

CHAPTER V

The Floods of 1936 and the Copeland Flood Control Bill

On 9 March 1936, a little more than a week before the Senate Commerce Committee was scheduled to begin its hearings on H.R. 8455, rain began falling across a wide area of the Northeast. The first of several enormous storm systems moved from Maryland and West Virginia across eastern Ohio, Pennsylvania, up-state New York, and into New England. The result is best described in the laconic words of U.S. Geological Survey's Water Supply Paper 799.

During the period March 9-22, 1936 there occurred in close succession over the northeastern United States ... two extraordinarily heavy rainstorms. The depths of rainfall mark this period as one of the greatest concentrations of precipitation, in respect to time and magnitude of area covered, of which there is record in this country. At the time of the rain there were also accumulations of snow on the ground over much of the region that were large for the season. The comparatively warm temperatures associated with the storms melted the snow and added materially to the quantities of water to be disposed of by drainage into the waterways ... the total quantity that had to be disposed of ... ranged between 10 to 30 inches.¹

The rivers into which this phenomenal amount of water ran were already high from winter rains. Many were clogged with ice. From Maine to Maryland and west to Ohio hundreds of miles of rivers quickly spilled over their banks. Billions of tons of water poured into farmhouses, villages, towns, and large cities. The Connecticut River crested on 19 March at a level 8.5 feet higher than any flood recorded there since the city's settlement in 1639. New Hampshire suffered flood damage in 87 cities, towns, and villages. In Massachusetts, where scores of large cities and small towns were pounded by water and huge chunks of ice, 56,000 people sought Red Cross aid.² The upstate New York region again flooded. While not as serious as the year before, the flooding was more widespread, ranging from Buffalo to Rochester. In the region so badly hit in 1935, residents wondered if floods were



Sebago Lake flooding highway in southwestern Maine, March 1936.
Photo by Paul Carter

Johnstown, Pennsylvania, during the 1936 flood.





Duquesne Way and 9th Street, Pittsburgh, Pennsylvania, 18 March 1936.





Allegheny River flood wreckage, Pittsburgh, Pennsylvania, 20 March 1936.



Flooded cofferdam at Emsworth Lock, Ohio River below Pittsburgh, 24 March 1936.

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 63

becoming an annual disaster.³

Pennsylvania was the hardest hit of all the northeastern states. Of the 107 people killed in the floods, 84 died in Pennsylvania. Across the state more than 82,000 buildings (including 38,000 houses) were destroyed or damaged. Altogether, 242,698 people received Red Cross aid. The coal-producing and industrial cities of eastern Pennsylvania were flooded, as were many of the mines. In Allegheny County (Pittsburgh and its suburbs), 46 people died, almost 3,000 buildings were damaged or destroyed, and Pittsburgh's Golden Triangle was for a time under 16 feet of water. On 18 and 19 March, Pittsburgh, one of the nation's great industrial centers, was paralyzed by the lack of water, electricity, or telephone service. Fire burned buildings to the waterline because fire equipment could not get through the flooded streets. The great Pittsburgh flood of 1907 looked modest by comparison. At Johnstown, citizens were terrified by repeated rumors that the large dam just above the city (and recently rebuilt) was about to break and repeat the tragedy of 1889. Many fled to higher ground. The dam held, but the city nevertheless was gradually covered by 12 to 14 feet of water. The Pennsylvania Emergency Council reported that damages in the state totaled \$212.5 million.⁴

Even the nation's capital was not spared by the floods. The Potomac rose rapidly on 17 March, and the next day crested at Cumberland at 47.6 feet before moving down toward Washington. Thousands of Civilian Conservation Corps (CCC) personnel worked frantically building sandbag levees around the Lincoln and Washington monuments and the Navy's administration building. At the National Headquarters of the American Red Cross, where the entire flood relief program was being administered, employees began moving files and equipment to upper floors as a precaution. By 19 March, when Senator Copeland opened the hearings on the flood control bill, he noted that "you don't have to go out of the city of Washington" to see the effects of the great floods of March 1936. Two days later, congressmen looked out of the Capitol Building windows and saw the Potomac standing at 19.8 feet above flood stage-with all of the city's beautiful riverfront parks covered by a mantle of dark brown water.⁵ The congressmen, as well as the entire population of the northeastern United States, finally saw what residents of the lower Mississippi had talked about for decades-a great flood



Engineer Lieutenant Colonel Francis C. Hawington (above, left center) with the Works Progress Administration, and Harry L. Hopkins (right center), Administrator of the WPA, watching workmen erect an emergency levee in rear of Munitions Building, Washington, DC, March 1936.

that could cripple an entire section of the nation.

Probably representing the editorial opinion of every newspaper in the Northeast, and perhaps in the nation, the *New York Times* on 22 March published a long editorial entitled "After the Deluge."

Heavy with moisture from the Gulf of Mexico, storm clouds swept along the Appalachian highlands, hovered over the Virginias and added their torrents to those that had inundated New England the week before ... Villages and towns built on flats were overwhelmed. Old benchmarks were reached and surpassed. ... It is the area affected that appalls. From New England to the Potomac scores of communities stand under water as their inhabitants row in boats past homes submerged to the eaves.

All this is no credit to a country which prides itself on its technical achievement. Here and there sections have been stirred to action. The Mississippi is under better control than it was before the catastrophe of 1927. There are fine works near Dayton, Pueblo, Dallas, Erie. But not yet have we envisaged the problem of curbing and utilizing our water resources as a whole from the Atlantic to the Pacific... . As of yet there are no adequate plans for the prevention of floods and for the associated utilization of excess water... If the floods have taught us anything, it is the need for something more than a dam here and a storage reservoir there. We must think of drainage areas embracing the whole country.⁶

The great northeastern floods of March 1936 virtually assured the passage of some sort of national flood control legislation during the second session of the 74th Congress. The March floods were remembered long afterward. The Ohio River did not finally return to its channel until 22 April and the next month, as H.R. 8455 was awaiting the President's signature or veto, severe flooding occurred on the Republican and Arkansas rivers, where more than 100 had died in 1935.⁷ Even as the Roosevelt administration was directing a force of 275,000 relief workers in the flooded states of the Northeast, congressmen gathered their forces to push through a gigantic flood control bill.⁸ On 23 March a group of representatives from the ten northeastern states met to discuss a permanent flood control program.⁹ A week later, an Associated Press report stated that "scores of aroused Senators and Representatives began to drive today to restore nearly \$500,000,000 worth of projects to the omnibus Flood Control bill hastily revamped because of the East's recent floods."¹⁰ At the beginning of April, *Business Week* reported that flood control legislation "has tremendous support in Congress." The explanation was that "the East, as the big taxpayer, usually opposes the Western drive for money to control



Swollen mountain stream threatening a valley home in West Virginia, March 1936.

