

leases, grants of right-of-way, et cetera. Do you believe that attorneys and fiduciaries should be involved in the same transactions since the fees charged are quite high, at least according to the report of investigation?

Mr. SCHLESINGER. Could you say that first part again, Mr. Tunney?

Mr. TUNNEY. The Bureau of Indian Affairs is charged with the approval of all dispositions of trust property.

Mr. SCHLESINGER. Dispositions of trust property. You mean when they want to convert from trust status to a fee patent?

Mr. TUNNEY. Well; sales, leases, grants of rights-of-way, et cetera.

Mr. SCHLESINGER. I wasn't considering leases in dispositions. I thought you meant termination of the trust status. You've not limited it to that?

Mr. TUNNEY. No; no. As I say, do you believe attorneys and fiduciaries should be involved in the same transactions?

Mr. SCHLESINGER. No. As I also said in my statement, I think that the Federal Code and the Regulations should be eliminated. Either have one or the other, but not both. It's a duplication, and it's been a duplication of performance without a duplication of responsibility. Very often, it's like a tennis match. The shot goes down the middle and each one thinks the other has the shot, and on these bonds, the Bureau would come up and, say, 3 years later when here it was obviously at the very beginning that rental bond wasn't obtained or insurance wasn't obtained, the conservator, or guardian, particularly the unsophisticated variety or where individual Indians who had no previous experience, it would be a blow to them to find out 2 or 3 years later that the Bureau hadn't enforced the rental.

Mr. TUNNEY. So, if I understand your testimony in summary then, you feel that the present system is totally inadequate and that something has to be done either one way or the other. Either termination as you have suggested, over a period of time, or turn the entire thing back to the Bureau of Indian Affairs, but don't go down the middle, have a little bit of both?

Mr. SCHLESINGER. Well, I think when you deal with—if you're going to continue with the tax exemption which is the same as a trust status and the only reason for the trust status, then you should have just one entity in charge, because this way there are two. You've got to go everywhere, so I do agree with you that it should be one or the other.

Mr. TUNNEY. My statement is, do you feel that way?

Mr. SCHLESINGER. Yes, in my opinion, there should be one entity responsible. Either the guardian or conservator responsible, or the Bureau of Indian Affairs, but not both.

Mr. TUNNEY. Thank you. I don't have anything further.

Mr. EDMONDSON. Thank you.

Mr. BURTON. Thank you very much for your testimony, sir.

Mr. EDMONDSON. The subcommittee is going to take a recess here for the lunch period. It's our desire, if we have cooperation of the witnesses, to complete the testimony this afternoon. We do have witnesses who will require considerable time, so we expect a long afternoon session. With that in mind, we're going to take a longer lunch than normal in order to let each member of the subcommittee attend any business that he has in connection with this office, communicating