

**Testimony of Chairwoman Ann Denson Tucker
On Behalf of the Muscogee Nation of Florida
Before the Committee on Indian Affairs
United States Senate**

*Hearing on Congressional Recognition
September 25, 2008*

I. Introduction

Chairman Dorgan, Honorable Committee Members, my name is Ann Denson Tucker. I am Chairwoman of the Muscogee Nation of Florida, the Florida Tribe of Eastern Creek Indians. Thank you for inviting me to testify about my tribe's experience with the federal recognition process.

My tribe needs and deserves federal recognition, and we need Congress to take action. Three decades of paperwork, costs, and delays are sapping my tribe of economic resources that could be going to help our members and delaying our ability to access federal programs designed to help tribes in our situation.

First, I would like to remind you about who my tribe is.

The Muscogee Nation of Florida, also known as the Florida Tribe of Eastern Creek Indians, is a tribe of Creek Indian people whose home is centered in Bruce, in Walton County, Florida. Our ancestors signed 11 treaties with the United States between 1790 and 1833 that led to their forced removal from their traditional homelands. Eventually, our tribal ancestors left their Indian enclave in Daleville, Alabama and followed the Choctawhatchee River south to Bruce Creek, where we re-established our community and homes, fished, hunted, farmed

cooperatively, raised cattle, and practiced our traditional ceremonies. My Tribe has lived on this land as a community and as a cultural, social and political unit for 150 years.

Unfortunately, the tale of my tribe is not complete without understanding the effort that was made to erase us from history.

By the time we migrated from Daleville to Bruce, *Jim Crow* laws had been enacted in Florida (see attachment 2). By 1850 it was illegal to trade with Indians. And in 1852, it became illegal -- under penalty of death -- for Indians to be "Indian," unless the Indian was a Seminole or was confined to a Reservation.

Because my tribe neither was Seminole nor had a reservation, the *Jim Crow* laws made it impossible for my tribe to openly embrace its cultural heritage and community. While we survived, until the *Jim Crow* laws were repealed by federal law, the Civil Rights Act, the tribe was forced to hide its government, traditional ceremonies, and culture. As a result, satisfying BIA's tribal recognition requirements became difficult, but we struggled to meet their paperwork demands. However, a series of changes of BIA recognition regulations has made the task impossible because the agency is demanding written documents that do not exist because *Jim Crow* laws criminalized interactions with our tribe.

This brings us to why I am here today—the BIA has made it clear that they do not intend to act on our tribe's petition for recognition.

It has been 60 years since our community leader – my great grandfather - wrote to the BIA and explained that our people deserved compensation for lands taken under the Treaty of Ft. Jackson (see attachment 3). BIA's response, which is on file in the Federal Archives, was dismissive, declaring curtly, "You are mistaken. You cannot possibly be who you say you are because the members of that Tribe are either dead or removed..." Fast forward to 1957, when the Seminole Tribe of Florida gained federal recognition and BIA finally acknowledged that it had not rid the Southeast of the Florida Tribe of Eastern Creek Indians. Fast forward again, 14 years, to 1971, when BIA finally verified our racial identification to the U.S. Government and, in turn, to the State of Florida. By then, my great grandfather had been dead for 2 years, and we had already spent 24 years trying to get BIA to acknowledge our existence as Indians, much less our status as a tribe. Now, 37 years later, I am here to tell you that our Indian community and tribal government are still waiting, and we need Congress to intervene.

My tribe has spent many thousands of dollars and an untold amount of time trying to satisfy the BIA. We have retained attorneys, historians, genealogists, archaeologists and other experts to try to satisfy BIA's requirements.

And we have done it all over again when BIA's requirements changed. After each attempt we have been met with new demands and no substantive action.

The BIA made is crystal-clear earlier this year that they do not intend to take any reasonable actions to address our circumstances. On May 23rd, BIA published new guidance and direction regarding its internal procedures for evaluating petitions by Indian tribes for Federal acknowledgement. The guidance explicitly states that all tribes must be able to document continuous tribal existence in a manner that demonstrates that the tribe is entitled to a "government-to-government relationship with the United States." As I just explained, we cannot satisfy this standard—because of *Jim Crow* laws designed to erase my tribe from history.

