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Research in Brief



Public Law 280 and Law Enforcement in Indian Country—Research Priorities

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Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

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ABOUT THIS REPORT

Enacted in 1953, Public Law 83–280 (PL 280) shifted Federal jurisdiction over offenses involving Indians in Indian country to six States and gave other States an option to assume such jurisdiction. Affected tribes and States have faced obstacles in complying with the statute, including jurisdictional uncertainty and insufficient funding for law enforcement. Yet, scant research exists on this issue. In 1998 the National Institute of Justice (NIJ) sponsored a review that identified significant gaps in data concerning crime and law enforcement on PL 280 reservations.

What did the researchers find?

Data collection difficulties may hamper future research: Some States and localities may not document response times to reservation-initiated crime reports, and PL 280 data needed from the Bureau of Indian Affairs may be inseparable from statistics for non-PL 280 jurisdictions. Because crime may be

unreported or underreported in PL 280 jurisdictions, victimization surveys may be needed to supplement available data on reported-crime rates in these jurisdictions. Research is also needed on:

- Measurable aspects of the quality of State law enforcement under PL 280, such as police response times to crime reports from reservations.
- Documentation of Federal funding and services to tribes in PL 280 jurisdictions, including such factors as jurisdictional vacuums.
- Concurrent tribal jurisdiction and enhancement of State/tribal relationships through cooperative agreements.

Who should read this report?

Federal, State, and local elected officials and policy-makers; tribal officials and advocates; law enforcement and other criminal justice professionals, including researchers.

Carole Goldberg and Heather Valdez Singleton

Public Law 280 and Law Enforcement in Indian Country— Research Priorities

This summary is based upon: Goldberg, Carole, and Heather Valdez Singleton, “Research Priorities: Law Enforcement in Public Law 280 States,” unpublished paper, Washington, DC: U.S. Department of Justice, National Institute of Justice, October 14–15, 1998, NCJ 209926, available at www.ncjrs.org/pdffiles1/nij/grants/209926.pdf.

States lack criminal jurisdiction over crimes committed by or against Indians in Indian country unless Federal legislation expressly grants such authority. Absent that legislation, tribal and Federal law enforcement generally share authority over those crimes, although a realm of exclusive tribal jurisdiction also exists. A significant number of Indian tribes fall under State jurisdiction under Public Law 83–280 (PL 280).¹

What is Public Law 280?

Congress passed PL 280 in 1953. The statute mandated shifting Federal criminal jurisdiction over offenses involving Indians in Indian country to certain States and gave other States an option to assume such jurisdiction in the future. State jurisdiction over Indians outside Indian country was unchanged.

Retrocession. A 1968 amendment to PL 280² contained a retrocession

“Indian country” is defined at 18 U.S.C. 1151 as follows:

... (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including the rights-of-way through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the titles to which have not been extinguished, including rights-of-way running through the same.

provision enabling a State that had previously assumed jurisdiction over Indians under the law to return all or some of its jurisdiction to the Federal Government, contingent on approval from the U.S. Department of the Interior. The amendment did not permit Indians either to veto State initiatives to retrocede or to impose retrocession

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on unwilling States. Subsequent bills to allow tribally initiated retrocession have failed in Congress and State legislatures.

Need for more research.

Tribes and States have voiced concerns about some of PL 280's consequences, including perceived jurisdictional uncertainty and insufficient funding for law enforcement. Despite these concerns and the law's importance to Federal Indian policy and law enforcement, little research has been done to determine the law's impact. The authors

identified some key areas for future research:

- Quantitative research comparing reported-crime rates in Indian country affected by PL 280 with rates in reservations not so affected and with rates in other parts of PL 280 States.
- Quantitative research bearing on the quality of State law enforcement services under PL 280.
- Documentation and evaluation of Federal law enforcement funding and services

A CURRENT ASSESSMENT OF LAW ENFORCEMENT IN INDIAN COUNTRY

The National Institute of Justice (NIJ) is currently supporting an investigation of the experiences of Indian tribes and local law enforcement agencies under PL 280. Researchers are studying 17 reservations in 10 States with and without PL 280 jurisdiction. Project objectives are to—

- Compare crime rates on reservations subject to PL 280 with rates on reservations not subject to PL 280.
- Determine the quality and availability of law enforcement and criminal justice under PL 280.
- Evaluate Federal law enforcement and criminal justice funding and services to PL 280 tribes.

