

of South Dakota and most States that the occasion doesn't arise very often for the State to have to take any action, but as I understand S. 1843, it would permit such a limited jurisdiction to be extended over the reservations with the consent of the tribes, and I don't believe you would have any difficulty getting the consent of the tribes in South Dakota, your State, for that purpose.

Mr. BERRY. That is all, Mr. Chairman.

The CHAIRMAN. The gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I have two questions. I understand you to say that title II will not apply to the tribal courts.

Mr. SONOSKY. As appears in S. 1843 passed by the Senate it does not apply to tribal courts.

Mr. McCLURE. And the model code submitted pursuant to title II could not be made to apply to tribal courts.

Mr. SONOSKY. Congress can do anything with respect to Indians, but this bill as framed now, all it says to the Secretary of the Interior is you prepare a model code for courts of Indian offenses and recommend it to Congress. Now, Congress could have told the Secretary, prepare a model code for tribal courts, but it didn't.

Mr. McCLURE. Now, you made a very strong plea for the right of people to determine whether or not the laws shall be applied to them with reference to the repeal of Public Law 280. At the same time you say that you think it is right that this Congress should impose upon the people of the Pueblo Indians the provisions of this law whether they want it or not. Now, are these two positions consistent?

Mr. SONOSKY. The provisions of title I?

Mr. McCLURE. No. Your position.

Mr. SONOSKY. Well, what I am saying about title I is that individual Indians need the protection of the Bill of Rights the same as individual non-Indians need it.

Mr. McCLURE. But they don't need the protection of the jurisdiction of State law.

Mr. SONOSKY. They don't need the protection of jurisdiction of State law because they have both Federal and their own tribal law.

Mr. McCLURE. Well—

Mr. SONOSKY. It is a substitution of the law of another sovereignty, so to speak.

Mr. McCLURE. To me, it strikes me as though my idea of what is good for them is good for them, and somebody else's ideal of what is good for them is not good. Perhaps that isn't a fair statement.

Mr. SONOSKY. Well, let me say this. Congress has with respect to the 11 or 12 major crimes act already said that the U.S. courts shall have exclusive jurisdiction over these 12 major crimes—murder, rape, et cetera—which took it away from the Indian tribes who had it before, and Congress has exercised that power and the Pueblos are subject to it the same as all other Indian tribes.

Mr. McCLURE. Is this right?

Mr. SONOSKY. I think that a compromise has to be made in a situation which, when it first arose historically, it arose in the South Dakota again.

Mr. McCLURE. Was that done with the consent of the tribes, of the Indian people?