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Food Justice as Interracial Justice: Urban Farmers, Community Organizations and the Role of Government in Oakland, California

Christopher J. Curran* and Marc-Tizoc González**

INTRODUCTION

Urban farming may be the latest evolution in the long struggle for interracial justice in Oakland, California. This broad movement for food justice has arisen due to a deepening community health crisis; communities of color have long faced disproportionate rates of cancer, diabetes, and illnesses associated with lack of access to nutritious food and other forms of environmental racism. Section I of this paper, "Interracial justice," explains our understanding of the concept and practice of interracial justice. Section II, "The Black Panthers and the connection between food and political self-determination," details how the people's survival programs established by the Black Panther Party and related activism of past decades has laid the groundwork for new coalitions among disparate groups that are coming to recognize a common stake in achieving greater autonomy through food justice. Section III, "Food insecurity in a land of plenty," describes the dimensions of Oakland's community health crisis and traces how the public-private partnerships have led to the establishment of an Oakland Food Policy Council, one of several mechanisms supported by the local government to facilitate the establishment of community gardens and productive green space to be managed by neighborhood groups. Section IV, "California's commitment to limiting greenhouse gas emissions," addresses the legislation, Assembly Bill 32 (AB 32), that mandates statewide emissions reductions to 1990 levels by 2020 and analyzes the conflict between environmental justice communities and the California Air Resources

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Board over its plans to implement AB 32 through a cap-and-trade program. Section V, "The role of the food system in an emissions reduction analysis," argues that current emissions reduction measures proposed by state authorities fail to take the agricultural sector's contribution to climate change into account. Section VI, "Urban agriculture as a means of reducing greenhouse gas emissions," urges food justice activists to lobby for, and governmental agencies to support, empirical studies comparing the level of emissions related to current systems of food production to projected emissions from a more localized system. Such data could encourage investment in urban agriculture as an emissions reductions measure in compliance with AB 32. Section VII, "Revaluing the agricultural skills of immigrants," proposes that, should increased state support for urban agriculture materialize, it could be channeled to green jobs programs that provide a forum for immigrants with experience in traditional farming practices to pass on their knowledge in training programs for the youth. Finally, Section VIII, "Prospects for food justice in Oakland," acknowledges the bureaucratic challenges that would be involved in a large-scale, state-supported urban agriculture program, and notes that some food justice activists prefer to grow food on their own terms, without government involvement.

This symposium essay derives from a collaboration between its authors, who were introduced by a mutual friend, Jack Jackson, a Ph.D. candidate in Berkeley Law's Jurisprudence and Social Policy program. Jack Jackson also serves on the board of directors for the Alameda County Homeless Action Center, a non-profit law firm with offices in Berkeley and Oakland, California, that specializes in representing indigent and mentally disabled individuals in their claims for Social Security disability benefits—imagined as a potential key out of homelessness and into safe and sustainable housing.

The subject matter and analytic focus of the essay are very much those of its primary author, Christopher Curran. Marc-Tizoc González contributed the framing, "food justice as interracial justice," and encouraged the anthropology-inspired methodology of seeking out the emic categories deployed by local food justice advocates, attending carefully to the traditions in which they understand themselves to be working. Of course, as with all true collaborations, the participants' effects on each other can be wide reaching and elude simple efforts to track "whose is whose." Happily, when collaborations blossom into friendship, it becomes less

important to track ownership than to work carefully to share meaningful ideas, cross-pollinating through the overlapping discourse upon which the subject of this essay touches.

I. INTERRACIAL JUSTICE

As deployed in this essay, the concept of “interracial justice” charts a particular intellectual lineage, derived from the lawyer, teacher and legal scholar, Eric K. Yamamoto.¹ While many people have written in many languages about the power and promise of interracial justice, Yamamoto’s 1995 article, *Rethinking Alliances: Agency, Responsibility and Interracial Justice*, is germinal in its synthesis and articulation of the concepts of interracial justice and critical race praxis.² As he conceived it, interracial justice:

[R]eflects a commitment to anti-subordination among non-white racial groups. It entails a hard acknowledgment of the ways in which racial groups have harmed and continue to harm one another, sometimes through forms of oppression, along with affirmative efforts to redress past harms with continuing effects. More specifically, interracial justice is comprised of two related dimensions. One dimension is conceptual. As developed later, it involves a recognition of situated racial group power, and consequently constrained yet meaningful group agency in addition to corresponding group responsibility. The second dimension is practical. It involves messy, shifting, continual and often localized processes of interracial healing.³

In suggesting that food justice be understood and practiced as interracial justice, our work draws explicitly on Yamamoto’s contribution to critical race theory, civil rights struggles, and political lawyering. In order to highlight his work, we encourage our readers to understand food justice as always already involving situ-

1. Professor of Law, William S. Richardson School of Law, University of Hawai‘i, <http://www.law.hawaii.edu/personnel/yamamoto/eric>.

2. Eric K. Yamamoto, *Rethinking Alliances: Agency, Responsibility and Interracial Justice*, 3 *ASIAN PAC. AM. L.J.* 33 (1995) [hereinafter Yamamoto, *Rethinking Alliances*]. See also ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* (NYU Press, 1st ed. 1999); Rennard Strickland, *Nanook of the Nomos: A Symposium on Critical Race Praxis: Introctions: Generations of the Law School Library and the Classroom—A Personal Introduction*, 5 *MICH. J. RACE & L.* 31 (1999); Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 *MICH. L. REV.* 821 (1997) [hereinafter Yamamoto, *Critical Race Practice*].

3. Yamamoto, *Rethinking Alliances*, *supra* note 2, at 34-35.

ated group power, constrained yet meaningful group agency, group responsibility, and the messy promise of interracial healing.

Additionally, we agree with Yamamoto that a “multidimensional concept of interracial justice is, in many instances, an integral, although often overlooked component of peaceable relations and coalition-building among racial minorities.”⁴ However, we adapt his particular definition of interracial justice not to exclude people who are racialized as White.⁵ While we appreciate and value Yamamoto’s original point that US courts in the post-civil rights era have often ignored, marginalized or exacerbated inter-minority racial conflicts, we “believe firmly that interracial justice must include people who critically understand their White racialization and who commit to helping dismantle White Supremacy and other aspects of the contemporary hegemony.”⁶

Particularly for issues of food justice in Oakland, California, we see the need for activists to advocate for policies and to practice food justice in race-conscious ways. Indeed, without an express commitment to anti-racism, and a multidimensional conceptualization of interracial justice that is grounded in Oakland’s concrete locality and history, we fear and predict that food justice efforts will likely exacerbate existing racial conflicts, as have so many prior laws and policies that are bound by colorblindness or the nascent post-racial ideology.⁷ Similarly, without express appreciation for and discussion about *inter alia* the class, disability, gender, immigration and sexual orientation dimensions that urban farming and other food justice efforts implicate, we question whether such efforts will truly flower amongst the people, in a deeply and sustainably engaging and impactful manner. Will food justice instead be kept to the imaginary practice of relatively privileged sectors of Oakland?

Guided by a principle of interracial justice, we believe that food justice efforts can transcend the notions and realities that they are new boutique bourgeois trends of consumerist capitalism, and instead intimately reconnect people to ancient, profound, vivifying, and ultimately (re)humanizing folkways. These folkways can help us see our interconnectedness to the living world and educate the populace about the resources required to be fed.

4. *Id.* at 35.

5. *See id.*

6. Rachel Anderson, Marc-Tizoc González & Stephen Lee, *Toward a New Student Insurgency: A Critical Epistolary*, 94 CALIF. L. REV. 1879, 1893 n.65 (2006).

