

PETITION FOR RECOGNITION

OF

THE FLORIDA TRIBE OF EASTERN CREEK INDIANS

THE FLORIDA TRIBE OF EASTERN CREEK INDIANS and the Administrative Council, THE NORTHWEST FLORIDA CREEK INDIAN COUNCIL brings this, their petition to the DEPARTMENT OF THE INTERIOR OF THE FEDERAL GOVERNMENT OF THE UNITED STATES OF AMERICA, and prays this honorable nation will honor their petition, which is a petition for recognition by this great nation that THE FLORIDA TRIBE OF EASTERN CREEK INDIANS is an Indian Tribe.

In support of this plea for recognition THE FLORIDA TRIBE OF EASTERN CREEK INDIANS herewith avers:

(1) THE FLORIDA TRIBE OF EASTERN CREEK INDIANS nor any of its members, is the subject of Congressional legislation which has expressly terminated or forbidden the Federal relationship sought.

(2) The membership of THE FLORIDA TRIBE OF EASTERN CREEK INDIANS is composed principally of persons who are not members of any other North American Indian tribe.

(3) A list of all known current members of THE FLORIDA TRIBE OF EASTERN CREEK INDIANS, based on the tribes acceptance of these members and the tribes own defined membership criteria is attached to this petition and made a part of it.

SEE APPENDIX A

The membership consists of individuals who are descendants of the CREEK NATION which existed in aboriginal times, using and occupying this present geographical location alone, and in conjunction with other people since that time.

(4) Attached herewith and made a part of this petition is the present governing Constitution of THE FLORIDA TRIBE OF EASTERN CREEKS INDIANS. It is presently written statement of government of this tribe.

SEE APPENDIX B

(a) The membership criteria is as follows:(SEE ARTICLE V, MEMBERSHIP CRITERIA).

Section 1. Each person who is of Creek Indian descent shall be eligible for full membership in the Florida Tribe of Eastern Creek Indians provided they are otherwise eligible pursuant to ARTICLE IV.

Section 2. The Chairperson of the Tribal Council shall appoint, subject to majority approval of the Tribal Council, a Membership Committee of five (5) tribal members who shall maintain a membership roll. This roll shall show evidence of Native American descent for each member. The criteria and evidence of Native American descent shall be decided upon by at least two-thirds vote of the full tribal Council. Compliance with the criteria shall qualify a person for full membership in the Florida Tribe of Eastern Creek Indians.

Section 3. All persons eligible for membership shall formally apply for membership.

Section 4. Membership shall be confirmed by the registering of the name of the individual upon the membership roll.

Section 5. Associate membership shall be conferred upon individuals, providing that

- (a) The person makes formal application to the Membership Committee and,
- (b) The person is of proved Indian descent, or
- (c) The person declares himself to be a Creek Indian in a notarized affidavit and is recommended by two tribal members, subject to a majority approval of the Tribal Council.

Section 6. After Two years of associate membership an individual shall be eligible for full tribal membership.

Section 7. Associate membership shall not include the privileges of election to the Tribal Council, of voting in tribal elections,

or of programs or services requiring full tribal membership.

Section 8. Honorary membership may be conferred by the Tribal Council upon such persons the Council wishes to recognize in this manner.

Section 9. Membership in the Florida Tribe of Eastern Creek Indians shall in no way diminish the rights and allegiances of individual members of the Florida Tribe of Eastern Creek Indians as citizens of the State of Florida and the United States of America.

(b) The procedure through which the tribe currently governs its affairs and its members is as follows:

SEE APPENDIX C FLOW CHART OF TRIBE

(5) THE FLORIDA TRIBE OF EASTERN CREEK INDIANS has maintained historical and essentially continuous tribal political influence and authority over its members as an autonomous entity through family, clan, and tribal activities from aboriginal times to the present. Creek Indian customs, leader authority figures, herbal and medicine procedures, traditional modes of dress, religious ceremonies, dance and other methods of political influence and authority have been preserved and are presently incorporated in the tribe.

(6) A substantial portion of THE FLORIDA TRIBE OF EASTERN CREEK INDIANS inhabit the historical areas of their heritage lands in north west Florida. They live in groups, clans and families, often in co-existence with other peoples on and around lands historically occupied by the CREEK NATION, and on and around specific lands ceded to Creeks by treaties in the early nineteenth century.

Attached herewith and made a part of this petition are maps of that portion of Northwest Florida historically and presently occupied by Creek Indians.

SEE APPENDIX D MAPS

SEE SUBPART (9) for further evidences of proof.

(7) THE FLORIDA TRIBE OF EASTERN CREEKS has been identified historically and continuously, through family, clans and tribal or activities as Creek American Indians.

SEE SUBPART (9) for further evidence of proof.

(8) THE FLORIDA TRIBE OF EASTERN CREEK INDIANS herewith reserves the right to amend and supplement this their petition of recognition. The tribe also requests the opportunity to have its appointed representatives appear before the Honorable Forrest J. Gerard, Assistant Secretary of the Department of the Interior to present its petition request, at a time to be decided on by the Assistant Secretary.

(9) STATEMENT OF FACTS AND EVIDENCE ON WHICH THIS PETITION IS PREDICATED: a portion of sub-part 9 is transmitted herewith, completed subpart 9 will be transmitted at a later date.

Riley E. Rolin
RILEY ROLIN, VICE CHAIRPERSON

James E. Waite
JAMES E. WAITE, CHAIRPERSON

Juanita Steadham Felter
JUANITA STEADHAM FELTER,
Executive Director

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Personally appeared before me, JAMES E. WAITE, RILEY ROLIN, AND JUANITA STEADHAM FELTER, who being first duly sworn, on oath state that they are members of THE FLORIDA TRIBE OF EASTERN CREEKS; that they have authority to file this petition; and that they are informed and believe that all of the allegations of this petition are true.

SWORN TO AND SUBSCRIBED before me this 13th day of June, 1978

Maynard Calhoun
Notary Public

NOTARY PUBLIC STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES FEBRUARY 28, 1982
BONDED THRU MAYNARD ECONOMIC AGENCY

SUBPART 9 - A

FACTS AND EVIDENCES

Our legendary origin, like that of all Creek people, was in a land to the west whence our earliest forefathers crossed a great river in their passage to the southeastern area of the North American continent, there to congregate in various groups--Cussetahs, Kawetas, and others¹--and to evolve a loose political structure based on kinship, clan organization, and etalwas (tribal towns).² Early in historic times the Creek domain extended through most of Alabama, Georgia, and parts of Mississippi, southward to the Gulf of Mexico, including parts of peninsula Florida as well as the whole area of present west Florida.³ In this area these aboriginal inhabitants came to be known as the Creek Nation, and were treated as such both by the Indians and by other governments. The Creek Indians accepted into their numbers other peoples--e.g., the Uchees, Natchez, and Yemasseees. The great majority of larger and more permanent Creek etalwas (tribal towns) were concentrated about such river systems as the Alabama, the Coosa, the Chatahootchee, the Appalachianicola, and the Flint.⁴ Other sites of varying degrees of permanence, trading trails, gathering places, and of course the all-important hunting grounds, involved the whole Creek domain. The lands southward to the Gulf from the Alabama River eastward to and including much of peninsula Florida,⁵ were mostly hunting grounds with the scattered permanent and semi-permanent sites normal to the life of Indian people. Streams and rivers along the Gulf long furnished access to the coast where fish and shellfish were easy to obtain.

¹Albert S. Gatschet, A Migration Legend of the Creek Indians, Vol. I (1884).

²John R. Swanton, Social Organization and Social Usages of the Creek Indian Confederacy, (Forty-Second Annual Report, Bureau American Ethology, 1928).

³Indian Claims Commission, No. 21, Creek Nation v. United States, Brief of the Creek Nation, pp. 1-2.

⁴Swanton, op. cit.

⁵Louis DeVorsey Jr., The Indian Boundary in the Southern Colonies, 1763-1775, (Chapel Hill: The University of North Carolina Press, 1966), pp. 230-234.

Gulf of Mexico rivers frequented by the Creeks, included the Escambia, the Yellow, the Choctahatchee, the Chipola, and the Apalachicola.⁶ Many places names--Indian Crossing, Chumuckla, Ucheeala, et al --are living reminders of this, in the counties of present northwest Florida. A legend of Florida region handed down from the hofenälke (Creek forefathers) tells the Creeks to come here, take good care of this place, and make this our home. It is a message from Hesaketamese (God, the Giver of Life and Breath):

Yv kvnyoksvn os
 Yvmv estofis rvfot ocefes
 momis eto pvkpvkeu
 oketcken cenmakvkakes. . . etc.

This place is kun-yoksau*
 Here is never any winter
 but the trees and blossoms
 to tell you the seasons . . .

Govern yourselves by my laws
 and it will be so forever
 My children
 live here in peace
 I shall always be with you
 in this land. . . .⁷

In the early 18th century occurred those disruptions which rapidly increase the unsettling of the Creek people and the incidence of their emigration southward into their Florida lands, a process which ebbed and flowed into the twentieth century. Among the causes of these emigrations were (1) the Carolinian war against the Spanish, when their allies the Apalache were attacked and beaten by Col. Moore, who took some Apalaches captive and scattered others--with the result that lands once inhabited by Apalache beckoned to Creeks from the northern towns whose homeland was becoming more troubled;--the later reassembly of Apalachee by the Spanish (who needed their Indian allies), attracted more Creek people into the general area of the Apalachicola and St. Marks;⁸ and (2) to increase Indian trade and the growth of trade sites at Pensacola

⁶Cf. discussions infra.

⁷Kun-yoksau* (Florida) adopted from the version in M. L. King Jr., History of Santa Rosa County, (Individually published, 1972), p. 12. In Santa Rosa County Public Library, Milton, Florida.

⁸W. T. Cash, The Story of Florida, (New York: The American Historical Society, Inc., 1938), pp. 109-127, et passim.

(which was Creek Indian land ceded to the British, charily by the Creek Nation in 1764), at the Choctahatchee River, at the Apalachicola, and at St. Marks.

The 1765 treaty with the British clearly protected Creek title to the Florida region⁹ where several decades later Pensacolians of Jackson's day would dislodge the Indians along Escambia River,¹⁰ and where seventy years later, Creeks from the hostile faction deplored by the Creek Nation, would be drilling in Pensacola streets under the British Captain Percy.¹¹ The events of the 1760's gives insight to the understanding of the Florida Creek Indians' later history.

Needing more land for commerce and colonization, the British in 1763 held a conference with representatives of the Creek Nation at Augusta. The British superintendent for Indian Affairs wrote:

The Claims of the Creeks to the lands bordering on the two Florida (see appendix) are such as must render these Provinces extremely limited, if the Indians cannot be prevailed to recede from them . . . They do not permit our settling any of the new ceded countries joining their lands above the flowing of the tide, which in the countries westward of Cape Florida is not very far.¹²

The Indians living in the region of St. Marks told the British superintendent there, that just as the Spanish had been tenants on the land, so they would now regard the British as tenants.¹³ But the Creeks had recently suffered schisms within their confederacy and these acquiescent gestures were so necessary sign of Creek acceptance of the British. The British commandant at Apalache wrote:

. . .the Creeks are grown extremely jealous of our proceedings, but cannot as yet bring the nation to be unanimous in breaking with us.¹⁴

The Creeks were concerned about all their lands, both east and west of Apalache, and were not happy about forfeiting their tidal regions. It

⁹DeVorse, op. cit., p. 213.

¹⁰Gloria Jahoda, Florida, (New York: W. W. Norton & Co., Inc. 1976), p. 49.

¹¹Cash, op. cit., p. 222.

¹²Public Records Office, London: Colonial Office Records. Colonies General., C. O. 323, 5-66 (1689-1843). Cited in DeVorse, op. cit., p. 186.

¹³DeVorse, p. 189.

¹⁴Ibid.

has been suggested that the 1764 treaty agreement to give the tidal regions in Pensacola may in itself have been invalid, on the ground that the Wolf King did not have authority to represent all the Creek Nation. That these lands were preciously held by the Creeks is forever clear.

The Creek Indian congress with the British in Pensacola in 1764, came at a time when the Creeks were witnessing a rapid decline in their resources. The Cherokees to the north, the Georgians ("Virginians") to the east and the British to the south, not to mention the Choctaws westward, were pressing upon their hunting grounds. Game was growing scarce; their dependency on trade consequently increased--which in turn further decreased the game--with the result that a once independent culture was now reduced to purchasing clothing and other necessaries from the whites. The British authorities readily conceded the importance to the Creeks of their hunting grounds; the British wanted the Indian peltries for commerce. The steady encroachment of white civilization wreaked havoc and it was only a matter of time before the eastern Creek Indians would have no material recourse of their own whatever. The great Creek chief Mortar gave a talk at the Pensacola congress, saying:

The King of England knows his Red Children are very numerous and must be cloathed, they are all indigent and I hope the King, the Governor, the Superintendent and all other White people are sensible that they are so, and as I have this day considered the conveniency of the English in granting them land to plant, so I expect they will in return consider me and my people, this land was formerly part of our hunting ground, but now many of us are grown old and incapable to kill deer enough to purchase cloathing; we had formerly good success in hunting but are now obliged to cross to Cherokee River for game, which considerations induce me to desire, that as deer skins are become scarce, the trade may be reduced in proportion so that we may be able to clothe and maintain our families.¹⁵

And the day before the treaty at Piccolata, November 1765, Tallechea gave a talk which represented the whole Creek Nation, saying he hoped the Governor would "agree to the limits which were proposed by us at

¹⁵Public Record Office, London. Colonial Office Records, C. O. 5-582. Cited in DeVorse, p. 214.

Augusta." He added:

You will consider that the presents which are now being given us may last for a year but will afterwards rot and become of no value but the land which we now give you will last forever.¹⁶

The Creeks were repeating their insistence that British land be confined to coastal tidal waters; nevertheless, the British Governor persuaded them to cede a larger tract, which cession was set forth the next day at the Treaty of Piccolata.¹⁷

At the time of the Augusta conference and the Treaty of Piccolata the Creeks were at war with the Choctaws to the west and in consequence the safer hunting grounds were in east Florida. Unfortunately though the Creeks could not safely hunt in their west Florida grounds, the British were hungry for their east Florida lands.¹⁸

Indian history and reasoning, important to the Indians and not the British, often went unrecorded, while the epoch-making events from the white viewpoint were set down in documents for later historians to consult: It is not inconceivable that Wolf King and other Creeks hoped the loss of Pensacola lands might be in some measure offset by the creation of a buffer there; at least the lands from the Escambia eastward would be protected from Choctaw marauders and safer for hunting and residency. In any event the talks of the chiefs at the Augusta conference, at Pensacola and at Piccolata point clearly to the indispensability of their east and west Florida lands to the life of the Creek Nation. Continuously until after the Treaty of Fort Jackson, the Creek Indians' west-Florida domain, as well as the east, was insisted upon. As late as 1816 the Surveyor-General of West Florida was to report that the lands on the Yellow Water (Yellow River) side of Pensacola Bay

¹⁶ DeVorse, *op. cit.*, p. 194.

¹⁷ The later efforts of the well intended Benjamin Hawkins, as of others less well-intended, to end this "mendicancy" of the Creek Indians and to establish "civilized" farm and industrial processes among them, was seen by a great many Creeks as a force that would destroy their culture utterly, and was a most significant factor among the causes of the Creek Civil War and Red Stick uprising against the United States heading to the subsequent military destruction of the Creek Nation by the United States in 1814.

