

This Land Is *Whose* Land? Indian Country and the Shortcomings of Settler Protest

June 14, 2019 | Mali Obomsawin
Smithsonian Folklife Magazine, Smithsonian Center for Folklife and Cultural Heritage

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*This land is your land,
This land is my land,
From California to the New York island,
From the redwood forest to the gulf stream waters,
This land was made for you and me.*

These lyrics shake me up like a soda can every time I hear them. As an activist, folk musician, and songwriter (in [Lula Wiles](#)), and recent label-mate of Woody Guthrie on Smithsonian Folkways Recordings, my social circles tend to worship Guthrie as the father of all musical protest. But as a Native person, I believe “This Land Is Your Land” falls flat.

I come from a political family. My parents met in a Vermont courtroom in the late '80s, a time of political organizing and sovereignty battles for the [Missisquoi Band](#) of Abenaki. My father was one of many tribal members applying legal arguments on a range of issues dealing with “unextinguished aboriginal title,” the concept that a tribe retains its inherent right to occupy and use its traditional territory for sustenance. America’s founders often sought to smother these inherent rights, and Native tribes have been fighting to protect them ever since. My mother, an activist and nursing student at the time, was following and supporting the tribe’s initiatives as a demonstrator.

In short, their efforts took them to the Vermont Supreme Court, after a district court had held that the Missisquoi Abenaki were a tribe and

retained aboriginal rights to hunt and fish for sustenance in *State v. Saint Francis* (1989). This case provided an inroads to obtaining [federal recognition](#) and a land claim, both of which can be crucial to a tribe's cultural survival and ability to organize as a community. Because Native cultures (our languages, ceremonies, ancestral knowledge and oral histories) are land-based, protecting tribes' access to traditional territory for future generations is of critical importance.

At that particular time and place, the question really was "*Whose land is this land?*" Everyone in the courtroom knew that the disputed land "was originally" Abenaki country, but exactly when and how did our sovereignty end? Our traditional territory spans Vermont, New Hampshire, Maine, and southern Quebec, wherein many of the colonial boundaries are well documented. But in the Highgate Springs/Missisquoi region of Vermont, the only specific paper trail to determine sovereignty was a land *lease* of ninety-one years, from the Missisquoi to Vermont settlers, written in the eighteenth century. The "[James Robertson Lease](#)" had long expired.

I'll spare you the legal analysis, but *State v. Elliot* (1991) found that sovereignty had been "extinguished by the increasing weight of history." In other words, Abenaki sovereignty never ended, but was always (and without any plain and unambiguous action to terminate it) in the process of ending. [This reasoning](#) was without precedent in Federal Indian Law. If the mere passage of time can overturn a Native nation's right to exist, of what significance are the laws put in place to protect our communities?

Although it may have been easy to prove that the "weight of history" is a made-up and nonsensical legal reasoning, the Supreme Court never addressed the appeal of *State v. Elliot*. The Abenakis soon ran out of money for legal action, and the community began to fall apart internally. With a newborn child and me on the way, my parents moved to New Hampshire and later Maine, remaining within traditional Wôbanaki, and turned their efforts from the courtroom to raising six political, creative Abenaki children. Needless to say, I feel squarely at home in the argument I'm about to make.

In the context of America, a nation-state built by settler colonialism, Woody Guthrie's protest anthem exemplifies the particular blind spot that Americans have in regard to Natives: American patriotism erases us, even if it comes in the form of a leftist protest song. Why? Because this land "was" our land. Through genocide, broken treaties, and a

legal system created by and for the colonial interest, this land “became” American land. But to question the legitimacy of American land control today instantly makes one the most radical person in the room—even in leftist circles. And because Indigenous critiques of this country are so fundamental, our voices are often marginalized to the point of invisibility.

