

Ways and Means S6E2 This Land is My Land

Lindsay Foster Thomas [00:00:01] So it's probably time for me to tell you why we've decided to call this series The Arc of Justice.

Martin Luther King Jr. [00:00:08] I must confess, my friends...

Lindsay Foster Thomas [00:00:11] It invokes Dr. King pretty nicely, right?

Martin Luther King Jr. [00:00:13] ...that the arc of a moral universe is long, but it bends toward justice.

Lindsay Foster Thomas [00:00:19] But for our purposes, ARC is an acronym, it stands for Acknowledgment, Redress and Closure, Necessary elements for correcting course on a long detour away from equality for all Americans. Acknowledgment, redress, closure. The arc that bends toward... [pauses] OK, well, you get where I'm going with this, right? From the Sanford School of Public Policy at Duke University, Ways and Means presents The Arc of Justice, a special series inspired by the book From Here to Equality Reparations for Black Americans in the 21st Century. I'm Lindsey Foster Thomas. 40 acres and a mule! I have been waiting to say that phrase, it would be pretty hard to host this series without it.

Various voices: [00:01:28] Male: You probably heard the phrase 40 acres and a mule. **Female:** 40 acres and a mule. **Old-fashioned film:** We're going to give every last one of you 40 acres and a mule.

Lindsay Foster Thomas [00:01:36] The promise of the 40 has captured our cultural imagination for centuries now, but it was a very real thing. A government program first referenced back in 1865. The US government decided that newly freed Black folks should have a plot of land to call their own. Black Americans could launch their new lives, have income, prosper. That was the initial idea, at least. Meanwhile, right around the same time the federal government started making another offer. Through the Homestead Act, the government offered free plots of land to settlers who would farm them. Millions of white Americans took the feds up on it and did just that. Today, a tale of two promises made by the government. One kept, one broken, and what those promises have to do with the existing wealth gap between Black and white Americans.

[00:02:44] Are you, Bill?

[00:02:44] I am! All right.

[00:02:46] Hi Sandy, nice to see you.

Lindsay Foster Thomas [00:02:46] We're at the plantation called Rose Hill in Nash County, North Carolina, where Duke economics professor Sandy Darity's ancestors were enslaved. Around the corner from a grand White antebellum house, Sandy and his wife, Kirsten Mullen, are exchanging niceties with Bill Boddie, the owner of the estate.

Bill Boddie [00:03:06] Nice to meet you. I just wanted to see if I could catch you.

Lindsay Foster Thomas [00:03:10] Bill Boddie descends from the original owners of the plantation who were given a land grant in 1661. For a time during the Great Depression, the Boddie family lost the property, but they were able to buy it back in the 1970s. In total, this land has been in the Boddie family for hundreds of years. Bill Boddie's ancestors enslaved Sandy Darity's ancestors.

Sandy Darity [00:03:38] My own family, we refer to ourselves as the Black Boddies.

Lindsay Foster Thomas [00:03:42] B-O-D-D-I-E-S as in the Black people who were enslaved by the white Boddie family. At this meeting, Bill gives his guests a book of the plantation's history and they start to flip through.

Kirsten Mullen [00:03:59] ...And you combine the purchase and the grant. The land grant was almost 12 square miles.

Sandy Darity [00:04:06] So 640 acres per, per square mile.

Kirsten Mullen [00:04:11] That would have been quite substantial.

Sandy Darity [00:04:13] Yeah, that's quite substantial. That's, it was essentially about 8000 acres.

Lindsay Foster Thomas [00:04:18] When the civil war ended, the Black Boddies and others who had been enslaved at Rose Hill were given their freedom. They were left with the Boddie name, but none of the 8000 acres of land they had worked for generations, all that remained with the white Boddies. Sandy Darity is one of our key guides in this examination of the racial wealth gap. He's an expert on it. The other is Kirsten Mullen, a folklorist and arts consultant. Together, they have written a critically important book that's our inspiration for this season of the podcast. OK, back to the land, because land had everything to do with how Bill Boddie's ancestors launched their fortunes. Sandy, I've heard you say that 40 acres and a mule is really important to the Black white wealth gap, so can you tell me briefly why that is?

