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**Letter from Ralph H. Case to Senator Langer Regarding
Questionnaire Regarding Creation of Contract to Receive
Compensation in Return for Land Taken for the Garrison Dam
Project, October 3, 1947**

Ralph H. Case

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LAW OFFICE OF
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you to find out

October 3rd, 1947.

Hon. William Langer
United States Senate
Washington, D.C.

My dear Senator:

Referring to our conversation this morning I have prepared the amendment suggested by you and have sent it to Superintendent Ben Reifle, at Elbowoods, N.D. with a letter of instructions. Copy of the amendment and letter enclosed.

I have had the questionnaire rewritten and enclose a copy containing your amendment.

I appreciate very deeply your careful study of the questionnaire and your very valuable suggestion. I wish to thank you sincerely for your words of commendation. It is indeed a very difficult task to explain all things to all men. I hope the questionnaire is now in such shape that no one can misunderstand it.

I have sent copies of the amendment to Commissioner Zimmerman, General Wheeler and to Mr. Allen Harper, Regional Office, Indian Affairs, Billings, Montana. I have written Senator O'Mahoney today sending him a copy of the outline of contract and the questionnaire and reporting briefly to him on the tribal council meeting of last week. The thought that I should do this came to me this morning while we were discussing the very generous aid which Senator O'Mahoney had extended to the Fort Berthold Indians.

Very sincerely,

Ralph Hoyt Case

Q U E S T I O N A I R E

This Committee is authorized by Resolution of the Tribal Council and official delegates on September 27th, 1947, to ask and secure answers from all adults of Fort Berthold Reservation to a set of questions which are stated below.

This is an expression of opinion and does not bind anyone who answers the questions. You do not lose any rights by answering these questions.

(1)

The most important question to come before the Three Affiliated Tribes in the past one hundred years is the building of Garrison Dam and Reservoir. Contracts to build the dam have been let and work was started October 1st, 1947.

Do you recognize that Garrison Dam is actually now being built?

ANSWER: YES NO

(2)

Garrison Reservoir will cover with water all of the bottom land along the Missouri River, the Little Missouri River and other streams flowing into them. The exact line of where the water will be has not been determined. If you are not sure of your answer to the following question, your answer should be "NOT SURE".

Do you hold an allotment or an interest in heirship land in the area that will be flooded?

ANSWER: YES NO NOT SURE

(3)

The United States has put to the credit of the Three Affiliated Tribes the sum of \$5,105,625. (called The Principal Fund) and has directed that a contract be made agreeing to this amount for the land which will be flooded, all improvements, all timber and all lignite, on or under those lands. Unless such a contract is drawn and submitted to Congress by June 1st, 1948, the appropriation of \$5,105,625. will be cancelled. It is now proposed to draw a

contract which will be a counter proposal, and then submit that counter proposal to the Congress. An outline of the proposed contract has been written and a copy is now handed to you. It is intended that the additional rights and benefits under the contract shall more than double the present offer of \$5,105,625. The counter proposal must be ratified by the adult people of Fort Berthold Reservation, before it is submitted to the Congress.

Are you willing that the Tribal Council and your Attorney shall write such a contract and then submit it to you for your final vote and leave it to you to say whether you accept it or reject it? The contract shall be written subject to a free vote by all adults.

ANSWER: YES NO

(4)

It is the intention of the Tribal Council and your Attorney, if a majority of the people answer "yes" to the last question, to prepare a contract and submit it to the Congress. The outline of the contract tells you many of the benefits that will be included in the contract. If other provisions are added they will provide for more benefits and not less benefits to you. The Tribal Council would like to have an answer to the following questions:

If you should have money coming to you for land, improvements, timber, and lignite or any of them, would you prefer to take your money in cash.

ANSWER: YES NO.

If you answer "NO" to the above question, would you prefer to have other land purchased for you and a new Trust allotment patent issued to you.

ANSWER: YES NO.

(5)

Among those living in the area which will be flooded are about 100 landless Indians. The outline of contract suggests that the Tribal funds be credited with the amount of \$105,625. and interest on the Principal Sum and this is to be used for removal and relocation costs and other expenses. The landless Indians would share only in the Tribal funds. Please answer this question.

Shall a reasonable amount of money per capita be set over to the landless Indians out of the Tribal funds?

ANSWER YES NO.

(6)

The counter proposal, if you authorize drawing a contract, will include at least five years of occupation without disturbance and without cost to you. All timber may be cut and sold, all lignite dug and sold during this period. The timber and lignite and your improvements are to be appraised and paid for out of the principal sum of \$5,105,625.

Shall the money derived from the sale of timber and lignite and improvements be deposited in the Tribal fund for the benefit of all the Tribal members?

ANSWER YES NO.

(ALTERNATE 6)

Should the money received from the sale of timber and lignite be paid to the Tribe, the allottees and the heirship interest according to the land they hold?

ANSWER YES NO.

(7)

The counter proposal, if the contract is drawn, will include the removal of all your deceased ancestors and relatives as you may direct; all Tribal rights will be preserved; the use of the shore along the great lake will be free to you; new homes will be constructed in place of those you lose; electricity will be provided at cost; water for irrigation will be provided; the extra cost of

new lands and new improvements will be paid by the United States; if oil or gas are discovered the Tribe will get a part of the proceeds, (called royalty); ferries will be provided by the United States to cross the lake; the Tribe will control harbors and collect charges for boats owned by outsiders; interest of \$204,225. will accrue annually on the principal fund; per capita payments may be made out of the interest; new agencies, schools and hospitals will be built by the United States; new roads and bridges will be built by the United States; other provisions will still further increase the value of the contract to you.

Note. This is important. When the principal fund is paid out for lands, improvements, timber and lignite, the money will be credited to the Three Tribes for Tribal lands, and to the allottees and heirs as their interests are shown on the final schedules. Thereafter the Tribes, the allottees and the heirs will be credited with interest so long as the money remains to their credit. It will probably require five years to do this. So the total of interest on the principal fund will be about one million dollars.

When the contract is drawn it will be printed and put in your hands for a free vote by you to accept or reject it.

In view of all this please answer this final question.

Shall a contract be prepared which will fully and generously compensate the Three Affiliated Tribes of Fort Berthold Reservation and shall the Tribal Council proceed along the lines indicated.

ANSWER:

YES { }

NO:

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