

Summary of a Recent Judicial Development in Labor

Hispanic Farmers Denied Class Action Status in Discrimination Suit Against USDA

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Summary of Decision

In *Garcia v. Veneman*, 224 F.R.D. 8 (D.D.C. 2004), the United States District Court for the District of Columbia denied an application for class certification sought by Hispanic farmers against the United States Department of Agriculture (USDA) for alleged discrimination practices on the part of the USDA.

Background

The plaintiffs were Hispanic farmers from across the United States who filed suit against the USDA claiming that the USDA had subjected them to discriminatory lending and disaster relief practices over the past twenty years. *See id.* The plaintiffs filed an action in April 2002 and made a motion for class certification at that time. *See id.* The court denied that petition "because plaintiffs had not shown, nor did it appear from the record that they could show, a common question of law or fact." *Id.* After this decision, the court and parties worked out a plan that allowed the plaintiffs limited discovery to further develop their argument of a common complaint related to discrimination. *See id.* at 9-10. The plaintiffs filed a supplemental brief in support of class status to the court after conducting this discovery. *See id.* at 10.

Arguments

The plaintiffs argued they had shown a common issue "with respect to both disparate impact and disparate treatment claims." *Id.* They also requested that the court allow them to conduct broader discovery so that they could better develop their claim if their motion for class certification was denied. *See id.* The plaintiffs also filed a motion for leave to amend their complaint a third time, in order to add "five subclasses of Hispanic farmers" that they argued arose out of the discovery they had conducted. *See id.* at 10-11.

Analysis and Holdings

The court first turned to the plaintiffs' disparate impact claim. *See id.* at 11. The court noted that in this type of case, "the plaintiff must 'isolate and identify the specific employment practices that are allegedly responsible for any observed statistical disparities.'" *Id.* While the plaintiffs attempted to persuade the court that "isolation and identification [were] impossible because USDA did not keep adequate records," the court did not find this argument persuasive. *Id.* The judge stated that "[a]necdotal proof of discrimination against Hispanic farmers, and even statistical proof that Hispanic farmers have received proportionally less assistance than others, will not be enough to support class certification." *Id.* It stated that the claim could not be certified as a class action because the plaintiffs did not sufficiently identify the USDA practices that were "established at the national level" in order to meet the specificity required to show a common question and because they did not show that the USDA worked under a "general policy of discrimination." *Id.* The court also noted that the plaintiffs had not shown probable cause that the tests required could be met if they were allowed further discovery opportunities. *See id.*

The court next determined that the plaintiffs failed to satisfy the requirements for their disparate treatment claims. See *id.* The plaintiffs asserted that the USDA was on notice of the alleged discrimination and "acquiesced in and ratified" the discrimination by failing to take steps to correct it. *Id.* The court stated that

[p]roof of conscious inaction on the part of USDA . . . in the face of numbers demonstrating that Hispanic farmers suffered disproportionately high loan rejection rates and received disproportionately low disaster benefit payments might satisfy the first . . . requirement of a "general policy of discrimination," but it would be no help at all with respect to the second . . . requirement of decision-making processes that were "entirely subjective." The common discriminatory practice that . . . [is] require[d] is still missing.

Id. at 12.

The court noted that the class sought by the plaintiffs would "include Hispanic farmers who suffered discrimination at the hands of county agents or county committees - hundreds and perhaps thousands of decision-makers in who knows how many of the 2700 county offices nationwide that number Hispanic farmers among their clientele." *Id.* at 12-13. The court further noted that the problem with this was in identifying "the locus of autonomy in making the challenged . . . decisions." *Id.* at 13. The court explained that in order to succeed on their motion for class certification, the plaintiffs had to show the decision making process was "entirely subjective." *Id.* The court concluded that the plaintiffs failed to satisfy this burden, even in light of new arguments that were arguably more persuasive. See *id.* at 15.

The court stated that even if the case were to be certified and even if there were "classwide discrimination", it would be the individual's complaints and circumstances that would be at issue." *Id.* It stated that what the system had learned from the *Pigford v. Glickman*, which involved discriminatory practices against African-American farmers, was that

the certification of a plaintiff class to resolve decades of disputes about loans made or not made and disaster relief provided or not provided to thousands of individual farmers, working under disparate conditions and submitting applications to hundreds of difference decision-makers . . . would be only the beginning of a length and difficult process in which, as it turns out, it is the "questions affecting only individual members" that predominate.

Id. at 16.

The court also held that plaintiffs would not be allowed further discovery in order to try to obtain their class certification. See *id.* After examining the evidence that had been presented, the court stated that it did "not give rise to probable cause to believe that a searching and expensive discovery program would unearth sufficient evidence of commonality to support class certification." *Id.*

The case was decided on September 10, 2004; this summary was posted Jan. 6, 2005.

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The National AgLaw Center is a federally funded research institution located at the University of Arkansas School of Law, Fayetteville.

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U.S.:

Hispanic Farmers Seek Redress for Years of Bias

Kyra Ryan

ALBUQUERQUE, New Mexico, 23 Feb (IPS) - When the Barack Obama administration urged Congress to settle a protracted anti-discrimination lawsuit for 1.25 billion dollars on behalf of African American farmers last week, Lupe Garcia of Las Cruces, New Mexico was paying close attention.

Garcia is the lead plaintiff in a similar suit, now 10 years old, filed on behalf of Hispanic farmers.

Lupe, his brother and his father lost 626 acres to foreclosure in 1999, a direct result of what he claims were the discriminatory practices of his local farm agency, then known as the Farmers Home Association (FHA), under the auspices of the United States Department of Agriculture (USDA).

Unlike in the Black farmers' discrimination suit or a similar one filed on behalf of Native Americans, the Garcia case has not been granted class action status. Why the suit's 81 Hispanic farmers - who hail from Washington, California, Arizona, Colorado, New Mexico, and Texas and - don't meet the criteria for a class when African Americans and Natives with nearly identical discrimination claims do is unclear. But the Hispanic farmers' requests for this crucial legal status have been repeatedly denied.

There are over 80,000 Hispanic farmers in the United States. Like Garcia, many of their families came from Spain and were farming and ranching their land long before it became part of the United States. Without class action status, many of the plaintiffs will not have the funds to pursue legal action. Others who could have been eligible to benefit from settlements will not have access to claims.

Tom Vilsack, current secretary of the USDA (whom the law designates as defendant in all pending discrimination cases, including the Garcia case), declared in an April memo his intention "to lead the Department in correcting its past errors, learning from its mistakes, and moving forward to a new era of equitable service and access for all."

That discrimination took place against the farmers is effectively not in dispute. The government's own General Accounting Office and other internal reports confirm unfair lending practices and unequal treatment of Blacks, Native Americans, Hispanics and women farmers by the USDA.

Last week, Garcia, who has become director of Hispanic Farmers & Ranchers of America, Inc., was in Nevada to meet with Senator Harry Reid to discuss legislation that might to resolve the Garcia suit. President Obama was also in Nevada, though Garcia did not get to meet with him.

"We'd like to be included and receive the same settlements Black farmers are receiving," he told IPS.

To date, the government has paid nearly one billion dollars to almost 13,000 African American farmers who, in what is known as the Pigford Suit, alleged discrimination identical to that experienced by Hispanic and other minority farmers and ranchers.

Native American farmers filed a class action lawsuit, the Keepseagle suit, which is pending and expected to be resolved soon. Women farmers, who like Hispanic farmers have not been granted class action status, also have claims pending in Love vs. Vilsack.

As in these other suits, the types of discrimination alleged by Hispanic plaintiffs in the Garcia case include being denied credit and disaster relief given to white farmers with equivalent operations and being subjected to long delays in loan processing that resulted in loss of revenue.

In the era covered by the suit, between 1981 and 1996, local loan review boards, commonly referred to as "good old boy" committees, were made up of local white farmers and ranchers who stood to benefit when the Hispanic farms and ranches went into foreclosure. The Garcia suit also claims that the USDA systematically failed to address prejudicial practices or investigate discrimination complaints.

Still under the USDA, the former FHA is now known as Farm Service Agency (FSA). Solomon Rodriguez, state executive director for the New Mexico FSA and himself from a family of Hispanic ranchers, would not comment directly on the Garcia law suit.

He did say that unlike its predecessor the FHA, in the FSA era so-called "good old boy committees" are a thing of the past. All loan applications are now subject, he said, to a standard review process that removes subjectivity and bias.

Rodriguez asserts that his agency is committed to fairness and to providing the best possible service to all struggling farmers and ranchers. "Our mission [is] revitalising rural America for all Americans. We are committed to providing equal opportunities to everyone."

For farmer Lupe Garcia, neither a ruling nor a settlement will restore the land, livelihood, or good credit that he lost, but resolution is important for other reasons. His father, on whose behalf he initiated the suit, passed away seven years ago before they could see a resolution. Seventeen other plaintiffs have died since the suit began.

"My dad went to war. He stormed Normandy and took the Germans to the Rhine. He got a purple heart," Garcia said. Yet when Guadalupe Garcia Sr. wanted to farm his own land productively, his son said, "His government wouldn't help him. He couldn't get the

same rights as others."

What would resolution of the suit mean for Garcia and his family now? The 65-year-old, who calls himself "stubborn" and has been fighting this cause for the last 20 years, now leases 60 acres and grows pecans, alfalfa, cotton, and chile. He does it because farming makes him happy and is "in his blood."

But with only 60 acres he can't make his living from it. Unable to get credit to buy more land since the foreclosure, he feels at times "like a prisoner."

"My father served his country. I served my country. A lot of us fought for this country. Some died for it. I love my country. But we continue to be discriminated against. It's not right. The land is for everybody. This country needs to solve its discrimination problems once and for all, for everybody. We should all have fair treatment: Black, white, brown, male, and female. We are all American citizens," he said.

(END/2010)

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DOJ, USDA Offer Settlement to Hispanic, Female Farmers

Posted By [Leah Nylen](#) On May 26, 2010 @ 6:06 pm In [News](#) | [Comments Disabled](#)

The Justice Department is seeking to resolve two lawsuits, offering a \$1.3 billion settlement to female and Hispanic farmers who have alleged the Agriculture Department discriminated against them, the Associated Press reported ^[1] late Tuesday.

