

The bill not only establishes a number of fundamental rights for the protection of fundamental rights for the protection of Indians, but requires the Secretary of the Interior to draft a model code for Indian courts and offenses to be recommended to the Congress. It is too early for me to comment on what such a code might or should contain. But I certainly think it is a healthy step for attention to be paid to this critical area. In particular, I welcome the provisions in title III for the establishment by the Secretary of the Interior of proper qualifications for office of judge of the court of Indian offenses, and to establish educational classes for the training of judges.

Mr. Chairman, to my knowledge virtually every Indian tribe in this country, with one exception, supports the provisions of the Indian bill of rights. The one exception involves some of the Pueblo Indians in New Mexico, who recently became concerned that such a bill of rights might alter their traditional organization. I do not know personally all of the causes for concern by these people. However, I would point out that they object only to titles II and III, and they strongly support all of the other provisions of the legislation including particularly the amendment to Public Law 280. This makes sense, since the very existence of Public Law 280 represents a far greater threat of interference with their tribal traditions than anything that might be contained in titles II and III of this bill.

It is difficult for me to understand why the Pueblo Indians would object to title III, which provides for preparation by the Secretary of the Interior of a model code to govern the administration of justice by courts of Indian offenses on Indian reservations. Title III applies only to so-called courts of Indian offenses, of which the Bureau of Indian Affairs tells me there are only about five in the entire country and thus has no application to any of the Pueblos of New Mexico, which have their own tribal courts.

The basis of the objection raised in title III therefore seems to lack any merit.

With respect to title II, the legislation guarantees individual Indians, in relation to their tribal governments, those fundamental rights such as freedom of speech, and the press or freedom from unreasonable search and seizure which are essential to the maintenance of a free and democratic society. It is difficult to see how such a provision would interfere with legitimate tribal interests. The bill is drafted in many instances with a view to permitting the greatest leeway for traditional systems of Indian tribes that is consistent with fairness.

For example, there is not included in this bill of rights any prohibition on the establishment of religion, such as that contained in the first amendment to the Constitution of the United States. This omission was deliberate and was designed to recognize the legitimate interests of tribes like the Pueblo in maintaining a religiously oriented government.

The Pueblo Indians constitute a very small percentage of all of the Indians in the country, Mr. Chairman, and they object to only a small part of the pending legislation. We should not risk loss of these vital provisions for all of the other Indians of the country, or risk loss of the important provisions regarding this fair housing and protection of persons solely to accommodate the interests of this one group. If they require special treatment, then that should be handled