

BACKGROUND



Photograph courtesy of Eddie Slaughter

Black farmers and supporters in Atlanta demanding their land back, January 17, 2000.

The Last Plantation

No justice, no peace! No farms, no food!" shouted hundreds of black farmers and their supporters as they walked past the cheering crowds lining the streets of downtown Atlanta for the annual Martin Luther King March on January 17, 2000. They also carried posters of guns. "A white USDA employee was found guilty of carrying a loaded gun to his office," one of the demonstrators explained, "which he used to intimidate a black farmer asking about his USDA loan application in 1998. His punishment was one day's suspension with pay. So since they can bring guns to work, we thought we'd bring posters of guns to a peace rally."² Police estimated that over 15,000 people followed the marchers to the Martin Luther King memorial for a rally later that afternoon. Gary Grant, president of the Black Farmers and Agriculturalists Association (BFAA), said at the rally, "Landless people are but refugees in a strange land."³ He was referring to the plight of black farmers in the United States.

In November 1992, Melvin Bishop's farm in Eatonton, Georgia, suffered severe damage from a tornado. Other farm businesses in the area also suffered in the aftermath of the tornado with losses of crops, livestock, supplies, equipment, barns and storage areas. These losses resulted in reduced family income, delayed production, stunted business growth, and for some, a total loss of their livelihood.

After the storm, Melvin Bishop, president of the Georgia BFAA, went to the USDA to fill out applications for disaster relief, an emergency loan, and an operating loan. For the next seven months, the official at the USDA office gave him the runaround by inventing irrelevant reasons to put him off. Finally, in May of 1993 he was denied not only disaster relief, which he qualified for, he was also denied emergency and operating loans. No reasons were given.

When testifying at the Eatonton stop of the Economic Human Rights Bus Tour along with several other black

continued on page 2

BY ANURADHA
MITTAL
WITH
JOAN POWELL

**"Land is the
basis of all
independence.
Land is the
basis of free-
dom, justice
and equality."**

—Malcolm X⁴

farmers, Melvin Bishop said, “Even more devastating than the tornado was being denied USDA funds appropriated for emergency disaster and relief purposes. The process involved in waiting and standing in long lines to shuffle paper, completing forms and applications, was physically, mentally, and emotionally draining.”⁴

His situation is not unique. Melvin Bishop is among hundreds of black farmers who have filed administrative complaints or lawsuits charging that for decades USDA loan officials have discouraged, delayed, or rejected loan applications because of their race. These charges have been upheld by federal officials. The farmers say that such discrimination is a major reason that the nation’s already tiny corps of black farmers is dwindling at three times the rate of farmers nationwide.

Many of us would think that racial discrimination is over in today’s America. After all, the United States ratified the International Covenant for Civil and Political Rights in 1992 and the Convention on Elimination of All Forms of Racial Discrimination in 1994, and claims moral leadership on human rights. But discrimination against black farmers continues in violation of the most basic human rights and human dignity that every American should be able to enjoy, especially in our present booming economy.

The Perennial Crop of Bias: Failed Promises of Reconstruction

Racial discrimination against the black farmer is not new. The plight of black farmers begins approximately with Emancipation in 1865, the beginning of the period when all African Americans, at least on paper, could own land.

Under authority of the Confiscation Act of 1861, General William Sherman issued Special Field Order 15 in January 1865, granting to each 40,000 freedmen possessory titles to forty-acre homesteads on the Georgia and South Carolina Sea Islands

and coast. Following this land grant, what could have been one of the most momentous decisions in the annals of the U.S. Congress was made. In the closing midnight session of the Thirty-eighth Congress, on March 3, 1865, Congress passed the Freedmen’s Bureau Act, leasing to “every male citizen, whether refugee or freedman” forty acres of abandoned or confiscated South-

As a substitute for land ownership, most African Americans became sharecroppers or tenants on plantations owned by whites.

ern land for three years with option to purchase thereafter, so he could establish for himself a family farm and gain a foothold in the American economy. Only a few weeks earlier, members of the Congress had approved the Thirteenth Amendment to the U.S. constitution and agreed that “the Negro” was to be a free man, never again a slave. Now they took action to put him on the road to economic independence.

