

JOHN BOYD, PRESIDENT
NATIONAL BLACK FARMERS ASSOCIATION
TESTIMONY BEFORE

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING

THE SUBCOMMITTEE ON GOVERNMENT MANAGEMENT
ORGANIZATION AND PROCUREMENT OF THE COMMITTEE
ON OVERSIGHT AND GOVERNMENT REFORM

WEDNESDAY, MAY 14TH 2008

Honorable Chairman Waxman, Subcommittee Chairman Edolphus Towns, the rest of the committee and others who have worked with the National Black Farmers Association (NBFA) on this very important issue over the years.

My name is Dr. John Boyd and I am the Founder and President of the National Black Farmers Association. I founded the organization in 1995 to help eradicate the discrimination that black farmers faced when interacting with the United States Department of Agriculture (USDA). I also founded this organization to develop a national outreach program and create international trade opportunities for minority and other small farmers.

While it is true to say that I am a fourth generation farmer. It is also true to say that I am a fourth generation black farmer from Baskerville, Virginia that has been denied information and assistance from the USDA that many of the non-black farmers have received. And yet, I still stand tall. But I'm not standing tall because of something I've done. I'm standing tall because I'm standing on the shoulders of the tens of thousands of black farmers that put their faith in me to carry their message forward. And that message is none other than the most fundamental principle that this country is built on; "justice for all".

It is indeed an honor and a privilege to have the opportunity to testify before your committee today.

During the past sixteen years I have testified before Congress more times than I can keep track of. I am hopeful that today's testimony will make a difference for the thousands of black farmers with pending civil rights cases.

The NBFA has lobbied Congress to lift the statute of limitations for black farmers who have faced and continue to face discrimination from USDA. Under the Reagan administration, the Office of Civil Rights was reduced to just two workers. Let me repeat that, two workers were responsible for all civil rights issues in the USDA. To me, that is

an insult. It wasn't until years later, after the NBFA lobbied aggressively, that the USDA established the Office of the Assistant Secretary for Civil Rights.

We have engaged in rallies and protests around the country to help bring much needed attention to the plight of the black farmer. The NBFA has petitioned the United Nations for relief and to raise awareness of the loss of land for black farmers. And yes, I rode my mules "Struggle and Forty Acres" 280 miles from my farm to arrive here in the Nations Capital of Washington, DC to protest the lack of payments to black farmers that should have been a reality following the consent decree.

For far too long the USDA has treaded carefully to skirt around giving black farmers their justice. Time and time again empty promises only lead to empty fields being swept away by discrimination at the hand of the USDA. The very agency whose mission it is to provide help to farmers is the same agency that nearly eradicated black farmers as tillers of the soil.

The remarkable fact is that just about every black person in this country is two to three generations away from some family farm as share croppers and slaves. At the turn of the century there were nearly one million black farm families. Today there are fewer than 29,000 per the U. S. Census.

Why is it that Congress can pass laws to protect animals such as the brown bear, the bald eagle, the rock fish, and yet the black farmers who are human beings must return to Congress year after year to plead for relief for the egregious acts of discrimination we continue to face.

Years ago, the USDA under Secretary Glickman's leadership acknowledged the discrimination and agreed to settle the largest civil rights lawsuit in American history. Yet today I report to you that as time goes by, more black farm families lose their farms and their livelihoods because Administration after Administration hesitates to act.

Time is not on our side. We are now less than 1% of the nation's farmers. When reporters make inquires at the USDA, the response from senior officials is always the same, "no comment".

Today I ask congress to take action for the slow processing time of program complaints. I am disappointed that the hard work I have engaged in alongside other advocates has not yielded the justifiable results. The Office of the Secretary for Civil Rights at the USDA in my opinion is merely a shell so that some accountability survey can check a box that one exists. It has only delayed black farmers due while loss of life and loss of our rich heritage continues to plague black farmers.

Many of you today know me and my work on first name basis. I have worked the black farmers late claim legislation for nearly eight long brutal years. When I received an anonymous email regarding Carolyn Cooksie's lobbying effort to Congress to oppose relief to black farmers, I said enough is enough. We cannot allow a civil service

employee with more than 30 years in government actively campaign to ruin the lives of over 74,000 black farm families. Mrs. Cooksie called the legislation regarding the Pigford lawsuit “awful” and complained that her office would have to do too much work. She instructed other government employees to contact Congress to oppose this legislation and warned them not to use government equipment. This is the behavior that we have had to deal with.

USDA Boots Auditors

On Thursday Feb 28th The United States Department of Agriculture abruptly ordered congressional auditors to leave its Washington DC headquarters and told its employees not to cooperate with them. This kind of arrogance is appalling. And show USDA has no respect for congress or those willing to bring forth the truth. Today black farmers have little faith that there will be action or those who continue to obstruct justice will be held accountable.

