

VETO MESSAGE RELATING TO EXTENSION OF TIME FOR  
CONSTRUCTION OF DAM ACROSS RAINY RIVER.

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Mr. GALLINGER presented the following

**VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES,  
RELATING TO HOUSE BILL 15444, TO EXTEND THE TIME FOR  
THE CONSTRUCTION OF A DAM ACROSS RAINY RIVER.**

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**VETO MESSAGE OF THE PRESIDENT.**

The Speaker laid before the House the following message from the President of the United States, which was read:

*To the House of Representatives:*

I return herewith, without my approval, House bill 15444, to extend the time for the construction of a dam across Rainy River.

This bill is returned for several reasons, some of which are general, others special. In this particular case permission to construct this dam was originally given, as being in Rainy Lake River, by the act of May 4, 1898 (30 Stat., 398), which limited the time for commencing the work to one year and for completing it to three years from that date. Further extensions of time were granted as follows: For commencement, three years, and for completion, five years from May 4, 1900, by the act of that date (31 Stat., 167); for construction until May 4, 1907, by the act of June 28, 1902 (32 Stat., 485); for completion until July 1, 1908, by the act of February 25, 1905 (33 Stat., 814). The act of 1905 substituted the Rainy River Improvement Company for the original permittee. All rights given by these acts will expire July 1, 1908, unless the dam is completed on or before that date. In other words, the permittees will then have enjoyed for more than ten years the exclusive privilege of constructing this work, and have apparently failed to take advantage of it, for this bill would extend the time for three years longer to some unnamed day in July, 1911.

I do not believe that natural resources should be granted and held in an undeveloped condition either for speculative or other reasons. So far as I am aware, there are no assurances that the grantees are in any better condition promptly and properly to utilize this opportunity than they were at the time of the original act, ten years ago.

In all permits of this character the duty of declaring a forfeiture, after notice and hearing, for failure to begin or complete construction within the time limited by the permit, or for other breach of conditions, should be definitely imposed upon the proper administrative officer (in this case the Secretary of War). There have been many unfortunate experiences resulting from conditional grants, which, though on their face apparently terminable for breach of condition, proved practically indeterminate because no one official was specifically given power to discover and declare the breach. The general statute regulating dams in navigable waters (act June 21, 1906, 34 Stat., 386), though representing an advance, yet leaves uncertain much that should be definitely expressed in each act permitting the construction of dams under this statute.

A definite time limit is one of these important omissions. The public must retain the control of the great waterways. It is essential that any permit to obstruct them for reasons and on conditions that seem good at the moment should be subject to revision when changed conditions demand. The right reserved by Congress to alter, amend, or repeal is based on this principle; but actual experience of what happens with indeterminate public-utility franchises proves that they are in the vast majority of cases practically perpetual. Each right should be issued to expire on a specified day without further legislative, administrative, or judicial action.

Every permit to construct a dam on a navigable stream should specifically recognize the right of the Government to fix a term for its duration and to impose such charge or charges as may be deemed necessary to protect the present and future interests of the United States in accordance with the act of June 21, 1906. There is sharp conflict of judgment as to whether this general act empowers the War Department to fix a charge and set a time limit. All grounds for such doubt should be removed henceforth by the insertion in every act granting such a permit of words adequate to show that a time limit and a charge to be paid to the Government are among the interests of the United States which should be protected through conditions and stipulations to be imposed either by the War Department or, as I think would be preferable, by the Interior Department.

The provision for a charge is of vital importance. The navigability of every inland waterway, and of all connected and connectable inland waterways as a whole, should be improved for the purposes of interstate and foreign commerce upon a consistent unified plan by which each part should be made to help every other part. One means available for the improvement of navigation at a particular point on any river may be a dam creating a slack-water pool of sufficient depth. Such a dam may, in many cases, develop power of sufficient value to pay in whole or in part for the improvement of navigation at that point, and if there is any surplus it can be spent upon improvements at other points in accordance with the general plan. Since the Government can do by any proper agency what it can do directly, it is in principle immaterial whether this income to construct needed improvements is derived from works constructed directly by the Government or by a corporation acting under Federal authority, since Federal authority is the one indispensable legal prerequisite for the work, though the charge to be paid to the Government for the power would of course differ in the two cases; indeed the charge would necessarily vary greatly, for where the improvement was both costly and of great benefit to the

public, the charge would naturally be made low and the time limit long.

The income derivable from this source would materially aid in the complete improvement of our navigable waters, for which there is now such crying need. The Chief of Engineers of the Army reports that the bills pending at this session of Congress permit the construction of dams in navigable streams capable of developing over 1,300,000 horsepower. These rivers run every hour in the day and every day in the year. To develop this amount of power would, under average conditions, require about 25,000,000 tons of medium-quality coal every year. This natural wealth is the heritage of the people. I see no reason for giving it away, though there is every reason for not imposing conditions so burdensome as to prevent the utilization of the power. The authority to make, modify, or withhold grants manifestly implies both the power of inquiring into the grounds on which the grants are asked and the duty of administering the grants in the public interest.

We are now at the beginning of great development in water power. Its use through electrical transmission is entering more and more largely into every element of the daily life of the people. Already the evils of monopoly are becoming manifest; already the experience of the past shows the necessity of caution in making unrestricted grants of this great power.

The present policy pursued in making these grants is unwise in giving away the property of the people in the flowing waters to individuals or organizations practically unknown and granting in perpetuity these valuable privileges in advance of the formulation of definite plans as to their use. In some cases the grantees apparently have little or no financial or other ability to utilize the gift, and have sought it merely because it could be had for the asking.

In place of the present haphazard policy of permanently alienating valuable public property we should substitute a definite policy along the following lines:

First. There should be a limited or carefully guarded grant in the nature of an option or opportunity afforded within reasonable time for development of plans and for execution of the project.

Second. Such a grant of concession should be accompanied in the act making the grant by a provision expressly making it the duty of the designated official to annul the grant if the work is not begun or plans are not carried out in accordance with the authority granted.

Third. It should also be the duty of some designated official to see to it that in approving the plans the maximum development of the navigation and power is assured, or at least that in making the plans these may not be so developed as ultimately to interfere with the better utilization of the water or complete development of the power.

Fourth. There should be a license fee or charge which, though small or normal at the outset, can in the future be adjusted so as to secure a control in the interest of the public.

Fifth. Provision should be made for the termination of the grant or privilege at a definite time, leaving to future generations the power or authority to renew or extend the concession in accordance with the conditions which may prevail at that time.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 13, 1908.*