¹⁸ DeVorse, *op. cit.*, p. 195 *passim*.

"belong to the Indians."¹⁹ Earlier, efforts of the British to acquire West Florida Creek lands around the Escambia were further frustrated by the Creeks' express intent to occupy the Escambia region, in anticipation of peace with the Choctaws. In a talk on April 19, 1772, Emitisiguo said:

. . .as for the lands on the Scambia we cannot give it, for as soon as we have peace with the Choctaws we mean to settle that ourselves, . . .

The Florida Creek lands of 1775 are indicated in DeVorse's map (appendix). The Creeks retained the land north of the coastal tidewater across the entire northern Gulf coast of present-day Florida and the lands of central north and south Florida. (It was the U. S. General Jackson, not the Indians, who forty years hence made the decision which would lead to the official division of all Florida Creeks from the Creeks north of the "Jackson Corridor" separating Georgia and Alabama from Florida, even though, as Jackson himself said, the hostiles among the Florida Creeks were not a party to the Treaty of Fort Jackson).²⁰ In the Treaty at New York, 1790, between the United States and "all the individuals, towns and tribes of the Upper, Middle and Lower Creeks and Semanories composing the Creek Nation of Indians," the United States guaranteed "to the Creek Nation, all their lands within the limits of the United States to the westward and southward of the boundary" describing the stipulated northern limit of Creek country.²¹

After the 1790 treaty (7 Stat. 35), the first of the treaties between the United States and the Creek Nation, there followed a series of treaties and agreements each of which involved the cessions or extinguishments of title to successively more Creek domains--Treaty of June 29, 1796 (7 Stat. 56, 2 Kapp. 46); United States agreement with the State of Georgia, 1802; Treaty of June 16, 1802, (7 Stat. 68, 2 Kapp. 58); Treaty of November 14, 1805, (7 Stat. 96, 2 Kapp 85). By 1811 the area of the national domain of the Creek Nation had been diminished to northwestern

¹⁹ Colin Mitchell v. United States, 9 Peters 711, 34 United States 536 (1835), Court Records, pp. 752-753. Cited in United States Court of Claims, Appeal Docket No. 1 - 70, McGhee v. United States.

²⁰ American State Papers: Military Affairs, Vol. I, p. 756.

²¹ August 7, 1790, 7 Stat. 35, 2 Kapp.25.

and southern Georgia, three-fourths of the State of Alabama, and a part of what is now the State of Mississippi, extending from the Ocmulgee River and the Altamaha on the east, west to the Tombigbee River and the Choctaw and Chickasaw possessions;²² and between Pensacola²³ within Spanish Florida territory on the south, and the Tennessee River and Cherokee country on the north.

In 1811, war between the United States and Great Britain was imminent. The British hoped to create a buffer zone from Pensacola to the Great Lakes,²⁴ and to achieve an alliance with the Indians and with the Spanish along the southwestern frontier.²⁵ At the same time, Indian peoples generally were distraught by the steady encroachment of white settlers and white civilization's ways upon their lands. Especially was this so among the Upper Creeks, "and the consequent cessions of Creek lands in treaties forced upon the Creek Nation, in 1802 and 1805, seemed a fertile field for British intrigue."²⁶ In 1811, Shawnee Tecumseh visited among the Alibamu and the Creeks to gain support for the British, stirring up the "prophet movement" and the Red Sticks or hostile faction of the Upper Creeks.²⁷ The Red Sticks did not have the sanction of the Creek Nation;²⁸ nevertheless, General Jackson resolved to send an army of

²²Before the Indian Claims Commission, No. 21, Creek Nation v. United States, Brief of the Creek Nation, pp. 7-9.

²³This appears from the burthen both of history and of law, e.g. the Creeks' objections in 1814 to Gen. Jackson's lines, wherein the Creeks stated the Creek hunting grounds include "between Cossau and Tombigbee, and between this and Pensacola." Creek Nation v. United States, 2 Ind. Cl. Commission (1952). This and other instances cited show indisputably the continuity of the Florida lands with Creek national domain, until at least the time of the 1832 treaty. Though the United States might have no qualms about drawing the lines for white settlement, the Spanish did pressed for Indian allies, and the lands south of 31st degree north latitude were in Spanish control. General Jackson's fiat was not synonymous with Creek historical fact.

²⁴Cash, op. cit., pp. 121-122.

²⁵Before the Indian Claim Commission, No. 21, Creek Nation v. United States, op. cit., p. 9.

²⁶Ibid., p. 10.

²⁷Cash, Loc. cit.

²⁸Creek Nation v. United States, op. cit., p. 12

Tennesseans against the Creek Nation with the avowed intent to destroy it.²⁹ Ensuing events resulted in the defeat of the hostile Creek faction at Horseshoe Bend and, shortly after, the Treaty of Fort Jackson. Thereupon yet more Creeks fled to their Florida lands to join with those already residing there, some entering the domain between the Yellow River at the (Bay of Pensacola) and the Appalachicola.³⁰ Meanwhile, Coweta, in the Lower Creek Nation, had become "the capital of the Creek Nation, and all national affairs were carried on from this place throughout the war, and for some time thereafter."³¹ Throughout the period of the war the friendly Creeks, consisting of the Lower Creeks and the leading chiefs of the Upper Creeks, remained loyal to the United States, even though the annuities promised to them "for the years 1812 and 1813 were unpaid, and they were in great distress."³² Of the large number of the hostile faction of Upper Creeks who fled to Florida, twelve hundred warriors were at some time "afterwards incorporated with the Seminoles as one people."³³

Having succeeded General Pinckney in command, General Jackson called a meeting for the chiefs of the hostiles for August 1, 1814, at Fort Jackson. Of the thirty-six (36) Creek Chiefs attending, only one was a hostile. Said Big Warrior of Tuckaubatchee, as Speaker of the Creek Nation, "With your help we have driven them out of the country. There is no one in this country now but your friends."³⁴ When Big Warrior saw what lands Jackson was demanding, he thereafter refused to attend the Council, but Jackson threatened to put him in irons if he did not. From that moment on it was clear to all Creeks, friendly and hostile alike, that their friendship with the Americans had destined them to disaster, but now there was no recourse. Henceforth, the friendly Creeks were caught up in a series of events leading many of them to eventual removal. Great many of the hostile Creeks future lay in a different direction.

²⁹General Jackson avoided this forthright language; nevertheless, this is the import of his letters, taken collectively, re the Creek Confederacy.

³⁰Creek Nation v. United States, *op. cit.*, pp. 130-131.

³¹Before the Indian Claims Commission, No. 21, *op. cit.*, p. 22.

³²Before the Indians Claims Commission, *op. cit.*, p. 22.

³³*Ibid.*, p. 29

³⁴*Ibid.*, p. 35.

Their paths would rejoin first in Florida, then west of the Mississippi, and then, after years of silent surreptitious migration and survival, in the southeastern states that were their earlier domain.

Not content to have dealt harshly with Tvstenvke Rakko, Jackson announced to the attending chiefs that if they did not agree to the prescribed boundaries, which would catastrophically reduce the lands of the friendly as well as the hostile factions, he would arm them all, send them to the Creeks in Florida, and drive them with the British into the sea.³⁵ Despite their formal protest, which was to have been incorporated with the treaty agreement, Jackson secured the provisions he desired in the Treaty of Fort Jackson, August 9, 1814, "signed under duress by thirty-five (35) of the friendly Creek Chiefs, constituting the Creek National Council, the de jure Government of the Creek Nation, which had been the faithful ally of the United States during the entire war, and which had furnished warriors who had fought side by side with the American troops in every important battle of the war; and but one hostile chief signed the treaty, he being the only hostile chief present."³⁶ From the time of this treaty until the removal years--a period which still permitted some organized effort--the Eastern Creeks tried to secure justice or at least some recompense for the lands thus lost. These efforts were to continue after the reassembly of large numbers of the Creek Nation in the Oklahoma territory on lands set aside for those who removed--efforts joined finally by eastern Creeks of Georgia, Alabama and Florida³⁷ and recognized in the twentieth century. While the Fort Jackson treaty and the proclamation of the end of hostilities in 1815 ended the war, they neither legally nor historically constituted a capitulation of the Creek Nation. Moreover hostilities after the 1815 proclamation were in large part instigated by the whites and not by either the friendly or hostile factions of Creeks.

³⁵ Ibid., pp. 35-36.

³⁶ Ibid., p. 49.

³⁷ Transcript of Records, Supreme Court of the United States, October Term 1952, #227, The Creek Nation Petitions v. C. W. McGhee, et al, p. 88.

"As early as April 6, 1817, Gaines asked Jackson for permission to proceed against the Seminoles. These Indians lived on Okolokne Sound, at the mouth of the Apalachicola. They were Creeks³⁸ and had received among themselves the large number of hostiles who had fled before Jackson in 1814 and refused to join in the treaty of Fort Jackson, in August, 1814. . . . May 10, Gaines sent to the, by Major Dinkins, demand for the surrender of the Indians who had murdered some white settlers. The demand was refused and ten Indian towns sent their defiance.³⁹ Ten red men had been killed, they said, and only seven whites. The Americans, therefore, owed them a settlement, rather than the Indians the whites."⁴⁰

Jackson had set up boundaries--so, thorough the weaker power, must the Creeks. Though harassed in this tiny region, they had kept south of the Flint River, and they asked the Americans to stay north of it and not depredate their lands and people any more. Incidents like the unjustified United States attacks on Floridatown Creeks had combined to force the continuing of hostilities. Yet when in December 1815 the United States ran the lines of the treaty the hostile Creeks did not resist.⁴¹ In 1816 there was one United States military action at Apalachicola, against the Negro Fort; the hostile faction did not fight in it, having left the fort after the departure of the British contingent and prior to General Gaines' reduction of the fort.⁴² In 1816-17 white Americans depredated hostile Creek lands. To no avail the Indians complained to not only American but also to British officials. David B. Mitchell,

³⁸Cp. Benjamin Hawkins' earlier statement, "the Simenolies. . . are Creeks." Benjamin Hawkins, A Sketch of the Creek Country in the years 1798 and 1799, (Savannah: Georgia Historical Society, reprinted New York: Kraus Reprint Co., 1971), p. 25.

³⁹The defiance consisted of a postscript attached to the letter replying to the commandant of Ft. Scott: "B. B. there is ten towns has red this letter and this is the answer." It should be observed that the Indians were adhering to the then Indian law in these matters. (It is needless to recount the instances in which the whites showed they understood this law, in practice.) Bassett, op. cit., p. 324n.

⁴⁰Bassett, John Spencer, Correspondence of Andrew Jackson (Washington, D. C.: Carnegie Institution of Washington, 1927; New York: Kraus Reprint Co., 1969), Vol. II, p. 323n. Bassett cites, American State Papers, Indians Affairs, Vol. II., pp. 154-162, for a fuller account.

⁴¹Bassett, op. cit., Vol. II, pp. 222n, 225n.

⁴²Charlton W. Tebeau, A History of Florida, (Coral Gables: University of Miami Press, 1971), p. 110.

agent to the Creeks, reported late in 1817 that in his opinion the whites were the aggressors, and that the attack on Fowltown was unjustified.⁴³

A speaker for the Creeks living at Oklokne Sound at the mouth of the Apalachicola River the Creeks against whom Gen. Gaines requested a punitive attack in his letter to Gen. Jackson April 6, 1817--wrote Major Twiggs at Fort Scott on September 11. This Creek spokesman (presumably Neamathla) said:

Since the last war after you sent word wee must quit the war wee the red people has come over on this side the White people has carried all the red peoples cattle off, after the War I sent to all my people to let white people alone and stay on this side the river and they did so., but the white people still continues to carry off their cattle, Barnads Son was hear and I enquired of him what was to be done, and he said wee must goe to the head man of the white people and complain. I did so and there was no white head man and here, nor no law in this case, the white first began and there is nothing said about that but great complaint about what the Indian does, this is now three years since the white people killed three Indians, since that they have killed three other Indians and took their horses and what they had, and this last summer they killed three more, and very lately they killed one more, wee sent word to the white people that these murders were done. . .⁴⁴

Although in 1815, following the Fort Jackson treaty, the United States had declared an end to the hostilities the hostile faction of the Creeks against whom the war was waged never were a party to the treaty and hence were not official party to the cessation of hostilities. Though dispersed by a superior force from their towns to the north, a large body of these tribes attempted both to maintain themselves in their Florida homes and to maintain such peace along their borders as was available to them.

The hostile Creeks reacted to the American forces' attack on Fowltown--an attack which the hostiles had not provoked--by forbidding Americans to cross south of the Flint, whereupon the United States Department of War gave Jackson, in the words of a Jackson adulator, "carte blanche. . . to proceed against the Seminole [sic] tribe of

⁴³ Bassett, op. cit., Vol. II, pp. 433n-434n.

⁴⁴ Bassett, op. cit., Vol. II, p. 323n.

Indians. . . punish them. . .," etc.,etc.⁴⁵ In April 1817, Jackson-- assisted by Creeks under General McIntosh--attacked the Creeks at Mickasukee town and then at St. Marks. "Dispersed and routed at Mickasuckee, they fled into the swamps, and towards the Spanish parts of St. Marks and Pensacola," though Jackson reported they offered no appreciable resistance. Jackson decided to limit further assault to the strongest centers, St. Marks and Pensacola, where he believed the Indians would hope to find defense.⁴⁶ As Eaton put it:

Rather than harass and wear down his army in pursuing the enemy through the swamps and forests of Florida, it seemed preferable to strike at once at those strong holds on which he well knew their reliance must be.

Northwest Florida, as at present understood, had become a veritable highway for the oppressed and struggling Creeks--the first stage of an Eastern Trail of Tears.

Jackson arranged a peaceable occupation of Fort St. Marks with the Spanish authorities there, then "dispersed and intimidated the Indians" 80 miles eastward before leaving for Fort Gadsden and thence to Pensacola. His plan was to cut off the two strong relief points, the Spanish ports of St. Marks and Pensacola,⁴⁷ rather than pursue the Indian through their northwest Florida lands. During this campaign he was assisted by friendly Indian guides and warriors, some of them of Georgia tribes, and some of the Florida tribes. In May, Pensacola was taken from the Spanish. "With this," wrote Jackson's friend Eaton, "and the fortress of St. Marks, added to Fort Gadsden on the site of the Old Negro Fort, which had previously been established on the Apalachicola, it was believed, positions enough, and strength sufficient would be required, to hold the savages in check. . . ."⁴⁸ The United States returned Pensacola and St. Marks to Spain; however, the war of Jackson against the Florida Creeks did much

⁴⁵ John Henry Eaton, Life of Andrew Jackson (Philadelphia: McCary and Davis, 1828), p. 278.

⁴⁶ Eaton, op. cit., p. 282-283. Not an unreasonable assumption, since many Creeks held the memory of British and Spanish favor, and the hope that their former lands would be restored through the provisions of the Treaty of Ghent.

⁴⁷ Ibid., pp. 284-285.

