

CHAPTER IV  
THE SOCIAL ENVIRONMENT

SECTION 1. LEGAL STATUS OF THE SEMINOLE

The State of Florida recognized the Seminole in the Constitution of 1868, Article XVI:

SEC. 7. The tribe of Indians located in the southern portion of the State, and known as the Seminole Indians, shall be entitled to one member in each house of the legislature. Such member shall have all the rights, privileges, and remuneration as other members of the legislature. Such members shall be elected by the members of their tribes in the manner prescribed for all elections by this constitution. The tribe shall be represented only by a member of the same and in no case by a white man: *Provided*, That the representative of the Seminole Indians shall not be a bar to the representation of any county by citizens thereof.

SEC. 8. The legislature may at any time impose such tax on the Indians as it may deem proper and such imposition of tax shall constitute the Indians citizens and they shall thence forward be entitled to all the privileges of other citizens and thereafter be barred of special representation.

In the constitution adopted by the convention of 1885 the Seminole is not mentioned. The Indian of those days was as likely to exercise his right of special representation at Tallahassee as he would be to lie down with a rattlesnake. In an effort to determine the status of the Indian in Florida law at the present time, I asked the attorney general for an authoritative statement. He replied under date of September 15, 1930, as follows:

IN RE STATUS OF INDIANS UNDER CONSTITUTION AND LAWS OF FLORIDA

Under section 1994 of the Compiled General Laws, certain lands in Monroe County were set aside and given to the Seminole Indians as a reservation. Further than this, Indians are not mentioned in our statutes. The State of Florida has no court decision or statute that I am aware of which deals with the status of Indians as citizens of Florida, but I might state that the Seminole Indians have never been regarded in law as citizens of this State, although there are no court decisions to that effect. The Indians when off the reservation set aside for them by the State have generally been held liable for the ordinary tax required by the State, such as automobile license, whether regarded as citizens or not.

FRED H. DAVIS, *Attorney General*.

In a letter dated November 27, 1930, I put the following question to the attorney general:

Congress, by the act of June 2, 1924, conferred citizenship on all Indians born within the territorial limits of the United States. (43 Stat. L., 253.)

Making the Indians citizens of the United States automatically by virtue of the fourteenth amendment makes them citizens of the State wherein they reside. (See *Piper v. Big Pine School District*, 226 Pac. 926, Cal. 9124.)

Every male person of the age of 21 years and upwards that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home, and place of permanent abode in Florida for one year and in the county for six months, shall in such county be deemed a qualified elector at all elections under this constitution. (Art. VI, sec. 1, Constitution of Florida, 1885.)

Why are not Florida Seminole Indians citizens of Florida and qualified to register and vote?

To this question the attorney general replied on November 29, 1930:

IN RE STATUS OF INDIANS AS CITIZENS

This is in acknowledgement of your letter of November 27 regarding the above matter.

I might be inclined to agree with your contention that the Federal statute of June 2, 1924, has the effect of making Indians citizens of Florida as well as citizens of the United States. At the same time, no one having jurisdiction in the premises has raised such a question for my decision and therefore anything that I might say about it would be wholly unofficial at this time.

I might state, however, that the United States Supreme Court has definitely held that Congress has no authority to pass laws prescribing the qualification of electors in the several States.

FRED H. DAVIS, *Attorney General.*

On August 30, 1930, I wrote the State game commissioner as follows:

Whatever the law, it seems that Seminole Indians are permitted to take any species of game at any time of the year. Is that attitude on the part of your department likely to continue indefinitely?

I imagine you will be likely to shut down on the Indian's selling game out of season long before you bother him about killing for his own consumption. Is that correct?

In asking these questions, I am not trying to put you on record, but merely to ascertain if the Indian's source of livelihood, in so far as he lives by hunting, is likely to change in the next 20 years, say, through any radical tightening of the game laws as applied to him.

