

TEXAS AND THE GOOD ROADS MOVEMENT: 1895 TO 1948

by

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## ABSTRACT

### TEXAS AND THE GOOD ROADS MOVEMENT: 1895-1948

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The Good Roads Movement in America grew directly out of concerns over the debilitating effects of rural isolation. However, as each state faced its own unique challenges to the building and maintenance of roads, the early movement reflected broad regional differences. In Texas, the breadth of its borders, the scattered and uneven distribution of its population, and numerous historically rooted prejudices towards the proper role of government defined its differences. Even after the need for good roads had become undeniable, and roads advocacy was galvanized into a national movement, the social and political divisions that existed within Texas would prevent the rapid acceptance of the movement or its goals. The Texas constitution, influenced as it was on post-reconstruction attitudes, made legislative progress next to impossible. Texas would, in fact, be the last state to create any form of highway authority. Only after federal legislation brought the promise of massive federal funding was Texas able to overcome these divisions and create a functioning highway department.

After the Texas Highway Department's formation, many of the same divisions that hampered its creation would contribute to hinder its effectiveness. As the legislation that created the department was written as a compromise, it left many issues unresolved. Issues such as funding, the equitable allocation of contracts, and clear divisions of authority among different levels of government, would remain unsettled for years. In addition, as there had never existed in the state a bureaucracy or agency responsible for such large sums of money, unscrupulous politicians began using it as a tool for political patronage and personal profit. As a result, the lobbying efforts of road advocates began reflecting these concerns and road issues became, for the first time, central issues in the mind of the voter. They would in fact determine the rise and fall of numerous administrations and give rise to the most powerful lobby in the state.

Although the issue of political abuse was resolved largely in reaction to the suspension of federal aid, the remaining issues would not only continue for years, but would also become the motive force behind road advocacy in the state. Ironically though, the pressures brought by the Great depression and World War Two would ultimately force Texas to address these problems. The shortages of funding, material, and labor brought by the depression and the war left the state with few options other than reform. Once again however, the majority of these reform measures depended on federal intervention for success.

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## CHAPTER 1

### INTRODUCTION

It is easy to take for granted America's highway system. Few realize that the paved roads and highways we enjoy today are a result of one of the largest improvement projects ever undertaken in the United States. Fewer still realize the challenges behind their creation. From engineering new methods of construction, to creating new sources of revenue and labor, each state, county and region was forced to find solutions to its own unique set of problems and limitations. In Texas, however, road development faced far greater challenges than almost any other state. It is this fact that I hope to explore. By examining the historical, political, and socio-economic influences on road development in Texas I hope to shed light on those elements that best illustrate the unique nature of Texas's struggle to build roads. It should be noted that this is not an examination of the economic or social impact that roads may have played in Texas' development, nor will I attempt to document every law that was passed to enable good roads. I will, however, examine the evolving nature of road advocacy in Texas, discuss its historical roots, and identify those social, economic, and legislative influences that did the most to hinder, help, or define. I will also discuss the political legacy of the movement and the changes it made to long-held attitudes towards the proper role of federal, state and county governance.

As very little has been written on the Good Roads Movement, few secondary sources exist. Indeed, in all my research I was unable to find a single study of any length that chose the Good Roads Movement as its central focus. Instead, published works have tended to concentrate on issues closely related to the movement, such as the impact of the automobile, or the success of the rural free delivery of mail program, while others have written on the movement as incidental to a subject much broader in scope. This has made research problematic. As I could find no consensus among historians, I was forced to form my own analysis based on theories that were sometimes conflicting and often seemed to be nothing more than historical assumptions. As my research progressed, however, I quickly realized that when discussing the good roads movement there were in fact multiple truths. Conflicting theories may all be correct at different times and places. This is due in large part to the regional nature of the movement and the constantly changing social forces that gave it impetus. What might be true in one region, or during one particular period in time was not necessarily true in another. In this regard, the historian's primary focus has a profound effect on his conclusions, especially if the movement is incidental to the historian's primary subject.

One early interpretation was Fredric J. Paxson's 1946 monograph "*The Highway Movement: 1916-1935.*" First published in the *American Historical Review*, it was an in-depth study of the role automobiles played in the development of America's roads and the subsequent socio-economic changes that they brought. To Paxson, the automobile was the motive force behind the good roads movement's nationwide

acceptance.<sup>1</sup> Another historian, Peter J. Hugill, seems to agree. In his 1982 article *Good Roads and The Automobile in the United States 1880-1929*, first published in the *Geographical Review*, he comes to conclusions similar to Paxson. Although he does acknowledge that efforts to reduce rural isolation did play an important role in the good roads movement, he portrays its influence as secondary to the “elitist concerns for privacy and individual mobility.”<sup>2</sup>

Wayne E. Fuller’s, monograph *Good Roads and the Rural Free Delivery of Mail*, first published in a 1955 issue of *The Mississippi Valley Historical Review*, and later expanded to book length in *Rural Free Delivery*, is perhaps the closest work I have found to a full-length study that deals with the good roads movement as its central focus. In Fuller’s analysis, it was the success of the Rural Free Delivery program that was ultimately responsible for the rapid spread of the good roads movement. As demand for Rural Free Delivery grew in popularity among farmers, the poor quality of America’s roads became the greatest obstacle to the program’s growth. According to Fuller, it was these rural and agrarian concerns that were the determining influences behind the movement.<sup>3</sup> Automobiles were not the solution to rural isolation, as Hugill and Paxson believe, they were in fact the result of it. While this “chicken and egg” debate may be subtle, it is fundamental.

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<sup>1</sup> Fredric J. Paxson, “The Highway Movement: 1916-1935,” *American Historical Review*, 51 (January, 1946): 240.

<sup>2</sup> Peter J. Hugill, “Good Roads and the Automobile in the United States,” *Geographical Review*, (July, 1982): 328.

<sup>3</sup> Wayne E. Fuller, “Good Roads and the Rural Free Delivery of Mail,” *The Mississippi Valley Historical Review*, (June, 1955): 83.

