

September 28, 2022

President Joe Biden
The White House
1600 West Pennsylvania, NW
Washington DC 20050

Dear Mr. President:

Congratulations upon the successful passage of the Inflation Reduction Act of 2022 (IRA). It will prove to be a benefit to many Americans and our economy. You and your team are to be congratulated on successfully averting the railway strike recently. Your efforts in other areas are notable and appreciated.

We are certain that you are aware of the US Department of Agriculture (USDA) and its sordid history of discrimination against Black farmers, other farmers of color, USDA employees, and women. We are concerned about the need for systemic change in the administration and processing of civil rights complaints and also in programs and services across USDA.

As you perhaps know, our engagement on behalf of Black farmers began with our relationship with Senator Elizabeth Warren. She mistakenly believed that Black land loss was a result of heirs property issues, but she changed her mind when we brought the evidence to her. From there, she developed [a comprehensive policy of debt relief and returning Black farmers to the land](#). She paved the way in many, many ways that have led to where we are today.

We later supported your efforts to win the presidency, worked with your team on developing a policy for Black farmers, one that we ultimately found all too brief, narrowly focused, and omitting the crucial element of debt cancellation. Literally hidden at the end of other policy statements, this section entitled [“Address Longstanding Inequities in Agriculture,”](#) ignores Vilsack’s abysmal track record during his first two terms as Secretary and other matters important to us.

As you won the election, we continued to work with your transition team. We knew that Tom Vilsack, your Agriculture nominee, was in charge of the agriculture transition team. Especially damning was when a newly appointed attorney joined our conversation. At her last meeting with us, she declared that what we were asking for was **“unconstitutional.”** That, Mr. President, has come to be a self-fulfilling prophecy of Tom Vilsack as you look at what has happened with the America Rescue Plan Act (ARPA) of 2021 and now the IRA of 2022.

Investigative reports over the last few years confirm USDA malfeasance at several different levels, from the county level to the headquarters in DC. We have attempted to impress upon Secretary Vilsack and you, Mr. President, that [the abhorrent history of USDA is chronicled in a myriad of documents all the way back to the 1920s](#). It is a blight on America that we have yet to escape our racist past when it comes to fair and equitable treatment of Black farmers. In terms of farming, all advantages go to white farmers, specifically, loans, acreage, subsidies, coronavirus relief funds, trade war subsidies, and more. Black farmers have lost land at an alarming rate. [In](#)

[fact, economists estimate that conservatively the loss of the value of the land plus the productivity of the land amounts to \\$326B.](#) There is much, much more to this reprehensible historical record.

We are most concerned today regarding the two provisions of the Inflation Reduction Act of 2022 and how these provisions are currently being managed by Secretary of Agriculture, Thomas Vilsack. As you know well, Secretary Vilsack was not our choice for leadership in USDA [given his less than sterling history toward Black farmers.](#) We along with Black farmers, their advocates, and others have voiced our discontent on numerous occasions. We understood you to say give Vilsack time. We indeed have given him time. His time in office under your administration continues to remind us of his failed leadership during the Obama administration. Recently, he used words like “complicated” and “process” to describe the current status of debt cancellation. We have heard those words before.

We are of the opinion that he **“slow-walked”** everything related to debt cancellation for Black farmers. If Secretary Vilsack had acted more expeditiously, well before court filings and [bank association complaints](#), Black farmers would now experience debt forgiveness instead of hanging on to their farms by a very thin thread. Secretary Vilsack could have paid Black farmers the way he has paid white farmers. [It should not have taken more than 110 days to design a process.](#) Black farmers across the country received notices from the Farm Service Agency. Farmers then received yet another document that specified the amount they owed, in what category it was owed, and how delinquent or current they were. Secretary Vilsack, FSA Administrator Zach Ducheneaux, and their staff have ready access to the indebtedness of Black farmers. There was no need to wait when a simple command on the keyboard could have executed payments to Black farmers.

Under the IRA of 2022, we see Secretary Vilsack moving in the same way. We fear that he will stretch out the process and give white farmers and ranchers sufficient time to scrutinize the two provisions of the Bill, find them at fault, file frivolous and racist lawsuits once more, and derail debt cancellation. One section, as you know, commits \$3.1B for aiding “at risk” farmers. The second provision of \$2.2B will provide monetary compensation up to \$500K for farmers who evidence discrimination. Some farmers are anxiously watching to see if the foreclosure moratorium will be lifted. Please assure us that the moratorium will remain in effect.

