

OFFICIAL
**Book
Club
Guide**

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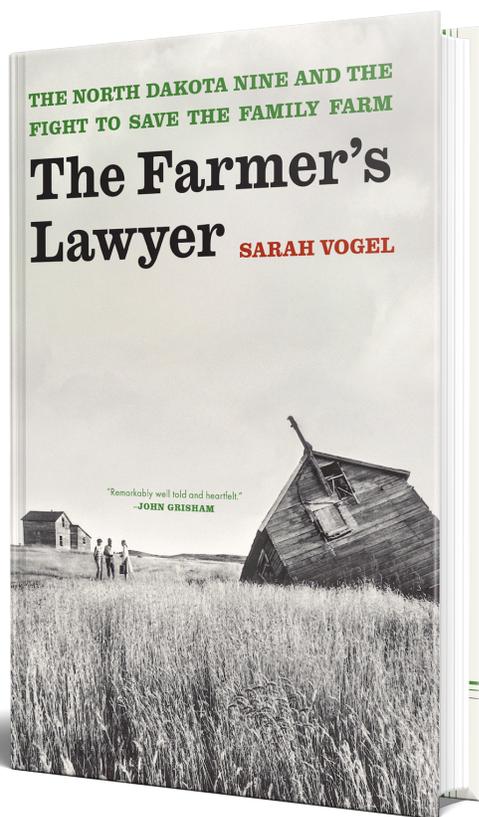
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About the Book

The Farmer's Lawyer

THE NORTH DAKOTA NINE AND THE FIGHT TO SAVE THE FAMILY FARM

BY SARAH VOGEL

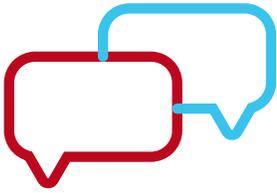


In the early 1980s, farmers were suffering through the worst economic crisis to hit rural America since the Great Depression. Land prices were down, operating costs and interest rates were up, and severe weather devastated crops. Instead of receiving assistance from the government as they had in the 1930s, these hardworking family farmers were threatened with foreclosure by the very agency that Franklin Delano Roosevelt created to help them.

Desperate, they called Sarah Vogel in North Dakota. Sarah, a young lawyer and single mother, listened to farmers who were on the verge of losing everything and, inspired by the politicians who had helped farmers in the '30s, she naively built a solo practice of clients who couldn't afford to pay her. Sarah began drowning in debt and soon her own home was facing foreclosure. In a David and Goliath legal battle reminiscent of *A Civil Action* or *Erin Brockovich*, Sarah brought a national class action lawsuit, which pitted her against the Reagan administration's Department of Justice, in her fight for family farmers' Constitutional rights. It was her first case.

A courageous American story about justice and holding the powerful to account, *The Farmer's Lawyer* shows how the farm economy we all depend on for our daily bread almost fell apart due to the willful neglect of those charged to protect it, and what we can learn from Sarah's battle as a similar calamity looms large on our horizon once again.

The Farmer's Lawyer | Book Club Guide



For Discussion

What is your definition of a family farm? Do you know anyone personally who owns or works on a family farm?

Did the book change any preconceived notions you may have had about farming in America?

Amidst tremendous hardship and pressure from the federal government to quit farming, what kept these farmers going? Why did they stay?

How did Sarah's gender play a role in the challenges she encountered while building her legal case? When does she resist gendered expectations?

As Native American farmers, in what ways did Lester and Sharon Crows Heart endure discrimination by the federal government?

The North Dakota Nine were Dwight Coleman, Don and Diane McCabe, Lester and Sharon Crows Heart, George and June Hatfield, and Russel and Anna Mae Folmer. Which of the plaintiffs' stories resonated with you the most? Why?

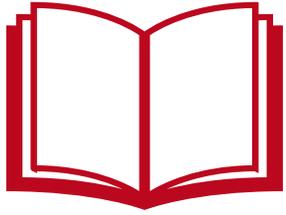
Did the book leave you feeling hopeful or pessimistic about America's legal system? Explain your reasoning.

Malpractice can be defined as negligence or incompetence on the part of a professional. Was it malpractice for Sarah to take on *Coleman v. Block* as her first case?

Sarah writes "Most of my clients couldn't pay me. During the two years I'd been working for broke farmers, I'd racked up \$50,000 in personal debt. I lost my house and Andrew and I had to move into my parents' basement...(and) I was up against a huge federal agency that was represented by the nation's biggest law firm: the Department of Justice." What motivated Sarah to defy the odds and continue working on the case despite the hardships she was personally experiencing?

Sarah writes "I hope (this book) will inspire readers who are working to remedy injustice and disparities in their own lives." Identify an issue of injustice or disparity in your own community and what you could personally do to remedy it.

