

## Beyond Extension: Strengthening the Federally Recognized Tribal Extension Program (FRTEP)

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### Abstract

Most agricultural activities on Indian lands have been under the control of non-Indian managers since the reservation era began in the 1800s. Despite federal trust obligations dating back to the late 1700s, there has been little involvement by U.S. Cooperative Extension. Federally funded programs created to enhance tribal farming and ranching operations continue to be marginalized and severely underfunded. The Federally Recognized Tribal Extension Program (FRTEP) is tasked with supporting American Indians through scientific, economic, agricultural, and traditional information to solve local problems. FRTEP serves

19 reservation communities with an annual fluctuating budget of approximately US\$3 million, which is nationally competitive. Recent litigation offers an opportunity for FRTEP to grow, serve as a catalyst for change, and energize economic stimulation. FRTEP also offers a potential model for community-based agricultural and food programs nationwide.

### Keywords

American Indian, Cooperative Extension, *Keepseagle v. Venneman*, *Cobell v. Salazar*, *Pigford v. Glickman*

### Introduction

The development of community-based agriculture and food systems can mitigate the effects of human-caused climate change and build both community and ecological resilience (van der Ploeg, 2009). Minority racial and ethnic groups, however, have been systematically and historically denied the right and ability to maintain or develop autonomous agriculture initiatives and food systems (Alkon & Agyeman, 2011). Like other

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marginalized farming groups, such as African-American farmers, Indian reservation-based farmers have suffered systematic and structural lack of federal support and infrastructure development. This is despite their offering diversified and sustainable methods, such as place-specific crops more attuned to bioregional aspects like water availability and soil type, and to traditional foodways, like buffalo harvests and gardening. In comparison, the food justice and food sovereignty movements establish food and community-level agricultural practices as keystone ideas for building a more just society (Wittman, Desmarais, & Wiebe, 2010). In spite of these positive developments, a full understanding of historical and structural inequality for Native Americans remains underdeveloped. Further, the situation is made more complex by the number of tribes, the colonial history of displacement, and unequal treaty relationships, all in concert with shifting land tenure status (Brewer, Hiller, Burke, & Teegerstrom, 2016).

Initial and ongoing political relationships between American Indian tribes (“Indian Country”) rely on a system of treaties to allocate monetary, land, and support resources. As is common with colonized peoples in other parts of the world, Indian Country has not received all that it has been promised. Specifically, Indian agriculture is underfunded and historically neglected, and yet crucial to the maintenance and development of community-based agricultural and food systems in Indian Country (Vernon, 2015). Indian Country, while generally land wealthy, is monetarily impoverished. Thus, in terms of agricultural development, Indian Extension has the ability to partially unlock the potential of land wealth to provide livelihoods, work, financial support, and economic development. Many tribal communities currently have to struggle to balance identity and economy in nation-building.

In this paper we offer the Federally Recognized Tribal Extension Program (FRTEP) as a prime example of a marginalized federal program that provides a mutually beneficial relationship

between the U.S. government and tribes. Cooperative Extension<sup>1</sup> often experiences budget shortfalls; Indian Country Extension is similarly underfunded and lacks political influence. Our paper is a policy analysis that explores the historic and contemporary relationship of Indian Country Extension and the federal government in a time of unprecedented land-related lawsuits. We conclude that the ingredients for equity for Indian Country farmers and collaboration between Indian and U.S. Cooperative Extension do exist. Our work builds on Hurt’s (1987) call for more work on Indian agricultural extension, but is also supportive of continuing to pressure Congress to strengthen Cooperative Extension.

We develop in this paper a more thorough history of tribal agriculture as it relates to U.S. Extension, federal treaty and trust relationships, and ongoing lawsuits with an eye toward considering the potential effects of the lawsuits, all of which cite mismanagement of Indian trusts and reiterate the tenuous relationship between sovereign tribes and the U.S. government. Specifically, we discuss the FRTEP, which aims to assist tribes, individual farmers, and ranchers within reservation boundaries in developing agricultural potential. A brief comparative study between FRTEP and conventional county-based Cooperative Extension measures equity and Indian Country access to agriculture-based educational resources. The comparison reveals patterns of historic mismanagement by federal agencies responsible for upholding the trust obligation between tribes and the federal government (U.S. Department of the Interior [U.S. DOI], 2013).

### **Who’s an Indian, What’s a Tribe?**

In striving to clarify the uniqueness of the American Indian *agricultural* experience, one must understand the unique *political* status American Indian tribes occupy. As the only ethnic groups within U.S. borders that negotiated treaties with the U.S. between 1700 and 1871, the American Indian legal context differs from those of other ethnic and racial groups. Indians enjoy “domestic

Country Extension. Thus Extension will always be capitalized throughout this paper, for consistency and clarity.

