

ecosystems that belong to all the American people. The budget also includes a timber sales offer level of 2 billion boardfeet, a substantial increase from the 1.4 billion boardfeet in recent years. This reflects a return to the timber targets of the Reagan years when politicians set logging levels that had no basis in science. It is also a clear departure from the practice of recent years to manage for the health and sustainability of the land, with outputs a by-product of good land management, not a good goal. The Forest Service is heavily subsidized to meet these harvest goals.

Again, Mr. Speaker, sometimes it is difficult, I think, to understand a lot of these measures, whether it be the budget measures or the agency actions that I mentioned before in the aftermath of September 11. It is hard to monitor and to realize the impact of a lot of these actions because they are in specific agencies, they impact certain parts of the country. But if you add them all up, both the budget cuts as well as the agency actions in the last few months, you can see that this administration is clearly moving more and more in intensifying its efforts to try to cut back on environmental protection.

□ 1900

I think the only way that we are going to stop this is if more and more people speak out. It is being done basically under the cover of September 11, when a lot of the media are not paying attention, and I hope that over the next few months we are able to bring more and more attention to some of these measures and to get the administration to stop intensifying their efforts.

I notice that since I have been in Congress, if an action is taken to weaken the Clean Air Act or Clean Water Act in committee or on the floor of the House, because it is legislative, Members are usually aware of it and they can come in committee or to the floor and object to it and usually put a stop to it because of the public outcry.

But when it comes to agency actions, when it comes to cutbacks in funding for some of the agencies in the fashion that I have described this evening, it is a much more insidious process and much more difficult I think for the public to understand what is going on or to focus on it; and I just think it is extremely unfortunate that the President has taken advantage of this period since September 11 to intensify his efforts to degrade the environment and to take both these agency and budget actions.

Obviously, we have an opportunity during the appropriations process to turn this around and not accept the President's budget on a lot of these environmental initiatives, and that has to be part of what we try to accomplish over the next few months as we move through the appropriations process.

I will say once again, it is my intention to come to the floor again and

bring other colleagues to draw more and more attention to the President's anti-environment policies. They are not in sync with the American people, and they are certainly not in accordance with the promises that he made when he first ran for President.

#### THE CASE FOR REPARATIONS

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 60 minutes.

Mr. CLYBURN. Mr. Speaker, I am pleased to offer a Special Order tonight in conjunction with the gentlewoman from North Carolina (Mrs. CLAYTON), who will be joining us very shortly, as well as some other members of the Congressional Black Caucus, to speak on an issue that we feel is very, very important to our constituents and to our great Nation.

Mr. Speaker, reparations, the act or process of making amends, is a word that often evokes vociferous reactions from many citizens in our Nation. Ever since I have been in Congress, among the first bills introduced at the beginning of the term are bills calling for reparations for slavery.

Although I have always supported legislation dealing with the establishment of a commission and various other efforts to examine the issue of reparations, I have not always supported other measures, many of which call for direct remuneration. There was always the question of who can be identified as deserving, and how do we determine how much they deserve.

But the question of reparations in the traditional form aside, I believe very strongly that there is ample documentation of various forms of racial injustices that occurred very often under the color of law. Not only can we document the injustices in many of these instances, but we can also identify those who were the subject of the injustices; and the time is long since passed for our government to take up where we fell short in 1872 when this Congress rescinded "40 acres and a mule."

The Associated Press recently documented some of these injustices when it conducted an 18-month long investigation into black landowners who have illegally and sometimes legally had their land stolen from them. After interviewing 1,000 people and examining tens of thousands of public records, the Associated Press documented 107 land-takings in 13 Southern and border States. In those cases, 406 black landowners lost more than 24,000 acres of farm and timberland, plus 85 smaller properties, including stores and city lots.

This research was compiled in a three part series titled "Torn From the Land," which detailed how blacks in America were cheated out of their land or driven from it through intimidation, violence, and even murder.

Some had their land foreclosed for minor debts. Still others lost their land to tricky legal maneuvers, still being used today, called partitioning, in which savvy buyers can acquire an entire family's property if just one heir agrees to sell them one parcel, however small.

Mr. Speaker, although I am going to submit the entire research by the Associated Press as part of my statement, I wish at this time to read an excerpt from one of those series:

"As a little girl, Doria Dee often asked about the man in the portrait hanging in her aunt's living room, her great-great grandfather. 'It's too painful,' her elderly relatives would say, and they would look away.

"A few years ago, Johnson, now 40, went to look for answers in the rural town of Abbeville, South Carolina.

"She learned that in his day the man in the portrait, Anthony B. Crawford, was one of the most prosperous farmers in Abbeville County. That is until October 21, 1916, the day the 51-year-old farmer hauled a wagon load of cotton to town.

"Crawford 'seems to have been the type of Negro who was most offensive to certain elements of the white people,' Mrs. J.B. Holman would say a few days later in a letter published by the Abbeville Press and Banner. 'He was getting rich for a Negro, and he was insolent along with it.'

"Crawford's prosperity had made him a target.

"The success of blacks such as Crawford threatened the reign of white supremacy,' said Stewart E. Tolnay, a sociologist at the University of Washington and coauthor of a book on lynchings. 'There were obvious limitations or ceilings that blacks weren't supposed to go beyond.'

"In the decades between the Civil War and the civil rights era, one of those limitations was owning land.

"Racial violence in America is a familiar story, but the importance of land as a motive for lynchings and white mob attacks on blacks has been widely overlooked, and the resulting land losses suffered by black families such as the Crawfords have gone largely unreported.

"The Associated Press documented 57 violent land takings, more than half of the 107 land takings in an 18-month investigation of black land lost in America. The other cases involved trickery and legal manipulations.

"Sometimes black landowners were attacked by whites who just wanted to drive them from their property. In other cases, the attackers wanted the land for themselves.

"For many decades, successful blacks 'lived with the gnawing fear that white neighbors could at any time do something violent and take everything from them,' this, according to Loren Schweninger, a University of North Carolina expert on black land ownership.

"While waiting his turn at the gin that fall day in 1916, Crawford entered

the mercantile store of W.D. Barksdale. Contemporary news accounts and the papers of then Governor Richard Manning detailed what followed:

"Barksdale offered Crawford 85 cents a pound for his cottonseed. Crawford replied that he had a better offer. Barksdale called him a liar. Crawford called the storekeeper a cheat. Three clerks grabbed ax handles, and backed Crawford into the street, where the sheriff appeared and arrested Crawford, for cursing a white man.

"Released on bail, Crawford was cornered by 50 whites who beat and knifed him. The sheriff carried him back to jail. A few hours later, the deputy gave the mob the keys to Crawford's cell.

"Sun-down found them at a baseball field at the edge of town. There, they hanged Crawford from a solitary southern pine.

"No one was ever tried for the killing. In its aftermath, hundreds of blacks, including some of the Crawfords, fled Abbeville.

"Two whites were appointed executors of Crawford's estate, which included 427 acres of prime cotton land. One was Andrew J. Ferguson, cousin of two of the mob's ring leaders.

"Crawford's children inherited the land, but Ferguson liquidated much of the rest of Crawford's property, including his cotton, which went to Barksdale. Ferguson kept \$5,438, more than half the proceeds, and gave Crawford's children just \$200 each, according to estate papers.

"Crawford's family struggled to hold on to the land, but eventually lost it when they could not pay off a \$2,000 balance on the bank loan. Although the farm was assessed at \$20,000, a white man paid \$504 for it at the foreclosure auction, according to land records.

"There's land taken away and there's murder," said Johnson, of Alexandria, Virginia. "But the biggest crime was that our family was split up by this. My family got scattered into the night."

"The former Crawford land provided timber to several owners before International Paper Corporation acquired the property last year. Jenny Boardman, a company spokeswoman, said International Paper was unaware of the land's history. When told about it, she said: "The Crawford story is tragic. It causes you to think that there are facets of our history that need to be discussed and addressed."

Mr. Speaker, I include the entire Associated Press series of articles entitled "Torn From the Land" for the RECORD.

[From the Associated Press]

AP DOCUMENTS LAND TAKEN FROM BLACKS THROUGH TRICKERY, VIOLENCE AND MURDER

(By Todd Lewan and Dolores Barclay)

For generations, black families passed down the tales in uneasy whispers: "They stole our land."

These were family secrets shared after the children fell asleep, after neighbors turned down the lamps—old stories locked in fear and shame.

Some of those whispered bits of oral history, it turns out, are true.

In an 18-month investigation, The Associated Press documented a pattern in which black Americans were cheated out of their land or driven from it through intimidation, violence and even murder.

In some cases, government officials approved the land takings; in others, they took part in them. The earliest occurred before the Civil War; others are being litigated today.

Some of the land taken from black families has become a country club in Virginia, oil fields in Mississippi, a major-league baseball spring training facility in Florida.

The United States has a long history of bitter, often violent land disputes, from claim jumping in the gold fields to range wars in the old West to broken treaties with American Indians. Poor white landowners, too, were sometimes treated unfairly, pressured to sell out at rock-bottom prices by railroads and lumber and mining companies.

The fate of black landowners has been an overlooked part of this story.

The AP—in an investigation that included interviews with more than 1,000 people and the examination of tens of thousands of public records in county courthouses and state and federal archives—documented 107 land takings in 13 Southern and border states.

In those cases alone, 406 black landowners lost more than 24,000 acres of farm and timber land plus 85 smaller properties, including stores and city lots. Today, virtually all of this property, valued at tens of millions of dollars, is owned by whites or by corporations.

Properties taken from blacks were often small—a 40-acre farm, a general store, a modest house. But the losses were devastating to families struggling to overcome the legacy of slavery. In the agrarian South, landownership was the ladder to respect and prosperity—the means to building economic security and passing wealth on to the next generation. When black families lost their land, they lost all of this.

"When they steal your land, they steal your future," said Stephanie Hagans, 40, of Atlanta, who has been researching how her great-grandmother, Ablow Weddington Stewart, lost 35 acres in Matthews, N.C. A white lawyer foreclosed on Stewart in 1942 after he refused to allow her to finish paying off a \$540 debt, witnesses told the AP.

"How different would our lives be," Hagans asked, "if we'd had the opportunities, the pride that land brings?"

No one knows how many black families have been unfairly stripped of their land, but there are indications of extensive loss.

Besides the 107 cases the AP documented, reporters found evidence of scores of other land takings that could not be fully verified because of gaps or inconsistencies in the public record. Thousands of additional reports of land takings from black families remain uninvestigated.

Two thousands have been collected in recent years by the Penn Center on St. Helena Island, S.C., an educational institution established for freed slaves during the Civil War. The Land Loss Prevention Project, a group of lawyers in Durham, N.C., who represent blacks in land disputes, said it receives new reports daily. And Heather Gray of the Federation of Southern Cooperatives in Atlanta said her organization has "file cabinets full of complaints."

AP's findings "are just the tip of one of the biggest crimes of this country's history," said Ray Winbush, director of Fisk University's Institute of Race Relations.

Some examples of land takings documented by the AP:

After midnight on Oct. 4, 1908, 50 hooded white men surrounded the home of a black

farmer in Hickman, Ky., and ordered him to come out for a whipping. When David Walker refused and shot at them instead, the mob poured coal oil on his house and set it afire, according to contemporary newspaper accounts. Pleading for mercy, Walker ran out the front door, followed by four screaming children and his wife, carrying a baby in her arms. The mob shot them all, wounding three children and killing the others. Walker's oldest son never escaped the burning house. No one was ever charged with the killings, and the surviving children were deprived of the farm their father died defending. Land records show that Walker's 2½-acre farm simply folded into the property of a white neighbor. The neighbor soon sold it to another man, whose daughter owns the undeveloped land today.

In the 1950s and 1960s, a Chevrolet dealer in Holmes County, Miss., acquired hundreds of acres from black farmers by foreclosing on small loans for farm equipment and pickup trucks. Norman Weathersby, then the only dealer in the area, required the farmers to put up their land as security for the loans, county residents who dealt with him said. And the equipment he sold them they said, often broke down shortly thereafter. Weathersby's friend, William E. Strider, ran the local Farmers Home Administration—the credit lifeline for many Southern farmers. Area residents, including Erma Russell, 81, said Strider, now dead, was often slow in releasing farm operating loans to blacks. When cash-poor farmers missed payments owed to Weathersby, he took their land. The AP documented eight cases in which Weathersby acquired black-owned farms this way. When he died in 1973, he left more than 700 acres of this land to his family, according to estate papers, deeds and court records.

In 1964, the state of Alabama sued Lemon Williams and Lawrence Hudson, claiming the cousins had no right to two 40-acre farms their family had worked in Sweet Water, Ala., for nearly a century. The land, officials contended, belonged to the state. Circuit Judge Emmett F. Hildreth urged the state to drop its suit, declaring it would result in "a severe injustice." But when the state refused, saying it wanted income from timber on the land, the judge ruled against the family. Today, the land lies empty; the state recently opened some of it to logging. The state's internal memos and letters on the case are peppered with references to the family's race.

In the same courthouse where the case was heard, the AP located deeds and tax records documenting that the family had owned the land since ancestor bought the property on Jan. 3, 1874. Surviving records also show the family paid property taxes on the farms from the mid-1950s until the land was taken.

AP reporters tracked the land cases by reviewing deeds, mortgages, tax records, estate papers, court proceedings, survey or maps, oil and gas leases, marriage records, census listings, birth records, death certificates and Freedmen's Bureau archives. Additional documents, including FBI files and Farmers Home Administration records, were obtained through the Freedom of Information Act.

The AP interviewed black families that lost land, as well as lawyers, title searchers, historians, appraisers, genealogists, surveyors, land activists, and local, state and federal officials.

The AP also talked to current owners of the land, nearly all of whom acquired the properties years after the land takings occurred. Most said they knew little about the history of their land. When told about it, most expressed regret.

Weathersby's son, John, 62, who now runs the dealership in Indianola, Miss., said he had little direct knowledge about his father's

business affairs. However, he said he was sure his father never would have sold defective vehicles and that he always treated people fairly.

Alabama Gov. Don Siegelman examined the state's files on the Sweet Water case after an inquiry from the AP. He said he found them "disturbing" and has asked the state attorney general to review the matter. "What I have asked the attorney general to do," he said, "is look not only at the letter of the law but at what is fair and right."

The land takings are part of a larger picture—a 91-year decline in black landownership in America.

In 1910, black Americans owned more farmland than at any time before or since—at least 15 million acres. Nearly all of it was in the South, largely in Mississippi, Alabama and the Carolinas, according to the U.S. Agricultural Census. Today, blacks own only 1.1 million of the country's more than 1 billion acres of arable land. They are part owners of another 1.07 million acres.

