the request of said governor, cause a patent to be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the legislature thereof: *Provided, however, That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.**

*SEC. 3. And be it further enacted, That in making out a list and plats of the land aforesaid, all legal subdivisions, the greater part of which is "wet and unfit for cultivation," shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.*

*SEC. 4. And be it further enacted, That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known as designated as aforesaid, may be situated.*

APPROVED, September 28, 1850.

APPENDIX 1.G. THE BUCKSKIN DECLARATION (MARCH 1, 1954)

The "Buckskin Declaration" was delivered to the U. S. Capitol in Washington D. C. It is a formal petition from the General Council of the Mikasuki Tribe of Seminole Indians in the State of Florida. It was delivered on March 1, 1954 by Jimmie Billie, George Osceola, and Buffalo Tiger. They were accompanied by their attorney, Morton H. Silver. The text of the declaration follows:

To the Most Honorable President of the United States of America  
Dwight D. Eisenhower

Our Most Solemn and Respectful Greetings:

We, the General Council, being the governing body, of the Mikasuki Tribe of Seminole Indians in the State of Florida, have met in formal council in the Everglades in this time of decision to our Tribe and appeal to you as a great leader of your people to dispense the justice which will preserve our freedom, property rights and independence.

We, unconquered, have been at peace with your Nation for over one hundred years. Our history tells us that in the past treaties have been made with the Nations of Great Britain and Spain, recognizing and entitling us to vast portions of land in what is now known as the State of Florida.

When your nation in 1821 made a treaty with the country of Spain you agreed to recognize our property rights in such of those lands that at that time were recognized by Spain. Subsequently your Nation made treaties with our independent Nation, all of which were dishonored by your Nation either by failure to act or by provoked wars.

Under the last treaty your Nation made with our Nation we were entitled to all of those lands as shown by the "Map of the Seat of War in Florida compiled by order of Brig. General Zachary Taylor, principally from the surveys and Reconnaissances of the Officers of the U.S. Army; by Capt. John MacKay and Lt. J.E. Blake" in 1839; as well as lands due us under various other treaties.

We, the Mikasuki Tribe of the Seminole Nation, have made no requests of any kind upon your government since the McComb Treaty of 1839. We have never asked for nor taken any assistance, in money or in any other thing, from your Nation.

We have for over one hundred years lived on lands in the Everglades, some of which were established as Indian Reservations, and for over one hundred years we have not been discontent with our relationship, because you let us alone and we left you alone. For over one hundred years we have not allowed the conduct we have received from your government to disturb us in spite of many insults to our Nation, chief of which has been the deliberate confusion of our Mikasuki Tribe of Seminole Indians, governed by our General Council, with the Muskogee Tribe of Seminole Indians in order to avoid recognition of our tribal government, independence, rights and customs.

Now, and for the first time in over one hundred years, we are obliged to address ourselves to your government.

There has been filed before the Indian Claims Commission in your government, without our authority, a claim, supposedly by us, and supposedly to compensate our Tribe with money for lands taken from us by the United States Government in the past. We want no money.

The Congress of the United States we learn is considering laws to make us equal, supposedly, to White Men and to take away what little tribal lands your government has left us, all under the theory that our tribe wants to be or should be treated as White Men with the rights of White Men to own individual land.

We have expressed our wishes, our customs and our view as a Tribe through our General Council which governs us to your government officials but have been ignored, given little courtesy and much insult, had your local Indian Agent interfering in our internal affairs and had your secretary of the Interior tell us to change the form of government under which we have lived for centuries.

We have, and have had for centuries, our own culture, our own customs, our own government, our own language, and our own way of life which is different from the government, the culture, the customs, the language, and the way of life of the White Man. We do not say that we are superior or inferior to the White Man and we do not say that the White Man is superior or inferior to us.

We do say that we are not White Men but Indians, do not wish to become White Men but wish to remain Indians, and have an outlook on all of these things different from the outlook of the White Man. We do not wish to own lands because our land is for all of us. We live on our land, which is the land of all of our Tribe, and we live from our land which is the land of all of our Tribe. We have failed to have your Indian Agent or your Secretary of the Interior or your other government officials understand our outlook.

We are therefore solemnly and respectfully requesting that you appoint a special representative to act for you, who is not connected with any branch of your government, who is fair and impartial, and who will be instructed by you to meet with us so that we may make ourselves understood to him, so that he may try to understand us, and so that a satisfactory agreement can be reached between your Nation and our Nation on the preservation of the lands to which we are entitled under all past treaties, under the law of nations, and under justice; and the recognition of our tribal government, the General Council, so that we and you may live together in this land which was all once our land.

APPENDIX 1.H. SEMINOLE TRIBAL CONSTITUTION (AUGUST 21,  
1957)

CONSTITUTION AND BY-LAWS OF THE SEMINOLE  
TRIBE OF FLORIDA

PREAMBLE

We, the members of the Seminole Tribe of Florida, in order to promote justice, insure tranquility, encourage the general welfare, safeguard our interests and secure the blessings of freedom and liberty for ourselves and our posterity, do hereby form and organize a Seminole Tribal Council and we do ordain and establish this Constitution and set of Bylaws as the rules for its deliberation.

ARTICLE I - TERRITORY

The jurisdiction of the Seminole Tribe of Florida shall include all lands within the Dania, Big Cypress, and Brighton Reservations, the title to which is held by the United States in trust for the Seminole Tribe of Florida, or by the United States in trust for the Seminole Indians in Florida, lands held under Executive Order No. 1379, dated June 28, 1911, and such other lands as may hereafter be acquired for the use and benefit of the Seminole Tribe of Florida.

ARTICLE II - MEMBERSHIP

The membership of the Seminole Tribe of Florida shall consist of the following:

SECTION 1. Any person of Seminole Indian blood whose name appears on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible for enrollment, regardless of blood quantum or place of residence, upon written application to the Tribal Council, provided, that within five years after the approval of this Constitution and Bylaws the Census Roll may be corrected by the Seminole Tribal Council.

SEC. 2. Any child, of Seminole Indian blood, born to a parent or parents either or both whose names appear on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible for enrollment, regardless of blood quantum or place of residence, upon written application to the Tribal Council.

SEC. 3. Any descendant of Seminole Indian blood of a person whose name appears on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible for enrollment, regardless of blood quantum or place of residence, upon written application to the Tribal Council.

SEC. 4. In the event the applicant is a minor, the application may be prepared and presented by the parent or

parents of the minor, or by any adult relative having knowledge of the minor's eligibility.

SEC. 5. The Tribal Council shall have the power to pass ordinances, which are consistent with and pursuant to this Constitution, governing future membership, loss of membership and the adoption of members into the Seminole Tribe of Florida, which ordinances shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

#### ARTICLE III - ORGANIZATION OF GOVERNING BODY

SECTION 1. The governing body of the Seminole Tribe of Florida shall be known as the Tribal Council and shall consist of eight (8) members elected by secret ballot as provided in Article IV, Section 8.

SEC. 2. The Tribal Council shall select from within its membership a Chairman and Vice-Chairman. It shall also select from within or without the membership of the tribe a Secretary and a Treasurer and such committees as may be deemed necessary. All officers and committees so selected shall hold office for a period of two years or until the next election of councilmen as provided in Article IV, Section 4.

SEC. 3. The members of the Tribal Council shall be qualified voters of the Seminole Tribe of Florida, 21 years of age and over. They shall take office the first Monday in the month immediately following the election.

#### ARTICLE IV - NOMINATIONS AND ELECTIONS

SECTION 1. (a) The first election of the Tribal Council hereunder shall be called and held within thirty (30) days following the adoption and approval of the Constitution and Bylaws under the supervision of the Constitutional Committee and the Superintendent of the Seminole Agency.

(b) For the purpose of the first election of Tribal Council representatives, any person, 21 years of age and over, whose name appears on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible to vote as a tribal member or to hold office as a Tribal Council representative.

SEC. 2. In any election of the Seminole Tribe after the election to adopt the Constitution and Bylaws and to elect the first Tribal Council, eligible voters shall be enrolled members of the tribe 18 years of age and over. Resident voters shall register with the reservation of their domicile or residence. Where this constitution provides for election of representatives or candidates from a particular reservation, only voters registered with such reservation shall be eligible to participate in the election of such representatives or candidates. Nonresident voters may register with the reservation of their affiliation or they may choose to register as nonresident voters. Nonresident voters shall not vote for reservation representatives.

SEC. 3. The Dania, Big Cypress and Brighton Reservations shall each have on the Tribal Council one reservation representative. Each candidate for the office of reservation representative must have been continuously a resident of his or her reservation for a period of at least six (6) months immediately preceding the election in which he or she may be a candidate. In addition to the reservations' representatives there shall be elected five (5) at-large members of the Tribal Council, two (2) of whom shall be nonresidents of the reservations herein referred to, but who are otherwise eligible to hold office. The Tribal Council of the tribe may, if a new area be acquired or set aside for the Seminole Tribe of Florida, cause additional reservation representatives and at-large representatives to be established.

SEC. 4. The candidates in the first election shall hold office as follows:

- (a) The successful candidate from each reservation receiving the largest number of votes shall hold office for four (4) years.
- (b) The successful nonresident at-large candidate receiving the largest number of votes shall hold office for four (4) years. The other successful candidates shall hold office for two (2) years.

The candidates in all succeeding elections shall hold office for a period of four (4) years.

SEC. 5. The Tribal Council may by an affirmative vote of a majority remove any official or councilman from office who fails to carry out his tribal Council responsibilities, or is found guilty of a misdemeanor involving moral turpitude or a felony in any county, State, or Federal Court, or for gross neglect of duty or misconduct reflecting on the dignity and integrity of the Tribal Council. Each reservation, by petition signed by twenty percent (20%) of the eligible voters, may request the recall of such reservation representative by the Tribal Council. The recall of at-large representatives shall be by petition signed by twenty-five (25) eligible voters from any reservation or nonresident eligible voters.

