IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:96cv01285(JR)
	)	
KEN SALAZAR, Secretary of the Interior,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

NOTICE OF FILING OF THE THIRTY-SEVENTH QUARTERLY REPORT FOR THE DEPARTMENT OF THE TREASURY

The Department of the Treasury has prepared its *Thirty-Seventh Quarterly Report on Actions Taken By the Department of the Treasury to Retain IIM-Related Documents Necessary For an Accounting* and submits it to the Court in accordance with this Court's Order of December 21, 1999. A copy of the report is attached hereto.

Dated: March 4, 2009

Respectfully submitted,

MICHAEL F. HERTZ
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

/s/ Robert E. Kirschman, Jr.
ROBERT E. KIRSCHMAN, JR.
Deputy Director
(D.C. Bar No. 406635)
JOHN R. KRESSE
Trial Attorney
Commercial Litigation Branch
Civil Division
P.O. Box 875, Ben Franklin Station
Washington, D.C. 20044-0875
Telephone: (202) 616-0328

CERTIFICATE OF SERVICE

I hereby certify that, on March 4, 2009 the foregoing *Notice of Filing of the Thirty-Seventh Quarterly Report for the Department of the Treasury* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*)
Blackfeet Tribe
P.O. Box 850
Browning, MT 59417
Fax (406) 338-7530

/s/ Kevin P. Kingston
Kevin P. Kingston

DEPARTMENT OF THE TREASURY
BUREAU OF THE PUBLIC DEBT
WASHINGTON, DC 20239-0001

March 2, 2009

MEMORANDUM FOR: MICHAEL F. HERTZ
ACTING ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION
U.S. DEPARTMENT OF JUSTICE

FROM: AMY MERTZ BROWN
ACTING CHIEF COUNSEL
BUREAU OF THE PUBLIC DEBT
DEPARTMENT OF THE TREASURY

SUBJECT: THIRTY-SEVENTH QUARTERLY REPORT
COBELL v. SALAZAR

Included with this cover memorandum is the "Thirty-Seventh Quarterly Report on Actions Taken by the Department of the Treasury to Retain IIM-Related Documents Necessary for an Accounting" (the Report). The Report has been prepared by the Department of the Treasury pursuant to the Court Order and Opinion in *Cobell v. Babbitt* (D.D.C. CV No. 96-1285), filed December 21, 1999.

The Report includes information concerning the Financial Management Service ("FMS"), the Bureau of the Public Debt ("BPD"), and certain Departmental Offices ("DO"). The Report was prepared based on information provided by a number of program offices from the above-described organizations. The preparation of the Report included circulation of drafts of the Report to program offices that are responsible for the actions described in the Report. Senior officials at FMS and BPD reviewed the Report before it was submitted to the Department of Justice.

The Department of the Treasury stands ready to respond to any questions or concerns the Court may have after reviewing the Report.

THIRTY-SEVENTH QUARTERLY REPORT ON ACTIONS TAKEN BY THE DEPARTMENT OF THE TREASURY TO RETAIN IIM-RELATED DOCUMENTS NECESSARY FOR AN ACCOUNTING

Cobell v. Salazar

March 2, 2009

This is the Thirty-Seventh Quarterly Report filed by the Department of the Treasury ('Treasury") pursuant to the Court's December 21, 1999 Order ("Order") in the above-captioned case. It covers activities occurring over a three-month period from December 1, 2008 through February 28, 2009. The Order requires Treasury to report on the steps it has taken since the last quarterly report to preserve IIM-related documents.

Treasury continues to preserve IIM-related documentation pursuant to the Court's August 12, 1999 Order, which defines the trust records that Treasury must retain. During the past quarter, Treasury again issued reminders to ensure the retention of required records. The reminders Treasury issued include letters reminding banks (see Attachments A and B), the Secret Service (see Attachment C), the National Archives and Records Administration (NARA) (see Attachments D and E), and employees of the Financial Management Service (FMS) and the Bureau of the Public Debt (BPD) (see Attachments F and G) to continue preserving records related to this litigation. Retention instructions to pertinent Departmental Office (DO) employees continue to be posted on DO's intranet site (see Attachment H).

