

08-6/20



U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement

SHR:RTH:RTS
175-91-1

U.S. Mail: 950 Pennsylvania Avenue, NW - G St.
Washington, DC 20530
Overnight: 1800 G Street, NW
Suite 7002
Washington, DC 20006
Telephone: (202) 514-4713
Facsimile: (202) 514-1116

August 6, 2012

VIA HAND DELIVERY

Hon. Lenny Rapadas
Attorney General of Guam
287 West O'Brien Drive
Hagatna, Guam 96910

RE: Chamorro Land Trust Act

Dear Mr. Rapadas:

We write to notify you of the Department of Justice's investigation into whether Guam's land use policies and practices discriminate on the basis of race or national origin in violation of the Fair Housing Act ("FHA"), 42 U.S.C. §§ 3601, *et seq.* Our investigation is ongoing, and we have not made a determination as to whether there has been a violation of the FHA by the Government of Guam or any other parties.

As you know, a Guam resident filed a complaint with the United States Department of Housing and Urban Development ("HUD") against the Government of Guam alleging that he was unlawfully denied a residential lease of land subject to the Chamorro Land Trust Act because he is not Chamorro. *See Arnold Davis v. Government of Guam*, HUD Case No. 09-10-1050-8. HUD subsequently referred the matter to the Department of Justice under 42 U.S.C. § 3610(g).

The FHA prohibits, among other things, the refusal to lease dwellings on the basis of race or national origin; discrimination against persons in the terms, conditions, or privilege of rental of dwellings on the basis of race or national origin; publication of advertisements and statements that express a preference or limitation based on race or national origin; and discrimination in the extension of credit and loan guarantees for residential purposes on the basis of race or national origin. 42 U.S.C. §§ 3604(a), (b), (c) and 3605. The FHA authorizes the Attorney General to commence a civil action whenever he has reasonable cause to believe that any person or group of persons is engaging in a pattern or practice of housing discrimination, or that a group of persons has been denied any of the rights granted by the Act and such denial raises an issue of general public importance. 42 U.S.C. § 3614(a).



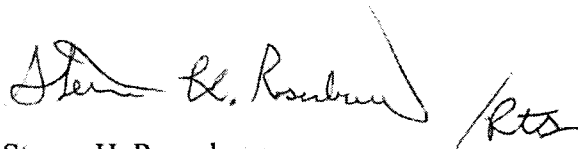
— |RW

In addition to allegations made in the HUD complaint, our investigation focuses on whether the Chamorro Land Trust Act, 21 GCA §§ 75101, *et seq.*, as interpreted and implemented by the Chamorro Land Trust Commission ("CLTC") and its Administrative Director, discriminates on the basis of race or national origin in violation of the FHA by limiting certain housing-related benefits to persons who are "native Chamorros."

We believe that both the public interest and the interests of Guam will best be served by our having complete and accurate information about the CLTC's land use practices. Therefore, we request that you provide information and related documentation regarding any person whose application for a lease of Chamorro Land Trust Act land has been denied, whether for failing to qualify as a native Chamorro or otherwise, over the last five years. We also invite you to provide any other information that you believe is relevant to our inquiry.

We ask that you contact Roger T. Severino, the attorney handling this investigation, at (202) 353-9732 or roger.severino@usdoj.gov, in order to arrange for delivery of the information and if you have any questions or concerns. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven H. Rosenbaum". To the right of the signature is a smaller, more stylized handwritten mark that looks like "Rts".

Steven H. Rosenbaum
Chief
Housing and Civil Enforcement Section

cc: Mikel Schwab, Civil Chief, United States Attorney's Office, Guam