

ONLY SIX MILLION ACRES:

THE DECLINE OF BLACK OWNED LAND IN THE RURAL SOUTH

A report sponsored by Clark College of
Atlanta, Georgia
and funded by the Rockefeller Brothers Fund

Prepared under the direction of Robert S. Browne
The Black Economic Research Center, 112 West 120th Street.
New York, New York 10027

June , 1973

PUBLISHERS NOTE

Because of the demand for ONLY SIX MILLION ACRES: THE DECLINE OF BLACK OWNED LAND IN THE RURAL SOUTH, 1,000 copies of the present edition have been printed. We anticipate that this will be the last printing of this edition.

A review of the first edition has been published. The first edition has also been quoted in many forums and has received numerous comments in both academic circles and by practitioners involved in rural development. We have learned much since this edition was first published and intend in the near future to publish a new edition that will reflect our experiences and the problems and opportunities of Black land loss, retention, acquisition, and development in the rural South.

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10 March 1975

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I. Introduction

The matter of land and the relationship of black people to land has considerable significance both for the social health of the general society and also for the black community's own welfare. Various studies and reports have traced the origins of many of America's current domestic ills to the surge of southern blacks to selected urban areas as the rural southern economy found it could no longer employ large numbers of small farmers, sharecroppers and tenants, and unskilled farm laborers under existing social arrangements. New agricultural technology, the effects of the farm subsidy programs, as well as the general tendency for farm youth to gravitate toward urbanized areas have all contributed to this migration pattern, which has included whites as well as blacks. In the decade of the sixties alone, more than 1.3 million blacks left the South, and during the previous decade the number was somewhat greater. For the most part, these blacks migrated to northern and western urban communities.

This urbanization of large numbers of rural folk is, of course, a classic pattern in industrializing nations and has, in fact, been taking place at a brisk pace in America throughout this entire century by both blacks and whites.

To what extent this urbanization of an entire people is a desirable trend is a vigorously debated topic. Although the conventional wisdom has been to favor and encourage a rural-to-urban

migration pattern, the recent deterioration of the large cities of America; the realization that some 75% of our U.S. population is crowded onto less than 2% of the land; the alarming size and density of these megalopolises, the newly discovered interest in environmental factors and in simpler life styles; together with some questioning of the social desirability of permitting the unchecked acquisition of title to the national territory by the corporate giants, have combined to force some discreet questioning of whether the continuation of the unchecked human abandonment of the countryside is indeed in the national interest. Inasmuch as governmental policy has been a major stimulant of the rural-to urban migration, it is appropriate that the halting or reversal of this trend should also become an item of public policy; and indeed, there is some indication that this is, in fact, beginning to take place.

For the black community, the basic demographic questions of population size and population distribution--both the age distribution and the geographical distribution--are of tremendous importance. One factor which clearly impinges upon the geographical distribution of the black population is the extent to which the black community has a direct interest in the land. Historically, of course, the black community was very intimately tied to the land--to southern rural land. With the coming of the great migration, the rural percentage of the black population has been reduced to 25%, the southern percentage to 52% and the outmigration

continues virtually unabated on an absolute basis. The black community is thus becoming a community without a land base, for the urban black is far more likely to be an apartment dweller, a tenant, than to be a home owner. Nor does the possession of intangible wealth provide one with the same sense of participation in the national patrimony as does ownership of real estate, a consideration which may be of some significance for a group which already has numerous reasons to feel itself to be a less-than-full participant in the American scheme.

Although the greater portion of the blacks who have left rural America were probably not land owners, the migration and the causes behind the migration are believed to have contributed heavily to a decline in black land ownership. The number of acres of farm land owned in full or in part by blacks declined from 12 million to 5.5 million acres between 1950 and 1969, a loss of more than 50%. This decline, which seems to be continuing unabated, is taking place at the very moment when the southern black community is finally within grasping distance of some significant degree of political control over its destiny as the effect of the voting rights act of 1965 begins to be translated into majority rule in the heavily black counties of the South. Indeed, one can speculate that the outmigration of blacks as well as the decline in black land ownership, are both receiving some encouragement from a southern white establishment which feels itself

threatened by the expanding black political thrust.

In any case, the question of the alarming decline in black-owned land in the South is emerging as a major issue and a need to redress the decline is fast becoming a major concern of the black community.

II. Early Chronology of This Project

Efforts to plan an approach -

One of the early efforts to attract national attention to the black land problem took place at the Black Economic Development Conference held in Detroit in early 1969. At this forum, James Forman released the famous "Black Manifesto," which was to become an issue of such contention in the American religious establishment. In this manifesto a demand was made for \$200 million to be used "for the establishment of a southern land bank" which would acquire land, establish cooperative farms for the poor, and counter the racist pressures being visited upon rural blacks.

During the summer which followed the "Manifesto's" appearance, interest in the land question was registered by persons in some of the denominations. The National Council of Churches, through its Department of Social Justice, made available to Robert S. Browne, who was then in the process of organizing the Black Economic Research Center (BERC), a few hundred dollars for the purpose of organizing a meeting of persons who might have information and ideas as to how the southern land bank concept might be implemented. This meeting was held in Atlanta on September 19, 1969, and a series of two or three follow up discussions were held under the aegis of the Southeast Regional Economic Development Conference, but no specific action plan ever emerged from these meetings and hoped-for money from the churches never appeared. The Black Economic

Development Conference did, however, commission a study into the availability of church and publicly-owned land which, with the proper approaches, might be made available to impoverished black people. The principal conclusion which emerged from this entire series of discussions, however, was that no meaningful action on the land question was likely to materialize unless a substantial sum of money was made available for that purpose. In the absence of this, the problem appeared to be too vast to warrant responsible people diverting themselves from their other activities to cope with it.

The Search for Funds -

Given the high degree of concern uncovered during the meetings held during that winter of 1969-1970, and in the absence of an initiative coming from any other source, BERC decided to take upon itself the task of attempting to raise a fund of money for addressing the land problem.

Its first effort was to organize an advertisement in the New York Times (Sunday, April 26, 1970), an advertisement which briefly described the problem and appealed to readers to send in contributions to support a Land Bank. The ad proved to be a financial failure, the contributions received falling some \$300 to \$400 short of the cost of the ad.

The second effort to raise money took the form of a project proposal which BERC circulated to a number of foundations, church bodies, and wealthy individuals. The proposals outlined the nature

and background of the problem and proposed that a new institution be established to confront the problem, this institution to include activities of a research nature, of an educational nature, and of an action nature. A budget of roughly a half million dollars was proposed as a minimum start-up figure. Although the proposal was distributed in the late Spring of 1970, there was virtually no response to it for almost a year. Then, early in 1971 a positive response began to emerge from the Rockefeller Brothers Fund, and shortly thereafter from a private individual. As a result of discussions held with and among Clark College, the Cooperative Assistance Fund, and BERC, the Rockefeller Brothers Fund in the Spring of 1971, made a grant of \$50,000 to Clark College for the purpose of carrying forward further exploration on how the land bank concepts might best be implemented. Clark College used a portion of this grant to fund another, and larger, meeting in Atlanta, Georgia, at which it was hoped that a broad spectrum of inputs from southern rural project activists could be elicited.

The balance of the grant was to be used to fund an intensive investigation of how this decline in black land ownership could be arrested and possibly reversed.

The Meeting in Atlanta -

On June 28th and 29, 1971, some two dozen persons with a wealth of experience with black, southern rural projects and people, and with an expressed interest in the land problems of blacks, met in

Atlanta to discuss in depth how an attack could be made on the land question. The highlights of these two days of discussion follow:

An opening presentation by Charles Washington, an attorney from Beaufort, South Carolina and organizer and director of the Black Land Services project, identified the tax sale and the partition sale as two of the most common legal techniques by which black people in his area are losing their land. He cited the importance of having a kitty of money, not only to permit one to pay off delinquent taxes but also to permit one to bid up the selling price on land which is being auctioned so as to increase the amount which blacks receive for their land even if it cannot be saved. Randolph Blackwell, a lawyer and project director from Atlanta also made a presentation, which focused heavily on the wisdom of further exploring the possibilities of obtaining church or publicly owned land. Implicit in his presentation also was the need for funds for land development regardless of how we obtain land.

In the day and a half of general discussion which followed these presentations, one major theme which recurred frequently was the relative desirability of focussing on land acquisition, on land retention, or on land development. Most of the participants indicated personal knowledge of cases where black families had in the past lost sizeable tracts of land against their will, often out of ignorance or poverty and sometimes as a result of cunning on the part of hostile or covetous whites. Several of the participants cited foreclosures or other actions which were actively being resisted at that

very moment and suggested that substantial acreages could be saved for blacks if only a fairly small amount of money were available for that purpose.

On the other hand, the realities of rendering land efficiently productive, especially parcels of less than 200-300 acres, was raised by one participant after another, and there was a general consensus that a program consisting solely of land acquisition and retention, or even of land retention alone, would not be a sufficient program to reverse the decline in black land ownership. An important factor contributing to the loss of black-owned land was clearly the inability of many black owners to make their land a profitable investment for themselves, with the result that mortgage payments could not be met. Alternatively, the land might be abandoned or left idle, which meant that it constituted a drain on the family's resources without any compensating benefit.

The essentiality of land as a basis for black nation building and for the development and training of a black managerial class was cited and discussed. Some participants felt that the magnitude and nature of the problem made federal legislation in this area an absolute necessity, and one participant urged that we examine more carefully what was possible in the way of government assistance in the development of new towns and new communities.

