



**Statement: John Conyers, Jr. Subcommittee Hearing – Black Farmers Relief Bills: H.R. 558, the “African-American Farmers Benefits Relief Act” and H.R. 899, the “Pigford Claims Remedy Act”
June 21, 2007**

On April 14, 1999, I stood in victory with black farmers across this country. The United States Department of Agriculture (USDA) agreed to a \$1 billion settlement in the *Pigford v. Glickman* case. Each black farmer was to receive at least \$50,000 to settle claims that they were denied government loans because of their race. However, this groundbreaking victory for civil rights proved to be short lived. Black farmers would soon face major obstacles in obtaining settlement payments and more allegations of discrimination by the USDA would surface. These allegations have included shocking claims of retaliation by USDA through its office of Inspector General.

Now, eight years and multiple lawsuits later, the nation's black farmers have not yet completed the *Pigford* claims process. In 2003, black farmer groups filed another lawsuit against the USDA alleging that the agency conspired to take their land through racial discrimination in government farm loans and programs. A report by the Environmental Working Group, issued in July 2004, gives strong credibility to the black farmers' recent claims that the USDA purposefully makes insufficient and late operating loans to black farmers in order to later foreclose on their land.

Given the continuing nature of complaints against the USDA, this hearing is extremely well timed. It is incumbent on Congress to ensure that the goals of the *Pigford* settlement have been met by the USDA. Unlike most litigation, where Congress watches from the outside, we have taken a more active role here by extending the statute of limitations and allowing claims to move forward.

I was disturbed to learn that USDA has denied payments to almost 90% of black farmers. Of the 94,000 growers who sought restitution for discrimination, 81,000 were turned away. The most glaring denial of compensation is the settlement-funded arbitrator's rejection of 64,000 farmers who came forward with claims during the late claims process established by the court.

Since the Court in approving the settlement described the claims process as almost “automatic,” we need to understand what has gone wrong and the nature of our role in putting the process back on track.

Also of concern to me in the *Pigford* settlement, is that black farmers were limited in their ability to bring sufficient claims because they were denied discovery rights. While the Track B arbitration process called for the disclosure of witnesses, the settlement's consent decree included no other provisions for information exchange between the parties.

As a result, the farmers had to prove discrimination without the benefit of access to information held in USDA files. This lack of access to information prevented black farmers from identifying similarly situated white farmers, a requisite to prove discrimination.

I do not believe that such issues were the intended results of *Pigford*.

Today, I hope to not only gain a better understanding of where we are in the *Pigford* process, but the overall plight of our nation's black farmers as well. In 1910 black farmers owned about 16 million acres of land. Today, black farmers own fewer than 2 million acres. In 1920 there were nearly 1 million black farmers, but fewer than 20,000 exist today.

Yesterday, in *The Washington Post*, a front page article pointed out that in the Mississippi Delta – where a large section of this nation's farms are located – 95 percent of the agricultural subsidies went to large, commercial farms primarily owned by whites despite the fact that the majority of residents in that region are black. This is a situation that demands attention.

Today I stand alongside these farmers in demanding that their livelihood and civil rights be protected. Time is of the essence, as records will diminish and black farmers will be gradually forced out of their chosen profession. We must act now to provide an opportunity for the *Pigford* claimants to have their opportunity to be heard and receive appropriate monetary relief. We will not only fail our black farmers if we do not address their plight, but all of society, because the principles of equality and fairness should be afforded to everyone in this country.