

# *Dam Building and Treaty Breaking: The Kinzua Dam Controversy, 1936-1958*

ON SEPTEMBER 16, 1966, THE KINZUA Dam became operational, flooding thousands of acres in northwestern Pennsylvania and southwestern New York. The U.S. Army Corps of Engineers constructed the dam, at a cost of \$125 million, to provide flood control and low-water control on the Allegheny River for the communities in the Allegheny Valley and the city of Pittsburgh. The U.S. government named the attendant reservoir the Allegheny Reservoir. The Seneca Nation called it the Lake of Perfidy. The federal government's decision to build the Kinzua Dam resulted in the gutting of the Seneca Nation's reservation; it submerged over 9,000 acres of the Seneca's habitable land, their ancestral homes, farms, community centers, and burial plots, including the Cornplanter tract located in Pennsylvania, and their hunting and fishing grounds. In the process the federal government abrogated the Pickering Treaty of 1794, the nation's oldest treaty "still in force,"<sup>1</sup> and coerced nearly 700 Seneca to relocate to a new housing development. Their reconstituted community would be divided by a new state highway several years later. For their land and their troubles the Seneca Nation received \$15,000,053 in 1964 when President Johnson signed Public Law 88-533; the money compensated the Seneca for direct damages, indirect damages, community rehabilitation, and legal fees.<sup>2</sup>

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<sup>1</sup> Walter Taylor, "The Treaty We Broke," *The Nation*, Sept. 2, 1961, 120. The Pickering Treaty was signed by Timothy Pickering, George Washington's deputy, in Canandaigua, N.Y., on Nov. 11, 1794. The Seneca Nation was assisted in its negotiations by four Quakers, members of the Philadelphia Yearly Meeting of the Religious Society of Friends, who made the long trip expressly to help ensure that the treaty was a fair one. During the Kinzua crisis Walter Taylor was the national representative of the American Indian Program of the American Friends Service Committee, a Quaker organization.

<sup>2</sup> *Kinzua Planning Newsletter* 3 (March 1965). This newsletter, started by the Seneca Nation with Walter Taylor's help, began publication after funding was appropriated in 1959 and was

The Seneca Nation waged a protracted battle over the course of thirty years in Congress, in courts, and in the press to prevent the construction of the Kinzua Dam. The Seneca were joined by traditional allies like the American Friends Service Committee, Indian rights organizations, sportsmen's clubs, and prominent citizens like Eleanor Roosevelt. Brooks Atkinson, a columnist for the *New York Times*, championed the Seneca's cause in a series of articles in the early 1960s. On April 21, 1961, he wrote: "For the moral question is one that no one dares face: Is the Kinzua Dam right or wrong? It is wrong."<sup>3</sup> Opponents of the dam were angered by the government's nullification of the treaty and by its refusal to utilize an alternative plan (the "Conewango plan"), devised by Dr. Arthur Morgan, one of the nation's most respected civil engineers, to divert floodwaters to Lake Erie. The Conewango plan, they argued, would have saved the government millions of dollars and preserved the integrity of the Seneca community and the country's honor. By 1961, however, it was too late. The important battles of the Seneca Nation had been fought—and lost—in Congress and the courts in 1957 and 1958.

This article examines the efforts of Pittsburgh's business elite and its campaigns for federally funded river control projects needed to protect its growing infrastructure of interests. The focus is on the formation of a "golden triangle" of interests<sup>4</sup> and its 1957 lobbying campaign in

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designed to keep residents up to date on the latest information from Washington and, increasingly, to help them with the pending relocation to the new housing development. Ultimately, the Seneca Nation comprised three distinct reservations: Allegany, Cattaraugus, and Oil Spring. Part of the difficulty the Seneca faced in relocating was that nearly 9,000 acres of their remaining habitable land was tied up in ninety-nine-year leases to white residents, for which they received between \$13,000 and \$15,000 annually. See Richard Hunt, "The Whippoorwill Cries, the Fox Whimpers," *New York Times Magazine*, June 10, 1962, for a sense of the mood of Seneca facing removal.

<sup>3</sup> Brooks Atkinson, *Tuesdays and Fridays* (New York, 1963), 74. The book is a collection of his "Critic at Large" pieces in the *New York Times*, which includes several pieces on the Kinzua controversy. See his July 17, 1962, piece, as well.

<sup>4</sup> Donald Worster, *Rivers of Empire: Water, Aridity and the Growth of the American West* (New York, 1985), 281. The book is an excellent study of the development of agricultural capitalism in the West and the federally funded Bureau of Reclamation water projects constructed to sustain it. In his book, *The End of Liberalism* (New York, 1979), Theodore Lowi wrote of an "iron triangle" in western water development projects, a triangle of interests that, in Worster's words, "has as its three corners a handful of well-placed western congressmen, the Bureau [of Reclamation], and organized agribusiness, together forming a closed network of power that eludes scrutiny and check." The structural frame of power was similar in the Kinzua case. The three sides of the "iron triangle" (or "Golden Triangle," in this case) of interests that eventually pushed for construction of the Kinzua Dam were the Pennsylvania congressional delegation (only the

Congress, which yielded the \$1 million appropriation that solidified the dam's future and the Seneca's fate. The Corps of Engineers' official statement justifying the Kinzua Dam classified it as a flood-control dam, treating low-flow regulation and pollution abatement as secondary benefits. Subsequent witnesses representing Pennsylvania and Ohio industries and businesses, along with the Pennsylvania congressional delegation, downplayed these "incidental benefits" and warned appropriations committees that without the Kinzua Dam the Allegheny and Ohio valleys were in constant danger from disastrous floods. The testimony reveals that these "incidental benefits" were of paramount importance to Pittsburgh and Ohio Valley industries; they were essential elements in a plan of industrial expansion to be built, in part, at public expense. The "moral question" of dam building was subordinated to the question of regional progress and national security. Proponents of the dam cloaked their argument in the rhetoric of the "common good," claiming that the Indians impeded economic progress and thus threatened national security. One business executive spoke for many of his fellow businessmen, and other proponents of the dam, when he wrote that "any caprice which jeopardizes the economy cannot be allowed."<sup>5</sup> The nation would look to the future, not the past, and in the process would break another promise to its native people.

To examine the history of the battle over the construction of Kinzua Dam, one must first examine the history of Pittsburgh's flood-control problem, the original impetus for the dam. Disastrous floods had been recorded in Pittsburgh as early as the mid-1700s, but organized efforts to control them did not arise until the early 1900s when industrial interests united. The flood-control movement in Pittsburgh grew out of the 1907 flood, which submerged most of the central business district and caused \$6.5 million in damage. The first organized response to the problem was the Flood Commission of Pittsburgh, headed by industrialist H. J. Heinz. Heinz was representative of the elite status of the members of the commission, which comprised mostly influential Pittsburgh business

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representative from Johnstown opposed the project) and sympathetic Appropriations Committee members, the U.S. Army Corps of Engineers, and Pittsburgh industrial interests.

