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IOWA LAND AND LANDOWNERS: FEAR OR OPPORTUNITY
Neil D. Hamilton

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Iowa Land and Landowners: Fear or Opportunity

Prof. Neil D. Hamilton*

Abstract

Our relation to the land changed as modern agriculture changed. Today many issues involving the land seem to focus on fear and conflict, revealing a fragility of agriculture surprising for how it confounds the expected image of strength and stability. In many ways, our fragile relation to the land contrasts to the optimism of the relation in the past, in the years of settlement and expansion. Part of the change reflects the adverse impacts of modern agriculture catching up with us, and part stems from a society more willing to focus on issues of equity, inclusion, and inequality. The good news is the current state of tensions on the land can't obscure the land's resiliency and its ability to offer hope. Rather than consider reasons for hope, this essay examines what brought us to a pattern of fear and conflict on the land.

I. Iowa Through the Lens of Appalachia

In *Ramp Hollow: The Ordeal of Appalachia*, Fordham University historian Steven Stoll explains the region's history through the lens of displacement as subsistence agrarians lost their land to the extractive industries of coal and timber.¹ The process reduced the people to wage employees and destroyed the common lands supporting their lifestyles and culture. Stoll doesn't venerate subsistence farming as an honored goal but explains how it provided the people of Appalachia with autonomy in a shared economy, one more sustaining than the economic and social degradation brought once the coal and timber industries took charge.²

Reading *Ramp Hollow*, the parallels to our experience of the last half-century of change in Iowa agriculture are striking. Similar forces have reshaped the rural economy, the culture and for many

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¹ STEVEN STOLL, *RAMP HOLLOW: THE ORDEAL OF APPALACHIA* (2017).

² *See id.*

people, our relation to the land. The same forces decimating much of Appalachia help explain deteriorating attitudes toward soil conservation and land stewardship. The Iowa agriculture of my youth in the 1960's, though not purely subsistent in nature, had more in common with the model than we might realize. Farms were smaller, around 200 acres and more plentiful, with over 150,000 farms, meaning neighbors were closer and more numerous.³ Farms were more diverse as to the mix of crops and livestock, perhaps not as productive if measured simply in yields but more economically resilient, often more profitable, and importantly, more enjoyable for the families living on them. Land was usually owned by the people who farmed it, and tenancy was not seen as an enviable goal. The widespread production of livestock, hogs, chickens, cattle and dairy cows, meant much more land was in pasture and hay. Animals grazed the marginal land and stalk fields after harvest, and the animals did the work of spreading manure across the landscape.

Farming in the U.S. has been in constant evolution since our founding but agriculture began to change more rapidly in the late 1950's and the changes have continued unabated since. At that time, a series of forces unleashed the potential of agriculture as an industrial force or led to the destruction of the diversified family farm, take your pick. The shift to exporting grain, moving to commodity specialization rather than mixed grain and livestock farms, consolidation and growth in farm size, increasing scale of equipment, and growing reliance on expensive inputs of seed, fertilizer, and chemicals all contributed to the "modernization" of agriculture. Moving swine production into confinement buildings, concentrating the pigs geographically, and using production contracts between farmers and vertically integrated companies resulted in a radical, though little noticed, change in pork production. Over the last thirty years the number of pigs in Iowa increased by half to 24 million, while the number of farms raising pigs shrunk by over 65%, from 17,500 to 5,660 in 2021.⁴ These changes transformed the politics of pork, and as many consumers know, changed the nature of pork itself.

³ See NAT'L AGRIC. STATISTICS SERV., U.S. DEP'T OF AGRIC., 2015 IOWA AGRICULTURAL STATISTICS BULLETIN 10 (2015), *available at* https://www.nass.usda.gov/Statistics_by_State/Iowa/Publications/Annual_Statistical_Bulletin/2015_Iowa_Annual_Bulletin.pdf.

⁴ See DECISION INNOVATION SOLS., 2020 IOWA PORK INDUSTRY REPORT 8, 21 (2020), *available at* https://www.iowapork.org/wp-content/uploads/2020/08/200615-2020_Iowa-Pork-Industry-Report_State_FINAL.pdf.

From the perspective of land tenure, the period between 1950 and 2020 saw a doubling in average farm size to around 450 acres,⁵ rapid increases and periodic fluctuations in land values, a sharp rise in farm tenancy especially of cash rental rather than crop sharing, and more land owned by non-farming heirs and other investors. These changes were gradual over thirty-years and like the proverbial frog in the pot, many of the people living in Iowa and rural America didn't notice the cumulative effects until recently. There have been periods of disruption, like the 1980's farm crisis when land values collapsed by 60% only to regain the losses within a decade.⁶ There have been shifts in exports and market prices, as trade relations with major partners like China and the EU have gone through periods of strife. Even with these fluctuations, the shift to a more industrialized agriculture was steady and is still underway.

One key effect is the dramatic increase in production of corn and soybeans. We added close to 9 million acres of row crop production in Iowa alone over the last 50 years.⁷ All these acres were converted from hay, pasture, forests, and marginal bottomlands. Today we have around 24 million acres of cropland planted to corn and soybeans every year.⁸ The increase in corn acres and yields lead to frequent surpluses, impacting market prices. In turn, the surpluses drive the search for new outlets, new export markets, and new uses, like high fructose corn syrup. In recent decades, the main answer to abundant corn supplies is producing corn-based ethanol for fuel, a use now consuming an almost unbelievable 57% of the corn produced in Iowa.⁹

⁵ See Econ. Research Serv., *The Number of U.S. Farms Continues to Decline Slowly*, U.S. DEP'T AGRIC., <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58268> (last updated May 10, 2021).

⁶ Kurt Lawton, *Taking a Look Back at the 1980s Farm Crisis and It's Impacts*, FARMPROGRESS (Aug. 22, 2016), <https://www.farmprogress.com/marketing/taking-look-back-1980s-farm-crisis-and-its-impacts>.

⁷ See Gerald Miller et al., *Iowa Corn and Soybean Acres Planted*, IOWA ST. U., <https://www.extension.iastate.edu/soils/sites/www.extension.iastate.edu/files/soils/Corn%20and%20Soybean%20Acres%20Planted%20-%202016.pdf> (last updated Jan. 17, 2017).

⁸ See NAT'L AGRIC. STATISTICS SERV., U.S. DEP'T OF AGRIC., IOWA AG NEWS – ACREAGE (2020), available at https://www.nass.usda.gov/Statistics_by_State/Iowa/Publications/Crop_Report/2020/IA-Acreage-06-20.pdf.

⁹ See *Corn Facts*, IOWA CORN, <https://www.iowacorn.org/media-page/corn-facts> (last visited May 17, 2021).

When you ask how these structural shifts in agriculture are reflected in attitudes toward land stewardship, soil conservation and water quality, the parallels to the Appalachian experience become more apparent. The extractive industries in Appalachia are coal and timber, in Iowa they are corn and pigs. The economic and political parallels of these industrial shifts become clear once you look for them.

