



IERE and the Federation of Southern Cooperatives Seeking a Storyteller to Illuminate the Experiences of Black Farmers and Pigford v. Glickman Claimants

The Institute for Economic and Racial Equity (IERE) at Brandeis University and the Federation of Southern Cooperatives/LAF is seeking an experienced storyteller to develop and execute a strategy that uplifts the lived experience of Black farmers and Pigford v. Glickman claimants.

Project Goal: The goal of this project is to share the story of Pigford claimants and the Pigford cases, told and untold, in the most authentic way. A successful proposal will highlight a desire and ability to preserve the resistance of the Black farmers' movement. This communications plan should consider the intergenerational aspects of wealth and community, and the drafted communications proposal should center and empower Black farmers in a way that speaks to them while connecting their narrative to the next generation of Black rural and urban farmers. We are open to the venues and forms that this can take as long as it is accessible to farmers, the general public, and policymakers and can make an impact on the narratives surrounding the Black Farmers Cases.

In this first step, we ask that those who are interested in submitting a proposal email Sylvia Stewart at smadstewart@brandeis.edu with your name, the name of your organization (if applicable) and a few sentences about why you are interested.

Following this phase, thanks to support from the W.K. Kellogg foundation, we will be able to invite a handful of journalists, communications professionals, documentarians, and artists who express their interest in the project to develop a proposal to present to IERE and Federation of Southern Cooperative Staff. All invited participants in the next phase will receive \$1,000 for their work developing the concept, regardless of the success of their proposal. The successful storyteller will receive at least \$50,000 between March of 2022 and March of 2024 to lead and execute the project's communications and storytelling strategy. If our team's current fundraising efforts are successful, more funding will be dedicated to the storytelling portion of this project.

Background

Pigford v. Glickman was the culmination of years of discrimination. For decades, Black farmers experienced unfair treatment by their local USDA county committees when they applied for farm loans or assistance. They were denied loans, had to wait longer for approval, and faced worse loan terms than white farmers. This drove a wave of devastating consequences for farmers, with many Black farmers facing foreclosures, high debt, and the potential loss of their profession. What's more, when farmers elevated their complaints to the USDA, the agency was unresponsive. Between 1920 and 1999, 98.1% percent of Black farmers left their profession and 85% of the land owned by Black farmers was lost. In the same period, White farmers saw the number of acres owned collectively grow slightly and their operator numbers drop by approximately 66%. When the Regan administration closed the USDA's Civil Rights Office in 1983, farmers had no channel through which they could address the discrimination they faced.

In 1994, the USDA funded an independent investigation into the treatment of farmers of color and women farmers, specifically paying attention to the period from 1990-1995. This study found that Black farmers had, in fact, been discriminated against by the USDA. As a result, in 1996, the Secretary of Agriculture, Dan Glickman, ordered a suspension of farm foreclosures pending a full investigation into racial discrimination in the USDA and appointed a Civil Rights Task Force. This task force acknowledged discrimination at the USDA and recommended 92 changes to address racial bias in the USDA; however,

it did not provide any pathway for farmers to seek redress for the harm caused by the agency. Months after the release of the report in 1997, Timothy Pigford filed a proposed class action against the USDA that alleged discrimination between 1983 and 1997. This would become known as Pigford v. Glickman.

Pigford v. Glickman

Pigford v. Glickman, was settled in 1999, though it took a long legal battle and an act of congress to allow for a redress of these harms. Under the consent decree, those who could make claims to collect from the class action were Black farmers who farmed or attempted to farm between the beginning of 1981 and the end of 1996, applied to the USDA for credit or program benefits and believes they were discriminated against on the basis of race, and made a complaint before or on July 1, 1997. It also established two tracks for relief with different burdens of proof. Track A provided a flat \$50,000, plus loan forgiveness and an offset of tax liability, and required that claimants could provide evidence that had a reasonable basis that (1) the claimant owned or leased or attempted to own or lease farm land; (2) the claimant applied for credit from the USDA; (3) the loan was either denied, late, approved for less, had restrictive clauses, or inappropriate for their circumstances and that this treatment was less favorable than that to white farmers; and (4) that the USDA's treatment led to economic damage. Track B allowed claimants to seek larger relief by showing evidence of greater damage, but this track had a more stringent burden of proof. This track included a third-party arbitrator who was to make a binding decision in the case. Through the consent agreement, eligible claimants could also get primary consideration for loans and purchases and technical assistance for filling out forms.

Under Track A, 22,552 decisions were made, with 69% (15,645) being approved. Cumulatively, approximately \$772 million in cash relief and non-credit awards went to Track A claimants, and a further \$43.7 million going to debt relief and \$200 million going to IRS tax offsets for a total of \$1.015 billion. While we don't have information for the exact breakdown of Track B claims under Pigford, approximately \$42.8 million went to the 104 prevailing claimants, with the largest single settlement totaling approximately \$13 million. In total, successful claimants in Pigford I received approximately \$1.06 billion. However, over 66,000 late claims were filed, due in part to class counsel's mismanagement of the claims process, which Judge Friedman, who ruled on the case, described as "bordering on legal malpractice".

In re Black Farmers Discrimination Litigation

Due to concern about potentially eligible farmers who may have been shut out from the original claims process, Congress provided an avenue for late filers to receive a determination on their claims by allowing them to bring new litigation in the 2008 Farm Bill. This case, named In Re Black Farmers Discrimination Litigation would become known as Pigford II. It is important to note here, that the class definition for Pigford II was the same as the first case and only allowed those who had already filed claims in the first case but allowed filers who had sent claims as late as June of 2008 to receive a ruling on their claim. The claims process had the same structure as Pigford with two tracks with different burdens of proof. In Pigford II, 16,973 claimants were entitled to receive the full award of \$50,000, and a further 638 shared payments were made to multiple claimants who had farmed the same land. With tax relief, these awards totaled \$1.1 billion. Unlike in Pigford, no applicants qualified for Track B awards. Following the case, remaining funds from the settlement were disbursed to organizations that serve Black farmers.

In all, approximately \$2.16 billion were awarded to just over 30,000 successful claimants, mostly in increments of \$50,000.