McCabe who was so severely vilified in the Report for not having established precedents beneficial to the Indians.

The one figure not set forth in either the Report or the Reply to the Report is that of $35,747,486.94 representing the total non-Trust assets which were the responsibility of the fiduciaries over the entire period covered by the Report. This compilation I now offer in evidence. These compilations were prepared under my supervision by my secretary and reflect every financial transaction for every Indian estate from the beginning of this program through June 30th, 1967.

It is interesting to note that the total fees charged represent 5.20% of the total responsibility for non-trust estate and .0653% of total Trust estate for which the fiduciaries have been responsible. The fees, however, represent services far beyond those classified as ordinary.

Had the fiduciaries charged the full maximum percentage allowed by law for ordinary services for non-Trust assets they would have been entitled to three-quarters of one percent (¾ths of 1%) thereof or $2,655,035.88. It is quite obvious that instead of exploitation the members of the Agua Caliente Tribe have been treated more favorably than would the same number of people possessing the same number of assets who were non-Indians.

Also ignored by the Report of March, 1968 in "presenting the general statistics" relative to fees, is a standard adopted by the American Bar Association and the California Bar Association for the computation of reasonable fees by attorneys. Such things as amount and extent of responsibility by attorneys, services rendered, time consumed, benefit to the estate, uniqueness of problems, fees generally charged in the community, loss of other business, and financial ability of the client are totally ignored by the authors of this Report who limit their comments on reasonableness of fees by comparing the same to income.

The ridiculousness of this approach is readily seen by the fact that in 1967 the Agua Caliente Tribal Council in a publication entitled "All that Glitters is not Gold", published a statement appearing on the Bureau of Indian Affairs Palm Springs Office letterhead dated September 19, 1967 indicating that the total annual income to the members of the Tribe as of June 30, 1967 was the sum of $1,018,660.93.

The Report of Mr. Cox states that the total income since the beginning of the Program from ordinary sources for all estates and not only those audited, is $4,174,140.64. The Bureau's own figures indicate that approximately one-quarter of that amount was being earned annually as of June 30th, 1967. There is no reason to believe that the future income to the Indians will be any amount appreciably different from that enjoyed last year.

Assuming, arguendo, that comparison of fees to ordinary income is the proper approach, it would appear that since 25% of all of the income was enjoyed within the past fiscal year that the time for a fair analysis has not yet occurred.

By way of example, assume that a job applicant goes to an employment agency and is told that the total fee to be charged by the employment agency is one month's salary. A job is then found for the applicant. If the fees paid were compared to income from the job during the first month of the job, the fees paid would equal 100%. If the fees paid were compared to the total income at the end of the second month, they would equal 50% of total income. If the fees paid were compared to the total income at the end of the fifth year they would equal 1.66% of total income, ad infinitum.

It is apparent that the Task Force started out from a false premise that fees should be charged to income but not only that they should compute the costs to the total income to be earned during the life of the leases so that the true costs of the development of the Ward's property can be ascertained.

The alleged corrective actions being taken by the Task Force do not solve any problems but raise some.

On Page 46 it appears to be the recommendation of the Task Force that eight (8) additional estates be terminated, since the Task Force and the Bureau feel that the Indians are able to handle their own affairs. The question then arises, are they really able to handle all of their affairs or, as stated on Page 5 of the Report, are they to be classified as persons who might reasonably be expected to do a credible job of handling income, but not necessarily capable of managing the corpus. If these persons are of this category then, when will the Directive of Congress to terminate the Government's intervention in Indian Affairs be carried out?