

## Declaration of Lloyd E. Wright

1. I am over 18 years of age and a United States citizen. My business address is: 11307 Baritone Court, Silver Spring, Maryland 20901.
2. I have a B.S. in Agronomy and a M.S. in Human Resources Management. Currently retired, I spent 37 years with the United States Department of Agriculture working with programs (e.g. Farmland Protection, Watershed Protection, and Rural Development programs). From March 1997 through May 1998, I served as the Director of the Office of Civil Rights (OCR) at National Headquarters in Washington, DC. Prior to this position, I was Director of the Conservation Operations Division in the Natural Resources Conservation Service (NRCS). I also served as Director of the Community Assistance Resource Development Division and the Watershed Protection Division in NRCS.

### Conditions of OCR and FSA

3. When I assumed the position as Director of OCR, there was a backlog of approximately 500-600 program discrimination complaints and a larger backlog of employee discrimination complaints. Previously, the Secretary of USDA, Dan Glickman, had announced that all of the program complaints would be processed and a decision made by May 2, 1998. I formed two teams, one to address program complaints and the other to handle employee complaints.
4. The program complaints team consisted of 35 employees from across the various agencies in USDA. Prior to joining the team, most of these employees did not have investigative experience. In fact, a large number of them, like myself, did not have civil rights investigating experience. Despite their lack of civil rights experience, most of them had program experience. I appointed an individual to head the team who, in turn, reported directly to me.
5. The team's objective was to examine the files to determine if they contained adequate information to make a finding. If so, the team reviewers would draft a decision based on the information contained in the file. If the file did not contain adequate information, the investigators were instructed to make recommendations as to what was needed to reach a decision.
6. By April 1998, the team had processed about 350 of the estimated 500+ complaints. Of the 350 processed complaints, there were initially only two potential findings of discrimination. Originally, I started to sign some of the decisions because superficially the reports appeared to support the "no finding of discrimination" decisions. However, after thoroughly examining the reports, I began to notice a pattern.
7. The team reviewers based their "no finding of discrimination" decisions largely on the accused agency's initial preliminary inquiry. The problem was that 99 percent of the time, the agency accused of discrimination investigated itself and invariably found no

discrimination had occurred. These preliminary inquiry reports were self-serving. Based on my instructions, the team reviewers should have found that the files were incomplete since the only review of the complaint came from the accused agency. The file should have also contained an independent investigation by OCR. Because the files did not contain independent investigation reports prepared by OCR, I refused to sign the no finding decisions. Instead, I hired contract investigators to conduct an extensive independent investigation. During interviews with Civil Rights employees and others in my efforts to ascertain why the files did not contain independent OCR investigation reports, I discovered that in 1983, the fourteen-person investigative unit in the OCR had been dismantled. Thus for a period of approximately fourteen years, OCR at USDA lacked the capacity to investigate producer civil rights complaints. Ironically, during the entire period, USDA openly and repeatedly urged producers who experienced discrimination in credit and other programs to file complaints. I understand that attorneys for the Secretary of Agriculture have represented to the court that the OCR was never shut down. While it is the case that the office was never officially closed, it was also the case that all fourteen of the office's investigators were eliminated and hence the office's investigative apparatus was not functional.

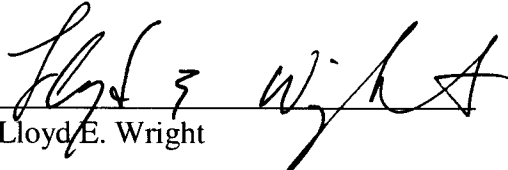
### Policies Implemented

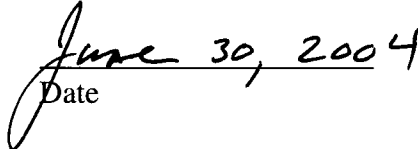
8. In addition to hiring contract investigators, I also hired fourteen civil rights investigators to work in OCR. In conducting the investigation of Program Complaints, the investigation was divided into six phases so that no single individual could significantly influence the outcome of the Decision. I structured the investigation as follows:
  - Part 1. Agency Preliminary Inquiry
  - Part 2. Civil Rights Department Investigation
  - Part 3. Adjudication
  - If finding of discrimination
  - Part 4. Office of the General Counsel (OGC) Review
  - Part 5. Economist Determination
  - Part 6. Negotiations
9. Once a complaint is filed with a program agency, that agency assigns an employee to conduct a preliminary inquiry (PI). Although most of the time the preliminary inquiries were inadequate, the PI reports provided the necessary background information that helped assist the OCR Investigators with their investigation. The OCR Investigators would forward their recommendations to the Adjudicators, who would determine whether discrimination occurred. If the Adjudicators recommended a finding of discrimination, the proposed decision was sent to OGC for its concurrence. Upon obtaining approval from OGC, the Economist reviewed the report and determined the amount of damages sustained by the farmer. The final stage of this process consisted of my negotiating with the farmer on settlement terms.
10. Compliance Review is another policy I attempted to implement. When I arrived, OCR had not conducted a compliance review in three years. I noticed that most of the

discrimination complaints were from a few counties across the country. We started the process of sending compliance investigators to a number of these counties to examine their compliance with program policies and regulations.

11. Finally, I created a computer tracking system for complaints. This system enabled the department to track a complaint from the filing date to completion. Prior to the tracking system, OCR's handling of complaints lacked any accountability. As a result of the dismantlement of the office, files were left in an unsecured room, where anyone could walk in, take a file and no one would ever know the file was missing. OCR had not assigned anyone to manage the files in the file room. An example of how bad the situation was, several days after becoming OCR Director, I walked into the room containing the complaint files and no one ever questioned or stopped me from accessing the files in the file room. There were files thrown on top of file cabinets and some lying in the corner. Upon examining the files, we found complaint files for one farmer mixed in with another farmer's file. As a result, the number of program complaints increased from 500+ to 900+.
12. When I left OCR there were plenty of things that needed to be done; but through the programs that I developed, the office was, in my opinion, beginning to move in the right direction.

I have reviewed the foregoing Declaration and declare under penalty of perjury that it is true and correct to the best of my personal knowledge.

  
Lloyd E. Wright

  
Date