



*Empowering Indian Country
Promoting Health
Strengthening Economies*

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Testimony of Carly Griffith Hotvedt, JD/MPA (Cherokee), Associate Director of the Indigenous Food and Agriculture Initiative before the House Rules and Natural Resources Committee Roundtable on Indigenous Nutrition and Food Systems on February 18, 2022.

Osiyo, Nigada. Good afternoon, Chairman McGovern, Chairman Grijalva, Ranking members Cole and Westerman and members of the Rules Committee and Natural Resources committee. My name is Carly Griffith Hotvedt. I am an attorney and the Associate Director of the Indigenous Food and Agriculture Initiative at the University of Arkansas School of Law or IFAI for short. While I am here in my capacity as the Associate Director of IFAI, my testimony today should not be considered as the endorsed opinion of the University of Arkansas. I also serve on the Oklahoma State FSA Committee assisting in the administration of USDA programs in Oklahoma. I have been engaged in agriculture beginning as a 4-H member in elementary school then FFA in high school and have been working in tribal agriculture for the last 7 years.

Hunger in Indian Country is a multi-faceted challenge. Native Americans are more likely than non-native Americans to experience food insecurities, live in food deserts, be diagnosed with metabolic diseases springing from nutritional challenges and be more reliant on federal nutrition programs. But significant progress has been made through a reinvigoration of self-determination and sovereignty, empowering tribes and indigenous people to get in the driver's seat and power their own path forward. As self-governed nations, we cannot be truly sovereign unless we can feed our own people. That is true for ANY nation. My ag economics professor in college, after witnessing the 1998 riots in Indonesia sparked from rising food costs and shortages, said to us "You will topple a government in order to feed your family."

I'd like to give some historical background and guidance as to the impacts of Federal Indian Policy on tribal agriculture and nutrition to contextualize the current state of hunger in Indian Country. Strong and fair ag and nutrition policies are critical to addressing hunger in indigenous communities. But fair policies have not been the norm for Indian Country. Even the acknowledgment of agricultural practices of indigenous peoples in the Americas has been shaped to fit narratives that were intended to control and exploit indigenous people for natural resources like land, water, minerals, and timber. Either indigenous people were seen as incapable of agriculture, or our agricultural practices were insufficient to meet volume demand with marginal results. We know this is not true. Significant settlements like Cahokia, Spiro Mound, and Chaco Canyon, which supported populations up to 25,000 people at their height, required agricultural production and surpluses to sustain so many people centrally located in one place. Maize cultivation was key. But after contact with European explorers and settlers began, impacts to indigenous peoples resulted in detriment to agricultural production.

From 1500-1600, 60 million indigenous peoples were reduced to 5-6 million in population due to disease, war, and genocide. After contact, resources enjoyed and managed by indigenous peoples in the Americas became subject to competition by settlers and colonizers. As the demand for land by non-natives arriving to the Americas increased, tribes were pushed off their homelands or lived amongst people without shared values of the same kind of respect and responsibility for land, water, and animals. The 1800's brought policies and laws resulting in the creation of reservations which restricted

indigenous people to a condensed land base, often separating us from our traditional food sources like hunting grounds, arable lands, waterways and other ecosystems that supported culturally important and traditional foodways like seasonal harvests, fishing, gathering, and location-specific sourcing.

Some tribes, like my own Cherokee Nation, were completely removed from our traditional homelands pursuant to the Indian Removal Act of 1830, in addition to the Choctaw, Chickasaw, Muscogee, and Seminole Nations. Cherokee Nation resisted removal in every way possible. Our identity as Cherokee people is tied to our relationship with the land. We brought lawsuits all the way to the Supreme Court challenging infringements on our land and our sovereignty. In Worcester v. Georgia, we won. But Andrew Jackson refused to enforce the ruling, becoming the example of practice as controlling policy versus the execution of the actual federal law and treaty language impacting tribal nations. But even treaties have been problematic.

