Black Farmers United: The Struggle Against Power and Principalities

by

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Abstract

Since their emancipation Black farmers have fought to become economically independent and for the right to self-determine the paths of their lives. Land acquisition has been central to this struggle. Impressively, by 1920 Black farmers neared the one million mark and owned roughly 15 million acres of farmland. Yet, in subsequent years their numbers declined at an alarming rate, approaching 50 percent nearly every 10 years during the second half of the Century. Arguably the most united attempt to rectify the racially motivated decline of Black farmers and the loss of Black-owned farmland across America has been the collective support of the class-action lawsuit Timothy Pigford et al., v. Dan Glickman, Secretary, United States Department of Agriculture in 1996.

Based on firsthand accounts, primary documents and existing literature, this essay situates an historical recounting of the Pigford case from its historical and grassroots beginnings to the recent signing of *Pigford II* and the racially and politically motivated accusations against Shirley Sherrod within a theoretical framework of institutional racism. Furthermore, it illustrates that the problems faced by Black farmers are deeply racial, particularly given the unfortunate racist legacy of the US Department of Agriculture (USDA). In our conclusion, we acknowledge factors to deter the growth of young Black farmers in America and highlight those innovative urban and rural farm initiatives that are actively working to redress the decline of the Black agriculture and the agrarian knowledge it holds.

Introduction

Since Emancipation, Black farmers in America have fought continuously to acquire self-determination of their lives and that of their families via the attainment, retention, and cultivation of farmland. Impressively, by 1920 Black farmers neared the one million mark and owned nearly 15 million acres (Gilbert, Wood, and Sharp 2002; Wood and Gilbert 2000). Yet, in subsequent years as these farmers endured numerous economic and racialized obstacles including untimely delivery of operating loans, insufficient information about program availability, and racist treatment in many county USDA offices, their number has declined at a rate nearly three times that of White farmers (US Commission on Civil Rights 1982; Wood and Gilbert 2000). Importantly, Black-owned farmland has declined by over 50 percent since around 1910 (Gilbert, Wood, and Sharp 2002).

Arguably the most cohesive attempt to alleviate the racially motivated barriers that have contributed to the rapid decline of Black farmers and Black-owned farmland across America came during the class-action lawsuit *Timothy Pigford et al., v Dan Glickman,* Civil Action No. 97-1978 (1997). Better known as *Pigford,* this class-action lawsuit was the result of the collaborative grassroots efforts of farmers, their families, legal teams, and social justice organizations. Collectively, they advocated for the return of land to African-American farmers. Ultimately these farmers prevailed by forcing what was then the largest class-action civil rights settlement in the history of the country. However, despite their legal success, most Black farmers and farm advocacy groups feel that in general, Black farmers received insufficient financial restitution for the discrimination inflicted by agents of the USDA's Farmers Home Administration (FmHA), now known as the Farm Service Agency (FSA), and the Commodity Credit Corporation (CCC).

This essay examines the organization of and advocacy for African-American farmers beginning with support for *Pigford* in 1997 (*Pigford I*) up until the passage of Senate Bill 3838 (*Pigford II*), which allows for the allotment of $1.15 billion to those farmers who could prove their claims of discrimination. Additionally, we review the immediate and long-term implications of this legislation for Black farmers and landowners. Next, we identify barriers that continue to obstruct Black farmers' success in agricultural enterprises, those groups that are actively working to transform the downward spiral of Black agriculture in America, and the role that government may play to contribute to the success of these farmers. And furthermore, we introduce the reader to the Black Farmers and Agriculturalists Association and review the basic problems of racial discrimination within the USDA. We then turn to an overview of the elements of the Pigford lawsuit and its recent resolution embodied in Senate Bill 3838. And finally, we discuss the USDA as a site of institutional racism and consider the need for continued vigilance of its programs and activities.