<sup>1</sup> Whenever “Extension” is used in this paper, it is referring to Cooperative Extension, Extension Programs, or Indian

dependent nation” status, or what scholars refer to as “quasi-sovereign” status as determined by the decision *Cherokee Nation v. Georgia* (1831).<sup>2</sup> American Indians thus enjoy dual citizenship, of both the U.S. and their tribe, which is both a legal status and the product of a specific political relationship, and not a status born of a racial history, according to *Morton v. Mancari* (1974).<sup>3</sup> The relationship between tribes and the United States is based on a long and complex legal history including contracts, treaties, and executive orders, as well as numerous acts, laws, and policies. Significantly, the Supreme Court has stated in *United States v. Winans* (1905)<sup>4</sup>: “the treaty was not a grant of rights to the Indians, but a grant of rights from them—a reservation of those not granted” (Getches, Wilkinson, & Williams, 2005, p. 138). In other words, if the reserved rights in treaties have not clearly been taken away by the U.S., then they remain intact. These are rights allowing mobility through geographies outside reservation lands in order to practice traditional and customary lifestyles. Further, the inherent rights of tribes are those that existed *pre-contact*. Treaties demonstrate a full recognition that the U.S. intended to uphold its side of the negotiation. To illustrate the importance of these relationships to community-based food production, we offer the example of agricultural extension.

## Emergence of Cooperative Extension

### *Origins of Extension*

The roots of Extension reach back to the founding of the nation (True, 1928) and predate nearly every documented government or nongovernmental organization in the Americas. In the pursuit of building a great country, Extension aimed to enable

farmers with the best agricultural techniques and knowledge. Two pieces of legislation, the Morrill Act of 1862 and the Smith-Lever Act of 1914, established a land-grant program to support state agricultural colleges (later known as land-grant universities or LGUs) in combination with the Agricultural Extension Service (later known as Cooperative Extension). This formalized Extension as the educational arm of the U.S. Department of Agriculture, housed at state LGUs and traditionally funded by a combination of federal, county, and state governments (Gould, Steele, & Woodrum, 2014). Since World War II, Extension has moved away from a local self-sufficiency model to one supporting commodity production in parallel with wider changes in global food production (Benson & Jafry, 2013).

### *Tribal Extension, A Brief History*

The historical relationship between the federal government and tribal Extension efforts deviates from traditional Cooperative Extension. Since the 1790s, treaties with and policies directed toward American Indians—specifically, the Second Intercourse Act (1793)—obligated the United States to “provide Indians with agricultural implements and instruction” and agricultural agents (Hurt, 1987, p. 97). Generally, tribes sacrificed something, such as freedom of movement and a stable land base, in exchange for services, such as education, provided by the federal government in perpetuity (Deloria, 1977; Deloria & Lytle, 1984; Prucha, 1997; Williams, R. A., 1997). Deloria (1977) states that Indians tended to perceive treaties as sacred documents, as more religious text than legal agreement: “Thus Indians stubbornly anticipate *affirmative* [emphasis added] action by the United States in resolving their difficulties” (p. 5), and thus aim to avoid legal recourse to force treaty obligations.<sup>5</sup>

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<sup>2</sup> *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), ruled that tribal sovereignty is inherent, and not dependent on federal law.

<sup>3</sup> *Morton v. Mancari*, 417 U.S. 535 (1974), ruled that the relationship tribes maintain with the federal government is not of a racial but of a historical nature.

<sup>4</sup> *United States v. Winans*, 198 U.S. 371 (1905), reserved treaty rights and upheld the inherent status of tribal rights.

<sup>5</sup> Alaskan Natives and Native Hawaiians, the only other federally recognized Indigenous peoples, have legal

relationships with the U.S. government that are politically different from those of American Indian tribes. Both distinct peoples and their respective bands and communities have equally complicated land-tenure histories. The point here is that neither Alaskan Natives nor Native Hawaiians negotiated treaties with the U.S., and without treaties distinguishing their political status they remain separate in a legal context from American Indians.

While tribes saw treaties as sacred texts reserving hunting and fishing rights in the Pacific Northwest, or providing agricultural education services for tribes in the Great Plains region and beyond, the U.S. would often use the same language or template in treaties for consistency and uniformity, as discussed later. That contrast in understanding of what the texts represent (between those of sacred texts and simply legal contracts) is the foundational conflict between tribes and the U.S. government. The common language of boilerplate treaties has been useful so that courts can understand the original intentions of the negotiation in the affirmation of tribal rights (Ovsak, 1994). Despite conflicts over interpretations, it is important to note that federal Indian law and policy, as a distinct body of law, has continually recognized the significance of treaty language and federal policy created to delineate tribal land in hopes of assimilating tribal people into mainstream U.S. society (Deloria & Wilkins, 1999). For example, based on language in the Medicine Creek Treaty of 1854, *United States v. Washington* (1905) affirmed the reserved rights of tribes in the 1970s to harvest fish at all “usual and accustomed grounds,” which in this case were outside of reservation boundaries. The decision was based not on an interpretation of law, but on treaty language that has specifically reserved the hunting and fishing rights of American Indian tribes (Getches et al., 2005). The Medicine Creek Treaty serves as an example of how treaties clearly state the original intentions of the negotiation, and other landmark court decisions have upheld reserved fishing rights based on similar treaty language.<sup>6</sup>