To this the commissioner replied on September 2, 1930:

Indians have been allowed to hunt at will in the past, but in recent years they have been debauched by a certain white element and have been hunting a great deal out of season and selling the game. This we are going to use every effort to stop. We feel that the Indians should be placed in a reservation and be required to stay there and allowed to hunt in this reservation for their own use, but not for the market.

The sentiment of our people is growing toward the curbing of their activities in the woods on account of their recent depredations. We have never charged the Indians hunting licenses, although Mr. Fred H. Davis, our attorney general, has ruled that they are citizens and should be treated just as other citizens of Florida. We are going to endeavor to stop them from hunting and selling game, and hope some method can be devised by which they can live without making infractions of our game law.

C. C. WOODWARD,  
*State Game Commissioner.*

In response to a request for copy of the attorney general's ruling mentioned in the preceding letter, I received the following, dated September 19, 1930:

Answering your letter of September 17, I am inclosing herewith copy of Attorney General Davis's opinion, written March 31, 1929.

The department of game and fresh-water fish has no desire to make it hard for the Indians, but we are going to insist that they quit killing and selling game. They are not to blame for this condition nearly as much as certain depraved white men who are using them for this purpose.

C. C. WOODWARD,  
*State Game Commissioner.*

The ruling of the attorney general mentioned follows:

MARCH 31, 1929.

HON. C. C. WOODWARD,  
*Game and Fresh-Water Fish Commissioner,*  
*Tallahassee, Fla.*

DEAR SIR: Sections 1994 and 1995, Compiled Laws of 1927, provide for the setting apart of certain lands in Monroe County as a Seminole Indian Reservation. The description of the lands will be found in section 1994.

Chapter 11838, acts of 1927, is a general law providing for the regulation of hunting and fishing in the State of Florida and no exceptions are contained therein exempting Indians from the operations thereof, and I am, therefore, of the opinion that Indians are as much subject to the provisions of said chapter 11838, acts of 1927, as are any other persons in the State of Florida. It is probable that the act would not be construed as covering the territory comprising the Seminole Indian Reservation above referred to, but I express no opinion on this subject at this time, in view of the fact that recent laws of the United States have made Indians citizens of the United States the same as all other persons, and it is likely that the special privileges and immunities which formerly attended Indians as such have now been abrogated.

FRED H. DAVIS,  
*Attorney General.*

#### JURISDICTION OVER COMMERCIAL VILLAGES

The question of the legal status of the Seminole came up again regarding jurisdiction over the amusement parks. On September 11, 1930, I addressed the Commissioner of Indian Affairs:

For years there have been Seminole Indian villages in amusement parks within the city limits of Miami and St. Petersburg. Undesirable from every point of view, they are particularly so as foci of venereal infection.

Has the United States any jurisdiction?

It seems to me wholly a question for the local police power and State health authorities.

The assistant commissioner concurred, September 23, 1930:

As you say, this is a question for the local and State health authorities to handle, because the United States has no jurisdiction unless some Federal law is violated. However, it would be entirely proper to take up the matter with the local authorities with the view of having them do what is practicable to remedy the undesirable conditions which exist.

J. HENRY SCATTERGOOD,  
*Assistant Commissioner.*

On November 1, 1930, after a preliminary conference with Mr. Reeder, in order to get the matter before the Miami City Commissioners I stated the case as follows:

HOLLYWOOD, FLA., November 1, 1930.

C. H. REEDER, Esq.,  
*Mayor of Miami, Miami, Fla.*

MY DEAR MAYOR REEDER: In my survey of the Seminole Indians for the United States Indian Service, I have encountered a serious situation which directly concerns the city of Miami.

All testimony agrees that up to the year 1930 the Seminole Indians have been practically free of venereal disease. Within the past 10 months Dr. J. G. Du Puis, of Lemon City, has treated 4 Seminole women and 6 men for gonorrhoea; Dr. George S. Stone, of Fort Myers, has treated 3 men and 2 women, a total of 15 cases.

