



Tending Repair

Pigford Farmers, Justice, and the Future of Farming

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Over the course of nearly 15 years between 1997 and 2012, Black farmers fought for recognition and recompense for the blatant discrimination and systemic racism they faced from the United States Department of Agriculture (USDA). *Pigford*, and its companion case for claimants who missed the original filing deadline, *In re Black Farmers Discrimination Litigation*, stood at the time as the largest successful class action civil rights lawsuits, bringing public accountability to the USDA's decades of systemic racism against Black farmers. Most successful claimants received \$50,000 compensation for past damages, along with promises for debt relief and eminent equity reforms. These successful lawsuits against a government agency involved over 55,000 claimants.^{i,ii} While the cases only covered officials' actions from 1983 to 1997, the USDA's damaging and extractive discrimination goes back to the agency's earliest operations.



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The Pigford Project is a research initiative by the Federation of Southern Cooperatives/LAF and the Institute for Economic and Racial Equity (IERE) at Brandeis University which seeks to better understand the legacy and impact of *Pigford v. Glickman* and *In re Black Farmers Discrimination Litigation*, two of the largest civil rights class action lawsuits in the history of the nation, and apply those lessons to better support the lives and livelihoods of Black farmers today.

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Despite the historic nature of the Pigford cases, little has been done to understand how farmers feel the settlements impacted their lives. Over the last two years, the Pigford Research Project has been examining what the settlement meant for Black farmers and its broader implications for reparative justice. The IERE-Federation of Southern Cooperatives project interviewed nearly 75 Pigford claimants and their descendants, talked to key informants, observed meetings, fielded focus groups, and examined archives. This work centers the experiences of Black farmers at the inflection point of government racism and discrimination, and provides lessons for legal based reparative frameworks moving forward. This research contains critical understandings of the challenges, strengths, and weaknesses of litigative approaches for reparative justice, as well as broader reparations frameworks, narratives, and approaches.

We write from the duality of the urgency of now and ever-present hand-wringing towards “reparations” that is

manufactured by white supremacy, politicians, and the media and plays a distinct function to sideline and silence a concerted reckoning with our past, much less a serious approach to reparative justice. As such, our lessons are purposely narrowly confined. Questions regarding implications for future class action lawsuits bringing historic public reckoning and accountability to other government entities abound and should be top-of-mind, such as the role that the US Federal Housing Authority played in redlining. Our “lane” then carries the hopes, disappointments, and ultimate frustrations inherent to a class action approach to repair historic and immediate damages to a living generation, rooted in damages to their ancestors and carried forward by their descendants .

The stories, experiences, wisdom and vision of Pigford legatees who honored and trusted us with their testimonies and openness inspired us. Fidelity to their authenticity centers our understanding, and the experience-centered meanings, rightly, should be a North Star of reparative justice movements.

