

CHAPTER IV

The Floods of 1935 and H.R. 8455 Congress Takes the Initiative

During the remainder of 1934, Roosevelt moved ahead with his plans for a water and land planning commission. On 30 June 1934 he created by Executive Order 6777 the National Resources Board (NRB), which replaced the temporary National Planning Board. A year later the name was changed again to the National Resources Committee—the name it retained until 1939. The Mississippi Valley Committee became the Water Planning Committee of the NRC, but soon changed its name to the Water Resources Committee (WRC). In the order creating the new “permanent” agency, the President asked that it prepare for him by 1 December 1934 a comprehensive plan for developing the nation’s land and water resources.¹

Both the Mississippi Valley Committee and its successor, the NRC Water Planning Committee, were chaired by Morris L. Cooke, a wealthy engineer who had dedicated much of his life to progressive reform movements—particularly the effort to make low-cost electricity available to urban and rural Americans. He had fought the private utility companies in Pennsylvania and aided Governor Franklin D. Roosevelt in his struggle with the utilities in New York in the late 1920s. Cooke came to Washington in 1933 intent on developing a huge program of rural electrification through government-built hydroelectric dams and transmission lines. His interest in, and knowledge of, other aspects of water resources development was clearly secondary to his interest in rural electrification, but in 1935-1936 he took an enthusiastic and somewhat naive interest in watershed control—believing that it offered a better solution to flood control than large flood control dams. Cooke was an able and untiring political lobbyist for his causes, and he had considerable influence with many members of Congress and with President Roosevelt. Since Cooke’s fundamental interest in water resources lay in hydroelectric power and rural electrification, the report of the



Morris L. Cooke, Chairman, Mississippi Valley Committee of the Public Works Administration, 1933; Director, Water Resources Section, National Resources Board, and Chairman of the NRB Committee on Water Planning, 1934; Administrator, Rural Electrification Administration, 1935-1937.

Mississippi Valley Committee dealt primarily with this issue rather than flood control. The impact of this report, along with Cooke's intense lobbying, led Ickes and Roosevelt to establish a rural electrification program. The Rural Electrification Administration (REA) was created by an executive order in May 1935, and Cooke left the Water Resources Committee to become its first administrator.² The report of the Mississippi Valley Committee did present a great deal of information on the entire Mississippi basin and envisioned a program of multipurpose development, but it contained no specific legislative plan that the President could take to Congress.³

A much longer report was prepared by Cooke's committee for inclusion in the National Resources Committee report to be sent to the President on 1 December 1934, as provided in Executive Order 6777. But this committee report also failed to include a specific program for flood control or multipurpose projects that could be turned into legislation. The Water Resources Committee produced a third study that did attempt to develop an integrated program for basin-wide resource projects along with a set of priorities for their execution. This 540-page

report finally was given to the President in December 1936.⁴ Although there was a wealth of information that Congress could have worked with in the first two reports -both of which were in its hands by January 1935-the plans and recommendations were based on assumptions that many, and perhaps most, congressmen were unwilling to translate into legislation. The Water Resources Committee assumed that the National Resources Committee would do all the research planning and setting of priorities for water resources projects as part of an integrated nationwide program of natural resources development.



Major General Edward M. Markham, Chief of Engineers, 1933-1937.

This assumption was not shared by Major General Edward M. Markham, Chief of Engineers. At the WRC's first meeting on July 1935, Markham, representing the Corps on the committee, said he thought "the committee could do excellent work in developing long-range policies but that it could do little in connection with emergency expenditures; that the latter work would require continuous service." This continuous service, of course, could only be provided by the Corps since the membership of the WRC, scattered all across the nation, could only come together for periodic meetings. Abel Wolman, the distinguished water resources expert from Johns Hopkins University, was chairman of the WRC and had different ideas. Wolman, states the minutes, "emphasized the difference between prompt action and intelligent action," while Markham "emphasized the necessity for individual authority and confidence where immediate decision is imperative." The Chief of Engineers did say that if the WRC, acting as a consultant on the emergency water programs, objected to a specific project within that program, the Corps "would promptly accept the decision and pass on the the next

project on their list.” How much this concession to the WRC planning role meant is difficult to assess, but it is worth noting that Markham never again attended a WRC meeting, choosing instead to send Lieutenant Colonel Glen E. Edgerton as his representative.⁵

The President began his campaign to establish a permanent NRC in a message to Congress delivered 24 January 1935. His specific purpose was to transmit to Congress the water and land report of the NRC along with the earlier report of the Mississippi Valley Committee. More generally, however, he wanted to convince congressmen that the authors of these reports should become a permanent research and planning group for both the legislative and executive branches of the government.

