

Mr. CLEARY. No, sir, as a practical matter, the local office could call upon the solicitor's office.

Mr. TUNNEY. Where is that located?

Mr. CLEARY. Sacramento office where the Bureau of Indian Affairs did have an attorney.

Mr. TUNNEY. You mean the Sacramento office would have to send an attorney down here every week to help in the hearing?

Mr. CLEARY. No, sir, because one need not appear every week. One need appear only when one has objections, and therefore, very easily, as is frequently done with out-of-town counsel, all matters in which objections would be voiced could be set upon one date per month.

Mr. TUNNEY. I believe your testimony here today that there was a duality to this system, that the Bureau had a very major responsibility, and if everybody in the office of the Bureau at the local level is cut off from speaking to the court, I don't see how they could exercise responsibilities, do you?

Mr. CLEARY. The responsibilities about which we are talking in the duality, I don't think, necessarily involve conferences with the judge. They were not cut off from talking to the judge by this letter. They were cut off from voicing objections, and when I say that, the objections that they were cut off from voicing, were primarily related to fees. As far as objections to execution of a lease, as far as the objections to entering into any contract which was under the responsibility of the Bureau, the fact of conferring with the judge on any of these matters, they were not cut off, they were merely cutoff from voicing their objection.

Mr. EDMONDSON. Judge Cleary, could I point out to you that Mr. Renda in this same exhibit 5 that you say makes it clear that they don't have any way to get into court, has a specific recommendation that should have one or more attorneys from the regional solicitor's office designated by the Department of Justice to represent the Bureau of Indian Affairs and/or the Indians in State court proceedings involving these matters where necessary, making it very, very clear that this memorandum presents the total picture and makes it clear that attorneys for the Bureau can appear and plead in the courts and that they are not bared by his order?

Mr. CLEARY. I see his recommendation, yes, but I still go back to my original that the body of the task force report was only a portion of Judge Brown's letter, and by quoting only a portion of the letter, is misrepresenting the context of the letter. It's a minor point, but I wanted to make it.

Mr. EDMONDSON. I'd have to say there is plenty of room for two opinions about it, and when they cite and include in their report the full text of his letter and then follow it with a memorandum recommending the very course of action that his letter had suggested to them, which was to have an attorney down there to appear in court representing the Indians, I find it rather difficult to reach the conclusion that you have reached, that the judge has been badly misrepresented in this report.

Mr. CLEARY. I'll go on to the next point. The next falsity appears on page 12. In the middle of the last paragraph, Mr. Cox states "Unlike the specific formulas and limitation set forth in the statutes for analogous fees in the administration of decedents' estates in Cali-