

Federal judge approves compensation plan to address racial bias "Historical discrimination cannot be undone," judge writes Black farmers testified that the settlement may not fully resolve problems

Washington (CNN) -- Tens of thousands of American farmers who suffered racial discrimination by the U.S. Agriculture Department in the 1980s and '90s may start getting compensation from a \$1.25 billion settlement, a federal judge has ruled.

"I'm very pleased that this has resolved itself," U.S. District judge Paul Friedman said Friday. "It will provide relief to an awful lot of people."

In an opinion filed in the case, Friedman deemed fair a proposed settlement that provides a system of compensation for black farmers who joined a class-action lawsuit claiming that they can prove racial bias in decisions related to Agriculture Department programs and support.

"Historical discrimination cannot be undone," Friedman wrote, citing a basis to establish payments "for the broken promise to those African-American farmers and their descendants."

As many as 68,000 African-American farmers who filed between 1999 and 2008 would apply for one of two forms of relief: "Track A" for a qualified claimant would lead to an uncontested payout of \$50,000 after taxes, and "Track B" could yield up to \$250,000 for damages that are substantiated by documents and other evidence.

"So many farmers had ever given up hope that this would ever come to pass," said John Boyd, the head of the National Black Farmers Association.

Lawyers for the U.S. Justice Department and the plaintiffs stood before Friedman at a fairness hearing in September and said they were in agreement on the terms and conditions of the payout. The judge also heard from farmers who were against the proposal, including those who said they wanted to opt out and seek a higher level of damages than proposed.

But Friedman said Congress, in legislation that funded the proposed settlement, gave him very little latitude to step around the conditions lawmakers had specified, or else the funding could be withdrawn.

Instead, farmers and their attorneys will advance their claims before a review panel consisting of retired judges and other neutral parties with expertise in the matter during prolonged litigation.

Friday, Boyd said that "It's gonna take about a year to run all the farmers through the system, each case will have to be looked at in a forum that's also looked at by the court. Once the cases are checked, then the farmers start to get their money."