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Title: From Slavery to Sovereignty: The Economic Importance of the *Justice for Black Farmers Act*

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Summary

The *Justice for Black Farmers Act of 2023* stands as a beacon of transformative legislation in a paramount stride towards rectifying historical injustices and fostering economic equity. In the pursuit of social justice, the United States has a duty to its Black citizens to acknowledge its legacy of slavery, racism, and discriminatory practices as well as actively work towards dismantling systemic barriers to cultivate avenues for their sustainable prosperity.

This capstone illuminates the rich history of Black ingenuity in American agriculture, emphasizing significant contributions made by enslaved Africans and their descendants. Additionally, the capstone examines instances throughout history that have impeded Black Americans' ability to accumulate generational wealth to further support the case for reparations. It also analyzes the framework of other reparations programs to evaluate how the *Justice for Black Farmers Act* compares in its goal of redressing the historical injustices of slavery and reshaping the trajectory of economic justice for Black farmers and their families. The objective of this capstone is to present a compelling argument for Congress to take further action in addressing the historical injustices and systemic racism faced by Black Americans in the United States by introducing and advancing legislation like the *Justice for Black Farmers Act* and the *Commission to Study and Develop Reparation Proposals for African Americans Act*.

Introduction

A History of African Ingenuity in American Agriculture Through Food

The significant contributions of enslaved Africans to American agriculture have largely been discounted and ignored due to a lack of records created and kept by slaveholders, who often wrote only to justify enslavement. Contrary to persistent claims that African Americans benefitted from being kidnapped, tortured, and kept in captivity, plantation owners relied heavily upon the agricultural knowledge that West Africans brought across the Atlantic¹. According to *Farming While Black* by Leah Penniman, the co-founder of Soul Fire Farm in Grafton, New York, enslaved herbalists possessed a profound and intimate knowledge of native and naturalized plants, their medicinal uses, and their spiritual dimensions.² Additionally, many sustainable farming practices and staple foods have roots in African wisdom as enslaved Africans played a pivotal role in the growth and expansion of plantation agriculture and beyond.

The history of agriculture in America remains incomplete without acknowledging the contributions of Black people. Of those many contributions, one of the most well-documented and historically significant grains in the Western Hemisphere is rice.

¹ Planas, A. (2023, July 20). *New Florida standards teach that black people benefitted from slavery because it taught useful skills*. NBCNews.com. <https://www.nbcnews.com/news/us-news/new-florida-standards-teach-black-people-benefitted-slavery-taught-usef-rcna95418>

² Penniman, L. (2018). Plant Medicine. In *Farming While Black: Soul Fire Farm's Practical Guide to Liberation on the Land*. (pp. 191) Chelsea Green Publishing Co.

Rice cultivation in North and South Carolina arose through the indigenous West African knowledge of growing *Oryza glaberrima*.³ Because rice was not indigenous to the Americas, slaveowners had no knowledge of how to grow it. *Oryza glaberrima*, known as African Black Rice, was domesticated from its wild ancestor *Oryza barthii* roughly 3,000 years ago in West Africa, independently of the *Oryza sativa* in East Asia.⁴

In 1974, Historian Peter Wood published *Black Majority*, a book that analyzed the coastal South Carolina plantation economy.⁵ The book also revealed that the emergence of rice as a primary cash crop in America was heavily influenced by West Africans having grown rice before crossing the Middle Passage. He also argued that this made West Africans an “attractive skilled labor force” for Europeans. Building on Wood’s research, Historian Daniel C. Littlefield published *Rice and Slaves* in 1981.⁶ The book delved into the specific regions in West Africa where rice was planted. Littlefield’s documentation revealed the preferences of slave-owning rice planters for enslaved Africans of specific ethnic groups, underscoring their awareness of African skilled rice cultivation.

Since these seminal publications, numerous transformative works have explored the African origins of rice cultivation in the United States. Notable examples include *Black Rice* by Judith A. Carney and *Deep Roots: Rice Farmers in West Africa and the African Diaspora* by Edda L. Fields-Black.^{7,8}

In 2007, rice geneticist Anna McClung and molecular geneticist Robert Fjellstrom examined the USDA Rice Germplasm Collection for the RM190 gene that controls starch content within the Carolina Gold variety of rice – aptly named for becoming the most valuable export for plantation owners by 1720.⁹ Their findings revealed that the Carolina Gold variety had 42 molecular markers similar to that of the Bankoram variety collected in 1972 from a seed bank in Ghana. This promising result mirrored the many hypotheses made by scholars before them: that the cash crop likely came from West Africa similarly to the enslaved Africans who singlehandedly fueled its husbandry and profoundly transformed rice production in the United States.¹⁰ So-much-so that the bow-tied, rice mascot Uncle Ben, though retired in 2020, still stands as an enduring memory of that legacy.¹¹

³ Cuellar, R., Teichner, E., & Hendricks, L. (2022, May 31). *Oryza glaberrima: The Environmental Impacts of Slavery*. StoryMaps.

⁴ Xu, R., & Sun, C. (2021). What happened during domestication of wild to cultivated rice. *The Crop Journal*, 9(3), 564–576. <https://doi.org/10.1016/j.cj.2021.02.005>

⁵ Wood, P. H. (2012). *Black majority: Negroes in colonial South Carolina from 1670 through the Stono Rebellion*. Knopf.

⁶ Littlefield, D. C. (1981). *Rice and slaves ethnicity and the slave trade in Colonial South Carolina*. Louisiana State Univ. Pr.

⁷ Judith, J. A. (2002). *Black Rice: The African origins of rice cultivation in the Americas*. Harvard University Press.

⁸ Fields-Black, E. L. (2008). *Deep Roots Deep Roots: Rice farmers in West Africa and the African Diaspora*. Indiana university Press.

⁹ Stokstad, E. (2007, November 16). *American rice: Out of Africa* | science | AAAS. Science. <https://www.science.org/content/article/american-rice-out-africa>

¹⁰ Linares, O. F. (2002). African rice (*Oryza glaberrima*): History and future potential. *Proceedings of the National Academy of Sciences*, 99(25), 16360–16365. <https://doi.org/10.1073/pnas.252604599>

¹¹ Carney, J. (2003). The African antecedents of Uncle Ben in U.S. rice history. *Journal of Historical Geography*, 29(1), 1–21. <https://doi.org/10.1006/jhge.2002.0450>

The rice crop found its way to other parts of the world by being interwoven into the braids of African women and girls.¹² Black mothers would braid grains and seeds into their children's hair to ensure their survival through the Middle Passage. In addition to rice, enslaved Africans also brought with them an incredibly diverse assortment of crops. Among them were okra, kidney and lima beans, watermelon, yams, guinea melon, millet, sorghum, sesame, and several legumes.¹³ Today, many foods associated with Southern cuisine originated in Africa. Only a few examples, out of many, begin to paint a clear picture: American food is African food.

Silent Sowers of Skilled Labor: The Art of Sustainable Farming Techniques

Much like our natural landscapes exhibiting rich species diversity, West Africans developed intercropping and polyculture strategies that mirrored the healthy plant relationships all around them.

The Hausa farmers developed at least 156 systematic combinations of crops including no-till polycultures of root crops, legumes, and grains planted on ridges.¹⁴ The Abakaliki farmers in Nigeria employed a method of mixed cropping by creating mounds, where they strategically planted various crops. Yams were planted on the elevated tops, rice in the furrows, and on the lower sections of the mounds were maize, cassava, okra, and melon. This mounding technique was beneficial because it increased the volume of soil available for rooting crops.¹⁵ They additionally practiced the intercropping of egusi melon with sorghum, cassava, coffee, cotton, maize, and bananas. This not only represented an early form of integrated pest management but also effectively suppressed weeds.¹⁶

The Ovambo people of Northern Namibia and Southern Angola practiced a distinctive agricultural technique involving field demarcation, brush clearing, and the construction of rectangular mounds measuring approximately 10 feet in length, 5 feet in width, and one foot in height. The mounds' pathways also doubled as an irrigation system. The Ovambo people incorporated various nutrients into the mounds like manure, ashes, and termite earth to increase soil fertility. Furthermore, after millet harvests, they would practice rotating fallows, allowing cattle and goats to graze on the brush and replenish the soil through depositing additional manure. The Susu-Jalonke speakers of Guinea also planted their crops in mounds to decrease soil erosion which was a common practice throughout West and West Central Africa.¹⁷

¹² Carney, J. A. (2004). 'With grains in her hair': Rice in colonial Brazil. *A Journal of Slave and Post-Slave Studies*, 25(1), 1–27. <https://doi.org/10.1080/0144039042000220900>

¹³ Handley-Cousins, S. (2020, July 26). *Slavery & Soul Food: African Crops and Enslaved Cooks in the History of Southern Cuisine*. DIG: A History Podcast. <https://digpodcast.org/2020/07/26/soul-food/>

¹⁴ Penniman, L. (2018). Crop Planning. In *Farming While Black: Soul Fire Farm's Practical Guide to Liberation on the Land* (pp. 123). essay, Chelsea Green Publishing Co.

