

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

Sid Miller, et al.,

Plaintiffs,

v.

Tom Vilsack, in his official capacity as
Secretary of Agriculture,

Defendant.

Case No. 4:21-cv-00595-O

BRIEF IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

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The plaintiffs respectfully move to certify two classes under Rule 23(b)(2). The first proposed class will be represented by plaintiffs Greg Macha, James Meek, Jeff Peters, and Lorinda O'Shaughnessy, and it consists of "all farmers and ranchers in the United States who are encountering, or who will encounter, racial discrimination from the United States Department of Agriculture on account of section 1005 of the American Rescue Plan Act."

The common characteristics of these class members are that they are all white farmers or ranchers who have loans directly with or guaranteed by the Department of Agriculture, and who have been disqualified for loan forgiveness under section 1005 of the American Rescue Plan Act on account of their race. *See* Local Rule 23.2(b)(3). The distinguishing characteristics are that the farms and ranches that they own differ in their size, location, and profitability. *See id.*

The second proposed class will be represented by all of the named plaintiffs in this action, and it consists of "all farmers and ranchers in the United States who are currently excluded from the definition of 'socially disadvantaged farmer or rancher,' as defined in 7 U.S.C. § 2279(a)(5)–(6) and as interpreted by the Department of Agriculture."

The common characteristics of these class members are that they are all white (or mostly white) farmers or ranchers who are encountering discrimination from Department of Agriculture on account of their race. *See* Local Rule 23.2(b)(3). The distinguishing characteristics are that the farms and ranches that they own differ in their size, location, and profitability. *See id.*

I. THE COURT SHOULD CERTIFY THE PROPOSED CLASSES UNDER RULE 23(b)(2)

A party that moves for class certification must satisfy each requirement of Rule 23(a) and at least one subdivision in Rule 23(b). The proposed classes meet each of these requirements.

A. The Proposed Classes Are So Numerous That Joinder of All Members Is Impractical

The number of white farmers and ranchers who are facing discrimination from the U.S. Department of Agriculture on account of their race easily exceeds the numerosity threshold. *See In re Nat'l Football League Players Concussion Injury Litig.*, 821 F.3d 410, 426 (3d Cir. 2016) (“[N]umerosity is generally satisfied if there are more than 40 class members.”).

Based on the defendant’s own data in the 2017 Census of Agriculture, there were 239,351 farmers with “White Producers” in Texas alone. *See* Exhibit 1. *See also* U.S. Department of Agriculture, National Agricultural Statistics Service, *2017 Census of Agriculture Race/Ethnicity/Gender Profile*, available at <https://bit.ly/3ctnRo3> (last visited on June 2, 2021). As for the United States, the same Census showed that there were 1,963,286 farmer producers self-identifying as “White only.” *See* Exhibit 2. *See also* U.S. Department of Agriculture, National Agricultural Statistics Service, *2017 Census of Agriculture, Table 61, Selected Farm Characteristics by Race*, available at <https://bit.ly/3ccyew9> (last accessed June 2, 2021).

With respect to the proposed class of farmers with Department-backed loans, the Farm Service Agency reported that in FY2020, there were 34,986 loan obligations nationwide, 1,573 of which were in Texas. *See* Exhibit 3; *see also* U.S. Department of Agriculture, Farm Service Agency, *Farm Loan Programs Obligation Report*, available at <https://bit.ly/3wPttjX> (last accessed June 2, 2021). It further reported that for the same fiscal year, a total of 6,852 of those loans were for “socially disadvantaged” farmers nationwide, 428 of which were in Texas. *See* Exhibit 4; *see also* U.S. Department of Agriculture, Farm Service Agency, *Farm Loan Programs Socially Disadvantaged Obligations Report*, available at <https://bit.ly/3i5eA9c> (last accessed June 2, 2021). This indicates that the nationwide class comprises at least 21,000 farmers, and over 1,000 in Texas alone.

Each of the proposed classes easily meets the threshold of Rule 23(a)(1). The local rules of this Court require us to provide the “approximate number of class members.” Local Rule 23.2(b)(1). Based on these data discussed above, the plaintiffs estimate that the proposed class of white farmers and ranchers consists of between 200,000 and 250,000 members, and that the proposed class of white farmers and ranchers with Department-backed loans ranges between 20,000 and 25,000 members.

B. There Are Questions of Law or Fact Common to The Members of The Classes

The representative plaintiffs seek to litigate a question of law common to all members of each of the two classes: does the United State Department of Agriculture violate the Constitution and Title VI of the Civil Rights Act of 1964 by limiting eligibility for government benefits to “socially disadvantaged farmers or ranchers”?

This question affects all class members because each of them is subject to discrimination on account of their race, as each of them is excluded from the definition of “socially disadvantaged farmers or ranchers” because they are white. Each class member will “suffer the same injury,” and that is all that needed to satisfy Rule 23(a)(2)’s commonality requirement. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 348 (2011) (quoting *E. Tex. Motor Freight Sys., Inc. v. Rodriguez*, 431 U.S. 395, 403 (1977)); *see also Wal-Mart*, 564 U.S. at 360 (“[E]ven a single [common] question will do.” (citation and internal quotation marks omitted)); *In re Deepwater Horizon*, 739 F.3d 790, 812 (5th Cir. 2014) (same). And a ruling on these issues “will resolve an issue that is central to the validity of each one of the claims in one stroke.” *Wal-Mart*, 564 U.S. at 350; *see also M.D. v. Perry*, 675 F.3d 832, 840 (5th Cir. 2012).

C. The Plaintiffs' Claims Are Typical of The Claims of The Classes

The plaintiffs' claims are more than typical: they are precisely the same as those from all members of the proposed class. The United States Congress and the Department of Agriculture have implemented a program that actively discriminates against farmers and ranchers based on their race or ethnicity.

The interests of the plaintiffs are aligned with those of the class, as each class member benefits from a ruling that prevents the United States Department of Agriculture from discriminating against them because of their race or ethnicity. *See James v. City of Dallas*, 254 F.3d 551, 571 (5th Cir. 2001) (“[T]he test for typicality is not demanding. It focuses on the similarity between the named plaintiffs’ legal and remedial theories and the theories of those whom they purport to represent.” (citations and quotation marks omitted)); *id.* (“[T]he critical inquiry is whether the class representative’s claims have the same essential characteristics of those of the putative class. If the claims arise from a similar course of conduct and share the same legal theory, factual differences will not defeat typicality.” (citations and quotation marks omitted)); *see also Wal-Mart*, 564 U.S. at 350 n.5 (“[T]he commonality and typicality requirements of Rule 23(a) tend to merge.” (quoting *Gen. Tel. Co. of Sw. v. Falcon*, 457 U.S. 147, 157–158 n.13 (1982))).

D. The Plaintiffs Will Fairly and Adequately Protect the Interests of The Classes

The plaintiffs will fairly and adequately represent the interests of its fellow class members, and there are no conflicts of interest between the plaintiffs and the other members of this class.

The first class consists of “all farmers and ranchers in the United States who are encountering, or who will encounter, racial discrimination from the United States Department of Agriculture on account of section 1005 of the American Rescue Plan Act.” The second class consists of “all farmers and ranchers in the United States who

are currently excluded from the definition of ‘socially disadvantaged farmer or rancher,’ as defined in 7 U.S.C. § 2279(a)(5)–(6) and as interpreted by the Department of Agriculture.” There is no conceivable conflict of interest that could arise from the plaintiffs’ efforts to prevent the defendants from discriminating against them on a classwide basis. *See Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 625 (1997) (“The adequacy inquiry under Rule 23(a)(4) serves to uncover conflicts of interest between named parties and the class they seek to represent.”). A classwide injunction will serve only to protect the class members’ constitutional rights, as well as rights guaranteed under the Civil Rights Act of 1964.

The plaintiffs are appropriate class representatives because they have a vested interest in ensuring the success of this litigation and preventing the defendants from discriminating against anyone because of their race or ethnicity. The plaintiffs’ attorneys are self-financing this litigation, but the legal issues are straightforward, and the case will not be expensive to litigate. *See* Local Rule 23.2(c).

E. Plaintiffs Satisfy Rule 23(b)(2)

The final criterion for class certification under Rule 23(b)(2) is that “the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). The Supreme Court has held that this requirement is satisfied “when a single injunction or declaratory judgment would provide relief to each member of the class.” *Wal-Mart*, 564 U.S. at 360; *see also id.* at 361–62 (“[T]he relief sought must perforce affect the entire class at once . . .”). That is precisely what Plaintiffs request: a single injunction that stops the defendants from discriminating against any of the class members because of their race or ethnicity. No one is seeking individualized relief for any class member or for any

subset of the class. *Compare with M.D.*, 675 F.3d at 845 (disapproving class certification under Rule 23(b)(2) when individualized relief was sought). The plaintiffs request a simple, classwide injunction that prevents them from being discriminated against because of their race or ethnicity.

In addition, the defendant agencies are “act[ing] . . . on grounds that apply generally to the class.” Fed. R. Civ. P. 23(b)(2). With respect to the each class, the Department of Agriculture has expressly conditioned the ability to apply for and receive a government benefit on the applicant’s race. Because this condition discriminates against all class members, it makes “final injunctive relief or corresponding declaratory relief . . . appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2); *see also Wal-Mart*, 564 U.S. at 360 (“Rule 23(b)(2) applies only when a single injunction or declaratory judgment would provide relief to each member of the class.”).

