

IMPERIAL VALLEY: THE LAND OF SUN AND SUBSIDIES

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IMPERIAL VALLEY: THE LAND OF SUN AND SUBSIDIES

California's Imperial Valley is the hot-house for America's winter season vegetables. Each January, most of the nation's lettuce is picked under the Valley's mild winter sun, irrigated by water from the world's best engineered reclamation project, built at Federal expense.

The Valley has also become the center of a political maelstrom between advocates of land reform and some of the state's wealthiest farmers and largest corporations.

A combination of court rulings, pressure from community groups, and the new perspective of a President from the South has made it appear that for the first time in 76 years, the 160 acre limit and the residency requirement of the Federal reclamation law might be enforced.

The large land holders in the Imperial Valley have emerged as a powerful voice opposing enforcement. Last year they financed a nationwide media campaign run by Bill Roberts, the image maker who created Ronald Reagan "Citizen-Politician." Advertisements appeared in the Washington Post, Newsweek, the Los Angeles Times and a host of periodicals, carrying the image of a rugged Imperial Valley farmer, burdened by government regulation and asking only that the Federal Government live up to its "promise" to exempt the Imperial Valley from acreage restriction.

The politically potent grower-shippers have, over the years, proven their public relations savvy. With their workers organizing to join Cesar Chavez's United Farmworkers Union, the Western Growers Association signed much weaker contracts with the Teamsters' Union,

even though their employees had never authorized the Teamsters to represent them. The Farmworkers' Union boycott of lettuce was frustrated by the WGA "truth squad" which criss-crossed the country arguing that their workers had already been unionized. The Delano grape growers, impressed with the lettuce growers' success, soon signed with the Teamsters as well.

The ploy was foiled, however, by enactment of a farm labor election law, the California Agricultural Labor Relations Act, in 1975. Governor Jerry Brown was instrumental in getting the law passed. It requires employees to vote in favor of a farm union before it can claim to represent them.

In the Imperial Valley, the UFW beat the Teamsters hands down. The agricultural interests demonstrated the audacity of their power by pressuring the legislature to cut off the appropriations needed to conduct elections.

The UFW responded with an initiative mandating funding for the farm election law, and making it more difficult to amend. Though the initiative was supported by Governor Brown, it was opposed by a \$1.8 million campaign which included a Bill Roberts media blitz that alledged it threatened private property rights. The measure was resoundingly defeated by California voters in a major political setback for Brown.

California's enigmatic and vacilating Governor, who had recently chided the Carter administration for lacking the will to enforce the subsidy limits in Reclamation law, sought some way to appease the agribusiness lobby.

His particular concern, no doubt, was the growing campaign

war chest of the Western Growers Political Action Committee, the sixth largest contributor to state legislative candidates in the 1976 election, according to Common Cause.¹ According to the Fair Political Practices Commission, agricultural contributions totaled \$1,112,793 in the 1976 campaign.²

In the face of the raw political realties of the upcoming gubernatorial election, the Brown administration took a different stand on the Reclamation Act, a stand more in keeping with that traditionally made by California politicians.

Brown's new Director of the Department of Food and Agriculture is now advocating that the subsidy limits be relaxed, and that the Imperial Valley be exempted outright. Brown's new stance outraged advocates of land reform. The exemption for the Imperial Valley was particularly outrageous, because most of the benefits of its Federally subsidized reclamation project had not gone to resident small-scale farmers. Brown also appointed WGA activist Herb Fleming, a Reagen appointee, to Chair the Board of Food and Agriculture. Fleming's sister and nephew are active in the anti-160 acre campaign.

Land tenure in the Imperial Valley more closely resembles that of South American plantations than Thomas Jefferson's ideal of independent yeoman farmers. Half of the land is held by absentee owners. About 12,000 people earn their living on Imperial Valley farms. Most of them are landless farm laborers. Less than 700 are farmers. Of these, 72 farm operators control more than half of the Valley's land.

Bounded by the Salton Sea to the north and the Mexican border to the south, some who live in the Imperial Valley have acquired a fortune from the land. But the majority of Valley residents are not, by any means, wealthy. Wages are among the lowest in the state.

Carey McWilliams wrote that the Valley has "the character of an

aborted community; a half-formed twisted, ill-conceived mongrel."³

Bigotry is a product of the Valley, as much as lettuce, carrots, or cattle. It is a bigotry inflamed by the fear of the vast numbers of impoverished Mexicans who daily cross the border to seek whatever work they can find.

It is not surprising that the Valley's wealth have rallied so quickly to fight the enforcement of the reclamation subsidy limits. These limits threaten their control of irrigation water. In an area which 80 years ago was a barren desert, questioning their control of water is to question their control of land, and to question the system which has rewarded them with so much, while leaving those who work the land and harvest the crops with so little.

1. "10 Groups Gave Million for Election"
Sacramento Bee December 12, 1977
2. "Farmers Get Set for '78 Races"
Sacramento Bee February 1, 1978 p. 2
3. McWilliams, Carey page 302
California: The Great Exception
Peregrine Smith, Inc., Santa Barbara 1976 377 pages.

II. EARLY VISIONS

It was Oliver Wozencraft's vision. Water from the Colorado River could be diverted to the rich farm land that it today the Imperial Valley. Wozencraft first saw the Colorado Desert on his way to the California gold fields in 1849. He was such a visionary that he planned not only to bring water to the desert, but to capture the benefits of the project entirely for himself. In 1858 as a lobbyist for the Atlantic-Pacific Railroad Project, he sought to protect his envisioned empire from the land grant railroads. He opposed the southern crossing of the transcontinental railroad through

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a southern route across the Colorado Desert. In 1876 the Arizona
Eastern Railway, a subsidiary of the Southern Pacific Co., began laying
rails east from Los Angeles, through the desert, and arriving in Yuma
in May, 1877, to complete the last link in the nation's second
transcontinental railroad.² Nearly 2.6 million acres were granted to
Southern Pacific in Southern California.³ 61,098 acres was irrigable
land within the boundaries of what became the Imperial Irrigation
District, while another 36,700 acres were farmable land in the
Coachella Valley.⁴

Wozencraft died in 1887, fourteen years before the Colorado
River watered the desert he sought.

By the turn of the century, desert agriculture began to prove
itself feasible. The Colorado River was diverted to California's
Palo Verde Valley in 1877 by Samuel Blythe. Another irrigation
project began on the Arizona side at Yuma in the early 1890's.⁵

The mild winter weather allowed crops to be grown year round.
With irrigation, the value of production from an acre of desert land
was three or more times the national average.

The desert lands sought by Wozencraft were, at first glance,
geographically ideal for an irrigation project. A unique geological

trick had created the Colorado Desert as a giant basin, sitting entirely below sea level.

The Colorado River, second only to the Tigris as a carrier of silt, had built an immense delta of alluvial soil as it emptied into the Gulf of California. In some past era, when the Gulf extended as far north as present day Indio, the delta bridged the narrow gulf, cutting a third of it off from the ocean and creating an inland body of water, Lake Cahuilla. In the hot desert climate, the Lake dried, leaving a dry basin below sea level.

The Colorado, shifting course as it deposited more silt, alternately re-filled the lake with water, and then shifted again, running south to the Gulf and once more letting the lake bed dry. Wozencraft discovered a nearly dry Salton Basin. He reasoned that it would be a relatively simple matter to conduct Colorado River water to the basin by means of an unlined, gravity canal.

1. Hosmer, Helen pages 37-38
"Imperial Valley: Triumph and Failure in the Colorado Desert" American West Vol. 3, No. 1 Winter 1966 pp. 35-49
2. Duke, Alton page 31
When the Colorado River Quit the Ocean
Southwest Printers, Yuma, Arizona, 1974 122 p.
3. California Commission on Immigration and Housing page 13
"A Report on Large Landholdings in Southern California With Recommendations" Calif. State Printing Office 1919 43 p.
4. U. S. Congress. House Committee on Claims page 11
"Southern Pacific Imperial Valley Claim" Hearings on H. J. Res. 48 Authorizing and Directing the Interstate Commerce Commission to Ascertain the Loss to the Southern Pacific Co in Closing and Controlling the Break in the Colorado River January 23, 1917
5. Nadeau, Remi A. page 140
The Water Seekers
Santa Barbara, 1974 Revised Edition. 278 p.

III. PRIVATE DEVELOPMENT OF THE IMPERIAL VALLEY

At the turn of the century, Wozencraft's vision was taken up
of by Charles Robinson Rockwood and C. N. Perry, construction
engineers from the Southern Pacific Railroad. They joined with
two land agents of the Kern County Land Company, Anthony Heber
and Sam Fergusson, in forming the California Development Corporation
in order to divert water from the Colorado.¹

Perry filed a claim for 10,000 second-feet of the Colorado's
flow by posting a notice just north of the international border.²

But the CDC promoters were unable to raise the capital they needed
to start the canal. In April, 1900, famous irrigation engineer George
Chaffey took over the corporation. By November he had raised enough
capital to acquire the rights of way and begin digging.

The canal could not be built entirely in the United States.
A canal build entirely in the U. S. would have to cross sand hills
east of the Valley, a proposition that was too costly for the
5-49 CDC to undertake. The promoters planned instead to divert water from
the River in California, then conduct it in a canal four miles south,
crossing the border into Mexico. They would then turn the canal
13 west, and connect it with an ancient overflow channel, the Alamo
With P. River, which led to the bottom of the basin. It would be relatively
P. easy to clear the channel for the 52 miles down to the American
J. side.
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er.

Through a Mexican corporation controlled by CDC, Chaffey acquired
the Mexican land to be crossed by the canal-- 10,000 acres of the
Andrade Ranch and the bed of the Alamo River. On the American side,
316 acres were bought along the river frontage, and another small
parcel was purchased at Hanlon's heading, where the Alamo entered the

U. S. The remainder of the rights of way in the U. S. could not be purchased outright. Easements were "easily obtained" from the Secretary of Interior. This was the first contribution of the Federal government towards developing an irrigation system in what Chaffey named "The Imperial Valley."³, ⁴

A temporary headgate, made of wood, was built to control the diversion. Settlers began arriving a few months before the first waters trickled down the Alamo River bed on June 20, 1901.⁵, ⁶ Thousands flocked to the Imperial Valley, attracted by brochures that promised government land at \$1.25 an acre, and water for 50¢ an acre-foot. By 1904, there were seven thousand settlers in the valley, and one hundred thousand acres had been taken up.⁷ By 1915, there were 35,000 settlers, and 400,000 acres were being cultivated.⁸

Only a bonafide settler seeking 320 acres of land could obtain the Federal Lands which made up the majority of the Valley. The settler could gain a patent to this land under the Desert Lands Act as soon as he paid a nominal \$1.25 an acre fee, and "proved up" the water.⁹ Without water, the land was useless. Water rights had to be purchased from the CDC.

Chaffey instituted a complicated system of tri-party contracts, mutual water companies, and water stock. It was the means to circumvent the intent of the Desert Land Act to limit the benefit any individual could receive by obtaining public lands. It was the enactment of Wozencraft's dream of concentrating the wealth generated by the appreciation of desert lands in the hands of a few.

In order to receive water, farmers were required to buy one share of water stock for each acre of land to be irrigated. Under CDC rules, an entire parcel had to be covered by water stock before any water could be delivered. Much of the stock was sold for \$11.75 per share, and some for less.¹⁰

In theory, settlers were restricted to filing for no more than 320 acres under the Desert Land Act of 1877. In practice, water stock manipulation and other techniques allowed some insiders to acquire large tracts, such as the 10,000 acres purchased by the Farmers in 1904.¹¹

Water was delivered to the mutual water company, and not to individual settlers. The Valley was divided into eight districts, each with its own mutual company. Although the mutual was ostensibly to be operated by the holders of the water stock,¹² it was usually organized and officered by the inner circles of the CDC.¹³

Through a tri-party contract between the Mexican company, CDC, and the Mutual Water Company, the water stock holder was guaranteed water from the Mexican company, and a sound delivery system from the CDC.

Chaffey, the CDC Board members, and their associates, organized the Imperial Land Co. to promote colonization and sell water stock. The Company sold the stock on a cash basis at a 10% discount, but most settlers were too insolvent to pay cash. The Land Company provided financing. For its services, Chaffey generously granted his land company a 25% commission on water stock sales, and the rights to develop the Valley's townsites.¹⁴

If a farmer defaulted on his water stock payments, it was

inevitable that the land would come into the possession of the Imperial Land Co.¹⁵

More direct methods were used by the CDC promoters to cash in on the appreciation of newly irrigable desert lands. They bought huge blocks of water stock at low prices, and bought school sections and Indian reservation land script. Finally, they could not resist the temptation of hiring other people to file on desert land in their stead. Several directors were convicted of conspiracy to defraud the government in U. S. District Court.¹⁶

Beginning in 1902, a series of events began to erode the settler confidence in the CDC, and to reveal just how precariously the CDC promoters had built their empire.

In 1902, the U.S. Department of Agriculture released a study which reported the Valley's lands to be highly alkaline. It recommended that half of the lands should be planted only to salt-resistant crops and that some lands be abandoned altogether.¹⁷ Newspapers used the report to label the CDC promotion a fraud.

In the winter of 1902-03, the time of the seasonal low flow of the Colorado, the distribution system began to run out of water. With a year round growing season, water was needed by the settlers as badly in winter as in the summer.