While historians such as Fuller, Paxson, and Hugill concentrated on one particular aspect of the movement, other historians, such as George B. Tindall, took a regional approach and came to slightly different conclusions. In his influential book, *The Emergence of the New South*, Tindall covers the good roads movement only incidentally, however he does discuss the importance of the movement to southern development and analyzes at length aspects of the movement previously overlooked by other historians. Its importance to the growth of migratory farm workers, and the development of the trucking industry are two such examples. His most interesting conclusions, however, relate to the movement's roots and its political legacy. According to Tindall, because southern congressmen from rural agrarian districts were primarily responsible for the numerous federal highway bills that gave impetus to the movement, the good roads movement was in fact a southern one. Ironically, because the good roads movement was, to a large degree, responsible for the growth of the federal government, the south, a region traditionally against federal intervention, was the most responsible for the growing role of the federal government in state governance.<sup>4</sup>

Because few secondary sources exist which discuss the good roads movement at length, I found myself depending heavily on articles from academic and scholarly journals that were contemporary to the movement. These include *The Journal of Farm Economics*, *The Bulletin of the American Geographical Society*, *Scientific Monthly*, *The Geographical Review*, and *The Annals of the American Academy of Political and Social Science*. The articles and monographs in these journals were in large part written by

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<sup>4</sup> George B. Tindall, *The Emergence of the New South* (Louisiana State University Press, Baton Rouge, 1967) 15.

advocates attempting to influence or sway public opinion. And although the accuracy of their statistics may be questionable, their reflection of the motives and concerns of road advocates across the country made them excellent primary sources. I found them invaluable when trying to identify the movement's rural and regional concerns.

Although these studies were instrumental in developing my understanding, they offered little explanation of those aspects of the movement that set Texas apart. For this I had to rely heavily on primary sources. In researching the earliest years of the movement I found *The Good Roads Yearbook* particularly helpful. Compiled and published every year by the American Association for Highway Improvement, the American Highway Association, and the U.S. Bureau of Public Roads, these yearbooks were a collection of road-related publications from various government agencies and advocacy groups. Literally anything that may have been useful to road advocates, lawmakers, or highway engineers could be found within its pages: the shared experiences of different states, new techniques in road building, experiments with funding and labor, and statistical analysis of the benefits that good roads might bring to the various sectors of the economy. For my purposes however, I found their most useful information to be the yearly examination of each state's progress, their methods of funding, and the state-by-state analysis of each state's chosen form of highway authority. With this information I not only gained some level of insight into those aspects of the Texas good roads movement that set it apart, but also a clearer understanding of the obstacles hindering the legislative efforts of Texas lawmakers.

In addition to the various issues of the *Good Roads Yearbook* I also found helpful a pamphlet published by the U.S. Department of Agriculture's Office of Road Inquiry titled *The Proceedings of the Good Roads Convention of Texas*. More than any other document, this pamphlet reflected the concerns of Texas road advocates in the earliest years of the movement. Published in 1895, this 23-page pamphlet recorded the minutes and speeches of national road advocates in the first attempt to create a statewide good roads association in Texas. It was, in fact, the earliest example I could find of road advocacy in Texas that attempted to increase the state's authority in road issues. I also found it particularly helpful in helping me understand the many legislative and constitutional challenges Texas advocates faced, and the entrenched political attitudes they were forced to deal with. The most helpful aspect of this document however, lies in the fact that the convention was designed to be an exchange of information on the experiences of other states, their successes and failures, and their suitability to the challenges facing Texas. This proved to be extremely useful in helping me identify those aspects of the good roads movement that were peculiar to Texas, and helped further my understanding of the regional differences of the movement.

In researching the legislative and political history of the Texas good roads movement, I found myself depending heavily on two sources, the most important of which was John David Huddleston's 1981 dissertation *Good Roads for Texas: The History of the Texas Highway Department, 1917 -1947*. While ostensibly a history of a state agency it is in reality an excellent record of the legal and political battles that hindered the ability of the Texas Highway Department to fulfill its mandate. I also

found helpful in this regard Stephen Douglas Cruse's 1992 thesis *Creation of a State Highway Department*. Although similar in subject matter to Huddleston's dissertation, its scope is limited to the years immediately preceding and immediately following the department's creation. Although both Huddleston and Cruse discuss the department's creation and evolution, neither offer much comparative analysis on those aspects of the Texas good roads movement that might differentiate it from other states. They do, however, provide valuable insight into the role federal legislation played in the movement's success. It is quite likely that without these two documents, I might never had realized to what extent the Texas Good Roads Movement depended on federal legislation.

In those chapters in which I discuss the movement during the years immediately following the Texas Highway Department's creation, I found particularly useful the department's biennial reports. Although I made a conscious attempt to avoid statistics, I found these reports to be of great value in understanding the day to day challenges the department faced, the success of its road building programs, and the concerns shared by its leadership. The Texas Highway Department's 1948 publication *The History of Texas Roads* I also found useful in this regard. Not only did it effectively document the department's many accomplishments but it also did an excellent job of documenting the numerous legislative efforts behind the department's creation, and its evolution in response to changing priorities. However, as it was a government publication written primarily to sway public opinion, its objectivity is questionable.

The most valuable primary sources, however, especially when discussing the movement's later years, were the files donated by the Texas Good Roads and Transportation Association to Texas A&M University's Cushing Library. These unprocessed files contain a wealth of information on the concerns and activities of the T.G.R.A. from its formation in 1933 till its 1969 unification with the Texas Transportation Association. These files not only contain all of the association's newsletters and annual reports, but they also contain correspondence, photographs, films, membership lists, and most importantly, the minutes of all executive committee meetings. Because these files documented their lobbying efforts, I found them particularly helpful in understanding the political debates surrounding the control of highway funds, the struggle between state and county governments, and the importance of the Texas Good Roads Association to the state's post-war economy. *Texas Highway Highlights* was also valuable in this regard. As it was the official newsletter of the Texas Good Roads Association, it contained a wealth of information concerning their lobbying efforts at both the national and state level.

