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Their Authority in Garrison Land Purchases," Speech by
Representative Burdick, March 24, 1949**

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CONGRESSIONAL RECORD

"Army Engineers Exceeding Their Authority in Garrison Land Purchases"

SPEECHES

OF

HON. USHER L. BURDICK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

March 24, 1949

Mr. BURDICK. Mr. Chairman, I am not going to read all these documents I have before me but I am going to give you the history of this Williston situation. I live there; I live where the Yellowstone River joins the Missouri, and that is where Williston is located. The Garrison Dam is about 150 miles to the east of us.

The first document we ever heard of in Congress that mentioned this dam at all was House Document No. 475 of the Seventy-eighth Congress in 1944. At that time it provided for the building of this Garrison Dam under control of the Army engineers. A little later there was published Senate Document No. 191, in which the Bureau of Reclamation brought in their program and that was to take the water out of the Missouri River west of Williston, take it down through the high country and let it flow by gravity into the eastern part of North Dakota where they needed water. That was called the Sloan plan. The first one was called the Pick plan. I was here in Congress when both of these came in. Congress did not know what to do about them so they sent the Army engineers and the engineers of the Bureau of Reclamation out to get together on a common plan; and they did, and that is embodied in House Document No. 247. That was the Sloan-Pick plan, the development of both of these projects.

At no time in the history of this development did the Army engineers ask for more than 17,000,000 acre-feet of a pool. Even in the joint report they did not ask for more than 17,000,000 acre-feet; they have never been authorized to raise the water to 23,000,000 acre-feet. If they are allowed to do it they will drown out a city of 10,000 people; they will drown out the only railroad in and out of that town; they will drown out three reclamation plants now in operation that cost \$5,000,000.

Let me say to the gentleman from Michigan that we are not asking for more money; we are trying to save money, and we can save enough right here if we adopt the amendment offered by the gentleman from North Dakota [Mr. LEMKE] to build the Michigan program; save enough to build the one the gentleman from Mississippi [Mr. RANKIN] wants. I will tell you what they will have to buy to raise that dam 20 feet: They will have to buy 90,000 acres of our best land, productive land, river-bottom land. It will cost them \$5,000,000 to buy that land. Shut them off from buying that until it is necessary to do so. We are willing to make our contribution for the benefit of the people down the

river, we are willing to take some loss, but in doing that do not let the theory be adopted that they can take any more than is necessary.

The Bureau of Reclamation says that a 1830-foot dam is all that is necessary for flood control, navigation, power development, and irrigation. They talk about irrigation. They cannot irrigate anything if they fill the valley full of water. There will still be the bottom of the Missouri River, and you know what the Missouri River said to the hills:

This is my land. I made it with the aid of the sun and the sea—you can have the hills and the uplands. But this bottom belongs to me.

That is what they are trying to do and this committee has been kind enough to say to them: "You cannot put this elevation more than 1830 feet now" but if you do not hold them back they will go and buy 90,000 acres of land and shut it off from production, they will take it off the tax list and own it and then there will be nobody to object to the dam and they can go ahead with a high dam.

I know, of course, they are the Army engineers, and they are as hard to catch as an eel in a barrel of bear grease. I want to shut them off. I do not want to leave it up to them. I am perfectly willing to let this Congress say to us, "We are going to drown you out, we are going to raise that dam," but I do not want the Army engineers to tell me that.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Michigan.

Mr. RABAUT. No one has more admiration for the distinguished gentleman now addressing the committee than I have and no one is more regarded for his sincerity, but, you know, if we were to abandon the Army engineers we could save millions of dollars every year, then we could start engineering here on the floor of the Congress. But the Congress in its wisdom has never seen fit to do that.

Mr. BURDICK. The gentleman is taking his time out of my time.

Mr. RABAUT. I will yield the gentleman a few more minutes. The Congress has never seen fit to do that.

The question raised here is this: When they make purchases of land they make huge purchases of land, as the gentleman well knows. There is a question here as to what the level of that impounded lake should be. The question is over a 20-foot additional elevation.

In deference to those who are in the territory, like the gentleman, and also the gentleman from North Dakota [Mr. LEMKE], who spoke previously about it, we have held it at the required height which they have suggested. The entire project, however, involves the building of a dam of a higher level with a spillway at the desired height which the gentleman suggests.

Mr. BURDICK. Yes.

