



CONGRESSMAN'S REPORT

MORRIS K. UDALL • 2D DISTRICT OF ARIZONA

June 21, 1963

Arizona's Water Fight Shifts to Congress

The date of June 3, 1963 will surely rank as one of the great moments in Arizona's history. A wave of elation swept the state as the news of long-awaited victory in the Colorado River water suit came over the news tickers. But those who jumped to the conclusion that quick 1963 passage of the Central Arizona Project bill is in prospect are doomed to disappointment. This unpleasant fact should be stated and faced right now. With an all-out effort, some luck and statesmanship there is hope for action in 1964; passage this year, in my opinion, simply isn't in the cards.

In this report I'll explain why I make this statement. To understand the reasons let's take a sober, objective look at Congressional procedures and the obstacles and dangers immediately ahead.

HOUSE AND SENATE DIFFER

Senator Carl Hayden, who has been in Congress since statehood, has immense power and influence in the Senate. If this were the only battleground, a quick victory might occur. Senate passage in 1963 is certainly a possibility.

Unfortunately for us in this case, Congress has two branches -- and all indications are that the major fight will occur in the House of Representatives. Our three-man House team is in close and frequent consultation, and each of us will have an important part to play:

**** Without substantial Republican support the Central Arizona Project will never pass. Rep. John Rhodes of Phoenix is a respected and influential leader among House Republicans. He serves on the House Appropriations subcommittee which must provide the money to build the project.**

**** Rep. George Senner of the new 3rd District has already made many friends and is achieving recognition as a diligent, conscientious legislator. He will give effective support.**

**** I am Arizona's only member of the key Committee on Interior and Insular Affairs. As such I will have special responsibilities and opportunities at the vital committee hearing stage.**

COMMITTEES WIELD ENORMOUS POWER

All five members of the Arizona delegation introduced C.A.P. bills on June 4, the day after the Supreme Court's decision. But nothing is easier than introducing a bill in Congress. With a flip of the wrist, 10,000 or more will be introduced this year alone. Passage is another story: nine of every 10 bills introduced and referred to committee are never seen again.

One cannot overstate the importance of Congressional committees. The House of Representatives, to a large degree, is a collection of some 20 separate legislatures, each with its own special field of jurisdiction. Within that field, each committee has almost unlimited power. Though a majority of the House may favor a bill, there is no hope for full House debate or passage unless and until a majority of that committee can be persuaded to vote it out.

THE CAST OF CHARACTERS

The Congress is composed of 535 human beings, each with human feelings, prejudices, friendships and points of view often conditioned by the economic and political climates of the states they represent. In the months ahead Arizonans will be hearing much of the key figures in the House and Senate Interior Committees, to which the C.A.P. bills have been assigned. Of special importance are the committee chairmen. Bills opposed by a chairman rarely emerge from committee or pass on the floor. He controls the scheduling of hearings on legislation, and undecided members usually follow his lead. Republican strategy is set in committee by the senior (or "ranking") GOP member.

On the Senate side these are the most important men in our water fight:

** Senator Henry M. Jackson of Washington is chairman of the Senate Interior Committee. He is a former chairman of the Democratic National Committee, a close friend of the President, and one of the real leaders in the Senate. He comes from a state whose prosperity is based on reclamation, and he works closely with Senator Hayden.

** Senator Carl Hayden of Arizona is not only the President pro tem of the Senate and chairman of the all-powerful Appropriations Committee; last year, anticipating the struggle for the C.A.P., he had the wisdom and foresight to take a junior seat on the Interior Committee so Arizona would have representation there.

** Senator Thomas Kuchel of California is the ranking Republican member of the Senate Interior Committee. A liberal Republican, Kuchel enjoys great respect among his colleagues. His attitude toward C.A.P. could be of critical importance.

** Senator Frank Moss of Utah is chairman of the Irrigation and Reclamation Subcommittee of the Interior Committee. Moss, a liberal Democrat, supports sound reclamation projects and he is now seeking a new authorization for the Dixie project in Southwest Utah.

** Senator Clair Engle of California is former chairman of the House Interior Committee and an authority on reclamation law. After our 1951 defeat, which he helped engineer, he said he would be inclined to take a statesmanlike view if California lost the court case and would not oppose C. A. P. for the sake of opposition. But we should remember that Senator Engle stands for re-election next year, and the attitude of Californians to Arizona water legislation will be a factor he cannot ignore.

