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PROVIDING FOR SALE OR OTHER DISPOSAL OF CERTAIN SUBMARGINAL LANDS LOCATED WITHIN THE BOUNDARIES OF INDIAN RESERVATIONS IN THE STATES OF MONTANA, NORTH DAKOTA, AND SOUTH DAKOTA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (H. R. 3153) TO PROVIDE FOR THE SALE OR OTHER DISPOSAL OF CERTAIN SUBMARGINAL LANDS LOCATED WITHIN THE BOUNDARIES OF INDIAN RESERVATIONS IN THE STATES OF MONTANA, NORTH DAKOTA, AND SOUTH DAKOTA

FEBRUARY 12, 1948.—Referred to the Committee on Public Lands and ordered to be printed

To the House of Representatives:

I return herewith without my approval H. R. 3153, to provide for the sale or other disposal of certain submarginal lands located within the boundaries of Indian reservations in the States of Montana, North Dakota, and South Dakota.

During the drought period of 1932 to 1938 the United States acquired in the drought areas, out of funds appropriated under the statutes referred to in H. R. 3153, approximately 10,000,000 acres of submarginal lands, much of which is suited only for carefully limited and controlled grazing use. Of the submarginal lands so acquired in the States of Montana, North Dakota, and South Dakota, approximately 245,000 acres were in 1938 and 1939 placed by Executive order under the administrative jurisdiction of the Secretary of the Interior in order to facilitate their use for the benefit of the Indian tribes occupying reservations in the same localities. The underlying purpose of H. R. 3153 appears to be that of making provision by law for the permanent disposition of these lands, through the transfer to Indian tribal ownership of those lands needed for and adapted to Indian grazing use, through the transfer to individual Indians of those lands needed for and adapted to Indian agricultural use, and through the

transfer to individual veterans of the other agricultural or grazing lands upon appropriate conditions as to price and future use. While this underlying purpose is sound, the manner in which the bill attempts to provide for its accomplishment seems to me to be altogether unsound from several aspects.

First, the bill would grant to local disposal committees absolute authority not merely to determine factual matters but also to decide the entire policy question of how these submarginal lands should be disposed of, without any effective guidance in the form of statutory standards to channel and control the discretion of their members. Nor does the bill provide any means whereby the decisions of the local disposal committees may be reviewed. On the contrary, it expressly directs the Secretary of the Interior "to make such transfers of title as shall carry out the recommendations of the committee."

I cannot consider this a sound method of legislation. Local boards, having no real responsibility to either the legislative or the executive branch of the Government, should not be granted the authority to dispose of large tracts of land belonging to the United States merely in accordance with their own opinions as to what would be the best manner of disposing of these lands. Yet this is what the bill would do. Local committees may serve a helpful purpose in the classification of lands for disposal, but certainly adequate standards to govern their actions should be prescribed by law, and adequate means for the review of their determinations should be provided. Yet this is what the bill does not do. Such broad policy issues as whether in a semi-arid country grazing land should be disposed of in the same manner as agricultural land, or whether individual applicants for grants of land should be required to pay or not to pay for the lands they receive, ought not to be left to the untrammeled and unreviewable judgment of local boards. Under the bill it would be possible for each local committee to decide these policy issues for itself, with the result that contradictory policies might be established for neighboring areas.

Second, H. R. 3153, would permit the disposition of the lands affected by its provisions in ways that would be decidedly contrary to the public interest. The primary purpose of the acquisition of these lands was to prevent overgrazing and other land-use practices which had so accelerated the wind and water erosion of the soil in many drought areas as to produce dust-bowl conditions. A second purpose of their acquisition was the relief of the agricultural poverty which had been brought about through the subdivision of lands best adapted for grazing use into farm units far too small to support the families then attempting to draw a living from these lands. Notwithstanding the large expenditures made for the purchase of submarginal lands in order to prevent the recurrence of these conditions, H. R. 3153 would permit some of these lands to be returned to private ownership without any safeguards whatsoever against their use in ways that would tend to produce dust-bowl conditions and agricultural poverty.

Lands which should be retained permanently under Federal supervision could be given or sold by the local disposal committees to private individuals, and lands which can be economically used only under carefully worked out conservation programs might be disposed of without the imposition of necessary safeguards against maluse and deterioration. The inevitable tendency would be to invite the plowing of lands which should be used only for grazing, the destruction of

grass through overgrazing, and the resumption of other bad land-use practices. Such practices would, in turn, tend to produce the same conditions of soil depletion and accelerated erosion, and the same subdivision of ranch lands into unstable farm units, which were basic causes of the agricultural distress that beset the people of Montana, North Dakota, and South Dakota, as well as of other States, during the period immediately prior to the acquisition of the submarginal lands.

We cannot prevent the recurrence of drought cycles, but we should not disregard their lessons. We should not reverse, even to the limited extent inherent in H. R. 3153, the policy of protecting submarginal lands against abuse, born out of the experience of the last great drought cycle, merely because a wet cycle has intervened. To do so would be to throw away the money spent for the acquisition of the submarginal lands, and to intensify agricultural distress whenever drought reappears.

