

August 4, 1916.

Mr. Carl Hayden, Congressman,
House of Representatives,
Washington, D. C.

Dear Sir:

On July 31, 1916, there was sent you from this office, under the signature of Ed Fletcher, Manager, copy of a letter written under date of July 13, to Mr. Cato Sells, Commissioner of Indian Affairs. On page two of this copy appeared the paragraph:

"The gravity water of the City of San Diego last year cost 17½¢ per thousand gallons, delivered to the city reservoir. We furnished them 500,000,000 gallons this year, at 10¢ per thousand gallons, and glad to supply all they want up to 2,000,000 gallons per year, at 10¢ per thousand gallons."

"2,000,000 gallons" was simply a typographical error in copying the letter to Mr. Sells, and the original statement was "Glad to supply them all they want up to 2,000,000,000 gallons per year."

Yours very truly,

CUYAMACA WATER COMPANY.

Stenographer.

MMS

84

March First 1922

Congressman Carl Hayden,
House of Representatives,
Washington, D. C.

My dear Mr. Hayden:

Enclosed find clipping that will be of interest.

The San Diego to Phoenix road is adopted as a primary road by state authorities in each state, going via Holtville and Yuma. I made a trip in 17 hours by machine from San Diego to Yuma and Tucson, with A. B. Fletcher, my cousin, who is Chief Engineer of the California Highway Commission, and Chief of the Department of Public Works; also Dr. Hewes, U. S. Bureau of roads and Engineering. These men are all interested in the route Yuma to Phoenix, and also recognize the value of the cut-off Yuma via Ajo to Tucson.

My cousin A. B. Fletcher showed me your letter of November 19th in reference to the Federal Highway Act, and I have before me the Congressional Record containing the Federal Highway Act, and the injustice done the untaxed Indian lands. We are plugging for your bill H.R.9054. Wire me when the psychological moment is at hand, and I will bring influence to bear in California.

With kind personal regards, I am

Sincerely yours,

BF:KLM

UCSD Library
Mandeville Department of Special Collections

RECORD OF MATERIALS REMOVED FROM THIS FILE

The materials described below have been removed from this file
and placed in a different file in this collection.

Collection # MSS 81

Box 10

Folder 19

Description of
materials: LETTER TO FLETCHER FROM

HAYDEN

Removed to: MSS RESTARTED FILE

Processor: C. M. CLARKAN Date of Removal: 3 JUNE 91

CARL HAYDEN
ARIZONA

COMMITTEES:
INDIAN AFFAIRS
IRRIGATION
PUBLIC LANDS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C.

April 17, 1922

COPIED FROM ORIGINAL
IN THIS COLLECTION

Mr. Ed Fletcher, Chairman,
National and State Highways Committee,
San Diego Chamber of Commerce,
San Diego, California.

My dear Mr. Fletcher:

I have delayed replying to your letter relative to my bill, H.R. 9054, until I could send you a copy of the report of the Secretary of the Interior, which you will note is favorable. I appreciate your kind offer of assistance and since I expect to have a hearing on this measure before the Committee on Indian Affairs in the very near future it might be well for you to communicate with the Senators and Congressmen from your State advising them of California's interest in this legislation.

With best wishes, I am

Yours very sincerely,



67TH CONGRESS, }
1ST SESSION. } **H. R. 9054.**

A BILL

To authorize appropriations for the survey,
construction, and maintenance of highways
on or adjacent to untaxed Indian lands.

By Mr. HAYDEN.

NOVEMBER 9, 1921.—Referred to the Committee on
Indian Affairs and ordered to be printed.

67TH CONGRESS,
1ST SESSION.

H. R. 9054.

IN THE HOUSE OF REPRESENTATIVES.

NOVEMBER 9, 1921.

Mr. HAYDEN introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

A BILL

To authorize appropriations for the survey, construction, and maintenance of highways on or adjacent to untaxed Indian lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That not to exceed \$500,000 is hereby authorized to be
4 appropriated, out of any money in the Treasury not other-
5 wise appropriated, for the fiscal year ending June 30, 1922,
6 available immediately, and \$1,000,000 for the fiscal year
7 ending June 30, 1923, and a like sum each fiscal year there-
8 after up to and including the fiscal year ending June 30,
9 1927, in all \$5,500,000, to be available until expended, to
10 enable the Secretary of the Interior to cooperate with the

1 Secretary of Agriculture, as provided in section 3 of the
 2 Federal Highway Act, or with the State highway depart-
 3 ments of the several States, in the survey, construction,
 4 reconstruction, or maintenance of highways on or adjacent to
 5 Indian lands not taxed by the States: *Provided*, That when-
 6 ever practicable preference shall be given to Indians when
 7 labor is employed on any work done under authority of this
 8 Act.

