

Black US farmers dismayed as white farmers' lawsuit halts relief payments

Funds were intended to address discriminatory policies – but 'promises to Black farmers are always put on hold'



Rodney Bradshaw on his farm near Jetmore, Kansas.

Mike Jordan *in Atlanta*
Tue 22 Jun 2021

The US Department of Agriculture was scheduled to begin sending out payments to Black and minority farmers this month, as part of a \$4bn loan forgiveness program included in the \$1.9tn coronavirus relief bill that passed Congress in March.

But a lawsuit on behalf of white farmers accusing the Biden administration of discrimination has, at least temporarily, stopped the checks, prompting dismay among Black farmers and campaigners.

The money, intended as a way to address more than 100 years of discriminatory practices and policies that have historically and disproportionately disadvantaged Black owners of farmland, is now being held up due to an injunction granted this month by a federal judge in Milwaukee, Wisconsin.

The USDA says it will “forcefully defend” the payments and is fighting lawsuits against them with the Department of Justice. Around the country there are other lawsuits against debt relief to Black and minority farmers with claims of discrimination against white farmers, including one in Texas backed by the ex-Trump adviser Stephen Miller.

Farming while Black, according to Rodney Bradshaw, never gets any easier. “My feeling before [the injunction] was that we’re finally getting some justice that was due to us after the Pigford agreement [a discrimination settlement in the late 1990s]. Now, it’s that promises to Black farmers are always put on hold,” says Bradshaw, of Jetmore, Kansas.

He is a descendant of Black settlers with a more than 100-year legacy of farming in Kansas, but that legacy is as threatened as ever today, he says, because of racism that has been allowed to run rampant, and in some cases been historically supported, by the USDA.

Black farmers peaked in number in 1920 when there were 949,889; today there are only 48,697; they account for only 1.4% of the country’s 3.4 million farmers (95% of US farmers are white) and own 0.52% of America’s farmland.

Part of the reason was displacement of Black farmers due to New Deal legislation, whose purpose was to help farmers by paying them to reduce crop production, thereby forcing food prices to rise. But white farmers used the money to purchase mechanical farming equipment and pushed out Black sharecroppers whose work was no longer needed due to the decreased production.

Disenfranchisement didn’t stop there. In 1965, the US Commission on Civil Rights found that the USDA discriminated against Black farmers when providing financial assistance payments and loans. In 1999, the Clinton administration admitted that the USDA’s loan practices were discriminatory, in what is now known as the Pigford Settlement.

The Pigford Settlement was named for the Black farmer Timothy Pigford of North Carolina, who was the lead plaintiff in a victorious 1997 class action lawsuit – still the largest civil rights settlement ever won against the federal government. It was supposed to pay just over \$1bn to Black farmers, but less than 16,000 payments were received, even though more than 22,000 claims were filed.

There were also tens of thousands of denied claims due to late filings, which Black farmers and their legal representatives blame on mismanagement of USDA communication of deadlines.

‘Black farmers need capital’

Tracy Lloyd McCurty’s goal is to stop the discrimination that is deeply rooted in the American farm industry. She is executive director of the Black Belt Justice Center, which works to enhance what it calls restorative land justice through a community-controlled land and financial cooperative known as the Black Agrarian Fund.

She believes the USDA has previously engaged in deliberate obstructionism, and said in a statement to the Guardian that the Pigford Settlement has had disastrous consequences in terms of denying Black families the ability to hold on to their farmlands.

She wants more debts forgiven. “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 lawsuit,” McCurty says.

On the recent injunction, she says: “A colleague reminded us, ‘It is always going to be all deliberate speed if it’s on white supremacy’s time.’”

Brennan Washington and his wife own Phoenix Gardens, which they use to teach and train other farmers on growing sustainable produce. A New York native, he is also an 1890 Land Grant liaison and south-eastern outreach coordinator for Southern Sare, a decentralized program of competitive grants and education throughout the US.

Washington speaks regularly with Black farmers and recently held conversations through a partnership with Tuskegee University to get information on the effects of Covid-19 in the Black farming community.

“The single biggest thing that came up was that Black farmers need access to capital,” he says. “And there’s a little resentment, because people are going to Black farmers and asking what do they need, what do they need ... It’s been going on for years. Their position is: we’ve already told you what we needed. We need funding, we need equity in the programs that are being put out there for agriculture.”

Another need that may seem new but points to a historic problem is means of communication. Washington says many Black farmers were upset about how payments from the Trump administration’s tariffs were rolled out. “And that leads to another thing you hear about: access to broadband technology in some of these communities. USDA is increasing its reliance on using that vehicle as a way to push out information, forgetting that a lot of people just don’t have access.”

He also believes that part of the problem of funding inequity at USDA is due to resistance and discrimination at the county level, which is where he says many of the department’s programs are administered. “Washington’s not really the problem,” he says. “It’s really those people sitting in those local county positions that are hurting you. We essentially have a group of bureaucrats trying to solve an intractable problem from an office in DC, and I think that’s a big issue.”

Such bureaucracy is to be expected, he says, which is why he likes to see the cooperative model in action. He believes waiting on the USDA has proven to be an inefficient solution, and he advocates for Black farmers young and old to share information and resources to address issues like operational capital and debt relief and to combat misinformation.

In the meantime, he isn’t giving up on USDA. He wants to see more visits paid to Black-owned farms and wants farmers to receive more consistent workshops and more attention given to their specific problems, particularly those in more isolated areas. Outreach has to be improved, he says, if progress is to be possible.

“You know, there are some days I sit here and think, ‘I hope in my lifetime I don’t see the extinction of the Black farmer,’” Washington says.

In Kansas, Bradshaw says he feels the isolation of being part of a community that continues to diminish. “There’s higher concentrations of Black farmers in the south. We had four major Black settlements here in Kansas, and they’re basically all gone – wiped out through systemic racism and discrimination.”

Bradshaw was due to receive a payment from the USDA this month, before the injunction. He believes he will still see the check since the bill was signed into law by Joe Biden, but in the meantime he has to wait to put the money toward paying off current loan balances, which was his plan.

And though he sounds unsurprised – perhaps disaffected – by the news of the white farmers’ lawsuit putting a hold on the payments, he sees an upside. “One thing: it has raised a lot of eyebrows as far as what Black farmers go through and challenges they face on a daily basis. And I think it inspired some get-up-and-go. We’re not going to be defeated; we’re going to see this thing through.”