

**FACT SHEET ABOUT
KEEPSEAGLE, ET AL. V. SCHAFER
No. 1:99CV03119 (D.D.C.)**

Thousands of Native American farmers and ranchers have brought a case against the USDA, alleging that for the past 27 years they have been systematically denied the same opportunities to obtain farm loans that have been routinely made available to white farmers. In addition, they allege that the USDA dismantled its civil rights office during the mid-1980s, refusing to accept or destroying scores of civil rights complaints made by Native American farmers and ranchers. The case is pending in federal court in the District of Columbia where it has been granted the status of a class action. The class includes thousands of Native American farmers and ranchers primarily located in North Dakota, South Dakota, Oklahoma, New Mexico, Arizona, Texas, Washington and Montana. The case is over eight years old.

Although the United States Department of Agriculture was known as the “people’s Department” when it was created in 1862, it has poorly served most people of color. No group has been more deprived of the bounty that the USDA has to offer people who work the soil of this nation than Native American farmers and ranchers.

The USDA has issued studies of its own farm loan program and of its civil rights complaint processing system. In a study issued in 1997 by the Civil Rights Action Team (“CRAT Report”), the Department acknowledged that it has failed to afford to Native American farmers the same opportunities to obtain farm loans as it has provided to white farmers. The USDA has also issued several studies conducted by its Office of Inspector General (“OIG”), finding that in the mid-1980s, it dismantled its system for processing civil rights complaints and that, over the past 20 years, it has failed to store or simply destroyed complaints lodged by farmers and ranchers, including those brought by Native Americans, which complain of discrimination in the denial of credit opportunities.

In the words of the USDA itself:

- “The process for resolving program complaints has failed.”¹

¹ CRAT Report at 31.

- There is an absence of accountability for civil rights compliance “throughout USDA's massive field structure.”²
- “The program discrimination complaint process at FSA [the Farm Service Agency] lacks integrity, direction and accountability.”³
- In a later report issued by the Office of Inspector General in 2000, it concluded that the USDA had not made any significant changes in its system of processing discrimination complaints.⁴
- “Minority farmers lost significant amounts of land and potential farm income as a result of discrimination by [USDA] programs.”⁵
- “Disparities exist between ‘non minority loan processing and American Indian loan processing...’”⁶

Notwithstanding this public concession that the USDA has systematically disserved Native American farmers and ranchers, the Department has resisted at every turn the plaintiffs’ efforts to bring their case to trial and to obtain justice at long last.

The USDA’s efforts to stall this litigation and delay the day of judgment are driving Native Americans from farming and ranching by denying many of them farm loans without which they cannot survive and by 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.

This case should promptly proceed to trial or should otherwise be resolved before this nation loses altogether its Native American farmers and ranchers.

² CRAT Report at 47.

³ OIG, *U.S. Department of Agriculture Evaluation Report for the Secretary of Civil Rights - Phase I Report No. 50801-2-Hq(1)*, at 1, 5 (1997).

⁴ OIG Audit Report, *Office of Civil Rights Status of Implementation of Recommendations Made in Prior Evaluations of Program Complaints, Audit Report 60801-4-Hq*, at i (Mar. 2000).

⁵ CRAT Report at 30.

⁶ CRAT Report at 21.