The record facts herein cited conclusively reveal the origin of the so-called controversy over the so-called equitable distribution of the water of the Rio Grande.

To the Honorable Charles Evans Hughes, Secretary, The Department of State.

Summary

of the salient features of

AN OFFICIAL CRIME

(The ELEPHANT BUTTE DAM AFFAIR)

By which National Honor has been sacrificed and American taxpayers have been robbed of millions of dollars through departmental protection of dishonest Federal officials and prostitution of Federal Courts in the interest of barefaced graft.

Filed in the Department of State,
By Dr. Nathan Boyd,
OFFICIAL CORRUPTION BREEDS ANARCHY.

Partisan protection of crooks in office destroys public respect for the rule of law.

The citizen who is not actively for good government is in effect against good government.

Lawlessness in office is primarily responsible for the appalling, unparalleled, and constantly increasing public lawlessness that has made America the most lawless of all civilized countries.
"Acts of lawlessness are contagious ....
The government will endure on the rock of law enforce-
ment, or perish in the quicksands of lawlessness ....
The violator is only following the example set for
him by those....that are strong enough and well en-
trenched to violate the law with impunity" (Attorney-
General Daugherty).

"Disregard for law is undermining the moral fiber
of the American people and striking at the very roots
of the Republic" (President Warren Gamaliel Harding).

"Self-government becomes a farce if the representa-
tives of the people corrupt others or are themselves
corrupted" (President Theodore Roosevelt).

---oOo---

"When a nation has invited intercourse with other
nations and has established laws under which invest-
ments have been lawfully made, contracts entered into,
and property rights acquired by citizens of other ju-
risdictions, it is an essential condition of interna-
tional intercourse that international obligations
shall be met and that there shall be no resort to con-
fiscation and repudiation" (Charles Evans Hughes,
Secretary of State).

"The national policy must be laid in the pure and
immutable principles of private morality" (Washington).
To The Honorable Charles Evans Hughes,
Secretary, The Department of State.

Mr. Secretary:

In re. The Elephant Butte Dam Affair, and the resulting
Rio Grande Claim; our National Honor; and American
Lawlessness.

As it is necessarily unbelievable that you could wittingly
have been party to the disgusting and dishonorable tactics of the
representatives of your Department, Fred K. Nielsen and William
G. Dennis, in preventing arbitration of this claim of the Brit-
ish Government against the United States when such claim, as
scheduled for arbitration by authority of Congress (July 19,
1911), was duly brought up for adjudication at the recent ses-
sion, at London (November 1923), of the Arbitral Tribunal creat-
ed by the British-American Pecuniary Claims Convention of August
16, 1910; and as such claim is unquestionably valid and based
on irrefragable facts of record in your Department, facts that
make this notoriously shameful Elephant Butte Dam Affair and
the resulting claim of the British Government a most disgusting-
ly foul blot on our national honor; I am reluctantly constrain-
ed, as a native American jealous of the reputation of our Mother-
land, again to endeavor to find a way to prevent your being kept
in ignorance of the disgusting and humiliating (humiliating to
any decent-minded American) record facts on which such patently
valid British Claim is based; and to such end I am addressing
this further communication to you in hope of its coming to the
attention of a subordinate officer of your Department who will
recognize that such facts should receive your personal consideration, and in hope your being moved by the following statement of such facts, and by the facts cited in the Memorial of His Britannic Majesty's Government in the premises, and in the accompanying printed matter, and by your necessarily proper regard for the honor of your Motherland, personally to intervene in behalf of justice and of our national reputation as an honest people,—so that the gentlemen of the British Foreign Office and of the British Embassy shall not continue to have cause for believing that, perhaps, you were wittingly responsible for the said Nielsen's and the said Dennis' disgustingly dishonorable tactics, by which, in brazen defiance of the principles of justice and in brazen disregard for the honor of your Department, a just adjudication of this undeniable valid British Claim on its merits was prevented when it was so brought up for arbitration last November. Therefore, I most earnestly pray that this communication shall not fail of receiving your personal consideration and that you shall not fail carefully to weigh the following tabulations of such facts; to wit:—

1. The mid-channel of the Rio Grande from El Paso, Texas, to the Gulf of Mexico constitutes more than a thousand miles of the boundary line between the United States and the Republic of Mexico.

2. It had long been a fact of official and common knowledge that the Rio Grande is not navigable.

3. Engineers in the service of the federal government of the United States had long ago found that the Rio Grande is not susceptible of being made navigable above a point more than

4. By report of C.H. Erastus, Major of Engineers, U.S. Army, to the Secretary of War in 1889, it had further been made of Departmental record that the Rio Grande is not navigable nor susceptible of being made navigable by open channel improvements above El Paso, Texas, nor for hundreds of miles below El Paso.

5. It had always been a fact of common and official knowledge that the flow of "the Rio Grande is in the highest degree spasmodic, with immense floods during a few weeks of the year and a small stream during the remainder of it"; Vide, 10 Annual Report of the Geological Survey.

6. Brigadier-General Anson Mills, when a Major of the 10th U.S. Cavalry, had reported (December 10, 1888) that at El Paso, Texas, "in the same recurring periods, in the intervals between high tides, the river goes dry for months . . . or at least has no current, with not enough water in the pools to float a fish" . . . and that "these seasons of flood and drought were of about the same character thirty years ago". id est, as far back as 1858; Vide Report of Spec. Com. Sen., Vol. 3 and 4.

7. It had long been a fact of common knowledge and of official record that the flow of the Rio Grande in its Gulf section is derived almost wholly from affluents far below El Paso, Texas; that the Mexican Rio Conchos is "the mother stream of the Rio Grande"; that the Rio Conchos flows into the Rio Grande at Presidio del Norte (more than 200 miles below El Paso); that the flood waters of the Rio Grande from above El Paso are almost wholly lost through evaporation and seepage above Presidio
del Norte; that the only large volume of water contributed to the flow of the Rio Grande in its Gulf section from United States territory is derived from the Rio Pecos, which flows into the Rio Grande at a point more than 500 miles below El Paso; and that its spasmodic flow and constantly changing channel, shifting sand-bars and shallows, in parts of its course, and the unsurmountable rapids in deep, precipitous, and rocky cañones in the other parts, render it impossible to make the Rio Grande navigable above El Paso, Texas, or for hundreds of miles below El Paso;—Vide, Testimony submitted to the Committee on Foreign Affairs in re the so-called Equitable Distribution of the Waters of the Rio Grande between the United States and the Republic of Mexico.

(8) It had long been a fact of common and official knowledge that storage of flood waters of torrential streams, such as is the Rio Grande, and use of such stored waters for irrigation purposes, tend to make such intermittent streams perennial; and that seepage from irrigated fields above had virtually doubled the normal flow of the South Flate river below such irrigated area;—Vide, Report of Dr. Elwood Mead, Government Expert in charge of Irrigation Investigation, transmitted to the President by the Honorable James Wilson, Secretary of the Department of Agriculture.

(9) It was commonly known and of official record that long before the year 1880 the Mexicans, in flagrant violation of the then treaty rights of the American farmers on the Texas side of the El Paso valley, had built an irrigation dam entirely across the channel of the Rio Grande and but a short distance above the head of such American farmer's irrigation canal.
It had long been a fact of common knowledge and official record that by means of such Mexican dam the whole flow of the river during such periodic and prolonged seasons of low water had long been diverted for irrigation purposes to the Mexican side of the stream.

It had long been commonly known and of official record that, in the year 1880, Secretary Evarts, in response to formal complaints of the then Governor of the State of Texas, had addressed an official communication to the Mexican Minister, at Washington, protesting against the "action of the Mexican population on the western shore of the river in diverting the small quantity of water that finds its way down during the dry seasons, thereby totally depriving the agriculturists on the eastern or Texas shore of the means of irrigating their crops"; Vide, Wharton's Int. Dig. Sec. 20, pp. 65-65.

In 1880, "while on leave of absence" at El Paso, General Anson Mills was requested by "some...friends to project a remedy" for the irregular and inadequate supply of water for local irrigation; Vide, p. 77, Sen. Doc. 154, 57th Cong. 2nd Session.

General Anson Mills thereafter came to Washington "and had a verbal [sic] interview" with "the Secretary of State," and undertook to promote a scheme to have the government of the United States build a great international storage dam on the Rio Grande at a point about three miles above El Paso, Texas, and cede part of New Mexico to the Republic of Mexico, so that half of such proposed international storage dam could be on Mexican territory, and so as to give to Mexico a prior and superior right to half of the flood waters flowing from the catchment area of the Rio Grande in New Mexico and Colorado.
(14) General Anson Mills, and his "friends" that were interested in so obtaining free water for irrigation of their lands on the Mexican side of the El Paso valley, succeeded in securing official authority for his "to make the necessary investigations to determine whether such a scheme was practicable.... and to cultivate friendly investigations in the matter between the people on this [the Texas] side and the people of Mexico, so in case a dam should prove practicable.... the Mexican population would assent to it"; vide, General Anson Mills testimony before the Committee on Foreign Affairs.

(15) On March 1, 1889, the United States and Mexican Boundary Commission was created, and, of course, General Anson Mills was made the American Commissioner thereof, - his salary of $6,000 a year being paid from such date notwithstanding that he was not formally made Commissioner until about four years later; equally of course, in his official capacity he continued most energetically engaged in promoting his International (El Paso) Dam Scheme. As a means of seducing Congress into authorizing the construction of his proposed "International Dam" at El Paso, General Anson Mills hit upon the ingenious idea of suggesting that such "International Dam" would tend to prevent the Rio Grande from changing its course below El Paso, and in his letter dated December 1888 he said: "The matter of restraining the tidal flow by storing the water, and thus protect the constantly changing national boundary, occurred to me. IF IT COULD BE INTRODUCED INTO THE PROJECT, as likely to secure encouragement and substantial aid by liberal appropriations in money."
Soon after General Anson Mills undertook to promote such International (El Paso) Dam Scheme, and to cultivate his friendly relations with Mexican officials and owners of irrigable lands on the Mexican side of the El Paso valley "to find out whether" they "would assent to it", and soon after his appointment as Commissioner, for the United States, of such Boundary Commission, the Mexican Minister to Washington began filing claims against the United States based on (alleged) loss of crops, on the Mexican side of the El Paso valley, resulting from years of (alleged) shortage of water for irrigation purposes consequent on (alleged) excessive appropriation of the waters of the Rio Grande for irrigation in New Mexico and Colorado.

Such Mexican claims ultimately amounted to more than $35,000,000., which the Mexican Minister advised the Department of State his government would waive if the United States would carry out such International (El Paso) Dam Scheme.

Despite the well known fact that for many years the Mexicans had been diverting to the Mexican side of the El Paso valley the whole flow of the Rio Grande during such periodic and prolonged seasons of low water, General Anson Mills, in direct contradiction of his own said earlier testimony and of official findings of his own Engineer, W.W. Follett, reported to the Secretary of the Department of State that "Mexico had been wrongfully deprived for many years of a portion of her equitable rights in the flow of one-half of the waters of the Rio Grande ....

"Mexico has a righteous and just cause of complaint, and that the redress asked for is the only practical one and ought to be granted, "for a money indemnity would only reach a few of the actual suffer-
"era" (id est, that part of New Mexico be ceded to Mexico and
that such International Dam at El Paso be built by the United
States, so that such land speculators could profit by such so ac-
curred free water, instead of the Mexican farmers being paid in
money for their alleged loss of crops in the past).

(19) It was well known in the Departments that the riparian
rights of the United States in respect to the arid States and
Territories had been surrendered by Act of 1866 (R.S.2339);
that prior thereto it had become established that the common
law doctrine of riparian rights was inimical to development of
agricultural and mining resources of the arid States and Terri-
itories; that vast local irrigation and mining interests had been
developed by authority of local legislation and customs analo-
gous to the civil law rule, that the necessity for such Western
laws and customs, and decisions of the courts upholding such
rule of prior appropriation of Western waters for agricultural
the
and mining purposes, had been recognized by Congress and Su-
preme Court of the United States(Vide, 20 Wall.,507 and 671);
and that by Act of 1877, Congress had declared that "the water
"of all lakes, rivers and other sources of water supply upon
"public lands and not navigable shall remain and be held free
"for the appropriation and use of the public for irrigation,
"mining and manufacturing purposes subject to existing rights";
Vide, 1 Sup. R.S.P.,137.

(20) Looking to federal utilization of dam and reservoir
sites on non-navigable Western streams, by Act of 1888 (an
appropriation), Congress had directed that an investigation
be made as to the extent to which the arid lands of the said
arid States and Territories could be made to produce crops by
means of irrigation; and that by such congressional authority all public lands embraced in certain so selected dam and reservoir sites on the Rio Grande in the southern part of New Mexico had been reserved from sale and entry:— Vide, Sup. N. S., 241-249.

