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## Report of Meeting for the Purpose of Obtaining the Views of the Three Affiliated Tribes of the Fort Berthold Reservation on the Lieu Lands Offered by the Secretary of War, 1946

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**Authors**

Oscar L. Chapman, William Zimmerman, George Gillette, Ben Reifel, Walter Youngbear, Sam Badgun, R. J. Sailor, Hubert Stoolting, and F. J. Froeschle

*Indians*  
*Relocation* 2

MEETING IN THE SECRETARY'S CONFERENCE ROOM  
DECEMBER 16, 1946,  
FOR THE PURPOSE OF OBTAINING THE VIEWS OF  
THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION  
ON THE LIEU LANDS OFFERED BY THE SECRETARY OF WAR

Persons Attending

C. Girard Davidson	Assistant Secretary of the Interior Chairman
William Zimmerman, Jr.	Acting Commissioner of Indian Affairs, Chicago, Illinois.
John H. Provinse	Assistant Commissioner of Indian Affairs, Washington, D. C.
Jeff B. Smith	Delegate from Fort Berthold Reservation, North Dakota.
Byron H. Wilde	Delegate from Fort Berthold Reservation, North Dakota.
Mark M. Mahto	Delegate from Fort Berthold Reservation, North Dakota.
Ralph H. Case	General Counsel for Three Affiliated Tribes of Fort Berthold Reservation, Washington, D. C.
Raymond A. Wheeler	Lt. General, Chief of Engineers, War Department, Washington, D. C.
R. C. Crawford	Brig. General, Assistant Chief of Engineers, Washington, D. C.
W. W. Wanamaker	Colonel, Chief of Engineers' Office, Fort Lincoln, North Dakota.
Joseph W. Kimbell	Office of Chief of Engineers, War Depart- ment, Washington, D. C.
G. L. Beard	Office of Chief of Engineers, War Depart- ment, Washington, D. C.
Allan G. Harper	Assistant Director, District Office, Indian Service, Billings, Montana.
Felix S. Cohen	Associate Solicitor, Department of the Interior, Washington, D. C.
Daniel F. Margolies	Assistant to Secretary Davidson, Depart- ment of the Interior, Washington, DC

Senator William Langer

Senate Office Building, Washington, D. C.

Lucille H. Blake

c/o Congressman Chas. H. Robertson,  
House Office Building, Washington, D. C.

Ball, Carleton R.

Congregational Church Social Advance Com-  
mission, Washington, D. C.

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van Oosting, Wm. R.

Hensler, North Dakota.

Wetzstein, Frank E.

Mandan, North Dakota.

Wilcox, Burton

Center, North Dakota.

The meeting was called to order at 10:30 A. M. by Secretary Davidson, Chairman, with the following statement:

This hearing is the result of a letter dated December 13, 1946, signed by the Under Secretary of the Interior, Oscar L. Chapman, addressed to Mr. Ralph H. Case, Esq., attorney for the Fort Berthold Indians. (For text see Exhibit 1.)

Section VI of the statute referred to I believe everyone here is familiar with, but it will be incorporated in the record. (See Exhibit 2.)

On November 21 there was submitted to the Secretary of the Interior by the Secretary of War a proposed selection and offer of lieu lands. The following day, November 22, 1946, the Secretary of the Interior submitted a copy of the War Department proposal to the Three Affiliated Tribes of the Fort Berthold Indian Reservation. At that time Mr. Ralph H. Case, attorney for these Indians, had requested that the Indians be allowed to have a hearing before the Secretary of the Interior, so that their views could be made known to the Secretary before he took any action with respect to this offer. The Department has, of course, been making an independent investigation of the whole question under the direction of Mr. Allan G. Harper, Assistant Director of the Billings District Office of the Indian Service. I understand that he has filed a report with the Commissioner of Indian Affairs, which has not as yet been approved by the Secretary of the Interior--it is now under consideration by the Commissioner of Indian Affairs. Today we are here to find out what position the Indians are taking with respect to this offer. Unless there are other general comments by some one else I would like to call on Mr. Case. Does Senator Langer care to make any remarks at this time?

Senator Langer: No sir, not at this time.

Secretary Davidson: The list of names of those present at this hearing will appear in the written record.

Mr. Case: Mr. Secretary, as counsel for the Three Affiliated Tribes of the Fort Berthold Indian Reservation, I shall attempt first to outline what we propose to show here today. We will confine ourselves to the questions exactly as defined in Mr. Chapman's letter to me.

Our first question is whether or not the lands proposed in the War Department offer are comparable in quality to the lands now in possession of the Fort Berthold Indians; our second question is whether or not the lands now offered compensate the Fort Berthold Indians for the lands they are being asked to surrender; and our third question is whether or not the proposed exchange, taking into consideration the two preceding questions (whether they will or will not compensate) affect the natural business and the actual business of the Fort Berthold Indians. On the first of these questions, that is, whether or not the lands offered are comparable in quality to those now occupied by the Fort Berthold Indians, we have today with us from Fort Berthold three members of the tribe designated by the Tribal Council as representatives of the Council and the three tribes of the Fort Berthold Indian Reservation. At this point I would like the record to show their names; they will stand as their names are mentioned:

Jeff B. Smith, Byron H. Wilde, and Mark M. Mahto.  
(Each delegate stood up as his name was called)

The first witness on these questions that I have outlined is Mr. Jeff B. Smith.

Mr. Case: Mr. Smith, I lay before you a series of maps which accompanied the offer made by the Secretary of War to the Secretary of the Interior and I call your attention to the fact that the maps show the boundaries of the Fort Berthold Indian Reservation; the lands that may be retained by the tribe are shown here in yellow, and in pink are shown the lands to be inundated by Garrison Dam. I also point to you the lands marked "lieu lands" in Mercer and Oliver Counties in North Dakota, both on the Missouri River.

Now, Mr. Smith, how long have you been on the Fort Berthold Reservation?

Mr. Smith: I was born and raised on the reservation.

Mr. Case: How old are you?

Mr. Smith: Fifty-nine.

Mr. Case: Where were you educated?

Mr. Smith: I went to the local boarding school on the reservation and also attended Carlisle Indian School in Pennsylvania.

Mr. Case: Have you ever held any official position on the Reservation?

Mr. Smith: Yes sir; I have been a member of the Tribal Council and I also have been assessor in McLean County. The latter position is outside of the government.

Mr. Case: McLean County--much of your reservation lies in that county, isn't that so?

Mr. Smith: Yes sir.

Mr. Case: In your capacity as assessor for the County and as a resident of that area for this number of years, have you become familiar with the lands offered in lieu of the area to be inundated by Garrison Dam?

Mr. Smith: Yes sir.

Mr. Case: Do you know where they are?

Mr. Smith: Yes sir, I do.

Mr. Case: What is the character of the land running along the Missouri River in that area described on the map as "lieu lands"?

Mr. Smith: A small portion on the western end of the area marked "lieu lands" might be classified as fairly fertile and some in the eastern part is sandy soil, not comparable to that which is going to be inundated on the reservation.

Mr. Case: By east, Mr. Smith, you mean the more fertile lands?

Mr. Smith: I was referring to the narrow bottoms along the river.

Mr. Case: Are there any substantial areas of what you might call ordinary bottom black lands in that area?

Mr. Smith: Some at the western end, along the Knife River.

Mr. Case: Without formal introduction in evidence, I would like the record to show that the counsel is referring to a map of North Dakota prepared by the Bureau of Soils, dated 1908, which covers all of western North Dakota. That map is accompanied by a portion of an extensive report, to which reference may be made. The reason I do not introduce this map in evidence is that it is a part of the records of the U. S. Government and therefore it seems unnecessary to offer it in evidence and also because the maps are almost unobtainable.

Mr. Davidson: At this time I would like to say that we should have inserted in the record as Exhibit A the report and maps submitted by the Corps of Engineers. We will do so and refer to the Soils map as Exhibit B.

Mr. Case: Let it be part of the record. Mr. Smith, the map before you is the Bureau of Soils map and report on soil in western North Dakota. I ask you to note that the bottom loam or black land is designated "AL" and is color green, that is, light green. Does this fairly represent within your information the good bottom lands on Fort Berthold Reservation?

Mr. Smith: Yes sir, it does.

Mr. Case: Again, on your own information, do the so-called "lieu lands" on the Corps of Engineers map fairly represent the condition of the soil adjacent to the Missouri River in the lieu land area?

Mr. Smith: Yes sir.

Mr. Case: What would you say is the difference between the area of bottom loam land on the reservation and in the lieu lands offered?

Mr. Smith: The reservation bottom lands are some of the best soil obtainable in the entire state of North Dakota and there is no soil in the lieu lands, particularly in the western end and around the river which might compare in a small way to our reservation soil land.

Mr. Case: What is then a comparison, in a general way, of the area of the bottom loam lands in the lieu lands area, with the bottom lands on the reservation?

Mr. Smith: The area in the lieu land is very small, that is, the good soil, while that of the reservation bottom loam is one of the most fertile lands.

Mr. Case: Mr. Smith, as to the lieu land area outside of the immediate bottom loam river lands and the reservation areas, are you familiar with these lands away from the river?

Mr. Smith: Yes sir.

Mr. Case: The lands I am referring to are shown by the legend on the map, but in general, from your own observation, what is the character of these lands away to the west and south of the river?

Mr. Smith: These lieu lands here, away from the river, would furnish very poor grass for our stock; some has been plowed and grass areas are very scarce there.

Mr. Case: What is your opinion, from the information you have obtained on this question? Are the lands in the lieu area comparable to the lands shown on the map to be inundated on Fort Berthold Reservation; do they compare?

Mr. Smith: No sir.

Mr. Case: In what respect? Can you tell the difference between the lands on the lieu area and those on the reservation that are to be flooded?

Mr. Smith: Our lands which are to be inundated are some of the best lands in the state, but on the other hand the lands on the lieu area there is only a small portion of good land and the rest of it is not comparable in quality to the reservation land.

