

Mr. HOLLOWELL. Judge McCabe did it. It's in his policy memorandum, but I'd say the law as enacted by the State of California does not make you guardian of the person, place that responsibility on you. The court in Indio has said that if you are going to take on an Indian guardianship, they expect you to do that, but you're entirely correct, Congressman.

Mr. TUNNEY. So that an Indian could conceivably spend his entire life as a ward without getting any instructions whatsoever from his conservators in how to handle his affairs and so far as the law is concerned, this would be a perfectly proper course of conduct for the conservator?

Mr. HOLLOWELL. Legally, yes.

Mr. TUNNEY. Thank you very much.

Mr. HOLLOWELL. Can I tell you something else?

Mr. TUNNEY. Certainly, please.

Mr. HOLLOWELL. This is the attitude of the Bureau up to date. They have felt no compulsion to educate them, and legally, I don't think they have a duty to, but I think we all have a moral duty to do everything we can to get the Indian educated.

Mr. TUNNEY. Thank you very much.

Mr. EDMONDSON. On that particular point, I have some difficulty reading this, because these copies are a little weak in reproduction. The task force report states " * * * California law does not require a ward or conservatee or his parents or family receive adequate notice of proceedings affecting them. Moreover, these conservatorships are unique in that the Indians were given to understand that their conservators would undertake to educate them to handle their own affairs," and there is an exhibit which sets forth the conditions that apply with regard to that, to conservatorships.

Mr. HOLLOWELL. Congressman, that is Judge McCabe's policy memorandum and, as I volunteered before, he made this a policy.

Mr. EDMONDSON. Was this an accurate statement, that the Indians were given to understand that the conservators were going to educate them to handle their own affairs, but the conservators were not under any direction or obligation to do it?

Mr. HOLLOWELL. They are not under an obligation to do it, but I think the vast majority are trying. Now, Judge McCabe—

Mr. EDMONDSON. Now, the court that appoints the conservator issues the policy memorandum, and the conservator operates under the authority of that court. Wouldn't he be under a positive direction to do it?

Mr. HOLLOWELL. That's what I was explaining to Congressman Tunney. The judge, Judge McCabe, imposed additional requirements that had not been imposed by the legislature.

Mr. EDMONDSON. But, whether it is required by the legislature or by the court that is appointing the conservator, it would seem to me to be a positive duty upon the conservator in any case, wouldn't it?

Mr. HOLLOWELL. I feel a duty; yes, sir.

Mr. EDMONDSON. It would go beyond moral, wouldn't it? It would actually be an obligation, if you assume a conservatorship under the direction of the court in Indio with the policy memorandum in effect, wouldn't you be under an obligation to the court to carry out its policy?

Mr. HOLLOWELL. Yes, sir. I feel that obligation as an individual.