

Author's Note

Half a century ago the United States officially recognized “that destructive floods upon the rivers of the United States ... constitute a menace to national welfare” and that “flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof.”¹ The origins of the Flood Control Act of 1936 date back to the 19th century, even though its passage came as part of the New Deal administration of Franklin D. Roosevelt. Every major 20th-century historian has agreed that the New Deal was a turning point in the history of American politics and in the federal government's role in the life of the nation. This certainly applies to the history of flood control. The 1936 act still stands as the fundamental legislative authority under which a vast program of public works costing billions of dollars has been executed throughout the union. The act authorized a program that has saved countless lives and billions of dollars in property. In addition, the program has provided benefits in hydroelectric power, navigation, and recreation. No other nation in the world has undertaken such an ambitious water resources program. The act was the culmination of almost a century of increasing federal concern and engineering progress.

However, the act also mirrored the innumerable conflicting political issues that marked New Deal politics during a presidential election year. Arthur Maass, one of the nation's leading authorities on water resources development, has called the 1936 act a “confused and confusing piece of legislation.” The most prominent historian of the New Deal, William Leuchtenburg, said it was “ill conceived and wretchedly drafted,” subject to widely conflicting interpretations, misunderstood by most of those who voted for it, and misinterpreted by President Roosevelt, who signed it.²

How can this important piece of legislation have such a reputation? The act can be understood only in the context of its political history. The reason for the divergent perceptions of the flood control act is that it states a principle that almost everyone in the government and nation endorsed in 1936 -that the federal

government should take primary responsibility for dealing with the menace of terrifying, huge floods. However, the exact means by which the government was to accomplish this goal was subject to wide disagreement. Those who advocated national flood control could not always agree on financial arrangements, the role of state and local interests, or the relationship of flood control to other water resources goals or programs (particularly hydroelectric power). Thus the final version of H.R.8455 that Congress approved and sent to President Roosevelt contained a clear statement of federal flood control responsibility, but a rather hastily drawn series of implementation features that were a patchwork of compromises thrown together by overworked congressmen on the eve of the presidential and congressional elections of 1936. News of the passage and signing of the act can be seen in the newspapers of May and June 1936 amid long articles on the upcoming national political conventions and elections. The act was forged in the midst of the "Second New Deal" and was part of the great political upheavals of the mid-1930s.

The Flood Control Act of 1936 is a good example of congressional legislation that is fairly clear in its general goals, but confusing and even irrational in its specific policies and administrative machinery. Eventually, new generations of politicians, lobbyists, and experts recast the particular policies and, over time, even altered some of its general goals. Nevertheless, the fundamental goals and direction of legislation in a major problem area like flood control are seldom reversed once the law is set in place. The manner in which our free society makes these fundamental legislative decisions may look awkward to some observers, but it is in fact one of the most impressive and admirable aspects of our system. The establishment of our national policy of flood control in the stormy spring of 1936 is an illuminating example of this great democratic process.

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