

SALE OF LAND ALLOTTED TO MRS. IRIS HUEBNER
MARAK—VETO MESSAGE

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 1064) ENTITLED "AN ACT TO AUTHORIZE THE SALE OF LAND ALLOTTED TO MRS. IRIS HUEBNER MARAK ON THE PINE RIDGE RESERVATION, SOUTH DAKOTA"

SEPTEMBER 1 (legislative day, JULY 20), 1950.—Read; referred to the Committee on Interior and Insular Affairs and ordered to be printed

To the United States Senate:

I return herewith, without my approval, the enrolled bill (S. 1064) to authorize the sale of land allotted to Mrs. Iris Huebner Marak on the Pine Ridge Reservation, S. Dak.

This bill would direct the Secretary of the Interior to sell approximately 160 acres of land, held in trust by the United States under the laws relating to Indian affairs. It would further direct that the proceeds of such sale be distributed to Iris Huebner Marak, a member of the Oglala Sioux Tribe of Indians. At the time when the bill was introduced the beneficial interest in this tract of land belonged to Mrs. Marak, to whom the tract had been allotted in a division of the tribal property. On March 31, 1950, Mrs. Marak sold her beneficial interest to the Oglala Sioux Tribe for a consideration of \$800. On May 19, 1950, this conveyance was approved by virtue of authority granted to the Secretary of the Interior under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). Accordingly, the entire beneficial interest is now vested in the tribe, for whom the land is held in trust by the United States.

The literal effect of the bill in the present state of affairs would be to require that property belonging to the Oglala Sioux Tribe be sold, irrespective of whether such a sale is desired by the tribe, and to require that the proceeds of the sale be paid to a person who no longer has any right or title in that property. Since the underlying objective of the bill was satisfied when the consideration for the sale of the land to the tribe was received by Mrs. Marak, it may safely be assumed that the subsequent passage of the bill was due merely to lack of knowledge that the sale had occurred. This inadvertence can be corrected, with certainty, only by withholding approval from the bill, as its provisions are couched in mandatory terms.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 1, 1950.*

S. 1064

EIGHTY-FIRST CONGRESS OF THE UNITED STATES OF AMERICA, AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON TUESDAY, THE THIRD DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND FIFTY

AN ACT To authorize the sale of land allotted to Mrs. Iris Huebner Marak on the Pine Ridge Reservation, South Dakota

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 hereby authorized and directed to sell the trust allotment numbered OS7531 of Mrs. Iris Huebner Marak, situated on the Pine Ridge Reservation and described as lot 4, southeast quarter southwest quarter, south half southeast quarter section 31, township 41 north, range 46 west, sixth principal meridian, Shannon County, South Dakota, conveyance to be made by the issuance of a patent in fee to the purchaser, and to distribute the proceeds of such sale to Mrs. Iris Huebner Marak, of Buffalo Gap, South Dakota.

SEC. 2. (a) The lands herein described shall not be sold after the date of enactment of this Act to any purchaser, other than the Oglala Sioux Tribe of Indians of the Pine Ridge Reservation of South Dakota or a member thereof, unless (1) at least sixty days prior to such sale the superintendent of the Pine Ridge Agency shall have been served with notice of the terms thereof, and a copy of such notice, together with a description of the lands, shall have been posted by the superintendent in a conspicuous public place at such agency and have remained posted for a period of sixty days, and (2) prior to the expiration of such sixty days no bona fide offer in writing to purchase such land upon the terms specified in such notice, or upon terms more favorable to the owner, shall have been made by the Oglala Sioux Tribe or any member thereof and a copy thereof served upon the superintendent of the Pine Ridge Agency.

(b) A certificate of the superintendent of the Pine Ridge Agency stating that notice of the proposed sale was served upon him and was posted by him for a period of sixty days in accordance with the provisions of clause (1) of subsection (a) and that no offer was received in accordance with clause (2) of such subsection, when filed and recorded in the office of the register of deeds of the county in which such lands are situated, shall be conclusive evidence of compliance with this section. The superintendent shall furnish the certificate to the purchaser for filing and recording.

SAM RAYBURN,

Speaker of the House of Representatives.

ALBEN W. BARKLEY,

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.

LESLIE L. BIFFLE, *Secretary.*