

“We Didn’t Get Nothing:” The Plight of Black Farmers

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Abstract The central thesis to this article is that blacks were intended to work the land, but never to own the land. The progression from working the land via slavery, to peonage, and to land ownership is explored. Africans arrived on American soil carrying with them a rich legacy in caring for the land, and while they did so in America, it was under the most onerous of conditions. Once freed, blacks became prodigious land owners, but with the onset of the twentieth century various systemic factors impacted landownership for blacks. These same factors along with mechanization, herbicides, government policy, and the courts all served to undermine farm ownership for black Americans. The Pigford Class Action Suit is central to understanding the complexities of the plight of the black farmer and the attempts of various advocacy groups to maintain black land ownership.

Keywords Black farmer · Land loss · Last plantation · Pigford class action suit · Institutional racism · USDA · FSA · County committee · Sharecropper · Peonage · New deal

Introduction

When the first Africans arrived on the shores of British North America in 1619, they came physically and materially naked, but bearing rich cultural baggage. Black Africans brought with them unique gifts that contributed substantially to civilization’s growth and development on the North American continent. This article, then, will trace the complexity of life and livelihood for people of the soil from the shores of Africa to the twenty-first century through the perspectives of race, social and

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cultural norms, land loss, agriculture, bureaucracy, and the judiciary. More specifically, this article chronicles racism, discrimination, and institutional racism in its various forms and contexts from the earliest of days of the enslavement of Africans to the present day through an examination of agricultural policies and bureaucracy which reach from the New Deal Era to the present day. Included will be the role of the judiciary as an extension of white privilege and power. While change in its various forms including migration, economics, and technology have had their inevitabilities for farmers, black and white (Walker 2006), land loss and livelihood via the most egregious of means have been experienced by black farmers. These variables will be used to deconstruct the complexity of the contexts within which black farmers are currently found.

One of the earliest known farmers of African descent to cultivate the fertile and promising land of colonial Virginia was Anthony Johnson, an indentured servant who may well have been one of the “twenty Negars” who came to Jamestown in 1619. Within two decades Johnson had become a married man with four children, owner of a 250-acre estate, and a reputable farmer in the Virginia colony. He and his two sons, John and Richard, became so prosperous, growing corn and tobacco that he himself eventually bought a slave named John Casar (Berlin 1998).

Johnson’s work as a tobacco farmer in colonial Virginia reveals that blacks were among the first agricultural trailblazers in British North America. Blacks, among the first clearers of the woody forest and tillers of the rocky soil, cultivated the colony’s untamed wilderness. More importantly, Johnson’s transition from indentured servant to prosperous landowner and slaveowner attests that chattel enslavement had not become entrenched initially in North American society. The institutionalization of chattel enslavement in the colony of Virginia and neighboring colonies occurred incrementally between the 1640s and 1660s when white Virginia lawmakers determined a child’s status, whether enslaved or free, on the status of the mother, and mandated that Christian baptism did not alter an enslaved African’s position. Through such steps as these, by the turn of the seventeenth century, whites had completed the process of the dehumanization of black Africans (Franklin and Moss 2000; Jordan 1968).

Institutionalization of Slavery

The process of the institutionalization of chattel enslavement and the dehumanization of black people was slow and gradual. White planters initially enslaved Native Americans, but their attempt to reduce Indians to a state of perpetual servitude proved unsuccessful. Native Americans proved unsuccessful laborers because they resented European encroachment and in 1622 massacred approximately 400 white settlers in Virginia; because they possessed better knowledge of the landscape than Europeans and were able to escape capture easily; and because they tended to be susceptible to the diseases Europeans brought with them. The resort to black labor seemed most reasonable to whites. Scholar Edmund S. Morgan maintains that white racism also played a major role in the colonists’ decision to use enslaved Africans, as the white Englishmen elite shifted their contempt from lazy, dishonest, and irresponsible poor whites to enslaved Africans. Historian Eric Williams has argued, however, that the

decision to rely on black labor was “economic, not racial: it had to do not with the color of the laborer, but the cheapness of the labor” (Williams 1944/1994: 19; cf. Morgan 1975). In truth, both race and economics played seminal roles in the institutionalization of slavery in North America.

Unlike the Virginia colony which developed a staple crop (tobacco) before it discovered a labor source, the colony of South Carolina found a sufficient labor supply before it landed a profitable cash crop. In 1670 white planters from Barbados transported enslaved Africans to colonial South Carolina, and these became a “black majority” on the Carolina frontier. As “black pathfinders” they protected livestock from predatory animals, fenced off the land, erected shelters for livestock, built dugout canoes, chopped timber, created a network of canals, cleared and cultivated land, and served as frontier soldiers and fishermen. Beyond this, they excelled as farmers. Historian Daniel C. Littlefield points out that white Carolinians went to West Africa “as students and brought Africans back as teachers, making the African influence on the development of rice cultivation in Carolina a decisive one” (Littlefield 1981/1991: 114; cf. Wood 1974 and Kelley and Lewis 2000).

King Cotton

While never economically pivotal outside the South, after the American Revolutionary War a number of forces combined to erode slavery in northern states. The inconsistency of revolutionary rhetoric which condemned British tyranny and condoned black chattel enslavement, the rising voice of anti-slavery sentiment especially espoused by the Quakers, and the increasing incompatibility of slave labor amid an industrial economy—all contributed to the death of chattel enslavement in the northern states. Eli Whitney’s 1793 cotton gin, which made it easier to separate seeds from strands of cotton, fueled the great increase of cotton production within southern states, and this increased cotton production led to greater demands for enslaved Africans as white planters moved westward in search of profits and prosperity. The entry of Louisiana into the Union in 1812, Mississippi in 1817, and Alabama in 1819 as well as the expansion of slaves and cotton into other states west of the Mississippi River signaled the “emergence of the cotton kingdom.” Enslaved Africans brought by their white owners into southern states grew and cultivated sugar, rice, tobacco, and especially cotton (Franklin and Moss 2000: 125).

