

CFR 0303

Myron S. Harper

(Application missing)



Oregon Historical SOCIETY

1230 S.W. PARK AVENUE, PORTLAND, OREGON 97205

503 / 222-1741

CABLE / HISTORE

Century Farm Program

April 3, 1990

— 239-1237
Roger C. Jones
2936 S. E. Taylor Street
Portland, OR 97214

Dear Mr. Jones:

Thank you very much for sending the information regarding the plight of the historic Harper Family Farm. Please be assured that we share your concern for this unfortunate circumstance.

The Century Farm program has been administered by the Oregon Historical Society since 1958. By the end of this year's program, we will have registered almost 900 Century Farms throughout the state. I'm enclosing information and an application concerning the 1990 Century Farm Program for your consideration. If the Harper Family Farm has not yet been sold, it appears that it should easily qualify for Century Farm status. If so, it is our sincere hope that this designation will provide some support to its significance, and inevitably assist in finding a solution to retaining family ownership.

Sincerely,

Ron Brentano
Coordinator, Century Farm Program

Save The Harper Family Farm Trust Fund

1854 Oregon Family Farm

Ron told you the history of Century Farms. Please give me a call @ 239-1237
Roger Jones

March 26, 1990

Dear S.W.R. Jones Family and Friends,

The pleasure of your presence is requested at 10:00 AM Monday, April 2, 1990 at the Pioneer Memorial Cemetery ("Old Pioneer Church") in Brooks, Oregon to announce formation of the "Save the Harper Family Farm Trust Fund" and discuss a plan to retrieve the property from the eminent jaws of foreclosure. Enclosed you will find a news article that was in The Oregonian on January 23, 1990, a short history of where we are and a missive by Jane. Please take a moment right now and review the accompanying material as it may be news that is pertinent to what will follow....

... Thank you. Some of us have been peripherally aware of these issues for several years but the news article attached was most shocking to me. The Harpers have actually tried to keep their problems out of the way of the rest of the family and it remains to be seen if that was the best course of action. It is my opinion that the family farm issue is a problem for all of us and it has now struck the S.W.R. Jones family on the last parcel of the old Donation Land Claim of 1854. It would be negligent of me as President of the S.W.R. Jones Family Association, not to keep family informed of this news. Although this letter is written with Harper's knowledge, the opinions contained herein are mine although many others share similar concerns. This issue is much bigger than the Harper family farm and it needs to go all the way to THE WHITE HOUSE!

As you are reading this letter, the Department of Interior is preparing the 1990 Census. Preliminary indications show that the rural American population of the United States has reduced from 36% to 24% since 1980. In terms of people, that estimates to about 2.7 million persons have left the rural community in the last ten years.

To bring that closer to home, 26 family farms are lost every week in Oregon. The loss of the farm means also the loss of a place to live since the home place is considered to be part of the farm and is not excluded in farm foreclosures or farm bankruptcies as in personal bankruptcy cases. "Heads of Households" of Oregon's distressed family farms are typically 53 years of age or older, have farmed all their lives, are farming a "Century Farm" that has been in the family for more than a 100 years and in

c/o Ecumenical Ministries of Oregon; 0245 S. W. Bancroft Street; Portland, Oregon 97201-4271

Roger Clay Jones, Chairperson (503) 239-1237

addition to their own children are caring for one or more dependent parents or other family members.

I am remembering a little story that Myron told me last week of the man who repairs and sharpens his saws. Apparently he has owed this man about \$80.00 for some time and when Myron went in to have some work done last week, the repairman said that he had occasion to hear the status of the family farm and in the interest of the Harpers and the circumstances, he wanted to consider Harper's debt paid in full. Anyone who knows the Harpers could predict that their energy was greatly increased by this simple offer but, even though they may graciously accept, being the polite thing to do, the Harpers will continue to make every effort to repay that tradesman as life and breath allow.

Some of the plans that have been discussed so far in the attempt to redeem the farm are a statewide letter writing solicitation for funds, packaging of small quantities of Harper Farmland as tokens of appreciation, a forty-hour prayer vigil on the farm commencing at 8:00 AM Thursday, April 12, 1990 which is forty days prior to exhaustion of the Redemption Rights to the property, volunteer phone banks and several others. One person even suggested that the Family just buy it! Not bad - Let's discuss it Monday morning.

Considering the short notice, it is certain that all family will not be able to attend on that date however telegrams of support to Myron and Jane at the farm may be addressed to them at 7324 Sequoia Street N.E.; Brooks, OR 97305; Ph: (503) 792-4248. "Seed Money" donations are immediately needed in the name of the "Save the Harper Family Farm Trust Fund" c/o Ecumenical Ministries of Oregon; 0245 SW Bancroft Street; Portland, OR 97201. It is preferred that they be made personally at the meeting April 2nd or at the vigil April 12th if possible. We will probably pass a wheelbarrow around those days as we have a big job to do. The Pioneer Memorial Cemetery is located at 10325 72nd Avenue N.E., Brooks, OR. Directions are North of Brooks on Portland Road (99E) to Waconda Road, turn right to 72nd Avenue N.E., turn right and go 1/4 mile to cemetery. The 1902 historic Church can be seen from Waconda Road.

