12-2018

Saving the Smokies: Land Rights in the Middle and Mountain South

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Saving the Smokies
Land Rights in the Middle & Mountain South
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Senior Honors Thesis Fall 2018
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Introduction

*Land is the only thing in the world that amounts to anything, for 'tis the only thing in the world that lasts. 'Tis the only thing worth working for, worth fighting for – worth dying for.*

- *Gone with the Wind*

These words, written almost a century ago, sum up so much of the South’s unique mythology of land ownership.¹ The land Margaret Mitchell spoke of is a cotton plantation, a vision of ownership stemming from centuries of cruelty, built on the backs of countless people who never had a chance to write their own story. Yet, biased as she is as a daughter of Confederates, her words contain a brutal and basic truth – land is fundamental to power, and thus any system of true social equality must include a radical reimagining of land ownership. What was once the cornerstone of the Confederacy can become a beacon of civil rights – what was once an empire can become a shared and sustainable future. That is, if it still remains to be claimed.

Today in the middle and mountain South, land no longer lasts forever. It is torn apart and blasted away and flooded and slowly, agonizingly poisoned, its rivers running iron red. The central Appalachian range, some of the oldest mountains in the world, have now been marred forever, with over five hundred mountaintops simply sliced off in the relentless search for coal.² Mountaintop removal is one of the most ecologically devastating practices anywhere in the world today, yet, in large part because its victims are disproportionately poor, its human costs are still not well-known outside Appalachia.³

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¹ Margaret Mitchell, *Gone with the Wind*, Macmillan, 1936.
Just as the so-called Lost Cause of the Confederacy rested upon maintaining control of labor as a way of controlling land, so too does the future of civil rights in the South depend upon land as well. The Gullah/Geechee and other indigenous cultures may largely cease to exist if their ancestral lands are lost. Access to clean water, air, and food is fundamental to every other human freedom. And, perhaps most poignantly, the loss of land is a form of final erasure for the people who fought for it across generations. To destroy a mountaintop rends not only rock and roots and loam – it erases everyone whose heritage was bound to it, from the earliest roving bands foraging across the continent to the Red Neck Army who fought and fell in the fight for coal. When a mountain is lost, its absence reverberates across centuries. Its endemic trees, salamanders, and herbs are irreplaceable. It tears at a tapestry we have yet to understand. In the words of one West Virginia activist, “you can’t put a mountain back. Do you think you can do a better job than God?”

Owning land is more than merely transactions or titles. True ownership is having a stake in communities, a say in local government, and a sense that one has the power to change it. For people robbed of political power, taking ownership of land and becoming invested in its future is a fundamental step towards taking control over their own lives. Land is civic engagement at its most fundamental level, empowering families to build up wealth rather than fight for a life on the margins, to have a sense of security for the future, to flourish rather than to flee. And although land loss is not always so dramatic as coal barons or governments seizing family farms, loss of land is the unsung undercurrent of much of Southern history. In one blazing instant of

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4 Interview with Queen Quet Marquetta L. Goodwine, elected head-of-state of the Gullah/Geechee Nation.
mountaintop blasting or in slow, plodding centuries of prejudice and dispossession, countless communities across the South have become distant from the land they live on, no longer thinking of it as theirs, and no longer feeling that they have a say in its future.

To this end, this thesis will examine several layers of reform designed not simply to expand and strengthen legal ownership of land, but also make it profitable for poor communities to manage land sustainably. From expanding ecotourism, to economic transition from coal to clean power, to increasing indigenous control, the potential solutions to the South’s current land rights struggles are many, and multifaceted. Chiefly, however, it is imperative that ownership of land is seen not simply as legal titles, and preservation is seen as more than parks. True reform works to empower local communities at all levels, economic and social, and encourage them to have a greater voice in government. Only when all citizens have an equal say in how land is managed will land use truly be sustainable. Only when everyone has a voice will the land itself be fully valued.

The communities whose stories are told herein – the farm families of Cades Cove, the freedmen of the Gullah/Geechee sea islands, the fearless strikers at the Battle of Blair Mountain, the surviving Cherokee Eastern Band – do not all share a common history. They are disparate threads woven into a much more complex tapestry, one that would likely take lifetimes to fully understand. The Gullah/Geechee and Cherokee, notably, are included in the past, present, and future tenses, as a foil to histories that portray indigenous cultures solely in the past tense, if at all. And, through the centuries, common threads tie them together – discrimination, dispossession, and outright destruction of land. Yet, even as each case study shares common tragedies, so too do they share a common future. For much of the rural South to build a
sustainable future, we must rediscover our roots, our connection to the land, and our common concern for its fate. We must feel responsible, as our forefathers did, for passing it along.

This thesis scarcely scratches the surface of both past and future, yet it is, perhaps, a lens through which we may glimpse a truly egalitarian vision of the South. Including indigenous communities, alongside freedmen, women, and poor whites, a fuller vision of Southern history is seen than when simply considering the sea islands and coal country separately. For too long, environmental history has chosen to silo communities, cultures, and points in time.

As both the mountains and the sea islands face the truly global threat of climate change, so too must a wider scope of study give us more far-ranging solutions. Problems that build across centuries require an analysis that similarly stretches across conventional divides, across both generations and geography. Above all else, catastrophic climate change may still be stopped if we learn to truly value land. It is this overarching point towards which every other anecdote and case study builds – the future is not futile, and we must not surrender this century. Even in light of the direst climate predictions, the world in 2050 or 2100 can still be better than the world we live in now, provided reform begins at the fundamental level of the land itself. None of the solutions proposed in this paper are wholly impossible. None of the challenges faced by land reformers are insurmountable. Yet, still, the scope of such challenges is staggering.
In the Mountain South: Mountaintop Mining

From a distance, it sounds almost like thunder. A series of charges up to a quarter mile long break apart the bedrock, sending boulders tumbling headlong into the valley below. In an average week alone, the amount of explosives used is roughly equivalent to the atomic bomb dropped on Hiroshima.\textsuperscript{7} Overburden, known as valley fills, has buried thousands of miles of mountain streams, poisoned countless more with heavy metals, and on occasion even killed people who happened to be in the wrong place at the wrong time.\textsuperscript{8} Even well within legal limits in Kentucky, blasting can cause whole houses to rattle and shake.\textsuperscript{9} Homesteads that have been in families for generations become functionally uninhabitable, with little to no legal consequences for the companies responsible.

Mountaintop removal is arguably the most blatant violation of Appalachian land rights today. From destroying the property values of homes near blasting sites, to the human cost of its health effects, and the burying of ancestral commons, it tears at the fabric of small towns even as it rends the landscape itself. Many local residents recognize mountaintop blasting as the loss of an ancestral commons but are unable to stop it, since their land rights are not formalized. In much of the South near where I live, it is customary to hike or hunt on land you do not own, but few legal protections outside of the park system exist for such shared uses. From heightened risk of flash floods to poisoning of wells to job loss, mountaintop removal represents the final and absolute loss of historical Appalachian ways of life.

\textsuperscript{7} Bobwhite and McRoberts, They’re Blowing Up Our Mountains, 7.
From the Chestnut blight to the gold rush that drove the Trail of Tears, Appalachia has always been torn from its ancestral food and folkways by both exploitation and environmental degradation. Yet, in each previous iteration, something remains to be recovered, to evolve, to adapt – mountaintop mining at its core stops the social evolution of landscape. Bedrock is too broken to be built on, and endemic species may never be able to return. In one of the most biodiverse areas of temperate forest anywhere in the world, such a loss is devastating.