The cultivation of the “cotton kingdom” coincided with the development of racial theories, crafted to justify black chattel enslavement. White planters appropriated or invented medical, classical, and biblical arguments to defend the “peculiar institution.” Pro-slavery advocates referred to such scriptural passages as Ephesians 6:5–9 and Colossians 3:22–25 to defend their enslavement of black people. Historians John Hope Franklin and Alfred A. Moss, Jr. have noted that white slaveholders also made extra-biblical arguments which included the economic feasibility of black chattel enslavement, the assumed inferiority of black slaves, the sanction of the Christian Church, and the supposed development of a “unique and high degree of culture” in the South (Franklin and Moss 2000: 212).

Reconstruction

The Civil War and the passage of the Thirteenth Amendment abolished slavery in 1865, and two other Amendments, the Fourteenth (1868) and the Fifteenth (1870), signaled the arrival of better yet difficult days for African Americans. On the one hand, emancipated blacks celebrated their new freedom by moving to new communities, by changing their names, by forming their own churches, by reconnecting with lost family members, by seeking an education, and by attempting to become landowners. African-American leaders after the Civil War understood that the key to their people's independence and self-reliance was land (Foner 1988; Litwack 1979; Billingsley 1999).

One of the most promising events of the Reconstruction era occurred in Savannah, Georgia, where William Tecumseh Sherman issued Field Order #15 which allowed freed people to cultivate parts of the Georgia and South Carolina coasts and the Sea Islands. Through this decree Sherman sought to help former enslaved Africans become self-sufficient. Congress then passed legislation granting "not more than 40 acres of land" to "every male citizen, whether refugee or freedman," but the bill died when President Andrew Johnson, a southerner, vetoed it. Still feeling betrayed more than 60 years later, African Americans such as Sally Dixon lamented: "We was told when we got freed we was going to get 40 acres of land and a mule. 'Stead of that, we didn't get nothing" (Noralee Frankle, cited in Kelley and Lewis 2000: 240). Dixon's plaint presaged what would become the plight of virtually all African-American farmers.

On the other hand, during the Reconstruction period African Americans saw their meager civil rights dwindle alarmingly. The Ku Klux Klan, a terrorist organization, originated in Pulaski, Tennessee, in 1865, but quickly spread to other southern states. Designed to intimidate black southerners and their white helpers and to re-establish white supremacy in the New South, the Klan unleashed a campaign of violence which suppressed black civil rights and prompted thousands of black southerners to exit their homeland. Known as the "Exodusters" after the second book in the Old Testament, blacks departed Mississippi, Alabama, Louisiana, and Tennessee in search of better social and economic opportunities for their families. One Exoduster, Henry Adams, testified: "In 1877 we lost all hopes...the men that held us slaves was holding the reins of government over our heads in every respect almost, even the constable up to the governor. We felt we had almost as well be slaves under these men." Scholar W. E. B. Du Bois put it more succinctly: "The slave went free; stood for a brief moment in the sun; and then moved again toward slavery" (Du Bois 1962: 30).

Jim Crow, Oppression, and Progression

The end of Reconstruction in 1877 ushered in what one scholar has called the "nadir" of the African-American experience, as black Americans entered an era of racial repression which brutally reduced them to second-class citizenship. The evolution of the sharecropping system into one of abuse and exploitation kept black farmers in virtual bondage. The passage of the negative Civil Rights Act of 1883, which overturned the more positive Civil Rights Act of 1875, foreshadowed the

advent of Jim Crow laws. De facto segregation became de jure in 1896 when *Plessy v. Ferguson* legalized segregation and led to the spread of separate water fountains, separate elevators, separate restrooms, separate schools, separate hospitals, separate churches, and separate cemeteries across the South. The terror of lynchings accompanied the legalization of segregation as between 1890 and 1920 approximately 3,000 black men, women, and children lost their lives to lawless white mobs. Anti-black literature such as Thomas Dixon's "The Clansman" (1905), which glorified the Ku Klux Klan and portrayed black men as predatory rapists, formed the basis of D. W. Griffith's inflammatory popular movie, "Birth of a Nation," which subsequently helped inspire the creation of the second KKK in Stone Mountain, Georgia, in 1915. This revived clan quickly spread beyond the old Confederacy with the northern state of Indiana boasting the largest number of terrorists. These events so inflamed race relations in the South that one million African Americans abruptly fled southern communities for northern cities in search of their "Promised Land" (Grossman 1989).

Some black Americans, seeking freedom from tyranny, took up residence in western territories. One of these, Samuel Robert Cassius, brought his family into the Oklahoma Territory in 1891, insisting that "Oklahoma was made for the colored man, and the colored man for Oklahoma." During his three-decade stay in Oklahoma, Cassius held various posts: preacher, educator, postmaster, Justice of the Peace, politician, newspaper publisher, and farmer. As a tiller of the soil he grew an assortment of vegetables to raise funds for his Tohee Industrial School in Oklahoma. Cassius's farming responsibilities conflicted with his desire to evangelize and educate black Oklahomans; he detested cotton as the "bane of the white man, and the curse of the negro. It's a relic of barbarism, a breeder of ignorance, and an enemy to the cause of Christ" (1897:13). The cultivation of cotton, Cassius believed, prevented black youth from enrolling in school and black adults from attending church services. Over a 30-year period Cassius had managed to acquire 157 acres of land, but he lost virtually all of it because of failing crops and his preoccupation with preaching responsibilities. Disheartened by lost financial opportunities and stalked by increasing racism, Cassius frustratingly departed Oklahoma in 1922. The "negro's paradise" he thought the federal territory would become had been transformed into a state now dominated by a racist culture imposed by white immigrants coming mostly from the old Confederacy (Cassius 1896, 1897; cf. Robinson 2003).