Mr. Case: Mr. Secretary, we are not going to ask or attempt to show the exact acreage of lieu lands and reservation lands at this time, for the reason that the Bureau of Soils has already determined that and also because it can readily be obtained. Now Mr. Smith, would the lieu lands compensate the people of Fort Berthold Indian Reservation for the lands that they are being asked to relinquish?

Mr. Smith: No sir.

Mr. Case: You stated that you are engaged in the cattle business. Where is your principal range land on the reservation?

Mr. Smith: The principal range land is that of the western portion and north of the Little Missouri and west and south of the big river. However, the rest of the portion has grass lands, but that is the largest of the grazing area.

Mr. Case: There are some grazing lands south of the Little and the Big Missouri?

Mr. Smith: Yes sir, there are.

Mr. Case: And some to the north and east of the Big Missouri?

Mr. Smith: Yes sir.

Mr. Case: Is your principal grass land to the west?

Mr. Smith: Yes sir--west and south of the large river, the river meanders there.

Mr. Case: How would you conduct your cattle enterprise, in the event you were located on the lieu lands, from the Reservation lands to winter feed lots in the lieu lands?



Mr. Smith: In the first place we are stockmen and in this connection if these lieu lands were accepted our stock business would be destroyed, entirely wiped out. You would have to move your stock from one place to the other, a distance of over 200 miles through badlands that are inaccessible even through horse trails. If we were to move from reservation land to lieu lands and back again, transferring back and forth, we would have to go around these places (referring to the map) where there are no roads and through places entirely devoid of vegetation. We would have to go through the Killdeer county area and from there all around badlands; we would have to move the cattle over 200 miles and that would make it impossible to conduct the business successfully.

Mr. Case: How many head of cattle are there on the reservation now?

Mr. Smith: Roughly speaking we have about 8,000 Indian cattle which we would have to move around all this area (pointing to map) over some 200 miles, with an acute scarcity of feed and water.

Mr. Case: You have 8,000 Indian owned cattle on Fort Berthold?

Mr. Smith: Yes sir, 8,000.

Mr. Case: Where do you winter this livestock?

Mr. Smith: (Pointing to map) Right about here, around this portion of the reservation.

Mr. Case: You would have, then, to travel 200 miles into the winter feed lots and back again in the spring, when they return to the range. Where would you people be in the summer? Would you be able to retain summer residence here? Or would you have to keep moving all the time?

Mr. Smith: It would be entirely impossible to live here and have your cattle on the reservation, or vice versa. If we accept the offer of lieu lands, we would have to live here, and the reservation land would be cut into four or five districts. As far as the cattle business is concerned, we would be ruined.

Mr. Case: That is your principal source of livelihood, isn't it?

Mr. Smith: That is right. Not only that, but we are increasing our herds as fast as we can. We accepted the provisions of the Indian Reorganization Act and we are working towards that end, but with this move we are going to be ruined.

Mr. Case: Mr. Smith, are there any private cattle on the reservation?

Mr. Smith: Yes, there are some 10,000 privately owned on leased lands.

Mr. Case: In other words, reservation lands are taking care of 18,000 or more cattle on the reservation. Where do the private owners winter their stock?

Mr. Smith: At their home ranches.

Mr. Case: What is the number of horses?

Mr. Smith: About 4,000.

Mr. Case: All told, then the reservation is taking care of 22,000 head of livestock and horses.

Mr. Smith: Yes, that's right.

Mr. Case: If these lands on Fort Berthold Reservation were under irrigation, could you take care of more than 22,000 head?

Mr. Smith: Oh, yes.

Mr. Case: About how many?

Mr. Smith: We might be able to use full capacity, say about 15,000 to 22,000.

Mr. Case: You stated that there are now 22,000 head.

Mr. Smith: I was talking in terms of Indian cattle alone.

Mr. Case: That is all I wanted to ask. Any questions, Mr. Secretary?

Mr. Davidson: I have no questions. If General Wheeler, of the Corps of Engineers, representing the War Department has any remarks or questions, he may present them now.

General Wheeler: Thank you, but we have no questions.

Mr. Case: Mr. Secretary, our next witness is Mr. Byron H. Wilde. Mr. Wilde, where is your home?

Mr. Wilde: Fort Berthold Indian Reservation.

Mr. Case: You are then a member of the Tribe?

Mr. Wilde: Yes sir, that is correct.

Mr. Case: What is your business?

Mr. Wilde: Stock raising.

Mr. Case: How long have you been engaged in that business.

Mr. Wilde: Since I got back from school at Carlisle.

Mr. Case: How old are you, Mr. Wilde?

Mr. Wilde: 67.

Mr. Case: How much land do you farm?

Mr. Wilde: 640 acres.

Mr. Case: How many cattle do you run?

Mr. Wilde: 70 some odd head.

Mr. Case: Where do you run those cattle?

Mr. Wilde: At the present time north of my farm there in this corner.

Mr. Case: Witness indicates southeast extremity of present Fort Berthold Reservation. Are you familiar with the lands along the Missouri River, what we call bottom lands? Are you familiar with them downstream from Fort Berthold?

Mr. Wilde: Yes sir.

Mr. Case: What is the characteristic of the bottom lands at Fort Berthold?

Mr. Wilde: Bottom land is what we usually call black soil.

Mr. Case: Are there areas commonly classed as sand loam?

Mr. Wilde: Very little, here and there.

Mr. Case: How does sand loam compare with black bottom land?

Mr. Wilde: Black soil is the best as far as those people handling it pronounce it as the best.

Mr. Case: You have before you a map prepared by the Engineer Corps, U. S. Army, which is the basis of this discussion and you also have before you a map prepared by the Bureau of Soils showing the area concerning which Mr. Smith testified. Referring to those maps, are you familiar with this area marked lieu land which lies below the proposed Garrison Dam?

Mr. Wilde: Yes sir.

Mr. Case: What is the character of the bottom on the south and west side of the Missouri River in the area marked lieu land?

Mr. Wilde: The form of land is kind of built up by the sand and the soil goes over it, and it can't be very much of a black soil, mostly sand.

Mr. Case: I call your attention to the map prepared by the Bureau of Soils and also call your attention to the indicated area which substantially is the area shown here as lieu land and I advise you that the light green area shown on the Bureau of Soils map is the alluvial loam or what you refer to as black bottom land. Is there an area in this lieu land as extensive as is now shown in the same colors, same designation, same map, marked Fort Berthold reservation.

Mr. Wilde: I don't think so.

Mr. Case: Does this map conform to your own personal knowledge of the map of Fort Berthold? Does this area represent substantially the bottom lands that you have talked about?

Mr. Wilde: Yes.

Mr. Case: Are you familiar with the Knife River bottom as it comes into the Missouri River? Are there any lands that you know as black bottom land in that area?

Mr. Wilde: Right here. It goes right along. It is right along here (indicating Knife River bottom).

Mr. Case: From your own information is the land in the lieu area comparable to the land in the Fort Berthold reservation to be inundated?

Mr. Wilde: I don't think so.

Mr. Case: Would this land in the lieu area fairly compensate the Indians in the Fort Berthold reservation for the lands shown in pink to be inundated?

Mr. Wilde: I don't think so.

Mr. Case: You said that you were in the cattle business?

Mr. Wilde: Yes, sir.

Mr. Case: You heard Mr. Smith's testimony?

Mr. Wilde: Yes, sir.

Mr. Case: Do you feel that it is possible or impossible to operate on the present Fort Berthold lands, which will not be taken, and winter feed lots on the lieu land?

Mr. Wilde: I don't want to run cattle that way if I have to make my living.

Mr. Case: What would be the effect of placing cattle on the Fort Berthold land in the summer and on the lieu lands in the winter?

Mr. Wilde: It would not work with me.

Mr. Case: Do you think it would work with other cattle men?

Mr. Wilde: I don't think so. No man will want to transport his cattle 200 miles to the feeding place. In the first place this portion (indicating the lieu lands) is insufficient to feed the cattle and in no more than six months of feeding time he would be pulling out again.

Mr. Case: Isn't it ordinarily the practice in the cattle business to have winter range and lots adjacent to your summer lands?

Mr. Wilde: Yes, sir.

Mr. Case: From what you state do you feel that the present offer of the War Department puts the Fort Berthold people out of the cattle business?

Mr. Wilde: Yes, sir.

Sec'y Davidson: Are there any questions? (No questions)

Mr. Case: Mr. Mahto, will you state your full name, age and residence?

Mr. Mahto: Mark Mahto, Fort Berthold Reservation, 60 years.

Mr. Case: Do you hold any official position there?

Mr. Mahto: No - not with the government. I am secretary of the Tribal Business Committee.

Mr. Case: Who is the chairman of the Tribal Business Council?

Mr. Mahto: The chairman is George Gillette.

Mr. Case: Are you familiar with his signature.

Mr. Mahto: That is his signature.

Mr. Case: Mr. Secretary, at this point we offer for the record and the record of the Department a letter from George Gillette, Chairman of the Tribal Business Council, addressed to the Secretary of the Interior, containing the record made by the Tribal Council in submitting to the people of Fort Berthold Reservation the offer made by the War Department. That is the document just identified by the witness.

Secretary Davidson: Respondent's exhibit 2 will be incorporated in the record. Then we will permit counsel to withdraw exhibit 1.

Mr. Case: You live on the Fort Berthold Reservation?

Mr. Mahto: Yes sir.

Mr. Case: For how long.

Mr. Mahto: All my life, with the exception of four years at Carlisle.

Mr. Case: Did you get your early education at Fort Berthold?

Mr. Mahto: Yes sir--Indian Boarding School.

Mr. Case: What business do you engage in?

Mr. Mahto: At present I am not farming or raising cattle. I did try it at one time, but I am retired at this time.

Mr. Case: Are you familiar with the general condition of the bottom lands on the Fort Berthold reservation?

Mr. Mahto: Yes sir.

Mr. Case: What kind of land is on the first bench and bottom?

