

Nine years and Hispanic farmers still waiting for discrimination suit ruling

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By Robert Rodriguez / The Fresno Bee

It has been nine years since thousands of frustrated and angry Hispanic farmers joined to sue the federal government over alleged discrimination.

Many of the farmers said they were denied loans, mistreated or ignored.

Their hope was that the lawsuit would quickly be settled and change how the U.S.

Department of Agriculture treats the nation's minority farmers.

And while USDA officials say they are working on erasing discrimination in the agency, the Hispanic farmers still are waiting for a resolution to their case.

Lawyers for the farmers recently asked the U.S. Supreme Court to intervene, but no decisions have been made.

So they continue to wait. For some, the waiting has come at a price.

Alfonso and Vera Chavez of Reedley no longer are in the tree fruit business.

They quit farming about seven years ago, in part, because they were unable to get low-interest USDA loans. Vera Chavez said they were discouraged to apply or given misinformation.

"It was like they just didn't want us to have the money," she said.

The Chavez family shut down their packinghouse and sold 300 acres. They kept 100 acres and are leasing it.

She would go back to farming, if a settlement ever is reached.

"It's why we have been hanging on to those 100 acres, so my children and grandchildren can have a little piece of land that we worked so hard to get," Chavez said. "I am not going to give up. But we have written so many letters and had so many meetings and nothing seems to be moving forward."

Increasing the farmers' frustration is that a similar lawsuit filed by black farmers was settled a decade ago for \$1 billion.

Attorney Stephen Hill, whose Washington, D.C., law firm represents the Hispanic farmers, said the government has been unwilling to settle the case known as Garcia v. Vilsack.

Making it more difficult, the farmers were unable to convince a federal judge to certify their case as a class-action lawsuit -- as happened in the black farmers' case.

Without class-action certification, the Hispanic farmers would have to litigate their individual cases in courts throughout the country.

About 12,000 Hispanic farmers are involved in the lawsuit.

"It makes no sense from a legal, logical or moral standpoint," Hill said.

"There are lots of farmers who could lose what are otherwise valid claims, and I guess in the governments' view they see that as money being saved. But saved at an incredible cost of what is equitable and fair."

The Department of Justice, which represents the USDA, said that without class-action certification, the government can't pursue a classwide settlement.

"As the litigation progresses, USDA and Department of Justice will give fair consideration to settling claims based on the facts and circumstances of each individual case in the hope we can resolve these matters," said Melissa Schwartz, a DOJ spokeswoman.

For its part, the USDA has announced special efforts to promote civil rights and end discriminatory practices. Agriculture Secretary Tom Vilsack created a task force in April to review the department's civil rights complaints.

"These are just the first actions in a continuing effort to ensure that civil rights of USDA constituents and employees are respected and protected," Vilsack said in a statement. Hispanic farmers say it remains to be seen how committed the Obama administration is in dealing with their complaints.

As the farmers' legal team waits to hear on its Supreme Court appeal, others are enlisting the help of Congress to put pressure on federal officials for a settlement.

In June, eight Democrat U.S. Senators, including Barbara Boxer of California, Arlen Specter of Pennsylvania and Robert Menendez of New Jersey, urged a resolution to the 9-year-old case.

"Fundamental fairness requires nothing less and inconsistent applications of justice only serve to threaten the foundations of this great nation," the senators wrote.

Hill notes that Oct. 13 was the 9-year anniversary of the lawsuit.

Although he continues to push for a settlement, he estimates that at least 17 farmers involved in the lawsuit have died.

"For those," Hill said, "there will never be justice."

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