America's passion for land: Building The American Dream ...and Nightmare. Charlie Vander Broek Holland Professional Club September 5, 2024

INTRODUCTION

A few months ago, while going through old family papers that were stored for years, I revisited several warranty deeds, mortgage documents, and land patents from the 1840s,1880s, and early 1900s, owned by members of my family, including my third great grandfather Albertus Van Raalte, my great grandfather Teunis Keppel, and my great grandparents Anna and Bastian Keppel. (slides)



These discoveries sparked my interest in properties owned by my ancestors and began my research into the history, development, and importance of property ownership in the U.S.

My research led me down a path far more extensive and complex than I anticipated. I originally was going to focus this paper on Van Raalte and his land holdings, but last year Robert Swieringa wrote the excellent, definitive biography of Albertus Van Raalte, and discussed his extensive land holdings and business dealings. (Robert Swieringa, A.C. Van Raalte: Pastor by Vocation-Entrepreneur by Necessity) Van Raalte Press 2023.)

For this paper, I decided to broaden my scope after reading Simon Winchester's book: "Land: How the Hunger for Ownership Shaped the Modern World."

I decided to look further into the history, passion and drive for land in America, and how owning land is, and has been from the founding, a major dynamic of the American ethos, economy, and politics. This paper explores the history and multifaceted nature of America's passion for land, especially owning land, and the pervasive dichotomy between the American dream and the potential nightmare lurking within the intricacies of property rights and their societal implications.

The microhistory of land turns out to be an insightful and interesting way to look at important building blocks of U.S. History. America's growth and prosperity has come with a very large cost.

Most of us in this club have enjoyed the benefits and pleasures of owning a house and land. Ownership of property can offer economic and personal security. It is seen as one of the largest assets for building wealth and provides stability for families and communities. Land is a powerful cultural and emotional force for perpetuating identity and history. Since the beginning of America, land ownership has been considered the path to the American Dream.

However natural "owning" land may seem to us today, in the long sweep of human existence, it is a recent concept. To the thirteenth century peasant for instance the term private property would have meant nothing. It was not until the reign of Henry VIII that any landowners would acquire the power to designate by who will take their lands upon their death. Over time this "manor" system gave way, yet the principles that infused it would persist for centuries. In fact, the largest landowners on Earth today are King Charles III and the British Royal Family who controls 6.6 billion acres. (This is equivalent to one-sixth of the surface of earth) and The Catholic Church which owns 177 million Acres.

One unique feature of land on our Earth is that it is finite, and originally no one "owned" the land, and no one was "deeded" land on this earth. The American experience was a bold and unique opportunity to establish a new culture and a new approach to managing land and the earth's resources.

The total land area of the Earth is approximately 57.5 million square miles or about 36.8 billion acres. Of that land the United States, today, has a land area of around 3.8 million square miles or roughly 2.4 billion acres. The United States land today area covers about 6.7% of the total land area of the Earth.

Two Perspectives of the American Dream

I want to present two hypothetical perspectives of the American Dream. These, of course, are illustrative and are used to demonstrate the complexity of how history views the American passion and vision for land ownership.

1.

One view of land ownership in the United States is that ownership has been the backbone of American democracy and the key reason for America's rise to power and wealth. This American Dream, a central cultural narrative, often involves the ideal of owning a piece of land (and today a family home) as a symbol of success and self-sufficiency. Land ownership is viewed as a pathway to economic independence, stability, and upward mobility, reflecting the fundamental ethos of American society.

The U.S. legal system has consistently supported and protected private property rights, reinforcing the cultural significance of land ownership. The establishment and evolution of property laws, from early colonial land grants to contemporary regulations, contribute to a stable and predictable environment for property ownership.

The free and easy access to ownership of land created a wealth boom the likes of which the world had never seen before.

This dream has been a driving force behind the expansion of the middle class, particularly in the post-World War II era when government policies like the GI Bill made homeownership more accessible to millions of Americans. In the suburbs, land ownership took on a new meaning as families sought to escape the crowded, polluted cities for the promise of a better life in the countryside. The suburban home, with its white picket fence and neatly manicured lawn, became the quintessential symbol of the American Dream.

