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DIRECTOR OF CIVIL RIGHTS  
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- 00:00:15:16 Q: Today is October 19th of the year 2000. I'm Larry Quinn with the Office of Communications at the U.S. Department of Agriculture in Washington. Today we're talking with Rosalind Gray who is the Director of Civil Rights at the U.S. Department of Agriculture.
- 00:00:35:11 A: Good afternoon.
- 00:00:36:14 Q: Rosalind, I'd like you to tell us about when you came to the Department of Agriculture to begin your work here.
- 00:00:42:25 A: I came to the Department in July 1998. Prior to that time I had served in this administration as Deputy General Counsel at EEOC and as the General Counsel at the United States Commission on Civil Rights where I had joined the administration in 1993.
- 00:01:02:12 Q: So you're background was extensive to come into a real challenge at USDA.
- 00:01:07:23 A: It was. Some of my experience related to civil rights

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at USDI certain had gone when I was at the Lawyers' Committee for Civil Rights where I spent ten years litigating municipal services cases in rural areas. What that prepared me for with the EEOC experience was it gave me a balance between both Title VI program experience and EEO experience both of which are required for the position here at USDA.

00:01:38:16 Many of the federal agencies only have EEO growth. But this department as does HUD and Labor Department has an extensive program work which is covered by Title VI.

00:01:51:15 Q: So when you came where did you begin?

00:01:54:15 A: Unfortunately it was a true beginning. Some of us have the advantage of beginning in the middle and it was that already when I arrived at USDA the black farmers had filed the class action Pickford Consent Decree. I'll talk about that a little bit more. But first you have to understand that there was publicity.

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00:02:23:19 There had been demonstrations by the black farmers. There had been meetings between the farmers and the administration to discuss resolving these issues. So that complaint had been filed. It was based on administrative complaints that had not been processed here at the department.

00:02:46:05 So I was walking into a situation where the office was trying to get a hold, and I literally mean a hold on the administrative complaints that had been filed because in the years prior to this administration the complaints filed by farmers, many of them African-American farmers, had merely been thrown in file cabinets or boxed, and no one had been processing them at all.

00:03:15:00 So when I came the office was very involved with just trying to identify the complaints that were at this department or the complaints that were still sitting out in state offices or county offices that had been filed so that they could be processed.

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00:03:33:05 The situation was better with the employment complaints because employment complaints up to that time had been processed in personnel. This was the first time following the Krat (ph.) report where the Office of Civil Rights was processing into a program and the EEO complaints as the office is established now.

00:03:54:01 Q: The Krat report was the civil rights action team report.

00:03:57:28 A: The Krat report was the civil rights action team report. In 1997 the secretary had with a number of administrators and appointees gone around the country and held listening sessions with employees and with customers of this department and had listened to their concerns about civil rights enforcement or lack thereof at the department.

00:04:25:06 What came out of those listening sessions that were held in various regions around the country was the 92 recommendations that the secretary accepted and signed

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off on. They included everything from holding employees accountable; providing civil rights training to all managers in the department; getting full funding for the 1890 programs of the 2501; having personnel review allegations of reprisal.

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It was just a broad range of complaints that addressed the concerns of both customers and employees. To date we're happy to report that other than the eleven recommendations that require congressional legislation the secretary and this department has implemented all of the recommendations that came from that Krat report.

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Following the Krat report the subsequent years involved implementation reports and annually. This will be the third year. Our last report will go out where we will report that the department through the leadership of the secretary and the administration have implemented all of the recommendations made by employees and customers.

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Q: So the report itself kind of became your guidelines

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from the beginning. But I expect that despite the fact that you came into a crisis leadership and management and negotiating situation you may have had some personal goals about what you wanted to accomplish. Do you recall what those were?

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A: Before I came to the department and while I was still over EEOC I had read the Krat report and I came to the department because I was personally interested in working to resolve the complaints of the farmers. The other reason I wanted to come to the department of agriculture--I had worked at EEOC and worked at the Civil Rights Commission.

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I was looking for an opportunity to work on civil rights issues as it related to rural areas. Because this department is uniquely situated. I did not see as I looked around and certainly we had complaints at EEOC from all federal agencies. So I was pretty familiar with what federal agencies did.

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00:06:52:18 There really is not another department in government which provides the opportunity to work on rural issues that the Department of Agriculture does. I had developed--I'm from a rural area. I'm from a rural area in eastern North Carolina, a little place called Washington, North Carolina.

