

July 9, 2009

To the Members of the Seed Savers Exchange,

This letter describes my repeated attempts to reach some sort of compromise and closure with SSE's board of directors. During the last year and a half I have reached out repeatedly to SSE's board with compromise solutions, but they have denied virtually all of my requests and recently made it quite clear that they intend to continue shutting me out completely. I have kept quiet while all of the legal maneuvering played itself out, but now SSE's members deserve to know the truth about my termination, about the ongoing misuse of SSE's resources, and the personal agendas of SSE's board members that continue to damage our organization.

During the last year and a half SSE has incurred substantial legal fees with a Des Moines law firm as part of what I believe is a campaign to harass and intimidate me. Those fees are being paid for with funds from the \$2.2 million bequest given in July 2007 to support SSE's fine work (a clear affirmation of the high quality of my management and judgment), which certainly was not intended to cover the legal expenses of this needless mess. Each time I have asked for anything SSE's board has demanded that I first sign a confidentiality and non-disparagement agreement. For years I've watched in disgust as Monsanto has prosecuted about 450 U.S. farmers, guilty only of having their crops contaminated by Monsanto's GMOs, who will never be able to tell their stories because of being required to sign such confidentiality agreements. Until this happened to me, I never fully realized how deadly those gag orders are at silencing the voices of their victims. SSE's board has unceasingly tried to do exactly the same to me – originally offering me \$240,000 worth of salary, medical, retirement and other perks, if I would sign and go away. The attempt by SSE's board to misuse SSE's funds in that way is disgusting to me. I couldn't live with myself if I took a penny of that hush money, and I will never allow anyone to take away my voice! Never!

Since my termination, I have been contacted by several people who have all told me that it is not an uncommon occurrence for the founder to be thrown out, especially when a nonprofit is extremely successful (either financially successful or has a great reputation with lots of media involved). Each described situations they had been through or witnessed, and warned that board members interested in using an organization for their own personal agendas will patiently wait in the background for years until an opportunity presents itself, and then will make their moves. Amazingly, the peak of an organization's success is usually when "the grab" is made. Looking back that is exactly what Amy Goldman did, waiting silently in the background at board meeting after board meeting, occasionally writing a large check, while she placed people on SSE's board who were financially beholden to her (or increased her funding to others already on SSE's board).

Amy Goldman has a serious craving for publicity and for years has wanted to run Seed Savers just so she could assume the title and improve her credentials – she wanted the caption under the glamour photo in her latest book to read "Chair of the Board of Seed Savers Exchange." This is not new behavior – a decade ago I agreed to speak at an Heirloom Vegetable Ball she threw at a fancy Manhattan restaurant attended by about 200 invited guests. Afterwards I was shocked and dismayed when she told me the entire event was an attempt to get her photo onto the society pages of *The New York Times*. Amy Goldman gets what she wants, no matter how outrageous the tactics – at the dinner before one of SSE's board meetings she told about buying a \$50,000 championship bull just to win a blue ribbon at the country fair. And now she has traded SSE's invaluable and irreplaceable seed collection for a photo opportunity in the permafrost beside the Svalbard

“doomsday vault,” even though she and SSE’s other board members know full well that her actions are opening up SSE’s seed collection to patenting and international exploitation.

SSE’s greatest treasure is its seed collection of 26,000 rare vegetable varieties, being permanently maintained at Heritage Farm, which represents the legacy and combined efforts of more than 3,500 of SSE’s Listed Members who generously contributed their families’ heirloom seeds to SSE’s collection during the last three decades. As stated in SSE’s Articles of Incorporation, SSE’s seed collection was developed as a permanent backup for our members’ efforts (so that they could get their seeds back if ever lost), and over the years it has become the best collection of heirloom food crops in the world, truly a Peoples Seed Bank. But Amy Goldman (despite her public declarations about “our beloved Seed Savers”) doesn’t share my reverence and respect for SSE’s seed collection, and her unilateral actions have now made possible the patenting of the 485 varieties that SSE deposited at Svalbard’s official opening in February 2008. A year later SSE deposited 936 more varieties, along with statements by SSE’s board that additional batches of seeds will be deposited annually until samples of SSE’s entire collection are stored in Svalbard (all 26,000 varieties).

SSE’s highly questionable relationship with Svalbard is actually nothing more than an international photo op that Amy Goldman has purchased with SSE’s seed collection and a \$1 million grant that the Lillian Goldman Charitable Trust just made to the Global Crop Diversity Trust (the entity that oversees and regulates Svalbard, headed by Cary Fowler), which I’m sure got her the attention and publicity she so craves at Svalbard’s one-year anniversary dinner. And both Amy Goldman and Cary Fowler are lying right now in their public statements that, “The Trust has received the largest single contribution from an individual in its entire history.” Well, it certainly didn’t come out of Amy Goldman’s pocket; it was a grant from her mother’s foundation.

There are serious questions concerning whether or not Amy Goldman and SSE’s board have the legal right to turn over the assets of a U.S. nonprofit to the control of a United Nations treaty. So far SSE’s board has refused to make public the documents signed with Cary Fowler, and they have lied to SSE’s members through their publications and website about the true nature of Svalbard and the obligations the treaty places on SSE. All depositors are required to sign the Svalbard Depositors Agreement that links those deposits to the “FAO Treaty” (International Treaty on Plant Genetic Resources for Food and Agriculture of the U.N.’s Food and Agriculture Organization), Article 7 of which states, “The Depositor agrees to make available from their own stocks samples of accessions of the deposited plant genetic resources and associated available non-confidential information to other natural or legal persons in accordance with the following terms and conditions: . . .” The agreement goes on to dictate that “original samples” (other seeds of those varieties stored in the seed vaults at Heritage Farm) are also covered by the FAO Treaty. By signing the treaty, Seed Savers cannot refuse any requests for seeds of those deposited varieties (Monsanto and others now can, as a right, request those varieties from SSE’s own seed vaults at Heritage Farm, splice in GMOs, then patent and sell the seed). Indeed, a 1.1% tax on patents from “derivatives” of the varieties in Svalbard is the main way the FAO Treaty will generate funding.

