

Land Access for Indigenous & African American Farmers in Maine

Report to the Joint Standing
Committee on Agriculture,
Conservation, and Forestry

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**Permanent
Commission**
RACIAL, INDIGENOUS
& TRIBAL POPULATIONS

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Indigenous Land Access

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African American Land Access

The following food producers and service providers were interviewed by Dustin Ward of It Is Time, LLC for this report:

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INTRODUCTION AND APPROACH

Pursuant to the Resolve following from LD 870, which was adopted and signed into law on June 8, 2021, the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations assembled a research team to examine the history of Federal and State policies impacting access by Indigenous and African American as well as Afro-Indigenous farmers in the State of Maine to land, grants, funding, and other programs, beginning with earliest colonial policies that displaced Wabanaki peoples from their lands and those that forced African-descended captives to labor here. Led by Lokotah Sanborn, the team additionally included Jim Hannah, Dustin Ward, Hunter Cropsey, Kenny Pollart, Sarah Goan, and Meadow Dibble. Two separate reports were initially produced; these were then synthesized to offer Legislators a cohesive view of the issues facing both communities.

In its commitment to the principles of community-engaged research, the Permanent Commission contracted with content experts from the Indigenous and African American communities to guide a research process designed to complement quantitative research and scholarship with the critical insights that can only come from individuals with lived experience as members of historically marginalized groups.

No group is a monolith, however, and researchers recorded a range of perspectives and opinions expressed by Wabanaki community members, as well as among African-descended individuals, beginning with concerns about the ambiguous and sometimes arbitrary categories into which the U.S. Census has lumped them, or discomfort with the imposition of descriptors and definitions such as “farming” to describe their traditional foodway activities.¹ Despite the complexities that characterize this admittedly fraught terrain, researchers noted many recurring themes and significant intersectionality as interviewees described similar barriers to accessing land and funding.²

It is impossible to convey, in a brief report such as this, the full impact of four centuries of settler colonialism, slavery, and racial capitalism on Indigenous and African American communities or to describe the myriad ways in which these systems have undermined their ability to access and cultivate land in the interest of attaining food security and wellbeing. Many of today’s agricultural institutions and policies, forged in a context of deep inequity, continue to operate in ways that perpetuate suffering among these historically marginalized communities.

¹ For the purposes of this study, researchers interviewed Black farmers born in this country. Their experiences differ significantly from those of refugee and immigrant farmers, who often receive support from organizations to help them access land and resources.

² Intersectionality refers to the interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.

The pervasive and interconnected laws, policies, and practices that have been in effect for hundreds of years cannot be undone with one or two policy changes. To transform systems, we must implement policies and practices that fundamentally counter the racial inequities imposed on Indigenous, African American, and other communities of color throughout U.S. history and seek to redress historic wrongs across sectors.

DEMOGRAPHICS

Data gathered by the 2020 U.S. Census Bureau show that citizens in Maine who identify as American Indian/Alaskan Native compose 2.5 percent of the state's population, totaling 33,502 people. Of those, 7,885 self-identify as American Indian/Alaskan Native alone. At 25,752, those identifying as Black or African American make up only 1.89 percent of the population in Maine, which according to official data is the whitest state in the nation.

Every five years, the United States Department of Agriculture (USDA) National Agricultural Statistics Service (NASS) conducts a Census of Agriculture with the intention of providing a complete count of existing U.S. farms and ranches and the people who operate them.³ However, many national organizations, including the American Farmland Trust, express skepticism that this data accurately depicts the actual number of Black and Indigenous farmers operating in the U.S. and believe them to be routinely undercounted due in part to their longstanding distrust of the USDA and NASS.⁴

Indigenous Farmers in Maine

Wabanaki Tribes hold roughly 1.06% of the land in Maine whereas Real Estate Investment Trusts (REIT) and Timber Investment Management Organizations (TIMO) own roughly 30 percent of Maine's forested land. Wealthy family owners (non-corporate entities) own roughly the same amount of land as the REITs and TIMOs.

According to the 2017 NASS census, only 112 farm producers in Maine identified as American Indian or Alaskan Native; of these, 77 listed farming as their primary occupation. Natives were the principal producers on a total of 93 farms, covering 12,344 acres of land. Their average age

³ A farm or ranch is, according to USDA's definition, a concern that raises or sells the equivalent of US\$1,000 in products during the census year.

⁴ "We recognize that the 2017 NASS Census data may be limited in capturing data that accurately depicts the number of BIPOC in the state due to many factors including the history of discrimination and distrust of USDA and NASS by many BIPOC producers, among other factors. This stark disparity is a result of centuries of land and agricultural policies, planning practices, and other forms of systemic racism that have prioritized white producers." <https://farmland.org/policy-update-aft-submits-comment-to-usda-on-racial-equity/>

was 56.5 years. It is likely that this census fails to account for a significant portion of Indigenous food producers, however, who do not meet the criteria to qualify as “farm producers.”

Native-identified farmers hold just 0.9% of total farmlands in the state.
– NASS Census 2017

Native-identified farmers hold just 0.9 percent of total farmlands in the state. Most Tribally-held land encompasses forested or residential plots and is not farmable in the traditional sense.⁵ By contrast, the total acreage of white-owned farmland in Maine is more than three times larger than the total accumulated land base of all the Wabanaki Tribal nations combined—approximately 391,042 acres.⁶

Black Farmers in Maine

“The truth is, the deck has been stacked against Black farmers who for generations have been denied access to land and capital.”
– U.S. Agriculture Secretary Tom Vilsack

The NASS Census for Maine contained no data on Black farmers in its 2002 report. In 2007, 17 farmers were listed in this category. In 2012, the number rose to 68. In 2017, NASS counted 135 farmers in the categories Black or African American alone or in combination with other races.⁷ It is important to note, however, that NASS makes no distinction within this category between Black farmers born in the U.S. and recent refugees and immigrants.⁸ There are, however, significant differences between these groups, particularly when it comes to their ability to access the resources and funding needed to support agricultural initiatives. As indicated in Table 1, only 11 percent of Black or African American farmers own the land that they cultivate.