⁴⁸ Op. cit., p. 286.

to persuade Spain to cede Florida to the United States. The Adams-Onis Treaty that accomplished this was signed in 1819 and ratified in February, 1821. Jackson was appointed commissioner and governor to administer the territory, an office he held seven months with powers "more enlarged and extensive" than those ever granted to anyone before.⁴⁹

From the time of the commencement of the Creek civil war it was difficult for an Indian leader, friendly or hostile, to know which choices would best serve his people. The rule seemed to be that you would prove mistaken no matter which choice was made, or which side was fought on--so far as the ultimate outcome for the Muskokvlke was concerned. Were it not for the omni presence and obvious might of the Americans it would be amazing that so many friendly Creeks remained friendly.

Yet once the sides were aligned, each faction believed its persistence was the only path to take. The Creek Indian force raised by McIntosh to assist Jackson must have nearly equalled the number of Jackson's troops.⁵⁰ Bowleks and Ene Amathla, both Florida Creeks, did not fight with the hostiles in the Creek War, yet had sided with the British against the United States by the time of the signing of the Treaty of Ghent on December 27, 1814. And towns listed for Florida Creeks decidedly included friendly towns.⁵¹ Even Jackson showed irritated confusion in his 1821 version of a Muskoke Who's Who, exclaiming to the Secretary of War:

The exposed situation of the Floridas, imperiously demands that its frontier upon the coast should be immediately inhabited by white citizens. . . . the largest portion of the Seminoles are a part of the Creek Nation. . . .with what pretence of justice, can those who fled from the Creek Nation, and kept up an exterminating war on our frontier, until crushed by the arm of our Government in 1818, set up such claims!⁵²

The redoubtable General failing to exterminate was resolved to remove

⁴⁹ Ibid., p. 301.

⁵⁰ M. M. Cohen, Notices of Florida and the Campaigns, (Gainesville: University of Florida Press, 1964, reprint of the 1836 ed.), p. 43.

⁵¹ Cf. Cohen, op. cit., pp. 46-48

⁵² Ibid., pp. 49-50

both the Florida Creeks and their emigrant brothers or "Siminolies" who had preceded them.

In the deliberations that followed the Committee of Indian Affairs decided, and was supported by Congress, that the Florida Indians owned only those lands granted to them by the Spanish.⁵³ A commission was authorized to treat with the Florida Indians, which led to the Treaty of Camp Moultrie--a treaty which included both "these very runaway Creeks" and "the others [Seminoles]," said Cohen.⁵⁴ Meanwhile, William McIntosh had helped to secure the fateful Treaty at Indian Spring, 1821, and would be instrumental in the Treaty of 1825 (later revoked, along with William McIntosh).

The uncertainty about what should be done with the Creeks, then in Florida indicates that the decisions in regard to them, as indicated partly in the treaties affecting them, were essentially administrative decisions made by and on behalf of the United States Government. Not only for General Jackson, but also for Government officials and the frontier settlers, the guiding imperative (though not the Who's Who) was clear: White Settlement.

When the Adams-Onis Treaty with Spain was ratified, in 1821, the white population of Florida was confined to St. Augusting and Pensacola, four hundred miles apart. The remainder of the territory was occupied by the Florida Indians.⁵⁵ Manifest Desting and the fact of the Florida Indians were at loggerheads. September 22, 1822, Governor Duval wrote to Secretary of War Calhoun:

The view of your Department in relation to the Indians in Florida, 'that they should join the Creek Indians in Georgia' ought if possible to be carried into effect; for place them in any situation you may in Florida, they can at any time cut off the communication between Pensacola and St. Augustine, for owing to the particular face of the Country, the communication between the two places must be high up in Florida [precisely the area of highest residential concentration of northwest Florida Creek Indians

⁵³ Cohen, op. cit., p. 50

⁵⁴ Op. cit., p. 50.

⁵⁵ Cohen, op. cit., pp. 48-49; and Joseph M. Hernandez, Letter to the Secretary of War, The Territorial Papers of the United States, Vol. XXII (Washington: Government Printing Office, 1966), p. 644.

today, coincidentally⁷ in order to pass the various streams that flow into the Gulph-- If Congress will not agree to move the Florida Indians to the Upper Creeks, to whom they properly belong, they ought to be sent West of the Mississippi--no treaty ought to be made with them until the country they occupy has been properly explored. . . .⁵⁶

That others hold this and similar views are well known.

In August Governor DuVal ordered that all the Chiefs attend a treaty assembly at Fort Marks, November 20.⁵⁷ The assembly was postponed.⁵⁸

On December 7, 1822, Major Thomas Wright wrote to the then acting Governor

Walton:

. . . On the 27th we reached St. Marks; where I learned, three of the Chiefs had promptly obeyed the order of the Governor by attending at the time appointed. Not finding the Governor or agent, they returned to their towns on the 23rd. I could then only assemble some of the neighboring chiefs, (among them Eneamathla, the principal chief of his nation) and deliver to them the talk with which you entrusted me; together with such other explanations, as were necessary to convince them, that there was no disposition on the part of the Government, or of Gov. DuVal, to neglect, disappoint, or trifle with them. Blount, Yellow Hair, and Turke-Jayo, the chiefs who were at St. Marks on the 20th appeared, (as I was advised by the officers of the garrison) somewhat disposed to distrust the sincerity of the Government, on not finding the Governor or agent, at the time and place appointed to hold the talk. . . . In the course of the /next/ day, Eneamathla, Olochtamica, Chificknīco Hadjo, chief of Ocilleys', Forhachtimico, Leghaficksico, and Hopoi Tuskamicksy arrived; to whom I . . . delivered . . . your talk. . . , with which they were well satisfied, notwithstanding the great anxiety expressed to know the exact situation in which they stand with the Government of the United States. The principal chief, Eneamathla, assured me, that he, his chiefs and warriors, would remain peaceable and contented, until an authorized agent should arrive, for the purpose of establishing a definite and durable understanding between them and the government.

The provisions intended for the Indians (expected to assemble at St. Marks), I turned over. . . for the use of the troops or Indians. . . (they were in want of them. . . particularly as their crops were extremely scant the last summer, and many of them they say, will suffer with hunger without aid from the Government.

He concludes by reprimanding Mr. Richards, an Indian interpreter, of

⁵⁶ Territorial Papers of the United States, Vol. XXII, pp. 533-534.

⁵⁷ Ibid., p. 547.

⁵⁸ Ibid., p. 576.

inciting the Indians "to assert and maintain their right to the lands they now occupy."⁵⁹ (It is not altogether clear in this letter whether Richards was held reprehensible for the ulterior motive of wishing to acquire land for himself or for believing the Indians had a right to their land, or both). Clearly the Florida Indians were in need.⁶⁰

On April 7, 1823, Secretary of War Calhoun commissioned James Gadsden and Bernardo Segui to "hold a Treaty with the Florida Indians." Said the Secretary:

The object to be accomplished by the proposed treaty, is the concentration of all the Florida Indians at some suitable point within that Territory, and the Country South of Charlotte Harbor and the River of that name which empties into it, has been designated for the purpose. Your efforts will therefore be directed to the attainment of this object.

Should there be an insufficiency of tillable land, he allows the moving of the line sufficiently north for this purpose. He cautions them to keep expenses to a minimum, saying, "The principal article of expense will probably be the issue of provisions to the Indians while treating with them." He says nothing of paying the Indians for the lands to be taken from them.⁶¹ In June, Commissioner Gadsden urged the removal of the Indians from Florida altogether,⁶² while affirming the view that the superior strength of the United States would induce the Indians to accept whatever terms it desired. By September 6, 1823, at Moultrie Creek near St. Augustine, the Indians had assembled. They agreed upon Neamathla, originally from Georgia, for their head man. Among those accompanying him were John Blount, Mulatto-King, Tuske Haco, Econchaticimico and others. Gadsden's speech warned that the white man's muskets were stacked in peace only so long as the Indians agreed to the white man's terms, that they would not be permitted to remain "scattered all over Florida," that the Red Sticks among them should return to the Creek Nation unless the Florida-born Indians would accept them, that the

⁵⁹ Ibid., pp. 577-579.

⁶⁰ See Duval to Secretary of War, 3 August 1822.

⁶¹ Ibid., pp. 659-661.

⁶² American State Papers, Indian Affairs, Vol. II, pp. 433-434.

President their father now drinks with them the Vsse.⁶³ Two days later, knowing that the majority of Florida Indians were at that time comparatively recent arrivals and that not all these were Red Sticks, Neamathla told Gadsden they did number among their tribes the Creeks who had fled their northern lands, including the Red Sticks.⁶⁴ The conference lasted several days. The Indians, quite sensibly, distrusted the proceedings. Neamathla, John Blount, Tuski Hajo, Mulatto King, Emathlochee, and Econchatimico had no intention of leaving their Apalachicola lands. These six of the principal chiefs,

for a long time obstinately and stubbornly refused to negotiate in any manner. It was feared the attempt to effect a treaty would be an entire failure.

To subdue these feelings, large concessions were made to these head men. The more humble were required to remove within a stipulated boundary; while their chiefs, and a few friends were permitted to remain in their old towns, and participate alike in the annuities and other benefits accruing under the treaty.⁶⁵

The Moultrie Creek Treaty with the Florida Tribes of Indians, 1823, was signed September 18.⁶⁶ On the following day Neamathla, Blunt, Tuski Hadjo, Mulatto King, Emathlochee, and Econchatimico signed the article expressly intended for them. Gadsden's image of "muskets stacked in peace" had had its effect. In a letter dated September 29, 1823, Gadsden wrote the Secretary of War about "the Treaty lately concluded with the Florida Indians:"

The boundary line of the Country South allotted to the Indians can only be run at a certain season of the year, and if that season is permitted to escape, a postponement to a subsequent one is inevitable. . . . The reservations on the Apalachicola may be laid off at most any season, but the most favourable would be the months of November or December--The sooner the line of demarkation is defined, the sooner will the Indians concentrate, and any delay on the part of the United States may produce an opinion among the Indians that the National Government is not determined on an object of vital importance to the

⁶³ American State Papers, Indian Affairs, Vol. II, pp. 437-438.

⁶⁴ Ibid., p. 438.

⁶⁵ John T. Sprague, The Origin, Progress, and Conclusion of the Florida War, (New York: A. Appleton & Company, 1848), p. 23.

⁶⁶ Much that is of interest about the treaty is beyond the scope of this petition. (Copy of Treaty in Appendix).

prosperity of Florida--It is not necessary to disguise the fact to you, that the treaty effected was in a degree a treaty of imposition--The Indians would never have voluntarily assented to the terms had they not believed that we had both the power and disposition to compel obedience--. . . .⁶⁷

Thus was the prosperity of Florida achieved through a treaty of imposition upon the Creek Indians and Seminoles.

The events of Moultrie Creek constitute both a strong bond and a distinction between the Florida Creek Indians and the Seminoles. Politically, the Seminole people are today a distinct and separate group though culturally and in their earlier histories, the Florida Creeks and Seminoles share many essential realities. Indeed, their histories merge and are confluent even after the period following the signing of the Treaty of Moultrie Creek; but since that time they came to be treated more and more as separate peoples in matters political, governmental, and military. It was that transition period following Moultrie Creek that set the final stage for the political containment of the Seminole Nation from the long and arduous drama of Creek Indian history. Nevertheless, the vision and courage and the will-to-endure of the Seminole Nation have flowered forth in ^a beauty we hope and believe will last forever. Their history ever since their first emigrant settlements in the 18th century, distinguished as it is by the determination to preserve the deeper elements of Mvskoke culture from erosion, we both laud and actively support.

Yet we do hope that someday the "popular" histories will disentangle the confusion of our names, and thus in the future prevent more grievous error.

Creek Indians who were not living in the two (Upper and Lower) groups of tribes comprising the Nation proper were since early times referred to as "Siminolies" (emigrants, faraways, certainly not wildmen). They nevertheless were Creeks, and considered themselves of the Creek Confederacy. Neamathla for example, a Creek Indian, was the spokesman at Moultrie Creek, and at that time had hopes for a gathering of Florida

⁶⁷ Territorial Papers of the United States, Vol. XXII, p. 752. Gadsden is to be credited for also observing, in the same letter, "The situation of Commissioner. . . is not to be coveted. . . ."

tribes on reserved lands in a more northerly part of the territory. The names "Creek" and "Seminole" were then being applied alternately, according to the whimsy, convenience, or ignorance by the whites in all governmental matters. The Treaty of Fort Jackson had bounded the Creek confederacy to the south in order⁽¹⁾ to form a corridor between Spanish Florida and the United States lands left to the Creek Indians, to provide⁽²⁾ lands for white settlement and to contain further emigration from the⁽³⁾ Creek lands within the United States (because General Jackson feared a coalition of Creeks, Spanish, and British, just as later Gadsden et al would fear a coalition of Florida Indians and Negroes). Neamathla had known the day when the Indians claimed substantially the whole country of Florida:

Upon the cession of Florida they claimed the entire country, and so far as Spain interfered, they possessed it. . . they assumed the rights and prerogatives of a sovereign people, possessing the undoubted authority to negotiate treaties, so far as to dispose of their lands.⁶⁸

It was not the Creek confederacy who drew the southern boundary--and by the same token it was the United States who tried henceforth more or less uniformly to call all Creeks south of the Corridor, "Seminoles". It was not the Indians. There is in fact evidence to suggest that as late as 1880 there were Seminoles who did not like the name but preferred the venerable name embodied in tradition that was handed down from the time of the confluence of our histories: Kvn-yoksv este-cate, (K#n-yuk-sa: the traditional Creek name for Florida; and Is-ti-tca-ti: Indian).⁶⁹ As for the even more southern peninsula Florida, no Indian in his right mind after the civilized overcrowding and ruination of the very concept of a hunting-grounds, of the 17th, 18th and early 19th centuries, would have chosen it for residency--alright for the days before but not for the then starving and dispossessed Creeks and Siminolies. Many Creeks who

⁶⁸ Sprague, op. cit., pp. 24-25.

⁶⁹ Clay MacCauley, "The Seminole Indians of Florida," Fifth Annual Report of the Bureau of Ethnology, 1883-1884, (Washington: Government Printing Office, 1887), p. 509. In recording this it is impossible to fail to observe that the bond by culture of the Florida Creeks with the Seminoles of the Seminole Nation is herewith and with profound feeling not merely recorded, but celebrated. It is history that has divided us, not we ourselves. As a great river must divide when it surges against insensate stone, so, and only so, are we separate peoples.

accepted the name Seminole did so in acquiescence to the superior physical force of the United States. The Florida Creek tribes both before and at the time of Moultrie Creek kept their Creek Indian identity, though they also joined forces with the Seminoles who had preceded them into Florida. The Seminoles who later went to sought Florida (including those subsequently removed), and who bravely defended what was left to them of an original domain, became what is today the Seminole Nation in political fact,--fact of the kind that clearly demarcates them from the Creek Indians.

The treaty that finally began the full political asseveration of the Florida Creeks from the Seminole people--constituting the Seminoles a separate and distinct nation from the Creeks--was the Treaty of Payne's Landing, May 9, 1832. From that time forth, Creeks who remained within the main body of Seminoles may be considered to have been amalgamated with the Seminoles for all purposes involving tribal constituency--treating, internal government and control, and tribal identity. Conspicuously, Neamathla, Blunt, and the others of his group did not sign at Payne's Landing. The Apalachicola remained a Creek Indian tribe.