Many of you know Cary Fowler as co-author of *Shattering: Food, Politics and the Loss of Genetic Diversity*, published in 1990. Way back in 1979 I worked with Cary Fowler to oppose “UPOV legislation” in the U.S. (Geneva-based plant variety protection legislation with its Common Catalogue that has outlawed and caused the extinction of thousands of food varieties as each successive country joined the European Union). He and I first met at Gary Nabhan’s “Seed Banks Serving People” conference in Tucson in 1981, where I took over the bean collection of John

Withee's Wanigan Associates (1,186 bean varieties collected in the Northeast during 14 years). Cary Fowler has watched for 26 years as I put together the best collection of heirloom food crops in the world, so it is despicable that he never said one word to me about putting SSE's seeds into his "doomsday vault." Everything was done behind the scenes in conversations with Amy Goldman, probably because they both knew I would oppose such efforts. Svalbard has never been a necessary step for SSE – duplicate samples of SSE's seed collection are already stored in an underground seed vault at Heritage Farm as insurance against fire and tornadoes, plus another set of duplicate samples is in "black box storage" at the National Seed Storage Lab in Fort Collins, Colorado. (Black box storage means the seeds are only being stored against catastrophic loss and that the samples, which still belong entirely to SSE, can be returned at any time upon request.) Also I was concerned because the corporate donors for the Global Crop Diversity Trust, headed by Cary Fowler, include Seminis and DuPont/Pioneer (two of the gene giants he used to fight so hard against).

When first confronted with my letter to SSE's members expressing my concerns about Svalbard, SSE issued a defensive statement (posted in SSE's chat room, but then pulled a day later) claiming the seeds in Svalbard belong entirely to SSE and cannot be distributed, patenting cannot occur, SSE can get its seed back upon request, and SSE has the signed contracts stating all that. While it is true that the samples of seeds actually stored in Svalbard can't be distributed, it is the linking of those deposits to the FAO Treaty that facilitates the distribution and patenting. A more extensive letter was later posted on the SSE website defending SSE's relationship with Svalbard and claiming there is no linkage between Svalbard's Depositors Agreement and the FAO Treaty, which is an outright lie. That letter goes on to argue that Monsanto has had the legal ability to obtain and genetically modify our heirloom varieties ever since Heritage Farm started distributing portions of SSE's seed collection through the yearbook. Well, there is a hell of a difference between obtaining a few varieties from SSE's yearbooks and these deliberate actions by SSE's board that will gradually open up SSE's entire seed collection to Monsanto and similar players. And don't let them tell you that fears about opening up SSE's seed collection to patenting are unfounded and will never actually happen – if it's written into the treaty, it will eventually happen, exactly the same way that the rights of farmers to save their own seeds have gradually been made illegal by similar treaties.

The letter of defense on SSE's website also deceitfully claims SSE's actions are simply adhering to "emerging international norms," but the truth is that out of 1,470 major seed banks worldwide, SSE is one of only 28 that have chosen to place their seeds in Svalbard, the only non-governmental seed bank to do so. Right now Cary Fowler is moving heaven and earth to place as many seed collections as possible under the control of the FAO Treaty. But despite all of his rhetoric about protecting genetic resources and needing to get past the contentiousness of the Seed Wars a decade ago, this is still just legally legitimized biopiracy. All of this Trojan horse publicity is designed to focus the public's attention strictly on the Svalbard seed vault and its claims of saving the world's food production from climate change and nuclear catastrophe, with never any mention of the FAO Treaty whose real purpose is to facilitate access to the world's genetic resources for breeding purposes and patenting. That is exactly the same way Monsanto has deceitfully promoted its genetically engineered foods as the remedy for world hunger, instead of actually being a scheme to genetically engineer food crops that require the use of their agricultural chemicals whose patents were expiring. Svalbard is only the frozen backup facility for the U.N.'s FAO Treaty, not the main focus of the system as is constantly portrayed.

I've had plenty of time now to study the Svalbard Depositors Agreement, FAO's International Treaty on Plant Genetic Resources for Food and Agriculture, and FAO's Standard Material Transfer

Agreement (these and other website addresses are at the end of this letter). Cary Fowler's dream is to create a world seed bank, but in order to raise the required \$200 million he has obviously had to lie down with the very wolves he made his early reputation fighting against. I have watched Cary Fowler's career for more than 30 years, all the way from the Frank Porter Graham Center in North Carolina to the United Nations in Rome. That path has apparently required abandoning some of his former ideals, such as championing the rights of indigenous farmers. By putting SSE's seeds into Svalbard and under control of the FAO Treaty, Amy Goldman and SSE's board have broken the trust of thousands of SSE's members who have sent samples to SSE's collection believing that their families' heirloom seeds would always be maintained and protected from misuse and patenting. SSE's secret arrangement with Svalbard is the most serious threat that Seed Savers has ever faced!

