

GOVERNMENT OFFERS PAYOUTS TO HISPANIC, FEMALE FARMERS WHO CLAIM DISCRIMINATION

Eloisa Ruano Gonzalez - [Orlando Sentinel](#) - May 6, 2011

Minority farmers have complained for decades that the U.S. Department of Agriculture denied or delayed giving them farm loans because of their ethnicity or gender, costing them their crops and land.

Now, the USDA has acknowledged the discrimination. It is urging Hispanic and female farmers who can prove they were wronged to apply for settlements of up to \$50,000.

Frederick Pfaeffle, the department's deputy assistant secretary of civil rights, recently met with farmers and ranchers in Kissimmee and South Florida to promote the program.

The settlement, which some Hispanic farmers have criticized for offering too little and placing the burden of proof on them, will provide at least \$1.33 billion to resolve discrimination claims dating from 1981 to 2000. It also sets aside \$160 million for debt forgiveness on USDA loans that, because of discrimination, were delayed or offered with unfavorable terms or for an amount lower than applied for, Pfaeffle said.

Farmers often rely on the USDA loans to survive disasters and to buy seeds and equipment needed to replant and stay in business.

"We're committed to closing this sad chapter of the USDA," Pfaeffle said.

The settlement comes a decade after Hispanic farmers from states such as New Mexico and Texas filed a lawsuit against the USDA alleging discrimination. The USDA previously settled similar claims with black and Native American farmers.

No farmers in Florida have come forward with discrimination allegations, Pfaeffle said, but the USDA is interested in the state because of its high number of Hispanic farmers, the fastest-growing group in agriculture. Florida has a total of 47,500 farms, according to the 2007 Census of Agriculture. Of those, 3,100 list Hispanics as the principal operators.

"We don't know how many [had] businesses in that time frame, and we don't know how many were discriminated [against]," Pfaeffle said.

Many farmers are dissatisfied with the program, said Stephen S. Hill, a Washington attorney. He is representing Hispanic farmers who are suing the USDA and the Justice Department over the settlement, which the farmers call unfair.

The lawsuit, filed in March in U.S. District Court in Washington, says the government is continuing its discrimination toward Hispanics and female farmers by offering them smaller amounts than were offered to black and Native American farmers.

The settlement also puts a bigger burden of proof on Hispanic and female farmers, Hill said. To ensure the maximum compensation, he said, farmers will have to provide copies of their loan applications — documents many farmers and USDA officials did not keep.

Black and Native American farmers were not asked to produce copies of their applications, Hill said. Meanwhile, Native Americans could receive up to \$250,000 in their settlement, and African-Americans had no cap, he said.

"There is no justification for it. The Hispanic [and female] farmers suffered the same discrimination African-Americans and Native Americans suffered."

Pfaeffle said he could not confirm whether black and Native American farmers were required to produce the applications. But he said that under the new program, farmers who can provide a loan application and prove that they were denied or given unfavorable terms because of discrimination are guaranteed \$50,000. Even if they can't produce a loan application, he said, they still might be able to receive settlement money up to \$50,000.

He said the settlements "are apples to oranges. They can't be compared." For example, black farmers were not guaranteed any amount in their settlement.

Advocates say they've heard stories of Hispanic and women farmers who were denied loans or did not receive the money in time and could not plant in time for the next season. In other cases, farmers who applied unsuccessfully for loans to buy land to expand their business lost the opportunity to a white farmer who did receive a loan from the USDA.

Tirso Moreno, general coordinator for the Farmworker Association of Florida, said many farmers in the state have been denied loans and even applications. He said he is not sure whether the settlement will be enough to cover the farmers' damages. "We haven't done a good analysis to see what kind damage has been done to Florida farmers."

Farmers throughout the country have lost their land and millions of dollars, said Rudy Arredondo, president and CEO of the National Latino Farmers & Ranchers Trade Association. He commended Agriculture Secretary Tom Vilsack for attempting to mend the USDA's relationship with Hispanic farmers but said the settlement won't fix years of bad blood.

"There is no way you are going to be able to make whole all the years of pain and suffering these farmers have endured."