The bottom of Chaffey's headgate was considerable above the bed of the river. At low flow, it admitted too little water. In addition, the Colorado deposited silt in the first four miles of the canal, reducing its capacity.¹⁸

The next year, additional silt was deposited at flood stage. By the winter of 1903-04, the canal was fully obstructed, and the

Valley faced a serious shortage of water.¹⁹ Settlers went to court to sue the CDC for failure to deliver water.²⁰

At the same time, the Reclamation Service, newly created by Congress, began to survey the Valley. In 1903 it announced a grandiose plan to harness the Colorado's lower basin with 4 reservoirs and canals to irrigate 1.2 million acres.²¹ In an argument with J. B. Lippincott, the chief engineer of the Reclamation Service in the Southwest, Anthony Heber boasted that the filing for Colorado water by the CDC gave the corporation practical control of the river forever. The Reclamation Service responded that the Colorado was a navigable stream, and that no one but the Federal Government had any absolute right to remove water from the river.

With CDC's right to divert water being threatened, Heber hurried to Washington in early 1904 to promote a bill before Congress that would have declared the Colorado non-navigable, giving up the government's claim to control the river. The Congressional hearing on the bill revealed the inner workings of CDC corruption, and its 400% yearly profits. Heber was so discredited that even the bill's sponsor voted to have it killed.²²

It was at this point that Heber made his threat to evade U. S. control by diverting the river in Mexico. "It is my earnest desire to worship at our own altar and to receive the blessing from the Shrine of our own government," said Heber, "but if such permission is not granted, I will be compelled to worship elsewhere."²³

Heber hurried off again, this time to Mexico, to obtain a concession from President Diaz to divert 10,000 second-feet of the Colorado. Ratified by the Mexican Congress on June 7, 1904, the

Concession required that a permanent diversion structure be built, a that up to one-half of the water be used to irrigate lands adjacent to the Alamo Canal in the Mexicali Valley (the Imperial Valley in Mexico).²⁴

That summer, the settlers were organized into a water users association by reclamation pamphleteer William D. Smythe, and Paul Van Dymas of the Reclamation Service. Heber offered to sell the CDC for \$5 million, and the settlers offered \$1.25 million. A compromise offer of \$3 million was made, and the water users went to Washington to persuade President Roosevelt to buy.²⁵

Smythe suggested that the Alamo Canal be connected to the new Laguna Diversion dam, to be built by the Reclamation Service to divert water to the Yuma Valley.²⁶ But the CDC was not about to give up its control of the Imperial Valley's irrigation water.

Operating under the Mexican concession, engineer Charles Robi Rockwood dredged a 3300 foot long channel to the Colorado, eliminating the four mile section of the canal that was blocked with silt.²⁷

A mass meeting had been called of Imperial Valley settlers to discuss the Federal takeover of the CDC. With a flair for the dramatic, Heber revealed that the Mexican cut had been made. The U. S. government could not own irrigation works in Mexico, he told the settlers. If they asked the Reclamation Service to take over the project, their water would be cut off. Heber whipped the settlers into such a hysteria that Van Dimas was tarred, feathered, and run of town on a rail.²⁸

By making the Mexican diversion, Rockwood and Heber not only by-passed the silt-choked part of the canal, but they by-passed the

the Reclamation Service as well.²⁹ In January, 1905, the Secretary of Interior gave up on the plan to have the Reclamation Service take over the Imperial diversion. The Attorney General reported that Heber was correct, the government could not operate water works in Mexico.³⁰

The terms of the Mexican concession brought untold wealth to a group of Southern California investors who formed the Colorado River Land Co., a Mexican corporation also known as the C.M. Co., or the C. M. Ranch. The corporation bought some 830,000 acres of land below the border, including nearly all of the irrigable delta lands in Mexico.

The investors included Harry Chandler of the Los Angeles Times, his father-in-law, Harrison Gray Otis, and others in the investment group which subdivided the San Fernando Valley.

Cotton was grown on these lands by Chinese and Mexican tenants, who irrigated with water from the Alamo Canal.^{31, 32, 33}

The rapid expansion of settlement in the Valley was far beyond any of the promoters' expectations.³⁴ The problems encountered in the diversion used up CDC's funds. The canals, headgates and ditches were all in poor condition. There was not even enough money available to build a controlling headwork at the new Mexican cut.

In January, Rockwood sought a \$200,000 loan from the Southern Pacific Co. The railroad agreed to the loan only if it received controlling interest in CDC as collateral. This arrangement had to be approved by the CDC Board of Directors, who would not meet until June, 1905.^{35, 36}

1. In New Jersey, April 26, 1896
Cory, H. T. page 1251
The Imperial Valley and the Salton Sink
John J. Newbegin, San Francisco, 1915

2. April 25, 1899
Cory, op cit. page 1251
3. Hosmer, op cit. page 39
4. Cory, op cit. page 1252-53
5. Hosmer, op cit. page 39
6. Duke, op cit. page 37
7. Hosmer, op cit., page 43
8. Cory, op cit., page 1577
9. Hosmer, op cit., page 40
10. Henderson, Tracey page 132
Imperial Valley Neyench Printers, San Diego, 1968 240 p.
11. Hosmer, op cit., page 43
12. Cory, op cit. page 1254
13. Hosmer, op cit., page 40
14. Cory, op cit., page 1258-1259
15. Hosmer, op cit., page 40
16. In Los Angeles in 1908; Hosmer, op cit., page 42-43
17. Nadeau, op cit., page 146
18. Duke, op cit., page 40-41
19. Duke, op cit., page 44
20. Duke, op cit., page 40
21. Hosmer, op cit., page 44
22. Hosmer, op cit., page 44
23. Nadeau, op cit., page 147
24. Cory, op cit., page 1275-1276
25. Hosmer, op cit., page 45
26. Cory, op cit., page 1272
27. Nadeau, op cit., page 147

28. Hosmer, op cit., page 45-46
29. Nadeau, op cit., page 147
30. Cory, op cit, page 1273
31. Nadeau, op cit, page 169
32. Henderson, op cit, page 20
33. Cory, op cit., page 1262
34. Cory, op cit, page 1268-1269
35. Hosmer, op cit, page 45
36. Cory , op cit, page 1291

IV. THE GREAT FLOOD

It is clear that the CDC promoters were unaware of the danger of flood. The Colorado was a wide, erratic stream that flowed through a shifting channel along the top of a ridge of loose alluvial silt.¹ The grade down into the Imperial Valley via the overflow channel was twice as steep as the grade to Gulf via the river's normal channel.²

An early geographer, Blake, noted that a canal might "cause the overflow once more of a vast surface," filling the basin with water.³

A series of three unusual early season flash floods deepened the new channel of the Mexican cut. Robinson, who felt certain that the canal would silt up as it had in the past, now realized the possibility that they might loose control of the diversion. He ordered a dam to be built to stop the Colorado from pouring through the new canal and into the Alamo. On March 18, 1905, a fourth flood wiped out Rockwood's dam. By May, half of the waters of the Colorado were pouring into the Imperial Valley.⁴

On June 20, the Southern Pacific loan and takeover of CDC was

completed. The water users, however, were unaware that the CDC had been taken over.⁵

The \$200,000 loan was soon used up in building a series of dams that was unsuccessful in re-diverting the Colorado to its course.

The lake at the bottom of the Salton Sink began to grow. The New Liverpool Salt works were inundated. The Southern Pacific railroad tracks had to be moved five times, each time to higher ground to escape the rising floodwaters.

Southern Pacific engineers began to build new dams to stop the Colorado's flow. In November floodwaters from the Gila River wiped out the Southern Pacific dam, and the breach in the river's levee grew to 600 feet wide. The entire Colorado was running into the Salton Sink, threatening to fill the basin and inundate the Imperial Valley-- about 12% of California's irrigable cropland.

The flood of silt laden water began to cut deep barancas in the overflow channels. In the Alamo River, a twenty-foot deep channel was being carved at the rate of a half-mile a day.⁶ If the flood was not soon stopped, a deep channel might be cut all the way back to the Colorado, eliminating all hope of stopping the flood.

Southern Pacific began another series of dams, using wooden trestles and huge quantities of rock. A new, 100 foot wide canal was built to direct the water while the rock and trestle dam was being constructed. While the canal was not used at that time, it later became the new main intake for Imperial Valley's water supply.⁷

By November, 1906, the sixth attempt to dam the flood succeeded in diverting the Colorado's flow back to the sea. The river was at a low stage, however, and when its waters rose on December 5, the d-

was breached in 90 different places. The Colorado began once again to flow full force into the Salton Sink. H. T. Cory, in charge of the flood control work for Southern Pacific, tallied the costs and found that the railroad had expended \$2 million so far. He recommended to Southern Pacific Co. President E. H. Harriman that no more money be expended to save the Imperial Valley.⁸

The flood was devastating the Imperial Valley. The flood waters had destroyed the irrigation flume to the westside canal, with the ironic impact that it cut off water deliveries to many farmers. The towns of Mexicali and Calexico were slowly being lost to the rampaging water. Nearly half of Mexicali was destroyed.⁹

The residents of the Valley appealed to President Roosevelt and the railroad for aid. At a meeting in Imperial, on December 13, they pledged \$1 million to pay for closing the break.¹⁰

During the month of December, Roosevelt and Harriman exchanged a series of telegrams. Roosevelt pointed to Southern Pacific's ownership of CDC, and its responsibility to close the break, adding that there was nothing that he could do without an act of Congress and an agreement with Mexico.¹¹ After receiving Roosevelt's promise to endorse federal reimbursement to Southern Pacific, Harriman agreed to put Southern Pacific resources into closing the break.¹²

The seventh attempt at closure was successful in February, 1907. It took 7,000 flat cars of rock, 8,000 carloads of gravel, and a vast quantity of timber to construct a 15 mile long levee and stop the flood. The total cost, according to Southern Pacific, was \$1,663,136.40.¹³ A subsequent audit reported the costs incurred between December 1906 and February, 1907, as \$1,083,673.97.¹⁴

Congressman Kettner introduced bills to compensate Southern Pacific in the 60th and again in the 61st Congress. The Committee on Claims rejected the Southern Pacific bids, pointing out that in stopping the flood, the railroad had acted to protect its own vast holdings of farmland, and its railroad line.¹⁵, ¹⁶, ¹⁷

In the end, Southern Pacific had very little to complain about. A series of lawsuits against the CDC board members garnered several hundred thousand dollars.¹⁸ The decrepit water works were sold to the Imperial Irrigation District for \$3 million.¹⁹ By 1917, the railroad had sold off 45,330 acres of Imperial Valley farmland, all of which would have been valueless if the flood had run its course. The railroad's Coachella Valley holdings had been protected as well. In 1936, Southern Pacific received a payment of \$1,012,655 from the Federal Government.²¹ as reimbursement for controlling the flood.

The Southern Pacific levee did not end the flooding of the lower Colorado. By 1910, the river was flooding into other overflow channels, once again threatening the Imperial Valley. Congress appropriated \$1 million dollars to construct floodworks to protect the Valley in 1910,²² and another \$100,000 in 1915.²³ These federal subsidies were used to build levees to contain the Colorado.²⁴, ²⁵ The C. M. Co., with vast holdings in Mexico, was used by the government as a conduit to spend the moneys in Mexico.²⁶

1. Cory, op cit., page 1246
2. Cory, op cit., page 1223
3. Hosmer, op cit., page 38
4. Nadeau, op cit, page 148

5. Duke, op cit., page 73
6. Nadeau, op cit., page 144
7. Duke, op cit., page 88
8. U. S. Congress, House. Committee on Claims, 1917 op cit. page 8
9. Nadeau, op cit., page 125
10. Nadeau, op cit., page 160
11. Hosmer, op cit., page 47
12. Nadeau, op cit., page 161
13. U. S. Congress, House. Committee on Claims, 1917 op cit. page 12
14. Cory, op cit., page 1404
15. U. S. Congress. House. Committee on Claims. House Report 1936, Private Calendar No. 727 "Report favoring S. 341 to reimburse Southern Pacific Company amounts expended Dec. 1 1906 to November 30, 1908 in closing and controlling break in Colorado River with hearings and views of Mr. Lindbergh." 197 p. 1/18/1911 Part 2. Views of minority adverse to S 431 to reimburse Southern Pacific Co. 1/28/1911
16. Farr, F. C. The History of Imperial County Elms and Francks, Berkeley, 1918 Farr writes that the Southern Pacific claim for \$1.5 million was granted in reduced form in 1910 (page 41).
17. Hosmer, op cit., page 47. Hosmer says that the railroad received \$700,000 from the government. No records of these grants are reported in the Congressional Record. Bills were reintroduced on the Southern Pacific Imperial Valley claim in the 64th Congress (H. J. Res. 259) and again in the 65th (H. R. 1063) but were not enacted.
18. Hosmer, op cit., page 47
19. Steere, Collis H. page 21
Imperial and Coachella Valleys
Stanford University Press, Standord, California 1952
20. U. S. Congress, House. Committee on Claims 1917 op cit. page 11

21. Steere, op cit. page 21.
"In 1936 the Southern Pacific received a payment of \$1,012,655, little more than a third of the amount the company officials claimed in a suit against the federal government."
22. Resolution of June 25, 1910.
23. 38 Stat. 761, of March 3, 1915.
24. U. S. Congress, House, Committee on Claims 1917 op cit. page 21
25. Nadeau, op cit. page 166
26. Cory, op cit., page 1437

V. THE IMPERIAL IRRIGATION DISTRICT FORMED

With the CDC bankrupt, and the Southern Pacific anxious to divest itself of the faulty, flood-prone irrigation system, the Imperial Valley residents organized to acquire the irrigation works. The CDC had liabilities in excess of \$2,000,000. A receiver was appointed in 1909.¹ On July 14, 1911, Imperial Valley voters elected to form the Imperial Irrigation District, a public agency which could acquire property and sell bonds to raise money.

