

## Tending Repair: The Legacy and Lessons of Pigford for Black Farmers and Reparative Justice

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Over a span of 15 years, the *Pigford v. Glickman* lawsuit and its related cases marked a critical period in the pursuit of justice for Black farmers, who had suffered decades of systemic discrimination at the hands of the United States Department of Agriculture (USDA). These cases culminated in one of the largest civil rights class-action settlements, awarding over 55,000 claimants a combination of modest financial compensation and promises for equity reforms. Despite its achievements, the settlement reflects both the strengths and limitations of litigative approaches to reparative justice.

Pigford sought to address historic injustices excluding Black farmers from USDA resources essential to their survival and growth, such as loans and technical support. While the settlement offered many claimants \$50,000 and some debt relief, the compensation fell short of addressing the full economic impact of past discrimination, which had effectively dispossessed Black farms from 16 million acres in 1910 to just 1.5 million acres by the early 2000s--\$326 billion wealth extraction.

The Pigford Project, a research collaboration between the Institute for Economic and Racial Equity (IERE) and the Federation of Southern Cooperatives, has provided valuable insights into how Black farmers and their descendants view the settlement's impact. Through interviews with nearly 75 claimants, focus groups, and extensive archival research, **key themes** emerged:

1. Emotional and Physical Toll: Beyond economic hardship, Black farmers faced deep emotional and physical stress due to systemic discrimination. Many reported lasting trauma, mistrust in USDA and other government institutions, and health issues resulting from the stress of litigating for their rights, the legal bar of 'proving' racism and discrimination, and often the scorn of neighbors and community. The scientific literature reveals strong links between racism and adverse health outcomes in Blacks. Chronic racial discrimination triggers the body's cortisol response, resulting in "toxic stress", disrupting biological processes, increasing risks for cardiovascular diseases, hypertension, and premature aging.<sup>1</sup>
2. Continued Challenges with USDA Programs: Even after the settlement that did not include injunctive relief, Black farmers often faced obstacles in accessing USDA resources. Interviews revealed that these barriers persist despite the Biden administration's recent efforts to address historical inequities through the establishment of an Equity Commission and new debt relief measures.
3. Limited Compensation for Damages, Promise of Debt Relief Broken: \$50,000 barely buys a tractor. All the farmers we spoke to scoffed at idea that \$50,000 would make them whole again. Depending upon status, the time lag between the court settlement and checks in the mail ranged from 2-14 years. Echoing past broken promises...few actually received the promised debt relief from past USDA loans.
4. Heirs Property: Heirs' property is land passed down through generations without a will or clear legal title. Racism accounts for Black farmers disproportionately affected by heirs' property. The first generation of Black landowners often did not have access to the legal system. Black farmers faced discriminatory practices when acquiring and transferring their farmland. Heirs' property created increasingly fractional and unclear ownership.

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<sup>1</sup> <https://harvardpublichealth.org/equity/what-science-tells-us-about-structural-racisms-health-impact/>

5. Limitations of Litigative Justice: The research highlighted the constraints of the class-action framework. Although Pigford provided financial compensation, it failed to secure lasting structural reforms within the USDA, leaving the institution's discriminatory practices largely unaddressed.

Litigation can play a limited role in reparations as judicial legal solutions are constrained by the inadequate, established case law that legitimize their authority. Framing class action litigation against the government as any form of reparations as settlement funds paid to the victims of racial discrimination by government is itself a further harm perpetrated against the victims given that taxpayers fund government. Black farmers directly and/or indirectly experienced race-discrimination by government employees continued to pay taxes, including taxes owed on settlement awards, and interest to accrued on existing FSA debt. As taxpayers themselves, Pigford claimants, to some extent, financed the on-going and continued expert application of the discriminatory lending practices perfected against them through tax and interest payments to the government.

Further, the Pigford settlement, often with the best of intentions, was frequently misrepresented as reparations, often framed as more significantly impactful than it was as a legal remedy. Characterizing the settlement as a significant Civil Rights achievement resulted in on-going challenges for addressing the fundamental challenges Black farmers continue to face in accessing business capital. The Black community was given false hope and expectation about the transformative ability of Pigford given the cultural saliency of previous Civil Rights litigation in the areas of public school and facility integration. As a result, many fraudsters preyed on Black farmers and their communities with misinformation about on-going legal financial benefits from the settlement itself and additional class action lawsuits on behalf of Black farmers. These farmers continue to foster justifiably deep and enduring mistrust of government institutions, which sometimes undermines accessing programs that are available to them.

Non-farmers, private lenders, and critical decision-makers including influential elected officials, used the mere existence of a Pigford settlement for denying further legislative and policy efforts to address the on-going challenges Black farmers face due to the legacy of the discriminatory loan practices and broader calls for adequate reparations. Efforts to educate the public that the Pigford settlement was limited to a very narrow time frame within a long-standing history of divestment from Black farming operations has had limited impact. At its worst, the Pigford settlement and the entire civil rights litigation framework is currently being exploited in a litigation-based regression of our fundamental protections from race-based discrimination.

The Pigford settlement offers critical lessons for reparative justice frameworks that aim to achieve more than financial compensation. Black farmers today call for approaches that emphasize systemic change alongside support for small-scale farming, mental health resources, and access to modern agricultural technology. Additionally, a reparative justice approach in farming must acknowledge the role of Black farmers as both stewards of the land and as crucial players in ecological and climate resilience.

Pigford was a landmark in the legal acknowledgment of institutional racism. True reparative justice for Black farmers requires ongoing, multifaceted approaches beyond one-time settlements. The legacy of Pigford underscores the need for policies that not only redress past harms but also empower Black farmers to build sustainable, prosperous futures in agriculture. The lessons from Pigford are essential to guiding future legal and policy frameworks to address racial equity in the agricultural and other sectors.