

pursuant to Public Law 280. The bill was bitterly opposed by virtually every tribe in the State who united with one another in a well-organized campaign to repeal the legislation through the referendum process. I am proud I have played a substantial role in that effort. And I am pleased to report that in the November 3, 1964, election, that law was defeated by a vote of 4 to 1.

Mr. Chairman, I know of no Indian tribe in this country which does not support the amendment to Public Law 280 that would be accomplished by the enactment of title IV of the Senate-passed bill. Not only would this provision assure the tribes of a voice in the determination of whether they will be regulated by the State or Federal law, but also as provided in the bill, any movements toward increased State jurisdiction will be done in an orderly and gradual fashion. Many States are well prepared to handle some aspects of the responsibility, but unwilling or unable to handle all responsibilities properly. Under the provisions of Public Law 280, our experience of the last 15 years has shown instances where States failed to give adequate protection to members of the tribes because the States are unwilling to commit the necessary resources to properly enforce their laws.

For example, at the present time, many of the Quinalt Indians in the State of Washington are sharply critical of local authorities there for this reason. One of the attractive features of the proposed title IV is that those States, which previously acquired jurisdiction which they are not able to handle properly, may now retrocede the jurisdiction back to the Federal Government. Moreover, in States where some tribes are more suited for State regulation than others, this bill will permit the State to assume jurisdiction of some Indian territory, without having to assume jurisdiction of all Indian territory.

Similarly, if a State is particularly well equipped in a particular field, such as mental health or facilities for juvenile delinquency, the State would assume jurisdiction in these areas without having to assume jurisdiction in all fields.

Finally, in the area of State assumption of jurisdiction over civil relations, I would like to point to the provisions of section 402(c) which require that any tribal ordinance or custom which had been adopted by an Indian community would continue in full force and effect to the extent it was not inconsistent with the applicable civil law of the State.

One of the major themes of the legislation is to encourage movements of Indian tribes and members of tribes into the mainstream of American life without unnecessarily disrupting the values, traditions and customs of these people. That principle is behind the provision of section 402(c).

The second most important aspect of this legislation is the provision in title II of the bill of rights for Indians. Having been born and reared on the reservation, where I made my home with my family until I was 19 years of age, I am painfully aware of the limitation of the tribal system of maintaining law and order.

I well remember when a younger brother of mine was arrested by the Indian police for allegedly taking part in a brawl in my community. The arrest occurred the day after the alleged brawl, but there was no warrant issued, no written charge was given to my brother; he was held in jail for several days without a hearing and without