The district issued its first \$3.5 million in bonds in January 1915.² The Southern Pacific bought the CDC at the receiver's auction in 1916, then sold it to the IID for \$3 million. The remainder of funds were used to improve the flood protection works.

After assuming the CDC debt, the Imperial Irrigation District deeper and deeper into debt, trying to operate and ill-conceived and uneconomic irrigation system. Additional bonds were issued in 1917, 1919, to raise another \$5 million;³ and again in 1922, when the district issued another \$7.5 million in bonds. \$5 million of the bond issue was used to buy the shares of water stock, so that it could buy up

the distribution canals from the 13 mutual water companies operating at that time. The holders of water stock received \$10 an acre for the water stock, plus the appraised value of equipment.⁴ The IID incorporated into its growing debt nearly all of the costs of private development.

The balance of the 1922 bond was used to begin construction of drainage facilities.⁵ The IID bonded debt now totalled \$16 million, and represented most of the costs incurred in developing the irrigation works, and some of the costs of flood control.

The district was faced with the same problems which bankrupt the CDC-- flooding, silt, salt, and the burdensome Mexican Concession. The operating costs were so high that little progress was made in paying the debt until a later era, when Federal subsidies would underwrite the operation of the district.

Underlying the difficulties of the IID was the fact that the flows of the Colorado were not regulated by a dam and storage reservoir. During the first 20 years of the century, the flow varied from as much as 210,000 second-feet of flow during the 6 to 8 week flood period, and to as little as 2,200 second feet during the low flow stage.⁶ By impounding the river's flow, a storage reservoir would allow the silt to settle out. Water released from a reservoir would be relatively silt free.

The reservoir could also provide a more uniform, year-round water supply, impounding the spring and summer runoff and stopping the annual floods. Flood control was expensive. By 1925, more than \$10 million had been spent on rock dams, levees, and flood channels

in order to stop the floods of the lower Colorado. The expenditures by source, are listed as follows:

Expenses Incurred in Controlling Flooding
of the Lower Colorado as of 1924

U. S. Reclamation Service	\$3,070,000
Special Acts of U. S. Congress	\$1,110,000
Southern Pacific Co.	\$3,000,000
Imperial Irrigation District	\$3,115,970

Source: (7)

The Federal share of paying these expenses is underestimated in this accounting. Southern Pacific was reimbursed, at least in part, in 1936. The IID received a \$3 million "credit" from Congress for its flood control work under Public Law 750. This credit was applied towards eventual purchase of an All-American Canal.^{8, 9, 10, 11}

Despite this huge investment, the river's floods continued. Each year, as more silt was deposited in its channel, the Colorado waters rose to a higher level at flood. The levee work had to be raised correspondingly.

The IID reported that "each season finds the waters of the Colorado River threatening to break from their uncertain course on a new point of attack. Each flood season compels the spending of additional large sums of money to temporarily hold back the river. We have almost reached the stage where the burden is heavier than the Valley can stand . . ."¹²

The district was also burdened by operating its diversion works and canals in Mexico. When the Colorado had been diverted in the U.S. by the CDC, it was sold by the CDC to the Mexican Company, which im-

turn sold it to the Mexican irrigators. Operating under the Concession, the IID was required to deliver up to 50% of the water to the Mexican irrigators.

The lack of a reservoir to store the Colorado's waters meant that seasonal supplies at the low flow were limited, especially in dry years. By September of 1923, the demands of the Mexican irrigators alone were greater than the amount of water flowing down the Colorado river at five different periods since the district began operating.¹³ The waters at low flow were dangerously saline as well.¹⁴

The lack of water at low flow was compounded by the terms of the Mexican Concession, which had no provision to pro-rate a reduction in water use.¹⁵ On the average, far less than half of the available water was used in Mexico. In times of water shortage, however, the Mexican irrigators used their full share. Thus the lands of the Chandler C. M. Ranch received water, while Imperial Valley lands suffered drought.

Delivery of water to the Imperial Valley during the low winter flows was made even more difficult by the problem of silt deposition. Each year, after the flood waters receded, the IID found its intake canal clogged with silt. Extensive dredging was required before water could be diverted. According to the District, "Very frequently water service was so badly impaired for a term of four to eight weeks that great loss, totaling millions of dollars to crops, resulted."¹⁶

Dredging was a continual burden on district finances. An average of \$784,000 a year was spent on silt removal by the District between 1923 and 1930.¹⁷ In 1924, the annual cost of handling silt

was estimated to be \$2 $\frac{1}{2}$ million.¹⁸ Another \$1 million was estimated spent each year by farmers cleaning and operating farm ditches, and releveling fields, a practice made more costly by the constant deposit of silt at the upper end of parcels of Valley farm land.¹⁹

During the low flows of the winter of 1915-16, a temporary dam was built across the Colorado to raise the river's water so that it could enter the silt clogged canal. On January 26, 1916, a flash flood came down the river to be caught by the new brush dam. The river suddenly rose, breaking the levees protecting the Yuma Valley and the city of Yuma, causing extensive flooding. The U. S. Reclamation Service made emergency repairs and raised the levees around Yuma.

In August, the Yuma residents obtained a court injunction against the Imperial diversion dam. The injunction permitted a temporary dam to be built, but it required that the dam be destroyed before the season's first flood.²⁰

For a number of years the Imperial Valley farmers eyed with envy the diversion works, levees and irrigation canals constructed in the Yuma Valley by the Reclamation Service. The Yuma Project included a stone wier across the Colorado at Laguna, built in 1909. The wier impounded 20,000 acre-feet of water, slowing the Colorado's flow long enough for its load of silt to settle and be deposited. Concrete sluiceways, with specially devised diversion gates, allowed only clear, silt-free water to be diverted. The silt was periodically flushed from the system, and deposited in the river channel just below the dam.²¹

Since the Alamo canal is located below the Laguna Wier, the

Imperial Valley farmers no doubt benefited by the reduction in river silt brought about the wier, built at a cost of more than \$2 million to the U. S. taxpayer. But the waters of the Gila River entered the Colorado below Laguna, adding additional silt. To get the full benefit of the Laguna Dam, the Imperial Valley would have to connect directly with its diversion works. The Imperial Irrigation District revived Smythe's plan to connect the Alamo Canal to the Laguna diversion dam.

1. Cory, op cit., page 1433
2. Burgess, Charles P. page 16
Imperial Irrigation District California
Prepared for Blythe and Co., Inc., and Kaiser and Co.
May 21, 1943 60 p.
3. Ibid., page 16
4. Henderson, op cit., page 132
5. Burgess, op cit., page 16
6. Imperial Irrigation District page 5-6
The Boulder Dam All-American Canal Project
November, 1924
7. Ibid., page 14
8. Imperial Irrigation District News August 1951
"President Hewes Explains in detail the 1950 Audit Report of Imperial Irrigation District"
9. Imperial Irrigation District News June 1958
"Net Revenue of IID \$3,831,893.55 in 1957"
10. Imperial Irrigation District News May-June 1970
"When the District Operated a Railroad Line in Mexico to Stem the Floods"
11. Imperial Irrigation District
From Desert Wasteland to Agricultural Wonderland: the Story of Water and Power Fact Booklet, 5th printing, Oct. 1977
12. IID, Boulder Dam All-American Canal Project, November 1924
page 14

13. Ibid., page 6
14. Burgess, op cit., page 28
15. IID, Boulder Dam All-American Canal Project, Nov. 1924
16. Ibid, page 7
17. Imperial Irrigation District
It's Yours . . . Imperial Irrigation District, the Largest Irrigation District in the Western Hemisphere 16 p. undated c. 1966
18. IID, Bould Dam All-American Canal Project, Nov. 1924 page
19. Imperial Irrigation District, page 9
The Boulder Canyon Dam and the All-American Canal: Facts October 1924, 21 p.
20. Nadeau, op cit., page 167
21. Cory, op cit., pages 1215-1238

VI. THE QUEST FOR FEDERAL SUBSIDIES

In Decmeber of 1914, Secretary of Interior Franklin Lane offered to allow the Imperial Irrigation District to divert water from the Laguna Dam and into the Alamo for \$500,000. The District could not afford to acquire the existing waterworks, let alone pay the government for the Laguna rights while constructing the necessary canal to link with the modern dam.¹ But directors remembered Lane's offer, and began to work towards making the Laugna connection.

Mark Rose, an Imperial Valley farmer with large landholdings on the East Mesa, began to campaign for a different plan, an All-American canal. Rose maintained that the sand hills were not the impossible barrier that the CDC promoters thought they were. Beginning at the diversion dam at Laguna, the canal could cross the sand hills and follow a course just north of the International Border. This plan would solve the silt problem and relieve the Valley of its responsi-

under the Mexican concession. As an added benefit, the water would enter the Valley at a higher elevation than the Mexican canal, allowing additional acreage to be irrigated, including Rose's own East Mesa Lands.²

The Imperial County Farm Bureau, organized in December of 1915, was the first organization in the Valley to publically endorse the All-American Canal. In October 1916, the Farm Bureau adopted a resolution declaring that the river control and water supply were matters for the Federal Government.³

Rose was successful in gathering Valley support for his plan, and went to Washington where he began to make headway with the Federal Government. The IID Board of Directors was opposed to the All-American plan, still preferring the Laguna connection. They became afraid that Mark Rose might succeed, and his private company might come between the Imperial Valley and the river.^{4, 5}

In 1918, IID General Counsel Phil Swing went to Washington to confer with the Secretary of Interior. On February 16, the District entered into a contract with the U. S. Government to pay for a survey and cost estimate of diverting Imperial Valley water from Laguna dam. Under the agreement, the U. S. appropriated \$15,000 for the study, and the IID \$30,000.⁶

On October 23, a second contract was signed between the District and the Government. Later ratified in a special election held by the District, the contract gave it the right to divert water at Laguna dam.⁷ The District was to pay \$1.6 million, which would go towards raising the dam several feet, enlarging the desilting works, and the first 15 miles of the canal. Although the contract between the Yuma Project water users and the Reclamation Service included

the 160 acre limit, no specific reference was made to acreage limits in the IID contract, according the District. As of 1924, the District had paid \$192,000 towards this contract.⁸ The payment was later credited towards the IID debt of construction of the All-American canal.⁹

Under the first contract, a Canal Board made its investigation. The Board consisted of W. W. Schlect, manager of the Yuma Project, who represented the Federal Government; Dr. Elwood Mead of the University of California representing the state; and C. E. Grunsky, a well-known civil engineer who represented the IID. On July 22, 1922, the Board released its study reporting that the construction of an All-American Canal was both practicable and feasible, and recommended that the canal be built as soon as possible.

The State Engineer and the Bond Commission reviewed the report and called into question how the project would be feasible unless a storage reservoir was constructed as well.¹¹

The same question was asked of Congressman Kettner who introduced legislation in 1919¹² to provide for construction of an All-American canal. Mark Rose went to Washington with an Imperial Valley delegate to lobby for the Kettner Bill. He returned to the Valley to be elected to the Board of Directors of the IID.

Most of the Board was opposed to Rose's ideas. In the next Board elections, he succeeded in getting two All-American Canal backers voted into office.¹³ The IID was from then on solidly in favor of the All-American plan.

Questions about water supply during the 1920 hearings on Kettner's bill

bill¹⁴ caused Moses Kincaid, Chairman of the House Irrigation and Arid Lands Committee to introduce a bill¹⁵ of his own providing for a \$20,000 appropriation for additional studies on the Colorado. Passed into law, the Kincaid Act required the IID to contribute a matching amount.¹⁶

The report commission by the Kincaid Act was released on February 28, 1922.¹⁷ It was called the Fall-Davis report, named after Secretary of Interior Albert B. Fall, later famous for his involvement in the Teapot Dome scandal, and Chief of the Bureau of Reclamation, Arthur Powell Davis. Davis was the nephew of Colorado explorer John Wesley Powell, and very sympathetic towards the Imperial Valley interests.¹⁸

The Fall-Davis report became the "bible" of the Colorado River. It recommended construction of a high-line (All-American) canal connecting the Imperial Valley to the Laguna Dam, construction of a storage reservoir at Boulder Canyon, and the full utilization of its potential to generate hydro-electric power.