Before any vote of recall or removal is taken, the member or official shall be given a written statement of all charges filed against him at least ten (10) days before the meeting of the Tribal Council before which he is to appear and he shall be given an opportunity to answer any and all written charges at such meeting. The decision of the Tribal Council shall be final.

SEC. 6. The Tribal Council may by an affirmative vote of a majority appoint a replacement to fill the unexpired term of the removed councilman or official, whether involuntarily removed or by death or resignation. In the event the vacated position is that of a reservation representative, the replacement shall be selected from said reservation. In the event the vacated position is that of a reservation representative, the replacement shall be selected

from said reservation. In the event the vacated council position is a nonresident at-large position, the replacement shall be a nonresident member eligible to hold office, and any other vacant at-large position may be filled by an eligible resident or nonresident member of the tribe.

SEC. 7. Any qualified member of the Seminole Tribe of Florida may announce his or her candidacy for Tribal Council, such announcement to be in writing and supported by the signature of at least ten (10) eligible voters from the reservation from which he resides or in the case of an at-large candidate, his announcement must also be in writing and supported by ten (10) eligible voters from any reservation or off reservation. All announcements shall be presented to the Secretary of the Tribal Council at least twenty (20) days prior to the date of election. It shall be the duty of the Secretary of the Tribal Council to post in at least one public place on each reservation and publish at least once in a newspaper of general circulation at least fifteen (15) days before the election the names of the candidates for Tribal Council.

SEC. 8. After the first election is held an election by secret ballot shall be held every two (2) years. The Tribal Council, subject to the review of the Secretary of the Interior, or his authorized representative, shall enact an ordinance wherein the ballot, eligibility of voters, voting lists, rules for calling elections, absentee balloting procedures, selection of election officials, polling places, dates and other pertinent factors shall be prescribed. In the event the Tribal Council does not call an election as herein provided, the Secretary of the Interior, within sixty (60) days after the regular election date, may call such an election.

SEC. 9. Upon receipt of a petition signed by twenty (20) percent of the eligible voters, or by an affirmative vote of a majority of the Tribal Council members, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to a referendum of the eligible voters of the tribe. The majority of the votes cast in such referendum shall be conclusive and binding on the Tribal Council. The Tribal Council shall call such referendum and prescribe the manner of conducting the vote.

#### ARTICLE V - POWERS OF THE TRIBAL COUNCIL

In addition to all powers vested in the Seminole Tribal Council by existing law, the Tribal Council of the Seminole Tribe of Florida shall exercise the following powers, subject to any limitation imposed by the Constitution or Statutes of the United States, and subject further to all expressed restriction upon such powers contained in this Constitution and Bylaws.

SECTION 1. To negotiate with the Federal, State and local governments and others on behalf of the tribe and to advise and consult with the representatives of the Department

of the Interior on all activities of the Department which may affect the Seminole Tribe of Florida, excepting those tribal affairs which may hereafter be specifically delegated under the provisions of the Charter of the Seminole Tribe.

SEC. 2. To employ legal counsel for the protection of the rights of the tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, or his authorized representative.

SEC. 3. To manage and lease or otherwise deal with tribal lands and communal resources in accordance with law and to prevent the sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other tribal assets without the consent of the tribe.

SEC. 4. To advise with the Secretary of the Interior, or his authorized representative, with regard to all appropriation estimates or Federal projects for the benefit of the Seminole Indians of Florida prior to the submission of such estimates to the Bureau of the Budget and the Congress.

SEC. 5. (a) To administer any funds within the control of the tribe; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees; subject, however, to the condition that this authority shall not extend over the responsibilities and authorities specifically delegated to the Board of Directors by the Charter of the tribe. All expenditures of tribal funds under control of the tribal Council shall be by resolution duly approved by a majority of the Tribal Council in legal session and the amounts so expended shall be a matter of public record at all times.

(b) The Tribal Council, subject to the approval of the Secretary of the Interior, or his authorized representative, shall prepare annual budget requests for the advancement to the control of the tribe such money as is now or may hereafter be appropriated for the use of the tribe.

SEC. 6. To make and enforce ordinances, subject to the review of the Secretary of the Interior, or his authorized representative, covering the tribe's right to levy taxes and license fees on persons or organizations doing business on the reservation.

SEC. 7. To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Seminole Tribe of Florida.

SEC. 8. To adopt resolutions regulating the procedures of the Seminole Tribal Council, its officials and committees in the conduct of tribal affairs.

SEC. 9. (a) No authorities contained in this Constitution may be delegated by the Seminole Tribal Council to tribal officials, district councils, or associations to carry out any function for which the Tribal Council assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Council in legal sessions, and excepting also those specific requirements contained by the Bylaws of the Seminole Tribe of Florida.

(b) The Seminole Tribal Council is hereby authorized to recognize any district committees, associations or other organization open to the members of the Seminole Tribe of Florida and to approve such organizations, subject, however, to the provision that no such committee, association or organization may assume authorities specifically granted to the Seminole Tribal Council unless by a proper delegation of authority by the Seminole Tribal Council.

SEC. 10. To deposit to the credit of the Seminole Tribe of Florida tribal funds, without limitation on the amount in any account, in any National or State bank whose deposits are insured by any agency of the Federal Government, provided, that funds advanced to the tribe from funds held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior, or his authorized representative in connection with such advance require that the advance be so deposited.

#### ARTICLE VI - MANNER OF REVIEW

SECTION 1. Any resolution or ordinance which by the terms of this Constitution and Bylaws is subject to review by the Secretary of the Interior, or his authorized representative, shall be presented to the Superintendent of the reservation within ten (10) days of its enactment. The Superintendent shall within ten (10) days after its receipt approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten (10) days after its receipt, he shall advise the tribal Council of his reason therefor. If the reasons appear to the Tribal Council to be insufficient it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may within ninety (90) days from the enactment of the resolution of referral, approve or disapprove same in writing, provided however no such ordinance shall become effective until approved by the Secretary of the Interior or his duly authorized representative.

SEC. 2. Any resolution or ordinance by the terms of the Constitution and Bylaws that is subject to the approval of the Secretary of the Interior, or his authorized representative, shall be presented to the Superintendent who shall transmit the same to the Secretary with his recommendations as to the merits of the proposals.

The said ordinance or resolution shall not become effective until it shall have been approved by the Secretary of the Interior, or his duly authorized representative.

#### ARTICLE VII - AMENDMENTS

Whenever the Tribal Council, by a unanimous vote of all members or the tribal membership by a petition signed by twenty (20) percent of the eligible voters, calls for the submission of an amendment, the Secretary of the Interior shall call an election upon the proposed amendment to the Constitution and Bylaws. If at such election the amendment is adopted by a majority vote of the qualified voters of the tribe voting therein, and if at least thirty (30) percent of those entitled to vote shall vote, such amendment shall be submitted to the Secretary of the Interior and, if approved by him, shall thereupon take effect.

#### BYLAWS OF THE SEMINOLE TRIBE OF FLORIDA

#### ARTICLE I - DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Council shall preside over all meetings of the council and exercise any authority specifically delegated to him as provided in Article V, Section 9, of the Constitution. The Chairman shall not vote on any issue before the council except only in the case of a tie.

SEC. 2. The Vice-Chairman shall assist the Chairman when called on to do so, and in the absence of the Chairman shall preside and when so presiding shall have all the privileges, duties and responsibilities delegated to the Chairman. In the absence of the Secretary, the Vice-Chairman shall assume all the duties and responsibilities of the Secretary.

SEC. 3. The Secretary shall cause to be prepared all minutes, resolutions and ordinances enacted at all meetings and forward copies, in every instance, to the superintendent. In addition to the duties prescribed pursuant to Article V, Section 8, the Secretary shall maintain all files, records, and correspondence of the Tribal Council in an orderly manner for the convenience of the Tribal Council and exercise such other duties as may be specifically delegated to him.

SEC. 4. (a) The tribal Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the tribe from whatever source. He shall deposit all funds in such bank, or elsewhere as directed by the Tribal Council in accordance with Article V, Section 10 and shall cause to be made and preserved a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report to be made in writing and filed with the Secretary at each regular meeting of the Tribal Council and at such other times as requested by the Tribal Council.

(b) He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Tribal Council, except when properly authorized to do so by a duly enacted resolution.

(c) The books and records of the tribal Treasurer shall be audited at least once every year by a competent auditor employed by the council and at such other time as the council or the Commissioner of Indian Affairs or his authorized representative may direct. In addition to the copies prepared for the governing body, one copy of the audit shall be prepared for the Superintendent, one copy for the Area Director and one copy for the Commissioner of Indian Affairs.

(d) The tribal Treasurer shall be required to give a bond satisfactory to the Tribal Council and the Commissioner of Indian Affairs, or his authorized representative, and make such provisions for carrying out the Tribal Council directives in the manner and method for custody and disbursement of funds as shall guarantee their safety, proper disbursement and use.

## ARTICLE II - OATH OF OFFICE

SECTION 1. All duly elected members of the Tribal Council who have been certified shall be installed as provided in Article III, Section 3, upon subscribing to the following oath to be administered by the Superintendent:

"I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interest of the tribe, in accordance with the Constitution and Bylaws of the Seminole Tribe of Florida."

## ARTICLE III - SALARIES AND REMUNERATIONS

SECTION 1. The Tribal Council may prescribe such salaries and remunerations pursuant to the provision of Article V, Section 5, as may be available and necessary to carry on its responsibilities and the responsibilities of its officials and employees.

## ARTICLE IV - ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Tribal Council on matters of general and permanent interest to members of the tribe and to tribal administration shall be embodied in ordinances. Each ordinance shall be numbered consecutively beginning with Number 1. Such enactments shall be available for public inspection.

