

To: Senator Elizabeth Warren
From: Over 60 Black Farmers, Advocates, Researchers, and Organizations
Re: Justice for Black Farmers
Date August 31, 2019

Dear Senator Warren,

We, the undersigned Black farmers, advocates, researchers, and organizations, applaud your effort to address the concerns of Black farmers in your farm plan and appreciate that you are the only presidential primary candidate to currently do so. Nonetheless, we are concerned by some of your claims and proposals. We write the following letter in the hope that you will correct the factual errors in your plan and refashion it into a proposal that would provide Black farmers, at long last, with some measure of justice.

You have championed the interests of working people throughout your career, while working to combat wealth inequality. Working to improve the circumstances of Black farmers is a critical part of that fight. As *The Atlantic* recently reported, a team of researchers including Darrick Hamilton and Dania Francis estimates that farmland and farm profits worth hundreds of billions of dollars have been stolen from Black families, making this a major contributor to the racial wealth gap. This theft continues to exacerbate racial inequality today. An analysis conducted by Farm Bill Law Enterprise showed that 99.4 percent of Market Facilitation Program funds—the single largest source of farm subsidies now in operation—went to non-Hispanic white farmers. In Mississippi, 14 percent of farm operators are Black, but their farms only received 1.4 percent of all funds received by farmers in the state. This is unacceptable.

In order to address this legacy of land loss, as well as the United States Department of Agriculture's (USDA) ongoing discrimination, we urge you to (1) recognize that heirs property is not the primary driver of Black land loss; (2) offer race-specific data and programs to help Black farmers; (3) completely overhaul the U.S. Department of Agriculture's Office of the Assistant Secretary for Civil Rights; and (4) produce different outcomes, not just long-promised but overhyped opportunities.

Black Land Loss Is Not the Result of Heirs Property

Your plan states that Black farmers were “stripped” of their farmland “primarily because they held the land as ‘heirs property.’” This is a pernicious myth. Partition sales of heirs property are one of many tools that white landowners, judges, business owners, government officials, and others used—and continue to use—to dispossess

Black farmers. Attributing Black land loss to a technical legal issue absolves the federal government of its role in dispossessing Black families, while obscuring USDA's civil rights office's complicity in contributing to and covering up ongoing discrimination.

Black farmers know that partition sales were not the primary tool of dispossession, but if you do not trust us, ask the experts: the historian Pete Daniel's book on Black land loss, *Dispossession*, only mentions heirs property once, and does so briefly. The legal scholar Thomas Mitchell—who has devoted his career to reforming the laws governing heirs property—also cautions against making such claims. A 1979 Emergency Land Fund survey of 1,600 Black-owned parcels in the rural South found that fewer than 30 percent were heirs property. How could the majority of Black land have been lost as a result of heirs property when most of it was not heirs property? Black land, as the economist William Darity Jr. notes, was “lost in large measure by direct seizure and appropriation via white terror.”

By framing heirs property as the main problem facing Black farmers, your plan shifts attention away from the many other challenges we face, including the primary one: equal access to government dollars. Heirs property is an important issue, and we are glad that your plan includes several initiatives to help address it, but unfortunately it stops there. We urge you to not only get the history of land loss right, but to get the solutions right. Your heirs property proposals will not force recalcitrant loan officers to give us loans; they will not clear our farm debt, incurred by purposefully delayed payments; they will not spur the USDA conservationist that ignores our calls to suddenly answer them; nor will they give our children and grandchildren the capital they need to acquire new land.

Programs to Address Racial Disparities Must Be Race-Specific

Your plan includes a number of proposals for farmers of color and other historically underserved farmers. Among other important proposals, you would require the Farm Credit System to allocate 10 percent of its annual profits “towards supporting new and diverse farmers.” This is a critical step toward greater equity in agriculture and we urge your fellow candidates to endorse it. The Farm Credit System provides approximately 40 percent of all agricultural loans, much more than USDA, yet the federal government does nothing to protect the civil rights of farmers of color that apply for loans within the system.