The question of how to reform mountaintop removal is popular among many Appalachian environmentalists and will be discussed in greater depth later. Many activists have suggested, varyingly, expanding Tennessee’s former system of more closely regulating valley fills, or reforming the Surface Mining Control and Reclamation Act, or simply ensuring that state environmental offices enforce the Clean Water Act. Yet, increasingly, the question has become not how to fix mountaintop mining, but why it’s still legal at all. Why, when we know the effects of selenium and manganese and lead, is this practice allowed to exist? The answer is, simply, much of mining country has historically been seen as expendable. As will be discussed in greater detail later, coal companies have historically favored practices that break unions, no matter how brutal. Mountaintop removal, even as it tears apart ancestral commons, is one such practice. It lowers labor costs, and is currently the only form of coal extraction that is even close to cost-efficient as clean energy becomes more competitive. For these reasons, no matter how stirring

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12 Interview with Scott Banbury of the Tennessee Sierra Club.
13 Coal River Mountain Watch, "Health Impacts," Coal River Mountain Watch, http://crmw.net/resources/health-impacts.php. More extensive research on health impacts is also included in the bibliography for those interested.
14 Interview with Vernon Haltom of Coal River Mountain Watch.
the arguments against mountaintop mining, it will continue to exist until viable economic and social alternatives are offered. This too will be discussed at greater length later in this study.

In the Middle South: Climate Change and Coastal Development

Seemingly a world away from the rambling backroads of West Virginia, the ancestral lands of the Gullah/Geechee Nation are similarly in danger of being erased, albeit by a very different danger. Stretching from Jacksonville, North Carolina to Jacksonville, Florida, the coastal lands of the Gullah/Geechee people have been severely hit by hurricanes twice this season alone, and sea level rise threatens to engulf whole communities. The sea islands are also increasingly a lure for large developers as the Carolina coast becomes an increasingly popular tourist destination. As wealthier developments move in, traditional stakeholders are tragically forced out, repeating a pattern seen across much of the middle South for centuries now.

Although mountaintop removal and storm surges are not wholly analogous, their effects on already marginalized communities are arguably equivalent – as land is lost forever, wholly incapable of being recovered, cultures traditionally bound to the land are similarly lost. A field of rice cannot be lifted out of the sea any more than a plot of ginseng can be put back in place after being blown apart. And, as land is lost, it is always the poorest who pay most. As traditional systems of shared support become fragmented and families are forced out, those least able to fend for themselves are increasingly at risk. Communities based around shared land ownership are precious ties to a world before the artificial alienation of modern industry, and must be protected, both for their members’ sake and for the rest of us. The fact that the Gullah/Geechee

15 Interview with Marquetta L. Goodwine, elected head-of-state of the Gullah/Geechee people.
people have held onto their West African roots for centuries is miraculous. The fact that a model exists today for how to farm the Southern coast sustainably - for potentially centuries into the future - is incredible.

As descendants of slaves, the Gullah/Geechee are no strangers to hardship. For many Gullah/Geechee communities, art, food, and agriculture are deeply tied to the land itself, and have been passed down for generations since slavery stole their ancestors from their homes in West Africa. As wealthier, white communities move to the coasts, Gullah/Geechee land rights have been ignored or subverted to establish sprawling commercial developments, some disturbingly named after plantations.\textsuperscript{16} Heirs’ property rights, the legal framework that allows communal ownership of land among Gullah/Geechee descendants, is vulnerable to exploitation by unscrupulous outsiders claiming even a small fragment of Gullah lineage. As in almost any traditional commons, in short, the risk of freeloaders is high, and when local Gullah/Geechee leaders lack the authority to define for themselves the future of their communities, the consequences for even a handful of interlopers can be devastating.

Greed and disregard for the past are the defining elements of such interactions.\textsuperscript{17} The land is monetarily worth more as hotels and golf courses, and formal recognition for the Gullah/Geechee has sadly not wholly stemmed the tide of usurpers coming to the coast. For Queen Quet Marquetta L. Goodwine, first elected head-of-state of the Gullah/Geechee Nation, the stakes of publicizing her people’s plight are high. Between sea level rise, increasingly unsustainable development along flood plains, and continued erasure of her people’s unique

\textsuperscript{16} "A Vanishing History: Gullah Geechee Nation," video file, Vice News, posted January 6, 2016, https://www.youtube.com/watch?v=SqDTJogdWmA.

\textsuperscript{17} Interview with Queen Quet; as she discusses in other interviews, many wealthy developers are in danger of being washed out by hurricanes because they disregard traditional Gullah/Geechee means of weathering storms. In a sense, the current mode of development does not even make economic sense, at least not in the long-term, given climate projections.
heritage, the Gullah/Geechee are at a crucial point in their history. Without drastic international action, the sea islands she calls home could be largely gone by the end of this century. Unless allies for the sea islands step up, the damage done may be irreversible. Reformers must fight for those already shielding the last bastions of those commons today, rather than simply argue that the South should return to an idyllic commons. And, for much of the middle South in the path of tropical storms, it is already zero hour. For Fiji and other low-lying island nations represented at the United Nations’ most recent climate summit in San Francisco, predictions are dire. The sea islands may not simply be stolen – they may in large part cease to exist.\(^{18}\)

On the surface, it is appalling that wealthy, white communities would build golf courses and ‘plantation’ condominiums on land stolen from the descendants of slaves.\(^{19}\) It seems shocking that so little has been learned from some of the most painful parts of Southern history. Yet again, from a broader perspective, it is scarcely shocking at all – across centuries, the same struggles over land are fought over and over again, with frustrating continuity between generations. The struggles of enslaved Gullah/Geechee ancestors to own the land they farmed for rice are repeated across time, and even today ‘forty acres and a mule’ is a far distant promise. Simply because the past seems to repeat itself does not mean we cannot learn from it, however, and potentially stop the cycle. For much of the South, access to land – and corresponding access to political power – is intergenerational. It can only be understood through a historical lens. The perspective of those denied meaningful management of their own lands, whether they live in Hilton Head or the hollers of the Appalachian backwoods, is not simply a recent calamity, but a centuries-long cycle of displacement and disenfranchisement.

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\(^{18}\) Personal experience as a student reporting fellow for the U.N. Association at the Global Climate Action Summit; much of the rest of this section is drawn from my later interview with Queen Quet also.

\(^{19}\) “A Vanishing History: Gullah Geechee Nation,” video file.
Like communities in early West Virginia, and company towns crushed by extractive industry, the Gullah/Geechee are similarly casualties of commerce. Centuries apart, they face the same loss of land as the coal industry’s early workers, albeit as victims of vastly different externalities. Yet considering them both in the same framework shows that coal has always come at a cost, both to traditional communities, and to the land itself. The similarities between the disenfranchisement of early miners and communities on the frontlines of climate change shows that coal and other exploitive industries have never truly reformed – rather, the patterns of the past continue across both the mountain and coastal South. It is only through uplifting the history of both the middle and mountain South that we may finally lay to rest the myth that coal and other extractive industries are ever truly an ‘improvement’ on landscape. The common thread binding the miners and farm families of Appalachia to the Gullah/Geechee and Cherokee is that their communities have historically been seen as worth less than the sum of their parts, and consequently are torn apart for timber, ore, and other more ‘advanced’ forms of development. Yet each of these communities has much to teach us, beyond even their own intrinsic value.

The long slog of miners marching into the hills around Matewan shows us that coal has always stolen from the communities that mined it, and hints at how true prosperity lies in an economy that casts off coal. The layers of colonization and state seizure in Cades Cove show that land preservation without local people is inherently flawed, and hints at how a model of extractive reserves may lift up both wildlife and surrounding communities. And, most overarching of all, the ancestral knowledge, wisdom, and courage of the Cherokee, Gullah/Geechee, and other original peoples must be a guiding model for land rights at every stage, from the past, to the present, and on into the future. Leaving present struggles behind, we return now to the South of over a century ago, a world that was just beginning to recognize the
risks of extractive industry, and poised on the precipice of embracing the single commodity that has arguably done as much damage to humanity as almost any other – coal.

