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More Than Hungry: How Political Narratives Built & Maintain Hunger in the United States

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MORE THAN HUNGRY: HOW POLITICAL NARRATIVES BUILT & MAINTAIN HUNGER IN THE UNITED STATES

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INTRODUCTION

Food is life. And not just in the sense that it keeps us alive. Food is a deeply ingrained part of our culture, traditions, and history; the local, national, and global economy; our biology; our religions; and

even our artistic expression.¹ Yet, with all of food's significance, we are all well aware that there are those of us who go hungry, even here in the United States.² The City of Richmond, for instance, the capital of Virginia, has a food insecurity rate of 20.3%, meaning 44,840 individuals regularly face uncertainty about how or when they will have their next meal.³

Hunger is not an inevitable reality. Hunger was created. A series of interrelated policies in areas like housing, minimum wage, and incarceration, and the dangerous narratives that have supported these policies, have created a world where there is enough food to feed the entire planet, yet one of every nine people in the United States struggles with hunger.⁴ As of 2012, global food production *could* feed the world population more than one and a half times.⁵ The rate of food production has consistently increased faster than the global population growth.⁶ Yet, forty million people across the United States struggled with hunger in 2017.⁷ That same year, an estimated fifteen million households were food insecure.⁸ At the same time, Americans throw away an estimated twenty-five percent of the food they bring home every month.⁹ Each day, this is about 150,000 tons of food, an amount equal to approximately one pound per person.¹⁰

So, what leads people to be hungry in a world that produces and wastes so much?¹¹ The answer is simple: it is the structure of human society.¹² This is not a new phenomenon. Think, for instance,

1. See *The Role of Food in Human Culture*, GLOBAL GASTROS, <https://globalgastros.com/food-culture/role-of-food-in-human-culture>.

2. See *Hunger in America: United States Hunger and Poverty Facts*, WORLD HUNGER, <https://www.worldhunger.org/hunger-in-america-united-states-hunger-poverty-facts-2018> [<https://perma.cc/F2XV-F6PW>].

3. *Food Insecurity in Richmond city County*, FEEDING AM., <https://map.feedingamerica.org/county/2017/overall/virginia/county/richmond-city> [<https://perma.cc/TA46-GV29>].

4. *Hunger in America*, FARMERS & HUNTERS FEEDING THE HUNGRY, https://www.fhfh.org/hunger-in-america.html?gclid=EAIaIQobChMIqmlgKiR6wIVA4bICh1ZQwVnEAAYASAAEgJa9vD_BwE [<https://perma.cc/UM7Q-CFA2>].

5. See Eric Holt-Gimenez, *We Already Grow Enough Food For 10 Billion People—and Still Can't End Hunger*, THE HUFFINGTON POST (Dec. 18, 2014), https://www.huffpost.com/entry/world-hunger_b_1463429 [<https://perma.cc/K3X9-TVWA>].

6. *Id.*

7. *11 Facts About Hunger in the US: And how you can do something about it*, DOSOMETHING.ORG, <https://www.dosomething.org/us/facts/11-facts-about-hunger-us> [<https://perma.cc/2DPL-t7QL>].

8. *Id.*

9. *Fast Facts About Agriculture & Food*, AM. FARM BUREAU FED'N, <https://www.fb.org/newsroom/fast-facts> [<https://perma.cc/4WS4-WSVM>].

10. Oliver Milman, *Americans waste 150,000 tons of food each day—equal to a pound per person*, THE GUARDIAN (April 18, 2018), <https://www.theguardian.com/environment/2018/apr/18/americans-waste-food-fruit-vegetables-study> [<https://perma.cc/T66F-H4BA>].

11. *See id.*

12. See Rachael Jackson, *Most people waste more food than they think—here's how to fix it*, NAT. GEO. (Apr. 24, 2019), <https://www.nationalgeographic.com/environment>

about medieval times when society was built on the feudal system.¹³ While the feudal system was a legal system, it directly dictated who was fed and who was hungry.¹⁴ Under Feudal Law, the king owned everything but granted some of his land to barons, who in turn granted some of their land to knights, who in turn granted some of their land to serfs.¹⁵ The king was ostentatiously rich, the barons rich, the knights wealthy, and the serfs dirt poor—living with no rights and no freedom to leave the manor.¹⁶ Despite the difference in complexity, the legal system in the United States is just as much at fault for hunger today as the feudal system was for hunger in the Middle Ages.¹⁷

This Note aims to examine the role of the legal system in creating and maintaining hunger in the United States. Through this lens, the Note discusses the shift necessary to support specific legal interventions to end hunger. This Note begins by discussing how hunger was built in the United States through policies regarding land, housing, incarceration, and food, and the narratives that allowed these policies to flourish. These policies created hunger by creating pockets of poverty and disempowerment.¹⁸ Although many individuals and organizations donate their time, money, and energy to support local food banks, soup kitchens, and free school meal programs, these efforts alone are not enough to end hunger.¹⁹ As Andrew Fisher describes, despite the singular focus of anti-hunger initiatives today on food, food plays a minor role in the solution to hunger.²⁰

/2019/04/people-waste-more-food-than-they-think-psychology/#close [https://perma.cc/6EUL-J3NZ].

13. See *Feudal Law / Feudalism*, THE ELECTRIC LAW LIBRARY, <https://www.lectlaw.com/def/f024.htm> [https://perma.cc/X3ML-BHU6].

14. See *id.*

15. *Medieval Life—Feudalism and the Feudal System*, HISTORY ON THE NET, <https://www.historyonthenet.com/medieval-life-feudalism-feudal-system> [https://perma.cc/86RD-H2AS].

16. *Id.*

17. See *Re-examining Hunger Through the Lens of Social Justice*, NW. HARVEST, <https://www.northwestharvest.org/re-examining-hunger> [https://perma.cc/7GQ8-XFR6] (“The reasons for the disparate impact of poverty are often rooted in structural barriers created by discriminatory laws, racist policies, and prejudicial societal practices—resulting in generations of lost opportunities for education, employment, healthcare, and housing.”); *Food Justice*, FOODPRINT, <https://foodprint.org/issues/food-justice> [https://perma.cc/QY3Q-NFX7].

18. See Elise Gould, *Decades of rising economic inequality in the U.S.*, ECONOMIC POLICY INSTITUTE (Mar. 27, 2019), <https://www.epi.org/publication/decades-of-rising-economic-inequality-in-the-u-s-testimony-before-the-u-s-house-of-representatives-ways-and-means-committee> [https://perma.cc/T9DX-JXK4].

19. See ANDREW FISHER, *BIG HUNGER: THE UNHOLY ALLIANCE BETWEEN CORPORATE AMERICA AND ANTI-HUNGER GROUPS 20–25* (2017).

20. See *id.*

Hunger is not a food issue, it is a food justice issue.²¹ That is because you cannot solve hunger without solving poverty.²²

Before beginning this history, it is important to note that there are too many factors that have helped pave the way for hunger to discuss them all in the brief format of this Note. In many ways, this is because hunger in the United States is deeply intertwined with racism, and racism impacts essentially every area of life (education, policing, housing, land, jobs, incarceration, just to name a few).²³ Many people who experience hunger are white, in fact the largest number of beneficiaries of welfare programs are white. However, this Note would not tell the full story if it ignored racism as a key element of hunger today.²⁴ So, while this Note is written from the perspective of a white author, it attempts to bounce through a long history, highlighting several areas where policies that created conditions of poverty were crafted with the intention to disempower people of color, in order to show the trajectory towards the conditions that foster hunger in the United States today. After reviewing this brief history, this Note describes the current strategies for addressing hunger in the United States. Finally, this Note accepts many of the approaches Andrew Fisher espouses in his book *Big Hunger* and similarly suggests that the United States needs to turn to a new, more comprehensive, community-based strategy, which would alleviate hunger by alleviating poverty.²⁵ Ending hunger requires a new narrative, that of food justice, and a concerted effort to craft new legal interventions that target the underlying causes of hunger, like low income, lack of affordable housing, and political disempowerment.²⁶

21. See *id.* at 33–35 (Fisher discusses a similar idea under the lens of “right to food” or food as a basic human right rather than the term “food justice.”); see *Food Justice*, *supra* note 17.

22. See FISHER, *supra* note 19, at 20, 23.

23. See *Food Justice*, *supra* note 17.

24. Kat Chow, *Why More White Americans Are Opposing Government Welfare Programs*, NAT’L PUB. RADIO (June 8, 2018), <https://www.npr.org/sections/codeswitch/2018/06/08/616684259/why-more-white-americans-are-opposing-government-welfare-programs> [<https://perma.cc/6TTU-MAUF>] (“According to the Center on Budget and Policy Priorities, white people made up the largest share—at 52 percent—of people lifted from poverty by safety-net programs, while black people made up less than a quarter of that share.”); Ryan Sit, *Trump Thinks Only Black People Are on Welfare, But Really, White Americans Receive Most Benefits*, NEWSWEEK (Jan. 12, 2018), <https://www.newsweek.com/donald-trump-welfare-black-white-780252> [<https://perma.cc/A28Q-FLR5>] (“Just over 40 percent of SNAP recipients are white. Another 25.7 percent are black, 10.3 percent are Hispanic, 2.1 percent are Asian and 1.2 percent are Native American, according to a 2015 Department of Agriculture report.”); see *Food Justice*, *supra* note 17.

25. See FISHER, *supra* note 19, at 33–35, 74–75.

26. *Id.* at 33–38; see *Food Justice*, *supra* note 17.

I. BUILDING HUNGER

A. *Housing*

Housing policies are one of the largest causes of poverty and, thus, hunger in the United States.²⁷ Today, thousands of families have to make the decision between putting a roof over their head or food in their stomachs.²⁸ Throughout our nation's history, the impetus for inequality in housing has consistently been racism.²⁹

1. *Housing & the Native Americans*

The United States was, of course, built on the land of Native Americans.³⁰ So, forcing Native Americans into a reservation system was one of the first intentionally discriminatory housing policies in the United States.³¹ The reservation system was not just an allotment of certain land on which to live, but a total restructuring of the Native American way of life.³² Native Americans were thought to be “savages,” living in an “uncivilized” manner.³³ The solution to this narrative was to force Native Americans to adopt the “civilized” practices of whites³⁴ and live as white Americans were living, in close quarters on individual family farms instead of on communal land.³⁵ Once

27. See Richard Florida, *America's Biggest Problem Is Concentrated Poverty, Not Inequality*, CITYLAB (Aug. 10, 2015), <https://www.citylab.com/equity/20C15/08/americas-biggest-problem-is-concentrated-poverty-not-inequality/400892> [<https://perma.cc/NC6D-6YR2>]; Rebecca Tunstall et al., *The links between housing and poverty*, JOSEPH ROWNTREE FOUND. (Apr. 5, 2013), <https://www.jrf.org.uk/report/links-between-housing-and-poverty> [<https://perma.cc/45WG-YYVQ>] (for a look at links between housing and poverty in the UK).