What was true for Cassius proved true for countless African Americans during this era of social and racial repression as an implacable racism vitiated virtually all the advances of Reconstruction. Yet in spite of the limited opportunities for American blacks in the Progressive era, African Americans launched a series of self-help organizations to improve their lot. In 1900 Booker T. Washington organized the Negro Business League to empower black entrepreneurs to start their own businesses. Five years later Ida B. Wells published the "Red Record," a paper devoted to compiling statistics of lynching and to exposing the real causes of this unprecedented violence. In 1906 African Americans at Cornell University initiated the first black fraternity, Alpha Phi Alpha; 2 years later black women at Howard University began the first black sorority, Alpha Kai Alpha. The NAACP, in response to a 1908 race riot in Springfield, Illinois, came into existence the following year.

The National Urban League, designed to help black citizens transitioning from rural to urban life, was formed in 1911. Half a decade later Carter G. Woodson began publishing the “*Journal of Negro History*” to highlight the accomplishments of black Americans and to redeem the way whites portrayed them (cf. Franklin and Moss 2000).

The impetus of African Americans to elevate themselves socially spilled over into the area of agriculture. In reaction to an increasingly urban environment, white farmers had created the Farmers’ Alliance, a self-help organization which did not, however, welcome black participation. So in 1889 J. W. Carter, an African-American minister and farmer, formed the Colored Farmers’ Alliance, an organization designed to encourage cooperative buying among its members and to address the excesses and exploitation of businesses and banks. Despite the efforts of the Colored Farmers’ Alliance most African-American farmers remained uninformed about the use of modern agricultural methods. In 1892 Booker T. Washington, seeking to improve the situation of black farmers, convened a conference at the Tuskegee Institute to urge fellow black Americans “to buy land and to cultivate it thoroughly; to raise more food supply; to build houses with more than one room; to tax themselves to build better school houses, and to extend the school term to at least 6 months; to give more attention to the character of their leaders, especially ministers and teachers; to keep out of debt; to avoid lawsuits; to treat our women better” (Harlan 1972:199; Gilbert and Eli 2000:52). Washington insisted that the more land African Americans owned and cultivated the sooner they would get their rights (Harlan 1972; Gilbert and Eli 2000).

Yet such activities scarcely touched the majority of black agrarians who remained ensnared in the virtual peonage of sharecropping. This iniquitous system bound southern blacks to the white landowners almost as effectively as had slavery. Borne down by ever-increasing debts, trapped by a legal system which severely restricted their every movement, weakened by malnutrition and disease, and violently denied access to legal relief, black tenant farmers labored under a weight of oppression which offered virtually no escape.

Plantation to Peonage, Owned to Owning

By the outset of the twentieth century, then, most African Americans worked the land for very poor wages, yet they had no ownership of the land or what it produced. And southern farm workers lagged far behind their northern counterparts: black farm laborers in South Carolina, as an example, earned \$10.79 each month, while those in New York received \$26.13 per month. Purchasing farmland proved even more difficult for African Americans. In 1900 black southerners owned 158,479 farms in contrast to white southerners who owned 1,078,635. A decade later 200,000 blacks through hard work and fortitude had acquired farms and 15 million acres of land, a remarkable achievement in light of white southern legislatures which conspired to impede black land ownership this was a remarkable achievement (Gilbert and Eli 2000).

The attempt to suppress black land and property ownership extended well beyond political measures; sometimes whites resorted to physical violence to eliminate competition from African Americans in the first quarter of the twentieth century. In 1921 Sarah Page, a white woman in Tulsa, Oklahoma, accused Dick Rowland, a

black elevator operator, of rape. Black residents, some of whom were World War I veterans, learned of Rowland's arrest and of his impending lynching and took up arms to defend him. Determined to maintain white-over-black domination, lawless white men in Tulsa, aided by police officers, roamed through the all-black prosperous community called "Greenwood," murdering black residents, burning their houses, schools, and businesses, and causing approximately \$2 million worth of damage. The state of Oklahoma has never given reparations to the victims' family members of the Tulsa race riot (Ellsworth 1982; Brophy 2000).

Two years later a similar incident occurred in Rosewood, Florida. Fannie Taylor, a white woman, falsely accused a black man of raping her. A white mob, motivated by rage and envy, used the allegation as an excuse to strip prosperous blacks of their property. Before the Rosewood massacre ended in early 1923, several innocent African Americans had been lynched, their houses burned, their churches looted, and their land confiscated. In 1994 the Florida State legislature awarded money to survivors of Rosewood massacre. The racially-motivated conflagration of Greenwood (in Oklahoma) and Rosewood (in Florida) attests conclusively that most white Americans believed that African Americans in the 1920s were meant to be tillers of the land—but never owners of their own land. Regrettably this mentality carried over into the 1930s and was reflected in how the federal government dealt with black farmers (Franklin and Moss 2000).

Twentieth Century Challenges

The twentieth century proved to be even more perilous for black land owners. Jim Crow laws remained entrenched as a way of life, defining life for persons of color, placing them in carefully circumscribed contexts and societal roles, all of which were about "less than" and marginalization (Chafe et al. 2001; Wormser 2003). Against this backdrop, black land loss and the impact on larger society and African American life in particular were explored initially in "Only Six Million Acres: The Decline of Black Owned Land in the Rural South," a project led by Robert S. Browne in 1973. A variety of systemic factors including lack of access to credit, tax laws, intestate death of landowners, and other nefarious strategies were presented as prompting the enormous loss of land by black Americans. Similarly, McGee and Boone (1977) wrote of the incomprehensible nature of the economic and psychological impact of loss of land via tax sales, partition sales, mortgage foreclosures, absence of wills, limitations on welfare recipients, lack of financial and/or technical skills in developing land as resources, eminent domain, and voluntary sale. Essentially, they asserted, "It is safe to say that far too often black land owners have fallen prey to the 'system' because of their lack of real estate knowledge and financial or political clout to defend against the widespread trickery of land officials" (p. 65).

