

WILL: Sues Biden Administration for Race Discrimination in Farmer Loan Forgiveness Program

Posted on Thursday, Apr 29, 2021

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The News: The Wisconsin Institute for Law & Liberty (WILL) [filed a lawsuit](#) in federal court challenging the unconstitutional race discrimination in the American Rescue Plan's [provision to offer loan forgiveness based on racial categories](#). WILL filed the lawsuit, Thursday, in the Eastern District of Wisconsin on behalf of five plaintiffs from Wisconsin, Minnesota, South Dakota, and Ohio. Each plaintiff would be eligible for the federal loan forgiveness program, but for their race.

The Quotes: WILL President and General Counsel, Rick Esenberg, said, "Conditioning benefits from the federal government on the basis of race is unconstitutional. WILL is committed to ensuring that the current threats to the bedrock principle of equality under the law, something that many generations have worked tirelessly to achieve, are challenged and fought."

Adam Faust, a WILL client from Calumet County, Wisconsin, said, "There should absolutely be no federal dollars going anywhere just based on race. The economic impact from COVID-19 didn't hurt any race more than another as far as agriculture goes."

"There is a case for loan forgiveness for individuals," said Christopher Baird, a WILL client from Crawford County, Wisconsin. "But we shouldn't be looking at the color of someone's skin and saying this person needs more help or less help based on the color of their skin. That's just wrong."

Background: The [American Rescue Plan Act of 2021](#) (ARPA), President Joe Biden's signature COVID-19 relief legislation signed in March, provides billions of dollars of debt relief to "socially disadvantaged" farmers and ranchers. But the law's definition of "socially disadvantaged" includes [explicit racial classifications](#): farmers and ranchers must be Black or African American, American Indian or Alaskan native, Hispanic or Latino, or Asian American or Pacific Islander. Other farmers—white farmers, for example—are ineligible.

This is illegal and unconstitutional. The United States Constitution "forbids" discrimination by the federal government "against any citizen because of his race." For the federal government to distribute "benefits on the basis of individual racial classifications," the government must prove that its discriminatory benefit is narrowly tailored and serves a compelling government interest.

In this case, the United States Department of Agriculture (USDA) describe their [generalized goal](#) of ending "systemic racism." But such broad goals do not override the constitutional ban on race discrimination. In fact, the Supreme Court has "rejected the interest in remedying societal discrimination because it had no logical stopping point."

WILL is asking the court to issue an injunction and a declaratory judgment that the racial classifications in the American Rescue Plan Act's farmer loan forgiveness program are unconstitutional.

WILL's Clients: WILL represents five farmers from four states who would be eligible for the federal government's loan forgiveness program, but for their race.

- Adam P. Faust owns a dairy farm in Calumet County, near Chilton, Wisconsin. Mr. Faust is a double-amputee. In addition to milking about 70 Holstein cows, Mr. Faust farms 200 acres for feed for his cows.
- Christopher C. Baird owns a dairy farm near Ferryville in Crawford County, Wisconsin. Just ten miles from the Mississippi River, Mr. Baird milks over 50 Jersey cows and farms approximately 80 acres of pasture.
- Jonathan P. Stevens owns Maple Grove Farms near Rock Creek, Minnesota. Mr. Stevens raises about 25 beef cattle and grows corn, soybeans, and other crops on about 700 acres.
- Jay T. Slaba raises about 350 head of beef cattle and farms about 1,000 acres of corn and other crops in northwest South Dakota.
- Joseph W. Schmitz farms approximately 50 acres of corn and soybeans in western Ohio.

Read More:

- [WILL's Complaint](#), April 29, 2021