Sandy Darity [00:05:14] The failure to provide the promised 40 acres was the basis for Black Americans entering emancipation without any foundation in wealth whatsoever.

Lindsay Foster Thomas [00:05:27] Just months before the Civil War ended, Union General William Tecumseh Sherman signed an important document. He ordered that 5.3 million acres of land along the Atlantic coast of South Carolina, Georgia and Florida that had been confiscated from the Confederates be given to the formerly enslaved. Each would get 40 acres of tillable land. The situation was desperate for newly freed people. If they didn't get this land or money or some other kind of help from the government, they would likely have no choice but to go back to the white people who had enslaved them before the war. Most didn't have money. Most couldn't read or write. They didn't have basic necessities like shoes. And this promise of 40 acres actually came to pass, for a time. Shortly after Sherman issued the order, forty thousand formerly enslaved did relocate to four hundred thousand acres of land, but that's far less than five point three million, the acreage that was originally ordered. But then in the fall of 1865, that same year, President Andrew Johnson's administration changed the policy. He ordered that the land be returned to its former owners. And what happened to the formerly enslaved when the government ordered that the confiscated lands had to be returned to former slaveholders?

Kirsten Mullen [00:07:05] Well, they were homeless and many of them destitute. Whatever investments that they had made in the in the land, you know, whether they had, you know, managed to purchase seeds or had purchased equipment or, you know, farm animals, all of that was for naught. No one reimbursed them for that. You know, they had less than nothing at that point.

Lindsay Foster Thomas [00:07:27] Also, around this same time, the government made another promise of free land for Americans. But in this case, the promise was directed at mainly white Americans, and the outcome of that promise was very different.

Sound from film: [00:07:44] Kind of tired, ain't ya... don't you think, we'd better be stopping for supper?

Lindsay Foster Thomas [00:07:49] I'm talking about the Homestead Act, which Congress passed in 1862.

Trina Williams-Shanks [00:07:54] The Homestead Act helped kind of bring a flow of people westward, probably quicker than they would have done otherwise.

Lindsay Foster Thomas [00:08:00] Trina Williams-Shanks is a professor at the University of Michigan. Because of the Homestead Act, white people headed west, wagon trains loaded up for a new life. Any adult could claim 160 acres of land for themselves. Of course, the government had recently taken that land from Native Americans. This government handout was only made possible because of so-called "Indian removal", and it completed the nation's colonial project.

Trina Williams-Shanks [00:08:37] From the period, for example, between 1868 and 1940, almost 1.5 million households were granted 246 million acres as homesteaders. So, it wasn't a short policy. It wasn't a limited scope. It was a very long time period where people who came to United States were granted homesteads.

Lindsay Foster Thomas [00:08:59] Yeah, a very long time period. In just a minute, we'll talk about why mostly white people benefited. But just think about that, that the U.S. government distributed land for free for years and years well into the 20th century. In fact, the last Homestead grant was given in 1988 to a white man on the Stony River in Alaska. That one policy laid the foundation for much of our current economic reality. Millions of white Americans owe their family's wealth to the Homestead Act.

Jennifer Mueller [00:09:35] When you think about how many hundreds of thousands of acres of land were distributed through the Homestead Act, those stories are just sitting in family histories, often not being talked about.

Lindsay Foster Thomas [00:09:49] Jennifer Mueller is on the faculty at Skidmore College. Early in her career, she challenged her students to look into their family's financial history.

Jennifer Mueller [00:09:58] I start using a project with my students where they would trace their families intergenerational transmission of wealth and capital in their particular families.