00:07:12:26 Quite frankly the older I get the more I love it and look forward to living there again. But there are not a lot of other federal agencies where you can address the concerns of small, rural communities--their development needs, the farming needs. I saw Department of Agriculture when the civil rights position became an opportunity to serve rural communities.

00:07:40:11 Q: So you likely have witnessed yourself in the local where you were raised, the problems.

00:07:47:11 A: I had witnessed and lived and seen even when I was at Lawyers' Committee for Civil Rights where I was Director and litigator for the (unint.) Services Equalization

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Project that the problem still persisted. I also knew that there were federal resources available to address some of these issues, and they were not reaching the rural areas in the way that I knew that they could.

00:08:13:00 I wanted to assist in that process. So those are my personal reasons for coming, and those things just happened to have come together at the right time for me.

00:08:25:07 Q: So as you begin to work here with those guidelines that you had from the report and your own feelings about what needed to be done, what was perhaps the biggest challenge that you have started with?

00:08:36:25 A: I think the biggest challenge was walking into the department where there was a civil rights staff that did not have processes and procedures developed to move the cases through. In addition to not being fully staffed and not having fully trained staff the regulations and departmental regulations didn't exist so that we could process the cases in a timely manner.

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00:09:09:16 So there was a need to resolve cases, a need to staff, a need to provide training and a need to write procedures all at the same time. I can't say that the total environment was supportive of all that needed to be done. I think that's putting it mildly.

00:09:28:19 There's certainly--the Secretary's office and some of the offices who were supportive and always wanted to know even some of the agencies that had problems, what can we do? There were as many agencies looking for guidance on how to make changes in the civil rights area as there were and are agencies that resisted change.

00:09:49:26 I think one of the beautiful things about the department is one of the things that makes civil rights enforcement so difficult here. That is that this department in many ways has contact in every county in this country. You can't say that about a lot of federal agencies.

00:10:10:01 Why it is difficult is because it is also those far-flung

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counties where a number of our customer complaints are developed through not serving all customers and basically I would say our customer complaints come out of that process.

00:10:28:19 When we would try to address the issue certainly you write procedures, certainly you work with the administrative offices here. But I can't say that we have reached all the employees in those offices so that they understand what the department's responsibility is to provide fair and equal service to its customers as is consistent with the secretary's policy to treat all employees with dignity and respect.

00:10:58:17 There are a couple of aspects to that. One of the aspects has to do with not all the employees in those offices are federal employees. Some of those employees are county employees. Now, that might sound complicated and dissembled. The problem with it is that they're not federal employees but at the same time this federal department is liable for their acts of discrimination.

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00:11:28:18 Which means that you can't control the employees or their hiring but this department or the FSA program or the Natural Resource Conservation program as the case might be has to pay the money when they discriminate. One of the recommendations that came out of the Krat report certainly had to do with making county employees federal employees.

00:11:54:09 That requires legislation. That legislation did not pass in Congress. What the secretary did to address the credit situation where we were certainly having--being exposed on liability claims was that he took the loan-making authority away from the county committees and only allowed federal employees to process those credit applications.

00:12:26:24 But--so that solves part of the problem. They're still county employees. But those county employees last year still had discretion and say so over more than twenty-four billion dollars worth of resources to farmers

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throughout the country. So they still have a lot of discretion over crop assistant, disaster payments, all kinds of other payments that this department provides to farmers around the country. They have a say so about it.

00:13:02:00 So I think we need to do more in that regard. One of the other situations is that there are elections of farmers to county committees who actually exercised this discretion on behalf of the department. One of the things that the secretary has just done which will go to addressing the issue without total federalization is he has just signed off on a recommendation whereby county committees members or farmers can only vote once in a county committee election.

00:13:38:26 Now that might sound strange or I thought people could only vote once anyway. That's not true. That is the basis of a lot of the allegations. The way the system works some farmers set up corporate entities on a farm and then every member of that corporate entity has a vote which then has led to a person being able to vote more

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than once.

00:14:05:12 That cannot happen anymore. Some of the minority farmers and particularly some of our female farmers out in the northwest had complained that an individual farmer could vote five or six times in a given election. You don't have a high rate of participation in those elections. Two or three people could control the election process.

00:14:28:14 So that's one thing that won't happen anymore. The other thing is that the secretary has ordered FSA to do a review of their registration list. The voters' registration list for county committee elections has never been purged. So right now there are on those lists three times more farmers than there are farms in the country.

00:14:50:01 They are to report back to him with recommendations for setting up a voter registration system that we're familiar with in our larger population so that we can bring more equity to that county committee election

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system. I think that will go a long way toward addressing some of the concerns of our community groups, our rural interest groups and certainly some of the farmers.

