

would have to be acted upon by the Congress before it could become applicable to any tribe. Of course, any tribe would be free to adopt the model code and our hope is that many would do so.

Title II would be directed only toward Courts of Indian Offenses, which are to be carefully distinguished from tribal courts. At the present time there are no more than five courts of Indian Offenses in existence. Therefore, even if Congress were to enact the model code to be recommended by the Secretary of the Interior, it would apply only to five presently existing courts, none of which has been or will be established in the Pueblo nation.

Consequently, no tribe should fear Title II, for its only purpose is to provide a model code after which Indian tribal governments might wish to pattern their own. It should be also noted that the Secretary of the Interior is directed to consult with Indians and Indian tribes in drawing up the code, and cannot, therefore, act capriciously upon his own notions.

Finally, there has been some objection by non-Indians to the provisions of Title III, which would repeal section VII of Public Law 280 (1953). Public Law 280 has been a blight on the American Indian since the date of its enactment, for it provides that any state may assume criminal and civil jurisdiction over an Indian tribe without its consent. This precarious legal situation has kept many Indian tribes in a state of apprehension and confusion. The Subcommittee, after years of detailed study, has not discovered any individual Indian or Indian tribe who opposes the repeal of section VII of Public Law 280.

Subjecting a reservation to state, criminal or civil jurisdiction without its consent runs counter to that basic tenet of our democracy that governmental power is derived from the consent of the governed. When President Eisenhower signed Public Law 280 he noted that he entertained grave doubts about the wisdom of the Act, and expressed the hope that Congress, at its earliest convenience, would amend the Act to require a state to consult with the Indian tribes before subjecting them to its jurisdiction.

Certain representatives of municipalities have charged that the repeal of Public Law 280 would hamper air and water pollution controls and provide a haven for undesirable, unrestricted business establishments within tribal land borders. Not only does this assertion show the lack of faith that certain cities have in the ability and desire of Indian tribes to better themselves and their environment, but, most importantly, it is irrelevant, since Public Law 280 relates primarily to the application of state civil and criminal law in court proceedings, and has no bearing on programs set up by the States to assist economic and environmental development in Indian territory.

The passage of this bill into law will not provide the final solution to the legal dilemma in which the American Indian finds himself. But it is a long step toward granting him his share in the American dream. The Congress and the States have long neglected the rights of an American who has not been able to amass powerful lobby groups, large sums of money, and vast numbers of political crusaders. For most of us, the basic constitutional protections are taken for granted.

However, for the American Indian, the words we prize so highly have had a hollow ring. He needs action, not silent sympathy or lengthy pronouncements of good intentions or pompous promises of assistance.

This important legislation has been endorsed by numerous interested individuals and groups, and has been opposed by virtually no one. The Pueblo tribe, as indicated above, has opposed certain aspects of the legislation, although on mistaken premises, I believe. Among the supporters of the Bill of Rights for the American Indian have been the National Congress of American Indians, the American Civil Liberties Union, the American Indians Committee of the Daughters of the American Revolution, tribal attorneys and Indian tribes from every part of the Nation. Endorsements have been numerous and stated in the strongest possible terms.

Not only has the legislation been endorsed by private groups and individuals, but it has received the wholehearted support of the Department of Justice and the Department of the Interior, not to mention the personal support of the President of the United States. In a Report addressed to the Chairman of the Interior and Insular Affairs Committee, the Honorable Wayne N. Aspinall, on March 27 of this year, the Department of the Interior said: "We recommend the enactment of S. 1843." Citing the decades of neglect suffered by the First American, the Department noted that "some of the constitutional provisions which protect rights and freedoms of citizens from arbitrary action by the