

**SUPPLEMENTAL WRITTEN TESTIMONY
OF CHAIRMAN MARCUS WELLS, JR.
FOR THE THREE AFFILIATED TRIBES
OF THE FORT BERTHOLD RESERVATION
TO THE COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE**



November 15, 2007

**Restitution for the Flooding of Tribal Lands
Pursuant to the Flood Control Act of 1944**

My name is Marcus Wells, Jr., and I am the elected Tribal Chairman of the Three Affiliated Tribes of the Fort Berthold Reservation. I would like to thank Chairman Dorgan and the Members of this Committee for the opportunity to supplement the oral testimony I provided at the hearing held on November 1, 2007. I would also like to thank this Committee for its commitment to reexamine the historic wrongs done to the Three Affiliated Tribes, to our Tribal members and to all Tribes harmed by passage of the Flood Control Act of 1944 and the development of the Pick –Sloan and Garrison Diversion project. I appreciate Chairman Dorgan and Senator Conrad’s strong statements of support at the November 1 hearing for the principle that our Tribe and our Tribal membership must be fully compensated for the terrible flooding and other harms that resulted from this project.

Like them, I strongly believe that prior compensation legislation has not fully and justly compensated our Tribe and our Tribal membership for the catastrophic losses we suffered over fifty years ago. I pledge to work with this Committee and our North Dakota Congressional delegation to develop appropriate legislation to complete - once

and for all time - the important and honorable task of fulfilling the United States government's long-delayed promises to our people.

The Flooding of Our Tribal Bottomlands

The Three Affiliated Tribes of the Fort Berthold Reservation are comprised of three sovereign Tribes, each with its own noble history and culture. The Mandan, Hidatsa, and Arikara tribal nations occupied the areas of the Missouri, Heart, James, Cannonball, Mouse, Powder, and Yellowstone Rivers and their tributaries for centuries before the arrival of European-Americans. The bottomlands of these rivers have been central to our cultural, religious and social identity for thousands of years. Our ancestors each held a deep respect for these rivers and relied on their waters as a mainstay of our life on the Great Plains.

The Mandan, Hidatsa, and Arikara Tribes were formally united through the Fort Laramie Treaty of 1851 with the United States. The Fort Laramie Treaty set aside over 12 million acres for the unified Tribes. Over a thirty-five year period following the signing of the Fort Laramie Treaty, subsequent unlawful takings by settlers and Presidential orders sanctioning these unlawful takings, reduced the Tribe's land by degrees to less than one million acres. The Treaty of December 14, 1886 established the current exterior boundaries of the Fort Berthold Reservation with only 986,000 acres. Thereafter, the Homestead Act of 1910 opened our Reservation lands to non-Indian settlement, resulting in further encroachment and loss of our Treaty lands.

However, despite these repeated takings of our lands and the expropriation of our natural resources, the Three Affiliated Tribes succeeded in prospering economically and

socially until well into the first half of the twentieth century – primarily based on the productive use of the rich bottomlands of the Missouri River. Our remaining lands were rich in natural resources and were used by Tribal members for ranching and farming. Our bottomlands provided timber used for log homes, fence posts, and shelter for stock. They also provided natural food sources and wildlife habitats. In short, these bottomlands provided our Tribe with the resources and environment to create and maintain self-sufficient economies, political structures, and community relationships. Our Tribal members were well-known as the farmers, merchants, and bankers of the Northern Plains. The Hidatsa members were also known as the “people of the willows.” Even the non-Indian settlers who homesteaded within the Fort Berthold Reservation relied on the Tribe for many of the raw materials of life – such as fresh produce, timber, and other mercantile goods.

Our Tribe’s successful economy and thriving cultural lifestyle were damaged nearly beyond repair when, as a result of the Flood Control Act of 1944, the Federal government took another large piece of the Tribe’s already severely diminished lands. The Federal government took the heart of our homeland, approximately 156,000 acres of prime Missouri River bottomlands on which most of our people lived and worked. These prime Tribal lands – representing approximately ninety-four percent (94%) of the Tribe’s agricultural lands, eighty-four percent (84%) of the road network, the hospital, the schools, and the homes of more than 400 Tribal families – were to be flooded to allow for the development of the Garrison Diversion project. The Tribe bore the lion’s share of destruction from flooding for the Garrison Diversion project, with well over one-fourth of the total acreage flooded in North Dakota (550,000 acres) falling within the Reservation’s

boundaries. These rich lands had assured the Tribe's self-sufficiency for generations through ranching and agriculture. With the flooding, farms and ranches in the bottomlands were liquidated.