- Evaluate retrocession, concurrent jurisdiction, and cooperative agreements as options to alleviate problems in PL 280 jurisdictions.
- Explore possible administrative and legislative responses to PL 280.

The researchers will produce a final report to NIJ and will disseminate relevant data and findings to study participants through teleconferences and written summaries of findings relevant to particular sites. Services will be offered to tribes that request help in drafting documents such as cooperative agreements. Study results are expected by 2006.

to tribes subject to PL 280 jurisdiction.

- Qualitative assessment of law enforcement under PL 280, e.g., examining whether and to what extent jurisdictional vacuums exist.
- Evaluation of the impacts of retrocession and concurrent tribal jurisdiction.
- Review of cooperative agreements in PL 280 States, such as between tribe and State.

A major study sponsored by the National Institute of Justice is investigating some of these areas (see “A Current

Assessment of Law Enforcement in Indian Country”).

PL 280 highlights

Affected States and tribes.

PL 280 transferred Federal criminal jurisdiction in Indian country to six States that could not refuse jurisdiction, known as “mandatory” States (see exhibit 1). The law did not provide for the consent of affected tribes. Thus, criminal laws in those States became effective over Indians within as well as outside Indian country. PL 280 provided no financial support for the newly established State law enforcement responsibilities.

Exhibit 1. States affected by PL 280

Mandatory States ^a	Optional States ^b
Alaska California Minnesota ^c Nebraska ^c Oregon ^c Wisconsin ^c	Arizona Florida Idaho ^c Iowa Montana ^c Nevada ^c North Dakota ^c South Dakota Utah Washington ^c

a. Tribes excluded from State jurisdiction by PL 280 were Confederated Tribes of the Warm Springs Reservation in Oregon and the Red Lake Band of Chippewa Indians in Minnesota.

b. Some of the optional States made their acceptance of PL 280 jurisdiction contingent on tribal or individual Indian consent that was never forthcoming. Other optional States accepted jurisdiction over very limited subject areas.

c. Contains some tribes that have retroceded.

The law also permitted other States, at their option and without consulting tribes, to choose to assume complete or partial jurisdiction over crimes committed by or against Indians in Indian country. Ten States chose to do so; these are referred to as “optional” States (see exhibit 1). In 1968, an amendment to PL 280 required tribal consent before additional States could extend jurisdiction to Indian country. Since 1968, no tribe has consented.

Through PL 280’s retrocession provision, several mandatory and optional States have returned jurisdiction over nearly 30 tribes to the Federal government, thereby reinstating tribal/Federal responsibility for law enforcement.

PL 280’s scope in terms of affected tribes and Indian population is put into perspective once the broad contours of Indian country are sketched. Federally recognized tribes are spread across 56 million acres in the contiguous 48 States and millions of additional acres in Alaska. Of the 562 federally recognized tribes, more than 330 live in the contiguous

48 States. The U.S. Census Bureau estimates an Indian population of about 2,786,652 (including Alaska Natives), or 0.9 percent of the estimated U.S. population in 2003.³ All but an estimated 106,450 live in the contiguous 48 States. Almost half of this population does not live on a reservation and is therefore subject to State authority independent of PL 280.

About 23 percent of the reservation-based tribal population in the contiguous 48 States and all Alaska Natives⁴ fall under PL 280. The statute covers 28 percent of all federally recognized tribes in the contiguous 48 states and 70 percent of all federally recognized tribes (including Alaska Native villages).

Criminal jurisdiction. Many unusual challenges confront policing in Indian country (see “Overview of Policing in Indian Country”). One is determining criminal jurisdiction, which may lie with Federal, State, or tribal agencies depending on such considerations as the identity of the alleged offender and victim and the nature and location of the offense.