<sup>5</sup> House Committee on Appropriations, *Public Works Appropriations for 1958: Hearings before the Subcommittee* (Washington, D.C., Government Printing Office, 1957), 1045.

executives affiliated with the Pittsburgh Chamber of Commerce and the city's civic clubs. The commission began lobbying the federal government to build a series of reservoirs on the headwaters of the Monongahela, the Ohio, and the Allegheny rivers, which converge in Pittsburgh at the "Point" of the "Golden Triangle," the site of the central business district.

Over fifty floods of varying force struck Pittsburgh between 1900 and 1936, but it was the "great St. Patrick's Day flood" of 1936 that provided sufficient impetus and justification for government involvement in flood control. The flood was one of a number of disastrous spring floods in the northeast. It resulted in the deaths of forty-seven persons and approximately \$50 million in damage in metropolitan Pittsburgh alone. Upriver communities were also devastated; the Conemaugh River and Stony Creek were two tributaries of the Allegheny that contributed greatly to the flood's intensity. Following the flood, Pittsburgh's business leaders merged with the region's political leaders to form an effective lobby. The Citizens Committee on Flood Control (CCFC) was created by the president of the Pittsburgh Chamber of Commerce and headed by an executive of Republic Steel Corporation; the members of the commission were principally prominent business executives, many from the existing Flood Commission and the Chamber of Commerce. The CCFC joined forces with the Tri-State Authority (TSA), comprised of mayors and other state and local representatives of the upper Ohio Valley, and waged a public relations and congressional lobbying campaign for government assistance. Their campaigns prompted Congress to pass the Copeland Omnibus Flood Control Act of 1936, the country's first organized flood-control program.<sup>6</sup> The Copeland Act contained a provision for the construction of nine reservoirs in the upper Allegheny Valley of Pennsylvania, including one at Warren, the eventual site of the Kinzua Dam.

Subsequent to the passage of the Copeland Act, the federal government attempted to transfer the Army Corps of Engineers, its construction agency, from the War Department to the Department of the Interior. President Franklin D. Roosevelt had proposed a "resource planning board" to administer flood control and other natural resource programs. The Corps of Engineers resisted Roosevelt's plans to establish administrative control of its activities, and "with the help of Congressmen who

<sup>6</sup> Roland Smith, "The Politics of Flood Control: 1936-1960," *Pennsylvania History* 44 (1977), 8-9.

avored a 'pork barrel' approach to public works financing, and with the support of the U.S. Chamber of Commerce, the army engineers, fearful of losing their autonomy to another federal agency, succeeded in thwarting New Deal efforts to place them under such a board."<sup>7</sup> The Pittsburgh flood-control groups had initially favored a resource planning board, but turned to the Corps of Engineers as it became apparent that the corps would be more inclined to support their conception of flood control. Utility companies also supported the Corps of Engineers in maintaining authority over dam building and flood-control projects. They had felt threatened by the government's Tennessee Valley Authority project in the early years of the New Deal and feared a proliferation of such projects.<sup>8</sup>

Two events in 1938 served to establish the Army Corps of Engineers as the authority for flood-control projects in the country: first, the Flood Control Act of June 1938 codified the decision of the federal government to assume "complete responsibility for flood control" and firmly established the Army Corps of Engineers as the organization that would design and implement flood-control programs;<sup>9</sup> second, in a test of the Corps of Engineers' authority, President Roosevelt removed Dr. Arthur Morgan from his post as chairman of the Tennessee Valley Authority because of conflicts with the corps. Its authority firmly entrenched, the corps thus had carte blanche to implement its conception of flood-control programs.<sup>10</sup>

The autonomy of the Corps of Engineers would most likely have been sharply curtailed in the Interior Department. Harold Ickes, soon after becoming secretary of the Interior in 1933, was asked by President Roosevelt to investigate the Corps of Engineers' dealings with the Alabama Power Company at Muscle Shoals. The investigation uncovered "collusion between these two brothers under the skin," and created antagonism between Interior and the corps. Ickes later discussed the role

<sup>7</sup> Ibid., 11

<sup>8</sup> See Robert McElvaine, *The Great Depression America, 1929-1941* (New York, 1984), 255, and *Fortune*, May 1935, 162

<sup>9</sup> Smith, "Politics of Flood Control," 12

<sup>10</sup> The construction of Hoover Dam in the 1930s heralded the beginning of the dam-building era. The building of Grand Coulee Dam in the 1940s and Kinzua in the 1950s (money was allocated in the 1950s) were all expressions of what Worster called the "cultural imperative" of controlling nature

of the Corps of Engineers in his foreword to Arthur Maas's book *Muddy Waters*, published in 1951, which examined the underlying bureaucratic mechanisms and engineering philosophy of the corps. Ickes issued a stinging criticism of the corps, characterizing it as a "small, powerful and exclusive clique of about two hundred Army officers" that was "above civilian control," and willing and able to defy Congress and the president.<sup>11</sup> Ickes wrote that it is "to be doubted whether any Federal agency in the history of the country has so wantonly wasted money on worthless projects as has the Corps of Army Engineers. It is beyond human imagination."<sup>12</sup> If Arthur Morgan had written that statement, people might not have taken it seriously.

Ickes viewed the corps as "the most powerful and most persuasive lobby in Washington" and described its *modus operandi* as a "two-pronged affair—the Engineers lobbying directly for an appropriation by the Congress while inciting local authorities to bring pressure to bear upon their senators and representatives."<sup>13</sup> The effect of this strategy, according to Clarence Cannon, chairman of the House of Representatives' Public Works Appropriations Committee in the 1950s, was that "the Chief of Engineers has committed the Government and is continuing to commit the Government to the expenditure of funds far in excess of [the] amount contemplated by Congress." Cannon's complaint, according to Ickes, was that the corps would make "monetary commitments which the Congress must later make good and thus they arrogate to themselves powers above those of the Congress." Representative Cannon's complaints were echoed in the Senate by Paul H. Douglas of Illinois, who publicly stated in 1950 that the Corps of Engineers had "become the Congress of the United States" when it comes to funding its programs.<sup>14</sup>

Ensuring that funds would be released by Congress thus became the next stage in the battle for flood control on the Allegheny. Construction of the nine reservoirs authorized by Congress in the Copeland Act began in 1938 as a result, in large measure, of the constant lobbying of state and federal authorities and by the TSA/CCFC alliance. Construction on

<sup>11</sup> Arthur Maas, *Muddy Waters* (Cambridge, Mass., 1951), x. See also John Ferejohn, *Pork Barrel Politics: Rivers and Harbors Legislation, 1947-1968* (Stanford, Calif., 1974).

<sup>12</sup> Maas, *Muddy Waters*, xii.

<sup>13</sup> *Ibid.*, xi.