In our current debate about water quality, most attention focuses on reducing the nutrients leaking from the intensively farmed millions of acres of corn and soybeans. Most ideas to address water quality focus on edge of field practices and improved fertilization and drainage systems. These ideas are all premised on accepting the need to continue maximum production of corn and beans. Few people dare question if we have over played this hand and whether some land is better left in grass and habitat. We are essentially mining our soil and water resources, extracting fertility and future productivity to raise crops used for industrial purposes or export. In many ways we have re-colonized our state without recognizing it. Granted there are economic benefits of increased crop production, and anyone who owns Iowa farmland as I have, enjoys the steady increases in land values. The actual benefits to the state are less clear, when an increasing share of any profits from farming are captured by a declining number of ever-larger farms. Because over half the land in the state is farmed under tenancy, much of any apparent gain in farm income is transferred as rent to absentee owners, 18% of whom live outside the state.¹⁰

Consider the role of pork production, a sector Iowa has longed prided itself on for being first in the nation, supplying nearly one third of America's pigs.¹¹ Here the parallels to Appalachia are even clearer. We are proud of Iowa's rank as the nation's leading pork producer but this claim glosses over questions of who actually owns the pigs and who benefits from any profits they might produce. The shift away from independent family farms to over 85% of swine production being contracted in a vertically integrated system means a few dozen mostly out-of-state corporations own the majority of pigs and enjoy most of the profits.¹² One of the largest pork

¹⁰ See WENDONG ZHANG ET AL., IOWA STATE UNIV., IOWA FARMLAND OWNERSHIP AND TENURE SURVEY, 1982-2017: A THIRTY-FIVE YEAR PERSPECTIVE 4, 11, 21 (2018).

¹¹ *Iowa Pork Facts*, IOWA PORK PRODUCERS ASS'N, <https://www.iowapork.org/news-from-the-iowa-pork-producers-association/iowa-pork-facts/> (last visited May 17, 2021).

¹² See LANCE GEGNER, NAT'L CTR. FOR APPROPRIATE TECH., HOG PRODUCTION ALTERNATIVES 3-4 (2004), *available at*

integrators, Smithfield Foods is Chinese owned meaning the profits don't even stay in the U.S. Hog farmers, now called growers, are legally considered to be independent contractors, meaning they have little legal status to seek judicial recourse if anything goes wrong. Their returns are the contract payments, usually just enough to cover the costs of financing the buildings and caring for the pigs. Many industrial scale contract swine farms are so large, the actual labor is done by low wage employees, often immigrants from south of the border. The same is true for the slaughterhouses, where the COVID pandemic illuminated the lack of concern for worker safety. Growers may benefit if they raise crops to sell to integrators for hog feed and they do get to keep the manure to use for fertilizer. Other environmental issues: smells, water pollution, and manure spills are left for the neighbors and local communities to experience. Proliferating Confined Animal Feeding Operations or CAFOs, and converting marginal land to crop production are Iowa's versions of mountain top removal, the environmentally destructive coal mining practice now plaguing Appalachia.

The collective political impacts of shifts in swine production can be seen in attitudes and challenges for natural resource protection. Local residents are increasingly vocal about concerns over locating new CAFOs nearby but decades ago Iowa's politicians yielded to the powerful lure of industrialized farming. The answer was to remove any local control over livestock production in favor of weak and often unenforced state standards written largely by the industry.¹³ On the issue of water quality, farmers naturally focus on increasing grain yields to stay ahead of rising input costs and shrinking margins. The need to keep our proverbial foot on the accelerator of all-out production leads directly to farmers claiming the permanent practices or cropping changes needed to reduce nutrient run-off and soil loss are unaffordable. This is a reason few are willing to adopt the conservation farming practices promoted by soil health experts like David Montgomery in *Growing a Revolution*.¹⁴ The nutrients leaking from increased tile drainage and over application of fertilizers and manure simply become problems

https://parasitology.cvm.ncsu.edu/vmp991/swine/supplement/hog_production_alte_rnatives.pdf.

¹³ IOWA CODE ANN. § 459.103 (West 2021) (granting authority to regulate animal feeding operations to the state); *see, e.g.,* Goodell v. Humboldt County, 575 N.W.2d 486, 492 (Iowa 1998) (confirming Iowa's general assembly has superior authority to local government regarding regulations of the operations).

¹⁴ *See* DAVID MONTGOMERY, *GROWING A REVOLUTION: BRINGING OUR SOIL BACK TO LIFE* (2017).

for others living somewhere downstream to address, be it in Des Moines or on the Gulf.

The increasing role of non-operator landowners and investors who control over half of Iowa's cropland mean many "landowners" are disconnected from the land. The success of their "farms" is measured largely by the cash rent tenants can afford to pay rather than the soils conserved or water quality improved. The tenants decide the crops to raise, how to raise them and how much attention, if any, is given to conservation. The short one-year term typical of Iowa farm leases mean most tenants have little incentive to invest in long-term conservation practices. Attention to soil stewardship is left to those who can afford it or who are motivated to use public conservation programs to support the efforts. Society and our legal system asks and expects little from landowners.

The shifts in the economic and social structure of farming and land ownership in Iowa are the manifestation of our industrialized agriculture. They help explain the apparent coarsening of our attitudes to the land. Today we appear willing to tolerate levels of soil loss and water pollution that would have shocked our forbearers, like Ding Darling, Aldo Leopold and Henry A. Wallace.¹⁵ The structural shifts help explain our political impotency and unwillingness to address these ills or confront their causes. Instead we place faith in voluntary actions and public funding to carry out what should largely be private responsibilities. Seventy years ago, Leopold warned how believing economic self-motivation will lead farmers and landowners to protect our common heritage of natural resources is destined to fail.¹⁶ We still lack the land ethic he wrote of, or an adequate substitute for it. The history of Appalachia bears this out, and the tragedy unfolding on Iowa's fields does as well, that is, unless we begin to take more seriously our responsibilities to the land. It is not too late to change, to follow the paths being made by farmers and landowners showing how land can be conserved, grass based farming promoted, and water quality improved. Making the needed changes will take leadership, and recognizing the costs our

¹⁵ See *How Soil Erosion Threatens Our Food and Farm Future*, UNION CONCERNED SCIENTISTS (Dec. 17, 2020), <https://www.ucsusa.org/resources/how-soil-erosion-threatens-food-and-farms>; see *Henry A. Wallace, Secretary of Agriculture, Born (1888)*, TODAY CONSERVATION, <http://todayinconservation.com/2019/08/october-7-henry-a-wallace-secretary-of-agriculture-born-1888/> (last visited May 18, 2021).

¹⁶ ALDO LEOPOLD, *The Land Ethic*, in *A SAND COUNTY ALMANAC* 201, 207–09 (Oxford Univ. Press, spec. commemorative ed. 1989) (1949).

current system imposes. Only a greater appreciation for working with nature can help sustain our future.