The case of New Communities, Inc. was discussed briefly. Most of the participants were already quite familiar with that effort to develop a new collective-type community of black folks on a 5000 acre

tract in Southwest Georgia. Referring pointedly to the tremendous operational and management difficulties which New Communities has encountered since its birth, plus its voracious financial needs, one participant questioned whether an organization which engages in land development is likely to be able to handle more than one parcel of land at a time. There was some support for this position and it was suggested that there could be a division of labor, with a new institution focusing on land retention and/or acquisition and working in close liaison with existing organizations which have developmental expertise and resources.

The need to explore non-agricultural uses of the land was referred to by several speakers, their feeling being that agriculture would never again provide livable incomes for large populations. In localities where agriculture was to constitute the usage for the land, there was general agreement that cooperative development of some sort was a virtual necessity. There was, however, a disposition to provide emergency help to independent private farmers who had viable operations but who found themselves in difficulty because of unusual circumstances.

The feasibility of a national black fund-raising effort to save black land was mentioned several times, as was the feasibility of physically seizing unused land which offered developmental promise. One variant of the former proposal was that every (urban or northern) black person should be urged to purchase an acre of land as a symbol

of unity with southern rural blacks, these purchases to be coordinated so that tracts large enough for efficient cultivation might be amassed. There was also an interesting proposal that a for-profit land development scheme be organized, with shares in a land tract being sold to black investors while responsibility for utilizing the land resided in a management group which would develop the land.

Another theme of the conference was the importance of developing a strategy which would insure that land selected to be saved or acquired would be chosen for its overall political and economic impact potential rather than for solely humanitarian reasons.

The tremendous importance of developing an expanded pool of black technicians who could assist with land-based development efforts, whether of an agricultural or a non-agricultural nature, was stressed over and over. The black colleges, especially the land grant colleges, were often referred to as a resource not being adequately utilized by, or concerned with, black rural development problems. The near vacuum of black land surveyors and appraisers was cited as an example of a deficit area of black expertise, and the establishment of a skills bank which would identify black persons with the necessary skills and obtain their assistance was reiterated by various participants as a desirable objective.

The shortage of black lawyers in the South with knowledge of real estate practices was viewed as a major problem, there being a widespread mistrust of white lawyers working on real estate cases

involving black land owners. A corollary of this is the need for a massive education program to instruct blacks regarding simple real estate practices and procedures, and also to urge them to draw up wills, for intestate deaths were cited as a major cause for the loss of black owned land.

The conference passed no resolutions and took no formal votes. There was, however, unanimous agreement that an effort of some sort should be made to address the loss of black owned land, although it was not clear to what extent many of the participants would support such an effort if it meant the diversion of any potential resources from their own projects. There was fairly general agreement that land retention efforts should be selected more for their economic and political potential than on humanistic considerations. There was also wide agreement that some sort of land-use or land-development plans needed to be designed to coincide with whatever land retention, and certainly with whatever land acquisition efforts, are undertaken.

A mandate was given to BERC to proceed with the exploration of whatever avenues seemed promising in terms of locating information which might be useful in land retention, acquisition, and development efforts, including the drafting of proposals for new federal legislation. BERC was also asked to design the structure for some sort of a black national fund for land retention and acquisition, to develop a skills bank (which BERC declined to commit itself to do)

and to provide technical assistance in the area of land retention

An agreement was ultimately signed between Clark College and BERC by which BERC committed itself to look into a number of these matters and to produce a report of its explorations.

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III. The Plight of Southern Black Agriculture

The prospect of owning a piece of land, of living on it and of raising one's children on it, is one of the oldest dreams in America's history. The striving for private homesteads constituted the driving force behind the development of America, and indeed this objective flavored much of the early fashioning of the American national political structure. The Jeffersonian conception of America was that of a nation of landowners who, by their attachment to and love for the national territory, would be led to defend and to develop it in the most beneficial ways and to govern themselves accordingly. A certain mutuality of interest was assumed in this Jeffersonian formulation, and it was the attachment to the land which provided the basis for this common interest.

The swift growth of the population, the urbanization of living patterns, the effects of modern technology, have all served to transform our society in ways which have rendered the Jeffersonian dream impractical if not irrelevant for most Americans, and for many persons today an attachment to the land is not even viewed as an attractive objective. To be sure, there are some signs that a degree of value reversal is taking place in recent years as the cities, and even the inner suburbs, become mired in unsolvable problems of pollution, transportation, crime and other deterrents to pleasant living. We are, however,

far from being faced with a massive return to the land psychology despite a current boom in rural real estate investment for leisure and recreational residences. The basic pattern of living is still best described by the fact that 75% of the U.S. population resides on 2% of the nation's land area. This pattern is further clarified by census figures which reveal that agricultural employment constitutes a swiftly declining percentage of our labor force, and rural population a dwindling portion of our total population.

Rural Population as % of Total Population, U.S.	Agricultural Employment
54.3% - 1910	1920 - 13,400,000
	1929 - 12,763,000
30.1% - 1960	1939 - 11,338,000
	1949 - 9,964,000
26.5% - 1970	1959 - 7,324,000
	1961 - 6,919,000
	1970* - 4,523,000

Source: Rural Poverty in the U.S., A Report by the President's National Advisory Commission on Rural Poverty, U.S. Govt. Printing Office, Washington, D. C. 1968.

Within American society, perhaps the most urbanized group is the black community, a fact which is especially startling when one realizes that the black community was almost entirely rural less than a century ago. The figures here are quite dramatic:

<u>Percentage of Blacks in Metropolitan Areas</u>					
1910	-	27%	1950	-	58%
1920	-	34%	1960	-	67%
1930	-	44%	1970	-	74%

Source: 1950-1970, Social and Economic Status of Negroes in the U.S., 1970, U.S. Dept. of Commerce
1910-1930, Negroes in the U.S., 1920-1932, U.S. Dept. of Commerce

This massive migration of blacks from the rural to the urban areas was in large part also a migration from the South to the North and the West, a pattern of movement which has witnessed the South's percentage of black population decline from 89.7 (1900) to 53 (1970). Although this movement constitutes a consistent trend throughout the entire twentieth century, it was notably accelerated at the time of World War I and its aftermath, was notably decelerated during the depression years, and reached flood tide proportions in the World War II period. Although economics was generally the force behind the migration throughout the entire century, there was a note-worthy shift in the "mix" of the economic pressure being exerted during the fifties and sixties as compared

Average Annual Net Out-Migration of Blacks from the South, 1910 - 1970 (Thousands)			
1910	-	1920	45.4
1920	-	1930	74.9
1930	-	1940	34.7
1940	-	1950	124.4
1950	-	1960	147.3
1960	-	1970	147.4

Figures after 1950 are from Social and Economic Status of Negroes in the U.S., 1970, U.S. Dept. of Commerce, U.S. Government Printing Office, 1972.

Figures prior to 1950 are from Earl and Alma Taeuber, "The Negro Population in the United States" The American Negro Reference Book, J. P. Davis, Ed. (Prentice Hall, Englewood Cliffs, New Jersey, 1966).

with the earlier period. Whereas the migrations of the periods of the two great wars had been stimulated by a "pull" exerted on the southern blacks by the employment opportunities offered by the factories, service establishments, and homes of the North, the great black trek to the cities and to the North during the fifties and sixties was greatly encouraged by a "push" which the mechanization of agriculture and the acreage set-aside programs exerted on the southern black farm worker by rendering his labor surplus to his community. Indeed, there was virtually no northern "pull" during most of this period, for expanding automation in manufacturing and the services was creating its own unskilled labor surplus in the North.

The deterioration of the quality of city life, the increasing financial straits of our larger urban communities, the burgeoning of our welfare rolls, are merely some of the more obvious results of this flight from the land at a time when the society was ill-equipped to absorb hordes of rural oriented and largely untrained and unskilled migrants.

The social instability (to say nothing of the human suffering) created by having a large and growing population of uprooted and ill-trained persons living in poverty and idleness is greatly enhanced by the fact that the group in question is a readily identifiable racial minority with a long history of oppression by the

majority and is currently plagued with a serious identity crisis and a search for a meaningful nationalism.

Historically, the black community in America has been a community closely attached to the land. The vast majority of the slaves were employed either directly in field production or with in some domestic activity on a southern plantation or farm. With the advent of Emancipation, the freedmen necessarily remained largely in land-based pursuits, usually agreeing to some sort of tenancy or sharecropping arrangement with white land owners. By 1910, non-whites, principally blacks, were operating 890,000 farms, of which 218,000 were run by full and part owners and 670,000 by tenants. The black population of the U.S. at that time was 9.8 million. Without the benefit of a Homestead Act and oftentimes in the face of hostility and violence, blacks had managed to become the full or part owners of more than 15 million acres of land.

