

DISCRIMINATION AND THE BATTLE FOR FULL  
SOCIAL ACCEPTANCE: A SOCIO-HISTORICAL  
EXAMINATION OF THE PLIGHT OF THE  
SEMINOLE FREEDMEN IN OKLAHOMA

by

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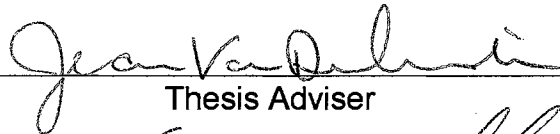
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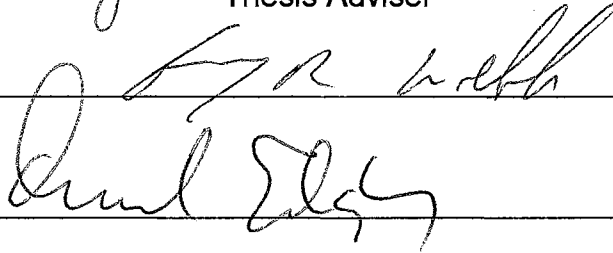
Submitted to the Faculty of the  
Graduate College of the  
Oklahoma State University  
In partial fulfillment of  
The requirements for  
The degree of  
Doctor of Philosophy  
December, 2002

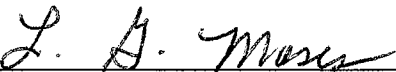
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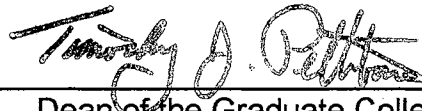
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## ACKNOWLEDGEMENTS

I wish to express sincere appreciation to my major adviser, Dr. Jean Van Delinder for her intelligent supervision, constructive guidance, inspiration and friendship. My sincere appreciation also extends to my other committee members, Dr. Chuck Edgley, Dr. L.G. Moses, and Dr. Gary Webb, whose guidance, assistance, encouragement, and friendship were invaluable.

Moreover, I wish to express my sincere gratitude to those who provided suggestions and assistance fro this study: Dr. Patricia Bell, Dr. John Cross, and Dr. Willie Edwards.

I would also like to give my special appreciation to my mother, Alice Robertson, for her precious suggestions to my research, her encouragement, and at times of difficulty, love and understanding throughout this whole process. An extreme example of self-sacrifice, she was always willing to do without so that I could have what I needed. I'm not sure I even deserve a mother as good as she.

I would like to thank the Department of Sociology and its staff for supporting me during the year of this study. Finally, thanks to my fellow graduate students for their support.

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## Chapter One

### Introduction to the Theory, Method, and Scope

#### *Introduction*

This dissertation discusses the Seminole Freedmen's battle for full social inclusion. It is an overlooked aspect of the African American struggle for full inclusion in the United States. In this dissertation I argue that the Black Seminole Freedmen provide a significant, yet overlooked example of how African Americans resisted enslavement through escaping and living among Seminole Indian tribes. The result of this attempt at resistance has been mixed. Initially, Black Seminoles were at a somewhat equal status with their Indian hosts, but eventually as Indians were forced to live under conditions mandated by the federal government, the social structure of the Seminole society came to mirror that of the white European society: as this study shows, there were numerous attempts by the Black Seminole to resist chattel slavery. This struggle even continues today with a recent lawsuit and court rulings as to the legal status of the Black Seminole and their entitlement to be included on tribal rolls.<sup>1</sup> I further argue in this dissertation that the struggle for full acceptance by the Black Freedmen mirrors the same struggles blacks have faced in the broader American society including chattel

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<sup>1</sup> Saito (2000) explicates that *Davis v. the United States* filed in January of 1996 was originally going to be filed as the Seminole Freedmen versus the United States in 1995. However, because Donnell Davis, the subject of the controversy, was a minor, the case was ultimately filed under the name of Sylvia Davis the mother of the original plaintiff. The case is currently waiting to be heard by a Federal District Judge in Washington, D.C.

slavery, Jim Crow segregation, and exclusion from full political membership in the tribe. In this study, I found that a racist ideology similar to that employed in the majority white society to exclude African Americans from full participation has been used in Seminole society. The setbacks in this struggle due to racism are just as inherent among the Seminole Indians as they are in the majority white society.

African Americans and their continued struggle for complete social acceptance in the U.S. has been a subject that has been researched extensively (Anderson, 2001; Robinson, 2000; Browder, 1993). Both social scientists and other academicians alike in such areas as economics, politics, and history have addressed the nature of this effort. The breadth of such inquiries can be traced from the introduction of peoples of African lineage into Arab controlled slave markets (beginning approximately 652 AD), extending to the Americas and the Caribbean Islands in the sixteenth century, and later to the shores of what was to become the United States of America in the mid to late seventeenth century (Anderson, 2001, 1994; Karenga, 1993; and Price, 1973).

The Seminole Freedmen, Black Seminoles, or the Esteluti (Muskogee word for "black"), refer to individuals of both mixed Seminole and African American ancestry (and those nonmixed people of African Ancestry who came to live among them) that today are scattered throughout Oklahoma and Florida numbering approximately 2,500 (Jackson, 1999; Twyman, 1999). The infusion of these individuals into the Native American stratification system

originated with the Pee Dee River colony in present-day coastal South Carolina in 1526. A wealthy Spanish colonizer named Lucas Vasquez de Allyon settled among the Guale Indians and founded the colony.<sup>2</sup> Interestingly, this colony was founded sixty-eight years prior to the settlement at Jamestown, Virginia (1607), and eighty-eight years before the arrival of the Mayflower at Plymouth Rock (Katz, 1997; Price, 1973; and Apetheker, 1969). Significantly, it also introduced black slavery to American shores. Soon after settling there (in Nov. 1526), blacks (later called maroons) rebelled and went to live in the woods among the Guale and other Native American tribes that inhabited the area near the mouth of the Pee Dee River. Consequently, their descendants would later become the “Black Seminoles” who would establish themselves in Spanish Florida by the late seventeenth century, and eventually escape British, colonial, and Native American slavery in Georgia and South Carolina.

The Black Seminoles, who can trace their history to West Africa, the West Indies, the Florida everglades and some to the Mexican State of Coahuila, have an extensive untold history. In this dissertation, I argue that the Black Seminole Freedmen provide a significant example of how African Americans resisted enslavement by living with Native Americans. Attempts at resistance were mixed. Initially, the Black Seminoles were at an equal status with their Indian hosts, but eventually as Indians were forced to live under conditions mandated by the federal government their standing with the

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<sup>2</sup> Katz (1997) explicates that the Vasquez de Allyon contingent consisted of 500 men and women, physicians and sailors, three Dominican priests, and 100 African slaves.



Seminole Nation declined. The social structure of the Seminole society came to mirror that of white European society. As this study shows, there were numerous attempts by the Black Seminole to resist chattel slavery. This struggle even continues today with recent court rulings as to the equal status of the Black Seminole and their entitlement to be called Indians. I further argue in this dissertation that the struggles for full acceptance by the Black Freedmen mirror the same struggles blacks have faced in the larger American society. The setbacks in this struggle due to racism are just as inherent among the Seminoles as they are in the broader white society.

The bulk of this research project is centered on government documents such as the U.S.-Seminole Treaty of 1866. The Treaty of 1866, a major area of contention in the Black Seminole battle for equality, decreed that all persons of mixed African and Seminole ancestry shall be entitled to all the same rights and privileges and shall be adopted as members of the tribe. The premise of this treaty is still being challenged today, given the events leading up to and culminating in a lawsuit filed on behalf of the Oklahoma Seminole Freedmen, i.e., the *Davis v. the United States (1996)*, against the government/Bureau of Indian Affairs in 1996. This dissertation argues that the discrimination carried out by the Seminoles and the BIA against the Freedmen was through the denial of degree of Indian blood cards. Regarding the "Five Civilized Tribes," government issued blood cards officially defines an individual as "Indian" (Bateman, 1991). Further, discrimination came in the form of a denial of the Freedmen a share in monetary disbursements, and

currently not allowing the Black Seminoles an equal say in tribal decisions. A primary example of the former was that the Seminole Freedmen (in Oklahoma) received none of the 56 million dollar settlement awarded to the Seminoles by the Indian Claims Commission in 1991 for lands ceded in treaties of Payne's Landing (1832) and Fort Moultrie Creek (1823).

This study is based on historical documents such as the Treaty of Fort Moultrie Creek (1823), the Indian Removal Act (1830), the Treaty of Payne's Landing (1832), and the U.S. Seminole Treaty (1866). Given the overwhelming number of primary historical documents available, I decided to use an historical sociological approach. In the next section, I provide a general framework of the historical sociological methodology employed in this study.

### ***Historical Sociology***

Historical sociology can be posited as pertaining to sociological analysis conducted on either primary (original documents) or secondary (written or produced by historians) historical data sources (Abrams, 1982). Van Delinder (1993: 9-10) contends that "the role of historical sociology is to ask questions that cause researchers to investigate historical events and unravel their significance and meanings." The narrative, in historical analysis is the basic tool whereby a theoretical attempt is made to establish the purpose of seemingly disjointed events and find their value. A major advantage of the incorporation of a historical sociological method is its usefulness in analyzing past events (Van Delinder, 1993). Such analysis enables the use of both

history and sociology, as mechanisms not to specifically test theories but to interpret the past in a manner wherein the social change process can be more clearly understood. Likewise, sociologists are able to provide constructs in order to analyze historical events. To put it more succinctly, historical sociologists attempt to find out what has been missed by generalizations alone (Abbott, 1991).

Griffin (1992) alludes to a three-part causation model that has utility in a socio-historical study of the circumstances that have changed the status of the Black Seminoles within the Seminole Nation. His historical methodology entails that utilization of three different mechanisms in the analysis of historical events: 1) colligations; 2) narrative interpretation; and 3) “tools” of the discipline. First, Griffin (1992: 418) points out that “colligations” are techniques that allow particular occurrences to become “events” or a cumulative consequence of a sequence of temporally related actions.” In essence, colligations are analogous to ideal types. Ideal types allow historical sociologists to “construct and classify events in order to analyze history” (Van Delinder, 1993: 8). In an historical study of the Seminole Freedmen, an example of colligations would be the Seminole Wars. Despite the fact that there were other factors that precipitated the Seminole Wars, such as the battle for land, the aforementioned ideal types include events that can be classified as the making of promises by governments for their participation in wars. Additionally, the reality that each war (at least in part) was fought to preserve the slave industry, and in each war the Seminole Freedmen were

the main combatants, guides, interpreters, and negotiators. Further, colligations/ideal types allow the historical sociologist to make comparisons between similar events with dissimilar times and situations. For example, not all of the battles the Freedmen participated in were lengthy. The first Seminole War contained only two major battles (wherein the Freedmen participated) and lasted only two years. While on the other hand, the second Seminole war had five major battles wherein the Freedmen participated, and lasted seven years. However, the term battle gives the researcher license to classify the events contained therein into categories to investigate Black Seminole status.

In the next paragraph, the second component of Griffin's (1992) three-part historical causation model will be discussed. Griffin (1992) refers to this component as "narrative interpretation." Its utility is in analyzing the historical actions that are central to the standing of the Black Seminoles within the Seminole Nation.

Narrative interpretation is the second component of Griffin's (1992)-causation model. Narrative interpretation encompasses the decoding of potential causes to explain subsequent events (Van Delinder, 1993). In writing on the status determinants of the Seminole Freedmen, this mechanism would involve investigating the precipitators of the aforementioned "ideal types" to clarify successive occurrences and status. For instance, how would the first and second Seminole wars be employed to

understand the illegal expulsion or “kicking out” of the Seminole Freedmen (out of the tribe) in July 2000?

The third element in Griffin’s (1992) model is discussed in the next paragraph. As with the previous element, it has applicability in the sociological study of historical occurrences. Most important, its efficacy in examining the status position of the Black Seminoles is illustrated.

Griffin (1992) refers to the third component of his typology as using the “tools” of the discipline. This refers to the fact that historical sociology can use “theoretical deduction, classification, analytic selection, statistical generalizations, and causal regularities” (Van Delinder, 1993: 8). A benefit of integrating these tools in the current socio-historical study is that the narrative can be used to demonstrate the significance of treaties in delineating the status of the Seminole Freedmen. I used this methodology to decipher that the provision of the Treaty of Payne’s Landing (1832) which stipulated interpreters are paid a sum of \$200 each for land that they cultivated was a mark of Black Seminole status.<sup>3</sup> Moreover, this occurrence points to the fact that some Black Seminoles owned land and occupied positions of status.

In summary, historical sociology was used as a mode of sociological analysis (Abbott, 1991). Moreover, a historical approach can delineate the parameters that signify events (e.g., Jim Crow to Black Seminoles) which define when an event begins and when it ends (Abbott, 1991). To close,

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<sup>3</sup> Tywman (1999) indicates that both Abraham and Cudjoe were to be paid a sum of \$200 each for their work in negotiating and interpreting the Treaty of Payne’s Landing (1832) and for land that they cultivated.

historical sociology mandates a closer scrutiny of historical events to interpret the logic inherent in their causation.

In the next section, the sociological theories that were employed in the study are explicated. In particular, these theories are elucidated in reference to their usefulness in a socio-historical study. Most important, these theoretical constructs are scrutinized regarding their applicability in an examination of some of the socio-historical circumstances that have culminated in the contemporary status position of the Black Seminoles within the Seminole Nation.

### ***Theoretical Constructs***

In this section, I consulted the following theories of ethnic stratification: 1) Noel's (1968) theory of ethnic stratification; 2) Nagel's identity construction theory; 3) Bobo's (1999) prejudice as group position theory; and 4) Gordon's (1999, 1964) theory of assimilation. Likewise, the use of theory has long been considered an essential component of sociological method (Van Delinder, 1993). On the other hand, historians have often been criticized for becoming so engulfed in narrative that they can never draw general conclusions from their research (Leca, 1992). However, without the use of theory in examining issues within the realm of historical sociology, one would not be able to sort through the myriad of sociological occurrences that take place in a historical context (Abrams, 1982). In my study, sociology and historical are able to compliment each other. Therefore, in this section the theoretical constructs and their applicability to analyze the complete set of

socio-historical conditions encountered by the Seminole Freedmen will be illustrated.

### **Noel's theory of ethnic stratification**

Ethnicity can be posited as referring to a “sense of peoplehood” emergent from clusters of individuals who are set apart from others by such things as the distinctiveness of their cultural characteristics (Yetman, 1999). Likewise, stratification has been surmised as encompassing a hierarchical/systematic ranking wherein resources are allocated according to one's rank (Yetman, 1999; Hurst, 1998). Consequently, my desire to find a theoretical construct that could explain the manner whereby the differential ranking and resource distribution emerged and was maintained between the Seminoles and the Seminole Freedmen within the Seminole Nation. This search led me to Noel's (1968) theory of ethnic stratification.

Noel's (1968: 157) theory of ethnic stratification maintains that inequality emerges from “a system of stratification wherein some relatively fixed group membership (e.g., race, religion, or nationality) is utilized as a major criterion for assigning social positions with their attendant differential rewards.” In my study, the most significant characteristic of fixed group membership was race. In reference to race, the sociological contention of it as primarily a “social construction” was adhered to throughout the study (Yetman, 1999).

Therefore, race as a social construction places emphasis on the application of social definitions to one's physical characteristics. Most important, before the prospect of such inequality even exists, there must be a period of prolonged

contact between the two groups involved. The likelihood of the contact becoming either mutually beneficial or stratified for the groups/individuals is determined by the existence of three factors: ethnocentrism, competition, and differential power.

First, ethnocentrism is premised on the belief that one's culture is better than those of others. According to Noel (1968), groups can remain ethnic within a context in which they are independent with a mutual and healthy respect for one another. The applicability of that this theory has in my study has been demonstrated by several prior researchers (Katz, 1997; Porter et. al. 1996; and Opala, 1981). Opala (1981) insists that even during times that there were cordial relationships between the Seminoles and Black Seminoles, the Black Seminoles had less power and lived on plots of land separate from the Indians. A more contemporary example of this can be described as being involved in the ideological nullification of the 1866 U.S.-Seminoles Treaty by the Seminoles as a document that they were coerced into signing by the U.S. government (Bateman, 1991).

Competition is the second component of Noel's (1968) theory. Competition entails a degree of interaction between two groups whereby both groups are trying to attain some scarce and valued goal. Relevant to the present study is the fact that both groups were in a battle to obtain autonomy from white plantation owners (Mulroy, 1993). At numerous points in the history of each group, particularly, during the signing of the Seminole-Creek Treaty of 1856, statehood, allotment or whenever Native Americans saw



themselves as advancing in this competition, they took steps to distance themselves from blacks (Mulroy, 1993, 1984; Bateman, 1991; and Littlefield, 1977). In each of the "Five Civilized Tribes" such changes in attitudes toward blacks corresponded to their rates of intermarriage to whites (Mulroy, 1984). As early as the 1820s major Seminole tribal leaders, upon being granted reservation lands and being recognized as independent from the Creeks, claimed blacks among them as slaves. Additionally, they negotiated an agreement with the government to apprehend subsequent runaway slaves.

Differential power is the final component of Noel's (1968) typology. As argued by Noel (1968: 112) "highly ethnocentric groups involved in competition for vital objects will not generate ethnic stratification unless they are of such unequal power that one is able to impose its will on the other." Evidence of the aforementioned occurred after the signing of the Seminole-Creek Treaty of 1856. It was during then that Seminoles were given money from the U.S. government to relocate from Mexico to Indian Territory (Littlefield, 1977). However, the blacks among the Mexico contingent did not receive funds from the government to relocate (Littlefield, 1977). A second instance of the imposition of the will of a more powerful group on a less powerful group was when the Seminoles were able to kick the Estelusti Seminoles out of the tribe altogether and off of the tribal council in July 2000 (Sharpe, 2002). The preceding acts, along with several others, served to crystallize the power differentials between the two groups when one

considers that the Seminole Freedmen did not have the power to prevent such acts.

### **Nagel's identity construction theory**

Questions about identity led me to look at theories of identity. In particular, a prerequisite for the chosen theory was that it be able to describe and explain the processes involved in the development of a Seminole Freedmen identity. Additionally, the theory must be adept at emphasizing how a Seminole Freedmen identity was reconstructed after the imposition of Jim Crow in Oklahoma (1907) and directly prior to the filing of the *Davis v. United States* (1996). Hence, the theory best suited to perform the aforementioned arduous task in my study is Nagel's (1999) identity construction theory.

Nagel's (1999: 57) model of ethnic identity construction emphasizes the "fluid, situational, and dynamic character of ethnic organization and actions." In other words, groups create versions of ethnicity that are timed specific and situationally relevant. "Ethnic identity is the result of a dialectical process involving internal and external opinions and processes, as well as the individual's self identification, i.e., what you think your ethnicity is versus what they think your ethnicity is" (Nagel, 1999: 59).

Nagel's (1999) approach can be used as a prism through which to view the identity processes of both the Seminole Freedmen and the Seminoles. Regarding the Seminoles, Nagel's (1999) method is useful in explaining the process of the Seminoles reorganizing themselves as a tribe and viewing

themselves as separate and distinct from Black Seminoles (Bateman, 1991). Particularly poignant regarding the preceding took place during the implementation of the Indian Reorganization Act (1934) and the Oklahoma Indian Welfare Act (1936) among the Oklahoma Indians. At this time there was the emergence of the progressive faction within the Seminole Nation that viewed blacks as inferior and did not want them associated with the tribe (Bateman, 1991; Wisdom, 1937). This change in identity included viewing the Seminole Freedmen as slaves and nothing else (Sattler, 1987). Concomitantly, Nagel's (1999) framework can make sense of the identity-construction process whereby the Black Seminoles viewed non-Seminole blacks as former slaves and "state raised" (Lawuyi, 1990, 1985). Further, Nagel's (1999) model explicates the changing identity (at least to a certain extent) inherent in the coming together of "state" and "non-state" raised blacks during the Jim Crow era along with more contemporary attempts of the two Seminole Freedmen bands (Bruner and Dosar-Barkus) to unify following *Davis v. United States* (1996).

### **Bobo's prejudice as group position theory**

In this study, one of my primary aims was to explain the role of prejudice in both the past and contemporary plight of the Seminole Freedmen. Most of the scholarly works that I was able to review tended to place little or no emphasis on this phenomenon. So how could I sociologically explain the Seminole Freeman's current condition and the role of racial prejudice in its perpetuation? For the most part, available studies tended to

fall along the following continuum when explaining the Black Seminole experience. For instance, Opala (1981) appears to place more of a focus on congenial relations between the two groups, whereas Porter et al. (1996) seems content to discuss prejudice as only the province of divisive whites. In contrast, McReynolds (1957) barely acknowledges the existence of the Seminole Freedmen. Therefore, I employed Bobo's (1999) prejudice as group position theory. This sociological construct proved to be qualified to examine the prejudice, discrimination, and racism experienced by the Seminole Freedmen perpetrated by both the Bureau of Indian Affairs and the Seminole Nation.

Bobo (1999) proposes that a critical element of prejudice are feelings of entitlement to social resources, status, privileges, and perceived threats to those entitlements posed by members of other groups. This perspective presupposes that any social system that entails the recognition of longstanding racial identities and structured inequities in life chances sets the stage for realistic and meaningful struggle over group interests defined along racial lines. Accordingly, inherent in Bobo's (1999) methodology is that collections of individuals will oppose those clusters or groups of individuals whom they feel operate contrary to their best interests. This typology will be used in conjunction with Noel's (1968) theory as a line of sight through which to analyze the Seminoles' changing views of blacks beginning directly before the second Seminole war and continuing until today. Prejudice can adequately describe these varying notions because they involve the use of

“extreme generalizations” of all blacks. For instance, Bateman’s (1991) research underscores the factionalism within the Seminole Nation during the 1930s into “progressives” and “niggermen.” Regarding the latter is Bateman’s (1991: 252) documentation of the comments of a member of the progressive faction made to anthropologist Charles Wisdom explicating that “if we take niggers into our organized tribe we’ll be just niggers and nothing else, and we’re tired of having the government treat us like that.”<sup>4</sup>

### **Gordon’s assimilation theory**

One of the perplexing questions I encountered when embarking upon this study was, “why were the Seminole Freedmen not fully acculturated into the Seminole Nation?” Upon discovering the answers to this question, which is expanded on in the review of literature, I needed to find a sociological construct to analyze this phenomenon. As a result, I decided on Gordon’s (1999, 1964) theory of assimilation. Why? Because it provided a sociological construct that was equipped to describe the partial, yet never complete, assimilation experienced by the Seminole Freedmen in their relationship with the Seminole Nation.

Gordon’s (1999, 1964) theory of assimilation provided a concise and compelling view of the acculturation process. His (1999) model specifically illustrates how the progression toward assimilation is functional in depicting both the historical and contemporary relationship between Seminoles and the

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<sup>4</sup> (1991) Bateman points out that anthropologist Charles Wisdom was involved in the fieldwork necessary for the compilation of information to provide suggestions for the implementation of the Indian Reorganization Act and the Oklahoma Indian Welfare Act.

Seminole Freedmen. The stages of Gordon's (1999) model that are most germane to the present study are cultural and structural assimilation.

Cultural amalgamation refers to the adoption by a minority (in reference to power) group of the dominant group's cultural patterns. Such a perception can be valuable in understanding the progression involved in the adoption of Seminole dress patterns and modes of speech by the Black Seminoles (Mulroy, 1984). Also, cultural assimilation has utility in its ability to examine the vital contributions made to Seminole culture by the Seminole Freedmen, particularly, teaching the Seminoles how to farm, cultivate rice, build houses, raise cattle, etc. (Opala, 2000; Katz, 1997; and Littlefield, 1981).

Structural assimilation takes into consideration the large-scale entrance into cliques, clubs, and the entire social milieu of the host society by the minority on a primary group level. The key component of structural amalgamation is that it is crucial to the subsequent stages that lead to complete social acceptance by the dominant group. Hence, structural assimilation will be scrutinized to the extent that it never occurred totally in Seminole society. Evidence of this exists despite the fact that many Black Seminoles are noted by scholars (Katz, 1997; Porter et al., 1996, Opala, 1981) as occupying positions as chiefs, sub-chiefs, negotiators, warriors, yet still, for the most part, they lived on separate plots of land, paid a tribal tribute, and were not included as part of Seminole clans. Case in point, Opala (1981: 33) "states that although Seminole blacks adopted many Indian customs, it is quite clear that they never fully acculturated."

In summary, the numerous theoretical constructs that are used in this study serve to make it more than just a mere “narrative.” Theory provides a sociological prism of analysis wherein to comprehend the factors that are part of the numerous statuses held by the Seminole Freedmen. Ultimately, theory provides a sociological framework in which to analyze the complete set of dynamics that have culminated in the present-day position of the Seminole Freedmen.

### ***Approach to the Study***

In this dissertation, I examined a set of historical circumstances that have culminated in the contemporary status of the Black Seminoles. This dissertation includes historical documents and interviews about the Seminole Freedmen’s struggle for full social acceptance as tribal members. My study examines the historical antecedents to the contemporary status of the Seminole Freedmen. My study suggests ways in which to use historical and sociological method to clarify the causes behind recent attempts to exclude the Freedmen as members of their tribe. My approach is comparative, providing a way to highlight racist social practices resulting in discriminatory tribal institutions that have been overlooked in single case studies. For that same reason, comparisons were also made with lesser-known earlier challenges to black status within the Seminole nation, such as Bateman (1991) and Sattler (1987).

One challenge I faced in studying the Seminole Freedmen was the dearth of scholarly research available on some of the less favorable aspects of the Black -Native American relationship. My research indicates that the roles of discrimination and racism are crucial to understanding the

contemporary situation of the Seminole Freedmen within the Seminole Nation. The characteristics of the Seminole Freedmen are due in part to the forms that activism took in relationship to changing contemporaneous social conditions and opportunities. The Freedmen struggle for full acceptance has been overshadowed by the lack of historical and sociological attention paid to their condition. What is not well understood is that the Seminole Freedmen played a major role not only in African American history, but in American history as well.

Challenges to the color line before my study on the Seminole Freedmen needed richer perspectives to convey more precise concepts with which to consider these neglected, but significant events. I began a process of developing such concepts by studying the roles of slavery, prejudice, and discrimination were major contributors to the tenuous status of the Seminole Freedmen within the Seminole Nation. These campaigns did not "fit" the same mold as those used in studying more traditional colonial period relationships involving Native Americans, African Americans, and whites. Yet once examined they indicated similarities as well as differences from which to compare with the other, later, more-thoroughly studied campaigns in the South.

### ***Conclusions***

The next chapter explores the sociological literature on the Seminole Freedmen and describes the data and the method of conceptual development I have used. The purpose of this method is to provide a conceptual basis with which to compare these neglected actions with the later, more famous conceptualizations of Native and African Americans. In this chapter I discuss sociological theories that can be used to examine the status-positions of the Black Seminoles within the Seminole Nation. Data on historical maroon



societies as the indigenous origins of Seminole Freedmen maroons are examined in Chapter Three. Chapters Four and Five examine Seminole slavery, black status, and worsening relationships. Throughout, I compare and contrast these cases with findings reported in the available literature on the Seminole Freedmen and the primary data collected on this prior to my study that combines history and sociology

The specific methodological goal of my study has been to critically construct a socio-historical frame of analysis on the topic to bring the actions of the Seminole Freedmen into focus. My results will more adequately illuminate decisive actions taken by the Seminoles to separate themselves from the Seminole Freedmen. Instead of trying to identify broad changes in structure such as searching for shifts in societal contexts or new formal leaders and organizations, this study placed its investigation within the level of the impact of more intentional actions of the Seminoles and the BIA/Government to disenfranchise the Black Seminoles. This level of analysis included the contributions of leaders and organizations along with the actions of those individuals organizationally affiliated or not to maintain the subordinate position of the Seminole Freedmen within the Seminole Nation. A closer scrutiny of this nexus showed the incompleteness of the more mainstream (e.g., McReynold's 1957) literature's emphasis on organization and leadership positions in the Seminole Nation. Along with this, do blacks within the tribe hold barely any acknowledgement of leadership positions? Civil rights activism had numerous manifestations throughout the United States prior to being much less studied by sociologists than the socio-historical circumstances that have culminated in the contemporary status of the Seminole Freedmen.

## Chapter Two

### Methods of Study and Uses of Literature

#### *Introduction*

This chapter discusses the methods used in this study. It also describes some steps in the interplay between the literature and my data. The research literature shows that many events in the history of the Seminole Indians were related to slavery, involved discrimination, and ultimately, political opportunism by Seminoles against Blacks/maroons. The aforementioned are relationships that are not typically illustrated in writings that discuss the colonial South, Indians, and African Americans (Porter et al., 1996; Debo, 1970; McReynolds, 1957; and Foreman, 1942). One division of the chapter called "Methods of Study" discusses my oral history and other primary data used in this study, how historical sociology is used as a method, strategies of description and explanation, and strategies of comparisons. A second division, "Research Methodology," explains that my project was an exploratory analysis of the dilemma of the Seminole Freedmen. Also, in this section, the research question that guided the study is stated. Finally, in this chapter, the importance of both in-depth interviews and document analysis to the study is explicated. Each of these methods are frequently applied by sociologists when studying ethnic group relations (Yetman, 1999).

My research attempts to clarify the contemporary status of the Seminole Freedmen. The Seminole Freedmen have held important positions of leadership and power as indicated by their employment in the past as guides, farmers, entrepreneurs, and sub-chiefs. They have also been subjected to the worst aspects of discrimination and racism as slaves. It is

difficult to understand the complex relationship the Seminole Freedmen have with the Seminoles from historical documents alone. For this reason, I interviewed ten contemporary Seminole Freedmen to provide first hand accounts of what is currently going on and to find out their perceptions of the past, present, and future. I used an interview methodology used in oral history. Next, I will discuss how I obtained the oral history interview data and how I have attempted to analyze it.

### ***Oral History and Social Science Research***

The oral history data used in this study was gathered from in-depth interviews with Seminole Freedmen and discussions with them at informational meetings and symposiums. Generally, oral history research

Collects spoken memories and personal commentaries of historical significance through recorded interviews (Ritchie, 1995:1).

Oral history is also unique in that it involves "someone else" besides the narrator, suggesting that

There is someone else involved who inspires the narrator to begin the act of remembering, jogs memory, and records and presents the narrator's words (Yow, 1994:4).

The interaction that occurs between the researcher and their subject in oral history interviews is the reason it is sometimes seen as unscientific; the potential to manufacture evidence or elicit specific responses is too great (Bennett, 1983: 14; Yow, 1994:4-5). The benefits of using oral history in social science research can outweigh its shortcomings if the following points are considered. First, an oral history or a recorded in-depth interview is a qualitative research technique similar to a basic principle of grounded theory:

the avoidance of preconceived notions before starting field research (Schatzman and Strauss, 1973:19). Second, oral history, like a grounded theory approach to studying observations of behavior, begins with one set of specific problems or questions as a guide to hypothesis formulation. They both can end with different questions or problems than those with which they originally undertook the research, which might or might not lead to the formulation of new hypotheses. Ethnographer Renato Rosaldo (1989:7) explains this process:

Ethnographers begin research with a set of questions, revise them throughout the course of inquiry, and in the end emerge with different questions than they started with. One's surprise at the answer to a question, in other words, requires one to revise the question until lessening surprises or diminishing returns indicate a stopping point.

The advantage of not using an unchangeable testing instrument is that it increases the potential for the researcher to learn new things not considered at the beginning of the project. Sociologist Arlene Daniels learned important information about military psychiatrists prescribing treatment for nonpsychiatric problems by "listening and allowing her narrators to teach her" through in-depth interviews (Yow, 1994:7). The oral history interviews provided an opportunity to highlight a variety of narratives about the Seminole Freedmen that are discussed in Chapter Six. When I interviewed, one of the plaintiffs in *Davis v. United States (1996)*, she "remembered", "we were like brothers and sisters before the money thing (lawsuit)." Other interviewees often spoke to "set the record straight", by naming individuals who they felt

were personally responsible for the Freedmen not receiving what they deserved. These lists would include tribal chiefs, bandleaders, other Seminole Freedmen, government employees, and judges whom they felt were not operating in the best interest of the Seminole Freedmen.

Oral history as a qualitative research method has been used by social scientists in recent community studies (Tilly, 1985; Yow, 1994). Some community studies using oral history include neighborhood studies in Atlanta (Kuhn, Joye, and West 1990), Baltimore (Fee, Shopes and Zeidman 1991; Shopes, 1981), Manhattan (Doyle, 1984; Kisseloff, 1989), and Philadelphia (Ellison, 1993; Hardy, 1981). Oral history has also been useful in adding to the general understanding of cultural groups (Diaz-Roys, 1983; Okihiro 1981; Serikaku, 1989). Oral history studies of ethnic groups include Native Americans (Perdue, 1980; Cash and Hoover, 1971), Japanese-Americans living in concentration camps during World War II (Hansen, 1991), and Italian-Americans trying to retain an ethnic community identity while living in California (Diaz-Roys, 1983). Oral history studies about African Americans include stories collected about living in San Francisco from 1915 to 1940 (Broussard, 1984) Watts during the 1960s (Bullock, 1969), Oklahoma during the 1921 Tulsa race riot (Ellsworth, 1982), Detroit between 1918 and 1967 (Moon, 1994), and remembering slavery in South Carolina (Hurmence, 1989). Oral history studies about the Seminole Freedmen include Bateman (1991), Lawuyi (1990, 1985), and Mulroy (1984). These studies provided valuable information regarding Black Seminole status in the Seminole Nation. These

studies divulged how as the Seminoles received independence and compensation from the government, they distanced themselves from their black members. Next, these oral histories provided insights from the vantage points of the Black Seminoles as to when their relationship with the Seminoles “was good” and when it “was bad.” In conclusion, the oral histories were useful because they provided a framework wherein to outline the processes involved in Seminole Freedmen identity construction.

