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United States Senate

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS
(PURSUANT TO S. RES. 285, 88TH CONGRESS)

November 1, 1964

MONTHLY STAFF REPORT TO THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

CONSTITUTIONAL RIGHTS OF THE AMERICAN INDIAN

A Summary Report on the "Constitutional Rights of the American Indian" has just been released by the Subcommittee.

This report is a culmination of the Subcommittee's two year general investigation into the rights of the American Indians. Twelve recommendations for legislative action are contained in the report:

- (1) Make the constitutional rights and protections enjoyed by other Americans applicable to American Indians in their relationship with their tribal governing bodies.
- (2) Authorize the Attorney General of the United States to investigate complaints alleging that an Indian has been deprived of any rights conferred upon citizens by the Constitution and to file a written report with Congress and the Secretary of the Interior each year showing the number of complaints filed and the action taken thereon.
- (3) Provide Indian citizens living on reservations with a more adequate system of justice, by developing a criminal model code for the Courts of Indian Offenses.
- (4) Assure Indian tribes legal representation when needed by limiting the time for approval of the attorney's contract by the Secretary of Interior.
- (5) Give an Indian deprived of a constitutional right in a criminal proceeding before an Indian court an appeal to the U. S. District Court.
- (6) Give the consent of the United States to any State to assume, in whole or in part, civil and/or criminal jurisdiction over Indian reservations, provided that the Indian tribes involved consent.
- (7) "Indian Affairs, Laws, and Treaties," published originally as Senate Document No. 319 in the 58th Congress, should be revised by the Secretary of the Interior to include as of July 1, 1965, all treaties, laws, Executive orders, regulations, and other matters relating to Indian affairs.

(8) Compare and compile all the opinions of the Solicitor of the Department of the Interior relating to Indians, to be printed by the Government.

(9) Give the United States concurrent jurisdiction with the various States over certain criminal offenses committed by non-Indians against non-Indians in Indian country.

(10) Expand the category of offenses over which the Federal Government has exclusive jurisdiction in Indian country to include "aggravated assault." Such offense should be defined according to the law of the State.

(11) Provide for updating and recodification by Congress of Title 25 of the United States Code, which deals with "Indians."

(12) Authorize Federal Indian Law, formerly the Handbook of Federal Indian Law, by Felix S. Cohen, to be reprinted by the Government Printing Office.

BAIL LEGISLATION

A Summary Report of the joint hearings on three measures (S.2838, S.2839, and S.2840) to modify and improve Federal bail procedures has been completed. The Report has been unanimously approved by Members of the Senate Subcommittee on Improvements in Judicial Machinery, and is expected to be approved by Members of the Senate Subcommittee on Constitutional Rights within the week and sent to the Government Printing Office for printing.

Apart from summarizing the major views of those testifying before the Subcommittees, this Report contains conclusions regarding the serious problems in Federal bail system and recommends specific legislative solutions.

The hearing record of testimony presented at the Joint hearings on the three bail measures is in the final stages of preparation, and should be ready for distribution early next month.

MEETING ON MILITARY LAW AND CONSTITUTIONAL RIGHTS

Subcommittee Members and staff frequently participate in meetings and conferences sponsored by groups interested in safeguarding constitutional rights of American citizens. Recently, for instance, Chief Counsel and Staff Director William A. Creech participated in a symposium sponsored by the American Legion Special Committee on the Uniform Code of Military Justice. The focal point of this meeting was the legislative program (S.2002-S.2019) developed by the Subcommittee to safeguard the constitutional rights of military personnel.