The new guidance makes it clear that now one of two things will happen to the Muscogee Nation of Florida: 1) the BIA will address other petitions, even those submitted years after the Muscogee Nation of Florida's submission, and will "not expend time on the" tribe because it cannot produce certain documents—and the petition will continue to flounder for many more years; or 2) the BIA will notify the Muscogee Nation of Florida that it does not meet BIA standards and will inform the tribe of "alternatives, if any, to acknowledgement."

In the end, the BIA cannot help my tribe because their regulations cannot recognize the unique circumstances my tribe faces. Indian tribes share much in common, but each tribe is also unique. We live in different geographic areas,

have differing cultures and traditions, and have faced different legal barriers in the States where we reside. BIA regulations cannot accommodate these differences, and for tribes like mine that means we spend decades languishing in a regulatory purgatory. While BIA changes their rules and guidance over time, the results do not change. And although *Jim Crow* laws were eventually repudiated and eliminated, they continue to operate in the shadows by preventing our tribe from meeting BIA standards.

My people need your help.

We have worked hard over recent years to tell our story and educate lawmakers about our plight. We request that this committee support S.514, The Muscogee Nation of Florida Federal Recognition Act. This legislation is supported by both Senators from Florida, in the House by our local members of the House of Representatives.

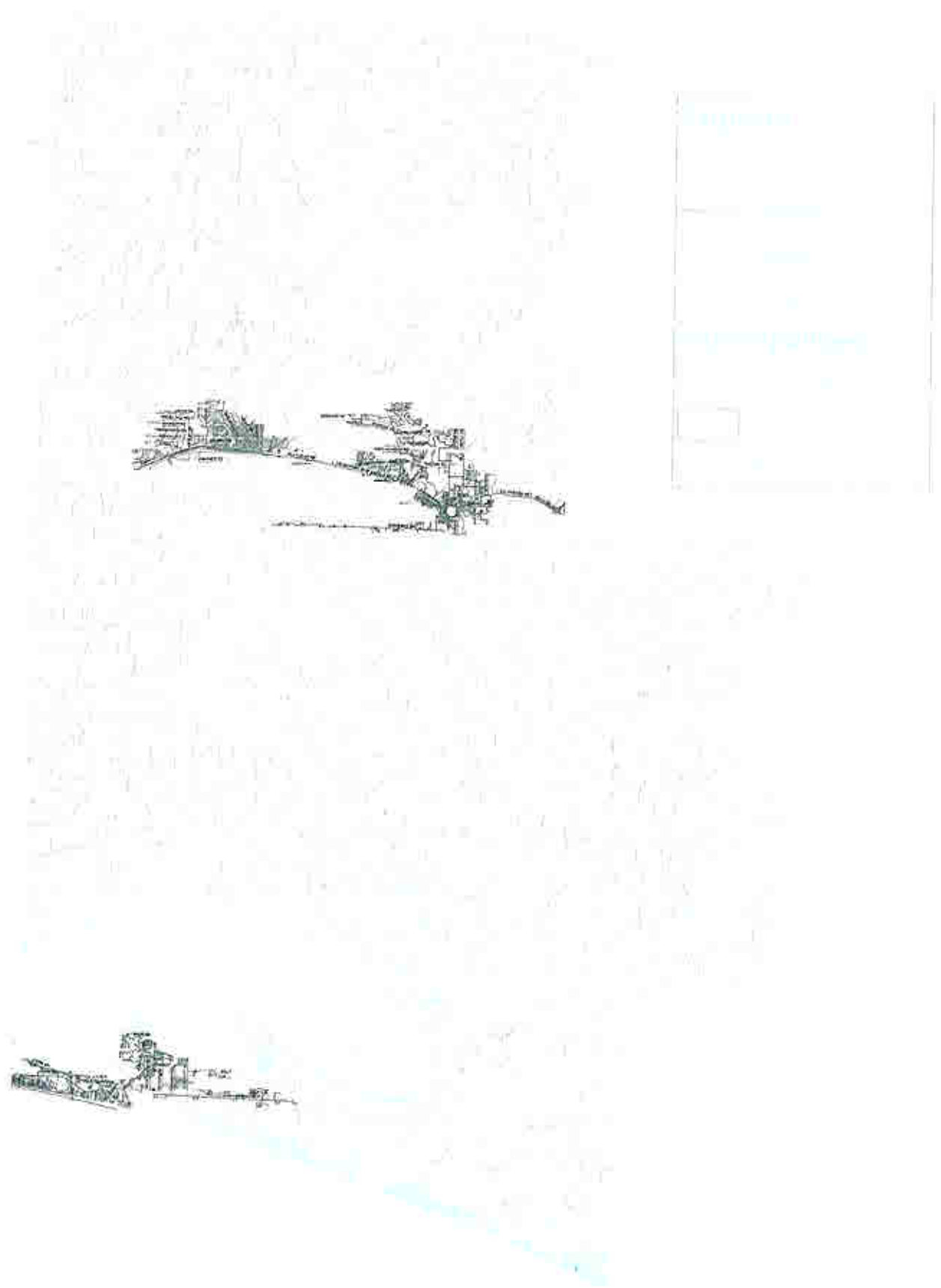
S.514 is the only path for our tribe out of the continually shifting maze of BIA regulations, guidance, and demands. My people have endured delays and mistreatment for too long, and we seek your assistance. As each year passes, the tribe struggles to care for its members needs as it becomes more and more difficult to imagine when we will receive the federal recognition to which we are entitled. The tribal leaders who began the recognition process in their youth are