One purpose for gathering information through oral history interviews in Oklahoma was to better understand how the Seminole Freedmen were part of the collective experience of the entire community and not just an isolated collective experience shared only by the plaintiffs involved. The parameters of the oral history interviews were loosely defined. The looseness of the boundaries was undergirded by some of the questions that I would ask respondents. A couple of sample questions, are, “how would you describe the relationship between the two groups prior to the settlement disbursement?” or “how would you describe the historical relationship between the Seminoles and Seminole Freedmen?” Another purpose was to broaden the general understanding of the struggle of the Seminole Freedmen was to those community members who were not intimately involved in the struggle.

Oral history projects also provide a research opportunity for “members of the community who are experts on their own experience...[to be] natural resources for planning the topics to be covered” (Yow, 1994:145). This collaborative approach was the spirit in which the Freedmen and their family members and advocates participated. Most of my informants still live in

Oklahoma and served as advisors on this project. More specifically, I interviewed Freedmen bandleaders, rank and file band members and had discussions with advocates, etc.

The two sampling techniques used to identify informants were snowball and purposive. Purposive or convenience sampling (Singleton et al., 1993) was initially used to select subjects for this study. Purposive sampling is a form of nonprobability sampling that makes use of the researcher's special knowledge of the population to select subjects who represent the population to be studied (Singleton et al., 1993; Berg, 1989). Berg (1989: 110) contends that purposive samples are useful when "a researcher's sample population may not appear in sufficient numbers to be meaningful under more traditional random techniques, the population might be purposely sampled." Personal recommendation or snowball sampling (Yow 1994:45) was then used to select additional informants. The criterion for selection was upon completion of the interview, I would ask the respondent, and "do you know of another Seminole Freedman who would like to participate in my project." Once the individual to whom I was referred to was contacted, I would interview the individual and then ask them, "whom among the surviving long term African-American residents of Oklahoma were still living in the area and you think would be willing to participate."

Other oral history sources used in this research were obtained from mental recollections of discussions with tour guides at the Oklahoma State Historical Society, the Seminole Nation Museum, Seminole Nation advocates, and authors who have written scholarly articles on the plight of the Seminole Freedmen. The primary data were collected via secondary historical data sources such as books, scholarly articles, newspaper articles, that were used to write the chapter on "Slavery by the Seminoles and Black Status" (Chapter

Four). Additionally, the researcher used the Oklahoma State Historical Society and the Seminole Nation Museum as primary data sources as well.

## **RESEARCH METHODOLOGY**

### ***Introduction***

This research project was an exploratory analysis and examination of the plight of the Seminole Freedmen. The specific focus of this research study was to evaluate the circumstances involved in demarcating the contemporary status of the Freedmen. The research was guided by an essential research question: "What are the complete set of social and historical circumstances that have culminated in the contemporary status of the Seminole Freedmen within the Seminole Nation of Oklahoma?" In answering the research question, I discovered the roles that discrimination and racism played in delineating the present-day social standing of the Black Seminoles within the Seminole Nation. To clearly scrutinize this topic, two research methods were employed in this studied: in-depth interviews and document analysis.

In this study, the terms "discrimination, status, and social acceptance" are used throughout this project. Discrimination in this study was operationalized as both covert and overt actions partaken in by the Bureau of Indian Affairs and the Seminole Nation to disenfranchise the Seminole Freedmen. Discrimination on the part of the Bureau of Indian Affairs was measured as the denial of Certificate of Degree of Indian Blood cards. Also, it was measured as not allowing the Seminole Freedmen to participate in



settlement disbursements and programs, such as scholarships, housing, clothing, medical services, etc., that the Black Seminoles are not allowed to take part in without CDIB cards. On the part of the Seminole Nation, discrimination was operationalized as overt actions taken to deny Freedmen tribal membership. These acts include, illegally kicking the Freedmen out of the tribe on July 1, 2000, and not permitting the Freedmen to sit and vote on the tribal council. The U.S. Seminole Treaty of 1866 and Seminole Nation Constitution of 1969 prohibit both of the aforementioned acts. Complete social acceptance served as the dependent variable in my study. Complete social acceptance was operationalized as full tribal membership, indicated by the awarding of CDIB cards and all of the rights and privileges contain therein.

Status was examined as the medium through which discrimination and social acceptance were linked in this study. In this research effort, status referred to the social standing or position of the Black Seminoles within the Seminole Nation. In the present study, I evaluated the various statuses occupied by peoples of African descent in the Native American stratification. The statuses (both high and low) were as maroons/runaway slaves, slaves to Indian tribes, treaty negotiators, warriors, chiefs and sub-chiefs, interpreters, and currently as non-tribal members. Moreover, I investigated how the roles of Seminole Freedmen have changed over time. The longitudinal changes were due to the power dynamics as money, land, and autonomy in tribal decisions given to the Seminoles by the government. Thus, social standing

served as the prism through which the discrimination experienced by the Black Seminoles was crystallized.

### ***Qualitative Methodology***

The selections of research methods utilized in this study were drawn from the domain of qualitative methodology. Fundamental to qualitative research is to seek answers to questions by examining various social settings and the individuals who occupy these settings (Berg, 1989: 6). This entails a comprehension of how inhabitants of social settings make sense of their surroundings via symbols, structures, roles, etc. (Berg, 1989: 6). The primary qualitative technique employed was the use of in-depth interviews. In interviewing, an integral component is the interconnection between the interviewer and the respondent. This rapport allows the researcher to augment the data obtain by document analysis and reviewing the literature (Babbie, 2001).

Although interviewing had many advantages, it also had many drawbacks. First, I had to avoid the pitfall, which often occurs in interviews, of asking double-barreled or loaded questions that subtly bias the answers obtained (Babbie, 2001: 292). Specifically, double-barreled questions ask the respondent to answer to two issues in a single question (Berg, 1989). An example of this would have been if asked one of my interviewees, "How many times have you felt that you were discriminated against by a Seminole, or have you never felt that you were discriminated against by a Seminole?" I avoided this inherent validity issue by asking a general question as, "how

would you describe your experiences with Seminoles?” Then, if I felt it was necessary, I would probe further and ask, “tell me more about that?” This way, I could determine if their experience was discrimination without leading or asking a double-barreled question. Second, there was the possibility that “question-sequencing” may influence the answers obtained (Berg, 1989: 25). Consequently, I avoided this malady by beginning with non-threatening questions (e.g., demographic) instead of threatening ones (e.g., asking the respondent to name discriminatory Seminoles). Inherently, question sequencing was important because it affected the rapport I had with respondents and impacted their answers. Limitations notwithstanding, I felt that conducting in-depth interviews allowed me to gain a deeper understanding of the phenomenon being studied than a likert-type questionnaire would have.

Finally, there were concerns regarding the limitations associated with conducting interviews (as already alluded to) and analyzing the content of responses. Both of these areas of concern could have resulted in preventing me from getting a rich account of the phenomenon. Particularly, the aforementioned was important because a researcher stands inextricably connected to the process (Babbie, 2001). In other words, the quality of the data is only as good as the ability of the researcher to interpret it (Babbie, 2001).

I utilized a “semi-structured” interview format in this study. Berg (1989: 17) posits that semi-structured interviews are “those located between the

extremes of completely standardized and completely unstandardized interviewing structures.” The semi-structured interview questions were centered on broad themes intimately related to the social status and discrimination (e.g., knowledge of freedmen history) experienced by the Black Seminoles. Further, questions were open-ended to allow for respondent elaboration and the asking of additional “probing” questions by the researcher (Berg, 1989). This was consistent with the exploratory nature of this project.

I conducted a total of ten in-depth interviews with Seminole Freedmen. A combination of non-probability/purposive “convenience sampling” and the “snowball method” obtained interviewees. Primarily, Seminole Freedmen who identified themselves as Freedmen that I met at Seminole Freedmen informational and planning meetings were interviewed. As previously alluded to, additional interviews were obtained by way of the “snowball method.” In other words, I would ask the most recently interviewed respondent to introduce me to “another” Seminole Freedmen that would like to participate in the study, which I would subsequently, interview.

### ***Document Analysis***

The second qualitative method employed in this study involves document analysis. Due to the exploratory nature of this research, document analysis will provided an important source of data and information. The types of documents were treaties, the “1969 Seminole Constitution” and given at Black Seminole planning and informational meetings. The use of document analysis removed some of the validity problems related to improperly worded

interview questions. Content analysis was used to analyze the documents included as part of the study. Berg (1989) posits that content analysis takes advantage of the researcher's ability to recognize and interpret recurring themes and underlying meanings. In using content analysis to analyze treaties, I looked for the names of the Seminole Freedmen as interpreters. The listing of a Seminole Freedmen as interpreters was a designation of that individual's status within the Seminole Nation. For instance, in the Treaty of Fort Moultrie Creek (1823) it was stated that Black Seminole interpreters Abraham and Cudjo were to be paid a sum of \$200 each for land that they had cultivated (Kappler, 1904). The aforementioned was significant because by being afforded the opportunity to negotiate a treaty revealed that these two Black Seminoles occupied positions of high status and were more than mere slaves (Twyman, 1999). Hence, Abraham and Cudjo were both interpreters and land owners. Further, the U.S.-Seminole treaty of 1866 explicates that all individuals of African and mixed African and Indian blood were hitherto full members of the Seminole Nation (Kappler, 1904). The Treaty of 1866 is important because it provides a vocabulary of motives for the Black Seminoles to presume that they are full tribal citizens while simultaneously being utilized by the Seminoles to suggest the opposite. From the viewpoint of a majority of the Seminoles, the document is viewed as nothing more than something that they were coerced into signing by the U. S. government (Bateman, 1991; Littlefield, 1977). Ascertainable from the U.S.-Seminole Treaty of 1866 is that all blacks were given the status of full tribal members.

There are several problems inherent in document analysis (Babbie, 2001). First, is the potential for bias in the analysis of historical documents. It is important that I try to be unbiased and not analyze the historical documents within a present-day understanding of the issue. Singleton et al. (1993) suggests that a problem inherent in analyzing historical documents with a contemporary viewpoint of a situation/issue is that past outlook on the issue may be considered wrong or irrational. So it was difficult for me to understand slavery in any form by the Seminoles especially within a contemporary context wherein it is considered wrong. Both Berg (1989) and Babbie (2001) assert that when it comes to historical documents it is impossible to know how many were produced to know the exact number of documents that should be available. In my study, an inherent difficulty was accurately knowing how many historical documents were produced wherein the status of the Black Seminoles can be discerned. To combat this malady, I focused on treaties because they were more readily attainable and presumably the most accurate. Second, is the availability of an adequate number of documents. It is plausible to assume that some movements will be more inclined to produce documents than others, thus providing more data. Conversely, a benefit of document analysis is the absence that can be produced by the presence of the researcher (e.g., in an interview). Also, I believe that I can limit this potential problem by thorough historical research which allows for a comprehensive understanding of the political climate and

“social contexts” within these historical documents (e.g., treaties) were erected.

My data collection methods included in-depth interview (oral histories) and document analysis. The length of data collection was approximately 15 months. The interviews were taped and transcribed and examined to the extent the information contained therein corresponded to info discovered in the review of literature. This same technique was used in analyzing historical documents and the informational meetings.

In summary, I learned several important things from the literature review that were useful in analyzing documents. First, that the Seminole Freedmen (e.g., Abraham, Cudjo, and John Horse) provided valued services to the Seminoles as negotiators, interpreters, warriors, and chiefs and sub-chiefs. To buttress preceding point, Katz (1997: 28-29) argues that “Native Americans soon discovered that Africans had some gifts that made them uniquely valuable. Through their slave experience they qualified as experts on whites-their diplomacy, armaments, motives, strengths, and weaknesses. Escaped slaves came bearing a knowledge of their masters’ languages, defenses, and plans.” Second, I learned that not all Black Seminoles occupied the same statuses. The review of literature provided information regarding the high status of Abraham. This is qualified by the fact that he is listed by name on the treaty of Fort Moultrie Creek (1823). Along with this, I learned that the “former” high status that Black Seminoles enjoyed when given full-tribal citizenship in the treaty of 1866 meant nothing to the Dawes

Commission when the roles were tabulated in 1898 and when they were voluntarily separated in 1906 (Saito, 2000). Third, I learned from the literature review that kicking the Freedmen out of the tribe in 2000 was illegal because it was against the tribal constitution established in 1969, but it was also something that the Seminoles had tried to do in the past (Sharpe, 2002; Bateman, 1991). Moreover, this was highlighted by the fact that when the Seminoles saw that money and resources might possibly be shared they opted to separate themselves from the Black Seminoles.

### ***Conclusions***

In closing, this chapter highlighted the methods and uses of the literature in the study. I demonstrated both the positive and negatives of using document analysis, oral history information, and in-depth interviews. In the next chapter, I illustrate some of the historical antecedents to more contemporary Black Seminole societies. These historical antecedents not only provide valuable information regarding black resistance to enslavement, but also provide early information about pre-Florida symbiotic black-indigenous relationships.



## Chapter Three

### *Historical Background:*

#### *Introduction*

This chapter discusses the historical antecedents of the present-day status of the Black Seminoles. The Black Seminoles' origins can be traced to historical maroon culture/societies. This is important because the initial symbiotic relationship between these groups was based in part on the superior survivor skills the Black Seminoles brought with them. These survival techniques were residuals from some of the prominent historical Maroon societies outlined in this chapter. Why and how this relationship changed is due in part to the changing historical and political conditions, as each group tried to prevent assimilation and annihilation by the encroaching white Europeans. As each side maneuvered around the Europeans to escape capture and certain death, the Black Seminoles were disadvantaged by their ascribed slave status in the dominant society. The Seminoles quickly learned to use this against them, especially when their own status was in danger, by threatening to turn them over as contraband to white authorities. I argue the motivation behind this betrayal was to solidify their increasingly tenuous status as sovereign nations. I also argue that this is still being practiced by Oklahoma Seminoles today as exemplified in their recent attempts to disenfranchise the Freedmen. Once again, the Seminoles used the Seminole Freedmen's legacy of a slave status, a status determined by the majority white society, not traditional Indian culture. Initially the Seminoles

were nativists and were most reluctant to assimilate European customs, namely chattel slavery. They use this status to distance themselves from the Seminole Freedmen just as they did two hundred years ago, to provide a way for them to be independent of the dominant society at the expense of the Seminole Freedmen. It becomes obvious, then, that the origins of the present-day adversarial relationship between the Black Seminoles and the Seminoles is related to similar factors that led to the deterioration of the once symbiotic relationship they had when the Black Seminoles first joined the Indians to resist white domination.

### **1) *Maroon Heritage:***

In this section, I examined the indigenous origins of the Black Seminoles. A proper examination of the origins of the Black Seminoles must begin with an investigation of maroon societies. An investigation into historically prominent maroon societies is needed in order to be able to adequately assess the impact of Black Seminole societies on Indian culture. Specifically, within maroon societies, one can find the origins of some of the effects of Black Seminoles on Indian culture, such as: forms of communicating and negotiating with whites, guerilla warfare techniques, initial symbiotic contact with indigenous/Indian peoples, house building, and agricultural techniques (e.g., rice cultivation) which were transplanted to Black Seminoles societies among Indians.

The term “maroon” can be most adequately defined as an umbrella term for various runaway slave societies which existed from approximately

the 1400s in different parts of the United States, Central and South America, the West Indies and the Caribbean Islands (Karenga, 1993; Opala, 1981). Interestingly enough, the word Seminole has a similar origin from the Spanish word "*cimmarron*" which means "wild" and "unruly" or "runaway slave" (Tymann, 1999: 3). Price (1973) refers to the maroons as various groups of fugitive slave communities which existed in Peru, the American Southwest, Brazil, and the Southeastern United States, to name a few. Additionally, Karenga (1993) offers a similar definition of maroons as rebels from the system of chattel slavery practiced by Europeans (and later the five civilized tribes in the Southeast). However, he goes on to postulate that there exists substantial evidence of at least fifty such communities between 1672-1864 with varying life spans, which resided in the swamps, mountains, and forests of Southern states as Virginia, Louisiana, North Carolina, South Carolina, Georgia, Mississippi, Alabama, and Florida.

Information as to exactly when and where maroon societies actually began is difficult to determine (Katz, 1997; Price, 1973). Historians and sociologists often disagree as to the totality of facts concerning complex issues (Katz, 1997; Patterson, 1982; and Price, 1973). Nonetheless, in this study an understanding of maroon society will provide a starting point for discussion of the immersion of people of African lineage into the Native American stratification system.

### ***Prominent Historical Maroon Societies***

In this section, I address many of the reasons that the Black-Seminole relationship switched from symbiotic to adversarial. Particularly, in a discussion of prominent maroon societies, insight can be gained into some of the relations, which provide an intellectual undergirding for the emergence of adversarial relations. To put it more concisely, a proper understanding of historical maroon societies allows for a better understanding of the following events that effected the Seminole Freedmen: 1) removal to Indian territory of the Seminoles in the mid-1830's; 2) the introduction of chattel slavery and trade by Europeans (initially the British, then Southern slave owners); and 3) how the Creek-Seminole Treaty of 1856 along with syncretic creation stories lead to non-friendly relations, unless we understand maroon societies in general. Why? It is because these societies enlighten one as to the circumstances involved (running away from slavery) in introduction of maroons to the Seminole society and some of the pressures placed on both groups in attempting to forge an equitable relationship.

The maroon heritage of the Seminole Freedmen (who will also be referred to as Freedmen, Black Seminoles, Estelusti, etc.) is important to this study for the following reasons: 1) It illustrates the longstanding heritage of organized "paramilitary resistance" to the "peculiar institution (i.e., slavery)." For instance, one of the primary reasons why southern plantation owners feared maroons going to Florida was the successful Haitian revolt led Jean Jacques Dessalines that led to independence for the island and also ended

slavery on the island (Rogers, 1996). Second, it serves as a starting point for the introduction to the larger unknown (e.g., Landers, 1999, 1998; Jackson, 1999; Katz, 1997) history of symbiotic black-indigenous relationships. Third, the history of symbiotic relations as opposed to the present adversarial relations have been shown to not be very well known by contemporary Freedmen and Seminoles. Fourth, their status as “runaway slaves,” resulted in the formation of federal policy enacting slave-catching treaties (spanning over 100 years specifically between the Creeks and the U.S. Government), (Twyman, 1999). Indians, in particular the Creeks, signed these treaties specifically to catch runaway slaves. Thus, slave-status does not qualify Black Seminoles for tribal membership.

The aforementioned provides a basis for understanding why our discussion of maroons will not be limited to maroons living in the U.S. In other words, maroon groups outside the U.S. provide the backdrop for the Seminole Freedmen. Therefore, the discussion will focus on the following four maroon groups: those of Palamares, Surinam, Jamaica, and Cuba. Incidentally, it was the previously alluded to and other societies (the history is quite extensive) that were the progenitors of some of the maroons that eventually came to Florida. Also, I devote more of a focus on the maroon societies within the borders of the United States during the discussion of slavery in Chapter Four. Consequently, the four aforementioned societies will be briefly discussed below.

### **1) Palmares**

Described by the Dutch as “Bush Negroes” the peoples of African and indigenous/Indian descent that inhabited the Republic of Palmares represented perhaps the greatest organized defiance to the quest for European domination in the history of Latin American (Katz, 1997; Price, 1973).

Located in Northeastern Brazil, near the state of Palmares, the area was given its name because of the overabundance of beautiful Palm Trees that outlined the area. Furthermore, this geographical area was the locale of 100 years of resistance to Portuguese and Dutch enslavement. Its subsequent relation to black Seminole societies, its social organization, and nature of resistance, and eventual demise will be discussed. Each maroon society will be explained in terms of these aforesaid four factors (as an under girding as to how and why the became included in Seminole society).

Kent (1973) has suggested that the formation of Palmares began around 1600, with at least forty black slaves and a few indigenous runaways from the nearby plantations of Caleo. Conversely, one could quite plausibly infer since the enslavement of Africans is purported to have begun in Brazil at or around 1552, its ethno genesis took place much earlier. For instance, Bastide (1973) argues that the first quilombo (fugitive slave society) emerged in the adjacent state of Bahia in 1575. Nevertheless, historical disputes notwithstanding, the refusal to accept enslavement can more than adequately be suspected to be as old as the “institution” itself.

In the early seventeenth century, Palmares was primarily a Portuguese colony. The Portuguese had come to take advantage of the money that could be made from the lucrative sugar plantations. In the early 1600s, the Dutch West India Company took over the area resulting in the Dutch rise to prominence in the locale and forcing the Portuguese to leave.

The Republic's most famous and longest ruler was King Ganga Zumba (Kent, 1973). A testament, perhaps to the symbiotic relations between the two groups (Blacks/Africans-Indians/indigenous), can be found in the etymological roots of its chief ruler's name. The name Gang Zumba, which means "great Lord" or "great ruler" represents a combination of the Angolan (West African) word for great and Tupi Indian word for "ruler" (Katz, 1997; Kent, 1973). By 1612, this prime example of Afro-Indigenous alliance had gained considerable notoriety and was cause for much alarm among the Dutch and Portuguese (Bastide, 1973).

The Palmares society offers an example of how slavery was implemented without obvious economic and racist ideological factors. Moreover, the uproar generated by Palmares was not only in the fact that it represented the antithesis to the money making and inherently racist (apologists for slavery often insist that the enslavement of Africans was driven by economics only) institution, however, it could not be fueled without racial precursors, i.e., Africans are heathens, soulless and subhuman (Anderson, 2001; Anderson, 1995). For that reason, the intentions of the Dutch and Portuguese can also be found in the internal structure of enslavement. Case

in point, Palamares was not a single enclave, but a combination of many subunits (Kent, 1973). Thus, the units (living communities) within Palamares were comprised of at least 6,000 blacks in the mountainous region near Santo Amaro and 5,000 in another adjoining party. Palamares is an example of how an African society was transferred to the New World in the absence of enslavement.

Like the Seminoles, a basis of comparison is that they (Palamares) both practiced polygamy. King Gang Zumba maintained a palatial residence, primarily for himself, family, and his wives (the Seminoles and Freedmen also practiced polygamy), (Bateman, 1991; Kent, 1973).<sup>1</sup> The subjects displayed deference by kneeling in the king's presence and striking palm leaves on the ground in a ritualistic manner as a sign of appreciation of his excellence. Finally, as supplementary proof to the internal structural organization of this and other maroon societies, the royal enclave consisted of at least 1,500 huts, complete with a priest and an adjoining sub-kingdom that was ruled by Zamba's younger brother (Gana) Zona.<sup>2</sup> In its totality, the domain stretched 1,100 square miles (Kent, 1973).

The government of Palamares represented an amalgam of that taken from Central and West African states (Kent, 1973; Price, 1973). The majority of its inhabitants (less the indigenous members) were from the Angolan-

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<sup>1</sup> Kent (1973) suggests that subjects would refer to King Ganga Zumba as "your majesty" as a sign of deference.

<sup>2</sup> Barashango (1983) posits that as a community, Palamares was self-sustaining. Maroon farms would produce cereals and vegetables along with knowing how to store these commodities during wartime. Also, trade would be conducted not only to earn money, but also to gain intelligence information regarding upcoming attacks from plantation slaves and nearby townspeople.



Congo perimeter. Kent (1973) offers several points in support of this assertion. First, was the cultural norm against being enslaved.<sup>3</sup> To prevent cooperation among slaves, the Portuguese took slaves from different tribes/clans to prevent the formation of a unified front (because of inter/tribal fighting).<sup>4</sup> Second, were prostrations (e.g., kneeling, bowing) before the king. This was something that was commonly practiced in West African societies as a sign of deference for the leader. Third, were site initiation rituals with the use of animal blood. Consequentially, all of the previous points serve as evidence of Palamares' structural strength and the reality that it not only represented a bold counter to enslavement.<sup>5</sup> The Palamares Republic was able to withstand attempts by the Dutch and Portuguese to attack them. Fourth, were guerilla warfare techniques. These methods were similar to those used by the Seminoles to withstand European attacks. The Palamares Republic withstood at least one attack every fifteen months between 1657 and 1694, and finally was conquered in 1694 (Katz, 1997; Price, 1973).

### ***The Saramaka of Surinam (South America)***

The only known maroon society still in existence (or at least the most noted) is that of the Saramaka people of Surinam in South America (Katz, 1997; Price, 1973). Formed in 1685 near Guiana by maroons and Native Americans who had escaped Dutch enslavement, this society fought the

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<sup>3</sup> Kent (1973) posits that Maroons would often hurl themselves from cliffs rather than be enslaved.

<sup>4</sup> Kent (1973) explicates that the practice of taking slaves from different tribes actually contributed to the strength of Palamares initially, however, after time, it would contribute to its demise via tribal in fighting.

<sup>5</sup> Price (1973) maintains that Palamares represented one of the earliest examples of the transference of an African sociopolitical system to the Americas.

Dutch for eight generations and currently boasts over 20,000 members (Katz, 1997). Representing probably the strongest example of maroon resistance, eternal freedom came in 1761 when the Dutch sued for peace and surrendered to Captain Adoe (leader of the South American colony), therefore ending a long and costly struggle to subdue a people that would not accept enslavement.

An acknowledgment of maroon communities that existed in the Caribbean, and later those involving Seminole Freedmen in Georgia and Florida (and later Oklahoma) is very instructive. These communities are very instructive because similar to the Seminole Freedmen whom they preceded, their identity was formed by the extent and nature of their struggle. In other words, fighting against insurmountable odds (in regards to being severely outnumbered) and having to fight against better trained armies with less sophisticated weaponry (often stones and spears compared to guns). Katz (1997: 40) asserts that the rebel slave communities took on such names as "God knows me and no one else," "Disturb me if you dare," "Come me if you be Men," and "I shall smolder before I be taken."

The Saramaka (like many maroon societies) employed many guerilla tactics that would prove successful in their war against the Dutch, were similar to those implemented used by the Vietnamese in Vietnam in the 1960's and early 1970's (Katz, 1997; Barashango, 1983). The maroon guerilla tactics were designed to make use of their limited usable firearms. They would often use homemade bows and arrows, spears, and Amerindian

war clubs to their advantage. The Saramaka often used the tropical underbrush as effective camouflage by positioning themselves strategically near a defile where enemy troops were passing. As the troops passed, they would fire shoots at the troops from all directions (front, back, both sides). This created confusion among their opponents and usually resulted in their retreat (Price, 1973; Katz, 1997; Barashango, 1983). Finally, being able to strike and retreat with great fluidness, the Saramaka would often position themselves atop cliffs and hurl boulders at unsuspecting troops below. They also built palisade villages that would have only a single sunken path as the only means of entrance (Price, 1973).

The Saramaka were self-sustaining through agriculture and trade (between blacks, Indians, and townspeople). This nutritious diet resulted in them often being described as tall and muscular (Katz, 1997). Ultimately, all of these factors, diet, intelligence networks, effective guerilla warfare tactics and a strong sense of self-determination, allowed the Saramaka to continue to exist.

### ***Jamaica***

Jamaica is an example of an enduring maroon opposition to enslavement (Patterson, 1982, 1973). Rogers (1996: 222) noted about Jamaica:

“Nothing is further from the truth than the popular belief that the African in the New World was in love with slavery and submitted calmly to it. The fact is that he rebelled against it from the United States to Argentina without number.”

For at least 140 years these maroons fought Europeans, forcing the Spanish to leave, and Britain to finally sue for peace. (Patterson, 1982; Price, 1973; Dallas, 1803). Moreover, problems with subduing maroons are why both the Spanish (in 1693 and beyond) and the British (during its war with the U.S. in 1776 & 1814) offered runaway slaves freedom for aiding them. These facts are important because it shows that when it was politically beneficial to do so, particularly when each group was trying to maintain Florida, which would later be a method used by the Seminoles, these groups recognized the legacy of relentless use of guerilla warfare to prevent enslavement.

Patterson (1973: 280-288) outlines “seven structural/cultural features” of Jamaican enslavement that made it particularly conducive to the formation of maroon societies. These features have utility in regards to our study because some of them mirror those characteristics of southeastern plantation societies that made them more accommodating to the development of maroon societies. First, “slaves outnumbered the masters by a ratio of ten to one.” This was due to the fact that since Jamaica’s tropical climate proved to offer many diseases that Europeans were not immune to (e.g. malaria). Thus, wealthy enslavers would leave their plantations in the hands of overseers and attorneys, funnel the money back to the motherland (England), and live in luxury. Second, was “the ratio of Creole (racially mixed) to foreign-born slaves?” Since four-fifths of the plantation slaves were of African origin, as opposed to being raised within the system (Creole), acculturation to the system would decrease and can concomitantly increase the likelihood of

revolt. Third, slaves who were born outside the system were provided with leadership opportunities among them. Europeans thought that certain ethnic groups (such as the Coromantee from Ghana) were easier to handle after “seasoning” and not as much of a threat. Fourth, was the terrain of Jamaica, which afforded tropical forests, rugged mountains, and deep valleys and defiles. These geographical points were ideally suited for guerilla warfare. Fifth, there was the high rate of absenteeism among the slave owners, who turned over the operation of their plantations to overseers who did not have much of an interest in maintaining the plantation. Sixth, the large sizes of the plantations worked against maintaining control and were difficult to defend logistically.<sup>6</sup>

Between 1545-1685, over fifty maroon communities were scattered throughout the U.S. and the Caribbean (Karenga, 1993; Barashango, 1983). Because the majority of maroon communities were in the U. S., the maroon communities within the borders of U.S. were the focal point of my study. One of the most noted precursors to the ongoing struggle for black independence occurred in 1655 when the British took Jamaica from Spain. This possibly motivated the Spanish Edict of 1693 and resulted in the migration of many of the maroons of Jamaica to Florida (Patterson, 1973). Thus, the British, having already subdued several other European powers set the stage for the

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<sup>6</sup> Patterson (1973) suggests that leaving large plantations to be ran by attorneys and overseers who did not have much of a vested interest in them resulted in an even smaller number of people willing to be in militias to defend them. Additionally, Patterson (1973) rather controversially argues that the conspicuous absence of white women (less than 20% of the population) contributed to the formation of maroon societies. The aforesaid was the case because he viewed “women as the carriers of culture” thus their absence did not allow for the development of an accommodating “slave culture” that would serve as a mechanism of control.

first maroon war with 1,500 slaves under their black commander, Juan de Bolas (Barashango, 1983). Unfortunately, by 1660 de Bolas and the 150 remaining of his contingent surrendered to the British in exchange for a pardon, freedom, and some land.

The most famous of all maroon leaders was Cudjoe (some of the current Freedmen families are descendants from him), (Katz, 1997; Rogers, 1996). Many of the Florida maroons were descendants of his, particularly the Cudjoe family that appear on the original Freedmen rolls (Katz, 1997; Porter et al., 1996). A man of short, stocky build, this fierce warrior from the Coromantee tribe of the Akan of Ghana, would lead the maroons of Jamaica for over fifty years of struggle in the Blue Mountains (Rogers, 1996; Dallas, 1803). Defeating the British in every battle over a fifty-year period, it is the contention of Rogers (1996: 222) that “had he been able to get the arms and ammunition, he would have doubtless done to them (British) what Dessalines did to the French in Haiti, that is, drive them from the Island.” On March 1, 1739, after ten years of intense, continuous struggle, the British were forced to sue for peace, bringing an end to the first Maroon war. According to Price (1973) and Barashango (1983), the racist treaty included the following conditions: 1) 2,500 acres of land, along with freedom to buy and sell crops (except sugar, the major plantation crop); (2) the return of all fugitive slaves after that point in exchange for monetary compensation; (3) maintain at least two white superintendents, and aid in the suppression of future slave revolts. The treaty could be perceived as racist in that it fed into a racist ideological

belief that suggestive of the fact that blacks could be pitted against each other for money and land. Moreover, at first glance, to make such concessions to enslavers might not seem plausible to the casual observer.<sup>7</sup> Nonetheless, the concessions made by Cudjoe may not be totally explainable, they must be evaluated in a holistic context.

In spite of the treaty enacted with the British, maroon defiance continued. Opposition took the form of skirmishes between blacks (both plantation and maroon) and the British culminating in the second maroon war in 1795. Lasting from July until December, the British not only employed other blacks but also used 3,000 militia, 1,500 troops, and imported dogs from Cuba to defeat the rebels of Trelawny Town (Barashango, 1983). However, the maroons would continue to revolt, launching major insurrections in 1815 and 1831. The latter, was deemed the “Baptist War” because its leader was Baptist preacher, Sam “Daddy” Sharp (Hatt, 1997). Sharp led 20,000 maroons who destroyed plantations and killed at least fourteen whites. Upon capture 200 slaves and “Daddy” Sharp were executed (Hatt, 1997: 45). Ultimately, these battles and others led to Britain ending slavery on the island on July 31, 1838 (Hatt, 1997: 48). Most importantly, on August 6, 1962 Jamaica became the first British territory in the Caribbean to gain National Independence (Patterson, 1982).

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<sup>7</sup> Karenga (1993) and Barashango (1983) illuminate that the Caribbean and the Americas were where the process of “seasoning” took place. Seasoning included making the slave more manageable via mechanisms that entailed mutilations, castrations, rapes, burnings, beatings, etc. Therefore, it might

## **Cuba**

Cuba, located in close proximity to the Florida coast (90 miles south of Florida), served as both a place of refuge and a place for creation of runaway slave societies (Landers, 1999). The colonization of Cuba began, at or around 1511, when Spanish soldier Diego Velaquez established the town of Baroca. Therefore, it can adequately be assumed that the enslavement of Africans to work on the tobacco and coffee plantations, mines, and sugar plantations began in the early to mid-sixteenth century (Price, 1973).

