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Interview no. 552

Joseph F. Friedkin

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UNIVERSITY OF TEXAS AT EL PASO

INSTITUTE OF ORAL HISTORY

INTERVIEWEE: Joseph F. Friedkin (1909-)
INTERVIEWER: Oscar J. Martínez and Sarah E. John
PROJECT:
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BIOGRAPHICAL SYNOPSIS OF INTERVIEWEE:

Commissioner, United States International Boundary and Water Commission.

SUMMARY OF INTERVIEW:

Biographical data; history of the IBWC; land and water disputes arbitrated by the commission.

Length of Interview: 3 hours Length of Transcript: 73 pages

Joseph F. Friedkin
by Oscar Martínez and Sarah John
May 27 and June 16, 1977

M: Commissioner Friedkin, would you first tell us when and where you were born please?

F: Yes, I was born in Brooklyn, New York, 18 October, 1909.

M: Could you give us a little bit of background on your family?

F: My family moved here to El Paso. Or do you mean the heritage?

M: That's fine, starting when they moved here and what your father did.

F: My family moved hereto El Paso in 1916. I was just a youngster of course. And he came here with a theatrical company. It was then known as a stock company. And they played at what was then the old Crawford Theater. I was the eldest in the family, and I was getting to an age where I needed to stay reasonably permanent so that I could go to school. My first year in school, grammar school, I was in probably six or seven schools in one year because the stock company would /move/. So he liked El Paso and decided to stay. My father had two professions. One was, he was an actor on the stage, which was considered very important at that time. This was before the movies. And he also was a tailor. And so he decided to stay here and he got into the tailoring business and finally opened a tailoring establishment of his own. So I went to grammar school here. I went to Vilas School, it's still there. And I went to Lamar School, I went to Morehead School. Attended high school there.

M: El Paso High?

F: El Paso High. It was then the only high school when I started. And then I went to /what/ was then College of Mines, which is now UTEP. I graduated from the high school in 1926 and from college in 1932.

M: So you grew up in El Paso and went to school here. What stands out in your mind from your experiences in grammar school and in high school? Any

particular incidents that you recall especially well?

F: Well, I think the thing that stands out, thinking of border developments, the economy, the social life along the border, particularly in terms of youngsters, what stands out to me is when I was a boy, as far as the Mexican Americans were concerned at that time, many were selling papers even in the winter without shoes. Most of our clerks in the stores in those early days were Anglos. And so it's a big change that's occurred here for the Mexican Americans in the El Paso area. Today most of our clerks are Mexican Americans. And how they have developed through the years is one of the outstanding things in my mind. Also outstanding in my mind as a kid going to school, there was real conflict between kids of the Anglos and the Mexican Americans. And you're not old enough to remember, but...I guess this is all right for the record, I think it is. But gee, to us, the Mexican youngsters were Spics. And as far as the Mexican youngsters, we to the Mexican youngsters, we were Gringos, were "damn Gringos." This was a feeling. I mean, there just wasn't the closeness that we feel here today, that we have today. El Paso's come a long ways since I was a youngster, insofar as feelings between the Anglos and the Mexican Americans.

M: Were there fights between the two groups?

F: Oh, yes. There were gangs, there were fights.

M: Were you ever involved in any incidents?

F: Some of them, yes. I can remember a Mexican boy, a Mexican American boy, tripping me once when I was running. I came back to scrap him and he was a whole lot bigger than I was, I didn't do very well. But this is, I mean there was a real difference. So this is a great change, both in the economy, the social life of the Mexican Americans, in the way today that

we live together, we work together. Geez, some of the best poeple I have here are Mexican Americans. As a general rule they work better. There's more drive. This isn't true in every case of course. But as I went to school, high school, we got more better acquainted. Some of my best friends... and certainly the class, of course, we were a very, very small school then at what was then the College of Mines. My best friends were of Mexican origin. Things change. I think this is important.

M: Very important.

F: Extremely important.

M: El Paso's very different now.

F: You don't even hear the name Spic around here, do you? You very seldom hear Gringo. The Mexicans don't call us Gringo, the Mexican Americans don't call us Gringo.

M: Well, now, I hear that from time to time, I have to admit.

F: Do you?

M: Yes. But it's not used as a pejorative term that way. Because the word itself is derived from the Greek which means foreigner. And there's nothing pejorative in, although there are negative connotations.

F: Had you ever heard the word Spic?

M: Oh, yes. But nowadays, you're right.

F: You don't need those here anymore. Did you grow up here too?

M: I grew up in Juárez and in El Paso. What you say is very true, from my own knowledge of historical developments.

F: You struck much later than I did.

M: Just a few years.

F: But his is very outstanding in my mind--the tremendous advancement that the Mexican Americans have made in this area, the recognition that they have.

And properly so.

M: Do you recall, was there a dividing line between the two communities?

F: Almost at the tracks. Even above the tracks, the old train tracks (and they're still around), there were not many Mexican Americans living above the tracks in those days. There were some up in Sunset Heights.

M: What were the attitudes on the part of the Anglo community toward the Mexican American community, and vice versa?

F: Not so good.

M: Each group thought negatively of the other, would you say?

F: Well, I would say that they'd look...the Anglos looked down. There was this tendency, which doesn't prevail today. Well, I guess among some it does. But there was a real animosity on the part of the Mexican Americans. I think there's been great strides. This is true all along the border, I'm sure. So I think it's tremendous strides, tremendous advancements socially, culturally, economically.

M: What stands out in your mind from your experiences at Texas Western, or then the College of Mines?

F: It was a small school. When I graduated there were only 500 students. I think one of the fine things about it was it was very closely knit. I mean everyone knew each other. Hardly anybody in the school you didn't know. We had very close contact with the teachers, the professors. We were all very dedicated. This was at a time in the Depression, when I started school. Of course the crash, the Depression came right after 1929. But '30, '31, '32, the years of Depression. And just to be able to go to school and make a living was important. And I guess the other thing that stands out, particularly in graduation, so different from today, is that we had to take whatever job was available, we really didn't have any choice.

And it was a matter of getting a job to be able to have a roof over your head and be able to eat. There wasn't any unemployment compensation or anything, any fallback. I mean welfare. You just had to have a job to eat. We took things pretty seriously. I don't think we had the interest in world, in national affairs, certainly not in world affairs that these youngsters do today. And I think partly because we didn't have the communication, but also because our main concern was being able to get a job to eat. But the relationship with the friends I've made then (well I'm sure it's still true today) in school, they stay with you all your life. But I think because we were such a small school, I think perhaps we were more closely knit, more closely associated.

M: What did you do after graduation?

F: After graduation, I could not find a job. I graduated as a mining engineer. But the mines had closed down in Arizona. I had hoped to be able to get a passport to work in México, but that was a time when México began to restrict passports for foreigners coming in. So I was unable to get a passport to go into México. So the only job I could find open was teaching school. And I taught at the El Paso High School for a year and a half. You'll be interested in this.

M: We both went to El Paso High, by the way.

F: I went to Mr. Hughey, who was then the superintendent of schools. I knew him through his son. Harrison and I played tennis together. And Mr. Hughey says, "Well, Joe," he says, "if you'll take," I think it was, "12 hours of Education courses this summer, I'll give you a job next September." So I took 12 hours of Education by correspondence. And I had a little summer job at Cloudcroft, /New Mexico/. And I took 12 hours of Education by correspondence so that I could get a job in September. And I worked at it, believe

me. And I had to because I had to have a job to eat. And I enjoyed it.

It was a wonderful experience teaching. Some of my boys are still around that I taught.

M: You were there for a year and a half.

F: Year and a half.

M: What did you do?

F: I taught Chemistry and I taught Physics. Well, then, I was trying to get back in engineering, which I had studied, and I couldn't get a job in mining engineering. But in '34 I was able to get a job with the International Boundary Commission, at first doing surveying work. I was glad to do that. I think my first job, I got \$118 a month. I got \$96 teaching school.

M: Was that a big difference?

F: You bet your life it was a big difference.

M: Now, what kind of an organization was the International Boundary Commission then?

F: At that time...this is an interesting part of this commission's history. Let me start a little bit with the history of the commission. The international boundary was established between the United States and Mexico by the Treaty of 1848. And by the terms of the Treaty of 1848, it provided that there would be a survey made of the boundary to mark its location on the map. And it provided for, really, the first boundary commission consisting of a surveyor from Mexico, a chief surveyor; and a chief surveyor-commissioner for the United States. And they made this survey, completed it after the Gadsden Purchase Treaty, I think about 1855, 1856. There's some beautiful write-ups in Latin of these surveys. Emory's report, Bartlett's report in the library*. The surveys were very carefully done, and they were not only carefully done to mark the boundary but they had artists and all who drew

*See Appendix I

the landscaping. There's etchings of the landscape as they went along, of the animal life and the bird life. They were true environmentalists, these men. And they did a beautiful job.

M: Yeah, I've seen those drawings. They're really wonderful.

F: And so this was really the first commission that made the survey. Then there was a second small commission established by the Treaty of 1882 to make a survey of the existing monuments along what we call the land boundary. It's where the boundary between the United States and Mexico begins at the mouth of the Rio Grande and then extends right along the middle of the river, as prescribed by treaty, until it comes to a point just above El Paso. And then it extends westward along what we call the land boundary till it reaches the Colorado River. Then the boundary is the river for about 20 miles to the California-Baja California boundary, and then to the Pacific Ocean. The early survey in the 1850s marked this with a number of monuments along the boundary.*

M: How far apart were they?

F: The monuments vary. They were supposed to have been placed so that you could see one from another through a telescope. Some of them were just a mile apart, some of 'em were two or three miles apart. And it was the job of the 1882 commission to survey the boundaries to rehabilitate those that had been destroyed or destructed for some reason, and to construct some new monuments, replacements where needed. So there was a second commission formed in 1882, known as the Barlow Surveying Commission.

M: Now, was the previous commission established in the 1850s in operation?

F: No. Whenever it completed its survey it terminated. This was in about 1855, '56 when they completed their survey. The second commission for the United States, represented by Barlow, we call the Barlow Survey, was also a temporary commission simply to survey, to check the monuments,

*See Appendix II

replace, repair as needed. And that lasted only two or three or four weeks. And there's a report on the Barlow Survey.

Then in the Treaty of 1840, I have to go back again because this leads to the establishment of this present commission. In the Treaty of 1848, it simply provided that the middle of the river would be the boundary. It says the boundary would follow the middle of the deepest channel of the river. But there was no provision in that treaty to determine the national ownership of land when the river changed its course, 'cause the river could...you could have a big ox bow for example that we could cut across, with a piece of land on the other side of the river. If the piece of land was on the United States side it could be shifted over to the Mexican side and vice versa. There were a number of changes that took place in those days. But in 1848, there really wasn't too much concern. There was very little development along the river. The population along the river, according to early history, is probably less than two or three thousand all along the boundary. But by the 1860s there was enough habitation along the river--little farms, little settlements--that they began to be concerned as to ownership of the land when the river changed its course. And so the two governments in 1884 entered into a treaty that said that when the river changes its course by slow and gradual erosion, the boundary moves with the river. But any other change wrought by the force of the current, the boundary stays at the location of the old channel. And that was established as the rule to follow. But there was no mechanism set up, no organization set up, to administer that treaty, /to/ administer that rule.

So in 1889 the governments of the United States and Mexico set up what is known as the International Boundary Commission, made up of a United States section and a Mexican section, each headed by a commissioner.

The structure of the commission today is exactly as it was set up by treaty in 1889, with the Mexican section and the U.S. section each headed by a commissioner. And the 1889 treaty says that the boundary commission shall be responsible for the resolution of all questions which arise along the boundary as to the sovereignty of lands when the river changes its course. And this was the responsibility of the commission from 1889 up until the early '30s. And during that period the commission resolved some six or seven hundred cases (I have to check that figure) of where the river had changed its course and determine who the land belonged to. In other words, not privately who it belonged to, but whether it belonged to the United States or whether it belonged to Mexico, under the rules set down by the 1889 treaty and as modified by the 1905 treaty. So the work of the early commission up until the early '30s was the resolution of these boundary questions, boundary disputes. And even though the hundreds that they resolved involving nearly 30,000 acres of land--many of them were small, maybe a hundred acres, 50 acres, 5 acres, 300 acres, but aggregated all together nearly 30,000 acres of land, part shifted from U.S. to Mexico, part from Mexico to the United States--by the 1930s there was enough development along the river in the cities, in the towns, and in the irrigated areas that the commission was called upon to take on additional responsibility. With the additional people, habitation along the border, there came problems of floods occurring along the river causing damages to both sides. The river flooded even here at El Paso. There used to be great floods before Elephant Butte Dam and before the other storage reservoirs. This was true even to a greater degree downriver. It could be wrong for one country to build a levee and force the water onto the other country, and so there needed to be cooperative programs

for the construction of levees to control floods.