¹⁵ Agboola, A. A. (2017). *Crop mixtures in traditional systems*. United Nations University. <https://archive.unu.edu/unupress/unupbooks/80364e/80364E08.htm>

¹⁶ Penniman, L. (2018). Crop Planning. In *Farming While Black: Soul Fire Farm's Practical Guide to Liberation on the Land* (pp. 123). essay, Chelsea Green Publishing Co.

¹⁷ Penniman, L. (2018). Restoring Degraded Land. In *Farming While Black: Soul Fire Farm's Practical Guide to Liberation on the Land* (pp. 75). essay, Chelsea Green Publishing Co.

While impossible to enumerate every individual West African polyculture and identify all the specific Indigenous West African peoples who pioneered them, it is crucial to emphasize the extensive variety that exists. To put this into perspective, in 2021, Polycultures constituted a significant 80 percent of the cultivated area in West Africa.¹⁸

Irrigation Techniques

Ancient Egyptians created the first significant irrigation systems in the world, over 5,000 years ago. Since then, African farmers have long used techniques like bunding and canals to manage surface water. In the Rio Nunez region of Guinea, farmers would manage waterlogged soils by digging an intricate irrigation system of dikes as well as canals to move fresh water.¹⁹

Senegambia, Guinea, Mandinka, Baga, Mende, Tenne, and Wolof are all along what is considered the “rice coast” of Africa. Past evidence of farmers developing technologies for the production and processing of rice further reveal that the Carolina rice industry was built on the skills and wisdom of enslaved Africans. There remains evidence of sluices, canals, floodgates, embankments, and dikes that are identical to those in West African mangrove rice production.²⁰ The complex irrigation and dam systems built by enslaved farmers for rice production, transformed as much as 236,000 acres of untouched land into about 120,000 acres (about the area of San Antonio, Texas) of tidal rice fields and roughly 116,000 acres of inland rice fields. Many of those enslaved farmers were Gullah people, descended from what is now Senegal, Guinea, Sierra Leone, Côte d’Ivoire, and Angola.²¹

Black Visionaries and Agricultural Advancements

In addition to their skilled labor in land stewardship, West Africans and their descendants made many significant technological contributions to U.S. agriculture. While Eli Whitney is widely recognized for inventing the mechanized cotton gin, history often overlooks the enslaved farmer who inspired him, known only as “Sam.” The basic principle for the cotton gin was rooted in African technologies dating back to the 5th century C.E.²²

A myriad of other inventions and design improvements by Black farmers includes Henry Blair’s wheelbarrow seed planter (1834) and mechanical cotton planter (1836), George Washington Murray’s eight patents for planters, cultivators, and fertilizer distributors (1894), Joseph Smith’s

¹⁸ Altieri, M. A. (2001). Agriculture, traditional. *Encyclopedia of Biodiversity*, 119–125. <https://doi.org/10.1016/b978-0-12-384719-5.00005-8>

¹⁹ Penniman, L. (2018). Tools and Technology. In *Farming While Black: Soul Fire Farm’s Practical Guide to Liberation on the Land*. (pp. 141) Chelsea Green Publishing Co.

²⁰ Penniman, L. (2018). Crop Planning. In *Farming While Black: Soul Fire Farm’s Practical Guide to Liberation on the Land*. (pp. 105) Chelsea Green Publishing Co.

²¹ Martin, R. (2023, December 11). *Gullah*. Encyclopædia Britannica. <https://www.britannica.com/topic/Gullah-people>

²² Lakwete, A. (2005). *Inventing the cotton gin: Machine and myth in Antebellum America*. Johns Hopkins UP.

lawn sprinkler (1897), John A. Burr's lawnmower with traction wheels and rotary blades (1899), Leonard Julien's sugar cane planter (1966) and numerous others.^{23, 24, 25, 26}

While many more Black farmers left an indelible mark on history, enslaved Black people were denied the right to obtain patents by the government. Instead, any inventions they crafted legally belonged to and were claimed by their masters.²⁷ The true extent of Black antebellum inventions remains a mystery, leaving us to ponder and grieve the countless innovations lost to history. What can no longer be debated is that agriculture in America is deeply rooted in Black culture.

*Something slow moves through him, watched by hills.
Something low within each rock receives
His noonday wish, then crumbles rich; so fills
Each furrow that the prairie year upheaves.
His arm has lain with boulders. His copper hand
Has mused on roots, uncaring of barbed wire.
His fist has closed on thistle, and dug the land
For corn October snows have whelmed entire.
Something flows within him in stubborn streams,
And in parted foliage something lives
In upright green, stirred by the rhythmic gleams
Of his hoe and spade. From worn-out arms he gives;
The earth receives, turns all his pain to soil,
Where he believes, and testifies through toil.*

- James A. Emanuel, "For a Farmer"

Understanding the Justice for Black Farmers Act and Barriers to Passage

Prior to the introduction of the *Justice for Black Farmers Act of 2023* (S.96, H.R.1167), a bill by the same name was brought before the U.S. Senate by Senator Cory Booker (D-NJ) on November 30, 2020 (S.4929). At the time, the unicameral bill had only two other Democrat cosponsors: Senator Elizabeth Warren (D-MA) and Senator Kirsten Gillibrand (D-NY). The bill was not enacted into law.²⁸

²³ Tobacco Farm Life Museum. (2021, February 9). *Agricultural Innovations: African American inventors*. <https://www.tobaccofarmlifemuseum.org/post/agricultural-innovations-african-american-inventors>

²⁴ Our Weekly LA. (2011, April 27). *Black history fact of the week: Joseph H. Smith*. Our Weekly. <https://www.ourweekly.com/2011/04/28/black-history-fact-of-the-week-joseph-h-smith/>

²⁵ Bellis, M. (2019, October 2). *How John Albert Burr innovated modern lawn mowing*. ThoughtCo. <https://www.thoughtco.com/green-lawns-john-albert-burr-4072195>

²⁶ Harris, B. B. (2019, February 10). *BHM: Inventor of the sugar cane planter, Leonard Julien Sr.* WBRZ. <https://www.wbrz.com/news/bhm-inventor-of-the-sugar-cane-planter-leonard-julien-sr->

²⁷ Matchar, E. (2019, February 27). *The first African-American to hold a patent invented "dry scouring."* Smithsonian Magazine. <https://www.smithsonianmag.com/innovation/first-african-american-hold-patent-invented-dry-scouring-180971394/>

²⁸ Congress.gov. (2020). *Justice for Black Farmers Act of 2020*. <https://www.congress.gov/bill/116th-congress/senate-bill/4929/text?r=2&s=1>

A second, bicameral bill bearing the same name (S.300, H.R.1393) was introduced by Senator Cory Booker and House Representative Alma Adams (D-NC-12) on February 8, 2021, and February 26, 2021, respectively. The bill garnered support in the Senate from seven Democrat cosponsors in addition to Senator Bernard Sanders (I-VT), and 30 Democrat cosponsors in the House. However, the second opportunity to foster economic development for Black farmers and the broader Black community did not result in the bill being enacted into law.^{29,30}

On January 26, 2023, Senator Cory Booker introduced *the Justice for Black Farmers Act of 2023* in the Senate while Representative Alma Adams introduced its counterpart in the House of Representatives on February 24, 2023. The bill garnered support in the Senate from 10 Democrat cosponsors in addition to Senator Bernard Sanders, as well as 33 Democrat cosponsors in the House.^{31, 32}

The bill is multi-pronged, with notable provisions including:

- **Equity commission in the USDA:** The bill proposes the establishment of an equity commission within the USDA to examine discrimination by the agency against Black farmers and ranchers as well as recommend actions to end the systematic disparities in their treatment.
- **Farm Conservation Corps:** The bill proposes the creation of a Farm Conservation Corps designed to equip young adults from socially disadvantaged groups with the skills necessary to pursue careers in farming and ranching.
- **Support for Historically Black Colleges and Universities:** The bill seeks to allocate funding to HBCUs to enable them to initiate and expand courses of study that are specifically focused on careers in agriculture or related disciplines.
- **Farmland Ownership and Succession Program:** The bill proposes an increase in the authorization of appropriations for a program to resolve issues relating to ownership and succession of farmland through provisions of land grants. This includes expanding credit assistance for socially disadvantaged farmers and ranchers.