Photo by Arthur Rothstein.

floods with; but now the East has been hard hit and so has joined in the drive."¹¹

One of the easterners who had objected to the flood control bill in 1935 — Senator Tydings of Maryland — was now very quiet. An article in the *Washington Evening Star* recalled how the senator had ridiculed the idea of flood control money being spent for places such as Williamsport, Sunbury, Lock Haven, and Harrisburg, Pennsylvania, where, he said, there was no real flood danger. The writer then gave statistics on how many feet of water had recently covered those places. The flood control bill, he concluded, "will have no opposition from the Senator."¹² Tydings' own state of Maryland suffered severely from the March floods, and Maryland's T. Alan Goldsborough was one of the leading representatives calling for the 23 March flood control meeting.¹³ The question no longer seemed to be whether there

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 67

would be a flood control bill, but rather what sort of bill would it be and which projects would be included. This was the task facing Senator Copeland and his Commerce Committee in the latter days of March 1936.

In many respects, the flood control bill could not have been in more able hands than those of Royal S. Copeland, the senior senator from New York. He was intelligent (his opponents called him cunning) and hard working, a knowledgeable political strategist and a forceful speaker. A native of Michigan, Copeland received a medical degree there in 1889 and taught at the University of Michigan Medical School before moving to New York City in 1908. In New York, he switched from the Republican to the Democratic Party and in 1918 was appointed City Health Commissioner. A friend of William Randolph Hearst and a popular medical columnist for Hearst's newspapers, Copeland ran for the U.S. Senate in 1922. He was popular with the voters, not only in heavily Democratic New York City, but also in the more conservative upstate New York region where the Democrats had always been weak. He was a conservative Democrat, which explains much of his upstate appeal, but he was also deeply committed to national flood control.¹⁴ His strong support for flood control was consistent with his general interest in measures that protected the health and safety of the nation, and the large flood control lobby in upstate New York continually reminded Copeland of the grave problems in this region.

On two flood control issues, however, he remained a conservative. First, he favored local contributions for flood control projects as the only means of preventing undeserving projects from being slipped into authorization bills. Second, and far more significant, he specifically opposed federally constructed reservoirs that required hydroelectric power benefits in order to achieve a favorable cost/benefit ratio. Only if a reservoir could show a favorable cost/benefit ratio for flood control alone would he support it. His basic position was one of opposition to any major federal hydroelectric program. Federally constructed hydroelectric dams put the national government in competition with private interests in Copeland's eyes, and thus he objected to such projects. His fears of federal hydroelectric competition with private utility companies were first aroused during the Senate debate on the Tennessee Valley Authority bill. Copeland thought its provisions for electric power distribution were detrimental to



Royal S. Copeland, Senator from New York, 1923-1938.

the private power companies -many of whose stockholders lived in New York. Again, in the early stages of the Commerce Committee hearings in 1936, Copeland told the *New York Times* that he hoped to exclude all reservoirs that combined hydroelectric production with flood control from the flood control bill. He feared that these multipurpose reservoirs would not only drive the total cost of the program too high, but he "mistrusted putting the Federal Government any further into the business of generating and selling elec-

tricity." The TVA and Grand Coulee and Boulder (Hoover) dams had already caused the private utilities to suffer.

When H.R. 8455 was reported out of the Commerce Committee near the end of April 1936, Copeland explained to reporters that projects "which might have merit for preventing soil erosion or for the generation of hydroelectric power have been excluded . . . so they may be advanced in other measures to be judged by Congress on an independent basis."¹⁵ Actually, Copeland was willing to allow soil conservation programs into the bill, but he fought hard to keep hydroelectric projects out. His public position in 1936 was simply that H.R. 8455 should be strictly a flood control bill. He said that hydroelectric power production was incompatible with flood control from an engineering perspective; flood control reservoirs required relatively low water levels in order to accommodate flood waters, whereas hydroelectric dams needed higher water elevations for maximum efficiency. Also, Congress had not established a national policy on hydroelectric power, and to inject that issue into the current debate on an emergency flood control bill was wrong. The Corps of Engineers and a majority on the Commerce Committee shared these viewpoints.¹⁶ Copeland's more fundamental opposition to the

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 69

expanding role of the federal government in the area of water power became even clearer in 1937, when he strongly denounced efforts to expand the TVA concept into seven other river basins and to revise the 1936 Flood Control Act to make federal hydroelectric development equal to flood control as a national policy.¹⁷ The real objective of this policy, he believed, was "public ownership of electric utilities."¹⁸

Copeland dominated the Commerce Committee not only because he was its chairman, but because he was a skillful political leader who grasped well the complex issues surrounding flood control. Other influential members of the committee included Senators Overton, Clark, Vandenberg, Joseph F. Guffey (D-Pennsylvania), Francis T. Maloney (D-Connecticut), and Charles L. McNary (R-Oregon). Of this group, Overton was most experienced in flood control matters. He sponsored the \$272 million revision of the lower Mississippi flood control plan of 1928, but his knowledge of flood control really did not extend past the alluvial plain of the Mississippi. He, like most of his colleagues, knew very little about flood problems elsewhere in the country. When the committee began trying to redraft H.R. 8455, they discovered how complex and difficult a job it was. The 14 Democrats and 6 Republicans on the committee often disagreed, and there was no consistent party position insofar as this legislation was concerned. Everyone agreed on the need for a national program of flood control to reduce damage such as had occurred in March 1936. However, questions such as how far the program should go beyond catastrophic flood control and how it should be carried out and financed were difficult and confusing for both Democrats and Republicans.

The committee relied entirely on the information provided by the Corps of Engineers. It also relied on the Corps to provide advice and suggestions on basic policy. As Senator Maloney said at the outset of the hearings, "I do not think the members of this committee or of the Flood Control Committee of the House are anywhere nearly in the position to determine the thing as is [sic] the War Department and General Markham's engineers."¹⁹ Consequently, the committee began its hearings by asking General Markham what should be done in response to these flood disasters. Markham replied that the committee should proceed to draw up a nationwide federal program of meritorious flood control projects based primarily on Corps recommendations

from its 308 reports. Flood control was a regional and national problem; thus, individual states and localities were unable to take effective action. He said the question of who should pay what proportion of the expense was a "matter of great difficulty," but he believed that local interests should pay some part of the cost.²⁰

The committee agreed that some immediate action was required and asked Markham to draw up a revised flood control bill to present to the committee on 25 March. The main objective was to determine the actual cost to the federal government of providing some reasonable level of national flood protection. The committee was satisfied that the 308 reports, together with various Corps emergency studies (such as for New York State and New England), would form a list from which it could select those to be put in the final bill.