The year 1910, however, represented the peak year of black land ownership in the U.S. and the trend since that time has been steadily downward so that by 1969, with the national black population at 22.4 million, the agricultural census could find than 6 million acres fully and partly owned by blacks--representing 79,000 owner-operated farms. About 17,000 farms were being operated by black tenant farmers. It is also worth noting that

about one acre in six of the wholly-owned black land was under cultivation (as compared with one in four and one half of white owned land). Realistically, then, the black community has largely cut its ties to the land, and a high percentage of the land which it does still retain is not being used for growing crops and in large measure probably constitutes a short run economic burden to the black community (a burden not only in terms of tax or mortgage payments, but in terms of the foregone opportunity to utilize this wealth in some immediately productive activity). The white community, of course, holds on to far more idle land than does the black, but it can more easily afford to immobilize its assets in that way. It is also worth noting that an inordinately high percentage of black land owners are older people. In 1960, more than one-third of the non-whites owning rural land in the Southeast were over 65, and they owned two-fifths of the land owned by non-whites.¹

A strict economic calculus might suggest that the black community, beset as it is by endless needs for capital for its self-development, would be well advised to sell off its idle land and invest the proceeds in more productive activity. Such a calculation is made, however, without due attention being afforded to political,

1. Ulmer, Al, "Cooperatives and Poor People in the South", Southern Regional Council, Atlanta, 1969.

social, and psychological considerations which weigh heavily on the black conscience. Questions must be raised as to whether the stake which the black community feels it has in the U.S. as a nation is likely to be influenced by whether blacks own any significant portion of the national territory or not. How closely are roots in the land related to a feeling of "belonging" or of "security"? The nomadic experience of the Jewish people may have something to suggest on this topic. In any case, the U.S. is probably more of a "white man's country" now than ever before in its history, at least in terms of land ownership, (although recent recognition of certain historic Indian claims to land may invalidate that statement somewhat).

One response to the negative implications of the precipitous decline in the volume of black land ownership is to argue that the ownership of a home, or even of an apartment, is sufficient to provide one with a strong stake in the American system. In this view, the rapid rise in black home ownership is an adequate counter to the decline in rural black land holdings, so that acreage figures are largely irrelevant or at best misleading. Granted that home ownership in an urban area does indeed vest one with a stake in the preservation and the improvement of the community and the state, the fact that we must shift our focus to urbanized areas brings us directly back to the problem of the irrational distribution of America's population over its land

surface and simultaneously raises the even more basic issue of where do people want to live? Impersonal economic forces, operating in their inexorable manner, have moved half of the black population out of the South and three-fourths of it out of rural areas. These peoples' wishes have not been consulted, nor have the full consequences of this dramatic migration been assessed. The obvious deterioration of America's cities, combined with the growing restlessness in suburban areas as both black and whites attempt to flee the cities as well as to flee from each other, suggest that steps need be taken to provide the one quarter of the black population which still resides in the rural South with a viable option to remain where it is if it so desires.

The benefits of adopting such a policy would include the following:

- 1) Expand the options of the target population;
- 2) Relieve the pressure on the cities and the suburbs;
- 3) Contribute to a more rational distribution of population across the land surface;
- 4) Ease the problem of preparing the unskilled and untrained to perform useful service in a modern and complex society.

This latter argument is disputed by some writers who apparently feel that the harsh urbanizing experience is the most efficient way to prepare people for an industrial society. The evidence for their position is not convincing, however, partly because no adequate techniques exist to measure the human or social loss deriving from the despair, dereliction, dope addiction,

and other afflictions suffered by those who fail to "make it" when they are suddenly swept from the cotton field to the asphalt ghetto; nor, can we fully measure the social costs which such persons impose on others.

There are many approaches to the task of how to improve the quality of life for the rural poor. Industrialization of rural areas, the development of "growth centers", the encouragement of farmers' cooperatives, creation of new communities in which scattered rural folk might regroup themselves for collective improvement, and outright income maintenance, are only a few of the approaches currently being explored. A few of these programs require a substantial land base; some do not. In this paper, however, we will confine ourselves to examining a few of the problems confronting rural black landowners and what might be done to enable them to retain title to their land with a minimum of burden and a maximum of advantage to them. Two underlying assumptions are (1) that land ownership by rural southern blacks is desirable and should be maintained at least at its present levels, and (2) that a thoroughgoing, effective attack on black rural poverty is basically the province of government and that this paper will merely suggest techniques which might be tried on a limited scale with private monies, as a prelude to a massive investment of public funds.

To evaluate the importance of owning land solely by economic¹ criteria is to approach the topic with too narrow a perspective. Rather, land ownership should be viewed as a vehicle for human development, as well as an instrument for economic development. A 1947 study by Walter Goldschmidt is illustrative. Goldschmidt studied two farming communities in California's Central Valley. One was dominated by large farms, and the other was a community of small family farms. Where the family farm prevailed, Goldschmidt found a higher standard of living, superior physical facilities like streets and sidewalks, more parks, more stores with more rail trade, and twice the number of organizations for civic improvement and social recreation. In short, the small farm community was a better place to live.²

In the rural South, studies have indicated that land ownership by blacks tends to be highly correlated with characteristics which are generally regarded as worthy of encouragement within the black community. Land owning blacks have proved to be more likely

1. The following comment by Randolph Blackwell³, a southern black community leader is noteworthy: "Land is basically a more valuable property than money, since there is a fixed and limited supply of it, and its value enhances with population growth--particularly when it is located in the path of urbanization. Furthermore, it does not burn up or blow away and is not subject to simple forms of theft (although title to land can be, and oftentimes is, stolen)."
2. Perelman, Michael and Shea, Kevin P., "The Big Farm", Environment, Vol. 14, No. 10, pp. 14-15.

to register and to vote, more likely to participate in civil rights actions and more likely to run for office than are non-landowners. In effect, land ownership in the rural South confers on blacks a measure of independence, of security and dignity and perhaps even of power, which is of crucial importance to the elevation of the status of the black community generally.¹

It is in light of this fact that the precipitous decline in black land ownership must be viewed even when account is taken of the fact that millions of blacks have left the rural South permanently and additional hundreds of thousands are no longer supporting their families exclusively or even primarily from farming operations. It is of vital importance that the 79,000 black owner-operators who continue to farm, be enabled to retain their land and to expand its profitability, for in the black belt counties many of these land-owning farmers constitute the major ingredient for building a black power base in these communities.* Tenant farming leaves the individual so vulnerable and is generally so lacking in incentives that its demise will no

*This is not to suggest that black landowners constitute the sole potential for building a black power base in the rural South. Economist Ray Marshall has pointed out that although the rural black population has declined in each decade since 1920, the black rural non-farm population has increased in each decade. To the extent that secure industrial employment can be created for this growing non-farm black rural population, to that extent is this a promising potential for developing a non-land owning black population unbehaving to the white planter. Whether the white industrialist is likely to be any less oppressive than the white planter class is another question.

1. See Salamon, Lester, "Family Assistance - The Stakes in the Rural South," The New Republic, Feb. 20, 1971

be mourned. It is even less attractive than sharecropping, for under the latter arrangement the landlord usually provides the capital necessary for preparing the ground and for putting in, fertilizing and harvesting the crop, and he assumes much of the inescapable risks of agriculture. The tenant farmer enjoys none of these advantages while at the same time remaining subject to eviction whenever the landlord decides he wishes to replace him.

If the plight of the tenant is precarious, that of the black farm owner is hardly much better. The remarkable advances in agricultural technology have steadily raised the optimum size acreage required for most of the types of farming in which blacks have traditionally engaged. (Tobacco is the major exception to this, but recent advances in the mechanization of tobacco farming suggest that small-scale tobacco farming will soon be as uneconomic as small-scale cotton acreages).

The mechanized harvesting of cotton in the nineteen fifties constituted one of the major "push" factors forcing blacks out of the rural South. Daniel Fusfeld describes it well:

The roots of today's crisis are to be found in a sudden transformation of Southern agriculture which culminated almost twenty years ago. For a number of years prior to 1950 a changing technology was in the process of eliminating hand labor from Southern agriculture. The old sharecropping system was on the way out as tractors and cultivators replaced men. By 1949, most hand labor had been eliminated from everything but summer weeding and fall harvesting. This development was the first stage of the process which pushed the bulk of black farm workers out of Southern agriculture. Needed only for temporary or seasonal labor, man-

black sharecroppers lost their homesteads and moved into Southern towns and cities, although some continued the northern migration which had been going on for decades. There in the towns the black worker was poor, but available for seasonal and harvest labor--He subsisted and stayed South.

Then disaster struck. Machine harvesting of cotton and corn was introduced on a large scale in 1950 and substantial expansion of soybean acreage (which uses little labor) resulted in a huge decline in use of labor. For example, in the space of only three years from 1949 to 1952 the use of unskilled agricultural labor in twenty Mississippi delta counties fell by 72 percent, and five years later was down to only 10 percent of the 1949 level.¹

The effects of this mechanization were not restricted to the farm laborer who was no longer needed, nor to the farm tenant who was now dispossessed because the landlord needed the additional acreage in order to utilize the new equipment. The black farm owner also, whose farm size averaged only 47 acres in 1950, was equally affected by the mechanization which was taking place around him. Using hand labor, or even small tractors, on modest sized acreages, the small farmer found that he could not compete in cotton or soybeans, two of the major crops raised by southern blacks. In corn, the situation was not too dissimilar. But the black farmer was unable to move up into competitive farming because (a) he lacked the capital to purchase the new equipment, and (b) his plot was too small to warrant using the new

1. Fusfeld, Daniel, The Basic Economics of the Urban and Racial Crises", Review of Black Political Economy, Vol 1, No. 1, Summer/Spring, 1970. p. 63

techniques even if he could afford them. These difficulties merely added to those from which he already suffered, such as his inability to obtain credit on reasonable terms because of his race or his poverty, or both; the racial discrimination to which he was subjected by government agricultural agencies; the general bias against small farmers which permeates many of the Department of Agriculture programs; and the culture and tradition of the rural South, which handicapped the black man in acquiring education, prevented him from acquiring expertise in large-scale business, marketing and finance, and kept him from being privy to the inner workings of government and commerce.¹