Identify three ways to more intentionally support family farmers in your daily life.



Suggested Reading & Resources

Bet the Farm by Beth Hoffman

Dirt to Soil by Gabe Brown

Perilous Bounty by Tom Philpott

*Insurgent Democracy: The Nonpartisan
League in North American Politics*

by Michael J. Lansing

*Antitrust: Taking on Monopoly Power from
the Gilded Age to the Digital Age*

by Amy Klobuchar

The Farm Bill: A Citizen's Guide by Daniel
Imhoff

*Eating Tomorrow: Agribusiness, Family
Farmers, and the Battle for the Future of
Food*

by Timothy A. Wise

*Growing a Revolution: Bringing Our Soil
Back to Life* by David R. Montgomery

Dirt: The Erosion of Civilizations by David
R. Montgomery

*Dammed Indians Revisited: The Continuing
History of the Pick-Sloan Plan and the
Missouri River Sioux* by Michael L. Lawson

*Coyote Warrior: One Man, Three Tribes, and
the Trial that Forged a Nation*

by Paul VanDevelder

*Encounters at the Heart of the World: A
History of the Mandan People*

by Elizabeth A. Fenn

*Women and Sustainable Agriculture:
Interviews with 14 Agents of Change*

by Anna Anderson

*Important Voices: North Dakota's Women
Elected State Officials Share Their Stories
1893-2013* by Susan E. Wefald

Farmers Legal Action Group
flaginc.org

National Farmers Union
nfu.org

FarmAid
farmaid.org



About the Author

Sarah Vogel is an attorney, advocate, and author of *The Farmer's Lawyer*, a memoir about her landmark class action lawsuit, *Coleman v. Block*. As a young lawyer and single mother, she brought this historic case against the federal government on behalf of 240,000 family farmers facing foreclosure during the 1980s farm crisis.

She has spent most of her career as an advocate for family farmers, women, and Native Americans. Sarah served two terms as North Dakota Commissioner of Agriculture, the first woman in U.S. history to be elected to this position in any state. She lives in Bismarck, North Dakota.

Learn More:

SarahMVogel.com/About

Q & A with SARAH VOGEL

Advocate, Attorney and Author of *The Farmer's Lawyer*



In Stores: Nov. 2, 2021

Q What are the challenges today's farmers face in the 2020s?

A: I'll start with **the challenge of age**. The average US farmer is 58 years old. We have more farmers over the age of 75 than we have farmers between the ages of 35 and 44. Farmers over the age of 65 now outnumber those under 35 by a ratio of six to one. The number of beginning farmers (farmers with 10 years or less of experience operating a farm or ranch) replacing aging farmers has fallen by more than 23% in the five years between 2014 and 2019. If we want a vibrant farm economy, with creativity and resiliency, we need to foster a whole new generation of beginning farmers and help them figure out how they can enter without being overburdened by debt. Programs on a scale of those launched by FDR in 1933 that "reset" a broken agriculture system need to be set into motion today.

Then there are challenges brought on by **drought/wildfires/floods/derechos/hurricanes and other natural forces unleashed by climate change**. I vividly remember the terrible drought of 1988 (the year I ran for Agriculture Commissioner of North Dakota) and the drought today in my home state of North Dakota is even worse. July 2021 was the second hottest month in almost a century and a half, eclipsed only by 1936. Pastures were in terrible condition, and stock water supplies for cattle and other livestock were rated 91% short.

The major crops of North Dakota were suffering with 91% of topsoil and 88% of subsoil short or very short of moisture. There have been thousands of wildfires, that have burned 122,724 acres. Cash crops such as wheat, soybeans, and corn are poor quality and yield, and some is now being cut for use as cattle feed. It is grim, and similar catastrophes are occurring in other states.

Another huge challenge is **corporate consolidation** that squeezes farmers when they buy what they need to stay in business and when they sell their crops and livestock at market. Four companies control 85% of beef packing, 70% of pork processing, and 54% of broiler chicken processing. As a result, farmers get only 14.2 cents of every food dollar that consumers spend on food.

Farming has always been a high-stress occupation. Unpredictable weather, crop diseases, volatile markets, heavy workloads, social isolation, and the added stressors of climate change, trade wars, farm labor shortages and Covid disruptions, can combine to create a sense of hopelessness that is now recognized as a syndrome called "farm stress." There is a **mental health crisis** among farmers and major farm organizations' websites now have links to suicide prevention hotlines and sources of help like the Farm Aid hotline.

Learn More at SarahMVogel.com



Is there anything the current administration is doing about these challenges? What more can be done?

