

passage of this Act, approximately eighty percent of our members were minors, and this meant that the state court was placed in a direct contact with most of our members.

At the outset, our Indian Office in Palm Springs acted in concert with the Sacramento Area Office to make up a list of the people who in their judgment were in need of assistance, and thereafter recommended to the Superior Court that guardians or conservators be appointed for them. This they did with all the minors and a number of the adults. In our judgment this constituted an unwarranted abdication of responsibility in favor of the Superior Court. The bulk of the estates involved consisted of unimproved real property held in trust by the United States Government for our benefit. From this fact it is exceedingly difficult to conclude that anyone would be able to take advantage of us. After all, under existing Federal law our Indians could not sell or lease their land without the consent of the Secretary or his duly authorized representative. This Federal restriction impresses us as being sufficiently protective. In other words, in the absence of a showing that some harm might come to the estate of the Indian, it is believed that the restrictions imposed by Federal law with the Secretary as trustee are sufficient.

Notwithstanding these restrictions imposed by subdivision (b) of Public Law 280, the Superior Court in California has proceeded under the quasi delegation of power prompted by the Equalization Act to take over the role of the Bureau of Indian Affairs with respect to the guardianship and conservatorship estates. In observing this, we have seriously sustained the legal right of any Judge of a state court to exercise the powers which they are now being exercised with respect to Indian guardianship and conservatorship. It would seem that the only thing that is happening at the present time is that the restrictions imposed by Federal law are being compounded into an almost impossible hurdle for our Indians by the intrusion of the state courts into a domain where the Congress never intended they should tread.

In an effort to seek a solution to the problems presented by this situation, special Tribal meetings were called with Judge Hilton McCabe, representatives of the Palm Springs Board of Realtors, members of the Guardians and Conservators Association, and representatives of our local office for the Bureau of Indian Affairs. Following these meetings which did not bear much fruit, the members of our Tribe agreed that a statement of the grievances presented should be transmitted to the central office in Washington, D.C. We do, therefore, submit the following:

(1) No sale or lease of Indian trust lands can be made without the approval of the Secretary of the Interior or his duly authorized representative. With guardianships and conservatorships, the approval procedure is compounded since the approval of the state court is also required. It is submitted that this does not constitute an advantage for the Indian allottee, and that it only means delay plus the legal expense for payment of the guardian or conservator and their attorney to prepare the Petition for Authority and the court appearance and hearings pertaining to this. This is even true in the cases where such court approval has been obtained and a conditional approval is thereafter given by the Secretary since a second approval must then be secured due to the conditions. State court approval is also needed where rights-of-way or easements are given.

(2) The Superior Court has given its blessings to the establishment of an independent organization known as the Guardians and Conservators Association for the Agua Caliente Band of Mission Indians. The personnel of this association consists mostly of non-Indians appointed by Judge Hilton McCabe. Their avowed objective is to work in concert for the economic development of our Indian lands. In order to facilitate their organizational activities, the Superior Court has approved assessments against the estates of minors even where there was in fact, no money available. It is our belief that this is an act beyond the jurisdiction of the Superior Court which negatively reflects upon the United States Government. In other words, the local Indian Office in Palm Springs is assigned and maintained for the purpose of accomplishing the very objectives of this organization without cost to the Indian allottees involved. If this program is continued it is conceivable that some of the minors upon reaching twenty-one years of age would find that their estates are so burdened by the assessments approved by the Superior Court that they will still be without any income whatsoever. As far as we know, the Bureau of Indian Affairs has never investigated, nor have they objected to, this particular procedure even though they have been fully aware of it.