

**TESTIMONY OF
JONODEV OSCEOLA CHAUDHURI
AMBASSADOR OF THE MUSCOGEE (CREEK) NATION
BEFORE THE
UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS
HEARING ON THE FREEDMAN ISSUE AND TRIBAL SOVEREIGNTY
WEDNESDAY, July 27, 2022**

[15 second greeting in Mvskoke]

Mr. Chairman and members of the committee, thank you for the opportunity to testify. My name is Jonodev Osceola Chaudhuri, and I am proud to serve as Ambassador of the Muscogee (Creek) Nation, the fourth largest tribe in the United States.

The Freedmen issue traces its roots to injustices against both Native Americans and African Americans.

It goes without saying that slavery is and always was wrong. And just as the United States fought a civil war over slavery, the Creek Nation fought its own civil war over slavery and other trappings of America. On one side were the traditionalist “Upper Creeks” who opposed the imposition of colonial American life in our Nation, including the legalization of slavery. I am a descendant of Fish Pond and other Upper Creek towns. My mom used to explain family oral history, stating that when our family and other Upper Creeks would raid slaveowners, “we would give freed slaves three options: (1) receive our assistance for passage to the North; (2) live among us and with us; or (3) join an autonomous black community within the larger Mvskoke world.

However, these practices conflicted directly with the goals and desires of the Lower Creeks, who sought to fully assimilate every aspect of white American culture into the fabric of our nation, including slavery, cotton, and Christianity.

Instead of allowing the conflict at Creek Nation to play out through our own internal democratic processes, the United States intervened and dispatched General Andrew Jackson to exterminate the Upper Creeks. The United States’ goal was nothing less than complete annihilation. In eight months of massacres, the United States burned nearly every Upper Creek home and murdered thousands of men, women, and children. My ancestors from Fish Pond sought refuge at Tohopeka, or what became known as the Horseshoe Bend on the Tallapoosa River in Alabama, and they were slaughtered by Jackson and the slave-owning Cherokee leaders, John Ross and Major Ridge, who volunteered to fight with him. At Tallaushatchee, Jackson locked fifty men, women, and children in a cabin and burned them alive.

Horseshoe Bend and the scores of massacres that preceded it silenced the strong anti-slavery faction within Creek Nation. Jackson’s extermination policies against the Upper Creeks created Alabama and resulted in the Indian Removal Act and ultimately the Trail of Tears.

Even so, thousands of Creeks fought on the side of the Union in the American Civil War. Once again we were targeted, our homes burned and hundreds died. In exchange for our loyalty, the

United States promised that once the war ended, our Nation would not lose any land and, all of the Loyal Creeks would be financially compensated. Both promises turned out to be lies. The treaty of 1866 has often been characterized as a reconstruction treaty. For us it was not. It was a land grab unilaterally forced upon us that stripped us of half of our reservation. And my great-grandpa Elmer Hill, who fought for the Union in Kansas, said the final payment from the United States wasn't enough to buy a Stetson hat.

It is important to note that we are not Cherokee Nation. We are not Chickasaw Nation. We are the Muscogee Creek Nation, our treaty with the United States contains different language than the treaties the United States signed with other tribal nations. Our current constitution was reviewed and approved by the Department of Interior. However, the interpretation of this treaty is currently the subject of ongoing litigation.

Let me be clear that the Muscogee Creek Nation is proud of our diverse citizenry. We have citizens who have mixed ancestry and are also white, African American, Irish, Hispanic, Mexican American, and many other heritages. I myself am Creek and Asian. But whatever else we may be, we are all Creek Indians by blood.

And as a Nation that has endured policies intended to exterminate us because we are Creek Indians by blood, the idea of granting citizenship to any non-Creek person is one that engenders deep, conflicting emotions. Quite frankly, our citizens stand on both sides of this issue. But the solution to this is not another colonial intervention by the United States.

MCN leadership is committed to ensuring that our citizens are offered more than shallow political rhetoric and the yes/no binaries that rhetoric supports. To that end, we have begun a process of developing historical, cultural, and legal research that will help our citizens engage in a thoughtful, informed exploration of this issue as they exercise their sovereign right to determine the future of the Muscogee Creek Nation.

Even as I sit here before you today, the sovereignty of our tribal nations remains under attack. Two years ago, the Supreme Court upheld our nation's sovereignty in *McGirt v. Oklahoma*. Just this past month, the Court chose to abdicate it in order to placate Oklahoma politicians. Congress has a trust duty to protect the sovereignty of our tribal nations. We respectfully ask that you act to protect the sovereignty of our nations, not undermine it.

Mvto.