As it is my primary goal to explain the unique nature of the movement in Texas, and identify those elements that differentiate it from the experiences of other states, I have broken down my analysis into four chapters, each of which concentrate on what I believe to be a defining period of the Texas good roads movement. Although my analysis is written in chronological order, it is not simply a sequential list of events. I have made a conscious effort to build each chapter on analysis of the lessons learned

from the last. I also make a conscious effort to compare the subject under discussion to the experiences of other states.

The first chapter, *Texas and the Growth of Good Roads*, focuses on the historical roots of the good roads movement; its regional influences; the social, political and economic conditions that affected its growth; the sweeping attitudinal changes it made towards the role of various levels of government; and the movement's eventual galvanization in response to federal legislation. In addition, it analyzes the movement in Texas, points out those characteristics that made it unique, and attempts to identify the historical, social and economic influences most responsible.

The second chapter, titled *The Creation of the Texas Highway Department*, focuses on the many attempts by Texas lawmakers to create some form of road building authority; the historical, political, and socio-economic reasons behind their failure; and the significance of federal intervention in their eventual success. It will also outline the basic functions of the department, its organization, the political reasons behind its structure, and the legislative compromise that not only made its creation possible, but also limited its ability to fulfill its mandate.

In the third chapter, titled "*Fergusonism and the Struggle for Control*", I explain how the creation of the highway department led to a twenty year political struggle over its control that became a central issue in the politics of the era. I will attempt to explain the legislative shortcomings that lead to this struggle and identify their historical and constitutional roots. I will also discuss the many legislative and administrative changes that these political challenges brought to the highway department, their effects on road

advocacy in the state, and, once again, the importance of federal intervention in their resolution. In addition, I hope to show how these struggles defined the gubernatorial politics of the era.

In the last chapter, titled *Final Resolution*, I describe how the debilitating effects of the Depression, and the manpower and material shortages of World War Two, presented the Texas Highway Department with the greatest challenges to success that it had faced since its inception. I attempt to describe the nature of these challenges, their effects on the state's road building ability, and I examine the many legislative and lobbying effort aimed at addressing them. More importantly though, this chapter explains how the economic effects of the Depression; the state's unique strategic military position; and the foresight of the Postwar Economic Commission, the Texas Highway Department, and the Texas Good Roads Association, ultimately gave Texas the tools it needed to address these challenges and embark on a road building program unencumbered by political division, insufficient funds, or inadequate infrastructure for the first time in its history.

## CHAPTER 2

### TEXAS AND THE ROOTS OF THE GOOD ROADS MOVEMENT

The good roads movement in the United States arose sporadically throughout different regions of the country, with each region reacting to its own set of circumstances and each struggling to overcome its own obstacles to good roads. In addition, as the movement was not based on ideology, but was instead an attempt to address a fundamental problem with infrastructure, the movement drew support from a diverse cross-section of the population that was frequently divided in its priorities and goals. Even after the movement had become galvanized and was more homogenous in nature, advocates still faced challenges defined by each state's individual needs. Consequently, most historians have tended to focus on the movement's regional aspects, usually drawing distinctions between the industrial North and the agrarian South. Texas however, has been overlooked. Because Texas and the South share many of the same historical, and socio-economic influences, historians have tended to characterize the good roads movement in Texas as typically southern. Its historical legacy was, however, unique enough to ensure that the good roads movement in Texas would unfold in ways significantly different from the southern pattern.

In its struggle to develop good roads Texas faced many of the same challenges as other states: the development of new forms of revenue; the allocation of funds; the

creation of a road building authority; the logistics involving engineering, labor, and material, were each issues other states had to address in one way or the other. In Texas however, several challenges set it apart, challenges that hindered its road development to such an extent that it consistently found itself lagging behind the rest of the country. While some of these are obvious even to the casual observer, the sheer size of the state for instance, or the sparse and scattered nature of much of its population, others were less apparent. Post-Reconstruction prejudices, regional politics, constitutional roadblocks, and an almost blind belief in rail, all hindered Texas's road building ability to an extent not seen in other regions of the country. In addition, as the majority of the roads in Texas had not been created by design, but had instead risen spontaneously as a result of various historical influences such as cattle trails, settlement, emigration, and war, Texas had over four hundred years of roads built with seemingly little rhyme or reason.

Prior to the arrival of the Spanish explorers, most of the trails traversing Texas were limited to those eastern, northeastern, and coastal areas of the state in which the various Indian tribes lived in more permanent settlements. The Indian scouts employed by the Spanish to aid in their explorations for the most part followed these trails and used them to facilitate further excursions into the interior. Despite subsequent Spanish exploration, by the turn of the eighteenth century the La Bahia road, the route first traveled by the Alonzo De Leon expedition in 1690, still remained the only viable highway into Texas. Although it began as an Indian trail crossing into Texas from southwest Louisiana, it would later extend all the way to Washington-on-the-Brazos and

Goliad. As Spanish control solidified however, missionary work among the Indians, and continuing French presence along the Sabine River, necessitated that the various outposts across the region be linked to the central government in Mexico City. Consequently, as the number of missions and presidios grew, so too did the number of roads and highways.<sup>5</sup>

By 1718 the mission at San Antonio de Bexar had been established, with more missions appearing in the following years along various points of the San Antonio River. Eventually a route was established linking these missions with those in East Texas and San Juan Bautista on the Rio Grande. In a similar way, the founding of the mission Espiritu Santo near Lavaca Bay spurred the creation of a lower route through Texas. It was a route known as the “lower” Camino Real. It would extend from the Presidio at La Bahia all the way to the Rio Grande and would help spur the growth of ranching in south Texas. These routes would bear much of the burden of Spanish travel in the years to come. Many of the highways that exist today in fact are direct descendents of these routes.<sup>6</sup>

Despite their best efforts the Spanish were still unable to effectively establish hegemony over the region. The amount of land to which Spain laid claim was vastly different to the amount actually under her control. Indian conflicts, vast distances, and the extremes of Texas weather made transportation within the region so hazardous that travel was often all but impossible. This not only hindered Spain’s ability to garrison

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<sup>5</sup> John David Huddleston, “Good Roads for Texas: A History of the Texas Highway Department” [PhD diss., Texas A&M University, 1981], 3.

