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“GIVE US TWENTY-FIVE YEARS”: FLORIDA SEMINOLES FROM NEAR TERMINATION TO SELF-DETERMINATION, 1953-1957

by Harry A. Kersey, Jr.

IN the years immediately following World War II, the nation experienced an ultra-conservative reaction to the social and economic policies fostered during Franklin D. Roosevelt's unprecedented four-term presidency. Beginning in the late 1930s a coalition of conservative Republicans and southern Democrats set out to scuttle those aspects of the New Deal which they found most inimical to their ideology. When the Republicans regained control of the Congress in 1946, it signaled the beginning of a concerted effort to dismantle all but the most essential governmental spending programs. One of the federal bureaucracies singled out for annihilation— it did not enjoy the support of a powerful national constituency and therefore became politically vulnerable— was the Bureau of Indian Affairs. A national voice was raised to withdraw federal services to Indians and discontinue the special relationship which had existed between the federal government and tribes since the First Congress passed the initial Indian trade and intercourse act in 1790.

On August 1, 1953, the Eighty-third Congress adopted House Concurrent Resolution 108, which expressed the sense of Congress that elimination of services should become a fundamental element in national Indian policy. Interestingly, this so-called “termination policy” drew the support of political liberals who desired to free Indians from abusive federal paternalism, as well as from conservative assimilationists who would have them brought into the mainstream of American society. As James E. Officer has pointed out, “nowhere in the resolution do we find any mention of the word *termination* that has come to carry such ominous portent in more recent times. Rather, the tone of the document is one of emancipation and equalization:

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'To end the wardship status of the Indians and to grant them all their rights and prerogatives pertaining to American citizenship.'"¹

In one sense Commissioner of Indian Affairs John Collier, that colorful and abrasive architect of a New Deal policy granting indirect self-government to tribes, had been too effective in promoting the view that Indians could conduct their own affairs. When analyzing the rapidly declining fortunes of American Indians in the 1950s Vine Deloria concludes, "at least part of the blame for this state of affairs could be attributed to John Collier. His optimistic characterization of self-government had led some members of Congress to believe that Indians were making considerably more progress than was actually occurring on the reservations."² The idealistic Collier was, of course, premature in his assessment; moreover, the war years had a devastating impact on the reservations, and tribes were still keenly dependent upon government health, education, and development programs during the 1940s and 1950s. Nevertheless, representatives and senators on both sides of the aisle took him literally at his word and opted to terminate the federal relationship with many tribes.

Specifically, H.C.R. 108 designated certain tribes to be "freed from Federal supervision and control and from all disabilities and limitations applicable to Indians," including the Flathead of Montana, Klamath of Oregon, Menominee in Wisconsin, Potowatomie of Kansas and Nebraska, the Turtle Mountain Chippewas in North Dakota, and all of the Indian tribes and "Individual members thereof" located within the states of California, New York, Texas, and Florida.³ Although this list was considerably shorter than previous compilations of tribes considered ready for termination that had been presented to Congress, it included at least one group that had not appeared before: the Seminoles of Florida.

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1. Kenneth R. Philp, *Indian Self-Rule* (Salt Lake City, 1982), 114.
 2. Vine Deloria, Jr., and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York, 1984), 191.
 3. U. S. Congress, joint hearing before the subcommittees of the committees on Interior and Insular Affairs, *Termination of Federal Supervision Over Certain Tribes of Indians*, 83rd Cong., 2nd sess. on S. 2747 and H.R. 7321, Part 8, Seminole Indians, Florida, March 1 and 2, 1954 (Washington, DC, 1954), iii.

The question is why such a small, isolated, impoverished group, numbering barely 900 members, was included on the federal "hit list" for termination together with larger, more developed tribes. Again it was James Officer who noted "while the Seminole of Florida were introduced to the roster as a congressional 'add-on,' the legislators omitted a number of others perhaps— I might suggest cynically— because of the reluctance of particular congressmen to have their constituents singled out in this fashion."⁴ The implication is that the Florida congressional delegation either actively sought to have the Seminoles listed in H.C.R. 108, or at least acquiesced in their inclusion. If this were the case, how had they arrived at such a decision?

In none of the prior Bureau of Indian Affairs compilations had there been any consideration of terminating services to the Florida tribe. In 1947, the Senate Civil Service Committee, investigating ways to cut government expenses, had inquired of William Zimmerman, acting commissioner of Indian Affairs, when tribes would be ready to operate without assistance. Zimmerman was asked to classify the tribes in three basic categories: those which could succeed without federal assistance immediately, those which would be ready for withdrawal of federal services within a decade, and those which for the foreseeable future would need federal assistance. The Florida Seminoles were listed in the third category.⁵ Again in 1952, as a result of House Resolution 698 in the Eighty-second Congress, the commissioner of Indian Affairs was requested to provide a list of tribes, bands, or groups of Indians then qualified for full management of their own affairs. The bureau sent out a questionnaire to all agencies, and the results appeared in House Report No. 2680, Eighty-third Congress, Second Session, 1954. A listing of tribes was made with their readiness to be relieved of federal support; a "no" indicated that in the opinion of local BIA officials the group was not qualified to handle their own affairs immediately. The list showed "Seminole of Florida: NO."⁶

It appears that most likely the placement of the Seminoles on this list was orchestrated by Florida Congressman James A. Haley, chairman of the House Subcommittee on Indian Affairs.

