

PATENT IN FEE TO HENRY BIG DAY AND OTHER HEIRS
OF CATHERINE SHIELD CHIEF, DECEASED, TO CERTAIN
LAND ON CROW INDIAN RESERVATION

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT HIS APPROVAL OF THE BILL (H. R. 2199) AUTHORIZING
THE SECRETARY OF THE INTERIOR TO ISSUE A PATENT IN FEE
TO HENRY BIG DAY AND OTHER HEIRS OF CATHERINE SHIELD
CHIEF, DECEASED, TO CERTAIN LANDS ON THE CROW INDIAN
RESERVATION

MAY 20, 1947.—Referred to Committee on Public Lands and ordered
to be printed

To the House of Representatives:

I return herewith without my approval H. R. 2199, authorizing the Secretary of the Interior to issue a patent in fee to Henry Big Day and other heirs of Catherine Shield Chief, deceased, to certain lands on the Crow Indian Reservation.

This bill appears to have been passed under a misapprehension as to what its effect would be if enacted. The legislative history indicates that it was understood as being a bill that would authorize the Indian owners of certain property, held in trust for them by the United States, to sell that property, subject to the supervision of the Bureau of Indian Affairs. In particular, the committee reports state that—title will ultimately pass to Mr. Kopak either in exchange for an equitable amount of other land, to be appraised by officials of the Bureau of Indian Affairs, or for cash, whichever proves of greater benefit to the heirs of Catherine Shield Chief, as determined by the Bureau.

If this were the effect of the bill, it would have simply restated existing laws, since general authority for the sale, under supervision, of trust or restricted Indian property is contained in the act of June 25,

1910 (36 Stat. 855, 25 U. S. C. sec. 372), as amended, and other statutes. While unnecessary, such repetitive legislation would not have been objectionable.

On the other hand, the actual effect of the bill is to make mandatory the issuance of a patent in fee for the land involved. Such a patent would discharge the property from all restrictions, and would eliminate the safeguards which existing laws afford the Indians against shortsightedness 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.

The record indicates that a prospective purchaser of the land, rather than the Indian owners, is the moving party for the sale. The owners have not been found competent to manage their business affairs, as required for the issuance of a patent in fee under the general law, nor is it clear that all or a majority of them desire to receive such a patent. Some of the owners are minors and, assuming a sale of the land would be to their best interests, the issuance of a patent in fee might hinder, rather than facilitate, the proposed sale by necessitating, for conveyance of their shares, court proceedings that would not be requisite in the case of a sale under supervision pursuant to the applicable statutes.

Finally, approval of this bill might result in the Indians being forced to accept whatever price is offered them 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.

A patent in fee should not be forced on an Indian who does not want one, and Indian property should not be sold in disregard of Indian interests. Under existing laws the land covered by this bill may be sold or partitioned for the benefit of the Indian owners upon application by them, provided their interests or those of their tribe would not be prejudiced thereby. I believe the procedures established by these laws are sound, and that the land problem sought to be met by the bill before me can be resolved justly and fairly by resort to those procedures.

In all the circumstances, I am constrained to withhold my approval from H. R. 2199.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 17, 1947.

H. R. 2199

EIGHTIETH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE FIRST SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON FRIDAY, THE THIRD DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN

AN ACT Authorizing the Secretary of the Interior to issue a patent in fee to Henry Big Day and other heirs of Catherine Shield Chief, deceased, to certain lands on the Crow Indian Reservation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to issue to Henry Big Day and other heirs of Catherine Shield Chief, deceased, namely, Jennie Smart Enemy; Miles Fighter; Mrs. Foolish Bear; Medicine Crow; Naomi Foolish Bear, Twin Woman; Frank He Does It; Michael Big Hair; Peter Big Hair; Harriett Little Owl; Josephine Big Hair; Jacob C. Big Hair; Mary Big Hair; Paul Hill; Velma Big Hair; Karen Big Hair; Dennis Big Hair; Aloysius Big Hair; Jacob M. Big Hair; Michael Big Hair; Peter Big

Hair; Agnes Shaffer Big Hair; Velma Big Hair; Dennis Big Hair; Karen Big Hair; Aloysius Big Hair, Junior; Jacob Big Hair; Jacob Charles Big Hair; Harriet Big Hair; Josephine Big Hair; and Mary Big Hair, a patent in fee to the following-described lands allotted Catherine Shield Chief, allotment numbered 236, on the Crow Indian Reservation, Montana: The west half of the northwest quarter and the northwest quarter of the southwest quarter of section 14, township 3 south, range 32 east, Montana principal meridian, containing one hundred and twenty acres.

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 House of Representatives.

JOHN ANDREWS, *Clerk.*

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