

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, in the past the United States Government has assumed exclusive jurisdiction of the crime CARNAL KNOWLEDGE OF A FEMALE CHILD UNDER THE AGE OF SIXTEEN YEARS when committed by or upon Indians on Indian Reservation lands under Title 18, Section 1153, U. S. Code; and

WHEREAS, the Ninth Circuit Court of Appeals recently ruled that the United States does not have jurisdiction of this type crime inasmuch as statutory rape was not included as one of the crimes under Title 18, Section 1153, U. S. Code; and

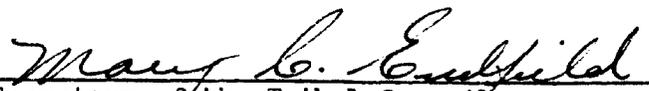
WHEREAS, it is imperative, in order to protect young girls from being subject to the prey of immoral sex deviates, that the crime of Carnal Knowledge of a female child under the age of sixteen years or as it is more commonly known "Statutory Rape" be added as one of the major crimes within the exclusive jurisdiction of the United States.

BE IT RESOLVED, that the Arizona Congressional Delegation be requested to introduce a bill in Congress granting the United States Government exclusive jurisdiction of the crime of Carnal Knowledge of a female child under the age of sixteen years or statutory rape when such a crime is committed on and within the Indian Country.

The foregoing resolution was on February 1, 1961 duly adopted by a vote of 8 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

FEB 10 1961

Mr. F. M. Haverland

Area Director, Phoenix, Arizona

Dear Mr. Haverland:

Resolution No. 61-15 was passed by the White Mountain Apache Tribal Council on the 1st day of February, 1961. The above-mentioned resolution was adopted pursuant to authority vested in Article V, Section 1 (a) of the Tribe's Constitution. Section 1 (a) is not subject to rescission by the Secretary of the Interior.

The Council felt that it was of the utmost importance to the welfare of the young girls living on the Reservation that a statutory rape law be passed. Until such act is made a crime as provided in the resolution, adult males can continue to seduce young girls on this reservation and be charged only with a misdemeanor.

Sincerely yours,

(SIGNED) ALBERT M. HAWLEY

Superintendent

February 2, 1961

Honorable Carl Hayden
U. S. Senator
U. S. Senate Building
Washington 25, D. C.

Dear Senator Hayden:

Enclosed please find a copy of the resolution unanimously passed by the White Mountain Apache Tribal Council on the 1st day of February, 1961.

The Council felt that it was of the utmost importance to the welfare of the young girls living on the reservations that a statutory rape law be passed. Until such act is made a crime as provided in the resolution, adult males can continue to seduce young girls on reservations and be charged only with a misdemeanor.

For and on behalf of all of the Indian people, I implore you to see that a bill correcting this terrible situation is enacted in Congress.

With kindest personal regards, I remain

Very truly yours,

Lester Oliver
Chairman

LO:ll
Enc.

February 2, 1961

Honorable Stewart Udall
Secretary of the Interior
Interior Building
Washington 25, D. C.

Dear Secretary Udall:

Enclosed please find a copy of the resolution unanimously passed by the White Mountain Apache Tribal Council on the 1st day of February, 1961.

The Council felt that it was of the utmost importance to the welfare of the young girls living on the reservations that a statutory rape law be passed. Until such act is made a crime as provided in the resolution, adult males can continue to seduce young girls on reservations and be charged only with a misdemeanor.

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With kindest personal regards, I remain

Very truly yours,

Lester Oliver
Chairman

LO:ll
Enc.

February 2, 1961

Mrs. Helen Peterson
Executive Director
National Congress of American Indians
530 Dupont Circle Building
1346 Connecticut Avenue
Washington 6, D. C.

Dear Helen:

Enclosed is a copy of a resolution which is self-explanatory.

For and on behalf of all the Indian people, I would appreciate your assisting us in securing the needed legislation to correct this matter.

Very truly yours,

Lester Oliver
Chairman

LO:ll
Enc.

February 2, 1961

Honorable John Rhodes
House of Representatives
Congress of the United States
Washington 25, D. C.