In the 1990s, a group of African-American farmers successfully sued the Agriculture Department, alleging discrimination against them in the awarding of government loans and other assistance. The farmers received more than \$1 billion under a 1999 class action settlement ^[2] with the government and could get another \$1.15 billion under a deal Congress is expected ^[3] to vote on this week. Hispanic and female farmers have sought similar settlements ^[4] for their discrimination claims, but have been stymied in court where judges rejected class action status for the Hispanic farmers case — *Guadalupe L. Garcia Jr. v. the Secretary of Agriculture* — and the female farmers case, *Rosemary Love v. Thomas Vilsack*.

According to the AP, the Justice Department has offered to reach out to the affected groups and offer awards of up to \$50,000 per claimant.

"We have made significant progress on addressing USDA's civil rights record and look forward to providing substantial relief to Hispanic and women farmers in an expedited manner," Agriculture Secretary **Tom Vilsack** said in a statement to the AP.

In a statement issued Wednesday, **Stephen Hill** of Howrey LLP ^[5], lead counsel in the Hispanic farmers suit, said the case is "far from over."

"While we applaud the government's beginning settlement discussions there is much more to be considered before this can be presented to those who have suffered this discrimination," Hill said. "The Justice Department's proposal serves to highlight the inequities being faced by Hispanic farmers as the government insists on treating groups that suffered the same discrimination differently."

Hill also criticized the proposed process for awarding claims, saying it would cut out many eligible farmers.

"The government, which after all perpetrated the discrimination, now seeks to be the sole administrator of the settlement process," Hill said. "That simply does not make sense."

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Hispanic Farmers Discrimination Case Against USDA Enters New Phase

Washington, DC May 26, 2010...The Hispanic farmers' lawsuit against the USDA, *Garcia v Vilsack*, alleging discrimination in the administration of the department's farm credit and non-farm credit benefit programs, entered a new phase last night as the Government offered both Hispanic and women farmers an opportunity to settle their cases.

According to press reports, "the Obama administration on Tuesday offered \$1.33 billion to settle complaints from female and Latino farmers who say they faced discrimination from the Agriculture Department."

Stephen Hill, the attorney for the Hispanic farmers, commented on the developments. "This fight is far from over," Hill said. "While we applaud the government's beginning settlement discussions there is much more to be considered before this can be presented to those who have suffered this discrimination. The Justice Department's proposal serves to highlight the inequities being faced by Hispanic farmers as the Government insists on treating groups that suffered the same discrimination differently. Hispanic and women farmers represent a significantly larger group than black farmers, yet the offer from the DoJ allots only a fraction of the compensation that black farmers have received. Our farmers have to wonder why their Government feels that the value of their pain is so much less than that of other minorities.

"The Government also unilaterally suggests a process for identifying those farmers who have suffered such discrimination - one which cuts out untold numbers of eligible farmers. The Government, which after all perpetrated the discrimination, now seeks to be the sole administrator of the settlement process. That simply does not make sense.

"Instead of announcing this settlement as a "done deal" the DoJ must continue to work with us toward a settlement that is truly fair. The 'sordid chapter', as the Administration calls this era of rampant discrimination, cannot end until all Hispanic farmers are made whole through a fair and equitable process of administering claims and until the very administration of the USDA farm programs is opened equally to all eligible applicants."

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For further information or to arrange an interview, pls call

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Senator Robert Menendez calls for Equal Justice for Hispanic Farmers

10,000 petitions Sent to White House Demanding Equal treatment for Hispanic Farmers

Washington, DC, November 19, 2010...Senator Robert Menendez (D-NJ) took to the Senate Floor Wednesday afternoon to demand an end to decades of discrimination against Hispanic and women farmers in the administration of USDA's farm credit and non-credit farm benefit programs. He also expressed his support for parity with the settlement of the first black farmers' lawsuit in the treatment of Hispanic and women farmers in any settlement of their claims against the Government. The Senator cautioned that the current Government- proposed settlement is, itself, discriminatory as it treats different minority farmer-groups who have suffered identical discrimination at the hands of USDA, in vastly different ways.

"I rise so that all the victims of discrimination in this case are treated equally, fairly and are adequately compensated for the damages they suffered regardless of their race or gender."

Menendez referred to a recent settlement from the government offering Hispanic farmers some undefined part of \$1.33 billion to be shared with female farmers despite the fact that Hispanic and female farmers outnumber black farmers by at least 12 to 1 and as much as 27 to 1. Hispanic farmers alone outnumber black farmers by nearly 2 to 1.

Ten years ago, in a case known as Pigford I, black farmers received a billion dollars in damages and other relief to settle claims of discrimination. Significantly, in that case there was a two-track claims resolution process (\$50,000 for Track A claimants and no limit on the damages that could be proved by Track B claimants) and no arbitrary cap on total damages. Currently, there is legislation pending in Congress to authorize another \$1.25 Billion for "late filer" black farmers.

Native American farmers were offered more than \$760 Million recently to settle their claims. Hispanic and Women farmers outnumber Native American farmers by at least 10 to 1 and as much as 19 to 1.

"There appears to be some contradiction between the proposal given to these groups and the declared objectives of providing parity among the different groups who suffer discrimination," the Senator told his colleagues. "The only thing that could be worse than the original discrimination is if (the Government) were to treat the victims of that discrimination differently based on their race, ethnicity or gender. Justice for one cannot masquerade as justice for all."

The Senator also criticized the suggested method for administering Hispanic and women farmers' claims, calling it highly discriminatory, arbitrary and needlessly complicated.

Shortly after the Senator delivered his remarks more than 10,000 petitions were delivered to the White House. These petitions call for the Administration to settle the Garcia lawsuit, expeditiously, in a fair and equitable manner

In his closing remarks, Senator Menendez acknowledged that the current Administration was trying to right an injustice, but added, "I don't think, nor can I accept, that you can dispense justice piecemeal, or that you can treat victims similarly situated, almost identically situated and harmed, with justice for some and not for all. We need to make this right. We need to make the victims whole."

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For more information on the Garcia v. Vilsack suit pls visit

<http://www.garciaclassaction.org>

For Senator Menendez's remarks pls visit

<http://www.youtube.com/user/GarciaFarmersVsUSDA>

or call;

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December 9, 2010

Hispanic Farmers Feel Shortchanged by Settlement Offer

By BRANDI GRISSOM

Modesta Salazar remembers playing baseball with her 12 brothers and sisters on the family farm outside the South Texas town of Pearsall, where her father and brothers grew cotton, corn and maize. "All this was beautiful," she said wistfully, looking out over more than 500 acres of once-lush fields that are now scrubland, overtaken by mesquite trees and cactus. "Now it's just stories."

The cause of the decline, Mrs. Salazar said, is discrimination by the United States Department of Agriculture since the 1960s in the awarding of loans and other federal benefits to minority farmers.

She and more than 1,000 other Hispanic farmers in Texas and other states sued the U.S.D.A. a decade ago, demanding that the government make reparations and change its ways. Last month, Congress agreed to multibillion-dollar settlements for mistreatment — but with black and American Indian farmers. Hispanic farmers say the government has offered them a laughable sum by comparison.

"The government seems to be of the view they can simply throw some money — and very little money at that — at the problem, and ignore completely the practices that caused these lawsuits," said Stephen Hill, a partner at the Howrey law firm in Washington and the lead lawyer in the Hispanic farmers' case.

The Agriculture Department acknowledges the mistreatment that has been alleged. Secretary Tom Vilsack has said his agency is committed to resolving past discrimination cases, and government officials insist they are working to ensure that the plaintiffs get a quick and equitable settlement. But the Agriculture and Justice Departments argue that the Hispanics' suit is different from the one brought by blacks and Indians. Unlike the other minority farmer lawsuits, judges who presided over the Hispanic farmers' case said the group did not share enough in common to file a class-action lawsuit.

Mrs. Salazar's father, Juan Rodriguez, bought the farm in 1952. Neighbors told him that the two previous owners had each lost the farm and warned him that local Agriculture Department agents would try to drive off his family as well. A few years later, a local bank told Mr. Rodriguez that he owed \$1,000 — a loan he did not remember receiving — and that he would lose the land if he did not pay it. An Anglo woman at the bank who had seen a similar scenario before wrote Mr. Rodriguez a check on the spot, saving the farm.

Problems with the Agriculture Department persisted, Mrs. Salazar said, and loans needed for planting would come too late or not at all.

When he died in 1982, his sons took over the Pearsall farm and also encountered problems with the Agriculture Department. Loans were denied, and even when high-level officials ordered local agents to lend the family money, it never came. The brothers filed complaints, sent letters and pleaded for help. One by one, Mrs. Salazar said, her brothers had to leave the farm until finally only her brother Modesto Rodriguez remained.

When he had a series of disabling strokes, Mrs. Salazar continued the struggle. Today, the farm's only inhabitants are a few cattle and horses and a small group of abandoned dogs. In 2001, the government began foreclosure proceedings that are on hold, pending the outcome of the lawsuit.

This year, the Justice and Agriculture Departments offered Hispanic farmers \$1.33 billion to settle their discrimination claims and the claims of women farmers in a similar lawsuit. Then, Congress approved a settlement of more than \$2.25 billion with black farmers — even though census data indicated that nationwide there were about twice as many Hispanic farmers. The government's offer would also cap damages for individual Hispanic farmers at \$50,000.

Mr. Hill and other lawyers on the case told government lawyers that the proposal was “woefully inadequate.” Since then, Mr. Hill said, negotiations are at a standstill.

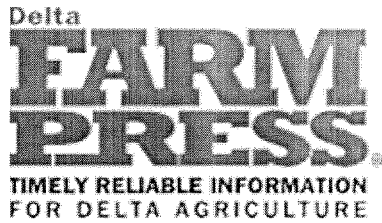
Government officials said they had gone to great lengths to be fair to Hispanic farmers. If not for Mr. Vilsack's efforts to settle the claims quickly and fairly, the officials said, each of the thousands of Hispanic farmers would have to spend years arguing in court. (The current offer, they said, allows farmers who believe they are entitled to more than \$50,000 to pursue their cases in court.)

“We believe that the voluntary settlement process we set forward is a fair option,” said Jessica Smith, a Justice Department spokeswoman.