From the perspective of U.S. policy, agricultural support served to help assimilate Indians by turning them into farmers (Hurt, 1987; Iverson, 1994). For example, the Treaty of Fort Laramie (1868) between the U.S. and various Plains tribes clearly supports these ideals: “with the assistance of the *agent* [emphasis added] then in charge, a tract of

land within said reservation” and “so long as he or they may continue to *cultivate* [emphasis added] it”<sup>7</sup> (Kappler, 1904/n.d., Article 6). The Navajo Treaty of 1868 included similar language. These examples are representative of separate treaties with the common language of “agent” and “cultivate” intended to utilize agriculture for assimilation (Hurt, 1987). The “agent,” as a resident of the reservation and employee of the federal government, supervised and documented that assimilation was taking place and was to assist (as indicated in the quotation) in the assimilation process through the “cultivation” of crops, not as a preservation and encouragement of traditional practices of farming, but instead centered on European agronomy practices. For tribal peoples, the transition from indigenous farming societies to a European-style farming society would have been impossible without constant pressure as well as indoctrination into European farming styles (Hurt, 1987).

In summary, agricultural support in the form of Extension in Indian Country is a result of a sovereign-to-sovereign relationship. Just as other treaties (and court decisions rendered from treaty language) use treaty language to support hunting and fishing rights, agricultural support via Extension or an agent provides agricultural support. Therefore, agricultural support in the form of an agent, that is, Extension, can be viewed as a reserved right by tribes for the benefit of tribal communities. In sum, there was “support” in terms of agents and access to capital and crop seeds when there was a push to assimilate, but now that the assimilation projects have been largely abandoned that same support has dried up, despite treaty obligations remaining intact.

### *Reemergence*

Extension service in Indian Country has never been fully funded, and therefore is severely limited (Select Hearing, 1989). A severe drought during the 1980s in the Northern Plains states reignited the

<sup>6</sup> Other cases that speak directly to the point at hand can be found in Getches, Wilkinson, and Williams (2005), chapter 12.

<sup>7</sup> The term “agent” recurs in treaties as an authoritative figure and consultant in tribal agricultural endeavors. Agent refers to the “Indian agent” (later, “superintendent”). Early Indian

agents hired “boss farmers” to manage tribal agricultural operations, and later evolved into the present-day extension agent or educator under FRTEP (Brewer, Hiller, Burke, & Teegerstrom, 2016; Hiller, 2005; Rooks, 1910).

debate—mostly among tribes—about expanding Extension services to Indian Country. A report followed in 1986 with specific recommendations for Extension in Indian Country, although targeted only to the drought-afflicted states (Racine, 1995). To address agricultural issues in Indian Country, the Indian Agriculture Working Group (IAWG), established after the 1986 report, made 32 recommendations based on a national inquiry of tribes gathered from numerous states during 14 meetings throughout the U.S. (Racine 1995). One prominent recommendation was the re-envisioning of Indian Country Cooperative Extension programs (IAWG, 1987). The report summarized nearly 70 years of Cooperative Extension program efforts by noting, “the solutions they [past committees] have recommended have not been implemented” (IAWG, 1987 p. 1). A 1989 congressional hearing provided a national platform for Indian agriculture to redress the issues at hand (Select Hearing, 1989), which in turn prompted the re-creation of Extension in Indian Country, initiated in the 1990 farm bill. What started as the Extension Indian Reservation Program (EIRP) is now formally the Federally Recognized Tribal Extension Program (FRTEP).<sup>8</sup>

### **The Federally Recognized Tribal Extension Program (FRTEP)**

The Intertribal Agriculture Council (IAC) and other agriculture-based organizations, including the U.S. Department of Agriculture (USDA), were charged with designing a Cooperative Extension program for reservation tribes following the 1989 hearing. FRTEP was initially designed to support approximately 90 agents across as many reservations on a US\$10 million budget. Priority was given to large reservations (of at least 120,000 acres or 49,000 hectares) with significant agricultural needs and opportunities (Racine, 1995). Ultimately, 12 offices were established in the first year of the program and were supported by a budget of US\$1 million (R. Racine, executive director of IAC, personal communication, September 14, 2015). Instead of working with county governments, as regular Cooperative Extension does, FRTEP aligns with tribal governments (Hiller, 2005; Tuttle,

Moore, & Benally, 2008). Where conventional county-based Cooperative Extension primarily works with established farming and ranching communities, FRTEP generally works with under-established farming and ranching programs and economically poor communities. FRTEP agents directly address the issues of tribal agriculture and natural resources management by implementing research-based practices in conjunction with culturally sensitive approaches (Racine, 1995).

Throughout Indian Country, FRTEP Extension agents have played a pivotal role in the development of tribal agriculture and natural resources management. In essence, the FRTEP agent has to understand tribal, county, state, and federal programs and their governance structures (J. Hiller, former head of the American Indian Studies program at the University of Arizona, personal communication, September 10, 2014). For example, agents are tasked with understanding how tribal governments function, such as how they pass resolutions, and must work with tribal offices to share resources and networks for programs like gardening. FRTEP agents therefore must be versatile and understand what it takes to successfully manage and operate a relevant tribal agriculture and natural resources department (Brewer, 2008; Moore, Beally, & Tuttle, 2008).