28. See *Food Insecurity and Tough Choices*, FEEDING AM., <https://www.feedingamerica.org/hunger-blog/8-impossible-choices> [<https://perma.cc/G5E5-FGAE>].

29. Dennis J. Pogue & Douglas Sanford, *Slave Housing in Virginia*, ENCYCLOPEDIA VA., https://www.encyclopediavirginia.org/slave_housing_in_virginia#start_entry [<https://perma.cc/J6TJ-B3T9>]; *Black Codes*, HISTORY (June 1, 2010), <https://www.history.com/topics/black-history/black-codes> [<https://perma.cc/97Z5-ZTCB>]; Libby Germer, *A Public History of Public Housing: Richmond, Virginia*, YALE NAT'L INITIATIVE, https://teachers.yale.edu/curriculum/viewer/initiative_15.03.05_u [<https://perma.cc/M79W-7T24>].

30. *Indian Reservations*, HISTORY (Dec. 8, 2017), <https://www.history.com/topics/native-american-history/indian-reservations> [<https://perma.cc/469Z-2S6R>].

31. See *id.*; see *Food Justice*, *supra* note 17.

32. *Indian Reservations*, *supra* note 30.

33. See Barefoot Windwalker, *The “Uncivilized” Native American*, BAREFOOT'S WORLD (2002), <http://barefootworld.org/lovepeople.html> [<https://perma.cc/GS2L-Z699>].

34. See *id.*

35. *Id.*; Sarah K. Elliott, *How American Indian Reservations Came to Be*, PUB. BROAD. SERV. (May 25, 2015), <http://www.pbs.org/wgbh/roadshow/stories/articles/2015/5/25/how-american-indian-reservations-came-be> [<https://perma.cc/JST3-PSYV>].

on reservations, the ability for Native people to secure their own food was greatly diminished.³⁶ They were unable to hunt, fish, and gather beyond the borders of the reservation, and the land reserved for the Native Americans was of poor quality for farming.³⁷ The United States government provided rations to Native American families of beans, corn, flour, beef, and salt, and on some occasions sugar, coffee, soap, or tobacco.³⁸ These foods were considerably less nutritive than any of the tribes' previous diets and were often provided despite being moldy and unpalatable.³⁹ In essence, by controlling access to food, the government took the Native Americans' autonomy.⁴⁰ For white society, this achieved multiple goals—access to more land and that land's resources and more power over the Native American people.⁴¹

2. *Housing During Slavery*

At much the same time as Native American removal, enslavement, and extermination, the United States began to enslave people from Africa.⁴² For those individuals who were enslaved, housing was directly tied to the plantation owner.⁴³ Whether barrack style or family style housing, there was a tendency for slaves' homes to be clustered together in isolation from the main home.⁴⁴ Much like the Native Americans, enslaved individuals received rations of low-nutritive quality, though from the white individuals who held them in slavery rather than from the government.⁴⁵ Similar to the plight of the Native Americans, enslaved individuals had very little autonomy

36. See Carla Joinson, *Reservation Food*, INDIANS, INSANITY, AND AM. HIST. BLOG (Apr. 28, 2010), http://cantonasylumforinsaneindians.com/history_blog/reservation-food/#comments [https://perma.cc/5CQJ-H8P9].

37. *Id.*

38. *Id.*; William Least Heat-Moon, *A Stark Reminder of How the U.S. Forced American Indians Into a New Way of Life*, SMITHSONIAN (Nov. 2013), <https://www.smithsonianmag.com/history/a-stark-reminder-of-how-the-us-forced-american-indians-into-a-new-way-of-life-3954109> [https://perma.cc/UBB5-XRJY].

39. See Heat-Moon, *supra* note 38.

40. *See id.*

41. See *The Legacy of Injustice Against Native Americans*, NETWORK ADVOCATES, <https://networkadvocates.org/recommittoracialjustice/legacy> [https://perma.cc/V57E-BLXP].

42. See *Native American History Timeline*, HISTORY, <https://www.history.com/topics/native-american-history/native-american-timeline> [https://perma.cc/ZA25-YCVC]; *A History of Slavery in the United States*, NAT'L GEO., <https://www.nationalgeographic.org/interactive/slavery-united-states> [https://perma.cc/U3UJ-95V8].

43. Pogue & Sanford, *supra* note 29.

44. *Id.*

45. Nicholas Boston, *The Slave Experience: Living Conditions*, THIRTEEN, <https://www.thirteen.org/wnet/slavery/experience/living/history2.html> [https://perma.cc/LH6P-TBBS].

in their lives or in their diets.⁴⁶ Despite the freedoms the end of slavery promised, the idea of isolating people of color and controlling their food access as a way to control their autonomy continued in the minds of white lawmakers and homemakers alike for centuries.⁴⁷

3. *Housing & Land Ownership*

As slavery began its end with the passing of the Thirteenth Amendment in 1865, newly “freed” people had the right to own property but rarely had property to their name.⁴⁸ Land ownership was especially important in the South, as it was the main source of wealth and, therefore, was both physically and symbolically important to equal membership in Southern society.⁴⁹ Land ownership was the key to independence and autonomy.⁵⁰ Land was needed to support one’s family, so lack of property often led to systems of sharecropping, where Black men would rent land from white landowners.⁵¹ The system was not far removed from slavery as the contracts for such land use were often incredibly restrictive, largely due to southern states’ Black Codes, which were laws that detailed the employment of previously enslaved individuals.⁵² The Black Codes of South Carolina, for instance, required work from sunup till sundown every day except Sunday, the sharecropper had to live on the property, could not invite guests or leave the property without permission, and the landowner’s permission was required to marry.⁵³ Corporal punishment, like whipping, was still allowed for children under eighteen who were “apprentices,” and was allowed against adults if a judge approved

46. *See id.*

47. *See, e.g.,* Jacqueline Jones, *American Apartheid*, DISSENT MAG. (Fall 2017), <https://www.dissentmagazine.org/article/american-apartheid> [https://perma.cc/YB67-TEEK].

48. *13th Amendment to the U.S. Constitution: Abolition of Slavery (1865)*, OUR DOCUMENTS, <https://www.ourdocuments.gov/doc.php?flash=false&doc=40> [https://perma.cc/PK7R-263Z].

49. David Morrison, *Why was land ownership so important to freed slaves once the war ended?*, ENOTES, <https://www.enotes.com/homework-help/why-was-land-ownership-so-important-to-freed-353908> [https://perma.cc/V668-7D4M].

50. *See id.*

51. *See The Southern “Black Codes” of 1865–66*, CONST. RTS. FOUND., <https://www.crf-usa.org/brown-v-board-50th-anniversary/southern-black-codes.html> [https://perma.cc/G8L3-YYCA]; Morrison, *supra* note 49; *Sharecropping*, PBS, <https://www.pbs.org/tpt/slavery-by-another-name/themes/sharecropping/#:~:text=After%20the%20Civil%20War%2C%20former,to%20the%20creation%20of%20sharecropping.&text=Approximately%20two%2Dthirds%20of%20all,and%20one%20third%20were%20black> [https://perma.cc/SY7U-Z4E9].

52. *Jim Crow Laws*, HISTORY (Mar. 13, 2019), <https://www.history.com/topics/early-20th-century-us/jim-crow-laws> [https://perma.cc/MQM4-JLF8].

53. *See The Southern “Black Codes” of 1865–66, supra* note 51.

it.⁵⁴ Way of life was, thus, largely impacted by living on land one did not own; once again autonomy was tied to where one lived.⁵⁵

At the same time, Confederate veterans held many positions of power in the South.⁵⁶ They served as judges and police officers and some even formed organizations, like the Ku Klux Klan (KKK), to intimidate and harass Black families.⁵⁷ Whether openly or in secret, many politicians were members of the KKK, including David Duke who ran for President in 1988, and several other political offices up until 1999, well over 100 years after the KKK's forming in 1865.⁵⁸ With the long history of these racist individuals in politics, it is easy to imagine how many policies were impacted by blatant racism.

The passage of the Fourteenth and Fifteenth Amendments in 1868 and 1869 were attempts to stop the efforts to thwart equality of those individuals who were formerly enslaved.⁵⁹ However, the racist narratives that allowed for the enslavement of a whole population of individuals had not dissipated.⁶⁰ So, as time went on, there was a continued effort to prevent Black rights, including rights to land ownership, through Jim Crow laws.⁶¹ In 1877, Southern states built off of the Black Codes, passing of a series of laws that legalized racial segregation collectively referred to as Jim Crow laws.⁶² Jim Crow laws rescinded almost all of the rights and freedoms Black people had gained during Reconstruction, including housing rights.⁶³

These practices continued for decades in many different forms. Exclusionary zoning laws, for instance, were “city ordinances which prohibited the sale of property to Black people.”⁶⁴ The Supreme Court struck down exclusionary zoning laws in 1917.⁶⁵ However, racially

54. *Id.*

55. *Id.*; see Morrison, *supra* note 49.

56. See Robert Mitchell, *The Political Battle after the Civil War*, WASH. POST (Mar. 27, 2015), https://www.washingtonpost.com/lifestyle/style/the-political-battle-after-the-civil-war/2015/03/27/e05a1798-cd7f-11e4-a2a7-9517a3a70506_story.html [<https://perma.cc/2BM3-UX45>].

57. *Jim Crow Laws*, *supra* note 52.

58. Richard Stockton, *The Invisible Empire: Famous KKK Members In American Politics*, ALL THAT'S INTERESTING (Nov. 5, 2015), <https://allthatsinteresting.com/famous-kkk-members/2> [<https://perma.cc/667K-AVPT>].

59. See *The Southern “Black Codes” of 1865–66*, *supra* note 51.

60. See *id.*

61. See *Jim Crow Laws*, *supra* note 52.

62. *Id.*; Melvin I. Urofsky, *Jim Crow Law*, BRITANNICA (last updated Aug. 21, 2020), <https://www.britannica.com/event/Jim-Crow-law>.

63. *A Brief History of Jim Crow*, CONST. RTS. FOUND., <https://www.crf-usa.org/black-history-month/a-brief-history-of-jim-crow> [<https://perma.cc/B98W-CGSX>].

64. Beatrix Lockwood, *The History of Redlining*, THOUGHT CO. (July 30, 2019), <https://www.thoughtco.com/redlining-definition-4157858> [<https://perma.cc/NZ2B-8ZGM>].

