

Black FARMERS & AGRICULTURISTS ASSOCIATION

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MARCH 26, 1999

The Honorable Judge Paul Friedman
U. S. District Court Judge
U. S. Court House
3rd Street & Constitution Avenue, NW
Washington, DC 20001

FILED

APR 15 1999

Clerk, U.S. District Court
District of Columbia

Re: Timothy Pigford, et al. v. Dan Glickman
Civil Action No. 97-1978

Dear Judge Friedman:

My name is Gary R. Grant, a plaintiff in the Pigford v Glickman Class Action. I am also the national president of the Black farmers and Agriculturist Association (BFAA). This is the organization to which most of the plaintiffs in the Class belong. I did not address you and the Court at the Fairness Hearing on March 2, 1999, although I was prepared to address the court. I believed that you had been patient, fair and understanding in the March 2, Fairness Hearing, as you have been since my first attendance in your court in 1998.

Now that I have seen your recommendations, I am certain of your integrity and complete honesty.

After reviewing your March 5, 1999 proposed revisions to the Consent Decree and Class Counsel and the USDA's attorneys response, I knew then that I must write to you.

Officials of USDA and government employees in local county offices, who may be models of civility, sensitivity and concern in their private lives display a public face of callousness, racism, criminality and indifference towards the Black farmer. Their negative behavior is a prime example of what one philosopher calls "trained incapacity", and what I call "gutter level bigots" who fear no reprisals, and fear no legal penalties for their misdeeds and unlawful behavior towards Black farmers

Like the three white males in Jasper, Texas, who allegedly dragged James Byrd, a Black man, to death with a 40 foot chain behind a pick-up truck, the legacy of USDA and the Black farmer is about the same.

After injuring and demoralizing the Black farmers by violating their civil rights; taking away their ability to make a living in the work they love; taking their land, beating up Black farmers by causing disproportionate numbers to have high blood pressure and sugar diabetes caused by stress, driving Black farmers to attempt suicide, and causing early deaths, this latest refusal of your proposed revisions make very clear that this agency has no intention of changing its stripes. And all the Black farmers who are not already dead, the USDA intends to hook to a 50 foot chain, known as this \$50,000 settlement award and drag us to our deaths.

Let this be filed.

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PAUL L. FRIEDMAN
United States District Judge

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This has been an agonizing ordeal as we have watched our constitutional rights be slowly diminished and taken away from us. The stress and agony of Black farmers is not only due to the bigotry and illegal actions of government employees in local offices, but is inextricably intertwined with the Justice Department.

We are faced with the distressing irony of examining the proposed Consent Decree, which completely abandons and contradicts the C.R.A.T. report: a comprehensive internal investigation of USDA which validates the racial discrimination at USDA.

The world, the American public, and government officials claim alarm and disbelief when they hear of the white Trenton, North Carolina mayor who in public statements describes Blacks as "thieves," "incompetent leaders," and as "only wanting to work for white people, rather than for themselves."

The *NBC TODAY* Morning News Show reported, Monday, (March 1, 1999), that the Justice Department was launching an investigation of the white mayor and his racist comments, and his long term public objections and actions against the annexation of Black communities, so as to avoid a majority Black voting in city elections. (The mayor has since been forced to resign.)

But when Black farmers complain and document the long term racist actions of USDA, and the government agents in local county and state farm offices to destroy the lives of Black farmers and to take away the hard currency of Black owned land, the same federal agencies, such as the Justice Department, don't investigate, but instead act with deep-rooted cynicism and discrimination against Black farmers. Young, "Ivy League" and "Ivy Tower" trained lawyers in the Justice Department, who would probably not know a stalk of cotton if they saw one, make life and death decisions about Black farmers with callousness and with impunity.

The magnitude and implications of this kind of governmental terrorism is appallingly clear. Generation after generation of Black farmers have been treated like a sub-culture by the USDA and its government county agents --a sub-culture whose value, objectives and traditions and personal needs are somehow different from those of white farmers.