The second of the six recommendations of the Fall-Davis report was one that supported the intent of the Reclamation Act of 1902, to give the benefits of publically financed reclamation to deserving settlers. "It is recommended that the public lands that can be reclaimed by such works (the All-American canal) be reserved for settlement of ex-service men under conditions securing actual settlement and cultivation," recommended the report.¹⁹

The Imperial Irrigation District became a staunch advocate of the recommendations of the Fall-Davis report, including the provision for settling servicemen on public lands. In campaign literature published

by the District, the settlement provision was a central argument:

"In our midst are thousands of Ex-service men and women who are entitled at our hands to be given an opportunity to build homes for themselves and their children. Here are thousands of pioneer people living in the lower Colorado River basin who merit your support. Thousands have told us they wish to help us. Now is the time to put into effect this pledge of co-operation. Join with us in advising Secretary of the Interior Hubert Work, and your Senators and Congressmen that you will endorse and advocate such plans as the Department of the Interior has recommended . . ."²⁰

The plan obtained the endorsement of both the State and National Conventions of both the American Legion and the Spanish War Veterans.²¹

1. Cory, op cit., page 1580
2. Nadeau, op cit., page 169
3. Henderson, op cit., page 90
4. IID. From Desert Wasteland . . . op cit. page 4
5. Nadeau, op cit., page 169-70
6. IID. Boulder Canyon Dam, and the All-American Canal: Facts October 1924, op cit., page 1
7. Ibid., pages 17-18
8. Imperial Irrigation District
"Information on Imperial Valley Acreage Limitation Problem"
Office of Public Information, IID, El Centro
undate, c. 1967
9. IID. From Desert Wasteland . . . op cit. page 5
10. U. S. Department of Interior "The All-American Canal" Report of the All-American canal board on a canal located entirely within the United States from the Colorado River Laguna Dam into the Imperial Valley California, July 22, together with the report of the engineer in charge of surveys and examinations, June 17, 1917. 98 p. maps Washington D. C. 1920. Inci. agreement between US & IID
11. IID. Boulder Dam All-American Canal Project Nov. 1924 op page 7

12. H. R. 6044, 66th Congress, 1st Session
13. Henderson, op cit., page 135
14. HR 11553, 66th Congress, 2nd Session
15. HR 12537, 66th Congress, 2nd Session
16. IID. Boulder Dam All-American Canal Project Nov. 1924 op cit..
page 9
17. U. S. Department of the Interior. Reclamation Service.
"Problems of the Imperial Valley and Vicinity"
Letter from the Secretary of Interior transmitting a report
on problems of Imperial Valley and Vicinity with respect
to irrigation from the Colorado River together with the
proceedings of the conference on the construction of the
Boulder Canyon Dam held at San Diego, Calif. 67th Congress,
2nd session. Senate Document 142, 326 pp. Washington
D. C. Government Printing Office, 1922.
18. Nadeau, op cit., pages 170 and 174
19. U. S. Dept. of Interior. Senate Document 142, op cit.
page 21
20. IID. Boulder Dam All-American Canal Project Nov. 1924 op cit..
page 12
21. Ibid, page 22

VII. BOULDER CANYON PROJECT ACT AND ACREAGE LIMITATION

By 1921, Imperial Valley sentiment was strongly in favor of the All-American Canal.¹ In that year, Phil Swing ran for Congress on a single issue: he would go to Washington and get Boulder Dam and the All-American Canal through Congress.²

Immediately after arriving in Washington, Swing's first action as a new Congressman was to introduce the first in a series of four bills. He enlisted the support of California Senator Hiram Johnson. The legislation became known as the "Swing-Johnson Bill."

It took Phil Swing 6 years to get his bill through Congress. It faced competition from irrigation project being planned in other parts

of the west.³ It was also opposed by private power companies in California, who did not want the competition of cheap federal hydroelectric power. The bill was also opposed by Harry Chandler of the Los Angeles Times who feared that construction of the All-American Canal would result in the cutoff of water to his vast holdings in Mexico.

The strongest opposition, though, came from the other states in the Colorado basin. The upper basin states and Arizona were concerned about their future water rights. With construction of Boulder Dam, California could divert additional water and establish greater water rights under the doctrine of prior appropriation. For that matter, the Mexican water users as well might enlarge their rights by utilizing the increased low-flow of the river.

The fears of the upper basin states were well grounded. To insure adequate supplies for lower basin irrigators, the Federal Government had put embargoes on Wyoming's use of the upper North Platte, and on the use of the upper Rio Grande by New Mexico and Colorado.⁴

A settlement dividing the waters of the Colorado was important to the Imperial Valley, for representatives of the Rocky Mountain States controlled the key congressional committees.⁵ A supreme court ruling in favor of the rights of prior appropriation in June, 1922, induced the upper basin states to protect future rights with a compact.

A federal compact commission, chaired by Herbert Hoover and composed of representatives of the 7 Colorado basin states, reached an agreement on November 24, 1922. The Colorado's waters would be split evenly between the lower and upper basin states.⁶ The compact was then

sent to the seven states' legislatures for ratification. What the compact did not resolve, however, was how the low basin water would be divided. Arizona was adamantly opposed to Boulder Dam, for it would allow California water users to build up their water rights, while giving Arizona nothing. Arizonan George Maxwell was advocating a reservoir which could store water for delivery in a high-line canal to the central part of his state. The Arizona state legislature refused to ratify the compact,⁷ and Arizona representatives became the strongest opponents to the Swing-Johnson bill in Congress.

Swing introduced his bill (H. R. 9826) for the third time before the 69th Congress. It was heard by a house committee during February of 1926. During the hearing, Swing testified that, in his opinion, the bill did not require private landowners to sell lands in excess of 160 acres. He then asserted that there were only one or two large land holdings in the Imperial Valley.⁸

It was, in the kind words of the U. S. Court in 1977, "misleading testimony."⁹ In 1917, the California Commission on Immigration and Housing studied Imperial Valley land holdings and found that 93,843 acres of tillable land in the Valley were in large holdings, which it defined as 2,000 acres or more.¹⁰ This was a substantial part of the 400,000 acres under cultivation at that time.¹¹

Despite Swing's testimony, or perhaps because of it, the committee decided to make acreage limitation explicit in the bill. The committee added a specific acreage limitation amendment, similar to the divestiture provision which became part of the Omnibus Adjustment Act passed by Congress in May of that same year.¹²

The divestiture provision of the Omnibus Adjustment Act, Section 46, was written in order to close the apparent loophole in the Reclamation Act of 1902. It requires that land holders owning more than 160 acres who wish to receive irrigation water from a federal project must sign a recordable contract with the Secretary of Interior promising to sell their excess land within 10 years.¹³

The Swing-Johnson bill did not pass the 69th Congress, however. It fell victim to an Arizona led and Utah backed filibuster in the Senate.

The bill was reintroduced in the 70th Congress. Years of patient work began to pay off for Phil Swing. His support for flood control on the Mississippi allowed him to count on the votes of Mississippi Valley Congressmen. Swing's bill, (HR 5773) included the specific divestiture provision adopted by the House committee in 1926.¹⁴ It passed the House on May 25, 1928.¹⁵

The bill introduced by Senator Johnson (S. 728) did not include the divestiture section. It did say, however, that "reclamation law shall govern the construction, operation, and management of works herein authorized. . ."¹⁶

When the second session of Congress began in December, 1928, Senator Johnson asked the Senate to substitute the House bill for his own. He then amended the House bill by retaining the enacting clause and substituting his own measure, S. 728, for the body of the bill. He told his colleagues that he wished to do this to "preserve order of procedure" and that the two bills contained "like purposes" and "like designs."¹⁷ But the divestiture provision had been dropped from the bill. Even so, the divestiture spelled out in the Omnibus Adjustment

Act was part of Reclamation Law, and therefor applied to the lands irrigated from the works constructed under the bill.

In later years, the excess land owners in the Imperial Valley argued that they had been exempted from the acreage limitation because the divestiture clause had been deleted from the bill which became the Boulder Canyon Project Act. The Ninth Circuit of the U. S. Court of Appeals disagreed. Had Congress wanted to exempt the Imperial Valley from acreage limits, the court reasoned, it would have expressly stated the exemption.¹⁸

Arizona Senators Hayden and Ashurst fought to block the senate bill. They could no longer count on the support of the senators from Utah, for Phil Swing had gone to Utah and rallied support for Boulder Dam.

Senator Phipps of Colorado introduced an amendment limiting California's use of the Colorado. Though the Arizonans were far from satisfied, the compromise gave Senator Johnson enough votes that he could invoke cloture. The Arizona Senators were finally silenced. The Senate passed Johnson's bill, and the House accepted the amendments. On December 21, President Coolidge signed the Boulder Canyon Project Act into law.¹⁹

The law could not go into effect, however, until that Colorado compact was ratified by all seven states, or until six states ratified it and California agreed to limit its use of Colorado River water. Shortly thereafter, on March 4, 1929, the California Legislature agreed to the restriction by enacting the Limitation Act.²⁰ President Hoover proclaimed the Boulder Canyon Project Act in full effect on June 25.

As soon as Congress appropriated the first \$10 million in July of 1930, work began towards the construction of Boulder dam. Contract bids for the dam, which was billed as the "greatest construction job ever undertaken by man", were submitted by the following March. The low bid was for \$48.9 million. The blasting of the diversion tunnels commenced on May 21.²¹

Negotiators representing California's municipal and agricultural districts, including the Imperial Irrigation District, met to allocate priorities for Colorado River water. After months of meetings, the Seven Party Agreement was reached on August 18, 1931. The agreement allocated 5,362,000 acre-feet of water to the seven agencies, nearly the complete amount to which California had restricted herself under the Limitation Act.²²

In October, the Secretary of Interior held a hearing in Washington, D. C. on the IID contract for Boulder Project water. A report on a draft contract was sent to the district on November 3.²³

The following December (1932) the contract between the district and the government was signed. The U. S. recognized the Imperial Valley's right to the Colorado defined by the Seven Party Agreement. The rest of the terms of the contract were very generous.

The U. S. would construct the All-American Canal and a new diversion dam with desilting works, to be called the Imperial Dam. It gave to the District all of the power drops along the canal,²⁴ a concession which guaranteed a perpetual subsidy to the IID.

In return, the District agreed to keep the structures in good repair, and to pay back the cost of construction over a 40 year, interest-free term. For the first five years, payments would be 1%

of the construction costs, for the next ten years, the payments would be 2% of costs, and for the final 35 years, payments would be 3%.

The contract made no specific reference to the acreage limits. Article 3 of the contract does say that "reclamation law shall govern the construction, operation, and maintenance of the works to be constructed hereunder . . ."²⁶ Here was perhaps the most generous aspect of all-- the Secretary of Interior did not include a mechanism for enforcing the acreage limits and residency requirements required by Reclamation law.

Imperial Valley landowners were still fearful that the language in the contract meant that the acreage limits would apply to their land. Charles Malan, a land owner who owned 200 acres, sued the IID in December 1932, claiming that the contract was illegal, for it would require him to sell the land he owned in excess of 160 acres.^{27, 28, 29}

An attorney for the IID, Richard Coffey, wrote to the assistant Reclamation Commissioner Porter Dent in February 1933, in the last days of the Herbert Hoover administration. His letter labelled "confidential," Coffey asked for a ruling on the applicability of the 160 acre limit in the Imperial Valley, "provided that such ruling would be that the 160 acre limitation did not apply." Coffey did not want a ruling if it came out the other way.³⁰

Dent forwarded the request, with an approving memo, to Northcutt Ely, Assistant Secretary of Interior. Ely had negotiated the Boulder Canyon Project contracts. Three years earlier, he had written that he could see nothing to do but enforce the 160 acre limit in the Imperial Valley, unless the IID was able to get new legislation.^{31, 32}

In 1933, Ely was about to leave Washington. He would soon be retained by the IID. Bypassing the Department of Interior's legal staff, he forwarded Coffey's letter and Dent's memo directly to Secretary of Interior Ray Lyman Wilbur, recommending that the Imperial Valley be exempted.

On February 24, only 20 days after Coffey had sent his request, and just weeks before the new Roosevelt administration would enter office, Wilbur wrote his two and a half page letter to the Imperial Irrigation District, saying that lands in the Valley were exempt from acreage limitation.

The letter was submitted as evidence in the Malan case, and the court dismissed the lawsuit on March 16.³³

As a legal document, Wilbur's letter has little weight and numerous flaws. It refers only to the 1902 Reclamation Act, and does not deal at all with the question of the applicability of the Omnibus Adjustment Act to the Imperial Valley.³⁴ Using the Wilbur letter as a rationale, however, the IID has refused for 35 years to enforce the subsidy limits of Relamation law in the Imperial Valley.

Over the years, Department of Interior attorneys have repeatedly reminded the Secretary that the law was still on the books, and should be enforced. The Wilbur letter became the excuse of the Secr of Interior for not enforcing the law as well.

A formal opinion by Department of Interior Solicitor Fowler Harper criticized the Wilbur letter in 1945, but Secretary of Interior J. A. Krug refused to overrule Wilbur's decision on the

basis that the land-owners and farm operators had relied on it for 18 years. He left open the possibility that, in the future, acreage limitation might still be considered for the Imperial Valley.

Again in 1957, Interior Solicitor J. Lee Rankin reminded the Secretary that the acreage limitation applied to the Imperial Valley. Despite Congressional pressure, the Interior Department did nothing to enforce the law. In truth, the government was giving no especial exemption to the large growers in the Imperial Valley, for it was doing little or nothing to enforce acreage limits anywhere in the Western United States.^{35, 36}

The validity of the Imperial Valley's de facto exemption from the Reclamation subsidy limits was not challenged again until the 1960's, when the campaign of a Brawley physician and the inquiries of Congressmen prompted Interior to act.