This article is about improving allyship. In order to dismantle this nation’s blind spot for Native struggles, we must examine how ignorance about Indian Country and anti-Nativism are disseminated. Ignorance regarding Native people permeates all of American society—it cuts across income brackets and partisan lines, age and racial demographics, and elite and non-elite spheres at all levels of education. If this is your first encounter with concepts like Native sovereignty, aboriginal title, and federal recognition, this article is for you.

Since its original release on Folkways Records in 1951, Guthrie’s “This Land Is Your Land” has been a galvanizing force, inspiring peace-lovers and change-seekers across the country in times of political unrest. It has been studied extensively by music critics and academics, tracked over time as it evolved from protest song to sing-along, and heralded as an “[alternative national anthem](#).” But since its conception, the song’s [more radical verses](#) critiquing American capitalism and exclusionism have fallen by the wayside. Most messages tend to be distorted or selectively (re)interpreted as they travel through time—but without Guthrie’s self-awareness, the song’s provocative gesture becomes merely patriotic. If social justice activism aims to include Native peoples, it must be open to the critique of patriotic rhetoric.

As black and brown activists frequently remind us, white nationalism is the legacy of this country. Quite literally, the founding structure of the United States relied on an enslaved class of blacks, a ruling class of whites, and the intended extermination of the continent’s Indigenous population (“[the vanishing race](#)”). America’s founding mission envisioned a white Christian nation, and its settlers believed they had a divine purpose to expand hemispherically. Pope Alexander VI’s 1493 [Doctrine of Discovery](#) gave them the legal right to do so: it was incorporated into [U.S. law](#) in 1823 in *Johnson v. M’Intosh*, the founding case in [Federal Indian Law](#), and was even cited in *State v. Elliot*, 1991. The separation of church and state, curiously, does not apply within Indian law ([Establishment Clause](#)). The ideologies of Manifest Destiny and the Doctrine of Discovery encouraged Europeans to convert the “pagan” peoples of the “New World” to Christianity.

When hundreds of millions of Indigenous peoples resisted, the doctrines provided legal and moral justification for their subjugation and genocide.

By critiquing “This Land Is Your Land,” I don’t mean to imply that Guthrie himself promoted conquest, but the song *is* indicative of American leftists’ role in Native invisibility. The lyrics as they are embraced today evoke Manifest Destiny and expansionism (“this land was made for you and me”). When sung as a political act, the gathering or demonstration is infused with anti-Nativism and reinforces the blind spot. Moreover, my critique is aimed at the nation-state of America, which teaches ignorances about American history so robust and deep-seated that even our society’s most inclusion-oriented activists struggle to transcend them. Just as when Americans call this country a “nation of immigrants,” the proclamation erases Native peoples’ right to exist in the collective consciousness. True allyship—specifically, transcending the anti-Nativism integral to American society—requires first interrogating one’s own ignorances.

As author and political activist Ward Churchill (United Keetoowah Band) theorizes, “[American] Indians are either demonized or romanticized.” From childhood, Americans are fed distorted images and narratives about Natives—from the barely human “savages” in Disney’s *Peter Pan* and *Pocahontas*, to the whooping and leather-fringed sports team mascots and holiday costumes. The media and entertainment industries promote [stereotypes](#) and a [lack of representation](#). Mythical tales of noble savages and pilgrims are shared at Thanksgiving, and conquest is celebrated on Columbus Day. Even the Declaration of Independence includes a clause about “[merciless Indian savages](#).” Discussions of racism toward Natives do not make it into grade school curricula. In the *best* cases, students emerge with a vague awareness of bygone massacres of primitive peoples and the notion that, from the ashes of colonial conflict, a nation committed to equitable justice was born.

