

SCENE ON RADIO

Losing Ground

John Biewen: Hi, everybody. It's *Scene on Radio*. I'm John Biewen. If you're tuning in for the next *Seeing White* episode and thinking, 'Wait, where's Part 13? Is the season over?' Don't worry, it's not. We've got a couple more *Seeing White* episodes still to come before we call it a season. But right now we interrupt the series for this important story, a story that is certainly related to *Seeing White*. It's a dive into institutional racism in America, but we're not calling this episode part of the *Seeing White* series because it's more of a traditional investigation into alleged race discrimination; a story I've been working on separately for a year and a half. It's a collaboration with the excellent radio show and podcast, *Reveal*, from the Center for Investigative Reporting and PRX. Some of you have heard the piece on *Reveal*. If you haven't, please stick around.

[Intro music]

If I ask you to picture an American farmer, what image floats to mind? Flannel shirt? Overalls? Chances are the farmer you're picturing is white and with good reason. More than nine out of ten American farmers are white today. But of course in the longer view of things, Black people have played a huge role in American agriculture. The nation's economy was built largely on Black farm labor—in bondage for hundreds of years, followed by a century of sharecropping and tenant farming. That plan, at the end of the Civil War, to grant the freed slaves 40 acres and mule, so they could be self-sufficient as farmers? That promise wasn't kept. Still, somehow, a century ago, African American families owned 15 million acres, one-seventh of the nation's farmland. But then through the 20th century, Black farmers lost their land at a much faster rate than white farmers and are now fewer than 1% of American farm families.

For Eddie Wise, owning a farm was a lifelong dream. But for a Black man born in North Carolina in the 1940s, it wasn't that easy. His father, grandfather, and great grandfather were all sharecroppers. Eddie wanted very much to farm but just not under those conditions.

Eddie Wise: When I turned 18, I signed up to go in the army. I was out there working in the back field and the guy came looking for me two days in a row.

John Biewen: “The guy” being an army recruiter.

Eddie Wise: And I raised both hands and said, ‘Here I come!’ [Laughs] I said, the next time I’m on a farm I’m gonna be owning that bad boy. I’m not working on no farm for nobody else.

John Biewen: About 30 years later, after a military career, Eddie would get his own farm. But he and his wife, Dorothy, say that over a 25 year period, the U.S. Agriculture Department discriminated against them repeatedly because of their race and finally drove them off their land.

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John Biewen: So what's the day today?

Eddie Wise: Today is the... what? I don't know.

John Biewen: I think it's the 20th.

Eddie Wise: *[Laughter]* The day is January 20th, Wednesday.

John Biewen: January 20th, 2016, at 8:40 AM. I've just arrived at Eddie Wise's farm. It's a small 106-acre hog operation on rolling land near Rocky Mount, North Carolina. The driveway bends around a grove of trees leading to the mobile home where Eddie lives with his wife, Dorothy. I've driven out this morning because Eddie called and said something was about to go down. I've just turned on my recorder. We're talking when one of Eddie's dog interrupts, announcing the arrival of the expected guests.

[Dog barking]

Eddie Wise: Let's walk on up this way.

John Biewen: And here they come around that curve: white SUVs and squad cars - seven vehicles in all. Officers spill out. I count 14 men and women, mostly U.S. marshals with a few county deputies as backup. Some of the marshals carry semi-automatic rifles.

Eddie Wise: Come on down.

U.S. Marshal: How are you doing this morning, sir?

Eddie Wise: My dogs don't bite.

U.S. Marshal: Sir?

Eddie Wise: I said my dogs don't bite.

John Biewen: The U.S. Marshal, the leader of the operation, approaches Eddie and presents the papers.

U.S. Marshal: We'll work with you and give you a reasonable amount of time but you are going to have to get your wife and vacate the premises this morning, sir. There are items that we're going to be seizing on your property. There is a full list in here and this copy is for you.

John Biewen: Eddie takes the document and studies it. He has a round face and a farmer's thick hand. He's still a formidable presence at 72 years old.

U.S. Marshal: What's wrong with your wife this morning? What is your wife suffering from?

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Eddie Wise: My wife is suffering from three and a half years of stress.

U.S. Marshal: I understand that.

John Biewen: Eddie was told the marshals would be coming to seize his farm equipment because he hadn't made the payments on his government loan, but he says he didn't know he and Dorothy would be evicted today.

Eddie Wise: So I'm supposed to just take my wife and just walk off?

U.S. Marshal: Yes, sir. Unfortunately, that's the order from the court. Do you have any weapons in the house, sir?

Eddie Wise: Of course I have weapons in the house. I'm on the farm.

U.S. Marshal: I understand that. It's just a question I have to ask.

Eddie Wise: Yes. I'm a retired Green Beret.

U.S. Marshal: I understand that as well, sir, and I appreciate your service. Let me walk in with you. We just want to make sure that everything is fine. I'll let you get your wife. We're not going to interfere with you getting your wife by any means but we do need to walk in there with you.