Also here in the Rio Grande above and below El Paso, we had increasing problems with the river shifting its course and in populated areas, intensively farmed areas. And so the two governments, through recommendations originating locally with the city of El Paso, with the Bureau of Reclamation, with the city of Juárez, and with the farming interests in both valleys, it was recommended to the two governments that the boundary commission construct what is known as the Rio Grande Rectification Project. If you've driven down along the river below El Paso, you'll see there's a levee on the U.S. side, there's a levee on the Mexican side. And the river itself has been straight, it's a fairly straight river. It still has curves in it, but it's fairly straight. And what they did in this river, this is what we call the Rio Grande Rectification Project. It was built in the years 1933, I guess, to about 1937. This was the work that was going on. It was the first major project undertaken by the commission over and beyond the resolution of questions relating to boundary locations.

But the river down below El Paso is a highly meandering river and very unstable. And every time it went in floods, farms on both sides suffered. There were changes of land, changes of property. So what this treaty did, it provided for a channel to cut across the old bend and in such a way and was aligned so that the total of the areas that passed from Mexico to the United States exactly equalled the total of the areas that passed from the United States to Mexico. It was actually an exchange of lands here, a little over 5,000 acres. We call this one of the most peaceful land boundary settlements, transfer of lands from one country to the other.

M: What about the nature of the lands? Did it work out pretty equally where

each side would get just as good land as the other?

F: Oh, yes. The lands were generally as good all through here. They were farm lands, alluvial lands of the valley. And so under the 1933 convention there's a treaty was developed, what was written and approved for this, drafted and approved by the senate of each country for this project that straightened the river. And it's because that river is stable now through here, because we have a levee to control floods, all of the developments that you see in the lower valley from Ascarate on down were made possible by the levee and rectification project. On the Mexican side, were made possible by this control of the river. The racetrack area, for example, is an area that was frequently flooded. But now with the levees and all that you have control, and it's really no problem. So this is the first, and this is really quite an historic project because of the exchange of lands between two countries.

M: How far did it extend from El Paso?

F: Extended downstream a distance of about 90 miles, down below Fort Hancock, to a place called Fort Quitman.

M: And the river was left in its original state from Fort Quitman down?

F: Yes, it was left in its original state. We didn't have as much problem down, although we have a problem in here now, and I'll come to that later. But down beginning here there's lots of water in the river that maintains its channel very well. But you see this is what we call here the Rio Grande Rectification Project. And this was really the first engineering project that the commission got into. And it stemmed from the fact that there was large development here at El Paso and Juárez in those days. In the '30s El Paso had a population of about 100,000. Juárez sixty, seventy thousand, something like that. And the irrigated areas were pretty well

beginning to be developed on both sides. They needed the protection. And the answer to it was a joint project of the United States. And this set the pattern for joint project of the United States and Mexico, where they could work together, provide a service, provide a benefit, for both countries.

And beginning with that project there, the next project, we'd had a similar project in the lower Rio Grande Valley where the floods were very serious and which required levees on our side, levees on the Mexican side. We didn't straighten the river down there but we built a levee on our side, they built a levee on their side, under a coordinated plan. We have what we call interior floodways where flood waters that come down the river, where the river does not have sufficient capacity to carry them through the cities, we enlarged and improved upon natural floodways on the U.S. side and the Mexican side. And the functioning of the Mexican side is very important to the United States, and the functioning of the floodway on the U.S. side is very important to Mexico. So here again we worked together to try to work out a joint project for the benefit of the two peoples.

M: This came after this was completed, or was it going on simultaneously?

F: This had already started, but this began, and in a slow way. This was not completed really until the '47s, and then we have made extensive improvement since then. But here, too, is a joint project of the United States and Mexico, and again for the benefit of the two peoples. So this was also a project in the early '30s, it was built.

M: Excuse me. Did you participate in both of these?

F: Now, I participated in this one.

M: In the Rio Grande Rectification.

F: The Rio Grande Rectification. Well, another part that I participated in perhaps more is that we also had the responsibility... Now the 1906

treaty was a treaty between the United States and Mexico whereby the United States guaranteed to Mexico the delivery of 60,000 acre feet a year of United States water, waters originating in the United States, for delivery here to Mexico at the head of the Acequia Madre, as you know, where the old Hart's Mill is. You've eaten at the Hacienda?

M: Yes.

F: Well, right back of the Hacienda is that little dam, and on the Mexican side is the Acequia Madre, the headgates. So we have the obligation. And this treaty was in 1906. The history of this treaty is that Mexico had an irrigation developement here, and they did pretty well. There was a spring runoff would come, there were no reservoirs on the river. The spring runoff would occur and they would have water for the irrigation of their lands. But in the 1880s in the United States there began to be developments particularly up in southern Colorado, San Luis Valley, to the extent that it began to cut off, reduce materially, the water that got down here. Mexico made a claim to the United States that they were shutting off their water supply. The 1906 Treaty in effect recognized that Mexico had some prior rights down here. And the treaty resolved the claim by the United States agreeing to build, as a part of Elephant Butte Dam, part of the storage would be used to regulate waters for delivery to Mexico. That was the amount of water that Mexico was using at that time.

M: In 1906?

F: In 1906 that was the estimated amount. Now, this treaty also provides that when because of an extraordinary drought or accidents to the irrigation system in the United States the deliveries to the United States users is reduced, the deliveries to Mexico would be reduced in the same proportion. And this commission administers that treaty. My early job with the

commission was to gauge the river. That is to determine how much water was in the river for delivery to United States users and for delivery to users in Mexico. And I used to gauge the river here at El Paso, I used to gauge it up at San Marcial, I used to gauge it down at Fort Quitman. This was one of my first jobs. Also, the gauging that I did was also used in the surveys for the Rio Grande Rectification Project.

M: I've come across several references in newspapers of the farmers in the Juárez valley repeatedly complaining that they didn't get enough water, and also complaining that the 60,000 acre feet of water was insufficient to meet their growing needs as the population increased and as they cultivated more land.

F: I have heard this too. But we do have a treaty, we do have an agreement for this. Actually, there's not enough water for lands on the United States side either. There's no surplus waters. And as you know, the city of El Paso is...not an immediate problem, but a long range problem on water. There have been these complaints, but officially Mexico recognizes that there is an agreement by treaty and Mexico respects the treaty.

M: The 60,000 acre feet of water remains the same today.

F: Remains the same today. Actually, both sides have suffered a number of shortages in a number of years, recent years.

M: Can you recall any particular instance when there was this kind of shortage that developed into problems here?

F: Well, there may be incidents for this very year. Ordinarily the allocation of water for irrigation on the Mexican side and on the United States side is three acre feet per acre. An acre foot of water is the water that would cover an acre to a depth of one foot. And for the irrigation of lands, for

a full irrigation, it takes three feet per acre. That water is applied in six eight-inch applications. This year the allotment to U.S. farmers and the allotment to Mexico is one and a quarter acre feet per acre. So they're only gonna get a little more than a third of their requirement. What U.S. farmers have had to do in the past, and what Mexican farmers are doing, is drilling wells to supplement their surface supplies. In good years, they have enough water generally to carry them through, good water years. But they had these pumps, which are reserves, and it's very fortunate that they have them. Now Mexico has expanded its area beyond 20,000 acres, which they irrigate by pumping from ground waters.

M: I had a conversation with Antonio J. Bermúdez in Mexico City, I interviewed him before he passed away. He told me about an instance back in the late '40s when Juárez farmers were suffering severely from lack of water, and they felt that they were not receiving their share. And they were complaining to the United States and making a lot of commotion about this. And they approached him for help and he told them to, in effect, cool it. "That's not the approach to use. If you want me to help you, okay, I'll try to help you." And he said that he came to the commission and spoke to someone, and he asked as a friend of the United States and a friend of the commission if this problem would not be solved. And he said he was able to get an increase in the delivery of water. So you recall any of this?

F: I don't think there has been an instance, I don't think there's been any year in which Mexico has gotten more than its allotted water, or that the U.S. farmers have received more than their allotted waters. See, the difficulty is that you can't give Mexico more water without taking it away from the U.S. There's no surplus. And the same is true, we couldn't

take any water away from Mexico to give it, even though U.S. farmers might be short. But in the same years that the Mexican farmers are short, the U.S. farmers are also short.

M: Do the U.S. farmers also get 60,000 acre feet of water?

F: No, they get more than this.

M: They get more.

F: They get more than this because they had more acres in cultivation at that time on the treaty. But also all of the water originates in the United States. And what we were doing was recognizing Mexico's existing uses at that time, 'cause they were the downstream user and all of the waters originated in the United States. Of course, this was a negotiated agreement. And what we did, we also built Elephant Butte Dam to be able to give, when there is a full supply, to give Mexico a regulated supply. This is important to have a regulated supply. A regulated supply of 60,000 acre feet per year is much better than an unregulated supply of maybe twice or three times that much if it doesn't come at the time you need the water. So we built the Elephant Butte Reservoir to give Mexico a regulated supply to serve their needs. This was the agreement. And both countries respect this agreement.

M: Was there any particular time that you recall when the farmers in the Juárez valley made a lot of commotion about not receiving enough water and how the problem was solved?

F: I have no particular recollection, I mean of any specific instance. But I know it's come up from time to time. And the position of our commission is and the Mexican commission, too, here, is the treaty. This is a contract and we respect it.

M: Do they still bring up the problem of needing more water?

- F: Oh, there's no question to it. See, Mexico's answering this question now by putting in more wells as our farmers have had to do here when there are shortages.
- M: How much more water do the farmers get over here?
- F: Well, the farmers on this side, below here, we have about 60,000 acres under cultivation--sixty, sixty-five thousand--with surface waters supplemented by well waters when needed. Mexico has about 20,000 acres that they depend on surface waters supplemented by well waters during short years, water short years. And in addition, Mexico has, and I'm not sure, 10,000 more or less, maybe even more acres, which depend solely on well water.
- M: Could we go back to when you started with the commission? Let's see, your first involvement was with the Rio Grande Rectification Project.
- F: And the stream gauging operations.
- M: Any incidents that stand out in your mind during those projects?
- F: No, except that it was tremendously interesting with the construction going on. It was the biggest project in this area at that time. It was a \$5 million project. It doesn't seem big today, but it was a big project then. It was the biggest project in this area at that time. You had a lot of equipment, bigger equipment than this area had ever seen, to excavate the river and to dig this new straightened river channel. Lots of interest in it on both sides. And everybody worked hard. There was a real cooperation on both sides in the construction of the project. Excellent cooperation.
- M: Was the canal in South El Paso constructed at that time?
- F: No. You're thinking of the Franklin Canal?
- M: Yes.
- F: The Franklin Canal was constructed much earlier. The Franklin Canal was constructed back...well, there was an old acequia that came through even

before Elephant Butte project. There was an old acequia through South El Paso.

M: They had one on that side and one on this side.

F: Yes. You could go to the old maps that were made by General Mills; well, the map that's on the Mills building. Have you seen the plaque that's on the Mills building downtown? The plaque shows the old acequia on the U.S. side, going through what was then El Paso. This is back in 1850s, 1860s.

M: So that canal goes back a long time.

F: Oh, yes. There was an acequia on the U.S. side, what is now the U.S. side. It was then the Mexican side too, of course. This goes back before the treaty. Then there was an acequia on the Mexican side.

I'm trying to think of other events of interest. Came at a very good time. This was right in Depression times, too, they had this project in El Paso.

M: Did it employ a lot of people?

F: A lot of people. Had a lot of surveyors, we had a lot of equipment out there, a lot of brush cutters.

M: What was your title at that time?

F: I guess I was called a hydrographer, junior engineer. But those were, most I can remember about those days, those were good days. I enjoyed being out in the field, working in the field, working with people, measuring around. Fun days.

M: Could you tell us what jobs you tackled after that?

F: I did this work until about 1937, 1938. And then they put me to work more in the office on computing flows. What you do is, you have the field men who get the data in the field. And you have office engineers who compute the data and put it together, compile the data for the records and for use.