I like to think one of the key roles of land is providing owners with joy and opportunity. The land doesn't ask much, you can leave it alone for years and it will be here when you come back. The weeds may have grown and a few trees sprouted but it will be here waiting for you to do something, it is your choice. That is why it is surprising how much time owners spend worrying about things going wrong, the fear of what might happen. This goes way beyond worrying bankers may come to take the land way. Our last real dose of that was in the mid-1980's during the farm financial crisis when most Iowa farmland lost half its value – at least on paper. I don't think my father liked the news his land value had gone down, but he didn't plan to sell it, so it didn't make any difference. He couldn't borrow as much against the land as collateral but he didn't need to borrow any money.

Borrowing money against the land is how most of our neighbors got into trouble, some eventually losing the land. They used high-priced land, valued at inflated prices, as collateral to borrow at high interest rates to buy more high-priced land. It didn't matter if the price didn't pencil out, meaning the value of the corn it could produce wouldn't pay for it. The banks were willing to lend money confident land values would continue to rise. If they didn't, the banks could always foreclose on the land. The banks weren't the ones risking their futures, at least not as directly as their farm clients. When the music stopped in the early 1980's, the financial house of cards came down. Many who leveraged their land found themselves caught with nowhere to turn. Some younger farmers looked to the bank of Mom and Dad, asking them to mortgage the home place to refinance the loans. Some who did paid the ultimate price, losing Junior's new land and the family home place as well. The toll was real. In the 1980's Iowa lost over 30,000 farms falling from around 125,000 to just 95,000 by 1990.¹⁷ It was a sad and trying process to watch. Farm activists like PrairieFire¹⁸ filled the Statehouse lawn in Des Moines with white crosses representing the thousands of Iowa farm families who lost everything.

I have always wondered why headlines reading “Farm Land Values up 10%” are seen as good news in farm country? They are

¹⁷ See NAT'L AGRIC. STATISTICS SERV., *supra* note 3, at 10.

¹⁸ See generally David. L. Ostendorf, *PrairieFire Rural Action: A Force for Empowerment in Rural America*, 12 CULTURE & AGRIC. 16, 16–19 (1992).

only good news if you plan on getting out or plan on borrowing to buy more land. It seems news of higher land prices just fuels higher prices for everything else. Landlords reading the headlines expect higher rents, thinking “I should get more rent for my land if it is worth that much!” Where is the good news for tenants in that? It makes you wonder, as Wendell Berry asks, “Whose Head is the Farmer Using” and “Whose Head is Using the Farmer?”¹⁹

News stories in the 1980’s reported the land lost half its value, but the land knew better. It hadn’t changed a bit and was just as valuable as ever, if you knew what to look for. The fear farmers and owners have today is different than their fear in the 80’s. Today the fear is more political, the fear someone is going to disagree with how they farm or expect them to do something for the benefit of the public and community. This is a whole different issue than worrying about the bankers. With bankers, you just borrow money and sign documents, all the terms and risks are right there on paper. Today the worry is more of being out of control, at the mercy of others, people who don’t share the same values, don’t appreciate how hard farmers work or the risks they take, and who maybe aren’t even interested in trying to understand what farmers do or why. The fear is these people want to put farmers out of business or tell them how to farm. This is different than bankers, they just want to get paid and really don’t care how you come up with the money!

II. Purdy and His Land Insights

Thinking about how the changes in agriculture impact our relation to the land raises several troubling issues challenging our future. One is the environmental vulnerability we face in using land for farming. A second issue is the inequality we have embedded in the land, not just the history of how land was distributed but new inequalities being magnified by expanding farm tenancy and land being consolidated into larger and larger farms. One of the most thoughtful observers examining the impact these changes have on the land is Jedediah Purdy, a law professor at Columbia Law School. His 2019 book, *This Land is Our Land*, is a tightly written and brilliant essay about land in the larger context of our national tensions.²⁰ He

¹⁹ Wendell Berry, *Whose Head is the Farmer Using? Whose Head is Using the Farmer?*, in *MEETING THE EXPECTATIONS OF THE LAND* 19 (Wes Jackson et al. eds., 1984).

²⁰ JEDEDIAH PURDY, *THIS LAND IS OUR LAND: THE STRUGGLE FOR A NEW COMMONWEALTH* (2019).

offers several insights helping explain our current situation, in particular on environmental issues and inequality.

As a starting point, Purdy makes the astute observation in “[t]he natural world, the land, is the thing you can always tell lies about, because it doesn’t answer—until the time you can’t lie about it anymore because it is too late.”²¹ Consider how well this explains our willingness to believe the myths we create, such as those concerning soil conservation. Our willingness to lie about what we are doing to the land is reflected in how we accepted the rapid changes in Iowa’s pork sector with its negative impacts on the land, water and neighbors. Farmers face a much different future disenfranchised from the historic promises of farming’s independence. The question now is if it is too late for us to continue lying about the land?

The idea it may be too late is intimately tied to environmental vulnerability created by changes on the land. In speaking about recent water quality disasters in West Virginia and Flint Michigan, Purdy notes how “environmental vulnerability is intimately involved in American inequality.”²² Perhaps the most poignant example of this increasing inequality on America’s land is the rapid increase in farm tenancy. We don’t like to think about farm tenancy in terms of inequality but isn’t that what it is? The inequality is present not just in the relation of the tenant to the landlord but also for the land itself. There are differences in how land is treated by a farmer owner and how the land may fare if farmed by a tenant faced with paying high cash rent. Of course, there are examples of tenants who take care to steward land they rent, but I always remind students, few people wash a rental car before returning it.

Another of Purdy’s powerful comments is his idea “the land remembers.”²³ How we farm is always visible on the land, and eventually it catches up with us, unless or until we treat the land right. Leopold cited, “Truth is that which prevails in the long run.”²⁴ This is worth contemplating when it comes to farm tenancy. Tenancy has been a concern since the history of agriculture, whether for the serfs under feudal ownership in Europe, or America’s farm tenants during the Great Depression. The President’s Farm Tenancy Commission report from 1937 was the high-water mark for these concerns in the

²¹ *Id.* at 21.

²² *Id.* at 35.

²³ *Id.* at 15.

²⁴ Aldo Leopold, *Some Fundamentals of Conservation in the Southwest*, 1 ENVTL. ETHICS 131, 141 (1979).

U.S.²⁵ At that time, tenancy was recognized as an “evil,” and government efforts were taken to reduce the incidence of tenancy, to address its inherent inequalities, and to increase the ability of farmers to purchase and own their land.²⁶ But in the post-war era of modern agriculture, this view dimmed and we came to tolerate increasing farm tenancy. The shortcomings of farm tenancy: the short-term planning horizon, farming the land harder, lack of wealth building, and reluctance to invest in soil conservation. The concerns are all still present and haven’t changed; instead we changed. What changed was the desire by more people to own farmland but not be the farmer, a trend many farm economists encouraged, saying renting land was the way for farmers to spread risk and have access to more land.

Our inability and unwillingness to confront increasing farm tenancy reflects the sanctity given to private property and the inability (or unwillingness) to question how people choose to farm or own land. This is why efforts to restrain non-operator landowners, i.e., absentee owners, have never been popular or successful. Ideas like higher property taxes or giving existing farm tenants a right of first refusal if the land is sold are considered un-American. On the other hand, assisting new farmers to buy land, by offering lower interest rates and easier credit, are more popular and politically acceptable.²⁷ The fact they are often ineffective given difficulties new buyers face against well-capitalized landowners in a competitive land market, doesn’t mean we didn’t try.

