

# The Seminole Nation of Oklahoma

## A LEGAL HISTORY

L. SUSAN WORK

FOREWORD BY LINDSAY G. ROBERTSON



# THE SEMINOLE NATION OF OKLAHOMA

*A Legal History*

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THE SEMINOLE NATION OF OKLAHOMA

American Indian Law and Policy Series  
Lindsay G. Robertson, General Editor

To  
*my parents,*  
*Hiahwahnah (Hudson) Work and John Henry Work, Jr.*  
*and*  
*my children,*  
*Will, Kelli Brooke, and John Hudson*  
*Haney*

## SERIES EDITOR'S FOREWORD

L. Susan Work's *The Seminole Nation of Oklahoma: A Legal History* is a moving account of the successful struggles of the Seminole Nation to survive decades of fluctuations in federal policy—frequently hostile to its continued existence—from the late nineteenth century through the early years of the twenty-first century. Part of this story—the Seminole Wars in Florida, for example, and the removal to the Indian Territory—is well known. Much more of it is not.

The definitive account of the Seminole Nation's legal history, this book owes its authority to the author's long and deep connection with the Nation and its people, which afforded her extraordinary access to primary materials and oral tradition. The history of the modern Seminoles, while in some ways unique, shares much in common with that of other indigenous nations—especially the Cherokees, Choctaws, Chickasaws, and Muscogees (Creeks)—who were forced to deal with the United States. *The Seminole Nation of Oklahoma* offers readers a chance to experience that history from the inside, in sufficient detail that readers will be able to develop their own well-informed assessment of the legacy of two centuries of federal-tribal relations.

*The Seminole Nation of Oklahoma* is a remarkable work, and the University of Oklahoma Press and I are proud to offer it as the fourth volume in the American Indian Law and Policy Series.

## PREFACE AND ACKNOWLEDGMENTS

The present book is intended to be a work of legal scholarship providing an aerial view of the history of the Seminole Nation of Oklahoma's survival and development in the twentieth century. It would take a book twice the size of this one to discuss this history in the broader context of the United States' general history or to focus on Seminole citizens instrumental in shaping the Seminole Nation's history. For that reason, this history is presented in the more limited context of the overall legal progression of federal-tribal relations, including important Supreme Court decisions and federal legislation affecting the Five Tribes (the Seminole, Choctaw, Cherokee, Muscogee (Creek), and Chickasaw Nations) specifically and Indian tribes generally.

My own perspectives are drawn from my thirty-year career as an Oklahoma attorney practicing federal Indian law and tribal law. Equally important, my perspectives are influenced by my membership in the Choctaw Nation and by the fact that I am a parent of children who are members of the Seminole Nation and who spent their younger years in Seminole, Oklahoma. Even though I have this personal affinity for the Seminole Nation's history, I have carefully documented my research and prepared a book that I hope can be used as a basic primer concerning not only Seminole legal history, but also federal Indian law and the shared legal histories of the Five Tribes as a group.

When I was growing up in Henryetta, Oklahoma, less than sixty miles from Seminole County, textbook descriptions of tribal

histories fell far short of even touching the surface of events affecting Indian nations on the road to statehood. Proving that one person can change another person's life, at the urging of a friend, I took an Indian history course at the University of Oklahoma around 1970, only a year after the Seminole Nation had adopted its new 1969 constitution. This course sparked my interest in Indian law, and three years later, I participated in a summer law program that taught Native American law students basic Indian law principles and the importance of legal writing skills.

While attending the University of Oklahoma's College of Law, I was fortunate to find a job researching the histories of the Five Tribes. My first connection with the Seminole Nation also began at that time, when a few members of our Indian law student association, including myself, went to Seminole County to meet with Seminole members to discuss the possibility of providing legal research assistance to them. After I graduated from law school, I continued working on the Five Tribes research project. This work included reviewing files in Seminole that were made available by attorney Charles Grounds, a member of the Seminole Nation who played a significant role in the development of the Seminole Constitution and many other aspects of the Seminole Nation's affairs.

In the late 1970s I wrote a law review article summarizing the Seminole Nation's legal history and explaining why the Seminole Nation was not a "terminated" tribe. This work led to my meeting my future husband, a member of the Seminole Nation who visited my office in Oklahoma City as a result of reading the article. After our marriage, I had an office for a time in downtown Seminole, and our three children were born between 1980 and 1988. From 1991 through most of 1994, I had the honor and privilege of serving as attorney general for the Seminole Nation of Oklahoma. It was during my fifteen-year residence in Seminole that I saw firsthand the Seminole government and tribal politics in action. It was never dull, and it was a fascinating and rewarding experience.

I would like to express my appreciation for all of the people who assisted and inspired me, including the following members



of the Seminole Nation: Eula Doonkeen, for contributing her papers to the Oklahoma Historical Society, serving as a strong role model for Native American women, and sharing her photographs with me; Charles Grounds, who provided access to his tribal files in the 1970s; Jerry Haney, former principal chief, who shared both his recollection of events that occurred during his first term of office and his personal collection of files reflecting the Seminole Nation's history; my ex-husband, Kelly Haney, who served as principal chief from 2005 to 2009, for providing interviews and sharing reports that were prepared when he served as tribal planner for the Seminole Nation in the 1970s; the Seminole Nation Code Development staff of 1991 to 1993, including project director Leonard M. Harjo (son of former chief Floyd Harjo), secretary Renae Larney, volunteer legal consultant Yvette Harjo (daughter of former Chief Harjo), and research analyst Leonard Gouge, a member of the Muscogee (Creek) Nation; the Terry Walker family (Larry Walker, Jerry Walker, Harry Walker, Gary Walker, Susie McNeal, Terri Jackson, Beatrice Walker, Shirley Scott Walker, and Anna Romeo), for sharing memories and photographs of their father, former chief Terry Walker, and for providing access to his invaluable papers; Lewis Johnson, assistant curator of the Seminole Nation Museum in Wewoka, who provided assistance in my review of papers there; newly elected in 2009 chief of the Seminole Nation Leonard M. Harjo, who reviewed my manuscript; Terry Spencer, chairman of the Seminole Nation Education Committee, who reviewed my manuscript; Glenn Sharpe, a Seminole attorney, who also reviewed my manuscript; Ted Underwood, for providing photographs; and Loretta (Burgess) Finkenberg, former general council secretary, for her assistance and encouragement in my efforts involving the Seminole Nation.