7. *See generally* Sumi Cho, *Post-Racialism*, 94 IOWA L. REV. 1589 (2009); Neil Gotanda, *A Critique of “Our Constitution is Color-Blind,”* 44 STAN. L. REV. 1 (1991).

Inspired by concepts like interracial justice and critical race praxis, along with the food justice practices in which we engage and which we report here, we ultimately encourage a “critical pragmatic socio-legal analysis with political lawyering and community organizing for justice practiced by and for racialized communities.”⁸ We each have a role to play, and every locale has a rich history of prior struggles to realize social justice.

II. THE BLACK PANTHERS AND THE CONNECTION BETWEEN FOOD AND POLITICAL SELF-DETERMINATION

The city of Oakland has long served as an incubator of working class revolutionary movements that have coalesced around racial identity. While its neighbor across the bay, San Francisco, is known for the countercultural movements made famous by the Beat generation of the 1950’s and the hippies of the 1960’s, the adjoining city of Berkeley became the epicenter of student-led resistance to the Vietnam War and other manifestations of American military aggression, Oakland has been home to less privileged revolutionaries fighting for something much more basic: survival.

Oakland is now considered one of the most ethnically diverse cities in the United States,⁹ but the current state of diversity is a relatively recent phenomenon.¹⁰ Though the 1940 census characterized 95.3 percent of Oakland’s population as “White,” with only 2.8 percent labeled “Negro,” the militarization of the economy during World War II opened up large numbers of shipyard jobs that were filled by Black sharecroppers from the South.¹¹ As Oakland’s

8. Yamamoto, *Critical Race Praxis*, *supra* note 2, at 829; *see also* Robert A. Williams, Jr., *Vampires Anonymous and Critical Race Practice*, 95 MICH. L. REV. 741, 760-65 (1997) (“Critical Race Practice is mostly about learning to listen to other people’s stories and then finding ways . . . to make them matter through community institution building.”); Christine Zuni Cruz, *Four Questions on Critical Race Praxis: Lessons from Two Young Lives in Indian Country*, 73 FORDHAM L. REV. 2133, 2147 (2005) (defining “[c]ritical race lawyering in Indian country [as] community lawyering that takes into account race, culture and color in the context of power” and exemplifying such lawyering through compelling storytelling about two critical race case analyses that emphasize familial connections and cultural insider/outsider status and critiquing court rooms as white space or brown space).

9. *See* U.S. CENSUS BUREAU, AMERICAN COMMUNITY SURVEY: OAKLAND CITY, CALIFORNIA (2006-2008), available at http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US0653000&-qr_name=ACS_2008_3YR_G00_DP3_YR5&-context=adp&-ds_name=&-tree_id=3308&-_lang=en&-redoLog=false&-format=.

10. *See* BAY AREA CENSUS, CITY OF OAKLAND CENSUS (1940), available at <http://www.bayareacensus.ca.gov/cities/Oakland40.htm>.

11. Carolyne Zinko, *WWII Meant Opportunity for Many Women, Oppression for*

Black population increased quickly, the city's banks and industries responded by adopting informal practices called "redlining," whereby investment and services were diverted away from predominantly Black neighborhoods, causing property values to fall.¹² Then, as economic pressures and racial tensions increased with the loss of shipyard jobs after World War II, the city of Oakland adopted a policy of recruiting new police officers from the Deep South.¹³ Many of these white police hires brought racist attitudes and violent tactics with them.¹⁴

Bobby Seale and Huey P. Newton formed the Black Panther Party in 1966 as a call for organized Black nationalism and weapons training in defense against rampant police brutality.¹⁵ Much less publicized in the initial media reports at the time, however, were the neighborhood social programs at the core of the Panthers' Ten-Point Program calling for "Land, Bread, Housing, Education, Clothing, Justice and Peace," and exemption from the draft for Black men.¹⁶

The Panthers established a free breakfast program for children in 1969, and within a year the program was running in cities throughout the United States and reaching more than 10,000 children.¹⁷ The Panthers implemented a series of initiatives called Survival Programs under the slogan "survival pending revolution."¹⁸ Melvin Dickson, one of the early Black Panthers and organizer of the Party's food programs, describes his reasons for setting up the free breakfast program as extending beyond the goal of meeting his community's need for sustenance. A deeper need, as he saw it, was self-determination of a type that would not

Others, SAN FRANCISCO CHRONICLE Sept. 26, 2007, available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/09/26/MNFUSA80E.DTL>.

12. Cuahutémoc Arroyo, "Jim Crow" Shipyards: Black Labor and Race Relations in Easy Bay Shipyards During World War II, FERRIS STATE UNIVERSITY, <http://www.ferris.edu/jimcrow/links/mislink/shipyards.htm> (last visited Feb. 27, 2010).

13. ROBYN CEANNE SPENCER, *Inside the Panther Revolution*, in GROUNDWORK: LOCAL BLACK FREEDOM MOVEMENTS IN AMERICA 300, 303 (Jeanne Theoharis & Komozi Woodard eds., 2005).

14. *Id.*

15. *The Black Panther Party*, MARXISTS INTERNET ARCHIVE, <http://www.marxists.org/history/usa/workers/black-panthers> (last visited Feb. 26, 2010).

16. HUEY J. NEWTON, WAR AGAINST THE PANTHERS: A STUDY OF REPRESSION IN AMERICA (Readers and Writers ed. 2000), available at <http://www.marxists.org/history/usa/workers/black-panthers/1966/10/15.htm>.

17. *Rise of the Black Panther Party*, BLACKPANTHER.ORG, <http://www.blackpanther.org/legacytwo.htm>.

18. *Id.*

be achieved by charity.¹⁹ Dickson characterizes the free breakfast program as representing “a community purpose—a form of resistance to the status quo.”²⁰

When the Panthers founded an Intercommunal Youth Institute as an alternative model for education, Dickson set up a school gardening program to educate children about where food comes from and give them a stake in growing it themselves.²¹ In establishing the garden program, Dickson drew on his family’s experiences growing food during his youth in West Memphis, Arkansas.²² As he tells it, members of his Southern Black community were skilled farmers “out of need, long before going back to the land became popular in the counterculture movement.”²³ By drawing on this tradition of growing food and making a public connection between the goals of providing sustenance and resisting oppression, Dickson and the other early Panthers took a step beyond reacting to injustice and toward creating a society that meets the basic needs of its members.

The Panthers captured the attention of the nation, and of the authorities. Calling the Panthers “the greatest threat to the internal security of the country,” FBI Director J. Edgar Hoover maintained a campaign to violently intimidate the Panthers in an attempt to undermine and discredit their Marxist ideology and objectives.²⁴ By the late 1970’s, with many in the party leadership in jail, on the run, or dead, and with group unity weakened by internal disagreements between those who favored a reformist approach and those who advocated more radical revolutionary tactics, the Panthers disbanded.²⁵

The Panthers’ influence, however, remains strong, though it is not always credited. While Melvin Dickson was not the first to introduce the idea of gardens in schools,²⁶ gardens similar to the

19. Interview with Melvin Dickson, former organizer of food programs for the Black Panther Party, in Oakland, Cal. (Feb. 12, 2010).

20. *Id.*

21. *Id.*

22. Jayne Wilson, *Former Black Panther Speaks on Party’s History, Social Issues: Melvin Dickson Encourages Student Activism for Social Change*, THE SIXTIES (Nov. 16, 2007), <http://sixties-1.blogspot.com/2007/11/former-black-panther-speaks-on-partys.html>.