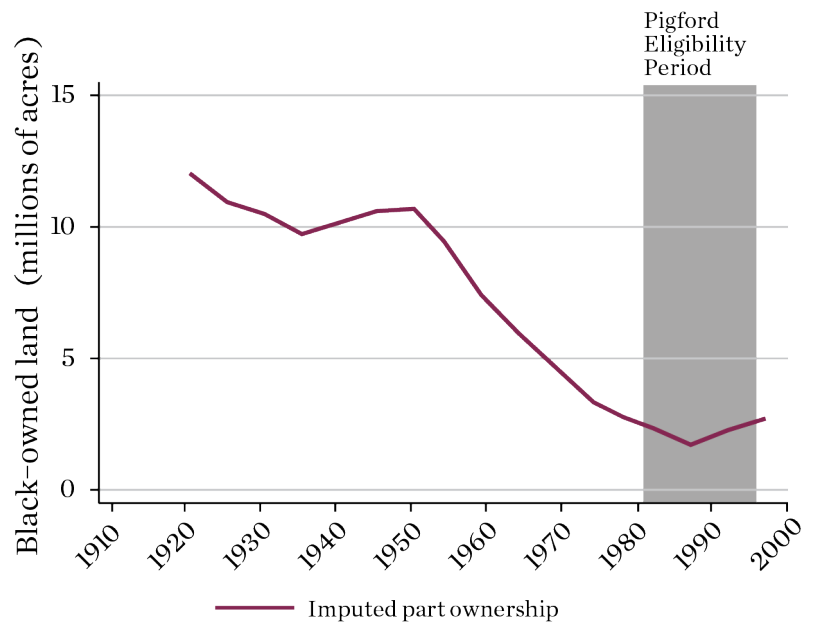
Land: Hope and Dispossession

Land is a unique asset and has always held a special place in the American imagination for democracy, an imagination that included enslavement and theft from indigenous people to land and make it profitable. Land has come to represent self-determination, community, productivity, and life – and though society in the United States has economically shifted away from agrarianism over the course of the 20th century, land ownership, especially over generations, plays a vital role in the identity and livelihood of millions.^{iiiiv} Just a few months before the end of the Civil War, General William T. Sherman gathered 20 Black leaders in Georgia to imagine democracy and economic freedom post-slavery. When asked how they could best take care of themselves, they answered, “The way we can best take care of ourselves is to have land, and turn it and till it by our own labor—that is, by the labor of the women and children and old men; and we can soon maintain ourselves and have something to spare.”^v

Despite a host of abandoned promises, eviscerated dreams, and half-implemented measures in the late 19th century, Black landowners had acquired over 16 million acres of land by 1910.^{vi} By the turn of the 20th century, Black ownership of farmland shrunk over tenfold to just 1.5 million acres.^{vii} A 2022 study estimated that this land loss represents roughly \$326 billion of lost wealth for Black farmers over the 20th century.^{viii} Decades of immeasurable violence, cruelty, and fraud by their white neighbors and racist discrimination by the agencies that should have been protecting them resulted in this massive dispossession of Black land.^{ix} Compared to the loss of white-owned farmland resulting from transitioning to an industrial economy, Black land loss was far from organic.

It's important to note that while the Pigford cases (and many pieces of legislation to address the issues faced by Black farmers since the final settlement agreement) have regularly been denounced and painted as 'reparations' by opponents of equity for Black farmers, the cases were never intended to be nor were they meant to facilitate reparations for the harms Black farmers faced through the 20th century.^{x,xi,xii,xiii} Instead, Pigford was meant to provide a settlement for Black people who farmed or attempted to farm between 1983 and 1997, a period of time following the Reagan Administration's closure of the USDA's Office of Civil Rights when Black farmers lacked any official avenue to pursue complaints against agency representatives.^{xiv} In fact, by 1983, the first year in which discriminatory action by the USDA would have made a Black farmer eligible to file a claim under the *Pigford* cases, the greatest amount of land expropriation had already occurred (**Figure 1**). [For a history of the Pigford case, see [Cowan & Feder, 2013](#)].

Figure 1. Black Land Loss in the 20th Century



Adapted from: Francis, D., Hamilton, D., Mitchell, T., Rosenberg, N., and Stucki, B. (2022) Black Land Loss: 1920–1997. *AEA Papers and Proceedings*, 112: 38-42. <https://www.aeaweb.org/articles?id=10.1257/pandp.20221015>

Though the period for Pigford eligibility is constrained to just over a decade, it is heavily featured in the legal literature that addresses litigative reparations frameworks, due in part to the fact that it deftly navigated several hurdles that stopped noted reparations cases, such as *In re African American Slave Descendants Litigation*, in their tracks.^{xv} While Pigford does provide lessons on how civil rights litigation can be structured to maximize gains for people of color who have been victimized by systemic discrimination, it also reveals a plethora of ruinous shortcomings inherent to the legal approach to facilitating reparations for Black farmers and encouraging systemic and cultural change in the federal agencies they rely on. Pigford claimants spoke both these truths. As calls rise for reparations for Black farmers and systemic change to halt the contemporary sources of Black land expropriation one should look at the experiences of Pigford claimants to ensure that the solutions are properly tailored to the problems at hand. Pigford voices raise the strategic question of whether equal treatment advocacy contained within litigative class-action frameworks limits a future vision for equity or a democratic imagination for all farmers.

What Remains Broken

“They wanted the land...”

The Pigford lawsuits were pivotal in highlighting historical systemic exclusion and discrimination faced by Black farmers at the hands of government agencies. These cases had substantial implications for claimants and their descendants -- generating emotional, physical, and socio-economic repercussions; amplifying distrust in the USDA; and laying bare the necessity of reparative justice for Black farmers. The following section provides some of the major themes from approximately 75 interviews, most conducted by the Federation of Southern Cooperatives, focus groups, observations from meetings, and archival research to better understand the impacts of the Pigford lawsuits on Black farmers and their descendants. This section specifically explores the emotional, physical, and systemic harms that Black farmers continue to suffer, while emphasizing the importance of historical remedies and structural reforms.

