

Opinion No. 83.**Indians—Deaf and Blind School.**

HELD. 1. Part breed Indians, if otherwise eligible, may claim admittance to the Montana State School for the Deaf and Blind on the same basis as white children.

April 19, 1935.

Mr. Howard Griffin
President, Montana State School for
the Deaf and the Blind
Boulder, Montana

I have your letter of April 6, in

which you have asked for the opinion of this office upon the following questions, which we shall answer in the order you have presented them:

"1. We have a few part breed Indians in our institution from the Flathead Indian Reservation. The Superintendent of that Reservation has always contended that since the fathers of these part breed Indians were white men and citizens of the United States and bona fide residents of Montana, these children were not wards and were entitled to admission to the institution on an equal basis with other children of non-Indian mixture. I contend that these children are government wards and as such the Federal Government should reimburse the institution for their maintenance while here, the amount to be paid to be determined by my Board. The Reservation has always paid for the clothing and incidental expenses of these children. These children also receive money from Indian lands, the same as pure bred Indians. Is my contention correct?"

It is our opinion that as long as these children are otherwise eligible, they may claim admission to the Montana State School for the Deaf and the Blind on the same basis as white children. (Section 17 of the Enabling Act; Section 1, Article X, and Sections 1, 6, 7, 11 and 12, Article XI of the Constitution of the State of Montana; Sections 1456 to 1483, inclusive, R. C. M. 1921; U. S. ex rel. Young v. Imoda, 4 Mont. 38, 1 Pac. 721; Piper v. Big Pine School District, 193 Cal. 664, 226 Pac. 926; State ex rel. Henderson v. Dawson County, 87 Mont. 122, 286 Pac. 125; Grant v. Michaels, 94 Mont. 452, 23 Pac. (2d) 266.)