

Billy Cypress, Chairman
Miccosukee Tribe of Indians of Florida

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My name is Billy Cypress. I've been the elected Chairman of the Miccosukee Tribe of Indians of Florida since 1986 and an elected Councilman since 1973.

The Miccosukee Tribe, with a 50% blood membership requirement (highest in Indian Country) , is determined to preserve its culture, its identity, its heritage, and its way of life. The keys to achieving these goals are self-determination and strong tribal self-government within its own jurisdiction, the right to govern its people under traditional laws and traditional culture. These are oft-stated goals of Congressional Indian policy as well.

For centuries, the European arrivals and then the United States government were opponents in that struggle. Even now, in the era of supposedly more. enlightened Indian policies and while some federal agencies work well with us to achieve these goals (such as the Corps of Engineers), the National Park Service works as an agent of our destruction.

Our Tribe's experiences form a pattern. First, the government pushes us to land nobody wants. Later, the government decides that the land has some value after all, so they push us to other land nobody wants. Then, the cycle repeats itself.

After several of these cycles in the nineteenth century, the twentieth century saw the Monroe Reservation of 100,000 acres set aside in the southern Everglades "in perpetuity" (the state law said) . Then, within 20 years. the Monroe Reservation was taken away to make Everglades National Park. We were promised then that we could stay in the Park. Congress was told then by the ParkEnabling Act's sponsors that the Indians would remain in the Park.

And the so-called "permits" we've had since 1962 say we can build permanent structures in an area on the north edge of the Park.

But in the 1990s, the Park Service said that when the permit "expires", they can make us move again. Our tribal members have been told by Park rangers "don't plant trees that take a long time to grow, because you're not going to stay here.". our tribal officials have been told by high level Interior officials, in conferences with our lawyers, that "we can move you out when the permit expires".

Now, as you've probably guessed, we don't accept that view. We're not going to move and I don't think the government will really make us move. After several rounds of recent lawsuits the Interior Department apparently now says we won't have to move. But what will be said tomorrow?

We have the good fortune to be able to use the US government's own expert witnesses to support us. This includes their water quality experts (retained on Everglades 'Water issues) , their cultural anthropologist (hired on traditional Miccosukee issues) , and their former Bureau of Indian Affairs (BIA) Indian agent (who arranged for the tribal land base in the so-called "permit" area in 1962). So I'm not surprised that Interior has backed off a little bit.

So we seem to be able to head off some of the more outrageous threats of the government when they occur, but lawsuits are cumbersome and unwieldy. And as we speak today, we still can't build the houses we need.

We can't build --

**even though we can finally afford it financially

** even though we comply with all environmental protection laws

** even though the government's own water quality expert says we pose no pollution pollution danger

** even though the government's own permitting agency under the Clean Water Act under the Clean Water Act (the Corps of Engineers) says there is no environmental harm and has issued the section 404 permit

** even though the government's own retained cultural anthropologist says that to block tribal housing amounts to "cultural genocide".

Instead of "cultural genocide", we want to protect our way of life and our culture with strong self-government and traditional values. This is consistent with the Park's purposes and longstanding Congressional policy to promote tribal self-determination and tribal traditions.

The Tribe has members living in trailers who need houses; extended families living in overcrowded houses of relatives; and members living out of the community who long to live in the Miccosukee community.

Starting in 1992, the Park Service first said it needed "time" to review the Tribe's proposed plan for 65 houses along the existing road within the permit area (the permit gives the Park 30 days for the review). But after two years and frequent reminders without any action, we finally skipped the Park Service and applied directly to the Corps of Engineers for the proper permits.

Then the Park said the Tribe had no land rights, and told the Corps of Engineers that the Tribe couldn't apply for section 404 dredge and fill permits because the Tribe did not have a legally sufficient interest in the land on which it lived. The Corps had always accepted permit applications

from the Tribe and issued permits in the Tribe's name, but the Corps suspended review at the Park's request. When the Corps observed our evidence of bad faith by the Park Service, the Corps decided to go forward despite Park objections.