Dr. Ray Marshall of the University of Texas describes the situation as follows:

Because of their limited incomes, education, farm sizes, and access to credit, the Negro farmers' ability to adjust to technological and market changes has been markedly different from that of whites: the average size of farms operated by Negroes is one-fourth the average size of farms operated by whites; and Negroes have less livestock, crop yields per acre, and machinery per farm and are much more dependent on cotton and tobacco, which are hardest hit by technological changes and federal agricultural policies.²

1. Ponder, Henry, "Prospects for Black Farmers in the Years Ahead", paper delivered at the annual meeting of the American Economic Association, Detroit, Michigan 1970.
2. Marshall, Ray, "Is the South Still Backward?", American Economic Review, Proceedings, May, 1972, p. 205

The social problems created by modern agricultural technology are by no means limited to the black and the poor farmer. The combination of agricultural technology, the farm subsidy programs of the Department of Agriculture,¹ and the special interest "loopholes" of the tax laws, is delivering an ever-increasing portion of the nation's farm land into the impersonal hands of agri-business establishments of various sorts. Properly situated investors find that they can undersell the small farmer sometimes because of efficiencies but often because they can operate massive farms at a loss and recoup their investment plus a profit via tax write-offs and land speculation. Indeed, to just what extent large-scale farms are actually more efficient than medium-sized ones is a hotly debated subject. Obviously, a farm must be of a certain minimum size before it becomes feasible to employ modern technology, almost all of which has been of the capital intensive type. Technological improvements have pushed the minimum size for an economically viable farm steadily upward. However, this phenomenon should not be confused with economies of scale or lead one to the conclusion that efficiency is

1. In this connection the following comments by Marion Clawson are worth noting:

"The programs covering production control, price (or income) support, and surplus storage were designed to help the commercial farmers, especially the larger ones. The direct payments to farmers have shown a few very large payments and many small ones. Any approach

to the farm problem that tried to work through market prices of farm commodities or through income support geared to volume of farm output would have shown a similar distribution of benefits. Only the larger farmers have a large enough volume of output to obtain much benefit from higher prices of farm commodities; for many small farmers, no reasonable increase in the prices of commodities they sell would increase their income to a satisfactory level. The programs that were designed to help small farmers have been weak, poorly funded, subject to program revision at frequent intervals, and generally ineffective.

The income support to agriculture has had the further effect of stimulating increases in farm land price. Prices of land in farms, in growing suburban areas, and in recreation use have all moved up rapidly in the past 20 years. Rising prices of farmland are traditionally supposed to make it more difficult for young farmers to get started and to benefit established farmers, who can then retire in their old age out of the increased value of their farms. But in recent years even this supposed advantage to older farmers has been lacking. The average farmer has doubled his land area in the past 20 to 30 years, but what he gained in increased market value of the land he owned, he lost in the price he had to pay for the land he bought. With a total farm real estate value of over \$200 billion in the United States today, a reasonable interest return (no more than 6 percent--surely low for 1970 money conditions) eats up nearly all the \$13 billion-\$16 billion realized net income from farming, leaving very little for labor earnings. Many farmers today have a competitive return for their labor only if they are willing to forgo a competitive return for their capital, and vice versa. Farming has become a high-investment and low-wage industry."

From: Clawson, Marion, America's Land and Its Uses, (Johns Hopkins Press, Baltimore, 1972), p. 112-113.

inevitably correlated with farm size. There is, in fact, considerable evidence that some of the agri-business establishments running into the tens of thousands of acres are in fact less efficient than more modest sized farms. A 1972 study by the Economic Research Service of the Department of Agriculture concluded that most of the economies of size in farming are achieved by fully mechanized one man or two man farms. Their costs per unit of product were found to be equal to those of large farms.¹ Tragically, it is the black farmer who is suffering the greatest displacement from the modern trends in agriculture. A particularly thoughtful piece of research on this subject has been done by Christian and Pepelasis and its conclusions bear repeating here:

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1. Economies of Size in Farming, a report prepared for the Senate Subcommittee on Migratory Labor by the Farm Production Economics Division, Economic Research Service, U. S. Dept. of Agriculture, August, 1972.

"The foregoing argument can be reduced to several propositions relating to the displacement of farm family labor.

1. Technological changes in agriculture have increased the minimum size of an economically viable farm. Agricultural production has become more capital intensive, and low production costs require that the operator have sufficient land to justify use of the smallest indivisible units of technologically efficient capital. This has led to a great reduction in the number of small farms, regardless of the race of the operator. Small farms in the cotton states--Alabama, Mississippi, Louisiana, Arkansas, Texas, South Carolina, and Georgia--were particularly vulnerable.

2. If there are economies of scale in agriculture, long run pressures on small farmers will be greater than those imposed by technological change alone. But the shift to capital intensive methods is sufficient to account for much of what has happened, regardless of scale considerations.

3. A higher percentage of black farmers were adversely affected by the increase in minimum farm size than white farmers. No matter where the minimum fell, it caught a larger share of blacks below it.

4. On all farm sizes a larger proportion of black operators were tenants than were white operators; alternatively a smaller proportion of blacks were either full or part owners. They were therefore more susceptible to displacement by a decision of the owner to shift to more capital intensive methods.

5. The data show that a high proportion of all farms, and a very high proportion of farms operated by blacks, are still smaller than 100 acres. Insofar as the argument of this paper has any validity, this suggests continuing displacement in crops affected by new methods, and relatively greater displacement among blacks.

6. On farms of all sizes, blacks were disadvantaged in the transition to capital intensive methods. They had fewer assets, less access to credit, and as a consequence of poor educational background and less help from extension programs of the U.S.D.A.*, less adaptability to change. Consequently, they show more displacement on farms of all sizes, and much heavier displacement on large farms. In fact, the displacement of black operators on large farms, though less than on small farms, was high enough to make one suspect that inability to acquire capital was more important than concentration on small farms in determining the blacks survival rate in agriculture.

"In conclusion, concentration on small farms is not the only--and possibly not the principal--cause of the Negro farmer's disproportionate displacement in southern agriculture. But the twin facts, one, a very much greater percent of black farmers than white farmers operating farms of less than 100 acres, and, two, a much higher displacement of farms less than 100 acres than of farms larger than 100 acres accounts easily, albeit superficially, for much of the difference. A third, namely that well over half of southern Negro farm families in 1950 were involved in cotton, the crop hardest hit by technological change, conversion to capital intensive methods, increased minimum farm size, and, perhaps, economies of scale, and a fourth, the Negro's disadvantage in acquiring capital, combine with them to provide a plausible, if partial, explanation of what has happened. Finally, despite heavy displacement of small farms, more than four-fifths of southern Negro farmers operate on less than 100 acres, suggesting continued poverty and deprivation for those who remain and further sizeable movement of blacks out of agriculture."¹

*United States Department of Agriculture

1. Christian, Virgil L. Jr., and Pepelasis Adamantios, "Farm Size and the Displacement of Black Farm Families in Southern Agriculture," Human Resource Development in the Rural South, a report of the Center for the Study of Human Resources, The University of Texas, Austin, Texas, 1971

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It is relatively easy to identify the problems of the black rural land owner but it has proved to be extremely difficult to mount an effective campaign to assist him. There are five ingredients which are essential that the aspiring black farmer have available to him:

1. land
2. experienced labor
3. managerial expertise
4. operating capital or equipment
5. credit (at reasonable rates)

The first two items he often has had, but in lacking the latter three he too often loses his land. From this analysis one can conclude that the provision of items 3,4 and 5 are the sine qua non for enabling the farmer to retain his land.

Geoffrey Faux, formerly the head of the Research and Development Division of OEO, brings an additional dimension to this discussion by pointing out that even access to credit on reasonable terms is probably insufficient for poor farmers because most lending agencies, including the government, will not lend to those who have very little resources of their own. In testimony before the U.S. Senate Subcommittee on Employment, Manpower and Poverty, reviewing the Rural Loan Program authorized by the Economic Opportunity Act, he said:

"The anti-poverty bill that was originally reported out of this committee in 1964 called for a comprehensive program of financial assistance (which included grants as well as loans) to poor farmers and cooperatives whose membership was predominantly made up of poor farmers. In his testimony on the original bill in 1964, then Secretary of Agriculture Orville Freeman was asked how poor people could be expected to repay loans with conventional terms when they had been judged as too high risks for the regular Farmer's Home Administration rural loan program. Freeman responded:

" "The grant is the thing that makes the difference... without the grant, you would not have the capital resources to repay any loan...

But this little bit of capital, which makes it possible let us say, to get seed or fertilizer or a little bit of machinery, or some animals, makes the difference between getting somebody launched on a meaningful kind of operation, or else just being mired in the poverty they are in now.'

"Thus the original design of the program provided poor farmers with an injection of capital into their business which would have enabled them to use a conventional loan effectively in helping themselves become self sufficient. Secretary Freeman estimated at that time that two-thirds of the poor farmers in this country had neither the will nor the ability to migrate to the cities, but with a small investment could have raised their income above the poverty level.

"Despite the fact that the committees of both houses reported out the bill with provisions for both grants and loans, the authorization for grants was deleted on the Senate floor after former Senator Lausche objected that if a grant were given to poor farm families eventually every family in the country would have to be given one. The grants were deleted without argument and without a vote.