Put bluntly, this nation’s history is not *really* taught. Students do not graduate with a realistic sense of the national legacy they inherit, nor an understanding of the complex relationships between the U.S. government and tribes today. Few Americans know that Indian tribes have a legal status unique among America’s racial and ethnic groups: tribal nations are sovereign governments that engage in [nation-to-nation](#) relations with the federal government. The U.S. Constitution expressly states that Congress has the power to “regulate Commerce with foreign Nations, and among the several States, and with the

Indian Tribes,” placing tribal nations somewhere among foreign and domestic state governments in their status as political entities. Why do so few Americans know about Indian Country? Because the government continues to fight Native nations for land. Because American patriotism would be compromised by a full picture of American history. Because there is no one to hold patriotic historians accountable for writing Native people out of history books. The legal and moral foundation of this country is fragile, and by erasing Native people from the public consciousness, the slippery topic of “*whose land is whose land*,” (and why and how?), can be sidestepped altogether.

Ignorance is an accessible popular tool: it doesn’t require citizens to take up arms, acknowledge or interact with the intended target, leave their comfort zones, or jeopardize their status. As a weapon, ignorance is cheap, deniable, and nearly impossible to trace. Finally, ignorance is passively consumed and passively reproduced, cinching Native invisibility.

That is not to say it is the only weapon used to disempower Native nations. When physical confrontations do occur, like the 2016 Dakota Access Pipeline protests, sovereign tribal nations defending their bilaterally negotiated treaties—which are U.S. law—have been met with violent, [militarized suppression](#) and [counterterrorism tactics](#). The geographic remoteness of Indian reservations further reinforces invisibility and emboldens [racial violence](#).

Ultimately, the lack of understanding between citizens, Native and American, is so deep that Indigenous claims to sovereignty across the continent appear outlandish, because the very existence of Indigenous Peoples is bewildering to many Americans. There is little organized power to counteract the invisible hand of anti-Nativism in instances of outright injustice. Thus, the weapon of public ignorance can be wielded against Native people when advantageous for the wielder— whether they take the form of oil pipeline companies like Dakota Access, or in the case of the Missisquoi Abenaki, the Vermont Supreme Court.

Without confronting America’s foundations, continued injustice toward Native peoples only seems inevitable. Furthermore, many policies and institutions constructed by the U.S. government which intended to undermine tribal sovereignty or eradicate Native peoples *continue* to impact Indian Country. Here are a few examples between 1776 and 2019:

Indian Removal and Reservations (1776–present)

For roughly the first century after independence, Congress engaged with Native Nations through "Treaty Federalism," recognizing tribal nations as political entities similar to foreign nations. Concurrently, tribes were herded onto reservations and [concentration camps](#), and forced or coerced into signing self-dispossessing treaties throughout the nineteenth and twentieth centuries. Today, the government has shown [contempt and duplicity](#) toward reservations and sovereign territories it has previously recognized. Natives living on or near reservations are the [most likely demographic](#) to be killed by law enforcement.

Indian Boarding Schools (1870s–2000s)

In the 1870s, an army officer named Richard Pratt opened the first American Indian Boarding Schools. Describing his vision for the institutions, he wrote: "A great general has said that the only good Indian is a dead one. [...] In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man."

Both the Canadian and U.S. governments funded Indian boarding schools, intending to forcibly assimilate and Christianize Indigenous children, separating them from their communities and cultures. Students were punished for speaking Native languages, practicing Native religions, or trying to escape (see "[cultural genocide](#)"). They were forced to cut their hair and strip their traditional clothing. Canada's Truth and Reconciliation Commission (TRC) on residential schools found that [fifty percent](#) of students died during or shortly after their attendance due to malnourishment, disease, and inhumane living conditions (America has not done a TRC). Some schools were reported to have [remarkably high admittance of sick children](#), suggesting that spreading disease among students may have been intentional. "[Drums](#)" by Martha Redbone and the Bernice Johnson Reagon Songbook singers at the 2018 Smithsonian Folklife Festival

Survivors of the institutions were severely traumatized and estranged from their communities, and many were unable to communicate with their own families who spoke Native languages. American boarding schools persisted [into the twenty-first century](#), Canadian schools until the 1990s.

