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ALCOHOL BEVERAGE CONTROL: A SURVEY OF TRIBAL ALCOHOL STATUTES

*Phillip May**

The sale of alcohol to American Indians, and even the possession of alcohol by an Indian, has been extensively regulated by law within the North American continent for many years. From the early colonial days to the present, alcohol laws relating to Indians have been a source of concern and controversy. Laws prohibiting the sale of alcoholic beverages to Indians in the United States have been enacted variously at the state (and colony or territory), federal, and tribal level.¹ This does not mean that prohibition was effective, for bootlegging and other illegal practices were common.² But legal access to alcohol was denied Indians from the early colonial years until recent times.³

Repeal of Federal Indian Prohibition

In 1953, when federal Indian prohibition was repealed, an Indian could, for the first time in his lifetime, drink legally off the reservation. The law making this possible was Public Law 83-277, and it was passed and signed into law on August 15, 1953.⁴ This law also provided that all tribes were granted the power to repeal any and all prohibition statutes on their reservations. Worded another way, each tribe could legalize and regulate alcohol traffic of any kind within its reservation's boundaries from that time on.

The specific reasons behind the passage of Public Law 277 were many. The preamble indicates that the civil rights trend which began in the 1950's was influential in making Indian prohibition laws appear discriminatory.⁵ In an attempt to eliminate this discrimination, the law was passed. In addition, several Indian affairs groups requested its passage.⁶ It also may have been that prohibition laws had been ineffective in stopping the flow of intoxicating beverages to Indian country.⁷ In a more skeptical or pragmatic vein, Public Law 277 may have been merely one small part of the massive termination movement of the Eisenhower Administration. By granting Indians full rights of determination in

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every realm of their lives, including alcohol policy, it became easier or more expeditious to institute a policy of termination of Indian treaty rights. Regardless of the actual motives, the federal Indian prohibition laws were repealed and not only could Indians drink legally off-reservation for the first time since 1832, but individual tribes now had a decision to make regarding alcohol on their own reservation.

The decision of whether to repeal the long-standing alcohol prohibition on the respective reservations is not an easy one to make. Many factors weigh on the decision. It was and still is a particularly difficult decision for the generations of Indian people who have known no other way than prohibition throughout their entire lives. "Liquor and Indians are not a good combination" was the prevailing idea manifest in many levels of society and in the previous laws.⁸ Given considerations such as these, some tribes have legalized alcohol and others have not. To fully describe the action taken by particular tribes is the major purpose of the remainder of this paper.

Number of Reservations with Legal Alcohol

In spite of the historical precedents and the difficulty of the decision, some tribes entered very quickly into the uncertainties of alcohol legalization. As Table 1 indicates (all tables are found following the text of this paper), in the year and one-half following Public Law 83-277, 22 laws were passed legalizing alcohol on a similar number of reservations.⁹ After the initial flurry from November, 1953, through the end of 1954, the rate of legalization laws enacted slowed considerably until the middle 1960's, when the activity rose to a steady pace of over 12 laws every two years. The more daring tribal councils may have been quick to act and pass legislation while some others were slower in dealing with the subject or in passing legalization legislation. Nevertheless, Table 1 totals show that by December 31, 1974, 115 laws regarding alcohol legalization had been passed. Whereas Table 1 indicates the gross number of legalization laws passed, Table 2 presents a wider variety of information. Each law passed by a tribe, reservation, or Indian community is listed by name, the year the law was published in the *Federal Register* (finalizing its passage), and some of the specific provisions which were provided for by the law. A careful examination of Table 2 shows that 86 tribes and/or reservations are represented by the names on the laws. This number, however, does not represent the exact number of legal reservations as of the end of 1974. As can be seen in law number 84 in

Table 2, all legalization laws were repealed on the Pine Ridge Oglala Sioux Reservation in August 1970, returning it once again to prohibition status. In addition, two of the laws listed in the *Federal Register* by tribe involved multiple reservations. Law number 5 legalized alcohol on the six reservations of the Minnesota Chippewa Tribe and law 51 legalized alcohol on three Seminole reservations. When these factors are taken into consideration, the resultant figure is that 92 reservations had legalized alcohol in some capacity by the end of 1974.