II. CLASS DISCOVERY IS NOT NEEDED

The representative plaintiffs believe that class discovery is unnecessary given that the classes unquestionably satisfy the numerosity requirement of Rule 23(a)(1). *See* Local Rule 23.2(f). The plaintiffs’ attorneys’ fees will be paid on a contingency basis if the action is successful. *See* 42 U.S.C. § 1988(b); Local Rule 23.2(g). The remaining information required by Local Rule 23.2 is inapplicable because certification is sought solely under Rule 23(b)(2) and the representatives are not seeking damages or monetary relief, so notice need not be given to absent class members. *See* Local Rule 23.2(e). In addition, this is not a diversity action, so there is no need to determine a jurisdictional amount. *See* Local Rule 23.2(d).

CONCLUSION

The motion for class certification should be granted.

Respectfully submitted.

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Dated: June 2, 2021

*Counsel for Plaintiffs and
the Proposed Classes*

CERTIFICATE OF CONFERENCE

I certify that on June 2, 2021, I conferred with Emily Sue Newton, counsel for the defendants, and she informed me that the defendants oppose this motion.

/s/ Jonathan F. Mitchell
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the Proposed Class*

CERTIFICATE OF SERVICE

I certify that on June 2, 2021, I served this document through CM/ECF upon:

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2017 CENSUS OF AGRICULTURE *Race/Ethnicity/Gender Profile*


Texas

Farms with American Indian or Alaska Native Producers^a

Total and Per Farm Overview, 2017

	Farms with American Indian/Alaska Native Producers	All Farms
Number of farms	4,883	248,416
Land in farms (acres)	1,329,689	127,036,184
Average size of farm (acres)	272	511
Total	(\$)	(\$)
Market value of products sold	328,553,000	24,924,041,000
Government payments	8,188,000	749,231,000
Farm-related income	12,825,000	1,193,523,000
Total farm production expenses	334,561,000	22,909,279,000
Net cash farm income	15,006,000	3,957,517,000
Per farm average	(\$)	(\$)
Market value of products sold	67,285	100,332
Government payments (average per farm receiving)	16,988	20,984
Farm-related income	11,503	19,210
Total farm production expenses	68,515	92,221
Net cash farm income	3,073	15,931

Share of Sales by Type (%)

Crops	13
Livestock, poultry, and products	87

Land in Farms by Use (%) ^b

Cropland	20
Pastureland	67
Woodland	10
Other	2

Land Use Practices (% of farms)

No till	4
Reduced till	3
Intensive till	4
Cover crop	4

Farms by Value of Sales

	Number	Percent ^b
Less than \$2,500	2,751	56
\$2,500 to \$4,999	692	14
\$5,000 to \$9,999	548	11
\$10,000 to \$24,999	426	9
\$25,000 to \$49,999	222	5
\$50,000 to \$99,999	93	2
\$100,000 or more	151	3
Total	4,883	100

Farms by Size

	Number	Percent ^b
1 to 9 acres	682	14
10 to 49 acres	1,895	39
50 to 179 acres	1,318	27
180 to 499 acres	551	11
500 to 999 acres	192	4
1,000 + acres	245	5
Total	4,883	100



United States Department of Agriculture
National Agricultural Statistics Service

www.nass.usda.gov/AgCensus

2017 CENSUS OF AGRICULTURE *Race/Ethnicity/Gender Profile*
Market Value of Agricultural Products Sold

	Sales (\$1,000)	No. of Farms
Total	328,553	4,883
Crops	42,100	1,182
Grains, oilseeds, dry beans, dry peas	11,370	132
Tobacco	-	-
Cotton and cottonseed	15,418	48
Vegetables, melons, potatoes, sweet potatoes	2,051	32
Fruits, tree nuts, berries	(D)	176
Nursery, greenhouse, floriculture, sod	(D)	48
Cultivated Christmas trees, short rotation woody crops	(D)	2
Other crops and hay	6,553	862
Livestock, poultry, and products	286,453	2,920
Poultry and eggs	15,457	586
Cattle and calves	262,212	1,922
Milk from cows	(D)	4
Hogs and pigs	332	171
Sheep, goats, wool, mohair, milk	1,435	564
Horses, ponies, mules, burros, donkeys	3,202	364
Aquaculture	(D)	8
Other animals and animal products	(D)	138

Total Producers ^c**5,663****Sex**

Male	3,377
Female	2,286

Age

<35	458
35 – 64	3,404
65 and older	1,801

Primary occupation

Farming	2,132
Other	3,531

Days worked off farm

None	1,756
1 to 199	1,454
200 +	2,453

Other characteristics

Hispanic/Latino/Spanish	901
With military service	992
New and beginning farmers	1,847

Average age (years)**57.5****Top Crops in Acres ^d**

Forage (hay/haylage), all	54,139
Cotton, all	27,727
Wheat for grain, all	12,930
Corn for grain	12,083
Sorghum for grain	9,391

Percent of farms that:

Have internet access	78
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Farm organically	(Z)
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Sell directly to consumers	5
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Hire farm labor	19
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Are family farms	98
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Livestock Inventory (Dec 31, 2017)

Broilers and other meat-type chickens	218,942
Cattle and calves	191,593
Goats	15,526
Hogs and pigs	3,237
Horses and ponies	7,836
Layers	68,573
Pullets	4,323
Sheep and lambs	7,890
Turkeys	1,094

Demographic Data in the Census of Agriculture

The agriculture census is a complete count of U.S. farms and ranches and the people who operate them. Demographic information is available at national, state, and county levels, and for classes of farm and congressional districts. Results from the 2017 Census and earlier are available through the searchable database Quick Stats, the new Census Data Query Tool, downloadable PDF reports, maps, and topic-specific Highlights and Profiles.

See also the video "What's New in the 2017 Census?" (www.nass.usda.gov/Newsroom/VideoFeatures/index.php).

See 2017 Census of Agriculture, U.S. Summary and State Data, for complete footnotes, explanations, definitions, commodity descriptions, and methodology.

^a This race alone or in combination with other races. ^b May not add to 100% due to rounding. ^c Data collected for a maximum of four producers per farm.

^d Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. ^e Position below the line does not indicate rank.

(D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

2017 CENSUS OF AGRICULTURE *Race/Ethnicity/Gender Profile*


Texas

Farms with Asian Producers^a

Total and Per Farm Overview, 2017

	Farms with Asian Producers	All Farms
Number of farms	1,449	248,416
Land in farms (acres)	234,469	127,036,184
Average size of farm (acres)	162	511
Total	(\$)	(\$)
Market value of products sold	341,907,000	24,924,041,000
Government payments	1,292,000	749,231,000
Farm-related income	4,474,000	1,193,523,000
Total farm production expenses	230,459,000	22,909,279,000
Net cash farm income	117,213,000	3,957,517,000
Per farm average	(\$)	(\$)
Market value of products sold	235,961	100,332
Government payments (average per farm receiving)	14,681	20,984
Farm-related income	13,475	19,210
Total farm production expenses	159,047	92,221
Net cash farm income	80,892	15,931

Share of Sales by Type (%)

Crops	12
Livestock, poultry, and products	88

Land in Farms by Use (%) ^b

Cropland	30
Pastureland	48
Woodland	16
Other	6

Land Use Practices (% of farms)

No till	5
Reduced till	2
Intensive till	6
Cover crop	6

Farms by Value of Sales

	Number	Percent ^b
Less than \$2,500	778	54
\$2,500 to \$4,999	126	9
\$5,000 to \$9,999	145	10
\$10,000 to \$24,999	124	9
\$25,000 to \$49,999	55	4
\$50,000 to \$99,999	37	3
\$100,000 or more	184	13
Total	1,449	100

Farms by Size

	Number	Percent ^b
1 to 9 acres	226	16
10 to 49 acres	610	42
50 to 179 acres	437	30
180 to 499 acres	116	8
500 to 999 acres	27	2
1,000 + acres	33	2
Total	1,449	100



United States Department of Agriculture
National Agricultural Statistics Service

www.nass.usda.gov/AgCensus

2017 CENSUS OF AGRICULTURE Race/Ethnicity/Gender Profile

Market Value of Agricultural Products Sold

	Sales (\$1,000)	No. of Farms
Total	341,907	1,449
Crops	41,689	448
Grains, oilseeds, dry beans, dry peas	(D)	24
Tobacco	-	-
Cotton and cottonseed	5,606	14
Vegetables, melons, potatoes, sweet potatoes	7,728	75
Fruits, tree nuts, berries	(D)	71
Nursery, greenhouse, floriculture, sod	16,405	69
Cultivated Christmas trees, short rotation woody crops	(D)	2
Other crops and hay	2,954	257
Livestock, poultry, and products	300,218	780
Poultry and eggs	287,392	315
Cattle and calves	8,008	414
Milk from cows	(D)	2
Hogs and pigs	18	26
Sheep, goats, wool, mohair, milk	243	139
Horses, ponies, mules, burros, donkeys	620	54
Aquaculture	(D)	7
Other animals and animal products	(D)	41