The Black Farmers and Agriculturalists Association

The Black Farmers and Agriculturalists Association (BFAA) is a national grassroots network of farmers, activists, scholars and concerned citizens dedicated to: alleviating the struggles of Black farmers, developing and educating young Black farmers, and seeking equality for these farmers through the justice system. BFAA is based in the New Deal Resettlement Community of Tillery, North Carolina, which we discuss in more detail below. For now, however, it is important to recognize that the community was established through a land acquisition program initiated as part of President Franklin D. Roosevelt's New Deal (Conkin 1959). These resettlement communities, as they were called, intended to provide landless people an opportunity to acquire property. In the larger Tillery project, called Roanoke Farms, both Black and White families participated and acquired their own land for the first time. Many of the families had been sharecroppers and some on the very plantations that were subdivided to yield the new communities. This opportunity came during a time when many landless farmers were trapped into debt peonage through sharecropping, a system wherein debt was paid in the form of physical labor and a share of the production. However, for many African Americans in this system, their debts increased after each season (despite having bountiful crops) due to excessive interest charged for the use or purchase of farm equipment, food and other provisions, and through unfair bookkeeping by plantation overseers and shop owners (Daniel 1990; DuBois 1903; Moody 1968; Raper 1936; Rosengarten 1974). So, the New Deal community of Tillery, especially among the Black families, was born of a recognition of the independence land ownership brings. It is not surprising then, that such a place becomes the home of the lead organization in the struggle between Black farmers and the USDA.

BFAA was founded in August of 1997 when founding President Gary Grant, Vice President Eddie Slaughter, lead plaintiff Timothy Pigford, and Director Sam Taylor met in Washington D.C. to formally organize farmers supporting *Pigford*. A year earlier these same men, along with forty African-American farmers from across the country, met at the 1996 Black Farmers Protest at the White House. Protesters at this rally demanded that President Bill Clinton meet with Black farmers to discuss compensation for their suffering at the hands of the USDA, in general, but specifically the return of their taken land. (Space and time do not allow for a review of the numerous reports supporting the long and protracted problems of the USDA toward its Black clients and that all predate that meeting.) For further reading see (Civil Rights Action Team 1997; Jones 1994; US Commission on Civil Rights 1982; Brown 1973; and US Commission on Civil Rights 1965).

Since then, BFAA has been the principal, bricks and mortar office and headquarters of the longstanding mobilization efforts around what has come to be known as the Black Farmer Movement. Other organizations, to be sure, contributed significantly. Notable here are the Federation of Southern Cooperatives (FSC) and the National Black Farmers Association (NBFA). Each of these organizations differed slightly in their focus and their structure.

While the FSC is probably the largest member-based and the oldest organization serving Black farmers, they were not created specifically around the lawsuit efforts and thus have a much larger focus that encompasses economic development more broadly. By contrast the NBFA, has received a good deal of attention but this has largely come through the tremendous personal efforts of John Boyd. Each of these organizations and others, made significant contributions and played key roles. For its part, BFAA carried out, and still carries, the day-to-day tasks associated with maintaining a functioning field office for the movement. Building on the strengths and traditions of the longstanding community organizing efforts in Tillery, North Carolina, BFAA was created as a separate non-profit organization housed under the Concerned Citizens of Tillery (CCT) where it found support in terms of office space, personnel, and accounting. In this capacity, BFAA was well positioned to be the major community organization providing information about the Pigford case. Internet and phone records reveal that BFAA often received a barrage of phone calls and web page hits around significant decisions associated with the lawsuit. In many regards the duties were overwhelming the small organization. For example, it was not uncommon for all three lines into the BFAA and CCT offices to be filled all day long as new developments occurred. The vast majority of these calls concerned confusion about joining the class and the process involved. Needless to say, spending weeks on the phone with thousands of concerned and confused potential claimants severely taxed the limited resources of the organization. Still, BFAA pushed on and continued to answer phone calls, maintain a physical office, and inform and manage a membership base of well-over 2,000 dues-paying members at its height. Beginning in 1997 BFAA held annual Land Loss Summits, drawing farmers, policy makers, attorneys, activists, and academics who presented research, community projects, updates and how-to guides on subjects ranging from estate management to increasing farm yields.

Additionally, BFAA leadership traveled the South extensively, raising awareness about the lawsuit and encouraging farmers to testify during the listening sessions that led up to and comprised a significant amount of the farmer testimony of the Civil Rights Action Team (CRAT) Report. Many, perhaps even most, of these farmers had come of age under Jim Crow and viewed public testimony as a high-risk endeavor. By attending county meetings and speaking openly about the abuses and impending lawsuit, BFAA leadership and other Black farmer organizations helped inspire similarly situated Black farmers from across the South to speak out and share their stories. These testimonies stand as a powerful statement about the widespread nature of discrimination and abuse in county offices throughout the South. The CRAT also held listening sessions outside the South, however, and found amazingly similar accounts. In fact, wherever the CRAT went, farmers testified in remarkably similar fashion about the protracted and ongoing discrimination occurring in local USDA offices. Whether Black, Hispanic, or Native American, non-white farmers throughout the nation found that they were generally treated poorly and were seldom given the same opportunities as their White counterparts. Not surprisingly, women farmers of all races also testified about the abuses, mistreatment, and generally hostile environment prevalent in these county offices (CRAT 1997). BFAA and other Black farmer organization leadership led the way in creating awareness about the opportunity to testify.