Case Study: West Virginia Coal Country

Long before the first mountaintop mines or even the first interstate highway, West Virginia was already seen as expendable. Founded in large part as a settler colony, coal has always had an abusive relationship to the region. Enforced isolation meant other industries couldn’t compete for workers; company scrip meant coal firms didn’t have to pay real wages. Naturally, the system was never stable – the bricks of some small towns still bear the bullet holes of some of the coal war’s more infamous assassinations.20

As Steven Stoll discusses in his book Ramp Hollow, it is a myth that coal was ever a natural fit for the southern mountains. Rather, for West Virginia and other industrial colonies designed around coal, their governments and courts largely an extension of the industry bosses themselves. One story worth telling is the Battle of Blair Mountains, which reveals the often-erased history of resistance against coal in the region. Although not discussed in depth in Ramp Hollow, which focuses more on the buildup of the industry than its brief faltering during the socialist heyday of the 1920’s, arguably nowhere is this complicity between state and strikebreaker clearer than in the Battle of Blair Mountain.

Before the infamous MOVE bombings and the Greensboro Incident, the Battle of Blair Mountain was perhaps the first case of the American government bombing its own citizens.21

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20 Personal experience visiting Matewan.
21 The MOVE bombing was essentially a COINTELPRO-era bombing of black organizers that, infamously, killed many civilians, and was widely regarded as police brutality. The Greensboro Incident occurred when the American government accidentally dropped a live nuclear warhead on North Carolina. Due to a wiring error, it did not
After being forced out of company-owned homes, striking miners rose up against coal bosses in what is popularly considered the largest armed uprising since the Civil War. Local law enforcement and mine bosses joined together to put down the strike, showing how far from finding favor with market forces alone - coal has always relied on brutality and state sponsorship to stay afloat, and keep wages artificially low. It is pointless to argue coal mining is the most efficient choice for the region because it was never truly efficient, and for many never truly a choice at all.  

Although deliberately erased by coal companies, the Battle of Blair Mountain is a stunning example of the bravery and tenacity with which workers fought back against exploitation of both people and land. In protest of company-owned towns, evicted from cabins they no longer legally owned, miners marched up into the foothills.  

Living in tent camps, they created their own communities, ones in which workers both black and white controlled a common destiny. The strike ended in a bloody battle with strikebreakers and local authorities in the pocket of coal companies, during which time it is estimated perhaps up to a hundred miners died. The details of those long and bleary days on Blair are arguably not as significant as the fact that the miners fought at all, however. The desire to support each other, to work and fight and live communally did not simply disappear when the farmers first ventured underground. Moving  

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23 The Mine Wars Museum in Matewan talks about how the history of the battle was deliberately suppressed for a half century or so, and even in recent years the battlefield itself was slated to be destroyed by mountaintop removal, in a move some locals suspected was partly to destroy the artifacts still remaining on the mountainside.
from cabins to company towns was not so natural a transition as mine bosses would like later
generations to believe. For workers, it went against the core of their being.

As *Ramp Hollow* illustrates, coal cost many small farmers dearly, not only by polluting
their land and local waterways, but also by uprooting a social structure that had granted many
families much greater independence. One method companies used to trap people in mining was
to pay them in scrip, a company issued form of money. Former farmers and foragers who
ventured into the mines soon found themselves caught in a system they could not escape. Coal
companies set prices for everything, forcing workers into debts they could never hope to repay.
Growing your own food simply meant that the company had to ship in less to feed you; mending
your own clothes meant that the company store would simply sell you less fabric.24 Moving was
often not an option, and even for those who made it to the next valley over, the only difference
would likely just be differently designed scrip.25 By breaking apart a previous system of land
ownership, mine bosses exploited the confusion and vulnerability of those left behind, forcing
them into jobs they might not have taken otherwise, and almost certainly would not have stayed
in. Such a system is difficult to understand as an outsider – essentially, coal companies
controlled almost every facet of life, making escape almost unimaginable. For those who did
rebel, the brutality of the strikebreakers was almost unbearable. Women and children were often
in the line of fire, so much so that striking families lined their tents with pots and pans in a feeble
attempt at bulletproofing. To hide armaments from strikebreakers, children carried bullets
concealed at the bottom of pails of milk.26 Every act of rebellion was carefully planned and

25 Personal experience; West Virginia Mine Wars Museum exhibit about scrip.
26 Oral histories from the Mine Wars Museum in Matewan; the museum contains many first-hand accounts the
founders gathered themselves that are often difficult to find a more formal source for since so much of the history
has been repressed as noted.
orchestrated - yet, even for the bravest and most brilliant organizers, defeat was often still a foregone conclusion. In this way, West Virginia shows us the stakes for those fighting to hold onto their ancestral lands - as soon as such a battle is lost, predatory labor interests move in to claim what remains.\textsuperscript{27} Land rights are foundational to human rights in such cases for owning land fosters independence, and allows communities to derive their own destiny, rather than spend their lives scrimping scrip.

The desperation of workers to keep their jobs, the uncomfortable slant amongst some towards authoritarianism - such social shocks are not an emergent property of the coal industry’s decline, but rather intrinsic to the industry itself. From the earliest attempts to divide workers along racial lines to hamper unionization efforts, mine bosses have long been uncomfortably cavalier with white nationalism, so long as it got them what they wanted.\textsuperscript{28} In many cases, fortunately, this has failed – notably, the Battle of Blair Mountain was one of the first integrated labor strikes, and black, white, and immigrant families lived together in tent camps decades before the rest of the South would be integrated.\textsuperscript{29} Despite their somewhat sugarcoated portrayal today, Dr. King and other civil rights leaders of the 1960’s had deeply socialist roots, in large part because of how brazenly capitalist barons in the South attempted to weaponize anti-black racism to maintain control of land and resources. In a letter to his wife, Dr. King casually notes, “I imagine you already know I am much more socialistic in my economic theory than

\textsuperscript{27} Stoll, Ramp Hollow, 39, 64.
\textsuperscript{28} Ronald L. Lewis, Black Coal Miners in America: Race, Class, and Community Conflict, 1780-1980 (n.p.: University Press of Kentucky, 1987), 62-64. Since the earliest attempts by mine bosses to bus in black and immigrant workers to foster division, mine bosses have used white nationalism to break unions. A modern, admittedly imperfect parallel is the dog whistle claims about President Obama and other “elites” being responsible for the decline of coal. In communities like the one I grew up in, the decline of coal is commonly seen as the fault of mysterious outside forces, rather than flaws internal to the industry. This sort of scapegoating rapidly spirals into conspiracy theories, many of them concerning.
\textsuperscript{29} Cal Winslow, “The Devil is Here in These Hills: West Virginia’s Coal Miners and Their Battle for Freedom,” Labor History 58, no. 2 (2017): 239.
capitalistic.” Famously, he claimed that capitalism “has outlived its usefulness,” and joins Dan Chain, Mother Jones, and other famed organizers as relatively early voices for socialism in the South.³⁰ Far from a position pushed by outsiders, socialism in this sense has always been a natural fit for the Southern mountains, with their historical reliance on community and kinship ties. Attempts to disrupt the commons and relocate its members into coal camps eventually collapsed, and the region ever since has been plagued by poverty, hunger, and instability, albeit not always so overt as the bombing of Blair Mountain.

In short, since the beginnings of the industry itself, coal has served as an antithesis to traditional Appalachian ways of life, specifically land rights.³¹ Shared land use was always an inherent fit for the Southern mountains, much more so than coal. Outside organizers like Mother Jones did not simply impose such collectivist ideals – rather, they originated in mountain communities themselves, in the spirit that would rather starve in tent camps than serve as a strikebreaker. Yet, even allowing for the tremendous impact of extractive industry on Appalachia’s social fabric, it would be too simplistic to say that mechanization was the only thing that drove people out of their homes.