SEC. 2. All final decisions of the Tribal Council on matters of temporary interest or relating to particular individuals, officials or committees shall be embodied in

resolutions. Such resolutions shall be numbered consecutively beginning with Number 1 and shall also be subject to public inspection.

#### ARTICLE V - MEETINGS

SECTION 1. The date and place of regular meetings of the Tribal Council shall be on the first Monday of each month at the Seminole Agency headquarters, and such meetings will convene at 10:00 a.m. Special meetings shall be called by the Chairman by written notice setting time, place, and date of meeting and the purpose of such meeting. No special meeting shall be called except on matters of serious concern to the Tribal Council.

SEC. 2. A quorum of five members shall constitute a quorum and no official actions shall be transacted in the absence of a quorum at any time.

#### ARTICLE VI - ORDER OF BUSINESS

SECTION 1. The order of business of the Tribal Council shall be:

- (a) call to order by Chairman
- (b) roll call
- (c) reading of minutes of last meeting
- (d) unfinished business
- (e) reports
- (f) new business
- (g) adjournment

#### ARTICLE VII - RATIFICATION

This Constitution and Bylaws, when approved by the Secretary of the Interior, shall be effective from and after the date of its ratification by a majority vote of adult Indians of the Seminole Tribe of Florida voting at an election called for that purpose by the Secretary of the Interior; Provided, that at least 30 percent of those entitled to vote shall vote in such an election.

For the purpose of this election any adult 21 years of age and over whose name appears on the Census Roll of the Seminole Agency of January 1, 1957, shall be eligible to vote. A voting list of such eligible persons shall be prepared by the Constitutional Committee and the Superintendent.

#### APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), do hereby approve the attached Constitution and Bylaws of the Seminole

Tribe of Florida, subject to ratification by the Tribe in the manner therein provided.

Upon ratification of this Constitution and Bylaws, all rules and regulations heretofore promulgated by the Interior department or by the Bureau of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws, are declared inapplicable to the Seminole Tribe of Florida.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended:

GLENN L. EMMONS

*Commissioner of Indian affairs*

ROGER ERNST

*Assistant Secretary of the Interior*  
(SEAL)

WASHINGTON, D.C., July 11, 1957

#### CERTIFICATE OF RATIFICATION

Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), the attached Constitution and Bylaws approved on July 11, 1957, by Roger Ernst, Assistant Secretary of the Interior was submitted for ratification to the adult Indians of the Seminole Tribe of Florida and was on August 21, 1957, ratified by a vote of 241 for, and 5 against, in an election in which at least 30 percent of those entitled to vote cast their ballots.

BILL OSCEOLA

*Chairman, Constitutional Committee*

MIKE OSCEOLA

*Secretary, Constitutional Committee*

K.A.MARMON

*Superintendent, Seminole Agency*

APPENDIX 1.I. MICCOSUKEE TRIBAL CONSTITUTION (JANUARY  
11, 1962)

CONSTITUTION OF THE MICCOSUKEE TRIBE OF INDIANS  
OF FLORIDA

PREAMBLE

We the members of the Miccosukee Tribe of Indians of Florida, in order to establish an organization, promote the general welfare, conserve and develop our lands and resources and secure for ourselves and our descendants the blessings of liberty and freedom do ordain and establish this Constitution and By-Laws.

ARTICLE I - TERRITORY

The authority of the Miccosukee Tribe of Indians shall extend to the Reservation set aside for their use and occupancy and such other lands as may be added thereto by appropriate State or Federal Laws.

ARTICLE II - MEMBERSHIP

Section 1. For the six-month period after the ratification and approval of this Constitution and By-Laws, the membership of the Miccosukee Tribe of Indians of Florida shall consist of:

- (a) All adults or children of one-half degree or more Miccosukee Indian blood who apply for membership in the Tribe.
- (b) All children of one-half degree or more Miccosukee Indian blood born to members of the Tribe who shall automatically become members.
- (c) All adults or children of less than one-half degree of Miccosukee Indian blood who apply for membership in the tribe, when such application is approved by the Miccosukee General Council.

Sec. 2. Six months from the date of approval of this Constitution and By-Laws, the Miccosukee General Council shall adopt an ordinance, subject to the approval of the Secretary of the Interior or his authorized representative, governing future membership, loss of membership, and the adoption of members by the Miccosukee Tribe of Indians of Florida.

ARTICLE III - GOVERNING BODY

Section 1. The authority of the Miccosukee Tribe of Indians of Florida shall be vested in the Miccosukee General Council. The Miccosukee General Council shall be composed of all adult members 18 years of age or over. Twenty-five members shall constitute a quorum, provided at least three clans are represented, and no business shall be conducted unless a quorum is present at all times.

Sec. 2. The offices of the Miccosukee General Council shall consist of a Chairman, Assistant Chairman, Secretary, Treasurer, and Lawmaker. The officers shall hold office for a term of three years. Officers shall be elected and seated, except in the first election, during the month of November. In the first election of officers after the ratification and approval of this Constitution and By-Laws, the officers shall hold office from the date of their election until the new election in November, 1964. All officers will hold office until their successors are elected and seated.

Sec. 3. The elected officers, in addition to serving the Miccosukee General Council, shall be the Miccosukee Business Council when the General Council is not in session. The officers will perform the duties in both the General Council and in the Business Council as indicated in this constitution and in the by-laws.

Sec. 4. The Miccosukee General Council shall be authorized to remove from office any officer of the tribe who fails or refuses to attend regular meetings of the General Council or the Business Council, unless excused due to illness or for other reasons for which he cannot be held responsible. Other grounds for removal from office shall include the following: conviction of a felony while in office; failure to perform the duties assigned to him; or who shall be found guilty of misconduct in the affairs of the Tribe. Any officer so charged shall have the right to present his personal defense to the General Council and the ruling of the general Council shall be final. Any vacant position caused by the removal of an officer by the Miccosukee General Council, resignation or death, may be filled by the Miccosukee General Council for the remainder of the unexpired term of such office.

Sec. 5. Any enrolled member of the Miccosukee Tribe, twenty-three years of age or over shall be qualified to seek and hold office as an officer of the Tribe. No member who has been convicted of a felony within three years preceding the date of the election, or who is employed by the Bureau of Indian Affairs, or has been found guilty by the Miccosukee General Council of misconduct in Indian affairs shall be qualified to seek office of the Tribe. Except for the first election of officers, no person who has been a member of the Tribe for less than one year immediately preceding the

election may be eligible to hold office. The Miccosukee General Council shall be the sole judge of the qualifications of the officers of the Tribe.

#### ARTICLE IV - POWERS OF THE MICCOSUKEE GENERAL COUNCIL

Section 1. In addition to the powers vested by law in the Miccosukee Tribe the General Council shall have the following powers subject to any limitations imposed by the Constitution of the United States or State and Federal laws applicable to Indians.

Sec. 2. The Miccosukee General Council reserves unto itself the authority to approve an annual budget. This budget shall include all normal operation expenses and any special projects or expenditures contemplated by the Tribe. The Business Council shall have authority to approve modifications of the budget up to and including an aggregate of twenty-five percent in any budget year.

Sec. 3. To levy and collect assessments and to impose fees, subject to review by the Secretary of the Interior, upon members and non-members doing business within the reservation.

Sec. 4. To enact ordinances to cause to be removed from the reservation persons not legally entitled to reside thereon and whose presence may be injurious to the peace, happiness or welfare of the members of the tribe, subject to the review of the Secretary of the Interior, or his duly authorized representative.

Sec. 5. The Miccosukee General Council is hereby authorized to recognize any district committees, associations or other organizations open to the members of the Tribe and to approve such organizations, subject, however, to the provision that no such committee, association or organization may assume authorities specifically granted to the Tribe by this constitution unless by a proper delegation of authority by the Miccosukee General Council.

Sec. 6. All rights and powers not delegated to the Miccosukee General Council or to the Miccosukee Business Council in this Constitution and By-Laws are reserved to the Tribe and may be exercised by the members of the Tribe through the adoption of amendments to this Constitution and By-Laws.

#### ARTICLE V - POWERS OF THE MICCOSUKEE BUSINESS COUNCIL

Section 1. The Miccosukee Business Council shall exercise the following powers by appropriate motion, resolution or ordinance subject to the limitations imposed by this

Constitution and By-Laws and to applicable Federal and State laws.

Sec. 2. To prevent the sale, disposition, lease or encumbrance of Tribal lands, interests in lands, or other Tribal assets, without the consent of the Tribe, unless prevented by the terms under which such lands were acquired.

Sec. 3. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.

Sec. 4. To consult, negotiate, contract, and conclude agreements on behalf of the Tribe with Federal, State, and Local Governments on all matters within the powers of the governing body authorized and included in this Constitution and By-Laws.

Sec. 5. To advise the Secretary of the Interior on all appropriation estimates on federal projects for the benefit of the Tribe.

Sec. 6. As authorized by law, to manage, lease, permit, or otherwise deal with Tribal lands, interest in lands or other Tribal assets; and to purchase or otherwise acquire lands or interests in lands within or without the reservation, provided Tribal lands shall not be sold.

Sec. 7. To engage in any business that will further the economic well-being of the members of the tribe, or undertake any programs or projects designed for the economic advancement of the people.

Sec. 8. To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this Constitution and By-Laws, provided that any contract in excess of \$ 3,000.00 shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

Sec. 9. To borrow money from the Federal Government, or other sources and to direct the use of such funds for productive purposes, or to loan money thus borrowed to members of the tribe, with the approval of the Secretary of the Interior, or his authorized representative. To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

Sec. 10. To prepare an annual budget for submission to the Miccosukee General Council and upon approval of this budget

to administer any funds within the control of the Tribe; to make expenditures from available funds for Tribal purposes, including salaries and expenses to tribal officials or employees. All expenditures of tribal funds under control of the business Council shall be authorized in legal session and the amounts so expended shall be a matter of public record.