The Bureau of Indian Affairs lists 293 reservations in the lower-48 United States as "recognized" or dealt with as legal entities by the federal government (some state reserves not included).¹⁰ Thus the 92 reservations which presently have legalized alcohol represent 31.4 per cent of all reservations (see Table 3).

As far as overall population is concerned, there is an even greater percentage of Indians living on alcohol-prohibited reservations than on legalized alcohol ones. Table 4 indicates that only 23.4 per cent of the population resides on reservations where alcohol is currently legal. The one factor greatly influencing that statistic and making it considerably lower than the per cent of "wet" reservations is that the largest reservation in the United States, the Navajo, is still under prohibition. The Navajo population of over 130,000 individuals constitutes more than one-fifth of the entire reservation population in the lower-48 states, and is approximately 10 times as large as the second largest reservation (Pine Ridge). When Navajo Reservation population data are excluded from the rest of the prohibition reservations, their mean population of 1,262 is similar to that of the legalized reservations' 1,248. Thus, with the exception of the Navajo Reservation, legal and prohibition reservations have approximately equal average size. Overall, then, with respect to total population, 76.6 per cent of all reservation Indians presently live under laws of prohibition.

Provisions of Tribal Alcohol Laws

The specific content of the various tribal alcohol statutes shows a wide degree of variation (see Table 2). Although many of the laws merely legalize alcohol within reservation boundaries, others set up extremely complex laws for introduction, sale, licensing sales, taxing, etc.

The most common type of law passed on reservations (see Table 2) contains the following provisions:

1. Introduction, sales, and possession of intoxicating beverages

is lawful as long as it is in accordance with state (the state in which the reservation is contained) laws.

2. Any tribal prohibition statutes which were previously in effect are repealed.

Approximately 54 (46.9 per cent) of the 115 laws passed since 1953 contain only these provisions. Four tribes passed laws which allowed only possession and introduction and continued to prohibit sale on the reservation, but of these, all but one were later revised to allow sale.¹¹

In general, the trend in alcohol laws has been from simple to complex. Through the years the laws have become more extensive in both their provisions and restrictions. A careful examination of Table 2 indicates an increasing trend to include more specific regulations in the form of tribal licensing systems, tribal taxes, and definitions of where and when beverages are to be sold. The first laws passed seldom dealt with these topics, but some laws in later years have begun to limit sales to one area on the reservation, limit the number of licenses per 1,000 or 1,500 population, restrict sales to particular times, limit sale only to package outlets, control both retail and wholesale concerns, etc.

Tribal licenses are examples of increased specificity. Forty-six of the laws affecting 47 per cent (44) of the reservations make it necessary to have a tribal license to sell intoxicating beverages (Table 2). A vast majority of these license laws have been passed since 1960. A similar trend is apparent regarding tribal taxes, but only five tribes have made provisions in this area.¹² Most tribes prefer to make money from the sale of licenses to retail and sometimes wholesale concerns.

Further data from Table 2 indicate that 10 tribes on 15 reservations provided for their tribe to enter the liquor sales business on a package and/or wholesale basis. No law mentions bar or by-the-drink sales by a tribe. Although packaged liquor sales and liquor-by-the-drink sales are allowed on most reservations, specific provision and/or regulation for these types of sale are made in 13 of 15 laws, respectively. Very few laws make any distinction between liquor, wine, beer, and malt beverages. Many reservations and tribes prefer to deal with them according to the laws of the states in which they live. A final conclusion from Table 2 concerns size of tribe and type of law. In general, the larger tribes, such as the Rosebud Sioux, White Mountain Apache, Turtle Mountain Chippewa, and others, have more specific and complex laws than the small tribes, (*i.e.*, most of the California and Washington state tribes). The larger tribes appear to take a more

active and aggressive role in the regulation of alcohol matters. It could also be that the problem is viewed in a less personal or more political and legalistic manner by the larger tribes.

