

Indians, Crimes Committed by on Reservation—Indians, Offspring, Follows Mother.

The offspring of a white man and an Indian woman follows the mother and is an Indian.

If a crime is committed by an Indian who has received his fee patent against an Indian on the reservation, he is subject to the jurisdiction of the federal courts, and if he committed the crime against a white man he is subject to the jurisdiction of the state courts.

May 6, 1920.

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

Dear Sir:

I am in receipt of your letter of the 3rd inst., submitting the following:

"Does the state court have jurisdiction over the crime of robbery or grand larceny committed within the limits of the Blackfeet Indian Reservation by a member of the Blackfeet Indian tribe who is the offspring of a white father, (who was adopted into the tribe), and an Indian mother—the defendant

having received an allotment under the provisions of the General Allotment Act as modified and made applicable to the Blackfeet Indian reservation by act of March 1st, 1907, Stat. L. 1015?"

Under the federal statutes the offspring of a white man and an Indian woman, when the woman is recognized as a member of an Indian tribe, follows the mother and not the father, and is an Indian and a member of the tribe to which his mother belongs.

In the instance mentioned by you the government has recognized the offspring as an Indian and a member of the Blackfeet tribe, otherwise he would not have received an allotment.

Whether such offspring is subject to the jurisdiction of the federal or state courts for crimes committed on the reservation depends entirely on his status at the time the crime is committed. If he holds his allotment under a trust patent he is not a citizen of the United States, but still remains an Indian and a ward of the government in every respect, and is subject to the exclusive jurisdiction of the federal courts whether the crime he committed against another Indian or a white man. If he holds a fee patent to his allotment he is, under the allotment laws, a citizen of the United States, and subject to all of the privileges and liabilities of such a citizen, and if the crime he committed against a white man he is subject to the jurisdiction of the state courts, but if the crime he committed against an Indian, then he is subject to the exclusive jurisdiction of the federal courts, as, receiving his fee patent places him in exactly the same position as a white man, and the federal statutes give the federal courts exclusive jurisdiction over crimes committed by white men against Indians on an Indian reservation.

Respectfully,

S. C. FORD,

Attorney General.