Total Producers ^c**1,908****Sex**

Male	885
Female	1,023

Age

<35	196
35 – 64	1,339
65 and older	373

Primary occupation

Farming	679
Other	1,229

Days worked off farm

None	539
1 to 199	648
200 +	721

Other characteristics

Hispanic/Latino/Spanish	97
With military service	134
New and beginning farmers	1,066

*Average age (years)***52.7****Top Crops in Acres ^d**

Forage (hay/haylage), all	17,599
Cotton, all	16,688
Corn for grain	(D)
Wheat for grain, all	2,941
Sorghum for grain	(D)

Percent of farms that:

Have internet access	73
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Farm organically	(Z)
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Sell directly to consumers	8
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Hire farm labor	30
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Are family farms	96
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Livestock Inventory (Dec 31, 2017)

Broilers and other meat-type chickens	16,803,488
Cattle and calves	25,077
Goats	3,708
Hogs and pigs	250
Horses and ponies	1,172
Layers	383,992
Pullets	1,192
Sheep and lambs	2,789
Turkeys	664

Demographic Data in the Census of Agriculture

The agriculture census is a complete count of U.S. farms and ranches and the people who operate them. Demographic information is available at national, state, and county levels, and for classes of farm and congressional districts. Results from the 2017 Census and earlier are available through the searchable database Quick Stats, the new Census Data Query Tool, downloadable PDF reports, maps, and topic-specific Highlights and Profiles.

See also the video "What's New in the 2017 Census?" (www.nass.usda.gov/Newsroom/VideoFeatures/index.php).

See 2017 Census of Agriculture, U.S. Summary and State Data, for complete footnotes, explanations, definitions, commodity descriptions, and methodology.

^a This race alone or in combination with other races. ^b May not add to 100% due to rounding. ^c Data collected for a maximum of four producers per farm.

^d Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. ^e Position below the line does not indicate rank.

(D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

2017 CENSUS OF AGRICULTURE

Race/Ethnicity/Gender Profile



Texas Farms with Black or African American Producers^a

Total and Per Farm Overview, 2017

	Farms with Black/African American Producers	All Farms
Number of farms	8,498	248,416
Land in farms (acres)	1,115,868	127,036,184
Average size of farm (acres)	131	511
Total	(\$)	(\$)
Market value of products sold	128,282,000	24,924,041,000
Government payments	4,490,000	749,231,000
Farm-related income	10,494,000	1,193,523,000
Total farm production expenses	196,008,000	22,909,279,000
Net cash farm income	-52,741,000	3,957,517,000
Per farm average	(\$)	(\$)
Market value of products sold	15,096	100,332
Government payments (average per farm receiving)	8,668	20,984
Farm-related income	6,530	19,210
Total farm production expenses	23,065	92,221
Net cash farm income	-6,206	15,931

Share of Sales by Type (%)

Crops	34
Livestock, poultry, and products	66

Land in Farms by Use (%)^b

Cropland	25
Pastureland	57
Woodland	13
Other	5

Land Use Practices (% of farms)

No till	3
Reduced till	1
Intensive till	4
Cover crop	4

Farms by Value of Sales

	Number	Percent ^b
Less than \$2,500	4,248	50
\$2,500 to \$4,999	1,164	14
\$5,000 to \$9,999	998	12
\$10,000 to \$24,999	1,415	17
\$25,000 to \$49,999	359	4
\$50,000 to \$99,999	210	2
\$100,000 or more	104	1
Total	8,498	100

Farms by Size

	Number	Percent ^b
1 to 9 acres	1,126	13
10 to 49 acres	3,197	38
50 to 179 acres	2,864	34
180 to 499 acres	1,011	12
500 to 999 acres	192	2
1,000 + acres	108	1
Total	8,498	100



United States Department of Agriculture
National Agricultural Statistics Service

www.nass.usda.gov/AgCensus

2017 CENSUS OF AGRICULTURE Race/Ethnicity/Gender Profile

Market Value of Agricultural Products Sold

	Sales (\$1,000)	No. of Farms
Total	128,282	8,498
Crops	43,728	2,086
Grains, oilseeds, dry beans, dry peas	11,827	165
Tobacco	-	-
Cotton and cottonseed	5,746	20
Vegetables, melons, potatoes, sweet potatoes	11,313	146
Fruits, tree nuts, berries	522	97
Nursery, greenhouse, floriculture, sod	1,063	29
Cultivated Christmas trees, short rotation woody crops	-	-
Other crops and hay	13,256	1,774
Livestock, poultry, and products	84,554	5,181
Poultry and eggs	8,537	376
Cattle and calves	71,279	4,413
Milk from cows	(D)	5
Hogs and pigs	450	176
Sheep, goats, wool, mohair, milk	681	383
Horses, ponies, mules, burros, donkeys	2,833	400
Aquaculture	2	3
Other animals and animal products	(D)	97

Total Producers ^c**11,741****Sex**

Male	8,365
Female	3,376

Age

<35	558
35 – 64	5,812
65 and older	5,371

Primary occupation

Farming	5,167
Other	6,574

Days worked off farm

None	4,409
1 to 199	3,190
200 +	4,142

Other characteristics

Hispanic/Latino/Spanish	466
With military service	2,560
New and beginning farmers	2,874

*Average age (years)***61.8****Top Crops in Acres ^d**

Forage (hay/haylage), all	128,230
Corn for grain	13,192
Cotton, all	10,345
Wheat for grain, all	8,023
Soybeans for beans	(D)

Percent of farms that:

Have internet access	60
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Farm organically	(Z)
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Sell directly to consumers	2
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Hire farm labor	24
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Are family farms	97
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Livestock Inventory (Dec 31, 2017)

Broilers and other meat-type chickens	491,258
Cattle and calves	202,777
Goats	8,211
Hogs and pigs	5,244
Horses and ponies	12,232
Layers	34,648
Pullets	2,458
Sheep and lambs	4,545
Turkeys	202

Demographic Data in the Census of Agriculture

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^d Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. ^e Position below the line does not indicate rank.

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2017 CENSUS OF AGRICULTURE

Race/Ethnicity/Gender Profile



Texas

Farms with Native Hawaiian or Other Pacific Islander Producers^a

Total and Per Farm Overview, 2017

	Farms with Native Hawaiian/Pacific Islander Producers	All Farms
Number of farms	269	248,416
Land in farms (acres)	36,847	127,036,184
Average size of farm (acres)	137	511
Total	(\$)	(\$)
Market value of products sold	7,138,000	24,924,041,000
Government payments	187,000	749,231,000
Farm-related income	220,000	1,193,523,000
Total farm production expenses	8,497,000	22,909,279,000
Net cash farm income	-952,000	3,957,517,000
Per farm average	(\$)	(\$)
Market value of products sold	26,535	100,332
Government payments (average per farm receiving)	13,374	20,984
Farm-related income	4,151	19,210
Total farm production expenses	31,587	92,221
Net cash farm income	-3,538	15,931

Share of Sales by Type (%)

Crops	64
Livestock, poultry, and products	36

Land in Farms by Use (%)^b

Cropland	43
Pastureland	45
Woodland	9
Other	3

Land Use Practices (% of farms)

No till	1
Reduced till	1
Intensive till	3
Cover crop	(Z)

Farms by Value of Sales

	Number	Percent ^b
Less than \$2,500	165	61
\$2,500 to \$4,999	24	9
\$5,000 to \$9,999	39	14
\$10,000 to \$24,999	23	9
\$25,000 to \$49,999	11	4
\$50,000 to \$99,999	4	1
\$100,000 or more	3	1
Total	269	100

Farms by Size

	Number	Percent ^b
1 to 9 acres	66	25
10 to 49 acres	96	36
50 to 179 acres	79	29
180 to 499 acres	18	7
500 to 999 acres	3	1
1,000 + acres	7	3
Total	269	100



United States Department of Agriculture
National Agricultural Statistics Service

www.nass.usda.gov/AgCensus

2017 CENSUS OF AGRICULTURE Race/Ethnicity/Gender Profile

Market Value of Agricultural Products Sold

	Sales (\$1,000)	No. of Farms
Total	7,138	269
Crops	4,578	65
Grains, oilseeds, dry beans, dry peas	(D)	3
Tobacco	-	-
Cotton and cottonseed	1,188	9
Vegetables, melons, potatoes, sweet potatoes	38	6
Fruits, tree nuts, berries	(D)	7
Nursery, greenhouse, floriculture, sod	(D)	2
Cultivated Christmas trees, short rotation woody crops	-	-
Other crops and hay	256	45
Livestock, poultry, and products	2,560	151
Poultry and eggs	27	41
Cattle and calves	2,391	94
Milk from cows	-	-
Hogs and pigs	2	6
Sheep, goats, wool, mohair, milk	73	46
Horses, ponies, mules, burros, donkeys	62	22
Aquaculture	(D)	2
Other animals and animal products	(D)	2

Total Producers ^c **298**

Sex	
Male	168
Female	130

Age	
<35	46
35 – 64	167
65 and older	85

Primary occupation	
Farming	102
Other	196

Days worked off farm	
None	103
1 to 199	82
200 +	113

Other characteristics	
Hispanic/Latino/Spanish	89
With military service	58
New and beginning farmers	126