As Mrs. Salazar stepped over cactus and cooed at dogs that roam the ruins of mobile homes and rusted farm trucks, she said she hoped the case was resolved in her lifetime. Maybe some of her dozens of nieces and nephews will be able to make a living here, she said, and finally vindicate her family after years of mistreatment.

“We’ve gone through hell,” she said. “I’m willing to do anything.”

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USDA, Hispanic farmers at standstill over reparations

Tue, 2010-12-14 10:53

From the *New York Times*:

More than 1,000 Hispanic farmers in Texas and other states sued the U.S.D.A. a decade ago, demanding that the government make reparations and change its ways. Last month, Congress agreed to multibillion-dollar settlements for mistreatment — but with black and American Indian farmers. Hispanic farmers say the government has offered them a laughable sum by comparison.

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For more, read Brandi Grissom's *NYT* [article](#).

Source URL: <http://deltafarmpress.com/government/usda-hispanic-farmers-standstill-over-reparations>

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JUSTICE NEWS**Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE

Friday, February 25, 2011

Department of Justice and USDA Announce Process to Resolve Discrimination Claims of Hispanic and Women Farmers

Obama Administration's Efforts Will Bring Finality to Longstanding Claims of Discrimination in USDA Program Delivery

WASHINGTON – As part of continued efforts to close the chapter on allegations that discrimination occurred at U.S. Department of Agriculture (USDA) in past decades, Agriculture Secretary Tom Vilsack and Assistant Attorney General for the Civil Division Tony West today announced the establishment of a process to resolve the claims of women and Hispanic farmers and ranchers who assert that they were discriminated against when seeking USDA farm loans.

"The Obama Administration has made it a priority to resolve all claims of past discrimination at USDA, and we are committed to closing this sad chapter in USDA's history," said Secretary Vilsack. "Women and Hispanic farmers and ranchers who allege past discrimination can now come forward to participate in a claims process in which they have the opportunity to receive compensation."

"Under the resolution announced today, USDA and Hispanic and women farmers will be able to move forward and focus on the future," said Assistant Attorney General West. "The administrative process being established will give Hispanic and women farmers who believe they suffered discrimination the chance to have their claims heard."

The claims process offers a streamlined alternative to litigation and provides at least \$1.33 billion in compensation, plus up to \$160 million in farm debt relief, to eligible women and Hispanic farmers and ranchers. This announcement follows the Obama Administration's settlement of longstanding litigation brought by African-American farmers and Native American farmers.

The program announced today provides up to \$50,000 for each Hispanic or woman farmer who can show that USDA denied them a loan or loan servicing for discriminatory reasons for certain time periods between 1981 and 2000. Hispanic or female farmers who provide additional proof and meet other requirements can receive a \$50,000 reward. Successful claimants are also eligible for funds to pay the taxes on their awards and for forgiveness of certain existing USDA loans. There are no filing fees or other costs to claimants to participate in the program. Participation is voluntary, and individuals who opt not to participate are not precluded by the program from filing a complaint in court.

In conjunction with this announcement, USDA is launching an outreach effort to potential claimants that will include a call center for farmers and ranchers, a website, public service announcements and in-person meetings around the country. Individuals interested in participating in the claims process may register to receive a claims package, or may obtain more information, by visiting www.farmerclaims.gov. Beginning March 15, 2011, individuals can register to receive a claims package by calling the Farmer and Rancher Call Center at 1-888-508-4429. USDA cannot provide legal advice to potential claimants. Persons seeking legal advice may contact a lawyer or other legal services provider.

Under Secretary Vilsack's leadership, USDA is addressing civil rights complaints that go back decades, and today's announcement is another major step towards achieving that goal. USDA is committed to resolving allegations of past discrimination and ushering in "a new era of civil rights" for USDA. In February 2010, Secretary Vilsack and Associate Attorney General Tom Perrelli announced the *Pigford II* settlement with African-American farmers. In October 2010, Secretary Vilsack and Assistant Attorney General West announced the *Keepseagle* settlement with Native American farmers. Meanwhile, Secretary Vilsack continues to advocate for resolution of all remaining claims of past discrimination against USDA.

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Audio and video public service announcements in English and Spanish from Secretary Vilsack and downloadable print and web banner ads on the Hispanic and women farmer claims process are available at: http://www.usda.gov/PSAs_Print_and_WebBanner_Ads.xml.

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Hispanic Farmers Criticize USDA Claims Process Rollout As "More Of The Same Discrimination"

Washington, DC February 25, 2011...Hispanic farmers criticized today's announcement by the USDA of a process to settle their discrimination claims against the USDA as "more of the same discrimination we have suffered for years at the hands of our own government."

Lupe Garcia, the named plaintiff in the *Garcia v. Vilsack* suit, said, "The process which the USDA announced today just continues the insult of discrimination. The government must think that Latinos can't count," Garcia said, "as they continue to repackage the same old proposal with the same unfair numbers as if we will eventually accept them as equal to what other minority farmers have received in their settlement."

The African American farmers have been awarded a total of \$2.25 Billion so far to settle their claims and the most recent farm population counts approximately 39,000 African American farmers. The Hispanic farmers and female farmers, who together number more than 370,000 farmers, have been offered 1.33 Billion to share.

In terms of the claims process, Garcia pointed to the fact that the burden of proof for Hispanic farmers to receive a maximum of \$50,000 was exactly the same as that for the African American farmers in *Pigford I* to receive as much as \$13 Million. "It is not equal treatment under the law- plain and simple," said Garcia.

"Our Hispanic farmers, who represent the fastest growing segment of the rural population entering farming, are, even today, rejected and humiliated by the treatment they receive at the hands of the USDA loan officers. Loans are denied with no reason given and another planting season goes by," Garcia said. "We need a fair and immediate settlement to our lawsuit and an end to the discriminatory way the USDA does business."

*The Garcia case is a class action lawsuit which seeks to remedy years of massive and admitted discrimination against Hispanic farmers and ranchers, all US citizens and taxpayers, who were denied access to United States USDA loan programs in violation of the Equal Credit Opportunity Act and seeks to remedy discrimination against Hispanic farmers and ranchers in the administration of USDA farm benefit programs. Unlike most lawsuits, the salient facts in this case are not disputed. The suit was originally filed in 2000.

For additional information regarding the *Garcia* lawsuit please visit our website at www.hispanicfarmersforjustice.org.



Hispanic Farmers Reject \$1.3 Billion Settlement Offer

By Carolyn Salazar

Published February 25, 2011 | Fox News Latino

A lawyer for Hispanic farmers that were offered a \$1.3 billion settlement by the federal government Friday is calling the proposal unacceptable and "blatantly discriminatory."

The Hispanic farmers plan to reject the offer, continuing a saga that rocked the U.S. Department of Agriculture. The farmers are suing the Agriculture Department for discrimination.

The government first announced its intent to settle the case last May, but modified the offer on Friday.

"For whatever reason, they want to discriminate against Hispanic farmers – and they feel they can get away with it," said Stephen Hill of Howrey LLP, the lead counsel in the case. "This was a repackaging of a bad deal our clients uniformly rejected and considered insulting last year. And nothing has been done in the interim to make it less discriminatory and insulting."

The offer comes after the government settled a \$2.25 million bias case with black farmers, and a \$3.4 billion case against Native Americans. The minority groups filed lawsuits several years ago claiming they were denied loans and assistance for years while all the money and help went to white farmers.

"The Obama Administration has made it a priority to resolve all claims of past discrimination at USDA, and we are committed to closing this sad chapter in USDA's history," Agriculture Secretary Tom Vilsack said in a statement. "Women and Hispanic farmers and ranchers who allege past discrimination can now come forward to participate in a claims process in which they have the opportunity to receive compensation."

The government offered \$1.33 billion in compensation plus \$160 million in farm debt relief to eligible women and Hispanic farmers and ranchers. The settlement amounts to about \$50,000 a farmer.

Hill said the offer is 59 percent less than was offered to African American farmers, even though the amount would be distributed among many more people.

The Hispanic farmers also must meet the same burden of proof to collect the money – even though they would be receiving a lot less. The Hispanic or women farmers much

show that they were denied a loan or loan services by the USDA between 1981 and 2000.

He said African American and American Indian farmers have been able to recover more than \$250,000 in their settlement with the government – though some have collected much more.

“The amount offered is clearly and blatantly discriminatory,” he said.



Settlement proposal revised for Hispanic, female farmers

By William Pack, By William Pack
wpack@express-news.net

2.25.11

The Obama administration Friday modified an offer aimed at resolving discrimination complaints against the [Agriculture Department](#) by setting up a process that could guarantee a \$50,000 settlement for some Hispanic and women farmers.

The new offer does not differ considerably from one made last May that established a \$1.3 billion fund to settle complaints in lawsuits involving Hispanic and women farmers who say they were denied agricultural loans or given different loan terms because of their race or gender.

That proposal capped damages for individual farmers at \$50,000, but some farmers may have been required to take something less if funding for the settlement pool expired.

Agriculture Secretary [Tom Vilsack](#) said the new proposal establishes a two-tiered compensation process that would guarantee a \$50,000 settlement for claimants with adequate documentation, including proof that a discrimination complaint was filed with the [USDA](#).

Claimants without adequate documentation or who do not meet other requirements would be eligible for up to \$50,000, but may receive less if funding for that category of farmers runs out.

"I believe it's a fair option," Vilsack said.

But the proposal did not win support from one Texas farmer who is among the plaintiffs or from a Washington attorney who represents more than 1,000 Hispanic farmers who have accused the department of discrimination.

Pearsall rancher [Modesta Rodriguez Salazar](#) said that for some, \$50,000 might be enough. But for the losses she and her family sustained, it was not close.

"It's not even enough for the toilet paper," she said.

"It's essentially the same bad deal that they offered last May," said attorney Stephen Hill, the lead attorney for aggrieved Hispanic farmers.

Hill said plaintiffs he has told about the proposal "continue to view this as insulting and blatantly discriminatory on its face."

He said settlements the department has reached with African American and Native American farmers allow for much higher recovery payments than Hispanic and women farmers have been offered. Native Americans were offered settlements of up to \$250,000 in their claims against the department.

