PROJECT NARRATIVE

INTRODUCTION

Two words reveal the primary cause of both land loss among African American farmers, ranchers, and forestland owners, and the primary constraint to wealth creation within African American communities of the South. Those words are “heir property,” the subject of this proposed project.

Heir property refers to land and other real property passed down across the generations in the absence of a probated will. Such property is held in common by descendants and, because of this, title to such property is considered to be “clouded” (the absence of “clear title”). This is so because all owners – who may be numerous and geographically scattered – must agree to the use and disposition of such property before the land can be sold, improvements made, timber cut, or land rented for farming. If heir property has passed down through several generations there are practical difficulties in being able to trace or even identify all descendants. As a consequence, heir property has little or no collateral value and is of limited use in building individual or family wealth. Owners of heir property do not qualify for conventional mortgages because land title is clouded. Heir property cannot serve as collateral for loans to purchase farm land or to either establish or expand a business. Clouded title means owners of heir property cannot gain access to a variety of government programs designed to improve housing quality (e.g., weatherization). Farm programs are not available to owners of heir property, representing another challenge to wealth creation.

Land held as heir property is vulnerable to loss through unscrupulous manipulations of speculators and developers who know how to use the legal system to their advantage (Dyer 2008). In a situation where there are many individuals who own a share in heir property, and where many of these individuals may have moved away and have lost any connection to the land, an offer of money to purchase that share may be attractive. Having become an owner of property held in common, the non-family member can petition the courts for a partition sale, resulting in public auction of the land on the courthouse steps. Rural African Americans who have inherited heir property often are unable to compete in an auction setting with those who have forced the partition sale and lands often are sold for a fraction of their true value (Dyer 2007; Dyer and Bailey 2008). The Coastal Community Foundation in Charleston, South Carolina, estimated that 14 million acres of heir property throughout the “lowlands” of South Carolina and Georgia have been lost since the Civil War through sales to speculators or legal takings (Jonsson 2007; Coastal Community Foundation 2008). The vulnerable nature of heir property is widely regarded as the single most important cause of land loss among African American farmers and one of the reasons why the number of Black farmers has declined (at a rate faster than all farmers) since the middle of the 20th century.

Heir property is, therefore, an impediment to individual enterprise and also a source of personal vulnerability. The continual erosion of Black land ownership and the loss of Black farmers undermine community stability and cultural continuity. Despite the importance of this topic, heir property has received relatively little systematic attention from researchers or Extension programs. The objectives of our project integrate research, Extension/outreach, and instruction
and combine the talents of faculty and graduate students at Tuskegee University and Auburn University with two leading non-profit organizations, the Land Loss Prevention Project and Alabama Appleseed, which have made major contributions to addressing problems associated with heir property. Our specific objectives are as follows:

**Objective 1.** Understand (1) the extent to which heir property affects African American agriculture as a business enterprise, including access to USDA resources and other business opportunities, and (2) the extent to which heir property affects African American homeowners, property owners, and communities in terms of asset building, cultural continuity, and community development.

**Objective 2.** Identify strategies to address vulnerabilities and constraints associated with heir property that impede asset building at the household and family levels as well as economic and community development.

**Objective 3.** Use research findings to develop Extension and outreach publications and programs to serve needs of heir property owners and communities as well as lawyers, legal assistance agencies, and civic organizations that assist heir property owners and their communities.

**Objective 4.** Establish a course taught at the advanced undergraduate and graduate levels jointly at Tuskegee University and Auburn University that focuses on issues of heir property and land loss in the context of asset building and rural and community development in Alabama and the South.

In broad outline, our research design is to conduct comparative case studies of eight communities, four of which share the history of having been involved in the USDA’s resettlement program that started in the 1930s as part of Roosevelt’s New Deal program, an effort to create communities of African American farmers who owned the land they worked. The remaining four communities will be chosen to match the four resettlement communities as places where African American farmers owned and worked the land but were not involved in the USDA resettlement program. Our primary goal is to examine the phenomenon of heir property, but our research design also allows us to examine whether the problems of heir property are the same in communities with and without this program history.

**LITERATURE REVIEW**

In this section, we organize our review of literature around four themes: (1) the importance of land as a precursor for asset building and economic development for both families and communities and the problem of land loss and decline in the number of African American farmers, ranchers, and forestland owners; (2) the complex but problematic role of heir property in as a constraint to wealth creation for families and communities and as a source of vulnerability to land loss; and (3) the immediate and long-term impact of New Deal resettlement communities.
Importance of Land Ownership for African Americans in the South

Ownership of land represents many things in a rural setting. For farmers, ranchers, and forestland owners, land is a productive resource that generates income and is a storehouse of wealth (Geisler 1995). Beyond its economic importance, ownership of land provides personal security and a measure of independence and satisfaction (Nelson 1979), something well understood by African American farmers of the South (Zabawa 1991). Ownership and management of land affects employment and income at the individual level and can promote or impede economic and community development (Deininger and Michael 2003; Dudenhefer 1993; Nelson 1979). Gaventa (1998) points out that control over land translates into political power and landlessness often translates into powerlessness, particularly in rural and resource dependent regions. Molotch’s (1976) classic work demonstrates that the fundamental importance of landownership to local power is not limited to rural areas.

