

stand, due to that testimony that was offered they arrived at the conclusion that they had covered the waterfront, so to speak. That they had analyzed it from every standpoint and said that they could understand and that was why it was written in this. Not only did they do that, but they went ahead and passed it unanimously by the United States Senate last December. With the result that if you are going to reform it and bring tribal council courts under the jurisdiction of the Federal Constitution, then this is the only method that I know of that can be done and you will not accomplish anything by further testimony in connection with it.

Now, the balance of it is up to the tribe itself. If it does not want to come under the State jurisdiction or the State does not want to assume the jurisdiction, it does not occur. But, this bill requires a majority vote of those adults duly enrolled on tribal rolls. Now how much more could you accomplish even if there were hearings conducted forever.

Mr. SMITH. My point is, if we are going to proceed in such a way, we might as well have a unilateral congress and let the Senate pass everything while we go home and campaign.

Mr. ROGERS. What I am trying to point out is, that the subcommittee headed by Senator Ervin, certainly analyzed it and came up with a reasonable conclusion. When you examine the conclusions that he came up with, it is difficult to improve upon them. The only thing that is forced upon the Indians here is the Bill of Rights of the Constitution in his tribal courts.

Now the rest of it, the Indian is free to make his own determination by special election. How could anything be more fair than that?

Mr. SMITH. Does it violate any treaties we have with the Indians?

Mr. ROGERS. Well, there is a provision in title IV, on page 16, at line 21:

Nothing in this section . . . shall deprive any Indian or any Indian tribe, band, or community of any right, privilege or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control of licensing or regulation thereof.

That part is on page 17.

Mr. SMITH. One other question.

If House Resolution 1100 is voted down, would you be willing to go to conference, or are we just going to stop there?

Mr. ROGERS. I certainly would not want to stop.

Mr. SMITH. You would like to see some civil rights legislation?

Mr. ROGERS. Yes.

Mr. SMITH. Do you think this bill could be improved, or are you satisfied it is the best that can be done?

Mr. ROGERS. In the face of the experience that we had in all civil rights legislation, I do not think very many of them ever went to conference because of the situation being as it is, I would imagine that it would be very difficult, especially if you had to invoke cloture in the Senate, to get the conference committee report approved.

Mr. SMITH. That is all.

Mr. COLMER. Mr. Madden, do you have any questions?

Mr. MADDEN. Mr. Chairman. Mr. Rogers, this Indian part of the bill, has that ever been included in any of our civil rights bills before?

Mr. ROGERS. Now the Senate put many things in this, and probably they should have put the bill prohibiting desecration of the flag in