

a conflict of interest, such is not the case as will be obvious later in my testimony.

Decline in estate values: The statistics set forth therein are totally meaningless unless the financial condition and the need of each Indian, the market conditions prevailing at the time of the sale, the general financial conditions which prevail at the time of each particular transaction are taken into account. It is and was the Fiduciary's responsibility to see that the estate had enough funds with which to support the ward. A number of the sales of Trust Land occurred the beginning of this program, for the very simple reason that the Ward had no money upon which to live and the only means by which he could obtain money was the selling of his property. When property was sold the proceeds thereof were generally invested with the income therefrom providing the means of support for the Ward.

Concerning the involvement of individuals. In a Report of this nature it is apparently the intent of the authors to vilify individuals in order to protect the inadequacies, improprieties and lack of concern on behalf of the Bureau.

The conclusion set forth that Judge McCabe did not set precedents and guide-lines is not only a conclusion it is at complete variance with the facts. *See note.

In 1961 after the Guardian and Conservatorship program had been in effect for some short period of time still other problems raised themselves and on November 3rd the Judge was instrumental in holding a meeting of the Guardians and Conservators and other interested persons in which such things as monthly allowances, rights-of-way, real estate commission, no fixed fee, investment of money, stabilization of the economy, obtaining utilities on Section 14, zoning, flood control problems, insurance and organization of a co-ordinated body to represent the Indians, were discussed.

How the Report concludes that Judge McCabe did not set precedents and guide-lines is something only Mr. Cox can answer and I doubt that he can then with a straight face. One man sitting on the Superior Court in Indio, California cannot control the Federal Government.

Additionally you have before you as Exhibit T in response to the Report by the Conservators and Guardians, a letter dated July 21, 1965 in which Judge McCabe invited the Bureau of Indian Affairs to investigate the possibilities of establishing a course in common commercial practices for the benefit of the Members of this Tribe. You have also included in that Exhibit the Bureau's response that such an affirmative step for the betterment of the members of this Tribe by the Bureau is beyond their ability or interest.

The Bureau's policy now and in the past has been to submit a Will drawn by an Indian in Triplicate for approval by the Phoenix Area Office. If the Area Office approves the Will the copies of the Will are then filed with the local Office of the Bureau and with the Sacramento Office. In the ten instances in which attorney James Hollowell prepared the Will for the Indian, not only were the Wills forwarded to Phoenix for their approval but Secretary of the Interior Udall has been advised of this fact and has been supplied with copies of the letters forwarding the Wills for their approval.

The remaining comments on Judge McCabe are conclusions drawn by the authors of the Report, and this Committee as well as I, can draw its own conclusion by an examination of the documentation purporting to support the Report.

*Beginning as early as 1956 or earlier, Judge McCabe became concerned, aware and interested with the problems confronting the Agua Caliente Indians. He had meeting upon meeting with members of the Tribal Council, members of the local Bureau, members of the area office. He actively participated in the formulation of the legislation which is now affecting the lives of not only this Tribe but all of Palm Springs. In 1958 after the Guardianship Program had been commenced as is reflected in the first Exhibit offered by me today, Judge McCabe received a letter from the Commissioner of Indian Affairs, Mr. Emmons, stating that the Bureau intended to recognize the action of the Guardians in negotiating leases and in collecting the rentals and stating that the Bureau intended to approve no lease unless they had been considered by the Fiduciary.

After the Guardianship Program had been commenced certain problems arose and Judge McCabe invited and received the attendance of Mr. Rex Lee, Mr. Robert Cole of the Area Credit Office, Mr. Leonard Hill, the Area Director from Sacramento, Mr. Charles German of the Bureau office in Palm Springs, representatives of Title Companies, Banks and Guardians and Conservators at a general conference. At this time Judge McCabe brought to the attention of these Gentlemen certain problems facing the members of the Tribe.

Some of the Wards have no income. Some of the Wards had parents who had income. The possibility of obtaining financing to produce income on allotments. The possibility of moving the Bureau's Palm Springs Office from land owned by white men to land owned by the Tribe. The possibility of obtaining a Policy of Title Insurance on property legal title to which was in the Federal Government. These are only some of the few items mentioned and brought to the attention of the Government by the Judge.