

February 18, 1944, and ratified by resolution T-38-56, dated December 6, 1955, has authority to transact all tribal business with the exception of business that by its nature it wishes to refer to the general council, or that the general council wishes to discuss. The Yakima Tribal Council are the elected representatives of the Yakima Tribe.

With this understanding of the government of the Yakima Tribe we will continue the narrative of the history of the Yakima Enrollment Act.

Before the year 1945 the Yakima General Council had directed certain of its members to investigate the possibility of securing enrollment of the members of the tribe and the proper method of doing so. The committee appointed for this purpose reported its findings to the Yakima General Council on February 20, 1945. By an overwhelming majority the general council voted to secure legislation by Congress authorizing enrollment of the members of the Yakima Tribe, rather than to make an enrollment under the regulations of the Interior Department. At this council a resolution was adopted to include members not only living on the Yakima Reservation proper, but also those who had secured public domain allotments within the area ceded to the United States under the Treaty of June 9, 1855.

On February 21, 1945, the general council approved a motion directing the tribal council to draft the desired legislation. The tribal council prepared several drafts and submitted them to the general council held on March 6, 1946. The general council rejected the drafts submitted and after considerable debate selected a committee of the general council to assist the Yakima Tribal Council in preparing a draft in accordance with the specific directions of the general council. At this council a motion was approved establishing the minimum degree of blood requisite for the inheritance of trust interests at one-fourth or more of the blood of the 14 tribes which constitute the Yakima Nation.

This draft, prepared by this committee and the Yakima Tribal Council in accordance with the wishes of the general council, was embodied in H.R. 6165, 79th Congress, 2nd Session, and was introduced by Congressman Hal Holmes, of the State of Washington. This bill, enacted into law by Congress and approved August 9, 1946, represented the will of the great majority of the Yakima Tribe and still does.

The Yakima Tribe has, every time the amendment of this Yakima Enrollment Act comes up, rejected overwhelmingly any amendment thereto. The records of your committee will show such action. The Yakima Tribal Council has been unanimous in its objection to the amendment of the Yakima Enrollment Act. Previously the general council on a predecessor bill voted 174 for rejection to 4 against rejection. The Yakima General Council in December of last year rejected S-1736 by a vote of 137 to 3.

DESCENT AND DISTRIBUTION TRIBAL MATTER

Prior to the General Allotment Act heirs to allotments were determined in accordance with tribal custom. Subsequently, the General Allotment Act, like several special allotment acts, modified this rule and substituted State law as a standard for the determination of heirs. An important and unhappy consequence of this shift has been the multiplication of the number of heirs in some instances and the subdivision of interests in dead allotments. Section 7 of the Yakima Enrollment Act was enacted to specifically correct this problem. Many IRA tribes, then with the counsel of the Bureau of Indian Affairs, placed a similar restriction in their constitution and others have specific acts limiting who may inherit. Where there are no such limitations State law continues to control. Here again this causes estates to pass differently as State laws of descent and distribution vary from State to State. For example since it is most appropriate we would like to discuss the difference between the laws of Oregon and Washington. In Washington under State Law, were it not for Section 7 a wife would inherit an allotment. However, because of Section 7 if she is not one-fourth Yakima she inherits a life estate, in one-half of the real property. In Oregon the wife, under State Law, inherits a life estate in one-half the real property. So you see that where a Warm Springs member from this Oregon Tribe is married to a Yakima member they are both in the same position. No matter who the survivor is they take the same by descent and distribution. This was an additional reason for the enactment of Section 7. We cannot but wonder, in the advocacy of S-1764, of why the Yakimas are being singled out. If Congress feels that present rules of descent and distribution are unfair and that this is a matter that warrants its attention, then we suggest that the only solution that would be fair would be a uniform