9 (a) The appropriations made under the provisions of
 10 this Act shall be apportioned by the Secretary of the Interior
 11 for expenditures in the several States according to the area
 12 and value of such untaxed Indian lands therein as determined
 13 by the said Secretary from such information, investigation,
 14 and sources as he may deem most accurate.

15 (b) If any part of the appropriations made under the
 16 provisions of this Act is allotted for expenditure on Indian
 17 reservations which, in the opinion of the Secretary of the
 18 Interior, contain tribal resources that may legally and
 19 equitably be used to reimburse the United States for the sums
 20 so expended, then the Secretary of the Interior shall there-
 21 upon declare such expenditures to be reimbursable, and
 22 thereafter not less than 5 nor more than 20 per centum
 23 of the money received from the sale of timber, from grazing
 24 permits, from mining leases, or from the disposal of any other
 25 tribal resources within such reservations shall be paid annu-

1 ally into the Treasury until the United States is reimbursed
 2 for the total sums so expended within such reservations:
 3 *Provided*, That tribal or trust funds may be used to reim-
 4 burse the United States for expenditures made pursuant to
 5 this Act on any Indian reservation unless such use shall
 6 violate an existing treaty or agreement with the Indians.

7 (c) The term "highway" and other terms, when used
 8 in this Act, shall have the same meaning as when used in the
 9 Federal Highway Act, approved November 9, 1921.

V. B. I. I. I.

H. R. 3024

[PUBLIC—No. 87—67TH CONGRESS.]

[S. 1072.]

An Act To amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Federal Highway Act.

SEC. 2. That, when used in this Act, unless the context indicates otherwise—

The term "Federal Aid Act" means the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended by sections 5 and 6 of an Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, and all other Acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

SEC. 3. All powers and duties of the Council of National Defense under the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, in relation to highway or highway transport, are hereby transferred to the Secretary of

Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments, and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservation is located.

SEC. 4. That the Secretary of Agriculture shall establish an accounting division which shall devise and install a proper method of keeping the accounts.

SEC. 5. That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this Act in the distribution of Federal-aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national forest roads or other roads constructed, reconstructed, or maintained under his direct supervision.

SEC. 6. That in approving projects to receive Federal aid under the provisions of this Act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this Act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this Act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage.

SEC. 7. That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this Act for construction, reconstruction, and maintenance of all Federal-aid highways within the State, which funds shall be under the direct control of the State highway department.

SEC. 8. That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic.

SEC. 9. That all highways constructed or reconstructed under the provisions of this Act shall be free from tolls of all kinds.

That all highways in the primary or interstate system constructed after the passage of this Act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

SEC. 10. That when any State shall have met the requirements of this Act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this Act, the sum apportioned to such State as herein provided.

SEC. 11. That any State having complied with the provisions of this Act, and desiring to avail itself of the benefits thereof, shall by its

State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or secondary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated cost of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this Act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed \$20,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion to the increased percentage of Federal aid authorized by this section: *Provided further*, That these provisions relative to the public-land States shall apply to all unobligated or unmatched funds appropriated by the Federal Aid Act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June, 1921.

SEC. 12. That the construction and reconstruction of the highways or parts of highways under the provisions of this Act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this Act.

SEC. 13. That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and

in what amounts payments as work progresses shall be made under this Act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

SEC. 14. That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this Act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this Act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this Act provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this Act to place any highway in a proper condition of maintenance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: *Provided, however*, That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions.

SEC. 15. That within two years after this Act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or intercounty systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction.

SEC. 16. That for the purpose of this Act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States.

SEC. 17. That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

SEC. 18. That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

SEC. 19. That on or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request.

SEC. 20. That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, \$75,000,000 for the fiscal year ending June 30, 1922, \$25,000,000 of which shall become immediately available, and \$50,000,000 of which shall become available January 1, 1922.

SEC. 21. That so much, not to exceed 2½ per centum, of all moneys hereby or hereafter appropriated for expenditure under the provisions of this Act, as the Secretary of Agriculture may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this Act apportioned among all the States, and shall certify such apportion-

ment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the Act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this Act shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further*, That any sums apportioned to any State under the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such Acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such Acts shall be reapportioned according to the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916: *And provided further*, That any amount apportioned under the provisions of this Act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this Act for the first time.

SEC. 22. That within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this Act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

SEC. 23. That out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of \$5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and \$10,000,000 for the fiscal year ending June 30, 1923, available until expended.

(a) Fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditure under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provisions of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

SEC. 24. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this Act, if he shall find that said State has complied with the provisions of this Act in so far as its existing constitution and laws will permit.

SEC. 25. That if any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the Act and of the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 26. That all Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect on its passage.

Approved, November 9, 1921.

