

Obama Administration Criticized in Discrimination Cases

by **Jerry Hagstrom**

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Senators, House members, and lawyers in the Hispanic and women's discrimination cases against the Agriculture Department say that the Obama administration is not treating those cases fairly in comparison with the way the government has settled the cases that black and Native American farmers brought against USDA.

In May, Agriculture Secretary Tom Vilsack and Attorney General Eric Holder announced settlements of *Garcia v. Vilsack* and *Love v. Vilsack*, long-standing cases that charged USDA had discriminated against Hispanic and women farmers, respectively, when they applied or attempted to apply for farm program payments and loans. The deal provided for settlements of up to \$50,000 per claimant from a \$1.33 billion Justice Department fund. The announcement did not reveal how the plaintiffs would apply for relief or any other details. Attorneys for the plaintiffs said they were pleased that the government was moving forward with the cases but said that only continued negotiations would determine whether the government's offer would be acceptable.

But late Wednesday, Sen. **Robert Menendez**, D-N.J., in a Senate floor speech, signaled that those negotiations had not gone well. Although Obama administration officials have said they want to close the book on Agriculture Department discrimination, "there appears to be some contradiction between the proposal given to these two groups and the declared objectives of providing parity among the different groups who suffer discrimination," Menendez said.

He added that the settlements offered to the Hispanic and women farmers were not on a par with the settlement of *Pigford v. Glickman*, the black farmers' discrimination suit, which has paid out more than \$1 billion in amounts of \$50,000 or more, or the pending case known as Pigford II, which would pay out an additional \$1.25 billion to late-filing black farmers if Congress finalizes an appropriation of \$1.15 billion to make those payments. Senate Majority Leader **Harry Reid**, D-Nev., is trying to come up with a deal to pass that appropriation by unanimous consent this week.

Steven Hill, the lead attorney in the Hispanic case, said in an interview Thursday that the Obama administration's position "is a fundamental denial of equal protection under the law," and that the administration should use the Pigford I settlement as a model.

Marc Fleischaker, the lead attorney in the women's case, said that Vilsack has said he is determined to settle the cases, but Justice has the litigation authority to settle the cases. The settlement, Fleischaker said, "is not the same equality [Vilsack] has been promoting. We appreciate his efforts but he has fallen down on the details."

Hearings on the status of both cases are scheduled in the U.S. District Court for the District of Columbia on December 3.