

All of us know that America severely tests those it would make strong. All of us know that the American way is not usually the easy way; it is not always even the right way. But, we also know that it has proved to be the way for America. Those of us who have encountered it are the great beneficiaries of our environment.

This month the administration sent a message which asked that an earlier act of Congress be amended so that Indian communities might select whether, and which, State laws they would choose to observe. It seems to me and many of my colleagues in Arizona, that such a recommendation is ill advised on the major considerations under which legislation should first be examined. Is it workable? Does it really harm or help the condition it is intended to benefit?

I can tell you from personal observation, that the proposed amendment is not practical in Arizona. Arizona is now, and the Census Bureau predicts it will likely be, the most rapidly growing State in the country, except Florida, at least until 1990. Much of this growth is taking place near Indian reservations. Some of it, as in my area, is engulfing reservations land with urbanization. In such cases, unless we want to wall them off as the Germans did with displaced persons 35 years ago, they must share the legal and social responsibility of their environment.

My city has a common boundary, for 9 miles, with a reservation. Homes of a density of five to an acre are built right to the reservation line. There will be more. Soon there will be homes across the reservations as their own development plan will be launched.

There will be hundreds and later thousands of similar homes and the supporting business and industry—on the reservation. The same people living 100 feet apart, one subject to State law, the other perhaps not. Gentleman, it seems to me that to create such a situation by legislation is folly.

Here are the problems, as I am sure you already know. Dissimilar health and sanitation laws are intolerable in urban areas. We have problems already with mosquito control, for instance. Police protection and criminal apprehension make serious problems. Our area with its annual influx of well-to-do visitors is a target for all the country's con men, gamblers, prostitutes, and those who prey on society. We keep them out pretty well. Suppose they had sanctuary on the reservation? Would you imagine a reservation in the middle of Miami which could be a hijacker's hangout? I apologize for the exaggeration. Sometimes in the face of disarming proposals such as are made in title III, exaggeration is a fair weapon.

I would remind you also of the problems of fire protection, of control of air and water pollution, of building codes.

A second test of legislation ought to be applied here, as I mentioned: Will it help or harm the Indian communities?

I am not a sociologist. I do not know what may result from raising tens of thousands of people in isolation. My guess is that if they never get let out, never get into a normal environment where they are assaulted by ordinary problems, they will remain forever dependent.

No State in the country has more tribal lands, more Indians or greater awareness of the natural forces on which the Indians can capitalize in developing as participants and contributors to a contemporary society. There is no reason to assume that Indians need any more basic protection to preserve their value than that which