There are many other Seminoles who have inspired me by zealously developing the Seminole Nation's government and working to better the lives of Seminole citizens. Although in this book I do not attempt to credit all of the many tribal members who gave of themselves to the Seminole Nation, their own family

members and others know of their contributions. Their work has been meaningful, and I hope it will serve as an inspiration to younger Seminole members in years to come.

I would also like to extend my appreciation to attorney William Wantland, who preserved papers concerning the development of the Seminole Nation Constitution of 1969 and gave his time for an interview concerning that topic. In addition, I would like to thank Mary McCormick, former chief of the Sac and Fox Nation, both for sharing memories of her Seminole father, Thomas Coker, who played a critical role in the development of the 1969 Constitution of the Seminole Nation, and for contributing his papers to the Oklahoma Historical Society. Former chief of the Cherokee Nation Wilma Mankiller has also graciously given time to review the manuscript.

I am also thankful for the encouragement that Sharon Blackwell and Charles Wilkinson provided in my legal writing class at the University of New Mexico American Indian Pre-Law Program in Albuquerque, New Mexico; for the assistance of paralegal Vanessa Mankiller, a Cherokee member who compiled many of the legal histories of federal legislation discussed in this book; and for help from many Native American attorneys, including the following: Vincent Knight, former Oklahoma coordinator for the Native American Legal Defense and Education Fund, who employed me to work on the Five Tribes legal research project; Rennard Strickland, for encouraging my desire to write a book involving Oklahoma Indian law and for serving as a reader of the manuscript for the University of Oklahoma Press (OU Press); David A. Mullon, Jr., for encouraging me to finally start on this work and for working tirelessly to try to repair federal land laws involving the Five Tribes; my friend and fellow Choctaw member Douglas Dry, who served as an inspiration in his efforts concerning the civil rights of tribal members; and all of the other Native American attorneys, many of whom are mentioned in this work, who achieved legal victories on behalf of the tribes in Oklahoma during the last few decades. I also thank the law firm of Hobbs, Straus, Dean & Walker, LLP, for its many contributions to the development

of Indian law nationwide and for its financial support to the production of this book.

The staff of the OU Press has, of course, been instrumental in completing this book project, and I would like to give special thanks to acquisitions editor Alessandra Jacobi Tamulevich, special projects editor Alice Stanton, editorial assistant Ashley Eddy, production coordinator Julie Rushing, and copyeditor Kimberly W. Kinne for their assistance in review and publication of this book. I also appreciate the work of attorney Curtis Berkey and OU law professor and series editor Lindsay Robertson for reviewing the manuscript and providing insightful comments and encouragement. I also appreciate assistance of the following persons who assisted me during my research: Oklahoma History Center staff, particularly Chester Cowan, who assisted with my review of photographs, and Jennifer Silvers, who assisted in retrieval of Seminole documents for my review; Jeffrey Wilhite, Government Documents, OU Bizzell Library; and the staff of the OU Western History Collections.

Finally, I appreciate not only my three children's enthusiastic support, but also their more concrete contributions to this effort. My older son, William, proofread the final manuscript for me. My daughter, Kelli Brooke, listened to my venting when I was frustrated with my work on the book. My younger son, John Hudson, took photographs at Mekusukey for the book. I hope they, and other young Seminole adults, are pleased with the final result.

# ABBREVIATIONS

AIM	American Indian Movement
BCR Commission	Business and Corporate Regulatory Commission
BIA	Bureau of Indian Affairs
CDIB	certificate of degree of Indian blood
CETA	Comprehensive Employment and Training Act
C.F.R.	<i>Code of Federal Regulations</i>
CFR Court	Court of Indian Offenses
CHR	Community Health Representative
<i>Cong. Rec.</i>	<i>Congressional Record</i>
<i>Fed. Reg.</i>	<i>Federal Register</i>
<i>F. Supp.</i>	<i>Federal Supplement</i>
GAO	General Accounting Office
HHS	U.S. Department of Health and Human Services
HUD	U.S. Department of Housing and Urban Development
IBIA	Interior Board of Indian Appeals
ICRA	Indian Civil Rights Act
ICWA	Indian Child Welfare Act
IGRA	Indian Gaming Regulatory Act
IHS	Indian Health Service
ILCA	Indian Land Consolidation Act
IRA	Indian Reorganization Act of 1934
IRS	Internal Revenue Service
JOM	Johnson O'Malley Program

LEAA	Law Enforcement Assistance Administration
NA NRD	National Archives, Natural Resources Division
NIGC	National Indian Gaming Commission
OBA	Oklahoma Bar Association
OICWA	Oklahoma Indian Child Welfare Act
OIPA	Oklahoma Independent Petroleum's Association
OIWA	Oklahoma Indian Welfare Act of 1936
Pub. L. No.	Public Law Number
SEDA	Seminole Economic Development Authority
SITBA	Seminole Intra-Tribal Business Association, Inc.
SNEDA	Seminole Nation Economic Development Authority
<i>Stat.</i>	<i>United States Statutes</i>
TERO	Tribal Employment Rights Office
WHC	University of Oklahoma Western History Collections

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