

# ***Elouise Cobell, 65, Dies; Sued U.S. Over Indian Trust Funds***



Elouise Cobell on the Blackfeet reservation in Montana in 1999. She was the lead plaintiff alleging federal mismanagement of Indian trust funds. Credit...Ray Ozman/Associated Press

By [Dennis Hevesi](#)

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Elouise Cobell, a heroine to American Indians for leading a 15-year legal battle that ended with the federal government's [agreeing to pay \\$3.4 billion](#) in compensation for mismanagement of Indian trust funds since the late 1800s, died on Sunday in Great Falls, Mont. She was 65 and lived on the Blackfeet reservation near Browning, Mont.

The cause was cancer, said Bill McAllister, a spokesman for the plaintiffs in what was one of the largest and most complicated class-action lawsuits ever brought against the United States. More than 300,000 members of many tribes will receive payments under the settlement.

Ms. Cobell, whose Indian name was Yellow Bird Woman and who was a great-granddaughter of a renowned tribal leader, Mountain Chief, was the lead plaintiff in Cobell v. Salazar.

The case, the name of which changed over the years as successive interior secretaries took office (the current secretary is Ken Salazar), was filed in 1996. It was settled in

December 2009 and received a federal judge's final approval on June 20 of this year after President Obama signed legislation passed by Congress.

When the settlement was announced, Mr. Obama hailed it as an "important step towards a sincere reconciliation" between the federal government and Indians, many of whom, he said, considered the protracted lawsuit a "stain" on the nation.

The dispute arose from a system dating to 1887, when Congress divided many tribal lands into parcels that were assigned to individual Indians. The government retained the authority to issue leases on the land for mining, livestock grazing, timber harvesting, and drilling for oil and gas. The government then distributed to the Indians revenue raised by those leases.

The plaintiffs contended that the government had mismanaged trust funds over the years through administrative errors, diversion of money to other programs and even outright theft. They argued that they were owed tens of billions of dollars. The government took the position that it owed them little or nothing.

The lawsuit spanned three presidencies, engendered seven trials and went before a federal appeals court 10 times.

Under the settlement, the government will pay \$1.4 billion to compensate Indians for their claims of historical accounting irregularities; each member of the class will receive a check for \$1,000. The remaining \$2 billion will go into a fund to be distributed to Indians based on how much land they own.

Ms. Cobell grew up on the reservation hearing stories about how the government had shortchanged Indians — many of them living in poverty — and she began researching the issue after graduating from business school and later becoming treasurer of the Blackfeet Nation. In the years after filing the lawsuit, she was a major fund-raiser in support of the case. She also contributed part of the \$310,000 she received as a "genius grant" in 1997 from the John D. and Catherine T. MacArthur Foundation.

In the end, Ms. Cobell believed that the plaintiffs were owed more.

"We are compelled to settle by the sobering realization that our class grows smaller each day as our elders die and are forever prevented from receiving just compensation," she said.

Born Elouise Pepion on Nov. 5, 1945, she was one of eight children of Polite and Catherine Pepion. She graduated from Great Falls Business College and later attended Montana State University.

With her husband, Alvin, Ms. Cobell operated a farm on the Blackfeet reservation, raising cattle and crops. Besides her husband, she is survived by a son, Turk; a brother, Dale Pepion; three sisters, Julene Kennerly, Joy Ketah and Karen Powell; and two grandchildren.

In 1987, Ms. Cobell helped found Blackfeet National Bank, the first American bank owned by a tribe, which is now Native American Bank, based in Denver. She served as director of the Native American Community Development Corporation, the bank's nonprofit affiliate. She was also former trustee of the National Museum of the American Indian.

This year, the Montana Trial Lawyers Association gave Ms. Cobell its annual Citizens Award. And in September, Senate Majority Leader Harry Reid, Democrat of Nevada, said he was co-sponsoring legislation to award Ms. Cobell the Congressional Gold Medal, the highest honor Congress can bestow on a civilian.

"I never started this case with any intentions of being a hero," Ms. Cobell said after the settlement was reached in 2009. "I just wanted this case to give justice to people that didn't have it."