

# A Mismanaged Trust & Broken Promises

BY GABE SCHLABACH

Imagine a young married couple walking into a bank to open a college savings account for their first child. As the years pass, the couple dutifully deposits money into the account. Finally, after almost 20 years, they contact the bank to withdraw money for the first tuition payment, only to discover that the bank has lost all record of the account and of the couple's money. What's worse, this is not the only account the bank has neglected to maintain: almost half a million others were lost or mismanaged.

This story seems far-fetched, right? Unfortunately, it is not, if the bank is the U.S. government and the account holders are Native American families and tribes.

In 1887 the U.S. government implemented the Dawes Act, which seized land from Native tribes and allotted some of it to individual American Indians. Patronizing legislators assumed the government could manage the land better than Native landowners and set up a trust fund to manage revenues from their mineral, timber and oil wealth.

This arrangement was to end after 25 years. Those 25 years passed; then 50 years; then 100. Now in its 120th year, the trust arrangement continues to restrict Native landowners' access to their own assets. During the past century, many "wealthy" families were kept impoverished despite having oil wells or other material resources on their land. Additionally, the government cannot even produce accurate records of how much it owes the approximately 500,000 Native Americans who have individual trust accounts.

The class action court case *Cobell v. Kempthorne*, in which these grievances came to light, is in its twelfth year. Mediators between the Native plaintiffs and the government defendants have suggested that a settlement of \$7 billion to \$9 billion would be appropriate. The attorney general has estimated that the government's liability in *Cobell* and other Indian Trust Fund cases could reach \$200 billion.

The Cobell case is not entirely confined to the courtroom, however, and some in Congress have shown interest in settling the trust dispute legislatively. The Bush administration has also weighed in, offering to settle on the low end—\$7 billion—but only if the government is cleared of all liability for past actions and if the amount covers all the individual accounts *and* similar tribal accounts *and* huge administrative costs. If they take this settlement, Native individuals, families, and tribes will get only a small fraction of the money that is theirs while legally clearing the government of its responsibilities. It is important to tell your representatives in Washington to take leadership in arranging a *just* settlement in the Indian Trust Fund scandal.

*Cobell v. Kempthorne* also raises a larger point. Economic injustices done to Native tribes and individuals by the federal government, as well as by the 50 states, are not merely an embarrassment from the past to be remembered (though more often just glossed over) in American History textbooks. Mennonite Church USA has acknowledged this, noting that "unless an apology [for historical injustices to American Indians] goes hand in hand with restitution and a change in behavior, it is meaningless." Yet the U.S. government continues to compound Native grievances by improperly maintaining the Indian Trust Fund, by under-funding services (such as healthcare and education) guaranteed to the tribes by treaty, and by chipping away at tribal sovereignty. It is imperative that non-Natives do not forget the promises made to the original inhabitants of this land. ■

To read more about Mennonite Church USA's support for a U.S. government apology to Native Americans, see [sanjose2007.org/delegates](http://sanjose2007.org/delegates).

## NEW RESOURCES

We have recently updated three of our resources, on U.S. militarism, immigration & globalization, and Colombia. They are short, readable and great for use as discussion starters in small groups or Sunday School classes. To request your copy (or multiple copies to share with others), contact us at 202-544-6564 or [mccwash@mcc.org](mailto:mccwash@mcc.org). Staff are also available to speak in churches on these topics—please let us know if you are interested.