John Biewen: In the past, when dealing with U.S.D.A. officials, Eddie has been known to get angry and threaten violence. But this day, he's calm and polite.

U.S. Marshal: But until that time, we have to go forward, Mr Wise.

Eddie Wise: *[Sigh]* Yes, sir. I have a major problem.

John Biewen: The armed marshals follow Eddie into his mobile home.

U.S. Marshal: *[Door squeaks]* After you, sir. It's your residence.

John Biewen: Inside, the marshals secure Eddie's weapons.

U.S. Marshal: So there's a rifle right there and the pistol right here. Have you got any more guns in the house?

Eddie Wise: Yeah, I've got a shotgun right behind the door.

U.S. Marshal: Can we get that one too?

John Biewen: Eddie wakes Dorothy. She has diabetes and can't walk well. Once she's dressed, Eddie will have to help her to the car. An hour later, evicted from their farm and

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home of 20 years, they sit in their car in a church parking lot across the road. Eddie is in the front seat and Dorothy is in the back.

Eddie Wise: Brown sugar.

Dorothy Wise: [Pause] Yeah.

Eddie Wise: You're sounding okay. It's going to be alright, babe. We're going just have to figure out where we're going to stay and what we're going to do.

John Biewen: I ask Dorothy what she's thinking and feeling.

Dorothy Wise: I don't feel anything, because I'm just going along with what Eddie was saying and what was happening to us. I don't approve of it but can we do at this point?

John Biewen: As we sit in the quiet of the car and talk, a truck pulling a stock trailer pulls out of the farm road, maybe 50 yards from us, and drives away carrying away dozens of hogs.

Eddie Wise: There go the pigs. There goes the stock trailer.

John Biewen: That night, the couple would find a room at a low-cost motel.

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John Biewen: I met the Wises almost ten years ago. I was working on a documentary about family farmers. I visited their place a bunch of times, recording as they went about their days and as Eddie worked with their small herd of 250 hogs.

Dorothy Wise: Eddie! Eddie. Ooooooh!

John Biewen: That's Dorothy in the farmyard.

Eddie Wise: Yeah!

Dorothy Wise: Where are you?

Eddie Wise: Here in the farrowing house. Yes, dear?

John Biewen: Dorothy tells Eddie, in a mock, scolding voice, to live up to his last name.

Eddie Wise: Be wise? Well, I think the most wise thing that I did was seeing this foxy lady walking down the hallway at Howard University and got to know her. And later on, made her my wife.

John Biewen: The couple met in 1988 in Washington DC.

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Eddie Wise: The army sent me to Howard University to teach. I was teaching in the Military Science Department, air mobile operation, jumping, rappelling, and air assaults. She was the grant manager for the College of Medicine. She said, 'The spirit of the Lord told me that the man that'll come in my life will bring everything.' She said, 'I've wanted a farm all my life.' So I told her, I said, 'You're kidding me.'

Dorothy Wise: He told me he was going to a farm.

Eddie Wise: And I said, 'Don't let this three-piece suit fool you. I'm on my way home to North Carolina to find a farm right now. I'm going to Wilson, North Carolina to pick blueberries this weekend.'

Dorothy Wise: So I said, 'Okay.'

Eddie Wise: She said, 'Let me get my hat.'

Dorothy Wise: So I got my hat, put it on and we drove down here and picked blueberries all day long.

Eddie Wise: And I mean, it's been a roll ever since this. And we've been married, what, 16 years now.

Dorothy Wise: *[Laughter]* So life, to me, can be very enjoyable if you have somebody with you that you constantly can communicate with, and you enjoy them and they enjoy you. And you'll help them no matter what you have to do.

John Biewen: But in 2016, the U.S. Government would take the Wises' farm and run them off.

[Music]

In a report 20 years ago, during the Clinton administration, the U.S. Agriculture Department called *itself*, quote, 'a contributing factor in the dramatic decline of Black farmers'. A landmark class-action lawsuit filed by Black farmers against the U.S.D.A., known as the Pigford Case—named after a North Carolina farmer named Timothy Pigford—was settled in 1999.

[Archival news report]

Reporter: A court found that farmers had been systematically denied aid solely because they were Black; loans, grants and subsidies that white farmers received.

John Biewen: As a result, the government paid Black farmers a total of more than \$2 billion, in one payout at the end of the '90s and another under President Obama in 2010.

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[Archival speech]

President Obama: This isn't simply a matter of making amends. It's about reaffirming our values on which this nation was founded: principles of fairness and equality and opportunity.

John Biewen: The question is, did the U.S.D.A. fix the problem? Eddie and Dorothy Wise say government officials discriminated against them both before *and after* the Black farmers' settlement.

[Music]

Dorothy and Eddie Wise found the farm they wanted in North Carolina in 1991. Almost no one buys a farm without a loan, and certainly the Wises could not. That meant dealing with the U.S. Agriculture Department and its lending arm, then called the Farmers' Home Administration, or F.H.A.