Land is a part of a complex social, political and economic matrix (McGee and Boone 1979:55), and the denial of access to land has been a key element in African American underdevelopment. As Nelson (1979:83) notes, “In a society based on capitalism, land ownership becomes an essential and unalterable prerequisite for economic development and the exercise of substantial political influence.” The prevalence of heir property relegates “a broad group of African Americans who inherited land through intestacy to a disadvantaged class of property ownership” (Rivers 2007:7).

Major benefits of land ownership for those who belonged to the first generations of African American landowners included stability and longevity of residence. Stability allowed landowners to act as mediators between the White and Black communities, to provide institutional leadership in churches, schools, businesses, and social organizations, and to find other avenues of employment off the farm to augment farm family income (Raper 1936: 113, 138-140). Zabawa (1991) documents the importance of land ownership among African American farmers in the success of new generations of farmers. Shimkin et al. (1978:58) observed that “The highest status within the occupational rankings is occupied by the Black landowner. Such an individual is generally well respected and considered a source of leadership within the Black community. This has been especially true since the rise of the Civil Rights movement in 1963-1967, for it was the Black landowner that assumed political leadership in the country at the time.”

Conversely, African American sharecroppers and tenants were in the most vulnerable position in terms of exclusion from government programs and eviction by landowners (Duncan 2000). The combination of Farm Bills and technological change since the 1930s systematically undermined the status of African Americans who farmed land they did not own (Hinson and Robinson 2008). The first Farm Bill of 1933 contained price supports and income for acreage set asides for landowners that directly resulted in evictions of shareholders and tenants, resulting in a decline of over 50 percent in the number of African American sharecroppers. Farmers replaced sharecroppers with tractors to prepare the land and hired seasonal labor at harvest time. Similarly, the 1956 Farm Bill created the Soil Bank Program and, as a result, 29 million acres were taken out of production, a process continued with the 1965 Farm Bill through the Cropland Adjustment program (National Agricultural Law Center 1956, 1965). The displacement of African American sharecroppers and tenant farmers led to the great diaspora of Blacks to the
industrial North (Gregory 2005) and provided the backdrop of economic injustice against which the Civil Rights Movement of the 1960s was played out. In 1910 the number of farm acres owned entirely by Black farmers reached a peak of more than 15 million acres (U.S. Department of Commerce 1913). Since then, that number has dropped to about 3.4 million (USDA 2007a). The South's Black farm land owners and operators have disappeared at a rate significantly greater than their White counterparts (Wood and Gilbert, 1998; Zabawa, 1991). We eagerly await data from the 2012 Ag Census due out eight days after the deadline for this proposal.

The Problematic Nature of Heir Property

The challenges faced by African American farmers to buy land in the late nineteenth and through much of the twentieth centuries were significant. They had to accumulate enough money to make the purchase and they needed to find an owner, almost invariably White, willing to sell the land. In far too many cases an even larger challenge has been to hold onto the land in the face of multiple threats. The treatment of Black farmers by the USDA itself has been documented in the Pigford v Glickman case. In numerous but uncounted other cases, Black farmers and landowners have lost their land due to the vulnerability of heir property (Baab 2010; Dyer 2007).

Heir property is land held collectively by family members after the landowner has died without a probated will (Dyer and Bailey 2008). At this point, state law regulates what happens to the property, which usually gets passed as an undivided unit to the decedent’s heirs, who own the land as tenants-in-common. Because there is no right of survivorship, with each passing generation that dies without a will, the number of co-owners increases (Baab 2011; Dyer and Crayton 2008). Often only one or a handful of heirs remain on the land, paying taxes and maintaining the property. Yet these co-owners hold no more legal claim to the land than those living several states away with little or no knowledge of the property (Dyer 2007).

For a number of reasons, generations of African American landowners have died without wills, leaving large amounts of land to their descendants as heir property (Baab 2011). The decision not to write wills was understandable in the context of local courthouse gangs of White lawyers who may not have been trusted by Black farmers (Duncan 2000; Schulman et al. 1985:41). Unease in working with the White legal and political establishment in the Jim Crow era is understandable, particularly given limited access to education available to African Americans and the consequent marginal literacy of many Black landowners (Litwack 1998; McGee and Boone 1979:64). Tenancy in common ownership is not restricted to African Americans – Appalachians and Native Americans have been afflicted by similar land tenure issues (Childers 2001; Deaton 2005; Bobroff 2001; Sledd 2005).

Whatever the motivation, heir property has become “the traditional form of farmland ownership among Blacks” (Schulman et al. 1985:41). A study of farmers in a three-county area of North Carolina found that 88% of Black farmers did not have a will (Schulman et al. 1985). In a study of 120 African American farmers in five Black Belt counties in Alabama, 56 percent did not have a will (Zabawa and Baharanyi 1992; Zabawa et al. 1994). Of those without a will, 58 percent had what were termed “passive” reasons for not having a will, for example, “I haven’t gotten around to it;” 28 percent had what were termed “active” reasons for not having a will, for example letting the heirs work it out; and 13 percent were misinformed about not being able to
have a will, for example, the lack of heirs, or there was no house on the land, or the land still had a mortgage.