“The Black community today in Maine comes from so many different places... There’s no single cultural identity, so to speak, where we know how to relate to each other, where we have formed mutual trust and bonds that are articulated in a way that everybody understands.”
–Adilah Muhammad

⁵ Tribal lands comprise three types of holdings: Reservation, Trust, and Fee lands. However, the vast majority of Wabanaki community members do not live or work on these lands. The Maliseet and Micmac nations themselves do not have reservation land, though they do hold land in trust as well as fee lands. Between 2012–2017, both Native and non-Native farmers experienced a general farmland loss in Maine. With 1,454,104 acres of farmland in 2012, that number dropped to 1,307,566 acres by 2017, representing a loss of 146,491 acres or 10% of Maine’s farmland.

⁶ <https://fourdirectionsmaine.org/about-four-directions/wabanaki-tribes/#:~:text=While%20the%20tribe%20has%20no,south%20as%20far%20as%20Littleton>

⁷ Note that the table presents figures reflecting only those who solely identify as Black or African American.

⁸ For context, 1.4 percent of U.S. farmers identify today as “Black or African American alone or in combination with other races” compared to the 14 percent of all U.S. farmers who identified as Black in 1920.

**Table 1. Maine BIPOC Land Ownership
According to USDA NASS Census of Agriculture 2017**

Ownership Status	Farms with any Principal Producer reporting race as only:			
	American Indian or Alaska Native	Black or African American	Hispanic or Latino/a	White
All Farms	26	127	97	7,423
Full owners	22	14	70	5,676
Partial owners	4	0	21	1,351
Tenants	0	113	6	396
percent Farms Owned	100 percent	11 percent	94 percent	95 percent

Racial Disparities and Economic Insecurity

“Natives have been forced off of huge swaths of traditional land so that white farms could be established... By destroying dependable native food sources like planting grounds and salmon runs through river damming we were starved out of our territories.”
– Mali Obomsawin

Wabanaki and other communities of color living in Maine today are disproportionately impacted by poverty. In the case of Indigenous populations, this is largely due to historical land displacement as well as systematized deprivation of resources and economic opportunities over the centuries. Many Black, Indigenous, and other people of color do not have the means to own residential property, let alone farmland in this state. According to a study by The National Association of Realtors Research Group, only 30 percent of Black or African American Mainers own homes, compared to 73 percent of white Mainers.

Centuries after the theft of their land base, Indigenous peoples experience myriad systemic hurdles at rates disproportionate to those of white Mainers. Factors such as poverty, debt, food insecurity, and health issues severely curb their ability to practice food sustainability and agriculture. People in Maine who identify as Black and African American experience these same challenges at an even higher rate.

According to data compiled by Maine Equal Justice, Maine is plagued by significant racial disparities when it comes to economic security. In 2017, while approximately 15 percent of white children lived in poverty, the rate was over 40 percent for children from Maine’s Native populations and over 53 percent for children from Maine’s Black or African American families.

The lack of access to a sustainable land base or capital-generating sources of income are major contributing factors.

Only 30% of Black/African American Mainers own homes compared to 73% of White Mainers.

– National Association of Realtors Research Group

Black Americans and Indigenous peoples typically have higher rates of unpaid debts or student loans that lower their credit scores and are thus disproportionately turned away when applying for loans to purchase homes or “farmable” property. The challenges they face in securing farmland and property make them more vulnerable to food insecurity. In Maine, 13.6 percent of households are food-insecure—the highest rate in New England. For people of color in Maine, that figure rises to 28 percent. The number of Black families considered food-insecure is even higher still, at 40 percent.⁹

These disparities are important to consider in the development of future grants, funding, and land access opportunities that seek to provide “equal footing” to all farmers in Maine. There cannot be equality without equitability for these populations that seek to redress historic and ongoing injustices within the food and property systems.

The populations most impacted by food insecurity do not benefit from access to food-production-related programs through Maine’s Department of Agriculture, Conservation, and Forestry (DACF). The agency’s failure to offer farm-specific funding opportunities focused on historically marginalized communities creates the ironic situation whereby those most needing food access in Maine are ineligible for assistance to grow their own.

HISTORICAL CONTEXT

Historical and Cultural Context of Wabanaki Land Use

The land of Maine holds deep significance and importance to the Wabanaki people, who know it as Ckuwaponahkiyik [Ch-gu-wah-bun-AHKee-yeag]—“the place where the light first touches” or “the dawnland”—and traditionally view it as a relative. Native people thrived here for the better part of 12,000 years, scientific food production processes that held long-term visions and ideas around reciprocity and sustainability at their core.¹⁰ However, the lasting impacts of colonization, privatization of land, restrictive laws, prejudicial restrictions, and the destruction of

⁹ <https://www.pressherald.com/2021/03/28/pandemic-reveals-race-disparities-around-hunger-in-maine/>

¹⁰ <https://www.sciencedaily.com/releases/2021/04/210419182105.htm>

reliable food systems have drastically inhibited the ability of Wabanaki peoples to access land and to pursue their cultural, spiritual, and traditional food-related practices. Though some of these practices might, in modern terms, be coded as agriculture and farming-based, many Indigenous food projects do not correspond to existing legal definitions, and as such do not meet the criteria necessary to apply for State or Federal assistance.