Both doctors name the two camps maintained in the city of Miami for show purposes, namely, Musa Isle and Coppinger's Tropical Gardens, as the source of infection. I inclose statements from the two doctors.

With a people as ignorant of elementary sanitation as are the Seminoles, with individuals constantly passing from these villages back to the camps in the Big Cypress, a source of venereal infection such as this constitutes a health menace the seriousness of which is difficult to exaggerate. The infection must be stopped at the source, or the tribe will become rotted through and through.

The United States Government has no jurisdiction.

It would be a splendid thing if the city of Miami would prohibit Indian Villages for show purposes within her borders.

Very respectfully,

ROY NASH,  
*Special Commissioner to Negotiate with Indians.*

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The medical affidavits supporting my charge belong in the record:

FORT MYERS, FLA., October 30, 1930.

MY DEAR MR. NASH: Answering your inquiry of this date as to the possible source of gonorrhoea infection of the Seminole Indians of Florida. Those that I have treated in the past 6 months give a history that traces back to a camp in the city of Miami, Fla., as the source of infection. Number treated, 3 males, 2 females.

GEO. S. STONE, M. D.

LEMON CITY, FLA., October 31, 1930.

DEPARTMENT OF INTERIOR,  
Division of Indian Affairs, Washington, D. C.

GENTLEMEN: Having practiced medicine and surgery for the past 30 years for the Seminole Indians, the tribe has remained practically free of venereal diseases until the past 12 months, it is with regret that I have observed many cases of gonorrhoea in both males and females of the Seminoles.

Their recent custom of harboring in miscellaneous operated camps close in to our cities give opportunity to the immoral class of white people to take advantage of these confiding innocent people and plant vice and disease amongst them.

Very respectfully,

J. D. DU PUIS, M. D.

[Miami Herald, November 11, 1930]

COMMISSION TO VIEW SEMINOLE VILLAGES—MUSA ISLE OPERATOR AND  
INDIAN PROTEST STATEMENT ALLEGING SPREAD OF DISEASE

City commissioners will inspect Musa Isle and other Seminole Indian villages in Miami this week, it was decided yesterday when Mrs. Bert Lasher, operator of Musa Isle and Corey Osceola, Seminole, from her village, appeared before the commission to protest against a statement made recently by Ray Nash, special commissioner of the Indian Field Service.

Nash in a communication to the city last week charged that by reason of living in commercial villages several of the Indians had contracted diseases and that the camps were insanitary. He suggested that all Indian camps within the city limits be abolished.

Mrs. Lasher said that a number of Indians had contracted diseases, but they were Indians which never had come to the camp before. She appealed to the commission to instruct the police department to prohibit the Indians from visiting the negro section, where, she said, they were sold bootleg liquor which made them irresponsible.

Dr. John W. Shisler, welfare director, reported that on instruction from Frank H. Wharton, city manager, he had visited the Indian camps and found them to be sanitary.

Commissioners were of the opinion that the camps were assets to the city and beneficial to the Indians because they provided them with trading posts for the furs and skins they obtained in the Everglades. Commissioner E. G. Sewell praised the Musa Isle Camp as historical as well as an attraction for winter visitors. No official action was taken pending the visit to the camps.

Mayor Reeder placed my letter before the city commissioners. Their attitude is sufficiently indicated in the foregoing clipping from the Miami Herald. At a later hearing before the commission, Mrs. Hicks Allen, president of the Miami Women's Club, headed a delegation of women who added their protest against these places. The camps go on as before.

43095—S. Doc. 314, 71-3—4

## SECTION 2. THE RACE QUESTION

In a society which draws the color line, it is highly interesting to note the position of the Indian, who, so far as epidermal pigmentation goes, is frequently darker than many classified as negroes. The Seminole is a "white man." He can travel on the railroad in coaches reserved for whites. He enters hotels and eats at the same table with whites. He is admitted to white wards in local hospitals. Although no Seminole children at the present moment are in white schools, in years past they have been admitted to white schools both at Fort Lauderdale and Indian Town.