Hill said Texas has the largest number of Hispanic farmers in the nation, and hundreds of those farmers have filed discrimination claims. The lawsuits have not won class-action certification, but claimants can go to court individually to pursue settlements if they reject the government's offer.



Hispanic Farmers Dispute Deal

February 26, 2011

By Rene Romo

Journal Southern Bureau

LAS CRUCES — The USDA and Department of Justice on Friday rolled out details of a process aimed at resolving discrimination claims filed by Hispanic and female farmers, but Hispanic farmers here said the offer continues allegedly inequitable treatment.

"It just adds insult to injury," said Hatch resident Norma Flores, one of more than 1,000 Hispanic farmers who have unsuccessfully sought class-action certification in the case. "We can't accept this."

The claims process unveiled Friday by Agriculture Secretary Tom Vilsack and Assistant Attorney General Tony West provides a streamlined alternative to litigation alleging violations of the Equal Credit Opportunity Act.

The federal government has set aside at least \$1.33 billion in compensation to eligible Hispanic and female farmers and ranchers, and is offering awards of up to \$50,000 to claimants who can show the USDA discriminated against them by denying a loan or loan servicing between 1981 and 2000.

Washington, D.C., attorney Stephen Hill, who is representing Hispanic farmers in the 11-year-old case, said the offer is inadequate because black and Native American farmers, who alleged the same discriminatory treatment, are eligible for higher settlement offers.

The federal government has set aside a total of \$2.25 billion to cover the claims of black farmers in two settlement rounds. Settlement amounts were not capped in the first round of claims filed by black farmers, while awards can reach \$250,000 in the second round.

In the case of Native American farmers, individuals were offered up to \$250,000 to resolve their claims.

"It's not fair, and it's not equal. We don't have equal rights," said Guadalupe Garcia, a Doña Ana County farmer who is the lead plaintiff in the Hispanic farmers case. "All the cases had the same discrimination. None of them are different."

Garcia noted that, under the resolution process outlined by the USDA, the burden of proof for Hispanic farmers to receive the maximum \$50,000 offer is the same as that for black and Native American farmers who can receive bigger settlements. The USDA's resolution effort, Garcia said, "just continues the insult of

discrimination."

The USDA said in a statement that the agency is committed to resolving allegations of past discrimination, which have been documented in various studies by the U.S. Commission on Civil Rights, Congress and the Government Accountability Office. Vilsack has said he wants to usher in a "new era of civil rights" for the department, and Friday said, "We are committed to closing this sad chapter in USDA's history."

West said that, under the resolution process, Hispanic and female farmers "will be able to move forward and focus on the future."

No filing fees or other costs will be charged to Hispanic or female farmers and ranchers who participate in the process, and participation is voluntary. Those who choose not to participate could still file an individual complaint in court. The USDA will launch an outreach effort to potential claimants, including a call center, a website and public service announcements.

Hill acknowledged that some plaintiffs may choose to participate in the process, but he said that the fight is not over and he will continue to press Congress and the Obama administration for a better offer. Hill said he is considering filing another lawsuit alleging the resolution process itself is discriminatory.

HISPANIC FARMERS FILE SUIT AGAINST USDA AND DOJ ALLEGING BLATANT DISCRIMINATION IN SETTLEMENT OFFER

Offer would treat Hispanic and Female Farmers Less Favorably Than Other Minority Groups
In Settling Discrimination Claims

Washington, DC, March 15, 2011. Lawyers for Hispanic farmers today filed a new lawsuit in DC District Court alleging that the very settlement offer made to Hispanic and female farmers to address years of discrimination by the USDA is, on its face, discriminatory and unconstitutional.

According to the complaint,

“...Despite the publicly acknowledged like pattern and practice of discrimination, Defendants have not been fair and even handed in settling the claims of minority farmers, all of whom USDA similarly victimized, but have intentionally proceeded unfairly, unequally, and disproportionately, favoring African-American and Native American farmers in the settlement of their claims while disfavoring similarly situated Hispanic and female farmers in the terms and amounts offered to settle their identical claims.

More particularly, even though plaintiffs in all four identical class actions alleged the same substantive discrimination, even though the USDA admittedly committed the same unlawful discriminatory practices against the plaintiffs in all four cases, and even though Congress and the Obama Administration have both called for expeditiously and fairly settling all of these cases, Defendants have refused to offer the Hispanic and female farmers settlement terms that provide them with a meaningful chance at comprehensive settlement of their discrimination claims while agreeing to settle comprehensively the very same discrimination claims of African-American and Native American farmers without imposing on them the same onerous conditions.”

As examples of the discriminatory nature of the settlement offer to Hispanic and female farmers, the complaint focuses on differences in monetary, claims process and other elements of the government’s offer. (A full chart of the differences in the various settlement offers follows).

Individual Monetary Amounts: For African American farmers, in the Pigford I settlement, two tracks were established - Track A under which they could recover \$50,000, and Track B, under which they could recover such damages as they could without limitation. Under the current settlement offer to Hispanic and female farmers, the government proposes a two-tier dispute resolution process in which Hispanic and female claimants can recover up to \$50,000 per individual claimant. Unlike the settlements offered to African-American and Native American farmers, Hispanic and female farmers with claims greater than \$50,000 must either forgo those claims or file and prosecute an expensive federal lawsuit.

President Obama, Attorney General Holder and Secretary Vilsack have all stated on numerous occasions that they wanted to “close this chapter” on the history of admitted rampant discrimination perpetrated upon minority farmers in the administration of the Department’s farm loan and farm benefit programs. They have had the opportunity to do so many times during the last eleven years since the original suit, *Garcia v. Vilsack* was filed. While they have perhaps closed the chapter for African American and Native American farmers, they have not

come close to doing so for Hispanic American or female farmers. With each new twist to the settlement proposals, the Administration seems determined to place upon Hispanic and female farmers that are substantially less generous and more onerous than the terms it readily provided similarly situated African-American and Native American farmers.

The complaint calls the current government offer unconstitutional as follows:

“The government’s unilateral attempt to impose the “program” as a settlement of Hispanic farmers’ claims in a manner substantially different from and substantially less favorable than the settlement provided to African-American and Native American farmers is wholly inconsistent with the rule of law and the equal protection guaranteed by the Constitution of the United States.

For reasons that have no rational basis in law or fact, Defendants, because of the farmers’ racial differences, continue to deny Hispanic farmers the same substantial benefits, and, indeed, impose on them significantly harsher burdens, than are found in the settlement terms Defendants have offered to African-American and Native American farmers, notwithstanding that the Hispanic, African-American and Native American farmers admittedly have long suffered the substantively identical discrimination pervading the USDA’s farm benefit programs and are equally entitled to full redress for their like injuries.

Defendants’ refusal to settle fully and comprehensively the Hispanic farmers’ claims on materially the same terms that Defendants have agreed to settle the very same claims of African-American and Native American farmers is intentional and continues USDA’s persistent discrimination against Hispanic farmers because of their Hispanic origin in violation of Plaintiffs’ right to due process and equal treatment under law in the administration of justice.

Finally, the complaint lists four counts of which it feels the government is guilty in its attempt to resolve the claims of Hispanic farmers.

**COUNT ONE - VIOLATION OF THE FIFTH AMENDMENT - Governmental Defendants -
EQUAL PROTECTION**

Equal protection of the laws demands that similarly situated citizens be treated equally in the administration of justice. The underlying discrimination experienced by the Hispanic farmers was substantively identical and their injuries were substantively identical to those sustained by the African-American and Native American farmers. Yet, based solely on differences of race, Defendants have provided the African-American and Native American farmers with higher compensation allocations in settlement benefits, and with far more favorable procedural measures to realize those benefits, than they have offered to the Hispanic farmers.

**COUNT TWO VIOLATION OF THE FIFTH AMENDMENT - Governmental Defendants -
DUE PROCESS**

Due process guarantees Plaintiffs a fair, impartial, and even handed process to ensure that their claims of manifest discrimination are and will be resolved in meaningful fashion, and that they will receive full and adequate redress for their injuries.. The government’s announced

“program” provides no independent, fair and impartial oversight in the administration of settled claims.

**COUNT THREE VIOLATION OF THE FIFTH AMENDMENT -Individual Defendants
EQUAL PROTECTION**

Equal protection of the laws demands that similarly situated citizens be treated equally in the administration of justice. By continually refusing to discuss or settle the Hispanic farmers’ claims, and by offering settlement benefits on far less favorable terms than given to African-American and Native American farmers, the individual Defendants intentionally engaged in conduct designed to disfavor members of one racial group, all of Hispanic origin, while favoring members of other racial groups, including either African-American or Native American farmers, all while acting under the color of federal law in violation of the Hispanic farmers’ clearly established constitutional right.

**COUNT FOUR VIOLATION OF THE FIFTH AMENDMENT - Individual Defendants
DUE PROCESS (See Count Two above)**

Comparison chart of settlement offers to minority farmers



Comparison chart 3
12 11 full V3.pdf

For more information on this case, pls visit our website: www.garciaclassaction.org



WHILE TODAY MAY BE A “GOOD DAY IN INDIAN COUNTRY,” BAD DAYS FOR HISPANIC FARMERS CONTINUE

WASHINGTON- April 28, 2011 Lead counsel on the *Garcia* lawsuit Stephen Hill states that “While it may be ‘a good day in Indian Country,’ it is another in a long line of bad days for Hispanic farmers who continue to be victims of discrimination in the administration of USDA's credit and non-credit farm benefit programs and in the administration of justice in the settlement of their claims. By the government's own admission, Hispanic farmers' discrimination claims are identical to those of Native American farmers, yet the government refuses to offer Hispanic farmers the same settlement process that it has offered Native American and African-American farmers. Under the just-approved settlement with Native American farmers, USDA will provide a two-track dispute resolution process for Native American farmers (Track A up to \$50,000 and Track B up to \$250,000). For Hispanic farmers, however, USDA offers a two-tier dispute resolution process (Track 1 up to \$50,000 and Tier 2 \$50,000). For African-American farmers, USDA offered an even better deal in the \$1 billion Pigford I settlement (Track A \$50,000 and Track B such damages as could be proven without any limitation). Even the African-American farmers who missed the deadline to participate in the original Pigford I settlement will receive \$1.25 billion and a two-track dispute resolution process (Track A up to \$50,000 and Track B up to \$250,000). Compared to the total of \$2.25 billion that the government has already paid or proposes to pay to African-American farmers, Hispanic farmers must share \$1.23 billion with female farmers who have been victims of USDA discrimination despite the fact that Hispanic farmers alone outnumber Africa-American farmers by nearly two to one and Hispanic and female farmers combined out number African-American farmers by at least twelve to one. While the current administration inherited the discrimination in the administration of USDA's farm programs, it is solely responsible fore the blatant discrimination in the settlement processes being made available to African-American, Native American and Hispanic farmers. Simply put, the government cannot pick favorites among equally innocent victims of government discrimination and provide Native American and African-American farmers a better settlement process than that provided to Hispanic farmers.” For additional information regarding the *Garcia* lawsuit please visit our website at www.hispanicfarmersforjustice.org.