Amy Goldman is also on the board of the New York Botanical Garden, which has wisely ignored the FAO Treaty and adheres instead to the Convention on Biological Diversity. Ever since 1995 the U.S. has refused to ratify the CBD treaty because it endorses "national sovereignty" over seeds, recognizes the intellectual property rights of indigenous farmers and attempts to provide revenue sharing. The FAO Treaty claims to be "in harmony with the CBD treaty" but doesn't even recognize "country of origin." The U.S. hasn't signed the FAO Treaty yet, but most likely will because the USDA is already making extensive deposits in Svalbard including many Mexican varieties in the USDA's seed collection. Many developing countries who do not accept the FAO Treaty have seen samples from their countries placed in Svalbard and under the FAO Treaty without their permission (right now there are 79,404 Mexican varieties in Svalbard even though Mexico hasn't signed the FAO Treaty). Indeed, the real purpose of Svalbard (far from being just safe storage) is to allow national seed banks and the CGIAR institutes who hold samples from other countries to place those samples in Svalbard and thus under the FAO Treaty without national permission. Also, derivatives of samples can be patented without knowledge or permission of the country of origin, which is a real kick in the teeth for farmers in developing countries. All of this shows just how confusing and deviously deceitful the Svalbard system really is. SSE has no business whatsoever being involved with Svalbard, but you can bet that Neil Hamilton will enthusiastically be defending Amy Goldman's actions to the audience at SSE's Campout.

SSE's seed collection is truly a Peoples Seed Bank, just like all of the collections of traditional seeds being maintained by villages of indigenous farmers throughout the world. I remember being deeply pleased two decades ago when trust in Seed Savers had grown to the point that Native Americans began offering their sacred seeds through SSE's Yearbooks. In 2005 I supplied Gary Nabhan with samples of all of the Hopi varieties in SSE's collection, which (along with the Hopi varieties being maintained by Native Seeds/SEARCH) Gary gave back to the Hopi in a ceremony that was the largest repatriation of native seeds in history. The following summer I included in Heritage Farm's growouts most of the Native American varieties in SSE's collection in anticipation of also repatriating those seeds to their tribes (SSE's Super Yearbook identified about 140 Indian varieties from 40 different tribes – actually 40 sovereign nations). SSE's deposits in Svalbard probably include some of those Native American seeds and, given the defiance of SSE's board, legal action will probably be required to get those seeds returned. The good news is that all of this is reversible – Svalbard depositors can annul the agreement and recover their seeds. Someone whose seeds are in SSE's collection (Native American or SSE member) needs to act and will have my full support – indeed, deserves all of our support – in making that legal challenge.

Getting in the way of the Svalbard agreement is most likely the major reason I was fired, but my termination on October 21, 2007 was also partly due to two huge, almost simultaneous financial

successes. In early July 2007 the Ceres Trust approved my \$450,000 grant proposal for Twin Valleys, which completed the \$2,000,000 Twin Valleys capital campaign I had been working on for five years. The generous grant from the Ceres Trust finished paying off Twin Valleys' land contract, so Seed Savers finally became the outright owner of Twin Valleys on August 19, 2007. And when SSE became Twin Valleys' sole owner that activated all of the conservation easements in the contract between SSE and Iowa Natural Heritage Foundation, so now Twin Valleys can never be sold or developed. Twin Valleys is a jewel and I am deeply pleased knowing that gorgeous 716-acre property will always be protected. My deepest thanks to the Ceres Trust, to Maryanne Mott and the late Herman Warsh, and to everyone else who helped make my Twin Valleys dream a reality. And don't any of you ever forget that Heritage Farm and Twin Valleys now belong forever to SSE's members; this current board and their illegal tactics will only control them for a while.

Only two weeks after learning about the generous grant from the Ceres Trust, I was also notified that SSE had been given an anonymous bequest in a member's will of \$2.2 million over a five-year period (the donor's identity is anonymous, not the amount). That's huge – enough to support Seed Savers for five years with no grants coming in at all or to provide the start of SSE's Endowment Fund. I was elated because at the time I thought I still had four years to go before my retirement. Years ago I had set as my personal goals before retirement: to pay off Twin Valleys and complete all of its projects; to develop a \$20 million endowment that would always support SSE's staff (plus a \$2 million endowment to permanently maintain the cattle); and to continue increasing SSE's seed sales (which supported 72% of SSE's activities in 2006) until project-related revenue is supporting the entire organization and 100% of its projects. (That final goal was my ongoing attempt to break away from the fickle control of foundation funding and achieve self-sufficiency and independence for SSE.) I was well on the way to completing all of that, before my life's work was brought to an abrupt halt. For the first time Seed Savers was flush, but that also meant I wasn't needed anymore.

The turmoil surrounding my divorce provided the opportunity for Amy Goldman to take over SSE. At the request of board member Gary Nabhan, Diane Ott Whealy and I went through a mediation process and agreement (August 2006) designed to define our spheres of responsibility within SSE and to help us work productively together during our divorce. Soon after that Gary resigned from SSE's board, after being assured by Amy Goldman and Neil Hamilton that they solidly supported me. Instead, seeing their opportunity, they wrote into the agreement that I was to be removed from SSE's board ostensibly for a short period. I signed the agreement thinking I would only have to sit out two meetings before I'd be back on SSE's board, so at the Santa Fe board meeting (March 2007) I no longer had a vote on the board and was sitting in as SSE's Executive Director instead.

To my surprise, Neil Hamilton didn't take over as Chair of SSE's board, Amy Goldman did. She immediately scrapped the extensive agenda I had prepared for the meeting and substituted her own personal agenda of "Big Picture Thinking" (actually a list of the changes she had already decided to make). She announced that Cary Fowler would be Keynote Speaker at SSE's Annual Convention (for two years Gary Nabhan and I had been trying to get Michael Pollan, who is extremely busy but told me not to give up on him). She also nominated Cary Fowler to be on SSE's board, which was approved, but later they apparently discovered SSE's Bylaws would have to be rewritten to make foreign board members legal. And she set up several committees giving herself and other board members control over key SSE staff and their projects (another interim step in my ouster).

