

Indian, When Citizen of United States.

An Indian who receives an allotment and obtains final patent, thereupon becomes a citizen of the United States.

May 10, 1920.

Mr. W. J. Shannon,
County Attorney,
Cut Bank, Montana.

Dear Sir:

I have your letter submitting for my opinion the following:

"First: Is a Cree Indian, born in Canada, and who comes to the Blackfoot Indian Reservation, is adopted into the tribe, receives an allotment as a Blackfoot Indian, and to whom final patent is issued, under the provisions of the General Allotment Act, a citizen of the United States?"

"Second: Is an Indian woman, a member of the Blackfoot Indian tribe and born within the United States, who marries a Cree Indian, born in Canada, who has come to the United States and been adopted as a member of the Blackfoot Indian tribe, and to whom full final patent has been issued, a citizen of the United States, or a citizen of Canada, she having received her final patent under the provisions of the General Allotment Act?"

You state in your letter that you have informed the Board of County Commissioners that it is your opinion that the Indian mentioned in the first case being born without the limits of the United States does not become a citizen of the United States upon the issuance of final patent; and that in the second case the Indian woman would not be a citizen of the United States, but would take her citizenship from her husband, and the fact that final patent has been issued to her as a member of the Blackfoot Indian tribe would not change her status insofar as citizenship was concerned.

I am unable to concur with this opinion. The general allotment act contains an express provision that when a patent in fee is issued to an Indian for his allotment such Indian is entitled to all of the privileges of a citizen. In other words he becomes a citizen with all of the privileges of a citizen. The government recognized the Cree Indian as a member of the Blackfoot tribe, with all of the rights of a member of such tribe, and as a member of such tribe he was given an allotment, a trust patent was issued to him, which was followed by the issuance of a fee patent, and immediately upon the issuance of the fee patent he became in every sense of the word, a citizen of the United States, with all of the privileges of such citizen. This also applies with equal force to the Indian woman.

You are, therefore, advised that it is my opinion that both the Indian man, mentioned in the first case, and the Indian woman, mentioned in the second case, are citizens of the United States.

Truly yours,

S. C. FORD,

Attorney General.