Mr. Mahto: First bench is sandy soil. On the bottom it is composed of black loam.

Mr. Case: Is there a substantial amount of that?

Mr. Mahto: Yes sir.

Mr. Case: Do you have any idea as to the number of acres involved in black loam.

Mr. Mahto: I have no idea but I can make a guess. I think our black loam is five times more than they have offered us in the lieu land.

Mr. Case: Are you familiar with the lieu land in the proposed Garrison Dam?

Mr. Mahto: Yes sir.

Mr. Case: Is there any black loam down here?

Mr. Mahto: Yes sir.

Mr. Case: Where is it?

Mr. Mahto: Mostly around Hazen at the upper end of the lieu lands.

Mr. Case: Is that where the Knife River comes into the Missouri?

Mr. Mahto: Yes sir.

Mr. Case: What about the lands down the Missouri River below the mouth of the Knife River? I show this to you as indicated on the Bureau of Soils map of North Dakota.

Mr. Mahto: That is mostly poor soil, sandy. They have very little of this productive land.

Mr. Case: In the lieu land is the bottomwide or narrow?

Mr. Mahto: Narrow.

Mr. Case: Is the bottom narrow or wide at Fort Berthold?

Mr. Mahto: Wide.

Mr. Case: Would you say it runs as much as five or six miles?

Mr. Mahto: At that point it will average three miles. There are places wider.

Mr. Case: Witness indicating the point Elbowoods which is the agency at Fort Berthold reservation. From your information how does this land offered as a substitute compare with the land on Fort Berthold reservation proposed to be inundated?

Mr. Mahto: I have no figures. Our lands are not for sale. Whereas the lands in this area have been on the market ever since the lands were settled. We all know that if our lands were on the market they would bring five times the value of the offered land.

Mr. Case: Witness indicated the Fort Berthold lands and stated that the Fort Berthold lands are worth five times as much as the lieu lands.

Mr. Case: Are you familiar with the cattle business?

Mr. Mahto: I was in the cattle business twice and failed both times. I know my mistake but am too old to remedy it.

Mr. Case: You heard Mr. Smith's and Mr. Wilde's statements, did you not? What in your opinion would be the effect of summer range for cattle on the present Fort Berthold reservation and winter feed for the same cattle on lieu land?

Mr. Mahto: That question will never be considered by any sane cattle man.

Mr. Case: Could a herd possibly be taken care of under those conditions in summer on Fort Berthold and wintered on the lieu land?

Mr. Mahto: No.

Mr. Case: What do people at Fort Berthold rely on for a livelihood?

Mr. Mahto: Mostly stock raising.

Mr. Case: Are you familiar with the lands away from the Missouri River bottom in the area marked lieu land? What do you know about it and state what the land is.

Mr. Mahto: I went over that country three times during my life and there was nothing but poor grazing.

Mr. Case: You are secretary of the Tribal Business Committee and I ask you: did the Tribal Business Committee present the offer made by the War Department, this current offer, was that presented to the people of Fort Berthold?

Mr. Mahto: Yes sir. I was one of the three members of the Committee to visit each community on the reservation and they gave sixty objections to the offer, that is including all the areas on the reservation.

Mr. Case: When was that done?

Mr. Mahto: Between December 4 and 10, 1946.

Mr. Case: Was the offer made by the War Department given consideration by a substantial number of your people on Fort Berthold?

Mr. Mahto: Yes, at every meeting the district was well represented and the offer was gone over thoroughly and they objected to every part of the offer.

Mr. Case: Has the Fort Berthold Tribal Council taken any formal action on the War Department offer?

Mr. Mahto: Yes, we made a resolution objecting to the offer and I think it is in the hands of the Interior Department.

Mr. Case: You said objection.

Mr. Mahto: Yes sir.

Mr. Case: Does that objection include a refusal to accept the offer?

Mr. Mahto: Yes.

(At this point Mr. Case introduced the resolution of the Fort Berthold Affiliated Tribes with attachments. See Exhibit 3.)

Mr. Case: Mr. Secretary, that is the testimony that we have to offer and at this point, if you permit, counsel will make a brief statement.

Senator Langer: Would the counsel desist until Mr. Wilcox is heard from?

Mr. Case: Mr. Secretary, the request of Senator Langer is that we yield to the North Dakota representative of the people in Oliver and Mercer counties, Mr. Burton Wilcox.

Secretary Davidson: That will go into the value of the land?

Senator Langer: Yes sir.

Mr. Burton Wilcox (President of the North Dakota Public Welfare Board, which has charge of all welfare in the State of North Dakota, appointed by the Governor, Secretary of Agriculture and the Attorney General): I am State Attorney for Oliver County, having lived in Oliver County for 40 years, and having lived in the lieu lands some 15 years and have farmed there. I think that the crux of the whole matter is the statement the Indian makes that he is not a farmer. The only way that the land can be cultivated is by tractors and heavy machinery. The value of the farm machinery in that area is \$10,000 per farm. There is hardly an acre in the bottom lands left for pasture. It is all cultivated. All feed must be raised such as clover, alfalfa, and corn. With the type of farming that the Indians do, they cannot exist in this valley. There are 165 farmers in this territory. It is proposed to put twice as many farmers from the Three Tribes in this area. This land once was subject to homestead. At one time there were four farmers on every other section of the land. The other section was railroad land and could not be homesteaded. Those people (the homesteaders) could not make a living under the methods of farming carried on 15 years ago. They were driven out and their lands passed into the hands of farmers whose acreage is large. There are 145,000 acres in the lieu lands upon which live 165 farmers so that each family has approximately 800 acres on which to make a living. You cannot reduce this amount and have any farmers prosperous. The Farm Security Administration refuses to make a loan in Oliver County to any farmer who farms less than 480 acres. That is why we say that the lands are not comparable. The Three Tribes could not survive down there. You must farm in that community. You must plant and you must harvest in order to get feed for your cattle. The people living on the upland have acquired large acreages of land and as these witnesses have testified a great part of this land is under cultivation. I do not believe that you could find 1,000 tons of prairie hay in the east end of Oliver County. I do not want to get into any argument as to the quality of the soil. The map shows that. Our farmers have taken 15 to 20 years to learn how to farm in this part of the county. There isn't any farmer but what has one or two tractors with which to farm. You can't exist out there unless you have this type of equipment. I think this is substantiated by the records in Washington. The homesteaders were not farmers in the old days. They had to learn to raise feed and we submit to you that this land is not comparable when you take into consideration the type of farming that must be carried on in Oliver and Mercer Counties today. The Three Tribes have testified to that. They couldn't live down there. It is absolutely impossible to have a winter range 200 miles from where you raise your feed. A farmer must plant feed in the summer and put it up. He can't live in one county during the summer season and move his stock to another county during the winter season and succeed. In the first place, with modern roads and high speed vehicles it is dangerous to move a herd of cattle over these roads. The only way is to move the cattle by truck. That is impossible. No farmer is attempting that today. He doesn't depend on the woods for his cattle. He has shelter for his cattle and feeds them on the prairie and in the bottom. Outside of the question of the damage done to us we believe that the Secretary of the Interior is absolutely justified in finding that these lands are not comparable and to attempt to move twice as many people to live there is impossible.

Secretary Davidson: I think we might have a ten minute recess.



After the ten minute recess the meeting came to order.

Mr. Case: During the period of recess I had occasion to meet Mr. Carleton R. Ball, of Washington, D. C., who is interested in this matter and would like to make a statement, if you will permit it.

Mr. Davidson: I assume that the gentleman's statement will have a direct bearing on the question at issue; if that is so we will be glad to hear what he has to say.

Mr. Case: Mr. Ball, where do you live?

Mr. Ball: In Washington, D. C., at the present time.

Mr. Case: What is your occupation?

Mr. Ball: I served in the Federal Government for over 31 years in the Department of Agriculture, having been Executive Secretary of the Correlating Committee of the Department of Agriculture, the Tennessee Valley Authority and the agricultural colleges of the United States for the last nine years before I re-

Mr. Case: Have you heard the statements by these Indian witnesses this morning?

Mr. Ball: Yes sir, I have.

Mr. Case: I would like, if you will, to have you make a statement relative to the questions that are before the Secretary of the Interior today. That is, in a general way, are the lands that have been offered by the War Department as lieu lands in exchange for lands to be inundated on the Fort Berthold Indian Reservation, comparable? I place before you the map prepared by the U. S. Army Engineers indicating the lands to be inundated and the lieu lands offered in exchange. Are you familiar with these particular lands?

Mr. Ball: Yes, I am familiar. I had a hand in the preparation of the survey plan of the area and I am generally familiar with the types of soils and farming and farming abilities of the area and I know the type of work that was performed by the Bureau of Soils.

Mr. Case: Do you recognize this map as the Bureau of Soils map for North Dakota?

Mr. Ball: yes, sir.

Mr. Case: The indications on this map, according to the legend, shows the character of the soils in western North Dakota. The lieu lands are indicated herein in blue and the reservation areas in red. The blue and red lines being those placed by counsel to indicate the boundaries in question. Kindly examine

the map showing the differences in soil and the extent of that difference between the two areas.

Mr. Ball: Even a cursory examination shows that there can be no comparison. Your area of good soil as indicated on the lieu lands is exceedingly small when compared with the other areas on the reservation. I studied the lands in the original offer made before and I had assumed that this would be better land but actually there is no comparison between the lands now owned by the Indians and those offered in exchange.

Mr. Case: As a result of that study, do you have personal knowledge of the reservation lands, that are to be inundated?

Mr. Ball: Yes, sir.

Mr. Case: Do you think that the lands offered in exchange for these reservation lands that are to be inundated would compensate the Indians for their reservation land?

Mr. Ball: No, sir. The reservation lands to be inundated contain some of the best and most valuable lands in the United States. They are the accumulation from bench lands, from first, second and third benches in North and South Dakota. These bottom lands under crop production just cannot be compared to what the Indians have on Fort Berthold. The lieu land area is intensively farmed and they can't yield or afford the ton production in alfalfa, clover, corn or millet and some cases sorghum to carry your livestock over winter--you just can grow cattle that way.

