

Black farmers refuse to let feds soil their goals

By Makebra Anderson
Special to Sentinel-Voice

WASHINGTON (NNPA) — When federal law enforcement officials went to evict John Boyd from his Virginia farm more than 10 years ago, they discovered what Boyd's friends already knew about him — he can be stubborn as a mule.

"The government sent U.S. Marshals to my house and said I had to leave my property, but I knew if I left that would mean I vacated my property and they would have the right to take it," explains John Boyd, fourth-generation farmer and economist. "They had already sold most of my equipment and put up billboard advertisements for the selling of my farm, but I wasn't leaving. Finally, they left."

The attempted seizure of Boyd's farm was the start of a complicated battle between Black farmers, led by Boyd, president of the National Association of Black Farmers, and the U.S. Department of Agriculture (USDA). Recently, Black farmers sued the USDA, alleging that it continues to discriminate against them in granting loans and qualifying them for farm programs. The farmers filed a similar suit that was supposedly settled five years ago.

The latest suit, filed on September 9, seeks \$20.5 billion and class action status for approximately 25,000 Blacks who farmed between 1997 and 2004.

Since the early 1900s, the number of Black farmers has been falling as the nation transitioned from rural to urban communities and corporate conglomerates began buying traditional family farms. According to the Environmental Working Group (EWG), Blacks own only one percent of all farms. The number of farms run by African-Americans went from 54,367



Tom Burrell, a Covington, Tenn., farmer and a passionate member of the Black Farmers and Agriculturalists Association, claims discrimination in federal crop loans speaks to a crowd outside a U.S. Department of Agriculture office in Brownsville, Tenn.

in 1982 to 29,090 in 2002, a trend that Boyd partly attributes to USDA discrimination.

"In Mecklenburg County, Va., I tried for nine years to get an operating loan, and one year the man threw my application in the trash right in front of me," Boyd says. "After numerous complaints, an investigation found that he admitted to throwing my application in the trash and when investigators asked him about it he said it was because 'Black farmers are lazy and they just look for a paycheck every Friday.'"

These and similar complaints formed the basis of a lawsuit captioned Pigford v. Veneman. In 1997, another farmer, Timothy Pigford, filed a lawsuit in the United States District Court in D.C. against then-Secretary of Agriculture, Dan Glickman, alleging that Black farmers were denied applications for benefit programs, such as Farm Operating Loans, and had their discrimination complaints ignored.

In an out-of-court settlement, the USDA agreed to a

\$20 million settlement that would largely go to Black farmers who had claims outstanding.

Since the case, a report by the EWG and the National Black Farmers Association (NBFA) shows that 90 percent of the 100,000 farmers who filed racial discrimination complaints were denied access to settlement funds. A two-track system was established for resolving claims.

Track "A" was designed to provide limited relief for farmers with little to no documentation. The process was to be completed within 110 days and result in an automatic cash payment of \$50,000.

Track "B" offered a limited judicial review and awards up to the total amount of documented damage farmers suffered from having been denied loans or credit.

"This is a timeless dispute and the USDA has been spending billions of tax dollars on discriminating against Black farmers," says Arianne Callender, author of the EWG report. "Obstruction of Justice: USDA Undermines His-

toric Civil Rights Settlement with Black Farmers." She explains, "The farmers haven't fared well in the judicial system, and the USDA has not on its own taken any meaningful action to get rid of the people doing this discrimination."

According to farmers, the two-track system was another way to avoid payment.

"Whoever heard of a class action settlement where people had to prove their case in order to get the settlement? That's not realistic in places like Mississippi, Alabama and Louisiana, where there is still racism and rural farmers are not sophisticated enough to keep detailed records like White farmers," says Boyd.

The EWG also accuses the USDA of spending needless hours undermining Black farmers.

"The USDA began arguing in the course of the settlement that in order to prove their case, Black farmers had to find a White farmer who filed for the same loan or subsidy with similar credit history and the same amount of land. Then, they had to prove that the White farmer got the loan," Callender explains.

She adds, "The USDA hired Department of Justice lawyers and legal staff to spend 56,000 hours challenging fewer than 200 claims, which means each lawyer spent one to two months time on one farmer. They spent \$12 million dollars in legal fees, which could have gone

to Black farmers."

The USDA did not return repeated telephone calls from the NNPA News Service seeking comment by presstime.

Until the USDA makes some fundamental changes, Boyd says the struggle of Black farmers will continue.

"The real problem is although we had this settlement, we still have to go into the office and deal with the same people that we said discriminated against us in the first place," he explains.

In many states, the Black farmers faced an uphill struggle.

The EWG reports that in Mississippi 286 of 18,983 claims were granted and in Alabama only 294 of 14,268 claims were granted.

"This issue is about the land," says Boyd. "This is the worst thing since slavery if you look at what's happening to these farmers. When they lose their farms, it deteriorates their family, they lose their livelihood and their home. They have no reason to live."

The struggle to keep their land is not a new fight.

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