The real concern about tenancy we avoid talking about is inequality and how tenancy increases the vulnerability of those involved. Vulnerability is present for tenants who can be turned off the land next year, and for the land if an absentee landowner is unwilling or unable to invest in soil conservation. We have difficulty even talking about the inequality associated with farm tenancy because it goes against our belief all people are equal and should be free to make their choices. To acknowledge increasing farm tenancy presents threats recognizes the inherent imbalances present in a capitalist free market system, i.e. some people have a lot more power and not all people are equal. We gloss over or ignore reality and treat

²⁵ NAT’L RES. COMM., FARM TENANCY: REPORT OF THE PRESIDENT’S COMMITTEE (1937).

²⁶ See Edwin Rogers Embree, *Southern Farm Tenancy*, 25 SURV. GRAPHIC 149 (1936), <https://socialwelfare.library.vcu.edu/eras/great-depression/southern-farm-tenancy-1936/>.

²⁷ See Neil D. Hamilton, *America’s New Agrarians: Policy Opportunities and Legal Innovations to Support New Farmers*, 22 FORDHAM ENVTL. L. REV. 523, 534 (2011).

tenancy as a matter of “choice.” Choice is easier to talk about because it rests on individual autonomy even when the choice may not be real or effective.

That tenancy is not a problem is a lie we tell ourselves about the land, justified by noting some landlords do care for the soil as do some tenants. This partial truth allows us to gloss over the fact tenancy is inherently unequal. Some slave owners may have been more benign than others and some slaves better treated than others, but that didn't change the inherent and abhorrent nature of their slavery.

Another factor corroding our relation to the land Purdy notes is the growing mistrust of the federal government on issues of environmental protection.²⁸ This anti-government, anti-public view is popular in many quarters of modern agriculture, especially with conservative farm groups like the farm bureau. Concerns about government over reach may be historic for example many found fault with programs of FDR's New Deal, but the idea the government is the enemy found its most vocal advocate in Ronald Reagan.²⁹ His anti-government rhetoric fueled the growth of the Sagebrush Rebellion in the West, challenging the federal management of public lands.³⁰ This philosophy lives today in the Bundy acolytes and other anti-government radicals who demand the public lands be given to the states so they can be privatized and exploited.³¹ Purdy adds a dimension to this reality, observing one feature of American politics is “the willingness to suffer at the hands of the institutions your people identify with, and to forgive them nearly anything out of loyalty.”³² This idea applies to agriculture in so many ways. Farm groups support only voluntary, non-regulatory “solutions” to environmental issues, absentee owners are trusted to place a priority on conservation over production, livestock integrators are trusted to make contracting relations fair, and fertilizers dealers are expected to recommend only the amounts needed to not threaten public waters. None of these assumptions are true or reasonable. We aren't willing

²⁸ See PURDY, *supra* note 20, at 14–19, 33–37.

²⁹ See *id.* at 55–56, 90, 110.

³⁰ See Jonathan Thompson, *The First Sagebrush Rebellion: What Sparked it and How it Ended*, HIGH COUNTRY NEWS (Jan. 14, 2016), <https://www.hcn.org/articles/a-look-back-at-the-first-sagebrush-rebellion>.

³¹ For a discussion of the anti-public land related developments, see generally CHRISTOPHER KETCHAM, *THIS LAND: HOW COWBOYS, CAPITALISM, AND CORRUPTION ARE RUINING THE AMERICAN WEST* (2019), and ANTHONY MCCANN, *SHADOWLANDS: FEAR AND FREEDOM AT THE OREGON STANDOFF* (2019).

³² PURDY, *supra* note 20, at 38.

to believe these institutions could fail us because we are invested in supporting them.

When you combine economic and political inequality with the lack of power found in relations like being a farm tenant or a hog contract grower, the attendant environmental vulnerability is no surprise. Purdy notes power rearranges people on the land and our willingness to lie about the land is essentially a political bid to remake reality.³³ The good news is we didn't get to this point by accident, we built the institutions relied on, free markets and government programs. Some believe these institutions are not equipped to deal with the problems and instead we must hope for a hack to radically alter our systems. Purdy rejects this, "Putting hope in the hack gives up on specifically political, let alone democratic, responses to environmental questions."³⁴ Aristotle said man is "a political animal"³⁵ with the ability to invent powerful constructs, like life, rights, citizen, votes, democracy, legitimacy and law. Fifty years ago, our nation made a choice to use a set of national laws to address environmental questions. Purdy notes, "The great power of a political species is to change the architecture of its common world."³⁶ This gives us the "uniquely constructive power of political sovereignty."³⁷ Today we have to confront the fact many forces are using political sovereignty to secure a fragmentation of the planet, into safe spaces and sacrifice zones. This is why considering the issues of the land are central to the future of society, as the land will be the base for our solutions. To understand our changing relation to the land it is valuable to consider how often land has been the subject of conflict, and how its ownership reflects threads of the racial discrimination woven into society's history.

III. Land and Discrimination

America's history is steeped in a broth of racism so strong that if you try swallowing it in one gulp you gag on the stench. A great deal of our racism is tied to the land, whose land was stolen so settlers could claim it, whose labor was stolen to work the land, and

³³ *Id.* at 20–21.

³⁴ *Id.* at 89.

³⁵ ARISTOTLE, *POLITICS* 4 (Cames Lord trans., Univ. of Chicago Press 2d ed. 2013) (n.d.).

³⁶ *Id.* at 91.

³⁷ *Id.* at 93.

who was denied the opportunity to own land. In some cases, we went so far as to take land away from lawful owners, forfeiting the land to the government through extra-judicial means, arcane legal rules on racial identity, and wartime attitudes about who could be trusted to be a good American.

If you doubt the accuracy of this indictment, consider these examples:

- Millions of slaves imported and raised to work the cotton plantations and other agricultural lands across the South;
- Tens of millions of acres of land “acquired” from indigenous Native American tribes, some “purchased” through one-sided “treaties” usually broken as soon as signed, but more often land taken by war, armed conflict, theft, extermination, and forced expulsion to the west.
- Thousands of people residing legally in the U.S. denied the right to own land, such as Asians barred by Chinese Exclusion Acts and other anti-Asian laws enacted in the 19th and 20th century;
- In many states after the War, both North and South, the same exclusions applied to freed slaves denied the right to purchase land;
- Hopeful examples of land redistribution, like General Sherman’s in the Carolinas, were quickly reversed and the distributed land restored to white ownership by power of the law;
- Abandoning Reconstruction and the promised ‘forty acres and a mule’ denied freed blacks the opportunity to own land, to gain economic independence, and to build wealth. National policy ignored the resurgence of white supremacy and resigned the new citizens to generations of slave-like conditions working as share croppers on the former plantations, under the brutal yoke of Jim Crow.