While the laws of Florida specify that only white children may attend the white schools, the intent was clearly to separate white and negro children; there was no intent to discriminate against the Indian, he was entirely overlooked. Captain Spencer writes on this point:

This law technically places the Indian children in the colored schools, which can not be done as the Indian draws the color line more strictly than do the whites.

## SECTION 3. WHITE CONTACTS

Since the written word is unable to make its impress upon the mind of illiteracy, the Seminole must gather his entire impression of the civilization to which he must adjust himself from what he can see and through the white men he knows. He sees the stills of moonshiners hidden in the depths of his own wilderness. He sees an endless stream of motor cars whizzing madly across the Tamiami Trail, a people to whom motion has become an occupation. He sees Miami, where lying in the sunshine is an occupation, where the horse race and the dog race are the most important concerns of the human race.

The habitat of the bulk of the Seminoles in Florida is one of the most lawless regions in the United States. So it happens that the Seminole is being ushered into the presence of the great American mysteries by a curious and Catholic group: Crackers; crooks who shoot his hogs; murderers and missionaries; game wardens and sheriffs; storekeepers in Immokalee, fur buyers, trappers, hunters; rich women whose hearts yearn to remove the barbs from the saw grass; census enumerators, Indian agents, congressional committees, investigators.

Making more impress upon the Seminole than all of these combined, the recipient of one-half his cash income, agent provocateur of all his crimes, stands that liaison officer between the dismal swamp and the realm of delirious forgetting, the bootlegger.

## SECTION 4. LIQUOR

"Bootlegger" is the twentieth century name for a breed of vermin that has been systematically debauching the Indian since 1492. Viewing the plight to which the Seminole has been reduced through its abuse, I find something infinitely pathetic in the evidence that originally his forefathers recognized liquor as their arch enemy. The Travels of William Bartram is the best description extant of

Florida just previous to the American Revolution. It contains this significant passage:

The Muscogulges, with their confederates, the Choctaws, Chickasaws, and perhaps the Cherokees, eminently deserve the encomium of all nations, for their wisdom and virtue in resisting and even repelling the greatest, and even the common enemy of mankind, at least of most of the European nations, I mean spirituous liquors.

The first and most cogent article in all their treaties with the white people, is, that there shall not be any kind of spirituous liquors sold or brought into their towns; and the traders are allowed but two kegs (5 gallons each) which is supposed to be sufficient for a company, to serve them on the road; and if any of this remains on their approaching the towns, they must spill it on the ground or secrete it on the road, for it must not come into the town.

On my journey from Mobile to the nation, just after we had passed the junction of the Pensacola Road with our path, two young traders overtook us on their way to the nation. We inquired what news? They informed us that they were running about 40 kegs of Jamaica spirits (which by dashing would have made at least 80 kegs) to the nation; and after having left the town three or four days, they were surprised on the road in the evening, just after they had come to camp, by a party of Creeks, who discovering their species of merchandise, they forthwith struck their tomahawks into every keg, giving the liquor to the thirsty sand, not tasting a drop of it themselves; and they had enough to do to keep the tomahawks from their own skulls.

Woodbourne, in *Causes of the Florida War*, narrates the next chapter in this contemptible American history:

The appointment of Gen. Wiley Thompson as agent for the Seminole Indians, was made in November, 1833, in place of Major Phagan, who was dismissed in consequence of his numerous frauds upon the Indians. Several fatal rencontres had taken place about this period and in the early part of 1834, all of which were clearly traced to the effects of intemperance. Two negroes belonging to General Clinch were forcibly seized by the intoxicated Indians, and while endeavoring to effect their escape, they received such severe injuries as to cause their death almost immediately. General Thompson writes to the Commissioner of Indian Affairs:

"My personal safety has been more than once endangered by the intoxication of Indians, and I consider myself no more safe from the proprietors of the numerous dirty little whisky doggeries located around the Indian borders, on whom I have been as severe as I have power to be. I have been so provoked, as to be almost tempted to order the chiefs to demolish the little log huts and rude shanties hovering upon the Indian border, in which the Indian's bane is kept for sale."