Lindsay Foster Thomas [00:10:09] She assigned the project to 150 students. About 100 were white and about 50 were students of color. Twelve were Black. The students set off to ask their families how they had earned their wealth and whether they had benefited from any federal policies. At first, most students were skeptical. Not many believed they'd find government programs like the Homestead Act in their histories. But they were wrong. Take a student we're calling Liz. That's not her real name. She discovered her dad's grandparents used the Homestead Act to get land in the Texas panhandle in the late nineteenth century. They lived off the land until 1942, when her great grandfather passed away. The family moved away, but the land kept sustaining them.

Jennifer Mueller [00:11:01] They had kept the farm even after they had moved to Austin and were leasing it out to different farmers, which provided stable income for her great grandmother. And after her great grandmother passed away, her children continued that practice. They continued to lease out the land and to split the earnings.

Lindsay Foster Thomas [00:11:20] Thanks to income from the land grant, Liz's grandmother and some of her siblings got a college education.

Jennifer Mueller [00:11:27] In the early 1980s, they found natural gas under the land and they drilled a gas well on the property. And it became actually the largest producing gas well in the area. And her grandmother was earning about \$100,000, just the first year of drilling.

Lindsay Foster Thomas [00:11:44] In Jenni Mueller's class, many white students learned that they might not have had the opportunities they enjoy today if not for land acquisition programs like the Homestead Act. Take Bella, another white student in the class. Her third great grandfather came to the U.S. on a ship from Germany in the late 1980s. When he arrived in Texas with his wife and children, he bought some land to farm, but he struggled to keep up with the payments and ultimately lost the land. He had to send his family back to Germany. Then he was given free land through the Homestead Act. That allowed him to bring his family back to America.

Jennifer Mueller [00:12:22] And I think Bella's example is so powerful because we don't have to imagine what would have happened to the family without the provision of the Homestead Act land, right? We know that her immigrant ancestors' fate was not secure. He had tried his hand at private land acquisition. He failed and it is entirely likely that were it not for the provision of this free land, he might have done so again or worse.

Lindsay Foster Thomas [00:12:47] Trina Williams-Shanks says owning land drastically changes a family's wealth through the generations. She's the expert in the economics of the Homestead Act, who we heard from earlier.

Trina Williams-Shanks [00:13:09] One person gets access to Homestead Land and then they give 20 or 30 acres each to their children. And so, if that land stays in the household's name, then it's - it's a source of wealth for generations, not just for the one family that had the original homestead and for these white immigrant communities, that is much more likely to happen.

Lindsay Foster Thomas [00:13:37] The story was far different for the Black students in Professor Jenni Mueller's class. Not one of their families acquired land through the Homestead Act. The act didn't explicitly prohibit Black Americans from applying, but in reality it was nearly impossible for them to benefit. Kirsten Mullen reminds us that the Homestead Act passed before emancipation. So at first, Black people weren't even eligible to participate.

Kirsten Mullen [00:14:03] Even when they were eligible, many of them, probably the majority in the South, certainly, were under contract to white planters. And, you know, breaking one of those contracts was against the law and could land you in jail.

Lindsay Foster Thomas [00:14:20] Let's say you weren't under contract. Trina Williams-Shanks says homesteaders still needed a lot of money on the front end to finance the development of the properties.

Trina Williams-Shanks [00:14:30] If you just showed up on 160 acres and you didn't have any seed, you didn't have any plows, you didn't have any equipment, you didn't have a way to sustain yourself. For those first eight to 10 months, it was unlikely that you're going to be able to successfully maintain the land and support a family.

Lindsay Foster Thomas [00:14:51] So if you weren't working, you couldn't pay to invest in a Homestead grant, but if you were working, you couldn't leave.

Kirsten Mullen [00:15:00] And you don't get the impression that someone was making a special effort to be sure that the Black community understood how the application process would go, where they needed to go. You know, I think in a lot of cases, how do we say some of us are led to the trough and the rest of us have to discern it from the air?

Lindsay Foster Thomas [00:15:20] There was another program that made it a bit easier for Black people to get land. It was called the Southern Homestead Act, and it was signed in 1866, but it had its own shortcomings. Here's Professor Sandy Darity and Kirsten Mullen.