<sup>14</sup> *Ibid.*, ix.

the Kinzua Dam was stalled, however, as opposition from the Seneca Nation and New York state authorities forced the Corps of Engineers to give it a "lower priority" than the other dams. The advent of World War II put all dam building on the back burner, and it was not until 1945 that Pittsburgh's public and private leaders resumed their lobbying campaigns to ensure completion of the comprehensive flood-control program.

There was another reason for the rebirth of the campaign. In 1943, the Allegheny Conference on Community Development (ACCD) was created to address the socioeconomic and environmental problems of Pittsburgh. Headed initially by Robert Doherty, president of Carnegie Institute of Technology, the ACCD was founded by Richard King Mellon, H. J. Heinz II, Westinghouse board chairman Andrew W. Robertson, department store magnate Edgar Kaufman, numerous Pittsburgh government leaders and industrialists, and editors of the major Pittsburgh newspapers.<sup>15</sup> The power of the ACCD came from the executive committee, which, by 1950, "was made up of the presidents and chief executive officers of the fourteen major commercial, financial and manufacturing interests" of Pittsburgh; all were affiliated with the Republican Party.<sup>16</sup> The most influential of these men was Richard King Mellon, known as "the General" in business circles. Mellon assumed leadership of the vast Mellon financial empire when Andrew Mellon, his uncle, died in 1937. He quickly consolidated the disparate business interests of the Mellon family into a "nonprofit" holding company called T. Mellon and Sons in order to centralize control of the empire and to ensure its growth. For Mellon, reconstruction of the family fortune went hand in hand with the reconstruction of the business community and the city of Pittsburgh. The integrity of the Mellon family was one reason corporations located in Pittsburgh, specifically in the Golden Triangle,

<sup>15</sup> Roy Lubove, ed., *Pittsburgh* (New York, 1976), 191. Other members of the ACCD included Edward J. Hanley, president of Allegheny Ludlum Steel Corporation, Leslie B. Worthington, president of United States Steel Corporation, Frank L. Magee, of Aluminum Company of America, George A. Shoemaker, president of Consolidation Coal Company, Henry L. Hillman, president of Pittsburgh Coke and Chemical Company, Frank E. Agnew, Jr., chairman of the board of the Pittsburgh National Bank, Charles M. Beeghly, chairman of the board of Jones and Laughlin Steel Corporation, E. Delwin Brockett, president of Gulf Oil Corporation, and James F. Hillman, president of Harmon Creek Coal Corporation.

<sup>16</sup> Michael Weber, *Don't Call Me Boss* (Pittsburgh, 1988), 206.

"along with the other Mellon-controlled colossi." The Mellon family was invested in dozens of Pittsburgh's and America's largest corporations: "Mellon holdings included substantial investments in industrial, transportation and utility companies." The Mellon financial empire had controlling interest in Gulf Oil, the Koppers utility, Pittsburgh Consolidation Coal Company, Aluminum Company of America (ALCOA), and several banks, and it had connections with dozens of other businesses in Pittsburgh and surrounding communities.<sup>17</sup> It was said in Pittsburgh that "nothing moves in Pittsburgh without the Mellons." But unless the city improved its image and infrastructure, even the Mellon name would no longer be enough to keep businesses in Pittsburgh. Mellon thus took control of the Pittsburgh business community by helping to form ACCD.

The ACCD was principally concerned with improving the business environment of Pittsburgh. Years of negative publicity about the city's deteriorating industrial landscape undermined Pittsburgh's attempts to attract new companies, and its industrial blight, pollution, and recurrent flooding problem, particularly near the "Golden Triangle," had prompted many businesses to leave or to consider leaving Pittsburgh. The ACCD was created to reverse this trend, to prevent businesses from leaving, and to attract new ones to the city. Created as a "super planning group," the ACCD's strategy was to coordinate the activities of existing civic and public organizations to ensure that its agenda was met. It established ties with regional engineering firms, and thus was able to lobby more effectively when dealing with technical issues. Most importantly, it established ties with David Lawrence, the newly elected Democratic mayor of Pittsburgh; the strategy of the ACCD was to "ensure cooperation from the public sector" and, accordingly, selected Lawrence as chairman of the Urban Redevelopment Authority in 1946 and made municipal leaders ex-officio members of the ACCD in order to secure that cooperation. The ACCD also passed on the credit for successes to the mayor. When Lawrence unveiled his seven-point urban renewal program in 1945, what came to be called the Pittsburgh Renaissance program, the third "point" was the "public improvements advocated by the Allegheny Conference on Community Development."<sup>18</sup> The ACCD thus had carte blanche to implement its conception of community development.

<sup>17</sup> Ibid., 235-36.

<sup>18</sup> Ibid., 195.



The agenda of ACCD, the "public improvements" that Lawrence spoke of, was focused on pollution and flood control, traffic and parking improvements, housing and industrial development. Industrial development, however, was the principle goal of the ACCD, but certain conditions had to be met before it could succeed. A study commissioned by business groups after the war "identified floods as one of the main reasons why many industries had either moved away from Pittsburgh or refused to come to the city."<sup>19</sup> With rehabilitation of the Golden Triangle as the most important goal of the ACCD, solving the problem of flooding became "the single most important factor in the rehabilitation of the city."<sup>20</sup> The economic value of the Golden Triangle was "approximately one quarter of the assessed valuation of the entire city."<sup>21</sup>

In November of 1946 the Lawrence-ACCD alliance created Pittsburgh's Urban Redevelopment Authority (URA) as a means to purchase land in the Point by "right of eminent domain." Mayor Lawrence was named chairman of the five-man board on the recommendation of Arthur Van Buskirk, staff member of ACCD and top aide to R. K. Mellon, who became the vice-chairman. City councilman Edgar Kaufman, the department store magnate, and J. Lester Perry, of Carnegie Illinois Steel, were also named to the board.<sup>22</sup> The URA became the most important organizational progeny of the marriage between the Lawrence political machine and the business elite of Pittsburgh. It engineered three major redevelopment projects during the late 1940s and the 1950s, two of which required the displacement of entire communities.

The Point Redevelopment Project, in the "lower triangle" district of the Golden Triangle, was the first large-scale project undertaken by the ACCD, and it was to become the literal and symbolic centerpiece of the Pittsburgh Renaissance. The ACCD began discussing redevelopment of the lower triangle in late 1945. Arthur Van Buskirk subsequently met with Charles Graham, president of the Pittsburgh and West Virginia railroad, to discuss the possible sale of the rundown Wabash terminal complex, located in the lower triangle, which the railroad company owned.<sup>23</sup> In March 1946 a "spectacular fire" gutted the railroad's Wabash

<sup>19</sup> Smith, "Politics of Flood Control," 15.

<sup>20</sup> Weber, *Don't Call Me Boss*, 202.

<sup>21</sup> Lubove, *Pittsburgh*, 212.

<sup>22</sup> Weber, *Don't Call Me Boss*, 257.