To underscore the trend from simple to complex laws, a brief description will follow of the types of laws passed on several of the 20 reservations that have passed multiple laws. The Minnesota Chippewa Tribe legalized the introduction, sale, and possession of alcohol in 1953. In 1955, a second law was passed that added a taxing system and set fees for a license system. In 1953, the tribes of Fort Belknap Reservation legalized the introduction, sale, and possession of alcohol. In later laws (1961 and 1967), a license system was established with a fee system, the total number of licenses per district was limited, and regulations for package sales were defined. After legalizing the introduction, sale, and possession of alcohol in 1958 with a complex law providing for tribal licenses for retail and wholesale sales, hours of sale, conditions of sale, etc., the Council of White Mountain Apache later found it expedient to pass an even more complex law in 1973. Thus, not only have laws of differing tribes and reservations become more complex in later years, but laws passed in recent years on reservations that had previous alcohol legislation are generally more complex and specific.

Although the laws have become more complex, they have seldom nullified any general access to alcohol. The issues dealt with by recent laws are issues of where, when, and how alcohol is to be sold (see Table 2). For example, new laws restrict sale outlets in certain areas of the reservations, restrict time of day, set up revenue sources, etc., but sale or possession is in virtually all cases established for the first time or maintained. In only two cases was legalization of any type repealed.¹³ After passing laws in 1969 and 1970 to set up the legal introduction sale and possession of alcohol on the Pine Ridge Reservation, the Oglala Sioux Tribal Council repealed these laws after only two months of legalization and thereby reintroduced prohibition.¹⁴ A second case of repeal involved only the sale of alcohol. In 1955, the Walker River Paiute legalized the introduction, sale, and possession of alcohol.¹⁵ In 1963, a license system was set up and provisions made for both bar and package sales.¹⁶ In 1964, the tribal council repealed previous laws and stopped all sales.¹⁷ Introduction and possession of alcohol remained legal. But again in 1966, a new law was passed which reinstituted the sale of alcohol on the reservation.¹⁸ The reasons behind these instances appear to be similar. In the preambles of both of the repeal laws, particular "problems"

associated with immediate availability were perceived by particular segments of each tribe. At Walker River, the council cited no reason for its repeal other than its own perception that sale and "immediate availability" were problems. At Pine Ridge, the strong objection and formal resolutions passed by three of the conservative, traditional district councils were cited as the force behind repeal. Regardless of reason, Pine Ridge is the only reservation of 93 to have passed legalization measures and then repeal them totally.

Discussion and Conclusions

From the previous material it becomes obvious that technical prohibition on reservations in the United States is still the norm. Only 92 (31.4 per cent) reservations have laws legalizing alcohol. Furthermore, only 23.4 per cent of all reservation Indians reside in areas of alcohol legalization. On reservations where prohibition exists, bootlegging, trips to border towns, and various other forms of contrived access are used to obtain alcohol, and access to alcohol is generally not stopped by prohibition. Access is, however, more difficult and expensive under prohibition and may lead to patterns of drinking which are more highly problem-related than those which are present under a system which allows legal access to alcohol.¹⁹

If viewed in terms of the long existence of the Indian prohibition laws and the stereotype of the "drunken Indian" in the United States, it is no surprise that many tribes have retained prohibition. Growing up under a system that imparts the message that "Indians can't hold their liquor" may have created many doubts and a reluctance on the part of Indians to legalize alcohol. Although a large number of tribal councils have debated for many years the efficacy of legalization, a minority have repealed prohibition. It may be viewed as a risky experiment or a venture into the unknown.

Data of the type presented in this study have seldom if ever been brought to the attention of those dealing with tribal affairs or making decisions of this type. This author was surprised to find as many legalization laws as actually do exist. Similarly, the fact that only one tribe had repealed legalization and one other had curtailed sales was unexpected. It could be that the tribes who have legalized alcohol have been satisfied with the results; they are determined to "stick it out"; they are making a great deal of money;²⁰ or there are many other factors. The fact remains that virtually all tribes who have legalized alcohol continue to main-

tain its legal status. Just as the reasons for maintaining prohibition on 69 per cent of the reservations are elusive, so are the reasons behind the sustained legalization on the remaining 31 per cent.

