



U.S.: Hispanic Farmers Seek Redress for Years of Bias

By Kyra Ryan

ALBUQUERQUE, New Mexico, Feb 23, 2010 (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).



Lupe Garcia in his cotton field.

Credit:Credit: Kyra Ryan/IPS

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 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 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). Salomon Ramirez, 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.

Ramirez 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.