The number of white farmers has declined over the last century, too, as economic trends have concentrated land in fewer, often corporate, hands. However, black ownership has declined 2½ times faster than white ownership, the U.S. Civil Rights Commission noted in a 1982 report, the last comprehensive federal study on the trend.

The decline in black landownership had a number of causes, including the discriminatory lending practices of the Farmers Home Administration and the migration of blacks from the rural South to industrial centers in the North and West.

However, the land takings also contributed. In the decades between Reconstruction and the civil rights struggle, black families were powerless to prevent them, said Stuart E. Tolnay, a University of Washington sociologist and co-author of a book on lynchings. In an era when black Americans could not drink from the same water fountains as whites and black men were lynched for whistling at white women, few blacks dared to challenge whites. Those who did could rarely find lawyers to take their cases or judges who would give them a fair hearing.

The Rev. Isaac Simmons was an exception. When his land was taken, he found a lawyer and tried to fight back.

In 1942, his 141-acre farm in Amite County, Miss., was sold for nonpayment of taxes, property records show. The farm, for which his father had paid \$302 in 1887, was brought by a white man for \$180.

Only partial, tattered tax records for the period exist today in the county courthouse; but they are enough to show that tax payments on at least part of the property were current when the land was taken.

Simmons hired a lawyer in February 1944 and filed suit to get his land back. On March 26, a group of whites paid Simmons a visit.

The minister's daughter, Laura Lee Houston, now 74, recently recalled her terror as she stood with her month-old baby in her arms and watched the man drag Simmons away. "I screamed and hollered so loud," she said. "They came toward me and I ran down in the woods."

The whites then grabbed Simmons' son, Eldridge, from his house and drove the two men to a lonely road.

"Two of them kept beating me," Eldridge Simmons later told the National Association for the Advancement of Colored People. "They kept telling me that my father and I were 'smart niggers' for going to see a lawyer."

Simmons, who has since died, said his captors gave him 10 days to leave town and told his father to start running. Later that day, the minister's body turned up with three

gunshot wounds in the back, The McComb Enterprise newspaper reported at the time.

Today, the Simmons land—thick with timber and used for hunting—is privately owned and is assessed at \$33,660. (Officials assess property for tax purposes, and the valuation is usually less than its market value.)

Over the past 20 years, a handful of black families have sued to regain their ancestral lands. State courts, however, have dismissed their cases on grounds that statutes of limitations had expired.

A group of attorneys led by Harvard University law professor Charles J. Ogletree has been making inquiries recently about land takings. The group has announced its intention to file a national class-action lawsuit in pursuit of reparations for slavery and racial discrimination. However, some legal experts say redress for many land takings may not be possible unless laws are changed.

As the acres slipped away, so did treasured pieces of family history—cabins crafted by a grandfather's hand, family graves in shared groves.

But "the home place" meant more than just that. Many blacks have found it "very difficult to transfer wealth from one generation to the next," because they had trouble holding onto land, said Paula Giddings, a history professor at Duke University.

The Espy family in Vero Beach, Fla., lost its heritage in 1942, when the U.S. government sized its land through eminent domain to build an airfield. Government agencies frequently take land this way for public purposes under rules that require fair compensation for the owners.

In Vero Beach, however, the Navy appraised the Espy's 147 acres, which included a 30-acre fruit grove, two houses and 40 house lots, at \$8,000, according to court records. The Espys sued, and an all-white jury awarded them \$13,000. That amounted to one-sixth of the price per acre that the Navy paid white neighbors for similar land with fewer improvements, records show.

After World War II, the Navy gave the airfield to the city of Vero Beach. Ignoring the Espy's plea to buy back their land, the city sold part of it, at \$1,500 an acre, to the Los Angeles Dodgers in 1965 as a spring training facility.

In 1999, the former Navy land, with parts of Dodgertown and a municipal airport, was assessed at \$6.19 million. Sixty percent of that land once belonged to the Espys. The team sold its property to Indian River County for \$10 million in August, according to Craig Callan, a Dodgers official.

The true extent of land takings from black families will never be known because of gaps in property and tax records in many rural Southern counties. The AP found crumbling tax records, deed books with names torn from them, file folders with documents missing, and records that had been crudely altered.

In Jackson Parish, La., 40 years of moldy, gnawed tax and mortgage records were piled in a cellar behind a roll of Christmas lights and a wooden reindeer. In Yazoo County, Miss., volumes of tax and deed records filled a classroom in an abandoned school, the papers coated with white dust from a falling ceiling. The AP retrieved dozens of documents that custodians said were earmarked for shredders or landfills.

The AP also found that about a third of the county courthouses in Southern and border states have burned—some more than once—since the Civil War. Some of the fires were deliberately set.

On the night of Sept. 10, 1932, for example, 15 whites torched the courthouse in Paulding, Miss., where property records for the eastern half of Jasper County, then predominately black, were stored. Records for

the predominantly white western half of the county were safe in another courthouse miles away.

The door to the Paulding courthouse's safe, which protected the records, had been locked the night before, the Jasper County News reported at the time. The next morning, the safe was found open, most of the records reduced to ashes.

Suddenly, it was unclear who owned a big piece of eastern Jasper County.

Even before the courthouse fire, landownership in Jasper County was contentious. According to historical accounts, the Ku Klux Klan, resentful that blacks were buying and profiting from land, had been attacking black-owned farms, burning houses, lynching black farmers and chasing black landowners away.

The Masonite Corp., a wood products company, was one of the largest landowners in the area. Because most of the land records had been destroyed, the company went to court in December 1937 to clear its title. Masonite believed it owned 9,581 acres and said in court papers that it had been unable to locate anyone with a rival claim to the land.

A month later, the court rules the company had clear title to the land, which has since yielded millions of dollars in natural gas, timber and oil, according to state records.

From the few property records that remain, the AP was able to document that at least 204.5 of those acres had been acquired by Masonite after black owners were driven off by the Klan. At least 850,000 barrels of oil have been pumped from this property, according to state oil and gas board records and figures from the Petroleum Technology Transfer Council, an industry group.

Today, the land is owned by International Paper Corp., which acquired Masonite in 1988. Jenny Boardman, a company spokeswoman, said International Paper has been unaware of the "tragic" history of the land and was concerned about AP's findings.

"This is probably part of a much larger, public debate about whether there should be restitution for people who have been harmed in the past," she said. "And by virtue of the fact that we now own these lands, we should be part of that discussion."

Even when Southern courthouses remained standing, mistrust and fear of white authority long kept blacks away from record rooms, where documents often were segregated into "white" and "colored." Many elderly blacks say they still remember how they were snubbed by court clerks, spat upon and even struck.

Today, however, fear and shame have given way to pride. Interest in genealogy among black families is surging, and some black Americans are unearthing the documents behind those whispered stories.

"People are out there wondering: What ever happened to Grandma's land?" said Loretta Carter Hanes, 75, a retired genealogist. "They knew that their grandparents shed a lot of blood and tears to get it."

Bryan Logan, a 55-year-old sports writer from Washington, D.C., was researching his heritage when he uncovered a connection to 264 acres of riverfront property in Richmond, Va.

Today, the land is Willow Oaks, an almost exclusively white country club with an assessed value of \$2.94 million. But in the 1850s, it was a corn-and-wheat plantation worked by the Howlett slaves—Logan's ancestors.

Their owner, Thomas Howlett, directed in his will that his 15 slaves be freed, that his plantation be sold and that the slaves receive the proceeds. When he died in 1856, his

white relatives challenged the will, but two courts upheld it.

Yet the freed slaves never got a penny.

Benjamin Hatcher, the executor of the estate, simply took over the plantation, court records show. He cleared the timber and mined the stone, providing granite for the Navy and War Department buildings in Washington and the capitol in Richmond, according to records in the National Archives.

When the Civil War ended in 1865, the former slaves complained to the occupying Union Army, which ordered Virginia courts to investigate.

Hatcher testified that he had sold the plantation in 1862—apparently to his son, Thomas—but had not given the proceeds to the former slaves. Instead, court papers show, the proceeds were invested on their behalf in Confederate War Bonds. There is nothing in the public record to suggest the former slaves wanted their money used to support the Southern war effort.

Moreover, the bonds were purchased in the former slaves' names in 1864—a dubious investment at best in the fourth year of the war. Within months, Union armies were marching on Atlanta and Richmond, and the bonds were worthless pieces of paper.

The blacks insisted they were never given even that, but in 1871, Virginia's highest court rules that Hatcher was innocent of wrongdoing and that the former slaves were owed nothing.

The following year, the plantation was broken up and sold at a public auction. Hatcher's son received the proceeds, county records show. In the 1930s, a Richmond businessman cobbled the estate back together; he sold it to Willow Oaks Corp. in 1955 for an unspecified amount.

"I don't hold anything against Willow Oaks," Logan said. "But how Virginia's courts acted, how they allowed the land to be stolen—it goes against everything America stands for."

#### PECULIAR LAND SWAPS LEAVE BLACKS WITH LITTLE OF THEIR ANCESTORS' GEORGIA ISLAND (By Dolores Barclay)

SAPVELO ISLAND, GA. (AP).—It was a peculiar offer: Blacks could swap ancestral land in the most valuable area of this barrier island for smaller parcels owned by a white tycoon in a low, partly swampy enclave known as Hog Hammock.

Yet not a single black family turned it down.

This was Georgia in the 1950s, and the tycoon was Richard J. Reynolds Jr., son of the man who built one of America's biggest tobacco companies. And Sapelo residents say Reynolds ruled the island.

"He wanted the land for his own benefit," said Cornelia Bailey, 56, a longtime resident. "He wanted to . . . control the entire north end without pockets of blacks here and there."

Reynolds arrived on Sapelo in 1932 and moved into a mansion in a community called Raccoon Bluff. His neighbors were Geechee families who retained their African-English dialect. Some had lived on the island for centuries, harvesting oysters and scooping up shrimp in their handmade nets.

Reynold owned the ferries and a lumber mill and was the biggest employer on the island. And he had a powerful friend, Tom Poppell, the country sheriff.

The land swaps began in the 1950s. Deed records show that in 1956, Rosa Walker exchanged a 16-acre tract in Raccoon Bluff for 5.5 acres in Hog Hammock. Prince and Elizabeth Carter soon traded their 9 acres in Raccoon Bluff for 2 acres in Hog Hammock. And Bailey's father, Hicks Walker, now 98, accepted 2 acres in Hog Hammock for 4 acres

on the island's northwestern nose, in an area called Belle Marsh.

In some swaps, deed records show, blacks also received "other consideration." In Hicks Walker's case, his daughter said, it was timber for a new house. But when the wood was delivered, she said, Reynolds charged him for it.

Nearly all of the black landowners in Raccoon Bluff—at least a dozen families—made similar land swaps with Reynolds.

Why would they agree to such deals?

Cornelia Bailey's father was pressured to make the swap, she said, recalling what her parents had told her. "They started laying in subtle threats: 'Now, Hicks, it would be hard on you if you have to leave the island and your family's here to take care of.' That was a subtle threat that . . . he would lose his job."

On Sapelo, in those days, "either you worked for Reynolds or you didn't work at all," she said.

After Reynolds' death, his wife, Annemarie S. Reynolds, sold most of their Sapelo holdings to the state of Georgia for \$835,000 in 1969. Today, the state runs a marine research institute on the island.

Reached at her home in Switzerland, Reynolds was asked if she thought the land swaps had been fair.

"I guess so," she said. "Mr. Reynolds tried to do a good thing for their benefit."

The Reynolds family kept some of the land, including 698 acres in Raccoon Bluff now managed by The Sapelo Foundation, a philanthropic organization set up by Richard J. Reynolds Jr.

Ernest Walker claims some of that land is his.

According to county tax receipts, Walker still pays property taxes on 33¼ acres of the land, which his ancestors purchased in 1874.

An AP search of land records found no evidence that the Walker family had ever transferred it to Reynolds, the Sapelo Foundation of anyone else.

#### ALABAMA PUSHED A BLACK FAMILY OFF ITS LAND—AND LEFT IT EMPTY FOR YEARS (By Todd Lewan)

SWEET WATER, ALA. (AP).—The legacy Lemon Williams always hoped to leave to his grandchildren was the land of his birth.

His 40-acre cotton-and-bean farm was among the smallest in Marengo County, but the land his grandfather had settled after the Civil War meant everything to Williams.

"This land," Williams always told his son, Willie, "is part of our family. Treat it like your brother."

Then in June 1964, a letter arrived. The State Lands Division had checked the title of the property with the Bureau of Land Management. The federal agency had replied that, as far as it could determine, the 40 acres belonged to the state.

How could this be if, as the family's original deed said, Williams' grandfather had bought the land for \$480 on Jan. 3, 1874?

In 1906, the letter said, the federal government had designated the 40 acres as swamp-land and patented the property to the state of Alabama. The 40-acre farm of Lawrence Hudson, Williams' cousin, also belonged to the state for the same reason, according to the letter. The attorney general, the latter said, was now suing both families for their land.

The families gathered their children and their deeds and took them to J.C. Camp, a lawyer in Linden, the county seat. The lawyer and both couples have since died, but Lemon Williams' son and daughter, Willie and Inez, say they recall every detail of the meeting.

"Camp took our money, took our deeds, put them in his drawer and promised he'd fix

everything," said Willie Williams, 50. "We never saw those deeds again."

In 1965, a fire ravaged the Marengo County courthouse. Many records survived; the file containing the Williams and Hudson court case apparently did not. The Associated Press found only the trial docket.

The State Lands Division in Montgomery, however, monitored the case. Letters and internal memos from those files are peppered with references to the Williams and Hudson families' race. They show officials adamantly opposed to allowing "the negro defendants" to keep the land, even thought they acknowledged in writing that both families could trace their ownership back to 1874.

In an April 30, 1964, memo, George T. Driver, a former state lands director, wrote: "The lands are being claimed by Lemon Williams . . . (a colored man)." A Nov. 30, 1964, memo by William G. O'Rear, chief attorney for the state conservation department, refers to "the negro defendants." And in 1966, Marengo's tax assessor noted: "Land Bk shows above 40 acres still owned by L.B. Hudson (black)."

A year later, Circuit Judge Emmett F. Hildreth asked the state to reconsider the lawsuit. Taking the land, he wrote, "would create a severe injustice."

Claude D. Kelley, then Alabama's director of conservation, replied that the state had no intention of dropping the lawsuit because income from cutting timber on its could be used for state-run hospitals.

In 1967, Hildreth ruled that Williams, Hudson and their wives could remain on the land but could not farm or log it. when they died, his decree said, the state would take possession.

