

BLACK FARMERS & AGRICULTURALISTS ASSOCIATION

&

THE LAND LOSS FUND

P.O. Box 61

Tillery, NC 27887



Ph. 252-826-2800

Fax: (252) 826-3244

E-mail: tillery@aol.com

www.bfaa-us.org

Good Citizens Remain Second Class

By Gary R. Grant, President and Spencer D. Wood, PhD, Secretary
Black Farmers & Agriculturalists Association (BFAA)
June 3, 2010

After more than thirty years of fighting the US Department of Agriculture (USDA) you would think I would have come to a full understanding of government operations. Yet, confusion and double-speak is the order of the day when dealing with the USDA. So, today, one week after the House passed preliminary approval to appropriate funding and resolve the late-filers portion of Pigford, I am puzzled. The thing is, I am puzzled because the perpetrators of the discrimination toward black farmers have already admitted they did it, recommended solutions, discussed eliminating it *ad nauseum*, and yet farmers cannot get paid. Can you imagine a case in which an accused criminal confesses and it takes more than ten years to figure out how to compensate the family of the victim? In violent crimes this is handled swiftly, even though by most accounts such events are rare or at least uncommon. Much more common is the daily bilking of hard working citizens. So, only when we talk about large corporate or bureaucratic entities do we allow things to drag out. I am thinking here of Enron, Union Carbide, Exxon, the USDA, and now BP Oil. I remain puzzled by the fact that the Pigford Settlement promised to compensate Black farmers \$50,000 – a mere pittance of what is due them! – for years of unbearable suffering at the hands of agents of the USDA – a government agency! – and most of the first wave have only recently been paid while the second wave waits. Waiting is always to the advantage of the perpetrator. Just like the endgame in college basketball when one team has a sizeable lead, eating up the clock is the strategy. For black farmers the clock is running out and USDA and the Justice Department know it. The average age of black farmers nationwide at the time of the Settlement was around 60. Ten years later those same farmers are around 70. We don't know the average age of the claimants in the settlement, but we do know that many are no longer farming and many others were forced out of farming by the time the lawsuit was resolved. That is then, in all likelihood, their average age is higher than the average age of active black farmers. With each day more of these black farmers die or give up. Apparently, Harry Reid and members of the Senate know it since, at Reid's insistence, the bill allocating the \$1.15 billion though passed by the House, is being held up for additional review before being sent to the Senate. The stalling continues.

The case filed in 1997 and settled with a Consent Decree in 1999, as Black farmers from across the country as well as their organizations and other advocacy groups like the NAACP vehemently objected, only covered discrimination that occurred between 1981 and 1996. Let us be sure also that county agents working for the USDA discriminated in the 1970s, 1960s, and 1950s. The suffering of those farm families remains unremedied. Still, when Judge Paul Friedman declared the settlement to be "... a fair, adequate and reasonable settlement for the claims brought in this case" he did so without regard to the objections of the actual claimants. Our objections had to do not only with the amount, but also, and more importantly, with the procedures. For example, we knew that numerous elderly black farmers would find it impossible to identify a similarly situated white farmer who did not experience discrimination. While this requirement was ultimately eased, it bought the perpetrators more time. More claimants passed away or gave up. Despite its flaws and shortcomings, Judge Friedman's ruling is still a ruling and should be honored. Yet the government, defended by the Justice Department, stalls, avoids, and waits. Given an opportunity to pursue even a partial though still very significant correction, the government has opted instead to continue to uphold and further racist policies and practices. It has now been thirteen years since the lawsuit and admission that black farmers were in fact wronged. Thirteen years!

Sadly, most Black farmers just wanted the USDA to admit what it and its field agents had done, get their land back, have the illegal debt relieved, and receive some compensation. Well, none of this has happened. In what is now referred to as Pigford I, there were just fewer than 13,000 claimants who received \$50,000 and some debt relief. The debt relief itself led to a host of other financial problems as the forgiven debt was treated as income by the IRS resulting in huge tax bills for elderly families. If the debt is written off because it stemmed from discriminatory behavior on the part of the lender, how can it be income for the victim? Only an IRS Bureaucrat, Department of Justice Attorney, USDA official, or now United States Representative could find this logical. And all the time these victims who are taxpaying citizens of the United States wait, die, and surrender to this insufferable process.