65. *Id.*

restrictive covenants were soon designed to take their place.⁶⁶ These covenants were agreements between all homeowners in a neighborhood not to sell to Black, and sometimes other minority, buyers.⁶⁷ Levittown, of post WWII fame, was under a racially restrictive lease.⁶⁸ Racially restrictive covenants were deemed illegal by the Supreme Court in 1948.⁶⁹ However, other practices took their place. Redlining, the practice of banks refusing to offer mortgages or offering worse rates to customers based on the racial composition of the neighborhood where the home sits, and racial steering, the practice of guiding Black and white families to look at and purchase homes in different areas, continued the tradition of racial segregation.⁷⁰ Homes, of course, were of vastly different quality and value, assuring that white homeowners gained assets and access to recreation, schooling, and services that Black people did not.⁷¹

Though Jim Crow laws were technically abolished by the Civil Rights Act of 1964, racism was not and its effects continued to be seen in many policies, including housing policies.⁷² In the 1960s, “testers,” Black and white individuals who expressed interest in the same property to see if they were treated differently, showed that even when communities did not have an outright policy of racial discrimination, they were often actively working to prevent minority families from moving in.⁷³ Dr. Martin Luther King Jr. recognized discrimination in housing as a central component of racial injustice in the United States.⁷⁴ In 1965 and 1966, King co-led the Chicago Freedom Movement, which advocated for “open housing”—the right for minorities to buy homes in any community in the city—among other policies.⁷⁵ Martin Luther King Jr.’s death provided the momentum to finally pass The Fair Housing Act, though several organizations,

66. *Id.*

67. *Id.*

68. Bruce Lambert, *At 50, Levittown Contends with Its Legacy of Bias*, N.Y. TIMES (Dec. 28, 1997), <https://www.nytimes.com/1997/12/28/nyregion/at-50-levittown-contends-with-its-legacy-of-bias.html> [<https://perma.cc/VGA6-P8BD>].

69. *See Shelly v. Kraemer*, 334 U.S. 1, 23–24 (1948).

70. Lockwood, *supra* note 64; *see also* Andre Perry, Jonathan Rothwell & David Harshbarger, *The Devaluation of Assets in Black Neighborhoods: The case of residential property*, THE BROOKINGS INST. (Nov. 2018), https://www.brookings.edu/wp-content/uploads/2018/11/2018.11_Brookings-Metro_Devaluation-Assets-Black-Neighborhoods_final.pdf.

71. *See* Perry, Rothwell & Harshbarger, *supra* note 70.

72. Aastha Uprety, *Martin Luther King, Jr.’s Fair Housing Legacy: How Testing Played a Role in the Civil Rights Movement*, EQUAL RTS. CTR. (Jan. 21, 2019), <https://equalrightscenter.org/martin-luther-king-fair-housing> [<https://perma.cc/E3JG-M8LT>].

73. *Id.*

74. *Id.*

75. *Id.*

such as the NAACP, National Association of Real Estate Brokers (NAREB), the GI Forum, and National Committee Against Discrimination in Housing, had been lobbying to pass this legislation for many years.⁷⁶ Included as part of the Civil Rights Act of 1968, the Fair Housing Act prohibited discrimination in the sale, rental, or financing of housing based on race and other protected categories, but at this point much of the damage had already been done.⁷⁷ Beyond that, the Fair Housing Act was stripped of much of its authority because the Department of Housing and Urban Development (HUD) was formed without authority to prosecute housing discrimination.⁷⁸ Another attempt at fairer housing policies was made with new mortgage programs. Mortgage programs had helped increase the white homeownership rate, so the Section 235 mortgage program was created as an attempt to give Black families the same opportunities for home ownership.⁷⁹ However, Black families were still sold homes in previously redlined areas, and the fraud and abuse of investors, real estate agents, appraisers, and FHA employees led to many foreclosures.⁸⁰ So, Black families continued to face discrimination in housing.

a. Housing & Loss of Agricultural Land

An interesting trend throughout history is that of minorities in agriculture. Given that so many individuals who had been enslaved had worked as agricultural laborers, it should be surprising that very few Black farmers remain.⁸¹ In 1920, there were almost one million Black farmers.⁸² Today there are 3.4 million farmers, but only 1.3% of them are Black.⁸³ Black farmers collectively own 0.52% of America's

76. *History of Fair Housing*, U.S. DEP'T OF HOUS. AND URBAN DEV., https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutfheo/history [<https://perma.cc/KR9X-3A75>].

77. *Id.*

78. *Turns Out, Fair Housing Isn't Always Fair*, THE DAILY BEAST (Oct. 12, 2018), <https://www.thedailybeast.com/turns-out-fair-housing-isnt-always-fair> [<https://perma.cc/AF69-CLN6>].

79. John Wake, *Why Isn't the Black Homeownership Rate Higher Today Than When the 1968 Fair Housing Act Became Law?*, FORBES (May 16, 2019), <https://www.forbes.com/sites/johnwake/2019/05/16/heres-why-the-black-homeownership-rate-is-the-same-50-years-after-1968-fair-housing-act/#2688734b30cd> [<https://perma.cc/8JQC-SRZ6>].

80. *Id.*

81. *See Agriculture*, ENCYCLOPEDIA BRITANNICA (Aug. 17, 2020), <https://www.britannica.com/topic/slavery-sociology/Agriculture> [<https://perma.cc/XPA8-95KG>].

82. *See* Summer Sewell, *There were nearly a million black farmers in 1920. Why have they disappeared?*, THE GUARDIAN (Apr. 29, 2019), <https://www.theguardian.com/environment/2019/apr/29/why-have-americas-black-farmers-disappeared> [<https://perma.cc/AC9T-QAQ2>].

83. *Id.*

farmland and make less than \$40,000 annually compared to the average white farmer's \$190,000 annual income.⁸⁴ The disparity in income is largely due to the disparity in land ownership, with the average Black farmer owning approximately one-quarter of the land an average white farmer owns.⁸⁵ The historical lack of access to legal counsel has resulted in the passing of Black American families' farmland without a will or clear title.⁸⁶ Without clear title, a farmer faces two distinct issues. First, the land may not be seen as legally their own and they may lose it.⁸⁷ Second, until 2018, a farm could not receive financial assistance from the USDA without a serial number, and a serial number could only be received with proof of land ownership.⁸⁸ Eighty percent of farmland owned by Black families has been lost since 1910 because of unclear title.⁸⁹

Meanwhile, the price of land has skyrocketed.⁹⁰ For example, one farmer bought his land for \$400 an acre in 1962, but the farm across the street, presumably of equal value, sold for \$12,000 an acre around 2012.⁹¹ So, it is very difficult to buy farmland back.⁹²

The final factor in the decrease of Black land ownership is persistent racism; Black farmers have faced a systematic push out of agriculture.⁹³ The Farmers Administration of the United States Department of Agriculture (USDA) refused farm loans and other support for Black applicants.⁹⁴ The landmark class-action lawsuit *Pigford v. Glickman*, which alleged racial discrimination by the USDA, was

84. *Id.* Note that farming is no longer profitable for many farmers of all races. About 50–60% of farmers in the United States also have jobs off the farm, especially if their farm is small to mid-range. *Most farmers receive off-farm income, but small scale operators depend on it*, U.S. DEPT. OF AGRIC. (Nov. 27, 2019), <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58426> [<https://perma.cc/TNQ8-MFF2>]. And some farmers make as much as 84% of their income at jobs off the farm. Tracie McMillan, *Farmers Work a Second Shift to Supplement Income*, NAT'L GEO. (Feb. 25, 2016), <https://www.nationalgeographic.com/culture/food/the-plate/2016/02/25/farmers-work-a-second-shift-to-supplement-income/#close> [<https://perma.cc/Q9DH-FTXG>]. Even so, farmers of color tend to run smaller farms, own less land, and generate less wealth than their white counterparts. Megan Horst, *How Racism Shaped the American Farming Landscape*, EATER (Jan. 25, 2019), <https://www.eater.com/2019/1/25/18197352/american-farming-racism-us-agriculture-history>.

85. Sewell, *supra* note 82.

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. See Nancy Marshall-Genzer, *Why more than half of farmers have a second job*, MARKETPLACE (Mar. 4, 2019), <https://www.marketplace.org/2015/03/04/why-more-half-farmers-have-second-job> [<https://perma.cc/5MRC-C6ED>].

91. *See id.*

92. *Id.*

93. *See* Sewell, *supra* note 82.

94. *See id.*

not brought until 1997. It settled for one billion dollars in 1999.⁹⁵ One can imagine how much damage was done prior to 1997.⁹⁶ This persisting inequality has impacted income and property assets for Black people in the United States, in turn impacting their access to food despite being food-growers.⁹⁷ Today Black farmers still report making less money for their crops simply because they are Black.⁹⁸

4. *Housing & Home Ownership*

Today, the home is the largest financial asset for most Americans.⁹⁹ While the median income for Black households is fifty-nine percent of that of white households, the median household net worth for a Black family is just eight percent of the white median household worth.¹⁰⁰ This statistic highlights that the years of racially segregating policies have led to a differential in housing values as well as home ownership.¹⁰¹ Combined with the value of public schooling and public accommodations in higher income neighborhoods, housing, once again, can determine many aspects of lifestyle outside of an individual's control, and many of these aspects impact food access.¹⁰²

B. *Incarceration*

Another modern factor of poverty and food insecurity is incarceration.¹⁰³ More than 2.3 million people are incarcerated in the United States, and the majority of those incarcerated are low income.¹⁰⁴ Across all genders, races, and ethnicity groups, those who become incarcerated earned substantially less income prior to their

95. *Id.*

96. *Id.*

97. *See id.*

98. *See id.*

99. Richard D. Kahlenberg & Kimberly Quick, *The Government Created Housing Segregation. Here's How the Government Can End It.*, THE AM. PROSPECT (July 2, 2019), <https://prospect.org/civil-rights/government-created-housing-segregation-government-can-end-it> [<https://perma.cc/G6NU-9C44>].

100. *Id.*

101. *Id.*

102. *See id.*

103. *See* Robynn Cox & Sally Wallace, *The Impact of Incarceration on Food Insecurity among Households with Children* 6 (Dep't of Econ. Spelman College & Dep't of Econ. Ga. State Univ., Working Paper, Paper No. 13-05-FF), <https://fragilefamilies.princeton.edu/sites/fragilefamilies/files/wp13-05-ff.pdf>.