4. Philp, *Indian Self-Rule*, 115.

5. Lyman S. Tyler, *A History of Indian Policy* (Washington, DC, 1973), 164.

6. *Ibid.*, 170.

The aggressive Haley, from Sarasota, was an accountant who had managed the estate of circus magnate John Ringling. He later married Aubrey Ringling and became managing vice-president of the Ringling Brothers Circus.⁷ In 1945, a number of circus officials were placed on trial in the aftermath of the tragic 1944 Hartford, Connecticut, circus fire in which 168 individuals perished. Haley received the stiffest sentence of one-year-and-a-day. Upon being released, he was welcomed as a local hero in Sarasota, winter home of the circus, and became president of the reorganized Ringling Brothers and Barnum & Bailey Circus. In 1952, Haley was elected to represent the Seventh, later Eighth District, one of the most conservative constituencies in Florida. He served in the House from the Eighty-third through Ninety-fourth Congresses. His arrival in Washington coincided with Republican control of Congress. Haley was appointed to the Committee on Interior and Insular Affairs. In 1954 he became chairman of the Subcommittee on Indian Affairs.

It was rare for an Easterner to serve in this position which was usually reserved for representatives from states with large Indian populations. Nevertheless, Haley filled the position with distinction. Even Deloria, the outspoken critic of federal Indian policy, recalls that when the Kennedy and Johnson administrations attempted to open reservations to unlimited outside development "the House Subcommittee on Indian Affairs refused to authorize a blanket lease and insisted on hearing each tribe present its reasons why it should be allowed to lease its lands for the longer term. On the other hand the Senate Indian subcommittee generally favored long-term leasing, and Secretary Udall encouraged this manner of using Indian lands. . . . Had Haley not stood firm against the policies of the Democratic administrations, there might be few Indian reservations today in the hands of Indians."⁸ However, Haley was an ardent fiscal conservative who subscribed to the philosophy underlying termination. A former colleague in the Florida delegation is of the opinion that Haley had the Seminoles from his own state subjected to the same close scrutiny that he was demanding for other tribes.⁹

7. Henry Ringling North and Alden Hatch, *The Circus Kings* (New York, 1960), 321-31.

8. Deloria and Lytle, *The Nations Within*, 196-97.

9. Interview with Paul G. Rogers, by Harry A. Kersey, Jr., March 23, 1988, SEM 197A, University of Florida Oral History Archives, Florida Museum of Natural History, Gainesville.

A termination bill for each tribe identified in H.C.R. 108 had to be introduced in both the House and Senate, and for the first time in history the two conservative-dominated Indian subcommittees sat in joint session to consider the bills. This would forestall efforts to kill the legislation by assuring that language in both versions was identical, thus eliminating the necessity for a conference to reconcile differences and further delaying the process. Additionally, conference committees had traditionally been the place where compromises were struck and tribes were able to kill bad legislation. On January 18, 1954, a group of termination bills was introduced by Representative A. L. Miller of Nebraska, chairman of the House Indian Subcommittee. One bill, H. R. 7321, "provide for the termination of Federal supervision over the property of the Seminole Tribe of Indians in the State of Florida and the individual members thereof, and for other purposes."¹⁰ A companion measure, S. 2747, was introduced in the Senate. The bills had been drafted by the Bureau of Indian Affairs and were identical in content. They were submitted to the speaker of the House and president of the Senate with a request for immediate action.¹¹ A joint subcommittee hearing on the bills was scheduled for the spring of 1954.

The joint subcommittee hearing on H. R. 7321 and S 2747 convened on March 1, 1954, with Senator Arthur V. Watkins of Utah, chairman of the Senate Subcommittee on Indian Affairs, presiding.¹² Florida was represented on the joint subcommittee by Haley and Senator George Smathers. Another member of the Florida delegation, Representative Dwight L. Rogers of West Palm Beach, was also in attendance. After appropriate introductory remarks, the hearing focused on the termination bill's impact on the Indians. The key provision of the bill would have the secretary of the interior transfer, within three years, all property of the tribe to a corporation established by the tribe or its elected trustees for liquidation or management. The proceeds of such liquidation or management were to be vested in those Seminoles whose names appeared on the official tribal

10. Library of Congress, Legislative Reference Service, *Digest of Public General Bills With index*, 83rd Cong., 2nd sess., no. 7, Final Issue 1954 (Washington, DC, 1954), 7321.

