

standing in the reservation problems. The proposed amendment would clear a legal question and offer at least a measure of relief.

QUALITY OF TRIBAL COURTS

After a variety of experiences with both Federal and State courts, some tribes have reached the conclusion that if they are to have effective law enforcement upon the reservations they must assume the responsibility themselves. It is probable that Indian tribes have not been astute in their public relations in the field of law and order. We take the liberty of briefly outlining the program now under way on the Uintah and Ouray Reservation in Utah.

The Tribal Juvenile Ordinance adopted May 6, 1965, is a twenty-one page document patterned after the National Juvenile Court Act adopted by the State of Utah and others. The tribe does not have a member adequately trained in this field to serve as judge and, therefore, it has reached into the Utah State judicial system to employ juvenile judges of outstanding merit to serve on its court. An example of the quality and reasoning of a court enlightened upon the Indians' real problems is found in the enclosed exhibit, being the Findings of Fact and Conclusions of Law and Judgment in the case of The Ute Indian Tribe In The Interest of Eddie C. Perank, a Minor, decided by the Tribal court on February 29, 1968.

The law and order code of the tribe, only a portion of which has been adopted by ordinance, is a progressive and far-reaching experiment in human relations. It is being drafted in conjunction with the State Council on Criminal Justice Administration in the State of Utah, a body created by the State Legislature.

There are no degrees of crimes in the code nor are there classifications, such as misdemeanors and felonies. The word "sentence" could well be eliminated, employing instead the term "treatment"; for as heretofore mentioned, punishment can only be incidental to the paramount object of protecting society while diagnosing the cause and treating and rehabilitating the defendant. It is contemplated that Indian judges will continue to try the cases. They will function independently as the triers of the facts, but the diagnosis and treatment will be determined by a board consisting of the trial judge, a psychiatrist, a medical doctor, a criminologist and a lawyer. Accurate controls of the records are being established to determine the results of this experiment that has long been needed in other fields of justice.

The Hopi Tribe of Arizona is amending its constitution to fit its modern day needs, and is closely following with keen interest the Utah experiment in tribal judicial reform.

From the foregoing we hope we have illustrated that a general indictment of all Indian tribal courts is not justified. There are many other Indian courts that have handled legal matters for tribal members with complete satisfaction for years. Little is said of their accomplishments, while any miscarriage of justice is publicized considerably out of proportion to its relative importance.

I appreciate that if I am given the opportunity to testify before Congress I must meet its convenience. An irrevocable appointment at a stockholders meeting in the State of Washington prevents my presence at the hearing on March 29, although both the Hopi and Ute tribes have requested me to appear. In the event any further hearings are anticipated on this bill I would appreciate being informed, as I would welcome the opportunity to elaborate on the matters set forth in this letter. I would hope to impress upon the committee the sincerity of purpose of the tribes I represent, illustrating the need for the amendments requested.

Very truly yours,

JOHN S. BOYDEN.

The CHAIRMAN. Any thing else to come before the committee?

May the chairman thank all of those who have been here today. This is perhaps the best decorum that we have had in this committee for a long, long time, and we try to have good decorum. You have been an attentive and a helpful audience and we appreciate it very much.

The record is being kept open because we have to hear yet from the Department witnesses. At that time the attorneys who appeared here today, Mr. Sonosky, Mr. Ladarus, Mrs. Horn, and Mrs. Belindo, will be notified and we would like to have them present if it is possible for them, or somebody from their offices to be present.