

Mr. EDMONDSON. I have imposed on my colleagues on the committee, and I think also probably imposed upon the reporter. Do you have any questions?

Mr. TUNNEY. I have some.

Mr. BURTON. I have two or three.

Mr. EDMONDSON. Would it be agreeable to you—I think it would be in fairness to the witness to take about a 5-minute break here and let the reporter get a rest and everybody have a smoke.

The subcommittee will stand in recess for 5 minutes.

(The committee recessed for 5 minutes.)

Mr. EDMONDSON. The subcommittee will come to order. Mr. Hollowell, I think you had completed your answer to my last question.

Mr. HOLLOWELL. I believe so.

Mr. EDMONDSON. I will yield at this time to the gentleman from Utah, Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. Mr. Hollowell, did Judge McCabe appoint you as conservator for these Indians you represent?

Mr. HOLLOWELL. No, sir. I can volunteer this. A number of years before he left to go on the appellate bench, I talked to him about it, and I thought I could and, as I say, we didn't always agree and at that time he said I didn't have enough experience in Indian affairs and he didn't think I was qualified, and all my appointments as fiduciary later on were by Judge Brown.

Mr. BURTON. The task force report on page 22 alleges that “* * * Judge McCabe apparently encouraged the attorneys for the estates to get the wards to make wills, letting it be known that he was available and willing to serve as executor.” Did he ever make that approach to you?

Mr. HOLLOWELL. No, sir. As God is my witness, no.

Mr. BURTON. The report alleges that a review of 27 wills of living Palm Springs Indians on file in the office of the examiner of inheritances at Phoenix revealed Judge McCabe is named as first executor in 10 of the wills and that you were the author of nine of them. You confirmed that, but it also says that in none of the wills in which Judge McCabe is named as executor contains a provision—all of the wills contains a provision that he serve without bond. Now, you wrote nine of the 10. Is it standard legal practice to make a person an executor of an estate without any bond?

Mr. HOLLOWELL. Yes, sir; in nine of 10 cases it's waived. I certainly wouldn't have recommended Judge McCabe if I thought a bond was required.

Mr. EDMONDSON. The gentleman from California.

Mr. TUNNEY. Thank you very much, Mr. Chairman.

Mr. Hollowell, I believe that you were in the room when I addressed a series of questions to Mr. Schlesinger, and I have these questions written down, and I would like to address the same questions to you.

Mr. HOLLOWELL. Fine.

Mr. TUNNEY. If you prepare a lease, should your fee depend on the complexity of the lease or on the amount of the money involved, in your opinion?

Mr. HOLLOWELL. I think both. Bob Schlesinger has a different practice than I do. He, I, and one other attorney were on a committee which