

**UNITED TRIBES OF NORTH DAKOTA
RESOLUTION**

***Resolution Entitled: Support for Settlement of the Keepseagle Indian farmer and rancher
USDA discrimination lawsuit***

INTERTRIBAL SUMMIT XIII RESOLUTION NO. 09-09-02

- WHEREAS,** United Tribes of North Dakota ("United Tribes") is an association of the five federally recognized Tribes located in North Dakota, each of which has a government-to-government relationship with the United States established by Treaty, including the Three Affiliated Tribes, the Sisseton Wahpeton Oyaté, the Standing Rock Sioux Tribe, the Spirit Lake Tribe and the Turtle Mountain Band of Chippewa, with a Board of Directors composed of the Chairman and one council member from each member Tribe; and
- WHEREAS,** United Tribes exists to assist in furthering the common goals of the North Dakota Indian Tribes and Nations; and
- WHEREAS,** On September 9-10, 2009, the Tribal Chairmen and the Tribal Council members from the five Tribal Nations that are members of United Tribes of North Dakota, along with other Tribal leaders from the upper Great Plains, have been meeting at the Thirteenth Annual InterTribal Summit discussing issues of great importance to the Indian Tribal Nations of North Dakota and their members; and
- WHEREAS,** In 1999, Native American farmers and ranchers filed a lawsuit in the District Court for the District of Columbia alleging that the U.S. Department of Agriculture had discriminated against them in its loan program in a number of ways over a long period of time; and
- WHEREAS,** The plaintiffs in *Keepseagle* requested both monetary relief and an end to discriminatory practices at the U.S. Department of Agriculture; and
- WHEREAS,** The lawsuit was based on a similar lawsuit filed on behalf of black farmers, called the *Pigford* case, in which the USDA had recently settled with black farmers who had suffered discrimination in USDA loan programs; and
- WHEREAS,** In an initial decision, the Indian farmers and ranchers who filed the lawsuit were granted class action status, which means that all farmers and ranchers who had been discriminated against by the USDA in its loan programs were automatically a member of the class and entitled to the benefits a settlement of the lawsuit could bring; and
- WHEREAS,** Many of the members of the class are Indian ranchers and farmers in the Great Plains region of the United States; and

WHEREAS, Settlement discussions under both the Clinton and Bush administrations during the past 10 years have not been fruitful; and

WHEREAS, The Obama Administration has not yet discussed settlement of the case with the *Keepseagle* plaintiffs and attorneys; and

WHEREAS, The *Keepseagle* case has been pending long enough, and enough information has been obtained to show that the *Keepseagle* class members have been discriminated against, both individually and systemically, by the USDA, prior to and even subsequent to the filing of the lawsuit in 1999, and numerous plaintiffs in the class of Indian ranchers and farmers have already died and cannot benefit from a settlement; and

WHEREAS, The *Pigford* settlement shows that it is possible to work out an equitable solution to issues of discrimination that have been faced by Indian farmers and ranchers.

NOW THEREFORE BE IT RESOLVED, that United Tribes of North Dakota hereby supports settlement of the *Keepseagle* case as quickly as possible, along the lines of the *Pigford* settlement more than 10 years ago and urges the Attorney General and the Secretary of the Department of Agriculture to commence meaningful negotiations towards a settlement of the *Keepseagle* litigation, including both monetary and prospective relief; and

NOW THEREFORE BE IT FURTHER RESOLVED, that United Tribes of North Dakota hereby supports a continuation of the moratorium on foreclosures by the USDA against Indian farmers and ranchers for as long as is necessary to complete the settlement discussion process; and

NOW THEREFORE BE IT FURTHER RESOLVED, that United Tribes of North Dakota hereby urges the Congressional delegations of the states most affected by the *Keepseagle* case, including Montana, North Dakota and South Dakota, to urge the Obama Administration to commence settlement discussions with the *Keepseagle* plaintiffs and their attorneys; and

NOW THEREFORE BE IT FURTHER RESOLVED that United Tribes of North Dakota hereby urges its member Tribal Nations to pass similar resolutions to this one, supporting the commencement of settlement discussions on the *Keepseagle* litigation and a continuation of the moratorium on foreclosures announced earlier this year by the new Secretary of Agriculture, Tom Vilsack; and

NOW THEREFORE BE IT FINALLY RESOLVED that this resolution shall be the policy of United Tribes of North Dakota until otherwise amended or rescinded.

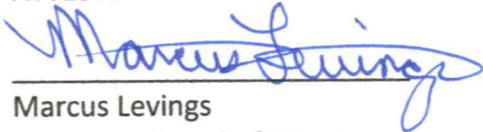
CERTIFICATION

As Chairman of the Board of Directors of United Tribes of North Dakota, I hereby certify that the foregoing resolution was duly passed at a meeting of the United Tribes of North Dakota Board of Directors at which a quorum was present, held on the 11th day of September, 2009, in Bismarck, North Dakota, with a vote of 9 in favor, 0 opposed, 0 abstaining, and 1 not present.



Myra Pearson
Chairman, Board of Directors
United Tribes of North Dakota

ATTEST:



Marcus Levings
Secretary, Board of Directors
United Tribes of North Dakota