January 9, 1956

Honorable Pat McNamara
United States Senate
Washington, D.C.

Dear Pat:

I am writing to you concerning pending legislation for the development of the waters of the Niagara. As you know, the Senate Public Works Subcommittee, before which this legislation is pending, decided, just before adjournment last year, to hold an executive session on this legislation on January 16th.

I need not tell you of my own eagerness to see favorable action taken on the bill which I introduced, with those minor changes which were agreed upon between myself and Governor Harriman. You may be interested to know that in his annual message to the State Legislature on January 1, 1956, Governor Harriman expressed his unqualified support of S. 1823, and you may also be interested to know that Chairman Buckley, of the House Public Works Committee, has recently introduced an identical bill, replacing the bill he introduced at the beginning of last session.

I am very hopeful that this legislation will be speedily reported by your Subcommittee and by the full Committee, and passed by the Senate.

As you may know, the Majority Leader, Senator Lyndon Johnson, in his speech of November 21, 1955, in which he listed the "13 Points," made reference to the Niagara bill as one of those on which he will urge action at this session.

In the light of all this, it seems vital to me that the issues involved in this Niagara legislation be kept clear. Perhaps you have received, or have heard about, a brief written by Professors Philip Jessup and Oliver Lissitzyn of Columbia University in support of the proposition recently advanced by Mr. Robert Moses, that the Senate Reservation to the Niagara Treaty of 1950, adopted unanimously by the Senate, is unconstitutional and invalid.

In my considered judgment, this position is demonstrably without substance. I am attaching a copy of the statement which I issued on this point and a copy of a supporting legal memorandum. I expect that a definitive brief on this subject will be drafted in the very near future, but I wanted you to have this preliminary material in the meantime, in case the subject came up in any discussions you might have or in communications from your constituents.

I will be glad, of course, to discuss this with you personally, should you have any questions about this aspect, or any other aspect, of the Niagara legislation. With kindest personal regards, I am

Very sincerely yours,