A permanent National Resources [Committee]... would recommend yearly to the President and the Congress priority of projects in the national plan. This will give to the Congress, as is entirely proper, the final determination in relation to the projects and the appropriations involved.

Roosevelt also announced that a “substantial portion” of the \$4 billion he had recently asked from Congress for unemployment relief public works projects “will be used for objectives suggested in this report.”⁶

After long debate, Congress appropriated \$4.8 billion for public works projects for the unemployed in the Emergency Relief Act of 1935. The appropriation touched off a tremendous struggle in Congress and within the executive agencies for a share of these funds. Secretary Ickes and Harry L. Hopkins, the head of the Works Progress Administration (WPA), fought so hard over the money that Ickes almost resigned from his cabinet post.⁷ Congress was ready to spend \$4.8 billion, but showed little support for the National Resources Committee. A bill (S. 2825) was introduced by Senator Royal S. Copeland on 15 May to establish the NRC as a permanent federal agency, but it failed to pass. In the House, a similar bill (H.R. 10303) was tabled after a closed discussion in the Ways and Means Committee.⁸

Riley Wilson and other Flood Control Committee members were eager to have a large portion of the \$4.8 billion. They turned to the Corps of Engineers rather than to the Water Planning Committee of the NRC. Their preference for the Corps was partially dictated by the fact that no navigation or flood control projects could be undertaken except those adopted by Congress upon recommendation from the Chief of Engineers.⁹

Also, it was very natural to turn to the Corps. Ever since the establishment of the Flood Control Committee, the Corps had been the agency on which it relied for advice and direction -just as the Rivers and Harbors Committee had done for over half a century.

Apparently, no one from the NRC's Water Resources Committee advised the Flood Control Committee. Possibly no advice was solicited. It is just as likely that the Water Resources Committee (or probably Charles E. Merriam of the NRC itself) chose not to get involved with a congressional committee. Merriam had, as one author put it, "a conviction,

amounting almost to a phobia, that the board must deal only with the president, that it should avoid the Congress as far as it was possible to do so, and that its staff should likewise avoid Congress as far as possible."¹⁰ Gilbert F. White, who was secretary of the Water Resources Committee during this period, recalled that his committee was not encouraged to participate in congressional activities nor did the chiefs of the NRC attempt any lobbying. Consequently, the NRC "had no significant influence on the Hill beyond what the President could claim for them." Morris Cooke at this time was deeply involved in starting up the REA. His replacement on the Water Resources Committee, Abel Wolman, had none of Cooke's influence in Congress.¹¹ No member of the Water Resources Committee or the NRC ever appeared to testify before the House Flood Control Committee or the Senate Commerce Committee during the deliberations over the Flood Control Act of 1936, whereas the Corps of Engineers' testimony was extensive.

Wilson and the Flood Control Committee began working to secure flood control funds even before Roosevelt signed the \$4.8 billion emergency relief bill into law on April 1935. Three



Abel Wolman, Chairman, Water Resources Committee of the National Resources Committee, 1935-1939.

weeks earlier, on 18 March, Wilson had introduced H.R.6803, entitled "A Bill to Authorize Funds for the Prosecution of Works for Flood Control and Protection Against Flood Disasters." It authorized the expenditure of \$600 million from the public works funds to be disbursed "under the direction of the Secretary of War" and "under the supervision of the Chief of Engineers." The funds were to be spent on

projects for flood control and, in emergencies, for protection against floods on streams and watersheds thereof ... where human life and property are endangered and where such emergency work on plans now completed or in stage of completion will coordinate with a comprehensive plan for the improvement and control of such streams and watersheds thereof, for controlling floods, improvement of navigation purposes, the development of hydroelectric power, protection against erosion of soils, and the preservation and use of natural resources.¹²

