AMERICAN AGRICULTURAL LAW ASSOCIATION PRESIDENTIAL ADDRESS[1]

Steve A. Halbrook[2]

There are very few times in life when you have a microphone, a captive audience, and the freedom to speak your mind. This is one of those times. But the real challenge is to say something that at least one person will remember until happy hour tonight.

As I prepared for this presentation, I reviewed what some of our past presidents have said on this occasion. Some of our academic colleagues prepared very thoughtful, cogent papers on the pressing legal issues of the day. Our practitioner presidents tend to keep their remarks short and focused on client needs. Some presidents have talked about the state of the association and others have taken an autobiographical approach. I'm going to start with three personal reflections related to "family farms" and rural communities. I will draw from these reflections some observations about our profession, the industry and clients we serve, and our association. I will conclude with personal thoughts on change and the future.

REFLECTION #1

When my parents died a few years ago, I inherited the farm where my father was raised. This eighty-eight acres in the Ozark foothills sustained three generations of my father's family. The rolling pastures, woodlands, and the old home site reflect the beautiful natural surroundings. But this natural beauty masks a long struggle to produce a livelihood from these rocky fields. Beginning in the 1880s, my ancestors clear-cut this land to grow cotton for cash, as well as corn and other grains to sustain themselves and some livestock. My great-grandfather divided the homestead between two of his sons. My grandfather worked as a logger and, with a rudimentary sawmill, cut heads for whiskey barrels to supplement his farm income. He sustained his family with off-farm, or more correctly, non-agricultural income, before that phenomenon was recognized by academia. When he died, my grandmother was left with six children from

1. Presidential Address delivered to the American Agricultural Law Association (AALA) Annual Educational Conference, held on Oct. 20, 2007, in San Diego, California.
2. Steve A. Halbrook, Ph.D., Vice President, Farm Foundation, Oak Brook, Illinois.

diapers to high school to scratch a living from the soil until the children were grown and World War II provided an opportunity for a job in town. All six children graduated from college. The farm last saw a plow in the early 1950s. The Soil Bank turned the fields to pasture. A few beef cows have been the agricultural activity of the past fifty years. My only childhood encounters with this farm and community were the occasional trip to see distant relatives or to visit the local cemetery on Decoration Day.

A few years ago I made a quick visit to the farm. The local electric cooperative was building a transmission line through part of the property to service a growing number of rural residences and chicken houses. I arranged to have some standing timber cut to accommodate the utility. Today, the country road that was home to as many as a dozen family farms in the 1930s has one commercial farm and a couple of rural residents who work in town twenty-five miles away. The old home sites grow wild daffodils, daylilies, and honeysuckle that make the roadsides beautiful. The neighboring commercial farmer raises chickens, the cash crop of today. I decided to plant pine trees on the land. Trees and chickens are about the only legal agricultural activities that turn a profit these days. In thirty years, my children will have the land and the trees. They will be the stewards of this place and make their decisions for the future.

REFLECTION #2

At about the same time, I visited my mother's two living sisters fifty miles away on the south-side of the Arkansas River for another "family farm" memory call. We took a drive from town to visit family cemeteries and the rural crossroads communities where they were raised. My mother's parents were cotton farmers in the Arkansas River Valley. They were prosperous, for the era, and raised six children. In the early 1940s, a series of floods on the river destroyed their farming operation and they were forced to move to an upland farm originally purchased by my maternal great-grandfather from the Rock Island Railroad after the Civil War. This farm, where my maternal grandmother was born and raised, frustrated my grandfather because it would not produce the quantity and quality of cotton he had grown in the Valley. When my grandfather died, my parents moved to the farm and took over the farming operations.

I spent my first five years on this farm. My parents operated a Grade A dairy and taught at the local high school, long hours and hard work. After five years and another child, my parents decided to change careers. They took different jobs and went back to college. My father eventually became a university professor and my mother had a successful career in real estate. An aunt and her husband purchased the farm and lived there for thirty-five more years. I spent many summer vacations visiting the farm, gathering memories of relatives and

the land I will always cherish. Prior to my aunt's death, she sold the farm and moved to town. The farm passed out of the family after over one hundred years.

Today this farm fronts a paved state highway and has been subdivided into "hobby" farms and rural residences. The people who live on or near the farm have good jobs in the poultry industry, pulp and lumber mills, manufacturing, or schools and businesses in several nearby communities. Some operate their own non-farm businesses. Farming is the exception, not the rule. Gone are the days of cotton lint on the roadsides in the fall. The local John Deere dealer is still a big business, but it sells small tractors, haying equipment, and lawn and garden machines – not many combines. There is a sod farm on the edge of town and a Spanish speaking Pentecostal church.