Prior to the Treaty of 1832, another treaty had been made with the Creek Indians. In Georgia, the same McIntosh who in 1823 had attempted to persuade the Cherokees to sell their lands, helped to engineer a Creek cession in 1821 after being bribed heavily by the Georgians.⁷⁰ (Fortunately for him his people knew nothing of his complicity in 1821).⁷¹ Warned about McIntosh by the Cherokees, the Creeks held a council at Tuckaubatchee in May, 1824,⁷² in which they proclaimed anew an old and strong law: "Anyone, 'however great he might be, even Big Warrior, Little Prince, or McIntosh,' should he sell another foot of land to the Georgians would be put to death."⁷³ In a treaty conference at Broken Arrow in December, the Indians staunchly refused to be beguiled into ceding any more

⁷⁰David Adams and Daniel Newman to Governor John Clark, 31 December, 1820. Cited in Antonio J. Waring, ed., Laws of the Creek Nation, (Athens: University of Georgia Press, 1960), p. 4n.

⁷¹Waring, op. cit., p. 4.

⁷²R. S. Cotterill, The Southern Indians: the Story of the Civilized Tribes Before the Removal, (Norman: University of Oklahoma Press, 1954), pp. 219-220.

⁷³Waring, op. cit., p. 5.

land. Nevertheless, in February, 1825 the "palpably fraudulent" treaty at Indian Springs was concluded. It was May before McIntosh was put to death.⁷⁴ The Indian Springs treaty, though later revoked,⁷⁵ anticipated in many ways the substance of treaties yet to come, all of them with the same intent: Removal of the Indians from their lands in order to open them for white settlement. Finally, in the treaty of November 15, 1827, the United States arranged that the last Creek lands in Georgia should be ceded. Neither Alabama nor Georgia could contain themselves: Both Alabama's and Georgia's legislatures had taken action calculated to appropriate Creek lands even before the treaty was signed, though Alabama later desisted.⁷⁶

Simultaneously, in Florida "the disposition to trample upon the Indians, manifested itself in all quarters."⁷⁷ Wrote Indian Agent Gad Humphries on the 6th of March, 1827:

The coutee and brier root, which have hitherto been to them a tolerable dernier dependence, are almost entirely consumed. . . . What they are to do another year I cannot imagine. They have not corn for this year's seed, nor can I procure it for them. . . . those particularly who during the late alarm were robbed of their guns, have been absolutely famishing. . . .⁷⁸

Everyone, not least the Indians, knew that the peninsula-Florida lands were not fit for habitation. The Indians knew they were destined for suffering, even starvation, if they stayed within the reservation boundaries. Yet surrounding white inhabitants menaced and took advantage of them in countless ways. There was no place to turn. Their plight was frequently recorded in Humphries' letters. At one point he cites an Act of Florida's Legislative Council, and comments on the means proposed to secure the removal of the Indians' from that Territory:

. . . I have learnt enough since my arrival here to make me feel it to be an imperative duty to address you . . . in time to prevent the disastrous consequences which must inevitable flow

⁷⁴Ibid., pp. 8-10.

⁷⁵Treaty with the Creeks, 1826.

⁷⁶Cotterill, op. cit., pp. 234-235.

⁷⁷Sprague, op. cit., p. 44.

⁷⁸Ibid., p. 38.

from. . .a law of the last legislative council, which is in the following words: 'An Act to prevent the Indians from roaming at large, throughout the surrounding territory. Be it enacted by the Governor and Legislative Council of the Territory of Florida, that. . .if any Indian of the years of discretion venture to roam or ramble beyond the boundary lines of the reservations which have been assigned to the tribe or nation to which said Indian belongs, it shall and may be lawful for any person or persons, to apprehend, seize, and take said Indian and carry him before some justice of the peace, who is hereby authorized, empowered, and required, to direct (if said Indian have not a written permission from some agent, to do some specific act) that there shall be inflicted not exceeding thirty-nine stripes, at the discretion of the justice, on the bare back of said Indian, and moreover to cause the gun of said Indian, if he have any, to be taken away from him⁷⁹

He continues:

. . .I do not hesitate to predict, that an enforcement of its provisions will produce an excitement on the part of the Indians which must unavoidably lead to bloodshed and distress in our frontier settlements. It is not to be expected that this people, who though greatly and cruelly oppressed, are by nature and every principle of right, if not of human law, free, will tamely submit to the ignominy of stripes, and that for no other offence, than the mere exercise of a privilege common to all who are not slaves. . . .

He excoriates his white brethren for wishing "as a matter of convenience to themselves," to secure the removal of the Indian from Florida by "means so inhuman as those proposed."⁸⁰ Gad Humphries' prophecy of disaster was borne out in the years that followed, culminating in the Treaty of Payne's Landing, May 9, 1832, which required the removal of the Indians to Mississippi and the relinquishment of their lands in peninsula Florida. It also stipulated, in its preamble, that certain select chiefs should be sent to Mississippi, to the land allotted to the Creeks, to choose a land suitable to their people and to secure "the favorable disposition of the Creeks to re-unite with the Seminoles as one people." Article I stipulated, in addition to the relinquishment of all Seminole lands in Florida, that the new Seminole land in Mississippi, "proportioned to

⁷⁹Gad Humphries, Agent., to Col. Thomas L. McKenny, Office of Indian Affairs, February 9, 1835; in Sprague, op. cit., p. 36.

⁸⁰Ibid., pp. 36-37.

their numbers, will be added to the Creek territory, and that the Seminoles will be received as a constituent part of the Creek Nation, and be re-admitted to all the privileges as a member of the same."

It was not the provisions of this treaty, formulated by the United States Government, that established the legal basis for the political aseveration of the Seminoles from the Creeks. But rather it was the express will of the Seminoles, outside the proscriptions of the treaty, in rejecting a Creek alliance.⁸¹

When the delegation of chiefs returned to Ft. Gibson, Arkansas, from their survey of the Mississippi country, they were greeted by a Government delegation who forthwith presented them an "Additional Treaty" stating that the new country was suitable, and substantially re-affirming their agreement to the previous treaty. This at Fort Gibson, March 28, 1833. When, back in Florida, the treaty was explained, the people were gripped with sudden realization of the full import of what had been done, denying that they had in truth any realization that they were relinquishing their country or promising to remove from it.

They were sold, heritage and home, without reserve; and all that now remained was for the government to demand the execution of the stipulations of the treaty of Payne's Landing. The oldest and most influential chiefs, who had governed the nation for years, were unheard in this relinquishment of their possessions, and they resolved to resist by force the first attempt to dispossess them.⁸²

In white-man's words, it was a swindle. Combined with all that had gone before, it was also a justifiable cause for war, according to the codes acknowledged by the white man himself. Humphries had, years before, described the Government's method of containment of the Indian, not truly a containing action, but "this war." He underscored it. The war was, one must infer, instigated by the United States against the Seminoles.⁸³

⁸¹ Cp. Sprague, *op. cit.*, pp 76 *et passim*.

⁸² Sprague, *op. cit.*, p. 78.

⁸³ The frivolous letter of Secretary of War Lew Cass to Rep. Joseph White furnishes an interesting contrast to the better-initiated Humphries. The Secretary of War to Delegate White, March 22, 1836, *Territorial Papers of the United States*, Vol. XXV, pp. 262-265.

The persistence of the Seminoles--or the Creeks either--in signing treaties is, when viewed through the murkey perspective of print, almost totally incredible. But what other recourse was there? The Seminoles were trying every expedient to delay the emigration. The final expedient, the acceptance of open warfare, commenced in December, 1837.

PETITION FOR RECOGNITION
OF
THE FLORIDA TRIBE OF EASTERN CREEK INDIANS

The three decades since the beginning of the war between the British and the United States had resulted in: (1) the division of the Creek tribes into hostile and friendly factions; (2) the Creek civil war; (3) the enforced geographical separation of Florida Creeks from the rest of the Creek Confederacy (through the establishment of the Jackson corridor north of the Florida line); (4) the Seminoles' final assertion of their separate and distinct political identity; and (5) the legitimization of the attempt to remove all Muskogee peoples from their homelands. It was Jackson's intent to extinguish Creek identity by assimilation, having failed to destroy the people by arms.⁸⁵ This too would fail, though the Creek struggle continues into the present.

Months before the Seminoles signed the Treaty of Payne's Landing, the Creek tribes in Georgia and Alabama had signed the Treaty at Washington of March 24, 1832, which begins with the infamous Article I: "The Creek tribe of Indians cede to the United States all their land East of the Mississippi River." It was the consummation of the Government maneuvering which had already sent small groups of Creeks to the place beyond the Mississippi which had been reserved for them. In 1829, pursuant to the terms of the Treaty of 1826, twelve hundred (1200) Creeks who had followed McIntosh removed to the Arkansas River along with a similar number of Creeks who had been hostiles.⁸⁶ The difficulties these and later emigrants encountered in the west had an important effect upon the history of the eastern Creeks--including not only those who remained in their homelands but also those removed Creeks who would make their

⁸⁵ Andrew Jackson, "First Annual Message," Dec. 8, 1829, A Compilation of the Messages and Papers of The Presidents, 1789-1902, compiled by James D. Richardson (Washington: Bureau of National Literature and Art, 1903), Vol. II, pp. 442-466.

⁸⁶ Grant Foreman, The Five Civilized Tribes (Norman: University of Oklahoma Press, 1972), pp. 147-52 passim.

way back to the east.

The difficulties were legion. Among them was the Creek emigrants' discovery that the Cherokee, who had emigrated from Arkansas, also claimed the land. Again the Creeks were in great danger foraging for food and protecting their dwellings. In addition, the Government failed for several years to provide the removed Creeks the promised requisites for survival, and the displaced Creeks' search for game to feed and clothe their families was further hampered by the hostile western Indians.⁸⁷ When a boat finally made its way up the Arkansas River laden with supplies for the Creeks in 1834, it sank before it reached Fort Smith.⁸⁸ The new land promised to be a place of torment. Understandably, numbers of removed Creeks surreptitiously made their way back to the east.⁸⁹ The sufferings in the west had their counterparts in the eastern homelands.

Events prior to the Washington Removal Treaty of March 24, 1832, had already set the stage for the wholesale depredations upon the Creeks which would follow it. Citing Niles' Register, Debo observes that after the emigration of a small group of Creeks in 1827 Georgia disposed of the removed Creeks' lands by lottery, and "the speculative fervor of her citizens was raised to a fever pitch." Four months before the Georgia lot sale a whole town had been laid out with lanes "cut through the living forest," and an "English visitor found about nine hundred people assembled on the site hoping to secure an advantage through possession." Eager profiteers had even built houses on wheels in readiness to be moved to the new owners' lots. Events like this are extremely important to our narrative because they formed the pressures which caused eastern Creeks to keep their identity surreptitiously, and to endure, these many years. As Debo points out, the white settlers

⁸⁷ Ibid.

⁸⁸ Ibid., p. 152.

⁸⁹ United States Senate Document No. III, Twenty-fifth Congress, Second Session, 434. Cited in Foreman, op. cit., p. 151. This and other historical matter parallels oral history and oral legendry of members of The Florida Tribe of Eastern Creeks, where the same incidents are recorded independently of written matter.

saw in the opening frontier "an irresistible force rolling on to destroy the Creeks."⁹⁰

After John Quincy Adams left the presidency, the floodgates were opened: thereafter, the proper observance of treaty obligations ceased to be understood as a strict national policy.⁹¹ In 1829, when Jackson came to the presidency "with the announced intention of driving the Indians across the Mississippi. . . Alabama divided the Creek land and added it to organized counties and placed the Creeks under the jurisdiction of the local courts"--even before the Washington treaty of 1832.⁹² As if he had counted on the desired response from the states, Jackson followed Alabama's action with "a communication to the Creeks urging them to preserve their political autonomy by removing beyond the limits of the state." Although in June, 1829, the Creeks agreed in Council to reject this proposal, General William Carroll and General John Coffee were already among the Creeks and Cherokees with instructions from the Secretary of War to persuade them to remove.⁹³ Their methods were typical.⁹⁴ Debo observes:

He [Secretary of War Eaton] instructed them to conceal the official character of their mission and 'to engage in this work of mercy to the Indians' by working on the chiefs privately in their homes. They were to point out the Indians' former strength and their present decline and the fertility and opportunities of the West. If this argument were to fail they were to resort to bribery.⁹⁵

⁹⁰ Angie Debo, The Road to Disappearance, (Norman: University of Oklahoma Press, 1941; 1967), p. 96.

⁹¹ Felix S. Cohen, Handbook of Federal Indian Law (Albuquerque: University of New Mexico Press, reprint of 1942 edition), p. 59. It should be observed that this does not mean Adams was an advocate of Indian identity and rights. On the contrary, he was an assimilationist who opposed removal while advocating the "civilizing" of the Indian. It appears he believed the treaties were binding as long as they continued to serve the interests of the government, and that removal (with new treaties to achieve it) was not in the government's interests. (Cf. Wilcomb E. Washburn's remarks in The Indian in America (New York: Harper & Row, Publishers, 1975, p. 166.)

⁹² Debo, Ibid., p. 97.

⁹³ Ibid., pp. 97-98.

⁹⁴ Grant Foreman, Indian Removal: The Emigration of the Five Civilized Tribes of Indians, (Norman: University of Oklahoma Press, 1932; 1953), p. 109.

⁹⁵ Debo, op. cit., p. 98.

While the officials of the United States Government were contemplating the bribery of the representatives of an Indian Government, Alabama was passing a law "prohibiting the word of an Indian from being received in court against that of a white man."⁹⁶ Thus the Creek was to be made destitute not only of his property, but also of his values or moral sense. Little wonder that there should be disturbing "reports from the Creek country that summer--rumors of secret councils, of runners to other tribes, of plans to kill Crowell, exterminate the settlers, and retire to the swamps to die."⁹⁷ But again, in August, the chiefs voted in council to remain in their homeland and submit to state laws. When early in the following year (1830) a Lower Towns delegation went to Washington with the plea to remain in their homeland, Eaton replied by advising them to emigrate. Even the list of wrongs--"fifteen hundred intruders in the Lower Creek country, laying out homesteads, etc."--sent by Eneah Micco in December 1831, secured from Eaton no more than a repetition of his advice that only emigration could remedy these evils.⁹⁸ The government's representatives repeatedly ignored their promises to protect the Creeks against intrusions upon their remaining lands--both in these instances and among the Apalachicola Creeks--promises that were entailed in treaty.⁹⁹ January 7, 1831, Eneah Micco, principal chief, joined with other chiefs of the Lower Creeks to send emissaries to Washington "protesting against the operation of the laws of Alabama over them and the settling of white people on their lands, which resulted in frequent clashes between the men of the two races."¹⁰⁰ Their talks, delivered in February and April, included the following eminently wise and just remarks, (remarks whose substance recalls the contemporaneous history of the Apalachicola Creeks):

⁹⁶Foreman, Indian Removal, . . . , p. 107.

⁹⁷Debo, loc. cit.

⁹⁸Ibid.

⁹⁹Cf. Article 13, Treaty with the Creeks, 1826, 7 Stat. 286 and 7 Stat. 289; and Treaty of Ft. Moultrie, "Additional Article," 7 Stat. 224, where the United States guarantees "Peaceable possession."

¹⁰⁰Foreman, idem.