While these and the broader law suit efforts were underway, BFAA worked as the organization with the most visible presence. In 2000 BFAA members, led by Tennessee BFAA Chapter President and national strategist Tom Burrell and National President Gary Grant occupied the Farm Services Agency offices in Covington, TN (Lamont and Bloodworth, 2000). BFAA also brought demonstrators to Washington before each court session involving the lawsuit and were arrested at the USDA with no press coverage on March 6, 2000. These mobilization tactics along with the day-to-day process of answering phones and the questions of literally thousands of callers helped sustain the movement.

A Brief History of the USDA and Its Assistance Programs

The US Department of Agriculture (USDA) was established in 1862 by President Abraham Lincoln, who believed this agency would serve as the "people's department" (CRAT 1997: 2) and was given the charge "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of the word" (Office of War Information 1945: 349).

In 1937, the Resettlement Administration, originally responsible for relocating farmers throughout the country in an attempt to solidify the country's agricultural base and promote enhanced rural democracy and environmental sustainability, was renamed the Farm Security Administration (Baldwin 1968). Termed a "heroic bureaucracy" the Farm Security Administration embarked on an experiment in Jeffersonian Democracy and tried to facilitate rural citizenship by providing access to property ownership for the rural poor (Cuoto 1991). It was not lost on the leadership, especially Will Alexander the former co-founder and first executive director of the Commission on Interracial Cooperation, founded to combat lynching, that property ownership could be used to challenge protracted racial inequality in the South (Wood and Ragar, 2012). All told, the program created several hundred new communities among which there were roughly thirteen that were all Black (Conkin 1968). Importantly, many of the Black resettlement communities, by concentrating Black land ownership, became strongholds of the civil rights movement some twenty years later (Wood 2006).

The Farmers Home Administration Act of 1945 then altered the structure and narrowed the role of the Farm Security Administration to primarily include dispensing loans to rural Americans (USDA 2008). With the Congressional killing of the Farm Security Administration and its replacement with the less heroic FmHA, the New Deal rural poverty programs were effectively finished. Between 1947 and 1995, then the FmHA was the principal federal agency dealing with rural poverty and the traditionally underserved agricultural clients. The FmHA was often termed a "lender of last resort" as its primary clients were typically unable to secure credit through conventional sources (GAO 1993: 2). The inability of African-American farmers to obtain credit from this agency because of biased denials and untimely delays led them to file the Pigford suit against the USDA.

In 1995 the Farm Service Agency (FSA) was formed as a consolidation of the Agricultural Stabilization and Conservation Service (ASCS), the Federal Crop Insurance Corporation (FCIC), and the section of the Farmers Home Administration (FmHA) responsible for providing credit to farmers (USDA 2008). In the same manner as under the FmHA, today the FSA's provides farm ownership, equipment, and operating loans, continues to be the "lender of last resort," and requires that applicants provide proof that they have been denied credit from other lenders (Monke 2010: ii).

The Civics of Pigford et al., v. Glickman

In 1997 *Pigford I* was levied against former Secretary of Agriculture Dan Glickman and the USDA. The lead plaintiff, Timothy Pigford, was a Black farmer from Cumberland County, North Carolina, but the lawsuit represented the interests of African-American farmers throughout the country. *Pigford I* makes two points: first, that agents within the FmHA discriminated against Black farmers by denying their requests for loans or farm benefits without just cause, and that the FSA failed to service African-American farmers' loans in a timely manner or to offer other USDA programs that could prevent them from losing their farm operations, land, and in many cases their homes through foreclosure (Pigford 1997). It often goes unstated that many litigants were never afforded the opportunity to become farmers because they were unfairly prevented from receiving the financial credit required to purchase land, equipment, and other farm necessities.

Second, the litigants posited that once informed of the prejudicial decision-making practices of his employees, former Secretary of Agriculture Dan Glickman failed to take swift and appropriate action toward addressing these claims (*Pigford* 1997). Shortly after the filing of *Pigford I,* Cecil Brewington, another African-American farmer from North Carolina, filed a second lawsuit, which was subsequently combined with the previous suit to complete *Pigford I* (*Brewington* et al. 1997). This original lawsuit only accepted discrimination claims from litigants who experienced racial bias and professional misconduct between January 1, 1981 and December 31, 1996 (*Pigford* 1997). While discrimination certainly occurred before 1981 and, sadly since 1997, the lawsuit covers those years because during that time the offices of the Civil Rights Division of the US Department of Agriculture were unstaffed. Consequently, when farmers filed complaints, they were not officially investigated nor addressed as the office was closed. With no staff, it was impossible for grievances to be fairly investigated and resolved.

