

## **Land Trusts**

**By: Becky Deryckx**

**The Tilth Newsletter**

March, 1976 Issue no.10

*From time to time in earlier issues of the Newsletter, we have published bits and pieces of information about Land Trusts; but until now, we haven't been moved to write a major article dealing entirely with trusts. Interest in the land trust concept is beginning to snowball, however; and along with this increasing interest, a number of misconceptions and points of confusion are arising. The following article attempts to outline my understanding of the concept and the ways in which it is currently being applied. It also undertakes to evaluate what I feel to be the really important aspects of the trust idea, and asks several questions which I think must be dealt with if the land trust movement is to fulfill the beauty inherent in the concept itself.*

*My perspectives are limited, however, and I would appreciate hearing your responses. Land trusts in this country are still a relatively new thing; and those of us who are exploring the idea can use all the inputs we can get. Becky*

One of the most important issues that those of us who are a part of the Alternative Agriculture - movement now face is the whole question of land reform. We have inherited as part of our culture the notion that land ownership is an inalienable right; and we have come to believe that, along with this "right" comes the power to deny others access to the land. However, as more and more of our country's prime farmland falls under the ownership of large corporations, and as more and more people who want to make their livelihood on the land are denied the opportunity to do so, the need for a more equitable system of land tenure has made itself critically apparent.

The responses to this need have been many and varied. People in a growing number of states (including Oregon and Washington) are considering anti—corporate farming legislation on either an initiative or legislative level. A small but growing number of farmers' cooperatives are forming in an attempt to compete economically with large land—holding conglomerates. But in most cases, these responses have sought merely to place controls on land ownership by limiting the amount of land that may be held; they have failed to recognize or deal with the possibility that it is ownership per se that lies at the heart of the problem.

An exception lies with the concept that has come to be known as the Land Trust. The term "land trust" is being heard more and more; and growing numbers of people are turning to trusts as a way out of the conventional land holding pattern. Both as individual organizations and as a social movement, land trusts are attempting to erase the notion that land is a commodity that can be bought and sold; they are trying instead to promote a consciousness that regards land as the common resource of all people. Trusterty: the term was created by Dr. Ralph Borsodi, and— used as a means of distinguishing that which man has created through his own effort (property) from those things which came into existence without human intervention, and which therefore cannot be morally "owned"— it aptly illustrates the differing attitude toward land tenure that the land trust movement means to encourage.

The ideas behind the land trust concept are by no means new. Historically, they represent an integral part of many cultures other than our own. Early peoples in China, Africa, and the Americas all held land in common; and Native American tradition embodies a reverence for the land that

regards western ownership claims as utterly incomprehensible. "Sell the country?... Why not sell the air, the clouds, the great sea?" The words are Tecumseh's, and they serve as a good reminder of how recently the notion of private ownership has become dominant in this country.

Even today, when land is viewed mainly as a source for capital gain, there are examples of land stewardship in other parts of the world that are providing precedence for trusts in America. The gramdan or "village gift" movement that was begun in India during the 1950's now involves more than 5 million acres of land, held in the permanent trust of some 18,000 village communities. In Israel, the Jewish National Fund holds more than 60% of Israeli land in trust, making it available through long-term leases to those who need it and who will use it in accord with the long—range public interest. In Tanzania during 1967 - 68, Julius Nyerere instituted a nationalized land tenure system which made all the land available to all of the people. It could be held by single individuals or groups only under the condition that it be used; and once it was no longer used, the land was to be made available to any interested people.

The land trust concept in this country has developed in several different ways. All are set up to hold land in perpetuity, thereby preventing any possible future reversion to private ownership and removing the value of land as a speculative commodity; and all seek to guarantee sensitive, ecologically sound land use. Aside from these basic similarities, however, the kinds of trusts that are emerging also carry some very different implications; and to fully grasp the land trust concept and its potential as a land reform mechanism, it is important to understand these distinctions.

