



Howrey's Stephen Hill

Pressure applied to resolve Hispanic farmers lawsuit against Agriculture Department

Tresa Baldas

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A group of Hispanic farmers whose discrimination lawsuit against the federal government has dragged on for years received a morale boost this week. It came from Sen. Robert Menendez (D-N.J.) and an African-American farmer with a similar complaint.

Both urged the government to hurry up and resolve the eight-year-old Hispanic farmers dispute, which claims that the farmers were unfairly denied government loans and thereby forced out of farming.

On Wednesday, Menendez took to the Senate floor and urged the government to correct past discriminatory practices by the U.S. Department of Agriculture and to settle the Hispanic farmers' suit. He noted that African-American farmers had filed a similar class action, which the government had settled for about \$1 billion. Now, he said, it's time to give other minority farmers their due.

"It's about doing what's right," Menendez said. "All these farmers are asking for is a common-sense solution, sooner rather than later, because they've waited long enough."

The Hispanic plaintiffs also received support from Tim Pigford, the named plaintiff in the African-American farmers case, who sent a letter to President Barack Obama on Nov. 18, urging him to settle the Hispanic farmers case and to make sure the plaintiffs are treated as a class. To date, the Hispanic suit has not received class certification.

In his letter, Pigford noted that African-American, Hispanic, Native American and women farmers all have filed suits claiming discrimination by the USDA, yet the African-American plaintiffs are the only ones whose claims have been settled as a class. "It makes no sense for four minority groups to suffer the identical discrimination from the same federal agency, and yet only one of those four groups to be compensated on a classwide basis," Pigford wrote.

Will the letter or Menendez's comments have any impact? "We certainly hope so," said Stephen Hill of Washington-based Howrey, who is representing the plaintiffs pro bono. "Anyone with the stature of Senator Menendez championing your case, it has to be a plus in our mind."

Hill said the president should order the USDA and the U.S. Department of Justice to negotiate in good faith and to "stop this nonsense about forcing the parties to try these cases individually."

He has filed a petition for certiorari before the U.S. Supreme Court. The government's reply brief is due Dec. 18. The Justice Department declined to comment, citing agency policy.

The lawsuit, *Garcia v. Vilsack*, has hit one snag after another since being filed in the U.S. District Court for the District of Columbia in 2000. To date, no money has been received by any of the plaintiffs.

Tresa Baldas can be contacted at tbaldas@alm.com