Emotional and Physical Stress

“He may have lived longer, you know?”

The American public’s conversation about reparative justice often begins and ends with financial restitution. However, community leaders have recognized that the trauma of racist and systemic discrimination expands far beyond money and lost opportunity. Reparative justice requires reckoning with decades of emotional stress, the undermining of community, lost identity, family members taken much too soon, and physical and mental health issues caused by the stress of survival in a system opposed to Black folks’ existence. This is no less the case for participants in the Black farmers’ cases.



Above: Black farmers protest across from the White House in Washington, D.C. on September 22, 1997.

Beginning in 1997, Timothy Pigford and Cecil Brewington stood in for a class of Black farmers that had endured a system designed to make them fail, often resulting in dispossession of land, financial hardship, and shattered dreams. The successful lawsuits are enumerated with rich detail of specific injustices, but the lengthy and arduous process of seeking justice took a toll on Black farmers. Many claimants faced skepticism, bureaucratic hurdles, and emotional distress while reliving traumatic experiences of discrimination. This left deep, intergenerational scars that follow both the farmers and their descendants.

Homer, a fourth-generation farmer from South Georgia, told us how the emotional toll from Pigford profoundly affected his family:

“I think we would have been, you know, a little more successful than right now that we’re trying to build. And I think a lot would have changed, I think [my dad] probably still been [here]. He may live a little longer, you know? I think it kind of put a little stress on him and made him drink more, you know?”

Homer sheds light on the reality many Black farmers in the US faced during the lawsuits. While Pigford offered the promise of some financial restitution, it was a difficult and stressful process to navigate

and then endure. To be successful in the first case, farmers had to identify similarly situated white farmers and demonstrate that they received worse lending terms, which, in the pre-internet age meant a burdensome process of traveling to the local courthouse, finding records, and dealing with local bureaucratic institutions – often filled with people who were agents of the same discriminatory system they were seeking justice against. This consumed time, resources, emotional, and physical wellbeing. What’s more, claimants had to do this while continuing to run their farming operations and dealing with the sense of insecurity about whether they would receive payment and whether debts would be forgiven.

Of course, so much of the trauma pre-dates the Pigford settlements. The claimants and descendants we spoke to recounted stories of family members murdered, arson, and even forced migration as white neighbors attempted to get their land. When asked what would make him whole, Joseph, a farmer whose family held land in Mississippi since the 1870’s until they were violently forced to move to Arkansas recounted,

“Well, it would be hard to give a figure because I would have to look back at the folks who have died... the folks who were killed for the land... I grew up with, on my father’s side, no aunts and uncles... It was related to the farm. They wanted the land. I can’t put a dollar amount when I go to the cemetery and look at the ones who died... and the end is to see my uncle and see how his land was taken from him. And the thing about it is, they’re sending their children and grandchildren who are still fighting us to this day.”

Mental health resources to process these experiences in the rural South are rare, especially those that are trauma-informed and culturally competent, and farmers face often insurmountable barriers to access what is available. A survey by the American Farm Bureau Federation found that though 91% of farmers recognize the importance of mental

health, 46% say it is difficult to access a therapist or counselor in their community and a further 70% said

that the cost of treatment would be an obstacle to seeking help.^{xvi} While these data are not disaggregated by race, there is a growing movement to recognize the deep trauma that racism creates for Black farming families, how that trauma manifests physically, and how USDA-funded mental health programs often overlook Black farmers.^{xvii}

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Of course, mental, emotional, and physical health are indelibly linked. As farmers lost their land or experienced extreme financial precarity due to discrimination throughout the agricultural sector, the trauma and stress manifested in physical ailments. Those we spoke to told how stress manifests in their bodies: cardiovascular illnesses, substance use disorder, and complications due to lacking resources to manage chronic illnesses.

Thus, the effort to pursue justice can be a health risk in itself. In a recent interview with The Counter, Angie and Wenceslaus Provost Jr. of Louisiana, who are pursuing their own discrimination case against a USDA-approved lender, noted how seeking justice affected their own health and the health of those that came before them:^{xviii}

“We’re very aware of the fact that the early death of our family members like June’s father and some of our other community members is due to that stress of being bankrupt and foreclosed on after going through such litigation like Pigford... Those are issues of trauma. It’s a difficult thing, an almost impossible thing to live through, unless you have a support system.”