Nonetheless, this reform, like previous ones before it, will do little to help Black farmers without race-specific requirements or benchmarks. While Black farmers often face many of the same challenges as other marginalized farmers, there are critical differences between different historically underserved communities. Treating all

marginalized farmers as a homogeneous group ignores critical differences between us.

USDA has used terms such as “socially disadvantaged” and “historically underserved” to avoid releasing data on Black farmers and other individual racial and ethnic groups. The share of lending dollars going to Black farmers decreased during former Secretary of Agriculture Tom Vilsack’s term, but his administration hid that fact by refusing to release lending data by race or ethnicity. Meanwhile, they erroneously implied that lending to farmers of color had gone up, using data showing an increase in lending to “socially disadvantaged” farmers and ranchers. Data obtained through Freedom of Information Act requests later showed that this increase was solely the result of increased lending to white female operators. This is just one example among many.

Black, Indigenous, Asian, Latinx, new, LGBTQ, and female farmers are not interchangeable. We urge you to ensure that USDA stops treating us as such. All programs and initiatives to address discrimination or increase opportunities for farmers of color should have race-specific benchmarks. USDA should also be required to release program data annually by race, ethnicity, and gender.

Proposals to Protect Civil Rights Must Address the Scale and Nature of the Problem

Your plan states you will “fully fund and staff USDA’s Office of Civil Rights ... so that they have the resources necessary to resolve discrimination complaints at a reasonable pace” and that you will create “an online civil rights database that would regularly report on the complaints process.”

This language makes it seem as though USDA’s unparalleled failure to protect the civil rights of its employees and the people it is supposed to serve is largely a matter of insufficient funding to the civil rights office. In reality, the office has been one of the greatest enemies of civil rights across the entire federal government.

Since its inception, the civil rights office has failed to prevent or punish discrimination. For several decades, a corrupt cabal of unscrupulous leaders have abused their positions to dismiss or refuse civil rights complaints; publish false or misleading numbers to give the impression of improvement; harass or fire employees who refuse to cooperate with management; and recruit, hire, and promote people willing to play ball. These top-level managers have illegally cooperated with the department’s legal defense agency to eliminate complaints without a trace, helping the office become “a closing machine,” in the words of a former high-level official.

Not only has the office failed to protect the civil rights of veteran and prospective farmers, it has also long been a hotbed of dysfunction, mismanagement, and

harassment. Numerous former and current employees have alleged racial and sexual harassment by top managers, including a former director. The office continues to hold one of the worst Equal Employment Opportunity Commission (EEOC) records in government and its employees consistently rank it as one of the worst places to work—in large part because any attempt to enforce civil rights law ends with them being punished, pushed out, or fired.

Better funding alone will not fix this office. Nor will data reporting requirements or audits help in an environment where complaints are not accurately counted; honest employees are harassed and swiftly retaliated against; watchdog agencies fail to report bad behavior until the case is long past and “the body’s cold”; and high-level officials excel at meeting procedural benchmarks while continuing to destroy records, careers, and lives.

On the contrary, the civil rights office needs to be completely overhauled, the top staff removed, and a system of incentives set in place so employees are actually encouraged to identify discrimination and make payouts when they find it. This is an office that has sat idly by as families have lost their farms, women have been raped, and bosses have intimidated employees into compliance when they tried to do something about it. This office must be immediately reworked from the ground up—a glib gesture at better funding is woefully insufficient.

We Need Outcomes—Not Just Opportunities

“It’s all right to tell a man to lift himself by his own bootstraps,” Dr. Martin Luther King Jr. said, “but it is a cruel jest to say to a bootless man that he ought to lift himself by his own bootstraps.” USDA likes to talk about opportunities for Black farmers, but these opportunities, which require money or land, or both, are nothing more than a cruel jest.