For media inquiries please contact Collette Harrell, Howrey LLP at harrellc@howrey.com or 202.383.7218



NO FIESTAS FOR HISPANIC FARMERS THIS 5 DE MAYO

EL PASO, TEXAS- May 5, 2011 Last night United States Department of Agriculture ("USDA") Undersecretary Ed Avalos held a meeting as part of USDA's public- relations program to advertise USDA's program for "resolving" discrimination claims of female and Hispanic farmers. The Hispanic farmers in attendance were outraged and insulted that the Administration would present to them a "deal" which it characterized as fair, but that most farmers see as a prime example of the continued discrimination Hispanic farmers are forced to endure.

While in the *Pigford I* settlement damages were awarded as could be proven to African American farmers without any limitation, the maximum Hispanic and female farmers can receive under the Administration's current proposal is \$50,000. Lead plaintiff Lupe Garcia characterized the meeting bluntly, "USDA's program to settle the claims of Hispanic farmers is yet another form of discrimination against us. When black farmers and Hispanic farmers suffered the same exact discrimination from USDA, it's insulting that USDA is willing to make the black farmers whole while they just throw us a dry bone. Do they think we are third class citizens?"

David Cantu of San Juan, Texas, named plaintiff in the latest lawsuit on behalf of Hispanic farmers against their government, further commented that, "USDA is merely trying to buy off Hispanic farmers on the cheap. There is little or no recognition of our real losses. The Obama Administration is dangling money in front of us and expecting us to jump at it. This is insulting discrimination of the worst stereotyping. The Administration ought to be ashamed of itself for expecting Latinos to fall for this low-rent ploy."

Among the many issues that Hispanic farmers point to in the Government's latest offer is the fact that USDA's program only addresses discrimination claims up to 2000. Lead counsel in the *Garcia* lawsuit Stephen Hill observed, "In the past eleven years, there have been thousands of instances of severe discrimination against Latinos which remain unaddressed in this process. Moreover, while the USDA conducts a cynical nationwide campaign pretending to close the chapter on discrimination at USDA, it is in fact perpetrating a new and insidious form of discrimination in the way it purports to resolve Hispanic farmers' discrimination claims. This is a travesty perpetrated against Hispanic farmers by the Obama Administration that cannot be allowed to continue unchallenged. In addition, we continue to receive calls regularly from Hispanic farmers complaining of

current discrimination at Farm Service Agency offices. As hardworking and taxpaying American citizens, Hispanic farmers deserve far better from this Administration.”

For additional information regarding the *Garcia* lawsuit please visit our website at www.hispanicfarmersforjustice.org.

For media inquiries please contact Collette Harrell, Howrey LLP at harrellc@howrey.com or 202.383.7218



NO FIESTAS DE AGRICULTORES HISPANOS ESTE 5 DE MAYO

EL PASO, TEJAS - f5 de mayo 2011 Anoche el Subsecretario Eduardo Avalos del Departamento de Agricultura de Los Estados Unidos Departamento (“USDA”) celebró una reunión como parte del programa de propaganda del USDA para anunciar el programa de USDA de “resolver” los reclamos por discriminación de agricultores mujeres y hispanos. Los agricultores hispanos que asistieron anoche se sintieron ultrajados e insultados que la Administración presente un “acuerdo” que lo caracterizó como justo, pero que la mayoría de los agricultores ven como un ejemplo de la constante discriminación a los agricultores hispanos se ven obligados a aguantar.

Mientras que en la demanda de *Pigford I* los daños fueron dados según a como podía ser probado a los granjeros Afroamericanos sin ninguna limitación, el máximo que los granjeros hispanos y mujeres pueden recibir bajo oferta actual de la Administración es \$50.000. El demandante nombrado Lupe García caracterizó la reunión claramente, “el programa del USDA de resolver los reclamos de los granjeros hispanos es otra forma más de discriminación contra nosotros. Cuando los granjeros negros y los granjeros hispánicos sufrieron la misma discriminación exacta del USDA, es una insulta que USDA está dispuesto a hacer que los granjeros negros sean enteros, mientras que apenas nos tiran un hueso seco. ¿Piensan que somos ciudadanos de la tercera clase?”

David Cantu de San Juan, Tejas, demandante nombrado en el último pleito de agricultores hispanos contra el gobierno, además comento, “USDA está intentando hacienda simplemente está tratando de comprar el silencio de

agricultores hispanos por una miseria. Hay poco o nada de reconocimiento de nuestras pérdidas verdaderas. La administración de Obama está columpiando el dinero en frente de nuestras caras con la esperamos que brinquemos para esta oferta. La administración debe estar avergonzada de sí mismo por esperar que los Latinos se caigan para esta trampa.”

Entre los muchos asuntos que los granjeros Hispánicos señalan en la última oferta del gobierno es el hecho de que el programa del USDA trata solamente demandas de la discriminación hasta 2000. El abogado principal del pleito de los agricultores de *García*, Stephen Hill, observó, “en los últimos once años, ha sido millares de casos de discriminación severa contra los Latinos. Además, mientras que el USDA conduce una campaña cínica a escala nacional que finge cerrar el capítulo en la discriminación en el USDA, de hecho está perpetrando una nueva e insidiosa forma de discriminación de la manera que pretende resolver reclamos de discriminación de los agricultores hispánicas. Esto es una tragedia perpetrada contra agricultores hispánicos por la administración de Obama que no puede ser permitida a continuar. Además, continuamos recibiendo llamadas de agricultores hispánicos con quejas de discriminación contemporáneas contra empleados de FSA. Como ciudadanos de Los Estados Unidos, trabajadores quienes pagan impuestos los agricultores hispanos merecen mucho más de esta Administración.”

Para información adicional con respecto al pleito de *García* por favor visite nuestro sitio del Internet de <http://www.garciaclassaction.org/>.

Para preguntas o entrevistas póngase en contacto con Collette Harrell, Howrey LLP at harrellc@howrey.com o llame a 202.383.7218.

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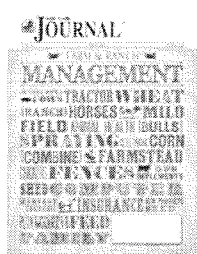
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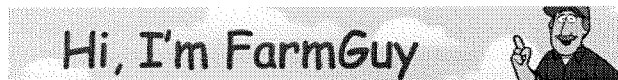


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USDA discrimination cases pending

Settling the Pigford I and II lawsuits providing compensation to African-American farmers and ranchers who suffered discrimination will not mark the end of discrimination woes for the U.S. Department of Agriculture, says Henry English, Ph.D., director of the Small Farm Program at the University of Arkansas at Pine Bluff. Three additional discrimination cases are pending: Garcia vs. Vilsack (Hispanics), Love vs. Vilsack (women) and Keepseagle vs. Vilsack (Native Americans).

A claims process has been established to compensate farmers and ranchers who were improperly denied farm loan benefits between 1981 and 2000 because they were women, Hispanic or Latino.

"To participate, female farmers and ranchers, Hispanics and Latinos must submit a complete claims package to the claims administrator by the end of the claims period," says English. Claimants have only 180 days from the opening of the claims period to submit their package, he says. The claims package will specify the deadline.

Because the opening date has yet to be announced, English is advising those seeking compensation to obtain a claims package as soon as possible. "Claims packages will be sent out during the summer of 2011, but women, Hispanics and Latinos must apply for them," says English.

To receive a claims package, call the Farmer and Rancher Call Center at 1-888-508-4429 Monday through Friday, between 9 a.m. to 8 p.m. (Eastern Standard Time). Leave your name and address, and say you want a claims package. It provides forms and instructions for filing a claim and detailed information on eligibility and the claims process. Or, go the www.farmerclaims.gov website and request a package online.

In general, women, Hispanics and Latinos are eligible if they meet the following criteria:

- Sought a loan or farm-loan servicing from USDA during 1981-2000 and
- Loan was denied, provided late, approved for a lesser amount than requested, approved with restrictive conditions or USDA failed to provide appropriate loan service and
- Believe the actions occurred because you are Hispanic, Latino or female.

An independent claims adjudicator will determine eligibility based on the criteria contained in the claims package, says English. Claimants will be able to track their status online or they can call to confirm receipt of their claims package.

Claimants currently represented by a lawyer against USDA should contact their lawyer about the claims process.

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Hispanic Farmers Seek Amends From USDA

By Joshua Philipp

Epoch Times Staff

Created: Nov 2, 2011 Last Updated: Nov 2, 2011



Juan Rico culls cotton plants growing between rows in an irrigated cotton field July 27, near Hermleigh, Texas. Many Hispanic farmers have faced discrimination by the USDA's farmer loan process. (Scott Olson/Getty Images)

It only takes one bad crop to destroy a farm, and decades of discrimination in the USDA's loan process has sunk many a farm.

The U.S. Department of Agriculture will be the first to admit this dark part of its history and is trying to end the cycle by rooting out discrimination among its own staff and by making amends with farmers in cases that have lasted since the Civil Rights movement.

But for many Hispanic farmers, and many female farmers, the process of amends has just been another insult in a long history of discrimination.

"I'm just one of thousands," said David Cantu, a Hispanic farmer and rancher in San Juan, Texas, in a phone interview.

Cantu's story rings along a similar line to what other farmers have faced. He and his father applied for a

loan ahead of the planting season. They were approved, but the money was delayed.

