

that Palm Springs might have a direct wire established with Washington. In other words, the delay occasioned by sending everything through channels to Sacramento has proven to be both time consuming and costly. Hence, we suggest that an Area Director for Palm Springs be appointed.

Respectfully submitted on behalf of the named members of the Agua Caliente Band of Mission Indians.

AGUA CALIENTE BAND OF MISSION INDIANS,
Palm Springs, Calif., March 4, 1964.

Re letter of grievances to Commissioner Nash from Agua Caliente Band of Mission Indians, presented February 17, 1964.

Mr. E. REESEMAN FRYER,
*Assistant Commissioner of Indian Affairs,
Department of Interior,
Washington, D.C.*

DEAR MR. FRYER: On the morning of February 18, 1964, you were most considerate in complimenting us on our letter to Commissioner Nash, and in suggesting that we supplement this with a further letter setting forth the suggested solutions so that your office could proceed to implement them. Therefore, in accordance with your request, we submit the following:

1. The right of Indians to contract for services.

(a) It is our suggestion that a formal letter be prepared to the central office spelling out with some degree of certainty what is meant by "restricted property" and "unrestricted property." In other words, this letter should eliminate the uncertainty that existed before the Regional Solicitor in Sacramento prepared his opinion on the subject plus the conclusion which followed. We feel that an explanation along the lines discussed in your office regarding the effect of a "direct payment" of rent lease would do much to accomplish this, thereby removing the apprehensions in the minds of those professional people who are willing to render services which may aid immeasurably in the development of our land to its highest and best economic use. This includes real estate brokers, appraisers, land planners, and all others who are in a position to assist Indian allottees. The letter should also explain the application of the "direct payment" factor to both guardianships and conservatorships. By so doing you will be paving the way for constructive and beneficial contracts for our Indians.

(b) It is suggested that your letter explaining the right of an Indian to contract for services should, if possible, provide specific illustrations. For example, reference could be made to the fact that income from trust property loses its restricted status when the recipient thereof may utilize it as each may wish, such as the purchase of an automobile, clothing, furniture, services of a doctor or such other services as they might desire. Perhaps part of the explanation could be extracted from that certain opinion of the Solicitor, which was rendered on February 13, 1937 which stated:

"It should be pointed out that an Indian, although a tribal member and a ward of the government, is capable of making contracts and these contracts require supervision only insofar as they may deal with the disposition of property held in trust by the United States."

"Consider: *Rider v. LaClair*, 77 Wash. 488, 138 Pac. 3 (1914), which held that Indians could mortgage crops growing on allotments without the government's consent. (These crops are tax exempt under the *Squire* case as part of the trust property.) Also see Act of May 31, 1870, Sec. 16, 18 Stat. 140, 144, guaranteeing the right to enforce contracts to all persons within the jurisdiction of the United States."

2. Eliminate duplication in costs.

It is suggested that steps should be taken to see that the Indian who has a court appointed guardian or conservator faces no greater costs in the leasing of his land than an adult who is allowed to act for himself, subject to the approval required by the Secretary. Public Law 280 does not grant the state courts jurisdiction over trust lands; so why should the leasing or sale thereof require state court approval? This is particularly significant since any conclusion to the contrary leads to the further conclusion that state court approval is needed for rights-of-way and easements. If your office determines that the approval procedures of the Secretary are sufficient protection for the Indians, you will save thousands of dollars each year for our Indians, which they are