Sec. 11. The Business Council shall cause to be installed, maintained, and audited a complete and detailed accounting system and such safe-guards as bonding officials and employees responsible for the safety, accuracy, and maintenance of such records and funds. All checks, drafts or other order for the payment of Tribal money, notes or other indebtedness issued in the name of the Tribe shall be signed by such officers, or agents, as provided for in this Constitution.

#### ARTICLE VI - BILL OF RIGHTS

Section 1. All members of the Miccosukee Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the Tribe and no person shall be denied freedom of conscience, speech, association or assembly, or due process of law, or the right to petition for the redress of grievances. The members of the Tribe shall continue undisturbed in their religious beliefs and nothing in this Constitution and By-Laws will authorize either the General Council or the Business Council to interfere with these traditional religious practices according to their custom.

#### ARTICLE VII - TRIBAL ELECTIONS

Section 1. Within thirty days from the date of the approval of this Constitution and By-Laws the Constitutional Committee shall convene a General Council for the purpose of electing the five officers of the General Council. The General Council shall determine its own procedures for nomination of candidates and the voting for candidates at that meeting.

Sec. 2. All succeeding elections of officers shall be conducted in accordance with an election ordinance to be adopted by the general Council which shall provide for secret ballot elections, absentee ballots, prescribe the duties of the election board, procedure for casting resident and non-resident ballots, method of challenging the right to vote, settlement of election disputes and any further requirements for the conduct of the election.

#### ARTICLE VIII - REVIEW OF RESOLUTIONS AND ORDINANCES

Section 1. Any resolution or ordinance subject to review by the Secretary of the Interior or his authorized

representative, shall be presented to the Superintendent of the Reservation or the officer in charge, who shall within ten (10) days thereafter approve or disapprove the same.

Sec. 2. Upon approval within ten (10) days the resolution or ordinance shall become effective. The Superintendent or officer in charge shall transmit copies of all effective resolutions or ordinances to the Secretary of the Interior, who may, within ninety (90) days after receipt thereof, rescind any resolution or ordinance for good cause by giving written notice and the reasons therefore to the appropriate council.

Sec. 3. If the Superintendent or Officer in Charge shall disapprove any resolution or ordinance, he shall notify the appropriate council in writing of his reasons therefore within ten (10) days after the resolution is delivered to the Office of the Superintendent or Officer in Charge. If the Council is not satisfied with the reasons so given, it may, by a majority of the members voting, refer the resolution or ordinance to the Secretary of the Interior for approval.

Sec. 4. The Secretary of the Interior shall within ninety (90) days after receipt of any resolution or ordinance referred to him by the General Council or the Business Council for approval notify the appropriate Council in writing of his decision to approve or disapprove.

#### ARTICLE IX - AMENDMENTS

Section 1. This Constitution and By-Laws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Miccosukee General Council.

#### ARTICLE X - ADOPTION

Section 1. This Constitution and By-Laws, when adopted by a majority vote of the qualified voters of the Miccosukee Tribe of Indians of Florida voting at an election called for that purpose by the Secretary of the Interior, provided at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of such approval.

BY-LAWS OF THE MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

## ARTICLE I - MEETINGS

Section 1. There shall be four regularly scheduled meetings of the Miccosukee General Council to be held during the months of November, February, June and August. All meetings shall be on the first Sunday in each of the above-mentioned months. Notices shall be posted for these meetings at least three days in advance of the meetings, giving the time, date and place of such meeting. Special meetings of the Miccosukee General Council may be called by a majority vote of the Miccosukee Business Council. Special meetings shall be noticed and posted at least three days in advance giving time, date and place of such meeting.

Sec. 2. Meetings of the Miccosukee Business Council shall be held on the second Sunday in each month. Special meetings of the Miccosukee Business Council may be called by the Chairman.

Sec. 3. A quorum of the General Council shall be convened when twenty-five eligible adult members are present, provided at least three clans are represented, and no business shall be conducted in the absence of a quorum. All decisions shall be by majority vote.

Sec. 4. A quorum of the Miccosukee Business Council shall constitute three members, provided at least three clans are represented, and no business shall be conducted in the absence of a quorum. All decisions shall be by majority vote.

Sec. 5. Both the Miccosukee General Council and the Miccosukee Business Council are authorized to regulate its own procedures, to appoint subordinate committees, commissions, boards, advisory or otherwise, Tribal officials and employees not otherwise provided for in this Constitution and By-Laws.

Sec. 6. No authorities contained in this Constitution and By-Laws may be delegated by the Miccosukee General Council or Miccosukee Business Council to Tribal officials, district councils, or associations to carry out any function for which the Tribe assumes primary responsibility, except by ordinance or resolution duly enacted by the governing bodies in legal session, and excepting also those specific requirements contained in this Constitution and By-Laws.

## ARTICLE II - DUTIES OF THE OFFICERS

Section 1. Chairman

- (a) He shall preside at all regular and special meetings of the Miccosukee General Council and the Miccosukee Business Council.
- (b) He shall have general and active management of the business activities of the Tribe except that he shall not act on matters binding the Tribe until either the General Council or the Business Council has deliberated and enacted appropriate resolution.
- (c) He shall see that all resolutions and ordinances of both the General Council and the Business Council are carried into effect.
- (d) He shall sign on behalf of the Tribe all official papers when authorized to do so.
- (e) He shall give supervision to all other officers and employees of the Tribe and see that they carry out their duties.
- (f) He shall prepare a report of the activities of the Business Council and shall make this report at each regular meeting of the Miccosukee General Council. He shall include in this report all matters within his knowledge which the interest of the Tribe may be required be brought to its attention.
- (g) He shall not vote in either the General Council or the Business Council except in the case of a tie.

Sec. 2. Assistant Chairman

- (a) In the absence of the Chairman he shall preside. When so presiding, he shall have all rights, privileges and duties, as set forth above under duties of Chairman, as well as the responsibilities of the Chairman.

Sec. 3. Secretary

- (a) He shall keep minutes at the principal place of business of the Tribe of all meetings of the Miccosukee General Council and the Miccosukee Business Council.
- (b) He shall give and serve all notices of the Miccosukee General Council and the Miccosukee Business Council as required by this Constitution and By-Laws.
- (c) He shall keep the membership roll of the Tribe,

showing all changes as required by this Constitution. In addition, he shall keep a current voting list.

- (d) He shall attend to all such correspondence assigned to him by the Chairman and perform all other duties of his office or as prescribed by the Miccosukee General Council or the Miccosukee Business Council.

Sec. 4. Treasurer

- (a) He shall keep and maintain, open to inspection by members of the Tribe or representatives of the Commissioner of Indian Affairs, at all reasonable times, adequate and correct accounts of the properties and business transactions of the Tribe.
- (b) He shall have care and custody of the funds and valuables of the Tribe, and shall deposit same in the name of and to the credit of the Miccosukee Tribe of Indians of Florida, with such banks as the Miccosukee Business Council may direct, subject to the approval of the Secretary of the Interior or his authorized representative.
- (c) Disburse the funds of the Tribe as may be ordered by the Miccosukee Business Council, taking properly signed invoices, vouchers, or other instruments for said disbursement. All checks shall be countersigned by the Chairman or in his absence the Assistant Chairman.
- (d) He shall make a monthly report and account for all transactions involving the disbursement, collection or obligation of Tribal funds to the Miccosukee Business Council. He shall make such a financial report to the Miccosukee General Council at each of its regular meetings.
- (e) The Treasurer and all officers and employees whose duties involve handling of Tribal money or other valuables shall be bonded as required by the Miccosukee Business Council and as approved by the Superintendent or other officer in charge.

Sec. 5. Lawmaker

- (a) He shall act as Lawmaker at all regular and special meetings and shall enforce all rules and see that peace and order are kept during the sessions of the General Council and Business Council.
- (b) He shall perform other duties as assigned by the

General Council or the Business Council.

ARTICLE III - EMPLOYMENT

Section 1. The Miccosukee Business Council is authorized to appoint or employ such clerical assistance as may be necessary to carry out the responsibilities assigned to any of the officers of the Tribe.

CERTIFICATION OF ADOPTION

Pursuant to an order approved November 17, 1961, by the Assistant Secretary of the Interior, the attached Constitution and By-Laws of the Miccosukee Tribe of Indians of Florida was submitted for ratification to the Miccosukee Indians of Florida, and was on December 17, 1961, duly adopted by a vote of 41 for and none against, in an election in which at least thirty (30) percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd) Buffalo Tiger  
Chairman, Constitutional Committee

(sgd) Sonny Billie  
Member, Constitutional Committee

(sgd) Reginald C. Miller  
Program Officer

APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-Laws of the Miccosukee Tribe of Indians of Florida.

Approval recommended:

(sgd) Philleo Nash  
Commissioner  
Bureau of Indian Affairs

(sgd) John A. Carver, Jr.  
Assistant Secretary of the Interior  
(SEAL)

Washington, D.C.

Date: January 11, 1962

APPENDIX 1.J. MICCOSUKEE-EVERGLADES NATIONAL PARK  
SPECIAL USE PERMIT (1973)

SPECIAL USE PERMIT

Everglades National Park

Miccosukee Tribe of Indians of Florida is hereby authorized during the period from January 1, 1973, through January 24, 2014, to use the following-described land in the above-named area:

Beginning at the Western boundary of Everglades National Park at the West line of Section 20, Township 54 South, Range 35 East, thence East following the Northern boundary of said park in Township 54 South, Range 36 East, 500 feet West of the existing road known as Seven Mile Road, thence 500 feet South 500 feet from said road, thence West, paralleling the park boundary to the West line of Section 20, Township 54 South, Range 35 East, hence North 500 feet to the point of beginning.

For the purpose of:

Administrative and educational facilities and to provide places for the Miccosukee Indians to live, make and sell handicrafts.