No amount of money could ever repair the enduring health consequences. Any concerted effort for reparative justice for Black farmers must account for the deep trauma incurred through decades of racist discrimination by the USDA. Participants like Cathy said that her husband is the only one who wanted anything to do with agriculture because of their family’s experience:

“My husband, he grew up with this farm and it’s a love. Out of the 22 kids, he’s the only [one] who even wants to look at a bell pepper. [His siblings] say, ‘we’ll buy it at the store,’ because of the hard work they had to endure. He’s the only one that is still farming.”

Trust, Accountability, and Meaningful Representation

“You turn around and sue them and you win the suit, they’ll keep doing the same thing.”

While many saw the Pigford settlement itself as a victory, the implementation of the court’s decision through the consent decree exacerbated the well-deserved distrust that Black farmers had of the USDA. Already abysmal due to a century of racist discrimination, trust between Black farmers and the USDA was further eroded by poor communication, a lack of accountability, and harmful narratives related to the case. Our conversations with farmers revealed deep and sustained mistrust of both the USDA and the legal system that Pigford did little to assuage.

Inclusion and representation are not the same.

Opinions on whether the Pigford lawsuits meaningfully changed the USDA’s behavior were mixed, with the majority saying it has gotten better in some ways but has stayed the same in others. Brenda, a farmer from Mississippi said, “We’re talking to different guys I know. As a farmer I can say yes and no – It just depends on what you’re trying to do. If you made me choose, I’d probably say no.”

Other claimants made clear divisions between USDA programs. One claimant, who earlier in the interview expressed suspicion over why the interviewer wanted to know what he thought of the USDA said, “NRCS [National Resources Conservation Service] is great, but FSA [Farm Service Agency], they don’t care nothing about you... You turn around and sue them and you win the suit, they’ll keep doing the same thing.”

Moreover, farmers continue to document behavior from USDA officials that sounds remarkably like the behavior of the USDA pre-Pigford. Recounting his experience attempting to get a loan to build poultry houses on his farm in 2005, Eli, a farmer from Georgia, said:

“[I] took all of this information to the USDA and started my application and [Named USDA Agent] just kicked my deal down the road... and just stalled it. Everything he could do... He continued to ask me for information that had all been submitted... information that had been submitted

stamped with a USDA stamp. He kicked the can down the road on my deal probably four or five or six months – till the point that the bank that had given me a commitment letter withdrew because time had expired.”

Eli filed a complaint with the USDA following the collapse of his deal, but was not satisfied with the result: “I went and filed a complaint with the USDA. Of course, they upheld their agent. More discrimination and going all the way up – even higher than just the local USDA office –discrimination all the way up to the top, all the way up to the White House.”

Some farmers noted that their poor experiences with the USDA went so far as to push them away from taking advantage of the programs that are available to them. Zeke’s father lost his farm because of discrimination in the 1980s, applied for Pigford, but never received a payment. Zeke experienced late payments from the USDA in the 2000’s that put his own operation in jeopardy. He said, “I was dealing with [the FSA] all the way up to 2016. So in 2017, I started with the bank, and ever since I’ve been with the bank, I have never came up short... We don’t have to wait no 60 days and then you get turned down.”



Above: USDA Representatives speak to farmers at 2022 FSC/LAF Annual Meeting

Rebuilding trust and ensuring equitable treatment for all farmers of color have been a priority for the Biden administration. Its efforts include forming an Equity Commission to recommend changes to internal policies and procedures at the USDA, ensuring that Black, Indigenous, and Latino officials are nominated and hired for positions with decision-making authority, and advocating for large-scale policies that have a chance to relieve some of the obstacles faced by Black farmers.

Due in large part to these efforts, there were hints of optimism in our interviews. In an interview that occurred during the implementation of the Inflation Reduction Act’s discrimination payments and debt relief, Marcus, a descendant of a deceased claimant noted that their interactions with USDA officials have been, “Promising – shockingly promising. I was shocked. When we went in there they were really helpful and I was just blown away because I knew of the past experiences.”

However, this reform process raises questions about inclusion and representation within government agencies. While some participants felt that representation and inclusion have improved over time, others felt that their voices and experiences were not being considered. For example, John, a farmer from Mississippi, raised an important point:

“Even though we have more Black people working within the agencies, getting appointed to high positions, we still being discriminated against because our interests are not being represented. So even though they have a job of working within the agency, they still are not representing our interests. Not that that’s a slight on them, but a lot of them don’t understand that – don’t know what our interests are.”