After mounting evidence and emotional testimonies, *Pigford I* was separated into two tracks. Track A required farmers submitting discrimination claims to fulfill a relatively low burden of proof, and allowed farmers whose claims had been proven to collect a maximum payment of $50,000 and possible debt relief. The second track, Track B, allowed unlimited payout and debt relief, but required a preponderance of evidence to justify payment from the government (*Pigford* 1997).

In 1999 Federal Judge Paul Friedman authorized a consent judgment for $1.25 billion for litigants in Tracks A and B of *Pigford I* resulting in the largest class-action Civil Rights settlement in the history of the country (Pigford et al. v. Glickman 1999). More than 700 black farmers representing the tens of thousands of absent farmers were at the courthouse to hear the decision. Timothy Pigford, along with the other six lead plaintiffs, and more than forty other farmers, activists, including the National Association for the Advancement of Colored People (NAACP) and other Civil Rights groups spoke against the consent judgment during what was called the "Fairness Hearing." Black farmer organizations and activists widely believed that the consent judgment hammered out between attorney Alexander J. Pires Jr., for the plaintiffs, the USDA, and Michael Sitcov, the U.S. Department of Justice's lead attorney, would be the final nail in the coffin of African-American farmers in America. Specifically, farmers and their advocacy groups argued that fifty thousand dollars was insufficient to compensate fully for the value of lost land. Furthermore, there were no provisions in the settlement for the return of any land nor was there a provision to work out settlements for farms currently in foreclosure. Last, the farmers were concerned that the settlement did not give a proper debt forgiveness process and that many would have additional tax burdens as the awards and debt forgiveness were interpreted as income.

Following years of protests, deliberations, testimonies, and interviews, on April 14, 1999 Judge Paul Friedman concluded that "the consent decree is a fair, adequate, and reasonable settlement for the claims brought in this case" (General Accounting Office 2006: 1). Due to inconsistencies in the filing date issued by the USDA, soon thereafter, additional claims argued that many farmers were left out of the *Pigford I* settlement. The discrepancy occurred because the USDA did not clarify whether claims were to be received by September 14, 1999 or if they were to be postmarked by this date. There was also the argument that the method used by the USDA to notify farmers of the lawsuit was not adequate enough to reach many elderly African-American farmers in the south, most of whom were without internet and computer access and skills. This gaffe resulted in many farmers being denied admittance into the original civil suit and ultimately led to an extension of the case now known as *Pigford II*.

The Passage of Senate Bill 3838

On November 30, 2010 after having been defeated eight separate times in the U.S. Senate, both houses of the U.S. Congress finally passed a bill to provide compensation for African-American farmers who were late to file discrimination claims in accordance with *Pigford I*. On December 8, 2010, President Barack Obama signed into law SB Bill 3838 approving the allocation of an additional $1.15 billion as a final settlement to Black farmers. The bill also provided provisions for an additional $100 million made available by the Credit Commodity Corporation for credit program discrimination claims that were in violation of the government's Equal Credit Opportunity Act (GPO 2010).

Despite the court-approved settlement for the plaintiffs, the legislation that followed, and a preponderance of independent and federally documented evidence, there are still those who contend that the claims of discrimination made by thousands of African-American farmers across the country are fraudulent (Beck, 2011; March 2004). During a meeting in Washington, D.C. with Secretary of Agriculture Tom Vilsack in November of 2010, the Secretary told the authors of this paper, along with other leaders in the Black Farmer Movement, that there were actually legislators who did not believe that any discrimination ever occurred between USDA officials and African-American farmers and aspiring farmers. The pervasive distribution of this sentiment helps to explain why it took eight proposed bills in the U.S. Senate before Congress approved legislation to allocate funding for *Pigford II*.

Notably, SB 3838 was attached to the settlement of *Cobell et al., v Salazar*, a settlement for Native American landowners. Independently, an African-American farmer settlement would likely have failed in the Senate for a ninth time. The attachment of these settlements demonstrates both that African Americans are not the only people of color to experience systemic discrimination in landowning and farming historically, but also that even today government support for African American farmers is so lacking that a settlement for these men and women cannot be passed alone.