CONDITIONS OF THIS PERMIT

1. Regulations. The permittee shall exercise this privilege subject to the supervision of all Superintendents, and shall comply with the regulations of the Secretary of the Interior, or other authorized officer of the Government, governing the area.
2. Definition. The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director.
3. Rights of the Director. Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing. If it is necessary to exercise such right, every effort will be made by the National Park Service to refrain from unduly

interfering or preventing use of the land by the permittee for the purpose intended under this permit.

4. Nondiscrimination. (See Attachment A).

5. Damages. The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.

6. Construction. No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

7. Removal of Structures and Improvements. Upon the expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove all such structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

8. Water Rights. Water rights will be perfected, when necessary, by the United States in its own name for water developed or used in connection with this permit. The permittee will furnish to the United States such information as is necessary for perfection, including statutory fees, and for management and protection of the resource.

9. Disposal of Refuse. The permittee shall dispose of brush and other refuse as required by the Superintendent.

10. Timber Cutting. No timber may be cut or destroyed without first obtaining a permit therefore from the Director, National Park Service.

11. Fire Prevention and Suppression. The permittee and his employees shall take all reasonable precautions to prevent forest, brush, grass, and structural fires and also shall assist the Superintendent in extinguishing such fires in the vicinity of any tract which may be used hereunder.

12. Soil Erosion. The permittee shall take adequate measures, as directed and approved by the Superintendent to

restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

13. Benefit. Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: Provided however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

14. Assignment. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

15. Revocation. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

16. The lands will be for the use of the Miccosukee Tribe of Indians of Florida for administrative, operational, educational, medical and community facilities for the benefit of the Permittee, and to provide places for Miccosukee Indians to live, make and sell handicrafts.

17. The Permittee may place improvements on the lands to be operated by the Permittee such as, but not limited to, school, office, health, education and other community facilities.

18. Approval of this agreement by the Director shall constitute authority for a Local Housing Authority of the Miccosukee Tribe to develop low-rent housing on lands herein described pursuant to the United States Housing Act of 1937 as amended.

19. No construction activity, dredging or filling will be carried on which will affect the water quality or interfere with the free flow of water from the North through or over the park lands without the prior approval of the Director.

20. The Permittee shall provide the Director, in care of the Superintendent of Everglades National Park with a copy of all plans and specifications for the construction of any buildings, utility, road, trail or other facility 60 days prior to planned construction. All improvements will be designed as to be in harmony with the scenic values of the park. The provisions of this article do not supersede any of the provisions of article 6 of this permit but are in addition thereto.

21. Permittee shall, prior to seeking the approval of the Director, National Park Service, to undertake any construction dredging or filling activities pursuant to the preceeding paragraphs, submit to the Director a detailed description of the impact of the project on air and water quality, scenic and esthetic features, historical and archeological features, and wildlife. The analysis shall include, in addition to the above information, any other data needed so as to enable the Director to prepare an environmental statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and the regulations and guidelines adopted pursuant thereto, when such statement is required of the National Park Service.

22. Permittee shall comply with all applicable State and Federal Laws and regulations concerning any project on the lands included in this permit.

23. Permittee will be absolutely liable to the United States for all damages to park lands and property caused by him or by his employees, contractors, or employees of the contractors.

(A) During all work of construction, permittee shall exercise all reasonable precautions to protect park property. Private vehicles and construction vehicles as well as construction machinery shall not encroach upon park lands other than the area described in Paragraph 1.

(B) All park land areas and facilities damaged during work performed on the lands shall be restored by permittee to the satisfaction of the Director.

(C) There shall be no unsightly barricades, fences, signs, flares, lanterns, or other similar structures placed upon the land, except of a temporary nature with the permission of the Director.

(D) All excavation shall be backfilled and compacted and if any later settlement disturbs the areas after the backfill is completed, permittee shall correct the settlement and restore the area.

24. Permittee will save and hold harmless the United States against liability for injury or damage to persons or property arising from the occupancy or use of the lands covered by this permit.

25. The Tamiami Ranger Station Building now located in Section 22, Township 54 South, including an area 300 feet from the perimeter of the buildings will be exempt from this permit.

26. This Permit supersedes and replaces Use Permit executed in January, 1964, and approved by the Secretary of the

Interior, covering these same described lands, and notwithstanding any other provisions of this permit, it shall be revokable at the discretion of the Secretary of the Interior, except that it will not be revoked for a period of 50 years beginning January 24, 1964, or for such lesser period as may be necessary or desirable, as to lands which are used for purposes of any low-rent or mutual help housing project or the use of which is connected with liquidation of any such projects or any portion thereof or any obligation incurred in connection therewith.

The Tribal Land Use Activities are restrictive and new development must be reviewed by the National Park Service.

ATTACHMENT A  
CONTINUATION OF CONDITIONS OF THIS PERMIT  
United States Department of the Interior - National Park Service

The following provisions constitute condition 4 in accordance with Executive Order No. 11246 of September 24, 1965.

Nondiscrimination. If use of the land covered by the permit will involve the employment by the permittee of a person or persons, the permittee agrees as follows:

(1) The Permittee will not discriminate against any employee or applicant for employment because of race, creed, color, ancestry, or national origin. The Permittee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, ancestry, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Permittee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Superintendent setting forth the provisions of this nondiscrimination clause.

(2) The Permittee will, in all solicitations or advertisements for employees placed by or on behalf of the Permittee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The Permittee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Superintendent, advising the labor union or workers' representative of the Permittee's

commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Permittee will comply with all provisions of Executive Order N. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Permittee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Superintendent and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Permittee's noncompliance with the nondiscrimination clauses of this permit or with any of such rules, regulations, or orders, this permit may be cancelled, terminated, or suspended in whole or in part and the Permittee may be declared ineligible for further government contracts or permits in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Permittee will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Permittee will take such action with respect to any subcontract or purchase order as the Superintendent may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the Permittee becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Superintendent, the Permittee may request the United States to enter into such litigation to protect the interest of the United States.

(8) This Attachment A shall apply except where it conflicts with Section 701(B) (1) and 703 (1) of Title VII of the Civil Rights Act of 1964, (78 Stat 293, 297, 42 U.S. Code 2000 E,) which pertains to Indian Tribes as employers and to preferential treatment in employment to Indians residing on or near a reservation.

APPENDIX 1.K. BIG CYPRESS NATIONAL PRESERVE ENABLING  
ACT (OCTOBER 11, 1974)

Public Law 93-440  
93rd Congress, H. R. 10088  
October 11, 1974

AN ACT

To establish the Big Cypress National Preserve in the State  
of Florida, and for other purposes.

*Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled, That*  
(a) in order to assure the preservation, conservation, and  
protection of the natural, scenic, hydrologic, floral and  
faunal, and recreational values of the Big Cypress Watershed  
in the State of Florida and to provide for the enhancement  
and public enjoyment thereof, the Big Cypress National  
Preserve is hereby established.

(b) The Big Cypress National Preserve (hereafter  
referred to as the "preserve") shall comprise the area  
generally depicted on the map entitled "Big Cypress National  
Preserve", dated November 1971 and numbered BC-91,001, which  
shall be on file and available for public inspection in the  
Offices of the National Park Service, Department of the  
Interior, Washington, District of Columbia, and shall be  
filed with appropriate offices of Collier, Monroe, and Dade  
Counties in the State of Florida. The Secretary of the  
Interior (hereafter referred to as the "Secretary") shall, as  
soon as practicable, publish a detailed description of the  
boundaries of the preserve in the Federal Register which  
shall include not more than five hundred and seventy thousand  
acres of land and water.

(c) The Secretary is authorized to acquire by donation,  
purchase with donated or appropriated funds, transfer from  
any other federal agency, or exchange, any lands, waters, or  
interests therein which are located within the boundaries of  
the preserve: *Provided*, That any lands owned or acquired by  
the State of Florida, or any of its subdivisions, may be  
acquired by donation only: *Provided further*, That no Federal  
funds shall be appropriated until the Governor of Florida  
executes an agreement on behalf of the State which (i)  
provides for the transfer to the United States of all lands  
within the preserve previously owned or acquired by the State  
and (ii) provides for the donation to the United States of  
all lands acquired by the State within the preserve pursuant  
to the provision of "the Big Cypress Conservation Act of  
1973" (Chapter 73-131 of the Florida Statutes) or provides  
for the donation to the United States of any remaining moneys

appropriated pursuant to such Act for the purchase of lands within the preserve. No improved property, as defined by this Act, nor oil and gas rights, shall be acquired without the consent of the owner unless the Secretary, in his judgement, determines that such property is subject to, or threatened with, uses which are, or would be, detrimental to the purposes of the preserve. The Secretary may, if he determines that the acquisition of any other subsurface estate is not needed for the purposes of the preserve, exclude such interest in acquiring any lands within the preserve. Notwithstanding the provision of section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894.1904) the Secretary (i) may evaluate any offer to sell land within the preserve by any landowner and may, in his discretion, accept any offer not in excess of \$10,000 without an appraisal and (ii) may direct an appraisal to be made of any unimproved property within the preserve without notice to the owner or owners thereof. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without transfer of funds.

Sec. 2. (a) In recognition of the efforts of the State of Florida in the preservation of the area, through the enactment of chapter 73-131 of the Florida statutes, "The Big Cypress Conservation Act of 1973", the Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in land necessary to achieve the purposes of this Act.

(b) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by the Act within six years after the date of its enactment.

SEC. 3. (a) The owner of an improved property on the date of its acquisition by the Secretary, may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or

the death of his spouse, whichever is later. the owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, which shall include the exercise of such right in violation of any applicable State or local laws and ordinances, and it shall terminate by operation of law upon the Secretary notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act, the term "improved property" means:

(i) a detached one family dwelling, construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and such additional lands as the Secretary deems reasonably necessary for access thereto, such land being in the same ownership as the dwelling, and together with any structures accessory to the dwelling which are situated on such lands and

(ii) any other building, construction of which was begun before November 23, 1971, which was constructed and is used in accordance with all applicable State and local laws and ordinances, together with as much of the land on which the building is situated, such land being in the same ownership as the building, as the Secretary shall designate to be reasonably necessary for the continued enjoyment and use of the building in the same manner and to the same extent as existed on November 23, 1971, together with any structures accessory to the building which are situated on the lands so designated. In making such designation the Secretary shall take into account the manner of use in which the building, accessory structures, and lands were customarily enjoyed prior to November 23, 1971.

