

Mr. PATENCIO. Yes.

Mr. EDMONDSON. May I ask, Chairman Patencio, if you have had an opportunity to become familiar with the departmental report on that bill, and with the substitute that has been proposed by the Department?

Mr. PATENCIO. We just received it last week. We haven't had the opportunity, but we're hoping to get together with the Bureau with some similarity to what our thinking is.

Mr. EDMONDSON. Would you like to reserve any—

Mr. PATENCIO. Yes, I would.

Mr. EDMONDSON (continuing). Official statement on behalf of the Council with regard to—

Mr. PATENCIO. Yes.

Mr. EDMONDSON (continuing). The substitute that has been proposed?

Mr. PATENCIO. Yes.

Mr. EDMONDSON. Can you supply for the record a copy of your 1964 Petition of Grievances to which you referred in your testimony?

Mr. PATENCIO. Yes.

Mr. EDMONDSON. It will be supplied?

Mr. PATENCIO. Yes, it will be supplied.

Mr. EDMONDSON. If there's no objection, it will be made a part of the record at this point.

(The document referred to follows:)

Re responsibility and jurisdiction of the BIA.

Mr. PHILLEO NASH,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D.C.

DEAR COMMISSIONER NASH: It is the considered opinion of the members of the Agua Caliente Band of Mission Indians that some extremely severe problems are presently confronting us because the Bureau of Indian Affairs has been shirking certain responsibilities required by Federal Law. These problems arise in part due to Public Law 280 and the Equalization Act the Congress passed pertaining to our reservation.

It is our understanding that Public Law 280 conferred jurisdiction upon state courts respecting Indians in both civil and criminal matters, but that under the provisions of sub-paragraph (b) thereof, the Congress expressly stated that this should in no way be construed as bestowing jurisdiction in the state courts over property held in trust by the United States of America for the benefit of the Indians. Obviously, this would mean that the state courts would not have jurisdiction over any of the allotted properties included within our reservation which are still held in a trust status. In fact, this interpretation has received approval from the Judge of the Superior Court in Indio, the Honorable Hilton McCabe, who has stated that with this in mind he has instructed State appointed appraisers to abstain from appraising trust property whenever a guardianship or conservatorship was involved. This interpretation gains further support from the fact that no trust property is included for the purpose of probate administration in the state courts, and it is handled by the Federal Inheritance Examiners.

With the passage of the Equalization Act, however, a problem arose by reason of the requirements set forth therein that the Secretary of the Interior or his duly authorized representative should request the appointment of a guardian of the estate of all minor allottees and for those adult allottees who in his judgment were in need of assistance in handling their affairs, and that this should be done in accordance with applicable State laws before he made an equalization allotment or payment to such persons. Had only a few members of our Tribe been affected by this requirement of the Equalization Act, perhaps it is possible that no one would have become aware of the problem, but at the time of the