



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: *“Three Affiliated Tribes Tribal Business Council Support of Request to the United States Congress to Demand that U.S.D.A Temporarily Cease All Foreclosures, Accelerations and Collections of Debts by Administrative Offset Against Native American Plaintiffs in the Keepseagle, et al v. Johanns Lawsuit Against U.S.D.A-FSA Until the Lawsuit is Resolved on its Merits ”*

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, Article VI, Section 5(c) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to negotiate with the federal government on behalf of the Tribes; and

WHEREAS, In 1999, several Native American farmers and ranchers, including members of the Three Affiliated Tribes, filed a class action lawsuit against the United States Department of Agriculture, currently entitled *Keepseagle, et al v. Johanns*, alleging discriminatory practices by the USDA-FSA against Native American farmers and ranchers in that USDA-FSA has systematically denied the same opportunities to obtain farm loans and farm loan servicing that has been routinely afforded to non-Indian farmers and that USDA-FSA denied Native American farmers and ranchers the opportunity to obtain redress for this discrimination by dismantling its civil rights office, thereby refusing to accept or destroying scores of civil rights complaints made by Native American farmers and ranchers; and



- WHEREAS,** In 2001, Judge Emmet Sullivan, District Judge for the U.S. District of Columbia, granted the Plaintiff's motion for class certification thereby permitting the case to proceed as a class action lawsuit seeking remedies for Native American ranchers and farmers who have experienced discrimination at the hands of USDA-FSA since 1981; and
- WHEREAS,** USDA has repeatedly attempted to derail the case and delay a decision on the merits by raising numerous technical challenges, however by 2004 the Plaintiff's were finally able to defeat the technical challenges raised by USDA so that the case could proceed; and
- WHEREAS,** While USDA stalls the litigation and delays the day of judgment for the Plaintiffs, it continues to drive Native American ranchers and farmers from farming and ranching by rapidly foreclosing upon the farms of the few Native Americans initially granted loans but denied the same opportunities to renegotiate the terms that are accorded to non-minorities; and
- WHEREAS,** USDA's Inspector General found in a 1997 investigation that USDA provided loan servicing (loan rescheduling, adjustments, write-downs) to minority farmers at disproportionately lower rates than white farmers, creating the inference of intentional discrimination, loan defaults, and foreclosures; and
- WHEREAS,** USDA-FSA Agency Notice FLP-275 appears to protect all Native American farmers and ranchers from debt collection action pending resolution of the case, however this policy permits enforcement of loans to Native Americans farmers and ranchers on a case by case basis and only protects those farmers and ranchers who have an "open, accepted" claim of discrimination on file with USDA from foreclosures and other debt collection; and
- WHEREAS,** USDA agreed to refrain from foreclosures and loan accelerations during litigation in *Pigford, et al v. Veneman*, a similar class action brought by African American farmers when in 1996 then Secretary Glickman ordered a general stay of foreclosures against African American farmers claiming discrimination, including all potential class members in the case, until a case by case review of the merits of such claims could be conducted, thereby insuring that no members of the *Pigford* class would be subject to foreclosure pending litigation; and
- WHEREAS,** In addition, in *Green, et al v. Glickman*, a class action suit brought by white farmers against USDA, the USDA-FSA agreed to a comprehensive moratorium temporarily ceasing foreclosures, accelerations and other collection actions against the plaintiff's in that case; and



WHEREAS, The United States General Accounting Office, Department of Agriculture, in a 2002 report found that in the case of class action lawsuits, USDA has been charged with treating different minority groups inequitably because it grants stays on foreclosures to some groups but not to others and that without a standard, transparent policy that lays out the factors USDA considers in deciding whether or not to issue stays, the Department faces the continued problem of having its decisions viewed as unfair; and

WHEREAS, The Tribal Business Council of the Three Affiliated Tribes firmly believes that it is only fair to afford the same opportunities and protections to Native American farmers and ranchers that has been afforded other litigants by USDA until their case is resolved on the merits.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby requests that United States Congress take action to demand that USDA-FSA put a moratorium on foreclosures, accelerations, and debt collection by administrative offset against Native American Plaintiffs in the *Keepseagle v Johanns* until the case is resolved on its merits.


CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 24th day of April 2007; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

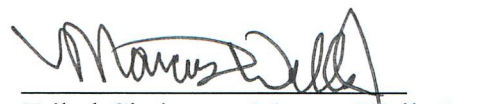
Chairman [] voting. [] not voting.

Dated this 24th day of April 2007.

ATTEST:



Nathan Hale for Executive Secretary
V. Judy Brugh
Three Affiliated Tribes



Tribal Chairman, Marcus Wells Jr.
Tribal Business Council
Three Affiliated Tribes