<sup>6</sup> *Ibid.*, 3.

troops and supply settlements but it also hindered her attempts to defend its borders against French incursions, illegal immigration, and Anglo-American filibustering attempts. Ultimately, the inability of Spain to control Texas' borders would force a fundamental change in its immigration policy: since Anglo-American immigration could not be prevented, then controlled immigration would be encouraged. Anglo immigration would be allowed as long as the settlers proclaimed loyalty to Spain and the Catholic faith.<sup>7</sup>

After the Mexican War of Independence ended in 1821 the policy of controlled immigration would continue much as it had under Spanish rule. The number of settlers however, would increase significantly. From 1820 to 1829 the population in Texas more than tripled, from around 3,000 to over 10,000 settlers.<sup>8</sup> This population growth can in part be attributed to the efforts of the Ayuntamiento, the governing council of San Felipe de Austin, which not only passed numerous road laws to stimulate immigration, but also ordered new road construction and published travel routes into Texas. Despite the success of Mexico's immigration policy, however, it could hardly be labeled "controlled." Much of the immigration remained illegal and the Mexican government ultimately prohibited any travel into Texas without a passport. In response, Anglo-American immigrants began avoiding the traditional routes into Texas and began establishing their own. Many Missourians for instance came to Texas via present-day eastern Oklahoma using a route that closely follows today's U.S. highway 69, while

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<sup>7</sup> Ibid., 7.

<sup>8</sup> Ibid., 12.

settlers from Alabama, Mississippi, and Georgia used the Opelousas road, formerly known as the La Bahia road, which crossed into East Texas from Louisiana.<sup>9</sup> As many of these routes served for years, the Mexican government was eventually forced to recognize them. Eventually these routes became identified with the settlers who founded them. One route for instance was commonly referred to as the “Tennessean’s” as it was immigrants from Tennessee who initially created it.<sup>10</sup>

During its years as a Republic, Texas would continue to struggle with transportation problems. Although the Texas government granted county courts the authority to construct and maintain roads, bridges and ferries, and even went so far as to create a Commissioner of Roads and Revenue, the government had no money to fund internal improvements. As a result, road conditions throughout Texas saw little change and continued to range from dust trails to quagmires, and since few roads penetrated beyond the interior, postal service and freight delivery remained practically non-existent. This would all begin to change however, in 1849, when the California gold rush brought to Texas thousands of emigrants headed west.

Once news of the gold strike reached the eastern seaboard, the best routes west, and the best times to start, quickly became the topical issues of the day. Although most newspapers initially advocated an all-water route around Cape Horn, a combined land and sea route via Panama or Mexico, or an overland route via the Platte River, once their expense, time, and risk became evident, the possibility of a southwestern overland

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<sup>9</sup> Terry G. Jordan, “Population Origins of Texas, 1850,” *The Geographical Review*, 59 (January, 1969): 92.

<sup>10</sup> Huddleston, 12.

route began receiving serious consideration. Although gold was discovered early in 1848, by December of that year the New York Tribune had ceased promoting the all-water routes and began advocating routes through Arkansas, Missouri, and Texas. Newspapers in Philadelphia, Washington, Mobile, and New Orleans quickly followed suit. Letters and published accounts by veterans of the Mexican-American war helped too as many claimed that the roads west through Texas and the new American Southwest would be the best.<sup>11</sup>

Texas, like many states, actively encouraged these gold seekers to make their migration through its borders. Hoping to emerge as part of the main highway from East to West, Texas promoted itself aggressively by advertising in newspapers and circulars throughout the country. And while Arkansas and Missouri did the same, and were to a large extent equally successful, it was those groups who chose to make Texas their staging ground that were the first to reach California.<sup>12</sup> Not only were emigrants able to make use of the existing trails that had been mapped during the Mexican American War, but also the Texas climate allowed emigrants to make an earlier start. In addition, since General William Jenkins Worth in the years prior to the gold rush, had been ordered to open a military road between San Antonio and El Paso, many emigrants believed that by making their way through southwest Texas they would receive protection not available in other routes.<sup>13</sup>

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<sup>11</sup> Ralph P. Beiber, "Southwestern Trails to California in 1849," *The Mississippi Valley Historical Review*, 12 (December 1925): 343.

<sup>12</sup> *Ibid.*, 351.

<sup>13</sup> *Ibid.*, 345.

By the end of the year over nine thousand gold seekers had used the southwest trails on their way to California. Of these it has been estimated that approximately one third had used Texas as their staging ground. During the next decade these routes would become the main highways of commerce, communication and travel throughout the southwest. Texas in particular benefited from this gold rush. As emigrants entered Texas from all sides and organized their migration from numerous towns and cities across the state, many populated areas became interconnected in ways that were unimaginable in the preceding years.<sup>14</sup> Freight and mail delivery beyond the interior was now possible for the first time as towns and cities such as Brownsville, San Antonio, Austin, Fredericksburg, Rio Grande City, and Laredo, were not only connected with the port cities of Brazos Santiago, Corpus Christi, Port Lavaca, and Galveston, but also the towns and villages along the Mexican and Louisiana borders.<sup>15</sup>

During Reconstruction, Texas, like the rest of the country, looked to rail to solve its transportation problems. What few efforts were made to construct and maintain roads were derailed by reconstruction prejudices. When Republican Governor Davis for example, passed a road tax in the 1870s, “Redeemer” Democrats quickly repealed it. As one historian put it, most Democrats of the day seemed to feel that “...the very fact that Davis backed the measure testified to the unworthiness of the act.”<sup>16</sup> While Texas was well aware of the deplorable state of its roads during these years, it found it easier to lay

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<sup>14</sup> Beiber, 349.

<sup>15</sup> Ibid., 349.

<sup>16</sup> Huddleston, 22.

responsibility for roadwork with county governments. The state meanwhile would hide behind claims of post-Reconstruction poverty, which they conveniently blamed on corrupt radical Republicans.