Land held as heir property can be lost for failure to pay taxes or through partition sales initiated either by a heir or by someone who has gained control over the share owned by a heir. Dyer, Bailey, and Tran (2009) found that 30 percent of the people paying property taxes on heir property in Macon County, Alabama lived outside the state. Such physical separation from the land may increase the possibility that property taxes would not be paid and the land could be sold at public auction. Individual heirs without a strong connection to the land sometimes have an inflated sense of the share’s value and may petition the county court to force sale of the property, known as a “partition sale.” Because the land is held as an undivided whole, this usually results in the entire property being sold. Where the family has limited resources, as often is the case, the land often ends up being sold at auction on the courthouse steps for a fraction of its value to someone not part of the family (Dyer 2008). In other cases, unscrupulous individuals will find a member of the family, offer them money for their share of the heir property, force a partition sale, and buy the land cheaply (Dyer 2007, Dyer and Bailey 2008). To add insult to injury, the family whose land was sold has to pay court costs and lawyers’ fees, including the costs of the lawyer representing the person forcing the partition sale (Dyer 2008).

Loss of land through partition sales undermines a family’s ability to generate wealth and in the process may undermine a source of community stability. There are other problems associated with heir property that also adversely affect the ability to create wealth for African American families. Vulnerability to partition sales makes farmers and homeowners reluctant to invest in improvements in homes and farmland. If a farmer invests money to increase productivity in heir property, the land can be sold and the benefit of any improvement would be shared among all heirs. Similarly, if a person built a home on heir property and a partition sale took place, the value would be distributed among all heirs. As a result, few investments are made in land or homes that are heir property (Dyer 2008). Moreover, heir property owners are disqualified from gaining access to USDA programs designed to help farmers and rural homeowners because they do not have clear title to the land.

Disincentives to invest in land have a direct impact on productivity of land in agriculture and forestry. In a recent study of African American farmers in Alabama, there was a significant difference in terms of land size and value, land productivity, and investment in land between those who owned heir property versus those who owned titled property (Baba 2010). Almost two-thirds of the farmers with heir property had land valued under $50,000, while over half of the farmers with titled property had land valued over $50,000 and over 30 percent had land valued more than $100,000. Nearly 80 percent of farmers with operating heir property land invested less than $20,000 in their land and 58 percent invested less than $10,000 in their land. In contrast, almost half of farmers with titled property invested over $50,000 in their land. Heir property owners may be disinclined to invest in improvements to their land because the value of any improvements would accrue to all heir property owners and not to the individual(s) making the investment. The same would be true of an individual who built a home on the property. Even if they used their own money, they would have no more claim to the home than their fractional share of the heir property (Dyer 2007).
Under conditions of heir property, banks and other lenders are extremely reluctant to provide loans for property improvements or home construction. As noted in the introduction, for purposes of collateral, title to heir property is considered to be “clouded.” The absence of clear title usually means that conventional mortgage loans are not available. As a consequence, the value of improvements (e.g., homes) on heir property tends to be limited (Dyer, Bailey, and Tran 2009). The inability to obtain a conventional mortgage for housing results in heir property owners having to purchase mobile homes. Mobile homes are less expensive to purchase, initially, but loans on mobile homes carry higher interest payments because they are considered personal loans. Further, mobile homes tend to deteriorate and decline in value over time, unlike conventional homes. The inability to access conventional mortgages because title is clouded represents a significant impediment to a family’s ability to accumulate wealth.

The cumulative negative consequences of heir property in the generation of wealth are difficult to determine. Land records are maintained at the county level and there is no central database for property ownership at the state or federal levels. Some counties have property tax records available on the web, but many do not. Estimates of between one-third to one-half of all land owned by African Americans being heir property have been made (Graber 1978; Gilbert and Sharp 2001; Rivers 2006). The Coastal Community Foundation in Charleston, South Carolina, estimates that a little over a million acres of heir property are to be found in the lowlands of South Carolina and Georgia. This Foundation identified 2,000 tracts of heir property in one South Carolina county and 1,300 – amounting to approximately 17,000 acres – in another (Rivers 2007). These figures include farm and pasture land as well as forest land and some urban real estate.

Only one study based on the rather tedious process of going through county property tax records with the assistance of county tax office clerks has been published (Dyer, Bailey, and Tran 2009). In that study of Macon County, Alabama (where Tuskegee University is located), a total of 1,516 properties were unambiguously listed as heir property totaling 15,937 acres, 4.1 percent of all land. The market value of this land and improvements on the land was estimated to be $44.3 million. This may not seem like a lot of money, but if we were to assume a similar value for all 12 non-metropolitan Black Belt counties of Alabama, the total value of heir property would be over half a billion dollars. If we then extrapolate that over other counties in the demographically-defined Black Belt of the entire South, stretching from coastal Virginia south to Florida and west to east Texas, the total value of heir property may be in the many tens of billions of dollars. The legal constraints to and limited collateral value of this resource to the Black communities of the South must be understood to be appreciated.

Another factor associated with heir property which limits the opportunity to create wealth by African American farmers and home owners is that they are ineligible for virtually all USDA programs. The USDA itself has acknowledged that heir property owners are not eligible for many of USDA’s farm loans because “the farmer must have recordable interest in the crop, which cannot be validated by heir property owners” (USDA 2007b:1191). The report went on to say that “Unclear title diminished farm asset returns, access to capital and reduces participation in several USDA programs” (USDA 2007b:1191). As one Farm Service Agency staff person said when asked about heir property, “We’re not supposed to do anything unless they can show ownership” (emphasis provided by interviewee).
As a practical matter, it is very difficult to get dozens of family members living in multiple states to agree on whether to participate in a USDA program that may benefit only one of their members, particularly when doing so means using heir property as collateral for a loan. One individual can decline to sign, or be unavailable to sign, and the agreement would be legally invalid. Loan programs that would tend to make property more valuable (e.g., USDA Rural Development loans) pose special risks under heir property because at any time one joint owner could force a partition sale. This risk inhibits farmers and ranchers from investing in improvements which would increase productivity and the value of their land. These are the same risks that discourage commercial banks and non-governmental organizations from making loans that would increase the productivity or value of farm, forest, or pasture land, or improve housing conditions of heir property owners.

