

**UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF CIVIL RIGHTS
STATUTE OF LIMITATIONS
PROGRAM COMPLAINT DIVISION**

Complainant: John W. Boyd, Jr.
68 Wind Road
Baskerville, VA 23915
(804) 447-7825

Representative: Darlene Smith
(202) 682-4744

County: Mecklenburg County, Virginia

Docket Number: 27

Basis: Race (Black) and Age (24)

Issue(s): Treatment and denial of loan

Agency(ies): Farm Service Agency (FSA)
Rural Housing Service (RS)

Date of Complaint: April 20, 1990

Summary of Facts

Letter from John Boyd to Otis Daily, FSA District Director, dated April 20, 1990 stated he was a 24 year-old African-American male that had been discriminated against by James Garnett, FSA County Supervisor. Boyd stated that the previous week before the dated letter, Garnett threw his applications for a home repair loan and farm ownership loan (300 acres and nursery swine operation) into the trash can and told him that was too much operation for a boy his age. Boyd also stated that Garnett told him to apply for government subsidized housing in South Hill, Virginia because it would be cheaper than making repairs to his old house.

Ava Marshall, RHS employee in the Virginia State Office who initially investigated Boyd's discrimination complaint made the following statements via telephone on July 14, 1999 at 10:00 a.m.: Marshall stated that Boyd had filed his complaint timely and had continued to complain about discrimination by Garnett. Marshall stated that Boyd filed a complaint and made mention of the fact that he had been complaining with no result. Marshall stated Boyd had kept a copy of the letter that he had given Daily pertaining to the way Garnett had treated him. Marshall stated while conducting the investigation she

found out that Daily had the complaint that Boyd had filed, but failed to forward the complaint to the state office. Marshall stated the complaints were treated as one, not two complaints.

Boyd stated he had made numerous telephone calls to the Chief of Programs Complaints Adjudication Division about his two complaints and had not received any response *(referenced from letter in file, dated September 16, 1996)*.

There were no copies of the 1990 loan request in the file and the agencies were not able to provide any explanation *(referenced from the Background of the complaint)*.

Garnett stated he did not get paid to do outreach, he got paid to make loans and that's was what he did. Garnett also stated that there were not many minority farmers, because agriculture does not appeal to them; and that they were mainly looking for a job with a pay check every Friday *(referenced from statement Garnett provided during the investigation)*.

Four out of five black farmers interviewed stated that the county supervisor was biased to blacks *(referenced from interviews of black farmers during the investigation)*.

On February 18, 1993 the State Civil Right's Coordinator found that the County Supervisor had a bias toward blacks *(referenced from the Chronology of Events – John W. Boyd, Jr.)*.

Garnett was asked to accept an early retirement rather than be disciplined for his failure to promote EO activities and the fact that other similar discrimination cases had been discovered in the County Office *(referenced from the summary of file review)*.

The Farm Program Chief determined Boyd's case had not been properly handled *(referenced from Exhibit G of a loan review report conducted by the Chief of Farm Program)*.

County Supervisor documented information pertaining to Boyd obtaining a Carroll's Food Contract *(referenced from a field visit report conducted by the county supervisor)*.

Reference List
John W. Boyd, Jr.
Statute of Limitations
Docket Number 27

| <u>Number</u> | <u>References</u> |
|---------------|--|
| 1 | Letter from complainant, dated April 20, 1990 establishing date of complaint |
| 2 | Letter from complainant, dated September 16, 1996 inquiring about two complaints |
| 3 | Background of complaint |
| 4 | Statement of County Supervisor, Garnett |
| 5 | Interviews of black farmers conducted during the investigation |
| 6 | Chronology of Events – John W. Boyd, Jr. |
| 7 | Summary of file review |
| 8 | Exhibit G of a loan review report conducted by the Chief of Farm Programs |
| 9 | Field visit report conducted by the county supervisor |

× Denotes the applicable section of the referenced document.

James M. Garnett
P.O. Box 369
Chase City VA 23924

April 2, 1990

Discrimination Complaint Against Farmers Home Administration

Dear Mr. Daily

My name is John W. Boyd Jr. I am an African American male 24 years old. I have been farming all of my adult life. This discrimination complaint is against Forth and James Garnett County Supervisor. Last week I met with Mr. Garnett to turn in an application to make home repairs, to purchase 320 acres and a moving machine operation (by contract with Camille's Tractor). During the meeting with Mr. Garnett, he tore the application in half and threw it in the trash can and said this is too much operation for a boy your age. I then asked Mr. Garnett about the housing repairs he said I should apply for government subsidized housing in South Hill it would be cheaper than making repairs to that old house.