104. *How many people are locked up in the United States?*, PRISON POL'Y INITIATIVE (2018), <https://www.prisonpolicy.org/graphs/pie2018.html> [<https://perma.cc/E9B2-ZMFN>]; *see* Bernadette Rabuy & Daniel Kopf, *Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned*, PRISON POL'Y INITIATIVE (July 9, 2015), <https://www.prisonpolicy.org/reports/income.html> [<https://perma.cc/YF43-D7KR>].

incarceration than same age peers.¹⁰⁵ And once incarcerated, there can be huge economic impacts for the families that are left behind.¹⁰⁶ When a family member is incarcerated, the family's income drops twenty-two percent lower.¹⁰⁷ The family's income continues to be about fifteen percent lower upon re-entry of the incarcerated member, due to the lack of quality and quantity of employment opportunities for those individuals with a criminal record.¹⁰⁸ Further still, having a criminal record poses a major bar to accessing housing assistance programs.¹⁰⁹

1. *Incarceration & Hunger*

An estimated five million children have experienced parental incarceration at some point in their lives.¹¹⁰ The burden is heaviest among minority children; 11.5% of Black children have had a parent incarcerated, double the rate of white children.¹¹¹ These children are more likely to experience food insecurity as a result of multifaceted outcomes of parental incarceration, such as loss of family income, loss of upward mobility of the parent due to incarceration, and/or moving in with a grandparent, as senior households with a grandchild are at higher risk of hunger.¹¹² Therefore, mass incarceration also contributes to greater food insecurity in the United States.¹¹³

C. *Inaccessibility*

1. *Monetary and Time Inaccessibility*

This history has led to many forms of inaccessibility that shape who goes hungry. Only about sixty-five percent of individuals living in poverty are eligible to work.¹¹⁴ Sixty-three percent of that eligible

105. Rabuy & Kopf, *supra* note 104.

106. Eric Martin, *Hidden Consequences: The Impact of Incarceration on Dependent Children*, NAT'L INST. OF JUST. (Mar. 1, 2017), <https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children> [<https://perma.cc/6S9H-2GQW>].

107. *Id.*

108. *Id.*

109. Marah A. Curtis, Sarah Garlington & Lisa S. Schottenfeld, *Alcohol, Drug, and Criminal History Restrictions in Public Housing*, U.S. DEP'T OF HOUS. AND URBAN DEV., 15 CITYSCAPE No. 3, 38 (2013), <https://www.huduser.gov/portal/periodicals/cityscape/vol15num3/ch2.pdf> [<https://perma.cc/F34E-HYKV>].

110. Patrick A. Coleman, *The Family Separation Crisis Isn't Over for Black Parents*, FATHERLY (June 21, 2018), <https://www.fatherly.com/love-money/politics/family-separation-crisis-black-parents-jail>.

111. *Id.*

112. Cox & Wallace, *supra* note 103, at 6.

113. *See id.*

114. *See Access to Affordable and Nutritious Food: Measuring and Understanding Food Deserts and Their Consequences*, Chapter 2: The Extent of Limited Food Access in

population are working and many others are currently unemployed but looking for work.¹¹⁵ However, working is not enough to lift a family out of poverty because the minimum wage today is not a living wage.¹¹⁶ If one calculates the minimum wage in 1968 in 2017 dollars, a worker made \$20,600.¹¹⁷ In 2017, a minimum wage worker was making only \$15,080.¹¹⁸ The value of minimum wage work has dropped so significantly that a single parent with only one child lives under the federal poverty line when they earn minimum wage.¹¹⁹ “[O]ne in every nine workers are [sic] paid too little to escape poverty for their family size.”¹²⁰ The pressures of low minimum wage are exacerbated by the lack of affordable housing.¹²¹ The National Low Income Housing Coalition (NLIHC) reported that the hourly income needed to afford a \$1,149 a month, fair-market value, two-bedroom rental in 2018 was \$22.10 an hour.¹²² A federal minimum wage worker in that year was making \$7.25 an hour.¹²³ A federal minimum wage worker can afford a one-bedroom, fair market value rental in only 22 of the more than 3,000 counties in the US.¹²⁴ The lack of affordable housing means that many individuals are living housing burdened, paying more than thirty percent of their income on their housing.¹²⁵ In 2017, 47.4% of all renters were housing burdened.¹²⁶ Of those with incomes below \$15,000, federal minimum wage workers, 82.8% were

the United States, U.S. DEP’T OF AGRIC., https://www.ers.usda.gov/webdocs/publications/42711/12701_ap036b_1_.pdf?v=0 [<https://perma.cc/X8QS-K7QR>]; see also Elise Gould, *Poor People Work: A Majority of Poor People Who Can Work Do*, ECON. POL’Y INST. (May 19, 2015), <https://www.epi.org/publication/poor-people-work-a-majority-of-poor-people-who-can-work-do> [<https://perma.cc/3T3Q-QMA7>].

115. See Gould, *supra* note 114.

116. See Ben Zipperer, *The erosion of the federal minimum wage has increased poverty, especially for Black and Hispanic families*, ECONOMIC POL’Y INST. (June 13, 2018), <https://www.epi.org/publication/the-erosion-of-the-federal-minimum-wage-has-increased-poverty-especially-for-black-and-hispanic-families> [<https://perma.cc/NGR4-VM9H>].

117. *Id.*

118. *Id.*

119. *Id.*

120. David Cooper, *One in nine U.S. workers are paid wages that can leave them in poverty, even when working full time*, ECON. POL’Y INST. (June 15, 2018), <https://www.epi.org/publication/one-in-nine-u-s-workers-are-paid-wages-that-can-leave-them-in-poverty-even-when-working-full-time> [<https://perma.cc/N2MT-K6JY>].

121. See *NLIHC Releases Out of Reach 2018*, NAT’L LOW INCOME HOUS. COAL. (June 18, 2018), <https://nlihc.org/resource/nlihc-releases-out-reach-2018> [<https://perma.cc/8T5J-DSX4>].

122. *Id.*

123. *Id.*

124. *Id.*

125. Sean Veal & Jonathan Spader, *Nearly a Third of American Households Were Cost-Burdened Last Year*, JOINT CTR. FOR HOUS. STUD. OF HARV. UNIV. (Dec. 7, 2018), <https://www.jchs.harvard.edu/blog/more-than-a-third-of-american-households-were-cost-burdened-last-year> [<https://perma.cc/XR6J-LLGP>].

126. *Id.*

housing burdened and 71.7% were severely housing burdened, meaning they were paying more than 50% of their income on rent.¹²⁷ When so much of one's income is going to rent, there is much less to split for utilities, transportation, clothing, school supplies, medical care, and, most importantly for the purposes of this discussion, food.

Time constraints also impact access to food, especially healthy food.¹²⁸ With less time to cook and/or less time to shop, there tends to be a greater reliance on foods that will be shelf stable and easy to prepare.¹²⁹ Shelf-stable goods are, in general, more processed and less nutrient dense than fresh fruits and vegetables, meats, and other quality products that spoil faster.¹³⁰ There are likely to be large time constraints on low-income families, who, in addition to having families to care for, are more likely to have two jobs, to rely on public transportation, and to live farther from work and grocery stores.¹³¹ So, the time and money constraints can then compound into restrictions on accessible food and on overall health.¹³²

2. *Geographic Inaccessibility*

Many of the nation's low-income individuals live in areas referred to as food deserts; areas geographically isolated from grocery stores.¹³³ Many others live in food swamps, meaning fast foods, liquor stores, and convenience stores outnumber the healthy food options.¹³⁴ For those urban residents who do have access to a small, neighborhood grocery, the goods are priced anywhere from 3 to 37% higher than they are at larger, suburban stores.¹³⁵ In this way, geographic, time, and monetary constraints all interplay to create a situation ripe for food inaccessibility and, thus, hunger.¹³⁶

127. *Id.*

128. Stephanie Rogus, *Examining the influence of perceived and objective time constraints on the quality of household food purchases*, 130 *APPETITE* 268, 270 (2018).

129. *Id.* at 269.

130. Shilpi Gupta, Terry Hawk, Anju Aggarwal & Adam Drewnowski, *Characterizing Ultra-Processed Foods by Energy Density, Nutrient Density, and Cost*, *FRONTIERS IN NUTRITION* (May 28, 2019), <https://www.frontiersin.org/articles/10.3389/fnut.2019.00070/full> [<https://perma.cc/3RRQ-4JRN>].

131. See ELIZABETH KNEEBONE & NATALIE HOLMES, *THE GROWING DISTANCE BETWEEN PEOPLE AND JOBS IN METROPOLITAN AMERICA* 2, 4 (2015), https://www.brookings.edu/wp-content/uploads/2016/07/Srvy_JobsProximity.pdf; see *Food Deserts*, *FOOD EMPOWERMENT PROJECT*, <https://foodispower.org/access-health/food-deserts> [<https://perma.cc/CS63-FDYL>].

132. See *Food Deserts*, *supra* note 131.

133. See *id.*

134. *Food Swamps Contribute to Obesity More Than Food Deserts*, *BLUE ZONES*, <https://www.bluezones.com/2017/11/news-food-swamps-contribute-obesity-food-deserts> [<https://perma.cc/6QVA-RKN3>].

135. *Food Deserts*, *supra* note 131.

136. *Id.*

D. Food

1. Food Insecurity

Hunger in the United States today is better described as “food insecurity.”¹³⁷ That is because the geographic, time, and monetary constraints discussed above cause an unreliable access to food rather than the continuous state of starvation the word “hunger” connotes.¹³⁸ Feeding America describes four categories of food security.¹³⁹ Those with high food security have “no problems, or anxiety about, consistently accessing adequate food.”¹⁴⁰ Those with marginal food security have “problems or anxiety at times about accessing adequate food, but the quality, variety, and quantity of their food were not substantially reduced.”¹⁴¹ Those with low food security have “reduced the quality, variety, and desirability of their diets, but the quantity of food intake and normal eating patterns were not substantially disrupted.”¹⁴² And those with very low food security have “at times during the year, eating patterns of one or more household members disrupted and food intake reduced because the household lacked money or other resources for food.”¹⁴³ It is important to note that food insecurity can be experienced by those living above the poverty line, as well as those below it.¹⁴⁴ The specific factors in each family or individual’s life, such as rent burden, wage, access to transportation, reliability of work, and the changes in these factors can create better or worse food security at different times of the year.¹⁴⁵ Food insecurity leads to both a lack of autonomy and adverse health outcomes.¹⁴⁶

2. Food & Control

It has been recognized for ages that food is an essential element of power.¹⁴⁷ Even back to the Roman Empire, generals had strategies to destroy food, farmland, and irrigation to gain advantage in

137. See FISHER, *supra* note 19, at 13.

138. See *id.*

139. *What Is Food Insecurity?*, FEEDING AMERICA, <https://hungerandhealth.feedingamerica.org/understand-food-insecurity> [<https://perma.cc/RCH5-AU2G>].