Eddie Wise: The good ol' boy net[work] had an unwritten system. If you walked in the F.H.A. and you were Black, the first thing they did was close the books. And they said no to anything that you asked from that point on. They said they didn't have applications. If you got the application, they wouldn't tell you how to fill it out. When you had finally got it filled out and turned it in to them, then they hit you with, 'Oops! We're out of money.'

John Biewen: The Wises say all those things and more happened to them. The loan officer and their county office stonewalled them at every turn, they say, from the time they walked into his office in 1991 until their loan was finally approved in 1996. The loan officer, Sidney Long, is now retired. I reached him on the phone. 'I'm not interested in talking about that at all,' he told me. 'Do that and it comes back to bite you.' The U.S.D.A. in Washington declined to answer questions about the Wises' case because Dorothy and Eddie have a lawsuit pending against the department. But there's someone else who was in a position to know about the Wises' relationship with the U.S.D.A. Carl Bond lives on his family's 140-acre farm on the edge of Windsor, North Carolina.

Carl Bond: My father's operation is up the main road, where they used to live. Both my mom and my dad now is deceased....

John Biewen: Bond retired in 2011 after a 32-year career with the U.S.D.A. in North Carolina. Back in the 1990s, when the Wises were struggling to get their application processed, Eddie heard about Bond and reached out to him. He was the only African American loan officer in the state.

Carl Bond: He came to my office, he said, 'Would you assist me with this application?' I said, 'Well, yes. But didn't you ask the loan officer that you got it from?' He said, 'Yes, we asked him and he said, "You are a retired officer from the United States Army. You should be able to do it."'

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John Biewen: Is that a normal thing for a loan officer to say, to decline to help a farmer looking for a loan?

Carl Bond: No, we were required, and still are required, that if a farmer needed assistance, to help them fill out the forms.

John Biewen: Bond says he'd heard plenty about Sidney Long, the Wises' white loan officer, from the Black farmers he talked to.

Carl Bond: Sidney came from the 'good ol' boys' back in the day. White loan officers would loan money to people they know, who would say, 'We need some money.' When we as Blacks went in to ask, they would say, 'Well, all the money has gone.'

John Biewen: I wondered, was Sidney Long just being ungenerous in refusing to help the Wises with their loan application, or was he violating regulations? I called this guy.

Stephen Carpenter: My name is Stephen Carpenter. I'm a lawyer at Farmers' Legal Action Group, a non-profit law firm in Minnesota that works on behalf of family farmers.

John Biewen: Carpenter says the requirement Carl Bond referred to, that loan officers help applicants with their forms, is based in law, passed by Congress. Carpenter reads from an agency handbook from the time we're talking about.

Stephen Carpenter: 'U.S.D.A. officials should provide information about all services to all people who ask; that they are to explain all types of programs.' And, perhaps most importantly, in the middle '90s, their own regulations says that U.S.D.A. officials will give 'whatever assistance as necessary to complete the application'.

John Biewen: So the Wises filled out the form with help from Carl Bond. But now their loan officer, Sidney Long, told them their credit was poor. The Wises appealed to the national U.S.D.A. office and won. By this time, the F.H.A. had become the F.S.A., the Farm Service Agency. The Wises told the state director, an appointee of the Clinton administration, about what was happening with Sidney Long. The state director intervened and approved the Wises' purchase of the land.

Eddie Wise: It took us five years to get it. We prevailed. I told my wife, I said, 'When God is blessing you, man can't stop you.'

John Biewen: But the Wises' troubles with the U.S.D.A. were far from over. They bought the land but, like most farmers, they also needed an operating loan to get up and running. The hog buildings on the farm needed work, like new roofs and a kind of heavy-duty curtain on the sides to block the winter wind. Their \$170,000 operating loan was approved in 1997. That money was supposed to be released within weeks. Counting on that, the Wises

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scheduled the building repairs for later in the spring. They put down money on dozens of breeding hogs and made plans to pick them up after their buildings were renovated. But Eddie says Sidney Long, the loan officer, delayed the release of the Wises' operating loan.

Eddie Wise: He drug the loan process out for seven damn months.

John Biewen: Eddie had to call off the repairs, but he had already committed to picking up his hogs.

Eddie Wise: So by the time we got ready to bring them home in September, over half of them was already pregnant, and I had nothing but an open building with nothing but concrete floors. There were no curtains. And I had got some rows of plastic and, you know, tried to put up makeshift curtains to break the wind from blowing in there.

John Biewen: Winter nights in North Carolina often dip below freezing.

Eddie Wise: A newborn pig comes out at 90° and he hits a concrete floor... you're talking about four or five minutes before he's dead. I lost, I had a little over 400 pigs that froze to death.

John Biewen: For the Wises, the loss of almost their entire herd was catastrophic. It put them in a hole they never dug out of. Why the delay in releasing their operating loan? They say Sidney Long told them there was no money in the loan fund. Carl Bond, the African American loan officer who'd helped the Wises fill out their application, finds that puzzling.

Carl Bond: Their loan would have fell under the socially disadvantaged loan fund, so....