now tribal elders. Our elders, like my mother, deserve to be recognized before they pass, and your assistance is our only hope for making this a reality.

Thank You

Attachments

- 1) Muscogee Nation of Florida – Executive Summary
- 2) Florida *Jim Crow* laws
- 3) Court case permitting compensation for lands taken under Treaty of Ft. Jackson
- 4) Demographics of tribe 1900-current
- 5) Walton County endorsement of S-514



Appendix B
Distribution of Florida's
Historic Bird Hunting Grounds



111TH CONGRESS
1ST SESSION

S. 530

To extend Federal recognition to the Muscogee Nation of Florida.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2009

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To extend Federal recognition to the Muscogee Nation of Florida.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Muscogee Nation of
5 Florida Federal Recognition Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Muscogee Nation of Florida is com-
9 prised of lineal descendants of persons who were his-
10 torically part of the Creek Confederacy, which relo-

1 eated from Daleville, Alabama, and other areas of
2 southern Alabama to the State of Florida between
3 1812 and 1887;

4 (2) those Creek persons settled in the north
5 Florida panhandle in autonomous communities (re-
6 ferred to in the constitution of the Muscogee Nation
7 as "Townships"), continuing the lifestyle and tradi-
8 tions practiced by the historic Creek Nation of Ala-
9 bama and Georgia;

10 (3)(A) on dissolution of the Creek Confederacy,
11 the ancestors of current members of the Muscogee
12 Nation of Florida relocated and reestablished home
13 sites, traditions, ceremonial centers, tribal govern-
14 ment (including through the traditional appointment
15 of tribal leaders), and tribal economy in rural areas
16 of the State of Florida;

17 (B) the relocation described in subparagraph
18 (A) did not prevent the Nation from—

19 (i) continuing to exercise the governing
20 powers of the Nation;

21 (ii) providing services to members of the
22 Nation; or

23 (iii) enjoying the communal lifestyle of the
24 Nation; and

1 (C) some members of the Nation remain on
2 original home sites of their Creek ancestors;

3 (4) members of the Nation—

4 (A) participated in the 1814 Treaty of Ft.
5 Jackson and the Apalachicola Treaty of October
6 11, 1832; and