1. "Mike Dowd Pays Glowing Tribute to Phil Swing"
Imperial Irrigation District News May 1958 p. 2
2. Nadeau, op cit., page 179
3. Ibid., page 193-4
4. Ibid., page 171
5. Ibid., page 176
6. Ibid., page 185
7. Ibid., page 190
8. U. S. Court of Appeals, Ninth Circuit
United States v. Imperial Irrigation District et al.
Nos. 71-2124, 73-1333, 73-1388
Decision of August 18, 1977
9. Ibid.
10. California Commission on Immigration and Housing 1919 op cit.
page 19
11. Cory, op cit., page 1577

12. U. S. Court of Appeals, Ninth Circuit op cit, page 1929
13. Greene, Sheldon L.
"Promised Land: A Contemporary Critique of Distribution
of Public Land by the United States"
Ecology Law Quarterly 5:707 pp. 707-751 1976
14. U. S. Court of Appeals, Ninth Circuit, op cit., page 1930
15. Nadeau, op cit., pages 204-206
16. U. S. Court of Appeals, Ninth Circuit, op cit., page 1930
17. Ibid., pages 1930-31
18. Ibid., page 1931
19. Nadeau, op cit., page 209
20. Ibid, page 209
21. Ibid, page 210 and page 212
22. Ibid, page 219
23. IID. "Information on Imperial Valley Acreage Limitation
Problem" Office of Public Information, Imperial Irrigation
District, El Centro. Undated, c. 1967, 12 p. page 1
24. Article 14 of the contract.
25. Article 12 of the contract.
26. U. S. Bureau of Reclamation page 82 Wash., D. C. 1950
Boulder Canyon Project Final Reports. Part I-- Introductory
Bulletin 2 Hoover Dam Power & Water Contracts & Related Data
27. IID. "Information of Imperial Valley Acreage Limitation
Problem" op cit., "Some Facts" page 2
28. Yellen, Ben
"How the Small Farmers were Betrayed"
Newsletter from Dr. Ben Yellen, Brawley, California
February 1, 1963
29. U. S. Court of Appeals, Ninth Circuit, op cit, page 1933
30. Ibid, page 1934-35
31. Yellen, op cit., February 1, 1963
32. Ballis, George, and Sortor, Maia
"The Reclamation Lands Authority Act. Imperial Valley Report
Congressional Record Vol. 118, No. 80, Wednesday, May 17, 1972

33. Yellen, op cit February 1, 1963
34. U. S. Court of Appeals, Ninth Circuit, op cit., pages 1933-35
35. Taylor, Paul S. pages 8-13
"Water, Land, and Environment Imperial Valley: Law Caught
in the Winds of Politics" Natural Resources Journal
Volume 13, No. 1 January 1973 pp. 1-35
36. U. S. Court of Appeals, Ninth Circuit, op cit., pages 1935-36

VIII. THE ERA OF FEDERAL SUBSIDY

Since the days of Babylon, the two major causes for the failure of irrigation systems have been salt and silt. By the 1930's, they were changing the Imperial Valley back into the Colorado Desert. Even the Federal Land Bank, created by Congress to loan money to farmers when private lenders would not, refused to make loans for Imperial Valley farm land. The bank cited the flood danger, unpredictable water supply, need for drainage, and the speculative nature of land holdings as the reasons it would not make loans in the Valley.¹

The most serious problem was the waterlogging of soils, and the resultant accumulation of salts. Thirty years of private development had used up the land. By 1920, fifty thousand acres of land had been put out of production because of alkali accumulation. By 1941, 100,000 acres had gone fallow, white with the salts brought in by the Colorado's waters.²

None of the Valley's water delivery ditches were lined with concrete. Seepage from the canals contributed to the waterlogging of the soils.

Few fields were equipped with drain tiles. Tiling is needed to lower the water table so that the salts can be leached below the root

zone of growing crops. Today the IID estimates that without drain tiles, the average life of Imperial Valley farmland is 20 years.³

Though the district began a drainage program in 1923, it mainly involved connecting drainage channels to the flood-carved barancas of the Alamo and New Rivers. No drain tile was installed until 1929; by 1943, less than 6% of the Valley's land had been tiled. But the Valley's problems were not just a matter of a lack of drainage works.

The irrigation works themselves were so faulty that water deliveries were unreliable. The IID, burdened with heavy operating costs and its obligations under the Mexican Concession, could no longer finance its staggering \$15 million debt⁵ which cost \$1,140,000 a year to service.⁶

On July 1, 1936, the district defaulted on a portion of the bond interest and maturities.⁷ District finances dropped so low that IID registered warrants were being taken by merchants at a discount.⁸

The final ignominy for the era of private development was the drought of 1934. Only one year before Boulder Dam would be able to store the Colorado's waters, the river went nearly dry for 5 months. The IID could not even provide drinking water for Valley residents. The Federal government stepped in and distributed thousands of carloads of domestic water.⁹

Construction of the All-American Canal did not begin until August of 1934.¹⁰ Competition for scarce federal funds had caused the delay. Only with the pressure of a Congressional delegation to President Roosevelt was Phil Swing able to get support for the project. Roosevelt was particularly impressed by the presence of Arizona Senator Carl Hayden. Swing, Hayden, and the rest of the delegation

argued that the regulation of the Colorado by Boulder Dam would allow Mexican irrigators to increase their use of the river and build up water rights. The All-American Canal was needed to keep the Colorado for the U. S.

The next day, the first \$6 million was appropriated for the All-American Canal.¹¹ Mark Rose was given the honor of digging the first scoopful of earth at the ground-breaking ceremony shortly thereafter.

In March, 1935, Boulder Dam was completed,¹² and the Imperial Valley began to receive the subsidy of a massive reclamation program designed to keep it from turning back into desert.

After Boulder Dam was built, the Federal government continued to build dams to make reservoirs that have allowed more of the Colorado's waters to be stored. Parker, Davis, Hoover, and Glen Canyon Dams, as well as a half-dozen other dams on the Colorado's tributaries, store water for release to the lower basin irrigators. For this massive network of reservoirs, the Imperial Valley landowners have paid nothing. Federal appropriations and hydroelectric power revenues have paid the bulk of the costs.

The dams stop the Colorado's floods. They also impound much of the river's silt.¹³ With Boulder Dam's completion, the IID was able to cut its operating costs, and Valley farms began receiving a regular supply of water.

Once the district learned that it could get government subsidies, it began to pursue them with vigor.

The State Emergency Relief Administration (S.E.R.A.) provided assistance for brushing and cleaning canals.¹⁵ The Federal Reconstruction Finance Corporation loaned the District \$1,950,000

to build drainage facilities. Another RFC loan of \$11,348,500 was granted to allow the district to settle its debt to bondholders by paying them \$750 cash for each \$1,000 of bond. The bondholders refused the offer.¹⁶

After a series of court cases and an IID petition under the Municipal Bankruptcy Act, the bonds were refinanced with no change in principal, but a $1\frac{1}{4}$ to $1\frac{1}{2}\%$ reduction in interest rate.¹⁷

The district also looked towards the lucrative Federal gift of the power opportunities of the All-American Canal. The hydroelectric power could be sold. The district planned to use the revenue to pay back its debt to the government.^{18, 19, 20, 21}

The problem, however, would be to market the electricity. The Imperial and Coachella Valleys were already served by the Calif. Electric Power Co. CEPC justified its high rates by saying that Imperial Valley electric power came from the longest transmission lines in the world, and that large power losses resulted, raising costs. CEPC was in no position to compete with cheap hydroelectric power.

In 1934, the district contracted to build a diesel generating plant in Brawley. CEPC obtained a court injunction attacking IID's right, as an irrigation district, to purchase generating units. The operation of the generators was delayed by the suit until May 18, 1936.

The district then applied for a Federal loan from the Rural Electrification Administration to build power lines in rural areas. The CEPC sued again, blocking the loans and applying for the REA assistance for itself. But the IID had discovered that CEPC had strung

transmission lines over the district's canals without securing the necessary rights of way. Having learned about the power of the courts, the district secured an injunction against the power company, halting its REA application as well.²²

In 1937 the \$700,000 2% loan went to the IID,²³ allowing it to build a distribution system in rural areas. Over the next two years, the Public Works Administration gave the district a grant and 4% loan for \$2,563,000 which it used to build hydroelectric generators on the All-American Canal.²⁴ The federal government not only gave the district free opportunities to develop electric power, it financed their exploitation as well.

An era of competition ensued, with the IID and CEPC signing up new urban customers and installing duplicate power lines to serve them. The IID had two crucial advantages: as a public agency, it is tax-exempt (the district paid no property tax in 1975 on either its 104,158 acres of land or its \$161,850,820 in assets),^{25, 26} and it could, in fact, use the hydroelectric works to deliver power to the consumer at less cost than the CEPC.

After completion of the All-American Canal, these economies made the district a sound investment. \$6 million of bonds were sold, and the district acquired the Imperial and Coachella Valley properties of the CEPC in 1943.²⁷

Over the years, the revenues from the power division have not only helped to pay off the district's debt for completion of the All-American Canal, they also helped to retire the debt the district accumulated from the era of private development as well.²⁸ The power subsidy ended up helping to pay off the bad debts of the CDC, the

creation of the drainage channels, the levee works in Mexico, and even the 1922 buyback of the water delivery system from the water stock holders as well.

The greatest subsidy to the Valley, however, is the All-American Canal. 160 feet wide and 80 miles long, the canal begins with a diversion dam and a desilting works which can remove 70,000 tons of silt a day from the river's waters.²⁹ The entire river can be diverted; the portion which is dropped back to the river and allowed to flow into Mexico operates the back bone of the district's hydroelectric power system, the 30,000 kilowatt Pilot Knob generator.

While much of the Valley's land was already under cultivation, the now dependable supply of water which came from the canal allowed more acreage to be devoted to intensive, high risk crops. Since the canal entered the Valley at a higher elevation, an additional 38,000 acres could be brought under cultivation.³⁰

Between 1940 and 1954, the value of Imperial Valley farm production increased from an average of \$53.50 per acre to \$200.00 per acre. Though a portion of the increase was attributable to inflation, the value of production based on constant dollars doubled in that period, principally because of the benefits of the new canal.³¹

The regular water supply made Valley farming less speculative. Federal Land Bank loans became available to Imperial Valley farmers in October of 1941.³² The assessed valuation of Imperial Valley farmland increased from \$36.2 million in 1940 to \$72.6 million in 1954.³³

Drainage and canal lining. With the construction of the new canal and the installation of the first hydroelectric generators to

create the power to help pay for it, Valley farm operators turned to the Federal government once again to obtain a subsidy to reclaim the dying soil.

The Imperial Irrigation District joined with three Federal agencies, the Farm Credit Administration, the Soil Conservation Service and the USDA to form a drainage committee.³⁴ Scientific assistance was obtained from the federally financed Agricultural Experiment Station run by the University of California.

A memo of understanding was reached between the USDA and the IID, making the IID the area's soil conservation district. The IID Board of Directors also serve as the Soil Conservation Board, and set soil conservation policy.³⁵ The irrigation district provides office space and clerical staff, and the Federal government provides the staff to administer a program which has installed the world's most modern and efficient drainage system.

88% of the Valley's farmland has been equipped with a series of drainlines buried 6 feet deep or more in the soil, and emptying to ditches which ultimately empty into the Salton Sea.³⁶ While the first drains were clay tiles, today they are made of plastic tubing.

More than 600 miles of irrigation laterals have been lined with concrete to prevent water seepage.³⁷ The district pays 75% or more of the cost of ditch lining.^{38, 39} The Federal government makes subsidy payments for ditch lining, land leveling, tile installation, and for building various concrete structures.⁴⁰ Soil Conservation Service payments in the Imperial Valley were reported at \$1.7 million for the period 1966-70.^{41, 42}

The Soil Conservation Service also does the survey and engineering

work for the reclamation project. The SCS staff prepares farm plans, deep strata surveys, engineering designs, maintenance and efficiency evaluations, field surveys for drainage outlet elevations, irrigation system designs, soil salinity checks, water delivery investigations, and land level surveys.⁴³

Satisfying the Mexican Obligation. With completion of the All-American Canal, the IID no longer relied on the Alamo Canal for irrigation deliveries. The canal was still the means to irrigate several hundred thousand acres in Mexico.

By the law of prior appropriation, Mexico had developed a right to use the Colorado that was nearly as old as that of the Imperial Valley; a right prior to mosts of the American water users. In order to use the Colorado's waters, the Imperial Valley had incurred an obligation, an obligation that it could not fulfill, but that the Federal government would be forced to fulfill.

Water use and irrigated acreage increased in Mexico because of the increased low flows of the river brought about by Boulder Dam. Harry Chandler's CM Co. did not benefit, for nearly all of its irrigable lands (287,000 acres) were expropriated for land reform in 1938.⁴⁴

An organization of U. S. water users, the Committee of Fourteen, was founded to limit the Mexican diversions by an International agreement. The completion of the All-American Canal gave the U. S. total control over how much of the Colorado would be released to Mexico. The Mexicali Valley had the bad luck of being downstream from the U. S.

Mexico agreed to negotiate an agreement, but only on the condition that a settlement of the division of the Rio Grande waters be included. On the Rio Grande (Rio Bravo in Mexico) the situation

was reversed. There the flow of water arises in Mexico and the irrigable land is principally in the U. S.

The treaty with Mexico was signed February 3, 1944. It allowed Mexico 1.5 million acre feet of Colorado water, and gave U. S. irrigators rights to the Rio Grande. The terms of the agreement, discussed at a conference of U. S. water users, were satisfactory to all of the Colorado Basin states except California.⁴⁵ The California delegation, which included Phil Swing, was angry because Mexico had not been limited to its pre-Boulder Dam water use.⁴⁶

California Senator Hiram Johnson fought a losing battle to block Senate ratification of the treaty.⁴⁷ Despite its concern over the treaty the Imperial Valley made out rather well. Water which was delivered to Mexico generated power for the IID at Pilot Knob. The IID controlled Mexican corporation that owned the irrigation system paid the IID for water delivered to the border. The works themselves were operated and maintained by additional water charges levied by the Mexican company.⁴⁸

Mexico was not happy with these water charges. The Mexican government subsidized the irrigators water payments, and levied special taxes on the IID Mexican corporation. In 1961, when the 50 year charter of the Mexican subsidiary expired, the IID was forced to liquidate its shares. The Department of Hydraulic Resources of the Government of Mexico bought them for \$4¹/₂ million pesos (\$360,000).⁴⁹

Mexico built the Morelos Dam to divert the Colorado's waters into the Alamo Canal. It was a modern work, and among the largest undertaken in Mexico. The government planned for the Mexicali Valley to become one of Mexico's most productive regions.

