

PATENT IN FEE TO MRS. ELLA WHITE BULL—VETO
MESSAGE

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 542) ENTITLED "AN ACT AUTHORIZING THE ISSUANCE OF A PATENT IN FEE TO MRS. ELLA WHITE BULL"

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. 542, authorizing the issuance of a patent in fee to Mrs. Ella White Bull.

The effect of this measure would be to enable Mrs. White Bull to terminate at will the trust under which the United States now holds the lands inherited by 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. White Bull, 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. White Bull obtained a share of this division of the tribal patrimony solely because of her membership, or that of her deceased son from whom she inherited this property, in the Oglala Sioux Tribe. Under the terms of the allotment arrangements, and the implementing statutes, she has no right to alienate the lands inherited by 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. White Bull 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. White Bull, 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. White Bull. She is a full-blood Sioux Indian approaching 70 years of age, with only a very limited education and no business experience. These and other pertinent factors impel a conclusion that Mrs. White Bull 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. White Bull 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. White Bull of the right to terminate at will the existing trust of the lands inherited by 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. White Bull 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. 542.

HARRY S. TRUMAN.

THE WHITE HOUSE, *February 28, 1948.*

S. 542

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. Ella White Bull

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. Ella White Bull, of Porcupine, South Dakota, a patent in fee to the following-described lands allotted to her in Bennett County, State of South Dakota: The southwest quarter of section 29, township 37 west, range 40 west, 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.*