They prepared the land in the meantime, but when the money, which they needed to pay for irrigation, finally came, it was too late.

“By that time the damage had been done—we lost the crop,” Cantu said.

They had planted corn, and in the south, if corn crops don’t get enough water, they can develop a chemical that gradually lowers its market value.

“We lost probably \$300,000 to \$400,000,” Cantu said.

A lost crop has a ripple effect. Farmers rely on profits to repay their loans, but if the loans come late—as in the case of Cantu and many other Hispanic farmers—they not only take a massive loss, but also go into debt from being unable to repay the money they now owe.

Once they’re in debt, when the next planting season comes along, they can be denied the loans needed to keep the farm going, and a farm that has been passed down through generations is then lost.

“That’s the legacy that Hispanic farmers leave to their children—their land and whatever they put together in their lifetime. The USDA has taken that from them,” Cantu said.

Making Amends

On May 4, the USDA took one of the first steps in addressing a long history of discrimination. Representatives met with farmers and ranchers in El Paso, Texas, to offer a streamlined process to resolve the discrimination cases.

Every Hispanic and female farmer or rancher who was denied a USDA loan due to discrimination between 1981 and 2000 is being offered up to \$50,000.

Agriculture Secretary Tom Vilsack said the settlements were part of his “commitment to mend USDA’s troubled civil rights record,” and the USDA is “correcting our past errors, learning from our mistakes, and outlining definitive action to ensure there will be no missteps in the future,” according to the USDA official blog.

Many farmers and ranchers, however, see the settlement in a different light, and a group of Hispanic farmers and ranchers filed a suit against the USDA, regarding its settlements.

“It is, in our view, a very cynical attempt by USDA and the Department of Justice to pretend they are turning the page or closing a chapter on discrimination,” said Stephen Hill, attorney for the Hispanic farmers who filed the suit against the USDA, in a phone interview.

The main point of contention is that Hispanics and women are being offered significantly less individually than what was offered to either African-American or Native American farmers and ranchers.

In the 1999 Pigford I case, with African-Americans farmers and ranchers, each person was offered two tracks. Track A gave a \$50,000 settlement. Track B gave them as much in damages as they could prove they lost. The highest amount paid was \$13 million. A second round of settlements was then made for anyone who missed the first one, dubbed Pigford II. This offered up to \$50,000 in Track A, and up to \$250,000 in Track B.

Native American farmers and ranchers were given similar settlements in the Keepseagle case, which offers up to \$50,000 in Track A, and up to \$250,000 in Track B.

“In the case of Hispanic farmers, they rather acutely do not refer to it as Track A or Track B,” Hill said. “They refer to it as Tier I and Tier II.”

For Hispanic and female farmers and ranchers, they can recover up to \$50,000 in Tier I, and a flat \$50,000 under Tier II.

Yet the case is complicated. They are being offered less money individually, but more money overall.

“We believe the processes for Hispanic and women farmers are quite similar to those used for black and Native American farmers,” said a USDA spokesperson in an e-mail interview.

A total of \$1.33 billion was made available for Hispanic and female farmers and ranchers—more than twice the funds made available to Native American farmers—and \$80 million more than what was made available for African-Americans in the Pigford II settlement.

“Additionally, the amount of debt relief for Hispanic and women farmers is fair and reasonable,” stated the USDA spokesperson, noting that claimants are being offered up to \$180 million in debt relief, twice that of the Keepseagle settlement.

For many Hispanic farmers, however, the \$50,000 being offered is far from compensating what they lost.

Noe Obregon from Pearsall, Texas, lost close to \$4 million due to alleged loan discrimination from the USDA. He also lost his family farm, which was started by his grandfather.

The \$50,000 being offered “wouldn’t get us nowhere,” Obregon said in a phone interview. “Compared to the losses we have had in so many years, how does \$50,000 justify a million-dollar farm?”

“We’re just being given the short end of the stick,” Obregon said. “I would just like to see justice served, and to be treated like Americans. We’re U.S. citizens. The only thing is we’re Hispanics.”



ANOTHER CHRISTMAS WITHOUT JUSTICE FOR HISPANIC FARMERS

Las Cruces, NM, December 20, 2011 “The current treatment of Hispanic farmers by the Obama administration is both shameful and insulting. Does the Administration really expect enthusiastic support from Hispanic farmers during the upcoming election year while it continues to deny us justice and offers us a settlement proposal that is discriminatory on its face?” explains Lupe Garcia of Las Cruces, NM, President of Hispanic Farmers and Ranchers of America Inc. and lead plaintiff in the *Garcia* lawsuit.

The Obama Administration continues to offer Hispanic farmers a process for resolving these claims that is substantially and procedurally less favorable and more burdensome than the claims process provided African American farmers who timely complained of identical discrimination by the United States Department of Agriculture (“USDA”). In fact the Hispanic claims process is even less favorable and more onerous than the process provided African American farmers who filed late claims.

“Nothing this Christmas has changed for Hispanic farmers waiting for their government to treat them with respect and fairness,” says South Texas farmer, David Cantu, lead plaintiff in *Cantu vs. Vilsack*. “It is a shame that another Christmas will come and go while Hispanic farmers continue to wait for long-overdue justice from the Obama Administration.”

To illustrate the unfairness of the current situation, Cantu notes that under the *Pigford I* settlement USDA provided African American farmers with an alternative dispute resolution process that permitted African American farmers to receive such damages they could prove without limitation and the largest such recovery was \$13 million. However, the maximum Hispanic and female farmers can receive under the Administration’s current proposal is \$50,000, even though they have suffered the same discrimination and indignities as African American farmers. “Somehow, our pain is worth considerably less than pain of African Americans,” Cantu said.

Gary Sandoval, a farmer from Antonito, Colorado, states that “It is astounding that the White House has conducted good faith negotiations with the representatives of the African American and Native American farmers, while simultaneously refusing to enter into good faith settlement discussions with our representatives. This is yet another form of discrimination.”

“We have been waiting for over a decade for the White House to engage in good faith negotiations with our representatives. When we all voted for President Obama in 2008 we thought he’d be the president to finally bring us justice,” says Larry Chavarria, a third generation farmer from Lemoore, CA. “It is almost 2012, and, his administration refuses to participate in any discussions with our representatives. This is not the change we voted for in 2008.”

For additional information regarding the *Garcia* lawsuit please visit our website at www.hispanicfarmersforjustice.org.

For media inquiries please contact Collette Harrell, Howrey LLP at harrellc@howrey.com or 202.383.7218

Congress of the United States

Washington, DC 20515

April 6, 2009

Honorable Tom Vilsack
Secretary
United States Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-1400

Re: *Garcia v. Schafer*, CA. No. 00:2445
(D.D.C. Oct. 13, 2000)

Dear Secretary Vilsack:

Congratulations on your appointment and confirmation as Secretary of the United States Department of Agriculture (USDA). As Hispanic Members of Congress we are encouraged by your recent public statements concerning your commitment to turn the page on the civil rights problems that have plagued the USDA for far too long. USDA's history of systemic discrimination against Hispanic and other minority farmers and ranchers is both well documented and admitted by, among others, then Secretary Glickman, the original defendant in the above-referenced matter. Accordingly, we urge you, consistent with the "sense of Congress" set forth in Section 14011 of the Food, Conservation and Energy Act of 2008, to immediately begin negotiations with counsel for the Hispanic farmers and ranchers to resolve this matter "in an expeditious and just manner." Justice for these farmers is long overdue, as is the need to close once and for all this unfortunate chapter of our national history.

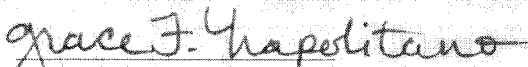

Sincerely,

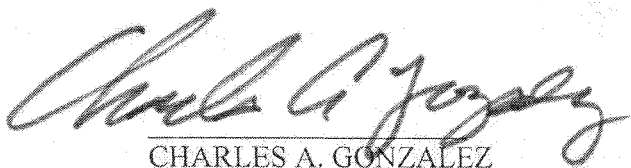


JOE BACA
Member of Congress



ALBIO SIRES
Member of Congress


GRACE NAPOLITANO
Member of Congress
SOLOMON ORTIZ
Member of Congress



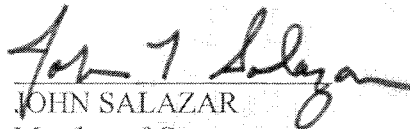
CHARLES A. GONZALEZ
Member of Congress



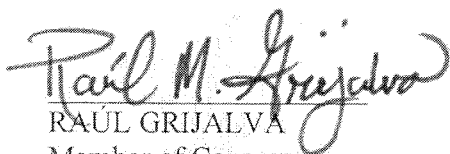
LUCILLE ROYBAL-ALLARD
Member of Congress



RUBEN HINOJOSA
Member of Congress



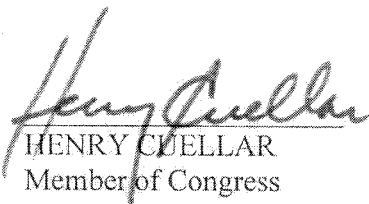
JOHN SALAZAR
Member of Congress



RAÚL GRIJALVA
Member of Congress



BEN RAY LÚJAN
Member of Congress



HENRY CUELLAR
Member of Congress

Congress of the United States

Washington, DC 20515

April 6, 2009

Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: *Garcia v. Schafer*, C.A. No. 00:2445
(D.D.C. Oct. 13, 2000)

Dear Attorney General Holder:

Congratulations on your appointment and confirmation as Attorney General of the United States. As Hispanic Members of Congress, we write on behalf of thousands of Hispanic farmers and ranchers who have been the victims of systemic discrimination by the United States Department of Agriculture (USDA) in their efforts to gain equal access to USDA's farm credit and non-credit farm benefit programs. As you are well aware, USDA's discrimination against Hispanic and other minority farmers and ranchers is both well documented and admitted by, among others, then Secretary Glickman, the original defendant in the above-referenced matter.