The maroon communities, or palenques, became so numerous that by 1541 the Spanish had begun to recruit both free and loyal Indians to the Spanish cause to fight these rebels. Not unlike maroon communities in other parts of the West Indies (e.g., Jamaica), the rebel societies were very well organized and engaged in a long struggle for independence (Rogers, 1996). De La Riza (1973: 49-59) points out "as palenques grew more powerful, the Spanish grew more weaker due to the increasing difficulty of locating them in their mountain hideouts."

In Cuban palenques, the chief was in control of social life. However, maroon societies might consist of several chiefs. The designation of chief most often was reserved for the individual(s) who was the most skillful fighter, most cunning, and most familiar with the region (De La Riza, 1973).

Similar to other runaway slave societies, the maroons who inhabited Cuban palenques were proficient in guerilla warfare. To deter Spanish

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allow the reader to understand why Cudjoe and the other maroons would accept a truce under what could be perceived as "less than ideal" terms.



soldiers, they had a custom of opening false paths (leading to other huts) made with sharp stakes of cuaba wood (De La Riza, 1973). Also, each stake was ringed horizontally by a crack that allowed the top to separate from the main body, which was implanted in the ground. Another analogous tactic (to those utilized by the Vietnamese in Vietnam) involved the digging of a trench or small hole, placing razor sharp bamboo spears at the bottom, so that the unsuspecting enemy would be unknowingly impaled (Katz, 1997).

The leader of the Palenque was usually in charge of a fifteen to twenty hut contingent that was so concealed that it would not be unusual to walk right past it unknowingly (De La Riza, 1973). Requiring members to reside two years before leaving ensured allegiance to the society. Additionally, leaders would kill any member who did not defend himself during battle. Moreover, leaders at times would even kill newborn babies for fear that they would alert the plantation of their whereabouts.

The main source of income for the Palenque was the sale of pure wax and honey. Additionally, the maroon community would also barter for weapons, clothing, etc., with settlers and other plantation slaves (as did most maroon societies). The money involved in the aforementioned transactions would be handed over to the chief (and hidden by him in the ground or the trunk of a tree) to be retrieved at a later date (De La Riza, 1973: 54).

The most famous Cuban Palenque was the Poblado del Cobre in Oriente Province (De La Riza, 1973: 54). Slaves originally inhabited it in 1637 that were forced to work in the gold mines. These slaves revolted in

1731 and kept control of the area until 1781 (which is now the town of El Cobre). The enslaved of El Cobre area were declared free, on April 7, 1800. Slavery was not abolished in the rest of Cuba until 1886 (Hatt, 1997).

***Status Factors: 1) Slavery, 2) Participation in Seminole Wars and Community Life, 3) Allotment, 4) Jim Crow, and 5) Contemporary Status Determinants***

In this dissertation, I define status as “any indicator or representation of a group or individual’s “social worth,” “prestige,” or estimation of “social honor,” in a society (Kerbo, 2000; Hurst, 1998). Concomitantly, within my study, to properly understand the inordinate status position of the Seminole Freedmen within the Seminole Nation of Oklahoma, many historical precedents must be explored. I will limit my discussion to the following factors: slavery, participation in the Seminole Wars, allotment, Jim Crow, and contemporary status determinants.

The importance of status is paramount in addressing the fundamental research question proposed in this study: “What are the socio-historical circumstances that have culminated in the contemporary status of the Seminole Freedmen in the state of Oklahoma?” Consequently, status will be investigated via the analyses of the following factors, namely, slavery, Freedmen participation in Seminole Wars and community life, allotment, Jim Crow, economics, etc.

The Spanish edict of 1693 is an important component because it allowed freedom to all of the slaves who could make it from Georgia and South Carolina to Florida. Therefore, it acted as a catalyst that brought the

maroons to Florida to live among the indigenous peoples of the region.

Signed on November 7, 1693, by King Charles II of Spain, the proclamation granted maroons/rebels who could make it to Spanish Florida (near present-day St. Augustine) to freedom (Landers, 1999; Twyman, 1999). Despite the fact that rebel blacks had been settling the area since at least 1686, the edict encouraged the resettlement from British controlled South Carolina and other southern states. The aforementioned fact is important to this study because the edict allowed for a larger influx of blacks due to the numbers of slaves was growing in the South and the Spanish were offering blacks the opportunity to settle almost unabated in return for military service. This act was an exercise of both “common sense” and “political expediency” on the part of the Spanish due to three basic reasons (Twyman, 1999; Landers, 1999: 25). First, the measure could be perceived as an exercise in “common sense” because the Spanish had an extensive history of battling maroons (e.g., Jamaica, Cuba, etc.). Also, they were familiar with the costs of, and the possible benefits, of having a people “who are fighting for freedom could bring” when on their side (Landers, 1999; Twyman, 1999; and Porter et al., 1996). Landers (1999: 8) argues that Spanish contact with blacks can at least be traced to “Moorish occupation of Spain (711-1492).” Included were blacks that were both enslaved and free persons, practicing their own religions, and owned their own property (until the codification of Castilian slave codes by Alfonso in *Siete Partidas*). Third, the measure was “politically expedient” because the Spanish were trying to maintain control of an area

they had declared as their own since Columbus' voyage, yet did not have the military muscle to defend against their British competitors (Landers, 1999; Twyman, 1999). Nevertheless, it was originally postured to the British (by the Spanish) that it was the desire to convert blacks to Catholicism that precipitated creation of the edict. This was done by the Spanish to create the image to the British that they were encouraging blacks to live among them for religious reasons rather than to use them in their battle against them. However, later in 1704 Governor Jose de Zuniga y Cerda in his orders of Apalachee explicated that any black, Christians or not, would be given freedom papers if they wanted to stay in Florida. Finally, the royal decree was most important in the fact that it was the medium for the first noteworthy infusion of blacks into the Native American stratification system in Florida (the term Seminole was not formally used until 1765 and represented an amalgamation of as many as thirty-six tribes), (Landers, 1999; Twyman, 1999; Mulroy, 1993; Littlefield, 1977).

***Slavery: What everyone does not want to talk about***

The issue of slavery and an appropriate comprehension of its impact on people of African descent are fundamental to this study. The loss of between fifty to one-hundred million lives of peoples of African descent via methods of mass murder, forced migration, wars, and the middle passage is vitally important for a complete understanding of the plight of the Seminole Freedmen (Anderson, 1995; Karenga, 1993; Diop, 1974; Williams, 1974). Despite the reality that slavery is more than something that can be

caricatured as a “terrible event” it appears (at least to some scholars, e.g., Sowell, 1981) to be more appropriately to frame as an “overwhelming economic enterprise.” Conversely, Rodney (1974) asserts that over time the oppression of peoples of African descent for economic reasons was strengthened and justified by its racial component and eventually the two became indistinguishable. Moreover, justifying the enslavement of blacks as just “economics” ignores the destruction that this “peculiar institution (at least in the American sense of the word)” meted out on African culture, religious systems, folkways, mores, history, and processes of self-determination (Anderson, 2001; Marable, 2000; Robinson, 1999; and Anderson, 1995).

Several explanations can be offered for the inclusion of a discussion of slavery in my study of the Freedmen battle for full social acceptance. First, slavery in any form denotes a system of stratification that results in inequality (Anderson, 2001; Marable, 2000; Schaefer, 1998). In other words, enslavement entails a form of conflict wherein you have two groups, one that is slave, and the other that is free (Kerbo, 2000). Regarding the Freedmen, the very fact that they can be referred to as such be a manifestation of the fact that they occupied a status subservient to their enslavers, no matter how mild the form (Mulroy, 1993; McLaughlin, 1974). This inferior status resulted in the Seminoles taking several steps to separate themselves from the Black Seminoles, most saliently after statehood and up to contemporary times (Bateman, 1991). Second, it (i.e., the enslavement of blacks by the Seminoles) is one of the major contentions of the Seminoles as to why the

freedmen should not be included as full members of the tribe and thus be entitled to the benefits (e.g., educational, housing loans, medical care, and other tribal monies) that such status entails. As Bateman (1991) asserts, the Seminoles view them as “former slaves” and nothing else. Third, is the general lack of knowledge on the subject of “Native American enslavement” of people of African descent?<sup>8</sup> Furthermore, the “Five Civilized Tribes” that settled Oklahoma were referred to as such because they both had adopted a more Eurocentric view of blacks (i.e., that they were inferior) and began to practice chattel slavery. This resulted in: (1) although initially the Freedmen were allowed autonomy, they were rarely, considered equals (Mulroy, 1993; 1984; Bateman, 1991); (2) Freedmen who were most likely to be viewed as “equals” were those that occupied higher “status” positions (e.g., interpreters, guides, proficient warriors, etc.), (Porter et al., 1996, 1932; Mulroy, 1984); (3) Despite the fact that miscegenation took place, the Seminoles practiced a matrilineal form of descent, therefore, the offspring from a Seminole man marrying a black woman would not have been considered a member of the tribe. Fourth, slavery is important because the more economics became a factor in the Seminoles’ plight, “the more the slavery argument came to the forefront” (Bateman, 1991; Mulroy, 1984). The preceding was particularly true during the removal period (1838-1843) and onward (Mulroy, 1984).

Furthermore, money became a central issue when the Indian claims commission awarded monies to Seminoles in 1991 for lands ceded in the

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<sup>8</sup> Twyman (1999) and Mulroy (1984) argue that at least thirteen tribes had slavery officially written into their constitutions and most, if not all, of the “five civilized tribes” fought on the side of the

treaties of Fort Moultrie Creek and Payne's Landing and also when the Indian Reorganization Act was enacted in 1934. Also, the more money became abundant, and the Seminoles could be recognized as independent from the Creeks, the more Seminole slavery became similar to European chattel slavery (just directly prior to, and after removal). I argue that discriminatory actions on the part of the BIA and the Seminoles (e.g., the ideological nullification of U.S. Seminole Treaty of 1866) entailed attempts to formulate new constitutions to exclude freedmen, non-inclusion in monetary disbursements, and illegally removing them from the tribe altogether in July 2000. Each of these events can be traced to a legacy of enslavement. The very fact that the blacks were "former slaves" and "not equals," raises some moral dilemmas for present day Seminoles. The dilemma would come from the fact that the Seminoles would be forced to admit that they benefited from slavery just as Europeans, they would lose their status as "being oppressed by whites" to being the oppressor! By the admission of the Seminoles, that the freedmen were mere slaves, did not the Seminoles benefit from the presence of blacks within this inherent stratification system? The preceding argument is reflected in the statement of U.S. General Thomas Sidney Jesup (the most successful commander in the Second Seminole War) "that this is a Negro, not an Indian war," (Mulroy, 1993). This statement makes one realize that the U.S. military knew they were really fighting the Maroons, not the Seminoles and that it was the tactical innovations of former slaves, not the Indians that made their military endeavors unsuccessful. Therefore, can it not

be surmised that without the inclusion of the freedmen's tactical fighting skill, the U.S. would not have been obliged to make any concessions to the Seminoles (see all of the treaties)? Moreover, would not any attempt to deny the Freedmen compensation be both discriminatory and hypocritical?

Discriminatory, in that to reject the freedmen compensation would involve having the power to systematically deny opportunities (in the form of compensation) by both the Seminoles and the BIA. Hypocritical, in the fact that the Seminoles feel that the government owes them compensation (and rightfully so) for land that was taken, would not at the very least those who helped defend and cultivate the land, allowing you to be in a position receive compensation, deserve reparations also?

### ***Native American Enslavement of Blacks: An Untold Story***

Indian slavery illustrates how the Seminoles and the other "Five Civilized Tribes" benefited from slavery the same as white Europeans. This is something that they will never admit because it forces them to admit that they adopted some of the same racist practices/beliefs regarding blacks as whites used against them. This is evidenced by reluctance, both formally and informally, to allow the Freedmen to be full-tribal members even today.

The Native American enslavement of blacks and its accompanying role within the purview of the ongoing struggle for black equality has received little attention from scholars (Durant and Moliere, 1999; McLoughlin, 1974). Bartl (1995: 162) proposes several plausible explanations for the neglect of this relatively interesting topic among academicians. First, it is "a very politically



sensitive issue.” In other words, since Native Americans have been on the receiving end of harsh treatment (both historical and contemporary) perhaps it behooves one to ponder that they could perpetrate acts of cruelty against blacks---resulting in denial. Second, “since the Native American plantation slavery system was engulfed within the larger American plantation slave system, it’s often considered peripheral and not very significant.” Thirdly, some scholars just simply view this aspect of the black experience of very little importance. The preceding is possibly the case that unlike European chattel slavery, Indian chattel slavery occurred within specific historical contexts and was not fully embraced by all tribes (Bateman, 1991; Littlefield, 1977).

The history of Native American enslavement of blacks, despite the preceding concerns, is very important to our study for several reasons. Primarily, it is important to illuminate the truth-----that some Native Americans did enslave black people and were bona fide slave traders, catchers, thought of blacks as inferiors (at least in general), and at times committed acts of brutality against them (Twyman, 1999; Barlt, 1995; Lawuyi, 1990; and Willis, 1963). This made the development of an internal stratification system within the tribes where blacks were viewed as inferior. The aforesaid is not to suggest that there were no differences between European and Native American enslavement. However, to act as though the latter’s participation in slavery needs not to be evaluated because it was “not as harsh” is both reductionist and contemptuous to black Americans (in the sense that one is

attempting to minimize and define an aspect of another's history). An acknowledgement of slavery is important because it elucidates the views of the "five civilized" tribes towards blacks and the other four (Cherokee, Creek, Choctaw, Chickasaws) tribes' view of the Seminoles (for not initially treating blacks as inferiors). Also, acknowledging slavery acts as a basis for understanding their (the Seminoles) practice of a more Europeanized form of slavery (more succinctly after removal). Finally, as will be mentioned throughout, the pointing out of Native American enslavement of blacks is useful in clearing up an intriguing paradox. In other words, on the one hand, Native Americans and scholars do not seem to like to mention that blacks were their slaves, while at the same time having no problem with bringing up that this same reality (that blacks were "slaves" only) as one of the primary arguments offered by all of the five civilized tribes, especially the Seminoles, as to why the Seminole Freedmen do not deserve a share in monetary disbursements. Also, the marginalization of the enslavement of blacks by Native Americans is just as culturally insensitive as when whites and others attempt to marginalize, distort or reduce the significance of acts perpetrated against Native Americans.

Despite notions of only amicable relations between Native Americans and the enslaved African in North America, some Native Americans held Africans as slaves (Twyman, 1999). As alluded to earlier, when attempting to explicate this fact and its association to the historical and contemporary struggle of the Seminole Freedmen, many problems emerge. Of the various

maladies involved in addressing the aforesaid, two which are paramount are:

1) that the information is sparse (especially that which refers to the institutions' destructive aspects); and 2) the overwhelming focus on the "good side" or the ways wherein Native American slavery was unlike that practiced by Europeans (Opala, 1981; Porter, 1945). Nevertheless, concentrating on what this author refers to as the "good side" not only serves to obscure that fact that any form of this "peculiar institution" wherein the enslaved is not able to be completely free and realize their full human potential is destructive. In presenting an analysis of this enterprise, several important areas will be touched on either directly or indirectly. First, is the scope of slavery's existence amongst the "Five Civilized Tribes" which originally settled Oklahoma. Second, was the institution's political expediency (it involved more than just "being friendly"). In other words, the enslavement of blacks by Native American tribes was a way to demonstrate a degree of "civilization" to the white plantation aristocracy and as an economic/political tool in accruing and maintaining wealth (i.e., land). Third, its relation to feelings of the overall "inferiority" of blacks, with a particular focus on creation stories as a tool of "identity construction." Fourth, was slavery's (Native American enslavement) use as a "machinery of control" of both groups to facilitate the "divide and conquer" strategies of whites. Ultimately, its prevalence amongst the Seminoles, its changing nature (e.g., after removal), and its basis as a justification for more recent exclusionary practices was examined.

Slavery, as practiced by the Native Americans, had its origin at approximately the end of the 17<sup>th</sup> century. Case in point, as early as 1693 the English bought black slaves from Native Americans (Durant and Moliere, 1999: 117). Regardless, the focus of this section will be on its occurrence among the “Five Civilized Tribes” because it was among these tribes (and several others) where it flourished as a “legitimate southern institution”(Abel, 1915: 22). For instance, among the Settlement Indians of South Carolina slave catching had become so lucrative, that by 1727, they obliged to move their villages close to the homes of southern whites so that they could reap greater financial reward (Willis, 1963). In addition, it was among these “Five Civilized Tribes,” because they were viewed as such, that the most extensive documentation of the institution exists and these tribes are intimately related to the Seminoles (Twyman, 1999; Mulroy, 1984: and McLoughlin, 1974).

Willis (1963) asserts that Indians had “ a natural aversion towards blacks.” As a result, their participation in the institution of slavery can be perceived as emanating from the imposition and acceptance of prejudicial and racist beliefs. Conversely, other academicians have put forth the notion that it was not until the encouragement to partake in the southern plantation slave economy by whites (as part of their divide and conquer strategy) did the Indians become willing participants (McLoughlin, 1974). Nevertheless, despite the aforementioned inconsistencies, in as far as being able to provide a singular framework for black enslavement, McLoughlin (1974) provides several reasons for the availability of conflicting evidence among the tribes.

First, the southeastern tribes (Georgia, Tennessee, and South Carolina) initially welcomed runaway slaves/maroons because they had important skills (which was also why the Freedmen were of such value to the Seminoles), (e.g., could speak English and were familiar with the ways of whites).<sup>9</sup> Secondly, they (meaning the slaves) knew how to prepare guns and traps, shoe horses, to improve agricultural methods, to spin and weave, to make butter, to build houses, barns, and wagons. According to Jordan (1974: 49-50) “the Indian dared not allow his woman to work in the fields as he sought civilization and equality. For in the South, the only women who worked in the fields were black slaves.”<sup>10</sup> Thirdly, by 1750, plantation slavery had become institutionalized among these tribes and by 1800 some of the southeastern tribes were practicing chattel slavery similar to that of their neighbors.

The institutionalization of plantation slavery was most pronounced among Cherokees (Durant and Moliere, 1999; Bartl, 1995; and Mulroy, 1984). Primarily, whites viewed the Cherokee as the most “civilized” among the five tribes. Mulroy (1984: 290-1) cites that foremost among the reasons wherein the Cherokee were considered the most civilized along with having the “highest rates of intermarriage and the largest mixed blood (with Europeans) population. Adding to this, they were by far the most receptive to acculturation (i.e., the adoption of religion, lifestyles, and customs, especially slavery). To augment the aforementioned points regarding the Native

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<sup>9</sup> McLoughlin (1974: 368) states “that we also find scattered accounts of Indian slave owners who whipped, maimed, hung, and burned slaves as late as the 1850s in Indian territory (now Oklahoma).”

<sup>10</sup> Jordan (1974) suggested that the viewpoint in the Cherokee Nation that only “black women” worked the fields was considered the viewpoint of respected whites.

American acceptance of the “peculiar institution” was the acceptance of southern slave codes in 1825 (similar codes were adopted by the Chickasaws, Creeks, Choctaws). Further, a delineation of some of the worst features of southern racist thought is explicated in the southern slave codes (Durant and Mollere, 1999; 116-117; McLoughlin, 1974: 38):

1819-no contact or bargain entered into with any slave or slaves without the approbation of their masters shall be binding.

1820-no one may purchase any item of property from a slave without permission from his owner.

1820-no slave should be allowed to sell or buy spirituous liquor.

1824-there shall be no intermarriage between any Cherokee and any Negro or between any Negro and white in the Cherokee Nation.

1827-according to the constitution adopted for the Cherokee Nation, “ No person who is Negro or mulatto parentage either by father or mother’s side shall be able to hold any office of profit, honor, or trust under this government; nor could such a person vote.

1841-no slave shall be allowed to carry firearms, knives, dirks, or other dangerous weapons.

1842-any free Negro or slave aiding another slave shall receive 100 lashes and be removed from the Cherokee Nation.

1848-anyone teaching a Negro to read or write shall be banished from the Cherokee Nation.

1855-no public school teacher “suspected of entering sentiments favorable to abolitionism” shall be allowed in the nation.

1859-all free blacks in the Nation shall be required to leave (this bill though it passed both houses of the Cherokee Legislature, was vetoed by the Chief).

The aforementioned illustration of slave codes not only demonstrates that there was at least a minimal degree of “disdain” of blacks but also serves to demarcate a clear difference in status between blacks and Indians.

Moreover, the issue of plantation slavery among the tribes created an internal stratification system. This system of ranking consisted chiefly of slave-owning half-breeds on top and non-slave-owning (in most cases) full bloods on the bottom. The ownership of slaves precipitated the creation of a small, plantation-owning, ruling-class of elites within each tribe (Mulroy, 1984; McLoughlin, 1974). Mulroy (1984: 291-2) provides two salient examples of the economic profitability of the plantation slave economy. First, “by 1826 half-breed (Caucasian and Cherokee) Cherokees were shipping cotton to whites by way of the Mississippi and Tennessee Rivers encouraging the use of looms, gins, spinning wheels, and mills for production.” Not surprisingly, as the capitalistic enterprise became more of a fixture within the Cherokee Nation, there was an accompanying exponential increase in slave ownership, tripling between 1825-1860 while the tribal population increased only by 21.4% during the same period (Durant and Mollere, 1999: 114). Second, Major Ridge (one of the seminal Cherokee plantation owners), by the 1820 had a large, diversified plantation called the “chieftains.” This plantation consisted of an elaborate “master’s house,” over 300 acres (divided into eight fields), slave quarters, and harvested such crops as corn, cotton, tobacco, indigo, wheat, oats, sweet, potatoes, etc.

Some of the more profitable endeavors of Choctaw and Chickasaw plantation owners were beef, livestock, and pork (Mulroy, 1984: 290). Additionally, prominent Chickasaw and Choctaw slave owning families included, but were not limited to, the LeFlores, Folsoms, Loves, and the

Burneys. These families adopted the “nouveau riche” lifestyles of the southern plantation on the backs of black labor, with the preeminent example being the “Colbert Combine.” The profitability of slave owning served to increase the gap between slave owning half-breeds and predominantly non-slaveholding full-bloods who desired to adhere to traditional customs, lifestyles, and beliefs (although some full bloods owned slaves), and blacks who were at the bottom of the social/racial caste system (Bartl, 1995; Willis, 1963).

A similarity between European and Native American slavery that is rarely pointed out are the brutalities inflicted upon slaves by Native Americans (McLoughlin, 1974; Willis, 1963). Also, as mentioned earlier, Indians were bonafide slave catchers, traders, owners, and sellers, often swapping slaves with whites and other tribes (Willis, 1963). Willis (1963: 169-170) presents a particularly insightful example of the extent of acculturation into the European system of chattel slavery by some southeastern tribes. Specifically, he points out how whites would often pay tribes for capturing fugitive slaves, dead or alive. Thus, some Native American slave catchers that was particularly greedy “developed a method of scalping slaves wherein they could make one scalp look like two.” To prevent cheating, the Charles Town (which would later become South Carolina) Government would only purchase scalps with two ears.

Numerous examples exist of the utter cruelty inherent in the infliction of chattel style slavery upon blacks by Native Americans. Specifically, the innate cruelty is made even more cogent by its pervasiveness. For instance,



in 1783, Creek Chief Alexander McGillivray had established a network of trade that involved sending blacks to Pensacola, Florida for shipment to Jamaica (Willis, 1963). Ironically, the involvement of Native Americans of the Southeast in the trade of slaves had reached such a magnitude that there were even instances of them being reprimanded by white slave owners. Particularly, Willis (1963) cites the instance wherein then Tennessee Governor John Sevier, in 1796, informed the Cherokee Indians that it was wrong for them to swap black slaves to the Chickasaw for horses.

Mulroy (1984: 292-299) provides census data that is rather illuminating in regards to the extent of slave ownership with the four (Cherokee, Creeks, Chickasaw, and Choctaw) of the Five Civilized Tribes. Even more insightful, is that the provided census data, demarcates the instrumental function that white influence played in this "schema" via the illustration of the disproportionate engagement in the institution by mix-breeds (in all of the tribes). Case in point, within the Cherokee Nation, "by 1835, full bloods accounted for only 14.8% of slave ownership." On the other hand, mix bloods made up only 17.81% of the tribal population but 85% of the slave ownership (Mulroy, 1984: 296). The most distinguishing characteristics of "mixed blood slave owners among the Cherokees were": 1) a higher degree of literacy than non-mix breed tribal members; 2) a higher level of education; 3) a greater tendency toward being entrepreneurial; 4) as mentioned earlier, a higher degree of assimilation to Eurocentric values and lifestyles; and 5) a strong

correlation between participation in the plantation slave system and economic advancement.

Mulroy (1984: 294) notes that the Chickasaws had the “highest ratio of blacks to Indians.” Particularly, he demonstrates that tribal rolls during the removal period to Oklahoma territory showed 4,914 Chickasaws and 1,156 slaves. Needless to say, mix breeds owned the majority of these slaves. In regards to the Choctaw, at the time of their removal (late 1830s), most of the black slaves were owned by mix bloods and intermarried whites. These two groups, mixed bloods and intermarried whites, constituted a small portion of the tribe. More specifically, there were 293 slaves owned by just seven mixed breeds. Also, at this time, there were only eight full blood slave owners (Mulroy, 1984). Finally, among the Creeks, the majority of the slaveholders were Lower Creeks who arrived in Indian Territory around 1828. Ironically, at the time of the 1833 census the Creeks had a master slave ratio of one black to every four Indians (even higher than that of the Chickasaw at that time). Moreover, during this time there were “1,948 Creeks, 498 slaves and thirteen free blacks, with the prominent slaveholders being the McIntosches” (Mulroy, 1984: 292-3).

An important topic, which hitherto has not been brought under careful scrutiny, is the assimilationist policies of the U.S. government toward Native Americans, particularly those between 1790-1838. It can be surmised that these policies are important for the following reasons: (1) to clearly demarcate the divergences in status between Native Americans and blacks. Case in

point, President Thomas Jefferson, Secretary of War Henry Knox, and other intellectuals often referred to Native Americans during the aforesaid time period (1790-1838) as “noble savages.” Basically, this characterization suggested that the Native American could be made into something “similar to the white man” if only Christianized and cultured (Tywman, 1999; McLoughlin, 1974). On the other hand, blacks were “subhuman” and even to this day have not been allowed to fully assimilate (Yetman, 1999; Schaefer, 1998); 2) the clear distinctions that whites made between themselves and blacks provided Native Americans with what could be perceived as an extra-incentive (if they did not possess it already----see creation stories) to do the same. Put more succinctly, it became “economically” and “politically necessary” for Indians to separate themselves from blacks. Moreover, how else would the “civilized” tribes be able to keep land in the proslavery South (McLoughlin, 1974; Willis, 1963). This is not to advocate that the preceding dilemma was totally the fault of “whites” because Native Americans had held blacks as slaves long before they were encouraged to do so by whites (Durant and Moliere, 1999).

The United States’ government, although opposed by frontier whites, commenced to provide the Indian with the necessary tools for assimilation. Distinctively, the government fashioned federal policy in a manner so that it incorporated provisions for economic acculturation: such as plows, spinning wheels, looms, etc. (McLoughlin, 1974). What's more, the state afforded necessities for the establishment of schools whereby Indians could become

more knowledgeable of American forms of government. Also, there was the creation of missionary schools manned by missionaries to teach European forms of religion that served to make the aforementioned acculturation methods (e.g., schools, tools, etc.) more manageable (McLoughlin, 1974). Finally, what makes all of the previously mentioned information more interesting, in regards to the institutionalization of a racial hierarchy, was that simultaneously, as these assimilation techniques were being tried out on Indians, blacks were mere slaves where only the most minimal forms of education (e.g., being taught to read) were abhorred/denied (Anderson, 1994; Karenga, 1993).

An explanation that is far too often overlooked as to why Native Americans, and the Seminoles in particular, tend to view the Seminole Freedmen as inferior/less than, are there syncretic “fire and water” creation stories. These “fire” and “water” stories can be discerned as providing a rationale for the existing social/racial hierarchy between the Seminoles and the Seminole Freedmen. Inherent in such stories were an ideological justification for the superior sociopolitical position of whites and the mediocre one for blacks. Most importantly, however, it these stories could be perceived as outlining an “unwritten code” used to govern social relationships.

Lawuyi, (1990: 43-45) cites two examples of “fire and water” stories used by the Seminoles. Particularly, when “fire” is the principle determinant for ethnogenesis, the inferiority of blacks is rationalized as the result of the God/Great Spirit Hesukatamese applying too much fire (i.e., over baking).

Meanwhile, “fire” plays a more or less instrumental role in the creation of whites. In other words, the color of whites is conducive to their success (i.e., “little baking) or the lack thereof (i.e., “little baking”). In addition, the same reasoning is utilized regarding the Seminole. The Native American is “moderately baked” or “red.” Hence, the Seminoles’ color can be used as for his superior position in comparison to blacks (e.g., not being over-baked) and his somewhat subordinate class (at least within the socio-political hierarchy to whites).

In regards to the ethnogenesis of Indians, blacks, and whites, wherein water is the primary ingredient in creation, a similar yet albeit different picture emerges. Consequently, in the water version, Hesuketamese (the Great Spirit/God) witnesses what he first assumes to be peculiar looking plants sticking from out of the ground (Lawuyi, 1990). However, upon closer examination, these presumed plants turn out to be human fingers. The Great Spirit proceeds to pull them out of the ground and commands them to go and wash the “black” dirt off of them. It is at this point wherein one is able to discern the development of a “racial hierarchy” based upon each group’s ability to follow divine mandates, thus justifying their subsequent fate. In short, the first set of fingers, upon receipt of the divine mandate, were so full of curiosity that they stayed in the water too long and were bleached “white” or “Esta Hade.” The hands that stayed at the bottom were too “lazy” and the dirt remained “black” or “Esta Luste.” The fingers that correctly followed the orders came out “red” and clean, and were Indians (Esta Chattie).

Lawuyi (1990: 44) demonstrated how, over time and corresponding with certain historical events with the Seminole-Freedmen relationship, blacks are consistently on the bottom. Further, even in the situations in which blacks are created first, there is still an “inferior” connotation attached to the creation, for instance:

1818-red, white, black  
1840-white, red, black  
1842-red, black, white  
1962-red, black, white.

McLoughlin (1974: 378) presents a similarly syncretic story, however, this creation story is more related to the biblical Adam and Eve creation story. Interestingly enough, it is obvious that the story presents an amalgam of traditional indigenous belief systems and the teachings of Southern proslavery Christians. Essentially, the story starts out with the “Great Spirit” creating three men (presumably all were white) and forbidding them from eating fruit from a particular tree. It is at this point wherein the distinguishing among the races begins. To start, one man placed the apple in his pocket and tasted it, the other took a bite and placed it in his pocket, and the third man devoured the entire apple. Subsequently, the “Great Spirit” turned the man “white” who did not eat any of his apple and as reward gave him the “bible and superior intellectual knowledge.” The second man who took only a bite of his apple was turned “red” (Indian) and given the “divine law” in his heart. The third, because he ate the entire apple, was turned ugly and black, and left without moral obligation. In summary, this story must be understood

within the time period in which it was prominent (i.e., mid-nineteenth century). For it was during this time frame the Southern Baptists and other affiliated denominations ceded from their larger national groups and began to incorporate religious ideologies that supported the inferiority of blacks relying on the "Hamitic Myth" (Anderson, 1994: 74; McLoughlin, 1974: 378). Therefore, imbuing the minds of the Indians was a moral pretext, which preceded later proclamations, for the inferiority, enslavement, and differentiation between themselves and peoples of African descent.

A final syncretic racial genesis story comes from McLoughlin (1974: 384-5). This version of racial creation is attributed to the Seminole chief Nea-Mathla. In 1825, at a period that was approximately eight years after the culmination of the first U.S. Seminole War. To summarize, the chief posited that the "Great Spirit" assigned each group both a color and specified duties at the time of their creation. Specific to this story, the "Great Spirit" stood upon a high place, blew dust from his hand, and there stood a white man. Realizing that the result was somewhat less than what he had envisioned (describing the man as "sickly" looking), he mixed the sand and blew it again. This time the man that emerged was "black and ugly." The "Great Spirit" mixed the sand a third time, alas, perfection, the "redman" emerged and the "Great Spirit" was pleased.

Insight into the presumed inherent inferiority of the Blackman can be discerned by further introspection of the aforesaid story. Interestingly, in addition to the sentiment expressed by the "Great Spirit", upon creation of the

Native American, scrutiny of the divine tools given to each group serves as a basis on which evaluate the presumed value of each race. First, the white man was given pens and paper (obviously related to the language and documents he possessed). The Blackman, despite being created second was denied the second choice, and it could only be assumed that because of his inferiority he was given a box of hoes and axes, illustrating that it was the Blackman's "inherent obligation" to work in service of both white and red men. Finally, the favorite redman was given "boys and arrows" and other things that were considered necessities (McLoughlin, 1974: 384-5).