11. U. S. Congress, *Termination of Supervision*, 1030.

12. *Ibid.*, 1027.

roll. After the lands were disposed of, the secretary was to publish a proclamation in the Federal Register declaring that the federal trust relationship to the affairs of the tribe had terminated. However, the BIA cautioned that "wide differences of opinion were expressed as to the length of time that Federal supervision should be continued."¹³ Further underscoring this concern, over twenty witnesses testified at the hearing or had their statements entered into the record, with all but three being definitely opposed to immediate or near-term termination of federal supervision for the Florida Seminoles.

Among those to be heard was a delegation of eight Seminoles who had been elected by their people. It was established that they represented approximately sixty percent of the Florida Indian population, most of whom resided on the federal reservations, but also a number of traditional Mikasuki-Seminoles who remained off-reservation. This faction included over 600 of the 900 Seminoles in Florida, and these people would be most directly affected by the termination of federal services and protection. A prepared statement from the delegation was entered into the record; it made the plea "we, the Seminole Indians of Florida, request that no action be taken on the termination of Federal supervision over the property of the Seminole Indians for a period of 25 years," and stated the reasons why termination should not take place.¹⁴ There was an overall lack of formal education in the tribe which meant that the Seminoles needed time to develop a leadership cadre which could administer their property. They were fearful that their lands, particularly the pasturage, were not sufficiently developed to become income producing, and if they could not meet the tax obligations, the property would be lost. The general state of Seminole health was poor, and the delegation recognized that the people had much to learn about proper sanitation, infant care, disease prevention, etc., which could come about only if public health services were continued. Better housing was also needed on the reservations, along with council houses to help develop a community spirit to the Indian settlements. The reservations such as Big Cypress still had much acreage that needed to be drained

13. *Ibid.*, 1037.

14. *Ibid.*, 1038.

before the land would be acceptable for pasturage or agricultural uses. This could best be achieved through federal cooperation with state drainage and conservation projects in Florida. In conclusion, the Indians stated that "during the past 20 years our advancement has been rapid, but we need guidance for a longer period and we look to the Federal Government for continuance of their supervision."¹⁵

This Seminole position was affirmed by a number of prominent individuals, all of whom agreed in principle that the Indians could ultimately become self-sufficient and stand on their own, but felt that it would take much longer than the three years proposed in the legislation. Among those arguing the Seminole cause was Mrs. Frank Stranahan of Fort Lauderdale. She had been actively involved in Indian work since the turn of the century and had founded the Friends of the Seminoles, Inc. Although she was ill at the time and unable to attend the hearings, her long-time friend Congressman Rogers entered a statement expressing her concern that "this hard work of 50 years will lose all its meaning and morale building, if we permit our Government to withdraw all their protection."¹⁶ Moreover, Mrs. Stranahan had pursued the issue with officials in Washington, expressing concern over the pending legislation. As early as October 1953, Commissioner of Indian Affairs Glenn Emmons wrote to her that termination was desirable— but conceded there were differing estimates on how long supervision should continue. Senator Smathers promised, "I am keeping in close touch with developments on this matter, and want to assure you that I shall continue to protect the welfare of the Indians on every hand."¹⁷

William C. Sturtevant, a highly regarded anthropologist with the Smithsonian Institution who had conducted field work among the Florida Indians, estimated that 625 were opposed to termination and 275 were in favor, but he also cautioned, "the Seminoles are so divided into factions that it will be impossible to turn the tribal property over intact to a tribal organization.

15. *Ibid.*, 1039.

16. *Ibid.*, 1131.

17. Glenn L. Emmons to Mrs. Frank Stranahan, December 17, 1953, box 8, file 1— Indian Federal Agencies 1915-1951; George Smathers to Stranahan, December 13, 1953, box 8, file 4— Indian Legislation 1951-1957, Stranahan Collection, Fort Lauderdale Historical Society.

. . . I would say that for this tribe at least, termination of Federal supervision at this time would cause great hardships."¹⁸ The outspoken Bertram Scott, executive secretary of the activist Seminole Indian Association, stated, "I really do not know why this bill was ever drawn concerning the Seminole Indians . . . but if there was ever a tribe that is not ready to go on its own, and will not be for some time, it is the Seminole Tribe of Florida." Senator Watkins replied, "I will admit that it is not nearly as strong a case as the cases that have been made for other Indian tribes."¹⁹ Florida Congressman Rogers also entered a statement in support of prolonging the federal trusteeship over the Seminole lands and people, and suggested that the Secretary of the Interior be required "to hold a referendum on this question of eleemosynary corporate existence for the tribe."²⁰ There were also many statements by other citizens to the effect that the Seminoles were still unable to conduct their own affairs without a significant amount of federal support and guidance. Under questioning from Haley and Smathers, Kenneth A. Marmon, the federal Indian agent who had served in Florida for over a decade, offered the opinion that few Seminoles could speak English well enough to manage their own affairs and that perhaps seventy-five percent of them would vote against termination if given the opportunity.²¹