The 2023 bicameral bill marks the third iteration, spanning across a multi-year effort, to bring the subject of the historical discrimination against Black farmers before the eyes of Congress. This landmark legislation serves as a reparations measure for Black farmers, seeking to rectify a historical pattern of discrimination within the USDA that resulted in the loss of millions of acres of farmland and the depletion of hundreds of billions of dollars in intergenerational wealth for Black farmers and their families.

²⁹ Congress.gov. (2021). *Justice for Black Farmers Act of 2021*. <https://www.congress.gov/bill/117th-congress/senate-bill/300>

³⁰ Congress.gov. (2021). *Justice for Black Farmers Act of 2021*. <https://www.congress.gov/bill/117th-congress/house-bill/1393?s=1&r=323>

³¹ Congress.gov. (2023). *Justice for Black Farmers Act of 2023*. <https://www.congress.gov/bill/118th-congress/senate-bill/96?s=1&r=4&q=%7B%22search%22%3A%22Justice+for+Black+Farmers+Act%22%7D>

³² Congress.gov. (2023). *Justice for Black Farmers Act of 2023*. <https://www.congress.gov/bill/118th-congress/house-bill/1167?s=1&r=1&q=%7B%22search%22%3A%22Justice+for+Black+Farmers+Act%22%7D>

A conservative estimate reveals a \$326 billion loss of land for Black farmers during the 20th century, in which the price of farmland increased 52 times the average in 1990, severely suppressing wealth-building opportunities for African Americans.^{33, 34}

Still Just a Bill: The Trouble with Anti-Reparations Sentiments and Rampant Myths

The Justice for Black Farmers Act of 2023 may very well be the most comprehensive piece of agricultural justice legislation proposed in modern American history that aims to correct the racial inequities faced by Black Americans. Congress ignoring this bill, across three separate years, warrants a serious inquiry as to why. What sets apart a bill supporting Black descendants of enslaved Africans in the U.S is primarily the inclusion of the word “Black”. This distinction is significant due to the historical and ongoing systemic injustices faced by Black Americans. Additionally, the bill faces opposition from widespread anti-reparations sentiments in the U.S., further complicating its passage and implementation.

According to a 2021 Pew Research Center study, 77 percent of Black Americans supported reparations for the descendants of enslaved people in the U.S in stark contrast to 18 percent of white Americans who shared the same view. Interestingly, 50 percent of white individuals acknowledged that the legacy of slavery significantly affects Black people in the U.S, either to a fair extent or to a great degree. The partisan gap also remained as its own chasm. Forty-eight percent of Democrats and Democratic-leaning independents said descendants of enslaved people should be repaid in some way while 49 percent said they shouldn’t be repaid. By comparison, 91 percent of Republicans and GOP leaders said descendants should not be repaid.³⁵

While the U.S issued an apology for slavery and segregation in 2009, the American government has yet to provide any reparations to the descendants of enslaved people.³⁶ When it comes to addressing the historical injustice of chattel slavery, and its significance in wealth building for the U.S and its white citizens, the U.S. has proven unwilling to grapple with the sheer enormity of its injustice.

The disconnect between acknowledging the adverse effects of slavery on the Black community while opposing monetary compensation for Black Americans reveals a disconcerting truth: a mere acknowledgement of the harms done has not fueled a widespread public demand for reparations except within the community that has historically suffered from those injustices.

³³ Douglas, L. (2022, May 2). *U.S. black farmers lost \$326 bln worth of land in 20th century -study ...* Reuters. <https://www.reuters.com/world/us/us-black-farmers-lost-326-bln-worth-land-20th-century-study-2022-05-02/>

³⁴ United States Department of Agriculture. (2018, May 4). *Land Values*. USDA. https://www.nass.usda.gov/Publications/Trends_in_U.S._Agriculture/Land_Values/index.php

³⁵ Blazina, C., & Cox, K. (2022, November 28). *Black and White Americans are far apart in their views of reparations for slavery*. Pew Research Center. <https://www.pewresearch.org/short-reads/2022/11/28/black-and-white-americans-are-far-apart-in-their-views-of-reparations-for-slavery/>

³⁶ Congress.gov. (2009). *A concurrent resolution apologizing for the enslavement and racial segregation of African Americans*. <https://www.congress.gov/bill/111th-congress/senate-concurrent-resolution/26?s=8&r=6&q=%7B%22search%22%3A%22S.+CON.+RES.+26%22%7D>

The argument of reparations isn't solely centered on slavery; it encompasses the treatment of Black Americans during the Jim Crow era and the persisting impact of institutionalized racism. Those Black people and their kin are still living and contending with the enduring effects of past and current systemic inequities.

“If you stick a knife in my back nine inches and pull it out six inches, there’s no progress. If you pull it out all the way out, that’s not progress. Progress is healing the wound that the blow made. And they haven’t even pulled the knife out much less heal the wound. They won’t even admit the knife is there.”

– Malcolm X

Reparations for Me but Not for Thee

As America continues to debate over the deservedness of Black Americans to receive reparations, a historical irony emerges; slaveowners in Washington D.C. were compensated with reparations after enslaved Black people were freed. Each slaveowner was paid up to \$300 for every emancipated slave, an amount that equates to nearly \$8,000 or a total cost of almost \$25 million in 2021. Reparations were extended even to individual slaveowners outside the U.S., as documented in records from countries including the Netherlands, Sweden, Peru, Argentina, Brazil, and more.^{37, 38}

When discussing national-level legislation involving reparations for African Americans, the *Commission to Study and Develop Reparation Proposals for African Americans Act* (H.R.40) is a significant proposal that cannot be overlooked. Originally introduced in 1989 by Representative John Conyers Jr. (D-MI-1), it takes its name from the phrase “40 Acres and a Mule”.³⁹ The bill was introduced in Congress after the passage of the Civil Liberties Act of 1988 which paid reparations to Japanese Americans forced into internment camps by President Franklin D. Roosevelt during World War II.⁴⁰

H.R.40 sets out to establish a commission to study and develop reparations proposals for African Americans by doing the following:

- Compiling evidence of slavery in the U.S.;
- Studying the role of federal and state governments in supporting the institution of slavery;
- Analyzing discriminatory policies against freed African slaves and their descendants; and

³⁷ Dapceovich, M. (2021, June 20). *Were some slaveowners paid reparations by US Government when slavery ended?*. Snopes. <https://www.snopes.com/fact-check/slave-owners-paid-reparations/>

³⁸ Craemer, T. (2021, February 26). *There was a time reparations were actually paid out – just not to formerly enslaved people*. The Conversation. <https://theconversation.com/there-was-a-time-reparations-were-actually-paid-out-just-not-to-formerly-enslaved-people-152522>

³⁹ Brown, D. L. (2021, April 15). *40 acres and a mule: How the first reparations for slavery ended in betrayal*. The Washington Post. <https://www.washingtonpost.com/history/2021/04/15/40-acres-mule-slavery-reparations/>

⁴⁰ Aratani, L. (2019, December 18). *She fought the internment of Japanese Americans during World War II and won*. The Washington Post. <https://www.washingtonpost.com/history/2019/12/18/she-fought-internment-japanese-americans-during-world-war-ii-won/>

- Providing recommendations for the U.S. to recommend and fix the effects of slavery and discrimination faced by African Americans, including through apology and reparations.^{41, 42}

From 1989 until his resignation in 2017, Representative John Conyers Jr. introduced the bill, every year for nearly three decades, but it never successfully passed.⁴³

Hope still lingers as Senator Cory Booker and the late Representative Sheila Jackson Lee (D-TX-18) had steadfastly championed the bill since 2017. H.R.40's most recent iteration was introduced in the Senate on January 24, 2023, and in the House of Representatives on January 9, 2023. The bill has garnered support in the Senate from 24 Democrat cosponsors in addition to Senator Bernard Sanders, as well as a substantial 130 Democrat cosponsors in the House.^{44, 45} It remains to be seen whether Congress will continue to pass this bill by for another three decades.