2. The American nightmare

However, there is another look at the American story, and for many, the cost of America's passion for land weaves a very different perspective than the American Dream, and sees an American nightmare caused by land grabbing, greed, and racial prejudice which fueled the extermination and displacement of millions of indigenous people, the perpetuation of slavery, policies of redlining, and discriminatory housing codes.

United States policies on statehood, ownership and economics have long been tied together by the political, cultural, and moral issues of Slavery and racial segregation. The correlation of race to ownership of farms and homes is still prevalent today.

Some feel even stronger as the Lipman report states:

"Over the last century, the U.S. became a nation with an exceptionally high percentage of homeowners, with homes themselves as a primary source of financial security. But this same outcome has contributed to a growing concentration of low-income renters and exacerbated a racial wealth gap over a century old."

The expansion of agriculture and suburban development has transformed vast areas of the country, with significant impacts on biodiversity, water resources, and climate. The suburbanization of America has been criticized for its unsustainable use of land and resources. The sprawling, low-density development patterns that have characterized suburban growth require significant amounts of land, energy, and infrastructure, contributing to pollution, traffic congestion, and the loss of open space.

The Historical Context

John Adams 1776

". The balance of power in a society, accompanies the balance of property in land. The only possible way, then, of preserving the balance of power on the side of equal liberty and public virtue, is to make the acquisition of land easy to every member of

society; to make a division of land into small quantities, so that the multitude may he possessed of landed estates: The right to own land is the guardian of every other right."

Land Ownership and the Foundation of Democracy



Let me start our history with the arrival of European settlers who marked the first profound shift in land dynamics. With the establishment of the Thirteen Colonies, European settlers brought their own concepts of land ownership based on English Common Law.

This new experiment of America needed a vision and process to move forward, and the private ownership of land played a key part of that vision

The beginning of the American Dream saw this country as an agrarian mecca owned by independent and hard-working landowners.

Thomas Jefferson left modern Americans with their most enduring image of an Agrarian vision – that of the yeoman farmer. For Jefferson the idea of the yeoman farmer linked the individual's right to own and control property with the very existence and viability of democracy. According to Jefferson, because the yeoman farmer owned his own farm, and could produce food and fuel for himself and his family, he was obligated to no one – he was literally free to exercise his political views as a democrat. For Jefferson it was the very act of ownership that created the conditions that allowed democracy to exist.

The famous phrase from the Declaration of Independence written on July 4, 1776, by Thomas Jefferson states the ideal for Americans of "life, liberty, and the pursuit of happiness.".

Rooted in the historical pursuit of life, liberty, and property, (as John Locke stated) the notion of owning a piece of land has symbolized not only economic prosperity and individual autonomy but also societal identity and cultural ideals.

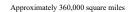
James Madison wrote in Federalist No. 54 in 1788, "government is instituted no less for the protection of property than of the persons of individuals" ([19]: 339). Others, including Alexander Hamilton and John Adams concurred.

Adams [1] noted that "property must be secured or liberty cannot exist. The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public <u>justice</u> to protect it, anarchy and tyranny commence."

Much changed in 1779 with the Virginia Act and the defeat of British forces at Yorktown in 1781.

The 1783 Treaty of Paris: All unsettled lands of Lord Fairfax and other landholders in the Americas were confiscated by the newly formed government.

(slide)





Choices had to be made regarding which governments had jurisdiction over these lands, how these lands would be used to benefit those governments as well as the public, and how these lands would be transferred to white settlers. Conflicts over who would get these lands created the first crisis of disunion. The choice that resolved this crisis led to other choices on how to use these lands to salvage the nation's financial position. In addition, how the government would transfer these

lands to the public entailed choices over lot sizes, shapes, prices, and methods sale. Between 1781 and 1802 these land-policy choices were truly founding choices in that they had lasting effects on the economic and political trajectory of the nation

In the 18th century Benjamin Franklin calculated that the American population doubled every 20 years. For an agricultural people, as Americans overwhelmingly were at the time, this had an obvious corollary: American territory needed to expand Americans looked at Europe, already crowded, and determined not to become like that.