OVERVIEW OF POLICING IN INDIAN COUNTRY

Aside from jurisdictional issues, policing on Indian reservations faces many difficulties that law enforcement elsewhere generally need not confront, at least to the same extent. Data collected by the Bureau of Justice Statistics, for example, suggest that violent victimization among American Indians and Alaska Natives exceeds that of other racial or ethnic subgroups by about 2.5 times the national average.^a

According to a National Institute of Justice-supported study, a typical police department in Indian country serves a population of 10,000 residing in an area about the size of Delaware patrolled by no more than 3 officers at any one time.^b Even so, many reservation residents live in areas with characteristics of suburban and urban locales. Researchers found that the overall workload of Indian country police departments has been increasing significantly in intensity and range of problems—driven by rising crime, heightened police involvement in social concerns related to crime, and increased demand for police services.

The study reported that most police departments in Indian country are administered by tribes under contract with the Bureau of Indian Affairs (BIA). The second most common type of department management is direct BIA administration. Under the former arrangement, law enforcement personnel are tribal employees; under the latter, they are Federal employees. State and local authorities supply police services to tribes not affected by retrocession in PL 280 States.

Of Indian country police departments surveyed, the researchers found:^c

Officers that were Native American	66%
Officers that were women	12%
Native American officers who were members of the tribe they serve	56%
Officers who were unable to speak the language native to the community they serve	87%

Notes

- a. Perry, Steven W., *American Indians and Crime*, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, December 2004, NCJ 203097: iii; 4–6. Violent victimization comprises rape/sexual assault, robbery, and aggravated/simple assault. The report (p. 10) notes that of Indian victims of violent crime who could perceive whether offenders had used alcohol and/or drugs, 71 percent indicated that such usage was a factor in the crimes. That compares to 51 percent for violent crimes against all races.
- b. Wakeling, Stewart, Miriam Jorgensen, Susan Michaelson, and Manley Begay, *Policing on American Indian Reservations*, Washington, DC: U.S. Department of Justice, National Institute of Justice, July 2001, NCJ 188095: vi; available at www.ncjrs.org/pdffiles1/nij/188095.pdf.
- c. *Ibid.*: 25.

Exhibit 2 shows how those considerations pertain to criminal jurisdiction in PL 280 States. For example, law enforcement often must consider such questions as: Is the alleged perpetrator or victim Indian or non-Indian? Is the crime major or minor; victimless or not? Did the offense occur in a PL 280 mandatory or optional State?

Court decisions have attempted to define the jurisdictional contours of PL 280; however, they have also raised some areas of uncertainty:

- *Regulatory versus prohibitory laws.* The U.S. Supreme Court has declared that “regulatory” rather than “prohibitory” State criminal laws are outside the scope of jurisdiction conferred by PL 280.⁵ This distinction eludes clear definition and has generated considerable litigation.
- *Local versus State laws.* Some judicial decisions reject application of local law to residents of Indian reservations under PL 280.⁶ The U.S. Supreme Court

Exhibit 2. Indian country criminal jurisdiction as conferred by PL 280

Offender	Victim	Jurisdiction
Non-Indian	Non-Indian	State jurisdiction is exclusive of Federal and tribal jurisdiction.
Non-Indian	Indian	Mandatory State has jurisdiction exclusive of Federal and tribal jurisdiction. Optional State and Federal Government have jurisdiction. There is no tribal jurisdiction.
Indian	Non-Indian	Mandatory State has jurisdiction exclusive of Federal Government but not necessarily of the tribe. Optional State has concurrent jurisdiction with the Federal courts.
Indian	Indian	Mandatory State has jurisdiction exclusive of Federal Government but not necessarily of the tribe. Optional State has concurrent jurisdiction with tribal courts for all offenses and concurrent jurisdiction with the Federal courts for those offenses listed in 18 U.S.C. 1153.
Non-Indian	Victimless	State jurisdiction is exclusive, although Federal jurisdiction may attach in an optional State if impact on individual Indian or tribal interest is clear.
Indian	Victimless	There may be concurrent State, tribal, and in an optional State, Federal jurisdiction. There is no State regulatory jurisdiction.