These examples illustrate the linkage of racial discrimination to ownership of land. Another is the “re-appropriation” or forfeiture of lands held by South Asians, considered “white” under state property laws, until a 1920’s U.S. Supreme Court decision revoked their right

to own land.³⁸ A final example is the tragic internment of over 120,000 Japanese Americans, mostly U.S. citizens, beginning in February 1942 and lasting four years.³⁹ Many lands owned by these citizens were lost, through forced sales made prior to internment or by other nefarious means.⁴⁰

Restraining who can own land in the U.S., especially farmland, is still a topic of state legislation and restrictions, although today the focus is on foreigners rather than our citizens. My thinking on the topic is bookended by events more than 40 years apart. In May 2020, PBS aired a documentary series on the history of Asian Americans, detailing some restraints on land ownership I had never encountered after spending a career working on land issues.⁴¹ The second event was my first major assignment as a newly minted Assistant Attorney General for Iowa. Much of July 1979 was spent writing an Attorney General's opinion on the constitutionality of Iowa's recently amended law restricting non-resident ownership of farmland.⁴² The lengthy opinion held the law constitutional for several key reasons. It did not violate the supremacy clause or interfere with federal enforcement of immigration laws because it incorporates the federal definition of "non-resident aliens."⁴³ Regulating who can own farmland has historically been considered an issue of state law and not one for federal courts.⁴⁴ Under the Equal Protection Clause Iowa had a rational basis for restricting non-alien ownership based on their lack of connection to the communities where the land is located.⁴⁵ The more restrictive strict scrutiny test, a constitutional standard few discriminatory laws can meet, was not applicable because the category of non-resident aliens includes billions of people not U.S. citizens, meaning they are not a discrete, insular minority.⁴⁶ The Iowa law bore no evidence of racial animus or discriminatory

³⁸ See *United States v. Bhagat Singh Thind*, 261 U.S. 204, 213–14 (1923) (ruling an Indian Sikh man was not white).

³⁹ SIMON WINCHESTER, *LAND: HOW THE HUNGER FOR OWNERSHIP SHAPED THE MODERN WORLD* 301–02, 312 (2021).

⁴⁰ For a poignant description of the internment and its impact on the farmland ownership of Japanese American farmers, see *id.* at 301–19.

⁴¹ See *generally Asian Americans* (PBS television broadcast May 12, 2020), available at <https://www.pbs.org/show/asian-americans/>.

⁴² 1979 Iowa Op. Att'ys Gen. 461 (1979), 1979 WL 21110, at *passim*. Regarding the constitutionality of H.F. 148, 1979 Session, 68th G.A., Ch. 133.

⁴³ *Id.* at *10.

⁴⁴ *Id.* at *14.

⁴⁵ *Id.* at *13–14.

⁴⁶ *Id.* at *12–13.

purpose; it was just protecting opportunities for Iowans.⁴⁷ The 1857 Iowa Constitution protects the rights of anyone who is a resident of the state to own land, a provision written when most of Iowa's farmers were immigrants, like my mother's Danish ancestors.⁴⁸

The legacy of racism and land discrimination woven into our Nation's history has many explanations, though none are very palatable today. With native Americans, it was a question of perceived necessity. We had to move them out of the way because they didn't "use" the land or understand ideas of ownership. Seen through one lens this is a classic exercise of political power to promote greed and exploitation. Seen through another, perhaps more patriotic lens, it was Jeffersonian nation building by yeoman farmers. The truth is the Indians were in the way so they were dealt with in ways, and with tragic consequences, they and the Nation still grapple with.

As to slaves, the first justification was they weren't people, certainly not on a par with whites, when it came to things like owning land. Once the Civil War ended and the former slaves were freed, justifications evolved to include fear of how independence, success, and wealth building by a black society would challenge dominant white society. If black people could own farmland, it would erode a ready supply of low cost, malleable workers to toil as sharecroppers, and white owned plantations might face an existential threat if no one worked their fields. Sharecropping was the legal device invented in the South and designed to perpetuate near slave-like conditions and control over families. Sharecroppers are not tenants and have no legal property rights in the land or in the wealth and independence it offers. Instead they are essentially bonded workers but with no rights to wages or other protections employees might have. White society feared if black people owned land, they could access income, self-employment, and wealth to pass on, and would seek and expect political power. Each step threatened white culture and the political and economic systems. Echoes of the unequal treatment of black landowners by the legal system reverberate today. The reluctance of black families to use legal tools to formalize passing land between generations, creates what is known as "heirs" property, fractionated and unrecorded land divisions passed to generations of heirs. Failing to record the transfers leaves the current fractional "owners" vulnerable to losing their claims if another heir records a sale. The uncertain nature of these land titles makes it difficult to obtain loans and mortgages using land as collateral. The uncertainty and legal

⁴⁷ *Id.* at *14–15.

⁴⁸ IOWA CONST. art. 1, § 22.

risks associated with this history contributes to declining black land ownership and is an issue legal scholars, members of Congress and USDA officials are struggling to address.⁴⁹

Restraints on Asians were classic examples of racism and “anti-other” hatred, more easily enforced due to physical appearance. The success of Asian farm families fueled jealousy on the part of white neighbors and others who craved the opportunity to take their lands. For some, the WWII internment provided the perfect opportunity and excuse to act. This part of America’s land history doesn’t get taught in schoolbooks. This failure is the type documented by James Loewen’s 1995 book, *Lies My Teacher Told Me*.⁵⁰ Perhaps the collective lacuna in our story of the land is understandable. Who wants to be reminded of the crimes and ill deeds of our ancestors? Especially when it clouds the view of heroic struggle and survival we embrace. Worse yet, what if considering this history might threaten the legitimacy of our own claims to the land! Therein lies our problem. James Baldwin put it best when he noted: “[P]eople who imagine that history flatters them . . . are impaled on their history like a butterfly on a pin and become incapable of seeing or changing themselves, or the world.”⁵¹

IV. What Is the Big Lie We Tell About the Land?

I can’t help thinking about this history of racial discrimination and what it means for the land. The concern I have is how we constructed a social and political worldview making it too easy to avoid confronting the reality of our actions. We did it in regards to how we obtained “ownership” of much of Iowa from the Potawatomie, a part of history few remember or teach. It isn’t that our legal titles are somehow in doubt or that we will go back and right the wrongs of history by giving western Iowa back to the Potawatomie. That ship has sailed. We did the same for racial injustice, and I fear the pattern is playing out in how we are coming to treat the land. In his fabulous book *Begin Again*, Eddie Glaude Jr., examines the life of James Baldwin and his role in the civil rights

⁴⁹ For a general discussion of the issue of black farmland ownership, see Vann R. Newkirk II, *The Great Land Robbery: The Shameful Story of How 1 Million Black Families Have Been Ripped from Their Families*, THE ATLANTIC, <https://www.theatlantic.com/magazine/archive/2019/09/this-land-was-our-land/594742/> (last updated Sept. 29, 2019).

⁵⁰ See generally JAMES LOEWEN, *LIES MY TEACHER TOLD ME: EVERYTHING YOUR AMERICAN HISTORY TEXTBOOK GOT WRONG* (Touchstone 2007) (1995).