Expulsion of the Wabanaki from their land by European settlers had a heavy basis in the imagined cultural, religious, and later racial supremacy of the foreigners. The period from 1616–1619, known as the Great Dying, saw the spread of a variety of diseases brought by European settlers which led to the deaths of approximately 90 percent of the total population of Wabanaki Peoples across New England.¹¹ The political powers of the day believed that God had wrought this “wonderful plague” as a means of clearing the land for their exclusive benefit. European governments adopted a series of Christian Papal Bulls as official international policy, justifying their right to claim the lands of non-Christians in order to generate wealth for European Nations. Although these bulls—commonly known as the Doctrine of Discovery—were later challenged by King Charles V, the rationalization within them was nevertheless incorporated into U.S. law three hundred years later. “Discovery” and other ideologies have informed policy definitions of agricultural practice and land “tenure” today in major court decisions related to Tribal Nations and property rights.¹²

***“Farming and agriculture have been tools of colonization... Agriculture has been a tool of genocide and occupation of our lands, and a very limited way of viewing our food systems”
– Alivia Moore***

European land seizure and exploitation led to the destruction of Wabanaki planting and hunting grounds and the damming of rivers, decimating the fish populations on which Native people relied. Scalp bounty proclamations issued during this time provided settlers with the economic incentive to carry out raids, massacres, and the brutal killings of Wabanaki men, women, and children as they sought access to their ancestral lands for food gathering and cultural purposes. The lasting impacts of this population depletion and displacement, as well as of the destruction

¹¹ <https://nhpbs.org/greatdying/?resource=4745>

¹² Decreed by Pope Nicholas V in 1452 the first Bull granted “full and free permission to invade, search out, capture, and subjugate the Saracens and pagans and any other unbelievers and enemies of Christ wherever they may be, as well as their kingdoms, duchies, counties, principalities, and other property... and to reduce their persons into perpetual servitude” to seize lands for Euro-Christian colonization and material resources. Although these bulls, commonly known as the Doctrine of Discovery, were later challenged by King Charles V, the rationalization within them was incorporated into U.S. law three hundred years later in the founding cases of American property law, the “Marshall Trilogy”: *Johnson v. M’Intosh*, 21 U.S. 543 (1823); *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831); and *Worcester v. Georgia*, 31 U.S. 515 (1832). Despite their racist overtones and apparent conflict with the US Constitution’s Establishments clause, the rulings are still valid law and continue to be cited in major court decisions about property and Tribal Nations.

of natural food-yielding places (forests, rivers, natural ecosystems), manifest today in Wabanaki food insecurity and are visible in a litany of food-related diseases common among the communities, alongside chronic economic instability and intergenerational trauma.

Since the establishment of the United States and the independence of Maine, Federal and State laws have severely inhibited Indigenous peoples' ability to hold food-producing land and curbed their desire to seek funding opportunities from these governments. Attitudes of white supremacy have been common among policy makers and the courts alike, even as they were charged with upholding treaties, as evidenced by the opinion in Maine Supreme Court case *Murch V. Tomer* (1842), which states plainly, "Imbecility on [the Indians'] part, and the dictates of humanity on ours, have necessarily prescribed to them their subjection to our paternal control; in disregard of some, at least, of abstract principles of the rights of man." Racist attitudes were also harbored by Indian Agents stationed on the reservations, remembered as having been extremely cruel, regularly withholding funds, food, and resources, engaging in abuse, and selling Tribal land without the knowledge or consent of Tribal members. At the end of the 19th century, the closing of the commons—that is, land held in common by Indigenous tribes—ushered in a period of great hardship, severely curbing their ability to fish and hunt.

In 2012, The Maine Indian Tribal-State Commission issued a letter stating: "The Acts have created structural inequities that have resulted in conditions that have risen to the level of human rights violations."¹³

More recently, the Maine Indian Claims Settlement Act (MICSA) and the Maine Implementing Act (MIA) of 1980 have created inequalities and barriers, reinforcing both the structural and individual racism to which the Wabanaki peoples have long been subjected, perpetuating their displacement, and undermining Indigenous food sovereignty. Beginning in 1970, the Passamaquoddy and Penobscot Tribes started to pursue a land claim to address the illegal seizures and treaties that contributed to the taking of upwards of 60 percent of the landmass of the state of Maine from the Tribal Nations, since none of those broken treaties was ever ratified by the U.S. Congress.¹⁴ The devastating impacts of these historic wrongs and compounding prejudicial systems have had long-lasting effects that continue in the present day. Though it was the intention of Wabanaki representatives at original treaty signings to preserve community food rights, these acts have negatively impacted their peoples' ability to grow and harvest food.

¹³ MITSC's letter May 16, 2012, to Mr. James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples

¹⁴ According to six statutes passed by congress from 1790–1834 known collectively as the Indian Non-intercourse Acts, any land dealings between U.S. citizens and Indian Tribes must be ratified by U.S. Congress to be legitimate. The treaties made between Passamaquoddy Nation and Massachusetts in 1794, as well as treaties made between Penobscot Nation and Massachusetts in 1796 and 1818, were never ratified by US Congress, nor was the 1820 Treaty between the Tribes and the newly formed State of Maine. The State of Maine included in their constitution that they must uphold all treaty obligations, duties, and responsibilities relative to the Tribes that Massachusetts once held, and the confusion over state and federal obligations to the Tribes lacking Congressional ratification was the basis for the land claim of the 1970s.

As noted, Native food operations often fail to conform to definitions provided by the State or granting institutions. Conversely, official parameters rarely align with Wabanaki cultural understandings of their own practices. For many, the focus of food projects is about maintaining ancient land-based knowledge and practices, restoring ancestral relationships with the land, healing, and addressing the direct food needs of community members who lack access to healthy nutritious foods, struggle with food insecurity, or suffer food-related illnesses. These projects are rarely profit-centered and include processes that extend far beyond conventional agriculture into the broader realm of Public Health. Moreover, traditional Wabanaki foodways required movement through their lands corresponding to the seasons and changing availability of food; current policies are implemented at a municipal level, which inhibits Wabanaki people's ability to move through their homeland.