But the Mexican farmers suffered a staggering blow in 1961, when the saline waters of the Wellton-Mohawk Irrigation District in Arizona began to flow into the Colorado. A drainage channel had been built to convey leaching waters from 65,000 acres of land in that district.⁵⁰ The salty water, when added to the already saline Colorado below the last American diversion, just at the border, made the Colorado too salty to be used for irrigation. 100,000 acres of Mexican crops were lost that year.⁵¹

The issue stirred great anger in Mexico. After four years of damage, another international agreement was signed. The U. S. Government promised that the waters of the Colorado entering Mexico would be only slightly more saline than water at Imperial Dam.⁵²

The first step in guaranteeing the water quality standards of the agreement was for the U. S. Bureau of Reclamation to build a 13-mile long channel to divert the Wellton-Mohawk wastes below the Morelos dam, at a cost of \$2.5 million.⁵³

The Bureau has undertaken basin wide surveys and studies to discover ways to eliminate sources of salt to protect the quality of Colorado River water that is to be used by Mexican irrigators, and Imperial Valley farm operators as well. Proposed strategies include the diversion of saline springs and streams which flow into the river, improved management of upstream irrigators to reduce saline drainage flows, and even a \$62 million desalinization plant to remove salts from the Wellton-Mohawk drainage water.⁵⁴

The Bureau of Reclamation has also made test drillings of geothermal sites in the Imperial Valley. The wells produce boiling hot water which may be used to generate power or desalinate water. The wells

are owned by the IID.⁵⁵

Additional subsidies. The Imperial Valley has relied on Federal aid to solve other problems affecting its water supply, such as the regulation of the river's downstream flow, and the dredging of the Colorado's channel.

Despite the desilting brought about by the storage reservoirs, the river still ran with enough force to carve some additional silt from its channel. The releases from the upstream reservoirs do not reach Imperial Dam for several days. Though it originally had some storage capacity, the reservoir behind Imperial Dam soon filled with silt and could no longer regulate the river's flow. The Federal government provided the Imperial Valley with another subsidy to solve the problem.

Two miles further upstream the Bureau of Reclamation built in 1965 the \$8 million Senator Wash Dam. Water can be electrically pumped from the river into the 13,400 acre-feet capacity reservoir. It can later be released down to the river, generating hydro-electric power and providing a means to regulate the fluctuations of the Colorado's flow.⁵⁶

The Federal government also began to dredge the channel of the Colorado, draining sloughs and bypasses to save an estimated 190,000 acre feet of water and to clear out the sediment below Imperial Dam.⁵⁷ The dredging work was halted when environmentalists and the State Department of Fish and Game argued that it was destroying the habitat of fish and wildlife.⁵⁸ The IID Board of Directors campaigned for the dredging to continue.⁵⁹ By 1974, the district conceded that too little water could be salvaged to make the environmental damage acceptable.⁶⁰

1. Burgess, Charles P. page 27
Imperial Irrigation District California
Prepared for Blyth and Co., Inc., and Kaiser and Co.
May 21, 1943 60p.
2. Hosmer, op cit. p. 49
3. IID page 11
"It Yours . . Imperial Irrigation district, the Largest Irrigation District in the Western Hemisphere" c. 1966 16 p.
4. IID pages 12 - 13
"The Colorado River and Imperial Valley Soils: A Chronicle of Imperial Valley's Continuing Fight Against Salt"
c. 1975 24 p.
25,120 acres tiled in 1943 of 449,762 acres farmed in 1974
5. Henderson, op cit. page 132
6. Burgess, op cit., page 26
7. Ibid., page 16
8. Henderson, page 136
9. Ibid, page 134
10. Nadeau, op cit., page 231
11. Ibid, page 230
12. Ibid, page 217
13. Dowd, M. J.
"Silt Problems of Imperial Irrigation District as Affected by Completion of Boulder Dam" Civil Engineering 9(10):609-11 October 1939
14. Henderson, op cit., page 134
15. Burgess, op cit. page 19
16. Burgess, op cit., page 19
17. Ibid, page 20
18. IID
"Achievements of Imperial Irrigation District Power System Reviewed" District News April, 1950 p. 2
19. IID page 12
"From Desert Wasteland to Agricultural Wonderland: The Story of Water and Power" op cit.

20. Burgess, op cit., page 12
21. Henderson, op cit., page 148
22. Ibid. pages 148-49
23. IID
"Development of IID Electric Power System Outlined in Statement" District News November 1953 p. 2
24. IID
"Net Revenue of IID \$3,831,893.55 in 1957" District News June 1958 pages 1, 2, 4
25. 104,157.64 ac. according to:
California. State Lands Commission. State Lands Division.
"Public Land Ownership in California 1975"
October 1975, an annual serial.
26. assets according to: IID
1976 Annual Report
27. Henderson, op cit., page 149
28. IID
"District Pays Off Irrigation Debts; Eliminates Future Property Assessments" District News, July 1967 pp. 1-2
29. U. S. Bureau of Reclamation
"All-American Canal System (Boulder Canyon Project)
California, Imperial and Riverside Counties"
Region 3, U. S. Bureau of Reclamation
Project Headquarters, Yuma, Arizona
30. U. S. Congress. House. Interior and Insular Affairs Committee. page 4
"The Contribution of the All-American Canal System,
Boulder Canyon Project, To the Economic Development of
the Imperial and Coachella Valleys, Calif., and to the
Nations-- Report by Bureau of Reclamation, United States
Dept. of Interior and Insular Affairs, House of Representatives'
May 1956 Committee Print No. 13 35 p.
31. Ibid., page 5
32. Burgess, op cit., page 27
33. U. S. Congress. House. Interior and Insular Affairs Committee page xiii
"The Contribution of the All-American Canal System"
34. Burgess, op cit., page 27

35. IID
"Soil Conservation Progress Report"
District News, spring 1969 page 2
36. 403,079 acres of 458,044 acres IID page 9
"From Desert Wasteland to Agricultural Wonderland: The Story of Water and Power" op cit
37. Ibid., page 8
38. IID
"District Begins Biggest Concrete Lining Project on Two-Mile Section of South Alamo Canal"
District News July-August 1968
39. IID
"District Shares Larger Part New Concrete Ditchlining Installation" District News February 1964 p. 1
40. IID
"SCS Reports 11,500 Acres Planned for 1959"
District News April 1960
41. "Welfare for Growers, Early Graves for Workers"
El Malcriado Vol III, No. 3 page 6 c. early 1974
periodical of the United Farmworkers of America, AFL-CIO
42. Ballis, George; Sortor, Maia
"The Reclamation Lands Authority Act. Imperial Valley Report"
Congressional Record Vol. 118, No. 80, Wed., May 17, 1972
43. IID
"Soil Conservation Experts Process 3,977 Acres in Sept."
District News October 1957
44. Nadeau, op cit., page 234
45. Ibid, page 236
46. Ibid page 237
47. Ibid, page 240
48. IID
"President Hewes Explains in Detail 1950 Audit Report of Imperial Irrigation District" District News, August 1951 p. 1
49. IID
"Liquidation of Mexican Properties Ends Historic Imperial Valley Era: IID Ends 50 Yr. Operation in Mexico"
District News September 1961

50. U. S. Bureau of Reclamation, Office of Saline Water
U. S. Dept. of Interior
U. S. Dept. of State
Draft Environmental Statement Colorado River International
Salinity Control Project, in support of HR 12834 and S 3094
April 1974
51. Nadeau, op cit., page 243
52. IID
"U. S.-- Mexican Agreement Will Help Solve Knotty
Salinity Problem" District News April 1965 p. 1
53. IID
"Completion of Channel Eases Salinity Problem:
13 Mile By-Pass Drain" District News Dec. 1963 p. 3
54. U. S. Bureau of Reclamation, et al op cit.
Draft Environmental Statement Colorado River Int'l . . .
55. U. S. Bureau of Reclamation., Department of Interior p. 82
Colorado River Water Quality Improvement Program
February 1972
56. IID
"\$8 Million Senator Wash Dam to Store Excess Water for Use
During Shortages: New Reservoir is Two Miles Up-Stream
From Imperial Dam" District News April 1965 p. 4
57. IID
"New Study of Colorado River Channelization"
District News September 1965 p. 3
58. IID
"Water Conservation Program Suffers Setback As Dredging of
Opock Gorge Comes to Halt"
District News July-August 1968
59. IID
"District Urges Resumption of River Dredging"
District News June/July 1969
60. IID
The Colorado River and Imperial Valley Soils
A Chronicle of Imperial Valley's Continuing Fight
Against Salt op cit

IX. LAND AND LABOR

The Imperial Valley began as an area of small farmers, settlers who patented their 320 desert acres. It had no Spanish land grants. The only large holding was the railroad lands, and Southern Pacific sold off most of its farmland through its promotional scheme, the Imperial Valley Farm Lands Association¹ by the 1920's. Today the railroad still owns thousands of acres in Imperial County, but fewer than 1,000 are in the boundaries of Imperial Irrigation District, eligible to receive water. The Valley was unique to Southern California because it had so few large holdings.

Yet right from the start, speculators began to buy Imperial Valley farm land, and through both legal and illegal means, accumulate large tracts of land. By 1919, 25% of the tillable land in the Imperial Valley was owned in holdings of 2,000 acres or more.³ Absentee ownership became common, and tenantry flourished in the Valley as nowhere else in Southern California.

The Valley has always relied on an army of laborers to help build the water works and grow and harvest the crops.

Crews of Cocopah Indians from Mexico built the irrigation canals,⁴ fought the great flood,⁵ and cleaned the irrigation canals of weeds and silt before the work was mechanized in the late 20's.⁶

Farming Valley land, especially if it was planted to labor intensive vegetable or melon crops, required much more labor than a single farmer for each 320 acres of land.

Japanese, Hindu, Chinese, Negro, and Phillipino laborers worked the land and harvested the crops. Most laborers could not afford to acquire land. Asian laborers were prohibited from owning it or

leasing it by the Alien Land Laws of 1920 and 1923.⁷

"By the late 20's, the Valley was not a traditional homogenous community of farmers working their own lands," wrote Paul Taylor, "but a polarized, divided society. Operation and ownership of land were concentrated in few hands, the laboring landless were numerous."⁸

Taylor visited the Valley in 1928, and found large crews of Mexican laborers working on melon and lettuce farms. Though the Valley had nearly 5,000 farms, there were only 56 melon growers and 67 lettuce growers. ". . . the real scale of valley agriculture in crops using Mexican labor most heavily is revealed by the following figures for the melon and lettuce crops, which show the very high averages per grower of 667 and 336 acres, respectively," wrote Taylor.⁹ "The growers of melons and lettuce are for the most part companies which entered the Valley as commission merchants. Of recent years, these companies have undertaken to lease the land themselves for the growing of truck crops. A considerable impetus to this movement was given by the alien land law prohibiting Japanese growers from leasing land . . ."

The melon and lettuce fields saw the beginning of the wave of farm labor strikes that hit California during the 30's. Strikes by Mexican and Phillipino workers in the fields and of Anglo workers in the packing sheds took place in early 1930.¹⁰

Though the strikes were not successful, the Trade Union Unity League set up headquarters in Brawley, and enrolled hundreds of workers as members. In April, the union sent out a call for a mass meeting. The authorities responded with a round-up of more than 100 workers, a large group of which was put on trial.

The Imperial Valley had the distinction of bringing the first conviction under California's Criminal Syndicalism Act, an anti-union law passed to halt labor organizing. Eight defendants were sentenced to terms at the state prison at San Quentin.¹¹

The Imperial Valley was also the first area to respond with violent suppression against the depression era farm strikers. Cary McWilliams called the Imperial Valley "the Cradle of Vigilantism," for it was in the Valley that the Associated Farmers began, as a voluntary organization dedicated to raising vigilante armies. Financed by large corporations and organized by employees of the Chamber of Commerce, the Farm Bureau, and the University of California, it soon grew to become a powerful, statewide organization.

The Valley's pea industry, located around Calipatria, employed more than 3,000 workers each spring to harvest and pack peas. There were no provisions for housing the workers, so they camped near the fields where they worked.

In the spring of 1933, the crop was destroyed by an unexpected freeze, stranding the laborers without money or work. When a week of rain followed, many fell sick to the flu. The American Red Cross came in and fed several hundred starving families.¹³

In 1934, strikes began in January in the lettuce fields. An army of "special deputies" attacked a large strike meeting, breaking it up with tear gas and violence. 87 were arrested. An injunction was obtained in U. S. District Court to protect the meetings, but the County Sheriff refused to enforce it.¹⁴ The ACLU attorney who had obtained the injunction, A. L. Wirin, was kidnapped by a group of vigilantes while he was on his way to address a meeting of 1,500 workers in Brawley.¹⁵

The strike continued through the pea harvest. A force composed of vigilantes and the state and local police raided the strikers' desert camp. The shacks were burned to the ground, and over 2,000 men, women, and children were evicted by tear gas bombs. Many were arrested, and a baby was killed by the gas.¹⁶

The Leonard Commission of the National Labor Board investigated working conditions in the Valley and found "filth, squalor, an entire absence of sanitation" and tents or shacks for housing. Commission member Simon J. Lubin said the growers were "paying less than a starvation wage."¹⁷

Beginning with World War II, Mexican workers became the predominant laborers. Mexican Nationals came to the Imperial Valley as emergency workers during the War. Each year after, the Federal government brought Mexican Braceros back to the Imperial Valley for the harvest, and then sent them back to Mexico at the end of the season.

