



## BLACK AGRARIAN FUND

Black Belt Justice Center, Fiscal Sponsor  
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The U.S. Department of Justice should vigorously defend Section 1005 of the American Rescue Plan Act, a historic piece of legislation that provides \$5B in debt cancellation and related aid to Black, Indigenous, Latino, Asian, and farmers of color. However, it is important to understand the origin and historical context of the American Rescue Plan Act. The debt cancellation language was inspired from the Justice for Black Farmers Act of 2021, which provides debt cancellation, federal and state tax relief, and the return of offsets to Black farmers who participated in the disastrous 1999 Pigford v. Glickman (Pigford I) class action racial discrimination lawsuit.

The Pigford I lawsuit left the vast majority of Black farmers, over 22,000, in unconscionable debt, threat of foreclosure, and with no legal recourse to save their family farms. Back then, the Department of Justice spent 56,000 staff attorney hours and \$12M contesting Black farmers on their discrimination claims after the Black farmers' attorneys gave up discovery.<sup>1</sup> Many of us feel strongly that the U.S. Department of Agriculture (USDA) once again engaged in obstructionism and sabotage to deny expedient recovery to the remaining Black legacy farmers holding on to their family farms. While reviewing the judge's order, we were shocked to read that USDA had sent offer letters to 8,580 farmers and had already started to pay off loans. We don't know of any Black farmers that received offer letters from USDA.

According to USDA data, only 2,000 out of the 17,000 farmers of color with direct loans with USDA are Black/African American and less than 5% of all Black farmers will receive debt cancellation. We have been grappling with these devastating numbers and the theft of Black farmlands by USDA through the Pigford I lawsuit. Given USDA's abysmal track record on civil rights and our collective memory of pervasive (and persistent) anti-Black racism within the local FSA offices and county committee system, we opposed USDA being in charge of the implementation process and advocated for the appointment of an independent ombudsman. A colleague reminded us, "it is always going to be 'all deliberate speed' if it's on white supremacy's time."

Over the last twenty years, the vast majority of our legacy farmers who suffered under crushing debts with USDA were either foreclosed on or forced to take out loans with private banks to pay off debts with USDA. For example, last month we spoke to the children of Pigford legacy farmer Janie Bell Bembry from Hawkinsville, GA. Ms. Bembry transitioned early this year. Back in 2011, USDA initiated foreclosure proceedings against the family farm, forcing the family to take out a loan with a private bank to pay the unconscionable debt with USDA. The family still owes over \$100K and will not be eligible for debt cancellation under the American Rescue Plan Act.

<sup>1</sup>Environmental Working Group and the National Black Farmers Association. 2004. "Obstruction of Justice: USDA Undermines Historic Civil Rights Settlement With Black Farmers." Available at <https://www.ewg.org/research/obstruction-justice>.