Inclusion and representation are not the same thing. This is a common theme throughout the interviews. Participants felt that representation meant electing people who looked like them, yet it was not enough

because inclusion and access to programs/loans offered by organizations like the USDA was lacking. Furthermore, the underrepresentation of Black voices in key decision-making positions within the USDA since Pigford reveals the importance of power, and lack thereof that has perpetuated these disparities.

Repairing the relationship with Black farmers will take more than four years of concerted effort. When asked whether they believed the USDA would follow through on current and future promises, farmers responded with a resounding no, with some noting the political nature of the agency meaning extreme policy shifts when new political factions take leadership. Reparative justice requires deep systemic change in agency and systems of accountability to ensure that racist discrimination in the USDA is truly a thing of the past.

Satisfaction?

“We put that much back into the economy every day before breakfast time is over...”

Our conversations with claimants and descendants revealed a deep dissatisfaction with the result of the Pigford cases. This lack of satisfaction manifested itself in three ways: claimants did not feel that the amount of a Track A award was at all commensurate with the financial damages they suffered; they did not feel that monetary relief was enough; and, finally, they felt lawyers in the cases did not adequately represent them. Many of these problems are deeply ingrained in litigative approaches to civil rights abuses.

Echoing what we heard, repairing historical damages for Black farmers extends far beyond financial compensation. This is not to say that farmers downplayed the critical necessity of adequate financial compensation to making farmers’ whole and setting them on firm footing to create prospering agricultural livelihoods. The key word, often overlooked, is adequate. The Pigford settlements offered two potential settlement tracks to claimants. Track A, an expedited track with a lower burden of proof required, which would provide \$50,000 and debt relief to eligible farmers, and Track B, which would cover all enumerated losses and also provide debt relief, but had a higher burden of proof and took longer to process. Out of over 55,000 claimants between the two suits, approximately 33,000 Track A claims were approved.^{xix,xx,xxi} Only 104 claimants were successful in pursuing Track B. To put the \$50,000 Track A award in context, in 2020, the mean debt among non-hispanic socially disadvantaged farmers was \$148,270.^{xxii} Barring a few exceptions, successful claimants said that the financial harm they incurred from the USDA far outsized the \$50,000 available for a Track A award. Gerald, a Pigford claimant from Mississippi characterized the amount available farmers through Pigford as an insult,

“We put that much back into the economy every day before breakfast time is over. So it didn’t really help us as a people do nothing. It was only a crumb... to make it seem as though this smooth \$50,000 gonna cure things to me personally was an act of deception, and an attempt to create division by the same government who would discriminate against us in the first place.”

Additionally, the long processing time required to submit Track B claims, which were uncapped, ushered some farmers to accept the lower Track A settlement. Marsha, who runs a family farm in Georgia, said,

“It would have been more... I was in debt and needed money at that time. If I could have waited – they gave you a chance, except the wait was five times more. I guess the ones that took the chance, they got more.”

While USDA officials have since acknowledged the role that the agency played in the dispossession of Black land, a core limitation of the consent decree was the fact that the USDA did not have to admit that the claims were true, nor did they have to admit that they were liable for millions, if not billions of damages, their actions inflicted upon Black farmers.^{xxiii} They also were not required to undertake injunctive relief or major reform by the courts. One reason for this belies another issue with the settlement raised by claimants – the farmers’ counsel chose not to prioritize it, pursuing a strategy of monetary relief, with which they were more likely to reach a settle agreement, instead of injunctive relief in the form of mandated equity reforms.^{xxiv} Lending credence to counsel’s belief, in approving the consent decree Judge Friedman noted that he was “surprised and disappointed” by the USDA’s opposition to even include a simple sentence in the consent decree that they would undertake their best efforts to comply with “all applicable statutes and regulations prohibiting discrimination.”^{xxv}

Typical among the farmers we spoke to was a deep expression of distrust and disappointment for both members of class counsel and the attorneys that they hired to help fill out and submit their claims. This distrust manifested for many reasons, some not uncommon among class-action participants, such as the structure of relief and the large amount of money attorneys took out of the class action to pay for the work they did on the case.^{xxvi} The Pigford cases had the added complication of becoming a magnet for untrustworthy and exploitative lawyers, some of whom charged their clients to file claims and were never heard from again and others who, to this day, misrepresent that claim filing requirements to take farmers’ money.^{xxvii}

John, a Pigford descendant, spoke for many in understanding that the legal representation during these lawsuits was flawed:

“[My father] had his lawyers, and they will have these meetings every so often...And it was basically everything was already determined. They were seeking input on something they had already decided, among the lawyers that already decided the course that they was going to take. But, they were seeking input from the farmers on the course to take when they had no intentions of following their advice. It was a set up. It was a setup. The lawyers got rich... the \$50,000, that my dad received, was just enough to keep him from having a say across the line.”