Unfortunately, these plans for the redistribution of Southern lands were never carried out. The bill as brought before the house held no promise of permanent land ownership for the freedmen. At the end of the Civil War, President Andrew Johnson pardoned and returned land to many white aristocrats, ensuring the persistence of the semi-feudal economic order of the antebellum years.

In the absence of federal policy underscored by federal pressure, racial prejudice, and the lack of money, only limited amounts of confiscated federal property passed into African American hands, leaving the farmers mostly without a land base. The Bureau attempted to place relations between white planters and black laborers on a legal footing by enforcing a code of contract labor with set wages and hours, but old patterns quickly asserted them-

selves.⁵ As a substitute for land ownership, most African Americans became sharecroppers or tenants on plantations owned by whites. In many instances they were reduced to peonage, a condition not very different from their former status under slavery. As sharecroppers, blacks cultivated small tracts of large subdivided plantations, turning as much as one half of each crop over to the planter in rent. Sharecroppers generally had to purchase their own seed, farm tools, and household goods from local merchants on credit with outrageous rates of interest.

The early promises of Reconstruction largely went unfulfilled. Purchase costs of the Freedmen’s Bureau forty-acre lots were often beyond the means of black tenant farmers, and after the withdrawal of federal troops from the South in 1877, local Democratic officials lost no time blocking and evading, whenever possible, the efforts of African Americans to buy property of their own. The concentration of land in a few wealthy white hands would remain the rule. In post-Reconstruction Blackbelt counties, the richest top ten percent of farmers owned one-half to two-thirds of the land.⁶

The economic structure was not the only aspect of Southern agriculture to persist with pernicious effects into the next era. A hundred years earlier cotton had become the region’s permanent cash crop, and many former slaves knew how to grow little else. Lack of skills and the need for liquid assets assured that African Americans at all levels of land tenure—sharecroppers, tenants and owners—devoted more of their acreage to cotton production than whites did. Only 3.7 percent of African American farmland was planted in crops besides cotton or corn, compared with 10.1 percent of farmland owned by whites. Furthermore, throughout the South and especially amid the freedmen, information was scarce about the imperatives of fertilizing and crop rotation, and even where information existed, the solutions cost money. The slow depletion of the soil would prove merely one of the perils of monocrop farming.

