

Hispanic farmers fight to reclaim heritage

Hundreds claim federal officials systematically denied them loans, putting many out of business.

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The crumbling farmhouses, limp windmills and rusting tractors only hint at the farm's former glory. Gone are the neat rows of watermelon, spinach and peanuts, the baseball diamond and fields that used to host Easter egg hunts. The jagged mesquite trees have reclaimed the 523-acre Rodriguez Brothers farm on the outskirts of this small farming and ranching community in South Texas.

"I want to make it the way it was before I die," said Modesta Rodriguez Salazar, 66, who now cares for what is left of her family's heritage.

She said the farm's downfall was due to the denial of several loans in the 1980s by local U.S. Department of Agriculture agents, which prevented the family from planting. One by one, her siblings — she was one of 13 — left the farm their father bought in 1952 after realizing they couldn't make a living from it.

The farm is one of more than 700 nationwide — and 143 in Texas — at the heart of a decade-long legal battle that a generation of Hispanic farmers has been waging against the Agriculture Department. The farmers sued the government in 2000, claiming widespread and institutionalized discrimination at the hands of government agents, who they say denied or delayed crucial farm loans, resulting in the ruin and loss of many family farms.

But the wait for Hispanic farmers might be nearing an end: Last month, the U.S. government made a \$1.33 billion offer to settle the case. And though the farmers and their attorney call the offer grossly inadequate, it signals the possible resolution of what some U.S. officials call a dark chapter in American farming history.

Hispanic farmers aren't the only ones to allege discrimination within the USDA's loan program. African American, Native American and female farmers have all filed similar lawsuits.

African American farmers received a \$1 billion settlement in 1999, and in February the White House announced another \$1.25 billion for black farmers not included in the initial class action settlement.

The more than \$2 billion that black farmers are slated to receive helps explain the anger Hispanic farmers have expressed since their settlement offer was made public. Though it's not clear exactly how many farmers would be eligible for the settlement, the number could reach the tens of thousands.

Stephen Hill, the attorney for the Hispanic farmers, argues that it's not fair for them to receive about half of what black farmers are getting despite being more numerous (the 2007 Department of Agriculture census shows 30,599 black-owned farms and 55,570 Hispanic-owned farms in the U.S.). And the Hispanic farmers would share the \$1.33 billion with female farmers, who number 306,000 according to the 2007 census, Hill said.

"There is no rhyme or reason to in any way justify or explain that kind of disparity, with respect to the dollar amount," Hill said. "For the life of us, we can't figure out why damage to Hispanics' lives is given so much less value than their black counterparts."

The four cases have followed different paths. Though the cases brought by black and Native American farmers were certified as class action lawsuits, Hispanic and female farmers were denied such certification by a federal judge, a decision later upheld by the Supreme Court. The Department of Justice said that because of the denial, it could not negotiate a classwide settlement with Hispanic and female farmers, meaning they would have to pursue individual claims against the government.

But the Obama administration has made it a priority to settle large civil rights cases at the Department of Agriculture, and last month Justice Department officials reversed course and started negotiating with them as a group, officials said.

Native American farmers are also negotiating with the Department of Justice.

According to Hill, the settlement offer comes with a \$50,000 cap on damages for individual farmers, regardless of how much they have lost. Black farmers were able to get many times that amount if they could prove their losses, he said.

Salazar, whose family farm faces foreclosure because of hundreds of thousands of dollars in government debt, said \$50,000 wouldn't come close to bringing the farm back. "They have ruined us completely," said Salazar, who also wants her family's debt to be canceled as part of any settlement. "I feel (the settlement offer) is ridiculous.

"There are so many lovely memories (of the farm) that there is no way I could ever give up on trying to settle this case."

Hill said that many Hispanics did lose their farms to foreclosure and that there is "lots of anecdotal evidence" that farm property was later purchased by friends or relatives of local USDA officials.

Loans play a crucial part in the cyclical nature of farming economics, helping farmers pay up-front costs for items such as seed and fertilizer. Loans are traditionally repaid after a successful harvest.

Salazar's neighbor, Noé Obregón, said loan agents would deliberately stall his requests, making it impossible to buy seed and fertilizer before the rainy season. "By the time I got the money in April or May, it was after the rain cycle, and I might as well kiss (the crop) goodbye," said Obregón, a third-generation farmer. "They were just giving me the runaround so planting season would go by."

Obregón has left farming and now is a metal recycler, buying old farm equipment.

"In high school, I thought, 'I'm going to graduate and become a successful farmer,'" he said. "My intentions were there, but these people (government loan agents) had other intentions. They push you down the drain, and just because you're Hispanic."

Salazar and Obregón say many of the agents who denied them loans continue working for the USDA. Hill said the department hasn't done enough to correct a system that allowed discrimination to flourish in rural America.

"They want to throw money — and very little at that — at the problem and say, 'Go away,'" he said. "Yes, (the farmers) want to be compensated for the discrimination they faced at the hands of the government, but they also want the system fixed so their children and grandchildren won't have to face the same indignities they had to endure."

Agriculture Department officials say they are working to change the culture within the department.

"We are committed to resolving cases involving allegations of past discrimination because we are intent on ensuring the every farmer and rancher is treated equally and fairly," Agriculture Secretary Tom Vilsack said in a statement. "We have made significant progress on addressing USDA's civil rights record to close this chapter in the Department's history."

The department is hiring an outside firm to recommend ways to reduce institutional issues that enable discrimination and has begun sensitivity training for its personnel.

Today, Salazar and her husband squeeze a living out of the 70 head of cattle that roam the ghostly Rodriguez Brothers farm, and she maintains her dream of restoring her family's patrimony.

"It's not too late; I'm still alive," she said. "My plan is to use the (settlement) money wisely and put it the way it was. I've got a whole bunch of family that could come back and start working."

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