

May 20, 2009

SENT VIA FACSIMILE 202-456-2461

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

RE: USDA Discrimination against Hispanic Farmers

Dear President Obama:

I am writing to you because I believe you can help correct the grave injustices that the United States Department of Agriculture ("USDA") has committed against Hispanic farmers for many years. Because of my own experiences and that of my family with USDA discrimination, I became a named plaintiff in the *Garcia* Hispanic farmers' class action lawsuit against USDA. I believe that your influence can help bring USDA to negotiate with us to work out a just and reasonable settlement to this lawsuit and rid USDA of its discriminatory practices against minority farmers.

My experience with USDA, and particularly the Farm Service Agency (FSA) is much like the experience of many other Hispanic farming families. I have attached a signed declaration chronicling my families struggle with the USDA. I had to give up farming in 2000. As a third generation farmer, this was one of the toughest times in my life. I love farming, it's in my blood. I was forced out of farming as a result of a series of discriminatory decisions by FSA. I know USDA discriminated against me and my family because we are Hispanic.

Many other Hispanic farmers and ranchers have been treated similarly, as seems to be a pattern with USDA. USDA has a long history of discrimination against minorities. Settling the *Garcia* class action lawsuit will send a very strong message to USDA that it has to reform, and will give it a strong incentive to do so. USDA needs greater openness in the loan process, more representation of Hispanics and other minorities in FSA offices, more effective investigation of civil rights complaints, and, especially, stronger enforcement of decisions against local FSA offices when they are found to be discriminating.

I believe that damages for past discrimination against Hispanic farmers must be a part of this settlement. It would be completely unjust to ignore many years of discrimination, since this has caused farmers to lose their land, driven them into poverty, made them work hard for many years without any return, ruined their family lives, and generally caused them enormous amounts of grief and agony.

During the Clinton administration, USDA settled the Pigford lawsuit with Black farmers over the same kinds of issues, and compensated them for some of the years of discrimination that it had committed against them. President Clinton was the driving

force behind the settlement of this lawsuit. The kinds of discrimination that were reported against Black farmers in the Pigford case are the same that Hispanic farmers have suffered. We believe that we deserve the same consideration and the same type of Presidential intervention.

The USDA has stated that it is not in their power to settle this lawsuit. I ask you, is it in your power? We keep getting the run-around, lip-service, and no action. We need you to get involved and demand that the USDA rid its offices of employees who discriminate and foster a discriminatory working environment. Real meaningful changes need to be made in the way USDA administers its loan programs.

You have already done so much for the African American farmers who experienced the same type of mistreatment and had the same complaints as Hispanic farmers against USDA. You have committed over 2.5 Billion dollars in settlement funds to bring closure to the long-standing black farmers' lawsuit against the USDA. To date Hispanic farmers have not received a cent.

President Obama, I am hoping we can count on you to do right by Hispanic farmers. We live in a country where everyone, regardless of race, should be treated equally. The fact that a taxpayer funded agency is allowed to continue mistreating Hispanic farmers is egregious. The American Hispanic population is the fastest growing minority. We Hispanic farmers will not forget any help you can offer us in this matter.

Sincerely,



Larry Chavarria

My address is:
36 Canterbury Drive
Lemoore, CA 93245

cc: Rahm Emanuel, White House Chief of Staff- Fax: (202) 456-0192
Valerie Jarrett, White House Senior Advisor- Fax: (202) 456-6218
Pete Rouse, White House Senior Advisor- Fax: (202) 456-0192
Michael Strautmanis, Chief of Staff to Senior Advisor- Fax: (202) 456-6218
Stephanie Valencia, White House public Liaison- Fax: (202) 456-6218
Congressional Hispanic Caucus- Fax: (202) 226-0227
Senator Dianne Feinstein- Fax: (202) 228-3954
Secretary Thomas Vilsack- Fax: (202) 720-2166

Declaration of Larry Chavarria and Robert Chavarria

We, Larry Chavarria and Robert Chavarria, hereby state and declare the following:

