

being advised by counsel or family. Through a friend of mine, I obtained an appointment with the reservation superintendent, a Federal official, not a tribal official. The situation was explained to him, whereupon the official caused my brother to be released.

In 1932 I received an appointment with the Bureau of Indian Affairs to work on the Pine Ridge Indian Reservation in South Dakota and continued to observe the inadequacies of the law and order programs there. The Congress passed in 1934 what is known as the Indian Reorganization Act.

In 1935 I was appointed as a field agent to assist tribes in Nebraska, Minnesota, North Dakota, Montana, and Iowa, and my home State, to consider the reorganization act and its provisions and to explain to them what was contained in it.

I helped set up elections either to reject or accept the act as it applied to each of them. Where the tribes agreed to have the provisions of the act apply to them, I then worked with the leaders to develop and adopt constitutions and bylaws for limited self-government. Following the adoption of the constitutions and bylaws, I then worked with their leaders to adopt ordinances establishing tribal courts.

One of the weaknesses, however, of the establishment of these courts was that there was no way under the law and the recognition of sovereignty of tribes as individual nations to prevent the tribal courts from existing as courts of last resort. Most of the tribal leaders recognized this weakness, but since the Federal Government's jurisdiction extended only to certain major crimes, the States had no jurisdiction at all in most instances, the tribal courts became the only method of maintaining some semblance of law and order or having none at all.

As a consequence, since these law and order codes empower the tribal government to exercise jurisdiction over certain defined offenses, and these apply to all members of the tribe, I or any other person as a member of such a tribe can be illegally arrested, tried in the tribal court, found guilty, fined a maximum of \$500 or imprisoned up to not more than 1 year, or both, with no right of appeal or review.

Although an Indian who appears before the State court or a Federal court is given the full rights of the Constitution, when that same Indian appears before the Indian tribunals, he has no assurance of receiving such protections. Although many Indian tribunals are extremely fair in their processes and have enjoyed considerable success in orderly enforcement of their laws, there have been serious instances of denial of rights, which all Americans have always considered fundamental. And under present law as I understand it, when such a denial occurs, there is no power in any Federal court to review the matter and set things right.

I am particularly anxious to see enacted the provisions authorizing the writ of habeas corpus against imprisonments pursuant to tribal order. Although some Federal courts have now held that they have the power to issue such a writ, the grounds for issuance of that writ are extremely limited in nature and are not clearly defined. With the enactment of this bill, those grounds would be clearly set forth in language very comparable to the Bill of Rights in the U.S. Constitution, and when those rights have been violated the accused will now have access to a Federal court to determine the facts of the case and get appropriate redress.