### *In Reality*

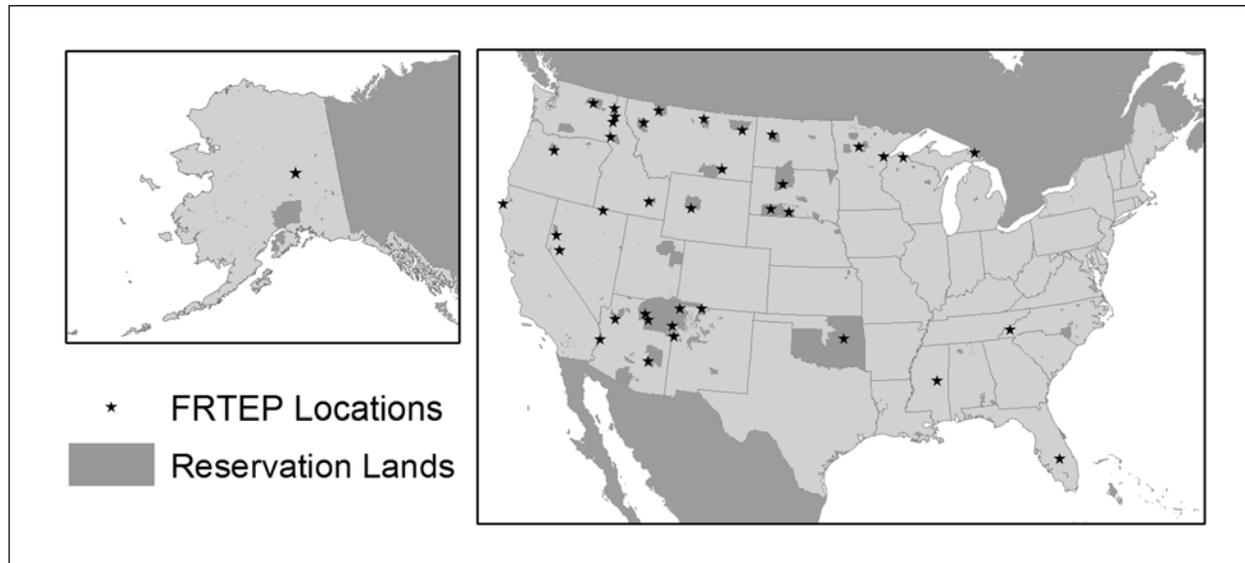
As of 2015 there are 36 FRTEP offices located in 19 states (USDA, National Institute of Food and Agriculture [USDA NIFA], 2012) (see Figure 1), which operate under agreements between LGUs and the respective tribe(s). Virtually all funding for these operations is federal and is routed to LGUs via USDA NIFA. The conventional county-based Extension model depends on a blend of county, state, and federal funding. There is virtually no county or state funding available to support FRTEP operations, however. Any supplemental support from tribes is usually provided as in-kind contributions in the form of office space and telephones (USDA NIFA, n.d.).

There are significant political and jurisdictional issues involving funding and access to resources

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<sup>8</sup> See <http://indiancountryextension.org/>

**Figure 1. FRTEP Offices in the United States**



Information was obtained via the Indian Extension website (Brewer et al., 2016). Map created by Joshua Meisel and modified for this paper.

that continue to be a challenge to Cooperative Extension work in Indian Country. Where a county may have over 100 years of history and experience with traditional Cooperative Extension, most tribes have none (Hiller, 2005). Funding for individual FRTEP offices is grant-driven and nationally competitive, in sharp contrast to the guaranteed-funding rubric for county Extension offices (Hiller, 2005).<sup>9</sup>

Funding fluctuations have a direct effect on the staffing and programming of Extension offices. During 1980 to 2010 the federal budget for Cooperative Extension supported an average of 15,145 full-time-equivalent employees (FTEs) (Wang, 2014). By comparison, in the mid-2000s NIFA agreed to a US\$3 million FRTEP budget that supported 36 FTEs (Brewer et al., 2016). Those 36 FTEs deliver programs to 27 reservations, or 8.6 percent of 314 U.S. reservations, with a population of about 1.56 million, out of nearly 5.2 million American Indians (Norris, Vines, & Hoeffel, 2012; Williams, T., 2013).

<sup>9</sup> There is a dearth of literature and information on FRTEP and Extension beginnings in Indian Country. Individual agents and specific FRTEP programs write about programming as well as other scholarly concerns, but few sources have gathered information about the history of the program and its

We shall expand this policy analysis by exploring in more detail the situation in Arizona, as it best illustrates both the potential inherent in FRTEP and also the historical and institutional marginalization embedded in Indian Country–Extension relationships.

#### *FRTEP in Arizona*

While FRTEP has a national scope, the forefront of FRTEP is in the arid southwest. Arizona is one of the largest states to encompass a variety of American Indian reservations, delivering FRTEP programs to about 31 percent of tribes in the state. Reservations make up nearly a third of the total land in Arizona (21.6 million of 72.9 million acres, or 8.7 million of 29.5 million ha) (Tiller 2005), with substantial natural resources and farming and ranching within tribe-controlled reservation boundaries.

With seven full-time FRTEP agents on five reservations, Arizona is the largest operation in the U.S. (Montana is the second largest and South

current standing. Writing this article was challenging, as contemporary Indian agriculture—what would seem like a large and well documented topic—is in fact not so, and neither are Extension programs for tribal communities.

