

murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, assault with intent to commit rape, carnal knowledge, arson, burglary, robbery, embezzlement, and larceny committed by an Indian against another Indian or other person.

Those crimes not prosecuted in Federal courts fall within the jurisdiction of Indian tribal courts, which by Federal law, cannot impose more than a 6-month sentence. Presently, aggravated assaults committed in Indian country cannot be prosecuted in Federal courts.

In a report on comparable legislation (S. 967) in the 89th Congress, the Subcommittee on Constitutional Rights concluded:

"Besides extending protection to the rights of individual Indians, it is also important that the legitimate interests of the Indian communities in a lawful and peaceable order be recognized. Accordingly, it is essential that provision be made for the trial and punishment of offenses not now dealt with in an adequate manner by tribal authorities."

TITLE V

As a result of his guardianship powers, the Secretary of the Interior has been provided authority to approve contracts between Indian tribes and their attorneys. Despite efforts of the Department of the Interior in 1960 and 1962 to expedite approvals of tribal attorney contracts, administrative delay in approving such contracts is a continuing problem. Frequently these delays extend for over a year and consequently impose so severe a hardship upon tribes in need of counsel that they constitute a denial of due process of law.

The subcommittee in its 1966 "Summary Report of Hearings and Investigations of the Constitutional Rights of the American Indian," made the following conclusion regarding title V:

"Blame for the denial of the rights of Indians must also be assigned, at least in part, to actions of the Government of the United States. In addition to the actions implicit in the foregoing, reference is also made to the delays Indian tribes have experienced in the approval by the Secretary of the Interior of contracts with their attorneys. To the extent that such delays take place, Indian peoples are denied, in a very broad sense, the fundamental right of counsel. To the credit of the Department of the Interior, however, it is apparent that very few such delays have occurred since 1962."

Accordingly, the subcommittee made the following recommendation:

"Even though delays in approval of attorneys' contracts have become less significant since 1962, there is still no guarantee that the previous unfortunate situation won't recur. Accordingly, the subcommittee recommends enactment of S. 968 (now title V). Mindful that the arbitrary time limit may result in a perfunctory disapproval of contracts, this legislation will nevertheless force the Department of Interior to take a position promptly on these contracts."

TITLE VI

The research of the Subcommittee on Constitutional Rights into the legal status of the American Indian involved an examination of the legislative, judicial, and administrative interpretations available on the subject. The volumes entitled "Indian Affairs, Laws and Treaties" (S. Doc. No. 319, 58th Cong.) proved to be an invaluable research tool despite the fact that the last volume was published in 1938. The treatise entitled "Federal Indian Law," originally prepared by Felix S. Cohen in 1940, and last revised in 1956 by the Department of the Interior, was also useful.

Equally important in appraising the legal status of Indians are the opinions of the Solicitor of the Department of the Interior which have the force and effect of law. However, many of the opinions of the Solicitor have not been published and made available to those interested in Indian affairs.

An updating of these documents and other materials relating to Indian affairs not only will assist students, courts, agencies, and others attempting to secure information pertaining to Indian affairs, but also will provide an aid to individual Indians and Indian groups in achieving their rights as American citizens.

In its "Summary Report of Hearings and Investigations on the Constitutional Rights of the American Indian, 1966," the subcommittee concluded:

"The need for adequate and up-to-date research tools in the area of Indian affairs is pronounced. If our Indian citizens are to receive benefits in full measure from their own efforts, as well as from the activities of their attorneys and of scholars working on their behalf, full and easy access must be had to relevant