

A JOINT MEMORIAL

REQUESTING THE UNITED STATES GOVERNMENT TO SETTLE THE *COBELL*
V. *NORTON* CLASS ACTION LAWSUIT.

WHEREAS, the class action lawsuit pending in federal court entitled *Cobell v. Norton* involves approximately five hundred thousand plaintiffs, many of whom are Native Americans residing in New Mexico; and

WHEREAS, *Cobell v. Norton* seeks to have the federal government render an accounting of the individual Indian trust, a trust established by the federal government in 1887 when reservation lands were divided by the United States congress into individual allotments and more than fifty million acres of land were taken into trust on behalf of individual Indian trust beneficiaries; and

WHEREAS, individual allotments held in trust by the federal government were leased for grazing, quarrying and the extraction of minerals and other valuable natural resources; and

WHEREAS, more than one hundred fifty billion dollars (\$150,000,000,000) are estimated to be owed by the federal government to individual Indian trust beneficiaries but not a single beneficiary has ever been provided an accounting of the individual's own trust benefits; and

WHEREAS, New Mexico is one of the top five states in the

nation in individual Indian allotments; and

WHEREAS, New Mexico is among the top three states in the nation in percentage of land belonging to Native Americans, and more than eight million acres of land nationwide, including oil, gas and mineral rights, are currently within Indian trust land and under trusteeship of the secretary of the United States department of the interior; and

WHEREAS, almost four thousand allotments belong to members of the Navajo Nation and more than four thousand five hundred allotments belong to members of the Jicarilla Apache Nation; and

WHEREAS, the Jicarilla Apache Nation is the single largest non-federal mineral owner in the basin, and during more than thirty-five years of gas and oil activity on the reservation, over two thousand seven hundred natural gas wells were drilled; and

WHEREAS, according to factual findings already made in *Cobell v. Norton* much of the affected land in New Mexico has been leased or sold at prices far below fair market value; and

WHEREAS, numerous named federal defendants, including past and present secretaries of the United States departments of the interior and the treasury, have been held in contempt of court numerous times for their conduct in the course of litigation in *Cobell v. Norton*; and

WHEREAS, a positive resolution to the accounting and

fiduciary issues at the heart of *Cobell v. Norton* would have a long-term impact on the administration of Indian allotments in New Mexico and establish key reforms that would ensure that Native Americans throughout New Mexico would finally receive accurate accounting of payments or land held in trust by the federal government; and

WHEREAS, a fair settlement of the issues at stake in *Cobell v. Norton* could result in financial payments to and a significant improvement in the quality of life for many Native Americans residing in New Mexico;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the United States government be requested to participate in good faith in efforts to settle the *Cobell v. Norton* federal class action lawsuit; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the president of the United States; the secretary of the United States department of the interior; the secretary of the United States department of the treasury; the United States attorney general; the president of the Navajo Nation; the speaker of the Navajo Nation council; the president of the Mescalero Apache Tribe; the president of the Jicarilla Apache Nation; and the members of the New Mexico congressional delegation.