

# INDIAN TRUST: COBELL v. NORTON

## Email Signup

Enter your email address below to receive Indian Trust updates by email.

## Welcome

### Accounting long overdue for Indian trust funds

When I went to Washington on a hot, sultry June day in 1996 to file a lawsuit over the billions of dollars of trust funds that the government had lost, misplaced and otherwise grossly mismanaged for hundreds of thousands of American Indians, I had no idea I would still be in court seven years later.

Yet today, after three Cabinet secretaries have been held in contempt by a federal judge and after four lengthy trials and a successful defense on appeal of our claims on the merits, the federal government has failed to clean up the trust records. It cannot certify the accuracy of a single one of the estimated 500,000 current individual Indian trust accounts.

That's the sad bottom line on how the federal government has continued to treat the nation's first citizens.

All I and three other Indians are asking the government to do is account for the tens of millions of acres of land the government forced into trust and to account for and distribute -- to the proper trust beneficiaries -- the correct amount of funds it received and invested from the leases it arranged for timber sales and for oil, gas, minerals and grazing rights on Indian trust lands in the West.

I may not be a lawyer, but I was a small-town banker in Montana. I know that the most basic of duties of any trustee is to account for all trust assets, including the funds they hold for the beneficiaries.

Unfortunately, the commissioner of the Bureau of Public Debt, a senior Treasury Department official, testified in our case that the United States has used our trust funds to reduce the national debt.

But no one knows how much of our money was used to reduce the debt load of this country or how many years the U.S. government used our trust money for these and other important government purposes, such as building dams and major power projects in the West.

We hope an accounting will finally tell the true story of how the government has used Individual Indian Trust funds for more than 100 years. And, we also hope that we will learn what really happened to 40 million acres of Individual Indian Trust land that simply vanished, according to the testimony of the head of Interior's Office of Historical Accounting.

## Latest Information

- 11/13 [Plaintiffs' Motion. Plaintiffs move for expedited consideration of Norton's motion to stay the preliminary injunction.](#) [PDF](#) 33.4 KBs
- 11/12 [Plaintiffs' Motion. Plaintiffs oppose Norton's efforts to suppress evidence and move to compel discovery with respect to MMS Dallas.](#) [PDF](#) 30.8 KBs
- 11/10 [Plaintiffs Notice. Plaintiffs propound their 12th request for production of documents on Norton.](#) [PDF](#) 62.5 KBs
- 11/10 [Plaintiffs' Opposition. Plaintiffs oppose Norton's motion to hold their appeal in abeyance.](#) [PDF](#) 551.6 KBs
- 11/09 [Protecting trust in trust fund](#)
- 11/07 [Crime of 2 centuries White House stalling on Indian trust fund contemptible](#)
- 11/05 [Plaintiffs Request for Production. Plaintiffs serve their 11th request for production of documents regarding Norton's appraisal practices and violations of law.](#) [PDF](#) 27.5 KBs
- 11/05 [Plaintiffs Notice. Plaintiffs notice Elouise Chicharello, Navajo Regional Director, for deposition for violations of law and court orders.](#) [PDF](#) 24.6 KBs
- 11/05 [Plaintiffs Notice. Plaintiffs notice Bert T. Edwards, Director - OHTA, for deposition.](#) [PDF](#) 24.6 KBs
- 11/05 [American Indian attorneys reviewing Norton testimony](#)
- 11/05 [Indian rights still ignored](#)
- 11/04 [Plaintiffs Notice. Plaintiffs notice Gabriel Sneezy for deposition with respect to document destruction and providing false information to the Court in violation of law and court order.](#) [PDF](#) 24.6 KBs
- 11/04 [Plaintiffs' Reply. Plaintiffs file their reply in support of motion for enlargement of time to file an opposition to Norton's motion seeking reimbursement of Master fees and expenses.](#) [PDF](#) 10.9 KBs
- 11/04 [Plaintiffs Notice. Plaintiffs notice Norton for deposition.](#) [PDF](#) 24.6 KBs
- 11/03 [Daschle Says Interior Department Appropriations Bill Criticizes Attack on Cobell v. Norton, Inadequate IHS Funding](#)
- 11/04 [Congress grants Interior reprieve on Indian trusts](#)
- 11/03 [Plaintiffs' Reply. Plaintiffs file their reply in support of motion to compel payment of their experts' fees and costs.](#) [PDF](#) 2.7 MBs
- 11/03 [Plaintiffs' Reply. Plaintiffs file their reply in support of motion for enlargement of time to file a bill of costs in connection with Trial 1.5.](#) [PDF](#) 42.2 KBs
- 11/02 [Settle Indian claims case](#)
- 11/01 [Norton disavows move to block Indian accounting](#)
- 11/01 [Bush administration likely behind Cobell appropriations rider](#)
- 10/30 [Congress debates resolution of trust fund case](#)
- 10/31 [Congress' 'midnight rider'](#)
- 10/31 [HOUSE BREAKS TRUST RESPONSIBILITY TO AMERICAN INDIANS IN UNCONSTITUTIONAL MOVE](#)
- 10/30 [House Approves Interior Spending Bill](#)

Seven years later, Interior Secretary Gale Norton, the government's trustee-delegate for the nation's first citizens, has done nothing to provide us answers to this and other important trust accounting issues.