Murders have already taken place, both by the reds and whites. We have caused the red men to be brought to justice, the whites go unpunished. We are weak and our words and oaths go for nought; justice we don't sic expect, nor can we get. We may expect murders to be more frequent. . . They bring spirits among us for the purpose of practicing frauds; they daily rob us of our property from us for debts that were never contracted. . . . We are made subject to laws we have no means of comprehending; we never know when we are doing right.¹⁰¹

They concluded by declaring they could never consent to leave the lands of their fathers. But their plea was to no avail. Not only were they to be removed, but, as Debo remarks, the deprivations upon their persons and property would continue:

The tragic suffering of the exiles on the "Trail of Tears" is familiar to all students of American history. It is matched only by the saturnalia of exploitation to which they were subjected by land speculators who crowded them from their homes before the time fixed for their emigration, and who possessed themselves of their individual allotments by every possible combination of violence and fraud.¹⁰²

The "inequity" President Adams had seen several years earlier, in the arrangements for the 1825 Treaty of Indian Springs,¹⁰³ were multiplying in countless ways. The years surrounding the March 24 Treaty of 1832 were indeed, to use Cohen's words, "a bad beginning which lasted a long time, which broke Indian hearts for generation after generation, which inflicted destructions that no future time can wholly repair."¹⁰⁴

Destitution, starvation, theft of their property by white settlers, intrusion upon their lands in violation of the Government's promises and treaty agreements—these were among the ills visited upon

¹⁰¹ Eneah Micco et al to Secretary of War, April 8, 1831, Office of Indian Affairs, "Creek Emigration," Document II, 424. Cited in Foreman, Indian Removal. . . , pp. 107-108. The words "we never know when we are doing right" should start tremors in the brain of anyone who would allow himself to believe authentic cultures have no sacred source. /Indians and Poets need no explanation why—nor do true Statesmen./

¹⁰² Angle Debo, An Still the Waters Run (New York: Gordian Press, Inc., 1966), p. 5.

¹⁰³ James F. Doster, The Creek Indians and Their Florida Lands 1740-1832 (New York & London: Garland Publishing Company, Inc., 1974), Vol. II, p. 291.

¹⁰⁴ Cohen, op. cit., p. xxi.

the eastern Creeks. When Major Philip Wager, commander of Fort Mitchell, attempted to enforce the Government's obligation to remove white intruders he was indicted by the grand jury of Pike County, Alabama, for creating "fear and confusion among the white settlers. . . , operating materially to their injury."¹⁰⁵ In Niles' Weekly Register for July 16, 1831, appeared the following report:

The existence of many of the Indians is prolonged by eating roots and the bark of trees. The berries of the Indian or China tree of last year's growth were ate by them as long as they lasted—nothing that can afford nourishment is rejected however offensive it may be. . . few of them on the borders of the state have planted corn, because they had none to plant.¹⁰⁶

Justifiably, the Creeks concluded that the Government was "incompetent to our protection."¹⁰⁷ And the Government, anxious to co-erce the Indians to remove, was all too eager to agree, as Foreman observes:

The favorite argument of government officials from the president down, was the impotency of the government to function where its power was invoked to protect the Indians from oppression by the whites. When appealed to by these unhappy people to keep the solemn promises to protect them and their lands against the whites, promises based on valuable considerations given by the Indians, made by a powerful government to a weak and dependent people, time after time the disgraceful and humiliating response was a disclaimer of the power and intention to keep those promises. Occasionally the fraud was cloaked by a specious appearance of action; but usually the administration frankly defaulted in its solemn engagements.¹⁰⁸

A letter from Columbus, Georgia, further elucidated the condition of the Creeks, saying, "They beg for food from door to door. . . wretched creatures wandering about the streets, haggard and naked."¹⁰⁹ On May 31, 1831, Governor Gilmer reported their condition to the president.¹¹⁰

¹⁰⁵ Niles' Weekly Register, May 8, 1830. In Foreman, Indian Removal. . . , p. 109n.

¹⁰⁶ In Foreman, Indian Removal. . . , p. 108n

¹⁰⁷ House Document No. 102, 22nd Congress, 1st sess. (1832), vol. 3, pp. 1, 3. In Cohen, op. cit., p. 59n.

¹⁰⁸ Foreman, Indian Removal. . . p. 109.

¹⁰⁹ Letter to Arkansas Advocate, August 3, 1831, p. 1, col. 5. In Foreman, Indian Removal. . . , p. 108n

¹¹⁰ Office of Indian Affairs, "Creek Emigration," Document II, 742. Cited in Foreman, Indian Removal. . . , loc. cit.

Yet despite the condition of the Indians, in late 1830 residents of Mobile county petitioned their legislative representative to secure "the passage of a law to authorize Justices of the Peace etc. to seize any meat found in the possession of Indians who follow hunting for a livelihood"--a proposal that was "soundly condemned" by the editor (of the Mobile Commercial Register) soon after.¹¹¹ December 13, 1831, Eneah Micco sent the Creek Agent John Crowell his memorial of wrongs. The list included 1500 whites including horsethieves and other criminals squatting on Indian lands, many of whom were declaring "the situations they design occupying, by blazing and cutting initials of their names on the trees around the homes of the Indians." The memorial continued:

We expect to be driven from our homes. . . .
Yesterday in your hearing we were notified
by a white man from Georgia that he had
located himself in our country, and, should
any thing of his be misplaced or interferred
with, he should prosecute us under the law of
Alabama.¹¹²

The multiplication of injuries led the Creeks finally to sign the Washington Removal Treaty of March 24, 1832. For five years, the Creeks could remain on their lands before removing though with the provision they would not be compelled to emigrate but "shall be free to go or stay, as they please."¹¹³ The treaty further provided that during this five-year interim intruders would be removed from the lands.¹¹⁴ A method of allotment was decided upon and incorporated into the treaty, according to which individual Indians would be given a portion of land of his own selection after a survey for this purpose had been completed. It has been suggested this was a vicious attempt to completely ruin and demoralize the Creeks,¹¹⁵ and may be seen as foreshadowing the recrudescence of the allotment technique in the Dawes Act of 1887.¹¹⁶ Indeed, the allotment technique

¹¹¹Foreman, pp. 198n-109n.

¹¹²Office of Indian Affairs, op. cit., 709. In Foreman, op. cit., pp. 709-710.

¹¹³7Stat. 366, Articles II and XII.

¹¹⁴Ibid., Article V.

¹¹⁵Foreman, Indian Removal. . . ., p. 112.

¹¹⁶24 Stat. L. 388.

has always been a major weapon against not only the Creek but other Indian peoples, commencing as early as the June 1, 1798, treaty with the Oneidas.¹¹⁷ By the 1850's allotment had assumed a standard pattern as a device for breaking up tribal lands and terminating tribal existence.¹¹⁸ The continuity of official attitudes about the treatment of Indian peoples emerges from a comparison of statements by Elbert Herring, Commissioner of Indian Affairs in 1832, and by Ezra A. Hayt, who became Commissioner of Indian Affairs in 1879. Quoting Herring, Debo says:

he characterized the removal policy as a 'magnanimous act of interposition' to save the Indians 'from approaching destruction. . . . Founded in pure and disinterested motives, may it meet the approval of heaven, by the complete attainment of its beneficent ends!'

But, observes Debo, the "'beneficent ends' attained by this treaty were the white man's objectives."¹¹⁹ Said Hayt in 1879 when a draft severalty (allotment) bill was pending:

the experience of the Indian Department for the past fifty years goes to show that the government is impotent to protect the Indians on their reservations, especially when held in common, against the encroachment of its / i.e., the U. S. Government / own people, whenever a discovery has been made rendering the possession of their lands desirable by the whites. / By the adoption of severalty or allotment techniques / the race can be led in a few years to a condition where they may be clothed with citizenship and left to their own resources to maintain themselves as citizens of the republic.¹²⁰

Although there were of course white officials and legislators who opposed both the 1832 treaty's allotment provisions and the 1887 legislation, it is important to recall that the opposition was unsuccessful. It is also

¹¹⁷ Cohen, *op. cit.*, pp. 206-207

¹¹⁸ *Ibid.*, p. 207

¹¹⁹ Debo, *The Road to Disappearance*, p. 98.

¹²⁰ In Wilcomb E. Washburn, *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887*, (Philadelphia, New York, Toronto: J. B. Lippincott Company, 1975), p. 7.

important to point out that the allotment principle was at work in all the treaties affecting the Apalachicola Creeks (infra) of Florida—especially inasmuch as the desired results (ownership of individual parcels by white settlers and/or white government) were achieved. Foreman's observations regarding the Washington Removal Treaty of 1832 apply essentially to the Apalachicola Treaties as well. Said Foreman of the 1832 Removal Treaty:

Events following the execution of the treaty do not warrant a belief that the white contracting parties or the influences that controlled them were concerned with an honest performance of its terms for the protection of the Indians.

.

As soon as the treaty was executed and before measures were taken to safeguard the Indians, a new flood of whites poured into their country to prey on them. The treaty promised \$100,000 to pay the debts of the tribe. Immediately the country was overrun by white traders intent on securing that fund.

.

Having induced the Creeks to enter into the much desired treaty, the government agents gave themselves little concern for the promises made to the Indians. Their outstanding grievance—the presence of white intruders on their lands—the government had particularly bound itself in the treaty to correct. Yet not only was nothing done about it, but the situation was permitted to become worse.¹²¹

These worsened conditions are documented in some detail and at greater length by Foreman.¹²² Debos summarizes them briefly thus:

The whites, of course, should have been kept off the land. . .but as soon as the treaty was signed, land-grabbers flooded the Indian country. Such feeble efforts as the government made to remove these intruders were resisted by mob violence and the connivance of the local courts. These ruffians drove the Indians from their homes, burned their houses, stole their live stock, and destroyed their crops. The Indians, of course, did not understand deeds, contracts, and other legal papers, and even before they selected their allotment under the treaty, swindlers obtained contracts of sale by misrepresentation, the use of intoxicants, the mis-use of notary seals on blank instruments, impersonation, forgery, and dishonest procedure in the courts. The dispossessed Indians wandered about the country,

¹²¹Foreman, Indian Removal. . . . , pp. 112-113.

¹²²Ibid., pp. 113 et seq.

hopeless and utterly demoralized!¹²³

In May, 1833, Creek agent John L. Abert wrote to the Secretary of War complaining of the rapid reduction of the whole Creek people from "a state of comparative plenty to that of unqualified wretchedness and want."¹²⁴ Similar, later events live in the family legends and records of Florida Creeks today. Said one grandmother in 1955: "Our fourth great grandparents were ran off their land in Georgia and had to move to Alabama."¹²⁵ Creeks in Florida, Oklahoma, Georgia, and Alabama had every reason to doubt the United States Government's promises to protect them. of those Creeks who took refuge among the Cherokee¹²⁶, some escaped removal with the Cherokees by making their way to Florida, which is why some members of the Florida Tribe of Eastern Creek Indians are Creek/Cherokee.¹²⁷ Those of Eneha Mathla's (Neamathla) band who escaped at the time of his arrest, returned to Florida—as would others. And it is to events affecting Creeks in Florida that our narrative is primarily directed.

The Creeks of Apalachicola suffered depredations upon their cattle by white settlers; were cheated out of their annuities and deprived of goods necessary to their subsistence in violation of the Ft. Moultrie treaty; were forbidden to engage in trade; and when robbed of property by the whites, were not recompensed and could secure no justice in white men's court.¹²⁸ Administratively the fate of the Apalachicola Creeks was lumped in with that of the Seminoles and the Choctaws¹²⁹ though they had no voice in the decisions. By March of that year, their corn supply gone, "most of them were forced to support themselves by hunting or working for the white settlers," though some "of the Apalachicola leaders had rented farm lands to the whites and other Indians were able to earn some money

¹²³ The Road to Disappearance, p. 100.

¹²⁴ John Abert to Secretary of War Lewis Cass, U.S. Senate Document 512. Cited in Holatte Cypvkke, "Drove Off Like Dogs," Indians of the Lower South: Past and Present, John K. Mahon, ed. (Pensacola: Gulf Coast Humanities Conference, 1975), p. 119.

¹²⁵ Notarized affidavit, 8 November 1955, Northwest Florida Creek Indian Council archives.

¹²⁶ Foreman, Indian Removal. . . , pp. 188-189.

¹²⁷ Andrew Boggs Ramsey, oral history tape, Florida Tribe of Eastern Creek Indians, June, 1978.

¹²⁸ James W. Covington, "Federal Relations with the Apalachicola Indians," The Florida Historical Quarterly (October 1963), 128-129.

¹²⁹ Ibid., 130.

by selling hides at nearby settlements".¹³⁰ This was in 1832--and it suggests that there was a clear option available to the Government in the treatment of these Creeks--an adjustment to their new circumstances while remaining in their homeland--an option that the Government deliberately ignored.¹³¹ A considerable number of eastern (including Florida) Creeks managed finally, by sheer endurance and wit, to take that option. (One such family-clan of the Florida Tribe of Eastern Creek Indians is the Boggs-Ramsey family and others of their clan-relatives now residing over a goodly territory extending both sides the Apalachicola River. Another is the Choctawhatchee clan group of Walton and Holmes counties; and there are western panhandle groups of a family-clan type, their provenience sometimes spanning three states though their residency now centers in this region of Florida.)

After the Seminole Treaty at Payne's Landing, the Apalachicola Creeks continued to be treated separately. In the formation of the Payne's Landing treaty the Apalachicola Creeks were not party to the negotiations; and in fact the Apalachicola Creeks were subsequently "Subjected to the hostilities of the Seminoles." George Gibson wrote to Secretary of War Lewis Cass:

It will be seen, that the Indians mentioned by the Agent are a part of those to whom the Government guaranteed the peaceable possession of certain reservations of land by the Treaty of Camp Moultrie, dated 18 September 1823. The Agent represents them to be now, and to have ever been, peaceable and friendly towards the whites, and that, indeed, when called upon by the Governor of Florida, they sent their warriors to battle for the United States. It further appears, that the operations of the War have reduced these Indians to a condition peculiarly unfortunate and oppressed. They have been subjected to the hostilities of the Seminoles, and the treachery and plunder of the whites. They have been robbed of their slaves and other property, and driven from their homes; and having been pre-

¹³⁰ Ibid.

¹³¹ No simplistic solution is intended here. "Adjustment" and "assimilation" are not synonymous. Adjustment is here intended to mean a condition in which community copes successfully and equably with a changing environment. The Government and settlers wanted the land, not adjusted Indians who kept desirable land. Multicultural adjustment, with continued cultural identity, are not only possible but necessary compatibles--a fact that has gradually come to be recognized, after much tragic waste of human resources.

vented from raising their usual crops, they are greatly suffering for subsistence. They have applied to this office for some corn and beef. Not conceiving it to be the province of this Office to furnish the supply asked for, I refer the matter to the Secretary of War in the hope that he will consider that the necessities of these people may be relieved under the 'Resolution authorizing the President to furnish rations to certain inhabitants of Florida,' 7 Stat. 131, 7 passed February 1st, 1836. . . .¹³²

Nevertheless, United States officials persisted wilfully and wrongly to identify the Apalachicolas (who were then and are now Creek Indians) with the Seminoles Nation.¹³³ Only those who treated at Payne's Landing, or participated in subsequent relations with the Government as Seminoles, are (or were then) members of the Seminole Nation. The Florida Creek Indians should not be held accountable for the failure of prior historians to examine existentially the premises upon which they have formed conclusions—conclusions that even Indians have later utilized to gain an advantage over a hitherto virtually silent minority.

