

Mr. RIDER. This, I cannot answer, sir.

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

Mr. MEEDS. Mr. Chairman, could I take a minute of my time to ask the counsel a question?

The CHAIRMAN. You can ask a question through him.

Mr. MEEDS. I wanted to ask a question about this jurisdiction problem in civil matters. Assuming that the State of Arizona or New Mexico has concurrent jurisdiction on civil matters, and a contract is made between an Indian and a non-Indian, the Indian residing on the reservation, does not the non-Indian have recourse to all of the protections and all of the statutes which would be available to him as any other person in the State?

Mr. RIDER. This is—

Mr. MEEDS. I am asking counsel this, if I may.

Mr. SIGLER. Mr. Meeds, the answer is "No." The civil courts do not have jurisdiction ordinarily over affairs—actions that occur on the reservation if those actions are a part of tribal government activities. Now, if you ask me whether a bank can foreclose on a chattel mortgage on some cattle, I do not know. I would have to check it. I think not.

Mr. MEEDS. Personal property?

Mr. SIGLER. I said I do not know. I would have to check.

Mr. MEEDS. This bill would not affect in any way the real property questions of trust lands and things like that, would it?

Mr. SIGLER. No. I think your premise, however, is probably faulty. I do not believe that is concurrent jurisdiction in the sense that you are using it.

Mr. MEEDS. Where is my premise faulty?

Mr. SIGLER. I thought you stated assuming the States had concurrent jurisdiction with the tribes and what I am saying is, I do not think that is true.

Mr. MEEDS. Well, I am just using what he has said. I do not know either. It is your opinion that they do not have.

Mr. SIGLER. That is my judgment, yes.

Mr. MEEDS. So that if you do not have concurrent jurisdiction, the testimony which you have given with regard to that aspect of it would not apply?

Mr. SIGLER. That is right. At this time. However, if his statement is correct, then at the time New Mexico under the present Public Law 280 wished to amend its constitution, I assume it would have jurisdiction.

Mr. MEEDS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

(The documents previously referred to follow:)

NEW MEXICO MUNICIPAL LEAGUE INFORMATION MEMORANDUM 68-2

Subject: Position Paper On Protecting the Rights of Indians: H.R. 15122, S. 1843 and Senate Amendment No. 430 to H.R. 2516.

From: Donald C. Rider, Executive Director.

Date: March 27, 1968.

The New Mexico Municipal League is an association of cities, towns and villages governed by incumbent elected or appointed municipal officials. It is concerned with urban affairs and municipal government in New Mexico and