Dear Congressman Rhodes:

Enclosed please find a copy of the resolution unanimously passed by the White Mountain Apache Tribal Council on the 1st day of February, 1961.

The Council felt that it was of the utmost importance to the welfare of the young girls living on the reservations that a statutory rape law be passed. Until such act is made a crime as provided in the resolution, adult males can continue to seduce young girls on reservations and be charged only with a misdemeanor.

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With kindest personal regards, I remain

Very truly yours,

Lester Oliver
Chairman

LO:ll
Enc.

February 2, 1961

Mr. Peter Homer
Chairman of the Colorado River Tribes
Parker, Arizona

Dear Pete:

Enclosed is a copy of a resolution which is self-explanatory.

For and on behalf of all the Indian people, I would appreciate your assisting us in securing the needed legislation to correct this matter.

Very truly yours,

Lester Oliver
Chairman

LO:ll
Enc.

February 2, 1961

Mr. Nelson Jose, Governor
Gila River - Pima-Maricopa Community
P. O. Box 21
Sacaton, Arizona

Dear Nelson:

Enclosed is a copy of a resolution which is self-explanatory.

For and on behalf of all the Indian people, I would appreciate your assisting us in securing the needed legislation to correct this matter.

Very truly yours,

Lester Oliver
Chairman

LO:ll
Enc.

February 2, 1961

Mr. Clarence Wesley, Chairman
San Carlos Apache Tribal Council
San Carlos, Arizona

Dear Clarence:

Enclosed is a copy of a resolution which is self-explanatory.

For and on behalf of all the Indian people, I would appreciate your assisting us in securing the needed legislation to correct this matter.

Very truly yours,

Lester Oliver
Chairman

LO:ll
Enc.

February 2, 1961

Mr. Paul Jones
Chairman of the Navajo Tribe
Windowrock, Arizona

Dear Mr. Jones:

Enclosed is a copy of a resolution which is self-explanatory.

For and on behalf of all the Indian people, I would appreciate your assisting us in securing the needed legislation to correct this matter.

Very truly yours,

Lester Oliver
Chairman

LO:ll
Enc.



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

INDIAN
1355-61

MAR 2 1961
WHITERIVER, ARIZONA

MAR 1 1961

Through: Area Director, Phoenix

Lester:

Dear Mr. ~~Oliver~~:

This will acknowledge your letter of February 2, 1961, transmitting White Mountain Apache Tribal Council Resolution No. 61-15 enacted on February 1, 1961. The resolution concerns a request and recommendation made by the tribal council that a bill be introduced in the present Congress granting the Federal Government exclusive jurisdiction over the crime of carnal knowledge, or statutory rape, when such a crime is committed within Indian country. You ask that the Department of the Interior take action to bring about the enactment of such a bill to correct the present situation on the reservation.

We are very much aware of and recognize the seriousness of the problems you point out in relation to the protection and the welfare of young girls living on the reservation. We agree that convictions in the Indian courts on felonious offenses of this type are not the solution, as these courts are not designed to handle offenses of this nature. The question of extending the jurisdiction of the Federal Government over Indians to include the crime of carnal knowledge within the Indian country has been the subject of considerable discussion between this Department and the Department of Justice. We are now studying a draft of a proposed bill that would amend Section 1153, Title 18, United States Code, to include the crimes of carnal knowledge and assault with a dangerous weapon, which would vest in the Federal courts exclusive jurisdiction over these offenses involving Indians within the Indian country.

Thank you for bringing this matter to our attention. You may be assured that the Department will give your request its immediate and serious consideration.

Sincerely yours,

((Sgd)) Stewart

Secretary of the Interior

Mr. Lester Oliver
Chairman, White Mountain Apache Tribal Council
Fort Apache Agency
Whiteriver, Arizona

PRS-5344

Copy to: Area Director, Phoenix Area Office
Superintendent, Fort Apache Agency

White Mountain Apache Tribe

WHITERIVER, ARIZONA

February 2, 1961
Postmark Feb 2-6-61

P R S

FEB 10 1961 5344

7/1/61	
REPLY TO BE PREPARED BY:	LIA
FOR SIGNATURE OF:	S
COPY OF LETTER FURNISHED	
Dr. M.	
SEND REPLY COPY TO ABOVE	



Honorable Stewart Udall
Secretary of the Interior
Interior Building
Washington 25, D. C.