23. Dickson, *supra* note 19.

24. Danny Westneat, *Reunion of Black Panthers Stirs Memories of Aggression, Activism*, THE SEATTLE TIMES, May 11, 2005, available at http://seattletimes.nwsource.com/html/localnews/2002270461_danny11.html.

25. MARXISTS INTERNET ARCHIVE, *supra* note 15.

26. *United States School Garden Army*, UNIV. OF CAL. AGRIC. & NATURAL RES., http://groups.ucanr.org/victorygrower/Historical_Models/

one tended at the Intercommunal Youth Institute were in place by 2008 in more 3,849 of California's 9,223 public schools.²⁷ These schools received \$10.8 million for instructional school gardens during the 2007-2008 school year.²⁸ The current level of support is the result of widespread public and bipartisan support, in addition to the Garden in Every School Initiative launched by the California Department of Education in 1995.²⁹ Based on studies that have shown children who grow fruits and vegetables are more likely to develop preferences for eating them³⁰ and that nutrition is closely linked to cognitive development,³¹ the California legislature enacted a series of four bills beginning in 1999 to support school gardens.³² The most recent of these bills, the California School Instructional Garden Act, was passed as Assembly Bill 1535 in 2006 to provide \$15 million in additional support.³³

United_States_School_Garden_Army_ca_WWI.htm. ("The United States School Garden Army (USSGA) was created in 1917 as a way to encourage gardening among school children. By encouraging children to garden, the U.S. government hoped that a food crisis might be averted, and that America's food system might become more locally-oriented and sustainable. The USSGA was funded by the War Department [sic]; food was, and still is, an issue of national security. By Armistice Day, several million children had answered the nation's call to service, enlisting as 'Soldiers of the Soil.'").

27. *From the Garden E-Brief: California Assembly Bill 1535 Funds Instructional Gardens of Public Schools*, UNIV. OF CAL. AGRIC. & NATURAL RES. (Apr. 12, 2011), <http://groups.ucanr.org/victorygrower/files/49256.doc>.

28. *Id.*

29. *A Healthy Nutrition Environment: Linking Education, Activity, and Food through School Gardens*, CAL. DEP'T OF EDUC. (Mar. 23, 2010), <http://www.cde.ca.gov/LS/nu/he/gardenoverview.asp>.

30. Jennifer L. Morris & Sheri Zidenberg-Cherr, *Garden-enhanced Nutrition Curriculum Improves Fourth-grade School Children's Knowledge of Nutrition and Preferences for Some Vegetables*, 102 J. AM. DIETETIC ASS'N 91 (2002).

31. TUFTS UNIV. CENTER ON HUNGER, POVERTY, AND NUTRITION POLICY, *The Link between Nutrition and Cognitive Development in Children* (1994), available at <http://www.eric.ed.gov/ERICWebPortal/contentdelivery/servlet/ERICServlet?accno=ED374903>.

32. CAL. DEP'T OF EDUC., *supra* note 29 ("Assembly Bill 1014, *Instructional School Gardens* (1999) – establishes the instructional school garden program. Senate Bill 19, *The Pupil Health, Nutrition, and Achievement Act* (2001) – identifies school gardens as one way to increase student preferences for fresh fruits and vegetables. Assembly Bill 1634, *Nutrition Education* (2002) – further supports school gardens through identifying best practices and supporting a grant program. Assembly Bill 1535, *California Instructional School Garden Program* (2006) – authorizes the CDE to award \$15 million for grants to promote, develop, and sustain instructional school gardens.").

33. *Id.*

III. FOOD INSECURITY IN A LAND OF PLENTY

Despite the mainstreaming of school gardens in California, the future of this and other innovative programs is less than secure due to the state's budget crisis.³⁴ Notwithstanding the efforts of successive generations of Oaklanders to build autonomous communities, the number of Oakland's small grocery stores has gradually dwindled to the point that many residents now live in "food deserts" – urban areas with limited access to fresh, healthy produce but with an abundance of liquor stores and fast food.³⁵ West Oakland in particular, with an average household income of \$20,000 per year and where 35 percent of the residents do not have easy access to a car to travel the distance it takes to find a grocery store, is afflicted by this lack of access to nutritious food.³⁶ The incidence of diabetes in West Oakland is three times higher than in the rest of Alameda County.³⁷

The current food system, already dysfunctional in areas like West Oakland, faces the further disadvantage of being completely dependent on cheap fuel for trucking in food over great distances. The long-term sustainability of such a system is called into question by the inevitability of future increases in the price of oil as global supplies gradually dwindle, with a recent study estimating that world production will peak in 2014.³⁸ The Bay Area has an additional reason to think twice about depending on far flung transportation networks for its food needs: the strong likelihood that these networks will be disrupted by a natural disaster. The risks of dependence on this kind of food system, and the danger of relying on the federal government to step in and provide effective relief in the event of its failure, was made plain by the Hurricane Katrina catastrophe experienced by residents of New Orleans. Just as New Orleans was known to be susceptible to hurricanes

34. Jason Song & Howard Blume, *California disqualified from receiving federal school funds*, LOS ANGELES TIMES, Mar. 5, 2010, available at <http://articles.latimes.com/2010/mar/05/local/la-me-schools5-2010mar05>.

35. Jennifer Wehunt, *The Food Desert*, CHICAGO MAGAZINE, July 2009, available at <http://www.chicagogamag.com/Chicago-Magazine/July-2009/The-Food-Desert/>.

36. Valerie Luu, *An Inconvenient Story: Food Insecurity in West Oakland*, CITY ON A HILL PRESS, Jan. 15, 2009, available at <http://www.cityonahillpress.com/2009/01/15/an-inconvenient-story-food-insecurity-in-west-oakland/>.

37. *Healthy Neighborhood Stores Alliance*, U.S. DEP'T OF AGRIC. RESEARCH, EDUCATION & ECONOMICS INFORMATION SYSTEM., <http://www.reeis.usda.gov/web/crisprojectpages/219755.html> (last visited Apr. 12, 2011).

38. See Ibrahim Sami Nashawi, Adel Malallah & Mohammed Al-Bisharah, *Forecasting World Crude Oil Production Using Multicyclic Hubbert Model*, 24 ENERGY & FUELS 1788 (2010).

and floods before Katrina struck, the Bay Area's risk of undergoing a highly destructive earthquake is not in doubt; the United States Geological Survey's Earthquake Hazards Program forecasts a 63 percent chance that the area will be struck by a magnitude 6.7 or greater earthquake by 2038.³⁹ Like the Bay Area, New Orleans has long been afflicted by food deserts in its poorer neighborhoods while wealthier parts of town are renowned for their culinary flair.⁴⁰ The two places also share a melting pot port-town character and year-round growing seasons, which give them great potential for becoming model centers for urban agriculture. While the desperation of Katrina's aftermath has given coalitions of food justice organizations and urban farmers the impetus to come together and set up new food cultivation arrangements in New Orleans,⁴¹ many of Oakland's residents are doing their utmost to build up urban agriculture so that food security will be strengthened *before* a potential disaster makes the task even more urgent.

West Oakland is home to a diffuse range of organized and unorganized groups that have responded to the current slow-motion crisis of food insecurity. City Slickers Farms is a group of urban farms and gardens that organized in 2000 and offers sliding scale food stands, educational programs, and training programs to teach low-income West Oakland residents how to grow food in their backyards.⁴² Oakland residents who worked with City Slickers Farms went on to form the People's Grocery in 2002, launching a "Collards & Commerce" youth program to employ and train youth in urban gardening, business, cooking, and nutrition workshops, as well as to run a grocery store on wheels called the Mobile Market.⁴³ Another organization, Mo' Better Foods, was created in 1998 by David Roach to encourage Black farmers and develop markets for their produce in Oakland.⁴⁴ Roach is the son of a part-time sharecropper from Texas and believes in changing eating habits while simultaneously preserving and strengthening the

39. *2008 Bay Area Earthquake Possibilities*, U.S. GEOLOGICAL SURVEY, <http://earthquake.usgs.gov/regional/nca/ucerf/> (last visited Dec. 2, 2009).