Mr. Case: Do you have any knowledge of the cattle business?

Mr. Ball: Yes, somewhat.

Mr. Case: You have heard the statements made by Fort Berthold Indians. Is it possible to run a sizeable herd here in Fort Berthold and transfer them to the lands offered in exchange and winter them; is that practical?

Mr. Ball: I am convinced that there is no cattle man that would even attempt it, and if there is, I don't want to meet him.

Mr. Case: You and I, Mr. Ball, met for the first time here, didn't we? We haven't had an opportunity to discuss this matter before.

Mr. Ball: That is right.

Mr. Case: I want you to state what you think, from the examination of these maps, the real merits of the lieu lands and the Reservation lands?

Mr. Ball: Obviously, I can't do that as a land appraiser. In fact, I was not aware of this alternate offer-- I knew the original proposition made but at any rate there is no comparison possible. You cannot compare values; the situation is so simple that it stares you in the face.

Mr. Case: You are referring to the first offer; is that the first offer made by the Corps of Engineers for lieu lands?

Mr. Ball: Well, it was the proposal some months ago to put part of the tribe on highlands on the north side of the river and the rest on the lower bottoms. These were lands so bad that nobody would take them; even homesteaders who are inclined to take most anything would not touch them because you just can't live or make a living in them.

Mr. Case: Here is a map of Fort Berthold Reservation--the area west and south of the reservation indicated in green. Is that the area you studied, or are you familiar with that area?

Mr. Davidson: Mr. Case, I would like to know where you are leading. Is Mr. Ball's testimony relevant to the question we are discussing? That is, I am wondering if it ties in on the present lands, the lieu lands offer.

Mr. Case: Mr. Chairman: In view of my statement, what I am trying to do is to qualify the witness; that he is interested in this matter and from his study and knowledge he can state his conclusions.

Mr. Davidson: All right, proceed.

Mr. Case: Mr. Ball, was it from the study of the earlier offer you took an interest in this question, of what is going to happen?

Mr. Ball: Yes, that was the primary thing. What was proposed was unthinkable, it was preposterous that a government that is exerting pressures for a fair treatment of minority groups in Europe and then on the other hand attempt this on one of our own minorities. What was proposed was extremely unfair.

Senator Langer: Mr. Chairman, may I at this time interrupt to put a question to Mr. Smith. Mr. Smith, isn't it a fact that years ago, long ago your ancestors lived on this same land offered in exchange and that they could not make a living out there and had to move towards your new place; that you had sort of moved next door?

Mr. Smith: Yes, that is true.

Mr. Case: Mr. Chairman, I would like to briefly summarize the statements made today and the counselor's questions. The statement is made as Counsel for the Three Affiliated Tribes of the Fort Berthold Indian Reservation. From the record and in part from the counsel's knowledge of these lands, Mr. Secretary, we have, I believe, clearly demonstrated to you that the lands offered by the War Department, now under consideration by the Secretary of the Interior, are not comparable in quality. We do not raise a question as to the extent of the area because that fact does not in any way improve the situation. As to the value of the lands the War Department offers to the Department of the Interior the list of lands to be inundated with a value attached and a list of lands in lieu, with a value attached. We have no way of knowing on what basis it was established by the War Department, but we invite your attention to the fact that the lands within the Fort Berthold Indian Reservation can not be judged on a sound basis or any basis of potential purchase and sale conditions. Those lands on the reservation are not on the market and have never been on the market and I trust that they will never be. The lands below have been on the market and have been reduced to a condition where crops can be grown to a certain extent, so that we feel the offer made by the War Department totally fails to meet the provisions of the act of May 2, 1946, the Civil Functions Act, War Department. We have shown clearly that the domestic economy of the Indians of the Fort Berthold Reservation has not been taken into consideration in any way by the War Department in making its offer. The Fort Berthold Indian economy is based on cattle raising and this industry would be stamped out, entirely wiped off if a portion of the Indians live on the reservation and others on the lieu lands and they attempted to maintain their cattle enterprise in this divided and impossible condition.

The record being considered, we request that the Secretary of the Interior review its action and that the offer made by the War Department, which likewise is before him and as shown on all these maps and reports which are to be made part of the record, be rejected. With that refusal the respondents, the Fort Berthold Indians will be content. The answer of the Indians themselves is an emphatic NO, that they cannot live, that they cannot survive if these lieu lands are used and therefore we ask the Secretary to reject the offer made by the Secretary of War. I thank you.

Mr. Davidson: I assume that the sixty objections referred to by Mr. Mahto as raised by the Indians in the different districts of the reservation, are included in the notes submitted for the record.

Mr. Case: I did not have an opportunity to read all of the documents but I believe that assumption is correct, that they are listed on the notes inserted in the record.

Mr. Davidson: If any of you gentlemen wish to offer any further remarks or present questions, this is the time to do it.

Mr. Zimmerman: Mr. Chairman, I have no questions, but I would like to insert in the record a telegram addressed to the Commissioner of Indian Affairs, which I received this morning, signed by Walter Youngbear, Chairman of the Three Affiliated Tribes' Council. (See Exhibit 4)

I also want to place on the record a telegram, too long to read here, unless somebody wants it read, addressed to the Secretary of the Interior by the Hazen Community. (XSee Exhibit 5)

Senator Langer: I have known these lands for over thirty-five years and to me the most important fact is that these Indians years ago lived on this proposed lieu lands and that they found it impossible to subsist there and consequently had to move up stream where they are now located. I am convinced that the Indians are absolutely justified in refusing to accept the offer and I sincerely hope that the Department of the Interior will reject it. I would like, however, to hear the opinion of the gentlemen from the Office of Indian Affairs.

Mr. Davidson: As I mentioned informally earlier, the Harper report was completed only a short time ago and is now being considered by the Commissioner of Indian Affairs. That report, together with the very valuable information that has been brought to our attention this morning by the members of the Tribe and others, will be considered and be given careful, serious and thorough consideration before the Secretary reaches the decision which he is instructed to reach by the statute.

I wonder if General Crawford has any comments.

General Crawford: No sir, we have no comments; we are acting only as observers here for the War Department.

Mr. Davidson: We appreciate your being here very much. This is a very serious matter: the dislocation of a people, removing them from a place where they have been for hundreds of years and it is extremely important that we consider all the angles and the phases of the matter. All of the evidence will be considered as soon as the record is assembled and we shall go over it with extreme care. Does any one else desire to make any comments before we close this meeting:

Mr. Case: May this record be mimeographed so that the Counsel for the Tribe and the Tribal Council itself may have copies?

Mr. Davidson: That shall be done, we will have it mimeographed and have copies available.

Mr. Cohen: I would like to ask Mr. Mahto to clarify the attempted comparison of values of the lieu lands and those to be lost. He said something about the reservation lands to be flooded being five times as valuable as the lieu lands. Was he referring to all of the land or simply the bottom black loam lands?

Mr. Case: Mr. Solicitor, it happens that Mr. Mahto is very hard of hearing and I wonder if you would come next to him and repeat your question so that he will understand it clearly.

Mr. Cohen complied with the request and repeated the question.

Mr. Mahto: My statement was that that much more of that good black loam was found on the reservation lands and at the same time that they were at least three times more in value, but the acreage, the area of good bottom lands was five times as much, roughly speaking.

Mr. Cohen: Then you estimate that the actual value would be about three times as much. Let me see, you mean that there is five times more acres of black loam land in the region to be inundated.

Mr. Mahto: Yes sir, according to my rough estimate.

Mr. Cohen: Is the black loam land in the area to be inundated more valuable or less valuable, acre for acre, than the lieu lands.

Mr. Mahto: Oh!, the land to be inundated is more valuable. There is more of it, in bigger and wider strips and you can realize more out of it than the small strips in the lands offered in exchange. I would say five times as much and three times as valuable.

Senator Langer: I would like to suggest that Mr. Burton Wilcox, who represents the Governor, the Welfare Board of and the State of North Dakota remain here for further testimony, should that need arise.

Mr. Wilcox: I am afraid, Senator, that it is virtually impossible for me to stay in Washington. It happens that I have to appear Wednesday morning at very important budget hearings before the state Legislature and it is absolutely indispensable that I fly back tomorrow night. I could, of course, come back, but I regret that I cannot stay now.

Mr. Davidson: Any further comment?

Mr. Case: Mr. Chairman, in view of the fact that the Indian Office report on Fort Berthold prepared by Mr. Harper, is not yet before the Secretary and cannot be so placed until examined and approved by him, I would like to request as counsel for this tribe that instead of a final adjournment the meeting recess until that report can be approved by the Secretary of the Interior and we have a further opportunity to present evidence or argument.

Mr. Cohen: I am afraid that that would be putting the cart before the horse. You see, once the report is approved by the Secretary there is no further action. It might be possible to make the report available to the tribe before Secretarial approval.

Mr. Case: I am glad to accept that amendment -- I favor it.

Mr. Davidson: The high point of this hearing today is that the Secretary was to get the views of the Fort Berthold Indians with respect to the offer made for lieu lands, to help the Secretary make up his mind, based on the testimony and the evidence which he gets elsewhere. The hearing, as you know, was called originally by a letter to you, Mr. Case, with the purpose of presenting the Indians' position in the matter and since you are here in town, it would be simple to call for another one if it appears desirable. It might be well if Messrs. Mahto, Smith and Wilde remain in town for a few more days in the event that a second hearing has to be called.

Mr. Case: I think they can do that. I would also like to have an opportunity of examining the Harper Report before the Secretary takes final action.

Mr. Davidson: Yes.

Senator Langer: I would like the record show that I also am representing today Congressman Charles R. Robertson, who holds the same views I have expressed here today.

Mr. Davidson: If there are no further comments, the meeting is adjourned.

Exhibit 1.

THE SECRETARY OF THE INTERIOR  
WASHINGTON 25, D. C.

