

Evolution Of The Soil And Water Conservation District Program in Texas

"The soil conservation district is the workshop through which those who love the land pool their efforts and information in making land more stable and productive and our country more prosperous, more attractive and a better land in which to live. The fact that landowners themselves have the responsibility for petitioning for and voting in a district, formulating its program and work plan, administering its business and entering into cooperative agreements with their fellow landowners and operators, makes soil conservation districts a democracy in action." ¹.

The opening words of this paper reflect the philosophy of V. C. Marshall, who is credited as the "Father of the Soil and Water Conservation District Program in Texas". It is that philosophy so eloquently expressed by Mr. Marshall and concurred with by other early state conservation leaders upon which Texas' soil and water conservation district program has its roots and upon which the program still operates.

The purpose of this report, written by Clyde Gottschalk in cooperation with Dale Allen, Public Affairs Specialist, Soil Conservation Service (now Natural Resources Conservation Service) and Dr. B. L. Harris, Extension Soil Specialist, Texas Agricultural Extension Service, is to trace the development of the Texas soil and water conservation district program from its genesis to the present.

To begin, the problems of wind and water erosion in Texas began to get public attention in the early 1930's at a time when the state and nation was in the midst of a great economic depression. Because the 1930's produced some of the worst dust storms the nation had ever seen and because the federal government was seeking ways to put

people back to work and to encourage conservation, the Civilian Conservation Corps and the Soil Erosion Service were created. Through these mechanisms, demonstration projects were initiated to train technicians and to educate the public in ways to conserve soil resources. ²

According to Paul Walser, an early professional with the USDA Soil Conservation Service (now the Natural Resources Conservation Service), “The demonstration projects established by the S.E.S. in 1933 and 1934 proved several important points. First, they showed that a coordinated program of soil and water conservation could be worked out effectively, economically and profitably in every section of the state. But there was another at least equally important fact disclosed. People didn't place a very high value on those things that had been done for them. Even though the conservation planning and assistance they received had paid in dollars and cents, many farmers and ranchers didn't seem to want to go to the trouble of maintaining and improving the work on their land. It was evident that the large majority of farmers and ranchers wanted to share and participate, not only in the preparation and planning for conservation, but in the cost and labor of applying, maintaining and improving their conservation plans. In fact, they were ready, willing and with experience, prepared to take their rightful place in the lead of the conservation job with only assistance from the government on those things they were not prepared to do for themselves.”³

The late A. C. Spencer, a long time advocate for the Texas soil and water conservation district program put it another way. “In the beginning farmers were fearful of a government organization which would regulate their farming practices.” ⁴ That

concern has never changed even among new generations of soil and water conservationists.

One of the early day leaders in the national effort to control soil erosion was Hugh Hammond Bennett, of North Carolina. Because of his experience, scientific knowledge and leadership, he assumed charge of the S.E.S. when it was created in 1933. Two years later, in 1935, P.L. 46 was passed creating the Soil Conservation Service within the USDA and Hugh Bennett became the first Chief of the agency. ⁵.

With the help of Congressman James P. Buchannan, of Columbus, Texas, Bennett was able to persuade President Franklin Roosevelt that the soil resources of this nation were being wasted. He convinced the president that a model soil conservation act should be developed and sent to the governors of each state for passage by their state legislatures. The purpose of the model act would be to develop programs at the state and local level to control soil erosion. ⁶.

In the summer of 1936 a so-called "Standard Act" was submitted by the USDA with the endorsement of President Roosevelt to the governors of each state. The model act, developed in Washington, was patterned after the Texas Wind Erosion Act, the Grass Conservation Acts in the Northern High Plains and certain water conservation district laws. ⁷.

When the model act was introduced to Texas, "It immediately became controversial," said Walser. "I do not know how many conservation bills were introduced at the beginning of the 1937 session of the Legislature - only the House and Senate Journals would show that, but I would guess that some 15-18 original, revised and re-revised bills were introduced during the session by various groups." ⁸.

Walser goes on to say that in January 1937 he was invited to appear before the House and Senate Agriculture Committees to explain one of the conservation bills.

“The first man I met in Austin was A. B. Tarwater, of Hale County, who was chairman of the House Agriculture Committee. Mr. Tarwater suggested that there were three men who should know the story of proposed SCDs (soil conservation districts) - Mr. John Gorham of Waco, Mr. Tom Hefner of Breckenridge and Mr. V.C. Marshall of Temple - members of the legislative committee of the old Texas Agriculture Association. I talked with Messrs. Hefner and Gorham that day and Mr. Marshall at Temple the next day. From that time on, the destiny of a SCD law for Texas was in safe, sane, capable hands.”⁹.

As the legislative session progressed in 1937, there was much heated discussion on the proposed legislation. When the final version of a soil conservation law for Texas was adopted, the final bill contained many undesirable features. First, the law would have set up soil conservation districts automatically on a county basis and then made County Commissioners Courts the governing body. A portion of the county tax was to be used to finance the program and county agricultural agents were to be the administrative officers.¹⁰

The problem with the original law, as Marshall and his colleagues saw it, was that the law lacked stability. A committee of select landowners who did not agree with the adopted final version of the law met in Austin and convinced Governor Jimmie Allred to veto the bill. Besides Marshall, other key Texans involved in this effort were R.M. Boswell of Kenedy; Walter W. Cardwell of Luling; Sam H. Burchard of Gonzales; R.C. Wood of Italy; and C.M. Caraway of DeLeon to name a few.¹¹

Besides the committee of key landowners not favoring the original bill, Governor Allred sought the opinion of then Secretary of Agriculture, Henry A. Wallace, who responded negatively. Quoting Secretary Wallace in a Proclamation, Allred reports Wallace to have said, "We have your telegram of June 7 requesting that you be advised of the attitude of this department with reference to the Texas Soil Conservation Act which you indicated is before you for approval or veto not later than Friday, June 11...It is impossible in the short period available to make a detailed analysis of the bill...nevertheless, even a hurried survey disclosed a number of serious weaknesses in the bill to which at your request, we shall briefly direct your attention...we conclude from our hurried analysis that there is considerable question as to whether the Act provides an adequate basis for the cooperation of this department."¹².