140. *Id.*

141. *Id.*

142. *Id.*

143. *Id.*

144. *Id.*

145. See *What Is Food Insecurity?*, *supra* note 139.

146. *Id.*

147. See *Food as a Weapon of War*, ENCYCLOPEDIA.COM (Feb. 26, 2020), <https://www.encyclopedia.com/food/encyclopedias-almanacs-transcripts-and-maps/food-weapon-war> [<https://perma.cc/XAL9-J6YY>].

war.¹⁴⁸ Some generals have even destroyed their own country's farmland so that invading enemies have no way to support their soldier's needs.¹⁴⁹ On American soil, control of food is control of people in more subtle ways than outright warfare; controlling access to food disempowers individuals.¹⁵⁰ This disempowerment is a result of several factors. To start, Maslow's Hierarchy of Needs theorizes that people have to have their basics covered, like food and shelter, before they are able to focus on their health, their relationships, their self-esteem, their freedom, and their desire to be the most that they can be.¹⁵¹ In other words, when one does not have access to food, that becomes the primary thing the individual must focus on and acquiring food becomes their primary goal.¹⁵² While this may seem dramatic in today's world, there is truth to the idea that knowing there is not enough food to feed oneself and one's family creates incredible stress, and much of one's efforts will have to be spent on making sure food is acquired.¹⁵³ The next element that creates disempowerment is that our solutions to food assistance, by and large, rely on the benevolence of others, or the government, to access food.¹⁵⁴ This creates a dependency on sources outside of one's control, which often leads to feelings of inadequacy and powerlessness.¹⁵⁵ Finally, the stress of trying to acquire food, the need to acquire cheap and largely shelf-stable food, and the feelings of powerlessness lead to diminished physical and mental health, further disempowering people.¹⁵⁶

3. Food & Health

Food plays an incredible role in overall health and well-being.¹⁵⁷ Most obviously, food provides the energy necessary to survive.¹⁵⁸ It is generally thought that a human can only survive without food for

148. *Id.*

149. *Id.*

150. See WILL TUTTLE, *THE WORLD PEACE DIET: EATING FOR SPIRITUAL HEALTH AND SOCIAL HARMONY* 286 (2005).

151. Saul McLeod, *Maslow's Hierarchy of Needs*, SIMPLY PSYCH. (2018), <https://www.simplypsychology.org/maslow.html> [<https://perma.cc/F2DM-HGSY>].

152. *See id.*

153. *See id.*

154. FISHER, *supra* note 19, at 24.

155. *Id.* at 47–49.

156. See TUTTLE, *supra* note 150, at 46.

157. See *10 Reasons Doctors Talk About the Need for Good Nutrition & Diets (Infographic)*, LIVEWELL (Mar. 31, 2015), <https://www.unitypoint.org/livewell/article.aspx?id=ff0de079-682c-4f1a-b686-6b5b50e2f541> [<https://perma.cc/DNS8-3ZDY>].

158. See Angela Morrow, *How Long Can You Live Without Food?*, VERYWELLHEALTH (Aug. 27, 2020), <https://www.verywellhealth.com/the-decision-to-stop-eating-at-the-end-of-life-1132033> [<https://perma.cc/MF6A-RPD7>].

a matter of weeks.¹⁵⁹ But beyond just surviving, healthy food is essential to thriving.¹⁶⁰ Eating well gives individuals more energy, increased focus, reduced risk of chronic disease, delayed impacts of aging, improved sleep, positive impacts on mood, and potentially lengthens ones' life span.¹⁶¹ In the inverse, those most likely to experience food insecurity—those in poverty—tend to have life spans 6–18 years shorter than their wealthy counterparts.¹⁶² Tom Boyce, MD, Chief of the University of California San Francisco's Division of Developmental Medicine says, "Socioeconomic status is the most powerful predictor of disease, disorder, injury, and mortality we have."¹⁶³ The diseases most associated with poverty are obesity, diabetes, heart disease, and cancer.¹⁶⁴ While our understanding of nutrition and health is always expanding, the United States has recognized the importance of food access in its policies for decades.¹⁶⁵

II. THE DEVELOPMENT OF STRATEGIES TO COMBAT HUNGER

A. School Meals

School meals are some of the oldest food provision policies in the United States.¹⁶⁶ The first cities to institute school lunch programs were Philadelphia and Boston, which began serving hot meals for a penny as early as 1894.¹⁶⁷ In his 1904 book titled *Poverty*, reformer Robert Hunter wrote, "let us render it possible for them to receive [education] . . . by making full and adequate provisions for the physical needs of the children who come from the homes of poverty."¹⁶⁸ It

159. *Id.*

160. See 10 Reasons Doctors Talk About the Need for Good Nutrition & Diets (Infographic), *supra* note 157.

161. *Id.*

162. STEVEN H. WOOLF, LAUDAN ARON, LISA DUBAY, SARAH M. SIMON, EMILY ZIMMERMAN & KIM X. LUK, HOW ARE INCOME AND WEALTH LINKED TO HEALTH AND LONGEVITY? 3 (2015), <https://www.urban.org/sites/default/files/publication/49116/2000178-How-are-Income-and-Wealth-Linked-to-Health-and-Longevity.pdf> [<https://perma.cc/PUSK-7DK7>].

163. Jane Goodman & Claire Conway, *Poor Health: When Poverty Becomes Disease*, UNIV. CAL. S.F. (Jan. 6, 2016), <https://www.ucsf.edu/news/2016/01/401251/poor-health-when-poverty-becomes-disease> [<https://perma.cc/A9UR-V7WH>].

164. Mark Hyman, *The Link Between Poverty, Obesity and Diabetes*, THE HUFFINGTON POST (Sept. 18, 2010), https://www.huffpost.com/entry/not-having-enough-food-ca_b_721344 [<https://perma.cc/9ZZ2-3RYL>].

165. See *A Short History of SNAP*, U.S. DEPT OF AGRIC., <https://www.fns.usda.gov/snap/short-history-snap> [<https://perma.cc/AWH4-3W53>] (discussing one example of policy to impact hunger in the United States).

166. See Emelyn Rude, *An Abbreviated History of School Lunch in America*, TIME (Sept. 19, 2016), <https://time.com/4496771/school-lunch-history> [<https://perma.cc/K4QQ-6VHC>].

167. *Id.*

168. *Id.*

was recognized that schools were in a unique position to provide students with nutritious food.¹⁶⁹ Early school lunch programs received great reviews and were touted for positively impacting students both physically and mentally.¹⁷⁰ The Federal Government became involved in the provision of school lunches during the Great Depression, when the New Deal allowed the federal government to purchase surplus crops from farmers and employ women to cook and serve this surplus to students.¹⁷¹ By 1941, federally supported school meals were provided in all fifty states, DC, and Puerto Rico.¹⁷² While World War II saw a decline in school meal programs, the importance of feeding children at school remained clear, and in 1946 the National School Lunch Act was passed.¹⁷³ School lunches were expanded under both the Eisenhower and Nixon administrations.¹⁷⁴

School meals officially expanded to include school breakfast in 1975.¹⁷⁵ The School Breakfast program owes acknowledgment to the Black Panthers.¹⁷⁶ The Black Panthers were a Black nationalist party founded on a “commitment to ending police brutality and the subjugation of [B]lack Americans.”¹⁷⁷ As such, the Black Panthers started many community support programs, one of the most successful of which was the Free Breakfast Program, which was developed on the notion that Black children needed to receive a nutritious breakfast in order to learn and grow.¹⁷⁸ The narrative of the time, however, was to conflate the struggle for Black rights with criminality.¹⁷⁹ “The FBI deemed the Black Panthers as dangerous and the Free Breakfast Program as a threat to national security” because of a fear that the breakfast programs were being used to indoctrinate Black youth and recruit them to the Black Panthers.¹⁸⁰ As such, the

169. *Id.*

170. *Id.*

171. *Id.*

172. Rude, *supra* note 166.

173. *Id.*

174. *Id.*

175. Erin Blakemore, *How the Black Panthers' Breakfast Program Both Inspired and Threatened the Government*, HISTORY (Aug. 30, 2018), <https://www.history.com/news/free-school-breakfast-black-panther-party> [<https://perma.cc/SE6G-M5FK>].

176. *Id.*

177. *Id.*

178. Darryl Robertson, *The Black Panther Party and the Free Breakfast for Children Program*, BLACK PERSPECTIVES (Feb. 26, 2016), <https://www.aaihs.org/the-black-panther-party> [<https://perma.cc/WY2P-X76P>].

179. Samantha Willis, *The Black Panther Party, Revealed*, RICHMOND MAG. (Apr. 7, 2017, 12:23 PM), <https://richmondmagazine.com/news/the-black-panthers-revealed> [<https://perma.cc/4Y6K-6369>].

180. Jessica Yoo, *Black Panthers' Breakfast Program*, PARTNERS FOR A HUNGER-FREE OR. (Oct. 20, 2015), <https://oregonhunger.org/black-panthers-breakfast-program> [<https://perma.cc/24V4-ZF4E>].

FBI took tremendous efforts to derail the Free Breakfast Program, sometimes going door to door, telling parents that the program was teaching their children racism or that the food was infected with venereal diseases.¹⁸¹ Other times, Free Breakfast Program sites were raided, food was destroyed, officers harassed Black Panther Party members in front of the children they served, and officers photographed children participating in the program to instill fear.¹⁸² The federal school breakfast program was piloted in the 1960s, but it did not take off until the 1970s, around the time the Black Panthers were dismantled.¹⁸³ Many historians credit the Black Panthers with exerting social pressure to provide school breakfasts.¹⁸⁴

Today, the school food provision platform has expanded to many after school meal programs and school backpack programs that provide food for children to enjoy offsite over the weekends or school breaks.¹⁸⁵ And while the nutritional value of these meals is questioned by many, school food provisions are still seen as a major way to combat hunger in the United States.¹⁸⁶

B. Food Banks

The first food bank was opened in 1967.¹⁸⁷ In the 1980s, as local economies lost factory work, a recession hit, and President Reagan made large welfare cutbacks, food banks, pantries, and soup kitchens began to grow tremendously.¹⁸⁸ There are now more than 200 food banks and about 60,000 food pantries and soup kitchens in the United States.¹⁸⁹ While the system of food pantries and soup kitchens work to feed millions every day, there are inherent inequities simply by the nature of operating on the sheer benevolence of other citizens.¹⁹⁰ The inherent inequity in food distribution organizations has been reported to cause feelings of stigmatization, racism, and classism instead of a welcoming and supportive community.¹⁹¹

181. Blakemore, *supra* note 175.

182. Yoo, *supra* note 180.

183. *Id.*

184. *See id.*

185. *See* Backpack Program, FEEDING AM., <https://www.feedingamerica.org/our-work/hunger-relief-programs/backpack-program> [<https://perma.cc/MQ9J-6NFQ>].

