

the committee from Malcolm McCleod, who represents a number of the Western Washington tribes, opposing it.

Bob Dellwo will follow me here, representing some other tribes. Basically we cannot expect big delegations because these do not affect tribes. These affect individuals, and they simply cannot get back here.

In past years the Yakima Independent Indian Association has testified in favor of the repeal of this section, and in 1960 the House of Representatives passed this same repeal of section 7 that we are asking the Senate to pass now.

Senator Hatfield this morning received a telegram from the Yakima Independent Indian Association again urging the repeal of this section 7. So there are many Yakimas who favor repeal. What it does, it prevents a Yakima member from leaving his property to his children and frequently third cousins or fourth cousins obtain the property when the children are disinherited as a result of this act.

Now, there was some testimony here by the Yakimas——

Senator McGOVERN. Would the same thing apply to a wife or a husband?

Mr. PANNER. Yes. A Warm Springs wife who is married to a Yakima man may have worked all of her life accumulating or improving this trust property, and then find that because she is not a Yakima member she is disinherited except for a courtesy right that they give her, that is, the use of half of the property for her lifetime.

Senator McGOVERN. I see.

Mr. PANNER. Mr. Hovis mentioned this morning, that it should be clear for the record, that State laws differ, and he mentioned that in the State of Oregon, the dower and courtesy rights were different than in the State of Washington. That is true. But that only applies in the absence of a will and it does not affect children. In other words, none of the State laws disinherit children of a person when the parent dies, but this act, in effect, disinherits children, wives, cousins, anyone who is not a Yakima member, and it frequently will result in escheating the property to the Yakima Tribe.

The Interior Department has set forth some good statistics in their report to the committee. They have pointed out that, in almost 800 cases since this bill was passed, both enrolled Yakimas and non-Yakimas have been disinherited as a result of this.

The Yakimas say this is an internal matter. Well, it is not an internal matter. We love the Yakimas. We work with them frequently. We think they are a fine tribe. But in this they are being selfish, and it is not an internal matter. As Chairman Aspinall mentioned when we testified last month over in the House, the Yakimas simply want to inherit on the other reservations but not permit inheritance on their reservation.

Their motives, in passing this originally and in Congress passing it, were good. That was to preserve the land base, and a strong argument is made by them that this "helps us preserve our land base." Yes, it does. But we have that same problem at Warm Springs, a very comparable tribe, and we tried to solve that by having the tribe purchase back interests of non-Indian owners. Just to disinherit them is terribly unfair, and it creates problems that a practicing lawyer such as Bob Dellwo and I simply cannot explain. When you have one child, brother and sister, one child a Yakima and one a Warm Springs, the