John Biewen: That's a fund for certain kinds of farmers, including African Americans and women.

Carl Bond: There was plenty of 'socially disadvantaged' money available at that time. All the loans I had for my socially disadvantaged customers went in and got funded.

John Biewen: I requested internal U.S.D.A. documents on the socially disadvantaged farmer fund through the Freedom of Information Act. The documents back up Carl Bond's memory. In 1997, the year the Wises applied, the fund ended the year with more than \$200 million unspent.

By 1998, the Wises had secured their farm and they eventually got their hog sheds improved, but they had almost no hogs. Now they had to try building a herd again from scratch *and* make their loan payments. Eddie says he went and complained to the F.S.A. director about Sidney Long.

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Eddie Wise: So he said, 'Call Martin County and tell Carl Bond I want him here and his supervisor. By the way, Mr. Wise, Carl Bond is Black.' I said, 'Good!'
[Laughter] So Carl came.

John Biewen: That's how Carl Bond came to take over as the Wises' loan officer, even though Bond was assigned to other counties and his office was 50 miles away. It was an extraordinary move by the F.S.A. Carl Bond sums up the situation that Eddie found himself in after most of his hogs froze to death in the winter of 1997-98.

Carl Bond: He was behind the eight ball and it got worse and worse as the time went on, and so that's why they moved him to me. And I had to then service the loan.

John Biewen: Bond extended the terms on the Wises' loan and allowed them to make small payments on their interest, payments they could manage while they gradually built back their herd. This kept them on the farm for more than a decade.

[Sound of farm animals]

Eddie Wise: It's a cold, sunny day. Pretty day, though.

John Biewen: When I visited the Wises in the winter of 2009, Eddie was about to take a truckload of hogs to slaughter.

Eddie Wise: Once they're slaughtered, they will be processed into pork chops, sausage, ribs, neck bone, pig tails, pig ears, all the goodies. All the above.

[Sound of truck starting]

Eddie Wise: When I look at a pig, I see potential dollars. When I smell pig poop, that's money. It's a business.

John Biewen: But the hog operation wasn't bringing in a lot of money.

Eddie Wise: My income right now is, between the wife and I, \$55,000 a year. That's non-farm income.

John Biewen: That income came from Eddie's army pension, Dorothy's retirement from Howard University, and their two social security checks.

Eddie Wise: That \$55,000 a year non-farm income helps us stay on the farm. Because we're pulling down roughly about \$15-16,000 a year on the farm. You can't run a hog operation like that. It's tight.

John Biewen: But the farm was alive. Eddie and Dorothy had the life they wanted, as one of the few remaining Black American farm families. Eddie dreamed that someday he'd pass the

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farm on to his son. In the farmyard, Eddie calls his three dogs. He's had them since they were puppies.

Eddie Wise: That's right. Grub time. They're a cross between St. Bernard and Labs. Runt was the smallest one, that's the solid brown one. Jed is the male. Spot is the sister. They're sisters and brothers.

[Sound of dogs being fed]

There it is. Come on Jed. Come on Runt.

John Biewen: Eddie still had those dogs in 2016. The U.S. marshals took them away, even though they were pets, not farm animals. The marshals told the Wises that they took the dogs to the pound where they were given to three different families.

[Music]

John Biewen: You may be wondering: couldn't the Wises have benefited from Pigford, that class action legal settlement with the U.S.D.A. The answer is, probably. 13,000 Black families received, one time, \$50,000 payments from that settlement. But Eddie says the loan officer's obstructions cost his farm a lot more than that.

Eddie Wise: We weren't going to take \$50,000, because \$50,000 wasn't no money.

John Biewen: Another option under Pigford allowed farmers to sue for more money if they could prove discrimination more directly, but for that, the Wises would have had to hire a lawyer and show that their local F.S.A. office had treated white farmers better.

Eddie Wise: How are you going to get the names of these similar white farmers?

John Biewen: They didn't know how. They tried suing on their own but, again, they needed to prove that similarly situated white farmers were treated better. They couldn't, and the case was dismissed. The Wises moved on.

Eddie Wise: I was just concentrating on trying to manage the farm.

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John Biewen: During the dozen years he managed their loan, Carl Bond helped the Wises refinance several times. This isn't unusual. Carl says a lot of farmers with F.S.A. loans are unable to make their complete payments at times because of a bad growing season or low prices. The F.S.A. usually works with those farmers if they can make a good case that they'll be profitable the next year. Because they were just paying interest, the Wises' debt grew from the original \$300,000 plus to more than \$400,000 by 2010, but Eddie was gradually

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buying and breeding more hogs. Bond says there was reason for hope and his bosses approved his approach.

Carl Bond: They reviewed everything that I did on the Wises' case. I would send it up to Raleigh and they would go through it with a fine-tooth comb. They would then say, 'These are some things we've found, you get these things corrected,' and then everything was good.

