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An Assumption of Sovereignty: Social and Political Transformation Among the Florida Seminoles, 1953-1979. By Harry A. Kersey Jr.

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political act in itself. The problem with this political action is that it's shallow and mediocre at best!

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An Assumption of Sovereignty: Social and Political Transformation Among the Florida Seminoles, 1953-1979. By Harry A. Kersey Jr. Lincoln: University of Nebraska Press, 1984. 266 pages. \$42.50 cloth.

If there is a recurring theme in modern histories of tribal experience in America, it is their "assumption of sovereignty," a reassertion of traditional sovereignty so boldly asserted in the eighteenth and nineteenth centuries, then "lost" in a "century of dishonor," of racism and genocide. This "new Indian history" has produced a rich literature. *An Assumption of Sovereignty* is an important addition to this history. Particularly notable about both this book and the history of the Seminole is the central role that the legal struggles play in modern sovereignty stories. While the core stories here are stories of the Seminole and Miccosukee, they are played out in the history of the legal recognition of their tribal governments, of their legal right to smoke shops and bingo enterprises, the Seminole land claims case, and the East Big Cypress case.

These stories are, of course, the continuation of one of the most famous of all the sovereignty stories. The Seminole, relatives of the Creeks, refused to be removed during the infamous "Indian removal" of the 1830s. They retreated deep into the Florida swamps, maintained their traditional clan-based villages on isolated hummocks of dry land, raised a few crops, kept a few pigs and chickens, and hunted, fished, and trapped in the rich swamplands. When whites encroached on these lands the Seminole fought. The Seminole Wars were unique in American history in that the whites were never able to win them. If overpowered in combat the Seminole retreated to the safety of their camps in the swamps. They lived there as unconquered people.

This modern history of the Seminole and Miccosukee (third of a trilogy) is one of hundreds of these "sovereignty stories," for a distinct sovereignty story traces the history of each Native people. Collectively, these sovereignty stories offer a fundamental

interpretation of both the Native American experience in the United States, as well as a reinterpretation of the way that we understand federal Indian law. That "Indian law" has been shaped from the bottom up, as tribes have individually and collectively forced the hand of the federal government in settling these thousands of cases.

Because this study is the ending of a trilogy, it begins with termination. Ordinarily, this is no place to begin any Native history, and in relationship to the Seminole it evokes a double irony: having never surrendered, and never having any relationship with the United States, they were in the unique position of having nothing to terminate, a point not lost on United States officials. But this simple statement defies a much more complex reality: many of the Seminole had "come in" over fifty years and taken up several small reserves, holding either state or federal recognition. For example, in 1935 all of twenty-one Seminoles had voted to accept some provisions of the Indian Reorganization Act. Given the lack of demand up to the 1950s for the swamp lands they occupied, the precise legal status of these Indians was not of great concern. The prospect of the Florida land boom, as much as the prospect of termination, moved these people to a position in which they had to assert their sovereignty.

The patchwork nature of recognition impacted on the traditional organization of the Seminole themselves. Those living on state or federal reservations, small villages at the edges of white settlement, had different interests—and different experiences—than the Seminole living deep in the swamps. This division reopened a cultural division within the Seminole. The Creeks were always a loose alliance of different but related cultural groups, each retaining something of its own customs and traditions. This included linguistic divisions, with the Miccosukee speaking a Hitchiti language, and the Seminole speaking Muskogee. While virtually all of the Seminole villages of the 1950s had peoples from different traditions, there still were major divisions between the Seminole on the reserves and Seminole still deep in the swamp. Ultimately, the Miccosukee Nation, representing the more traditional Indians still in the Everglades west of Miami, secured federal recognition.

The Seminole Land Claims Case, really four interrelated claims, dates from 1950, and reveals the complexity of relating such federal claims to Native tradition. A number of groups in South Florida had nothing to do with the initial filing of the claim, even opposing it. While the Seminole claims totaled

\$47,782,975 plus interest for lost lands (including Everglades National Park), the Miccosukee opposed asking for any money at all, taking the position that their land was not for sale at any price. Other Seminole in Oklahoma filed their own claim, having nothing to do with the claims of any of the Florida Indians. Given the absence of a single federally recognized body representing the Seminole, the federal law required that claims had to be filed by any group available in order to avoid missing a five-year deadline (set by Congress in establishing the Indian Claims Commission). Thus, this federally imposed mandate completely failed to recognize real differences in the sovereignty stories of Seminole and Miccosukee people. They had different claims against the federal government, as well as different sovereignty agendas in pursuing their respective claims. The end result cannot be satisfactory: all of the Seminoles received a total of \$50 million, with all the Florida Seminoles getting 24.596 percent of that total amount, and the Seminole Tribe of Florida receiving 77.2 percent of that total, about \$9.5 million. The Miccosukee tribe refused to take its share of the money, which is invested in federal trust accounts. While the Miccosukee lose their use of just under \$3 million, their central point, that they are sovereign and their land is not for sale, stands—and is obviously worth a lot more than \$3 million to them.

A similar story follows from the East Big Cypress case, turning on the disposal of Seminole water rights in south central Florida. Water rights are more immediately relevant to the Florida economy through agribusiness than the land claims cases were because the land cases only involved federal money. Water rights directly control the very viability of Florida agriculture. Once again conflicting tribal interests developed, reflecting the different sovereignty experiences of the Seminole and Miccosukee. And once again the federal government settled through a 1987 compact between the Seminoles and the government. This compact substituted for *Winters* rights, rights that were potentially much more valuable, but subject to decades of litigation. Specific sovereignty rights were acknowledged in the compact, and the tribe gained increased access to water but, once again, all of this was forced into a federalized framework.

This is a historical account, then, of events and processes that are ongoing, an unfinished history. The Seminole and Miccosukee struggles for sovereignty proceed in the 1990s in different forms. The sovereignty stories of Indian nations reflect a wide variety of experiences, historical events, and cultural tradi-

tions. Kersey provides here a first-rate account of one of these very important stories. Woven together with hundreds of similar stories, there is a whole new way of looking at Indian history. A substantial part of this history is a new legal history because law and legal struggles have helped to define so many of these modern sovereignty stories.

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Comanche Political History: An Ethnohistorical Perspective 1706-1875. By Thomas W. Kavanagh. Lincoln: University of Nebraska Press, 1996. 586 pages. \$45.00 cloth.

Thomas Kavanagh's book provides an excellent descriptive account of the Comanches' political history from 1706 to 1875. He increases the value of this work by compiling extracts from many colonial documents relating to the Spanish and early American period in the Southern Plains, and including numerous English translations of Spanish accounts concerning the Comanches' political organization. Though many of these translated excerpts are currently available elsewhere, they have never been thematically organized around a topic as specific as a particular community's political organization. Kavanagh strengthens this research further by including some translations of his own. The accuracy of this endeavor increases the book's usefulness for other scholars.

This book's historical content begins with the first Spanish accounts of Comanches in New Mexico in 1706 and ends with the Comanches' ill-fated retaliation against bison hide hunters at Adobe Walls, Texas in 1875. As the author amply demonstrates, this time span was one of rapid political and economic change, characterized by the increasing importance of horses, cattle, and manufactured Euro-American commodities as items of exchange.

In the book's introductory chapter, Kavanagh discusses his disdain for anthropological studies that interpret the Comanches' political history as a static trajectory. Instead, he attempts to provide an alternate history that illustrates "the varying social, temporal, and spatial dimensions" of the Comanches' political process (p. 20). Consequently, the author chooses to focus his research on historic documents that illustrate spatial and temporal changes in the Comanches' political organization.