186. *See* Rude, *supra* note 166.

187. Paige White, *The History of the Food Bank*, ONE AGAINST CHILDHOOD HUNGER (May 16, 2018), <https://www.oneagainatchildhoodhunger.com/blog/2018/05/16/the-history-of-the-food-bank> [<https://perma.cc/9FXZ-NFRQ>].

188. FISHER, *supra* note 19, at 2.

189. *Id.* at 3.

190. *Id.* at 46–47.

191. *Id.*

C. Food Stamps

The first iteration of Food Stamps were tried in Rochester, NY in 1939, in the wake of the Great Depression.¹⁹² The program was created to solve three interrelated issues: helping those who needed food to access it, helping farmers sell their surplus goods, and ensuring grocers were able to make money.¹⁹³ It was very successful in accomplishing each goal.¹⁹⁴ President John F. Kennedy piloted the program on a national level in 1961.¹⁹⁵ Under the Nixon presidency, the food stamp program grew from three million to fifteen million individuals.¹⁹⁶ Today, the food stamp system is called SNAP (Supplemental Nutrition Assistance Program)¹⁹⁷ and it serves thirty-six million people.¹⁹⁸

However, over time, the food stamp or SNAP system has placed more and more restrictions on those who can receive assistance, namely the program has required able-bodied adults to be employed to receive benefits.¹⁹⁹ One of the most effective narratives to support SNAP restrictions has been that of the “welfare queen.”²⁰⁰ The term was developed to insinuate the presence of widespread abuse of the food stamp program and to demonize the poor by describing those who receive benefits as single Black women, taking advantage of the system, having more children to get more welfare money, and living large in their lazy lifestyle.²⁰¹ At the time this term was all the rage, the majority of individuals receiving welfare were nonblack (60%) but the term painted the poor as Black.²⁰² This was helpful politically, as racist sentiments were then used to garner support for cutting welfare programs and creating barriers to access them, such

192. Christopher Klein, *How Did Food Stamps Begin?*, HISTORY (Aug. 27, 2019), <https://www.history.com/news/food-stamps-great-depression> [<https://perma.cc/H8CX-YU72>].

193. *Id.*

194. *Id.*

195. *Id.*

196. *Id.*

197. *Supplemental Nutrition Assistance Program*, USDA FOOD & NUTRITION SERV., <https://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program> [<https://perma.cc/A3QT-X59X>].

198. Jasmine Aguilera, *How Trump’s New Food Stamp Rule Could Impact Nearly 700,000 Vulnerable Americans*, TIME (Dec. 9, 2019, 5:37 PM), <https://time.com/5744647/trump-food-stamps-rule> [<https://perma.cc/3Q2W-5B28>].

199. *Id.*

200. See Bryce Covert, *The Myth of the Welfare Queen*, THE NEW REPUBLIC (July 2, 2019), <https://newrepublic.com/article/154404/myth-welfare-queen> [<https://perma.cc/J8MG-JXSE>].

201. *See id.*

202. *Id.*

as work requirements.²⁰³ Today, there continue to be direct statements and indirect insinuation that the poor are lazy, that they abuse the system, and that they are undeserving of assistance.²⁰⁴

D. Why Have These Approaches Been Unsuccessful?

School meal programs, food banks, and SNAP are all well-intentioned services that provide essential assistance to those who are food insecure.²⁰⁵ However, even in conjunction, these programs have not conquered hunger today and they will not conquer hunger in the future.²⁰⁶ As Andrew Fisher describes, this is because these solutions were never meant to be pursued for the long term.²⁰⁷

Roger Sandberg, who works with the international relief organization Medair, describes three stages that each project designed to respond to the needs of vulnerable individuals should travel.²⁰⁸ The first stage is relief, which occurs just after the disaster or emergency and lasts for a number of months.²⁰⁹ The second is rehabilitation, which helps communities build structures to prepare them for future crises and lasts for several years.²¹⁰ The third is development, which is long-term work designed to incrementally better the standard of living.²¹¹ This third phase lasts for decades.²¹²

As Andrew Fisher describes in his book *Big Hunger*, the establishment of food banks, food pantries, and even SNAP, were meant to be relief, a response to an emergency.²¹³ While these institutions have provided a lot of needed assistance, the overall treatment of hunger as a crisis instead of a chronic condition has led to “dependency, deception, and disempowerment.”²¹⁴ The dependency on these programs is inevitable when no changes to income or housing affordability are made, while public benefits—like SNAP—are cut.²¹⁵ Dependency removes agency, which creates disempowerment.²¹⁶ But the deception comes in public perception.²¹⁷

203. *See id.*

204. *See* Aguilera, *supra* note 198.

205. FISHER, *supra* note 19, at 3–4.

206. *See id.* at 7.

207. *Id.* at 4, 8.

208. *Id.* at 49.

209. *Id.*

210. *Id.*

211. FISHER, *supra* note 19, at 49.

212. *Id.*

213. *See id.*

214. *Id.* at 49, 76.

215. *See id.* at 49.

216. *Id.* at 46.

217. *See* FISHER, *supra* note 19, at 83–85.

1. *Excusing Corporations from the Table*

The current, privatized model of fighting hunger excuses corporations from their duties to employees and the community.²¹⁸ Large corporations, like Walmart, pay their workers poorly.²¹⁹ Those poorly paid workers rely on SNAP to feed their families.²²⁰ Then the company is given tax breaks for donating produce or proceeds to the local food bank.²²¹ And, in the case of grocers, like Walmart, there is the additional benefit that employees then use their SNAP benefits at their place of employment.²²² So, corporations are financially gaining from, at least, paying low wages and receiving charitable tax breaks, if not also getting money back in the form of SNAP purchases.²²³ This cycle is keeping people hungry, yet the public image is one of a company who leads by positive example, donating proceeds to charity; in essence employers are seen as part of the solution, masking the fact that they are a large part of the problem.²²⁴

To end hunger in the United States the narratives supporting hunger have to change.²²⁵ And that shift has to include an understanding that hunger is not just a food issue, but a food justice issue.²²⁶

III. LEGAL SOLUTIONS

A. *Change the Narrative*

1. *The “Undeserving Poor”*

The narrative that allows the whole anti-hunger system to flourish is that of the “undeserving poor,” which was built on the back of the narrative of the “welfare queen,” to emphasize that the poor are the cause of their misfortune; their laziness, criminal behavior, and promiscuity have caused their situation and, thus, there is little obligation to assist these neighbors.²²⁷ This narrative eliminates discussion of the societal structures—the built history of hunger discussed in this Note—that are the root of the poverty that leads to hunger.²²⁸

218. *See id.* at 31–32.

219. *Id.* at 78.

220. *Id.* at 90.

221. *Id.* at 77, 84.

222. *Id.* at 95–96.

223. *See* FISHER, *supra* note 19, at 95–96.

224. *See id.* at 95.

225. *Id.* at 23, 31, 38–39.

226. *See id.* at 33–35.

227. *Id.* at 25–26; Covert, *supra* note 200.

228. *See* FISHER, *supra* note 19, at 262, 264.

It also means that fighting hunger is simply a kindness and is, thus, better left to the private interest than to government intervention.²²⁹

The “undeserving poor” narrative is frequently reinforced.²³⁰ For instance, a recent TV commercial highlights the story of an NFL player who was homeless as a child.²³¹ While this story is heartwarming and encouraging, it subtly reinforces the idea of the “undeserving poor” because it implies that it is possible to get out of poverty if only you work hard enough.²³² And that lays the groundwork for thoughts of the poor to sound more like: “well you just didn’t try hard enough” or “I shouldn’t have to pay for your laziness.”²³³

While it is true that a select few are lifted out of poverty and into great wealth as athletes, musicians, and business people, the fact is, most people who face food insecurity are working incredibly hard, but their hard work is not valued enough for them to escape from poverty.²³⁴

The idea of the “undeserving poor” continues to have negative impacts.²³⁵ First, it leads to increased support for decreasing welfare programs and increasing work requirements to receive such assistance.²³⁶ With wages so low, these programs are vital to many individuals and families, assisting with access to food, medical care, and housing.²³⁷ Further, it prevents long-term policy changes that could help restructure society so that individuals would no longer need to rely on welfare.²³⁸ For instance, the narrative of the “undeserving poor” refocuses the conversation of food insecurity from one of poverty to one of hunger.²³⁹

As Andrew Fischer so aptly points out, hunger today has become completely conceptually separated from poverty.²⁴⁰ Everyone

229. *See id.* at 263–64.

230. *See id.* at 25–26.

231. Lauren Daniels, *KIA Ad Featuring Formerly Homeless NFL Player from Tulsa Benefits OKC’s School for Homeless Kids*, OKLA. NEWS (Feb. 3, 2020, 5:00 PM), <https://kfor.com/news/kia-ad-featuring-formerly-homeless-nfl-player-from-tulsa-benefits-okcs-school-for-homeless-kids> [<https://perma.cc/R273-RGQB>].

232. *See* Hannah Brooks Olsen, *Why Escaping Poverty Isn’t Nearly as Easy as People Think*, EVERYDAY FEMINISM (Jan. 29, 2017), <https://everydayfeminism.com/2017/01/escaping-poverty-is-not-easy> [<https://perma.cc/4A3X-W9XB>]; Kristina Cooke, David Rhode & Ryan McNeil, *The Undeserving Poor*, THE ATLANTIC (Dec. 20, 2012), <https://www.theatlantic.com/business/archive/2012/12/the-undeserving-poor/266507> [<https://perma.cc/Q3HV-XK3B>].

233. *See* Olsen, *supra* note 232.

234. *See id.*

235. *See id.*; Cooke et al., *supra* note 232.

236. *See* Olsen, *supra* note 232; Aguilera, *supra* note 198.

237. *See* Christopher Jencks, *The Real Welfare Problem*, THE AM. PROSPECT (Dec. 5, 2000), <https://prospect.org/economy/real-welfare-problem> [<https://perma.cc/JC26-6DN4>].

238. *See* FISHER, *supra* note 19, at 33.

239. *See id.* at 25, 27.