(21) By the Act of 1892, such reserved dam and reservoir sites on the Rio Grande in southern New Mexico had been thrown open to private and corporate location,—the rules, regulations and water charges relating to such private and corporate appropriations of water to be subject to local legislative control; and, as Congress had so and otherwise evidenced its intention to encourage the impounding and appropriation of the waters of the Rio Grande for irrigation, power, and other such private and corporate purposes (Vide, 29th Stat. 599, and Decisions of the Department of the Interior, Vol. 18, p. 160), in the year 1895, a corporation styled the Rio Grande Dam and Irrigation Company (hereinafter called the American Company) was regularly incorporated under the laws of New Mexico to build a storage dam on the Rio Grande at Elephant Butte (a high promontory abutting on the river, in the Elephant Butte Canyon in the southern part of Sierra County, New Mexico,—120 miles above El Paso, Texas), and other storage dams in Sierra County, and otherwise to carry out a great irrigation, colonization, power, and municipal water supply project,—thereafter commonly known as the Elephant Butte Dam Project.

(22) The said American Company duly complied with the laws of New Mexico in securing its charter and franchise rights, and with the federal laws of the United States in securing its necessary rights of way on public lands for its proposed storage and diversion dams, reservoirs, and distributing canals.
(23) After extensive and costly surveys had been made, and elaborate maps prepared for filing in the General Land Office of the United States in conformity with congressional requirements and with the rules and regulations of the Department of the Interior, on February 1, 1895, by recommendation of the then Commissioner of the General Land Office, the Secretary of such Department, the Honorable Hoke Smith, officially approved the American Company's Articles of Incorporation and map of location, and thereby, as authorized by law, made such rights of way, and the public lands so filed on and reserved for reservoir and other purposes, valid property rights of the Company.

(24) Because of the then condition of the money market in the United States, and because of European distrust of American judicatory practices, and of prejudice against securities of American industrial companies not sponsored by great financial institutions of long established probity, it was found to be impossible to raise working capital by selling bonds and shares of the American Company, notwithstanding such Company's self-evident merits and the great value of its so secured prior and superior rights to impound and utilize the flood waters of the Rio Grande.

(25) Because of the urgent and constantly increasing local demand for cheap hydro-electric power and for an adequate water supply for agricultural and municipal purposes, and because the colonization and cultivation of the vast tracts of arid though highly fertile lands in the several subdivisions of the Rio Grande valley under the said project (id est, in the Palomas, Rincón, Mesilla, and El Paso valleys) would provide prosperous homes for many thousands of American families, and annually
add many millions of dollars to the productive wealth of the United States, an English Company, namely, the Rio Grande Irrigation and Land Company, Limited (hereinafter referred to as the English company), with an initial capital of £500,000, was duly organized under the Companies Acts, 1852 to 1893, of Great Britain and Ireland, to acquire control of the American Company's undertaking, franchise rights and rights of way, by lease and by purchase of a controlling interest in the American Company's shares, and to carry out the said Elephant Butte Dam Project.

(26) Because of the manifest merits of such project, and of British confidence in the good faith of the national government of the United States in so encouraging investment of capital in the development of the agricultural resources of the Rio Grande valley and in so granting such rights of way on public lands, certain men of great wealth and highest standing in Great Britain consented to become financially and otherwise interested in such English Company's undertaking, some as shareholders and Directors, others only as investors in and underwriters of the Debentures and Shares of the Company: the Directors being Colonel W.J. Englefield, K.E., Petersham Place, Elyfield; the Right Honorable The Earl of Hinchingbrooke and Nottingham, Haverholm Priory, Sleaford; The Right Honorable Lord Clanmorris, Bangor Castle, Belfast; Lord Ernest Hamilton, Coates Castle, Pulborough; Robert J. Price, M.P., Sloan Street, London S.W.; John Ferguson, of Ramage and Ferguson, Limited, Shipowners and Shipbuilders, Leith; R. Chatham-Strode, Fairholm, Finner; and Dr. Nathan Boyd, Kilmarnock House, Kenley, Surrey, - an American then residing in England; subsequent to issue of the English
Company's debentures and shares to public subscription, Sir William Mills (later Lord Winterstoke), Sir Frederick Mills, the Honorable Samuel Hope Morley (then a Director and later the Governor of the Bank of England), The Right Honorable Arnold Morley (previously a member of Mr. Gladstone's last Cabinet), Mr. Mark Whitwell (then Chairman of Lloyds' Shipping Committee, and England's most beloved philanthropist), and other distinguished Britons, also invested in the English Company's securities.

(27) The ENGLISH Company's widely circulated maps, plans and illustrated pamphlets showed that an adequate supply of water was to be provided by the Company for cultivation of all the irrigable lands on the Mexican side of the El Paso valley, as well as for cultivation of the Texas and New Mexican irrigable lands under the said project,—without discrimination as to the price to be paid for water by such Mexican and American farmers; but, as it then appeared that the carrying out of the Elephant Butte Dam Project would make it impossible for the promoters of such International (El Paso) Dam Scheme to seduce Congress into providing free water for irrigation on the Mexican side of the El Paso Valley, General Anson Mills, despite XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX the English Company's intention so to supply water for irrigation in Mexico as well as in New Mexico and Texas, in a communication, dated November 17, 1896, addressed to the Secretary of the Department of State, and in other ways, officially urged that "no further grants for "reservoirs be made in New Mexico and Colorado" and that" the "approval of the [Company's] reservoir at Elephant Butte be XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX cancelled or withdrawn"; Vide, pp.12-13, Sen.Doc.229, 55th Cong., 2nd Session.
In response to General Anson Mills notoriously false assertion that the said Mexican claims against the United States were "righteous and just", and to his further assertion that: "navigation on the river had been largely depleted, almost wholly destroyed, by cutting off of the waters of the Rio Grande and its tributaries in Colorado and New Mexico" (Vide, pp.19-23, of the said Senate Document No. 229), assertions that were directly contradicted by Anson Mills' own earlier said testimony and by the testimony and official statements of his own Engineer, W.H. Follett, id est, of the Engineer to such Boundary Commission (Vide, pp.98-108, of the said Senate Document No.229), the then Secretary of the Department of State, misled by Anson Mills' urgent demands and protestations, called upon the Attorney-General, the Honorable Judson Harmon, for an opinion in the premises.

Chief Justice Marshall had declared that: "the jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction deriving validity from an external source would imply a diminution of its sovereignty to the extent of the restriction, and an investment of that sovereignty to the same extent in that power which could impose such restriction". (7Cranch p.136).

Attorney-General Harmon, in an exhaustive opinion, declared, inter alia, that: "the rules, principles and precedents of international law impose no duty or obligation upon the United States of denying to its inhabitants the use of the waters of the Rio Grande lying entirely within the United States.... The immediate as well as the possible consequence of the right asserted by Mexico show that its recognition is
entirely inconsistent with the sovereignty of the United States.\ldots\n\nApart from the sum demanded by way of indemnity for the past, the
claim [\$55,000,000, odd] involves not only the arrest or further
settlement and development of large regions [in New Mexico and
Colorado] but the abandonment, in a great measure at least, of
what has already been accomplished; vide, El Op. Atty-Gen. 276.

(31) Notwithstanding Attorney-General Harmon's said opinion,
General Anson Mills continued reasonably to insist that because
of Mexico's (alleged) "righteous and just" claims in the premises
the official approval of the Company's filing on and its lawfully
secured and valid property rights in such dam and reservoir
sites should be "cancelled or withdrawn", and that storage and appro-
priation of the flood waters of the Rio Grande and its tribu-
taries in New Mexico and Colorado should be prohibited, so that
such flood waters from the drainage basin of the Rio Grande and
its tributaries in New Mexico and Colorado could be reserved for
storage by his proposed (graft inspired) "International Dam at
the head of the El Paso valley; but, despite General Anson Mills
persistent importunities in the interest of his land speculating
associate promoters of such International (El Paso) Dam Scheme,
the then Secretary of the Department of the Interior, the Honora-
able David R. Francis, advised the then Secretary of the Depart-
ment of State, by letter dated December 1895, as follows: "The
application of the Rio Grande Dam and Irrigation Company was ap-
proved by my predecessor on the first day of February 1895, in
my opinion, I have no right, under the law, to revoke this approv-
al.\ldots\ Assuming that I had such power, I submit to you whether or
not the exercise of it would be proper in view of the opinion of
(32) With persistence worthy of an honest cause, however, General Anson Mills, as Commissioner, for the United States, of such Boundary Commission, and promoter of such graft-inspired International (El Paso) Dam Scheme, continued his treasonable efforts to prevent storage of the flood waters of the Rio Grande above El Paso, and soon after Mr. McKinley's inauguration as President, the new Secretary of War, on April 8, 1897, was seduced into requesting the Department of Justice to advise as to what action could be taken to prevent the said Company from completing its irrigation works on the Rio Grande.

(33) In reply to such letter of April 8, 1897, the Solicitor-General, in a letter dated April 24, 1897, after quoting the Acts of Congress that prohibit obstruction of navigable waters where such obstructions be not authorized by the Secretary of War, said: "The answer to your inquiry is obvious if the stream 'be a navigable one. This you assert, and I assume it.... The answer to your inquiry therefore is (1) that the Secretary of the Interior had not power.... to grant the right claimed. (2) that the remedy of the United States is by injunction,.... and, 'if the dam has been constructed, also criminal prosecution"; Vide, pp. 187-190 of the said Senate Document No. 229.

(34) After telegraphing to General Anson Mills (then Colonel Anson Mills) for reaffirmation of his allegation that the said Company was engaged in building irrigation works on the Rio Grande in New Mexico that would obstruct navigation on a navigable stream, and after General Anson Mills' reply had been transmitted to the Department of Justice, on May 24, 1897, by authority of Attorney-General McKenna, suit was filed in the District Court, of the Third Judicial District of New Mexico,
enjoining completion of the irrigation works then being constructed as integral parts of the said Companies' (the American and English Companies) Elephant Butte Dam Project; May 25, 1897 a temporary injunction was granted; and on May 31, 1897, the government amended its bill, and the English Company was made a party defendant.

(35) The Supreme Court of the United States had held that:

"Those rivers must be regarded as publicly navigable rivers in law which are navigable in fact, and they are navigable in fact when they are used or are susceptible of being used, in their ordinary condition, as highways of commerce over which trade and travel are or may be conducted in the customary modes of trade and travel on water" [10 Wall. 557]...."the vital and essential point is whether the natural navigation of the river is such that it affords a channel for useful commerce" [20 Wall. 431].

(36) In furthering his patently dishonest and treasonable purpose so to have the flood waters of the Rio Grande above El Paso reserved for storage by such proposed International (El Paso) dam, General Anson Mills had affirmed under oath that "AT TIMES, PERIODICALLY EACH YEAR, THE VOLUME OF WATER IS SO GREAT THAT STEAMBOATS COULD NAVIGATE IT [the Rio Grande] FOR HUNDREDS OF MILES BOTH ABOVE AND BELOW EL PASO, TEXAS" Viva, the Record of The United States vs. Rio Grande Dam and Irrigation Company, et al., (9 N.M. 292).

(37) No sane person that has knowledge of the characteristics of the Rio Grande, or that has intelligently read the Supreme Court record of the said notoriously fraudulent injunction proceedings, could honestly deny that in so affirming under oath
that the Rio Grande is navigable by steamboats for hundreds of miles both above and below El Paso, Texas, General Anson Mills committed deliberate, wilful perjury; nor honestly deny that General Anson Mills should have been prosecuted for his said perjury in support of such graft-inspired and treasonable conspiracy to rob the people of New Mexico and the Colorado of their natural right to appropriate the flood waters of the Rio Grande and its tributaries, above El Paso, for irrigation purposes.

(38) To quote a letter dated April 11, 1904, written by Major W.E.H.Llewellyn, a prominent citizen of New Mexico, who was second in command of the famous Roosevelt Rough Riders and subsequently United States District Attorney for New Mexico:

"As far as General Anson Mills is concerned, he ought of right to be in the penitentiary and would be if the laws of the country were enforced. He committed perjury as well as other crimes, and has notoriously and openly prostituted his position on the Government's Boundary Commission to his own base ends."

(39) Copies of Major Llewellyn's said letter of April 11, 1904, and of his telegrams and other letters of like tenor addressed to President Roosevelt, were duly sent (by President Roosevelt) to the then Attorney-General, and to the Secretaries of the State and War Departments.

(40) By the government's bill of complaint in such an instigated and notoriously fictitious proceeding a perpetual injunction was sought on allegations that falsely charged that the Rio Grande is navigable in New Mexico and at and below El Paso, Texas, and that construction of the Company's said irrigation works would obstruct navigation on the Rio Grande in New Mexico, impair the navigable capacity of the stream throughout its course
from El Paso to the Gulf of Mexico, and be in violation of Mexi-
co's rights under her then treaties with the United States;—Vide, the Record of such injunction suit.