³¹ Stoll, Ramp Hollow, 127-138.
Case Study: Cades Cove

The abandoned chapel is eerie even at midday, its silent white slats seeming to shudder beneath the shadow of the pines. Inside, it is almost unnaturally cold, the glass so warped that it might almost still be looking out on the cove a century ago.

Today, Cades Cove is one of America’s most famous ghost towns. Located in the heart of one of its most picturesque parks, its residents were disinherited and essentially forced out over the course of a generation or so.\(^{32}\) Paid off as the government claimed land for the park, authorities evicted families who had maintained homesteads in the cove for generations. Many left for factory jobs or other lives outside the mountains. Some were overjoyed to escape what they saw as a hardscrabble existence – others never truly recovered. In the words of one writer, some simply “preferred a hard life.” Living off the land was a point of pride to those who knew the ancestral folkways of hunting turkeys, deer, and bears.\(^{33}\) And, as in the Adirondacks and parts of the west, enclosure of the park created years of confusion over local land rights.\(^{34}\)

For families that fought, local courts turned a largely unsympathetic ear. As high as the Tennessee Supreme Court, their pleas against eminent domain fell short, and their forced removal is now almost forgotten, an unsavory detail of an otherwise sublime summer tourist stop.\(^{35}\) Outsiders saw them as a people apart, exotic, their cabins cleaned out for the public to peruse. By seeing them as trapped in the past, it was easier to justify overriding their own

\(^{32}\) Cades Cove is a valley located near the northern border of Great Smoky Mountains National Park; at the time of the park’s founding, landowners were told to leave and their land was seized through eminent domain. Some stayed on for decades or were even buried in the park, however. Gravestones show dates from before the Civil War to the early 2000’s, depending on how well families fought for their burial rites. (Personal experience visiting cemeteries and churches in Cades Cove)


wishes.\textsuperscript{36} Perhaps most disturbingly, the Walker sisters who refused to cede their cabin became a sort of human zoo, living on their land until the late 1960’s, over a quarter century after the park was opened to tourists.\textsuperscript{37} Although not as brutal as the history of human zoos exhibiting colonized cultures\textsuperscript{38} – notably, the park paid the Walker sisters for their troubles – their treatment speaks to much of the broader struggle of land ownership for poor white families of their era. Quite simply, the Walker sisters’ control of their land was not respected because they were seen as almost part of the land itself. One does not ask a tree for permission to build a fence around it or consult a river before building a bridge.

For many, especially of the younger generation, their childhood in the Smokies was seen through rose-colored lenses, and even the infamous brutality of the logging camps took on a childish sense of wonder.\textsuperscript{39} In such instances, the reality of Cades Cove matters not nearly so much as the memory and mythology of it – an imagining which, naturally, is packaged and resold to its many tourists. Its grist mills and silos sit empty, a testament to what President Franklin D. Roosevelt saw as a sort of eternal shrine to the frontier spirit. In President Roosevelt’s words, “[t]he old frontier, that put the hard fibre in the American spirit… lives and will live in these untamed mountains to give to the future generations a sense of the land from which their forefathers hewed their homes.”\textsuperscript{40} Ironically, it was this same spirit with which the

\textsuperscript{37} Burns, Cades Cove: A Place in Appalachia, 121-122.
\textsuperscript{38} I treated this as common knowledge; one contemporary example is the uproar in recent years over how the American Museum of Natural History in New York City portrays non-Western cultures, since some see the mannequins as antiquated and dehumanizing. (I wrote an article on the history of human zoos in relation to this for the Fordham Paper a while back, as noted in the bibliography.) In any such display, whether in Cades Cove or today, who gets to be in front of the glass and who is shown behind it is a fraught and often dehumanizing discussion.
\textsuperscript{39} Margaret McCaulley and J.C. McCaulley, A Cades Cove Childhood (Charleston: History Press, 2008), 72-73.
\textsuperscript{40} Franklin D. Roosevelt, “Dedication of Great Smoky National Park,” in The Public Papers and Addresses of Franklin D. Roosevelt (New York: Macmillan, 1941), 370-375, https://quod.lib.umich.edu/p/ppotpus/4926581.1940.001/408?rgn=full+text;view=image;q1=Smoky+Mountains.
white residents of Cades Cove first settled the valley – after driving out its indigenous residents and idolizing them into an idyllic past, they found to their dismay that the same was done to them. And, with each iteration of dispossession and resettlement, life in the valley became progressively less sustainable.

Today, the Great Smoky Mountains National Park is America’s most popular national park, and Cades Cove is the park’s most popular destination. Traffic during parts of the summer is routinely gridlocked, and the faint tinge of gasoline and motor oil soaks some of even the most isolated campgrounds. And, tragically, such congestion has a high human cost – as climate change makes the mountains more vulnerable to fire, dense development, mismanagement by local authorities, and failure to follow traditional indigenous forestry practices increasingly spells disaster. Already, the tourist town of Gatlinburg has been rocked in recent years by wildfires, fanned in large part by unseasonable drought. Located several miles from Cades Cove at the boundaries of the park, Gatlinburg is essential to the local economy, an early vanguard of the sort of ecotourism ventures many hope will replace coal in the region. Yet, watching its kitschy animatronics shrivel and blacken, nightmarish hunks of metal hunched in shadowed corners of the sidewalk during the months of clean-up, it is not hard to imagine that, if we are not careful, Gatlinburg might someday soon be a ghost town as well.

For tourists who simply spend a week or two in the mountains, the cracks in the foundation may not be as apparent. Yet, as a native east Tennessean, it’s evident to me that

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44 Personal experience; since my family lives in east Tennessee, we followed the fires closely, especially the towns near us that were hit.
Cades Cove – and its much more populated sister cities of Gatlinburg and Pigeon Forge – are an anomaly. More than lifting the region as a whole out of poverty, tourist towns surrounding the Smokies create a sort of parallel economy, piled on top of yet never truly intersecting with the region as a whole. Although the main access roads to the park are lined with craft cottages and hotels, a single wrong turn sends you spiraling into a world not unlike how Cades Cove might have felt a century ago – the tin and slate rooves, overgrown drives, and lingering, suspicious stares from those unlucky enough to live outside the park’s limelight.

In the sanitized, sweet-tea-in-mason-jars sort of poverty that the park sells, it’s all too easy to forget that real hunger and real suffering still lingers here. Saving the Smokies from further development brought back countless endemic salamanders and other species from the brink, but it also forced out people for whom land was all they had. And it taught much of America that east Tennessee is little more than a playground, a place to act out poverty, its rustic cabins a bit like Marie Antoinette in her peasant cottage.\(^45\) Even Dolly Parton, hallowed high saint of Appalachia, has drawn criticism in recent years for her portrayal of frontier cabins (not to mention the Confederacy) in Dollywood.\(^46\) Even with the best of intentions, historical narratives tailored to tourists tend to warp over time, reflecting their audiences’ anticipations perhaps more than what really happened here.

It can be hard to find fault with something so many of my friends and I who live near the park grew up loving. Yet, as the years go by, the glistening border towns of the Smokies stay static. Like Cades Cove, they are trapped, always, in an idealized tableau of the past, of rocking

chairs and corn cribs and whiskey at twilight. Like Theodore Roosevelt wanted, the trappings of
the frontier are frozen here, forever. And meanwhile life in surrounding towns gets worse and
worse. Ironically, fictional poverty is idolized, even as actual poverty is ignored.

When Appalachia’s white settlers left their small farms and became less self-reliant, the
social structure of some settlements perhaps never fully recovered. In recent years, I’ve seen my
home state rocked by rural hospital closures and hunger and almost unimaginable desperation.
For many already on the margins, the uncertainty that comes with not owning your own home or
land feeds into a broader social stress, the underlying ripple of anxiety that feeds so many social
ills.