40. See Dayo Olopade, *Green Shoots in New Orleans: A Frustrating Quest for Food Security Has Led Some Residents to Grow Their Own*, THE NATION, Sept. 21, 2009, at 23, available at <http://www.noffn.org/downloads/nation20090921.pdf>.

41. *Id.* at 24.

42. *Mission and History*, CITY SLICKER FARMS, <http://www.cityslickerfarms.org/mission-and-history> (last visited March 17, 2011).

43. *General Information*, PEOPLE'S GROCERY, <http://www.peoplesgrocery.org/article.php/faqs> (last visited March 17, 2011).

44. Kellee Terrell, *Food Fighter*, REAL HEALTH: THE BLACK WELLNESS MAGAZINE, Summer 2007, available at <http://www.mobetterfood.com/realhealthmag.pdf>.

traditional food culture of the Black community.⁴⁵ One of his current projects is to build an urban farm in Oakland based on the noninstitutional “educational park” model developed by Dr. Martin Luther King, Jr.⁴⁶ These are just three of a growing network of urban agriculture programs in Oakland that have a philosophy based on food justice – the race-conscious movement that “asserts that no one should live without enough food because of economic constraints or social inequalities.”⁴⁷

The collective voice of food justice activists and new urban farmers has made an impression on Oakland’s city government; in 2006, the City Council unanimously passed Resolution 79680,⁴⁸ authorizing then-Mayor Jerry Brown’s Office of Sustainability to develop an Oakland Food Policy and Plan to produce 30 percent of Oakland’s food needs within the city and immediate region.⁴⁹ The Food Policy Council, created by Mayor Brown, gives the following description of its goals related to local agriculture:

Support local agriculture that is economically viable, environmentally sustainable and socially responsible by serving as a market for processing and consuming local food. Promote policies and programs that increase the consumption of food produced within Oakland’s foodshed to 30% of all food consumed by supporting such activities and endeavors as local sourcing or purchasing agreements, farmers’ markets, and Community Supported Agriculture. Advocate for regional Smart Growth policies that direct growth away from prime agricultural land. Maximize Oakland’s self reliance and capacity to grow and provide sustainable and nutritious local food for its citizens through urban agriculture initiatives such as community farms and gardens, rooftop gardens, and building code amendments that promote edible landscaping.⁵⁰

Oakland’s Food Policy Council is one of numerous food policy

45. *Id.*

46. See *Mo’ Better Food Educational Park/Farm*, MO BETTER FOOD (March 19, 2011), <http://www.mobetterfood.com/howdrking.html>.

47. Althea Harper et al., *Food Policy Councils: Lessons Learned*, FOOD FIRST (Dec. 16, 2009), <http://www.foodfirst.org/en/foodpolicycouncils-lessons>.

48. *Oakland City Council Resolution 79680*, OAKLAND MAYOR’S OFFICE OF SUSTAINABILITY (Jan. 17, 2006), <http://clerkwebsvr1.oaklandnet.com/attachments/12777.pdf>.

49. Serena Unger & Heather Wooten, *A Food Systems Assessment for Oakland, CA: Toward a Sustainable Food Plan*, OAKLAND MAYOR’S OFFICE OF SUSTAINABILITY (May 24, 2006), <http://oaklandfoodsystem.pbworks.com/>.

50. *City of Oakland Agenda Report*, OAKLAND MAYOR’S OFFICE OF SUSTAINABILITY (Dec. 12, 2006), <http://clerkwebsvr1.oaklandnet.com/attachments/15089.pdf>.

councils established across the country at the state, local, and regional level to “act as both forums for food issues and platforms for coordinated action.”⁵¹ The Oakland Food Policy Council has undergone a multi-year process of formation, fundraising, and recruitment of members, and it did not hold its first official meeting until September 30, 2009.⁵² Though the Council’s first official recommendations were not presented to the city until September 2010, its coordinator, Alethea Harper, has made clear that she sees support for the local economy as the key to an effective food policy, which may include a “fresh food financing fund” to help and encourage small business owners who want to sell healthy food.⁵³ Heather Wooten, one of the authors of the Oakland Food Systems Assessment initiated by Mayor Brown in 2005⁵⁴ and a current member of the Oakland Food Policy Council, has stated that her work group within the council will be making recommendations for changes to Oakland’s zoning code to facilitate sustainable urban agriculture and remove legal obstacles to the practice.⁵⁵ While these positive actions supported by Oakland’s city government are encouraging, the prospects for urban agriculture may be more fully appreciated in light of developments on the state and regional level.

IV. CALIFORNIA’S COMMITMENT TO LIMITING GREENHOUSE GAS EMISSIONS

Despite widespread scientific and political consensus in the global community about the necessity of taking concerted action to curb greenhouse gas emissions in order to forestall the most dire consequences of climate change, the federal government has to date resisted committing the United States to internationally agreed-on emissions limits on greenhouse gases.⁵⁶ In contrast to this federal inaction, the California State Legislature passed the

51. Harper et al., *supra* note 47 at 1.

52. See *Timeline of Events in the OFPC’s Formation and Operation*, OAKLAND FOOD POLICY COUNCIL (March 19, 2011), <http://www.oaklandfood.org/home/history> (last visited).

53. Jake Shonecker, *Oakland Food Policy Council Plants Seeds for a Fall Harvest*, NORTH OAKLAND NEWS (Jan. 22, 2010, 4:36 PM), <http://oaklandnorth.net/2010/01/22/oakland-food-policy-council-plants-seeds-for-a-fall-harvest/>.

54. Unger & Wooten, *supra* note 49 at 1, 3.

55. *Id.*

56. See Pallavi Alyar, “You Will Never Have a New International Agreement Unless You Get the US on Board,” BUSINESS STANDARD (March 15, 2010), <http://www.business-standard.com/india/news/%5Cyou-will-never-havenew-international-agreement-unless-you-getusboard%5C/386568/>.

Global Warming Solutions Act of 2006 to bring California into near compliance with the emissions limits established in the Kyoto Protocol.⁵⁷ The Act, known as Assembly Bill 32 (AB 32), approximates the Kyoto Protocol by mandating a reduction of California greenhouse gas emissions to 1990 levels by the year 2020.⁵⁸ The specific actions that will be required to meet the goals of AB 32 were introduced in 2008 by the California Air Resource Board (ARB) through the Climate Change Scoping Plan,⁵⁹ which sets out the main strategies for California to meet emissions reduction targets.⁶⁰

The Scoping Plan maps out eighteen categories of emissions reductions measures.⁶¹ The primary mechanism it sets out for controlling greenhouse gas emissions is a statewide cap-and-trade program (also referred to as carbon trading) whereby allowances to emit specific quantities of greenhouse gases are bought and sold in a market.⁶² The environmental justice community, led by the poor and people of color who have long borne a disproportionate share of the burdens associated with environmental health hazards, has mounted a strong opposition to cap-and-trade.⁶³ Since a market for emissions credits allows industrial polluters—which are already located predominantly in communities of color—to buy up the right to continue polluting, industry is able to pay to emit greenhouse gases, as well as associated co-pollutants such as particulate matter, nitrous oxides, and sulfur dioxide.⁶⁴

57. *Recommendations of the Regional Targets Advisory Committee (RTAC) Pursuant to Senate Bill 375*, CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY AIR RESOURCES BOARD, 1 (Sep. 29, 2009), <http://www.arb.ca.gov/cc/sb375/rtac/report/092909/finalreport.pdf>. The Kyoto Protocol contained commitments by 37 industrialized countries to reduce their emissions of four of the main greenhouse gases that contribute to climate change. It was adopted in 1997 as a binding mechanism to carry out the goals of the United Nations Framework Convention on Climate Change, an international environmental treaty produced in 1992 at the United National Conference on Environment and Development in Rio de Janeiro, Brazil.

