

Indian Affairs and the tribe? Specify and explain. What has the Bureau of Indian Affairs done to assure adequate services, before the State acted? afterward?"

Comment: Shortly after Public Law 280 became effective in 1953, a number of allegations were made by Indian leaders that law enforcement services by the States and local subdivisions were inadequate to the reservations' needs. We know that transfer of jurisdiction by Public Law 280 created additional financial burdens that local subdivisions were hard pressed to assume. For example, the affected counties in Nebraska could not, without state financial aid, provide services to the Indians. This was also true in Wisconsin. Indians in California and Minnesota complained then and have continued to complain of inadequate services. Before Public Law 280, the Bureau of Indian Affairs carried on consultations with the Indians and the five States that would be affected by the law to make certain that the proposal was clearly understood. In many cases, California, for example, Public Law 280 meant simply the legalizing of a *de facto* situation, since the Bureau was providing very little, if any, in law enforcement services. The Bureau had only one law enforcement agent in California. Before state assumption of jurisdiction, the Bureau provided services to the limit of funds available. Since state assumption of jurisdiction, the Bureau has provided no direct assistance as authority therefor was lacking. The Bureau has continued to counsel with both tribes and local authorities to communicate and interpret the needs of the Indians, and assist with an understanding of such needs.

"12. Has the assumption of partial state jurisdiction created any problem of which you are aware? Explain."

Comment: Assumption of partial or "piecemeal" jurisdiction has resulted in various types of problems. For example, Idaho assumed jurisdiction over selected areas of subject matter and specified that such jurisdiction was concurrent with that of the tribes. As a result local authorities look to the tribes to continue assuming jurisdiction, and the tribal authorities look to the State to assume jurisdiction, and, frequently, no action is taken. In other instances, as in the case of Washington, local authorities may disregard their jurisdiction or refuse to assume it on the ground that the state assumption was invalid in the first instance even though the state supreme court may have already ruled on the precise question.

We wish to point out that since the enactment of Public Law 280 in the 83d Congress, there has been almost total support for those proposals which would amend Public Law 280 to provide for tribal consent. During the period covered by the 84th through the 89th Congresses, approximately 23 bills were introduced to amend Public Law 280 to provide for consent of the tribes. All have had the united support of the Indian tribes. Again, the Indian tribes and Indian interest groups, such as the National Congress of American Indians, actively support the proposed amendments. Lastly, the President, in his recent message to the Congress on the American Indian, strongly urged the enactment of "Legislation that would provide for tribal consent before such extension (Public Law 280) of jurisdiction takes place." S. 1843 carries out this recommendation. The requirement of consent should solve most problems of state assumption of jurisdiction.

Sincerely yours,

(S) HARRY R. ANDERSON,
Assistant Secretary of the Interior.

The CHAIRMAN. We have a full calendar today. It will be the purpose of the chairman to listen first to the Members of Congress, and then to the Governors who are here from the Pueblos, and then the visiting State representatives, and then we will get to the Department, and then we will get to the attorneys later on.

The chairman does not think it will be humanly possible to clear up this matter today.

First I wish to recognize one of the sponsors of the legislation, our good colleague, who himself has been a tremendous aid and help to the Indians, Mr. E. Y. Berry, for any statement he may wish to make.

Mr. BERRY. First, Mr. Chairman, let me commend you on the statement that you have made, and let me assure you that I think—that