

Remarks of Senator Ben Nighthorse Campbell
U.S. Senate Committee on Indian Affairs
Hearing on Potential Settlement Methods
Of the *Cobell v. Norton* Trust Funds Lawsuit

July 30, 2003 - 10:00 a.m. [Hart 216]

Good morning and welcome to the Committee on Indian Affairs hearing to discuss potential settlement methodologies of the 8-year old *Cobell* trust funds lawsuit.

In recent days the House Committee on Resources has held a hearing on the *Cobell* suit and days later a provision to establish a "cash buy out" of the IIM holders to an accounting was removed the House Interior Appropriations bill.

Now, this case is entering its 8th year and I could speak this morning for hours about all the motions that have been filed; all the Court hearings; the Cabinet officials held in contempt; the computer shutdowns; and the tens of millions of dollars that have been spent and the tens of millions more that will be spent on it in the future.

When the rhetoric stops: the facts are that Indian tribes, Indian people, and the Federal government continue to absorb dollar costs in the tens of millions; opportunity costs preventing us from addressing core trust problems like probate and land fractionation; and morale costs that are driving good people out of the department and Bureau;

Second, whatever Judge Lamberth rules in the coming weeks, there are sure to be appeals, motions and future court action for months and probably years to come;

Last, no accounting has been rendered to IIM account holders and the department has told us that a "full historical accounting" will cost \$2.4 billion and at take at least 10 years.

We must collectively ask ourselves whether this lawsuit should continue or not.

To me the situation is unacceptable and in need of a shift in tactics.

As Chairman of the Authorizing Committee my goals are simple and straightforward: 1st - to provide equitable and timely relief to the IIM holders and 2nd - to restore the department to some sense of normalcy.

I called today's hearing to ask the following questions of our witnesses:

- 1) what are the alternatives available to us other than the "historical accounting" route?
- 2) what are the costs of those alternatives?
- 3) are the alternatives legally and equitably defensible?
and
- 4) how we collectively should proceed to structure such alternatives.

I have a much longer statement and will submit that for the Record.

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