(41) After a hearing extending from May 25 to July 4, 1897, on July 30, 1897 the District Court dismissed the government's bill and dissolved the temporary injunction, and held that:

"The Rio Grande in New Mexico is not a navigable river"; that "Under treaties with Mexico each Republic reserved all rights within its territorial limits"; that "This would have been so upon principles of international law"; that "The soil of the United States is not burdened with servitude in favor of Mexico"; that "The power to control and regulate the use of the waters of non-navigable streams is exercised by States and Territories, and therefore the diversion of such waters is not a violation of any Act of Congress" (51 p. 674).

(42) On appeal ordered by the Attorney-General, the Supreme Court of New Mexico sustained the Court below, and declared, inter alia, that:

"It appears from affidavits and reports presented in support of the bill in this case that the objection now raised to the construction of the defendant's dam grows out of the proposed construction of an International dam and reservoir at El Paso.... The investigation of the feasibility of such a dam and reservoir being made in behalf of the United States.... thus evidencing the deliberate intention of the government, by its political department, to take measures, not for the purpose of improving the navigability of the river, but of permanently obstructing it at a point far below the site of the defendant's works".
(43) On the government's appeal to the Supreme Court of the United States it was held (May 22, 1899) that the Rio Grande is not navigable in New Mexico and that the completion of the defendant companies' irrigation works would not be in violation of Mexico's treaty rights; but, nonetheless, the decision dissolving the injunction was "reversed" and the cause was remanded (174 U.S. 416) for rehearing to determine whether or not the defendant companies' proposed storage of the flood waters of the Rio Grande in New Mexico would substantially diminish the volume of water in the stream in its Gulf section, more than 1,000 miles below Elephant Butte, in which Gulf section the Rio Grande was assumed to be navigable in law if not in fact.

(44) At such an ordered second hearing in the District Court, which hearing continued twelve days in December 1899, a very large amount of testimony was taken, thirty-three witnesses were examined, and a great many affidavits, important and controlling official reports, and other public documents were submitted in evidence; and on January 2, 1900 the second decision of the trial court was handed down, with elaborate findings of fact, whereby, in accordance with the thoroughly well known fact that the Rio Grande is not "susceptible of being used in its ordinary condition as a highway of commerce", even in the said Gulf section of the stream, and in conformity with the facts so made of record at such second hearing, it was decreed that the carrying out of the Elephant Butte Dam Project would not substantially diminish the alleged navigability of the Rio Grande in such Gulf section of the stream.
(45) On the government's appeal from such second decision of the trial court, the Supreme Court of New Mexico again sustained the trial court.

(46) On the government again taking an appeal to the Federal Supreme Court, it was most indecently charged in brief and argument for the United States that the trial judge and the Associate Justices of the Supreme Court of New Mexico had been improperly influenced by "local interests" and most dishonestly contended that "every acre foot" of water impounded by the defendant companies' storage dams in southern New Mexico would "be at the cost of navigation in water that could not safely be dispensed with"; consequently, on March 3, 1902, the New Mexican Courts were again "reversed" and the cause again remanded for retrial to determine if such appropriation of the flood waters of the Rio Grande in New Mexico would substantially diminish the alleged navigable capacity of the stream in its Gulf section (more than a thousand miles below El Paso, Texas), with "leave for both sides to adduce further evidence" (164 U.S. 386).

(47) To give semblance of reason for such second reversal of the New Mexican Courts, an expedition of Engineers deputed by the government to create evidence to support the allegation that the Rio Grande is navigable, "for hundreds of miles below El Paso, Texas", by light draft row-boats if such navigation be downward with the current during the flood seasons, and to support the allegation that the flood waters from above El Paso contribute substantially to the volume of the stream in such Gulf section; met with fatal disaster and proved that the river is not navigable "for hundreds of miles below El Paso" even during the occasional periods of high water, and that virtually
all such flood waters are lost by evaporation and seepage far above the alleged navigable section of the river below Rio Grande City, Texas,—170 miles above Brownsville.

(48) January 22, 1903, New Mexico by its Solicitor-General, had filed a motion to intervene as a co-defendant on the ground that "it had an interest in the said litigation and in the success of the defendants and desired to unite with the said defendants in resisting the claim of the plaintiff", but, doubtless influenced by fear of incurring the ill-will of the seemingly all-powerful official supporters of such International (El Paso) Dam Scheme, the Judge of the Court (one of President McKinley's appointees), in brazen defiance of the right of New Mexico to intervene, sustained the government's to such intervention in defense of the Rio Grande water rights of the people of New Mexico.

(49) Such intervenor cited, inter alia, the following facts:—

(a) "The construction of the defendant company's proposed storage dam at Elephant Butte, and of its proposed distributing dams and other irrigation works.... would be of great benefit to the people of the Territory generally"....

(b) "Congress.... by its Act approved June 21, 1898, granting lands to the Territory of New Mexico, in section six thereof provides as follows: 'For the establishment of permanent water reservoirs for irrigation purposes, 500,000 acres; for the improvement of the Rio Grande in New Mexico, and the increasing of the surface flow of the water in the bed of the said river, 100,000' [acres]; that under the said Act there has been a large amount of land selected .... for the purpose named; that the Territorial Legislature had appointed and provided
for an irrigation commission for the purpose of disposing of such lands and that a large amount of the same had already been contracted for sale or lease, and a considerable amount of money had been received by the Territory on that account; and that if the contention of the plaintiff, [the United States] in this case should prevail it would render such grant of 600,000 acres utterly valueless, and of no use or benefit to the said Territory.

(c) "In seeking to enjoin the said defendant company from building its proposed storage dam.... the plaintiff seeks to an invidious distinction between the rights of the people of New Mexico and those of other States and Territories of the Union."

(d) "In New Mexico the annual rainfall is so slight that successful cultivation of the soil is practically impossible without water for irrigation, and that therefore the right to impound and utilize for irrigation the flood waters of the Rio Grande and its tributaries is essential to the welfare of our people: for, if denied such right, there can be no substantial increase of the area of the Territory's cultivated lands .... and consequently our people would forever remain dependent upon neighboring States for the bulk of their food supply .... that consequently the Territory of New Mexico, as such, and the entire people thereof, have a vital interest .... in this cause. ....

(e) "The non-representation of the Territory at the inception [in 1897] and during the progress of this suit has been detrimental to the clear presentation to the courts of the great interest of the people of New Mexico in the premises, and that
it is essential to the safeguarding of the Territory's best interests that it be directly represented and be allowed to present arguments and evidence”.

Analytic criticism of the gross injustice and iniquity of such denial of New Mexico's right so to intervene for the protection of her Rio Grande water rights, her chief means of agricultural development, would be superfluous. It is sufficient to point out that, manifestly, such denial was not warranted by any rule of law or of justice, and could not but have been the result of orders from "higher up". The evil influence and political pull (in highest Departmental circles at Washington) of General Anson Mills and of his official supporters and land speculating associates evidently had greater weight in the Departments than had the rights and welfare of the people of New Mexico. For, with callous disregard of New Mexico's inherent rights, and of such protests and petitions, and with brazen disregard of the self-evident fact that this disgusting Elephant Butte Dam Affair besmirched our national honor, by the Attorney-General's appeal from the (second) decision of the Supreme Court of New Mexico this fraudulent injunction suit was kept pending until it could again be remanded for retrial and the said United States District Attorney for New Mexico, under and in (reluctant) deference to his instructions from Washington, by supplemental bill could have the complaisant trial court decree that the defendant company's fully established and admitted right to build the Elephant Butte Dam and otherwise to carry out the said project had been forfeited because, forsooth, the said dam had not been built within the five years prescribed by law,—that is to say, because
such storage dam had not been built in defiance of such pending injunction suit.

(51) After it had become plainly evident that General Anson Mills was the chief moving spirit in such conspiracy to rob the people of New Mexico of their inherent right to impound and utilize the flood waters of the Rio Grande for the growing of crops; that and that the responsible Departmental officials were so flagrantly supporting General Anson Mills’ graft-inspired International (El Paso) Dam Scheme were seemingly determined to have such flood waters reserved for the benefit of the owners of certain lands in the Republic of Mexico and in Texas; then, in hope of bringing about a searching investigation respecting General Anson Mills’ criminal abuse of office and in hope of such investigation resulting in defeat of his treasonable purpose, further Petitions, citing the record facts that established the fraudulent object of the said injunction suit, and that proved that General Anson Mills had committed deliberate, wilful perjury and had treasonably and grossly abused his official position in promoting such conspiracy to rob the people of New Mexico of their Rio Grande water rights, and praying that an investigation be ordered respecting the specific charges preferred in such petitions against General Anson Mills, were widely circulated, signed by the chief officials and leading citizens of xxxxxxxxxx, and duly transmitted to the White House (See “Memorial” pp. 107-116).

(52) Subsequently, when I ascertained that such last Petitions, a veritable “bale” of Petitions, to President Roosevelt had been ignored, as had all other such protests and petitions, I addressed to the President a personal communication in which I said, inter alia, that in 1893 I had had the good fortune to find
(and acquire) in the old Mexican town of La Mesilla two Sixteenth Century portraits which experts in Europe (Colnaghi and others) had afterwards pronounced to be of great merit and value; one a replica or contemporary and excellent copy of Titian's well-known portrait of his daughter, Lavinia Vecellio, the other, Giovanni Mannolini's portrait of Beatrice Cenci,—possibly, and perhaps probably, the long lost portrait, painted just before her execu-
tion in 1599, from which Guido Reni copied his three famous por-
traits of Beatrice; that it had been my intention to bequeath the two paintings to some one of our American Art Galleries, so that their exceptional beauty and perfection of flesh-tones and shadows could be studied and copied by American Art students; but that I would at once gladly present the two paintings to the National Gallery of Art, or to any other Art Gallery in this country that he, the President, should elect to designate, if I received his personal assurance that he had personally con-
sidered the record facts, cited in the said Petitions, from the public documents that had been submitted by the people of New Mexico in support of the extremely grave and readily verifiable charges so preferred against General Anson Mills.

53 I had already sacrificed many thousands of dollars in my efforts to obtain justice for my English and Scotch friends and others that at my solicitation had joined with me in undertaking to finance the carrying out of the Elephant Butte Dam Project, and in my defense of our national honor,—as involved in this disgraceful Elephant Butte Dam Affair, and of the Rio Grande water rights of New Mexico; I had repeatedly offered to forfeit my personal interest in the shares and debentures of the English company if our government would undertake to repay the monoys
my said friends and such others had invested in the debentures and shares of the company, and would not by treaty or otherwise grant to Mexico a prior right to New Mexico’s Rio Grande flood waters; so, of course, I was more than willing to present the said paintings to the Nation if I could thereby ensure that President Roosevelt would be moved personally to consider such record proofs of General Anson Mills’ guilt. For, naturally, I took for granted that President Roosevelt could not personally consider such record and conclusive proofs of General Anson Mills’ perjury and criminal abuse of office and thereafter fail promptly to order the investigation prayed for by such reputable and competent petitioners, and that such investigation would necessarily result in immediate and final defeat of such plot to provide free water for the irrigation of the said speculators’ lands in Mexico at the expense of our American taxpayers and to have Congress inhibit the storage and use of the flood waters of the upper Rio Grande basin for irrigation in New Mexico and Colorado.

(54) As was to be expected in the circumstances, I was promptly advised from the White House that the matter had been brought to President Roosevelt’s attention; that he had requested the Attorney-General to make the required investigation; and that a copy of the resulting report would be sent to me in due course.

(55) After more or less patiently waiting an unconscionable time for the promised copy of such report, I again wrote to remind President Roosevelt that the extreme gravity of the charges so preferred against General Anson Mills, and the very great importance of the issues involved in the premises, manifestly demanded that there should be a prompt and searching investigation; that such investigation could not, in the circumstances, properly
be deferred indefinitely. And, after I had repeatedly written
to that effect, I was advised by means of a curt formal note
that the Attorney-General had declared that the matter did not
pertain to the jurisdiction of his Department.

(56) In reply to such formal note, I called attention to the
fact that it was very extraordinary, indeed, that, when called
on by the President of the United States to make an investiga-
tion and report in respect to a matter that touched our national
honor, and involved principles of law and international, national,
and state rights of far-reaching importance; that when the most
vital interest of the people of the Territory of New Mexico,—
a Ward of the National Government, was at stake; Attorney-
General Knox had declined to make such investigation and report, and had
so declined on the plainly untenable ground that he was without
jurisdiction.

(57) General Anson Mills, the accused, was an officer of the
United States Army. President Roosevelt had made his friend
Major W.H.H. Llewellyn, who had been second in command of the
famous Roosevelt Rough Riders, United States District Attorney
for the Territory of New Mexico. And Major Llewellyn,—by letters
and telegrams, had advised his friend President Roosevelt that
General Anson Mills had grossly abused his, Mills', official
position, as Commissioner, for the United States, of the United
States and Mexican Boundary Commission, and that General Anson
Mills should be court martialed, prosecuted on a criminal charge,
and sent to the Penitentiary. So, as Attorney-General Knox had
refused to make such investigation and report; as the record facts
cited in the said Petitions clearly proved that General Anson
Mills had committed deliberate, wilful perjury and other crimes
that warranted his being court martialed; and as "it is a fraud to conceal a fraud"; President Roosevelt referred the matter to his then Secretary of War, The Honorable William Howard Taft, who, after much delay, also denied having jurisdiction.