The information presented in the preceding paragraph proposes several things for the rest of our study, and for future studies of Afro-indigenous relationships. First, it can be utilized as a basis for the differentiation of Native Americans, particularly, Seminoles from blacks. Accompanying this point is that the abovementioned provides a valuable tool for "identity construction" for the Seminoles as distinct from both blacks and whites. Second, related to the first point, the creation stories serve as an intellectual under girding to view blacks as inferior, and as fodder for the "divide and conquer" strategies of whites. Thirdly, these stories provide a moral justification for the enslavement of blacks. Fourthly, these stories act as a useful methodological for understanding that despite the fact that the Seminoles offered blacks greater autonomy as slaves (than whites and the other tribes), they were still considered as less than (i.e., inferior). Additionally, because of the previously alluded to point, one can garner



insight into contemporary actions (e.g., attempts to formulate exclusionary constitutions) taken by the Seminoles regarding the freedmen and realize that these actions should not be excused, minimized, or be considered a surprise.

### ***Conclusions***

In this chapter, I outlined the importance of historically prominent maroon communities to understanding the Seminole Freedmen who were part of the Seminole stratification system. I also explained how a holistic understanding of slavery allows for comprehension of the fact that Native Americans were slave owners. Although the fact that Native Americans owned black slaves may be uncomfortable to some, how else would one be to understand how blacks became second-class citizens within the Seminole Nation. Furthermore, I explained the role that syncretic creation stories play in developing an ideology that blacks should be treated differently among Seminole Indians. Finally, in the next chapter I explore the role that the unique form of slavery practiced by the Seminoles played in determining the status of the Seminole Freedmen with Seminole Nation.

## Chapter Four

### ***Slavery by the Seminoles & Black “status”***

#### ***Introduction***

This Chapter explains the importance of Seminole slavery to my study. There are several reasons why the enslavement of blacks is important to this study. First, the assertion that the Seminole Freedmen were “slaves only” is the primary argument used by the Seminoles as to why the Seminole Freedmen do not deserve a share of the judgment fund disbursement (Saito, 2000; Bateman, 1991). Interestingly enough, the Seminoles have been silent on the issue of “reparations” for the Estelusti Seminoles while simultaneously receiving “reparations” themselves. Second, is the fact that the Seminole Freedmen were “not slaves” (in the traditional sense) and did “own land” is central to the argument of the Freedmen as to why they deserve full tribal citizenship and all the privileges contained therein. Finally, I explain my position regarding the Seminole enslavement of blacks by discussing the following: 1) at certain select points during their relationship with the Seminoles, the Seminole Freedmen were slaves. Nevertheless, to qualify the aforementioned, I assert that in this study slavery is operationalized as a system wherein you have two groups: one who is enslaved and the other that is free. Thus, as pointed out by scholars (e.g., Tywman, 1999; Porter et al., 1996; and Mulroy, 1993) two specific points need to be made regarding Seminole Freedmen enslavement. Foremost, is that while the Seminole Freedmen were not slaves similar to other blacks they did not have complete

“autonomy” (almost, but not complete) and they almost always lived on plots of land separate from the Seminoles. Opala (1981: 33) poignantly illustrates this actuality when states, “although some blacks adopted Indian customs, it is quite clear that they never fully acculturated.” Conversely, the Seminole Freedmen, in many ways, were unlike other southern slaves in that they were allowed to become successful entrepreneurs within their own separate communities on land that they cultivated (Porter et al., 1996; Opala, 1981). The next line of reasoning is that throughout the relationship with the Seminoles, there always existed factions among the Seminoles that owned blacks as chattel. For instance, some Freedmen were taken as slaves by Seminoles after the signing of the Treaty of Fort Moultrie Creek (1823). Others were enslaved during removal (1838-1843), whereas some were enslaved during their stay in Creek territory (1840s-1850s), and directly before and after the signing of the Seminole Treaty of 1866 (Katz, 1997; Mulroy, 1993, 1984; Bateman, 1991; Sattler, 1987; and Littlefield, 1977). Therefore, I put forth the premise that it should not come as a surprise that there are still factions among the Seminoles who see blacks as inferiors. Certainly, all Seminoles do not feel this way. Then again, even those who do not share such sentiment stand by idly and allow the Freedmen to be discriminated against.

Seminole slavery differed greatly from that practiced by the other civilized tribes (Twyman, 1999; Katz, 1997; and Porter et al., 1996). Divergences notwithstanding, Seminole slavery requires examination

because it is an indelible component to the development of an understanding of the numerous statuses occupied by the Freedmen within the contemporary Native American stratification system. Therefore, in the relationship between Seminole slavery and the ever changing standing of the black Seminoles, primary consideration will be given to Seminole slavery during and after removal (approximately 1838-1843) to Indian territory and up to the signing of the U.S.-Seminole Treaty in 1866. Why? For the duration of the period leading up to the signing of the Treaty of 1866, the Freedmen's status was most tenuous. Lastly, in this section, subsequent locales of status delineation will include, but are not limited to, the evolution and the degree of difference between Seminole slavery and that of the other civilized tribes and the cultural differences that became more salient throughout the institutions' duration.

A major point in the master-slave relationship between the Seminoles and the maroons was the Spanish edict of 1693 (repealed in 1790—Treaty of New York). As alluded to throughout this study, this political policy offered freedom to blacks/maroons who could make it from British controlled slave territory into Florida. Consequently, contact between maroons and Indians in Florida has existed at least since 1693. Nevertheless, the master-slave relationship between Seminoles and blacks did not begin to crystallize until the British occupation (1763-1783) of Florida (Porter, 1951: 251). Further, it was during British occupation that Alachua (called the original Seminole) began to realize the status that the British attached to the ownership of blacks

and commenced to trade cattle with the British in return for slaves (Porter et al., 1996; 1951). Still, there were three principle ways that the maroons came to live among the Seminoles: 1) as gifts from the British; 2) flight from plantations; and 3) being purchased from the British (Twyman, 1999; Porter, 1951: 252).

The major time period in which Seminole slavery begins to change and black status within the tribe takes a nosedive was the 1840s ( Mulroy, 1984; Littlefield, 1977). During this era, the Seminoles were removed to Indian Territory (covering parts of Oklahoma, Kansas and Arkansas) and were back under Creek rule. The toll that this change of residence to territory West of the Mississippi had on Freedmen status can be best understood by examining the collective impact of this phenomenon on several treaties, namely the Treaties of Fort Moultrie Creek (1823), Payne's Landing (1832), and the Indian Removal Act (1830).

The Treaty of Fort Moultrie Creek was signed on September 18, 1823, at a location just South of Saint Augustine, Florida (Kappler, 1904). This treaty could be viewed as the first official recognition by the U.S. government of the Seminoles as a nation independent from the Creeks (Tywman, 1999; Opala, 1981). As a result of this treaty, the government granted reservations to chiefs Neamathla, Mulatto King, Emaathlochee, Enchonetta, Blunt, and Micco (Kappler, 1904: 2). These major Seminole leaders ceded all of their claims to Florida except for a reservation on the Apalachicola (Mulroy, 1984). Most importantly, in regards to the status of Seminole freedmen, the

Seminoles claimed the blacks already among them as their slaves and agreed to apprehend subsequent runaway slaves (Porter et al., 1996; Covington, 1993). Further evidence of the relative importance of blacks was the fact that Neamathla, principal Seminole spokesman, refused to enumerate the number of blacks (roughly 800) living among them (Porter et al., 1996). He did not even list in the census the main black Seminole town (Peliklakaha), (Porter et al., 1996: 28). Finally, this treaty proved disastrous for the Seminoles in the following ways: 1) the food was inadequate in the designated area; and 2) the land was not arable. This resulted in the Seminoles trading black slaves for food and other provisions. So many blacks were traded, in fact, that by 1826, only an estimated twenty blacks remained (Porter et al., 1996: 25).

The Indian Removal Act was signed on May 5, 1830 (Perdue and Green, 2001; Littlefield, 1977). In this agreement, it was stipulated that all tribes East of the Mississippi shall move to Indian Territory West of the Great River in Kansas in the location of present day Kansas and Oklahoma (Tyman, 1999). Additionally, the government provided \$500,000 for the negotiation of treaties to ensure removal North of Texas and West of Arkansas (Littlefield, 1977).

The Treaty of Payne's Landing was signed on May 9, 1832 (Tyman, 1999; Porter et al., 1996). The circumstances surrounding the negotiation of, signing, and the provisions to be included in, provide valuable information as to the status of the Black Seminoles as slaves within the Seminole Nation.

Further, the aforementioned treaty would also become a central point of contention regarding the contemporary status of the black Seminoles. Particularly, the treaty required the Seminoles to give up their Florida land and move to Arkansas (Twyman, 1999: 117). Reluctantly, the Seminoles agreed to move within three years upon inspection of their new lands (Porter et al., 1996). Conversely, there were several major problems concerning the treaty and the Estelusti Seminole slaves. First, two black Seminoles, Abraham and Cudjo, were the major interpreters. Abraham had at one time served as the principle slave to Seminole chief Micanopy in 1823 and had acted as his prime minister (Twyman, 1999). However, Abraham is most noted for adding stipulations to the Treaty of Fort Moultrie Creek (1823) requiring that interpreters be paid (\$200 each for land that he cultivated) and that the Seminoles be granted land separate from the Creeks. This proved problematic because Progressive Seminoles believe that he had the best interests of the black Seminoles in mind (Porter et al., 1996). Secondly, the Seminoles (although it was never actually received) viewed the aforementioned money as a bribe (Porter et al., 1996). The bribe assumption was far from reality because Abraham was actually making preparations for war while pretending to be dedicated to the relocation effort. Thirdly, and paramount among the reasons as to why the Seminoles viewed blacks as “slaves only” was that during treaty negotiations, the treaties were read by government agents to illiterate black interpreters. This reality fed a Seminole mind set that suggested that the Black Seminoles tried to procure a deal that

was beneficial to themselves (Mulroy, 1993; Littlefield, 1977). Despite this (the Seminoles were also illiterate), Abraham and Cudjo both knew Seminole language and translated what they heard back to the Seminole chiefs (Porter et al., 1996: 32). Later, the translation of the treaty would become a bone of contention among progressive Seminoles after the turn of the century to justify not including the Seminoles as full tribal members (Bateman, 1991).

The Seminoles, as previously mentioned, after removal began to suspect that the freedmen, in encouraging them to move to Indian territory, had tried to procure a good deal for themselves (Porter et al., 1996). Central to this belief were the Articles of Capitulation signed by the Seminole chiefs and negotiated by Abraham in March 1837 (Tywman, 1999: 127).

Specifically, Article 5 stipulated that the Seminoles and their allies shall be secure in their lives and their property and that the Freedmen shall accompany them (Tywman, 1999; 127). Despite that fact that the Van Buren administration did not desire to uphold the Treaty of Payne's Landing nor the Articles of Capitulation, General Thomas Sidney Jessup was obliged to attempt to strike a compromise because of the bleak prospects of winning a winless war (Katz, 1997; Porter et al., 1996). Hence, some of the mutual needs that bonded the two groups in Florida were maintaining land and independence from the Creeks and preventing certain re-enslavement for Seminoles of African descent.

In the 1840s, there were two specific events (among several) regarding Seminole slavery that brought a sharp decline in the status of Seminoles of



African descent. First, was the U.S. goal of uniting the Creeks and Seminoles in Indian Territory. It was hoped that since the Creeks had quite an extensive history of entering into slave-catching treaties with the U.S. and were very assimilationist and proslavery themselves, that they would have a profound amount of influence on the Seminoles.<sup>1</sup> Second, the Tripartite Treaty of 1845 that was negotiated between the United States, the Seminoles, and the Creeks also brought forth a change in black status. This treaty subjected both the Seminoles and the Seminoles of African descent to Creek slave codes (Mulroy, 1984). Cognizant of the inherent danger that this treaty posed to the autonomy that was enjoyed during their stay in Florida, the more nationalist Seminoles of African descent (e.g., Gopher John, Hardy Factor) left the territory with recalcitrant Seminoles like Osceola to the Mexican border state of Coahuila (Katz, 1997; Mulroy, 1993; 1984). Further, between 1849-1850 an estimated 280 of the estimated 500 Seminoles of African descent who had been removed from Florida had left for Mexico (Katz, 1997; Mulroy, 1984).

The late 1840s were a time of more salient factionalization within the Seminole tribe. The two factions were the conservatives and the progressives (Bateman, 1991). The conservative Seminoles were nativists and favored upholding the traditional tribal ways (that included an autonomous form of black enslavement). On the other hand, the

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<sup>1</sup> Twyman (1999) points out that the treaties of Galphinton (1785), Augusta (1786), Shoulderbone (1786), Colerain (1786) and New York (1795) were slave-catching treaties entered into by the Creeks and the U.S. These treaties had provisions that designated that the Creeks were to be paid to catch runaway slaves.

progressives had succumbed to the influence of progressive Lower Creek slaveholders and progressive whites (Mulroy, 1984). It is difficult to know exactly how many people of African descent were among the Seminoles because they forbade a census of their blacks as late as 1860 (Mulroy, 1984). Moreover, this reluctance to submit to a census can be perceived as emanating from the fear that such enumerations would lead to more claims for their slaves from outsiders (Mulroy, 1984). Lastly, discrepancies notwithstanding, an 1867 census counted a total of approximately 355 blacks living among the Seminoles. This reality would invariably impact Seminole status as well as that of the black Seminoles living among them (Mulroy, 1984).

During the 1850s, the enslaved Seminoles of African descent endured changes which were both positive and negative. The negative changes were also associated with a lowering of status position (Mulroy, 1984). At this point, the Seminoles of African descent had been subject to Creek slave codes and had become the targets to Creek kidnapers and raids from white plantation owners. Among the Seminoles of African descent, those who remained were left leaderless, factionalized, and disorganized. Most importantly, gone were the conservative traditionalists who were advocates of equality for black Seminoles (Katz, 1997). To contrast, there were several positives that characterized the black experience in the 1850s. Mulroy (1984) cites reasons for what could be described as a "renaissance" regarding the status positions of the Seminoles of African descent. First, blacks were still

treated comparatively better than slaves of the other four “Civilized Tribes.” The Black Seminoles were allowed to farm, engage in trade business endeavors among themselves, at times become wealthy, and live in relative autonomous communities (Twyman, 1999; Opala, 1981). More succinctly, this reality could be perceived as emanating from the fact that the Seminoles were comprised primarily of full bloods that were not enamored with whites, as were the other tribes. Secondly, the Seminoles refused to adopt the restrictive Creek slave codes. For instance, the Seminoles still valued black presence among them (e.g., defense from Creeks, skills with whites, etc.). Thus, to keep the remainder from fleeing to Mexico, Seminole rules/laws became less constraining as an inducement to stay. Fourthly, the Seminoles of African descent took a non-aggressive posture. In other words, they paid a small tribute (e.g., a few bushels of corn, melons, pumpkins, rice, etc.), stayed in communities off to themselves, and worked at raising their families. Consequently, payments made by blacks to the Seminoles can be described as more akin to a feudal tie (similar to that paid by residents of the Seminole town to the Micco). As a result, U.S. General Edmund Gaines, a commander during the first U.S.-Seminole War, describes the Black Seminoles as both “the Seminoles’ subordinates and allies” (Mulroy, 1993: 17-25). Further, many Estelusti (freedmen) were even able to become wealthy through their own form of communal agriculture which they had previously practiced in West Africans (Mulroy, 1993).

Mulroy (1984: 377-378) provides several explanations as to why Seminole-black relations improved somewhat during the 1850s. Foremost, as previously pointed out, the Seminoles were the least acculturated, even going as far as having laws against marrying whites, did not have constitutional governments, did not accept Christianity (at least to the extent that other tribes did), and did not have sophisticated legal systems (they were governed by hereditary chiefs). Second, their initial contact with Europeans had come through the Spanish as opposed to the British (unlike the other four tribes). This fact should not be overlooked because the Seminoles contact with peoples of African descent primarily resulted from the Spanish edict of 1693. Consequently, the Spanish example of black treatment was closer to humane than that provided by the British to the other tribes in the deep South. Hence, their outlook or viewpoint of blacks was not as "tainted" by racism and prejudice as that of the other tribes. Moreover, the Spanish even went as far as to allow blacks to carry arms. To conclude, unlike in other tribes, the skills that blacks performed, such as interpreters, lawyers, and intermediaries (between Indians and whites) lead to them becoming trusted allies.

Seminole slavery, for the most part, did not take a more Eurocentric, chattel like character as that of the other tribes. Why? The Seminoles, instead of being capitalistic, preferred to engage in small subsistence farming, raising corn, potatoes, rice, melons, pumpkins, and beans. Not including chiefs, it was not until 1857 did hunting become a past time (Mulroy, 1984: 381). The Seminoles practiced a form of slavery similar to that which the

Indians tribes had used on each other in the past. As a result, they did not have a need for cheap labor nor the rigid controls used to maintain it.

In 1856, the Seminoles finally received complete independence from the Creek Nation (Covington, 1993). Despite the fact that the black Seminoles, almost a decade earlier (June 28, 1848), had been restored to their status prior to the emancipation that they had been granted by General Thomas Sidney Jessup, this treaty, signed on August 7, 1856, would lower their status once again (Porter et al., 1996: 126). Covington (1993: 141) points out that the Seminoles were given “2,170,000 acres of land in Indian territory separate from the Creeks.” Additionally, the Seminoles “alone” were given \$90,000 for the costs of removal to the new reservation, annuities of \$3,000 for ten years, and \$2,200 for blacksmiths. To add, a sum of \$250,000 was to be invested and 5% interest was to be paid at an annual per capita basis and the tribe would be allowed to have its own tribal agencies (Covington, 1993). Particularly damaging was the fact that the Seminoles would be considered a tribe separate from the Creeks (dissolving the Tripartite Treaty of 1845) and could possibly have no more use for the black Seminoles. The fact that the Seminoles had been held subject to Creek laws had been one of the principle reasons that recalcitrant Seminoles had left for Mexico with their black Seminole contingent (Katz, 1997). Case in point, by 1855 there were an estimated 4,000 blacks staying Mexico (at an estimated value of \$3,200,700 to West Texas slaveholders), (Porter et al., 1996; Mulroy, 1993). Likewise, after the treaty the United States’ government provided

financial assistance for Seminoles (not blacks) to relocate to the allotted territory. This allowed the Seminoles to even further distance themselves from blacks. In addition to the aforesaid, the Seminoles were to receive \$3,000 annually for ten years for the establishment of, and the support of the development of schools (Mulroy, 1984). Not surprisingly, by 1859 the progressive faction within the tribe called for the establishment of a tribal government (which offered salaried positions) similar to those of tribes that practiced chattel slavery along with stressing education and creating a national manual labor school (Mulroy, 1984).

On August 1, 1861, the Seminoles entered the Civil War on the side of the Confederacy (Covington, 1993). The significance of this treaty in regards to providing a delineation of Seminole status is that it was negotiated with Confederate Commissioner Albert Pike who would later become one of the founders of the Klu Klux Klan and the Grand Dragon of Arkansas (Lester and Wilson, 1905). In addition, blacks fought on both sides of the Civil War, which was largely viewed as conflict over various issues, including, but not limited to, states' rights, slavery, and the preservation of the Union (Anderson, 1994; Karenga, 1993). Most importantly, it could be perceived as another step in the gradual acculturation process of the Seminoles to a way of thinking analogous to that of the other four of the Five Civilized Tribes, and therefore, more anti-black.

Following the Civil War, black status changed once again. Littlefield (1977: 188-193) provides a rather cogent description of the events leading up

to, and immediately following, the signing of U.S.-Seminole Treaty on August 16, 1866. In this analysis one can get quite an interesting picture of the tenuous status of the black Seminoles, particularly, the differences in the opinions on black tribal members that existed between the progressive and conservative factions. Further, specific attention will be paid to the portraits of black status given by Brevet General John Sanborn and Seminole Agent John Reynolds. These two individuals, particularly Brevet General Sanborn, were anointed the task of determining the sentiment of the Seminoles toward their black members in order to allow the government to craft what it saw as a proper assimilationist policy toward both groups (Littlefield, 1977).

Littlefield (1977: 188) cites that "Brevet Major Sanborn was given orders to protect the Freedmen in Seminole territory until their status could be discerned." Specifically, his position required that he ensure/take on the following tasks: 1) wherever there were good relations between the two groups, do not disturb them; 2) whenever or wherever the Seminoles of African descent were experiencing mistreatment, provide immediate assistance; and 3) encourage Freedmen to enter work contracts with Seminoles who would hire them as laborers or sharecroppers. Further, Indian agents were to see that Freedmen would be allowed to develop lands of their own.

The idea that blacks should be on equal footing was to be presented to the Seminoles in a unique manner. In other words, the notion of granting Freedmen equal status was viewed as an opportunity for the Seminoles to

strengthen their nations as whites had (by way of the Civil War), (Littlefield, 1977). This prospect appears to be an interesting proposition because the Seminoles themselves (at least the progressives) had no such idea in mind. In fact, at least partially as the result of returning from the Civil War destitute, the Seminoles were not acting in "good faith" and continued to hold the Freedmen as slaves (Littlefield, 1977: 189). So harsh was the treatment of the Freedmen by the Seminoles, that Seminole Agent George Reynolds went as far to suggest that the Freedmen should be paid reparations for labor rendered during the previous three years (Littlefield, 1977: 189).

Brevet Major John Sanborn was of the belief that the best method to disseminate ideas advocating equitable treatment of the Freedmen was with a series of informational circulars (Littlefield, 1977). These circulars contained information-notifying blacks of their freedom. Despite having been discouraged by his colleagues (particularly, G.H. Hunt) that their freedom should not be revealed to them, Sanborn did so regardless. Additionally, Sanborn perceived that the best course of action for the government, Seminoles, and "Freedmen was to include the Freedmen as citizens of the tribe (with full rights included) and allow them the opportunity to stay or leave if they so chose" (Littlefield, 1977: 190). To conclude, the previously mentioned circulars also stressed the following: 1) the Seminole agents were to see to it that contracts were made between Seminoles and Freedmen for work done and they were to be paid fair wages; 2) that polygamy, that had been practiced by both groups be made illegal; 3) every effort was to be



made to remove all prejudice on part of the Indians toward the Freedmen; 4) the Freedmen were to remain in the nations and cultivate the lands that they occupied; and 5) encouraged the Freedmen to enter any land not occupied by an Indian and plant a crop (Littlefield, 1977).

In April of 1866, Sanborn considered his work among the Seminoles to be for all intents and purposes, complete. Therefore, the Freedmen situation was put in the hands of Southern Superintendent Elijah Sells. Also, during this period, a delegation of Northern and Southern Seminoles, from December 1865 to March 21, 1866, to negotiate the treaty in Washington, D.C. (Littlefield, 1977).

A profound statement regarding the status of black Seminoles was attributed to the commissioner of Indian Affairs. This statement read as follows: "this equality was more easily accomplished in the case of the Seminoles, since there had been considerable intermingling of the races before the tribe removed from Florida, and several of the interpreters accompanying the delegation representing the tribe appeared to be of purely African blood" (Littlefield, 1977: 193). Moreover, an additional point of interest is that their remained a contingent, probably of the progressive Southern faction who did not view the Black Seminoles as equals. This was the case even directly after the Civil War (Littlefield, 1977).

The U.S.-Seminoles Treaty (1866) marked one of the first occasions that the U.S. government officially recognized the Seminole Freedmen as being on equal footing with the Seminoles. Particularly, the treaty called for

two principle provisions. First, it called for the official abolishment of slavery. Secondly, the Seminoles also were to cede over 2 million acres to be purchased from the Creeks and a reservation of 200,000 acres between the Canadian and North Fork Rivers (Littlefield, 1977; Kappler, 1904).

Finally, Mulroy (1984) cites several differences between the two groups that are also instructive regarding differential status. First, blacks were not to be included in either the Seminole clan system or in Seminole towns. Moreover, the clan played a major role in determining leadership, protection under the law, inheritance, and the right to tribal monies. Secondly, remnants of Freedmen culture represented an amalgam of African and Seminole African traditions. For instance, the methods of food preparation and clothing of the Freedmen were drawn from both culture backgrounds. Thirdly, the first language of the Seminoles was Muskohegan (Opala, 1981). On the other hand, the black Seminoles spoke Afro-Seminole Creole. This language represented an offshoot of the most conservative form of Gullah, whose indigenous roots can be traced over 400 years to the West African Coast. Finally, it was a general practice for black Seminoles to take their father's Christian surname and a West African first name. Thus, added to the Freedmen roles were such prominent names as Cudjo (Monday), Cuffy (Friday), Primus, Sandy, etc., which are borne by their descendants today (Porter et al., 1996; Mulroy, 1993).

### ***The First Seminole War, 1816?-1818, Freedmen Participation and Status***

The purpose of this section was to delineate the roles of the Seminole Freedmen in the events that precipitated, occurred during, and those which led to the culmination of the first U. S.-Seminole War. Particular attention will be paid to the status of blacks (e.g., as warriors, interpreters, and negotiators) and how these statuses provide insight into the contemporary dilemmas experienced by the Freedmen. Finally, attention will also be allocated to the “political expediency” of the Seminole-Freedmen association for both groups. In other words, it shall be explicated that the comraderie between these two groups can be suggested to have existed as the result of “mutual need” as opposed to mutual “love and admiration.”

The War of 1812, often referred to as the Patriot’s War. It can be perceived as one in a series of actions that led to the first Seminole War (Porter, 1951a). It was primarily comprised of Georgian slaveholders who desired to annex Florida and preserve slavery (Porter, 1951a). Nonetheless, the Patriot’s War was a significant precipitator of the U.S.-Seminole War. During this war, British Colonel Edward Nichols issued a proclamation which promised freedom to all slaves and the return of lands to all the Natives (particularly, the Seminoles) who would join them (Twyman, 1999: 96; Katz, 1997). To the maroons, Colonel Nichols promised that they would be free to settle land in Jamaica, Bermuda, or the Bahamas (Twyman, 1999). Thus, the “Black Fort” or “Fort Negro (near present-day Pensacola)” commanded by a black maroon named “Garcia” of “Garson”, represented a form of armed

rebellion to the institution of slavery (Twyman, 1999; Katz, 1997; and Porter et al., 1996). The number of warriors under his command included between 300-450 people of Afro-Seminole heritage and at least thirty-four full-blood Seminoles (Katz, 1997). Concomittantly, Giddings (1858: 32-34) also posits that “as many as 1,000 blacks lived near the fort with cattle, horses, and crops.”

In 1816, General Andrew Jackson, ordered the Creek allies of the U.S., along with General Edmund Gaines, to capture the fort and return the Black Seminoles to slavery (Twyman, 1999). In relation to this point, Porter (1951a) acknowledges three succinct precipitators of the first U.S.-Seminole War. First, was the issue of American expansionism. At this time, America was attempting to grow larger and more prosperous. A significant component to the growth of the United States was the slave industry and the free labor provided by slaves. Therefore, the “Black Fort”, which drew slaves from the entire South, represented a threat to economic progress. Second, destroying the fort was essential to safeguarding the slave industry. Similar to the initial point, the idea that there was a fort with armed (with four cannons and various small pieces of artillery) and recalcitrant slaves was a threat to the “peculiar institution.” (Twyman, 1999; Mulroy, 1993; and Porter, 1951a). Porter (1951a) asserts that the threat posed to colonial slaveholders by the fort was also buttressed by the fact that directly prior to its occupation, Shawnee Chief Tecumseh in 1812 had embarked upon a plan for an Indian Confederacy.

The major spark that ignited the first U.S.-Seminole War was delivered on July 27, 1816 (Katz, 1997). On this day, a cannonball delivered by Colonel Duncan Clinch (ordered to do so by General Gaines) befell the fort, killing approximately 270 men, women, and children (Porter et al., 1996). Twyman (1999) acknowledges that at the time of the explosion, approximately 334 maroons and thirty-four intermarried Seminoles occupied the fort. Of the remaining nearly seventy survivors, Garson and one Seminole were taken as prisoners and promptly executed. The rest were returned to Georgia slaveholders (Katz, 1997). Moreover, Giddings (1858: 38) perceived that the destroying of the fort served to crystallize the contention that this symbol maroon-Seminole alliance threatened the slave industry. Mulroy (1993) and Covington (1993) view the destruction of the fort as one of several events (e.g., Seminole-maroon raids on frontier settlements) which ultimately led to war. For instance, Mulroy (1993), points specifically to the uniting of the Estelusti and the Seminoles to thwart/stop southern slave-catching expeditions. Conversely, Covington (1993) cites a battle before the destruction of the fort as a major cause. In this battle, U.S. Major David Twiggs and about 250 soldiers attacked a Seminole village and killed four men and five women. Finally, what can be surmised from each account, is that the war, at least in part, was due to the threat that Seminole-maroon alliance posed to U.S. hegemony and the profits to be acquired from the slave industry.

The major Black Seminole response to the destruction of the “Fort Negro” came in November of 1817 (Twyman, 1999: 101). Seminoles and their black allies attacked a contingent commanded by U.S. Lieutenant R. W. Scott, resulting in the killing of forty U.S. soldiers, seven women, and four children as they traveled up the Apalachicola River (Porter et al., 1996). Interestingly, acting U.S. President James Monroe blamed Spain for the attacks (Twyman, 1999). Specifically, the attacks were viewed as a failure of Spain to live up to the terms of the Treaty of San Lorenzo (1795). This treaty demanded that the Spanish destroy the original Freedmen fort (Gabriel de Saint Teresa de Mose-1739) and return all slaves (i.e., blacks) to their U.S. Masters (Twyman, 1999; Bateman, 1991).

To adequately understand the role of the Freedmen in first U.S. Seminole War, one must first acknowledge the dearth of available information. Particularly, Porter (1951a: 253) posits that “little direct knowledge exists” as to the nature of the direct contact between the Estelusti and the Seminoles prior to the official annexation of Florida in 1821. Further, Porter (1951a) goes on to add that “virtually no detailed accounts exist before the Patriots War of 1812.” Consequently, in delineating the status of the Black Seminoles, our discussion will be limited to the two encroachments commanded by General Andrew Jackson in February and April of 1818, and the circumstances in the years following the annexation of Florida.

The first assault led by Jackson occurred at Lake Miccosukee (Porter et al., 1996). Located about ten miles South of the Georgia border (20 miles

Northeast of present-day Tallahassee), it was here that was the base for black and Indian regiments (Twyman, 1999). Additionally, it was at this juncture the incorporation of guerilla warfare tactics used by West African and Caribbean maroon societies were most salient (Katz, 1997; Price, 1973). For instance, the maroons used sneak attacks to stop all U.S. ships on the Apalachicola (Twyman, 1999). Outnumbered anywhere from four to ten to ten to one (estimates differ per author), the black and Indian regiments would attack at strategic points and flee in all directions to avoid pursuit (Twyman, 1999; Covington, 1993; and Porter, 1951a). It is estimated that the Seminole/maroon force was less than 1,000 and blacks were not more than 400 hundred at the most (Porter, 1951a). In contrast, Jackson had approximately 3,500 men, including 2,500 Creeks (Porter et al, 1996: 21). Also, the nature of the Seminole-maroon resistance must be contemplated within the context that their primary goal was not to defeat the larger U.S. forces at that time, but to be able to hold them off until the women and children could escape first (Twyman, 1999; Porter et al., 1996).

The second major battle was dubbed the "Battle of the Suwannee River." This battle took place on April 16, 1818, about 30 miles from the mouth of the Suwannee River in a primarily maroon settlement of approximately 400 people (Porter, 1951a). This settlement, which was led by Seminole King Billy Bowlegs and his black Seminole commander, Nero, who had received notification of the approaching U.S. advancement from ex-British soldier Alexander Arbuthnot who along with fellow ex-British soldier

Robert Ambrister had supplied the Indians and blacks with arms and intelligence information. The utilization of non-black intelligence networks along with procurement of arms from were also techniques utilized by historically prominent maroon societies in Jamaica, Surinam, Cuba, and Palamares (Twyman, 1999; Katz, 1997; Price, 1973).

In the “Battle of Suwannee,” most of the Indians were across the Suwannee River in flight and assisting the women and children in evacuation (Porter, 1951a). Relying on mediocre quality British muskets (at least in comparison to American rifles), most of the maroons (accompanied by a few Indians) remained on the West Side of the river to cover the retreat. Unofficial numbers of deaths estimate that at least nine blacks and two Indians were killed in comparison to at least eight or nine of Jackson’s troops (Porter, 1951a: 273-275). However, as was the case in the initial battle of the U.S.-Seminole War, the major objective of the maroons was to escape into the swamps and woods where they could not be followed (Twyman, 1999).

Precise information as to the exact nature and extent of black participation in the first U.S.-Seminole War remains sketchy, it can be still surmised that for all intents and purpose, the major enemy to the U.S. was the maroons (Katz, 1997; Porter et al., 1996). In a poignant example of the aforesaid, Governor D.B. Mitchell of Georgia asserted: “The next enemy.....engaged were the Negroes of the Negroes at Suwannee” (Porter, 1951a: 275). Additional accounts by U.S. generals suggest that the maroons were not only the most “skilled and courageous fighters” but also were



“enormous” in size compared to the Indians (Twyman, 1999; Porter et al., 1996, 1951a).

The symbolic end of the first U.S.-Seminole War came with the executions of Ambrister and Arbuthnot on April 29, 1818. The former was killed by firing squad, the latter was hanged. Soon after, the Treaty of Washington was signed in February of 1819. In this treaty, Spain ceded all of its land East of the Mississippi as *quid pro quo* for its inability to honor the Treaty of San Lorenzo (Twyman, 1999; Mulroy, 1993). In article 11 of the Treaty of Washington the U.S. agreed to pay \$5 million in reparations to slave owners for losses incurred under the Treaty of San Lorenzo (Twyman, 1999: 106).