<sup>23</sup> *Ibid.*, 255.

warehouses. Mayor Lawrence and top aides watched the fire from a rooftop and were "unable to contain their glee. The fire was a godsend." Lawrence's top aide said: "We enjoyed the fire. What the hell, we knew the fire was helping us."<sup>24</sup>

The Point Redevelopment Project had begun even before the URA board convened for the first time in November 1946. The ACCD began negotiating with the Equitable Life Assurance Society of New York to finance the project, a twenty-three-acre industrial park to be called Gateway Center. Representatives of Equitable had stipulated that new flood-control programs would have to be guaranteed before it would commit to a multimillion dollar investment project in a flood-prone district of the city. Accordingly, when Congress threatened to cut appropriations for the Conemaugh Dam, Lawrence and members of the Pittsburgh Chamber of Commerce, the ACCD's flood control "action arm," lobbied Congress and President Truman in 1945 and 1947 to include funding for the dam. Lawrence, as mayor-elect, U.S. Senators Joseph P. Guffey and Francis J. Myers, and Representatives Herman Eberharter and Robert Corbett appeared before a subcommittee of the Senate Committee on Appropriations on December 7, 1945, in support of the dam. Lawrence testified that "the Conemaugh River Reservoir is the key structure in the series of dams and reservoirs designed as a unified system" and would provide "almost an equal amount of protection to that given by our six completed dams. . . . As the incoming Mayor of Pittsburgh, I know I speak for all our people when I ask you to give us the strongest link in that system—the Conemaugh Dam."<sup>25</sup> Senator Myers told the

<sup>24</sup> Ibid.

<sup>25</sup> Senate Committee on Appropriations, *Public Works Appropriations for 1946 Hearings before the Subcommittee* (Washington, D.C., Government Printing Office, 1945), 234-35. Witnesses requested funding to be included in the First Deficiency Appropriations Bill of 1946. The Conemaugh Dam was situated about sixty-five miles above Pittsburgh. A Pennsylvania congressional delegation of Sen. Joseph Guffey and Reps. James G. Fulton and Howard Campbell testified against construction of the Eagle Creek Reservoir in Ohio during hearings on the Flood Control Bill of 1946. All three objected to "low-flow dams for special interests," in this case the use of impounded water for Ohio companies "under the guise of flood control"; the Republic Steel Company and Youngstown Sheet and Tube Company were the largest users of water in the area, primarily for cooling-off processes. Fulton charged that the Eagle Creek Dam was a "case of trying to have sewage benefits and stream-pollution done by the government under the guise of flood control" for the benefit of private industry rather than the public good. House Committee on Flood Control, *Hearings before the Committee* (Washington, D.C., 1946), see 246-58 for this debate. James Greene, vice president of the Pittsburgh Chamber of Commerce, later testified in support of the Conemaugh Dam.

committee that the Conemaugh Dam would “practically complete the system” of flood control for the Pittsburgh area. Representative Corbett testified that “this project is the key project both to Pittsburgh and the down-river cities.”<sup>26</sup> Perhaps the most important witness was Lt. Gen. R. A. Wheeler, the chief engineer of the Army Corps of Engineers, who told the subcommittee that he strongly recommended the dam because it was “the most important unit in the comprehensive plan for the protection of Pittsburgh.”<sup>27</sup> Tellingly, not one witness mentioned the Kinzua Dam during those hearings.

Lawrence and others made four additional trips to Washington between 1947 and 1949. Their efforts were rewarded when Congress appropriated funds in 1949. The decision to build the Conemaugh Dam paid quick dividends for Pittsburgh and the redevelopment efforts of the mayor and ACCD when Equitable committed to finance the Point Redevelopment Project. Lawrence testified to the House of Representatives subcommittee on Appropriations for Public Works in 1957 that the “Equitable Life Assurance Society has come in and invested \$100 million in new buildings in this very area and they never would have done so had it not been for this flood-control program.”<sup>28</sup> Within a few years of Equitable’s decision to invest, seven of Pittsburgh’s largest corporations moved their headquarters to Gateway Center; the Mellon National Bank rented office space, as did the Pittsburgh Plate Glass Company, a Mellon-financed company.<sup>29</sup>

The URA also stepped in to convince the Jones and Laughlin Steel Corporation, which was looking at two other sites, to build a new facility on a twenty-acre tract on the south side of Pittsburgh. The URA had “the power to condemn existing structures, negotiate with the owners, purchase the property, and sell the entire site to Jones and Laughlin”; Jones and Laughlin chose the Pittsburgh site principally because the URA would do the dirty work of negotiating with the sixty working-

<sup>26</sup> Ibid., 236, 237.

<sup>27</sup> Ibid., 240.

<sup>28</sup> House Committee on Appropriations, *Public Works Appropriations for 1958*, 1029. This statement is inaccurate because the Equitable Life Assurance Society agreed to invest in Gateway Center after funds for the Conemaugh Dam were appropriated; the Kinzua Dam issue was not relevant to its decision.

<sup>29</sup> Weber, *Don't Call Me Boss*, 262.

class families who would be forced to sell their property because of the application of "eminent domain."<sup>30</sup>

The third site the URA helped redevelop was the most controversial of the three. Edgar Kaufman, member of the ACCD and the URA, agreed to donate a large sum of money for the construction of an opera house. Eventually the poor "lower hill" neighborhood was chosen as the site for construction. It should be noted that the first site considered was one bordered by large middle-class and upper middle-class homes, including one owned by R. K. Mellon's uncle. Hundreds of these residents protested the plan; their attorney attacked the "terrible powers of eminent domain" in opposing the project. Instead, 1,239 black families and 312 white families, nearly 8,000 people, were relocated out of the lower hill neighborhood to make room for the civic arena. To redevelop the neighborhood, the URA sought "public funding as a guarantee of credit to enable it to purchase the land," then followed the same procedure used in the Gateway Center and Jones and Laughlin programs: "Cleared land would be sold to developers at a modest price. The proceeds would be used to purchase and clear additional lands. Expected losses would be covered by federal and state funding programs."<sup>31</sup> By 1966 the redeveloped lower hill section of Pittsburgh contained the opera house, a large apartment complex, a hotel complex, and a large parking lot.

The Pittsburgh Renaissance, born of the alliance between the expansionist business elite and the accommodating political leadership, has been called "one of the nation's most remarkable urban renewal projects." The success that the ACCD and the municipal government of Pittsburgh had in resuscitating a "dying city" was indeed a remarkable achievement. Not everyone in Pittsburgh, however, prospered or benefited from the renewal projects. And as an increasing number of businesses moved to the Golden Triangle, new demands were put on the region's natural resources, and new demands were made for further flood control. The leadership of Pittsburgh soon turned its attention to the battle of appropriations for the Kinzua Dam, the insurance policy for the reborn "Golden Triangle."

