

HISPANIC TIPS



UPDATE: Hispanic Farmers Discrimination Case Suffers Another Setback
January 25, 2010

Hispanic farmers suffered yet another blow to their hopes to end discrimination against them by the USDA as the Supreme Court denied their petition for a writ of certiorari in their ongoing lawsuit *Garcia v. Vilsack*. Additionally, Judge James Robertson has scheduled a status conference for Feb 5, at 11 AM to discuss the disposition of the case.

“While we are extremely disappointed by the Supreme Court’s denial of our cert petition,” said Stephen Hill, of Howrey LLP, the farmers’ lawyer, “we shall continue to press the government to do the right thing and come to the table and engage in good faith negotiations to resolve the claims of these farmers who have suffered for decades. The government can not hide behind the technicality of a litigation class not having been certified (notwithstanding the fact that the African-American farmers’ case, which is identical to the Hispanic farmers’, was certified and settled years ago) to deny simple justice to Hispanic farmers who have suffered the same discrimination as African-American farmers. Our farmers need justice, too,” Hill said. “Perhaps the bitterest pill is that this Administration, including the President, Secretary Vilsack and Attorney General Holder, have all pledged to end discrimination- and yet they selectively agree to compensate only one victim group in a just and efficient manner and require Hispanic farmers to run the gauntlet of expensive, inefficient and repetitive individual lawsuits that can serve no other purpose than to increase exponentially the cost of achieving justice in a case where the underlying discrimination is both admitted and well documented. In the face of the Administration’s steadfast refusal to engage in good faith negotiations to resolve these valid claims, our farmers, who are all US citizens and taxpayers, question the honesty of the pledge.”

Senator Robert Menendez (D-NJ) a staunch champion of the farmers, said in a recent editorial, “It is the Department of Justice not the Department of Legal Hoops.”

Earlier, on the floor of the US Senate, he said, “Decades of indifference and discrimination in lending practices at the United States Department of Agriculture have made it difficult for minority farmers – specifically Hispanic farmers — to make a living at what they love to do – leaving many no choice but to leave the farms and ranches they have tended all their lives... These hard-working farmers, Hispanic families — who bought a piece of land – built a family farm — their small piece of the American dream – were wrongly denied loans and other benefits in violation of the Equal Opportunity Act by county committees that review Farm Service Administration credit and loan applications for approval.. To ignore the plight of the thousands of Hispanic farmers – families who seek nothing more than justice – who want only a chance to keep the farms and ranches they worked so hard for all of their lives — is just wrong.”

Garcia v Vilsack, which seeks to remedy the damages suffered at the hands of the Department of Agriculture by Hispanic farmers who are denied equal access to United States Department of Agriculture (“USDA”) loan programs in violation of the Equal Credit Opportunity Act (“ECOA”), 15 U.S.C. § 1691 et seq. was filed in 2000. To date, no money has been received by any of the plaintiffs in this case. For more information visit www.Justiceforhispanicfarmers.org.

from e-mail that included the above release:

“Lupe Garcia is a third generation Hispanic farmer. Since 2000 he has been fighting to bring accountability and transparency to the USDA-administered farm credit programs as the named plaintiff in the Garcia v. Vilsack law suit. Garcia & Sons– Lupe, his father and brother– owned two farms in Dona Ana County, New Mexico where they grew onions, lettuce, wheat and corn. The family operation repeatedly applied for the operating loans farmers depend on to stay in business; loans the Farm Service Agency was set up to make. Despite positive cash flow, profitability and sufficient collateral, Garcia and Sons was unable to obtain the loans that were supposed to be available to them under the Equal Credit Opportunity Act. This systematic deprivation of operating capital continued until they were foreclosed upon in 1999. The foreclosure was the result of the USDA’s refusal to grant the Garcias the same loans, disaster relief and advice they were providing to other, less qualified farmers.

As you know, since the beginning of Lupe Garcia’s fight over nine years ago, untold numbers of farmers and ranchers have gone out of business- lost their farms, been foreclosed upon, or just quit. Some have faced retaliation. Many, like Lupe’s father, have literally died waiting for relief. Help us win justice for Hispanic farmers and ranchers. <http://www.justiceforhispanicfarmers.org>