(58) "Fraus est celare fraudem". The oath of office is a most sacred thing; it imposes a most sacred obligation; and can not be violated without sinning against the Most High. Justice can not prevail where wilful perjury has in practice ceased to be a crime against the State. And when a high federal official, such as was General Anson Mills, betrays the public trust reposed in him by engaging in a conspiracy to rob his motherland, to defraud thousands of his own countrymen, he is not a whit less guilty of treason than was Benedict Arnold.

(59) By what manner of thinking, by what process of sophistical reasoning, could such plea of no jurisdiction have been made to appear warranted?

(59) Even assuming that General Anson Mills' said criminal acts were not of the kind that are commonly adjudged by court-martial proceedings; that by hair-splitting subtility of mental process it was possible to contend that, as Secretary of War, Mr. Taft was not obliged to comply with President Roosevelt's request that he should investigate the charges preferred in the said Petitions; nevertheless was it not, in the circumstances, having due regard for our national honor, for the inherent rights of the people of New Mexico, for the great and treasonable wrong that such accused officer of the United States Army, such high official of our national government, was plotting to inflict on the people of New Mexico and Colorado, and for such so cited and conclusive proofs of the guilt of the accused, considering
all this, was it not an undeniable fact that it was Mr. Taft's plain duty, his duty as a member of President Roosevelt's Cabinet, his duty as an honest American jealous of the good name of his motherland, was it not his most sacred duty as a man who had taken solemn oath to uphold the law, to intervene in behalf of justice, to err, if he erred at all, on the side of justice? If not, then, why not?

(51) A grave crime had been committed. The guilt of the man accused of the crime was fully established by evidence submitted for Mr. Taft's consideration. So why should the question of his jurisdiction or not having jurisdiction have deterred Mr. Taft from doing his utmost to bring the criminal to justice, and thereby make it xxxxx impossible for the accused and his associates to perfect their treasonable plan to commit an even greater crime,—their plot to rob the people of New Mexico of water rights worth millions of dollars? In what measure of condemnation should we hold a policeman if he refused to attempt to prevent a cracksman from "blowing" a bank-vault because the bank was not within the confines of such policeman's beat?

(52) Captious and senseless criticisms of public officials, especially when inspired by personal animosities or by so-called party expediency, are condemned by all decent-minded Americans. I give place to no man in proper respect for the dignity and honor of public office. In frankly commenting on the facts here-in submitted for your consideration, I am but earnestly, and more or less hopefully, endeavoring to induce you to give due weight to the soundness of my contention that it is just such refusal to prosecute crooks in office and such violations of the oath of office that are mainly responsible for the public's loss of respect for the Majesty of the Law, and the appalling increase
of crime throughout the country which is such a menace to the stability of our social polities.

(53) The Governor of New Mexico in a formal argument submitted to the Senate Committee on Foreign Relations, and in official reports to the Secretary of the Department of the Interior, had protested against the injustice of such injunction proceedings based on notoriously fictitious grounds, and had declared that:

"We cannot find words sufficiently strong with which to protest against the attempt to prohibit the construction of reservoirs upon our principal stream and to deprive our people of the use of even the limited waters at our hand for purposes of agriculture.... The greatest set back New Mexico has ever had was that resulting from the stopping of work on what is familiarly known as the Elephant Butte Dam.... Work was commenced in 1896 and continued until in 1897 the United States brought suit to enjoin the Company from building the storage dam.... The ground for seeking the injunction was that the Rio Grande is a navigable stream.... This is preposterous.... The true secret of the attack can be found in the efforts to have constructed at El Paso an International Dam."

(54) In the year 1900 both the Republican and Democratic parties in New Mexico, in planks in their platforms, had protested against such injunction suit to prevent the carrying out of the defendant Companies' Elephant Butte Dam Project.

(55) During the years 1900 to 1902 various petitions were widely circulated, and signed by the chief officials and leading citizens of New Mexico, members of the Legislature, profes-
sional men, landowners, farmers, merchants and others, praying the Attorney-General to accept such decision of the New Mexican Courts as final and not continue to hold up development of the Rio Grande valley by keeping the said injunction suit indefinitely pending on appeal (Sen. Doc. 154, 57th Cong., 2nd Session).

(66) On January 5, 1900, the Regents and Faculty of the New Mexican College of Agriculture, in petition to the Secretary of the Department of Agriculture, had prayed that such injunction suit be abandoned, and declared in their petition that:-

"To further prolong this litigation, which it is generally felt has been brought about through the action of the parties personally interested in the construction of the proposed International Dam at El Paso, will materially injure the agricultural interests of New Mexico and consequently retard the work of this College and Experiment Station" (Sen. Doc. 154, 57th Cong. 2nd Session).

(67) Sixteen months later, the members of the Faculty of the said Agricultural College and United States Experiment Station had again addressed a formal petition in the premises to the Secretary of the Department of Agriculture and therein pointed out that:-

"The contentions of the United States in this case.... have never in a single instance been sustained, although the case has been tried twice in the local district court, twice in the New Mexican Supreme Court, and once in the Federal Supreme Court. The absurd contention upon which this litigation was based, namely, the navigability of the Rio Grande, has never, in any possible manner, been proved or sustained by any of the courts in which this litigation has been heard.... It is the
earnest desire of the people of New Mexico in general, but of
the residents of the Rio Grande valley in particular, that the
appeal [i.e., the government's then pending second appeal to
the Supreme Court of the United States]... now pending be
abandoned, and the decision of the New Mexican Courts be accept-
aed as final" (Sen. Doc. 154, 57th Cong., 2nd Session).

(68) Other public bodies, - Boards of Trade, Chambers of Com-
merce, Commercial Clubs, and the like, passed resolutions and
formally forwarded copies thereof to the White House and to
Chiefs of the federal Departments, protesting against the injust-
ice of such injunction proceedings and of such proposed reserva-
tion of New Mexico's Rio Grande flood waters for the benefit of
the land speculators that had secured control of most of the
irrigable lands on the Mexican side of the El Paso valley.

(69) The Rio Pecos is the largest affluent of the Rio Grande
from American territory and flows into the Rio Grande more than
700 miles below Elephant Butte and but little more than 300
miles above the head of such so-called navigable section of the
Rio Grande, in the said Gulf section, but the Departmental re-
cords show that, notwithstanding such pending Elephant Butte Dam
injunction suit for the (alleged) protection of navigation, large
storage dams were built on the Rio Pecos in New Mexico without
federal interference, and that no attempt was made by the gov-
ernment to restrain "The Eagle Pass Irrigation and Waterworks
Company" from carrying out its project on the lower Rio Grande
at Eagle Pass, Texas, -only 217 miles above the head of such so-
called navigable section.
(70) The irrigable lands on the Mexican side of the El Paso valley, in which lands General Anson Mills and his speculating friends were so greatly interested, were more than 500 miles above the mouth of the Rio Pecos; evidently the Attorney-General was not concerned to hold that "every acre foot" of water so appropriated for irrigation on the Rio Pecos and on the lower Rio Grande would "be at the cost of navigation in waters that could not safely be disencumbered with".

(71) A great reservoir to impound 496,875 acre feet of the waters of the Arkansas River, to irrigate between 250,000 or 300,000 acres of land in the vicinity of Great Bend, just above the head of navigation, was created without federal interference; and, prior to the inception of such treasonable International (El Paso) Dam Scheme, there had been no federal attempt to restrict the use of the waters of the upper Rio Grande for irrigation in Colorado.

(72) Verily, "Righteousness exalteth the Nation".

(73) On September 9, 1900, an El Paso newspaper frankly stated that, "The proceedings in the Elephant Butte injunction case were not begun by the government of its own notion"; and, on November 15, 1900, the El Paso Daily Herald, a staunch supporter of General Anson Mills' International (El Paso) Dam Scheme, announced that: "When General Anson Mills went to the City of Mexico last month he went there to ask the Secretary of State and President Diaz to continue their objections to the building of the Elephant Butte Dam and other dams on the Rio Grande above El Paso."
(74) In a letter, dated June 1, 1897, addressed to the then Secretary of the Department of State, the Honorable H. B. Ferguson, New Mexico's then Delegate to Congress, called attention to the commonly known fact that: "the scheme for the construction of an International dam [at El Paso] was initiated for speculative purposes.... The Citizens of Mexico owning ditches and small farms are said to have sold them to a syndicate of "wealthy men" (Vide, p. 16, Sen.Doc. 154, 57th Cong., 2nd Session); and, in 1900, when he testified before a sub-committee of the Committee on Foreign Affairs, Mr. Ferguson said, "It is a matter of common notoriety.... that Colonel Anson Mills' brother, in El Paso, is at the head of a syndicate which has bought up the lands for a hundred miles south of El Paso, on both the Mexican and Texas sides" [of the Rio Grande]; Vide, p. 14, of the said Senate Document 154.

(75) The Act of June 17th, 1902, the Reclamation Act, so-called, by which the United States Reclamation Service was created, did not provide for building an international storage dam on the Rio Grande, nonetheless, at the instigation of General Anson Mills' El Paso and Mexican "friends", Engineers of the Reclamation Service promptly engaged in investigating the feasibility of building an International Dam at El Paso, and on finding that a great storage dam at El Paso would submerge and water-log more irrigable land in the valley above El Paso than would be irrigated in the valley below El Paso, on "March 1, 1903", notwithstanding the then pending the Elephant Butte Dam injunction suit, "began active operations" to carry out the Elephant Butte Dam Project as an "International" project; to build an "International" Dam on the Rio Grande at Elephant Butte, New Mexico, a hundred
and twenty miles north of the boundary between the two Republics:


(76) As such expedition to create evidence to support the allegations that the Rio Grande is navigable "for hundreds of miles below El Paso", and that the flood waters of the Rio Grande from above El Paso substantially contribute to the volume of the stream in the Gulf section had been fatally disastrous; as the report of the surviving members of the expedition had still further confirmed the record facts (facts already of record in such injunction suit) by which it had been conclusively established that the Rio Grande is not "navigable for hundreds of miles below El Paso", nor elsewhere, nor at all,—in any proper sense of the term; as it was well known and of official record that it would be impossible for the government to win on the merit; and as the Federal Supreme Court's reversal of the courts below having this purpose, i.e., had kept the said injunction suit pending for the requisite length of time; on May 31, 1903 (more than a year after such second reversal of the courts below had been handed down by the Federal Supreme Court), on a supplemental bill filed without due notice to the defendant Companies, the Judge of the trial court (President McKinley's appointee), evidently instructed by and acting in collusion with Anson Mills' official supporters,—"higher up", secretly decreed that the said defendant's right to carry out such Elephant Butte Dam Project had been forfeited because the Elephant Butte Dam had not been completed within the five years prescribed by law, because the Companies' Elephant Butte Dam had not been "constructed and completed" within such period in defiance of such pending injunction proceedings;—such decree of
forfeiture being in part as follows:

The Articles of Incorporation and the map and survey of the reservoirs of the defendant corporations were filed with the Secretary of the Department of the Interior prior to the 26th day of June, A.D., 1897, and were prior to such date approved by the Secretary of the Interior, and... the said defendants have not completed the said reservoirs... within five years after the approval of the same by the Secretary of the Interior... Therefore, it is ordered, adjudged and decreed that the rights of the said defendants, or either of them, to construct and complete the said reservoirs and ditches, or any part thereof, under and by virtue of the Act of Congress of March 3, 1891, be and the same are hereby declared to be forfeited"; Vide Record, pp. 59-63; See also pp. 125-137 of Appendix B, to Briefs for the English Company, herewith submitted.

(77) More than six years later, on final (third) appeal, the Supreme Court of the United States, complaisantly ignoring the record proofs of the notorious fact that the government's said injunction suit had not been instituted nor maintained in good faith, and again ignoring the law and all precedent decisions, on December 13, 1909, affirmed such so obtained secret and inequitable decree of forfeiture,—thereby ending such more than twelve years of such treasonably inspired litigation, based on confessedly fraudulent grounds, to deprive the English Company of its lawfully acquired right to carry out such much needed and beneficent Elephant Butte Dam Project.
(78) It is an axiomatic and thoroughly well established and fundamental principle of law in all civilized countries that a party litigant shall not be permitted to advantage by his own wrong.

(79) By letter, dated March 15, 1900, addressed to the Secretary of the Department of State, the Honorable John Hay, the Attorney-General of the United States, the Honorable John W. Griggs, in respect to such fictitious injunction proceedings, had pointed out that: "the use of the waters of the river for purposes of irrigation is not a use connected with the regulation of commerce, and the Act under which the present suit is being maintained... is one solely for the protection of commerce.