Hudson died in 1975 and his wife died shortly afterward, but family members say the state waited until last year to ask their children to leave the farm. They moved to nearby Butler.

The Williamses moved to an acre lot several miles from their old farm after Hildreth's ruling. For three decades, they pleaded for the land in letters to state officials and received form letters in response.

The vine-wrapped house that was once the center of their farm is slowly collapsing. Conservation officials have opened some of the area to timber cutters, state records show.

James Griggs, director of state lands, said the dispute was handled properly. "There have only been two owners of the land, the federal government and the state," he said.

the Associated Press, however, found deeds on file in the county courthouse documenting the Hudson and Williams families' ownership of the property all the way back to 1874. There are also surviving records showing both families paying taxes on the land from the last 1950s until the land was taken.

After being told of the AP's findings, Alabama Gov. Don Slegelman read the files and said he found them "disturbing." He has asked the attorney general to review the case.

#### CAR DEALER ACQUIRED BLACK FARMERS' LAND BY FORECLOSING ON LOANS (By Dolore Barclay)

LEXINGTON, MISS. (AP).—Down in the Delta, folks still talk about Norman Weathersby, a White Chevrolet dealer who acquired hundreds of acres of black-owned land in the 1950s and '60s in exchange for used pickup trucks and farm equipment.

"Old Norman was something else," said Rhodolphis Hayes with a shake of his head.

The 71-year-old farmer and other Holmes County residents recall the days when black

farmers had to finance trucks and equipment from Weathersby because, they said, the local banks refused to do business with blacks.

Weathersby, they said, required that they put up their entire farms as collateral for the loans, and when a cash-poor farmer missed a payment, Weathersby acquired land this way.

County land records show that Henry and Mary Friend put up 63 acres in 1958 for a \$1,598 loan. The land went to Weathersby a few months later. Ed and Pattie Blissett lost their 50-acre farm in 1958 after they missed a payment on a 1956 loan from Weathersby for \$1,785. The final note of \$385 had been due in 1960.

It was easy for Holmes County blacks to default on their loans.

For one thing, several area residents said, the equipment and trucks blacks needed to run their farms often broke down shortly after they bought them from Weathersby.

"He'd fix it up so it could run between Lexington and Tchula (a 20-minute drive). Then it would die on you," said Griffin McLaurin Jr., 60, recalling how his father lost the family's 100-acre farm in 1966 because of a \$40,000 loan.

"When the man called in for the money, he didn't have it," McLaurin said, and Weathersby foreclosed. The son later bought back 7½ acres of the land from Weathersby—for \$4,253.15, records show.

Weathersby's close friend, William E. Strider, ran the local Farmers Home Administration—the credit lifeline for many Southern farmers. Hayes, McLaurin and others in Holmes County said Strider, now dead, was often slow in releasing farm operating loans to blacks.

"You have to do your land breaking, your fertilizing and your seeds, but if you don't get the money on time, you can't farm," Hayes said.

In the late 1950s, Erma Russell, now 81, had businesses at the FmHA office in Lexington. She was about to knock on Strider's door, she said, when she heard Weathersby and Strider talking.

"They said how they were going to get the colored folk off their land through foreclosures," she recalled. "They were suggesting ways to have us 'volunteer' to surrender our land. All I could do as pray they wouldn't take it.

The Russells paid up their loans and kept their 65-acre farm "It wasn't easy to get this." She glanced out her windows to a spread of ebony soil. "We had to struggle . . . We had to fight to get this, and we won."

When he died in 1973, Weathersby left his family about 700 acres blacks had once owned, according to his estate papers, deeds and court papers.

Weathersby's son 62, who now runs the dealership in Indiana, said he had little direct knowledge about his father's business deals and car loans. However, he said he was sure his father never would have sold defective vehicles and that he always treated people fairly.

"He helped people no matter what race," he said.

#### LIVING IN THE NORTH GAVE BLACKS NO GUARANTEE AGAINST LAND GRABS

(By Allen G. Breed)

PHIPPSBURG, ME (AP)—In 1912, 45 mixed-race people living on Malaga Island in the mouth of the New Meadows River were thrown off their land by the state of Maine.

"It was ill considered and it was brutally done," says William David Barry, a librarian at the Maine Historical Society who has written about the case.

Nearly a quarter of the islanders were sent to the Maine School for the Feeble-Minded while state workers torched their shacks and even dug up the ones of their ancestors, according to historians and contemporary newspaper accounts.

Most black American families that lost land through fraud and intimidation lived in the South. The story of Malaga, however, shows that living in the North provided no guarantee.

Historians believe the 41-acre island, just 100 yards from shore, was settled by free blacks during the Civil War. For years, they lived unmolested on the island, but as the 20th century dawned, that changed.

The year 1912 was a difficult one in Maine. The state's shipbuilding industry was waning, and the summer cottage industry was just beginning to develop. About this time, some educated Mainers were embracing eugenics—a pseudo-science holding that the poor and handicapped should be removed from the gene pool.

Locals wanted to get rid of the poor, unsightly colony, but state authorities needed the appearance of legality. They declared that the island was the property of the Perry family, which had been among Phippsburg's earliest settlers.

Although the Perrys had purchased the island in 1818, an Associated Press search of town records found no evidence that the family had paid taxes on it. The residents of Malaga had lived there for half a century—far longer than the 20 years necessary to establish ownership under Maine law.

Nevertheless, the state bought the island from the Perry heirs in December 1911 and ordered the islanders to leave by July 1, 1912. Residents were paid varying sums for their houses—between \$50 and \$300—but given nothing for the land, according to minutes of the Governor's Executive Council.

Locals say no one has lived there since.

In 1989, property records show, the island was purchased by T. Ricardo Quesada of Freeport, Maine, co-owner of a commercial development company.

Assessed at \$87,400, the island is barren but for some trees and drying lobster pots.

"The island is used by the family for various purposes," Quesada said. "And we think the less publicity about it the better."

The African-American Geneological Society of New England is considering asking the governor for a formal apology for Malaga. Gov. Angus S. King Jr. is on record as saying that if the apology is requested, he will make it.

#### LANDOWNERSHIP MADE BLACKS TARGETS OF VIOLENCE AND MURDER

(By Dolores Barclay, Todd Lewan and Allen G. Breed)

As a little girl, Doria Dee Johnson often asked about the man in the portrait hanging in an aunt's living room—her great-great-grandfather. "It's too painful," her elderly relatives would say, and they would look away.

A few years ago, Johnson, now 40, went to look for answers in the rural town of Abbeville, S.C.

She learned that in his day, the man in the portrait, Anthony P. Crawford, was one of the most prosperous farmers in Abbeville County. That is, until Oct. 21, 1916—the day the 51-year-old farmer hauled a wagon-load of cotton to town.

Crawford "seems to have been the type of negro who is most offensive to certain elements of the white people," Mrs. J.B. Holman would say a few days later in a letter published by The Abbeville Press and Banner. "He was getting rich, for a negro, and he was insolent along with it."

Crawford's prosperity had made him a target.

The success of blacks such as Crawford threatened the reign of white supremacy, said Stewart E. Tolnay, a sociologist at the University of Washington and co-author of a book on lynchings. "There were obvious limitations, or ceilings, that blacks weren't supposed to go beyond."

In the decades between the Civil War and the civil rights era, one of those limitations was owning land, historians say.

Racial violence in America is a familiar story, but the importance of land as a motive for lynchings and white mob attacks on blacks has been widely overlooked. And the resulting land losses suffered by black families such as the Crawfords have gone largely unreported.

The Associated Press documented 57 violent land takings—more than half of the 107 land takings found in an 18-month investigation of black land loss in America. The other cases involved trickery and legal manipulations.

Sometimes, black landowners were attacked by whites who just wanted to drive them from their property. In other cases, the attackers wanted the land for themselves.

For many decades successful blacks "lived with a gnawing fear . . . that white neighbors could at any time do something violent and take everything from them," said Loren Schweninger, a University of North Carolina expert on black landownership.

While waiting his turn at the gin that fall day in 1916, Crawford entered the mercantile store of W.D. Barksdale. Contemporary newspaper accounts and the papers of then Gov. Richard Manning detail what follows:

Barksdale offered Crawford 85 cents a pound for his cottonseed, Crawford replied that he had a better offer. Barksdale called him a liar; Crawford called the storekeeper a cheat. Three clerks grabbed ax handlers, and Crawford backed into the street, where the sheriff appeared and arrested Crawford—for cursing a white man.

Released on bail, Crawford was concerned by about 50 whites who beat and knifed him. The sheriff carried him back to jail. A few hours later, a deputy gave the mob the keys to Crawford's cell.

Shutdown found them at a baseball field at the edge of town. There, they hanged Crawford from a solitary Southern pine.

No one was ever tried for the killing. In its aftermath hundreds of blacks, including some of the Crawfords, fled Abbeville.

Two whites were appointed executors of Crawford's estate, which included 427 acres of prime cotton land. One was Andrew J. Ferguson, cousin of two of the mob's ring-leaders, the Press and Banner reported.

Crawford's children inherited the farm, but Ferguson liquidated much of the rest of Crawford's property including his cotton, which went to Barksdale. Ferguson kept \$5,438—more than half the proceeds—and gave Crawford's children just \$200 each, estate papers show.

Crawford's family struggled to hold the farm together but eventually lost it when they couldn't pay off a \$2,000 balance on a bank loan. Although the farm was assessed at \$20,000 at the time, a white man paid \$504 for it at the foreclosure auction, according to land records.

"There's land taken away and there's murder," said Johnson, of Alexandria, VA. "But the biggest crime was that our family was split up by this. My family got scattered into the night."

The former Crawford land provided timber to several owners before International Paper Corp. acquired it last year. Jenny Boardman, a company spokeswoman, said International Paper was unaware of the land's history.

When told about it, she said: "The Crawford story is tragic. It causes you to think that there are facets of our history that need to be discussed and addressed."

Other current owners of property involved in violent land takings also said they knew little about the history of their land, and most were disturbed when informed about it.

The Tuskegee Institute and the National Association for the Advancement of Colored People have documented more than 3,000 lynchings between 1865 and 1965, and believe there were more. Many of those lynched were property owners, said Ray Winbush, director of Fisk University's Race Relations Institute.

"If you are looking for stolen black land," he said, "just follow the lynching trail."

Some white officials condoned the violence; a few added threats of their own.

"If it is necessary, every Negro in the state will be lynched," James K. Vardaman, declared while governor of Mississippi (1904-1908). "It will be done to maintain white supremacy."

In some places, the AP found, single families were targeted. Elsewhere, entire black communities were destroyed.

Today, Birmingham, Ky., lies under a floodway created in the 1940s. But at the start of the 20th century, it was a tobacco center with a predominantly black population, and a battleground in a five-year siege by white marauders called Night Riders.

On the night of March 8, 1908, about 100 armed whites tore through town on horseback, shooting seven blacks, three of them fatally. The AP documented the cases of 14 black landowners who were driven from Birmingham. Together, they lost more than 60 acres of farmland and 21 city lots to whites—many at sheriff's sales, all for low prices.

John Scruggs and his young granddaughter were killed in Birmingham that night. The Courier-Journal of Louisville reported at the time. Property records show that the city lot Scruggs had bought for \$25 in 1902 was sold for nonpayment of taxes six years after the attack. A local white man bought it for \$7.25 (or about \$144 in today's dollars).

Land that had belonged to other blacks went for even less. John Puckett's 2 acres sold for \$4.70; Ben Kelley's city lot went for just \$2.60.

In Pierce City, Mo., 1,000 armed whites burned down five black-owned houses and killed four blacks on Aug. 18, 1901. Within four days, all of the town's 129 blacks had fled, never to return, according to a contemporary report in *The Lawrence Chieftain* newspaper. The AP documented the cases of nine Pierce City blacks who lost a total of 30 acres of farmland and 10 city lots. Whites bought it all at bargain prices.

Eviline Brinson, whose house was burned down by the mob, sold her lot for \$25 to a white woman after the attack. Brinson had paid \$96 for the empty lot in 1889, county records show.

The attacks on Birmingham and Pierce City were part of a pattern in Southern and border states in the first half of the 20th century: lynchings and mob attacks on blacks, followed by an exodus of black citizens, some of them forced to abandon their property or sell it at cut-rate prices.

"Black landowners were put under a tremendous amount of pressure, from authorities and otherwise, to give up their land and leave," said Earl N.M. Gooding, director of the Center for Urban and Rural Research at Alabama A&M University. "They became refugees in their own country."

For example, the AMP found that 18 black families lost a total of 330 acres plus 48 city lots when they fled Ocoee, Fla., after a 1920 Election Day attack on the black commu-

nity. Some were able to sell their land at a fair price, but others such as Valentine High Tower were not. He parted with 52 acres for \$10 in 1926, property records show.

Today the land lost by the 18 Ocoee families, not including buildings now on it, is assessed at more than \$4.2 million. (Officials assess property for tax purposes, and the valuation is usually less than its market value.)

Sometimes, individual black farmers were singled out and attacked by bands of white farmers known as the Whitecaps. Operating in several Southern and border states around the turn of the 20th century, they were intent on driving blacks from their land and discouraging other blacks from acquiring it, said historian George C. Wright, provost at the University of Texas at Arlington.

"The law wouldn't help," he said. "There was just no one to turn to."

Whitecaps often nailed notes with crudely drawn coffins to the doors of black landowners, warning them to leave or die.

The warning to Eli Hilson of Lincoln County, Miss., came on Nov. 18, 1903, when Whitecaps shot up his house just hours after his new baby was born. The Brookhaven Leader newspaper reported at the time. Hilson ignored the warning.

A month later, the 39-year-old farmer was shot in the head as he drove his buggy toward his farm, the newspaper said. The horse trotted home, delivering Hilson's body to his wife, Hannah.

She struggled to raise their 11 children and work the 74-acre farm, but she could not manage without her husband. Hannah Hilson lost the property through a mortgage foreclosure in 1905. According to land records, the farm went for \$439 to S.P. Oliver, a member of the county board of supervisors. Today, the property is assessed at \$61,642.

It wasn't just Whitecaps and Night Riders who chased blacks from their land. Sometimes, officials did it.

In Yazoo County, Miss., Norman Stephens and his twin brother, Homer, ran a trucking business, hauling cotton pickers to plantations. One day in 1950, a white farmer demanded that Stephens immediately deliver workers to his field, Stephens' widow, Rosie Fields, said in a recent interview.

Stephens explained he had other commitments and promised to drop off the men later, his wife said. The farmer fetched the sheriff.