We are encouraged by the recent public statements of Secretary Vilsack concerning his commitment to turn the page on USDA's longstanding civil rights problems. Accordingly, we urge you and Secretary Vilsack, consistent with the "sense of Congress" set forth in Section 14011 of the Food, Conservation and Energy Act of 2008, to immediately begin negotiations with counsel for the Hispanic farmers and ranchers to resolve this matter "in an expeditious and just manner." Justice for these farmers and ranchers is long overdue, as is the need to close once and for all this unfortunate chapter of our national history.

Sincerely,



JOE BACA
Member of Congress



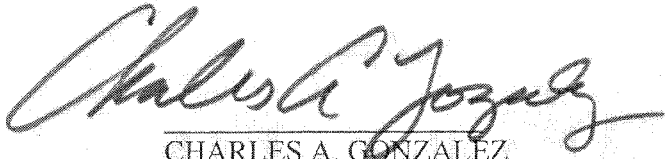
ALBIO SIRES
Member of Congress



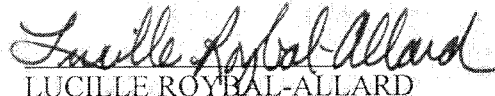
GRACE NAPOLITANO
Member of Congress



SOLOMON ORTIZ
Member of Congress



CHARLES A. GONZALEZ
Member of Congress



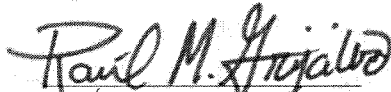
LUCILLE ROYBAL-ALLARD
Member of Congress



RUBEN HINOJOSA
Member of Congress



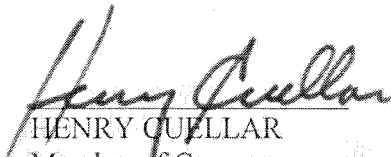
JOHN SALAZAR
Member of Congress



RAÚL GRIJALVA
Member of Congress



BEN RAY LUJAN
Member of Congress



HENRY CUELLAR
Member of Congress

Congress of the United States

Washington, DC 20515

May 14, 2009

President Barack H. Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

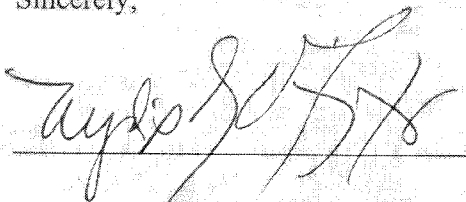
Dear Mr. President:

The Congressional Hispanic Caucus applauds your decision to appropriate \$1.25 billion in the fiscal year 2010 budget to settle discrimination lawsuits by black farmers who missed the initial filing deadline in the *Pigford* lawsuit. In your statement on Wednesday, May 6, 2009, you said that "I am pleased that we are now able to close this chapter in the agency's history" and that you "hope[d] . . . that the farmers and their families who were denied access to USDA loans and programs will be made and will have the chance to rebuild their homes and businesses." We share that hope.

However, while a chapter may be closed by the appropriation, we cannot close the book on USDA discrimination until all minority farmers have been made whole and USDA reformed. With the recently announced appropriation, approximately \$2.25 billion will have been set aside to resolve USDA discrimination cases against black farmers, yet Hispanic farmers and ranchers, who continue to suffer from exactly the same discrimination, have received nothing. Moreover, despite encouraging words from Secretary Vilsack and language in the recent farm bill urging him to settle the outstanding discrimination suits brought by Hispanic and other farmers, USDA has yet to indicate a willingness to settle these cases. The time for doing so is now.

Lawyers representing Hispanic farmers and ranchers have met with members of Secretary Vilsack's staff and counsel and have offered concrete proposals for resolving the lawsuits and reforming USDA to insure accountability and transparency. To date, no response has been forthcoming from USDA. We need to close the book on USDA discrimination once and for all. We urge you to do so immediately so that Hispanic farmers and ranchers, like their black counterparts, can begin to rebuild their lives and businesses and we can turn our attention to supporting the many historic initiatives that your administration seeks to advance in the coming months and years.

Sincerely,



Art Hester

Eel Parra

James Hines
Joe E. Hines

John T. Hays
Mark D. Hays

Luella Raphael Allard
Laura R.

Ruben Hinojosa
Wili

Raul M. Hinojosa

Wili

Wili

Graziel Hues Napsitona

Wili Allen

Quin D. Rodriguez
Quin D. Rodriguez

Wili H.

cc: Secretary Tom Vilsack
Attorney General Holder
Valerie Jarrett
Pete Rouse
Rahm Emanuel
Stephanie Valencia
Mike Strautmanis

United States Senate

WASHINGTON, DC 20510

June 19, 2009

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We applaud your recent commitment to appropriate \$1.25 billion in the Fiscal Year 2010 budget to settle outstanding discrimination lawsuits by black farmers who missed the initial filing deadline in the *Pigford v. Glickman* lawsuit. In your statement on Wednesday, May 6, 2009, you said that "I am pleased that we are now able to close this chapter in the agency's history" and that you "hope[d] . . . that the farmers and their families who were denied access to USDA loans and programs will be made whole and will have the chance to rebuild their lives and businesses." Indeed, we share your desire to bring this ugly chapter to a close by restoring justice and fairness to those who were discriminated against based on their race, ethnicity, or gender.

Unfortunately, the settlement of the *Pigford* case merely closes a single chapter of a long narrative of discrimination within the USDA. Indeed, we will never be able to close the entire book of discrimination within the USDA until all victims receive fair and just settlements as compensation for the losses they suffered and the USDA is reformed. To date, approximately \$2.25 billion will have been set aside to resolve USDA discrimination against black farmers, yet thousands of Hispanic farmers and ranchers, many of whom are our constituents, continue to suffer from precisely the same discrimination and have seen no recourse thus far. The USDA's corrective role in this instance has been clearly laid out, and there remains no legitimate reason to delay action for any of the affected groups.

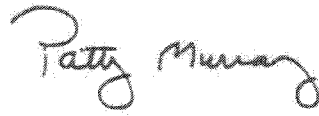
Moreover, despite language in Section 14011 of the Food, Conservation and Energy Act of 2008 urging the Administration to settle the outstanding discrimination suits brought by Hispanic and other farmers, as well as encouraging words from Secretary Vilsack himself, we are not aware that USDA has begun working to settle these cases. Lawyers representing Hispanic farmers and ranchers have met with members of Secretary Vilsack's staff and have offered potential solutions to resolve the pending lawsuits and reform USDA policies to ensure the agency will never discriminate again.

Accordingly, we urge you to work to ensure Hispanic farmers and ranchers, like black farmers with whom you have already settled, can begin to rebuild their lives and businesses. Fundamental fairness requires nothing less, and inconsistent applications of justice only serve to threaten the foundations of this great nation. The sooner we can resolve this issue once and for all, the sooner we can look forward to an agency that serves all Americans equally.

Sincerely,



ROBERT MENENDEZ
United States Senator



PATTY MURRAY
United States Senator



BARBARA BOXER
United States Senator



MARIA CANTWELL
United States Senator



ARLEN SPECTER
United States Senator



TOM UDALL
United States Senator



MARK UDALL
United States Senator



MICHAEL BENNET
United States Senator

Press Release



FOR IMMEDIATE RELEASE:

April 7, 2011

Contact: Scott Westbrook Simpson – 202.466.2061 – Simpson@civilrights.org

Civil and Human Rights Coalition Urges Obama Administration to Improve the Proposed Settlement for Discrimination Claims of Women and Hispanic Farmers *Terms should be on par with those for Black and Native American farmers*

Washington, D.C. – The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national civil and human rights organizations, is urging President Barack Obama to improve the claims settlement program for women and Hispanic farmers discriminated against by the U.S. Department of Agriculture, noting that the terms of the settlement are “far less generous than the settlements for Native American and African-American farmers.”

In a letter to the president signed by 17 national organizations, The Leadership Conference wrote, “While we strongly support the administration’s efforts to resolve these longstanding gender and ethnic discrimination claims against USDA, we remain troubled by the continued differential treatment of women and Hispanic farmers, as compared to African-American and Native American farmers.”

Women and Hispanic farmers recently settled a suit against the USDA in *Love v. Vilsack* and *Garcia v. Vilsack*, cases that addressed claims of discrimination by the USDA that were very similar to the claims of Black and Native American farmers in the *Pigford I*, *Pigford II*, and *Keepseagle* cases.

Under the proposal, women and Hispanic farmers will be eligible for smaller awards than those that Black and Native American farmers were eligible to receive. They also will face much higher documentation requirements, in an award system that does not allow claims based on actual damages, and lacks court supervision and lead counsel to shepherd the cases through the claims process.

The letter proposes five steps the administration can take to achieve parity in the claims processes for all those affected, regardless of their gender, race or ethnicity. (See below.)

“We urge the administration to consider these proposed improvements to the claims settlement program for women and Hispanic farmers before it becomes operational,” the letter said. “It is unjustifiable for women and Hispanic farmers to be treated less favorably than other farmers who suffered similar discrimination in government loan programs.”

The full text of the letter is below.

///

April 7, 2011

Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Dear Mr. President:

On behalf of The Leadership Conference on Civil and Human Rights, along with the undersigned organizations, we write to express concern with the latest proposal issued by the Department of Agriculture (“USDA”) and the Department of Justice (“DOJ”) on February 25, 2011, to address claims of discrimination brought by thousands of women and Hispanic farmers in the court cases known as *Love v. Vilsack* and *Garcia v. Vilsack*. The announcement of this proposed claims process follows the recent resolutions of similar discrimination claims brought by African-American and Native American farmers in the *Pigford I*, *Pigford II*, and *Keepseagle* cases.

While we strongly support the administration’s efforts to resolve these longstanding gender and ethnic discrimination claims against USDA, we remain troubled by the continued differential treatment of women and Hispanic farmers, as compared to African-American and Native American farmers. In the view of many, including the lead plaintiff in **Pigford I**, women and Hispanics “suffered the same discrimination by the USDA as African-American farmers.” Prior court filings by USDA, and reports issued by the GAO and others, have indicated that women and Hispanic farmers suffered virtually identical forms of discrimination. For example, in 2004, USDA filed a court pleading acknowledging that the D.C. Circuit’s holding regarding class certification in the *Love* and *Garcia* cases should control in the *Keepseagle* case as well: “Now that there is an actual conflict in the certification of class actions in **virtually identical suits** by Hispanic, female, and Native American farmers, **review by this Court may well be appropriate to ensure that similarly-situated minority groups are treated consistently.**”¹

Like the African-American and Native American farmers who recently negotiated a more equitable claims resolution plan, many of these female and Hispanic farmers suffered the denial of farm loan applications, the denial of farm loans, delayed issuance of farm loans, higher loan rates, lower loan amounts, denied loan servicing and non-credit farm benefits such as disaster relief. Despite the similarity of the claims, and despite the fact that there are many more women and Hispanic farm operators in the United States, the current proposed settlement plan for these farmers is far less generous than the settlements for Native American and African-American farmers.

