

JOHN T. SALAZAR
3RD DISTRICT OF COLORADO

1531 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-4761
202-226-9669 (FAX)



Congress of the United States
House of Representatives
Washington, DC 20515

May 6, 2005

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE
SUBCOMMITTEE ON WATER RESOURCES
AND THE ENVIRONMENT
SUBCOMMITTEE ON AVIATION

COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON LIVESTOCK AND HORTICULTURE
SUBCOMMITTEE ON GENERAL FARM COMMODITIES
AND RISK MANAGEMENT

Honorable Alberto R. Gonzales
Attorney General of the United States
Department of Justice
Main Justice Building
10th Street and Constitution Avenue, N.W.
Washington, DC 20550

Re: Garcia v. Veneman (D.D.C. Civ. No. 00-2445 filed Oct. 13, 2000)

Dear General Gonzales:

Many of my constituents in the Third District of Colorado are members of the putative class of Hispanic farmers and ranchers who have brought the above-referenced class action lawsuit against the United States Department of Agriculture ("USDA") alleging discrimination in the administration of USDA's farm credit and non-credit farm benefit programs. USDA has a long-standing, well-documented and, indeed, admitted history of discriminating against minority farmers, including Hispanic farmers and ranchers. To date, more than \$830 million have been paid to more than 13,500 African American farmers in the Pigford case. Yet there continues to be widespread discontent for two basic reasons: (1) tens of thousands of African American farmers contend that they were never afforded a substantive hearing on the merits of their claims and (2) all contend that the Pigford consent decree did not provide any meaningful forward-looking remedial relief. As you may know, the House Judiciary Committee's Subcommittee on the Constitution has held hearings to address the first concern. As for the second, Judge Friedman's recent decision on January 3, 2005, in Pigford, makes clear that any forward-looking remedial relief will have to be provided by Congress or in the context of other pending litigation, given the unwillingness of the parties to reopen the Pigford consent decree. Because my constituents have been and continue to be direct victims of the same discrimination that African American farmers have experienced, I urge you to facilitate discussions between your department, as counsel for USDA, and the attorneys representing the putative class of Hispanic farmers and ranchers in the above-referenced matter.

My Chief of Staff and I have met with two of the attorneys representing the putative class, Kenneth C. Anderson and Stephen S. Hill, who have proposed what they believe would be a solution to the long-standing discrimination that has plagued the administration of USDA's farm credit and non-credit benefit programs. Their proposal includes the forward-looking remedial relief that was not included in the Pigford settlement. Unfortunately, they have been unable to get the Department of Justice and USDA to enter into serious discussions of their proposal.

134 WEST B STREET
PUEBLO, CO 81003
719-543-8200
719-543-8204 (FAX)

225 NORTH 5TH STREET, STE 702
GRAND JUNCTION, CO 81501
970-245-7107
970-245-2194 (FAX)

609 MAIN STREET, #6
ALAMOSA, CO 81101
719-587-5105
719-587-5137 (FAX)

700 MAIN AVENUE, STE F
DURANGO, CO 81301
970-375-3264
970-375-3265 (FAX)

While the attorneys representing the putative class have received repeated indications from high officials at USDA, as well as members of Congress, that there is a great deal of interest in using the Garcia case as a vehicle for resolving all of the pending producer class action lawsuits, the attorneys representing USDA continue to state that they have no interest in even discussing settlement. As a member of Congress, I find it extremely unfortunate that judicial resources, taxpayers' dollars and private resources are being needlessly expended to delay the resolution of lawsuits involving well-documented and admitted discrimination against hard working American citizens perpetrated by a taxpayer-funded government agency.

You could be instrumental in ending this well-documented discrimination and providing sorely needed accountability and transparency to the administration of USDA's farm credit and non-credit benefit programs. I urge you, therefore, to instruct your attorneys representing USDA to meet with counsel for the putative class in a sincere and good faith effort to resolve this matter in a manner that will benefit not only Hispanic farmers and ranchers, but all producers who seek equitable treatment from USDA in the administration of its farm programs. The American people are entitled to expect that we, as public servants, will do our best to resolve once and for all this long-standing, well-documented and taxpayer-funded discrimination and they deserve nothing less.

I look forward to hearing from you concerning this very important matter and stand ready to assist in any way that I can to ensure its just resolution.

Sincerely,



John T. Salazar
Member of Congress