

serve on juries; they must serve in the Armed Forces of their country just as do other citizens. It should be added that they have served with distinction in all branches of the Armed Forces. Since 1948 they have been eligible to vote in New Mexico, but only recently have they made much use of this privilege, because of the fear that, if they voted, their special status in regard to BIA and USPH services and the trust arrangements protecting their land might be endangered. The Senate Judiciary Subcommittee on Constitutional Rights in 1964 completed a two-year study on the rights of American Indians. Most of its recommendations concerned protection of the civil rights of Indians, but the Committee also recommended that the United States give its consent to any state to assume, in whole or in part, civil and/or criminal jurisdiction over Indian reservations, provided that the Indian tribes involved also give their consent. Indians have been jealous of a tribe's right to maintain its own code of law and order on a reservation, and the states have hesitated to take on the expense of enforcing law on Indian reservations. This question will undoubtedly be the subject of much consideration in the future on the part of the State, the Indians, and the BIA. All the legal problems mentioned above should be explored, and possible solutions should be sought, without delay, as relations between Indians and non-Indians become more frequent. Other states with large Indian populations, such as South Dakota, have already faced these problems."

The language found in H.R. 15122 and S. 1843 may answer her questions but raises other more basic questions; such as:

1. Will an Indian, residing on tribal land, be subject to state tax laws such as the income tax or the gross receipts and compensating tax if:

a. he is gainfully employed in an occupation off Indian land; or

b. he operates a business on tribal land that is adjacent to commercial development on non-Indian land? Santa Clara pueblo land extends into the commercial heart of the City of Espanola. A shopping center has been operating on this Indian land for a number of years. If any of these businesses is owned by a Santa Clara Indian, will this Indian owner be subject to a state income tax, or a gross receipts tax? If he is not, he places his non-Indian competitor who operates a similar business across the street at such a competitive disadvantage that the non-Indian operator who pays taxes will be forced out of business. In essence, an Indian engaged in a business on Indian land would enjoy "free port" status and not be subject to state tax laws.

2. What jurisdiction does a state possess if an enterprise is owned by an Indian or Indian tribe but its operations are leased to a non-Indian?

3. What court has jurisdiction over a traffic accident between an Indian and a non-Indian that occurs on a state highway crossing Indian land?

4. Will the state be able to enforce traffic regulations against an Indian who violates a regulation on a state highway which crosses Indian land?

5. May the state or one of its political subdivisions enforce health, housing and other sanitary codes on Indian land to be subdivided for leasing and use by non-Indians?

6. May the state legally spend money for educational or welfare purposes for Indians on Indian land if the Indian is not subject to such laws as aid to dependent children or aid to the blind?

7. Will the state be able to regulate the exploitation of natural resources, such as oil and gas conservation or uranium mining, on Indian land?

The New Mexico Municipal League recognizes and is appreciative of the many efforts made by the Indians to improve their education and economic opportunities as well as their efforts to preserve their culture and heritage. The state of New Mexico and the nation gain with each advancement made by the Indian; however, the language found in Title III of these two measures creates division rather than integration.

Some of the nineteen pueblos and five reservations may accept some state law and not others. Some state law may be applicable to some tribes and not others. The administrative morass in which state agencies will find themselves will be insurmountable.

Under the *dicta* set forth in *Organized Village of Kake v. Egan* and the provisions of Public Law 83-280, the state of New Mexico will be able to exercise its responsibilities as its resources permit. The New Mexico Municipal League urges that the state be allowed to continue to function under these laws and that Title III in H.R. 15122 and S. 1843 be deleted from these two measures.