

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TIMOTHY C. PIGFORD, et al.,

Plaintiffs,

v.

ANN M. VENEMAN, Secretary,
United States Department of Agriculture,

Defendant.

Civil Action No. 97-1978(PLF)

JUDGE'S COPY

SEP 12 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

RESPONSE BY J. L. CHESTNUT, JR. TO THE LATEST
FILING BY MR. ALEXANDER PIRES
A Class Counsel

Ordinarily, I do not contribute to the great flow of paper between the government, counsels and others in this case; however, I feel compelled to make three quick corrections and try to provide a perspective to the court of this case it otherwise is unlikely to encounter.

1. In his latest response, Mr. Alexander Pires incorrectly asserts that Mrs. Rose Sanders filed a motion to remove class counsel. Neither Mrs. Sanders individually nor this firm collectively have taken such a position and do not assume such a posture now. Also, in a short footnote, Mr. Pires' incorrectly implies that this writer differs with the content of the latest filing by Mrs. Sanders. That is incorrect. That filing was approved by each partner in this firm, including this writer. My meeting with Mr. Pires on August 13, 2000 was unrelated to this

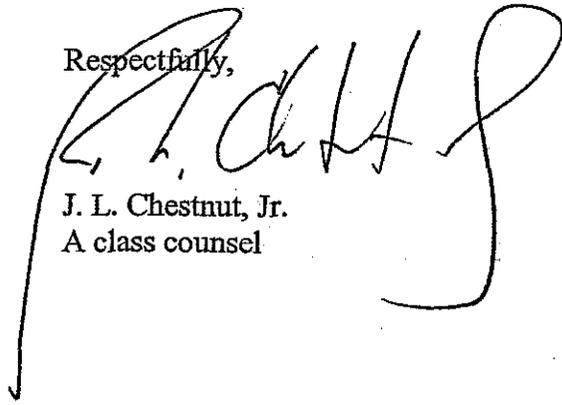
litigation. There was no reason to speak about the filings. They speak for themselves.

2. In another short footnote, Mr. Pires appears to contradict the undeniable truth that this firm never missed a deadline. He refers to a motion filed on January 25, 2000 by this firm asking that discovery in certain Track B cases be stayed or suspended. At that time I was ill, couldn't walk, in a hospital 100 miles away in Birmingham. Our office manager was literally on his deathbed. Everything fell on Mrs. Sanders' shoulders. I haven't looked to see if that motion was granted or denied. It doesn't matter because this firm never missed a deadline, whether the motion was granted or denied.
3. Now, a quick perspective from one in the back woods of Alabama, the swamps of Mississippi, Georgia, Louisiana and like places. This historic litigation is misunderstood by much of the press and virtually everyone else not directly working in it. An African-American Reporter for the Washington Post interviewed me for hours and still didn't understand the case. The misleading story he subsequently published did considerable damage which some of us are repairing. In addition, "black farm leaders" have been in the field 60 years before *Pigford* was filed without any achievements worth nothing. Instead of welcoming *Pigford* and learning how to build constructively upon it, some incorrectly think the case undermines them, and are pursuing all kinds of rumors and courses. The court got a glimpse of all that pent up suspicion, frustration, anger, unreal expectations when it held a two-day hearing and allowed virtually every farmer to speak who desired to be heard.

4. In addition, the percentage of farmers who have lost claims is much too high. Agents of the government created and maintained this racial abomination for many years. Evidentiary doubts should be resolved in the farmers' favor except there be compelling rational reason not to do so. The world, however, is not a perfect place and we do the best we can.
5. I have seen Alexander Pires, tired almost speechless; yet continuing to work past midnight in places like Yazoo, Mississippi trying to explain and inspire poor, unbelieving black farmers. I have seen Mrs. Sanders, seriously ill; yet, on the road all over the country helping to inspire and help poor black farmers. Mr. Phil Fraas and I have traveled the dust bowl of destitute Native American reservations in Oklahoma and New Mexico searching out poor Seminoles and Choctaw farmers whose skin color are several shades blacker than mine. I didn't even know such people existed.
6. The government, plaintiffs, counsels and everyone working in this complicated litigation have made honest mistakes. That is to be expected. The only dishonest person I know of was a non-lawyer, hustler, whom I reported to the FBI. My firm has not made any money from this case and we do not complain. We brought in a small army of young lawyers and introduced and instructed them how to represent poor black farmers. We paid them almost as much as the government paid us. Mr. Pires is correct in the statement that this firm had contingency fee retainers, which we gave up at his request. If we had kept those contracts we would have made millions of dollars rather than suffering a loss. We borrowed \$2.7 million and have finally paid off the principal and interest.

7. After this case is over, I look forward to the Federation of Southern Cooperation holding an annual "Black Farmers/Pigford Convention" in Birmingham and Atlanta on the anniversary of the day the court approved the settlement in this case. *Pigford* is the foundation on which black farmers will be taught to build constructively for the 21st Century. This case, as I said, is historic and in important ways not yet manifest. I thank GOD for being able to participate in this important litigation. I see no reason why anyone vitally connected to this case should apologize to anyone.

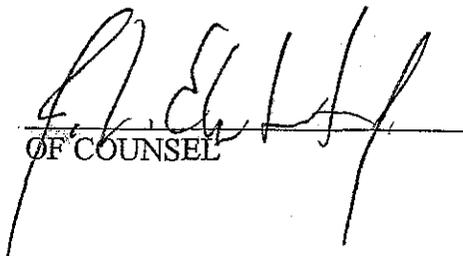
Respectfully,


J. L. Chestnut, Jr.
A class counsel

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CERTIFICATE OF SERVICE

This is to certify that I have on this the 6th day of September 2002 served a copy of the foregoing by depositing the same in the U.S. mail properly addressed with postage prepaid upon


OF COUNSEL