

Constitutional Rights Bills Effect Natives

"Though evidence of the denial of substantive and political rights has been brought to the subcommittee's attention, it is apparent that an Indian citizen's rights are most seriously jeopardized by the tribal government's administration of justice," so summarized in part the Subcommittee on Constitutional Rights.

"These denials occur," the subcommittee continued, "it is also apparent, not from malice or ill will, or from a desire to do injustice, but from the tribal judges' inexperience, lack of training and unfamiliarity with traditions and forms of the American legal system."

Senator Sam Ervin of North Carolina last May introduced a series of bills (five) and a Senate Joint Resolution 87, to safeguard the constitutional rights of American Indians.

The series of bills are the result of intensive investigation of the legal status of the American Indians and the problems they encounter when asserting constitutional rights in their relations with State, Federal, and tribal governments.

The subcommittee sent out some 2,000 questionnaires as well as holding hearings in 14 states in which 36 separate tribes, bands, or other groups of Indians were heard.

Four national associations representing Indians, as well

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as three regional, federated Indian organizations, members of Congress, state officials, and Interior Department representatives also submitted opinions on the proposed legislation.

Writing from Washington, Sen. E.L. Bartlett said that "These bills are primarily aimed at protecting the rights of Indians living on reservations which are not under the jurisdiction of state law, but some of them do have a limited applicability to Alaska."

"I have recently," Bartlett continued, "received a letter from the Bureau of Indian Affairs which spells out the situation in some detail."

In replying to Senator Bartlett's inquiry, Deputy Assistant Commissioner of the Bureau of Indian Affairs, William Finale, said:

"Although the bills, which are generally applicable to Indians, do not specifically include natives of Alaska, the legal position of the natives has been generally assimilated to that of Indians, and it is substantially established that the laws of the United States with respect to Indians are applicable to the Alaska natives. Federal Indian Law, p. 934. Our comments on each of the bills appear below.

"S. 1843, a bill to protect the constitutional rights of

individual Indians from infringement by Indian tribes in the exercise of the tribal right of self-government.

"Although the bill is aimed primarily at affording protection of the rights of individual Indians who may be brought before tribal courts, and even though the native groups and villages of Alaska do not operate tribal courts since they are under state jurisdiction pursuant to Public Law 280, 83rd Congress, we believe the bill would apply to afford protection against infringement of individual rights of Alaska natives by a tribal group or village in the exercise of its tribal right of self-government.

"S. 1844, a bill that would direct the Secretary of the Interior to recommend to the Congress a model code to govern administration of justice by Indian courts on Indian reservations. We do not believe it would be applicable to the natives of Alaska as they are subject to state jurisdiction.

"S. 1845, a bill to amend Public Law 280, 83rd Congress, to provide for tribal consent before states not having jurisdiction over reservations take action to assume it, as well as to provide for "piecemeal" assumption of jurisdiction.

"Since the natives of

Alaska are already subject to state jurisdiction, this bill would not be applicable to them.

"S. 1846, a bill to amend Section 1153, Title 18, United States Code, with respect to offenses in the Indian country. This bill also would not be applicable in Alaska since 18 U. S. C. 1153 was specifically made inapplicable to Alaska when that state acquired jurisdiction pursuant to Public Law 280.

"S. 1847, a bill concerning the employment of attorneys by Indian tribal groups. This bill would be applicable to the natives of Alaska.

"S. J. Res. 87, a joint resolution to authorize and

direct the Secretary of the Interior to prepare, revise and have printed certain materials related to Indians.

"These materials would include references to laws, agreements, executive orders, opinions and the like that have affected the natives of Alaska and would be of interest to them."