The Alcorn State University Socially Disadvantaged Farmers and Ranchers Policy Research Center has developed policies for [assisting “at-risk operations”](#) and [settling cases in which discrimination has occurred](#). As the IRA of 2022 is written, USDA must secure the services of one or more non-governmental agencies to manage these processes pertaining to the discrimination cases. Time will tell as to whether Secretary Vilsack’s favorite organizations will benefit yet again or if he will have a transparent process that does not unjustly favor some preferentially, as his history indicates. Secretary Vilsack may at his discretion define and provide aid quickly for “at-risk operations.” We will indeed know if he develops an open, transparent, and accountable process, including one that is devoid of conflict of interests.....receiving money and serving in an official capacity for USDA. Ethically, we question those serving in an official capacity for USDA now receiving USDA funding.

We appreciate the depth and breadth of concerns as evidenced by [correspondence from Senators Elizabeth Warren, Cory Booker, Reverend Raphael Warnock, and Bernie Sanders to Secretary Vilsack](#) on June 2, 2022. Their eight major concerns, in our opinion, were not adequately addressed in Secretary Vilsack's response on July 13. Their eight concerns dealt specifically with recommendations of the OIG report in September, 2021; civil rights complaints and processes; authority or lack thereof of the Equity Commission; processing time of civil rights complaints; establishment of an oversight board to supervision OASCR's handling of complaints; establishment of a civil rights ombudsperson; continuation of the foreclosure moratorium; and the removal of OGC officials from interference in complaint resolution.

Similarly, we respect the efforts made by [Senators Chuck Grassley and Ben Ray Lujan to Secretary Vilsack on May 5, 2022](#) relative to the Office of the Inspector General's audit of the Office of Assistant Secretary for Civil Rights (OASCR) released in September, 2021. Again, we found Secretary Vilsack's response of July 6 to be inadequate.

We are not interested in meeting with Secretary Vilsack. We did that on May 28, 2021, and it was a most insulting and unproductive exercise. You can do better by Black farmers than has your appointed secretary at USDA. Therefore, we ask you to meet with us face to face and hear Black farmer stories.....in order to fully understand the gravity of this injustice against Black farmers and USDA employees.

[The NCAACP Legal Defense Fund delivered a letter to Secretary Vilsack on September 12, 2022](#). This letter is supported by thirty-three organizations that support concerns that mirror ours: expeditious debt relief, support for Black farmers, removal of OGC from civil rights processes, strengthening the capabilities of the Office of Civil Rights, assurance and confirmation via research data that Black farmers are treated fairly and equitably, and funding for and oversight of the county committee system, and others. Many are deeply aware and troubled at the malfeasance going on within USDA. This correspondence from NAACPLDF, then, addresses internal changes that need to be made as well as debt relief.

Our concerns are not new. Since the beginning of your administration, we have a written number over 21 letters combined to both the White House and to Secretary Vilsack at USDA. While we have addressed the urgency of debt cancellation for Black farmers, we have also spoken to the need for systemic change within USDA and for transparency and accountability. We are not in any way optimistic that USDA's Equity Commission given its limited authority, and control by Secretary Vilsack, will bring about the change that is desired. Without addressing internal, systemic issues, sexual discrimination and abuse within USDA with its employees and discrimination in its programs and services will continue.

Secretary Vilsack's announcement about the \$2.8B funding for [climate-smart agriculture](#) advantages large white organizations and encourages little to no involvement with BIPOC organizations and systems except in the second tier with less money and more loans. There is an obvious inequity between the funding levels and the additional \$1.8B went to the first funding pool. It is especially noteworthy that major corporations that in our opinion contribute to climate problems are now appointed to lead the way in addressing the need and solutions for climate change. These include: PepsiCo, Cargill, Target, and many others. We note that the timing of this

announcement is curiously close to mid-term elections. We believe, therefore, that this is straight out of former president Donald Trump's re-election "**playbook.**" We can see through Secretary Vilsack's actions, as can many in Black America.

We strongly support the contention of Tracy Lloyd McCurdy, Esq., Executive Director of the Black Belt Justice Center that Secretary of Agriculture Thomas Vilsack has a

"divide and conquer strategy of awarding BIPOC community-based organizations and 'allied' nonprofits with millions of dollars in cooperative agreements and grants in exchange for their silence on Vilsack's abysmal civil rights record and refusal to provide reparative justice to Black legacy farmers through full debt cancellation, monetary compensation, land, and a perpetual allocation in the Commodity Credit Corporation Fund to restore the Black agricultural land base (personal correspondence)."