Returns to
Fletcher

J. M. White

(COPY)

DEPARTMENT OF THE INTERIOR

WASHINGTON

March 28, 1922

Hon. Homer P. Snyder,

Chairman, Committee on Indian Affairs,

House of Representatives.

My dear Mr. Snyder:

This will refer further to your letter of November 10th, transmitting for report a copy of H.R. 9054, proposing to authorize appropriations to enable the Secretary of the Interior to cooperate with the Secretary of Agriculture, as provided in Section 3 of the Federal Highway Act, or with the State highway departments of the several States, in the survey, construction, reconstruction, or maintenance of highways on or adjacent to Indian lands not taxed by the State. The relevant portion of Section 3 of the Federal Highway Act, approved November 9, 1921 (Public No. 87, 67th Congress), reads as follows:

"The Secretary of Agriculture is authorized to cooperate with the State highway departments, and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservation is located."

Under Section 11 of said Act "the amount assumed therefor" is limited to 50% of the estimated total cost of the project except in States containing over five per centum of unappropriated public lands, the remainder of such cost to be contributed to the State or county. Many of the Indian reservations contain large areas

- 2 -

of untaxed land and it would be unfair to expect the State or county to contribute the amount required as a prerequisite to government aid under the Federal Highway Act, as no credit is allowed for Indian reservations such as in the case of unappropriated public lands where the Federal aid is correspondingly increased. Furthermore, Section 23 of the Federal Highway Act provides direct appropriations of \$15,000,000 for roads and trails within National Forest Reserves, but no appropriation is made or authorized therein for roads crossing Indian reservations.

There is no general appropriation for such work, and except in the few cases where specific road appropriations have been made for particular reservations, the Indian Service must draw therefor upon its regular annual appropriations for the support and civilization of the Indians which, in all cases, are barely sufficient to meet the actual needs of the Service along other lines. Where Indians now have tribal funds to their credit in the United States Treasury, Congress authorizes the expenditure therefrom of certain sums each year in addition to the regular appropriations mentioned above. I attach hereto copy of decision of the Comptroller of the Treasury dated June 28, 1921, holding that, under the present law, monies otherwise provided by Congress, including Indian tribal funds, cannot be used as the equivalent of State or county funds under the Federal Highway Act. The object of the Federal Highway Act, as set forth in Section 6 thereof, is to "expedite the completion of an adequate and connected system of highways, interstate in character." Many such projected highways will cross Indian reservations; hence, in order to carry out

effectively the spirit and purpose of the Federal Highway Act in such cases, it is apparent that Congress must provide funds that can be used in lieu of State or county money to match the Federal aid expended under the Highway Act. This, I understand, is the object of H.R. 9054, although it does not contain a specific provision to this effect; therefore, in order to make this point clear and thus remove any occasion for doubt, I suggest that paragraph (a) on page 2 be amended by the addition of the following language after the word Act in line 10.

"Shall be in addition to the funds apportioned under the Federal Highway Act and in lieu of the State or county contribution required by Section 11 thereof and"

so that the entire paragraph will then read:

"The appropriations made under the provisions of this Act shall be in addition to the funds apportioned under the Federal Highway Act and in lieu of the State or county contribution required by Section 11 thereof and shall be apportioned by the Secretary of the Interior for expenditure in the several States according to the area and value of such untaxed Indian lands therein as determined by the said Secretary from such information, investigation, and sources as he may deem most accurate."

In this connection, and referring specifically to paragraph (a) on page 2, line 9, I attach hereto a table showing the acreage and value of the unallotted land and value of the tribal timber on Indian reservations in each State.

This Department favors the construction and maintenance of the highways contemplated in this bill, and has no objection to its enactment.

Respectfully,

(Sgd) ALBERT B. FALL
SECRETARY

TREASURY DEPARTMENT

WASHINGTON

June 28, 1921

The Honorable

The Secretary of Agriculture.

Sir:

I have your letter of June 16, 1921, requesting decision whether an appropriation for the construction of a highway from Yellowstone National Park to Glacier National Park, within the Blackfeet Indian Reservation, Montana, 41 Stat. 1237, may be accepted in lieu of an appropriation by the State or county so as to authorize cooperation by the Federal Government under the act of July 11, 1916, 39 Stat. 355, the State or county not having any money available for its construction.

The act of July 11, 1916, 39 Stat. 355, makes it a condition that where a State cannot, because of its constitution provide funds for the roads, that the counties shall so appropriate in order to entitle the State to the part of the appropriation apportioned under the said act. This precludes considering moneys otherwise provided by Congress as the equivalent of the State or county funds and the appropriation made by the act of March 3, 1921, 41 Stat. 1237, cannot be accepted as in lieu of that condition.