There were, however, both Indians and non-Indians who spoke in favor of the bill. Essentially, this group held that the culturally conservative Mikasuki-Seminole families living along the Tamiami Trail west of Miami would be better off without any federal interference in their affairs. It was their contention that these traditional people—collectively known as the Trail Indian—should immediately be given title to their lands and receive certain direct economic benefits from the federal and state governments. This position had eloquent advocates in attorney Morton Silver and spokesman Buffalo Tiger, both of whom represented the General Council of the Mikasuki-Seminoles. Larry Mike Oseola, an articulate Indian entrepreneur claiming to represent a group of seventy-seven Trail

18. U. S. Congress, *Termination of Supervision*, 1137.

19. *Ibid.*, 1108.

20. *Ibid.*, 1131.

21. *Ibid.*, 1151.

Indians, spoke out for immediately ending government control of Seminole affairs, while another attorney, O. B. White of Miami, submitted a statement calling for termination of government supervision and the establishment of a charitable corporation to handle Indian lands. The confusing and often contradictory testimony highlighted not only the political division that existed between the on- and off-reservation Seminole factions, but also the fragmentation within the Trail Indian camps. It was understandable, therefore, when Senator Smathers declared, "Mr. Chairman, I do not know where we are. I came up here to find out what was going on, and we succeeded in getting me even more confused about this bill than I was when we started."²² By the time the hearings concluded the following day, it appeared that a number of subcommittee members shared Smathers's confusion and were beginning to have doubts about including the Florida Seminoles on the termination list. No action was taken on the Seminole bills during the remainder of the session, and Spessard Holland, Florida's other United States Senator, wrote Mrs. Stranahan, "I feel that the Interior and Insular Affairs Committees of the House and Senate were wise in not reporting out the bill which would remove the Seminoles from the guardianship of the Federal Government, and I know careful consideration will be given to the desires of the Seminoles by these committees prior to any such action in the future."²³

Following the congressional hearing that spring, Stranahan, Scott, and other Seminole partisans continued their intensive lobbying against federal plans to withdraw services from the tribe. Throughout they emphasized that no matter what the outcome on the termination issue, additional lands should be secured for the Seminoles. They were also concerned with the unconventional tactics of Morton Silver and the Trail Indians who were claiming a separate existence from the main body of Seminoles. In December 1954, Commissioner Emmons made a trip to Florida and met with all major Indian groups, including the Mikasuki General Council on the Tamiami Trail, to hear their claim of independent nation status. This was a position

22. *Ibid.*, 1093.

23. Spessard Holland to Stranahan, October 28, 1954, box 8, file 4—Indian Legislation 1951-1957, Stranahan Collection.

that had first surfaced at the hearing in Washington when a Mikasuki delegation presented their so-called "Buckskin Declaration" (the message was inscribed on a hide decorated with egret feathers) to a representative of President Eisenhower.²⁴ In this document the Mikasuki General Council set forth their desire to continue a traditional life-style free of government interference. In effect they demanded to deal directly with a representative of the president rather than of the Bureau of Indian Affairs. When President Eisenhower replied that he was sympathetic to Indian concerns, but rejected "independent action" and urged them to work through conventional channels, the Mikasukis developed a position that they were an independent nation with a political existence separate from other Seminoles. Following four days of consultation in Florida, Commissioner Emmons gained what he believed was a better picture of the Indian factions. While not denying that the General Council represented a sizeable minority of the Seminoles, he knew that it would not be a simple matter to resolve their claims for land and recognition.²⁵ Thereafter, the BIA focused its efforts on economic and social development of the Seminole reservations with an eye to possible future termination.

When the Eighty-fourth Congress convened in January 1955, the sentiment for termination remained strong, and there was still a possibility that the Seminole termination bill would be reintroduced. This fear was renewed when the House Subcommittee on Indian Affairs scheduled additional hearings to be held in Florida. On April 8, 1955, Representative Haley, who had assumed the chairmanship of the subcommittee, presided at a day-long session in Clewiston, a town located approximately equidistant from the Brighton and Big Cypress reservations. Many of those who had testified at the Washington hearings in

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24. "Buckskin Declaration of Miccosukee Seminole Nation, March 1, 1954." A copy of this document is included as Appendix A to a memorandum from Leonard Ware to M. M. Tozier, November 14, 1958. File-12058-1957-Seminole-077, Bureau of Indian Central Files 1940-57, Record Group 75, National Archives, Washington, DC (cited hereafter BIACF, RG 75, NA).
 25. Merrill M. Tozier, "Report on the Florida Seminoles, December, 1954." File-17148-1952-Seminole-077, Part 1-A, BIACF, RG 75, NA. Tozier was the BIA information officer who accompanied Commissioner Emmons to Florida and made extensive notes on the meetings. This report was compiled from those notes.