Finally, by 1823 the Seminoles had agreed to move on to reservations (Katz, 1997). Thus, upon the culmination of the first U.S.-Seminole War, at least four points regarding the status of the Estelusti Seminoles can be ascertained (Katz, 1997). First, the U.S. promoted slavery among the Seminoles via the use of wealthy Creek slaveowners to persuade them. Second, since whites and Creeks raided Seminole villages for black slaves, Seminoles chiefs argued over courses of action (e.g., accept European slavery or not) as a means to accept peace. As a result of this confusion, by 1822, the U.S. secretary of state estimated that there were at least between 500-600 hundred maroons living wild in the woods. Katz (1997: 56-57) suggests that during this time that some Seminoles sent blacks to hard labor in the fields and began to assert that “they owned the blacks.” Third,

Seminole chiefs still married black women (e.g., Billy Bowlegs, Osceola, etc.), yet since a matrilineal form of descent was practiced, these black women would not have been considered tribal members. Also, blacks continued to be utilized as military advisors. Fourth, and most importantly, U.S. policy had begun to erode trust, equality, and friendship between the two groups (Katz, 1997: 57). Finally, the Creeks owed the slavemasters \$250,000 in reparations for lost slave labor.<sup>2</sup> However, this sum was paid to Georgian slaveholders by the U.S. government for the Creeks (Twyman, 1999: 108).

### ***The Second Seminole War, 1835-1842, Freedmen Participation and Status***

The primary concern in this section was to provide a thorough examination of situations, events, and/or circumstances that allow for a better understanding of the status positions of the Black Seminoles during the Second Seminole War. Likewise, there will be less of an emphasis on the “slave status” of black Seminoles. The enslavement aspect of the Estelusti’s struggle for equality was pointed out in detail in the sections of this dissertation entitled, “Native American Enslavement of Blacks: An Untold Story” and “Slavery by the Seminoles and Black Status.” Finally, attention will be given to factors that facilitated the war along with the impact these factors had on the subsequent Seminole-Freedmen relationship.

The Treaty of Indian Springs signed February 22, 1821, can be viewed as a catalyst in a chain of events that culminated in the Second Seminole War

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<sup>2</sup> Saito (2000: 8) argues that the Creeks paid Georgians directly for latter’s loss of slave labor.

(Katz, 1997). Covington (1993: 50-51) argues that in this treaty the “U.S. formally acquired Florida from Spain along with become the de jure owners of at least 5,000 Seminoles.” Soon after the treaty was signed, Andrew Jackson relinquished the governorship of Florida, turning it over to William DuVal (Porter et al., 1996). However, most important regarding the status of the Black Seminoles was that DuVal believed that the land occupied by the Freedmen and the Seminoles (between the Suwanee and Alachua Rivers) should belong to whites (Covington, 1993). During this same time period, one of the most prominent Black Seminole leaders, Abraham, arrives on the scene (Twyman, 1999). Abraham, who was one of the few survivors of the “Black Fort” disaster and former slave of a Pensacola Dr., would become an accomplished, chief, soldier, interpreter, sub-chief to Micanopy, and lawyer for the Seminoles (Porter et al., 1996; Opala, 1981). Additionally, the land occupied by the Seminoles at this time was actually not arable and they often resorted to raiding nearby white villages (stealing livestock and encouraging slaves to leave) which was threatening to whites and made dealing with the Seminoles and their black allies a necessity (Covington, 1993).

The Second Seminole War was essentially a conflict over the slave industry (Twyman, 1999; Porter et al., 1996; and Opala, 1981). Therefore, the status of the Black Seminoles can mostly clearly be demonstrated via the examination of several items in the conflicts/battles during the war. Second, the responses of the U.S. troops to the threats posed by the Afro-Indian alliance, the attempts made by the U.S. government for peace, and the

important functions performed by the Black Seminoles for the Indians specifically in response to the aforementioned points also deserve recognition.

Preservation of the slave industry was the major reason for the Second Seminole War (Twyman, 1999). Additionally, there were several other factors that were an integral part of this conflict. A primary cause (other than the preservation of the slave industry) was the use of tricks, deception, and force to coerce Seminole chiefs to sign treaties agreeing to leave Florida for reservation land in Oklahoma and Arkansas (Katz, 1997). For example, General Thomas Sidney Jessup promised the Estelusti Seminoles that if they agreed to emigrate they would be allowed to settle on their own land separately. Also, "they would be able to be part of the Seminole Nation, and most importantly, never again to be bought and sold" (Saito, 2000: 9). Conversely, General Zachary Taylor promised the Seminoles that they would be able to keep slaves (Saito, 2000). One such treaty was the Treaty of Fort Moultrie Creek (1823) that resulted in the Seminoles being placed on nonarable which lead many of them to nearly starve to death (Covington, 1993). Katz (1997: 59) argues that another possible cause of the war was the "kidnapping of Seminole chief Osceola's black wife." An alternative cause were the constant raids on the homes of white settlers by maroons who often traveled in small, difficult to detect groups of less than twelve (Franklin and Schweningen, 1999; Porter et al., 1996).

Directly before the outbreak of the war, the maroons of Florida occupied three distinct positions. There were those who were slaves to whites on the sugar plantations in the St. John's Valley region (near present-day St. Augustine). Conversely, those who were free and had taken advantage of the provision of Spanish law that allowed slaves in the St. Augustine region to purchase their freedom from their Spanish masters for \$300. Last, there were Indian-blacks who come to live among the Seminoles via the following mechanisms: 1) legal slaves through purchases from Spaniards, the British, or Americans; 2) runaways from nearby plantations (Porter, 1943b).<sup>3</sup>

The war commenced in December of 1835 when Seminole Chief King Phillip (Emathla), and his black sub-chief John Caesar, and their Seminole and maroon warriors destroyed a series of five sugar plantations in the St. John's River district (Porter et al., 1996).<sup>4</sup> The first major engagement of the Second Seminole War took place on December 28, 1835 (Katz, 1997).<sup>5</sup> Hastened by the destruction of the St. John's plantations, General Winfield Scott was placed in charge of the effort to enforce the Treaty of Payne's Landing (Twyman, 1999).<sup>6</sup> Scott ordered Brevet Major Francis Dade in charge of directing the relocation effort. A key factor in delineation of black status, was that black ex-slave Luis Pacheco was responsible for directing Dade's trip

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<sup>3</sup> Porter (1943b) suggests that there were approximately 500 blacks living among the Seminoles directly before the Second Seminole War.

<sup>4</sup> Porter et al. (1996) and Katz (1997) argue that John Caesar was also known as John Cavallo, but most notably known as John Horse.

<sup>5</sup> Katz (1997: 7) argues that John Horse founded the town of Wewoka, Oklahoma, the town that to this day most of the Seminoles in Oklahoma reside.

from Fort Brooke (near present Tampa Bay) to Fort King (near present-day Ocala). It has been suggested that Pacheco must have informed the Seminoles and maroons of Dade's upcoming arrival because less than ten miles east of Peliklakaha, 180 warriors surprised 108 U.S. soldiers in what became known as the "Fort Dade Massacre" (McCabe, 2001:2; Porter et al., 1996).<sup>7</sup> In an effort to add to injury, it has been said that while they slaughtered the U.S. troops the maroons asked them, "what have you got to sell?"<sup>8</sup> In this battle, the maroons killed Dade and 95 soldiers and held the position of military adviser for both sides (Mulroy, 1993).

A second major battle took place on the Wilachothee River on December 31, 1835. This battle came to be known as "Clinch's Battle" named after General Duncan L. Clinch (Porter et al., 1996: 44). In the confrontation, "approximately 6,000 troops were ambushed by between 1,200 to 1,500 Seminoles and blacks" (Tywman, 1999: 121).<sup>9</sup> Using tactics that originated with their maroon ancestors, they burned forests to confuse the troops, attacked in small groups of between ten and thirty, and also attacked and fled in all directions so that they could not be followed. The U.S. troops were so thoroughly pinned down and beaten that they were near starvation and had to resort to slaughtering their own horses and eating dogs for

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<sup>6</sup> Tywman (1999) asserts that the enforcement of the Treaty of Paynes Landing was to force the Seminoles and Freedmen to relocate to Indian Territory.

<sup>7</sup> McCabe (2001: 2-3) argues that Peliklaha was named in honor of Abraham and is sometimes referred to as "Abraham's Old Town." Also, that the maroons, who impressed the U.S. troops with their fighting prowess came from the fiercest tribes of Africa: the Ibo, Egba, Senegal and the Ashanti.

<sup>8</sup> McCabe (2001: 2) acknowledges that the "what have you got sell" question was one that U.S. troops would always ask when encountering blacks.

subsistence (Twyman, 1999). Abraham took advantage of the dire situation of the U.S. troops to organize a truce. The truce was more of a military move than a sincere cease-fire, because during the truce Abraham was able to learn of the government's next move and plan accordingly (Twyman, 1999).

From December of 1835 through January 1836, the Seminoles and Maroons were engaged in numerous skirmishes and in many cases they were outnumbered by margins of between five and ten to one (Twyman, 1999: 122). Moreover, the statements of U.S. commanders during the seven-year war (1835-1842) provide valuable insight into the status of blacks as both feared warriors and the object of U.S. concern. Mulroy (1993: 29) acknowledges the statements made by Thomas Sidney Jessup, who assumed command of the United States forces in December 1836, "This you may be assured is a Negro and not an Indian War."<sup>10</sup> Mulroy (1993: 29) further cites Jessup as later saying, "Throughout my operations I found that Negroes to be the most active and determined warriors; and during the conference with Indian chiefs I ascertained that they exercised an almost controlling influence over them." In an equally poignant statement, Major John T. Sprague (1848/1964: 81, 100, 309) states:

"The Negroes, from the commencement of the Florida Wars, have for their numbers, been the most formidable foe, more bloodthirsty, active, and revengeful than the The Indian."

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<sup>9</sup> Porter et al, (1996) argues that in the Battle of Lake Wilachothee, there were between 200-250 Seminoles and between 30-50 blacks engaged in the fighting who were led by Seminole chiefs Osceola and Alligator.

<sup>10</sup> Twyman (1999), Porter et al, (1996) and Mulroy (1993: 30) can all be viewed as having reached a consensus agreement that Thomas Sidney Jessup, who commanded the U.S. troops from November 1836 to July 1838 was by far the most successful U.S. commander. Thus, his opinion of the Black Seminole prowess should be taken as fact.

March 6, 1837 marked an important date in determining the status of the Black Seminoles.<sup>11</sup> It was on this date that negotiations of the Articles of Capitulation began with Abraham and Seminole chiefs Micanopy and Alligator (Mulroy, 1993: 30). Formally signed on March 27, 1837, article 5 stated that “the Seminoles and their allies, who come in and emigrate to the west, shall be secure in their lives and property; that their Negroes their bona fide property, shall accompany them to the west (Twyman, 1999: 127). Despite the fact that the U.S. government along with President Martin Van Buren never accepted the articles it could be viewed as an attempt by Jessup to bring an end to win-less war. Nevertheless, another point of contention was that in the eyes of Southerners, blacks were still slaves and during this movement to the west, no less than 400 noncombative blacks were returned to Southern slavery (Porter et al., 1996).

The last major engagement of the Second Seminole War was the Battle of Lake Okeechobee on December 25, 1837. In this conflict, Maroons and Miccosukee Seminoles lured Colonel Zachary Taylor into a waist high swamp. At least twenty-eight U.S. soldiers were killed along with 112 wounded with only ten Seminoles/Maroons killed.<sup>12</sup> As a testament to their guerilla warfare techniques, Zachary Taylor with about 1,200 men faced about 250 Seminoles and chased them 140 miles into the Everglades

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<sup>11</sup> Porter (1943b: 400) concludes that only a few months earlier, on November 21, 1836, the Battle of Wahoo” was fought wherein a former black Tennessee slave was one of the most distinguished leaders. Porter (1943b: 404) also argues that the Articles of Capitulation were actually signed on March 6, 1837.

<sup>12</sup> Twyman (1999: 132) cites that eleven Seminoles were killed.



received heavy fire and were forced to dismount their horses and flee (Twyman, 1999: 131).

Soon after the excursion at Lake Okeechobee, the first steps along the infamous "Trail of Tears" were taken as at least 85 Freedmen and at least 514 Seminole war prisoners were taken to Fort Brooke to be shipped to Fort Pike in New Orleans (McCabe, 1999: 2). Earlier, Jessup (possibly succumbing to government pressure) violated the Articles of Capitulation by promising plunder, in the forms of all the slaves that they could catch and return for money to the Delaware, Choctaw, and Creek Indians. Between 1838 and 1843 an estimated 500 Black Seminoles were forced to immigrate to Oklahoma (McCabe, 2001). A status low was reached as during this forced emigration the Black Seminoles were subjected to kidnapping by slave hungry whites and Indians (Porter et al., 1996).

The Second Seminole War officially ended on August 14, 1842. On this date Colonel William Worth was authorized to end the war by President John Tyler (Porter et al., 1996: 106). Perhaps this was further evidence that this had been a winless war because at least 140 Seminoles and maroons still remained in the Florida territory. The most glaring point to buttress the magnitude of Black Seminole resistance was that the "war cost the U.S. government at least 1,500 soldiers (not including militiamen) and \$40 million dollars" (Twyman, 1999:140).<sup>13</sup> At that point, the Second Seminole War had been the longest, bloodiest, and costliest War the U.S. had ever engaged in

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<sup>13</sup> Porter et al., (1996) estimates the cost of the Second Seminole War to the U.S. government to have been closer to \$20 million.

(Porter et al., 1996: 106-107). Twyman (1999: 140) argues that between 300-500 noncombatant blacks were captured. Thus, the government spent approximately \$80,000 per slave captured and three whites died to enslave each African (Twyman, 1999).

The third Seminole War lasted only three years (1855-1858). Green and Perdue (2001) suggest that it began from the encroachment on land occupied by both Seminoles and Freedmen who had avoided removal. Nevertheless, outnumbered at least four to one, it was mainly a war of attrition, which began on December 20, 1855 (Covington, 1993). On the aforementioned date, forty Seminoles and Blacks, led by Chief Billy Bowlegs attacked the U.S. troops near Bonnet Pond. Ben Bruner (who becomes the namesake of the Bruner Band) held the highest status position of the Black Seminoles in this war. Bruner was the principal interpreter for Chief Bowlegs. The war ended uneventfully on May 8, 1858 when U.S. Colonel Loomis issued a proclamation bringing an end to hostilities (Covington, 1993: 140).

### ***Conclusions***

In summary, the status of the Black Seminoles could be evidenced by an examination of the many vital functions they served as lawyers, interpreters, skilled warriors, and advisers. Further, their status was also made more salient when the U.S. would fashion their sociopolitical policies (e.g., the Articles of Capitulation) in order to address the threat of the Black Seminoles. A threat that was so real that no U.S. commander could stay in charge of the operation even two years.

This chapter had a purpose of discussing several indicators of Seminole Freedmen status. Primarily, the goal was to demonstrate how the Seminole enslavement of blacks was initially unlike enslavement experienced by non-Freedmen blacks. Second, I established that at certain points in the history of the relationship between the two groups, Seminole slavery became more like chattel slavery, especially during the removal (1838-1843) and directly after the U.S.- Seminole Treaty (1866) periods. Finally, I displayed how the aforementioned points illustrated the tumultuous state of Seminole Freedmen status and how it can be viewed as foreshadowing of their contemporary status within the Seminole Nation.

## Chapter Five

### Black “Indian” Status and the Worsening of Relations

#### *Introduction*

This chapter discusses the contemporary determinants of the Black Seminole’s status within the Seminole Nation. Attention is given to the factors and precipitators of their current condition/position. These factors include, but are not limited to, allotment, statehood/Jim Crow, the Indian Reorganization and Oklahoma Indian Welfare Acts, the attempt to nullify Freedmen votes in the tribal election of 1936, attempts to take lands and annuity payments given to the Freedmen, and attempts to create separate constitutions prior to the BIA approved constitution in 1969. All of the aforementioned events took place before the Indian Claims Commission settlement in 1976. These events comprise some of the modern-day contributors to a “social milieu” that has resulted in an “illegal tribal vote” to kick the Freedmen out of the tribe in July 2000 (Sharpe, 2002; Gardne, 2001). Finally, to buttress these determinants of worsening relations there will be an ancillary focus on the role of racism perpetuated by the Seminoles and the BIA (Bureau of Indian Affairs) in their occurrence.

It is very important that I point out why the Dawes Commission is an important part of this study. Specifically, the commission was the first official governmental mechanism/agency that provided legal designations as to who “was” and who “was not” an Indian. Therefore, it laid the foundation for the

determination of eligibility for BIA programs and for social definitions of racial heritage among the Seminoles and the Seminole Freedmen that would become more salient among future generations (Bateman, 1991). Perdue and Green (2001: 118) argue that the tribal rolls created by the commission “reflected the racial thinking of the turn-of-the-century Americans. The tribal rolls carefully categorized the racial composition of each tribal citizen.” Along with this, it can be seen as at least partly responsible for the development of “social pretext” wherein the Seminoles could view themselves as separate from the Freedmen through its creation of separate rolls for each group (Saito, 2000).

Senator Henry Dawes created the Dawes Commission in 1887 via the Dawes Severalty Act (Bateman, 1991; Foreman, 1942). The commission mandated the allotment of lands in severalty to Indians on various reservations and to extend the protection of the laws of the United States to the Indian territories (Perdue and Green, 2001). The act provided that Indian reservations should be allotted 160 acre-tracts to heads of families, 80 acres to unmarried adults, and 40 acres to children, and the remainder should be purchased by the government and opened to settlement (Foreman, 1942).

The Dawes Commission in 1896 began drawing up tribal rolls in preparation for allotments (Saito, 2000). The commission was responsible for negotiation with the “five civilized tribes” and establishing tribal census rolls to ensure efficient allotment of reservation lands (Saito, 2000; Mulroy, 1993).

The commission separated individuals on the basis of blood quantum.<sup>1</sup> More specifically, the rolls designated blood quantum as “3/4 or more Indian blood,” “one-half to three quarters,” “one half,” “less than one half,” “black,” and “white” (Foreman, 1942). The final commission count listed a total 101, 526 men women and children that qualified as tribal citizens, eligible to receive an allotment (Foreman, 1942). Specifically, 37,187 people were identified with a quantum of one half or more, 23,405 were blacks (former slaves of the five tribes and their children), and the remaining 40,934 were designated as having under one half Indian blood (Foreman, 1942).

By 1897, the Seminoles reached an agreement with the commission and established their first tribal roll (Bateman, 1991). Regarding freedman status, two important points require mentioning. First, on the first Seminole tribal roll (completed in 1897) there were the names of 2,826 Seminoles, of which, 830 were Freedmen (Bateman, 1991).<sup>2</sup> Second, the rolls were separated in 1906 into categories of “Freedmen” and “Seminoles by blood” (Saito, 2000: 14). The Freedmen category included family surnames like Abraham, Cudjo, Dindy, Primus, and Sandy, yet it did not include a blood

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<sup>1</sup> Hill (2000) points out that prior to 1920, census takers determined race by their own judgment. In other words, census takers applied the rule of “hypodescent” or one drop rule. This rule suggests that if an individual had one visible drop of African ancestry, they are black, regardless. Thus, it would be quite plausible to think that many blacks who had an adequate Indian heritage to placed on Indian tribal rolls were listed designated as black.

<sup>2</sup> Bateman (1991: 64-65) argues that the original tribal rolls were expanded to include all the names of infants born up to and including those born on December 31, 1899. This added approximately 108 freedmen to the tribal rolls who were not on the original roll. All tribal rolls (in reference to the Seminoles) were closed on June 1, 1901. The Dawes Commission established an allotment office in Wewoka, Oklahoma, capitol of the Seminole Nation. Also, the majority of the freedmen had received their allotments by the end of 1901.

quantum whereas the Seminoles did (Saito, 2000)<sup>3</sup>. This major distinction would be a basis for the future disenfranchisement of the Freedmen by way of not being allowed to participate in BIA services and in being considered “non tribal members.”<sup>4</sup>

The creation of Jim Crow statutes became a part of the social fabric of Oklahoma upon the granting of statehood. As a result, the enactment segregation-based social policies (e.g., black codes) dealt another blow to black status within the minds of freedmen Seminoles.<sup>5</sup> The separate but equal doctrine put forth in *Plessy vs. Ferguson of (1896)*, coupled with the racism inherent in the South, made times worse for blacks, including Black Seminoles.<sup>6</sup> Moreover, the Oklahoma land rush of the late nineteenth century (which led to the influx of land-hungry whites) and the granting of statehood to Oklahoma on November 16, 1907, strained the Freedmen-Seminole relationship in several ways.<sup>7</sup> First, the Freedmen were viewed as “black” and the Seminoles were categorized as “white.” This opened the door for the acceptance of the “Eurocentric” view of blacks as “biological inferiors”

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<sup>3</sup> Saito (2000) point out that because of the matrilineal form of descent practiced by the Seminoles---a blood freedman, who had a black mother, would not have been placed on the “blood Seminole” roll.

<sup>4</sup> McCabe (1999: 3) posits that in 1898, a Seminole who was 50% white and 50% Seminole was considered Indian and his allotted land were untaxed. On the other hand, a Seminole who was 75% Native American and 25% black was considered black and denied those privileges. The government suggests that classification is an internal matter.

<sup>5</sup> Marable (2000: 109) states that in the autumn of 1865 a series of “black codes” were ratified in Mississippi to guarantee black labor subservience. This was even before the post-reconstruction period that began in 1877.

<sup>6</sup> Marable (2000: 109-110) asserts that Jim Crow policies were in effect long before the *Plessy vs. Ferguson* judicial the Supreme Court set precedent. Jim Crow policies were even present in supposedly “liberal North.”

<sup>7</sup> Bateman (1991) suggests that Jim Crow statutes also led to more formalized measures to separate the two groups (blacks and Indians). The two groups were no longer allowed to attend schools together,

(Bateman, 1991). Next, land allotments introduced both groups to the concept of private land ownership and capitalism. Third, statehood and the discovery of oil allowed whites to capitalize on both groups' inherent lack of education and business acumen regarding land management, subsequently allowing them to be "duped" out of their land by opportunistic whites (Bateman, 1991). Also, the separation of the two groups hastened the coming together of the Freedmen with African-Americans because of "their collective struggle" against racism and discrimination (Lawuyi, 1990).<sup>8</sup>

A major cause of the differences in standing between the Seminoles and the Freedmen was money. The Seminoles have a storied legacy of separating themselves from blacks when money and land came into the picture. This legacy extends as far back as the Tripartite and Seminole-Creek treaties of 1845 and 1856, respectively (Mulroy, 1984). In each of these treaties, the government granted land and monies to establish schools and churches, and in each instance the Seminoles tried to oust black members from the tribe (Mulroy, 1984). Additionally, a more contemporary illustration of the relationship between money, status, and separating themselves from blacks can be seen by examining the events prior to and after the implementation of the Indian Reorganization Act of 1934 (Healey, 1995; Bateman, 1991).

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unlawful for them to intermarry, and the Seminoles became more and more cognizant of the inferior treatment of blacks and did not desire the same fate for themselves.

<sup>8</sup> Lawuyi (1990) argues that prior to statehood, the Seminole Freedmen referred to non Estelusti blacks as "state raised." This term carried a derogatory connotation was meant to demarcate their having been former slaves and not having a cultural legacy of resistance to enslavement. However, because of Jim Crow, the two groups were forced to come together.



The Indian Reorganization Act/Wheeler-Howard Act was a policy initiated as part of Franklin Roosevelt's "new deal" and was spearheaded by John Collier who at the time was the director of the American Indian Defense fund. The act represented the conclusion of more than a decade of reformist agitation against the government's allotment policy (Perdue and Green, 2001). This program was intended to provide Native Americans with some of the tools embark upon a more autonomous way of life. The objectives of the act were specifically designed to give the Indians the means to re-establish and broaden their land base and to pave the way to political and economic independence via the formation of tribal councils and subsequent self-government (Perdue and Green, 2001; Bateman, 1991).

Initially, the provisions of the act were not applied to Oklahoma Indians, as it was perceived that it would not be conducive to their assimilation into Oklahoma society. Conversely, it is important in regards to blacks to elucidate the fact that Oklahoma was pro Jim Crow and did not consider making such accommodations to blacks in the state. Thus, none of the monies allocated under the aforementioned acts went to Freedmen (Bateman, 1991). Even in the present, African Americans have not been allowed to fully assimilate, so in the early twentieth century, it would be quite plausible to assume that it was not something that was stressed in the state of Oklahoma.

Not long after the enactment of the IRA, Oklahoma Senator Elmer Thomas (who had earlier opposed the implementation of the IRA) decided to

sponsor the OIWA (Oklahoma Indian Welfare Act), which became law in 1936 (Perdue and Green, 2001; Bateman, 1991). The OIWA acted as a catalyst for the further differentiation between Indians and blacks. This occurrence was due to the fact that it, along with the IRA (which later included Oklahoma Native Americans) offered Oklahoma Indians the following: 1) allowed the participation of ten or more Indians into cooperatives that could use \$2 million dollars a year for the purpose of purchasing additional lands for tribal use; 2) it established \$10 million dollar revolving credit fund to provide loans to chartered tribal corporations, with an additional \$250,000 annually for use in the organization of tribal governments and to establish a loan fund for Indians to attend college or vocational schools; 3) Indians were to be given special consideration for employment by the Bureau of Indian Affairs; and 4) permitted Indian groups to graft constitutions and articles of incorporations. This fact is important because the Seminoles tried to graft constitutions that did not include the Freedmen (Perdue and Green, 2001; Bateman, 1991). Conversely, this must be contrasted with the fact that in 1921 the independent, all black-Tulsa community referred to as "Black Wall-Street," was destroyed by racist Oklahomans. Consequently, to this day the residents (when alive and those still living) were not given a dime (Marable, 2000). Therefore, you have an "unofficial" yet "salient" precedent set displaying the differentiation in status between the two races.

The first tribal election of 1936 was one of the first outright displays of some of the Seminoles' growing disdain for their black members (Phillip,

1977). Prior to the election, two factions within the tribe had begun to emerge, the progressives and the conservatives. The “progressives,” who had grown up in the Oklahoma where segregation was the rule, were young, educated, and very assimilated. Thus, this faction had no desire to have blacks in the tribe or to be associated with them. To the contrary, the “conservatives” or “Niggermen” (as they were referred to as the progressives) were older and more apathetic regarding black members.<sup>9</sup> It was the tribal chief George Jones who was elected primarily on the basis of the Freedmen vote. The election of Jones by a block vote by the Freedmen provided the progressives with a “justification” to bar the Freedmen from partaking in future tribal endeavors.

The report from Charles Wisdom (1937) entitled, “Report on the Social Condition of the Seminole” is very instructive. It provides valuable insight into the growing factionalism within the Seminole nation regarding the standing of blacks within the tribe. Wisdom had been hired by the government to conduct an anthropological study to determine how to most efficiently implement the provisions of the IRA. Regarding the Black Seminoles, the report highlighted several reasons/justifications for factionalism and discriminatory attitudes on the part of the freedmen. One of the most poignant examples of the aforesaid

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<sup>9</sup> Bateman (1991) suggests that the “Progressives” regarded Jim Crow Laws, which separated them from blacks, as their saving grace. Further, George Jones received all 100 of the Freedmen votes and only fifteen of the Seminole votes, while the progressive candidate received none. Also, Bateman suggests that the “Black Freedmen” vote for Jones was in retaliation for an earlier progressive-supported policy to rebuild the Mehusky Mission building. The construction jobs were restricted only to “Seminoles by blood.” The Freedmen had been unsuccessful in fighting the policy.

was expressed to Wisdom, which was a commonly voiced complaint among the young progressives:

“Why doesn’t the government stop treating us like Negroes? We’re not Negroes, and we do not want to have anything to do with them. Why doesn’t the government let us organize and carry on our business as Indians? If we take niggers into our organized tribe we will just be niggers and nothing else, we’re tired of having the government treat us like that”

(Wisdom, 1937: 22,26).

Another method utilized by the Seminoles to lower black status and to separate themselves from them was to offer their own interpretation of the Treaty of 1866. In other words, they practiced a form of ideological nullification wherein they viewed the treaty as a document that was signed under the coercion of tribal officials by the government. Thus, the Treaty of 1866 was not a document that viewed as “valid” (Batman, 1991). Third, was the usury of the Freedmen, by the Seminoles. The opinion of conservative tribal leader Wattie Gibbs provides an instructive example. Specifically, Gibbs asserted that he wanted nothing to do with the Freedmen, but was only interested in their participation as it was conducive to getting him elected tribal chief (Wisdom, 1937). A final justification for desiring not to include the Freedmen as tribal members was the idea that tribe was being “overrun” by blacks.<sup>10</sup> An integral component of the previously mentioned point was for

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<sup>10</sup> Mulroy (1984) cites that the idea circulating among the Seminoles that blacks were overrunning the tribe was known as “miscegenation theory.” This idea suggests that there existed an inordinate amount of intermarriage between the two groups. Mulroy (1984) citing tribal census data asserts that this notion is more “myth” than “reality” but had been argued at least since the first Seminole War. Conducive to this belief was the inconspicuous intermarriage of prominent leaders to blacks, the fact that there were more black members within the Seminole Nation than within the other tribes. Also, the presence of blacks in leadership positions (e.g., negotiators, interpreters, chiefs, etc.) was something that did not occur often in the other four civilized tribes.

Indians to take on the same racist beliefs toward blacks as those adhered to by whites as a means of distinguishing themselves from blacks (Sattler, 1987).

“What to do with the black members” became an even larger issue to the Seminoles immediately following WWII. One way to deal with the Freedmen was to attempt to acquire the land that had been allotted to them during the allotment process along with the money that had received in annuities (Bateman, 1991: 265). Another way was the legal system. Particularly, Mulroy (1984: 723) cites that there have been at least three “lawsuits” initiated to disenfranchise the Freedmen as tribal members. In a 1954, letter to Indian Claims Commissioner Glen L. Emmons, provides clear evidence of the discriminatory attitudes of the Seminoles toward the freedmen. The letter cited several items that were both discriminatory and illegal. The sentiments expressed indicate that the tribe had not recognized blacks as tribal members at least ten years prior. Additionally, it conveyed that the “Negro” has no place in the tribe and that there are no laws “affecting the Indians that will affect the Negroes.” The letter also addresses the issue of a suit filed in the Indian Claims Commission’s Court that suggested that the annuities paid to the Freedmen were not allowable and that the money rightly belongs to the Seminoles (Bateman, 1991: 266). Despite this illegal attempt to separate themselves from the Freedmen, the Seminoles had to face the reality of the U.S.-Seminoles Treaty of 1866.

Perhaps unbeknownst to most of the nation, blacks in America during the 1960s wages civil rights battles on two fronts. While the nation, and perhaps the entire international community, was attempting to make America own up to its promise of "freedom and justice for all" the Seminole Freedmen were trying to make certain the Seminoles comply with the mandates of the treaty of 1866 (almost 100 years before). In the 1960s, the progressive Seminoles employed various methods/strategies to discriminate against the Freedmen. Case in point, during the 1960s, the Seminoles tried to create two constitutions, one for Seminoles and the other freedmen. Additionally, they tried to institute a blood quantum requirement to be a tribal member (as they would later attempt to do in 2000) to not allow the Black Seminoles to participate in the tribe. However, since blood quantum was not a requirement when the Black Seminoles became tribal members, it could not be implemented, as the Seminoles would have preferred. The aforesaid events were even more insidious when one considers that then, the same as now, that the Freedmen only had tribal council voting rights and did not receive any material (i.e., economic or otherwise) from nation membership. Finally, the BIA allows tribes to set their tribes own eligibility criteria for programs that they administer themselves. Not surprisingly, the Seminoles have also utilized a blood quantum criteria, despite having the option not to if they so choose (while consciously knowing blood quantum requirement would not allow Freedmen participation).

The Bureau of Indian Affairs approved the Seminole constitution in 1969. The first of the five tribes to have a constitution, it granted membership to all members whose names appear on the final rolls of the Seminole Nation in Oklahoma (Bateman, 1991). Also, it reaffirmed that they BIA has the final say regarding tribal fairs, despite the contention of the Seminoles that they have “sovereign immunity” (Sharpe, 2002). The constitution could also be seen as placing the freedmen and Seminoles on equal footing to “some degree.” However, freedmen are still ineligible for tribal benefits (e.g., housing, scholarships, disbursements).

A contemporary example of discrimination, which was perpetrated by the both the BIA and the Seminole Nation is the denial of Freedmen participation in monetary disbursements. The primary case has its origins in the 1950s. It was in the 1950 and 1951 that the Seminole Nation of Oklahoma filed claims for lands in Florida ceded to the United States in the treaties of Fort Moultrie Creek and Payne’s Landing (Gardne, 2001: 1; Saito, 2000: 14). The tribe was awarded \$16 million in 1976 by the Indian Claims Commission, which was placed in a trust. In 1990, Congress passed an act that allowed for the distribution of the funds with interest. By 1991 (when the money was disbursed) the amount had grown to \$56 million, 75% going to the Seminoles of Oklahoma, 25% to the Seminoles of Florida, and none to the Freedmen (Gardne, 2001; McCabe, 1999). Interestingly, vis-à-vis the aforementioned is “that the Seminole Nation as existed in 1823 clearly included the Black Seminoles” (Saito, 2000: 114). The Black Seminoles were

one of the principal reasons that the U.S. government took land from the Seminoles (Saito, 2000).