Lack of farm subsidies

The survival of the black farmers lie heavily in the us farm subsidy program. A program in which I believe has over looked and left out black farmers. A recent study below shows the finding by the NBFA and the Environmental Working Group (EWG)

A Widening Farm Subsidy Gap Is Leaving Black Farmers Further Behind

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Black farmers receive between one-third to one-sixth of the benefits under major federal crop subsidy programs that other farmers receive, and the “subsidy gap” has widened over the past decade. The gap will become more inequitable if a bill reported by the House Agriculture Committee passes the House later this week, researchers said.

The farm subsidy gap is emerged from an analysis of computerized USDA subsidy payment records for individual farm subsidy recipients and farm businesses that previously have not been available to outside researchers. The study was prepared by the National Black Farmers Association (NBFA) and the Environmental Working Group. The two organizations collaborated on a 2003 analysis, *Obstruction of Justice*, that reignited the debate over the injustices tens of thousands of black farmers have experienced in the settlement of the Pigford vs. USDA case involving discrimination in government farm lending.

Concern about discrimination against black farmers at USDA has focused primarily on the department’s programs to provide farm acquisition (i.e. “ownership”) and operating loans to farmers whose financial circumstances make it difficult for them

to get credit elsewhere. The loans are processed at local USDA offices by the department's "lender of last resort," the Farm Services Agency (formerly the Farmers Home Administration).

Only five per cent of the farmers participating in the Pigford racial discrimination lawsuit against USDA made claims based on subsidy programs, which were limited to a total of \$3,500 for the "fast-track" settlement process that was supposed to provide essentially automatic restitution. The majority of these claims involved disaster relief programs. The examples of discrimination were poignant, "[i]n 1994, the entire county of Greene County, Alabama where Mr. George Hall farmed was declared eligible for disaster payments on 1994 crop losses. Every single application for disaster payments was approved by the Greene County Committee except Mr. Hall's application for four of his crops." Pigford v. Glickman, 185 F.R.D. 82, 87 (D.D.C. 1999). In the Complaint, Mr. Hall further stated that his payment yields were reduced in retaliation after he filed a discrimination complaint challenging the denial. See Seventh Amended Class Action Complaint, Pigford v. Glickman, 97-1978 (PLF). at ¶5(c).

Less attention has been given to disparities between black farmers and others under USDA's commodity subsidy programs. A pioneering July, 2007 report issued by Oxfam America argued that minority farmers, including black farmers, have been "shut out" of USDA farm programs (*Shut Out: How U.S. farm programs fail minority farmers*). It is often argued that black farmers receive less farm assistance because they operate smaller farms and tend to produce non-subsidized crops and livestock. As the USDA's 1997 Civil Rights Action Team Report observed, however, discrimination by USDA officials may itself have influenced the make-up of black-operated farms over time. "[T]he disparity in participation and treatment of nonminority and minority farmers may be partially accounted for by the smaller average size of minority- and female-operated farms, their lower average crop yields, and their greater likelihood not to plant program crops, as well as less sophisticated technology, insufficient collateral, poor cash flow, and poor credit ratings. However, representatives of minority and female farm groups point out that previous discrimination in USDA programs has helped to produce these very conditions now used to explain disparate treatment." See CRAT at 21-22.

Review of agriculture census data indicates that disparities in subsidy assistance between black and white farm operators cannot be fully explained by the fact that blacks operate smaller farms or tend to grow 'non-program' crops. More important is the question of the degree to which discrimination against black farmers by local USDA offices has been a long-term factor in that has limited the ability of black farmers to

expand their operations—and thus have ‘average-size farms’--or discouraged them from growing subsidized program crops.

A Subsidy Gap Widens: Crop Subsidy Payments, 1995-2005

Analysis of payments to individual farmers and farm businesses shows that a subsidy gap between black farmers and all others has expanded dramatically in the past decade, from \$2,225 per recipient in 1995 to nearly \$10,000 per recipient in 2005.

[Chart 1, Table 1].

The analysis compared black recipients with all other recipients, including individual subsidy recipients who are predominantly white, and farm businesses, which are predominantly white-owned. Analysis of subsidy payments over this period showed that virtually all black farmers received their benefits as individuals, with very few organized for USDA purposes to collect payments as businesses (corporations, partnerships, joint ventures).

Detailed Beneficiary-Level Data, 2003-2005

Release of data collected by USDA under Section 1614 of the 2002 farm bill allows analysis comparing individual beneficiaries by race. These more detailed show that fewer than 8,000 blacks collected crop subsidies each year over that period. The total amount was just over \$23 million per year—out of an average of \$12 billion paid per year under these programs over that period.

As I close It is my sincere hope that this committee and this congress fulfills a promise that's others have forgotten. Justice for the black farmer.