On Tuesday, December 16, 2008, the Office of Chief Counsel at FMS provided a litigation discussion session to the FMS Executive Board, providing an update to senior officials on litigation and reminding senior officials of the specific document retention requirements that apply to FMS and of the continuing obligation to preserve certain materials.

INDEX TO ATTACHMENTS
The Department of the Treasury's Thirty-Seventh Quarterly Report

Attachment A. February 19, 2009, letters issued by FMS to Mellon Bank and Bank of America, reminding them to continue preserving all records pertinent to two lockbox accounts used to process IIM deposits (the accounts at both banks are now closed).

Attachment B. Example of the February 2009 Business Alert Message issued by FMS to all banks that act as Treasury's financial agents and February 27, 2009, letter issued by FMS to all banks that formerly acted as Treasury's financial agents, reminding them to continue to retain, indefinitely, fiscal agency records associated with Interior's deposits to the Treasury General Account.

Attachment C. February 19, 2009, letter issued by FMS, reminding the U.S. Secret Service to continue preserving, until further notice, all Treasury checks that FMS forwards for investigation and related information and records.

Attachment D. February 23, 2009, letter from BPD to NARA, reminding NARA to continue the "freeze" on BPD records at Federal Records Centers.

Attachment E. February 3, 2009, letter from FMS to NARA, reminding NARA to continue the "freeze" on FMS records at Federal Records Centers.

Attachment F. Global e-mail issued February 25, 2009, to all FMS employees, and posted on FMS' intranet site, reminding employees to continue retaining records related to this litigation indefinitely and to continue utilizing the "Cobell Archive" mailbox to retain all IIM-related e-mail.

Attachment G. Global e-mail issued February 25, 2009, to all BPD employees, and posted on BPD's intranet site, reminding employees to continue preserving IIM-related records indefinitely and sending all IIM-related e-mail to BPD's dedicated mailbox.

Attachment H. Retention instructions to DO employees, posted on DO's intranet site, including steps for sending e-mail documents to DO's dedicated "Cobell" mailbox.

DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
WASHINGTON, D.C. 20227

FEB 19 2009

Mr. David H. Dunlap, Vice President
Mellon Bank
Mellon Client Service Center
500 Ross Street, Suite 154-1360
Pittsburg, PA 15262-0001

Re: Minerals Management Service Lockbox Account
Agency Location Code 14170001, Lockbox Number 911-4258

Dear Mr. Dunlap:

As you know, FMS remains under continuing court orders in *Cobell, et al. v. Salazar, et al.* and various cases brought by Indian tribes to preserve, indefinitely, all records relating to Individual Indian Money (IIM) and tribal trust funds and assets.

Accordingly, please continue to retain all documentation pertaining to the above-referenced lockbox account until further notice. You have confirmed that the records for this account include:

Standard Form 215
Standard Form 5515
ACH Receiving Remittance/Payment Report
Demand Deposit Account Activity Statements
any forms used to facilitate internal processing, such as the CA$H-LINK II Deposit Report Form

You must retain the records for this account IN ALL FORMS AND MEDIA generated for the account. This includes paper, electronic, microfilm, microfiche, or any other media. If you create the same record in multiple media, you must retain the record in all media.

Please distribute this letter to appropriate bank personnel, including records management personnel. If you have any questions regarding these retention instructions, please contact me at (202) 874-6847. Thank you for your continued cooperation.

Sincerely,

Michael Mackay

Michael Mackay
Director
General Revenue Collection Division

Enclosure

DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
WASHINGTON, D.C. 20227

FEB 19 2009

Mr. Stephen C. Herndon, Senior Vice President
Bank of America
Federal Government Banking Division
600 Peachtree Street NE
Atlanta, GA 30308-2214

Re: Bureau of Indian Affairs –Palm Springs Lockbox Account (closed 11/1/05)
Agency Location Code 00004844, Lockbox Number 72758

Dear Mr. Herndon:

As you know, FMS remains under continuing court orders in *Cobell, et al. v. Salazar, et al.* and various cases brought by Indian tribes to preserve, indefinitely, all records relating to Individual Indian Money (IIM) and tribal trust funds and trust assets.