Hearings on the bill were held before the Flood Control Committee on 22 and 23 March and 2 April 1934. They were relatively brief and revealed that the \$600 million package was determined by selecting projects from the Corps' 308 reports and other surveys and simply lumping them together into a single allotment. The Senate had already passed a resolution suggesting that \$350 million of the \$4.8 billion be used for "sanitation, prevention of soil erosion, reforestation and forestation, flood control, and miscellaneous projects," but Wilson thought that amount was insufficient.¹³

Wilson asked the Corps to give the Flood Control Committee a list of proposed flood control projects it had surveyed with the estimated costs and benefits of each project. The Corps had in fact prepared such a report. It was entitled, "Projects for the Development of Rivers and Harbors, Summarized From Reports by the Corps of Engineers to Congress." More commonly called the "Green Book," this document listed 1,600 projects, drawn primarily from the 308 reports, for flood control, navigation, irrigation, and hydroelectric power. The total cost was \$8 billion.¹⁴ The Flood Control Committee asked to see only the flood control projects, and this is what the Corps presented even though some of the dams, it was stated, had "incidental power features." General Markham later stated that the House committee looked over all the projects, selected those "that looked like the best ratios of cost and benefit, and incorporated it [*sic*] into the bill."¹⁵

Wilson also may have asked the Corps to place its projects in three priority categories. In any case, this is how they were presented to the Flood Control Committee when the hearings opened on H.R. 6803. Captain Lucius D. Clay told the committee that the Corps had selected 479 projects for examination. The total cost was \$604 million. The first of the three categories included top priority projects or those “that are particularly for the preservation of life and have a particularly high economic value.” In this category were 200 projects at a cost of \$244 million.¹⁶ In the second category were projects “that are primarily concerned with property values and which are of somewhat less economic merit than those included in group 1.” These projects would cost \$81 million. Projects in the third category had even lower economic merit and would cost \$277 million. Clay made it clear that the Corps still had some streams under study, and further surveys could change the list. He added that these were also only those flood control projects that could be begun immediately as part of the work relief program, even though detailed plans were still lacking. Workers could start at once to prepare the sites and, as the detailed plans developed, more people could be added—as was then being done by the Corps on the Fort Peck dam project, a very large multipurpose project on the Missouri River.¹⁷ The committee decided not to publish the list of the projects presented by the Corps (after an off-the-record discussion), but Congressman Driver accurately summarized their geographic scope when he said they would “blanket the country.”¹⁸

Two of the Republicans on the committee, Congressman Henry Kimball (Michigan) and Robert Rich (Pennsylvania), were concerned about partisan politics influencing the selection of projects. Congressman Rich asked whether “anyone who is not of the house of the faithful” could get the Corps or the President to recommend a specific project. Congressman Driver thought there would be no political favoritism since General Markham, “a very hard-boiled fellow,” would not tolerate such a thing. Moreover, Driver maintained that, of all federal departments, the War Department was the one that did not play politics.¹⁹ Nevertheless, Congressman Kimball was uneasy about the degree of authority the Flood Control Committee would be delegating first to the Chief of Engineers and then to the President. He also wondered aloud whether H.R. 6803 was not an exercise in futility

since it amounted to only a congressional suggestion to the President. He thought it particularly questionable to recommend so many flood control projects that the committee had not reviewed and about which it knew very little. Committee members did not yet even have copies of the report brought in by Captain Clay. Kimball then asked the chairman if he thought the committee would “have time to go over the whole United States?”²⁰ Optimistically, and perhaps not altogether sincerely, Wilson said he believed this could be done. Of course, the committee never did attempt to study in any detail the 479 flood control projects listed in the Green Book. Committee members questioned Clay on specific projects but made no attempt to understand the entire package. With the exception of Kimball and Rich, they all seemed satisfied to let Markham, Clay, Ickes, and Roosevelt decide what should be done. In practical terms, any attempt to go over each project might have taken a great deal of time, and by then the funds could well have been allocated for other activities. In addition, since the committee could not legally force the President to spend or withhold public works relief funds for any particular project, they might just as well have sent the entire package on to him. This was how Congressman Driver, who seemed to be the committeeman with the most information on the pending public works relief bill, summed up the situation.