Exactly how many projects should be placed in the bill was a subject the committee debated intermittently throughout the hearings. Some committee members, led by Senator Vandenberg, wanted to keep the total costs as low as possible, while others thought the magnitude of the flood problem, in the Northeast as well as in many other sections of the nation, required a much larger, permanent, nationwide program. General Markham appears to have thought at first that the committee was interested only in some type of limited emergency program, but when it became clear that the committee was divided on the issue, he said the Corps had over a billion dollars worth of flood projects it could present for their consideration.²¹

When the committee met again on 25 March, the Corps was ready with what amounted to a completely new piece of legislation, since very little of H.R. 8455's language survived and the list of specific projects was substantially altered. The revised bill began with a long declaration stating that flood control was a national responsibility. Copeland read this statement to the Senate on 2 April 1936.

DECLARATION OF POLICY

Section 1. It is hereby recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands, constitute a menace to national welfare; that it is the sense of Congress that flood control is a proper activity of the Federal Government; that investigations and improvements of rivers and other waterways for flood-control purposes are in the interest of the general

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 71

welfare; that the Federal Government should improve or participate in the improvements of streams for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected; and that the interests of the Federal Government are particularly involved in such flood-control improvements as may otherwise be impracticable of initiation or execution on account of complications of relationships between States, their political subdivisions, or local organizations. Section 2. That hereafter Federal investigations and improvements of rivers and other waterways for flood control and other purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, except as otherwise specifically provided by act of Congress; and that in his reports upon examinations and surveys, which so far as possible shall be conducted equally throughout the United States, the Chief of Engineers shall be guided as to flood-control measures by the principles set forth in Section 1 in the determination of the Federal interests involved.²²

Copeland's purpose in placing this "declaration of policy" before the Senate was threefold. First, he wanted a general statement of the necessity for a national flood control program that would clearly authorize the Corps of Engineers to be the nationwide planning and construction agency. The Corps would henceforward be empowered, with the approval of Congress, to construct flood control works anywhere in the nation, and congressmen were assured that this huge public works program would be in the hands of a familiar and trusted agency--not some recent New Deal creation. Second, the bill required a constitutional basis. At this stage of the bill's evolution that basis was the General Welfare Clause, but the final version was to include a reference to the impact of floods on "obstructing navigation, highways, railroads and other channels of commerce between the states" in order to root the legislation in the Commerce Clause as well. Third, and perhaps most important for Copeland, he wanted the senators to know that this bill was exclusively for sound projects of flood control (and nothing else) approved by the Chief of Engineers under the direction of the Flood Control and Commerce Committees of the Congress. Copeland said he assumed that every senator agreeing to this declaration of policy "will help make this bill what it should be, a constructive bill for the conservation of natural resources, and not in any sense a bill to make votes."²³ At the core of the bill was a list of specific flood control projects drawn from Corps reports and surveys, but now substantially altered from those

contained in the original version of H.R. 8455.

Brigadier General George B. Pillsbury, Assistant Chief of Engineers (Markham's representative on this day), told the committee that the Corps began selecting the new list of projects by first considering all of its flood control projects with favorable cost/benefit ratios. The total cost for these projects was \$1.3 billion. The Corps then eliminated "all projects which do not appear to us to be necessary to prevent disaster," which, incidentally, included all those requiring hydroelectric power benefits to reach a favorable cost/benefit ratio. Finally, they added new projects in the northeastern part of the nation because of the flood problem of the previous two weeks. The total cost of these projects came to approximately \$500 million. A further assessment by the Corps, probably at Copeland's suggestion, reduced the package of projects to approximately \$310 million in direct construction costs, with an additional \$85 million in land and damage costs.²⁴

The most innovative aspect of this flood control program was that, while the great majority of projects in the bill were for levee construction and stream improvements, the Corps recommended that almost two-thirds of the total expenditures be for reservoir construction, primarily in New England, upstate New York, the drainage basin around Pittsburgh, the Arkansas River basin, and southern California. Exhibiting a belief in reservoirs that the Corps had not shown in previous decades, Pillsbury maintained that a good reservoir system was unquestionably "the best way to provide flood control." The only drawback, he said, was the high construction costs. This seeming departure from previous Corps policy on dams versus levees stemmed mainly from the shift of focus from the lower Mississippi to rivers where flood control dams were far more feasible from both the engineering and economic standpoint. As Markham told the Commerce Committee, the lower Mississippi had too vast a watershed to be controlled exclusively by dams. Building over a hundred huge reservoirs for the lower Mississippi would flood as much land upstream as it would protect downstream. It would, he said, "trade cornlands for cottonlands." Protecting the more narrow and valuable flood plains of Ohio, Pennsylvania, New York, and New England was an entirely different question.²⁵

The elimination of all reservoirs with significant power benefits was opposed by a number of congressmen from districts

where this benefit was required to give projects a favorable cost/benefit ratio. Thirty-nine multipurpose flood control/power reservoirs included in the House version of H.R. 8455 were dropped by the Senate committee. Copeland, Guffey, and the Corps agreed that the flood control bill should ensure that every dollar spent under its authority be for flood control alone. Powerful senators such as Burton K. Wheeler (D-Montana) were angry at Copeland and the Corps for rejecting their pet multipurpose projects, but the committee held fast and eventually voted 8 to 5 to exclude all multipurpose reservoirs that could not show a favorable cost/benefit ratio on flood control alone.

