

foreign policy. We think it should apply at home to our own American Indians. Indians are delighted with the action of the Senate in passing S. 1843 and incorporating its text in the civil rights bill. On behalf of my clients, I urge that S. 1843 be speedily approved and reported and that its text be supported in the civil rights bill.

The CHAIRMAN. Next is Mr. Lazarus. Without objection the statement of Mr. Lazarus will be made a part of the record as if read, and you may use your five minutes as you see fit.

**STATEMENT OF ARTHUR LAZARUS, JR., ATTORNEY AT LAW,
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Mr. LAZARUS. Mr. Chairman, my name is Arthur Lazarus, Jr. I am a member of a New York and Washington law firm and I appear here today on behalf of six Indian tribes which we represent:

The Hualapai Tribe of Arizona, the Metlakatla Indian Community in Alaska, the Nez Perce Tribe of Idaho, the Oglala Sioux Tribe of South Dakota, the Salt River Pima-Maricopa community in Arizona, and the San Carlos Apache Tribe of Arizona.

I would like for the sake of shortening time to subscribe to the remarks of Mr. Sonosky with respect to title II and title III and to address myself to title I.

At the outset I would like to point out that title I deals with certain specific and enumerated rights which according to the bill an individual Indian would have with respect to the operations of his tribal government. Among these rights are such very basic things as freedom of speech and religion, freedom from unreasonable searches and seizures, and freedom from double jeopardy or the imposition of a cruel and unusual punishment. All of the rights that are enumerated are considered in this day and age basic to the maintenance of a free and democratic society.

These are basic rights. These are rights which I believe, and if I understand the testimony of the other witnesses today, we all believe follow living in the United States. These are things everybody is entitled to no matter what the jurisdiction, no matter what the area. As a matter of fact, the Supreme Court has held that these rights follow American citizens abroad and the American citizen in relation to his Government abroad enjoys these rights.

These are things without which we cannot exist and therefore we can say to everybody in the United States this is what you have, and that is where I would draw the distinction between the basic rights set out in title I and the whole panoply of the Bill of Rights or of Public Law 280.

Some things there is no debate about and that is what is in title I. Everybody has those rights. You can debate about a good number of the, what we call remedial rights under the Constitution. The Supreme Court has drawn the distinction between fundamental rights such as those set forth in S. 1843 and remedial rights about which there is constant interpretation and which do not necessarily follow the flag.

The territorial cases have held that remedial rights need not be granted in territories of the United States.

I would like, therefore, also to pin down what struck me as testimony this morning that went out a little too far in analyzing the