Congressman Will Whittington questioned Captain Clay thoroughly about the Corps' attitude toward local contributions. The report that Clay brought to the committee recommended that for federal projects “local interests shall provide rights-of-way, assume responsibility for all damage, and shall agree to accept the completed works for operation and maintenance.” Clay explained that these three requirements were included in the Flood Control Act of 1917, and the Corps had recommended the same local contributions in subsequent flood control studies. The policy, he stated, had begun with levee construction but was now expanded to all types of flood control projects except some large reservoirs where the benefits “accrue over an extended area.” Later in the hearing, Clay was asked again about local contributions for reservoirs. He reiterated that even large reservoirs would require local contributions if “they provide the same sort of immediate protection to the immediately adjacent area as the levees.”²¹

HR 6803 was reported out of the Flood Control Committee on 26 March 1935 with no amendments and very little information²² It never came up for consideration in the House, probably because Wilson and his colleagues on the Flood Control Committee decided to alter their approach. This change may have resulted from discussions between Wilson and the White House in mid-April. On 15 April Wilson sent to the White House a copy of H.R. 6803 and the accompanying committee report and requested an appointment to discuss them.²³ It is not known with whom Wilson spoke at the White House, but the discussions must have led him to move closer to Congressman Rich's position. On 12 June Wilson introduced H.R. 8455, which listed 285 specific flood control projects to be authorized by Congress at a cost of \$370 million. Judging from the total cost and the number of projects, the bill must have been based on the projects presented by Captain Clay to the Flood Control Committee in March but with most of the third category of projects removed.

The bill was a traditional authorization, similar to those the Committee on Rivers and Harbors had advanced for navigation projects since the 19th century. However, the bill was exclusively for flood control. It contained no statement of national policy but simply a brief introduction as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the following works of improvement of rivers, harbors and other waterways for flood control purposes are hereby adopted and authorized, to be prosecuted unless herein otherwise provided under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans, in the respective reports and records hereinafter designated, that correspond to the costs given herein for each project: Provided, that the authorization for each project shall be the cost given herein for each project.*²⁴

Section 2 contained the now well-known "ABC" requirements for all projects, stipulating that prior to the beginning of construction, states or local interests must provide assurances to the Secretary of War that they would

(a) provide without cost to the United States all rights in land and other property necessary for the construction of the project; (b) hold and save the United States free from damages in connection with the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War.

However, the Secretary of War, "upon the recommendation of

the Chief of Engineers,” could waive these requirements.²⁵ The most plausible explanation for this exception is that it would allow the Chief of Engineers to waive the local contributions for projects that had few if any local benefits compared to the benefits for larger areas downstream. However, nothing in the Flood Control Committee report on the bill discussed this question directly.²⁶

The committee report did suggest that the projects included in H.R. 8455, while of significant value to the areas where they would be constructed, “will be part of a planned network which will greatly reduce and possibly solve one of the most difficult of all flood control problems, that of the Mississippi River.”²⁷ This was somewhat of an overstatement because many projects were on rivers outside the Mississippi basin. However, most were indeed located within the Mississippi’s drainage area, which covers 41 percent of the continental United States. How materially these projects would affect the lower Mississippi was not discussed in the committee report.

The debate over the lower Mississippi had been separated from the general discussion of national flood control since June 1934. At that time Roosevelt told Wilson that when the restudy of the 1928 Lower Mississippi River Plan was completed (as requested by the Flood Control Committee back in January of 1932) he would send Congress “recommendations for such additional authorizations and legislative changes as may be necessary and to provide for a fair and equitable adjustment to the property owners and local interests affected by the execution of such a project”²⁸ The \$604 million flood control package put forward by Captain Clay did not include the \$181 million estimated by General Markham to be necessary to complete his revised plan for the lower Mississippi.²⁹ Clay’s \$181 million figure may have been in error because the Markham plan, submitted to the Flood Control Committee on 12 February 1935, called for an expenditure of \$272 million on the lower Mississippi project.³⁰ The history of this legislation is not within the scope of this study, but it is important to point out that from his first days in office the President supported new legislation on the lower Mississippi regardless of what happened with national water resources legislation – a position similar to the one he took in regard to the St. Lawrence Seaway project. In his February 1935 remarks regarding the incipient National Resources Committee, Roose-

velt had actually excluded both the lower Mississippi and the St. Lawrence from the planning activities of the new agency.³¹ Only when the Markham plan was translated into legislation by Democratic Senator John H. Overton of Louisiana (S. 3531) and reached the Senate floor in 1936 did it become, for a time, linked to the larger program in H.R. 8455.