The committee made two small concessions to hydroelectric power development. The first was to allow construction of penstocks in flood control dams having hydroelectric potential, but only if approved by the Secretary of War. Copeland said he was concerned over the expense of even this small step in the direction of multipurpose development, but when General Markham told the committee it would add "very little" to construction costs, penstocks were allowed into the bill. Markham also emphasized that very few reservoirs were involved and that most reservoirs, to be used effectively for maximum flood control, would be too empty to generate much electric power. The second concession was the authorization in Section 7 of the flood control act for the continuation of surveys, studies, and reports on ten reservoir projects that had future possibilities for hydroelectric development in addition to their already established flood control benefits. As of spring 1936, the flood control benefits were insufficient to warrant inclusion in the bill, and there was yet no market for their hydroelectric potential. Two of these dams were in Montana and seem to have been put in to satisfy Senator Wheeler, but Senator Bailey was the committee member most interested in this section and was responsible for its final wording. Three of the ten dam sites were in Bailey's home state of North Carolina.²⁶

The federal construction of penstocks was certainly not intended by the Commerce Committee to indicate an endorsement of federal power development at flood control reservoirs. In fact, the Federal Power Commission could not have developed hydroelectric projects at any of the reservoirs authorized under the 1936 Flood Control Act since the projects remained in state and local ownership. The ABC requirements were similar to

those the Corps had used on flood control projects as far back as the 1917 Flood Control Act. They called for state and local interests to "provide" land and easements for the projects, but not to "convey" the title to the federal government. Aside from one brief allusion to land title and power production by General Pillsbury, the issue never arose during Commerce Committee hearings. Copeland may very well have understood that this provision prohibited federal hydroelectric development at the reservoir sites, but never brought it to the committee's attention even though it appears that some committee members believed the federal government was to begin "acquiring land" under the act. General Markham undoubtedly understood the connection between federal ownership and hydroelectric power, but never mentioned it, assuming perhaps that the committee knew what it was doing in the area. The War Department never kept it a secret that the 1936 Flood Control Act prohibited federal hydroelectric development at all dams constructed under its authority. Oswald Ryan, the general counsel to the Federal Power Commission (FPC), brought the problem to the attention of the White House. FDR asked Attorney General Homer Cummings for his view. Cummings said it did not seem clear to his office exactly who would have title to the dams. The FPC believed the federal government held title, but the War Department held that ownership rested with the state and local interests. In the face of this dilemma, the Attorney General thought it would be unsafe for the federal government to undertake any hydroelectric projects at these dams until clarifying legislation had been passed. The 1938 Flood Control Act corrected this "oversight," much to Copeland's disgust, by excluding reservoirs from the ABC requirements.²⁷

Another major question was who would pay the costs. It took the committee weeks to resolve this problem, and no one was happy with the solution. General Markham believed local interests should pay the land and damage costs and operate the projects when they were completed, but had no idea what percentage each party should pay. These ABC requirements had been placed in H.R. 8455 by the House Flood Control Committee, and the Corps wanted them included in the Senate revision. When several committee members objected to the requirements, the Corps suggested some possible solutions. It proposed that in areas where the land and damage costs were low com-

FLOODS OF 1936 AND COPELANDFLOOD CONTROLBILL

pared to the benefits, such as in the West and in remote rural areas, local interests should pay some part of the construction costs. Conversely, in areas such as the Pittsburgh region or New England, where the land and damage costs would sometimes exceed the construction costs, the federal government should pay a portion.²⁸ The Corps gave the committee a variety of formulas and proposals, but each seemed too complex or inequitable to one area of the country or another. Both the Corps and the committee failed to resolve the question of who actually receives the benefits from large reservoirs on a tributary of a major river basin. Senator Guffey, fearful that the huge land and damage costs for Pittsburgh flood control projects would put too heavy a financial burden on the Pennsylvania taxpayers or make them reluctant to build the reservoirs, moved that the bill be amended to provide that the federal government would pay the total cost of the flood control projects-lands, damages, and construction. By a 9 to 4 vote, the amendment passed. Copeland, Vandenberg, Wallace H. White (R-Maine), and Vic Donahey (D-Ohio) voted against it.²⁹

The vote was taken at the end of the 15 April hearing. The next day Senator Overton and several other members expressed reservations about their votes. Copeland told the committee that he had heard a rumor that the President would veto the bill if the federal government was required to pay all the costs. He also reminded the committee that its action conflicted with the recommendation of Generals Markham and Pillsbury. As a result, the committee voted 9 to 6 to put the ABC requirements back into the bill.³⁰

The restoration of local contributions forced the committee to struggle again with the cost-sharing issue. Eventually, a series of complex provisions were agreed upon and are found in Sections 3(c) and 4 of the act. The situation in the Pittsburgh area convinced the committee that local interests should not be expected to pay all land and damage costs in every instance. In cases where the land and damage costs exceeded the total construction costs, the federal government would pay 50 percent of the costs beyond that point. In addition, the act provided that, whenever more than 75 percent of the estimated benefits of a project lay outside the state in which a project was located, the federal government would operate the project, and the state would be required to pay only 50 percent of the cost of land and

damages. The committee thought this was to apply largely to the Pittsburgh area. These percentages were not debated by the committee. It simply accepted the Corps' suggestions, which General Markham told them were "perfectly arbitrary and only for your consideration."³¹ In order to allow further adjustments in cost sharing, the committee drafted a provision authorizing interstate compacts to apportion nonfederal costs. Several committee members were very skeptical that voluntary interstate compacts would actually work, but the committee at least voted to provide the opportunity. This provision became Section 5 of the act and was similar, but not identical, to House Joint Resolution 377 introduced by Representative William M. Citron(D-Connecticut), which became law on 8 June 1936. For a variety of reasons having to do more with the Roosevelt administration's slowly evolving hydroelectric power policies than with flood control, the interstate compact drawn up by the New England states never received federal approval. The necessity for interstate compacts and other cost-sharing devices for flood control reservoirs was finally obviated by the Flood Control Act of 1938, which authorized the federal government to pay all land, damage, construction, and maintenance costs for flood control reservoirs and channel improvements.³²

The confusion over local contributions and the disagreements regarding the total number of projects that should be authorized made it difficult for General Markham to present an appropriate package of projects to the committee. When he included expensive projects for the Northeast while removing a number of combined flood control/power reservoirs, committee members from the West questioned the elimination of many of their dams simply because they required additional water power benefits to obtain a favorable cost/benefit ratio. Until the land and damage costs issue was resolved, the Corps did not know whether the government would be asked to pay \$310 million or \$395 million for the same group of projects.

