

Relief bill is most significant legislation for Black farmers since Civil Rights Act, experts say

\$5 billion would go to farmers of color, who have lost 90 percent of their land over the past century because of systemic discrimination and a cycle of debt

By **Laura Reiley**

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A little-known element of President Biden’s massive stimulus relief package would pay billions of dollars to disadvantaged farmers — benefiting Black farmers in a way that some experts say no legislation has since the Civil Rights Act of 1964.

Of the \$10.4 billion in the American Rescue Plan that will support agriculture, approximately half would go to disadvantaged farmers, according to estimates from the Farm Bureau, an industry organization. About a quarter of disadvantaged farmers are Black. The money would provide debt relief as well as grants, training, education and other forms of assistance aimed at acquiring land.

While it’s a fraction of the \$1.9 trillion bill that passed in the Senate on Saturday, advocates say it still represents a step toward righting a wrong after a century of mistreatment of Black farmers by the government and others. Some say it is a form of reparations for African Americans who have suffered a long history of racial oppression.

“This is the most significant piece of legislation with respect to the arc of Black land ownership in this country,” said Tracy Lloyd McCurdy, executive director of the Black Belt Justice Center, which provides legal representation to Black farmers.

Black farmers in America have lost more than 12 million acres of farmland over the past century, mostly since the 1950s, a result of what agricultural experts and advocates for Black farmers say is a combination of systemic racism, biased government policy, and social and business practices that have denied African Americans equitable access to markets.

Discrimination started a century ago with a series of federal Homestead Acts that offered mainly White settlers deeply subsidized land. Since then, local U.S. Department of Agriculture offices charged with distributing loans have frequently been found to deny Black farmers access to credit and to ignore or delay loan applications. Many Black farmers don’t have clear title to their land, which makes them ineligible for certain USDA loans to purchase livestock or cover the cost of planting, and they have seldom benefited from subsidy payments or trade mitigation compensation — almost all of President Donald Trump’s \$28 billion bailout for those affected by the China trade war went to White farmers.

Today, the average farm operated by an African American is about 100 acres, compared with the national average of

about 440 acres, according to the last farm census. The Center for American Progress found that in 2017, the average full-time White farmer brought in \$17,190 in farm income, while the average full-time Black farmer made just \$2,408.

Many civil rights advocates say the USDA's own practices have resulted in the loss of land and generational wealth for Black families.

"For generations, socially disadvantaged farmers have struggled to fully succeed due to systemic discrimination and a cycle of debt," Agriculture Secretary Tom Vilsack said in a statement Saturday. "On top of the economic pain caused by the pandemic, farmers from socially disadvantaged communities are dealing with a disproportionate share of Covid-19 infection rates, hospitalizations, death and economic hurt."

Of the 3.4 million farmers in the United States today, only 45,000 are Black, according to the USDA, down from 1 million a century ago. Black farmland ownership peaked in 1910 at 16 to 19 million acres, about 14 percent of total agricultural land, according to the Census of Agriculture. A century later, 90 percent of that land had been lost. White farmers now account for 98 percent of the acres, according to USDA data.

"It does my heart good to know that my 91-year-old father is alive to see what he's been trying to accomplish for the last 30 years come to fruition," said Abraham Carpenter, a Black farmer from Grady, Ark. He said this debt relief represents a lifelong dream for many Black farmers.

"We have been held hostage by the USDA for so many years," he said. "Most people don't realize how it feels to be mistreated. They don't know what it feels like to be placed in a position where you cannot help yourself or your family."

McCurty and others have used the word "reparations," a term for financial restitution to the descendants of enslaved people, when speaking of these efforts to erase Black farmers' debt and provide access to land. Democrats have increasingly called in recent years for payments or other compensation to African Americans for the long-term effects of slavery and segregation.

"It's reparations, but it's more than that. It is historic," McCurty said. "When Black farmers did acquire land through our own grit and determination, the USDA did what they could to erode those gains. Once again, Black farmers, because of their dedication to organizing, have created liberation for farmers of color. Our farmers are due a field of flowers, not a bouquet, for the sorrow they've carried."

But others, while acknowledging that the payments would be highly significant, say they do not constitute reparations.

William Darity, a professor of public policy at Duke University who has studied reparations extensively, says that a \$5 billion allocation is a "pittance," at most 2 percent of the lost wealth, and that it does not constitute reparations.

