

From: The Cowtown Foundation Inc.
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To: The United States Supreme Court, Chief Justice John Roberts
USDA, Office of The Inspector General
Secretary of Agriculture
Members of The House of Representatives
Chairman of The House Ag. Committee
Chairman of The Senate Ag. Committee
Members of The Senate
Chief Judges of All Appeals Circuits

REQUEST FOR A SPECIAL JUDGE IN REGARDS TO BLACK FARMERS SUIT

May 1, 2018

Dear Sir or Madam,

I am writing you in regards to the blatant disregard of Civil Rights afforded to Black Farmers and all Socially Disadvantaged Farmers alike, as afforded by the Constitution of the United States and in particular, The Civil Rights Act of 1964 and 1991. The Department of Agriculture has implemented a policy that is inconsistent with the Constitution of The United States in an effort to drive the Black Farmer to extinction.

Prior to 2017, The Secretary of Agriculture has devised a scheme, in conjunction with the Office of General Counsel, to violate the Civil Rights Act of 1964 (see ex. 1), by denying Black Farmers the right to a formal hearing on the merits before the Administrative Law Judge. This violation creates a substantial disadvantage to the Black Farmer in several ways:

1. The processing of discrimination complaints by Black Farmers is now over 21,000 at the Office of Civil Rights of the USDA.
2. The decision of the Assistant Secretary of Civil Rights is not subject to Judicial Review, if the Black Farmer or Socially Disadvantaged Farmer ever receives a decision at all.
3. The Black Farmer will not have a chance to present evidence or receive his/her running record from the agency in order to maintain an ECOA claim. Similar situated White Farmers are allowed to get a copy of all documents to present at a formal hearing before the ALJ and a judicial review by a federal district court, if necessary.

In a letter dated October 26, 2017, Arlean Leland of the Office of General Counsel for the USDA,(see ex. 2), constructed a letter to The Cowtown Foundation Inc. breaking down the historical Pigford Class

Action and the distribution of funds. We are prepared to file a lawsuit on behalf of our members against The USDA and Class Counsel for fraudulent misrepresentation. Most notably, the following things that the statistical break down did not address:

4. Of the 22,552 Track A claimants and the 15,645 class members that prevailed, only 2 Black Farmers can substantiate actually receiving The Farm Ownership Loan debt relief. (section 9a of Pigford Settlement Agreement)
5. The Office of General Counsel purports that there were 169 Track B claimants and 104 prevailed. That stat is less than truthful, the fact is that only four claimants actually had formal hearings on the merits and the rest are still awaiting formal hearings before the ALJ pursuant 15f.15. The Secretary now asserts that they no longer hear those complaints, but fails to cite any Congressional or Court Order overturning the Settlement Agreement. In fact, in Parker v. The United States, Court of Federal Claims, that court specifically opined that the USDA still had the obligation to fulfill the performance of the settlement agreement, which includes a formal hearing on the merits before the ALJ. (Also see Benoit v. The USDA, DC Circuit Court of Appeals).
6. We can prove fraudulent misrepresentation by the Agency and Class Counsel, and unfortunately, the District courts. We are prepared to show you that in some instances, The Secretary created The Pigford Class Action Team and Class Counsel actually made the decision if a Class Member was entitled to farm ownership debt write off or if the class member was to receive any relief at all. As for the Courts, as stated in the previous letter to this Court, we are great concern of some to the actions taken by the DC District Court and The Federal Court of Claims to further impede the pursuit of justice for the Black Farmers, See ex. 3 and 4.
7. Now that nearly 20 years have passed, the USDA has denied hearings for the farmers whom they have entered into an agreement with, offset monies through the treasury without providing a hearing and now, with the help of some district courts, started foreclosing against Black Farmers that have or had pending discrimination claims with the Office Of Civil Rights. The clearly violates the Pigford Settlement Agreement and The 2008 Food Energy and Conservation Act and the moratorium relief contained in section 14012.
8. Most troubling, Judge Paul Friedman and the mentioned The Secretary of Agriculture broke the law. In 2010, Congress passed SEC. 201. Claims Resolution Act;
(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject To the express terms of the Settlement Agreement.
(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the settlement agreement, the Secretary of Agriculture shall return the unused funds to the Treasury, and may not take..or for any other purpose.

Judge Paul Friedman, Class Counsel and The USDA further discriminated against the Black Farmers by giving unused funds, by the way of grants, to different organizations instead of providing a hearing to those affected by the admitted discrimination of the USDA.

For the reasons stated, The Black Farmers are requesting a Special Judge to hear the case submitted to The DC District Court on behalf of its members. In addition, we request an investigation by the Inspector General and hearing before the Agriculture and Judicial Committees as soon as practical. More importantly, we request the Courts enforce the moratorium provision of all pending foreclosure in which the USDA has an interest in or instituted.

Respectfully Submitted,



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CC: All Members of Congress (House and Senate)