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Report of Second 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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C. Girard Davidson, William Zimmerman Jr., John H. Provinse, Jeff B. Smith, Byron H. Wilde, Mark M. Mahto, Ralph H. Case, Felix S. Cohen, Daniel F. Margolies, D'Arcy McNickle, and Walter Woehlke

MEETING IN ASSISTANT SECRETARY DAVIDSON'S OFFICE
DECEMBER 23, 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

(Second Meeting; first meeting held December 16, 1946)

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.
Felix S. Cohen	Associate Solicitor, Department of the Interior, Washington, D. C.
Daniel F. Margolies	Assistant to Secretary Davidson, Department of the Interior, Washington, D. C.
D'Arcy McNickle	Office of Indian Affairs, Washington, D. C.
Walter Woehlke	Office of Indian Affairs, Chicago, Illinois

Mr. Case: The delegates here present, Messrs. Smith, Wilde, and Mahto, from Fort Berthold, and I, their General Counsel, have had before us the offer made by the War Department to the Secretary of the Interior and which offer has also been made and transmitted direct to the Three Affiliated Tribes of Fort Berthold Reservation. We also have the report by Mr. Allan G. Harper submitted to the Indian Office, and we have a draft of the Indian Office letter to the Secretary of the Interior which we received on Friday last. We understand the draft is a "draft" and is not the formal, final letter of transmittal. At this point I would like to ask Mr. Zimmerman, the Acting Commissioner, whether or not there are any substantial changes that I should take note of in the draft of the letter. Will the final form be, Mr. Zimmerman, substantially in this form?

Mr. Zimmerman: The final draft will be substantially the same. No changes on the essential points.

Mr. Ralph H. Case made the following statement:

In discussing this matter with the delegates, and now with this body, it is desired to call your attention to what we understand is the meaning of Section VI of the Act of May 2, 1946, Public Law 374 of the 79th Congress. Upon study of that section we note that there are differences between our understanding of Section VI and the offer made by the War Department, and the letter to the Secretary of the Interior from the Indian Office. Our understanding is about as follows: The Secretary of the Interior and the Secretary of War are to make an offer to the Three Affiliated Tribes of the Fort Berthold Reservation of lands away from that reservation, which are "comparable in quality". By that we understand that we now have alluvial loam or sand loam bench lands and that the same character of lands should be offered to the Tribes. The next phrase is "sufficient in area to compensate the said tribe". In that we feel there has been a misunderstanding on the part of both Departments, Interior and War, as to the effect of that phrase. Apparently, both Departments have proceeded on the theory that an acre for acre exchange would be sufficient in area. With that we differ, for the reason that the concluding phrase is the controlling phrase, "to compensate the said tribe". It might require a lesser area to be "sufficient in area to compensate the tribe", but on the other hand it does require a much greater area to compensate the tribe. "Sufficient" does not mean, from our point of view, an acre for acre exchange. You immediately come to the impossibility of buying acre for acre for exchange of comparable quality. The words "to compensate" definitely mean, from our point of view, "just compensation". The Harper report and the Indian Office letter do not refer to just compensation as the basis for any settlement. We have been offered land which does not compensate the Three Affiliated Tribes. The Indian Office letter, on page 1 paragraph 1 makes the statement that "As to the quality of land contained in the offer, it is clear that the criterion set up in Section VI has not been met by the War Department". It is clear that comparable types of soil or classes of land do not exist in that part of North Dakota, where the Fort Berthold Reservation is located.

We feel that it has been definitely established in our hearing of a week ago today, that the lands denominated "lieu lands" by the War Department offer, do not

contain the area or comparable lands---by that we mean comparable to the bottom lands of alluvial and sand loams on Fort Berthold. It is probable, in fact, we regard it as evident, that it is impossible that to find a large strip of bottom lands that contains those two classes of land, such lands simply do not exist. If we were to take all of the bottom lands on both sides of the river from Garrison Dam to Mandan, an examination of them might show that 30,000 odd acres of available sand or better yet alluvial loam that could be found. In that event you would have technically some corresponding or comparable lands to offer. That offer has not been made and is not included in the War Department report or any amendment suggested by the Indian office.

