



Farm settlement offer seen as form of bias

By Elaine Avala- San Antonio Express-News

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Modesta Rodriguez Salazar struggled to find words to express what she thinks of last month's \$1.3 billion offer by the Justice Department to settle two longstanding discrimination lawsuits, filed separately by women and Hispanic farmers, against the U.S. Department of Agriculture.

"It's very discriminatory and stingy," she finally said. "It would not even serve as a down payment."

As her family's 523-acre farm sits untended and under \$400,000 of debt, the \$50,000 cap the Justice Department seeks for each aggrieved farmer won't make a dent in the Rodriguez Brothers Farm's hopes to start over.

Nor will it settle claims of systematic discrimination that the Agriculture Department — the entire federal government for that matter — does not dispute.

For decades, Hispanic farmers say, the majority Anglo agents at their local Farm Service Agency denied them access to loans and other aid programs. Agents slowed their loans, cutting into crucial planting time.

Sometimes, Hispanic farmers were denied loan applications. As they lost land, Anglo farmers bought it up, their claims allege.

The Agriculture Department hasn't fought such claims, but the Justice Department, as its attorney, has fought class-action status, upheld by courts.

Lead plaintiff Lupe Garcia of New Mexico said farmers are also upset by the Justice Department's decision to combine women and Hispanic farmers in the settlement.

"It's not enough for the women," he said. "It's not enough for us."

"At first blush, \$1.3 billion sounds like a lot of money," said Stephen Hill, the lead Washington attorney representing Hispanic farmers. "But you don't have to scrutinize very hard to see it's completely out of all proportion and reasonableness when compared to payments to black farmers."

In the African American farmers' case, the Justice Department settled for an initial \$1 billion, followed by another \$1.25 billion after more black farmers stepped forward. Hispanic farmers, however, outnumber black farmers 2 to 1, Hill said, and women farmers far outnumber both Hispanics and blacks combined.

So far, 700 Hispanic farmers — more than 100 from Texas — are involved in the lawsuit. An Agriculture Department census estimates there are 83,000 Hispanic farmers, and Hill's firm is attempting to inform them. Many remain unaware of the suit and settlement.

“The best way to describe their offer is that it's another form of discrimination,” said Collette Harrell, another attorney representing them. “To offer (a maximum of) \$50,000 when their property was valued at \$1.2 million in the '90s doesn't even cover taxes.”

Justice Department spokeswoman Melissa Schwartz said the government is committed to a process that will “resolve these claims efficiently, fairly and equitably.” But, she added, “It's fair to ask what (amount) would be fair?”

The Hispanic farmers have not put a specific number on their claims. A lawyer for women farmers said his clients seek at least \$4 billion on their own.

Schwartz describes the process as “a numbers game,” adding that “\$50,000 is more than double what black farmers will receive.”

While Hill questions that math, critics such as Carl Horowitz of the National Legal Policy Center say that all the farmers' claims of discrimination against the Agriculture Department amount to “a shakedown.”

“When the accuser is nonwhite and nonmale,” he said, “there's an assumption of guilt.”

Hill underscores that the government has admitted “the sorry history of the USDA.”

“We are continuing to insist that the administration treat Hispanic farmers fairly and justly, and the only way they can do that is to increase substantially the number being offered to settle the claims, agree to a stipulated class for settlement purposes, so that farmers will receive a court-appointed notice, and operate under a court-appointed and monitored process that will ensure fairness,” Hill said.