1. We are both over 18 years of age. Larry Chavarria's date of birth is August 9, 1954. Robert Chavarria's date of birth is November 12, 1951. Our mailing address is P.O. Box 386 Lemoore, California 93245.
2. Our family started farming in 1944. Our farm is 640 acres with irrigation. We are the third generation of farmers. We farmed together as a general partnership, Chavarria Farming Co., from 1987 until 2000. We grew wheat, cotton, cantaloupes and milo.
3. In 1995, our cotton crop suffered severe losses. In fact, the area was given a disaster designation by the California Governor's office due to losses caused by winter storms. I, Larry Chavarria, applied on behalf of the partnership to the Farm Service Agency (FSA) in Kings County, CA for a disaster loan, in January of 1997. Our application for a disaster loan was improperly rejected. We appealed the rejection to the National Appeals Division of the USDA.
4. The primary issue on appeal was our wheat lease. We signed a lease with our landlord, a white farmer, J.C. Washington for property where we grew wheat. Shortly thereafter, we began to have problems with Mr. Washington. Mr. Washington had borrowed money from Shanco Commodities Inc. [hereinafter Shanco]. Mr. Washington wanted us to sell our wheat to Shanco. When we refused to sell our wheat to Shanco, Mr. Washington went to Westside Farms, our money source, to try to collect the wheat sale funds as rent. Our lease with Mr. Washington did not contain any provisions for the use of the wheat crop as payment. This behavior by Mr. Washington was extremely inappropriate.
5. In fact, a hearing officer at The National Appeals Division of the USDA reversed the FSA decision finding in part that the FSA relied upon the testimony of our landlord, J.C. Washington, who "tells the truth, but not always all of it." Mr. Washington was in a financial bind and "desperate" to hold on to his farm.
6. Even though we won the appeal, the FSA continued to subject us to unfair and discriminatory treatment. We were subsequently denied Production Flexibility contract payments and an emergency loan.

7. In 1998, we applied for loan servicing. Initially, we were denied. However, in October of 2000, the FSA overturned their denial because we were not properly notified of the Primary Servicing options available to us. Again and again, we experienced severe delays from the FSA. These delays have caused us financial harm and emotional distress.
8. In 1999, I, Larry Chavarria, filed a discrimination complaint with the Office of Civil Rights of the USDA. Incredibly, the USDA responded that the complaint did not raise an issue of discriminatory conduct so it was outside of their jurisdiction. Because my complaint was never investigated, the harms committed against us have never been addressed much less rectified.
9. The FSA also froze payments due to us on a farm subsidy. They did so based upon a letter of objection written to them by J.C. Washington with whom we have a longstanding dispute.
10. We tried to get debt forgiveness from the FSA. The FSA appraised our property at \$2,500 per acre. As a result, we were ineligible for debt forgiveness, because our equity was too high. White farmers own both of our neighboring farms. One farm was appraised at \$750 per acre, and the other farm was appraised at \$1300 per acre.
11. We discontinued farming our land in 2000. Instead, we sub-leased our farm. I, Larry Chavarria, work for the State of California as a canteen manager in a prison. I, Robert Chavarria, am self-employed, and I prepare taxes. We would not have given up on farming except for we couldn't acquire timely loans, loan servicing or debt forgiveness. Our problems are the result of willful and continuous racial discrimination by the FSA. Similarly situated white farmers easily got loans, loan servicing and debt forgiveness.
12. Each time we went to the FSA in Kings County, CA, to apply for a loan, we were qualified for the loan that we sought. We believe that the FSA discriminated against us because we are Hispanic.

We have reviewed the foregoing Declaration, consisting of twelve (12) numbered paragraphs, and declare under penalty that it is true and correct to the best of our personal knowledge.

Larry Chavarria R-C
Larry Chavarria

2-25-02
Date

Robert Chavarria
Robert Chavarria

2-25-02
Date