Average age (years)	52.8
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Top Crops in Acres ^d

Forage (hay/haylage), all	2,577
Cotton, all	1,870
Corn for grain	(D)
Sorghum for grain	(D)
Soybeans for beans	(D)

Percent of farms that:Have internet access **80**Farm organically **1**Sell directly to consumers **10**Hire farm labor **23**Are family farms **98****Livestock Inventory (Dec 31, 2017)**

Broilers and other meat-type chickens	244
Cattle and calves	5,225
Goats	878
Hogs and pigs	129
Horses and ponies	424
Layers	1,714
Pullets	98
Sheep and lambs	950
Turkeys	34

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2017 CENSUS OF AGRICULTURE *Race/Ethnicity/Gender Profile*


Texas

Farms with White Producers^a

Total and Per Farm Overview, 2017

	Farms with White Producers	All Farms
Number of farms	239,351	248,416
Land in farms (acres)	125,813,272	127,036,184
Average size of farm (acres)	526	511
Total	(\$)	(\$)
Market value of products sold	24,303,723,000	24,924,041,000
Government payments	744,774,000	749,231,000
Farm-related income	1,179,755,000	1,193,523,000
Total farm production expenses	22,368,049,000	22,909,279,000
Net cash farm income	3,860,203,000	3,957,517,000
Per farm average	(\$)	(\$)
Market value of products sold	101,540	100,332
Government payments (average per farm receiving)	21,206	20,984
Farm-related income	19,550	19,210
Total farm production expenses	93,453	92,221
Net cash farm income	16,128	15,931

Share of Sales by Type (%)

Crops	28
Livestock, poultry, and products	72

Land in Farms by Use (%) ^b

Cropland	23
Pastureland	69
Woodland	6
Other	2

Land Use Practices (% of farms)

No till	3
Reduced till	3
Intensive till	7
Cover crop	3

Farms by Value of Sales

	Number	Percent ^b
Less than \$2,500	116,884	49
\$2,500 to \$4,999	27,647	12
\$5,000 to \$9,999	29,306	12
\$10,000 to \$24,999	27,085	11
\$25,000 to \$49,999	14,059	6
\$50,000 to \$99,999	8,309	3
\$100,000 or more	16,061	7
Total	239,351	100

Farms by Size

	Number	Percent ^b
1 to 9 acres	26,671	11
10 to 49 acres	78,237	33
50 to 179 acres	63,947	27
180 to 499 acres	35,319	15
500 to 999 acres	14,807	6
1,000 + acres	20,370	9
Total	239,351	100



2017 CENSUS OF AGRICULTURE *Race/Ethnicity/Gender Profile*
Market Value of Agricultural Products Sold

	Sales (\$1,000)	No. of Farms
Total	24,303,723	239,351
Crops	6,841,123	64,014
Grains, oilseeds, dry beans, dry peas	2,139,684	10,369
Tobacco	-	-
Cotton and cottonseed	2,642,239	6,152
Vegetables, melons, potatoes, sweet potatoes	344,826	2,040
Fruits, tree nuts, berries	(D)	5,565
Nursery, greenhouse, floriculture, sod	830,205	1,401
Cultivated Christmas trees, short rotation woody crops	(D)	93
Other crops and hay	674,415	47,194
Livestock, poultry, and products	17,462,601	141,349
Poultry and eggs	2,711,513	16,333
Cattle and calves	12,013,536	109,523
Milk from cows	(D)	456
Hogs and pigs	162,912	3,951
Sheep, goats, wool, mohair, milk	104,641	20,271
Horses, ponies, mules, burros, donkeys	122,182	10,836
Aquaculture	(D)	230
Other animals and animal products	123,427	4,585

Total Producers ^c **392,339**
Sex
Male 241,531
Female 150,808

Age
<35 23,836
35 – 64 220,090
65 and older 148,413

Primary occupation
Farming 141,043
Other 251,296

Days worked off farm
None 134,121
1 to 199 91,898
200 + 166,320

Other characteristics
Hispanic/Latino/Spanish 40,016
With military service 49,216
New and beginning farmers 114,243
Average age (years) **59.2****Top Crops in Acres ^d**

Cotton, all	5,766,304
Forage (hay/haylage), all	4,314,451
Wheat for grain, all	2,494,967
Corn for grain	2,197,576
Sorghum for grain	1,504,788

Percent of farms that:Have internet access **73**

Farm organically (Z)

Sell directly to consumers **3**Hire farm labor **20**Are family farms **97****Livestock Inventory (Dec 31, 2017)**

Broilers and other meat-type chickens	98,971,154
Cattle and calves	12,283,936
Goats	826,977
Hogs and pigs	1,020,428
Horses and ponies	318,883
Layers	20,591,946
Pullets	5,619,366
Sheep and lambs	723,570
Turkeys	1,317,630

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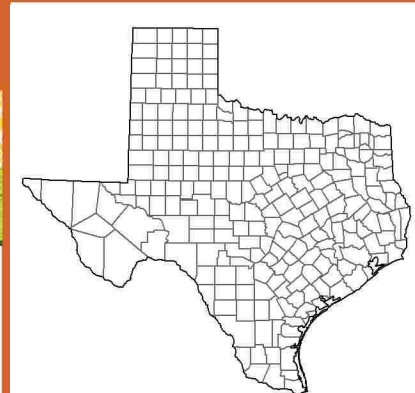
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2017 CENSUS OF AGRICULTURE

Race/Ethnicity/Gender Profile



Texas Farms with Hispanic, Latino, or Spanish Producers

Total and Per Farm Overview, 2017

	Farms with Hispanic/Latino/Spanish Producers	All Farms
Number of farms	30,110	248,416
Land in farms (acres)	9,005,020	127,036,184
Average size of farm (acres)	299	511
Total	(\$)	(\$)
Market value of products sold	2,542,003,000	24,924,041,000
Government payments	34,134,000	749,231,000
Farm-related income	88,782,000	1,193,523,000
Total farm production expenses	2,435,080,000	22,909,279,000
Net cash farm income	229,839,000	3,957,517,000
Per farm average	(\$)	(\$)
Market value of products sold	84,424	100,332
Government payments (average per farm receiving)	14,330	20,984
Farm-related income	16,663	19,210
Total farm production expenses	80,873	92,221
Net cash farm income	7,633	15,931

Share of Sales by Type (%)

Crops	21
Livestock, poultry, and products	79

Land in Farms by Use (%) ^b

Cropland	18
Pastureland	72
Woodland	8
Other	3

Land Use Practices (% of farms)

No till	3
Reduced till	2
Intensive till	5
Cover crop	2

Farms by Value of Sales

	Number	Percent ^b
Less than \$2,500	18,423	61
\$2,500 to \$4,999	3,595	12
\$5,000 to \$9,999	3,166	11
\$10,000 to \$24,999	2,440	8
\$25,000 to \$49,999	957	3
\$50,000 to \$99,999	611	2
\$100,000 or more	918	3
Total	30,110	100

Farms by Size

	Number	Percent ^b
1 to 9 acres	5,513	18
10 to 49 acres	12,176	40
50 to 179 acres	6,725	22
180 to 499 acres	3,141	10
500 to 999 acres	1,192	4
1,000 + acres	1,363	5
Total	30,110	100



United States Department of Agriculture
National Agricultural Statistics Service

www.nass.usda.gov/AgCensus

2017 CENSUS OF AGRICULTURE Race/Ethnicity/Gender Profile

Market Value of Agricultural Products Sold

	Sales (\$1,000)	No. of Farms
Total	2,542,003	30,110
Crops	535,185	5,827
Grains, oilseeds, dry beans, dry peas	113,755	750
Tobacco	-	-
Cotton and cottonseed	108,122	323
Vegetables, melons, potatoes, sweet potatoes	86,754	307
Fruits, tree nuts, berries	(D)	730
Nursery, greenhouse, floriculture, sod	149,886	182
Cultivated Christmas trees, short rotation woody crops	(D)	8
Other crops and hay	48,274	4,201
Livestock, poultry, and products	2,006,818	17,287
Poultry and eggs	178,976	2,765
Cattle and calves	1,389,137	11,843
Milk from cows	400,011	62
Hogs and pigs	1,723	584
Sheep, goats, wool, mohair, milk	(D)	3,914
Horses, ponies, mules, burros, donkeys	10,285	1,327
Aquaculture	(D)	28
Other animals and animal products	4,483	504

Total Producers ^c 41,143

Sex
Male 27,243
Female 13,900

Age
<35 3,308
35 – 64 27,098
65 and older 10,737

Race
American Indian/Alaska Native 629
Asian 70
Black/African American 350
Native Hawaiian/Pacific Islander 54
White 39,643
More than one race 397

Primary occupation
Farming 13,690
Other 27,453

Days worked off farm
None 10,931
1 to 199 12,346
200 + 17,866

Other characteristics
With military service 4,813
New and beginning farmers 15,624

Average age (years) 55.2

Top Crops in Acres ^d

Forage (hay/haylage), all	280,899
Cotton, all	232,968
Corn for grain	110,450
Sorghum for grain	103,145
Wheat for grain, all	82,720

