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## United States Senate

COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

<http://indian.senate.gov>

June 13, 2003

Dear Tribal Leader:

We are writing to you on a matter that we believe is the most pressing facing Tribal leaders, the Congress, and the Executive branch. A class action lawsuit called *Cobell v. Babbitt* (renamed *Cobell v. Norton* in 2001) was filed in 1996 seeking an historical accounting to determine the balances for all Individual Indian Money (IIM) accounts managed by the United States as trustee for the Indian beneficiaries.

Though we believe the Indian trust has been mismanaged, we also believe that continued litigation will not provide timely relief to the thousands of Indians who are part of this lawsuit.

On April 8, 2003, we sent letters to the Plaintiffs and the Defendants in the lawsuit urging them to settle the lawsuit without delay.

In the 8 years since the lawsuit was filed, there have been dozens of congressional hearings, hundreds of millions of dollars spent on accountants, consultants, and other experts, and three Cabinet officials held in contempt of court.

It is our opinion that continuing to fight this battle in Federal court will cost many more millions of dollars and will further degrade the ability of the Bureau of Indian Affairs and the Department of Interior to carry out their core responsibilities to those Indian people that need them most.

In all this time not one member of the Plaintiff's class has materially benefitted as a result of the lawsuit.

We believe that there is a better course for these funds and for the time and energy of all concerned. It would consist of the following:

1. The first task is to stop the continued hemorrhaging of Indian land fractionation and focus on the core problems of Indian probate by swiftly enacting legal reforms to the Indian probate statute.

2. The second step is to commence an intense effort to reconsolidate the Indian land base by buying small parcels of fractionated Indian land and returning them to tribal ownership.

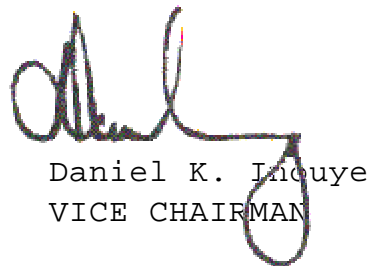
3. The third step is to explore creative, equitable, and expedient ways to settle the *Cobell v. Norton* lawsuit.

4. The final, and perhaps most difficult, task is in reforming the Federal trust management apparatus and how Indian tribes and the United States go about managing trust assets and resources.

We believe the plan outlined above constitutes the best alternative to the present course of action and will bring real reform to the Indian trust and resolution to the *Cobell v. Norton* lawsuit.

  
Ben Nighthorse Campbell  
CHAIRMAN

Sincerely,

  
Daniel K. Inouye  
VICE CHAIRMAN

cc Members, Senate Committee on Indian Affairs  
Members, House Committee on Resources