We are looking forward to seeing you and your family at 10:00 AM Monday, April 2nd, 1990. If you know of someone who would like to attend or receive a notice or mailing, please let us know c/o E.M.O., or better yet, bring them with you.

Sincerely yours,



Roger Clay Jones,
Chairperson

Roger C. Jones
2936 SE Taylor Street
Portland, OR 97214



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APR 2 - 1990

OREGON HISTORICAL SOCIETY

Ron Brentano
Oregon Historical Society
1230 SW Park Avenue
Portland, OR 97201

Harper Farm History

The Harper Family of Brooks, Oregon has withstood a long and tedious course of events with Farm Credit System, Production Credit Association and Federal Land Bank to save their family farm. These efforts have often revolved around various legal considerations with judicial decisions which have at times been favorable and at other times quite unfavorable.

In January of 1990, a decision by the U. S. Supreme Court leaves the Harper Family with few, if any legal remedies. The U. S. Supreme Court had been asked by Harpers to review the decision of the 9th Circuit Court which had denied the Harpers the Right of Private Action with regards to the Farm Credit Administration. In a similar 8th Circuit Court case, the decision upheld the Right of Private Action by an individual against the Farm Credit Administration. (Zajac)

Since 1985, the Common Ground project of Ecumenical Ministries of Oregon has supported and worked with the Harper Family to provide information, referral, advocacy and publicity. The Harper Family has been active with Common Ground as members of the Coordination Council and in many advocacy and training undertakings.

The ultimate outcome of the Supreme Court decision appears to be the loss of the Harper Family Farm; the farm was sold prior to the Supreme Court case and the Redemption Rights period is nearly exhausted. An amount of approximately \$400,000 is needed within 30-60 days to redeem the farm.

Efforts to obtain conventional financing have been difficult for the Harpers; they do not have the necessary financial resources available through their means.

Interested parties have requested that a TRUST FUND be established within the 501(c)(3) status of Ecumenical Ministries of Oregon for the purpose of collecting public monies to redeem the Harper Farm. In the event, the funds collected are insufficient or otherwise cannot be used for the intended purpose posed by the Harper Farm case, the funds are to be disbursed to other Oregon farm families facing similar difficulties.

3-20-90

Save the Harper Family Farm Trust Fund

THE DEATH OF A FARM

By Jane Harpen

Across the road from the fence bordering our green fertile fields lies a cemetery on a quiet grassy knoll. In 1856 Willie was the first to be buried there. He crossed the plains in a covered wagon with ten brothers and sisters, along the Oregon Trail to the fertile Willamette Valley. Here his father chose a grove of oak trees to build a crude house that was home for the first year to the thirteen of them and another family. Their first winter was of boiled wheat, and they ate what was placed before them. Over the following year fruit trees were planted, trees felled and land cleared to make the good Willamette loam grow abundant crops.

Our Grandfather Sammy, was Willie's brother, and the Oak Grove and surrounding land were his to till and raise his family and to pick the juicy apples, to make cider, to thresh the wheat, saw the boards from his sawmill to build a home for his children and care for this abundant land.

His daughter was our mother. She built her home at the edge of the Oak Grove and watched her black angus cattle feed and nurture their calves. One day she sat down in her chair and died at the age of eighty-five to be buried by Willie in a spot she reserved for herself.

This land is now ours. It has been lovingly tilled to rows of sweet corn and bushels of green beans. There have been children picking red ripe strawberries for their school clothes or perhaps for their first bicycle. On this same land we have raised our family. We have taught them to work, to learn the value of money and be able to again till this soil and grow crops. They looked forward to raising their children by the Oak Grove that has been nurtured for so many years. But all of this is now in jeopardy. The last fifteen years of farming, raising cheap food to feed the world, have caught up with this land. The sweet corn and bush beans and strawberries that were processed so many years by our efficient cooperative cannery were caught in the price and interest squeeze of the 1980's.

Because we are an owner of the cooperative, our farm suffered the loss. To finance an efficient farming operation, a good reliable source of money is essential. A credit system was formed in the 1930's to stabilize a floundering agricultural system. For a farmer to enjoy the benefits of this credit system, he would have the best management and farming knowledge that was available. This system evolved from a federal beginning to a self sufficient farmer owned association. It had the best know how, the best interest rate and the most compassionate people. This system worked for the betterment of all agriculture until the early 1980's.

Today this system is all but gone. Gone are the caring people that guided farmers year in and year out. Gone are the interest rates that made farming a viable industry. Gone also and most importantly is our source of financing, and it has not been replaced by any other agency or banker.