On the House side these are the main figures who will play a part in determining the fate of our bill:

** Rep. Wayne N. Aspinall of Colorado, chairman of the Interior Committee. Since the principal obstacles to passage are in the House, Chairman Aspinall is one of the most important figures of all. A 67-year-old lawyer who has served in Congress since 1948, Aspinall is one of the most effective and respected of House chairmen. He is a superb legislative tactician with a passion for detail. His insistence that reclamation projects leaving his committee be thoroughly studied, soundly financed and fully justified has resulted in his rarely losing a major bill which he takes to the floor. Nearly all of the major reclamation projects of the last decade bear his imprint. He was perhaps the principal architect of the Upper Colorado project, passed in 1956, which authorized a major basin-wide series of dams and irrigation works for Colorado, New Mexico, Utah and Wyoming.

** Rep. John P. Saylor of Pennsylvania, ranking Republican on the House Interior Committee. A dynamic, resourceful, hard-hitting protagonist, Saylor is a respected figure in the House. His attitude on our bill could be critical. Saylor is a fervent conservationist who has labored hard for the growth of the National Park System and for greater outdoor recreation programs. He is one of the top national advocates of a strong Wilderness Bill. He is adamant about the "integrity of the national parks" and has already complained about the fact that Bridge Canyon Dam (main unit of the C.A.P.) will back water into Grand Canyon National Monument. While not opposed to those reclamation projects he considers sound, he is bitterly critical of increased public power development and of what he considers loose financing and unsound planning in marginal reclamation projects. He voted against the Upper Colorado project in 1956 and might have engineered its defeat if the western states had not stood together.

** Rep. Walter Rogers of Texas (his district includes Pampa and Amarillo) is chairman of the vital Subcommittee on Irrigation and Reclamation. He is an able lawyer and a moderate conservative who presides with great dignity, efficiency and fairness. In recent years Congress passed his bill to authorize the large Canadian River dam and irrigation project, and he recognizes the need for reclamation.

THE HOUSE INTERIOR COMMITTEE

The House Interior Committee is burdened with the heaviest workload of any committee in Congress. Of all bills introduced in the House, nearly 30% are referred to this committee for action.

As is often the case with Congressional committees, the 31-member committee is dominated by members from states which have special problems within its field of legislation. Of its 19 Democrats and 14 Republicans, all but six Democrats and five Republicans live west of the Mississippi. I am the only Arizonan, while California has two Democrats and two Republicans.

The Committee is generally favorable to reclamation, and a majority of its members have seen its benefits in their own districts. In recent years, however, such projects have met increasing resistance both in Committee and in the House itself, because:

- a) with past development of most of the really choice, highly feasible dam sites, many of the projects presented have been marginal in nature, and
- b) eastern and city congressmen are reluctant to water additional lands when many farm products are in surplus.

THE IRRIGATION AND RECLAMATION SUBCOMMITTEE

"House Interior" has six subcommittees dealing with Parks, Territories, Public Lands, Mining, Indians, and Irrigation and Reclamation. Altogether the six subcommittees have just one hearing room in which to conduct their business. In most cases the subcommittee hearing is more important than full committee review. It is in the subcommittee that witnesses testify, major hearings are held, and the structure of the legislation takes shape. Thus Rep. Rogers' Irrigation Subcommittee will be the first and most significant arena for House consideration of C. A. P.

Further, our project is not the only reclamation bill before the Subcommittee; since January no less than 15 other projects have been proposed, and these bills now await action. In the six months since Congress convened Chairman Rogers has been unable to schedule any of them for hearings. This backlog could be one of our biggest problems. Needless to say, one cannot reasonably hope or assume that all pending business will be summarily set aside to give our bill immediate priority. Since January the Subcommittee has undertaken extensive hearings designed to clarify general standards and procedures for all future reclamation bills. Until this review is completed, no specific bills will be scheduled.

ROLE OF THE PRESIDENT AND EXECUTIVE DEPARTMENTS

In the passage of any legislation the President and his executive departments play a vital and often determinative role. Any spending bill must pass the scrutiny of the Bureau of the Budget and be fitted into the overall budget of the Administration. The President himself must pass on a project of this size and determine that it squares with his long-term reclamation and water-conservation policies.

When a reclamation bill is introduced, the Interior Committee asks the Department of the Interior and its Bureau of Reclamation to evaluate it and report favorably or unfavorably on its merits. Few bills are ever passed, or even scheduled for hearings, until favorable reports have been received from each department and bureau involved.

The present Interior Secretary is an Arizonan, Stewart L. Udall. He is acutely aware of Arizona's water needs and will do everything humanly possible to help solve our problems. However, we should recognize that the Secretary is first and foremost the "right arm" and agent of the President on Interior matters. It is inconceivable that he or any Cabinet officer would take a position counter to the President on a major issue. The President and his Secretary of the Interior must consider the interests of all 50 states in weighing our reclamation bill.