Can't Spare the Expense: Big Numbers are Scary

Providing reparations to offset \$326 billion worth of land lost to Black farmers appears modest when considering the perspectives of economists like Robert S. Browne. Browne estimates that the income produced by enslaved people for their slaveowners amounted to \$4.7 trillion in modern money, roughly translating to \$175,000 (in 2022) for every Black American living today.⁴⁶ Furthermore, estimates given by economist William Darity range between \$13 and \$14 trillion.⁴⁷ Representative Cori Bush (D-MO-1) has also echoed the sentiment that \$14 trillion in reparations will eliminate the racial wealth gap.⁴⁸

⁴¹ Congress.gov (2023). H.R. 40 – Commission to Study and Develop Reparations Proposals for African Americans Act. <https://www.congress.gov/bill/118th-congress/house-bill/40?q=%7B%22search%22%3A%22reparations%22%7D&s=2&r=9>

⁴² Congress.gov (2023). S.40 - Commission to Study and Develop Reparations Proposals for African Americans Act. <https://www.congress.gov/bill/118th-congress/senate-bill/40?q=%7B%22search%22%3A%22reparations%22%7D&s=2&r=8>

⁴³ Cong. John Conyers Jr. (2020, June 29). *My reparations bill - HR 40*. Institute of the Black World 21st Century. <https://ibw21.org/commentary/my-reparations-bill-hr-40/>

⁴⁴ Congress.gov. (2023). *Commission to study and develop reparation proposals for African Americans act*. <https://www.congress.gov/bill/118th-congress/senate-bill/40?s=1&r=1&q=%7B%22search%22%3A%22Commission+to+Study+and+Develop+Reparation+Proposals+for+African+Americans+Act%27%22%7D>

⁴⁵ Congress.gov. (2023). *Commission to study and develop reparation proposals for African Americans act*. <https://www.congress.gov/bill/118th-congress/house-bill/40?s=1&r=2&q=%7B%22search%22%3A%22Commission+to+Study+and+Develop+Reparation+Proposals+for+African+Americans+Act%27%22%7D>

⁴⁶ Saraiva, C. (2021, May 25). *The historical reasons behind U.S. racial wealth gap*. National African American Reparations Commission (NAARC). <https://reparationscomm.org/reparations-news/the-historical-reasons-behind-u-s-racial-wealth-gap/>

⁴⁷ Robb, G. (2023, January 12). *Reparations for Black Americans will cost up to \$14 trillion and 'could finally lead to closure,' economist Sandy Darity says*. MarketWatch. <https://www.marketwatch.com/story/reparations-for-black-americans-will-cost-up-to-14-trillion-and-could-finally-lead-to-closure-economist-sandy-darity-says-11673541432>

⁴⁸ Peterson, B. (2023, May 19). *Rep. Cori Bush says \$14 trillion reparations bill will "eliminate the racial wealth gap."* ABC News. <https://abcnews.go.com/Politics/rep-cori-bush-14-trillion-reparations-bill-eliminate/story?id=99390652>

In June 2023, the Brattle Group presented a report during the University of the West Indies and The American Society of International Law's Second Symposium on Reparations Under International Law. This groundbreaking report, believed to be the first attempt at quantifying the damages incurred both during and after chattel slavery, estimated reparations to be over \$100 trillion dollars (about \$310,000 per person in the US).⁴⁹

In addition to these figures, many are now arguing that financial compensation is insufficient as it only addresses the financial aspect of slavery. A growing dialogue emphasizes the need for diverse solutions such as student loan forgiveness, down payment grants, and systemic changes to properly address hundreds of years and more of historical injustices towards Black Americans.⁵⁰

The crux of these mind-shattering estimates potentially contributes to the second reason for the overwhelmingly negative sentiments surrounding reparations for African Americans: compensating Black Americans adequately would necessitate an all-encompassing financial and societal commitment, for a near incalculable debt, from a nation that refuses to fully acknowledge just how much of a building block that chattel slavery was for the American economy.

Slavery's Silver Lining Myth

Another possibility as to why Congress continues to pass over the *Justice for Black Farmers Act* is the persistent viewpoint in the United States that slavery was a positive good. The discourse surrounding chattel slavery in America often remains notably disconnected from acknowledging its profound and inherent evil.

The pro-slavery stance emerged in response to the growing anti-slavery movement in the late 18th century. One of the more notable advocates for slavery was U.S Senator John C. Calhoun, who delivered a speech in 1837 staunchly supporting it. Calhoun vigorously defended slavery by making legal arguments about the Constitution protecting states' rights to preserve slavery. Additionally, he provided a moral defense to slavery by claiming that it was a more humane method of organizing labor compared to the conditions wage laborers faced in industrial cities in Europe and the U.S.⁵¹

While greatly diminished, these viewpoints persist today. Discussing chattel slavery and its effects on Black Americans is still particularly sensitive. Perhaps this sensitivity and hesitancy to consider reparations for Black Americans can, in part, be attributed to the fact that at least 100

⁴⁹ Bazelon, C. D., Vargas, A., Janakiraman, R., & Olson, M. M. (2023, June 8). *Quantification of Reparations for Transatlantic Chattel Slavery*. Brattle. <https://www.brattle.com/wp-content/uploads/2023/07/Report-on-Reparations-for-Transatlantic-Chattel-Slavery-in-the-Americas-and-the-Caribbean.pdf>

⁵⁰ Jarvis, J. (2020, July 17). *Reparations study pitches \$151M per descendant-money alone is not enough*. Newsweek. <https://www.newsweek.com/reparations-slavery-cost-more-just-money-1518649>

⁵¹ Lumen. (n.d.). *United States history I*. <https://courses.lumenlearning.com/wm-ushistory1/chapter/southern-pro-slavery-arguments/>

members of the 117th Congress are direct descendants of ancestors who enslaved Black people, comprising at least 8 percent of Democrats and 28 percent of Republicans in Congress.⁵²

“One cannot escape the question by hand-waving at the past, disavowing the acts of one's ancestors, nor by citing a recent date of ancestral immigration. The last slave holder has been dead for a very long time. The last soldier to endure Valley Forge has been dead much longer. To proudly claim the veteran and disown the slave holder is patriotism à la carte.”

— *Ta-Nehisi Coates, We Were Eight Years in Power: An American Tragedy*

Losing Ground: The Legacy of Land Larceny and a Vanishing Heritage

While challenges in enacting the *Justice for Black Farmers Act* persist, a history of landgrabs and handouts guaranteed that white U.S. settlers would be entrenched in a system of privilege and power. This process was facilitated, in part, by legislative measures that empowered the U.S. government to strip Native Americans of their land rights and redistribute that land to white settlers. One such law was the Indian Removal Act of 1830.⁵³ In a further effort to promote settlement, Congress enacted the Distribution-Preemption Act of 1841, which recognized squatters' rights and permitted white settlers to claim 160-acres of land. In 1843, white settlers residing in the Willamette Valley established a provisional government, allowing them to claim up to 640-acres of land despite treaties having been signed with Native Tribes.⁵⁴

The Donation Land Claim Act of 1850 granted portions of Oregon territory to white settlers in 320-acre parcels, at little to no charge, provided they were qualifying adult U.S. citizens. White male citizens 18 years of age and older who resided on the property on or before December 1, 1850, were granted 320-acres of federal land. Married couples would receive an additional 320-acres in the wife's name.⁵⁵ The Homestead Act of 1862 allocated 270 million acres to white smallholders, constituting 10 percent of all U.S. land, and generating trillions of dollars in wealth for beneficiaries and their descendants. The total number of acres believed to have been distributed under the Homestead Act of 1862 was 270,000,000.^{56, 57}

Broken Promises: 40 acres and a mule

On January 16, 1865, Union General William T. Sherman issued orders to allot land to some freed Black families, which was a part of a war order known as Special Fields Orders No. 15. The order would confiscate Confederate land located along the rice coast of the U.S, from

⁵² Delevingne, L. (2023, June 27). *More than 100 U.S. political leaders have ancestors who were slaveholders*. Reuters. <https://www.reuters.com/world/us/more-than-100-us-political-leaders-have-ancestors-who-were-slaveholders-2023-06-27/>

⁵³ Office of the Historian, Foreign Service Institute. (n.d.). *Indian Treaties and the Removal Act of 1830*. U.S. Department of State. <https://history.state.gov/milestones/1830-1860/indian-treaties>

⁵⁴ *The Preemption Act of 1841*. DocsLib. (1841). <https://docslib.org/doc/2919575/the-preemption-act-of-1841>

⁵⁵ Riddle, M. (2010, August 9). *Donation land claim act, Spur to American settlement of Oregon territ*. Donation Land Claim Act, spur to American settlement of Oregon Territory, takes effect on September 27, 1850. <https://www.historylink.org/file/9501>

⁵⁶ The Center for Legislative Archives. (1862, March 25). *The Homestead Act, May 20, 1862*. National Archives and Records Administration. <https://www.archives.gov/legislative/features/homestead-act>

⁵⁷ National Park Service. (n.d.). *Homesteading by the numbers*. <https://www.nps.gov/home/learn/historyculture/bynumbers.htm>

Charleston, South Carolina to the St. Johns River in Florida, including Georgia's Sea Islands and the mainland thirty miles in from the coast. This would redistribute roughly 400,000 acres of land to newly freed Black families in forty-acre segments. Local Black ministers and leaders in the Southeast, some of whom had been slaves themselves, were called upon to confer with General Sherman and President Lincoln's Secretary of War Edwin M. Stanton to discuss the topic of emancipation and what they wanted for their people.⁵⁸

Following Abraham Lincoln's assassination on April 14, 1865, his successor, President Andrew Johnson, overturned the war order as well as similar provisions included in the Freedmen's Bureau bills intended to safeguard the welfare of millions of enslaved people being freed by the war. On May 28, 1865, Johnson, a sympathizer of the Confederacy, issued a proclamation of pardon and amnesty to citizens in the South who would take an oath of allegiance. As part of the pardon process, the land promised to Black families was rescinded and returned to white landowners, many of whom were Confederates.⁵⁹ What is considered to be the first act of reparations to enslaved Black people ended in betrayal.