Dakota third largest) (USDA NIFA, n.d.). Arizona is also the largest tribally occupied land base to acquire this level of federal support; during fiscal year 2013–2014 the total annual budget for Arizona FRTEP was US\$541,800 (T. Teegerstrom, director of Arizona FRTEP programs, personal communication, December 28, 2015).<sup>10</sup> By comparison, the Arizona Cooperative Extension program received federal support for 75 FTEs throughout 15 counties for the 2013–2014 fiscal year (Arizona Cooperative Extension, 2014).

Once the national FRTEP budget is roughly determined by NIFA, agents write grant proposals that compete on a national level for the limited funding available. This creates an environment in which FRTEP programs at the state and/or national level, and agents themselves, cannot anticipate their funding from year to year, which limits agents' ability to provide adequate programming for the diverse range of tribes and projects. As a result, Extension agents are severely limited in their activities. Most of the programs they are able to deliver successfully are well-established and proven, such as Future Farmers of America (FFA), rodeo, gardening, and 4-H, programs with a history, community interest, and that work within the resources available.

Tribes steward 55,700,000 acres (22,541,000 ha) of land in the U.S. (Tiller, 2005), of which FRTEP serves only a fraction despite a long history of treaty obligations. There remains a huge potential for sustainable agriculture and natural resources development in Indian Country that a more appropriately funded FRTEP program could help address.

### Legal Challenges to Inequity

Beginning in the 1990s, women, African American, Hispanic, and Indian farmers brought suit against the federal government seeking redress for the structural and consistent exclusion from federal agricultural programs and dollars based on sex, race, and ethnicity (Daniel, 2015). What follows is a

thematic (rather than chronological) discussion of the key cases related to addressing structural discrimination in allocating federal agricultural resources, concluding with the cases related to Indian agriculture.

#### *Agricultural Discrimination Litigation*

*Pigford v. Glickman* (1999), a class-action lawsuit involving African American farmers and the USDA that was filed in 1998, is the largest civil rights settlement in U.S. history. The suit argued that between 1981 and 1996, African American farmers were denied or not given the opportunity to access loans to support their farming operations. It is estimated that as a consequence there was a substantial decrease in black farmers during this era (Brewer, G. A., 2003; Reynolds, 2003). Representing nearly 25,000 African American farmers, *Pigford* was settled in 1999 for over US\$1 billion, to be distributed to individual farmers denied or unfairly treated by USDA loan services. A related suit (*In re Black Farmers Discrimination Litigation*, 2011) expanded the affected population to 60,000 individual farmers (Carpenter, 2012). In what became known as *Pigford II*, this US\$1.2 billion dollar settlement not only exposed the discriminatory practices of USDA toward African American farmers, but also set a precedent in civil rights law that further established the significance of and need for policies that assist minority agriculture (Feder & Cowan, 2013).

Similar lawsuits filed by Hispanic farmers in 1997 (*Garcia v. Vilsack*) and women farmers in 2000 (*Love v. Vilsack*) were denied class status. These lawsuits claimed systematic and discriminatory loan practices toward Hispanic and female farmers in the 1980s and 1990s. Despite lacking class status, claimants under both *Garcia* and *Love* could lay claim to a US\$1.33 billion fund established in 2010 as part of a USDA settlement intended to remedy claims of structural discrimination.

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<sup>10</sup> Inadequate federal accounting of Indian agricultural statistics, despite treaty obligations, and unwillingness by some tribes to share this information make systematic analysis difficult, particularly at smaller scales. It is unknown to what

extent the inaccuracy of statistics representing Indian farming and ranching operations has put Indians at a disadvantage, as has been recognized by the courts (*Keepsseagle v. Venneman*, 2000).

### *Indian Legal Challenges*

In many ways, Indian challenges began this era of activism for agricultural justice civil rights. In 1996, Elouise Cobell, a member of the Blackfeet Tribe of Montana, filed a complaint against the Secretary of the Interior (*Cobell v. Salazar*,<sup>11</sup> 2009) that would become the largest monetary American Indian trust class-action settlement in history. *Cobell* sought an accurate accounting of the Individual Indian Monies (IIM) under the Trust Fund Management Reform Act that required the defendant—the U.S. government—to provide accurate accounting of monies held in trust and managed by the federal government. Individual Indian monies funds resulting from leases, rentals, and other incomes from lands held by Indians had been remitted to the Bureau of Indian Affairs and remained in federal trust. The U.S. DOI, the suit alleged, was grossly negligent for not having accurate balances of individual Indian monies (Merjian, 2010). In 2009 the federal government consented to settle the case for US\$3.4 billion: US\$1.4 billion earmarked for individual Indians and US\$2 billion for a Trust Consolidation Fund (Davidson, 2011). The historic quality of *Cobell* serves as a reminder that the legally binding negotiations in treaties and Indian policy still matter.