A passion to Expand the Empire

NORTHWEST TERRITORY

The Northwest Territory was established by the Northwest Ordinance 0f 1785, passed by the Continental Congress (sometimes called the Land Act of 1785).. This ordinance set the stage for the orderly expansion of the United States into the territory northwest of the Ohio River and established the procedures for the territory to become states. This act set the system of survey of these confiscated lands, and most importantly, titled them in the federal government for sale to those who wished to settle upon them

As the population of the Northwest Territory grew, new states were carved out of the territory and admitted to the Union. Ohio was the first state to be admitted from the Northwest Territory in 1803, followed by Indiana (1816), Illinois (1818), Michigan (1837), and Wisconsin (1848).

During the 1790s, the population west of the Appalachians more than doubled. Historian Arthur Burr Darling noted: "The estimated white population of the Northwest Territory in 1790 had been only 3,000, but there were some 15,000 by 1795:

Congress adopted the Constitution in 1789, replacing the Articles of Confederation with this new government. The new Constitution reaffirmed congressional control over the ceded western lands. Article IV, section 3, paragraph 2, of the Constitution stated, "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other property belonging to the United States..." The Supreme Court would later determine that this power

vested in Congress was without limitation. (Don

American Land Acquisition

1783	Former 13 colonies-	Treaty of Paris of 1783 following American Revolutionary War	

• 1785. The Northwest Territory

1803 Louisiana Purchase 1819 Florida (East and West) Adams-Onís Treaty
 Purchased from France for \$15 million, including assumed claims
 Purchased from Spain for \$5 million in assumed claims under

1845 Texas- Annexation of independent republic
 1846 Oregon Territory- The Oregon Treaty with Great Britain

• 1848 Mexican Cession Purchase from Mexico following American-Mexican War; \$15 million

plus 3.25 million in assumed claims

• 1853 Gadsden Purchase Purchased from Mexico for \$10 million

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1968, 73-4)

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(slides)

The Displacement of the Indigenous people

The nightmare of American expansion

Tashunka Witko (Crazy Horse), in **D.** BROWN, **BURY My HEART AT WOUNDED KNEE 262** (1972).

Our land is more valuable than your money. It will last forever. It will not even perish by the flames of fire. As long as the sun shines and the waters flow, this land will be here to give life to man and animals. We cannot sell the lives of men and animals; therefore, we cannot sell this land. It was put here for us by the Great Spirit, and we cannot sell it because it does not belong to us. You can count your money and burn it within the nod of a buffalo's head, but only the Great Sprit can count the grains of sand and the blades of grass of these plains ...

Critical to the desire to the promises of the wealth and prosperity of the new lands was the "problem" of dealing with the Indigenous People – "The Indians"

The push for new land marred the history of America by the violent and systematic displacement of Indigenous peoples from their ancestral lands. One of the largest American nightmares.

This process, "westward expansion," involved a combination of treaties, warfare, forced relocations, and broken promises that collectively resulted in the seizure of millions of acres of land from Native American tribes and <u>Indigenous</u> peoples were pushed off their land through a combination of direct conflict and legal maneuvers.

The doctrine of Manifest Destiny, which emerged in the 19th century, provided a moral and ideological justification for the expansionist policies of the United States. It was the belief that it was the divine right and destiny of the United States to expand its territory across the North American continent. This ideology

disregarded the presence and rights of the Indigenous peoples who had lived on these lands for thousands of years.

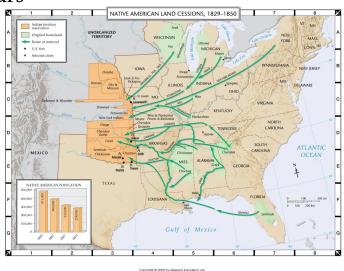
The myth was that the unclaimed lands the government was advertising were empty, vacant, or uninhabited.

The Supreme Court of Virginia declared, "Indian title did not impede . . . the power of the legislature to grant the land"—and other state courts soon followed this decision. 134 The result, then, was that settlers and speculators were dividing up land that was not theirs and relying on the dynamics of property law to gain a subsequent legal claim.

But none of these lands were empty and, although the nation would immediately assert sovereignty over the land based on its treaties with the triad of European empires, such assertions did not mean there was consent or transfer of property rights from those who inhabited the land. Indigenous populations were the largest group that inhabited these lands. Scholars,

estimates have consistently placed the number of indigenous people at *around* six hundred thousand.