Amy Goldman was already acting unilaterally at the Santa Fe meeting – issues that should have been decided by votes of SSE's full board were being decided instead in her conversations behind

the scenes. For example, before my retirement I wanted to host an international conference for all of the organizations and projects that have used SSE and Heritage Farm as their models. Seed Savers International Conference had been discussed at several SSE board meetings, so I was surprised at the Santa Fe meeting when Amy Goldman and Neil Hamilton started talking about the garden policy conference that Seed Savers and Drake University were going to co-host, without ever saying a word to me or other board members about such a possibility. They glared as I argued that I certainly didn't want to bring together an international conference at Heritage Farm and then have to bus everyone four hours from Decorah to Des Moines for a policy conference, and that I had been pursuing financial support for an international conference at Seed Savers, not a joint conference with Drake University.

Amy Goldman has continually over-reached her power as the Chair of SSE's Board, and Neil Hamilton is responsible for enabling her abuse. Amy Goldman did not have the right to usurp the duties of SSE's Executive Director (which she did repeatedly before I was fired), but with Neil Hamilton's legal advice and guidance they rewrote SSE's Bylaws to give her that power. At the same time that she was publicly claiming her strong support for SSE's members, Amy Goldman and Neil Hamilton were actually rewriting SSE's Bylaws to eliminate having to respond to SSE's members in any way. In one case her unilateral actions even prevented the much deserved recognition of SSE's members. For two years I had been carrying out the board's instructions to create "Seed Savers' Genetic Diversity Wall of Fame" in SSE's visitors' center – discussed several times at previous board meetings and approved – honoring about 200 members, funders and friends whose hard work and dedication helped build Seed Savers during more than three decades. I sent each a warm heartfelt letter of thanks and an oak medallion with SSE's logo laser-engraved (Awards of Merit), and asked for their photo. Amy Goldman, with no discussion by the board, informed me that she didn't want any photos hung at all, and that I should just put their names on a wall plaque or, better yet, in a journal that could be kept in a drawer somewhere in case any of them ever asked. I argued that these are the folks who actually built SSE, but she wasn't about to listen.

Neil Hamilton has proven to be an opportunistic, self-serving, deceitful little man. If that seems harsh, what none of you know is that a decade ago he was involved in a similar transformation of the National Gardening Association in Burlington, Vermont, during which NGA's "electronic assets" (all articles and photos from its past publications) were sold for \$3 million and the organization's focus was changed from garden research to childrens' gardens. Neil Hamilton has used tactics learned at NGA to enable Amy Goldman's takeover of Seed Savers. Why? Because the Lillian Goldman Charitable Trust (Amy Goldman is the sole trustee) gave \$70,000 during 2007 to Drake University (where Neil Hamilton is head of the Agricultural Law Center) for the National Garden Policy Conferences he has been putting on and for the activities surrounding the Ag Law Center's 25th Anniversary. Each of SSE's board members is supposed to annually sign a Conflict of Interest Statement to identify any self-serving financial relationships that board members have with SSE (or such relationships with other board members), but the financial relationship between Amy Goldman and Neil Hamilton has never been disclosed. Protecting his funding was apparently more important to Neil Hamilton than protecting Seed Savers and SSE's seed collection.

Neil Hamilton is a social climbing politico, throwing garden parties in Des Moines for his buddy Tom Vilsak, then widely known in Iowa as the Hog Lot Governor (for blocking DNR regulation of all facilities with less than 4,000 hogs) and also named Governor of the Year in 2002 by "BIO" (Biotechnology Industry Organization) for his enthusiastic approval of open air tests of "pharma crops" (pharmaceuticals produced in our food supply). Tom Vilsak – disappointingly the Obama

Administration's new Secretary of Agriculture despite more than 100,000 letters of protest – recently came back from the G8 financial summit vowing to do much more than the Bush administration to force genetically modified foods down the world's throat. And Neil Hamilton is right in there too as Chair of the National Genetic Resources Program, a USDA committee composed mainly of agricultural industry leaders who advise the Secretary of Agriculture.

For more than a decade SSE's publications have reprinted articles to keep our members informed about the battle over genetically modified foods, because Terminator technology is the antithesis of SSE's efforts to make our families' heirloom seeds freely available to other gardeners. (Terminator technology was originally developed as a taxpayer-funded USDA joint project that genetically engineered seeds to kill their own embryos with the stated goal of preventing 1.4 billion peasant farmers from saving the seeds their families depend on for food.) USDA and the FDA (Food and Drug Administration) continue to block the labeling of genetically modified foods in grocery stores throughout the U.S. Using the citizens of the U.S. as guinea pigs for Monsanto's genetically modified food crops is unconscionable, but deliberately breaking the chain of the seed after 12,000 years to genetically prevent seed saving by peasant farmers is really sick – it's anti-farmer, anti-nature and anti-life. Instead of the usual 12-20 pages of articles about GMOs, SSE's latest issue contains only one article and soon there will be none. That will leave SSE's members in the dark about these vital issues, while also silencing a strong critic of agricultural biotechnology at the far end of the spectrum from Neil Hamilton, Tom Vilsak and the USDA's misguided policies.

By August 2007 Amy Goldman was rapidly imposing her personal agenda on SSE. She would send blackberry messages from her estate in upstate New York, as if she was running the organization from there. She was constantly phoning and e-mailing Heritage Farm's staff including those I personally supervised, giving them orders without saying a word to me, which quickly made my job as Executive Director impossible. Amy Goldman fired me for supposedly circumventing SSE's board, something she herself did repeatedly in the time leading up to my firing and continues to do today. The most blatant example was her attempt to have SSE hire her personal trainer as my grant writing assistant, even after SSE's Board wisely refused her request at the Santa Fe meeting (March 2007) to add \$25,000 to SSE's budget for that self-serving purpose. But Amy Goldman continued to pressure me, saying she was going to donate \$5,000 to SSE so that her personal trainer could help with just one grant, but then immediately started talking about making it a permanent position so her trainer could get insurance for her twins. In addition, Amy Goldman insisted that SSE bring her personal trainer to Heritage Farm for a get-acquainted visit that no one had time for, but then a day later got mad at her trainer and called the whole thing off. When I asked what I should do with the \$700+ non-refundable ticket, she angrily told me that "Seed Savers should just eat it!" An e-mail exists (or it did, which was accidentally forwarded to SSE's office) to Amy Goldman from her personal trainer expressing relief that now they could get back to "...working on your triceps." That entire situation was disgustingly self-serving. I rightfully felt I should not be having to deal with any of that, but my complaints to SSE's board produced no response, only silence.

