

BOULDER DAM SUIT OPENS

Arizona Goes Before Supreme Court to Halt Work on Giant Construction Job

Washington, March 9 (AP)—Arizona will fight in the supreme court today to prevent the construction of the Boulder canyon dam on the Colorado river, for which bids were opened recently.

California, Nevada, Utah, New Mexico, Colorado and Wyoming as parties to a compact for the construction of the dam, have joined Secretary Wilbur in urging the court dismiss the Arizona suit.

Asserting the act of congress for construction of the dam is unconstitutional because it would be deprived of water to which it is entitled, Arizona asked the supreme court to declare the Colorado river compact and the Boulder canyon project act invalid and to prohibit Secretary Wilbur and the states from proceeding.

WILBUR ISSUES CHALLENGE

Secretary Wilbur challenged the proceedings on the ground that the United States had not been made a defendant, but was an indispensable party. California and the other states joined the secretary in asserting that the protest of Arizona failed to present a controversy within the jurisdiction of the highest court.

Insisting that both the Colorado river compact and the Boulder canyon act are constitutional, the motions to dismiss stated that Arizona had refused to agree to the equitable apportionment of the water and denied that Arizona had the right to use the water of the Colorado flowing within its borders to the exclusion of the necessities and rights of other states.

HAS SOVEREIGN RIGHT

Arizona declared it had a quasi-sovereign right to the water of the Colorado within its borders and that congress and the other states proposed to invade those rights by constructing works in Arizona which would divert the water for use elsewhere. It insisted the Colorado river was non-navigable and not within the control of congress; that the Hoover dam project would not result in the reclamation of public land or be a flood control measure, and urged the court to hear its complaint on its merits and protect it from threatened encroachments on its rights.

The oral argument today will be followed by an announcement from the court on the motion to dismiss. Should the suit be entertained the court will appoint a special master to take testimony and make recommendations.