"The South lost ... and that is good ... and that hateful flag needs to come down ... and reparations need to be offered and if none of that can happen ... well ... let there be poetry."

— Nikki Giovanni, *Acolytes*

The Legacy of Land Larceny and a Vanishing Heritage: A Continuation

After the US Civil War, emancipated Black farmers began taking the agricultural landscape by storm, in the face of severe backlash. However, Black farmers tended to be tenants rather than owners as tenant farming and sharecropping became the new way of life. In 1920, the agricultural census recorded nearly 1 million Black farmers.⁶⁰ However, since the 1920s, there has been a rapid decline in number of Black farm owners and, in 1982, the U.S Commission on Civil Rights reported that only 33,000 remained.⁶¹ Lingering white supremacy and racial bias within the United States Department of Agriculture (USDA) facilitated and further solidified a sharp, 98 percent decline in Black farmers between 1920 and 1997.⁶² The 2017 Census of Agriculture further revealed a stark reality: Black farmers only accounted for 1.3 percent of the nation's total farmers, owning a mere 0.52 percent of American farmland.⁶³

⁵⁸ Myers, Barton. (2020, Sep 30). "Sherman's Field Order No. 15." New Georgia Encyclopedia.

<https://www.georgiaencyclopedia.org/articles/history-archaeology/shermans-field-order-no-15/>

⁵⁹ McNamara, R. (2019, April 14). *The Civil War and the promise of forty acres and a Mule*. ThoughtCo.

<https://www.thoughtco.com/forty-acres-and-a-mule-1773319>

⁶⁰ Sewell, S. (2019, April 29). *There were nearly a million black farmers in 1920. why have they disappeared?*. The Guardian. <https://www.theguardian.com/environment/2019/apr/29/why-have-americas-black-farmers-disappeared>

⁶¹ Ellenberg, G. B. (2014, March 01). Dispossession: Discrimination against African American farmers in the age of Civil Rights. *Journal of American History*, 100(4), 1282–1282. <https://doi.org/10.1093/jahist/jau132>

⁶² Rosenberg, N. (2019, June 26). *How USDA distorted data to conceal decades of discrimination against Black Farmers*. The Counter. <https://thecounter.org/usda-black-farmers-discrimination-tom-vilsack-reparations-civil-rights/>

⁶³ United States Department of Agriculture, & National Agriculture Statistics Service. (2019, April). Farm Producers - Revised census questions provide expanded demographic information.

https://www.nass.usda.gov/Publications/Highlights/2019/2017Census_Farm_Producers.pdf

Throughout the 20th century, white Americans forcibly displaced thousands of Black residents from their communities through various means. Sometimes this was done through violent white mobs, such as the 1921 Tulsa Massacre and other similar atrocities.^{64, 65} Other methods took on a more ostensibly legal appearance as seen in the expulsion of the Black community of Harris Neck, Georgia. Over the span of 75 years, Black residents had cultivated a thriving economy on land deeded to a former slave in 1865. Black residents made their living through fishing, hunting, and harvesting oysters. In 1942, the federal government issued a two-week notice for Black residents to vacate the area. Upon their doing so, their homes were destroyed, and an Air Force was built atop the ashes. Today, the site stands as the Harris Neck National Wildlife Refuge which works, in a way, to pit environmental conservation against the righting of a historical injustice.^{66, 67}

“It’s not just a matter of having lost the land and the wealth that came with it. It’s a matter of the fact that we lost a way of life that we should have been able to pass on to our children and to their children, but which we can’t because of what was taken from us.

- Harris Neck, Georgia native Wilson Moran as quoted by Aberjhani in The American Poet Who Went Home Again

Another method used to take land out of the hands of Black Americans was through tax sales where their land was then auctioned off. Many Black people were not able to afford their annual property taxes while living on a fixed income, causing them to go into default. This led to their properties being put up for auction by the government.⁶⁸

One of the main causes for property loss is due to heirs’ property where descendants of landowners inherit land from their family, usually without a will or formal estate strategy. The involuntary transfer of land to white settlers from Black Americans, facilitated through the loss of heirs’ property, was intensified by the history of mass expulsions they experienced.

White people further took advantage of poorly documented ownership and heirs’ property with the help of the Torrens Act. Developed by Sir Robert Torrens and first implemented in Australia in 1858, the bill was meant to “enhance the certainty of title to land and simplify dealings involving land.”⁶⁹ When it was introduced in the United States, however, it became a loophole

⁶⁴ Richardson, R. (2021, May 29). *Tulsa Race Massacre, 100 years later: Why it happened and why it’s still relevant today*. NBC News. <https://www.nbcnews.com/news/nbcblk/tulsa-race-massacre-100-years-later-why-it-happened-why-n1268877>

⁶⁵ BlackPast. (n.d.). *Racial violence in the United States since 1526*. <https://www.blackpast.org/special-features/racial-violence-united-states-1660/>

⁶⁶ Dewan, S. (2010, June 30). *Black Landowners Fight to reclaim Georgia Home*. The New York Times. <https://www.nytimes.com/2010/07/01/us/01harris.html>

⁶⁷ Movement for Justice. (n.d.). *Uncover the hidden truths of the Harris Neck Land Trust*. <https://harrisnecklandtrust.org/the-story>

⁶⁸ Nesbitt, T. (2022, May 6). *Black land theft and the Racial Wealth Divide*. Inequality.org. <https://inequality.org/research/black-land-theft-racial-wealth-divide/>

⁶⁹ Stafne Law Advocacy & Consulting. (n.d.). *Torrens Act*. <https://stafnelaw.com/torrens-act/>

facilitating the forced removal of Black Americans from their homes through partition sales where sales were allowed to take place when one property owner wanted to sell but the others did not.⁷⁰

The *Torrens Act* was used to justify sales taking place without notifying family members or other co-owners of the land. Upon finalization of the sale, the buyer became a protected entity from any legal recourse by the owners who did not consent to the sale. According to the 2001 Agricultural Census, an estimated 80 percent of Black-owned farmland had been taken in the South since 1969, with approximately half being lost through partition sales.⁷¹

African American farmers continue to encounter institutional barriers that hinder their access to crucial financial support and resources essential to accruing wealth. Real estate continues to assert itself as the most important driver of wealth accumulation. It was the single largest financial asset for both Gen X and Millennials with values of \$13.6 trillion and \$5 trillion dollars, respectively. Among Baby Boomers, it is only second to stocks and mutual funds, valued at \$18.3 trillion dollars.⁷²

Property ownership has been firmly ingrained into American culture, so much so that a staggering 74 percent of U.S. adults believe that it is an integral part of the American Dream. Homeownership was assigned a greater value than any other indicator of economic stability, surpassing considerations such as a comfortable retirement, a successful career, and even a college degree.⁷³

Land is the only real wealth in this country and if we don't own any then we're out of the picture.

- *Ralph Paige, Federation of Southern Cooperatives*

Sown Seeds of Discontent: The USDA's Discrimination Against Black Farmers

The history of discrimination by the United States Department of Agriculture (USDA) against Black farmers is a troubling narrative that has further exacerbated the loss of land for Black farmers over several decades. Black farmers and ranchers had been purposefully disenfranchised by laws and policies rooted in systemic biases characterized by the unequal distribution of farms loans, assistance, and other resources.

⁷⁰ Southern Coalition for Social Justice. (n.d.). *Partition sales and Black Land Loss*.
<https://southerncoalition.org/partition-sales-and-black-land-loss/>

⁷¹ Hochstadt, S. (2019, July 30). *How African American land was stolen in the 20th century*. History News Network.
<https://historynewsnetwork.org/blog/154232>

⁷² Lu, M. (2023, August 17). *Visualizing \$156 trillion in U.S. assets, by generation*. Visual Capitalist.
https://www.visualcapitalist.com/us-wealth-by-generation/?mf_ct_campaign=msn-feed&utm_content=syndication

⁷³ Ostrowski, J. (2023, April 19). *73% of aspiring homeowners cite affordability as their primary obstacle*. Bankrate. https://www.bankrate.com/mortgages/homeownership-remains-centerpiece-of-american-dream/?mf_ct_campaign=msn-feed&utm_content=syndication

Understanding this history is vital to recognizing the pertinent and persistent struggle for equity within the agricultural sector and the ongoing efforts to confront the legacy of marginalization and racism faced by Black farmers in the United States.