The justification typically given for not allowing the Freedmen to participate in judgment fund programs offered by both the BIA and the Seminoles is that at the time land was ceded in the Treaties of Payne's Landing (1832) and Fort Moultrie Creek (1823) the Freedmen were slaves and did not own any land (McCabe, 1999). I argue that not allowing the Freedmen participation in settlement funds is discriminatory because of the following reasons drawn from my socio-historical analysis. First, the Estelusti were the source of opposition to the U.S. government during the first and second Seminole Wars (Twyman, 1999; Porter et al., 1996). I surmise that the concessions made by the government, in the form of treaties, were in response to threat and presence of the Freedmen. It is plausible that these precautions would not have been made otherwise; 2) in the treaty of Payne's Landing (1832) it states that negotiators (Black Seminoles) Abraham and Cudjo were promised \$200 each for land that they cultivated (Kappler, 1904). This provides some question to their status as slaves in the traditional sense (Opala, 1981).

In 1995, Donnell Davis, a thirteen year-old Dosar-Barkus tribal member, who was denied clothing assistance, became the subject of the controversy that resulted in a class action suit filed on his behalf by his mother with legal counsel provided by attorneys Will and John Velie (Gardne, 2001). The case was filed on January 16, 1996, and was filed as *Sylvia*



*Davis versus the United States (1996)*, (*Davis v. United States*, 199 F. Supp. 2d 1164, 2002). At the time, his mother, Sylvia Davis, filed an application with the Seminole tribe on behalf of her son to participate in one of the Judgment Fund Programs. In particular, Ms. Davis applied for \$125 of the federal money available to Seminole tribal members to buy school clothing for her son (Staples, 2002). The tribe denied Ms. Davis' application, stating that she had not provided a copy of her son's CDIB (certificate of degree of Indian blood card), precipitating the lawsuit. Thus, she had apparently failed to prove her son was a descended from a member of the tribe, as it existed in Florida on September 18, 1823. The crux of the Seminole Freedmen's argument is that the tribe's authority to exclude the Estelusti from the Judgment Fund Programs is not legal.<sup>11</sup> Specifically, such action is restricted by section four of the Distribution Act, which provides that:

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<sup>11</sup> (*Davis v. United States*, 192 F. 3d 951, 1999) contends in 1990 that congress passed the Distribution Act, which set forth criteria for use, and the distribution of the Judgment Fund Award. Additionally, although a report prepared by the BIA had recommended excluding the Freedmen from participating in the Judgment Fund Award, the Distribution Act allocated approximately seventy-five percent of the Judgment Fund Award to the "Seminole Nation of Oklahoma." The Distribution Act authorized that each Judgment Fund Program contain eligibility requirements for participation. The tribe prepared a distribution plan for the Judgment Fund known as the "Usage Plan." It must be noted that, federal programs always have had a blood quantum attached, but tribes can set their own eligibility criteria for programs that they administer themselves. Not surprisingly, the Seminoles have consistently chosen to use the same blood quantum criterion for their programs as those set for federally supported programs. Conversely, the Seminole Nation General Council narrowly approved the Usage Plan. The Usage Plan was submitted on May 15, 1991. By way of example, the School Clothing Program contains the following eligibility requirement: "Applicant must be an enrolled member of the Seminole Nation of Oklahoma who has been determined to have descended from a member of the Seminole Nation as it existed in Florida on September 18, 1823." Finally, the Usage Plan does not contain a specific eligibility requirement but provides in part: "The principal interest and investment income accrued shall be available for the use by the tribal governing body on a budgetary basis for programs and services established in accordance with priorities determined by the tribal governing body in program areas which include, but are not limited to: Health, education, social services, elderly, housing, general community improvement, economic and business development, expansion, and preservation of the tribal land base and tribal support and development."

“Any plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma shall provide that not less than 80 per centum thereof shall be set aside and programmed to serve common tribal needs, educational requirements and such other purposes as the circumstances of the Seminole Nation of Oklahoma may determine.” (*Davis v. United States*, 192 F. 3d 951, 1999).

Therefore, the money was supposed to go to the Seminole Nation which the Freedmen were members of despite not possessing CDIB cards.

Nevertheless, “court documents filed in connection with the lawsuit show that at least one local official in the BIA may have conspired with tribal leaders to hide the exclusion of black from congress, which was bound by the Treaty of 1866 to regard the Seminole Freedmen as members of the tribe when it voted to pay the Seminoles for Florida “(Staples, 2002: 2). The suit was filed in 1996 on behalf of both bands (Dosar-Barkus and Bruner) against the Bureau Indian Affairs as *Davis versus the United States (1996)*, under the name of the original plaintiff's mother (*Davis v. United States*, 192 F. 3d 951, 1999). The lawsuit claims that the U.S. government via the Bureau of Indian Affairs is in violation of article II of the U.S. Seminole Treaty of 1866. Specifically, article II posits that all peoples of African and mixed Afro-Seminole heritage shall be entitled to the same rights and privileges as the Seminoles (Sharpe, 2002; Gardne, 1999).

Freedmen lawyer John Velie describes the tactics of the BIA as one of “divide and conquer” (Saito, 2000: 14). This description is in regards to the claim of both the BIA and the Seminoles that the Freedmen were mere slaves. In taking such a position, both the government and the current Seminole leadership are implicitly and explicitly making several discriminatory

assertions: 1) that any black whom was living among the Seminoles prior to 1866 was a “slave only” and in “every case”; 2) these assertions deny the available history which documents blacks as occupying numerous “nonslave” statuses such as chiefs, guide, interpreters, advisers, along with cultivating land; 3) the use of separate tribal rolls and the over reliance on blood quantum for participation in tribal programs involving the employment of the “rule of hypodescent” or the “one drop rule.” This use of a Jim Crow era racial standard only serves to provide validity to such discriminatory policies.

The Seminole tribe’s opposition to the participation of the Freedmen in the judgement fund distribution can be narrowed to five points (Bateman, 1991: 272-274). First, the ancestors of the Freedmen owned no lands in Florida, but were slaves to them, and thus their descendants are not entitled to anything. Second, the Freedmen were not made citizens of the Seminole Nation until 1866 (and prior were not members of the tribe). Third (which is very interesting), is that the other Five Civilized Tribes do not do anything for nor do they include their Freedmen as tribal members, “so why should we?” Fourth, the tribe does not understand why the Estelusti have not used the influence of the Congressional Black Caucus to help entire tribe. To add, the Seminoles wanted the Black Seminoles to decide whether or not they were going to be either “black” or “Indian”, but not both. This explanation is most perplexing because the Freedmen have never been fully accepted by the Seminole tribe in order to qualify them to make such a decision. Fifth, the Seminole Nation perceived that the Freedmen taking their case to

Washington (to the Congressional Black Caucus) as threatening, which they did not appreciate. Consequently, an additional area of concern was that by granting the Freedmen full tribal membership would limited the number of Indians eligible for per capita payments and benefits (Bateman, 1991). This belief is held onto despite the explication by the Freedmen that they would only desire 1/7 of the monetary amount being awarded to the tribe which would correspond to the two Freedmen bands (of a total of 14), (McCabe, 1999).

The Western District Court of Oklahoma was where the case was filed on January 16, 1996 (*Davis v. United States*, F. 3d 951, 1999). It was in the Western District Court of the State of Oklahoma where Judge Vickie Miles-LaGrange promptly dismissed it on the grounds that the Seminole Nation was an "indispensable party" (*Davis v. United States*, F. 3d 951, 1999). According to the ruling, an indispensable party is "one who has such an interest in the subject matter of the controversy that a final decree cannot be rendered between the other parties to the suit without affecting his interest, or without leaving the controversy in such a situation that its final determination may be inconsistent with equity and good conscience" (*Davis v. United States*, 199 F. Supp. 2d 1164, 2002). Basically, this meant two things for the Black Seminoles. First, since the tribe enjoys "sovereign immunity" it cannot be sued so the tribe needed to sue the federal government (which it was doing). Second, it suggested that since the Seminoles could be impacted in some manner that they must be included in the lawsuit. The court uses four criteria

to determine whether a lawsuit can proceed without an “indispensable party” (*Davis v. United States*, 199 F. Supp. 2d 1164).<sup>12</sup> Ultimately, the initial dismissal could be viewed as an abject failure in the attempt of the Freedmen’s lawyers to substantiate their two main contentions: 1) that the Black Seminoles owned land in Florida; and 2) that blacks and Indians were legally separated on the basis of turn of the century Jim Crow laws (McCabe, 1999).

The Freedmen’s lawyers (John and Will Velie) appealed the case to the Tenth Circuit Court of Appeals in Denver, which promptly remanded the case back to the District Court in Oklahoma (Gardne, 2001). In September of 1999, the Tenth Circuit court of Appeals in Denver, Co., reversed Judge LaGrange’s ruling (*Davis v. United States*, 192 F. 3d 951, 1999). The grounds for reversal was that it needs to be determined whether or not “in equity and good conscience, Plaintiffs’ Judgment Fund Award claim can proceed in the absence of the Tribe” (*Davis v. United States*, 192 F. 3d 951, 1999). Then on April 25, 2002, in the Western District Court of Oklahoma judge LaGrange dismissed the case again citing that “the court finds plaintiff’s have not demonstrated the Court has jurisdiction over their CDIB claim pursuant to the APA” (*Davis v. United States*, 199 F. Supp. 2d 1164, 2002).

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<sup>12</sup> (*Davis v. United States*, 199 F. Supp. 2d 1164, 2002) posits that determining whether in equity and good conscience a suit can proceed in the absence of a necessary or “indispensable party” requires a court to consider four factors: 1) To what extent a judgment rendered in the person’s absence might be prejudicial to the person or those already parties; 2) the extent to which, by protective provisions in the judgment, by shaping of relief, or other measures, prejudice can be lessened or avoided; 3) whether a judgment rendered in the party’s absence is adequate; and 4) whether the plaintiff (Davis) will have an adequate remedy if the action is dismissed for nonjoinder.

Currently, the case is waiting to be heard in federal appeals court in Washington, D. C. Furthermore, the controversy, regarding the status of the Freedmen, prompted the Bureau of Indian Affairs to cut off all funds to the Seminole Nation (Gardne, 2001; AP, 1999).

The most blatant and salient instance of discrimination by the Seminoles against the Freedmen involved expelling (i.e., kicking) them from the tribe on July 1, 2000 (Sharpe, 2002; Gardne, 2001). This act was initiated by a tribal constitutional referendum wherein nine questions were voted on and approved. Three of the voted on questions would disenfranchise the Freedmen who were made citizens in the U.S.-Seminole-Treaty of 1866. This act was in violation of Article 13 Seminole constitution and section 1302 of the Indian Civil Rights Act. Article 13 of the Seminole Constitution provides that the "constitution may only be amended by a majority vote of the qualified voters" (Sharpe, 2002:2). However the amendments were illegal because they did not include the freedmen votes (who have always had tribal council voting privileges).

On August 10, 2000 the illegally created council (without the Freedmen) passed and signed into law Resolution 2000-105 which immediately implemented nine constitutional amendments. This was done without their submission to the Bureau of Indian Affairs for approval (Sharpe, 2002: 2). In response, Assistant Secretary of the Department of the Interior for Indian Affairs, Kevin Glover sent a letter on September 29, 2000 informing members of the General Council that they would not be recognized according

to the Seminole Nation Constitution (Art. 13) and thereby invalidating all nine amendments (Sharpe, 2002: 3-4). Additionally, the illegally constituted unicameral body (i.e., one that makes and passes laws) also included an initiative requiring a 1/8-blood quantum for tribal membership and 1/4 blood quantum requirement to serve on the general council. This was another overt effort to disenfranchise the Freedmen (since blood quantum's were never kept for them).

The aforementioned events resulted in the Seminole Nation not being recognized by the Bureau of Indian Affairs. The status of "not being recognized" by the BIA brought several changes to the Seminole Nation. First, it meant that the BIA and not the "Seminoles" would be in charge of management of the tribal programs and monies. This would give the government the authority to decide how hundreds of thousands of dollars are to be spent (Shawnee Online, 2001). Particularly, it would include taking over the tribe's education, housing, and road management programs. The tribe is therefore limited to maintaining itself from the proceeds from gaming, which one can assumed will be cutoff the Freedmen are allowed some degree of tribal participation.

On June 23, 2001, the Seminole Nation (still not government recognized) ousted Chief Jerry Haney (who was somewhat pro-Freedmen) and replaced him with progressive Kenneth Chambers of the Tallahassee Seminole Band (Sharpe, 2002). A constitutional violation, this act was also illegal because the BIA-mandated tribal constitution required nineteen votes

to remove an officer from office. Nevertheless, resolution 2001-29, approving removal (of Chief Haney) by suspension, passed by a vote of 16 (for) to 8 (against) with none abstaining (Sharpe, 2002). Likewise, this action resulted in the director of the Department of Interior (BIA) recognizing disposed tribal leader Jerry Haney as the legally recognized chief (Sharpe, 2002).

A final act, which can be perceived as another act of discrimination and denial of the Freedmen complete social acceptance, was committed on October 8, 2001. On this date the illegally constituted Seminole Nation attempted to invite the Freedmen to rejoin the tribe (Sharpe, 2002). The Freedmen refused. Sharpe (2002) asserts that this half-hearted attempt to invite the Black Seminoles to rejoin the tribe was only so that could then be “legally” expelled according to the rules of the “illegally” constituted tribe.

In summary, it has been pointed out throughout this study that the freedmen have maintained a status both with BIA and the Seminole Nation that is both tenuous and unequal to that of other Seminoles. The status of the Estelusti within the tribe will continue to become an even bigger issue as was recently brought up in a recent Seminole Nation Symposium attended by the author. The issue is that the government is in the process of determining whether or not \$95 million is due to the Seminole Nation for mineral rights of Seminole County (which is rich in oil), (Mineral rights claim of the Seminole Nation of Oklahoma, 2002). Many Freedmen legally own the lands in Seminole County and they will have a right to compensation because the



government during the allotment process gave much of this land to them.

Therefore, the battle for full social acceptance continues.

### ***Conclusions***

In conclusion, this chapter concentrated on how changes in Seminole Freedmen status coincided with a worsening of relations between the two groups. Distinctively, I chose to look at the impact of specific policies (e.g., Jim Crow, Indian Reorganization and Oklahoma Indian Welfare Acts) played in fostering an ideology among the Seminoles that made it okay to separate themselves from the Freedmen. I felt that by examining specific policies longitudinally, I have demonstrated that racist belief systems among the Seminoles did not emerge out of a vacuum. In the next chapter, I look at results from in-depth interviews conducted with Seminole Freedmen. These in-depth interviews investigated (from the viewpoints of the Freedmen themselves) some of the social and historical circumstances that have culminated in their present status with the Seminole Nation of Oklahoma.

## Chapter Six

### Analysis of the Data

#### *Introduction*

In this chapter, I analyze and discuss the data gathered from in-depth interviews and document analysis. As discussed in chapter Two, qualitative analysis has been identified as having its own set of benefits and limitations (Berg, 1989). A major advantage that qualitative analysis adds to my study is that it allowed me to gain insight into the impact of the circumstances encountered by the Seminole Freedmen from the viewpoints of the Freedmen themselves. On the other hand, a limitation of qualitative analysis was that in-depth interviews, by their nature, are very subjective (Berg, 1989). Therefore, this drawback influenced the reliability of the data that I collected. In other words, it is doubtful that a different researcher could have replicated the qualitative techniques (e.g., in-depth interviews, oral histories, archival records, etc.) that I used and reached similar conclusions regarding how the socio-historical conditions experienced by the Black Seminoles have resulted in their existing status position.

The data are divided into three sections that focus on determinants of both the historical and contemporary status of the Seminole Freedmen using the existing literature (Katz, 1997; Mulroy, 1993; Bateman, 1991). In this study, I conducted ten in-depth interviews with Seminole Freedmen that were evaluated via content analysis. The content analysis is to identify several recurring themes (e.g., removal, segregation, discrimination) that correspond with and differ from

the available literature. The themes were examined using the sociological constructs pointed out in chapter One in order to discern the significance of both historical and contemporary events in the overall standing of the Seminole Freedmen.

The first section details the information gathered from informants/interviewees relating to the issues of discrimination and racism. The second section analyzed the comments from the informants regarding their perception of the difference similarities between themselves and non-Estelusti (freedman) blacks. Additionally, this section also focuses on the social construction of Black Freedmen identity over the past 300 years (dating back to at least 1693). The third and final section highlights the similarities and differences between the Seminole Freedmen and the Seminoles from the viewpoints of the respondents. In this chapter, I document and analyze the major influences on the changing status of the Seminole Freedmen since their infusion into the Seminole Nation stratification system.

Finally, ancillary attention will be given to the impact of “Jim Crow” or “legalized segregation” as a framework whereby to gauge the differing status positions of the Black Seminoles within the Seminole Nation. Woodward (1966) provides a salient example of the nature of Jim Crow statutes that is introspective in analyzing how legalized segregation-impacted relations between the Seminoles and the Seminole Freedmen. Particularly, Woodward (1966: 7) argues regarding Jim Crow and black status:

“The public symbols and constant reminders of his inferior position were segregation statutes or ‘Jim Crow’ laws. They constituted the most

elaborate and formal expression of sovereign white oppression upon the subject. In bulk and detail as well as in effectiveness of enforcement the segregation codes were comparable with the black codes of the old regime through the laxity that mitigated the harshness of the black codes were replaced by the rigidity that was more typical of the segregation code. That code lent the sanction of law to a racial ostracism that extended to churches and schools, to housing and jobs, to eating and drinking.”

Further, there are four specific ways wherein acknowledging the impact of Jim Crow based statutes is useful in this study of Seminole Freedmen status. First, it was a Jim Crow standard of racial classification that can be presumed to have been a prominent factor in the BIA decision to separate the Seminole Nation’s tribal rolls in 1906 into the designations of “Freedmen roll” and “Seminole by blood” when it was not required to do so (Saito, 2000: 14). Second, is the fact that when Oklahoma became a state in 1907, the ideals of Jim Crow (de jure segregation) had already become a part of the state’s social fabric/consciousness (Bateman, 1991). Third, as a result of the previous two points, there was a re-structuring of social relations between Seminoles and Seminole Freedmen. Lastly, it (Jim Crow) buttressed the now existing attitudes of some Seminoles toward the Seminole Freedmen. However, more importantly, it fed into an emerging sentiment toward the ideological nullification of the historical relationship between the two groups. Perpetrated by both the Seminoles and the BIA, the relationship went from one of comrades in arms and mutual struggle, to one of slave and slave owner only (Saito, 2000; Bateman, 1991).

### ***Self-Perceptions of Discrimination and Racism***

In this section, a comprehensive analysis of the perceptions of acts of racism and discrimination committed by both the government/Bureau of Indian Affairs and the Seminoles are explored. The constructs of racism and discrimination were measured with broad general questions that allowed for the respondents to elaborate on their own experiences. Therefore, as will be shown in the analyses, racism and discrimination share a dialectical relationship. The majority of the respondents explicated the existence of racism and discrimination as crucial components in their ever-changing status within the Seminole Nation. Finally, the concepts of racism and discrimination will be demonstrated to fit within the confines of Bobo's (1999) theory of prejudice as group position and Noel's (1968) theory of racial and ethnic stratification.

Racism and discrimination share a dialectical relationship. By this I mean that racism and discrimination tend to reinforce one another. Namely, where you see racism you will see discrimination and vice versa. To put it plainly, racist ideologies/beliefs typically fuel discriminatory actions/practices. These constructs are a basis, at least in the view of the Freedmen for many of the occurrences throughout their relationship with the Seminole Nation. For example, many of the respondents view their denial of Certificate of Degree of Indian Blood Cards as being directly correlated with discrimination and racism:

That's the difficulty (obtaining the CDIB cards). When we traced our roll (Dawes roll) numbers, we had them or we would not be part of the Seminole tribe. But when we traced our degree of Indian blood those records were destroyed because when Jim Crow (legalized segregation) came to Oklahoma they divided the rolls. They created a black roll and an Indian roll. So instead of putting us on the same rolls, Jim Crowism came

into the state and divided us, they no longer wanted us to marry. So those records are destroyed.<sup>1</sup>

This particular response stood out for several reasons. First, it was one of the milder answers. In terms of mildness, the Seminole Freedman differentiates herself by separating the Seminoles themselves from being responsible for the actions that impacted the Black Seminoles in any shape, form, or fashion. Second, the researcher noticed that she would mention Jim Crow (legalized segregation) as though it assumed a reified existence. In other words, she did not attribute the attitudes of individuals in creating, sustaining, and perpetuating the life of Jim Crow. However, the view that it was the government and not the Seminoles has been a theme that has been reiterated in several research efforts. For instance, Katz (1997) and Opala (1981) both stress that blacks tend to believe that it was the government who was responsible for facilitating the separation of Seminoles and Black Freedmen. For example, one Seminole Freedman commented.

When my great grandmother, well, those records we can't find. If we had those records, I can say she was 1/16, she was full blood, we can trace it back. We don't have those records the government destroyed those. I think they have those records somewhere, that's why we are suing the Bureau of Indian Affairs. We do not have to define our degree of Indian blood, it's in the Seminole constitution.<sup>2</sup>

This respondent blamed the government for destroying the symbiotic relations

between the two groups by establishing segregation. She explained,

Segregation destroyed the relationship between the two groups. Also, funds have been misused since the 1980s (within the Seminole Nation). They shut down programs because of the misappropriation of funds. Just like now they recognize Kenneth Chambers instead of the Chief Jerry

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<sup>1</sup> (Interview # 1 with author, Oklahoma City, Ok., 3/17/02).

<sup>2</sup> (Interview # 1 with author, Oklahoma City, Ok., 3/17/02).

Haney who the Bureau of Indian Affairs recognizes. They (progressive faction) tried to say that chief Haney stepped down voluntarily but the BIA did not recognize the election of Kenneth Chambers. Out of 13,000 only 800 voted and you have to have at least a two-thirds majority to approve a referendum. The Black Seminoles did not get a chance to vote.<sup>3</sup>

Particularly, the aforementioned forced separation and concomitant beginning of a legally sanctioned inferior status for the Black Seminoles can be traced to the government in lieu of the actions of the Dawes Commission. In 1906, the Dawes Commission on its own behest (will) created separate rolls for "Freedmen" and "Seminole by blood" (Saito, 2000: 14). However, there appears to exist an inherent contradiction in statements like "they destroyed the records." However, the contradiction comes later when the respondent suggests that government is playing the role of "administrator of justice" in cutting/eliminating Seminole Nation programs because of their inadequacies to live up to the mandates of the Seminole Treaty of 1866. The dual role of the federal government in reducing Black Seminole status is juxtaposed to the role of "government as adjudicator" in chastising the Seminoles for not allowing the Freedmen to participate in tribal affairs.

The actions perpetrated by both government in separating tribal rolls into Freedmen and Seminoles by "blood" and the discriminatory actions of the Seminoles can be understood within the framework of Bobo's (1999) theory of prejudice in maintaining group position. Bobo's (1999) theory argues that prejudice often results from perceived threats to a group's feeling of entitlement by others. Additionally, this theory can be used to describe the "divide and

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<sup>3</sup>(Interview # 1 with author, Oklahoma City, Ok., 3/17/02).

conquer” strategies of whites in trying to maintain their dominance over both blacks and Indians. For instance, Porter et al. (1996) contends that critical to the maintenance of the institution of slavery (and the economic rewards derived from it) was that Indians and blacks do not become unified. Fear of the unification of the two groups was one of the principal reasons that the government/plantation owners would often pay Indians to catch runaway slaves and try to civilize them. Civilization often meant teaching them to accept their own stereotypical views of blacks to prevent any chance of unity and a nullification of their power/status (Bartl, 1995; McLoughlin, 1974).

Another respondent explained the disenfranchisement over the inability of the Freedmen to be supplied with Certificate of Degree of Indian Blood Cards due to the matrilineal form of descent practiced by the Seminoles. In this manner, it was the descent process of the Seminoles that worked against the Black Seminoles,

The reason why we do not have CDIB cards is because you enroll under your mother’s band. My mother was placed under the Dosar-Barkus band and my father was part of a Seminole Band.<sup>4</sup>

Mulroy (1984) contends that the Seminoles practiced a matrilineal form of descent. As a result, by practicing a matrilineal form of descent, Seminoles did not acknowledge the offspring of a Seminole father who mated with non-Seminoles.

One of my respondents observed that denying CDIB cards was inherently racist.

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<sup>4</sup> (Interview # 2 with author, Oklahoma City, Ok., 3/25/02).



When I found out about open enrollment, they had put a freeze on it because of the lawsuit (*Davis v. United States, 1996*) where Freedmen could not enroll. It did not matter if you could prove it (your lineage) and bring all of the documents to prove it, Freedmen could not enroll. I went to the Bureau of Indian Affairs regional office to try to enroll and I was told: "We are not enrolling Freedmen at this time." I then called the office and I did not tell the person who I talked to on the phone that I was a Seminole Freedmen and I told them that I was eligible to enroll on the blood roll and I can prove it—by your standards—can I enroll at this time, and they said sure!<sup>5</sup>

The double standards used for enrollment, one for non-blacks and another for blacks is similar to the voter registration tactics used in the South during segregation. Woodward (1966: 141-2) documents the impact of segregation on black political participation:

"By one means or another, including intimidation and terror, Negroes were effectively prevented from registering (to vote) even when they had the courage to try."

Also, Woodward (1966: 83-84), briefly describes other tactics that were to used to discourage black voting, such as poll taxes and literacy qualifications:

"First of all, the plan set up certain barriers such as property or literacy qualifications for voting then cut certain loopholes in the barrier through which only white men could squeeze. The loopholes to appease (though not invariably accommodate) the underprivileged whites were the 'understanding clause', the 'grandfather clause,' or the 'good character clause.' Some variation of this scheme was incorporated into the constitutions of South Carolina in 1895, Louisiana in 1898, North Carolina 1900, Alabama in 1901, Virginia in 1902, Georgia in 1908, and Oklahoma in 1910."

Therefore, it can be seen that Jim Crow applied a similar double standard for blacks with respect to both whites and Indians. This "double-standard" disallowed equal participation for blacks compared to other individuals when under comparable conditions.

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<sup>5</sup> (Interview # 2 with author, Oklahoma City, Ok., 3/25/02).

To buttress the previous respondent's account, another Seminole Freedman tells a similar story upon attempting to enroll and obtain a CDIB card,

I went to the regional BIA office and brought documentation of my relatives being on both rolls (Freedmen and Seminole by blood). Each time when I would present documentation, I was told to bring more. Also, each time I would bring the documentation that was requested, which I know was a lot more than people who were already enrolled were required to bring, I was told to bring more. After three or more visits, the supervisor of the office would ask me questions like: "Where did you get this?" I was also told: "we need to keep this." But I knew what they were doing. When I began to question why I had to keep bringing more and more documentation, I was called a "porch monkey" and also told that "I needed to go back to Africa." The man that told that I needed to go back to Africa was white (non-Indian).<sup>6</sup>

The innate racism is obvious in the actions of the BIA office workers (both Indian and white) who took part in these two separate incidents. These actions are hypocritical in that in one of the informational meetings attended by the author, Indian leaders whenever they spoke would always explain that the Freedmen issue was not about race or money, but about sovereignty. If such were the case, why would an Indian worker call someone a "porch monkey" when they are trying to enroll. Concomitantly, at the same informational meeting, when representatives from the BIA would speak they would talk of how the inclusion of the Seminole Freedmen was central to ending tribal problems. I was under the assumption that the BIA thought it would probably be easier to keep the Freedmen in the tribe and prevent the whole event from becoming larger and possibly costing the government a large some of money in lawsuit litigation. For instance, if the sentiment were genuine, then why would a BIA worker (one who worked in an administrative capacity) tell someone who is trying to enroll that

they needed to go back to Africa? Now, it would not totally fair to caricature a whole government agency on the actions of a few workers. However, the fact that government employees would feel that they could engage in such overt acts with presumably little or no fear of retribution points more to an internal occupational structure/climate that condones and supports such behavior. Surely, someone who felt that would be appropriately sanctioned would not partake in such behavior.

Along the same line of thought, another respondent claims,

They don't want the Black Freedmen to have a card. Our ancestors are on the rolls but we have not been accorded the right to be a part of that program where we would be able to have a CDIB card and entitle us to those benefits.<sup>7</sup>

Similarly, a respondent adds,

Not yet, it (the CDIB cards) is one of the things that we are fighting for. As you know, it is was one of those things that we are guaranteed according to the Treaty of 1866. We were guaranteed that we would receive the same rights that the Seminole Indians by blood get. Some of us are by blood, just not enough blood. But we do not have CDIB cards and we are asking in this lawsuit that we will be able to get those cards—we were only issued membership cards—kind of like identification cards.<sup>8</sup>

It is quite clear through the examination of the given responses that for the Black Seminoles, one of the primary areas that discrimination was conceptualized was over the issue of the denial of Certificate of Degree of Indian blood cards. As noted earlier, the question that measured this aspect of the concept was very general and broad-based to allow the respondent the opportunity to express his or her views in an unabated fashion. For instance,

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<sup>6</sup> (Interview # 7 with author, Shawnee, Oklahoma, 4/13/02).

<sup>7</sup> (Interview # 10 with author, Oklahoma City, Ok., 5/27/02).

when I would ask the informant, “Do you have a Certificate of Degree of Indian Blood card?” As to be expected, all of the Estelusti or black Seminoles, answered no to the CDIB card question and either would start immediately explaining as to why they feel that they do not have a card or I would probe by asking, “how would you describe the situation wherein the Black Seminoles do not have cards.”<sup>9</sup>

It is important to be cognizant that in analyzing the thoughts that emerged in the answers of the interviewees that many concepts coalesced. In other words, discrimination and racism both could be extrapolated from a singular response. This quite possibly could have been due to the exposure of the Black Seminoles to a system of social actions similar to Jim Crow that perpetuated injustice, racism, and discrimination. Therefore, to more clearly demonstrate the role that the experience of racism and discrimination played in the delineation of the status of the black Seminoles, responses that stood out as significant in this project were examined. The relationship between money and racism was significant as illustrated in most of the responses except for one of the following,

I think that it's about money. When you think about it, when everyone has a chance to participate, we all prosper. To me, anything that affects someone directly affects us all directly. I mean when you look at it, education correlates with the department of corrections. So if we are educated we will have a better society, but there's only a few of them (Seminoles) who really do not like Black Seminoles, only a few of them. It's just a small fraction of them (Indians) that are being inappropriate. We have a really good relationship.<sup>10</sup>

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<sup>8</sup> (Interview # 5 with author, Oklahoma City, Ok., 4/4/02).

<sup>9</sup> (Interview #5 with author, Oklahoma City, Ok., 4/4/02).

<sup>10</sup> (Interview # 1 with author, Oklahoma City, Ok., 3/17/02).

Now, this response was interesting for socio-historical analysis. First of all, as well demonstrated in some of the question answers to be viewed later, this type of response is more indicative of how the Black Seminoles' point of view reflects the prejudgment fund relationship (prior to 1991). The prejudgment fund relationship changed, according to the Seminole Freedmen that I interviewed, because the Seminoles felt that there would not be enough money for them if the Freedmen were to be included in the Judgment Fund disbursements/programs. Additionally, the respondent made a point to mention that only a small minority of Seminoles really did not like the Black Freedmen but she never mentioned any steps that those Seminoles were taking to ensure that the Freedmen receive CDIB cards. Third, the respondent was either unwilling or did not want to accept how so "few" Seminoles who did not like blacks were able to wield so much influence over the rest of the contingent who at least in the respondent's mind appeared not to have any problems at all with the Freedmen. The response is also consistent with the tenets of Nagel's (1999) identity construction theory. Hence, it appears that the respondent constructed an identity somewhere between black and Indian with more of an emphasis on "Indian" that was situation-specific (based upon her getting involved in tribal affairs). Answers like this are interesting in that they beg for more research into exactly how is a perception of discrimination and racism created and justified by some individuals.

Other respondents were more adamant and clear in their feelings in the roles of race and discrimination in the freedman struggle. In this particular answer, the individual is describing the treatment received from Seminoles that

were known before and after the filing of the *Davis v. United States (1996)*, while attending a tribal meeting,

They (the Seminoles) didn't want me there. He was one of the people that I knew that voted and was happy about it. But yet and still he knew me. When he found out that I was a Black Seminole his attitude toward me changed. But one of them (Seminoles) that I knew before the lawsuit never changed after the lawsuit. We talked and we are friends now and were friends then.<sup>11</sup>

This part of the response corresponds with Bobo's (1999) theory of prejudice as at least being due in part to the maintenance of group resources. In other words, the respondent discusses how he and the Seminole were friends at first, but when the latter found out that the respondent was a Black Seminole, his feelings changed. It can more than adequately be discerned that the feelings of prejudice and discrimination expressed by the Seminole towards his former friend were to some extent the result of prejudice in lieu of trying to preserve the resources that he felt that inclusion of the Freedmen threatened. This response also falls within the purview of Noel's (1968) theory of ethnic stratification. One of the three components of Noel's (1968) perspective is competition. Competition ensues when both groups are trying to attain a scarce goal. As in the past for the Seminoles, this goal is resources. The Seminoles are trying to continue to receive the settle disbursement monies from the Indian Claims Commission and maintain the programs that the monies fund. The Freedmen are trying to achieve the scarce and related goals of historical recognition and the participation in tribal programs that they have been denied since the Treaty of 1866.

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<sup>11</sup> (Interview # 8 with author, Oklahoma City, Ok., 5/8/02).