“Tribal folks need access to lands and resources to practice culture and traditions. It’s what defines us as tribal people, our relationship to the forest and the animals. Our ancestors protected these lands and animals for thousands of years, we need to continue practicing that.”
– John Banks

Some larger-scale farming operations do exist, especially Wabanaki Nations projects that utilize food production to provide Tribal members with services and economic opportunities, including Passamaquoddy Wild Blueberries, Passamaquoddy Maple, and Micmac Farms. Though these projects have a market-based approach, they are culturally and traditionally grounded in the effort to provide for and meet the needs of Tribal communities. Revenues generated from these concerns go toward providing basic services for community members.

African American Land Use in the National Context

In the period directly following the Civil War, about 30,000 free Blacks owned small plots of land. President Andrew Johnson originally promised 40 acres of land to each formerly enslaved veteran who fought in the conflict. In the summer of 1865, however, he reversed this decision by ordering that all land under federal control be returned to its previous owners, who were mostly white slaveowners. Landless African Americans had little choice but to rent the farmland of their former enslavers. In an oppressive system that became known as “sharecropping,” these Black farmers gave a disproportionate share of their crops to the landowner. If the four million people forced into sharecropping had owned the land they worked, they could have begun earning an income and would eventually have been able build assets. Sharecropping continued for three generations. Families caught up in this unjust system were far more likely to live in poverty than white people, and far less able to accumulate wealth.

Some farmers succeeded in breaking out of the sharecropping cycle and managed to purchase land. Between 1870 and 1910, more than a million African Americans became farmers on their own land. Blacks were still at risk of having their land seized, however. White landowners could arbitrarily accuse Black farmers or business owners of being in debt; fighting these allegations was nearly impossible, since African Americans were legally barred from bringing whites to court. These losses were devastating to families struggling to overcome the legacy of slavery and sharecropping. Landownership was, then as now, the key to building economic security and passing property and other assets on to the next generation.

Historical Context of African American Land Use in Maine

Enslavement is incompatible with land ownership.

Onboard some of the earliest European vessels to reach the shores of what is now called Maine were skilled mariners, taken captive in Africa and enslaved by Spanish and Portuguese merchants. Though the early and continuous presence of African-descended peoples brought here against their will has largely been effaced from the state's dominant narratives, Black people have been part of the story of this land going back over 450 years.

Massachusetts, which encompassed Maine, became the first colony to legalize slavery when it passed the Body of Liberties in 1641. This document was amended in 1670 to include a provision making an enslaved woman's offspring a slave. Researchers have identified over 1,900 people of African or mixed heritage who lived in Maine prior to 1800.¹⁵ Almost all of them would have spent at least a significant portion of their lives enslaved, most often confined to cramped quarters in the attics of their enslavers or relegated to a corner of the kitchen, when not forced to labor at sea.¹⁶

Enslavement is incompatible with land ownership. As such, the earliest known settlements of African-descended people in the Province of Maine were founded during the Revolutionary period, after enslaved individuals such as Quock Walker and Elizabeth Freeman (Mum Bett) sued Massachusetts courts for their freedom, prompting a critical ruling in 1783 that established slavery as being incompatible with the state's constitution. It is important to note that slavery was not simply eradicated with this ruling, however; varying degrees of unfreedom characterized the status of many people of African descent through the early decades of the 19th century.

Some people of African heritage who fought in the Revolutionary War were granted tracts of land in Maine, alongside many other Massachusetts veterans. This is the case of Amos Peters

¹⁵ See Vana Carmona's "The Prince Project," <https://atlanticblackbox.com/2020/07/31/the-prince-project/>

¹⁶ See Patrica Q. Wall, *Lives of Consequence: Blacks in Early Kittery & Berwick in the Massachusetts Province of Maine*, 2017.

(1737–1821), we learn from scholar Kate McMahon.¹⁷ Peters was a veteran of mixed African and Native American ancestry who started a farm on a 150-acre parcel of land he secured as part of a “general agreement” with General Henry Knox. The free community founded by Amos and Sarah Peters in the coastal area of Warren, Maine grew over the years, attracting other families of African and mixed heritage who sustained themselves off farming and maritime trades. According to McMahon, the area that came to be known as Peterborough had the highest percentage of African Americans living in any one town in the history of the state. It provided “a safe and relatively autonomous community that was able to separate itself from the often prejudicial laws of the state and local governments”—and this for nearly 170 years, before dissipating in the early 20th century.

Perhaps more well-known, another group of free people of mixed heritage formed on Malaga Island, just off the coast of Phippsburg. As the eugenics movement gained ascendancy in this region in the early 20th century and tourism was on the rise, the fishing community of about forty-five people was subjected to racial discrimination by local and state officials who wanted to remove what many perceived as a blight on Maine’s pristine coastline. After a series of highly publicized legal battles, the state of Maine forcibly evicted the community in 1912, committing eight of its residents to the Maine School for the Feeble-Minded. Houses were demolished and remains from the graveyard were disinterred. This population was effectively effaced.

Evidence suggests that Malaga was only the most prominent of many offshore communities of color that formed along the Maine coast as a result of marginalization and in the interest of self-protection. From Castine to Camden to Biddeford, one can count six different “Negro Islands” that continue to bear the name to this day. Stave Island in Frenchman Bay appears on an 18th-century map as “Slave Island.” In Kennebunk, a community of previously enslaved people of African and mixed heritage settled on a hill that came to be known as “N-word Ridge.” These derogatory place names are often the only remaining vestiges bearing witness to the former presence of communities of color that, for a time, managed to subsist on the margins of Maine’s overwhelmingly white towns, ports, and urban centers. Exactly what forces pushed these settlements into obsolescence has yet to be fully determined. What is clear is that these communities’ relationship to the land was tenuous.