Although county governments were left to deal with roadwork as best they could, they had no real legal authority and often found it impossible to raise adequate funds and manpower. In response, the 1879 state legislature authorized counties to not only build, supervise, and maintain roads, but also draft the services of all males between the ages of eighteen and forty five for up to ten days' roadwork a year. Although this "road labor tax" did help the counties address labor shortages, and legally placed responsibility for roadwork on county governments, counties still did not have the statutory authority to raise funds. In 1883 however, a constitutional amendment was passed that authorized the counties to levy a road tax of 15 cents on the 100-dollar valuation. Seven years later, in 1890, the constitution was again amended to allow county governments to levy an additional 15-cent tax.<sup>17</sup> While these amendments did allow some of the more populated counties to build and maintain roads, they ultimately served to further entrench county control of road building, a fact that would hamper Texas's ability to develop a modern transportation system for the next forty years. Long after most states had developed a central highway authority, Texas would still be struggling with county officials reluctant to release any authority to the state.

Almost immediately after the 1890 constitutional amendment, agitation for good roads began in earnest. Good road associations began forming across the state and their

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<sup>17</sup> Ibid., 25.

numbers would increase with each passing year. The unpopular road labor tax however, remained, and the strong feelings it aroused did much to erode public support for the good roads movement in Texas. Accusations that the practice favored the rich at the poor man's expense were common. The Dallas Board of Trade for instance, helped initiate the constitutional amendment, while the Dallas Farmers Alliance was suspicious of it.<sup>18</sup> As one critic observed "it's the rich man's road and the poor man to work it" and those who desired good roads were "men that don't work the roads, but want contracts to get money and soft places without work."<sup>19</sup> This argument was understandable. Although the law required every man between eighteen and forty-five to be available for work, in practice the division of labor was hardly equitable. It was the renters and wage earners who did the majority of work, while the owner was in most cases "too old to work, or too rich to work, or too high-up in life to work."<sup>20</sup> The fact that many farm owners lived in the city was also a source of discontent. As one critic observed, many farm owners had "...moved to town to school their children into higher walks of life, such as hugging lamp posts and whittling dry goods boxes."<sup>21</sup>

While the road labor tax remained almost universally disdained the most discussed alternative, convict labor, was almost as controversial. While proponents saw it as the most cost effective method of building roads and would make the problems inherent in the labor draft obsolete, many felt that the practice was not only morally

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<sup>18</sup> Ralph Smith. "The Farmers Alliance in Texas, 1875-1900," *Southwestern Historical Quarterly*, 48 (January, 1945): 363.

<sup>19</sup> *Dallas Morning News*, March 23, 1893.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

questionable but a threat to “honest” labor. As one critic noted: “Every dollar made by the men in stripes...is a dollar to which free labor has, to some extent, been deprived.”<sup>22</sup> At a labor meeting in Georgia for example, critics protested “this foul wrong against convicts,” and rallied against the “punishments, abuses, and suffering...which were unjustified, unmerciful, cruel and inhuman.”<sup>23</sup> Most supporters however, saw convict labor as just, and necessary. Many genuinely believed that convict labor was an example of penal reform at its most humanitarian. Far from being exploitative, most advocates saw it as an opportunity to “take the prisoner out of his cell, the prison factory and the mine to work him in the fresh air and sunshine.”<sup>24</sup> There was in addition, a strong racist and paternalistic element to its acceptance. As “Negro” and “Criminal” were synonymous in the minds of many southerners, convict labor was seen as a way to confine blacks to their “rightful” place in society, while at the same time “reforming” them from their criminal tendencies.<sup>25</sup>

In Texas counties, the use of convict labor was limited to prisoners convicted of misdemeanors and other minor offences. The constitution did not allow for the use of state convicts on public roads. They were either employed in a state run factory or farm, or leased out to mines and plantations. While it is true that Texas offered the use of short-term convicts to several counties at daily rate of 25 cents per man, no county ever

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<sup>22</sup> *Dallas Morning News*, May 3, 1902.

<sup>23</sup> Alex Lichtenstein. “Good Roads and Chain Gangs in the Progressive South: The Negro Convict as Slave,” *The Journal of Southern History*, 59 (February, 1993): 88.

<sup>24</sup> *Ibid.*, 88.

<sup>25</sup> *Ibid.*, 86-92.

accepted the offer. Not only was it economically questionable, but also most citizens who paid road taxes expected their money to at least create road and construction jobs. If they had to pay taxes for a road, the least they could do was expect their money to go towards honest labor.<sup>26</sup> The decision to use county convicts however was left up each individual county. While some used the labor draft exclusively, others chose to use convict labor, and still others used a combination of both. Regardless, the labor draft would continue to be a source of discontent long after other states had developed working alternatives. The road labor tax in fact, would remain a part of the Texas Constitution well into the 1960s even though the laws of most counties had already outlawed the practice.<sup>27</sup>

As the road labor tax continued to define and divide the good roads movement in Texas, the transportation policies of the day continued to focus on rail regulation. Since Reconstruction, railroads had received more Texas state aid in the form of land grants than from any other southern state. Even after “redeemer” Democrats across the South had ceased giving state aid to railroads, Texas state aid increased.<sup>28</sup> But after Texas railroads gouged the public with freight rates and fares, the state established the Texas Railroad Commission in 1891 – over the opposition of the railroads – ostensibly to regulate them. The railway abuses were even more controversial because the lines were owned by northern interests who were perceived as viewing Texas as a colonial

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<sup>26</sup> American Highway Association, *Good Roads Yearbook: 1916*, (Washington, DC: American Highway Association, 1912), 294.

<sup>27</sup> *Texas Jurisprudence*, 2<sup>nd</sup> ed., Vol. 28, p. 95.

<sup>28</sup> Carter Goodrich, “Public Aid to Railroads in the Reconstruction South,” *Political Science Quarterly*, 71 (September, 1956): 414.

economy ripe for exploitation. But railroad regulators also believed it their duty to use whatever powers they found inherent in their office to encourage business expansion in Texas. John H. Reagan, the first commission chairman explained: "We regard the interests of the people and of the railroads as being so blended and inter-dependent that injury cannot be inflicted upon the one without injury to the other."<sup>29</sup> These conflicting goals, increasing rail power in Texas while limiting the Yankee exploitation that railways brought, were never easily resolved and would continue well into the twentieth century.