58. CAL. HEALTH & SAFETY CODE § 38500 (Deering 2011), available at <http://www.arb.ca.gov/cc/docs/ab32text.pdf>.

59. *AB 32 Climate Change Scoping Plan Document*, CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY AIR RESOURCES BOARD, <http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm> (last visited Apr. 11, 2011).

60. *Id.*

61. *Climate Change Scoping Plan: A Framework for Change*, CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY AIR RESOURCES BOARD, 30-71 (Dec. 11, 2008), http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.

62. *Id.* at 30-37.

63. *Environmental Justice and Domestic Climate Change Policy*. 38 *Envtl. l. Rep.* (Envtl. Law Inst.) 10287, 10295 (May 2008).

64. See Kate Sheppard, *Environmental Justice v. Cap-and-Trade*, TAPPED: THE

The result is that neighborhoods near industrial plants, already documented as toxic “hot spots,” will continue to be exposed to a heightened risk of cancer, asthma, and other diseases linked to environmental toxins.⁶⁵ Furthermore, many carbon trading systems allow credits to be sold for emissions reductions in legal jurisdictions outside the jurisdiction of the market, and even in other countries, raising serious questions about the accountability of such a system.⁶⁶ Environmental justice activists lobbied hard and successfully so that AB 32 would not explicitly mandate that a market-based system such as cap-and-trade be used to reduce emissions, and in the end, the law allowed the California Air Resources Board leeway to determine how best to effectuate reductions.⁶⁷ Governor Schwarzenegger, however, made clear that he supported a market-based mechanism for the implementation of AB 32 with executive order S-20-06 in October 2006.⁶⁸ In February 2008, eleven months before the California Air Resources Board released its Scoping Plan for the implementation of AB 32, over seventy environmental justice groups issued a declaration in opposition to carbon trading.⁶⁹ This attempt to dissuade the Board from relying on market-based cap-and-trade rather than more regulatory measures such as a carbon tax did not achieve the desired effect. When the Scoping Plan turned out to be focused on cap-and-trade despite their concerns, a coalition of environmental justice advocates sued the Air Resources Board for claimed violations of the California Environmental Quality Act and of AB 32 itself.⁷⁰ This pending lawsuit underscores the schism between

GROUP BLOG OF THE AMERICAN PROSPECT (Feb. 28, 2008, 4:45 PM), http://www.prospect.org/csnc/blogs/tapped_archive?month=02&year=2008&base_name=environmental_justice_v_capand.

65. *Id.*

66. *Press Conference Held at Final Stakeholder Meeting of Western Climate Initiative (WCI)*, EJ MATTERS, <http://www.ejmatters.org/> (last visited March 20, 2011) (“The Western Climate Initiative (WCI) proposed in 2008 to establish a regional trading scheme with 7 U.S. states, 73% of Canada’s economy, and various regions of Mexico.”)

67. Sean Hecht, *California Environmental Justice Advocates Sue Air Resources Board Over Climate Scoping Plan*, LEGAL PLANET: THE ENVIRONMENTAL LAW AND POLICY BLOG (June 10, 2009), <http://legalplanet.wordpress.com/2009/06/10/california-environmental-justice-advocates-sue-air-resources-board-over-climate-scoping-plan/>; see also <http://www.ejmatters.org/>.

68. *Id.*

69. *The California Environmental Justice Movement’s Declaration on Use of Carbon Trading Schemes to Address Climate Change*, EJ MATTERS, <http://www.ejmatters.org/declaration.html> (last visited March 19, 2011).

70. *Ass’n of Irrigated Residents v. Cal. Air Res. Bd.*, No. CPF-09-509562 (Cal. Superior Court Jan. 24, 2011).

mainstream environmental groups such as the Natural Resources Defense Council and the Environmental Defense Fund, who support cap-and-trade, and environmental justice groups led by the Center on Race, Poverty & the Environment, who maintain that cap-and-trade systems are easily gamed by corporate interests, that purchased offsets will not materialize into actual emissions reductions, and that the system will allow polluters to profit from the business-as-usual contamination of marginalized communities.⁷¹

On the regional level, the Scoping Plan points specifically to California's Senate Bill 375, a statute passed in 2008, as providing another mechanism to reduce greenhouse gas emissions through more sustainable land use and transportation planning.⁷² SB 375 utilizes the already existing structure of the eighteen Metropolitan Planning Organizations (MPOs) in California to implement "sustainable community strategies" for reaching the emissions reduction targets laid out by ARB in the Scoping Plan.⁷³ MPOs function primarily as regional transportation policy boards to coordinate federal highway and transit investments in urban areas with populations of over 50,000.⁷⁴ SB 375 requires each MPO to plan for a preferred growth scenario that will minimize greenhouse gas emissions, and it then ties state transportation funding to projects that meet the planned "smart growth" strategies and reduce vehicle miles traveled.⁷⁵

The Bay Area's Metropolitan Planning Organization—known as the Metropolitan Transportation Commission—in 2009 adopted a \$400 million "Transportation 2035 Plan" to fund a climate action campaign with the goal of reducing the carbon footprint of the San Francisco Bay Area.⁷⁶ The Commission took the further step of issuing a guide to Transportation, Land Use, and

71. Hecht, *supra* note 67.

72. *Recommendations of the Regional Targets Advisory Committee (RTAC) Pursuant to Senate Bill 375*, *supra* note 57.

73. *Id.*

74. *Metropolitan Planning Organization*, STREETS WIKI, <http://streetswiki.wikispaces.com/Metropolitan+Planning+Organization> (last visited March 20, 2011).

75. See Bill Fulton, *SB375 is Only the Beginning*, CALIFORNIA PLANNING & DEVELOPMENT REPORT: BILL FULTON'S BLOG (Aug. 26, 2008, 12:55 PM), <http://www.cp-dr.com/node/2106>; *Air Resources Board Adopts Greenhouse Gas Reduction Targets*, METROPOLITAN TRANSPORTATION COMMISSION, http://www.mtc.ca.gov/news/current_topics/9-10/arb.htm (last modified Oct. 6, 2010).

76. See *Clearing the Air: Thinking Globally, Acting Locally*, METROPOLITAN TRANSPORTATION COMMISSION, <http://www.mtc.ca.gov/planning/climate/> (last modified Oct. 28, 2010).