And so I was put in the office and I worked there. Then about 1939, I was shifted over into the planning section, Planning and Investigation section of the commission. And I worked on some of the studies, the early studies for what is now Falcón Dam on the Rio Grande, and what is now Amistad, near Del Rio.

I also worked on some of the early studies of the Colorado River. We were then preparing, making studies in preparation for /what/ later became the 1944 Water Treaty, the distribution of waters between the United States and Mexico. At that time in the '30s, we only had one treaty with Mexico, the 1906 Treaty, for division of waters. And that was for the division of waters through the Rio Grande above Fort Quitman. It was really only a division of waters for the remaining sections of the river. The areas on both sides were increasing in their irrigation, particularly on the U.S. side, the lower valley, and on the Mexican side, the lower Rio Grande valley. And so we were making studies. Then, both the U.S. engineers and the Mexican engineers, and the political forces on both sides, recognized that there was more land that could be irrigated on the United States side and on the Mexican side than there was water to serve the lands. So the way it was going in the '30s was, you got there first and tried to get it first, and who got upstream from the other. And so it was recognized, to avoid a serious international problem over use of waters, that there needed to be a treaty between the United States and Mexico over division of the waters of the Rio Grande below Fort Quitman. Really, the Rio Grande is a much bigger river beginning at Presidio, where the Rio Conchos comes in. It's a much bigger river from here down than it is in this part. Also there was concern here in the Colorado River, because the Colorado River originates through the United States, but there's a large area in the Mexican

valley in Mexico that needed water for irrigation. And the water supply of the Colorado River was being reduced, decreasing, because of the storage and usage in the United States. So Mexico was concerned there, that there should be a treaty.

And so studies were being made beginning in '38, '39' early 40s, for a treaty between the United States and Mexico for the division of waters of the Rio Grande. So this here again, you see an expansion of the work of the Boundary Commission, as the need developed for it. More irrigated areas, more people, more work, more need for cooperative programs between the United States and Mexico on water matters. And so both governments, both the U.S. government and the Mexican government, authorized the engineers of the commission to enter into joint studies, negotiations, for a treaty of the division of the waters of the Rio Grande below Fort Quitman. And that was culminated.../PAUSE/ Which is this document. And my part in the preparation of this one was the early studies that I had done of the water supply that was available when I was collecting and compiling records. Another part that I was fortunate to have was to make some of the early studies for reservoirs on the river, to be able to conserve and utilize the waters for both countries. Another, and I think perhaps one of the most important parts that I had was, I was assigned over here to Calexico in 1941. And in '41 for about a year and a half I was assigned here, and my job was to determine with the Mexican engineers and other authorities, the irrigated lands and uses of water in Mexico in preparation for the treaty. And I did, I made surveys there with engineers of Mexico and with other authorities to determine the areas that were irrigated.

Well, I was there until April of 1942 and I went into the service, World War II. I was in the service for four years, almost to the day.

I was discharged from the service in April of 1946. When I came back with the Commission, in the meantime, this treaty had been drawn, and this is a very important document as far as cooperation of the two countries. This treaty provides, as I say, for the distribution of the waters of the Rio Grande, as it says; and of the Colorado River. It also mentions the Tijuana, it has a provision in there for the Tijuana /River/. But it assigns, as far as the Rio Grande is concerned, it assigns to the United States all of the water entering the main tributaries from the United States side. It allots to Mexico two thirds of the waters entering from the tributaries on the Mexican side above what is now Falcón Dam, and one third to the United States.

M: There's more water going in from the Mexican side that from the U.S. side.

F: Yes. Conchos is the largest tributary. And it allots to Mexico all of the water from the Río San Juan, which enters the river down below Falcón, and all of the water of the Río Alamo, which enters the river below. Roughly it resulted in approximately a 50-50 division of the waters there, approximately. So this treaty is a real landmark internationally in that it divided the waters of the river. And it was further an important landmark because it not only divided the waters, but it also provided for the structures to conserve the waters and make them available for use in the two countries. Bear in mind that the Rio Grande is a very erratic river. Much of the water of the Rio Grande comes down as floods. It's either in flood or it's very low. And to really make the water supply available for use by farmers, by cities, by people, it needed to have reservoirs to control the floods, conserve the flood waters and then release them as needed for irrigation.

So this treaty provided for the construction of Amistad Dam here

and Falcón Dam here. And Falcón Dam was built first, completed in 1953. It was built jointly by the United States and Mexico. There was a U.S. contractor and a Mexican contractor. And the costs were divided in accordance with the benefits of the two countries. Again, we always strived to be on the positive side, to divide costs, share matters in terms of benefits. And in this case here the government of the United States paid 58 and 6/10 percent of the cost, and Mexico paid the remaining part, because the conservation capacities in the reservoir were allotted in that proportion. That dam was completed in 1953 and was dedicated by President Eisenhower for the United States and President Ruiz Cortines from Mexico. This was _____.

M: Were you there when that happened?

F: Yes.

M: What was your role in this particular project?

F: My role in this project...well, let me come back I guess to my career and bring it in. When I came back in 1946, I was assigned back over here to Calexico, Yuma, San Diego area. We had our office in San Diego, but I was responsible for the operations of the commission in this whole area, one of which was the building of a diversion dam here by Mexico to the gulf. Well, we go back to the treaty again. The treaty allotted to Mexico one and a half million acre feet of waters of the Colorado River each year. That was largely in recognition of Mexico's uses at that time.

M: Quite a bit of difference from 60,000 acre feet over here.

F: Well, Mexico was only using 20,000 acres over here. They had under cultivation 300,000 acres. So this was a tremendous area. And this is a much larger river. This river runs some total run off, some 15 million acre feet. This river here, if we get over a million we're doing very

good. We think a supply of 600,000 is good. So it's a difference of water supply.

So my job was to get this diversion, work with Mexico jointly on this diversion dam, first, and to see that the waters were properly delivered to Mexico in accordance to this treaty. We also made studies in the Tijuana River. I was there in San Diego from '46 to '52. Early '53 I was brought into El Paso, the assignment as principal engineer. The treaty sets up...would be the commissioner, secretary and principal engineers. And I was brought into El Paso as a principal engineer under the commission, or the chief engineer. And as chief engineer of the commission I had /to be/ responsible for this area, too. But also, this is then when I became associated with Falcón. I was responsible for the overall supervision for the United States part of the completion of Falcón. At the time of the dedication I was one of those who was to sponsor our guests. I remember I had the responsibility for escorting, to insure that the Senate Banking Committee was taken care of. I met them at Laredo. Each of us had a responsibility, as many of the dignitaries that were attending.

M: The whole Senate Banking Committee came down for that?

F: Practically all the Senate Banking Committee. They were on their way, I guess to Mexico, and they stopped off here to see this dedication. This was an interesting, physical circumstance. A month before the dedication we had no water in the river. We had a big dam and no water. But fortunately, we had a storm just before it (laughter) and had a beautiful clear blue lake by the time the presidents came.

M: Were you worried there would be no water?

F: Sure were. So, this was a beautiful occasion with the two presidents.

Also one of the interesting personal occasions, when this little dam was completed here in 1950, the President of Mexico at that time was Alemán, before Ruiz Cortines. Alemán came over to dedicate this, it was really for the Mexican structure, but he came over and dedicated it. And I was simply the resident engineer, but I was counterpart to the Mexican resident. And I remember Alemán came over in his private car with the railroad, and I was introduced to him, the Mexican counterpart was introduced. And he asked us then if we wouldn't ride back with him and have lunch with him on his train. That was the first time I got to ride in a private car with a president, have lunch with him. This was a pretty exciting thing. And a very fine man, muy amable as they say.

Those were the big events there in getting the treaty worked and the operations started in that area.

J: What's the name of that dam there in...?

F: On the Colorado?

J: Right.

F: It's a little diversion dam known as Morelos Dam. Have you been over in that area?

M: No. Well, I have been to Mexicali, but not to the dam.

F: I was over there just two weeks ago.

So we began operations there under the '44 treaty here and very well. And with the construction of Falcón Dam, we began the operations of the 1944 Treaty to divide the waters of the Rio Grande and of the Colorado River. I have a record now of some 27 years on the Colorado River and 24 years on the Rio Grande, of dividing the waters with Mexico, and without a serious problem. We think this is pretty significant. We haven't had any gun shooting across the line. We came pretty close down

here once. We had a very serious shortage of water. This was just before the dam. The early years of the operation we were very close to a problem. The shortage of water, the U.S. farmers were accusing the Mexican farmers of taking their water. The Mexican farmers were accusing the U.S. farmers of taking their water. The Mexican farmers and the U.S. farmers, the U.S. side were urging me, pressing me to have a joint team of the U.S. and Mexico, police the river. U.S. and Mexicans going over to the Mexican side and U.S. and Mexicans policing on the U.S. side. Well, I didn't think this was good. We weren't trying to spy on each other.

M: What was the year?

F: This was in the early '50s.

M: And where was it just about?

F: In the lower Rio Grande Valley. What we did was, working with the Mexican commissioner (who was a very outstanding commissioner), we arranged on the United States side to have inspectors that checked every pump on the United States side to be sure that we were not pumping extra water. And the Mexican commissioner arranged for inspectors and police in effect on the Mexican side to be sure they were not taking water. And this is the right way to do it, rather than have /the U.S. and the Mexican teams checking on both sides of the border/.

/PAUSE/

F: So the result of it was that with careful policing and inspection on both sides, we were able to resolve that problem without any serious incident. Plus the fact, and the very fortunate fact, that it wasn't many weeks until we got a good supply of water. And as long as there's plenty of water for everybody, why, there's no problem. And it'll be

interesting to...the way we do this even today when we have a good supply of water. There are times when one diverter on one side of the river will take more than his share. The U.S. users may take more than their share at a time, or the Mexican users may at some time take more than their share. But we keep measurements. We have measurements at the mouths of /the/ water diverter. And when one country takes more than its share, it is charged back against that country's water in storage in the reservoirs. So we have really had no serious problems in the Rio Grande. On the Colorado River we've had no problem in delivering our million and a half acre feet each year to Mexico. It has worked out very well. Now we do have later problems, as I'll come to them in the chronology.

/PAUSE/

M: Continuation of the interview with Commissioner Friedkin, June 16, 1977.

Commissioner Friedkin, can we continue the interview first with the building of Falcón Dam?

F: Yes. I think in the chronological sequence in which we've been proceeding, the next feature in the history and the development of the commission, or what we'd prefer to say is the history and development of works along the boundary, cooperative works along the boundary, joint works along the boundary, for the benefit of the two countries, peoples along the river in the two countries, was the Falcón Dam and Reservoir Project. This dam was authorized and agreed upon by the two countries in the 1944 Water Treaty. This treaty provided that in order to enable each country to obtain the optimum use of its share of the waters, that the two governments would jointly construct the works needed to regulate and control the river's floods and to conserve the waters for irrigation. And it originally contemplated that there might be three dams in the river, on the Rio

Grande. And the first of these that it provided for was Falcón Dam and Reservoir. The dam itself was located about 75 miles downstream from Laredo and Nuevo Laredo.

The planning and the design of the dam was performed jointly by the United States and Mexico. The construction of the dam was performed jointly by the United States and Mexico. The costs were shared by the two governments, and the costs were shared in proportion to the benefits. And the benefits were measured by the conservation capacity of the reservoirs that was reserved for each country. Conservation capacity means that capacity of a reservoir which is used simply to conserve water for later release downstream for domestic or irrigation or other uses, as contrasted with flood control capacity, which is the capacity only to temporarily hold flood waters, to regulate the waters so that the releases are less than the inflows, to reduce the magnitude of the floods. The division of costs, as I say, in proportion to the benefits. In the case of Falcón Dam, the cost was divided 58.6 percent to the United States and 41.4 percent to Mexico, 'cause this was the proportion each country had of the total conservation capacity of the reservoir.

The plannings of the dam started in the late '40s and construction of the dam in about '49. And the dam was completed in 1953. The dam has a capacity of about four million acre feet total. This is about twice the present capacity of Elephant Butte Reservoir. Of that four million acre feet, about two million, seven hundred thousand is used for the control of floods, is allocated for the control of floods. The cost of this dam was in the order of \$35 to \$40 million dollars. An interesting part of the project of the two governments, the dam was actually built in part by Mexico and in part by the United States. So we had two contractors

on the job, a contractor for Mexico and a contractor for the United States. And it was the responsibility and duty of the International Boundary and Water Commission to coordinate the work of the two contractors.