While we appreciate there are some advances in this latest proposal, we continue to have serious concerns about the overall package. On the favorable side, we understand that the administration would no longer require these farmers to file, and dismiss, an action in federal court before filing an administrative claim. The lifting of this onerous procedural step will surely assist many farmers who wish to obtain access to the claims settlement procedure. We also understand that some plaintiffs who have the documentary evidence to qualify for “Tier 2,” may recover a flat \$50,000 award. But this improvement to the plan still falls far short of the uncapped award available to similar claimants under *Pigford I*, and the potential award of up to \$250,000 that African-American and Native American farmers can receive under *Pigford II* and *Keepseagle*, which involve limited funds as a result of legislation and settlement. The *Pigford I*, *Pigford II*, and *Keepseagle* claimants also face lower evidentiary requirements. We see no reason why the women and Hispanic farmers should not be allowed to prove

¹ See Defendant’s Response to Plaintiffs’ Petition for Permission to Take An Interlocutory Appeal, *Garcia v. Vilsack*, D.C. Cir. Dkt. No. 04-8008 at 19-20 (Oct. 2004) (emphasis added).

their actual damages, as was the case for African-American farmers under *Pigford I*, and face the same evidentiary requirements as the other farmers.

As we read the current proposal, women and Hispanic farmers will be eligible for smaller awards (in both Tier 1 and Tier 2) and will face much higher documentation requirements, in an award system that does not allow claims based on actual damages, and lacks court supervision and lead counsel to shepherd the cases through the claims process. Unfortunately, many of these claimants feel that the differences in the claims processes for various groups perpetuates the United States government's pattern of treating women and Hispanic farmers in a discriminatory fashion.

In order to fully resolve these claims, we hope the administration will strongly consider the following steps to achieve parity in the claims processes for all those affected, regardless of their gender, race or ethnicity:

- Offer a true two-track claims process to women and Hispanic farmers, similar to those offered to other claimants. This should include a track that allows claimants to seek actual damages, as in the *Pigford I* case;
- Establish similar evidentiary requirements for all claimants (including constructive claimants who were not allowed to file a loan application). The current proposal would require Hispanic and women farmers who are constructive applicants or who wish to recover under Tier 2 to produce copies of loan applications and complaints filed decades ago. USDA has not required African-American or Native American farmers to satisfy these same requirements, and USDA will not make its records available;
- Ensure debt relief is available to women and Hispanic farmers on par with what has been offered to the *Pigford I*, *Pigford II* and *Keepseagle* claimants. This will require a greater commitment from USDA to extinguish debts that exist due to discrimination;
- Establish court oversight of the claims process, both as a means to deter fraud and to ensure the program is run as efficiently as possible. This should include oversight of the notice process, to ensure widespread notice throughout affected communities;
- Provide access to legal counsel for these farmers through the claims process, on par with the assistance of counsel benefit afforded to African-American and Native American farmers. Given the requirements of the program, the relative lack of sophistication with legal claims processes of potential claimants as a group, and the fact that many claims stem from discrimination which occurred up to 30 years ago, many claimants may need assistance in filing their claims. This is especially true if the evidentiary requirements are not modified. It is clearly discriminatory for the federal government to cover the cost of legal counsel for some classes of claimants and not for others who are similarly situated.

We urge the administration to consider these proposed improvements to the claims settlement program for women and Hispanic farmers before it becomes operational. It is unjustifiable for women and Hispanic farmers to be treated less favorably than other farmers who suffered similar discrimination in government loan programs.

We look forward to following up with you on this matter. If you have any questions, please feel free to contact Lexer Quamie, counsel at The Leadership Conference on Civil and Human Rights at (202) 466-3311.

Sincerely,

The Leadership Conference on Civil and Human Rights
9to5, National Association of Working Women
American Association of University Women (AAUW)
American Civil Liberties Union
American Federation of Labor-Congress of Industrial Organizations

Disciples Justice Action Network
Equal Rights Advocates
League of United Latin American Citizens
MomsRising
National Council of La Raza (NCLR)
National Council of Negro Women
National Partnership for Women & Families
The National Latino Farmers & Ranchers Trade Association
National Women's Law Center
UNITED SIKHS
Washington Lawyers' Committee for Civil Rights and Urban Affairs
Women of Color Policy Network, NYU Wagner Graduate School of Public Service

C: Eric Holder, U.S. Attorney General
Tom Vilsack, U.S. Secretary of Agriculture

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The Leadership Conference on Civil and Human Rights is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. The Leadership Conference works toward an America as good as its ideals. For more information on The Leadership Conference and its 200-plus member organizations, visit www.civilrights.org.

Home > Categories > Politics and Government > Justice for Hispanic Farmers

Justice for Hispanic Farmers

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3,779

Goal: 5,000 signatures

The Petition

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Phone: (202) 456-1414
Fax: (202) 456-2461

Email: President@whitehouse.gov

Re: Petition to Settle the Garcia Hispanic Farmers and Ranchers Discrimination Lawsuit

Dear President Obama,

Hispanic farmers and ranchers need your urgent assistance. On August 4, 2009 Judge Robertson, from the D.C. District Court, held a status conference hearing with our representatives and the Department of Justice attorneys who represent the U.S. Department of Agriculture. During this conference the DOJ attorneys said that they have no interest whatsoever in settling this lawsuit. We do not understand why the USDA is refusing to settle the Hispanic farmers and ranchers lawsuit after it already gave over a billion dollars to black farmers who experienced the exact same discrimination that we have at the hands of USDA. This discrimination is well known and admitted by USDA and has been the subject of numerous congressional reports and hearings.

We were very pleased to see your acknowledgment of discriminatory practices when you recently announced that black farmers would receive another 1.25 billion as compensation for their discrimination. We are very disappointed that your administration is ignoring the needs of Hispanic farmers. This is unacceptable.

We, the undersigned, call on you and your administration to enter into good faith negotiations with Garcia class counsel to resolve the Garcia v. Vilsack lawsuit in an expeditious and just manner, consistent with the Section 14011 in the 2008 Farm Bill.

agosto de 2009
Presidente Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
Phone: (202) 456-1414
Fax: (202) 456-2461
Email: President@whitehouse.gov

Re: Petición Para Resolver la Demanda de Discriminación de García de los Agricultores Hispánicos

Estimado Presidente Obama,

Los agricultores Hispánicos necesitan su ayuda urgente. El 4 de agosto de 2009 el Juez Robertson, del Tribunal de Distrito del DC, tuvo una audiencia con nuestros representantes y los abogados del Departamento de Justicia ("DOJ") que representan el Departamento de Agricultura de Los Estados Unidos ("USDA"). Durante esta

Sponsor

Lupe Garcia is a third generation Hispanic farmer. Since 2000 he has been fighting to bring accountability and transparency to the USDA-administered farm credit programs as the named plaintiff in the Garcia v. Vilsack law suit.

Garcia & Sons-- Lupe, his father and brother-- owned two farms in Dona Ana County, New Mexico where they grew onions, lettuce, wheat and corn. The family operation repeatedly applied for the operating loans farmers depend on to stay in business; loans the Farm Service Agency was set up to make. Despite positive cash flow, profitability and sufficient collateral, Garcia and Sons was unable to obtain the loans that were supposed to be available to them under the Equal Credit Opportunity Act. This systematic deprivation of operating capital continued until they were foreclosed upon in 1999. The foreclosure was the result of the USDA's refusal to grant the Garcias the same loans, disaster relief and advice they were providing to other, less qualified farmers.

The Garcia family's story is one of thousands of cases of admitted discrimination by the USDA against minority farmers and ranchers. African American, Native American and women farmers were similarly discriminated against. In the case of African American farmers justice is being served. That group is being compensated with \$2.25 billion. Justice for the others has been deferred. In the words of former Congressman Kika de la Garza "It is simply untenable logically, legally, morally or politically that four minority groups can suffer the identical discrimination from the same federal agency and yet only one of the four groups be compensated on a class-wide basis."

The issue is simply whether the decades of admitted discrimination by our government against these farmers should be rectified by granting a fair settlement of their

audiencia, los abogados del Departamento de Justicia dijeron que no tenían ningún interés en encontrar una solución de esta demanda. No entendemos por qué el USDA se niega a resolver el pleito de los agricultores hispanicos después de que ya dio más de un billón de dólares a los agricultores negros que sufrieron la misma discriminación que los hispanicos en las manos del USDA. Esta discriminación es bien conocida y admitida por el USDA y ha sido el tema de numerosos informes y audiencias del Congreso.

Estábamos muy contentos de ver a su reconocimiento de las prácticas discriminatorias del USDA cuando anunció recientemente que los agricultores negros recibirían otros 1,25 billones como compensación por su discriminación. Estamos muy decepcionados de que su administración está ignorando las necesidades de los agricultores hispanicos. Esto es inaceptable.

Nosotros, los abajo firmantes, pedimos a usted y su administración a entrar en negociaciones de buena fe con los abogados de la clase de García para resolver el pleito de García v. Vilsack en una manera rápida y justa, de conformidad con la Sección 14011 de la Ley Agrícola de 2008.

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discrimination claims. We believe there is no place for discrimination within a tax payer funded federal program and that a settlement like the one already granted to African American farmers is long overdue. Since the beginning of Lupe Garcia's fight over nine years ago, untold numbers of farmers and ranchers have gone out of business- lost their farms, been foreclosed upon, or just quit. Some have faced retaliation. Many, like Lupe's father, have literally died waiting for relief. Help us win justice for Hispanic farmers and ranchers.
<http://www.justiceforhispanicfarmers.org>

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