Percent of farms that:

Have internet access **62**

Farm organically (Z)

Sell directly to consumers **4**

Hire farm labor **21**

Are family farms **97**

Livestock Inventory (Dec 31, 2017)

Broilers and other meat-type chickens	3,721,288
Cattle and calves	1,050,565
Goats	122,854
Hogs and pigs	14,413
Horses and ponies	36,426
Layers	2,755,832
Pullets	(D)
Sheep and lambs	88,142
Turkeys	527,615

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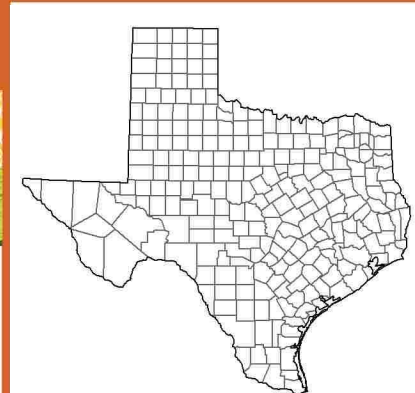
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2017 CENSUS OF AGRICULTURE

Race/Ethnicity/Gender Profile



Texas Farms with Female Producers

Total and Per Farm Overview, 2017

	Farms with Female Producers	All Farms
Number of farms	145,669	248,416
Land in farms (acres)	54,577,656	127,036,184
Average size of farm (acres)	375	511
Total	(\$)	(\$)
Market value of products sold	8,685,897,000	24,924,041,000
Government payments	352,134,000	749,231,000
Farm-related income	582,468,000	1,193,523,000
Total farm production expenses	8,648,752,000	22,909,279,000
Net cash farm income	971,747,000	3,957,517,000
Per farm average	(\$)	(\$)
Market value of products sold	59,628	100,332
Government payments (average per farm receiving)	20,177	20,984
Farm-related income	16,875	19,210
Total farm production expenses	59,373	92,221
Net cash farm income	6,671	15,931

Share of Sales by Type (%)

Crops	34
Livestock, poultry, and products	66

Land in Farms by Use (%) ^b

Cropland	24
Pastureland	67
Woodland	6
Other	2

Land Use Practices (% of farms)

No till	3
Reduced till	2
Intensive till	5
Cover crop	3

Farms by Value of Sales

	Number	Percent ^b
Less than \$2,500	76,689	53
\$2,500 to \$4,999	17,687	12
\$5,000 to \$9,999	17,869	12
\$10,000 to \$24,999	15,311	11
\$25,000 to \$49,999	7,348	5
\$50,000 to \$99,999	4,028	3
\$100,000 or more	6,737	5
Total	145,669	100

Farms by Size

	Number	Percent ^b
1 to 9 acres	18,966	13
10 to 49 acres	53,147	36
50 to 179 acres	38,738	27
180 to 499 acres	18,741	13
500 to 999 acres	7,165	5
1,000 + acres	8,912	6
Total	145,669	100



United States Department of Agriculture
National Agricultural Statistics Service

www.nass.usda.gov/AgCensus

2017 CENSUS OF AGRICULTURE *Race/Ethnicity/Gender Profile*
Market Value of Agricultural Products Sold

	Sales (\$1,000)	No. of Farms
Total	8,685,897	145,669
Crops	2,920,207	36,037
Grains, oilseeds, dry beans, dry peas	863,093	4,107
Tobacco	-	-
Cotton and cottonseed	1,156,532	2,328
Vegetables, melons, potatoes, sweet potatoes	104,089	1,341
Fruits, tree nuts, berries	88,997	3,700
Nursery, greenhouse, floriculture, sod	378,293	912
Cultivated Christmas trees, short rotation woody crops	1,446	74
Other crops and hay	327,757	27,722
Livestock, poultry, and products	5,765,691	86,428
Poultry and eggs	1,581,524	13,111
Cattle and calves	2,866,516	62,446
Milk from cows	1,054,071	196
Hogs and pigs	(D)	2,836
Sheep, goats, wool, mohair, milk	61,255	14,195
Horses, ponies, mules, burros, donkeys	86,180	8,250
Aquaculture	(D)	149
Other animals and animal products	46,601	3,478

Total Producers ^c**156,233****Age**

<35	9,771
35 – 64	90,350
65 and older	56,112

Race

American Indian/Alaska Native	1,217
Asian	886
Black/African American	3,189
Native Hawaiian/Pacific Islander	93
White	149,537
More than one race	1,311

Primary occupation

Farming	48,351
Other	107,882

Days worked off farm

None	58,910
1 to 199	35,230
200 +	62,093

Other characteristics

Hispanic/Latino/Spanish	13,900
With military service	2,906
New and beginning farmers	50,005

*Average age (years)***58.7****Top Crops in Acres ^d**

Cotton, all	2,484,873
Forage (hay/haylage), all	2,117,007
Wheat for grain, all	971,965
Corn for grain	837,702
Sorghum for grain	592,418

Percent of farms that:Have internet access **78**Farm organically **(Z)**Sell directly to consumers **4**Hire farm labor **19**Are family farms **97****Livestock Inventory (Dec 31, 2017)**

Broilers and other meat-type chickens	63,849,937
Cattle and calves	4,739,529
Goats	509,773
Hogs and pigs	148,469
Horses and ponies	229,161
Layers	7,802,460
Pullets	2,562,968
Sheep and lambs	388,581
Turkeys	810,497

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^d Crop commodity names may be shortened; see full names at www.nass.usda.gov/go/cropnames.pdf. ^e Position below the line does not indicate rank.

(D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

Table 61. **Selected Farm Characteristics by Race: 2017**

[Data were collected for a maximum of four producers per farm. For meaning of abbreviations and symbols, see introductory text.]

Characteristics	Any producer reporting race as -					
	American Indian or Alaska Native only	American Indian or Alaska Native alone or in combination with other races	Asian only	Asian alone or in combination with other races	Black or African American only	Black or African American alone or in combination with other races
FARMS AND LAND IN FARMS						
Farms number	42,705	60,083	15,826	18,338	32,910	35,470
Land in farms acres	52,578,979	58,749,543	2,339,053	2,931,365	4,097,857	4,673,140
FARMS BY SIZE						
1 to 9 acres	12,156	15,046	5,156	5,995	5,180	5,720
10 to 49 acres	10,253	15,768	5,354	6,208	11,879	12,809
50 to 179 acres	8,368	13,154	3,445	3,866	11,097	11,724
180 to 499 acres	4,794	7,229	1,112	1,329	3,547	3,837
500 acres or more	7,134	8,886	759	940	1,207	1,380
OWNED AND RENTED LAND IN FARMS						
Owned land in farms farms	41,043	57,548	13,861	16,106	29,788	32,186
..... acres	46,513,345	50,723,444	1,665,257	2,037,250	2,536,163	2,887,102
Rented or leased land in farms farms	7,909	12,381	3,439	4,052	11,083	11,694
..... acres	6,065,634	8,026,099	673,796	894,115	1,561,694	1,786,038
TENURE						
Full owners farms	18,590	31,454	12,385	14,279	21,823	23,761
..... acres	34,204,519	37,109,188	1,291,724	1,540,328	1,754,216	1,993,486
Part owners farms	7,362	10,961	1,474	1,820	7,961	8,410
..... acres	7,598,103	10,452,799	807,746	1,087,449	1,968,164	2,248,265
Tenants farms	16,753	17,668	1,967	2,239	3,126	3,299
..... acres	10,776,357	11,187,556	239,583	303,588	375,477	431,389
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD AND GOVERNMENT PAYMENTS						
Total farms	42,705	60,083	15,826	18,338	32,910	35,470
..... \$1,000	2,403,184	3,640,759	7,127,051	7,484,769	1,127,949	1,475,063
Market value of agricultural products sold farms	42,705	60,083	15,826	18,338	32,910	35,470
..... \$1,000	2,340,795	3,537,975	7,106,412	7,457,497	1,076,054	1,416,256
Crops, including nursery and greenhouse crops farms	11,109	17,913	10,432	11,697	11,523	12,745
..... \$1,000	845,563	1,432,256	4,028,291	4,294,579	616,715	857,698
Livestock, poultry, and their products farms	23,209	33,219	4,669	5,827	16,961	18,218
..... \$1,000	1,495,231	2,105,719	3,078,122	3,162,919	459,338	558,558
Government payments farms	5,053	8,157	1,578	1,948	7,844	8,273
..... \$1,000	62,390	102,783	20,638	27,272	51,895	58,807
FARMS BY ECONOMIC CLASS						
Less than \$1,000	19,609	24,723	3,028	3,701	9,806	10,538
\$1,000 to \$2,499	4,623	6,818	1,344	1,664	4,624	4,977
\$2,500 to \$4,999	4,165	6,166	1,285	1,560	4,423	4,738
\$5,000 to \$9,999	4,397	6,580	1,648	1,964	4,873	5,182
\$10,000 to \$24,999	4,062	6,413	2,035	2,345	4,791	5,135
\$25,000 to \$49,999	2,090	3,303	1,242	1,448	2,044	2,203
\$50,000 or more	3,759	6,080	5,244	5,656	2,349	2,697
COMMODITY CREDIT CORPORATION (CCC) LOANS AND FEDERAL FARM PROGRAM PAYMENTS						
CCC loans (see text) farms	54	112	33	33	96	101
..... \$1,000	6,307	13,533	3,814	3,814	5,306	6,521
Conservation Reserve, Wetlands Reserve, Farmable Wetlands, or Conservation Reserve Enhancement Programs payments farms	859	1,715	413	525	1,519	1,642
..... \$1,000	8,175	14,510	3,165	3,999	5,264	5,958
Other Federal farm program payments farms	4,712	7,468	1,382	1,706	7,166	7,554
..... \$1,000	54,215	88,273	17,474	23,273	46,631	52,849
FARMS BY NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)						
Oilseed and grain farming (1111)	1,105	2,002	447	584	2,317	2,528
Vegetable and melon farming (1112)	1,406	1,927	2,037	2,218	2,181	2,340
Fruit and tree nut farming (1113)	1,258	2,302	5,069	5,526	932	1,196
Greenhouse, nursery, and floriculture production (1114)	387	779	1,596	1,785	464	564
Other crop farming (1119)	4,913	8,095	1,611	1,974	5,827	6,268
Tobacco farming (11191)	6	7	6	8	79	80
Cotton farming (11192)	49	80	15	19	132	137
Sugarcane farming, hay farming, and all other crop farming (11193, 11194, 11199)	4,858	8,008	1,590	1,947	5,616	6,051
Beef cattle ranching and farming (11211)	18,038	24,744	2,067	2,597	16,219	16,934
Cattle feedlots (11212)	61	91	8	16	13	21
Dairy cattle and milk production (11212)	121	235	44	63	65	87
Hog and pig farming (1122)	334	522	106	156	408	468
Poultry and egg production (1123)	729	1,233	1,339	1,431	433	497
Sheep and goat farming (1124)	8,030	9,137	628	805	1,280	1,454
Aquaculture and other animal production (1125, 1129) (see text)	6,323	9,016	874	1,183	2,771	3,113
OTHER FARM CHARACTERISTICS						
Farms by-						
Type of organization (see text):						
Operation more than 50 percent owned by one producer's household and/or extended family (see text)	40,940	57,840	14,725	17,062	31,725	34,153
Limited Liability Company	1,496	2,457	1,961	2,269	2,044	2,256
Operation's legal status for tax purposes (see text):						
Family or individual	38,198	53,659	11,903	13,878	29,689	31,813