In the mid-19th century, as New England states actively sought to efface traces of their complicity in slavery, a group of prominent Mainers mobilized to send freed American enslaved people back to Africa—a continent most had never known. New research by Kate McMahon has revealed that the *Chieftain*, a vessel launched by famed merchant and shipbuilder Rufus Soule in Freeport, was consigned by the American Colonization Society to bring free people of African descent to Liberia beginning in February 1850. “The *Chieftain* made at least three such voyages

¹⁷ McMahon, Kate. *The Transnational Dimensions of Africans and African Americans in Northern New England, 1776-1865*. Dissertation, Howard University, 2017.

on behalf of the American Colonization Society between 1850 and 1853, transporting upwards of 500 people to Liberia, whether they wanted to go or not. The same vessel was implicated in slave trading in 1852.”

In the 20th century, Maine’s African American communities were concentrated in the urban areas of Portland and Bangor. A 1906 editorial published in the *Bangor Daily News* opines that “today a negro is viewed with suspicion—at times with alarm. New England conservatism finds the negro shifty and unreliable.” Just over a decade later, as African American veterans returned from World War I demanding basic rights, white lynch mobs reigned terror across the United States. The tarring and feathering of Roger and Samuel Courtney at the University of Maine was one of the earliest documented acts of racial terror during what came to be known as the Red Summer.¹⁸ The following year saw the birth of the “new” Ku Klux Klan in Maine, founded on exclusionary notions of “Americanism.” At its height, membership in the Klan represented 23 percent of Maine’s population.¹⁹ In this context, Black people could not feel safe in much of the state. Portland Poet Laureate Maya Williams insists the same remains true in 2022.

***“There are only 1.7 percent of Black people
in the State of Maine, because there still
aren’t enough Black people who deem it safe;
Nothing has been done.”***

– Maya Williams



KKK Parade in Milo, Maine, 1923.

Collections of Island Falls Historical Society, courtesy of www.VintageMaineImages.com

¹⁸ See [Visualizing the Red Summer](#), by Karen Sieber.

¹⁹ Bench, Raney, "History of Maine - The Rising of the Klan" (2019).Maine History Documents. 224. <https://digitalcommons.library.umaine.edu/mainehistory/224>.

POLICY AND FUNDING LANDSCAPE

State Funding and Assistance Programs for Indigenous Farmers

Historic and ongoing political and legal disputes between the State and Wabanaki Tribes create an environment of deep mistrust in which existing policies perpetuate the systemic displacement of Native peoples and undermine Indigenous food sovereignty. This fundamental mistrust is compounded by factors such as prohibitive eligibility requirements, burdensome application processes, structural barriers to access, and major differences in cultivating and interacting with the land. As a result, state programs receive few if any applications from members of the Indigenous community.

The Maine Indian Claims Settlement Act has directly impacted the Wabanaki people's ability to grow and harvest food, despite the intentions of Wabanaki representatives at original Treaty signings to preserve food rights. Policies and funding apparatuses that impact these communities and their access to lands are often drafted without any consultation, cooperation, or collaboration with the Tribes. Reinforcing this marginalization, Tribal Representatives to the Maine legislature have never had voting power.

“A lot of native people say there’s no separation between a human being and the landscape that we belong to, we’re taught in our culture to see it, to witness it constantly... we see it as is, a guide that holds instructions on how to live,” – Dr. Suzanne Greenlaw

DACF and USDA grants often center agro-industrial modes of food production that are common among land-owning populations, whereas Wabanaki traditional foodways are based on improving community health or battling food insecurity and food-related illnesses. As such, many ongoing food projects in the Wabanaki community do not meet the criteria necessary to receive assistance.

Community members interviewed shared misgivings about most State programs, including DACF’s Farms for the Future Program, Land for Maine’s Future, and the Food Sovereignty Act of 2017. “The ways municipal governments are adopting food sovereignty ordinances are inconsistent with the Wabanaki vision for food sovereignty,” one interviewee stated. While the allocation of funding to support Land for Maine’s Future was seen as a promising step forward, there is no indication that any of this funding has been used to assist Indigenous farmers, individuals, Nations, or Native-led and -operated 501c3 organizations looking to secure protections on Lands.

DACF's Farms for the Future Program—which is not specifically geared toward underserved communities of color—is restrictive in its eligibility requirements. These restrictions render ineligible many marginalized peoples who have been systematically removed from land and deprived of capital by precisely requiring land, capital, and, in some cases, years of successful profit-driven farming operations as a precondition to receiving funding.

Many of the programs available through DACF are especially irrelevant to Indigenous food projects, which typically seek to tackle food insecurity through the donation of foods, not through the sort of profit-oriented or large-scale agribusiness approach supported by government-sponsored programs. Some interviewees stated they were unfamiliar with State-sponsored programs. DACF officials agreed that better outreach toward the tribal communities was needed.

Because DACF does not track the race or ethnicity of applicants, it is impossible to know how many Black, Indigenous, or other people of color have applied to these programs or what proportion were awarded or denied grants. According to members of DACF and Micmac farms interviewed by the research team, Tribal Nation farming projects have not sought state-offered grants or aid, instead seek resources and programs offered through the USDA.

