

Please be assured that I am not critical of any official or member of the Yakima Tribe. My only interest in writing you this letter and making these suggestions is to try and clear up some of the past misunderstandings that have arisen and to make it possible to have an election that no one can challenge and to elect a tribal council that will be truly representative of the Yakima people.

Sincerely yours,

GLENN L. EMMONS, *Commissioner.*

Enclosures.

RE COMMISSIONER ROBERT L. BENNETT

Supported by the record herein set forth concerning this whole matter was, and now is, available to the Commissioner. It is my belief that he should have frankly and without an unbiased and prejudiced mind told the Committee the true facts.

Mr. Bennett, together with the tribal witnesses before your Committee, insisted on giving your Committee the impression that the Yakima Tribe favor the retention of the provisions of the said Act of August 9, 1946.

Mr. Bennett also stated that a departmental report on H.R. 6165 was made to the White House, after its passage by the Congress. However he failed to offer same for the record of this hearing. There is no such report on file with the National Archives. Since Commissioner Bennett evidently has the access to same, I submit it was his duty to offer it for the record of this hearing. Mr. Bennett also stated that if section 7 is repealed, the Yakima estates of deceased Indians will be probated according to the laws of the State of Washington, which statement is true, but the Indian Bureau does not follow the law, it has modified the law by some departmental regulation, which regulation is responsible for the troublesome fractionated heirship problem.

It is an axiomatic proposition of law that a departmental regulation does not supersede a statutory law.

The Indian Bureau should be made to respect and follow the law. Much has been written and said about the constitutional rights of the Indians. If the Indian tribes were permitted to select their attorneys who would represent them instead of having the so-called "tribal attorneys" to represent the tribal councils who are adjuncts of the Indian Bureau, the Indians' constitutional rights would be solved.

The Senate Committee on Indian Constitutional Rights should look into the matter of Indian constitutional rights. A good place to start with would be the Yakima Reservation, then the Colville, Spokane, Warm Spring, Flathead, Blackfeet, Ft. Peck, and the Sioux Reservations in North and South Dakota.

By reason of the foregoing, herein above set forth we respectfully ask that S. 1764, be amended by striking out all after the enacting clause and insert the following:

"That the Act entitled 'An Act to provide for the preparation of a membership roll of the Indians of the Yakima Reservation, Washington, and for other purposes,' Approved August 9, 1946 (60 Stat. 968). Is hereby repealed."

Further, by reason of the foregoing herein above set forth, we respectfully ask that a secretarial election be called for the purpose of affording all of the enrolled members of the Yakima Tribe an opportunity to express themselves regarding this issue.

For convenient reference I submit the material:

Senate hearings on S. 809, S. Con. Res. 3 and S. 331, 85th Congress.

House hearings on H.R. 4005, Serial No. 26, 85th Congress.

House hearings on H.R. 1176, Serial No. 7, 86th Congress.

Communication, addressed to Glenn L. Emmons, From Yakima Indian Association, dated August 22, 1955 and September 20, 1955.

A communication addressed to Elwin A. Nellis, Editor Yakima Daily Republic, dated July 24, 1963, and a letter addressed to Congressman Hale, signed by John O. Crow, Acting Commissioner of Indian Affairs, attached thereto.

(The material referred to is in the files of the committee.)

Senator ANDERSON. In addition, I will include in the record certain communications we have received from parties interested in the legislation.