

Southeastern Legal Foundation Participates in Federalist Society Annual Executive Branch Review Conference

WASHINGTON, DC (April 16, 2024): On Tuesday, [Southeastern Legal Foundation](#) (SLF) participated in Federalist Society’s twelfth annual [Executive Branch Review Conference](#). Every year, Federalist Society hosts this conference to take stock of how the executive branch is fulfilling—or failing to fulfill—its constitutional duties. This year’s theme was the Constitution and Regulatory Overreach.

On behalf of SLF, Vice President of Litigation [Braden Boucek](#) participated in a [panel](#) titled, “Is the Whole of Government Greater than the Sum of its Parts?” The panelists addressed the Biden Administration’s “whole of government” approach to implementing policies, in which executive agencies have used every tool available—from rulemaking, to guidance documents, to Dear Colleague letters—to push the Biden Administration’s policy objectives.

One of the approaches SLF finds most alarming is the Biden Administration’s full-fledged commitment to “equity.” On the first day President Biden took office, he declared by executive order that the American dream was “out of reach” for too many Americans, and he vowed to embed an “equity agenda” into all aspects of executive decisionmaking. President Biden also directed agencies to implement strategies that would yield “equitable outcomes.”

Since then, the administration has fully leaned into its equity agenda. In 2021, the United States Department of Agriculture (USDA) attempted to forgive the loans of “socially disadvantaged” farmers at the exclusion of white farmers. SLF and [Mountain States Legal Foundation](#) (MSLF) successfully won a [court order](#) halting the discriminatory program. But rather than stop there, USDA is now refusing to give as much congressional disaster relief money to white male farmers than to farmers of a different race or sex. SLF and MSLF have filed [another lawsuit](#) against USDA on behalf of Texas farmers who, but for their race and sex, would be entitled to those relief funds.

USDA has made no secret that these unconstitutional and discriminatory programs stem directly from the Biden Administration’s whole-of-government equity agenda.

Boucek stated during the [panel](#), “It started with one word: equity. But it ultimately ends with just another box on a bureaucratic form. In this way, equality has been devoured by the whole of government’s enthusiastic appetite for equitable outcomes. . . . Never before has the federal government so enthusiastically thrown American values overboard and devoted the full might of the American government to a contrary policy without congressional backing.”

Fortunately, there is hope: equality has endured centuries of tyranny. But is up to the American people to hold their government accountable to this promise.