

**Indians, Tribal Relations.**

In order for Indians to sever tribal relations it is necessary that the government of the United States relinquish all control and supervision over the individual by removing the Indian agent and releasing control of trust funds.

March 10, 1911.

Hon. W. E. Harmon,  
Supt, Public Instruction,  
Helena, Montana.

Dear Sir

I am in receipt of your letter of March 7th, 1911, wherein you submit for my opinion the following question:

“What steps are necessary for Indians to sever their tribal relations?”

together with your letter you transmit a letter addressed to you by Mr. W. A. Petzoldt, Supt. of the Indian School at Grass Range on the Crow Reservation.

In order for Indians to sever tribal relations it is necessary that the government of the United States by statutory enactment release all control and supervision of the individual. The mere allotment in severalty of lands does not have the object of conferring citizenship upon the allottees nor of divesting the Indian Bureau of the Department of the Interior of supervision and control of the Indian. The act opening the Crow Reservation in so far as it is now open for settlement is found in Chapter 1625, Vol. 33, United States Statutes at Large, and was approved April 27th, 1904. This statute provides for the cession by the Crow Indian tribe of certain lands described in the Act in consideration of which the tribe is to be paid approximately \$1,100,000.00. The statute relates the disposition which is to be made of this fund, and Article II of the statute provides that \$100,000.00, or so much thereof as may be necessary, shall be expended by the secretary of the interior for the erection purchase and repair of school buildings. Under this act the United States government assumes to take care of the education of the members of the Crow tribe, until

the reservation is extinguished, that is, until the government transfers to every member of the tribe in fee simple patent to the lands allotted, and relinquishes its control and supervision over all the members of the tribe by the removal of its superintendent or agent, and by its failure to continue in its capacity as trustee for the members of the tribe in the investment of its funds. The government is the guardian of all the members of the tribe and each member is a ward of the government. As long as this condition exists the property of the Indian is not subject to taxation and the Indian children are not to be accorded the privilege of the public school system of this state. The act opening the Crow Reservation above referred to must be read in conjunction with the general law of congress passed in 1887 known as the Dawes act, which statute has been construed by the supreme court of the United States in several cases, the latest being, U. S. v. Celestine, 215 U. S. 278; and U. S. v. Sutton, 215 U. S. 291. In both of these cases the court holds that the supervision of the Indian department continues after allotment during the trust period of twenty five years and until the reservation is extinguished.

Your are therefore advised that in my opinion the Indian children whose condition is such as contained in the several statements of Prof. Petzoldt, are not entitled to the advantages of the public school system and should not be enumerated in the census of the district, nor should school moneys be allotted upon the basis of a census including these Indian children.

Yours very truly,

ALBERT J. GALEN,

Attorney General.