

March 26, 1934

Mr. S. L. Lewis,  
State Game Warden,  
State Building,  
Phoenix, Arizona

Dear Sir:

This will acknowledge receipt of your letter of March 18th, in which you seek an opinion of the Attorney General upon certain questions, which questions I will quote and answer in the following manner:

"1. Can our Deputies go on an Indian Reservation and arrest white men for violations of the State Game Laws within the boundaries of the reservation? If they can, before whom should the violators be cited to appear for hearing or trial?"

When the Federal Government has exercised its power by enacting laws dealing with a particular matter on Indian Reservations, the states or territories in which such reservations are situated are precluded from enforcing their laws on such reservations dealing with the same matter. A Federal statute (U. S. C. A. Title 25, Section 216) provides that it shall be unlawful for any person, other than an Indian, to hunt or fish on Indian Reservations and provides a penalty therefor. Therefore, our State Game Laws are not applicable within the boundaries of Indian Reservations.

"2. Can our Deputies go on an Indian Reservation and arrest Indians for violations of the State Game Laws committed within the boundaries of the Reservation. If they can, to whom should violators be cited to appear before for trial?"

Congress has the exclusive jurisdiction to define the crimes which may be committed by an Indian while on an Indian Reservation. (U. S. vs. Quiver, 241 U. S. 602; Elk vs. Wilkins, 112 U. S. 94; Bailey vs. U. S. 47 Fed. 2nd 702). Congress has exercised this jurisdiction. (U. S. C. A., Sections 217, 218 of Title 25 and Section 549, Title 18).

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"3. Does this Department have jurisdiction over the wild life within the boundaries of the Indian Reservations in Arizona?"

The Attorney General is of the opinion that your department has no jurisdiction over the wild life within the boundaries of an Indian Reservation in Arizona.

Yours very truly,

Attorney General

Assistant Attorney General

PHE/CD

COOR