



10-6-1952

## Letter from Irene Edwards for Senator Langer to the Reverend H. W. Case Regarding Church Relocation Expenses, October 6, 1952

William Langer

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Fort Berthold Mission

COPY

October 6, 1952

cc  
Reverend H. W. Case  
Fort Berthold Mission  
Elbowoods, North Dakota

cc - Garrison Dam

Dear Reverend Case:

With further reference to our recent correspondence concerning the possible inclusion of your three churches in the new law authorizing reimbursement for moving expenses in certain lands acquired by the Government, we are enclosing herewith the memorandum which has been received from the Senate Legislative Counsel in response to the inquiry made in the Senator's name in your behalf.

cc  
Needless to say, we regret to learn that section 401 (b) of Public Law 534, 82nd Congress, does not apply in the situation you have outlined. You can be sure, however, that it has been a pleasure for us to look into this matter for you and if we can be of further service, we know the Senator would want you to feel free to write again.

With kindest regards, and with every good wish, I am

Sincerely,

(Mrs.) Irene Martin Edwards,  
Secretary to Senator Langer

IME:ln  
Enc.



MEMORANDUM TO SENATOR LANGER

This memorandum is in response to your inquiry relating to the letter of Reverend H. W. Case of the Fort Berthold Mission in which information is requested regarding a "new law meeting a part of the moving expense for displaced people at Garrison Dam".

Reverend Case is apparently referring to section 401 (b) of Public Law 534, Eighty-second Congress, approved July 14, 1952, which authorizes "The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force \* \* \* to the extent administratively determined by each to be fair and reasonable, under regulations approved by the Secretary of Defense, to reimburse the owners and tenants of land to be acquired for any public works project of the military department concerned for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, \* \* \* . I am attaching a copy of Public Law 534 in which I have marked section 401 (b) on pages 19 and 20.

Since the authorization in such section is to make reimbursement for moving expenses in the case of land "to be acquired" it is apparently intended to be prospective in application only. The military departments have not as yet published the regulations authorized by this section but I have discussed the matter with the Office of the Chief of Engineers of the

Department of the Army, and have been informed that they are interpreting section 401 (b) as applying only in cases of land acquisition where title vests in the United States after July 14, 1952, the date of approval of Public Law 534. Since in the cases referred to in Reverend Case's letter title apparently vested in the United States previous to July 14, 1952, section 401 (b) as now being construed by the military departments would not apply.

If we can be of any further assistance in this matter please call on us.

Respectfully,

Peter W. LeRoux  
Assistant Counsel

October 3, 1952