

Everybody inherits differently. It differs from tribe to tribe. It also differs from State to State. For example, since it is most appropriate, I would like to describe the difference between the laws of Oregon and Washington.

In Washington, under the Washington State law, were it not for section 7 a wife would inherit an allotment, at least the interest in that allotment, in fee. However, because of section 7, if she is not a one-fourth Yakima she inherits the life's estate in one-half of it.

In Oregon, the wife, under State law, inherits a life estate in one-half of the real property.

So, you see a Warm Springs member from this Oregon Tribe, who is married to a Yakima member, are both in the same position, no matter who the survivor is, they take the same by descent and distribution. This is not true the other way around.

We were talking about retaliation a few minutes ago. This, basically, is one reason why the Yakimas are for section 7, because they feel that this is one of the guidelines. They feel that they were being discriminated against by the Oregon State law. We feel this way, Senator: that if the present rules of distribution and descent are unfair in this section 7, we would suggest that there be a uniform law regulating all Indian inheritance so that it would be uniform from State to State, because, otherwise, we place Congress in an unusual position.

Let us suppose that section 7 is repealed. Then, if section 7 is repealed, we feel that we are being discriminated against, the Yakima members, under the State of Oregon law and that we would just be back asking the Congress to do something about it, to make things even again. So, it just goes back and forth.

If this committee feels that this problem is a valid one and that section 7 is unfair, I would suggest that the better answer would be to make a uniform inheritance law for everyone.

There is another way that they can take care of it. They can have a similar provision to ours. We think that this is their own matter.

A third way to do it, if they feel that this is unfair, is to ask for relief, and they can say: "Look, the Yakimas are unfair to us. Make sure that you draw up a will so that your property doesn't go to the Yakimas; be sure that it goes to Warm Springs."

There are other ways that they can take care of this matter without interfering with what we feel is an internal tribal matter. What they do with their reservation is their business, and we would appreciate the same courtesy.

The big problem, Mr. Chairman, that all the tribes have is that we certainly do not appreciate being in the position of not getting along with our neighboring tribes, because we have had good relationships with Warm Springs and many of these other neighboring tribes, a lot of intermarriage, a lot of friendships between them. But the big problem with section 7 right now is the problem of treaties by the inheritance of these trusteeships by non-Indians where there is a non-restricted interest in the allotment like, for example, an un-Indian. If I would own an interest in an allotment, my consent can be obtained and must be obtained before anything can be done about that allotment. You can see the danger of this in timber allotments, grazing allotments, and even irrigation allotments. If I wanted to be hard nosed