In his report to the commissioner for 1895, Dr. J. E. Brecht says:

Our opposers—whisky men, etc.—had a clearer field during 1895. They watched my movements and, waiting their chance, would rush to the Indian camps as soon as they learned I was not there, and as matters were I could not spend much time in visiting among these Indians during the fiscal year 1895. The whisky sold among the Indians was of such a poor quality that several of them came near dying from the effects of the stuff.

Twenty years later the liquor problem looks very bright, at least in Captain Spencer's 1915 report:

At present, owing to the fact that the Indians have very little money, there is no regular traffic in intoxicants. No liquor whatever is taken on Indian lands.

There is only one place where the sale of liquor becomes a problem and that is at Miami. A decoction made from red pepper, a little whisky, and a drop or two of cocaine to the quart, is sometimes made in the negro quarters of the town and sold to the Indians. Also, the steamers from Nassau smuggle in a certain amount of Holland gin, and certain negroes sell this to the Indians.

There are no licensed saloons in any of the counties in which Indians are living at present.

Certain of the Indians resent the fact that the Government discriminates against them in the matter of intoxicants.

Billie Buster has forbidden the use of intoxicants in his camp. Willie Jumper the same. He said:

"Thinkso whyoma make Injun big d——n fool. Last year I catch \$350 worth of otter and drink it all."

But in 1922 a new note of sadness creeps into his narrative of what is going on south of the Devil's Garden:

Considerable illicit liquor is made in Lee County, and while the Indian lands are kept clear, the surrounding country undoubtedly has many stills. Certain moonshiners unquestionably supply Indians in this work. It is proposed to ask for the services of a special officer as soon as the summer rains cease. By getting a man that is unknown in this locality and posing as a tourist hunter these stills can be located. The trouble now is that in this vast unsettled country the sheriff and his deputies as well as the members of the Indian Service are all well known to all the inhabitants. \* \* \* It is impossible effectively to police a territory of 2,579,840 acres which contains a population of less than 7,000.

From that date onward the music of this comic opera sweeps onward in a great crescendo to the fortissimo of 1930. In 1924:

Florida is an ideal landing place for liquor smugglers. Its inaccessible swamps contain many moonshine stills. Drunkenness is on the increase and this applies to the Indians as well as whites.

#### Captain Spencer reports in 1927:

There has been practically no disorder on the reservation. Drunkenness is rife but a semblance of order has been maintained.

At this reservation (Seminole Agency at Dania) liquor conditions are the worst that could be imagined. Liquor is procured from many sources adjacent to the reservation and apparently no attempt is made by State nor National officers to enforce the liquor laws. During the past year the sheriff of this county, several of his deputies, and several policemen were arrested by Federal agents for being directly implicated in bootlegging operations. The evidence was said to establish the fact, but United States Commissioner Spidler at Miami refused to hold them and they were accordingly set free without trial.

Liquor conditions place me in a very embarrassing position. We are inducing these Indians to settle on these lands and are thereby making an advance for the first time in the history of this work. It would be suicidal to the work to begin to arrest and punish them for drunkenness as soon as they settle on these Indian lands. The bootlegging operations should be curbed by the civil and Federal authorities. I have reported to both locations of these places where liquor is easily obtainable but, to date, nothing has been done.

Liquor (1928) can be purchased in close proximity to the reservation (Seminole Agency) and such minor disorder as is experienced is due to Indians entering the reservation in an intoxicated condition. No remedy can be suggested as long as the Civil and Federal authorities make no effort to curb the liquor traffic among either the whites or Indians.