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Table 61. **Selected Farm Characteristics by Race: 2017** (continued)

[Data were collected for a maximum of four producers per farm. For meaning of abbreviations and symbols, see introductory text.]

Characteristics	Any producer reporting race as - con.				
	Native Hawaiian or Other Pacific Islander only	Native Hawaiian or Other Pacific Islander alone or in combination with other races	White only	White alone or in combination with other races	More than one race reported
FARMS AND LAND IN FARMS					
Farmsnumber	2,537	4,341	1,963,286	1,973,006	22,534
Land in farmsacres	557,353	1,043,936	846,687,737	849,816,725	7,593,831
FARMS BY SIZE					
1 to 9 acres	966	1,654	253,069	254,884	4,348
10 to 49 acres	800	1,358	560,001	562,860	7,229
50 to 179 acres	399	714	544,992	547,762	5,866
180 to 499 acres	213	343	306,977	308,318	2,934
500 acres or more	159	272	298,247	299,182	2,157
OWNED AND RENTED LAND IN FARMS					
Owned land in farmsfarms	2,169	3,716	1,844,685	1,853,743	21,150
.....acres	266,089	538,644	500,708,900	502,865,984	5,038,062
Rented or leased land in farmsfarms	701	1,237	597,369	599,953	5,840
.....acres	291,264	505,292	345,978,837	346,950,741	2,555,769
TENURE					
Full ownersfarms	1,814	3,056	1,365,775	1,372,877	16,617
.....acres	183,141	357,402	275,638,590	277,210,927	3,475,247
Part ownersfarms	335	614	478,800	480,728	4,462
.....acres	296,679	528,083	495,128,146	496,402,012	3,546,015
Tenantsfarms	388	671	118,711	119,401	1,455
.....acres	77,533	158,451	75,921,001	76,203,786	572,569
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD AND GOVERNMENT PAYMENTS					
Totalfarms	2,537	4,341	1,963,286	1,973,006	22,534
.....\$1,000	520,314	718,422	389,116,031	389,901,975	2,025,243
Market value of agricultural products soldfarms	2,537	4,341	1,963,286	1,973,006	22,534
.....\$1,000	517,032	710,952	380,286,342	381,050,061	1,973,724
Crops, including nursery and greenhouse cropsfarms	1,259	2,101	989,052	992,996	9,276
.....\$1,000	279,495	435,580	189,663,287	190,136,810	1,114,694
Livestock, poultry, and their productsfarms	1,064	1,857	949,327	954,457	12,490
.....\$1,000	237,536	275,371	190,623,055	190,913,251	859,029
Government paymentsfarms	332	588	630,286	632,097	3,964
.....\$1,000	3,283	7,470	8,829,690	8,851,913	51,520
FARMS BY ECONOMIC CLASS					
Less than \$1,000	743	1,264	442,501	445,300	6,459
\$1,000 to \$2,499	251	471	208,216	209,423	2,783
\$2,500 to \$4,999	275	496	202,715	203,823	2,613
\$5,000 to \$9,999	329	545	225,002	226,208	2,863
\$10,000 to \$24,999	315	565	243,368	244,722	3,065
\$25,000 to \$49,999	222	348	150,565	151,274	1,574
\$50,000 or more	402	652	490,919	492,256	3,177
COMMODITY CREDIT CORPORATION (CCC) LOANS AND FEDERAL FARM PROGRAM PAYMENTS					
CCC loans (see text)farms	7	10	18,047	18,060	66
.....\$1,000	946	1,218	2,472,008	2,472,289	8,539
Conservation Reserve, Wetlands Reserve, Farmable Wetlands, or Conservation Reserve Enhancement Programs paymentsfarms	62	133	235,584	236,096	1,096
.....\$1,000	284	697	1,649,081	1,652,335	7,817
Other Federal farm program paymentsfarms	299	528	542,437	544,035	3,527
.....\$1,000	2,998	6,773	7,180,609	7,199,578	43,702
FARMS BY NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)					
Oilseed and grain farming (1111)	77	145	321,351	321,953	1,225
Vegetable and melon farming (1112)	209	287	40,023	40,322	821
Fruit and tree nut farming (1113)	476	877	89,622	90,348	1,822
Greenhouse, nursery, and floriculture production (1114)	207	333	43,543	43,855	701
Other crop farming (1119)	343	550	445,292	447,154	3,932
Tobacco farming (11191)	-	-	3,682	3,682	4
Cotton farming (11192)	5	8	8,641	8,658	40
Sugarcane farming, hay farming, and all other crop farming (11193, 11194, 11199)	338	542	432,971	434,814	3,888
Beef cattle ranching and farming (11211)	638	1,115	610,230	613,775	8,100
Cattle feedlots (11212)	4	6	13,307	13,326	44
Dairy cattle and milk production (11212)	19	31	37,550	37,621	155
Hog and pig farming (1122)	29	48	22,370	22,485	281
Poultry and egg production (1123)	55	86	42,288	42,501	653
Sheep and goat farming (1124)	200	364	83,717	84,348	1,516
Aquaculture and other animal production (1125, 1129) (see text)	280	499	213,993	215,318	3,284
OTHER FARM CHARACTERISTICS					
Farms by-					
Type of organization (see text):					
Operation more than 50 percent owned by one producer's household and/or extended family (see text)	2,367	4,055	1,883,838	1,893,214	21,722
Limited Liability Company	304	505	132,099	132,638	1,540
Operation's legal status for tax purposes (see text):					
Family or individual	2,086	3,526	1,681,575	1,690,161	19,553

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Table 61. **Selected Farm Characteristics by Race: 2017** (continued)

[Data were collected for a maximum of four producers per farm. For meaning of abbreviations and symbols, see introductory text.]

