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HISPANIC FARMERS' LAWSUIT ALLEGES USDA DISCRIMINATION

A class-action lawsuit against the U.S. Department of Agriculture on behalf of Hispanic farmers -- many of them from New Mexico -- is slowly making its way through the federal court system in Washington, D.C.

Stephen Hill, the lead plaintiffs' counsel, said about 100 Hispanic farmers from New Mexico have joined the case, which alleges that USDA officials discriminated against the farmers when dispensing loans and other program benefits.

Lawyers first filed the case in October 2000, Hill said, but it isn't scheduled to go to trial until Sept. 1, 2004.

Meanwhile, local plaintiff Anthony Hurtado waits on his family's 200-year-old ranch near Las Vegas, N.M., for resolution of the case.

His life will be on hold until the case is over, Hurtado said. "You really can't do anything."

Hurtado said he doesn't mind raising horses and thinning forests in New Mexico, but he'd rather be back in Texas raising cattle. Hurtado moved to New Mexico after a 1996 drought wiped out his herd of 1,000 cattle in Crockett, Texas, about halfway between Dallas and Houston.

Hurtado said he probably could have survived the drought if USDA officials hadn't discriminated against him by denying him access to relief programs.

"They destroyed me," Hurtado said. "The discrimination destroyed my cattle and my operation."

Hurtado estimates he lost at least \$4 million because of USDA.

Hill said most of the 300 plaintiffs from across the country are from California, New Mexico, Colorado and Texas, but a few are from Arizona, Washington and Florida.

Plaintiffs' lawyers are currently gathering information from USDA to prepare for class certification, Hill said.

Class certification is a major hurdle for lawyers in a class-action lawsuit. To get the plaintiffs certified as a class, plaintiffs' lawyers must prove that the plaintiffs have enough in common to sue USDA as a group.

One of the main reasons courts allow class-action lawsuits is to save time. Courts don't have to deal with multiple lawsuits when a group of people have the same complaint.

Hill said the case is called Garcia v. Veneman, after Guadalupe Garcia of Las Cruces and Agriculture Secretary Ann Veneman. The case was formerly called Garcia v. Glickman, after previous Agriculture Secretary Dan Glickman.

Garcia, the lead plaintiff, alleges USDA discriminated against him and caused the demise of his family's farm, Hill said.

Hill said he is focusing on the causal link between USDA policy and the statistical disparity between the ability of Hispanic farmers to get loans versus their white-male counterparts.

Massachusetts Institute of Technology professor Jerry Hausman performed an analysis of public information and concluded Hispanic farmers received fewer loans than white farmers, Hill said.

The federal General Accounting Office conducted a similar study, Hill said, and came up with similar results.

The lawyers who originally filed the case turned the lawsuit over to the law firm Hill works for -- Howrey, Simon, Arnold & White -- because it is bigger and has more resources than they did.

The Howrey law firm has offices nationwide and in London and Brussels, Belgium.

The lawyers who filed the suit were Alexander Pires and Phillip Fraas, who work for two small Washington, D.C., law firms, Hill said.

Pires and Fraas have worked on similar cases against USDA -- the most famous of which is Pigford v. Veneman, which alleged USDA discrimination against black farmers. So far, USDA has recognized 22,837 claims from black farmers in the Pigford case, according to USDA's Web site.

USDA has paid the Pigford plaintiffs more than \$634 million and forgiven more than \$11 million in loans, according to the Web site.

Similar suits are pending against USDA on behalf of female and American Indian farmers.

Jim Brownlee, a USDA spokesman, said the agency denies any discrimination against Hispanic farmers and has no further comment.

Reporter: Wendy Brown