

law regulating descent and distribution on all reservations. Such an Act would supersede present rules regardless of whether they are founded in specific Federal Acts, State Law, or Constitutions and customs of the various tribes.

MANAGEMENT PROBLEMS

The Yakima Tribe is concerned about the effect of non-restricted interests commingled with trust interests in the management of their land, timber and grazing programs. This would be the result of the enactment of S-1764. Some examples of the effect of having non-restricted interests commingled with trust interests are:

1. 531AM 4.3.10 provides consent of all non-restricted interests must be obtained before a timber sale of an allotment may be made. This has resulted in the past in the frustration of the wishes of the great majority interest because of unrestricted interests in an allotment. Sometimes this has been because of cussedness on the part of said minority owner, but in most cases it has been because the owner can't be located or determined. Many of these minute interests are not probated because of the cost involved.
 2. The same problem exists in regards to rights-of-way for logging roads. Not only does this hamper the harvesting of the allotment, but may frustrate the sale of the entire unit of the location of the allotment is inopportune.
 3. Grazing units are not susceptible to individual leasing. If an owner of a non-restricted interest happens to make it impossible to lease a key tract containing a waterhole for example, it can frustrate the wishes of the owners of the remainder of said grazing tract.
 4. There would be great difficulty in ascertaining ownership. Since many of the interests are small there would be little probate of these interests. Therefore, confusion would result in trying to ascertain ownership. Also, it would mean that prospective lessees would have to go two places; i.e., the agency and the county auditor, to ascertain ownership. The bother involved would cause delay and nonuse of some of these allotments.
 5. Where nontrust interest are purchased by the Yakima Tribe for heirship consolidation purposes or under our comprehensive land management plan, part of the interests would be held in trust while the remainder would be held in fee under existing legislation. We cannot purchase fee lands and hold them in trust existing legislation. Many tribes in this area cannot purchase fee lands at all.
- We realize that Section 7 is a restriction to some for the good of the entire tribe in the management of reservation property. This is justified, we believe, because the allottees were given these allotments from the tribal lands, without charge, and also as tribal members they share in the benefits of an adequate management program.
- We repeat this Section need not cause a hardship to anyone who wishes to have this property pass to non-Yakimas. The allottee may, if he wishes, resign from membership in the tribe and Section 7 will not effect his testamentary disposition of his property. Most members of course prefer to remain members and enjoy the benefits of membership in the tribe. Those who want to retain membership and still pass their property to other than Yakima members do so by (1) obtaining a patent in fee, (2) deeding their property or interest with no reservation of interest, or (3) deeding their property or interest and reserving a life estate.

SECRETARY'S REPORT NOT TRUE PICTURE

The Secretary's report dated July 7, 1967, does not point out to the committee that there are other limitations on inheritance existing on other reservations. By the use of the word "generally" they manage to make a true statement without indicating the other existing restrictions on other reservations. The Secretary's report does not indicate the many variables that exist in inheritance, from reservation to reservation and from State to State.

Secondly, by listing collateral heirs with children and spouse of deceased the report gives the impression that this is a gigantic problem, when in fact Section 7 has been controlling in the neighborhood of only 90 estates in 21 years. Since intervivos conveyances have become popular the incidents of estates in which Section 7 is controlling is minimal.

Senator HATFIELD. Thank you very much.

Are there any other comments that you wish to make, Mr. Jim?