In what can be considered to some extent a companion suit, *Keepseagle v. Veneman*, was first filed in 2000 as a class-action civil rights lawsuit on behalf of Indian farmers against the USDA, claiming discriminatory loan practices. As in the cases above, to be considered in the suit the claimant must have applied for a farm loan, attempted to farm, filed a discrimination complaint, and attempted to gain access to land with the intention of farming or ranching between January 1, 1981, and November 24, 1999 (*Keepseagle v. Vilsack Settlement*, n.d.). The settlement paid US\$680 million to claimants and US\$80 million for debt relief. As of this writing, US\$380 million has not been issued and remains unclaimed. The final settlement came in 2010 and the claimant filing period expired in December 2011. The early closing date left many Indian farmers and ranchers

out of the final settlement. Many of the potential claimants live in remote regions and were therefore difficult to reach. The court is currently assessing ways to use the unclaimed funds. These cases together highlight the relevance of historic treaty relationships, as a number of Indian lands are the result of treaties and obligations particularly as they relate to land tenure, agricultural support, and education.

### **Toward a New Day**

While these legal cases aim to challenge USDA and Cooperative Extension interpretations of who merits federal support for agriculture on a broad scale, FRTEP and the related legal challenges offer real possibilities for Indian farmers, farming, and Extension going forward. For example, the by-products of the *Cobell* litigation, *Keepseagle's* residual funds, might be useful in helping to develop Indian Country agriculture, depending on upcoming court rulings.

As Cross (2010) states, given the success of Indian ranching operations in the mid-twentieth century, ranching was seen as a possible avenue for bringing Northern Plains Indians into “modern” civilization. But poor policy decisions, such as privileging certain farming and ranching operations and/or practices over others, by “both Indian and non-Indian” led to the downfall of these thriving ranching communities (p. 746). Cross concludes that the reestablishment of ranching (with funding from *Cobell*) may in fact lead to socioeconomic stability for the northern Great Plains tribes, while emphasizing two key points in line with this paper: first, that agriculture in Indian Country can happen, is happening on a small scale, and can create a foundation for a stable economy; and second, given recent settlements, there are opportunities to support farming and ranching programs financially at different scales with an expanded FRTEP while strengthening relationships with nonfederal organizations that are already doing similar work to administer Extension.

Simply put, treaty rights are alive and well, and the federal responsibility to this nation's food

while Ken Salazar was secretary.

<sup>11</sup> The original suit was filed against the Department of Interior when Bruce Babbitt was secretary; the case was settled

producers, Indian and non-Indian alike, is alive and well, too. In a time of big litigation, the track record demonstrates that the only way to achieve compliance of federal trust obligations to tribes is through litigation. So, while the federal obligation to provide Cooperative Extension services in Indian Country has never been taken away from tribes, neither has it yet been adequately supported. Realistically, litigating the issue is an option nobody desires.

Although Extension-like services in Indian Country can be viewed as a two-century failed commitment, all the necessary pieces are currently on the table to move in a positive direction for Indian Country agricultural development. In this policy analysis we illustrated the systematic and historic neglect of Extension services first established by treaties, and pointed to the existing, but severely underfunded, framework that FRTEP offers. If properly funded, FRTEP can help shift the federal-tribal relationship into a productive one. FRTEP is uniquely positioned to energize and utilize agriculture as a primary driver to bolster economic stimulation in Indian Country.

In the very near future, there are opportunities to fund FRTEP programs in the manner in which they were originally conceived.<sup>12</sup> As we continue to refine American Indian land tenure policies, keeping an eye on the central mission to move economic development forward is paramount. This policy analysis, in part, informs the way forward by reminding us that the central issue here is the institutional neglect of Indian Country. For those who make decisions that affect American Indian land tenure status, both tribal and non-tribal, history has continually repeated itself. The literature suggests that controls (such as policies and procedures) used to make these decisions have been largely inadequate and are outdated (U.S. DOI, 2013). There are respected nongovernmental organizations that have been carrying out a commitment to American

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<sup>12</sup> A cautionary point is to be made, however; there is a difference between supporting FRTEP staff positions with recent litigated funds and supporting FRTEP programs themselves. As shown in this paper, Extension positions are a reflection of the treaty relationship, while programs are not. Therefore, supporting positions would be side-stepping treaty negotiations. As clearly indicated in template treaties, an

Indian farming and ranching initiatives; it is time to work with and learn from them on a national level. Investing in sustainable land-based agriculture programs such as FRTEP that provide a tangible, day-to-day service to communities will ultimately empower farmers and ranchers in a way that is unprecedented. In light of the recent *Keepseagle* court ruling, to reject the formation of a trust, from unclaimed funds, for farmers and ranchers that would grow to secure longevity only perpetuates the limitations put on Indian Country and its farmers. The day must be realized where Extension in Indian Country supports the control of agriculture-based products by and for American Indians that are bought and sold in a market where they are equals.

