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Descendants Project Sues Parish to Invalidate Old Corrupt Zoning Ordinance That Threatens the Health and Safety of Black Historic Community

Billionaire Investor Chris James, hailed as a green hero, is behind project seeking to make use of an old zoning ordinance shrouded in corruption that threatens the health, culture, and very existence of a historic Black community

November 9, 2021, St. John the Baptist Parish, Louisiana – The Descendants Project, an organization founded to advocate for descendants of people once enslaved in Louisiana’s river parishes, today asked a district court to declare a decades-old rezoning ordinance null and void and order St. John the Baptist Parish to remove it from all of its maps and records.

Their suit stems from the 1990 corrupt rezoning of a large tract of rural land to industrial use in Wallace, La. In 1996, Lester Millet Jr., former council president of St. John the Baptist Parish, was sentenced to nearly five years in prison for his role in trying to aid Formosa, a Taiwanese corporation, build a rayon pulp factory next to Wallace. Millet engaged in money laundering and extortion and issued threats of expropriation to residents to coerce them into selling their land to Formosa. Millet abused his official position to push through the new zoning ordinance.

The Banners grew up in Wallace, and now own and operate a cafe that sells goods made from the recipes of their ancestors and [presents the Afro-Creole history of the region](#) through the lens of their own family oral histories. Now, they are fighting to save their community from a proposed grain terminal that would bring more grain, dust, and pollution to their neighborhood. The residents of Wallace, a small town 40 miles west of New Orleans, point to the illegality of the corruption and scandal that surrounded the rezoning in urging the court to nullify the ordinance and thus prohibit heavy industrial development.

Despite Millet Jr.’s conviction, the illegal ordinance remained on the books. The land was used for farming sugar cane over the years, but now a company, Greenfield Louisiana, is seeking to locate a massive, heavy-industrial grain terminal on this same spot. The primary player is San Francisco-based investor **Chris James**, the former owner of a coal factory who made millions investing in tech companies. James is the principal of San Francisco-based Medlock Investments, which owns Greenfield Louisiana. Recently, he has been the subject of numerous [glowing](#) profiles [hailing](#) the “activist investor” for allegedly making Exxon more eco-friendly. He has managed to maintain his reputation as a crusading

environmentalist only because his central role in the grain terminal is not yet widely known, the Banners say.

During the height of the pandemic, when St. John Parish was experiencing the highest per capita Covid death rates in the country and residents were trying to survive, Greenfield was busy securing support from public leaders and legislators with support from the Port of South Louisiana. Ironically, the current Executive Director of the Port of South Louisiana, Paul Aucoin (on behalf of Save our Wetlands) sued St. John The Baptist Parish during the 90's rezoning, arguing that the parish did not have the adequate knowledge, expert assessments, nor hired experts when considering the change in zoning.

Lawyers from the Center for Constitutional Rights filed the lawsuit on behalf of The Descendants Project, the organization founded by sisters Jo and Joy Banner.

Children at the time of the illegal zoning, the Banners remember the anxiety and uncertainty that gripped their community; they also remember the resistance in the community, which forced Formosa to abandon the project. (Formosa is the same company attempting to build a [massive plastics factory](#) on the sites of burial grounds of enslaved people in nearby St. James.)

“I remember my parents telling us that we were going to have to move,” said **Jo Banner**. “They were told there was nothing they could do and the parish was taking our land. We didn’t think we had a choice. This is a miscarriage of justice that is still causing us tremendous trauma, and it needs to be corrected. We need peace.”

If built, the grain terminal would follow a common pattern in which hazardous industrial facilities are placed in or near Black communities, a practice central to environmental racism. People who live in areas with toxic air pollution suffer higher rates of cancer and other diseases, and these people are [disproportionately Black](#).

The proposed terminal would endanger the community on many fronts. In the heart of an area dubbed “Cancer Alley” because of toxic pollution, grain dust would make poor air quality even worse for Wallace residents, whose houses would be less than 300 feet from the complex in some places. Composed of more than just grain, grain dust can also include insect parts, bird and rodent feces, bacteria, fungi, and pesticides. Numerous [studies](#) have found that exposure to grain dust can cause respiratory illness, and it would pose a particular threat to Wallace residents, who already live with air pollution caused by other factories along Cancer Alley.

