

Our membership requirements entitle us to assert that we represent a point of view which is vertically Indian. The size and diversity of our membership drawn from the larger Indian Community also entitles us to feel confident that we represent the collective sentiment of that Community more so than any other organization purporting to serve the same interests. It also commits us to serve the collective interests of our membership and pursue policies which are oriented to answer the wants of the majority on those occasions where such wants may be at cross purposes with the desire of individual segments within the membership. We are governed by democratic parliamentary procedure as much as the Honorable body to which this statement is addressed.

We of NCAI have had considerable history of concern with the precursor conditions which have led up to and prompted the items of legislation which is the subject of this hearing. This concern has been consistent and the policy statements of NCAI reflecting this concern have been equally consistent.

The Tribes support S. 1843 and H.R. 15122 which are identical. The Tribes are opposed to H.R. 15419 by Congressman Berry since it deletes the most important feature of the proposed legislation, mainly amendment to P.L. 280, whereby, States would assume Civil or Criminal jurisdiction over Indian Reservations, but only with the consent of the Tribes concerned. The "consent" provision is the most significant feature of the bills and presents the only real chance Indians have for obtaining amendment to P.L. 280 in the foreseeable future.

In our National Convention of 1953, our membership passed Resolution 3, which reads as follows:

Whereas there was adopted in the 83d Congress, Public Law 280, an act to transfer civil and criminal jurisdiction to any State in which an Indian reservation is located, without the prior knowledge and consent of the Indian tribe or tribes; and

Whereas the National Congress of American Indians is opposed in principle to the adoption of legislation affecting the lives and welfare of the Indian without consultation and consent of the Indians, a principle which the Founders of this Nation so strongly voiced in their relations with the British Parliament; and

Whereas the President of the United States, on the occasion of signing Public Law 280, on August 15, 1953, called attention to sections 6 and 7 of that law, which had been included without prior consultation with the Indians who might be affected, and recommended that "at the earliest possible time in the next session of Congress, the act be amended to require such consultation": Now, therefore be it

*Resolved* by the National Congress of American Indians, in convention assembled in Phoenix, Ariz., December 9, 1963, that this organization record its opposition to Public Law 280 in its present form; urge the recommendation of President Eisenhower be acted upon; request that Indian tribes be given full opportunity to be heard in connection with the proposal to transfer to the States civil and criminal jurisdiction over Indian lands; and request that Public Law 280 be amended to provide for the consent of Indian tribes affected by the legislation; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, the Secretary of the Interior, the Commissioner of Indian Affairs, and to the Indian Committees of the House of Representatives and the Senate of the United States.

In 1966, in Oklahoma City at our 23rd Annual Convention the membership's continuing concern in this area prompted the passage of Resolution No. 7, which reads as follows:

Whereas the National Congress of American Indians has since the enactment of Public Law 280 requested that the act be amended to provide that the consent of the tribal governing body be obtained before a State could assume civil and criminal jurisdiction on the reservation; and

Whereas legislation in the past Congresses has been introduced to carry out the foregoing; Now, therefore, be it

*Resolved* by the National Congress of American Indians assembled this 13th day of November, 1966, that it again respectfully request and urges the 90th Congress to amend Public Law 280 to provide that assumption of States of jurisdiction in civil and criminal acts on Indian reservations shall only be after negotiations between the Indian concerned and the State and consent given, and only to the extent, from time to time, as agreed upon by the Indian tribe and the State; and be it further