M: Did that present any special problems?

F: Not any special problems. There was concern with the wage rates on the Mexican side being different from wage rates on the U.S. side, and people working almost side by side but for a different wage scale. But it did not cause any serious problem.

M: Do you remember what the difference was on the wage scale?

F: No, I don't.

M: Was it substantial?

F: It was substantial at that time. I don't remember. You'll be interested in the way the work was divided between the contractors. First, the work of the project, all of the items of work were enumerated, and the estimated cost put beside each item. And this was the total estimated cost of the dam to the United States and to Mexico. Then those items which as an engineering matter could be constructed by one country would amount to its proportional cost of the total were allocated for performance by that country. For example, Mexico was responsible for payment of 41.4 percent of the total cost. And let's say of the total--the cost of the dam was \$35 million--and then 41.4 percent of that is what was allocated to Mexico for performance. And then there were items selected out of all this list of items that Mexico could, as a practical matter, perform on its side, which added up to 41.4 percent of the total cost. And that's the work Mexico performed. Similarly on the U.S. side, we did work corresponding to 58.6 percent of the cost. Well, this is the unique feature of our international work--that we have two countries, two

governments, two contractors, working side by side and dividing the work.

M: What about the quality of the work? Was there any problem in controlling it?

F: On the quality of the work, first the engineers of the two countries first prepared what we call the design criteria, how good should be the concrete, what should be the compressive strength of the concrete, what should be the height of the dam required, what should be the spillway required, what should be the quality and type of materials in the spillway gates. On the earth embankment sections, how should the earth be, what type of material should be used, what type of compaction equipment, what degree of compaction should be obtained. These were criteria which were agreed upon by the engineers of the United States and Mexico before the construction was undertaken. Then on that basis of that criteria, it was agreed upon, each country prepared the specifications for its part of the work but corresponding to the agreed upon criteria. And so really the earth work, the earth part of the embankment.../part of the dam/ the center for the spillway section is concrete, but the other parts of it are earth. And so the specifications for the U.S. part and the specifications for the Mexican part were all directed to securing the type and quality of work that was necessary. Then, during the construction, there were joint inspections. The engineers for the Mexican side inspected the U.S. part of the work with the U.S. engineers, and U.S. engineers with Mexican engineers inspected the part of the work on the Mexican side. So insofar as the quality control was concerned, this was joint, really. Each had their own detailed inspectors on each side. There were Mexican inspectors inspecting the work on the Mexican side and U.S. inspectors inspecting the work on the U.S. side. But there was overall supervision

by joint inspections of engineers of the two countries. So this made rather interesting and very challenging work.

M: Did it go smoothly?

F: And it went really quite smoothly. And the dam was completed in 1953. I remember well the circumstance. President Eisenhower dedicated the dam for the United States, and President Ruiz Cortines dedicated the dam for Mexico. And it was an exciting occasion. The dam is about four and a half miles long. And almost the entire...well, certainly the middle part, there must have been two or three miles of flags and soldiers on each side just lining. And when President Eisenhower arrived with his group, they crossed the dam and met with the Mexican president on his side. I remember distinctly the Mexican president standing at attention in their palacio municipal on the Mexican side in Guerrero, waiting for the U.S. president to come. And they met there and had a little ceremony on the Mexican side. And then they moved over to the U.S. side and had a joint luncheon with all the attendants of both sides.

And then there was a dedication at the center of the dam, at which time President Eisenhower made a little talk and President Ruiz Cortines made a talk for Mexico. And I remember so well the statement that President Eisenhower made that's kind of made history. The statement he made, this is a statement by President Eisenhower at the dedication of Falcón Dam on October 19, 1953. He said, and I quote, "More than a mute monument to the ingenuity of engineers, this Falcón Dam is living testimony to the understanding and the cooperation binding our two peoples." I'll often use this statement. It's well put. And then he proceeds, and he goes on to compliment our commission. "This work is one of the most dramatic achievements of the International Boundary and

Water Commission, which conceived and executed its construction. Founded almost 65 years ago, this commission has repeatedly throughout history resolved such problems as elsewhere in the world have flared into bitterness and hostility."

Well, an interesting part about this was, kind of a sidelight but of real concern to us at the time, this dedication, as I mentioned, was on October 19. And two months before the dedication, maybe three months, but in that order, two to three months, we'd finished the dam. We were ready to store water, but there was no flow in the river to put any water in the reservoir. We were concerned we would have a dry lake when the two presidents met. But you know, about a month, just a month before, maybe it was only three weeks, we had a good flood on the river and we had a beautiful lake for the presidents when they arrived.

This reservoir dramatically, really, demonstrated its worth. Because in the following year, 1954, we had the greatest flood of record on the Rio Grande above Falcón Dam. Had Falcón not been there, this flood would have caused complete devastation of the large agriculture and urban areas in the Lower Rio Grande Valley of Harlingen, McAllen, Brownsville, Hidalgo. All of those areas and the farming areas would have been devastated. But fortunately we built and we completed this dam in '53. And in '54, and fortunately, too, the reservoir was low, so we had sufficient capacity enough to completely control the flood. We had no spill.

And I think one of the most appreciated and grateful moments or experiences I had as an employee of this commission and working with this commission was during that flood. I was then the principal engineer, I was not the commissioner. The commissioner at the time was a Commissioner Leland H. Hewitt. But during the peak of that flood, as the peak was passing Laredo, just before it got into the reservoir, we flew over the

river and we saw... This flood came out of the Devil's and Pecos rivers, which is just above Del Rio. Are you familiar with the /area/?

M: I know where the Pecos goes in.

F: Just above Del Rio and Ciudad Acuña. This flood washed out every bridge across the river. It completely severed communications. It flooded seriously, very seriously, every town on the river from the mouth of the Pecos and the Devil's down to Falcón reservoir. As we flew over we could see the flooded area in Del Rio, Ciudad Acuña, Eagle Pass, Piedras Negras, Laredo, Nuevo Laredo. Laredo suffered very serious problems. And then to see this tremendous amount of water and all that devastation that it caused, and see it flowing into this reservoir, and then the river below the reservoir was a small, quiet stream. This was a very dramatic experience of how worthwhile and how fortunate we were to have built the dam at the time we did.

M: Aside from flood control, what other positive consequences have come as a result of this dam?

F: The consequences of this is that the irrigated area in the lowe Rio Grande Valley on the United States side... before Falcón Reservoir there was about 400,000 acres of lands under irrigation. Now 400,000 acres of lands under irrigation is about six times the area that's under irrigation in the El Paso valley.

M: Upper and lower?

F: Upper and lower valley. So that would give you some idea. It's a very large irrigated area; it was before Falcón went into operation. And the agricultural economy was a very unstable one. Because at times of flood the lands were flooded out, there was too much water. When there wasn't a flood on the river there was too little water to irrigate. So it

was a problem of, without the regulation of the flows, the Rio Grande is a very erratic river, with fluctuations from very low, practically no flow, to very high flows. And this, as I say, it was either one or the other, seldom in between. And this all resulted in a very unstable economy, agricultural economy. Well, with the construction of Falcón Dam and its storing water, making the waters available for use downstream, the irrigated area on the United States side (and I can talk more specifically to this) has practically doubled to 800,000 acres. And it's not only doubled, but the water supply is relatively very stable, it's a dependable water supply. And so we have not only doubling the acreage and the production, but also providing for with a stable water supply, a stable economy. And so the lower Rio Grande Valley has really bloomed and flourished because of Falcón Reservoir.

M: What about on the Mexican side?

F: And on the Mexican side, the change has been perhaps even more dramatic. Because before Falcón they had even less, much less irrigated land than we had on the United States side. And so they have increased their irrigation. They must have five, six hundred thousand acres under irrigation now on the Mexican side. And so the Mexican side, too has bloomed and flourished because of Falcón Reservoir.

M: Have there been any negative consequences from that dam?

F: No. I know, really, of no... if you're thinking in terms of environmental impacts or this sort of thing, I really know of no serious environmental impacts. Now, we did have... and this is a story in itself, an important story. We did have to move, on the U.S. side (and there was a town moved on the Mexican side) the little town of Zapata. There was a little town of Zapata on the U.S. side located very close to the river and

within the reservoir area. The town of Zapata at that time was maybe 1,000, 1,200 people, something in this order. And what we did there, what the United States government did, was to select a new site outside of the reservoir area and to give these people the right to move. We gave them a lot, they selected a lot. They drew lots for different lots in the area in the new town. We gave them a lot as big or bigger than they had before. We paid them for their home so that they could build on the new area. And for their old home, if it was movable, some of them were adobe and not movable, but if they were frame construction and could be moved, we let them buy their old house and move their old house to the site of the lot.

We built a city hall, a new city hall for them; we built schools, a primary school and a high school, a secondary school, to replace their old school; we built a water supply system and a sanitary waste disposal system for them. And actually, today, if you'd look at it and you could see the pictures of the old Zapata and the new Zapata, it is a very much improved area. And in addition to that, where it was a very poor area, little grazing, some small farms, today they have the recreational development--fishermen, lots of fishermen. The main business in there is taking care of the tourists, people coming to fish. This doesn't mean that there were not some hardships, there were hardships. Whenever you move people there are some hardships. And we tried to do whatever we could. One of the hardships was their cemetery. We moved the cemetery also.

M: You did.

F: Moved the cemetery, grave by grave.

M: You dug up remains of people?

F: Yes, the old coffins. And we had a wonderful man do this. He had had experience in this before, he contracted for such work. He was from Louisiana and he had done such work there. But this man was just a marvel. He and his associates, they would call on each family, visit with them, bring them candy, bring them flowers, sit down and talk to them, tell them how carefully they were going to move the remains, and how the new place would be just as nice or better than the old. And he would meet with them not once, but two or three times, just to visit, get acquainted with them, to let them know that he was going to do it very, very carefully. And do you know that he won most of those people over to his side, There were still some, of course... this was a very hard thing to have happen.

The other thing that was very hard for them was, many of them who had lived there their lives, and their forefathers, their fathers and probably their grandfathers before them (some of these were old Spanish landgrants), they just couldn't believe that a reservoir could cause water to rise and inundate those lands. They just could never accept this in their minds. And so the result was even though we'd cautioned them and warned them, there were some of the families who did not leave until the water actually came up to the doorstep of their homes. We had trucks there to help take their furniture and move them out. But this was a rather difficult time.

M: There was a little resistance, then.

F: There was resistance. And we didn't want to do it forcefully. We did everything to avoid doing it forcefully. And it wasn't until they could see the water coming up to their doorstep that they moved. And there were tears, no question. It was hard.

M: What about on the Mexican side?

F: On the Mexican side they did a similar thing. They had this little town of Guerrero on the Mexican side and they moved them. And they had some problems there. The people just don't like to move, even to better themselves. I say people, some, there're some that are like that. Some, of course, do. I'll come to this later in the Chamizal experience. This was an unusual experience. But that was my first experience with relocation of people. And this was a good experience, I think, for me and for our whole staff, because it gave us some background, too, for the Chamizal, which was a much greater endeavor. Were you there for the Chamizal?

M: I wasn't there. Let me ask you one more question about relocation. Before the move, were the two towns directly across the river from each other?

F: No, they were some distance from each other.

M: How far apart were they?

F: Six, seven miles, I would guess.

M: And in their new location, was it a similar relative location?

F: Well, no, they're both farther away because they are outside of the reservoir limits on both sides.

M: Was there any close relationship between the two towns?

F: There was not. There was not the close relationship between those that we have in most border communities. They were removed. You'll be interested, too, to show you on this. There were some other little villages along the reservoir which were not completely inundated, but which water would come high on their lands and they would lose some of the lands which they had formerly cultivated. There was the little town of Lupeño, the

little town of San Ignacio, near the head of the reservoir. And we bought lands in this new town site of Zapata. We bought lands in the new town site also to permit those people to relocate, too, so they could all be in one area if they wanted to. But except for the town of Zapata, the other people did not want to move. These are small villages, maybe 30, 40, 50 people in some of them. San Ignacio is larger, it had perhaps two hundred and ten. But this was an interesting experience with people. Was there any other question on that part?

M: No.