The event now being claimed as the reason for my firing – that I built a storage shed without the board's consent – was actually a mess that Amy Goldman caused herself. There was a discussion at the Santa Fe meeting about the critical lack of storage space at Heritage Farm each year during harvest. Every building and heated work area including the greenhouse was completely filled with produce and seeds. Tons of produce often had to be stacked in the way of other activities and then moved repeatedly (right then I had three employees with pulled muscles and strained backs). The lack of storage space was so severe that the Garden Crew was working on tables in the parking lot,

even in bad weather. I e-mailed an informal letter of inquiry to Amy Goldman asking if SSE could submit a \$100,000 grant proposal to the Lillian Goldman Charitable Trust. I described all of the problems in detail and also the \$70,000 storage building (and heated work area for the Garden Crew) that would alleviate the problems and had been needed for years. I ended my e-mail by saying, "Let me know if this sounds like a good plan to you." The next day (August 29, 2007) Amy Goldman sent me a blackberry message that just said "Very good." The Garden Crew was elated.

Two days later I sent two of my staff members to Menard's in Rochester, Minnesota to design, order and pay for the 50' x 100' metal building. The following week I was surprised to receive an e-mail from Amy Goldman saying that the storage building should be an item for discussion at the November board meeting. I responded that I thought my request to submit the proposal had been approved, that the materials for the building were being delivered that very day, and that the bulldozing, cement work and Amish carpenters were all lined up. Her e-mail reply blasted me – ARE YOU SERIOUS?!? I NEVER APPROVED ANY SUCH THING AND YOU KNOW IT. . . . YOUR CHUTZPAH IS ASTONISHING; YOUR ACTIONS OUTRAGEOUSLY PREMATURE. She claimed that her "Very good" was in response to an earlier e-mail from me.

At that point I really didn't know what to do. I had a \$29,000 metal building laying on the ground and was faced with three choices, none of them good: 1) go to the board for permission, which I knew Amy Goldman would make sure was denied; 2) let the building lay in the snow all winter and let the Garden Crew continue to work in the rain and cold in the parking lot, but even then the board could still claim that I had spent SSE funds without permission; 3) or proceed with the bulldozing, concrete and the Amish carpenters (they all had time right then after being busy all summer due to heavy rains), but also secure other additional funding for the storage shed (mistakenly thinking that I would only risk a reprimand for proceeding, but not for misusing any existing SSE funds). I knew that if the building didn't go up right then, the Garden Crew would lose its use during the end of the harvest season and as a heated work area all winter. Given the choices, I did what I thought was best for my staff because they had earned it, working hard all season long without any overtime due to budget restraints.

Within days I secured funding for the \$70,000 cost of the storage shed (plus a promise of \$10,000 more if needed), but instead of protecting me that just made Amy Goldman all the more furious. From that point on, nothing I did was right and she was on the attack. While I was on vacation she ordered SSE's bookkeeper/accountant to send each of SSE's board members hundreds of pages of sales figures – every financial and sales transaction from March-September 2007. (I still have no idea what that was about, probably just fishing for an excuse.) I succeeded in getting another \$70,000 grant to restore two remaining buildings on Twin Valleys, but instead of congratulations for a job well done, Amy Goldman questioned me as though I had done something wrong. She called an office worker I directly supervised to ask if SSE had Directors and Officers Insurance, apparently to make sure she would not have to pay the legal bills herself if she was sued for firing me. Again and again she demanded lengthy written explanations from me, which I always sent to the entire board because I had become afraid that my explanations and concerns were not making it past Amy Goldman and Neil Hamilton to the others on SSE's board. Time after time, there was never one word of response from other board members.

My first letter to all of you described the meeting at the Hotel Winneshiek – which I thought was to discuss and work out these problems, only to be ambushed, fired and banished – but few of you know how badly I have been slandered since then. (When there is no truth to stand on, you attack

your victim's credibility.) Amy Goldman used the trumped up charges and fabricated lies about my termination directly on SSE's Advisors, and later on SSE's members through SSE's publications and website. Shortly after my termination, she made phone calls to SSE's Advisors telling them that I was off on a tangent with the cattle (even though SSE's herds of Ancient White Park cattle have been a grant-funded project since 1987 with budget approval every year by SSE's board) and I had been terminated for building a shed without the board's permission and for "misappropriation of funds." (Not only is that actionable slander, it is infuriating to me because I have never misused a penny of SSE's funds!) SSE's Advisors, some involved for decades with various projects at Heritage Farm, were told to either play ball with her or leave. That was followed by John Swenson's viciously slanderous letter now been posted on SSE's website for a year and a half, signed by nine of SSE's Advisors (all former friends of mine, some for 30 years, who apparently just believed what they were told because not one of them called me to check things out). And every step of the way the four board members who voted to terminate me – Amy Goldman, Neil Hamilton, Deborah Madison and Rob Johnston Jr. – have all hidden behind confidentiality ("Oh, that's confidential. We can't talk about that.") which throws all of the guilt, by innuendo, onto me.