In our May 11, 2020 letter to you when the campaign was ongoing, we listed sixteen areas of concern for us. That list remains the same for us today: Given these matters, we encourage you to meet with us to discuss the following and more:

- The historical mistreatment of minority farmers and systemic factors that allow this to be an ongoing problem;
- The institutional organizational structure that allows for a devolution of responsibility such that an absence of accountability exists;
- The failures of the County Committee system in that people vote their prejudices such that few if any minority farmers and ranchers are found on these committees which wield such power at the local level;
- The failures of the Office of Civil Rights to fully engage in its mission to protect the civil rights of members of the USDA and those whom it serves;
- The entrenchment of the Office of General Counsel (OGC) in the affairs of the USDA Office of Civil Rights such that the OGC has the outright propensity to control decisions made on behalf of employees and constituents whose civil rights have been denied or violated;
- An environment that lacks "accountability" such that if and when an employee violates the civil rights of employees or customers, that the employee receives appropriate discipline including being removed or fired;
- An increase in funding for HBCUs that have agriculture departments;
- An inquiry into the inequities within Pigford I and Pigford II relative to denials;
- An inquiry into the inequities of Pigford I and Pigford II relative to debt relief;
- An inquiry into the absence of utilization of the USDA's land bank by minority farmers;
- An inquiry into the incompetent manner in which Census of Agricultural data is misused by the USDA;
- A complete organizational evaluation and set of changes created and implemented by a task force under your leadership;
- Endorse a program of reparations for Black Americans who have had their land taken away;
- Review and update the Endangered Black Farmer Act of 2007 and its subpoints relative to conservation, credit, and persistent discrimination;

- Conduct a series of meetings in which Black farmers, their advocates, USDA abused employees, and other persons can speak openly as to their challenges in dealing with the racism and sexism at the USDA; and
- Create a plan to provide greater institutional and programmatic support for urban farmers and urban communities. As you may note, these are issues that a reorientation within the USDA as it roots out systemic racism will include.

We know that you can press Secretary Vilsack to act in ways that address the internal system that organizes all of USDA. We, as part of that audience want to see you demand that Secretary Vilsack move toward creating systemic change within USDA such that all persons employed and recipients of programs are treated with dignity and respect. Unless the system is revamped, we will be facing more complaints from employees and Black farmers because of the existence of institutionalized anti-Black racism. It is our belief that USDA should be put into **“receivership”** as the organization does not have the will to address systemic change.

We are looking to you, Mr. President, to move quickly to press your appointee, Secretary Thomas Vilsack, to move speedily under the provisions of the IRA to wipe out the debt of Black farmers. Black voters of our country are watching and waiting anxiously for signs from the White House that our votes and our concerns matter to you. If student indebtedness can be forgiven speedily, then Black farmers’ debts can be cancelled in an expeditious manner.

In a recent MSNBC interview, [Dr. Eddie Glaude tells us who we are as a Nation](#). It was a brutal yet truthful deconstruction of our country. We can do better. You can lead us to do better. You can also lead USDA out of its “last plantation” mindset into a new department that serves everyone and not just the white farmers. Discrimination wounds people and destroys families and dreams. The award-winning documentary, [“I’m Just a Layman in Pursuit of Justice:” Black Farmers Fight Against USDA](#), produced by Shoun Hill and Dr. Waymon Hinson, explains it.

At this moment in our history, USDA has no credibility with Black farmers. We have had our hopes dashed for too many years. Pigford I and II destroyed many of us. Twelve class action suits filed by white farmers derailed your race-based remediation efforts in the American Rescue Plan Act of 2021, and now, all race-based solutions are eliminated from the Inflation Reduction Act of 2022. [We are not optimistic for a better day](#). You have the power to change this by compelling Tom Vilsack to move with all due haste.

Finally, we acknowledge your recent meeting on September 2, 2022 with various [“Legacy Black Civil Rights Organizations”](#) to discuss the accomplishments of your administration. We are, however, dismayed that such a meeting has not occurred with you and “Legacy Black Farmers.” We are asking you for the same sensitivity and commitment that President Clinton showed when he listened and responded to the Black farmers’ cause on [December 17, 1997, on a Wednesday night](#). We want you to duplicate the Clinton/Glickman Model that showed a genuine commitment to address the historical, systemic racism and sexism at USDA. This brought about the [Civil Rights Action Team Report](#) of 1997, the [Civil Rights Implementation Team Report](#) of 1998, and the Commitment to Progress of 2000. Other reports include the [Jackson-Lewis Report](#), the [Harvard University Study](#), the [Office of Inspector General reports](#), and the [General](#)

[Accounting Office](#) reports, and their recommendations have mostly been ignored under Secretary Vilsack's leadership.

Now is the time. This is the occasion to show Black farmers and the larger Black community that you will honor their voices and concerns given the fact that they delivered the White House to you.

Again, you should meet and hear from Black farmers, not sanitized self-serving messaging. We look forward to hearing from you very soon.

Respectfully,

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