Though these onerous obstacles were entrenched, African American farmers came to own more and more land (Frazier 1990; Zippert and Watson 2001). With land ownership came freedom and opportunity, but with Jim Crow laws came oppression and subjugation, worlds which collided for the black farmer. A decline in farming occurred for both black and white farmers in terms of the number of farmers, farms,

and acres.¹ The decline was, however, much more precipitous for black farmers and it continues to this day.

Mechanization, Herbicides, and Government Policy

With regard to agriculture in particular, the reasons for the decline in black farms were originally found in three factors. The black farmer who had previously worked with a mule, a plow, and a hoe was ultimately forced to deal with the complexities of mechanization, the development of herbicides, and government policy (Daniel 1985, 1994). Eventually a fourth factor, the court system, would continue the undoing of black farmers in the 1990s.

Across the South, diversification arrived for cotton, tobacco, and rice, and each crop had its own demands in terms of labor and equipment (Daniel 1985). An economy that had been built upon the backs of blacks soon became dependent upon machines doing the work of many, yet owners who were unable or unwilling to work their land still needed a labor force. The entrenched tenant farming system enslaved the poor, and, more disproportionately, the Black farmer (Grubbs 2000).

President Roosevelt's challenge was to solve the sharecropper problem without alienating landowners (Grubbs 2000). With the New Deal came a plethora of federal policies that transformed agriculture in numerous ways including racially. The power of the white elite created a complex and invisible set of connections from the USDA to county and local agricultural committees, and became entrenched both bureaucratically and socially. Large farmers became privileged, and small farmers, black and white, including the sharecropper system, became outdated. Daniel (1994), an expert in southern agriculture and Director of Southern Culture and History for the Smithsonian Institution, indicts the system by asserting that it revealed an "ill-disguised contempt for small-scale farmers" and an indication of "how harmoniously the racial and class biases of the southern white elite resonated with USDA bureaucrats" (p. 80). Displaced farmers, then, moved to the cities. There were fewer farmers, but more government programs were required.

Specific programs were established in order to stabilize a troubled US economy in the perilous economic and political times of the New Deal. The black farmer began to face what would ultimately result in insurmountable conditions that combined the worst forms of bureaucracy and racism. First, the Agricultural Adjustment Administration (AAA) in 1933 developed policy in which white landowners often

¹ Wood and Gilbert (2000) explain the complications of the use of data from various sources and the difficulty of analyzing trends relative to ownership, race, and acreage. Gilbert, Wood, and Sharp (2002) and the USDA (1999) acknowledge the combination of land owners (68,000), acres owned (7.8 million), and acres leased out by black land lords (4.7 million). They also note that only 1/3 of the owned land is farmed by its owners and that whites own 98% of the acreage and 97% of private agricultural land as of 1997. The USDA (2002) notes the decline of black farmers by 98% and whites by 63% from 1900 to 1999. Therefore, regardless of the points of comparison, land loss is significantly worse for blacks by comparison to whites. Gilbert et al. (2001: 2) estimate that "African-Americans as a group went from owning almost no land in the United States after the Civil War to peaking at 15 million acres by 1920. In that year, 14% of all US farmers were black. Of these 926,000 black farmers, all but 10,000 were in the South. By 1997, fewer than 20,000, or 1% of all farmers, were black, and they owned only about two million acres."

unscrupulously failed to disperse funds allocated to sharecroppers and tenants. Such egregious behavior occurred due to the county committee system which allowed white farmers to circumvent courts in dealing with allotments and money (USDA 2002; Daniel 1994; Baldwin 1968). This advantage rested with the white landlord during a time when half of the African American population farmed, but only 20% owned land (Moreno 2002).

Second, The Federal Emergency Relief Administration (FERA), initiated in 1933 to assist poor, rural Americans, and The Farm Security Administration (FSA), marginalized black farmers at the expense of the white tenant farmers due to policies that negated options of ownership for black farmers (Baldwin 1968). All of this was not unnoticed by African Americans who were advocating for the black farmer who had substantially fewer sources of credit, more expensive credit when available, and an absence of legal redress in terms of contracts (Lewis 1935).

Third, the black farmer faced yet another obstacle in the form of the Standard Rehabilitation Loan program. Designed for high risk farmers regardless of color of skin, the ratios of utilization for white farmers versus black farmers were overwhelmingly high in favor of white farmers as racist practices served to negate options for black farmers (Baldwin 1968).

Ultimately, according to Daniel (1994), the Agricultural Adjustment Administration (AAA)

“embodied class legislation with an insatiable appetite that fed on itself, first swallowing sharecroppers and tenants, then devouring African Americans, and finally consuming landowners. Such small farmers had been given a death sentence, and every federal policy combined to insure that the execution was carried out” (p. 90).

USDA and the County Committee System

The most remarkable change that disadvantaged black farmers was the decentralization of the bureaucracy of the Department of Agriculture. By 1939, the development of the county committee and county supervisor system, and the manner in which funding was disseminated resulted in county supervisors' rise in economic and political power. Many of the county FSA supervisors eventually were working with the top tier of the low-income farm population (Baldwin 1968), a subversion of the program and its intended efforts. The net effect was fewer loans to low income farmers, an inclination toward farms with greater mechanization, a hopeless attitude toward smaller farmers, and reduced applications from small farmers (Baldwin 1968; FSA, Rural Rehabilitation Division, Planning and Analysis Section, 1941, as cited in Baldwin 1968).