A Trail of Tears



One of the most infamous examples of this dispossession is the Trail of Tears. In the 1830s, the Indian Removal Act, signed by President Andrew Jackson, led to the forced relocation of thousands of Native Americans from their homelands in the southeastern United States to territories west of the Mississippi River. This forced march resulted in the deaths of thousands of Native Americans due to disease, starvation, and exposure.

Approximately 661 treaties negotiated, often under unequal and coercive conditions, and the promises made by the U.S. government were rarely honored in the long term.

Furthermore, the policy of allotment, formalized by the Dawes Act of 1887, aimed to assimilate Native Americans by dividing communal lands into individual parcels.

The consequences of these policies have been profound and long-lasting. The loss of land meant not only the loss of physical territory but also the erosion of cultural practices, social structures, and economic independence. Indigenous communities were often left in conditions of poverty and marginalization, with limited access to

resources and opportunities. Reservation lands went from 138 million acres in 1887 to 48 million acres in 1934

Many of the assumptions of the common-law origins only worked if indigenous populations were not perceived as equals. The idea of terra nullius is emblematic of this: it is a principle stating that unoccupied land was common property until use; the first to use the land appropriately became its owner.

The Passion for Land moves Westward

If land ownership was to drive this country in terms of personal freedom, economic growth and fulfillment of the American experiment, then the citizens and future settlers needed a vision on how to get past many obstacles of determining ownership and rights or privileges on land.

Louisiana Purchase 1803

In 1803, President Thomas Jefferson purchased the territory of Louisiana from the French government for \$15 million and doubled America's size. The Louisiana Purchase stretched from the Mississippi River to the Rocky Mountains and from Canada to New Orleans, and it doubled the size of the United States. To Jefferson, westward expansion was the key to the nation's health: The westward expansion of the United States is one of the defining themes of 19th-century American history, one more step in forming the American Dream of land ownership, or as some stated, Jefferson's expanding "empire of liberty."

Texas and Oregon. 1840

Long before Americans filled up the land they had already acquired, they were demanding more. They hungered for Texas (1845) in the Southwest and Oregon (1846) in the Northwest. <u>James Polk</u> won the presidency in 1844 on a platform of taking both.

In the 1840s and 1850s the U.S. started to formulate ways to distribute federal or public land to people. The government had many motivations for participating in these land rushes.

How to fund the government?

There was a lot of debate within the government about how to distribute the land and who should benefit. In 1862 all that discussion turned into action.

Homestead Act 1862

The Homestead Act of 1862 is recognized as one of the most revolutionary concepts for distributing public land in American history and key to building the American Dream.

The Homestead Act was Passed on May 20, and accelerated the settlement of the western territory by granting adult heads of families 160 acres of surveyed public land for a minimal filing. Each homesteader had to live on the land, build a home, make improvements, and farm for 5 years before they were eligible to "prove up". A total filing fee of \$18 was the only money required, but sacrifice and hard work exacted a different price from the hopeful settlers

Over the course of the Homestead Act, the government distributed more than 270 million acres of land to homesteaders. (10% of the land in the U.S.) Thirty of the 50 states had homesteads in them at one time or another, SLIDE 18

Approximately 1.6 million homesteaders of different origins, ages, and backgrounds (about 40 percent) "proved up" on their lands by fulfilling all requirements and taking title from the government.

Today, an estimated 93 million homesteader descendants inhabit the modern world.

Railroad Land Grants:

In the 19th century the government soon undermined its commitment to the Jeffersonian ideal of small, independent farmers. Eager to industrialize and unwilling to raise taxes, it used thousands of square miles of the frontier as payment for railroad construction. These land grants went far beyond what was needed to lay tracks, regularly including places twenty or more miles from any construction. In other words, this was a pure in-kind payment.

Between 1850 and 1872 extensive cessions of public lands were made to states and to railroad companies to promote railroad construction. Usually, the companies received from the federal government, in twenty- or fifty-mile strips, alternate sections of public land for each mile of track that was built. In addition, it would loan builders \$16,000 a mile for construction on flat lands and \$48,000 a mile in the mountains.

