

MESSAGE

BY GOVERNOR ALBERT D. ROSELLINI

TO THE SENATE

IN CONNECTION WITH SIGNING OF SENATE BILL NO. 56

March 13, 1963

To the Honorable,
The Senate of the
State of Washington

Ladies and Gentlemen:

Today I have signed into law, with some reluctance, Senate Bill No. 56, which was prepared at the recommendation of the Legislative Council after two years of hearings. This bill permits the State of Washington to assume full and complete jurisdiction of Indians and on all Indian lands for certain specified purposes, to wit: Compulsory school attendance, public assistance, domestic relations, mental illness, juvenile delinquency, adoption proceedings, dependent children and traffic offenses.

In matters other than those enumerated in the preceding paragraph, the state does not assume civil or criminal jurisdiction over Indians while they are on their tribal lands or their allotted lands within an established reservation and on lands held in trust by the United States.

I am aware and proud of the fact that some of the Indian tribes during the past several years have vastly improved their own law enforcement agencies on their reservations. I am not unmindful of the fact that under this bill certain criminal activities which might be committed on deeded lands, as distinguished from private lands, will create local law enforcement problems because it may be difficult to determine on the spur of the moment whether a given act is subject to federal, state or tribal jurisdiction.

I sincerely and deeply regret that all of the Indian tribes, since the enactment of Public Law 280 in 1953 by Congress, have not voluntarily consented to complete civil and criminal state jurisdiction. Unfortunately, in a few areas of the state the absence of state jurisdiction over certain civil and criminal matters has caused great difficulties in law enforcement and has resulted in unnecessary hardships, particularly concerning Indian children. I have been strongly urged by many local civil and law enforcement authorities in those areas to sign this bill. Several members of the Supreme Court in their biennial reports to me likewise have urged that the state assume complete criminal and civil jurisdiction. This is necessarily a compromise bill insofar as it does not assume complete civil and criminal jurisdiction.

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It is my fervent hope and I have every reason to expect that local law enforcement officers will exercise proper restraints in enforcing this statute, and that the Indian population on its part will cooperate in making this law workable.

I want to stress particularly that Section 4 of this bill firmly secures and strengthens the policy of the state to protect Indian lands from alienation, encumbrances and taxation. Likewise, this bill does not in any manner whatsoever interfere with those ancient hunting, trapping and fishing rights which belong to the Indians.

To the extent that this bill may conceivably be in violation of the equal protection and due process clauses of the State and Federal Constitution, I trust that those matters will be taken to court for early determination.

Sincerely,

G o v e r n o r