F: But getting back environmentally for the area, as far as fishlife, wildlife, vegetation, to be sure there was vegetation that was inundated by the reservoir and lost. But as far as fishlife, it was greatly enhanced by the reservoir. As far as wildlife around the reservoir, I think it's mostly enhanced, too, because of the availability of water. Insofar as the enjoyment by people in the area, the recreation facilities have brought far more enjoyment to the area than it had ever experienced before. So from those standpoints, I think, environmentally it has greatly enhanced the area. But there was this adverse impact on the people who lived in that area. And of course this is like so many things, you just can't make everybody happy. What you try to do is please the great majority of the people, and you try to compensate those who would be hurt to minimize the impacts there. In fact, you try to avoid any impacts. So, it was an outstanding experience I think in the construction of the dam, the joint construction, it was an outstanding experience, and the land acquisition and the relocation of the city. And there was lots of negotiation as to what kind of a court house they should have, what kind of school they should have, what kind of a water treatment facilities,

sewage facilities. And they employed a lawyer to represent them. They wanted to get everything they could to be sure. And they were given new facilities and certainly far better facilities. And if you could go down there today... and I hope perhaps some day you will have the opportunity to go through and see the little town now.

M: What was the next big thing that happened in the Commission's work?

F: Well, let me just go back to Falcón now. And in the Falcón, since it began storing water and releasing water in '53, it has provided essentially a full supply of water for the irrigation of lands, for domestic water supply, for the communities along the river and for the large agriculture areas in the lower Rio Grande Valley on both the U.S. side and on the Mexican side. So there've been great benefits through this project.

Another part of this, and this may be interesting to you... perhaps I am dwelling too long on Falcón. We're gonna have to have another session, I guess.

M: That's all right.

F: We built at Falcón two power plants, hydroelectric generating power plants. And there's one on each side of the river, one for the United States side and one on the Mexican side. And this, by treaty, the treaty of 1944 provided that the Commission would construct power plants at the dams where it found to be economically feasible and justified. And, interestingly too, the treaty provided that the hydroelectric energy generator would be divided equally between the two countries. And when we started out the planning, this is kind of where the international aspect comes in. Actually, the most efficient type of plant would've been one hydroelectric plant for both countries. But because each side wanted its own plant, we built two plants, one on the U.S. side, one on

the Mexican side. And we effect the equal division of hydroelectric power by running half of the water that's released through one power plant and half of the water that's released through the other power plant.

M: Are these plants close together?

F: Yes. One's just on one side of the river, of the dam, /and one's on the other/.

/PAUSE/

The other feature, if I may dwell on Falcón again, and I think a most important feature and unique feature of the reservoir, is the fact that this reservoir holds water, of U.S. water and water of Mexican water. And we keep a running account of the amount of water that belongs to Mexico in the reservoir and that belongs to the United States in that reservoir. And as a matter of fact, really this reservoir is like a bank of water instead of dollars. The inflows that come into the reservoir, depending upon their source, whether it comes from a U.S. tributary or a Mexican tributary, if it's a Mexican tributary, two-thirds of the water is Mexican water. And so that water, as it comes into the reservoir, is credited to Mexico. If it's water that comes from a U.S. tributary, it comes into the reservoir, that water is credited to the United States. And it's water in storage in the reservoir. So all U.S. waters coming in are credited to the U.S. All Mexican waters are credited to Mexico. Then for debits, they want to draw a check on it. If Mexico wants water for irrigation downstream, it in effect writes a draft, says, "I want to release so much water from the reservoir to irrigate my lands." And so they make a request for a release of water that's charged their account in storage. And the same on the United States side. The evaporation losses are charged to each country in accordance with the quantity of

of water in storage during the period of evaporation. So really, we operate an international bank, in effect, of water for the two countries, keeping a running account of the ownership of waters of the two countries.

M: That's interesting.

F: It's an interesting aspect.

M: It requires a lot of record keeping.

F: Yes, we have a whole section over here and we have an office at Laredo.

And we have people who measure the water in the field and turn in these data. And through our office in Laredo and the office here, we determine the... But bear in mind Mexico also has offices in which they also account. And we compare our accounts and we reach agreement at the end of every month on how much waters in storage belong to the U.S. and how much belong to Mexico.

M: Have there been problems in differences in data?

F: Some. But not serious, not serious. Because we're able to adjust our data to where we really come out very close. And the little differences we have we adjust out equitably. And so this is a very fundamental part of our operation, the division of waters and determination of ownership of waters.

M: Well, if Mexico wants water and the water is released into the river, how does it work from there? Is it diverted into Mexican canals?

F: Right, it's diverted into Mexican canals. And the amount of water that's diverted into her canal corresponds to her share of the water that's in the river, which is measured. Now there are times and the waters that are diverted to the U.S. canals are measured and debited to its account of waters in the river. Now how much, at some times one country or the other may take more than its share of waters from the river inadvertently.

I mean, you can't get it exactly. And so when they do divert more than their share, that water is charged back up against their account in storage.

J: They're overdrawn. (Laughter)

F: They're overdrawn, and so they fall back on the reserves. So this is a very interesting, I think, and unusual, rather unique part of our work.

M: It involves very accurate record keeping.

F: Very accurate record keeping. Very accurate.

M: Have to be on top of it all the time.

F: All the time. And we have quite a crew of people in the field, and Mexico too, to measure the waters. And we can keep that joint accounting right up to date.

M: Is there any other aspect of Falcón Dam that you'd like to add?

F: No, these are the main ones on Falcón. Well, with the completion of Falcón Dam, and as I say, It's just been, I think, a blessing to the valley--both sides, the U.S. side and the Mexican side. We're trying to put together a little book here on this to get a little publicity. You know, people, when they live with a thing for 10, 20 years, they forget how it came about, what benefits they're getting and they really don't appreciate. I guess this is true of all of us. So we're putting out a little book to try to bring about some appreciation of this work. Well, so much for Falcón.

Then in the late '50s, we undertook jointly with Mexico what is known as a diversion dam, known as Ansel Dewis Dam, located about 100 miles downstream from Falcón. And the purpose of Answel Dewis is to affect the dieversion of waters into the Mexican canal. And a second purpose, and perhaps it's more, well, equally important purpose, is to

divert waters into a floodway in the United States. Now, we have the unusual situation, this relates now to the lower Rio Grande Flood Control Project. And we have a situation... let me get a map here. This is the dam we built, Ansel Dewis Dam right here. Here's Falcón reservoir and here's the main channel of the Rio Grande as it goes down and flows to the Gulf of Mexico. We have a rather, again, I think, interesting situation in the lower Rio Grande Valley, bearing in mind this is the delta of the lower Rio Grande. And under natural conditions, before there were any towns or cities or levees, before man came in to the picture, the river, when it went in flood, spread over the whole delta, as rivers naturally did. And in spreading over the delta, part of its water would go through the U.S. side and part of it would go out through the Mexican side, and the remainder would go down the river into the gulf. Because of this overflow, water on each side, the river channel itself becomes smaller and smaller as it goes downstream. Because as the water went out one side it went out the other side, it didn't have to carry as much water. And rivers naturally only develop a channel to carry the water that they have to carry.

And so as man came into the area to develop these areas, the early engineers recognized they couldn't take all the water in the river, and so they developed what is known as floodways on the U.S. side and a floodway on the Mexican side. And we have agreement with Mexico, and this is part of our international operation, that Mexico will take half of the excess floodwaters that cannot be passed by these two cities. And U.S. will take half of the floodwaters in excess of the capacity of the river in this region. And so we built Ansel Dewis Dam in order to divert into Mexico's canal for irrigation on its Mexican side. Later, in recent

years, we built Retamal Dam here to divert /the/ Mexican half of its waters into its floodways. So this is another interesting part of our international operations on the river, and very vital. If the United States doesn't take its half, this puts a greater burden on Mexico and floods Mexican lands. If Mexico doesn't take its half, it puts a greater burden on the U.S. and floods its lands. And you can be sure those people on both sides are watching to be sure we divide this fifty-fifty.

M: That's interesting.

F: So this is a part of our operation. Now, the structure we're talking about was the Ansel Dewis Dam, which was built in the early '60s, which is a divergence structure.

Let me talk next about Amistad Dam on the Rio Grande. This is the second major international storage dam. It's even a larger dam than Falcón. It holds about five and a half million acre feet of water. It's about two and three quarters as large as Elephant Butte Reservoir as far as holding water is concerned. And it too, it was contemplated by the treaty and was constructed jointly by the United States and Mexico. The division of cost was a little different because /it's/ a different reservoir. The division in that case was United States paid 56.2 percent of the total cost, Mexico paid 43.8 percent of the total cost. The reason for Amistad Dam was because the '54 flood caused so much damage before reaching Falcón--remember the one I described?--that it was determined (this was in the Eisenhower administration, Eisenhower and Ruiz Cortines, they agreed) there needed to be another dam on the river. Now the engineers had actually planned it, but the flooding there gave impetus. /PAUSE/ And then Amistad Dam began, construction began in '63 and was completed in 1968.

M: You were Commissioner by then.

F: Yes. Well, maybe I'd better come to that point. Colonel Hewitt retired in '62, April of '62. And I was then appointed as a career employee, as an engineer who had been with the Commission for many years then, to succeed Colonel Hewitt as the United States Commissioner. This appointment was by President John F. Kennedy. And it was on, let's see, I would say on April 1, April Fool's Day, in 1962. And I had the honor to be sworn in by Judge R.E. Thomason. I don't know whether you were here when Judge Thomason had his...

M: Yes. I remember.

F: And a very wonderful person. I was given the choice of going to Washington to be sworn in, but I preferred to be here and with the local Judge Thomason. And this was, of course, a highlight of my career.

M: Were you expecting this appointment?

F: No. No. When it became apparent that Colonel Hewitt was going to retire, Commissioner Hewitt was going to retire, I did have friends. I'd worked along the border as I had for many years. I had friends along the border who felt that I was most qualified at least of the people at that time, and who did support me for the position through their Congressmen, their Senators and to the President. And one of the supporters and one of the men I got to know and who I got to greatly appreciate was Senator Carl Haden of Arizona. He was really, truly a very outstanding Senator and statesman. So when I moved into the job in '62, the first big assignment, well, there were two big things that came up almost together. One was the construction of Amistad Dam, and the other was the Chamizal settlement. The Chamizal Treaty was signed in 1963. In that same period the salinity

problem broke on the Colorado River.

M: Oh, you had some tough ones.

F: So we really had a really, a very heavy schedule. We were really heavy, heavy program in the early '60s. In fact, right up through until '68 and '69.

So we come then into the era, I guess, of those projects; well, when I was assigned the work. And the first major project (taking it one at a time) was Amistad. Let me go through Amistad, and then we'll go back on the others. The Amistad Dam and Reservoir as I mentioned, is located just upstream from Del Rio and Ciudad Acuña. And it is located at that point because it's downstream from the Devil's and Pecos rivers, which was the source of the great flood of 1954. And /an/ interesting /thing/ about the name, Amistad, of this reservoir, the early studies for the reservoir and the early names for the reservoir was the Devil's, Diablo Reservoir. This was the first name for it, Diablo Reservoir. But it's interesting that when President Eisenhower met with, oh, it was López Mateos by that time, met with López Mateos, they met at Del Rio, and they decided that it should not be, that an international dam /between/ the United States and Mexico should not be named after the devil. And so it was agreed that they would call it Amistad Reservoir, Friendship Reservoir. This is kind of an interesting sidelight.

M: They decided on the name?

F: Well, they decided; I'm sure their staffs were working with them. But it was publically announced that this would be Amistad Reservoir, not Diablo Reservoir, and that it should be built as soon as it could be, to avoid a recurrence of the flood damages such as they had had in 1954.

M: Could you talk about the flood of 1954, what you remember about it? You did describe that you flew over the area and the area was just devastated.

F: Flew over the area, right. Devastated area all the way down the river, right.

M: Were whole towns wiped out?

F: Not whole towns wiped out, but part of the towns were severely flooded.

Really we don't get a flooding of the...the towns are up high on the banks, the high banks of the river. And you don't get a flooding like for example, well, you've seen pictures of the flooded area when Teton Dam failed and it just washed out that town. The cities along the river here, being high on the banks, do not suffer the rushing currents, they are simply inundated, you follow me?

M: Yes.

F: They're not washed away by strong currents as you sometimes visualize and see it. Rather it was simply inundation. But there was very extensive inundation. There were lives lost, we don't know how many, really. When the bridge failed on the Pecos River there was a young couple that were lost when the bridge failed. But there were lives lost, other lives, that we just had no count of.

M: What about the economy of the area?

F: Suffered badly. Badly. But the flood went down and it's amazing the way people recuperate. Went back in and worked it up.

M: How long did it take for the area to recuperate?

