



**STATE OF MISSISSIPPI  
DEPARTMENT OF AGRICULTURE AND COMMERCE**

ANDY GIPSON  
COMMISSIONER

**COMMISSIONER'S ORDER REAFFIRMING MERIT-BASED PRINCIPLES AND  
PROHIBITING  
DISCRIMINATORY DEI PRACTICES**

I, J. Andrew Gipson, Commissioner of Agriculture and Commerce of the State of Mississippi, do hereby issue this Commissioner's Order Reaffirming Merit-Based Principles and Prohibiting Discriminatory Diversity, Equity and Inclusion ("DEI") Practices ("Order") pursuant to the power and authority vested in me by the Constitution and laws of the State of Mississippi, including, without limitation, Titles 69 and 75 of the Mississippi Code, as the public officer having management and control of:

- a) the Mississippi Department of Agriculture and Commerce ("MDAC") and its employees and properties under Miss. Code Ann. § 69-1-1, *et seq.*;
- b) the Mississippi State Fairgrounds under Miss. Code Ann. 69-5-1, *et seq.*;
- c) the Mississippi Farmers Market under 69-7-101, *et seq.*;
- d) the Jim Buck Ross Agriculture and Forestry Museum under 69-1-32, *et seq.*; and
- e) any and all other properties and locations not listed herein under the management and/or control of MDAC by virtue of State or Federal law.

I do hereby make the findings below and issue the following Order with respect to all employees, agents of MDAC, and contractors with MDAC, including their subcontractors, as recipients of funds disbursed by or through MDAC (hereinafter "Covered Persons") and prohibiting the engaging in DEI practices as set forth herein:

WHEREAS, on January 20, 2025 President Donald J. Trump issued an Executive Order Ending Radical and Wasteful Government Programs and Preferencing available at <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>; and

WHEREAS, it is the policy of MDAC to support merit-based approaches such as to reward individual initiative, skills, good performance and hard work, without regard to the biased DEI approach which is focused on division instead of unity with respect to race, color, sex, ethnicity or national origin; and

WHEREAS, the Commissioner by this Order intends to support the federal efforts of President Trump at the State level by extending these merit-based principles to the maximum extent allowable by law to all Covered Persons; and

WHEREAS, the Biden Administration previously forced unlawful and discriminatory DEI programs under the name “diversity, equity and inclusion” into virtually all aspects of the federal government, including nearly every federal agency and entity and contractors with the federal government, and these policies subsequently infiltrated an unknown number of contractors to state agencies including federal agency partners to state agencies; and

WHEREAS, federal DEI practices have led various federal agencies and contractors to discriminate against a person based on his or her race, color, sex, ethnicity, or national origin; and

WHEREAS, the Equal Protection Clause contained within the Fourteenth Amendment to the United States Constitution provides: “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws”; and

WHEREAS, the United States Supreme Court examined the Equal Protection Clause and its meaning in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 143 S.Ct. 2141 (June 29, 2023); and

WHEREAS, the Supreme Court explained that “[e]liminating racial discrimination means eliminating all of it. And the Equal Protection Clause, we have accordingly held, applies without regard to any differences of race, of color, or of nationality—it is universal in [its] application.”; and

WHEREAS, to the extent theories of DEI may have led any Covered Person to grant preferential treatment to, or discriminate against, a person based on his or her race, color, sex, ethnicity, or national origin, this Order clarifies the legal prohibition against such treatment and discrimination.

NOW, THEREFORE, I, J. Andrew Gipson, Commissioner of Agriculture and Commerce of the State of Mississippi, by virtue of the power and authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order the following which shall apply to all Covered Persons, effective immediately:

1. No Covered Person shall utilize funds disbursed under the control of or property or resources controlled by or through MDAC to:
  - a. Grant or support DEI positions, hiring, retention, promotions, advancement, departments, activities, procedures, programs, or benefits to the extent they grant or advocate preferential or discriminatory treatment based on one person’s particular race, color, sex, ethnicity, or national origin over another;
  - b. mandate any person to participate in, listen to, or receive any education, training, activities, procedures, or programming to the extent such education, training, activity, or procedure grants or advocates preferences based on one person’s particular race, color, sex, ethnicity, or national origin over another;
  - c. mandate any person swear, certify, or agree to any loyalty oath that favors or prefers one race, color, sex, ethnicity, or national origin over another’s;

- d. mandate any applicant for employment provide a DEI statement or give any applicant for employment preferential consideration based on the provision of such a diversity, equity, and inclusion statement; or
    - e. mandate any person to disclose their pronouns or address another person by a pronoun inconsistent with the other person's sex at birth.
2. To carry out this directive, the Director of each Division within MDAC ("Director") with the assistance of MDAC counsel, as requested, shall review and revise, as appropriate, any and all existing contracts, programs and practices to ensure compliance with this Order. Within sixty (60) days of this Order, each Director shall provide a list to the Commissioner of any such contracts, programs and practices found to be inconsistent with this Order, to include the information below in (a)—(c), with a recommendation for action:
  - a. any Covered Person DEI positions, committees, programs, services, activities, budgets and expenditures;
  - b. any state or federal contractors who have provided DEI training or DEI training materials to MDAC employees; and
  - c. any grantees who received funding to provide or advance DEI programs, services or activities since January 20, 2021.
3. Notwithstanding the limitations and mandates set forth above, nothing in this Order may be construed to limit or prohibit any Covered Person from applying for a grant or complying with the accreditation requirements by an accrediting or licensing agency; or certifying compliance with applicable, valid anti-discrimination laws, rules, and regulations.
4. Furthermore, this Order shall not be construed to apply to Covered Persons with respect to a policy, practice, procedure, program, class, or activity required for compliance with state or federal laws, rules, or regulations for obtaining or retaining accreditation or licensure.
5. Covered Persons shall become fully compliant with this Order as soon as practicable, but in no event later than May 1, 2025 as evidenced to the satisfaction of the Commissioner.
6. In addition, each Director shall submit a report to the Commissioner no later than May 1, 2025 which shall include a description of any Covered Person DEI positions, departments, activities, procedures, and programs then in existence and identify what functions, if any, were revised, restructured and/or terminated after the issuance of this Order.
7. Nothing in this Order should be construed to prohibit the promotion of civil discourse and debate or speech that is protected by the First Amendment to the U.S. Constitution. On the contrary, civil discourse, viewpoint diversity and merit-based considerations in employment should be encouraged and should replace unconstitutional preferential treatment and discrimination.

8. Compliance with this Order may be enforced by the Commissioner as the public officer having charge of the management and control of MDAC pursuant to Miss. Code Ann. § 69-1-1, and such other state or federal law, as may be applicable.
9. This Order shall supersede any conflicting rules, guidelines or orders issued by local officials of counties and/or municipalities insofar as the conduct of Covered Persons is concerned.
10. If any provision of this Order or the application of any provision to any Covered Person or circumstance is held to be invalid, the remainder of this Order and the application of its provisions to any other Covered Person or circumstance shall not be affected.
11. This Order shall be implemented consistent with applicable law and shall remain in effect and in full force unless modified, amended, rescinded, or superseded by the Commissioner.

Given under my hand this

the 29<sup>th</sup> day of January, 2025.

  
\_\_\_\_\_  
J. Andrew Gipson  
Commissioner