

*Resolved*, that the Tribal Council for the Agua Caliente Band of Mission Indians after calling a special tribal meeting does hereby wish to go on record as being unalterably opposed to the passage of H.R. 13516 because:

1. Section 4 of the Act of September 21, 1959, was limited by the Congress of the United States to appointment of guardians of the estates of all the minor allottees and for those adult allottees who in the Secretary's judgment were in need of assistance in handling their affairs *before* the Secretary would be entitled to make any equalization allotments for payment to such persons.

2. The Equalization Program provided for by the Congress as implemented by the Secretary of the Interior has been completed so that said Section 4 of the Act of September 21, 1959, is no longer functional.

3. The proposed amendatory language embodied in H.R. 13516 would serve to both resurrect a presently nonfunctional Section of Federal Law and to compound the problems presently confronting the Indian by also allowing the appointment of Conservators when in fact such appointments were never completed by the Congress and are deemed to be inimical to the best interests of the members of said Band in what it would tend to perpetuate an unsavory element which has unfortunately been allowed to enter the picture under the administration of the Superior Court of California.

4. The amendatory language of H.R. 13516 will not serve to correct the present abuses nor to effectively diminish the future abuses, but if enacted, will only serve to impose an economic straight-jacket upon said Indians in the handling of their estates inasmuch as it ignores the essence of the problem which has arisen due to a lack of definitive procedures respecting the jurisdictional division between the Superior Court of California over non-trust property and the exclusive jurisdiction of the United States as trustee over the trust property which should be construed to include leases, sales, rights-of-way, or easements pertaining to said trust property which can only be accomplished by legislation invoking definitive amendments to 25 USC 954 and 28 USC 1360 (b) so that the Superior Court of California will unequivocally be precluded from assuming any jurisdiction whatsoever respecting any Indian land or any Indian interest therein held in trust.

Mr. PATENCIO. On the question of the high administrative costs to the Indian estates which has resulted from the guardianship-conservatorship system, I would like to briefly point out at this time that this, to a great extent, has been due to duplication of costs. Before the passage of the equalization law it was quite clear that leases could be made, that easements could be granted, and that rights-of-way could be given respecting Indian trust lands without involving the Superior Court. In other words, the Secretary of the Interior had exercised such power for a number of years without any significant costs whatsoever to the Indians, but when superior court-appointed guardians and conservators got into the act a costly and new dimension was added.

Under the new system the guardian or conservator would request that the attorney representing the Indian estate prepare a petition for superior court approval and the order to show cause showing that such approval had been given. Quite naturally, it followed from that that a charge would be made against the Indian estate for the services of the guardian or conservator and the attorney. In the instances of easements and rights-of-way, it would often happen that no money would pass to the Indian estate because the granting of the easement or right-of-way was to be considered to enhance the value of the Indian land, thereby accelerating development of Indian lands.

Nevertheless, under the new system the costs of services by a guardian, conservator, or attorney had to be paid for out of the Indian's estate. These costs have amounted to thousands of dollars each year despite the fact that the lands in question were trust lands over which the State courts have no jurisdiction. It is therefore, the considered opinion of the tribal council that part of the solution of this problem