

STATEMENT OF ROBERT L. BENNETT, COMMISSIONER OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY ERMA WALZ, CHIEF, BRANCH OF TRAVEL OPERATIONS

Mr. BENNETT. Mr. Chairman and members of the subcommittee. My name is Robert L. Bennett, and I have with me Erma Walz, chief of the Branch of Travel Operations of our Washington office. I am glad to appear before this subcommittee to discuss the provisions of S. 1764.

The purpose of S. 1764 is to repeal section 7 of the act of August 9, 1946. That section provides that only enrolled members of the Yakima Tribe of one-quarter or more Yakima blood can inherit any trust or restricted property of a deceased member, if the property came to the deceased through membership in the tribe or if the property consists of an allotment on the reservation or the area ceded by the treaty of June 9, 1855. The only exception is that a surviving spouse may take a life interest in one-half of the trust of restricted lands.

This restriction on inheritance is unsound and often works a hardship on the family of a deceased member. It has been the cause of much ill feeling on the part of Indians belonging to other tribes. Persons of one-quarter or more Yakima blood can inherit land on their reservations, but they cannot inherit land at Yakima. It has also created dissention within the tribe itself, since many enrolled members do not have the required blood quantum. In about 800 Yakima estates probated between 1946 and 1966, over 780 persons who were heirs under the laws of the State of Washington were precluded from inheriting the land of the deceased because of section 7.

In order to avoid the harsh consequences of section 7, in 65 cases, involving 146 tracts, land has been conveyed *inter vivos* to children, spouses, and others who would not be eligible to inherit the land upon the death of the owner. In these cases the grantor has reserved a life estate in the property. It should not be necessary for Indians to have to use circuitous methods such as this to leave their property to members of their family.

Over the years various tribes such as the Umatilla and Warm Springs have had bills introduced which would establish reciprocity or retaliation for the unjust effects of section 7. This Department has opposed such legislation on the basis that it would merely compound an inequity. We still adhere to that view and recommend to this committee that S. 1764 be enacted.

Senator ANDERSON. This was amended in 1946?

Mr. BENNETT. Section 7 of the act, August 9, 1946.

And it is for the repeal of section 7, so that our heirs at law may inherit in the estates of the Yakima Tribe.

Senator ANDERSON. That is what the Yakima Tribe wants?

Mr. BENNETT. The Yakima tribal group asked that section 7, as enacted in 1946 to protect their lands, be not repealed. They thought that if heirs from other tribes or non-Indian heirs were allowed to inherit land on the reservation that they might sell this land or otherwise dispose of it and it would eventually, more or less, pass out of the Yakima tribal ownership or the ownership of Yakima tribal members. This is the reason why they wanted section 7 and opposed repeal-