

Testimony of
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Employees
Before

The Subcommittee on Government Management, Organization and Procurement The Committee on
Oversight and Government Reform
Wednesday, May14, 2008

Good Afternoon,

My name is Lawrence Lucas; I am President of the USDA Coalition of Minority Employees. Please allow me to enter into the Congressional Record these documents in support of my testimony I give before you today.

Mr. Chairman and Committee members, I am not bringing good news to you today, regarding the administration and processing of United States Department of Agriculture (USDA) civil rights complaints filed by USDA employees and minority farmers of this Nation. Employees and the Nation's farmers deserve better treatment from USDA and others in government.

First, let me start by telling you how USDA recently exposed its arrogance when they had the audacity to boot out auditors sent by the Government Accountability Office from USDA facilities and offices, upon learning that the General Accountability Office was continuing its investigation as requested by the Congress of the United States. We can only assume that after months of listening to many USDA employees and others that these auditors may have uncovered more of the truth than USDA officials wished.

The audit was requested by many USDA employees and congressional representatives, and a diverse group of farmers: Hispanics, Native Americans, Black Farmers, and farmer advocates. Is it possible that persons being interviewed were telling the truth and that USDA officials had to prevent the auditors from obtaining additional evidence? Only the General Accountability Office can confirm that the information gathered indicated that USDA's Office of Civil Rights - currently renamed by Assister Secretary for Civil Rights, Margo McKay as the Office of Adjudication and Compliance -- has serious problems that were not being shared with the Congress. In fact, it may be found that the Office of Adjudication and Compliance under the present and past leadership has become one of the worst abusers of civil and human rights in USDA.

While all of these abuses continued inside USDA Civil Rights, the managers of the Office of Civil Rights gave themselves awards and huge bonuses for accomplishments never achieved. These awards include the Presidential Rank Award and the Secretary's Honor Award. Both of these awards were given for the so called successes of the Civil Rights Enterprise System, which was designed to track the huge number of employment and program complaints and generate accurate reports. USDA management wasted millions of dollars on tracking systems that are dysfunctional. USDA management

Officials filled their pockets with tax payer dollars, while they continued to abuse USDA's civil rights process and sabotaged the cases filed by employees and customers.

To date, USDA management has reduced the civil rights processing staff from approximately 120 employees to less than 60¹ employees. The office has been budgeted for 120 employees and given the funds to staff those positions. The question is ... where did millions of American tax dollars earmarked for those positions go? An unhampered General Accountability Office audit investigation would be able to answer that question. USDA officials can not be trusted to tell the truth. This Office was given additional staff, as a result of the Civil Rights Action Team and the Civil Rights Implementation Team reports and the Pigford Class Action law suit victory by the Black Farmers.

I must also admit that the systemic discrimination by the County Committee system contributed immensely to the failed civil rights process for thousands of minority farmers. That process as well, continues to be discriminatory in nature towards minority farmers and others.

I also must admit that we all thought that establishing the position of the Assistant Secretary for Civil Rights would provide an avenue and an opportunity for the right person to clean up the civil rights mess at USDA. We expected Vernon Parker and his leadership team to bring a swift end to the racism, sexism, reprisal, intimidation and wide spread abuse of USDA employees and minority farmers nationwide, especially Black farmers. I am sorry to report that we were wrong. In fact, civil rights is in worse condition today than it was prior to Vernon Parker's confirmation in April 2003. I suspect that some Members of this Committee are just as disappointed.

Much of what I have said did not randomly occur, it happened, I believe because all of us assumed that USDA had seen the light, and understood the desires of Congress to eliminate its past wrong doings. A continuous strong oversight process may have prevented these transgressions. Another contributory factor is that the federal agencies responsible for overseeing USDA civil rights i.e., the Equal Employment Opportunity Commission, the Merit System Protection Board, the Office of the General Counsel, the Office of the Special Counsel, USDA's Office of Inspector General, and even USDA's Office of Human Resources have all been a major and very disturbing part of the problem. These entities have covered-up the wrong doings of USDA Office of Civil Rights management officials, who violated the rights of employees that filed complaints or spoke out about the poor administration of the Office.

What is going on in and around USDA should be considered an obstruction of justice and wrongdoers should be held accountable. USDA officials frequently do not tell the Congress, General Accountability office auditors or the Secretary of Agriculture the truth and sometimes cover- up the truth. I have had this confirmed by reports I have received from employees and customers, who fear reprisal and intimidation by civil rights management. Please tell those of us on this panel when USDA Office of Civil Rights and

¹ 72 employees, consisting of 7 managers and 6 employees on detail elsewhere.

officials from the Assistant Secretary for Civil Rights will be held accountable for their wrong doings.

