

# LAND LOSS

## PREVENTION

# PROJECT

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April 3, 1999

The Honorable Paul L. Friedman  
United States District Court  
for the District of Columbia  
333 Constitution, N.W.  
Washington, DC. 20001



Re: ***Pigford v. Glickman, 97-1978(PLF)***  
***Brewington v. Glickman, 98-1693(PLF)***  
**Letter from the Coordinating Council of Black Farm Groups**

Dear Judge Friedman:

Satellite Office:

Legal Services of  
the Coastal Plains

610 East Church Street

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Ahoskie, NC 27910

(919) 332-5124

1-800-682-0010 (free call)

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This letter is written in response to a letter filed with the Court by the "Coordinating Council of Black Farm Groups," regarding the Second Revised Consent Decree. Please be advised that the Coordinating Council was not given either express or implied authority to speak on behalf of the North Carolina Association of Black Lawyers' Land Loss Prevention Project (LLPP). Therefore, any communication received from the Coordinating Council should not be deemed consent by LLPP to the statements contained therein.

I have not discussed any aspect of this case with the Coordinating Council as a whole since mid February of 1999. I have not received a copy of the letter communicated to the Court in behalf of the Council and Land Loss Prevention. As demonstrated by the attached facsimile, I did not receive any information regarding the existence of a proffered objection filed by the Coordinating Council until April 2, 1999. An after the fact facsimile of a press release dated March 30, 1999 was transmitted to my office during the Good Friday Easter Holiday.

In some, the objections filed with the Court by the Coordinating Council do not reflect the sentiments of the Land Loss Prevention Project. In fact, it is my understanding that several other organizations listed on the letterhead have not been made privy to the contents of the objections, especially any provision that implies that:

Let this be filed.

  
PAUL L. FRIEDMAN  
United States District Judge

DATE: 4/15/99

A member of:

NORTH CAROLINA  
COMMUNITY  
SHARES

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Honorable Judge Friedman  
April 3, 1999  
Re: Coordinating Council Objection Letter

" ... after considering all the issues, **we have jointly** concluded that the recommendations not included in the Decree, that the revisions and suggestions by you and others are important, but they do not rise to the crucial level needed to reject the revised Consent Decree."  
(Emphasis Added)

We are deeply troubled that the "Coordinating Council" chose to make such an unfortunate statement that may adversely impact the interests of African American farmers throughout the United States. However, we will not lend credence to those statements by adding our voice.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Bowens". The signature is written in black ink and is positioned below the word "Sincerely,".

Stephon J. Bowens, Esq.  
Executive Director

Cc: Clerk of United States District Court For DC  
Dr. Joseph Lowery, Convener of the Coordinating Council

Attachment: April 2, 1999 Facsimile

# PRESS RELEASE

For Immediate Release  
March 30, 1999

For Information Call  
Heather Gray at (404) 765-0991

**Coordinating Council Members  
(partial listing)**

ARKANSAS LAND & FARM  
DEVELOPMENT CORPORATION

BLACK FARMERS & AGRICULTURALISTS  
ASSOCIATION

FEDERATION OF SOUTHERN COOPS/  
LAND ASSISTANCE FUND (SECRETARIAT)

KENTUCKY MINORITY FARMERS  
ASSOCIATION

LAND LOSS PREVENTION PROJECT

MILESTON FARMERS COOPERATIVE

MISSISSIPPI FAMILY FARMERS  
ASSOCIATION

NATIONAL BLACK FARMERS  
ASSOCIATION

NEW NORTH FLORIDA FARMERS  
COOPERATIVE

PENN CENTER

SOUTHWEST GEORGIA VEGETABLE  
PRODUCERS COOPERATIVE

TEXAS LANDOWNERS ASSOCIATION

WEST TENNESSEE FARMERS

**Joseph Lowery, Convener**

**SECRETARIAT**  
(404) 765-0991  
Fax (404) 765-9178

**Coordinating Council of Black Farm Groups Reponds to  
Judge Paul Friedman's March 22, 1999 Order  
Council Addresses Comments from the Judge and Attorneys and  
Calls For The Judge to Approve the Consent Decree**

ATLANTA....In response to the Judge Paul Friedman's March 22, 1999 order regarding the Class Action suit filed by Black farmers, the Coordinating Council submitted a letter to the Judge. The following is an edited version of the letter sent to the judge:

"We are writing to respond to your most recent court order requesting comments on the revised Consent Decree. We are collectively impressed with your 14 recommendations for changes in the Decree and in general endorse all of your recommendations. The changes recommended by you would considerably enhance the fairness, reasonableness and protection of the farmer's constitutional rights.