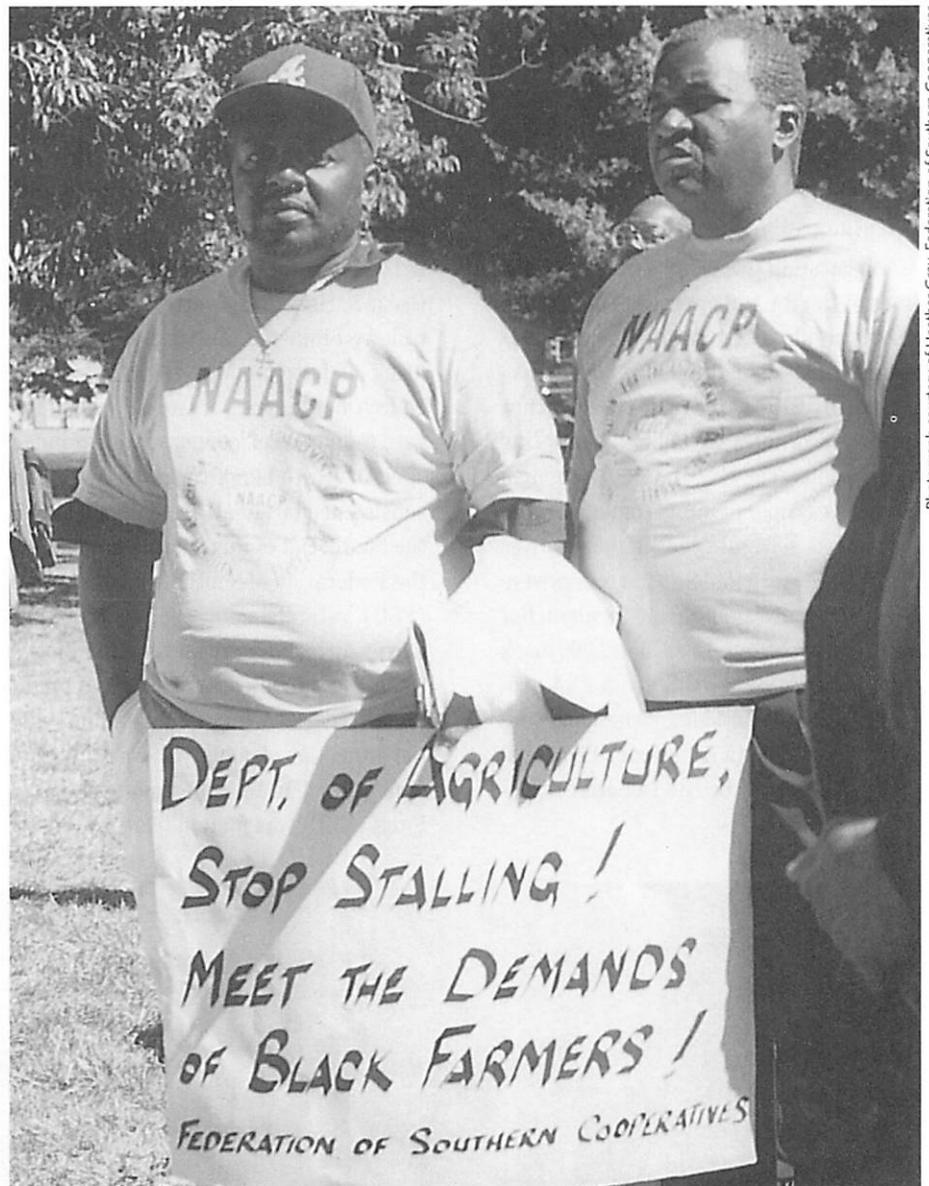
Overproduction depressed the value of cotton in the last decades of the 19th century, but from 1898 to 1913 prices rose again. This period saw the development of a nascent African American middle class, with attendant increases in literacy rates and the founding of dozens of African American-owned banks and agricultural colleges. There was an increase in land ownership as well—African Americans held three million acres in 1875, eight million in 1890 and 12 million in 1900.⁷ The peak year of African American land ownership was 1910 when blacks owned an estimated 15 million acres, with 175,000 farms fully owned, 43,000 partially owned, and 670,000 share cropped.⁸

Much would change with the advent of World War I. In 1914 the cotton consuming countries of Europe halted all transatlantic commerce for three months. The bottom swiftly fell out of the cotton market, with losses of \$500 million reported by Southern farmers in the initial months of the crisis. Government and philanthropic aid in the form of credit and low interest loans went almost exclusively to white farmers. Most African American banks failed. By 1918 only one remained in Alabama and two in Mississippi, down from a 1911 peak of seven and eleven respectively.

It was, however, the boll weevil plague that would wreak the greatest devastation. Originating in Central America and Mexico, the insects had begun eating crops and by 1920 a major infestation had spread across the cotton belt. White farmers, though badly affected, were able to diversify into other crops in significant numbers. With their lending institutions gone and race relations worsening throughout the South, black farmers fled in the hundreds of thousands to Northern cities.⁹

A Legacy of Bias: State's Response to Rural Crisis

During the Great Depression, the federal government again tried to promote land tenure and income stability for rural African Americans. However, the programs initiated were in most cases too short-term



The NAACP joins black farmers in taking their cause to the nation's capital.

to have significant impact, administered in a discriminatory manner, or geared toward the more solvent and educated upper tiers of those in need. Attorney and professor Harold A. McDougall, in surveying the history of government aid to the minority farmer, notes "The traditional underlying flaw of all agricultural subsidy programs is that they subsidize ownership of the land rather than labor upon it. The small black farmer in the South is critically affected by the substitution of capital for labor in agriculture, a substitution encouraged and exacerbated by more than a generation of government subsidies."¹⁰