Land trusts in this country fall roughly into three different categories: the public trust, the private trust or "enclave," and the Community Land Trust. The first of these, the public trust, is represented by such organizations as the Nature Conservancy and the Trust for Public Lands. Both of these well-known trusts are attempting to place large areas of land under the stewardship of public bodies— usually local governments. The Nature Conservancy is concerned almost entirely with wilderness area preservation, and is doing much to protect our remaining natural areas from further encroachment. The Trust for Public Lands, in addition to setting aside existing wilderness, is finding ways to create open spaces for public access: they are acquiring vacant and run-down properties in urban and inner-city areas, and are physically constructing parks and green belts for the use of area residents. Both of these organizations operate on a highly professional, big-money level; they can accept the tax-deductible donations of wealthy individuals and corporations for the purchase of appropriate lands; and they then transfer these acquisitions— at less than market value— to the trusteeship of local governments or other organizations, to be used as permanent public spaces.

The second type of land trust— the so-called "private trust or "enclave is by far the most common of the three types mentioned. Private trusts have been formed for many different reasons: there are trusts that are part of religious movements, "economic" trusts that function primarily as tax enclaves, and trusts that are intended to perpetuate the long—range plans of any number of intentional communities. Private land trusts are distinguished by the fact that they are invariably— and completely— users' trusts; their emphasis is on protecting those who have managed to acquire land from the threats of inflation, development,... and other people.

Both the public and private land trusts are doing much to foster the notion that land should not be regarded as a commodity; but in my estimation, neither can really address the question of the need for land reform. In the case of the former, it seems strange initially that "public" organizations that effectively provide access to land for so many people can nevertheless prove ineffective as a means of altering the land tenure system as we know it. But the public trusts have failed thus far in one very important respect: they have not undertaken the responsibility of providing people with access to land upon which they can make their livelihood. Parks, wildlife preserves, and open spaces are important, and we need more of them; but their primary human values are recreational and aesthetic— they do not give people the chance to make a harmonious relationship with the land a part of their everyday lives.

The private trust, on the other hand, fails because of its emphasis on protection. Land does need protection to a certain extent; but more important, it requires careful and judicious use. By limiting land access to members of their own communities, the private enclaves run the risk of becoming as exclusive as land owners themselves.

What, then, is the Community Land Trust? And what is there about this kind of trust that offers a more viable opportunity for land reform in America? The Community Land Trust (CLT) is defined as “a legal entity, a quasi-public body, chartered to hold land in stewardship for all mankind— present and future— while protecting the legitimate use-rights of its residents. (It) is not primarily concerned with common ownership. Rather, its concern is with ownership for the common good, which may or may not be combined with common ownership.” Community land trusts endeavor to provide land to landless people over and over again— and to provide the kind of land that can be used for such basic human requirements as the production of food and the creation of a meaningful, dignified life-style. More important, they are attempting to resolve the fundamental questions of land allocation, continuity, and exchange that lie at the core of the land reform issue. The Community Land Trust movement is emerging as a social mechanism and, properly implemented, it has the potential for becoming a significant tool for widespread land reform.

Examples of Community land trusts are many. In Maine, the Sam Ely Community Land Trust has been in existence since 1972: a state-wide organization having more than 150 members, it currently holds title to two parcels of land and is negotiating on several others. Together with its sister organization, The Community Services Organization, it is doing much to promote public education on issues relating to the purposes of the trust— land use practices, rural poverty, low-cost housing. The Sam Ely Land Trust also publishes an excellent newspaper, The Maine Land Advocate, which presents numerous concise articles on all aspects of the land reform movement.

The Sam Ely Trust is certainly one of the most active groups in terms of its commitment to land reform; but there are other community land trusts that are serving equally important functions in different parts of the country. In Georgia, New Communities, Inc. holds about 5,700 acres of prime cropland in trust; it is being used as a means of establishing some 800 families of rural poor (primarily black) on the land. In California, the Northern California Land Trust has recently received federal non-profit, tax-exempt status for the explicit purpose of providing farmable lands to otherwise disenfranchised people. In the Mid-Atlantic states, a movement is afoot to bring several existing local trusts into a loose confederation or regional trust; the advantage of such a move is that the individual trusts will gain a measure of political and economic security that they would otherwise lack.