The purpose of this paper has been to describe in a comprehensive manner the status of alcohol laws on all Indian reservations in the United States.²¹ In a general sense, this could represent a first step for future research into the topic of alcohol legalization among various Indian groups. At least the information presented here indicates where a person can go and what basic questions could be asked in order to do research of any type on this subject. This paper has documented that there are 92 reservations that have legalized alcohol, of which more than 25 have over 20 years of experience to draw upon for research. Tribes could do studies of their own or hire consultants to examine the economic, social, health, or other concomitants of legalization. Alcohol has been indicated as a major health problem of reservation Indians,²² as a major "crime problem,"²³ and as an economic deterrent to both tribes and individuals.²⁴ The question of whether legalization could be a partial solution or a deterrent to solving these problems could be studied. Tribes then could act on the empirical results of these studies and use the alcohol laws to their benefit. In addition, the specific type of alcohol law that might benefit them most could be determined from the experience of other tribes. Whether a tribe should tax, have licenses, only allow package sales, etc., can be studied. Thus, the possibilities for future research and knowledge gain are great.

Since over 200 reservations have never legalized alcohol and may presently be debating the issue, the experience of the legalized reservations could be used to the benefit of those now under prohibition. The "dry" reservations may be able to learn from the experience of the "wet" reservations, and possibly, vice versa.

Table 1. Tribal Laws Legalizing Alcohol on Reservations:
1953-1974, By Frequency and Per cent

Year	Number of Laws Passed	%
1953-1954	22	19.0%
1955-1956	7	6.1
1957-1958	4	3.5
1959-1960	8	6.9
1961-1962	3	2.6
1963-1964	7	6.1
1965-1966	10	8.6

1967-1968	11	9.5
1969-1970	14	12.7
1971-1972	16	13.8
1973-1974	<u>13</u>	<u>11.2</u>
TOTAL	115	100.0%

Source: Volumes 18-39, *Federal Register* (1953-1974)

Table 2. Tribal Laws Dealing with Legal Alcohol 1953-1974:
By Reservation, Sale, Introduction and/or Possession, Tribal
License System, Year Legalized, "On" and/or "Off"
Specified, and Tribal Sales

Tribe or Reservation (State)	Year Legal	Introduction and/or Possession	Laws Specify				
			Legal Sale	Tribal License	By Drink	Package	Tribal Tax
1. Klamath Tribe (ORE)	1953	X	X				
2. Fort Belknap (MT)	1953	X					
3. Cheyenne River Sioux (SD)	1953	X	X	X			
4. Confederated Colville Tribes (WA)	1953	X	X				
5. Minnesota Chippewa Tribe (Consol. Chip. Agency)	1953	X	X				
6. Agua Caliente (Palm Springs) Mission Ind. (CA)	1953	X	X				
7. Standing Rock Sioux Tribe (SD and ND)	1953	X	X				
8. Bad River Chippewa Tribe, Lake Superior (WIS)	1954	X	X				
9. Gaidville Pomo Tribe (CA)	1954	X	X				
10. Blackfeet Tribe (MT)	1954	X	X	X			
11. Prairie Island Ind. Res. (MINN)	1954	X	X				
12. Tule River Tribe (CA)	1954	X	X				
13. Chippewa-Cree of Rocky Boy Res. (MT)	1954	X					
14. Red Cliff Chippewa Band (WIS)	1954	X	X	X			
15. Lower Brule Sioux Tribe (SD)	1954	X	X	X			
16. Lower Sioux Ind. Com. (MINN).	1954	X	X				
17. Graton Reservation (CA)	1954	X	X				
18. Colorado River Tribes (CA)	1954	X	X				
19. Quileute Tribe of Washington	1954	X	X				
20. New Upper Sioux Band of Minn.	1954	X	X				
21. Keweenaw Bay Ind. Com. (MICH)	1954	X	X				
22. Blackfeet Tribe (MT)	1954			X			
23. Walker River Piate Tribe (NEV)	1955	X	X				
24. Uintah and Ouray Utes (UTAH)	1955	X	X				

