

Minority farmers seek redress, claim USDA discrimination

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In November, the Agriculture Department began negotiations with Native American farmers in a class-action suit alleging systematic discrimination in the agency's farm loan program. About 15,000 black farmers have received almost \$1 billion since the settlement of a similar class-action suit, known as the Pigford case.

Hispanic farmers who have filed similar lawsuits hope this means the government may settle with them, too, even though a federal judge has denied them class certification. Female farmers also filed suit but have been denied class certification.

All four groups allege that they were denied farm loans and given loans with impossible conditions because of their race or gender.

Alberto Acosta, a New Mexico chili farmer, sought help a decade ago from the loan program meant as a last resort for farmers who cannot secure private financing. In 1998 and 1999, he was granted \$92,000 in loans by the department.

But because Acosta speaks Spanish, a USDA loan officer was required to sign off on every significant expense. That meant he had to drive 260 miles each way to the office whenever he wanted to buy a piece of farm equipment, and he had to pay for and provide his own translator for each visit.

These conditions ultimately proved so taxing that Acosta's home and farm went into foreclosure, he said in a sworn declaration.

"I feel that this discrimination would not have occurred if I were Anglo," Acosta stated.

Since U.S. District Judge James Robertson in the District denied class certification to the Hispanic and female farmers, their cases must proceed through the court system individually. But the federal government could still decide to treat the cases as classes in a settlement.

"Justice dictates that if in fact the government discriminated against a class of people and we recognize that discrimination existed, you don't use legal barriers -- , i.e., opposing class-action status -- to shield the government," said Sen. Robert Menendez (D-N.J.).

Agriculture Department spokesman Caleb Weaver said that "USDA is committed to ending all forms of discrimination and addressing past allegations in a timely and fair manner." He said the department is reviewing civil rights complaints, has launched an external evaluation of services provided and "for the first time since 1997, we will have investigators on staff to do the field work needed to investigate complaints."

Currently, 110 Hispanic farmers in Texas, New Mexico, Arizona, California, Colorado and Washington are suing the department. But lead attorney Stephen Hill said if the case

were certified as a class, there would be tens of thousands of Hispanic plaintiffs. He could not estimate the potential damages they might seek.

"The discrimination followed a pretty distinct pattern," he said. "Denying applications, repeatedly discouraging them from submitting applications, refusing to assist the farmer, and if the farmer persisted and filed an application, it would be dragged out for months so they couldn't get the seed in the ground. And often, for the most flimsy excuses like language problems, they put Hispanic farmers in supervised accounts."

Joe Sellers, lead attorney in the Keepseagle case, which was brought by Native Americans, said court proceedings have been put on hold for at least 60 days while they begin settlement negotiations.

"I credit this administration with genuine interest in fixing these problems that have afflicted the USDA for decades," said Sellers. "I don't expect it will be resolved over the next year; but I do believe they are sincere and determined to set in motion the steps to evaluate the shortcomings of the existing system and make appropriate changes."

Support in Senate

On the Senate floor Nov. 18, Menendez and Sen. Michael Bennet (D-Colo.) called for settlement of the Hispanic farmers' cases.

"It is no secret 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 and have done in many cases for generations, leaving many no choice but to leave the farms and ranches they have tended to all of their lives," Menendez said.

Larry and Robert Chavarria were third-generation farmers in California's San Joaquin Valley, who said their family had never sought a loan until 1994 winter storms decimated their crops. They sought USDA loans but were repeatedly denied. They said a local USDA loan officer also froze their subsidy payments at the behest of a neighboring white farmer with whom they had a dispute. They were forced to sell their land and stop farming in 2000. One brother now works in a prison canteen and the other is a self-employed tax preparer.

"It was our livelihood -- we loved it," said Larry Chavarria. "Now I feel empty, I feel like an echo. You ache, you hurt. This shouldn't have happened. We weren't asking for a handout. But they just raked us over the coals."

Problems said to persist

Farmers and their attorneys say diversity and inclusiveness in the farm loan program have improved in recent years, but they allege discrimination still exists.

David Cantu, who raises cattle and grows watermelon, cotton, corn and other crops on 1,100 acres in south Texas, thinks the Hidalgo County farm loan office turned him down for loans in 2005 because he and his father had spoken out about discrimination at a Hispanic farmers conference and an Agriculture Department listening session that year.

Cantu said he received USDA loans and repaid them on schedule every year since 1997, but was denied with no explanation in 2005. He also says loan office staff members would treat Hispanics as "second-class citizens," serving white clients first and inviting whites into their private offices while speaking with Hispanics only in the lobby.

"Hispanic farmers are a piñata to them," said Cantu, 50, a fourth-generation farmer. "They keep beating us and beating us, and then when they hit us down, they still expect us to keep producing and fill their plates."