Media Contact: Tozier - Interior 4306
For Immediate Release: January 25, 1955
Print PDF

Secretary of the Interior Douglas McKay announced today that the Department of the Interior has proposed to Congress an amendment of Public Law 280 of the 83d Congress which governs the extension of State criminal and civil jurisdictions to Indian reservations and other similar Indian areas.

Public Law 280, approved by President Eisenhower August 15, 1953, extended State jurisdiction, with certain exceptions, to Indian areas in California, Minnesota, Nebraska, Oregon and Wisconsin, It also gave congressional consent for other States to assume such jurisdiction by appropriate enactment but without any requirement for consultation with the Indians who would be affected.

In signing the law President Eisenhower made a statement objecting to this latter feature and recommending that “the Act be amended 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."

The proposed amendment is intended to carry out the President’s recommendation. Several bills of this type were introduced in the second session of the 83d Congress but none was enacted.

Under the proposed amendment, in any State where an extension of jurisdiction was contemplated, the first step would be for the Governor to consult fully with the Indians concerned for the purpose of learning their wishes and to report the results of this consultation to the Secretary of the Interior. The second step would be a notification by the Governor to the Secretary that the State had enacted a law extending its jurisdiction to Indian areas. It would then become the duty of the Secretary to find and determine whether the proposed extension of jurisdiction would be in the best interests of the Indians concerned.

If the finding and determination should be negative, the Governor would be so notified and the extension of State jurisdiction would not become effective. If the finding was affirmative, a notice to that effect would be published in the Federal Register. On the 90th day after publication, the State jurisdiction would be extended to the areas of Indian country listed in the notice,

The proposed amendment would also make the same procedure effective for any extensions of State jurisdiction that might be contemplated at the Red Lake Reservation in Minnesota and the Warm Springs Reservation in Oregon, two areas that were exempted from the provisions of Public Law 280.