Early New Deal agricultural policy as represented by the Agricultural Adjustment Act (AAA) of 1933 embodied this tendency most blatantly. Payments made to large landowners to reduce cotton acreage were officially to be distributed to their lessees as well, but most of these reallocations never took place. Under pressure from the Southern Tenant Farmers' Union, formed by the biracial coalition of tenants and sharecroppers to protest the inequities of the AAA, President Roosevelt issued an executive order establishing the Resettlement Administration (RA) in 1935. Charged with relocating destitute families to subsistence

farms and training them to grow their own food, the RA achieved moderate success but imposed a busy and heavy-handed bureaucracy on the farmers it served—at the program's peak it employed twice as many personnel as homesteaders.¹¹

Instituted in 1937, the Farm Security Administration (FSA), took over the functions of the RA and approved cooperative grants and loans to low income farmers seeking to lease land; acquire farm implements, livestock, insurance and other resources; or form buying and marketing associations. The FSA did help establish innovative cooperative and collective farming projects. Several all-black cooperatives of this type were founded; a few others were reportedly integrated without incident. But a 1940 survey counted less than 2,000 black farm families benefiting from FSA programs, a particular shame when one considers that African Americans receiving FSA loans actually boasted a better repay-

ment record than whites, whose gross incomes exceeded theirs by 60 percent. Beginning in 1943, pressure from established agricultural interests resulted in restrictions on the FSA and in 1946 it was replaced with the Farmers Home Administration (FmHA).¹²

In the 1960s, the civil rights movement and Great Society antipoverty programs gave renewed impetus to the drive to reverse black land decline. With the aid of various church and advocacy organizations and private foundations, cooperatives intended specifically to benefit African American subsistence farmers were founded across the South. Out of this movement emerged the Federation of Southern Cooperatives (FSC), established in 1967 to assist primarily African American rural families in the formation of cooperatives and credit unions, the securing of landholdings, and the promotion of public policy favorable to family farms. In 1972 the Emergency Land Fund (ELF) was founded, later merging

with the Federation in 1985. The endurance of the Federation of Southern Cooperatives/Land Assistance Fund signals an increased reliance on local community-based solutions, a useful emphasis, given the continued reluctance of Farmers Home Administration to loan to low income non-whites and the refusal of cooperation on the part of many more established and prosperous white-controlled cooperatives.¹³

The Legal Challenge: Pigford versus Glickman Class Action Lawsuit

In 1920, 925,000 farmers (14 percent of all farms) were African American. By 1950, black land ownership had declined to 12 million acres, and in 1969 it was down to 5.5 million acres, a drop of 54 percent in just twenty years. Between 1982 and 1992, the number of black farmers in the United States dropped by 43 percent, from 33,250 to 18,816.¹⁴ A 1990 House Committee report said black farmers were on the verge of

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Photograph courtesy of Heather Gray, Federation of Southern Cooperatives

On the steps of the US District Court in Washington, DC, Ralph Paige and Gary Grant speak to farmers following hearing of the class action on March 2, 1999.

extinction. At that time, African Americans made up roughly one percent of the nation's farmers and were disappearing at a rate almost five times greater than whites.¹⁵ The African American farm owners who still survive are bucking a dismal trend. In 1999, less than 18,000 African American farmers, out of a total 1.9 million U.S. farmers, owned less than 1 million acres.¹⁶ It was then predicted that by the year 2000, there would be no black-owned land in America.¹⁷

This dramatic loss of black-owned farmland is the result of a combination of historical discrimination and financial lending policies that have left black farmers out of assistance programs. In a report released by the Farmers Home Administration (FmHA) in April 1997, 91.4 percent of the farm loans in 1997 went to white farmers, 2.3 percent to black farmers, 4.2 percent to Hispanic farmers, and 1.2 percent to Native Americans.¹⁸ In February 1997, Agriculture Secretary Dan Glickman and Assistant Secretary for Administration Pearlle Reed held civil rights listening sessions, which revealed the dismal record of racial discrimination, neglect, and abuses by the USDA. Even Secretary Glickman acknowledged that "it's very clear that small farmers in general, and African American farmers in particular, are having a harder and harder time keeping their land. There are lots of explanations but no excuses."¹⁹ Following the listening forums, the Civil Rights Action Team (CRAT) developed 92 recommendations, the vast majority of which have yet to be implemented.