(c) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101(6) of such Act.

SEC. 4. (a) The area within the boundaries depicted on the map referred to in section 1 shall be known as the Big Cypress National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological

integrity in perpetuity in accordance with the provisions of this Act and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

(b) In administering the preserve, the Secretary shall develop and publish in the federal register such rules and regulations as he deems necessary and appropriate to limit or control the use of federal lands and waters with respect to:

- (1) motorized vehicles,
- (2) exploration for and extraction of oil, gas, or other minerals,
- (3) grazing,
- (4) draining or constructing of works or structures which alter the natural water courses,
- (5) agriculture,
- (6) hunting, fishing, and trapping,
- (7) new construction of any kind, and
- (8) such other uses as the Secretary determines

must be limited or controlled in order to carry out the purposes of this Act: *Provided*, That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

SEC. 6. Notwithstanding any other provision of law, before entering into any contract for the provision of revenue producing visitor services,

(i) the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972, were engaged in the provision of similar services, a

right of first refusal to continue providing such services within the preserve subject to such terms and conditions as he may deem appropriate, and

(ii) before entering into any contract or agreement to provide new revenue-producing visitor services within the preserve, the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both Tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary may allow the Tribes an additional period of ninety days in which to enter into an inter-Tribal cooperative agreement to provide such visitor services, but if neither tribe responds with proposals that satisfy the terms and conditions established by the Secretary, then the Secretary shall provide such visitor services in accordance with the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20). No such agreement may be assigned or otherwise transferred without the consent of the Secretary.

SEC. 7. Within five years from the date of the enactment of this Act, the Secretary shall review the area within the preserve and shall report to the President in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or unsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$116,000,000 for the acquisition of lands and interests in lands and not to exceed \$900,000 for development. Any funds donated to the United States by the State of Florida pursuant to chapter 73-131 of the Florida statutes shall be used solely for the acquisition of lands and interests in land within the preserve.

Approved October 11, 1974.

APPENDIX 1.L. SEMINOLE CLAIM: DISTRIBUTION OF FUNDS  
(APRIL 30, 1990)

Public Law 101-277  
101st Congress

An Act

To provide for the use and distribution of funds awarded the  
Seminole Indians in dockets 73, 151, and 73-A  
of the Indian Claims Commission

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401, et seq.), or any other law, regulation, or plan promulgated pursuant thereto, the funds appropriated in satisfaction of judgments awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission shall be used and distributed as provided in this Act.*

SEC. 2. (a) The funds appropriated with respect to the judgments awarded to the Seminole Indians in dockets 73 and 151 of the Indian Claims Commission (less attorney fees and litigation expenses), including all interest and investment income accrued thereon, are allocated hereby as follows--

(1) 75.404 per centum of such funds are allocated to the Seminole Nation of Oklahoma; and

(2) 24.596 per centum of such funds shall be allocated among the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida, and all of the funds appropriated with respect to the judgment awarded to the Seminole Indians in docket 73-A (less attorney fees and litigation expenses), including all interest and investment income accrued thereon, shall be allocated as follows--

(1) the Seminole Tribe of Florida, 77.20 per centum;

(2) the Miccosukee Tribe of Indians of Florida, 18.16 per centum; and

(3) the independent Seminole Indians of Florida (as a group), 4.64 per centum.

SEC. 3. (a) A proposed plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma under section 2 of this Act may be prepared by the governing body of the Seminole Nation of Oklahoma in consultation with the Secretary of the Interior within one hundred and eighty days of the enactment of this Act. Upon completion of such a plan, the Secretary shall submit it to the Congress without delay, together with recommendations for its approval and the reasons therefor.

(b) If a plan has not been prepared by the Seminole Nation as provided in subsection (a) of this section, the

Secretary in consultation with the Seminole Nation, shall prepare and submit a plan to the Congress for approval within one hundred and eighty days of the expiration of the period referred to in subsection (a) of this section. A copy of the plan prepared by the Secretary shall be furnished to the Seminole Nation simultaneously with its submission to the Congress.

SEC. 4. (a) Any plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma shall provide that not less than 80 per centum thereof shall be set aside and programmed to serve common tribal needs, educational requirements, and such other purposes as the circumstances of the Seminole Nation of Oklahoma may determine.

(b) No per capita distribution may be made from the sum allocated to the Seminole Nation of Oklahoma, except that the investment income from not more than 20 per centum of the fund may be distributed per capita from time to time in the discretion of the tribal governing authority pursuant to a distribution plan approved by the Secretary. No per capita distribution shall occur pursuant to this subsection until a roll of members of the Seminole Nation of Oklahoma born on or before and living on the date of enactment of this Act has been certified by the Secretary.

(c) The interests of minors and other legally incompetent persons who are entitled to receive any portion of such funds as are subsequently distributed to them will be protected and preserved: *Provided*, That such funds may be disbursed to the parents or legal guardians of such minors or legal incompetents in such amounts as may be necessary for the minors or legal incompetents' health, education, welfare, or emergencies under a plan or plans approved by the Secretary and the tribal governing body of the Indian tribe involved.

(d) A plan for the use and distribution of the judgment funds referred to in this Act shall be implemented by the Secretary immediately at the end of the sixty-day period (excluding days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) beginning on the day such plan is submitted to the Congress, unless during such sixty-day period a joint resolution is enacted disapproving such plan.

(e) Tribal investment decisions under a plan shall be subject to the approval of the Secretary. Approval shall be granted within a reasonable time unless the Secretary determines, in writing, that the investment would not be reasonable or prudent or would otherwise not be in accord with the provisions of this section.

(f) Neither the United States nor the Secretary shall be liable, because of the Secretary's approval of an investment decision under this section, for any losses in connection with such investment decision.

SEC. 5. The Secretary shall pay the governing body of the Seminole Tribe of Florida such portion of the amount held in trust for that tribe under section 2 of this Act to be allocated or invested as the tribal governing body determines to be in the economic or social interest of the tribe within sixty days after submission of an appropriate resolution by the tribal governing body.

SEC. 6. Notwithstanding any other provision of this Act, no plan for use and distribution of the share of the funds allocated to the Miccosukee Tribe of Indians of Florida shall be prepared or implemented and no funds allocated to the Miccosukee Tribe of Indians of Florida shall be distributed to the tribe, its members, or any other person unless such plan or distribution is duly authorized by the General Council of the Miccosukee Tribe or by a referendum vote of the members of the tribe duly called by the General Council of the tribe at which a negative vote is permitted. Such funds (and the interest therefrom) shall be held in trust by the United States and invested as provided in the Act of June 24, 1938 (52 Stat. 1037, as amended; 25 U.S.C. 162a) until the date on which the funds are distributed under subsection (c).

(b)(1) Under regulations prescribed by the Secretary, the Secretary shall compile a roll of those independent individuals of Seminole Indian lineal descent who--

(A) were born on or before, and are living on, the date of enactment of this Act;

(B) are listed on or are lineal descendants of persons listed on the annotated Seminole Agency Census of 1957 as independent Seminoles; and

(C) are not members of an Indian tribe recognized by the Secretary on the most recent list of such Indian tribes published in the Federal Register.

Such persons listed on this roll shall constitute the independent Seminoles referred to in this Act.

(2) All determinations in the preparation of the roll under paragraph (1) of this subsection shall be based on timely applications for inclusions on the roll supported by evidence satisfactory to the Secretary. The Secretary shall not include any person on the roll who has not made formal application in writing to be included, and who has not met the requirements of paragraph (1) (A), (B), and (C).

(c) As soon as practicable after the roll required under subsection (b) has been compiled, the funds allocated to the independent Seminole Indians of Florida (as a group) under section 2, including all interest and investment income accrued thereon to the date of payment except as provided for in subsection (d), shall be distributed on a per capita basis, in payments as equal as possible, only to those independent Seminole Indians of Florida enrolled under subsection (b) who make timely application to the Secretary. The Secretary shall not distribute any funds to any Seminoles who are not on the roll prepared pursuant to subsection (b) or who do not make timely application to the Secretary.

(d) Except for persons who make application and are included on the roll prepared pursuant to section 7(b)(1), and who make application and accept a per capita share of the distribution pursuant to subsection (c), the payment and distribution of the award in accordance with this Act shall not be construed to impair, diminish or affect in any manner any rights and claims of the independent Seminole Indians, either as a group or individually, to any lands or natural resources in the State.

SEC. 8. (a) The funds allocated pursuant to this Act are hereby declared to be held in trust by the United States for the benefit of the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the independent Seminole Indians of Florida respectively.

(b) None of the funds held in trust by the United States under this Act (including interest and investment income accrued on such funds while such funds are held in trust by the United States), and none of the funds distributed per capita or made available under this Act for programs, shall be subject to Federal, State, or local income taxes, nor shall such funds nor their availability be considered as income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita payments in excess of \$ 2,000, any other Federal or federally assisted program.

Approved April 30, 1990.

APPENDIX 2

A MICCOSUKEE VOCABULARY

## A MICCOSUKEE VOCABULARY

The Miccosukee Language is the cultural property of the Miccosukee speaking people. It is considered sacred property, since it was given to them by the Breathmaker. It is important to the Miccosukee people that the language be maintained. It supports the continued spiritual life and serves as a cultural boundary marker. It maintains the separate integrity of Miccosukee culture as it is constantly assaulted by other cultures and languages.