1954 were again present. Haley began by recalling that a year earlier he had brought another subcommittee to Florida to investigate Seminole problems. Although there were no public hearings, there were still several matters that required further study and clarification. "We hope to gather information," he stated, "which will help in preparing termination time schedules, if termination is desirable, information which will guide our thinking on the question of State trusteeship, and on the timing and basis for State assumption of welfare, law and order."²⁶ The latter issues were particularly important since Florida was one of several states that would claim civil and criminal jurisdiction over offenses committed by or against Indians under the provisions of Public Law 280 which had been passed in 1953.²⁷

Following Haley's statement, long-time subcommittee member A. L. Miller of Nebraska noted the presence of Congressman Paul G. Rogers who had been elected to replace his recently deceased father, Dwight L. Rogers. The new congressman from the Sixth District welcomed the subcommittee saying, "I think we are very fortunate to have this committee take the time when the rest of the members of Congress are taking a vacation, to come down here because they are interested, deeply interested, in the conditions of our Indians."²⁸ Rogers was invited to remain, and he played a limited role in the proceedings.

Perhaps the most significant testimony was that of several local officials— a superintendent of schools, three county commissioners, and a county attorney— all of whom agreed that they would expect the government to reimburse the expenses of education, road maintenance, and to provide medical and welfare services to the Indian population. Haley asked one of the officials whether, in his opinion, "any termination bill or any attempt to terminate the trusteeship or supervision over the Seminole Indians would only come after, you might say, the present young generation has reached adulthood and had received from the Government or from somewhere the thing that

26. U. S. Congress, House, Hearings Before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, *Seminole Indians, Florida*, 84th Cong. Pursuant to H. Res. 30, April 6 and 7, 1955, serial no. 8 (Washington, DC, 1955), 2.

27. *67 U. S. Stat.*, 588.

28. U. S. Congress, *Seminole Indians*, 3.

we, as Americans, all think a child should have— a good education?”²⁹ The official responded in the affirmative. Another witness was Agnes Denver, a married Seminole living with her family in Utah. She was one of the first Seminoles to complete high school at the Cherokee Indian School in North Carolina and represented an acculturated element of the tribe. She unequivocally stated, the “Seminole Indians are not ready to be terminated.”³⁰

The following day the subcommittee hearing was reconvened at the camp of Jimmie Tiger on the Tamiami Trail. The first person to testify was Buffalo Tiger speaking for the Mikasuki General Council which was headed by traditional leaders including the old medicine man Ingraham Billie. Buffalo Tiger quickly made it clear that the Trail Indians were not a party to the \$50,000,000 claim which a group of reservation Seminoles had filed with the Indian Claims Commission in 1950. “We don’t want a claim for money,” he stated, “we want a claim for land.”³¹ He was followed by Morton Silver who clashed with the subcommittee members on a number of points. Some of the congressmen, still upset by the “Buckskin Declaration” delivered to the president while the Washington hearings were in session, became aware of Silver’s tactics in behalf of his Indian clients. In the course of occasionally hostile questioning, it was revealed that Silver had moved to quash the Seminole claim before the Indian Claims Commission, and he had publicly proclaimed that his clients had a legal right to most of southern Florida. Moreover, it was Silver’s opinion that the Mikasuki General Council was really the legitimate representative of all Florida Indians. In his zeal to establish their claim of sovereignty, Silver had advised the Mikasukis that they might be able to take their case before the United Nations.

Silver’s was an extreme position, and even Buffalo Tiger took exception to his claim that the General Council spoke for other Seminoles throughout the state. When Mrs. Stranahan spoke, she stated, “I am like the Indians, I don’t know who owns this land out here.” She said that she had not heard of Silver’s claim that the Indians owned most of south Florida until it was

29. *Ibid.*, 18.

30. *Ibid.*, 7.

31. *Ibid.*, 45.

disclosed in the newspapers the previous month. She firmly declared, "I don't believe that. I never did tell them that."³² In his testimony the previous day, Bertram Scott of the Seminole Indian Association criticized the Miami attorney. Scott told the committee, "the Silver business is a serious matter . . . he has caused no end of trouble here."³³

Evidently the tenor of this hearing was enough to convince anti-termination forces that they had won their case. On April 20, Scott informed Commissioner Emmons that he had written to Congressman Haley asking that a bill be introduced to transfer submarginal lands at the Brighton Reservation to the Seminole Indians, noting that the "termination bills of the last session contained provisions for such transfer, but fortunately those bills never saw the light of day. There will be no such bills introduced into the present Congress, we presume, at least none affecting the Seminoles."³⁴ Haley's bill transferring some 30,000 acres of land from the Department of Agriculture to the Bureau of Indian Affairs and officially creating the Brighton Reservation was signed into law July 20, 1956.³⁵

No Seminole termination bill was introduced in the Eighty-fourth Congress or ever again, thanks in great part to the strong opposition of Floridians such as Ivy Stranahan, Bertram Scott, Dwight Rogers, as well as the reservation Seminoles. Furthermore, the great discrepancies in information presented by witnesses— estimates of the number of Seminoles who spoke English ranged from ten to 600— must have convinced the congressmen that the great majority of Florida Indians were not ready to manage their own affairs and did require a form of federal trusteeship for some time to come. Certainly the statements and subsequent actions of Smathers and Haley indicate that they had adopted an anti-termination stance and probably moved to stifle termination legislation. It remained for the anthropologist Oliver La Farge to place the affair in its proper perspective: "Of the bills introduced under the Resolution, those to terminate the Flatheads, Turtle Mountain Chippewas, and Florida Seminoles

32. *Ibid.*, 74.