240. *See id.* at 27.

supports anti-hunger initiatives because hunger's removal from poverty allows it to be apolitical.²⁴¹ Anti-hunger groups, then, focus on increasing the amount of food they can get to the most number of people.²⁴² For organizations to feed the number of people they do each day is an amazing feat.²⁴³ But it does nothing to *solve* hunger or food insecurity; it is somewhat like paying rent: the money spent provides a food for a day, but it does not provide any stability into the future.²⁴⁴

Further still, the idea that the poor are deserving of their circumstances has led to a surge in organizations' focus on childhood hunger, as children cannot be blamed for their parents' mistakes.²⁴⁵ Immediately, this sounds good. But, after just a moment's consideration, ending childhood hunger is an odd task.²⁴⁶ How do you end hunger for children but not for their families?²⁴⁷ Once children turn eighteen, do they simply become hungry again?²⁴⁸ Are there household dynamics that are stressed by providing only enough food for the child or school-aged children?²⁴⁹ Can one deny the best way to end childhood hunger is to help lift the whole family out of poverty?²⁵⁰ Yet, even with these obvious questions, the focus of anti-child-hunger groups is literally on feeding children and children alone.²⁵¹

The focus on childhood hunger underscores an even larger issue with the "undeserving poor" narrative: it removes autonomy from the poor.²⁵² As Fischer describes, fighting hunger among the poor has the same paternalistic overtones as rations had for Native Americans and enslaved individuals; they eat because of the benevolence of someone wealthier, and likely whiter, than themselves.²⁵³

2. "Hunger"

"Hunger," as a term, has been used in the United States for as long as most can remember.²⁵⁴ It is an effective term in garnering

241. *See id.* at 27, 30, 31.

242. *See id.* at 29, 36.

243. *See id.* at 29.

244. *See* FISHER, *supra* note 19, at 33, 38.

245. *Id.* at 28.

246. *See id.* at 31.

247. *See id.* at 28.

248. *See id.* at 29.

249. *See id.* at 29.

250. *See* FISHER, *supra* note 19, at 31.

251. *See id.* at 28.

252. *See id.*

253. *See id.* at 25–26.

254. *See id.* at 12–14.

public support because the term hits an emotional chord.²⁵⁵ However, “food insecurity” is a more accurate term regarding how most people experience hunger in the United States today.²⁵⁶ A more formal definition of food insecurity is, “an economic and social condition of limited or uncertain access to adequate food.”²⁵⁷ This is a good definition because it defines insecurity as both “economic *and* social.” The social aspect of food insecurity relates to the long history of policies and supporting narratives it took to build hunger.²⁵⁸ This history, as described, includes a systemic removal of autonomy from those who experience hunger.²⁵⁹ There is less autonomy in what they eat, when they eat, how they access food, and little to no input on what policies and programs are established to fight the hunger they are facing.²⁶⁰

On its most basic level, treating hunger with food means that those who are facing food insecurity are relying on the benevolence of others.²⁶¹ Relying on others in this way removes control over what and when one eats.²⁶² This system, though well intentioned, has created a paternalism in how individuals are fed. In food pantries, this paternalism is seen when wealthier volunteers escort people around the pantry to explain how much each person can take, what items they can have, and to ensure they do not take too much.²⁶³ In SNAP, and similar food benefits, this paternalism is seen in efforts to prevent SNAP from being used for soda or other junk foods.²⁶⁴ While it is certainly of vital importance that those who do not have enough to eat have access to healthy foods that are high in nutritional value, measures like these underscore the idea that the poor should face more restrictions; in other words, affording to pay—with one’s own, earned money—affords the right to choose.²⁶⁵

The same pattern has been seen in the policies used to fight hunger. The decision to open a food bank or start a community garden

255. *Id.* at 13.

256. *See* FISHER, *supra* note 19, at 13–14.

257. *Food Insecurity*, DICTIONARY.COM, <https://www.dictionary.com/browse/food-insecurity?s=t> [<https://perma.cc/6YLT-6HRB>].

258. *See* FISHER, *supra* note 19, at 27–28.

259. *See, e.g., id.* at 46–47 (describing the lack of autonomy in place at food pantries).

260. *See id.*

261. *See id.* at 24.

262. *See id.* at 24, 46–49.

263. *See id.* at 47.

264. Ben Spielberg & Jared Bernstein, *Oh SNAP! Boosting benefits beats paternalism and promotes long-term health*, WASH. POST (Jan. 26, 2017), <https://www.washingtonpost.com/posteverything/wp/2017/01/26/oh-snap-boosting-benefits-beats-paternalism-and-promotes-long-term-health> [<https://perma.cc/F44E-U2KJ>].

265. *See id.*

is usually a top-down concept.²⁶⁶ Unfortunately, just because an idea is well-meaning and logical does not mean it is beneficial in any given setting. Polling people who receive food from food pantries and the like, the experience is not a positive one.²⁶⁷

B. Empower the People

The following are all words used to describe being a client at a food pantry—“Undignified. Racist. Classist. Toxic. Stigmatizing. A slow death of the soul. Humiliating.”²⁶⁸ It hurts the soul to think that a cause so many care about is having such a negative impact on those who are meant to benefit from its services. But these comments underscore the need for empowerment of the communities who face food insecurity.²⁶⁹ Empowerment is an essential element to establishing justice. In the realm of food justice, this means providing platforms for the voices of those with lived experiences to share those experiences and to have a community with which to pursue long-term benefits.²⁷⁰ Luckily, there is a large network of platforms that already exist, they just have to be utilized.²⁷¹

C. Harness the Power of “Hunger”

1. Existing Networks

Seventy-nine percent of Americans have contributed to “the fight against hunger.”²⁷² One of Andrew Fisher’s strategies that this Note accepts is the use of this massive public backing and network of food banks, soup kitchens, and food pantries, to serve as a great base for grassroots movements.²⁷³ The necessity of these organizations to provide daily assistance will not go away immediately. So, they will certainly continue to provide services. However, they can go beyond the provisions of food.²⁷⁴ These physical and economic structures are currently in place, so their power and public pull can be of assistance as a platform for the goals of individuals and communities to

266. See FISHER, *supra* note 19, at 214 (discussing the importance of leadership in charity decision-making).

267. See *id.* at 46.

268. *Id.*

269. See *id.* at 201–02.

270. *Id.*

271. See *id.* at 33–35.

272. See FISHER, *supra* note 19, at 14.

273. *Id.* at 37, 73–75.

274. See *id.* at 46.

back long-term food policy solutions.²⁷⁵ This network of organizations can support lobbying, community organizing, petitions, phone calls to representatives, and activities of the like.²⁷⁶ Having this food justice element will also work to create more of a community and less of a paternalistic feel within the services these organizations already provide.²⁷⁷

2. *Why We Need Food Justice Policies*

When it comes to addressing hunger internationally, aid groups recognize the importance of increasing economic security.²⁷⁸ It is time the United States recognizes the same. As a nation, we have tried the private approach to fighting hunger; it simply is not working.²⁷⁹ Thousands of people, day in and day out, are eating donated food because, day in and day out, people are still experiencing food insecurity and hunger.²⁸⁰ But we know the private food distribution system is not the only solution.²⁸¹ The government has played a role in increasing food security through SNAP, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and Temporary Assistance for Needy Families (TANF).²⁸² Policies at the local, state, and national levels that focus on the long term can actually work to chip away at issues in housing, incarceration, and inaccessibility that maintain, or even exacerbate, poverty.²⁸³ Food justice efforts can piggyback off of existing efforts in other topic areas by emphasizing how the proposed policies will increase food security.²⁸⁴

3. *What Policies Are Food Justice Policies*

In elementary school, children learn that humans need food, shelter, and clothing to survive.²⁸⁵ While this is certainly an oversimplification, and a more exact measure would discuss childcare,

275. *See id.* at 73–75.

276. *See id.*

277. *See, e.g., id.* at 50.

278. *See USAID History*, U.S. AGENCY FOR INT'L DEV. (May 7, 2019) <https://www.usaid.gov/who-we-are/usaid-history> [<https://perma.cc/YW2V-BMKG>].

279. *See FISHER, supra* note 19, at 63, 67.

280. *See, e.g., id.* at 13.

281. *See id.* at 187–88.

282. *See Social Services*, U.S. DEPT. OF HEALTH AND HUM. SERVS., <https://www.hhs.gov/programs/social-services/index.html> [<https://perma.cc/KW7M-NJ79>].

283. *See, e.g., FISHER, supra* note 19, at 37, 73–76.

284. *Id.*

285. *See, e.g., Irene Baker, The Fundamental Needs of Humans*, MONTESSORI SERVS. IDEAS & INSIGHTS (2017), <https://www.montessoriservices.com/ideas-insights/the-fundamental-needs-of-humans> [<https://perma.cc/L7XQ-6K63>].

transportation, and medical care costs, the idea that once these bases are covered, humans can reach their greater potential rings true.²⁸⁶ While empowered voices may come to different food justice policy solutions, there are some topics are likely to be essential to the long-term fight for the establishment of food justice in all communities.

The need underlying all of the elementary school basics is money. As discussed, the minimum wage is far from a living wage today.²⁸⁷ Sixty percent of all families who receive SNAP benefits have at least one working member; therefore, it is not the work ethic that is the issue, it is the income.²⁸⁸ To use a local example, according to the Living Wage Calculator developed at the Massachusetts Institute of Technology (MIT), the living wage for a single person with no dependents in Richmond, Virginia, is \$13.39.²⁸⁹ If instead you are looking at a family of four with both parents working, the living wage in Richmond, Virginia, for *each* parent is \$17.15.²⁹⁰ While higher minimum wage is needed across the nation, twenty-nine states and Washington, D.C. have a minimum wage above the federal minimum of \$7.25, and seven states and Washington, D.C. have instituted a \$15.00 minimum wage.²⁹¹ In addition, there are forty-eight localities in the United States that have adopted a minimum wage higher than their state's minimum wage.²⁹² So, empowering voices to fight for increases in minimum wage at the local level may be a viable policy initiative, even if the federal government continues to refuse to address the issue.

For those who are unemployed or underemployed, the need for maintenance of SNAP and similar benefits is paramount.²⁹³ While working is the ideal for American society, and for most individuals, inability to find consistent work should not prevent someone from being able to access these welfare benefits.²⁹⁴ The sentiment that

286. McLeod, *supra* note 151.

287. See Zipperer, *supra* note 116.

288. Steve Holt, *Why Can't America Solve the Hunger Problem?*, CITYLAB (June 13, 2017), <https://www.citylab.com/solutions/2017/06/why-cant-america-solve-the-hunger-problem/530151> [<https://perma.cc/33WY-G64G>].

289. *Living Wage Calculation for Richmond, VA* (Jan. 2020), LIVING WAGE CALCULATOR, <https://livingwage.mit.edu/metros/40060> [<https://perma.cc/9BCU-C9TF>].

290. *Id.*

291. Chris Marr, *States with \$15 Minimum Wage Laws Doubled This Year*, BLOOMBERG L. (May 23, 2019), <https://news.bloomberglaw.com/daily-labor-report/states-with-15-minimum-wage-laws-doubled-this-year> [<https://perma.cc/3J8D-2LNJ>].

