

evidence. Now, I'll ask you, would it be possible for you to conclude here in a period of about 3 or 4 minutes?

Mr. CLEARY. Yes, sir. Not only can be, but will be.

Mr. EDMONDSON. It would be deeply appreciated by the staff and the subcommittee.

Mr. CLEARY. The last point I have to make is that the actual cost should not in any event, be compared to income. This is a probate matter, this is a conservation of assets. Each accounting period, the conservator or fiduciary is charged with the responsibility of conserving a certain quantity of money or assets. The true cost or analysis should not be made to income, but should be made to amount of responsibility. In other words, every conservator—if a conservator can save or conserve \$100,000 1 year, he should be entitled to whatever it is, three-quarters of 1 percent of that \$100,000 for that particular year. If you take the average cost—if you take the total expenses to the Indian of \$1.9 million and compare it to the total responsibility for the conservators over the 8 years that the term covers, you will find that the actual cost is 5.2 percent, not 44 percent as Mr. Cox would have us believe.

Finally, the recommendation that I have is that this committee or Congress decide whether or not the tax shelter is going to be continued ad infinitum, and if it is, that the Palm Springs area should be established, that the Palm Springs representatives of the Bureau should be given virtually complete autonomy so that they can deal with these local and immediate problems, locally and immediately, and if you do that, you could do away with the entire conservatorship program, and you'd have the Indians the wards of the Government forever. If this is what you want to do, fine. I don't think that's the answer. I think the answer is the ultimate termination, and it would be my suggestion, as contained on page 38, the Government direct the Bureau to appear at all minors and guardians, and I ask that because right now we're having objections that go back 5, 6, 7, 8, 9 years, to things that happened that early, and the Governments just now coming in, and even though the Bureau has had full knowledge of what's going on, about 6 years later, they say, "You shouldn't have been there," so I'd like the Government to be ordered to participate in guardians for minors. That way, once the matter has been successfully determined, it can't be reopened other than as any other non-Indian guardianship could be reopened.

Second, when the Indian attains the age of 21, the Secretary determines if the Indian is competent. If the Government decides the Indian is competent, then I would distribute property to the Indian and the distribution should—not as I state here, I've given more thought to it—should not be effective 100 percent at the time of the Indian's attaining majority, but it should be determined by the question of, "Can the Indian afford to have this property." If he has at least 10 percent of his property leased and producing, then I think he should have the property distributed to him, if he's competent. If he doesn't have that 10 percent, but is competent, then it should be distributed to him when he has 10 percent of his property under lease. If the Indian is suspected by the Government of not being competent, then regular guardianship proceedings should be initiated. The Indian will then have a chance for a trial by jury of 12 peers to determine if he is competent. If he is competent, then the distribution of his property