Notwithstanding the fact that the above-referenced lockbox account was closed effective November 1, 2005, please continue to retain all documentation pertaining to the account until further notice. You have confirmed that the account records include:

Standard Form 215
Standard Form 5515
Check copies
Monthly Account Activity Reports (MAAR)
Monthly Account Activity Statements (MAAS)
Standard Listing
Any forms used to facilitate internal processing, such as the Daily Balance Sheet

Your bank must continue to retain the records for this account IN ALL FORMS AND MEDIA that were generated. Accordingly, notwithstanding that your bank began generating photocopies of the checks associated with this account on October 1, 2001, you must continue retaining any duplicate copies on microfilm, unless and until FMS obtains court approval for your bank to retain only pre-October 2001 microfilm copies and post-September 2001 photocopies.

Please distribute this letter to appropriate bank personnel, including records management personnel. If you have any questions regarding these retention instructions, please contact me at (202) 874-6847.

Thank you for your continued cooperation.

Sincerely,

Michael Mackay

Michael Mackay
Director
General Revenue Collection Division

Enclosure

cc: Linda S. Corbett, Senior Vice President, Bank of America

[Business Alert Message (BAM) for Current TGAs]

This is a reminder to continue preserving records in accordance with FMS' prior instructions to your financial institution. As stated in our initial letter dated July 9, 1999 and each successive reminder letter, including the most recent Broadcast Administrative Message issued in August 2008, due to ongoing litigation, your financial institution must retain, until further notice:

> Standard Form 215, Standard Form 5515 and any supporting documentation, IN ALL FORMS AND MEDIA, associated with transactions relating to deposits received from the Department of the Interior for credit to the Treasury's General Account (TGA). This includes paper, electronic, microfilm, microfiche, or any other media.

If you have not already done so, please designate a point of contact at your financial institution to disseminate these record retention instructions to appropriate personnel at your organization (including records management personnel). Please ensure that an appropriate dissemination and compliance process is in place to ensure these instructions are being followed at your financial institution.

If these retention instructions create a problem for your operations, please send your concerns in writing to the Over-the-Counter Revenue Collection Division at 401 14th Street, S.W., Room 307C, Washington, DC 20227.

If you have any questions, contact the Federal Reserve Bank of St. Louis at 1-866-771-1842 or Ava Singleton on (202) 874-9986.

February 27, 2009

Dear Sir or Madam:

This is a reminder to continue preserving records in accordance with FMS' prior instructions to your financial institution.

As stated in our initial letter dated July 9, 1999 and each successive reminder letter, including our most recent reminder letter dated February 27, 2008, due to ongoing litigation, your financial institution must retain, until further notice:

> Standard Form 215, Standard Form 5515 and any supporting documentation, IN ALL FORMS AND MEDIA, associated with transactions relating to deposits received from the Department of the Interior for credit to the Treasury's General Account (TGA). This includes any such records formerly maintained by the financial institutions shown on the attached list, now in your possession, custody or control. This includes paper, electronic, microfilm, microfiche, or any other media.

If you have not already done so, please designate a point of contact at your financial institution to disseminate these record retention instructions to appropriate personnel at your organization, including records management personnel. Please ensure that an appropriate dissemination and compliance process is in place to ensure these instructions are being followed at your financial institution.

If these retention instructions create a problem for your operations, please send your concerns in writing to the Over-the-Counter Revenue Collection Division (OTCD) at 401 14th Street, S.W., Room 307C, Washington, DC 20227, as soon as possible.

Thank you for your continuing cooperation in this matter. If you have any questions, the first point of contact is the Federal Reserve Bank of St. Louis at 1-866-771-1842. Should you have further questions, feel free to contact Ava Singleton on (202) 874-9986.

Sincerely,

Corvelli A. McDaniel

Corvelli A. McDaniel, Director
Over-the-Counter Revenue Collection Division (OTCD)
A/C Federal Finance

DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
HYATTSVILLE, MD 20782

Attachment C

FEB 19 2009

Michael Stenger
Assistant Director,
Office of Investigations
U.S. Secret Service
950 H Street, N.W.
Washington, D.C. 20223

Re: Document Retention Requirements

Dear Mr. Stenger:

This letter is to serve as a reminder that Treasury remains subject to continuing court orders in *Cobell, et al. v. Salazar, et al.* and various cases brought by Indian tribes to retain, indefinitely, "every document, [datum/data] or tangible thing ... containing information that is relevant to, or is reasonably calculated to lead to discovery of admissible evidence relevant to, the subject matter involved in pending litigation." Copies of these orders and Treasury's stipulation in the *Cobell* case were provided to Secret Service. Please let me know if you need additional copies of these documents.

