

Montana State Tuberculosis Sanitarium—May Admit Japanese Women.

The Montana State Tuberculosis Sanitarium may receive Japanese women for treatment providing the superior claims of citizens of this State are not interfered with by so doing.

Dr. C. E. K. Vidal,

Superintendent Montana State Tuberculosis Sanitarium,
Deer Lodge, Montana.

My dear Doctor Vidal:

This office is in receipt of your letter in which you have requested to be advised whether you are authorized to admit two Japanese women to your Sanitarium who have made application for admission.

Section 1520 of the Revised Codes of 1921 provides, in part, as follows:

"No person shall be admitted to the sanitarium who has not been a citizen of this state for at least one year, excepting that a female who has been a resident of the state for at least five months preceding the date of the application may be so admitted though not a citizen."

This section is evidently dealing with persons who have no ability to pay and prohibits them from being admitted in order to prevent the institution from being flooded with foreign citizens to the exclusion of those, who, by reason of occupation, or otherwise, have contracted the disease in this State and whose claim to treatment should be first in right.

The statute clearly intends to distinguish between citizenship and residence. Any one who is a citizen of the United States is also a citizen of the State where he resides.

Section 37 of the Revised Codes of 1921 provides:

"Persons in this state not its citizens are either:

1. Citizens of other states; or,
2. Aliens."

It would seem, therefore, that the Executive Board may admit these persons, provided that, by so doing, they would not displace citizens of this State whose claims to treatment are superior.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.