

OUTLINE OF REASONS FOR POSITION

The Yakima Tribe has continued to oppose any amendment to the Yakima Enrollment Act for various reasons. These reasons are set out in outline form for the benefit of the reader of this statement though not necessarily discussed in this order in a more complete discussion that follows:

- a. 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.
- b. The Yakima Enrollment Act, as part of this tribal compromise, allowed those not of the blood of the Yakimas (i.e. those allotted by the United States) to be members in return for the restrictions on descent and distribution set out in Section 7.
- c. Section 7 does not control the descent and distribution of any allotment or interests other than those held by members of the Yakima tribe. Any person can give up his membership and Section 7 will have no effect on the descent or distribution. However, there are those that want the best of everything. They want to be enrolled, even though they are not of the blood of the bands and tribes that reserved the reservation, because they were allotted, and then they wish their allotment to be unrestricted as agreed as far as descent and distribution is concerned.
- d. Descent and distribution is an internal tribal matter. The Yakima Tribe has no objection to any other tribe passing similar restrictions on descent and distribution.
- e. Members can make lifetime or *intervivos* transfer of their land. Deed to selected grantee with life estate reserved is the common method.
- f. Yakima Enrollment Act tends to limit multiple heirship problems. For example, where a member with four children has interests in four allotments the tendency is to deed the interest in separate allotments to each child reserving a life estate in each to grantor and spouse. If the land passes by descent or devise under the act, there tends to be a consolidation of larger interests and fewer persons involved.
- g. Rules of descent and distribution varies from tribe to tribe and from State to State. If the Yakima Act is unfair then why not an Act that provides uniform rules as to descent and distribution for every tribe.
- h. S. 1764 is discriminatory. The Osage tribe has a similar provision as to the mineral interests of Osage allottees.
- i. The inheritance by non-Indians of trust lands creates administrative problems in partition, leasing and management of trust property.
- j. 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.

HISTORY AND GENERAL BACKGROUND

The Yakima Tribe of the State of Washington is and has been opposed to amendment of its Yakima Enrollment Act.

This opposition is an existing one and has been the continued position of the Yakima Tribe. The Yakima General Council and the Yakima Tribal Council have in the past rejected any attempts to amend or repeal said Act. This Act, as enacted, was an Act formulated to respect all the wishes of the Yakima Tribe, and H.R. 6165, which became the Act of August 9, 1946, was initiated by the Yakima Tribe acting through the recognized governing bodies of the tribe.

Let us digress a moment to explain the government of the Yakima General Council, and the second the Yakima Tribal Council.

The general council meets once a year, or sooner on special occasions, upon 30 days notice to all members of the tribe. Every member above the age of 18, both men and women, has a right to attend, express his views, and vote upon all matters brought before the Council. There is unlimited debate on all questions. A quorum of 250 members is required. Once a quorum is present business proceeds as long as there are 175 members present to transact business, and vote of the majority present settles all matters brought before the council, with the exception that a two-thirds vote is required to repeal or amend rules of procedures, acts, resolutions, ordinances, and tribal codes.

The Yakima Tribe also has a tribal council composed of 14 members. The tribal council members are elected by the Yakima General Council for a term of 4 years. The tribal council meets once a month, or sooner, at the Yakima Agency and handles all the matters of the tribe; and by general council resolution dated