

PATENT IN FEE TO MRS. BESSIE TWO ELK-POOR BEAR—
VETO MESSAGE

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 499) ENTITLED "AN ACT
AUTHORIZING THE ISSUANCE OF A PATENT IN FEE TO MRS.
BESSIE TWO ELK-POOR BEAR"

MARCH 1 (legislative day, FEBRUARY 2), 1948.—Read; referred to the Committee
on Interior and Insular Affairs and ordered to be printed

To the Senate:

I return herewith, without my approval, S. 499, authorizing the issuance of a patent in fee to Mrs. Bessie Two Elk-Poor Bear.

The effect of this measure would be to enable Mrs. Poor Bear to terminate at will the trust under which the United States now holds the lands allotted to her on the Pine Ridge Indian Reservation and to permit her to demand a conveyance of the lands free from the restrictions on alienation now imposed by law.

The situation here presented is one which involves the performance of trust agreements that the United States is bound faithfully to execute, as distinguished from the continuance of a personal disability. Mrs. Poor Bear, in common with other Indians, is entirely free to purchase lands or other property and to sell the same as she pleases. What is here in question is land that forms a part of the ancestral tribal holdings of the Oglala Sioux Indians and a part of an area which, pursuant to various arrangements with these Indians, has been divided among the individual members of the Oglala Sioux Tribe. Mrs. Poor Bear obtained a share in this division of the tribal patrimony solely because of her membership in the Oglala Sioux Tribe. Under the terms of the allotment arrangements, and the implementing statutes, she has no right to alienate the lands allotted to her without the consent of the United States, acting in its capacity as trustee of the lands. Such approval may now be granted by the Secretary of the Interior should it be found that Mrs. Poor Bear is competent to manage her affairs.

In the performance of the existing trust obligations consideration must be given to the question of whether a sale of the lands would promote the best interests of all concerned. These include Mrs. Poor

Bear, as the beneficiary of the trust, and the Oglala Sioux Tribe, as a party to its creation and maintenance.

The record in the present case clearly indicates that termination of the trust would be contrary to the best interests of Mrs. Poor Bear. The factors of her advanced age, business inexperience, nomadic habits, and lack of interest in agricultural or grazing pursuits, and the similar factors which exist with respect to her husband, combine to impel a conclusion that Mrs. Poor Bear is not competent to handle property transactions. Since she is dependent upon the land here involved, from which she now obtains a lease income, for a portion of her livelihood, loss of the value of the land through an imprudent sale, or through the improvident use of the proceeds of a sale, would adversely affect her future security. Yet the discharge of her property from restrictions would invite the sale of the land and the dissipation of its proceeds, by eliminating the safeguards which existing laws afford the Indians against short-sightedness on their own part or overreaching on the part of others. Particularly in the situation here involved, I believe it would be most unwise to abrogate these safeguards.

In addition, the approval of this bill might result in Mrs. Poor Bear being forced to accept whatever price is offered her for the land in order to avoid losing it through tax sale, since issuance of a patent in fee would terminate the present tax exemption.

In these circumstances it seems to me that the responsibilities of the United States for the faithful discharge of its trust obligations preclude the granting to Mrs. Poor Bear of the right to terminate at will the existing trust of the lands allotted to her.

I also wish to point out that the Congress has established, by general law, procedures under which cases such as the present may be adjusted in ways both equitable and practical, should a sale of part of the capital assets of Mrs. Poor Bear become essential for her support or for the better use of her other property. The procedures so established do not entail the disregard of Indian interests, and of Federal responsibilities for their protection, that is inherent in the present bill, however well-intentioned.

For these reasons, I am constrained to withhold my approval from S. 499.

HARRY S. TRUMAN.

THE WHITE HOUSE, February 28, 1948.

S. 499

EIGHTIETH CONGRESS OF THE UNITED STATES OF AMERICA; AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON TUESDAY, THE SIXTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND FORTY-EIGHT

AN ACT Authorizing the issuance of a patent in fee to Mrs. Bessie Two Elk-Poor Bear

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Mrs. Bessie Two Elk-Poor Bear, of Allen, South Dakota, a patent in fee to the northeast quarter of section 19, township 41, range 34 west, of the sixth principal meridian, South Dakota.

JOSEPH W. MARTIN, JR.,
Speaker of the House of Representatives

A. H. VANDENBERG,
President of the Senate pro tempore.

[Endorsement on back of bill:]

I certify that this Act originated in the Senate.

CARL A. LOEFFLER, *Secretary.*