The Civil Rights Commission, which studied the problem in the 1980s, said that black farmers believe they are "subjected to disrespect, embarrassment, and humiliation" by USDA officials. Black farmers wait far longer for loan decisions, and are more likely to be rejected for loans than their white counterparts. In making a discrimination finding in a farmer's case, USDA investigators found that white farmers in his county typically waited 84 days for loan decisions, while black farmers' average wait was 222

days. Investigators also found that 84 percent of the white applicants had their loans applications approved, while only 56 percent of the black applicants were granted loans. As a result, each day black farmers lose 1,000 acres of land, and they claim 53 percent of USDA land holdings formerly belonged to them.²⁰

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Government studies have also shown that minority farmers are underrepresented on the local committees that make loan decisions, particularly in the South. One internal USDA probe found that local officials were "rude and insensitive to black farmers," that their projected crop yields were calculated differently from those of white farmers and that African Americans were sometimes rejected because of "computation errors."

To further add to the woes of the black farmers, President Reagan cut the USDA budget in 1983 by eliminating its civil rights complaint division. That ended any federal investigation of complaints filed by minority farmers. But black farmers were never informed that the complaint division had been abolished. When their loan applications were routinely rejected by county lending committees, their local appeals went to the same loan officers who had rejected their original applications. They were then invited to file complaints to Washington by local officials who knew the complaint division no longer existed. These complaints piled up in a vacant room in the Agriculture building in Washington.

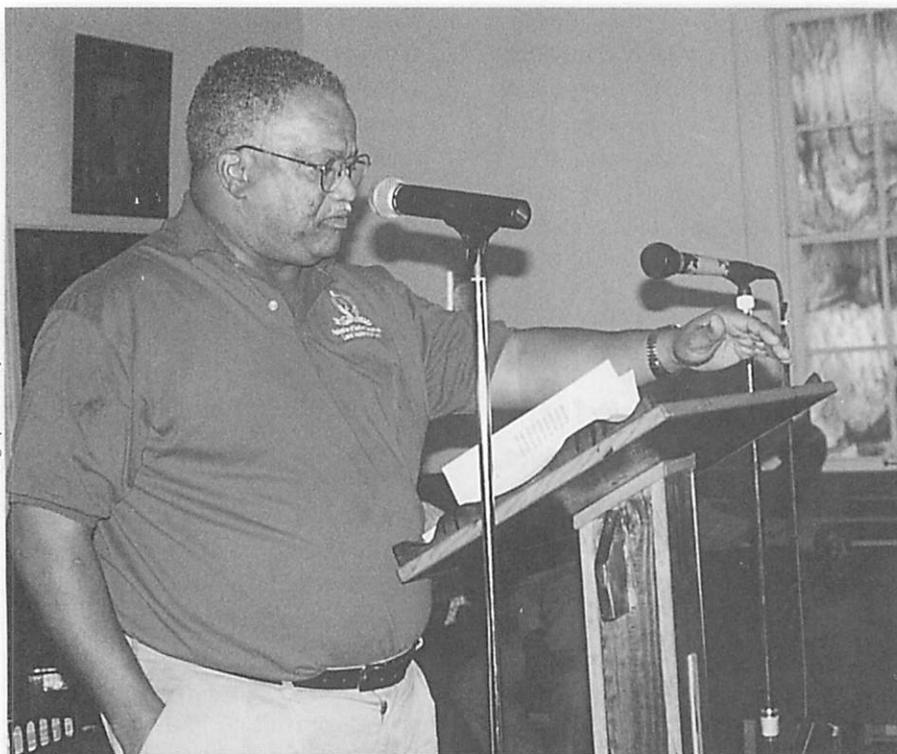
This discrimination has ignited protests and demonstrations over the years. In 1990 the first lawsuit was filed against the federal government on behalf of black farmers by the

Farmers Legal Action Group (FLAG), with the assistance of the Federation of Southern Cooperatives/Land Assistance Fund. The lawsuit demanded acquiring from the government complaints of discrimination filed by the black farmers against the Farmers Home Administration and other documents regarding civil rights compliance within the FmHA and USDA. FLAG was successful in acquiring the complaints. It then attempted to add substance to the lawsuit by making it into a class action suit, which was not a successful effort.

