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PRESS COMMENTS ON NEW INDIAN LAW

The New York Times

WEDNESDAY, AUGUST 12, 1953.

IN FAIRNESS TO THE INDIAN

In the closing days of this session there was mysteriously sneaked through Congress a bill that could do great wrong to the American Indian population of many states, a bill that President Eisenhower in simple fairness to the Indian ought to veto.

The measure, known as H. R. 1063, would authorize any state to assume complete civil and criminal jurisdiction over all Indian reservations within its borders, thus severely limiting the tribal government under which many Indian groups function today. As first passed by the House, the bill was restricted in scope. But suddenly, without warning and without hearing, it was enormously broadened in the Senate, and in the adjournment rush the amended version was sent to the White House, virtually without debate. Even if the bill were desirable this would be no way to pass legislation vitally affecting a minority group—especially one that has had such a long record of maltreatment at the hands of the Government and people of the United States. But this legislation is not desirable, and is in fact a direct threat to the historic rights of self-government of many Indian tribes, guarded by treaty, law and custom.

The basic objection to the bill is that it would give a blanket authorization to all states irrespective of the wishes of the Indians. The key to the whole issue is Indian consent. The measure in its present form was whipped through Congress so rapidly that practically no one interested in Indian affairs—least of all the Indians themselves—knew what was happening until it had already happened.

The protests are only now beginning to be heard. The Association on American Indian Affairs, the Institute of Ethnic Affairs and the American Civil Liberties Union are all urging a Presidential veto. There is every reason to believe that many Indian tribes would have protested the bill had they known about it. It is one thing for Congress to approve a proposal of this nature strictly limited in application and adopted with the consent of the Indians affected; it is quite another to pass so sweeping a bill without notice and without real thought. A veto is called for.

TUESDAY, AUGUST 18, 1953.

THE NEW INDIAN LAW

In signing a bill that authorizes all states to assume jurisdiction over the Indian tribes within their borders irrespective of the Indians' wishes, President Eisenhower clearly expressed one reason why he might have been better advised to veto it.

Although the President approved the measure because "its basic purpose represents still another step in granting complete political equality to all Indians in our nation," he pointed out that "the failure to include in these provisions a requirement of full consultation in order to ascertain the wishes and desires of the Indians and of final Federal approval was unfortunate." So unfortunate that the President thereupon called on Congress to amend the offending sections of the act at its next session "to require such consultation with the tribes prior to the enactment of legislation subjecting them to state jurisdiction, as well as approval by the Federal Government before such legislation becomes effective."

It seems to us that, in the absence of an emergency, it is usually wiser and safer to withhold approval of a bill until its dangerous provisions are eliminated, than to grant approval in the hope that at some time in the future they will be eliminated. The Indian bill is now law, however, and it is the unmistakable responsibility of the Administration and Congress to see that the offending sections are corrected.

St. Louis, Mo.
POST-DISPATCH
August 26, 1953

States' Rights for Indians

The cry of "states' rights," commonly associated with such issues as tidelands oil, has appeared in a stranger place—federal policy toward the American Indian.

In its final days Congress suddenly passed a bill to let any state assume full civil and criminal jurisdiction over Indian reservations within its border. President Eisenhower signed the bill for its value in some states, but urged enactment of safeguards in the next session.

Safeguards are surely needed. As it stands, the bill seems designed to help local interests more than the Indians. Its danger lies not in letting states assume federal responsibility, but it letting states encroach on traditional tribal governments and federal protection of Indians against local ambitions.

Glenn Emmons of New Mexico, the Administration's new Indian Commissioner, has indicated he wants to end federal paternalism and let the Indians take care of themselves. This is a commendable long-range goal, but the timing is all important. Indian tribes are not equally ready to meet a new thrust from the white man's civilization.

Many Navajos, for example, seem to favor the Emmons policy. They got little help from the Federal Government when many were starving. Now their lands have developed uranium and oil and proud Navajos feel they can stand alone.

But the oil-rich Osages in Oklahoma, and the agricultural Pueblo peoples in New Mexico, among others, do not want suddenly to lose the services and protection of the Indian Bureau. They fear that laws passed to give them "equality" will only threaten them, their lands and culture with exploitation. They can cite some cruel history which bears them out.

Federal paternalism may erode away, but the wise and just policy is to lead the tribes toward the future without letting the states thrust it upon them.

Herald Tribune NEW YORK

Thursday, August 13, 1953

Congress and the Indian

On August 1, in the rush of business at the end of the session, Congress passed a curious bill relating to American Indian affairs. Twice amended, H. R. 1063 would extend to all the states of the Union authorization to remove any existing legal impediments to their assumption of civil and criminal jurisdiction over all Indian reservations within their borders.

The Association on American Indian Affairs is bitterly opposed to H. R. 1063 on a number of grounds. The bill, it argues, is internally inconsistent; it is incapable of orderly enforcement; the Indians themselves have not been consulted, though moral considerations and ordinary standards of fair play would have dictated otherwise; many Indian tribes, ignorant of the bill, have been strongly opposed to similar legislation in the past. It insists, furthermore, that the bill violates Republican campaign promises to give Indians a voice in the management of their own affairs.

Many of these points seem sufficiently well taken to make a reconsideration of the bill wholly desirable. Hasty and unconsidered action is almost inevitable at the end of a Congressional session, and this is clearly one piece of legislation that should have grown out of careful deliberation among all interested parties. Fortunately, however, the bill cannot become law without the President's signature before August 15. We hope that the matter will be put over.