Just Farming

Claimants had diverse opinions when asked what would make them whole for the discrimination they faced. Some responded that more money would make them whole, but many focused on novel forms of repair. Answers included many topics that we have spoken about in previous sections – representation, systemic change, health, access to credit and funding through the USDA – while others said that the violence and dispossession they experienced was so dire that there was nothing that could get them back to where they should be now. When identifying what the government could do in the future, access to operating loans and credit were regular topics.

When asked what would make him whole, Wilson from Georgia spoke plainly, “give us money. We’ve got to have money to operate. Make it easier to get operating loans and irrigation.” Another interviewee saw a role for the USDA in mitigating the challenges of making investments to improve smaller-scale operations. When speaking about his choice to grow vegetables over grain crops, Andre from Louisiana noted the difficulty of financing the necessary equipment “...a new tractor it’s going to be at least \$100,000 to \$250,000, depends on the size. A combine, it’s going to be \$350,000 to \$500,000 new. Only farming 200 acres, it’s impossible to pay those types of notes...”

Many of the farmers we spoke to recognized that there are federal programs that could help them improve their farming operations but said that access to information about what they could qualify for was difficult to access. Homer said, “I think we need to know more about the resources... through all the programs like the NRCS. I mean, there’s a lot of funding out there that we don’t know about. So, I think, what needs to be where if you work in the USDA... or I’m going to get a loan from you, you should tell me these steps in these programs ... I mean, there’s so many programs out there that we don’t know.”

Similarly, Dominique from Georgia noted that there needs to be more places where farmers can go to gain institutional knowledge and more resources that enable them to seek it out:

“Understanding the law... then having resources where to go. Because a lot of the farmers was older and a lot of them didn’t go to school the way that we’re able to go. And even their generation and kids after them, learn based on what my granddad taught. So I would say resources, having somewhere... they can go, that someone can help them answer questions that they don’t, and not be ashamed to say I don’t understand.”

While policymakers focus on reckoning with the past, new challenges are emerging, including climate change, generational transfers, and institutional knowledge transmission. As claimants and descendants looked to the future of farming and imagined what a more just agricultural system would look like, they envisioned having the resources to meet these challenges and build a thriving self-sufficient ecology where they and their descendants could share in the bounty of nature.

The challenge of farming in the face of climate change and pollution was regularly noted by interviewees. When asked what a just and vibrant world would look like for him, Joseph noted the extractive practices that have led to major ecological disasters in areas of the South, saying, “We have put all the chemicals in the soil... Take the Mississippi River for instance. Basically, I’ve stopped eating food out of the Mississippi River because of the chemicals.” Joseph believes, however, that Black farmers will rise to meet this challenge and create a more balanced relationship between farmers and the land:

“...as we evolve, then we’ll learn to protect the earth better – back to the point where we found it. We won’t use all the chemicals... we’re going to organic, you know. So we’re learning... and as our children learn better, then they should do better than what we’ve done.”

Notably, Joseph was not alone in linking the challenges of climate change with a spirit of optimism for

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the next generation of Black farmers. Darius also spoke about the next generation of Black farmers overcoming mounting ecological disasters, saying,

“And with [the next generation], I believe that there will be a bountiful harvest... And that although we have some problems that may affect those in the nearest future, which is on climate change and erosion... I believe that them coming in, they will adopt new technologies, and try to meet the rising demand for more food of higher quality for people and also see how to produce and fortify crops that will help people.”

One of the most commonly noted challenges identified by farmers was getting the next generation of Black youth interested in farming. There is a growing movement among Black farming activists and organizers to address the generations of agricultural trauma in the Black community, and interviewees concurred that this challenge needs to be faced head-on. Marcus said,

“I think there are some scars that I don’t know if you can heal in one or two generations... So it’s like you got to do something to convince us that we’re not slaves or this is not field labor... to change the mindset [to] ‘this is the feeling to live the economy and it’s reinvigorating’... to know how to go on land, farm, and grow crops. And it tastes better when it’s fresh out of the garden versus going through the process of coming from California or Florida wherever it comes from.”