In response to your recent Court Order, there are comments we would like to make regarding your recommendations and the responses by the USDA and plaintiffs attorneys.

- Regarding family members, we agree with your assessment that family members should be allowed to declare their witnessing of discrimination experienced by the farmer. The availability of "outside" witnesses to discriminatory practices is further compounded by those filing for deceased family members, as the knowledge of who might have witnessed the deceased's discriminatory problems might not be known or available.

- We agree that there should be fallback relief for farmers in Track B and disagree with attorneys that an unmanageable number of farmers would opt for Track B if this were available. With due respect to the attorney's opinion on this matter, farmers would know if they had a reasonable preponderance of evidence for Track B - particularly once discussing their case with attorneys. Further, one would assume that a farmer who would initially go to Track B should have the evidence that would stand the test in Track A. These farmers should not be penalized by the lack of a fallback option to Track A.

- We appreciate your addition of the sentence "or the manner in which white farmers seeking the same benefit or service generally were treated at the time." We are concerned that the attorneys did not respond to this issue. While the addition of your sentence adds the important element of a "pattern" of discrimination which improves this paragraph considerably, we are of the opinion that farmers should not be required to seek information about white farmers at all.

The "similarly situated white farmer" issue is subjective. We question what would happen if there was erroneous information submitted about the white farmer (which could easily happen given that the relationship between whites and Blacks is not always the best, particularly in the rural South) and how this might impact on the Black farmers' claim.

**COORDINATING COUNCIL OF BLACK FARM GROUPS**

P.O. Box 115525 • Atlanta, GA 30310

*Coordinating Council • Page 2*

Further, the basis for filing a class action suit from the outset was because of discrimination and the disparate treatment, vis a vis white farmers, that Black farmers have received from the USDA. This has been well documented since 1965 by, for example, extensive government research, the U.S. Commission on Civil Rights and the present administration's Department of Agriculture when it held listening forums across the country, not to mention the admission of discrimination by Secretary of Agriculture Dan Glickman.

We question, therefore, why Black farmers should be required to include any statement about white farmers in their claims package. It seems redundant and an unfair burden to the claimants.

- We agree with your position that there needs to be clarification of the review process if a farmer is denied relief under Track A and to protect the farmers the mechanism should be clearly delineated in the Consent Decree. We are also of the belief that Jams-Endispute should consider both individual and patterns of discrimination before making a final determination.
- We strongly support the Court's specific recommended language on the issue of creditworthiness. Compared to the attorney response, the Court's language is far more specific and to the point regarding protection from future credit problems that might ensue.
- We agree with your position that the Monitor should report to the Court. We note that the attorneys responded that they would add "the Court" to this paragraph, but it was not included in the revised version of the Consent Decree. We assume this was an error and will be corrected. We need to state further that we, in fact, "strongly" agree that the Monitor should report to the Court in order to protect the farmer's interest against USDA policies and personnel.
- We agree that the Monitor should be charged to oversee the USDA's mechanism for reviewing and responding to complaints of discrimination in its credit and benefits programs. We are concerned that the attorneys did not respond to this as the credit and benefits programs are where the major violations of civil rights occur, often resulting in irreparable harm.
- We strongly agree with your suggested revision that "The USDA shall exert best efforts to ensure compliance with all applicable statutes and regulations prohibiting discrimination..." The attorney's response to this recommendation is inexplicable to us. If, as is stated in the attorney response, the "USDA is wholly committed to ensuring compliance with all salient discrimination laws," then why is USDA not willing to make a good faith effort by stating firmly in this Decree that USDA is, in fact, willing to exert efforts to comply to those laws. As you yourself have stated, the problems facing minority farmers are compounded by systemic issues. Given the years of research and knowledge about USDA's discriminatory implementation of policies, it is well known that racism prevails throughout the vast USDA infrastructure. USDA could offer some hope to the country by at the very least stating that it will attempt to comply to laws that protect the integrity of its mission to provide services to all farmers with fairness and equity.

In summary, we would appreciate efforts to bring the parties to the table to make the recommended changes above. However, after considering all the issues, we have jointly concluded that the recommendations not included in the Decree, that the revisions and suggestions by you and others are important, but they do not rise to the crucial level needed to reject the revised Consent Decree.

We therefore ask that you closely consider our comments to the revised decree and encourage the appropriate changes, that you use all of your powers and options to give life to a decree that protects and serves these claimants, and that when all is said and done that you expeditiously approve the revised Decree.

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