The United States' confusion of Florida Creeks¹³⁴ with the Seminoles—is illustrated, among other instances, in Clarence Edwin Carter's mis-identification of Charley O'Matler with Neamathla (more correctly, Eneha Mathla) and in his manifestly untrue conclusion that Neamathla was murdered by the Seminoles November 26, 1835. Charley O'Matler was indeed a Seminole, and was assassinated on the aforesaid date by the Seminoles¹³⁵

¹³² The Territorial Papers of the United States, XXV, p. 321.

¹³³ Ibid., p. 312n.

¹³⁴ In his history of Indian treaties Cohen very judiciously entitles the Florida section, "Florida Indians." His first footnote cites footnote 417 which states: "By the Treaty of August 7, 1790, 7 Stat. 35, the Creeks had undertaken responsibility to return prisoners, white or Negro, in any part of the nation (Art. 3). By that article, the Treaty of Indian Springs of January 8, 1821 (Art. 4), 7 Stat. 215, held them responsible for claims not exceeding \$250,000 by the citizens of Georgia, for runaway slaves." The citation occurs for the phrase "Florida Indians," the title of the section. Hence, Cohen's interpretation of the facts of history is that Florida is to be considered Creek domain at least through the period of the Treaty of Indian Springs. It was at the time the apprehension of Negro slaves became a reality and more than a threat, that a large Seminole segment of Florida Creeks declared themselves a separate and politically distinct band or tribe: that time was the year of the Treaty of Payne's Landing, 1832. See our discussion, infra.

¹³⁵ Territorial Papers of the United States, XXV, p. 200. Edwin Carter's error should be viewed with the sympathy due to anyone whose subject is holistic though the training for the job be specialistic.

presumably for his willingness to emigrate.¹³⁶ Neamathla, however, was a Creek chief who refusing to oblige Florida's Governor DuVal in his efforts to effectuate the Florida Indians' removal, was summarily "deposed" by DuVal. John Hicks (who in signing the treaty at Payne's Landing and in some subsequent actions "declared" himself Seminole in the post-1832 sense of the word, i. e. politically non-Creek) was "chosen" by DuVal to succeed Neamathla.¹³⁷ Months later on November 26, 1824,¹³⁸ Neamathla and his group went to Hitchiti Town. There (among other Creeks to whom he "belonged," as DuVal himself averred¹³⁹) he continued the leadership responsibilities of chief. In the Creek "Wars" of 1836 the Creeks, Neamathla and Jim Henry were principal leaders of the hostiles, and in June of that year Neamathla was captured, enchained, and brought to Ft. Mitchell where about a thousand of his followers surrendered a few days later. His captors were led by the friendly Creek Jim Boy,¹⁴⁰ known among present-day Florida and Alabama Creeks as High Head Jim,¹⁴¹ from whom a number of the Florida Creeks are directly descended.¹⁴² Those of Neamathla's hostiles who escaped this incident returned to Florida. In chains, the aged Neamathla marched the ninety miles from Ft. Mitchell to Montgomery, Alabama,¹⁴³ and was removed with fellow Creeks to the Arkansas where in August, "Under the stress of their great destitution, they agreed to recognize McIntosh as their chief and to live under the government

¹³⁶ Sprague, *op. cit.*, pp. 88-89. The noble and already sorrow-chastened Osceola led the party. Charley Emathala, as he died, seemed to understand and uttered not a murmur. In death, if not in selling his property to emigrate, he too may have evinced his approval of the Seminoles' determination to endure in Kvyoksv. (Cf. Wiley Thompson report, Nov. 30, 1835, Office of Indian Affairs, "Seminole Emigration.")

¹³⁷ American State Papers, Indian Affairs, II, 689-691. Quoted in Territorial Papers of the United States, Vol. XXIII, pp. 452n-453n.

¹³⁸ Louisiana Herald, January 28, 1835, p. 2, cols. 1 and 3. Cited in Foreman, Indian Removal. . . . , p. 151n.

¹³⁹ American State Papers, *idem*.

¹⁴⁰ Army and Navy Chronicle, III, 126. Cited in Foreman, *Ibid.*, p. 15.

¹⁴¹ Ayo Lvste (H. M. Stewart), oral history tape (Winter 1976), Northwest Florida Creek Indian Council Archives.

¹⁴² Files of the Northwest Florida Creek Indian Council

¹⁴³ Foreman, *Ibid.*, p. 157.

already in operation in the West."¹⁴⁴

The error of an editor of The Territorial Papers of the United States in trying to do his job, considering the scope and complexity of his materials, is understandable. But such errors accumulate and beget still more. Neamathla's identity is part of a much larger perspective affecting the identity and fate of others. Thoughtless, ignorant or hurried United States officials, and not only historians, habitually made wrong assumptions about the tribal realities of Florida Creeks. United States administrative expediency must not be allowed to confuse Creek rights and identity in Florida at this point.

The Seminoles declared themselves a distinct and separate Nation at Payne's Landing; disavowed their connection with the Creek Confederacy; tacitly disclaimed the Apalachicola Creeks' membership in the Seminole nation; and thereafter treated separately, lived separately, fought separately and in the wilds of South Florida endured separately.¹⁴⁵ When Hicks was appointed chief of the Seminoles he was, contrary to DuVal's hopes, totally powerless over the Apalachicola Creeks. DuVal had succeeded only in prompting a Creek chief, Neamathla, to move from Creek Florida lands to Georgia Creek lands. Meanwhile the Apalachicola Creeks and other northwest Florida Creeks continued their distinct and non-Seminole destiny—their Creek Indian destiny.

In the year of Payne's Landing Jackson had ordered a separate negotiation with the Apalachicola Creeks for their removal and for the

¹⁴⁴ Ibid.

¹⁴⁵ In regard to the disclaimer of Creek identity at this time, Foreman's remark is of interest: "The Creek Indians who volunteered for service against the Seminole Indians in the Florida War were promised as booty all the Seminole slaves they might capture. . . . The fear that the Creeks would attempt to take some of the Negroes was one of the insuperable obstacles that prevented the Seminole Indians from removing to the Creek domain set apart for them. . . ." (Foreman, The Five Civilized Tribes, p. 256.) The suggestion here is that the Seminoles' insistence on separate identity was based not on a national domain question but on a slave-holding issue. Moreover, by the time of Payne's Landing the Seminoles had come to befriend their Negroes to the extent of accepting their influence in decision-making/and in addition had accepted a huge number of Creek Red Sticks and other Creek refugees into their midst (even their war leader Osceola came in his boyhood as a Creek seeking refuge from the Jackson campaigns), producing a separatist force which combined with pressures from the United States to effectuate the break with the Creek Confederacy, which in turn created the Seminoles a separate nation.

sale of their lands.¹⁴⁶ These negotiations were completed in October of 1832,¹⁴⁷ in the form of three treaties.¹⁴⁸ Meanwhile Blount's band were suffering from cholera, from which forty-seven had died. In their extremity, thirteen left the band and joined the Seminoles. Of the others, fifty tribespeople, sought residency among the distraught Creek Indians of Alabama— leaving a total of one hundred sixty-three tribespeople in Blount's band.¹⁴⁹ It was because of the diminishment of Blount's band that Yellow Hair and his group were granted permission to join them in their removal.¹⁵⁰ Flood, disease, drought, and white enmity and land-avarice caused some to prefer removal. But Econchatimicco, Mulatto King and others were obstinate, did not wish to remove, and seemed not to have understood the treaties they signed in 1833, requiring removal.¹⁵¹ These treaties were made separately by the United States Government treating with the Apalachicolas only. The Seminole Nation was in no way whatever a party to these treaties, despite a treaty phraseology devised solely by the United States Government—a phraseology the chiefs themselves did not always understand.¹⁵² Furthermore, the Apalachicola Creek chiefs deliberately rejected the option, stated in the Apalachicola treaties, of joining the "Seminoles." Instead, those who removed joined their fellow Creeks, with the result that as the Seminoles abrogated their Creek national identity in 1832, the Apalachicola Creeks re-asserted and confirmed theirs. Foreman erred grievously when he stated that John Blunt was in the Seminole delegation at Ft. Gibson in 1833.¹⁵³ It was John Hicks of DuVal fame who made that ill-fated journey, not by any stretch of the imagination John Blunt, who with his people in Apalachicola was engaged in debates about removal and in separate negotiations with Government officials at

¹⁴⁶ Territorial Papers of the United States, Vol. XXIV, 727. Cited in Covington, op. cit., p. 132.

¹⁴⁷ Ibid., 740.

¹⁴⁸ Blunt, Osa Haco, and Cockrane, 7 Stat. 377; Mulatto King, Tustenake Haco, Yellow Hare, et al. 7 Stat. 427; Econcatemekko et al., 7 Stat. 428.

¹⁴⁹ Covington, op. cit., p. 133.

¹⁵⁰ Ibid.

¹⁵¹ 7 Stat. 427. Cf. Appendix.

¹⁵² Gadsden to Secretary of War, July 6, 1833, Territorial Papers of the United States, XXIV, 858-859.

¹⁵³ Foreman, Indian Removal. . . . p. 322.

this time.¹⁵⁴ The outstanding fact is that the Seminole Nation qua Nation neither disposed of the Apalachicola lands, nor treated for them, nor had title to them; nor had they, nor did they exercise, jurisdiction over the Apalachicola Creeks before, during or after the time of the treaties.

Therefore, the combined evidence of the Treaty of Payne's Landing and the treaties aforesaid, indicates that the Apalachicolas remained in every respect Creek Indians and that the United States in calling these people by the name Seminole was imposing its administrative prerogative and convenience upon them (in a manner which later may in fact have deprived them and other Creeks of certain vital interests and rights). Moreover, the "Treaty with the Creeks and Seminoles," January 4, 1845,¹⁵⁵ by excluding any specification of the Apalachicolas as Seminoles and therefore not alleging them to be subject to that treaty with the Seminole Nation, also supports this conclusion. The Apalachicolas were in those treaty years Creek Indians, continued to be Creek Indians, and today are numbered among the Florida Tribe of Eastern Creek Indians.

Government agencies kept records of Apalachicola Creeks who emigrated or agreed to emigrate, along with some other data like the payment of annuities.¹⁵⁶ However, official records of Apalachicola Creeks who remained are either hard to come by or non-existent. Everywhere (continued into the twentieth century) the evidence of those who remained were bulldozed and ignored by the thrust of white settlement and by white historians. Both here and all over the southeast Creeks who chose to remain were forced to shift for themselves, adopt the white-man's ways while keeping their Indian identity surreptitiously. From 1832 to 1836 the Creeks living at the Apalachicola reserves led a troubled, vascillating existence. None wished to remove. The chiefs signed agreements only to reject them later.¹⁵⁷ Finally in 1834, Blount, Yellow Hare and Davy left with some of their people to join the Creeks in Texas. Blount, in his

¹⁵⁴ Covington, op. cit., 132-133. See also Treaty of Ft. Gibson, March 28, 1837, 7 Stat. 423; note both text and signatories.

¹⁵⁵ Cf. Appendix.

¹⁵⁶ Cf. Statements of residents and Anunnity payments, Apalachicola reservation cf. appendix.

¹⁵⁷ Gadsen to Secretary of War, July 6, 1833, supra.

sixties, died soon after.¹⁵⁸ Yellow Hare returned the next year to plead for federal funds to assist his followers in Texas, and to induce additional members of his and other bands to remove.¹⁵⁹ In June, 1835, he raised \$3,350 by selling part of the reserve to white settlers.¹⁶⁰ In the following year the remaining Apalachicola Creeks suffered greatly—a suffering aggravated by combined pressures for removal and for joining U. S. forces in the war against the Seminoles. Even though some Apalachicolans did help the war efforts of the Government, it did not prevent whites from stealing their property and driving them from their homes. In consequence they were unable to plant crops and had to rely on the Government for food.¹⁶¹ In September, 1838, the Apalachicolans were still residing on their reserve lands and showing no apparent desire to leave, though provisions had been made for their removal to Arkansas.¹⁶² It was not until the following year, 1839, that the reserve lands of the Apalachicolans were finally "laid off in conformity with the provisions of the Treaty with the Apalachicolans concluded [ratified] June 18th 1833, and the lands passed out of Indian hands.¹⁶³ The allotment principle, though somewhat differently applied, was at work here among the Apalachicola Creeks just as it was also among the Creeks of Georgia and Alabama. (See comments on allotment technique supra.)

Serpentine history that had brought the Children of the Sun forth from Kvnhauke (Earth-Mouth) into the light of day; that had tried them many times and sent them at last across the Great River into their Eastern Land; now seemed determined to swallow them up again. Had Estepapv, the M̄ister in the legends of the hofenalke,¹⁶⁴ taken the form of a wasting white tide, to dash the People from desolation to desolation? Sobrietous

¹⁵⁸ Covington, op. cit., p. 136

¹⁵⁹ Yellow-Hare to Lewis Cass, Secretary of War, April 13, 1835.
See Appendix

¹⁶⁰ Executive proceedings in Florida territory, Secretary Walker of the president, July 15, 1835, Territorial Papers of the United States, XXV, 160-161. Having rejected the U.S. offer to join the Seminoles he had forfeited annuities.

¹⁶¹ Covington, op. cit., p. 149.

¹⁶² Daniel Boyd to Carey A. Harris, Territorial Papers of the United States, XXV, 535-537.

¹⁶³ Robert Butler to James Whitcomb, Ibid., 619-621.

¹⁶⁴ The People of Old Times.

white clergy, relentless officialdom, and greedy settlers would join the chorus of generals and academics, sing odes to the Melting Pot and Manifest Destiny, and look away. Looking away, they failed to record the real terrors and privations of Removal. Looking away, historians revelled in the "boom years" of settlement and growth in the appropriated territories. Looking away, they failed to note the continuing and unbroken presence of Creek Indians in the eastern lands. A Florida Hawthorne would have recorded not imaginary but very real Indians in the Florida forests and swamplands, waiting to find the way to survive, waiting a means to hide their Creek identity and move about in a now white-dominated environment. A Florida Whitman in the latter 19th century would have visited the Indian family communities, discovered their profoundly silent identity¹⁶⁵, and sung them for future generations. But, looking away, historians recorded what was expected of them—namely, the growing white prosperity and civilization—while surreptitiously, in enforced acquiescence the eastern Creek Indian carried the drama of disappearance through the silent agon of the 19th century and finally into the perepety of the 1970's. It is ironic that history should so consistently receive unexamined the earlier premises of its writers and on such authority document a proliferation of testaments founded upon error—having never entered into the inner life of the events, persons, or cultures which its treatises have, too often, by presumptive fiat relegated to oblivion.¹⁶⁶ In 1976, Gloria Jahobda, unusually alert to the Indian Presence (though her clarity is perhaps, like some others' still in process of development), remarks:

Today, most people are unaware that there
are Creeks still living in north Florida:

¹⁶⁵ Anyone who has lived and worked among Florida Creeks and other eastern Creek Indians, knows the truth of Angie Debos' statement still lives. Said Debo: "The Creek Indians were conservative people who lived their own lives and kept their natural conservatism and reticence, though virtues in the eyes of Hesaketamese, have and still do tend to put them at the mercy of untoward events. However, Creeks eastern and western are beginning to combine those virtues with a wise and learned perspective, administrative skill, and an articulate and compassionate awareness of their total cultural involvement. Their success will rebound to the benefit of everyone."