F: I would say rehabilitation was within a year. Because as I said, it wasn't much destruction of buildings, it was rather the cleaning out. Of course, goods were lost. There were many things that had to be replaced. So this was very serious.

Well, getting back to Amistad, its purpose is to control floods like

that that occurred in '54, and to further conserve waters of the river, to supplement the conservation by Falcón so that waters would be available when needed for irrigation and domestic uses. And Amistad Reservoir, as I mentioned, is even larger than Falcón, five and a half million acre feet. It extends up the river there about 80 miles. It's a beautiful reservoir. It's a more picturesque reservoir than is Falcón, because part of it's located in canyon sections. In the places you ride, you ride within the canyon, big canyon walls on each side of the reservoir.

The construction there, like at Falcón, was by two contractors, U.S. contractor and Mexican contractor, under the supervision of the commissioner. The work was divided in the same manner as at Falcón, except as I think I said, at Amistad, 56.2 percent of the work was assigned to the United States, performed by the United States, and 43.8 by Mexico. The total storage there, the conservation capacity is about three and a half million acre feet and about two million acre feet for flood control, there. The Amistad Reservoir, like Falcón, also is an international bank of waters. It holds water for U.S. and Mexico, and we account for their waters for each country. Insofar as the impacts on the area, we had to buy, of course, reservoir lands there, and site for the dam. It was practically all private ownership on the U.S. side. Mexico had to acquire the lands on the Mexican side. And this was interesting, the ranchers there too, they just couldn't believe that a reservoir would ever get that high. But there were no towns or villages in the Amistad Reservoir area as there were in Falcón, so we did not have this problem. It was largely a matter of buying ranchlands from the ranchers. And we paid in the order of \$50, \$60, \$70 dollars an acre for those ranchlands.

M: Is that pretty high?

F: Yes, but that was the market value at the time, this is what we paid. We paid big checks to some of those men who had very large ranches. And so there was not the impact, human impact that there was in the other area. The results in the area there, Amistad has become even a greater recreational area than Falcón. The National Parks Service, we felt that to properly and best develop the recreational resource of the area created by the reservoir, that it would be better to bring in the National Parks Service rather than trying to do it ourselves or let the county or the state. And this was an interesting decision that we came to and how we came to on this. What we did was, we arranged with the county and city, and county authorities who had what they called in Del Rio a Del Rio Amistad Dam Committee. It was out of the Chamber of Commerce. And we, with this committee, we visited the national parks facilities at reservoirs. And there was really no question but that recreation areas managed and developed by the National Parks Service were the best. And I kind of initiated this one, this approach, because at Falcón we had no organized recreational development, except in one area there is a state park. And as a result of this we have a lot of honky tonk, not well developed, not attractive type of fishing developments along there. And it's attractive and many people still go there, many people still like it. But it's not the type of development that draws large numbers of people. It's not kept as clean, it's not kept as neat, it isn't as attractive as where you have the national park development. And so we felt at Amistad we should try to improve. And we have. The National Park gets in there and manages that park. It's a beautiful development.

In connection with Amistad, while we did not have a village to move,

people to move, we did have the relocation of the railroad. The railroad, as it passed through that area, was at a level that would be completely inundated by the reservoir. So we relocated about 10, 11 miles of railroad, relocated about 12, 15 miles of highway, new bridges. National Parks Service in there with recreational facilities. And it was interesting, some of the first people who made use and bought boats for the reservoir were some of the ranchers who never thought that the water would ever get up. And it was interesting too, you'd go out there to watch them. They'd go out and launch their boats with big high heel boots, and a big Stetson hat, and their hats would blow and they couldn't keep their ground with the boots on. But they learned, and soon got tennis shoes and a cap. But they enjoy the lake there. And the little town of Del Rio, which was kind of a sleepy little town with their economy based on wool, sheep, goats, mohair, now their basic industry is tourists, recreation, fishing, boating.

M: Changed the character of the town.

F: Changed the whole character of the town.

M: What about the Mexican side?

F: The Mexican side's the same.

M: A lot more tourism now?

F: A lot more tourism now. And Mexico is developing, they're developing recreation on the other side. So our side is slower than we had hoped, but it is developing. So here, too, is another, we believe, a major benefit to the two countries, to the two areas, along that section of the river.

M: What has been the impact agriculturally?

F: Agriculturally, it has not permitted any additional areas to be irrigated, new areas, because our studies and the state of Texas studies showed that really the water supply that's made available, that is made firm, by the

reservoirs, by Amistad and by Falcón, is needed simply to firm up the supply for existing irrigated areas, and to develop new areas would have taken away water that was needed by existing areas. And so the state of Texas has not permitted any new water rights from the Rio Grande for development of new areas.

This is, I think is another interesting aspect of our international work on the Rio Grande: and that is that whereas the Commission had the responsibility to divide the waters between the United States and Mexico in accordance with treaty allocations, this Commission, and very properly so, had no jurisdiction over the uses of the water within the state of Texas. These are a matter of state water rights. It's the state that determines whether Mr. Jones or Mr. Smith or Mr. Guerra gets the water. It's our job to make the water available in the river for U.S. users, but it's the state's job to say who in the United States gets to use that water.

M: So your jurisdiction comes at the point where the water is let go.

F: Is diverted from the river. That's the end of our jurisdiction. We want to know how much it is, because we have to account for it. But who gets it is the matter for the state to determine.

Well, that takes us through Amistad. Now I think you'd want to hear about the Chamizal. It's a boundary settlement.

M: Yes.

End Of Tape #1

M: Commissioner, today let's talk about the Chamizal issue. I wonder if we can begin by your outlining, just briefly, a little bit of the background of how this problem came to be.

F: At the time of the treaty of 1848, which established the Rio Grande as the boundary between the United States and Mexico, or perhaps more specifically at the time of the surveys of the boundary made pursuant to the 1848 treaty, the Rio Grande between what is now El Paso and Juárez was located to the north of its position prior to 1969.

/PAUSE/

Perhaps you have noted the plaque on the old White House /building/ downtown. The Rio Grande was located at one time, in 1828, near that building. And in the time of the surveys in the early 1850's the river was located much further north in the city of El Paso than it was in subsequent years. In the early '60s, in the 1860s there were a series of floods on the Rio Grande which caused the river to shift its course to the south, moving land which was formerly on the Mexican side of the river to the north side of the river. At the time of the change there was no serious question raised at that time. But in the early 1890s the question was raised by the owner of the lands which were formerly on the Mexican side. He claimed those lands as being his property and being of Mexican sovereignty. The Mexican government presented his claim to the United States. The claim was then transferred, relayed, by the two governments to the International Boundary and Water Commission for resolution of the question.

The Boundary Commission held hearings in 1896, 1897, in those years, in order to compile the facts as to how the /river had moved/. The case was involved because the original treaty of 1848 simply provided that the

middle of the river, of the deepest channel, would be the boundary between the United States and Mexico, and there was no provision as to the sovereignty of lands if and when the river changed its course. It simply said that, the 1848 treaty, the middle of the deepest channel is the boundary. Then in 1884 there were sufficient problems along the river in several locations, questions raised, as to national sovereignty of properties when the river shifted its course. [This] resulted in a treaty of 1884 between the United States and Mexico which said that when the river moved or shifted its course by slow and gradual erosion, the boundary moved with the river, but any other changes wrought by the force of the current, the boundary would remain at the location of the old channel.

And so the question before the Commission at the time, one question was, since the change had occurred in the '60s before the 1884 treaty, did the 1884 treaty apply, since it was before? This was one question. The second question was, if the 1884 treaty did apply, how was the movement of the river? Was it slow and gradual erosion, or was it other change wrought by the force of the current? Well, the Commission, from the records, they seemed to focus in on the question of the application of the 1884 treaty, but they could not agree on how the river moved--whether it was slow and gradual erosion, which the United States claimed, or whether it was other changes wrought by the force of the current other than slow and gradual, as the Mexican authorities claimed, which case the boundary would have stayed at the location of the old channel. There were long testimony, hearings on at that time. The Boundary Commission was unable to resolve the problem. And it carried on from administration to administration.

And finally in 1910 the governments agreed to enter into what is known as the Chamizal Arbitration Treaty. And that treaty was entered

into soon after the visit here of Presidents Taft and Díaz, Porfirio Díaz and Howard Taft, right after their visit. We don't know what was said at that meeting, but some have presumed that at that meeting they agreed to enter into a treaty to arbitrate the issue. But we don't really know, there's no record in any place. But they did agree to arbitrate. And in that treaty they established an arbitration commission to consist of three members: one from the United States, one from Mexico (each of those to be the Boundary Commissioners, Boundary Commissioner from the United States, who at that time was General Follett), and a neutral, who would be selected by mutual consent. And the neutral was a man by the name of Eugene La Fleur of Canada. He was a jurist, well-recognized jurist at that time, from Canada, one of the well-known universities there. And he came down, they held hearings here in 1911. The hearings were held in the old Sheldon Hotel building. And one of the interesting things about it is that while the hearings were going on in 1911, the Revolution was going on. There were gunshots, you could hear the gunshots. During the hearings, some of the early reports of them, they were hearing the gunshots going on in Juárez. And the representatives of Mexico had been appointed by the Porfirio Díaz administration, but they weren't sure who they were going to represent. This was an unusual situation.

Well, coming back to the treaty, the treaty provided that the determination was to be made whether the land in dispute belonged to the United States or to Mexico. That was the determination to be made by the arbitration commission. And it further stated in the treaty that the decision of the arbitration commission, whether by majority or unanimous, would be final and binding upon both countries. From that point, then the two countries agreed on La Fleur, and they had these hearings that I mentioned, in 1911.

And the argument there was, really, how did the river move? By slow and gradual erosion or by other change wrought by the force of the current?

They heard testimony. There were some men still living who had been there, were youngsters at the time of the 1866 flood. And also they fell back on the testimony that was given in the commission hearings in 1896, 1897. They had men then who were present at the time and who testified. And the story, the record (which is interesting to read if you ever have the opportunity), the testimony was that during the floods in the 1860s, the river movement was so violent, the caving of the bank was so violent (trees fell in the river, houses fell in the river) that the jurists felt, they argued this was not slow and gradual erosion. They had caving banks, trees falling in, houses falling in, loud noises, crashing of the...as they fell. This was the argument of the Mexican side in the testimony that they presented, that this was not slow and gradual erosion. The United States representatives at that time (and in addition to General Follett, who was very astute himself, we had very astute and very fine attorneys) argued that the erosion was not evulsive type, where the river cuts off a bend. Because as the river moved, that the river flowed continuously; it was not jumping from this location to this location as it would when it cuts off an ox bow bend. Wasn't cutting off at these. Because as the river moved they showed that all of the vegetation was removed as the river moved it took all of the vegetation. So they, this was slow and continuous, gradual erosion rather than evulsive, where it jumps from this location to the other location, in which case there would have been trees in between. This was the argument on the United States side. And very valid. And they argued also that the rules elsewhere had been between states in this country, and that there were only two types of changes

that are discerned in treaties as to the movements of rivers. One is erosion and accretion, and the other evulsion--evulsion being a very rapid and sudden movement that actually moves over. And they argued that it was the erosion and accretion type, not the evulsion; and that what the intent of slow and gradual erosion was, that it was erosion as opposed to evulsion. This was the arguments that were made.

The jurists...and here we had the U.S. member of the Commission on one side, and the Mexican member of the Commission on the other. And it was really up to the Canadian to make the decision. And from this hearing of the testimony, and it's interesting, his statement in the hearing, and I can almost quote it. He said that the descriptions of the violence and the noise of the caving of the banks and the falling of trees and the dropping of houses into the river would by no stretch of the imagination be considered as slow and gradual. As far as we were concerned, it was a very unfortunate wording in there--slow and gradual. And he said he could not interpret that type of movement as he had read and heard to be slow and gradual. The Commissioner from Canada, and really the majority of the Commission, then decided that the movement of the river up until 1864 was slow and gradual, but that the major part of the change which took place during the flood period from 1864 to 1888 was not slow and gradual. And therefore it was decided by the majority of the arbitration commission consisting of the neutral from Canada and the member from Mexico, they voted that the boundary should be at the location of the channel in 1864, before the rapid and violent erosion of the flood period. And that was the determination of the arbitration commission. In effect it meant that about two-thirds of the six hundred plus acres should be Mexican territory and about one-third should be U.S. territory, because one-third of the movement was slow and gradual, but the other two-thirds was not.