Eli, a farmer from Georgia, also noted that the changing technical skills required by modern farming require the nation to be intentional about ensuring that Black youth have access to resources and education that they have been excluded from to compete in an agricultural market that is increasingly driven by technology.

As he put it:



Above: Sign at the FSC/LAF Rural training and Research Center in Epes, Alabama.

“There needs to be some type of initiative that guides our youth back into farming. Our land grant institutions need to have scholarships for students who, one, have a desire to be informed but don’t have any generational farming already in their lineage, and, two, for students who have generational farming in their lineage already [and have] parents or grandparents who were farmers. Three [they need] to try to tie in all of the technology majors and direct them into farming because it’s all technology driven... all these computer science folks, they need to be steered towards Ag... And you do that with scholarships...”

These strands weave a tapestry of challenges and dreams Black farmers continue to face even after the Pigford lawsuits, urging for a more inclusive, educated, and supported farming community. The future of farming hinges not just on technological advancements but on societal shifts, equitable policies, and a shared commitment to sustainable and inclusive agriculture. Moreover, these themes encapsulate the diverse perspectives and challenges within the farming community, underscoring the need for collaborative efforts, support systems, and a holistic approach toward an inclusive and sustainable future in agriculture.

Tending Tomorrow's Bounty

Conflating the ongoing need for repair for Black farmers with the immeasurable physical, psychological, spiritual, financial, and political harms perpetuated by slavery's legacy on *all* Black Americans limits solutions. While some groups, including Japanese-American victims of WWII Internment Camps and African-American survivors of the Rosewood, Florida Massacre, have successfully achieved a level of reparative justice, the term "reparations" has frequently been used as a dog whistle to undermine efforts to address the institutionalized harms experienced by descendants of the Trans-Atlantic Slave Trade. Black farmers have been situated in political and media discourse as the ultimate reminders of the abusive relationship between the United States government and the unconfrosted reckoning with that past. The Pigford cases represent a movement towards finding justice for Black farmers and should be seen as a promising step for the future of farming with the understanding that there is still so much more work to be done in order to achieve equitable outcomes for historically underserved populations

As stated from the outset, this paper does not seek to speak out of turn or misrepresent the scope of the analysis brought to bear by our research. Limiting ourselves exclusively to the land, financial, and business considerations of America's Black farmers affords us the luxury of broad creativity in discussing the needs of a relatively small community. Thus, we do not attempt to suggest policies or solutions that would atone for the full history of anti-Black racism manifested in the disproportionate losses of farmland, and farmers in the Black community. The suggestions discussed here are deeply connected to the interviews of 75 of the 50,000+ Pigford claimants, focus groups, archive records, and experts, and should be seen to ground, not undermine any other suggestions made regarding the broader socio-political issues that Black farmers face.

Every effort must be made to improve Black farmers' access to all programs, loans, grants, and resources made available through the USDA.

The emergent themes for a holistic approach toward reparative justice for Black farmers who farmed or attempted to farm during the 1980s and their descendants include; (1) dedicated access to capital, (2) facilitated access to all USDA programs to help engage the next generation of Black farmers, and (3) recognition

of small-scale Black farmers as first responders, not only for feeding their communities, but also as some of earliest adopters of ecologically-sound agricultural practices that will help mitigate the global climate crisis.

Farming is particularly capital intensive, and inadequate access to capital based on racial discrimination only compounds the harm over time. For example, if a Black farmer was denied a farm ownership loan for 50 acres of land in 1988, they lost increased profits each year since for the agricultural production they could have realized without having to pay to lease additional land. The tract they could have purchased that year would also be considerably more valuable in today's market, increasing both their wealth and their access to credit. Thus, instead of having a land asset and profitable business to pass on to the next generation, they may instead have an unmanageable debt load, no transferable asset, and inadequate profitability to secure farm credit today. This is why it is important to vest ownership of the source of

capital with Black farmers, such as with cooperatively-owned financial institutions, to ensure Black farmers can access credit to grow their farm operations and collectively own secure financial assets.

Trust and inclusion in the USDA may never be achieved by the farmers impacted by the legacy of discrimination that formed the basis of the Pigford litigation, but every effort must be made to improve Black farmers' access to all USDA programs, loans, grants, and resources. A critical piece of rebuilding engagement with the agency will be adequate and sustained investment in the community-based organizations that help liaise between Black farming communities and the USDA. The successful engagement of these groups with underrepresented Black farmers must continuously be evaluated to ensure that all Black farmers are provided up-to-date information and technical assistance to successfully secure USDA program funding.