(80) In November, 1899, a special Attorney of the Department of Justice, one Marsden C. Burch, "instructed by the Attorney-General", had submitted, at a conference (at El Paso) with certain of the English Company's local Directors and Attorneys, "propositions of compromise", by which so submitted "propositions" the Attorney-General offered to agree not to appeal from the trial court's second decision, then about to be handed down, and in the defendant companies' favor, if the Directors of the English Company would agree to:

"Recognize the [alleged] prior right of the people of the valley at El Paso, Mexican as well as American, to a prior use of the waters of the Rio Grande, and... prior right to a perpetual use of a sufficiency of water to fill yearly the proposed reservoir comprised in [sic] the International Dam above El Paso"; Vide, xxxxxxix Senate Document No. XXXX 154, 57th Cong., 2nd Session.
(81) It had otherwise been admitted and confessed by responsible officials of the United States that the said injunction suit had not been instituted and maintained for the protection of commerce.

(82) By such injunction proceedings based on confessedly fictitious and therefore fraudulent grounds, the United States had assailed the validity of the defendant companies' secured lawful right to carry out the Elephant Butte Dam Project, and, then, after years of litigation and after having failed to maintain any of the allegations set up in such fictitious and fraudulently intended bill of complaint, and after the English Company had for years been denied opportunity to have the one remaining issue involved duly adjudicated "on the merits", by such supplementary bill and by such flagitious and final decree of the Federal Supreme Court, the Department of Justice was permitted successfully to claim forfeiture of the defendant companies' said right because such right had not been exercised during the pendency of such injunction proceedings.

(83) No system of jurisprudence, of any civilized country, permits a party litigant to assail the validity and restrain the prosecution of a right and then in the same action successfully to claim forfeiture of such right because it had not been exercised during the period of such restraint.

(84) It is a thoroughly well established principle of law that courts of equity can not permit a plaintiff to reconstruct his case by introducing an entirely different and subsequent cause of action in the same proceeding; that the cause of action must exist at the time the plaintiff files his suit; that the
allegations set up in a supplemental bill must be supplemental in character and germane to that of the original bill; that a supplemental bill cannot supersede and do away with an original bill; that a supplemental bill becomes part of the original bill; that an original bill and a supplemental bill are to be considered as being one pleading; and that new matter introduced by means of a supplemental bill cannot change the rights of the parties.

(65) The doctrine that a subsequent and newly independent cause of action cannot be introduced by means of a supplemental bill has been sustained by a veritable host of authorities.

In *The Electric Accumulator Company v. the British Electric Company* it was declared that: "We do not understand that the plaintiff can, either by amendment or by supplemental bill, make an essentially different case, or pray for relief manifestly inconsistent with that claimed in the original bill" (44 Fed. Rep. 302 - 307).

In *The New York Security and Trust Company v. Lincoln Street Railway Company* it was declared that: "If the original bill fails to set up a state of facts justifying the relief sought, a supplemental bill based on facts afterward occurring cannot be sustained" (74 Fed. 57).

In *Putney v. Whitmore*, it was declared that: "A defective bill affording no ground for proceedings cannot be sustained by filing a supplemental bill, founded on matters taking place after the filing of the original" (56 Fed. 365).

In *Stafford v. Howlett*, it was declared that: "It is not permissible to inject by way of supplemental bill new matter which is wholly foreign to the complainant's original case and
inconsistent with the relief prayed for" (1 Faige, N.Y. 20).

In Milner vs. Milner and Froudy vs. Lake Shore and M.S. Railway Company it was declared that:— "A plaintiff cannot file a supplemental bill to introduce facts which have occurred since the filing of the original bill and upon which a decree can be had without reference to the original bill. In such case the original bill should be dismissed and an entirely new one filed" (2 Ed. Ch.114, and 85 N.Y. 276).

In Minn. Co. vs. St Paul Co., it was declared that:— "A supplemental bill must be germane to the original bill" (6 Wall U.S. p. 742).

In Story vs. Carae it was declared that:— "When an original bill shows no ground for relief, it cannot be aided by a supplemental bill setting up matters that have arisen since the filing of the original bill" (135 Ill. 519; Story Eq. Pleading, Sec 399).

"An inconsistency between the supplemental bill and the original bill either as regards subject matter or prayer is fatal" (Streets Fed. Eq. Practice, Vol. 2 Sec. 1170).

"A supplemental bill must not be inconsistent with the original bill" (Foster's Fed. Practice, Vol.1, 7th Ed., p.631).

(86) When the Federal Supreme Court, on March 2, 1902, the second time "reversed" the New Mexican Courts, and such second time remanded the case for rehearing as to whether or not the completion of such Elephant Butte Dam would diminish the alleged navigable capacity of the Rio Grande in its Gulf section, and by such mandate directed that "leave be granted to both sides to adduce further evidence", it was proper to assume that,—despite
the conclusive nature of the vast amount of testimony and evidence of the non-navigability of the Rio Grande embodied in the eight hundred and more pages of the printed Record of the said Elephant Butte Dam case, as transmitted from the Supreme Court of New Mexico to the Supreme Court of the United States, which testimony and evidence wholly failed to support any of the allegations set up in the government's fictitious bill, and notwithstanding that it was well known and well established by authoritative evidence embodied in such record that such proposed appropriation and use of the flood waters of the Rio Grande in New Mexico could not but greatly improve the normal flow of the stream at and below El Paso, Texas, the Honorable Justices of the Federal Supreme Court, that so supported the government's said pretentions, were of the opinion that such record of more than eight hundred printed pages did not afford the required proof that such impounding of the flood waters of the Rio Grande in New Mexico would not substantially diminish the flow of the stream in the said Gulf section, and that, in so again reversing the New Mexican courts and in so directing that "leave be granted to both sides to adduce further evidence" as to such one remaining issue, the said Honorable Justices were not merely supporting the ulterior purpose of the promoters of such scheme to secure free water for the irrigation of the said speculators' lands in Mexico by having such injunction proceedings kept pending until sufficient time elapsed to permit of such supplemental bill being filed, and that the said Honorable Justices of the Federal Supreme Court quite intended that such mandate should be carried out in good faith.
Such mandate was precise and specific in terms and definitely directed that "such further proceedings be had in the said cause in conformity with the opinion and decree of this court as according to right and justice and the laws of the United States ought to be had". But, evidently, a mandate is not a mandate when crooks in office desire to prostitute the functions of our federal Departments and Courts in promoting official graft.

By needless delay and by filing of such supplemental bill and by such secret decree of forfeiture, such further hearing was denied despite New Mexico's said motion to intervene as a codefendant and notwithstanding the company's persistent efforts to secure such further hearing on the merits.

If the said English Company's right so to carry out the Elephant Butte Dam Project had not been lawfully secured, if the allegations in the government's said original and amended bills had been sustained, by the facts of record in such injunction proceedings, then, such company would have been barred from carrying out such project independent of the allegations set up in such supplemental bill.

It is a thoroughly well established rule that trial courts have no alternative and must carry into effect the mandates of courts of appeal; for example:

In West et al. v. Brashear (39 U.S. 54) Chief Justice Taney, in handing down the unanimous opinion of the court declared that: "where the direction of the mandate of the Supreme Court is precise and unambiguous it is the duty of the court to carry it into execution and not to look elsewhere for authority to change its meaning".
In re Sanford Fork and Tool Company, (160 U.S. 255) Mr. Justice Gray declared that:—"The Circuit Court is bound by the decree as to law of the case, and must carry it into execution according to the mandate. The Court cannot vary it, or examine it for any other purpose than execution; or give any other or further relief; or review it, even for apparent error; or intermeddle with it, further than to settle so much of it as was remanded".

In Mason vs. Harpers Ferry (20 W. Va. 223) the court declared that:—"When the Supreme Court sends its mandate to the Court below to be executed the lower court cannot examine it for any other purpose than to execute it, nor can it give further relief".

In Boggs vs. Willard (70 Ill. 316) the court declared that:—"When a cause has been remanded by the Supreme Court to the Court below with specific instructions as to how the Court shall proceed, the lower Court has no alternative but to carry into effect that direction".

In Mackall vs. Richards (116 U.S. 47) Chief Justice White declared that:—"Matters occurring after the mandate had been sent down could not be introduced by a supplemental bill".

(91) It was of record and undeniable that the government of the United States by its own acts had prevented the English Company from building such storage dam, therefore the government could not lawfully be permitted so to advantage by its own wrong.

(92) The doctrine of estoppel in pais is essential to suppression of fraud and to maintenance of justice and equity
and is incorporated in the judicatory systems of all civilized
countries, and embedded in every branch of international and
municipal law.

(93) It is a basal principle of law that a plaintiff can
not charge to others the consequences of his own faults; that a
trespasser is not entitled to benefit by his trespass; and by
all rules of justice and equity practice the United States was
estopped from so claiming forfeiture of the defendant Companies'admitted legal right to carry out the Elephant Butte Dam Project.

In the United States vs. Willamette (54 Fed. 807) the
Court held that:—“When the matter of estoppel arises, the
observance of honest dealing may become of higher importance
than the preservation of the public domain”.

(94) Regardless of such pending injunction suit, officers
of the United States Reclamation Service had continued their
“active operations”, begun on March 1, 1903, to build an "Inter-
national Dam" at Elephant Butte, and ultimately completed such
"International Dam".

(95) Such "active operations" to build an "International
Dam" at Elephant Butte were begun six (6) years, nine (9) months,
and thirteen (13) days before such final decision of the Federa-
al Supreme Court was handed down (December 13, 1909),—by which
final decision the admittedly lawful rights of the English
Company were finally declared forfeited because the Company had
not done the very thing it was enjoined not to do.

(96) In the year 1905, more than four years before such
final decision of December 13, 1909 was handed down, a treaty
between the United States and Mexico was negotiated whereby
60,000 acre feet of the water to be impounded by such "Inter-
national Dam" at Elephant Butte was and is annually to be delivered to Mexico free of cost; such treaty having been signed at Washington, May 21, 1906.

(97) In contradiction of the assertion that although not instituted for the protection of navigation the said Elephant Butte injunction suit had been instituted (May 24, 1897) and maintained "in pursuance of obligations" to Mexico, Articles IV and V of such treaty of May 21, 1906 specifically stated that:

"The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters" (Art. IV); "The United States in entering into this treaty does not thereby concede, expressly or by implication, any legal basis for any claims heretofore asserted, or which may hereafter be asserted, by reason of any losses .... alleged to be due to the diversion of the waters of the Rio Grande within the United States" (Art. V).

(98) On petition of British investors in the English Company's debentures and shares, His Britannic Majesty's Government had formally intervened for the protection of such British interests and protested against continuance of such "active operations" by the United States Reclamation Service in violation of the lawfully secured right of the Company to carry out the said Elephant Butte Dam Project.

(99) In reply to the British Government's said protests, Secretary Root, with full knowledge of the fictitious grounds on which such graft-inspired injunction suit had been filed, had admitted the pendency of such injunction proceedings and that there had not been a final hearing on the merits, and had falsely and most dishonorably alleged that "the United States" was "not proposing to
build a dam at Elephant Butte" that "the erection of the proposed dam by the United States is nearly a mile below the site selected by the Company" (as a matter of fact the site of the government's storage dam at Elephant Butte is less than a quarter of a mile below the Company's dam site), and that "the question in litigation is [was] the right of the Company to build on the site selected by it, not the right of the United States to build a dam on the different site which has been selected by officers of the Reclamation Service".

(100) The government's Elephant Butte reservoir site embraces the lands that the Commissioner of the General Land Office of the United States had lawfully reserved for the Company's exclusive benefit and use for reservoir purposes; above Elephant Butte, and the government's said "International Dam" provides for the storage of the waters of the same river, for the irrigation of the same lands, in the same valleys of the Rio Grande in southern New Mexico, and the same lands in Texas and Mexico, as would have been supplied with water by the Company's storage dam at Elephant Butte if such fictitious injunction suit had not been instituted.

(101) In one of his official Memoranda in reply to such protest (in 1905) of the British Government, Secretary Root affirmed that:

"The Rio Grande Irrigation and Land Company, Limited" [the English Company], after its formation in May, 1896, began active operation in so far as to convey to Elephant Butte a quantity of cement [referring to a large shipment of Portland Cement sent over from England] and constructed partially an abutment to one
end of the proposed dam. The Mexican authorities [at General
Anson Mills' instigation] complained to the United States....
Claims to a very large amount [§5,000,000, odd] for damages for
the diversion of water from the river were filed in the United
States Department by Mexican citizens.... The Department of
Justice prepared and filed a bill in equity for injunction to
restrain the said Companies [the American and English Companies]
from further prosecution of their work. The bill was put upon
the theory that the diversion of the water [of the Rio Grande in
New Mexico] had a direct tendency to impair a navigable stream.
and therefore was contrary to law.... The defendants moved to
dissolve the injunction and dismiss the bill. This action was
heard on affidavits, public documents, personal knowledge of the
Judge, and in fact pretty nearly every sort of matter that coun-
sel on either side could think of, but no evidence [if public
documents and official reports of Army Engineers deputed to de-
termine if the Rio Grande could be made navigable by open chan-
nel improvements were not evidence, then, what form of documenta-
ry proof of the non-navigability of the stream could have been
submitted as evidence?]..... Opposition developed in..... How
stop
Mexico.... against the Federal Government for attempting to stop
this Company's operations to such an extent that it was embarrass-
ing to the Counsel for the Government to conduct the trial....
The United States Department is constrained to deny that the suit
in question has ever been tried on its merits, and holds that it
is still pending in the Federal Courts.
In a later official Memorandum, transmitted to the British Foreign Office, Secretary Root affirmed also that:

"For several years the United States through its Reclamation Service has been engaged in reclaiming the arid lands of the Southwest. In meeting the problems arising in the reclamation of lands along the Mexican border the United States Government had to consider not merely the interests of its own citizens, but a long-standing and vexatious dispute between the citizens of the United States and the citizens of Mexico as to their respective rights to the waters of the Rio Grande for irrigation purposes. In order to reclaim the desert lands within the United States the Reclamation Service made plans for an International Dam near El Paso, New Mexico, and in connection with this project it was deemed best to provide for the settlement of these Mexican claims through an arrangement for the division of the waters of the Rio Grande between the citizens of the two countries.... In view of their obligation to the Mexican Government, to construct a storage dam at El Paso, New Mexico [El Paso being an unimportant railroad siding fourteen miles east of the Rio Grande and of the Elephant Butte Dam site] the United States Government are constrained to proceed with the work of construction without waiting for the judicial determination of the rights of the Company".

