

Tim Giago: BIA: Bureau of Incompetent Asses
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Notes from Indian Country When measuring incompetence in the federal government where does one begin?

An excellent starting point is with the Bureau of Indian Affairs. The acronym BIA is as familiar to Native Americans as FBI is to all Americans. Both Bureaus have had their faults, but the evidence making the BIA the largest incompetent is overwhelming.

In fact, BIA should read out as "Bureau of Incompetent Asses." It finally took a lawsuit filed by Eloise Cobell, a Blackfeet Indian woman, to take the BIA and its parent, the Department of the Interior, to task for more than 100 years of the most destructive behavior that damaged the lives of thousands of Native Americans.

The total acts of incompetence by the BIA would take volumes to illuminate requiring much more space than can be crammed into this small article. But let's start with a few of the trust responsibilities entrusted to the BIA for its wards, the American Indians. First and foremost was the mismanagement of the land owned by tribes and individual Indians. On those lands were deposits of gold, silver, copper, zinc, uranium, cadmium, forests filled with virgin timber, water, natural gas, oil and more. All of these resources were managed or mismanaged by the BIA for more than 100 years.

The judge initially assigned to handle the lawsuit was District Judge Royce Lamberth. He was told by the accounting firm of Price-Waterhouse, the keeper of the Oscar envelopes that \$50 billion had been ripped off from the Indian accounts. Judge Lambert became totally frustrated with the dallying and dodging of the Secretaries of the Interior that he twice cited them for contempt before ruling in favor of the plaintiffs. He became such a powerful advocate of the Indian people that he was finally removed as the judge in this case.

Prior to his removal he said, "This case serves as an appalling reminder of the evils that result when large numbers of the politically powerless are placed at the mercy of institutions engendered and controlled by a politically powerful few." After 13 years of litigation the case that became

known as the Cobell Settlement is now history. Just before Christmas of 2012 checks were sent out to some of the 390,000 Indians who were plaintiffs in the settlement that eventually was pared down to \$3.4 billion.

Attorneys for the plaintiffs were awarded \$85,383,749.16 and the Native American Rights Fund and Mark Kester Brown, received \$13,616,250.84. This means that \$99 million went to the lawyers. The \$85 million went to Dennis Gingold, Thaddeus Holt, Kilpatrick Townsend and to the law firm of Stockton LLP.

But consider this: The 390,000 plaintiffs, those individual Indians who had given up the most in land and resources, received a settlement of \$1.5 billion while a larger amount of \$1.9 billion went back to the BIA or Department of the Interior, to be used by tribes in attempting to consolidate the fractionated land on the Indian reservations, lands that became a fractionated mess because of the very incompetence of the BIA, the agency overseeing the tribal lands. Another \$60 million was set aside to provide scholarships for higher education for American Indian and Alaska Native youth, never mind that a part of the many treaty agreements between the tribes and the federal government always included financial provisions for the education of the Indian youth.

The Bureau of Incompetent Asses had nearly 13 years to get the names and addresses of the 390,000 plaintiffs so that when it came time to actually mail out the payment checks they could be assured that they would be received. It seems that incompetence is hereditary within the Bureau. Hundreds of Indian plaintiffs not only did not receive a settlement check, but thousands of checks were sent out to non-existent addresses. Those checks were bounced back to the Bureau for further consideration and are now fodder for further BIA incompetency. And now those unfortunate individuals who did not receive their checks because of this are being told that they have until March 1, 2013 to file for payment and, of course, that complaint will be handled by the very Bureau that messed it up in the first place.

Eloise Cobell, the lead plaintiff in the case, would have been awarded \$2 million for her efforts. She passed away, a victim of cancer last year. Three other plaintiffs received payments ranging from \$150,000 to \$200,000.

How \$50 billion in actual accounting losses dwindled down to \$3.4 billion over the course of the lawsuit boggles the mind. Across America untold

numbers of boxes containing unreadable accounts of Indian individuals were found in warehouses, garages and sheds - records so badly damaged that they merely added to the gross injustice served upon the American Indian for more than 100 years.

My award for gross incompetence goes to the Bureau of Indian Affairs and they still hold that first place honor after more than 33 years of my reporting and the sad thing is that their incompetence has hurt so many impoverished American Indians. The BIA's place in the Hall of Shame is assured.

***Tim Giago**, an Oglala Lakota, was born, raised and educated on the Pine Ridge Reservation in South Dakota. He was a Nieman Fellow at Harvard in the Class of 1991. He was inducted into the South Dakota Newspaper Hall of Fame in 2007. He can be reached at unitysodak1@knology.net*