"Thus the grant provision which the Secretary of Agriculture testified was essential for the effective

implementation of the loan program was deleted while the loan program remained. Since then we have learned the hard way that Secretary Freeman was right. Poor farmers have found it very difficult to take advantage of loan programs designed for established middle and upper income farmers. Without the grant assistance the legislative requirement that there be reasonable assurance of repayment has made most poor farmers ineligible for assistance. As a result, the Farmers Home Administration has tended to make a high proportion of loans to farmers whose incomes are above the poverty level. A GAO report on the program showed that between January 1965 and February 1968, over forty percent of the borrowers receiving financial assistance were not poor."

Mr. Faux goes on to comment on the need for more expertise for the black farmer:

"By any reasonable measure the Farmer Home Administration has been woefully negligent in providing the technical assistance that is vital for success in farming. Despite the fact that poor and minority farmers have lacked access to such assistance, the FHA has not during the course of this program given poor farmers the kind of help they give to the wealthier ones. I quote from the GAO report: 'Work measurement studies completed by FHA in 1967 showed that, on an overall basis, Economic Opportunity Loan borrowers were receiving less individual attention with respect to the making of their loans and subsequent supervision than borrowers receiving other types of FHA loans.'

"How much of this shortchanging of the poor is a result of bureaucratic fumbling and how much a result of racial discrimination I cannot say. After the 1965 report of the U.S. Civil Rights Commission on the Department of Agriculture programs, the Farmers Home Administration increased the number of black employees as well as the number of black members of county committees. Since 1966, however, there has not been much progress. In May 1970, blacks made up only four percent of the FHA staff and only six percent of the membership of county committees."

Many of the problems of today's black farmer are similar to those faced by poor white farmers during the depression and a few of the more innovative New Dealers of that era attempted to devise programs to address the problems. Ben Bagdikian describes what took place under one of these programs:

In rural Mississippi the sight of the unpainted leaning shack subconsciously brings to mind, "Negro" and of the painted clapboard farmhouse with awnings, "white". This is almost completely accurate--except in an area of Holmes County which has the best organized Negro rural community in the state. Its backbone is over 100 independent, land-owning Negro farm families who are the nucleus not only for civil rights and educational reform but of economic development. Their families for the most part are solid, their children well educated, their homes hopeful places for the young to grow in. Their outlook is as secure and full as a Negro can expect in the state of Mississippi. The cost to government? An average of \$6,200 per farm, long since paid off.

In 1944, former Rep. Harold Cooley, not a wild Populist, studied the effect of such programs. He reported that in 1940 the Farm Security Administration, predecessor to Farmers Home Administration, bought up 9,350 acres of land in Mileston, Mississippi (Holmes County), divided it into 106 farms, 70 of them transferred to individuals and 36 to cooperatives, all for formerly landless tenant farmers. The land and farm equipment was paid for by a 40-year 3 per cent loan. Cooley's conclusion 2½ years later was, "As an example of the progress that families on this project are making, it will be noted that principal repayments exceed the amount due." Today, 23 years after that report, these former sharecroppers and their sons are independent, productive farmers who form the heart of the most vigorous rural community in their state.

The Holmes County project was only one of many started by the New Deal. It began in 1935 with the Resettlement Administration which, under executive order from Franklin Roosevelt, bought up large plantations and parcels that

were on the market or defaulting on taxes, and re-distributed them. Ten thousand families were resettled in 152 projects, some with help to build community facilities.¹

The story of the several attempts to fashion experiments which could demonstrate how the life of the rural poor could be meaningfully changed has been described by Sidney Baldwin and makes for fascinating reading. One of his conclusions is that

"the resettlement project program did offer a unique experimental opportunity whose lessons have not yet, a generation later, been fully evaluated, let alone applied."²

Unfortunately, few of these New Deal programs were administered in ways which benefited the black community, despite the fact that the rural blacks were the poorest of the poor in America's rural areas, a fact easily traceable to historic facts. Gunnar Myrdal, in his famous study of the Negro in America, strongly emphasized how disastrous it had been for America's subsequent development that no provision had been made for providing the emancipated slaves with some land and capital.

1. Bagdikian, Ben, "A Forgotten New Deal Experiment in Land Reform in Mississippi", in I.F. Stone's Weekly, July 31, 1967, p.3
2. Baldwin, Sidney, Poverty and Politics, (Uni. of North Carolina Press, 1968), p. 217

"After the Civil War, the overwhelming majority of Negroes were concentrated in Southern agriculture. Consequently, the greatest problem was what to do with these great masses of Southern Negroes, most of whom were former slaves. Even the Negroes not in Southern agriculture were influenced by the patterns set, since the Northern Negro laborer was recruited, in later decades, from the rural South.

"A rational economic reform of Southern plantation economy, which would preserve individual property rights to the maximum (always of greatest importance for a smooth readjustment) but also utilize the revolutionary situation for carrying into effect the aims of Reconstruction, could have included the following points besides freeing the slaves:

1. Remunerating fully the slave owners out of federal funds.
2. Expropriating the slave plantations or a larger part of them and remunerating fully their owners out of federal funds.
3. Distributing this land in small parcels to those cultivators who wished it, against mortgaged claims on their new property, and requiring them to pay for the land in yearly installments over a long period.
4. Creating for a transition period a rather close public supervision over the freedmen and also certain safeguards against their disposition of their property; also instituting an effective vocational education of Negro farmers, somewhat along the lines of the F.S.A. of the 1930's.
5. Instituting a scheme of taxation to pay off the former slave-and land-owners and, perhaps, to allow repayment for the land by the new owners to be kept down under the actual expropriation costs.

6. As a partial alternative, in order to relieve the Negro population pressure in the South and in order to help keep down the scope of the reconstruction program: helping Negroes take part in the westward rural migration.

The cheapness of land in America would have been a factor making a land reform easier to execute than in most other countries where it has been successfully carried out when abolishing serfdom. Even if the burden on the public finances were reckoned as economic costs--which, of course, is a totally wrong way of calculating costs in a national economy, as they are meant to be profitable investments in economic progress--those costs would have been trifling compared with what Reconstruction and Restoration, not to speak of the Civil War, actually cost the nation. What happened, however, was that the slaves were freed without any remuneration being paid their former owners; and that, with few exceptions, the freedmen were not given access to land."¹

The need for basic land reform in America, for both blacks and whites, hardly needs to be argued if one accepts any one of the following premises; (1) that people should be afforded an option to retain a rural life style if they so choose; (2) that the trend toward agri-business and oligopolistic corporate farming is an unhealthy path for the economy to follow; or (3) that it is desirable that the black minority maintain a share in the ownership of the national territory. If any or all of the above

1. Myrdal Gunnar, An American Dilemma, (Harper Brothers, New York, 1944), p. 225

premises are accepted, it is then mandatory that steps be taken to reverse the prevalent trends in American agriculture, trends which are not so much "natural" as they are "induced", induced via the biases built into our USDA subsidy and research programs, our land grant college programs, our tax laws, and our racial attitudes.

When one recalls the history of the scuttling of the New Deal's efforts to deal with problems of rural poverty, and when one places that history in the perspective of the current political climate in the country where even the modest Rural Development Act of 1972 may be starved for funds, it does not appear likely that there will be any groundswell for seriously addressing the problems of rural poverty, and most especially those of black rural poverty. On the other hand, the call for land reform being currently raised by a tiny group of intellectual activists promises at least to get the topic of landownership patterns into the public arena for discussion and debate.

IV. A Mechanism to Address the Problem

Building on the efforts which the Black Economic Research Center has made to grasp the dimensions of, and the factors contributing to, the decline in black land ownership in the Southeast, a program for addressing the problem has gradually been fashioned. Although the magnitude of the problem is such that it can ultimately be resolved only with the massive assistance of public money, we have identified a few basic tasks which a privately funded, non-profit organization might undertake with considerable assurance that the social benefits would constitute reasonable compensation for the costs incurred. The program which has emerged from these efforts, which has been pioneered principally by the Black Economic Research Center, is now becoming the operating program of the Emergency Land Fund (ELF). As a dynamic and largely untested initiative, the program outlined below should not be viewed as a finalized one. The Emergency Land Fund has not yet completed its first year of operation and clearly it will discover that policy and structure must constantly be reevaluated as it gains experience with real situations. Flexibility will be its touchstone for the foreseeable future.

ELF is the organization which has been created with the funds donated by a private individual mentioned on page 6. Although the funds became available quite suddenly, there was a lag of several months before a legal entity could be formulated and tax exempt status obtained. During this interval, the nucleus of a board of

directors was formed, and in June 1972, the first staff person was hired.

As early as the Atlanta meeting, questions had been raised as to the relative importance which should be attached to land retention, land acquisition, and land development. The choices are not, of course, mutually exclusive, but with limited resources any decision to finance land acquisition would clearly drain resources away from helping blacks to retain jeopardized holdings to which they already held title. (Even before ELF had become operational it was apparent that the demand for financial assistance to retain land would far exceed our anticipated resources.) Any decision to put money into helping to develop land would detract further from our financial ability to assist in land retention.

