

**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 While we survived, until the *Jim Crow* laws were repealed by federal law, the Civil Rights Act, the tribe was forced to hide its government, traditional ceremonies, and culture.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

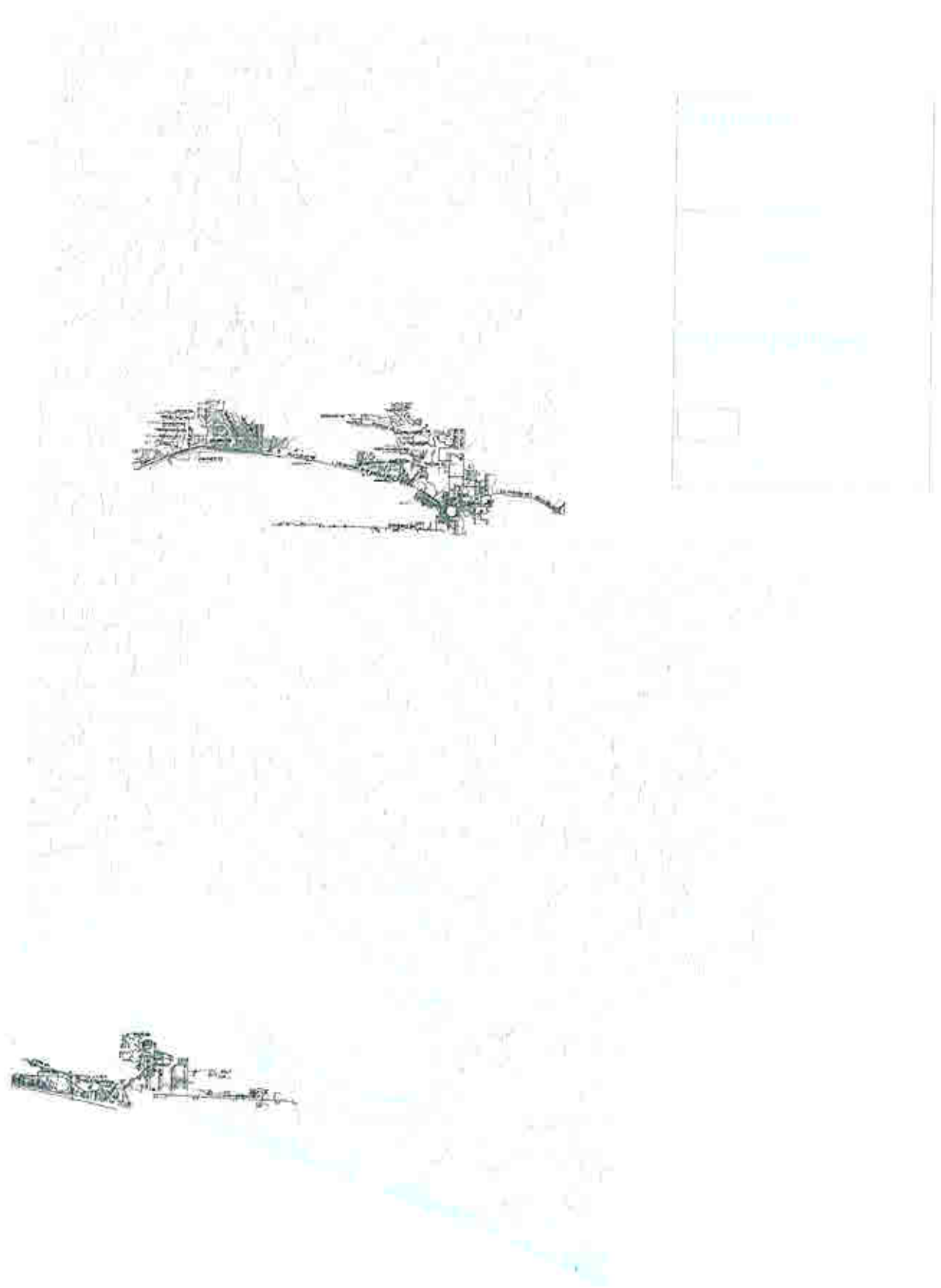


Figure 4
 Distribution of Florida
 Historic Bird Hunting Grounds