John Biewen: But there were signs that higher-ups in the North Carolina F.S.A. were taking a harder look at the Wises and their loan. Bond says that one day in the fall of 2010, his boss, the district director, got a call from the state office in Raleigh asking to see the farm plan that Bond and the Wises were working on.

Carl Bond: At the review, they came back and said, 'We don't think the number of hogs that we see on this balance sheet is correct.' That's when the state director said, 'Okay, let's go and have a farm visit.'

John Biewen: Just to make this clear: Bond was a 30-year veteran loan officer and manager. For some reason, his superiors asked to examine a farm plan that wasn't completed yet.

Carl Bond: That was unusual. I think they didn't trust my say so. They were trying to damage me.

John Biewen: Remember, this is 2010, a decade after Pigford, the discrimination lawsuit that the government settled with Black farmers. But even then, Bond says he often felt his work was questioned more than that of white officers. That scrutiny was compounded in the case of Eddie Wise.

Carl Bond: You've got a Black loan officer assisting with a Black farmer. They might think, Hey, he's doing too much for this person. However, at the end of the day, I was doing everybody like that. I treated everybody the same.

John Biewen: When Eddie Wise heard that the draft plan was being questioned, he was suspicious and angry. He'd studied the manuals. He knew a farm plan wasn't supposed to be passed up the chain of command for review until the farmer had signed off on it. He wanted to know what was going on. Carl Bond then called again.

Eddie Wise: He said, 'Eddie, the state director wants to do a farm visit.' I said, 'Hell, yeah! Bring his white ass out here. I'm going to get some answers today.' *[Laughter]* So they roll up in the driveway, everybody piles out and Carl starts introducing. I said, 'Who in the hell carried my incomplete farm plan to the state office?' Carl's supervisor backed up and said, 'Ah, I did Mr. Wise.' I said, 'Why?' He said, 'Because Mike Huskey told me to bring it.'

John Biewen: Mike Huskey was the farm loan chief for the whole state. Eddie and Carl believe Huskey arranged this visit after looking at the farm plan. Why? In their draft, the Wises said they had 14 sows, breeding females. Remember, most of their herd froze to

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death in 1998 and the government hadn't loaned them any more money since then. So Eddie says that a dozen years later, Mike Huskey apparently didn't believe he could have that many sows. He sent Carl's supervisor to check and the state director and Carl tagged along.

Eddie Wise: So Carl said, 'Eddie, how many sows do you have?' I said, 'I don't know, Carl. Let's count them. There are nine in here and 118 pigs.' We go to the second building and there are nine more sows. I said, 'We're not through.' We go to the first building and there were ten more sows and so that's 28 sows. On my farm plan, I was only listing 14.

John Biewen: Eddie'd had just 14 the last time Bond visited the farm, so that's the number he put down in the draft plan. Since then, Eddie had bought and raised 14 more.

Eddie Wise: And so when the director saw those hogs, he started apologizing. He said, 'Mr. Wise, I was told the wrong information.'

John Biewen: Jim Davenport, the district director, didn't return my phone calls. The state director at the time was Aaron Martin, an Obama appointee. He retired at the end of 2011. Martin tells me he remembers the visit to Eddie's place but doesn't remember anyone questioning the accuracy of the farm plan.

Aaron Martin: He had hogs there. We saw the hogs but I do know - my sense was that I thought Carl was doing a good job. He was following the procedures like I wanted him to. We were not foreclosing on him anytime.

John Biewen: After the F.S.A. officials found everything in order on the farm, Carl Bond turned in the Wises' plan for 2011.

Eddie Wise: He completed my farm plan in January and submitted it. State Director signed off on everything and so everything was fine. We thought.

[Music]

John Biewen: A few months after Carl Bond's retirement, Eddie Wise called the Farm Service Agency to ask who his new loan officer would be. He was told, Paula Nicholls. Nicholls has worked with the F.S.A. since 1984.

Eddie Wise: We're coming up on time to redo the farm plan, and so I go in and tell her, 'I'm here to get assistance in doing my farm plan.' She looked at me and said, 'We don't do that anymore.'

John Biewen: Meaning 'we don't help you'?

Eddie Wise: Right.

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John Biewen: This reminded the Wises of the 1990s and their first loan officer who said no to them at every turn. Eddie did what he'd done back then. He went to see Carl Bond and asked for his help. Together, they structured the plan much as they'd done for many years. They put in production numbers that showed a slight positive cash flow. What happened next is revealed in a series of internal F.S.A. documents.

While I was working on this story over the past year, Eddie and Dorothy Wise requested their own file from the Farm Service Agency in North Carolina. The F.S.A. made copies and gave the Wises a stack of papers several inches thick, including some documents they had never seen. I met up with Eddie at Carl Bond's farm and the three of us looked over the files.

John Biewen: There were these two documents, right? These two E-Dollars reports.

Carl Bond: Uh-huh.

John Biewen: Eddie and Carl were surprised to find a printout showing that the farm plan they submitted in the spring of 2012 was put through the F.S.A.'s loan making computer program. It's called E-Dollars. Their loan was in Dorothy's name.