Senator Vandenberg suggested several times that the whole question was too complex to be settled by the committee at this time. He recommended that they authorize only a few flood control projects for the Northeast, which was the most threatened area. The broader issues could be discussed at the next congressional session as part of the comprehensive development plan for all aspects of river development. The senator seems to

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 77

have had in mind the work of the National Resources Committee, because earlier in the hearings he asked Senator Joseph T. Robinson, the Senate majority leader, if he knew what the NRC might be able to contribute to the committee's deliberations. Robinson said, "I cannot give a reliable answer to that. I do not know what work the National Resources [Committee] would be expected to perform, but I gather that the President's idea is that the subject of flood control is inseparably associated with reforestation and with soil conservation." Copeland, who strongly supported the NRC, said nothing at all about it in committee. The brief reference by Vandenberg and Robinson was the only mention of the NRC during the entire hearings.³³

Markham was patient throughout the hearings, but it became increasingly obvious that the committee really wanted the Chief of Engineers to come up with an agreeable flood control bill. Whenever he had a new idea, the committee divided its opinions a different way. At one point Markham said,

It seems to me that the Corps of Engineers cannot recommend anything here very intelligently until the committee itself, or the Congress itself, tells us what line to pursue. Other than that, and up until this minute, we have simply been working mechanically to assist the committee on our understanding of what the committee desired in the way of devising a measure for this particular year. ... It is difficult for us to recommend what ought to be done in a given instance, because we have no compass, Mr. Chairman.³⁴

The chief difficulty was the committee's attempt to push through a bill in an "emergency" atmosphere, while at the same time devising a basic long-range national policy for a complex and controversial subject. Senator Guffey recognized that the committee's vacillating from a total package of \$300 million to \$400 or \$500 million and back to \$300 million made it impossible for the Corps to give good advice. "I do not think we are being fair to the engineering department," said Guffey, "unless we establish some limitation." Markham heartily agreed, saying that if the committee could concur on how much they wanted to spend and how much the federal government would have to spend, he could provide the committee with a specific package of projects in 48 hours, "but we must have some directive."³⁵

Because the committee was so divided and so many members failed to understand all the issues involved, little direction was ever given to Markham except that the federal appropriation should stay around \$300 million. Furthermore, multipurpose

projects should be kept out, and local interests should pay the ABC costs except in those cases provided for in Section 3(c). On 24 April Copeland told the committee to stop debating and take some action. "We have to do something very soon ... if we expect to pass a bill we have got to get it on the floor."³⁶

Near the very end of the hearings, the question of soil erosion projects and their relationship to flood control arose. The committee, or at least Copeland, was aware of Secretary of Agriculture Henry A. Wallace's interest in including a soil erosion program in the flood control bill. In addition, Senator Robinson had told the committee that the President wished to tie soil erosion and reforestation to any flood control program. Secretary Wallace and General Markham had discussed the matter briefly in the early days of the hearings, but Markham said he had seen no specific bill or amendment. When Copeland had asked Markham if he intended to bring a soil conservation proposal to the committee to make a "composite bill," the general replied, "right now I am sticking really with our own views in pursuing this matter."³⁷ Neither Copeland nor anyone else on the committee pursued the matter until 24 April, the next to the last day to get the bill finalized and out to the Senate. A project on the Gila River in Arizona came up, one that had been planned by the Soil Conservation Service of the Agriculture Department for both flood control and soil conservation. There was no discussion of it, and Copeland summarily deleted it from the bill.³⁸ The following day Senator Carl Hayden tried to save his project but was unsuccessful because, as Copeland told him, "I am unwilling to have included in the bill any project which has not been given the endorsement of the Army Engineers."³⁹

Finally finished with debate over multipurpose reservoirs, cost sharing, and the list of specific projects to be authorized, the committee on its last day attempted to address all remaining issues. Even at this late date, Senator Vandenberg continued to worry over the breadth of federal responsibility assumed under the bill. He asked Copeland if the declaration of policy in Section 1 could be altered to limit federal flood control activities to navigable streams and their tributaries. This would, he hoped, relieve the government of responsibility for controlling floods on "all the creeks in Michigan." Copeland said he had no objection and the words "on navigable streams and their tributaries" were inserted in Section 1. Whether this actually limited the scope of

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 79

the bill is debatable, since General Markham had stated earlier in the hearings that almost any stream on which something of commercial value can be floated for any distance is “susceptible of navigation” in legal terms.⁴⁰ This whole discussion, coming in the final hours of the hearings, reflected the tentative and hasty process that marked the drafting of the flood control act.

The best defense that can be made for the committee’s actions was that it worked under difficult circumstances. It was charged with redrafting a very imperfect flood control bill in a limited amount of time with the entire northeastern United States demanding immediate and sweeping action. Flood control was, and is, an extremely complex technical and financial issue, and framing a nationwide policy challenged the experienced senators from the lower Mississippi region. President Roosevelt had not yet offered any national flood control program or river basin development plan, and his National Resources Committee, for whatever reasons, chose not to advise the Commerce Committee. This left only the Corps of Engineers to aid the senators. The Corps believed it could execute an effective flood control program immediately, so long as they were not required to integrate that program with other water resource uses. That was a far more complex issue and would obviously have required more time than seemed politically realistic. This narrow approach appeared to suit the committee, especially Copeland. The immediate crisis could be attacked, while other aspects (like hydroelectric power) could be put off and debated openly on their own merits later.

As the Commerce Committee struggled with H.R. 8455 in late April to report a completely revised flood control bill out to the Senate floor, many other people became active behind the scenes. Word of the committee’s success moved quickly in official circles. The bill’s progress was widely covered in the press, because the March floods, and thus flood control, were now front page news. While the Commerce Committee hearings were closed, newspapers reported the latest news, basing their stories mainly on Senator Copeland’s regular series of public statements.

The two federal agencies that responded most actively to the resurrection of the flood control bill were the newly created Soil Conservation Service of the Agriculture Department and the National Resources Committee. Both agencies sought President

Roosevelt's aid in influencing the bill. Secretary Wallace and Morris L. Cooke contacted the President, who was spending the last week of March and first week of April fishing in the Caribbean, to state that they had just read Senator Copeland's policy statement declaring flood control a national responsibility and giving agency authority exclusively to the Army Engineers. They "urgently" suggested broadening the statement to declare that the nation was threatened not only by floods, but by "land misuse, erosion and accelerated run off of rain water in the drainage basins." They asked Roosevelt to consider allowing the Soil Conservation Service to make surveys and approve projects in upstream areas just as the Corps of Engineers was authorized to do under the Copeland bill.⁴¹ The President radioed back the next day that flood control was only one phase of a much larger subject, and the Copeland declaration of policy "should include all forms of land misuse covering erosion, reforestation, aforestation, water storage, irrigation and drainage." He suggested that the Corps and the Department of Agriculture make such studies jointly and that the National Resources Committee, the Resettlement Administration, and the Rural Electrification Administration be called in to cooperate.⁴²