Black farmers knew first hand that the county committee system would prove to be unsympathetic to their interests. While tenants and black farmers attended and oftentimes voted at committee meetings, the supervisor and the committee functioned to maintain the prejudices of the status quo with no oversight from Washington, DC, illustrated by the fact that applications and grievances were heard at the local level such that state cases dropped after 1933. Composed of a

government employee, the supervisor, and an unpaid, elected committee of local land owners, the needs of black farmers were seldom represented. FSA, then, was free to speak to family farms, tenancy, greater productivity, and land conservation via the allocation of loan and grant funds, appointments, farming enterprises, resettlement efforts, and public information, but racial equality, social justice, and political action were disallowed (Baldwin 1968).

As a part of the devolution of power as a function of the 1934 Soil and Conservation Act, local officials were deemed “more appropriate decision-makers than federal government bureaucrats when handling agricultural financing issues” (Havard 2001: 336). While theoretically this protected principles of democracy, greater citizen involvement, and principles of property ownership, in practical terms it empowered local citizenry and local interests to over rule federal policy, especially as the power rested in the elite landowners’ hands.

Looking retrospectively, Havard, a specialist in banking, a faculty member at the University of Baltimore School of Law, and the daughter of a “negro country agent” in Alabama, asserted that

“critical race theory provides a basis for understanding how flawed representational democracy presents an example of political space and its consequences. In other words, critical race theory provides a basis for examining the construction of race as a neutral, accepted dominant norm. While there is a tendency to view what is really a failed attempt at power sharing between the federal and local government as successful cooperative federalism, I argue instead that the geographical space (the county) defines the political space (who becomes representatives or members of the county committee). The all-white composition of those committees turned the race-neutral process of determining local eligibility into one of domination and subordination” (2001: 337).

Despite a late-arriving strategy of hiring black extension agents in southern states, the programs were segregated (Reid 2003), and the racial imbalance of the committee system continued to conceal the voice of the black farmer population.² The power of the county committee system cannot be overstated in terms of offering loans to farmers, costs of transaction, information, and agency became the foundational principles upon which lending decisions were made. The asymmetrical nature of information disadvantaged the black farmer. The verification of information and transactions, and agency costs, within the context of an agency designed as the lender of last resorts, led to decisions that led to the demise of the black farmer. Exclusion of black farmers from qualification for loans resulted in segregation within the farming community such that blacks by definition were poor

² According to Daniel (1994), by 1964 the Secretary of Agriculture had not yet appointed an African American to a State Committee in the South. None had been elected as county committee members, and only seventy-five served on committees out of 37,000 total members. Efforts to advance African American membership in Agricultural Stabilization and Conservation Service (ASCS) committees led to “intimidation and violence” (p. 97). By 1989, nineteen black county committees were found out of a total of 8,713. Similarly, county supervisors were predominantly white (only thirty-three of 2,520 supervisors were black). The numbers increased to 765 African Americans out of a work force of 23,000 with the ASCS nationally, and in 1991, only 8.9% of the USDA employees were African American by comparison to 17.2% within the federal government” (Daniel 1994: 98).

farmers, unworthy of receiving loans and victims of land loss. Such patterns reinforce white dominance such that “the white farmers have racialized the neutral process to dominate economic access to USDA funds” (Havard 2001:341). Willie Head, black farmer from south Georgia, asserted:

“One time at one point, me and my father took the equipment free press newspaper to the county supervisor and it read that they had funds available for farmers to produce certain things and this county supervisor looked at us and told my father and I, ‘Yes, there’s moneys in here, but there’s none in here for you all.’ He openly and verbally told us that” (W. Head, personal communication, October 20, 2005).

The net results as noted in “The Decline of Black Farming in America” were black land loss and failures of FmHA, an inadequate integration of civil rights goals by the USDA and FmHA, and the receipt of only 1% of all farm ownership loans, 2.5% of all farm operating loans, and 1% of all water conservation loans by black farmers (United States Commission on Civil Rights 1982).

Stories of Discrimination

Hidden beneath the factual details of blatant and egregious actions were the daily lived experiences of the farmers. In broad terms, the USDA had discriminated against black farmers in terms of processing farm credit, loan servicing, and non-credit benefits; the disproportionate use and abuse of supervised bank accounts; misconduct by upper level administrators within the county office; and the failure to expedite complaints in a timely manner (Wise v. Glickman 2000). Details of black farmers’ accounts reveal overt and covert acts of racial discrimination from both persons and the institutions of the USDA, FSA, county committees, and county supervisors. They were discouraged from applying for loans. Their figures on farm and home plans were altered. They were promised funding which was never delivered. Their equipment was over-evaluated and continuation loans were not processed (Williams v. Glickman 1997).

Three stories illustrate the common struggles of the black farmer. First, the litany of acts of discrimination perpetrated against Eddie Wise and Dorothy Monroe-Wise, residents of North Carolina, included the failure to provide loan applications when requested, technical support and assistance in the application process, submission of applications in a timely fashion, information and assistance relative to guaranteed loan opportunities, and timely processing of loan applications. The USDA denied loan applications purposefully, and retaliatory actions were taken by the county supervisor. Options for socially disadvantaged farmers in keeping with USDA policy were not offered. The USDA failed to investigate the county supervisor. The couple experienced loss of land, credit, mental and physical health, and public humiliation (Wise v Glickman 2000).

Second, Matthew and Florenza Grant, residents of Halifax County, North Carolina, at the time of filing their complaint, asserted mistreatment in terms of loan application processes, primary loan servicing, denial of various homestead protection options, operating loans and loan servicing, discriminatory practices

occurring between 1972 and 1992, threats of foreclosure, and the execution of a settlement with refusal by the Department of Justice to sign the agreement. A complaint was filed against this couple for foreclosure in 1977 followed by promises to “sell you out.” In 1981, a Consent Judgment was agreed upon with the USDA to avoid foreclosure. This couple also alleged that employees of the USDA denied black farmers access to programs and processes clearly afforded to White farmers (Wise v. Glickman 2000).