H.R. 8455 provided for a wide variety of flood control projects distributed across much of the nation. The 285 flood control projects were located in 34 states from Vermont to California. These projects ranged from a \$10,000 floodway clearing project in Jackson, Mississippi, to the \$22 million Wildcat Shoals Reservoir on the White River in Arkansas. Projects included 48 large reservoirs (despite earlier Corps reservations about the effectiveness of such flood control projects) and more than a dozen smaller dams. The rest were levee or floodwall projects.³² All the proposed reservoirs contained substantial flood control benefits, but a number of them also contained large benefits from power development, consequently greatly improving their cost/benefit ratio.

The major difference between H.R. 6803 and H.R. 8455 was not in the projects proposed but in the means for getting them started. Unlike H.R. 6803, this new bill was a regular authorization similar to traditional rivers and harbors bills or the flood control legislation of 1917 and 1928. This meant that they could be carried out with funds from the \$4.8 billion Emergency Relief Act or, if Ickes and the President failed to use this authority, by congressional appropriation. Roosevelt would thus be unable to stop or alter these projects if Congress was determined to carry them out.

H.R. 8455 was an attempt by the Flood Control Committee to press on with a flood control program before the National Resources Committee and FDR had the opportunity to present their own flood control program as part of a larger plan for multipurpose river basin development. The bill did not, however, represent an explicit rejection of multipurpose or comprehensive river basin development. Instead, it attempted to ensure that whatever general development plans were subsequently adopted for the nation's rivers, Congress would possess the authority to carry out 285 specific flood control projects (unless subsequent legislation officially **deauthorized** any of them). It should also be noted that the statement in H.R. 6803 that flood control projects

would be coordinated with navigation, water power, and soil erosion was dropped from H.R. 8455.

Eventually the bill came to the attention of Acting Budget Director Daniel W. Bell, who wrote to the President on 20 July 1935 alerting him to possible dangers in the bill. First, he thought that, in view of the National Resources Committee's comprehensive river basin development study that was then in progress, H.R. 8455 was concerned almost exclusively with flood control and appeared premature.³³ Additionally, Bell noted that authorization of so many expensive projects "will undoubtedly lead to a substantial appropriation for the fiscal year 1937" and should be viewed "as not in accord with your financial program." Roosevelt replied quickly, asking Bell to take the matter up with House Speaker John O'Connor and Riley Wilson.³⁴

Bell obviously had no success with O'Connor or with Wilson. In fact, a delegation of 44 congressmen called on FDR to urge him to support the bill. No record of this meeting exists, but it is doubtful that Roosevelt gave them any encouragement. The President's attitude remained consistent from 1934 to the end of the New Deal. He could be counted on to support recommendations for comprehensive and multipurpose development of river basins. On the other hand, he never stated that he would definitely veto legislation providing for something less than comprehensive development.

Events on a number of the nation's rivers drew attention to the issue by the spring of 1935. In January, floods in the state of Washington killed four people and caused \$1.5 million in damages. Early in March, flooding began on the James River in Virginia and on the Kanawha River in West Virginia and soon after spread to rivers in Tennessee, Alabama, and Mississippi. Heavy flooding also occurred in Wisconsin and Missouri. On 30 and 31 May, 18 to 24 inches of rain fell in the Republican and Kansas river basins, resulting in the loss of 110 lives and \$18 million in property. The storm moved into Texas, where Austin, Houston, and a number of smaller towns were hit by floods of terrific force that swept away automobiles, houses, and anything else in their paths. During May and June, 23 rivers in Texas overflowed their banks. From 7 to 9 July, torrential rains fell over a wide area of upstate New York and all of the rivers in the area flooded — smashing homes and businesses and leaving a path of death and destruction along 16 rivers, each of which had large

populations living along them. The Ohio-River experienced the worst flooding since 1913 and did an estimated \$6 million in damage. The floods that year took 236 lives and caused almost \$130 million in property damage—the great majority of the property losses resulting from the New York State flood.³⁵

