

DEPARTMENT OF JUSTICE

WASHINGTON

Norman M. Littell  
Assistant Attorney General

April 26, 1943

Dear Mr. Congressman:

I enclose a copy of a letter to Senator Wallgren giving a comprehensive statement as to the Army land acquisition in Eastern Washington, one of the largest acquisitions of private lands in the war effort.

As pointed out in my letter to Senator Wallgren, the War Department has labeled as "secret" the principal facts as to the size of the area and, of course, its use. Inasmuch as condemnation cases are filed and the proceedings are public, it is doubtful whether there is now, or can be, much secrecy about it. However, you are requested not to publish or distribute the facts as to the area stated on the first page of my letter to Senator Wallgren.

Inasmuch as the matter is one of state-wide interest and effect and the balance of my letter deals with the procedure in handling this land acquisition work, I thought that each member of the Washington Delegation should have a copy of my letter to Senator Wallgren to aid in answering inquiries which undoubtedly reach your offices from time to time.

Kindest personal regards.

Sincerely yours,

(Signed) NORMAN M. LITTELL  
Assistant Attorney General

Enclosure

*A No action was taken on these Pol. Com. decision*

*88-6.4*

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~~DD Lidson~~  
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33-49-451

MBS

April 26, 1943

Honorable Men C. Wallgren  
United States Senate  
Washington, D. C.

Dear Senator Wallgren:

This will acknowledge the receipt of your letter of April 19, 1943, enclosing a letter from an attorney for certain property owners objecting to the appraisal of land in the Army land acquisition for the Hanford Project in Eastern Washington. While this Department has filed two proceedings under the War Purposes Act, and orders of possession have been obtained, nevertheless, direct purchase negotiations are carried on by the War Department.

As this acquisition is of state-wide interest and effect, I outline the basic facts for your information and that of Senator Bone and the Congressmen from the State of Washington, to whom I shall send a copy of this letter. I should add that the War Department considers this project to be "secret" and asks for no publicity on it, although I do not quite see how so great an event in the State of Washington, inevitably attended by considerable comment and the conducting of public proceedings in the courts, can in any way be maintained as "secret." However, I so label the following factual information in regard to the size of the area.

Size of project and interest to be acquired: It is estimated that 206,000 acres will be acquired in fee, embracing approximately 2000 tracts or ownerships. An additional 176,300 acres, embracing approximately 600 tracts, are to be leased. Approximately 100,000 acres surrounding the project, as a "buffer" area, will be placed under "restriction agreements," pursuant to which owners will remain on the property but will be restrained in respect to alienation or any change in use of the property. This area will embrace three villages (White Bluff, Hanford and Richland), but most of the property consists of (1) irrigated farm land and (2) sagebrush land.

Headquarters of Project Manager, Real Estate Branch, War Department: The project office of the War Department is at Prosser in Benton County, about equi-distant from Portland and Spokane. The area is in the Southern Division of the territory covered by the United States District Court for the Eastern District of Washington. The project manager is Norman Fuller, P. O. Box 71, Prosser.

Department of Justice, Lands Division staff: Due to the departure for military service of Hart Snyder, Special Attorney, Spokane who has in recent years headed the work of the Lands Division of this

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Department in Eastern Washington, I have assigned Bernard H. Ramsey, Special Assistant to the Attorney General, 525 Corbett Building, in Portland, Oregon, to take charge of the legal work for this Department in the Hanford Project, because of Mr. Ramsey's many years of experience in land acquisition work. He will spend part of his time in Spokane, Washington, where, in cooperation with United States Attorney Connelly, he will direct the conduct of legal proceedings assisted by two able Special Attorneys who have recently been appointed, Edward J. Crowley and Joseph L. Thomas, who reside in Spokane. While the case has been filed in the United States District Court for the Eastern District of Washington at Spokane, the division of my staff between Portland and Spokane will make it convenient for property owners to have access to whichever office is closest to them.

Appraisals: Appraisals are being made at the instance of the War Department by the Federal Land Bank of Spokane with whom War Department personnel are collaborating. Mr. Chestnut of the Federal Land Bank of Spokane is the supervisor of this work.

