

Judge McCabe, as a superior court judge, could not set a precedent that would be followed in Washington. The only thing a local superior court judge can do is the best he can under the law that is applicable to him. As I stated earlier, this program was one of trial and error, and he tried more than anyone else to do what he thought was best for the ultimate benefit of the Indians.

It is interesting to note that one of the charges that he imposed upon the conservators was that of educating their wards. In many cases, and believe me, this is not attributable to every member of this band because it would be unfair to say all, that in many instances the education of the ward was like leading a horse to water, you can't make him drink, and you cannot criticize the conservator or the fiduciary for not educating someone who didn't want to be educated, and this is true in quite a few instances, but on the question of education, Judge McCabe very early realized that the Indian had to be educated.

Education was the only answer to this mess that we are all in today, and only when the Indian became fully aware of its commercial and legal appropriate use could he then assume responsibility for control of his property, and in this connection, Judge McCabe wrote a letter to the Bureau and suggested that the Bureau contact the local colleges asking them to set up a special course for the education of the local Indians in commercial practices.

Judge McCabe spelled out in detail the nature of the course that should be established, and how it could best reach the individuals to be educated, and the Bureau answered, "We're not set for that, and we're not interested." And this, I believe, we already have in evidence before you.

There were charges made against Judge Brown, and the exhibits J, K, L, and U, which are attached to the reply of the association to this task force report, I think, aptly demonstrate the refutation of those charges against Judge Brown.

Mr. EDMONDSON. On that point, Mr. Cleary, would you comment on the transactions reported in the task force report in which Judge Brown is reported to have telephoned Mr. Hollowell and asked him if he would find someone to purchase a plot of land in which Judge Brown had the major interest, as I understand the thing. You said something earlier about that matter to me during recess, and I think that it would be useful to the record if you brought out the point that you called to my attention during the recess.

Mr. CLEARY. Yes, sir; I'll be happy to do so. Judge Brown owns this property that he decided to sell. He contacted Mr. Hollowell, and Mr. Hollowell transmitted the judge's desire to Mr. Levy.

Mr. EDMONDSON. Do you see any problem in the propriety in contacting an officer of the court, this court who was acting in a fiduciary capacity for some Indian estates with regard to a sale through him of land belonging to the judge?

Mr. CLEARY. I think it was an ill-chosen means of selling property, and yet, from my personal acquaintance and friendship with Judge Brown, and from my knowledge of the facts, I think that everything was done with the most sincere and complete integrity, because after the contact with Mr. Levy, the judge, as I understand, made it known that he wanted a certain price for the land. At that time, it was the universal practice that the Bureau would necessarily appraise