**Resettlement Communities**

Twice since Emancipation, the federal government devised programs to strengthen the land-owning capacities of Black farmers – once during Reconstruction and again during the Great Depression of the 1930s. Among the New Deal programs of the 1930s was creation of the USDA’s Resettlement Administration which provided an opportunity for landless sharecroppers and tenants to own farm land and become independent farmers through the purchase of plantation lands where sharecroppers and tenants had worked. The goal was to create independent agricultural communities with a strong infrastructure involving schools, health centers, churches, cooperatives, gin and grist mills, technical support, and management training. In the end, the Resettlement Administration purchased approximately 1.9 million acres used for 140 to 150 agricultural resettlement projects (Holley 1971; Salamon 1979).

These resettlement communities were established throughout the United States. In the South, 13 rural resettlement projects were designated for African American farmers involving 1,150 families on 92,000 acres. An additional 1,117 African American families were resident in 19 scattered projects on 70,000 to 80,000 acres of land (Salamon 1979). The 13 all-Black communities were important because they were to provide an opportunity to own land and gain economic independence.

Initial reports concerning these projects were positive, both in terms of farm productivity and community development. Gradually, however, support and guidance from USDA agencies declined as Congress called into question many New Deal programs and sponsoring agencies, including the Resettlement Administration. In 1937, the Resettlement Administration was reorganized into the more limited Farm Security Administration, itself later subsumed into the Farmers Home Administration in 1946. As the nation's attention turned increasingly toward war, prejudicial and discriminatory practices began to permeate the very agency that had been empowered to provide agricultural support to Black communities and farmers (Gilbert 2009; Zabawa and Warren 1998).

Some communities established by the Resettlement Administration are today still visible and provide an active voice for the Black Farmer. During the Civil Rights era, places like Gees Bend, in the heart of Alabama’s Black Belt, provided sanctuary for Martin Luther King, Jr. and
other activists because the people there owned their land and could not be threatened by loss of employment by White landowners who at that time opposed the Civil Rights movement. The *Pigford v Glickman* case regarding USDA’s history of racial discrimination also was grounded in the experience and political voice afforded to Black owners of farm land, many of whom were descendants of families from the resettlement communities of the 1930s. The organizational (and artistic) abilities from this time also came to influence more recent community development activities, including the quilters of Gees Bend (Carey 2004; Schepers-Hughes 2003).

Some resettlement communities have succumbed to suburban sprawl or otherwise faded from contemporary relevance. But there are a number of resettlement communities which have a continuing consequence in the lives of residents, and we will be examining four such communities in this study (Tillery, North Carolina, Prairie Farms and Gees Bend in Alabama; and Mound, Louisiana). We believe that the histories of these communities are worthy of exploration in their own right, but for purposes of this study we want to see if heir property is as prevalent and represents the same types of limitations and vulnerabilities as among other communities of Black farmers and property owners. The primary focus of your research will be on heir property, but our research design allows us also to conduct systematic examination of the extent to which the resettlement communities established in the 1930s continue to be important to the lives of African Americans in the South.

**Ongoing and Recently Completed Work Relevant to this Project**

The foregoing review addresses the key academic literature associated with heir property. Several names – Zabawa, Bailey, Dyer, and Baab – appear in that literature, and these are individuals who will be involved in the proposed work. To be clear, we are not looking for funding to repeat work that has already been done but rather to extend work on an important topic the surface of which has only been scratched.

PD Zabawa and Co-PD Bailey have been actively involved in studying the rural South generally and the Black Belt in particular, and in the process have contributed to the literature on heir property. Dr. Janice Dyer worked as a graduate student under Dr. Bailey’s direction and has become a leading national authority on heir property. She will contribute to the project through a personal services contract with Tuskegee University. Our two non-profit partners have emerged as leaders in on-the-ground support of heir property owners in the South. Mr. Craig Baab of Alabama Appleseed, drawing on his history of working with the American Bar Association, has help draft and push for adoption a uniform code for adoption by states to provide protection against partition sales that result in the loss of land by Black farmers and property owners. This uniform code was adopted in Alabama and signed into law in April 2014.

**RATIONALE AND SIGNIFICANCE**

The underlying rationale behind this project is based on the importance of land as a productive resource for farmers, ranchers, and timberland owners, and as a place of sanctuary and security for homeowners and communities. Heir property is like a weak link in this chain linking people and communities to the land. Heir property represents a significant cause of persistent rural poverty and an obstacle for wealth creation and both rural and economic development among
African Americans in the South. This is so because, as an insecure form of ownership, heir property is a leading cause of land loss among African American landowners. Nationally, approximately 95 percent of African American-owned farmland has been lost during the past 50 years (Dyer 2007). Efforts to address the vulnerability associated with heir property will promote continued ownership and productive use of land by this socially disadvantaged group. Through this project, we aim to provide legal tools and supporting information to African American owners of heir property to protect this land from loss and also to identify and promote adoption of policies that serve the needs of heir property owners.