Table 2. Tribal Laws Dealing with Legal Alcohol 1953-1974 (continued)

Tribe or Reservation (State)	Year Legal	Introduction and/or Possession	Laws Specify				
			Legal Sale	Tribal License	By Drink	Package	Tribal Tax Tribal to Sell
25. Spokane Tribe (WASH)	1955	X	X			X	
26. Turtle Mt. Band of Chippewa (ND)	1955	X	X				
27. Minnesota Chippewa Tribe	1955			X			X (15%)
28. Los Coyotes Mission Indians (CA)	1955	X	X				
29. Affiliated Tribes of Ft. Berthold (ND)	1956	X	X				
30. San Carlos Apache Tribe (AZ)	1957						
31. White Mountain Apache Tribe (AZ)	1957	X	X	X	X	X	
32. Sandia Pueblo (NM)	1958	X	X				
33. Jicarilla Apache Tribe (NM)	1958	X					
34. Menominee Tribe (WIS)	1959	X	X				
35. Tulalip Ind. Res. (WA)	1959	X	X				
36. Pyramid Lake Paiute Res. (NEV.)	1959	X	X	X	X	X	
37. Pala Reservation (CA)	1960	X	X				
38. Sycuan Reservation (CA)	1960	X	X				
39. Blackfeet Res. (MT)	1960			X			
40. Flathead Reservation (MT)	1960	X	X	X	X	X	
41. Colorado River Res. (AZ)	1960	X	X	X			
42. Ft. Belknap Res. (MT)	1961		X	X		X	
43. Jicarilla Apache Res. (NM)	1962	X	X				
44. Cour D'Alene Res. (ID)	1962	X	X				
45. Walker River Paiute Res. (NM)	1963	X	X	X	X		
46. Crow Creek Sioux Res. (SD)	1963	X	X	X			
47. Port Madison Suquamish Res. (WASH)	1963	X	X				
48. Pojoaque Pueblo (NM)	1963	X	X				
49. Zia Pueblo (NM)	1964	X	X				
50. Walker River Paiute Res. (NEV)	1964	X	(sale repealed)				
51. Seminole Tribe (FLA)	1964	X	X	X			
52. Crow Creek Sioux Res.	1965	X	X	X			
53. Bishop Ind. Com. (CA)	1965	X	X				
54. Santa Clara Pueblo (NM)	1965	X	X				
55. Mescalero Apache Res. (NM)	1965	X	X	X			
56. San Carlos Apache Res. (AZ)	1965	X	X	X			
57. Colorado River Res. (AZ)	1966	X	X	X			
58. Walker River Paiute Res. (NEV)	1966	X	X	X			
59. Cochiti Pueblo (NM)	1966	X	X	X			
60. Lower Brule Sioux Res. (SD)	1966		X(non-Indians allowed to sell)				
61. Swinomish Res. (WA)	1966	X	X	X			
62. Ft. Yuma Res. (AZ & CA)	1967	X	X	X			X
63. Ft. Belknap Res. (MT)	1967			X	X	X	
64. Rincon Res. (CA)	1967	X	X				
65. Kalispel Res. (WA)	1967	X	X				

Table 2. Tribal Laws Dealing with Legal Alcohol 1953-1974 (continued)