At the same time, it was recognized that one of the reasons that blacks were losing their land was that they lacked the resources and/or the technical knowledge which was needed to transform their land into a viable investment. In such situations, to make funds available solely to prevent land loss by foreclosure would be merely postponing the moment of loss but not really correcting the situation which was creating the problem. On the other hand, to attempt to provide operating and equipment loans, and technical assistance, would not only divert scarce resources from our land retention efforts but would oblige ELF to hire or have easy access to agricultural technicians of various sorts and to become far more involved in supervising the activities of ELF's clients than we wished to do. The experiences of the Southern Cooperative

Development Fund, of the Federation of Southern Cooperatives, and of the National Sharecroppers Fund helped us to gauge the implications of attempting to implement programs of developmental assistance and we concluded that it would be unwise for ELF to pursue such a course, at least not at the outset. We would, rather, direct those of our clients who needed such assistance to other agencies which could meet their needs, including, of course, to the various programs of the federal government.

Designing the Structure

Basic decisions as to the precise nature and extent of ELF's program needed to be taken so as to guide us in fashioning the best possible structure for the organization. What should be the relationship between the headquarters office of ELF and the field arm which would obviously be needed? Should the field arm consist of existing community groups or should ELF develop a field staff of its own? If the latter, what skills should the field staff possess? These were just a few of the problems which we faced as we attempted to design a suitable structure for ELF. Decisions on programs clearly needed to precede decisions on structure despite the fact that we were handicapped in designing programs because we felt that we did not yet know enough about the problem.

Using the information which he had acquired, however, we concluded that our work should include at least, the following:

- (a) an educational program, to alert black landowners to some of the duties and responsibilities of land ownership and the cautions to be observed.
- (b) a legal assistance program
- (c) a program of financial assistance
- (d) a technical assistance program, which would consist primarily of a referral service to other agencies.
- (e) possibly an economic development program.

Although we had always intended that ELF's focus would be on the South, we recognized that the educational program would need to include a certain amount of publicity and outreach in other parts of the country where black landowners might be residing. The legal assistance would have to be organized at the state level because of interstate difference in legal codes and requirements.

The financial assistance seemed to sub-divide into four categories of need, reflecting the four principle ways in which blacks appeared to be losing their land: (1) tax sales, (2) partition sales, (3) foreclosures, (4) voluntary sales. (Inasmuch as technical assistance and economic development were not projected as a significant part of ELF's initial program, they did not play a major role in determining structure).

The need for legal skills in the area of real estate was obviously of primary importance. Because there were few, if any, black lawyers in our target region who were experienced in rural real estate matters we early recognized that legal personnel would be a restraint on our program capacity and that we would probably

have to train our own people.

Because the type of problem which ELF was addressing was of essentially a local nature, there was a clear need for locally-based staff. The sensitive nature of land and the suspicions which black people feel with respect to land, suspicions which have a solid justification in bitter experience, suggested that maximum local autonomy for the local units was desirable. On the other hand, the need to raise and allocate funds nationally, and to be accountable nationally for how those funds were being utilized, created a convincing case for a strong, centrally controlled organization.

Consideration was also given to the fact that a long history of land reform efforts had demonstrated that there is a powerful tendency for redistributed land to regroup itself into the hands of a few people. Although ELF's hope was that black people could be enabled to retain their private holdings of land, its first objective was to insure that the base of black-owned land did not decline further. Consequently, ELF saw itself as an "owner of last resort," acting as a sort of land trust which would assume title to land which black owners were unable to retain for themselves. As a non-profit organ of the black community, ELF would thus become in effect the owner of those black-owned lands which would otherwise have slipped into white ownership, placing such

lands as it acquired at the disposition of the black community in whatever ways seemed most appropriate. Implementation of this land trust concept seemed to require either a fairly strong central organization or a mechanism which would permit the local groups to lean heavily on the central body for financial support during critical periods. The Jewish Land Trust as well as the trusteeship arrangements under which the land of American Indians is held for the common good of the tribe offer precedents for this type of land ownership but would require adaptation for use in the black community.

The structure which has evolved is a mixed one. In South Carolina, a local group had laid plans for a land-saving project as early as 1970. Under the brilliant leadership of Attorney Charles Washington, a proposed Black Land Services Project had been designed as an arm of Penn Community Services, to cover five coastal counties of South Carolina. In early 1971, the Black Economic Research Center provided initial funding for this project via a direct administrative grant from the DJB Foundation and a jointly administered loan fund from the Black Economic Research Center. This project became a pilot project, illustrating what might be accomplished. The unfortunate death of Attorney Washington in early 1972, denied the project of much of its potential, but it is now moving forward again and a report of its activities may be found in the appendix.

When ELF was being designed it was decided that, with the limited resources which it could reasonably expect to attract, it should not disperse its efforts over too broad a geographic area. There were two rather different types of considerations which led to this decision: (a) the desire to keep administrative expenses to a minimum, and (b) the desire to utilize the land-saving effort to complement other black developmental programs. Because the nature of the work would require on-site personnel, preferably indigenous persons with legal and/or real estate skills, it made sense to confine our efforts to a few well chosen locations. ELF sought legal authorization to do business in seven southern states: Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Louisiana. However, it was decided to place staff only in Mississippi and Alabama at the outset, and to have ELF assume the affiliation which BERC had formerly had with the Black Land Services Project in lieu of developing a South Carolina ELF staff. It was also envisioned that the headquarters of ELF would be eventually moved from New York City to the South, very likely to Atlanta, thus providing ELF some coverage in the four contiguous deep South states which boasted the largest percentages of black residents. Our major thrust would be in these four states, and within these states we would give priority consideration to requests coming from communities in which there was already some significant community development activity taking place

by the local blacks. Our reasoning was that the mutually reinforcing effects of our land efforts and of whatever other efforts were taking place would render the whole more productive than any of its separate parts. Thus was the structure and direction of ELF crystallized.

Defining the Program

The specific programs which ELF will implement, based on our research and perception of the problems, are to be of three major types:

- a) Educational
- b) Legal Assistance
- c) Financial Assistance

The educational programs will be principally preventive ones--booklets and seminars to explain to the public the basic information which they need to know as land owners: the importance of wills, cautions regarding the signing of documents concerning their land, things to consider in writing a mortgage, legal and fiscal practices which must be observed, etc.

The legal assistance program will focus on assisting persons who have a legal problem concerning their land, writing wills for land owners, helping to clear or quiet title, explaining the legal and financial implications of various alternatives regarding the land. The fact that ELF was chartered to service poor people, and is not permitted to charge for its services, creates a problem with respect to ELF's obligation to service those who are not poor.

Because better-off southern black land owners are as likely to be unschooled in the legal ramifications of their land-ownership status as are their poorer neighbors, and as vulnerable to predatory whites, it may be necessary occasionally to provide legal service to non-poor blacks until such time as suitable black lawyers are available.

The financial assistance which ELF will offer will assume several forms. Our research identified the following as the leading causes for black land loss:

1. Tax Sales
2. Partition Sales
3. Foreclosures

To this list must be added an unknown percentage of the so-called "voluntary" sales of black-owned land, but which can hardly be considered to be voluntary in the normal sense of the term. Finally, of course, any assessment of why black land ownership is declining so precipitously must also examine rather closely the causes behind even the genuinely voluntary sales of land.

Unfortunately, there are no figures on the amounts of land being alienated from blacks by each of the foregoing means. Although it may be possible to compile a rough estimate of these figures, the effort is probably not justified at this time. Each of the practices appears to be in widespread use across much of the region and scarce resources are probably better utilized in combatting the results than in measuring them.

Although none of these procedures are, in themselves, illegal,

our investigations have revealed that a great deal of chicanery bordering on the illegal is regularly practiced by unscrupulous whites against unsuspecting or unsophisticated southern blacks. State laws which permit ownership by adverse possession, which permit transference of title to third parties who voluntarily pay taxes on the land of others, which permit partition sales of heirs' property without regard to the nature of petitioner's degree of interest in the property, which enforce foreclosure proceedings on real property without consideration of the size of the debt or the status of the debtor, and various other standard procedures, often work to the great disadvantage of the black community--because of its poverty if not because of its race. Through these practices much black owned land is lost by the black community--usually lost forever because of the great difficulty which blacks encounter in many parts of the South when they attempt to purchase, or repurchase, land.

Tax Sales

The tax sale is, in effect, the taking of tax delinquent property by the state and auctioning it off to the highest bidder. This is a perfectly normal procedure, engaged in by both municipal and county governments, usually on a semi-annual basis and in accordance with prescribed procedures. Although the precise practices vary from state to state, there is generally a requirement for public notification several weeks in advance of the sale,

as well as notification of the landowner. At the auction, anyone is generally permitted to bid on the property and the purchaser receives a claim on the title to the property. The owner, however, continues to hold title to the property for a prescribed period, from one to three years depending on the state, and during this period he can redeem the property by reimbursing the purchaser, plus interest, penalties, and other legal costs. If the purchaser has made improvements on the land, the owner must pay for these also when redeeming his property. Oftentimes the purchaser will deliberately rush to make costly improvements as a means to bar the owner from redeeming his land. In South Carolina, at least, only the amount of property necessary to satisfy the unpaid tax is supposed to be sold, but in practice the entire property is placed on sale.