African American and Native American farmers are not the only non-Caucasian/non-male farmers that have filed successful suits against the USDA claiming discrimination and misconduct. Following the filing of *Pigford I* in 1997, Latino farmers filed a similar civil suit, known as *Garcia v Vilsack*, alleging the USDA used discriminatory practices in their allocations of credit and disaster relief funds and Native Americans filed, yet, another suit, *Keepseagle v Vilsack*, claiming discrimination in the USDA's loan programs (Feder and Cowan 2010). Lastly, women farmers have also presented a claim against the USDA. On October 19, 2001 ten women who were unjustly denied assistance via the USDA's direct loans program due to their gender brought *Love v Johannes* (now *Love v Vilsack*) against the USDA (Dunne 2006; Feder and Cowan 2010). To date, their claims for class action status have been denied and upon appeal their case was joined with *Garcia v Vilsack* as the federal government attempted to lump payments for women farmers with those for Latino farmers. It is clear that various minority groups throughout the country have suffered from similar acts of discrimination as those faced by African-American farmers, and similarly, have responded with protest and legal strategies.

The successful passage of SB 3838 is a significant feat for Black farmers and landowners; however, the passage of this legislation alone will not bring an end to their struggle to retain their farmland nor alleviate the various other hardships they face in producing, harvesting, and marketing their crops (Brown, Dagher and McDowell 1992). For African-American farmers, though *Pigfords I* and *II* were designed to rectify years of wrongdoings against non-White Anglo-Saxon Protestant males and females, the court decisions along with the passage of SB 3838 may present a new list of obstacles.

As with legislation of the past designed to benefit African Americans (i.e. Emancipation Proclamation, Executive Order 10925, and Title VI of the Civil Rights Act of 1964), the American public may turn this judgment against these farmers, assume their fight to be over, argue that no further government funds or attention must be paid to this cause, and that this single payment alone provides just restitution.

In the thirteen years since Timothy Pigford and his fellow farmers filed a civil suit against Secretary Dan Glickman and the USDA, many media outlets have covered this suit; however, most of these discussions fail to adequately confront America's collusion in the historic disenfranchisement of African American and other farmers of color. Placed within its proper context, we can see that African-American farmers are not alone in this battle and that they are not the only farmers to have suffered assaults from governmental entities seeking their land.

The Impact of Institutionalized Racism within the USDA

Decades prior to the filing of *Pigford I*, many publications reported that racist ideals had saturated the USDA. These reports also explained the effects these views had on Black farm landownership and Black farmer's access to agricultural programs. Below, we highlight some examples of this previous research. While we begin with reports from the 1960s, it is worth mentioning that as early as 1933 Black farmers had expressed concerns about the reliance of local committees to implement federal agricultural policy (see Wood 2006). In short, while the Pigford lawsuit is limited to discriminatory acts that occurred between 1981 and 1996, the years that the Civil Rights Office of the USDA was unstaffed, discriminatory practices were the norm throughout the USDA and especially in the county offices since the mid-1930s and likely before.

In 1967 the U.S. Commission on Civil Rights (USCCR), an independent and bi-partisan agency designed to investigate claims of discrimination throughout the country, published a manuscript entitled *Equal Opportunity in Federally Assisted Agricultural Programs in Georgia*. This report was the result of the investigation of the Georgia FmHA and the Georgia Cooperative Extension Service (GCES) and studied the state's compliance with federal antidiscrimination laws (Georgia State Advisory Commission 1967). It found large disparities between opportunities for Black and White farmers, families, and agents within the Georgia FmHA and the GCES. Table 1 below illustrates the disparity in the number of farm ownership and operating loans allocated to Black and White farmers by the Georgia FmHA from 1964 to 1966.

Looking at the average amount of farm ownership loans dispersed to each group it appears that African-American farmers received loans comparable, though consistently smaller, than those that White farmers received. However, the number of loans dispensed to these two groups of farmers, not the sum amount distributed, reveals that during the three-year time span from 1964 to 1966 Black farmers received a total of 129 ownership loans while White farmers received 1,380.

Thus, only about 12 percent of the 1,509 farm ownership loans distributed by the Georgia FmHA from 1964-1966 provided African-American farmers the opportunity to purchase farms. Further, each year Blacks received roughly one tenth of the number of farm ownership loans that Whites received and nearly one twentieth in 1964. This is particularly telling given that the FmHa was a lender of last resort and there is strong evidence that a higher proportion of Black farmers are limited resource farmers and thus more likely to need the services of a federal loan (Wood and Gilbert 2000).