When it was discovered that many Black farmers had never even heard that there was a class action and that they might be entitled to some compensation, a new effort was undertaken to get their discrimination recognized. Immediately applications begin pouring in from across the country that led to some more than 70,000 late claims. There were several attempts in court to reopen the class and permit them in, but again, the great Judge Friedman who's Consent Decree referenced the great economic ideal of reconstruction – 40 Acres and a Mule – denied reopening the class. Fighting to prove that notification of the class on behalf of the government and the client's attorneys was inadequate and flawed also proved null and void. So for more than ten years the fight has been to get these farmers their day in court.

Now comes the present efforts to resolve this case. In early 2007, then Senator Barack Obama introduced a bill to allow these late claims admittance and people given their day in court in the US. Senate. Then in November 2008, he was elected President of the United States and was sworn in on January 19, 2009, and caused one hundred million to be placed in the 2008 Farm Bill for Pigford. This lone Congressional warrior for the Black farmer is now compromised to some degree. Still, he has made it very clear that his administration wholeheartedly supports paying the legitimate claims and "putting this part of history behind us once and for all." So, the USDA admitted its discrimination, the Judge ordered a settlement, and President Obama and the majority of both Houses of Congress support the settlement. Then, why has the money not been allotted?

Why is it that in order to get this through the Congress the settlement money has to be buried so deeply in bills that it is easily overlooked or so the leadership thinks? What they fail to realize is that anything that says “make it right for African Americans” easily catches the eye of representatives and then the “game” begins again to eliminate or slow down the bill’s movement and once again uphold racism in the United States of America.

So why is it, with all this support, that not one elected representative is willing to put this in a bill of its own? Why is it that a simple bill which says the U S Government hereby authorizes the \$1.25 billion to settle the Pigford Class “once and for all” cannot or will not be put forth by a representative and have enough votes to pass it?

Now we are told that the “Extenders Bill” is where the settlement money is for Pigford II, but the bill has many opponents for many other reasons other than Pigford. So why is it still in there? Then the House of Representatives passed this bill on Friday, May 28, 2010 by a majority of just 11 votes (215 to 204). Wow! What a victory. Now Senator Harry Reid says, (after the House separated the Tax Extender Bill into 2 parts) he wants to look at both parts before bringing them before the Senate.

Even combining the Pigford II Settlement with the Native American Settlement known as Cobell, there still are problems. Again, why cannot these settlements of the court just be voted on in their own bills on their own merits? Do we dare say that we have racism within the Halls of Congress and that our elected officials continue to support a “separate and unequal” policy for Blacks, Native Americans and other people of color?

It is my understanding that between the years of 1981 and 1995, North Carolina lost 70 percent of its African-American farmers, nearly 300,000 acres of Black owned farm land or \$1.2 billion of lost assets to the African American community. And this is just North Carolina. Does this give you some ideas as to what it might be across the nation? Waiting for Pigford is a fools folly and we have been suckered. Our farms are failing, agricultural production is moving to the city, and segregation in rural America is running in overdrive.

But still there has been no cry of alarm as Black families have lost their homes, lost their land, lost their way of life, been forced to accept low wage jobs and apply for social programs such as Food Stamps, Subsidized Housing, and social welfare. Farmers needing welfare? All because a nation supported and seemingly still supports discrimination and racism.

So we now wait another planting season that keeps Black farmers out of the fields. We will wait as their credit rating continues to decline. We will wait until many more of them die from old age or illnesses like heart attacks and strokes, diabetes and hypertension, brought on by the strain of just trying to be good citizens in a country that continues to say, “Hey, you are still second class!”