In April 1997, hundreds of black farmers marched in Washington and testified before the Black Congressional Caucus. They testified that FmHA intentionally tried to drive black farmers out of business by not providing loans in a timely manner and eventually foreclosing on their operations. In 1997 in the Timothy Pigford, et al. versus Glickman class action lawsuit, over a 1,000 black farmers sued the USDA, seeking \$3 billion in compensation. They charged that racist administration of USDA lending agencies had materially harmed black farmers. The case covered claims from 1983—the year the department's office of civil rights was disbanded—to 1997, the year after the office was restored. In January 1999, the USDA and attorneys for the farmers reached an out-of-court settlement. The agreement calls for forgiveness of the plaintiffs' government debts and a one-time tax-free \$50,000 disbursement to each farmer. Those with well-documented cases of discrimination could take their cases to an arbitrator, but would then forfeit the right to the payment and debt cancellation option.

Many black farmers are not happy with the way the settlement concluded since it does not solve their problems. Blissfully unaware, Secretary of Agriculture, Dan Glickman called his department's response to the black farmers' class action "our appointment with history," at a press conference on January 5, 1999.²¹ Black farmers would say that the USDA was a little late.

The deal is still far less than the \$3 billion farmers initially sought. The average debt



Ralph Paige, Executive Director of the Federation of Southern Cooperatives, testifying at the Congressional Progressive Caucus Economic Human Rights Bus Tour, Georgia, organized by Food First, November 1999.

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for farmers involved in the lawsuit is \$75,000 to \$100,000. According to Winston Monk and his wife, who lost their business and then saw their farm put up for auction, "Giving the farmers \$50,000 does NOT make up for acres lost, incomes the farmers have been without, and the fact that in many cases farmers have no land to leave to their children and grandchildren." Many farmers lost it to moneylenders and an economy which refused to help, though aid was readily available to white farmers.²² Monk's farm was assessed at \$237,000, and picked up for \$88,000 by Harry Wass, representing the USDA.

Several black farmer groups have faulted the agreement because it does not force the USDA to change its policies to permanently stop discrimination in loans and assistance. According to John Boyd, president of the National Black Farmers Organization (NBFA), "It's not enough here for a lifetime of losses, a lifetime of pain and suffering."²³ Consequently, black farmers

from 22 states agreed unanimously in February 1999 to reject the proposed settlement of \$375 million, calling the government's offer "chicken feed." They characterized the settlement as "disgusting, racist, tyrannical; a betrayal, a sabotage, and the final nail in the coffin of the black farmer and land owner."²⁴

Eddie Slaughter of Buena Vista, Georgia, and vice president of BFAA and one of the original plaintiffs, explained why the farmers rejected the settlement: "There is no justice in this consent decree. It doesn't hold anybody accountable for violating the law. The same county supervisors and board members who denied loans and seized our property would still be in office. The \$50,000 payment won't even buy a good used tractor. And it does nothing about the land that has been taken from us."²⁵

The historic Pigford versus Glickman class action suit was to be the panacea for past injustices; it has turned out to be nothing but a nightmare for many of the farmers.

According to BFAA president, Gary Grant, "No other victims have ever had to furnish such proof after a culprit has pleaded guilty to actions that can only be seen as sabotage."²⁶ Tens of thousands of black farmers were encouraged to file liquidation claims, then told by claims adjusters that their claims were denied and the discrimination which they alleged did not occur. The denials do not take into account that much evidence was destroyed or misplaced by officials during the thirteen years the USDA's civil rights agency was defunct.

The media has done a good job at convincing Americans that the consent decree is working well. On December 10, 1999 (recognized internationally as Human Rights Day), black farmer organizations rallied at Lafayette Park in Washington, DC to call upon the nation's elected officials to set the record straight before the end of the millennium. They demanded that no people should have to go into this new century with the type of shenanigans that are still being heaped on them by a government that criticizes other countries' human rights record and ignores its own.

The nation and the world need to know of the human rights violations by the USDA and Department of Justice that continue to cause undue and unnecessary anguish for black farmers. Many black farmers are still being intimidated and discriminated against: the process for payment of farmers is moving too slowly, and there is a rejection rate of over 40 percent, using frivolous reasons. Stephan Bowers, a lawyer for the Land Loss Fund, has pointed out that farmers whose claims have been approved are not receiving the debt relief promised by the USDA. Many farmers have been denied relief without the government submitting any evidence to contradict their claims. More important, systemic changes have not taken place in the USDA to eliminate discrimination against the plaintiffs and all other black and similarly disadvantaged farmers, and the USDA is still not returning land to black farmers from its inventory.