Pigford v. Glickman

Pigford v. Glickman was a class action lawsuit filed in 1997 by Timothy Pigford, a Black farmer from Cumberland County, North Carolina, against the USDA. The lawsuit alleged that the organization had discriminated against African American farmers in its dissemination of farm loans and assistance spanning from January 1983 to February 1997. The nominal defendant in the case was Dan Glickman, who served as the Secretary of Agriculture at the time.⁷⁴

Prior to the class action lawsuit, a 1994 study commissioned by the USDA revealed that the largest loans were awarded to either corporations or white males. The study further revealed that loans granted to Black males were, on average, 25 percent less than those granted to their white counterparts. Additionally, 97 percent of disaster relief funds were awarded to white farmers while Black farmers received under 1 percent of these funds between 1990 and 1995.⁷⁵

Initially, Pigford was joined by 400 African American plaintiffs. After the filing of the lawsuit, Pigford sought blanket mediation to secure compensation for what was believed to be upwards of 2,000 Black farmers who had experienced discrimination at the hands of the USDA. However, the U.S. Department of Justice denied this request, asserting that each case needed to be investigated separately.

Although the case had been settled by Judge Paul L. Friedman of the U.S District Court for the District of Columbia, the lawsuit had considerable shortfalls. Far exceeding the initially estimated 2,000 affected Black farmers, over 22,720 applications were heard and decided upon. Sixty-nine percent of them were approved. By January 2009, \$995 million was credited to applicants including \$760 million disbursed as cash awards capped at \$50,000. However, approximately 73,800 petitions had been filed late, of which only 2,131 were approved.^{76, 77, 78}

Pigford II Settlement

As a part of the 2008 Farm Bill, Congress enacted legislation that set aside \$100 million for compensation for claimants in the Pigford II settlement. On December 8, 2010, then-President Barack Obama signed new legislation into law that would allocate an additional \$1.15 billion for these claims, bringing the total available compensation to \$1.25 billion.⁷⁹

⁷⁴ United States District Court, D. Columbia. (1998, October 9). *Pigford v. Glickman*. Casetext. <https://casetext.com/case/pigford-v-glickman#p342>

⁷⁵ Cowan, T., & Feder, J. (2013, May 29). *The pigford cases: USDA settlement of Discrimination Suits by Black Farmers*. National Ag Law Center. <https://nationalaglawcenter.org/wp-content/uploads/assets/crs/RS20430.pdf>

⁷⁶ Viña, S. R., & Cowan, T. (2005, December 6). *The pigford case: USDA settlement of a discrimination suit by black farmers*. UNT Digital Library. <https://digital.library.unt.edu/ark:/67531/metacrs9671/>

⁷⁷ Lewis, M. K., & Wolman, J. M. (2005, November 30). In the United States District Court for the District of Columbia. <https://media.dcd.uscourts.gov/pigfordmonitor/arbrpts/arb20051130.pdf>

⁷⁸ Cowen, T., & Feder, J. (2012, August 15). *Resource: The pigford cases: USDA settlement of Discrimination Suits by Black Farmers*. Civil Rights Litigation Clearinghouse. <https://clearinghouse.net/resource/595/>

⁷⁹ Melvin, J. (2010). *Black farmers win \$1.25 billion in discrimination suit*. Reuters. <https://www.reuters.com/article/idUSTRE61H5XD/>

Similarly to the Pigford I settlement, claimants suffered from the court's gross underestimation of how many claims would be filed. Out of nearly 40,000 submitted claims, only 17,665 were approved.⁸⁰ Most of the claimants received payouts of \$50,000 or less. The issue with both Pigford settlement cash awards being limited to \$50,000 is that it only amounted to 10 percent of what the average mid-sized farm spends in a year. Overall, less than three percent of claimants received debt relief, and it wasn't until 2013 that successful claimants in the Pigford II settlement received their settlement awards.

Unfortunately, the Pigford settlements did not solve systemic discrimination, the marginalization of Black farmers and ranchers, nor did it change existing discriminatory policies within the USDA. In fact, several studies conducted by the Government Accountability Office detailed the persistence of discrimination towards Black farmers and ranchers, well after both settlements, in addition to USDA employees undermining civil rights claims by producing faulty data.⁸¹

The cycle of economic disenfranchisement perpetuated by the USDA's historical practices has not only undermined the economic vitality of Black farming enterprises but has hindered the potential for African American families to establish a legacy through agriculture despite their ancestors' inseparability from the flourishing of United States agriculture.

Numbers Don't Lie: The Legacy of US Financial Agencies

Black Americans have long aspired to cultivate generational wealth and realize their unique interpretations of the American Dream. They have more than earned their right to it. However, despite having rightfully earned this opportunity, historical patterns reveal a systemic denial of these aspirations on a broad scale. Long before and long after the discrimination Black farmers faced in *Pigford v. Glickman*, Black Americans continue to be denied for credits, loans, and financial assistance across sectors.

In December 2023, Navy Federal Credit Union, the nation's largest credit union which lends to military servicemembers and veterans, exhibited a significant disparity in mortgage approval rates. Distinctly, more than 75 percent of white borrowers who applied for a new conventional home purchase mortgage were approved in 2022, contrasting sharply with the less than 50 percent approval of Black borrowers who applied for the same loan.

Despite many other banks approving white applicants at higher rates, the nearly 29 percentage point gap in Navy Federal's approval ratings was the widest of any of the 50 lenders providing the most mortgage loans in 2022. This disparity even remained amongst white and Black applicants who had similar incomes and debt-to-income ratios.⁸²

⁸⁰ Evans, M. (2019, May 23). *What reparations could mean for black farmers*. Civil Eats. <https://civileats.com/2019/05/23/what-reparations-could-mean-for-black-farmers/>

⁸¹ Chen, J., Bohman, et.al., (2013, May 1). *Agricultural Law*. Agricultural Law: Discrimination at USDA: Response to New York Times. <http://aglaw.blogspot.com/2013/05/discrimination-at-usda-response-to-new.html>

⁸² Tolan, C., Ash, A., & Marsh, R. (2023, December). *The nation's largest credit union rejected more than half its Black conventional mortgage applicants*. Microsoft Start News. <https://www.msn.com/en-us/news/other/the-nation-s-largest-credit-union-rejected-more-than-half-its-black-conventional-mortgage-applicants/ar-AA11vhPL>

The financial sector’s economic practices have direct, yet hidden, ties to slavery beyond the USDA. Companies like Aetna, Bank of America, New York Life, and Wells Fargo all have ties to slavery through selling policies that would ensure slaveowners would be compensated if their slaves were injured or killed. Later in the 19th century, U.S. banks and southern states would sell securities that helped to fund the expansion of slave-operated plantations. In 2005, JP Morgan admitted that at least two of its subsidiaries – Citizens’ Bank and Canal Bank in Louisiana – accepted enslaved Africans as collateral if plantation owners defaulted on their loans.⁸³

Although the abolition of slavery occurred in 1865, its lasting economic impact continues to persist in various forms. The deep-rooted legacy of slavery has woven itself into the fabric of society, influencing economic structures and opportunities for the African American community. It is more than past time to examine and establish a comprehensive framework for reparations.

Analyzing The Framework of Reparations Programs

In recent years, a notable surge in the initiation of reparations programs has been witnessed across various regions in the United States. These reparations initiatives vary in scope, addressing a range of historical wrongs done toward the descendants of enslaved Africans in the U.S.

The Evanston, Illinois Reparations Model

In 2019, the Evanston City Council adopted Resolution 126-R-19, titled *A Resolution Establishing a City of Evanston Funding Source Devoted to Local Reparations* which dedicated the first \$10 million dollars generated from the City’s Municipal Cannabis Retailers’ Occupation Tax (set at 3 percent on gross sales of Cannabis) to fund local reparations initiatives. Specifically, the funds would be designated for housing and economic development programs for Black Evanston residents. Moreover, the city also permitted that, beyond the allocated tax revenue, the fund was open to donations from external entities such as organizations, corporations, and individuals established by the City Council.⁸⁴

In June of the same year, the City of Evanston government passed Resolution 58-R-19, titled *Commitment to End Structural Racism and Achieve Racial Equity*. In doing so, the City recognized the government’s role in perpetuating racial disparities through many regulatory and policy-oriented tools, including the following:

- Declaring the City of Evanston to be an anti-racist city that “condemns the actions, speech, and attitudes of those who promote hate against any race, ethnicity, or other basis in an effort to interfere with the unalienable rights of any human being.”
- Requiring the elected council to participate in Racial Equity training.

