

tually results in confiscation of property without compensation since, if there are no heirs eligible under its provisions, the property escheats to the Yakima Tribe, even though decedent left children surviving.

I am authorized by the tribal attorneys for the Umatilla and the Nez Perce Tribes to say that they will file statements supporting S. 1764. We respectfully urge its adoption and thank you gentlemen, for the opportunity to appear before you.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS, WARM SPRINGS AGENCY,
Warm Springs, Oreg., January 23, 1968.

Mr. VERNON JACKSON,
*General Manager, Confederated Tribes of the Warm Springs Reservation of
Oregon, Warm Springs, Oreg.*

DEAR MR. JACKSON: We are advised you are planning to be in Washington, D.C. January 24 and 25 to attend the Sub-Committee Hearing on H.R. 7178 entitled "A Bill to amend the Act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation."

A review of the Warm Springs probate records indicate examples can be recited of extreme cases of the Yakima heirship involvement between the Yakima and Warm Springs enrollees. However, we feel it advisable to recite only a few of the day to day typical cases wherein direct blood descendants have not or will not inherit Yakima trust interests in real property under the present 1946 law. On the Warm Springs Reservation side, however, the "heirs at law" or the "natural heirs" will inherit in the Warm Springs trust individual ownerships.

Over the past 15 years, the Warm Springs Tribes have spent more than one million dollars of Tribal moneys to eliminate non-Warm Springs ownership in the allotted lands. An additional \$125,000 will be spent by the Tribes in 1968 for this purpose. A large percentage of the above acquisition moneys has been directed toward Yakima interest in the individually owned land. Transactions between individuals to eliminate Yakima interests in Warm Springs lands will increase the total several thousand dollars more.

The Warm Springs Reservation has more than 700 individually owned trust allotments or tracts with individual interest therein totalling over 4,000. A large percentage of these individual interests are owned by members of the Yakima Tribe. The ownership problem in itself presents many problems in the development and management of reservation resources. As we all know, this is multiplied several times by multiple, diverse ownerships.

The above is recited as a small portion of the over-all problem presented by heirship ownership and the Yakima Act of 1946 and is intended as background for the following discussions.

The Warm Springs Reservation contains 564,210 acres, more or less. The Yakima Reservation contains 2,117,225 acres, more or less. The Yakima Reservation is roughly $3\frac{1}{2}$ times the size of the Warm Springs Reservation, both in area and membership. The Act of 1946 was an attempt by the Yakima Tribe to contain their Yakima trust lands in Yakima ownerships without regard to the rights of an interest owner to pass title to the natural heir or heirs at law. In operation, the Act may have some containment effect for the Yakima Tribe in holding a restricted enrollment and land ownership base. It does so, without regard to the non-qualified heir and without regard to the depleting effect on trust land ownership held by other tribes. Further, it denies the legal and natural heirs the right to own property under the natural laws of descent.

To legally avoid the Act of 1946, several methods of transferring ownerships have been used by some owners of Yakima trust interests in the past few years. The effects of these actions have been minimum to the entire problem. The actions are costly and time consuming—costly to the Tribes and to the Bureau. Too, a majority of the Yakima owners are past middle age, are elderly and unschooled in property title transfers. This means that in a majority of heirship cases, no action has been taken by the trust property interest holder to transfer title to property during his lifetime to the natural heirs. A good example is a gift conveyance of property reserving the life estate to the grantor. As stated above, such title actions are time consuming and create additional costs.

With your permission and without prejudice and conflict of interest, we will recite an example of the above within your own family. Mrs. Georgiana Jackson, your mother, is an enrolled member of the Yakima Tribes. Your father, Charles