With regard to wealth creation, title to heir property is considered legally clouded, meaning that many African American landowners are unable to use their property as collateral for investments, obtain conventional mortgages, and are ineligible for most USDA programs. Our project objectives are designed to develop, through a set of comparative case studies, a broader understanding of problems associated with heir property and to identify policy options that would provide solutions to these problems. Further, as detailed below, we will develop research-based Extension and outreach programs (including creation of an eXtension communities of practice program for heir property) to serve the needs of heir property owners. Finally, we will develop a course taught jointly at neighboring universities, Tuskegee and Auburn.

This proposal is being submitted to the “Rural Communities and Regional Development Program. With regard to fit with Program Area Priorities, our proposed work fits very well with the first of the three Program Area Priorities, specifically to “Develop research and education strategies to examine and advance factors contributing to a “wealth-based” approach to rural economic development and implement education and/or extension strategies to enhance wealth creation.” Our proposed project integrates research, Extension/outreach, and instruction and is focused on a first-order problem that inhibits wealth creation among African Americans of the rural South.

APPROACH

Based on available literature and long experience working in the rural South, our overall hypothesis is that heir property impedes individual enterprise and community development and, conversely, the resolution of heir property enhances asset building and allows for increased individual enterprise and community development. Our research, education, and Extension/outreach activities all tie directly to this central hypothesis, as detailed below.

Research Design

Our research design will involve four sets of two communities for a total of eight communities (comparative case studies) in three states of the South. One community of each set will be a resettlement community established by the USDA in the 1930s on behalf of Black farmers who previously had worked the land as sharecroppers. We have identified Tillery (North Carolina), Prairie Farms (Alabama), Gees Bend (Alabama), and Mound (Louisiana) as the resettlement communities. Selection of two communities in Alabama is based on costs and logistics given that both Tuskegee University and Auburn University are located in Alabama. The extent and impact of heir property in these resettlement communities will be compared with other
communities in the immediate area that are demographically, economically, and ecologically similar and located in the same general area as the resettlement communities. We use the term “community” broadly here in framing our comparisons. The resettlement communities can be defined clearly as communities in the sense of having spatial boundaries and a shared history. Our comparison communities will be chosen to allow not only for the examination of heir property issues but also how those issues may (or may not) differ between resettlement communities and what we will call for convenience our comparison communities. This research design will allow us to consider both the impact of heir property on asset building but to include also the variable of historical importance, allowing us to examine the extent to which there has been continuing impact from the conscious organizational efforts that went into creating the resettlement communities of African American farmers who owned their own land.

Farm families in these resettlement communities all would have become owners at approximately the same time (mid 1930s), so that the process of inheritance would have started among a community of owner-operators created at a particular point in time. We hypothesize that the history of African American landowners who were not part of the federal resettlement communities will be have been shaped by the differing conditions in which they found themselves as landowners and farmers. Landowners in these settings would have come into possession of their land at varying times, some earlier in the twentieth (or even nineteenth) century, and some more recently. Organizational and temporal/historical factors may affect the extent of heir property and how heir property affects the asset-building potential of individuals and communities. We anticipate that differences will be revealed in the process of research stemming from the distinct historical experiences of each state and each paired groupings of communities.

Methods

As detailed in the discussion below, our approach to this integrated project combines different research methodologies and pedagogies. Pedagogically, this project will engage in both formal classroom instruction and support through preparation of written materials and programmatic development workshops both for owners of heir property as well as separate materials and programs for lawyers and others who would benefit from increasing knowledge of heir property. Each of these three populations will have different information needs and learning styles. Our Extension personnel are trained in providing educational programming to adult populations. Our non-profit parties have developed their own approach to effective grassroots outreach.

For purposes of research, we will collect and analyze both primary and secondary data. Primary data collection will be based on qualitative methods – semi-structured interviews and both participant and non-participant observation – to build comparative case studies as detailed under Objective 1 and specifically under Task 1.4 (below).

Semi-structured interviews will be conducted using an interview guide with open-ended questions that allow for exploration of unanticipated information, creating a natural flow to the interview where the respondent is able to establish what kind of information s/he believes to be relevant and important (Creswell 2008; Savin-Baden and Major 2013). Interviews will start with a broad and very open invitation to discuss heir property along the lines of “Please tell me about
your family’s experience with heir property.” At the same time, to ensure coverage of common
topics necessary for developing comparative case studies, the interview guide will contain
specific questions and prompts.

Participant and non-participant observation are standard methods used by anthropologists and
other social scientists (Bernard 2011). These approaches help researchers in the field provide
context and depth of understanding that will be helpful in analyzing primary data. Researchers
will spend extended time in the study communities and have ample time to observe interactions
and take part in discussions and community activities outside of the formal interview setting.
Carefully constructed case studies allow for detailed investigation of socially and historically
complex phenomena (George and Bennett 2005; Thomas 2011). Secondary data based on work
described under Tasks 1.1, 1.2, and 1.3 (below) will be used in developing the comparative case
studies and orienting field research and the collection of primary data. The comparative case
study approach taken here is designed to uncover similarities and differences based on history
and setting across three states. Existing studies of heir property lack this systematic and
comparative approach.

Data from interviews and observations will be analyzed using the most recent version of NVivo
http://www.qsrinternational.com/products_nvivo_features-and-benefits.aspx, a software program designed to allow researchers to code and analyze all forms of unstructured
data. Using a common program will enable team members to share data from interviews,
observations, webpages, literature, news media, and other sources. NVivo will help researchers
identify common patterns, themes, and words, and to retrieve information from the various
sources within the database.