Dear Secretary Udall:

Enclosed please find a copy of the resolution unanimously passed by the White Mountain Apache Tribal Council on the 1st day of February, 1961.

The Council felt that it was of the utmost importance to the welfare of the young girls living on the reservations that a statutory rape law be passed. Until such act is made a crime as provided in the resolution, adult males can continue to seduce young girls on reservations and be charged only with a misdemeanor.

For and on behalf of all of the Indian people, I implore you to see that a bill correcting this terrible situation is enacted in Congress.

With kindest personal regards, I remain

Very truly yours,

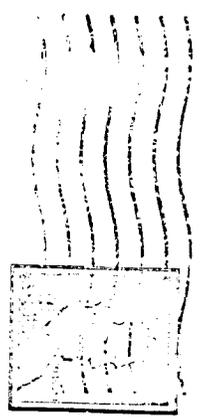
Lester Oliver
Lester Oliver
Chairman

LO:ll
Enc.

430

WHITE MOUNTAIN APACHE TRIBE
WHITERIVER, ARIZONA

Honorable Stewart Udall
Secretary of the Interior
Interior Building
Washington 25, D. C.



CARL HAYDEN, ARIZ., CHAIRMAN

RICHARD B. RUSSELL, GA.
DENNIS CHAVEZ, N. MEX.
ALLEN J. ELLENDER, LA.
LISTER HILL, ALA.
JOHN L. MC CLELLAN, ARK.
A. WALLIS ROBERTSON, VA.
WARREN G. MAGNUSON, WASH.
SPENCER L. HOLLAND, ILLA.
JOHN STENNIS, MISS.
JOHN O. PASTOR, R.I.
ESTER KEFAUVER, TENN.
A. S. MIKE MONROE, OKLA.
ALAN BIBLE, NEV.
ROBERT C. BYRD, W. VA.
GALE W. MC GEE, WYO.
HUBERT H. HUMPHREY, MINN.

STYLES BRIDGES, D. MASS.
LEVERETT SALTONS, MASS.
MILTON R. YOUNG, N. DAK.
KARL E. MUNDT, S. DAK.
MARGARET CHASE SMITH, MAINE
HENRY DWORSHAK, IDAHO
THOMAS H. KUCHEL, CALIF.
ROMAN L. HRUSKA, NEBR.
GORDON ALLOTT, COLO.
ANDREW F. SCHOEPPEL, KANS.

United States Senate

COMMITTEE ON APPROPRIATIONS

February 24, 1961

EVERARD H. SMITH, CLERK
THOMAS J. SCOTT, ASST. CLERK

PRS
FEB 27 1961 5826

TO: LIA	
REPLY TO BE PREPARED BY: LIA	
FOR SIGNATURE OF: LIA	
COPY OF LETTER FURNISHED	
LM/DE	
SEND REPLY COPY TO ABOVE	

Mr. John C. Crow
Acting Commissioner
Bureau of Indian Affairs
Department of the Interior
Washington 25, D. C.

Dear Mr. Crow:

I am enclosing a letter addressed to me on February 21, by the Chairman, White Mountain Apache Tribe, Whiteriver, Arizona, and one dated February 16, from the Tribal Chairman, Colorado River Tribes, Parker, Arizona, both enclosing resolutions passed by their respective Tribes requesting Federal legislation to provide for the rape as one of the crimes listed in the Assimilative Crimes Act.

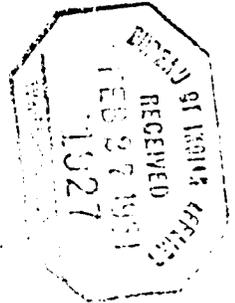
I shall appreciate it if you will let me know your views on this proposal.