Although, it would be unfair to blame Appalachia’s problems on any one cause, this
sense of losing land ownership and the social commons is to me one of the most overlooked yet
overarching causes. Without ownership, it is much harder to build up wealth, and thus economic
divides persist across decades or even generations. Without having the certainty of knowing you
won’t be evicted, it’s hard for many to feel hopeful, and homelessness and rates of opioid abuse
remain on the rise. Returning to the more communal, sustainable model of towns like Cades
Cove won’t solve everything, but it’s a start. By recognizing the ancestral claims of Appalachia’s
historic inhabitants, we can approach a world in which everyone’s right to exist is respected
equally. In a world in which land rights are seen as central, homelessness is no longer a crime, no
one is forced out of their ancestral home, and indigenous voices are no longer sidelined.

Out of almost anywhere in the mountain South, Cades Cove arguably best encapsulates
the complexities of land ownership, first stolen from the Cherokee, and later stolen from its
white settlers. Yet, looking out across its rippling pastures, it is impossible not to wonder if the

47 Personal experience unfortunately; a family friend in east Tennessee is a doctor specializing in opioid-addicted
pregnant women and infants.
valley was ever really meant to be owned at all. After centuries of settlement, what is the best choice for Cades Cove? Assuming that the fires will likely only get worse, is it justifiable to continue course as one of the most densely-packed tourist destinations anywhere in America? Or conversely, in a region where strip-mining and clear-cutting are so often seen as the defaults, is ecotourism inherently an ethical alternative? Or should the cove be transitioned somehow towards an earlier mode of settlement, modelling when the valley was once self-sufficient?

Case Study: The Gullah/Geechee, Cherokee, and Other Original Peoples

Too often, white settlers are treated as the original dispossessed, their suffering treated as evidence of ownership. In some odd sense, it seems almost assumed that people who did not truly deserve their land would not fight for it. In the sanitized past of tourist towns like Gatlinburg and Pigeon Forge, it is the white farmer and moonshiner who is often treated as Appalachia’s most natural inhabitant. In both the mythos of the gallant Confederate and the courageous frontiersman lies the idea of the mountains being somehow improved, and corralled into civilization. In reality, the civilization that existed before white settlers was more sophisticated in many ways.

Land ownership has always been a struggle for the Eastern Band of the Cherokee Nation. Infamously, in the 19th century a white man named William Thomas bought large tracts of land on the Cherokee’s behalf since the government did not fully see them as citizens, and therefore they could not own land.48 Infamously, the Trail of Tears removed the Western Band from their

48 Forest Management Plan: Eastern Band of the Cherokee Indians Trust Lands (Cullowhee, NC: Forest Stewards, 2015), 11-12, https://cherokeenaturalresources.com/forestry-management/. Essentially, the Cherokee endured several waves of Westernization and colonization, eventually evolving into something similar to plantation culture prior to removal. The Trail of Tears is perhaps one of the region’s most infamous breakdowns of legal land
ancestral territory entirely, in blatant violation of long-standing agreements over land ownership. And, even after escaping the Trail of Tears and centuries of colonization, the Eastern Band of the Cherokee Nation is still unable to fully manage their lands as they see fit.

The culture the Cherokee, Chickasaw, and other original peoples created in the Southern mountains is likely humanity’s most sustainable blueprint for the region as a whole. And, although much of their story is a tragic one, rather than focusing solely on the Trail of Tears, it is worthwhile to learn from traditional practices. How did they harvest ramps? How did they ensure river water stayed clean? What, in short, can we learn from them, rather than simply lamenting them as a lost civilization, portrayed always in the past tense.

As the Cherokee forestry guide emphasizes, land itself is sacred, and economics should not eclipse stewardship of the Smokies themselves. 49 To this end, logging and other such economically valuable practices are considered largely out of the question, since they reduce overall resilience, and weaken forests already highly vulnerable to fire. Even today, the Cherokee suffer the aftereffects of clearcutting over a century ago, which decimated culturally significant species like the white oak. 50 Aside from extractive uses, tourism is also incredibly important to the region’s overall economy, and Cherokee leadership in recent years has grown frustrated with the inability to fully manage land that is so vital both culturally and economically. Large scale management is difficult in such a splintered territory, and tribal leadership is still struggling to regain control of stolen sacred sites. 51

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49 Forest Management Plan, 14.
50 Forest Management Plan, 3, 98.
Nevertheless, even after so many setbacks, the Cherokee Eastern Band have had a profoundly positive impact on land management. Despite assimilation with colonial culture prior to removal, the Eastern Band has retained many traditional forestry practices. Although individual families may not retain folk remedies, recipes using ginseng, witch hazel, and other culturally significant cures are still remembered and passed down in written form. And, far from the preservationist model that nothing in the park should be touched, Cherokee land management centers on sustainable hunting and foraging, with precise ratios of how to harvest ramps and other herbs. As shown by the clamor caused both by abandoning Cades Cove and by the Smokies’ current unsustainable path, such a precise balance between human needs and the health of the forest will likely be essential for east Tennessee in the future, especially as unseasonable droughts and other climate-related challenges make parts of the South harder to inhabit.

As fires fanned by climate change sweep through the southern mountains, hundreds of acres of Cherokee land have burned, in large part due to mismanagement by park staff and surrounding towns. And, although the Cherokee have long pushed for controlled burns, their traditional practices are taken up only rarely by the park service. Is fire management a form of land rights? Perhaps, if the Cherokee’s advice had been followed, less of their land would have burned. But for the Eastern Band, as for other original peoples, the health of their territory depends on management of surrounding lands, which – even in the Smokies – leaves something to be desired.

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55 *Forest Management Plan*, 16.
In recent years, water rights have become another banner issue. For the Cherokee, water is sacred, a form of spiritual cleansing, and a doorway between this world and the next.\textsuperscript{56} Yet, for the white settlers of western North Carolina and eastern Tennessee, ranching, logging, and other industries take precedent, and consequently many pristine rivers have been slowly poisoned. Currently, runoff threatens culturally significant freshwater species like the elktoe, and shielding streams from outside pollutants is still a significant challenge.\textsuperscript{57} Despite the courageous fight to hold onto their ancestral territory across so many centuries, the Eastern Band are tragically still seeing their land slip away from them, contaminated by outside forces they cannot control.

Across the rolling piedmont from the mountain homesteads of Cades Cove and the Cherokee Nation, the Gullah/Geechee are similarly on the frontlines of the fight for water rights. Queen Quet Marquetta L. Goodwine, elected head-of-state of the Gullah/Geechee Nation, was recognized in recent years by Oceana for her ongoing fight against offshore drilling, which she sees as an existential threat to her people’s continued sovereignty and ability to farm on their coastal lands.\textsuperscript{58}

Unlike so many of their wealthy neighbors, the Gullah/Geechee people have an inherent sense of what the barrier islands can support. Through communal ownership of land, a system termed heirs’ rights, they collectively manage and farm traditionally. Undaunted by the ever-intensifying tropical storms, many of the Gullah/Geechee people have vowed to stay on the sea islands so long as they are able.\textsuperscript{59} More than merely convince Southerners to return to traditional

\textsuperscript{56} Forest Management Plan, 15 as well as personal knowledge of Cherokee folklore.

\textsuperscript{57} Forest Management Plan, 107, 109-111.


small farms, in short, the Gullah/Geechee and other original peoples offer a unique opportunity to save the commons before it is destroyed. The Cherokee and Gullah/Geechee Nations already know what is best for their land – we have only to listen to them, and ensure that their voices are heard.

Far from a lost cause, many indigenous land rights struggles have rapidly gained momentum in recent years. In the next section, we will trace several possible avenues for reform, working in concentric circles from most established to most radical.
Matewan

Nestled in the mountains of Southern West Virginia, Matewan’s bucolic exterior belies its bloody and turbulent past. In was here in these hills that the lyrics to “Solidarity Forever” were first written, and the bald of Blair Mountain still bristles with rusted guns and bullet casings from one of the coal war’s bloodiest battles. (Pictures by me unless otherwise noted; credit also to the West Virginia Mine Wars Museum in Matewan.)

