

YAKIMA TRIBAL ENROLLMENTS

MONDAY, MARCH 4, 1968

U.S. SENATE,
SUBCOMMITTEE ON INDIAN AFFAIRS OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 3110, New Senate Office Building, Senator Clinton P. Anderson presiding.

Present: Senators Anderson, Fannin, and Hatfield.

Also present: James H. Gamble, professional staff member.

Senator ANDERSON. The subcommittee will come to order.

The purpose of the hearing this morning is to take testimony in connection with S. 1764, the bill introduced by Senators Morse and Hatfield to repeal section 7 of the Yakima Enrollment Act of 1946.

The Department of the Interior and the Bureau of the Budget have submitted favorable reports to the committee on the bill. S. 1764 and the reports will be made a part of the record at this point.

(The data referred to follows:)

[S. 1764, 90th Cong., first sess.]

A BILL To repeal section 7 of the Act of August 9, 1946 (60 Stat. 968)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 9, 1946 (60 Stat. 968), which limits inheritance or devise of restricted or trust property of deceased members of the Yakima Tribes to enrolled members of those tribes of one-fourth or more degree of Indian blood, is hereby repealed, but such repeal shall have no effect on the estates of Yakima Indians who died prior to this date.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 7, 1967.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: Your Committee has requested a report on S. 1764, a bill "To repeal section 7 of the Act of August 9, 1946 (60 Stat. 968)."

We recommend that the bill be enacted.

The bill repeals section 7 of the present law with respect to cases arising in the future. The repeal does not operate retroactively. The present law, which would be repealed, makes membership in a tribe a requirement for an heir or devisee to inherit trust or restricted allotments within the reservation. Generally, the right of inheritance is not restricted in such manner, but is governed by the laws of descent and distribution of the State in which such property is located. Although the tribe originally may have had good reasons for requesting the Congress to enact such legislation, it should be recognized that it works an injustice upon children who have less than one-fourth degree of Yakima Indian blood or who were born away from the reservation, and it also works an injustice