As stated in previous reminder letters to Secret Service, among the types of records that Treasury must preserve to comply with these court orders are all Treasury checks and check-related records. Accordingly, please continue to preserve, until further notice, all Treasury checks that FMS forwards to your bureau for investigation and all information and records your bureau maintains relating to those checks. Please continue to take all steps necessary to determine and document that all such records in the possession of Secret Service are being preserved indefinitely.

If you have any questions concerning these retention orders, please contact Rebecca Saltiel in the FMS Chief Counsel's office, at (202) 874-6877, or me, at (202) 874-7913.

Thank you for your continued cooperation and assistance.

Sincerely,

Ronald G. Cymbor, Director
Check Resolution Division

cc: Thomas Dougherty, Office of Chief Counsel, U.S. Secret Service
Fax #202/406-6544 (ph. 406-5871)

Attachment D

DEPARTMENT OF THE TREASURY
BUREAU OF THE PUBLIC DEBT
PARKERSBURG, WV 26106-5312

February 23, 2009

National Archives and Records Administration
Life Cycle Management Division
Attention: Stephen Cooper
8601 Adelphi Road
College Park, MD 20740-6601

Re: Suspending Destruction

Dear Mr. Cooper:

As you are aware, the Bureau of the Public Debt (BPD), Department of the Treasury, has been under court order since August 1999 to preserve all documents relating to the pending litigation, Cobell v. Salazar, et al. which challenges the government's management of the Individual Indian Monies (IIM).

The purpose of this letter is to remind you that BPD remains under court order to preserve records indefinitely for purposes of the Cobell litigation. Therefore, we request that the Federal Records Centers continue to implement the freeze on all records from BPD Record Groups 53 and 82 and preserve all such records until further notice.

Thank you for your cooperation in this matter.

Sincerely,

Vicki Thorpe

Vicki Thorpe, Manager,
Administrative Support Branch
Records Officer

DEPARTMENT OF THE TREASURY
FINANCIAL MANAGEMENT SERVICE
HYATTSVILLE, MD 20782

Attachment E

FEB 3 2009

Thomas E. Mills
Assistant Archivist for Regional Records Services
National Archives and Records Administration
Office of Regional Records Services
8601 Adelphi Road, Suite 3600
College Park, MD 20740

Dear Mr. Mills:

The purpose of this letter is to remind you that Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, remains under court order to preserve records indefinitely for purposes of the Cobell, et al. v. Salazar, et al. litigation. Therefore, we request that the Federal Records Centers continue to implement the freeze on **all** records from FMS Record Groups 39, 50 and 425 and preserve all such records until further notice.

If you have any questions, you may contact Gino Ables at (202) 874-6281. Thank you for your cooperation in this matter.

Sincerely,

Sharon M. King, Director
Administrative Programs Division

Attachment F

Official FMS Business Posting

Close Window

Cobell and Tribal Litigation - FMS Retention Requirements

To: Office of the Commissioner, Debt Management Services, Federal Finance, Governmentwide Accounting, Information Resources, AC Management, Payment Management, Austin, Birmingham, Kansas City, Philadelphia, San Francisco, Contractors
Date: 02/25/2009
From: Matthew Fineout
Subject: Cobell and Tribal Litigation - FMS Retention Requirements

A copy of this memorandum is available on the Chief Counsel's Cobell/Tribal Litigation Home Page.

Date: February 25, 2009

To: All FMS Employees

From: Judy Tillman
Commissioner

Subject: *Cobell* and Tribal Litigation – FMS Retention Requirements

All FMS employees are again reminded that FMS remains subject to continuing court orders and Treasury directives, requiring us to retain and safeguard all documents, data and tangible things that relate to Individual Indian Money (IIM) and Tribal trust funds and assets, indefinitely.