In 1976, LIFE Magazine helped underscore the depths of how far racism had permeated the ranks of the USDA when it published the remarks of then Secretary of Agriculture Earl Butz of the Ford Administration. While on a TWA flight with crooners Pat Boone and Sonny Bono, and John Dean, and a former Nixon counsel turned reporter, Secretary Butz told a vile joke in response to Boone's question as to why President Lincoln could not garner more support from Blacks during his presidency. Butz, for all intents and purposes the Commander and Chief of the USDA, responded, "the only thing the coloreds are looking for in life are tight p----, good shoes, and a warm place to s---" (TIME 1976).

In *The Decline of Black Farming in America* the authors revealed that racial discrimination and professional incompetence were rampant throughout the USDA's assistance programs. The report stated there was:

> …essentially non-existent accountability; [a] lack of clear lines of authority between and across the various levels of enforcement; and [a] failure to administer necessary sanctions…[the] USDA and FmHA have failed to implement civil rights goals into program objectives and to adequately use enforcement mechanisms to ensure that minorities are provided equal opportunities in farm credit programs.
>
> (*The Decline of Black Farming in America p.* 175)

Interestingly, this document is not easily located since President Ronald Regan put it on the shelf seemingly to gather dust in 1982. Even more egregious, the USDA never authorized the release of a separate report conducted in 1994 by an African-American Georgia-based economist (Wood 2011; Monke 2010), presumably because the findings revealed further racially biased practices.

Despite government efforts to conceal the racist implementation of our federal agricultural policy by keeping reports of the USDA's prejudice from the public, African-American farmers and advocates have continued to protest. On December 16, 1996, a protest in front of the White House resulted in a meeting between protesters and Secretary Dan Glickman, who would later place a hold on all farm foreclosures retroactive to December 1, 1996. Secretary Glickman also called for the creation of the USDA's Civil Rights Action Team (CRAT) to investigate allegations of discrimination across the country.

The CRAT team held 12 listening forums in 11 cities. The first "USDA Listening Session" was held in Halifax County, North Carolina, a county that still has one of the longest running unsettled Civil Rights complaint by an African-American farming couple (the late Matthew and Florenza Moore-Grant – both deceased 2001) in the United States. The final CRAT report states that farm agents actively discriminated against African-American and other farmers of color, women, as well as other small family farmers, and includes testimony from USDA employees of color alleging harassment from supervisors and a lack of protocols in place to hold officials accountable for their actions (CRAT 1997).

Despite mounds of evidence and a litany of testimonies and trials, to our knowledge only one USDA official has been penalized for violating anti-discrimination policies – an African-American woman, Shirley Sherrod. The former Georgia State Director of Rural Development for the USDA, appointed in 2010 by Secretary Tom Vilsack, suffered a very public firing that same year for unsubstantiated remarks she made in a speech at a meeting for the Georgia branch of the NAACP. Her remarks, made prior to her employment as the Director of Rural Development, were taken out of context and came to light as part of a smear campaign led by Andrew Breitbart, a right-wing, anti-government blogger. In an effort to retaliate against the NAACP's claims of racism within the Tea Party Breitbart released an excerpt from a video in which Sherrod appeared to claim to have denied service to a White client in an effort to retaliate for general anti-Black racism. When the remainder of the video was shown, it was apparent that Sherrod not only was not racist, but that she was fighting against any kind of racism anywhere. The damage was already done, however. Before seeing the rest of the video and surprisingly quick to call for her resignation, neither Secretary of Agriculture Tom Vilsack nor Ben Jealous, President of the NAACP took the time to substantiate these claims before condemning Sherrod and forcing her to submit her resignation, at night, and alongside a rural Georgia road (Wood and Ragar 2012; Wood 2011). Such roads were routinely the sites of unrestrained vigilantism and Ku Klux Klan activity during Jim Crow and the Civil Rights Era. One need not reflect too long to connect the intimidation and equally racist behavior of those earlier times with the image of Sherrod parked alongside one of these once treacherous highways. While years of protests and several reports and trials presenting evidence of racial biases on the part of the USDA provoked little proactive governmental response, it only took one unsubstantiated racial remark from an African-American woman to provoke swift response and action from the USDA. If the USDA is allowed to treat the condemnation of Shirley Sherrod as adequate redress of their Civil Rights infringements, the struggles faced by African-American farmers will continue while structural biases against people of color are reinforced.