The NRC's Water Resources Committee quickly took issue with Roosevelt's message. The committee passed a resolution requesting that the President designate it as having "primary responsibility" for flood control and all related basin-wide programs. Charles W. Eliot, one of the three leading officials on the National Resources Committee, relayed this information to the President on 28 March.⁴³ Arriving the same day was a radiogram from one of Roosevelt's chief White House aides, Stephen Early, telling the President that there was growing sentiment in Congress to pass a flood control bill at this session in response to the recent floods in the Northeast. He also told FDR that Secretary of War Dern thought the President should give the Copeland bill careful consideration.⁴⁴ Apparently Dern, Ickes, and Wallace then decided the whole flood issue was too difficult to resolve until the President returned to Washington. The matter rested until 10 April.⁴⁵

The Water Resources Committee, encouraged by the President's apparent approval of its role as the primary agency in flood control studies, immediately began drafting a memorandum indicating the improvements needed in flood control studies and the

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 81

manner in which the committee, as a component of the NRC, would distribute flood investigation funds among the various relevant agencies, such as the Corps of Engineers, Soil Conservation Service, Geological Survey, and the Weather Bureau. This memorandum, dated 2 April 1936, clearly implied that current flood studies were too fragmentary and imprecise to serve as a basis for a sound flood control program. To begin with, they asserted that the data were quite incomplete on the relationship between forest and grass cover, soil erosion, and flooding. Therefore, it would be very difficult to decide how large a role reforestation and soil erosion control should play in a flood control program. Second, the whole area of costs and benefits from flood control projects was poorly understood. Finally, the recent floods "may warrant numerous changes in estimates, plans, and specifications included in such previous reports as have been made. The Corps of Engineers' '308 Reports' are the chief sources of flood control programs and they should be kept up to date." The document was signed by the WRC's executive committee, composed of Abel Wolman, Chairman; John C. Page, Bureau of Reclamation; Thorndike Saville, Associate Dean of Engineering, New York University; and Colonel Edgerton, Corps of Engineers.⁴⁶ Edgerton's signature on the memorandum may reflect some internal disagreement within the Corps, for both Markham and Pillsbury agreed that the 308 reports were perfectly adequate for an immediate program of flood control. They also thought that forest and soil programs were not significant enough to warrant inclusion in the Commerce Committee's flood control bill, and the cost/benefit question could be adequately resolved without further study. While such matters were of concern to Markham, they were not worrisome enough to cause him to recommend to the Commerce Committee that the flood control program await their resolution.

The National Resources Committee met on 11 April to discuss the WRC memo of 2 April and recommend to the President that it serve "as a clearing house for information on flood studies" and that the WRC receive an allocation of \$500,000 for further flood studies, which it would spend itself or would re-allocate to other federal or state agencies.⁴⁷ By this time, Markham and Secretary of War Dern had become aware of the 2 April memo, and Secretary Dern opposed the whole idea. In his view, the flood situation "from an investigation standpoint would

appear to be well in hand." The expenditure of another \$500,000, he said, would "represent almost entirely a duplication of both effort and funds."⁴⁸ Dern was the lone dissenter on the NRC. Secretary Ickes reported the NRC decision to the President, who sent it to Acting Director of the Budget Bell. Bell thought the use of the NRC as a clearinghouse for flood information was useful and suggested issuing a budget circular to this effect. Following Roosevelt's approval, Bell's recommendation was implemented with the issuance of Budget Circular 338 on 14 May 1936. The proposal to conduct further flood control studies under the direction of the Water Resources Committee of the NRC seemed unnecessary to Bell, and no funds were allocated to the NRC for this purpose.⁴⁹

The NRC's attempt to play a larger part in flood control did not improve its visibility or its popularity in Congress. Public and congressional attention focused on Senator Copeland, the Commerce Committee, and the "Copeland flood control bill," as it had come to be called. The nation's newspapers carried long articles on the flood problem and the Copeland bill. It was reported at various times in late March and early April that a bill involving the expenditure of \$300 million, \$500 million, or \$800 million was about to be reported out of the committee. Occasionally, the papers briefly noted that the National Resources Committee would have a comprehensive river basin development plan, including flood control, ready for the President by 1 December 1936.⁵⁰ In the flood emergency atmosphere of April 1936, this announcement appeared to impress no one except, possibly, the President.

The President's first public statement on flood control legislation after his return to Washington was at his 15 April press conference. He said that he knew nothing yet about the Copeland bill but would probably support flood control projects of some sort, especially if "they put people to work right away." He reiterated that linking flood control to multipurpose river basin development was the administration's goal.⁵¹ When asked how he felt about local interests paying the costs of land and damages for projects, Roosevelt replied, "I don't know. I haven't given that any consideration."⁵² It appears, therefore, that FDR was inclined toward approval of a flood control bill but was not ready to commit himself publicly until the cost-sharing issue had been resolved. His denial of giving any consideration to cost sharing

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 83

could be true, but the question seems too important for him to have totally ignored it. This was not the first (or last) time FDR feigned ignorance of a subject he did not wish to discuss.

The President clearly wanted multipurpose river basin development but did not rule out a separate flood control bill. His chief concerns at the time seemed to be the escalating costs of the flood control program, the lack of a soil erosion component, and the absence of any role for the National Resources Committee. Roosevelt, as well as many Republicans, seemed to think the National Resources Committee would provide an effective brake on congressional public works projects. On 20 April, Roosevelt sent a note to Senator Robinson asking if he could get a bill to establish a permanent National Resources Committee through the Senate "in order to stop wild raids for Public Works at the next session."⁵³ During the debate on the Overton bill, which revised the 1928 lower Mississippi flood control program, Senator Vandenberg and other Republicans vainly urged delay on the measure until the National Resources Committee could present a more comprehensive national flood control plan.⁵⁴

In the course of these arguments, Louis Howe, Roosevelt's lifelong friend and chief advisor, died. The President went to Massachusetts on 22 April for the funeral and stayed away until 28 April, by which time the Copeland bill had reached the floor of the Senate. On the same day, hundreds of members of the Rivers and Harbors Congress descended on the capital to plead for flood control funds — urging passage of both the Overton and Copeland bills. At his 28 April press conference, Roosevelt was again asked about the Copeland bill. The President said the flood problem could not be solved by "Army engineering only," that is, by large reservoirs and levees. Soil erosion and reforestation were needed also. Asked specifically about his role in developing the bill, he said, "No, I have not been consulted on it at all. All I know is what I read in the paper."⁵⁵ On the same day Senator Copeland was telling the Senate that he had "a good, broad hint" that unless the land and damage costs were to be paid by local interests, the President would veto the bill.⁵⁶

The President finally gave some study to the Copeland bill on 1 May. He was prompted by a memo from his uncle, Frederic A. Delano, chairman of the National Resources Committee, who passed to him a scathing denunciation of the bill by three members of the NRC's Water Resources Committee. Chairman

