

Mr. OLSON. Mr. Chairman, if I may answer that—certainly the Pueblos feel they were perhaps the originators of the Bill of Rights, as far as they were concerned, in their relationships with their members. They do take the position that the guarantees of the first 10 amendments are not enforceable in the State or Federal courts as between the relationships of the Pueblo and its individual members—that these may not be, at the present time, be enforced in Federal courts.

The CHAIRMAN. As soon as they get off the reservation, then they become subject to the provisions of this part of our National Constitution.

Mr. OLSON. That is correct, Mr. Chairman.

The CHAIRMAN. In other words, it might be considered, but yet it is not definitely so, a nation within a nation. They have never taken this extreme position, is that correct?

Mr. OLSON. Mr. Chairman, if I may, I would like to answer it like this. They do feel that they do retain some of the elements of sovereignty. They are amenable or subject to the laws of the Congress of the United States, certainly. But they cherish and prize this heritage of theirs. It is their position that with—should the rights of 1843, and particularly as enumerated in the statement of the chairman, that it would tend to destroy their government. Their judicial system, as it is presently practiced, is so interwoven with their whole way of life—their executive policy, their customs and traditions within the Pueblo, that to sever one and say “No, this must be subject to the qualifications of the Bill of Rights as enunciated by the Supreme Court in recent decisions,” would completely destroy their ability to govern themselves in accordance with this long practice of history and tradition.

The CHAIRMAN. May the chairman just take a minute now to refer to this statement on page 5, where the statement is to the effect that this particular group in these Pueblo units, they consider their operations as a family, and their punishment goes accordingly, whatever it may be. This is not the only place under the American flag where this sort of a method of disciplining members of a group is followed. Take the Islands of Samoa, the Polynesian people—crimes even as atrocious as murder are taken care of very easily by the system of governing that they practice.

In order to show remorse for the act committed and the desire to make amends, the consequent punishment, whatever it may be, is assessed by the people of the governing body of the people involved.

It is your understanding that if the present proposal, S. 1843, or H.R. 15122, were adopted like they are at the present time, that this would completely take away from the Pueblo tribes this method of governing their own people.

Mr. OLSON. Mr. Chairman, it is our opinion, or the opinion of the Pueblo leadership, as evidence in the back of this room, that this would certainly serve to destroy the operations as they presently exist—for these reasons principally.

First, we do have a situation where they would not have the funds to provide for attorneys—OK—even if we have an attorney representing the accused, they would feel that they have an obligation to have an attorney to represent them, or an attorney to advise—

The CHAIRMAN. As you know, Mr. Olson, there are those in Wash-