

11307 Baritone Court
Silver Spring, MD 20901
December 8, 2020

TO: The President-elect Joe Biden
The Vice President-elect Kamala Harris
The Honorable Nancy Pelosi
The Honorable Chuck E. Schumer

SUBJ: The Lack of Black Support for Tom Vilsack Returning as Secretary of Agriculture

According to press releases and other information, the Biden Administration is considering former Secretary of Agriculture, Tom Vilsack, as Secretary of Agriculture in the new administration. We hope this information is not true, but if it is President-elect Biden needs to know why most Blacks are opposed to Mr. Vilsack returning as Secretary of Agriculture.

First, we are surprised that Mr. Vilsack was selected as Secretary of Agriculture in 2008, since when he left the Governor's office in Iowa, he left a class-action lawsuit filed by more than 5,000 plaintiffs, all of whom are African-Americans that allege they received fewer interviews and jobs from the State of Iowa while he was Governor.

Mr. Vilsack continued the pattern and practice of systemic discriminatory conduct as Secretary of Agriculture. The following are some reasons why Blacks do not support Mr. Vilsack's reappointment as Secretary of Agriculture:

Secretary Vilsack did not include Blacks in his Office of the Secretary staff (decision making team) during his 8 years. On one occasion when the Office of the Secretary staff was presented to USDA employees in the Jefferson Auditorium, Secretary Vilsack noted that the staff was diverse, however, it did not include one Black staff member. The lack of Blacks in his immediate staff led to his slow to hire Blacks and fast to fire Black employees. He fired Shirley Sherrod based on a "swift boating" news report. If he had knowledgeable staff or had waited at least 24 hours before firing her, CNN had released a report that the prior news story was not true, and he would not have made that mistake. Mr. Vilsack also fired one Black senior executive employee (the first in the 70-year history of the agency within USDA). She was escorted from the building for allegations made by several disgruntled employees without an investigation of the allegations. This individual had received outstanding or excellent performance ratings during her entire career. The allegations were later determined to be unfounded; however, the damage to the individual's reputation and ability to lead had already been done. There were several incidences in which senior level Black employees were removed from service, forced to retire, or demoted from their positions for committing the same or similar offenses that White employees who were counseled or reassigned to other positions with no effect to their grade or salary.

Mr. Vilsack also was unwilling to settle discrimination complaints by Black farmers during the 8 years he was in office. As Secretary, he was ready to foreclose on Black farmers who should have had their debt forgiven. He was willing to place off-sets against Black farmers social security disability checks in cases where that check was the only income available to feed their family.

As Secretary Mr. Vilsack made a number of claims in regard to civil rights at USDA that turned out to be not true based on a study by Nathan Rosenberg and Bryce Wilson Stucki's in their 2-year investigation on "How USDA Distorted Data to Conceal Decades of Discrimination Against Black Farmers." The investigation found that USDA promoted misleading data to depict a fictional renaissance in black farming. That narrative falsely inflated the Department's record on civil rights and ultimately cost Black farmers land and money.

The following five myths were addressed in the study:

(1) USDA resolved a backlog of civil rights complaints from the Bush years.

- 14,000 program complaints during the Bush Administration were not resolved (2000 – 2008).
- 4,000 should have been addressed.
- Statute of Limitations had run on the loan complaints.
- Statute of Limitations Bill was approved in House twice, but not in Senate.
- Informed that a call was needed from the President (Obama) or the USDA Secretary (Vilsack) to request the Statute of Limitations Bill be voted on in the Senate. (call not made to Senate)
- The Taskforce just created paperwork and did not address complaints.
- All of the Secretary's close advisors were white during most of his 8 years as Secretary.
- The number of Black farmers did not increase between 2009 – 2016.
- Civil Rights (OCR) staff could not process complaints since they did not understand USDA agencies and the programs assigned to each agency.
- USDA was six times more likely to foreclose on Black farmers than White farmers.

(2) New civil rights complaints fell to record lows.

- Farmers called to have their complaints processed (2009-2016) but did not get help.
- USDA has never developed reliable records on civil rights complaints.
- FSA lending complaints -

▪ <u>Congress report</u>	<u>OCR claimed</u>
92	24
114	37
60	25

- Farm Bill required annual reports on the number of services and the dollar amount of services to farmers, however, part of the report was only done once.
- South Carolina Administrative Law decision was being reviewed to consider overturning the decision. (Taskforce recommended that it not be overturned). Also, the taskforce recommended the yield records in South Carolina be reviewed since the Administrative Law Judge found that the Black farmers' yields were only half of that of the White farmers. No action was taken by USDA.
- No actions were taken against employees who discriminated.
- Mr. Vilsack stated that Black farmers should be given "Tough Love".
- Office of General Counsel ran civil rights at USDA.
- Office of General Counsel and the civil rights office was just a "closing machine".

(3) USDA reduced funding disparities between Black and White farmers.

- Between 2013-2015, 86 percent of the microloans went to White farmers.
- Only 7 percent to Black farmers.
- Only 0.2 percent of USDA's \$5.7 billion loans went to Black farmers.
- White farmers received 94.97 of USDA loans.
- Under Mr. Vilsack – 0.80% program benefits.
- Under the prior Administration's Secretary of Agriculture – 0.87% program benefits.

(4) The number of Black farmers increased.

- The USDA would have one believe that the number of Black farmers declined from 920,000 in 1920 to 18,000 in 1997, and have now increased to 37,000 since 1997.
- The count was not correct in early years and the present count is based on USDA doing a better job counting Black farmers, and has changed definitions.
- The number of Black farmers has been on the decline since 1920.

(5) The Pigford settlement closed a painful chapter in our collective history.

- Census not correct, we do not know what percent of Black farmers applied for Pigford.
- 6,939 of Pigford 1 applications were not approved. Many of these Black farmers were mid to large farmers.
 - Black farmers received \$50,000 in most cases.
 - Pigford 1 farmers did not get debt relief (only 371 of 16,281).
 - Pigford 1 and 2 farmers did not get priority on future USDA program benefits.

Shortly after becoming Secretary of USDA, Mr. Vilsack held a reception for the incoming Assistant Secretary for Administration. During this reception, Mr. Vilsack mentioned that President Barack Obama had called him to talk about the reputation of USDA as "the last plantation". Mr. Vilsack committed to transitioning the culture of USDA and kicked-off the Cultural Transformation Initiative. This initiative was in name only. Under Mr. Vilsack, Blacks fared worse than any administration in the last 30 years according to long-time career minority employees.

Black farmers and Black employees have been able to observe Mr. Vilsack over the past 20 years and do not like what we see. Mr. Vilsack had 8 years to address Black farmer and Black employee issues and he failed. It is very clear who understands and supports Black farmers in this country and it is not Mr. Vilsack. Black farmers and Black employees would like a new face at USDA and one that has a history of addressing Black farmer and Black employee concerns.

Some Blacks in Georgia are starting to question if they should turn out to support two additional senators if all the Blacks will get is Mr. Vilsack.

Respectfully,

(signed)
Lloyd E. Wright
Former Director
Office of Civil Rights, USDA