Yours very sincerely,

Carl Hayden

U. S. S.

P. S. Please address reply to me; sending me original and one copy. Kindly return enclosures.



430

1355-61

Congressional

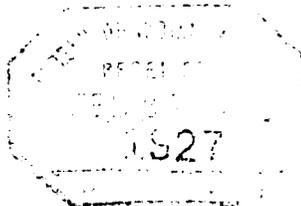
COLORADO RIVER TRIBES

Colorado River Reservation

PARKER, ARIZONA

February 16, 1961

Senator Carl D. Hayden
Senate Office Building
Washington 25, D.C.



Dear Senator Hayden:

Enclosed herewith is a resolution requesting the Arizona delegation to sponsor legislation which will add to the Assimilative Crimes Act, covering crimes on Indian reservations, the crime of statutory rape.

As a matter of interest, we have experienced on this reservation in the past year the incidence of this crime and to date have been unable to secure any action by the Department of Justice by reason of the recent decision of the Ninth Circuit Court of Appeals holding that statutory rape is not among the crimes included in Title 18, Section 1153, U.S.Code.

Sincerely yours,

A handwritten signature in cursive script that reads "Pete Homer, Sr.".

Pete Homer, Sr.
Tribal Chairman

nf
enclosure - 1

RECEIVED FEB 21 1961

PLEASE RETURN TO
SENATOR HAYDEN

RESOLUTION

COLORADO RIVER TRIBAL COUNCIL

A Resolution to request federal legislation to establish statutory rape as one of the crimes under the Assimilative Crimes Act.

Be it resolved by the Tribal Council of the Colorado River Indian Tribes, in ^{special} regular meeting assembled on

February 14, 1961

WHEREAS, in the past the United States Government has assumed exclusive jurisdiction of the crime of Carnal Knowledge of a Female Child under the age of sixteen years when committed by certain Indians on Indian Reservations under Title 18, Section 1153, U.S. Code; and

WHEREAS, the Fifth Circuit Court of Appeals recently ruled that the United States does not have jurisdiction of this type crime inasmuch as said category of crime is included as one of the crimes under Title 18, Section 1153, U.S. Code;

WHEREAS, it is imperative, in order to protect young girls from being subjected to the perils of immoral sex deviation, that the crime of Carnal Knowledge of a Female Child under the age of sixteen years or as it is more commonly known "Statutory Rape" be added as one of the major crimes within the exclusive jurisdiction of the Tribe;

BE IT RESOLVED, that the Arizona Congressional Delegation be requested to introduce a bill in Congress granting the United States Government exclusive jurisdiction of the crime of Carnal knowledge of a female child under the age of sixteen years or statutory rape when such a crime is committed on and within the Indian Country.

The foregoing resolution was on February 14, 1961 duly approved by a vote of 0 for and 0 against, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Section 1 (a), Article VI of the Constitution (or By-Laws) of the Tribes, ratified by the Tribes on July 17, 1937, and approved by the Secretary of the Interior on August 13, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984). This resolution is effective as of the date of its adoption.

COLORADO RIVER TRIBAL COUNCIL

By

Robert L. Cox
Chairman

Denise Florence
Secretary

Approved:

Superintendent

White Mountain Apache Tribe

WHITERIVER, ARIZONA

February 2, 1961

Honorable Carl Hayden
U. S. Senator
U. S. Senate Building
Washington 25, D. C.

Dear Senator Hayden:

Enclosed please find a copy of the resolution unanimously passed by the White Mountain Apache Tribal Council on the 1st day of February, 1961.

The Council felt that it was of the utmost importance to the welfare of the young girls living on the reservations that a statutory rape law be passed. Until such act is made a crime as provided in the resolution, adult males can continue to seduce young girls on reservations and be charged only with a misdemeanor.

For and on behalf of all of the Indian people, I implore you to see that a bill correcting this terrible situation is enacted in Congress.

With kindest personal regards, I remain

Very truly yours,

Lester Oliver

Lester Oliver
Chairman

LO:ll
Enc.

PLEASE RETURN TO
SENATOR HAYDEN

RECEIVED FEB 10 1961