Tribe or Reservation (State)	Year Legal	Introduction and/or Possession	Laws Specify					Tribal Tax	Tribe to Sell	
			Legal Sale	Tribal License	By Drink	Package				
66. Swinomish Res. (WA)	1967		X	(Wholesale License Req.)						
67. Campo Res. (CA)	1968	X	X							
68. Barona Res. (CA)	1968	X	X							
69. Vievas (Baron Long) Res. (CA)	1968	X	X							
70. Santa Ynez Res. (CA)	1968	X	X							
71. Santa Rosa Res. (CA)	1968	X	X							
72. Eastern Band of Cherokee (NC)	1969	X	X							
73. Pine Ridge Res. (SD)	1969	X	X	X	X	X			X	
74. Hualapai Ind. Res. (CA)	1969	X	X	X					X	
75. Pauma Ind. Res. (CA)	1969	X	X							
76. Hoopa Res. (CA)	1969	X	X							
77. Ak-Chin Res. (AZ)	1969	X	X	X						
78. Isleta Pueblo (NM)	1969	X	X							
79. Southern Ute Res. (CO)	1970	X	X	X						
80. Pine Ridge Res. (SD)	1970			X	X	X				
81. Moapa River Res. (NEV)	1970	X								
82. Chippewa Cree Tribe of Rocky Boy Res. (MT)	1970		X	X	X	X				
83. Round Valley Res. (CA)	1970	X	X							
84. Pine Ridge Res. (SD)	1970	(All Legalization [#73 & #80] repealed)								
85. Hoopa Valley Res. (CA)	1970	X	X							
86. Tule River Res.	1970	X	X							
87. Chippewa Cree of Rocky Bay Res. (MT)	1971			X	X	X			X	
88. Tesuque Pueblo (NM)	1971	X	X							
89. San Manuel Res. (CA)	1971	X	X							
90. Warm Springs Res. (ORE)	1971	X	X							
91. Round Valley Res. (CA)	1971	X	X	X						
92. Ft. McDowell Mohave-Apache Res. (AZ)	1971	X	X	X			X			
93. Chemehuevi Res. (CA)	1971	X	X	X					X	
94. Lac Courte Oreilles Res. (WIS)	1971	X	X							
95. Rosebud Sioux Res. (SD)	1971	X (see below—misprint corrected in #								
96. Nez Perce Res. (IDA)	1971	X	X	X						
97. Wind River Res. (WYO)	1972	X	X	X						
98. Fallow Paiute Res. (NEV)	1972	X	X	X	X	X				
99. Lummi Res. (WA)	1972	X	X							
100. Lone Pine Res. (CA)	1972	X	X							
101. Torres-Martinez Res. (CA)	1972	X	X							
102. Chemehuevi Res. (CA)	1972	X	X							
103. Salt River Pima-Maricopa Res. (AZ)	1973	X								
104. White Mountain Apache Res. (AZ)	1973	X	X	X	X	X				

Table 2. Tribal Laws Dealing with Legal Alcohol 1953-1974

Tribe or Reservation (State)	Year Legal	Introduction and/or Possession	Laws Specify					
			Legal Sale	Tribal License	By Drink	Package	Tribal Tax	Tribe to Sell
105. Rosebud Sioux Res. (SD)	1973	X	X	X	X	X	X	
106. Colorado River Res. (AZ & CA)	1973	X	X					
107. Tulalip Res. (WASH)	1973	X	X	X				
108. Chemehuevi Res. (CA)	1973	(Correction of misprint for #102)						
109. Lac Du Flambeau Res. (WIS)	1973	X	X	X				
110. Yavapai-Prescott Ind. Com. (AZ)	1973	X	X	X			X	
111. Turtle Mountain Res. (ND)	1973	X	X	X				
112. Standing Rock Sioux Tribe (SE & ND)	1973	X	X	X				
113. Hoh Res. (WA)	1973	X	X	X				
114. La Jolla Mission Ind. Res. (CA)	1973	X	X					
115. Manzanita Mission Ind. Res. (CA)	1973	X	X					
TOTALS		104	100	46	13	15	5	12

Source: Volumes 18-39 *Federal Register* (1953-1974)Table 3. Number of Reservations with Prohibition and Legalized Intoxicating Beverages as of December 31, 1974:
By Frequency and Per cent

	Number	Per cent
Reservations with legal alcohol	92	31.4
Prohibition Reservations	201	68.6
TOTAL	293	100.0

Source: Volumes 18-39 *Federal Register* (1953-74); U.S. Department of Interior, B.I.A., *Indian Criminal Justice Display* (1974)

Table 4. Population on Prohibition and Legalized Alcohol Reservations: By Frequency and Per cent

	Number	Per cent
Legal Alcohol Reservations	119,670	23.4
Prohibition Reservations	392,306	76.6
TOTAL (excludes Alaska)	511,976	100.0

Source: Totals computed from B.I.A. reservation population estimates U.S. Department of Interior, *Criminal Justice Program Display* (1974)

