

counting of money owed to the Blackfeet, Cherokees, Apaches, Winnebagos and other tribes located west of the Mississippi. But the new Secretary of the Interior in the Clinton Administration, Bruce Babbitt, so hindered the special trustee, a banking executive named Paul Homan, that Homan finally quit in disgust in 1999, accusing Babbitt of stripping him of the authority he needed to do his job.

And, despite repeated attempts to see Babbitt herself, Cobell never did. "He wouldn't meet with me," she said. "I was told he didn't have the time. All I got were empty assurances that mismanagement of our trust funds was a top priority."

Cobell already had reached the breaking point after meeting Attorney General Janet Reno at a conference where Reno was the main speaker. Cobell sketched out what she was going through, and Reno invited her to Washington. But when Cobell arrived in February 1996 with high hopes, Reno also declined to see her and relegated her to underlings. She was treated with such rudeness and condescension, Cobell told me, that "a lawsuit was the only option I had left."

She went back to Dennis Gingold and asked the attorney if he would accept the case. He agreed, telling her, "We cannot allow this to happen. Our government can't operate like this." But Gingold warned her that it would be extremely costly. Cobell said she'd get the money somehow. And she did, pleading her cause to private foundation after foundation, eventually raising nearly \$8 million. During this period, to her astonishment, she received a John D. MacArthur "genius award" and immediately threw the \$300,000 grant into the pot.

The class-action suit representing 500,000 Native Americans was filed in the District of Columbia on June 10, 1996. The Justice Department, representing the Interior and Treasury Departments, declined to enter into settlement talks. The presiding federal district judge, Royce Lamberth, twice ordered Interior and Treasury to produce documents involving the Individual Indian Money trust fund. Despite promises to do so, a

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special investigator appointed by Judge Lamberth discovered that, during the course of the proceedings, Interior had in fact been destroying documents. What's more, Treasury officials had shredded 162 cartons of ledgers listing transactions and disbursements plus records of uncashed checks—some 100 years old—that never reached their intended Indian recipients.

On Aug. 10, 1999, after holding Interior Secretary Babbitt and Treasury Secretary Robert Rubin in contempt of court, Judge Lamberth fined them a total of \$625,000, which the U.S. paid with our tax dollars.


On Dec. 21, 1999, Judge Lamberth ruled that the government had breached its sacred trust duties across the board. He ordered the Interior and Treasury Departments to file quarterly reports detailing efforts to reform the trust system and decreed court supervision of these efforts. The Justice Department appealed on the grounds that the judge had overstepped his authority. But a federal appeals panel of judges unanimously upheld Lamberth's ruling.

This May, the Bush Administration abandoned an appeal to the U.S. Supreme Court. What remains now, in the second phase of Cobell's lawsuit, is to determine how much the Native American plaintiffs will receive. Some estimates range from \$20 billion to as much as \$40 billion.

Whether the government will continue the battle or begin serious settlement talks remains up in the air. In June, the House Appropriations Committee said it had no interest in funding more litigation, which so far has cost the U.S. more than \$31 million.

Meanwhile, Elouise Cobell has dedicated herself to helping Native Americans achieve economic self-sufficiency. She is the founder and current chairperson of the Blackfeet National Bank—the first bank in the nation owned by Indians.

In Montana, when Cobell drives from her ranch to her bank office in the woebegone town of Browning, with an unemployment rate as high as 70 percent, she passes a sign. It marks the site of the government's first Indian office on the Blackfeet reservation, under agent John Young. It says that this is where, in the terrible winter of 1884, 500 Blackfeet Indians died of starvation.

"The truth is," Cobell told me, "that agent Young kept the rations he had on hand for white people." She pointed to a ridge opposite the sign, where a trench was dug to bury the Blackfeet bodies. "We call it Ghost Ridge," she said. "I think of those souls every day. I'm fighting for them too." 

Peter Maas' best-seller "The Terrible Hours," about the heroic rescue of a submarine in 1939, is now in paperback.

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Example of "Dry" Sprinkler

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