

In reference to the charges levelled against Judge Merrill Brown, these, I feel are adequately covered by Exhibits J. K. L and U. V. attached to the response made by the Conservators and heretofore provided to Congressman Tunney.

With reference to the first charge against Judge Brown, however, the report is silent as to the fact that when the negotiations first started Judge Brown called Mr. Jenkins head of the local office of the Bureau and advised Mr. Jenkins of his ownership of the property and requested the appointment of a Bureau of Indian Affairs appraiser. The notations of the conference between the appraiser and Judge Brown, which notations were made by the appraiser, are contained in a memorandum signed by Cyril B. Swanson appraiser, Sacramento area office in which he acknowledges that Judge Brown disclosed ownership. The fact that the conservator for the Indian, the Bureau, and the Bureau's appraiser knew that Judge Brown owned the land certainly dispells any inference contained in the Report that something improper was being attempted. A reading of the Petition itself indicates that the purported statement by Mr. Levy could not be an accurate report of the conversation, because the Petition merely requested authorization to purchase but in no way binds the Conservatorship to proceed with the purchase. Mr. Levy has been involved in real estate sales for at least fifteen years and well knows that no one is obligated to conclude the purchase until they have affixed their name to a contract.

The second alleged charge against Judge Brown is amply covered in Exhibit L to the reply of the Association of Conservators and Guardians.

The third charge infers that because the Judge has been reversed on Appeal that the Judge is suspect of foul play. If such were the case virtually every Judge of every Court of record in the United States would at one time or another have charges of misconduct levelled at him.

Concerning the charges against attorneys, one very significant charge that the Report seems to reiterate is that of conflict of interest in a situation where the attorney representing the Conservator presents Petitions to the Court for Ex-parte Orders and receives payment therefor from the Lessee or a Public Utility for obtaining the Ex-Parte Order. This charge has been levelled onerous than the attorney for a wife in a divorce action receiving fees for his services, by Order of Court, from the husband, which practice is specifically called for under appropriate circumstances by California law. It certainly can't be argued that the wife's attorney has a conflict of interest.

Some of the specific charges against certain individuals must be answered, although briefly, because of their far reaching and slanderous nature and effect.

Mr. Hollowell has been accused of charging both Mr. Fey and the Patencio estate for the same work. This accusation is made on page 28 and refers to Exhibits 23 and 24 of the Report as authority for the accusation. The accusation is a lie.

Mr. Hollowell has adequately answered that charge.

What is unconceivable to me is that this charge of double payment should be contained in the Final Report when, following its inclusion in the Interim Report true facts were brought to the personal attention of Secretary Udall.

The other charges allegedly made against Mr. Hollowell were adequately answered by him, and the time of this Committee will not be consumed in refuting allegations which the Task Force in their year of investigation, could find no substantiation for by way of documentation.

The recitation concerning the Association of Conservators and Guardians and Allottees is factual except for the concluding half-paragraph on Page 34 wherein the Task Force assumes, with no substantiation, the purpose for which the assessment was to have been used.

The criticisms against Eugene E. Therieau can simply be answered by stating that the first criticism is now in the hands of the Courts and the second criticism is based upon the conclusions of the Task Force, which conclusions have already been amply demonstrated to be without foundation in most instances. It is indeed noteworthy that a few names appear repeatedly in connection with transactions involving Indian property. As should be readily apparent to all concerned Indian property involves specialty of the law. Any specialty in the law attracts a few people who are qualified to practice it.

The alleged mis-use of Conservatorship proceedings are totally without merit.

The conclusion reached by the Task Force in connection with one incident is based upon a newspaper article and the conclusion reached in the other instance is based upon a false assumption of California law. It also mis-states the fact that it was only the Department's Amicus who objected. Mr. Segundo himself objected to the payment of fees to his wife's attorney.