Mr. Davidson then asked a question as to the position of the Three Tribes in regard to the offer as amended by the Indian Office to clarify the attitude of the Indians. Mr. Case indicated that he had made the position of the Indians clear in his opening remarks and reiterated that an exchange of acre for acre must be comparable in quality and sufficient in area to compensate, on an overall basis; that the controlling question was "does it compensate these people for their loss." Mr. Case added that it was felt that "The rule of just compensation must be applied to any offer that is made by the War Department or agreed to by the Department of the Interior. We rely upon the Department of the Interior in this matter and in its judgment to protect our rights in the matter of just compensation. We insist that the lieu lands do not offer just compensation. We are certain of it. Therefore, we have rejected the War Department's offer. I am confident in saying that any offer which does not extend just compensation to these peoples will be rejected by them. We respectfully request that the Interior Department before it agrees on any offer from the Secretary of War, see to it either that the offer is amended to furnish just compensation or that the offer itself is disagreed to. I find no penal provision in Section VI of the Act. The Secretaries are directed to do a certain thing within a certain time. They are in no different position than that of a jury to which the evidence has been submitted. The jurors retire for conference and then find themselves in disagreement either as to fact or as to law. It is their privilege to return to the court room and request instructions or clarification. We ask that the two Secretaries, if they are not in full agreement, do just this. The Three Affiliated Tribes of Fort Berthold are not offered 'just compensation' and both Departments should then admit that they disagreed and return the problem to Congress for further instructions."

The next problem frankly is in criticism of both offers. The livelihood of the Fort Berthold Indians depends on the cattle business, and this represents about 85% of their income. I do not have exact figures on that. Be that as it may, no provision is made in the offer or in the letter from the Indian Office to the Secretary, calling for just compensation to be paid for the loss of that cattle enterprise. We have pointed out and we think it is quite clear from the record of the hearings of last Monday, that it would be financially, economically and physically impossible to operate the cattle business with the range lands on the reservation and the winter feed lands on the lieu lands. From the westerly portion of the reservation, particularly after the Garrison Lake is formed, it would be approximately two hundred miles of over land to bring the cattle from the summer range to the winter feeding lots. The reservation is to be segmented by the creation of the Garrison reservoir into five units. They are, for all practical

purposes, isolated segments. The herd or herds of cattle, for at least two segments, can readily join, for the journey at the head of the dam to the northeast. Necessarily, you would have a divided summer range and that is rendered practically worthless by the Garrison reservoir. You do not have any possible way of operating the cattle business. The cattle cannot be transported over 200 miles in the spring and then again in the fall, over public roads through settled communities without terrific expense. This makes the cattle enterprise worthless as an operating and going business. What would happen? The Harper report indicates that based on the cattle business the income of the Fort Berthold Indians, the average family income, is about \$1,000 a year. If that business is lost then necessarily the tribes (and the number of families is approximately 420) would lose approximately \$420,000 annually from that business alone, and there is no offer made here to capitalize this present income or make any restitution in any way for the loss of this income. We have raised the point of just compensation. Business is property and that has been sustained by the courts,--by that I mean the Supreme Court of the United States, which has held that contracts are property. We have then missing a capitalized amount, missing from the War Department Offer and from the Indian Office counter offer, which capitalized at the ordinary rate of 5% would represent an investment of some eight and a half million dollars. That is the capitalized value of the cattle business at Fort Berthold. Unless some provision is made and we do not know of it, the cattle business is lost if the present offer is accepted by the Secretary of the Interior and enforced by the War Department. Supposing that the eight and a half million dollar capital fund is disregarded entirely. You have one thing resulting therefrom: -- a tribal claim. At the inception of my work for the Three Affiliated Tribes I made the one announcement that, as a last ditch stand, under no circumstances would I consent that these peoples be left with an Indian tribal claim, to be batted around Congress, the courts, ad infinitum. I have had bitter experience on that particular point--I am counsel for eight of the Sioux tribes, in fact, have been since December 22, 1922. Only a week ago six of my Sioux cases were remanded by the U. S. Supreme Court to the Court of Claims for retrial in accordance with the Claims Commission Act. After spending about 24 years going back and forth, I must work another five years in the continuation of that effort. That is the result of Indian tribal claims. If the Fort Berthold Indians are forced to go to Congress or the Indian Claims Commission, we will have done them the worst disservice that could be done to any Indian tribe in my time. The courts are taking into consideration the directive contained in the Indian Claims Commission Act of August 13, 1946. The courts have taken notice of this act; the Sioux cases I mentioned before are based solely on the fact that that Claims Commission Act is amendatory of the Sioux Jurisdictional Act.

