

Senator ANDERSON. How about the other people who can inherit in the reservation?

Mr. BENNETT. This is the position we take, because this was the situation on every reservation in the country except the Yakima Reservation on the inheritance of lodge lands.

Mr. JIM. The Osages have similar provisions.

Mr. BENNETT. This is on the mineral part, that is true.

Senator ANDERSON. I would like to have a statement from you as to why this is now being proposed when the Indians oppose it and as to what the results would be. Are you not the Commissioner?

Mr. BENNETT. Yes, sir. In our report, the departmental report, we have pointed out that the number of Yakima estates in 20 years, from 1946 to 1966, handled by the probate examiner of the Interior Department, was 794 terminated, and the enrolled Yakimas, including husbands and wives, children and grandchildren, and other relatives who were excluded from participating in the estates, because they did not have one-fourth Yakima blood, were 287. Unenrolled heirs, including husbands, wives, and children from other tribes who were excluded from inheritance were 494. So, this is a total of 681 heirs who were excluded from participating in Yakima tribal estates because, while they might have been on the Yakima tribal roll, they did not have the one-fourth Indian blood or they may have been non-Indians or members of other tribes.

Senator HATFIELD. Mr. Chairman, may I ask a question?

Senator ANDERSON. Certainly.

Senator HATFIELD. When these people are precluded from inheriting that then escheats back to whom?

Mr. BENNETT. It goes to the closest heir of the decedent; rather than being the wife or children, it might be a third or fourth cousin or some other relative.

Senator HATFIELD. But they are the ones who are still enrolled?

Mr. BENNETT. These are the ones still enrolled and of one-fourth blood.

Senator HATFIELD. So, the ones who stay around accumulate as opposed to those who leave the tribe or who leaves, let us say, the actual area and move elsewhere, such as Seattle or Tacoma, do not?

Mr. BENNETT. No, sir. Residence is not a requirement; it is the enrollment.

Senator HATFIELD. But if the father is Yakima, the child enrolled are living in Tacoma or Seattle, let us say, they are still Yakima Indians, and they can be disenfranchised or divested.

Mr. BENNETT. Not unless they are less than one-fourth blood.

Senator HATFIELD. That is right. Less than one-quarter blood are enrolled.

Mr. BENNETT. Yes, sir, that is correct.

Senator HATFIELD. But if the father is Yakima, the child enroller at Warm Springs would not be able to inherit?

Mr. BENNETT. That is correct.

Senator HATFIELD. But if it is the other way around, if the Warm Springs tribesman married a Yakima and lives on the Yakima Reservation and that person died, they could inherit from Warm Springs?

Mr. BENNETT. That is correct.