December 13, 1946

My dear Mr. Case:

Assistant Secretary C. Girard Davidson has been designated to conduct a hearing for the purpose of obtaining the views of the Three Affiliated Tribes of the Fort Berthold Reservation on the lieu lands offered by the Secretary of War under date of November 21, 1946, in connection with the proposed construction of the Garrison Reservoir. In accordance with Section 6 of Public Law 374, Seventy-ninth Congress, Second Session, approved by the President on May 2, 1946, the Secretary of the Interior must determine whether the land which was offered is "comparable in quality and sufficient in area to compensate" the tribes for the lands which will be used in the construction of the dam. Only such testimony as relates to this subject will be given consideration at the hearing. It will be held at 10:30 a.m., Monday, December 16, 1946, in the Secretary's conference room, 5th floor, South Interior Building, Washington, D. C.

Sincerely yours,

(Sgd.) Oscar L. Chapman

Under Secretary of the Interior.

Ralph H. Case, Esq.,  
Attorney for the Fort Berthold Indians,  
Southern Building,  
Washington, D. C.

Copy to: Lt. Gen. Raymond A. Wheeler,  
Chief of Engineers,  
War Department, 21st & Virginia Ave.,  
Washington, D. C.



Exhibit 2.

Section 6, Public Law 374, 79th Congress  
2d Session, approved May 2, 1946.

"Sec. 6. No part of the appropriation for the Garrison Reservoir herein contained may be expended for actual construction of the dam itself until the Secretary of War shall have selected and offered, through the Secretary of the Interior, to the Three Affiliated Tribes, land which the Secretary of the Interior approves as comparable in quality and sufficient in area to compensate the said tribes for the land on the Fort Berthold Reservation which shall be inundated by the construction of the Garrison Dam: Provided, further That said selection and offer by the Secretary of War and approval by the Secretary of the Interior shall be consummated before January 1, 1947, after which consummation, actual construction of the dam itself may proceed: And provided further, That funds appropriated for the construction of said dam may be transferred to the Secretary of the Interior for use by him in acquiring title to the lands thus selected."

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON

Exhibit 3  
(Pages 24-44)

December 16, 1946

Memorandum

To: Secretary of the Interior

From: Acting Commissioner of Indian Affairs

Subject: Transmitting correspondence to Secretary by duly elected  
delegation from Fort Berthold.

Attached is a letter of December 13, from Chairman George Gillette, Chairman of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, together with attached exhibits, which were forwarded to me for submission to you.

I have requested the duly elected delegation from Fort Berthold to present these papers directly to you.

(Sgd) WILLIAM ZIMMERMAN, Jr.  
William Zimmerman, Jr.,  
Acting Commissioner.

TRIBAL BUSINESS COUNCIL  
THREE AFFILIATED TRIBES  
FORT BERTHOLD INDIAN RESERVATION  
Elbowoods, North Dakota  
December 13, 1946

The Honorable,  
The Secretary of the Interior  
Washington, D. C.

(Through Commissioner of Indian Affairs)

My dear Mr. Secretary:

Reference is made to your letter of November 22, 1946, with which you transmitted to me, as Chairman of the Fort Berthold Tribal Business Committee, one complete copy of the Secretary of War's lieu land proposal.

The Tribal Business Council met in special session on December 2, 1946, to consider the offer. It, at that time, decided to delay final action until the offer had been presented to the members of the Tribes on the Fort Berthold Reservation. Accordingly, during the period December 4 to 10, meetings were held as indicated in the notice attached as inclosure #1. Superintendent Reifel submitted reports of these meetings to the Council; copies of which are attached herewith as inclosures #2 to #8.

The Tribal Business Council, again, met in special session on December 11, 1946, to give further consideration to the offer. At this special session the offer was formally rejected. A copy of the resolution covering this action of the Council is attached as inclosure #9.

The separate volumes transmitted to me in connection with the proposal of the Secretary of War, since return of them is not indicated, will be kept for the files of the Tribal Business Council unless I receive instructions to do otherwise.

In accepting your invitation to have representatives of the Three Affiliated Tribes at the special hearing you are arranging to conduct with our Attorney, Mr. Ralph Case, the Council selected Messrs. Byron Wilde, Mark Mahto, and Jefferson B. Smith who left for Washington on December 12, 1946, in order to be present at the hearing which we understand will be called December 16, 1946.

Sincerely yours,

(Sgd) GEORGE GILLETTE

George Gillette

Chairman of the Tribal Business Council  
of the Three Affiliated Tribes of the  
Fort Berthold Reservation, North Dakota.

GG:am  
Encls. #1 to 9  
cc - Indian Office  
Mr. Ralph H. Case  
Ft. Berthold Indian Agency.

NOTICE TO ALL MEMBERS OF THE THREE AFFILIATED TRIBES  
OF THE FORT BERTHOLD RESERVATION

The offer of lieu lands by the Secretary of War to the Fort Berthold Indians in connection with the Garrison Dam arrived November 27, 1946, and is now in the hands of the Tribal Business Council.

The Tribal Business Council met in special session December 2, 1946 to consider the offer and it was decided to hold off final action until after the offer has been discussed in each of the districts of the Reservation. Accordingly, meetings will be held as follows:

<u>District</u>	<u>Place of Meeting</u>	<u>Time</u>	
Lucky Mound	Lucky Mound Day School	1:00 p.m.	Dec. 4
Red Butte	Red Butte Day School	1:00 p.m.	" 5
Charging Eagle	Charging Eagle Day School	1:00 p.m.	" 6
Independence	Catholic Hall	1:00 p.m.	" 7
Beaver Creek & Nishu	Catholic Hall at Nishu	1:00 p.m.	" 8
Shell Creek	Shell Creek Day School	1:00 p.m.	" 9
Elbowoods	Agency Council Hall	7:00 p.m.	" 10

The Superintendent has been requested by the Tribal Business Council to assist Mr. Byron Wilde and Mr. Mark Mahto in explaining the War Department offer at these meetings. Mr. Wilde and Mr. Mahto, as you know, have been selected by the Council as the delegates to go to Washington to work with your Attorney, Major Ralph Case. It will be important for them to know your feelings about this offer.

It is hoped and strongly urged that you come to one of the above scheduled meetings and find out all you can about this offer. There will be maps, written reports and pictures of the lands that are considered in the offer.

Mr. Wm. Zimmerman, Ass't Commissioner of Indian Affairs, Mr. Paul L. Fickinger, District Director and Mr. Allen G. Harper, Ass't District Director, expect to be on the Reservation around December 12, and the Council plans while Mr. Zimmerman is here to discuss this matter further with him.

Let us see you at one of the above scheduled meetings on this important question.

Ben Reifel  
Superintendent

Fort Berthold Agency  
Elbowoods, North Dakota  
December 11, 1946

To the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation:

1. Following is a list of the names of individuals who attended the meeting in Lucky Mound District on December 4, 1946 to discuss the lieu land offer of the Secretary of War.

Mr. & Mrs. Pat Harney  
Mr. & Mrs. John Irwin  
Mrs. Chas. Grinnell  
Joe Young Bear  
Melvin Johnson  
Howard Mandan  
George Young Bear

Paige Baker  
Ralph Wells, Sr.  
Mrs. Flora Irwin  
Mr. & Mrs. John White Body  
Mr. & Mrs. Valentine Wells  
Mrs. Edward Hall

2. Below are the comments of the individuals at this meeting in regard to this offer: Objections to offer:

1. Land areas would be so scattered that wherever Agency headquarters may be located, large numbers of people would have extremely long distances to travel to carry on their official business.

2. Individual's land holdings so broken up between the lieu area and the residual areas as to completely destroy his ability to make a living from them.

3. Timber resources are not going to be paid for by the Government and if Indians are going to get any benefit from them, they are going to have to remove them at their own expense within two years which is too short a time.

4. Nothing is said as to how selection will be made if two or more land owners want the same site on the lieu land.

5. No mention is made as to how those landless or practically so will be resettled, many in this status, now through blood relationship, marriage or friendship are more or less satisfactorily adjusted economically.

6. Adjustment in the lieu area because the land holdings will be so broken up can never be made in such a way that the families may be as well situated as they are now.

7. It will be taking away from our young men the very thing that they fought for in the war just ended.

8. It is breaking faith with those who settled on reservation lands and were given trust patents thereto, which they believed to guarantee to them possessing rights that they and their descendants might enjoy without interruption.

9. Resources such as coal, timber, grazing flowing springs and reservoirs are not and it is believed can not be duplicated in this or any other offer.

10. Present timber resources are protected by fire lanes while this is not the case in the lieu area.

11. The Mandans of the Three Affiliated Tribes have as part of their heritage an obligation since time immemorial that pledges them to migrate upstream as a manifestation of progress. This obligation is seriously respected by the Mandans in their present day ceremonial life. A shrine in its commemoration is located on the reservation. To "move back" to the lieu area is a violation of this sacred trust.

12. Road system in the lieu area is not adequate to serve the needs of any settlement in that area as well as the system on the present reservation.

13. Army's proposal of relocating cemeteries does not include private burial grounds.

3. The above meeting was attended by Mr. Mark Mahto and Mr. Byron Wilde, Delegates, you have selected to represent you in Washington.

4. The letter received by your Chairman from the Ass't Secretary of the Interior dated Nov. 22, 1946, was read and explained at this same meeting along with the offer.

(Sgd) BEN REIFEL  
Ben Reifel  
Superintendent

Fort Berthold Agency  
Elbowoods, North Dakota  
December 11, 1946

To the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation:

1. Following is a list of the names of individuals who attended the meeting in Red Butte District on December 5, 1946, to discuss the lieu land offer of the Secretary of War.

Mr. Bernard Chase	Herbert Sitting Crow
Frank Chase	Mr. & Mrs. Joseph Eagle
Mr. & Mrs. James Holding Eagle	Ralph Little Owl
Sylvan Sage	Mark Mahto
Lawrence Fox	Matthew Holding Eagle
John Sitting Crow	Albert Little Owl

2. Below are the comments of the individuals at this meeting in regard to this offer:

1. Families would be separated in such a way that it would be difficult for them to visit back and forth as they do now.

2. As objected by Lucky Mound, people getting to the Agency to do business is difficult now, and would be much more difficult if the proposed offer of the War department were accepted.