Mr. Secretary, there are several differences between the War Department and the Department of the Interior over a number of other provisions in the War Department offer that are of an administrative nature. The delegates and I feel that administrative matters are your business and not ours. We are in agreement with the administrative provisions contained in the Indian Office letter to the Secretary of the Interior. We prefer all administrative provisions to be under the Indian Office rather than resting with the War Department. We are total strangers to them; we know, and frankly, we like, the Interior Department and the Indian Office. As to the administrative provisions we have no comment to make other than

that. We would like to have all the administrative provisions, except the matter of acquisition of the lieu lands, under the Indian Office, and I believe you suggested that that be War Department business.

Mr. Zimmerman asked questions to clarify this particular item and Mr. Case agreed that the War Department should assume the burden of taking whatever steps may be necessary regarding the acquisition of lands. He further stated that no matter what Department has that burden, it would be a difficult task to perform. (Mr. Case further remarked concerning the ultimate point that Mr. Zimmerman raised that the United States is trustee, under trust patents, which provide that the United States takes and holds title to the allotted lands in trust, for the use and benefit of the allottees.) The United States has therein assumed the capacity of trustee. Whether it is done by the War Department or the Department of the Interior, makes no difference. The United States is plaintiff in any condemnation action. We maintain that the United States, in its sovereign capacity, cannot sue the United States in its capacity as trustee for any purpose. The War Department has suggested that enabling legislation is necessary, to authorize either the War Department or the Department of the Interior, to proceed in condemnation against these Indians. It is an axiom of law that no man can sue himself. Something similar has been done in one case and it was concluded adversely against the allottee, I believe. That does not deter the Fort Berthold Indians at all; they will resist to the court of last resort any condemnation where the United States is both plaintiff and defendant. We are prepared to resist that action through the courts and we have great confidence in winning that sort of action. We believe that the United States Supreme Court will not permit the United States to appear both as plaintiff and as defendant in the same action.

We would like also to say that we sincerely trust and believe that the Department of the Interior, our guardian and the agent of our trustee, will exert itself to prevent the litigation of this matter. This matter can only be settled by compromise; a compromise that the Fort Berthold tribes will be willing to accept. It never should be left in a state of litigation. We ask that the Secretary of the Interior report its disagreement to the War Department and that the entire matter be sent back to Congress for further study.

Mr. Davidson then asked Mr. Case as to whether a small number of families or perhaps one family alone that rejects a compromise offer could block acceptance of such offer, in the light of his statement that the Indians would resist to the last court any condemnation proceedings. Mr. Case expressed his belief that as the natural result of a great majority of the Fort Berthold Indians making a settlement, public opinion in Fort Berthold would necessarily have to change. It is not that way now but if changed, I am quite sure a very substantial majority would carry along the remainder, even if necessary making the offer attractive enough to any particular allottee.

Mr. Davidson then asked whether the objection of the Indians went to allowing the dam to be built under any conditions; or is the objection simply to the offer of exchange lands now pending before the Department.

Mr. Case explained that the tribes have rejected the present offer and that before committing themselves on any other counter proposal they would have to see it in writing and that it would have to be a fair and reasonable offer.

Mr. Davidson then explained in brief the situation as he saw it: The War Department has made an offer to the Fort Berthold Indians, who have said it is not acceptable. The Indian Office has prepared a letter to the Secretary saying that the offer as such, in their opinion, does not meet the requirements of Section VI, but if modified in a number of particulars which they have listed, it would be acceptable. The question that Mr. Davidson had in mind is, if we, the Department of the Interior, attempt to negotiate with the War Department and try to get them to agree to the various points listed, whether that offer so amended would still be objectionable to the Fort Berthold Indians.

Mr. Case replied that he had made a statement at a previous hearing, in the presence of General Crawford and his aides, in Senator Langer's office on Tuesday prior to the Monday hearing of December 16th, that "there are few disputes between men or groups of men that cannot be settled with money, if you have money enough, putting my emphasis on money enough. There are other groups of men, particularly Indian tribes, who are not money conscious, who are association conscious and who care more for the associative value of their lands. Whether or not a revised and more liberal offer would be accepted by the Fort Berthold tribes is something for them to say".

