

Thus in the Guardianship proceedings for all minors the minor will be protected by the Court, its Guardian and the Federal Government.

As the minor's attain age twenty-one, if they are determined to be competent, the Secretary of Interior should be directed to deliver fee patent to all of that Indian's property to the Indian. Thus terminating Federal Wardship over that Indian.

If the Indian is suspected by the Government of being not competent, the Guardian or a friend of the Indian can advise the Court, under existing State law, of the need for a Guardianship for that Indian. State law now provides that if a jury of twelve peers determines that the Indian (or non-Indian) is not competent, a Guardian can be appointed for the Indian. When a Guardian is appointed for an adult Indian, title to that property could remain in the Federal Government as now.

If the Bureau finds the Indian to be competent the Bureau can oppose any Guardianship and the Bureau should be directed to deliver fee title to the land to the adult Indian.

If such a program is followed, all Indians, as they attain majority and competency will receive fee title to their land and will put on an equal basis with non-Indians in the community in which they live.

If the Indian, after having received fee patent feels he is not capable of handling his property he may Petition the Superior Court for the appointment of a Conservator to help him protect himself from artful and designing persons.

By following the suggestions now made, the Government position will be made clear, they will not be able to say on the one hand that the Indian is incompetent therefore cannot receive his fee patent yet is competent and therefore should have no Conservator or Guardian to help him manage his estate.

By being made to face the realities of living in the United States of America in the year 1968 with a half million dollars worth of property, the Indians will quickly assimilate themselves into the society around them and yet be able to retain, through the retention of the Tribal Council and Tribal Lands all of the heritage of the Tribe.

An alternative suggestion to this is for the Government to award a fee patent to the Indian after the Indian's property has been leased for a period of years. The number of years to be sufficiently long to prove that the lease will be a continuing one and yet not so long as to continue the Government's intervention in the affairs of the Indian. If, for example, a lease has been in existence long enough for it to be producing the maximum rental available under that lease then the Indian will be assured of a steady income probably for the rest of his natural life and there is no reason whatsoever for the Government to continue the Wardship of that Indian. The properties of the Indian which are not leased could be deeded to competent Indians in accordance with the existing Directives of Congress at the end of twenty-five years from the date of allotment.

Nothing that I have said now indicates a desire or recommendation that the Trust status should be terminated *carte blanche* or that it should be terminated immediately. It would be disastrous not only to the Tribe to be confronted with the payment of local taxes and income taxes on 29,000 acres but it would also be disastrous to the entire desert community and such a solution is totally out of the question.

The Bill presently pending and suggested by Congressman Tunney is in my opinion no solution to the problem.

My only knowledge of the Bill is a synopsis of it which appeared in a local newspaper. The five points mentioned by the newspaper, and assuming these five points to be correct, are as follows:

1. The Secretary of Interior may request Guardians over the non-Trust estate of any minor Indian or for any adult Indian who is adjudged "in need of assistance in handling his affairs". By elimination from the Directive of Trust property that portion of the proposed Bill, in effect says that management, development of trust property shall, even in the case of a competent Indian remain in the Bureau of Indian Affairs. The Bureau is not now, nor has it ever been equipped to develop or manage the trust property on an economically feasible basis. Management and development could be accomplished, possibly, with sufficiently trained personnel, at an exceedingly high cost to the United States taxpayer.

2. States that the adult Indian shall not be denied due process of law. Neither the adult Indian nor any other person appearing before the State of California in relationship to Guardian or Conservator programs are denied due process of law.