

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 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 will establish 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 would incorporate those rights enumerated in Title I, which places certain limitations on Indian tribal governments in the exercise of self-government, particularly in the administration of justice.

TITLE III

The purpose of Title III is to repeal section 7, Public Law 280, 83rd Congress, and to authorize the United States to accept a retrocession by any State of all or any measure of the criminal or civil jurisdiction, or both, acquired pursuant to that law. United States consent is also given to any State to assert civil and criminal jurisdiction in Indian country where no State jurisdiction now exists and where the consent of the Indian tribes is obtained by popular referendum of all the enrolled adult Indians within the affected area.

TITLE IV, V AND VI

Title IV would add to the "Major Crimes Act" the offense of "assault resulting in serious bodily injury." Under existing law, aggravated assaults in Indian country cannot be prosecuted in Federal courts.

TITLE V

The purpose of Title V is to expedite the approval of contracts between Indian tribes or other groups of Indians and their legal counsel when such approval by the Secretary of the Interior or the Commissioner of Indian Affairs is required by law. Study has shown that administrative delay in approving these contracts is a continuing problem. Delays of more than a year in some cases have effectively prohibited due process by denial of counsel.

TITLE VI

The purpose of Title VI is to update and expand the volumes entitled "Indian Affairs, Laws, and Treaties" (S. Doc. No. 319, 58th Cong.), the treatise entitled "Federal Indian Law" and to prepare an accurate compilation of the Opinions of the Solicitor of the Department of the Interior. Since these opinions affect the legal status of Indians, it is imperative that they be easily accessible to provide aid to individual Indians and tribes to achieve their rights as American citizens.

CONCLUSION

The Omaha-Winnebago Reservation which has approximately 2,100 Indians is in Thurston County which is part of my Congressional District. Current estimates are that there are over 5,000 Indians in the State of Nebraska.

I have visited the Reservation and talked with tribal leaders there as well as receiving their representatives here in Washington. They are good citizens. I personally know of the sacrifices that they have made for the United States on the battlefield since World War I. I believe they have more than earned their rights. It is time we gave them those rights. Enactment of H.R. 15122 will be a step in that direction.