Sandy Darity [00:15:36] The Southern Homestead Act, which was a successor, I think was discriminatorily applied because there was a significant amount of local discretion over the allocation of the land.

Kirsten Mullen [00:15:49] But it was completely abolished 10 years later.

Lindsay Foster Thomas [00:15:53] Obstacle after obstacle kept Black people from receiving land after emancipation, and yet...

Sandy Darity [00:15:59] I mean, miraculously, there were some who managed to obtain land...

Lindsay Foster Thomas [00:16:05] But it was next to nothing compared to how many white people received land. After emancipation there were about one million formerly enslaved Black families living in the United States.

Sandy Darity [00:16:17] Out of that one million families, it's about 5,000 families that received patents under the Homestead Act, in contrast with one and a half million white families.

Lindsay Foster Thomas [00:16:30] Wow. So for every three hundred white families that the U.S. government handed out land to, they gave land to one Black family. But even then, there was the question of holding onto that land because there were no legal protections at the time for the Black community.

Sandy Darity [00:16:51] In the absence of that provision, somehow, the formerly enslaved managed to amass upwards of 15 million acres of land by early in the 20th century. But virtually all of that land was taken away from them, literally through acts of appropriation and seizure in many instances under ... under white terror campaigns.

Lindsay Foster Thomas [00:17:18] That actually happened to Apryl Williams family. Apryl was one of the Black students in Jenni Mueller's class. She's now a professor herself. She teaches alongside Trina Williams-Shanks at the University of Michigan, although there's no relation.

Apryl Williams [00:17:34] At that time I had never taken a class on race before.

Lindsay Foster Thomas [00:17:37] Apryl already knew a bit about her family history but through the assignment, she discovered that her ancestors had been one of the few Black families to acquire land, albeit through nontraditional means. Apryl's family was enslaved in Hallettsville, Texas. That's halfway between San Antonio and Houston. After freedom, one of the men in her family who was enslaved married the former enslaver's daughter. And when the former enslaver died, they left the land to the people who had been enslaved there.

Apryl Williams [00:18:15] So in that case, it would be our land.

Lindsay Foster Thomas [00:18:20] Apryl's family had the deed to the property, full legal rights to the land. They lived in the house and worked the land for years. But it was just hard being Black landowners during Jim Crow in a town where most other landowners were white. Apryl says life was brutal for the Black men in particular.

Apryl Williams [00:18:43] These family members would get arrested frequently for minor infractions of the law or things that maybe weren't even illegal. It could be as simple as walking on the wrong side of the street.

Lindsay Foster Thomas [00:18:54] At that time, the matriarch of the family was an elderly Black woman who couldn't read or write, again a legacy from slavery. The local government took advantage of that.

Apryl Williams [00:19:07] The sheriff would just come and say, you know what, your son is in jail or your grandson is in jail or whoever, someone is in jail. And if you want to get them out, you just need to sign on this dotted line. And what she didn't know was that every time she was signing it, pieces of the land were being stolen. Right. So they started out with a huge acreage and ended up dwindling down to about five acres that we had in the family.

Lindsay Foster Thomas [00:19:40] Here's Jenni Mueller again.

Jennifer Mueller [00:19:41] In contrast to the way we see that white families are sort of facilitated throughout these various steps, we see that reverse happening within Black families where even with an initial land disbursement, the struggle to keep that land in the family was so considerable that often that was something that was not possible.

Lindsay Foster Thomas [00:20:04] Trina Williams-Shanks has a good picture of how many white people today continue to profit financially from the Homestead Act. She's looked at Homestead grants, marriage rates and fertility rates across four generations during the height of the Homestead Act.

Trina Williams-Shanks [00:20:21] And so if you go through all those calculations, my estimate of the adult population and the adult population would be those who are 25 to 85 in 2020, probably 22 percent of them had ancestors that were homesteaders.