Carl Bond: Okay, they ran the E-Dollars on 5/24 and it says 'Certification and Authorization. I hereby certify that Dorothy M. Wise does meet the requirement of the F.S.A. regulation and is eligible for primary loan service and action.'

John Biewen: That is, the computer program approved the plan. But the Wises say their loan officer, Paula Nicholls, never told them that. Instead, the same day that printout was done, the Wises had a meeting with Nicholls at her office. She told them they were being denied loan servicing, the flexible terms they'd had with Bond that allowed them to pay what they could at the end of the year. Now, Nicholls told them, they'd have to start paying \$3,100 a month. That would have taken the bulk of their total income, making it impossible to feed their hogs and pay their other bills. They got up and left.

Eddie Wise: I told my wife and I said, 'Brown sugar, let's go.' She said, 'What's wrong?' I said, 'I'll tell you when I get outside.' So when we got outside her office, I said, 'She's lying. She's violating the regulation, and I'm not going to argue with her because all I'm going to do is get pissed off and get arrested.'

John Biewen: Also in the file, there's another computer analysis.

Carl Bond: Okay, on this form was dated 6/7/2012.

John Biewen: That's two weeks after the first printout and that meeting. The new report showed a different result.

Carl Bond: Here it says 'Dorothy M. Wise does *not* meet the requirement of the F.S.A. regulation and is not eligible for primary loan service and action.'

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John Biewen: So how did people in the F.S.A. office get from an approved farm plan to one that got rejected? First, a little background. Bond explains that a hog producers' annual farm plan for an F.S.A. loan amounts to a fairly simple calculation. This many sows will produce X number of piglets. They'll be fed and slaughtered and sold, bringing in this many dollars against the estimated expenses.

Carl Bond: You have to show your documentation of what you're doing and how you came up with those figures.

John Biewen: The farmer's production history is key in deciding the numbers to plug in. The plan the Wises turned in said their sows would produce an average of ten piglets. In fact, Bond says Eddie had a track record of producing more than that, almost 12 pigs per sow, but they put down ten, the state average.

Carl Bond: Just so we could be on the safe side and wouldn't have to be questioned.

John Biewen: The piece of paper we're looking at now may be the most telling of all. It's a photocopy of Bond's handwritten calculations that the Wises turned in with their farm plan.

Carl Bond: With my calculation, he would produce 640 pigs, and we'd say, give or take, he may lose 110 of them, so he would have 530 pigs to send to market.

John Biewen: Bond points out that someone made additions on the page where he'd written that the Wises' sows would produce ten piglets per litter.

John Biewen: So handwritten under your ten...

Carl Bond: Is eight.

John Biewen: Somebody has written 'eight'.

Carl Bond: Yes.

John Biewen: Lowering the number of pigs per litter from ten to eight cut Eddie's production by more than 100 piglets for the year. Thus, the shortfall in projected income. Stephen Carpenter of the Farmers' Legal Action Group says lowering a farmer's production numbers is a violation of U.S.D.A. rules.

Stephen Carpenter: If somebody has historically had 12.5 pigs per sow, per year, that's what should be used in the cash flow.

John Biewen: Carl Bond says Paula Nicholls also violated procedures by simply replacing the Wises' version of their plan with her own and not sitting down with them to explain it.

Carl Bond: It's in the procedures that once you make a change, it's okay to put it in the file, but you have to meet with the borrower to explain the borrower, the

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customer, that, 'OK, I did my business plan and it's different from yours. This is what I did. This is what I saw. Can we come together to an agreement on my plan or can we put together a medium that you'd be happy with and I can be happy with?' But that never happened.

John Biewen: Paula Nicholls is now the F.S.A.'s Farm Loan Chief for North Carolina. I reached her at her office in Raleigh. She said she couldn't comment because of the Wises' legal action against the agency. Carl Bond says it's very unlikely that Paula Nicholls made the decision all by herself to get tougher on the Wises. He says any loan officer making such an important decision, to put a farmer on the road to foreclosure, would talk to the boss first.

Eddie Wise: Evidently it must have come from the state office, and at that time the chief was Mike Huskey.

John Biewen: Mike Huskey, the same man who Eddie Wise believes instigated that surprise farm visit a year and a half earlier to see if Eddie and Carl were telling the truth on their farm plan. Huskey was Paula Nicholls' direct supervisor at the time.

Aaron Martin: Mike was just very strict about debt.

John Biewen: That's Aaron Martin, the former F.S.A. state director and Mike Huskey's boss until Martin retired at the end of 2011. Martin says he and Huskey had different philosophies. Martin appreciated loan officers like Carl Bond, he says, who used their discretion to help the farmer whenever possible. He says Huskey was less forgiving.

Aaron Martin: And I think he felt like he was serving the government well and protecting the government's interest in thinking, 'Here is this debt and it must be repaid.'