Source: U.S. Department of Justice, “Jurisdictional Summary,” *U.S. Attorneys’ Manual*, Title 9, Criminal Resource Manual 689. Retrieved October 24, 2004, from the World Wide Web: www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00689.htm.

has not ruled on this question.

- *Concurrent tribal jurisdiction.* Most Federal and tribal justice systems that have addressed the issue of concurrent tribal jurisdiction in PL 280 States have determined that such jurisdiction exists. PL 280 contains no language removing tribal jurisdiction. The U.S. Supreme Court has not ruled on this matter either. But the Office of Tribal Justice, U.S. Department of Justice, concluded in 2000 that “Indian tribes retain concurrent criminal jurisdiction over Indians in PL 280 States.”⁷

- *Gaming offenses.* Language in the Indian Gaming Regulatory Act of 1988 suggests that Federal criminal jurisdiction will supersede State jurisdiction in PL 280 States with respect to gaming offenses. That has been contested by several States, including California.⁸

PL 280 did not provide for the consent of affected tribes and did not provide financial support for the newly established State law enforcement

responsibilities. It also did not expressly abolish tribal justice system jurisdiction, diminish the Federal Government’s overall trust responsibility to tribes, or reject Federal obligations to provide services to tribes other than Federal law enforcement.

Tribal and State concerns

Some tribes have voiced complaints that Federal funding was reduced for decades as a result of PL 280. In recent years, the U.S. Department of Justice has provided funding to tribes in PL 280 States, including funds for victims of crime, violence against women, community-based policing, and court development. Other concerns voiced by PL 280 tribes include the absence of effective law enforcement, infringement of tribal sovereignty, and confusion about jurisdiction when criminal activity has occurred or presents a threat.

State and local law enforcement agencies’ criticisms of PL 280 typically focus on the absence of Federal funding for State law enforcement

services within Indian country or on difficulties in carrying out State law enforcement obligations because of uncertainty about the scope of State jurisdiction and officers' unfamiliarity with tribal communities.

Why more research is needed

Empirical research in the criminal justice field tends to focus on Indians as ethnic groups or on Indians in non-PL 280 States.⁹ But the shortage of research on PL 280 has not gone unnoticed. A 1998 study funded by NIJ noted the absence of research concerning crime in Indian country in PL 280 States and recommended "a DOJ study devoted to the unique problems of law enforcement on reservations subject to PL 280."¹⁰ Another NIJ-supported study cited "limited research on policing in Indian country" and suggested comprehensive research on law enforcement under PL 280.¹¹

Qualitative studies of PL 280's impact.

Two major studies that focused on PL 280 have been completed—

a 1974 survey of Indians in Washington, an optional State, and a 1995 survey of Indians in the mandatory State of California.¹² Neither study exhausted the research potential of PL 280.

The Washington study's main purpose was to document Indian residents' perceptions of State jurisdiction.¹³ About half of the Indians surveyed felt they were treated poorly or indifferently by State, county, or local police. Juvenile matters were of greatest concern to most interviewees. Their next greatest concerns were violent crimes, traffic laws, narcotics, trespass, and theft. Respondents expressed an unusually high degree of uncertainty about the agencies responsible for law enforcement in their tribal territories, and State and local law enforcement personnel seemed equally concerned by the confusion. Whether the problems identified by the study continue to plague Indian country in Washington State is unknown, however, and its single-State focus limits its general applicability to other States.

Part of the questionnaire used in the more recent California-based survey probed tribes' experience and satisfaction with State law enforcement. Tribal concerns about jurisdictional confusion, inadequate or untimely response, and insensitive or discriminatory treatment were evident. Mentioned frequently were problems with drugs and violent crimes. The researchers concluded that limited and uncertain State jurisdiction under PL 280, coupled with the absence of tribal justice systems and law enforcement,¹⁴ created situations where no legal remedies existed. Consequently, tribal members sometimes engaged in self-help that erupted, or threatened to erupt, into violence.

