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Time to settle an overdue debt to Hispanic farmers

By Star-Ledger Editorial Board/The Star-Led...

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Hispanic farmers have been subject to discrimination for decades by the federal agency that distributes loans, credit and subsidies. The government has acknowledged the injustice, yet it has continued to drag its feet instead of settling a lawsuit brought by the farmers.

There's no excuse for the delay, given the long history behind the lawsuit. Sen. Robert Menendez and others have called on the president to expedite a settlement so these farmers and ranchers can build their businesses with the same resources available to other farmers.

Farms in the U.S. number 2.2 million, and receive billions of dollars in loans and grants from the U.S. Department of Agriculture, administered through the local offices of the Farm Service Agency. Farmers use the money to buy land, livestock, equipment and other supplies that help them expand their business, or keep going in a downturn.

But for more than 82,000 Hispanic farmers — including 207 in New Jersey working seasonal crops such as asparagus, spinach and blueberries — little help has been forthcoming. Local officials who controlled the flow of money discouraged minority farmers from applying for loans, delayed their processing or imposed restriction on how they could access funds. Bilingual information and assistance was not available. Many Hispanic farmers have had to reduce their farms or close their operations entirely.

There's no dispute from the government that wrongdoing occurred. The U.S. Commission on Civil Rights established that discrimination was going on for decades — not just against Hispanics, but against African-American, Native American and women farmers — and was slow to be remedied, especially after the dismantling of the USDA's civil rights enforcement office in the 1980s. Since then, the USDA has reorganized, and in 1999 the government settled a landmark discrimination case with thousands of African-American farmers, with \$2.25 billion set aside since 2008 to resolve claims.

Instead of settling with the Hispanic farmers, however, the Department of Justice has attempted to stop the class action suit on technical grounds, which strikes Menendez as unfair. "It's the Department of Justice, not the Department of Legal Hoops," he said. "It's as if we're representing a corporate entity." The plaintiffs petitioned the U.S. Supreme Court to review a lower court decision that denied them certification as a class.

A more cost-effective approach would be for the government to simply set up an administrative process to settle the claims of Hispanic farmers, Menendez said. That makes sense. Justice delayed is justice denied, as someone once said. It's time to settle this matter