We do not anticipate any problems with the methods. PD Zabawa and co-PD Bailey have long
experience using these methods. Graduate students will have graduate courses in theory and
research methods and will be guided by Zabawa and Bailey in the field. We have good working
relationships with key actors in each of the resettlement communities and with civic
organizations which serve the needs of heir property owners, including our two partners on this
project, the Land Loss Prevention Project (LLPP) and Alabama Appleseed.

Objectives and Tasks

In this section we specify four objectives dealing with research (Objective 1), Extension and
outreach (Objectives 2 and 3), and teaching (Objective 4). A detailed timeline is presented at the
end of the section.

**Objective 1.** Understand (1) the extent to which heir property affects African American
agriculture as a business enterprise, including access to USDA resources and other business
opportunities, and (2) the extent to which heir property affects African American homeowners,
property owners, and communities in terms of asset building, cultural continuity, and community
development. Primary responsibility: Zabawa and Bailey.

**Task 1.1.** Review existing historical, legal, and social science literature on heir property
and the status of African Americans in agriculture and related businesses as well as social
and economic conditions that relate to asset building, cultural continuity, and community development. Attorneys with the LLPP and Alabama Appleseed will be important contributors in this work. The project team have contributed to and reviewed this literature in preparation of the current proposal, but new literature will continue to appear and will help keep our own work at the cutting edge.

Task 1.2. Review and compile a listing of government programs at the state and federal levels in the three states (Alabama, Louisiana, and North Carolina) where our project will conduct field research, and where issues of heir property and clouded title create obstacles to participation. Attorneys with the LLPP and Alabama Appleseed again will be important contributors in this work.

Task 1.3. Compile secondary data from the Census Bureau, the Census of Agriculture and other sources to develop a historical perspective on contemporary conditions in rural Black Belt counties of Alabama, Louisiana, and North Carolina to inform selection of research sites and provide context for subsequent field research.

Task 1.4. Identify and conduct field research in four sets of paired community case studies (total of four cases) focusing on Tillery (North Carolina), Prairie Farms (Alabama), Gees Bend (Alabama), and Mound (Louisiana).

Task 1.4.1. In year 1, recruit one graduate student at Tuskegee University and one graduate student at Auburn University who will work together as a two person team in conducting field research in and around Tillery and Prairie Farms. Students will develop individual thesis topics but will coordinate collection and analysis of primary data.

Task 1.4.2. Work with the LLPP and residents of Tillery to identify and gain effective entry into a comparable North Carolina community. Work with Extension personnel at Tuskegee University and residents of Prairie Farms to identify and gain effective entry into a comparable Alabama community.

Task 1.4.3. With support from PD Zabawa and co-PD Bailey as well as other members of the team, graduate students will conduct field research using semi-structure interviews and both participant and non-participant observation, together with analysis of secondary data, focusing on the core questions of Objective 1. There will be a minimum of 30 semi-structured interviews in each of the four communities (two in Alabama and two in North Carolina, total 120 interviews).

Task 1.4.4. Analyze and write-up results of field research in North Carolina and Alabama into theses, publications for the peer-reviewed literature, and Extension/outreach publications, and identify key focal topics for both Extension and outreach programming and policy engagement.
Task 1.4.5. In year 2, recruit two additional graduate students, one at Tuskegee University and one at Auburn University, to conduct field research in Gees Bend (Alabama) and Mound (Louisiana).

Task 1.4.6. Identify and gain effective entry into communities that are comparable to Gees Bend and Mound for our comparative case studies.

Task 1.4.7. With support from PD Zabawa and co-PD Bailey as well as other members of the team, this second team of graduate students will conduct field research using semi-structure interviews and both participant and non-participant observation, together with analysis of secondary data, focusing on the core questions of Objective 1. There will be a minimum of 30 semi-structured interviews in each of the four communities (two in Alabama and two in Louisiana, total 120 interviews).

Task 1.4.8. Analyze and write-up results of field research in Louisiana and Alabama into theses, publications for the peer-reviewed literature, and Extension/outreach publications, and identify key focal topics for both Extension and outreach programming and policy engagement.

Objective 2. Identify strategies to address vulnerabilities and constraints associated with heir property that impede asset building at the household and family levels as well as economic and community development. Primary responsibility: total team effort involving Zabawa and Baharanyi at Tuskegee, Bailey and Barlow at Auburn, Horne at LLPP, and Baab at Alabama Appleseed.

Task 2.1. Based on research conducted under Objective 1 (including review of programs and policies as well as information from case studies), and working closely with attorneys with the LLPP and Alabama Appleseed, the project team will identify strategies for addressing problems associated with heir property. We know in broad outline problem associated with clouded title, the limited collateral value of heir property, and vulnerability of families owning heir property land loss. How these problems manifest themselves and what successful strategies have been developed to address these problems in different and changing social, political, and legal settings, however, is less fully known. Our project, by combining social science field work and legal scholarship, will be able to identify strategies that work in different settings.

Task 2.2. Communicate findings of Task 2.2 through a variety of means including peer reviewed literature, Extension/Outreach publications, policy briefs, expert testimony in legislative committee meetings, and discussions with federal and state agencies.

