

could approach the court either formally or informally under those circumstances unless he found a lawyer who was admitted to the bar in the State of California to come in with him?

Mr. CLEARY. If you read the letter literally, you're right. If, under California law, you are an out-of-State attorney, making a special appearance in the California courts, Mr. Brown—Judge Brown did not spell out the complete California law. However, I'm sure he had that in mind, and I'm sure also that the Bureau was very aware of it.

Mr. EDMONDSON. Well, the final paragraph goes on to state:

It is obvious my intention to be helpful has failed, and my procedure of encouraging the unlawful practice of law, regardless of good motive, must cease, and it has as of April 7, 1967.

Mr. CLEARY. Yes, sir.

Mr. EDMONDSON. So, I don't think they mislead anybody very much with this particular statement. Proceed.

Mr. CLEARY. I'm not accusing the report of being misleading in that which they said, but only misleading in the fact that they did not point out that Judge Brown in that letter invited informal participation.

Mr. EDMONDSON. Well, can you get around the fact that the exhibit 4 is cited, and that they include exhibit 4 as a part of the report readily available to anybody who wants to see what Judge Brown said?

Mr. CLEARY. That's true, sir, but you have to take into consideration exhibit 5, which ignores that invitation for informal participation. In other words, exhibit 5 says "We have been refused the right to participate" and my point is that exhibit 5 is a statement based upon this statement that appears in the report and not on the exhibit that appears in the report.

Mr. EDMONDSON. You're talking about the memorandum, "For Solicitor's Use Only?"

Mr. CLEARY. Yes, sir; particularly—

In mid-April of this year I was requested by Mr. Homer B. Jenkins, Director of the Bureau of Indian Affairs Palm Springs office, to confer with him concerning a recent order from the State court barring Bureau of Indian Affairs representatives from taking active part in reviewing and commenting on matters and fees involving conservatorships and guardianships of the Agua Caliente Indians.

Now, Judge Brown's letter does not bar the Bureau from taking active part. It invites it.

Mr. TUNNEY. Will you yield, Mr. Chairman?

Mr. EDMONDSON. Yes.

Mr. TUNNEY. Has any member of the Bureau office in Palm Springs been admitted to practice law in the California courts for the—

Mr. CLEARY. I can't honestly say that. I really don't know.

Mr. TUNNEY. That's a pretty pertinent point though, isn't it?

Mr. CLEARY. Yes, sir; and some of the men who deal with the Bureau more frequently than I possibly could answer that. Could I confer with them and ask them?

Mr. TUNNEY. Yes, I'd like to have you ask them.

Mr. CLEARY. The answer is "No."

Mr. TUNNEY. Well then, as a practical matter, the local office is barred from the court?