The Federal government unilaterally took these bottomlands without first consulting with or obtaining the permission of our Tribal members or our Tribe's governing body, the Tribal Business Council. In fact, it is my understanding that the U.S. Army Corps of Engineers began to develop the Garrison Diversion project as early as 1945, three years before the Federal government even attempted to negotiate a settlement with the Tribe and our Tribal membership. Our Tribal leaders and members never voluntarily agreed to accept the devastation to the Tribal economy, culture, towns, and homes caused by the flooding of prime Tribal bottomlands for the Garrison Diversion project. Instead, our Tribal leaders and members protested these unlawful takings in every manner available. Nonetheless, Congress and the Executive branch ignored Tribal protests, passed legislation supporting the project, and permitted the Corps of Engineers to continue its work as if it already owned the land outright.

Of course, the Federal government did not own our land outright, but instead held it in trust for the benefit of the Tribe and our members. The unceasing work of the Corps of Engineers, despite strong Tribal protests, caused many people in our Tribal communities to believe that the loss of the Tribe's most productive Reservation lands was inevitable. Tribal Chairman George Gillette was forced to sign an agreement with the Department of the Interior to sell 156,035 acres of Tribal land in 1948 for approximately \$12.6 million. This amount represented only \$80 per acre and was far below the "power value" of these lands – much less the incalculable value of these lands to our Tribe's

culture and history. Chairman Gillette wept at the signing of the agreement in Washington, D.C. and said, “Right now the future does not look too good for us.”

As Chairman Gillette accurately predicted, the Garrison Diversion project created far-reaching cultural, economic, and health problems for our Tribal members.

Construction on the \$294 million Garrison Dam began in 1947, and closure of the embankment occurred in April 1953. The Corps of Engineers completed the final earthwork in the fall of 1954, flooding the Missouri River bottomlands and eventually forcing almost all of the Tribe’s people to relocate to the barren highlands, where our members had previously grazed livestock. Tribal unemployment soared to as high as seventy percent (70%) as our Tribe’s agriculture-based economy was destroyed.

Construction of the Garrison Dam forced more than eighty percent (80%) of the Tribes’ membership – 339 families – to relocate to higher ground. Some of our Tribal members were forced by these circumstances to move off the Reservation all together.

Following the flooding, Tribal communities and families became divided by the vast expanse of Lake Sakakawea, which was created by the filling of water behind Garrison Dam. The Lake severed our Reservation lands into remote sections not easily accessible to one another, hampering community, government and economic development. These remote sections were connected with only one bridge at Four Bears. Our Tribe has since struggled to be self-sufficient as our communities became separated from one another. Driving from one part of the Reservation to another can take four or more hours by car, making it very difficult and costly to provide basic governmental services such as law enforcement, health care, education and transportation services.

These flooded bottomlands lands had been central to Tribal life and had also provided ample access to good, clean water. During the time of Garrison Dam construction, the Federal government repeatedly promised Tribal leaders that our people would receive new homes, schools, hospitals, roads, and other necessary infrastructure to help rebuild Tribal society and economy after the flooding of traditional Tribal communities in the bottomlands. In particular, the United States government made repeated promises to our Tribe to provide a safe and plentiful domestic water supply. Most of these promises were never fulfilled, and we were never fully compensated for the taking of our lands and communities. Our Tribal members have never shared in the huge benefits which the Dam's operations have provided to the Federal government or to the many people and communities located far from our Reservation.

Compensation for the Loss of Our Bottomlands

The payment we received from the Federal government was far too little to compensate for the loss of our bottomlands, for the depth of our people's suffering, and for the fragmentation of our unified Tribal government services. Three decades after the Garrison Dam was built, the Federal government admitted as much. Secretary of the Interior Donald Hodel signed a charter in 1985 creating the Garrison Unit Joint Tribal Advisory Committee, or JTAC. The JTAC's Final Report of May 23, 1986 determined that our Tribal leaders had had no choice but to accept the paltry financial terms offered by the Federal government for the flooding of our Missouri River bottomlands, and that Congress had offered the inadequate sum of \$12.6 million on a "take-it-or-leave-it" basis. The JTAC Report calculated that because the bottomlands were so rich in natural

resources, and because our Tribe was economically self-sufficient before the flooding of the bottomlands, the resource base we lost was valued between \$170 million and \$411.8 million in 1986 dollars.