The United States rejected the award on the basis that the award was outside the terms of reference for the treaty. The United States representative argued that the purpose of the arbitration treaty was to determine whether the land in dispute all belonged to /the/ United States or all belonged to Mexico. There was no statement in the terms of reference or in the arbitration treaty which permitted a compromise. That was one point. Another point that they argued, that it was outside the terms of reference, is because in effect there are only really two types of river movements as recognized in other treaties. One is the type of erosion and accretion and the other is the evulsion type. And this is really what was meant in the 1884 treaty, only those two types. And the slow and gradual meant accretion and other changes meant evulsion. Then the third point of argument was that the Commission had decided the 1864 channel should be the boundary, but there were no surveys to determine exactly where the 1864 channel was. And if you have a decision which cannot be laid out on the ground precisely, it's not a valid decision. This was the other argument. While rejecting this award on those three grounds and being outside the terms of reference (and there is legal support for these points), the United States at the same time offered to renegotiate for a settlement of the Chamizal settlement, open up new negotiations and start to try to resolve it in a mutually satisfactory way.

M: Did the U.S. want to get that territory?

F: Oh, yes.

M: Buy it from Mexico?

F: Well, they didn't say how, but they felt that this was not a satisfactory settlement, and they proposed to renegotiate the settlement.

Well, following that, Mexico then went into the period of revolution--

the 1910s up to the 1920s--and very little was done about it. Mexico had its own internal problems, and we had our problems too, as World War I. But then it came up then, beginning with President Coolidge, I've heard that the subject came up with almost every administration--Coolidge on to Hoover to President Roosevelt--in efforts to reach some mutually satisfactory settlement. But it never really got to the stage where there was really full agreement on both sides to try to negotiate. The United States interests in Texas were very much opposed to it. There were people here, (the stories go, if you read the old newspapers at the time) who felt that the neutral commissioner from Canada was bribed. There're all sorts of stories about this. Texas itself at the time was very much opposed and very disappointed in the award. And later in the '30s when it was tried, in those days Senator Connally was the chairman of the United States Foreign Relations Committee, Senator Tom Connally. But he was very much opposed to it.

And so as a result of all this, the problem...and in my own experience, having started to work here in '34, I remember it coming up from time to time, but with nothing ever really materializing out of it. And there were studies made from time to time about how it might be better resolved. Some offered a different location for the river, some trading of lands downstream from the river, paying Mexico for the lands. But with Mexico this was very honored, and this involved Mexican territory, sovereignty of Mexico. And by Constitution and by the spirit of the Constitution, Mexico was not going to sell any of its lands. You may know that in the Constitution after the Gadsden Treaty, Mexico put in its Constitution that it would never sell or dispose of any of its resources. So the matter rode on then, and as far as the United States is concerned, as far as El Paso is concerned, there wasn't any real press for it. But the fact is that that part of El Paso that was in the Chamizal area never really improved. In

fact it deteriorated. How long did you actually live here?

M: I lived here at that time before the settlement, but I wasn't aware of this problem.

F: It was not a problem that many people were aware of. Most people just accepted it. But the titles were not clear in that area because of the Chamizal dispute. The land titles and the most of the lands there pretty badly deteriorated. This is not true of one area. There was some G.I. loans and a subdivision put in one area that never should have been on disputed land. But it was. But for the most part, the area was deteriorated and underdeveloped. And it was a rather blighted area for the most.

M: Do you recall the reaction of the Mexicans to development being put there, as limited as it was? You referred to these G.I. loans.

F: I don't recall any reaction at that time. Mexico for its side had never developed the Cordova Island. Are you familiar with the Cordova Island?

M: Yes.

F: But there had been some developments on our side.

Well, in Mexico City, though, this was a matter that came up with every new administration. Almost every new ambassador in Mexico, this was raised with him, and at meetings with the presidents it was raised, because this is something that Mexico held against the United States. Whenever the United States and Mexico had a problem they'd like to arbitrate it, or compromise it out, negotiate it out, they'd say, "We're not going to arbitrate, because if we win, as we did in the Chamizal, you would not recognize it. But if we lose, you would force us to comply." So there had never been an arbitration. I've read and I understand that at the time of the expropriation of the oil lands in Mexico, the United States tried to arbitrate. But Mexico says, "We're not going to go

arbitrate because look at what happened at the Chamizal." So this was not a pretty black mark for us, it was a sore spot for us to live with. And even in the textbooks in Mexico, in the grammar schools, the elementary schools, there were statements that...well, the Chamizal settlement, that the United States had not lived up to its commitment, lived up to the commitment of the treaty to carry out the transfer. So it was a pretty emotional thing in Mexico, as well as one of national pride and national spirit.

Well, that brings us up then, to the meeting that was coming up between President Kennedy and President López Mateos in 1962. And at that time the Ambassador to Mexico was Thomas C. Mann. And he was very well, very much aware of this problem, because it had given him problems years before when he was in the Department of State as Assistant Secretary. He was very much aware of it, he was a man of very high principles, and he felt very keenly that the problem should be resolved. And they anticipated the question coming up at the meeting of the presidents. And Ambassador Mann had briefed President Kennedy on the question, and President Kennedy, too, thought that it should be resolved. It became an increasing sore spot between the two nations. And at the meeting, to be sure, it did come up. Out of the meeting the two Presidents instructed their Ambassadors, their representatives, to see if they can't really work out a solution to resolve the problem. Out of that there was a series of meetings between Ambassador Mann, Ambassador Tello then in Mexico, Manuel Tello. And from the early meetings President Kennedy instructed Ambassador Mann to come here to El Paso, to go to Austin meet with the governors, to see if we could get some kind of a plan that might be acceptable politically in this country. And if you were here at the time, you may remember we met with the Chamber of

Commerce groups. We met with the mayor, the county judge.

M: I wasn't there at that time. Could you describe those meetings and what the general tone was?

F: The meetings with the Chamber of Commerce, generally the Chamber of Commerce favored it. We have a resolution from the Chamber of Commerce which favored a settlement. I was with Ambassador Mann on these meetings; wonderful experience, really. And we brought out at the time that if this problem wasn't resolved at this time, it probably never would be resolved, because the cost was getting higher and higher for the lands. And the important point that was brought out though, that Ambassador Mann presented so well, is, he put the question to the people, what is good for El Paso? Is it good to continue to live with this problem, or would it be better to clean it up and get it resolved? Well, most of the people felt that it would be better to get it resolved. This was most. Now, there were some who did not, some who were still prejudiced that this was a bad decision and a bad judgement. But most felt that it should be resolved.

M: Who were the groups that opposed it?

F: Well, the Chamber of Commerce was practically all in favor of it. There was no single group /who was against it/. The mayor was for it; the city council was for it; the county judge was for it; the Downtown El Paso group was for it; the bankers, we'd met with all the bankers, and they were for it. And I say, there were some exceptions within their groups. Then we met with groups of people who lived in the area--people, property owners, residents, and people who had commercial properties--explaining to them that their properties would be purchased at the fair market value and that they would be given sufficient monies that they could move and relocate. And

most of these people, even the residents who lived in the area, felt that it would be a good thing to do. This gave them an opportunity to move out of extreme South El Paso, which many of them didn't have. Now again, this was not unanimous. But I would say that 85, 90 percent of the residents who lived there, and more than 90 percent of the groups, the Chamber of Commerce and others, were for the settlement.

M: So the few who were opposed came from the people who lived in the area?

F: Generally. Well, there were some opposed who did not live in the area, but who had properties. There were some opposed because some of the old timers remembered the days of the settlement and thought it was a bad decision and were against it. And many felt it was simply a concession to Mexico, giving something to Mexico. And actually the settlement was made, as we looked at it, by the arbitration determination.

So having the general consensus that it would be good for El Paso to get it resolved rather than continue to live with it and make it a continuing blight, a continuing, I think, aggravated blight, in the area, we then went back and worked out different alternatives for location of the river involving properties. One of our concerns was that we would not disturb the extreme downtown part of the city, the urban part, and particularly not disturb... there were some schools, the Bowie High School, a part of the building itself, and then there was Hart School, there was another elementary school just south of the Bowie High School. And that any realignment made would have to not disturb that school. So we made several alignments in there which would in effect transfer to Mexico two-thirds of the six...there was only some 600 acres, less than a square mile involved. But we transferred to Mexico two-thirds of the land, and one third would go to the United States.

We finally worked out one that was satisfactory to the Chamber of Commerce here, to the mayor in the city of El Paso, and to the residents. We went over this with the residents, showed 'em just what we were proposing, what we hoped to reach agreement on, and which we finally did reach agreement on. There were some adjustments, but not major. Involved in this also was the Cordova Island. Are you familiar with the Cordova Island?

M: Would you give a little background?

F: Right. I'm sorry, there's one part before I go into this that I should get in the record, I think, for you. And that is the question, well, how did we know where the 1864 channel was? And as a matter of fact, we did not know precisely where it was. But we did know we had surveys of the river channel a few years before that and a few years after that. And we were able to correlate between those surveys, to interpolate so to speak, between those surveys as to the probable location of the '64 channel. And this was agreed upon by the Mexican Commissioner and this office, my office, myself. And from that then we were able to determine the acreages that should go to each country. And then we devised a channel which would go into the other country.

Now, the area in dispute really was this area. The channel was really up in some location, probably where this top black line was, at the time of the arbitration hearings. [Showing the map] And the part of the land that would go to Mexico was this land in through here, in the green. The part to the United States was in here. This we weren't too sure, this was the land exactly where that '64 channel was, and we kind of compromised in here. But because this would take up the schools and much of the highly developed properties in the very southern part of El Paso, we didn't actually draw the line there. Also, this would have left the enclave of

of Cordova Island on the United States side. And so we wanted to resolve not only this, but the Cordova Island question.

Now as to the Cordova Island. In the 1890s, early 1890s, the river actually flowed around here and came down and made a big loop in here and came back again back to the river.

M: How far apart was it down here?

F: It was only about a mile or so at the neck here. But in 1896 there was a big flood came down the river. And the river, following this tortuous course, came down and came through here, and then came back. There was much flooding in downtown El Paso and in downtown Juárez at the time. And the mayor of El Paso and the mayor of Juárez got together and their engineers advised them that the flooding could be relieved if they made a cut-off here. They cut this bend off. And so this bend was cut off artificially. They went in there with their teams and scrapers and just cut a channel here and just cut through the neck of that bend. And because it was an artificial cut-off, by treaty the land remained the sovereignty of the country to which it belonged before the cut-off. So this is undisputed land which belonged to Mexico.

M: Well, was the river following the old channel when it moved like this?

F: Yes, the river came down through here and made a loop through here, and then came back up through here again.

M: And previously the river had come up here?

F: Previously the river had been up to here, right.

M: I see.

F: Well, but we wanted to resolve this and also get this enclave of land on the United States, the north side of the river so that the river would be the boundary throughout. So what we did was, we relocated the river.

/PAUSE/

The river was relocated so that we took only a minimum of property in here.

M: In South El Paso.

F: The business part of South El Paso. Most of the land was taken here. Then the river was aligned to cut across Cordova Island so that the upper half of Cordova Island passed to the United States. And the lower half, and the land that went to Mexico in this part, contained not only land to make up part of the Chamizal settlement, but land to compensate for this part that went to the United States so as to make the river the boundary. That's the way the river is there now, cutting right through. And what this did was, in accordance with the treaty, it allotted to Mexico the...well, in this part here there was 366 acres to Mexico and in this part there was 264 acres to Mexico. And there was 193 acres went to the United States. And the difference between those was four hundred and twenty some odd acres.

This is what was proposed and was finally agreed upon, and became the subject of the treaty of the convention of August 29, 1963, the solution of the problem of the Chamizal. It was signed at that time by the president of the United States, by the president of Mexico. And it provides that the river shall be, well, it's interesting to read the protocol for the treaty. "Desiring to give effect to the 1911 Arbitration Award in today's circumstances, and in keeping with the joint communiqué of the presidents of the United States and Mexico, issued on June, 1962 "--this was the communication with instructions to try to resolve the problem, get a solution--"and convinced of the need for continuing a program of rectification, stabilization, which were to be carried out under the '33 convention, they then resolved to conclude the convention." The Mexican commissioner and myself, our staffs, we made the recommended location of the river. And then it says,

"The river shall be relocated so as to transfer from north to the south of the Rio Grande a tract of 823 acres, composed of the 366 acres in the Chamizal tract"--that's that 366 acres, located right there--"193.16 acres in the southern part of Cordova Island, and 264.34 acres to the east of Cordova Island." That's this land right there. "And a tract of 193.16 acres will remain to the north of the river." And the net effect of this was to transfer to Mexico right at 423 acres, which was about two-thirds of the disputed land.

