

TAKING OF FISH AND GAME WITHIN CERTAIN INDIAN
RESERVATIONS IN THE STATE OF NEW YORK—VETO
MESSAGE

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 1942) ENTITLED "AN ACT TO REPEAL THE ACT ENTITLED 'AN ACT TO GRANT TO THE STATE OF NEW YORK AND THE SENECA NATION OF INDIANS JURISDICTION OVER THE TAKING OF FISH AND GAME WITHIN THE ALLEGANY, CATTARAUGUS, AND OIL SPRING INDIAN RESERVATION', APPROVED JANUARY 5, 1927"

MAY 13 (calendar day, JUNE 17), 1935.—Read; referred to the Committee on Indian Affairs and ordered to be printed

To the Senate:

I return without my approval the act (S. 1942), "An Act to repeal the Act entitled 'An Act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservation', approved January 5, 1927."

The status of game and fish protection by law in the three Indian reservations mentioned in this act prior to the act of January 5, 1927, for the repeal of which this act has been passed, was somewhat chaotic, for the reason that while, theoretically, the conservation laws of the State of New York applied to hunting and fishing in the reservations such laws were unenforceable with respect to the tribal Indians hunting therein, the Indians being wards of the National Government and Congress not having authorized the enforcement of the State conservation laws against them. Persons other than Indians hunting and fishing on such reservations were still subject to the New York conservation laws.

Repeal of the act of January 5, 1927, which was intended to set up an orderly and more nearly uniform administration of the conservation laws of New York throughout the State, would restore the chaotic situation to which I have referred.

It is highly desirable in this day of rapid disappearance of our wildlife, particularly the game species, that hunting and fishing throughout the land be restrained within those limits deemed by legislatures and responsible conservation officials essential for the preservation and perpetuation of the Nation's stock of wildlife.

I can perceive no reason why, at this time, tribal Indians in the State of New York should not be subject to the restrictions of the State conservation laws which apply to all other persons hunting or fishing in the same territory, certainly those features of the conservation laws which limit the seasons during which hunting and fishing may be indulged in and the numbers of game and fish that may be taken within fixed periods. It is manifest that numbers of species, especially of game birds, are only temporarily or periodically resident on the Indian reservations, passing therefrom to other portions of the State and in numbers of cases to other portions of the United States. It is, therefore, strictly true to say that the Indians are no more vested with a property interest in this game than are the people of the rest of the State or country.

Furthermore, game produced naturally or artificially in territory adjacent to the reservations inevitably pass back and forth between such territory and the reservations, as to which game it cannot with reason be contended that the Indians should have the privilege of taking it regardless of State law applicable to everybody else. The Indians are fully safeguarded against discriminative State law by the act of January 5, 1927, and by that act enjoy exemption from the hunting and fishing license feature of the State conservation law and in addition are vested with the exclusive right to authorize the taking of game and fish within their reservations and if they permit hunting and fishing, to issue the permits and licenses therefor.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
June 15, 1935.

S. 1942

SEVENTY-FOURTH CONGRESS OF THE UNITED STATES OF AMERICA; AT THE FIRST SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON THURSDAY, THE THIRD DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE.

AN ACT To repeal the Act entitled "An Act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservation", approved January 5, 1927.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations", approved January 5, 1927 (44 Stat. L. 932), is hereby repealed.

JOSEPH W. BYRNS,

Speaker of the House of Representatives.

JNO. N. GARNER,

Vice President of the United States and President of the Senate.

[Endorsement on back of bill.]

I certify that this act originated in the Senate.

E. A. HALSEY, *Secretary.*