

STATEMENT OF JAMES HOVIS, ATTORNEY, THE YAKIMA TRIBE—

Resumed

Mr. Hovis. Mr. Chairman and members of the subcommittee. I think that our general statement will answer some of the questions that have come up.

First, in regard to the answer to the general question that was brought up a moment ago, people like Mr. Umtuch at Warm Springs, they make provisions so that the kids who are Yakimas, that is, his two children who are Yakimas, will inherit his interests, and his children who are Warm Springs will inherit his wife's interests in Warm Springs. This, you see, is of benefit to both sides, because it helps maintain the interest in the allotments within the members of the reservation so that there is a mutuality of interest among tribal members.

Now, generally speaking, it has been pointed out here that the Yakima Tribe vigorously is opposed to S. 1764. To give you a few outlines of the reasons they are:

First, the Yakima Enrollment Act is a compromise that suited and suits the wishes of the Yakima Tribe and an amendment of one section not considering these wishes and the compromise aspect of the act is unfair.

Now, Warm Springs, for example, has an enrollment act that is a little bit more restrictive. They stepped the membership down. They did not have the enrollment problems that we had. So, you see that their membership, although they have the very fine and wonderful reservation and their per capita payments are much larger than ours, their enrollment is much less than what ours is. So, they have handled their problems.

The Yakima Tribe has handled the problems by letting everybody be allowed in it, but providing that the land go back to the people that it came from. That takes care of those.

No. 1, I think it should be made clear that section 7 does not control the descent and distribution of any allotment or interests other than those held by members of the Yakima Tribe. In other words, if there are people who are on the reservation who have an allotment on the Yakima Reservation, section 7 does not apply to those people. It only applies to people who maintain their membership in the Yakima Nation. So, we see these people who are objecting are the people who want the best of everything, who want to be members of the Yakima Tribe and yet control of the distribution of their property goes but at any time they want to give up their enrollment in the Yakima Reservation or the Yakima Nation, then this section 7 does not appeal to the person who is in Warm Springs or Umatilla, if he has the allotment under the reservation; it does not apply to him. It may apply to various others.

We feel that the descent and distribution is an internal matter, and it is the position of the Yakima Tribe, and we have no objection to any tribe passing similar restrictions on descent or distribution—you can call it retaliatory, if you wish, we think it is their business, we do not think it is retaliatory—that if that is the way that they want to manage their reservations, we have no objection to their having similar provisions to section 7.