



A SMALL MEASURE OF JUSTICE

Written By Ashley Ess. Photos by Karen Kuehn

“Elouise Pepion Cobell is a modern day hero. Period. There’s no other way to describe her.”

This is how filmmaker Melinda Janko describes her late friend, decorated Blackfeet warrior and subject of her latest documentary, *100 Years*.

100 Years is the story of the most important class action lawsuit you’ve never heard of. The \$3.4 billion the government settled in 2011 is a fraction of what is actually owed to 300,000 Native American trust beneficiaries assigned by the General Allotment Act of 1887. The act divided reservations and assigned land among the Indians, who were promised that revenues resulting from oil, mining and timber leases would be held and managed by the U.S. government in a trust fund. Due to deplorable government mismanagement for more than a century, Native landowners were lied to, mistreated and never given a proper accounting of the Indian Trust Fund assets. One Indian landowner saw a paltry \$89 payment for \$6,000 of oil stripped from his property. Countless others received pennies, and still others collected nothing or were sent a bill actually *owing the government*. A

heartbreaking dilemma for a people who are so connected spiritually, culturally and economically to their land.

The mainstream American public has virtually been kept in the dark about the Cobell case, not to mention about what life is like on the reservations for Native Americans. Billboards line interstate highways touting popular headlining entertainers at fancy Indian casinos and we’re led to believe all is well in the economic and government relations departments. But the painful reality is that Native Americans are still living in dire poverty, and hopes that Janko’s film can bring light to improve such relations, is in the hearts, minds and spirits of all involved in this tragic story.

After the Trust Fund Management Reform Act of 1994 failed to bring change, Elouise Cobell, along with the Native American Rights Fund, filed a massive lawsuit against the U.S. government charging the trustees, the Departments of the Interior and Treasury, with breach of fiduciary duties, thereby demanding proper accounting and back payments to landowners.



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For Cobell, a decorated Montana Blackfeet warrior, treasurer of her tribe and banker, the discovery of the injustices toward Native Americans catapulted her into her life's work. Not far from Cobell's home, lying among the vast Montana plains is Ghost Ridge, the site where 600 Blackfeet tribal members starved to death via the hands of the Indian agency of the Department of the Interior during the hard winter of 1883-84. After the disappearance of the buffalo the previous year, the tribe was dependent on government rations that never came. This is but one of many disastrous, heart-wrenching events in the history of Native American-Government relations, and the constant inspiration for Cobell's battle to continue despite great odds. She felt an immense duty to the hundreds of souls buried there.

Cobell was told by the government not to have any false expectations of success. Janko recounts, "Elouise told them they should be ashamed of themselves because Indian people are dying everyday without the basic necessities of life." For years the government flippantly said that if they don't like the way things are run to just sue them, and that is exactly what Cobell decided to do.

It was Cobell's heroic perseverance that caught the attention of Janko, and after two years of building relationships of trust with Cobell and Native Americans affected by this travesty of justice, *100 Years* began its own journey. The film documents the case for twelve years of Cobell's fifteen-year battle with the government. But her struggle began much earlier. For thirty years, she fought for what President Obama called "a small measure of justice" for the Native American people. Cobell raised about \$13 million through grants and foundations in order to fight in the courts. As Janko says, "Elouise never gave up hope. Her mantra was, 'the stars are aligned for justice for the Indian people' and I believed that. She knew it would happen." Janko believed it, too. Her own drive to tell this story became just as real as Cobell's when an Indian family thanked her, saying they didn't believe their grandfather would see justice outside of her film. "I just had to finish this film," Janko says. "People were counting on me. I felt an unbelievable sense of responsibility. It's a passion and a calling because I don't think you could do it without that..."



Elouise in Washington with President Obama for the signing of the Claims Resolution Act of 2011. Obama called it "a small measure of justice" for the Native American people

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It is because of events like the Ghost Ridge tragedy, and countless other injustices committed upon Native Americans that Congress passed an Apology Resolution on January 6, 2010 for all past grievances, including genocide and treaty violations. With a call to action at the end of Janko's film, the hope for a larger dialogue between Native Americans and the government may lead to a seriously overlooked public recognition of the apology.

Cobell passed away on October 16, 2011, less than a year after President Obama signed the Claims Resolution Act of 2011 appropriating money for the negotiated settlement. After she died, flags at the Department of the Interior were flown half-staff and she was nominated for a Congressional Gold Medal. Montana Governor Steve Bullock proclaimed November 5, Cobell's birthday, as Elouise Cobell Day in her honor.

Between 2012 and 2014 the two rounds of settlement checks were mailed to the 300,000 Indian Trust beneficiaries.

Janko strongly believes Cobell will go down in history next to heroes such as Rosa Parks. ★

100 Years opens in Santa Monica on September 23rd and in New York City on October 14th.