The Treaty of New Echota which served as the justification by the federal government to physically force Cherokees off their lands into Indian Territory via the Trail of Tears, was signed on behalf of the Cherokee Nation by a minority of Cherokees that did not have the authority to represent the entirety of Cherokee Nation. That treaty ceded the homelands in exchange for lands in Indian Territory and \$5,000,000. The US Government frequently engaged individuals lacking authority to represent tribal governments if the legitimate representatives refused to negotiate to terms so desired. Cherokees protested but were ignored by Congress and President Van Buren. Many Cherokees rejected the Treaty. But Cherokees were rounded up and removed from the homelands with often just hours or minutes to organize belongings frequently at gun or bayonet point. While on the Trail of Tears, we lost over a quarter of our total population, mostly the very old, the very young and the sick. Our elders hold our knowledge. By losing so many of our elders on the trail, we lost part of our culture which included traditional ecological knowledge of our foodways. Cherokees were also forced to leave food stores, seed, and crops in the ground when forced to walk to Indian Territory. We were also removed to a place where the climate, soil, flora, and fauna were very different from where we came. But Cherokees, like so many other tribal peoples, are resilient. We rebuilt, re-established our agricultural practices and began to thrive in Indian Territory.

It was also during the era of reservation and removal, that many tribes were forced to become dependent on federal food provisions. Commodities like lard, flour, sugar, salt, coffee, and canned meat were distributed to people that largely ate unprocessed plant and protein-based diets. Commodity distribution are where frybread comes from. While it is popular and common in indigenous communities, it's a neo-cultural development resulting from a need to survive despite being a poor fit for indigenous dietary needs.

After reservation and removal, the assimilation era began. As indigenous land bases were reduced and our access to food sources became challenged, indigenous peoples were encouraged to become yeoman farmers and assimilate by practicing animal husbandry to encourage "civilization." While some tribes were already adept at those practices like Cherokee agriculturalists, like the Florida Seminole cattle ranchers, like many tribes that cultivated corn, beans and squash, many tribes were pushed into practices that were novel and inconsistent with cultural practices, traditional diets, and known food production and harvest techniques. Additionally, Indian Agents were tasked with teaching and facilitating European derived agriculture to tribes. Frequently, reservations were located on poor quality lands and Indian Agents failed to provide adequate equipment, seeds, training, and interest to support transition to yeoman farmer. Indian Agents gained reputations of dishonesty and inefficiency in dealing with tribal matters.

Children were also removed from their homes and sent to Indian boarding schools for the assimilation purpose of "killing the Indian and saving the man." When indigenous children were taken from their

homes, forced to stop speaking their language, cut their hair, wear different clothes, and adopt a non-native religion, the connection to their culture was intentionally and traumatically severed. When our elders cannot speak the same language as our youth, our ways and knowledge over our food and agriculture traditions cannot be shared in a good way, in a way that they will be continued, valued, and respected. Boarding schools also caused significant child death by abuse and neglect, resulting in further losses of continued culture.

Allotment policy was also detrimental to land access. To meet the demand for land, a scheme was developed to open up additional lands in Indian Territory for settlement. 160 to 40 acres of land would be allotted to individual Indians to encourage adoption of agriculture for individual benefit versus the communal system of production. After lands were allotted, the "surplus" lands would be distributed to the highest bidder. The justification for the distribution is jaw-dropping:

In 1885, Senator Henry Dawes said "The head chief told us that there was not a family in that whole nation that had not a home of its own. There was not a pauper in that nation, and the nation did not own a dollar. It built its own capitol, and it built its schools and its hospitals. Yet the defect of the system was apparent. They have got as far as they can go because they own their land in common ... there is no enterprise to make your home any better than that of your neighbour's. There is no selfishness, which is at the bottom of civilisation. Til this people will consent to give up their lands, and divide them among their citizens so that each can own the land he cultivates, they will not make much more progress."

