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Letter from Representative Burdick to Eugene Burdick Regarding Garrison Dam Land Acquisition, August 21, 1952

Usher L. Burdick
United States House of Representatives

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August 21, 1952

Mr. Eugene Burdick
Attorney at Law
Williston, North Dakota

Dear Eugene:

Authority of the Secretary of Defense
on Land Acquisition.

You suggested to me, or rather pointedly asserted to me, that we could not get around the order of the Secretary of Defense in acquiring land for a larger reservoir than that provided by law.

I enclose you the law with all amendments. The original law (1898) conferring this authority states that he may do so and so, FOR WHICH PROVISION HAS BEEN MADE BY LAW. There is no provision in the law creating the dam to provide more than 17 million acre foot reservoir. The question is can the Secretary of Defense, on his own motion, issue an order to take land not required in this authorization. As one lawyer, I say, "No".

The amendments do not change this basic law. The Amendment of 1938 merely confers the same authority on the Secretary of Defense in regard to dams as it does in regard to river and harbor improvements.

What do you have to say?

Dad

Encl.