

Garrison Dam

According to the Fort Laramie Treaty of 1851, the territorial lands of the Three Tribes was an area of more than 12 million acres, extending from east of the Missouri River into Montana. In the following years, to justify taking more land, the Federal Government, through several allotment acts and the Homestead Act, reduced the reservation further to less than 3 million acres. The flooding of the prime river bottomland was yet another assault on the autonomy and cultures of the Mandan, Hidatsa and Sahnish. Flooding the reservation bottomlands reduced the reservation even further, leaving approximately 1 million acres of individual and tribally owned lands.

The Corps of Army Engineers built five main-stem projects that destroyed over 550 square miles of tribal land in North and South Dakota and dislocated more than 900 Indian families. The most devastating effects suffered by a single reservation were experienced by the Three Affiliated Tribes (Mandan, Hidatsa, and Arikara) whose way-of-life was almost totally destroyed by the Garrison Dam, as a part of the Pick-Sloan project (Lawson, p.27).

The construction of Garrison Dam on their land resulted in the taking of 152,360 acres. Over one-fourth of the reservations total land base was deluged by the dam's reservoir. The remainder of the Indian land was segmented into five water-bound sections. The project required the relocation of 325 families, or approximately 80 percent of the tribal membership. For many successful years as ranchers and farmers, these industrious people lost 94 per cent of their agricultural lands. (Lawson, p.59).

The Corps of Engineers entered Fort Berthold Reservation to begin construction on the dam in April 1946. The first of the army's Pick-Sloan project on the main stem of the Missouri River was Garrison Dam, which became America's fifth largest dam at a cost of over \$299 million. (Lawson, p.59)

The Corps of Engineers, without authorization from Congress, altered the project's specifications in order to protect the city of Williston, North Dakota, and to prevent interference with the Bureau of Reclamation irrigation projects, but nothing was done to safeguard Indian communities. When the army threatened to confiscate the land it needed by right of eminent domain, the Fort Berthold Indians protested in Washington. The tribes succeeded in having Congress halt all expenditures for the Garrison Dam project until they received a suitable

settlement. This legal action was based on the Fort Laramie Treaty of 1851, which provided that land could not be taken from the tribes without their consent and that of Congress. (Lawson, p.60).

Negotiations with the army began in earnest. The Tribal Council offered an alternative reservation dam site free of charge. This optional site, whose selection would have caused considerable less damage to the Indians, was rejected by the Corps of Engineers because it would not permit adequate storage capacity. Army negotiators did offer to purchase an equal amount of land in the Knife River Valley to replace that lost to the Garrison project, but the Indians found it unsuitable for their needs. In 1947, the Three Affiliated Tribes finally had to accept the \$5,105,625 offered by Congress and the Corps for their losses. This settlement, considered generous by many on Capitol Hill, meant that they received about \$33 for each acre of their land with improvements and severance damages. From this amount they were expected also to pay relocation and reconstruction expenses. The agreement did not permit them to claim additional compensation through Congress or the courts. The Indians were determined to exercise this option, and they petitioned for more money and additional benefits, such as exclusive rights to a small portion of Garrison's hydroelectric power production at a reduced rate. After a private appraisal claimed damages to the tribe were \$21,981,000, legislation requesting that amount was introduced in Congress.

Following two years of debate in the House and Senate finally agreed to a compromise figure of \$7.5 million. Legislation for this final settlement received President Truman's signature on October 29, 1949. (Lawson,p.61). The total compensation of \$12,605,625 was over \$9,000,000 less than the Indians felt was the fair market value of the damages they sustained. The final piece of settlement legislation denies their right to use the reservoir shoreline for grazing, hunting, fishing, or other purposes. It also rejected tribal requests for irrigation-development and royalty rights on all subsurface minerals within the reservoir area. The petition for a block of Garrison Dam power was denied on the grounds that the granting of exclusive rights to the Indians would violate provisions of the Rural Electrification Act of 1936. The legislation provided for distribution of funds on a per capita basis and its failure to bar the collection of previous individual debts from this money proved to be a serious handicap. Because the law required that it was a final and complete settlement of all claims, the Three Affiliated Tribes were unsuccessful in their twenty-year struggle to have its deficiencies corrected by amendatory legislation. (Lawson, p.61).

The lands that the Fort Berthold people were forced to give up were not just some undesirable tracts assigned them by a government more concerned with encouraging the westward movement of the American pioneer than with the fate of the native inhabitants. The river-valley environment of the Three Tribes had been their home for perhaps more than a millennium, albeit not the particular segment of the valley that lay above the Garrison Dam. They had developed techniques of adjustment to this environment over a time-span nearly inconceivable to white Americans. Moreover, they had emotional and religious ties with it that no American descended from Old World immigrants can fully comprehend. (Meyer, p.234).

The blame for building the dam in the first place must fall on Congress and on those segments of the public who brought pressure on their elected representatives to have it built. The Corps of Engineers must bear part of the blame, to the extent that Colonel Pick imposed his plan rather than accept that of W. Glenn Sloan when the two were presented to Congress. For the way the Fort Berthold people were compensated and their wishes in matters overridden by considerations of expediency, the responsibility falls squarely on Congress, especially the Senate for its high-handed revision of House Joint Resolution 33. Nor are the Indian people themselves without responsibility, as some of them recognized after the ordeal was over. By rejecting the lieu lands offer, they denied themselves the opportunity to build anew their cattle and farming enterprises on a more nearly adequate land base than they were left with when the waters of the Garrison reservoir backed up over their former homes. And by their persistent demands for per capita payments, they destroyed the possibility of long- range economic benefits such as tribal development programs might have provided. (Meyer, p.233).

The original communities before the flooding of the Garrison Dam were Elbowoods, the central business community, which housed the Indian Bureau, the Indian school, and the hospital; Red Butte, Lucky Mound, Nishu, Beaver Creek, Independence, Shell Creek, and Charging Eagle. The Mandan had settled in the Red Butte and Charging Eagle area, the Arikara/Sahnish settled in the Nishu and Beaver Creek area. Independence was settled by the Mandan and Hidatsa, and Lucky Mound and Shell Creek by the Hidatsa. Elbowoods was a combination of all three tribes. The other communities had government, Indian day and boarding schools, churches, communal playgrounds, parks, cemeteries, and ferries. Although parts of these communities remain, gone were the close traditional gatherings and community living, as were natural resources, such as desirable land for agriculture- timber that provided logs for homes, fence posts-shelter for stock-coal and oil deposits-natural food sources-and wild life habitats, for which

most would or could never be compensated.