⁸³ Thomas, Z. (2019, August 28). *The hidden links between slavery and Wall Street*. BBC. <https://www.bbc.com/news/business-49476247>

⁸⁴ The City Council of Evanston. (2019, November). *Establishing a City of Evanston Funding Source Devoted to Local Reparations*. <https://www.cityofevanston.org/home/showpublisheddocument/90573/638249272128130000>

- Joining the Government Alliance for Racial Equity.⁸⁵

In November 2019, Evanston’s City Council voted in favor of “A Resolution Establishing a City of Evanston Funding Source Devoted to Local Reparations,” officially becoming the first municipality in the country to pledge public money to reparations for Black residents. By November 2021, the city anticipated \$1 million in the fund, within its first year, through both cannabis sales and personal donations.⁸⁶

The program, although incorporating government education in racial equity training and allocating funds for housing and economic development, falls short in providing direct compensation to descendants of chattel slavery in America. Presently, the program has amassed only \$400,000, prompting economist William Darity to assert that the program serves as a mere distraction from the genuine concept of reparations, referencing its narrow focus on state and private initiatives. In December 2023, the council said it would also set aside an additional \$10 million over 10 years from tariffs on real estate sales over \$1.5 million to offset the program’s sluggish start.⁸⁷

The Georgetown University Reparations Model

In April of 2019, a two-thirds majority of the Georgetown University student body voted to increase their tuition to benefit descendants of the 272 enslaved Africans, whose sale by the Jesuits overseeing the institution nearly two centuries ago, played a crucial role in rescuing the University from bankruptcy. The initial transaction in 1838 involved the Jesuits receiving \$115,000, which, when adjusted for inflation, equates to approximately \$3.3 million today.⁸⁸

The decision to add \$27.20 in fees was deliberate, symbolizing the number of enslaved Africans sold, while also being mindful not to impose an excessive financial burden on the students. In 2016, Georgetown University took significant steps toward acknowledging and addressing its historical ties to slavery by agreeing to give admissions preference to the descendants of the 272 enslaved Africans as well as the school offering up a formal apology for its role in slavery. Furthermore, the university took on an initiative to rename buildings named after slaveowners and traders. Two buildings on campus underwent renaming, serving as a tangible acknowledgement of the lives of enslaved Africans and fostering awareness through contributing to the educational environment that confronts historical truths.⁸⁹

⁸⁵ The City Council of Evanston. (2019, June). *Commitment to End Structural Racism and Achieve Racial Equity*. <https://www.cityofevanston.org/home/showpublisheddocument/62674/637511531477970000>

⁸⁶ Dubin, A. (2021, February 26). *Evanston is the first municipality in the U.S. to use public funds for Black reparations – Here’s how it works*. HomeLight. <https://www.homelight.com/blog/buyer-evanston-reparations/>

⁸⁷ TheGrio Staff. (2023, January 11). *Evanston planned \$20M for reparations, spent only \$400k and helped 16 people*. TheGrio. <https://news.yahoo.com/evanston-planned-20m-reparations-spent-185500755.html>

⁸⁸ Hassan, A. & Healy, J. (2019, June 19). *America has tried reparations before. Here is how it went*. The New York Times. <https://www.nytimes.com/2019/06/19/us/reparations-slavery.html>

⁸⁹ Franklin, V.P (2020, May 22). *Georgetown Students Demonstrate How Reparations Can Be Made to African-American Students*. ACLU. <https://www.aclu.org/news/racial-justice/georgetown-students-demonstrate-how-reparations-can-be-made-to-african-american-students>

As of 2023, the Descendants Truth & Reconciliation Trust has received a total funding of \$42 million, including \$10 million in new funds from Georgetown and \$17 million from the Jesuits. Those contributions supplement the \$1 million dollar implementation grant from Georgetown and a \$15 million grant from the Jesuits given at the foundation's inception in 2021. These donations were intended to support the foundation's goals, including providing a scholarship for descendants spanning early childhood through postsecondary educations, helping elderly and infirm descendants, as well as funding efforts in racial healing and reconciliation.⁹⁰

The San Francisco's Reparations Model

In 2023, more than 100 recommendations were brought before San Francisco lawmakers, to provide reparations to Black people for decades of racist treatment by the city government. The reparations draft plan released in December 2023, is said to be unmatched in specificity and breadth.⁹¹

Detailed requirements for eligibility are provided as follows:

- An individual who has identified as Black/African American on public documents for at least 10 years.
- 18 years of age or older.

Applicants must meet at least two criteria from the following list and must have the supporting documentation:

- Born in San Francisco between 1940 and 1996 and has proof of residency in San Francisco for at least 13 years.
- Migrated to San Francisco between 1940 and 1996 and has proof of residency in San Francisco for at least 13 years.
- Personally, or the direct descendant of someone incarcerated by the failed War on Drugs
- Record of attendance in San Francisco public schools during the time of the consent decree to complete desegregation within the school system.
- Descendent of someone enslaved through US chattel slavery before 1865.
- Displaced, or the direct descendent of someone displaced, from San Francisco by Urban Renewal between 1954 and 1973.
- Listed, or the direct descendent of, a Certificate of Preference holder.
- Member of a historically marginalized group that experienced lending discrimination in San Francisco between 1937 and 1968 or, subsequently, experienced lending discrimination in formerly redlined San Francisco communities between 1968 and 2008.

Crafted by the San Francisco African American Reparations Advisory Committee, the groundbreaking proposal spans nearly 60 pages, offering a comprehensive framework of detailed objectives and actions guided by quantitative data. Amongst its key provisions, the proposal

⁹⁰ Svrluga, S. (2023, September 13). *Jesuits, Georgetown give \$27M to fund for descendants of enslaved people*. The Washington Post. <https://www.washingtonpost.com/education/2023/09/13/georgetown-jesuits-enslaved-descendants-fund/>

⁹¹ Beckett, L. (2023, March 14). *San Francisco backs reparations plans, including \$5m to eligible Black adults*. The Guardian. <https://www.theguardian.com/us-news/2023/mar/14/san-francisco-reparation-plans-black-residents>

urges the City and County of San Francisco to issue a formal apology, establish an independent office of reparations, as well as create and fund a committee of community stakeholders. The report's thoroughness is evident in its multifaceted approach, further encompassing objectives and actions in areas such as education, economic empowerment, health, housing segregation, arts and culture, discrimination in labor, environmental inequality, criminal justice, and more.⁹²

The proposal comprises over 100 recommendations for reparations, among which, Black residents would receive a one-time payment of \$5 million to eliminate all personal debts. Additionally, Black residents would be able to collect an annual income of \$97,000 for 250 years. The plan also aims to convert public housing units into condominiums with a \$1 buy-in for qualifying residents.⁹³

The Justice for Black Farmers Act vs. The Reparations Framework

The above reparations programs are designed with the explicit goal of reshaping the existing model of centralized power. Each model presents a unique blend of shared principles encompassing the following key elements:

