

June 22, 1949

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Clifford J. Murdock
State Mine Inspector
Phoenix, Arizona

Dear Mr. Murdock:

We have your request for our opinion as follows:

"Kindly advise me if I have authority
to inspect mines on the Indian Reserva-
tion."

We assume that you refer to the uranium mines
located on the Navajo Reservation in Northeastern Arizona,
now operated under lease by the Federal Government to pri-
vate lessees.

Under ordinary conditions the State has no control
over the activities of a non-Indian on an Indian reservation.
His activities on the reservation are almost universally
governed by Federal laws. However, there are several well
recognized exceptions to this rule. By the Act of February 15,
1929, Congress provided for enforcement by state officers of
state regulations covering "health and educational" and "sani-
tation and quarantine" regulations.

Another exception has been recognized where the
state legislation supplements the protection of the Indians
provided by Federal law. Such legislation has been termed
"Ancillary" to federal law and has been upheld in a number
of cases. (State v. Dibble, 21 How. 366; State v. Kenney
145 Pac. 450; State v. Mamlock, 109 Pac. 47; State v. Wolf,
59 SE 40; Ann Cas. 1915 D 371.)

It is our opinion, inspection by you would be in
the nature of a survey of the health and sanitation conditions
existing at the mines, and further, because our mining regula-
tions would be ancillary to such Federal laws as exist covering
the regulations of mining activities on Indian Reservations,
and would be for the protection of any Indian employed in the
mines, it is also our opinion that you have the authority to
make an inspection of these mines.

Very truly yours,

FRED O. WILSON, Attorney General

PERRY M. LING, Chief Assistant
Attorney General

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Phoenix, Arizona

Dear Mr. Murdock:

We have your request for our opinion as follows:

"Kindly advise me if I have authority to inspect mines on the Indian Reservation."

We assume that you refer to the uranium mines located on the Navajo Reservation in Northeastern Arizona, now operated under lease by the Federal Government to private lessees.

Under ordinary conditions the State has no control over the activities of a non-Indian on an Indian reservation. His activities on the reservation are almost universally governed by Federal laws. However, there are several well recognized exceptions to this rule. By the Act of February 18, 1939, Congress provided for enforcement by state officers of state regulations covering "health and educational" and "sanitation and quarantine" regulations.

Another exception has been recognized where the state legislation supplements the protection of the Indians provided by Federal law. Such legislation has been termed "Ancillary" to Federal law and has been upheld in a number of cases. (State v. Bible, 21 How. 368; State v. Kenney, 145 Pac. 480; State v. Mamlock, 109 Pac. 47; State v. Wolf, 59 S2 40; Ann Cas. 1915 D 371).

It is our opinion, inspection by you would be in the nature of a survey of the health and sanitation conditions existing at the mines, and further, because our mining regulations would be ancillary to such Federal laws as exist covering the regulations of mining activities on Indian Reservations, and would be for the protection of any

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Clifford J. Murdock
State Mine Inspector

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Indian employed in the mines, it is also our opinion
that you have the authority to make an inspection of
these mines.

Very truly yours,

FRED C. WILSON
Attorney General

PERRY M. LING
Chief Assistant
Attorney General

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