The JTAC Report concluded that our Tribe was entitled to the substitute or replacement value of these tens of thousands of acres of lost bottomlands which had formed the economic base of our Reservation. The Report further stated that “Congress recognized . . . that only the principle of substitute, or replacement, valuation, by way of the replication of the resources base of the Tribes both as to area and quality, would adequately compensate the Tribes and make them whole.” This was so because Congress also “recognized that the bottomlands of the reservation represented the only income producing resource base that was sufficient to make the reservation a successful enterprise.” However, the Report stated that the War Department had “proved unable to comply with the statutory requirements imposed” to compensate our Tribe.

The JTAC Report found that due to the hardships endured by our Tribe after the flooding, Tribal schools were inadequate, our Tribal health care system was failing, and people living on the Reservation experienced levels of fatal and debilitating health conditions that far exceeded normal levels in the United States. In addition to further financial restitution, the JTAC report recommended that the Federal government undertake several measures to compensate the Tribe for its sustained losses. These steps included completion of a Reservation-wide drinking water system, construction of two major irrigation projects, financial assistance for Reservation farms, development of recreational shoreline opportunities on Lake Sakakawea, preferential rights for Garrison power, and replacement and refurbishment of critical infrastructure lost due to the

flooding – such as our health care facility, bridge, school dormitories, Tribal roads, and housing facilities. These recommendations were intended to make the Tribe whole again. But again, these projects have not been fulfilled in accordance with the Federal government’s promise. It has been over 50 years since the flooding of our lands, and we still have not been made whole.

From the JTAC funds we did receive, the Tribe earns a relatively low rate of interest - roughly \$4 million per year. By resolution, our Tribal Business Council has dedicated this money for Tribal education, social welfare, economic development, and other Tribal programs. While that has been our intention, the financial reality is that we have been forced by growing funding shortfalls to use our annual JTAC earnings to subsidize the Federal government’s own trust responsibility to provide services to our people by millions of dollars. For example, the Tribe puts \$600,000 of its own funds per year toward the law enforcement program; \$500,000 per year toward the Indian Health Service programs; \$600,000 per year toward the Indian Reservation Roads Program; and \$1 million per year toward the Housing Program.

Our JTAC earnings were intended to bring advances to our Tribe and our Tribal members far beyond the standard level of Federal trust services, but these earnings have essentially been hijacked by the Federal appropriations process to cover the Federal government’s own costs to deliver Federal trust services to our people. In effect, the Federal government has diverted our JTAC compensation funds to pay itself back for the cost of delivering Federal trust programs on our Reservation. Yet these Federal trust programs were themselves intended to provide compensation for the far earlier taking of our lands and our unfettered sovereign rights through the Treaty of Fort Laramie and the

massive taking of our lands in the late 1800s and early 1900s. It is patently unfair and unworthy of a great Nation like the United States to force our Tribe to use our JTAC compensation fund to cover the deficiencies in annual Federal appropriations.

If Congress passes new legislation to compensate our Tribe more fully for our \$411.8 million loss in 1986 dollars, we will put these additional funds to work to improve our Reservation infrastructure. We cannot return to the economic self-sufficiency that we enjoyed before the flooding of our Reservation without a safe, reliable transportation network, accessible schools, a fully functional health system and Reservation-wide water, irrigation and sewer systems. This Committee's effort to develop fair and comprehensive Pick-Sloan compensation legislation would help put us on the path toward true economic self-sufficiency and greater Tribal self-determination.

I now turn to some of the specific Tribal-Federal projects, program and initiatives that - when completed – will help to make our Tribe and our people whole for the losses we suffered.