What's Needed Now ²⁷

A coalition of black farmer organizations is working diligently to keep the prediction of "no land by the year 2000" from coming true. According to the Federation of Southern Cooperatives/Land Assistance Fund, the settlement is only a start and in no way rights all wrongs black farmers have experienced at the behest of the U.S. Department of Agriculture. Among other things, black farmer organizations are demanding the USDA take the following steps to strengthen the settlement:

- *Return of Land:* Return foreclosed lands to the black farmers and pay adequate compensation for the abuse of their human rights over the decades.

- *Registry of Black Farmers and Landowners:* Implement Civil Rights Action Team (CRAT) recommendation number 28 requiring the USDA to create a voluntary registry of black and other non-white farmers and landowners. This registry will serve as a baseline measuring tool to determine the number of blacks and other minority farmers and the extent of their land holdings. The registry will assist the USDA in planning outreach, education, and technical assistance programs. The registry will also assist the USDA and farmer organizations in evaluating the effectiveness of USDA services and programs in maintaining diversity and plurality in the ownership of farmland in our nation.

- *Support for Outreach, Technical Assistance, and Education Funding:* For the implementation of the settlement to be effective and supportive of black farmers, there is a need for a program of concentrated outreach, education, and technical assistance for Black and other disadvantaged farmers. In 1990, Congress authorized \$10 million to be allocated every year (Section 2501 of the Minority Farmers Rights Act) for this purpose. This was the first time the Federal government targeted funding for technical assistance and outreach for minority farmers. The Act was a response to the 1982 U.S. Commission on Civil Rights report stating that the prima-

ry reason black farmers have lost land is because of the USDA itself. However, at no time since 1990 has the full \$10 million been awarded—in fact, black farmers have been shortchanged by over \$50 million in the past nine fiscal years.

- *Better USDA Research and Education Funding and Activities:* More support and funding is needed from the USDA for research, education, and extension activities geared to the needs of black family-sized farmers, instead of all its activities catering to the needs of the large-scale farmers.

- *Democratization of the USDA/Farm Services Agency (FSA) County Committee System:* The FSA County Committee election system must be reformed and made more democratic and representative. There are only a handful of African American committee members elected across the South. As a result the system has failed to provide fair representation of black and other minority farmers on these critical local decision-making committees.

- *Full Implementation of the CRAT and National Small Farm Commission Recommendations:* In 1997, the USDA published the Civil Rights Action Team report and in 1998 the National Commission on Small Farms published "A Time To Act," which contained recommendations for improving the USDA's services to its black farmer and all family farmer customers. The implementation of the legal settlement should include full implementation of the recommendations in these reports.

- *Tax Considerations:* Enhanced tax considerations and exemptions for family sized farmers and landowners to keep landholdings in agriculture, forestry production, and wetlands.

- *Farm Bill for the Farmers:* Serious alterations and/or complete revision of the next Farm Bill is necessary to strengthen America's family farmers by providing a minimum price safety net and programs to end the discrimination against small family farmers.

Quick action is imperative to sustain African American land ownership and farming. A swift and honest response by the USDA could slow the drastic decline of black farmers. In this way, the USDA could address its long history of racial discrimination in a manner that promotes political equality and economic justice.

The time is right to honor the Economic Human Rights of America's black farmers and stem the tide of black land loss and restore their right to be stewards of the land. In the words of Ralph Paige, executive director of the Federation of Southern Cooperatives/Land Assistance Fund, "Many of our ancestors lost their lives to own land, to earn a living from the land, to raise their families in the richness of the Southern rural culture that is distinctly our own. Help us hold on to this important and valuable resource. We have a right to this land!" ²⁸

For more information on how to support the struggle for justice for the black farmers contact:

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 2769 Church Street, Eastpoint, GA 30344 • (404)765-0991

Black Farmers and Agriculturalists Association
 P O Box 597, Buena Vista, GA 31803 • (912) 649-641

Notes

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