That evening, the brothers found themselves locked in a second-floor room at the county jail. They squeezed through a window, leaped to the ground and ran. Fields, now 83, said her husband later told her why: They had overheard the sheriff, who has since died, talking about where to hide their bodies.

Once home, Fields said, Stephens and his brother packed their bags and flagged down a bus to Ohio. A year later, she and her five children joined them.

For a decade, the family made mortgage and property tax payments on the house they left behind, records show. But it was hard to keep up, and they never dared to return, Fields said. Finally, in the 1960s, they stopped paying and lost the house they had purchased for \$700 in 1942.

One aim of racial violence was to deny blacks the tools to build wealth, said John Hope Franklin, chairman of President Clinton's Advisory Board on Race.

Paula J. Giddings, a Duke University historian, said that "by the 1880s and 1890s, a significant number of blacks began to do very well in terms of entrepreneurship and landownership, and it simply couldn't be tolerated.

In 1885, Thomas Moss, Henry Stewart and Calvin McDowell opened the Peoples' Gro-

cery Store in a largely black Memphis neighborhood known as The Curve. Across the street was another grocery, owned by a white man, W.H. Barret.

On Saturday, March 5, 1892, two boys—one black, the other white—squabbled over a game of marbles near the store, which led to a dispute between their fathers. Barret went to the police, claiming black shopkeepers were instigating trouble.

Contemporary newspaper accounts describe what ensued:

Some townspeople warned the shopkeepers that a white mob was planning to attack their store. So when nine deputy sheriffs in civilian clothing tried to enter after dark Sunday to deliver arrest warrants, they were taken for intruders and fired on. Three deputies were wounded. Moss, Stewart and McDowell were jailed.

Early Wednesday morning, a mob of about 75 whites yanked the three men from their cells while other whites looted the grocery.

In the aftermath, more than 2,000 blacks streamed out of Memphis, according to contemporary newspaper accounts. Creditors liquidated whatever stock the looters left behind, and the store landed in the hands of John C. Reilly, a deputy sheriff.

Over the years, the property has been resold many times, and today is the site of a small business, the Panama Grocery.

As for the three store owners, their bullet-torn bodies turned up in a ravine near the Wolf River. The Memphis Appeal-Avalanche reported at the time.

When Moss' body was found, his hands were clenched, the newspaper noted. They were filled with grass and the brown clay of Tennessee.

#### TAKING AWAY THE VOTE—AND A BLACK MAN'S LAND

(By Todd Lewan)

COLUMBUS, MISS. (AP).—Robert Glead was 17 when he escaped from a Virginia slaveowner and trailed his sweetheart to eastern Mississippi. Here, in the years after the Civil War, he prospered, owning 295 acres of farmland, three city lots, a stately home and a general store, according to county records.

It was a time when America's blacks were testing their new freedom under the protection of the occupying Union army. Many were acquiring land, voting, building schools, joining the ranks of the Republican Party—the party of Lincoln.

But one violent night in the waning days of Reconstruction, Nov. 1, 1875, Glead lost it all.

He had been running for sheriff of Lowndes County. On the eve of the election, a mob of whites attacked a parade of his supporters. Four blacks were killed, one of the sidewalk in front of Glead's store.

Glead was a man of stature in Columbus—president of the Mercantile Land and Banking Co., head of the county Chamber of Commerce, a two-time Mississippi state senator who had helped pass a law against racial discrimination on public transportation.

But the only thing that saved him that night, according to historical accounts, was a white friend who hid him in a well.

At the time, Lowndes County had 3,800 registered black voters, nearly all of them Republicans, as was Glead. There were only 1,250 whites registered, nearly all as Democrats, the Columbus Press reported at the time.

As the mob of torch-carrying whites surged through town on election eve, fires broke out. Whites invaded Glead's house, shot up his furniture, shredded his wife's clothing.

The next day, Glead's opponent, a white Democrat, was elected sheriff. Glead fled to Paris, Texas, leaving behind his house, his general store and its stock, his city lots and farmland.

Soon after, two white townspeople claimed Glead owed them money and foreclosed on his property, records show.

Toby W. Johnston liquidated the store and stock, pocketing \$941. Bernard G. Hendrick, a city councilman, took 215 acres of Glead's farm for what he said was a \$125 debt. Hendrick snapped up Glead's home and an adjacent lot for \$11 at an auction and later took the rest of Glead's city holdings for \$500.

In the 1940s, the old Glead farm was sold to the federal government; today, U.S. Highway 50 runs through it. One of Glead's city lots now holds four houses, a gas station and Associated Realty.

"I guess I don't care who owned it previously," Bob Oaks, president of the realty company, said when told about Glead. "That's bad, but it sounds like he abandoned his property."

Glead was 80 when he died on July 24, 1916. His obituary in the Columbus Commercial newspaper said he was "believed to have been the last remaining negro who has served Lowndes County in an office which is now filled by honorable and distinguished white citizens."

#### A MAN IS JAILED FOR DEFENDING HIS LAND (By Dolores Barclay)

FRANKLIN, KY. (AP).—George and Mary Dinning were in bed, asleep, when riders came to drive them from their land. By morning, a man lay dead, and George Dinning was on his way to jail.

What happened that raw night in January 1897 is told in depositions and trial testimony from Dinning, his wife, Mary, and members of the mob that attacked their tobacco farm. The accounts are similar; sometimes, even the same words appear. Contemporary news accounts from The Courier-Journal newspaper of Louisville and the papers of Gov. William O. Bradley add to the story:

About 11 p.m., 25 white men on horseback surrounded Dinning's farm, a 124-acre spread that spilled over the hills of southern Kentucky into Tennessee. Then came pounding at the front and back doors.

"I will give you just 10 days to get away from here, and don't you stop within 40 miles," a man said.

"What have I done?" Dinning asked.

You stole turkeys and chickens, the man answered. Dinning began to explain that he could account for everything he owned.

Boom! The back door exploded.

Bleeding from a wound in his arm, Dinning ran through gunfire up the stairs, past his wife and six children. He grabbed his shotgun, opened a front bedroom window and fired. A man named Jodie Conn fell dead. The mob retreated with his body, but not before a bullet creased Dinning's head.

Dinning turned himself in to the sheriff of Simpson County, who moved him to Bowling Green, a three-day journey, and then farther still to Louisville, to escape white mobs.

Riders came for Mary Dinning the next day.

Leave or hang, they told her. She begged for more time; her 12-year-old daughter was feverish. She and the children could stay inside the burning house, the mob retorted.

"Near sundown," she later testified, "I started with my six children, the youngest being 4 months old, the oldest 13 years. I was so badly frightened when I left, that I did not take time to put wrappings on myself or children.

"The next night after leaving," she continued, "my house and everything on Earth we had . . . was destroyed by fire."

An all-white jury convicted Dinning of manslaughter, and he was sentenced to seven

years in prison. The men who attacked his home were never arrested.

Petitions to pardon Dinning poured in from prominent whites including Louisville Mayor George Todd. After much pressure, Bradley granted a pardon, on July 17, 1897.

#### AP DOCUMENTS LAND TAKEN FROM BLACKS THROUGH TRICKERY, VIOLENCE AND MURDER (By Todd Lewan and Dolores Barclay)

For generations, black families passed down the tales in uneasy whispers: "They stole our land."

These were family secrets shared after the children fell asleep, after neighbors turned down the lamps—old stories locked in fear and shame.

Some of those whispered bits of oral history, it turns out, are true.

In an 18-month investigation, The Associated Press documented a pattern in which black Americans were cheated out of their land or driven from it through intimidation, violence and even murder.

In some cases, government officials approved the land takings; in others, they took part in them. The earliest occurred before the Civil War; others are being litigated today.

Some of the land taken from black families has become a country club in Virginia, oil fields in Mississippi, a major-league baseball spring training facility in Florida.

The United States has a long history of bitter, often violent land disputes, from claim jumping in the gold fields to range wars in the old West to broken treaties with American Indians. Poor white landowners, too, were sometimes treated unfairly, pressured to sell out a rock-bottom prices by railroads and lumber and mining companies.

The fate of black landowners has been an overlooked part of this story.

The AP—in an investigation that included interviews with more than 1,000 people and the examination of tens of thousands of public records in county courthouses and state and federal archives—documented 107 land takings in 13 Southern and border states.

In those cases alone, 406 black landowners lost more than 24,000 acres of farm and timber land plus 85 smaller properties, including stores and city lots. Today, virtually all of this property, valued at tens of millions of dollars, is owned by whites or by corporations.

Properties taken from blacks were often small—a 40-acre farm, a general store, a modest house. But the losses were devastating to families struggling to overcome the legacy of slavery. In the agrarian South, landownership was the ladder to respect and prosperity—the means to building economic security and passing wealth on to the next generation. When black families lost their land, they lost all of this.

"When they steal your land, they steal your future," said Stephanie Hagans, 40, of Atlanta, who has been researching how her great-grandmother, Ablow Weddington Stewart, lost 35 acres in Matthews, N.C. A white lawyer foreclosed on Stewart in 1942 after he refused to allow her to finish paying off a \$540 debt, witnesses told the AP.

"How different would our lives be," Hagans asked, "if we'd had the opportunities, the pride that land brings?"

No one knows how many black families have been unfairly stripped of their land, but there are indications of extensive loss.

Besides the 107 cases the AP documented, reporters found evidence of scores of other land takings that could not be fully verified because of gaps or inconsistencies in the public record. Thousands of additional reports of land takings from black families remain uninvestigated.

Two thousand have been collected in recent years by the Penn Center on St. Helena Island, S.C., an educational institution established for freed slaves during the Civil War. The Land Loss Prevention Project, a group of lawyers in Durham, N.C., who represent blacks in land disputes, said it receives new reports daily. And Heather Gray of the Federation of Southern Cooperatives in Atlanta said her organization has "file cabinets full of complaints."

AP's findings "are just the tip of one of the biggest crimes of this country's history," said Ray Winbush, director of Fisk University's Institute of Race Relations.

Some examples of land takings documented by the AP:

After midnight on Oct. 4, 1908, 50 hooded white men surrounded the home of a black farmer in Hickman, Ky., and ordered him to come out for a whipping. When David Walker refused and shot at them instead, the mob poured coal oil on his house and set it afire, according to contemporary newspaper accounts. Pleading for mercy, Walker ran out the front door, followed by four screaming children and his wife, carrying a baby in her arms. The mob shot them all, wounding three children and killing the others. Walker's oldest son never escaped the burning house. No one was ever charged with the killings, and the surviving children were deprived of the farm their father died defending. Land records show that Walker's 2½-acre farm was simply folded into the property of a white neighbor. The neighbor soon sold it to another man, whose daughters owns the undeveloped land today.

In the 1950s and 1960s, a Chevrolet dealer in Holmes County, Miss., acquired hundreds of acres from black farmers by foreclosing on small loans for farm equipment and pickup trucks. Norman Weathersby, then the only dealer in the area, required the farmers to put up their land as security for the loans, county residents who dealt with him said. And the equipment he sold them, they said, often broke down shortly thereafter. Weathersby's friend, William E. Strider, ran the local Farmers Home Administration—the credit lifeline for many Southern farmers. Area residents, including Erma Russell, 81, said Strider, now dead, was often slow in releasing farm operating loans to blacks. When cash-poor farmers missed payments owned to Weathersby, he took their land. The AP documented eight cases in which Weathersby acquired black-owned farms this way. When he died in 1973, he left more than 700 acres of this land to his family, according to estate papers, deeds and court records.

In 1964, the state of Alabama sued Lemon Williams and Lawrence Hudson, claiming the cousins had no right to two 40-acre farms their family had worked in Sweet Water, Ala., for nearly a century. The land, officials contended, belonged to the state, Circuit Judge Emmett F. Hildreth urged the state to drop its suit, declaring it would result in "a severe injustice." But when he state refused, saying it wanted income from timber on the land, the judge ruled against the family. Today, the land lies empty; the state recently opened some of it to logging. The state's internal memos and letters on the case are peppered with references to the family's race.

In the same courthouse where the case was heard, the AP located needs and tax records documenting that the family had owned the land since an ancestor bought the property Jan. 3, 1874. Surviving records also show the family paid property taxes on the farms from the mid-1950s until the land was taken.

AP reporters tracked the land cases by reviewing deeds, mortgages, tax records, estate papers, court proceedings, surveyor, maps, oil and gas leases, marriage, records, census

listings, birth records, death certificates and Freedmen's Bureau archives. Additional documents, including FBI files and Farmers Home Administration records, were obtained through the Freedom on Information Act.

The AP interviewed black families that lost land, as well as lawyers, title searchers, historians, appraiser, genealogists, surveyors, land activists, and local, state and federal officials.

The AP also talked to current owners of the land, nearly all of whom acquired the properties years after the land takings occurred. Most said they knew little about the history of their land. When told about it, most expressed regret.

Weathersby's son, John, 62, who now runs the dealership in Indianola, Miss., said he had little direct knowledge about his father's business affairs. However, he said he was sure his father never would have sold defective vehicles and that he always treated people fairly.

Alabama Gov. Don Siegelman examined the state's files on the Sweet Water case after an inquiry from the AP. He said he found them "disturbing" and has asked the state attorney general to review the matter.

"What I have asked the attorney general to do," he said, "is look not only at the letter of the law but what is fair and right."

The land takings are part of a larger picture—a 91-year decline in black landownership in America.

In 1910, black Americans owned more farmland than at any time before or since—at least 15 million acres. Nearly all of it was in the South, largely in Mississippi, Alabama and the Carolinas, according to the U.S. Agricultural Census. Today, blacks own only 1.1 million of the country's more than 1 billion acres of arable land. They are part owners another 1.07 million acres.

The number of white farmers has declined over the last century, too, as economic trends have concentrated land in fewer, often corporate, hands. However, black ownership had declined 2½ times faster than white ownership, the U.S. Civil Rights Commission noted in a 1982 report, the last comprehensive federal study on the trend.

The decline in black landownership had a number of causes, including the discriminatory lending practices of the Farmers Home Administration and the migration of blacks from the rural South to industrial centers in the North and West.

However, the land takings also contributed. In the decades between Reconstruction and the civil rights struggle, black families were powerless to prevent them, said Stuart E. Tolnay, a University of Washington sociologist and co-author of a book on lynchings. In an era when black Americans could not drink from the same water fountains as whites and black men were lynched for whistling at white women, few blacks dared to challenge whites. Those who did could rarely find lawyers to take their cases or judges who would give them a fair hearing.

The Rev. Isaac Simmons was an exception. When his land was taken, he found a lawyer and tried to fight back.

In 1942, his 141-acre farm in Amite County, Miss., was sold for nonpayment of taxes, property records show. The farm, for which his father had paid \$302 in 1887, was bought by a white man for \$180.