The fight over appropriations in 1957, according to historian Laurence Hauptman, was the turning point in the battle of the Kinzua Dam. He

<sup>30</sup> Ibid., 264.

<sup>31</sup> Ibid., 270.

argues that President Dwight D. Eisenhower and Maj. Gen. John S. Bragdon, the director of Public Works Planning, were major factors in Congress's decision to include a \$1 million dollar appropriation for construction of Kinzua Dam in the Omnibus Public Works bill of June 1957. His examination of Bragdon's role is quite relevant. Bragdon was a native of Pittsburgh, a former vice president in a New York construction company, and a former deputy chief of engineers in the Army Corps of Engineers. Thus he was both personally and professionally interested in the project and, more importantly, capable of exerting considerable influence on behalf of the Kinzua project. Hauptman writes that "Bragdon relied on the Corps of Engineers' expert opinion from the beginning, portending the nearly incestuous relationship between his office and the federal agency in the months to come."<sup>32</sup>

The Army Corps of Engineers testified April 29, 1957, to the subcommittee of the House of Representatives Committee on Appropriations, and recommended that the committee appropriate \$1 million to begin the construction of Kinzua Dam. The Corps justified the project, in part, because of its "good cost-benefit ratio," and because a federal court had ruled that the use of the "right of eminent domain" in taking Seneca Indian land was "appropriate if necessary."<sup>33</sup> During the first minutes of the hearing, Rep. John Taber of New York asked the Corps' representative, Col. R. E. Smyser, Jr.: "Is this the project where you are going to flood out the Indians and take their land away from them so that they will have nothing left but a swimming pool?" Smyser replied: "This is the project that will put water on some of the Indian land."<sup>34</sup> Thus began the hearings on the Kinzua Dam appropriations.

The opponents of the Kinzua Dam appeared in front of the subcommittee on May 10, 1957. The contingent included President Cornelius V. Seneca and George Heron of the Seneca Nation, the nation's attorney

<sup>32</sup> Laurence M Hauptman, *The Iroquois Struggle for Survival* (Syracuse, 1986), 109, in addition, see Hauptman's "General John S Bragdon, the Office of Public Works Planning, and the Decision to Build Pennsylvania's Kinzua Dam," *Pennsylvania History* 44 (1986), 189-93

<sup>33</sup> House Committee on Appropriations, *Public Works Appropriations for 1958*, 114 The cost-benefit ratio, critics charged, was based on costs incurred from the St Patrick's Day flood of 1936 William Henning, attorney and director of the Allegheny County Sportsmen's League, argued during the House hearing that "such seems to be either a deliberate attempt to make the dam appear of greater value than it actually is, or a most unfortunate error," 677

<sup>34</sup> *Ibid*, 113

Edward O'Neil, its engineering consultant Arthur Morgan, representatives of the Indian Rights Association, the Religious Society of Friends, the Association on American Indian Affairs, and various sportsmen's clubs of the Allegheny Valley.<sup>35</sup> President Seneca spoke first, emphasizing to the committee the cooperative nature of the Seneca Nation: "My people have steadily maintained the position that if the construction of this proposed Kinzua Dam was the only economic and engineering solution for the prevention of floods to downstream Allegheny, we would not oppose the taking of our lands."<sup>36</sup> He illustrated his point by telling the committee that the people of the Seneca Nation

have never obstructed the progressive growth of this nation insofar as our lands are concerned. We have allowed railroads, pipelines, utility lines, throughways and highways to cross our lands. The Seneca nation challenges any proponent of this dam to prove by facts that the Seneca Indian had retarded progress. It is not a question of the Seneca Indian standing in the way of progress. . . . it is a question of the United States Army Corps of Engineers refusing to recognize progress in flood control.<sup>37</sup>

The Seneca's opposition to the dam was based on the Pickering Treaty of November 11, 1794, which stated that the United States would neither claim their land "nor disturb the Seneca Nation."

The Seneca Nation also claimed that an alternative plan existed that would allow the country to honor the Pickering Treaty. Dr. Arthur Morgan, former chairman of TVA and long-standing critic of the Corps of Engineers' construction philosophy, emphasized to the committee that it was folly for the government to commit in excess of \$100 million to a project without studying alternatives, particularly when the project would involve breaking a treaty and removing hundreds of Native Ameri-

<sup>35</sup> *Ibid.*, 676-89. Most Pennsylvania and New York sportsmen's associations—including the Allegheny County Sportsmen's League, with nearly 12,000 members, and the Pennsylvania Federation of Sportsmen's Clubs, to name two of the largest—were "unalterably opposed" to the dam because they feared it would damage the ecosystem of the river and the recreational facilities of the Allegheny River Basin. See the testimony of William D. Henning and of other league directors in pages cited. Despite this nearly unanimous opposition to the dam by a wide variety of recreational users of the Allegheny River Basin, Maurice Goddard, secretary of the Pennsylvania Department of Forests and Waters, pushed the dam (specifically the reservoir created by the dam) for its recreational potential.

<sup>36</sup> *Ibid.*, 452. President Seneca, Morgan, and O'Neil would later give similar testimony to the U.S. Senate Subcommittee on Public Works Appropriations for 1958 on May 20, 1957.

<sup>37</sup> *Ibid.*, 453.

cans from ancestral land. Morgan's alternative plan involved rerouting the floodwaters of the Allegheny River to Lake Erie via a long diversion channel. The plan, according to Morgan, would save the government thirty million dollars, offer more comprehensive flood protection to the Allegheny Valley, and preserve the integrity of the Seneca Nation and the reputation of the United States. Morgan cited a Corps of Engineers report, released in 1928, the first year the corps considered the Kinzua Dam site, which stated that "of the many methods of flood control, diversion of flood producing waters, where possible, offers the best solution." It concluded that "diversion of floodwaters to Lake Erie can be accomplished" and that "the effect of such a diversion will be of advantage in many respects."<sup>38</sup> In addition, Morgan questioned the value of Kinzua Dam in protecting the town of Warren from another flood like that of 1956, arguing that the Kinzua would not have prevented the Conewango Creek, which empties into the Allegheny at Warren, from flooding the town. Morgan and other opponents of the Kinzua Dam believed that a series of smaller headwater dams, like the Conemaugh Dam, would serve the Allegheny Valley better than a large dam of Kinzua's size.

Proponents of the dam testified five days later. The pro-dam contingent included six U.S. representatives and one U.S. senator from Pennsylvania, Pittsburgh mayor David Lawrence, the head of the Pennsylvania Department of Forests and Waters, the executive director of the Pittsburgh Chamber of Commerce, and the president and assistant director of ACCD. Most of the witnesses invoked memories of the disastrous St. Patrick's Day flood of 1936, passionately describing the loss of life and millions of dollars in damage that it caused. Rep. Leon Gavin said: "I want to call to the attention of the committee the loss of lives from these floods." Mayor Lawrence described the effect of the St. Patrick's Day flood on Pittsburgh by saying that "Pittsburgh's future was doomed. Never have the spirits of men been so low, never was the feeling of desperation so widespread, so rampant, or so unconsolable. Pittsburgh was on the brink of being abandoned, abandoned as surely as were some of the ghost towns of the west."<sup>39</sup> It is not surprising to read hyperbole

<sup>38</sup> Ibid., 1072.

