

caused considerable anxiety among the members of our tribe because it is difficult for us to see why the Bureau has added such a provision if it is acting from proper motivation.

"At a full tribal meeting, questions concerning this addition were addressed to Mr. Rex Lee who replied no one should become excited since the Bureau had possessed this power for years. Hence our members repeated the question in a different manner by merely asking why it was being included as part of the Equalization program if it has always possessed such a power. Quite frankly, it is our belief that it should be deleted from the Equalization instructions, thereby leaving the Secretary with the right of requesting the appointment of conservators for reasons unrelated to equalization when in his judgment such is necessary for the best interest of the Indian."

Prior to September 21, 1959, the date of the Equalization Act, there were 61 guardianships and conservatorships established. From the foregoing it appears that the Equalization Act, rather than introducing the concept of guardians for Indian minors and adults in need of assistance, actually validated what had been the policy of the Department and the Bureau for a considerable period.

However, there were a number of minors who had no lease income or for other reasons hadn't had guardians appointed for them and a number of adults for whom it was deemed advisable to set up protective arrangements. In April of 1960, an attorney from the Regional Solicitor's office went to Palm Springs and with the Director of that office, who was Raymond W. Jackson at that time, interviewed both the minors and adults in question and explained what was involved. The Indians were informed of their rights to request appointment of guardians or conservators of their choice and in most cases it is believed that their choices were honored by the court where this was feasible. However, it is also true that a number made no choice and left the choice to the discretion of the court. In the great majority of cases, the petition to the court was filed by the person chosen by the Indian or other third party. In only 2 or 3 instances did the Bureau of Indian Affairs file the petition. In two instances the Bureau of Indian Affairs requested appointment of conservators but the adults involved objected and appealed the decision. Their appeals were upheld and no conservators were appointed.¹ Subsequent to the initial appointments after the Equalization Act was passed, the Bureau of Indian Affairs took no part in the guardianship-conservatorship appointment process, although there were numerous actions taken in this respect. The change in status when a minor reached his majority generated a substantial number of such actions. It wasn't until the spring of 1967 that any formal representations were made to the court when the Director of the Palm Springs office communicated with Judge Merrill Brown with respect to one James Hollowell, who had petitioned the court for appointment as guardian to replace one who resigned. This triggered the current Departmental investigation.

Some attention to attorney fees was given by the Department when the Solicitor in his letter of December 4, 1961, corresponded with Raymond C. Simpson in connection with his fee arrangements with lessees of Indian land. Further correspondence emanated from the Solicitor's office to Mr. Simpson in the following year.

The Area Office became concerned with the amount of fees awarded to attorneys, guardians and conservators and completed a statistical summary of such awards. This information was transmitted to the Commissioner's office in 1962. The House Committee on Government Operations, to which apparently complaints had been relayed, sent investigators in early 1962 to Palm Springs ostensibly to inquire into leasing procedures employed by the Bureau. In the course of the inquiry the investigators received complaints from a number of Indians regarding the manner in which the guardianships and conservatorships were being handled by the Superior Court. As a result of these inquiries the committee addressed a letter to the Secretary requesting his reply to certain questions concerning the guardianship and conservatorship operations. The Secretary replied in his letter of August 13, 1962, copy attached.

A review was made in early 1963 by a member of the Washington staff, Mr. Dinsmore Taylor, and as a result the following letter was addressed to the Dawson committee: (See exhibit 2.)

In view of the position taken by the Department, this office felt constrained to remain aloof from Superior Court proceedings in this matter.

¹ See copies of letters attached.