Why the delay? Why the deception? Why the disdain for the obligations Norton owes to hundreds of thousands of Individual Indian Trust beneficiaries, many of whom live in Washington state?

Sen. John McCain, R-Ariz., and others have said it's because Indians lack political clout in the nation's capital. Any other interest group would have had this problem resolved immediately, McCain has said. There is no dispute about the evidence. Study after study has warned Congress that our trust funds were being horribly managed by the Department of Interior. Billions of dollars are missing.

In 1989, the Senate Special Committee on Investigations found that "fraud and corruption pervade" the Interior Department. The General Accounting Office warned both Republican and Democratic administrations for years that this is a very serious problem.

In 1994, Congress ordered Interior to account for the missing funds. Nothing happened.

So we Indians did what others similarly situated would have done. We turned to the courts for help to straighten out an obdurate and dishonest executive and an uninterested Congress.

Since we filed our suit, we have won several significant victories. In 1999, U.S. District Judge Royce Lamberth declared the government breached its trust responsibilities to us and ordered the interior secretary and the treasury secretary to provide us a complete accounting of all trust assets, including the revenues generated from our trust lands since the creation of the Individual Indian Trust in 1887. The U.S. Court of Appeals for the District of Columbia unanimously agreed with Lamberth and found that the interior secretary had engaged in "malfeasance" and has unduly delayed the accounting, causing irreparable harm to all of us.

The government's record as trustee for Indians is "a long and sorry story," Lamberth declared. "... It is fiscal and governmental irresponsibility in its purest form."

Tough words, to be sure -- but they are utterly meaningless unless Norton is compelled to do what she is required to do by law.

Continuing to rely on the good faith of the interior secretary is an exercise in futility.

There is enough wrongdoing, malfeasance and incompetence in the way the Department of Interior has handled our monies to fill a thousand accounting school and law school textbooks, the

courts agreed.

Records have been, and continue to be, lost, systematically destroyed, corrupted and, in many cases, never kept. In short, the government has no idea what the proper balances in our trust accounts should be. It doesn't know how many trust beneficiaries there were in the first place and it doesn't know how many trust accounts it should be managing today.

It has admitted, however, that at least \$13 billion in nominal dollars has been collected from Individual Indian Trust lands. But it doesn't know what happened to this money or the compound interest this money was earning for generations.

And remember these are accounts the government created for some of the poorest Americans. We Indians had no choice in the matter. The government unilaterally decided we were incompetent to handle our own funds and created the trust in 1887.

Would anyone in his right mind voluntarily give his or her life savings to unqualified bureaucrats and political appointees in Washington, D.C? Never!

What has stunned me is the steadfast resistance and hostility of Democrats and Republicans alike, first to our lawsuit and then to the rulings, now numbering more than 50, that we have won.

As our victories in court have increased, so has the government's resistance and open hostility to a just and fair resolution. What are they afraid of? Exposure of another Teapot Dome scandal?

After concluding another trial -- 44 days -- in July on accounting and trust rehabilitation issues, we are moving closer to the long-overdue accounting, the government seems to be, pardon the cliché, circling the wagons. Every ruling reinforcing the trust obligations of the United States to us trust beneficiaries is ignored -- whether the rulings are made by the trial court, the appellate court or the U. S. Supreme Court. As Lamberth lamented, "this is not our form of government."

We can settle this case, but the government first must participate in settlement talks with integrity, something they have refused to do for the seven years this case has been litigated.

It must stop hiding behind disingenuous excuses, defending the indefensible and protecting incompetent and dishonest officials.

Any settlement must be fair and just to make Indians whole for monies that have been collected by the United States for 116 years.

It is, after all, our money. It is our property right.

Elouise Cobell

[Home](#) | [Privacy Policy](#) | [Site Map](#)

Copyright ©2003 Blackfeet Reservation Development Fund, Inc. All rights reserved.

Developed by [www.gslsolutions.com](http://www.gslsolutions.com).