The quality of illicit liquor (1929) procured is such that it drives the Indian crazy which has resulted in three deaths during the past year, two murders and one drowning.

On December 15, 1928, a band of drunken Indians were on the Tamiami Trail engaged in a fight in which Nuff-kee, Mrs. Billie Roberts, was fatally stabbed.

On February 20, 1929, two Indians, Charlie Lee and Philip Billie, procured a gallon of liquor in La Belle and started for the Hendry County Reservation. While intoxicated, they engaged in a scuffle with hunting knives, resulting in Charlie Lee being disemboweled.

On May 14, 1929, Carney Billie found a still and quantity of liquor on the bank of the Miami Canal. He stole a quantity of the liquor, resulting in his falling from the canoe and being drowned.

In the year of Our Lord 1930 three more drunken Seminoles went to their death.

In 1930, whether it be the dark of the moon or bright moonlight, shallow-draft boats bring Bimini liquor up Turner River and load onto trucks on the Tamiami Trail. The stills of moonshiners are spotted all through the Indian country.

In 1930 the Indian buys liquor in Immokalee, Fort Myers, La Belle, Okeechobee, Davie, Dania, Miami.

In 1930 the Seminole buys liquor whenever he has 25 cents.

In 1930 it is a weekly occurrence for Seminole Indians to receive a check for \$7.50 from the United States Government for casual labor, buy \$3 worth of groceries and \$4 worth of the most terrific rotgut a man may pour down his throat, come home drunk, and go to bed in quarters erected for him by the United States Government within a hundred yards of the Seminole Agency.

But although seemingly doomed to progressive alcoholic degeneration by the vicious civilization which encompasses him with the slimy embrace of an octopus, there is a bright side to the picture which reveals what a fine fellow at bottom the Seminole is. Thirty years ago it was an annual event for 20 or 25 canoes loaded with Seminoles, their pigs, chickens, children, and the pelts from a year's hunting, to glide down the North New River and tie up to the trading post of Frank Stranahan in Fort Lauderdale. They did their trading, then they went on a spree. Two were delegated to keep sober. Guns and knives were piled up in Stranahan's store; ropes were made ready to tie the obstreperous. They got drunk like gentlemen.

In this year of our Lord 1930 watchers of the weak are still appointed, and the drunken Seminole is seldom a menace to anyone but himself.



The first of the great wars of the United States was the Revolutionary War, which began in 1775 and ended in 1783. It was a struggle for independence from Great Britain, and resulted in the birth of the United States as a free and sovereign nation.

The second great war was the War of 1812, which was fought between the United States and Great Britain. It was a result of British interference with American trade and the impressment of American sailors.

The third great war was the Civil War, which was fought between the Northern States and the Southern States from 1861 to 1865. It was a struggle for the preservation of the Union and the abolition of slavery.

The fourth great war was the Spanish-American War, which was fought between the United States and Spain in 1898. It resulted in the United States acquiring territories in the Pacific and Caribbean.

The fifth great war was the World War, which was fought between the United States and Germany from 1917 to 1918. It was a result of German aggression and the sinking of American ships.

The sixth great war was the Korean War, which was fought between the United States and North Korea from 1950 to 1953. It was a result of the division of Korea into two rival states.

The seventh great war was the Vietnam War, which was fought between the United States and North Vietnam from 1955 to 1975. It was a result of the division of Vietnam into two rival states.

The eighth great war was the Persian Gulf War, which was fought between the United States and Iraq in 1990-1991. It was a result of Iraqi aggression against Kuwait.

The ninth great war was the War in Afghanistan, which was fought between the United States and the Taliban from 2001 to 2021. It was a result of the September 11 attacks.

The tenth great war was the War in Iraq, which was fought between the United States and Iraq from 2003 to 2011. It was a result of the discovery of weapons of mass destruction.