To ensure that we remain in compliance with all court orders and directives, please continue to adhere to the following FMS requirements:

Do not destroy any documents, data or tangible things unless you received written

approval from the Chief Counsel. This rule applies to all documents, data and tangible things, whether litigation-related or not. Prepare a disposition request, following the instructions contained in the Chief Counsel's March 7, 2000 memorandum entitled "Process for Obtaining Disposition Approval" (posted on the FMS intranet on the "Cobell/Tribal Litigation" page). The only exception to this rule is for "obvious non-record materials," as described in the attached "Quick Reference Guide."

Continue copying or forwarding all Cobell-related and Tribal-related e-mail and other electronic documents to their respective dedicated mailboxes ("Cobell Archive@fms" for IIM-related e-mail/electronic documents and "Tribal Mailbox@fms" for Tribal-related e-mail/electronic documents). To insert a mailbox address on an e-mail, simply type "Cobell" or "Tribal" and press the "Enter" key. You may delete your copy of any e-mail or other electronic document sent to these mailboxes.

Promptly forward any voicemail messages that relate to any tribe to FMS' dedicated "Tribal" voicemail repository. Following are step-by-step instructions for forwarding voicemail messages to the repository:
Press "1" after (or while listening to) a new or saved message;
Then press "2" to forward with comment;
Voice a comment to include (1) the tribe's name when applicable, e.g., "Message

for Tribal mailbox-Crow tribe," (2) the identity of the caller, (3) the time and date

Attachment F

of the message, (4) the duration of the message, and (5) the caller's extension, and press #;

Enter extension 91313, and press #;
After the prompts, press #, and then press # again to send (forward).

Do not archive (move) data from any FMS electronic production systems that contain litigation-related data, except pursuant to a written preservation proposal that has been approved by the Commissioner's Office. Please refer to the Deputy Commissioner's March 24, 2000 memorandum entitled "Maintenance of Data on FMS Systems" (posted on the FMS intranet on the "Cobell/Tribal Litigation" page) for more information about this requirement.

Do not attempt to give guidance on record retention matters to Federal Reserve Bank or financial institutions personnel. Please refer all such questions to Rebecca Saltiel at (202) 874-6648.

I appreciate your continued compliance with these instructions and encourage you to review the pertinent memoranda posted on the FMS intranet. To locate the memoranda, double click on the icon to launch Internet Explorer. This brings you to the FMS intranet. Under "Hot Topics", click on "Cobell/Tribal Litigation."

If you have questions or need assistance regarding any of these retention requirements, please do not hesitate to contact Rebecca Saltiel at (202) 874-6648 or Matthew Fineout at (202) 874-6813.

Thank you.

Quick_Ref.pdf

*** END OF ANNOUNCEMENT ***

"A Quick Reference Guide"

REMEMBER: PRESERVE ALL INTERIOR/INDIAN-TRUST-RELATED MATERIAL!!

OBVIOUS NONRECORD MATERIALS These may be destroyed without the approval of the Chief Counsel	
CATEGORIES	**EXAMPLES**
1. Non-Treasury/FMS Material	• Office supply catalogs • vendor marketing materials • non-FMS publications/manuals, such as phone books, Federal Register, dictionaries, "Lotus Notes for Dummies," etc.
2. Treasury/FMS Distribution/ Reference Material	• attendee's copy of handouts received at meetings, training, etc. • employee's copy of work-related organization charts, phone lists, Treasury Correspondence Manual, etc. • employee's copy of FMS publications, such as "Fiscal Scene" • excess stocks of FMS marketing materials, such as Direct Deposit brochures • notices received re: IT security, scheduling of meetings & van rides, training, "acting" managers, voting leave, etc.
3. Personal Papers	• notices received re: retirements, deaths, TSP, CFC, PTI, Flex Account, etc. • employee's copy of T&A, payroll, personnel, etc. records (except travel records/receipts) • printouts of non-Federal Web pages that were not used for FMS business • non-FMS-related calendars/reminders • recipes, poems, cartoons, etc.
4. Other	• printer banner pages and printer failure reports • interim drafts created but never circulated to anyone • duplicates of any of the examples in these four categories.