With such record facts before you, surely it can not be difficult for you to conceive of what the honorable gentlemen of the British Foreign Office thought of such disgusting exhibition of "Yankee" bad faith and duplicity in so trying to deceive them into believing that the United States Reclamation Service was not engaged in carrying out the Elephant Butte Dam Project.
(104) As the said Elephant Butte Dam injunction suit was instituted (May 21, 1897), at General Anson Mills' instigation, more than five years before the Reclamation Act was enacted (June 17, 1902), and before the government engaged in reclamation of arid land along the Mexican border, and as the English Company, with the authority and full knowledge of the responsible officials of the government, had been engaged for more than a year in the work of carrying out the Elephant Butte Dam Project before such injunction suit was instituted, I respectfully submit to you, Mr. Secretary, that, even granting that Secretary Root's said Memoranda had been prepared by General Anson Mills and his Departmental backers, Newell and Davis of the Reclamation Service, or others, and that Secretary Root had no personal knowledge of the facts in issue, nonetheless such gross falsities in official statements to a friendly foreign power were a disgrace to our national government and to the American people.

(105) Such Mexican claims were not instigated and presented until after such Boundary Commission was created and General Anson Mills was made Commissioner thereof.

(106) There is a distinct difference between a storage dam and a bridge, and if the Federal Supreme Court had not sustained such irregular decree of forfeiture the United States would have been precluded from completing its "International Dam" at Elephant Butte.

(107) If the responsible officials of the national government of the United States were of the opinion that, notwithstanding that it was a fact of common knowledge and of record in the Department of State that during the seasons of low water the Mexicans for a generation or more had been diverting the entire flow of the Rio Grande at El Paso for irrigation on the Mexican
side of the river (Vide, Secretary Evarts' said protest in 1880), and notwithstanding Attorney-General Harmon's said Opinion, and notwithstanding the well known fact that such Mexican claims were notoriously spurious and had been filed in support of General Anson Mills' said International (El Paso) Dam Scheme, the taxpayers of the United States should be made to pay the cost of providing free water for the irrigation of such speculators' lands on the Mexican side of the El Paso valley, then, obviously, the offer of the English Company to supply water at a fair price for the irrigation of such lands in Mexico should have been accepted, or the government should have instituted condemnation proceedings so as lawfully to confiscate the English Company's said legally acquired and admittedly valid rights and property, instead of filing such injunction suit on confessedly fictitious grounds with the object of unlawfully confiscating the company's said rights and property.

(108) In connection with the said so instigated and spurious Mexican claims it is to be remembered, Mr. Secretary, that W.W. Follett, the said American Engineer of such American and Mexican Boundary Commission, had formally affirmed that:

"The river went dry many years before the large use of water in Colorado began", and "that the injury claimed to have been done to the El Paso valley by recent diversions of the water of the Rio Grande has not come from an increased use of the water in New Mexico" (Vide, pp. 99-100 of the said Sen. Doc.No.229).

(109) His Britannic Majesty's Government continued to protest against such unlawful confiscation of the English Company's said legally acquired rights and property, and to urge that the Company's claim for due compensation in the premises should of
right be arbitrated, _ad hoc_, by specially appointed arbitrators, or by being submitted to the Hague Tribunal or other international forum.

(110) On July 19, 1911, by authority of the United States Senate, the said British Claim, officially styled the Rio Grande Claim, was duly scheduled for arbitration by the Tribunal created by the British-American Pecuniary Claims Convention of August 18, 1910.

(111) In conformity with the rules of procedure of such Arbitral Tribunal, the British Ambassador to Washington duly transmitted to the Department of State the required number (28) of printed copies of the Memorial (bill of particulars) of His Britannic Majesty's Government in behalf of such claimant Company; and, thereafter, after needlessly prolonged delay, by your order, Mr. Secretary, your Department transmitted to the British Embassy the requisite number of printed copies of the United States' Answer to such Memorial, by which Answer it was effectually confessed that the Elephant Butte Dam injunction suit had not been instituted in good faith for the protection of navigation on the Rio Grande as falsely alleged in the Attorney-General's bill.

(112) Yet, Mr. Secretary, when the said British-American Pecuniary Claims Tribunal was in session at London in November 1923, and such so scheduled Rio Grande Claim in due course came up for arbitration, the representatives of the United States most unjustly and most indecently refused to permit such so authorized adjudication of the said Claim on its merits, and so refused on the ground that because I, the Receiver, for the English Company, am an American citizen, and because I had at one time owned a
majority of the outstanding debentures and shares of the English Company, that, because of my nationality, such claim of His Britannic Majesty's Government in behalf of the English Company was not arbitrable by such international forum.

(113) As a direct result of such fictitious injunction suit the British investors in the debentures and shares of the said English Company had lost the money that—in their confidence in the honesty of the national government of the United States, they had so invested in such British undertaking to carry out a great American enterprise; and this being unquestionably so the said claimants were justly entitled so the have the merits of such claim passed upon by such Tribunal.

(114) The said decree of forfeiture upon such supplemental bill and alleged default, was based on an action that was instituted in bad faith and upon feigned grounds, an action that was incapable of success and not intended to succeed on its merits.

(115) "It is a well established principle that when an individual in the prosecution of a right does everything which the law requires him to do, and he fails to attain his right by the misconduct or neglect of a public officer, the law will protect him"; Vide, Lytle, et al vs. Arkansas, et al, 9 How. 333, 334, 18 L. Ed. 160 - 161.

(116) This tortuous injunction proceeding had been wittingly based on fictitious grounds and for an ulterior purpose, and had been a fraud upon the law, oppression, and spoliation in form of law.

(117) It had been effectively confessed in the United States Answer to the said Memorial of His Britannic Majesty's Government
that the real purpose of such fictitious and therefore fraudulent injunction proceeding was not to protect a navigable stream but to supplant the said defendant companies so as to carry out such International Dam Scheme, and thereby satisfy such (spurious) Mexican claims.

(118) It is unconscionable that the national government of the United States should, either directly or indirectly, take private property for private or public ends without just compensation. And as such injunction proceeding and such supplemental bill and forfeiture decree on such alleged default were a fraud upon the law under which the said defendant companies had secured such prior and superior right to impound and utilize the flood waters of the Rio Grande in New Mexico, it was a gross outrage of international comity and justice, and of our national honor, when your representatives, Nielson and Dennis, refused to permit the admittedly lawful rights of the English Company to be adjudicated on the merits in conformity with such congressional authorization.

(119) In admission of the validity of the said defendant companies' prior and superior right so to appropriate the flood waters of the Rio Grande, the responsible officials of the United States, in denying approval of certain applications for rights of way in Colorado, two years before the said final decision of the Federal Supreme Court was handed down formally alleged that the national government of the United States had succeeded to and acquired the said prior and superior rights that had been secured by the said American Company under the laws of New Mexico, and (on February 1, 1898) by virtue of Secretary Hoke Smith's approval of its Articles of Incorporation and its said application for rights of way.
(120) The said English Company having been denied justice in the United States courts of jurisdiction, and having been unlawfully deprived of its rights and property on the Rio Grande by such irregular decree of forfeiture, the right of His Britannic Majesty's Government so to intervene and to invoke the universally recognized right of appeal to the law of nations for redress was and is unquestionable.

(121) It is a thoroughly established principle of international law that a nation shall indemnify foreigners for its failure to protect their rights and property within its territory;—Vide, Phillimore, Int. Law. Vol. II, p. 8; Marten's Droit des Gens liv. 3, Chap. 31; Wildman, Int. Law, pp. 193-194; Woolsey, Int. Law, pp. 19-112, sec. 104; Vattel, Law of Nations, Book II, Chap. VIII, sec. 104; Bluntschil, Int. Law, Codified, Secs. 386-390; Report of Venezuelan Com., p. 297.

(122) The United States has always insisted on its right to intervene for the protection of the rights and property of American citizens in foreign countries, and the Supreme Court of the United States has declared that, "Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government.

(123) It is a fundamental principle of international law that, "The State to which a foreigner belongs may intervene for his protection when he has been denied ordinary justice in a foreign country, and also in plain violation of the substance of natural justice" [Secretary Hayard, June 23, 1886, MSS. Inst., France, p. 649] .... "(1) by the refusal of a nation either to enter—
tain the complaint at all, or to allow the right to be estab-
lished before its tribunals; (2) by studied delays and impediments,
for which no good reason can be given, and which are in effect
equivalent to a refusal; or (3) by an evidently unjust and partial
decision" (Law of Nations, by Sir Travers Twiss, Part I, p. 36).

(124) "IN THE SOLEMN TREATIES BETWEEN NATIONS IT CAN NEVER
BE PRESUMED THAT EITHER STATE INTENDS TO PROVIDE THE MEANS OF
PERPETUATING OR PROTECTING FRAUDS"; Vide, Story, J., in the case
of the United States vs Libelants and Claimants of the schooner
Amistad, 15 Pet. 594-5, 10 L. Ed. 854.

(125) The nationality of the Receiver for the English Company,
such the question of whether I, as Receiver, or any other owner of
such British securities, owned one or more than one of the deben-
tures or shares of such English Company, could not alter the fact
that the Company was a British corporation, or affect the right
of the British Government to have the rights of such British in-
vestors passed upon by such Tribunal;—to the end that, if it so
be found that the Departmental record of the Elephant Butte Dam
Affair, and the court record of the Elephant Butte Dam injunction
suit, prove that the English Company was wrongfully deprived of
its rights of way and admittedly lawful right to build the Elephant
Butte Dam and otherwise to carry out the Elephant Butte Dam Pro-
ject, then, under the terms of such British-American Pecuniary
Claims Convention of August 18, 1910, whereunder, subsequently by
authority of the United States Senate, the said Rio Grande Claim
was scheduled for arbitration, damages, commensurate with the loss
sustained by the investors in the securities of the British Compa-
y, and with the wrong so done in the name of the United States,
should and would promptly be paid by the United States to His
British Majesty's Government.
The record facts cited in the said British Memorial; and in the several decisions of the New Mexican Courts in the English Company's favor (Vide, Memorial, pp. 66-95, and 131-146); and in New Mexico's said motion to intervene as a codefendant (Vide, Memorial, pp. 146-150); and in the Petition of the people of New Mexico, addressed to President Roosevelt, wherein they charged that General Anson Mills had committed deliberate, wilful perjury when he affirmed under oath that "the Rio Grande is navigable by steamboats for hundreds of miles both above and below El Paso, Texas", and wherein they charged that the said Mills had treasonably conspired with Mexican officials and land speculators in promoting his said International (El Paso) Dam Scheme, and in so plotting to deprive the English Company of its lawfully acquired rights and property on the Rio Grande, and to rob the people of New Mexico of their chief means of agricultural production (Vide, Memorial, pp. 107-116); and the law and the facts cited in such British Memorial, and in the briefs and appendices thereto of Counsel for such English Company in such so authorized arbitral matter; make indubitably clear that such Elephant Butte Dam Affair, and the resulting British claim, demand that such so authorized arbitration on the merits shall not longer be evaded, and that if by such arbitral proceedings it shall be found that of right and in justice the said claimant English Company is entitled to damages in compensation for losses sustained through unlawful acts of the responsible agents of the United States in the premises, then, in the event of such outcome of such arbitration of such Rio Grande Claim, that such damages shall promptly be paid by the United States.
Mr. Secretary, it is undeniably plain, and of record in your Department, that General Anson Mills and his associate promoters of the said International (El Paso) Dam Scheme were fully aware of the fact that the treasonably inspired and fraudulent injunction suit could not but fail of its purpose if it should be permitted to come to final hearing on the merits, and that, prior to the creation of the United States Reclamation Service, Anson Mills and his said associates had sought to ensure attainment of their patently dishonest and treasonable purpose by persistently instigating the introduction of a sequence of House and Senate bills (bills specifically endorsed by the Department of State and the Department of Justice) intended to seduce Congress into prohibiting the storage of the waters of the Rio Grande and its tributaries above El Paso, Texas, and into making the appropriation of two million dollars, odd, that was required to enable the "Secretary of the Department of State" to build their proposed "International Dam" on the Rio Grande at El Paso;—vide, bills S. 3749,—favorably reported by the Committee on Foreign Relations, and H.R. 13953, 57th Cong., 1st Session,—quoted on pp. 55 to 75 of the Pamphlet, dated May 1, 1922, that I, as Receiver for the English Company, addressed to you, and submitted in your Department in support of my endeavor to have the Rio Grande Claim arbitrated in camera, and without further needless delay.