In New York all ten congressmen from the badly stricken upstate area (including staunch anti-New Dealer John Taber) pleaded for immediate federal aid, as did Governor Herbert Lehman.³⁶ In July Congressman Wilson, accompanied by members of the Flood Control Committee and New York State officials, toured the New York flood area. The group was deeply moved by the extent of the flood losses. At the small industrial town of Hornell, New York, the damage was, said Wilson, “really the worst condition we have seen yet.” Public and private property lost in the town amounted to \$3.4 million. At a meeting in Binghamton, New York, Wilson pledged that the investigating committee would seek help from the President on behalf of the flood victims. According to the *New York Times*, the longer term problem of flood control “would be placed wholly in the hands of the army engineers,” who were ready to begin an emergency survey of the flood region as soon as the President made funds available. To ensure action toward a permanent solution, leaders from the ten flooded counties in the upstate region announced the formation of a “flood control committee” to work for adequate flood protection. This organization, calling itself the Flood Control Council of Central-Southern New York, was soon affiliated with the National Rivers and Harbors Congress and became an effective and vocal flood control lobby in Washington.³⁷

Soon after the Wilson delegation returned to Washington, the President allocated \$3.5 million to the Reconstruction Finance Corporation for flood loans to New York, made \$200,000 available to the Corps of Engineers for an immediate flood control survey of the region, and provided for a large number of relief workers (as many as 12,000 people) to help rehabilitate the flood-ravaged areas. On 1 August he allotted \$1 million for additional workers.³⁸

The roaring waters of the nation’s river basins brought on another flood — an inundation of flood control bills in Congress. By the time Wilson and the Flood Control Committee were back in Washington, well over 100 flood-related bills had been introduced into the House or Senate.³⁹ Some were flood relief resolutions, others were flood survey requests, and others proposed

authorizations for specific projects. Coming from almost every region in the union, the bills testified to the fact that a nationwide federal flood control system was the clear will of Congress. Compared to the huge patchwork of flood legislation contained in these hundred-odd flood-related bills, Wilson's H.R. 8455 had the merit of consisting entirely of projects that the Corps of Engineers had investigated and that showed a favorable cost/benefit ratio.

The Flood Control Committee hoped that the Corps' excellent reputation would convince skeptical congressmen that H.R. 8455 was a sound and carefully considered piece of legislation and not a gigantic pork barrel bill. When the bill finally reached the floor of the House on 22 August 1934, one of the longest congressional sessions in the nation's history was drawing to a close. Congressmen, suffering through the sweltering Washington summer, were hot, tired, and eager to get home.⁴⁰ Congressman Driver opened the debate by asserting that "every project in this bill has received the attention of the Corps of Engineers of the United States Army, under the direction of the American Congress. . . . No one project in this bill is without that expert recommendation."⁴¹

The debate consisted mainly of an attack on the bill by members of the Republican minority in the House. Congressman Rich, the ranking Republican on the Flood Control Committee, condemned it as "the biggest 'pork barrel' that has come before Congress since I have been a Member." He claimed that 139 projects listed in the bill had in fact not been officially reported to Congress. Therefore, no conclusions could be drawn about the projects' merits. Finally, he noted that any funding of projects in the bill before fiscal year 1937 would require the authorization of the President, who controlled the emergency relief funds. He said that if Congress intended to fund these projects above the \$4.8 billion in relief funds, it would be courting financial disaster – "Where are we going to get the money?"⁴²

Defenders of the bill countered with a variety of arguments, including the Corps' project recommendations. Congressman Arthur H. Greenwood (D-Indiana) said that he approved of pork barrel bills such as this when they "carry proper projects.. all over the United States where the benefits can accrue not to one particular community, but to the various communities."⁴³ Congressman Dewey Short (R-Missouri), a vice president of the

National Rivers and Harbors Congress, disagreed with a number of his fellow Republicans, saying that perhaps only those congressmen who had actually seen turbulent rivers sweep away human beings, houses, livestock, and soil could “realize the importance and necessity of this legislation. It is not a local matter, but is national in its scope.”⁴⁴ Congressman Phil Ferguson (D-Oklahoma) went further, saying that the bill had so much merit that he would be willing to see the projects “paid for by future generations if it is not taken out of the work-relief fund.” A motion by New York Congressman Taber to limit H.R. 8455’s expenditures to work-relief projects was eventually voted down 88 to 85.⁴⁵ Clearly, the major fear of the Republicans (no Democrat spoke directly against the bill) was that the \$370 million was just the beginning of much larger expenditures, or, as Congressman Earl C. Michener (Michigan) said, it “is simply the nose of the camel getting in under the tent.” Congressman Wilson retorted that Congress could “make no better investment which will protect the lives and property of its citizens.” Michener said, “To carry out the policy of the gentleman it would seem to me he was going to canalize practically every stream throughout the United States.” Wilson replied, “That is what ought to be done.... It can be done.”⁴⁶