Only partial, tattered tax records for the period exist today in the county courthouse; but they are enough to show that tax payments on at least part of the property were current when the land was taken.

Simmons hired a lawyer in February 1944 and filed suit to get his land back. On March 26, a group of whites paid Simmons a visit.

The minister's daughter Laura Lee Houston, now 74, recently recalled her terror as

she stood with her month-old baby in her arms and watched the men drag Simmons away. "I screamed and hollered so loud," she said. "They came toward me and I ran down in the woods."

The whites then grabbed Simmons' son, Eldridge, from his house and drove the two men to a lonely road.

"Two of them kept beating me," Eldridge Simmons later told the National Association for the Advancement of Colored People. "They kept telling me that my father and I were 'smart niggers' for going to see a lawyer."

Simmons, who has since died, said his captors gave him 10 days to leave town and told his father to start running. Later that day, the minister's body turned up with three gunshot wounds in the back. The McComb Enterprise newspaper reported at the time.

Today, the Simmons land—thick with timber and used for hunting—is privately owned and is assessed at \$33,660. (Officials assess property for tax purposes, and the valuation is usually less than its market value.)

Over the past 20 years, a handful of black families have sued to regain their ancestral lands. State courts, however, have dismissed their cases on grounds that statutes of limitations had expired.

A group of attorneys led by Harvard University law professor Charles J. Ogletree has been making inquiries recently about land takings. The group has announced its intention to file a national class-action lawsuit in pursuit of reparations for slavery and racial discrimination. However, some legal experts say redress for many land takings may not be possible unless laws are changes.

As the acres slipped away, so did treasured pieces of family history—cabins crafted by a grandfather's hand, family graves in shaded groves.

But "the home place" meant more than just that. Many blacks have found it "very difficult to transfer wealth from one generation to the next," because they had trouble holding onto land, said Paula Giddings, a history professor at Duke University.

The Espy family in Vero Beach, Fla., lost its heritage in 1942, when the U.S. government seized its land through eminent domain to build an airfield. Government agencies frequently take land this way for public purposes under rules that require fair compensation for the owners.

In Vero Beach, however, the Navy appraised the Espys' 147 acres, which included a 30-acre fruit grove, two houses and 40 house lots, at \$8,000, according to court records. The Espys sued, and an all-white jury awarded them \$13,000. That amounted to one-sixth of the price per acre that the Navy paid white neighbors for similar land with fewer improvements, records show.

After World War II, the Navy gave the airfield to the city of Vero Beach. Ignoring the Espys plea to buy back their land, the city sold part of it, at \$1,500 an acre, to the Los Angeles Dodgers in 1965 as a spring training facility.

In 1999, the former Navy land, with part of Dodgertown and a municipal airport, was assessed at \$6.19 million. Sixty percent of that land once belonged to the Espys. The team sold its property to Indian River County for \$10 million in August, according to Craig Callan, a Dodger official.

The true extent of land takings from black families will never be known because of gaps in property and tax records in many rural Southern counties. The AP found crumbling tax records, deed books with pages torn from them, file folders with documents missing, and records that had been crudely altered.

In Jackson Parish, La., 40 years of moldy, gnawed tax and mortgage records were piled in a cellar behind a roll of Christmas lights

and a wooden reindeer. In Yazoo County, Miss., volumes of tax and deed records filled a classroom in an abandoned school, the papers coated with white dust from a falling ceiling. The AP retrieved dozens of documents that custodians said were earmarked for shredders or landfills.

The AP also found that about a third of the county courthouses in Southern and border states have burned—some more than once—since the Civil War. Some of the fires were deliberately set.

On the night of Sept. 10, 1932, for example, 15 whites torched the courthouse in Paulding, Miss., where property records for the eastern half of Jasper County, then predominantly black, were stored. Records for the predominantly white western half of the county were safe in another courthouse miles away.

The door to the Paulding courthouse's safe, which protected the records, had been locked the night before, the Jasper County News reported at the time. The next morning, the safe was found open, most of the records reduced to ashes.

Suddenly, it was unclear who owned a big piece of eastern Jasper County.

Even before the courthouse fire, landownership in Jasper County was contentious. According to historical accounts, the Ku Klux Klan, resentful that blacks were buying and profiting from land, had been attacking black-owned farms, burning houses, lynching black farmers and chasing black landowners away.

The Masonite Corp., a wood products company, was one of the largest landowners in the area. Because most of the land records had been destroyed, the company went to court in December 1937 to clear its title. Masonite believed it owned 9,581 acres and said in court papers that it had been unable to locate anyone with a rival claim to the land.

A month later, the court ruled the company had clear title to the land, which has since yielded millions of dollars in natural gas, timber and oil, according to state records.

From the few property records that remain, the AP was able to document that at least 204.5 of those acres had been acquired by Masonite after black owners were driven off by the Klan. At least 850,000 barrels of oil have been pumped from this property, according to state oil and gas board records and figures from the Petroleum Technology Transfer Council, and industry group.

Today, the land is owned by International Paper Corp., which acquired Masonite in 1988, Jenny Boardman, a company spokeswoman, said International Paper had been unaware of the "tragic" history of the land and was concerned about AP's findings.

"This is probably part of a much larger, public debate about whether there should be restitution for people who have been harmed in the past," she said. "And by virtue of the fact that we now own these lands, we should be part of that discussion."

Even when Southern courthouses remained standing, mistrust and fear of white authority long kept blacks, away from record rooms, where documents often were segregated into "white" and "colored." Many elderly blacks say they still remember how they were snubbed by court clerks, spat upon and even struck.

Today, however, fear and shame have given way to pride. Interest in genealogy among black families is surging, and some black Americans are unearthing the documents behind those whispered stories.

"People are out there wondering: What ever happened to Grandma's land?" said Loretta Carter Hanes, 75, a retired genealogist. "They knew that their grandparents shed a lot of blood and tears to get it."

Bryan Logan, a 55-year-old sports writer from Washington, D.C., was researching his heritage when he uncovered a connection to 264 acres of riverfront property in Richmond, Va.

Today, the land is Willow Oaks, an almost exclusively white country club with an assessed value of \$2.94 million. But in the 1850s, it was a corn-and-wheat plantation worked by the Howlett slaves—Logan's ancestors.

Their owner, Thomas Howlett, directed in his will that his 15 slaves be freed, that his plantation be sold and that the slaves receive the proceeds. When he died in 1856, his white relatives challenged the will, but two courts upheld it.

Yet the freed slaves never got a penny.

Benjamin Hatcher, the executor of the estate, simply took over the plantation, court records show. He cleared the timber and mined the stone, providing granite for the Navy and War Department buildings in Washington and the Capitol in Richmond, according to records in the National Archives.

When the Civil War ended in 1865, the former slaves complained to the occupying Union Army, which ordered Virginia courts to investigate.

Hatcher testified that he had sold the plantation in 1862—apparently to this son, Thomas—but had not given the proceeds to the former slaves. Instead, court papers show, the proceeds were invested on their behalf in Confederate War Bonds. There is nothing in the public record to suggest the former slaves wanted their money used to support the Southern war effort.

Moreover, the bonds were purchased in the former slaves' names in 1864—a dubious investment at best in the fourth year of the war. Within months, Union armies were marching on Atlanta and Richmond, and the bonds were worthless pieces of paper.

The blacks insisted they were never given even that, but in 1871, Virginia's highest court ruled that Hatcher was innocent of wrongdoing and that the former slaves were owed nothing.

The following year, the plantation was broken up and sold at a public auction. Hatcher's son received the proceeds, county records show. In the 1930s, a Richmond businessman cobbled the estate back together; he sold it to Willow Oaks Corp, in 1955 for an unspecified amount.

"I don't hold anything against Willow Oaks," Logan said. "But how Virginia's courts acted, how they allowed the land to be stolen—it goes against everything America stands for."

This research was compiled in a three-part series title *Torn from the Land*, which detailed how blacks in America were cheated out of their land or driven from it through intimidation, violence and even murder. Some had their land foreclosed for minor debts. Still others lost their land to tricky legal maneuvers, still being used today, called partitioning, in which savvy buyers can acquire an entire family's property if just one heir agrees to sell them one parcel, however small.

Just like many blacks with roots in the South, I grew up hearing stories of land lost by relatives and family friends. These stories were so commonplace and pervasive that I worked with Penn Community Center on St. Helena Island in South Carolina for many years before I came to the Congress studying these land takings. To date, Penn Center has collected reports of 2,000 similar cases that remain uninvestigated. And there are other institutions around the South collecting the same kind of information.

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roots in the South, I grew up hearing stories of land lost by relatives and family friends. These stories were so commonplace and pervasive that I worked with the Penn Community Center on St. Helena Island in Beaufort County, South Carolina, for many years before I came to Congress, studying these land takings.

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The question now is, Where do we go from here? What do we do with this information? As with most legislators, my natural inclination is to introduce a bill, but I do not think that is a proper response in this instance, at least not at this time.

□ 1915

Maybe later.

What I think is called for at this time is legal action. Harvard professor Charles Ogletree, who has been at the forefront of the reparations movement, has expressed an interest in pursuing a class action lawsuit on behalf of African Americans who can document how their families lost their land. Such a lawsuit should be filed, and it should be funded and supported by the United States Government.

There are other instances in which blacks can prove that they have been victimized, with the government's blessing, because of their race. The case of Liberty Life Insurance Company comes to mind.

I have never been more proud of my home State of South Carolina than I was a few weeks ago when the State Insurance Commission fined this Greenville, South Carolina-based company \$2 million and suspended its license to sell insurance for at least 1 year because they charged black citizens higher premiums than they did whites. This was a common practice from the 1930s through the 1950s and was done with State regulators' knowledge and approval. Some of those policies remain in effect today, and the higher premiums were still being collected through the end of last year. Liberty Life was not alone in this practice, and there are many other insurance companies that must make restitution for these egregious actions. The time has come for other State governments to act and maybe the Federal Government as well.

I think the chances are very slim that African Americans will ever receive reparations for the ills wrought by slavery, at least in the traditional sense.

Trying to prove definitive ancestral links between contemporary African Americans and slaves going back nearly four centuries will, in most cases, be fruitless. Unlike holocaust survivors or Japanese Americans who were interned during World War II, there are few reliable records on slaves brought to

America. Instead, I urge African Americans all across this country to begin gathering evidence about State-sanctioned discriminatory practices like land-takings and insurance overcharges. These are battles we can fight now, and the Congressional Black Caucus is committed to helping them win.

Mr. Speaker, I would like to now yield the floor to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JOHNSON of Illinois).

Without objection, the gentlewoman from North Carolina will control the remainder of the hour.

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentleman from South Carolina for his leadership and for joining with me and in calling this Special Order. A number of our colleagues will join us and participate. We are honored to have the gentleman from North Carolina (Mr. WATT), and I will yield to him now.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding time to me to make a statement regarding a matter that I regard as a problem of epidemic proportions. I want to thank the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from South Carolina (Mr. CLYBURN) for organizing this Special Order to deal with a very, very serious problem.

The gentleman from South Carolina (Mr. CLYBURN) has approached this from an historical perspective, and I admire him for doing that. There are many, many, many instances of just absolute overt, fraudulent, or scheming, or illegal takings of property that can be documented throughout the annals of history, takings of property from African American families who had struggled and worked so hard to acquire property. I subscribe to the gentleman's belief that those issues can be addressed and should be addressed and identified and addressed through legal action, and I hope that Professor Ogletree and other members of the legal profession will proceed with efforts to do that.

There perhaps is not, except for slavery itself and the deprivation of voting rights of African Americans, not a greater epidemic or problem than the loss of land, particularly in the South, from African American ownership. It is estimated that at one point in our history, African Americans owned approximately 15 million acres of land in the South. The estimates now indicate that that land ownership is down to approximately 2 million acres.

Now, there are many reasons for that, and the gentleman from South Carolina (Mr. CLYBURN) has identified the overt historical reasons for it, but in addition to that, and this is where I want to pick up and bring it on up to

date in a slightly different context so that we understand fully the issues that we are involved with, in addition to direct taking of property, swindling, fraudulent taking, intimidation of landowners and their families so that they would leave their property behind, and that property then being claimed by members of the majority race, there are other things that have contributed to this, and I want to talk about some of them.

They, on their face, do not always seem like they are racially motivated. I want to be careful to say that these are not racist plots that I am talking about; they are race-neutral in their application, but they are not race-neutral in the impact that they have. They have a disparate impact on black land ownership. I want to talk about a few of those.

First of all, there is this concept of eminent domain. That is a race-neutral principle that the government uses to acquire property for public purposes. But historically, if one goes back and looks, eminent domain has been used disproportionately to deprive black landowners of their property than it has been used to deprive white landowners of their property. The reason for that is that typically, property that has been owned by black landowners has been lower in value. When the government needs to take property for a public purpose, it wants to spend as little money as it can spend to accomplish that public purpose, so they go and try to acquire the land that has the lowest economic value. Or, the government will say, well, if we go to a certain section of town and start to acquire property, then we will meet with greater political opposition, so we should go through the parts of the community where we will get the least amount of political resistance.

So it is not accidental that when one drives down an interstate highway, many of those interstate highways go from city to city to city, but one of the things that they have in common is that they typically go through minority communities, splitting them right in half in many instances. The reason for that is because property values were lower in those communities where the acquisitions were being made, and that was the course of the least political resistance to the taking.

So eminent domain, a race-neutral concept, has a racially disparate impact, and that has been a method by which black landowners have been deprived of land.

The whole concept of heir property and partition of property, again, is a race-neutral principle that in its application has a disparate impact on minority landownership. Minority families have historically had larger families. Many of them have left the South; the kids have left the South, gone to the North, spread out all over the country, and when their parents die, they die without a will, and the land becomes heir property. We have 10 chil-

dren that become owners, none of them have real ownership because they do not have any real connection to the property, so there are disputes that develop about whether the property gets divided. Typically it does not get divided, it gets sold to people who will pay lesser value for it. Or it gets sold because the taxing authorities take it and sell it. Because 10 people have an interest in the property, no single one of them wants to assume the burden of paying the taxes on that property.

I daresay that there is not a Member of the Congressional Black Caucus who does not have some history in their own family or in their community of people who have been deprived of ownership of land in this way, through heir property, through lack of wills, through eminent domain, through partition actions that turned out to be sales actions, and the beat goes on.

So how do we get from 15 million acres of land owned by minorities in the South down to 2 million acres? We have overt, racist, intimidating acts of the kind that the gentleman from South Carolina (Mr. CLYBURN) described, and we have race-neutral, innocent-sounding acts like eminent domain and partition and tax sales that have a racially disparate impact on land ownership.