Impact of Environmental Policies on Wabanaki Foodways

“Water quality standards insist on levels that allow for the consumption of 200 grams of fish per day or 7 ounces. That’s a lot of meals, but people can only eat 1 to 2 meals a month looking at the current rates of contamination of the species. They should focus on making their standards a reality.”
– Dr. Anthony Sutton

Environmental policies also have a direct impact on Indigenous farmers. The spreading of PFAS, or “forever chemicals”—on agricultural land, the dumping of PFAS into Maine’s waterways through landfill leachate, and the ongoing toxification of waterways in Maine have led to a reduced viability of practicing traditional and modern forms of sustenance and farm-based economic engagement. “Do Not Eat” and limited fishing advisories due to pollution and contamination contribute to increased food insecurity within these communities.

The Tribes do not have a seat at the table when it comes to shaping environmental policy or climate change action. Indigenous peoples suffer the impacts of climate change at disproportionate rates yet they contribute the least to emissions. The Gulf of Maine is warming faster than 99 percent of the world’s global oceans; this will have drastic impacts on the current and future state of food production for the Wabanaki tribes, since aquaculture has always been a fundamental component of tribal foodways. Growing temperatures have also led to a variety of

plant diseases and a proliferation of tick populations and Lyme disease that are drastically impacting traditional foods such as moose. Without representation on environmentally focused committees, councils, and boards, Wabanaki people cannot participate in the urgent task of addressing these threats to the environment and the communities it sustains.

Federal Funding and Assistance Programs for Indigenous Farmers

More opportunities for funding and aid exist at the Federal level for Indigenous people involved in agricultural activities. Moreover, Federal programs are perceived by those interviewed as more relevant to Indigenous food producers in Maine. As will be described in more detail in the following section, there has been a concerted effort on the part of USDA programs to redress historic injustices and systemic racism perpetuated by the agency itself over the decades.

According to the Indigenous Food and Agriculture Initiative, prior to the enactment of the 2018 farm bill, the USDA offered “very few ‘Indian-only’ focused programs, [and] very few ‘set-asides’ for tribes.” The 2018 farm bill included an array of provisions specifically aimed at supporting Indian tribes, however. Today, the USDA’s Farm Service Agency offers aid through the Indian Tribal Land Acquisition Loan Program, the Intertribal Agriculture Council, and The Highly Fractionated Indian Land Loan Program. It additionally assists socially disadvantaged farmers via the 2501 Program.²⁰ Tribal farm-based enterprises in Maine have been the beneficiaries of some of these Federal grant and funding programs.

Recent years have seen a number of attempts at the national level to address inequities experienced by farmers of color, but many have yet to come to fruition. These will be discussed in more detail in the next section.

Federal Funding and Assistance Programs for Black and African American Farmers

“These farmers alleged that they were being denied USDA farm loans or forced to wait longer for loan approval than were non-minority farmers. Many black farmers contended that they were facing foreclosure and financial ruin because the USDA denied them timely loans and debt restructuring.”²¹

Among the Black food producers interviewed for this report, there was little awareness of the USDA Agriculture Census and a general mistrust of Federal programs. Unjust distribution of

²⁰ Since the 2501 Program expanded its definition of “socially disadvantaged,” it no longer exclusively supports farmers of color.

²¹ <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/RS20430.pdf>

resources and services by the USDA over the decades has pushed thousands of Black farmers out of agriculture and deeply impacted their earnings, their access to land, and their chances to prosper. The Federal government has for some time now articulated a commitment to ensuring equal access to its resources and services. It maintains an Office of the Assistant Secretary for Civil Rights (OASCR), for instance, and recently launched an Equity Commission to identify USDA programs and policies that have contributed to, exacerbated, or perpetuated discrimination. Previous efforts on the part of the USDA have frequently stalled or proved inadequate, however, while the harms of structural racism are self-perpetuating and endure. Moreover, implementation of USDA programs continues to result in disparate distribution of funding and resources relative to historically underserved populations.

The current generation of Black farmers and their families have used lawsuits to respond to decades of historic discrimination by government agencies. *Pigford v. Glickman* was a class-action lawsuit filed against the USDA alleging that the agency discriminated against African Americans who applied for farm loans or other farm benefits between January 1, 1981, and December 31, 1996. *Pigford* remains the largest civil rights settlement ever won against the Federal government. About 30,000 farmers received some form of compensation, although the general perception is that the amounts received are minimal compared to the historic economic harm caused by the discrimination.²²

Since the 1990s, and somewhat in response to the *Pigford* settlement, socially disadvantaged and limited-resource farmers and ranchers in the United States have become eligible to receive benefits from some targeted Farm Bill programs. Grant programs include Outreach and Assistance to Socially Disadvantaged Farmers and Ranchers, Cooperative Agreements through the Farm Service Agency (FSA), and numerous others.

On December 8, 2010, President Barack Obama signed into law H.R. 4783, the “Claims Resolution Act of 2010,” which included funding for the agreements reached in the *Pigford II* lawsuit, also known as the Black Farmer’s Settlement Agreement. Still, much remains to be done in the interest of equity. A recent attempt by the Biden administration to provide US\$4 billion in debt relief to Black farmers through the American Rescue Plan (ARP) was halted by lawsuits brought by white farmers. Additional efforts to correct injustices against Black farmers remain stalled. Lawmakers have introduced the Justice for Black Farmers Act multiple times, but it has yet to successfully move through Congress.²³ These systematic challenges to providing relief to

²² The Federation of Southern Cooperatives/Land Assistance Fund, in collaboration with The Institute for Economic and Racial Equity at Brandeis University, has just begun a research project that focuses on the experiences and voices of Black farmers who received settlements in *Pigford v. Glickman*. The research will attempt to track some generational outcomes and whether the lump settlement sum had a positive impact on farm operations, families’ wealth, and overall economic stability.

²³ While this legislative proposal includes provisions that should most logically be implemented nationwide using Federal resources, many could be acted upon with support from State government and other agriculture service providers.

Black farmers could have widespread negative consequences for any government efforts aimed at addressing historic inequities.