Unfortunately, a number of congressmen appeared to take Wilson at his word, for as soon as the bill was read, one after another began to add projects onto it. These projects started with a relatively small \$285,000 project in Tennessee and Kentucky, but then increased sharply when a \$26 million project for the St. Francis River in Arkansas and Missouri was added. Fearing they would be left out of a unique opportunity, congressmen from flood-prone districts lined up to place their projects with the Clerk of the House. Among them was Will Whittington, one of the most able men on the Flood Control Committee. He submitted his long-cherished Yazoo basin project, with a price tag of \$48 million—a figure that prompted John Taber to quip, “I should think while the getting was good the gentleman would get \$100,000,000.”⁴⁷ Other projects were added whose cost/benefit ratios had not yet been determined by the Corps or else had been determined to be unfavorable. Whittington, realizing that such amendments were threatening the bill’s chance for passage, began to challenge those projects that had not received favorable Corps reports. Sometimes he was

successful; most times he was not.

Wilson tried to block further amendments, but Taber, hoping to defeat the bill, opposed the move. Finally, John H. Hoepfel (D-California) proposed an amendment "to build a dam around the United States Treasury to protect the taxpayers."⁴⁸ When the bill came to a final vote, it passed by the narrow margin of 153 to 141, with 136 not voting. The amendments had caused serious problems for the flood control group. The first test of strength on the bill had resulted in a favorable vote of 239 to 112, with 78 not voting. The bill lost 86 supporters after the amendments were added; 29 switched over to vote against it, and the rest decided not to vote at all.⁴⁹

The House passed H.R. 8455 in the early evening of 22 August, and it arrived the next morning in the Senate, where it was referred to the Senate Commerce Committee under the chairmanship of Royal S. Copeland. The bill moved through the committee in record time, but not before half-a-dozen large flood control projects were added. The first amendment was a \$30 million series of flood control works in upstate New York, which Senator Copeland himself added. This would authorize the program then being developed from the Corps' emergency survey of the flood-damaged region. Copeland reportedly added the amendment partly to respond to claims by New York Republicans that the federal government was not providing adequate relief in the flood-stricken areas.⁵⁰ Subsequent amendments included the \$48 million Yazoo River project, a \$30 million Brazos River project, a \$27 million Atchafalaya floodway and control project, an allocation of \$23 million for two projects on the White River in Missouri and Arkansas, and a few smaller items for \$2 million to \$4 million. The cost of the amendments was slightly over \$129 million, bringing the total allocation for H.R. 8455 to approximately \$500 million.⁵¹

When debate began, the first person to gain the floor was Senator Arthur H. Vandenberg (Michigan), one of the leading Republicans in the Senate, who promptly denounced the bill.

I think it is an outrage that \$500,000,000 should be authorized in 10 minutes tonight, in the closing moments of this session, without any more consideration than has been given to it; and, so far as I am concerned, I wish to have the Senate know what it is doing.

In the first place, it is authorizing the expenditures of one-half billion dollars, which is twice the amount which the Senate is about, piously, to raise

with the new tax bill.

Secondly, the bill violates every precedent ever heretofore established in congressional practice in respect to flood control works and river and harbors works, because it makes the authorization without recommendations from the Board of Rivers and Harbors Engineers.⁵²

Senator Champ Clark admitted that these projects had not been considered by the Board of Engineers for Rivers and Harbors, but, since public works projects had been taken over by the Public Works Administration, the process for authorizing flood control and navigation projects had, de facto, been changed. Congressional authorization now

resulted in adding projects to a pool from which the public works or unemployment relief agencies could draw for actual construction. In this regard, he thought flood control projects, such as those being considered in the bill, were excellent "so far as putting men to work is concerned ... because that means 90 percent labor." Senator Copeland added that the projects in H.R. 8455 were all sound ones because "the surveys have been made. On file in the office of the Chief of Engineers, they have the data."⁵³

Debate was interrupted by other business for a time, and when it resumed, Senator Millard E. Tydings (D-Maryland) rose and said,

Mr. President, there is no doubt in the world that many projects in this bill are meritorious, but before the year 1937, when we begin to pay for these things, there is going to be a different atmosphere prevailing in this Chamber from the one that prevails here tonight. ...