33. *Ibid.*, 37.

34. Bertram D. Scott to Emmons, April 20, 1955, File- 163-1955-Seminole-050, BIACF, RG 75, NA.

35. 70 *U. S. Stat.*, 581.

were killed in committee. Opposition from the tribes concerned was strong and well presented, the states they lived in also opposed the bills; the legislation was obviously ill conceived. The Turtle Mountain Chippewas are strong contenders for the title of the most destitute Indians in the United States; the Florida Indians have only recently had universal schooling and retain a large group of members who speak no English. It is difficult to conceive on what basis these two tribes were ever marked for termination."³⁶

Having narrowly averted termination, a number of the progressive reservation Seminoles began to consider seriously a formal organization to protect their economic and social gains. The Seminole people in Florida were eligible for legal organization of a government and business corporation under Section 16 of the Indian Reorganization Act (IRA) of 1934.³⁷ This was the fundamental legislation of the Indian New Deal. It required that tribes not voting against inclusion would be covered by the provisions of the act, provided that at least thirty percent of the adults participated in the balloting. In 1935 a small group of twenty-one Seminoles had voted in favor of the IRA, but because of a liberal interpretation of the rules during Commissioner John Collier's administration, that number was deemed sufficient to qualify the Indians for future benefits of the act.³⁸

The IRA allowed one-third of a tribal group to petition for federal recognition through issuance of a constitution and by-laws and a corporate charter. Those documents would then be submitted for ratification by a majority vote of all adult Indians living on the reservations. Thus, the IRA was a vehicle primarily for use by reservation Indians; those living off-reservation could participate in the planning and drafting of a constitution and charter, but their reservation relatives retained ultimate political control over adoption. The drive to gain support for tribal organization was spearheaded by Sam Tommie, Billy Osceola, Frank Billie, and Bill Osceola, with the endorsement of Superin-

36. Oliver La Farge, "Termination of Federal Supervision: Disintegration and the American Indians," *The Annals of the American Academy of Political and Social Science* 311 (May 1957), 44.

37. 48 *U. S. Stat.*, 984.

38. Harry A. Kersey, Jr., " 'A New Red Atlantis': John Collier's Encounter with the Florida Seminoles in 1935, *Florida Historical Quarterly* 66 (October 1987), 143-45.

tendent Kenneth A. Marmon. Theirs was a coalition which included both Mikasuki and Muskogee-speaking leaders from the Dania, Big Cypress, and Brighton reservations, all of whom were devoutly Christian and some became Baptist lay ministers. Most also had a high economic stake in the continued development of the beef cattle industry on their reservations which required continuing technical supervision and financial support from federal and state authorities. This formidable combination of aggressive, Baptist-supported political leaders, coupled with entrepreneurial skill, further exacerbated the rift between the traditionalists and progressive elements. In June 1955, Peru Farver, head of the Tribal Affairs Branch of the BIA, was in Florida for "a discussion with the reservation groups of Seminole Indians under the jurisdiction of the Seminole Agency regarding a group organization and a social-economic program . . . leaving the Tamiami Trail group to live as they wish."³⁹ Initially, it was thought that the reservation Indians should organize with a state charter, but this plan was abandoned in favor of seeking a constitution and by-laws along with a federal corporate charter.

The plan to organize the reservation Seminoles stalled until Commissioner Emmons again visited Florida in April 1956, and took an active role in moving the issue forward. He had been strongly urged to do so in numerous letters from Superintendent Marmon, Mrs. Stranahan, Bertram Scott, and the anthropologist Ethel Cutler Freeman, all of whom supported tribal organization.⁴⁰ Emmons agreed and wrote to Stranahan, "like you, I believe that the early establishment of a tribal organization will be the key to additional progress along many lines."⁴¹

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39. Peru Farver to Emmons, June 6, 1955, File-17148- 1952-Seminole-077, Part 1-A, BIACF, RG 75, NA.
40. The ethnologist Ethel Cutler Freeman played an active role in keeping the commissioner of Indian Affairs informed of Mikasuki-Seminole viewpoints during this period. See Freeman to Emmons, November 10, December 13, 1956, March 3, April 6, 1957, File-163-1955-Seminole-050, Part 3, BIACF, RG 75, NA. For a limited biographical sketch, see clipping from *The Morris* (New Jersey) *Observer*, October 15, 1955, included with letter Tozier to Freeman, January 6, 1956, General File-1956-Seminole-147, BIACF, RG 75, NA.
41. Emmons to Stranahan, April 10, 1956, File-10530- 1955-Seminole-070, BIACF, RG 75, NA.