Objective 3. Use research findings to develop Extension and outreach publications and programs to serve needs of heir property owners and communities as well as lawyers, legal assistance agencies, and civic organizations that assist heir property owners and their communities. Primary responsibility: Baharanyi, Barlow, Horne, Baab, with active participation of Zabawa and Bailey.
Task 3.1. Collect historical, legal, and social science literature on heir property and land loss. Digitize this material and place it on a website at Tuskegee University that is available to the general public. Permission to use copyrighted material (e.g., from academic journals) will be requested. There is no single repository of literature and documents currently available and this site will be an important resource for legal scholars, social scientists, historians, and civic organizations. This site will update and replace a site established in 2008 at Auburn University by Janice Dyer located at http://www.ag.auburn.edu/agec/heirproperty.

Task 3.2. Develop Extension and outreach publications informed by research findings to address the needs of heir property owners and their communities. We will build on production of a 2008 Extension Circular (“Heir Property in Alabama,” Dyer and Crayton 2008). Demand throughout the South was so strong that a total of 20,000 copies in three print runs were produced. Given this level of demand and also the unique legal conditions found in each state, we believe there is need for a series of publications that provide information relevant to North Carolina and Louisiana, and to update the Alabama publication in light of recent changes in state law.

Our project team includes experienced Extension personnel from Tuskegee University and Auburn University as well as leaders within the Land Loss Prevention Project (LLPP) and Alabama Appleseed.

The LLPP was established in 1982 and has a long history of working on the topics of heir property and land loss in North Carolina. Our research team working in North Carolina will benefit from knowledge, insight, and connections developed over time by the LLPP. By the same token, we believe the product of research conducted under Objectives 1 and 2 will enrich the outreach capacities of the LLPP.

Alabama Appleseed is a non-profit, non-partisan public interest legal advocacy organization that works on policy reforms directed to achieve justice and fairness for low-income and marginalized people. Founded in 1999, Alabama Appleseed is part of a network of 19 state organizations under the Appleseed Foundation located in Washington, D.C. Sister Appleseed organizations are located in North and South Carolina, Georgia, and Louisiana. Alabama Appleseed brings to our project important legal perspectives and a network of state organizations that will help us tailor our outreach products to the unique legal and political environments of states in the South.

Task 3.3. Develop Extension and outreach programs informed by research findings and supported by publications designed to communicate research findings and legal advice both to the general public and to policy makers at the state and federal levels. We will build on the successful experience of organizing 39 workshops on heir property across the state of Alabama during 2007-2008 conducted by the Alabama Cooperative Extension System with the active partnership of Alabama Appleseed. Extension programming materials will be made to Cooperative Extension programs in the three states where our project will be active as well as in neighboring states. These materials
will also be used by our two partner organizations, the LLPP and Alabama Appleseed (and their partners in other states).

Co-PI Barlow is currently an active member of several eXtension communities of practice (COP) such as the Forest Farming COP. Barlow will work with project team members to establish an Heir Property COP based on the results of this current study. The Heir Property COP will provide outreach information that addresses the specific needs of heir property owners. Using eXtension as a platform, we will be able to provide resources to heir property communities such as articles and webinars. Also, these property owners will be able to submit questions through eXtension’s “ask an expert”, linking them to professionals who can help them with unique questions or concerns that they may have.

Objective 4. Establish a course taught at the advanced undergraduate and graduate levels jointly at Tuskegee University and Auburn University that focuses on issues of heir property and land loss in the context of asset building and rural and community development in Alabama and the South. Primary responsibility: Zabawa and Bailey with active participation of other co-PDs.

Task 4.1. PD Zabawa and co-PD Bailey will take the lead at Tuskegee and Auburn, respectively, to develop a 3-semester credit hour course on heir property. The course will be first taught in Fall 2015 as Directed Readings courses. Students at Tuskegee would enroll at their home institution and students at Auburn would enroll at theirs. The campuses of Tuskegee University and Auburn University are within 25 miles of each other. Students from the two campuses will physically take the course together, alternating course meetings between the two campuses.

Task 4.2. Formal submission of new courses on the two campuses will follow in Spring 2016 incorporating experience with the course the first time it was taught. The process for a new course being adopted normally goes more smoothly if the course has first been taught as a Directed Readings.

Task 4.3. Teach the course on an annual basis every Fall semester. The course will be run as a graduate seminar with opportunity for advanced undergraduates who are willing to do this level of work to enroll. Students will take an active role in leading discussions. The two graduate students recruited to work on this project will serve as Graduate Teaching Assistants for the course, assisting with course logistics, including field trips to Prairie Farms and the other research site located nearby. Students will be required to take essay exams on the readings and to prepare a research paper of 20 ages based on a combination of both primary and secondary data as well as literature. Primary data will come from interviews on heir property issues which the students are required to conduct and report upon.

Expected Outcomes

Expected outcomes are detailed in the Tasks described above and include four theses, peer reviewed journal articles, chapters in books, Experiment Station bulletins, Extension Circulars, other Extension materials for workshops for heir property owners, briefing papers and other
materials to support policy makers and lawyers engaged in addressing heir property issues. In addition, a course will be jointly taught and involving students from both Tuskegee University and Auburn University.

