

OPINIONS OF THE SOLICITOR

OF THE DEPARTMENT OF THE INTERIOR
RELATING TO INDIAN AFFAIRS
1917-1974

Volume I

William S. Hein & Co., Inc.
Buffalo, New York
2003

Library of Congress Cataloging-in-Publication Data

United States. Dept. of the Interior. Office of the Solicitor.

Opinions of the Solicitor of the Department of the Interior relating to Indian affairs, 1917-19
p. cm.

Originally published: Washington, D.C. : U.S. Dept. of the Interior, c1979.

Includes index.

ISBN 1-57588-755-X (set)

1. Indians of North America--Legal status, laws, etc. 2. Indians of North America--Government relations. 3. Legal opinions--United States. I. Title.

KF8204 2003

342.73'0872--dc21

2003047811

This book has been digitally archived to maintain
the quality of the original work for future generations
of legal researchers by William S. Hein & Co., Inc.

This volume printed on acid-free paper
by William S. Hein & Co., Inc.



Printed in the United States of America.

OPINIONS OF THE SOLICITOR

OF THE DEPARTMENT OF THE INTERIOR
RELATING TO INDIAN AFFAIRS
1917-1974

Volume I



UNITED STATES
DEPARTMENT OF THE
INTERIOR

CONTENTS

Introduction	v
Opinions of the Solicitor	i
Addenda	2075
Chronological Table of Opinions	2101
List of "M"—Numbered Opinions	2129
Table of Supplemented, Overruled, and Modified Opinions	2135
Index	2137

INTRODUCTION

Congress, by the Indian Civil Rights Act of 1968, authorized and directed the Secretary of the Interior to "have prepared, to the extent determined by the Secretary . . . to be feasible, an accurate compilation of the official opinions, published and unpublished, of the Solicitor of the Department of the Interior relating to Indian affairs . . .". 25 U.S.C. § 1341. These volumes represent an endeavor to carry out that mandate.

Some of the opinions included here have previously appeared in the series entitled *Decisions of the Department of the Interior Relating to Public Lands* (cited "L.D.") and its continuation, *Decisions of the Department of the Interior* (cited "I.D."). Most, however, have never before been published. Thus, an extremely valuable, but largely inaccessible, source for the study of Indian law has become available to the public for the first time.

The opinions of the chief legal officer of the Department of the Interior, which has primary responsibility for the management of Indian affairs, often have implications reaching far beyond the perimeters of ordinary administrative decisions. They deal not only with matters arising from the day-to-day functioning of the Bureau of Indian Affairs, but also interpret major Indian statutes, determine the status of Indian land and rights in natural resources, define tribal governmental powers and analyze many other subjects of vital import to Indian tribes and Indian people.

The utility of the opinions in these volumes is not that they have binding effect but that they are

often accorded "great weight" by the courts. See *United States v. Jackson*, 280 U.S. 183, 193 (1930) and *Udall v. Tallman*, 380 U.S. 1 (1965). The extensive index provided in these volumes will hopefully facilitate efforts of practitioners in finding the more important and useful opinions and legal conclusions of administrative officers.

It should be noted that, while every effort was made to find all existing opinions, inevitably, in a project of this scope, some will have inadvertently been missed. (Seven opinions, located after this compilation was sent to the printer, are included in the Addenda.) Moreover, it was determined at the time the compilation was sent to the printer that the 1968 Act authorized publication only of those opinions signed by the Solicitor or Deputy Solicitor. Therefore, decisions and opinions of other officials, such as Assistant Secretaries and Associate Solicitors, are not included, unless they were expressly approved by the Solicitor.

It is expected that supplements to this compilation will be published periodically. In the meantime, recent important opinions can be located through the Index-Digest published by the Office of Hearings and Appeals of the Department of the Interior, which indexes all opinions included in the annual volume of *Interior Decisions* as well as major unpublished opinions.

This compilation was prepared in the Office of the Solicitor, under the direction of Deputy Solicitors Raymond C. Coulter and David E. Lindgren, by the staff of the Indian Civil Rights Task Force.