Bringing Safe, Clean Drinking Water to the Reservation

As described above, the JTAC Report recommended, among other things, that the construction of a safe, complete drinking water system would be essential for the Nation to revitalize economic growth on the Reservation, and that the Secretary of the Interior should seek authorization and proceed immediately with the construction of such a system. The JTAC report emphasized that the Tribe had been promised the completion of its rural water distribution projects and that the United States needed to fulfill this promise. However, the Tribe's drinking water system is far from complete. Despite

passage of the Garrison Reformulation Act in 1986, Pub. L. 99-294, and the Dakota Water Resources Act in 2000, Pub. L. 106-554, over ninety percent of our Reservation homes still are not hooked up to the Fort Berthold Rural Water Supply System, which is designed to provide safe and clean drinking water on the Reservation and adjacent areas. For individual Tribal families or other Reservation residents, digging an artesian well is often not feasible, and the water drawn from such wells is undrinkable due to over-saturation with alkaline minerals such as sodium and magnesium.

Many Reservation families must still clean dishes and bathe themselves and their small children in brown well water that reeks of heavy minerals such as manganese, coal, iron and lime. These unhealthy minerals also exacerbate the dangerously high level of diabetes on the Reservation. As a result, many families in the Reservation's rural communities still haul in or truck in potable water to their homes, making life on the Reservation expensive and inconvenient. In all, more than 300 Tribal families still have to truck fresh water into their homes, businesses, farms and ranches to meet domestic water needs for drinking, cooking, washing dishes, bathing, and watering livestock. Ironically, even the family of the Tribe's director of construction for the Fort Berthold Rural Water office does not yet have direct access to a safe, clean water supply.

The Garrison Reformulation Act of 1986 and the Dakota Water Resources Act of 2000 were meant to speed up the completion of our drinking water system for all municipal, rural and industrial water users within the exterior boundaries of the Fort Berthold Reservation and adjacent areas, but annual Federal funding appropriated under these laws has been far too little to make any substantial progress on this important project. There are only a handful of elders left who remember the time before the

flooding of our lands. They deserve to see clean, safe drinking water running into their homes during their own lifetimes.

The lack of clean, accessible drinking water has forced some Tribal members to abandon their homes in rural areas on the Reservation. The need to haul clean water, even in harsh winter conditions, is constant, making rural life on the Reservation difficult or impossible for elders and for families with young children. However, simply moving to a town within our Reservation, such as New Town or Parshall, does not solve the drinking water problem. While residents in these towns may have access to tap water unlike many rural Reservation residents, they must also pay exorbitant utility bills, and many face the threat of water outages due to historically low water levels in the Missouri River.

Contrary to the Federal government's promises and the express terms of the Dakota Water Resources Act, Tribal members and non-Tribal residents living in New Town often pay hundreds of dollars a month for drinking water because they must pay a surcharge to cover New Town's financing of its upgraded water treatment plant. Tribal members and non-Tribal residents living in Parshall also live under the constant threat that their water will be turned off due to the blockage of the water intake system serving the town as a result of sediment buildup and falling water levels in the Missouri River. For a people who have given up so much to provide needed flood control, water and power benefits to so many others in this country, the current state of affairs is intolerable and demands prompt Congressional action.

To address the water needs of both rural and municipal Reservation residents, our Tribal staff have developed detailed and carefully drafted water purchase agreements to share the benefits of the Dakota Water Resources Act fairly with Tribal members and

non-Tribal residents living on the Reservation. Although the Dakota Water Resources Act expressly states that the water project is to provide municipal as well as rural water benefits, the Bureau of Reclamation so far has not agreed that appropriations under the Act can be used to help provide water benefits to residents of New Town, Parshall and other Reservation communities. I believe the Bureau of Reclamation is ignoring Congress' plain words and intent in passing the Dakota Water Resources Act and ask for this Committee's help to change this unwise and unfair policy.

In addition, the Tribe had to bring a lawsuit against the Bureau of Reclamation to gain recognition that the Tribe's successful financing of a small portion of the water system construction project through low-interest USDA loans could be repaid with DWRA appropriations. To help us more promptly complete this vital municipal, rural and industrial water project, we request the Committee's support for – and Congress' prompt passage of – Senate bill S. 2200, the Tribal Water Resources Innovative Financing Act, which was introduced by Senator Conrad and cosponsored by Senators Johnson and Tester. This bill will affirm that tribes can finance drinking water construction projects in today's dollars, bringing these important projects to completion much sooner and more cost effectively than could occur with traditional pay-as-you-go funding methods.

