

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

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes generally 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, For tribes that have a significant land base of usable agricultural land, including the Three Affiliated Tribes, agricultural production has been a source of income for many tribal members, providing additional income and local economic benefits to the tribe and its members; and
- WHEREAS, Since the 1930's, the United States Department of Agriculture (USDA) has administered loan Congressionally established programs and disaster programs designed to assist persons engaged in the business of agriculture in the United States, as well as loan programs specifically designed to assist the economic development needs of rural America, including in areas such as housing rural utilities and other public works and economic development projects and special loans available only to Indian tribes; and
- WHEREAS, For most of the time period since USDA programs have been in place, full access to these programs by minorities, including blacks, Hispanics and Native Americans, and by Indian tribes themselves, has been severely limited or non-existent; and
- WHEREAS, When tribes or tribal members have received loans of any kind from the USDA, tribes and tribal members have in general not received the same level of treatment from the local or state USDA offices as have non-minority borrowers and other participants in the various USDA programs available; and
- WHEREAS, Recently, earlier in 1999, a settlement was reached in a national class action lawsuit filed by black farmers against the USDA in which disparate treatment of black farmers was amply demonstrated over a long period of time; and
- WHEREAS, Indian tribes, farmers and ranchers now understand that over a long period of time, they have been the victims of discriminatory treatment by the USDA and the agencies it administers that provide loans to farmers and ranchers, including, but not limited to, the Farmer's Home Administration (FmHA) and

its successor agency, the Farm Service Agency (FSA), in a manner similar to the treatment of black farmers already documented; and

WHEREAS, An internal study by the USDA suggested many improvements that needed to be made in the administration of USDA programs as they relate to Native Americans, many of which have not yet been carried out; and

WHEREAS, A large number of Native American farmers and ranchers, as well as some Tribes, are now subject to foreclosure actions which threaten their livelihoods and threaten to remove hundreds of thousands of acres of land from the status of being held in trust for the benefit of individual Indians and individual tribes, including more than 25 farmers and ranchers on the Fort Berthold Reservation of the Three Affiliated Tribes; and

WHEREAS, The same attorneys that handled a recent class action suit against the USDA on behalf of black farmers who were discriminated against are willing to consider filing a similar action on behalf of Native American farmers and ranchers, and Indian tribes and are willing to handle such a case on a contingency basis, with no initial cost to any tribe or the tribe's members; and

WHEREAS, In order for such a lawsuit to go forward, the attorneys need to know that Indian tribes and their members are willing to support the lawsuit;

NOW, THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the Chairman or the Vice-Chairman of the Tribe to participate in such a class action lawsuit, to provide such information about the Three Affiliated Tribes and its relation to the USDA and other information the Tribe may have about discriminatory treatment of the Tribe or its members by the USDA and its agencies as may be necessary for the commencement and prosecution of the lawsuit and to execute such agreements as may be necessary to go forward with a class action lawsuit with the attorneys who handled the black class action lawsuit, including working with lead counsel being Alexander Pires of Washington, D.C., on the condition that no funds will be necessary to be advanced to the lawyers to prosecute the lawsuit at this time; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Tribal Chairman and those he designates are authorized to encourage individual Tribal members of the Three Affiliated Tribes to provide information and assistance to the attorneys who are looking at filing a class action against the USDA alleging discriminatory treatment of Indian tribes and Indian tribal members.

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 16th day of July, 1999; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 16th day of July, 1999.

Daylon Spotted Bear
Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall
Tex G. Hall
Chairman, Tribal Business Council