Respectfully,

(Sgd.) W.W. WARWICK
Comptroller

QUANTITY AND VALUE OF UNALLOTTED LAND AND
TIMBER ON INDIAN RESERVATIONS

STATE	Acreage	L A N D		TOTAL
		Value	Timber	
Arizona	18,571,285	\$32,808,245	\$13,780,050	\$46,588,265
California	433,511	3,130,217	1,359,356	4,489,573
Colorado	396,143	512,050		512,050
Florida	23,542	111,746		111,746
Idaho	54,841	1,414,841	1,428,661	2,843,502
Iowa	3,251	383,788	15,000	398,788
Minnesota	553,798	1,472,757	652,693	2,125,450
Montana	3,543,353	19,569,130	5,598,800	25,167,930
Nebraska	6,118	353,918		353,918
Nevada	726,312	1,542,795	30,000	1,572,795
New Mexico	4,024,049	11,120,725	4,660,000	15,780,725
New York	87,677	4,442,350		4,442,350
North Carolina	63,211	588,000	192,000	780,000
North Dakota	100,000	1,080,655		1,080,655
Oklahoma	3,142	13,743,417		13,743,417
Oregon	1,190,790	3,543,601	28,026,300	31,569,901
South Dakota	363,607	1,849,419	100,000	1,949,419
Utah	1,529,360	630,861	39,730	670,411
Washington	1,699,327	3,157,864	12,092,378	15,250,242
Wisconsin	270,925	3,611,292	4,635,875	8,247,167
Wyoming	1,857,228	1,610,249	756,038	2,366,287
TOTAL	35,561,470	\$106,677,690	\$73,366,901	\$180,044,591

September 29, 1955

Honorable Carl Hayden
U. S. Senate
Washington, D. C.

My dear Senator Hayden:

We are having a terrific fight out here in the matter of the Feather River project and bringing water to Southern California and San Diego. I am on the committee and in my office today sits a 50 gallon barrel from Oroville of Feather River water which they sent me and which we put on 2 trees in Balboa Park. Our State Engineer, Mr. Edmonston, and I were in the picture rolling the barrel. Of course it was all a publicity stunt to create an interest but seriously, we must have Feather River water and soon. We need 100 million gallons a day from the Feather River or the Colorado River to take care of our growing demands.

We realize that if the Glen Canyon Dam is built we will be terrifically short of water. If the matter ever comes before you in Washington in the matter of legislation for the development of Feather River water can you not give me assurance that you will support any proposed legislation along that line from Feather River. It would be a master stroke, I think, from your standpoint politically and it will help to create better feeling in the matter of the future development of the Colorado River. You will be heaping coals of fire on California by supporting the Feather River project and pulling away from the Colorado River. I am desirous of hearing from you and your reaction to this letter.

Our mutual friend, Frank Gegax, was in the office and we were discussing water problems both of California and Arizona.

I am looking at your autographed picture which hangs on the wall in my office. I remember so well our working together for national highways, the building of the Yuma bridge, working with Governor Hunt and the planking of the sand hills. I raised every dollar of that money to purchase the plank and by private subscription. Fred Jackson and I raised all the money to build the original Mountain Springs grade and it was a pleasure to cooperate in Arizona in building the Casa Grande-Gila Bend cutoff and the Benson-Lordsburg cutoff. We raised private funds here to put over both of those cutoffs.

I am 83 but still kicking and interested. I do hope some time you will come to San Diego and let me show you some of our beauty spots. We now have in San Diego County over 800,000 people, larger than the City of San Francisco, and we are the third largest city, a force to be reckoned with.

I realize your point of view in the struggle for water. It is the blood of the soil and I hope the whole water problem will be amicably settled. If not by a Geneva conference then by the Supreme Court of the United States.

Honorable Carl Hayden

- 2 -

September 29, 1955

I have admired you immensely and watched your record. My congratulations. We miss our old friend, Dwight B. Hurd, the Acres brothers, Dr. Chandler and even Charlie Stauffer has retired, I understand, but I would be glad to hear from you again. There was a time when we should have put through that deal and called Arizona, Imperial and San Diego Counties Southern Arizona or Southern California. Either one would have pleased me.

If you have time drop me a few lines at your convenience. Kindest personal regards.

Sincerely yours,

Ed Fletcher

EF:rmc

Ed Fletcher Papers

1870-1955

MSS.81

Box: 10 Folder: 19

General Correspondence - Hayden, Carl



Copyright: UC Regents

Use: This work is available from the UC San Diego Libraries. This digital copy of the work is intended to support research, teaching, and private study.

Constraints: This work is protected by the U.S. Copyright Law (Title 17, U.S.C.). Use of this work beyond that allowed by "fair use" requires written permission of the UC Regents. Permission may be obtained from the UC San Diego Libraries department having custody of the work (<http://libraries.ucsd.edu/collections/mscl/>). Responsibility for obtaining permissions and any use and distribution of this work rests exclusively with the user and not the UC San Diego Libraries.