Characteristics	Any producer reporting race as -					
	American Indian or Alaska Native only	American Indian or Alaska Native alone or in combination with other races	Asian only	Asian alone or in combination with other races	Black or African American only	Black or African American alone or in combination with other races
OTHER FARM CHARACTERISTICS - Con.						
Farms by- - Con.						
Operation's legal status for tax purposes (see text): - Con.						
Partnership	1,565	2,396	1,610	1,816	1,457	1,627
Corporation	810	1,559	1,947	2,193	1,133	1,331
Other - estate or trust, prison farm, grazing association, American Indian Reservation, etc.	2,132	2,469	366	451	631	699
Number of producers (see text):						
1 producer	17,850	23,474	5,263	5,984	19,815	20,721
2 producers	20,073	30,044	8,339	9,713	10,225	11,553
3 producers	2,733	3,763	1,297	1,536	1,598	1,750
4 producers	1,514	2,061	618	717	726	840
5 or more producers	535	741	309	388	546	606
Number of male producers (see text):						
1 producer	30,297	44,241	11,884	13,778	26,070	28,055
2 producers	3,369	4,893	1,992	2,273	2,753	2,994
3 producers	786	1,106	401	463	775	830
4 producers	234	278	129	150	179	209
5 or more producers	87	96	88	121	126	131
Number of female producers (see text):						
1 producer	27,054	38,520	9,669	11,278	12,322	13,820
2 producers	2,642	3,546	837	1,017	1,023	1,217
3 producers	523	634	149	189	268	289
4 producers	136	169	64	76	117	142
5 or more producers	66	93	23	30	100	101
Farms reporting-						
Internet access	25,717	39,554	11,547	13,634	20,032	22,018
Dial-up	675	1,102	277	316	748	795
DSL	4,872	8,275	2,838	3,390	4,878	5,348
Cable modem	3,073	5,512	3,582	4,206	4,301	4,788
Fiber-optic	1,903	2,995	700	859	1,077	1,211
Mobile internet service for a cell phone or other device (see text)	12,607	18,606	4,200	5,024	8,306	9,102
Satellite	5,605	8,751	1,778	2,104	4,487	4,852
Don't know (see text)	1,878	2,802	794	893	1,531	1,699
Other internet service	823	1,418	485	592	411	489
Farms by number of households sharing in net income of operation:						
1 household	34,631	49,550	11,896	14,015	27,380	29,574
2 households	5,329	7,222	2,707	2,973	4,050	4,308
3 households	1,311	1,658	558	636	746	814
4 households	807	943	386	406	391	418
5 or more households	627	710	279	308	343	356

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Table 61. **Selected Farm Characteristics by Race: 2017** (continued)

[Data were collected for a maximum of four producers per farm. For meaning of abbreviations and symbols, see introductory text.]

Characteristics	Any producer reporting race as - con.				
	Native Hawaiian or Other Pacific Islander only	Native Hawaiian or Other Pacific Islander alone or in combination with other races	White only	White alone or in combination with other races	More than one race reported
OTHER FARM CHARACTERISTICS - Con.					
Farms by - Con.					
Operation's legal status for tax purposes (see text): - Con.					
Partnership	199	354	126,481	126,947	1,287
Corporation	176	310	113,896	114,347	1,201
Other - estate or trust, prison farm, grazing association, American Indian Reservation, etc.	76	151	41,334	41,551	493
Number of producers (see text):					
1 producer	729	1,251	881,194	887,772	6,948
2 producers	1,486	2,480	908,735	911,425	12,815
3 producers	167	329	108,411	108,695	1,600
4 producers	100	159	45,971	46,067	786
5 or more producers	55	122	18,975	19,047	385
Number of male producers (see text):					
1 producer	2,014	3,365	1,561,600	1,568,978	17,754
2 producers	260	444	187,939	188,409	2,187
3 producers	46	102	40,369	40,459	480
4 producers	27	41	8,530	8,572	108
5 or more producers	14	33	4,242	4,255	53
Number of female producers (see text):					
1 producer	1,628	2,791	1,023,341	1,027,458	14,761
2 producers	169	285	66,869	67,137	1,354
3 producers	19	56	10,327	10,344	196
4 producers	11	27	2,615	2,641	68
5 or more producers	2	5	1,341	1,344	38
Farms reporting-					
Internet access	1,933	3,420	1,494,076	1,501,372	18,031
Dial-up	36	61	47,247	47,483	513
DSL	408	742	378,987	380,703	4,433
Cable modem	567	1,035	290,523	292,013	3,616
Fiber-optic	130	262	151,135	151,675	1,441
Mobile internet service for a cell phone or other device (see text)	762	1,392	574,126	577,242	7,673
Satellite	356	578	290,898	292,328	3,853
Don't know (see text)	138	241	110,685	111,211	1,185
Other internet service	67	115	45,273	45,510	791
Farms by number of households sharing in net income of operation:					
1 household	2,014	3,483	1,627,710	1,636,235	19,192
2 households	408	652	247,016	247,873	2,490
3 households	63	112	52,347	52,572	512
4 households	33	59	21,385	21,470	202
5 or more households	19	35	14,828	14,856	138

**FARM SERVICE AGENCY
FARM LOAN PROGRAMS OBLIGATIONS REPORT
FY 2020 AS OF SEP 30, 2020
(DOLLARS IN THOUSANDS)**

STATES	DIRECT OL		GUAR OL		DIRECT FO		GUAR FO		EMERGENCY		TOTAL	
	NO	\$ AMT	NO	\$ AMT	NO	\$ AMT	NO	\$ AMT	NO	\$ AMT	NO	\$ AMT
ALABAMA	189	7,587	10	4,384	17	5,345	76	56,051	0	0	292	73,367
ALASKA	5	358	0	0	1	300	0	0	0	0	6	658
ARIZONA	175	13,819	12	6,542	32	10,358	11	8,506	0	0	230	39,224
ARKANSAS	869	69,783	156	71,120	303	78,100	157	140,991	7	1,056	1,492	361,049
CALIFORNIA	539	22,322	56	25,052	86	25,803	46	30,816	0	0	727	103,993
COLORADO	313	19,759	42	10,753	81	26,521	42	30,403	0	0	478	87,436
CONNECTICUT	15	1,679	4	1,210	8	1,409	7	2,176	0	0	34	6,473
DELAWARE	13	1,941	1	178	11	4,001	18	15,602	0	0	43	21,721
FLORIDA	194	10,045	31	10,189	20	6,301	27	17,097	0	0	272	43,633
GEORGIA	288	23,822	98	40,783	48	14,192	61	52,995	0	0	495	131,791
HAWAII	110	2,886	0	0	25	10,147	1	820	0	0	136	13,853
IDAHO	309	23,078	151	34,470	84	28,285	70	38,069	0	0	614	123,900
ILLINOIS	188	15,917	132	41,483	543	121,921	553	267,747	1	15	1,417	447,083
INDIANA	139	14,314	130	38,740	255	61,154	245	104,879	0	0	769	219,087
IOWA	1,311	101,078	271	67,917	736	209,257	370	216,070	0	0	2,688	594,322
KANSAS	584	46,465	119	27,418	534	111,123	144	56,501	0	0	1,381	241,506
KENTUCKY	1,011	41,585	80	20,661	327	79,420	188	80,242	0	0	1,606	221,908
LOUISIANA	251	16,224	146	72,819	22	5,915	16	15,777	0	0	435	110,735
MAINE	77	5,378	4	1,450	16	2,418	3	3,377	0	0	100	12,623
MARYLAND	25	2,039	6	1,811	13	6,025	12	6,398	0	0	56	16,273
MASSACHUSETTS	38	2,038	4	2,055	11	3,072	3	982	0	0	56	8,146
MICHIGAN	239	16,580	103	22,179	176	35,296	170	79,400	3	471	691	153,925
MINNESOTA	754	72,499	279	85,887	341	100,256	384	203,073	0	0	1,758	461,714
MISSISSIPPI	343	13,976	14	7,420	21	4,664	69	63,806	0	0	447	89,866
MISSOURI	350	21,455	178	40,995	376	94,688	351	154,290	0	0	1,255	311,428
MONTANA	440	38,688	98	28,693	80	30,868	80	55,964	0	0	698	154,213
NEBRASKA	1,586	133,408	138	47,490	478	155,385	155	89,838	0	0	2,357	426,122
NEVADA	48	2,674	5	1,245	8	2,726	14	9,100	0	0	75	15,744
NEW HAMPSHIRE	24	802	0	0	3	1,274	0	0	0	0	27	2,076
NEW JERSEY	41	2,776	2	1,450	10	3,188	1	1,750	0	0	54	9,164
NEW MEXICO	176	12,256	28	11,154	94	31,095	31	25,836	0	0	329	80,340
NEW YORK	110	9,221	53	15,727	39	9,457	52	30,015	1	33	255	64,454
NORTH CAROLINA	282	24,432	43	13,989	49	14,801	92	75,559	0	0	466	128,781
NORTH DAKOTA	492	57,961	248	99,265	198	58,422	80	54,406	1	110	1,019	270,164
OHIO	211	10,272	63	13,258	205	45,345	538	210,074	0	0	1,017	278,949
OKLAHOMA	1,334	82,639	123	35,393	855	190,462	146	74,546	0	0	2,458	383,041
OREGON	231	17,872	18	6,430	45	17,648	34	28,369	0	0	328	70,319
PENNSYLVANIA	335	22,840	28	6,770	116	41,738	43	24,399	0	0	522	95,747
PUERTO RICO	31	1,779	6	2,330	3	283	7	1,132	0	0	47	5,524
RHODE ISLAND	17	573	0	0	2	1,017	0	0	0	0	19	1,590
SOUTH CAROLINA	173	12,800	64	19,792	28	7,858	49	32,078	0	0	314	72,528
SOUTH DAKOTA	966	74,082	161	40,087	295	95,156	169	115,085	1	93	1,592	324,503
TENNESSEE	571	28,480	48	18,649	148	31,287	63	49,654	2	125	832	128,195
TEXAS	961	65,479	198	78,912	340	98,989	70	66,711	4	439	1,573	310,530
UTAH	328	20,053	27	5,867	87	27,525	62	43,539	0	0	504	96,983
VERMONT	43	3,713	7	3,593	9	2,058	11	4,162	0	0	70	13,526
VIRGIN ISLANDS	0	0	0	0	0	0	0	0	0	0	0	0
VIRGINIA	195	13,020	30	9,337	130	42,727	33	18,014	1	113	389	83,211
WASHINGTON	264	25,373	70	23,568	56	16,723	16	5,763	0	0	406	71,427
WEST PAC TERR	6	113	0	0	2	310	0	0	0	0	8	423
WEST VIRGINIA	374	11,876	7	945	83	17,156	10	7,582	0	0	474	37,560
WISCONSIN	541	33,792	170	50,000	311	75,625	452	284,651	0	0	1,474	444,069
WYOMING	93	7,136	46	12,932	36	13,745	26	20,541	0	0	201	54,354
TOTAL	18,202	1,280,734	3,708	1,182,393	7,797	2,078,837	5,258	2,974,834	21	2,455	34,986	7,519,253