There are also functioning community land trusts here in the Northwest. The foremost of these, the Evergreen Land Trust, has done much to explore the many unanswered legal questions relative to the trust idea. As the first such organization in the country to receive federally tax-exempt 501 (c) (3) status, it has helped to provide precedence for other land trusts who want to include the offer of tax advantages (as an incentive for land donation) as an added means of making land available to the landless. Evergreen is also participating actively in numerous community and public education projects: cooperative farming, farmers' markets, conferences, joint explorations with members of civic organizations into ways that urban lands can become a part of the community land trust concept (examples could include community gardens, environmental resource centers, and low-cost housing). This last concern is also being explored by the People's Land Trust in Bellingham: People's is placing several houses within the Bellingham city limits in trust, and is functioning as an integral part of the community movement there. Community land trusts are also forming or in their initial stages in Oregon: the Oregon Women's Land Trust and the Eugene Land Trust are but two examples.

The growth of community land trusts in this country is an encouraging sign; it reflects an increasing concern for the interests of all mankind, and a growing trend toward a non-materialistic approach to land tenure. However, the Community Land Trust movement is still in its infancy; and there are many questions that need to be asked and dealt with if CLT's are to fulfill their potential as a land reform mechanism. Community land trusts offer a unique sense of promise for the disenfranchised in America, and it is critical that those who represent the CLT movement not destroy this promise prematurely through lack of understanding, partial application, or slowly decreasing commitment.

Of the many important questions that can legitimately be asked of community land trusts, there are at least two that are particularly crucial. The first of these has to do with the relevance of the CLT movement as it now stands to the needs of minority and third-world peoples. Are community land trusts adequately attempting to involve black, Chicano, and Native American perspectives in long-term land reform strategy? And are minority groups significantly represented among those who are

being given access to land? New Communities in Georgia was of course formed to provide broad-scale land access to a largely black community, but for the most part, those involved with community land trusts are white and of middle or upper-middle class backgrounds. In a sense these are people who can afford to experiment, people who— though they may individually and economically be denied access to land— do not have to contend with the added stigmas created by cultural traditions of discrimination and exploitation. If land reform is to become a reality in this country, it will only be through its ability to fulfill the needs of all peoples; and if community land trusts are to provide a mechanism for effecting land reform, they must not become yet another white middle-class indulgence, initiated with high ideals by failing to involve those who most need them.

The second major question— or set of questions— that needs to be asked of community land trusts is more basic: can the CLT movement bring about the kind of fundamental re-orientation in attitudes that will make land trusts—and a permanently altered system of land tenure— a reality for a majority of people? Despite the growing interest in trusts, there remains an overwhelming cultural bias toward land ownership: how are community land trusts to address this bias on any major scale? And if CLT's are to offer but a partial solution for land reform, what other kinds of programs need to be created and supported?

These are questions which have no ready answers; they probably never will have. They are not meant to be critical of the Community Land Trust movement as it now stands; rather, they are intended to serve as a challenge. Land Trusts appear to be on the threshold of widespread acceptance; and they must remain vital if they are to endure. Land reform is a vital issue; and the more we are aware of the possible shortcomings of community land trusts with respect to land reform, the greater chance we have of making them a really effective mechanism for social change.

#### **Information Sources on Land Trusts**

For those who are interested in learning more about the Community Land Trust concept and the ways that it is being implemented, I would strongly recommend the following publications:

***The Community Land Trust: A Guide to a New Model for Land Tenure in Tenure in America***, by Bob Swann. Available from the International Independence Institute, West Road, Box 183, Ashby, Massachusetts 01431; price, at last word, was \$3.50. The only book published thus far about trusts; it is excellent. Bob Swann is head of III and— together with Ralph Borsodi— is one of the foremost proponents of CLT's in America. In this book, he also discusses the many different considerations and processes that are a part of actually *doing* it. The book was published in 1972, and community land trusts have matured a great deal in the interim; III is now in the process of producing a sequel to the CLT Guide. Watch for it; it should be every bit as useful and inspiring as its predecessor.

***The Maine Land Advocate***, Box 653, Bangor, Maine 04401. Subscriptions, MLA comes out quarterly, and gives a good perspective of what is going on in the land reform movement in the New England area.

