

November 29, 2016

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I am writing to express opposition to the handling of the DAPL project which affects North and South Dakota, Iowa, and Illinois. The grounds for my opposition are twofold. First, the treatment of the native people and protestors in North Dakota threatens the good will enjoyed by the United States due to our role as a protectors and facilitators of liberty. Second, a plan that uses eminent domain to benefit private investors at the expense of other citizens is an abuse of the eminent domain power delegated to government. I understand that these concerns involve federal, state, and local authority. I ask you to respond to the extent that it is within your authority.

It is clear that the native people have an interest in both clean water and the burial sites of their family members and ancestors. Such concerns justify their peaceful protest, whether they are standing on reservation land or public land.

The plans for the pipeline were re-routed South of Bismarck, by some accounts due to concerns for that city's water supply. If that was truly a concern in routing the pipeline away from a river crossing North of Bismarck, it would be no more acceptable to route it through areas that put tribal water sources at risk. Likewise, if a cemetery in Bismarck or any other settlement in this country is not a candidate for pipeline construction, then lands where native Americans buried their dead are not candidates for pipeline construction either. I am asking that you do what you can to ensure that the native people have every opportunity to survey the lands for environmental risks and native burial sites, and that their concerns are given fair and serious attention.

Our immediate interests sometimes put us in conflict with others, particularly where natural resources are a concern. However, we have a greater common interest, and its value can hardly be overstated. Our greatest assets are the principles of liberty and justice on which our system of government was founded. These principles serve us internally as well as in foreign trade, foreign relations, and the good will extended to our citizens by the people of many other nations. Even the appearance of violating these principals is a threat to the greater interests of the people of the United States. Given the relative positions of power between our state and federal governments and the native people in North Dakota and other affected areas, I ask that

we exercise due care and examine every action for consistency with our own principles of liberty and justice.

My other concern is the improper use of eminent domain. Some will argue that ensuring supply of critical resources justifies the use of this power. However, petroleum is already available to citizens of the United States, as are many alternative forms of energy. Transport of petroleum is established, and will not stop if DAPL construction is delayed or cancelled. It is not clear that this project serves the public interest at all. The beneficiaries are two commodity suppliers, Energy Transfer Partners and Phillips 66. Subsidizing the work of selected companies should be well outside the scope of government powers. Using eminent domain to subsidize a private construction project, or granting a few individuals the power to initiate condemnation proceedings on hundreds of other property owners, is even less acceptable. Such an action can only be described as an involuntary transfer of power and property from one citizen to another.

If any transportation project relies on eminent domain, at minimum it should be made clear to the people and our representatives that the project is of critical importance to the physical well-being of citizens; that it strictly and fairly serves the public interest; and that there is no practicable alternative to its use. The financial interest of one or a few members of the public does not justify exercise of eminent domain power.

Thank you for reviewing these issues and the circumstances of the DAPL project. If I am incorrect in any of the details of this letter, I ask that you treat the rest of its contents charitably. Please carefully consider, and encourage your colleagues in government to give this matter the thought and attention it merits.

Sincerely,

Rab Beverly