

language in the New Mexico Constitution, referred to above, does not impose or create a constitutional impediment to the assumption of state jurisdiction.

It should be borne in mind that Public Law 280, as presently drawn, carefully protects the proprietary interests of the Indians in their lands and other species of property. So it can scarcely be argued that the proposed bill is necessary to prevent a state from despoiling the Indians of their property. The real purpose of the present Public Law 280 is to encourage that progressive trend toward uniform state jurisdiction over Indian and non-Indian citizens, which Justice Frankfurter approvingly refers to in his decision in the *Kake Village* case. In view of the anachronistic doctrines of Indian sovereignty, and immunity from suit, as well as the extreme difficulties arising out of the indispensibility of the United States in actions involving Indians and Indian tribes and all the forbidding problems of the United States' immunity arising out of that issue, it would be most undesirable to have an expression of Congressional intent at this date to retreat from the promising steps spelled out in the *Kake Village* case toward uniform state jurisdiction and take a long step backwards and thereby encourage the Indians in the belief that they can forever remain independent of state jurisdiction as so many enclaves of land and people enjoying numerous benefits from the state but resisting the uniform and non-discriminatory application of the police power of the state. In the long run, the solution of the many problem areas between the state and its Indian citizens, in the areas of taxation, development of natural resources, etc., will require at some future date the integration of Indian people and Indian country into the general framework of state law. A step backward at this time would very possibly result in a serious and unnecessary setback to the long-range solution of state-Indian problems.

The language contained in Title III of H.R. 15122 and S. 1843 raises more jurisdictional questions that are unanswered. In *New Mexico Indians*, Dr. Smith stated:

"The Indians have demonstrated their desire for education in many ways. Table IV shows the proposals made under the Economic Opportunity Act and the number of requests for Project Headstart programs. Preschooling, followed by good schooling, will develop a familiarity with aspects of the American economic system which at the present time have little meaning for Indians whose security in the past has been based on the group.

"Yet undoubtedly closer relations with non-Indians will involve clarifying many legal uncertainties. The question of dedication of land for State roads going through Indian reservations has already proved a thorny problem for the State Highway Department and Santa Clara. The location of interchanges which will markedly affect Acoma has been argued about for more than a year and is not yet settled. One basic problem is the maintenance of law and order on Indian land. With the exception of major crimes, which are handled in federal courts, law and order on reservation lands are maintained by tribal police and courts. A criminal incident which took place on the Navajo reservation points up certain legal problems when no Indian is involved. Apparently the State had no jurisdiction, since the alleged crime occurred on reservation land; and neither federal nor Indian authorities claimed jurisdiction, because no Indians were involved. A judge dismissed a case because, he said, State courts have no jurisdiction to try a case brought by an Indian against a non-Indian for damages resulting from an automobile accident occurring on a reservation. Still another kind of legal tangle was revealed when a pueblo man was tried by his tribal court and sentenced to serve time in the Santa Fe City jail. (The city has an agreement with several pueblos to house prisoners.) The individual concerned charged that his civil rights had been violated.

"Another legal problem arises from the fact that the State cannot enforce compulsory school attendance laws on a reservation without the consent of the tribal authorities. The State has sought authority to enforce regulations regarding air pollution against industry located on reservation land leased from Indians. There is also a problem concerning use of city or county fire-fighting facilities for fires on Indian land.

"Certain problems result from the Indians' special status. In 1924 Indians were declared full citizens of the United States. As such, they are subject to state and federal laws when off the reservation. They pay federal and state income taxes, gasoline, sales, and excise taxes. They are eligible to vote and