Wolman, along with WRC members from the Forest Service and the Soil Conservation Service, denounced the bill as "thoroughly rotten." Specifically, the WRC group claimed that the bill, without sufficient study, would establish a basic philosophy for the distribution of project costs that might prove impractical or cause unforeseen problems in the future. Moreover, the bill included a number of "pork barrel" projects that were still being studied by various federal agencies and might turn out to be unsound. The three members also complained about the draft legislation specifying the need to have interstate compacts approved by the Secretary of War. This "intrusion of the War Department into the picture seems likely to set a dangerous precedent for other types of interstate cooperation."⁵⁷

Accompanying the WRC communication was a memorandum from Charles Eliot to Delano setting forth his views of the situation. He said it was essential to get the National Resources Committee established on a permanent basis by Congress, but he was frustrated. "Here is Copeland," he said, "who sponsored our bill [to establish the NRC], also sponsoring the new flood control bill." Eliot thought that "a word from the President to Vice President Garner or Senator Robinson" would clarify the situation and get the NRC bill passed. If the NRC could gain permanence through congressional approval, "there would be no question of our right, even with the present wording of the flood control bill, to go ahead with coordination of flood control studies"⁵⁸ However in anticipation that congressional approval might not be forthcoming, Eliot was working with people from the Department of Agriculture and the Water Resources Committee to draft amendments to the Copeland bill. These amendments would provide for participation of all appropriate federal agencies in flood studies and would tie reforestation, soil erosion control, grazing controls, and other land programs into flood control. The key amendment was a substitute for Section 1, the major policy statement, in the Copeland bill. The amendment contained the following passage:

... that the flood problem of any area should be handled in the relationship to any associated problems in the use of land and water, not as an isolated problem; that investigation looking to the prevention or control of floods and to corollary benefits from the conservation of land and water resources constitute a proper activity of the federal government; and that such investigations should involve the joint activities of all federal agencies concerned with the various types of problems in question, in cooperation with appropriate

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 85

state and local agencies.⁵⁹

All the chief land and soil conservation people who opposed the Copeland bill were not agreed that a series of amendments to the bill was really necessary or feasible. Hugh Bennett, head of the Soil Conservation Service, told Eliot and the others drafting the amendments that another way of approaching the problem was “to let the Copeland bill go,” hoping it would be killed or vetoed, and to push for a concurrent resolution of the two houses to appropriate \$5 million for a large interdepartmental flood study to resolve the whole issue of water and land program coordination.⁶⁰

The whole packet of memos from Delano, Eliot, and the WRC, along with the amendments and Hugh Bennett’s joint resolutions, was sent to the White House by Ickes on 30 April. The next day, Roosevelt notified Senate Majority Leader Robinson that he found the Copeland bill to be “thoroughly unsound” and supported his view with long passages from the WRC communication. He suggested to Robinson that the bill not be allowed to go through and in its place Congress should pass a joint resolution to undertake a \$5 million interdepartmental study of the whole flood control subject and have the report back to him by January 1937. He made no mention of the NRC and its efforts to gain congressional recognition.⁶¹

Roosevelt’s letter had no major effect on the Senate. Robinson introduced no resolution to recommit or table the bill. On the other hand, when news of the letter reached upstate New York, people there reacted quickly. The mayor of Binghamton sent a telegram telling the President “our people fully expect, based on communications from you and from our senators and congressmen, that the federal program of flood control will be passed at this congress. Another flood would be disastrous to our business and industrial structures and to a large



Hugh Bennett, Director, Soil Conservation Service, 1935-1951.

number of home owners.”⁶² Roosevelt told reporters on 5 May that he was not in favor of the bill in its original form, but did not know what form it was in at present. He understood that some amendments were to be made and said that Senator Hayden had seen him that day with some amendments. The President commented no further on the bill.⁶³ Hayden, it appears, had met with members of the Department of Agriculture and possibly also Morris Cooke. The result of this meeting was an amendment, dated 1 May 1936, that added the soil conservation work of the department to the bill and expanded the statement of policy in Section 1 to include soil erosion control along with flood control as the goal of the bill. An earlier version of the amendment had included reforestation and made the Forest Service a third agency involved in flood control; however, this was dropped from the printed amendment that Hayden sent to the White House on 1 May.

Hayden’s accompanying letter, written to FDR’s assistant, Marvin M. McIntyre, states that the amendments should bring the bill into conformity “with the President’s message on Little Waters.”⁶⁴ This passing reference may offer a partial key to Roosevelt’s increasingly positive attitude toward the Copeland bill. *Little Waters* was a short polemic written by H.S. Person, E. Johnston Coil, and Robert T. Beall in the fall of 1935. It emphasized the values of controlling runoff in small headwater streams as a supplement or alternative to large dams for flood control, hydroelectric power development, navigation, and irrigation. Ickes sent a copy to the President on 19 December 1935, but it does not appear that FDR gave it any attention at this time.⁶⁵ Hugh Bennett and Morris Cooke were particularly struck with the implications of the report, and Cooke sent another copy to Roosevelt on 22 January along with an enthusiastic endorsement. The President now read the report, was delighted with it, and asked Cooke for additional copies “for personal distribution.” Always on the lookout for ways to expand federal hydroelectric power production, Cooke began to lobby for the ideas embodied in *Little Waters*, coining his own term for the program—“upstream engineering.” FDR immediately liked the term and said he would try to use it in some speeches. The Water Resources Committee was quite skeptical of many of the ideas in *Little Waters* but Cooke was convinced of its soundness and wrote to Roosevelt on 5 May 1936 to keep upstream engineering

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 87

in mind "as you scrutinize legislation," assuring the President that it would not only win "half the battle" against flood control, but would also "stabilize the flow for a hydroelectric power plant downstream." The following day Cooke again sent a note to FDR saying he had just heard that an interagency agreement had been reached on the flood control bill. "In the opportunity it affords Agriculture (Soil Erosion and Forestry) to experiment 'upstream' it looks like a considerable step forward." He added that "Senator Norris thinks it is okay."⁶⁶

By 12 May the President appeared to be on the verge of endorsing the Copeland bill. When asked if he expected a flood control bill at that session, he said, "I suppose there will be some kind of flood legislation. I do not know what kind." He added, "Of course I believe we should have some flood legislation and, especially, to start work this coming year on the most urgent cases," but he also reiterated his support for comprehensive basin development.⁶⁷ The *New York Times* ran the remarks under the headline "President Favors Flood Legislation."⁶⁸