Senator Cory Booker’s Justice for Black Farmers Act also seeks to “address the history of discrimination against Black farmers” and to “prevent future discrimination” within the USDA. Some Indigenous and Black activists, advocates, and farmers have criticized what are perceived to be fundamental oversights in this proposed legislation, which fails to consider the realities of Indigenous Peoples who have been dispossessed of nearly all of their land and territories. It additionally fails to take into account the intersectionality of Indigenous and Black experiences, particularly with respect to the Act’s implications for Afro-Indigenous individuals.

State Funding and Assistance Programs for Black and African American Farmers

Here in Maine, the New American Sustainable Agriculture Project (NASAP) was launched by Coastal Enterprises, Inc. in 2002 with a mission to assist recent arrivals to the U.S. in establishing agricultural enterprises. The Somali Bantu Community Association initiated its Liberation Farms program in 2014 and, according to their reports, currently supports over 220 producers. These entities and their participating farmers received the bulk of the USDA resources and services listed below.

Some examples of USDA grants that have been awarded to Maine African American and Indigenous communities and their farmers include:

Community Food Projects Competitive Grants Program:

New American Sustainable Agriculture Project, Coastal Enterprises, Inc., 2004
Wabanaki Food Sovereignty Project, Four Directions Development Corporation, 2010
Local Food Builds Strong Communities, Somali Bantu Community Association, 2016
Ktanaqson “Abundance”: Creating an Indigenous Food Sovereignty System, Wabanaki Health and Wellness, NPC, 2021

Beginning Farmer and Rancher Development Program:

Somali Bantu Community Farming Project in Maine, Somali Bantu Community Association, 2018
Opening New Land and Opportunity for the Somali Bantu Farmers Agricultural Future, Somali Bantu Community Association, 2021
New American Sustainable Agriculture Project, Cultivating Community, 2009, 2014, 2017

Other than the two grants in support of Wabanaki initiatives listed above, all of the USDA investments captured here were in support of immigrant and refugee farming projects. Not one of them benefited U.S.-born Black or African American farmers.

Another example of USDA resources and services delivered to limited-resource farmers in Maine is the Natural Resources Conservation Service (NRCS) High Tunnel System Initiative. Numerous new Maine farmers have benefited from this technical assistance and cost-share program that supports the installation of hoop houses to enhance their farm operations. This is another example in which recent African immigrants are receiving services while U.S.-born Black farmers in Maine are not availing themselves of them.

A number of factors explain these dynamics. Among the U.S.-born Black producers interviewed for this report, there was little awareness of USDA programs and mistrust of government initiatives was pervasive. These farmers tend to be isolated, relying on themselves and their immediate family, without excess capacity that would allow them to identify or pursue resources intended to support agricultural development. By contrast, immigrant farming groups tend to be organized and visible, often led and/or supported by white advocates who make sure they avail themselves of all available resources.

SUMMARY OF FINDINGS

According to the food producers, community leaders, and scholars interviewed in the context of this study, many factors impede the ability of Indigenous and African-descended peoples to access programs, funding, and grant opportunities related to farming and food systems in Maine today. These barriers to access have their roots in a 400-year history of dispossession, genocide, enslavement, and oppression. Many of today's agricultural institutions and policies, forged in this historical context of deep inequity, continue to operate in ways that systematically underserve Indigenous and Black communities.

Some of the more prominent barriers at work include unfavorable Federal and State policies, white-centric program design, lack of outreach, burdensome application processes, grant speak jargon, clashing cultural norms, mistrust, and preemptive self-elimination. Other factors contributing to the challenges experienced by African Americans and Native Americans in achieving food security and access to foodways include intergenerational poverty, poor health, pollution, and vulnerability to the effects of climate change. Racism and a lack of education on the part of the general public about Black and Indigenous people and their history are also to blame. Among the greatest impediments to progress in this sector, however, is a lack of representation in decision-making circles.

More broadly, community members take issue with artificial or non-culturally relevant categorizations around both race and farming. Imposed categories are essentializing and restrictive, in the view of many. Moreover, they can often represent barriers to accessing funding. Similarly, current legal definitions of agriculture and farming are often considered problematic, as they have their roots in the targeted removal of Indigenous peoples as a means of creating farmland for colonial settlements. This is not a mere question of quibbling over semantics, interviewees argue, but rather indicative of major epistemological and ontological differences in how people relate to the land.

The lack of general education about Wabanaki peoples has led to continued racism at the individual level and perpetuation of systemic racial disparities. Many of those interviewed stressed the importance educating non-Natives about the historic experiences and current day circumstances of Native people and the ways these impact their ability to access lands and funding. There is a lack of outreach to the tribal communities on the part of State agencies. This, in turn, leads to a lack of representation and decision-making power. A seat at the table would allow the Tribes to more fully engage in processes to equitably shape Maine's funding, grants, and land access programs.

No Wabanaki individuals or organizations have sought or received State-sponsored agricultural grants. The state of Maine does not currently offer general funds, set-asides, or Indigenous-centered funding implements specifically designed to support Tribal or Indigenous-led efforts in this area. Some producers have, however, been able to access Federal support.

Among Maine's Black and African American farmers, very few if any have applied for or are even aware of Federal USDA or State funding and programs. Only five of the eight Black people interviewed run something that would meet the official definition of a "farm," according to the value of products raised. Many assume they will fail to qualify for most programs. Some sense that the resources are "out there" but do not have time to search for them or apply. Lack of participation in USDA and DAFC programs and services can often result from the belief that there will be unwanted "strings attached" to grants or capital.