Greenhouse Gases, which outlines forty five potential strategies to reduce transportation-related emissions.⁷⁷

V. THE ROLE OF THE FOOD SYSTEM IN AN EMISSIONS REDUCTION ANALYSIS

Amidst the conflict and strategizing over how to implement AB 32's mandate to reduce California emissions on both the state-wide and regional levels, a crucial piece of the puzzle has not received the attention it is due. Neither the Commission's Plan nor its Guide considers what proportion of total transportation emissions result from the transport of food. Nor does either document, or the Scoping Plan itself, consider incentivizing more sustainable food production as a possible measure to reduce emissions. Though the Scoping Plan targets 174 million metric tons of CO₂ for emissions reduction, none of this reduction is slated to come from the agricultural sector.⁷⁸ Further, the Air Resource Board's preliminary draft regulation for a California cap-and-trade program similarly lacks any reference to the role of the agricultural sector in contributing to greenhouse gas emissions.⁷⁹

In *The Climate Crisis at the End of Your Fork and What You Can Do about It*, author Anna Lappé states that "the food system is responsible for as much as one-third of all greenhouse gas emissions. These emissions are particularly alarming because the food sector is the biggest driver behind methane and nitrous oxide emissions, which have global warming effects many times more powerful than carbon dioxide."⁸⁰ In addition to the emissions caused directly by industrial-scale farming, our current agricultural system also results in indirect emissions related to the transportation of food. Processed food in the United States travels more than 1,300 miles (and fresh produce travels more than 1,500

77. See Bruce Riordan & Chris Brittle, *Transportation, Land Use and Greenhouse Gases: A Bay Area Resource Guide*, METROPOLITAN TRANSPORTATION COMMISSION (Sept. 2009), http://www.mtc.ca.gov/planning/climate/Resource_Guide_9-30-09.pdf.

78. Kari Hamerschlag, *California's Climate Change Policy Leaves Agriculture in the Dust: Major missed opportunities for synergies in climate change mitigation and adaptation*, ENVIRONMENTAL WORKING GROUP, (September 2009), <http://www.ewg.org/Agriculture-Missing-from-Californias-Climate-Change-Strategy>.

79. See *Preliminary Draft Regulation for a California Cap-and-Trade Program*, CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (November 24, 2009), <http://www.arb.ca.gov/cc/capandtrade/meetings/121409/pdr.pdf>.

80. Bill McKibben, *Forward to ANNA LAPPE, DIET FOR A HOT PLANET: THE CLIMATE CRISIS AT THE END OF YOUR FORK AND WHAT YOU CAN DO ABOUT IT* (2010) (forward available at <http://www.takeabite.cc/book/>).

miles) before being consumed,⁸¹ and frozen and convenience foods require diesel-fueled refrigerated transport systems, adding to the resulting emissions.⁸² Though emissions from the agricultural sector are listed in the Scoping Plan as representing only 6 percent of California's greenhouse gas emissions, this figure does not take into account how much of the transportation sector (representing 38 percent of emissions) is linked to moving food over great distances.⁸³

The failure by policy makers to address the role of food systems in contributing to climate change may result partly from a tunnel-vision approach. Both the California Air Resources Board and the Bay Area's Metropolitan Transportation Commission are looking for ways to reduce emissions from transportation, but they do not see it as their role to consider the broader implications of *what* is being transported. Each specialized agency focuses on its area of expertise, so transportation policy-makers do not question the primacy of agribusiness in the American food system and agricultural policy-makers are largely free from top-down pressure to find ways to reduce emissions related to agriculture.

There have been attempts to bring a broader perspective to policy-making. However, in 2005 then-Governor Schwarzenegger signed Executive Order S-3-05, that created a state Climate Action Team in addition to establishing the emission-reduction goals that were later expanded by AB 32.⁸⁴ The Climate Action Team is coordinated by the secretary of the California Environmental Protection Agency and is made up of the leaders of multiple state agencies, including the secretary of the California Department of Food and Agriculture.⁸⁵ The Team's report to the governor, the *2009 California Climate Adaptation Strategy*, includes a section on agriculture that is largely focused on finding ways to mitigate the effects of climate change on the current system of intensive agriculture.⁸⁶ Among the strategies encouraged

81. See Holly Hill, *Food Miles: Background and Marketing*, NATIONAL SUSTAINABLE AGRICULTURE INFORMATION SERVICE, 1, <http://attra.ncat.org/attra-pub/PDF/foodmiles.pdf>.

82. See *Agri-Business*, CLIMATE NEUTRAL NETWORK, <http://www.unep.org/climateneutral/Topics/AgriFood/tabid/139/Default.aspx> (last visited Apr. 12, 2011).

83. *Climate Change Scoping Plan: A Framework for Change*, *supra* note 61 at 11.

84. Gov. Schwarzenegger, Exec. Order No. S-3-05 (June 1, 2005), <http://www.dot.ca.gov/hq/energy/ExecOrderS-3-05.htm>.

85. Chelsea Holloway, *Legal Perspectives on Recent California Climate Change Legislation*, BUREAU OF NATIONAL AFFAIRS, (Mar. 9, 2009), available at <http://www.hklaw.com/File.aspx?id=3346&inline=1>.

86. 2009 California Climate Adaptation Strategy, CALIFORNIA ENERGY

are the following: research into developing crops (presumably through genetic modification) that are resistant to heat, drought, pests, and disease, investment in methods to eradicate invasive pests, encouragement of renewable energy production on farms, and land use planning to conserve farmland.⁸⁷ In contrast to most of the other measures supported by the report is a land use planning action consisting of the following:

Policy Integration – CDFA, in collaboration with the Strategic Growth Council and other agencies, should provide guidance for cities and counties to help develop and adopt sustainable agriculture policies, particularly in conjunction with smart growth planning initiatives. Per the 1990 “Farm Bill,” sustainable agricultural policies consist of an integrated system of plant and animal production practices having a site-specific application that will, over the long term: satisfy human food and fiber needs; enhance environmental quality and the natural resource base upon which the agricultural economy depends; make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls; sustain the economic viability of farm operations; and enhance the quality of life for farmers and society as a whole.⁸⁸

Though this reference to encouraging sustainable agriculture policies in both cities and counties is somewhat lacking in detail and is not nearly as emphasized by the Climate Action Team as the approaches that aim to bail out the status quo of industrial agriculture, it may constitute a window of opportunity for the food justice community. In a political climate where subsidies for the industrial agriculture model continue to perpetuate a petroleum-dependent, factory centered, patent restricted system of food production,⁸⁹ advocates of sustainability must take advantage of favorable language to garner support from every possible source.

VI. URBAN AGRICULTURE AS A MEANS OF REDUCING GREENHOUSE GAS EMISSIONS

Researchers at the University of California at Berkeley have

COMMISSION 92-107 (2009), available at <http://www.energy.ca.gov/2009publications/CNRA-1000-2009-027/CNRA-1000-2009-027-F.pdf>

87. *Id.* at 99-103.

88. *Id.* at 103.

89. See *Farm Subsidy Database*, ENVIRONMENTAL WORKING GROUP, <http://farm.ewg.org/farm/index.php?key=nosign> (last visited Apr. 12, 2011).

conducted an inventory of open land that is owned by public agencies in Oakland and is suitable for growing food.⁹⁰ In their report, *Cultivating the Commons: An Assessment of the Potential for Urban Agriculture on Oakland's Public Land*, they conclude that "parcels in this land inventory could produce 5 to 10 percent of the City's vegetable needs. But the potential impact of the expansion of UA [urban agriculture] programs in Oakland extends beyond the production of solely food. UA can provide environmental services, job opportunities, green space, and educational opportunities; these programs can also improve public health, raise property values, and make communities safer."⁹¹ The *Cultivating the Commons* report looks only at public land and does not take into account the significant potential for growing additional food on private land through the increasingly common practice of homeowners allowing community organizations to garden and harvest fruit from backyards across the city.⁹² If Oakland were to tap into the potential of both public and private land for local food production, it could make inroads into the food security crisis while simultaneously addressing a host of other urban problems delineated in the report.⁹³

Oakland's Food Systems Assessment describes how the development of closely linked food distribution systems and local options for food can result in decreases in vehicle miles traveled, thus reducing greenhouse gas emissions.⁹⁴ However, no study has yet quantified how much carbon dioxide (or other greenhouse gases) is emitted due to the totality of steps in the food system, from seed to table. Current figures mask the true impacts of the industrial food system by separating emissions related to food production (relegated to the agriculture sector) from emissions related to food transportation (relegated to the transportation sector).⁹⁵ Food justice advocates could start by advocating for a study

90. See generally Nathan McClintock & Jenny Cooper, *Cultivating the Commons: An Assessment of the Potential for Urban Agriculture on Oakland's Public Land*, UNIV. OF CAL., BERKELEY DEPARTMENT OF GEOGRAPHY (Oct. 2009), http://www.oaklandfood.org/media/AA/AD/oaklandfoodorg/downloads/27621/Cultivating_the_Commons_COMPLETE.pdf.

