

Even if these problems did not exist we are sure that the State cannot do a competent job on the Quinault Indian Reservation. Their officers neither understand nor recognize the fact that the Quinault Tribe must have a jurisdiction which is capable of protection hunting, fishing, and land use rights guaranteed to Indians by their treaty.

It is at this point that we feel that the Congress acted in an irresponsible manner in giving states the rights to assume jurisdiction without safeguards to avoid hopeless complications.

Senator Irwin's amendment, if passed, would provide long needed relief from an extremely distressing problem.

Your support is earnestly solicited.

Yours very truly,

QUINAULT TRIBAL COUNCIL,
JAMES JACKSON, *Chairman*.

The CHAIRMAN. Unless there is an objection, the statement of Mr. Boyden under date of March 27—John S. Boyden—relative to this legislation will be made a part of the record and the findings of fact and conclusions of law will be made a part of the file.

Hearing no objection, so ordered.

(The statement referred to follows:)

BOYDEN, TIBBALS & STATEN,
Salt Lake City, Utah, March 27, 1968.

Hon. JAMES A. HALEY,
*U.S. House of Representatives,
Washington, D.C.*

DEAR MR. HALEY: Supplementing the conference held in your office a short time ago when you generously made your time available to the Ute and Hopi delegations, we desire to specifically point out our objections to S. 1843. We will make reference to Report 841 as reported by Senator Ervin, with amendments, on December 6, 1967, in connection with the proposed legislation which has now passed the Senate and is also the subject of the Dirksen amendment to S. 2464.

SECTION 102 (3), PAGE 8

[See discussion under Section 102 (4)]

SECTION 102 (4), PAGE 8

The defendants' standard of integrity in many Indian courts is much higher than in the State and Federal Courts of the United States. When requested to enter a plea to a charge the Indian defendant, standing before respected tribal judicial leaders, with complete candor usually discloses the facts. With mutual honesty and through the dictates of experience, the Indian judge often takes a statement of innocence at face value, discharging the defendant who has indeed, according to tribal custom, been placed in jeopardy. The same Indian defendants in off-reservation courts soon learn to play the game of "white man's justice", guilty persons entering pleas of not guilty merely to throw the burden of proof upon the prosecution. From their viewpoint it is not an elevating experience. We are indeed fearful that the decisions of Federal and State Courts, in the light of non-Indian experience, interpreting "testifying against oneself" would stultify an honorable Indian practice while the constructions of the same courts as to what is "double jeopardy" would open an inverted loophole to in fact try a defendant twice.

SECTION 102 (6), PAGE 8

An Indian Judge without legal training may nevertheless possess sound judgment and be fully capable of presiding over an Indian Court with dignity and fairness. An ordinance of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah provides that any person shall have the right to the assistance of a lawyer in tribal courts when the judge is a lawyer and on appeal when one of the judges is a lawyer. At all other times he shall have the right to the assistance of a member of the tribe in representing him. That tribe has learned that the presence of a lawyer in a tribal court representing a person before a judge who is not a lawyer generates confusion and thwarts justice. Yet the beneficial function of the Indian judge in operating with sympathy and under-