

National Congress of American Indians

530 DUPONT CIRCLE BUILDING
1346 CONNECTICUT AVENUE, N.W.
WASHINGTON 6, D. C.

ADAMS 2-3390

July 28, 1958

Washington 25, D. C.

Dear -----:

Pending before the Senate and before the House Committee on Government Operations are identical bills, S. 1538 and H.R. 2553 "for the adjustment of the Legislative Jurisdiction exercised by the United States over and in the several states used for federal purposes". S. 1538 was reported to the Senate March 25, 1958. The purpose of the bill is to extend limited state jurisdiction over areas actually used and occupied by the United States. An example given by the Committee in its report (S. Report 1278) is the United States Air Academy in Colorado.

The bill does not mention Indian trust, tribal or reservation lands, but under the language of Section one it might be interpreted to include such lands. The pertinent part of Section one reads as follows:

"Notwithstanding any other provision of law, the head or other authorized officer of any department or agency of the United States may, in such cases and at such times as he may deem desirable, relinquish to the State in which any lands or interests therein under his jurisdiction, custody, or control are situated all, or such portion as he may deem desirable for relinquishment, of the jurisdiction theretofore acquired by the United States over such lands, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary."

Provision is made for acceptance by the State of such jurisdiction to make the transfer effective.

Under Public Law 280, 83rd Congress, States may assume jurisdiction over Indian reservations, but even that law (of which we seek revision because it gives Indian Tribes no share in determining upon the deprivation of tribal jurisdiction) protects Indian treaty rights (save as to tribal civil and criminal jurisdiction over members), tax-exemption, and the right to hold land in restricted status. Under the pending bill, the Department of the Interior could, presumably, relinquish jurisdiction over Indian tribal lands

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*Letter sent to 29 Congressmen and 13 Senators.
Members of House and Senate Committee on Government Operations.*

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without reserving these rights. Inasmuch as the Department these days seems to be the foremost exponent of "termination", it is not unreasonable to expect it to do just that. Thus, the Department instigated the interpretation of P.L. 280, 83rd Congress, that hunting and fishing rights were not protected on the Klamath and Umatilla Reservations, which required litigation to reverse in the Courts. We fear that the pending bills, if enacted in their present form might be used by the Department as a method for cancelling out treaty rights on the reservations.

The bill is the result of many years of study (S. Rept. 1278, p.4). The report of the Interdepartmental Committee on whose findings the bill is based did not mention Indians. A staff director of that Committee has said that Indians were ignored in the study because the problem of jurisdiction over Indian lands was too complicated a matter to take up within the confines of the study.

There is, however, real danger that the bill if enacted would be interpreted to include Indian lands. We would very much appreciate it if you would use your good offices to obtain an amendment of the bill specifically excluding Indian lands and reservation areas from coverage thereunder.

If the Committee should decide that an amendment is not desirable, then the Committee report should make clear that Indian lands are not affected by this legislation. The transfer of jurisdiction over Indian lands from the Federal Government to the States is the subject of special statutes, particularly Public Law 280 (83rd Congress).

Very truly yours,

Helen L. Peterson
Executive Director