I am reluctant again to refer to my sacrifices in the premises, but, as it may, perhaps, have some weight with you, I desire again to endeavor to remind you that by my many years of sacrifice and costly efforts to protect the rights of and to obtain justice for the said British investors, who, in their
confidence in the honesty of the American government, had subscribed for debentures and shares of the English Company formed in 1895 to finance and carry out the Elephant Butte Dam Project, and by my vigilance and years of loyal service in defense of the Rio Grande water rights of the people of New Mexico and Colorado (Vide, speech of the Honorable Charles S. Thomas, in the United States Senate, March 23 and 24, 1914), such graft inspired and treasonable International (El Paso) Dam bills (so-called) were defeated; Vide, 55-75 of the said Pamphlet dated May 1, 1922, so addressed to you and duly filed in your Department.

(129) The defeat of such International (El Paso) Dam bills prevented the famous Mesilla valley,—the largest of the three subdivisions of the Rio Grande valley in southern New Mexico, from being totally destroyed through being submerged and waterlogged by the waters that would have been impounded by such intended "International Dam" across the El Paso cañon,—just above El Paso, Texas, and at the lower (south) end of the Mesilla valley; see maps on pp. 50(a) and 50(b) of the British Memorial.

(130) By the defeat of such International (El Paso) Dam Scheme taxable values,—highly fertile irrigable lands, town, village, and other properties, worth at least a hundred million dollars, were saved from total ruin.

(131) By preventing such intended inhibition of the storage of the waters of the Rio Grande and its tributaries in New Mexico and Colorado, water rights in central and northern New Mexico and in Colorado of a potential value of hundreds of millions of dollars were saved from being confiscated and destroyed in the interest of the land speculating promoters of such International (El Paso) Dam Scheme; Vide, the Honorable Charles S.
Thomas' notable speech of March 23 and 24, 1914, in the United
millions of dollars of States Senate, apropos of the criminal folly of using/recla-
mation funds in building an "International Dam" at Elephant
Butte, and of the great injustice to the State of Colorado that
had resulted from General Anson Mills' xxxxx treasonable conspira-
cy with Mexican officials and his associate promoters of his
said scheme to provide free water for the irrigation of the lands
on the Mexican side of the El Paso valley.

(132) According to Senator Thomas' estimate, in 1914, as a
result of such criminal folly, the State of Colorado was then
suffering a loss in crop values equivalent to $6,900,000 a year;
which, I fancy, Mr. Secretary, you will readily admit is quite
a high price for the people of Colorado to pay for the privilege
of contributing their share of the cost of enabling the United
States Reclamation Service to provide free water for the irriga-
tion of such speculators lands in Mexico.

(133) Official Reports of the Secretary of the Department of
the Interior show that, notwithstanding that only about half of
the irrigable lands of the Mesilla valley have as yet been
brought under irrigation and cultivation, the crops now grown
on the lands that would have been submerged and water-logged if
such International (El Paso) Dam Scheme had not been defeated
have been worth from $2,000,000 to $4,000,000 a year, that the
value of the crops produced under the project in 1922, was
$4,473,615, and that in 1923 such crop value was $8,231,561,—
an increase of xxxxxxx a hundred per cent over the previous year;
and it is well known that as soon as all the irrigable lands in
the Mesilla valley come into intensive cultivation the farm pro-
ducts from such lands will be worth from $6,000,000 to $10,000,000
a year,—which vast taxable values and source of annual addition to the wealth of the United States would have been destroyed if I had not succeeded in defeating General Anson Mills' treasonable International (El Paso) Dam Scheme. Therefore, the government of the United States is doubly obligated to pay due compensation to the so defrauded financial supporters of the English Company, who, in their confidence in the honesty of our national government, and in the honor of our Departmental officials, had so invested British capital in such much needed American enterprise.

(134) Notwithstanding such moral and legal obligation of the responsible officials of the United States honestly to observe the rules of justice, since the said second decision of the trial court was entered on January 2, 1900, the responsible officials of the United States have persistently resorted to various dishonest means of evading adjudication of the English Company's rights on the merits;* and, regardless of the Departmental record of my having repeatedly offered to forfeit and waive all my personal interest in the premises if such responsible officials would formally undertake to repay such British investments in the English Company's debentures and shares, and not grant to Mexico a prior right to New Mexico's Rio Grande flood waters; the United States Answer to the said British Memorial, which Answer in effect is but confession and avoidance, mainly consists of wholly irrelevant and vicious attacks upon my good faith and honesty of purpose.

*Vide, pp. 85 to 88 and 107 to 111 of the said Pamphlet, dated May 1, 1922, duly filed in your Department.
(135) Mr. Secretary, this scandalous Elephant Butte Dam Affair has been a reproach to the government of the United States for more than twenty-six years, and is a blot on the honor of the national government of the United States; and, I respectfully submit to you, Sir, that it is worse than folly for high officials of the national government of the United States publicly to avow their scrupulous regard for the principles of international righteousness, and then permit shyster subordinates to bring dishonor upon the Nation by such discreditable subterfuges to defeat justice in a cause wherein justice is patently demanded,—by proper regard for the honor of the United States.

(136) America’s "national policy must be laid in the pure and immutable principles of private morality" (Washington).

(137) "The same standards of conduct and responsibility for wrong-doing must be observed among nations and their governments that are observed among individual citizens" (Wilson).

(138) "There is no living for us in a world where the State has no conscience" (Franklin K. Lane).

(139) "When a nation has invited intercourse with other nations and has established laws under which investments have been lawfully made, contracts entered into, and property rights acquired by citizens of other jurisdictions, it is an essential condition of international intercourse that international obligations shall be met and that there shall be no resort to confiscation and repudiation" (Vide, Mr. Secretary, your public address at Boston, on October 30, 1922, apropos of American claims against Mexico).
(140) The said English Company had been diligently engaged for
more than a year in prosecuting the said right,—so acquired under
the laws of New Mexico and of the United States, and with the
knowledge, approval, and consent of the responsible officials of
the national government of the United States, to carry out the
Elephant Butte Dam Project; had acquired by purchase and other-
wise (Vide, the said Memorial of the British Government, pp. 41-43)
large tracts of local land for colonization purposes; had con-
structed a branch railroad spur; shipped large quantities of Port-
land Cement from England for dam construction purposes; purchased
costly equipment and other material for such construction purpo-
ses; advertised for and received bids for construction of its
main storage dam at Elephant Butte; almost completed a costly
diversion dam at the head of the Mesilla valley; completed
large sections of costly main canals; organised a great colonisa-
tion system, and established agencies throughout the United King-
dom and on the Continent for selling its irrigable lands under
the project; aroused widespread interest in the matchless climate
and fertile farm lands of the Rio Grande valley and in the
resources of New Mexico generally; all with the full knowledge
of the said responsible officials; when, without a word of warn-
ing and to the amazement of the people of New Mexico and astonish-
ment of the said British investors, Attorney-General McKenna (now
an Associate Justice of the Supreme Court of the United States)
"approved" the filing of the said deliberately fictitious in-
junction suit.
(141) If General Anson Mills had not conspired with Mexican officials and with the said land speculators to rob the people of New Mexico and Colorado of their Rio Grande water rights; if Attorney-General McKenna had not approved the filing of the said fraudulently intended Elephant Butte Dam injunction suit, wittingly based on false allegations and for a fictitious purpose; if Attorney-General Griggs had granted the prayer of the people of New Mexico that the decision of the trial court and the Supreme Court of New Mexico be accepted as final; if the Supreme Court of the United States had not a second time ignored the law and the evidence that completely established the right of the English Company to carry out the Elephant Butte Dam Project, and had not wittingly ignored the law and the facts in deliberately misapplying the law by ordering such second reversal of the New Mexican Courts and by a second time remanding the Elephant Butte Dam injunction suit for further inquiry as to whether or not such storage and use of the flood waters of the Rio Grande in southern New Mexico would impair the alleged navigable capacity of the stream in its so-called Gulf section—more than a thousand miles below Elephant Butte; if the Department of Justice had not prevented the trial court from granting New Mexico's said motion to intervene as a codefendant in defense of the Rio Grande water rights of New Mexico; if Attorney-General Knox, Honorable William Howard Taft, as Secretary of the Department of War, and the Honorable John Hay, as Secretary of the Department of State, had not refused to investigate the charges against General Anson Mills when President Roosevelt called upon
such members of his Cabinet to investigate the charges preferred
in the said Petitions of the people of New Mexico; then, the
Elephant Butte Dam Affair would not have continued to be such
a foul blot on our national honor, and millions of dollars of
public moneys would not have been improperly expended on build-
ing such so-called International Dam at Elephant Butte. And if
the Solicitor to your Department, Fred K. Nielsen, had not pre-
vented the arbitration, in camera, of the Rio Grande Claim in
1921-1922, when Sir Charles Fitzpatrick (the British Arbitrator)
and M. Henri Fromageot (the French Empire) of the said British-
American pecuniary claims tribunal, were in Washington, and
"ready and willing" to proceed with such arbitration; justice
would have been obtained for such so defrauded British investors,
and the said representatives of your Department, Fred K. Nielsen
and William G. Dennis, would not have had an opportunity to dis-
grace your Department and our national government by their dis-
gustingly discreditable tactics in refusing to permit the Rio
Grande Claim to be arbitrated on its merits at London in Novem-
ber last.

Mr. Secretary, I respectfully submit for your consideration:

(a) That the moral law that governs the conduct of honest
citizens is equally applicable to the affairs of the nation.

(b) That only moral perverts endeavor to evade having to
meet their pecuniary or other obligations by pleading the statute
of limitation or by plea of res adjudicata.

(c) That in private life no honest and self-respecting
American would continue year after year to evade fulfillment of
his obligation to make proper restitution in a matter wherein
his agents, and in his name and by perjury and gross misrepresenta-
tion of facts, had cruelly defrauded innocent third parties.
(d) That by faithful public service the citizen most faithfully serves God.

(e) That the citizen's duty to his Motherland and race far transcends all his other duties.

(f) That just as any proper-minded American would make the utmost extreme of personal sacrifice to save his mother's life, or in defence of her reputation as a virtuous woman if her good name had become involved in a disgraceful scandal; so, too, any proper-minded American would make the utmost extreme of personal sacrifice, and, if necessary, freely give his life in defence of his Motherland, in defence of the honor of the American Flag, which is the sacred symbol of all that our forebears won, suffered and died for, in their inherent hope of serving their Creator by upholding Justice and promoting the common good of the American people.

(g) That any man who is so lost to all sense of decency as to be willing to advantage by prostituting his country's honor would not be above seeking to advantage by making his mother a prostitute.

(h) That as the disgustingly dishonorable conduct of the said Nielsen and Dennis, in so denying justice to such cruelly defrauded British investors when the said confessedly valid British Claim duly came up for hearing on the merits, at London, last November, made this notoriously discreditable Elephant Butte Dam Affair all the more a disgrace to your Department, to our national government, and to the American people; as such further contemptable effort to prevent an honest hearing, on the merits, of such British Claim made this notoriously shameful Elephant Butte Dam Affair all the more humiliating to all decent-
mindless Americans that have knowledge of the brazen trickery by which, in the interest of barefaced official graft, the English Company was jockeyed out of its lawfully secured rights and property on the Rio Grande; it can not decently be held that you are not in honor bound immediately to dismiss the said Nielsen and Dennis from the public service, nor that you are not also in honor bound immediately to advise the British Foreign Office that the government of the United States is willing and desires to have the said British Claim promptly submitted to arbitration on its merits, *ad hoc*, or by the Hague Tribunal, or by the Permanent Court of International Justice created by the League of Nations, or otherwise, as and when His Britannic Majesty's Government may elect.