The Allotment Act (1887–1934) and Blood Quantum

Instead of forced assimilation or removal, the General Allotment (Dawes) Act aimed to break up Native communities by targeting their

geographic autonomy. The statute parceled up previously communal Indian lands and allocated it to individual tribal members. Then it opened "surplus land" to settler homesteading. The government institutionalized a policy called "[blood quantum](#)," in this case requiring Natives to "prove one-fourth Indian blood in a given group" in order to inherit their families' land. This system, in turn, set Natives up to eventually breed themselves out of existence through intermarriage, which would ultimately relieve the government of upholding treaty promises. Although the Dawes Act was replaced by the Indian Reorganization Act in 1934, blood quantum continues to be widely used to determine citizenship– and *how* blood quantum is used varies from tribe to tribe. In many cases, blood quantum has the continued effect of shrinking enrollment, [burdening and complicating Native identity and relationships](#), and, [in the company of dogs and horses](#), reducing Natives to our blood measurements.

Eugenics (1900s–present)

Advocated by "public health" professionals throughout the twentieth century, eugenics practices were ubiquitous across the United States and Canada. From 1913 to 1957, the state of Vermont issued a "eugenical-sociological" survey called the [Vermont Commission on Country Life](#) to identify and exterminate the state's "undesirables" to ensure a "superior stock" of citizens for the state's future. The commission specifically [targeted Abenaki people](#) resisting assimilation, along with African Americans, recent immigrants, and paupers. The term "mental defectives" was broadly applied to those that commissioners wanted to target. Fast-forwarding to the 1970s, researchers brought to light ongoing projects of [forced sterilization of southwestern Native women](#), performed by physicians and Indian Health Service workers. Eugenics has played a [sustained role](#) in American "public health" practice throughout the previous century, and cases of [forced sterilization](#) of Native women in North America continue today.

Foster Care and Adoption (1800s–present)

For the last three centuries, government agents across the country have been responsible for forcibly removing Native children from their homes and putting them up for adoption or in foster care. Native children enter the Child Welfare System at [rates nineteen times](#) those of non-Native children. The Indian Child Welfare Act (1978), a federal law erected to curtail this unconscionable phenomenon and protect Native children, is currently [being challenged in the Supreme Court](#). These are just a few of the state-sanctioned ethnic cleansing tactics that were erected to solve the "[Indian Problem](#)," the unanticipated

survival of Indigenous populations as American nation-building progressed, from which Adolf Hitler [drew inspiration](#) during the Third Reich ([additional source](#)). However difficult to face, this legacy cannot be divorced from today's America.

The means of allyship—and dismantling culturally systemic ignorance—starts with “passing the mic” to marginalized people, who know our communities’ experiences, needs, and struggles better than anyone else. But this opportunity only arises if activists make room for Native experiences of America: our less patriotic accounts of America’s history and legal system derive from centuries of hypocrisy, broken treaties, and systematic genocidal policies. Confronting the experiential gap between Natives and Americans will take determined self-education, listening, absolute humility on behalf of settlers, and vast improvements in institutional education.

But the need for effective activism is dire. Real, organized change requires allyship and the recognition that ignorance is a privilege. It requires those who consider themselves dedicated to justice to question the accuracy of their own education, read and listen to thinkers, artists, and activists from marginalized communities, and accept every opportunity to pass the mic. Finally, it requires that Americans let go of the elements of American culture that silence and erase the marginalized, even if those elements have been treasured. If activists continue to sing protest songs that unwittingly reinforce Native oppression, they communicate that the social justice envisioned does not include Native Peoples. You can’t have social justice without regular old justice. And to set the record straight, this land is not “your land.”

Suggested Reading

[A Conversation with Native Americans on Race](#)

[Beyond Buckskin: Top Articles on Appropriation](#)

[The Intergenerational Effects of Relocation Policies on Indigenous Families*](#)

[Announcing the first comprehensive study on child removal in Native communities](#)

[These Haunting Red Dresses Memorialize Murdered and Missing Indigenous Women](#)

[100 Ways to Support—Not Appropriate From—Native People](#)

Suggested Listening

[All My Relations Podcast](#)

[Native Protest Song Playlist on Spotify](#)