292. *Minimum Wage Tracker*, THE ECON. POL'Y INST. (July 3, 2020) https://www.epi.org/minimum-wage-tracker/#/min_wage/Virginia [<https://perma.cc/LDC8-3ENV>].

293. See Holt, *supra* note 288.

294. See Brynne Keith-Jennings & Raheem Chaudhry, *Most Working-Age SNAP Participants Work, But Often in Unstable Jobs*, CTR. ON BUDGET AND POL'Y PRIORITIES (Mar. 15, 2018), <https://www.cbpp.org/research/food-assistance/most-working-age-snap-participants-work-but-often-in-unstable-jobs> [<https://perma.cc/4DP4-Y223>].

work determines self-worth needs to be reevaluated;²⁹⁵ everyone deserves to eat, regardless of employment status. The Improving Access to Nutrition Act was introduced in 2019 on the federal level to remove the three-month time limit for SNAP benefits for those individuals who are single with no dependents who could not show eighty hours of work per month.²⁹⁶ This is another policy that is likely to assist communities in attaining greater food security by avoiding penalizing individuals who are down on their luck.²⁹⁷ SNAP and other welfare programs are meant to serve a safety-net function, to support people when times are tough.²⁹⁸ This is not to say that it is not equally important to develop policy strategies that work to create structural changes so that many individuals will no longer rely on SNAP and other safety nets, just that we need these safety nets to function as such for everyone.

Hand in hand with ensuring a livable income is ensuring housing. As evidenced by the comparatively extensive history of housing in the United States in this Note, housing policy has been a huge divider of the population and a huge supporter of segregation and poverty.²⁹⁹ Housing should be a right, not a privilege.³⁰⁰ Even though it would take the United States a lot of time and money to craft free or reduced cost housing for all who need it, it is possible and the result would be tremendous.³⁰¹ Taking a step back to a realistic starting place to make housing a right, localities could follow the example of Madison, Wisconsin, and create a local, non-binding resolution—or a binding one—stating that the city recognizes that housing is a human right.³⁰² This commitment should be followed with a modification and expansion of affordable housing and protections against eviction.³⁰³ There has been community involvement in the discussion and creation of eviction-prevention strategies in many localities, and that community involvement should continue to be nourished.³⁰⁴

295. See Bryce Covert, *The American Work Ethic*, LONGREADS (Apr. 2019), <https://longreads.com/2019/04/08/the-american-worth-ethic> [<https://perma.cc/SN4F-LJD8>].

296. *Bills We're Supporting*, FOOD RSCH. & ACTION CTR., <https://www.frac.org/action/bills-we-are-supporting> [<https://perma.cc/KVQ7-FCQS>].

297. See *id.*

298. See, e.g., *id.*

299. See Florida, *supra* note 27; see also Tunstall et al., *supra* note 27.

300. See Eric Tars, *Housing as a Human Right*, NAT'L LOW INCOME HOUS. COAL. 2018 ADVOCATES' GUIDE, 1-13 to 1-14, https://nlihc.org/sites/default/files/AG-2018/Ch01-S06_Housing-Human-Right_2018.pdf [<https://perma.cc/E4HF-CCY2>].

301. See Alan During, *Yes, You Can Build Your Way to Affordable Housing*, SIGHTLINE (Sept. 21, 2017), <https://www.sightline.org/2017/09/21/yes-you-can-build-your-way-to-affordable-housing> [<https://perma.cc/6TYR-7A48>].

302. See Tars, *supra* note 300.

303. See *id.*

304. See *LAJC Seeks Equal Justice Works Housing Program Housing Organizer*, LEGAL AID JUST. CTR. (May 2019), <https://www.justice4all.org/wp-content/uploads/2019>

Public housing units across the United States are in serious disrepair.³⁰⁵ The mold, bugs, and other unsanitary living conditions can even lead to greater chance of disease, like asthma.³⁰⁶ The current public housing needs to be mended and regular maintenance procedures need to be put in place to ensure safe living conditions of the units into the future.³⁰⁷ In addition, the United States needs more public housing, and other affordable housing options.³⁰⁸ The Department of Housing and Urban Development (HUD), however, is currently working to decrease the budget for public housing.³⁰⁹ For those cities that are revitalizing current units or building new units, there is fear that one-to-one unit replacement will not be ensured for all individuals currently housed.³¹⁰ There is additional concern that the same sort of isolating, discriminatory choices in housing location will be repeated as new structures are built, forcing individuals farther away from jobs and recreation.³¹¹

Protecting the current number of public housing units is of vital importance to food security.³¹² The rent in public housing is thirty percent of one's income.³¹³ Without public housing, families are extraordinarily rent-burdened, sometimes paying upwards of half of their income on rent.³¹⁴ Public housing, thus, provides not only (what should be) a safe shelter, but does so at a cost that allows for more

/05/EJW-organizer-Job-Announcement-v5.pdf [https://perma.cc/P29H-2P6Y] (displaying an advertisement for an open job position—community organizers are community members and do a lot of work directly with the community).

305. See Susan J. Popkin, Diane K. Levy, & Corianne Payton Scally, *America's public housing program faces an uncertain future*, URB. INST. (Dec. 17, 2018), <https://www.urban.org/urban-wire/americas-public-housing-program-faces-uncertain-future> [https://perma.cc/5694-YTHW].

306. See Kristen Lewis, Sarah Burd-Sharps, & Bruce Cory, *Public Housing and Asthma: Another Winter of Discontent, or Relief at Last?*, PUB. SEMINAR (Feb. 2, 2019), <https://publicseminar.org/2019/02/public-housing-and-asthma> [https://perma.cc/2B8P-VMRD].

307. See, e.g., *id.*

308. See *NLIHC Releases Out of Reach 2018*, NAT'L LOW INCOME HOUS. COAL. (June 18, 2018), <https://nlihc.org/resource/nlihc-releases-out-reach-2018> [https://perma.cc/8TSJ-DSX4].

309. Jeff Andrews, *Trump Administration proposes dramatic cuts to public housing—again*, CURBED (Mar. 11, 2019), <https://www.curbed.com/2019/3/11/18260492/trump-2020-budget-proposal-cuts-hud-dot>.

310. See Mallory Noe-Payne, *Public Housing Residents in Richmond Face Uncertain Future*, VA. PUB. RADIO (July 18, 2019), <https://www.wvtf.org/post/public-housing-residents-richmond-face-uncertain-future#stream/0> [https://perma.cc/49TK-NE29].

311. See *id.*

312. See *Food Security*, METRO. HOUS. AND CMTYS. POL'Y CTR. OF URB. INST., <https://www.urban.org/policy-centers/metropolitan-housing-and-communities-policy-center/projects/host-network/designing-housing-platform-services/food-security> [https://perma.cc/N4KQ-4UPK].

313. *HUD's Public Housing Program*, DEPT. OF HOUS. AND URB. DEV., https://www.hud.gov/topics/rental_assistance/phprog [https://perma.cc/7BVH-LU2K].

314. See Veal & Spader, *supra* note 125.

flexibility with the rest of one's income.³¹⁵ The demand for public housing is much higher than the amount available.³¹⁶ This is not to mention that many people who do not qualify for public housing are still in need of financial support and may still face extremely high rent burdens.³¹⁷ This point, again, begs for higher income and greater access to affordable housing. Expanding the Low-Income Housing Tax Credit (LIHTC), a program that helps to fund the building of properties that base rent on the income of the tenants rather than the market value in the area, is one possible solution to creating more affordable housing, but should be considered with the input of the communities these houses would serve.³¹⁸

While wages and housing are almost certain to be areas any community would turn to in an effort to stop hunger, there are many others that may fit specific community contexts. These may include removing or reducing charitable tax credits; changing from SNAP grocery-specific funding to simply providing money that can be used for anything; increases in access to healthcare; increases in access to childcare; increased job diversity; increased job mobility; ending minimum sentences; decriminalizing or legalizing marijuana; changing zoning laws to allow grocery stores to move to remote areas; increasing public transportation; removing penalties that prevent the previously incarcerated from working and accessing public benefits; using tax incentives to bring healthy food into food deserts; and endless other policies that have the potential to increase economic well-being and personal autonomy of those who experience food insecurity.³¹⁹

CONCLUSION

In conclusion, hunger has been built through the effort of many policies, largely supported by racist narratives.³²⁰ The private system the United States uses to fight hunger has become ingrained.³²¹

315. See Friends of Bernie Sanders, *Housing for All*, BERNIESANDERS.COM, <https://berniesanders.com/issues/housing-all> [<https://perma.cc/7V8N-WXTL>].

316. See *id.*

317. See Veal & Spader, *supra* note 125.

318. See *Intro to the Low-Income Housing Tax Credit*, LOC. INITIATIVES SUPPORT COAL., https://www.lisc.org/our-resources/resource/low-income-housing-tax-credit?gclid=EAlaIqobChMIjti-9vKk5wIVyp6zCh2MHwDaEAAYASAAEgLR7PD_BwE [<https://perma.cc/32K9-6YHC>].

319. See, e.g., J.F. CHRIQUI, E. THRUN, L. RIMKUS, D.C. BARKER & F.J. CHALOUKKA, ZONING FOR HEALTHY FOOD ACCESS VARIES BY COMMUNITY INCOME 1, 4 (2012), http://www.bridgingthegapresearch.org/_asset/n5qtpc/btg_food_zoning_final-0612.pdf [<https://perma.cc/4J42-ZFS2>]; see also FISHER, *supra* note 19, at 213.

320. See FISHER, *supra* note 19, at 26–27, 46.

321. See *id.* at 19, 23–25.

However, the solutions that currently are—and have been—pursued are not enough to solve hunger, and have actually become part of the problem.³²² The solution begins with restructuring hunger as a food justice issue; hunger is not about food, it is about food justice.³²³ As such, the first step to solving hunger is ensuring the empowerment of individuals who have the lived experience of hunger so their voices can direct the policy solutions that come to be.³²⁴ Because there is already a strong community support for solving hunger and a network of food banks and soup kitchens, there is already an infrastructure from which to create community engagement in policy reform.³²⁵ While solutions like increasing the minimum wage, expanding access to SNAP for the time being, and expanding affordable housing opportunities are likely to play a large role in food justice policies, it is important to keep a community-centered focus in policy creation and seek the input of those who have the lived experience of hunger in finding its solutions.³²⁶ Food justice policies will help to move past the empowerment of voices to the empowerment of individuals, ensuring structures that better support independence, autonomy, and food security for the nation's hungry.

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322. *See id.* at 25–26.

323. *See id.* at 33–39.

324. *See id.* at 201–04.

325. *See id.* at 72–76.

326. *See* FISHER, *supra* note 19, at 201.

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