John Biewen: Martin says he doesn't believe Huskey treated farmers differently based on their race. He was strict with everyone. But then Martin tells a story about a time when he found Huskey's judgment especially troubling. It was around 2011, he says. A farm couple discovered that their F.S.A. loan officer had failed to file documents at the county office for a conservation easement. It was the loan officer's responsibility, and his failure to follow through was going to cost the farm couple thousands of dollars.

Aaron Martin: Mike told me that there was nothing anybody could do, that if they wanted to contest it they would have to hire a lawyer. Well, I just was not having any of that. It was not their fault. It was the agency's fault.

John Biewen: Martin says he overruled Huskey and the F.S.A. covered the cost of its mistake. He says Huskey would have left it to the farmers to solve the problem.

Aaron Martin: I just couldn't believe it.

John Biewen: Only after hearing the whole story, it occurred to me to ask, 'Were those farmers white or Black?'

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Aaron Martin: They were minority farmers, African Americans.

[Knock on door]

John Biewen: Mike Huskey retired at the beginning of 2017. I went to see him at his home on the rural outskirts of Raleigh.

John Biewen: Hi, is this Mr. Huskey?

Mike Huskey: Yeah.

John Biewen: I'm sorry to bother you at home, but I couldn't find a phone number for you. My name is John Biewen, I'm a reporter, and...

Mike Huskey: I'm not talking to you.

John Biewen: Through a closed glass door, he says, 'I'm not talking to you.'

John Biewen: I'm working on a story about Eddie and...

Mike Huskey: I know what you're working on. I'm not talking to you.

John Biewen: Huskey says he knows what I'm working on.

John Biewen: I would be remiss if I didn't give you a chance to respond.

Mike Huskey: I can't talk to you about that case.

John Biewen: Why not?

Mike Huskey: I can't.

John Biewen: 'I can't,' he said.

[Music]

John Biewen: In a brief written statement, the only response to our questions about the Wise case, the U.S.D.A. said it restructured the Wises' debt four times between 1998 and 2010. That's during the time Carl Bond was managing the loan. The statement says the Wises paid a total of only \$8,000 over the life of their loan and owed \$591,000 when their farm was seized. Some of that debt was interest that accrued after the Wises stopped making payments in 2011.

John Biewen: When you're working with a farmer, when do you decide, when do you know, all right, it's time to...?

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Carl Bond: To quit?

John Biewen: Yeah, to pull the plug and say, 'We can't continue...'

John Biewen: Carl Bond concedes that by 2012, after he'd retired, it may have been reasonable for F.S.A. officials to decide that Eddie and Dorothy Wise had run out of time.

Carl Bond: Normally, when I had a farmer that got to the end of his ropes, we worked out everything and we said, 'Okay, this is the last time we can do a servicing action on you. You're getting further and further in debt. What do you want to do? You can go deeper in debt or you can cut your losses now and get out.' I let the farmer make the decision themselves.

John Biewen: Paula Nicholls simply told the Wises they would have to start paying much more on their loan. They refused and defaulted. At that point, Bond says, the rules governing U.S.D.A. loans say Nicholls should have offered the Wises what's known as 'Homestead Protection'.

Carl Bond: They were supposed to give him the opportunity to keep his house and have ten acres of land around his house for his sake. Which would have been the pond in front on his land and about five acres behind the house where could have a garden at. But he was never offered that.

John Biewen: And he was supposed to be offered that?

Carl Bond: Yeah, he was supposed to be offered that.

John Biewen: Instead, the government took all the land in January 2016.

[Music]

If the U.S.D.A. discriminated against the Wises, is it an isolated instance or part of a continuing problem? Not shockingly, it depends on who you ask.

Gary Grant: Okay, we're ready. Good morning. My name is Gary Grant and I'm President of the Black Farmers and Agriculturalists Association.

John Biewen: In April 2016, Gary Grant held a press conference in front of the Farm Service Agency offices in Raleigh to call attention to the eviction of the Wises. Just a few reporters attended. Grant and other Black farmer advocates say even though the U.S.D.A. admitted widespread discrimination when it settled the Pigford lawsuit in 1999, it did not hold any employees accountable.

Gary Grant: I never have understood why people did not become outraged when the government settled with Black farmers in 1999 and not one agent lost a job. Actually, they got promoted. Not one federal employee.

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John Biewen: We asked the U.S.D.A. if anyone was ever fired after the findings in the Pigford settlement. They didn't answer that question or any other that we put to them. So I went to the guy who was at the top during much of this time. I set up an interview with Tom Vilsack, Secretary of Agriculture during President Obama's two terms. He said he didn't know about the Wise case and couldn't comment on it directly. But he says if Paula Nicholls, or someone else in the F.S.A. office, manipulated Eddie Wise's production numbers, that's a violation of agency rules.

Tom Vilsack: If there was no justification and no reason to change the number from ten to eight, that certainly is, you know, something that sounds unusual and certainly something that, in my view, wouldn't pass the smell test if that's in fact what happened.

John Biewen: Vilsack told me because of the department's history of discrimination, he ordered training at county offices, and tightened procedures, making sure farmers who came in asking for services were given a receipt so they could prove they'd asked for help when filing complaints. And Vilsack received a monthly report from the department's Office of Civil Rights.