In hope of one way or other bringing the herein presented facts to your personal notice, and of your being moved to intervene in behalf of justice for such shamefully defrauded British investors, I have considered it necessary that I should use plain and direct terms in wording this communication. This disgraceful, humiliating and utterly discreditable Elephant Butte Dam Affair has been a most disgusting blot on our national honor for more than twenty-six years, and it is both meet and proper, as well as necessary to the cause of good government, that the gross official dishonesty, and brazen judicial countenance of such official dishonesty, that have been responsible for its scandalous course, and for its having become such a shameful reproach to the American people, should be characterized in plainest terms. In condemning official dishonesty and in endeavoring to help promote honesty in office, good government, and high regard for national honor, the principles of official
and national righteousness can not too often be proclaimed and emphasized, "lest we forget". National honor is not merely an indefinite and abstract figure of speech; it is an essentially definite and concrete essence and basic attribute of the soul of the Nation; and where it has been besmirched by dishonest officials of our national government, and by dishonorable representatives of the Nation, by such moral perverts as are the said Nielsen and Dennis, then, I respectfully submit, Mr. Secretary, that it is one's duty fearlessly to state the facts in the plainest possible terms.

Dishonesty in office, political protection of pimps in office, and political corruption in general, are the principal factors that are responsible for our present-day public contempt for the Majesty of the Law, and for the consequent carnival of crime which is debauching the mentally undeveloped and the conscienceless elements of our body politic.

Moral cowardice, and prostitution of intellect, are the vilest and most unpardonable of official sins.

Many of the foremost minds of America, statesmen, sociologists, and enlightened publicists, have come to recognize that our appalling, unprecedented and constantly increasing lawlessness is a most grave and imminent menace to our form of government. And, Mr. Secretary, I most devoutly hope that this communication and the accompanying printed matter may be brought to your personal attention, and that you will give due consideration to my oft repeated statement that it is just such dishonest official acts as are those on which such British claim is based, just such protection of crooks in office, just such prostitution of our courts of law, and just such shyster tactics
of base-minded public officials, as are those herein discussed, that have destroyed popular respect for law and for the sanctity of public office, and that have caused the educated classes in Europe to look upon the United States as being a veritable sink-pit of political and judicatory corruption. Therefore, as the success of democracy in this country is the hope of the world; as the salvation of civilization has come to depend on whole-hearted cooperation of the English-speaking peoples to prevent the final calamity of another world war,—which cooperation can not be brought about if British Statesmen have cause for distrust in American good faith; as, necessarily, I can not but realize that the honorable gentlemen of the British Foreign Office could not but have viewed with contempt the said Nielsen's and Dennis' scurvy subterfuge to defeat justice, and could not but have considered the said Nielsen's and Dennis' refusal to permit such British claim so to be adjudicated on the merits,—in conformity with your avowed principles, a most dishonorable breach of good faith and a most flagrant violation of international comity and of the ethical principles and rules of equity that are universally accepted, by the representatives of all civilized nations, as controlling, where international claims have duly been made subject to arbitration by an international forum; and as it is of special importance that it be made of record that you were not unwittingly responsible for the said Nielsen's and Dennis' dishonorable tactics in so denying justice to such defrauded British investors; I beg leave, Mr. Secretary, to be permitted hereby to advise you that, if necessary, as evidence of my personal good faith, I am willing to undertake to convey to any non-partisan association formed to
promote law enforcement in this country, that you may designate, the whole of such moneys as I shall be entitled to receive, in satisfaction of my equity interest in the debentures and shares of the said English Company, out of such damages as may be declared to be payable by the United States in compensation for such unlawful confiscation of the English Company's rights and property on the Río Grande. In other words, if because of resentment of my persistent efforts to help promote good government by trying to bring about General Anson Mills' prosecution on such perjury charge; if prejudice against me because of my plain words in defence of the Río Grande water rights of my home State, and because of my plain statements of the facts that make this notoriously disgusting Elephant Butte Dam Affair a foul blot on the honor of my (our) Motherland; or if for other reason or reasons; it is desired and considered necessary to "save face" for your Department, that I so be penalized for having saved the said fertile farm lands, and town and village properties, in the Mesilla valley, from total ruin, such taxable property values worth at least a hundred million dollars (Vide, pp. 55 to 75, and 152 to 166, inclusive, of the said Pamphlet, dated May 1, 1922.—Appendix A to the said brief for the English Company, duly of record in your Department); if it is desired, and considered necessary to "save face" for your Department, that I so be penalized for my patently warranted condemnatory comments on the gross Departmental and judicatory dishonesty that made this notoriously disgusting Elephant Butte Dam Affair a most foul and humiliating blot on our national honor; if it is desired, and considered necessary to "save face" for your Department, that I so be penalized for doing my plain duty as an American citizen; then, Mr. Secretary,
I deem it my duty hereby to advise you, or at any rate hereby to endeavor to advise you, that, if such further sacrifice on my part, in behalf of our national honor, will serve to convince you of my good faith and of the propriety and unselfishness of my purpose, and move you so to intervene in the interest of justice and national decency, I shall, of course, be quite willing effectively to undertake to convey to such non-partisan association,—to promote law enforcement, the moneys that I, personally, shall be entitled to receive out of such award in damages when the said Claim of the British Government, in behalf of the said English Company, be adjudicated on its merits.

In view of the fact that such intervention on your part would make clear to the honorable gentlemen of the British Embassy and Foreign Office, and to such defrauded British investors, and to the British public generally, that you were not wittingly party to Nielsen's and Dennis' hysterical tactics to prevent such (duly authorized) arbitration, on the merits, i.e., that Nielsen's and Dennis' said disgusting and dishonorable subterfuge to defeat justice, was not resorted to under your instructions, nor with your cognition and approval; that you really meant what you say when you preach the ethics of international righteousness; and that under your direction the Department of State is not disposed to deny to nationals of a foreign state the same fair treatment that the United States has always demanded should be accorded to its nationals that acquire rights and property in other countries; and as such intervention on your part would tend to remove, to some extent at least, such disgraceful blot on our country's honor, and to make the notorious Elephant Butte Dam Affair less humiliating for decent-minded Americans; I, necessarily,
could not but be willing effectively to undertake to make such disposition of my personal interest in the said Rio Grande Claim, if such further sacrifice on my part be required, and be deemed necessary to the securing of immediate justice for such long defrauded British investors.

It is of record in your Department that it has long been my intention to devote my share of such damages—payable by the United States in respect to such British claim to an endeavor to promote public understanding of the pressing need for carrying out a certain plan (the so-called "Great Design") for restoring the rule of law in this most lawless of all Christian countries, for making for stabilization of International credit, and for bringing about due cooperation of the English-speaking peoples to make the League of Nations adequately effective to save civilization from the final calamity of another Great War;* the first being even more essential to human welfare than is the last. Hence, partly, my willingness, if need be, to convey my

*Vide, the accompanying proof copy of such plan.—as submitted in Mr. Edward W. Bok's altruistic Peace Award competition; which plan, for obvious reasons, was not so submitted in expectation or hope of winning such "Award". For, of course, it was to be taken for granted that, in the circumstances, the successful competitor would be some one who would prepare a plan that would show how America can in effect proceed to join the League of Nations in a way to "save face" for the eminent Republican party leaders that saw fit to declare that America could not safely become a member-nation of the League unless Articles X and XVI of the Covenant be amended in conformity with their anti-Wilson contention that an unemasculated League would beget international discord, instead of international peace, and be inimical to America's sovereignty over her own territory. So, the so-called "Great Design" was submitted in Mr. Bok's "Peace Award" competition solely in hope of thereby inciting intelligent men and women to give thoughtful consideration to the facts, and to the deductions from such facts, presented in the annexed "Commentary".
share of such damages to any non-partisan association founded
to promote the rule of law in this country, instead of to some
other patriotic organization. For, in the words of the late
President, Mr. Harding, and of your colleague Attorney-General
Daugherty: "Disregard for law is undermining the moral fiber
of the American people and striking at the very roots of this
Republic" (Harding); "Acts of lawlessness are contagious....
"The government will endure on the rock of law enforcement or
"Perish in the quicksands of lawlessness.... The law violator is
"only following the example set for him by those.... that are
"strong enough and well intrenched [politically] to violate the
"law with impunity .... No one can undermine respect for law
"without being, to that extent, an enemy of law and good govern-
"ment.... Respect for law is the one essential part of our civil-
"ization: without it, life, liberty and property are insecure;
"without it civilization falls back to chaos and anarchy of prim-
"ative times" (Daugherty). And to quote the late Theodore
Roosevelt: "An easy-going acquiescence in corruption
"infallibly means the ruin of free institutions.... The tolera-
"tion of the wrong, not the exposure of the wrong, is the real
"offense".

The herein presented record facts afford a typical
and conspicuous example of how politically "entrenched" crooks
in office are able "to violate the law with impunity", even unto
prostituting the functions of the Department of Justice and of
the Supreme Court of the United States in promoting barefaced
and treasonable graft. And, I respectfully submit, Mr. Secretary,
that it is worse than idle, that it is blasphemy, for high of-
officials of our national government to preach the ethics of honesty
in office, good government, and the necessity for popular respect for law and for the principles of national and international righteousness, and then brazenly go to the utmost extreme of official maleficiency in protecting from prosecution a self-convicted perjurer, such as is General Anson Mills, who grossly abused the official trust & reposed in him; that when such villainy is permitted to prosper and lead to great wealth and high honor it is virtually useless to try to school the sons of the Nation to believe that "honesty is the best policy".

The appalling and constantly increasing lawlessness in this country is not primarily a result of the heterogeneity of our so-called lower classes, nor of politically influenced decrees and senseless vagaries of our courts, nor of the absurdities of our judicatory rules of procedure, legal technicalities, and involved law of evidence, nor of inadequate policing, gun-toting and the law's delay; it is primarily a result of our debased methods of promoting partisan politics and political protection of crooks in office, whereby respect for law and for public office and for our courts has been destroyed.

Public lawlessness and our false sense of values, increasing disregard for moral verities, and indifference to spiritual truths, are but symptoms of a deep-rooted cancerous condition of the body politic, of the socio-psychic (unconscious) mind of the herd, which condition resulted, primarily, from loss of faith in the intelligence of our moral leaders and honesty of our statesmen. And, as we are not more criminal in our inherited predispositions than are other civilized peoples, as we have the best form of government as yet devised by the mind of man,
as we are still not wholly mongrelized, still very largely (about seventy-five per cent) of sound Nordic stock, and as the average mentality of our people is probably much higher than is that of those of most other countries, the remedy for our unparalleled and constantly increasing criminality,—for the delirium of criminal obsession and the saturnalian frenzy of moral degeneracy and lawlessness, that is threatening to destroy us, is, obviously, to be found in restoration of respect for law through honest and fearless law enforcement.

It is sheer madness to ignore the growing revolt of intelligent, law-loving citizens against the whitewashing of political corruptionists against the political and official protection so brazenly given to crooks in office, and against the common practice of the so-called practical politician that places party advantage above public welfare and national honor:—which political iniquities, more than aught else, have brought about the present state of social unrest that is so largely responsible for our appalling and constantly increasing criminality; for the revival and extraordinary growth of the Ku Klux Klan,—which growth but evidences the inherent desire of red-blooded Americans to restore law and order; for the constantly increasing number of the unthinking that are being led,—by hope of betterment, into adopting the fallacious theories of the radical socialists and communists; and for the criminal responses of the morally and mentally undevolved to inherited predisposition to follow their predatory impulses, and violently to react to provocative stimuli.

High standards of civilization, justice and freedom, and proper respect for law, can not be maintained solely by moral suasion, and by the platitudinous preachments of politicians that
give lip-service only to the cause of good government.

Revolutionists never prevail where just laws are honestly and fearlessly enforced. If our great and nobly inspired experiment in democracy is not to end in utter failure, our political leaders and public officials must practice as well as preach the ethics of national and international righteousness.

Likewise, as modern conditions of international trade and credit,—on which our civilization is mainly based,—make preservation of world peace largely depend on due maintenance of international law; as the time has come when international justice and man's cultural progress make necessary an unemasculated International Covenant, and League of Nations with power to enforce the decrees of an International Court of Justice; and as inherently predatory and lawless nations can not be prevented from again involving humanity in another world war,—a war that would be infinitely more destructive than was the one brought upon us by the inherently and selfishly induced predatory predispositions of the German War Lords; for the same cogent reasons that make it necessary for our right-thinking, peace-loving, and law-abiding citizens to band together and whole-heartedly cooperate to uphold the rule of law and justice in this country, it is also necessary to human welfare that the English-speaking peoples shall join in whole-hearted cooperation to uphold the rule of international law and justice.—

"Civilization is doomed within this generation to a catastrophe such as the world has never seen unless something is swiftly done to save it" (Lloyd George).
"It is certain that if there be another great war civilization will never recover from it" (Viscount Grey).

"No man unless he is drunk with optimism can deny that the world is very sick, and it may be a sickness unto death" (Sir Philip Gibbs).

"In the next war... with the new air and gas attacks, which have been planned by headquarters' staffs, London and Paris will be wiped out in a night" (London Mail).

"More deadly instruments of destruction than were used in the last terrible war means international suicide so far as civilized nations are concerned" (Newton D. Baker).

Respectfully submitted,

(Signed) Nathan Boyd,

Enclosures:–

(1) Two Briefs for Claimant Company,–
with Appendices "A" and "B".

(2) Copy of Dr. Boyd's "Plan" submitted in the Bok "American Peace Award" Competition.