Regardless of the price fixing schemes and other corrupt practices of railroads during this period, rail did deliver on some of its promises. By the turn of the century Texas had more miles of track than any other state. As a result, remote areas of the state had been opened for settlement, and populated areas began to flourish from the expanded markets that rail brought. The road system however, languished, yet the good roads movement that developed in the later years was in large part a direct result of railway expansion. As one road advocate observed, it quickly became apparent that "railways are simply the main arteries of travel, and public roads are the veins...without public roads, railroads fail in accomplishing what is required and demanded of them."<sup>30</sup> Railroads too understood this - not only did they become one of the good roads' movements biggest supporters, but they would later play a pivotal role in its growth.

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<sup>29</sup> William R. Childs. "The Transformation of the Railroad Commission of Texas, 1917-1940: Business-Government Relations and the Importance of Personality, Agency Culture, and Regional Differences," *The Business History Review*, 63 (Summer, 1991): 296.

<sup>30</sup> Joseph Hyde Pratt, "Good Roads Movement in the South," *Annals of the American Academy of Political Science*, 35 (January, 1910): 106.

While Texas stood firmly behind its belief in rail, in the North and Northeast, good roads advocacy was taking shape in response to an entirely different set of conditions. The League of American Wheelmen, a group of bicyclists and sportsmen motivated by a desire for individual mobility and an appreciation of nature, was by all accounts the first national organization devoted primarily to raising public awareness of America's roads. Not only did they lobby Washington for road reform, but also they published maps and touring guides, erected road signs, and identified hotels and inns that provided suitable accommodations for the growing number of middle-class tourists seeking to leave the city behind them. Their greatest contribution however, began in 1892 when they started publishing *Good Roads* magazine, the "...first publication in the world devoted strictly to road improvement." Within a year of its appearance, and after extensive lobbying from the League, Congress voted a total of \$10,000 to the Secretary of Agriculture to investigate road development. The secretary in turn entrusted the fund to a newly created Office of Road Inquiry.<sup>31</sup> Although in actuality this was nothing more than a token gesture on the part of Congress, the League's success at the federal level has done much to secure its reputation as the first successful road advocacy group.

What historians often overlook however, is the fact that by 1892, the year that *Good Roads* magazine made its first appearance, regional good roads associations had already begun forming in many parts of the country, and each was doing its best to increase public awareness and initiate policy reform at the state and regional level. In fact, many states had already established some form of highway authority, thanks in

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<sup>31</sup> Paxson, 240.

large part to the efforts of these groups. And while it may be true that the League brought the issue to the floor of Congress, any attempt to assign more significance to their influence would be a mistake. The League, though successful, was not representative of good roads advocacy, and any attempt to draw understanding of the movement's roots by studying the League would be a misplaced effort. Far from being motivated by a desire to facilitate tourism, or escape the impersonal quality of daily life in industrialized cities, the true roots of the good roads movement were in fact agrarian in nature and motivated by much more serious socio-economic concerns. As a movement, roads advocacy was motivated by a need to address the debilitating effects of rural isolation and a desire to bring some level of equality to both urban and rural life. This was especially true of Texas and the South in general. The fact that the Office of Road Inquiry was placed within the Department of Agriculture reveals the true roots of the good roads movement, much more than the activities of the League of American Wheelmen.

It would be the concerns of the state and regional organizations - their goals and their efforts - that would define the movement well into the twentieth century. Although regional in character their influence would soon be felt nationwide. Changing social forces and various legislative efforts served to galvanize these disparate advocacy groups into a more unified movement with much broader appeal.

One of the earliest, and arguably the most influential of these galvanizing forces, was the overwhelming success of the Rural Free Delivery of Mail (RFD). Although the Republican Party had embraced RFD as early as 1891, the first large-scale experiment

did not come about until 1899 in Carroll County, Maryland. With its success the program expanded rapidly throughout the country. From 1902 to 1905 mail routes more than tripled from 8,000 to over 32,000 routes.<sup>32</sup> As a consequence, the Post Office became the most effective arbiter of the condition of the nation's road system. The Post Office constantly agitated to keep roads open, backed by its system of route inspection that would periodically report on the conditions of the nation's roads. When poor route conditions hampered postal service, the post office would file a report to the responsible overseers, postmasters, and patrons of the routes involved, warning them to put their routes in order if they wished mail service to continue.<sup>33</sup> In addition, the Post Office also actively co-operated with the Office of Public Road Inquiries – formerly the Office of Road Inquiry, by sending representatives to numerous road conventions to explain the importance of good roads to the rural delivery of mail. By 1905 this co-operation between the Post Office and the Department of Agriculture had broadened to such an extent that the Department of Agriculture had actually begun sending road engineers to inspect rural postal routes and advise on their repair at the request of postal officials. This symbiotic relationship between the Department of Agriculture and the Postal Department made the rural mail carrier the most successful road advocate in his community. Repair of the roads came to rest primarily upon his complaints, normally addressed either to the local postmaster or to the road building authorities themselves.<sup>34</sup>

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<sup>32</sup> Hugill, 330.

<sup>33</sup> Fuller, 71.

<sup>34</sup> *Ibid.*, 72.

Despite its success, RFD was not without its detractors. Local governments realized that maintaining and constructing the roads and bridges demanded by the post office would mean new expenses and greater taxes - taxes that few would be willing to pay. Owners of general and specialized stores saw RFD as bringing competition from mail order companies like Sears & Roebuck or Montgomery Wards, and privately owned express companies viewed the program as nothing more than direct government-owned competition. Regardless of its critics, rural America embraced RFD wholeheartedly. Farmers who previously had to travel miles to pick up their mail were now getting mail delivered to their doorstep on a daily basis. And as the post offices refused to deliver mail without good roads, farmers increasingly became the staunchest of good road advocates. As a result, whenever farmer's groups gathered road issues increasingly became a central topic of conversation. In 1906 for example, the Illinois Highway Department alone provided over thirty speakers to various Granges and farmer assemblies.<sup>35</sup>

While the Office of Road Inquiry's cooperation with the Postal Department helped galvanize the good roads movement, it was also cooperating with the National Good Roads Association with equally satisfying results. Organized in 1900, the National Good Roads Association was founded when delegates from thirty-one regional and state road groups met in Chicago with the expressed purpose of creating a unified organization.<sup>36</sup> Within a year of its formation it was making a profound impact. Not

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<sup>35</sup> Hugill, 330.