Land grant maps were frequently used by land speculators to advertise railroad lands for sale to the public. As early as 1868 most western railroads established profitable land departments and bureaus of immigration, with offices in Europe, to sell land and promote foreign settlement in the western United States.

Railroad companies auctioned these lands off in blocks without restriction, meaning that buyers were disproportionately affluent and inclined toward large properties. Together, the Homestead Act and railroad land grants transferred about 750,000 square miles of land -25% of the area of the continental United States.

Discrimination and Black ownership

Paul Frymer "A Rush and a Push and the Land is ours" March 2014

"Finally, I want to conclude by emphasizing a theme implicit through my work: the centrality of race in the formation and development of the American State"

The American passion for land did not include an American dream for the First Nation people or for people of color. White settlers from Europe like Albertus VanRaalte had more opportunities for land ownership than did nonwhites even if they were already living here.

The economics of the new white America drove most policy discussions about ownership. Most of the land sold or distributed with the Homestead act went to white claim holders.

During reconstruction after the Civil war there was a period when Blacks were made promises such as "the 40 acres and a mule," but this program and promise was largely unfulfilled. Instead of land ownership, many freed slaves

became sharecroppers or tenant farmers Despite this by 1880 Black landowners in the South owned 15 million acres. However, Jim Crow laws and the movement of Blacks to the North resulted in a decrease of Black land ownership.

Today, the five largest landowners in America, all white, own more rural land than all black America combined.

African Americans, despite making up 13 percent of the population, own less than 1 percent of rural land in the country. The combined value of this land: \$ 14 billion. White Americans, by comparison, own more than 98 percent of U.S. land amounting to 856 million acres with a total worth of over \$1 trillion.

The racial disparity in rural land ownership has deep historical roots based not just in chattel slavery, but in the post-slavery period as well. Average land ownership for black farmers peaked in 1910, according to the Agriculture Census, with about 16 to 19 acres, or about 14% of the farmland. In contrast, black farmers owned just 1.5 million acres of arable land in 1997, or less than 1%.

REDLINING

With the 20th Century growth in Urban areas came a new way to control and limit ownership for certain groups of people. That method is called "redlining" which describe the mortgage companies choosing area of the cities which would not allow black residents to borrow money or get mortgages. At the same time, the FHA was subsidizing builders who were mass-producing entire subdivisions for whites — with the requirement that none of the homes be sold to African Americans.

In 1933, faced with a housing shortage, the federal government began a program explicitly designed to increase — and segregate — America's housing stock. Author Richard Rothstein says the housing programs begun under the New Deal were tantamount to a "state-sponsored system of segregation."

Land Ownership Today

From the vision of Jefferson to today we find very different dynamics. We started out talking about the yeoman farmer and how the right to own land was the foundation of all other rights. The founders wanted democratic ownership of small farms and equal opportunity for participation and ownership. Over the years market forces and the end of the frontier changed this initial vision. The landowner vision and the passion for land remains, but the realities have changed. Today new challenges to ownership require new policies and decisions to preserve the democracy and freedom the founders desired.

One significant change is the increasing concentration of land ownership. Large agribusinesses and investment firms have acquired substantial amounts of agricultural land, leading to concerns about the decline of the small family farm. According to the United States Department of Agriculture (USDA), small farms make up 90% of all U.S. farms but control less than half of the country's farmland. This trend raises questions about food security, rural economies, and the sustainability of agricultural practices.

Today, there is a new challenge in the making: 100 top landowners own 40.2 million acres: the equivalent size of New England minus Vermont. 1% of landowners own 40% of the land

Researchers at the New York Times magazine have found that the amount of land owned by those 100 families has jumped 50 percent Since 2007. (NYT June 22, 2019)

America's ten largest landowners (slide)

- 1. John Malone 2.2 million acres / 0.89 million ha / approximately equal to half the size of Lake Ontario.
- 2. Ted Turner 2.0 million acres / 0.81 million ha / twice as large as Rhode Island
- 3. Emmerson family 2.0 million acres / 0.81 million ha / 3rd of the size of New Hampshire
- 4. Reed family 1.7 million acres / 0.69 million ha / half the size of Connecticut
- 5. Stan Kroenke 1.4 million acres / 0.57 million ha / roughly equal to the size of Prince Edward Island