Title evidence: The War Department has contracted with Washington Title Insurance Company, Seattle, Washington, for the issuance of certificates of title, which has established a branch office at the project, and certificates are now being delivered.

Negotiations for direct purchase: Representatives of the War Department negotiate with property owners for agreements, pursuant to which their properties are acquired by direct purchase and then dismissed from the condemnation proceeding through which immediate possession was secured. Every effort is made to conclude this stage of the procedure within sixty days.

Filing of declarations of taking and deposit of estimated just compensation: If it becomes clear within the above sixty-day period that purchase cannot be concluded by reason of (1) title difficulties or (2) inability to agree as to price, then the War Department sends to the Department of Justice a declaration of taking accompanied by a check for the estimated just compensation for the properties embraced in the declaration for deposit in court. This Department then acquires complete jurisdiction of the matter, although in full cooperation with the War Department.

Distribution of compensation upon order of court: After funds are deposited in court with a declaration of taking, attorneys for this Department will assist property owners by recommending to the court distribution of the compensation due to them if the amount is agreed upon,

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as soon as title evidence justifies the court in ordering payment to them. In cases where property owners do not agree as to the price to be paid for their property, then and in that event our attorneys are instructed to aid them in securing partial distribution without prejudice to the owners' rights to claim a greater amount than has been deposited. The owners may submit to the court proof of their claims. The valuation issue will thereupon be tried out in court and judgments fixing the "just compensation" to be paid will conclude the matter. The owner will be paid accordingly.

I might add that throughout the country over 90 percent of properties taken by the Government are acquired by agreement with the property owners, either in direct purchase negotiations or by settlements in court.

Cause of delay in making payments: The great stumbling block to rapid payment of property owners is the delay either in preparing title evidence to establish ownership, or in correcting defective titles after the evidence is procured. Even with the most efficient services of available title companies, this work cannot be done without the lapse of months of time. In the meantime, property owners, at great hardship to themselves, await payments. This is unavoidable because, under the existing state of the law, the Government cannot pay, and the court will not order disbursement, until it appears that John Doe is the true owner of his property, and abstracts or certificates of title are secured to establish this fact.

Remedy for delay: I, therefore, call your attention to Senate Bill 975, introduced by Senator Harry F. Byrd of Virginia when I submitted to him a draft of this bill as the only possible solution to the delay in payment of property owners at the 50,000 acre Marine Base at Quantico, Virginia, where the problems, bad as they are, will not be as difficult as in the big area being acquired in our State of Washington.

This bill to expedite payments to property owners by requiring all parties claiming an interest in the lands to file their claims immediately or be bound by any action taken by the court, would permit the court to order disbursement of compensation to property owners, in whole or in part, as promptly as the court could be satisfied that the owner had good title. This can frequently be established by old abstracts brought up to date and by informal title search by Department of Justice attorneys and attorneys for owners. In all the vast laboratory of condemnation proceedings with over 6900 cases pending in my Division of the Department of Justice, embracing over 100,000 separate properties, we have been able to find no solution for the problem of expediting payment of compensation to property owners other than that proposed in this bill.

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Under this bill, the agency acquiring the land could deposit a sum of money in court upon the filing of the proceeding, without awaiting the preparation of title evidence, surveying and valuation of properties which, under the existing state of the law, must now precede preparation and filing of declarations of taking and the deposit of money in court. Under this bill, partial distribution of compensation could be effected out of funds in court as rapidly as the court could be satisfied that ownership was established. Differences of opinion as to value are inevitable in a certain number of cases in every project, in my experience, but under this bill partial distributions could be effected so that the property owner would at least have a substantial portion of his money, leaving the court to determine how much more, if any, he should receive. I enclose a copy of Senate Bill 975.

I wish to express my opinion most strongly, here and now, that the residents being dispossessed from this big area of our State of Washington will suffer very considerable hardships from delay in the payment of compensation for their homes, farms and businesses unless the present state of the law is changed in a manner such as I have suggested. In anticipation of these problems, this bill was submitted in June of 1941 but in the pressure of emergency matters following the outbreak of war in December, it did not get active consideration in the last Congress.

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