

In the summer of 1963, Judge Hilton McCabe conceived the idea that it would be helpful if he and the Area Director issue a joint letter to all conservators and guardians outlining their duties and responsibilities. The advice of the Commissioner's office was requested and it was decided that such a joint statement was inappropriate and none was issued. In the meantime, certain rumors were extant to the effect that the Bureau was contemplating curtailing the activities of the conservators and guardians in dealings with trust land, whereupon the Director of the Palm Springs office addressed a letter to the Chairman of the Conservators and Guardians Association explaining that this was not the case and that the Bureau of Indian Affairs expected them to perform as heretofore.

In early 1964, the Tribal Council transmitted an extensive list of grievances to the Commissioner concerned mostly with the manner in which probate matters involving conservatorship and guardianship were being handled by the Superior Court. On October 7, 1964, Commissioner Nash responded to the grievance presentation. Prior to that date, in August, Deputy Commissioner Crow and Associate Solicitor Hyden, along with area office representatives, met with and discussed the grievances with the Tribal Council. Associate Solicitor Hyden, prior to his visit, had issued an opinion as to the legality of contracts with real estate brokers, attorneys and others which called for the payment of fees from future earnings from trust land. Generally it was his opinion that such contracts were invalid unless approved by the Secretary and that persons collecting fees under approved contracts were liable for collections made illegally. There was a general conclusion reached that the Department and the Bureau should exercise closer surveillance of the probate operations and it was decided to employ a Resources Trust Officer to be attached to the Palm Springs office who would work with the probate court and the guardians and conservators in an attempt to legalize operations and to work informally to prevent excessive award of fees, and to inquire into past operations. Mr. Robert Cox was appointed to this position effective January 24, 1965, and was transferred in June of 1966. Mr. Cox worked closely with the Superior Court, the conservators and guardians, and the attorneys on current matters. In a number of cases fee requests were reduced and in a few instances previous awards yet unpaid were compromised. He also reviewed all court approved transactions for the calendar year 1965 and his report was transmitted to the Commissioner on July 19, 1966. In his opinion, fees awarded by the court were excessive and he recommended major changes in handling guardianship and conservatorship estates.

The Area Director concurred in part with his recommendation, as did the Regional Solicitor. No action to change procedures was taken by the Bureau or the Department until May 1967, when the Secretary announced that an investigation of the matter would be made. He appointed a task force to operate locally with Mr. Robert Cox as Chairman. The task force is in process of completing its inquiry. For an interim period lessees were directed to make rental payments to the Bureau for disbursement to the beneficiaries. The Regional Solicitor was designated a Special Assistant U.S. Attorney to permit his participation in court proceedings. Several conferences have been held with the Tribal Council at which problems were discussed and the Council's views ascertained.

It was not possible in this short review to note all of the events concerning this subject over the past several years, and no doubt important items have been omitted. However, it is thought that the highlights have been included and sufficient detail presented to give the reader an insight into what occurred.

## EXHIBIT 2

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT OPERATIONS,  
Washington, D.C., July 5, 1962.

HON. STEWART LEE UDALL,  
*Secretary of the Interior,*  
*Department of the Interior,*  
*Washington, D.C.*

DEAR MR. SECRETARY: At my direction, members of the staff of the Committee on Government Operations have been looking into the long term leasing of Indian