The potential psychic harm to residents could be as severe as the physical. Some parts of the facility will rise as high as 300 feet, taller than the Statue of Liberty, blocking sunlight and views, and the constant noise would disrupt the peaceful rhythms of this rural community.

In a place where people have a deep and even sacred connection to the land, the industrial development would break more than ground. In this region, there are unmarked burial sites of people once enslaved on the nearby plantations that tend to go undiscovered, unless developers find and report them. Recently, **Forensic Architecture**, an internationally recognized agency based in London, examined the site and identified a series of archeological abnormalities that suggest the presence of unmarked graves.

The potential damage to African-American culture does not end there. Just to the east of the site is the [Whitney Plantation and Museum](#), a national landmark recognized for its mission to educate visitors and the public at large about slavery. Prior to the Covid pandemic, 100,000 people visited the Whitney yearly. The Louisiana State Preservation Officer has expressed concern about the impact of the terminal on the Whitney, citing the height of the towers and the odors that might emanate from the facility. Also endangered is another national landmark adjacent to the Wallace tract, the Evergreen Plantation. As the Director of Communications for Whitney Plantation and descendant of the enslaved people who worked there, Joy Banner is doubly worried for her home and her workplace.

“As a museum of slavery, Whitney Plantation serves an instrumental role in helping people learn about this history,” said **Joy Banner**. “Being on this sacred site, on the very grounds that the enslaved labored is key to fostering understanding and promoting change. You can’t get this experience anywhere else, and a grain terminal with its noise, pollution, and dust everywhere would hurt a powerful learning experience.” Ms. Banner is also concerned about the Historic Woodville Baptist Church—a church built by a freed Black Union soldier—and the Antioch Baptist Church, also built by freed men and women.

The targets of the lawsuit are the parish, the parish council, the Parish Planning Commission, and the Parish Department of Planning and Zoning, and the named defendants are **Parish President Jaelyn Hotard** and **Director of Planning and Zoning Rene Pastorak**. The lawsuit also takes aim at the Parish’s convoluted zoning process that has left the parish with at least four different maps held out to the public as official. These maps have conflicting zoning designations for the Wallace tract and violate the parish’s own ordinances.

In 2012, it was discovered that the official parish zoning map had been lost or disappeared. In response, the parish council passed a resolution adopting a new map that zoned the Wallace tract for heavy industrial use. But the parish charter says the council may make amendments to the original map only through ordinance, not resolution, rendering the map illegitimate. In addition to this map now on file, there are three other “official” zoning maps online.

“The Descendants Project is reaching back into the past to right one of the wrongs that has been done to the community of Wallace and prevent the harm that lurks over them again,” said **Pam Spees**, Senior Staff Attorney with the Center for Constitutional Rights. “Their efforts to get the parish council to respond to their concerns have fallen on deaf ears. The only option left to them was to take them to court. The illegalities surrounding the adoption of this ordinance were so extreme and pervasive that they rendered it null and void.”

Wallace residents have repeatedly asked the parish council to address their concerns and questions about the proposed development, to no avail. The district’s councilman Kurt Becnel, who signed a letter of support for Greenfield as the pandemic was raging, has refused to place the grain terminal on the agenda despite numerous requests. Becnel stated in a recent article, “I do not talk about the grain elevator to no one.” On August 23, 2021, the Descendants Project sent the council a formal complaint regarding the project and have not received a response.

Left with no other recourse, the Descendants Project is initiating a mandamus proceeding, designed for cases “where the law provides no relief by ordinary means or where the delay involved in obtaining ordinary relief may cause injustice.” The Banner sisters are asking the court to nullify the ordinance pushed through by Millet Jr. and order the parish to remove the illegal zoning designation from all maps and documents.

For more information, visit [the Center for Constitutional Rights case page](#).

The Descendants Project is a 501c3 nonprofit organization established to support descendant communities in the river parishes working together to dismantle the legacies of slavery and to achieve a healed and liberated future. Learn more at <https://www.thedescendantsproject.com/>.

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at ccrjustice.org. Follow the Center for Constitutional Rights on social media: [Center for Constitutional Rights](#) on Facebook, [@theCCR](#) on Twitter, and [ccrjustice](#) on Instagram.

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