Do Senators think that the people of this country have lost their common sense, that each and every poor man does not know that he has to work to raise the money with which to pay this huge debt? I know there is "pork" in the bill. There is some Maryland "pork," and the project in Maryland is a good one, and I should like to see it go into the bill, and I should like to see the work done. But, gentlemen, we have not the money with which to indulge in this



Millard E. Tydings, Senator from Maryland, 1927-51.

business at this time. Men may throw money away, but oh, there will be a different story when the time comes to write a tax bill.⁵⁴

Thus began one of the most notable speeches of the Maryland senator's career. On and on it went. Tydings began listing the numerous projects, reading the obscure names of small rivers and noting how many millions were going to each. He paid particular attention to Louisiana, because he and Senator Long had clashed often during the session. "Bayou Bodcau, Louisiana Floodway ... the ridiculous sum of \$1,825,000; a mere bagatelle; just a drop in the bucket." After citing projects in several states and costing several hundred million dollars, he turned to his own state of Maryland—specifically the Susquehanna River towns of Havre de Grace and Port Deposit. They too flooded in the springtime, said Tydings. "Did those people ever come to Washington and ask for \$385,000? It would have been the last thing they ever thought of doing... They do not ask other people to help them. They stay and take it. ... They do not run to Washington every time they have a little disaster... They stand on their own feet."⁵⁵

For Tydings, this bill raised issues of broad significance. He admitted at the beginning of his speech that many individual projects in the bill were meritorious, but the fundamental philosophy behind the legislation deeply disturbed him. In fact, so deep ran his opposition to the philosophy that he opposed almost everything the New Deal did and stood for. Federal programs such as flood control protected lives and property, and this had an obvious value. That value, however, was greatly outweighed by the financial and moral damage done to the nation, burdening it with debts and sapping individual and local initiative.

The whole tendency today is not to be self-reliant. If a man gets into trouble he wants a bill passed. People want it paid out of the Public Treasury. Oh, it is all right while it is going out. Then everybody is for it. While the money is being handed out nobody must protest. But wait until pay day comes -and it will come, Senators -and we shall squirm here in our seats, not wanting to vote for this tax and that tax, saying that the poor cannot stand any more taxes.⁵⁶

Coming back finally to H.R. 8455 itself, Tydings said it was outrageous that a bill for half-a-billion dollars — a 53-page bill for authorizing hundreds of projects scattered across the entire nation, with huge amendments that had not yet even been printed so that senators could read them—should be pushed through in two or three hours.⁵⁷

Clearly, Tydings' long speech, a deft mixture of humor, irony, and serious purpose, deeply impressed a number of senators.⁵⁸ Senator Josiah W. Bailey (D-North Carolina) of the Commerce Committee confessed that he was going to vote to recommit the bill to his own committee. The Senate, he said, owed it to the country to take the time "to discuss and prepare a proper measure." He agreed that there was a great deal of merit in many of the flood control projects but stated that the Commerce Committee simply had not taken the opportunity to give it adequate consideration.⁵⁹

Copeland vainly attempted to save the bill, but it was too late. Tydings had succeeded in making many senators hesitate before appropriating millions of dollars through Congress in a matter of hours, when almost none of them, not even the committeemen who presented the bill, had closely examined it. It was also too late in a more literal sense; at almost midnight Senator Tydings appeared to be ready to talk the bill to death. A filibuster was not necessary. A motion to recommit the bill to the Commerce Committee came up for a vote and passed 29 to 20.⁶⁰ H.R. 8455 was dead so far as the first session of the 74th Congress was concerned.

A disappointed Riley Wilson went back to Louisiana to face a strong challenge from Senator Long's forces in the January 1936 primary. Senator Copeland faced the prospect of fighting once more for flood control legislation when the second session of Congress convened. However, in the next round he knew better what to expect — criticism from Tydings, Vandenberg, and possibly even the President. What the senator could not have guessed was that nature itself would provide him with his best argument.