With the end of the Bracero program in 1964, Imperial Valley growers turned to Mexicali, the city of 450,000 built against the barbed wire fence of the International border. Mexicali is the home for thousands of farmworkers who work in the United States and live in Mexico.

In many respects, the city is reminiscent of a South African bantustan. The lands on the Mexican side of the border are often poor and saline. Thousands make the daily commute north across the border to work on the rich Imperial Valley farms. The Border Patrol constantly asks workers to show their immigration papers, a "green card" visa complete with photo and encased in plastic. Undocumented

workers are arrested and deported.

A workers' daily commute might begin at 2 a. m. at El Hoyo, the shape up area in Calexico, and involve travel to fields more than 100 miles distant.

Most of the Valley's farm workers are employed by vegetable and melon grower-shippers. They leave their families in Mexicali to follow the available seasonal work as it moves to their employer's operations in other parts of California and Arizona.

Lettuce production companies have farming operations in the cool coastal areas in the summer, in the interior valleys in moderate spring and fall weather, and under the mild desert sun for winter harvest. The following table compares the size of the Imperial and Salinas Valley operations of some large firms:¹⁸

ACREAGE FARMED 1977

	Monterey Co.	Imperial Co.
Bud Antle, Inc.	1,143 acres	3,396 acres
Bruce Church, Inc.	6,182 acres	2,600 acres
D'Arrigo Bros.	4,583 acres	1,638 acres
Interharvest, Inc.	11,785 acres	6,070 acres

Lettuce is more easy to grow than it is to sell, consequently it is the marketing firms who dominate the industry. In no other crop do so few farming firms control so much of production. In the winter of 1968-1969, the four largest lettuce firms shipped 23% of Imperial Valley lettuce production.¹⁹

The production was further concentrated by the acquisition of nine growing and shipping companies by Interharvest, Inc., a subsidiary of United

Brands, the multi-national shipper of Chiquita Brand bananas formerly known as the United Fruit Co.²⁰ The top four firms, now led by Interharvest, shipped 30% of the Valley's lettuce in the 1970 - 1971 winter season.²¹ The Interharvest combination was challenged as a trust by the FTC, but the law suit was dismissed.²²

Interharvest recently underwent a shake-up of top management officials. Howard Marguleas took over management, changing its name to Sun Harvest, Inc.²³ Marguleas is the marketing expert who turned Tenneco's losing agricultural operation into the Heggblade-Marguleas Tenneco marketing operation. Trucks painted with Tenneco's "Sun Giant" label are parked in the Salinas yards of Sun Harvest. Marguleas is also the owner of a block of shares of the Irvine Co., another large scale Imperial Valley farmer that owns 88,000 acres of farm lands which it is sub-dividing into Orange County housing developments.

The United Brands subsidiary, like its largest competitors, Bud Antle and Bruce Church, has more than 1,000 employees. Sun Harvest and a half-dozen other of the largest vegetable companies have now signed contracts with the United Farmworkers Union. The UFW has won nearly all of the union representation elections in the Imperial Valley, and the Teamsters have abandoned farm labor unionization, except for the contract it still holds with Bud Antle, Inc.

The Bud Antle empire was created by Lester V. "Bud" Antle, who died in 1972, leaving a farming operation which each year harvests 20,000 acres of vegetable crops in Arizona and California, producing 8% of the nation's lettuce and 4% of the nation's celery.²⁴

The "Bud of California Division" has bought a fleet of more than

250 refrigerated trailers,²⁵ and several million dollar vacuum coolers. The corporation also owns marketing companies such as "Bud de Mexico" which has imported tomatoes from Mexico,²⁶ "Bud Inc. Banana Importing Co.," bringing bananas from the Dominican Republic,²⁷ and the "House of Bud," an Amsterdam based marketing company which imports to Europe vegetables that have been raised in Africa by "Bud Senegal," another Antle subsidiary.²⁸

Bud Antle has recently been acquired by Castle and Cooke, the Hawaii headquartered corporation which produces foods such as Dole pineapples, bananas, and mushrooms, and Bumblebee seafoods.²⁹

Imperial Valley farm ownership, while concentrated, has not become as concentrated as have the farm operations. There has evidently been great speculation by real estate developers such as the Union Development Co., a Southern California developer which owns and operates shopping centers and office buildings in the Los Angeles area.

The investment in Imperial Valley farm lands by the Irvine Co. has been an apparent attempt to avoid paying capital gains taxes on the sales revenue generated by the sub-division of its Orange County lands. Both of the development companies own their own farming operations in the Imperial Valley.

A lot of Valley land is held in small parcels by absentee owners, such as the one bought by advertising magnate J. Walter Thompson. He is one of 36 land owners that lease land to the Abatti Brothers, who farm more than 9,500 acres of land.

Southern California supermarket scion Charles Vonderaher (of Von's retail chain) owns 745 acres of land, one of 19 owners of the

TABLE 1

**DISTRIBUTION OF LAND OWNERSHIPS IN THE
IMPERIAL IRRIGATION DISTRICT**

<u>RESIDENTS OF IMPERIAL COUNTY</u>	<u>NON-RESIDENTS OF IMPERIAL COUNTY</u>	<u>TOTAL</u>			<u>ALL ACREAGE</u>	
		<u>ACRES OWNED</u>	<u>Number of Owners</u>	<u>Total Acres Owned</u>	<u>Number of Owners</u>	<u>Total Acres Owned</u>
0 - 39.9	1,216	11,302	345	3,233	2,161	14,535
40 - 79.9	216	11,635	90	4,869	305	16,504
80 - 159.9	269	28,459	156	17,103	435	45,567
160 - 319.9	244	53,142	143	28,545	367	81,687
320 - 639.9	190	86,637	80	33,786	270	120,423
640 - 1275.9	55	89,228	27	22,786	125	112,014
1,280 or more	49	113,431	19	40,786	68	154,217
TOTAL	2,870	393,834	862	151,113	3,752	544,947
						100.0
						27.7

Source: Imperial Irrigation District

published by Council of California Growers
 "Economic Impact of the 160 acre limitation
 on Imperial County"
 Council of Calif. Growers, 520 El Camino Re:
 San Mateo, California October 1977

4,600 acres farmed by Fleming and Jack.

Absentee owners hold 45 to 50% of the Imperial Valley's irrigable farm land, according to one source.²⁹ Records of land ownership attributed to the IID show a smaller amount of the land, 27.7%, in absentee ownership (see table 1). The study reports 28.3% of the land held by landowners who own 1,280 acres or more, while 7.4% of the land is in both categories.³⁰ Thus with the criteria that no absentee owner can hold Imperial Valley land, and that no one may own more than 1,280 acres, 48.6% of the land (264,544 acres) would be considered held in violation of the Reclamation Act and its amendment.

Enforcing the subsidy limits would not be an idle move in the Valley-- it would affect the tenure of at least half the land, and the disposition of half of the federal subsidies.

1. California Commission on Immigration and Housing 1919 op cit.
2. Records of Imperial County Property Tax Assessor
3. Calif. Commission on Immigration and Housing 1919 op cit. p. 12
4. Taylor, Paul S. page 5
Mexican Labor in the United States: Imperial Valley in Mexican Labor in the United States, Vol. I, 1928-30 University of California Publications in Economics Vol. IV Univ. of Calif. Press, Berkeley, 1930
5. Hosmer, op cit., page 47
6. Henderson, op cit., page 141
7. Taylor, Paul S. page 5 and 6, et seq.
Mexican Labor in the U. S., 1930, op cit.
8. Taylor, Paul S. page 4
"Water Land, and Environment Imperial Valley . . ." 1973 op cit.
9. Taylor, Paul S. pp. 31-32
Mexican Labor in the U. S., 1930, op cit.

10. McWilliams, Carey page 213
Factories in the Field: The Story of Migratory Farm Labor in California Peregrine Publishers, Inc., Santa Barbara and Salt Lake City 1971 355 p.
11. Ibid. page 213-214
12. Ibid. page 231-232
13. Henderson, op cit., page 122
14. McWilliams op cit., 224
15. Henderson, op cit. page 123
16. McWilliams, op cit. page 224-225
17. Ibid. page 225
18. According to records of the Agricultural Stabilization and Conservation Service, U. S. Dept. of Agriculture Salinas, and El Centro, California.
19. U. S. Federal Trade Commission
"United Brands Co." Initial Decision, Docket No. 8835
Filed March 19, 1973 Donald R. Moore, Administrative Law Judge
20. "Garner Testifies on Lettuce Volume: Trade Complaint Against Interharvest" Salinas Californian May 24, 1972
21. U. S. Federal Trade Commission, op cit.
22. "FTC Dismisses Suit Against United Brands" Packer June 8, 1974
23. Foster, Doug
"Maggio hopes to plant seed for sunny harvest" Salinas Californian p. 1 September 2, 1978
24. "Bud Antle Dead at 58"
Packer August 5, 1972
25. Boark, Jeff
"Antle Using Unique Rail-Truck Service to East" Packer April 5, 1972
26. "Antle Opens Office in Nogales"
Packer January 19, 1973
27. "Bud Antle into Bananas with Dominican Republic"
Packer October 31, 1970
28. Krebs, A. V. "Antle in Africa"
The Ag Biz Tiller No. 7 c. 1977

29. Krebs, A. V.
"In the classic ritual of a big fish swallowed by a bigger fish, multi-national Castle & Cooke is buying Bud Antle, Inc., the large California iceberg lettuce and celery grower and shipper"
The Ag Biz Tiller Issue No. 7 c. 1977
30. Brunwasser, Arthur. Quotes finding of U. S. District Court in residency case.
31. Council of California Growers.
"Economic Impact of the 160 Acre Limitation on Imperial County" Council of Calif. Growers 520 El Camino Real, San Mateo, CA. October 1977

X. THE RECLAMATION SUBSIDY LIMITS IN THE IMPERIAL VALLEY

For more than 15 years Brawley physician Ben Yellen has waged a one-man campaign in favor of the subsidy limits of the Reclamation Act being applied to the Imperial Valley. The local power structure has for so long belittled Yellen's quest that the Brawley News can run a story about him headed "Crazy, a Committe: He's Called Both."¹

Yet Yellen has fashioned himself as a champion of the little people. In 1978, he campaigned for county Sheriff on the platform of "Enforce the 160 acres law" and got 1,385 votes.

Yellen became a political activist when he saw the domestic farmworkers who had been his patients in the Valley leave, unable to survive the low wage competition of the crews of Bracero workers from Mexico. Yellen fought back by documenting abuses of the Bracero program, and suing the State Insurance Commissioner for failing to regulate the Bracero's medical insurance program, which had high premiums and no apparent benefits.

His campaign garnered an economic boycott from Imperial Valley growers and the local medical profession, and a court case arising out of a scuffle with a school vice-principal.² With his practice cut

in half, he looked for another strategy.

"I was desperate as I was being ruined," wrote Yellen, "I had heard vague rumors about the U. S. Reclamation Law. I thought that if it was true, that U. S. Reclamation Law applied to the Imperial Valley, I would fight the boycott by ruining my boycotters."³

Yellen began distributing mimeographed newsletters and mailing hundreds of letters in favor of the Reclamation Law. Congressional inquiries about the applicability of the subsidy limits to the Imperial Valley occurred in 1958, 1961, and again in 1964.^{4, 5}

The Department of Interior Legal staff responded by releasing another opinion, the strongest to date. Solicitor Frank Barry wrote that the Wilbur letter was "clearly wrong," and that the lands of the Imperial Valley are subject to the excess land laws.

The Department acted on the Barry opinion with the slowest response possible. It began to negotiate enforcement with the IID.⁶ The district Board of Directors responded by passing a resolution on June 25, 1965, pledging not to enforce the 160 acre limit until the issue was tested in court.⁷

On July 1, a meeting was called at the Barbara Worth County Club. Over 500 people, including officials and directors of the IID, came to the meeting where the formation of the Imperial Resources Associates was first announced.⁸ Stephen Elmore, the Valley's largest farmer, was the IRA's first president, a position he still holds today (he and his family farmed 15,795 acres in the Imperial Valley in 1977).⁹

E. C. Rutherford was an early spokesperson for the IRA¹⁰. The Rutherford farming operations are the second largest in the Valley, 10,196 acres in all.¹¹ Rutherford is the current vice-president of the IRA.

The IRA is funded by a \$1 an acre contribution by land owners, and \$100 memberships from leaseholder growers and agriculturally oriented businesses.¹² Organized as a non-profit corporation, the IRA has raised more than \$750,000 to fight the subsidy limits.¹³ A large portion of these funds went towards hiring the prestigious law firm of O'Melveny and Meyers. That firm's numerous political contacts have won powerful supporters for the Imperial Valley exemption.

