



**PRESS RELEASE from
LIBERTY JUSTICE CENTER**

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USDA sued over racist farm loan assistance program

JACKSON, Tenn. (June 15, 2021) — A Tennessee farmer has sued the United States Department of Agriculture over a loan forgiveness program made available exclusively to minority farmers. Farmers and ranchers with loans from the USDA’s Farm Service Agency (FSA) who do not meet the racial requirements cannot apply for loan forgiveness due to the color of their skin.

Attorneys from the Liberty Justice Center, a national public interest law firm that fights for constitutional rights, are representing the farmer. The small farmer in West Tennessee represented in this lawsuit has hundreds of thousands of dollars in farm loans that would qualify for the loan forgiveness program, if not for his race. He, therefore, brings this action to vindicate his right to the equal protection of the law.

“This program is the definition of illegal discrimination,” said **Jeff Jennings, staff attorney at the Liberty Justice Center**. “As Americans, we are all entitled to equal protection under the law. Programs like this that explicitly use race to determine eligibility were supposed to have been outlawed over a century ago.”

The debt relief program clearly discriminates on the basis of race by excluding white applicants. The Biden administration’s American Rescue Plan Act contains a provision that allows “socially disadvantaged” farmers to receive payments of up to 120 percent of their FSA loan balances. The USDA’s website for the program explains that under this definition “[e]ligible borrowers include those who identify as one or more of the following: Black/African American, American Indian, Alaskan native, Hispanic/Latino, Asian American, or Pacific Islander.” This explicit racial preference violates the Fourteenth Amendment’s guarantee of equal treatment.

Similar lawsuits challenging Section 1005 of the American Rescue Plan Act, the “Farm Loan Assistance Program for Socially Disadvantaged Farmers and Ranchers,” have been brought in Tennessee, Texas and Wisconsin. Recently, a federal judge in Wisconsin issued a temporary restraining order blocking the program.

***Joyner v. Vilsack* was filed on June 15, 2021, in the U.S. District Court for Eastern Division of the Western District of Tennessee. Case filings can be found here:**

<https://libertyjusticecenter.org/media/usda>

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The Liberty Justice Center is a nonprofit, public-interest litigation center that fights to protect constitutional rights. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).