

AGRICULTURE

## Fund Proposed For Female Farmers In USDA Bias Cases

*Friday, Dec. 11, 2009*

In what may be the beginning of a multibillion-dollar congressional effort to settle discrimination suits against the Agriculture Department, two key House members introduced legislation Thursday to establish a \$4.6 billion compensation fund for female farmers who have been denied loans since 1981.

House Agriculture Appropriations Subcommittee Chairwoman **Rosa DeLauro**, D-Conn., and Rep. **Anna Eshoo**, D-Calif., said their bill is long overdue.

"Years of discrimination and unnecessary hardship for these women, and all minorities, cannot be allowed to continue," DeLauro said. "It is time to do right by those that have been discriminated against in our past and present, to live up to our founding principles, and to legislate an end to this unfortunate and regrettable era."

Joining DeLauro at a news conference were farmers from Montana, California, Florida and New York who were among thousands of black, Hispanic, Native American and female farmers who were part of four discrimination cases filed by each class against USDA a decade ago, charging that they were denied farm-operating and emergency loans that the agency routinely made to white male farmers.

"This is an issue of fundamental fairness -- all farmers, regardless of their gender or ethnicity, should be judged on the merit of their applications for their loans," DeLauro said.

The Clinton administration settled the black farmers' case, *Pigford v. Glickman*, resulting in eventual payments of more than \$1 billion to farmers. A provision in the 2008 farm bill allows black farmers who did not meet the deadline to file their claims, and President Obama said in his FY09 budget request to Congress that he wanted to set aside \$1.25 billion to settle those cases.

The Hispanic, Native American and women's cases are still pending. DeLauro noted Thursday that Agriculture Secretary Vilsack has made civil rights a priority, and a Vilsack spokesman said in an e-mail that USDA is committed to ending all forms of discrimination and addressing past allegations in a timely and fair manner."

USDA and the Justice Department have not settled any cases since Obama became president, although Joe Sellers, a lawyer for the Native Americans, said Thursday that USDA has recently indicated an interest in entering negotiations on that case.

Members of Congress, including Sen. **Robert Menendez**, D-N.J., have urged Obama to settle the cases, and Colorado Democratic Sens. **Mark Udall** and **Michael Bennet** have written **Senate Majority Leader Reid** that they want to work with him on a solution.

The DeLauro-Eshoo bill would resolve a lawsuit filed in federal court in 2000.

*by Jerry Hagstrom*

**Women Farmers Seek Compensation**  
**Bill Would Pay \$4.6 Billion to Cover**  
**Discrimination Suits**

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WASHINGTON (DTN) -- In what may be the beginning of a multibillion dollar effort to settle minority and women farmer discrimination suits against USDA,

two lawmakers have introduced a bill to set up a \$4.6 billion compensation fund for women farmers to whom USDA has denied loans since 1981.



A group of women farmers filed a discrimination lawsuit against USDA's Farm Service Agency and the old Farmers Home Administration in 2000. Pictured from left to right are three of the plaintiffs, Gail Lennon of Outlook, Calif.; Rosemary Love of Harlem, Mont.; and Lind Weaver of Flagler County, Fla. (DTN file photo)

A group of women initially filed a case against USDA's Farm Service Agency and the old Farmers Home Administration in 2000, but the cases have never been settled. The case, now known as *Love v. Vilsack*, was named after one of the original plaintiffs, Rosemary Love, a Harlem, Mont., farmer.

Last Thursday Love and several other women who charge USDA with discrimination appeared at a news conference with House Agriculture Appropriations Subcommittee Chairman Rosa DeLauro, D-Conn., and Rep. Anna Eshoo, D-Calif. The Representatives announced legislation to settle the cases and create a \$4.6 billion fund to make payments to those whose cases are proven.

Love, a third-generation farmer, said that during the farm crisis in 1981 she applied for and was initially denied a farm operating loan. She later got a loan, and it was half the requested amount with liquidation of her farm as a requirement of the loan.

In 1983, when she was undergoing surgery for cancer, a county Farmers Home supervisor came to the hospital and demanded payment of the loan, she said. Love managed to hold on to her farm. And in 1987 she filed a gender discrimination case against USDA. In 1998, a government investigator found that Love had been subject to unfair treatment, but USDA has never resolved the case.

"This has been a decades-long struggle for me and my family," Love said at the news conference. "This bill is important for future women farmers -- for daughters and granddaughters who want to continue farming."

Gail Lennon of Outlook, Calif., another plaintiff in the case, said a USDA loan officer once told her she could not get a loan to buy farmland because she was pregnant. Lind Weaver, a Flagler County, Fla., who has also farmed in Virginia, said loan officers told her there were no loan application packets available but gave one to her husband. Weaver said that fair treatment for women farmers is even more important today because many banks require USDA loan guarantees for farm loans.

The women were one of the four groups of farmers that sued USDA about 10 years ago, charging that they were denied farm purchase, operating and emergency loans that the agency made to white men or denied proper servicing of those loans. The other cases were brought by black, Hispanic and Native American farmers. The Clinton administration settled the black farmers' case, *Pigford v. Glickman*, which resulted in eventual payments of

more than \$1 billion to farmers. President Obama said in his fiscal year 2009 budget request to Congress that he wanted to set aside \$1.25 billion to settle those cases.

The Hispanic, Native American and women's cases are still pending. DeLauro said on Thursday that Agriculture Secretary Vilsack has made civil rights a priority. A Vilsack spokesman said in an email that USDA is committed to ending all forms of discrimination and addressing past allegations in a timely and fair manner."

USDA and the Justice Department have not settled any cases since Obama came to power, but in early December USDA told the lawyers in the Native American case it wanted to begin discussions to settle. Members of Congress including Sen. Robert Menendez, D-N.J., have urged Obama to settle all the discrimination cases, and Colorado Democratic Sens. Mark Udall and Michael Bennett have written Senate Majority Leader Harry Reid, D-Nev., that they want to work with him on a solution.

DeLauro said the need for a \$4.6 billion restitution fund was based USDA Census of Agriculture data showing that there are approximately 300,000 women farm operators across the United States, more than 17 percent of the family farmer population. The report estimates that 43,000 women farmers have been discriminatorily denied more than \$4.6 billion in farm loans and loan servicing from USDA over the years. DeLauro said USDA data shows that women farmers were subject to discrimination in every state.

Details of the DeLauro-Eshoo bill may be found at <http://thomas.loc.gov/...> Lawyers representing the women, Native American and Hispanic farmers have all established websites for their cases. The women's case website is [www.womenfarmers.com](http://www.womenfarmers.com).

The Hispanic case website is [www.garciaclassaction.org](http://www.garciaclassaction.org).

Information on the Native American case may be found at [www.cohenmilstein.com/cases/95/keepseagle](http://www.cohenmilstein.com/cases/95/keepseagle).

Information on the settlement of the black farmers' lawsuit may be found at [www.pigfordmonitor.org](http://www.pigfordmonitor.org).

(CC/KM)