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### References

- Alkon, A. H., & Agyeman, J. (2011). Introduction: The food movement as polyculture. In A. H. Alkon & J. Agyeman (Eds.), *Cultivating food justice: Race, class, and sustainability* (pp. 1–20). Cambridge, Massachusetts: MIT Press.
- Arizona Cooperative Extension. (2014). *2014 overview report*. Tucson, Arizona: College of Agriculture and Life Sciences, Cooperative Extension.  
[https://extension.arizona.edu/sites/extension.arizona.edu/files/resources/2014-overview-report\\_0.pdf](https://extension.arizona.edu/sites/extension.arizona.edu/files/resources/2014-overview-report_0.pdf)
- Benson, A., & Jafry, T. (2013). The state of agricultural extension: An overview and new caveats for the future. *Journal of Agricultural Education and Extension*, 19(4), 381–393.  
<http://dx.doi.org/10.1080/1389224X.2013.808502>

“agent” was assigned to the reservation and assisted in agriculture (i.e., assisted in “cultivating”) and therefore a federal position was assigned to these duties. The litigated funds are a result of a failure to offer federal services to tribes. Treaty rights or reserved rights are much older and separate from litigated issues; nevertheless, supporting programs would enhance FRTEP goals.

- Brewer, G. A. (2003, October). *When core values and missions collide: Gut-wrenching change in the U.S. Department of Agriculture*. Seventh National Public Management Research Conference, Georgetown University, Washington, D.C. Retrieved from <http://teep.tamu.edu/Npmrc/Brewer.pdf>
- Brewer, J. P. II. (2008). *Agriculture and natural resources management for American Indian tribes: An extension agent's view* (Unpublished doctoral dissertation). University of Arizona, Tucson.
- Brewer, J. P., II, Hiller, J. G., Burke, S., & Teegerstrom, T. (2016). A primer: Extension, Indian land tenure, and rangeland limitations. *Rangelands*, 38(1), 15–22. <http://dx.doi.org/10.1016/j.rala.2015.12.002>
- Carpenter, S. (2012). The USDA discrimination cases: *Pigford, In re Black Farmers, Keepseagle, Garcia, and Love*. *Drake Journal of Agricultural Law*, 17(1), 1–35.
- Cobell v. Salazar, 573 F. 3<sup>rd</sup> 808 D.C.C. (2009).
- Cross, R. (2010). Keeping the American Indian rancher on the land: A socio-legal analysis of the rise and demise of American Indian ranching on the northern Great Plains. *Washburn Law Journal*, 49(3), 745–780. [http://scholarship.law.umt.edu/faculty\\_lawreviews/57/](http://scholarship.law.umt.edu/faculty_lawreviews/57/)
- Daniel, P. (2015). *Dispossession: Discrimination against African American farmers in the age of civil rights*. Chapel Hill: University of North Carolina Press.
- Davidson, J. T. (2010). This land is your land, this land is my land? Why the *Cobell* settlement will not resolve Indian land fractionation. *American Indian Law Review*, 35(2), 575–619. <http://www.jstor.org/stable/41219752>
- Deloria, V., Jr. (1977). *A better day for Indians*. New York: Field Foundation. <http://files.eric.ed.gov/fulltext/ED138418.pdf>
- Deloria, V., Jr., & Lytle, C. (1984). *The nations within: The past and future of American Indian sovereignty*. New York: Pantheon.
- Deloria, V., Jr., & Wilkins, D. E. (1999). *Tribes, treaties and constitutional tribulations*. Austin: University of Texas Press.
- Feder, J., & Cowan, T. (2013). *Garcia v. Vilsack*: A policy and legal analysis of a USDA discrimination case. Washington, D.C.: Congressional Research Service, R40988. <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R40988.pdf>
- Garcia v. Vilsack, 563 F. 3d 519 D.C.C. (2009).
- Getches, D. H., Wilkinson, C. F., & Williams, R. A., Jr. (2005). *Cases and materials on federal Indian law* (5th ed.). Eagan, Minnesota: West.
- Gould, F. I., Steele, D., & Woodrum, W. J. (2014). Cooperative Extension: A century of innovation. *Journal of Extension*, 52(1), 1COM1. [http://www.joe.org/joe/2014february/pdf/JOE\\_v52\\_1comm1.pdf](http://www.joe.org/joe/2014february/pdf/JOE_v52_1comm1.pdf)
- Hiller, J. G. (2005). Is 10% good enough? Cooperative extension work in Indian country. *Journal of Extension*, 43(6), 6FEA2. <http://www.joe.org/joe/2005december/a2.php>
- Hurt, D. R. (1987). *Indian agriculture in America: Prehistory to the present*. Lawrence: University Press of Kansas.
- In re Black Farmers Discrimination, Litig. No. 08-MC-0511 (D.C.C.). (2011).
- Indian Agriculture Working Group [IAWG]. (1987). *Final findings and recommendations of the National Indian Agriculture Working Group*. Washington, D.C.: Department of the Interior, Bureau of Indian Affairs.
- Iverson, P. (1994). *When Indians became cowboys: Native peoples and cattle ranching in the American West*. Norman: University of Oklahoma Press.
- Kappler, C. J. (1904/n.d.). *Indian affairs: Laws and treaties, Vol. II, Treaties*. Washington, D.C.: Government Printing Office. Retrieved from <http://digital.library.okstate.edu/kappler/vol2/treaties/sio0998.htm>
- Keepseagle v. Veneman, 2001 U.S. Dist. LEXIS 25220 (D.D.C.). (2001, December 11).
- Keepseagle v. Vilsack Settlement. (n.d.). *Important dates*. Retrieved from <http://www.indianfarmclass.com/Dates.aspx>
- Love v. Vilsack, No. 1:00-cv-02502, District Court for the District of Columbia. (2012).
- Merjian, A. H. (2010). An unbroken chain of injustice: The Dawes Act, Native American trusts, and *Cobell v. Salazar*. *Gonzaga Law Review*, 46(3), 609–658. <http://www.law.gonzaga.edu/law-review/files/2011/09/Merjian.pdf>
- Moore, G. R., Beally, J., & Tuttle, S. (2008). *The Navajo Nation and extension programs*. Tucson: University of Arizona, College of Agriculture and Life Sciences, Arizona Cooperative Extension. <http://extension.arizona.edu/pubs/az1470.pdf>

