

those policies which affect the people and the orderly growth and development of these urban areas.

The New Mexico Municipal League wholeheartedly endorse those past Congressional policies which have encouraged the Indian to become a member of society and enable him to develop his educational and economic ability to the fullest extent.

It is our belief, however, that certain provisions of H.R. 15122 and S. 1843 and Senate Amendment No. 430 to H.R. 2516, reverse this Congressional policy—that Title III, Jurisdiction Over Criminal and Civil Actions, in these measures divorces the Indian tribe from the family of governments and, in fact, segregates the Indian on tribal land in the fear that once leaving such land he will be subject to state law with which he is unfamiliar and which is unknown to him. In essence, the language found under these Titles says to the Indian “you must live under one set of rules while residing on tribal land but another set of rules whenever you leave the tribal lands.” If the Indian is to enjoy all the fruits and benefits of American society without confusion and without conforming to a double standard, then he must prepare himself from his very beginning.

In reviewing H.R. 15122 and S. 1843, the New Mexico Municipal League supports the intent of Titles I and II. However, it should be noted that there is no language which grants an Indian, either male or female, the right to select by popular election the governor or the members of a tribal governing body. Since their selection varies from pueblo to pueblo and tribe to tribe, we submit for referral a copy of *New Mexico Indians* by Dr. Anne M. Smith,¹ Museum of New Mexico, Research Records No. 1, 1966. This booklet details, by separate paragraphs, the governmental structure and method of selecting tribal officers on each of the pueblos and reservations. In numerous instances, the tribal leaders are selected by the religious leaders, the caciques.

The New Mexico Municipal League does take exception to the language found in Title III, Jurisdiction Over Criminal and Civil Actions, in these measures. This language effectively repeals Public Law 83-280, 28 U.S.C.A. 1360.

Indian pueblos abound throughout New Mexico. There are nineteen pueblos and five reservations which are wholly or partially within New Mexico. Santa Clara pueblo land extends into the heart of the City of Espanola and commercial development, serving the people of Espanola, has occurred on this land.

Two pueblos and one reservation are found in the Albuquerque metropolitan area; in fact, interposed between the Town of Bernalillo on the north and the Village of Los Lunas and the City of Belen on the south. The continuing urbanization of the Albuquerque metropolitan area and the development of Indian land will have an effect, either good or bad, on this area.

While it may be argued that the state of New Mexico has failed to assume jurisdiction over such tribal lands, this assumption is not entirely correct. The state of New Mexico has begun on a step by step basis to exercise jurisdiction in certain vital areas, namely water and air pollution control.

New Mexico Laws of 1967, Chapter 190, the Water Quality Act, defines water as “all water including water situated wholly or partly within or bordering upon the state, whether surface or subsurface, public or private, except private waters that do not combine with other surface or subsurface water”; and further directs that the water quality control commission “shall adopt, promulgate and publish regulations to prevent or abate water pollution in the state or in any specific geographic area or watershed of the state or in any part thereof, or for any class of waters.”

New Mexico Laws of 1967, Chapter 277, the Air Quality Control Act, grants to the state board of public health similar jurisdiction over all areas of the state.

¹ Dr. Anne M. Smith received her Ph. D. in Anthropology from Yale University in 1940. She has served as Curator I and Assistant Curator at the Museum of New Mexico during the period from July, 1957 to June, 1965, with time out as a research associate for a Rural Health Research Project (U.S.P.H.S. RG-5615). In addition to lecturing at the University of New Mexico and the College of Santa Fe, Dr. Smith has published: *Tribal Distribution in the Great Basin*, *Am. Anth.* Vol. 40, No. 4, 1938; *Health and Disease in Northern New Mexico*, a Research Report, Institute of Behavioral Sciences, U. of Colo., Feb. 1962; *New Mexico Indians Today*, Museum of New Mexico Research Records, No. 1, 1966; *Analysis of Basin Mythology*, mss.; *Northern Ute Ethnography*, mss.; *The Concept, “Health” Among Spanish-Speaking Villagers of New Mexico and Colorado*, *Health and Human Behavior*, Winter, 1963, Vol. 4, pp. 226-234.