

Accordingly, hearings were commenced in Washington in August 1961, and moved to California, Arizona, and New Mexico in November. The following June, hearings were held in Colorado and North and South Dakota and finally concluded in Washington during March of 1963. These hearings and staff conferences were held in areas where the subcommittee could receive the views of the largest number of Indian tribes. During this period, representatives from 85 tribes appeared before the subcommittee.

S. 961 through S. 968 and Senate Joint Resolution 40 of the 89th Congress were introduced in response to the findings of the subcommittee based on these hearings and investigations.

On June 22, 23, 24, and 29, 1965, the subcommittee, meeting in Washington, received testimony relative to these measures. Additional statements were filed with the subcommittee before and following the public hearings. In all, some 79 persons either appeared before the subcommittee or presented statements for its consideration. These persons included representatives from 36 separate tribes, bands, or other groups of Indians located in 14 States. Four national associations representing Indians, as well as three regional, federated Indian organizations, presented their views. Members of Congress, State officials, and representatives from the Department of the Interior also submitted opinions on this legislation.

The 1965 hearings revealed the necessity of revising some of the original measures, combining two of them into title I, and deleting two proposals from the legislative package. The six titles of S. 1843, as amended, are products of the recommendations of the Subcommittee on Constitutional Rights as reported in its "Summary Report of Hearings and Investigations on the Constitutional Rights of the American Indian, 1966."

On May 23, 1967, Senator Ervin and others cosponsored S. 1843 through S. 1847 and Senate Joint Resolution 87. Because extensive hearings were held on similar measures in the 89th Congress, no further hearings were necessary.

PURPOSE OF LEGISLATION

The purpose of S. 1843, as amended, is to insure that the American Indian is afforded the broad constitutional rights secured to other Americans.

TITLE I

The purpose of title I is to protect individual Indians from arbitrary and unjust actions of tribal governments. This is accomplished by placing certain limitations on an Indian tribe in the exercise of its powers of self-government. These limitations are the same as those imposed on the Government of the United States by the U.S. Constitution and on the States by judicial interpretation.

Title I is designed to remedy a situation first brought to light in the 1961 hearings of the Subcommittee on Constitutional Rights and found to be a continuing problem.

The quasi-sovereign character of Indian tribes, Indian self-government, and particularly the administration of justice, are factors which may deny both procedural and substantive rights to the residents of Indian communities. This denial results from the fact that particular restraints on the United States do not apply to the operation of tribal governments. While a great deal of blame has been placed on Indian governments for these denials, the Federal Government and the States must share the responsibility for the Indian's lack of constitutional rights.

It is hoped that title II, requiring the Secretary of the Interior to recommend a model code for all Indian tribes, will implement the effect of title I.

Accordingly, the provisions of title I are scheduled to take effect upon the expiration of 1 year from the date of enactment, thus affording Indian tribes a period in which to prepare themselves for a new concept of law and order.

TITLE II

The purpose of title II is to provide for a model code which will safeguard the constitutional rights of the American Indian. The Secretary of the Interior would be directed to draft a model code of Indian offenses which would apply uniformly to all Indian courts in Indian country, thus assuring that all Indians receive equal justice under Indian law. It is also envisioned that the model code