

been freed from Federal supervision with regard to their estates and with regard to their properties?

Mr. PATENCIO. No; with—not real supervision.

Mr. EDMONDSON. I had understood that there was some who had nonsupervision by the Department with regard to the majority of their property. Am I incorrect in that assumption?

Mr. PATENCIO. Mr. Chairman, there are about 6,000 acres of the original 32,000 acres of the tribe's land that has been fee patented for purposes of sale or because individual Indians have requested that they receive a fee patent, and the question, I believe, goes basically that there are some people who have requested fee patents to more than 50 percent of the land which has been allotted to them.

Mr. EDMONDSON. I see, but on the other side of the coin do all of the tribal members still retain some property that is under the supervision of the Department classified as trust property?

Mr. SIMPSON. I believe I can honestly say that most of them, better than 50 percent do, I'm not sure.

Mr. EDMONDSON. Gentlemen, do you have any questions?

Mr. BURTON. Just one, I believe, Mr. Chairman.

Mr. EDMONDSON. Mr. Burton.

Mr. BURTON. Mr. Simpson, you said you want the Indians to be presumed competent at age 21, and then if he fails—and you used the expression “flat on his face”—then we could appoint for him a guardian or conservator. If you wait until he falls flat on his face, it is true, is it not, that he might have nothing to conserve?

Mr. SIMPSON. The question is an excellent one and one, I think, many people frequently propose. The answer is “No”; this is not true because if he is competent to handle his own affairs without a conservator, this does not mean, and I do not mean to suggest, that we terminate the Indian because most of the property, for example, the allotments that they have, as long as title is still held in trust by the United States of America, this means that if an Indian has, let's say, a \$350,000 allotment of land and that he has—I'm thinking of one particular case, an income, annual income of \$7,000 dollars—now, if he handles that \$7,000 and squanders it and shows himself to be totally incompetent to handle it, the portion of it which is not trust which is fed to him, then I would say that in that instance a person is like any individual, Indian or otherwise, in need of some definite assistance, but falling flat on his face in that manner, Congressman Burton, you would still have the Federal Government as trustee and, at the present time, they cannot sell, they cannot lease, they cannot do anything with the \$350,000 and the purpose of the trust is not endangered by permitting the Indian to proceed to handle the nontrust property.

Mr. BURTON. Thank you.

Mr. EDMONDSON. The gentleman from California?

Mr. TUNNEY. Thank you, Mr. Chairman. Did the tribe, Mr. Chairman, support the original legislation establishing State court control over the Indian estates? Did the tribe take an official position back in 1959?

Mr. SIMPSON. Mr. Tunney, since I was tribal attorney at that time, the answer is yes; the tribe did. The particular bill was designed to provide supervision mostly because of the minors. As Mr. Patencio