<sup>36</sup> Albert Perry Brigham, "Good Roads in the United States." *Bulletin of the American Geographical Society*, (1904): 728.

only did it organize conventions throughout the country, but it also worked with the Southern Railway Company and the Office of Road Inquiry in creating “good roads trains.” For months these trains moved throughout the South, stopped at predetermined places, and held good road conventions. Onboard were road workers, representatives of road machinery manufacturers, and an impressive collection of modern road building equipment. At each stop prominent speakers would explain the need for good roads and the benefits they would bring. Afterwards, the crowds would watch road gangs with an array of modern machinery lay down a strip of road. Before the train left for its next destination, a local Good Roads Association would be formed in the hopes of keeping local agitation for good roads alive.<sup>37</sup> These good road trains proved to be so popular, and so successful, that they ran continually for almost 14 years, and were only interrupted by World War I. The last good road train in fact traveled through Texas in 1922.<sup>38</sup>

As countering the effects of rural isolation became the driving motive behind the good roads movement, advocates increasingly began to stress the economic and social benefits of good roads. And although farmers were to be the greatest beneficiaries of the movement, and its biggest supporters, an increasing number of advocates were academicians, businessmen, and economists. Estimates that improved roads would reduce transportation costs by as much as 60 percent were frequent. One of the favorite statistics used by road advocates during this period was to point out that it cost more to haul a bushel of wheat nine miles over a country road than it did to haul it to Liverpool,

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<sup>37</sup> Fuller, 70.

<sup>38</sup> *Dallas Morning News*, August 10, 1922.

a distance of 3,100 miles. Farmers, who wanted improved access to markets and railways found this argument especially convincing.”<sup>39</sup> The economic advantages to railroads were also often addressed. With improved roads it was said the farmer would be able to ship more produce, plant more crops, buy more goods, and take more trips. In other words, the railroad would be serving a prosperous region instead of a poor one.<sup>40</sup>

The arguments used by advocates were not always economic in nature. As the movement spread the sociological benefits of new roads were touted. One Grange report, for example, stated “Bad roads spell ISOLATION for the farmer in giant letters which reach across the continent from ocean to ocean.” Not only did this isolation deprive the farmer of social intercourse with his neighbors, but it also hindered his relationship with his church and hampered the proper schooling of his children. One advocate pointed out that while only nine-tenths of one percent (0.9%) of the urban white population in the United States was illiterate, rural illiteracy was 600 percent greater in the same class of inhabitants. “How can we have or get good schools in the rural districts if we have not the good roads to reach them at all times in all seasons?”<sup>41</sup> Another advocate declared that “In no way is the separateness of country life more relieved by good roads than by regulating attendance upon schools.”<sup>42</sup> In more than a few road conventions teachers were placed front and center to give testimony as to how the quality of education would improve as a result of good roads.<sup>43</sup> These social benefits

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<sup>39</sup> Fuller, 76.

<sup>40</sup> Brigham, 729.

<sup>41</sup> Davis, 244.

<sup>42</sup> Brigham, 726.

<sup>43</sup> Ibid., 726.

eventually became so ingrained in the movement that to some advocates the fight for good roads was no longer a mere necessity but a patriotic duty. Indeed, one advocate went so far as to say “...that to have good roads everywhere throughout the United States will mean more than any other development since our Declaration of Independence.”<sup>44</sup>

As the success of RFD helped spread the good roads movement throughout rural America, the attitude of state governments to their roads slowly began to change. Beginning about 1900, states that had previously been indifferent to road issues began passing laws that either gave direct financial aid for road building or created Highway Departments with varying degrees of authority. Texas however, was not among them. Despite numerous attempts at legislative reform, all efforts either died in committee, failed to get enough votes on the floor, or were vetoed on constitutional grounds. Texas, in fact would be the last state to create any kind of highway authority. Post Reconstruction prejudices, turf conscious county commissioners, and the unpopular labor draft, were obstacles just too big to overcome.

Although the efforts of the League of American Wheelmen and the farmers’ Granges, along with the success of Rural Free Delivery, did much to raise public awareness and galvanize the good roads movement, advocates were still unsuccessful in actually expanding the nation’s network of roads. There are several reasons for this. Despite being united in their desire to bring some level of equality to both urban and rural roads, advocates were often divided when it came to solutions. From funding and

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<sup>44</sup> Davis, 243.

labor, to material and engineering, every aspect of road development was a source of debate. And as each state struggled to address its own specific challenges, each state's experience and solutions differed.

In an effort to help Texas learn from the experiences of different states, the central committee of the National Good Roads Association held the first Texas good roads convention on February 19, 1895 at Turners Hall in Houston. After an opening address, advocates compared contract labor in Massachusetts, convict labor in North Carolina, the progress made in Kentucky and New Jersey, and district control of road development in California.<sup>45</sup> They discussed different road building techniques, the relative cost of each, and evaluated their suitability to the needs of Texas. Ultimately, the convention ended with the adoption of eight resolutions. The most significant were demands for the creation of a State Road Board and the formation of a Texas Good Roads Association.<sup>46</sup> Predictably, their primary concerns, however, seemed to be the abolition of the road labor draft, and a demand that the state penitentiary board "hire short-time convicts to counties for road construction upon terms that will render such convicts self-sustaining... and that as far as can be done convicts should be removed from competing with free labor."<sup>47</sup>

Another factor limiting road construction was the long held belief that the U.S. Constitution prohibited government involvement in road building. In the earliest years of the country the federal government had undertaken the building of roads without

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<sup>45</sup> U.S. Department of Agriculture, *Proceedings of the Good Roads Convention of Texas*. (Washington, DC: GPO, 1895): 7.

