



Contact: Jenny Kefauver  
703/850-3533

## **Southeastern Legal Foundation Represents Farmers Suing Biden Administration over Discriminatory Relief Programs**

AMARILLO, TX (April 8, 2024): On behalf of Texas farmers, [Southeastern Legal Foundation](#) (SLF), together with [Mountain States Legal Foundation](#) (MSLF), filed a [motion for preliminary injunction](#) in federal court to stop the Biden Administration Department of Agriculture (USDA) from unconstitutionally and unlawfully funneling disaster and pandemic relief funds to certain farmers based on race and sex.

Farming is a difficult livelihood. One of the biggest hurdles farmers face is challenging weather conditions that are out of their control, so Congress frequently provides relief to hard-hit producers and regions. Since 2020, Congress has provided over \$25 billion in emergency disaster and pandemic relief funds to [USDA](#) to distribute to farmers. But rather than help farmers like Plaintiffs Alan and Amy West, Bryan Baker, and Rusty Strickland—who have owned their family farms for decades and have suffered from the effects of droughts and the COVID-19 pandemic—USDA is harming them by favoring other producers at their expense based on factors including race and sex that were not authorized by Congress.

USDA provides more relief money to “socially disadvantaged” farmers, which includes women, American Indians or Alaskan Natives, Asians or Asian-Americans, blacks or African-Americans, Hispanics or Hispanic-Americans, and Native Hawaiians or other Pacific Islanders.

In short, farmers who fail to meet the “socially disadvantaged” criteria—including Plaintiffs—received far less assistance for their losses than if they were of a different race or sex. Such discrimination violates basic equal protection principles enshrined in the Constitution. USDA is acting unlawfully and without congressional authorization. If Congress wanted an executive agency to distribute funds in such an arbitrary and discriminatory way, it would have said so clearly.

On behalf of farmers Rusty Strickland, Alan and Amy West and their farm, and Bryan Baker and his farm, SLF and MSLF [are suing](#) USDA for violating the Fifth Amendment Equal Protection Clause and the Administrative Procedure Act. SLF and MSLF are representing these farmers free of charge.

SLF Executive Director [Kimberly Hermann](#) states, “On the day President Biden took office, he declared that his administration would adopt a ‘whole-of-government equity agenda.’ Equality is a constitutional mandate which does not permit intentional discrimination, but equity relies on racial classifications to achieve outcomes across racial categories. USDA is attempting to control outcomes with intentional discrimination, but this cannot stand under our laws.”

SLF Vice President of Litigation [Braden Boucek](#) states, “USDA is just one of several agencies under the Biden Administration acting as though it can act independently of Congress. The American people, through Congress, trusted USDA to help victimized farmers with disaster relief, not hurt them further by discriminating based on race and sex. The Constitution exists to curb the power of runaway bureaucracies. We are holding USDA accountable in court and will not rest until constitutional balance is restored.”