As noted above, Lake Sakakawea creates a physical barrier that substantially increases the cost of developing the Fort Berthold Rural Water Supply System. Because of this natural water barrier, we must construct new water treatment plants, pipelines and intake facilities for the isolated portions of our Reservation. We must also make use of the existing water treatment plant in New Town to supply water to rural residents in the

Northeast Segment of the Reservation. As shown in the enclosed PowerPoint presentation developed by our Tribal engineers and Tribal Rural Water office, we are ready, willing and able to substantially expand water service on our Reservation.

Unfortunately, the small trickle of annual Federal appropriations, often less than \$1 million per year, is hardly enough to keep up with construction cost inflation. The lack of Congressional appropriations has been tying our hands and delaying these critical water supply projects. What little money that has come to us under the Dakota Water Resources Act must often be diverted to emergency water intake projects due to the dangerous drought conditions in North Dakota. I therefore call on the Members of this Committee and Congress to help us substantially increase the meager Dakota Water Resource Act appropriations in FY 2008 and in future fiscal years until this project is completed.

Water Quantification

As this Committee knows well, our Tribe possesses a priority water right to the Missouri River under the legal principles first articulated by the United States Supreme Court in Winters v. United States, 207 U.S. 564 (1908). For many years, our Tribal leaders have been concerned about quantifying this prior water right for a variety of reasons. While some of these concerns still remain, our Tribe is also gravely concerned about the potential infringement of our water rights due to the changing climate, the current water management of the U.S. Army Corps of Engineers, and the potential for the diversion of our water rights to supply the Red River Valley project.

In order to protect our water resources for the benefit of our Tribal members and non-Tribal residents of the Fort Berthold Reservation, our Tribe is now prepared to work toward quantifying our priority water right. I look forward to working with this Committee and with our North Dakota Congressional delegation to ensure that a full and fair quantification of our priority water right can be successfully accomplished without the need for expensive and protracted litigation.

Recovery of Excess Lands

Since our lands were first taken for the Pick-Sloan and Garrison Diversion project over a half century ago, our Tribe has also attempted to recover lands that are in excess of those needed for the Project. The Three Affiliated Tribes and Standing Rock Sioux Equitable Compensation Act, Pub. L. No. 102-575 (Oct. 30, 1992), provided for the return of Project lands located at or above elevation 1,860 feet mean sea level to the Tribe and other former land-owners, but those provisions were repealed in 1994 by Section 407 of Pub. L. No. 103-211. The new law provided that "the U.S. Army Corps of Engineers should proceed with the Secretary of the Interior to designate excess lands and transfer them." The Corps has been studying the potential transfer of the lands since 1994, but to date the Tribe has not received any of the lands.

The Tribe seeks the immediate return of those lands that are at or above the maximum flood pool elevation, and we have advised the Corps that we will agree to reasonable and necessary easements for Lake access for Project purposes. There is no question that the Corps has the legal authority to transfer these lands immediately to the Tribe under the Fort Berthold Mineral Restoration Act, Pub. L. No. 98-602, which provides:

The Secretary of the Army and the Secretary of the Interior may enter into agreements under which any land within the exterior boundaries of the reservation acquired by the United States for the construction, maintenance, or operation of the Garrison Dam and Reservoir Project that is no longer needed for such purposes is declared to be held by the United States in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation.

The Corps agrees that this provision provides legal authority for the Corps to transfer the excess lands to the Secretary of the Interior for the benefit of the Tribe, but we are still waiting for it to be done

The Tribe and the Corps share a mutual interest in, and stewardship over, these lands along the lakeshore, but in my view, the Tribe has a greater interest and ability to manage these lands. I firmly believe that the Tribe would be a better steward of these lands than the Corps. We are already managing the contiguous tribal lands. The return of the lands would assist the Tribe in developing tourism, recreation, and economic development opportunities. It is long overdue.

Congressional Support for a New Hospital to Serve the Fort Berthold Reservation

As noted in the JTAC Report, the closure of the Garrison Dam flooded and destroyed the federal Indian hospital serving the Fort Berthold Reservation. To induce our Tribal members to leave their homes and property, Federal government officials promised to quickly replace the destroyed hospital. Despite repeated Congressional and Executive Branch assurances – going back over fifty years – that reiterated the Federal government’s solemn commitment to replace the destroyed hospital, we are still years away from realizing the fulfillment of this promise. With that said, I want to commend

the recent work of Chairman Dorgan and our entire Congressional delegation to help ensure that this promise is finally kept.