The California study is not a definitive qualitative assessment of PL 280 because of its limited breadth of coverage. Factors affecting tribes in California may have rendered their PL 280 experience atypical and thus not representative of the law's overall impact on PL 280 States.

Quantitative research on PL 280's impact. No quantitative studies of the impact of PL 280 on tribes and local law enforcement exist. Federal, tribal, and State authorities do not compile data needed for such research.¹⁵ For example, most tribes in PL 280 jurisdictions do not report crime data to the Bureau of Indian Affairs' Crime Analysis Division.

For many years, no tribal law enforcement agency under PL 280 jurisdiction responded to FBI requests for crime statistics. That began to change in the mid-1990s as tribes enhanced their law enforcement and justice systems with resources from the U.S. Department of Justice's Office of Community Oriented Policing Services. Still, reporting crime data to the FBI and accessing crime information systems remains a challenge for tribal law enforcement agencies.

The authors have tried with limited success to construct usable crime data for California Indian country. County-level data represent the best

source, but several county sheriffs' offices claim that crimes committed in Indian country often are not reported.

Research priorities

The lack of data on PL 280 presents a serious impediment to understanding the unique set of problems associated with State jurisdiction in Indian country. As noted earlier, there are several areas of concern.

Measuring crime rates. Serious policy analysis must begin by obtaining the best available data on reported-crime rates in Indian country affected by PL 280. To evaluate the impact of State criminal justice jurisdiction compared with the Federal and tribal jurisdiction applicable without PL 280, a desirable approach would be to document the experience in States (mandatory and optional) affected by the statute, States that assumed partial versus complete PL 280 jurisdiction, and States with and without tribal justice systems. These data should be compared with the best crime rate data available from similar reservations in States

not affected by PL 280 and with crime rate data for other comparable parts of the PL 280 States.

For particular reservations, comparisons should be drawn between crime data before and after a State's assumption of PL 280 jurisdiction and before and after a State or tribe retroceded jurisdiction under the statute. If data sources are unavailable, documenting the current situation would lay the groundwork for future longitudinal studies.

Because crime may be underreported in a PL 280 State, research on crime victimization is needed. If relevant victimization data are not available, separate surveys should be undertaken.

Measuring State law enforcement response under PL 280. For the same States and time periods noted in the preceding recommendation, researchers should determine the time required for police to respond to crime reports. If State and local law enforcement do not already document response time, the Federal Government should support and fund research to provide the

data. To make appropriate comparisons, documentation of Federal and tribal response times in areas of their jurisdiction is necessary.

Another useful comparison would be the frequency of complaints filed against police by reservation residents in PL 280 States versus those by residents in other parts of those States or by residents of non-PL 280 reservations.

Documenting and evaluating Federal support. The Department of Justice provides direct block grant and formula funds to States. Tribes are eligible to access those resources for law enforcement services. A review of these awards to tribes in PL 280 jurisdictions as subgrantees should assess the degree to which they access those funds and whether funding under some law enforcement programs is systematically denied. For example, researchers at the University of California–Los Angeles (UCLA) conducting a survey of California tribes for the Advisory Council on California Indian Policy estimated that Bureau of Indian Affairs per capita funding for Indians

in PL 280 jurisdictions within California was one-quarter to one-half the funding level for all other Indians served by the agency.¹⁶

Assessing the quality of law enforcement under PL 280. Ideally, the UCLA survey should be replicated and its content amplified for a sample of additional tribes in California, a sample of tribes in other PL 280 States, and a comparison sample of similar tribes in non-PL 280 States and retroceded tribes. Such a comparative assessment across States—administered in an interview format to allow for more open-ended responses—would identify existing strategies and arrangements that may offer more effective law enforcement solutions within the framework of PL 280.

Among the many topics that this survey could address are governmental provision of law enforcement services, the responsiveness of such services, the quality of investigations, the nature and extent of tribal members' understanding of PL 280, identification of jurisdictional vacuums, and views on retrocession.

The qualitative assessment should also interview State and local law enforcement officials involved in carrying out PL 280's mandate in order to determine patrol practices and response times, communication and interaction with tribal communities about law enforcement priorities and practices, funding associated with PL 280 jurisdiction, and how confusion about PL 280 may affect law enforcement practices.