Cultural differences constitute an additional barrier. In the case of both the Wabanaki and Black cultivators interviewed for this study, few feel comfortable with the designation of "farmer," either because the term fails to convey their relationship to the land or because it suggests a larger operation than the one they manage. Keita Whitten Foster, despite growing a good deal of food over many years, does not see herself as a farmer, but rather "as a person responding to an ancestral urge to claim, self-sustain and reconnect with cultivating food and medicinal plants." This includes growing herbs and flowers as well as edible plants that have health benefits. Many of the interviewees found growing food connects with an ancestral heritage that has often been disrupted or that they are rediscovering. Senator Craig Hickman shared the view that "farming is

something that can be done on a 25-acre piece of land, as I own here, in Central Maine. Or it can be done on a quarter-acre parcel of land in someone's backyard in Milwaukee, Wisconsin, which is where I learned how to farm from my father.”

In the small but somewhat fractious ecosystem of Black food producers, a number of those interviewed expressed the need to connect with peers who are expanding their food production skills and who face similar obstacles and discrimination. Judyth Wright said she hoped local officials would see this process as “an opportunity to change and connect more of us—whatever color we might be—connect us in ways that we can talk to each other, so that we can share experiences and help one another.”

Considering intersectionality among Black, Indigenous and other people of color is critically important in pursuing the struggle for equity, insisted David Patrick. Others agreed that the challenge ahead lies in forging bonds of solidarity to address deeply detrimental policies and systemic marginalization, identifying areas of support, and using these learnings to develop future grants, programs, and policies to redress historical wrongs.

RECOMMENDATIONS

The following is a preliminary list of recommendations put forward by interviewees and based on research findings by both Indigenous and Black or African American content experts. The full list is forthcoming, pending review of the Maine State Legislature's Office of Policy and Legal Analysis (OPLA), and will be delivered as a supplement to this report.

Please note that some recommendations can and may encompass both groups represented in this report, and some may be specific or more relevant to one group than the other. Each recommendation will identify the affected group(s). This demonstrates the utmost importance of consultation with affected individuals and communities. Additionally, the work requires taking care not to approach these groups as monoliths with identical needs, even within each population.

It is also important to note that some recommendations can and may require action on the part of the legislature, a department of jurisdiction (e.g., Maine Department of Agriculture, Forestry, and Conservation), or both.

Combined Recommendations

- **Addition of statutory definitions of agriculture and farming that are culturally relevant to Black or African American and Wabanaki peoples.** These definitions would facilitate inclusion and relevancy, and could be used as guidelines for departmental grant and funding requirements to ensure that grant recipients do not face structural barriers based on monetary, experiential, or land ownership basis.
- **Increasing land access for Black or African American and Wabanaki people,** including culturally significant spaces. Increase access to pre-existing farms, agricultural areas, and critical coastal locations historically the primary source of sustenance for the Tribal communities (specifically identified by content expert).
- **Creation of Black or African American- and Wabanaki-specific grants and funding opportunities.** This may be achieved at the state level through the Department of Agriculture, Conservation, and Forestry (DACF), which can be modeled off current programs offered through the USDA. The creation of and funding allocation for set-asides for Black/African American and Indigenous farming and food-based projects that will aid in purchasing land, equipment, general operational costs, etc.

Indigenous/Wabanaki-Specific Recommendations

- **Respect Wabanaki Sovereignty through the passage of LD 1626.** This will allow for greater autonomy of Tribes as a whole and put the Tribes on equal footing as all other federally recognized tribes in that they would not be responsible for paying taxes on Tribal agricultural products, e.g. blueberries, potatoes, etc. To our knowledge, no other federally recognized tribes are subject obligated to this taxation.
- **Expanding access to commercial clamming licenses for Tribes in Maine.** This would include a policy that removes potential punishments for Tribal members who wish to sell or deliver clams outside their own home or municipality.
- **Full funding and implementation of LD 291: An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools.** This has great potential for positive generational impact on Tribal-State relations and individual Native and Non-Native relations.

Black or African American-Specific Recommendations

- **End Discrimination within local USDA offices and Maine Department of Agriculture, Conservation and Forestry programs.** Create an independent oversight board to review and investigate reports of discrimination and to provide guidance to agricultural service providers. This board could extend to overarch to review and investigate reports of discrimination experienced by other groups in Maine as well.
- **Enact System Reforms to Help All Farmers and Ranchers.** In order for existing and aspiring Black farmers to have a real chance to succeed and thrive, broader reforms to our broken food system must be enacted. This includes, but is not limited to: reforms to agricultural commodity subsidy programs in order to protect all family farmers and ranchers from competitive disadvantages created by federal funds, as well as an emphasis on stopping abusive practices by large multinational meatpacking companies.
- **Opportunities for Black farmers and ranchers to engage education on available grants and funding opportunities, especially as a means of building trust.** Better conversations and education on what grants and grant funding entail is essential to building better relationships and eliminating distrust or misunderstanding. Trust building is a key element, and all opportunities departments and funding entities can take to build it is crucial in elimination of disparate access of resources.

Notes on Terminology

The U.S. Census Bureau collects racial data based on self-identification. They define the following categories in this way:

American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Black or African American. A person having origins in any of the Black racial groups of Africa. It includes people who indicate their race as "Black or African American," or report entries such as African American, Kenyan, Nigerian, or Haitian.

White. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. It includes people who indicate their race as "White" or report entries such as Irish, German, Italian, Lebanese, Arab, Moroccan, or Caucasian.

Many of the Black and African American farmers interviewed reject majority culture descriptors conventionally applied to their perceived identities and resist attempts by others to define and value their racial identities.

The authors of this report have used the terms “Indigenous” and “Native American” interchangeably, along with the term “Indian” when used in reference to official legal classifications and resources.

A number of Wabanaki interviewees stated that the legal and institutional definitions of “farming” and “agricultural projects” used by State agencies, policy makers, and private philanthropic foundations are at odds with their community’s food production practices, experiences, and needs.

Additional References

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