Because taxes on rural southern land tend to be quite low, it is not unusual for substantial-sized properties to be offered at tax sale for less than \$100. In reality, many--perhaps most--such properties, both white and black-owned, are redeemed at the auction sale or within the redemption period, for many rural landowners just have the habit of delaying paying their taxes until the last minute. On the other hand, a goodly number of black-owned properties are in fact lost through these tax sales, often because the owner does not know that he owes the tax or that his property is being sold. This may occur because the owner is elderly and

forgetful, because he never received a tax bill or a notice of the delinquency sale, because he thought he had paid the taxes when in fact he was paying some other type of payment, or because the owner has moved away. Cases were also reported of blacks having leased their land to whites with the understanding that the tenant would pay the taxes, whereas the tenant deliberately failed to pay the taxes, concealed the tax notices, and ultimately purchased the property cheaply when it went up for auction. The heavy outmigration of blacks from the South, leading oftentimes to absentee ownership or the presence of only elderly persons on the land, has made the tax sale a significant path through which blacks can lose their land.

It should be added that the purchaser at these tax sales are almost always white persons, frequently local lawyers or relatives of the local officials, who make it their business to keep abreast of what properties are going to auction and who attend the auctions prepared to buy.

Partition Sales (Heirs Property)

A major problem is the holding of land by blacks with title in the name of an ancestor. The administration of estates is not mandatory in some of the southern states, and most black folks do not make wills. The following comments refer to South Carolina but apply in general throughout the South.

When a black landowner dies without a will, which is the normal case, the land remains in his name. Since the estate is never distributed, all the heirs have an undetermined interest in the land. Often two or more generations pass in this way, there are no wills, the land remains in the name of the deceased ancestor, and heirs, all of whom have an interest in the land scatter.

This clouds the title, and no mortgage can be gotten, no part sold or otherwise disposed of without the consent of all the owners. In many cases, the persons living on the land and/or paying the taxes do not know the identities of all of the heirs who have a legal interest in the property. Of those of whom they are aware, the whereabouts of many are often unknown. Heirs cannot get a part cut off for themselves without a suit to quiet title which involves determining the rights of all the heirs. This can be expensive, extremely time consuming and often results in the entire property being lost to the family in the following way: A suit for partition is brought to divide the land among the heirs and give each title to his own piece. The number of heirs and the size of the property is generally such that it is physically impractical or impossible to actually divide the land. Therefore, the land is sold and the proceeds are divided among the heirs in the proportion of their interest in the land. At such a partition sale, the only person with enough assets to buy the land is a

white man and because there is usually no other bidder, he gets the land for a fraction of its market value. A variation of this procedure, where the white man instigates the partition after having gained a small interest, has been used, especially in the past, to gain black-owned land. This is sometimes known as legal theft. The widespread holding of land as heirs property depresses the value of black lands because all those titles are clouded. It may be that the majority of black-owned land in the state is held in this way. The remedy is not an avalanche of suits to clear title since the most likely result of that would be the judicial sale of the land to whites, probably at below market value.

One means of attacking the problem is via legislation. A statute mandating the compulsory administration of estates within one year of death would, if enforced, stop the creation of more heirs property situations. A special magistrate could be attached to the Probate Court to handle estates of up to a certain value which had no administrator or executrix appointed within one year. A system could be set up for the Records Office to regularly advise the court of those persons dying within the county.

The working of such a system would stop the continuation of the problem, but would not touch the situations that now exist. It is likely that a special, temporary court would have to be set up to deal with titles to land. For this court some of the ordinary rules of the law would have to be suspended and others substituted.

Relatives would have to be encouraged to deed their interests for little or no compensation to a small number or one of the family so that there will be no necessity to sell the land. The rights of heirs who cannot be found after a reasonable search would have to be sharply limited. And the procedure would have to be made a very inexpensive one.

A more direct attack, however, and one which ELF proposes to pursue, will be to establish a revolving fund of cash to be used to enter fair market price bids at partition sales where black peoples' land is being auctioned. By forcing the sale price up to the market value, we can eliminate the enormous profitability of this vicious practice and thereby hopefully eliminate the practice itself.

Foreclosures

The foreclosure sale probably presents one of the more difficult techniques to counter, for in some cases the foreclosure sale is fully justified because of the willful negligence of the land owner. Ferreting out foreclosures which merit assistance will constitute a real challenge for ELF. A recent case involved an illiterate black man who during an emergency mortgaged his property to pay for some groceries worth only a small fraction of the value of his land. But the mortgage was duly foreclosed and he lost his property without fully understanding what was taking place. In such cases of bona fide emergencies, ELF will make low interest

loans to prevent foreclosure and, where appropriate, will initiate steps to correct the situation which precipitated the foreclosure.

In addition to the foregoing specific programs for land retention, ELF will also engage in ongoing research on the situation of black land owners in the South and will actively work with other groups to ameliorate conditions of rural black people. Programs to document who the black land owners are, what their specific needs are, and related matters will be included among ELF's activities. The problems associated with black land ownership are many and varied. ELF's program, therefore, can expect to expand in many directions as it pursues its goal of preventing the decline in black land ownership.

APPENDIX A

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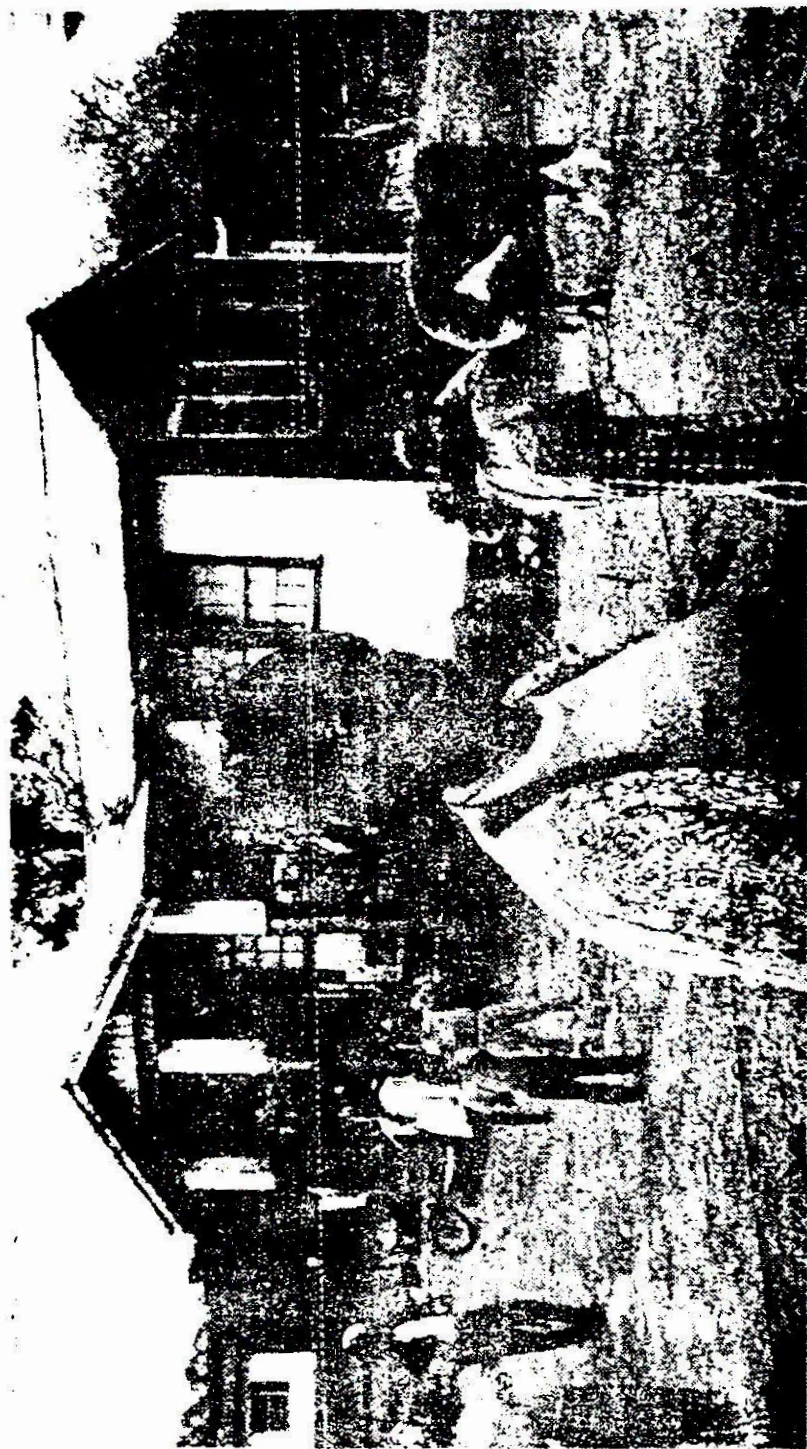
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December 7, 1972



Mrs. Evelina Jenkins, with some of her children and grandchildren, in front of the house on her cousin's property where she now lives

The New York Times/Will Barker

Blacks in South Struggle to Keep the Little Land They Have Left

By ROY REED

Special to The New York Times
FROGMORE, S. C., Dec. 5 — Since 1861, getting and losing land has been the pride and despair of people like Evelina Jenkins.

Mrs. Jenkins is black, unlettered and unforgiving. She has been forced to live the last three of her 65 years on the land of a cousin because her own land, the few acres where she lived most of her life, where her mother lived and where her grandfather farmed and reared his family, was taken from her by an act of chicanery she will never forget.

For reasons ranging from

fraud to honest sales, poor Southern Negroes like Mrs. Jenkins, whose ancestors accumulated many millions of acres of land during the late 19th and early 20th centuries, have now lost all but a relatively small part of it.

Too Late To Help
Blacks have lost their land more rapidly than whites have, probably because of a more concentrated migration away from the South and because poor blacks have tended to be even less sophisticated than poor whites in the complexities of property ownership.

