

The Way I See It

by Dr. Dean Chavers, Native American Scholarship Fund

For the past 200 years the federal government has had its way in Indian Country. Despite efforts by the congress to hold the Bureau of Indian Affairs, the Indian Health Service, and the other agencies accountable, there has been no accountability.

Consequently, if the Chairman of the Seminole Nation does something the BIA agency head did not like, the Chairman is removed from office. This actually happened in 1982. If a person the BIA does not like, such as the AIM leader Vernon Bellecourt, runs for and wins a tribal office, the BIA simply invalidates the election, which has also happened.

If the Chairman of the Wichita Tribe finds a slush fund the BIA has created out of the Individual Indian Monies (IIM) and the Indian Monies from the Proceeds of Labor (IMPL) accounts, and exposes the existence of the slush fund, he is kicked out of office. This actually happened to the late Newton Lamar.

(Luckily, Newton had the money to hire an attorney, who promptly sued the BIA in federal court. The judge ordered the BIA to restore Newton to office, and he held this office until his untimely death several years ago.)

This is the kind of power the BIA has and uses in Indian Country. They are not afraid to let everyone know who should "win" an election. They have no fear of creating huge slush funds out of monies they manage for individual Indians.

For the first time, an individual Indian person has sued the federal government for accountability and won. The lawsuit started six years ago. The government's appeal was rejected by a higher court earlier this year. So it looks as if the government will finally be held accountable for many billions of dollars it has mismanaged for Indian people.

Recently I met the lady who started and won the lawsuit. Her name is Elouise Cobell and she is from Browning, MT. For 13 years she was the treasurer of the Blackfeet Tribe. In that role she got to know first hand what happened to payments from individual allotments, including her own, at the hands of the BIA.

When I told Elouise she was my hero, she blushed and laughed. "No,

it's true," I told her. "You have done something no one has ever done before."

We talked about how my friend and hero Newton Lamar was treated by the BIA after he exposed the slush fund in the Anadarko Area Office. She knows of many other cases similar to that one.

After being treasurer and learning how the BIA system works (actually, it doesn't work), Elouise felt she had to take some action. She started a letter writing campaign, and wrote to every Congressman trying to get some solutions. Nothing happened.

Then she met with Attorney General Janet Reno, and still nothing happened. Finally she got so fed up she filed the lawsuit. She is one claimant in the lawsuit; there are 500,000 other Indians who are parties to the lawsuit, *Elouise Pepin Cobell et al. vs. Bruce Babbitt et al.* It is a class action lawsuit, the largest one ever filed in Indian Country. The case has already been decided in favor of the Indian plaintiffs, appealed by the government, and won by the plaintiffs on appeal.

The defendants in the lawsuit are the Secretary of the Interior and the Assistant Secretary of Interior for Indian Affairs, as well as the Secretary of the Treasury. At the time the lawsuit was filed, Bruce Babbitt was the Secretary of the Interior and Ada Deer was the Assistant Secretary. Robert Rubin was the Secretary of the Treasury.

What is involved is huge in concept. It is the management of Indian lands, what is on the lands, and what is beneath them. Since Indian tribes own about 25% of the nation's reserves of oil, coal, natural gas, geothermal energy, and similar resources, the amount of money involved is staggering. The time period in question is the whole time the BIA and the Treasury has been managing Indian lands- almost a century.

At one point, the trial judge, Royce Lamberth, held both the Interior Secretary and the Assistant Secretary in contempt of court for not producing the records he ordered them to produce. They could not, in fact, produce the records because in most cases the records do not exist. The BIA ended up hiring two private companies about five years ago to go through and computerize the millions of records that existed. That work is still underway in Albuquerque.

The BIA in its dealing with individual Indians treated them as their vassals and the BIA officials were their kings. In a real sense this was the nature of the relationship. The only problem with that is the USA is supposed to be a democracy, with no kings around.

Elouise related to Winona LaDuke on an article in *Indigenous Woman* magazine last fall how her aunt and the aunt's husband had to wait out-

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side the BIA office all day in the cold of winter (the BIA would not let them wait inside) trying to collect their lease money. At the end of the day they were told they had to come back the next day.

When they came back the next day they were told the BIA had no money for them. They were told to come back in the Spring. When they came back in the Spring they finally got their lease money. But they had made several trips to the agency on horseback before it happened.

"I remember saying to myself that one of these days when I get smart enough I am going to try and fix that," Elouise said.

One thing that really bothered Elouise was that the oil companies that were producing on Blackfeet lands went over ten years without making a royalty payment to the tribe or to individual Indians.

"The BIA doesn't have an Accounts Receivable System," Elouise told Winona. "That is why the oil companies can get away with not paying."

"Not only had the Bureau grossly undercharged for many of the leased interests (i.e. grazing rights at five cents an acre versus \$20 and acre or so), the Bureau had no idea what had happened to the money. We don't know how much should be in the IIM money. But at least \$500 million runs through these accounts annually, meaning a minimum of \$10 billion is owed to the Indians."

When the truth is known, some of the BIA folk may go to jail. They used the IIM, IMPL, and tribal trust funds for illegal and unauthorized purposes- things only they know about now. But since the Cobell lawsuit has been upheld at every appeal level short of the Supreme court, in time the BIA will at last be held accountable.

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