What the Congressional Black Caucus is intent on doing is trying to bring more attention to this; trying to educate the public that that is a problem of epidemic proportions, so that minority individuals understand the value of land. When I was growing up, when I got a little bit older, my parents used to say to me, land is the only commodity that the Lord is not going to make any more of. There will not be any more land made. So when you lose land, you have lost something of value. So we are trying to get that message out to the public in African American communities, and we are trying to understand and let other people understand the epidemic proportions of what we are about.

I think we have the historical part of it now and the present-day part of it, and I am sure there are many other aspects to this, but there are other people here to talk about them. So I want to yield back to the gentleman from North Carolina (Mrs. CLAYTON). I want to thank her and my colleague, the gentleman from South Carolina (Mr. CLYBURN) again, for reserving this time so that we can shine a light on this problem that has epidemic proportions in this country, in the history of this country, and even continuing today in sinister ways that people do not understand.

□ 1930

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. WATT) and thank him for his sharing of knowledge. It does not have to be overt. Again, there are areas that are neutral that have devastating impact on minority communities: the

issue of eminent domain, the issue of petitioning, the issue of sales. All of those fine ways of dispossessing or taking wealth away from people who they thought otherwise would have it. I do thank him for sharing that with us.

We are joined by someone who is a strong advocate for these issues. He has been an associate in the battlefield, the gentleman from the great State of Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON).

I join the gentleman from North Carolina (Mr. WATT) and the gentleman from South Carolina (Mr. CLYBURN) in this effort to bring to this country's attention the serious problem associated with black land loss in America.

Mr. Speaker, I rise today to talk about land loss in the black community. A recent Associated Press investigative report titled "Torn From the Land" documented how land has been unjustly taken from African Americans over the years and alerted the world to the alarming declining trend in black land ownership. America's seventh President, Andrew Jackson, said in his July 10, 1832, bank veto message to the United States Senate, "Every man is entitled to protection by laws. But when the laws undertake to add artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means for securing like favor to themselves, have a right to complain of the injustice of their government."

Unfortunately, at the time these words were uttered they were not applicable to African Americans. However, even Andrew Jackson, a white Southern aristocrat and slave owner himself, realized that in order for this Nation to be a great place, our Nation's resources must be equally distributed among all classes of Americans. And also he knew the importance of all individuals having the means to file and advocate grievances against the government when they felt they have been dealt an injustice.

Since Reconstruction, the plight of African Americans is by far no secret. It is a disgraceful past that has undoubtedly tarnished America's rich history. All of her life Ms. Delores Barclay, currently an AP reporter, heard random stories from blacks that went along the lines of, "My grandparents had some land but we do not know what happened to it." After hearing stories of this nature time and again, Ms. Barclay decided that perhaps she should just not dismiss them as they had in the past as some sort of mysterious urban legend; but instead she took and looked into these claims to see if they could be substantiated. She decided to team up with a few colleagues; and thanks to their hard work and dedication to uncovering the truth, what followed was an investigation

which covered an 18-month period including interviews with more than 1,000 people and the examination of tens of thousands of old fragile public records.

The results of this investigation, Mr. Speaker, should disturb all Americans. The investigation documented 107 land takings in 13 Southern and border States. In those cases alone, 406 black land owners lost more than 24,000 acres of farm and timber land, plus 85 smaller properties including stores and city lots valued at tens of millions of dollars.

How did these injustices happen? Most of these land-takings occurred in the decade between Reconstruction and the civil rights struggle when black families were powerless to prevent them, a time when black families could not drink from the same water fountains as whites and the fear of being lynched was always present. More than half of these cases, the Associated Press documented, 57 to be exact, were violent land-takings where black land owners were attacked by whites who just wanted to drive them off their land. In other cases, trickery, legal manipulations, and discriminatory lending practices can be attributed to land losses suffered by black families.

Imagine yourself as a black farmer in Mississippi in the 1950's or 1960's. You own some of the best agriculture land in the State. What you do not have, however, is the cash needed to plant and harvest this year's crop. What do you do? Well, you do what many Americans do when they need money for their businesses, you borrow it. But suppose the local banks and the Farmers Home Administration do not particularly care for your lending or want to lend you money. You are left with one choice. To finance your business you go to a prominent businessman in the community and ask for money. In return for the loan, however, you are required to put up the entire farm as collateral.

At harvest, the crop prices are low and you come up short on paying off your loan and the lender forecloses and takes your entire farm. The farm that you planned to pass on to your children is lost. The scenario I just described, Mr. Speaker, was not unusual in the South during the 1950's and 1960's. The Associated Press documented eight cases where land was acquired in this very manner by single prominent businessmen. This particular individual acquired nearly 700 acres of black-owned land in exchange for used pickups and farm equipment.

Mr. Speaker, for those that have lost land, that have lost so much more than simply monetary value of this land, they have lost the availability to pass down such a valuable asset to future generations. Land ownership is the ladder to respect and prosperity, the means to building an economic security and passing wealth on to the next generations. For those black families that have lost that land, they have lost all of this. And for those black Ameri-

cans that are being repressed from becoming land owners, they are being robbed of the American dream. I sincerely hope all Americans become aware of these injustices and do what they can individually and collectively to right this wrong.

Mr. Speaker, I compliment the gentlewoman from North Carolina (Mrs. CLAYTON) again on getting this time to highlight this important issue.

Mrs. CLAYTON. Mr. Speaker, the gentleman from Alabama (Mr. HILLIARD) is a member of the Committee on Agriculture and has been a strong advocate for wealth accumulation and for protection of land and agriculture needs, and we are delighted to have him join us.

Mr. HILLIARD. Mr. Speaker, let me first of all congratulate the gentlewoman from North Carolina (Mrs. CLAYTON) for this colloquy and for putting this together.

It is very important that we realize, Mr. Speaker, that historically blacks have had their lands taken by many different individuals and by corporations and, of course, by government. Our attention primarily during this colloquy is focused on the taking of the land by government. And it is not just the local government we speak of, but land is taken by many governments, cities, towns, counties, and, of course, our States. Generally, it is taken by the use of two vehicles. The first one is eminent domain.

Primarily, eminent domain is a legal term in which the State, the city or the county has the right to acquire lands for public use or for public purposes; but in the law it states public use. That means for some use like sewers, perhaps, or for some type of facility that benefits the entity itself, the building of city hall, some school or some library. That is public use. Unfortunately, many States, cities, and counties have used eminent domain in such a way as to deprive blacks and African Americans of their lands in so-called legal ways or in a legal instance.

Unfortunately, we look at the situation now as we speak, we find that in Mississippi land is being taken under the guise of eminent domain from farmers now. And the use of the property will be to build a Nissan plant. Well, that is not public use. That is private use. So African Americans' land at this time as we speak is being taken for private use under the guise of eminent domain.

The second way in which government takes property is through the process of tax reassessment. And in many instances the property taxes are run up to the extent that it is very difficult for the individuals to pay. Let me give you an example. In many coastal areas in South Carolina, in Alabama, Florida, and Mississippi blacks own land. And during the early 1970's and 1980's the coastal lands, for whatever reason, became very popular; and they started building hotels, restaurants and other types of facilities in the so-called re-

sort areas, and of course, what happened?

Whenever anything new was built, the surrounding property would be re-evaluated and taxes would be assessed based upon whatever is there, a hotel, a restaurant or whatever it is. And of course that would make the taxes very expensive. So we realize that situation in Alabama. So we came up with the theory of current use, and we said that land should be taxed not at the surrounding values of other land but the current use.

The reason why we came up with that is because we had to protect not only African Americans but even poor whites. Unless we correct the situation that is inherent in our laws, we will find that it not only affects African Americans but that it affects other Americans. Freedom is not free unless it extends to everyone everywhere. If for one minute we let our guard down, if for one minute we let anyone take advantage of anyone else, pretty soon they will take advantage of us.

Mr. Speaker, it is incumbent upon us as legislators to do our job and to make sure we redefine legal terms so that they will be expressive of the rights of people and so that people will understand fully what their rights are so that they may protect them.

Let me again thank the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for bringing that information, and I also just want to ask him to restate the actions of Alabama recently. I gather that is a recent decision, that they have now decided to make sure that the value of land is the current use rather than the traditional use?

Mr. HILLIARD. No, current use rather than the value of surrounding lands.

Mrs. CLAYTON. Surrounding land. Is that recent?

Mr. HILLIARD. That is the law currently.

Mrs. CLAYTON. When did that happen?

Mr. HILLIARD. When I was in the Alabama House of Representatives, somewhere in the late 1970's, somewhere around 1978, 1979.

Let me say this, that is very important because as we find our suburban areas expanding, in many instances shopping centers are built 3 and 4 miles outside of the city or outside of the suburban area surrounded by a wooden area, by woods, trees or by farms.

□ 1945

If you really evaluate the farmland based upon what it is near, of course it is going to carry the value of the shopping center, and of course the farmers do not make the kind of money that the shopping centers do. So they do not have the opportunity, the farmers, to pay those kind of taxes, and that is one way, through a reassessment, that land has been taken in the past by government.

Mrs. CLAYTON. I thank the gentleman from Alabama (Mr. HILLIARD)

for sharing that with us and making that clear in terms of what the State of Alabama has done.

## GENERAL LEAVE

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mrs. CLAYTON. Mr. Speaker, we are raising the issue tonight of land loss by Afro-Americans or blacks, and this issue was raised to us as a result of the AP series. The AP series was a 3-part, 10-article series plus graphics. It was published in December, and it was published all across the United States. Many of us knew that this was happening, but because this had such wide distribution, the gentleman from South Carolina (Mr. CLYBURN) brought to our attention that this was an opportunity to raise this issue in a concerted way.

This issue is not just confined to Afro-Americans or blacks who live in the South; as the series articles clearly stated, that those who lived in the North had no guarantee that their lands would not be taken, also.

So what are we talking about? What is this all about? This is about raising the consciousness that historically there has been a practice overtly, in some ways benignly, both through illegal means and through legal means, the taking of land.

My colleagues heard the gentleman from North Carolina (Mr. WATTS) and the gentleman from Alabama (Mr. HILLIARD) talk about the color of law, that it is not necessarily racial, it is not illegal in terms of petitioning. It is not illegal in terms of eminent domain, it is the application of that. So the color of law, even those things that are within our legal system has an impact of moving or dispossessing citizens, and Afro-Americans particularly, from their land.

Why is this important? Well, land is wealth. The dignity of owning a piece of land or owning a home is what defines a person and his family, of owning something that his family can share. In the rural South owning land not only allowed someone to have their plot of land, but allowed someone, if they were a farmer, to produce and make income on the land. So the land not only was a place of pride and citizenship and respectability, but also was a source of income.

We heard reference to the fact that our own records show in U.S. agriculture that we owned over 15 million acres of land and actually own something less than 2 million acres of land now. What has happened? That has not just been a shift of land through legal means. Those have also been through illegal means. It means that from 15 million acres now to 2 million or less

than 2 million acres, the same amount of, even more, have less. So the wealth has been reduced to a very minimum.

We have very small plots of lands, farmers trying to subsist. They are trying to use that land to be a productive source of income.

So it is important that we understand that the taking of the land is not only a historical event. We are very appreciative of the AP series. Mr. Speaker, I also enter into the RECORD additional articles that the AP press has published.

## BLACK FARMERS: A VANISHING WAY

By 1910, black Americans had amassed more land than at any other time in this country's history—at least 15 million acres, according to the U.S. Agricultural Census. Black owned farms, however, tended to be undercounted because the census tallied only larger farms that were producing crops. Black landownership tapered off after World War I, and plunged in the 1950s. Today, blacks are full owners of just 1.1 million of the more than 1 billion acres of arable land in the United States.

## HISTORY UP IN SMOKE

Any investigation relying on historical land records in the South is complicated by the widespread loss of documents stored in county courthouses. Storms, floods and neglect have taken their toll on these collections of deeds, tax records and estate papers. But fires—both accidental and intentional—have caused the most damage to these repositories of land history, since the mid-1800s.

## THE LYNCHING TRAIL

Racial violence in America is a well-told story. But the importance of land as a motive for lynchings has gone largely overlooked. Historians say prosperous blacks—and black landowners—often became targets of white lynch mobs, whose attacks could trigger an exodus of blacks. "If you are looking for stolen black land," says Ray Winbush, director of Fisk University's Race Relations Institute, "just follow the lynching trail." More than 3,000 blacks were lynched between 1865 and 1965, according to the Tuskegee Institute and the NAACP. This map shows lynchings confirmed by researchers who worked from a list begun by the Chicago Tribune in 1882, and later expanded upon by the NAACP and Tuskegee.

## DEVELOPERS AND LAWYERS USE A LEGAL MANEUVER TO STRIP BLACK FAMILIES OF LAND

(By Todd Lewan and Dolores Barclay)

Lawyers and real estate traders are stripping Americans of their ancestral land today, simply by following the law.

It is done through a court procedure that is intended to help resolve land disputes but is being used to pry land from people who do not want to sell.

Black families are especially vulnerable to it. The Becketts, for example, lost a 335-acre farm in Jasper County, S.C., that had been in their family since 1873. And the Sanders clan watched helplessly as a timber company recently acquired 300 acres in Pickens County, Ala., that had been in their family since 1919.

The procedure is called partitioning, and this is how it works:

Whenever a landowner dies without a will, the heirs—usually spouse and children—inheriting the estate. They own the land in common, with no one person owning a specific part of it. If more family members die without wills, things can get messy within a cou-

ple of generations, with dozens of relatives owning the land in common.

Anyone can buy an interest in one of these family estates; all it takes is a single heir willing to sell. And anyone who owns a share, no matter how small, can go to a judge and request that the entire property be sold at auction.

Some land traders seek out such estates and buy small shares with the intention of forcing auctions. Family members seldom have enough money to compete, even when the high bid is less than market value.

"Imagine buying one share of Coca-Cola and being able to go to court and demand a sale of the entire company," said Thomas Mitchell, a University of Wisconsin law professor who has studied partitioning. "That's what's going on here."

This can happen to anyone who owns land in common with others; laws allowing partition sales exist in every state.

However, government and university studies show black landowners in the South are especially vulnerable because up to 83 percent of them do not leave wills—perhaps because rural blacks often lack equal access to the legal system.

Mitchell and others who have studied black landownership estimate that thousands of black families have lost millions of acres through partition sales in the last 30 years.

"It's the all-time, slam-dunk method of separating blacks and their land," said Jerry Pennick, a regional coordinator for the Federation of Southern Cooperatives, which provides technical and legal support to black farmers.