Meanwhile, the Trail Indians had split into at least three major factions, each of which would follow a separate path toward recognition by state and federal authorities. By the fall of 1956, the Mikasuki General Council had dismissed Morton Silver as its attorney and Buffalo Tiger as spokesman.⁴² At the same time Commissioner Emmons dispatched an experienced BIA tribal government specialist, Reginald W. Quinn, to work with the Seminoles.⁴³ Between February 27 and March 12, 1957, Quinn consulted with many white Floridians, and then he and other government officials conferred with the Indian people in open meetings on the reservations to explain what was involved in organizing.⁴⁴ They covered such items as the IRA, inherent tribal rights of self-government, and the need for having tribal spokesmen with authority to act. Quinn and Superintendent Marmon recommended that a committee be selected to work out a constitution and charter, but the Indians selected a large, unwieldy group. At Quinn's suggestion, a smaller group of Seminoles voted to have a board of directors write a constitution. This group, comprised of seven individuals, represented the tribal factions: Mike Osceola, the trail group; Billy Osceola and John Henry Gopher, Brighton Reservation; the Reverend Bill Osceola and Jack Willie, Dania Reservation; and Jimmie Oseola and Frank Billie, Big Cypress Reservation.⁴⁵ Because of the dominant role played by Quinn and Marmon in both the selection process and the actual writing of the documents, one writer charged that this committee was a "puppet" of the Bureau of

42. Mikasuki General Council to Governor LeRoy Collins, October 25, 1956, File-10530-1955-Seminole-070, BIACF, RG 75, NA. A detailed account of the involved negotiations between the Mikasuki-Seminoles and the government which eventuated in federal recognition for the Miccosukee Tribe of Indians is found in James W. Covington, "Trail Indians of Florida," *Florida Historical Quarterly* 58 (July 1979), 37-57.

43. R. T. King, "The Florida Seminole Polity, 1858-1978" (Ph.D. dissertation, University of Florida, 1978), 163.

44. R. W. Quinn to Homer B. Jenkins, March 26, 1957, File-12058-1957-Seminole-077, BIACF, RG 75, NA. This seventeen-page memorandum to the chief of the Tribal Programs Branch (hereafter cited as Quinn Report) detailed the events which transpired during his visit to the Seminole Agency from February 27 through March 12, 1957. During this period the reservation Seminoles formed a committee to write their constitution and corporate charter.

45. *Ibid.*, 4.

Indian Affairs.⁴⁶ Nevertheless, it was a positive step in the direction of securing long-term economic and political stability for the Seminoles.

Despite reported attempts by Morton Silver and Buffalo Tiger to disrupt the meetings and obstruct the committee's efforts, Quinn and the constitutional committee completed its work and scheduled meetings on March 7-11 to present the results. Again, Silver and Tiger attempted to intervene but without success, while pro-organization proponents such as Mrs. Stranahan and Deaconess Bedell, the Episcopal missionary, as well as Bertram Scott and Robert Mitchell of the Seminole Indian Association attended some of the meetings to show their approval. At each of the meetings the Seminole people unanimously accepted the work of the constitutional committee.⁴⁷ The documents were then forwarded to Washington for review by the BIA legal department. When Stranahan made inquiry about the status of the matter in May, Commissioner Emmons informed her that "steps are now under way to give the people an opportunity of voting in the near future on a proposed constitution and charter under the provisions of the Indian Reorganization Act . . . as for the 'Trail Indians,' the position we have taken is that they are entirely free either to join the proposed organization or abstain, as they wish."⁴⁸

On June 11, 1957, a corporate charter was issued to the Seminole Tribe of Florida, Inc., and it was ratified August 21, 1957, "by a vote of 223 for, and 5 against, in an election in which

46. King, "Florida Seminole Polity," 164. See also, R. T. King, "Clan Affiliation and Leadership Among the Twentieth-Century Florida Indians," *Florida Historical Quarterly* (October 1976), 145-48.