I then left his office used the rest room, came back in his office and asked Mr. Garnett again about processing my application, he said he was not going to process it. And I could try again next year. Mr. Garnett has repeatedly denied me access to Federal programs and discouraged me from farming. He does not do that to white farmers in the community. Many white farmers in the county communicate with me and my father and inform us of how much credit Forth has extended them. Based on the above facts I have clearly been discriminated based on age and race.

Yours Truly,
John W. Boyd Jr.

Thomas Beaumont
 Chief Of Programs Complaints ADJU Div.
 USDA Office Of Operations CREA
 14th Independence Ave SW
 Washington D.C. 20250
 1371-S

Sept. 16 1996

Dear Mr. Beaumont:

I have made numerous phone calls to you, and your staff in reference to two complaints in Feb. 1992. I have not received any response from your office.

Discrimination is degrading, when another person denies you the same opportunity because of the color of your skin; as Mr. Garnett did by stating all black farmers want a pay check. Also stated he did not participate in any black outreach programs. Took it upon himself to throw my application in the trash can. Turned down 8 housing applications, because you are black.

I recently made a visit to your division and spoke with Mrs. Sanders. She indicated your office could not locate one of the complaints, nor did she have any information on Betty Jenkins investigation.

Mr. Beaumont the discrimination is not going to stop by itself I am asking that you take special interest in this case to help stop discrimination in Mecklenburg Co. VA. Please respond in writing. Your cooperation is greatly appreciated.

Yours truly,


 John W. Boyd, Jr.

John Boyd
68 Wind Rd.
Baskerville VA 23915

SEP

Thom's Beaumont
1996
Complaints ADUO Div.
USDA Office of Operations CREA
14th Independence Ave. S.W.
Washington 1371-9 D.C. 20250



The Complaint of Mr. John W. Boyd, Jr.

Introduction

Mr. Boyd is a Black farmer whose farming operation includes tobacco, crops, and poultry. In February 1992, he filed a complaint because the then Farmers Home Administration (FmHA) denied his request for loans and debt restructuring.

In 1992, the State Civil Rights Coordinator began a preliminary inquiry. In the middle of the inquiry, the SCRC had concerns and raised them with the National Office. The Administrator instructed the State to investigate the case. In September 1994, the Administrator issued a memorandum directing the State office to take corrective actions, which were completed in November 1994. The actions included: (1) restructuring the complainant's debt based on computerized budgetary information prepared at the time of his 1992 debt restructuring request; (2) reconsidering the complainant's rural housing repair loan request; (3) notifying the complainant of the right to file a claim under the Federal Tort Claims Act; and (4) correcting the complainant's credit history/record which is maintained by the credit bureau. After the corrective actions were implemented, the complainant indicated that he still wanted USDA to process his complaint.

Attached are a chronology of the case; and three memoranda concerning the improper servicing actions on the case; and recommendations for corrective actions.

PCA is drafting a decision in this case. There is a strong possibility of a finding of discrimination. If so, compensatory damages would be awarded under the Equal Credit Opportunity Act.

Background

In 1985, the complainant applied for and received several loans, including a housing and several real estate loans, from the FmHA (the Farm Services Agency (FSA) now has the complainant's case because it has oversight responsibility for farmer programs). In 1986, 1988, and 1990 the complainant applied for a housing repair loan and several farm operating loans. His 1986 request for a loan to repair his home was processed, but when the agency issued the funds three years later, the complainant used the funds to pay off another loan and could only make minor repairs to the house. The agency acquiesced in this action. In 1988, he applied for debt restructuring and the agency never completed processing. In 1988 and 1990, he was determined eligible by the county committee for the housing repair loans. However, the agency did not complete processing. For the 1988 and 1990 home repair requests, there are no copies of these applications in the complainant's casefile. No explanation has been offered.

In 1992, the complainant became delinquent on several loans. He also applied for loans to purchase equipment and livestock, to pay crop expenses, and to construct a poultry house. He received the loans. By late 1992, the complainant requested restructuring. The agency did not include all of the complainant's debt. The failure to do so left the complainant an immediate \$5,000 debt after restructuring. The county supervisor was directed to include the \$5,000; however, it was not until 1994 that the State office interceded and completed the restructuring.