91. *Id.* at 1.

92. See Janelle Orsi, *In My Backyard: A Guide to Legal Issues Related to Yard-Sharing for Urban Agriculture* (2007) (unpublished manuscript) (on file with the author).

93. See Sarah DeWerd, *Is Local Food Better?*, 22 WORLD WATCH MAGAZINE ## (May/June 2011), available at <http://www.worldwatch.org/node/6064>.

94. Unger & Wooten, *supra* note 49 at 36, 125.

95. *Climate Change Scoping Plan: A Framework for Change*, *supra* note 61 at 11.

to be commissioned to determine the emissions levels that result from the production and transportation of all food consumed in Oakland for a year, and then compare that figure to projected emissions that would result from the system set out as an achievable goal by the Food Systems Assessment—whereby at least 30 percent of the city’s food needs would be sourced from within the city and immediate region.⁹⁶ From such a study, projections of statewide emissions comparisons could be extrapolated.

Without this hard data, the promise of urban agriculture remains largely ignored in the sustainable communities strategies developed by the Bay Area’s Metropolitan Planning Organization and other MPOs. Though there is interest in supporting urban agriculture in Oakland and other cities, increasingly severe budget constraints have made large-scale investment by the city in neighborhood garden programs difficult to achieve. However, reframing urban agriculture as a means of compliance with AB 32’s mandate to reduce greenhouse gas emissions could galvanize the political will to support funding from MPOs and other sources for an expansion of city-supported urban agriculture programs. To gain governmental support, urban farming advocates would be wise to characterize their efforts in terms that go beyond the positive effect on the health of urban residents and emphasize the potential for urban food production programs to reduce overall greenhouse gas emissions at the regional and statewide levels, as supported by the necessary data. An appeal for funding from local authorities could highlight the language from the above-quoted California Climate Adaptation Strategy, which encourages the California Department of Food and Agriculture play a role in aiding cities to develop sustainable agriculture policies.

One possible structure for implementing urban agriculture programs is through a “green jobs” initiative. Local models for creating local green jobs initiatives already exist in the form of the Oakland Green Jobs Corps, designed by the Ella Baker Center and the Oakland Apollo Alliance to create “green pathways out of poverty” for low-income adults in Oakland.⁹⁷ This infrastructure – together with the curricula and programs already developed by City Slicker Farms, People’s Grocery, Planting Justice, and other organizations that train community members in backyard gardening, plant propagation, nutrition and cooking, natural medicine,

96. Unger & Wooten, *supra* note 49 at 40.

97. See *Oakland Green Jobs Corps*, ELLA BAKER CENTER, http://www.ellabakercenter.org/index.php?p=gjcc_green_jobs_corps (last visited Apr. 11, 2011).

and ecology – could form the backbone of a city-supported comprehensive program to rebuild local food security.⁹⁸

VII. REVALUING THE AGRICULTURAL SKILLS OF IMMIGRANTS

If a green jobs initiative were created to expand the reach of urban agriculture in Oakland, how might such a program look? In order to reach some of Oakland's most marginalized residents, while at the same time benefitting from a pool of knowledge that is currently largely untapped, an urban agriculture program could be designed to include specific recruitment efforts among the city's large immigrant population.

In her book *Farm City: The Education of An Urban Farmer*, Novella Carpenter quotes Italian immigrant Angelo Pellegrini's description of a typical immigrant of the 1940's:

He subsidizes his fluctuating income by wringing from his environment all that it will yield. . . Regardless of his means, he will garden his plot of ground because he knows the vital difference between cold storage or tinned peas and those plucked from the vine an hour before they are eaten. Furthermore, challenging the soil for its produce is in his bones; the pleasure of eating what he raises is inseparably fused with the pleasure of raising what he eats.⁹⁹

This description could aptly describe many present-day residents of Oakland, a city with significant populations of immigrants who come from rural areas of Latin America, Africa, and Asia.¹⁰⁰ Many of them, especially older immigrants, learned to grow food before the Green Revolution displaced more sustainable practices by exporting American-style inputs-intensive industrial agriculture as part of aid programs around the world.¹⁰¹ A food policy program that revalues the knowledge of immigrants, especially as it relates to traditional and sustainable practices for growing food, can be key to providing an avenue out of poverty to many Oakland

98. See *Mission and History*, CITY SLICKER FARMS, <http://www.cityslickerfarms.org/mission-and-history> (last visited March 17, 2011).

99. NOVELLA CARPENTER, *FARM CITY: THE EDUCATION OF AN URBAN FARMER* 64 (2009).

100. See U.S. CENSUS BUREAU, *American Community Survey: Oakland City, California 2006-2008*, http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US0653000&-qr_name=ACS_2008_3YR_G00_DP3YR2&-context=adp&-ds_name=&-tree_id=3308&-lang=en&-redoLog=false&-format=.

101. Carmen González, *Trade Liberalization, Food Security and the Environment: The Neoliberal Threat to Sustainable Rural Development*, 14 J. TRANSNAT'L L. AND CONTEMP. PROBLEMS 419, 450 (2004).

residents who have the potential to serve as teachers and trainers in an expanding network of urban farms.

The Hillside Farmers Cooperative, spearheaded in Southern Minnesota by Reginaldo Haslett-Marroquin, provides a model for bringing together landowners, immigrants with skills in sustainable farming, and consumers.¹⁰² Haslett-Marroquin, himself an immigrant who grew up farming communal lands in Guatemala, created the cooperative to fulfill the needs of multiple groups: immigrants who were looking for decent employment that valued their agricultural skills, landowners who preferred to see their land farmed sustainably rather than subcontracted to large agribusiness corporations, and the growing segment of residents in search of affordable, locally grown food.¹⁰³ Though the land farmed by the Hillside Farmers Cooperative is mostly rural, the business model is one that could be transferred to an urban setting such as Oakland, where yard space constitutes an ample source of tillable land.

Valuing the agricultural skills of immigrants who haven't had formal education, but whose experience could be tapped in a green jobs program, will require proficiency assessments to determine what skills an individual has. The prior learning assessment methods pioneered by adult education expert Allen Tough could be adapted for this purpose,¹⁰⁴ so that culturally embedded sustainable farming practices can be passed down to new generations before that knowledge is lost—an added benefit of an urban agriculture green jobs program.

In such a program, the immigration status of job applicants would inevitably arise as a legal issue. Current immigration laws provide extremely limited avenues for immigrants whose skills are not characterized as “professional” to gain authorization for employment.¹⁰⁵ There is a possibility, however, that the lack of

102. Jay Walljasper, *The Hillside Farmers Cooperative*, SHAREABLE BLOG (Feb. 2, 2010, 2:01 PM), http://shareable.net/blog/the-hillside-farmers-cooperative?utm_campaign=Shareable%20Feb%2E%2017%3A%20How%20to%20Share%20Waffles%2C%20Travel%2C%20Homes%2C%20Restrooms%2C%20and%20Power&utm_content=&utm_medium=Email&utm_source=VerticalResponse&utm_term=Learn%20about%20the%20Farmers%20Coop%20now%21.