Third, Welchel Long’s discrimination began in 1960 when the county supervisor discouraged his applications and others threatened him with the possibility that he might lose his job teaching agriculture at a local high school (Jones 1987, as cited in Daniel, 1994). Additionally, OCRE (USDA’s Office of Civil Rights Enforcement) found that Long had been “affected by systemic discrimination resulting from FmHA officials’ lack of consistency and uniformity in their interpretation, application and administration of FmHA loan policies, practices and procedures” (Williams v. Glickman 1997: 3).

In their own words, farmers tell of difficulties they had in farming. In advance of planting season, the farmer was ignored or provided no assistance, the loan application process lasted for several months, well after planting season. Willie Head tells how he received his funding late April, too late to “see the full benefits of the production from the crop” (W. Head, personal communication, October 20, 2005). Oftentimes, limited funding was offered, but the money was kept in a supervised account. Felder Daniels, Georgia farmer, describes how “it was double jeopardy. You was losin’ time and money runnin’ up and down the road just to get a check to pay your bills” (F. Daniels, personal communication, October, 2005). Willie Cooper, Georgia farmer speaking of the supervisor account system, says that “they didn’t do everybody like that. They did the blacks that way, but they didn’t do the whites that way. It made you feel less than a man, you know” (W. Cooper, personal communication, October, 2005).

To add insult to injury, the process resulted in more indictments of the system: profits were reduced, promised loans never arrived or were arbitrarily diminished, disaster loans were denied, and then the land was sold or foreclosed upon. If a buy-back was offered, the appraisal value was often beyond the ability of the farmer to repurchase it, and, thus, it was sold at auction. Friends or relatives reportedly often bought the land, sometimes friends and family of the county officials. All of this simply confirmed what had already been documented in the mid-60s and the mid-70s in a variety of reports related to civil rights, cronyism, and nepotism (CRAT 1997).

Bureaucracy and Injustice

A civil rights office was established in the Department of Agriculture in 1971, but was often reorganized and eventually dismantled. While President Reagan’s administration closed the USDA’s Civil Rights Office in 1983 (United States Commission on Civil Rights 2003), President Clinton’s restoration of the office did little to move black farmers from the fringes. White farmer loan applications were processed in 60 days while Black applications took 220 days. Additionally, the 1990

Minority Farmers Rights Act, authorized to distribute \$10 million in technical assistance to minority farmers, actually delivered only \$2/3 million and as of 2002 was in danger of being de-funded (USDA 2002). “A Time to Act” confirmed that it had not served small farmers well (USDA 1998).

The ground swell of Civil Rights complaints gained notoriety. By the time Agriculture Secretary Glickman appointed The Civil Rights Action Team in 1996 that would hold listening sessions in a large number of farming communities, during the Clinton Administration (CRAT 1997), discrimination had already been reported as “studies, reports, and task forces have documented the problems in report after report” (p. 2), such as the US Commission on Civil Rights in 1965, and in 1970, a USDA Employee Focus Group Report which pointed to insensitivities with regard to civil rights, cronyism, and nepotism. The CRAT report generated 92 recommendations relative to numerous actions disadvantaging minority farmers as well as the absence of accountability and other inequities in the “wide-ranging and relatively autonomous local delivery system” (CRAT 1997: 14).

Implementation of the recommendations of the Civil Rights Action Team of 1996 was agonizingly slow and uneven at best (USDA 1997, 1998). The United States Commission on Civil Rights, in a 2003 evaluation, stated what black farmers knew first hand:

“Since the Commission’s 1996 report, there is little evidence that the department has changed or improved what the Commission found to be a complicated civil rights enforcement program, nor has it addressed the Commission’s recommendations significantly. The Commission finds a lack of clarity concerning civil rights authority and accountability, too many short-term civil rights officials, and too many officials involved in enforcement” (p. 11).

Advocacy Efforts

Social justice advocacy groups had been formed at various stages of the struggle on behalf of Black farmers. Among others, The Southern Federation of Cooperatives functioned in this capacity. It helped black farmers and their land loss to become a visible problem with both the black community and the country as a whole (Zippert and Watson 2001). Founded in the 1960s and incorporated in 1967, SFC’s mission remains that of improving conditions for farmers and their families via cooperatives and credit unions, safeguarding land ownership among black families, and advocating in terms of public policies that would be beneficial. SFC successfully targeted the 1987 Agricultural Credit Act and the 1990 Farm Bill, both of which contained benefits for minority farmers (Federation of Southern Cooperatives Assistance Fund 2006). A number of advocacy groups had their beginnings during this time period including The Land Loss Prevention Project (1980s), the National Black Farmers Association (1995), the Black Farmers and Agriculturists Association (1997), and the Black Farmers and Agriculturalists Association, Inc. (2002), among others, including numerous state associations. These groups worked to seek justice for Black farmers, to prevent further prevention of land loss by Blacks, and to create economic opportunities for rural

economic development.³ The Environmental Working Group (2006), hereinafter cited as EWG, proved to be one of the strongest advocates. Initially formed in 1993 and composed of a variety of professionals including scientists, lawyers, and policy experts, EWG pinpointed numerous disparities between Black and White farmers as it reviewed 70 million documents.⁴

Eventually, in 1994, under the Freedom of Information Act, the Land Loss Prevention Project and the Federation of Southern Cooperatives investigated discriminatory practices by the USDA in the 1980s and 1990s. One thousand black farmers filed a \$3.5 billion class action suit against the USDA in 1996 alleging discriminatory actions such as denial of loans, disaster relief, etc. during those years (Zippert and Watson 2001). This led to what was eventually called the Pigford Class Action Suit, filed in 1997.

