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84/13/76

APPROVED
APR 13 1976

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: April 16

April 12, 1976

*Revised 4/13
To include 4/13*

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON 

SUBJECT:

H.R. 4941 - Relief of
Oscar H. Barnett

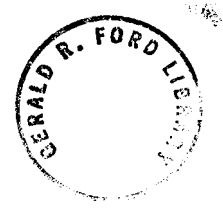
Attached for your consideration is H.R. 4941, sponsored by Representative Montgomery, which authorizes the Secretary of the Interior to convey to Oscar H. Barnett, a 20-acre tract of land located in Leake County, Mississippi. This action would remove any confusion with respect to Mr. Barnett's title which may have been caused by a misunderstanding in 1922 between the Department of the Interior and the previous owners of the land.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 4941 at Tab B.



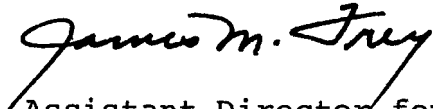
Pres office advised 4/13/76 (115pm)

Even though the United States never acquired either title or any interest in the described lands, the bizarre nature of the 1922 transaction appears to have clouded the title to this tract, now held by Oscar H. Barnett.

The enrolled bill would authorize the Secretary of the Interior to convey to Oscar H. Barnett, by quitclaim deed or other appropriate instruments, all right, title, and interest of the United States to the tract described above. Conveyance would be without consideration and without warranty of title.

In its enrolled bill letter, Interior notes that it has no interest in the land involved and concludes in stating:

"We understand that Mr. Barnett has owned the 20-acre tract since 1953. We have no objection to approval of H.R. 4941 which would remove any clouds on Mr. Barnett's title that may have been caused by the confused transactions in the 1920's."


Assistant Director for
Legislative Reference

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 6 - 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill H.R. 4941, "For the relief of Oscar H. Barnett."

We recommend that the bill be approved by the President.

H.R. 4941 authorizes the Secretary of the Interior to convey to Oscar H. Barnett, by quitclaim deed or by other appropriate instrument, without consideration, all right, title, and interest of the United States to a certain tract of land in Leake County, Mississippi.

Our records indicate that on December 18, 1922, C. W. Triplett, Jr., and his wife purported to convey the 20-acre tract described in the bill to the United States for use as a day school for the Choctaw Indians. The consideration to be paid for the conveyance was to have been \$500.00.

Through a misunderstanding of the desires of the Department of the Interior, the grantors had the deed recorded on December 30, 1922, among the county records of Leake County, Mississippi, before it had been submitted to the Department of the Interior for approval. In fact, the recommendation made by the Commissioner of Indian Affairs on May 4, 1923, to the Secretary of the Interior was that the deed of conveyance not be accepted. On May 5, 1923, the Secretary approved the recommendation of the Commissioner of Indian Affairs, and, thus the deed of conveyance was not approved.

In order for the conveyance to have been effective, it was necessary for it to be approved by the Department of the Interior. Since there was no such approval, title did not pass and the United States acquired no interest in the land described in the bill. The Bureau of Indian Affairs, in fact, acquired a nearby tract of land on which it established a day school for the Choctaw Indians. Accordingly, this Department has no interest in the land involved in this bill.



We understand that Mr. Barnett has owned the 20-acre tract since 1953. We have no objection to approval of H.R. 4941 which would remove any clouds on Mr. Barnett's title that may have been caused by the confused transactions in the 1920's.

Sincerely yours,


~~Assistant~~ Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 8

Time: 700pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus *OK*

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 9

Time: 500pm

SUBJECT:

H.R. 4941 - Relief of Oscar H. Barnett

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

Date: April 8

Time: 700pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 9

Time: 500pm

SUBJECT:

H.R. 4941 - Relief of Oscar H. Barnett

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

x

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*Recommended
approval
G. Humphreys
4/9*



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

9:30A
4/9

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 8

Time: 700pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus ✓cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 9

Time: 500pm

SUBJECT:

H.R. 4941 - Relief of Oscar H. Barnett

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply

x

 For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 4/9/76

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

April 9, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M. L.*
SUBJECT: H. R. 4941 - Relief of Oscar H. Barnett

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments



FOR THE RELIEF OF OSCAR H. BARNETT

NOVEMBER 25, 1975.—Committed to the Committee of the Whole House and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 4941]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4941) for the relief of Oscar H. Barnett, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Interior to convey by quitclaim deed or by other appropriate instruments, and without consideration, to Oscar H. Barnett, all right, title and interest of the United States in a 20-acre tract of land located in Leake County, Mississippi, described as the: South half of northwest quarter of northwest quarter, section 25, township 11 north, range 7 east of the Choctaw Meridian in Leake County, Mississippi.