<sup>39</sup> Ibid., 1027. Ferejohn found that Pennsylvania's delegation when testifying in front of the Public Works subcommittee was unusually unified, in contrast to those of New York. See *Pork Barrel Politics*, 64, 66.

in congressional hearings, but Lawrence did go overboard. The important point is that influential witnesses testifying in favor of the Kinzua Dam were describing a flood that could never occur again. The most damaging flood to hit the Allegheny Valley since the Conemaugh Dam was constructed had been the flood of 1956. It caused \$4.5 million in damage, most of it in the town of Warren, the site of the proposed Kinzua Dam. Many of the witnesses who described the 1956 flood in Warren claimed \$4.5 million in damage occurred in the town. It is important to note that Representative Gavin, who represented the congressional district in which Warren was situated, testified that the damage to Warren itself was \$2.5 million; overall damage to the Allegheny Valley was \$4.5 million. This discrepancy illustrates the extent to which proponents needed to embellish the damage from floods that had occurred since the Conemaugh Dam was built in order to create an atmosphere of urgency. Tellingly, not one witness mentioned any damage in Pittsburgh as a result of the 1956 flood. Lawrence himself testified: "That we haven't had another disaster can be attributed to the dams we have in operation" (referring to eight of the nine completed).<sup>40</sup> More importantly, the Corps of Engineers itself had estimated that the Kinzua Dam would have had a marginal impact on the disastrous St. Patrick's Day flood; Colonel Smyser testified on April 30 that the Kinzua Dam would have prevented a rise of "six-tenths of a foot" during the 1936 flood.<sup>41</sup>

Another major theme of dam proponents was that the Kinzua Dam was necessary for industrial growth and, hence, preservation of the American way of life. Mayor Lawrence testified that "the delay of this project will mean that we are delaying the progress of people. It means that we are deferring industrial development and industrial expansion along America's great inland water systems which hold some of the prime sites for industry and which stand in jeopardy with every spring thaw."<sup>42</sup> Rep. Herman Eberharter put it more bluntly:

We need the Allegheny Reservoir to guarantee the future safety and progress of one of the great steel and industrial centers of America. Pittsburgh's safety from floods is one of America's best guarantees for the survival of our democracy, for the Pittsburgh area is one of the greatest of our arsenals

<sup>40</sup> Ibid.

<sup>41</sup> Ibid., 126.

<sup>42</sup> Ibid., 1028.



of defense. A flood of serious proportions would be fantastically destructive of our industrial strength.<sup>43</sup>

Maurice Goddard, secretary of the Pennsylvania Department of Forests and Waters, echoed Eberharter's patriotic plea by testifying that the "local and state economy and the welfare and defense of the United States is vitally related to the industrial complex of the valley. I believe that the maximum of flood protection of the region is not inconsistent with other expenditures of efforts and funds on a national scale for the safeguarding of our economy and way of life"; he concluded by saying: "I cannot be unmindful of the fact that in the march of civilization and progress, there must be sacrifice of a few for the protection and well being of the many."<sup>44</sup> The decade of the 1950s was, of course, dominated by a cold war mentality. Eberharter's and Goddard's testimony played on Congress's fears of Russia's expansive industrial growth and America's need to match it, and its awareness of the dangers of being labeled soft on communism.

Congress was also dominated by a "termination" mentality when it came to Indian affairs in the 1950s. Congress had been active in the early and mid 1950s considering and passing "trust removal" legislation and was generally less sympathetic to claims of governmental obligation to Indians. In 1957 the government spent \$3.5 million on its Indian relocation program, a 100 percent increase from the previous year.<sup>45</sup> Sen. Edward Martin of Pennsylvania justified abrogation of the Pickering Treaty on the grounds that the Seneca "are now citizens of America and they are subject to eminent domain just the same as any other American citizen."<sup>46</sup> Sen. Allen Ellender, chairman of the Senate Appropriations subcommittee, provided another example of the termination mentality of the Congress when he addressed President Seneca. Commenting on the achievements of the Seneca in the high steel industry, Ellender said: "That is very commendable, and I wish other tribes would do the same thing. We have too many that lean on our government." Regarding the

<sup>43</sup> Ibid., 1036.

<sup>44</sup> Ibid., 1038.

<sup>45</sup> Donald Fixico, *Termination and Relocation: Federal Indian Policy 1945-1960* (Albuquerque, 1986), 148.

<sup>46</sup> Senate Committee on Appropriations, *Public Works Appropriations for 1958: Hearings before the Subcommittee* (Washington, D.C., 1957), 1291.

Navaho and Hopi Indians, he said that "they are more or less dependent on our government and the sooner we can give them an opportunity to go out for themselves the better off they will be."<sup>47</sup> But Ellender's commendation of the Seneca went both ways. By viewing the Seneca Nation as independent of the federal government, he could also view the Pickering Treaty as anachronistic and thus irrelevant to the issue of the construction of the Kinzua Dam. The abrogation of the nation's oldest treaty "still in force" is highly symbolic of the termination era in Indian-white relations.

Senator Ellender was generally not sympathetic toward the Seneca's struggle. He was, however, a strong advocate of the Corps of Engineers. At one point in the Senate hearing he admonished Arthur Morgan for criticizing the corps, telling him that "we will find the truth about that, we will ask the corps."<sup>48</sup> And he revealed his position on the dam when he told corps district engineer Colonel Smyser: "I imagine that as time goes on and you proceed with the development, and they become alerted to the fact that *we* [my italics] are going to build it, they might want to talk compromise of some kind."<sup>49</sup> Ellender believed that the dam would ultimately benefit the Seneca Nation, telling Smyser that "since many of the Indians of our Nation thrive on fishing, and a lot of them depend on fish for food, then the losses that would be sustained by them by virtue of taking that land would be compensated by having fishing facilities within the area or within their reserve."<sup>50</sup> Besides being a racist statement, by describing their land as a "reserve," it indicated an ignorance of the Seneca's way of life.

Rep. Louis Rabaut, a member of the House Appropriations subcommittee, commented during the hearings: "I notice we had quite a list of chamber of commerce people who are for this project. I cannot let the moment pass without realizing the tremendous appeal which they have had in talking about economy. This is kind of surprising here."<sup>51</sup> Indeed,

<sup>47</sup> Ibid., 2462. The Seneca worked on the construction of the Empire State Building, among other projects.

<sup>48</sup> Arthur Morgan, *Dams and Other Disasters: A Century of the Army Corps of Engineers in Civil Works* (Boston, 1971), 365. Ellender is viewed as being thorough and diligent in hearing public works matters and his authority rarely challenged when his decisions were made. Ferejohn, *Pork Barrel Politics*, 201.

