

testified, approximately 80 percent of the tribe was under 21 at the time, and we knew one thing very definitely was going to happen. Under the Saund bill, the equalization bill, the airport was going to be sold to the city of Palm Springs. The airport had allotted lands and under the equalization bill, selections were made therein. This meant that some minors were going to have estates that would be nontrust property that would exceed \$100,000 or more so it was felt that this section carried merit as a protective device for the minors who might have nontrust estates that would be rather large.

Mr. TUNNEY. What was the attitude of the tribe at that time with respect to removing the direct control over their affairs from the Bureau of Indian Affairs?

Mr. SIMPSON. The answer is that 4½ years preceding that, you would have joint hearings in Washington on House Concurrent Resolution 103, and this tribe at that time, unalterably went on record as stating that they were not opposed to termination, which they figured eventually would come, but that they were opposed to any termination program which was premature, which would result in a tax impact that would cause them to lose the lands or compel them to sell the lands just to pay taxes, and therefore they opposed the bill of 1954, and they went on record as stating that they felt an intelligent plan would have to be worked out giving sufficient time to develop it, such as less than 50 percent of the total lands are generating any income at all; right now.

Mr. TUNNEY. But, there was no desire to remove the Bureau of Indian Affairs from supervision of the estates back in 1959 at the time the Saund equalization bill was being considered by the Congress?

Mr. SIMPSON. No, I can't speak for individuals, but the tribal position was unequivocally against that.

Mr. TUNNEY. So that I understand that, at the time the 1959 equalization bill was passed, there was no consideration given by the tribal council in support of this legislation that there were going to be conservators, conservatorship arrangements established with respect to the adult Indians.

Mr. SIMPSON. Not at all. You see, the first draft was prepared by the Department for equalization following the Segundo service of decision which was rendered in 1956. The first draft was in 1957, and at that time there was no conservatorship law in California so the language only addressed itself to guardianships. While this was going on, California passed a conservatorship law. When the Congress on September 21, 1959, said their law became law, there was no reference to guardians and no consideration at all to the concept of conservatorships by the tribes took place.

Mr. EDMONDSON. Mr. Patencio, reading from the language of section 4, which was advanced really as the test for guardianship, it says:

The Secretary shall request the appointment of a guardian of the estate of all minor allottees and for those adult allottees who in his judgment are in need of assistance in handling their affairs * * *

Mr. SIMPSON. That is correct.

Mr. EDMONDSON. Which phrase certainly falls considerably short of a finding of incompetence, because I think most every citizen at some time or other, if he has property of any size, is going to have need for