As I understand it, current language in the Senate's FY 2008 Energy and Water appropriation legislation would provide \$3 million to the U.S. Army Corp of Engineers for the design of the proposed Elbowoods Memorial Health Center. This is a good start. However, this bill must still be passed by the full Congress and signed by President Bush to become law. I am concerned that our hospital funding may be delayed or held hostage due to the current veto threats and political maneuvering surrounding the FY 2008 appropriations process. I am confident that Chairman Dorgan, who also chairs this Senate Energy and Water Appropriations Subcommittee, will do everything in his power to ensure that our surviving Tribal elders realize their life-long dream and witness the fulfillment of the Federal government's promise to replace the Elbowoods Hospital. After 57 years, it is well past time for our Tribal members to have access to a comprehensive, high quality health care delivery system.

Living so long without this replacement hospital, our Reservation residents have been forced to make do with an inadequate health clinic that is available only from 9 a.m. to 5 p.m. Monday through Friday. The lack of round-the-clock health care has led to many premature deaths and the unnecessary suffering for our people. Our current healthcare crisis is directly attributable to the flooding of our Reservation and to the United States government's failure to keep its promise in a timely fashion.

This is not the first time our Tribal leaders have brought the hospital replacement issue to this Committee's attention. In 1991, the Senate Committee on Indian Affairs issued a report noting that, at that time, over 40 years had passed since the Federal

government's promise was first made and over five years had then passed since the Joint Tribal Advisory Commission had issued its final report, but still the urgently needed health facility had not been built. This Committee stated in its 1991 report that "every effort should be made by the Administration and the Congress to provide additional federal funding through annual appropriations for" the health care facility. Again at an August 30, 2001 hearing, this Committee re-emphasized that this solemn promise by the United States had not been kept and stated that a great Nation must keep its word.

I ask all the Members of this Committee to help Chairman Dorgan ensure that this Congress and this Committee finally act to hold this great Nation to its promise. When the FY 2008 appropriations finally become law, we plan to use these funds to design our new health care facility to address the health problems that are killing the Mandan, Hidatsa and Arikara tribal members at rates far beyond the national average.

The facility will have an expanded kidney dialysis unit, since diabetes on the Reservation is twelve times greater than the national average and is our leading cause of death. It will also have a cancer-screening unit because the Reservation has a cancer rate seven times greater than the national average and cancer is our second leading cause of death. We are currently pursuing other funding sources to help us construct the kidney dialysis unit and cancer screening center. We also plan to have the capacity to test persons with heart problems because heart disease is our third leading cause of death. We also have developed a disease management system - in the form of an internet-based health information technology resource center - with the cooperation of the Georgetown University Medical Center and with Senator Conrad's strong support. This new center, when fully developed, will allow our medical staff to monitor diabetes patients in their

homes and will provide the staff with information on the best practices available on diabetes and cancer treatment and prevention, particularly with regard to the diet and lifestyle of our patients.

Now is the time to act because the Indian tribes in our region suffer the greatest disease burden of all the tribes in the twelve Indian Health Service areas in the Nation. Many Tribal members are geographically isolated and economically disadvantaged, which leads to greater health care complications. One of the most alarming health care disparities for Tribal members living in the Aberdeen and Billings IHS areas is the high incidence of chronic diseases such as cancer, diabetes, and heart disease, all of which substantially increase our annual health care costs. This replacement “round-the clock” healthcare facility will help us tackle these chronic problems and bring our annual health care costs down. I therefore ask for the continued support of this Committee to finally bring the dream of caring, competent and accessible health care to the Fort Berthold Reservation.

Adequate Compensation to Individual Tribal Members

Finally, I wish to remind this Committee that individual Tribal landowners have never received adequate compensation for their losses caused by Pick-Sloan and Garrison Diversion project. For example, the Federal government agreed to move some houses up to the dry land before the flood, but many of these homes were simply moved atop dry bluffs in the middle of nowhere. These homes were not livable and have been long since abandoned. Many Tribal members had to abandon the Reservation altogether because they could no longer survive in the land of their ancestors. Fundamental fairness

demands that all individual Tribal members who were cast out of their homes receive full, fair and just compensation for their losses.

I thank the Committee for the opportunity to provide this supplemental written testimony and look forward to our work together on this important legislation.