

LAS CRUCES SUN NEWS

US settles complaint alleging discrimination against farmers

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LAS CRUCES - Hispanic and female farmers across the country are eligible for part of a new \$1.33 billion settlement - action stemming partly from a case that was spearheaded by a Do a Ana County farmer, according to an announcement by the federal government Friday.

The awards, meant as redress for alleged racial and gender discrimination in the awarding of farm loans, can range up to \$50,000 per person, said U.S. Agriculture Sec. Tom Vilsack during a phone interview.

"We've made an effort to turn the page on what has been a tough chapter for us in civil rights," he said. "This is an effort to give folks a closure or an option for closure."

Vilsack said his agency is taking steps to prevent discrimination going forward.

Do a Ana County grower Lupe Garcia was the lead plaintiff in a lawsuit filed 11 years ago that eventually grew more than 100 Hispanic farmers in several states. Garcia alleged that discrimination on the part of a loan-awarding agency was behind the foreclosure of his family's 626-acre farm north of Las Cruces.

The farmers sought class-

action status for their case, but that was denied by the Supreme Court.

Friday's announcement is a voluntary claims program being offered by the federal government and isn't the same as a court settlement, officials said. That means farmers can either settle their claims through the new program or continue to pursue litigation, individually, through the courts system, they said.

But they can't do both.

Garcia,

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reached Friday by phone, said he'd heard about the announcement but didn't know the specifics. He said he's hoping to recover an amount closer to the actual value of his damages, which he declined to specify. He did say it was more than \$50,000 in land, water rights, equipment and a business operation.

"On top of that, our livelihood was affected seriously; our credibility was ruined," he said.

The agency's alleged discriminatory practices ranged from denial or delay of loans to setting less-favorable interest rates - problems Hispanic farmers said their Anglo counterparts didn't experience.

In 2003, the federal government settled a similar discrimination lawsuit filed by black farmers with \$650 million for nearly 13,000 plaintiffs. That case differed from the program announced Friday because it was the result of a class-action settlement.

Vilsack said his agency doesn't know how many Hispanic and female farmers will step forward.

To qualify for the new program, the discrimination must have taken place between 1981 and 2000, ag officials said.

Farmers are eligible for the awards through two paths. The first, called Tier 1, requires less documentation. Between \$1.23 billion and \$1.33 billion will be awarded to claimants in Tier 1, according to the agency. Tier 2, however, requires stricter documentation and if approved, guarantees a \$50,000 payment per claimant.

Vilsack said the agriculture department plans to advertise the settlement program before the first claims can be filed. But once it begins, farmers will have 180 days to file their claim. He said an independent commission will evaluate claims packages and decide on the awards.

"Our hope is sometime in the latter part of 2012, payments will be made," he said.

Debt relief and money to help pay taxes resulting from any award also can be awarded under the new program.

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Learn more

- To find out about filing a claim with Hispanic and women farmers settlement, visit <https://farmerclaims.gov> or call (888) 508-4429