Anita D. Shandor/BPD 02/25/2009 01 :25 PM

Attachment G

To AII- BPD (Business use only!)
cc 11M Mailbox@BPD
bcc

Subject Retention Notice

I would like to remind all employees that BPD remains subject to a court order that governs the retention of records relating to the Individual Indian Money (IIM) trust fund and IIM trust assets. To ensure compliance with this court order, you should not destroy any documents or data pertaining to the following subjects without written approval from the Chief Counselor his designee:

- IIM deposit fund investment records;
- IIM accounts and accounts held in trust by the Department of the Interior;
- Savings bonds held in trust form of registration by the Department of the Interior;
- Correspondence (internal and external) relating to Individual Indian Money; and
- Electronic communications, such as e-mails and Internet messages, relating to the subject above, unless those communications have been forwarded to the *Cabell* mailbox.

You should continue to copy or forward all e-mails relating to the IIM trust fund, IIM trust assets, and the *Cabell* litigation to the dedicated IIM Mailbox. To insert the mailbox address on an e-mail, simply type "IIM Mailbox" and press the "Enter" key.

The Federal Reserve Banks have also been instructed not to destroy any fiscal agency records unless they have received specific permission in writing from Treasury authorizing the destruction. Please refer any inquiries from FRB personnel regarding record retention to Jimmy Phillips at (202) 504-3683, fax number (202) 504-3630. Don't attempt to give guidance on record retention matters to any FRB employee.

I appreciate your continued compliance with these instructions and encourage you to occasionally review the pertinent memoranda and e-mails, which are posted on PD Web under the Office of the Chief Counsel's (OCC) website. Just click on the office link "OCC" and then click on" *Cabell* v. *Salazar,* " which appears in the "Litigation" section.

Thanks again for the great support you have shown in helping Public Debt comply with a very challenging court order.

Anita

Attachment H

Litigation Obligations and Directives

Office of the General Counsel

Litigation-Related Document Retention and Search Obligations

Below are memoranda explaining the scope of the Department's current legal obligations t retain certain documents and records that might be subject to litigation discovery.

The memoranda below describe obligations to retain documents and electronic informatior cases in litigation, or matters where litigation is reasonably expected. These obligations ar separate from record retention obligations, which can be obtained from the Records Management Office.

These memoranda are protected by the attorney-client privilege and are attorney work product. Several are also law enforcement sensitive. These memoranda are intended only Treasury employees and should not be shared with anyone else.

If you have questions about your obligation to preserve documents and information, pleas contact your Assistant General Counsel or Chief Counsel.

For comments or updates to this page, contact Barb Bracy in the Office of General Counse (Enforcement & Intelligence) at Barb.Bracy@do.treas.gov or 622-1997.

Document Retention Orders

11/19/2008. From the General Counsel. Notice 2008-83; September 30, 2008; temporary administrative position; loss-limitation rules (section 382 of the Internal Revenue Code); Senate Finance Committee.

11/17/2008. From the General Counsel. Lehman Brothers Holdings; bankruptcy.

11/5/2008. From the Deputy General Counsel. 3Com Corp; Bain Capital Partners; Shenzh Huawei Investment; CFIUS case 07-141.

10/31/2008. From the Deputy General Counsel. National Bank of Commerce; Dugan; Emergency Economic Stabilization Act (EESA); federal regulators; receiver; conservator; financial assistance.

9/11/2008. From the Assistant General Counsel. Al-Haramain Islamic Foundation; OFAC sanctions; Terrorist Surveillance Program; designation; Specially Designated Global Terror (SDGT).

8/15/2008. From the General Counsel. Amidax; S.W.I.F.T. SCRL; SWIFT; Walker; Terroris Finance Tracking Program (TFTP).

4/17/2008. From the Chief Counsel, Foreign Assets Control. Greenbaum; Islamic Republic Iran; OFAC; WMD; terrorism programs; Iranian Transactions Regulations, Iranian Assets Control Regulations; Peterson.

3/31/2008. From the General Counsel. Bear Stearns Companies; JPMorgan Chase; Federa

Attachment H

Reserve Bank of NY; JP Morgan/Bear Stearns Merger.

3/11/2008. From the Acting Legal Counsel, TEOAF. Sueoka; notified parties; certified subclasses.

2/8/2008. From the General Counsel. 9/11; Military Commissions Act of 2006 Concerning Terrorist Attacks of September 11, 2001.

1/15/2008. From the General Counsel. Walker v. S.W.I.F.T. SCRL; SWIFT; Terrorist Finan Tracking Program; classified; Amidax Trading Group.