This is not a situation the farmer has created by over-buying or over-extending, this is a situation in which the farmer excelled in what he was doing. The farmer got caught in the credit squeeze of straightening out the world economy. Today, we as farmers are not asking for a hand out to survive these situations; we are asking only to work and grow our crops on our fertile fields for a reasonable living. Today we are not able to find caring people to work within our financing; instead we find people here to collect a debt. A debt for a farmer means a debt directly tied to the land because land is the equity given for financing.

Today our farm, belonging to four generations who have loved and lived with the seeds sprouting, lambs suckling on a green hillside and crops ripe for harvest, is facing the prospect that this is the last of our family to till its soil. Through no fault of ours, except to do too good a job, our character and our heritage are being hung, drawn and quartered as the real estate man drives a "For Sale" sign into our property by the grove of oak trees.

Reprinted with permission of Sarah Jane Harper, Brooks, Oregon.



The Oregonian/TIM JEWETT

Myron and Jane Harper contemplate the future Monday after a court decision left them facing eviction from their farm.

Court turns back on Oregon suit

□ A Marion County couple may lose their farm as the U.S. Supreme Court refuses to hear their case

By WILDA WAHPEPAH
of The Oregonian staff

The U.S. Supreme Court on Monday refused to hear the case of a Marion County couple fighting to hold onto a farm that has been in their family since 1854.

The court's decision, made without comment, leaves Myron and Jane Harper facing eviction from the 200-acre parcel near Brooks, in Marion County.

When the Harpers heard the news, they were past the point of anger or surprise.

"After five years, you don't shake too easily," Harper said as he shuffled through a stack of papers collected in his fight for the family's farm. "I do not understand what they gain by doing this."

The Harpers had challenged the Farm Credit Bank of Spokane's foreclosure under the Agricultural Credit Act of 1987. They said they should be allowed the opportunity to restructure their loan, made through the Farm Credit System.

The couple won their case in U.S. District Court in Portland but lost at the 9th

U.S. Circuit Court of Appeals in San Francisco, where the judges ruled the act did not give farmers the right to sue.

"It was a tough fight that we put up, and we did everything that we possibly could do," said Michael Martinis, a Salem lawyer representing the couple. "I'm very sorry to hear that ruling."

The appeals court ruling set binding law in nine Western states and involves a farm-loan program totaling more than \$50 billion nationwide.

More than half a million farmers who borrowed money through the federal Farm Credit System are affected, said James Massey of Sisters, co-counsel for

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Couple: Law protects lenders

■ Continued from Page One
the Harpers.

At issue, Massey said, is whether borrowers have a right to sue to enforce the provisions of the Agricultural Credit Act of 1987, called borrower's rights.

"Where this would leave farmers, essentially, is this is a law that is not, at least in our circuit, enforceable," he said.

Unless Congress remedies the problem, the Harpers and farmers like them will have to rely on Farm Credit System lenders to enforce their rights, Massey said.

"Farm Credit can do whatever they want to right now, and no one can do anything to them if they don't obey the law," Jane Harper said.

The Harpers raise hogs, corn, berries and grains on their farm in Marion County. Harper, 66, is a descendant of pioneer Silas W.R. Jones, who made the overland trip from Illinois to Oregon. Harper works the last piece of the original holdings. The rest has been sold.

Harper grew up on the farm. Jane Harper, 60, grew up in Eastern Oregon. She moved to the Willamette Valley at 19.

In 41 years of marriage, they built a house and several barns and raised three children. Their work kept them busy year-round, but as it did for many farmers things changed rapidly in the 1980s.

The Harpers were hit by several things: their barn burned, the lender holding their operations loan was

liquidated and their cooperative cannery had several bad years. By 1984, they were behind in farm payments.

The Federal Land Bank of Spokane, now the Farm Credit Bank of Spokane, wanted \$291,000, Harper said, and threatened to foreclose.

"We've tried since that time to negotiate with them," Jane Harper said, "but they haven't accepted any of our offers."

The bank obtained a foreclosure order in September 1987. The Harpers filed for Chapter 12 bankruptcy law protection Nov. 13, 1987, hoping to stave off the foreclosure sale. The Harpers' bankruptcy petition was dismissed in February 1988, and a sheriff's sale of the farm was held.

In the interim, then-President Reagan signed into law the Agricultural Credit Act of 1987. It took effect in January 1988. The act, an overhaul of the federal Farm Credit Service, requires lenders of distressed loans to let borrowers know, before any foreclosure, that their loans may be suitable for restructuring.

The Harpers sued in federal court in April 1988, asking the court to set aside the foreclosure sale and let them apply for debt restructuring.

By now both sides considered the case a test of the act, and fellow farmers lent their support. They won the first round when U.S. District Judge Owen Panner in Portland barred the Harpers' eviction.

But the Court of Appeals threw out the judge's injunction June 24. The Harpers' attorneys then asked

the Supreme Court to hear the case.

The Harpers talked Monday about redemption, the term for buying back foreclosed property. Harper estimates they'll need \$400,000.

"Money is our big problem," he said, "we've got to find some."

"We'll lose everything if we don't," Jane Harper said.

Application
Missing