M: What impact did this settlement have on El Paso?

F: Well, the impact on El Paso, I think you need to talk in several groups, in several phases of it. The impact on the people who've lived in the area themselves, this was the one we were most concerned with. And in order that they would not suffer any undue hardship in moving, we were able to...and it's the first bill passed by the Congress of the United States which allowed more than fair market value in the purchase of properties by condemnation, purchase of properties for a public project. The Congress, we recommended to the Congress, and the Congress agreed that in this special instance where we were taking a man's property for the settlement of a boundary treaty with Mexico, that there should be no undue hardship suffered by the property owner. And so in those cases where there were hardship cases, and we defined hardship cases as those in which the amount of money we would pay for a price of property and the improvements was not sufficient to permit that man, Mr. Brown say, or Mr. Samaniego, to permit him to buy another piece as good or better, then we would increase the appraisal, the fair market value, we increased the fair market value to a value which would permit him to buy a piece of land and improvements as

good or better than he had. This was a big help to us.

So with that we proceeded then with the people. And with the people we me with, /in/ the beginning we asked them, did they want money for their properties or did they want us to rebuild houses for them and move to /another/ area. And the great majority said, "No, we want the money for our properties. We want to decide where we want to live, what kind of a house we want to have." And so that was the way we did it. We bought their properties, we paid them. In hardship cases we paid them more than market value. And there were some 1100 homes we had to purchase, residences. We talked /to/ 5,000 people, something in this order. And most of those we were able to negotiate fairly well. We also had, we worked out with the real estate people in the city so that they helped us. They set up offices in the area where they had properties that were available. They could show and help the people find other properties to be able to relocate to. We kept a record of the places that they moved to, the parts of town they moved to. We have a picture of the type of houses they moved into. And by large, people were satisfied. There was no adverse impact to the majority. But the majority saw it as a chance, as I said earlier, to get out of South El Paso, and to get north of the tracks, so to speak.

But there were some who were hurt--not so much from the property standpoint, not because they didn't get fair compensation, but for the older people who had their little church, had their own friends around them, had their grocery store that they knew, this was hard, this was an uprooting. And I'm satisfied that some of them felt badly about it. There was an impact there. But for most of them, they resettled. Gee, we had very few complaints. I was amazed. Actually, we settled more than 90 percent

of our cases by negotiation. We had to go to court on a very few, and most of those were not because of the price but because the title was in question.

M: Their title was in question?

F: Their private titles were in question.

M: Were there some people who lost out completely?

F: No, I don't think any lost out. I don't think any of them lost out.

Because the judges in determining, when we did go to court, if a man had occupied the lands and it had not been questioned, they recognized this as a right by prescription. That's on the people, and that was our first concern.

M: Where did these people go? Did they scatter throughout El Paso?

F: Yes, we've got a map on it if you really want to get into it. We've got a map to show the different areas. Most of them went into the northeast area and the lower valley area, but scattered out quite a bit.

M: How much money was involved to compensate these people?

F: I have the figures. Let me just cite you. It was about \$20 million.

M: Did any property go to Mexico?

F: I'll come to this. Now let me talk about the business properties.

M: Okay.

F: Well, let me come back to all properties, all included. The agreement with Mexico by this treaty provided that the lands would pass to Mexico free of any private title or any other encumbrances. But the improvements that passed to Mexico, Mexico would pay for, and at the United States market value. So all of the houses we didn't tear down, all of the houses that passed to Mexico were paid for by Mexico. Commercial buildings were paid for by

Mexico. The old Peyton Packing plant was paid for by Mexico. /I don't know/ whether you remember the old Peyton Packing plant or not. This was the stench that we had. It's one of the improvements that we were able to make. So Mexico did pay for improvements that passed to Mexico at the fair market value of the United States.

M: Were they able to use those structures?

F: Many of them they did. Many of them they did not, they decided not to. Mexico decided rather than use those buildings and put people in there, they'd rather make a park of the area. And that's what they have done, as you see.

M: They tore 'em down?

F: Practically all of 'em, to make a big park. After they go them they decided that the best thing they should do is make a park out of the area. This would be the best commemoration of this settlement, insofar as Mexico was concerned.

Well, let me come back to the other group, the businessmen. Peyton Packing was the biggest, but there were also some lumber companies, there were several stores, customs brokers buildings, which we paid for at the fair market value. And many of them have relocated. Rosebud Lumber's up here; there's a broom factory, there're others; two are down the valley, two or three up the valley. Much bigger, much better plants than they ever had down in South El Paso. So I felt that that was an improvement. That was in as far as the commercial people as well as the residents.

Then, how about the city of El Paso? Well, for the city of El Paso we built new bridges. First we concrete-lined the channel so there'd be no future problems. This was one of the reasons we put the channel in concrete, because you don't want a channel shifting around between two cities. Also, less right of way was required, less width of channel, when you have it

concrete-lined. We built the bridges, new and improved bridges. It's interesting to note that there's been complaints in the newspaper over the high bridges. Why did we build the high bridges? And you may be interested in this. We built the high bridges because if we had not done so, the traffic would have had to cross the railroad lines, just as it did before. There were three railroad lines going through there--The Southern Pacific, Texas and Pacific and Santa Fe lines, and the trains coming from Mexico. And with the traffic increasing as it was, you would either have long lines back waiting for trains to pass, and you have the danger of trains passing. So in consultation with the city and county authorities, of both the city of Juárez and the city of El Paso, by our Commission, they felt the best thing to do, and also immigration and Customs authorities, was to build a bridge that'd overpass the railroads. And this is the reason the bridges are up as high as they are. And you might be interested to know that while there've been newspaper talks and objections, actually, there was no decline in the number of crossings by people until later, much later. After the new bridges were built, the number of people that crossed the bridges was as much or more than before. And it continued for a year or two, and to increase. It was only when the downtown began to deteriorate and we had crossing problems that the crossings began to decline.

Well, so we built new bridges, we built new port of entry facilities. We built the new port of entry facility at Cordova, the new bridge at Cordova. So these were improvements for the city. We relocated the tracks. We relocated the canal and got it out. If you remember, the old canal, the Franklin Canal, used to go right down Sixth Street and right in the middle of all, right through those tenements. And it was a sewer almost. And the kids swam in it and we had drownings right through those tenements.

So we moved the canal out away from the tenements right down by the river. We provided new port of entry facilities, new bridges, relocated the Franklin Canal, relocated the railroad, and provided for a border highway along there. So those were all for to improve the circulation, improve the traffic through here. These were all improvements for the city and the county, the public works. In addition, of the lands that came to us from Mexico (this was the upper half of Cordova Island), a little more than half was donated without cost to the city of El Paso to the El Paso Independent School District for the Bowie High School. This section here was reserved for the Chamizal National Memorial, which you're well familiar with. And then this part is used for the new port of entry, Cordova. So these are the public improvements that were made. And instead of this being a blighted area, it's a much improved area today. And of course on the Mexican side, this has become a park which is a much improved area. So these are the improvements that were made public works-wise and for the city of El Paso, and which the Congress approved that we could do these things. We call them the complementary projects.

M: Was the Border Highway conceived as another barrier for illegal aliens?

F: Not at the time, no. The primary purpose was to get additional traffic, to have in effect a loop road around El Paso, part of a loop. It was not as conceived as another barrier. I don't think this point ever arose in our discussions at the time.

M: One criticism I've heard is that aside from the problem that the bridges present for people who don't want to make the climb, they get tired and so on, is that during the wintertime when there is snow, it's hard for the cars to negotiate going up because we're not prepared to deal with the heights.

F: Well, but they throw sand, they throw salt. This has not been a serious problem.

M: Really?

F: No. This has not been serious, no more than we have on Mesa Street here. Of course that gets serious at times, but they throw sand on it. It's not near as bad as Mesa Street. See, we built those bridges to be able to get those streetcars up and down. We had streetcars at the time. So they were able to make it all right. You might like to have the /document/.

M: Yes, I would. This is very nice.

F: That shows the improvements that were made there. Well, the total project cost was about...now, the original estimates were \$47 million. This is what we went to the Congress, our original estimates. And I remember so well that Mrs. Margaret Chase Smith, senator from Maine, she was on the committee we were appearing before, and she asked me how good the estimates were. And I told her that I thought they were good, the best we could do in the time limit. I thought we could be within them, but I couldn't absolutely promise. And she asked me that question again, and she asked it again. I said the same. She says, "Well, I think you're honest. I'm gonna vote for you." This was an interesting and a wonderful lady. She was very interested in this, asked all about it. And we actually were able to finish up the project for a little /Tess/, 43 plus million dollars was the whole project.

M: How long did it take to finish? When did you start and when did it end?

F: We started the work in...the treaty was signed in '63. Our enabling legislation to carry it out was active April 29, 1964. We began work in '65. We got the appropriation soon after the authorization act. We began in '65 and the

final signing by President Johnson and President Díaz Ordaz here was in '68. This was his last year in office. So we were three, nearly four years altogether, the beginning of '65, first part of '65.

M: During the construction of all these new facilities and relocation of the canal and the river and so on, was it disruptive to the flow of traffic back and forth?

F: No. We were careful, we built detours for the traffic. Here's where we were doing the bridges. [Consults document.] These are the crossings, the international crossings, El Paso bridges. But you see there was really no break. And traffic continued to increase even after the bridges were completed in '68, traffic increased up to here. So really the bridges didn't cause a reduction. Now we had detours then [and] there was no reduction in traffic during the detours. But here was Operation Intercept and problems.

M: And that was the recession of '74-'75.

F: That's right. This showed up very distinctly.

M: That's interesting. So you had detours, and car traffic and people traffic were able to cross without any hinderance.

F: Oh, yes.

M: Was there a big celebration in Juárez at the time?

F: Oh, well, you see, we had three presidential visits here in connection with the Chamizal. President Johnson came out here and first met López Mateos here, at the beginning. We had a little ceremony--not a little ceremony, we had quite a ceremony out at Bowie High School, out in the stadium at Bowie High School.

M: In the new Bowie High School?

F: No, the old Bowie, the old one. The new one hadn't been built at all. That was '63, '64. September 25, 1964 was the Chamizal ceremony. Then in '67

they came out here, after they met in Washington.

M: That was Díaz Ordaz and Johnson.

F: Díaz Ordaz and Johnson. And then the final ceremony, now the final ceremony was in '67. Yeah, '67 was the final ceremony.

M: October 28, 1967.

F: October 28, 1967.

M: Do you recall any particular interesting sidelights in connection with these visits?

F: Well, always with the visits, we, this organization, had some responsibility. There's always to be sure there's no accidents in the security, that the security is all well taken care of. And of course the FBI come in, the Secret Service come in, and they take over. But they ask you for information and you want to be sure you've given them all the information so that you haven't overlooked anything that they might overlook. So from the security angle, there's always a tenseness there.

President Johnson was pleased here. They had /a/ great celebration in Juárez. I have a moving picture, perhaps next time I could show you. It might be interesting. And a tremendous ovation, there was more of an ovation in Juárez than there was on this side. We moved rather fast on this side. When they got to Juárez, Díaz Ordaz wanted to slow it down. Well, they met at the bridge, Johnson went through and met the president at the bridge and they together went through Juárez. And then they came in through, in the first visit. Well, on each one of them almost, they did the same. But they were both interested I thought; they both thought this was a great thing, to get this settled. This was evident in their talks. And I've got copies of their statements if you'd like to have it for the record. We could make copies of the statements that they made.

And as it went on, the momentum, once you got a thing like this started, the momentum carries it. People try to begin to realize, they could see the improvements, that it was a good thing. I think most of the people that you would talk to today will think it's a good thing. There still are some who feel it was a giveaway. But this is not true at all. This is merely carrying out, really the arbitration treaty commitments that we made back in 1911. And it's been done in a way, I think, and most people feel, was an improvement. This came at a time when I think the economics of El Paso...it came at a very appropriate time. The early '60s were boom years for El Paso. Big construction. Lots of money going out, going into circulation. And part of it was this Chamizal settlement. We had two big public works projects here in El Paso in the '60s, and this was the Chamizal and the Interstate Highway going through. This was a lot of activity. And as we say, this is the resolution of the hundred year old problem.

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