**Pitfalls That May be Encountered, Limitations, and Possible Hazards**

There are uncertainties in any complex undertaking and an integrated research, Extension/outreach, and instructional project on heir property involving a private university (Tuskegee), a public university (Auburn), and two non-profit organizations with work to be conducted in three states is likely to result in some unanticipated problems along the way. However, we start this project with a history of working together and a common commitment to addressing what we all see as a problem of fundamental importance affecting negatively the cultural continuity and economic status of African Americans in the rural South. We have existing working relationships with people in the four resettlement communities. The one point of uncertainty that we can identify is that we do not yet have established working relationships with the communities to be selected as local counterparts to these resettlement communities and the possibility exists that we will encounter difficulties gaining acceptance within those communities. We do not believe this is a serious problem for three reasons: (1) our existing local relationships with the resettlement communities; (2) assistance from LLPP and Alabama Appleseed (and related organizations in Louisiana) in establishing contact; and (3) the status of Tuskegee University as a leading historically black university with a long history of serving the needs of African American farmers and citizens.

This project will examine issues of heir property in three states and eight communities. Our research design will provide insight into the long-term impact of the resettlement program as it relates to the long-term control of land. However, only four resettlement communities will be examined and this work can do little more than suggest a connection between program and outcome, the need for further research, and a preliminary set of research questions.

The larger limitation is that there are many hundreds of communities in the rural South where heir property issues may be found, and we are only scratching the surface. Our work will not be the final word on the topic, but we are approaching heir property with a systematic research design that should allow us to capture some of the variation that exists.

With regard to Extension and outreach programming, our experience in Alabama suggests that there is considerable demand for information by heir property owners. We know also that there is a need to examine laws, policies, and programs related to heir property and that our research and Extension/outreach materials can be translated and transmitted to legislators and policy makers. We acknowledge that our ability to influence these actors represents a possible limitation.

Nothing inherent in our research, Extension/outreach, or instructional activities represents a danger to any member of the project team or those with whom we engage. All research will be approved by the Institutional Review Boards for Human Subjects at the appropriate university. Graduate students working in the field will work in pairs, which should mitigate problems that could arise.
### Timeline

<table>
<thead>
<tr>
<th>OBJECTIVES AND TASKS</th>
<th>TYPE OF ACTIVITY</th>
<th>TIMELINE OF ACTIVITIES</th>
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<td>YR 1</td>
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<tr>
<td>OBJECTIVE 1</td>
<td>RESEARCH</td>
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<tr>
<td>Task 1.1</td>
<td>Review literature</td>
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<td>Task 1.2</td>
<td>Review programs</td>
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<td>Task 1.3</td>
<td>Secondary data</td>
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<td>Task 1.4.1</td>
<td>Recruit students</td>
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<td>Identify communities</td>
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<td>Task 1.4.3</td>
<td>Field research in NC &amp; AL</td>
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<td>Write up research</td>
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<td>Task 1.4.5</td>
<td>Recruit students</td>
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<td>Identify communities</td>
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<td>Task 1.4.7</td>
<td>Field research in LA &amp; AL</td>
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<td>OBJECTIVE 2</td>
<td>IDENTIFY STRATEGIES</td>
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<td>Task 2.1</td>
<td>Use research to identify</td>
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<td>Task 2.2</td>
<td>Communicate findings</td>
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<td>OBJECTIVE 3</td>
<td>EXTENSION/OUTREACH</td>
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<td>Develop publications</td>
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<td>Develop programs</td>
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<td>OBJECTIVE 4</td>
<td>INSTRUCTION</td>
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<td>Task 4.1</td>
<td>Develop first year course</td>
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<td>Task 4.2</td>
<td>Course approval</td>
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<td>Task 4.3</td>
<td>Teach the course each year</td>
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**XX** = major activities  
**xxxxx** = secondary or continuing activities

### Evaluation Plan

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<tr>
<th>PLAN TO EVALUATE PROGRESS TOWARDS MEETING OBJECTIVES</th>
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1.4.3  Field research NC & AL  Did students and project staff successfully conduct research?
1.4.4  Write up research  Were two theses and other publications completed?
1.4.5  Recruit students  Were two additional quality students recruited at TU and AU?
1.4.6  Identify communities  Were study communities identified that meet project criteria?
1.4.7  Field research LA & AL  Did students and project staff successfully conduct research?
1.4.8  Write up research  Were two theses and other publications completed?
2.0  STRATEGIES
2.1  Use research to identify  Did review of programs and field research identify successful strategies and are these strategies generalizable?
2.2  Communicate findings  Did project staff use information in 2.1 to communicate policy alternatives to stakeholders and decision makers?
3.0  EXTENSION
3.1  Digitize literature  Did project staff complete digital archiving of literature and make available to public through a website?
3.2  Develop publications  Were Extension and eXtension publications created?
3.3  Develop programs  Were research-based Extension programs developed?
4.0  INSTRUCTION
4.1  Develop first yr. course  Was a course on heir property developed?
4.2  Course approval  Was this course incorporated into regular course listings?
4.3  Teach course each year  Was the course on heir property taught each year?

Project staff will review progress as measured by evaluation metrics at quarterly meetings (see management plan.)

**Stakeholder Involvement, Information Dissemination Plan, eXtension**

The project staff have been working on issues of heir property for years and this proposal was developed in response to the needs that have become apparent through fielding of phone calls asking for assistance as well as research and Extension/outreach activities. The project team includes two organizations, the Land Loss Prevention Project and Alabama Appleseed, that are at the forefront of grassroots and legal assistance for owners of heir property. These partners represent the organized voice of stakeholders and are integrated into our project implementation and evaluation activities.

Research findings will find their way into the peer-reviewed literature and also into Extension publications as detailed in the proposal. An eXtension Community of Practice will be established for heir property issues as detailed in Task 3.3.