¹⁶⁶ Angie Debos was humble and painfully aware of this. Even she had to record and correct some errors of her own, regretting she had used assumptions of fact "which, is common with other historians, I accepted without question." (The Road to Disappearance, p. xiii.).

Indians with blue eyes? Even at Pow Wows, there is skepticism; the Creeks, understandably irate, have to issue periodic statements that they are the genuine article.¹⁶⁷

She observes further that there are "At least fifteen hundred Creek households in north Florida today. . ."¹⁶⁸

Where could they have come from? Obviously the historians had "more noteworthy" things on their minds. And so did the city-builders, we may be sure, and the history-makers who recorded the growth of the counties by tracing the achievements of leading white citizenry and paragons of industry (with amusing asides about statutes controlling hogs loose in village streets--obviously more remarkable than the communities of Creek households attending a rural church or supplying the mills and fire departments with labor for hazardous occupations).

Did these Indians spring anew from the Florida ground after the years of Removal? Many never left at all. Others removed, and then returned again, having found the conditions on the Arkansas River and the Canadian River intolerable. Some who were about to remove changed their minds--even jumping from the carts of their captors in order to make their escape.¹⁶⁹ At Eufala, Alabama, settlers "had not only taken the Indians' land from them, and burnt and destroyed their houses and corn, but used violence to their persons."¹⁷⁰ Yet those Creeks who chose removal could expect suffering in the new land as well. When in 1836 over ten thousand destitute and suffering Creeks arrived at Fort Gibson they were met with not only privation and white exploitation but also dissension, which arose between the Upper Creeks under the Great leader Opothleyaholo and the Lower Creeks under chief Roley McIntosh. By 1838 not only Creeks like Yellow Hare's people of the Apalachicolas, but also Upper Creeks were preferring Texas:

The white vultures who had preyed on the

¹⁶⁷ Florida, op. cit., p. 36.

¹⁶⁸ Ibid., p. 47.

¹⁶⁹ Foreman, Five Civilized Tribes, pp. 174-175.

¹⁷⁰ Landon's report to Assistant Adjutant General, August 23, 1886; National Archives and Records Service, Consolidated File 1066 AGO 1883. Cited in Holatte Cvpvkke, p. 120.

Creeks during their removal fastened on them in their new home to add to their misery. There was much sickness among these recent emigrants and many died. The homesick survivors wished to go to Texas whither they had planned to remove when confronted with the necessity of leaving their homes in the East. A drought in 1838 that destroyed their meager crops added to the misery of all the immigrant Indians.¹⁷¹

By now, in 1838, the Creek grape-vine, assisted by intuition, was at work. Removal had inspired terrible dread in the hearts of Creek men, women and children.¹⁷² Not all chose to remove, and some who did remove, found ways to return. Tribal wise men had warned against the promises made to the Creeks.¹⁷³ Whether to suffer and go or to suffer and stay was at best a difficult decision. Disappearance seemed the safest option, and yet was so difficult to attain. The strongest pressures for removal—and the most impressive to the Indians—came from the frontiersmen in their drive for land, and from the States, whose motive was the same. The preachment of the "Right to Property" had gone like a thorn into the brain of every white statesman and settler (rendering them incredibly insensate to the deep and universal implications of the doctrines of Life and Liberty). Genocide was, to them, as inevitable as "conquest"—and therefore not worthy of notice. Major Ethan Allen Hitchcock reported that

during the first twelve months after the arrival of the emigrant Creeks in 1836 more than 3500 of them died, exceeding one-fourth of the entire population. One will look in vain through the published records to find any estimate or mention even of that appalling catastrophe to these helpless people.¹⁷⁴

Just as Foreman and Debo, in their remarkable works, had to search the records for much of the history of Creeks who removed West, so also must the records be meticulously examined for the history of the Eastern Creeks, whose existence even more necessitously bore the cloak of disappearance. One recalls Debo's exclamation:

¹⁷¹Foreman, Ibid., p. 155.

¹⁷²Holatte Cvpvkke, op. cit., pp. 122 passim.

¹⁷³Ibid., p. 123.

¹⁷⁴In Foreman, The Five Civilized Tribes, p. 178.

Unlike more articulate tribes, which figured in the news and about whose history the salient facts were already known, the Creek Indians were a conservative people who lived their own lives and kept their own counsel, and their inner history was hidden until I uncovered it.¹⁷⁵

Her concern—a noble concern indeed—was for the Creeks who removed to the West. The eastern Creeks have another hidden history, even the beginnings of which have still not been adequately elucidated from the documents a number of which she and Foreman cite—and from the turbid records and the memories of those who remained in their homelands and of their progeny among: Creek Indians today.

It is uncertain how many of the Florida Creeks are descended from removed Creeks who returned, Creeks who were held in slavery in Alabama or Georgia, or those who escaped officials in charge of removal. Fifteen-year-old Croesy McIntosh, daughter of William McIntosh, "begged piteously not to be taken West." The three "State militiamen delegated to move the Indians west of the Mississippi. . . were so touched that they agreed to let her remain." Two of these men, brothers, "were slave owners, but she was free—free-born and absolutely free she lived in the cabins—each one had one built for her and she came and went as she pleased supporting herself by spinning. Later she married a slave" of one of the brothers "and had two children, Chili and Anise." The account, filed by a daughter-in-law of one of the militiamen, does not say whether the slave Croesy married was also a Creek Indian.¹⁷⁶ Nor is it known how many Creeks were forced to live as slaves. Ward Co-cha-me (a son of Jim Boy) returned to the East in 1848 to escort additional Creeks to the West. He wrote to the Commissioner of Indian Affairs saying, he guessed there were over a hundred Creeks being held as slaves:

I think there yet remains in Alabama not less than 100 Creeks, and most of them in a deplorable condition; a man by the

¹⁷⁵ Debo, The Road to Disappearance, p. xii.

¹⁷⁶ Alice Beggarly Fall, daughter-in-law of Dr. Calvin Jones Fall, one of the militiamen, historical account on file in Alabama State Department of Archives and History, Montgomery, Alabama. Certified copy in Northwest Florida Creek Indian Council Archives.

name of Dickerson in Coosa County has one family, a woman and her children, seven in number. A Mr. Floyd and a Rev. Mr. Hays both of Autauga County have each a number of Creeks. I tried to get these but was prevented doing so by threats of their would-be masters. I shall get them yet—but not this season; when the waters are in good boating order next season you will hear from me again. . . .¹⁷⁷

We have not yet ascertained whether the Commissioner heard from Co-cha-me again, or whether he returned as he had hoped. Efforts to capture refugee Creeks were often unsuccessful. Moses K. Wheat, a contractor engaged in this business in 1845-46, wrote the Commissioner of Indian Affairs:

in Coosa and Talladega counties I collected some 57 in number and put them in charge of the waggoner to carry them to camp, and when on the journey were persuaded to abscond by persons telling them that they were to be chained and carried off and sold as slaves. Genl. Blake writes me that in a scout in Barbour, Henry, Dale, Covington and Pike counties he found considerable but mostly females held as slaves.¹⁷⁸

A "considerable number" of Creeks escaped to Florida.¹⁷⁹ In 1837 Archibald Smith, Indian Agent, wrote from Blackwater Bay in Santa Rosa County of the Creeks who came "down Chocktahatchie River" into Florida: "These Indians are not disposed to emigrate to Arkansas; hence their women have murdered their own small children and fight as the men,"¹⁸⁰ because the cries of the infants might betray the Indians' presence and prevent their survival.

Escaped or unremoved Creeks who survived by concealment—and subsequently by keeping their Indian identity surreptitiously—are among the progenitors of present-day Florida Creek Indian families and communities. The records tell of their existence; they do not, of course, tell their history. It is a history yet to be written, and we are at this writing only sketching some elements of it.

¹⁷⁷ Ward Co-cha-me to Commissioner of Indian Affairs, July 16, 1848, Office of Indian Affairs, "Creek Emigration, File C 163-206," cited in Foreman, Indian Removal, p. 190n.

¹⁷⁸ Wheat to Commissioner of Indian Affairs, January 20, 1846, Office of Indian Affairs, "Creek Emigration, W 2811," cited in Foreman, The Five Civilized Tribes, pp. 174-175.

¹⁷⁹ Foreman, Indian Removal, p. 179n.

¹⁸⁰ Letter to Pensacola Gazette, in Mobile Daily Commercial Register and Patriot, March 15, 1837, p. 2 col. 1. Cited in Floreman, loc. cit.

From the 1820's onward white settlement spread rapidly across the Florida lands. Creeks who remained or returned first concealed themselves in the forests and swamplands. When in 1817-1828 Juan de la Rúa undertook a lumbermill enterprise on Pond Creek (eight miles from the Blackwater River, in present-day Santa Rosa County) his laborers were difficult to keep because of the presence of the Indians--and his successors had the same problem.¹⁸¹ In 1848 the Creeks around the town of McLellan in north Santa Rosa County were a constant presence during the cutting of railroad ties for the railroad proposed for Milton.¹⁸² As before and during the years of the Jackson Corridor, there was much Creek Indian movement to and fro across the north Florida border (and in fact there is to this day), the Creeks reluctantly adopting the ways of white civilization, assuming white names, even outwardly declaring European or Mulatto identity to avoid the consequences of being stigmatized as Creek Indian. One of the family-clan records which reveals the complexity and the difficulty of this tortuous history is that of the Polly Perrit clan, told by the grandson seven times removed of Polly Perrit and eight times removed of Cochran (Tuskahaco) a principal Creek chief in Apalachicola:

This story is the truth. It was told to me by my grandmother as told to her by my grandfather J. D. Boggs, as told to him by his father James Joseph Boggs, as told to him by his father John Boggs, as told to John Boggs by Polly Perrit Boggs, as it was told to Polly Perrit by her mother. It is the story of the Polly Perrit Indian clan--part Creek, part Seminole, part Cherokee. About 1780 in Cherokee Chickamagua there was a great shortage of food. Polly Perrit's mother and father took the whole family to the Chatahoochee River valley in search of food. The usually friendly Creeks were alarmed and sent a war party against them. Polly's mother was captured. She was a beautiful girl in her teens. When the Creeks brought her southward to their Indian strongholds a handsome warrior, Tsvkhaco, saw her and wanted her as his wife. Tsvkhaco (Tuskahadjo) was known as Cochran, one of the leading chiefs along the Apalachicola River Valley. John Blunt, Mulatto King and others were among his comrades. He brought her to his home near present-day Blountstown (named for John Blunt, a principal chief of the Creeks) Tsvkhaco's elder wife never accepted her, however, and made things difficult for her. Reluctantly, for he loved her, Cochran arranged for her to return to her father and sent six of his best warriors to take her back to Chicamagua. There she discovered that she was

¹⁸¹King, op cit., p. 28.

¹⁸²Oral history tape, the Barnhill's June, 1978, Santa Rosa Committee for Indian Affairs, NWFCIC/PTECI.

with child, a child that was to be born, Polly Perrit, my grandmother six times removed. When Polly had grown to be a beautiful young woman she met a young Cherokee buck named Dave Boggs.

By this time the white man's influence had moved westward, and when she married, Polly was one of the first Cherokee women to take the name of her husband. When Polly was seventeen, John Boggs, my grandfather five times removed, was born. I do not know about any other children. The Boggs family lived as Cherokees, but in the meantime white emigration pressure was building up on the Cherokee nation—the threat of taking Cherokee land and removing them to Oklahoma. The removal law was passed. The word went out that all Indians were to be removed to Oklahoma. Dave Boggs determined he would not be removed from his home, and as a result he was killed and buried at Chickamagua.

Polly and her family fled into the mountains east of Chickamagua. There in the mountains, she decided that her clan would go southward to the land of her father, Cochran or Tvskschaco. They came out of the mountains, entered the Chatahoochee river valley, started south along the river basin. The first stop was Blountsville, Alabama. There they purchased forty acres, and on this forty acres lived—six weavers and four spinners. (Weavers were married Indian women; spinners were single women eligible to be married), but she wanted to return to the land of her father, Cochran. When they left there, a half-breed brother named S. D. Perrit remained at Blountsville. Moving south, they stayed at Cool Springs, Alabama, long enough to rest and replenish their food. Moving from the Chatahoochee to the Apalachicola valley, they landed in a swamp. There she sent out runners to see what word they could find of her father's people. The runners came back with sad news—that Cochran had died and that the Creek Indian removal had begun. They are listed as Seminoles; but I always heard they were Creeks.

She didn't know what to do. Her father dead. The Creek Indians being removed, the same as the Cherokee people. So she sent out runners to find a suitable isolated spot in which to stay. And the runners came back and reported and they decided on a spot, on what is now the Jackson County and Calhoun County line, as the place to settle. It has high hills, and it came to be known as Boggs Pond. You can go any direction from Boggs Pond and be closer to civilization than you can at Boggs Pond. It was desolated and beautiful. Cattle ran in the woods in those days, and they began to run cattle. They had four slaves. All working together they took the black fertile soil from Boggs Pond and spread it on top of the sandy land. There John Boggs, the Creek-Seminole-Cherokee, and his Cherokee wife Mary, had two sons and four daughters, who had been born on their way south. The two sons were named James Joseph Boggs and Coley Boggs. They lived by the profits of the cattle and by small-scale farming. James Joseph's son, James Daniel Boggs, was my grandfather.

John Boggs told his son James Joseph that the days of their way of life were numbered. He told him he must go away and learn the ways of the white man. "Go out and get a job, and learn, and if you can, marry into a white family to bring white blood into our family, so that we may pass as whites and live as the whites—because as the people are increasing our isolation here cannot last long. To survive,

this is what we must do." James Joseph worked on a big farm in Gadsden County owned by a Smith fellow, and he worked and he learned their ways. He fell in love with the Smith daughter, Sarah Smith. Though her family disinherited her for it, she married James Boggs, returning with him to Boggs Pond.

Their son James Daniel wanted to stay at Boggs Pond, continue the family's ways and live from the cattle, but his grandmother told him the white people were crowding in. He couldn't stay and do well. He ought to leave and become a trader if he wanted to survive. So he got a job as a logger floating logs down the Chipola River, saved his money, and one day he came to Blounstown. There he met a beautiful girl of Cherokee-Creek-Scot blood, Alice McClellan. Alice's forefathers run from John Ross, a chief of the Cherokees; into the Creek Indians Jackson and Nancy Knight; into the Ward Family, John and Lija Ward. At fifteen, Alice McClellan married James Daniel Boggs. This was my grandmother, Alice Meggs McClellan Boggs.

