

We now come to the cause for the Report, the Indian dissatisfaction.

The first four objections mentioned in the Report are the direct result of the Bureau's abrogation of their responsibility.

In the 1950's the Secretary was directed to get out of the Indian business. In order to enhance his opportunity of doing this the Equalization Act was adopted. The Bureau since that time and until the present Task Force intrusion refused to take any active steps to carry out the mandate of Congress.

Obviously one of the most important steps which could have been taken, and should have been taken and which was well within the province of the Bureau, was the education of its Wards toward the proper handling of their estates. In connection with this Judge McCabe not only suggested an education program but virtually detailed the manner in which it could be established at little or no cost to the Bureau. The Bureau's response has already been noted where they suggested that the Sherman Institute was available but the Tribal Members of the Agua Caliente Band would not attend.

When Mr. Robert Cox first came to the desert in 1965, 1966, I am advised that he proposed a departmental educational program to which all adult members of the Tribe were invited. Due to lack of participation by the members of the Tribe the program was cancelled.

It is obvious that neither a businessman, an attorney nor a corporate fiduciary can undertake in each individual estate the training and education of the Ward, in commercial, legal or practical matters in sufficient depth to enable the Indian who had theretofore been inexperienced and impoverished, to properly handle a \$500,000.00 estate.

In the instances when the daily conferences which are required for such training were attempted the Bureau ultimately voiced strenuous objection to compensation for these services.

Therefore, it must be concluded that the education of the Indian Ward in commercial and legal matters cannot be effected through Conservatorship and Guardianship program, without cost to the Indian and thus the resultant objection from the Bureau.

As a matter of fact the Bureau has voiced objections in virtually every estate in which the attorney or the Fiduciary have spent time in attempting to educate the Indian claiming that this is non-income producing time and therefore is not recompensable. Such an argument was most recently voiced last week in the estates of Nancy and Clarice Bow.

As the standard of living of the respective Ward is raised and as he becomes assimilated in the society around him it is hoped that the normal educational processes afforded by the Palm Springs Unified School District and by the College of the Desert will enable these Wards to ultimately attain complete independence.

If any greater program of education is needed than as was suggested by Judge McCabe the present courses available can be implemented.

It is interesting to note that the original complaints of the Indians as heretofore offered by me, in no way express concern about excessive fees or exploitation. The Report prepared by Mr. Cox does, and this Report attributes to the Indians these complaints and I am sure that following the year of publication following the initial announcement of these changes some Indians may believe that these conditions do exist. However, let us look at the facts:

Turning now to the so-called Findings of Task Force contained in the Report commencing on Page 9 and more particularly the general statistics portion thereof, I concur in the dollar amounts quoted, the percentage amounts quoted and commend the Task Force for its ability to add figures accurately.

Other than as stated, however, the Findings of the Task Force bear no more relationship to the true financial, legal or commercial picture confronting the Indians, their fiduciaries and attorneys than does the fact that one candidate for President receives two-percent of the write-in vote in a State in which he was not running bears to the true picture of who is going to be nominated or elected to the office of President.

The initial arbitrary and unwarranted position of the Task Force is a comparison of fees to ordinary income.

Why ordinary income was chosen as a standard against which fees should be compared is unknown. The income of an Indian does not determine his legal or personal needs. It has some bearing unquestionably, however, when an Indian is charged with murder whether his income be \$50,000.00 a year or \$2,000.00 he still needs legal representation. The same is true when an Indian or any other person, has the same problems as those set forth in Assistant Secretary Carver's