During the past year and a half, Amy Goldman, Neil Hamilton and SSE's other board members have lied to SSE's advisors, members, funders and donors, maliciously attacked those who disagree with their actions, and created a wall of secrecy that would make any funder think twice. SSE's long-term funders (some have been supporters every year since 1982) were reportedly "horrified" by the board's actions. The brutal way I was terminated and the subsequent lies by SSE's board in defense of their actions have destroyed the trust of SSE's members which I spent 33 years building. Their slander, trumped up charges and defamation of me have alienated SSE's members and donors, and have severely damaged SSE's financial future: bequests are being rethought; funders have lost trust in whether or not the organization's long-term projects will be maintained; possible endowments have evaporated. SSE's board has created so much hurt, confusion and anger that our members no longer know how to respond to the organization. That \$2.2 million bequest would have been just the beginning – try to imagine how many of our members would have remembered SSE in their wills, but are now looking at this needless mess and rethinking their decisions.

Amy Goldman still claims to be vitally concerned about the rights of SSE's members, even while SSE's new chat room for those members is being censored. Several members who tried to ask, "What's going on?" or "What happened to Kent?" were told that their comments had been deleted and they would be prohibited from using SSE's chat room if they ever posted such "confidential information" again. But her strangest slap of all (to me and to all of SSE's members) is that SSE's gorgeous logo – cupped adult hands giving seeds to a child – has been replaced with a new version that Amy Goldman developed entirely on her own without any board discussion or approval. SSE's logo has represented Seed Savers superbly since 1987 and has been the envy of other nonprofit organizations. An inspirational logo is invaluable to a nonprofit and no image could do a better job of portraying SSE's generational sharing of seeds. The artwork for Amy Goldman's new logo is crude and brutishly ugly! And, as with many of Amy Goldman's other poorly-thought-out unilateral decisions, completely replacing SSE's traditional logo will require much more than just a change of stationary – it will also require reprinting about 500 color seed packets. SSE only completed that expensive multi-year process a few years ago, which included one-time printing setup costs of \$35,000. Replacing the logo on those 500 color packets will needlessly waste a similar amount SSE's finances. Amy Goldman obviously wants to mark her tenure as the leader of SSE, and that disgusting image perfectly represents her damagingly poor judgment.

By claiming that I was fired for constructing a storage shed without board approval, Amy Goldman created a situation where construction of the nearly completed building had to be stopped. Her subsequent actions, all approved by SSE's board, have wasted an additional \$589,000 in order to turn the original storage shed into SSE's new Order Processing and Seed Storage Facility. That amount is probably quite low because SSE's board will only provide cost proposals, not what was actually spent (plus that doesn't include the \$72,800 already spent.) That same money could have built a world-class state-of-the-art seed storage facility, instead of trying to retrofit an inexpensive metal building from Menards! Advice on designing that seed storage facility is the very reason I put Rob Johnston Jr. on SSE's board! That still left them without the additional storage area and heated work space my original shed would have provided, which even this board could see was desperately needed. So they decided to modify the ranch house near SSE's office to be used for exactly the same purpose as my original shed, at approximately the same \$70,000 cost but with only half the space and lacking its efficiency and easy access which were valuable features. Because of those lies and blunders, Amy Goldman and SSE's board have squandered the first half of the \$2.2 million bequest that should have provided the start of SSE's Endowment Fund.

After launching such an astonishing attack on SSE it is unclear in what direction Amy Goldman will take the organization. SSE's extensively rewritten Bylaws were published only three weeks after I was fired (again, based on Neil Hamilton's legal advice), so ALL of the power is now concentrated in her hands, even though her actions have demonstrated damagingly poor judgment and an alarming contempt for the organization's history and its future health. Amy Goldman is so out of touch with the history and ideals of Seed Savers that she brought two armed bodyguards to SSE's Campout a year ago! SSE's Employee Manual requires "immediate termination" if any employee ever brings a firearm onto SSE's property. I have hosted and presided over all of SSE's Campouts until my firing (1981-2007), so that is particularly disgusting to me. All of my children attended these events when they were young, and I have always been deeply pleased to see lots of children at the Campout every year. Amy Goldman spent most of the weekend at last year's Campout hiding in the farmhouse at Heritage Farm, except while making a presentation to promote her latest book. I don't know if there will be armed bodyguards at this year's Campout, but they would be easy to spot – in the background, not talking to anyone, and wearing jackets in spite of the heat. This is not the Seed Savers that any of us recognize! Amy Goldman needs to resign and leave before she does any more damage to the Seed Savers Exchange!

Nothing will change until Amy Goldman is removed completely from SSE's board, along with all those financially beholden to her and all others who would use SSE for their own personal agendas. That most certainly includes Neil Hamilton, who has facilitated and empowered this entire debacle. How can he possibly justify stealing the life's work of a MacArthur Fellow and then slandering his victim to cover his illegal and immoral actions? Even the way that I was terminated without any warning was designed to separate me from my writings and photos, and refusing all of my requests for access to my files is in effect an attempt to suppress or rewrite SSE's history. To gain even partial access to my writings, speeches and photos would have required signing away my voice, which I will never do. I have always spoken out clearly in defense of what is best for Seed Savers and I always will, indeed, that is my lifelong obligation to SSE. Currently that voice – always speaking the truth about what is best for Seed Savers – is lacking on SSE's board, as evidenced by the amazing array of the personal agendas currently on display.

During the 33 years that I led SSE I made several serious mistakes, none intentional, including not getting more of SSE's Listed Members onto SSE's board of directors when I had the chance.

Instead that group is now mostly a collection of funders and chefs and lawyers who know virtually nothing about SSE's day-to-day operations. I previously called for SSE's board to be doubled in size with SSE's long-time Advisors and Listed Members, such as Dan Bussey, Jeff Nekola and Glenn Drowns. In response Amy Goldman put Keith Crotz, her rare book dealer, onto SSE's board. As already mentioned, each of SSE's board members is supposed to annually sign a Conflict of Interest Statement to identify any self-serving financial relationships between themselves and SSE (or between board members). Nonprofits are supposed to be completely transparent, so SSE's members have the right to know how much Keith Crotz is making each year from his sales of rare books to Amy Goldman and to SSE, and also the annual total of his 20% commissions selling the duplicate volumes in SSE's Robert Becker Memorial Library.