Mr. RABAUT. If we only permit the purchase of land for that lower level, and later are required to raise the level, the Government would be forced to purchase all the improvements that had been made adjacent to the lake to be

created in order to extend the water boundary to the higher level. So in that way we figured that thousands of dollars will be saved by the Army engineers taking a further extension of land but not using it to impound the water at the present time, inasmuch as the construction of the dam is built for the higher level which they say is the sound project for the particular purpose.

Mr. BURDICK. That is what I thought. That is where I thought the gentleman got his information.

Mr. RABAUT. I got my information, as does the committee, from the Army engineers. They are an expensive group of individuals and they advise us.

Mr. BURDICK. That is all right. Now, you go on the theory that the land around this lake will be valuable, and if you do not buy this land now, when you need it 50 years from now the land will be too high. I will assure you right now that the land around that lake will not be any more valuable in the next 50 years than it is today, because there is no direct benefit coming to the local people from that dam. There is no irrigation. The only benefit that comes to them is power development. They have one generating plant at Fort Peck now, and have room enough for three more. They have capacity enough to light up the whole country for 500 miles already. What we are going to lose is our land and our cities and our railroads when it is not necessary to accommodate the people further downstream. Did you take that into consideration? The evidence is uncontrovertible from the testimony of the Army engineers themselves, before a committee that I attended, that they did not know but what 1,830 feet would be enough; they were not sure. But, they said that in the next 25 or 30 years the silt might form in the bottom of the river and it might have to be higher. Let us wait until the 30 years comes around, and I will be willing to sit down and examine it with them at that time, and if it is necessary to raise the dam, go ahead and raise it, but do not tell me that we are receiving benefits from it, because we are not. And, you will buy the land cheaper after you put the dam in than you can buy it now. All purposes can be accomplished by a dam of 1,830-foot water pool level, and do not spend more money than necessary. Do not take away our lands on which we live; do not destroy our tax system; do not destroy our city; do not destroy our railroads; do not destroy three presently operating irrigation projects; when it is not necessary!

March 25, 1949

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I represent a little bit what the committee said here that we are engaged in the logging business on these amendments. For myself I have not voted today for any amendment unless I thought it was

right. I have supported the committee as many times as I have supported the other side, but my vote each time was because I thought it was right.

Now, in regard to this amendment, you can do just as you want to do. The Army engineers are now authorized to maintain a water level of 1,830 feet above sea level and the spillways were put in so that the dam will not be higher. If the dam is not higher we will not be drowned out in my city, but if the Army engineers have their way and raise that water level 20 feet they will drown out a city of 10,000 people, they will destroy 90,000 acres of the best land there is in any country, and they will destroy three irrigation projects that are now in operation, as well as the railroad. If you permit the Army engineers to go on and buy land they do not need—and in my judgment they will never need it—you are simply putting the life and the property of the people of that area, containing a population of some 50,000 people, and you are putting the destiny of all those people, in the hands of a bunch of Army engineers.

Mr. FENTON. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Pennsylvania.

Mr. FENTON. Will it not destroy an already fine reclamation project that about \$5,000,000 have been expended upon in the Beuford-Trenton area?

Mr. BURDICK. Yes. It will destroy three of them. It will destroy Buford-Trenton, the lower Yellowstone, and one Lewis and Clark project near Williston. They are now going concerns and are making their way. It is just a question whether you want to leave it to the Army engineers or leave it with the Congress.

What is the purpose of permitting these engineers to purchase lands which I do not think, and the Bureau of Reclamation does not think, and which Congressmen who have visited the Williston area do not think, will ever be used for flooding purposes? These same Army engineers thought themselves that a 17,000,000 acre-foot reservoir was large enough. That is what they asked for themselves; that is what they agreed to when the Pick-Sloan plan was adopted. That reservoir would have required a pool level of 1,830 feet approximately. Now the engineers on their own motion, without the consent or direction of any one; without the approval of the Bureau of Reclamation, say that they want a 23,000,000 acre-foot reservoir and a water elevation of 1,850 feet above sea level.

Congress, has limited them to a pool level of 1,830 feet and when that limitation was imposed no one in the Williston area thought for a single moment that these engineers would attempt to buy any land not needed in an 1,830-foot level. We were mistaken; for in the summer of 1948 they started out and bought and condemned land to accommodate a pool level of 1,850, in clear violation of the limitation imposed by Congress. We now seek to stop them from buying land they do not need and which, if they did need it, would not be flooded for 12 years.

