

1979 WL 43214 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 19, 1979

*1 Executive Committee
Catawba Indian Tribe
Route 3
Box 324
Rock Hill, South Carolina 29730

Dear Sirs:

As the Executive Committee of the Catawba Indian Tribe, you have requested an opinion as to whether persons who harvest timber for commercial purposes on the 630-A. reservation held in trust by the State may be prosecuted. The short answer to the question is that the reservation's status as land held in trust does not affect the ability of the landowner to institute a prosecution for criminal trespass. It is accordingly the opinion of this Office that persons, whether members of the tribe or not, who harvest timber on the reservation for commercial purposes, may be prosecuted.

You have also asked whether a forestry officer who will be hired by the Tribal Council would possess the power to make arrests for illegal harvesting of timber. It appears, however, that that act constitutes a misdemeanor only, and private citizens may not make arrests for misdemeanors. A number of alternatives exist for appointment or deputization as law enforcement officers, but these all require a session of training at the Law Enforcement Academy in Columbia. I think this may be expensive and time-consuming, but would suggest that you get in touch with the Academy for further information.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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