EXPLANATION

The records of the Department of the Interior indicate that in 1922, C. W. Triplett, Jr., and his wife purported to convey a 20-acre tract of land to the United States for use for a day school for the Choctaw Indians.

Through a misunderstanding, the grantors had the deed recorded in the County Records of Leake County, Mississippi, before it had been submitted to the Department of the Interior for approval and acceptance. As a matter of fact, the Commissioner of Indian Affairs had recommended against approval and acceptance and the Secretary of the Interior had approved his recommendation. Accordingly, the United States never acquired any interest in the land.

The Bureau of Indian Affairs did acquire a nearby tract for a day school for the Choctaw Indians.

The Department of the Interior has indicated its understanding that Mr. Barnett has owned the land since 1953 and that the Department would have no objection to enactment of H.R. 4941.

The legislation would remove a cloud on Mr. Barnett's title to the land, which was created by the attempted conveyance to the United States by C. W. Triplett, Jr., and his wife. It would not involve payment of any government funds and the government would not be required to warrant title.

COST AND BUDGET ACT COMPLIANCE

Enactment of this legislation would have no federal budget impact.

OVERSIGHT STATEMENT

Pursuant to Rule X, clause 2(b) (1), the Committee on Interior and Insular Affairs will not have any responsibility for oversight if the legislation becomes law since the legislation merely removes a cloud on the title of a property which is already privately owned.

INFLATIONARY IMPACT

Since no costs are involved, this legislation will result in no inflationary impact.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends, by a voice vote, that the bill, H.R. 4941, be enacted.

DEPARTMENTAL REPORTS

The favorable report received by the Committee from the Department of the Interior dated April 24, 1975, follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 24, 1975.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 4941, a bill "For the relief of Oscar H. Barnett."

We recommend that the bill be enacted.

H.R. 4941 would authorize the Secretary of the Interior to convey to Oscar H. Barnett, by quitclaim deed or by other appropriate instrument, without consideration, all right, title, and interest of the United States to a certain tract of land in Leake County, Mississippi.

Our records indicate that on December 18, 1922, C. W. Triplett, Jr., and his wife purported to convey the 20-acre tract described in the bill to the United States for use as a day school for the Choctaw In-

dians. The consideration to be paid for the conveyance was to have been \$500.00.

Through a misunderstanding of the desires of the Department of the Interior, the grantors had the deed recorded on December 30, 1922, among the county records of Leake County, Mississippi, before it had been submitted to the Department of the Interior for approval. In fact, the recommendation made by the Commissioner of Indian Affairs on May 4, 1923, to the Secretary of the Interior was that the deed of conveyance not be accepted. On May 5, 1923, the Secretary approved the recommendation of the Commissioner of Indian Affairs, and, thus the deed of conveyance was not approved.

In order for the conveyance to have been effective, it was necessary for it to be approved by the Department of the Interior. Since there was no such approval, title did not pass and the United States acquired no interest in the land described in the bill. The Bureau of Indian Affairs in fact acquired a nearby tract of land on which it established a day school for the Choctaw Indians. Accordingly, this Department has no interest in the land involved in this bill.

We understand that Mr. Barnett has owned the 20-acre tract since 1953. We have no objection to enactment of H.R. 4941 which would remove any clouds on Mr. Barnett's title that may have been caused by the confused transactions in the 1920's.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN H. KYL,
Secretary of the Interior.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Oscar H. Barnett.

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 to convey by quitclaim deed or by other appropriate instruments, without consideration and without warranty of title, to Oscar H. Barnett, all right, title, and interest of the United States in and to the following tract of land located in Leake County, Mississippi: South half of northwest quarter of northwest quarter, section 25, township 11 north, range 7 east of Choctaw meridian in Leake County, Mississippi.

Speaker of the House of Representatives.

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

April 5, 1976

Dear Mr. Director:

The following bills were received at the White House on April 5th:

✓ H.R. 1466
H.R. 4941

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C.