Likewise, I am deeply concerned and dismayed that professional photographer David Cavagnaro has again resurfaced, first as an SSE Advisor and now as a Board Member, even though he was thrown off of SSE's board in 1994 for fighting with an SSE funder after specifically being told that he must not do so. During his eight years of employment as SSE's Garden Manager, David Cavagnaro took hundreds of photos of the stunning and unequaled diversity in Heritage Farm's gardens, which he then sold worldwide (not all of the documentary grid photos he also took, which was his job). Whenever questioned about the obvious conflict between his duties as Garden Manager and taking professional photographs in Heritage Farm's gardens, he would launch into a spirited defense about how the line between the two was so blurry it couldn't possibly be separated. (Sorry, wrong answer.) During another especially contentious period in 1995, David Cavagnaro made numerous angry threats, including that SSE would never be allowed to use any of his photos again. At that point I wrote a Professional Photography Agreement giving SSE "dual usage" of any future photos taken by professional photographers, which he signed, but after that he never took another photo at Heritage Farm.

Another serious mistake that I made was not publishing in a timely fashion *Seed Savers Exchange: The Second Ten Years* followed a decade later by *The Third Ten Years*. In 1985 *Seed Savers Exchange: The First Ten Years* was published, which documents SSE's history from 1975-1985. But a decade later in 1995 I was deeply involved with completing Heritage Farm's \$600,000 office complex and in 2005 with completing Twin Valleys' \$2,000,000 capital campaign, so I mistakenly thought those editions could wait until my retirement. Those two volumes would have documented SSE's history from 1985–2005, the entire period of my development of Heritage Farm and Twin Valleys and all their projects. This was my life's work, and I'm the only person who can write the true and accurate history of the Seed Savers Exchange. I founded Seed Savers; I worked for 33 years to build it into the world's finest repository of heirloom seeds; I have given my life to it, and nothing will keep me from writing the complete history of the Seed Savers Exchange. These ongoing efforts to keep me from my papers and research are nothing more than Amy Goldman's deceitful and arrogant attempts to rewrite SSE's history in her own image.

I am deeply concerned that the files from my former office will be destroyed as Amy Goldman systematically attempts to write me out of SSE's history. I never maintained a personal office at home, so the entire history of the 33 years I guided Seed Savers was in file cabinets and on my computer in my office at Heritage Farm. Those files are the irreplaceable archives of SSE, and SSE's board of directors has a fiduciary responsibility to protect them, not destroy them. If I seem overly concerned it's because SSE's board has already denied my request to look through any files that may have value before they are destroyed. I am not even being allowed to access the two file cabinet drawers in my former office that were overflowing with the brochures from every speech

I've ever given (125 major speeches just in the U.S.), always spreading the word about Seed Savers and our fine work. SSE's board now claims all of that is theirs – all of my speeches, writings, research, correspondence, computer files, e-mails and every photo that I took for 33 years.

Amy Goldman's three books would not exist without SSE's nonprofit resources, and her actions have now secured everything that she will need for her future books. When she alienated me and lost my support, her future publishing then depended on taking over SSE and forcing me out. During the last decade she has used her position as one of SSE's funders to repeatedly demand access to SSE's nonprofit assets for her own personal use. She has used SSE's staff inappropriately to do research for each of her three books during work hours, and has demanded preferential access to SSE's rarest seeds which have provided many of the photos for her three books. Considering all of that, how can SSE's current board possibly justify taking away my life's work (all of my speeches, writings and photos) which will prevent my continuing research and future publishing? As academics, how can Neil Hamilton and Cary Fowler possibly justify being part of that?

Since last July I have been trying to regain access to and usage of my writings, photos and files. I have only been asking SSE's board for "non-exclusive usage" – not ownership, just permission to reprint my writings and photos that have already appeared in SSE's publications, and to be able to copy portions of my former files. That would enable my future publishing while costing SSE nothing (I've offered to pay for all staff time involved, including a third-party archivist to rescue and restore all of the photo negatives from SSE's *Summer Editions* and *Harvest Editions*, many of which are now unique but are poorly stored). Without any reasonable justification, SSE's board has refused. In addition to writing SSE's history, I had hoped to publish several other books, including: *Plant Collecting Expeditions in Eastern Europe and the Former Soviet Union*; *The History of Ancient White Park Cattle in North America*; and *The Collected Speeches, Essays and Writings of Kent Whealy*. At this point the only thing I would ask SSE's members to do is to contact SSE's board and demand that I be given the usage of my writings and photos, and permission to copy my files. Considering everything I have done for Seed Savers, that's certainly not too much to ask!

Nearly three decades ago, I incorporated the Seed Savers Exchange as a nonprofit corporation – the only legal structure in the U.S. designed to live on beyond its founder, which I knew would be essential for maintaining SSE's long-term genetic preservation projects. For 33 years I worked extremely hard to create, fund and put into place the Seed Savers Exchange, and then Heritage Farm and Twin Valleys (and all related publications and projects). All of my writings and photos, every book I've ever published, every business opportunity and land deal that ever came my way, I selflessly gave to Seed Savers. I've always tried to put substantial and highly functional facilities into place, along with an increasingly solid staff, because I knew the transition from my leadership would be difficult. So the complete lack of any transition has been quite painful for me. Also it has been extremely difficult to watch as the programs and projects I created – the very reasons for SSE's phenomenal success – were being dismantled before I was even gone. The outcry by SSE's Members after my first letter is the only reason that SSE's herds of Ancient White Park cattle are still at Heritage Farm. I now believe that Amy Goldman and SSE's board never intended for there to be any transition, because they don't intend to carry on with my projects.