A coal train passes through downtown Matewan; present-day.

Historical reconstruction of a tent camp; according to the museum’s audio recordings, the pans were used to help bulletproof the tent to protect wives and children.

Above: a plaque near several bullet holes in the exterior brick; at left, a newspaper clipping from the museum showing a bomb dropped on striking miners that failed to detonate.

Below: the West Virginia border is along the edge of Matewan.
Cades Cove

One of America’s most famous ghost towns, Cades Cove preserves log cabins, mills, and churches as they were when white settlers first came to the Smokies. Black bears, deer, and elk frequent its meadows, and the cove is often crowded with tourists, especially during the summer months.
(Pictures by me unless otherwise noted.)

Above: a grist mill powered by river water - at right, a meadow at the center of the cove. On a quiet day, the valley still looks as it might have over a century ago (albeit with the absence of chestnut trees).

At right, a rustic Baptist church; above, images from a bear hunt taken from Cades Cove: A Place in Appalachia by Gladys Oliver Burns. The church, like the mill, is present-day.
Forestry & First Nations

Appalachia is one of the world’s most biodiverse temperate forests, and the Southern barrier islands are similarly unique ecosystems. The Cherokee, Gullah/Geechee, and other original cultures across the South are invaluable voices in plotting a future in which such lands are preserved and managed sustainably.

(Image credits in captions.)

Synchronous fireflies at Rocky Fork State Park in eastern Tennessee. Highly rare, such fireflies light up in unison in undulating, almost hypnotic patterns. (Picture taken in collaboration with Ruth Happel.)

Enlarged image of a wild salamander; the Smokies are a hot spot globally for salamanders and other amphibians. (Courtesy of Ruth Happel, my mother, who is a professional wildlife photographer.) The seal of the Cherokee Nation Eastern Band is taken from the forestry management guide previously cited.
Ownership of land itself is simply one layer of land rights. Deeds and titles alone mean little if your home has no access to basic amenities. For many in Appalachia, availability of fresh foods, medical care, and other basic services are needed to enable families to remain on their land, and preserve communities that have existed for generations. To stem off exodus from rural communities, it is necessary not just to defend the right to own land in the first place, but also to make that land worth owning, and convince people that it’s possible to have a healthy and sustainable future without moving away. From the STAY Project sponsored by the famed Highlander Center to more local initiatives, the future of many rural communities depends on convincing Southerners – and especially young people – to remain in the towns of their birth, rather than fleeing to urban centers or the coasts.60

As noted previously, mountaintop removal and other environmentally exploitative practices are anathema to such initiatives – in fact, mountaintop removal is an economic drain on Appalachia as a whole, with health externalities exceeding the net value of the coal industry by up to $50 billion.61 Simply stalling mountaintop removal mines is an appealing strategy since, at least in one school of thought, clean energy will soon make such mines obsolete. By leveraging the Appalachian Regional Commission and other such groups to help with job retraining and local entrepreneurship, communities in coal country can naturally transition away from exploitive to sustainable land use. Similarly, rural broadband expansion in areas without access to the Internet may additionally help with job access and retraining, and for this reason state-sponsored rural broadband has become a banner issue for Southern progressives in mountain

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states, as well as even some conservatives. Given access to alternatives, will unemployed coal miners naturally transition into ecommerce or ecotourism? Such logic is simplistic in many ways – notably, the notion of rational self-interest overlooks cultural factors that tie coal mining to masculinity and pride. It also overlooks some of the perverse incentives of Hotelling’s Rule – namely, as society shows signs of switching away from fossil fuels, extraction actually speeds up as it becomes economically beneficial to burn as much as possible before clean energy replaces fossil fuels. This phenomenon is colloquially known as the ‘green energy paradox.’

Despite such setbacks, economic transition is arguably the fastest way to turn the mountain South away from coal. In order to counter the mindset that a mountain is worth less than what’s inside it, building up Appalachia’s ecotourism industry is an appealing line of reasoning for many. Dolly Parton herself believed that one of the best ways to help her hometown was to open a theme park, and she is hailed as a heroine by towns left behind as local manufacturing plants closed.

The ecotourism model has many flaws, yet it is already in motion. In a world in which every ounce of coal left in the ground likely matters, the details of this transition have in some cases taken a back seat to simply speeding it up. To this end, the Appalachian Regional Commission and other local NGO’s are throwing everything they have into diversifying the economies of small towns that might otherwise collapse as coal pulls out. One significant setback to this plan is the proposed defunding of the Appalachian Regional Commission in recent years – a move that is both shortsighted and cruel to those already clinging to the lower

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62 Personal experience working on outreach for the Bredesen for Senate campaign in east Tennessee.
64 Wilkerson, "Living with Dolly Parton," Longreads.
rungs of the socioeconomic ladder. In the words of one local Kentucky official, “we’re already down. There’s no need for them to step on our necks.” Despite the flaws in repackaging Appalachia for outsiders as noted previously, the outlook if mountain communities fail to transition is grim. Land ownership means little if you have no community to support you, no grocery store in your town, or your well has been poisoned by strip mining. If we are to save what is left of Appalachia’s ancestral commons, time truly is of the essence.

In hills and hollers where the memory of company coal towns still lingers, many remember what it’s like to wonder if you will survive the winter, and no one wants to go back. Beyond ecotourism, the Sierra Club and other environmental groups lobby for what they call a “just energy transition,” that puts green energy and jobs in mountain states that have been disproportionately burdened by the externalities of coal. According to this model, the communities that have for so long borne the disproportionate dangers of coal deserver to reap the rewards of whatever comes next. So far, however, this model has yet to fully materialize, and is arguably slower to adapt than ecotourism, which leverages wild spaces that already exist.

Second Layer of Reform: Through the Courts

In my conversation with Queen Quet, what struck me most was not aspirations towards future recognition, but rather her frustration with existing land rights not being recognized. The task is not simply to convince Southerners to move back onto the commons, in short, but to fight

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68 Interview with Scott Banbury of the Tennessee Sierra Club.
for those already struggling to hold onto shared ancestral land. “Additional recognition is not what is now needed,” she told me. “Respect of our culture and the leaders that the people elected ourselves is the issue. We are still seeing land and human rights violated and that is unacceptable!”

Queen Quet’s frustration is shared by many environmental advocates across the South. Stealing land is illegal. Selenium and other heavy metals poisoning tap water has been banned for decades. So why is all this still happening?

Stoll traces the flaws in West Virginia’s court system back to essentially the founding of the state itself. And, if the Trail of Tears and other such tragedies throughout the South’s history teach us anything, it’s that the American court system is only ever as efficient as its enforcement. Even today, the West Virginia Department of Environmental Protection (WVDEP) and other state offices function as offshoots of coal companies, and fail to uphold federal standards. Shockingly, the WVDEP has in many cases refused to even conduct inspections, admitting openly that no mountaintop removal site could ever meet the standards of the Clean Water Act and other federal laws. Yet, since the Surface Mining Control and Reclamation Act left enforcement up to the states, there is little that can be done to protect small landowners from the ravages of coal.

In the absence of effective state enforcement, many local environmental advocacy groups have turned to citizen suits. Similar to defenses of the ancestral commons, groups of small

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69 Interview with Queen Quet.
stakeholders banding together have proven effective in recent years, and guarded optimism remains that land rights may be at least partially honored through such a system.