When a Black farmer in North Carolina was asked recently why more young Black people do not farm, he responded, “Why don’t young people fly jets? The door ain’t open. You got a better chance of being a brain surgeon than you have being a farmer.” We cannot farm without land, equipment, capital, and training, and your current plan will do little to change our ability to procure these necessities.

The *New York Times* recently reported that former Secretary of Agriculture Tom Vilsack has been advising you on agricultural policy. Vilsack has a shameful civil rights record—as a recent media investigation made clear—and your relationship with him is concerning. We urge you to listen to Black farmers, not to the powerful who have advanced their careers by destroying our own.

We ask you to pledge to take the following 12 steps to address Black land loss, and to give us real results, if you are elected president:

- *Create a task force* with representatives chosen by civil rights organizations, Black farmers, and local chapters of unions that represent department employees to evaluate the USDA Office of the Assistant Secretary of Civil Rights (OASCR) and issue recommendations aimed at transforming the agency into one that addresses discrimination, rather than one that covers it up.
- *Transfer or dismiss OASCR's leadership* in order to ensure they do not continue to hold back efforts to address harassment and discrimination within the department, while fairly compensating employees within OASCR who have been retaliated against for speaking up.
- *Transfer or dismiss the leadership of USDA's Office of General Counsel's Civil Rights, Labor and Employment Law Division*, who have repeatedly fought civil rights reforms within the department, and ensure that the Office of General Counsel stops interfering with civil rights complaints and the civil rights process at USDA.
- *Endorse reparations* for the dispossession of Black land, while helping ensure that those payments stay in Black communities by investing in cooperatively-held Black land and businesses.
- *Fund an inquiry on the status of Black farmers who were denied Pigford I payments*, many of whom were unfairly denied settlements and retaliated against by USDA officials.
- *Create a progressive land trust* that would buy land from retiring farmers and set it aside for beginning farmers of color—with specific benchmarks for Black farmers.
- *Eliminate Farm Service Agency county committees*, which discriminate against poor and Black farmers and funnel funds to local elites with little government or legal oversight.
- *Ensure that Historically Black Colleges and Universities (HBCUs) play a role in rebuilding Black land-ownership*; address higher-education funding disparities by tripling funding for 1890 land grant universities, which are critical to Black farming communities; and establish scholarships and dedicated funding streams for predominantly white land-grant universities to educate, train, and assist Black farmers in states without 1890 institutions.
- *Stop USDA from misleading the public about Census of Agriculture data*, as detailed by a recent *New Food Economy* investigation, by publishing an objective analysis by experts in Black farmer demographics explaining how reported increases in Black farmers are the result of changes to the agricultural census—rather than real increases—and requiring USDA to clearly demarcate these data and note this fact when discussing census data on Black farmers.

- *Provide no-interest loans to beginning farmers of color with specific participation benchmarks for Black farmers.*
- *Update and pass the Endangered Black Farmer Act of 2007, which would have addressed ongoing discrimination by creating new conservation, credit, and land protection programs for Black farmers, among other necessary steps.*
- *Hold a town hall with Black farmers so we can engage with you and your staff directly, while committing to nominating a secretary of agriculture who will engage with us throughout your term.*

We do not want your sympathy, Senator Warren. Nor do we simply want a technocratic adjustment to property law, or more audits. We want something very simple, something that white farmers in this country have enjoyed for centuries. We want a department that works for us, not against us.

Sincerely,

Onika Abraham, director, Farm School NYC, New York
 Acorn8, Virginia
 Appetite for Change, Minnesota
 Frank M. Bailey Jr, farmer and advocate, Florida
 Natalie Baszile, author of *Queen Sugar*, California
 Jessie Binion, farmer, Alabama
 Robert Binion, farmer, Alabama
 Black Belt Justice Center, Washington, D.C.
 Black Farmers & Agriculturalists Association, Tillery, North Carolina
 Black Farmers Collective, Washington
 Black Females for Justice II, Maryland
 Black Food Sovereignty Coalition, Oregon
 Blacks In Green, Illinois
 Natasha Bowens, farmer, Maryland
 Rod Bradshaw, farmer, Kansas
 Center for Urban Transformation, Illinois
 Central City Farm Trust, Washington
 Nyema Clark, farmer, Washington
 The Coalition for Change, Maryland
 The Color of Food, Maryland
 The Cowtown Foundation, Tennessee
 Kordel Davis, advocate and researcher, New Jersey
 Dennis Derryck, advocate, New York
 Melony Edwards, farmer, Washington
 The Elephant Gardens, Indiana