This extra 20 feet of water, which they have not as yet been authorized to maintain, would cause the following damage and expense to the Government, so if it is the desire of this Committee to save money here is the place to do it: Ninety thousand acres of land will be flooded in the Williston area by this 20-foot increase of the pool level; a city of 10,000 people with its great brick buildings will be surrounded on three sides by water; the railroad tracks and water system will be flooded out; and three irrigation projects costing over \$5,000,000 will be destroyed. The railroad will have to be moved out of the river bottoms, and the railroad has already filed a statement with this committee that if the level is raised they will move their railway about 12 miles north of Williston, requiring new construction charges of \$1,500,000; property in the city will have to be paid for and a new city built, costing approximately \$4,500,000; land purchases of 90,000 acres will reach well into \$4,000,000. The diking system which the Army engineers propose to build around Williston and the irrigation projects will cost another \$8,000,000, which expense can all be saved by leaving the pool level at 1,830 feet.

If in the years to come it becomes necessary to raise this pool level, it can be done, as the foundation of the dam was constructed with that in view, but no change whatever should be made until time and experience demonstrate that a higher pool is necessary, and then the people of Williston want Congress to say when this water level should be raised and not leave that question to the caprice and whims of Army engineers. This Government cannot leave 50,000 people, their property and their homes, the business establishments, the farms and the fields, in the hands of this body of men. They should not be allowed to control the destinies of the people of this area.

The Army engineers should be servants of the people and not their masters. The Army engineers should never be entrusted with civil problems or the problems of government. They are schooled in destruction—they are schooled in the destruction of property and human life—and know nothing about civil problems. Let me quote from the Hoover report:

The argument that river and harbor work can be directed only by the Army engineers becomes even more absurd when it is realized that only 200 Army engineers are involved, and that the remainder of the personnel under their control are civilians who supply most of the detailed knowledge and continuing direction.

This river and harbor work should be lodged with the Department of the Interior, where it belongs, and the Army engineers used in war work, defense work, and related matters directly concerned with the fighting forces of this country, where they can exercise what they were trained for, namely, the destruction of property and lives.

The brazen attitude of these Army engineers in openly violating the plain direction of Congress in limiting a dam to 1,830 feet, has caused some very bitter feeling in the whole area affected.

The people look upon them as nothing more or less than ruthless military junkers. Indeed, they perform like sadists—they seem to enjoy the suffering of the people.

Should this Congress permit them to wade in and either buy or condemn the land required for a high dam, the high dam will be built and maintained, for if they own most of the land there will be few to object. It ruins the community in another respect, it takes off the tax lists 90,000 acres of land not now necessary for the dam, and destroys the income from that land. If permitted to buy it, they will control it.

Another thing which this Army organization should be prevented from doing, and that is to take land before they need it even on the 1,830-foot level. It will take some 12 years to build and fill this reservoir, and why not let the farmers live on and operate their lands until they are needed. This matter, however, will come before this Congress in a separate bill and it ought to pass.

Let me say to the people down the river in the flood area, let me say to those who want river navigation, let me say to those who want electric power, let me say to those who want irrigation that all these purposes can be accomplished by a pool area of 17,000,000 acre-feet, just as the Army engineers first proposed. The Bureau of Reclamation, who will control power development and irrigation, have testified that an 1,830-foot level is enough. Now, why permit this outfit that apparently cares nothing about the people and their distress, to ride roughshod over the people of this area? Are they our masters? Are we spineless enough to sit here and permit this outrage to be perpetrated on the people of the upper Missouri area?

The members of this committee are friends of mine; I hold each one of them in high esteem and it is a distinct surprise to me that they are weak enough to subscribe to the designs of these engineers. The committee seems to be afraid of only two things in this world—the Army engineers and the Bureau of the Budget. They have the courage of lions on any other subject but are abjectly docile in the presence of the Army engineers. They also hold out that we cannot ever appropriate any moneys not authorized by the Bureau of the Budget. If that is what they intend to follow to its last conclusion then a Congress is not necessary. Adjourn the Congress and go home and let the Bureau of the Budget run the Government. I for one will listen to the Bureau of the Budget, but will not let them control my action. Unless we have this independence in our Congress, we have no representative government. I for one prefer to remain independent and I will not let the Bureau of the Budget, the Army engineers or any other organized Government agency determine my right to stand up and speak for what I believe to be right. If we cannot have this right, we might as well go home before we become a much worse Congress than the Eightieth. As each day now passes the Eightieth Congress does not look as bad as it did at the beginning of this one.