⁵¹ JAMES BALDWIN, *The White Man’s Guilt*, in BALDWIN: COLLECTED ESSAYS 722, 723 (Toni Morrison ed., 1998).

struggles of the 20th century, to see what lessons we can find for today.⁵² Glaude shapes his analysis around Baldwin's efforts to confront the big lie – white America's unwillingness to abandon the belief white people matter more than blacks and then constructing a society to ignore and minimize this failing.⁵³ Glaude's motivation is asking whether the Nation's current experience, as exemplified by the televised murder of George Floyd in 2020, and confronting the reality of racial injustice will reach a different end, a time when the lie will finally be put to rest.⁵⁴

If you read his book, and examine it through the lens of the land, the parallels between white America's attitude toward racism and how we treat the land are clear. My intention in making this connection isn't to minimize the nature of racial injustice, instead it is to ask if the history and pattern of land abuse is not similar? If it is, we should ask what lessons we can draw from his analysis of Baldwin are applicable to the land?

Glaude's premise is using the lens of truth telling.⁵⁵ Is there a better story, if we examine the lies we tell about the land and tell the truth about where we are? This theme of truth telling and examining lies told about the land are themes in Terry Tempest Williams's *Erosion*,⁵⁶ and Purdy's *This Land is Our Land*.⁵⁷ What is the lie we tell when it comes to the land? Is it what Leopold identified as the key log we need to move – our treating land only as an economic issue?⁵⁸ Is it what Henry Wallace warned about – our unwillingness to recognize the duty owed to the land even if we do own it in fee simple?⁵⁹ Is it our view the land is all about private property and landowner rights without recognizing any responsibility to the public, who created the context for our rights to exist? It is all these things and more – the lie is we love the land, when the evidence shows many of us do not.

Don't get me wrong, some people do love the land, but the evidence of how we abuse the land is present as well. Our history

⁵² See generally EDDIE S. GLAUDE JR., *BEGIN AGAIN: JAMES BALDWIN'S AMERICA AND ITS URGENT LESSONS FOR OUR OWN* (2020).

⁵³ *Id.* at 7.

⁵⁴ See *id.* at xxvii–xxix.

⁵⁵ See *id.*

⁵⁶ See TERRY TEMPEST WILLIAMS, *EROSION: ESSAYS ON UNDOING* (2020).

⁵⁷ See PURDY, *supra* note 20.

⁵⁸ LEOPOLD, *supra* note 16, at 210–14.

⁵⁹ See NAT'L RESEARCH COUNCIL, *SOIL AND WATER QUALITY: AN AGENDA FOR AGRICULTURE* 181 (1993).

with soil conservation is largely a story of avoiding responsibility for our actions. Glaude might say, in our debasement of the land we debase ourselves by willingly accepting the damage and explaining it away, the ephemeral gullies are our truths. The power of the lies we tell about the land help us avoid confronting the truth. We rationalize our treatment of land and spin our myths about the progress being made, all the while allowing soil to erode, soil health decline and polluted waters abound. Because land is not human and has no rights, at least legal rights we respect, the land is just land and it is no crime to mistreat it. When those who love the land, environmentalists and conservationists, challenge our right to act this way the response is full of vigor and vitriol. Who are they who dare challenge the primacy of our gloried property rights! Glaude notes to call these reactions a backlash is inaccurate, doing so accepts the legitimacy of the claims of right and gives power to set expectations for what is acceptable.⁶⁰ The opportunity and challenge we face today is the need to re-examine what we believe is acceptable in how we treat the land. As Purdy notes, land is something we can always lie about – until the time comes when we can no longer hide the truth.⁶¹ Today is a time for truth telling and confronting our lies, giving witness to their effects, and setting alternatives.

It is only natural we want to avoid such a confrontation, preferring to wash away our sins without admitting any crimes. One reason agriculture fears its critics is because they remind us of our misdeeds and ask us to confess. This is why Iowa farm groups hated the now deceased and sorely missed Bill Stowe, the director of the Des Moines Waterworks who dared to sue farmers for polluting the river he used to water 500,000 customers.⁶² Living with and defending our lies is not without costs. It is a large part of what makes many farmers and landowners worried and fearful. Knowing you are mistreating the land takes the joy and fun out of farming.

In the summer of 2020, the Nation faced growing public dissent and protests over the racial injustice many experience at the hands of the police. Thinking about the moment, led me to reflect on how the wealth inequality feeding our social strife finds its history in the land. The following essay was my attempt to address the issue. A mutual friend shared it with noted journalist Bill Moyers, who

⁶⁰ See GLAUDE JR., *supra* note 52, at 24.

⁶¹ PURDY, *supra* note 20, at 21.

⁶² *Des Moines Water Works to File Lawsuit*, SIERRA CLUB (Mar. 2015), <https://www.sierraclub.org/iowa/des-moines-water-works-file-lawsuit>.

posted the essay for his readers.⁶³ It generated a great deal of reaction as friends and strangers reached out to comment. I even heard from a law school classmate not seen in 40 years, such is the reach of new media.

V. Iowa's White Privilege Has a Billion Dollar Price Tag

I remember the first time someone called me out for my white privilege. The charge came decades ago from a black food activist in Detroit. Naturally I was offended – the label stung coming from someone who had no idea of my nature other than the color of my skin. To me, my so-called white privilege was growing up in an ill-heated farmhouse without running water watching my parents eke out our living on a small farm. Where was the privilege there?

Time can soften many memories, and events of recent weeks have forced our nation to address the legacies of racial injustice and wealth inequality plaguing us today. Recent events made me think more deeply about the term white privilege and what it may mean in our Iowa context. The term has been used frequently in recent weeks along with the idea of systemic racism. On hearing the terms, it may be natural to strike a defensive pose and say not me – how can you accuse me of exercising a privilege I neither claim nor recognize! But it is important to understand being the beneficiary of white privilege does not make you a racist – that is a function of your thinking. White privilege is a function of how society treats us.

That is why this moment is so important because it is a time to stop and think. As Iowans, we pride ourselves on our state's history of commitment to civil rights and racial equality. There is truth to these claims, but the idea we are free of racism is more a myth of our own making than reality. If we are honest with ourselves, white privilege is all around us – in fact is almost foundational to our state. How is this true? The most significant evidence is in our pattern of land ownership and system of farming. You need look no further than agricultural policy and the generous public financial support we provide farmers and landowners to see white privilege at work. Yes, it is alive and well in Iowa and has a price tag measured in billions.

In the last two years alone, Iowa farmers and landowners will have received several billion dollars in public subsidies – not just the

⁶³ Neil Hamilton, *Iowa's White Privilege Has a Billion Dollar Price Tag*, BILLMOYERS.COM (Aug. 17, 2020), <https://billmoyers.com/story/iowas-white-privilege-has-a-billion-dollar-price-tag/>.

crop insurance protecting farm incomes, but farm program payments and a new crop of benefits in the form of market facilitation payments to compensate for markets lost to trade wars and new COVID 19 payments to compensate for losses due to falling prices. The people who receive these payments – several hundred thousand Iowa farmers, family members, and landowners are almost exclusively white. We have so few minority land owners in Iowa you could gather them in a bank basement. So where is the white privilege in that you ask? Well you can answer that question yourself by explaining why society has chosen this group of citizens as being worthy of a bounty of public welfare.

