

because of the existing laws; so that it would be best for her now to deed the property to the youngsters.

Well, then, when you deed the property to the youngsters—

Mr. PANNER. She may want it back, a life estate. She cannot sell it without their signatures or mortgage.

Mr. JACKSON. Trustees or these fellows who handle managed property. They may appoint somebody that she does not agree with, they may sell the property.

Senator McGOVERN. Actually, from the standpoint, as I now understand it, of this restriction, it originally was intended to accomplish—what would be the difference in the legal principle involved if you had a law that said you could not deed property to a nontribal member? What is the difference between saying you cannot do it by inheritance as against preventing it by a deed?

Mr. PANNER. I think on principle you can do the same thing. There is no difference in principle. Either way it is a forfeiture of a vested interest in property. I do not think in any other situation, other than the Indian situation, that the Congress would even consider it.

There has been some suggestion here by the Yakimas that if we do not like their act we should get a similar act passed, you see. Well, I am sure you would not pass one. You certainly should not, because in effect what it would do would be to permit us to just disinherit everyone. We could say no one ever can own property under any circumstances outside of Warm Spring members which, from the standpoint of the tribe, might be desirable. In other words, there is an interest in holding this land base together. But it has to be balanced with the individual rights as well.

This is why we are embarked on a program of acquiring these rights whenever the land goes out of non-Indian ownership or nonmember ownership. We attempt to acquire those interests back, and we have spent a lot of money, and we are continuing to do it. If the Yakimas want to protect their land base, then I think they should operate within the same area that we all do.

Senator McGOVERN. So you have no quarrel with the intent of the law?

Mr. PANNER. No, sir. In fact they suggested this morning we were trying to regulate their enrollment performance. We are not. We recognize, in other words, the Yakimas should be allowed to set such rules as they want for enrollment to the tribe. That is a different situation, though, than taking property away from somebody who has acquired. If you have got a wife, maybe a son who has built a home on this property for his family, worked all his life to get that family in shape or to build it up, and all of a sudden he is disinherited because he is not a Yakima, that is a bad situation.

Mr. JACKSON. Sir, this has become more important in the northwest because there are so many intermarriages now among the tribes that pretty soon we will just have one big tribe in the northwest area instead of Yakima, Warm Springs, and so forth.

Senator McGOVERN. But an Indian from another tribe, let us say from your tribe, who marries a Yakima does not become a member of the Yakima Tribe.

Mr. PANNER. No.

Senator McGOVERN. Not even through marriage?