

LAS CRUCES SUN-NEWS

Local man part of USDA lawsuit

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Posted: 07/08/2010 11:33:25 PM MDT

LAS CRUCES- A local man is the lead plaintiff in a class-action lawsuit against the U.S. Department of Agriculture. Garcia v. Vilsack accuses the bureau of ethnic discrimination, which led to the foreclosure of thousands of acres of farmland owned by minorities.

On May 26, the USDA offered a \$1.33 billion settlement. However, Stephen Hill, the lead attorney in the case, considers the settlement too low and chides the offer as another form of discrimination. The group made its message clear during a rally at the New Mexico State University campus Thursday.

"It is disappointing in that the number on the table is woefully inadequate and it reflects the continuation of the discrimination against the Hispanic farmers that this case is all about," Hill said.

U.S. Sen. Tom Udall, D-NM, sent a staff member to the rally to read a statement in support. "Hispanic farmers and ranchers built the southwest United States," he said. "We cannot have justice for some farmers and injustice for Hispanic farmers."

Attorneys for the plaintiffs have cited a similar lawsuit filed by African-American farmers, who reached a \$1.25 billion class-action agreement in February. That was on top of a \$1 billion settlement the farmers won in 1999, in a case similar to the one the Hispanic farmers are fighting.

According to the USDA's 2007 Census of Agriculture, there are more than 30,000 African-American owned farms and more than 55,000 Hispanic owned farms. The plaintiff's attorneys claim that more Hispanic farms is a clear sign that they should reach an equal settlement, if not greater than that received by the African-American farmers.

"There is no rhyme or reason to in any way justify or explain the kind of disparity, with respect to the dollar amount," said Hill. "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. Are Hispanics worth one-third as much?"

In 1999, Lupe Garcia lost 626 acres of family-owned farm land north of Las Cruces. He claims it was due to discriminatory practices from his local farm agency, then known as the Farmers Home Association (FHA).

A longtime Do-a Ana County resident, he is now the lead plaintiff in the lawsuit - which includes 81 other Hispanic farmers - that started more than 10 years ago, but just reached class-action status in 2009.

The lawsuit states that it seeks to remedy years of discriminatory loan abuses - which the lawsuit claims were in direct violation of the Equal Credit Opportunity Act - that eventually led to the foreclosure of thousands of acres of minority-owned farm land.

"It is undisputed in this case that the USDA denied minority farmers equal access to both farm credit and non-credit benefit programs," the lawsuit claims. "It is also undisputed that, in the 1980s, USDA secretly shut down its entire enforcement operation without informing Congress or the minority farmers who were adversely affected by the agency's discriminatory practices."

The era covered by the lawsuit - 1981 to 1996 - was considered a time when farmers were forced to endure a bureaucratic black hole, where loan board committees, like the FHA, were dominated by white males. This led to the discriminatory practices alleged in the lawsuit, it says.

Ostensibly, many farmers in the lawsuit claim friends and family of local USDA officials purchased the foreclosed land with an opportunist's lead.

Alfredo Lujan, 78, is a retired school teacher with farmland in Mesquite and another plaintiff in the case. He recalls years of abusive powers from local USDA councils.

"In 1989 a local USDA group said they would pay me for a crop yield. They never paid me. They said they couldn't find me, I've been at the same house since 1944," he said. "As for the credit based loans, they never bothered to tell me about them before the deadline passed."

The settlement in the case is only a monetary acknowledgment, systemic problems still exist, ones that will eventually lead to further discrimination if nothing changes, Hill said.

"We want to make changes with the system as part of our agreement, but the federal government told us, 'no, don't worry about that we have that taken care of,'" he said.

Lujan said the Elephant Butte Irrigation District (EBID), which oversees the entire Mesilla Valley in New Mexico, implements policies to promote big farms at the expense of small farms. One policy he mentioned limits farms with two acres or less to three irrigation services a month.

"Every member on the board owns a big farm," he said. "Take a drive on Towa Street off Highway 478 and you'll see 15 houses that have dead land. They're little chile farmers with a quarter -acre, who can't grow anything with the water they are given. It's economic genocide."



From left: Irvn Polk of Amarillo, Texas; Joe Contreras of Childress, Texas; and Paul Contreras of Tulsa, Okla., speak together before the start of Thursday s Hispanic farmers rally at New Mexico State University where they were protesting what they claim is ongoing discrimination in loan and benefit programs by the federal government. (Robin Zielinski / Sun-News)«1