The respondent went further,

Some of the councilmen (tribal council) hate blacks. They made a “war cry” sound as soon as the Black Freedmen were kicked out of the tribe. They would also clap loudly and make the “war cry” sound when someone would stand and speak about kicking the Black Seminoles out of the tribe. This was while we were in the meeting.<sup>12</sup>

The respondent went on to state that not only were racist actions committed by members of the tribal council, he went further to point out that the former BIA supported chief prior to kicking the Seminole Freedmen out of the tribe condoned such actions,

It was big joke to him (the BIA supported chief). You ask how I know it was a big joke to him, because I saw him laughing when he could have stopped it (the war cry sounds), but he didn't. They (the Seminoles) would say that: “they (the Black Freedmen) should not get anything because it all belongs to us and then someone would make a cry (war cry sound) and everyone would clap. They were acting like they were going to start a war, all they needed was war paint.”<sup>13</sup>

The respondent continued to illustrate his point,

I felt like they (the Seminoles) had the fear of jumping on one of us because they may have known about our history of fighting. I know that some of them there (at the meeting) knew me from way back, they knew about my reputation. In the meeting I felt that they were afraid of doing any touching. But they knew if they harassed us that we might turn around and leave.<sup>14</sup>

When asked to describe the perpetrators, one respondent articulated the following,

Most of the time it would be those who did not usually attend the meeting. They would come to the meetings just because of this particular issue. That did not really mean anything to us. I mean it would irritate us but it was not like they were putting their hands on us. Like I said before, they had the fear of touching us because they knew that they would have a fight on their hands. I could never understand this, though. There were

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<sup>12</sup> (Interview # 8 with author, Oklahoma City, Ok., 5/8/02).

<sup>13</sup> (Interview # 8 with author, Oklahoma City, Ok., 5/8/02).

<sup>14</sup> (Interview # 8 with author, Oklahoma City, Ok., 5/8/02).

ministers (Indian ministers) there who could call themselves Christians and approve of all this wrong. They (the ministers) were laughing at it. When they called us cattle, the chief was laughing too, he was in charge. I feel that as long as they could use us for programs, they wanted to have us along.<sup>15</sup>

As well, another Seminole Freedman added why she felt race was a factor,

Well, for one reason they kicked us, the Freedmen bands, out in July of 2000. I think that it was done because they did not want the Freedmen to be a part of the Seminole Nation. They did not want the Freedmen to be accorded the same rights and privileges as those that they call Seminole by blood receive. I think its 1/16 (blood quantum). They did not want the Freedmen to get the funding from the government that they were getting so they voted us out of the Seminole Nation. Also, I think it is because we are black. It's a black thing and a Seminole Indian thing. It's like blacks are not entitled to the same things as are other races of people.<sup>16</sup>

A similar example of the saliency of race, especially being black, was described by another while at a tribal meeting,

They (the Seminoles) would smile and shake your hand (nontribal) council members, but those on the council stood out. They would say some horrible things. I would describe it as being degrading and scary. There was one lady who stood up and said that she was a Creek and got up to explain that her grandparents told her that we were nothing but cattle and that they treated us as cattle. She also explained that her grandparents told her that we stayed under their skirt tails just for them to bring us here. That really hurt. I think that I heard another person suggest that we be given two or three million dollars to go away and I heard that he had been taunting us to drop the lawsuit. They were down right mean. At times at some of the meetings the Seminoles would get around us and start pounding and beating and making sounds that sounded like a war cries. Now, that was sort of scary. That was a real scary meeting they used to get rid of the Chief Haney because they believed that he was on our side. I did not think that he was on our side.<sup>17</sup>

These responses correspond with much of the available literature regarding the discriminatory and racially tinged actions of the Seminoles toward

<sup>15</sup> (Interview #8 with author, Oklahoma City, Ok., 5/8/02).

<sup>16</sup> (Interview # 4 with author, Oklahoma City, Ok., 4/3/02).



the Black Seminoles. For example, Bateman (1991: 256-257) contends “white stereotypes and prejudices toward the Seminole Indians can be rationalized or justified by viewing them as some sort of mongrelized population tainted by black ancestry.” Therefore, any characteristics (e.g., moral weakness, criminal tendencies, etc.) can be attributed to their admixture with blacks. Bateman (1991) went further to discuss that she had often heard these very sentiments expressed by whites who sometimes concluded a statement about the contentiousness, drunkenness or indolence they see as characterizing many Seminoles with, “of course you know that they are all mixed with blacks.” Despite the fact that the previously mentioned example could be perceived as being an attempt to explain the fostering of racial hatred among Indians toward blacks by whites, it can be used to understand the respondent’s answer in the following way. First, the very fact that Seminoles would not want to associate themselves with blacks and deny or minimize the extent of their ancestry can be attributed to the fostering of such feelings. However, Willis (1963) argues that the Southeastern Indian tribes prior to their contact with whites viewed blacks with contempt. In consequence, it would be unfair to place all of the racism experienced by the respondent to white influence only. Something would have to explain its perpetuation. For, if Seminoles did not approve (at least those that participate in such actions) they would not condone it.

Another example of how the respondent’s answer corresponds to the literature is the actions of Seminole ministers that were present at the meeting. The informant mentioned that the ministers (whom he knew them to be such)

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<sup>17</sup> (Interview # 5 with author, Oklahoma City, Ok., 4/4/02).

were laughing when racists and discriminatory actions were being carried out toward them along with caricatures of the Black Seminoles as “cattle.” At first glance, such action or inaction by ministers might seem blasphemous. However, McLoughlin (1974) and Lawuyi (1990) both point out that several Seminole creation stories argue that African American people were black because they had either disobeyed some divine mandate, or that that God viewed them as inherently inferior. Moreover, despite the fact that one might say that these ministers were Christian ministers, McLoughlin (1974: 375) argues that “many missionaries who came to bring Christianity to the Southern Indians (from which the Seminoles emerged) were themselves slaveholding Methodists and Baptists. But at the same time, these Southern missionaries were in competition with better-financed and more zealously staffed mission agencies established by northern religious associations. They discovered with consternation that the Southern Indians were making the great mistake of adopting a plan of civilization that included the wicked sin of slaveholding.” The relevance of the aforementioned to the opinions of the ministers is that intrinsic in the Christian teachings of many denominations is the teaching that blacks are black because of the “curse of Ham” (McLoughlin, 1974: 379). Therefore, the ability of the ministers to laugh could be related to the fact that their form of Christianity may include remnants of comparable teachings as those taught to Indians during colonial times. These philosophies can be perceived as providing a moral/religious pretext for the denigration of black people to become

intergenerational. That is why an inclusion of slavery is a vital component to this study.

Several notable Seminole scholars (Katz, 1997; Porter et al., 1996; and Opala, 1981) make little mention of how slavery influenced the opinions of Indians toward blacks, despite the fact that the literature is available and should not be ignored (Bartl, 1995; Anderson, 1994; and McLoughlin, 1974). Slavery is the apex from which all other caricatures of blacks emerge (Anderson, 1994; Richards, 1989). Slavery and its legacy can at least be partly responsible for the lack of historical knowledge on the part of the Seminoles of the role of blacks within the tribe. Such can be derived from the comments given in some of the preceding interview responses that pointed out how the Black Seminoles were cattle and just hanging on the “skirt tails” of the Seminoles. These statements are in direct contradiction with numerous scholarly works produced by both historians and anthropologists (Katz, 1997; Porter et al., 1996; Mulroy, 1993; and Opala, 1981). Such research efforts elucidate the fact that there would not have been treaties negotiated (from which the Seminoles could receive reparations) if it had not been for the fighting ability of the maroons/Seminole Freedmen. It appears quite apparent that many of the Seminoles would rather believe that blacks “just lived near them” and did not do much else (Tyman, 1999; Bateman, 1991).

Moreover, one respondent, when referring to his presumed fear that the Seminoles had of engaging in an altercation with blacks also has merit when one examines the available literature. Tyman, (1999), Porter et al. (1996), and

Mulroy (1993) bring to the forefront the fighting prowess of the Seminoles and how this prowess was a major factor in governmental decisions to enact treaties with the Seminoles (e.g., in 1823 and 1832). Porter (1951a) also mentions as to how the Maroons/Black Seminoles were much larger than the Indians and much more feared by the U.S. troops.

Others related their perceptions of racism and discrimination as being influenced by both money and racism,

They did not want to share. At first, the BIA (Bureau of Indian Affairs) stated that they did not know that the Seminoles were not going to split the money (judgment fund interest payments), but I think that they knew. The BIA tried to lay blame on the Seminole tribe while the tribe lays part of the blame on the BIA. So it just boils down to the fact that they (the Seminoles) did not want to share the money. The racism did not show its head until the money came into the picture. When everyone was poor, the Indians and blacks, it wasn't much divisiveness. Once the Seminoles got that money it seemed like things changed. I heard that they also started marrying a lot of non-Indians (whites). I do not know if this has any validity, but I have been told that they (whites who married the Indians) were the ones behind the racism and started making the Indians think that they were better than the Seminole Freedmen.<sup>18</sup>

The respondent continued,

I have never had any personal bad experiences with Seminoles but some of my friends and relatives have. I remember that one of my friends told me about one meeting that got particularly heated. Some of the Indians would say or make reference to the fact that the Freedmen were not the same as them. The Indians said that their ancestors did not know what to call us, so they called us cattle. That was one thing that I remember.<sup>19</sup>

Correspondingly, another respondent, adds,

It's a human factor. People want to be better than someone else. I do not know why people are like that. I think it is racism. Some of the Indians that are prejudiced want to be better than black people so they do not want black people to be a part of their tribe.<sup>20</sup>

<sup>18</sup> (Interview # 6 with author, Oklahoma City, Ok., 4/9/02).

<sup>19</sup> (Interview # 6 with author, Oklahoma City, Ok., 4/9/02).

<sup>20</sup> (Interview # 3 with author, Oklahoma City, Ok., 4/3/02).

Likewise, an additional comment was,

I believe there have been good relationships. I really believe that there have been good relationships. I also believe that money changed everything and that's a fact. It also changed the fact that we were the same as them. They are no better than we are and we are no better than they are.<sup>21</sup>

The informant went on to add,

When I say equal. I mean you can't consider us equal when you look at the rights that they receive. The rights they receive for their children to go to college, they're elderly to receive assistance with utilities, the burial money. We are as entitled to that as much as they and we have not received any of it. At some point time, the situation is going to be rectified, I believe that.<sup>22</sup>

Equally, several respondents framed their perception of racism and discrimination as being more directly related to the *Davis v. United States (1996)* lawsuit and the tedious process wherein is being handled through our judicial system. In sum, one might ascertain that all of the problems experienced by the Estelusti Seminoles are related to the lawsuit, some respondents used it as more of a theme than others,

She (Judge Vicki Miles LaGrange) has not been doing anything with it or else it would have moved forward. I wish I knew why it was just sitting there. I really do not know why it is just sitting there. My opinion is that she just does not want to bother with it right now because it is either too hot or too cold (politically) for her. She has to know that the case has recognition. I really do not know what she thinks about it. Maybe when the television special (documenting the Freedmen's case) she will do something with it. She has to do something.<sup>23</sup>

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<sup>21</sup> (Interview # 3 with author, Oklahoma City, Ok., 4/3/02).

<sup>22</sup> (Interview # 3 with author, Oklahoma City, Ok., 4/3/02).

<sup>23</sup> (Interview # 6 with author, Oklahoma City, Ok., 4/9/02).

Similarly, another respondent voices their opinion not only about the *Davis v. United States (1996)* lawsuit but also an estimated \$90-100 million in mineral rights, most of which is owed to the Freedmen,

Two lawsuits, one to get benefits as outlined in the 1866 Treaty. But we have rights to our minerals. Half of that was supposed to be given to the Seminoles and they were going to keep the other half (the Department of the Interior). I'm no expert on this but I think that they (the government) kept half of it and would give (the Indians) monthly checks. Yes, our land was taken from us. I guess that every family has a story. That oil is still supposed to be ours although they (the government and individual whites) sold the land. I remember once I heard my mother say something about oil rights, so I think that they have given them a few little checks that probably did not amount to much. Now they do not want us to have CDIB cards. That is the ultimate proof to the Seminoles. We are supposed to have it. We should have had them a long time ago.<sup>24</sup>

Finally, two respondents lamented,

Yes, the lawsuit (*Davis v. United States, 1996*) is because we all have been denied our part of the judgment funds and any of the programs that the Seminoles receive. The case is still in district court. The case has also lead to some things that have been covered up. I mean documents have shown that the United States (the government) knew more than they let off about the money not being distributed to the Freedmen. There are some things that the Indians and the United States worked together on in not issuing those cards (CDIB) cards to the Freedmen. Because our ancestors had allotted land but were not allowed enjoying some of the benefits of full blood Seminoles. We have sat on the tribal council but have never received any of the benefits.<sup>25</sup>

The second respondent,

Before money, it (the relationship) was good when we went to the meetings with all of the bands. The judgment fund issue had been going on for a while, but when mineral rights came up, it got worse. There was one night when it was brought up with all fourteen bands present. It was also suggested that monies were being threatened by the BIA and they (Seminoles) had not received their full amount of the disbursement funds because of the lawsuit (*Davis v. United States, 1996*). The Seminoles said that someone who worked for the BIA had told them this. That

<sup>24</sup> (Interview # 3 with author, Oklahoma City, Ok., 4/3/02).

<sup>25</sup> (Interview # 4 with author, Oklahoma City, Ok., 4/3/02).

information was not true. Regardless, you could see the Indians turn at that point. So that was the thing that kind of messed everything up. The government threatened not to release their judgment fund and they kicked us out. However, it's been a money thing all the way to me.<sup>26</sup>

A final example of the of money as a factor in the declining status of the Seminole Freedmen within the Seminole Nation was articulated in the following response,

It's evident. We have been told that at meetings (that it is all about money). Just look at what has happened. At the same meeting that they kicked us out of the tribe told us that we were not a part of their nation. They also told us that they really do not want to have anything to do with us. I have actually heard them say this to our faces. They said that the votes of ours that they threw out in the 2000 election, that they would throw them out again. It is all because they feel that we are going to receive something that they are receiving. I heard one say in a meeting and he told the council (tribal): "if we put them on (the Freedmen), what's going to happen to our health care? We would be letting on (the rolls) 1,500 people. We don't need them." He made it very evident that they did not want us. I mean they actually increased the blood quantum (to be on the tribal council) to get rid of the Freedmen and actually took off some of the Indians. That tells you how much they wanted us out. It's sad, but it's true.<sup>27</sup>

In analyzing the Seminole Freedmen's perceptions of the roles of both discrimination and racism in determining their status within Seminole Nation, the following three significant themes emerged:

1) their relationship was characterized as either congenial or antagonistic; depending on the socio-historical period.

2) the roots of their antagonistic relationship was largely blamed on outsiders, such as the majority white society, represented by the federal government, rather than their own internal tribal social practices of discrimination,

<sup>26</sup> (Interview # 5 with author, Oklahoma City, Ok., 4/4/02).

<sup>27</sup> (Interview # 8 with author, Oklahoma City, Ok., 5/8/02).

such as sponsoring the institution of slavery and using tribal self-government to further marginalize the status of the Freedmen .

3) their general lack of knowledge about the socio-historical relationship and the social actions of both groups, particularly the role of slavery as the primary precipitator of conflict and its influence on contemporary social relationships in the tribe.

Historically, the Seminole Freedmen refer to the bad times as beginning either with the creation of the Dawes Act in 1887; or, just after statehood in 1907 with the implementation of Jim Crow segregation; or, when the judgment funds began to be dispersed in the early 1990s. The interviews demonstrated that the current Seminole Freedmen blamed the recent “money” issue as being the primary source of conflict between the Freedmen and the Seminoles, rather than other historical circumstances. In general, the respondents failed to see that the whole relationship between the Seminoles and the Freedmen began to deteriorate long before end of the twentieth century.

The Seminoles have a history of blaming the Freedmen for their troubles. Mulroy (1993, 1984) points out that during the removal period (1838-1843) the Seminoles blamed the Black Seminoles for removal and began to take steps to distance themselves from their black brothers. After the civil war and continuing on through Roosevelt’s New Deal (1934), the Seminoles used slavery and tribal self-government to distance themselves from the Freedmen. Littlefield (1977) argues that even after the Civil War many Seminoles were still practicing chattel slavery, a racist institution they freely adopted from the majority white society.

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This illegal practice was only stopped after the intervention of the federal government in the early 1870s. The Seminoles could then argue that since the Freedmen had been “slaves” they did not have legitimate right to tribal lands. The Seminoles continued their efforts to create distance between themselves and the Freedmen through the 1930s, when the Seminoles began to break into factions, re-organize themselves as a tribe, and took steps to legally and permanently oust the Black Seminoles' from the tribe (Bateman 1991). They tried to do this using the federal New Deal policy that encouraged tribal autonomy. Like chattel slavery, the Seminoles used the federal government to legitimate racist and discriminatory practices toward the Freedmen. These practices within the Seminole tribe mirrored white supremacist social practices in the majority society which sought to disenfranchise African Americans from all social, political, economic and educational institutions in American society. In this way, the Seminoles are a microcosm of the majority white society- a society they ironically consider themselves morally superior to – through this adaptation of the worst of its racist ideology based on perceived racial and physical characteristics along with its attendant discriminatory social practices

Another congruent theme from the interviews is the general perception among the Seminoles that any residual discrimination is the result of outside white influence rather than their own internalization of a white racist ideology in the tribal structure. To this day, rather than taking responsibility for their own actions, they blame the majority white society for the worsening relationship between themselves and the Freedmen. Many researchers (Saito, 2000; Mulroy,

1993; McLoughlin, 1974) point out that the majority white society maintained their power by dividing ethnic groups against each other. Conflict was often created among ethnic groups that had had congenial relationships. Willis (1963), McLoughlin (1974), and Porter (1951a) all point out how the Indians were trading and living peacefully among African slaves long before they came into contact with the majority white society.

As Opala (1981) argues, the Black Seminoles were never fully acculturated or integrated into the Seminole social structure and tribal institutions. Historically, the Black Seminoles had the status of a sharecropper in occupying their own plots of land but being required to pay a small tribal tribute to the tribe. On the other hand, Twyman (1999), Katz (1997), and Porter et al. (1996) debunk the Seminoles' view that the blacks were just like "cattle." They argue that if it were not for the fighting skills of the Maroons or Seminole Freedmen, there never would have been the types of treaties negotiated in the eighteenth and nineteenth century from which the present judgment fund disbursements are based.

In the next section of this dissertation, the second categorical theme of Freedmen responses, the similarities and between themselves and non-Seminole blacks is explored. Additionally, Freedmen identity is examined through the prism of Nagel's Identity theory (1999).

### ***Social Construction of Seminole Freedmen Identity***

In this section, the focus was on a demarcation of the perceived similarities and differences between non-Seminole Freedmen blacks and

Seminole Freedmen. The similarities and differences will not necessarily be investigated as a measure of possible dissension/conflict between the two groups but more so to outline the Estelusti's perceptions of how other African Americans view their struggle. Also, this section will examine how the aforementioned similarities and differences fit into the process of Seminole Freedmen identity construction. Particularly, identity will be observed as it relates to Nagel's (1999) theory of identity construction. Finally, the creation of identity will concentrate on the period prior to and after statehood.

Nagel's (1999) view of identity formation places emphasis on the dynamic nature of identity. In other words, a group's sense of individuality constantly changes based upon the situations and circumstances the particular group encounters. To more adequately discern how Nagel's (1999) conceptualization can be most useful in investigating the plight of the Seminole Freedmen, of particular importance to our study is Lawuyi's (1990) observation of the distinction between "State-Raised" and "Natives." Lawuyi (1990: 42-43) acknowledges, "Seminole Freedmen's relations with the mainstream Black group, the Afro-Americans or State Raised, have changed over time. Initially, the mainstream black were held in contempt by the Seminole Freedmen who sneered at them for associating with White people and particularly for being slaves." Lawuyi (1990) goes on to assert that this contempt was translated into the symbol of "State Raised." Setting themselves apart, the Freedmen referred to themselves as "Natives."<sup>28</sup> However, the two groups were forced to coalesce

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<sup>28</sup> Lawuyi (1990: 46) maintains that the Seminole Freedmen referred to themselves as "Natives" due to the fact that they have a history of rebelling against whites and formed a lasting relationship with the Seminole

as a result of Jim Crow (legalized segregation) when Oklahoma became a state in 1907 (Lawuyi, 1990, 1985).

In analyzing the Freedmen's sense of identity and their relations with non-Freedmen blacks along with their conceptualization of the latter's feelings toward their struggle, two broad-based questions were asked. These questions were typically asked in the following manner: "How would you describe your relationships with non-Freedmen blacks?" Similarly, I might ask, "how would you describe the feedback you have received from non-Freedmen blacks regarding the Freedmen situation?"

The dominant theme among the Seminole Freedmen interviewed when questioned regarding perceptions of their struggle was that non-Freedmen blacks viewed their plight in a positive light and expressed interest in learning more. For instance, one respondent explained how she perceived non-Freedman blacks viewed the Freedmen struggle,

They (non-Freedmen blacks) always want to know about the enrollment process. In other words, they often ask: "how do I find out whether or not I'm Seminole?" I then tell them about the historical society. Basically, I then tell them to go and interview their family members so they will be able to see who was on the rolls. I think they are just really interested in the whole process. I mean discovering whether or not they are part of the Seminole Nation as whole.<sup>29</sup>

The respondent went on to illustrate what it meant to be a Seminole Freedmen along by distinguishing herself from Lawuyi's (1990) example of "State Raised versus Natives,"

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Indians. On the other hand, "State Raised" blacks were former slaves and came to Oklahoma after the 1899 "Oklahoman run for land."

<sup>29</sup> (Interview # 1 with author, Oklahoma City, Ok., 3/17/02).

We were here, we fought, and we married each other. We were not slaves. We helped each other fight both Seminole Wars. We owned land. See, if you were a slave you could not own land. We maintained a relationship with the Seminoles unlike the other Freedmen (e.g., Choctaw, Chickasaws, Creek, and Cherokee).<sup>30</sup>

She continued,

To me (being a Seminole Freedmen) is an honor. I'm related to Abraham (interpreter, subchief, and negotiator of the Treaty of Payne's Landing). He was powerful. He spoke both languages, negotiated treaties he was powerful. We were also the first tribe to vote on our chief and the first to have a constitution. We were trailblazers. It's an honor. As far as being African American, I really do not look at color to be honest. I look at a person's heart. I do not care what color a person is. But to be Native American and to know basically that you were the first people here and everyone else are immigrants. We were already here, that's an honor.<sup>31</sup>

Likewise, another respondent expressed the satisfaction and honor in being a

Seminole Freedman,

I'm proud. I have to be proud. I look at the history and you know what? We are a strong people. I look back over some of the things that have happened over my lifetime and are still happening and I can understand some of the things that my mother used to tell me. We're (both Seminoles and Seminole Freedmen) and that's a trait that I have noticed in all of us. The Seminoles and the blacks, we are very alike.<sup>32</sup>

When examining the first two responses from the same respondent, several themes emerge. First, the individual states that color does not matter and then suggests that to be Native American is an "honor." This statement gave me the impression that she viewed her African ancestry as not important. Interestingly, Nagel (1999) contends that ethnic identity is the result, at least in part, of the duality between what an individual thinks their ethnicity is compared to what others think. Thus, the respondent appears to identify more with the

<sup>30</sup> (Interview # 1 with author, Oklahoma City, Ok., 3/17/02).

<sup>31</sup> (Interview # 1 with author, Oklahoma City, Ok., 3/17/02).

Native American side of her ancestry. Second, it appears that crucial to their sense of self is her belief that the Seminole Freedmen did not endure the same form of slavery as non-Freedmen African Americans. Third, it's apparent that the respondent, in forming her sense of self, did not want to accept that the Seminoles do not view the Seminole Freedmen as equals. As Bateman (1991) argues, the majority of Seminoles view the Freedmen as slaves and nothing else.

The third response, which was from a different Seminole Freedman, coalesces with most of the literature and the majority of the informants' answers to the in-depth interview questions. This particular respondent appeared to express a common trait (firmness) shared between the two groups. Her feelings were articulated in a manner that lead me to believe that she took pride in both being and Seminole Freedmen and an African American. Hence, contrary to beliefs expressed by some African Americans and Seminoles that the Freedmen "want to be Indians" (e.g., Bateman, 1991) the Freedmen appeared to be very proud of their African Ancestry. As is consistent with the literature, Seminole Freedmen consider being Seminole a component of their larger African ancestry (Saito, 2000; Twyman, 1999; Katz, 1997).

Another respondent explains her views on her relations with non-Freedmen blacks,

Every African American I have talked to feels that our claims are totally legitimate. They feel that the Dawes Commission and the Indians are being racist. They seem to feel that if you are a part of the tribe that you are a part of the tribe and that it should not matter what color you are. Slavery was abolished when my grandparents were placed on the rolls so why were we placed on the rolls as Freedmen. They were already free when they were born. But every black person that I have talked to feels

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<sup>32</sup> (Interview # 10 with author, Oklahoma City, Ok., 5/27/02).

that this is just another Jim Crow type issue that they are trying to discriminate against blacks on. The other Freedmen have it worse, they were not included in their tribal constitutions.<sup>33</sup>

In contrast, a response that stood out was when the Seminole Freedman asserted that how she has her ancestry questioned by non-Freedmen blacks,

We don not believe you're Seminole. You are not Seminole. What is a Freedman? These are the types of things and the types of questions that they would ask me.<sup>34</sup>

Further, several of the respondents based their Seminole Freedmen identity on re-constructions of their ethnicity. Specifically, this means that many respondents were aware of their African American ancestry and noted a significant incident wherein a significant person in their life (e.g., grandmother, and mother) introduced them to the Native American aspect of who they are. This is consistent with Nagel's (1999: 57) contention that groups "create versions of ethnicity that are time specific and situational relevant."

Several respondents noted the involvement of significant individuals in introducing them to their Native American heritage and helping them to create a Seminole Freedmen identity,

My grandmother and my mother would always talk about it. People would always tell us that we looked liked Indians because of our cheekbones. My dad had descendants from another tribe, but my mom, grandmother, and I did not get involved in the tribe until 1994. That's when we enrolled after doing research at the historical society. You have to look at the roll to see whom you are related to and thing present a death certificate. You have to get the death certificate because that is what links you back. It's like tracing your family tree. But I think the government knows where the records are.<sup>35</sup>

<sup>33</sup> (Interview # 2 with author, Oklahoma City, Ok., 3/25/02).

<sup>34</sup> (Interview # 4 with author, Oklahoma City, Ok., 4/3/02).

<sup>35</sup> (Interview # 5 with author, Oklahoma City, Ok, 4/4/02).

In this particular response I was able to discern that the individual Freedman's recognition of her Native American ancestry occurred early in their life. Also, her identity appeared to be reconstructed somewhere around 1994 when the informant and some of her family members began to get involved in the tribe. This supposed lapse in tribal involvement, between small childhood and 1994, is one of the primary reasons that Seminoles view the Freedmen as desiring to get involved in tribal affairs because of money (Bateman, 1991). However, to be equitable, there must be recognition of the reality that in American society the history of symbiotic relations between blacks and other groups is not stressed in educational systems (Marable, 2000). An emphasis on the aforementioned would serve to facilitate blacks becoming more active in researching their mixed racial heritages (Yetman, 1999).

A different respondent stated,

I have always known of my Native American ancestry, ever since I could remember. But my interest was really sparked within the past four or five years. I have traced my ancestry back to the Seminoles in Florida and even farther back than that. However, I guess my Native American ancestry really became a big thing about thirteen years ago. I read some articles by an Anthropologist. They were really interesting. Up until that time I had no idea that we had our roots in Florida. My mother would always tell us how she grew up around Indians, and that we share many of the same customs, like the Corn Dance.<sup>36</sup>

An additional respondent added,

I have always known. Since I was a small child, I have always known that we had Indian in us. At different times, my mother would talk with us about the Indians. Like I said, she would call names. I always knew that we had Indian in us. Also, my mother's sister could speak the Seminole language. When my mother grew up, she had direct contact with them whereas when we grew up, we did not. My older sister would always ask her (my aunt) what she was speaking but I would not. However, I decided

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<sup>36</sup> (Interview # 5 with author, Oklahoma City, Ok., 4/4/02).



to become active after my older sister had done some research. She let us know that we were on the rolls and we went and enrolled. We have been active the past four years. She (my sister) found out about our family members that we did not know that we were related to. We found out that our great great grandfather was their uncle and it kind of took off from there. We just more or less found out about family members that we had not known about.<sup>37</sup>

In summary, most of the respondents that were interviewed appeared to have good relationships with non-Freedmen blacks. This finding is consistent with Lawuyi's (1990) contention that the two groups (State-raised versus Natives) came together after the imposition of Jim Crow and statehood. Likewise, most of the respondent's responses could be explained within the context of Nagel's (1999) identity construction theory. For instance, most of the Seminole Freedmen answers revealed a fluid, situational context to their process of forming their sense of self. Many of them created their sense of identity from oral histories uttered to them by parents or grandparents later in life, while at the same time recreating a sense of identity from researching family history. The latter gives the impression of having been facilitated by the emergence of the Freedmen issue within the last ten years that served to validate earlier oral histories and encouraged the researching of family backgrounds/genealogies.

### ***Similarities and Differences between Seminoles and Seminole Freedmen***

In this section, the objective was to analyze the similarities and differences between Seminoles and Seminole Freedmen. Unlike the previous substantive sections of data analyses, here I outline the salient commonalities that Freedmen feel that they share with the Seminoles. Or put another way, from the viewpoint

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<sup>37</sup> (Interview # 6 with author, Oklahoma City, Ok., 4/9/02).

of the Seminole Freedmen, those things that bind these two groups together. Issues which were particularly important, were the perceptions of intermarriage, the participation of the Freedmen in the Seminole wars, and the idea that we have always “lived, together, worked together, shared cultures, etc. “ Finally, the social and historical relevance of the responses are scrutinized within the context of Gordon’s (1999, 1964) assimilation theory. Specifically, Gordon’s (1999, 1964) stages of cultural and structural assimilation are most applicable to the responses that were received from the Seminole Freedmen.

Gordon’s theory of assimilation (1999, 1964) explicates cultural assimilation as the adoption by a minority group (in terms of power in the relationship) of the dominant group’s cultural characteristics and vice versa. On the other hand, structural amalgamation refers to allowing the minority group to be involved in primary relationships (e.g., cliques, families, etc.) of the dominant group. The aforementioned stages of Gordon’s (1999, 1964) typology are most crucial to the complete social acceptance of the Seminole Freedmen within the Seminole Nation.

Regarding cultural similarities, one respondent noted,

Many of the Native Americans are Christians now, some of them tend to feel that the some of the cultural similarities that we share with them are witchcraft. So some of the similarities are dying out. They (the Indians) do not feel that you should mix the two. For instance, one similarity was the pouches that the Seminoles would wear around their necks to ward off evil spirits. At a Seminole museum, one of the guides informed me that the patchwork on a garment, which was shaped in “V”, was African. He said it was from those Africans (honoring them) who fought in the wars (Seminole wars) with them.<sup>38</sup>

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<sup>38</sup> (Interview # 2 with author, Oklahoma City, Ok., 3/25/02).

Similarly, another Seminole Freedman outlined some of the cultural connections,

We eat some of the same things. For instance, sofkee, which is like hominy. It's a corn that is bleached until it is white and you cook it and it is very good. You eat it as a side dish. Also, there is "fry bread" and there are "wild onions." Wild onions are an edible onion that most people do not know about. We (both Seminoles and Seminole Freedmen) eat a lot of corn. We also use to dress like Seminoles. For instance, the chiefs and sub-chiefs with them dressed just like the Seminoles. Buttermilk and cornbread are something that we have in common. We are in each other's families. One of the council people has a black relative that was a buffalo soldier.<sup>39</sup>

Another respondent made reference to some of the cultural similarities, shared by the two groups,

Well, there's a food that we (both groups) learned to eat from the earth. Its called "fry bread." It's bread. I do not know how to cook it, but my mother and aunt did. We also used to go to wild onion dinners all of the time. You know my mother told us (my siblings and I) that we (both groups) were raised together. I mean we were actually related. They intermarried, we are relatives, we are nephews and nieces, uncles, aunts, etc. We are related to them. Another thing that we have in common are quilts. My grandmother used to do the quilts. I do not want my grandkids to grow up like I did. I mean ignorant to the fact of who you are. We did not know that we were actually a part of the Seminole Nation. It was never really talked about. They (his grandkids) need to know where they originated. Their ancestry goes far back.<sup>40</sup>

Several of the interviewees lamented that the differences that have emerged between the two groups are a recent phenomenon. However, the majority of the respondents could not say as to exactly when the "change"(other than mentioning the lawsuit) took place. This may be due to the fact that most of my respondents became involved in the tribe within the last ten- (10) years and their information regarding the past relationship is based primarily upon oral histories. Nevertheless, a comment typical of the aforementioned sentiment,

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<sup>39</sup> (Interview # 5 with author, Oklahoma City, Ok., 5/8/02).

Well, at some point in the relationship it was very good, because we lived together. They (Seminoles and the Seminole Freedmen) mingled together. They ate together, and they were families together. It has not always been bad blood. I do not even know if you would say that it is bad blood. It's just gotten to the point where it is a power and money thing. As far as the relationship, I believe that the relationship was good at some point. It had to have been good at some point. Families have problems. I mean, you can live in the same house but have problems. However, you are still a family. I still believe that there are good relationships between some. I do not believe that there is a hate, hate, hate, thing going on. I just do not believe that.<sup>41</sup>

Regarding cultural commonalities, the most relevant themes that materialized from the interviews were those regarding food and manner/style of dress, and to a lesser extent, personality characteristics (e.g., sternness). According to Gordon (1999, 1964) these connections would fall under the domain of cultural amalgamation. Most importantly, cultural assimilation/amalgamation denotes an acceptance of the ways of the dominant group by the minority and vice-versa. However, in using this tool in an analytic context we must compare the respondents' interpretations of the extent of shared cultural similarities with what appears in the literature.