Farm School NYC, New York
Farms to Grow, California
Felege Hiywot Center, Indiana
Lennon Fisher, farmer, Florida
Flanner House Community Center, Indiana
Dawn Francis, researcher, Texas
Fresh Future Farm, South Carolina
George Washington Carver Urban/Small Farmer's Coalition, Maryland
Ribka Getachew, advocate, New York
Gary Grant, farmer and advocate, North Carolina
Rosalind D. Gray, former director, USDA Office of Civil Rights, Washington, D.C.
Grow Orlando, Florida
Calvin. L. Head, farmer, Mississippi
Edward Hill, farmer and advocate, Oregon
Hilltop Urban Gardens, Washington
Independent Black Farmers, Alabama
Dean Jackson, farmer and advocate, Washington
Germaine Jenkins, farmer and advocate, South Carolina
James King, farmer and advocate, Georgia
Asiyah Kurtz, researcher, New Jersey
Lawrence Lucas, USDA Coalition of Minority Employees, New Jersey
Tracy Lloyd McCurdy, Washington, D.C.
Mileston Cooperative, Mississippi
Sharrona Moore, farmer and advocate, Indiana
Nicole Morris, farmer and researcher, New York
Mudbone Grown, Oregon
Vivian Muhammad, farmer and advocate, Indiana
No FEAR Coalition, Maryland
Sierra Nuckols, farmer and advocate, Indiana
Vanessa García Polanco, advocate and researcher, Michigan
Provost Farm, Louisiana
A Red Circle, Missouri
LaDonna Redmond, advocate, Minnesota
Gordon Reed, farmer and advocate, Ohio
Eddie Slaughter, farmer, Georgia
Soul Fire Farm, New York
Michael W. Stovall, farmer, Alabama
Myriah Towner, advocate, New York
USDA Coalition of Minority Employees, Washington, D.C.
Tanya Ward Jordan, advocate, Maryland
Erica Williams, advocate, Missouri
Orrin Williams, advocate and researcher, Illinois

Raymond Williams, farmer and advocate, Washington
Lloyd Wright, farmer and former director, USDA Office of Civil Rights, USDA

We will not tolerate any harassment or retaliation against signatories to this letter and pledge to work together to protect those who are in danger of such treatment.

The following ally farmers, advocates, and organizations endorse the letter.

Agricultural Justice Project, Florida
Kathy Anichi-Moore, farmer and advocate, Oklahoma
BeechWood, Minnesota
Community Food Advocates, New York
Lesla Donnelly, advocate, Washington, D.C.
East End Food Institute, New York
Ecological Farming Association, California
Farm Alliance of Baltimore, Maryland
Cornelia Butler Flora, researcher, Iowa
Food Studies at Syracuse University, New York
HEAL (Health, Environment, Agriculture & Labor) Food Alliance, California
Waymon Hinson, researcher and advocate, Texas
Catherine McQueeney, advocate, Oregon
Michigan Integrated Food and Farming Systems, Michigan
My Nguyen, farmer, California
Northeast Organic Farming Association of New York, New York
Marti Oakley, advocate, Minnesota
Pittsburgh Food Policy Council, Pennsylvania
Leah Retherford, farmer, New York
Jennifer Silveri, advocate, Michigan
Village Gardens, Oregon
Adele White-McCoy, advocate, Illinois
Women, Food and Agriculture Network, Iowa
Nancy Woodruff, advocate and researcher, Mississippi