- Norris, T., Vines, P. L., & Hoeffel, E. M. (2012). *The American Indian and Alaska native population: 2010*. Washington, D.C.: U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>
- Ovsak, C. M. (1994). Reaffirming the guarantee: Indian treaty rights to hunt and fish off-reservation in Minnesota. *William Mitchell Law Review*, 20(4), 1177–1212. <http://open.mitchellhamline.edu/wmlr/vol20/iss4/8/>
- Pigford v. Glickman, 185 F.R.D. 82 (D.C. Dist.). (1999).
- Prucha, F. P. (1997). *American Indian treaties: The history of a political anomaly*. Berkeley and Los Angeles: University of California Press.
- Racine, R. (1995). *Historical overview of the Reservation Extension Program*. Billings, Montana: Intertribal Agriculture Council. <http://www.hartford-hwp.com/archives/41/012.html>
- Reynolds, B. J. (2003). *Black farmers in America 1865–2000: The pursuit of independent farming and the role of cooperatives* (RBS Research Report 194). Washington, D.C.: USDA, Rural Business-Cooperative Service. <http://www.federationsoutherncoop.com/blfarmhist.pdf>
- Rooks, C. (1910). *Sworn affidavit. Kadoka, Stanley County, South Dakota. January 24, 1910*. General Federation of Women's Clubs of South Dakota.
- Select Hearing Before the Select Committee on Indian Affairs. (1989, November 2). United States Senate, 101st Cong. First Session, oversight hearing on Indian Agriculture. Washington, D.C.: U.S. Government Printing Office. <http://catalog.hathitrust.org/Record/008516983>
- Tiller, V. E. V. (2005). *Tiller's guide to Indian country: Economic profiles of American Indian reservations* (2<sup>nd</sup> ed.). Albuquerque, New Mexico: Bow Arrow.
- True, A. C. (1928). *A history of agricultural extension work in the United States 1785–1923* (Misc. Pub. 15). Washington, D.C.: U.S. Government Printing Office.
- Tuttle, S., Moore, G. R., & Benally, J. (2008). Process of conducting research on the Navajo Nation. Tucson: University of Arizona, College of Agriculture and Life Sciences, Arizona Cooperative Extension. <http://extension.arizona.edu/pubs/az1472.pdf>
- U.S. Department of Agriculture, National Institute of Food and Agriculture [USDA NIFA]. (n. d.). *NIFA tribal programs*. Washington, D.C.: USDA, Research, Education & Economics Information System. Retrieved from <http://nifa.usda.gov/program/nifa-tribal-programs>
- USDA NIFA. (2012). *Federally recognized tribes extension program directory*. Retrieved from <https://nifa.usda.gov/resource/federally-recognized-tribes-extension-program-directory>
- U.S. Department of the Interior [U.S. DOI]. (2013). *Report of the Commission on Indian Trust Administration and Reform, Approved December 10, 2013*. Washington, D.C.: Author. Retrieved from <http://www.doi.gov/cobell/commission>
- van der Ploeg, J. D. (2009). *The new peasantries: Struggles for autonomy and sustainability in an era of empire and globalization*. Abingdon, UK & New York: Earthscan.
- Vernon, R. V. (2015). A native perspective: Food is more than consumption. *Journal of Agriculture, Food Systems, and Community Development*, 5(4), 137–142. <http://dx.doi.org/10.5304/jafscd.2015.054.024>
- Wang, S. L. (2014). Cooperative Extension System: Trends and economic impacts on U.S. agriculture. *Choices*, 29(1). [http://www.choicesmagazine.org/UserFiles/file/cmsarticle\\_355.pdf](http://www.choicesmagazine.org/UserFiles/file/cmsarticle_355.pdf)
- Williams, R. A., Jr. (1997). *Linking arms together: American Indian treaty visions of law and peace, 1600–1800*. New York & Oxford, UK: Oxford University Press.
- Williams, T. (2013, April 14). Quietly, Indians reshape cities and reservations. *The New York Times*, p. A14. <http://www.nytimes.com/2013/04/14/us/as-american-indians-move-to-cities-old-and-new-challenges-follow.html>
- Wittman, H., Desmarais, A., & Wiebe, N. (2010.) The origins & potential of food sovereignty. In H. Wittman, A. Desmarais, & N. Wiebe (Eds.), *Food sovereignty: Reconnecting food, nature and community* (pp. 1–12). Oakland, California: Food First (Institute for Food & Development Policy).