Tom Vilsack: And what I can tell you is that we saw a substantial reduction in the number of program complaints. These would be people coming in and saying that they weren't being treated fairly. So we did see progress. That is not to say that there can't be a circumstance or situation where, for whatever reason, something goes awry because you're dealing with ninety to a hundred thousand employees.

[Music]

John Biewen: Hello, Mr. Wise.

John Biewen: Eddie's son is also named Edward Wise but the family calls him Ronnie. I went to see him at his home in a quiet, semi-rural part of Prince George's County, Maryland. Ronnie is a career police officer in Washington D.C. He's powerfully built like his father and shares his dad's love of growing things.

Ronnie Wise: The garden is behind the shed. What I have in pots, I have in front, but the raised beds, we do back behind the shed. Being back here is like being back as close to North Carolina as I can get without being in North Carolina.

John Biewen: Ronnie recently turned 50, an age that would have allowed him to retire with full benefits.

Ronnie Wise: My goal was, at 50 this year, was to start heading back home to assist my father with the farm. Because he always talked about being able to pass down something, because his parents never gave him anything. There was nothing to pass on. This was my heart's desire. Like I said, I've been trying to get

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back to North Carolina, and it looks like I'm not going back this year, either. Because at this point there's nothing to go back to.

[Music]

Eddie Wise: That was the whole thrust of my life. That's what I worked for. I wanted to pass it on to my son. That was a done deal, you know. But I can't pass something on to him that the government has taken. It's kind of hard to do. Hard to even think about.

John Biewen: Eddie is now at his sister's house in Williamston, the little town he grew up in, in eastern North Carolina. The Wises didn't want to impose on family after getting evicted, so they stayed in that little motel for eight months. Until finally, Eddie's relatives insisted.

Eddie Wise: My sister and my brother, in September, evicted me from the hotel I was in *[laughter]*.

John Biewen: Eddie and I go to see Dorothy.

Eddie Wise: Welcome to the Brian Center.

John Biewen: She's at a rehab center in the nearby town of Windsor. Last fall, her diabetes got worse and doctors had to amputate both of her legs above the knees.

[Rehab center sounds]

Eddie Wise: Yo, my little girl. Are you sleeping in again?

John Biewen: Dorothy is lying on her bed. Her eyes stay closed most of the time but she does respond to Eddie. He visits almost every day and brings oatmeal raisin cookies and a special drink for diabetics.

Eddie Wise: Have you had anything? Do you want me to kick it off with a cookie?

Dorothy Wise: *[Laughter]*.

Eddie Wise: It's been a lot that has gone on with us, a lot has happened to us. We surveyed the situation and put things in place to create some happiness for us. And my thing is, if I ain't doing something to make her happy, my day is not complete. If I miss a day or so and show up, she says, 'I'm so glad you're here,' she'll grab me by the hand. I'll say, 'I'm here, baby.' When she hears my voice, she know it's me. That makes my day.

Eddie Wise: Want a sip? do you want it?

Dorothy Wise: Yeah.

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Eddie Wise: Okay. Coming at you.

[Music]

John Biewen: Given the history of Black people on America's farms and plantations, building the country's wealth for little or no reward, isn't there a special, cruel irony if a branch of the U.S. Government is seemingly going out of its way to drive one more Black family off the land?

[Outro music]

Big thanks to *Reveal* for this collaboration. Credits for the episode in a minute. First, a preview. Next time, here on *Scene on Radio*, *Seeing White - Part 13*, a fresh look at the history of public assistance and affirmative action. Not since the 1960s or '70s but since the 1600s: centuries of access and handouts, often reserved for one group of people for one reason.

Deena Hayes-Greene: Not merit. Not hard work. Not meeting the criteria but just being white - the color of your skin. You have access to a loan. You have access to a neighborhood. You can live in this neighborhood if you're white. So was this country built on affirmative action for white people?

John Biewen: That's next time. This episode, *Losing Ground*, was a collaboration between *Scene on Radio* and *Reveal*. It was reported and produced by me, John Biewen, and edited by *Reveal*'s Deb George. The 2009 documentary project that first introduced me to the Wises was *Five Farms* from the Center for Documentary Studies and a bunch of public radio stations, Mr. Wesley Horner, Executive Producer. You can still find that project online at fivefarms.org. Go to our website sceneonradio.org to see photos of Eddie and Dorothy Wise. *Reveal*'s sound design team is Jim Briggs and Claire Mullen with help from Catherine Raymondo. Original music and mixing on this show by Ramtin Arablouei. Additional music by James Boudreau. *Reveal*'s Executive Producer is Kevin Sullivan. *Reveal*, with host Al Letson, is a co-production of the Center for Investigative Reporting and PRX. Follow us on Twitter @sceneonradio, like our Facebook page. *Scene on Radio* comes to you from the Center for Documentary Studies at Duke University.

[Outro music]

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