

—Also, as you see, there is a lot to be said about fathers and mothers and husbands and children and the like not being allowed to inherit. The person who holds the allotment, if he wants to make any inter-legal or lifetime disposition of his land, he can do it. He can give it to any of his children and reserve a lifetime right for himself.

Senator ANDERSON. Can he give it to some outside person?

Mr. HOVIS. It has to be an Indian before he can make a lifetime disposition in trust. He can get a patented fee and make a lifetime designation.

Senator ANDERSON. How close a tie must there be—one-sixteenth; is that sufficient?

Mr. HOVIS. As long as this person that he makes this lifetime transfer to is a member of any other tribe, it is permissible under the present regulations, as I understand it. He could not make one to someone who is not a member of another tribe, but it is possible to make it in trust to any other Indian.

We think that the Yakima enrollment tends to go to the heirship problem, where a member with four children has interest in four allotments, the tendency is to deed the interests in separate allotments to each child, and the like. If the land passes by descent or devise under the act, there tends to be a consolidation of large interests and fewer persons involved. Otherwise, as to the disposition of their property, these four children would have one-fourth interest, and this is a problem that I think involves or is bothering us all.

Rules of descent and distribution vary from tribe to tribe and from State to State. If the Yakima law is unfair why not pass an act that provides uniform rules as to descent and distribution for every tribe?

Also we agree that S. 1764 is discriminatory. The Osage Tribe has a similar provision as to mineral interests, but no action is taken by the bill in that regard.

Senator ANDERSON. You have to have some rule, though, to make a sound case for it. You cannot say that they cannot deed it to cousins, and so forth. Can we pass a Federal statute for the inheritance of this property?

Mr. HOVIS. I believe that Congress has that power.

In other words, if Congress has provided, as they have now, for allotments, the descent and distribution of the allotments is taken care of by State law which varies from State to State. They could pass a law and say that all of the allotments go to the wife, go to the children—any way that Congress would decide. They could say that the allotments could go to the children and could go to the wives half and half. The Congress could make any law that it feels is fair.

We are discriminated against under the Oregon State law. A wife is discriminated against under the Oregon law because she only gets one-half interest in the property while the husband from Oregon is married to her and he gets the same amount under section 7, that is. But if he went under the State law, he would get the whole thing.

The Federal Government, by virtue of the General Allotment Act, gave tribal lands by allotment to individuals not necessarily Yakimas, without tribal consent. Should not the tribe in fairness be able to control the descent and distribution at this time?

I think that I can probably summarize this statement better.

Senator HATFIELD (presiding). Without objection, your entire statement will be placed in the record at the conclusion of your remarks.