"The best estimates I have seen of the economic loss to Black farmers due to USDA policies and overall processes of land appropriation by Whites has been between \$250 and \$350 billion. This is approximately 10 percent of total Black wealth in the U.S., about \$2.5 trillion," he said. "The notion that this approaches a program of reparations is nonsense. Reparations for Black American descendants of slavery must be designed to eliminate the gulf in Black and White wealth."

The relief for farmers of color did not go unchallenged in Congress, with 49 Republican senators voting against it.

GOP Sens. Steve Daines (Mont.), Patrick J. Toomey (Pa.) and Tommy Tuberville (Ala.) wrote amendments to strike the \$4 billion in debt forgiveness from the bill. Sen. Mike Braun (R-Ind.) filed an amendment to strike that section and replace it with \$1 billion for rural broadband. Sen. Ron Johnson (R-Wis.) offered an amendment to reduce the funding level for programs and to limit funding availability.

“This bill is not about responding to COVID. It is about exploiting the final stretch of a public health crisis in order to enact a longstanding liberal wish-list for years into the future [including] sending payments to farmers and ranchers equal to 120 percent of their borrowings, irrespective of their earnings, wealth or effects from COVID, and exclusively for ethnic minorities or immigrants,” Toomey said in a statement.

The provision also saw resistance in the House, with Rep. Vicky Hartzler (R-Mo.) filing an amendment to dramatically limit the scope of the debt forgiveness to debt incurred during the pandemic, and Rep. Randy Feenstra (R-Iowa) offering an amendment to reduce the forgiveness from 120 percent of debt (which accounts for the tax consequences of debt relief) to 100 percent.

The framework for this part of the bill drew from the Emergency Relief for Farmers of Color Act, introduced by Sen. Raphael G. Warnock (D-Ga.) and joined by Democratic Sens. Cory Booker (N.J.), Ben Ray Lujan (N.M.) and Debbie Stabenow (Mich.). The legislation aims to pay off federal loans and expand land access and opportunities for historically underserved farmers of color. This bill in turn drew from the Justice for Black Farmers Act introduced by Booker.

“I’ve spent a lot of time in rural Georgia,” Warnock told *The Washington Post*. “I’ve heard firsthand from people in these communities how for too long they’ve felt left behind and discriminated against by our federal government — and these were some of the people I had in mind as we were working to pass this bold relief.”

This is not the first time the federal government has attempted to compensate Black farmers for decades of marginalization and systematic discrimination. Known as Pigford I and II, two class-action lawsuits against the USDA paid out \$2.3 billion to Black farmers who alleged racial discrimination in the department’s allocation of farm loans and assistance beginning in 1983.

The Pigford settlements, however, did not make Black farmers whole, according to McCurdy.

“Only 4.8 percent of Pigford I settlement went to debt relief. The vast majority of Black farmers were left with unconscionable debt and no legal recourse to save their land,” McCurdy said.

Lloyd Wright, who was director of the USDA’s Office of Civil Rights during the Clinton and Obama administrations, describes Pigford as a big promise that didn’t deliver much. And while he, too, said the stimulus is the most significant piece of legislation for Black farmers in more than half a century, he cautioned that how it’s administered still leaves room for error.

“It looks like plain English: We’re going to forgive the debt for people of color. But for people who don’t want to do it? They will try to figure out how not to do it,” he said. “If they really forgive the debt with this bill, it’s the greatest thing ever.”

The stimulus bill provides grants and loans to improve land access and address heirs’ property issues (such as when a farmer dies without a will and his or her land is divided up between all legal heirs), establishes a racial equity commission to address systemic racism at the USDA, and provides financial support for research and education at historically Black colleges and land grant universities.

“Hopefully the money won’t go to conducting studies — Black farmers have been studied to death,” Wright said.

John Boyd Jr., a fourth-generation Black farmer in Virginia and president of the nonprofit National Black Farmers Association, said the lack of lawmaker support was a “sickening realization.”

“It shows how disconnected half the Senate is from Black farmers. I’ve been trying to get this relief for 30 years,” he said. “Now we have to make sure Secretary Vilsack defines it in the same way it was intended, with outreach and technical assistance for Black farmers included. We as a group are going to have to get reintroduced to the USDA.”

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