

# Memorandum

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Writing Sample

Federal Policy & Institutional Governance Analysis

**Subject:** Institutional Accountability and Discrimination within the U.S. Department of Agriculture

## **Background and Summary**

Historically, civil rights have been an ongoing issue at the USDA. In 1965, the United States Civil Rights Commission found evidence that the USDA had been discriminatory toward minority employees. In the 1970s, the USDA was also accused of forcing disadvantaged minority farmers through alternative loan avenues. Continuing into the 1990s, a study concluded that minority inclusion in Farm Service Agency (FSA) programs was lower than that of their white counterparts, demonstrating that issues of discrimination and minority participation within the USDA persisted over time.

The United States Department of Agriculture has faced a long list of allegations on the basis of discrimination against minority and female farmers. This discrimination has been reflected in the administration of the USDA's Farm Service Agency (FSA) loan program, which offers assistance and benefits to support continued farm operations. Due to FSA committees being perceived as favorable toward white male farmers, these applicants were often more likely to receive loan assistance than their minority and female counterparts. As a result of discriminatory practices affecting marginalized farmers, various lawsuits have been filed to bring attention to these concerns within the USDA.

## **Legal and Regulatory Developments**

Through the years, there have been various class action lawsuits filed by minority groups against the USDA based on allegations of discrimination affecting marginalized farmers. A notable case is *Garcia v. Vilsack*, which addressed allegations of discrimination against Latinx farmers in the approval of loan and credit transactions, raising concerns under the Equal Credit Opportunity Act (ECOA). The ECOA prohibits discrimination against credit applicants on the basis of ethnicity, race, gender, age, and other protected characteristics.

Initially, the premise of *Garcia v. Vilsack* centered on the USDA's failure to investigate discrimination complaints. The court determined that failure to investigate complaints did not constitute a violation under the ECOA and therefore did not support the class action claim. Over time, additional rulings addressed broader concerns within the agency. From 2002 to 2009, D.C. District Courts denied the plaintiffs' class action claims, and the Supreme Court ultimately declined to review the decision of the D.C. Circuit Court. Following continued legal efforts and settlement negotiations, the USDA and the Department of Justice (DOJ) approved a settlement exceeding \$1 billion for Hispanic farmers. While *Garcia v. Vilsack* was a significant case, other lawsuits including *Pigford v. Vilsack*, *Keepseagle v. Vilsack*, and *Love v. Vilsack* similarly reflected systemic concerns regarding discrimination within USDA programs.

## **Conclusion**

In efforts to promote equal opportunity for all farmers regardless of race, ethnicity, gender, or other characteristics, the USDA must ensure that all individuals who participate in its programs are treated equitably. In light of past class action lawsuits, the USDA should learn from prior shortcomings for the betterment of the organization, as farmers from all backgrounds should have the same opportunity to succeed and achieve their goals. Legislation and regulatory frameworks should be implemented

effectively to ensure fairness and accountability in program administration. Moving forward, the USDA should continue reviewing its policies to ensure that farmers who meet eligibility criteria are able to receive benefits while also providing accessible pathways for those who may face barriers to qualification.