

# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PSP-09-007



### TITLE: Support for Settlement of the "Keepseagle" Indian Farmer and Rancher USDA Discrimination Lawsuit

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#### NCAI HEADQUARTERS

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; 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 known as the *Keepseagle* case after the name of the lead plaintiff; 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**, initially, and during most of the period in which the lawsuit has been pending, a moratorium on foreclosures against Indian farmers and ranchers who are members of the *Keepseagle* class was in place, but earlier this year, for unexplained reasons, the moratorium was lifted by the USDA; 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 the NCAI does hereby support a negotiated 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 as soon as possible, including both monetary and prospective relief; and

**BE IT FURTHER RESOLVED**, that the NCAI 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

**BE IT FURTHER RESOLVED**, that the NCAI hereby urges Congress to support a negotiated settlement of *Keepseagle* litigation, including support for any legislation needed to carry out the settlement negotiated by the parties to the lawsuit; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until the *Keepseagle* case has been resolved.

### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.

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President

ATTEST:

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Recording Secretary