00:15:12:10 Q: So you've done a lot to address the factors of fair selection of those county members, tried to help with that process to assure the fairness. What beyond that then? What is another step that you've worked with?

00:15:29:21 A: Before we move totally let me just say that in coming--when this administration came in there was almost secret--it was almost secret what was happening with civil rights issues at the department. I think we certainly, even though we've made many strides, we haven't solved all of the problems.

00:15:50:11 We're not saying that. But I think that we have created an environment where the concerns can be raised and there's a response to them, where issues can be raised and there is a response and where the person raising the

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concern does not have to feel that there will be reprisal for raising that concern.

00:16:09:27 I think to the credit of the secretary who certainly has suffered from the criticisms from people who did not want changes that is certainly a mark of a progress. One of the other things that we have done, and I've just had a meeting today. One of the other initiatives is that the secretary with the support of special assistant to the President has signed off on a project that will be the preservation of the African-American farm.

00:16:42:02 The project will be with the Village Foundation which is a private foundation, with support from USDA. What we are going to do is to provide technical assistance through the Village Foundation to create new marketing opportunities to diversify farming for African-American farmers and to create a revolving loan fund.

00:17:04:23 The reason we're doing it through a private entity is so that the farmers can receive a small grant or loan so

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that he can qualify to participate in the programs that USDA has. One of the things that has happened in recent years as there have been bumper crops is that there's not a lot of profit. If you're a small farmer that means that you can have a good crop and still not realize that much profit.

00:17:31:26 You're credit sheets don't flow so that you can't get the next round of loans to plant your crop in the spring. What this project will do will be to provide that small thousand or two thousand dollars that you need to cash flow so that you will be eligible to participate in the programs that are provided through the USDA.

00:17:51:23 We continue to work with farmers groups. There will be a council of farmer groups from around the country for the foundation as well as members from the private and corporate foundation world. We hope that this will take us past preserving the small farm and many other--in another way.

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00:18:15:15 One of the other initiatives that came out of that Krat report was the Small Farm Council which meets to address the issues of all small farmers in the country. I think it is a small farm versus a large farm issue. What we have pretty much determined that if you're farming, and a small farm is defined as 250 acres or less and almost all minority farmers are in that acreage category which is why they've become such a large pool, but if you're not farming more than 250 acres in this time you're having a pretty rough time.

00:18:54:28 It really boils down to that. It takes on civil rights overtones because it is women, family and minority farms who fit into that category. It is a much larger issue. As with most things in this country they're economic issues involved. So we've come to that place. Before we got here however there certainly was Tim Pickford.

00:19:22:25 Tim Pickford is the name plaintiff in the Pickford versus Glickman class action. That started a round of activity that involved trying to as I said the office was

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reconfigured to deciphering what complaints we had. What it also required was this administration and the White House supporting a statute of limitations legislation which waved the time restrictions where we could process cases.

00:20:03:24 That really was if not the key factor certainly one of the main reasons that this administration could enter into a settlement agreement in the African-American class. If the White House had not supported that statute of limitations process we were by law forbidden to resolve those cases. So that was critical.

00:20:31:24 It wasn't however passed just for African-American farmers. It was passed for any farmer who had a program complaint at the department involving credit that was filed between 1981 and 1996. Why those times are so crucial is that it is between those years where the process for the administration of program complaints was cancelled in the department.

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00:21:04:04 That's why we had the complaints sitting and no one processing because literally the staff to do that was eliminated during those years. So when the administration came in trying to figure out what was happening, why are all these people screaming out their complaints is because literally the staff had been eliminated and no one was processing those complaints.

00:21:27:01 They might have done a compliance review, but they did not process program complaints which is why the statute of limitations was necessary. I must say to the credit of the Congress that there was bipartisan support on that statute of limitations legislation or it would not have gotten through because even the republicans in Congress recognized the wrong that had been done to those farmers.

00:21:52:18 So we have the Pickford Consent Decree that could be settled because of that statute of limitations. But what it also meant is that the native American complaints that had not been processed that we could now process administratively. There were complaints that had been

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filed by female farmers out in the northwest. We have a number of those.

00:22:11:29 We could now process those. We have complaints from Hispanics and Vietnamese farmers that had not been processed. We processed those and administratively. Then the secretary said these numbers aren't going away. In September 1998-99 he ordered an early resolution process.

00:22:35:00 He pooled together five or six task forces of employees from around the department, had them all come in and said in three weeks I want you to look at all these complaints that are backed up and recommend resolution or not. That is the way we got rid of the backlog of complaints in this department--through the early resolution process and through the Pickford Consent Decree.

