

Latina Lista

a viewpoint on anything and everything from a Latina perspective

USDA Sec. Vilsack would rather help Afghan farmers than Hispanic farmers here at home
January 26, 2010

One of the most well-documented cases of ongoing discrimination against minorities at the federal level has to do with the case of Hispanic farmers being denied access to farm-credit programs run by the United States Department of Agriculture (USDA).

New Mexico farmer Lupe Garcia filed a lawsuit nine years ago against the USDA for denying Hispanic farmers, like himself, equal access to the loan programs overseen by the USDA that can keep Hispanic farmers in business.

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.

The big question is why the USDA continues to discriminate against Hispanic farmers when an identical legal suit brought by 13,000 black farmers was settled and the USDA has paid out nearly \$1 billion to those farmers.

A quick review of the USDA's homepage shows that (naturally) not a word is mentioned about Hispanic farmers but Sec. Vilsack did announce up to \$20 million in USDA funding would be awarded for capacity building efforts in Afghanistan.

How does that make Hispanic farmers, who are U.S. citizens and business owners, feel when they were forced to lose their livelihoods because the USDA did nothing to properly oversee the distribution of USDA funds marked for minority farmers but are hand-delivering \$20 million to Afghanistan?

Such blatant discrimination that is not only allowed to continue but flourish sends a disturbing message to not just these farmers but the entire Latino community.

In a nutshell, the credit loans farmers could apply for that were overseen by the USDA were actually distributed by committees comprised of local farmers who would determine who got the money and who didn't.

If a farmer contested his denial, he was merely told to fill out a complaint and file it with the USDA. What wasn't told to the denied farmer was that his complaint went nowhere. The USDA never had any intention of following up with him or the denial. This practice lasted for fifteen years at the USDA until Congress discovered it and waived the statute of limitations on claims from January 1, 1981 to December 31, 1996.

Yet, Hispanic farmers are still waiting for justice.

Professor Jerry Hausman of the Massachusetts Institute of Technology, a world-renowned econometrician, performed an econometric analysis of publicly available data and concluded that the loan ratio for Hispanic farmers is lower than the loan ratio for white farmers, and that the "result is consistent with plaintiffs' allegations that Hispanic farmers have been discriminated against by the USDA in the provision of farm loans."

Former officials with the USDA have testified about the systemic racism that exists within the USDA and still nothing has been done to rectify it.

Now, for the icing on the cake: the Hispanic farmers involved in the lawsuit found out this week that the Supreme Court denied their petition for a writ of certiorari, meaning that a higher court (Supreme Court) ask a lower court for the case files to review it to see if any legal error was committed.

The Supreme Court didn't want to review the case but instead scheduled a status conference to discuss the "disposition of the case."

Lupe Garcia's father died waiting for the USDA to do right by him and the other Hispanic farmers who were arbitrarily denied access to farm loans to keep their businesses alive. For the USDA to not step in when they see that local committees are unwilling and are withholding federal monies from Hispanic farmers is a clear example of collusion of the worst kind.

Because of this injustice that enrages every rational person who hears of it, a core group of people have thrust their support behind these Hispanic farmers so that the public knows what's going on and the Obama administration delivers on their promise of rooting out discrimination against all people of color from the highest levels of government.

Well, this is pretty high-level abuse of office and to date the Obama administration and Sec. Vilsack have turned a blind eye and a deaf ear to the pleas of these Hispanic farmers.

The Hispanic farmers' supporters have created a [web page](#) explaining the court case and posting an [online petition](#) for all to sign in support of the farmers.

In sum, this story would have been shocking thirty years ago as the nation sought to move beyond the legacy of de jure and de facto segregation and discrimination. It is all the more shocking and appalling that Hispanic farmers and ranchers in 2009 are still facing raw and virulent discrimination perpetrated by the USDA, a governmental agency, and financed by tax payers' dollars.

Accordingly, lawyers representing the Hispanic farmers and ranchers have prepared a settlement proposal that they believe could serve as a template for resolving all of the producer class actions against USDA. While not carved in stone, the proposal represents a good faith attempt to resolve these cases by providing sorely needed accountability and transparency to the USDA-administered farm credit and non-credit farm benefit programs, thereby addressing a key concern of the thousands of black farmers disenchanted with the settlement of their lawsuit.

The President, Attorney General and Secretary Vilsack are uniquely positioned to facilitate a truly historic resolution of these lawsuits once and for all. Indeed, if done correctly, a fix for Hispanic farmers should be a fix for all minority farmers, and in fact, a fix for all farmers seeking just and equitable farm credit and non-credit farm benefit programs.