3. Impounded water behind the dam will exist as an ever present threat to the life and property of those who would live on the lieu land. This is especially true since peace in the world today is not certain, and technically developed bombs may be used by the enemy who would pick just such targets as the completed huge Garrison Dam would present.

4. The lieu lands are not comparable in any way to the land that would be flooded. Mr. Albert Little Owl and his brother together own 1840 acres, part of which are in the area proposed to be flooded. This acreage could not be duplicated in the lieu area.

5. The offer is entirely inadequate. The lands to be taken result in breaking up the entire reservation economy of the Fort Berthold people. An offer that might get some favorable consideration is an area "comparable in quality and sufficient in area" below the dam and below Ft. Clark on both sides of the Missouri River in exchange for the entire Reservation.

6. The adjustment made by families because their lands are together and they can live on a part of it and rent the rest out for an annual income which can not be duplicated on the proposed lieu lands.

7. John Sitting Crow speaking—I am a Mandan whose forefathers lived on the land in and around Stanton and we know it to an almost desert section. To accept this offer would be just like taking back a horse that we had thrown away.

3. The above meeting was attended by Mr. Mark Mahto and Mr. Byron Wilde, delegates, you have selected to represent you in Washington.

4. The letter received by your Chairman from the Ass't Secretary of the Interior dated Nov. 22, 1946, was read and explained at this same meeting along with the offer.

5. A secret ballot was taken at the end of this meeting and vote was 11 against the offer and 3 for.

(Sgd) Ben Reifel  
Ben Reifel  
Superintendent



To the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation:

1. Following is a list of the names of individuals who attended the meeting in Charging Eagle District on December 6, 1946, to discuss the lieu land offer of the Secretary of War.

Evan Baker	Sam Bad Gun
Sam Lincoln	Dick Burr
Frank Young Bear	Philip & Edna Atkins
Robert Lincoln	Martin Fox
Walter Young Bear	Mr. & Mrs. Charles Fredericks
Justine Spotted Bear	Martin Cross
Mr. & Mrs. Lee Old Mouse	Jefferson Smith
Mr. & Mrs. Evan Burr	Carl Sylvester

Visitors

F. J. Froeschle	All from Hazen as Committee to make unbiased
R. J. Sailer	study of lieu land offer.
Adolph Kreueger	
Hubert Stoelting	

2. Below are the comments of the individuals at this meeting in regard to this offer:

Martin Fox, ancestors lived at Stanton and vicinity and moved because this new land was better and the Indians can not go back to it. White residents of lieu area are pioneers in the agriculture of that section and it is not right that we should be called upon to force them to move. If I were to reconstruct all our resources of our present Reservation it would take all afternoon. The Government should not in full justice to the Three Affiliated Tribes take any land under the Garrison Reservoir Project until its obligations to the tribes have been righted. What manner of Govern't is this that we live under that our treaties rights are not respected. My main objection is that I want the government to pay the Three Affiliated Tribes all the debts it owes through Treaties obligations before we are drowned out.

Robert Lincoln: Have known that plans were under way the Government to construct Garrison Dam but never did they come to consult us until its own plans were completed before informing us as to what they proposed to do. We are much like the hen and her young fighting off the hawk that is swooping down to attack. We as thinking beings want to protect and save our lands to those who will come after us. We do not know the feeling of the Whites to be disposed by this offer. It might be well to hear from them. We have migrated up the river from the area in which the lieu lands are situated and have left it. We found our present lands more suitable. Government seems not to realize that we have an established culture on this land that is dear to us and don't want to be disturbed.

Frank Young Bear-- What the other speakers have said is all true. The elderly men have spoken on the Garrison Dam situation and what they have said is true.

We are creatures of the Creator and place in this area. The construction of the Dam will breakup our reservation, make its use unsuitable to us. Believing the purpose of the creator to be all wise had he found need for a water in the place where the dam is to be created he would have done so. Our foremost objection is that the dam would take away our very homes, farm lands, etc. and to prevent this we have offered a location called the "upper Dam" which would eliminate all the trouble we are now having. Going back to 1825 when we first had contact their treaty negotiations, treaties then and since then solemnly made have been kept faithfully by the Indians but not by the Government on in all these years. We have never objected to negotiations with our Government but I feel in this case we must.

Richard Burr: I would forwith say NO to this offer but since Sup't Reifel has explained and suggested that the offer should be carefully considered he is going to explain his objection:

1. Farm lands and other resources would be lost if offer is rejected.
2. Schools, churches, burial grounds would be lost and disturbed.
3. Good business and fair consideration of theother fellow (a good American practice) was not followed in this instance, the Government went ahead with its plans leaving the Indians out until it was too late, that is why I object to the offer.

Philip Atkins: Due to Sup'ts suggestion that we express reasons why we object I take this occasion to say a few words. During the past summer we had five of the older men to express their opposition was still in effect. One of these old men has since gone to his maker and I don't want now to change the position of the opposition taken by him while he was alive. The Army Engineers came in person once to make their offer and now it appears that they are still at it but now in the form of a letter. Whatever offer I am still opposed. Our ancestors gave this Reservation as our home and we don't want to leave it.

Sam Lincoln: Been customary for us to let the olders speak but since the first speaker Martin Fox reprimanded us younger ones for not speaking up. It seems that we have two fractions over here and when I arise to speak on there issue I am ridiculed. Now they see their folly and voice their objections at this late hour. Formerly the attitude has been that they want to abolish the Indian Office and its functions and now they want to use the Indian Bureau as a schild to safe guard their interests. I refer by that the Garrison Dam is in live with the very thing they wanted to accomplish by abolishing the Bureau. Destroy our Reservation economy. At the very outset I objected to indications. In my humble way I saw this long ago. In years gone by we were told by our forefathers a place in the Indian Territory in Oklahoma which was rich in oils--that offer was rejected then and when that good offer was rejected I feel I must reject this offer. In the reservation we love our river bottom lands there we have our Agency, school buildings, and churches. We think that land is better than the top land. I live along the Little Missouri River near the woodlands at times I run out of fuel and in the lieu lands if I were transferred, I would have a fuel problem. I feel that this innundation will take away our fuel and abundant coal lands, that the lieu area can not replace. Our Extension Department has informed us that constant farming destroys the land but now the lieu lands has been tilled for years it does not if that is true, have the same fertility as our land. We know that Europe is overpopulated and have trespassed on one another's property causing wars. We do not want that to happen here and neither do we want our lands flooded and thus reducing the amount of tillable land in the country.

Edna Atkins: (A Mandan) The city of Mandan is named after my tribe. After we left that area the white man took possession and we never went back to there to ask to return of that country and since then we have lived on this Reservation. It was not given us by any government when this reservation was established the two parties the Government and Indians signed the documents and since that time we thought we owned this land. We own not only the surface but also the mineral rights. You may travel all over the U. S. and you will not come upon land equal to ours and that is why I don't want to see our land flooded out. Our timber resources are so valuable you cannot estimate their value. The edges of the river are covered with cottonwood its tributaries produce ash which in turn produces an income for the Indians. Under the surface of this area coal can be mined any place. One of the necessities of life is fuel and we are well supplied on the Reservation. The soil can not be compared with any other area. We raise practically every known variety of corn, beans and other produce that can be raised in any garden. The lieu land can not be compared to Reservation when it comes to producing gardens. For this reason I don't want our lands flooded by the Dam. As was stated before the Government has other obligations to meet why not meet them before construction of the Garrison Dam. In early days we had plenty of wild game which has all been destroyed by the white man. Why doesn't the Government keep a record of what it took from us as well as keeping a record of all the cost of things it has done for us. The government had not kept its obligation but the Indians have kept theirs even when verbal. The government keeps telling us that it does things right, why didn't it come to us before the Garrison Project was half completed. They were planning to take our lands I should have come to us first. We were the first owners of this land. As Mandans we befriended the Whites all along maybe the Superintendent's tribe (the Sioux) fought the whites, but we Mandans did not. Why don't they remember. It seems that the Army Engineers have not upheld treaties. It seems that Army Engineers have not upheld the things our boys in the war fought for and we felt our boys would come home to something that was theirs but it looks like their services to our country were useless. This country is big so why pick out the weakest point on which to build a dam and I object to anyone coming and appraising our land we are the ones to do this. We are not naturalized Americans, we are real Americans. The man pushing this should go to another country where force is recognized.

3. The above meeting was attended by Messrs. Mark Mahto and Byron Wilde, delegates, you have selected to represent you in Washington.

4. The letter received by your Chairman from the Ass't Secretary of the Interior dated November 22, 1946, was read and explained at this same meeting along with the offer.

(Sgd) BEN REIFEL  
Ben Reifel  
Superintendent

Fort Berthold Agency  
Elbowoods, North Dakota  
December 11, 1946

To the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation:

1. Following is a list of the names of individuals who attended the meeting in Independence District on December 7, 1946, to discuss the lieu land offer of the Secretary of War.

Philip Baker	Frank White Owl
Ben Good Bird	Oliver Standish
Louis Baker, Sr.	Sam White Owl
James Baker	Joseph Wounded Face
Howard Mandan	Earl Charging
Lawrence Baker	Carrie Charging
Peter Hale	Laura Rush
Oscar Burr	Nora Bell
Francis Charging	Emily Yellow Wolf
John Good Bird	Eva Beaks
Robert Rush	Ruth Charging
Crosby Beaks	Edna White Owl
Edward Blackhawk	Benedict Young Bird
Ray Bird Bear	Sam Boyd

2. Below are the comments of the individuals at this meeting in regard to this offer.

Mr. Louis Baker. The explanation made by our Superintendent concerning the lieu land does not give the soil construction for comparison. The soil construction is far important as the Indians final selection for his future rested on this soil construction.