A: In July, President Biden issued a hard-hitting executive order that demands that federal agencies start to do the hard work to bring fair markets back to farmers and ranchers. This is a priority!

Climate change is a terrible threat to farmers as well as all of us, and farmers can be a huge part of the solution to climate change. Many farm organizations (for example, the National Farmers Union, Farm Aid and the National Sustainable Agriculture Coalition) have detailed prescriptive action steps that can put the full power of American agriculture to work on climate change solutions.

One of the benefits (if it can be called that) of the Covid 19 calamity, is that the attention of the entire country was focused on where our food comes from and how essential it is to have farmers and ranchers and widely dispersed processing and marketing channels of commerce.

One of my lingering concerns, however, is that without campaign finance reform the voices of farmers and ranchers and the voices of family farmer organizations will be drowned out by the armies of lobbyists from corporations that sell to, buy from, or provide services to farmers.

An upcoming challenge will be focusing the attention of the *American people* on the agriculture and food policies as expressed in the laws collectively known as "the farm bill." This might be the most challenging task of all! The people of the United States deserve to get good value from the billions of dollars that are spent on agriculture programs. We need clean air, clean water, zero soil erosion, and programs that shift away from heavy pollution. We need fewer factory farms, and more diversified family farms. We need USDA to strictly enforce the Packers and Stockyards Act, so small ranchers aren't captive of Big Meat. The rights of workers at meat packing plants need to be protected from cruel and exploitative practices reminiscent of *The Jungle* by Upton Sinclair.

What family farmers need most are allies to help write new rules for new results and a better approach that will help farmers and consumers and the national health and economy. They don't need members of Congress who accept donations that put them in cahoots with companies and processors that exploit farmers. Thus, I also believe that campaign finance reform and stiffer ethical standards for members of Congress is needed.



Are we prepared for the next farming crisis?

A: We are already in it. Farmers—especially younger farmers with debt and dairy farmers—are very much threatened. One can't really see that clearly based on post-hoc statistics collected after the fact. Further, massive amounts of dollars have been pumped into the economy by the federal government in trade relief and Covid relief and other federal programs. USDA, in its Farm Services Agency lending programs (which generally deal with farmers who are unable to get credit elsewhere), has temporarily suspended foreclosures and evictions, but other lenders should do the same and not rush to liquidation when farmers are affected by disasters like the current droughts and market disruptions. I believe that national attention to the consequences of foreclosures and liquidations of farmers, caused by climate crisis and the cost-price squeeze, is needed.

Land values have stayed steady for a while, but if they dip (as they did in the 1980s), there may be a cataclysmic decline in farmer's balance sheets that could tip more and more farmers and eventually farm lenders as well off the edge. Farmers today are more likely to sell out than be sold out, and it appears that there are many investors (e.g., Bill Gates, who is now the largest farmland owner in the US) willing to snap up farmland if it hits the market.

But if farms are owned by absentee owners, the farming is almost certain to be different.

As an additional layer of complexity, international firms that export agriculture commodities and huge multi-national food manufacturers like low prices and thus encourage overproduction. The low prices that result enable these big companies to make money on exports, shifting part of the expenses incurred by farmers for production of those crops to subsidy programs funded by the US taxpayers. There are solutions but they get drowned out by campaign cash. Campaign finance reform is thus an essential component of fashioning solutions for family farm agriculture.

I take it as an article of faith that family farmers are better for the economy and better for society than corporate-owned farms. This is backed up by solid sociological research showing that corporate-owned farms and absentee-owner farms have worse impacts on communities and society, than family farmer-style agriculture. (See, for example, [the research of Dr. Curtis Stofferahn.](#)) If we don't want the countryside to be hollowed out, with huge pockets of poverty and absentee landownership, we need to pay attention to keeping family farmers on the land.



How important are our family farms? Where would we first see the signs of a coming collapse?

A: Family farms provide a base for the economies of many states and regional economies. If they are lost, we also lose the farm supply stores, grocery stores, community volunteer networks (e.g., rural ambulances and rural fire departments), local doctors, hospitals, etc. The signs of a coming collapse will likely be different today, but in the 1980s it was shown by auction sales and statistical measurements of delinquencies amongst borrowers from USDA.



What does the Coleman case and your experience mean for ag law and farming today?

A: Judge Van Sickle's rulings in the Coleman case protected many thousands of farms from illegal foreclosures and from being unconstitutionally starved off their land. For many years, people have come up to me and quietly said "thank you, your work kept my family on the farm." The *Coleman* case kept a thumb in the dike until Congress adopted the Agriculture Credit Act of 1987 (ACA). The ACA provided restructuring relief and much needed support for many thousands of indebted farmers. Further, the ACA funded and created state-level agriculture mediation programs that helped farmers and their lenders resolve disputes, avoid foreclosures, and help lenders and farmers find ways to keep farmers on the land.