<sup>49</sup> Senate Committee on Appropriations, *Public Works Appropriations for 1958*, 791.

<sup>50</sup> Ibid., 790.

<sup>51</sup> House Committee on Appropriations, *Public Works Appropriations for 1958*, 1049-50.

there were a lot of business interests represented at the hearings. Sherman Voorhees, executive director of the Pittsburgh Chamber of Commerce, testified in favor of the dam and submitted letters from six other chamber of commerce executives, all of whom stressed only the flood-control benefits of the dam. One letter ended with an invitation for the Seneca to "come down and see for themselves that our hunting grounds are essential to the prosperity of the country. Here are fashioned the teepees of living as well as the tomahawks of defence-items for the good life and the protection of all—including the Senecas. These hunting grounds must not be imperiled." Adolph Schmidt, president of the ACCD and a top aide to R. K. Mellon, testified that "the principal justification" for the Kinzua Dam was flood control. He emphasized the linkage between industrial development and flood control, stressing that the former was impossible without the latter. Earlier in the hearings, representatives of companies like the Pittsburgh Coal Exchange, the National Steel Corporation, and the Crucible Steel Company testified to the Senate Appropriations Subcommittee in favor of the \$1 million Kinzua Dam appropriation, even though their hearing was not specifically related to the Kinzua Dam issue and their companies were located south of Pittsburgh on the Monongahela River. In addition, the National Rural Electric Cooperative Association submitted a resolution to the Senate declaring its support for the dam.

It is surprising, as Representative Rabaut found, that so many businesses and business groups in and around Pittsburgh were interested in the dam and so convinced of its cost-effectiveness to the government. It was obvious to some congressmen, Senator Ellender in particular, that the "secondary" benefit of low-water control was really of paramount importance to the proponents of the dam. In a testy exchange with Dr. Morgan on May 22, 1957, Ellender spelled out his position on the dam. Responding to Morgan's contention that the Conewango reservoir would help "get rid" of Allegheny floodwaters "forever," and might help Lake Erie commerce and power generation capacity at Niagara Falls, Ellender told him: "Well, Dr. Morgan, due to the fact that water is such an important resource, we ought to preserve and conserve it for ourselves. Don't you think that it ought to be sent where it can be better used for *us* [my italics]; that is, downstream."<sup>52</sup> Ellender told Morgan that he

<sup>52</sup> Senate Committee on Appropriations, *Public Works Appropriations for 1958*, 2463.

lived "down there" and knew about the uses of water downstream from Pittsburgh. "We are now in the process of building hugh [*sic*] locks along the Ohio," he explained, "and creating vast pools for navigation purposes and for industrial development, and if you dry those pools up."

The connection Ellender made between Kinzua Dam and the construction of locks and dams in the Ohio River was made by other interested parties, during both the Kinzua hearings and hearings on Ohio River navigation improvements, held the same month. The Corps of Engineers was proposing a series of new and replacement locks and dams along the Ohio River, construction that was supported by industrial interests along the river's banks. During the early phases of the Kinzua Dam and Ohio Valley hearings, Colonel Smyser told Ellender that the modernization of Ohio River navigation was necessary to prevent "a breakdown and practical stoppage of through traffic between Pittsburgh and the lower Ohio and the Mississippi."<sup>53</sup> Senator Martin of Pennsylvania reminded Senator Ellender of Louisiana, and other committee members, that Pittsburgh industry brought oil from Louisiana and Texas up the Mississippi River, and in his statement justifying the Kinzua Dam told the committee that the Kinzua Dam "is not only worth something to that valley [Allegheny Valley] and Pittsburgh, but it also extends to Wheeling, Cincinnati, Louisville, and clear down the Mississippi Valley."<sup>54</sup>

Subsequent witnesses supporting the Corps' modernization plan for the Ohio Valley included the Kinzua Dam funding in their recommendations. David Matthews, Jr., executive vice president of the Pittsburgh Coal Exchange, echoed Senator Martin's support for both the Ohio River projects and the Kinzua Dam, but concentrated on the flood-control aspects of the Kinzua Dam. William J. Hull, chairman of the legislative committee of the Ohio Valley Improvement Association (OVIA), provided a lengthy testimony to the benefits of Ohio River improvements,

<sup>53</sup> *Ibid.*, 2467

<sup>54</sup> *Ibid.*, 734

<sup>55</sup> *Ibid.*, 787 Those early justification hearings were held on May 2, 1957. Ferejohn examines the subcommittees responsible for appropriations for the corps' projects, and found that particularly after 1956 the subcommittees "developed a pork barrel orientation to the Corps' construction budget," *Pork Barrel Politics*, 167

and added in his section on flood-control projects that the OVIA "further recommends that budgeted amounts be retained for new construction on the Allegheny River Reservoir, Pa. and N.Y."<sup>56</sup>

Certain newspaper editorials, while supporting the dam, were more willing to discuss the other benefits of the dam. An editorial in the *Pittsburgh Press* of April 1957 stated that "many industries also rely on the Allegheny and Ohio for water. More, the release of impounded water could help control pollution in these two rivers, to the benefit of several million people who live in the area."<sup>57</sup> The witnesses who did discuss river pollution in the hearings typically described it as "organic" pollution. They were correct in claiming that the Allegheny River suffered from organic pollution, most of it from municipal sewage systems, but the river also contained increasingly large quantities of industrial wastes, the concomitant of any industrial expansion. James R. Hayes, Jr., of Pittsburgh, an opponent of the dam, argued that "during periods of low water, the pollution has become more noticeable and the water requires more treatment in order to make it usable. . . . Manifestly, the basic problem is not one of water supply, but of river pollution"; he also noted that "it is significant that the coal and industrial interests which are supporting the Kinzua Dam project, either directly or behind front groups, such as the Pittsburgh Chamber of Commerce, are the very interests and companies which have the very worst records of pollution offenses."<sup>58</sup> William Henning, attorney and director of the Allegheny County Sportsmen's League, testified that his organization believed that "if an industry is polluting, that industry should abate that pollution. Abatement of pollution is a legitimate cost of business; the cost of it should be passed on to the ultimate consumer."<sup>59</sup> Rep. Ivar Fenton of Pennsylvania,

<sup>56</sup> Senate Committee on Appropriations, *Public Works Appropriations for 1958*, 1210 The association was a "non-profit corporation of the State of Ohio dedicated to the development and more effective use of water resources in the Ohio River Basin"

<sup>57</sup> House Committee on Appropriations, *Public Works Appropriations for 1958*, 1047 Pennsylvania Pure Streams law already mandated that municipalities must treat their sewage

<sup>58</sup> *Ibid.*, 1068-69 See Edmund Wilson's *Apologies to the Iroquois* (New York, 1960) for his take on the Seneca relocation He wrote that the Kinzua Dam was "a particularly costly contrivance intended to serve the interests of a group of industrialists in Pittsburgh, who now appear as its principal advocates Though Pittsburgh itself is not seriously in danger from the flooding of the upper Allegheny, certain Pittsburgh manufacturers have their reasons for wanting the river diluted at the seasons when it is running low" (p 195)

<sup>59</sup> *Public Works Appropriations for 1958*, 687

member of the Appropriations subcommittee, bristled at the notion that Pennsylvania businesses were asking taxpayers to pay to clean up their industrial pollution and indignantly raised the specter of disastrous floods once again.