What I've had to go through has been vicious and is indefensible. I have been completely shut out of the organization and genetic preservation projects that I love so deeply and have been treated like some sort of criminal who is a danger to our organization. All of us love and have worked so hard for the beautiful idea that is Seed Savers and it is inconceivable to us that the Seed Savers Exchange

should now be treated so lightly and with such disrespect. I have done my very best for our organization all of these years, and I am deeply grateful for the help and support that all of you have shared so selflessly, especially your families' seeds. My 33 years with Seed Savers has been a truly fascinating journey, filled with joy and deep satisfaction. I sincerely thank all of you for that.

More than likely, this will be my final communication with all of you. In closing, I want to acknowledge the deep sorrow that so many people across the country are feeling right now. My greatest fear is that our Listed Members will start to pull back and turn away from SSE, but that will only make things worse. Please do everything you can to make sure that our annual seed exchange continues and thrives, because that selfless sharing has created so many exciting opportunities for gardeners everywhere. If SSE's seed exchange dwindles down, then three decades of work by more than 3,500 Listed Members will indeed have been destroyed needlessly. Please don't let that happen. There is too much at stake to let self-serving personal agendas and misguided decisions ruin everything that all of us have worked so hard to accomplish. Please continue to support and participate and stand by Seed Savers. All of this can still be turned around. No lie lives forever.

With love and deepest respect for the Seed Savers Exchange,



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Websites for Svalbard and FAO Documents

Svalbard Depositors Agreement (http://www.nordgen.org/sgsv/files/sgsv/SGSV_Standard_Depositor_Agreement.pdf);

FAO's International Treaty on Plant Genetic Resources for Food and Agriculture
(<ftp://ftp.fao.org/ag/cgrfa/it/ITPGRe.pdf>)

FAO's Standard Material Transfer Agreement (<ftp://ftp.fao.org/ag/agp/planttreaty/agreements/smta/SMTAe.pdf>).

Global Crop Diversity Trust/Programme/Expanding Use (<http://www.croptrust.org/main/expanding.php?itemid+296>)

Svalbard's Seed Holdings, Depositors, etc. (<http://www.nordgene.org>)

Countries Ratifying the FAO Treaty (<http://www.fao.org/Legal/TREATIES/033s-e.htm>)

Accomplishments (1975-2007)

Kent Whealy founded the Seed Savers Exchange and named the organization; created and oversaw 33 years of SSE's Yearbooks whose members have distributed an estimated 1,000,000 samples of rare seeds; selected the contents and reprints for all SSE membership publications from 1975-2007; created the original *Garden Seed Inventory (GSI)* and the *Fruit, Berry and Nut Inventory (FBN)* and compiled all of the varietal descriptions for each (plus edited five subsequent *GSI* editions and two subsequent *FBN* editions); extensively edited both editions of Suzanne Ashworth's *Seed to Seed* (and worked with Nancy Arrowsmith who produced the German translation); spent 26 years assembling SSE's seed collection of more than 26,000 rare vegetable varieties [took over John Withee's Wanigan Associates bean collection of 1,186 varieties in 1981 and developed the Growers Network which multiplied and rescued that collection; purchased hundreds endangered commercial varieties that each *GSI* edition showed were about to be dropped; systematically requested unique varieties from each of SSE's Yearbooks; planned and funded 10 plant collecting expeditions to Eastern Europe and the former Soviet Union which brought 4,000 traditional varieties from 30 Eastern countries into SSE's collection]; made four land purchases starting in 1986 that created Heritage Farm (173 acres) and initiated successful fund raising drives that paid off those properties in only five years; created and secured the funding for all of the genetic preservation projects at Heritage Farm and designed and supervised the infrastructure development of each [gradually created 25 acres of Preservation Gardens and Isolation Gardens; assembled SSE's Historic Orchard containing 700 varieties of pre-1900 apple varieties and 200 of Elmer Swenson's hardy grapes; guided the 20-year breeding program and developed the infrastructure for SSE's two herds of Ancient White Park cattle – the rarest cattle in the English-speaking world]; designed, supervised and secured funding for all of the building projects by his Amish carpenter/friends [restored Heritage Farm's round-topped barn and constructed the Campout meeting area in its loft; built the gatehouse and deer fence around SSE's 7-acre Historic Orchard; restored the 1879 Norwegian log cabin used for SSE's guest housing; and constructed SSE's Office Complex and the Lillian Goldman Visitors Center]; successfully completed the \$2,000,000 capital campaign for Twin Valleys and all of its projects [currently six miles of hiking trails with bridges and stiles; Riparian Program that involved fencing SSE's two herds of Ancient White Park cattle out of 3.5 miles of coldwater streams while planting 69 acres of trees along those streams to keep them cold and then successfully stocking a reproducing population of Brook Trout; developed the rotational grazing system for SSE's herds of cattle, including the new upland pond; implemented conservation easements with Iowa Natural Heritage Foundation to prevent the 716-acre Twin Valleys property from ever being sold or developed]; initiated Seed Savers Catalog and took hundreds of its photos; gave at least 125 major lectures in the U.S. promoting SSE and dozens of lectures overseas; wrote successful grant proposals (and all reports) for SSE that totaled more than \$4,000,000; left SSE with more than \$5,000,000 in assets, including a \$2,000,000 surplus of bequests and donations, and with every fundraising campaign fulfilled.

Kent Whealy's vision and hard work created the Seed Savers Exchange, Heritage Farm, Twin Valleys and all related publications and projects. For 33 years he gave everything to SSE – his writings and photos, revenue from every book he created, every business opportunity and land deal that ever came his way – and he refused to take a penny from SSE's board when he was terminated.

Awards have included: Giraffe Award (1989); MacArthur Fellowship (1990); Honorary Doctorate from Luther College (1991); N. I. Vavilov Medal (Russia, 1995); EcoFarm's Susty Award (2001); Massachusetts Horticultural Society's George Robert White Medal of Honor (2006).