

I just have a couple of questions.

You say in your statement that you are preparing a criminal code, a code of criminal ethics. Will it be necessary that this code, when prepared, be approved by the Department of the Interior?

Mr. OLSON. It may vary from pueblo to pueblo, Mr. Berry, for this reason: I think perhaps three of the pueblos have adopted the constitutions under the Indian Reorganization Act which will require approval of any model code. The remainder of the pueblos——

Mr. BERRY. How many are there?

Mr. OLSON. There are 19 pueblos in New Mexico.

Mr. BERRY. Sixteen——

Mr. OLSON. Sixteen have not organized under the Indian Reorganization Act of 1934. Those 16, it is questionable whether they would have to submit their code. I would be reluctant to say specifically, because I am not certain as to what the regulation is currently of the Department of the Interior would be on this.

Mr. BERRY. One more question.

In the State of New Mexico, would a referendum be required before Public Law 280 becomes effective?

Mr. OLSON. It would require a constitutional amendment, yes; and this of course would require an affirmative vote.

Mr. BERRY. And the State has never voted on it?

Mr. OLSON. No.

Mr. BERRY. I think that is all, Mr. Chairman.

The CHAIRMAN. All right.

The gentleman from Washington.

Mr. MEEDS. Thank you, Mr. Chairman.

I notice some hesitation, or some, certainly, inference—I get some inference from your statement that you are concerned about the right of habeas corpus, and you can correct me if I am wrong on this, but does not habeas corpus presently apply to the situation with which you are faced?

Mr. OLSON. No, Mr. Meeds, it does not. The courts have held consistently that the Federal courts have no right to inquire into an Indian jurisdictional matter.

Mr. MEEDS. At the risk of incurring the displeasure of the chairman—I have read the case—I am informed that the case of *Cauliflower v. Garland*, at least in the Federal district in which you are in, or the circuit which you are in, has held that habeas corpus applies. Am I correct or incorrect?

Mr. OLSON. This could be correct. I have to read the decision again. It escapes me for the moment. But our district courts, where it has been exposed to this problem, have taken the position that they cannot explore an Indian tribal court function.

Mr. MEEDS. You are in the Ninth Circuit Court?

Mr. OLSON. No; we are in the Tenth.

Mr. MEEDS. That case was a Ninth Circuit Court decision.

As an attorney, does it not bother you that a writ of habeas corpus does not run to people in these United States, whether they be on Indian Reservations or anywhere?

Mr. OLSON. It does not bother me with reference to the 19 pueblos, because I am intimately familiar with the operation of the pueblos,