Senator John Tunney opposed the 160 acre limit in the Valley. One of his advisors, Warren Christopher, helped defend the Valley exemption when he worked for O'Melveny and Meyers.¹⁴ Another of the law firm's attorneys, Allyn Kreps, also worked for the Valley's exemption. He gave a presentation against the subsidy limits before the California Board of Food and Agriculture on December 13, 1965.¹⁵ Kreps worked on Alan Cranston's Senate campaign in 1968. Today he is a Cranston aide.¹⁶

Secretary of Interior Udall finally resigned himself to the fact that the IID would not voluntarily enforce the law, and on January 11, 1967, he sued the IID trying to force it to apply the 160 acre limitation. The IRA intervened on the side of the district.

Two years later, Ben Yellen and a group of 121 landless Imperial Valley farmworkers sued Secretary of Interior Walter J. Hickel to have the residency requirements of reclamation law enforced.

Judge Howard B. Turrentine ruled in favor of the district on the 160 acre case in 1971. Though Yellen tried to intervene in the case in order to appeal the decision, Turrentine ruled that he had no legal standing. Yellen appealed the standing question, and pointed out that Nixon appointee Turrentine had speculative holdings of land

in nearby Borrego Springs, a potential conflict of interest should an aqueduct be extended from the Imperial Valley.¹⁷

The government did not appeal the Turrentine decision to a higher court. When asked why no appeal had been made, the Justice Department was at first evasive,¹⁸ then later said that enforcing the law would not be fair, for the Valley's irrigation works had already been built before the Federal government came to the Valley, and that no land had been reclaimed by virtue of the Federal project.¹⁹ This was the position which has been consistently held by the landowners, one that is contradicted by reports from the Bureau of Reclamation.²⁰

Yellen ventured an alternate explanation for why the appeal was not pursued. The Phoenix law firm of Deputy Attorney-General Richard Kleindienst was the legal advisor to many big farm corporations which were farming in violation of the Reclamation law in the Salt River Project, Yellen explained,²¹ and President Nixon had bought \$100,000 worth of land from the estate of Stephen Elmore, which is located adjacent to Nixon's San Clemente property.²² As early as 1949, Nixon had pledged to Imperial Valley land owners his opposition to the 160 acre limit.²³ The decision not to appeal was made, according to Dr. Yellen, at a secret Washington, D. C. meeting between Stephen Elmore and attorneys for the Justice Department and O'Melveny and Meyers.²⁴

Judge W. D. Murray ruled in Yellen's favor on the residency case that same year.^{25, 26}

Because of the conflicting rulings and appeals, the residency and acreage cases were consolidated and a three judge court of appeals made another ruling in 1977. Overturning both previous decisions, the court ruled that the acreage limitation applies in the Imperial Valley

but that Yellen had no standing to file suit in the residency case.

At the same time, a federal court ruled in favor of another lawsuit filed by National Land for People against the Secretary of Interior. A Fresno based group advocating enforcement of the subsidy limits, NLP was successful in forcing the Department of Interior to draft administrative regulations in order to enforce the law, something it had never bothered to do before.

The two court rulings prompted the Imperial Valley landowners into a burst of public relations activity. In two months, more than \$128,000 was raised ²⁷ by the Citizens for Government Fairness. The group is a fictitious name of the Imperial Resources Associates, according to its head, Larry Fleming.²⁸

The bulk of the funds, \$86,000, went to Bill Roberts' Dolphin Group, who spent the money on an advertising blitz. To the Valley landowners, Roberts' credentials were excellent. He recently directed the No on 14 Campaign, the opposition to the farm labor election initiative, which they had supported with thousands of dollars in contributions. He has worked for more than 100 Republican political candidates including Gerald Ford, Thomas Kuchel, Ronald Reagan, and Nelson Rockefeller.

With his then partner, Stuart Spencer, Roberts created the "Citizen-Politician" image that allowed Ronald Reagan to argue that his inexperience in politics was an asset, and win the 1966 California gubernatorial elections.

But during the 1976 Presidential primaries in Florida, the Spencer-Roberts duo worked on the side of Gerald Ford. The Reagan campaign director tried to discredit the Ford campaign by mailing out

a reprint of a 1975 Scripps-Howard News Service article on the ad team. The article said that Spencer and Roberts ran a campaigning school in the 1960's that taught political "dirty tricks" such as phone tapping, spying, and rally disruption. The charge, which Spencer and Roberts denied, came from political consultant Raymond V. Humphries and three unnamed sources who also attended the courses.²⁹

The advertising designed by Roberts for the "No on 14" campaign was labelled as "fraudulent" by backers of the measure. At least one T. V. station refused to run Roberts' commercials, which were studied by the Los Angeles and San Francisco District Attorneys for possible prosecution.

The accuracy of Roberts' ads on the 160 acre limit in the Imperial Valley was questioned by Bureau of Reclamation official Mike Hacskaylow.³⁰ George Ballis, Executive-Director of National Land for People, was more succinct. He said that the Dolphin Group was "lying to the public," adding "there are six flat out lies in the ad."³¹

The biggest impact of the anti-subsidy limit public relations campaign was in the Imperial Valley. A series of meetings and rallies were held, with thousands attending. The peak of activities was a rally at the state G. O. P. convention in San Diego on October 2,³² and a protest at a Los Angeles fund raiser for President Carter on October 23, in which even the local high school marching band participated.³³

The landowners campaign was called a "Call for Fairness." It was geared towards whipping up the same anti-Federal hysteria that Anthony Heber had used in 1904.

The landowners said that they would let their land go back to desert before they would sell out. Thousands of leaflets were distributed in Valley towns and to workers crossing the border, alledging that businesses would fold and jobs would dry up if the 160 acre limit were enforced.

The anti-acreage limit campaign was sullied by the resignation of Robert Meyer from his position as Assistant Secretary of Agriculture in October. Meyer, an Imperial Valley grower who had supported Jimmy Carter's election by heading up his California farm campaign, put his holdings in a blind trust to accept the Washington job with the new administration. He resigned when it was revealed that he had used his position and USDA transportation moneys to support the campaign against the reclamation subsidy limits. Meyer, his brother-in-law, and one of the trustees of his ranch had lobbied Congressmen against applying the limits to the Imperial Valley.^{34, 35}

At the Department of Interior's hearings on its newly drafted regulations held at the county fairgrounds in El Centro in November, more than a thousand tractors and other farm implements were parked outside the hearings. It was an impressive display of sentiment, but with one flaw. Brawley News reporter Joe Livernois observed that "The bulk of the drivers were Spanish-speaking farmworkers. Most of them said they were being paid for their ride to the Fairgrounds."³⁶

After two months of intense activity, the landowners' campaign subsided. The Citizens for Government Fairness hired former liberal Democratic Congressman Tom Rees, of Los Angeles, to lobby against the subsidy limits in Washington.³⁷ Rees became the coordinator of a

coalition of different reclamation law opponents called the National Alliance to Modernize Water Laws, but the Alliance has begun to divide. Rees left, choosing to represent only the Imperial Valley.³⁸

In their quest for exemption from subsidy limits, the wealthy landowners of the Imperial Valley have won support from other politicians besides Jerry Brown. State Attorney General Evelle Younger, Lieutenant Governor Mervyn Dymally, and San Diego Mayor Pete Wilson have all supported the exemption as well.

But in the Imperial Valley, farmworkers are beginning to question why the lands should be held by so few.

Joe Fals says he has the dream of becoming a farmer. "But since large corporations hold such large parcels of land, it drives prices so high that it makes it virtually impossible for my dream to come true," he says. "I also ask for some fairness."

Farmworker, community development, and Mexican political groups in the Imperial Valley have endorsed enforcement of the reclamation subsidy limits, including the United Farmworkers Union,³⁹ the Valley members of National Council of La Raza, Campesinos Unidos, Calexico Community Action Council, and Desert Enterprises, El Centro.⁴⁰

Cesar Enriquez, director of Casa Amistad, a community self-help agency, adamantly supports the Reclamation Act. His father worked on the Elmore ranch for years, says Enriquez. "The Elmores became richer and richer and we became poorer and poorer. We made the Elmores the rich bastards that they are."⁴¹

Since the farmworkers already farm the land, he says, they should be allowed the opportunity to own it. That will take federal

assistance to purchase the land and to buy the seed and equipment to farm it.

"Yellen raised everyone's consciousness," adds Enriquez. "Our mentality had been that we'd never beat these guys, that they're too powerful. But the land belongs to those who work it, and we are the ones who work it."

1. "Crazy, A Commie; He's Called Both"
Brawley News September 22, 1977 page 1
2. Mankin, Eric
"The Man Who Stands up to Agribusiness"
Mother Jones February/March 1977 p. 30-35
3. Yellen, Ben
"The Honor Belongs to Professor Paul S. Taylor"
Newsletter from Dr. Ben Yellen January 28, 1973 Brawley, CA.
4. U. S. Court of Appeals, Ninth Circuit. page 1936
"U. S. v. IID" op cit.
5. Taylor, Paul S.
"Water, Land, and Environment Imperial Valley . . ." op cit.
6. Ibid., page 13
7. IID
"Land Limitation Highlights"
District News August 1965 page 2
8. Daniels, Dick
"Long Bitter Fight in Court Pledged on 160-Acre Law:
IID Promises IRA Support" Imperial Valley Press p. 1 July 2, 1965
9. According to records of the Agricultural Stabilization and Conservation Service, the Elmore operations are as follows
acres (gross)

John Elmore, P. O. Box 156, Brawley	4,578
Stephen Elmore, P. O. Box 119, Brawley	4,825
Elmore Co., P. O. Box 119, Brawley	5,392
*Ardvark Farms, P. O. Box 41, Brawley	1,000
	15,795

*a partnership of Howard J. and Richard D. Elmore
10. IID "Land Limitation Highlights" District News August 1965

11. According to records of the Agricultural Stabilization and Conservation Service, the Rutherford operations were as follows (in December of 1977): acres (gross)
- | | |
|--|---------------|
| Ed Rutherford, P. O. Box 6, Brawley | 398 |
| Jack Rutherford, same address | 2,398 |
| Rutherford Brothers, same address | 1,445 |
| Rutherford Land & Cattle Co., same address | 1,867 |
| Butters Ranch Farming Co., same address
(partnership with Butters family) | 780 |
| Orita Land & Cattle Co., same address
(partnership with Dan Cameron) | 1,598 |
| R & R Land and Cattle Co., same address
(partnership with Roger Revelle) | 1,710 |
| | <u>10,196</u> |
12. Imperial Resources Associates
"Land Limitation Laws and Imperial Valley"
Vol. 1, No. 2 November 1965 folder
13. Baker, George. Fresno Bee November 18, 1977
14. Baker, George
"Senator John Tunney: His Father was a Heavyweight"
Ramparts July 1974 pp. 12-16
15. Kreps, Allyn
"Statement of Allyn Kreps Before the California Board of Food and Agriculture" From the archives of the Imperial Irrigation District, El Centro, California.
16. Baker, George
"Cranston Aide Linked to Imperial Water Lobbying"
Fresno Bee September 29, 1977
17. Yellen, Ben
"Congressman Peter Rodino, Jr."
Newsletter from Dr. Ben Yellen Brawley, Calif. July 20, 1973
18. Barnes, Peter
"Water, Water for the Wealthy"
New Republic May 8, 1971 p. 9-11
19. Taylor, Paul S. page 23
"Water, Land, and Environment Imperial Valley . . ." op cit
20. U. S. Congress. House. Interior and Insular Affairs Committee.
"The Contributions of the All-American Canal . . ." op cit.
21. Yellen, Ben "Congressman Peter Rodino Jr." July 20, 1973 op cit
22. Yellen, Ben "The Constipated Circuit Court"
Newsletter from Dr. Ben Yellen, Brawley, Calif. June 28, 1977
23. Barnes, Peter op cit.

24. Yellen, Ben "The Constipated Circuit Court" June 28, 1977
op cit
25. IID
"Court Ruling Affects 750 IV Landowners; If Upheld, May Change Valley Farming" District News November 1972 p. 1
26. Taylor, Paul S. page 23
"Water, Land, and Environment Imperial Valley . . ." op cit.
27. "\$128,000 spent so far by 'Fairness' Committee"
Brawley News November 7, 1977
28. Interview with Larry Fleming, December 1977
29. Weinstein, Henry
"A hard look: the man behind the No on 14 campaign"
San Francisco Examiner October 30, 1976 p. 1
30. Gay, William
"Ad by anti-limitation group draws criticism"
Brawley News November 7, 1977
31. "Acre limit back says ad lies will ruin efforts"
Brawley News November 22, 1977 p. 3
32. "Farmers take protest to San Diego: Battle 'to the White House'" Brawley News October 3, 1977
33. Gay, William
"Rally, tractors draw U. S. attention: Carter fund-raiser in L. A." Brawley News October 24, 1977 p. 1
34. "Meyer admits 'personal' appeal on acreage ruling: Ag Boss Gave Permission" Associated Press, New York Brawley News September 28, 1977 p. 1
35. Baker, George L.
"USDA Aide's Try for 160-Acre Relief"
Fresno Bee September 28, 1977
36. Livernois, Joe
"Hearings are polite except for NLP jeer"
Brawley News November 22, 1977 p. 1
37. Gay, William
"Tom Rees hired to fight 160-acre"
Brawley News December 2, 1977
38. Baker, George
"Acre Limit Foes Disagree: Co-ordinator Quits"
Sacramento Bee March 20, 1978

39. "UFW Backs Reclamation Requirement"
Brawley News November 26, 1978
40. Livernois, Joe
"Attendance small at 160 hearing"
Brawley News November 23, 1977
41. Twomey, Steve
High noon for land reform: There's trouble in the valley"
Philadelphia Inquirer January 29, 1978