***The Green Revolution***, published by The School of Living, Route 1, Box 129, Freeland, Maryland 21053. Subscriptions, \$6.00/year; monthly. The voice of decentralism in America, with heavy emphasis on land trusts. See the more extensive review below.

Or write to the Trusts themselves:

**The Northern California Land Trust**  
P.O. Box 156  
Berkeley, California 94701

**People's Land Trust**

The Good Earth Building  
1000 Harris Street  
Bellingham, Washington 98225

**The Evergreen Land Trust**  
P.O. Box 311  
Clear Lake, Washington 98235

### **WILL THE REAL GREEN REVOLUTION PLEASE STAND UP?**

The real *Green Revolution* (and the only one deserving of the name) is a publication— one that has been around for a long time. The monthly journal of The School of Living, the GR was started by Mildred Loomis as a way of promoting and disseminating the ideas of Ralph Borsodi— the father of decentralism in this country. The School of Living itself was founded by Borsodi during the 1940's to encourage the growth of homesteading communities; and the *Green Revolution*— itself now more than a decade old— has from its very beginning published fine articles relating to all aspects of decentralism and self-sufficiency. It has also consistently advocated sensitive and ethical land tenure practices and those concepts relative to community land trusts, and has provided much encouragement for those who are exploring CTh's as a vehicle for social change.

Within the last six months, however, the *Green Revolution* has taken on a vitality that is really exciting. In addition to increasing numbers of in-depth articles about land trusts and practical self—sufficiency skills, the *Green Revolution* is including pieces on non-inflationary currency, women's issues, energy, non-violence, and health— all further ramifications of decentralist philosophy. Sample copies are available from the School of Living for 50 cents and I would urge each of you to experience at least one issue for yourself. Subscriptions cost \$6.00/year; and for a monthly of this quality, that's a real bargain.

The following is a reprint of the editorial that appeared in the December *Green Revolution*. Written by Larry Lack, it gives a good indication of the kind of writing that is becoming more and more typical of the magazine as a whole. It's worth reprinting just for its own sake; but it also helps provide some insight into the meaning of the name—and the philosophy behind it.

Although we have used *Green Revolution* as the title of our School of Living Journal for 10 years now, the School is not the originator of the slogan. Credit for coining the phrase goes to Peter Naurin, to underscore the special role that gardening, homesteading and harmony with nature play in a strategy for the decentralization of society.

About five years ago this phrase was co-opted by the US government to refer to the application of "modern" agribusiness farming methods in our overseas aid" and "development" programs. To these Washington folk 'Green Revolution' means the exporting of corporation farming (often controlled by U.S. interests), and the use of "mirical" grain hybrids, of chemical fertilizers and pesticides, of automation—the whole schmeer.

The strategy of "helping" poor countries by suggesting that they emulate our rapidly floundering agriculture is part of the U.S. attempt to centralize world politics and economics under U.S. hegemony. But by co—opting the phrase Green Revolution, they have begun a dialogue that may hasten their undoing.

An agriculture based on petrochemicals is rapidly becoming uneconomic in the U.S. A recent study by Barry Commoner examined in depth the economics of 32 Midwest family farms, showing organic farmers among them making as much profit as conventional farmers, getting comparable yields, and using 2/3 less fossil fuel energy. This although the study calculated crop income on the same basis for all the farmers, ignoring the fact that organic foods presently command higher prices.

As recently as 1971, Agriculture Secretary Earl Butz was predicting that widespread adoption of organic methods would cause “50 million Americans” to starve. If anything, it’s the continuation of chemical farming that will destroy American agriculture. Iowa topsoil is losing its fertility now at the rate of over 1% a year.

This is the system the U.S. is trying to export under the rubric of Green Revolution, a system that eats more calories in energy than it yields in food and bids fair to provoke “red” revolution in the labor-intensive societies of the third world. We Americans have more to learn from the benighted natives who still use compost and manure than they have to learn from our 5—10—5 salesmen. China may turn out to symbolize the poor leading the rich in agriculture as well as in a few other fields.

All of which is why we American decentralists consider ourselves the standard— bearers of the real Green Revolution. And why we keep the name of this journal just what it is.