Since slavery, Black people, wherever they live or work, have come from the farm. Black farmers have produced more lawyers, doctors, engineers, nurses, writers, musicians, ministers, educators, and civil rights leaders than any other single profession in this nation.

The goal of the government is to wear us out to drag us on that 50 foot chain to our deaths. But we refuse to be decapitated by this powerful institutionalized USDA machete.

I and the members of this organization support your recommendations with these exceptions:

- 1) We do not believe that we should have to prove the discrimination case of Black farmers based on naming a white farmer, nor having that to be a relevant issue. All the studies since 1995 (see attached list) document the discrimination at USDA.**
- 2) We believe that should Counsel for the defendant and or Counsel for the Plaintiffs show cause to obstruct the Court's Jurisdiction to enforce the proposed decree's best interest, then said decree should become "Null and Void."**

3) Defendant Counsel and Justice Counsel question the trust of family members. In many cases, it was a family member who witnessed the discrimination. This is why USDA does not want family members verifying what transpired in meetings with local USDA officials.

Although there are many other issues listed in your March 5, 1999 document that could be addressed in detail, I think USDA's response to your number 13 is the most insulting and defining of USDA's attitude and its intent not to change its devious and uncooperative methods is clear from its stand in paragraph 3, page 4 of the response letter of March 19, 1999:

"Finally, the parties are not in a position to agree to incorporate in the Decree a requirement that USDA use its "best efforts to ensure compliance with all applicable statutes and regulations prohibiting discrimination,"

For those of us who have struggled with this agency for years in seeking justice, we know the weight of such a statement. The **USDA DOES NOT** intend to be fair, reasonable and honest in its efforts.

Again, your honor, we appreciate and applaud you for your honesty and fairness. We encourage you to use all of your judicial powers to make this Consent Decree become a fair, reasonable and justice reality.

I remain yours for

Peace, Justice & Equality,



Gary R. Grant
Presidentt

USDA HISTORY:

When the United States Department of Agriculture (USDA) was created, 90% of the American people were farmers. It was not until almost two decades after it's creation, that Cabinet status was achieved by USDA on February 9, 1889. **The Federal Farm Loan Act** became law, July 17, 1916. This Act sought to respond to the inadequacy of credit at reasonable rates for farmers. Apparently little or no thought was given to how credit would be dispensed among the various racial, gender and economic positions of farmers, and that has proven to be disastrous. According to numerous reports dating back to 1965, **the root of these problems are found in the discriminatory environment present in the USDA**, the very agency established by the US government to accommodate and assist the special needs of **all farmers and ranchers**.

STATISTICS

- Although farmers and ranchers are invaluable resources providing more than enough food and fiber to meet the needs of our Nation, they now represent less than 3% of the population.
- 22 million Americans are employed in processing, selling and trading the Nation's food and fiber
- 75 million Americans are recipients of USDA benefits
- In North Carolina there has been a **64% decline in African American** farmers in the past 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992.

PREVIOUS CIVIL RIGHTS STUDIES

- 1965** - first study by US Commission on Civil Rights established by the USDA
- 1970** - second study by USDA Employee Focus Group
- 1982** - The Decline of Black Farming in America by the US Commission on Civil Rights
- 1990** - The Minority Farmer: A Disappearing Resource; Has The Farmers Home Administration Been the Primary Catalyst? by the House Governmental Operations Committee chaired by Rep. John Conyers
- 1997 (January)** - Farm Programs: Efforts to Achieve Equitable Treatment of Minority Farmers by the General Accounting Office (GAO)
- 1997 (February)** - Civil Rights at the United States Department of Agriculture by the Civil Rights Action Team (CRAT) of the USDA
- 1997 (February)** - a report by the Office of Inspector General Evaluation Report for the Secretary on Civil Rights Issues

These documents all reach the same basic conclusion: "there are **significant problems with discrimination** within the U.S. Department of Agriculture" to varying degrees in both internal employee related assaults, and external loan related discrepancies to African Americans, Native Americans, women and other people of color.