Even more significant was Senator Robinson's statement that flood control legislation was one of the "must" bills for the remaining days of the session.⁶⁹ Obviously, Robinson ignored Roosevelt's suggestion of 1 May about waiting for another study. Furthermore, there is no record that the President ever again communicated his original suggestion, which may indicate that the addition of upstream engineering by the Soil Conservation Service may have changed his mind. When the flood bill came up for full debate on 20 May, Copeland added the Hayden amendment to it which gave the Department of Agriculture (actually the Soil Conservation Service) the right to plan projects for watershed flood control in upstream areas.⁷⁰ Another amendment, also introduced by Copeland, was probably part of a compromise with the White House. It sought to establish the National Resources Committee as an official advisor to the President on all river basin and watershed matters as well as other areas related to natural resources. This amendment was to be taken up, however, only after the rest of the bill had been voted upon -- a clear indication that Copeland expected it to lose and did not want it to jeopardize the main bill.⁷¹

The Senate debate, while lengthy, was anticlimactic. Opponents of the bill, who had been swayed by Senator Tydings the year before, were not very vocal, and Tydings himself took no

part in the debate. The chief controversy centered around the attempts of a group of senators from the lower Mississippi Valley (plus Pennsylvania's two senators) to delete the section that required local interests to pay for land and damages. There was considerable public support for this position. As debate on the bill opened, more than 500 people from 22 states, calling themselves the United States Flood Control Association, arrived in Washington wearing badges saying "Flood Control Now" and doing everything they could to promote the Copeland bill. The federation had an effective leader in Tom R. Hutton, who was editor of the *Binghamton Press*. Many members of the federation favored 100 percent federal financing of flood control projects—particularly those from the Northeast, where costs for land and damages would be high compared to other parts of the nation. Copeland told the federation, though, that eliminating local contributions might kill the bill. "We must get a bill signed as well as passed."⁷²

The first attempt to eliminate the land and damages payments came in an amendment by Senator Theodore G. Bilbo(D-Mississippi), which was strongly supported by Senator Guffey. Guffey believed that the excessive costs to Pennsylvania would prevent any effort to construct the series of reservoirs to protect Pittsburgh. However, when the vote came, the Bilbo amendment lost 55 to 15. Guffey tried next to eliminate local payment of damages because, again, in Pennsylvania costs would be high due to the numerous railroad tracks that would need to be moved. This amendment was defeated 52 to 11.⁷³

Attempts to load up the bill with projects that had not been recommended by the Chief of Engineers were also defeated easily. One reason was that the majority of new projects in the bill were for the populous Northeast and the majority of those eliminated were large reservoirs chiefly for the Arkansas and White river basins, an area which did not have enough senators to form a significant bloc. Senator Robinson as majority leader was the most powerful senator from this area, but he was satisfied with assurances from Copeland that the studies authorized in Section 6 of the bill would ultimately result in the authorization of the reservoir projects.⁷⁴ Therefore, the bill moved along without a major problem. On 21 May, it passed by a voice vote.⁷⁵ Only after the bill had passed did Copeland attempt to add the National Resources Committee to the act (as Title II).

FLOODS OF 1936 AND COPELAND FLOOD CONTROL BILL 89

He spoke at some length on the virtues of comprehensive planning, but when it became clear, as he undoubtedly thought it would, that the proposal had no real support, he withdrew it.⁷⁶

The bill then went back to the House. There it received some rough treatment from congressmen in Missouri, Oklahoma, Arkansas, and Louisiana, where flood control reservoirs offering primarily water power benefits had been eliminated. But basically there was little opposition. On the final vote the House endorsed Copeland's revised H.R. 8455 by a vote of 297 to 51.⁷⁷ It was engrossed and sent to the President on 15 June.⁷⁸

By this time all the available information indicates that Roosevelt had decided to sign the bill. In fact, it appears that the decision may have been made in late May just after it passed the Senate. Three pieces of evidence lead to this conclusion. The first is an exchange of letters between FDR and New York's Governor Lehman. Lehman had written the President on 8 May urging him once again to press Congress for passage of the bill. FDR did not reply until the twenty-third, two days after the Senate passed the amended bill. He apologized to Lehman for the delay in his response, explaining that he had been "waiting a bit on developments on the Hill with respect to the flood control measure." Now he could reply to the governor that he was "very hopeful that adequate steps will be taken before the Congress adjourns."⁷⁹

Second, on 27 May the White House approved a request from General Markham to increase the number of Army officers in the Corps of Engineers in order to administer the expanded rivers and harbors work, as well as to plan the vast program contemplated in the Copeland flood control bill.⁸⁰ It seems doubtful that this expansion would have been approved by the President if he had planned to veto the bill.

Third, and most telling, Roosevelt sent a note to Budget Director Daniel W. Bell on 2 June. FDR attached a memo he had received from Morris L. Cooke expressing fears that the final version of the Copeland bill (which had to go back to the House and was at this time under debate there) might leave out the soil conservation amendments and endanger the future of *Little Waters*. The President asked Bell to "do the best you can" to assure that soil conservation remained in the bill.⁸¹

As soon as the President received the engrossed bill from Congress, he asked White House Staff Director Rudolph Foster

to find out the last day he could sign the flood control bill in order to get funds for it into the final deficiency bill for emergency relief expenditures. Budget Director Bell told him it was 24 June, and FDR told Foster to have all the flood control papers ready on the twenty-second. In addition, he wanted to meet with Markham, Henry Wallace, Cooke, Hugh Bennett, Frederic Delano, and Abel Wolman to discuss which projects to undertake.⁸²

If the President had any remaining thoughts of vetoing the bill, he may have been persuaded otherwise by a well-organized barrage of telegrams from the city councils, chambers of commerce, and citizens of almost every flood-stricken region of upstate New York.⁸³ Such last-minute pressure was probably unnecessary. Congress had declared itself ready to take action on flood control, and it made little political sense to deny the decision. The bill had passed by overwhelming majorities in both houses -far more than the two-thirds that would have been required to pass it over a veto. For the President to have vetoed a measure so earnestly desired by both flood victims and the unemployed on the eve of a national presidential election would have been very out of character for FDR.

On 22 June the President signed H.R. 8455 without any public ceremony. Two days later he received a letter from the Flood Control Committee of the Binghamton Chamber of Commerce congratulating him on signing the bill. "With one stroke of your pen, you have eased the minds of thousands of farmers, industrialists and home owners."⁸⁴ A national program of flood control had become, finally, the official policy of the federal government.