



Episode 65: Farmers Respond to Discrimination in Insurance

Kate: Hey ya'll, it's Kate here with Bonita, and today we will continue to talk about an important issue: discrimination and crop insurance policies.

For those of you who tune in regularly, if this sounds like a familiar topic, you're right. We began discussing discrimination and crop insurance policies a few weeks ago. Back in episode 54, we explored what options farmers have, from a legal standpoint, if they suspect they've been discriminated against while trying to purchase crop insurance. Essentially, how to pursue justice through the court system or RMA's civil rights office. But those options may not work for some people b/c of time, money, fear of retaliation, etc. So we will continue the conversation today but focus on how people find power outside the legal system when responding to discrimination. And a few weeks ago, we connected with five farmers of color from around the nation to discuss what tools farmers use to do just that.

Bonita: Exactly, Kate. Our time together felt sacred. Especially because it can be tough to talk about discrimination, and it can be really hard to do it in a Zoom room with people you might not have a close connection with. I am really appreciative of everyone who showed up and shared.

And, while I'm super eager to explore the two tools we will highlight today, I want to start today off by digging a little more into the why. Why are some farming communities responding to discrimination outside of the legal system?

In our earlier episode, we identified that the cost of filing a legal claim could contribute to why some farming communities use alternative tools. This is absolutely true. And...I think it's also really complicated and might also be in response to real questions about safety. Historically, for many marginalized communities, creating community-based solutions in response to

legally-sanctioned terror and discrimination has been and continues to be a survival tactic that responds in real-time to the question of: how can I do what I need to survive and stay alive?

Kate: Oof. This is a terrifying reality that takes a huge toll on folks. And, it's safe to say that historically, many marginalized communities have not been able to counter discrimination without feeling the burden of anxiety, overwhelm, anger, and fear that asking questions could cause. It's that toll, that invisible cost, that some farmers must account for when asking questions like:

Will I face retaliation if I ask my insurance agent why I was denied a certain policy and a farmer with a similar circumstance was not?

If I ask if I can voice record a meeting where we are discussing crop insurance options, will I find it hard to make an appointment with this particular agent or organization in the future?

Or, even - if I file this claim about experiencing suspected discrimination, will I face physical harm?

Bonita: Exactly, Kate. And, it's those often invisible costs that I think about a lot as the daughter of a Black sharecropper and shipbuilder that was born in 1929 in the Jim Crow South. And, it is those invisible costs that I think are ones our communities carry and account for when they determine how to respond to discrimination anywhere...let alone when considering how to respond to discrimination when purchasing crop insurance, and we will hear more on that a little later.

Kate: Bonita, I appreciate you grounding us in the why, clearly identifying some of the invisible costs farmers account for when determining how to respond to discrimination, and sharing a little piece of your history with us today.

You've highlighted many reasons folks may not want to use formal or legal means to counter acts of discrimination. And I think another point to make is the value of autonomy and choice. Folks deserve to have a range of opportunities available to them, so they can respond in the way that feels most honoring to themselves. And we we have some non-legal options to talk about today, right Bonita?

Bonita: Exactly, Kate. From our conversation with farmers on this subject, we picked up on a couple of things folks are doing, more informally, perhaps. And sharing information is the first of two tools we will explore today that communities use to respond to discrimination.

I know that information sharing can seem like an obvious tool for everyone listening. After all, many of us share our experiences and advice all the time. But, I think it's important to highlight information sharing specifically in the context of risk management strategy because it can be a powerful, cost-effective, and practical tool farmers can use to make informed decisions about what programs they may want to apply for, what insurance agents they may want to use or avoid, and what they can do to identify patterns of bad behavior and respond to acts of discrimination.

And, as Farmer Renee reminds us, it's hard to do any of these things in isolation. Let's listen in to how information sharing has helped her.

Renee: ... I will say this. I do think that the peer sharing, information sharing, it is a great tool, because it usually gives you a good idea of who are good people to work with and who are like trustworthy to get involved with because it is hard...it's so hard sometimes to kind of point to whether or not this is a discriminatory situation or not. Especially since if you try to deal with people in a one-on-one situation, you may not always know if everybody is getting treated that same way, you know, so that's why it's hard...you don't always have a clear sign, you know, that the person is discriminating against you for various protected class reasons....when you're dealing with some of the federal programs, if you're going to deal with them, you know, the different options you have, if you feel that you have some kind of a complaint. I didn't know some of that. So that was very interesting. But yeah, I think like sharing information with peers [unintelligible] with, you know, Black and People of Color, it's a good way to try to get information that you didn't already, you know, I learned a lot from talking to other people in my similar situation, and they give me good direction on where I should go.

Bonita: Yes! "Good direction on where I should go." Kate, I love what Farmer Renee shared. When farmers get together and talk - powerful things can happen! We need each other to be each other's guideposts. I especially like that while Farmer Renee recognizes that a complaints process is in place, that doesn't mean she will use it. Connecting with others through information sharing is essential to how she processes and decides what to do, and that is powerful. And her comments remind me of an observation Farmer Sage shared...

Sage:... I just want to just reiterate the importance of like, again, like building community and communicating, because part of like, how folks are able to get away with discrimination is that like, it's, it's very isolating, like it isolates you, and you're made to feel like you are just like, you know, making it up like is it you know, like, and so when you are able to, like be in community and communicate, like what's happening, like, you can kind of get out of the the gaslighting that like racism and discrimination creates for individuals, and then, you know, shed that light on it so that other people can help you. You know, see what's happening. And you know, like, Yes, you did interpret it the way you were interpreting it, and you're not making it up, and you deserve justice. And so I just, I think that that's super important.."

