

YAKIMA ENROLLMENT ACT OF AUGUST 9, 1946 (60 STAT. 969)

By the provisions of Section 7 of the Yakima Enrollment Act, only enrolled members of the Yakima tribes of one-fourth or more blood of such tribes can inherit the interest of a deceased Yakima member in trust property. The only exception is that the surviving spouse may be entitled to a one-half interest in the property for life. This is the limit the spouse can inherit no matter what contribution he or she may have made to the family assets.

Members of the Yakima tribe continue to inherit trust property at other reservations but the members of the tribes having such other reservations cannot inherit at Yakima.

This Section 7 of the Yakima Act was apparently intended to aid the Yakima tribe in preserving its land base for Yakima tribal members. While Section 7 undoubtedly helps in this regard, it has a drastic, punitive, effect on not only the members of other tribes but on the Yakima member also. Since a person may not belong to more than one tribe and since membership is frequently determined by the residence of the parents at the time of birth, many families have some children who belong to the Yakima tribe and some who belong to the other tribes. Parents who are Yakima members are denied the right to leave their non-Yakima children any of their property. They may deed the real property to the non-Yakima children before their death, but this is cumbersome, expensive, and has many disadvantages. A deed is not effective with respect to personal property or money. The result is the disinheritance of many children, while their brothers and sisters may receive substantial assets even though this is not intended by the parents.

The statistics included in the Department's Report and the examples cited in the letters from the Superintendent at Warm Springs which are attached to this statement establish that these situations are occurring regularly and with drastic consequences.

Let's look at Example No. 1 on the letter of January 23, 1968. Imagine trying to explain to the two sons of Daisy Heath Clydehawks why they received nothing from their mother's estate and their 4 cousins inherited all of their mother's property. What's worse, there was nothing Daisy could have done about it unless she had been willing to part with the ownership of the property before her death. Lawyers reluctantly advise people to transfer their property to their children before death, even with a life estate reserved because a change in circumstances may require a sale or mortgage of the property.

It's been necessary to make such explanations regularly since this Act was passed in 1946. For at least the last 9 years that I am aware of, the members and representatives of the Warm Springs, Umatilla and Nez Perce Tribes have been struggling to either eliminate Section 7 or to get a reciprocity bill passed, without success.

In 1960 the House passed a similar bill, H.R. 1176, but the bill did not pass the Senate. The injustices that have occurred since 1960 now demonstrate that Section 7 should be repealed.

We are not opposing the Yakimas in their attempts to regulate their internal affairs but when the regulations so unfairly affects not only the members of other tribes but individual members of the Yakima Tribe as well, it ceases to become an internal affair. As shown in the departmental report, almost 300 Yakima members have been disinherited because they did not meet the blood requirements of Section 7. It is one thing to establish the blood requirements necessary to become a member of the tribe and quite another to establish blood requirements to take property away from the rightful heirs.

Almost 600 members of other tribes have had their property taken away from them because of Section 7.

In past years, individual Yakimas not connected with the tribal government have testified before the Congress in favor of the repeal of Section 7. I'm sure if it had been practical to give notice to all the individual members and if they'd had funds available, some individual Yakimas would be here testifying today.

The situation became so bad, that in 1965, the Oregon Legislative passed Senate Joint Memorial No. 8 urging the Congress to repeal Section 7 of the Yakima Act, or in the alternative that a reciprocity act be passed.

CONCLUSION

The Yakimas have the same basic problems with fractionated interests and multiple ownerships that the Warm Springs Tribe and other tribes have. These problems can't be solved by such an unfair provision as Section 7. Section 7 ac-