12/14/2007. From the Assistant General Counsel. Al-Haramain Islamic Foundation (AHIF); Terrorist Surveillance Program; Office of Foreign Assets Control (OFAC); designation.

10/1/2007. From the General Counsel. Abdhir; Office of Foreign Assets Control (OFAC); Specially Designated Global Terrorist (SDGT).

8/7/2007. From the General Counsel. Cobell v. Norton; electronic mail; court orders; sear e-mails; Cobell mailbox; Individual Indian Monies; Department of Interior investments.

8/6/2007. From the General Counsel. Indian Litigation; Native American; Cobell; Jicarilla Apache; Kaw Nation; Navajo Nation; Pawnee; Pueblo of Laguna; Round Valley; Quechan T Fort Yuma; Individual Indian Money accounts; tribal trust lawsuits; trust funds.

6/14/2007. From the Deputy General Counsel. Holy Land Foundation; charity; Hamas.

5/24/2007. From the General Counsel. Holy Land Foundation; Zakat; USAID; Hamas.

5/3/2007. From the General Counsel. White House briefing; Treasury employees; election candidates; Waxman; House Committee on Oversight and Government Reform.

4/13/2007. From the General Counsel. White House emails; House Committee on Oversigl and Government Reform; White House staff; Republican National Committee (RNC) email accounts; Waxman.

7/25/2005. From the Assistant General Counsel. Hayat; Lodi California Criminal Investigat

2/11/2005. From the Assistant General Counsel. Moore v. Ridge; U.S. Secret Service; age race; employment; discrimination.

1/29/2002. From the General Counsel. Zacarias Moussaoui; 9/11 Terrorist attacks.

8/20/2001. From the Executive Secretary. Flatow; Islamic Republic of Iran; Cobell litigatic Tobacco litigation; Phillip Morris; Norton; O'Neill; Individual Indian Money trust fund.

7/6/2000. From the General Counsel. Flatow; Islamic Republic of Iran; Cobell litigation; Tobacco litigation; Phillip Morris.

12/8/1999. From the Deputy General Counsel. Philip Morris; Cobell; tobacco litigations.

11/24/1999. From the Acting Deputy General Counsel. Sueoka; class action; U.S. Custom ATF; U.S. Secret Service; forfeiture; seized.

Contact Webmaster | Updated: Friday, January 2

Attachment H

GO

Click on an item to expand :

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Litigation Obligations and Directives

Office of the General Counsel

Directive From General Counsel To All Departmental Offices Employees Concerning Cobell Litigation

By order of the Court in Cobell v. Norton, Departmental Offices employees must preserve all documents and records, whether in paper, electronic, or other form, that are relevant to any aspect of the government's responsibilities with respect to the individual Indian money trust. Such responsibilities include, but are not limited to, management, administration, collection, disbursement, investment, and accounting of trust funds.

To comply with the various court orders to which we are subject in Cobell v. Norton, to make it easier to manage and retrieve electronic mail as needed, and to help ensure that our electronic mail will continue to operate, I am requesting that you do the following things:

Step One: Search for Previous E-Mails You Have Sent or Received
Search your e-mail, including "Inbox," "Drafts," "Message Log," and all "Folders" and "Archives," for anything that relates in any way to the Cobell litigation, Individual Indian Monies, or Department of Interior investments on behalf of individual Indians. Forward any e-mails that you find on this subject (including attachments and retaining forwarding history) to "Cobell" or Cobell@do.treas.gov. In an effort to manage electronic mail, we have created this dedicated mailbox for Cobell-related and/or discussions relating to Individual Indian Money account.

Step Two: E-Mails That You Send in the Future
Beginning immediately, send a "cc" (not a "bcc") of all e-mails (including attachments) that you initiate, that relate in any way to the Cobell litigation, Individual Indian Monies or Department of Interior investments on behalf of individual Indians, to "Cobell."

Step Three: E-Mails That You Receive in the Future
Also beginning immediately, forward all e-mails that you receive (including attachments and retaining forwarding history) that relate in any way to the Cobell litigation, Individual Indian Monies or Department of Interior investments on behalf of individual Indians, to "Cobell," unless you can tell from the message that the e-mail has already been sent to the "Cobell."

