DID NOT RECEIVE DRAFT OF BRIEF UNTIL LAST EVENING IF
FURTHER ARGUMENT TO BE MADE ON CONSTITUTIONALITY COMPACT
SHOULD BE MADE AT THIS TIME WILL STUDY ARIZONA COMPLAINT
AND SOLICITORS MOTION AND SEE IF FURTHER SUGGESTIONS OCCUR
TO ME MERRY CHRISTMAS=

W W RAY.
January 26, 1931

Mr. Delph E. Carpenter
Greeley, Colorado

My dear Delph:

I appreciate your very frank letter of January 24, 1931, and shall answer it promptly and give you my impressions. They will be such that they ought not to be passed around, but you may do what you please with the letter.

Upon my return from Washington I met with our Commission and the Governor and tried to impress upon them the fact that if any attorney was going to appear before the Supreme Court of the United States in a matter as important as this he should be thoroughly prepared and that I could not continue forever to give my time and my efforts to this case with no compensation. Our legislature is in session and I advised the Governor that now seemed the time to take the matter up and determine whether this state wanted the services of any special counsel. Nothing has been done about it. I have the assurance of the Governor and the Commission that I will hear from them soon. If I should indulge a guess it would be that I will not hear from them; that the Attorney General will tell them that he has the matter well in hand; and that a week before the case is to be argued I will be asked to fill some breach. I have no desire to magnify my own importance in this case and would be perfectly happy if I were told now that I would not be required to go to Washington.

Assuming that I should go and should have the time necessary to prepare for argument, it occurs to me that it would be vital that
the attorneys divide the argument, reducing the number of advocates to the minimum, and cover the ground without attempting to satisfy the vanity of anyone. Our state has shown its devotion to the compact through its approval. There is great unrest, however, in the public mind here as to the conduct of the Government in carrying out the detail of the plan. If we have a lot of lawyers presenting this case and the time is divided between the states and the federal government, the only consistent, rounded argument to be made will be that of the Solicitor General, carrying to the court the federal view.

I do not know whether Wyoming will care to be heard, but it may. If anyone should speak for Wyoming it would be Greenwood; Wilson will be in Europe. Utah has no pride in being heard if the arguments made are consistent with its theory of the case.

We now come to the Colorado situation. You speak of the employment of a great constitutional lawyer. My desires in this matter would be amply met if you were in a position to make the entire argument for the Upper Basin. Unfortunately you are not. Utah would not agree upon Bannister or Gibson. Through I am well impressed with Ireland I do not know him well enough to be sure that he would stand a thorough quizzing by the court. My objection to Bannister is that I believe he is too anxious to win at the outset and that his tendency would be to sweep away the rights of the states in order to gain a point against Arizona. Gibson has too many pyrotechnics. I think he is a fine gentleman and no doubt a good lawyer, but his reasoning is
too involved in this case. Much as I respect Francis Wilson, he is pretty close to the administration. He is anxious to have all its plans carried out and therefore, like Bannister, might submerge local problems to the ambition of Mr. Ray Lyman Wilbur.

I have done a lot of criticizing and ought therefore to have something constructive to offer. Unfortunately I haven't, for two reasons: First, because, excepting yourself, there is no lawyer in the situation with whose theory of the case I am in entire agreement; and second, I am a volunteer, whose services may at any time be dispensed with. I am sure my state would be glad to have me continue in this work, but I am not certain that the Attorney General would care to take the responsibility of asking for assistance if it involved any substantial amount of money.

Arizona's brief will be full, and carefully prepared. Whoever is going to answer it must study it and develop a clear, logical theory for the defense of the Colorado River compact. You know that I have felt that the burden of Utah was to sustain the compact. My belief was when we were in Washington, and still is, that this case can be dismissed on the ground of want of original jurisdiction in the Supreme Court. I believe that is the ground upon which it will be dismissed. If we have clear ground to dismiss it upon that theory it would seem extremely unfortunate to me that we should make a lot of unnecessary concessions as to federal power and authority. In this respect I would have no hope of the cooperation of the Solicitor Gen-
eral because his job is that of a federalist. Nevada and California will sacrifice their sovereignty in order to carry out this project, but I cannot see why the upper basin states should yield unnecessarily in order to secure a temporary advantage.

In conclusion, permit me to state that I have no ambition to argue this case, and certainly I shall not argue it unless I am given time to make thorough preparation upon the matters which I desire to present to the court.

This letter may give you some further reactions. I wish you could let me know what they are. In this whole Colorado River situation I have developed a devotion to you, to your ideals and to your ability. I could yield much to your suggestions. I cannot say this as to all of the men involved in this controversy.

Convey my respects to Mrs. Carpenter.

Sincerely,

W. A. Ray