I am talking about government accountability and how the accountability process failed miserably at USDA. Further evidence of transgressions is the FBI raid on the Office of the Special Counsel for failing to investigate and properly process whistleblower complaints. Many of these complaints had been filed by USDA employees. The USDA Office of Inspector General that hears claims of fraud, waste and abuse violated the trust of many USDA employees that came to them for help during this administration. This is how bad it is at USDA, Mr. Chairman. And when we inform officials about these continued widespread abuses of top leadership, they deny any wrongdoing and call us liars.

The Office of Civil Rights had an enormous staff ... approximately 120 employees, and the money to solve the problems at USDA - and they failed us miserably. Those that suffered were employees and minority farmers who came seeking justice and timely processing of their complaints. The present Assistant Secretary for Civil Rights spends her time and money on diversity and outreach, instead of trying to improve USDA's civil rights practices and case processing.

The Office of Outreach has done little to nothing to reduce farmer complaints and spends most of its time conducting dog and pony shows at the tax payer's expense, while USDA employees and minority farmers suffer from the effects of a failed civil rights process. These effects are manifested as despair, fatigue, frustration, depression, hopelessness and anger. The Office of Outreach has failed to achieve its mission to provide tangible assistance to minority farmers. Even the Marriott Assistance Program which was an outreach initiative designed to help Black farmers sell their product to Marriott Hotels and others withdrew its participation in the program because of the failure of the Office of Outreach. There was so much that could have been gained for Black farmers and other minority farmers, which was lost because of USDA's refusal to do the right thing.

USDA has a legacy of this kind of neglect of civil rights for employees and minority farmers. Our reports and meetings with top USDA officials have contributed little to turning the ship of racist discriminatory behavior around. However, I see this hearing and this Committee as the 800 pound gorilla in the room - that can and must bring some sanity and justice to the failed USDA Office of Civil Rights, and the civil rights process. There have been enough wasted tax dollars sent down the sink hole of failures - enough is enough!

What I have said to you is in no way the totality of the problems and abuses going on in and around the USDA Office of Civil Rights administration and processing of complaints. I will say that the USDA Coalition of Minority Employees never acquiesced to threats, insults, and implications that we may be a terrorist organization because we were continuing to uncover their civil and human rights abuses and more. I also know that this Committee is not intimidated by top USDA officials armed with misinformation. When they tell you there is little to no discrimination, racism, sexism, assaults on women,

and abuse of employee and farmer rights. They will tell you, as they told their senior managers and executives that the majority of persons filing EEO complaints are nothing more than poor performers.

They will tell you that the farmers are nothing more than abusers of the civil rights process. While the American taxpayers, you and I, pay the billions of dollars needed to settle these cases. *Pigford v. Glickman* is only one example of USDA's publicly known legacy of abuse and neglect.

Mr. Chairman and members of this Committee, I offer you a solution to this legacy of abuse at USDA that continues to cycle around the USDA Office of Civil Rights. Put the USDA Office of Civil Rights in "Receivership," and allow it to be managed by a serious, highly talented, experienced and dedicated group, committed to carrying out the spirit and letter of the civil rights laws for which it has been entrusted. The findings of the General Accountability Office Report, Hearings held by the No Fear Tribunal being held today and in the past, the host of complaints heard and received by Congressionals, the concerns addressed by USDA employees with the Equal Employment Opportunity Commission, Merit System Protection Board, Office of Special Counsel, Office of Inspector General, Office of General Counsel and USDA Office of Human Resources confirm this. The concerns addressed by farmers and their advocates and the thousands of cases against the agency show just how bad the conditions at the USDA Office of Civil Rights and is showing no signs of improvement.

One formula to bring some government accountability over the USDA civil rights process is to establish a USDA Civil Rights Oversight Board. The Board would report to the Secretary of Agriculture. The membership of the Board would consist of:

- One person appointed by the USDA Office of the Secretary
- One person appointed by the Senate Agriculture Committee
- One person appointed by the House Agriculture Committee
- One person appointed by the Farmer Community (Title VI)
- One person appointed to represent the USDA employees (Title VII)

This formula would better assure that the oversight of USDA Civil Rights that has failed under USDA itself, the Equal Employment Opportunity Commission, Merit System Protection Board, Office of Special Counsel, Office of Inspector General, USDA Office of Human Resources, and the Congress will be greatly improved. I would gladly assist in bringing greater understanding of this "Receivership" concept at your request.

In closing I would like to say with regards to government accountability, USDA and others have failed USDA employees and the farmers of this country. However, this hearing should be a new beginning for all those concerned with USDA civil rights. I

want to thank. so many that made it possible. I also want to thank the General Accountability Office for their report and we hope that it will expose the real truth regarding the poor conditions of USDA civil rights. We believe this report will confirm most of what the USDA Coalition of Minority Employees and its delegation have been saying to the Congress and USDA for years. USDA listened, but did little. This Congress and this committee here, and your Congressionals have given new life and confidence that America does care about the USDA employees and minority farmers that are in this room today, and those that are awaiting the results of this important No Fear Hearing that is still going on in this building as we speak.