California, from which we have just won more than a million acre-feet of water a year, is the largest state in the nation. It has 40 electoral votes -- surely a choice prize in the 1964 Presidential election. One cannot assume that the President, as leader of the whole country (and as a practical political leader as well) will simply brush aside whatever arguments are made by Governor Brown and his 40-member Congressional delegation from California. We will need California votes in the House, and I am convinced we can get many of them if our strategy is one which does not unnecessarily antagonize that state, and one which will recognize that it has serious water problems too.

There is some reason to hope that a little patience and statesmanship on our part may soften or eliminate the opposition of reasonable Californians. We simply cannot afford to be arrogant or disinterested in the water shortage facing 10 million Southern California citizens.

THE TIME PROBLEM

One cannot say at this moment that we will have the 219 House votes we'll need when the day of decision arrives. But the vote can't come this year, in my judgment, because of these time factors:

1. The built-in delay in Congressional procedures and the backlog of work in the House Interior Committee.
2. The fact that five months of the 1963 session passed before the court decision was announced.
3. The fact that the Supreme Court judgment will not be final until October or November. Further legal proceedings are called for by the court's decision. The most controversial feature of its order was one which left largely undetermined the question of distribution of water in times of shortage. California is likely to argue forcefully for delay until the mechanics of distribution at such times are spelled out in detail.

OTHER OBSTACLES AND PROBLEMS

Entirely apart from time factors, there are a large number of loose and unresolved obstacles on the road to final House passage. It seems to me that we should face these obstacles squarely and state them now. Among them are these:

** Bridge Canyon Dam, key structure in the project, will necessarily back water some 12 to 17 miles into Grand Canyon National Park and Monument. Because of this C.A.P. has been strongly criticized by Rep. Saylor and leaders of powerful conservation groups. Invasion of water into the Canyon, they contend, would violate a cardinal principle of the National Park System. We will argue that the water, at its maximum depth, will be 90 feet and that the entire portion invaded will be in remote, inaccessible areas not visible from any of the rim roads. However, if the going gets tough, we need alternatives; this is why there is such a heated controversy over the application of the Arizona Power Authority to build a state-owned dam at Marble Canyon, upstream of the Park. (This whole matter is sufficiently important that it deserves separate treatment in a subsequent newsletter.)

** Congressman Senner has introduced a C. A. P. bill, but he has reservations about the particular language presently employed, because he is concerned that northern Arizona be assured of proper water exchanges to relieve shortages there. In a statement issued on the day he introduced his bill, he said he would offer such amendments "as are necessary to protect 3rd District interests in an equitable distribution."

** The present climate in Congress is hostile to new federal spending programs, and no bill which contemplates expenditure of \$1.1 billion can be assured of anything but trouble.

** In a newsletter in January I outlined the veto power which the House Rules Committee holds over all major legislation. Even if we are successful in the Interior Committee, we must persuade a majority of the Rules Committee to allow the bill to go to the House floor for debate. (Incidentally, our only hope may lie in winning every last vote in the so-called "liberal bloc." One of these eight votes is held by Rep. B. F. Sisk of California.)

** Bridge Canyon Dam will be built on, and its lake will flood, a substantial part of the Hualapai Indian Reservation. Suitable arrangements must be worked out with this Indian tribe.

** California, Utah and lower Nevada all have pending plans and projects for the conservation and use of Colorado River water. They will be alert to any possible threats posed to them by C. A. P.

** Perhaps the most serious unresolved problem of all is whether the Congress will prefer to authorize the Central Arizona Project as one part of an overall basin plan for the Lower Colorado, or whether it will choose a piecemeal approach on the separate

projects proposed by the various Lower Basin states. Chairman Aspinall indicated last January that he would be inclined to favor the overall basin approach, used by the five Upper Basin states, and it appears that President Kennedy and some influential members of the Interior Committee may insist that this be followed. I propose to discuss the pros and cons of the two approaches in a subsequent report.

CONCLUSION

I am satisfied that the sound future growth and prosperity of Arizona depend largely upon construction of a Central Arizona Project which will bring water from the Colorado River to the farmlands and populous urban centers of the state. I am prepared to support any bill or get behind any strategy which will win. I have good relationships with all members of the Arizona delegation and Governor Fannin. I intend to consult with each of them and to work closely with them in resolving the problems outlined above.

Over the months ahead all of us here in Washington will need your support and your help in working out these difficulties and presenting our case in the strongest possible terms.

A handwritten signature in dark ink, appearing to read "Murray L. Spence". The signature is fluid and cursive, with a long horizontal stroke extending to the right.