Specifically, like the Committee of 100, Wallace was in disagreement with stipulations of the law, which required that soil conservation districts be required to be organized on a county line basis. Also, like the Committee of 100, he questioned the wisdom of the taxing provisions. He also questioned the constitutional validity of a provision which after land use regulations have been approved through the democratic process by a substantial majority, the landowner who did not care to comply with such regulations may, by notice to the district board of directors have himself exempted from all provisions of the act.

Other comments to Governor Allred revealed that Wallace was disturbed by the original Texas law making land use regulations mandatory rather than advisory as recommended in the Standard State Soil Conservation Districts Law formulated by his department. Concluding arguments by Wallace against the original law indicated that

Wallace did not favor including towns or cities in the operations of SCDs nor did he favor permitting all qualified tax paying voters who were not owners of farm or grazing lands to vote on questions of creating and discontinuing soil conservation districts.¹³

After the legislative session of 1937 and through 1938, Mr. Marshall called together and organized a very powerful and influential group of Texas farm and ranch leaders. He called this group the "Committee of One Hundred." During this time they worked to heal old wounds and began working to take the best parts of the Standard Act and the best of other bills, which they refined with their own thinking, and drafted new proposed legislation for a state soil conservation law. In essence, they wanted a law which 1) enabled farmers and ranchers to determine whether or not a soil conservation district was needed, 2) enabled the program to be controlled by landowners, and 3) stipulated that SCDs had no taxing authority or the power of eminent domain.¹⁴

In conference in Temple, Texas, on September 12, 1937, the State Soil Conservation Districts proposed bill was fully endorsed and actively supported by key representatives of the Extension Service, USDA's Soil Conservation Service, Texas Agricultural Association, Texas Soil and Water Conservation Association, Texas State Grange, and other prominent organizations interested in a sound state agricultural program. Many prominent names of the time appear on the roll, but after V.C. Marshall opened the meeting and outlined a bill proposed for Texas' first conservation law, T.C. Richardson, Associate Editor for Farm and Ranch Magazine summed up the group's collective philosophy.

"The initiative and responsibility of determining areas and programs of soil districts should rest entirely upon landowners. Nothing can be accomplished without

landowner approval regarding size of districts and regulations by landowners in any district. The bill outlined by Marshall is thoroughly democratic."

Richardson also added, with the support of Louis P. Merrill, Regional Director, Soil Conservation Service, Western Gulf Region, "I am opposed to government agencies going into any district to assist landowners unless landowners initiate the program and make material contributions so that their investment would not be lost to ignorance or indifference." ¹⁵.

By October, the group had the proposed law's personal approval of Henry A. Wallace, U.S. Secretary of Agriculture. In a communication dated October 7, 1937, Wallace said, "The proposed Soil Conservation Districts Act for Texas which you transmitted appears to contain the principles and procedures which this Department has considered to be basic in connection with such legislation. The proposed Act which you transmitted, if enacted, impresses us as being a real step forward in soil conservation." ¹¹.

When the legislature of 1939 met, a soil conservation bill written by Texans for Texas was ready. With the backing of the powerful "Committee of 100" the Texas Legislature passed H.B. 20 by a vote of 22 to 6 in the Senate and 83 to 43 in the House. The bill was signed into law by Governor W. Lee O'Daniel on April 20, 1939. ¹⁷.

From this point on the Texas soil conservation program surged forward. The Texas State Soil Conservation Board (TSSWCB) was organized on May 29, 1939. Members of the first State Board were W.G. Kennedy, of Muleshoe; Horace K. Fawcett, of Del Rio; Walter Cardwell, of Luling; J.P. Martin of Nacogdoches; and V.C. Marshall of Temple. The Board established their state headquarters on July 1, 1939, at 618-20 Professional Building, Temple, Texas, and got on with the business of organizing soil

conservation districts. The board began visiting the states of Arkansas and Louisiana to learn all they could about organizing districts before they held their first round of hearings in Texas. It soon became evident that the TSSWCB, out of necessity, would have to have an administrative officer to act with and for the Board on their tremendous new job. As a result, Mr. Marshall resigned his position on the Board to assume new responsibilities as the agency's first executive director.

By July 20, 1939, 124 petitions had been filed requesting the creation of soil conservation districts; 114 determinations of need had been approved and 105 elections had been held. On April 30, 1940, the Secretary of State, M.O. Flowers issued Certificates of organization for the first 16 soil conservation districts, paving the way for the program we now operate.

In 1941, the 47th Legislature passed House Bill 444, which amended H.B. 20 and essentially revised the original soil conservation law for Texas. The law, though amended many times, is at present the basic conservation law under which the Texas State Soil and Water Conservation Board and soil and water conservation districts operate today.

References

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3. Paul Walser – “V.C. Marshall --The Man”, Page 2 .
4. Temple Daily Telegram - "Marshall, Father of State Board", June 20, 1981, Page 1.
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8. Walser, Page 2 (second reference).
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