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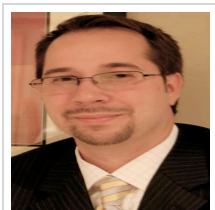
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# Class Action Settlement May Finally Be Paid to Black Farmers

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The Legal Intelligencer | February 26, 2010

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Jeffrey Campolongo

For almost two decades, African-American farmers have contended that the U.S. government was violating their civil rights by discriminating against them on the basis of race.

The matter came to a head in 1999 with a proposed resolution of the class action suit *Pigford, et al. v. Glickman*. The *Pigford* settlement was hoped to be "a good first step towards assuring that the kind of discrimination that has been visited on African-American farmers since Reconstruction will not continue into the next century."

Unfortunately, more than 10 years after a federal judge approved of a very substantial settlement agreement, slews of farmers are still waiting for the government to fairly follow through with the settlement payments.

The *Pigford* plaintiffs alleged that from 1981 through 1997, the United States Department of Agriculture, through local county commissioners, willfully discriminated against them on the basis of their race. They claimed their applications for credit and benefit programs were denied, delayed, and/or approved in insufficient amounts.

For instance, some applications submitted by African-American farmers took three times as long to be considered as applications submitted by white farmers, according to the settlement. One plaintiff alleged he was the only farmer in a county who was not approved for disaster payments in 1994. Various other plaintiffs alleged that they ultimately lost their land because they were unable to plant their crops due to the delays of and denials issued by the USDA.

The plaintiffs further alleged that subsequent complaints of discrimination against the USDA were similarly mishandled. Farmers who believed they were being discriminated against on the basis of their race could file a complaint with the Office of Civil Rights Enforcement and Adjudication (OCREA) at the USDA. After the USDA investigation, the farmers then had a right to sue in federal court under the Equal Credit Opportunity Act.

The civil rights complaints were alleged to be mishandled or ignored, and many of those allegations were proven to be true. Some plaintiffs never received a response, while others simply received cursory denials. Worse, "staff simply threw discrimination complaints in the trash without ever responding to or investigating them. In other cases, even if there was a finding of discrimination, the farmer never received any relief."

The 1999 Pigford Consent Decree was meant to resolve the claims of African-American farmers. The farmers had the option of proving actual damages by a preponderance of the evidence, or, in situations where such documentary evidence was unavailable, of showing that they were victims of this discrimination and were eligible to receive a

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standard settlement amount.

All farmers eligible for the settlement had to file their claims with supporting evidence within 180 days of the consent decree. Approximately \$1 billion was paid to farmers through this process. Unfortunately, due to stringent requirements imposed upon the farmers and a poor notification system, many farmers missed the deadline and/or were never paid. Affected farmers have continued to request a further resolution since 1999.

On Feb. 18, President Obama issued a statement indicating a "swift resolution" is in the works. According to various news outlets, the Obama administration has proposed a \$1.25 billion settlement agreement, which is currently pending Congressional approval. Agriculture Secretary Tom Vilsack has pledged that he will "focus all my time and resources" on acquiring the requisite approval. According to one source, there may be over 70,000 farmers applying to be included in this settlement.

The current administration seems eager to resolve old civil rights debts, as Congressional approval is also pending on a settlement for *Cobell, et al v. Salazar*. This class action suit, brought by Native Americans against the Department of the Interior in 1996, alleges governmental mishandling of tribal lands held in trust by the federal government for thousands of Native Americans. A decision on the *Cobell* settlement is expected soon. If history is any indication, it appears that the current administration seems poised to redress, at least some of the wrongs, of this country's ancestors. •

**Jeffrey Campolongo** is the founder of the Law Office of Jeffrey Campolongo, a boutique firm focusing on employee rights and counseling aspiring and established entertainers. He can be reached at [jcamp@jcamplaw.com](mailto:jcamp@jcamplaw.com) or 215-592-9293.

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