

Mr. RIDER. Thank you, Mr. Chairman.

Mr. Chairman, gentlemen of the subcommittee, I appreciate the opportunity to appear before this subcommittee to state briefly on behalf of the New Mexico Municipal League, the league's understanding of certain language found in H.R. 15122 and to submit for the record the position paper of the New Mexico Municipal League and the views of the city of Albuquerque.

The New Mexico Municipal League is fully in accord with the hopes of most Americans that the Indian will receive every education and economic opportunity and will become an active participant in our American political structure. However, the language found in the title on jurisdiction over criminal and civil actions paints with a broad brush and removes an Indian residing on Indian land from the State's jurisdiction. Had the language been limited to the State's jurisdiction over the tribal government and its civil and criminal jurisdiction, I would probably not be here today.

Under New Mexico's constitution, an Indian may be elected Governor, a member of the State legislature, or a county commissioner and may enact laws governing non-Indians. Yet, if he lives on Indian land, he would not be subject to these laws if the language under consideration in H.R. 15122 becomes law. We would ask if this premise is equal protection of the law?

Approximately 110,000 Indians live in New Mexico, comprising about 10 percent of the State's population. Of these, almost 90,000 reside on the Navajo Reservation and another 16,000 Indians live in 19 different pueblos under the United Pueblo Agency. The largest pueblo is Laguna, with approximately 3,000 residents and the smallest pueblo, Pojoaque, has an estimated 40 persons.

The Santa Clara pueblo adjacent to the city of Espanola has between 500 and 600 residents. In the Albuquerque metropolitan area, the Isleta pueblo totals about 2,000 persons; the Sandia pueblo about 124 persons and the Canoncito Reservation between 600 and 700 persons. None of these pueblos meets the population criteria set by the Committee for Economic Development for effective local government. Yet, they are expected to carry on local government activities as well as develop and administer civil and criminal codes. To effectively meet the needs of their citizens, they must rely on the Bureau of Indian Affairs and the State of New Mexico.

The State of New Mexico does contribute to the well-being of the Indian in many ways, through education, public health programs, welfare aid, and other State activities. These time-tested programs help both the individual Indian and the State. What the State's responsibility or the status of its program will be if this proposal becomes effective appears unclear.

As this subcommittee reviews these proposed acts and investigates them further, we would ask the subcommittee to examine the governmental structure of the various Indian tribes and pueblos. The manner in which the tribal leaders are selected, either by election or appointment, may bear on the exercise of the tribe's governmental authority. In the absence of State law applicable to Indian lands, will the tribal government enact laws covering the many circumstances and situations in which an individual finds himself today. I wonder if a banker will lend money to an Indian residing on tribal land if he knows that the State's uniform commercial code is not enforceable on Indian land?