By the end of the 1960s, civil rights legislation and social change had curbed the intimidation and violence that had driven many blacks from their land over the previous 100 years. Nevertheless, black land loss did not stop.

Since 1969, the decline has been particularly steep. Black Americans have lost 80 percent of the 5.5 million acres of farmland they owned in the South 32 years ago, according to the U.S. Agricultural Census.

Partition sales, Pennick estimates, account for half of those losses.

A judge is not required to order a partition sale just because someone requests it. Often, there are other options.

When the property is large enough for each owner to be given a useful parcel, it can be fairly divided. When those who want to keep the land outnumber those who want to sell, the court can help the majority arrange to buy out the minority. In at least one state, Alabama, the law gives family members first rights to buy out anyone who wants to sell.

Yet, government and university studies show, alternatives to partition sales are rarely considered. When partition sales are requested, judges nearly always order them.

"Judges order partition sales because it's easy," said Jesse Dukeminier, an emeritus professor of law at the University of California at Los Angeles. Appraising and dividing property takes time and effort, he said.

Partition statutes exist for a reason: to help families resolve impossible tangles that can develop when land is passed down through several generations without wills.

In Rankin County, Miss., for example, the 66 heirs to an 80-acre black family estate could not agree on what to do with the land. One family member, whose portion was the size of a house lot, wanted her share separate from the estate. Three other heirs, who owned shares the size of parking spaces, opposed dividing the land because what they owned would have become worthless. So, in 1979, the court ordered the land sold and the proceeds divided.

Even when the process works as intended, it contributes to the decline in black-owned

land; the property nearly always ends up in the hands of white developers or corporations. The Rankin County land was bought at auction by a timber company.

But the process doesn't always work as intended. Land traders who buy shares of estates with the intention of forcing partition sales are abusing the law, according to a 1985 Commerce Department study.

The practice is legal but "clearly unscrupulous," declared the study, which was conducted for the department by the Emergency Land Fund, a nonprofit group that helped Southern blacks retain threatened land in the 1970s and '80s.

Blacks have lost land through partitioning for decades; the AP found several cases in the 1950s. But in recent years, it has become big business. Legal fees for bringing partition actions can be high—often 20 percent of the proceeds from the land sales. Families, in effect, end up paying the fees of the lawyers who separate them from their land.

Moreover, black landowners cannot always count on their own lawyers. Sometimes, the Commerce Department study found, attorneys representing blacks filed partition actions that were against their client's interests.

The AP found several cases in which black landowners, unfamiliar with property law, inadvertently set partition actions in motion by signing legal papers they did not understand. Once the partition actions began, the landowners found themselves powerless to stop them.

The Associated Press studied 14 Partition cases in detail, reviewing lawsuit files and interviewing participants. The cases stretched across Southern and border states.

Each case was different, each complicated, with some taking years to resolve. In nearly every case, the partition action was initiated by a land trader or lawyer rather than a family member. In most cases, land traders bought small shares of black family estates, sometimes from heirs who were elderly, mentally disabled or in prison, and then sought partition sales.

All 14 estates were acquired from black families by whites or corporations, usually at bargain prices.

Migrations that have scattered black families increase their vulnerability to partition actions. Historians say those who fled the South seldom spoke of the lives they left behind. Their descendants may not realize they have inherited small shares of family property and have no attachment to the land. All a land trader has to do is find one of them.

Some families have hired attorneys and tried to fight back. However, said Mitchell, the Wisconsin law professor, "the families nearly always lost."

To understand how partition sales work in practice, it is useful to begin with a relatively simple one.

The case of the Marsh family of Northern Louisiana contains the three typical elements: land passed down without wills, black landowners unfamiliar with property law and a white businessman who saw an opportunity and took it. But it has few of the complications that can make partition cases difficult to allow.

Louis Marsh, a freed slave, accumulated 560 acres in Jackson Parish in the decades after the Civil War. When he died without a will in 1906, his children inherited the land. They owned it in common until 1944, when they asked the court to divide it.

The Court gave six siblings 80 acres each, court records show. The final 80 acres would have gone to their brother, Kern Marsh, but he had fled Louisiana after killing a man. So, the court decided, Louise Marsha's children would continue to own that share in common.

With the family's permission, one of the siblings, Albert Marsh, farmed those extra 80 acres along with his own share. As 20 years passed with no sign of Kern Marsh, the family care to think of all 160 of those acres as Albert Marsh's land. Family members said they expected it would be passed down to Albert's children when he died.

That's not what happened. On April 11, 1955, about the time oil rings were appearing on neighboring property, Albert Marsh died without a will. Not long after, a white oil man named J.B. Holstead purchased an 11.4-acre interest in the extra 80 acres. The seller was one of Albert Marsh's nephews, Leon Elmore, who was one of Albert Marsh's nephews, Leon Elmore, who has since died.

The deed, filed on Aug. 13, 1955 says Elmore was paid \$100 cash and other consideration—a used truck, according to Elmore's son, Leon, Jr.

Three days later, Holstead filed for a partition sale of the 80 acres.

Six days after that, a judge sorted out who owned shares in the 80 acres. Because the 1944 partition had left that land as common property of Louis Marsh's children, the true owners were his 23 living descendants, the judge decided. Leon Elmore was among them, giving him the right to sell his share to Holstead.

The Marshes did not understand what was happening and did not have a lawyer, said Albert Marsh's son, Alvie, 86. Besides, he said, challenging a white businessman in the 1950's "never entered your mind—less you wanted the rope."

On Nov. 15, 1955, the same judge granted Holstead's request for a partition sale. Court costs, plus a \$250 fee to Holstead's lawyer, were to be paid from the proceeds.

At the Jan. 21, 1956, auction, Holstead bought the 80 acres for \$6,400. He quickly sold the land and the oil and gas rights for unspecified amounts, records show.

The land changed hands several times before being acquired in 1996 by Williamette Industries Inc., a wood-products company. A company spokeswoman said Williamette was unaware of the land's history.

Holstead is dead; his son, John Holstead, a Houston lawyer, said he was unaware of the case. When it was described to him, he said: "All of the legal procedures of Louisiana law were followed."

Alvie Marsh believes that land was taken unfairly. "I've lived with that for 45 years," he said.

Today, he lives in a shack on that part of the estate his family was able to keep.

Things were more complicated when a South Carolina real estate trader went after two tracts owned by different branches of the Beckett family in the 1990s.

In 1990, Audrey Moffitt sought a 335-acre estate in Jasper County, S.C., that had been owned by the family since 1873.

Frances Beckett, a 74-year-old widow with a fourth-grade education, was one of 76 heirs to the estate. According to court papers, she was bedridden with cancer; her doctor had given her three months to live.

The dying woman accepted Moffitt's offer of \$750 for her 1/72 interest—worth \$4,653, according to a subsequent appraisal by J. Edward Gay, a real estate consultant. An appeals court would later call it the only "true" appraisal of the property.

Moffitt then bought out six others heirs for a total of \$6,600, court papers show.

Among them, she paid Edward Stewart, 88, a man with no formal education, and Flemon Woods, 80, with a third-grade education, a combined \$5,800 for their one-sixth interest. It was worth \$55,833, according to Gay's appraisal.

Moffitt filed her partition action in January 1991. Beckett family members counter-

sued, alleging Moffitt had secured the elderly heirs' signatures without the presence of a notary. A special referee in the Court of Common Pleas ruled that the estate be sold.

The property was broken into two pieces that were auctioned separately. Fifty acres were purchased for \$75,000 at a December 1991 sale by John Rhodes, a real estate broker from nearby Estill, and his mother, Florence. Of this, \$12,864 went to Moffitt for her shares and nearly \$20,000 was taken for court costs, leaving \$42,331 for the family.

Today, Rhodes and his siblings own the tract, which is assessed at \$200,000. Moffitt bought the remaining 285 acres for \$146,000 in February 1992. (That included \$24,338 she paid to herself for her own shares.)

Two years later, however, an appeals court ruled that the signatures of the elderly Beckett heirs were obtained illegally. The court also cited uncontested evidence that Moffitt or her partner had led Edward Stewart to believe he was selling a right of way, led Frances Beckett to believe she was selling timber rights and led Flemon Woods to believe he would be liable for substantial back taxes if he did not sell.

The court characterized Moffitt's dealings with the three elderly family members as "unconscionable." When Moffitt paid an additional \$45,075 for the shares, however, the court validated the partition sale.

With the additional payment, Moffitt's outlay for the land totaled \$198,425, court papers show. Deduct the \$37,202 she received from the partition sales for her own shares of the estate, and her true outlay was \$161,223.

Moffitt has since broken up the property and resold it to a locally prominent family and several area businesses, property records show. In one transaction, she swapped part of the old Beckett land for an adjoining piece of property, which she then sold.

Her proceeds from these sales, property records show, total \$1,708,117—nearly 11 times what she paid for the property.

"They basically just ran these people out," said Bernard Wilburn, an Ohio lawyer who represented several Beckett heirs.

This wasn't the only time the Becketts encountered Moffitt.

In 1991, she paid heirs on another side of the family \$2,775 or a one-fifth interest in 50 acres of undeveloped land along State Highway 170 in Beaufort County, S.C.—the main link between Savannah, Ga., and the resort island of Hilton Head. The following year, Moffitt filed for partition, forcing the 42 heirs into court.

The family knew what was coming because of what was happening to their relatives, so they negotiated a settlement. They allowed Moffitt to pick out the best 10.4 acres of the estate in return for dropping the partition action.

Moffitt didn't keep the land long. Records show that in October 1998 the state paid her \$17,000 for a roadway easement of less than an acre. In January 1999, she sold the rest to a Methodist church for \$200,000.

In all, she received \$217,000 for land she had purchased for \$2,775.

"You can't buck these big-money developers," said family member William Jackson, a retired math teacher. "You are most times forced to settle for less than what your property is worth."

Moffitt, of Varnville, S.C., did not return phone calls but replied in writing to a letter requesting comment. Apparently limiting her remarks to the larger Beckett property, she defended the dealings described as "unconscionable" by the court, calling her payments to the elderly Beckett's "fair value."

She characterized the Beckett ownership as "a convoluted mess" that made the land unmarketable. She added: "The heirs could have done for themselves what I did, but for

generations had not done so. It is difficult sometimes to get two people to agree; getting 30 or 40 or more people all to agree to sell or keep and use their property would be virtually impossible, in my experience.

More complicated still is the story of the Sanders estate in Pickens County, Ala.

M.L. Wheat of Millport, Ala., wanted to buy the 300 acres of timberland that had been in the Sanders family for 83 years. In early 1996, he talked price with one of the owners, Ivone Sanders. They met in the office of Wheat's lawyer, William D. King IV. When Wheat learned that buying the land would require reaching agreement with about 100 heirs, he backed away from the deal.

Then, in May of that year, the story took a turn.

King, who had represented Wheat, filed a partition action on behalf of 35 members of the Sanders family, naming other heirs as defendants.

Only two family members signed the complaint seeking the sale: Ivone Sanders, now 72, with a fourth-grade education, and his cousin, Archie Sanders, now 75, with a third-grade education. Court papers show both later insisted they did not understand what they were signing.

Ivone Sanders told the AP he thought he was authorizing King only to determine the size of each family member's share.

Several family members King listed as plaintiffs turned out not to own shares. All but five of the plaintiffs who did own shares joined Ivone and Archie Sanders in filing papers stating that they had not authorized King to pursue the partition action.

Several hired another lawyer to try to stop the sale.

The AP could find nothing in the record indicating the wishes of the other five plaintiffs. One, Emma Jeann Sanders, told the AP she had never hired King. Another, Lillie Velma Gregory, was too ill to be interviewed, but her daughter, Fentris Miller Hayes, said her mother had not hired King. Another is now dead. The other two could not be located.

Whose interest was King representing as he pursued the partition action for more than two years? King would not comment beyond saying that the record speaks for itself.

As the case went on, the number of family members being sued to force the sale reached 78. Of these, 18 did not object to the sale, according to the judge. In fact, in the case's final year, the judge decided that seven of them were no longer defendants, but plaintiffs.

Five of those seven then filed objections to the sale, too.

Family members who took a position on the sale—plaintiffs and defendants alike—were overwhelmingly opposed, court records show. Some said they never wanted the family land sold. Others, including Ivone and Archie Sanders, said that if they were to sell, they would want to do so privately rather than risk a low winning bid at a court-ordered auction.

Nevertheless, Circuit Court Judge James Moore ordered an auction. The Melrose Timber Co., Inc., bought the property on Nov. 24, 1998, for \$505,000, court papers show.

It was not a bad price, but the family did not get all the money. King collected \$104,730 in fees and expenses—about 20 percent of the sale proceeds. After court costs were deducted, \$389,170 remained to be divided among 96 heirs, some of whom incurred thousands of dollars in legal fees fighting the sale.

Some family members wanted to appeal but decided they could not afford the legal fees, said Ivone Sander's niece, Eldessa Johnson, 50, of Southfield, Mich.

King, reached at his Office in Carrollton, Ala., said: "I have no additional comments, other than what is in the record. . . . I have nothing to hide. This case has been well litigated."

Moore said partitioning laws, intended to protect landowners, are often used against them and may need revision. However, he said, once the partition request was filed, he approved it largely as a matter of routine.

In his three-county rural circuit, he said, two or three such cases are going on all the time. Most, he said, involve black families.

WITH HELP FROM THEIR WHITE LAWYER, A BLACK MISSISSIPPI FAMILY LOSES A FARM  
(By Todd Lewan)

CARTHAGE, MISS. (AP).—For years, Turf Smith lived alone in a cabin in the woods, serving as caretaker of a 158-acre estate shared by 25 family members who were scattered around the country.

He had long wanted to carve out 2 acres for himself to build a new house, said two of his children, Quille and Gene Smith. But, families being as they are, one of his relatives would not agree.

A white lawyer heard of Smith's plight, his children said. The lawyer told the elderly black farmer he could help by asking a judge to partition the property, giving family members separate titles to their allotted shares. Smith, who is now dead, agreed.

However, the petition the lawyer filed on Turf Smith's behalf asked the court to sell the entire estate at auction if it could not be divided fairly among the heirs. The sale of the entire estate, Smith's children said, was not something he planned or imagined would happen.

Court records show that many heirs to the property never responded to the suit. The family, mostly rural folk, was widely scattered. Quillie and Eugene Smith said. They didn't understand what was happening or have the money to hire a lawyer to fight it.

The judge who heard the case appointed three special commissioners to determine what should be done. County records show that one of the panel members, Lynn O. Young, a county forester who has since died, had numerous land dealings with timber companies and a real estate speculator named W.O. Sessums.