Recording of the language in writing by outsiders, however, is a very controversial issue among traditional Miccosukee speaking people. It is important to respect their feelings about this issue. Some of the spiritual leaders generally don't want outsiders to know their language and some of the words for sacred objects and activities are considered too sacred for unbelieving outsiders to have access to.

Some of my consultants have said that I should not put any Miccosukee words in this report. Others have asked me to be sensitive and leave out sacred words. So, I have tried to reach a reasonable compromise here.

I feel that outsiders should know that the Miccosukee language is a complex, fully developed language, with an long history. It serves the people well in all of their communicative needs and carries the communication of their spiritual life in more appropriate ways, that would be completely lost in English translation. They also should know that the Miccosukee speakers consider their language not just as a tool for communication, but as a sacred cultural property.

I have edited the following short vocabulary to leave out some of the words considered too sacred or sensitive to some of the spiritual leaders. This vocabulary is simply a bi-product of my research and fieldwork, and is being expanded as time permits. I hope to complete a more complete dictionary at a later date, to be released only on permission of the Miccosukee speaking people.

The orthography, or alphabet, corresponds to the writing system officially approved by the Miccosukee Tribe of Indians of Florida (West and Smith 1978). For further information on Miccosukee phonology, see West (1992). This writing system is not the same as the phonemic writing system that professional linguists would prefer. But, this

language is the cultural property of the Miccosukee speaking people. It should be their decision what alphabet their language will be written in.

### The Phonemes of the Miccosukee Language

p	t	ch	k	h	?
b					
f		sh			
m	n				
	l	<u>l</u>			
w	y				
e		o	ee	oo	and nasalized vowels
	a		aa		

high tone, low tone, falling tone

a

abooche	table
achena	Southern Red Cedar ( <i>Juniperus silicicola</i> )
ahalbe	box
ahanoope	guava
ah	wood, sticks
ah che tahke	gumbo limbo
ah hatke	dahoon holly
ah looche	red mangrove
akne	meat
akoobahkayekkee	Rabbit-tobacco ( <i>Pterocaulon undulatum</i> ).
alench	cloth
alolketehche	roseate spoonbill
alole	white ibis, curlew
ante	kettle
aposhsheekayee	St. John's Wort ( <i>Hypericum aspalatahoides</i> ), a medicine

ashawe	cypress tree
ashomchoobe	air plant (bromiliad)
ashpe	corn
aye	platform (in house)
ayekche	medicine (pills)
ayekschee	medicine
ayekschee hatkee or ayekchatkee	White Medicine (possibly Ginseng ( <i>Panax quinquefolium</i> L.))from Oklahoma, a medicine

aa

aabe	mirror
aahe	potato
aane	neckerchief, bandanna
aape	skillet, frying pan

b

baashke	bus
bakbahke	woodpecker
bakche	vine
bakshe	thread
baibe	grapes
batte	butter
baysheke	bicycle
bochonkom	stove
boole	fish (sunfish?)

ch

chahkeepen	5
chanchahshe	square
chaolom	chalk
chehne	you
cheke	house
chinabokssheekee	morning
chente	snake
cheshe	rat
chokfe	rabbit
chokshe	pumpkin
chukochee	wild grape (spp.), a medicine
choochaah	alligator gar (fish)
chowaane	fly (deer fly?)

e

ebe	nose
eche	mouth
echkane	beetle
efche	gun
elbe	hand
emokle	cage, trap
empeeke	food
epte	ice
ete	eye
eshketoone	mosquito
eshkom	drink
estehapo	camp

ee

eeche	deer
eefe	dog
eeke	blouse?
eelom	walk?
eepaaken	six (6)
eete	fire
eeye	foot

f

faayom	hunt
falaashke	flask, bottle
fapleeche	fan
fatoone	fishhook
fayte	turkey
feesa keekke omeeekchee	God, breath-giver
foksheeke	shirt
fooche	duck
fooche choobe	goose
foone	bone
foosh hatke	white heron
fooshloochootom	anhinga (snakebird, water turkey)
fooshe	bird
fooshheshke	feather

h

hachaloope	strangler fig
haache	tail
haale	cup
haashe	sun

hahche	road, path
hakchobe	ear
halo yu ka kunde	Hey! come over here
halpate	alligator
haposikaayee	Pennyroyal ( <i>Pycnothymis rigidus</i> ) a medicine.
hatapakahke	zebra butterfly
hayyehche	hot
hecheetee	the Hichiti language
hekaake	cocoplum
hene	highway
henle	squirrel
henlimasokchi	Mistletoe ( <i>Phoradendron flavescens</i> )
heyontsee	"Everything Growing Moon" (New moon last of June or first of July)
hofe	bee
hoole	net
hotefkee	jungle

k

kaafe	coffee
kahayatle	everglades
kalaacheksha	redwing blackbird
kaape	coat (cape)
kawaaye	horse
kawachoobe	panther
kalefe	catfish
keyante	candy
keselakoomee	<i>Hypericum aspalathoides</i>
koaoshe	bobcat
kolapaaken	flowers (garden)
koloope	paint
konaawe	money
koone	skunk

kotaashe	spoon
kote	frog
kowachooobe	panther
kow <u>a</u> ashe	quail
kowooshe	bobcat

l

l <u>a</u> che	crow
laape	antlers, horns
laapfaneeke	sheep
labotke	mush
lafatke	fire
lampe	stomach, paunch
lemoonooche	lemon

l

l <u>a</u> ale	hair?
l <u>a</u> ale	fish
l <u>a</u> amen	one (1)
l <u>a</u> ke fashke	spear
l <u>a</u> leele	forehead
l <u>e</u> neekom	(he) runs
l <u>o</u> kfe	arm
l <u>o</u> one	moth ?

m

maache	matches
ma <sub>l</sub> aalom	bats ?
mankalooke	melon ?
manteele	flag
mashte	mustard
motoshchahche	moonlight?

n

naakaashe	necklace
naakenchaoke	notebook
naate	chin
nakbe	branch (of a tree)
nakne	hat ?
nehahche	shortening
nokbe	neck
nokoshe/nakoge	bear
nokshokche	pelican
nooleechke	sleeping platform (bed)
noote	mouth

o

ohoone	skirt
okchahne	salt
oklihootaa <sub>l</sub> e	Big Town (clan name)
ochaape	garden
ochkoche	campfire (5 logs)
onaabe	ruler (for measurement)
onaashe	eggs
oke	pond, lake, water

okeechobee	big water, big lake
oke bakshe	coastal plain willow ( <i>Salix amphibia</i> ), a medicine
okle	town
olookee	blueberry ( <i>Vaccinium myrsinites</i> ), a medicine
ontayhe	bridge
oshaane	otter
oshtapaaken	nine (9)

oo

oochake	nuts
ookole	okra
oopaaake	owl

P

pahatloochee	a grass used as medicine
pahe	grass
pahe koshle	sawgrass
pakte	mushroom
paleshte	bread
pasee	Button Snakeroot ( <i>Eryngium sunchaetum</i> ), a medicine
pasheene	cattails
pataake	bed
pe <sub>l</sub> e	canoe (dugout)
pokoolen	ten (10)
polochke	ball
ponche	soda (punch)
pooshaafe	sea cow (manatee)
pooshooche	cat
pooke	baseball

## sh

shaawe	raccoon
shaawe yaate	monkey, ape
shakapane	vulture
shakche	crawfish
shalaale	peas
shanche	basket
sheetaaken	four (4)
shelbanke	snail
shemanole	Seminole
shenkoshke	fence
shofke	hominy gruel
shokche	sack, paper bag
shoke	pig
shokoche	door

## t

taafampe	onion
taalchoobe	sabal palm (cabbage palm)
taashkele	bluejay
tafe	grasshopper
tale	rock
tale choobe	limestone rock
talokbe	wing (of a bird)
tanah keekee	Corn Dance (all people get together)
tayke	girl ?
tocheenen	three (3)
toklen	two (2)

tokosh cheyaknooche	snowy egret
tokoshe	head ?
tool hatke	sweet bay ( <i>Magnolia virginiana</i> ), a medicine
toole	red bay ( <i>Persea barbonia</i> ), a medicine
toope	chair
tosheene	bacon
toshohmchoobe	flamingo
toshohme	cardinal, redbird
toshnapaaken	eight (8)
totakwe	pond apple (alligator apple, custard apple)

w

waache	baby
waake	cow
wahkechoobe	great blue heron
walaake	plate
walachke	circle
wataakooche	neckerchief, bandana
watole	white ibis, curlew
wele	shoes

y

yaataabe	doll
yaate	face?
yaatooche	infant
yahkakayekchii	Lizard's tail ( <i>Saururus cernuus</i> L.), a medicine plant
yatekeshe	Indian
yaknaabe	globe, earth
yalaabe	orange (fruit)

yanashe

yokche

yolbakne

yooshtakwe

bufallo

turtle, tortoise

worm

wood ibis, stork, ironhead

APPENDIX 3. SACRED AND CEREMONIAL CONCERNS

## SACRED AND CEREMONIAL CONCERNS

Just as it was controversial, whether or not the language should be used. It is very controversial whether sacred and ceremonial concerns should be discussed with outsiders. I have approached a compromise here. I have agreed to keep this appendix very general, and not to divulge specifics that are not already known. So, of course, nothing on specifics of location or activities at Green Corn Dances will be mentioned here, and there will be nothing on details or locations of burials, etc.

The philosophy here is to just provide the National Park Service managers with enough general information to fulfill their managerial roles. Anything that demands more detail should involve consultation on a case by case basis with Seminole and Miccosukee community and spiritual leaders.

### THE GREEN CORN DANCES

The Big Cypress National Preserve contains two active Green Corn Dance sites. The spiritual leaders have asked that the exact location of these sites be kept confidential and not be placed on maps .

