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## Black farmers treated shamefully

A long series of feeble evasions continues with the treatment of black farmers for nearly three decades by the U.S. Department of Agriculture - first through discrimination, and now through crawfishing on the terms of a consent decree.

Many of those farmers, including James Burrell of Oak Grove, rallied Tuesday in Washington to protest the laggardly pace of settlement under a 2000 federal court consent decree.

In the farmers' case, the lawsuit covers wrongs committed as far back as 1981. As with most commercial enterprises, farming's lifeblood is credit. In *Pigford v. Glickman*, the federal lawsuit, the farmers argued that they often were denied credit by private-sector lenders because they were deemed to be a greater risk. So they were especially dependent on USDA programs.

The lawsuit alleged the USDA also denied black farmers loans, price support payments, disaster aid and other assistance based on their race. It must be noted that the U.S. district court granted the farmers great latitude in the burden of proof and in interpreting a statute of limitation. Some of the cases were 16 years old when *Pigford*, which became a class action, was filed in 1997. Records, when they had existed at all, were sometimes fragmentary or long gone.

But, based on the way aid had been dispensed, the plaintiffs obviously weren't getting their due from the USDA, which entered the consent decree in 1999. Pay-outs, debt forgiveness and tax considerations totaling an average of \$200,000 were widely available to those in the affected class. A seldom-used section of the decree provided more for those who met steeper burdens of proof on bias and damages.

The plaintiffs were supposed to have applied for their shares within six months of the settlement. But the class, originally pegged at 2,000, turned out to be much bigger. Nearly \$1 billion had been paid as of January. Another 70,000 applications were denied because they were filed late - the result, critics say, of a flawed notification process. More allegations say that President George W. Bush and now President Barack Obama have been unwilling to pony up.

In a time when Washington is spending hundreds of billions to bail out the likes of AIG, putatively to keep the economy going, there's no excuse for not compensating these small-business owners, who have legitimate and adjudicated grievances against their own government.

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