Albuquerque, N. M.
JOURNAL
August 18, 1953

INDIAN BILL MISGIVINGS

President Eisenhower signed the bill conferring jurisdiction on five states with respect to criminal offenses occurring on Indian reservations in those states if they care to assume it. The measure was signed despite the protests from many Indian tribes and with what Mr. Eisenhower described as "grave doubts as to the wisdom of certain provisions" in it.

One of these provisions was the failure to include a requirement of full consultation with the Indians in order to ascertain their wishes and desires. On the other hand, the President said the measure had the merit of being a step toward granting complete political equality to Indians. He did, however, recommend that the next Congress amend the legislation to require consultation with the Indians.

It is to be hoped that Congress will follow out this recommendation. No Indian tribe should be integrated into society in their state without their consent, which would be when they feel they are ready for the transition from tribal self-government.

Editorials on HR 1063, now Public Law 280 of the 83rd Congress. Signed by the President August 15, 1953, this enactment institutes State civil and criminal legal jurisdiction of Indian areas in California, Minnesota, Nebraska, Oregon, and Wisconsin *and authorizes any other State to assume such legal jurisdiction of Indian areas,* leaving the time and circumstances of this change of jurisdiction entirely to the State.

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AMERICA

August 29, 1953

New status for the Indian

The American Indian's pathway to the rights and privileges of full citizenship is admittedly difficult. Types of legislation or institutions which were framed at an earlier period to protect him from his own weaknesses or from greedy and designing white men have later developed into an obstacle to progress or a badge of inferior social status. One of the Indian measures signed on Aug. 15 by President Eisenhower removes Federal prohibition on liquor sales and thus permits an Indian to buy a drink of beer or whiskey like anybody else. Not an earthshaking advance in the cultural scale; but the removal, nevertheless, of an ancient and humiliating symbol. Another measure was itself a move toward complete integration into the normal life of American citizens. The President in signing it called it a "step forward." It ended the jurisdiction of Federal courts over criminal cases involving Indians in five States: California, Minnesota, Nebraska, Oregon and Wisconsin. However, the President's added comment upon this measure was an apt reminder of the trap that often lies in such ostensibly progressive legislation. Spokesmen for the U. S. Indian Bureau have for many years past feared that such a transfer of jurisdiction from the Bureau to the States might occur without the consent of the respective Indian tribes and without consultation with the Bureau itself. Hence the President earnestly called upon Congress to amend the act at its next session so as to require such consultation with the respective tribes prior to the enactment of any such legislation, as well as approval by the Federal Government. These are provisions of elementary honesty and justice if we are to keep faith with the Indians in our midst.

Spokane, Washington

SPOKESMAN-REVIEW

August 20, 1953

State Control May Not Benefit Indians

Among the many bills sent from congress to Denver for the vacationing President's action was H. R. 1063 relinquishing federal control of Indian reservations in five states to control of local government. There has been no announcement of the President having signed this bill, although he may have done so without its merited notice being drawn to this one act among many awaiting his pen.

This is one that he could well pass over, to let it die by "pocket veto."

A great many Indians and their friends believe that placing the Indians under state control would inaugurate another era of swindling and misleading them into a state of poverty that would result, eventually, in their becoming federal wards as paupers instead of as provided by early day treaties.

There are many possible objections to form the basis of this fear. These deserve examination. One is that, although federal protection of Indians has been far from just and perfect, it is safer than subjecting them to a variety of conflicting state jurisdictions, some of which might easily become capricious and arbitrary at times.

Under federal control they have at least been able to continue self-control of their own tribal society, but when sheriffs and other local officials can interfere the laws and customs of centuries may be upset.

But the strongest and most valid objection seems to be that this bill was put through congress without Indian consent. It was whipped

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The Washington Post

WEDNESDAY, AUGUST 12, 1953

Trouble For The Indians

Among the bills that slipped through in the last hours of the congressional session that ended last week was a little-known measure which seeks to wash out Federal responsibility for law enforcement on Indian reservations. It would permit any State at any time in its discretion and in any manner approved by its Legislature to assert "jurisdiction with respect to criminal offenses or civil causes of action" among the Indians living in its territory. With the general objective, there can be no quarrel. As the Indians on reservations are gradually integrated with the communities surrounding them, it is proper that they be subjected to the same laws that other persons must obey. But we think there is serious objection to letting the States make this transition at their own discretion without the consent of the Indian tribes.

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THE DENVER POST

August 14, 1953

A Bill to Be Vetoed

UNLESS President Eisenhower vetoes one of the congressional bills brought to Denver for his signature, it looks as though he would be violating a principle on which the Declaration of Independence was established: That "governments are instituted among men, deriving their powers from the consent of the governed."

This particular bill, H. R. 1063, was a quickie whipped through congress in the final hours before adjournment. In effect it would abrogate many of some 5,000 laws and treaties concerning Indian affairs and remove American Indians from protection of the federal government. If it abrogates treaties with Indian nations, doesn't that make it unconstitutional? On that score alone, there would seem to be enough doubt about this bill to justify its veto. Treaties, say the Constitution, "shall be the supreme law of the land," anything in state laws notwithstanding.

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Dayton, Ohio

NEWS

August 21, 1953

The Indian Bills

There used to be a saying around Washington that it would never do to loose a man with a stethoscope on Capitol Hill when an Indian bill is in preparation; he might find out that Congress has no heart.

Not much heartbeat was detectable in the Indian bills signed into law by the President the other day, and he expressed "grave doubts as to the wisdom of certain provisions" of the measure giving five states civil and criminal jurisdiction over cases on Indian lands.

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