103. *Id.*

104. Allen Tough, *Reflections on the Study of Adult Learning* (Centre for the Study of Education and Work, Ontario Inst. for Studies in Educ. of the Univ. of Toronto Working Paper No. 8, 1999), <http://www.oise.utoronto.ca/depts./sese/csew/nall/res/08/reflections.pdf>.

105. Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)(B) (2007) (limiting unskilled worker visas to 10,000 per fiscal year).

legal immigration options for people considered to be unskilled could change in the near future; under pressure from advocates, President Obama has recently engaged lawmakers in revived discussions of comprehensive immigration reform.¹⁰⁶ If such discussions lead to a coalition strong enough to pass legislation, there is a strong chance a new law would include a long-championed bipartisan compromise between farm labor activists and agribusiness that was first proposed in 2000 as the Agricultural Job Opportunities, Benefits and Security Act (AgJOBS).¹⁰⁷ And even if comprehensive immigration reform remains too contentious to realize at this stage, AgJOBS has the rare virtue of bipartisan support, which may make it an attractive bill for elections-conscious members of Congress to pass on its own. If it does pass, AgJOBS would allow undocumented farmworkers who have worked in agriculture for at least 150 days during a preceding two-year period to apply for a “blue card,” allowing temporary resident status and a pathway to citizenship if ongoing requirements are met.¹⁰⁸ Though the legislative language of AgJOBS was likely written with rural farmworkers in mind, immigrants’ rights advocates and food justice advocates could join forces in arguing for an interpretation of the law that extends its benefits to urban farmers based on the sound public policy of providing both jobs and increased food production in cities.

VIII. PROSPECTS FOR FOOD JUSTICE IN OAKLAND

There is a demonstrated abundance of knowledge, creativity, and willpower in support of urban agriculture already at play in Oakland, both from community members and city authorities. Since city involvement in the expansion of programs is limited by budget constraints, food justice advocates can take advantage of the momentum provided by AB 32 to lobby for expanded urban agriculture programs. As evidenced by the cap-and-trade lawsuit filed by environmental justice groups, the question of how AB 32’s mandated emissions reductions will be realized is still a source of considerable controversy. California’s budget crisis has also given rise to a backlash against any state action to tackle climate

106. Peter Nicholas, *Obama Looking to Give New Life to Immigration Reform*, THE LOS ANGELES TIMES, March 4, 2010, available at <http://articles.latimes.com/2010/mar/04/nation/la-na-immigration5-2010mar05>.

107. *AgJOBS: The Agricultural Job Opportunities, Benefits and Securities Act*, FARMWORKER JUSTICE, http://www.fwjjustice.org/Immigration_Labor/AgJOBS_Info.htm (last visited March 9, 2011).

108. *Id.*

change at all—a Republican assemblyman, Dan Logue, is pushing for a repeal of AB 32 through a state ballot initiative.¹⁰⁹ Logue’s “California Jobs Initiative,” which reportedly may be bankrolled by the Texas oil companies Valero and Tesoro,¹¹⁰ is attempting to take advantage of a provision in AB 32 that would allow its mandates to be suspended in the face of statewide economic hardship. The initiative aims to suspend AB 32 until the unemployment rate in California falls to 5.5 percent from its current rate of 12.5 percent.

In the face of this kind of threat to AB 32’s ability to effectuate any emissions reductions at all, those who are serious about addressing climate change will have to find common ground to advocate for AB 32 implementation strategies that are palatable to a wider range of interest groups. Food justice activists would do well to lobby hard for the funding of studies to yield empirical data on urban agriculture. If such studies strongly substantiate its potential to reduce emissions, urban farmers can seize the moment to garner support for their cause as a politically feasible measure to further multiple goals relating to climate change, food security, and neighborhood revitalization all at once. In contrast to the divisiveness exhibited in the debate over carbon trading, urban agriculture can become a unifying force.

At the same time, West Oakland residents are understandably skeptical about diverting their energies by stepping into the fray during what could become an entrenched political battle. Marcelo Garzo, the Urban Agriculture Program Assistant who coordinates the “food justice allyships” at People’s Grocery, is wary of the potential for any green jobs programs involving urban agriculture to merely bring people of color further into an exploitative economic structure on the bottom rung of the ladder.¹¹¹ He cautions that any such programs should function to increase the capacity and power of community members, and that sometimes this is better accomplished without the strictures imposed by governmental involvement.

Some food justice activists in Oakland, including Angela and Marlene Aguilar, are resistant to the idea of a government role in

109. Robert Salladay, *Texas Oil Refiners Deep in the Heart of California Politics*, CALIFORNIA WATCH (March 8, 2010), <http://californiawatch.org/watchblog/texas-oil-refiners-deep-heart-california-politics>.

110. *Id.*

111. Marcelo Garzo. Presentation: “Food as a Tool of Decolonization.” Decolonizing the University: Fulfilling the Dream of the Third World College. Conference at UC Berkeley, February 26 – 27, 2010.

supporting food production because they view the task of nourishing their communities as being inextricably tied to a project of decolonization.¹¹² They envision the growing of food as a spiritual practice and a revival of traditional and indigenous practices and worldviews, with a necessarily diffuse and grassroots structure that would be antithetical to the hierarchy involved in a government-funded program.

CONCLUSION

In the struggle to provide for themselves and their communities, Oaklanders continue to draw on their roots; food justice activist and soul food chef Bryant Terry has hosted grub parties to share food and discussions about community health in the same room where the Black Panthers first debuted their free breakfast programs more than forty years ago.¹¹³ Due to the richness of its political organizing culture and the increasing collective expertise in sustainable food production, Oakland is becoming a model city for innovative approaches to urban agriculture. With a healthy degree of political pressure and well-timed lobbying supported by sufficient empirical research, there may be an opening for urban agriculture programs to marshal greatly increased levels of state support if they can be presented as a tool to reduce greenhouse gas emissions to comply with the mandate of AB 32. Furthermore, since more than half of the population of the United States lives in one of the 1,044 cities that have signed on to the U.S. Conference of Mayors' Climate Protection Agreement – whereby mayors vow to reduce carbon emissions to reach the targets of the Kyoto Protocol¹¹⁴ – the model of using emissions reduction targets as an impetus for urban agriculture may be a widely replicable one. The underlying goal of food justice activists, however, is not simply to popularize urban agriculture as an emissions cutting measure, but to promote the practice of growing food in cities as a way to engender a fundamental shift in how our human society exists in relation to the natural cycles that govern our farms and ourselves. Whether increased support for urban agriculture in Oakland

112. Angela and Marlene Aguilar. Presentation: "Food as a Tool of Decolonization." Decolonizing the University: Fulfilling the Dream of the Third World College. Conference at UC Berkeley, February 26 – 27, 2010.

113. See *Denver Green Festival and Pan African Arts Society*, OSSUMNISS (May 5, 2009), <http://read.ossumniss.com/?p=10>.

114. See *Mayors Leading the Way on Climate Protection*, THE U.S. CONFERENCE OF MAYORS CLIMATE PROTECTION CENTER, <http://www.usmayors.org/climateprotection/revised/> (last visited Apr. 11, 2011).

comes from the city government, the state, the nonprofit sector, or from no source other than individual neighborhood residents who make the decision to create community around the cultivation of food, it is undeniable that a powerful movement for food justice is gaining ground.