Third, H. R. 3153 substantially disregards the very real equity which the Indians of the localities where the submarginal lands are situated have in their continued utilization as a part of the otherwise sorely deficient land base of these Indians. While it is true that under the broad discretion conferred on the local disposal committees by the terms of the bill, every single acre of these lands could be placed in Indian tribal ownership, it is also true that under the same broad discretion most, if not all, of the tracts involved could be granted by the local committees to non-Indians.

When the submarginal lands affected by H. R. 3153 were acquired, it was definitely contemplated that they would be used to assist the neighboring Indian tribes in consolidating their scattered land holdings, in creating economic range units which would support Indian families, in developing conservational land-use practices, and in establishing a better pattern of Indian land ownership and use. To this end the Secretary of the Interior in 1938 and 1939 was directed to administer the lands for the benefit of the Indians, insofar as consistent with the uses for which the lands had been acquired. Since that time the Secretary, in cooperation with the tribes concerned, has developed and put into effect programs for the improvement of the Indian economy to which continued Indian use of at least large parts of the submarginal lands is essential. These programs, and the legitimate Indian aspirations founded upon them, would be frustrated by many of the dispositions which could be accomplished under the terms of the bill. To cite but one example, many existing Indian range units are composed in part of Indian-owned lands and in part of federally owned submarginal lands, and in these units the Indian-owned home properties frequently could not be operated except in conjunction with the submarginal lands upon which they are dependent. The bill provides no safeguards for the protection of these established operations other than the judgment of the local disposal committees.

Thus H. R. 3153 would open the door to disruption of the Indian economy built up, at no little labor and expense, in reliance upon the continued availability for Indian use of many of the areas covered by the bill. In addition it would deny the Indians any immediate recompense for this disruption, since it provides that any receipts

from the use or sale of the submarginal lands shall be deposited in the Federal Treasury as miscellaneous receipts.

Fourth, a detailed examination of the bill reveals that a number of its provisions are either ambiguous or impracticable. For example, reference is made at various places to "the county in which the major portion of the Indian reservation lies." This reference does not fit several of the reservations involved which are so divided by county lines that no one county contains "the major portion" of the reservation.

For these reasons I am constrained to withhold my approval from H. R. 3153.

HARRY S. TRUMAN.

THE WHITE HOUSE, *February 10, 1948.*

H. R. 3153

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 To provide for the sale or other disposal of certain submarginal lands located within the boundaries of Indian reservations in the States of Montana, North Dakota, and South Dakota

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) upon the enactment of this Act the Secretary of the Interior shall set up a land disposal committee for each of the Indian reservations in the States of Montana, North Dakota, and South Dakota, which have within their boundaries land acquired under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), section 55 of title I of the Act of August 24, 1935 (49 Stat. 750, 781), and title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522), as amended (hereinafter referred to as "title III land").

(b) Such committee shall be composed of—

(1) the chairman of the board of county commissioners of the county in which the major portion of the Indian reservation lies, or a member of the board designated by him;

(2) the State conservationist of the Soil Conservation Service or a representative designated by him;

(3) the Superintendent of the Indian reservation;

(4) the chairman of the tribal council of the reservation, or a member of the council to be designated by the council; and

(5) an honorably discharged veteran, who is a resident of the county in which the major portion of the Indian reservation lies and is familiar with the lands in question, to be chosen as the fifth member of the committee by the four members described above.

SEC. 2. The committee shall organize immediately with the chairman of the board of county commissioners, or the member of the board of county commissioners designated by him, as its chairman, and shall proceed to recommend the disposition of all title III land described in section 1 of this Act. In making such recommendation, the committee may secure the assistance of the Soil Conservation technicians of the Indian Office and the Soil Conservation Service and it shall classify title III lands according to their use capability, designating as grazing lands those tracts which cannot be used for the production of cultivated crops without causing soil depletion and accelerated erosion.

SEC. 3. Title III land may be (a) granted or sold to (1) the United States in trust for the Indians occupying the reservation, (2) other Federal or State government units for experimental purposes, (3) individual Indian veterans, (4) individual non-Indian veterans, or (b) exchanged for other land located within the same reservation.

SEC. 4. In the disposal of said land the committee may fix a consideration based on adequate appraisal which considers normal value. In making its findings the committee shall consider (a) the capability and condition of the tract concerned; (b) the effect such disposition would have on the economy of local farms, ranches,

and units of government; (c) the best land use of the area; and (d) other factors which the committee considers pertinent.

SEC. 5. The committee in each county, when it shall have determined the disposition of the said lands or any part thereof, shall so certify to the Secretary of the Interior, who is hereby authorized and directed to make such transfers of title as shall carry out the recommendations of the committee.

SEC. 6. All rentals or other revenues received for the use or sale of the title III land shall be covered into the Treasury of the United States for credit to miscellaneous receipts.

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

WILLIAM F. KNOWLAND,
Acting President of the Senate pro tempore.

[Endorsement on back of bill:]

I certify that this Act originated in the House of Representatives.

JOHN ANDREWS, *Clerk.*

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