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## United States Senate

COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

<http://indian.senate.gov>

April 8, 2003

VIA FAX AND REGULAR MAIL  
Mr. Keith Harper, Esq.  
Native American Rights Fund  
1712 N Street, N.W.  
Washington, D.C. 20036

Dear Mr. Harper:

We are writing regarding the *Cobell v. Norton* matter and to impress on you our strongly-held belief that the parties to this case should pursue a mediated resolution rather than the current course of continued litigation.

Since at least the late 1980s the Congress, the Executive and the Indian tribes have understood that the Indian trust system is broken and badly in need of repair. When the American Indian Trust Management Reform Act of 1994 was passed it was hoped that this sad chapter in Federal - Indian relations would soon be closed.

Ten years later we know this not to be the case and that an effective resolution to both the backward-looking historical accounting issue and the forward-looking systems improvement matter has eluded past administrations -- Democrat and Republican.

The litigation has caused the expenditure of significant funds and caused other costs to be borne: opportunity costs and human and morale costs to the agencies involved. On top of the millions already spent, we are informed that a "full historical accounting" will require an additional \$2.4 billion and at least 10 years to accomplish.

In lieu of this course of action, we believe that the most effective and equitable way to resolve this threshold matter is to engage the services of an enhanced mediation team that will bring to bear trust, accounting, and legal expertise to develop alternative models that will resolve the Cobell case fairly and honorably for all parties.

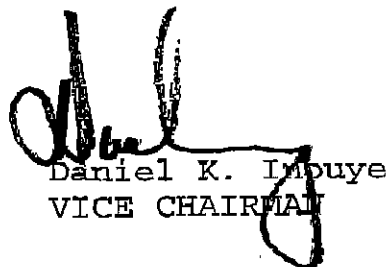
Given the acrimony of this case, the long wait the Indians have endured, and the substantial and mounting costs to the United States, we strongly urge all parties to the litigation to pursue a mediated resolution to this case.

If, within a reasonable amount of time, there is no progress made in such a resolution, we intend to introduce legislation that will accomplish the goal of resolving the Cobell matter in a mediated fashion.

Sincerely,



Ben Nighthorse Campbell  
CHAIRMAN



Daniel K. Inouye  
VICE CHAIRMAN