Mr. Davidson stated the Congress, under Section VI of the Act recognized the concept mentioned by Mr. Case, in that there are things more valuable than money, in this case, land. The Department of the Interior was placed in a difficult situation to meet the standards, because of its trustee relationship with the Indians. He said that the Secretary is placed in a different position from that of a completely impartial arbiter in this statute because of that ward relationship. "The point I am trying to make," he said, "and perhaps you have already given the answer, is how far should we go in trying to bring the War Department together with Interior in this offer. From the position assumed by the Indians it would appear that no matter what happens, they are going to refuse to move, and that they will fight condemnation proceedings to the end. As it seems to me, the Congress has decided, as a matter of policy, that Garrison Dam, is going to be constructed; this is the location, and they have appropriated the money to build the dam in this location. The Congress recognize that there is a serious problem in connection with the relocation of the Fort Berthold Indians and wanted them to have lands, sufficient in area and comparable in value, and asked the Secretary of the Interior to see to it that such protection is contained in the War Department offer. That is as far as our duty can officially go on that. If we succeed in working out a solution, is it your opinion that some such offer might be acceptable to the tribes or would they still have objections.

Mr. Case stated that he would try to answer the question by stating that the present offer is unacceptable to the tribes, the way the offer has been worked out without considering the types and kinds of soil involved in the exchange lands as

contrasted with the lands to be flooded and without regard to the wiping out of the livestock business certainly does not meet the intent of the statute. Whether an alternate or amended offer would be acceptable to the tribes, counsel cannot state and certainly they could not pass upon it unless they see it in writing; they could not take action on an offer which they have not seen. The present instructions to the delegates are specific in that respect. (Mr. Mahto confirmed this, who stated that his instructions were to reject the offer made by the War Department and that the delegates are under no obligation to commit themselves on any question like that) That does not, of course, prevent the Interior Department, from making an offer.

Mr. Cohen asked: "Is the counsel for the Tribe intending to express his disapproval of the Indian Office recommendations?". Mr. Case replied that while there are great differences between the Indian Office letter to the Secretary and the War Department offer, both offers would be objectionable. In the first place it does not in fact offer just compensation and secondly it contains no provision concerning the continuation of a cattle business that provides income to these Indians of an amount in excess of \$400,000 a year. Addressing the delegates in particular, in his capacity as their counsel, Mr. Case stated that "as far as capitalization that might be made in an offer to the Three Affiliated Tribes to afford just compensation for the loss of their cattle industry, my recommendation to the tribe is that this is the worst thing that could happen to you. A capital fund that would produce an amount approximately equal to the income produced now by the cattle industry, would be disastrous to the Three Affiliated Tribes of Fort Berthold. You would then be receiving what would amount to a gratuity, or a sum of money annually without any effort on your part. Even though the sum itself would be discounted by the value of your effort, you would still be receiving something in the nature of a dividend, it would do you no good to receive that money annually without effort; you would be on an extended pension roll, it would make pensioners out of you and ultimately pauperize you. Your only hope is to make your own living by the sweat of your own hands and brows and then you will continue to be upstanding members of the community, of the state and of the nation. You would be of no value to yourselves, to the community or the country as a whole if you were to receive this annual gratuity or pension. Your old age assistance and your social security, on the other hand, are sound and splendid, but a pension of that type that would come out of capitalization of the cattle business would destroy you."

Mr. Davidson: If the land offered actually are sufficient in area and comparable in value, presumably they would be comparable for the grazing industry. Then how do you get the \$400,000 a year loss of income if the lands supplied will support the grazing industry such as the lands which were given up?

Mr. Case: The answer to that is the total area of present Fort Berthold, the total area of the lieu lands offered, and the difference between the two. Let us regard all of the lands in present Fort Berthold as of no value to the Three Affiliated Tribes if 357 families are moved out, out of a total of 420 families; that the lands offered are such that the present cattle business cannot be operated; and that no additional lands have been offered that could be used as summer grazing lands in the area I indicate as between Garrison Dam and the Counties of Oliver & Mercer, North Dakota. That was what I intended to convey and the reason why I say

there is no compensation for the cattle business, because the present offer does not provide the range lands for the cattle contiguous to the now offered lieu lands. Therefore, we feel that the cattle business is hopelessly lost. All of the lands contiguous to the present lieu land offer are held in white ownership, and unless they were acquired and the block of land was comparable in area to all of Fort Berthold and also comparable in quality to bottom land down below Garrison Dam, you still haven't any offer of just compensation.

Mr. Davidson: Thank you.

Mr. Provinse: I might ask Mr. Case whether or not he took into consideration the statement we made in our proposed reply about the severance damages.

Mr. Case: I read that very carefully several times. The memorandum from the Indian Office to the Secretary does make a statement in regard to severance damages. The cattle business as an industry and as a property right does not appear to be specifically designated. The severance damages there may be small, may be large. It is not named in any particular figure, and I regarded it more as the discommoding effect of the removal rather than the loss of the cattle industry.