These surveys would provide essential preliminary data and identify problems requiring more intensive study.

Evaluating the impact of retrocession and concurrent jurisdiction. Many tribes dissatisfied with State jurisdiction under PL 280 have responded with retrocession campaigns and development of tribal institutions that can exercise concurrent jurisdiction.¹⁷ Evaluations could identify the reasons for retrocession campaigns; the perceived benefits and disadvantages of retrocession; changes in crime rates since retrocession; and policies and practices at the State, tribal, and Federal levels that contribute to successful retrocession.

Even without retrocession, some tribes have exercised criminal jurisdiction within the framework of PL 280 and limits imposed by the Indian Civil Rights Act. Unlike retrocession, this strategy does not require consent or initiative from the State, although it may require cooperation from Federal funding sources. If research determines that concurrent jurisdiction achieves many of the same objectives as retrocession, tribes in PL 280 States may already possess the means to rectify local problems associated with PL 280. But, apart from legal issues, questions arise about the effectiveness of this approach as an alternative to retrocession. For example, concurrent jurisdiction may engender conflict or competition between State and tribal institutions. Research is needed to determine best practices and methods of allocating law enforcement and prosecutorial responsibility and to identify effective models for cooperative agreements to facilitate concurrent jurisdiction.

Cooperative agreements.

Jurisdictional conflicts between States and tribes have engendered bitterness and costly litigation.

Tribal–State agreements may ease such conflicts while supplying needed services to tribal communities within a framework of mutual consent. Research is needed to identify and analyze existing agreements in PL 280 States, assess their value for law enforcement from tribal and State perspectives, and suggest possible modifications and improvements. Such agreements can allocate prosecutorial responsibility in a concurrent jurisdiction situation or provide for cross-deputization.

An evaluation of Federal–State agreements should also be included in any comprehensive assessment of potential benefits from cooperative agreements.

Summing up

The research suggested here not only could initiate more systematic and ongoing data collection for crime rates in Indian country subject to PL 280 jurisdiction, but also generate better understanding of the efficacy of State criminal jurisdiction in Indian country. Findings could, in turn, lead to further study to explore possible Federal policies to improve law enforcement

within reservations affected by PL 280. Researchers also may want to review the responsibilities of the U.S. Departments of Justice and Interior as well as other Federal agencies that might assist tribes in developing their own justice systems.

Also recommended for review are possible congressional responses, such as legislation clarifying the grant of State jurisdiction, affirming concurrent tribal jurisdiction, encouraging voluntary inter-jurisdictional arrangements between tribes and States under PL 280, or authorizing tribally initiated retrocession.

Notes

1. Act of August 15, 1953, ch. 505, 67 Stat. 588 (codified as 18 U.S.C. 1162, 28 U.S.C. 1360, and other scattered sections in 18 and 28 U.S.C.). Other Federal statutes, enacted before and after PL 280, provided for State criminal jurisdiction over some tribes in some States. Those statutes are not within the scope of this Research in Brief. In addition to granting the affected States criminal jurisdiction over Indian country, PL 280 opened their courts to civil litigation previously possible only in tribal or Federal courts.
2. Act of April 11, 1968, Public Law 90–284, § 403, 82 Stat. 79 (codified at 25 U.S.C. 1323).