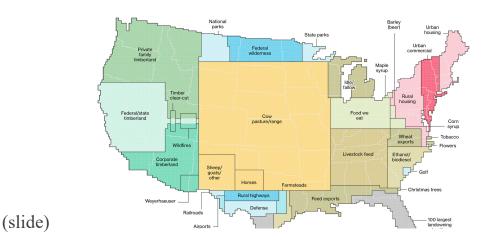
- 6. Irving family 1.2 million acres / 0.49 million ha / large as Anchorage in Alaska
- 7. Brad Kelley 1.2 million acres / 0.49 million ha / twice the size of Jacksonville in Florida
- 8. Singleton family 1.1 million acres / 0.45 million ha / three times the size of Houston
- 9. Peter Buck 925 thousand acres / 374 thousand ha/three-quarters of Grand Canyon National Park
- 10.King Ranch heirs 911.2 thousand acres / 368.7 thousand ha / three times the size of Los Angeles

The concentration of land ownership in the hands of a few individuals or entities can lead to a range of economic, social, and environmental problems. Here are some key issues associated with this phenomenon:

- 1. Economic Inequality:
- 2. Reduced Local Control:
- 3. Environmental Concerns:
- 4. Social Issues:
- 5. Market Distortions:
- 6. Access to Resources:
- 7. Land Speculation:

Today, private individuals and corporations own about 60,2% of U.S. land. In total, about 77 million owners hold 1.3 billion acres (0.53 billion ha) of private land. Over 63% of the privately owned land is in farms and ranches. Another 32% of the privately owned land is in forests.

The federal government manages about 640 million acres (2.6 million km²) of land in the United States, which is about 28% of the total land area of 2.27 billion acres. 1/3 of these lands are owned by Federal, State and local governments



As the nation industrialized and urbanized, the significance of land and home ownership evolved but remained central to the American Dream. The post-World War II era witnessed a suburban boom fueled by government programs like the GI Bill and Federal Housing Administration loans, which made homeownership more accessible to a broader segment of the population. Owning a home with a white picket fence became synonymous with achieving the American Dream, representing stability, security, and success.

Public policy focus shifted from the disposition of America's public lands to the management of its land re- sources. With this shift, America experienced a significant re-configuration of its demographic and spatial make-up. The 1920 U.S. Census officially re- corded the shift from a rural to an urban nation. Cities and states began to pass regulations to manage public health and safety conditions. The impact of these regulations was to burden individual landowners – both private landowners and corporate landowners

In the 21st century, the dynamics of ownership has continued to shift, reflecting broader economic trends, technological advancements, and societal changes.

America faces new challenges and opportunities. The rising cost of real estate, particularly in urban areas, has made homeownership increasingly difficult for many Americans, particularly young people and low-income families. The housing affordability crisis has sparked a national debate about the future of land ownership and the need for new policies to address the issue. At the same time, there is a growing recognition of the need to balance the desire for land ownership with the

need for sustainable development and environmental protection. Efforts to promote smart growth, reduce urban sprawl, and preserve open space are gaining traction, as communities grapple with the environmental and social impacts of unchecked development. There is also a renewed interest in alternative forms of land ownership and housing, such as community land trusts, cooperative housing, and tiny homes. These models offer the potential to make land ownership more accessible and sustainable, particularly for those who have been historically excluded from

the market.

Conclusion

Land ownership in the 21st century United States is characterized by significant concentration among large entities, shifting urban and rural dynamics, technological impacts, and growing environmental and social justice considerations. These trends highlight the need for thoughtful policymaking to ensure equitable access to land, sustainable land use, and the rectification of historical injustices. As the nation continues to evolve, so too will the landscape of land ownership, reflecting the changing priorities and values of its people.

The American Dream and the glory of Manifest Destiny in America requires a knowledge and truthful perspective of the realities of the American experiment. Indeed, the move from initial settlers to the prosperity and struggles of our current times is complex and impressive. And I hope this paper illustrates that the American Passion for land has been a very costly and culturally defining history.