The panel recommended a partition sale. Because not all of the 158 acres were of the same quality, the land could not be divided equally among the heirs, the panel told the court. So, the judge ordered an auction.

The sale was set for 1978. Turf Smith, with help from his nephew, Maxwell Smith, scraped together \$41,000 in cash and loans to try to keep the land in the family, but they never had a chance. Sessums quickly bid the price up and bought 156 of the 158 acres for \$98,000, court records show.

Smith was able to buy the final 2 acres, which the court sold separately for his benefit, for \$1,200.

Months later, Sessums sold his 156 acres for an undisclosed sum to a subsidiary of Georgia Pacific Corp., property records show.

From the auction, each Smith heir received as little as \$245 to as much as \$8,000, court records show. But the land that had been their legacy since the early 1920s was gone.

The property now is assessed at more than \$225,000, and believed to have a market value of much more because it has quality hardwoods and shoulders a highway.

"We paid a fair market price and have clear title on the land," Robin Keegan, a senior spokeswoman for Georgia Pacific, said. "Our records contain nothing to suggest that anyone at Georgia Pacific knew anything about the family's dispute over the land."

Sessums died three years ago, according to his wife, Mary. She said Young routinely tipped her husband to land opportunities. "We bought some land through Lynn Young. He bought several tracts like that at the courthouse, you know—commission."

Turf Smith died in 1981. Today, Quille Smith and her five siblings own the land their father left them.

"Two acres," she said. "That, and the history, is all we have left."

Mrs. CLAYTON. We are very appreciative of them raising it all through the country, but we, the members of the Congressional Black Caucus, have an obligation to have Americans understand how important it is to own one's land, to own one's home place or homestead, what it means to the dignity of the family, and more than that, what it means to the sustainability of the community, what it means to the society, to make sure everyone feels that they have equal access to have a piece of the pie.

The documents showed not only the take of land for eminent domain by governments, but also we found that it was a case in point where Mississippi, the burning of a courthouse, and all the documents were destroyed and a private entity came in and they claimed under color of law, and the lawyers in the audience would know more than I would, but they had a title that was not complete, where they went to court and they said there was no one else to claim this title. So for a period of years they had a color of title. Later, they acquired the land. They acquired the land for a very minimal amount of money.

They sold that land after they discovered there was oil on that land, and even in the article it says the corporation now says the question is what do we do about this? He acknowledged there has been less than full disclosure, less than full legal remedy to the process, but he is the rightful owner.

So there have been many acquisitions of lands and wealth and minerals from land that has been acquired as a result of the color of law and the result of some trickery. Obviously burning a courthouse is not the color of law.

Also, we have eminent domain in Florida where the city acquired the land for a naval yard, acquired the land when people went there and begged that they indeed should have the opportunity to buy their land. Eminent domain said to the blacks that they had one price and to the whites right beside it a price that was at least 10 times higher. These family members tried to buy the land after the city had no use for the naval yard, and rather than sell it to them, they sold it to a baseball franchise. That baseball franchise bought that land for millions of dollars; not any remuneration to the Afro-American family members.

History is replete with incidents where the color of law has been favoring those who are powerful and taking

away without any opportunity of redress for those who are powerless or who were Afro-American who did not have the law of those who represented.

I think the issue for us is not only to raise that consciousness of all Americans and understand the value of land, but also have a sense of fairness, have a sense of the value of having free access to the opportunity of being landowners or homeowners or sharing in the wealth, and to that extent, I think we will have a better America.

I think also Afro-Americans are so worn that no one is as vigilant as they are themselves. They say buyer beware. So those who have been fraudulently offended, those who have had the color of law to take that land, they need to begin, I think, as the gentleman from South Carolina (Mr. CLYBURN) challenged us, is to begin to think about bringing all that information together so we can share that information with the appropriate authority.

I think we are setting the symbol, that it is the time for us to come together, first for America to come together and say this is unacceptable, it was not right then, and it certainly is not right now.

Let me just finish my comments and say this is not just yesterday. This is still happening. I serve on the Committee on Agriculture, as two of my Representatives here, and we know that the black families had had a continuous complaint and legal action against the Department of Agriculture because they have had foreclosures or they have been discriminated in getting the resources they have needed. So in the process of the loans, the foreclosure has meant that the taking of the land back to the government, when they were not able to either work out a payback schedule that would allow them to pay back their own loans, or which they were lent moneys discriminately so they were not even given a chance in the very beginning to have an equal opportunity.

So not only is this historical, it is continuing, and we as Americans should be alarmed at this. We should not find this as acceptable. I think it was Martin Luther King who said, it is not so much what bad people do, it is the silence of good people, and I know most Americans know that the taking of land, fraudulent or even by the color of law, is unacceptable, it is wrong. We ought to speak out at that.

We are calling our colleagues and Americans to be engaged in this dialogue, and we are calling on black Americans themselves to be vigilant in making sure that they are taking care of their legal procedures, and they know the value of land, and they do not ignore notices about tax, notices for sale, and they do not take for granted someone else is going to take care of their business; that they understand that to own land is to be part of America, and they have every right to be engaged in it.

Again, I am thankful and very appreciative that the gentleman from South Carolina (Mr. CLYBURN) found this issue, something he passionately cared about and wanted to join us, and I know he may want to have some last remarks. I thank the gentleman from South Carolina (Mr. CLYBURN) very much for doing this and yield to him.

Mr. CLYBURN. I thank the gentleman from North Carolina (Mrs. CLAYTON) for joining me in this Special Order.

Mr. Speaker, I would like to say in closing the Special Order that I am pleased that the time has been granted. I want to sound the alarm to the public at large that this is an issue that has a long history. It is an issue that is very, very current in and around our neighborhoods today.

In my own congressional district in South Carolina, I continue to find instances where people are now unable to pay taxes on the land that has been in their families for centuries simply because someone has built a motel or a housing development in the area, and all of a sudden the taxes have accelerated, and they are finding themselves unable to pay these taxes and, therefore, losing the land.

We have seen that happen on Hilton Head, South Carolina; Daufuskie Island, South Carolina; Pawleys Island, South Carolina; all of these areas where there are resort communities being built. And so we bring this issue here today because we think it is high time that we begin to focus on what is being done under the color of law to people who find themselves powerless and to have big corporations like the International Paper Company now benefiting from this illegal taking. It is time for our government to join forces with large corporations. In this time when corporate scrutiny is very, very vigilant, we ought to do what is right by those people who had their land, their wealth taken away and now going to the benefit of people who have no legal right to it.

I want to thank my colleagues for joining me this evening in this Special Order.

Mr. LEWIS of Georgia. Mr. Speaker, many Americans have taken pride of our past and rightfully so. We have a rich history of working the land and having the opportunity to benefit from the fruits of our labor. My family has even had the opportunity to witness the pride that land ownership brings. In 1944, when I was only 4 years old, my father saved \$300 to buy 100 acres of land in Alabama. This land has been in my family ever since, and to this day, my 87 year old mother still lives there. I cannot imagine, that in a country like ours, having this land stripped from under our feet without justification. Much less not even being able to do anything about it.

Unfortunately, this was indeed the reality for many African American farmers at one time. It was often spoken of, but never proven. And until recently, many Black Farmers were crying on deaf ears of their plights. As Americans we have longed believed that under God, all men were created equal. Under this belief we

all should have the fundamental right to life, liberty, and the pursuit of happiness. However, for some, this was a far fetch dream. And to many, the pursuit of happiness was a down right lie!!!

Few people know that by the turn of the 21st Century, former slaves and their descendants owned millions of acres of land. In fact by 1910, African Americans owned approximately 15 million acres of land. Today, African Americans own only 1.1 million acres of land.

You might ask, why is it that during periods when our country witnessed massive prosperity and growth has the number of African American land ownership decreased so drastically? There are many answers to that question; however, probably the most disturbing one is the taking of land by White businessmen and lenders and keeping the unfortunate victims quiet, either through intimidation or murder. And today, land that was once owned by numerous hard working families is now home to baseball parks and shopping malls.

Mr. Speaker, this is a shame!!! It is a shame that this was happening in America. It will be even more of a shame if we continue to let this be ignored.

Ms. WATERS. Mr. Speaker, I rise today to bring to the nation's attention the plight of thousands of black farmers around the nation. From the day that we earned our freedom, many African-Americans have chosen to support themselves and their families through farming. And we pursued this profession with dedication and determination.

Unfortunately, black farmers have faced opposition and intimidation from white farmers, Jim Crow laws, and the federal government. Local and state governments through the second half of the 1800s created laws that systematically stripped land from black farmers.

The policy continued through the New Deal. President Roosevelt's much heralded policies which helped millions of people through those tough times, rarely helped black farmers despite the fact that they owned fourteen percent of the nation's farming land.

Surprisingly, at a time when other blacks were achieving civil rights, the federal government pursued policies that made the condition of the black farmers worse. Thousands lost their land and, by 1978, tragically, there were only 6,996 black farms left. Today, there are fewer than 18,000 black farmers, which represents less than one percent of all the farms in America.

These farmers worked their entire lives to get where they are today, and in many cases they are farming the same land as their grandparents and great-grandparents did. But due to unfair influences and the power of large corporations, these farmers are losing thousands of acres to development. What makes matters worse is that they are almost never given fair market value for their land.

It is easy for many of us just to sweep this under the rug and pretend that nothing like this happened. But we must face the facts and realize that thousands of black farmers were systematically dispossessed from their land. I propose that the Federal Government create a commission so that farmers can have a free and fair forum to bring their complaints and reconcile this matter. Our farmers deserve nothing less.

Mr. CONYERS. Mr. Speaker, I would like to take this opportunity to speak to the issue of

Black Land Loss, an epidemic which is causing African Americans to lose land at alarming rates. This problem has plagued Black Americans for over a century and a half.

We cannot allow an issue as pervasive and insidious as black land loss to go unaddressed. Black land loss is attributable to many reasons: lynchings, mob attacks, lack of legal wills, slick and untrustworthy lawyers, and unscrupulous real estate traders. Sometimes black land owners were attacked by whites who wanted to seize their property. During the Reconstruction period, black were ostracized, terrorized and dispossessed of the one thing they had managed to earn in that desperate time, their land.

By 1920, African Americans had amassed more land than they ever held since reconstruction, at least 15 million acres, according to statistics compiled by the U.S. Agricultural Census.

Black land ownership tapered off after World War I and plunged in the 1950's. Today, African-Americans own just 1.1 million acres of the more than 1 billion acres in productive land in the U.S. During the 20th Century Black Americans have lost their land holding at a rate two and a half (2½) times faster than whites. Blacks were forced out of the South and off their land by:

The discriminatory lending practices employed by banks and the U.S. Department of Agriculture; the need to seek better economic opportunities in the North; racial oppression; and violence perpetrated by white supremacists groups and other terrorist organizations. In effect, black landowners were put under so much pressure to give up their land, that they became refugees in their own country.

Families that pass down their land without wills or with vague wills are particularly vulnerable to losing their property through partitioning and other predatory legal practices. Historically blacks in the rural south seldom left wills. Experts say thousands of acres of black owned land that had been in African-American families for generations has been lost through these practices. In recent years separating African-Americans from their land has become big business. All to the detriment of African-American land owners.

Ownership of land has meant more than just a family homestead, land represented wealth to a black family, when these homesteads were taken from black families they lost their ability to pass on wealth. As WEB DuBois stated, "universal suffrage could not function without personal freedom, land and education."

By preventing blacks from preserving their land, whites were more able to perpetuate the vestiges of slavery. Taking land from African-Americans went a long way in eliminating their ability to prosper; participate in the political process; and to effectively pass on wealth to future generations.

Mr. CLAY. Mr. Speaker, I rise to commend the Associated Press for a series of articles it ran late last year entitled, "Torn from the Land," which documented in great detail how private and government entitles cheated many Black Americans out of their land or drove them from their land through intimidation, violence and murder.

The misappropriation of these lands, undertaken primarily in the South, began more than a hundred years ago and continued well into the 1960s.

The lands and properties that were taken from African Americans were generally small, such as a small home, a 40-acre farm or a modest business. But such losses were devastating to families and to a people struggling to overcome the legacy of slavery.

According to the U.S. Agricultural Census, in 1910 African Americans owned over 15 million acres of farmland, the greatest level of black landownership in our nation's history. However, as a result of the illegal land grabs and the discriminatory practices of the old Farmers Home Administration, black landownership today now stands at 1.1 million acres.

The wholesale theft of land from African Americans is the greatest unpunished crime in our nation's sordid history of race relations.

Landownership was the ladder to respectability and prosperity in the Old South—the primary means to building economic security and passing wealth on to the next generation. So when black families lost their land, they lost everything.

Typically, blacks were forced off their lands with phony charges of nonpayment of taxes or through claims of counter ownership by other private or government entities.

In other cases, African Americans were forced off their lands with threats of violence or the outright murder of black landowners.

In my home state of Missouri, hundreds of blacks fled the city of Springfield in 1906, after three men were lynched. The city, which at the time had a thriving African American population of at least 10 percent with many black doctors, lawyers and educators, is today only two percent black.

In another case, 129 blacks abandoned land in Pierce City, Missouri after armed bands of whites burned five black-owned homes and killed four African American men. Afterwards, whites bought up the previously black-owned land at bargain prices.

The great abolitionist Frederick Douglass foresaw this future tragedy for Black Americans when, on the 24th anniversary of the Emancipation Proclamation, he said, "Where justice is denied, where poverty is enforced, where ignorance prevails, anywhere any one class is made to feel that society is in an organized conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe."

The Associated Press articles provide ample empirical evidence that Congress needs to conduct a study into these tragic events to determine whether reparations for past losses are in order.

Throughout our nation's history, there are many examples of our government taking steps to correct past wrongs committed against specific groups of Americans.

We have compensated Japanese Americans for the time they were interned in concentration camps during World War II, and we have compensated Native Americans for the loss of their lands to western expansion.

So now the time has come for us to examine the economic and physical losses suffered by African Americans under the old policies of Jim Crow. To do any less, would allow Justice to be denied.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3252

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3252.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today on account of aircraft mechanical trouble.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GANSKE, for 5 minutes, February 10 and 11.

Mr. LOBIONDO, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

#### ADJOURNMENT

Mrs. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, February 7, 2002, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5364. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report entitled, "Report on the Economic Impacts on Western Utilities and Ratepayers of Price Caps on Spot Market Sales"; to the Committee on Energy and Commerce.

5365. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-229, "Health Insurers and Credentialing Intermediaries Uniform Credentialing Form Act of 2002" received February 6, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5366. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-236, "Closing of a Portion of South Avenue N.E., and Designation of Washington Place, N.E., S.O. 01-312, Act of