I find the statement unbelievable that a nation that cares for all, can feed all, govern itself, educate children and treat the sick was criticized for not facilitating individualized agriculture competition as a measure of "progress." That "progress" so facilitated by the Dawes Act resulted in the loss over 2/3rds of the remaining land base held by tribes. Over 90 million acres were lost through allotment and even more later due to fractionization, illicit schemes, murder, grift, and probate. For examples, research the Osage Reign of Terror. Land allotments were also frequently non-contiguous or checkerboarded, so even if a tribal allottee wished to farm his or her land, it was too difficult to occupy and maintain multiple non-adjacent parcels. Families were also allotted lands significant distances away from each other. Children's 40-acre tracts could be an entire town or section away from their parents' allotment lands. Allotted lands were frequently of lower quality compared to surplus set-asides or located in areas that were inconsistent with the promotion of farming and agriculture like on hillsides, flood plains or areas with rocky soil. Allotment policy facially promoted agriculture but in reality, was a convoluted land grab.

But despite allotment challenges, tribal nations and citizens continued to engage in new and traditional food and agriculture practices. As tribes reassert sovereignty and the federal government recognizes the benefits of tribal self-government, Native Americans are enjoying better opportunities for nutritious and culturally relevant foods consistent with the dietary needs of indigenous bodies.

Tribal Sovereignty and Self-determination is the solution for hunger in Indian Country. While prior Farm Bill programs did not adequately serve tribes and tribal communities, the 2018 Farm Bill was the most tribally inclusive Farm Bill to date. Tribes were given parity with states in being able to access and administer many USDA Programs. A 638 pilot was authorized in the Nutrition Title allowing tribes operating the Food Distribution Program on Indian Reservations to source local and tribally produced food products as a component of the foods offered to eligible recipients. This program encourages additional federal dollars to circulate on the reservation, helping develop and support local and regional tribal food economies by creating market opportunities for producers. We need more of that. Federal policy to facilitate not just direct provision of nutrition but also indigenous procurement is critical.

Self-directed governance of tribal land bases is critical as well. Many tribes are subjected to BIA land management policy wherein leasing programs require tribally held trust lands available for lease to be awarded to the highest bidder regardless of whether the bidder is a tribal member or not. Non-native leaseholders do not recirculate dollars produced derived from the production activity on lands leased on the reservation. In fact, most dollars derived from production activity on leased tribal lands are spent or allocated off-reservation. Tribes have frequently pushed back against that BIA policy to promote a tribal preference in leasing tribal lands but are met with significant barriers in seeing that policy adopted and promoted. The American Indian Agriculture Resource Management Act provides a vehicle for tribes to express tribal preference for agricultural land management, called an Agricultural Resource Management Plan or ARMP, that requires the BIA to assist in enforcing the provisions of the plan. ARMPs can also incorporate conservation policy, best management practices, land remediation priorities, production preferences and land tenure guidance. But lack of initiative, institutional knowledge, funding, and consultation by the BIA have resulted in a lack of access for this great tool. Tribes must fight for funding authorization and then receive unclear instruction on how to proceed in the development of ARMPs including how to solicit funding, whether a NEPA or Environmental Review or Assessment is need and at what point in the process, how to implement the plan and how the BIA actually assists with implementation and enforcement. This is one of the most egregious examples of a violation of the fiduciary trust responsibility that the federal government has in administering BIA programs for the benefit of tribes. Fully funding programmatic activity as set out in AIARMA is critical for the self-direction of agricultural resources by tribes.

There are many other policy opportunities that Congress can support to empower tribes to conquer hunger in Indian Country. I would encourage members of the Rules and Natural Resources Committee to secure a copy of a report to come that will be issued by the Native Farm Bill Coalition detailing policy changes within the Farm Bill to better resolve food and agriculture challenges in Indian Country. Parity in access and support for self-determination will go a long way in being able to feed ourselves. Food Sovereignty is Tribal Sovereignty.

I appreciate the opportunity to share with the House Rules and Natural Resources Committee. I hope the information shared better clarified the state of hunger, food and agriculture in Indian Country and highlighted the role Congress can play in addressing these challenges. I look forward to being available as a resource for the committees as well as the role the Indigenous Food and Agriculture Initiative can provide in assisting the committees further upon request.

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