00:22:58:06 So when you read last week that the department has made progress on its program complaints it's because of these initiatives and the efforts of this administration. We

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have not, as the article indicated, made comparable success or had the same success rate with our employees' complaints because we have not had those major initiatives.

00:23:21:25 One of the reasons is that the procedures for EEO processing is dictated by EEOC. We don't have the latitude. We do need more resources in the processing of those complaints. We need to get them out of here quicker. But on the program complaints I think that will be the hallmark for this administration--resolving and addressing program complaints on behalf of customers around the country.

00:23:50:23 Q: So you've had a dual issue here in that you're trying to improve the system so future complaints will slow down and hopefully stop. But at the same time the processing has stacked up for years at a time it sounds.

00:24:04:16 A: We have had the dual system, and it has been difficult. Because we didn't have adequate staff on

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board and contractors to draft regulations and then the staff would have to go through them. But then you have to go through departmental clearance.

00:24:18:15 We have gotten some resistance from some of the offices just in terms of getting those regulations through. People not wanting to recognize that civil rights has a basis for it's authority separate from the regular management of this department that there are statutes-- Title VI, Title VII for employment, Title IX for education on behalf of women, the disability rehabilitation statutes.

00:24:48:25 Age discrimination statutes. They're different from regular management, and it's been difficult to get the department and not all resistance but just to get the department onboard with enforcing civil rights laws as something having a life and right of it's own different from regular management processes.

00:25:10:19 I think we're there in that we have the procedures and

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the regulations in place to process both the program and EEO complaints. We're almost up to date. We're even doing English language regulations now working in cooperation with Justice. But we've had at least ten to fifteen different sets of regulations and procedures to put in place, and that doesn't even include the operation manuals that have had to--that we've had to write and the coordination that we've had to carry out with the agencies to make sure that they're procedures were consistent with the regulations once they were in place.

00:25:53:24 Q: So you've mentioned the employee issue that you'd like to be in a better position than you find yourselves right now. Where are you headed with that?

00:26:02:03 A: Where we're headed with the employees issues right now is one of the changes that came out of the Krat report was to take into this office of civil rights processing of EEO complaints. There were many charges that were made during the Krat process that the agencies could not manage themselves because they had a vested interest in

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the EEO complaints.

00:26:28:01 So a lot of EEO complaints that had been in the agencies, at least they were being processed there, came over into the departmental Civil Rights Office. I don't know if we have ever totally gotten on top of that situation. We have employees who were shifted from the agency offices into the departmental Civil Rights Office. The processing is still slow and we've provided training and we continue to provide training.

00:27:04:05 I don't think that we've mastered the task of applying civil rights law to those EEO complaints is where we are. But the employees are there. They have lots more training to do. We have to continue to work with the agencies on training of managers so that they are more sensitive to the diversification in the department.

00:27:29:23 We are now providing management diversity training to 800 managers in the metropolitan area. The agencies will then have to provide diversity training in the field. I

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was at a partnership meeting talking about civil rights recently and one of the union representatives were complaining about employees having activities at Hispanic Special Emphasis program.

00:28:01:05      Quite frankly his comments were insulting to the Hispanics who were in the room. I think that that is a situation where management diversity training would be helpful. Cultural awareness training. We have to make people aware and respect the fact that people are different and they're still valuable employees of this department who have every right to be treated with dignity and respect.

00:28:33:15      Q: It almost seems like an endless task though. It's not one that's going to be done and you don't have to think about it again.

00:28:41:02      A: It's an on-going task. Civil rights enforcement is an ongoing task, and in many ways I think that the department has made strides but it has also just begun.

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We haven't moved--there's a place for enforcement because you have violations. Where we need to get we need to get to a place of having affirmative programs to address these issues so that the complaints don't come.

00:29:09:23 We're not there. We're still working ourselves out of the enforcement end. I think the administration has certainly left the groundwork in place. I think that the right issues have been identified. But the work will continue and there's lots to be done. But I think that there's a lot that this administration can be proud of.

00:29:32:19 Q: So moving more from a reactive to a proactive.

00:29:36:05 A: Yes.

00:29:37:17 Q: Now I would think your own personal skills must have been really pulled with everything from negotiation to your knowledge from your past experience. What do you think--how has that affected you in terms of doing the job?

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00:29:53:04 A: Well, it has been more work than one person should-- can do quite frankly. I work seventy/eighty hours many, many weeks. There are letters that come through that because staff did not have skills along the way to make sure that the appropriate decision was made as it related to the civil rights issue that I've had to review because it might have been dismissing a case or finding discrimination in which case the department was going to be liable.