The Last Plantation

Chronicled in a number of places, the Pigford case, highly contentious and strongly debated within and without the black community, became the largest civil rights settlement in U.S. history (Wood and Gilbert 2000; Zippert and Watson 2001; Havard 2001; Reid 2003). Over 10 years in the making, three African American farmers filed suit against the USDA “representing a putative class of 641 African American farmers” (*Pigford v. Glickman* 1997; *Brewington v. Glickman* 1997). The two over-riding agendas that were evident from the beginning, compensation for losses and reforming the structure of the USDA, did not come to fruition due to differences between the farmers and legal counsel (Zippert and Watson 2001). According to Zippert and Watson, advocates working on behalf of the black farmer, “The shifting details of the negotiations and the pace of the process did not lend themselves to a consultative, consensus-based decision-making ideal many social justice advocacy groups strive to live up to” (2001: 154–155). The Pigford case ultimately was only a partial victory. The government was ordered to release files of the farmers in the case; various motions were filed on behalf of the farmers; and class counsel was defined. In late 1997, the government shifted its position from mediation to settlement, and in 1998 Judge Paul Friedman, United States District Judge for the District of Columbia, certified the Pigford class which assisted the case in moving forward as a class (EWG 2006).

In the seventh amended class action complaint of *Pigford v. Glickman* (1998), which raised the number in the class to 874, and the number of plaintiffs to 14, again, a range

³ See their histories and missions at their respective web pages. For LLPP see www.landloss.org; for NBFAA see www.blackfarmer.org; for BFAA see www.bfaa-us.org; and for BFAA, Inc. see www.bfaa.net.

⁴ All farmers received \$70 plus million between 1996 and 2000. EWG concluded that African-American farmers averaged significantly less in terms of economic benefits from subsidies by comparison to all farmers. The greatest disparity was in Texas where it was \$21,000. Despite comprising 1% of all farmers in the US, Black farmers received one-tenth of one percent of all available crop subsidies. The average African American farmer subsidy was \$1,264 per year while all others received \$5,345 per year. An average small farmer received \$4,421 per year. The bottom 80% of all farmers, by comparison to the bottom 80% of all African American farmers, received ten times more funding. This trend held true across twelve states accounting for 94% of Black farmers. The gap was the greatest in Texas (\$21,096) and lowest in Georgia (\$12,717).

of discriminatory actions were reported: an absence of timely applications; “willful and continuous racial discrimination” in denying applications; and refusal to provide credit and loan servicing. The document noted the advantage to white farmers with “irregularities” in their files and plans, loss of Pigford’s farm and homestead, loss of the ability to farm and to purchase a farm, and related physical and emotional pain and distress to himself and his family. Other plaintiffs documented credit denials, onerous restrictions, retaliation by USDA by delaying and restricting operating loans following successful reversals of denials, delay of disaster loan funds as early as 1987, disparity between black and women farmers by comparison to white farmers relative to four types of loans from 1995 and 1996, and the absence of compensation when discrimination findings were evident. A farmer from Arkansas filed a complaint in 1986, and the USDA’s Office of Advocacy and Enterprise found in 1987 that his case was justified, and that discrimination was occurring statewide in a variety of ways: differential calculations of projected crop yields, lack of timely filing of Black farmers’ applications, failure to provide black farmers with adequate information, Farm and Home Plans with computation errors which resulted in rejections, the delay of title opinions, lack of advice relative to servicing options, and rude and insensitive treatment of African American farmers. Eighteen states were represented in the suit.

Following testimony by farmers and various supporters, the Congress passed a bill suspending the statute of limitations, and President Clinton signed the law in October, 1998. John Boyd, President of the National Black Farmers Association, objected to the proposed consent decree in February, 1999, asserting that the class-wide injunctive relief was “inadequate, unreasonable and unfair as drafted” and that class counsel had inadequately addressed a number of factors in the decree (Boyd 1999). Fifteen organizations and 27 individuals, including plaintiffs Timothy Pigford and Cecil Brewington, spoke as to their concerns about numerous aspects of the Consent Decree (EWG 2005). Pigford almost pulled out of the case, but the Southern Federation of Cooperatives decided to support the suit despite its imperfections (Zippert and Watson 2001). Similarly, in 2002, when appearing before a Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, Gary Grant, President of the Black Farmers & Agriculturalists Association pled with the subcommittee to “do right by the members of the Pigford v. Veneman class action suit,” citing in particular the onerous nature of a black farmer finding a “similarly situated white farmer,” and other “arbitrary and capricious” reasons for denying claims of the farmers (Grant 2002). Following contentious debates regarding class definitions, the Consent Decree was eventually settled in March, 1999 with both definitions and a two-track system (Pigford v. Glickman 1999).⁵

⁵ Class members were defined as those who were African Americans who attempted to farm or actually farmed between January 1, 1981 and December 31, 1996; applied to the USDA during this window of time for farm-related programs and who believe that they were discriminated against; and filed a complaint on or before July 1, 1997. Track A, designed to offer the farmer \$50,000 and debt relief, was to be settled within a total of 110 days. If the criteria were met, the farmer would also receive a \$3,000 tax relief benefit as well as injunctive relief if evidence was submitted. Track B, designed to function as an “abbreviated trial procedure,” compelled farmers to prove both claims and damages via a “preponderance of evidence,” all within a proposed time frame of 240 days. The farmer had to provide proof that he or she was disadvantaged worse than “a specifically identified, similarly situated” white farmer, one of several objections over-ruled by the Court as it assumed that class counsel would provide needed documentation.