Several researchers elucidate the fact that there were several cultural characteristics that were shared between the Seminole and the Seminole Freedmen (Twyman, 1999; Porter et al, 1996; and Mulroy, 1984). Specifically, Mulroy (1984) mentions the preparation of sofkee and wild onions that the Freedmen adopted from Indians. While on the other hand, he alludes to the fact that the Freedmen versed the Indians in rice preparation and cultivation along with how to build houses and raise cattle. Nevertheless, despite these

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<sup>40</sup> (Interview # 8 with author, Oklahoma City, Ok., 5/8/02).

<sup>41</sup> (Interview # 6 with author, Oklahoma City, Ok., 4/9/02).

similarities/shared characteristics, why were the Black Seminoles never completely accepted into Seminole society? This reality can be better illustrated by demarcating some of the cultural differences. First, in relation to Gordon's (1999, 1964) typology of structural assimilation, blacks were almost never included in Seminole clans. This meant that although there did exist greater personal freedoms for blacks living amongst the Seminoles than among other tribes and whites, they still lived on separate plots of land (Opala, 1981). Second, in most instances, it was only those blacks that had a high degree of social status (e.g., proficient warrior, interpreter) that attained prominent positions (Twyman, 1999; Katz, 1997; Littlefield, 1977) who achieved anything comparable to assimilation. The fact that this occurred was probably more because of the vital function that they could perform for the Seminoles as opposed to a mutual affinity. Third, the Black Seminoles maintained many distinct vestiges of their African culture, such as speaking AfroSeminole Creole compared to Muskohegan spoken by the Seminoles. The aforementioned AfroSeminole Creole (which was a conservative form of Gullah) can be traced back over 400 years to the West Coast of Africa. Therefore, it appeared that many of the Freedmen were aware of the cultural similarities shared between the two groups, many did not express that these similarities did not lead to complete structural and cultural assimilation.

The strongest indicators to the interconnectedness of the two groups that were expressed in the interviews were those of "intermarriage" and "participation in the wars." "These two themes were interesting for analysis because of their

relationship to the available literature. The theme that will be explored first is that of “intermarriage.”

Among the respondents, the dominant theme in this section was intermarriage. Intermarriage is the most intriguing of the two but also shares the distinction of being the most controversial between the two groups. The controversy is that this theme has diametrically opposite meanings for each group. Regarding the Black Seminoles it provides a degree of entitlement, engendering a feeling of “we belong.”

We intermarried. We are relatives. They may not want to accept it but its true. We were as one. Just look at how we worked together in the wars.<sup>42</sup>

Another respondent,

We have a long history of togetherness. We lived and intermarried. What’s funny about it is that the new chief looks white, and the Seminoles did not want to be like whites like the other tribes. I guess those times have changed.<sup>43</sup>

Similarly, another respondent responds,

We fought and lived together. We have roots. Some of the very ones who kicked us out the tribe have black relatives. I know for a fact that some of them do. What is funny is how they try to say this whole thing (kicking the Freedmen out of the tribe) isn’t about race, but they are just trying to save face.<sup>44</sup>

Bateman (1991) and Sattler (1987) provide valuable insight that can be used in understanding many of the divergent viewpoints regarding the extent of intermixture between the two groups. Moreover, the same information has utility in understanding that how despite having a more visible inclusion of African

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<sup>42</sup> (Interview # 2 with author, Oklahoma City, Ok., 3/25/02).

<sup>43</sup> (Interview #9 with author, Oklahoma City, Ok., 5/13/02).

<sup>44</sup> (Interview # 6 with author, Oklahoma City, Ok., 4/9/02).

American ancestry within the tribe when compared to other tribes, the Seminoles still have not allowed for the complete acculturation of the Seminole Freedmen. Sattler (1987) contends that after analyzing the demographic data from the final tribal roll for the Seminole tribe in 1898, that he was able to identify only twelve out of a possible 1,200 unions that involved black-Indian intermarriage. Murloy (1984) referred to the “myth” of a high degree of intermixture between the groups as “miscegenation theory.” According to this theory, Mulroy (1984) suggested that this widespread belief was perpetuated historically by often-repeated newspaper accounts and over exaggerations of historians. Opala (1981) and Littlefield (1977) can be surmised as positing that there has always existed the myth of a high degree of intermarriage for several reasons: 1) the intermarriages that took place were conspicuous because they often involved tribal leaders (e.g., Billy Bowlegs, Osceola); 2) because of the relatively high number of blacks and high rates of intermarriage that existed when compared to the other five tribes; and 3) and the relative autonomy and personal freedom enjoyed by blacks when compared to the other tribes and the larger society.

The assertions made by the scholars presented in the preceding paragraph might lead to the belief that the claims of the Seminole Freedmen regarding intermarriage might have less legitimacy. However, in analyzing the responses of the Freedmen regarding the degree of intermixture, some of the contentions of Hill (2000) and Saito (2000) are vital to a fair analysis. The inclusion of the aforementioned studies will provide for a more fair and balanced evaluation of the nature of “intermixture.” Hill (2000) explains the “one drop rule”

regarding the determination of a person's racial heritage. More specifically, Hill (2000: 1441) suggests that the one-drop "is a norm of hypodescent that categorizes Americans of partial African ancestry as African Americans, despite appearance. Furthermore, Hill (2000) points out that prior to 1920, census enumerators determined the race of the person to whom they were counting. Hence, it would be more than plausible to assume that in 1898 (when the Seminole roll was established) that many persons who should have been placed on the Seminole by blood roll were placed on the Freedmen roll. Saito (2000) also maintains that at the time of the tabulation of the census for the Seminole tribal roll, a person with less than 50% African ancestry would have been placed on the Freedmen roll. Therefore, the claims of Freedmen are more than legitimate when taken under consideration the amount of time that has elapsed between 1898, 1906, and the present.

### ***Conclusions***

Upon further examination of the literature, the viewpoints of the Estelusti Seminoles regarding their prominent roles in the Seminole Wars and their fighting prowess are more than substantiated. Tywman (1999), Katz (1997), and Porter et al. (1996) present information from which the conclusion can be drawn that if it were not for the Black Seminoles there would not have been any treaties that would have been negotiated to be at the center of the disbursement fund argument. For instance, the Battle of Lake Okeechobee was the last and largest major battle of the Second Seminole War that began on December 25, 1837



(Porter et al., 1996).<sup>45</sup> This engagement was one of more than five major battles of the Second Seminole War wherein the Black Seminoles were the major combatants. Therefore, with the socio-historical connection via their participation in the Seminole Wars established, why still have the Seminole Freedmen have not been allowed to totally assimilate into the Seminole Nation according to Gordon's (1999, 1964) theory? A plausible action according to several scholars is the suppression of the history of Seminole Freedmen that has allowed their contributions to go largely unnoticed and have contributed to a proliferation of misinformation (Tywman, 1999; Porter et al., 1996; Mulroy, 1993; and Bateman, 1991).

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<sup>45</sup> Porter et al. (1996) suggests that the Battle of Lake of Okeechobee was the last and largest major skirmish of the second Seminole War. For every dead Seminole seven U.S. soldiers were killed. Additionally, he maintains that the Fort Dade Massacre fought on December 28, 1835, was led by Black Seminole Luis Pacheco and that three Seminoles were killed compared to over 100 troops. Finally, he explicates that the Second Seminole War (1835-1842) cost the United States over \$20 million dollars. This amount was over 4x's what Spain had received for Florida. The deadliest war the U.S. had engaged in up to that point and the longest war fought up until Vietnam, over 1,500 U.S. soldiers and many more militia were killed.

## **Chapter Seven**

### **Conclusions**

#### ***Introduction***

In this section, I provide an overview of the topic that has been studied, its contributions, and the prospects for future research. It is hoped that the previous chapters provided a thorough outline of the basic arguments, the challenges involved, along with facilitating an atmosphere conducive to understanding the plight of the Seminole Freedmen. Finally, it is hoped that this work has contributed to a climate wherein the problems between the Seminoles and the Seminole Freedmen can be resolved.

#### ***An Overview of the Project***

Since 1693 when King Charles II of Spain issued a royal proclamation declaring that all slaves who could make it to Florida from Georgia and South Carolina would be free, my present study has been taking shape. Despite the relatively long historical period wherein conditions/circumstances of the Black Seminoles have come to fruition, studies of Black-Indian relationships remain a virtually non-existent area of sociological inquiry. More specifically, when sociologists have examined black-indigenous associations (e.g., Durant and Moliere, 1999) they have tended to encompass more general summations than examining the specific processes involved therein. In the introduction of this study, I argue that the Black Seminole Freedmen provide a significant, yet far too often overlooked example of how African Americans resisted enslavement an

went to live among Seminole Indian tribes. Overwhelmingly, sociological studies of race and ethnic relations (e.g., Feagin, 1999; Snipp, 1999) have been predisposed to look at African Americans and Native Americans separately, thus indirectly denying that the two groups interacted with each other.

In contrast, I examined the socio-historical processes involved in Afro-Indigenous relationships using a different lens. First, I distinguished it from other studies (e.g., Twyman, 1999; Katz, 1997; and Porter et al. 1996) in a major sense by demonstrating how past relationships impact the contemporary associations. Second, while the aforementioned studies could be construed to be primarily historical narratives, I applied sociological constructs to the historical narrative of each group. The application of sociological lines of sight allowed for a more concise account of the impact of the external influences on historical occurrences. Past studies just presented the narrative devoid of the external influences that were the progenitor of the narrative. Third, I looked at how a racist ideology toward black people was developed and sustained over hundreds of years leading to modern times by examining some of the syncretic Seminole creation stories. Fourth, I studied specific events, such as allotment, statehood/Jim Crow, Indian Reorganization/Wheeler-Howard Acts, attempts to nullify Freedmen votes in tribal elections of 1936 and 2000, attempts to create separate constitutions, and kicking the Black Seminoles out of the tribe altogether, etc. I argue that these acts were discriminatory, fueled by a racist ideology that did not emerge from a vacuum but were developed and have been sustained longitudinally. Conversely, the dearth of available research concerning

Afro-Indigenous relations, except for Bateman (1991), Mulroy (1984), and perhaps a few others, have been inclined to ignore discriminatory actions against the Black Seminoles perpetrated by the Seminoles.

In this research, I built a framework for the socio-historical examination of circumstances that have demarcated the contemporary status of the Seminole Freedmen within the Seminole Nation from the domain of sociological theories. These theories are Noel's (1968) theory of ethnic stratification, Nagel's (1999) identity construction theory, Bobo's (1999) prejudice as group position theory, and Gordon's (1999, 1964) theory of assimilation. All of the preceding theories have been used in empirical research, however, to date, these theories have never been used in unison in a historical sociological study of the Seminole Freedmen. Moreover, I used these theoretical constructs to not only frame the plethora of socio-historical status determinants concerning the Black Seminoles, but also to expressly investigate the impact of statehood/Jim Crow on the modern relationships between the two groups.

This project used a qualitative methodological approach. The research methods included in-depth interviews, oral histories, secondary analysis of treaties and available court documents. Ten in-depth interviews comprised the bulk of the data. The interviews were of the semi-structured format. This format allowed me a considerable amount of latitude in gaining deeper meanings and understandings of the answers given by the respondents. Document analysis and attendance of informational meetings/symposiums complemented the data obtained from the interviews.

The findings from the research ostensibly fall into three substantive categories/sections. These categories included, but are not limited to, Seminole Freedmen self-perceptions of discrimination and racism, constructions of Seminole Freedmen identity, and perceived similarities and differences between Seminoles and Seminole Freedmen. As well, ancillary consideration was given to the prominent role Jim Crow policies, i.e., legalized segregation, played in shaping more contemporary inter-group dynamics.

The first section dealt with Seminole Freedmen's self-perceptions of discrimination and racism in shaping their present-day status. This section clearly revealed that those interviewed felt that prejudice and racism were major factors in shaping the current situation of the Freedmen. The respondents seemed to place more of the blame for the racist and discrimination actions on the state/government or the BIA than on the Seminoles themselves. In paraphrasing the attitude of one of the respondents, it was "the government that created Jim Crow and separated us." Hence, the current racism and discrimination experienced by them is but just a manifestation of the effects of Jim Crow which made the Indians "white" and the Seminole Freedmen "Black," separate, and unequal. Also, the respondents were of the sentiment that it was the latter-day or often referred to by the respondents as the "new" Seminoles who were discriminatory and possessed a racist ideology. I was given the impression that in their minds it was these modern Seminoles who are more angry and do not seem to want to carry on the symbiotic and friendly relations that was the province of their forbearers.

The first section of substantive findings can be more concisely understood via utilization of Bobo's (1999) prejudice as group position theory and Noel's theory of ethnic stratification (1968). Bobo's (1999) theory of prejudice contends that both prejudice and discrimination result from a group's feeling that their sense of entitlement to resources is threatened. Bobo's (1999) approach explains the prejudice and discrimination involved in denying the Freedmen the privilege of participating in the judgment fund programs as resulting from their desire to protect what they saw as "their" resources. For instance, the Usage Plan that was approved by the Seminole-dominated Tribal Council sought to exclude the Freedmen when it was not a governmental requirement that it do so (*Davis v. United States*, 192 F. 3d 951, 1999). Thus, unlike the Freedmen explanation that it was the actions of a discriminatory government alone, i.e., by the denial of CDIB cards and implementation of Jim Crow that lead to their diminished status, the Seminoles actively chose to discriminate when they were not required to do so. Moreover, Noel's (1968) theory of ethnic stratification argues that ethnicity is a sense of togetherness that is not only premised on the existence of distinctive cultural characteristics but also on the utilization of a fixed characteristic of group membership (e.g., race). The aforementioned trait of group membership is then used as the primary criterion wherein social status is assigned. Noel's (1968) theory explains not only discrimination on the part of the government but also that of the Seminoles. In reference to the government, Jim Crow was a mechanism whereby race was used not only to stratify the groups by treating the Indians as "white" and the Freedmen as "black," but also to maintain

the dominate power structure by enabling whites to divide and control both groups (Bateman, 1991). Additionally, the Seminoles used the fixed characteristic of race to stratify the groups during the implementation of the Tripartite Treaty (1845), Seminole-Creek Treaty (1856), the Oklahoma Indian Welfare Act (1936), and during the passage of the Usage Plan. In summary, the perceptions of discrimination and racism of the Seminole Freedmen can be concisely explicated by Bobo's (1999) prejudice as group position theory and Noel's (1968) theory of ethnic stratification.

In the second section, I presented analysis related to the social construction of a Seminole Freedmen Identity. This substantive section offered the picture of how the individual came to recognize their identity as a Seminole Freedmen and what exactly it meant to be a Seminole Freedmen. Most of the respondents articulated that they became aware of their mixed ancestral heritage through a significant member of their primary group. For most, it was their mother or grandmother that first informed them of their Native American ancestral background. Most of the respondents admitted that beyond initially being introduced to their Native American ancestry during childhood, most had relatively little interaction with Native Americans as family members during adolescence and adulthood. If there was any interaction with Native Americans as family members during the aforementioned periods, it was limited to one or two family members. Accordingly, it could be presupposed that their lack of interaction with Seminoles throughout their lives is traceable to statehood and the imposition of Jim Crow based policies. Upon the granting of statehood in

Oklahoma (Nov. 16, 1907), the Seminoles and Seminole Freedmen were no longer permitted to attend the same schools (Bateman, 1991). This operated to fracture existing relationships and helped to facilitate the development of a racist ideology among many of the Seminoles that was suggestive of the belief that blacks were “slaves and nothing else” (Bateman, 1991). Further, none of the respondents, except for maybe one, down played their African American ancestry. For them, being a Seminole Freedmen, at least how they expressed it to me, could be summarized as being a part of two great racial/ethnic groups and having a rich history of strength and resistance explained primarily by their roles in the Seminole Wars. Being a Seminole Freedmen was seen as having an interconnection with the Seminole tribe as brothers and sisters and partners in struggle against European colonialism. Finally, the rediscovery of their Native American ancestry, along with increased tribal participation had occurred for the majority within the last ten years.

The findings related to the social construction of a Black Seminole identity can be understood via use of Nagel’s (1999) identity construction theory. Particularly, Nagel’s (1999) theory submits that ethnic identity is fluid, continual, and situation relevant. Further, important to its use as a tool of analysis is, Nagel’s (1999: 59) contention that the identity construction process involves perceptions of “what you think your ethnicity is versus what they think your ethnicity is.” In analyzing the findings of this section, a paramount response regarding the Freedmen sense of identity is that it began during childhood, declined during adolescence and adulthood, and peaked directly prior to the



lawsuit. The abovementioned demonstrates that identity construction is processual and situational in context. More succinctly, this point is buttressed by the reality that for most of the respondents their identity as Seminole Freedmen originated during childhood when Seminole-Freedmen relations could be considered a bit more congenial (e.g., during their childhood years), tapered off during adolescence, and augmented in recent years. In addition, Nagel's (1999) theory can be used to explain early syncretic Seminole creation stories and the coalescing of "State-raised" and "Native" blacks. The syncretic creation stories discussed by McLoughlin (1974) and Lawuyi (1990) elucidated the fact that at least some Seminoles saw blackness as a moniker of innate inferiority and represented why "blackness" was something that some Seminoles did not want to identify with. Therefore, one is better able to understand why Seminoles construct their identity as something that is separate from "black." Lawuyi (1990) asserts that syncretic creation stories coupled with the imposition of Jim Crow during statehood resulted in Black Seminoles viewing themselves as more closely related to non-Freedmen blacks. In summary, the preceding helps to understand not only the dynamic nature of identity, but specifically how the Freedmen's sense of identity involves Nagel's (1999: 59) assessment of "what you think your ethnicity is versus what they think your ethnicity is."

In the third section, I presented an analysis of their perceptions of the similarities and differences from the Seminoles. Specific focuses of the analysis were the Freedmen's perceptions of elements that bound the two groups together. The respondents were inclined to focus on three primary components.

These elements were cultural similarities, intermarriage, and the fact that historically the two groups lived together. Initially, regarding cultural similarities, the Freedmen focused on modes of historical dress (e.g., colorful outfits, leggings, and big hats with plums) that were shared by both groups (Katz, 1997; Porter et al., 1996). These points alluded to by the Seminole Freedmen were corroborated in the available literature (e.g., Katz, 1997; Porter et al. 1996; and Bateman, 1991). Other cultural similarities, which were also consistent with the available literature, were the eating of like foods (e.g., fry bread and sofkee). The subject that was focused on the most was that of intermarriage. All of those interviewed pointed out the long history of intermarriage as perhaps the strongest unifying element. In contrast, it is this area, at least in regards to the available literature, that is the most controversial and probably the most influenced by Jim Crow policies. Most of the literature that I examined regarding the Black Seminoles (e.g., Katz, 1997; Mulroy, 1993; Bateman, 1991; and Sattler, 1987) mentioned the high rate of intermarriage between blacks and Seminoles relative to the other "five civilized tribes" that originally settled Oklahoma. Conversely, several of the same researchers (e.g., Batman, 1991; Sattler, 1987; Mulroy, 1984; and Littefield, 1977) also reveal that the percentage of intermarriage was probably not very high. Sattler (1987: 336-337) cites that after analyzing the demographic data from the final roll of the Seminole tribe in 1898, he was only able to identify "12 out of some 1,200 unions" as examples of black-Indian intermarriage. This is less than 1%. However, there are many possible reasons why there may never be accurate estimates of the rates of intermarriage between

the two groups. First, at the time that the first Seminole tribal roll was tabulated and also in 1906 when the rolls were separated into “Freedmen” and “Seminole by blood” categories a Jim Crow standard of racial classification was used. Particularly, Hill (2000) suggests that up until 1920 census takers determined the race of the person they were interviewing based on their own individual racial constructions ( i.e., what you looked like). Therefore, when taken into consideration the existence of the “one-drop rule,” Oklahoma being on the cusp of statehood, the BIA arbitrarily separating the rolls (when they were not required to), and Foreman’s (1942) assertion that there were at least 23,405 blacks on the Dawes rolls, it stands to reason that there were some misclassifications. Finally, the presumption that the two groups lived together was a major theme stressed by the Seminole Freedmen. Unfortunately, except for Black Seminoles who held high status positions (e.g., interpreters, lawyers, etc.) most of the Black Seminoles lived on separate plots of land. Opala (1981) points out that Black Seminoles almost always lived on separate plots of land, were not included in Seminole clans, were rarely considered equals, and never were fully assimilated. However, none of the respondents that I interviewed seemed to express (at least verbally to me) that they knew the fact that the Black Seminoles were never fully acculturated, lived in separate autonomous communities, and were rarely considered equals by the Seminoles.

The Freedmen responses that can be surmised as similarities and differences between themselves can be sociologically understood through the prism of Gordon’s (1999, 1964) theory of assimilation. Gordon’s (1999, 1964)

theory of assimilation explicates that true assimilation involves two components. First, structural assimilation entails the minority group (in terms of power) being involved in primary relationships with the dominant group. Second, cultural assimilation involves both groups adopting each other's cultural characteristics. In a sociological sense, Gordon's (1999, 1964) theory explains the Black Seminoles' contention that we "taught them how to farm," "we dressed alike," and that we "intermarried." Specifically, the assertion that the two groups share cultural characteristics is consistent with Gordon's (1999) idea of cultural assimilation. Simultaneously, the fact that the Black Seminoles are still not viewed as tribal equals is explained by Gordon's (1999) contention that structural assimilation is most crucial to complete assimilation. The adequacy of the importance of structural assimilation as to why Black Seminoles are still not seen as equals is reinforced by Opala's (1981) contention that the Black Seminoles were never fully acculturated. Mulroy's (1984) emphasis that the Seminoles practiced a matrilineal form of descent provides further support of the importance of structural assimilation for total acceptance. Distinctively, this meant that male Seminole and black female intermarriage would not be tribally recognized. As a mode of sociological analysis, Gordon's (1999, 1964) theory of assimilation provides insight as to why some Black Seminoles do not understand that they are not accepted as equals despite a history of fighting in wars, cultural similarities, and intermarriage.

Moreover, the data suggests two predominant views emergent among the Seminole Freedmen concerning the complete social and historical circumstances

that have culminated in their contemporary status position within the Seminole Nation of Oklahoma. Foremost is that the current status position of the Seminoles is primarily the fault of the BIA/government and the current generation of Seminoles. On the other hand, my socio-historical research reveals several inaccuracies with these perceptions.

Initially, is the fact that there have always been segments of the Seminole Nation that did not accept blacks as equals (Bateman, 1991; Lawuyi, 1990; Sattler, 1987; and Mulroy, 1984). This finding fulfills one of the principal goals of this dissertation. The goal was to decipher what were the complete set of longitudinal circumstances that produced their current status.

Second, is that the relationship between blacks and Seminoles was more of a political one for the Seminoles, and to a certain degree, it was the same for blacks. Specifically, it must be understood that blacks were trying to escape enslavement while the Seminoles were trying to keep their land (from colonists) and get from under the authority of the Creek Nation. The Seminoles can be assumed to have viewed blacks as instrumental in achieving the aforementioned end. This is perhaps why the literature shows that blacks were the most proficient warriors in each of the Seminole Wars (e.g., Twyman, 1999; Katz, 1997; Porter et al. 1996; and Littlefield, 1977). Juxtapose the aforementioned with accounts of Seminoles running with the women and children in first Seminole war (Porter, 1951a).

Third, is the oft-mentioned realization that the Seminoles almost always kept themselves in separate living areas. Except in those instances wherein

blacks were needed or could perform a vital function for the Seminoles (e.g., interpret a treaty), such as Abraham and John Horse, rank and file blacks were not allowed to be a part of Seminole clans. Further, those Seminole leaders who were most noted for embracing blacks (e.g., Osceola) were considered rebels against the existing Seminole social order (Katz, 1997; Mulroy, 1993).

Fourth, and related to point number three, is that relatively few blacks held high status positions (Covington, 1993; Bateman, 1991). Even when blacks occupied positions as chiefs and sub-chiefs, the majority of the blacks lived separately from the Seminoles. This is not to say that the Black Seminoles do not deserve full tribal benefits, because in my opinion, they undoubtedly do. However, from my research I feel that the Blacks deserve full tribal benefits because of their prominent roles in the Seminole Wars and the land that they cultivated, not because of acceptance by the Seminoles. It is my contention that if the Black Seminoles were fully accepted that they would have not been forced to live separately and they would have been included in Seminole clans. It can be posited that perhaps the separate living quarters and non-acceptance into familial clans was a ploy to lull land and slave-hungry whites into thinking the Black Seminoles were Seminole slaves, but this premise is questionable. If the aforementioned were totally true (which is plausible to a certain extent), why was it that whenever the Seminoles were given any type of gratuitous treatment by the government they would separate themselves from their black members (Mulroy, 1984)? Many of the cases of the Seminoles separating themselves were pre-Jim Crow. For example, the Seminoles tried to distinguish themselves

from blacks on the following occasions: after and before the Treaty of Fort Moultrie Creek (1823), the passage of the Indian Removal Act (1830), the Treaty of Payne's Landing (1832), the removal period (1838-1843), the Tripartite Treaty (1845), the Seminole-Creek Treaty of 1856, and the U.S.-Seminole Treaty of 1866 (Mulroy, 1993, 1984; Bateman, 1991; and Littlefield, 1977). So the point to be made is that before the major step by the government, i.e., the roll separation, there were discriminatory actions carried out by the Seminoles against the Seminole Freedmen. Therefore, there is more than substantial evidence to suggest that the seeds for the current actions were sown prior to statehood. I say that the present Seminoles have adopted the ideology of the past Seminoles so that the contemporary actions of the Seminoles should not come as a surprise. For instance, as soon as a substantial amount of money was offered to the Seminoles after the imposition of Jim Crow (e.g., during the implementation of the OIWA and the Indians Claims Commission settlement) the Seminoles again took steps to separate themselves from blacks, culminating with kicking amount of the tribe altogether in July of 2000.

### ***Limitations of the Study***

The point of this study was to gain an understanding of the roles that historical circumstances have operated in determining the present day status of the Seminole Nation. In the process, I discovered the roles that discrimination and the development of a racist ideology played in fueling the actions of both the government/BIA and the Seminoles toward the Seminole Freedmen. Also, I

discovered sociological constructs that could be utilized to understand socio-historical events.

As an outsider, meaning that I'm not a Black Seminole, the learning and gleaming process was slow and subjective. Initially, there was the issue of gaining acceptance or "getting-in." Berg (1989) suggests that this is a major concern when doing qualitative research. How do you get the group to accept you? How do you develop a rapport with the subjects so that they can freely divulge information? In this study, I gained entry by talking with one Freedman that I already knew and I asked this individual to introduce me to others who might be willing to talk to me. Additionally, I always wondered whether or not I had their complete confidence during the interviews. At times the respondents would not be willing to answer certain questions, for example: "how would you describe the relationship between the two Freedmen bands?" To add, some would give what I considered to be the most valuable information "off the record," so it was unusable. However, for the most part, I found that the majority of the Freedmen were friendly, open, sincere people, who were not motivated by money. I feel that they basically want what they deserve, to receive full/complete tribal benefits and have their rightful place in history. Additionally, I made mistakes during this study, but corrected some in part, by modifying the conceptual framework and focus of the project. For instance, at the beginning of the study, I did not know many of the cultural similarities, such as, the preparation of sofkee or fry bread. However, after hearing one respondent discuss the matter, I researched further and modified my probing questions so



that I would be able to gather more information concerning the cultural similarities between the two groups.

A second limitation was that my sample was chosen using snowball and purposive sampling methods. In other words, there was no systematic way wherein my respondents were chosen. Only those individuals who identified themselves as Seminole Freedmen were interviewed in my study. I then relied upon these self-identified individuals to refer me to another Seminole Freedmen whom they felt would be willing to participate in the study. Therefore, throughout the study there existed the problem of reliability. It stands to reason, that because I utilized purposive and snowball methods, that the individuals that I interviewed referred me to other persons who shared similar viewpoints as theirs. Evidence of this could be that of the ten respondents, nine were part of the same Seminole Freedmen band.

A third limitation was the use of historical documents. Historical documents have several limitations (Berg, 1989). First, you cannot get into to the mind of the individual(s) who drafted the documents. Thus, when the government-drafted treaties (e.g., the U.S.-Seminole Treaty of 1866) are the sentiments expressed theirs only? Would the documents express the views of the Seminoles? The Freedmen? Second, it is not reliable to evaluate the actions of the past within a present-day context. In other words, at the time some of the events I researched took place, things like slavery were accepted. This does not make any of the actions proper. However, how could I fairly evaluate actions/events that took place during a time period wherein they were proper in a

time period when they are not? A third drawback related to historical documents is their availability. In other words, your data is limited due to the fact that there are not as many historical documents available and accessible concerning the Seminole-Seminole Freedmen relationship.

A fourth limitation was the lack of a quantitative component. Babbie (2000) and Berg (1989) assert that quantitative research addresses the issue of research reliability. Hence, if I had been able to use a survey instrument in my study and subjected the findings to statistical tests, another researcher could replicate my methods and possibly reach similar conclusions. On the contrary, who is to say that some other researcher conducting in-depth interviews with the Seminole Freedmen will reach conclusions similar to mine. However, due to difficulties in locating respondents and the lack of available information related to the topic, a quantitative instrument would have to be a future consideration.

### ***Contributions and Implications for Future Research***

In this section, I will discuss some of the contributions of my study and many of the implications that my study poses for future sociological inquiry.

The first contribution of this study is in offering an empirical study of the changing statuses of the Seminole Freedmen within the Seminole Nation. This is a topic that has never been studied directly. There have been studies that have examined the historical relationships between the two groups (Bateman, 1991; Mulroy, 1994) but there are few, if any, that have studied the historical relationship from its inception up to modern times.

A second contribution of this study is that it examines situations of both ethnic unity and ethnic conflict. Particularly interesting is that this study investigates conflictual relations between two minority groups. Traditionally, studies involving these groups and conflict have examined the dynamic in regards to their associations with whites (Yetman, 1999). Moreover, if there have been any examinations of conflict involving these two groups, they have not employed a historical sociological approach.

A third contribution is the use of a qualitative methodology. As stated previously, I used in-depth interviews, oral histories, and document analysis to investigate the circumstances that have culminated in the contemporary status position of the Seminole Freedmen. These methodologies allowed me to examine the topic from the viewpoints of the respondents themselves.

A fourth contribution is that my study added to the available literature on ethnic identity construction. Despite the fact that ethnic identity is a topic that has been studied rather extensively (e.g., Nagel, 1999; Yetman, 1999), the ethnic study has rarely been examined in relations to Seminole Freedmen (Lawuyi, 1990). Additionally, the topic has not been studied using sociological ethnic identity constructs.

### ***Conclusions***

The study has several implications for future research. First, there is an emerging issue within the Seminole Freedmen struggle concerning mineral rights. Specifically, this issue is related to the Freedmen's portion of the estimated \$ 95-100 million dollars that the government owes the Seminole Nation

(Mineral rights claim of the Seminole Nation of Oklahoma, 2002). This topic is amenable to future research because the issue is emerging and there is documentation that the Freedmen were given land during allotment and they are eligible for the related monies. Second, this study brings to the forefront the changing status dynamics involving Freedmen of other tribes. In other words, the Cherokees, Chickasaws, Choctaws, and the Creeks all have Freedmen. What about their rights to compensation? Finally, more sociological study into the area of Afro-indigenous status relationships is needed. The only way contemporary race relations can be improved is if we understand the past and the sociological factors from which it emerged.

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# VITA

Ray Von Robertson

Candidate for the Degree of

Doctor of Philosophy

Dissertation: DISCRIMINATION AND THE BATTLE FOR FULL SOCIAL ACCEPTANCE: A SOCIO-HISTORICAL EXAMINATION OF THE PLIGHT OF THE SEMINOLE FREEDMEN IN OKLAHOMA

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Oklahoma State University  
Institutional Review Board

Protocol Expires: 5/8/03

Date: Thursday, May 09, 2002

IRB Application No: AS0264

Proposal Title: DISCRIMINATION AND THE BATTLE FOR FULL SOCIAL ACCEPTANCE: A SOCIO-  
HISTORICAL EXAMINATION OF THE PLIGHT OF THE SEMINOLE FREEDMEN IN  
OKLAHOMA

Principal  
Investigator(s):

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Reviewed and  
Processed as: Expedited

Approval Status Recommended by Reviewer(s): Approved

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Dear PI :


Your IRB application referenced above has been approved for one calendar year. Please make note of the expiration date indicated above. It is the judgment of the reviewers that the rights and welfare of individuals who may be asked to participate in this study will be respected, and that the research will be conducted in a manner consistent with the IRB requirements as outlined in section 45 CFR 46.

As Principal Investigator, it is your responsibility to do the following:

1. Conduct this study exactly as it has been approved. Any modifications to the research protocol must be submitted with the appropriate signatures for IRB approval.
2. Submit a request for continuation if the study extends beyond the approval period of one calendar year. This continuation must receive IRB review and approval before the research can continue.
3. Report any adverse events to the IRB Chair promptly. Adverse events are those which are unanticipated and impact the subjects during the course of this research; and
4. Notify the IRB office in writing when your research project is complete.

Please note that approved projects are subject to monitoring by the IRB. If you have questions about the IRB procedures or need any assistance from the Board, please contact Sharon Bacher, the Executive Secretary to the IRB, in 203 Whitehurst (phone: 405-744-5700, sbacher@okstate.edu).

Sincerely,

  
Carol Olson, Chair  
Institutional Review Board