FARM SERVICE AGENCY
FARM LOAN PROGRAMS SOCIALLY DISADVANTAGED OBLIGATIONS REPORT
FY 2020 AS OF SEP 30, 2020

STATES	DIRECT OL		GUAR OL		DIRECT FO		GUAR FO		TOTAL	
	NO	\$ AMT	NO	\$ AMT	NO	\$ AMT	NO	\$ AMT	NO	\$ AMT
ALABAMA	86	2,819,550	1	1,750,000	2	165,000	12	10,267,186	101	15,001,736
ALASKA	2	111,000	0	0	1	299,500	0	0	3	410,500
ARIZONA	97	4,173,300	2	200,000	10	2,407,000	0	0	109	6,780,300
ARKANSAS	263	16,818,010	16	4,699,954	79	22,417,810	54	49,923,515	412	93,859,289
CALIFORNIA	354	9,627,880	29	12,267,062	40	12,200,620	23	15,060,000	446	49,155,562
COLORADO	77	3,830,732	4	2,005,000	17	4,495,410	3	1,000,150	101	11,331,292
CONNECTICUT	3	55,000	0	0	2	87,500	1	211,000	6	353,500
DELAWARE	0	0	0	0	3	1,502,000	6	4,793,600	9	6,295,600
FLORIDA	105	3,904,555	6	3,390,000	14	4,795,300	7	4,178,614	132	16,268,469
GEORGIA	102	8,473,010	12	5,313,067	11	3,167,530	21	20,041,018	146	36,994,625
HAWAII	95	2,360,220	0	0	19	7,577,180	1	820,000	115	10,757,400
IDAHO	78	4,367,790	11	1,475,325	11	4,883,000	6	2,802,105	106	13,528,220
ILLINOIS	14	989,980	7	1,115,300	31	7,447,800	16	4,966,790	68	14,519,870
INDIANA	17	1,038,620	4	384,697	12	2,990,540	13	4,180,612	46	8,594,469
IOWA	114	4,530,340	5	663,800	30	8,568,350	5	3,603,500	154	17,365,990
KANSAS	90	3,289,200	1	250,000	56	12,171,580	17	4,228,928	164	19,939,708
KENTUCKY	171	3,754,285	4	442,005	37	8,484,810	9	2,981,625	221	15,662,725
LOUISIANA	133	7,577,910	86	46,852,556	16	3,566,180	7	7,958,000	242	65,954,646
MAINE	22	775,860	0	0	2	384,000	1	1,450,000	25	2,609,860
MARYLAND	6	365,390	0	0	6	2,931,990	6	4,042,128	18	7,339,508
MASSACHUSETTS	6	318,500	2	275,000	2	420,000	1	155,000	11	1,168,500
MICHIGAN	41	1,306,500	3	479,200	15	3,162,390	4	704,000	63	5,652,090
MINNESOTA	66	3,520,950	5	1,439,700	17	3,995,890	10	2,127,417	98	11,083,957
MISSISSIPPI	110	3,315,590	0	0	6	1,618,000	17	23,108,680	133	28,042,270
MISSOURI	41	1,432,990	37	6,586,491	40	7,502,000	79	42,798,204	197	58,319,685
MONTANA	145	8,354,260	8	2,426,725	8	2,476,800	1	423,657	162	13,681,442
NEBRASKA	145	6,496,040	7	2,651,650	30	8,350,710	8	2,237,720	190	19,736,120
NEVADA	14	434,069	1	322,000	0	0	0	0	15	756,069
NEW HAMPSHIRE	5	110,600	0	0	1	274,000	0	0	6	384,600
NEW JERSEY	8	790,030	0	0	3	1,236,000	0	0	11	2,026,030
NEW MEXICO	94	5,708,060	7	1,847,820	38	10,690,400	10	5,379,000	149	23,625,280
NEW YORK	24	2,476,400	0	0	9	2,384,200	3	1,180,000	36	6,040,600
NORTH CAROLINA	52	3,329,480	1	126,000	10	3,293,020	21	19,460,381	84	26,208,881
NORTH DAKOTA	68	5,108,130	11	2,774,292	16	5,741,170	1	358,000	96	13,981,592
OHIO	48	890,450	3	573,250	21	4,360,010	27	10,215,687	99	16,039,397
OKLAHOMA	648	36,530,558	38	9,546,500	425	94,678,225	78	36,078,821	1,189	176,834,104
OREGON	66	4,949,820	0	0	13	4,897,000	2	974,100	81	10,820,920
PENNSYLVANIA	42	1,840,975	3	1,009,068	12	4,234,890	5	1,728,481	62	8,813,414
PUERTO RICO	31	1,778,570	6	2,330,000	3	283,400	7	1,131,750	47	5,523,720
RHODE ISLAND	3	105,500	0	0	1	417,000	0	0	4	522,500
SOUTH CAROLINA	46	2,674,691	8	871,610	7	1,328,490	11	8,575,900	72	13,450,691
SOUTH DAKOTA	205	13,243,673	17	2,542,000	39	12,172,360	8	5,191,600	269	33,149,633
TENNESSEE	102	3,308,340	5	875,000	18	4,238,000	8	7,927,115	133	16,348,455
TEXAS	293	11,846,320	12	5,327,673	84	23,578,860	39	48,125,886	428	88,878,739
UTAH	51	2,169,170	0	0	9	2,537,600	2	1,440,000	62	6,146,770
VERMONT	11	449,300	0	0	4	839,620	2	380,000	17	1,668,920
VIRGIN ISLANDS	0	0	0	0	0	0	0	0	0	0
VIRGINIA	57	3,043,240	4	1,270,000	50	16,274,530	12	7,153,750	123	27,741,520
WASHINGTON	70	5,853,750	8	1,582,845	12	3,192,350	2	1,366,000	92	11,994,945
WEST PAC TERR	6	112,700	0	0	2	310,000	0	0	8	422,700
WEST VIRGINIA	66	2,038,170	0	0	14	2,414,500	4	2,232,000	84	6,684,670
WISCONSIN	88	4,422,247	12	3,459,274	45	11,208,860	24	13,882,349	169	32,972,730
WYOMING	26	1,368,500	6	1,888,000	4	1,844,000	2	1,793,236	38	6,893,736
TOTAL	4,507	218,190,205	392	131,012,864	1,357	350,497,375	596	388,637,505	6,852	1,088,337,949

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

Sid Miller, et al.,

Plaintiffs,

v.

Tom Vilsack, in his official capacity as
Secretary of Agriculture,

Defendant.

Case No. 4:21-cv-00595-O

**[PROPOSED] ORDER GRANTING
MOTION FOR CLASS CERTIFICATION**

The plaintiffs' motion for class certification is granted.

The Court certifies the following two classes under Rule 23(b)(2) of the Federal Rules of Civil Procedure. The first class consists of:

all farmers and ranchers in the United States who are encountering, or who will encounter, racial discrimination from the United States Department of Agriculture on account of section 1005 of the American Rescue Plan Act.

Greg Macha, James Meek, Jeff Peters, and Lorinda O'Shaughnessy are appointed class representatives. Jonathan F. Mitchell, Gene P. Hamilton, Charles W. Fillmore, and H. Dustin Fillmore are appointed class counsel under FRCP 23(g). The class claim is:

Whether the United States Department of Agriculture is violating the Constitution and Title VI of the Civil Rights Act of 1964 when it discriminates on account of race in administering sections 1005 of the American Rescue Plan Act through the Farm Service Agency.

The second class consists of:

all farmers and ranchers in the United States who are currently excluded from the definition of 'socially disadvantaged farmer or rancher,' as defined in 7 U.S.C. § 2279(a)(5)–(6) and as interpreted by the Department of Agriculture.

Sid Miller, Greg Macha, James Meek, Jeff Peters, and Lorinda O'Shaughnessy are appointed class representatives. Jonathan F. Mitchell, Gene P. Hamilton, Charles W. Fillmore, and H. Dustin Fillmore are appointed class counsel under FRCP 23(g). The class claim is:

Whether the United States Department of Agriculture is violating the Constitution and Title VI of the Civil Rights Act of 1964 by limiting government benefits to “socially disadvantaged farmers or ranchers,” as that term is defined in 7 U.S.C. § 2279(a)(5)–(6) and interpreted by the Department of Agriculture.

Dated: _____, 2021

REED O'CONNOR
UNITED STATES DISTRICT JUDGE