Finally, climate change is the largest and most daunting challenge to planning the future of farming operations. Last year's, COP28, an international convening to address climate change, was a global acknowledgment of the need to mitigate the devastating impacts extractive industries are wreaking on our environment. A remarkable lesson to be gleaned is that because Black farmers have been historically excluded from participating in the most extractive and abusive agricultural practices small-scale, Black farmers have responded by working with the land in ways that are now being heralded by agroecology. Climate change has made the science of farming all the more complicated. Small-scale Black farmers who have withstood both discrimination and significant crop loss due to climate change have the wisdom of first responders to the needs of their agricultural products, but also their communities, local rivers and water sources, and soil. Financial investments, research, and political empowerment of these ways of feeding their communities while healing the land is another way to harmonize our nation's natural and human resources. This holistic approach to reparative justice can turn the pages of a painful story into tangible opportunities to celebrate and compensate established Black farmers and attract the passion and skills of the next generation.

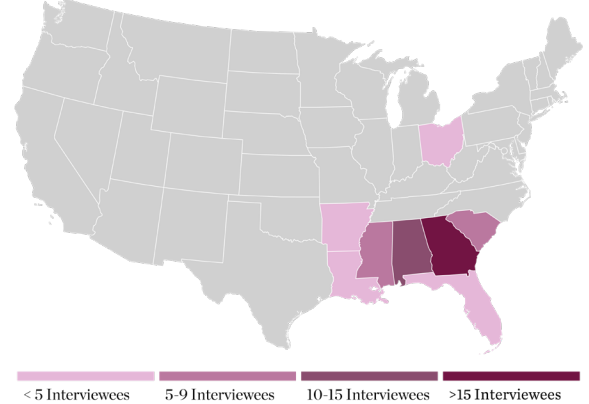


Methodology

In December of 2022, the research team from the Institute for Economic and Racial Equity and the Federation of Southern Cooperatives/LAF participated in a series of meetings in Atlanta to develop a baseline interview instrument to interrogate the impact and better understand the process of the *Pigford v. Glickman Consent Decree* and the *In re Black Farmers Discrimination Litigation Settlement Agreement*. This tentative instrument was then circulated to the Pigford Project Advisory Group, which consists of experts in farm policy, cash transfer policy, and history, as well as farmers and farm advocates. These meetings resulted in a 36 question interview protocol, which was further refined through three pilot interviews with farmers. The interview protocol included questions about background & memory; land, agriculture, & environment; USDA & Pigford; Reparations & Repair; and Policy.

Staff from the Federation of Southern Cooperatives sought interviewees through digital outreach on its website, e-newsletters, and social media channels, as well as in-person engagement with farmers at its state, regional, and local meetings and workshops for Black farmers. These numbers were supplemented with direct outreach by the research team utilizing both personal networks and publicly accessible lists of *In re Black Farmers Discrimination Litigation* successful claimants. These outreach efforts resulted in recorded interviews and focus groups with 73 Pigford claimants and their descendants who were located primarily in the Southern states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and South Carolina (see Figure 2). 10 interviewees did not provide geographic information over the course of the interview. These were then transcribed utilizing LLM software and corrected by IERE research staff for transcription errors.

Fig 2. Interviewee Locations



IERE and Federation staff co-developed a coding tree based on a review of the literature on reparative justice, cash transfers, and agricultural policy and further bolstered by the interviews. The Analysis team at IERE then utilized atlas.ti to code the interview transcripts. A draft of this report was then circulated to trusted partners in the fields of agricultural policy and reparative justice for review prior to publishing.

This report is the second in a series of reports from the Pigford Research Project. Special thanks to Solana Rice, Co-Executive Director of Liberation in a Generation and Vikas Maturi, Chief of Staff of Liberation Ventures who answered the call to provide a critical, outside read to our drafts.

Check out the Project's website for more information on our research: PigfordProject.com for more information on the project.

We are grateful to the W.W. Kellogg Foundation for their understanding of the vital importance of Pigford to farming and racial justice, and acknowledge their enthusiastic support of this project.

A parallel storytelling podcast by the artist, poet, documentarian, and songwriter Shirlette Ammons will be released in 2024. This podcast was enabled through a collaborative grant by the Federation of Southern Cooperatives/LAF.

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