

CHAPTER VI

STATE AND LOCAL ADMINISTRATION

Florida sheriffs and courts have dealings with the Seminole occasionally, game wardens and health officers rarely, tax collectors only in the matter of automobile licenses. The Florida Legislature has concerned itself with the Indian only to the extent of setting aside a reservation for his use.

SECTION 1. CRIME AND PUNISHMENT

Inasmuch as no court of Indian offenses is maintained, any infraction of law in Florida is tried in the civil courts. These have invariably shown the utmost leniency toward the Seminole who has transgressed the law.

CRIMES COMMITTED BY INDIANS

On February 14, 1915, while raiding the home of a bootlegger, the sheriff of Dade County undertook to hold up John Tiger on a public road, and the Indian, not knowing the sheriff, fired. He was arrested, but after I (Captain Spencer) explained the circumstances, the charge was not pressed and he was released.

On December 15, 1928, a band of drunken Indians engaged in a fight in which Nuff-kee, Mrs. Billie Roberts, was fatally stabbed by Josie Billie. On February 20, 1929, Philip Billie disemboweled Charlie Lee in a drunken brawl. The civil authorities did not bring either murderer to trial.

The attitude of the courts toward drunken Indians is well illustrated by the following from Mr. Spencer's 1928 report:

I hold a commission as deputy special officer but am placed in an embarrassing condition due to the fact that I am inducing these Indians to move onto reservation lands and can hardly arrest them on their arrival because they have been furnished liquor by some bootlegger outside the reservation. If an intoxicated Indian becomes boisterous, I arrest him and place him in the county jail. The judge tries him and sentences him to 60 days on the county roads but paroles him to me until such time as he is found intoxicated again, when the sentence is to be enforced. In this way we are able to hold a semblance of order. I usually leave the Indian in jail for two or three days before bringing him to trial and the lesson is sufficient.

Local judges recognize the fact that Seminoles in general are orderly and that infractions of the law are usually due to ignorance. Case after case could be cited where the judge explained the law to the Indian offender, told him to spread the word among his people, and dismissed the case.

CRIMES AGAINST INDIANS

In the days before national prohibition, people thought twice before selling liquor to Indians. Mr. Spencer's 1915 report narrates three instances:

The State authorities are at present lending every possible assistance to the suppression of the liquor traffic. On November 27, 1914, Rosa Portier was arrested for selling gin to Indians. She was convicted and paid a fine of \$1,000.

On November 27, 1914, G. Johnson was arrested charged with giving liquor to Indians. He plead guilty and served seven months on the county roads.

On February 14, 1915, William Miles was arrested for selling whisky to Indians. He was convicted and is now serving a sentence of one year at hard labor.

Contrast the above with this paragraph from Mr. Spencer's 1928 report:

It would be hard to conceive worse conditions than exist here regarding liquor conditions. Liquor is procured from many sources adjacent to the reservation (Dania) and small effort is made to enforce the liquor laws. The county sheriff, several deputy sheriffs, several policemen, etc., are at present under indictment for being implicated in bootlegging operations.

Various white men charged with murdering Indians have been brought to trial and the cases pressed with quite as much energy as if the victim were white. When Jack Tigertail was murdered near Coppinger's Tropical Gardens in 1922, the people of Miami not only raised a considerable sum, which was placed in trust for his wife and children, but they hired additional counsel to assist the prosecuting attorney. Vebber was convicted of the murder, but the verdict was set aside on a technicality.

On January 8, 1923, three white men were brought to trial for the rape of two Indian girls. Mr. Spencer says they were acquitted only because the death penalty is mandatory.

In July of 1893 a gentleman named Alderman who had just returned from the Federal penitentiary at Atlanta got Josie Billie drunk and relieved him of \$110. Alderman was given two years in the State penitentiary, and a taxi driver implicated in the robbery got \$100 and costs.

We can say, then, that in prosecuting those who commit crimes against the Indian Florida authorities are as diligent as in prosecuting crimes against white citizens; while the Indian criminal is treated with a leniency altogether too great for his own good.

SECTION 2. ENFORCEMENT OF GAME LAWS

If the Indian in Florida is treated with the utmost leniency as regards ordinary crimes and misdemeanors, he has thus far enjoyed an altogether privileged status in respect to the game laws. In another connection I pointed out that the Seminole kills for his own use at all seasons of the year, he traps fur in the summer time, he sells a small amount of venison and turkey in and out of season.

A couple of Indians have been tried in Collier County, I believe, for the last offense. Otherwise the only infraction of game laws for which the Seminole ever has been arrested, so far as I can learn, has been for selling aigrette plumes. On March 20, 1915, Wilson Cypress and Henry Clay, when coming in to West Palm Beach to attend the trial of John Ashley, were arrested and charged with having plumes in their possession. Mr. Spencer entered a plea of guilty; the Indians were released and fines and costs remitted.

In the spring of 1920 Willie Willie, the Beau Brummel of the tribe, and Lake Wilson, of the Okeechobee Indians, were brought to trial in the United States district court charged with having plumes of migratory birds in their possession. Willie was fined \$5 and Wilson \$10.