However, over many years of mostly good times, the mediation programs that were created in the late 1980s and that did so much good back then, were allowed to shrink and become inactive. Today they are woefully underfunded. We need to get significant resources to state-level mediation programs so that they train and hire mediators and farm credit counselors who can help distressed farmers deal with today's economic problems.

Another legacy of the Coleman case is that it

influenced Congress and USDA to create fair hearing processes and to hire neutral hearing officers to hear disputes. Before the *Coleman* case, USDA's appeal processes were grotesquely unfair. Today, they are a model of due process, and USDA calls the program "Face to Face Fairness." I'm delighted also that USDA's new hearing processes aren't limited to farmers with debt problems; they apply to all manner of issues at USDA. Farmers with disagreements about crop insurance, or grazing rights, or farm program payments now can have a fair hearing in front of a neutral administrative hearing officer. I'm really proud to have played a role in creating that system.

I think that the legacies of the *Coleman* case shows that it is possible for ordinary people like the North Dakota Nine to make a lasting difference by using the courts and the laws to remedy wrongs. Today, there seems to be a resurgence of the same kind of hate-groups and armed militias using mob-rule and threats of violence that we saw in the 1980s. I think that the example of the *Coleman* case, where we used the courts, laws, and Constitution, shows that using the legal system is the best way to make lasting change and to remedy injustice. Violence is *never* the answer.



What sort of pressures or prejudices did you face as a female lawyer in the 1980s?

A: I recall going to job interviews while I was in law school and being told, "We don't hire women." It was grim but my goal for working as a lawyer was aimed at public service and there were more openings for women in those areas. Luckily, my first job was working for Bess Myerson, the head of the NY City Department of Consumer Affairs and we had an all woman law office! (Later on, Bess hired a token man.)

But in the 1980s, working with farmers, I found it was an advantage to be a woman. Over the years, farmers had been so mistreated by male lawyers that they were prejudiced against them, but because I was a woman they didn't identify me with those lawyers and were willing to work with me. They were great clients, who taught me so much.



Where did you begin your legal career? And what made you move back to North Dakota?

A: I worked for the NYC Department of Consumer Affairs, for a large New York City bank, for a Fortune 500 corporation in Connecticut (my father was ashamed of me when I held that job, as he as a matter of principle never worked for corporations), at the Federal Trade Commission enforcing the Equal Credit Opportunity Act, and finally at the Treasury Department. Every year I was paid more than I'd been paid the year before, and as time went on my positions became more important, culminating as a Special Assistant for Consumer Affairs for the Secretary of the Treasury, with a fancy office in the Treasury Department and the privilege of eating in the Secretary's private dining room (rather than the cafeteria). But every year as I rose in "importance," it seemed that I was growing more and more remote from the people for whom I was ostensibly working. I longed to do "real work for real people" and that was a big part of the impetus for my return to North Dakota, in addition to having my son grow up in North Dakota.



What advice would you give those interested in going into ag law today? Where should they try to help the most?

A: Farmers are in every state and region, and now, even in big cities where urban farming is growing in popularity. There are opportunities in antitrust (Yale Law School recently held an all-day seminar on antitrust issues in agriculture), commercial law, and consumer protection. There are many small nonprofits that can use legal support to help farmers. The opportunities are endless. Several law schools have specialties in agriculture law (Drake Law School in Iowa, the University of Arkansas Law School in Fayetteville, and the Vermont Law School) but the normal coursework of most law schools provides good background for issues being faced by farmers. The American Agriculture Law Association has an excellent annual meeting and welcomes law students to participate. After graduation, lawyers who want to work for farmers and ranchers will have many opportunities. In addition, working in the heart of the beast (as I did when I worked for a major bank and a Fortune 500 corporation) provides useful skills and insight, when one later goes to work for firms representing farmers or a lawyer starts a firm of their own to serve farmers.



What role does sustainability play in the protection of family farms and our food economy?

A: This is a huge new area of law and farm policy. Helping farmers to capture more of the food dollar is part of the solution. I hope that sustainable and regenerative farming will save the future of family farming in America. In the book's epilogue, I write:

FDR once said, "A nation that destroys its soil destroys itself." It is possible to overcome the devastating economic and soil health consequences caused by too much dependence on fossil fuels and agrochemicals. Innovative farmers using regenerative and conservation farming practices (such as minimal soil disturbance, integration of cover crops, and diverse crop rotations) have demonstrated that, by focusing on soil health, they can restore life and fertility to their land, and profitability to their farms, with techniques that blend traditional knowledge with modern science.