



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2006:022

### OPPOSITION TO USE OF BUREAU OF INDIAN AFFAIRS FUNDS TO PAY FOR ATTORNEYS FEES IN *COBELL V. NORTON, ET AL*, U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION NUMBER 96-1285 (RCL)

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leaderships; and
- WHEREAS,** over the past ten (10) years, the *Cobell v. Norton et al*, U.S. District Court for the District of Columbia, Civil Action Number 96-1285 (RCL) litigation has been underway on behalf of 500,000 American Indian/Alaska Native (AI/AN) beneficiaries and has exposed extensive history of federal government mismanagement of the Indian trust; and
- WHEREAS,** in the fall of 2005 the Native American Rights Fund, the *Cobell* plaintiffs' lawyers, petitioned the District Court asking for the payment of interim attorneys' fees and expenses incurred through a portion of the case pursuant to the Equal Access to Justice Act; and
- WHEREAS,** on December 19, 2005 the District Court awarded the *Cobell* plaintiffs attorneys fees in the amount of \$4.5 million and expenses in the amount of \$2.5 million for a total fee award of approximately \$7 million; and
- WHEREAS,** on January 26, 2006, Acting Assistant Secretary Jim Cason issued a letter informing Tribes that because the Department of the Interior (DOI) did not adequately budget to immediately pay the attorneys fees awarded, the DOI has paid the fee award out of various Indian programs, including \$3 million out of the Bureau of Indian Affairs (BIA) (\$2 million from the tribal attorneys fees account and \$1 million generated from an across the board retention of all program funds); \$2 million from the Office of Historical Trust Accounting, and \$300,000 to \$400,000 from the Office of Special Trustee (the Department of the Treasury paid the remaining \$1.8 million); and
- WHEREAS,** USET has testified before Congress in 2002, 2003 and 2005 expressing their opposition to using BIA funds to pay for the federal government's *Cobell* litigation costs or for the Department's reorganization of trust functions; and
- WHEREAS,** USET member Tribes are outraged that the DOI has taken funding from dramatically under-funded BIA programs to pay for attorneys fees in the *Cobell* case and strongly oppose this DOI reprogramming; therefore, be it
- RESOLVED** the USET Board of Directors strongly opposes the DOI's use of any funds from BIA programs to pay for attorneys' fees in the *Cobell* case; and, be it further
- RESOLVED** the USET Board of Directors urges the DOI to seek a supplemental appropriation from Congress to restore the program budgets affected by the attorney fee payment, and, be it further

*“Because there is strength in Unity”*

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**RESOLVED** the USET Board of Directors authorizes the USET Executive Director to investigate the appropriate legal history and recourse available to rectify this decision by the DOI; and, be it further

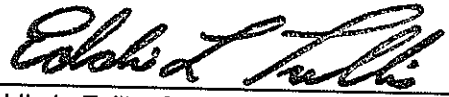
**RESOLVED** the USET Board of Directors authorizes the USET Executive Director to take any and all available and necessary steps, including legal action if availed, to notify the judge in the *Cobell* case of USET's opposition to payment of fees from BIA programs now and in the future.

**CERTIFICATION**

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 9, 2006.



Keller George, President  
United South and Eastern Tribes, Inc.



Eddie L. Tullis, Secretary  
United South and Eastern Tribes, Inc.