

Farm bill could aid black farmers

\$100 million would compensate those denied part in suit

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More than 2,000 blacks who farm or used to farm in Virginia could get another chance to redress Department of Agriculture discrimination under federal farm bill legislation.

"We'll see what happens," said Robert Akers, whose family land in Prince Edward County supported a farm that he said failed because he couldn't get federal farm-operating loans.

Both houses of Congress have crafted farm bill proposals that contain \$100 million in restitution to black farmers who were denied joining a class-action lawsuit challenging USDA discrimination in 1999 called the Pigford suit.

Tens of thousands of black farmers across the country attempted to join the suit but missed a Sept. 15, 2000, deadline for claiming they were victims of USDA discrimination from 1981 to 1996.

A federal arbitrator said they filed too late, lacked adequate reasons for filing late, or committed technical errors on their claims forms.

Alise Kowalski, communications director for the House of Representatives' agriculture committee, said about 71,000 farmers nationwide will get a chance to refile their claims if the Pigford provision becomes part of \$286 billion farm bill, which outlines farm, nutrition and conservation programs for the next five years.

Pigford gained the plight of black farmers national attention when the USDA settled it by agreeing to pay \$50,000 to every black farmer who could prove denial of farm credit and farm subsidies because of race.

More than 15,000 black farmers across the country received the payments out of more than 22,000 who made their claims by the settlement's initial Oct. 12, 1999, deadline, said Kenneth Saffold, general counsel for the court-appointed monitor's office that is managing the settlement.

Saffold said the total payout approved to date is almost \$970 million when government-paid taxes on the money and the relief of certain farm debts are included.

Akers said he joined a second wave of black claimants that advocates for black farmers said found out too late about the settlement to make effective claims.

One of those groups is the National Black Farmers Association. Mecklenburg County farmer John Boyd founded the group in 1995 after his own experiences dealing with the USDA and still is its director.

At the time, Boyd was struggling to hold on to a farm he bought that carried an assumed \$51,000 USDA mortgage.

"I said I needed an operating loan like these white farmers were getting," he recalled. The loan officer, he said, told him he was financing only large-scale producers.

"I was denied nine years in a row," Boyd said. He sued USDA before the Pigford class action, won a finding of discrimination, and received an undisclosed settlement in 1997.

These days, he shuttles back and forth from his 210-acre farm to Capitol Hill where he and other advocacy groups are trying to shepherd Pigford legislation through Congress. He gives it a good chance of passing and winning presidential approval.

President Bush has warned, however, that he'll veto any farm bill that would raise taxes or does not include reforms of some farm programs.

Boyd cites historic and personal reasons for championing black farmers. Part of the 210 acres he owns was purchased by his great-grandfather when slavery ended.

The land has represented freedom and opportunity for the Boyd family ever since.

"When you ride through the countryside, you say, 'hey, that's the Boyd Farm,'" Boyd said. "That's the relationship we have. My grandfather used to say, if you don't own any land, you don't have any power."

The Pigford case forced the bureaucratic USDA to take a look at how it does business. In its aftermath, "one of the things we've done is to make particular outreach programs to minority and beginning farmers who've been disadvantaged unfairly under the law," said Keith Williams, a USDA spokesman.

Advocates question whether \$100 million to revise Pigford claims will suffice to right old wrongs.

"I don't think anyone thinks [\$100 million] is enough," said Ken Cook. He founded the Environmental Working Group, which has lobbied Congress to reform farm subsidies by capping its support of corporate farms to finance assistance programs aimed at black and small family farmers.

"It raises the question of whether we'll have another round of disappointed plaintiffs."

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