Post-Pigford Concerns and Reasons to Remain Vigilant

In order to be eligible to receive a portion of the funding allocated to African-American farmers in *Pigford II*, farmers must prove in a court of law that they have faced discrimination from the USDA. However, during the process of completing this lawsuit, which took over ten years to come to this settlement, many African-American farmers lost their land, homes and livelihood. As a consequence of their dislocation, many of them have lost papers vital to proving their cases. Many others have lost hope in their government, have lost their health and some have died; therefore, their heirs will now have the task of proving discrimination, which requires providing extensive documentation thereof, in order to obtain the government aid that it has been determined they are owed.

The effects of this longstanding struggle have stretched far and wide. Senate Bill 3838 threatens to comfort citizens and legislators into believing that the struggle faced by African-American farmers is a struggle of the past, making it seem irrelevant in the present, and calling attention away from the issues African-American farmers currently face. Now many successful claimants in *Pigford I* are riddled with tax bills from the IRS and their local state Departments of Revenue, an unexpected repercussion of their legal victory.

Second, there are very few African-American farmers left operating in America. According to the 2007 agricultural census those that are still practicing are at an average age of 60 years (Census of Agriculture 2007: 64). Most African American youth, including rural African-American youth, are far removed from agricultural lifestyles and in many cases view farming as a dirty, undesirable, and financially unsustainable profession. In many cases the images and experiences of their parents and grandparents struggling to make a living on the farm and to retain the land has resulted in this psychophysical separation from the land.

The psychological effects of the struggle against group and institutionalized racism plaguing African-American farmers and their families is an area that deserves more study, but there have been promising developments from the work of Dr. Waymon Hinson, Psychologist and Associate Administrator of the Division of Youth & Family Services for the Chickasaw Nation in Ada, Oklahoma. Hinson's work has revealed that the experiences of African-American parents and grandparents have affected the outlook of their youth regarding farming as a living. The social pressures faced by African-American farmers in this study affected not only the psychological health, but also the physical health of farmers and their families (Hinson 2011). Hinson (2011) also discovered that "protective factors" (i.e. family, friends, sense of humor, love, connection to land) were vital to the resilience of those who continued to farm.

In an exploratory study done with African-American farmers in Central and Eastern Kentucky, another researcher found, similar to the results of Hinson's (2011) research, that the ways in which African-American farmers negotiated (i.e. made use of "protective factors") individual and institutional racism were key to their economic survival (Wright 2010).

Due to continued discrimination and racism practiced by the current FSA and local cooperative extension offices across the country, the cavernous information gap between African-American and White farmers continues to grow. Among Black farmers, there is a common lack of knowledge regarding alternative production and marketing opportunities. While area FSA and cooperative extension offices offer meetings and handouts to inform farmers of the many financial resources, trainings and technological advances available to them, many African-American farmers, especially the elderly, are not comfortable attending such gatherings. These meetings often occur in predominately "white spaces" with facilitators who themselves are often White and who were raised in a system of white supremacy (Wood and Ragar 2012; Havard 2001). These spaces are therefore still defined by the white majority that attend these meetings, and by and large, they are not concerned with, or even aware of, the struggles of African-American farmers. Based on reports at the National Black Land Loss Summit, African-American farmers in Halifax County, North Carolina and in many other places like Florida, Oklahoma, Mississippi and Alabama, continue to avoid such meetings held in government spaces, precisely for these reasons.

In *Racist America: Roots, Current Realities, and Future Reparations*, Joe Feagin (2000) explains that Whites by birth are the beneficiaries of the racism and racial privilege that has developed and been passed down across generations. In a "total racist society," which Feagin argues America is, these racist beliefs and actions also alter the responses of the outlying groups that suffer the brunt of the discrimination (Feagin 2000: pp. 9-10). For Black farmers the "Boy, stay in your place" syndrome, a response to systemic racism, has been so thorough that even the most confident are apprehensive to meet and contribute to collective decision-making processes with their White counterparts and county agents. This legacy of Jim Crow and the continued culture of White supremacy, are daunting challenges and suggest that the leadership of the national Black farmer organizations played important roles in opening up dialogues about the reproduction of social inequality in these White places (Havard 2001).

When meetings are held by reputable local groups but are underwritten by government dollars, African-American farmers are skeptical of the information being disseminated. Furthermore, many such conventions fail to invite Black farmers to participate. When traditional avenues of information sharing fail to reach out to non-traditional farmers (i.e. African-American farmers and other farmers of color), the needs of these farmers are only addressed at non-traditional gathers such as the National Black Land Loss Summit.

Yet, Black farmers continue to miss out on worthwhile opportunities. This can be seen in the movement towards small-scale intensive organic vegetable production. African-American farmers remain unaware or skeptical of the profitability of organic vegetable production and value-added products, while White farmers have been able to capitalize on this trend, sharing information and building support through well-funded marketing campaigns aimed at White consumers.