After that, the Park Service said there could be a pollution problem, but the government's own water quality expert testified that Miccosukee housing creates and will create no water quality or pollution problem. So the Corps issued the section 404 permit under the Clean Water Act, finding no environmental harm from the proposed 65 new houses.

Then the Park said the Tribe can't build even with a Corps permit, without Park permission. The Park claims that the 30 day right of review in the permit is an absolute veto.

Thereafter, under court order to do a review of the Tribe's request, the Park said the Tribe could have 65 houses, but they had to be in two rows, so many tribal members have a house very close behind in their back yard. This takes new interior roads and more dredge and fill material than building along the already existing road, but the Indians are more "out of sight".

We're not asking for much. Just leave us alone and we'll leave you alone. We'll protect the environment, protect water quality, assist in Everglades restoration. We'll accept the legal, enforceable obligation to protect the environment and do no damage to the Park or other lands outside our area. And we've agreed to reasonable height restriction, no commercial gaming, and no commercial aviation to protect the character of the area.

Sometimes I think that this may be the problem. We are willing to guarantee that we won't pollute and that we won't have an adverse impact on the Everglades or Everglades restoration. Non-Indians worry that if the Indians can accept and follow such laws, then the non-Indian man might have to accept and follow such laws too.

Of course, non-Indian governments have a lot of those laws on the books, but they sure has a hard time enforcing them. Governments say a lot of things, but talk against pollution doesn't stop the pollution.

We know, because we're the only people who live in the Everglades. We're the ones who get non-Indian pollution on our land and in our water.

We do know, for sure, that if we agree to specific antipollution provisions (as we are willing to do), then those laws certainly will be enforced against us. Non-Indian law may not get enforced against non-Indians, but it always gets enforced against the Indians.

But we will accept these environmental laws, including enforcement, because we want to save the Everglades. The Everglades is our mother, and she is dying. We I re not the destroyers; we're not killing her. We're trying to save her.

In court, we're arguing for stronger environmental positions than the federal government takes and we're trying to enforce the Clean Water Act against the governments that ignore the law. Up here in Congress, we're asking for tougher laws against Everglades scientifically-based water quality standards that the State of Florida shrinks from due to special interest pressure.

Everyone honors Marjory Stoneman Douglas, author of River of Grass and proponent of Everglades preservation. Ms. Douglas said, "The Indians before everyone else knew that the Everglades were being destroyed."

What can I say to my tribal members when they ask --

*We can finally afford it -- Why can't we build?

*We follow environmental laws -- why can't we build?

*They built employee housing, tourist hotel, restaurant in Flamingo in the Park -- why can't we build?

*They built the road, put in electricity -- why can't we build?

** They built Shark Valley Tower a couple of miles away - why can't we build?

** They signed a permit saying we can build -- why can't we build?

** There's one million five hundred thousand acres in the Park, one hundred thousand acres were ours -- why can't we build on three hundred or a thousand?

** Why won't they leave us alone?

The only answer we understand so far is, "There's law for Indians and there's law for non-Indians; it may look the same but it doesn't work the same way. It controls and gets enforced against Indians, but it doesn't control or get enforced against non-Indians or their government. We can see, for example, that the part of the permit that says that we need Park review is enforced against us. So if the Park refuses to do anything, we get nothing. But the part of the permit that says the review must be done within 60 days is just disregarded, not enforced. And the part of the permit that says we have a right to build -- well, that doesn't control the non-Indian.

So non-Indian law is easy to understand, as far as we can see. It just means, "the non-Indian wins".

What I hope this Subcommittee will do, what I hope this Congress will do, is show us Miccosukee Indians that we are wrong about "non-Indian law." We hope you'll show us that Miccosukee Indians can be guaranteed rights of self-government on their small lands, without paternalistic and misguided Park Service employees telling them what's good

for them, as long as Miccosukees protect the environment and don't harm anyone or any property outside our lands. We hope you'll show us that the high ideals to which this great country aspires have been achieved to the extent that there is no longer, for the Miccosukees at least, selective enforcement of the law. Miccosukees hope to see just one law -- yours and mine -- and that we're all equal under it together.

Thank you.