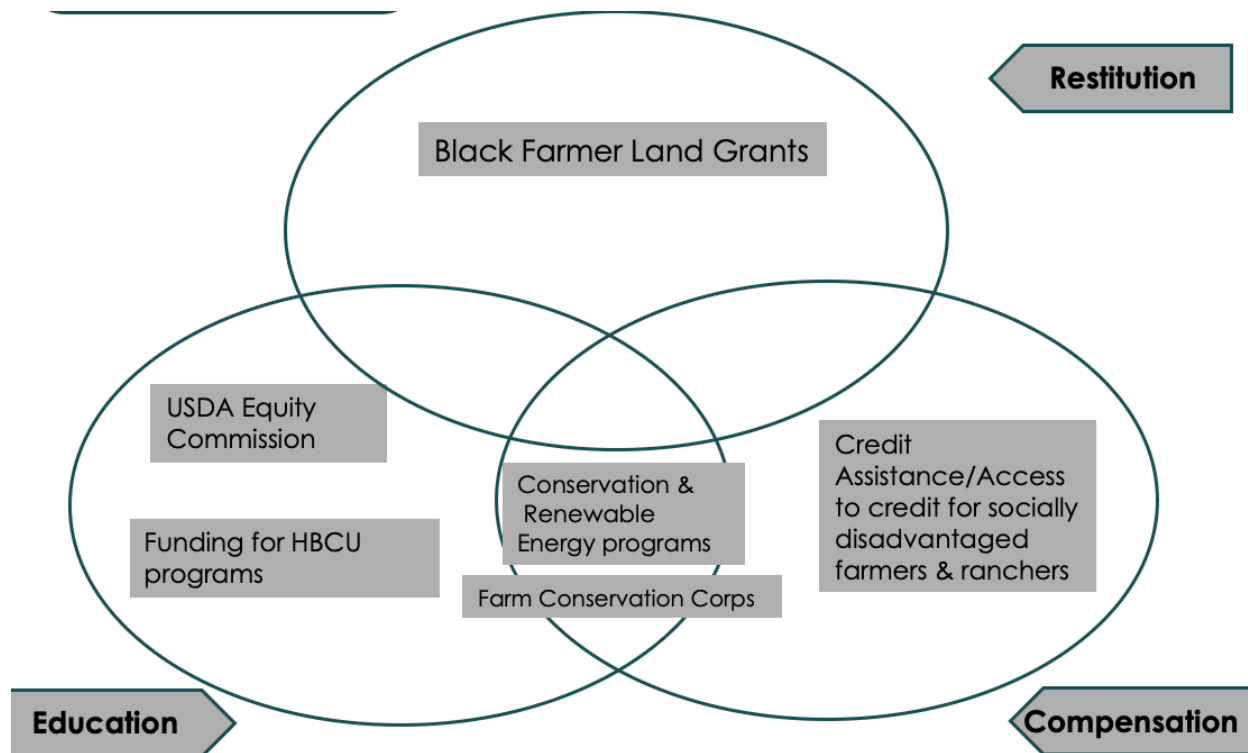
- **Compensation:** Purely monetary, acknowledging the economic toll of past wrongs and seeking to redress financial inequalities through the restoration of lost economic opportunities, earnings, economically accessible damages, etc.
- **Education:** Recognizing the need to ensure programs are implemented to educate; whether that be involving organizations, individuals, and/or communities in the dedicated study of historical injustices and/or providing education/professional development to individuals and community members directly impacted by said historical injustices.
- **Restitution:** More specifically, involving the act of giving something back that has been lost or stolen or the restoration of something to its rightful owner (i.e. property, employment, place of residence, liberty, etc.)

To comprehensively assess the efficacy of this framework, it is important to examine how well the *Justice for Black Farmers Act* aligns with the key elements of compensation, education, and restitution. Through this, we can gauge the effectiveness of the *Act* in embodying the reparations ethos for Black farmers and ranchers — particularly in how reparations are being translated into actionable policies to bring about meaningful change.

Note: Make photo into a real Venn-diagram graphic

⁹² San Francisco African American Reparations Advisory Committee. (2022, December). *Draft San Francisco Reparations Plan*. https://www.sf.gov/sites/default/files/2023-01/HRC%20Reparations%202022%20Report%20Final_0.pdf

⁹³ Romo, V. (2023, March 18). San Francisco will discuss reparation proposals — but even supporters are split. NPR. <https://www.npr.org/2023/03/18/1164126348/san-francisco-reparations-proposal-activists>



The *Justice for Black Farmers Act* presents itself as a comprehensive reparations framework, as it has embraced a multi-faceted approach, not merely acknowledging past wrongs but also actively striving to dismantle contemporary barriers. The above framework signifies a profound commitment to the enduring stabilization of the Black farming community, encompassing three pivotal components of other reparations programs — compensation, education, and restitution. Together, these elements form a robust reparations framework for several reasons.

Firstly, the provisions for compensation are inherently dynamic, as the monetary reparations are allocated to serve both personal and institutional purposes. On a personal level, the compensation takes the form of credit assistance, providing direct financial support to individuals affected by discrimination from the USDA. Simultaneously, on an institutional level, the allocation of compensation to forming conservation and renewable energy programs, along with the establishment of the Farm Conservation Corps plays a crucial role in ensuring that future generations are equipped with the resources and support needed to build a more equitable future in the agricultural sector. These measures collectively address the economic toll inflicted on the Black community through providing tangible means to rectify financial inequalities.

Secondly, the emphasis on education within the *Justice for Black Farmers Act* is two-fold. In part, the bill allocates funding to HBCUs, serving as a catalyst to channel young minds toward careers in agriculture and environmental fields. This aspect aligns with the conventional view of education, focusing on removing barriers for and empowering youth. However, education also plays a crucial role in reparations by recognizing the necessity of informed and empowered communities. The establishment of the USDA Equity Commission stands as a testament to this

broader educational goal. This commission compels the institution to navigate the complexities of its history and implement meaningful change through informed decision-making and accountability. Furthermore, the creation of an equity commission ensures that the institution undergoes a process of self-reflection, serving as a mechanism for cultivating institutional awareness and responsibility.

Lastly, restitution goes beyond monetary compensation, aiming to restore what has been unjustly taken from Black Americans and their families. The *Justice for Black Farmers Act* incorporates provisions for land grants, allowing eligible individuals to claim up to 160 acres. These provisions attempt to address the historical promise of “40 acres and a mule” that was never fulfilled. However, it is important to note that the allocation of land is not freely given. Under the *Act*, the Secretary of Agriculture may assist eligible Black individuals in identifying available agricultural land in the United States suitable for purchase. Additionally, eligible individuals are granted access to a direct loan under section 502 of the *Housing Act of 1949*.⁹⁴

Conclusion

Proposed Amendments and a Call-to-Action

The enactment of the *Justice for Black Farmers Act* holds many potential benefits for Black Americans, chief among them being their economic development. The decision by Congress to refrain from revisiting the *Justice for Black Farmers Act* represents a missed opportunity to strengthen the prospects of Black families in their pursuit of generational wealth and economic autonomy. This inaction is a disservice to the Black American community, particularly in the context of the historical injustices that have disproportionately affected them.

The Justice for Black Farmers Act carries the potential to transform farming into a viable option for Black Americans, creating opportunities for them to reconnect with their ancestral ties to the land and engage fully in the sustainable agriculture practices passed down to them. Beyond this, the *Act* addresses the need for healing from the historical trauma associated with Black communities’ relationship with the land. In doing so, the *Act* also fosters accessibility to healthier foods through promoting food sovereignty. Farming is not new to Black people and their widespread participation in cultivating food will allow them to reclaim agency and ownership over their food systems, build community, and actively resist oppressive structures.

With all of that said, however, the bill is still shy of providing adequate redress to Black Americans in many areas. While the *Act* would mark a historic step toward providing reparations to Black farmers in America, it is crucial to recognize that its impact does not extend to the other descendants of chattel slavery in the United States. To comprehensively address the deep-seated legacy of slavery in the United States, it is imperative that the *Justice for Black Farmers Act* be passed and implemented in tandem with broader initiatives, such as H.R.40, which advocates for reparations for all Black Americans. Combining these efforts ensures a more equitable approach to redress the historical injustices faced by Black Americans. It acknowledges the need for reparations to extend beyond the agricultural sector and the current narrow focus on discriminatory actions by the USDA, encompassing a broader scope of individuals impacted by

⁹⁴ Housing Act of 1949, Pub. L. 81-171, 81st Cong. (1949). <https://www.govinfo.gov/content/pkg/COMPS-10349/pdf/COMPS-10349.pdf>

systemic discrimination and oppression, as well as the innumerable, varied hardships faced by Black Americans, particularly the legacy of slavery, sharecropping, land theft, and many other atrocities in a deeply American context.

Additionally, another issue we encounter is that we are still diluting the redress meant for Black farmers and ranchers through participation of all other groups of underserved farmers – going as far as to potentially supersede the original intended group, in some instances. As a nation, we must reach an uncoupling of our discomfort from what is perceived as exclusion and recognize it as simply re-paying a debt to a specific people.

Without this uncoupling, there has never been a fully executed plan to deliver redress to Black people, more specifically, the descendants of chattel slavery in the United States; a people with a well-documented justice claim specific to American agriculture. This is not to say that other underserved groups do not deserve justice, compensation, and other means to ensure their quality of life is enhanced and their human rights secured. However, I believe it only meaningfully possible to accomplish that feat through specificity that targets a particular group's relationship with the United States. For each underserved group, that relationship differs in intensities, durations, and nature. All-in-All, the *Justice for Black Farmers Act* is still not fully a bill for Black farmers let alone Black people despite carrying our namesake.

It is not only the responsibility of the United States to right historical wrongs, both past and ongoing, but to create spaces where we can engage in truth-telling. Progress as a nation is unattainable without sincere acknowledgement and redress of factors impeding our advancement. I urge Congress to reexamine the *Justice for Black Farmers Act* in an effort to make known the importance of reparative justice as an essential component of the broader pursuit of justice. I argue that, with further preparation, the *Justice for Black Farmers Act* could be equally crucial for benefitting Black lineages who have suffered while educating and fostering accountability for the beneficiaries who have unfairly profited from systemic injustices.