Beyond such stopgap measures, some have also proposed more substantive reform to the statutes themselves. Coal River Mountain Watch, based in West Virginia near the epicenter of mountaintop mining, has in recent years lobbied for a complete halt on such practices at the federal level, a bill known as the ACHE Act.73 Since mountaintop mining comprises much of the current coal industry, critics and more radical advocates see such a bill potentially as a ban on coal extraction entirely. Even seen more narrowly as a cap on coal’s most brutal practices, it is hard to overstate the human rights and environmental impacts of banning mountaintop mining. In Tennessee, where there is a partial ban on such practices - more specifically a prohibition on valley fills - outcomes for drinking water and aquatic organisms are dramatically better.74 And, although not always recognized as such, clean water is a vital part of land rights, with streams serving as the lifeblood of countless small communities that count on trout, crawfish, and other foraged food.

In many of the South’s most egregious environmental abuses, laws on the books should theoretically already prevent such calamities. In this view, even in relatively conservative courtrooms, and even with a judiciary increasing stacked against environmental causes, it is possible to fight, to win, or at least to forestall some of the worst abuses of human rights. From battles against the Atlantic Coast Pipeline paralleling the more infamous Keystone XL pipeline, citizens stepping up as individuals to defend their land have succeeding in slowing, if not stopping, some of the direst abuses of Appalachian autonomy. And, for those living in the

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73 Interview with Vernon Haltom, executive director of Coal River Mountain Watch.
74 Interview with Scott Banbury of the Tennessee Sierra Club on the unfortunate rollbacks to this ban on valley fills.
pipeline’s path, there is hope that they may still save their homes.\textsuperscript{75} It is this hope that propels such cases on, year after year, even in some of the country’s most conservative circuit courts.

Some may argue that such citizen suits are naïve, or not radical enough – yet, to give up on change through the courts is to cede still more ground to a system already stacked towards industry. Maybe, like the citizens of Cades Cove, or the miners of Matewan forced back into their company towns, such causes are lost before they begin. Whether or not it is possible to win is not always as important as knowing that you fought at all, that you were alive in this moment and did more than simply step aside. For some advocacy groups, the battle against mountaintop removal goes on for decades, yet enthusiasm remains undaunted. Year by year and case by case, coal’s stranglehold on the Southern mountains seems to be finally slipping away.

\textit{Third Layer of Reform: Recognize Shared Land Ownership}

It goes almost without saying that, in one of the reddest regions of the country, many would bristle at the thought of living on a cooperative. Even as more radical leftist groups like the Mountain Party make inroads in historically pro-labor regions, collectivism or any derivation thereof is still very much a political third rail.\textsuperscript{76} Arguments against expanding Medicaid, even in the face of an unprecedented wave of rural hospital closures, remain widely popular, due in large part to an innate fear of anything seeming like socialism.\textsuperscript{77} The challenge is not simply identifying the best interests of rural mountain communities, in short, but packaging such

\textsuperscript{75} Appalachian Voices, "Atlantic Coast Pipeline," Appalachian Voices, http://appvoices.org/fracking/atlantic-coast-pipeline/.
\textsuperscript{77} Personal experience canvassing and working for the Tennessee Democratic Party.
interests in a way that is not an affront to traditional Appalachian values of independence and self-reliance. (Whether or not mountain communities have ever been wholly self-reliant is not at issue here – rather, many of us see ourselves as being so.)

Ironically, although many would never recognize it as such, stealthy forms of shared ownership have existed across much of the South for centuries. When my family put ‘no trespassing’ signs in the woods around our house, many hunters simply ignored them. Even without recognized legal ownership, it is common for many to wander across others’ land. Fishing, deer hunting, and other forms of subsistence have few, if any, clear borders. Foraging did not simply disappear when the coal barons came, in short, and systems older than capitalism still exist in its fringes. Perhaps one of the most poignant examples of this is local hunters donating deer to food banks, a system that is, in a sense, fundamentally collectivist. Hunters for the Hungry has fed millions in Tennessee alone. In parts of the South disproportionately burdened by hunger and want, this is no small feat.

Although electing politicians who support sustainable policies can be difficult as climate change grows increasingly polarized along party lines, many environmental issues – especially local ones – remain broadly popular. Ballot measures centered on climate change are notoriously difficult to pass, as they are often more abstract and appear less immediate to many voters than local issues that affect them more visibly. In the midterms earlier this fall, most ballot measures to limit carbon emissions did not succeed – although, arguably, their presence at the polls is in

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79 "Food Insecurity in the United States," Feeding America, 2014, map.feedingamerica.org/
itself a step forward.\textsuperscript{81} But the most recent midterm election also proved that banning offshore drilling can win, and win broadly.\textsuperscript{82} Supporting the Gullah/Geechee and other coastal communities doesn’t have to be controversial. And protecting mountain streams from mountaintop mining could potentially be the next frontier of environmental ballot measures.

Extractive reserves are one such way of repackaging the idea of the commons in a way that will likely appeal to Appalachian voters. Originally developed in Brazil to address the land rights concerns of small-scale rubber tappers and indigenous communities attempting to fend off logging, extractive reserves essentially permit traditional foraging and food cultivation, and act as a foil to large-scale industry. In contrast to conventional parks that abide by such clichés as “take only memories,” extractive reserves encourage active engagement with local communities, and aid in economic empowerment. They are, in this way, an ideal tool to build coalitions with communities who are suspicious of environmental causes or outside experts, as many of Appalachia’s more conservative corners are. By keeping the land in use, extractive reserves additionally counter the idea that wilderness is somehow vacant or barren, and their very framing highlights how essential intact forests are to human life. Some scholars have theorized that this model is transferable to Appalachia, and ginseng, ramps, and other traditional herbs are potentially a way to uplift impoverished communities by returning to more traditional, self-sufficient land use patterns.\textsuperscript{83} As noted previously, Cherokee forestry management similarly

centers on sustainable use for traditional woodworking, hunting, and recreation, meaning there is significant precedent for such a system.\textsuperscript{84}

Already in east Tennessee, there is tremendous potential for land vulnerable to mining or logging to be enclosed in extractive reserves, albeit not typically under this moniker. Rocky Fork in east Tennessee, as one example, has been restocked with trout in recent years, and is slowly returning to something closer to a pristine state as a result of local economic incentives to preserve the trout fisheries. Fireflies, oddly, are also an economic driver – in parts of Southern Appalachia, tourists travel for miles to see synchronous fireflies, blue ghosts, and other rare species found in only a few places on the planet.\textsuperscript{85} Since fireflies are so fragile, and require intact forest to reproduce, monetizing rare species is another largely untapped way to incentivize preserving the ancestral commons. Although there are naturally flaws in any monetarily-driven model, for landscapes that would otherwise be utterly destroyed by mining or logging, perhaps it is permissible to see the commons not simply as a cultural resource, but also as an economic one. Countering the claim that Appalachia is only worth what we can haul away from it, trout, fireflies, and other endemic animals that rely on intact forest show us that the mountains can be much more than the sum of their parts.

Learning from Cades Cove, extractive reserves enable those who are already harvesting the land sustainably to stay, rather than forcing families out, and uprooting traditional land use practices that may help to keep the local commons itself in balance. Currently, limited fishing is permitted in the park, but traditional foraging is otherwise highly penalized, and historically such

\textsuperscript{84} Forest Management Plan, 159.
\textsuperscript{85} Personal experience travelling on firefly and forestry tours in Rocky Fork and the Smokies.
blanket bans have led to high levels of conflict between park managers and local residents, much like the struggle over squatters’ rights in Yellowstone and other early national parks.  

Although the Cherokee and other indigenous cultures provided the most long-term model for managing the cove, as noted, even the valley’s white residents lived more sustainably than many of the surrounding tourist towns today, a point most poignantly illustrated by struggles with erosion and the spread of fire in densely built neighborhoods in recent years. Extractive reserves, whether brought about by ballot measures or other means, could hopefully help to reverse such trends.