Adolph Schmidt, ACCD president, confirmed the problem of "low-flow" pollution in his testimony to the Senate Select Committee on Natural Resources in October 1958. He continued to champion the Kinzua project, but this time he acknowledged its pollution control benefits. He first told the committee that "in spite of the fact that industrial companies are making diligent efforts to control their wastes," more needed to be done to fight Allegheny River pollution. He indicated that the Corps of Engineers considered the Kinzua Dam the best means "for diluting and counteracting downstream pollution during periods of low-flow." He stated that "public water supply intakes will be enormously improved and consistently high flows assured. Hence the tremendous importance of the Allegheny River Reservoir to the Pittsburgh area's water supply, in addition to its great flood protection value."<sup>60</sup> Schmidt apparently deemed this testimony not relevant for the House hearings of May 1957. Edward O'Neil, attorney for the Seneca Nation, did, arguing during those critical House hearings that the "pollution of the lower Allegheny and the upper Ohio . . . can be abated by the private industries that cause the same, at a cost of approximately three hundred to four hundred thousand dollars." He asked the committee: "Is this government to expend \$150 million to afford relief to private industry at a cost to the taxpayer of 375 times as great?"<sup>61</sup> The answer was yes. The Seneca Nation and its allies failed to dissuade Congress in the spring of 1957 from appropriating money for the construction of the Kinzua Dam.

The Seneca lost two additional battles in the fall of 1957 and the spring of 1958. In September 1957 Seneca representatives convinced the

<sup>60</sup> Senate Select Committee on Natural Water Resources (Washington, D C , 1958), 1394-95

<sup>61</sup> House Committee on Appropriations, *Public Works Appropriations for 1958*, 470 Hundreds of millions of tax dollars were spent on public works projects in the southwestern United States in the 1960s and 1970s, Bureau of Reclamation projects were constructed to counter saline pollution of the Colorado River Basin by U S agribusiness, the result of an overextended irrigation system "Here once again," Donald Worster writes, "were structural or engineering solutions, aimed at controlling nature, not man" See Worster, *Rivers of Empire*, 320-23 See also Martin Heuvelmans, *The River Killers* (New York, 1974)

government to mediate the dispute between the Corps of Engineers and Arthur Morgan by hiring an "independent" firm to determine the feasibility of Morgan's Conewango reservoir plan. The Corps of Engineers hired the civil engineering firm of Tippetts-Abbett-McCarthy-Stratton (TAMS) which, after six months, released a report conceding that Morgan's plan was feasible but would cost more money, require more land, and displace many more people than the corps' Kinzua plan; those people were in virtually all-white communities. The corps' plan looked like a good deal in comparison, and thus it could champion the cost-effectiveness of its plan in securing additional funds for construction.

The problem with the TAMS report was that it was produced by a firm founded by retired Brig. Gen. James H. Stratton, former director of civil works for the Corps of Engineers, and two other former corps members. Furthermore, as Morgan discovered later, "for twenty years or more the Corps had been by far the most important client of the firm"; he believed that because "the Corps already had strongly condemned my proposal it might be embarrassing for this consulting firm to make a contrary finding."<sup>62</sup> This "crossover employment," Hauptman writes, "produced conflicts of interest at every stage of the Kinzua Dam controversy."<sup>63</sup>

Concurrent with their attempts to find an engineering alternative to the Kinzua Dam, the Seneca Nation fought a battle in the courts. This strategy also failed when the U.S. District Court for the District of Columbia ruled on April 14, 1958, that Indian reservation land could be taken by the "right of eminent domain." Judge Joseph McGarraghy of the District Court ruled that Congress was aware that it was breaking a federal treaty when it appropriated money for construction of the dam, arguing that "a federal-Indian treaty could not rise above the power of Congress to legislate."<sup>64</sup> The Seneca appealed this decision in the U.S. Court of Appeals for the District of Columbia and the Supreme Court, but McGarraghy's original judgment stood. And thus the Seneca Nation was forced to begin the painful process of relinquishing its prized ancestral land and burial grounds and rebuilding its fragmented community.

<sup>62</sup> Morgan, *Dams and Other Disasters*, 321.

<sup>63</sup> Hauptman, *The Iroquis Struggle*, 112.

<sup>64</sup> *Ibid.*, 101.

The forced relocation of the Seneca Nation was one of a series of community relocations that was engineered to benefit the business community and the city of Pittsburgh in the 1950s. It seems clear that the Seneca did not stand a chance of defeating the Kinzua Dam project, given several factors characteristic of the time: the climate of the cold war, the "termination" era in Indian-white affairs, and the urban renewal movement in American cities. In addition to profiting from cold war fears and the termination mentality of the Congress, supporters of the dam enjoyed considerable support from the White House in the form of General Bragdon and from the Army Corps of Engineers.

In their well-organized lobbying campaign in Congress, proponents emphasized the loss of life and economic destruction of previous floods and the potential danger of new ones. They raised the specter of retarding industrial progress in order to divert attention from the "incidental" benefits of low-water pollution control and navigation control provided by the dam. Arthur Morgan's diversion plan, the most "feasible" alternative to the Kinzua Dam and the hope of the Seneca Nation and its allies, was opposed for reasons that had nothing to do with flood control or the Seneca Indians. First, the Corps of Engineers had had battles with Morgan for decades and was thus even more inclined and motivated to defeat his proposal; second, and more importantly, the diversion scheme would have deprived Pittsburgh of the water of the Allegheny River. Pittsburgh wanted more water, not less, but only when it needed it. Witnesses calling for the construction of the dam for flood-control purposes lacked the conviction of those who argued in favor of the Conemaugh Dam in 1945. The Conemaugh Dam, in part, had demonstrated that a dam of Kinzua's size was unnecessary. The Kinzua Dam would not have mitigated the floodwaters of the Conewango Creek, which contributed greatly to the 1956 flood; in addition, the Corps of Engineers testified that the Kinzua Dam would have had a marginal impact on the disastrous flood of 1936. In 1946 a Pennsylvania congressional delegation argued against the construction of low-flow and pollution abatement dams built at public expense for private industry "under the guise of flood control." Similar arguments raised in 1957 and beyond fell on deaf ears and were drowned out by a concert of industrial and business interests, congressmen, and the Corps of Engineers.