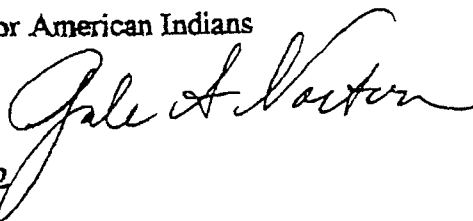


TO: Special Trustees for American Indians

FROM: Secretary



DATE: April 25, 2002

RE: Declaration in Support of Department's Response to the Special Master

To properly respond to the findings of the Special Master in his Second Investigative Report Regarding the Office of Trust Records, I understand that you have been asked to provide a sworn declaration incorporating the information you presented to the Deputy Secretary in your April 22 memorandum. If the information is not presented in the form of a declaration, I am advised by the DOJ attorneys that the Court will give it little or no weight.

I am advised that you are refusing to provide a declaration for this purpose, even though the information that would be contained in such a declaration is entirely within your control and concerns a program under your direct supervision. Your unwillingness to attest to the truth of the information in your memorandum to the Deputy Secretary naturally raises a concern about the reliability of that information.

Your unwillingness to take responsibility for the information you have provided is a significant disservice to the Department and to those who might be held responsible for the failings perceived by the Special Master in a program under your supervision. It is also a disservice to the Court, since we all have an obligation to provide accurate information for its decisionmaking.

I am communicating this to you in writing because we are both traveling, thus making direct communication difficult. I remind you that in the three meetings we have had in the last two weeks, one of the issues we discussed was your past unwillingness to verify the sections of the Quarterly Report to the Court having to do with the programs you supervise. You assured me that would no longer be a problem.

Obviously, you have complete freedom to craft a declaration that accurately states your views. I am not asking you to make any particular statement. I do, however, view the need to swear to the accuracy of your representations to the Court as a legitimate responsibility of your job.

I trust that upon reflection you will now be willing to provide the declaration needed to respond to the Special Master's Report. If you remain unwilling to do so, please inform the Deputy Secretary immediately, as the Department's response is due by midnight eastern time.