

CHAPTER VI

Conclusion

The Flood Control Act of 1936 established an enormous commitment by the federal government to protect people and property on approximately 100 million acres. The only limitations on federal flood control projects were that the economic benefits had to exceed the costs, and local interests had to meet the ABC requirements for local projects. Since 1936, Congress has authorized the Corps of Engineers to construct hundreds of miles of levees, flood walls, and channel improvements and approximately 375 major reservoirs. These remarkable engineering projects today comprise one of the largest single additions to the nation's physical plant -rivalled only by the highway system. They have saved billions of dollars in property damage and protected hundreds of thousands of people from anxiety, injury, and death. They stand today as one of the more significant marks of our technical skill and humane spirit.

It was that faith in technology and intensity of humanitarian spirit, exhibited especially during the catastrophic floods of 1936, that explains congressional willingness to adopt such sweeping legislation without examining its implications more thoroughly. Hundreds of determined citizens came to Washington in the spring of 1936 demanding "Flood Control Now." Congress and the President gave them what they wanted, hoping that in the future all the intertwined elements of America's river basins could be tied together in some acceptable fashion. President Roosevelt thought this could be accomplished in a year or two through the National Resources Committee. But in Congress the rivers-harbors flood control bloc, as it came to be called, hesitated to turn such politically sensitive questions over to a new and relatively unknown agency steadfastly linked to the President and distant from the legislative branch. The NRC's recommendation that Roosevelt veto the Wilson-Copeland flood control bill was certainly justified on administrative and technological grounds, but it was poor political advice. Frederic A. Delano and



One result of the 1936 Flood Control Act: a concrete flood control channel to help prevent the Los Angeles River from flooding metropolitan Los Angeles. The city hall is in the background at the left. This picture was taken in 1941.

Charles E. Merriam were men of vision and intelligence who should have accepted the fact that pork barrel legislation was a factor in the American democratic political process — especially in a presidential election year. President Roosevelt's public statements about using the NRC to scrutinize the pork barrel projects on rivers, harbors, and (after 1936) flood control legislation only stiffened congressional resistance to the agency. By the end of the 1930s, even the Republicans had abandoned the NRC, seeing it more as an example of presidential authority than as a deterrent to irresponsible spending. Its elimination by Congress in 1943 was part of a general reaction against the whole concept of centralized federal planning in which the rivers-harbors-flood control bloc was only one factor.¹

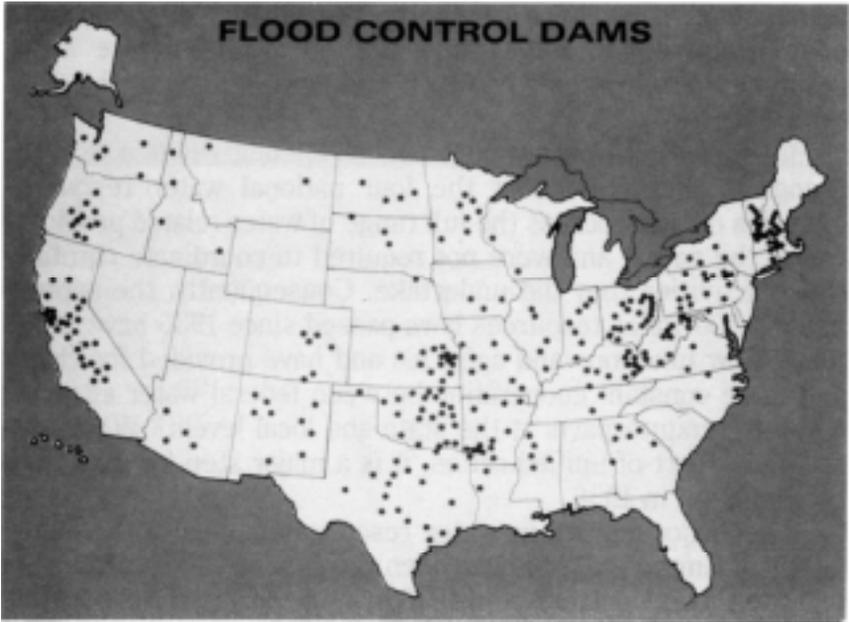
The long struggle between Roosevelt and Congress over the National Resources Committee had very unfortunate consequences for the development of the nation's water resources. It left this complex task in the hands of four independent federal agencies: the Corps of Engineers, the Federal Power Commission, the Reclamation Bureau, and the Soil Conservation Service. For two decades or more, there was relatively little coordination between these agencies except for establishing

administrative boundaries. Only the Tennessee Valley Authority could claim it was engaged in unified multi-purpose water resources development; however, this was limited to the Tennessee River basin.