The answers we provide are predictable – it so we will have a stable food supply and plenty to eat, it is to keep the rural economy afloat, it is to make sure land prices don't collapse and trigger a farm crisis, and so farmers don't go out of business. There is some truth to all these answers, and the good news is the public broadly supports helping farmers in times of economic stress like we are in now. But do we really fear our nation going hungry or believe farmland will go unplanted? The reason we chose to send them checks is because we choose to privilege those who farm and own land.

Don't get me wrong. I am not blaming the farmers and landowners being showered with support for cashing the checks. Any of us would do the same if we were among the chosen. If we have learned any political lesson in Iowa, it is "when the getting is good – get all you can." The truth is most of the funds going to the farm sector won't stay there long anyway. It will go to pay for the high-priced seeds and chemicals the Corteva's and Bayer's sell – and to pay for the big green machinery you see in the fields.

A good deal of it will pass through farmers into the lands of the landowners – the landlords who control over one-half of the farmland in the state.⁶⁴ If you want to know why cash rents haven't declined in recent years even in the face of declining crops prices and farm incomes, it is because we prop up the land market with farm supports. The truth is we launder money through farmers to support a whole array of related agricultural businesses. It works well for them because they benefit but do not have to do the political heavy lifting to get the funds – farmers do that for them.

What is the point? Why pick a fight and label this as white privilege? The reason is because we as a nation will never to be able to understand or address issues at the heart of racial injustice and wealth inequality if we don't appreciate how the deck is stacked.

⁶⁴ See ZHANG ET AL., *supra* note 10, at 3.

Issues like claims of reparations for slavery or how the roots of black wealth inequality are found in our reversal of Reconstruction; by abandoning the promise of “40 acres and a mule,” we resigned millions of former slaves to generations of slave-like conditions as sharecroppers on Southern plantations. How different would life be today is they had been allowed to take their place as land owning and independent farmers – like so many of our ancestors. As Iowans, we are privileged in many ways, with our land, people and history, but we must also be willing to show humility in recognizing how the privileges came to be.

VI. Land, Legacy and Loss

As the economic toll of the COVID 19 pandemic became more apparent in 2020, for some in agriculture, especially hog producers, the potential of “losing” the farm was real. In Levon Helms’ song the *Growing Trade*, the farmer sings, “This land is my legacy, I got nowhere else to turn.”⁶⁵ The song reminds me of the incredibly powerful connection people can have with their land, especially farmers whose homes and livelihoods join in one place. Being the one to “lose” the farm is the most shameful failure possible in the liturgy of agriculture. Doing anything necessary to “hold on” to the farm is its flip side, even if it means joining “the growing trade” as Helms sings. This link is among the powerful ingredients fueling many farmer suicides. The strong connection farmers have to their land is reflected by the fierce resistance they have to its potential interference by others. “Involuntarily” losing the farm can come about in many ways:

- If land is taken through eminent domain, it always leaves a bitter scar, even if just compensation is paid and the public need or benefit is clear. The compensation is never enough, and any “replacement” land never has the same emotional connections.
- If land is lost through economic forces such as the 1980’s farm crisis, then others bear responsibility: the bankers who should have known better than push the loans, the market manipulators, the government, or someone else. There are always others to point to rather than accept responsibility for our own decisions. This is made easier when many are in the same situation, making it a collective problem, not individual culpability.

⁶⁵ LEVON HELM, *Growing Trade*, on ELECTRIC DIRT (Dirt Farm Music L.L.C. & Vanguard Records 2009).

- If the farm is lost due to COVID, this will be the cause: an unprecedented, unforeseen, and unavoidable event, bigger than any of us. It may not make the loss less painful, but it will provide an excuse and something to blame. Focus can shift to why the politicians didn't do more to help you hold on?
- If you lose the land through the actions of family members, to siblings in a partition fight or will dispute, or heir's property to a cousin who recorded a sale, there is another to blame and a legal system stacked against you.

In all these cases, the loss of land is still real, leaving a permanent mark and memory. They contrast to deciding to sell, "losing" the farm voluntarily. Putting a conservation easement of the land through a USDA program to restore a wetland under the Wetland Reserve Program is voluntary. These actions are often done with alternatives in mind, such as a "like kind exchange" to trade for land better suited to your needs. In many cases, deciding to sell may mean cashing in on some high valued land to actually retire, to stop being land rich and cash poor for once, and to see how the other version works.

My decision to sell our farm on an installment land contract entered with a young neighbor was an intentional and planned action. In these cases, the emotional cost of "losing" the farm is absolved by the loss being a voluntary decision made of free will, not due to legal or economic coercion. This is why a "sale" to pay the nursing home bills, such as we were forced to do with the Back Forty as Dad lay dying, is less satisfying, somewhere between voluntary and involuntary. The solace was we "at least had some land to sell." Weighed against it was the fear "how much longer can this go on" and what happens if there is no land left to sell? Given the backdrop of emotion and connection to the land, it is easy to understand why most landowners resist any government regulation or action they believe will restrain the ability to use and enjoy the land, or dispose of it when necessary.

To a tract of land, who owns it is somewhat irrelevant. Different owners may treat the land with different levels of care and respect; some may expect more or give back less. In many ways, the story and the expectations are always the same; "produce for me" is the mantra, and so the land does. Another facet of the owners' attitudes is how set they are on maintaining control. To them the idea of "losing" the farm is a cardinal sin, perhaps the most ignominious fate to befall a landowner. To the land, it really isn't such a big deal. The main thing that happens is the name on a piece of paper in the

County Recorder's office is changed, and the County Auditor will send the property tax bill to a different address. The boots that walk the land, assuming the land ever feels the step of a human rather than the tread of a tractor tire, might change too. But the land doesn't; it is still there and will be there next year, next decade, next generation and even next century. You could say forever or what we like to refer to as perpetuity. As a law professor, whenever any student would ask about the "rule against perpetuities" – the arcane legal rule designed to prevent legal entanglements of land longer than the life of the owners' last child – my handy answer about perpetuity was "perpetuity is the day after I am dead" because then I won't be around to care or know what happens to the land.

That is a lesson lost on most landowners! It seems one of landowners' favorite activities is thinking up ways to extend control into the future, long after they are dead, to guide the actions of their heirs. Lawyers refer to this as "dead hand control." The favorite theme in a lifetime of dinner table admonitions to their children is "you must never sell the farm." That explains why many parents try to include legal devices to the effect "you must never sell this land." I think my view of perpetuity had it right. Once you are dead, why does it matter who owns the land? Life is for the living, and the land should be too.