NOTES

1. For a more complete history of alcohol laws and Indians, see Fuller, *Alcohol Beverage Control: Should the Remaining Reservations Repeal Prohibitions under 18 U.S.C. 1161?* 3 AM. INDIAN L. REV. 429 (1975). See also May, "Alcohol Legalization and Native Americans: A Sociological Inquiry," Ph.D. Dissertation, University of Montana (1976).
2. C. MACANDREW & R. EDGERTON, *DRUNKEN COMPORTMENT* (1969); Winkler, *Drinking on the American Frontier*, 29 Q.J. OF STUDIES ON ALCOHOL 413 (1968); F. PRUCHA, *AMERICAN INDIAN POLICY IN THE FORMATIVE YEARS* (1962).
3. F. COHEN, *FEDERAL INDIAN LAW* (1942); U.S. SOLICITOR OF THE DEPARTMENT OF INTERIOR, *FEDERAL INDIAN LAW* (1958).
4. 13 U.S.C.A. § 1161 (1966).
5. *Id.*
6. 99 CONG. REC. 1388-89 (1953).
7. 99 CONG. REC. A 2782-83 (1953).
8. May, *supra* note 1, at chs. 1, 3, 4.
9. 18-39 Fed. Reg. (1953-1974). All information regarding laws in this paper is from the *Federal Register* unless otherwise noted.
10. U.S. DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, *INDIAN CRIMINAL JUSTICE PROGRAM DISPLAY* (1974).
11. Reservations where laws were passed and revised to include sale: Fort Belknap, 18 Fed. Reg. 7478 (1953), revised 26 Fed. Reg. 10813 (1961); Chippewa Cree of Rocky Boy Reservation, 19 Fed. Reg. 2572 (1954), revised 35 Fed. Reg. 10384 (1970); Jicarilla Apache, 23 Fed. Reg. 5018 (1958), revised 27 Fed. Reg. 7046 (1962); Moapa Reservation, 35 Fed. Reg. 10324 (1970).
12. Statutes which provide for tribal taxation of some sort: Minnesota Chippewa Tribe, 20 Fed. Reg. 5556 (1955); Fort Yuma Reservation, 32 Fed. Reg. 2982 (1967); Fort McDowell, 36 Fed. Reg. 16597 (1971); Rosebud Sioux, 38 Fed. Reg. 4719 (1973); Yavapai-Prescott Reservation, 39 Fed. Reg. 3976 (1974).
13. 29 Fed. Reg. 6656 (1964); 35 Fed. Reg. 14004 (1970).
14. 35 Fed. Reg. 14004 (1970).
15. 20 Fed. Reg. 3517 (1955).
16. 28 Fed. Reg. 1594 (1963).
17. 29 Fed. Reg. 6656 (1964).
18. 31 Fed. Reg. 7764 (1966).
19. May, *Arrests, Alcohol, and Alcohol Legalization Among an American Indian Tribe*, 20 PLAINS ANTHROPOLOGIST, 129 (1975); May, *supra* note 1; Packer, *The Crime Tariff*, 33 AM. SCHOLAR, 551 (1964).
20. Everett, *et al.* "Cowboys, Indians, and Alcoholism," paper presented at the 72d Annual Meeting of the American Anthropological Association, New Orleans (1973).
21. There are no legalization laws recorded in the *Federal Register* for any Alaska Native groups during the time period covered by this paper.
22. U.S. PUB. HEALTH SERVICE, INDIAN HEALTH SERVICE, *INDIAN HEALTH TRENDS AND SERVICE* (1974).
23. Stewart, *Questions Regarding American Indian Criminality*, 23 HUMAN ORGANIZATION (1964); Reasons, *Crime and the American Indian*, at 319, in BAHR, CHADWICK & DAY (eds.), *NATIVE AMERICANS TODAY* (1972).
24. Slatter & Albrecht, *The Effect and Costs of Excessive Drinking Among Uintah-Ouray Indians*, at 358, in BAHR, CHADWICK, & DAY (eds.), *supra* note 23; J. LEVY & S. KUNITZ, *INDIAN DRINKING* (1974).