Fortunately, an increasing number of congressmen came to recognize after 1936 that the four national water resources agencies did not address the full range of water-related problems facing the nation and were not required to coordinate carefully those activities they did undertake. Consequently, the approximately 100 water resources laws passed since 1936 have added many new functions and agencies and have provided for closer and more constant cooperation between federal water agencies and their counterparts at the state and local levels.² While this still falls short of unified action, it is a major step forward from the situation in 1936.

The major agency in water resources is clearly the Army Corps of Engineers. This had been the case in the 19th century, and the Flood Control Act of 1936 assured that its role would be greatly enlarged during the balance of the 20th century. The 1936 Flood Control Act was also an important turning point in the scope of the Corps' water resources activities. From 1824 to 1936 the civil works program of the Corps consisted almost exclusively of navigation improvements. Even the vast lower Mississippi program of the 1879-1936 era contained a large navigation component. In the years after 1936, however, the Corps steadily widened its array of water resources activities. Much of this has resulted from legislation that has modified and enlarged the huge program of flood control reservoir construction. For example, one consequence of the 1936 Flood Control Act, which removed the ABC requirements from reservoirs, was that the federal government remained the operator as well as builder of flood control dams. While this was a welcome relief to local interests faced with financing, operation, and maintenance under the 1936 Flood Control Act, it also purposely allowed the federal government to develop hydroelectric power at reservoir sites. The Flood Control Act of 1944 provided for the establishment of park and recreation areas at Corps reservoirs and authorized the sale of "surplus" water for domestic and industrial use. Two years later, fish and wildlife protection in connection with flood control projects was authorized.

Water resources program coordination between the Corps of



Subsequent to passage of the 1936 Flood Control Act, hundreds of flood control dams were built throughout the United States.

Engineers and other relevant federal, state, and local governments has slowly evolved. Beginning with the Flood Control Act of 1944, coordination and consultation between the Corps and other federal agencies and affected states and localities have been mandated for the development and planning of projects. However, the final decision making still rests with Congress. The Water Resources Council (WRC), authorized in the Water Resources Planning Act of 1965, was as close as Congress ever came to creating the type of water resources coordination agency envisioned by the National Resources Committee, but the powers and activities of the WRC were far more modest than the old NRC or Franklin Roosevelt would have wished.³ President Reagan transferred the council's activities and personnel to other parts of the Executive Branch in 1982. In today's Corps of Engineers, water resources planning and coordination proceeds under the authority of approximately 100 pieces of federal legislation, 22 executive orders, over 50 interagency agreements, and more than 60 Office of Management and Budget circulars.⁴ Such a jerry-built legislative and administrative structure is a clear improvement over the previous tradition of uncoordinated action,

but it still falls short of a fully integrated water resources administrative framework.

Within the broad area of water resources development, the Corps' flood control program has changed dramatically over the past 50 years. A significant manifestation of this is the changing definition of the term "flood control" as contemplated in the 1936 act. This term has been enlarged to encompass the concepts of "flood damage reduction" and "optimum flood plain management." This conceptual change has been accompanied by a 'noticeable shift away from the almost exclusive use of large, expensive, and environmentally intrusive physical structures toward smaller ones and/or a wide range of nonstructural programs such as flood warning systems, flood insurance, flood plain information programs, and procedures to discourage new building development on flood plains. Neither Congress nor the Corps paid much attention to these alternative approaches until the 1950s and 1960s, when the TVA undertook a very successful flood plain management program, and the reports of water resources experts such as Gilbert White (who had begun his career in the 1930s with the National Resources Committee) gradually convinced Congress and the Corps that this was an important alternative to traditional structural solutions.⁵

It is unfortunate that the research on floods and flood control carried out mainly since World War II by both government and academic investigators was not available in 1936. If so, millions of taxpayers' dollars might have been more effectively spent. On the other hand, it is not at all certain that Congress, in its haste to respond to an emergency, would have listened carefully to the full range of expert testimony even then available or that the exigencies of the pork barrel legislative process would have been overcome by rational inquiry. As a result, the flood control act that emerged in 1936 largely ignored multipurpose development and nonstructural alternatives. It sought to solve flood problems through vast construction projects that have in a number of cases been questioned by water resources experts. Nevertheless, the decisive step toward a remarkably sophisticated and imaginative flood plain management program was taken with the Flood Control Act of 1936, though few who supported it could possibly have foreseen where it would eventually lead. It speaks well of our political process that this emergency-born and single-minded flood control act has been gradually merged with rivers and

harbors legislation to form the basis of a very successful multi-purpose water resources program. In terms of flood control alone, the present system provides a far more rational and equitable way of designing projects than the act provided in 1936. The fact that it took almost half a century to achieve is part of the price we pay for a free democratic society. On balance, it seems a price well worth paying.