

July 23, 2021

Secretary Thomas Vilsack  
Attention: Chief of Staff, Katherine Ferguson  
                  Director, FSA, Zach Ducheneaux  
                  Senior Advisor, Dewayne Goldmon  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Secretary Vilsack:

As a follow-up to our letter of July 16 requesting a meeting with you and your staff, for our next meeting we submit the following.

The USDA Coalition of Minority Employees and the Justice for Black Farmers Group have long advocated for major changes to be made within the US Department of Agriculture (USDA), Office of Civil Rights (OCR). Six months into your administration as Secretary, our concerns remain the same. Therein lies our challenges and, hopefully, many opportunities for you and your staff to partner with us to create change within USDA on behalf of minority farmers, especially Black farmers and USDA employees.

Contained in President Biden's plan for rural America in his Build Back Better initiative, there is an assertion that the Obama Administration created improvements in civil rights at USDA and a new chapter had begun, and that the previous administration (referring to Trump) slid backwards in these areas. One of the most significant lines in the policy is this: "Under Obama-Biden, the USDA sought to address both the structural and cultural causes of systemic inequality that had in prior generations been reproduced by the policies and practices of the agency." A recent Washington Post article captures the complicity of the OCR during your administration, "Even as USDA suggested that a civil rights renaissance had occurred during the Obama administration, the department persisted in ignoring race discrimination complaints. It ran out the clock on complaints bound by a two-year statute of limitations, and foreclosed on many farmers of color with pending complaints." The complete article is found here: <https://www.washingtonpost.com/outlook/2021/06/28/black-farmers-debt-forgiveness-constitutional/>

We see little evidence of change. That is precisely what we want to work with you on....**rooting out systemic racism and inequality for farmers and employees.**

We began corresponding with the Biden/Harris Campaign and meeting with the Biden Transition Team in early 2020 followed by a host of communications with you and your team, none of which have resulted in the substance and clarity that we are seeking.

Our complaints remain as follows:

- The historical mistreatment of Black farmers and related systemic factors;
- The institutional organizational structure that allows for a devolution of responsibility;
- The failures of the County Committee system;
- The failures of the OCR;
- The intrenchment of the Office of General Counsel (OGC) in the affairs of the OCR;
- An environment that lacks "accountability;"
- Inequities of Pigford I and Pigford II with regard to both denials and debt relief;

- The absence of utilization of the USDA's land bank by Black farmers;
- The incompetent manner in which Census of Agricultural data is misused by the USDA;
- A complete organizational evaluation and set of changes to insure equitable treatment;
- The endorsement of a program of reparations for Black farmers;
- Review and update the Endangered Black Farmer Act of 2007;
- Conduct a series of meetings with key persons to assess systemic racism in programs and services;
- Greater institutional and programmatic support for urban farmers and urban communities; and
- Discussion regarding the Commodity Credit Corporation and how it can benefit Black farmers and others.

The above list is not new. Senator Elizabeth Warren found our issues and concern to be compelling. She addressed them in her plan during her presidential campaign. Our opinion is that 90% of the changes we recommend are found in The Justice for Black Farmers Act of 2021 and that they could be enacted with the stroke of your pen.

Investigative reporting supports our assertions that your policies during your first two terms led to even further disenfranchisement of Black farmers and others. Unless you move swiftly and thoroughly, things will continue to deteriorate under your leadership. One of the things that is most troubling for us is what we heard from a member of the President Biden Transition Team on July 31, 2020. We were told that what we were asking, debt relief for Black farmers, was “unconstitutional.” Surprisingly, we are now hearing that term in the white farmer lawsuits which have derailed the historic debt relief for Black farmers and others.

For our issues and concerns, listening sessions are by far not the cure. USDA knows their internal and external problems and solutions. So, let’s get on with the business of fixing the systemic problems at USDA. For instance, USDA already has all it needs in terms of information about the problems. You have the Civil Rights Action Team report (February, 1997), the Civil Rights Implementation Team Report (March, 1998), the Harvard Brief, the \$10M Jackson Lewis Report, the Office of Inspector General reports, the General Accounting Office Reports, and a host of other reports and research, just to name a few. Many of the recommendations found in these reports can solve the systemic racism problems at USDA. The Clinton/Glickman Administration established the framework for all future administrations to follow in order to correct systemic racism and the administration and processing of civil rights complaints for the future. The Vilsack/Leonard administration refused to use these reports and processes as benchmarks. The Senator Warren Plan and The Justice for Black Farmers Act of 2021 have many of the resolutions to the systemic problems at USDA. USDA does not have to reinvent the wheel.

We are obviously concerned about debt relief and how the numbers of Black farmers and others eligible for relief continue to change. We remain disturbed about your **process**, one that is well beyond 134 days, which is prolonging the economic suffering of Black farmers. Former President Trump was able with a stroke of the pen to provide relief for predominantly white farmers in 12 to 14 days via the Market Facilitation Program without congressional approval. President Biden could do the same. If USDA has the records to abruptly foreclose on Black farmers, you could have paid off the debts with similar speed. This is an added political miscalculation.

More importantly, and painfully, we can count over 40 Black farmers who have died waiting for justice. How many more Black farmers must die waiting for justice from USDA?

As noted above, we continue to be especially disturbed about the OCR and Deputy Assistant Secretary, Monica Raining, and her conflicting remarks with regard to how many cases remain

unresolved/backlogged. This does not explain the enormous number of civil rights complaints that have been in Deputy Assistant Secretary Monica Rainge's office for decades. As we stated, historically OCR has been called "a closing machine" and "dysfunctional." We have no evidence to suggest to the contrary. In fact, several farmers on our recent call with you have ongoing cases within OCR. We are led to believe, then, that Monica Rainge was providing us false information. Based on her response, we are also not convinced that there is indeed a "fire-wall" between OGC and OCR as she stated. This needs to be explained to us with clarity. This cannot be accomplished with everyone rushing off the Zoom call to attend other meetings after only a half hour of discussion.

We remained troubled by the decades of systemic discrimination at USDA that harms especially Black farmers and USDA employees. Many of the items that were offered during our previous meeting with you did not get to the solution/resolution (told after 30 minutes the meeting would end) of the many systemic concerns that we had previously addressed in our communications. Again, recent reports and investigative news articles confirm our allegations of the continued widespread racism and other abuses at USDA. Also, we clearly expressed our concerns regarding the county committee system that still inflicts pain and suffering on Black farmers and remains central to the marginalization of Black farmers and others. Nothing has been done by this administration to correct it.

By way of summary, accountability, transparency, independent oversight, and rooting out systemic racism are vitally important to us all. Guilty officials are able to act with impunity.

When we met with you and your team in late May, we found the meeting to be unsatisfactory in terms of the amount of time we had allocated and the lack of attention to the substantive issues that we brought to the table. In short, the meeting left us frustrated, disappointed, and insulted. We have voiced our displeasure by your mistreatment and you have been unresponsive.

We look forward to meeting with you and your staff in the next few weeks toward a better outcome. The people we serve (approximately 100 urban and rural farm groups and advocates around the country) deserve better.

Until then, silence is not an option.

Respectfully,

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