

Third, subjecting any person for the same offense to be twice put in jeopardy.

Fourth, compelling any person in any criminal case to be a witness against himself.

Fifth, taking any private property for a public use without just compensation.

Sixth, denying to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense at his own expense.

Seventh, requiring excessive bail or fines and inflicting cruel and unusual punishment. The penalty of a \$500 fine or imprisonment for a term of 6 months or both would remain the maximum limitation as to the punishment for any one offense.

Eighth, denying to any individual Indian within its jurisdiction equal protection of the laws or deprive any person of liberty or property without due process of law.

Ninth, passing any bill of attainder or ex post facto law.

Tenth, denying to any person accused of an offense punishable by imprisonment the right upon request, to a trial by jury of not less than six persons.

Title II also provides that any Indian detained by order of a tribal court is entitled to the right of the writ of habeas corpus in a court of the United States to test the legality of detention by the tribal court. In order to give the Indian tribes an opportunity to adjust to this new system of jurisprudence, the provisions of title II will become effective 1 year after the date of enactment.

Now, I may say that this is an inhibition against the tribal courts from violating the various sections of the Federal Constitution. I am sure that each of you recognize that these are the first, fourth, and fifth amendments together with the sixth, and eighth amendments and article 1, section 9 and article 3 of section 2 to the Constitution.

Now, this is a limitation upon the tribal courts. In order to facilitate this matter, title III of this bill, which begins on page 15, is designed to compliment the provisions of title II; that is, it directs the Secretary of the Interior to recommend to Congress a model code governing the administration of justice by courts of Indian offenses on Indian reservations.

The present code found in title 25 of the Code of Federal Regulations, part II, is outmoded, impractical, and fails to provide for adequate administration of justice.

For example, under the existing code, the total number of challenges in selecting a jury, challenges for cause and preemptory challenges is three, and the fee for jury duty remains 50 cents a day.

In carrying out the provisions of title III, the Secretary of the Interior is directed to consult with the Indians, Indian tribes and interested agencies of the United States.

Title IV, repeals Public Law 83-280 which permits States to assume criminal and civil jurisdiction over Indian tribes regardless of the wishes of the tribe.

In 1953, Public Law 83-280, 67 Stat. 588, conferred to certain States civil and criminal jurisdiction over Indian tribes.