

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CASE NO. 4:21-CV-595-O

SID MILLER, GREG MACHA, JAMES MEEK, JEFF PETERS, and LORINDA
O'SHAUGHNESSY, on behalf of themselves and others similarly situated,

Plaintiffs,

v.

THOMAS J. VILSACK, in his official capacity as Secretary the U.S. Department of Agriculture,

Defendant.

**BRIEF OF AMICI CURIAE
THE RURAL COALITION, THE INTERTRIBAL AGRICULTURE COUNCIL,
NORTH CAROLINA ASSOCIATION OF BLACK LAWYERS LAND LOSS
PREVENTION PROJECT, AND
23 ADDITIONAL FARMING ADVOCACY ORGANIZATIONS
IN OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

Art Brender
THE BENDER LAW FIRM
600 Eighth Avenue
Fort Worth, Texas 76104
Tel: (817) 334-0171

Keisha Stokes-Hough
Alexandra M. Jordan
SOUTHERN POVERTY LAW CENTER
400 Washington Avenue
Montgomery, AL 36104
Tel: (334) 956-8200

Counsel for Amici Curiae

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 I. Congress Enacted Section 1005 to Address Two Compelling Government Interests: Remediating Discrimination Against Minority Farmers, and Ensuring that COVID-19 Relief Reaches Those Most Impacted by the Crisis. 3

 A. Minority farmers have been harmed by persistent discrimination in the USDA’s farm loan programs. 3

 B. Minority farmers’ precarious financial circumstances have been exacerbated by the COVID-19 pandemic. 6

 II. Section 1005 Is a Narrowly Tailored Measure, Employing the Least Restrictive Means to Achieve Congress’s Policy Goals. 9

 A. Race-neutral efforts have been attempted, and failed to remedy the effects of USDA’s long and persistent history of discrimination. 9

 B. Relief under Section 1005 will benefit the most vulnerable and underserved farmers: those impacted by USDA discrimination and at the greatest risk of failure. 12

 C. Section 1005 provides temporary relief in response to the exigencies of the COVID-19 pandemic. 14

 III. The Balance of Harms Weighs Strongly Against a Preliminary Injunction, Because Minority Farmers and the Public Will Be Harmed, But Plaintiffs Are Not Harmed. 14

 A. Discrimination in lending has made it more difficult for minority farmers to survive times of crisis. 15

 B. Delay in delivering debt relief will irreparably harm minority farmers. 16

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