3. Population Division, U.S. Census Bureau, Table 4: "Annual Estimates of the Population by Race Alone and Hispanic or Latino Origin for the United States: July 1, 2003" (SC-EST2003-04). Retrieved October 26, 2004, from the World Wide Web: www.census.gov/popest/states/asrh/tables/SC-EST2003-04.pdf.
4. As a result of the U.S. Supreme Court decision in *Alaska v. Native Village of Venetie Tribal Government* 522 U.S. 520 (1998), little Indian country remains in Alaska. Consequently, little territory is left in Alaska where the State requires Federal authorization to exercise Indian country jurisdiction.
5. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202, 209 (1987).
6. For example, in *Santa Rosa Band of Indians v. Kings County*, 532 F.2d 655 (9th Cir. 1975), the Ninth Circuit held that the county could not apply zoning and building codes to tribal land.
7. Office of Tribal Justice, U.S. Department of Justice, "Concurrent Tribal Authority Under Public Law 83-280," position paper, November 9, 2000, available at www.tribal-institute.org/lists/concurrent_tribal.htm.
8. *Sycuan Band of Mission Indians v. Roache*, 38 F.3d 402, 407 (9th Cir. 1994), *amended* 54 F.3d 535 (1995).
9. See "American Indian Criminality: What Do We Really Know?" in *American Indians: Social Justice and Public Policy*, Donald E. Green and Thomas V. Tonneson, eds., Madison, WI: The University of Wisconsin System, 1991; Green, Donald E., "The Contextual Nature of American Indian Criminality," *American Indian Culture and Research Journal* 17(2)(1993); and *Native Americans, Crime, and Justice*, Marianne Nielson and Robert Silverman, eds., Boulder, CO: Westview Press, 1996.
10. Lujan, Carol C., James Riding In, and Rebecca Tsosie, "Justice in Indian Country: A Process Evaluation of the U.S. Department of Justice Indian Country Justice Initiative—Final Evaluation Report," Final report for the National Institute of Justice, grant number 96-IJ-CX-0097, 1998, NCJ 181048: 23.
11. Wakeling, Stewart, Miriam Jorgensen, Susan Michaelson, and Manley Begay, *Policing on American Indian Reservations*, NIJ Research Report, Washington, DC: U.S. Department of Justice, National Institute of Justice, 2001, NCJ 188095: 1, 3. Law enforcement under PL 280 was not addressed by this study.
12. Johnson, Ralph W., *Justice and the American Indian*, vol. 1, *The Impact of Public Law 280 Upon the Administration of Justice on Indian Reservations*, Rapid City, SD: National American Indian Court Judges Association, 1974; Goldberg-Ambrose, Carole, and Duane Champagne, "A Second Century of Dishonor: Federal Inequities and California Tribes," unpublished report for the American Advisory Council on California Indian Policy, March 27, 1996 (on file with the UCLA American Indian Studies Library). This study is discussed in Goldberg-Ambrose, Carole, "Public Law and the Problem of Lawlessness in California Indian Country," *UCLA Law Review* 44(1997): 1405, 1437-41;

and in Goldberg-Ambrose, Carole, and Timothy Carr Seward (translator), *Planting Tail Feathers: Tribal Survival and Public Law 280* (Contemporary American Indian Issues No. 6), Los Angeles, CA: UCLA American Indian Studies Center, 1997. Other studies and assessments have focused on tribal policing but do not address issues associated with State jurisdiction under PL 280 and include a very limited number of PL 280 tribes.

13. The study's staff interviewed approximately 250 members of 20 Washington tribes and Federal, State, and local judicial and law enforcement personnel in the State.

14. Jimenez, Vanessa J., and Soo C. Song, "Concurrent Tribal and State Jurisdiction Under Public Law 280," *American University Law Review* 47(1998): 1627. From pages 1660–61: "With the enactment of Public Law 280, legislators withdrew a significant aspect of the Federal Government's responsibility for law enforcement in Indian country and took their financial support with them."

15. Federal Government studies also have emphasized difficulties in collecting crime data for reservations outside PL 280 States. See U.S. Department of Justice, Office of the Inspector General, *Criminal Justice in Indian Country*, Audit Report 96–16, Washington, DC: U.S. Department of Justice, 1996; also see Wakeling et al., *Policing on American Indian Reservations*: 13–15.

16. See Goldberg-Ambrose and Champagne, "A Second Century of Dishonor." Collecting comparable data for other PL 280 States is difficult because Bureau of Indian Affairs funding is typically distributed by area office, which may cover several States and may not separate data by tribe, even in PL 280 States.

17. See, for example, Bozarth, Bonnie, "Public Law 280 and the Flathead Experience," *Journal of the West*, 39(3)(2000): 46.

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