

## Women Farmers and their Counsel React to Government's Administrative Claims Program to Remedy Gender Discrimination

Women farmers and Arent Fox attorneys express appreciation, but question adequacy of government's program

**WASHINGTON, DC – OCTOBER 18, 2012** – Women farmers, including those who are plaintiffs in *Love v. Vilsack*, the pending gender discrimination lawsuit asserting constitutional and statutory claims against the US Department of Agriculture for its administration of farm loan programs, appreciate that the Obama administration is offering a claim resolution program in an attempt to address USDA's systematic discrimination against women farmers dating back many decades. However, the farmers and their counsel, Arent Fox, LLP, voiced concerns about serious problems with the claims program that USDA kicked off on September 24, 2012. As the plaintiffs have pointed out in recent filings with the court, the program violates the Equal Protection and Due Process clauses of the Constitution and the Administrative Procedure Act in offering to women (and Hispanic) farmers a claims program that is inferior to and more onerous than the programs the government provided to other minority farmers.

Rosemary Love, a named plaintiff in the *Love v. Vilsack* case, said that “the opening of a claim resolution program for women farmers seems like a positive step, but I hope that deserving women will actually be able to navigate this complex process and finally obtain relief.” The *Love v. Vilsack* lawsuit has been pending since 2000, and many women farmers have been waiting several decades for the government to remedy the well-documented and widespread gender discrimination they suffered. Ms. Love noted that the claim form and other documents for USDA's program are problematic. “The form is confusing and sometimes inconsistent with the other documents provided by the government. I expect that many farmers will have trouble understanding and completing the documents.”

Women farmers and their advocates point out that the program treats women farmers less favorably than the settlement programs that the government agreed to for African-American and Native American farmers who also suffered decades of discrimination. Women are subject to more burdensome evidentiary requirements, and will be required to produce copies of documents and witness statements from decades ago – hurdles that African-American and Native American claimants did not have to satisfy. The claim program is even more difficult for women farmers because, unlike the programs for African-American and Native American farmers, the government's program does not provide women farmers with counsel to assist them with understanding the form and the legal consequences of participating in the program. Long time farmers' advocate Benny Bunting, who is familiar with the differing claims processes offered to women, African-American and Native American farmers, states that while “pleased that USDA has made progress in launching a claims process for Hispanic and women farmers' claims,” he has concluded that the claim form offered to women and Hispanics is “confusing, and at times inconsistent” and that “the eligibility and document requirements that women and Hispanic farmers must meet for their claims to be successful are more difficult than what was required in the claims programs provided to black farmers and Native-American farmers.” Similarly, Dr. Eugene Ericksen, a recognized expert in the survey field, has opined that the form to be utilized by women farmers is substantially deficient in numerous ways and more burdensome than the forms used in the claim programs for African-American and Native American farmers. Counsel for the *Love* plaintiffs, Arent Fox LLP, have challenged these inequities in recent court filings.



“We are pleased that a program exists for women farmers, and we encourage women farmers to consider whether they want to participate. But we also wish this was a more equitable program,” said Arent Fox attorney Kristine Dunne. “Now that the program has officially begun, we hope that USDA will take steps to address confusion and clarify questions prompted by its documents. We would be happy to work with the Administration in such an effort.”

Ms. Dunne also urged USDA to spread the word to affected women farmers regarding the opportunity to participate in the claim program, indicating that it is essential for the government to conduct sufficient notice and outreach efforts so that potential claimants learn about the program in time to apply. Women farmers who believe they qualify for relief under the program may file claims until March 25, 2013. More information and relevant documents are available at [www.farmerclaims.gov](http://www.farmerclaims.gov), a website run by USDA.

**For further information:**

Contact Arent Fox attorneys through the website: [www.womenfarmers.com](http://www.womenfarmers.com).

###