00:30:29:29 I think that the fact of the matter is that the department does have a reputation in the larger world of being very hard on civil rights issues. It has been referred to as the last plantation. What does that have to do with what we're talking about now?

00:30:49:22 There are many people out there with civil rights skills who are not willing to work at this department because of its reputation. We need the assistance of the many people in the private and public sector who has these

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civil rights skills. Until the department's image has changed where an individual doesn't think that he or she will become a victim of this reputation whether it's real or not; then I think we're gonna continue to have staffing problems quite frankly.

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There's the negotiations. There are legal reviews. There's just even the writing of the procedures. I certainly have had to bring in contract employees to do things that people on staff didn't have the skills to do, that still require internal review, and you don't always have staff to review those documents or those procedures to make sure that they're appropriate for the department and at the same time meeting the standards that are required for civil rights.

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So it has been a very arduous task. It has also been a very fulfilling task. As a matter of fact I said to the civil rights directors from the agencies last week I said you know this might be our last election. I don't know if you know but I am a political appointee. I was

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appointed by this administration for this job.

00:32:17:23 In previous years it had been career appointment. I think one of the things that had happened is that managers had been put into position and they didn't have the civil rights background to do the job. But I said to them I said this might be our last meeting and they were saying whatever they say--thanks for all of your work and everything.

00:32:41:19 I said I'm not as strong as I was when I came here. But it has been a rewarding experience because it has been difficult. I did get my son through high school last year. But I even had problems, some problems with him because of my absences. My husband is dead. So I am a single parent.

00:33:09:04 You know it's interesting. It wasn't quite the hard work, and this is one of the peculiar things of sons and mothers I guess. When the Pickford Consent Decree went through and there were articles in the New York Times and

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my name was in the New York Times and my sisters and brothers and all these people called and said oh--he really had a problem with that, with the notoriety.

00:33:35:08 He just wanted me to be his mother. My husband who is deceased was an attorney also. But he was an attorney, and I was his mother. He had great difficulty with this. So there was some personal sacrifice involved. I think we worked through those things. But I'm glad I came.

00:33:57:04 I'm glad to have been a member of this administration and have an opportunity to serve the public through this position.

00:34:05:10 Q: As you reflect on those original reasons for coming and the goals you had how've you done?

00:34:12:02 A: As I reflect on the original goals we have addressed and resolved many farm program complaints. We certainly have provided to date almost four hundred million dollars to African-Americans through the Pickford settlement. We

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have through our administrative process settled and provided million in relief and we have also allowed and provided in some of those settlements for African-American farmers to have access to inventory land out of the FSA inventory.

00:34:49:02 We have provided for them to purchase property because one of the things we were trying to address was the loss of farm land. So if you--just looking at why I came and what we were able to accomplish the administration has done a lot which is not to say that all the problems have gone away.

00:35:11:20 I was in Arkansas recently having a meeting with the Arkansas Black Farmers Association. There was an elderly couple, certainly past their farming days. They were probably in their early 70s if not older. They had been farmers and they had come to this meeting to talk about the Consent Decree.

00:35:32:08 The gentlemen said well I want to talk to you after the

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meeting, so I said sure. So they came on after the meeting and said well we don't want anybody to hear this.

So I said okay. He said well, my wife has a question and I have a question. I said okay. I said now are you in the Pickford Consent Decree? They said yes.

00:35:50:01 They said we got our fifty thousand dollars but we don't want anybody to know that. I said okay. I said well how can I help you? He said well my wife, she gets a little money from her social security. Now her social security check won't be bothered by this fifty thousand dollars, will it?

00:36:06:12 I said no. I think her social security will be okay. I said but if you want to check there's an Arkansas Legal Services offices. You can call them and they'll make sure everything's okay. He said well and I got a little money from the Railroad Retirement. That won't be affected by the fifty thousand dollars will it?

00:36:24:23 I said no, that won't be affected. So that was a

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rewarding exchange and I think I thought about it a lot.

Here were people who had farmed, who had lost their farm, who were certainly in their retirement years. They had been able through the Pickford Settlement to get fifty thousand dollars to help them live their last years a little more comfortably. It is those meetings that say yes, it was worth it.

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Q: Rosalind, great. Director of Civil Rights for the Department of Agriculture. Thank you for being with us today to talk about your time at the Department. I'm Larry Quinn with the U.S. Department of Agriculture, Office of Communications in Washington.

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