There is now a stirring among some black leaders to try to stop the 60-year erosion of black land ownership. At least two organizations have begun to confront the problem.

The effort apparently is too late to help Mrs. Jenkins. A white man got her land. For a long time she paid him \$15 a year for what she thought was the taxes on her property, the money, she thought, to be delivered by him to wherever it was that such arcane matters as property taxes were handled.

Then one fall when she arrived with the \$15, he informed her that her annual payment had not been tax money but rent, that he

owned the property, that he had owned it for years—and that he had now sold it and she must move.

So she moved her small house off the eight acres where she had always lived, and she surrendered the adjoining coastal island that had also belonged to her family.

A White Playground

The little island, wrapped in marsh grass and caressed by gentle tides, is now a middle-class white playground and residential community worth many thousands of dollars.

She does not know how the white man came to own

her land. Her more worldly wise friends surmise that he let the taxes lapse, then bought the land himself when the county sold it to collect its back taxes, but she does not know.

Speaking in the lilted gullah dialect of the Southern coastal islands, she told a white stranger recently, "He didn't show me no paper. My mother, she don't know either." She shrugged and her musical words trailed away and the eyes under her dirty, pulled-down wool cap hardened into wildness and withering distrust.

Thousands of Negroes in

Continued on Page 53, Column 1

South Struggle to Keep the Little Land They Have Left

Continued From Page 39

the South have lost their lands in similar fashion.

Thousands more have lost theirs in less questionable ways, but just as certainly, as they have migrated to the cities and sold the land to whites.

And thousands more are under pressure to sell the relatively small acreage they still own in rural areas to make way for big new white-owned industries, white tourist facilities and white residential developments.

The South's former slaves amassed an estimated 15 million acres of land in the United States by 1910. Then when the black migration to the North began, the land began to slip away.

5 Million Acres Left

Exact figures are hard to find, but estimates made from available Census Bureau statistics indicate that blacks now own no more than 5 million acres of the more than 1 billion agricultural acres in the nation. And the decline continues.

Probably more than 4 million acres of the land owned by blacks is in the South. In South Carolina, according to census figures, blacks owned in full 5,595 farms totaling 310,373 acres in 1969. They operated another 169,674 acres that they partly owned and partly rented.

The situation is similar in the 10 other states of the Old Confederacy except for Mississippi, where blacks still fully own almost a million acres, more than in any other state, and in Florida, where under the pressures of white immigration, they fully

owned only 953 farms amounting to 78,043 acres, less than in any other state.

The first organized attempt to rescue black land ownership was initiated by Penn Community Services, a black-improvement organization with headquarters here on St. Helena Island. Penn traces its beginnings to the Port Royal experiment during the Civil War.

In 1861, with Federal troops advancing, white plantation owners abandoned their thousands of Negro slaves on St. Helena and neighboring coastal islands. White New Englanders purchased the newly freed Negroes in the Port Royal experiment and helped many of them begin farming on their own.

Many of the descendants of those first free black farmers still live on small rural tracts in this area. Some raise tomatoes and cucumbers, the big commercial crops here. Others work in towns but still live on their own rural land, generally in humble houses sheltered by pines and moss-covered oaks.

Many of the rural residents are on welfare.

Several months ago Penn's land work attracted the attention of the New York-based Black Economic Research Center. The Center, with a \$1-million gift from a wealthy woman, has now decided to expand the Penn idea across the South.

Penn Services has established an organization called Black Land Services to try to save black land ownership in six lowland South Carolina counties — Beaufort, Jasper, Hampton, Colleton, Charleston and Dorchester.

Agricultural, industrial and

house and pays the tax for those still delinquent.

Mr. Gadson said the organization in one year had spent more than \$1,200 on back taxes to save 23 parcels of black-owned land in Beaufort County.

Another problem for which Black Land Services has found no satisfactory solution is the partition sale. Under South Carolina law, an heir who owns only a fraction of a piece of property can force the sale of the entire property to get the money for his share.

Canny white developers have begun to buy out one or two of the several black heirs of a piece of land, then go to court and force the sale of all the land. Since the developer has ready capital, he generally is able to buy the entire tract at the public auction.

Black Land Services has little money. It has been calling on the Black Economic Research Center's Emergency Land Fund for help.

The two organizations, working together, recently saved a valuable piece of black-owned land near here that was threatened by a mortgage foreclosure. The Emergency Land Fund, administered by Dr. Robert S. Browne, an economist, lent the owner \$14,000 to meet the mortgage payment. He is to repay the loan as he is able.

Losing that piece of land would have been a serious blow to the blacks of coastal South Carolina. The tract is 35 acres with deep water frontage on Daufuskie Island, a water-locked community that is inhabited by 30 or 40 Negro families and five or

six white families. The island is coveted by several white real estate developers. Cut off from the mainland by a one-hour boat ride, the backward Daufuskie Negroes are easy targets for white men with money.

"Hard to Turn Down" Joseph McDonick, the head of Black Land Services, said, "One of them came along and offers them \$2,000 an acre for their land, and the whole thing would come to \$25,000 or \$30,000 altogether, and man, that's hard to turn down."

Mr. Gadson said his organization hoped some day to get enough money from foundations and other sources to be able to buy threatened parcels of land that could not be saved by the owners. Black Land Services would hold the land until it could find some economically beneficial use for it or until the owner could retrieve it.

But for now, the organization has barely enough money to pay the salaries of Mr. McDonick and Hugh Davis, a young lawyer from Howard University who joined the staff this year after the death of Charles Washington, an experienced land attorney who, with Mr. Gadson, started Black Land Services.

Dr. Browne said the \$1-million gift, from a donor who prefers not to be identified, was to be matched by \$500,000 from other sources, mainly foundations. About half of the matching \$500,000 has been raised. The \$1.5 million will last only about a year and more money is needed to expand the program across the South, he said.

Poison Is Suspected In Death of 30 Cows On a Muslim Farm

ASHVILLE, Ala., March 15 (AP)—Cows continue to die on the farm owned by Black Muslims near here, apparently the victims of poison dumped in their water supply last Tuesday night.

J. H. Davis, manager of the farm, said the cows started dying Wednesday afternoon. By Thursday, he said, the toll was 19 and by Friday 24 had died. Mr. Davis said the count had reached 30 yesterday and at least nine more were sick. There are 263 cows at the farm now, Mr. Davis reported.

Sheriff Joel Woods of St. Clair County said that organs of the dead animals had been shipped to the state toxicologist at Auburn University for analysis. He expects a report tomorrow.

"I definitely suspect poison," Sheriff Woods said. "Who poisoned them and why is what we're trying to find out."

Mr. Davis said he thought the cattle were given cyanide.

MUST ALL BLACKS FLEE THE SOUTH?

MANY BLACKS PREFER THE RURAL SOUTH...

Despite the steady stream of millions of rural black folk into the cities of the North and West, there are many millions more who wish to remain in the rural South and to find there a life of satisfaction and dignity. Many black young people who hopefully migrated to the harsh, impersonal urban ghettos only to find despair, disillusionment, and continued poverty are ready to return home if only home were to offer them a minimum of opportunity.

BUT SOUTHERN RACISTS DRIVE BLACKS TO URBAN NORTH

But the South continues to be inhospitable to black people, and especially to those black people who wish to help themselves to have a better life. Terrorism has always been a way of life in the South, and the intimidation and sabotaging of the Muslim's laborious efforts to develop a modern cattle farm is merely the most recent in an unending series of ugly incidents designed to drive black people off the land and out of the South. It has always been difficult for black people to purchase land in the South, and the amount of land owned by blacks declined by 40% between 1950 and 1964 — as a result of chicanery as well as because of economic hardship — and the trend continued throughout the sixties. If black people continue to permit themselves to be pushed off the land it will be increasingly difficult for them to pursue effectively their arduous struggle for full citizenship, especially in the southern states [which is still where most black people in America live].

BLACKS ARE ORGANIZING TO RESIST FORCED MIGRATION...

Concerned black people are determined to resist all attempts to terrorize black people off the land. To this end, we are forming a non profit Land Bank which will be charged with the responsibilities of purchasing, holding, and helping to develop land in the South for the benefit of landless black people. We also propose to assist impoverished black land owners to retain and improve their present holdings. The Land Bank will acquire land and poor black people will be helped to move on to it and to own and work it collectively in accordance with modern farming methods. In some locations we hope to launch suitable industrial projects which can provide employment, income, and a sense of purpose for black youth, and an attractive alternative to the urban ghetto.

BUT VAST AMOUNTS OF MONEY ARE NEEDED

Your generous contribution will help us to resist racist pressures and to demonstrate that black people can function responsibly in the area of economic development. We earnestly solicit your support in this important undertaking.

BLACK ECONOMIC DEVELOPMENT CONFERENCE, INC. TASK FORCE ON THE SOUTHERN LAND BANK

Sponsors:

The Hon. Julian Bond James Forman Prof. Vincent Harding
Prof. Robert S. Browne Fannie Lou Hamer Muhammed Kenyatta

I object to efforts to intimidate and terrorize black people off the land and I wish to support the effort to purchase land for black people.

Enclosed is my check for: \$10,000 \$1000 \$500 \$100 \$25 \$10

Name: _____

Address: _____ City _____ State _____ Zip _____

Make check payable to Black Economic Research Center, Inc.

Mail to: Southern Land Bank P.O. Box No. 3 NYC 10035

"Contributions are tax deductible."