Ans. Mr. Reifel: This study was made before plans were drawn on lieu land. The Secretary of Interior employed survey team to compare soil classification. Maps carry information on profile and soil texture. Physical profile is given on maps provided for that purpose. Reference book provided by Army Engrs was used to further explain this item.

Francis Charging: Maps were consulted to better inform us. I glanced through the proposed relocation which impressed me that the area will not compare in quality to our Reservation. The resourceful land in this reservation has benefited us for many hundreds of years. Experience shows that we cannot afford through any means to relinquish our present land holdings for other lands elsewhere.

Howard Mandan: We, Mandans, shall not move to lower land, however we may move above the flooded area nevertheless, we may be compelled to establish our homes elsewhere if the government desires. Our present status will not allow us to benefit from timber resources due to lack of equipment. We should have proper equipment to make better use of our present. My land holdings along flood area will be affected which will compel me to move to upper land.

Mr. Byron H. Wilde: Many older men have passed away leaving the younger generation to mold their plans and each young person must express his thoughts. We know that water has already caused hardship for transportation this hardship will be much more difficulty by the Garrison Dam. We establish our village at or near Stanton but were compelled to move on their initiative, why must we move back to that area. Our forefathers did not select that place.

Benedict Young Bird: Our present status in the set up will require us to hold our present possessions. We are told that damages cause by impounded waters of Garrison Dam will be irrecoverable, so if we were wiped out by Garrison Dam which may break loose some day. Will there be any exception in our case. The pasture lands as described shall not induce us to favor such lieu land. The future generation will be seriously handicapped as such lieu land may carry obscure rule forcing eviction of that generation, therefore a clause should be inserted with the request that in case the Garrison Dam breaks loose, the Indians residing below the dam may recover losses caused directly by the Garrison Dam and its possible dangers in the future.

Joseph Wounded Face--We are told that the Council will inform us when we lose our fight for eviction. I feel that they are not ready to submit any action toward proposals of any nature and personally I am not relinquishing whatsoever against the Garrison Dam. The Tribal Council are delegated to carry out business of the Reservation and as such they are in position to fight to the last. There should be no excuse for lack of representation.

Ray Bird Bear. Favors rejection of any offer. Seriously against the Garrison Dam.

Edward Black Hawk--We'll reject any proposed lieu land.

Crosby Beaks. The comparison shows that our present land is under estimated, and that impels me to retain our land, but to grant lands to the Army on the upper dam site.

Robert Rush--Better acquainted with the scope of neighboring country, will reject moving to the proposed relation land. We must move upstream where lands are better, stock raising country. We are not equipped to make profitable use of our timber at the present time. If we must move, we must move upstream.

John Good Bird--Our district is not fully represented every one must be informed as this is important. The white man will not want to lose its grains, permanent structures and other improvements. I favor the upper dam as we will be seriously affected by backflow into the rest of the remaining portion.

Oscar Burr-- The lieu land is not comparable in quality, coal mines are numerous here, while hardly such things are mentioned in the relocation area. Settlements pending toward Fort Berthold Indians and many other Government obligations must be settled before we can discuss on acceptances of lieu land. We have been told that repetition of careless thoughts and such observance will not permit us to make favorable comments of proposals prepared by the War Dep't.

Peter Hale—Our minerals and other natural resources will far surpass any land of sufficient area, therefore I favor our delegates in Washington to stress on the upper dam site for reasons mentioned.

Lawrence Baker: Railroad penetrates lower lieu land. There is no coal. Dangers affected by Garrison Dam are causes of our refusal to accept the lieu land near Stanton. If we must move, we shall locate our homes above the dam.

Mark Mahto: To criticize talks, we hear that many points are favorable in gaining advantages. Many pointless remarks have been made today. We must educate public and congress. Appointment must be schedule. We will not insult our people. We do not know how long we will be kept furthermore we will perform our duties as prescribed.

Ben Good Bird—Respect to Relocation resulting from the Garrison Dam. Project, the status of Fort Berthold Indians permanently settling of present location will be unable to find a comparable land with less area as coal and timber are main resources of the Indians. Natural water supply from springs and wells cannot be overstressed. Many obligations pending for settlement must be fulfilled. Reservation will be cut-up further causing of difficulties in making tribal business contracts inter-tribal or otherwise. Ownership of many acreage of inherited land may proposed to accept such eviction after making cash settlement. Our Indian Administration has thus far patronized the Indians without making any effort to start rehabilitation program of very recently. If timber in the lieu land is less usable, the Indian will meet hardships as money has not been made available previously for improvement and the Indian relied so much on native timber for majority of Indians. The Council has not gone far into this matter of eviction as to sample soil and minutely inspect the lieu land therefore, we will not jump to the conclusion of making a quick acceptance because we are not ready to vacate our profitable land holdings. The Independence people as enrolled member and have equal voice to all matters dealt in connection with the Tribal matters.

Laura Rush—I am over 60 years old and naturally I am ignorant of educational attainment. We are told that a land offer is made. The Indians destiny is uncertain. We have selected men to represent the Reservation on whom rest the final decision of the construction of Garrison Dam. The Independence people have tried to become self-supporting by their own means and naturally will refuse to disband. We stressed strict management by delegates for destiny.

Mark Mahto—Commentary reports on protests are in files of the Agency which may enhance the morale of the people.

Vote—Favoring reviewing statements made in other outlying districts of the Reservation.

Statements made by members of Lucky Mound, Red Butte, Charging Eagle Districts were read by Sup't Reifel and translated by the interpreter.

James Baker—Punctuality is important in community gatherings. Shelter and natural resources prompted our ancestors to select the present reservation. Many points of interest to the tribe may remain to be mentioned of as many items have been brought forward during this meeting. We may discuss further about addition of two delegates besides Messrs. Mark Mahto and Byron H. Wilde.

Ben Good Bird--As Tribal Council has powers delegated by the people to appoint delegates or committees, it may not be practical to discuss about additional members under proposal made by Attorney Ralph H. Case.

3. The above meeting was attended by Messrs. Mark Mahto and Byron Wilde. delegates, you have selected to represent you in Washington.

4. The letter received by your Chairman from the Ass't Secretary of the Interior dated Nov. 22, 1946, was read and explained at this same meeting along with the offer.

(Sgd) BEN REIFEL  
Ben Reifel  
Superintendent

Fort Berthold Agency  
Elbowoods, North Dakota  
December 11, 1946

To the Tribal Business Council of the Three  
Affiliated Tribes of the Fort Berthold Reservation:

1. Following is a list of the names of individuals who attended the meeting in Nishu District on December 8, 1946, to discuss the lieu land offer of the Secretary of War.

Earl Bateman	Felix Shell	Mr. and Mrs. Wm. Deane
Franklin Howard	John White	Eli Perkins
Peter Bruer	Mr. & Mrs. Eugene White	Jessie Price
John Fox	Louis Felix, Jr.	Mrs. Henry Perkins
B. J. Youngbird	Jackson Ripley	Levi Waters
Mr. & Mrs. Byron Wilde	Philip Star	Geo. Lewis, Sr.
Ruth Taylor	Ray Bears Opinion	Albert White Calf
Lena White	Eleanor White Bear	Mrs. Mamie White Tail
Mr. & Mrs. Philip Hand	Frank Heart	Ruth Eagle
Nora Painte	Mr. & Mrs. Matthew White Bear	Matthew Fox
Mrs. Louis Felix	Tom Yellow Face	Roger Shell
Mrs. Rhoda White	Davis Painte	Ben Heart
Mr. & Mrs. Philip Spotted Horse	Jonathan Price	Nicholas Fox
Julia Red Bear	Mr. & Mrs. Philip Ross	Archie Hopkins
Caroline White Bear	Robert Bear	Sybert Perkins
Clair Everett	Gilbert Perkins	Mr. & Mrs. Johannaber
Mrs. Ella Ripley	Fred Morsette	Mark Mahto

2. Below are the comments of the individuals at this meeting in regard to this offer:

Objection Because:

1. Treaty of 1851 which guaranteed us use of land unmolested.
2. Loss of home lands especially of those who were called to colors.
3. Breaking up of reservation into 5 pieces.
4. No compensation for our minerals.
5. Another site could be selected which would serve just as well and still protect the reservation lands.
6. Lands offered are not comparable in quality and sufficient in area.
7. Lieu area is below the dam and if the dam is blown up in time of war it will endanger the lives of all who live on the land.
8. No guarantee that he who sells for cash can go outside the lieu land area and buy a piece of land for the same price that is just as good, from the white people and have the newly purchased land put in trust patent status.
9. Soil is sandy and the top soil in lieu land area is not as good as that of lands to be taken. Lieu area over period of years of intensive farming has been depleted in fertility while reservation lands are still good.



10. Reservation would be broken up into 5 pieces and will be separated from each other and from the lieu land area. This would make it difficult for the people to get around. It is hard enough to get around now with the reservation all in one piece.

11. Reservation has been developed through the past CCC program to where it is an ideal livestock set-up with its timber for shelter, lignite beds and timber for fuel, reservoirs, rivers, streams and developed springs for stock water, etc., all of which are not duplicated in the lieu land offer, which is more of a farming and extensive agriculture area. Such a kind of system we are not adapted to as we are livestock men.

12. Minerals not taken in the offer. What good will they be to us and what good will they be to us several feet under water.

13. Time given for removal of timber is too short. They know that we can not remove that timber. Therefore they should pay for every stick.

14. Travel distance will be prohibitive if present land is broken up and we would have to travel to a centrally located Agency headquarters. Taking the heart out of our reservation would be the same as taking the engine out of a good car.

15. For above reasons to accept the offer would only mean many headaches and misery for the Fort Berthold Indians.

16. The War department is the very agency that took our boys in the war to help others fight for their homes and the boys now return to Fort Berthold Agency to see 350 of their homes to be taken by the Army Engineers for Garrison Dam.

17. Army studies do not, because of insufficient research, indicate we have mineral deposits of any value. We believe we have many mineral deposits, even gold, in some parts of the area to be flooded.