Hoping against hope, black farmers came to realize what they feared the most, that their efforts would be futile. The process of the Consent Decree was not the “predictable, efficient process” envisioned. Track A resulted in high rejection rates and Track B turned into a “contentious, protracted proceeding” (EWG 2006). The official web page for the Pigford Case reveals details of the case, eligible class members, adjudication in each of the two tracks, amounts awarded, and other information.⁶

The EWG asserted that the process and the results were woefully inadequate.⁷ EWG also reported injustices related to the manner in which the Department of Justice provided legal representation as contracted by the USDA while working on the Pigford case.⁸ A grievance even acknowledged by Judge Friedman was that “it was going to be virtually automatic and that’s because we thought finding similarly situated white farmers wasn’t going to be a problem” (Pigford et al. 2001:4). Legal counsel for the farmers were repeatedly denied access to information under the Freedom of Information Act (FOIA), putting the burden of proof on the black farmer to locate the names of nearby farmers, and then to have attorneys pursue information via various electronic retrieval means. USDA attorneys not only used public money to fight claims, but used “hard-nosed tactics” and filed numerous frivolous motions or petitions, while attorneys for the farmers were working on a pro bono basis, initially assuming a relatively easy process (EWG 2006).

EWG concluded that “a startling 86% of the farmers with discrimination complaints have been unsuccessful and walked away from the settlement with no money and no ability to redress their grievances in a court of law.” Only 18 claimants out of 200 prevailed before the Arbitrator under Track B, “a continuation

⁶ Eligible class members numbered 22,657, a total of 22,485 for Track A, and 172 for Track B. In terms of Track A adjudication, 15,127 were approved, and 7,144 were denied. Track A relief, including the \$50,000 award, non-credit (taxes), IRS payments, debt relief, and interest on debt relief, totaled \$956,204,830 (Office of the Monitor, 2007). At the end of 2003, the Monitor reported a total of 237 eligible Track B claimants, 71 cases settled, 55 cases reverting to Track A, and 6 Track B cases withdrawn. One hundred five cases were contested, 77 arbitration decisions were made, and 28 decisions had yet to be issued. Arbitration had resulted in 17 claimants prevailing, 60 cases in which the government prevailed, 38 cases dismissed before the hearing, and 22 cases heard in which a full hearing was held, but finding of no liability. The average award to prevailing claimants was \$545,686. In terms of injunctive relief, i.e., providing farm ownership loans, farm operating loans, and inventory property, 67% of applications were denied (Office of the Monitor 2007).

⁷ EWG reported that approximately 100,000 farmers came forward, yet 9 out of 10 were denied. Instead of the \$2.3 billion that was allocated for settling the Pigford case, only a small percentage of that had been provided to the farmers. Class attorneys had woefully underestimated the number of class members. The lack of notification had resulted in approximately 72,000 farmers being denied access to the process. Critics complained that Class Counsel attorneys were responsible for disseminating information, yet many farmers received the information too late to apply for entry. By the EWG’s best estimate, “The overwhelming majority of the farmers who did apply on time, some 63,816 farmers, were ultimately denied entry into the settlement (Pigford Arbitrator, 2004). Their claims were never heard on the merits, and they will never again have a chance to seek relief for their discrimination complaints (EWG 2006).”

⁸ The Department of Justice documented 56,000 hours of attorney and paralegal time addressing 129 farmers’ claims, averaging 460 hours at a total cost of \$12 million USDA dollars by 2002. There was the blatant absence of accountability in terms of availability of documents. While courts traditionally hold public hearings, the USDA settlement involved closed hearings; no discovery process; no appeal, only requests for a re-examination; the prohibition of farmers from seeing their own documents if proceeding *pro se*; and for-profit entities employed as adjudicators to make decisions relative to claims (EWG 2006).

of the disenfranchisement of the African American farmer at the hands of the USDA” (EWG 2006). The advocacy group asserted that the USDA had failed to pay to the full extent promised, i.e., it had only paid out one in four dollars of total value of the settlement; USDA opposition to access to key information was denied repeatedly; the USDA failed to accept the decisions of the private entities secured to preside over the proceedings; and the USDA openly admitted to the discrimination of African American farmers in various loan and subsidy programs. EWG recommended full compensation to the 9,000 farmers who were denied membership in the settlement class, that Congress should order USDA to reconsider the merits of the 64,000 farmers who were denied due to the lack of notice; that Congress should compel the USDA to monitor and enforce civil rights standards throughout the agency; and that Congress should guarantee complete outreach and financial help designed to aid farmers of color (2006).

Conclusion

American agriculture was built upon the backs of Africans who were enslaved upon American soil. Rich in culture and history as they came to this land, they were intended to work the land, but never intended to own the land. Following the Emancipation Proclamation, they became prodigious landowners despite racism in its various forms under the complex system of Jim Crow laws. Following the peak of land ownership in the early 1900s, blacks began to face, and still continue to face, enormous obstacles in maintaining ownership of their land due to a variety of egregious systemic factors which impact in incomprehensible ways their economic and psychological health. Black farmers faced additional challenges to land ownership following the transitions in the 1930s as the influence of mechanization, herbicides, and government policy strengthened the agribusiness industry. Intolerable and intolerant conditions led to an enormous degree of land loss far exceeding that of the white farmer. In the face of acknowledgements of wrong-doing at the highest levels of the USDA, underscored by compelling information as to the inner workings of the county committee system and its pernicious power, the USDA had the opportunity to right the wrongs of decades and centuries of discrimination. Instead, the Pigford Consent Decree and its various components including the USDA, the judicial system, and legal counsel succeeded in continuing the ongoing degradation of African American farmers. While generally out of the public’s eye, efforts continue to be waged to right these egregious wrongs by various social justice advocates including BFAA, NBFAA, the Federation of Southern Cooperatives, EWG, and members of the House of Representatives and the Senate. That day cannot come quickly enough. The farmers are still waiting for justice. They want to work the land they own.

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