Farming is no longer the economic engine of the region, but these communities are more prosperous today than anytime I can remember. The children graduating from the high schools my parents attended have many more opportunities and options than their peers of sixty years ago. Subsistence farming has given way to people who live in the countryside by choice. Cotton monoculture has been superseded by poultry, trees and cattle. The streams are cleaner and the wildlife more abundant.

REFLECTION #3

A couple of years after this trip down memory lane, I received a call from the gas company. My Ozark foothills farm sits on a geological formation known as the Fayetteville Shale, which contains natural gas and coal deposits that have been explored from time to time with little or no commercial success. The recent spike in energy prices has sparked renewed interest in natural gas exploration in the region and "land men" are as numerous as armadillos on the country roads. Drill rigs can be seen on many country crossroads. There are now three producing wells on my section. While I tell my kids that the royalties need to have more zeros and commas before they should get excited, the gas boom has infused this region with a new source of income and there are several new pickups in the neighborhood.

OBSERVATIONS

For me, these experiences reinforce the ever-changing nature of agriculture and rural communities. But these experiences are not unique. In the Midwest, the growth of the biofuels industry has changed basic economic relationships from future markets for corn and oil to local cash rents for farm land. Jobs in production agriculture, particularly animal agriculture, food processing and construction, have attracted immigrants from Mexico and Central America to

rural communities across the U.S. My friend Jim Hildreth used to say that he grew up in the "Norwegian Ghetto" of Huxley, Iowa. These rural ethnic ghettos are rapidly evolving into culturally diverse communities.

This ever-changing landscape is where we practice our profession. We represent the banks, the farmers, the school districts, the rural electric cooperatives, the food processors, the water systems, the implement dealers, the hospitals and the many people and organizations of rural America. We are the government officials who try to keep programs and regulations relevant in a rapidly changing economy. We are the academics who prepare future leaders of agribusiness and rural communities. We are advocates for these clients when they are harmed. We counsel them as they adapt to new economic realities.

The needs and concerns of these clients change rapidly. Yesterday they needed help with an estate planning problem. Today they are trying to understand an oil and gas lease. Tomorrow they will need to know how to comply with an environmental regulation. As a profession, we must anticipate these needs and be prepared to provide the quality legal services they need and expect. Defending the status quo may be the appropriate strategy for a specific client at a particular time and place. But as a profession, we must anticipate change, educate ourselves and prepare our clients for new realities.

Preparing the profession for change is the primary mission of this Association. These annual conferences, and the membership networks we build and maintain, prepare our members for change. And we are successful in this effort primarily because of the diversity of people and interests present at this meeting and in our Association.

It is my observation that these differences make these conferences so interesting. It is this diversity that sets us apart from other bar, academic and professional associations. While our racial profile remains fairly vanilla, by many other measures we are a diverse lot. We have members who are private practitioners, government and agribusiness lawyers, academics, and others who work for a variety of NGOs and other entities. We even have members who are not lawyers. As any recent president of this group will tell you, planning a conference with appeal to this diverse group is a real challenge.

My challenge to you is to prepare for the future by harnessing the intellectual diversity you find at these meetings and within AALA. Use the ideas and materials you collect at this conference. Use the contacts with old and new colleagues. Engage with people who are working on new and challenging topics. You never know what problem or concern a client will bring to you tomorrow.

Challenge this Association to do more. Let us know how we can help you prepare for tomorrow's clients. This Association exists to serve its members. We alter the program each year to highlight new and emerging issues. We are redesigning the *Ag Law Update* and moving it to an electronic platform to pro-

vide better service to the membership. Let us know what we can do to help you serve a diverse and changing clientele. This Association must evolve and change or it ceases to have value.

CHANGE AND THE FUTURE

As we look to the future, we must recognize that "family farms," rural communities, and even professional associations are born, grow, live, and die just like their human creators. They are created from dust and they return to dust. They provide sustenance, nourishment, education, professional enrichment, and instill basic values, but they are not everlasting.

I do not pine for the old days. While I have wonderful memories of the farm and a large extended family on both sides, I have enjoyed my adult life in towns and cities. I would not trade places with either set of grandparents or their parents. I have had more opportunities than they could have dreamed. My children, who are now out of college, grew up in two of the largest metropolitan areas in the country. They know their rural relatives, and have visited all of the "family heritage" sites, but their lives have been shaped by different times and places.

I will keep my eighty-eight acres of Ozark foothills, plant trees, and collect a few gas royalty checks. God willing, I will pass it along to my children. I will continue to visit my many cousins and the places of my childhood. I will walk the cemeteries. I will cherish the memories. But I refuse to worship the idealized countryside or the "family farm." The countryside, and all of creation, changes with each generation. Our red barn, white fence vision of rural America is past, if it ever existed. Family farm businesses are organic things that grow and die like their human creators. My parents left the farm to pursue other dreams. Now others are moving back to the same countryside to pursue different dreams.

As agricultural lawyers, it is our obligation to help them pursue those dreams today and in the future.