Lindsay Foster Thomas [00:20:35] Twenty-two percent of Americans, one in five of your friends and neighbors all across this country are benefiting from the Homestead Act today, and nearly all of them are white. These weren't opportunities that appeared by chance for white people, the U.S. government created those opportunities for white Americans by granting them millions of acres of public land.

Trina Williams-Shanks [00:21:09] And so if that redistribution had been even or if a priority had been given to the formerly enslaved persons, particularly in the 1860s, right after the Civil War, it would have made a big difference in Black households who were property owners and who would have had resources to hand on across generations.

Lindsay Foster Thomas [00:21:38] If Apryl's family hadn't been swindled out of their land, or if her Black classmates' families had had access to federal land grants, they could have had a story like their white classmate Liz, whose family got rich from leasing the land and finding oil on it. Apryl can't help but think of the possibilities.

Apryl Williams [00:21:57] Land ownership and taxes appreciate so much, and that is money that we could have transferred into other things, right? Like other wealth building capabilities, or even built multiple houses on the land. Like all of these different things, all these different opportunities that we just didn't have. If we had still had the land, we would be a lot wealthier, plain and simple.

Lindsay Foster Thomas [00:22:24] Sandy Darity argues this is the start of today's staggering racial wealth gap in the U.S.

Sandy Darity [00:22:32] Black Americans, particularly those who are descendants of persons who were enslaved in the United States, constitute about thirteen percent of the nation's population, but only possess about two and a half percent of the nation's wealth.

Lindsay Foster Thomas [00:22:48] Professor Sandy Darity and Kirsten Mullen say that gap could have been much smaller if federal land distribution had been equal between Black and white communities.

Sandy Darity [00:22:59] And since this was applied differentially between Blacks and whites, then we set up the conditions for the evolution of a racial wealth gap in the future and that future featured a number of instances or policies and practices that reinforced a divide in wealth between Blacks and whites.

Lindsay Foster Thomas [00:23:27] Next time on The Arc of Justice, the wealth gap grows wider.

Female voice: They could demolish a whole community that was thriving the middle class community, so we could send a message that you don't challenge the power structure.

Lindsay Foster Thomas [00:23:42] How federal housing policy helped create even more inequities between Black and white wealth in the U.S.

The Arc of Justice: From Here to Equality is a six-part series from the Ways and Means podcast and the Sanford School of Public Policy at Duke University. It's based on the scholarship featured in the book From Here to Equality: Reparations for Black Americans in the 21st Century by Duke Professor William Darity Jr. and folklorist and arts consultant Kirsten Mullen. They co-produced the series in partnership with Ways and Means and North Carolina Public Radio WUNC. This episode is produced by Malu Frasson Nori, Carol Jackson and Allison Jones with Candace Manriquez Wrenn, Stacia Brown, Matt Majsak, Erin Blanding and Johnny Vince Evans. Original music for this episode was produced by youth in Durham, North Carolina, in collaboration with Black Space and Only US, featuring music from King Shaun, Areon, Zone and Jamm. Additional original music by Solomon Fox, appearing courtesy of Forging the Musical Future, FTMF Talent. Season six of Ways and Means is made possible by support from the Duke Office for Faculty Advancement, thanks to funding from the Duke Endowment. Thank you for listening. If you liked anything or learned something, subscribe so you don't miss an episode. And please, please tell a friend. Until next time, I'm Lindsay Foster Thomas.

Promotion: You know who I think might have really liked this podcast? Pauli Murray. OK, I know that's a big assumption, but hear me out, Pauli Murray was a brilliant and brave social justice activist who fought tirelessly for racial equality. Pauli famously argued against the separate but equal doctrine using the 13th Amendment of the Constitution. You know, the one, it abolished slavery. Anyway, there's so much more about the fascinating life and work of this Black, queer Southern champion for equality on the podcast, Pauli from North Carolina public radio journalist Leoneda Inge guides us through several chapters of Pauli's life and introduces us to people today who have been inspired by the freedom fighter to do the work. Learn more at WUNC.org/PauliMurray.