7 (B) were included in the Abbott-Parsons
8 Creek Census, dated 1832 and 1833;

9 (5) members of the Nation have established an
10 ancestral claim to land taken from the Nation by
11 General Andrew Jackson in the aftermath of the
12 War of 1812 pursuant to the 1814 Treaty of Ft.
13 Jackson;

14 (6) beginning in 1971, the Secretary of the In-
15 terior distributed to members of the Nation in 3 ac-
16 tions per capita payments for land claim settle-
17 ments;

18 (7)(A) in 1974, the State of Florida established
19 the Northwest Florida Creek Indian Council to man-
20 age issues relating to Creek Indians in northwest
21 Florida; and

22 (B) in 1978, the Council held an election for
23 representatives to the tribal government known as
24 the "Florida Tribe of Eastern Creek Indians", which
25 is now the Muscogee Nation of Florida;

1 (8) in 1986, the Senate and House of Rep-
2 representatives of the State of Florida passed resolu-
3 tions recognizing the Muscogee Nation of Florida as
4 an Indian tribe;

5 (9) the community of Bruce in Walton County,
6 Florida, has been a governing center for the Nation
7 for more than 150 years;

8 (10) in the community of Bruce, the Nation—

9 (A) beginning in the early 1860s, used and
10 maintained the Antioch Cemetery, which re-
11 mains in use by members of the Nation as of
12 the date of enactment of this Act;

13 (B) between 1895 and 1947, maintained a
14 school that was attended by members of the
15 Nation;

16 (C) in 1912, established a church that is
17 recognized by the Methodist Conference as a
18 Native American church; and

19 (D) maintained a ceremonial area on
20 Bruce Creek that was attended until the late
21 1920s;

22 (11) the ceremonial area of the Nation, as in
23 existence on the date of enactment of this Act—

24 (A) is located in the community of
25 Blountstown, Florida, 1 of the reservations re-

1 ferred to in the Apalachicola Treaty of October
2 11, 1832; and

3 (B) is the site of continuing ceremonies,
4 such as Green Corn, and traditional events;

5 (12) local governments have recognized the
6 community of Bruce as the center of tribal govern-
7 ment of the Nation; and

8 (13) during the 30-year period preceding the
9 date of enactment of this Act, the Nation has re-
10 ceived Federal, State, and local grants, and entered
11 into contracts, to provide services and benefits to
12 members of the Nation.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **MEMBER.**—The term “member” means—

16 (A) an individual who is an enrolled mem-
17 ber of the Nation as of the date of enactment
18 of this Act; and

19 (B) an individual who has been placed on
20 the membership rolls of the Nation in accord-
21 ance with this Act.

22 (2) **NATION.**—The term “Nation” means the
23 Muscogee Nation of Florida (formerly known as the
24 “Florida Tribe of Eastern Creek Indians”).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (4) TRIBAL COUNCIL.—The term “Tribal Coun-
4 cil” means the governing body of the Nation.

5 **SEC. 4. FEDERAL RECOGNITION.**

6 (a) RECOGNITION.—

7 (1) IN GENERAL.—Federal recognition is ex-
8 tended to the Nation.

9 (2) APPLICABILITY OF LAWS.—All laws (includ-
10 ing regulations) of the United States of general ap-
11 plicability to Indians or nations, Indian tribes, or
12 bands of Indians (including the Act of June 18,
13 1934 (25 U.S.C. 461 et seq.)) that are not incon-
14 sistent with this Act shall be applicable to the Na-
15 tion and members.

16 (b) FEDERAL SERVICES AND BENEFITS.—

17 (1) IN GENERAL.—On and after the date of en-
18 actment of this Act, the Nation and members shall
19 be eligible for all services and benefits provided by
20 the Federal Government to federally recognized In-
21 dian tribes without regard to—

22 (A) the existence of a reservation for the
23 Nation; or

24 (B) the location of the residence of any
25 member on or near any Indian reservation.