If you have questions on this process or the retention of documents, call Paul Wolfteich at 927-9418.

If you need help in formulating e-mail searches or forwarding messages, or have questions on the "Cobell" mailbox, contact the HelpDesk at 622-1111.

About Us

Page Owner

Document Retention Search Obligations

Homepage

Attachment H

GENERAL COUNSEL

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

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MEMORANDUM TO ALL DEPARTMENTAL OFFICES EMPLOYEES

FROM: **ROBERT F. HOYT**

SUBJECT: Obligation to Retain Materials for Indian Litigation

The Department of the Treasury remains involved in numerous lawsuits filed by Native American individuals and tribes alleging that the U.S. Government owes an accounting for their trust funds or has mismanaged their trust funds and property. To ensure compliance with court retention orders and other litigation responsibilities, **Departmental Offices employees must retain all materials – whether in paper, electronic (including e-mail or voice-mail), or tangible form -- that meet <u>any</u> of the criteria described below.** These criteria are broader than legally required and are designed only for Departmental Offices materials.

1. Materials that mention or relate to Individual Indian Money or Individual Indian Money accounts.

2. Materials that mention or relate to tribal funds or tribal fund accounts. For example, material relating to the depositing, investing, disbursing, or accounting of tribal funds must be retained.

3. Materials that mention or relate to any delay between the issuance of government checks and the redemption of investments in government accounts to cover those checks -- sometimes called "check float." This criterion is not limited to Indian or tribal trust funds.

Attached are instructions for retaining e-mails and voice-mails by forwarding them to dedicated mailboxes.

You are required to retain these materials until further notice from this Office. If you have questions regarding the retention of particular materials, please contact Peter Bieger, Deputy Assistant General Counsel (Banking and Finance) at (202) 622-1975. The retention orders from *Cobell v. Kempthorne* and the tribal trust lawsuits are located on Treasury's intranet at *http://home.do.treas.gov/litigations* and are incorporated herein by reference. This memorandum takes the place of earlier instructions issued in connection with the *Cobell* and tribal trust lawsuits. Thank you for your continued attention to this important matter.

Attachment: Instructions for using the dedicated Cobell and tribal mailboxes for retaining e-mails and voice mails.

2. Forward any e-mail that you receive, or have previously received and not already forwarded, (including attachments and retaining forwarding history) that relate in any way to Individual Indian Money or Individual Indian Money accounts, to the dedicated e-mailbox at the following mailbox address: *cobell@do.treas.gov* or just *Cobell*, unless you can tell from the message that the e-mail has already been sent to the dedicated e-mailbox.

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Tribal trust materials retention procedures

To retain e-mails:

1. Send a "cc" (not a "bcc") of all e-mails (including attachments) that you initiate, that relate in any way to (a) tribal funds or tribal fund accounts or (b) any check float afforded to any invested government account, to the dedicated e-mailbox at the following mailbox address: *tribal@do.treas.gov* or just *tribal*. Please ensure that the tribe's name, if any, is included in the subject heading.

2. Forward any e-mail that you receive, or have previously received and not already forwarded, (including attachments and retaining forwarding history) that relate in any way to (a) tribal funds or tribal fund accounts or (b) any check float afforded to any invested government account, to the dedicated e-mailbox at the following mailbox address: *tribal@do.treas.gov* or just *tribal*, unless you can tell from the message that the e-mail has already been sent to the dedicated e-mailbox.

To retain voice-mails:

Forward all applicable voice messages that relate in any way to (a) tribal funds or tribal fund accounts or (b) any check float afforded to any invested government account, to the dedicated voice-mailbox in accordance with the following instructions:

- press 1 after (or while listening to) a new or saved message;
- press 2 to forward with comment;
- voice a comment and identify the relevant tribe, if any (e.g., "Message for tribal mailbox-Jicarilla Tribe"), then press #;
- enter extension 91313, then press #;
- press #, then press # again to send (forward).

At the request of the Department of Justice, please review the header of each voice message being forwarded and, when voicing a comment include the identity of the caller, the time and date of the message, the duration of the message, and the extension of the caller.

Please note that the *Cobell* and tribal e-mailboxes have been copied on the e-mail message conveying this memorandum.