AP Documents Land Taken From Blacks Through Trickery, Violence and Murder

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Some examples of land takings documented by the AP:

• After midnight on Oct. 4, 1908, 50 hooded white men surrounded the home of a black farmer in Hickman, Ky., and ordered him to come out for a whipping. When David Walker refused and shot at them instead, the mob poured coal oil on his house and set it afire, according to contemporary newspaper accounts.
Pleading for mercy, Walker ran out the front door, followed by four screaming children and his wife, carrying a baby in her arms. The mob shot them all, wounding three children and killing the others. Walker's oldest son never escaped the burning house. No one was ever charged with the killings, and the surviving children were deprived of the farm their father died defending. Land records show that Walker's 2 1/2-acre farm was simply folded into the property of a white neighbor. The neighbor soon sold it to another man, whose daughter owns the undeveloped land today.

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

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

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

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

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

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

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

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

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

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

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

The number of white farmers has declined over the last century, too, as economic trends have concentrated land in fewer, often corporate, hands. However, black ownership has declined 2 1/2 times faster than white ownership, the U.S. Civil Rights Commission noted in
a 1982 report, the last comprehensive federal study on the trend.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Holman Stadium in Vero Beach, Fla., was built on land once owned by the Espy family.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Today, however, fear and shame have given way to pride. Interest in genealogy among black families is surging, and some black Americans are unearthing the documents behind those
"People are out there wondering: What ever happened to Grandma's land?" said Loretta Carter Hanes, 75, a retired genealogist. "They knew that their grandparents shed a lot of blood and tears to get it."

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

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

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

Yet the freed slaves never got a penny.

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

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

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

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

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

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

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

EDITOR'S NOTE - Associated Press Writers Woody Baird, Allen G. Breed, Sheila Hardwell Byrd, Alan Clendenning, Ron Harrist, David Lieb and Bill Poovey, and investigative researcher Randy Herschaft contributed to this report.

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