



10-12-1953

Letter from Representative Burdick to Lillie Wolf Regarding Her Refusal to Relocate from Taking Area to be Flooded by Garrison Dam, October 12, 1953

Usher L. Burdick
United States House of Representatives

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DESCRIPTION OF LILLIE WOLF'S LAND:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20-148-89; SW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ 26-150-90; NE $\frac{1}{4}$ NW $\frac{1}{4}$ 34-148-90

October 12, 1953

Mrs. Lillie Wolf
Box 274
Elbowoods, North Dakota

Dear Mrs. Wolf:

Replying to your request for information on the letter you enclosed from Mr. J. M. Cooper, Area Director at Aberdeen, S. D., with reference to moving your buildings and property from the taking area, I have checked into the matter for you and I find:

That you are apparently questioning the authority of the government to require the sale of land belonging to Indians which were acquired under treaty rights, on the theory that the Wheeler Howard Act, passed on June 18, 1934, was designed to protect those rights of Indians in their lands. I also understand that you claim that the bottom lands where your property lies is worth \$250 per acre and that the price the government has offered you is much less than that; that you refuse to recognize the right of the government to force you to accept its offer of a much lesser amount, with the alternative of having the property condemned and taken under the right of eminent domain at whatever price the government decides to pay you, subject to the review of the courts in case you bring an action, and a possible award of a better price than that first offered you.

Regardless of the merits of your contention, I fail to see where you would benefit by refusing to move from the land you now occupy. Wouldn't it be better to let the government pay the expense of re-locating you than to sit where you are until the water engulfs your property and then having to either move or drown? In any event, your property would be inundated, and by moving before the water is released, you would still lose none of whatever rights you may have. By refusing to give up the land you cannot stop the building of the dam at this point, nor of the flooding of the 'taking area' when it is completed. It seems to me that you would be better off to get paid for the expense of moving while you can, and then if you so decide, continue your fight in the courts, asking for damages. You understand, of course, that under the right of eminent domain, the government can take private property for public use, upon due notice and offer of the reasonable value thereof, based upon a fair and unbiased appraisal,

and I doubt that the provisions of the treaties, upon which I understand you rely, would have any effect.

Furthermore, Public Law 437 (H.J.Res. 33) passed in the first session of the 81st Congress, provides that if a majority of the adult members of the Three Affiliated Tribes of the Fort Berthold Reservation vote to accept the provisions of that Act, "All right, title and interest of said tribes, allottees and heirs of allottees in and to the lands constitution the Taking Area described in section 15 (including all elements of value above or below the surfact) shall vest in the United States of America."

Since I understand that you acquired the land under the rights of an allottee, it appears that you would be bound by the affirmative vote of the Three Affiliated Tribes, as set forth above.

I am very sorry that I cannot be of more help to you in this matter, and I understand and sympathize with you in not wanting to give up the rich bottom lands where you are now located for the poor land in the relocation area.

If there is anything more I can do for you, please let me know.

With kind regards and best wishes, I am,

Sincerely yours,

Usher L. Burdick, M. C.

P.S. I am returning the enclosures you sent me. U.L.B.

October 12, 1953

Dear C. J.:

Here is the letter on the Lillie Wolf matter which you asked me to write and send for Mr. Burdick's signature.

L.P.K.

2 allotments Kula We, patents

76 & 86 } 20 - 148 - 89

96 & 86 }
76 & 86 } 26 - 150 - 90
72 & 86 }

76 & 86 } 30 - 148 - 90

Julie wife's land -

Hearings of Kalo Ind. affs

o SJ Res. 79 - Oct 9 - 1945 -

HJ Res. 33 = April 27, 30 -
May 29, 3 - 1949