Kate: So much wisdom from Renee and Sage there. I love that Renee is building her legal resilience toolbox and assessing which tool makes the most sense for her, and Sage is noting the importance of community building. I'm also noticing that both of them identified that it could be tough to identify discrimination in isolation. And as Farmer Renee pointed out, even when you know the legal bases, it can be difficult to spot discrimination while it is happening.

Bonita: Yes! Exactly. Community is key, and by talking with one another, we can determine patterns of bad behavior and learn to spot when discrimination is happening.

Kate: And by sharing our experiences, farmers can feel less isolated and more empowered, and that's what we at Farm Commons are all about. But sometimes, choosing to engage in peer information sharing can be difficult.

Bonita: So true, Kate. Information sharing might be helpful for some; others might be understandably hesitant to share information about their experiences with discrimination and crop insurance. In some farming communities, learning to “keep your head down and keep your business to yourself” has been a tool that has worked for many. And, the idea of information sharing can feel like an additional exposure to risk because what if it increases some of those invisible costs like retaliation? That’s totally valid. Information sharing is most effective when folks feel seen, heard, and safe enough to share - most of the time, this sharing happens between trusted friends and in facilitated spaces at the grassroots level, like at community events, informal gatherings, and religious gatherings. Sometimes though, information sharing doesn’t feel like the right choice, and when that happens, we need another strategy. This brings us to our second tool: refusing to engage with agents and/or programs that demonstrate patterns of bad behavior.

Kate: Refusing to engage is a powerful choice that some farmers make because they have experienced harm, suspect they will experience harm or have observed harm being done.

For example, let’s listen to this observation Farmer Sage made about how some members of her community chose not to access some resources.

Sage: ...So, you know, when you're talking about black elder farmers who have been disenfranchised, like, you know, from the system from their land, not knowing how to access or how to get justice. It can be it can light a fire that you're just not sure how to, like actually make productive. It can make you really, like, pissed off. And so, so I and I think what was really challenging was that there were a lot of elders, you know, who had been farming for all of their lives who are in their like, you know, 70s and 80s. And now 90s who just gave up, you know, like, gave up accessing resources that were due to them accessing, you know, any of that from, you know, NRCS to USDA and so, so I just, I think it's; hopefully, it's getting better and more useful. But I, you know, I also know that you know, looking at things like the Pigford Decision and stuff like that, like, maybe it's not. So I think that it can be really hard to like, oh, yeah, yeah, we know the letter of the law, but the reality is, like, actually getting justice still feels like, super far off.

Bonita: "Justice still feels super far off." Oof. Kate, I don't know about you, but I'm drawing a connection between the invisible costs we talked about at the beginning of this episode- like the anxiety, fear, and overwhelm- and how the elders responded in Sage's community. My heart feels so heavy. Sage is absolutely right. Justice does still feel super far off. The elders in her community deserved and still deserve justice and equitable and equal access to resources due to them - full stop and period. And, I'm also noticing that in the face of injustice, the Black elders responded by refusing to access those resources that were due to them, and that feels powerful to me.

Kate: I'd love for you to expand on that, mainly because I'm still thinking about the words "gave up." Sometimes, hearing the term "gave up" can feel disempowering, ya know?

Bonita: Totally understandable, Kate. I think Sage's observation is powerful because the elders choosing not to utilize resources due to them is a powerful choice and feels like a callback to the question: how can I do what I need to survive and stay alive? Their decision not to engage is not a passive decision - it's an active one that sounds like it was made in direct response to realities of injustice.

Kate: Yeah that makes sense- thanks for clarifying. It angers me to think about how many farmers have been and continue to be intentionally and systematically forced out of opportunities because of the color of their skin, their gender, sexuality, ability, or ethnicity. And while I know that many farmers have made the intentional and courageous choice not to participate in a program or work with a particular agent because they faced discrimination, I wish that didn't have to be the case.

Bonita: Exactly, Kate. Farmers need justice now. Farmers need access to resources now. And when farmers decide not to use a particular program they feel is inequitable or engage with a specific agent because they suspect might be discriminatory, it is a courageous choice AND a manifestation of their creative power at work.

For example, let's imagine that Farmer Paul is a Black, small scale, beginning farmer who wants to reduce his vulnerability to disease and total crop failure. He lives in a small, rural town, and there is only one insurance agent nearby. Paul talks to a few trusted community members and learns that the agent might be discriminatory. He knows that he can meet with the agent for himself, but is worried about the mental toll that might take on him. After a few days of considering his options, Paul decides to plant a variety of crops as a way to reduce his vulnerability to disease instead of a single crop. He knows this strategy will take extra time and energy, but he believes that his time and energy is better spent planting additional crops than potentially experiencing discrimination. That is a powerful choice.

Kate: And it's an informed choice, Bonita. Farmer Paul is aware of his options - he can purchase crop insurance or not, he has taken stock of invisible costs like the extra time, energy, and creativity he will need in order to plant the crops, and he makes a decision that feels right for him. Just like Farmer Renee. She understands the legal basics of how to file a claim and she understands the power of information sharing. And that is what today's episode is all about. Helping each of you understand some of your response options so that you can make powerful, creative, informed choices when facing the reality of discrimination.

Bonita: That's right, Kate. And, today, we've only highlighted two ways that folks are finding power when facing the reality of discrimination in crop insurance, but we know there are so many more. If it feels like a good option for you, reach out to your community and see what tools folks are using to respond to discrimination and it's potential in the sale of crop insurance, or research online to see how farmers around the country are responding.

Kate: It will take all of us to create a world where every farmer has the authentic choice to purchase the federally subsidized crop insurance programs that are right for them, and we know that there is still a long way to go. But we are hopeful that today's episode will help provide each of you listening with powerful options outside of the legal system that you can use if they feel right to you.

Bonita & Kate: Thanks for tuning in! Bye!