

Appeals court: Indian money accounting would be impossible

WASHINGTON, D.C. (AP) — A federal appeals court decided last week that it was unreasonable to require a detailed historical accounting of money the government has been managing for American Indians, saying the bookkeeping chore would "take 200 years."

The U.S. Court of Appeals for the District of Columbia sided with the government and the American Indians in their effort to block a lower court's order for the tally of money owed them.

The accounting had been ordered by U.S. District Judge Royce Lamberth, who is overseeing a class-action lawsuit in which thousands of American Indians claim they were cheated out of more than \$100 billion in oil, gas, grazing, timber and other royalties overseen by the Interior Department since 1887.

In their appeals, the government and the plaintiffs have argued that the massive historical accounting Lamberth ordered would cost up to \$13 billion — far more than was reasonable.

Last week, a three-judge appeals panel agreed, overturning the accounting and calling Lamberth's decision "ill-founded" and an abuse of discretion that was not favored by either side in the lawsuit.

Appellate Judge Stephen F. Williams wrote that the accounting ordered by Lamberth "would not be finished for about 200 years, generations beyond the lifetimes of all now living beneficiaries."

The issue of how to determine what is owed the American Indians has gone back and forth from Lamberth to the appeals court during the nearly 10 years since Blackfeet Indian Elouise Cobell filed the lawsuit.

An 1887 law allotted land to individual American Indians and provided that the government would hold the land and any revenue from it in trust for them and for their survivors. For 20 years before Cobell sued, several reports criticized the government's management. In 1994, Congress ordered that the money be accounted for.

The appeals court said the accounting ordered by Lamberth, who wanted a much more detailed look at records, improperly expanded the scope of what Congress authorized. The judge should have allowed the Interior Department more latitude in deciding how to perform the accounting, the appeals court wrote.

Interior Secretary Gale Norton said in a statement that she was pleased by the decision.

"Thus far, the department has expended more than \$100 million in its historical accounting effort and has found ample evidence that moneys collected for individual Indians were distributed to the correct recipients," she said.

Bill McAllister, a spokesman for the plaintiffs, said they were disappointed with the ruling because it gives the Interior Department more leeway in the accounting. They wanted the appeals court to send the decision back to Lamberth to decide how to do the tally, he said.

The price tag for the accounting is high because the government ignored the problem for so long, McAllister said. "The Indians are being punished twice for this," he said.

Lamberth has excoriated the government's treatment of the plaintiffs in past decisions. This fall, he ordered the Interior Department to disconnect all computer systems with access to American Indian accounts. He said the department's security was so bad, hackers could easily manipulate the data. The appeals court granted the department a reprieve so it could appeal.

Earlier this year, the plaintiffs offered to settle the case for \$27.5 billion. House and Senate lawmakers say the amount is too high.

Scholarship announcement

The Intertribal Timber Council has announced scholarships available to Native Americans interested in the field of natural resource study.

The Truman D. Picard Scholarship program provides \$1,800 for college students, and \$1,200 for gradu-

ating high school students.

Send for information and applications at: Intertribal Timber Council, attn Education Committee, 1112 NE 21st Ave., Portland, OR 97232-2114. Or call (503) 282-4296. Deadline for applications is March 31.

Economic summit Dec. 7

The Economic Summit follow-up session is scheduled for Wednesday, Dec. 7 at Kah-Nee-Ta. An agenda will be distributed later this month. The initial summit meeting was held in September. The two-day gathering included discussion among 40 leaders from the Warm Springs business community.

Events calendar

Bead and Weavers Artists Craft Fair, 9 a.m. to 5 p.m. Saturday, Nov. 26 at the Museum at Warm Springs. There is no table fee for the artists. And there is no admission fee. Everyone is invited to come and browse — and buy!

No School Day Activity is scheduled from 1 to 4 p.m., Friday, Dec. 2 at the Museum at Warm Springs. Pine needle weaving is the activity for grades 4 and older. There is no fee and the material is being provided by the museum. Please call in your registration to the museum Education Program at 553-3331, ext. 407.

World AIDS Day: Stop AIDS, Keep the Promise, Thursday, Dec. 1. Where: Community Center Social Hall. Lunch will be served to all participants. Bring your loved ones and learn together. Sponsored by CHET and TRENDS. Invocation at 11 a.m., AIDS Awareness Walk, 11:15. Lunch at 11:45. Noon: speaker. 1:15 closing.

Mylo Jones Thanksgiving Basketball Tournament: Nov. 25-27. Mens 6 foot and under plus one. You can have two big guys — only one on the court at a time. Toppenish, Wash. tribal school, Stanley Smartlowit Gym. Information contact Glen or Mildred Jones, (509) 901-2372 or (509) 901-2373.

Need help with a legal problem?

Legal Aid Services of Oregon provides free assistance to low-income Oregonians in many civil cases. Speak with an attorney during drop-in hours 1 to 4 p.m. on the first Monday of the month at the Family Resources Center in Warm Springs. Or call us at 385-6944 Monday through Wednesday between 10 a.m. and 2 p.m.

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