

would receive appraisal services, would receive other services that would help them at this time to develop this land economically, and this is why they recognize the apparent inconsistency, but don't consider it inconsistent in light of the facts.

Mr. EDMONDSON. That's a long last statement. The gentleman from Utah has a question.

Mr. BURTON. Mr. Simpson, as a competent attorney, did I understand you to tell the committee a few minutes ago that under California State law, there is legally no difference between the power of a "conservator" and "guardian," that legally, there are no differences? That it is just psychological?

Mr. SIMPSON. No. I said unfortunately, some people have treated the two as the same, even members of the judiciary, but that there is a difference. In guardianships, in actual guardianships laws, you have far more rigid requirements than you do in conservatorship situations unless—under the conservatorship you do have a provision called special powers, and you can go and secure these special powers as a conservator if the court approves it. No, there's definitely a marked distinction. If you would put the two powers down and compare them, you would find that the objective might be called similar, but the procedures are not the same. One of them that I would give, for example, is that in the guardianship law, a person may not petition to have a guardian appointed for himself, but in the conservatorship law it starts with the language that any person may petition for the appointment of an individual who believes, subject to the jurisdiction of the court is in need of assistance and you go on to get procedural differences, and then differences in the powers.

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

Mr. SIGLER. Yes, Mr. Chairman, I would like to proceed along that line you were developing through a couple of questions of Mr. Patencio. Mr. Patencio, I understood you to say that you wanted all Indians to be regarded as competent when they reached the age of 21 for the purpose of handling their nontrust property, but you want them to continue in need of a trust relationship with respect to their land. My question is, if the land were in some way freed from tax responsibility so the Indian would not be in danger of losing his land through tax processes, would that affect your judgment, or in another form, would you then think an Indian should have complete control over his land the same as he does over his personal property?

Mr. PATENCIO. Well, if the Indian loses trust, he would have control over his land.

Mr. SIGLER. My question is, Do you think that would be desirable?

Mr. PATENCIO. Would that be desirable at that time?

Mr. SIGLER. If the Indian could be given a tax exemption for his land, would you then recommend that he have full control over his land?

Mr. PATENCIO. Well, I would leave that judgment up to the Secretary of the Interior.

Mr. SIGLER. Well, I'm asking what you think.

Mr. PATENCIO. Personally, my thought?

Mr. SIGLER. Yes.

Mr. PATENCIO. If it involved me?

Mr. SIGLER. Yes.