47. Quinn Report, 4.

48. Emmons to Stranahan, May 1, 1957, File-163-1955-Seminole- 050, BIACF, RG 75, NA. Robert D. Mitchell, president of the Seminole Indian Association, also complained about the delay writing: "the tribal trustees also want to know what has become of the organization papers they signed. Mr. Quinn, when he was here urged immediate organization." Mitchell to Emmons, June 7, 1957. But the commissioner responded, "Assistant Secretary Ernst on July 11 approved the proposed constitution and charter for the Seminoles and simultaneously authorized Superintendent Marmon to proceed with arrangements for a tribal referendum. The election date has now been set for August 21." Emmons to Mitchell, July 25, 1957, File-8542-1957-Seminole-224, BIACF, RG 75, NA.

at least 30 percent of those entitled to vote casts their ballots.”⁴⁹ The Seminole Tribe of Florida, Inc., was now a federal corporation with rights of perpetual succession. Management was vested in a five-member board of directors. All enrolled members of the tribe were to be members of the corporation and share equally in any per capita distribution of profits. A constitution and by-laws of the Seminole Tribe of Florida was also ratified August 21 “by a vote of 241 for, and 5 against.”⁵⁰ The Tribal Council became the governing body for the tribe, replacing the traditional council of elders that had functioned within the busk groups. A chairman was to be elected at large, while each reservation selected its own council representatives. The constitution was later amended to clarify some structural weaknesses; for example, while tribal membership was initially granted to anyone whose name appeared on the Agency rolls regardless of their blood quantity or place of birth, the 1963 revision established the basic criteria for enrollment as “any person of one-fourth (1/4) or more degree of Seminole Indian blood.”⁵¹ An additional feature of both the charter and constitution was that the chairman of the Tribal Council would be an ex officio member of the board of directors, and the president of the board would sit ex officio on the Tribal Council. This would assure basic communication between the two bodies of tribal government. A former commissioner of Indian Affairs recently commented on potential conflicts inherent in such a structure: “the only tribe that does have two separate organizations is the Seminole Tribe of Florida. They have an elected tribal government and the elected board of directors for their chartered corporation. This worked until bingo arrived. The chartered corporation, which runs the bingo operation, has millions of dollars, but the elected tribal government does not have any money. This has caused some political confusion. It is not yet clear whether the chartered corporation will appropriate

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49. U. S. Department of the Interior, Bureau of Indian Affairs, *Corporate Charter of the Seminole Tribe of Florida, ratified August 21, 1957* (Washington, DC, 1958), 11.
50. U. S. Department of the Interior, Bureau of Indian Affairs, *Constitution and Bylaws of the Seminole Tribe of Florida, ratified August 21, 1957* (Washington, DC, 1958), 11.
51. U. S. Department of the Interior, Bureau of Indian Affairs, *Amended Constitution and Bylaws of the Seminole Tribe of Florida* (Washington, DC, 1967), 1.

money to the government or whether the government will tax the corporation."⁵²

Despite the conflicts which would inevitably occur in the early years of tribal organization, the experience of founding a new tribal government had a profound impact on those Indians involved in the process. They learned quickly from their government mentors and, as implied in the following account, moved rapidly away from the old consensual form of governance. According to Bill Osceola, one of the original constitutional committee members, "one day this man came and said, 'my name is Rex Quinn, I come to help you write and set up the Constitution and By-Laws and Corporate Charter, I am an Indian.' He was an Indian from far north. This was the opportunity we were waiting for, a teacher to help us with the writing and setting up the Constitution and By-Laws and Corporate Charter. We met with Mr. Quinn and with our people and let them know who he was and why he was there. He said he needed a committee to work with. The people selected a committee and I was one of the committee to work with Mr. Quinn. He instruct us how to go about writing and setting up a Constitution & By-Laws and Corporate Charter. He told us which the other Indian tribes uses and which is good and which is not good. Some tribes have only the Tribal Council. He recommended to us that it would be good to have Corporate Charter, which meant we would have two governing bodies. He kept teaching us until everyone understood the program and then to the people on the reservations and explained to them what was happening. We went to Tamiami Trail, but the people there were not interested in organizing. Just the reservation people were interested in organizing the tribe. Three people were against the organization in voting and accepting. The tribal organization was finish [sic] and the election of the officers was on."⁵³

After a little over three decades of self-government the Florida Seminoles have achieved a degree of political and economic independence which far exceeds the predictions of tribal leaders during the congressional hearings—yet, that was

52. Philp, *Indian Self-Rule*, 85. This assessment was made by former Commissioner Robert L. Bennett.

53. Seminole Tribe of Florida, *20th Anniversary of Tribal Organization 1957-1977*, mimeographed pamphlet (Hollywood, FL, n.d.), 11.

the turning point. Back from the brink of termination, the reservation people were determined to take a firm stand to protect their future. Billy Osceola, a Baptist lay minister and cattle owner who was to become the first elected tribal chairman under the new governmental structure, set the tone when he told the congressmen, "these Indians want more time to get better education in that period of 25 years. At that time the Indians want to take over; they don't want to turn it over to some other organization. They want to control it. They want to handle their own affairs."⁵⁴ In one respect this marked the beginning of the end for Seminole acquiescence to federal paternalism. Perhaps the truest measure of a growing spirit of Seminole self-determination could be sensed in a confident response given by Laura Mae Osceola. When challenged on how far she thought her people could be expected to progress, her retort was prophetic: "In twenty-five more years they won't need your help. We will be giving you help!"⁵⁵

And they have.

54. U. S. Congress, *Termination of Supervision*, 1119.

55. *Ibid.*, 1122.