

## TRANSFERS OF LAND, HEIRSHIP, ETC.

Two bills have been introduced (H. R. 4226, Metcalf, Montana; and S. 1373, by Senators Murray, Goldwater, Dworshak, Welker, Mansfield, Young, Morse, Neuberger, and Barrett) to promote the economic use of Indian lands, alleviate and adjust the heirship problem involved in Indian trust or restricted allotments, and for other purposes. The purpose of the two bills is to achieve a solution for the problem caused by inheritance of multiple interests in trust or restricted lands of individual Indians, provide for economic utilization of Indian landholdings and decrease the cost to the United States of administration of multiple interests and uneconomic Indian landholdings.

These two bills warrant careful study by the tribes and the individual Indians who would be affected by the legislation.

The original draft of the bills appears to give control over private rights and interests in allotted lands without any right or hearing in the individual with respect to the plans to be developed under the proposed legislation—committing the whole problem to the Secretary and the tribal organization, with a possibility that the implementation work of the two groups would result in seriously damaging the rights of Indians owning allotted lands. As written, the bills place no limitations on the authority of the tribe and Secretary acting together, except what limitations that may be included in a plan submitted to the Secretary for the solution of problems relating to tribally owned lands or to restricted or trust lands held by any members of the tribe or by persons to whom title has devolved through members by devise, descent, or otherwise. Thus, a plan could be devolved to favor certain tribal leaders and favored groups by limiting the authority of an individual owner of land to dispose of his land unless he were willing to dispose of it to certain of the favored few. The bills are not restricted to heirship lands, but are applicable to all allotted lands. Sale of heirship lands is made permissible only on application of persons owning twenty per cent. It also proposes a number of financing plans through tribal, federal or from private sources.

While we don't have access to text of testimony favoring S. 1373 by Paschal Sherman of the National Congress of American Indians; Moses Two Bulls and William Firethunder of Pine Ridge, South Dakota; and Edward P. Whiteman of the Crow Tribe, we believe the two bills, H. R. 4226 and S. 1373, should be carefully scrutinized and amended in order to preclude further complications arising from the already complex fractionated heirship problems that exist on Indian reservations where lands have been allotted in severalty.

It is especially important that nothing is enacted that would be prejudicial to individual land owners by granting powers to tribal councils that would take over control of private rights and interests in allotted lands.

## AUTHORIZING MORTGAGES ON TRUST LAND

H. R. 4783 (Berry, South Dakota) and H. R. 4802 (Haley, Florida) are bills authorizing the execution of mortgages and deeds of trust on individual Indian trust or restricted land.

Provides that the individual Indian owners of any land which either is held by the United States in trust for them or is subject to a restriction against alienation imposed by the United States are authorized, subject to approval by the Secretary of the Interior, to execute a mortgage or deed of trust to such land. Such land shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State or Territory in which the land is located. For the purpose of any foreclosure or sale proceeding the Indian owners shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the proceeding, and any conveyance of the land pursuant to the proceeding shall divest the United States of title to the land. All mortgages and deeds of trust to such land heretofore approved by the Secretary of the Interior are ratified and confirmed.



*affiliated Tribes of NW Indian  
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## HOUSE PASSES YAKIMA LAND BILL

The House passed H. R. 1801 on March 15 which provides for effecting consolidations of land, situated within the Yakima Indian Reservation, between the Yakima Tribes of Indians and individual members of the tribes and other Indians, for the mutual benefit of the tribes and the individual members thereof, the Secretary of the Interior is authorized in his discretion to—

(1) purchase for the Yakima Tribes, with tribal funds of such tribes on deposit in the United States Treasury, or otherwise, any lands held by individual members of the Yakima Tribes and other Indians under trust patent or other restrictions against alienation including lands in heirship status, within the Yakima Indian Reservation, including interests therein or improvements thereon, water rights, and surface rights;

(2) sell to individual members of the Yakima Tribes any tribal trust lands within such reservation, including lands, interests, improvements, and rights acquired for the tribes under this act; and

(3) exchange any tribal trust lands within such reservation, including lands, interests, improvements, and rights acquired for the tribes under this act, for lands situated within such reservation which are held by individual members of the tribes and other Indians under trust patent or other restrictions against alienation including lands in heirship status.

(b) The Secretary shall obtain the advise and consent of the Yakima Tribal Council before entering into any such transaction. The terms and conditions of any such transaction, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Yakima Tribal Council, and the individual Indian or Indians concerned. Any such exchange of tribal lands for lands held by individual members of the Yakima Tribes or other Indians, and for lands in heirship status, shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands.

Sec. 2 provides that (a) Title to lands,

interests, improvements or rights so acquired by the Secretary for the Yakima Tribes through purchase or exchange shall be held by the United States in trust for the Yakima Tribes. Title to tribal trust lands, interests, improvements or rights sold by the Secretary to individual members of the Yakima Tribes or exchanged by the Secretary for lands held under trust patent or other restrictions against alienation by individual members of the tribes and other Indians or for lands in heirship status shall be held by the United States in trust for the individual Indian or Indians concerned.

(b) Sums derived from the sale of tribal trust lands, interests, improvements, and rights shall be credited to the tribal funds of the Yakima Tribes.

Sec. 3 provides that (a) No transaction entered into under this act shall affect, without the consent of the lessee, any lease of lands, interests, improvements, or rights involved in such transaction, or any right of the lessee with respect to extension or renewal of such lease, which is in existence at the time such transaction is entered into.

(b) Nothing in this act shall affect the existing status of any lands, interests, improvements, or rights with respect to taxation.

Sec. 4 provides that the Secretary is authorized to prescribe such regulations as may be necessary to carry out the purposes of this act.

A companion bill, S. 1603, was introduced on March 30 by Senator Henry M. Jackson.

Similar legislation was proposed in the 83d Congress and passed the House on June 22, 1954, but failed to receive consideration in the Senate before adjournment.

This is very desirable legislation and deserves to be enacted into law before the close of the first session of the 84th Congress.

A four-man delegation from the Yakima Indian Reservation worked for early passage of the legislation while on a recent trip to Washington, D. C.

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