When I hear people talk about "losing the farm," I want to shout "not to worry, the land is not lost, it always knows exactly where it is." Perhaps what we really mean in worrying about "losing the farm" is more about missing out on the opportunity to use, control and enjoy the land, certainly the right to farm (or exploit) the land to make a living. In this vein, land is really just one more capital tool or asset similar to pigs and tractors. We never seem to get upset about "losing them!" If we are really worried about "losing" the land, then why don't more owners show concern for how the land is actually being lost. The top soil washing off the hillsides, the soil fertility being sapped away each year, the soil health, the tilth and the ability to hold and absorb a good rain when it comes rather than see it quickly pour off the land; these are the real assets contributing to land values and making land healthy. Someday people may wise up and realize these are what is being "lost" while they are busy farming the land so hard to hold on!

VII. Agriculture's Fragility

On a drive to Storm Lake, it was like passing through an endless sea of green. Fields of corn and soybeans, webbed with a network of fence lines, county roads and every now and then a stream or river. The bounty and potential of the land were almost overwhelming, enhanced by the ridge top vistas of more green stretching miles in every direction. As a lifelong Iowan and son of the soil, I couldn't help feel a swell of pride and history in the view. It seemed to represent the perfect ground to grow a spirit of optimism and draw a life of fulfillment, laden with hope for a big crop and better times ahead. To the knowing observer however, the green fields masked a range of tensions and worries, sharpened by a growing drought threatening the apparent bounty. Other fears though go deeper, to the very psyche and psychology of farming in modern times.

All the apparent prosperity and strength passing by the window hid an equal mixture of fear and anger, a fragility in farming, a product of our times and a source of growing tensions clouding our future. My trip to Storm Lake was ostensibly to see an example of the tensions and conflict play out in real time. My plan was to attend the quarterly meeting of the North Raccoon River Watershed Coalition, made up of representatives from the dozens of towns, counties, and soil and water conservation districts in the nine-county watershed. Years before, they had entered a 28E agreement creating an intergovernmental body to develop plans for improving the water quality in the watershed and to get some of the millions in a HUD flood grant the state received. The meeting agenda featured a new controversy. After 4 years of planning, county supervisors in the seven northern "farm" counties passed resolutions to rewrite the watershed map to exclude Polk and Dallas counties, the two more urban counties at the south end of the watershed. Triggering this unexpected twist was the scheduled vote to finalize the watershed improvement plan and establish goals for nutrient reductions to be achieved. The fight was allegedly over whether the goal should be set at 41%, as provided for in the Iowa Nutrient Reduction Strategy, or the higher goal of 48%, established by EPA under the total maximum daily load plan created to move the Raccoon River off the Clean Water Act "impaired waters list." In reality, the fight was more fundamental. No one in attendance, whether state or local officials or city environmentalists had any faith either goal will ever be reached, a fact several speakers acknowledged. The real fight was over the farming counties fear someone, at some future time, might

actually expect improved water quality and use the goal to implement regulations to make it happen. As highly unlikely as that is to happen, the political fears of the supervisors were real. By the day of the meeting, supervisors from three of the concerned counties had rescinded the resolutions due to public criticism. The effect was the watershed will stay intact, and the final vote to adopt the resiliency plan with the 48% goal passed 14-11. Even with the vote, the issue of who should control the watershed will no doubt surface again.

Making the 140-mile drive to attend was well worth it because it opened the window on a larger issue surging through Midwest agriculture. The fear expressed by the county officials representing farming constituents wasn't just about water quality and possible regulations. Behind their fear is a larger reality: farmers are trapped in a system leaving them essentially powerless to market forces and low prices, locked in unequal relations with the businesses who thrive on their trade. The other side of the vice pressing in is a consuming public increasingly willing to question the safety of what farmers produce and even the morality of their farm practices. The feeling they have lost the trust of society feeds a "victim" mentality, letting farmers assume no one appreciates them. Farm groups and commodity organizations help fuel the "us against the world" view implicit in how the "critics" of agriculture are portrayed. The "no one loves us" mentality is supported explicitly with constant reminders of how important farmers are to society, such as the ANF "American Needs Farmers" stickers worn on University of Iowa football helmets and seen on pickup bumpers across the state.

The resulting stew of grievance and self-pity often finds expression in anger and resentment, not unlike that played out in Storm Lake. Anger at the environmentalists and city folk who expect clean water, and at those who expect an odor free countryside but who do not want to foot the bill for these "benefits." Resentment is leveled against the experts and officials who think they know the answers and appear happy to impose new costs and restrictions on farmers. The cumulative effect creates a fragility in the farming community, in sharp contrast to the self-image of resilience and strength most farmers believe they embody. This is the image marketers for the seed and chemical companies promote in slick TV ads extolling the strength of farmers. Fear and fragility drive the reactionary, anti-regulatory mind set so common with farm groups, expressed in actions like trying to redraw the map of a watershed as if doing so will make water quality issues go away. The defensive crouch agriculture quickly takes against any criticism is often seen by others as anti-public and a threat to important social goals. The stance is all the more ironic since the farm sector expects and receives

billions of dollars in annual public subsidies with few questions asked about how the money is used or what the public receives in return.

The anger, fear, and fragility found in much of conventional agriculture has another more corrosive effect. It takes a good deal of the fun and joy out of farming. This is a shame because farming at its essence is all about joy. Being able to harness sun, rain, and seeds to create new wealth; to work with livestock to bring forth new generations of animals; to work the land to feed the nation and support the family; and working to sustain our future can be and has been one of the most fulfilling careers possible. These rewards are what draw thousands to dream of becoming farmers and what fuels the hope of farm families to pass land on to their next generation. As fear and anger grow in farm country, it threatens to erode not just the experience of those who farm but the reality of these hopes and dreams. The fears are reflected in the language and terms commonly used in agriculture, the euphemisms employed to cover the darker aspects of farming – such as referring to slaughter houses as meat harvesting facilities or calling pesticides “crop protection products.” A good rule of thumb is when you feel the need to invent new words to hide your reality from the public, and yourself, you have a problem. When I was a boy, we were all farmers. The label of choice today is “production agriculture,” a dog whistle used to distinguish those not worthy of being called farmers, the small farmers, market gardeners and organic growers.

Underpinning the helplessness flowing under the surface in much of agriculture is the inherent vulnerability to economics and weather. If you are constantly subject to the vagaries of the weather, which can change a clear blue sky to a tornado without warning, it makes you hyper-vigilant about the attacks you can control. Few of these forces are in a farmer’s control, making criticisms or threatened regulations even more galling, but at least those can be confronted. This vulnerability feeds the feeling “no one appreciates the risks we take.” This explains why the farm community does not perceive the billions in public dollars spent to subsidize “crop insurance” as a form of welfare. Instead farmers see the programs as an entitlement and a small public compensation for the risks and abuse they take. There is a certain truth in this feeling; farming is different than most other jobs for the risks and vulnerability to weather and nature it involves. The irony is how most people in farming, or at least those who claim to speak for them, don’t want to believe human activity contributes to a changing climate and the increasing variability of storms and weather they experience.

In many ways, this situation is a tragic tale feeding its own mythology. It makes the question of how to break the cycle an important one for the mental health of farmers, for the fertility and sustainability of the countryside, and for the long-term health of society. The great news is the answers for how to break the cycle and the vehicle for doing so is right below our feet. It is in the land and the delicious food it can produce.