

To the Senate:

Herewith returned, without approval, is Senate 4152, a bill entitled "An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes." On June 9, 1922, the Department of the Interior construed the general leasing act of February 25, 1920 (41 Stat. 437), as applicable to lands included in Executive-order Indian reservations. Under this construction 20 permits were issued, dating from June 17, 1922, to October 14, 1923. On May 27, 1924, the Attorney General of the United States rendered an opinion that the leasing act did not apply to Executive-order Indian reservations. At that time more than 400 applications on such reservations were pending. The Attorney General took action to secure the cancellation of the 20 permits previously issued in a suit entitled, *United States v. Harrison et al.*, brought in the district court of Utah and now pending in the Supreme Court of the United States on certificate from the circuit court of appeals for the eighth circuit. This case was decided in favor of the defendants in the district court.

While these conditions existed the present bill was introduced by which the title to the 20 permits would be virtually be validated, and the 400 applications would be virtually be refused. It is true that the holders of the 20 permits are possessed of certain equities by reason of expenditures made, which do not apply to the other 400, but it is also true that the other 400 would be obliged to drill wells, build roads, and make surveys, while the 20 permits are validated because they may have done but one of these three things. The application of a different rule as between these two classes is somewhat difficult to justify. The fact also that this bill undertakes to decide, by legislation, a question which is pending in court brings the bill into a position of doubtful propriety. If the interested parties have rights under the law, they will be protected in their enjoyment by the decision of the court. If they have no such rights a great deal of the reason for the legislation fails so far as they are concerned. Aside from a possible delay in securing a decision by which opportunity will be given for the development of these lands more quickly, it would not appear that any legal or equitable injury can accrue to the holders of these permits or to the section of the country interested.

Various rumors are being circulated relative to statements alleged to have been made by parties interested in this legislation which do not seriously affect the merits of the bill, and as they come from persons seeming to have adverse interests, perhaps they are susceptible of explanation. I am confident the bill has been passed in entire good faith, but it is claimed that the 20 permits would secure a disproportionate advantage, under its provisions, over the others who are interested in applications which they have made.

Provision has been made in the bill for the payment of certain moneys to Indians, with which I am in hearty approval and can see no reason for refusing to approve such a measure had it stood alone. If it is desired to make such provision for the Indians, a bill to that effect can be enacted without attaching to it the question of ratifying the titles of some and adversely affecting the applications of others.

CALVIN COOLIDGE.