The spiritual leaders ask that these sites be protected and closed to curiosity seekers at all times of the year. They have asked that their privacy be respected. The ceremonies at the Green Corn Dance are secret and the private traditional property of the Miccosukee and Seminole people. These sites should be compared to the "cathedrals" of Christian religions. They are hallowed grounds, sacred to their religion. They have been consecrated by the sacred acts performed there by the Medicine Makers, the priests of their traditional religion.

The Green Corn Dance is a private religious ceremony. There is no place at these ceremonies for anyone who is not a Miccosukee or Seminole and is not a clan member. Outsiders are not welcome. Only occasionally is a trusted outside friend allowed to attend some non-critical portion of the ceremony. The Big Cypress Green Corn Dances have not been attended and described by anthropologists. The closest thing to a description may be found in Sturtevant (1954a), which is not based upon eye-witness observations, but his interviews with Josie Billie, when he was an ex-medicine keeper, who had moved to the Big Cypress Reservation and had become a Baptist lay minister.

Some parts of the Brighton Green Corn Dance were described by Capron (1953), an old and trusted friend of the Cow Creek (Muskogee) Seminoles. As a newcomer, the present writer was not invited to the Big Cypress Green Corn Dances, and had no reason to expect an invitation. We must respect the traditions.

The Green Corn Dances are usually held in May and June, when the green corn, that has been planted in February and March, is ready. Logically, Corn Dance 1, the most southerly Green Corn Dance, is traditionally at the new moon in late May or early June. Corn Dance 2, a little further north, is held a few weeks later. In 1993, for example, Corn Dance 1 was held May 13, 14, 15, and 16; and Corn Dance 2 was held June 3, 4, 5, and 6. Today the Corn Dances are always scheduled on a Thursday, Friday, Saturday, and Sunday, to utilize the weekend, and only lose two working days. Years ago, the scheduling was more strictly in accord with the phases of the moon, and involved six days - one day of preparation, four days of ceremony, and one day of breaking camp.

The reasons given for the desire to have the Corn Dance grounds closed year-around even though any one Corn Dance only lasts four days out of the year, is that traditionally some sacred objects, medicines, or materials might be secreted there between the corn dances. The central fire, the central pole, the sweat lodge, and the "men's house", are all considered sacrosanct and should not be profaned by curious non-believers.

Often, with the changes of status of individuals during the purification rites, personal property, objects, and clothing are discarded. They are supposed to be left on the grounds to deteriorate naturally. If the grounds were open to the public, these objects would inappropriately fall into the hands of "collectors".

Also, the Green Corn Dance grounds are places of retreat during all times of the year for Miccosukee and Seminole people that want to return in privacy to a sacred ground for spiritual renewal. These are also sites where the Medicine Makers can be assured privacy for the training of novices, who will carry on the religious tradition in the future. This right of privacy in a few sacred places in their traditional territory should be respected.

The spiritual leaders also ask that their privacy at the Corn Dance sites should not be broken by fly-overs of airplanes or helicopters. One Corn Dance site that was directly in the approach pattern of the Jetport had to be abandoned. One spiritual leader told me

that he believed that low-flying aircraft also were causing the disappearance of some of the medicine plants in the Preserve.

The Miccosukee and Seminole population is growing, and the number of participants in the Corn Dances is growing. Each year there is an expansion and the addition of a few more chekees to the Corn Dance Grounds. More growth can be expected. There will need to be continual dialogue with Preserve managers on the planning needs for the Corn Dances, annually.

The Green Corn Dance Grounds have traditionally been abandoned at intervals, for new sites. A new site is established when the resources, game, and firewood have been depleted near an old site. Traditionally, camps, fields, and ceremonial grounds were moved regularly. Some leaders say, that the tradition was to move at least every 8 years, and to move at least what they call "eight steps" in distance. A "step" is a translation of a traditional Miccosukee measurement of distance, that is often just translated as "mile" today. This movement is in the interest of conservation.

Also, traditionally, Corn Dance grounds have been abandoned because of a death. For example, the Brighton Green Corn Dance site was abandoned when Cuffney Tiger, a Big Cypress Corn Dance leader and medicine keeper, died there in 1947 (Capron 1953:162). So, Preserve management should expect and plan for moves of the Corn Dance sites for conservation or spiritual reasons.

#### ABANDONED GREEN CORN DANCE SITES

Four abandoned Corn Dance Sites have been noted in the Preserve. There are undoubtedly many more that have not been recorded. Spiritual leaders prefer that these sites not be located on any map.

The spiritual leaders are not concerned that these old sites should be closed, but they wish that these sites should be allowed to deteriorate and return to the earth naturally. None of the materials from these sites should be excavated, collected, or reused. Also, the ruins should not be purposely destroyed, bulldozed, or burned. The key term is "naturally recycled". The Miccosukee and Seminole people believe that these sacredized places, all of the structures that they have created, and finally, even their own mortal remains should return to the earth, naturally.

## BURIALS

Some traditional Miccosukee and Seminole people still bury their dead in the Big Cypress National Preserve. The locations of these burials are secret, and are supposed to be forgotten. The mortal remains are supposed to return to mother earth, the breath or the spirit goes to the Spirit World. The spiritual leaders do not want the locations of burials to be placed on maps, for obvious reasons. They have had the mortal remains of their ancestors disturbed or stolen by "collectors", or taken to museum collections. Having burials located on maps, anywhere, is an open invitation to such desecration.

Traditionally, Miccosukees and Seminoles, ask members of other clans to bury their dead for them. Even today , they ask such help from non-relatives and even from Anglo friends that they trust. This is a great kindness, to bury a friend's beloved dead, so that they do not have to be so closely involved in the grief.

And, the buried dead are supposed to stay buried. They were buried with goods that were buried with them for religious reasons. They were buried with religious ritual of four sacred days that marked the final ceremony of that person's life on earth . All the clan members have devoted four days to mourning their loss. The finality of the ceremonies at death is not to be disrupted, disturbed, reversed, or violated.

It is believed that if the mortal remains of a person are not buried with the appropriate ceremony , or if the remains are disturbed, the spirit of that person is not allowed to rest in the Spirit World and will quite probably cause problems for the living.

The traditional people ask to continue their right to bury their dead in the Big Cypress Preserve, near the bones of their ancestors. They ask that the graves not be marked, and that they not be located on maps. They ask that the Preserve managers help protect the bones of their ancestors if the secret places of burial become threatened. They ask that the burial sites of their ancestors not be placed on archaeological survey maps and that they not be excavated and that nothing be removed.

All of this, of course, gets us to the current repatriation issues. The spiritual leaders are generally responding to queries about the repatriation of objects that have been taken from their burials and archaeological sites in a uniform way.

First of all, they believe that anything they construct or leave on the earth should be left there to deteriorate naturally. They believe that the mortal remains of their people should be buried with the appropriate four day mourning ritual and ceremony and that the remains should be left to return to the earth naturally.

It is also believed, and expressly stated by the spiritual leaders, that if these sites and burials are desecrated or "stirred-up", it will result in dire consequences for the desecrators and for the people of the earth in general. In fact, in their tradition, it is prophesied that such activities will result in famine, privation, wars, and terrible epidemics.

Clearly, the Miccosukee and Seminole philosophical and theological position is directly opposed to the standard operating mode of the archaeologist.

When asked if, and which, objects that have been taken from their living sites and burials, that they would like returned, - the spiritual leaders will say simply that they want everything returned to the place it was taken from, where it belongs. When asked to come and handle and identify the objects from the burials and old sites, and instruct the managers on what should be returned - they will not cooperate. This is completely predictable. It is simply against their cultural belief system to handle these materials and perhaps "stir up" spiritual problems.

The spiritual leaders' advice to future archaeologists is simply: Leave these things in the ground where they belong. Then, there will be no later repatriation problems.

## SACRED AND MEDICINAL PLANTS

Knowledge of sacred and medicinal plants is secret and personal knowledge of the Medicine Makers. It is not given freely to outsiders. Capron (1953) and Sturtevant (1954a) collected bits and pieces of this knowledge, but this secret knowledge is not intended to be "public domain".

To be authorized this sacred knowledge in Seminole or Miccosukee culture, one must be a member of the appropriate clan, and be taught by a Medicine Maker of that clan, usually a clan uncle. The training takes a commitment of many years and payment to the teacher. The Medicine Makers do not want this secret knowledge written down for all to see, and for outsiders to know. So, they have not seemed "cooperative" when Preserve managers have asked them what medicine plants they use and would like help in protecting.

Several Medicine Makers have told me that they have noticed that some of the sacred plants are disappearing, but they still did not want to identify them to outsiders. The Medicine Makers have sacred knowledge of many plants. To give an indication, and not violate the confidence of the Medicine Makers, we can list a few of the sacred plants that already have been identified in publications (Capron 1953 and Sturtevant 1954a). I have corroborated the use of the following list. It may be helpful to Preserve managers in their conservation plans:

Everyday term	Linnean term	Miccosukee term
Button-snakeroot	<i>Eryngium synchaetum</i>	<i>pasee</i>
Redbay	<i>Persea borbonia</i>	<i>tootee</i>
Southern willow	<i>Salix amphibia</i>	<i>okee baksee</i>
St. John's wort	<i>Hypericum aspalathoides</i>	<i>aposseekayee</i>
Blueberry	<i>Vaccinium myrsinites</i>	<i>olukee</i>
Water liana	<i>Cissus sicyoides</i>	<i>tsukkocee</i>
Sweetbay	<i>Magnolia virginiana</i>	<i>tuulatkee</i>
Lizard's tail	<i>Saururus cernuus</i>	<i>yahkakayikci</i>
Southern red cedar	<i>Juniperus silicicola</i>	<i>acenee</i>
Mistletoe	<i>Phoradendron flavescens</i>	<i>henlemasukcee</i>
Grape	<i>Cissus sicyoides</i>	<i>tsukkocee</i>
Grape	<i>Vitis rotundifolia</i>	
Grape	<i>Vitis caribaea</i>	

