

# DISMISSAL ARIZONA A CASE BEING ARGUED

## Opposition to Motion to Be Presented by Plaintiff Today

WASHINGTON, March 9 (AP)—Solicitor General Thatcher and the attorneys general of three states argued today before the supreme court that Arizona's attack on Hoover dam and the Colorado river compact should be dismissed.

State's rights furnished the legal background, but the struggle over water from the Colorado river is the issue. Arizona contends that if the dam is built and the compact carried out she will be deprived of water which belongs to her.

The solicitor general, arguing in support of the government's motion to dismiss the case, said Arizona had no suit unless he established there was some injury, real or threatened, to her property or citizens. He insisted the state had not done this.

Congress, the solicitor general said, had the power to erect Hoover dam in the interests of navigation and flood control. He said that altho Arizona was unable to show any damage which would result from the building of the dam, he thought the state had attempted to prevent possible future injury. He suggested that the court could protect the right of the state by dismissing the suit without prejudice, leaving the way open for future action if necessary.

California's attorney, U. S. Webb, who followed Thacher, went into the Colorado river compact in detail.

This was an agreement between California, Colorado, New Mexico, Utah, Wyoming, and Nevada for apportionment of the annual supply of Colorado river water. Arizona refused to sign, altho she had a representative present at the conferences.

The act which authorized the building of Hoover dam on the Colorado river provided for approval of

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the compact after six states had ratified it.

Arizona's suit was characterized by Thomas H. Gibson, Denver city attorney, as "frivolous." He said it was a question of Arizona's sovereignty as opposed to that of the United State.

Gibson said the sole ground for the suit was that the Boulder canon project act which authorizes the building of Hoover dam is unconstitutional. He said the supreme court had several times passed upon similar suits and had dismissed them.

George P. Parker, attorney general of Utah, said if the act authorized the impounding of water within Arizona's borders and its diversion of another state, he believed Arizona had a ground for complaint.

K. Berry Peterson, Arizona's attorney general, will present his state's opposition to the motion to dismiss tomorrow.