With the money he had saved James Daniel Boggs bought a trading store, and by 1900 his store was the most successful in this part of the country. He's the father of my mother Kathleen Boggs, who married Jim Ramsey. Today the Piggly Wiggly grocery is in that same store, carrying on the family trading tradition. We survived. Though we lost our culture, we endured. We did not lose sight that we are Indians, even though since 1850's Indians in Florida hid their Indian ancestry. The Boggs' became "white." Another family, the Scott's became "Mulatto" (until it was safer to be Indian, then they voted as Creek). There're no land deeds in Calhoun County to John Boggs; he was a homesteader. The first land deed to a Boggs was to Coley Boggs, and then to J. D. Boggs. They lived in isolation, but we survived. Today we're trying to revive our Indian heritage.¹⁸³

As a Cameleon blends with the environing foliage without losing its identity, so Creek Indians retained their identity by maintaining the cultural tradition of family and clan while outwardly adapting to most community mores. Interspersed among a white population as a means of survival, few of them had a definite location and land-base like those who endured decades of troubles on the McGhee-Semoice lands at Poarch, Alabama. (A number of Florida Creeks, especially in Escambia County, were born in the Poarch community or are descended from the Poarch Creeks, some members of the Council of the Florida Tribe of Eastern Creeks among them.) For a large number of post-removal Eastern Creeks in Florida, their only land was a spirit-land within their souls, a continuing and unbroken consciousness of their Creek Indian identity, shared in small communities based on family ties, large and completely related family clans, church gatherings, and a clannishness that both blended with and doubtlessly contributed to

¹⁸³ Oral history tape by Dr. Andrew Boggs Ramsey a Council member, Florida Tribe of Eastern Creek Indians Archives.

the family clannishness still typical of rural north Florida.

The State of Florida merely underscored the determination of the Creeks to survive by concealment, when on January 12, 1853, its General Assembly passed an Act declaring that:

It shall be unlawful for any Indian or Indians to remain within the limits of this State, and any Indian or Indians that may remain, or may be found within the limits of this State, shall be captured and sent west of the Mississippi; provided, that Indians and half-breeds residing among the whites shall not be included in the provisions of this section.¹⁸⁴

This was one more incentive to intermarry and to conceal true identity. In effect the Act meant that it was henceforth illegal for an Indian to be unreserved. But the eastern Creeks had already learned that they had two clear options: (1) To keep their Creek Indian identity surreptitiously or (2) to forsake it altogether. They obviously rejected the Government's option of removal from their homeland. Yet even in these years "old-style" Creek families were about, and might be met in the wooded areas near Jay or the Chipola River or in Gulf Breeze.¹⁸⁵

From dispossessed swamp-and-forest refugees to lumber-camp and farm laborers, and finally to "ordinary" citizens—the Florida Creeks struggled simply to endure. For many years prior to the removal there had been intermarriage with whites.¹⁸⁶ Then as now outstanding Creek tribal leaders carried mixed blood in their veins. In fact, Creeks having lighter complexions tended to fare better in the world, well into the 20th century.¹⁸⁷ Until after the mid-19th century, a "civilized Creek" family might expect to settle in a new area and be befriended by "old-style" Creeks living in the forest nearby.¹⁸⁸ Sometimes the first meeting

¹⁸⁴Cited in cash, *op. cit.*, p. 376.

¹⁸⁵Evelyn Holland, Oral history tape, summer 1978, Santa Rosa Committee for Indian Affairs.

¹⁸⁶Law 19th, Laws of the Creek Nation (1825), *op. cit.*, p. 20.

¹⁸⁷Buford L. Rolin, Panel Discussion, "The White Man's Image of the Indian" A Rebuttal, Indians of the Lower South: Past and Present, p. 32.

¹⁸⁸Oral tradition, Rogers-Holland family. Recorded on tape, 1978 meeting of the Santa Rosa Committee for Indian Affairs, held at Pensacola Junior College Milton Center, June 14, 1978.

was not so friendly.¹⁸⁹ Eventually, over the years all had of necessity to learn the ways of white civilization, keeping their Creek identity concealed from "outsiders," in order to survive at all. Nevertheless, there were families and communities that quietly and continuously were known as Creek Indian through the years. In Bruce, the town of Walton County, there is a comparatively large gathering of Creek Indian families, often connected with the same churches. Some are prominent in the community today, having begun as dirt farmers and laborers. They are organized as the Choctahatchee clan. The "clan" designation is an evolved form of the traditional clan concept, since it is based substantially on very close family interrelationships. The congregation of Emmanuel Baptist Church in Pensacola has long consisted largely of Creek Indian families.

Sometimes a community has a history that even figures (however negatively) in the white man's official records, as in Holmes Valley in Holmes and Washington counties. Here the Creek Indian, Holmes, was slain at the behest of Andrew Jackson, by Captain Boyle.¹⁹⁰ Nearby in Euchesanna, or Uchee Valley,¹⁹¹ lived a Uchee-Creek band who have descendants living there to this day. In 1845 Lieutenant MacCooley of Jackson's army married one of these Uchees, and her descendants are reticent storehouses of evolved Uchee-Creek traditions, herbal knowledge, and "superstitions" as the white historian would say.¹⁹² Also in Holmes Valley, Washington County, lived a band of Koasati (Coosa, probably relatives of the Alabama-Quassarte who today constitute a major Creek group in Oklahoma). Future geneological and historical research may establish that the Washington county Creeks include descendants of the Koasati—and undoubtedly that in many counties of this area there is a minling of such Creek descendants, excepting perhaps in the Eucheanna Valley where the Uchee-Creeks seem to have been a content,

¹⁸⁹ Oral tradition, Barnhill family. Loc. cit.

¹⁹⁰ John Lee Williams, "Sketches of West Florida," Pensacola Gazette and West Florida Advertiser, 1824-25. Also Am. St. Papers, Mil. Af. 1:744, where Indians expressed satisfaction on hearing of Holmes' death. Cited in Elba with Casswell, Tempestuous Triangle: Historical Notes on Washington County, Florida (Chipley, Florida: Washington County School Board, 1974) pp. 19-20.

¹⁹¹ E. W. Casswell, "Proud Tribe Roamed Eastern Panhandle," Pensacola News Journal, Sunday June 5, 1966, p. 5D. Casswell mistakenly observes that all of the Indians were removed—a typical error of historian in dealing with Indian realities.

¹⁹² Bill Cooley, Uchee-Creek, taped interview, Santa Rosa Committee for Indian Affairs, June, 1978. C. F. Cooley family geneological papers, on file with the FTECI Tribal Council.

by and large, to remain. (Not inconceivably there are in these counties remnant of the ancient Chatots [17th-18th centuries], who may [instead of the Choctaws] have given their name to the Choctahatchee River, but this is not at the moment immediately pertinent to our history).

By the 1890's most Creeks were appearing with white names, which may yet be found in the employment records of companies who hired them. The memory of Creek Indians being held slaves in Alabama and Georgia, of burnt-out Indian homes years after the removal,¹⁹³ of forced escapes with whites in pursuit, combined with continuing though maybe unintentional prejudices to enforce a "Jackson Corridor-in-the-mind," of the Florida Creek. It is not difficult today to find strong Creek descent in a person who is reluctant to admit it openly and who insists, even sometimes fearfully upon being "white." Scores of families scattered through the counties have inherited the dread of being discovered to be Indian, or have successfully had their descent concealed from them by their ancestors. Often these are rural or recently-rural families whose genealogies disappear in the third generation, and who bear children often with noticeable Indian features and the desire, often incapable of fulfillment, to "find out who they are."

The tribespeople, on the otherhand being among the fortunates who have kept their identity and unseverable continuity with Creek history and heritage,—must reflect often upon the terrible forces that divided their people from one another even within their own aboriginal homeland. It is not joyous to speak to a fellow Creek-by-descent who is undisturbed for having his heritage obliterated or disavowed through an act of another generation, an act perpetrated in the belief that the white man would never accept the Indian and that the progeny must be protected from the inevitable torment of being Creek in a white man's world. Those who chose cultural obliteration, tantamount to voluntary genocide, were often totally successful. It remains for those who did not fall victim to this fate, to perpetuate the Creek Indian identity we have inherited and to maintain it along with the rights and dignities due Indian people, and human beings, under Hesaketamese our God—and under the provisions of the Constitution

¹⁹³ Personal papers on file with FTECI Tribal Council.

of the United States. As Vine Deloria very well observed, a community has the right to be legally protected for its own sake, and to have its identity acknowledged.¹⁹⁴

Earlier in our paper we remarked that the Apalachicola Creeks were for a very brief time bidding fair to begin a multicultural adjustment with the surrounding white population, and that this effort was frustrated by the settlers and by the Government itself.¹⁹⁵ In today's world it has come to seem certain that the future of man will require what Mary Young, in an article on Cherokee removal, referred to as multicultural innovation.¹⁹⁶ The phrase is reminiscent of the social philosophers' earlier concept of cultural pluralism. Certainly a society predicated on democratic principles must require both pluralism and innovation. Let us hope that the day may come when neither "White" nor "Indian" is an onerous term to either culture. The documents of the Florida Tribe of Eastern Creek Indians are motivated throughout by this hope. E-Pluribus Unum is a fine idea. But it is mere fancy until there are the several cultural identities existing honorably together.

American history is deficit when it comes to the Creek Indians. The Eastern Creeks were scattered one hundred and fifty years ago by the United States Government and its citizens. They were forced by horrifying pressures to conceal their identity and maintained it through the decades only surreptitiously. There is no justice—and not a court under God—which will condone that Government's now demanding proof that we were not dispersed, forced into surreptitious ways of maintaining our identity, horsewhipped and burnt out of our homes for being Creeks, or for even speaking our language. The earlier enthusiasm with which white settlers anticipated the destruction of the Creek Indians.¹⁹⁷ must be proved to indeed be incorrigible if in 1978 the United States Government require

¹⁹⁴Vine Deloria Jr., The Trail of Broken Treaties (New York: Delacorte Press, 1974), p. 24.

¹⁹⁵Cf. Part B, p. 35, Supra.

¹⁹⁶"Indian Removal and the Attack on Tribal Autonomy: The Cherokee Case," Indians of the Lower South: Past and Present, p. 127.

¹⁹⁷Debos, The Road to Disappearance, p. 96. Cf. Supra.

that the Creek people show that the continuity of Creek government or tradition (which was destroyed by the United States by many acts of intent and foresight) was never really undermined! We cannot believe the 20th century United States so incapable of reason, much more of compassion, as to blindly equate this Creek Indian people with those other Indian peoples whom the accidents of history enabled to remain sufficiently isolate as to endure without bothering the white man with their continuing traditions. We will neither believe nor accept this. And this, our Talk, goes out among our people, for we want all to understand what is going on, unlike the earlier days when it was so hard for us to understand. A local news editor (of Cherokee descent, and friendly toward our people) said lately a free people is an informed people. He is right.

Of course our tribal government is not continuous with that of 1814-- or even with one of 1914. It is preposterous for anyone to suggest such a possibility for eastern Creeks! But we are a People continuous with our past. Yes, by right of much more suffering and persistence than those many who have merely to be born in order to be automatically protected by the surrounding society which they embrace without a thought for tradition of any kind. We are continuous with our traditions through evolved forms and even negatively through the constant realization of the importance of those elements that were lost and that we deeply wish to know and understand (concerning which we strongly object to the term defunct in the Bureau's rules and regs, for that term carries connotations that we will not have attributed, to even a part of any Indian people's traditions, and particularly to the allegedly "lost" elements of our own). Growth and change is the touchstone of continued existence. The Eastern Creeks have met the challenge!! We will engage the activity of scholars--in combination with Creek Indian talents, cultural knowledge and insights,--in rediscovering are revitalizing documented elements, not only for our own sake but for the sake of all others including the non-Indian world of thinkers, students, poets, and seers. The Florida Creek will not be constrained by his past, but he intends to know it and to utilize it in continuing his Creek Indian cultural, social and economic development. He will make his contribution to society as a Creek Indian living in harmony with society while retaining his culture. He will never under any circumstances allow

any part of the Creek cultural spectrum past or future to be discarded as having no potential living value in the enterprise of conceiving a better future for man. It can not have been a philosopher, or a poet, or a very wise anthropologist--and certainly no statesman--who permitted himself the all-too-convenient escape-hatch: "defunct."

What of 20th century Florida Creek history?

It was not until after WW II that the non-reservated Indian, especially the Eastern Creek, could begin to claim his own. Guarantee of a safe reception by the whites was the absolutely essential preliminary to this process.

In the 1940's a Creek Indian government, extending family/clan organization comprised of Alabama and northwest Florida Creeks, was a functioning reality. Many of its Florida members were descendants of the Creek Indian community founded at Poarch (Atmore), Alabama, in 1835.¹⁹⁸ With the changing of its name from The Perdido Friendly Creek Indian Band of Alabama and Northwest Florida to The Creek Nation East of the Mississippi, on August 31, 1951,¹⁹⁹ the tendency was for the Creek Nation East of the Mississippi to limit itself and its governance to Alabama Creeks, though in 1955 they correctly asserted legal representation of Creeks in Alabama, Georgia, and Florida.²⁰⁰ In the 1950's Florida Creek Indian activity rapidly became more public and more pronounced. Dance and craft groups visited municipal events and gatherings upon request, in various parts of the state. In the 1960's, separate Creek clan organizations began to emerge into the open, first, the Lower Muscogees. In the 1970's other autonomously governed groups appeared--e.g., the Tuckaubatchees and the Cowetas. During these years much interest in making public the beauties and values of Indian culture emerged among the Florida Creek people. And a great emphasis on pan-Indianism led to the adoption of some Plains Indian customs and dress at pow-wows and various other public performances. Along with the Creek

¹⁹⁸McGhee-Semocie reserves. The Poarch Creeks are not only an intact community but very strong and in all truth fully deserving of Federal recognition as an organized Band of Creek Indians.

¹⁹⁹Before the Indian Claims Commission, No. 21, The Creek Nation V. The United States, Intervenor's Objections to Defendant's Requested Findings of Fact and Intervenor's Reply Brief, February 15, 1955, p. 73.

²⁰⁰Ibid., p. 81, I. e., it was correct and just that the rights and interests of Eastern Creeks be defended.

stomp dance and stickball, elements of the Green Corn Ceremony came to be practiced in small gatherings, the study and use of Creek language was resumed and annual series of language classes instituted, and interest in these continues strong (partly with the sponsorship and help of the Administrative Council but largely through hard volunteer work among the people).

By 1975 the pressures for more official acknowledgement among the people, combined with the realization of many continuing and unsolved needs peculiar to Creek Indians, had led to the founding of the Northwest Florida Creek Indian Council by an act of the Legislature of the State of Florida. In 1976 the jurisdiction of this Council was extended to include two additional counties. In the spring of 1976, by recommendation of district legislators responding to requests of Creek Indians in other counties, the first measures to extend this Council to the Apalachicola River were inaugurated. Because this Council is administrative and appointive in character, an elective Tribal Council of the Florida Tribe of Eastern Creek Indians was instituted to provide an efficient vehicle for representative governance of and by all north Florida Creeks. In this, the formal institution of the Florida Tribe of Eastern Creek Indians, the people responded governmentally to the longstanding and unbroken realities of their historical existence; adopted a Constitution adequate to their needs; and re-channeled smaller already-existing work groups into a larger, well-conceived governmental framework. Moreover, this Constitution provides that the Northwest Florida Creek Indian Council serve to administer programs and other business on the tribe's behalf and thus constitutes a unique and harmonious interrelationship between the Florida Creek Indian government and other governments and agencies, both non-Indian and Indian. It provides the vehicle both for representative government and for efficient administration of its business, and of programs and services vitally needed by its Tribal membership.

* * * * *