

STATEMENT AGAINST STATE JURISDICTION OVER INDIANS

There are many general reasons as to why the proposed Indian jurisdiction bill is poor legislation, and as to why this bill should not pass. To enumerate a few, as follows:

1. Possible discrimination against Indians by certain police officers and certain State courts.
2. Language difficulties of some Indians in the State courts.
3. Cultural lag of some Indians in the State courts.
4. Inaccessability of State police and State courts in some areas.
5. Indian unfamiliarity with State law.
6. Possible treaty rights and constitutional rights to be exempt from State law.
7. State court procedures are expensive and the dockets are crowded, causing a certain time lag.
8. Poor law and order because of reluctance of the Indian people to accept State jurisdiction and because of the State officer's lack of familiarity with the Indian people.

(However, perhaps the most important thing to be considered, at this time, is the substantial cost that will be placed on the State of Washington because of this transfer from the Federal and Tribal law and order system. First, we should consider what criminal matters are handled in the Federal courts. In the field of criminal jurisdiction, the Federal court system handles, pays for - together with tribal aid - the investigation, prosecution, and confinement of Indians and non-Indians, committing crimes against Indians, in these ten major fields: Murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, robbery, incest, and assault with a dangerous weapon.

As it can be readily seen, these cover most of the major crimes committed. If this cost of investigation, prosecution, and confinement, was to be placed on the State in these fields, the State would be immediately faced with the cost of increasing our law enforcement bodies, our judicial system and also appropriate monies in the institutional field. There is a lag today in all three fields and, of course, the lack of available space in institutions would be the hardest to readily correct. If this bill is to pass, then immediate consideration should be given to providing state help to counties and cities for law and order personnel to assist in this field. If this bill is to pass, immediate consideration should be given to the increase of additional Superior Court Judges in Indian areas. If this bill is to pass, immediate consideration should be given to provide the Department of Institutions with additional monies to construct facilities for the detention of these prisoners. This is something that has been born out by the experience of other states. Other states that have assumed jurisdiction of Indians

have felt the economic burden. They have asked Congress for monies to save them from this problem they have been faced with. However, this aid has not been forthcoming and the Federal Administration objects to providing said funds. There is little possibility that there will be any Federal aid forthcoming. The cost of the assumption of Indian jurisdiction by the states is not only substantial, but staggering.

Also, this is only a small part of the picture. All court matters not within the Federal jurisdiction are handled by Tribal courts. This covers all of the other criminal offenses, and civil transactions on the reservations by Indians. The cost born by the tribes in this field is also a substantial amount. For example, the cost to the Yakima Tribe of maintaining its law and order department is in the neighborhood of \$150,000 a year. They have just last year, in addition to this cost, constructed an \$80,000 jail to house their Indian prisoners. The Indian people are able to police their peoples more efficiently because of cooperation by their members. There is no reason to assume that the State can handle this field with any less expenditure. Therefore, to pass this bill would be to place upon cities and counties, and the State of Washington, an increased cost burden. Again, if this bill is to pass, immediate consideration should be given as to the providing of funds to enlarge our judicial system to handle this increased load. If this bill is to pass, immediate consideration must be given to the provision of funds for the investigation and prosecution of criminal offenses. If this bill is to pass, immediate consideration should be given to the provision of funds to provide additional detention facilities for said prisoners. In Yakima County there is not a jail in any of the areas involved, be it county or city, that is not operating above and beyond its rated capacity.

It is not to the best interest of the citizens and taxpayers of the State of Washington, that this Legislature buy this "Pig-in-a-Poke". If we wish to get into this field let us do it "Piece-Meal", particularly as regards to the three largest tribes - The Yakima, Colville, and Spokane tribes. Would it not be well to merely provide state jurisdiction in the general fields of juvenile delinquency, dependent children, divorce, sanity and domestic matters, until such time as we can see how this works out. There is no existing emergency. All fields of law are covered within Federal or tribal jurisdiction. Non-Indians have access to tribal courts where Indians are the defendants, just in the same way as Indians have access to the State courts where non-Indians are the defendants. It surely cannot be believed by this legislature that an educated study has been given to this very complicated problem. To stop and think, and to proceed slowly, cannot help but be in the best interest of all the peoples of the State of Washington.

Respectfully submitted,

Confederated Bands and Tribes of
The Yakima Indian Nation