18. It is not believed that the present land holdings can be duplicated in the lieu area with the same benefits resulting, as is the case with individuals in the present location.

19. I object to leaving my land and home where my children have walked and played. I can almost see their cute foot prints as they left them in the growing into adulthood. Where can the Army find a place as good as our lands. If there are such lands the whites would not give them up. Our cemeteries will be molested--here where we have placed flowers on the graves of those who have gone on ahead of us. The Army engineers do not show in the picture the good homes of the reservation. The Army will not give us the good lands as we now have.

20. Acceptance of lieu lands would divide our reservation into five parts which would divide our tribes and families. Such separation will make our expenses increase in getting our business done.

21. Our present Reservation's wide resources cannot be duplicated in the lieu land area. The site of the dam should be moved to a more natural location of not so great value as will be destroyed by location of dam at proposed site.

22. The proposed plan laid down by the Army engineers is a farce. There is or there must be something behind it all. We have chosen our spokesman, Mr. Case, and he certainly seems to know his business.

3. The above meeting was attended by Messrs. Mark Mahto and Byron Wilde, delegates, you have selected to represent you in Washington.

4. The letter received by your Chairman from the Ass't Secretary of the Interior dated November 22, 1946, was read and explained at this same meeting along with the offer.

(Sgd) BEN REIFEL  
Superintendent

Fort Berthold Agency  
Elbowoods, North Dakota  
December 11, 1946

To the Tribal Business Council of the Three Affiliated  
Tribes of the Fort Berthold Reservation:

1. Following is a list of the names of individuals who attended the meeting in Shell Creek District on December 9, 1946, to discuss the lieu land offer of the Secretary of War.

James Driver, Sr.	Mrs. Geo. Parshall
Thomas S. Wolf	Mrs. George Drags Wolf
Geo. Parshall	Jennie Fast Dog
Young Bird	Mrs. Guy Fox
Adlai Stevenson	Mrs. George Fox
Chas. Burr	Mrs. Joe Blackbear
Chester Smith	Mrs. Leo Young Wolf
Joe Driver	Dora S. Horn
James Driver, Jr.	Mrs. Percy Rush
Ira Waters	Mrs. Chas. Fox
Allen Smith	Mrs. Roger Brown
Louis Brown	Mary E. Horn
Sam Meyers	Charlotte Driver
Geo. Many Ribs	Belle Smith
Chas. Grant	Walter Smith
George Drags Wolf	Calvin Dragswolf
Dave Grant	Alfred S. Smith
Allen Horn	Richard Wolf
Robert Dancing Bull	Cecil Smith
Benedict Grant	George W. Fox
Joe Black Bear	Guy Fox
Sarah Smith	Alfred Driver
Mrs. Hans Walker	Louis Drags Wolf
Mrs. George Wolf	Ivan Dancing Bull
Mrs. Allen Smith	William Smith
Mrs. Frank Deserley	Leo Young Wolf, Council member
Mrs. Many Ribs	Rufus Stevenson, " "

2. Below are the comments of the individuals at this meeting in regard to this offer:

1. Mr. Parshall: Where did this relocation project originate? We passed up the lieu offer years ago because it does not compare with our present Reservation. We have been molested all through the years by the whites and that now we should be left alone.

2. Young Bird: Our ancestors after careful survey and studies in years gone by selected our present Reservation and moved to it from that area where the lieu lands are. Because of a feeling that we now own the best lands in North Dakota.

3. Mr. Chester Smith: We are waiting for the action of our attorney who is employed to oppose the Garrison. Our timber and coal resources are not equalled in the lieu area. In the lieu area the white man has already cleaned out these things.

4. James Driver: The Army's job is to fight wars, not build dams to flood out people like us. This land is our home, our people are buried in the hills of our lands. We are opposed to leaving our homes.

5. Tom Spotted Wolf: This is not the first time we have been approached with an offer in connection with the Garrison Dam. We have opposed it when brot to us before and we oppose it still. We have an attorney to oppose the dam. We own this land and we propose to stay here forever. To consider an offer would mean that we approve the dam. We are three tribes that live as one tribe and the Council of the Three Affiliated Tribes is the body that is acting for us. The Council is leaving the door open for appointment of extra delegates to go to Washington to fight the dam.

6. Martin Cross is recommended as a delegate to go to Washington. The two delegates now selected are a Mandan and a Ree and Mr. Cross would be the Gros Ventre member.

7. James Driver: Urges cooperation among the Three Affiliated Tribes in opposing the Dam. If people do not work together the dam will have more chances of being built.

A standing vote was taken at this meeting and the rejection of the offer was unanimous.

3. The above meeting was attended by Mr. Mark Mahto and Mr. Byron Wilde, delegates, you have selected to represent you in Washington.

4. The letter received by your Chairman from the Ass't Secretary of the Interior dated Nov. 22, 1946, was read and explained at this same meeting along with the offer.

(Sgd) BEN REIFEL  
Ben Reifel  
Superintendent

Fort Berthold Agency  
Elbowoods, North Dakota  
December 11, 1946

To the Tribal Business Council of the Three Affiliated Tribes  
of the Fort Berthold Reservation: (Elbowoods District)

1. Below are the comments of the individuals at this meeting in regard  
to this offer:

Objection raised to offer by Mrs. Byron Wilde.

1. That lieu area is not comparable in quality and sufficient area for  
the lands proposed to be taken.

2. Not adequately compensated for minerals and timber resources to be  
taken.

2. Peter H. Beauchamp

1. The tribal Business Council has not had enough time to consider it.

2. He further opposes the Garrison Project for he believes the right of the  
Army to construct the dam will have to be decided by the Courts.

Chas. Burr. 1. Soils inferior to those proposed to be taken for the  
Garrison Project.

Carl Sylvester. 1. Of the Mandan Shrine now located near Charging Eagle.  
Timber resources of Reservation not equaled in lieu area. Spring on the Reser-  
vation to be lost are not duplicated in lieu area. Minerals are not to be paid  
for and while reserved to the land owner those whose lands will be under water  
will not get any benefit from them.

3. The above meeting was attended by Messrs. Mark Mahto and Byron Wilde,  
delegates, you have selected to represent you in Washington.

4. The letter received by your Chairman from the Ass't Secretary of the  
Interior dated Nov. 22, 1946, was read and explained at this same meeting along  
with the offer.

5. There were 146 persons at this meeting the most of whom were members of  
the Tribes. A standing vote was taken at the close of the meeting and the objec-  
tion to the Garrison Project and the offer was unanimous.

6. This meeting was attended by Ass't Commissioner Zimmerman, District  
Director Fickinger and a representative from the Governor's Office, Mr. Kenneth  
Simons, Vice President of the Water Commission. Mr. Simon attended at the  
invitation of the Council Chairman.

(Sgd) BEN REIFEL  
Ben Reifel  
Superintendent

R E S O L U T I O N

Resolution concerning the lieu lands offer of the Secretary of War to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, for the land that would be inundated if the Garrison Project is constructed.

Whereas, the Tribal Business Council called a special meeting on December 2, 1946, for the purpose of considering the lieu land offer of the Secretary of War submitted to the Three Affiliated Tribes through the Secretary of the Interior dated November 21, 1946, at which meeting the Council tabled a motion to reject the offer pending consideration of the offer in the various districts of the Fort Berthold Reservation, and

Whereas, these meetings have now been held and the people of the Reservation have rejected the offer as being generally inadequate and not "comparable in quality and sufficient in area" to compensate the Tribes for the lands to be inundated by the Garrison Project and Reservoir Area, and

Whereas, it is the considered judgment of this body that the offer is inadequate for the reasons that will be explained to the Secretary of the Interior in a hearing between him and our Attorney and tribal representatives on or about December 16, 1946.

Be it therefore resolved that, the offer of the Secretary of War of lieu lands submitted to the Three Affiliated Tribes of the Fort Berthold Reservation through the Secretary of the Interior on November 21, 1946, is hereby rejected.

The above resolution is adopted at a special meeting of the Tribal Business Council of the Three Affiliated Tribes on December 11, 1946, by a vote of 8 for and 0 against. The Chairman not voting.

(Sgd) GEORGE GILLETTE  
Chairman

(Sgd) FLOYD MONTCLAIR  
Secretary

Exhibit 4.

WESTERN UNION

December 14, 1946.

AA 140 NL PD - Elbowoods, North Dakota

Wm. A. Brophy,  
Commissioner of Indian Affairs,  
Office of Indian Affairs,  
Washington, D. C.

General Council Three Affiliated Tribes held December 13  
unanimously rejects War Department offer of proposed reloca-  
tion as presented by Secretary of the Interior.

Walter Youngbear, Chairman

Sam Badgun, Secretary.

Received Indian Office: December 16, 1946, 9:00 A.M.

Exhibit 5.

WESTERN UNION

December 12, 1946

MA225 NL PD - Hazen, North Dakota.

J. A. Krug,  
Secretary of the Interior,  
Washington, D. C.

Study and survey by local committee during last three weeks showed the considered judgment of this area to be that altho recognizing necessity of making proper adjustment with Indians we believe that the Mercer-Oliver County offer is not the best overall adjustment and warrants restudy. Indians are currently opposed to offer. Army prospectus seems to overlook unusual amount of mineral and water development resources, land ownership history and adjustments of the kind that the Missouri River Valley program seeks to preserve and further develop; also indicates that there has not been a thorough study with Bureau of Reclamation and other interested agencies and indicates lack of knowledge of the resources and value of proposed lieu lands. This small county will make substantial land contribution in actual dam construction and flooding and thus such sacrifices should be distributed as far as practical with other areas. Indian sentiment indicates this possible.

HAZEN COMMUNITY CLUB  
R. J. Sailer  
Hubert Stoelting  
F. J. Froeschle.



1 Quack

Caton

Thyne

Williams

Flunder

Belton

Madison

Chen

Johns

Winters

O'Daniel

O'Connor

15801

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