

intent to incite a riot but must also commit an overt act in furtherance of that intent.

"Riot" is defined as acts or threats of violence by one or more persons in an assembly of three or more resulting in or damage to or greatly endangering the person or property of others. Actions which are the mere expression of ideas or beliefs are specifically exempted from the definition of riot. The statute makes clear that State and local law enforcement is not to be preempted by the new Federal law. A judgment of conviction or acquittal on the merits under the law of any State would operate as a bar to any Federal prosecution for the same act or acts.

These provisions closely parallel the provisions of H.R. 421, the so-called antiriot bill, which was favorably reported by the Committee on the Judiciary and adopted by the House on July 19, 1967.

Titles II through VII of the Senate amendment to H.R. 2516 concern protecting the rights of American Indians. In general terms, these titles establish a bill of rights for American Indians, and provide for assumption by States of civil and criminal jurisdiction over Indian country with the consent of the Indian tribes affected.

Title II creates a "bill of rights for Indians in relation to their tribes similar to the Bill of Rights in the Constitution that applies to other citizens' relation to their Government. Among other features, the title retains the present maximum penalty of a \$500 fine or imprisonment for a term of 6 months which may be imposed by an Indian tribe, and assures a person in criminal proceedings of the assistance of counsel for defense at his own expense. The title also provides that the writ of habeas corpus shall be available in any U.S. court to test the legality of detention by order of a tribal court. The provisions of title II would go into effect 1 year following the date of enactment in order to facilitate compliance with its terms by Indian tribes.

Title III authorizes and directs the Secretary of the Interior to draft a model code to govern the courts of Indian offenses, to assure due process in the administration of justice by such courts and to implement the rights specified by title II.

It is anticipated that this model code would supplement the present code of offenses and procedures regulating the administration of justice now contained in title 25, Code of Federal Regulations, which was established more than 30 years ago. In preparing this code, the Secretary of the Interior is directed to consult with Indians, Indian tribes and interested agencies of the United States.

Title IV amends Public Law 83-280, 67 Stat. 588, which conferred to certain States—California, Minnesota, Nebraska, Oregon, and Wisconsin—civil and criminal jurisdiction over Indian country. Title IV provides for U.S. consent to the assumption by any State of criminal and civil jurisdiction over Indian tribes, with the consent of the tribes affected. Thus, Public Law 280 is modified by requiring tribal consent as a precondition to a State's assumption of jurisdiction.

Title V amends the "Major Crimes Act," 18 U.S.C. 1153, by adding "assault resulting in serious bodily injury" to the list of Federal offenses. At present, Federal courts have jurisdiction over the crimes of murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, assault with intent to commit rape, carnal knowledge, arson, burglary, robbery, embezzlement; and larceny