

Mr. TUNNEY. Well, the facts stated in here are that——

Mr. EDMONDSON. Excuse me, Mr. Tunney. Mr. Cleary, the report says that:

Mr. Jenkins stated upon interview that he was disturbed by the apparent attempt by Judge Brown to conceal ownership of the land.

It does not state at what point in time he was disturbed by this situation, but I'm concerned more about the statement that Judge Brown had handed him a handwritten draft of a proposed letter from the Bureau of Indian Affairs to a title company expressing Bureau approval of the purchase of the land at \$1,800 per acre:

Jenkins said Brown told him this letter would simplify and expedite the sale of the property. The Bureau of Indian Affairs prepared the letter as drafted by Judge Brown but substituted the figure \$1,500 per acre, the value established by a Bureau appraisal.

Mr. CLEARY. I am uninformed, sir, and unfortunately, I am at a disadvantage because I don't know what Mr. Jenkins told the person who wrote this report. I would like, and I think it proper that Mr. Jenkins be queried concerning the fact that this letter he received from Judge Brown, handwritten or not, is a form letter that was required by the title company. I believe that the evidence will indicate that it was. I am sure under the circumstances, that if this letter was given by Judge Brown to Mr. Jenkins, I have no reason to doubt the \$1,800 figure was stated therein, but I'm sure that it was an understanding if not a direct statement that——

This is what I'm going to sell it for. If your appraiser doesn't come up to that price, then don't bother sending him in, because I'm not going to sell it.

Mr. EDMONDSON. Well, the contradiction at this point is, it says that Judge Brown handed a handwritten draft of a proposed letter from the Bureau of Indian Affairs to the title company, which is a little bit in conflict, and we will ask for comment on that question as to whether it was handwritten or not.

Mr. CLEARY. I'm sure it was, I have no reason to disagree with that. I don't know what it was, but when I say form letter, I do not mean that it was a printed form letter. It was a standard type of letter and that's what I meant when I made reference to a form letter. That's one problem with trying to not quote people, but attributing statements to them, and this is something that I think a direct statement from Mr. Jenkins and the judge would be the only way that this particular problem could be solved.

Mr. EDMONDSON. This committee is not trying to judge the fact of the situation that prevails as far as this, but where there is a clear-cut clash in the task force report and the testimony that is given to us, and we would welcome supplemental opinions on that subject.

Mr. CLEARY. I can give you an affidavit by Judge Brown as to——

Mr. EDMONDSON. We shall be pleased to have it.

DECLARATION OF MERRILL BROWN

I declare under penalty of perjury the following to be true and correct:

My name is Merrill Brown; I am a Judge of the Superior Court of the State of California in and for the County of Riverside.

After I undertook the administration of the Indian Affairs of the Agua Caliente Band I contacted the Tribal Council and the Tribal attorney with respect to their wishes in any matters which might come before me in connection with the