Mr. Provinse: I don't know just what loss is included in severance damages. But surely the fact that we indicate it as a part of the interference with the cattle industry would make it a part of our attempted negotiation with the Army.

Mr. McNickle: There was a value of something over a million dollars.

Mr. Case: As to the Harper report, I am not going to be positive about it. It is difficult to read and more difficult to remember the details. The damage there contemplated was more in the nature of damages due to severance not of the reservation but of the individual. Am I not right about this?

Mr. Zimmerman: It is not explained in any great detail.

Mr. Case: That is a bit vague -- that severance damage proposition. We are attempting to specifically designate the cattle industry as property and if we lost that business we are entitled to have just compensation. Suppose the ultimate evil thing arrives and it is necessary for some attorney to sue the United States on one of those offensive tribal claims that linger on through generation after generation. Suppose that does come about. Certainly he would set up this property right that now exists in us in the cattle industry, and he would ask for that as part of just compensation.

Mr. Davidson: Do you have any questions, Mr. Zimmerman?

Mr. Zimmerman: No.

Mr. Davidson: Mr. Provinse?

Mr. Provinse: No.

Mr. Zimmerman: I would like to make this comment. It was admitted by us and by the War Department that an exact duplication of the cattle industry that now exists would not be possible on the lieu lands. I think it is urged that some kind of cattle industry could be carried on.

Mr. Case: I agree with that, Mr. Zimmerman. It does appear on the record that consideration has been given to the cattle industry by our testimony (and we think it has not been contradicted) to the effect that the cattle industry, by the present lieu land offer and the removal, would be destroyed.

Mr. Davidson: I did understand from you earlier that you felt the offer as a whole and its effect would be the thing that would be considered rather than individual parcels or individual tracts. Therefore, if the cattle industry could be brought back to 75% of its present effect, your claim for compensation would only be 25%.

Mr. Case: You are being a little bit too specific in percentages as to what the effect would be after the impact or destruction. On this matter of just compensation, the question is what in money will pay any person who is entitled to just compensation. If his land is taken it is valued on its cash value and its market value at the time of taking, together with such added amount as may represent the use of the land from the time of taking to the time of judgment. But if a business is regarded as destroyed his just compensation is for a full (or going) value of that business. Now, if the same man goes out and recreates a business the courts would never penalize him by charging against his just compensation the result of his own efforts after his business was destroyed. The suggestion that we might bring that back or reduce the amount of just compensation because the individual went out and created a business is far afield from my view of what would constitute just compensation.

Mr. Cohen: Isn't that essentially what you suggested when you suggested that the value of the business would be subject to a deduction. The value of the business is not a product only of the land, but also of what the Indians put into the land. If there is to be a deduction from the total capitalization of the income of the business, wouldn't what the Indians could do on some other land be an indication of what their labor was worth?

Mr. Case: True, but not in fixing what is the just compensation for the present destruction of the business. I referred to the normal way of reaching the capitalized value of the business.

Mr. Davidson: Are there any further questions or comments? You mentioned the testimony which so far had not been contradictory. I had not assumed that these discussions which we had last Monday and also today are in the nature of an adversary proceedings. We appreciate very much your presenting to us, through representatives of the Tribes, the comments and the feeling of the Fort Bethold Indians in connection with this offer made by the Army. We want all of the evidence -- all of the information that we can get so that when the Secretary does reach a decision it will be the fairest decision that he knows how to reach. I want you gentlemen to know how much we appreciate your being back here to give us that information. I am sorry that this makes it impossible for you to be home on Christmas.

I offered to come down Saturday or yesterday to go over this so that it would allow you to get away. I realize how serious the matter is to all of you and we are considering it very seriously.