Conclusion

Despite the relative lack of African-American organic vegetable farmers in the country, there are glimmers of hope for Black farmers. Many advocates recognize that African-American farmers face specific barriers, and have started organizations to address their needs. The Southeastern African-American Farmers Organic Network (SAAFON) (2011) supports organic African-American farmers and promotes sustainable and organic agriculture among this group throughout various southern states. Dr. Owusu Bandele, an instrumental figure in development of SAAFON, has also worked to help African American farmers apply for and gain organic certification (Bandele and Hayes 2006).

Students for Education & Economic Development (S.E.E.D.S.) is a youth and farming-based not-for-profit based in Alabama that caravans African American youth from some of the toughest areas of Chicago to apprentice with aging African American farmers in Greene County, Alabama. Scott Muhammad, the Director of S.E.E.D.S. refers to this project as bringing "city cousins" from the north to work with their "country cousins" in the south. The purpose of this initiative is to share the knowledge of agriculture and stewardship of rural elders with urban youth to enable them to contribute to increasing health and nutrition in their communities (Muhammad 2011). S.E.E.D.S. is not alone in its efforts to transfer rural knowledge to urbanites and urban places. Dr. Ridgley Muhammad, Minister of Agriculture for the Nation of Islam's Muhammad's Farm, conducts a similar farm apprentice program in Bronwood, GA designed to bridge the divide between urban Black youth and rural Black farmers.

Last, Growing Power is a three-acre land trust, non-profit and fully integrated urban agriculture initiative in Milwaukee, Wisconsin that specializes in the production of vegetables, fish and compost for the transformation of the city of Milwaukee's landscape, populace and its local food system (Bybee 2009). Once a humble project that was created in 1993 to educate, employ and feed Milwaukee youth, Will Allen, Growing Power's Chief Executive Officer, has developed this organization exponentially, helping to popularize urban agriculture and local sustainable food systems throughout the country by using aquaculture and vermiculture.

Many of the individuals and organizations that worked diligently to defend the rights of the *Pigford* plaintiffs and their families have left legacies and/or continue to advocate for equality for all farmers. For example, BFAA organized twenty-two chapters nation-wide between 1997 and 2001, each of which held informational sessions to educate local farmers and citizens about the *Pigford* class-action lawsuits and their rights to inclusion. Since its inception BFAA has also held twelve National Black Land Loss Summits.

Many local, state and national groups and allies have also played vital rolls in the progress that has been made since *Pigford I.* The Land Loss Prevention Project (LLPP) in Durham, NC not only has provided invaluable *pro bono* legal assistance to farmers in *Pigford I,* but it has also worked with older African Americans to create living wills and trusts to secure heir property for their progeny. LLPP has also supported each of the twelve National Black Land Loss Summits.

In the South, the Federation of Southern Cooperatives/Land Assistance Fund (FSC/LAF) has lobbied in Washington and issued a "Call To Action Caravans" to Washington, DC, and has informed African-American farmers about the *Pigford* cases and their role in these lawsuits. As the oldest African-American farmer organization in the nation, the Federation of Southern Cooperatives/Land Assistance Fund has worked with the Black Farmers & Agriculturalist Association, the National Black Farmers Association and many other national and local African-American organizations to draw attention to the plight of these farmers through various protests and press conferences.

These groups along with the Legislative Black Caucus successfully lobbied for removal of the statute of limitations on discrimination claims in place since the eighties, which placed limits on the number of farmers eligible to receive restitution for discrimination. During the time that the statute of limitations was in place, the administration had sat on many of the farmers' Civil Rights complaints for more than two years and thus, unbeknownst to the farmers, they had not filed law suits and thus lost their rights to go to court.

The *Pigford* cases present an opportunity for policymakers to rectify the discriminatory policies and practices of the USDA, which have set African-American farmers at an increasingly large disadvantage. In order for the USDA to better direct the work of its operatives and the organizational structure of its county committees in the present and near future, we cannot allow the USDA to treat *Pigfords I and II* as sufficient progress. African-American farmers will not be able to rebound from years of discriminatory policies and practices without support through USDA programs that will not only provide financial assistance but assistance in training and education in areas such as crop diversification and integration. Black farmers have a strong, well-organized advocacy foundation, but will need government support in order to fully overcome the setbacks they have experienced due to the vast discriminations historically practiced by the USDA. If these agrarian warriors do not receive support from the USDA and traditional lending institutions they will continue to waver like sails without wind.

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