Although extractive reserves are still relatively radical in American politics, indigenous groups in the Amazon have increasingly come to see extractive reserves as not really radical enough. In valuing rubber or ramps as a way of putting a price on the forest, extractive reserves still fall into a capitalistic framework, albeit a much more sustainable one. For this reason, and to recognize the spiritual value of the forest itself, Amazon Watch and other NGO’s now support what they call Kawsak Sacha, or the Living Forest Proposal, in parts of Ecuador. Essentially, this recognizes the forest itself as a conscious being with legal rights. Although this model was officially announced last summer and consequently has little precedent in international law, the idea of land rights as ultimately owned by the land itself is fascinating. And, although such a model is perhaps too radical for parts of the United States, it is nonetheless a visionary proposal, and one which more fully incorporates indigenous perspectives into land rights law.

87 Personal experience in Gatlinburg.  
Aside from the so-called “tree that owns itself” in Athens, Georgia, there is little to no precedent for land owning itself in current U.S. law, but this doesn’t necessarily mean that there will not be someday. In the words of Georgia historian E. M. Coulter, writing as early as the 1960’s, “[t]rees no less than people have become famous in history and for as many reasons… in almost all cases, famous trees have become so by their association with people. One of the rare exceptions is the Big Trees of California, which attained their fame through their own efforts, unassisted by puny mankind.”89 Such a sense of the natural world as an equal is not unique to Coulter’s time or even the early environmental movement – indeed, in pre-industrial America, the idea that a mountain or even a tree might have an intrinsic right to remain undisturbed is not so outlandish as it appears to us today. In order to so radically reframe land ownership, however, it is essential to diversify the legal field, and include more indigenous voices in policy decisions, since indigenous cultures have retained such respect for land arguably more than the rest of us.

Fourth Layer of Reform: Increase Indigenous Control

In recent years, the United Nations and other international bodies have increasingly recognized that the single best way to preserve the world’s remaining biodiversity is to honor indigenous autonomy. Currently, 80% of the planet’s remaining biodiversity resides in lands guarded by indigenous people.90 In a world rapidly careening towards nativism in America,

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Brazil and elsewhere, this is easier said than done. Nevertheless, defending the rights of indigenous people is arguably the single best path to actually reining in climate change.

In addition to the formal recognition of the Gullah/Geechee following the courageous leadership of Queen Quet as previously discussed, recent years have seen a subtle shift in momentum towards indigenous issues in Congress, culminating in the historic election of two Native American women earlier this month.⁹¹ Although not always linear, such progress is a sign, perhaps, that an America that truly honors indigenous land rights may not be as far off as we might think. Currently in Tennessee, there has been a major push to expand Cherokee control over sacred sites, and H.R. 146, the Eastern Band of Cherokee Historic Lands Reacquisition Act, passed the House last spring, to the celebration of both its sponsors and the current Principal Chief of the Cherokee Nation.⁹² Enrolled members can also now gather herbs inside the Smokies, a significant step towards the park service adopting more sustainable land use practices, and honoring indigenous land rights.⁹³ And, despite likely Senate stonewalling, such progress sends a powerful message that promises made to indigenous people have not been fully forgotten.

Beyond honoring existing treaties, however, perhaps it is possible – or even necessary – to go further. More radical theorists have argued that America is overdue for a Constitutional convention. Currently, the Senate represents a slim sliver of America’s total population – as an emergent effect of urbanization, the U.S. Senate will trend progressively further to the right as

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⁹³ Holly Kays, “Going Forward by Looking Backward: Tradition and Science Meet in Cherokee Forest Plan.”
long as young people keep moving out of rural areas to seek better economic opportunities. In order to make the Senate truly representative – and undo the effects of antebellum efforts to balance slave and free states – it may become necessary to revisit the division of senators.94

One possible way to do this without disenfranchising rural regions would be to allot First Nations their own senators or other delegates. Although this is far from a mainstream proposal – and, notably, many First Nations people are currently pushing for more recognition of existing rights as noted - this would arguably be a step towards solving several problems, and has been increasingly picked up by advocates for this reason.95 First, and perhaps most importantly, it would allow a historically silenced people a voice in their own governance. Especially given the recent struggles against voter suppression in North Dakota and elsewhere, it is increasingly apparent that grouping First Nations citizens in with existing U.S. Senate districts is not working. More broadly, dividing First Nations’ votes between states is arguably a form of gerrymandering on a grand scale, splintering the political power of even the largest reservations.96

From the Violence Against Women Act to Keystone XL to the recent striking down of the Indian Child Welfare Act and countless other causes, policies that disproportionately impact First Nations people are often narrowly decided on by representatives they have limited power to sway either way.97 Making the Cherokee or Navajo Nation a deciding vote would redirect public

interest and attention towards indigenous human rights, shedding light on long-overlooked abuses. And, perhaps most relevant to the topic at hand, a Congress slanted towards indigenous voices rather than towards rural whites would be much more likely not just to act on climate change, but to act at the speed required. In a world rapidly careening towards a Hothouse Earth, the pledges of existing governors and mayors to remain in the Paris Accords may simply not be enough.\textsuperscript{98}

\textsuperscript{98} Personal experience from the recent Global Climate Action Summit in San Francisco.
Conclusion and Global Context

When I die, let my ashes float down the Green River
Let my soul roll on up to the Rochester dam
I’ll be halfway to heaven with Paradise waiting
Just five miles away from wherever I am…

Won’t you take me back to Muhlenburg County
Down by the Green River where Paradise lay -
Well, I’m sorry my son, but you’re too late in asking
Mister Peabody’s coal train has hauled it away.

- “Paradise,” John Prine

John Prine wrote his ode to the Kentucky foothills the year after the EPA was founded.99 In the coming decades, coal trains would haul away countless other small towns. It would take the turn of the millennium before ending coal became a national conversation. It would take countless more miners mutilated or murdered or missing, lost beneath boulders, or to black lung, or the slow rotting of poisoned streams. Yet, this fall, the Tennessee Valley Authority is taking steps to end the burning of coal at Paradise Plant in Muhlenburg County.100 This winter, a new Congress will consider bills that could ban mountaintop mining for good, or return ancestral land to the Cherokee, or begin a Green New Deal.101 In the words of poet Martin Espada, this is the year.102 And if not this year, then the next, and then the year after that, and on into the decades yet to come.

Change is generational. In parts of Appalachia, it can seem almost unimaginable. Yet it is also inevitable. From the Unionist bridge burners to the union agitators, the history of the South

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102 Martin Espada, "Imagine the Angels of Bread," in Imagine the Angels of Bread (n.p.: W.W. Norton, 1996).
is one of tremendous and often forgotten courage, more than merely a settler state, or the cotton empire of the Confederacy.seeing this history for what it is, in all its fragmented and forgotten glory, is the first step to recognizing that the South should belong to all of us.

If we are to salvage this century, if we are to pull ourselves back from the brink, it will likely be in large part because we heeded indigenous voices, and reclaimed a model of land ownership that favors the many over the few. The predictions for a path of business as usual are dire, and already much of the South is suffering under the sway of catastrophic droughts, forest fires, and other early indicators of a warming world. Yet, the story of this century remains to be written. If we are careful, it can still be one of victory.

Quoting Queen Quet, “sacred lands are at stake, but our lives are even more sacred than that! Our lives are priceless!” At its core, the struggle to reform land rights in the South is the struggle to recognize the inherent worth and dignity of every person. The tragedies of the Trail of Tears and Cades Cove and the coal wars do not have to be our future.

Saving forests like the Smokies won’t be easy by any means. But land is worth working for, fighting for – and, indeed, worth giving your life for, albeit not precisely the way Margaret Mitchell meant it.

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103 Personal experience; one of my ancestors fought on the Union side at the Battle of Lookout Mountain, and the families of some of my friends similarly served on the Union side, or later as labor agitators.
104 Interview with Queen Quet.
Bibliography

Photo credits are also in captions; additional gratitude for the generous mentorship of Dr. Steven Stoll and other environmental studies and history faculty.


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