Mr. Smith: I am a delegate whose time terminates at this time. The others present perhaps will remain. I have only been delegated to come here on the objection to this offer. I expect to leave after the meeting sometime when it is convenient. When I get home I know all my people will be awaiting what news I can convey to them. At the very outset before the Government entered into treaty with these Tribes there had been ordinances, decrees, and memos, to the effect that Indian lands shall not be taken from him without his knowledge and without his consent. These Indians have been always friendly to the Government. Records show that these Indians have served as scouts to quell other Indians. They have helped to blaze the way to the West from the time Sacagawea accompanied Lewis and Clark on that westward trek. We have always been friendly. It seems under the Executive Orders our lands have been taken away and without our consent and against our protest. But later on when we found out my Indians said the Government is our friend. We will get just compensation. That was ignored. Later on we had to sue the Government in the Court of Claims at which I was present and the Court of Claims as much as said, "Uncle Sam you did wrong to these Indians:" "You have illegally taken their lands under the 1851 treaty." And now this Garrison Dam is going to come and take away some of our land. Afterwards they came and told us that our lands were going to be inundated. They said we would be justly dealt with as far as exchanges were concerned. We thought perhaps that would be done. But lo and behold that first offer was discrimination against us and a pure insult to us. When they offered that bad country for some of our best. We understand too that the former Secretary of Interior in that shotgun wedding in Wyoming had deliberately sold us out. Our tribes look favorably on this present Secretary. We hope that in all honesty and sincerity he will deal us justly in our cause. We are asking for nothing. We are not stepping on anybody's toes. We are eeking out an existence in the only manner we can. When this Democratic Party assumed domination of the country they offered us that new bill. Shall we embrace that Government. We did. I worked hard for it. We took it on. They said expand, expand, and that there were wonderful opportunities. For those reasons we accepted that New Deal. And now what is going to happen to us. We are going to be ruined.

(Mr. Davidson left to keep an appointment at the White House, and Mr. Zimmerman took the chair)

We shall be ruined in our cattle business. Our life socially and economically is going to be disturbed for many years. So all in all those are the reasons why my Tribes object to this offer being made. We have been footballs all these years. And if they were going to compensate us as money per acre they can't pay us a thousand dollars an acre and give us satisfaction. Thank you.

Mr. Mahto: I came here with instructions to oppose this offer that was made by the War Department, and as I stated before there is no money that can compensate the Three Affiliated Tribes for their homes. Not merely as homes, but such attachments they have to the very land that they live on. The Indians as a race consider their burial grounds sacred and they don't want them to be molested by any group of citizens whether they represent the Government or not. That is the instructions

I had. They don't want their graves removed. We held district meetings in the various portions of the Reservation and everyone who attended these meetings made it a point to come to me after the meeting, knowing that I was one of the delegates, and made me promise that I would stand pat. And, gentlemen, there is no man in this Indian Service who understands the Indian. I don't care who it is. Even our missionaries don't know us. I am a full-blooded Indian and I am in a state that I cannot use any word to express my thoughts at this time. In fact I would sooner shed tears before you, but I know your hearts are of stone and will not be impressed by that touching scene as it were. I speak from the bottom of my heart -- a full-blooded American. I object to being removed from my home; from the playgrounds that I played upon when I was a boy; from the lands that my grandfathers occupied. Even today I go to the places where they had their gardens, and in the Indian fashion I say a few words of reverence and shed a few tears. That is the Indian. I am an Indian, and if I keep on talking I will say something that will hurt your feelings. Consider me as a poor lowly Indian coming before you gentlemen. I thank you for your kind attention.

Mr. Wilde: Both of my associates came out here from the Reservation. They have expressed themselves thoroughly. I don't doubt a bit every word they have said. It is all very true. When this dam had been proposed and the Indians find out that our territory was going to be flooded that has taken the heart of the reservation. We had been living there and some of us born there. It seems so hard to leave it and be placed somewhere else. We will have to try to make a living in a new place and live there after being accustomed to where we are. As Mr. Smith has said, as well as Mr. Mahto, the Three Tribes have been living together for some hundred odd years. We will never have another place like ours. We have all kinds of resources. That has been repeated so often and this lieu land they offered us -- the War Department must have had an idea they were offering us something new. That soil has been tramped by our forefathers before us; so they moved further up stream to the land where we are. Now most of us have been raised right there as Mr. Mahto said. We don't wish to be removed from there. I bet you they are praying within the bottom of their hearts that we should and we will get some assistance and help from you gentlemen. That is why we are down here to help Mr. Case. So we are ready to remain as long as we can and do what we can. See if we can be of some help some way so that we can remain same place as we are and be happy as we always did with each other. In this case of dividing us in three different people makes it very impossible. Nobody will be content to live that way and on this lieu land which I don't think will be good for us. Thank you very much for taking your time; for listening to our few remarks.

Mr. Zimmerman: Does anyone want to add something else?

Mr. Case: I would like to make the delegate situation clear. Mr. Wilde, who has just spoken, and Mr. Mahto, who spoke previously, will remain in Washington to await the opening of the Congress, and thereafter so long as they are needed. Mr. Smith, Special Delegate, will return to Fort Berthold Reservation, and I expect he will return at any time when hearings are arranged by the Congress on this subject. Thank you very much, Mr. Commissioner.

Mr. Zimmerman: The meeting is adjourned.