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December 22, 1928.

Hon. A. H. Favour,

Prescott, Arizona.

My dear Favour:

We did the best we knew how to the bitter end but the Boulder Canyon dam Act is now a law. How that all came about is a long story which can better be told than written. The only post-mortem statement that I must make is that Calvin Coolidge knew all the time that he was going to sign the bill but deliberately deceived both Lew Douglas and myself into thinking that he would not do so until he had at least given careful study to the measure in its final form. We both saw him before we went into the fight and Lewis was at the White House after the bill was sent to the President. That New England Yankee is a hard riddle to guess, and I am half Yankee myself.

From the words in his last message to Congress about keeping the Government out of the power business and from the way in which he agreed with us that the bill did put the Government into that very business, I am at an utter loss to know why he so promptly approved the measure unless there was a political promise of some kind which he felt bound to keep. From the political angle it is difficult to determine whether

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we could have obtained as good a bill under Mr.Hoover, but I am sure that the next President would have been at least brutally frank with us.

The question now is what is Arizona going to do about it? The Act in two places provides for a tri-state agreement supplemental to the Colorado River Compact. It is possible through such an agreement for Arizona to fill in the gaps in the Boulder Canyon project Act and secure most if not all that is due tourur State. The other way to proceed is to say that we know in advance that California will concede nothing, that further conferences will be useless, and therefore Arizona should stake everything on winning a suit in the Supreme Court of the United States.

Lewis Douglas is in favor of litigation and with persuasive force urges that even though the suit never comes to trial it will be of great service in bringing California to terms. His idea is that since California for seven years held Arizona under the threat of legislation pending in Congress our State should hold a club over California's head in the shape of a suit which it will possibly take a like number of years for the Supreme Court to decide.

However, the Arizona Legislature could go at it in a double-barreled way by authorizing the employment of legal counsel to prepare the suit and at the same time also authorize the Governor to appoint Com-

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missioners to negotiate for a settlement with California. It seems to me that California might worry more about what kind of a suit Arizona intends to file than about the suit itself after it was instituted and they had time to study and answer the items of the complaint.

Personally, I am not going to give the Arizona Legislature any advice on a subject about which it must determine its own course. I did that once, some years ago, and received no thanks for much labor. I can say to you as a friend, however, that we both know from actual experience that eight men are too many to represent our State in any negotiations with California. If Arizona is to be represented in an efficient manner we must get away from the necessity of holding an old fashioned town meeting on every occasion when a course of action is to be determined. The new Commissioners should have all the legal and engineering assistance necessary but three men are enough to do the actual negotiations.

It seems sensible to say that the Governor, being particularly charged under our State Constitution with the duty of speaking for Arizona in all contacts with other States, should accept the full responsibility which goes with his office. History has shown that it is always poor policy to mix executive and legislative functions, and therefore he should be given a free hand to conduct negotiations with a small Commission of his

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own choosing, reserving to the Legislature the right to approve or reject any agreement that may be made with California and Nevada.

I have not said anything to John Phillips about what kind of a Commission should be chosen to represent Arizona in the tri-state conference because the change should be initiated by the Legislature and not by him. I would not have gone into the subject as fully as I have in this letter to you except for what was said when I last talked with you at my home in Phoenix. I shall not write to any other member of the Legislature about it but you should know that Henry Ashurst and Lewis Douglas share my views on the subject.

I have written to the Governor-elect that W.B. Mathews and John L.Bacon, two of the California Commissioners called on me yesterday to say goodbye, and at the time expressed a desire to see a prompt settlement of the remaining items in controversy with Arizona. I advised them not to beat-about-the-bush but communicate directly with the new Governor of Arizona as soon as he takes office. I also told Phillips that Doctor Elwood Mead, the Director of the U.S.Reclamation Service had advised me that the Interior Department expects to ask for a deficiency appropriation at this session of Congress for further surveys and investigations to determine the lands irrigable in Arizona and California below

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Boulder Dam. Doctor Mead expressed the hope that Arizona would have an engineer to speak for our State at a conference which will be held in Denver the middle of March, to which engineers from all the States of the Colorado River Basin will be invited. This is a matter of such importance that the Legislature should provide funds for the employment of competent engineers to cooperate with the Reclamation Service.

George Malone of Nevada was in to see me today. He will leave for him soon and said that he might get in his automobile and come over into Arizona to see if he could be of any help in bringing about a tri-state agreement. You might write him a letter if you want him to come by Prescott to see you and give you his view of the situation.

I have read in the Tucson "Star" of December 18, which came this morning, of the resolution of confidence in the Arizona Delegation in Congress which you introduced. I know that I speak for the three of us when I say that we appreciate this continued evidence of good will from one for whom we all have the highest regard. Whether the State Senate ever acts upon it or not, we know that your heart was in the right place.

With kindest personal regards, and all good wishes for the holiday season, I am

Yours very ever,