<sup>46</sup> *Ibid.*, 11-15.

<sup>47</sup> *Ibid.*, 23.

questioning its constitutionality.<sup>48</sup> This would change, however, when in 1822 President Monroe vetoed a measure providing for the collection of tolls to finance the maintenance of the Cumberland Road. In his veto message Monroe stated that the “power to establish turnpikes with gates and tolls...and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complex system of internal improvements.”<sup>49</sup> Monroe believed that to do so would be unconstitutional, a belief that was more or less shared by Andrew Jackson who eight years later vetoed a similar bill on similar grounds.<sup>50</sup> While neither Monroe’s nor Jackson’s veto actually stopped the national government from building interstate roads, they did help entrench the belief that road building might not be a constitutional function of government. Although erroneous, this belief effectively threw the burden of road building back onto the states.

By 1893, the year the Office of Road Inquiry was created, the belief that government involvement in road building was illegal and paternalistic had become so ingrained that supporters of the Office felt it necessary to give assurances that its creation would not open the way to government oversight. Instead, the Office would work in an advisory capacity: offering advice on road building and attempting to raise public awareness of the value of good roads.<sup>51</sup> Despite these assurances opponents of government involvement continued to voice their concern. The overwhelming success

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<sup>48</sup> Roy F. Briton. “Highway Taxation: Present Status and Probable Future Trends,” *Annals of the American Academy of Political and Social Science*, 187 (September, 1936): 79-80.

<sup>49</sup> Fuller, 68.

<sup>50</sup> *Ibid.*, 68.

<sup>51</sup> *Ibid.*, 69.

of the Rural Free Delivery program however, provided advocates with all the justification they needed to argue for national aid for road building. When a Congressman for example, protested that the cost of helping states build roads would be too great, advocates reminded him of the large sums already being spent on the rural delivery of mail. One road advocate even argued, "...if it is paternalistic to build roads to facilitate the transportation of mails, it is paternalistic to deliver mails;" still another stated "Here is a grave injustice which can be remedied in one of two ways: either...the whole scheme of rural free delivery must be abandoned because it cannot be carried out with equal justice to all people or...the National Government must help the less favored communities improve their roads, thus making universal free delivery possible."<sup>52</sup> By following this logic proponents were able to address any constitutional question concerning the government's right to aid states in the upkeep of their roads. Thanks to RFD, rural roads and post roads were now one and the same, and as the constitution plainly gave the government authority to establish post roads, there was no longer any constitutional issues standing in the way. Within the next few years almost every Congressman or Senator who spoke in favor of government aid for states would use a variation of this argument, and although it was sometimes challenged, it was never effectively refuted.<sup>53</sup>

Unfortunately, even though constitutional issues were no longer an effective argument against government aid, legislation would continue to be blocked. Few

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<sup>52</sup> Ibid., 77.

<sup>53</sup> Ibid., 78.

Congressmen, it seems, were willing to underwrite the cost of building and maintaining rural roads. The few who were willing were limited entirely to southern agrarian districts. Congressmen from the cities and the northern industrialized states were for the most part not enthusiastic about improving country roads. As New York Representative Michael E. Driscoll observed, “Twenty-nine road bills have been introduced by the democrats and ten by republicans...but not one from any Eastern state, not one from a Middle state, very few from the Mississippi valley; but all from the great broad states in the South and West, of large areas, long roads, small population, and small taxing power.”<sup>54</sup> This reluctance of northern lawmakers to support good road legislation was not lost on Senator Asbury C. Latimer, the leader of the good roads movement in the Senate until his death in 1908. Senator Latimer believed that the main reason there had been no road building legislation for over 75 years was the fact that they had “sent to Congress men who lived in the cities.” He also noted however, “when enough people demanded it, Congress would appropriate the money.”<sup>55</sup>

It is not hard to understand why these northern and northeastern Congressmen might believe that such improvements would bring them little benefit. After all, as the agrarian South would be the biggest beneficiary of road legislation, it would receive the majority of any funds appropriated, funds disproportionately raised by the more heavily populated and industrialized North and Northeast. It is also easy to see how the League of American Wheelmen could be the first to successfully bring about road legislation.

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<sup>54</sup> Ibid., 79.

<sup>55</sup> Ibid., 78.

As they were primarily upper and middle class voters from northern and northeastern constituencies, they represented city concerns and had more political clout.

Despite opposition to national aid for road building, the historical inability of states to effectively build and maintain roads was becoming increasingly apparent. By 1904 only about seven percent of the nation's roads could even remotely be labeled "improved," a fact that became increasingly difficult to ignore as automobile ownership grew.<sup>56</sup> In the face of such facts many road advocates believed that it was only a matter of time before opposition to road aid weakened. In 1912 they were finally proven right. For the first time good road advocates were able to bring a serious road bill to the floor of the House. The bill, sponsored by Representative Dorsey W. Shackelford of Missouri, was strictly agrarian in nature, and as the bill appeared to solve several problems that had plagued previous legislative attempts, 25 other Congressman from agricultural constituencies quickly abandoned their own road bills to support it. Not only did the bill leave roads completely under state supervision, but it offered an incentive to the states to improve the quality of existing roads, at least to the level of a "class c" dirt road. Most importantly, the bill provided for the improvement and construction of farm roads.<sup>57</sup>

Ironically, opposition to the bill arose from a completely unexpected source. For the first time, automobile interests were beginning to make their political presence felt. Unfortunately, it became apparent that their interests in good roads were diametrically

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<sup>56</sup> Ibid., 70.

<sup>57</sup> Ibid., 79.

opposed to those of the farmer. If federal money was to be spent on good roads, they did not want it wasted on roads that “began nowhere and ended nowhere.” Instead, the American Automobile Association, a group that descended directly from the League of American Wheelmen, wanted to construct transcontinental highways and hard surface interstates. They wanted to build roads that would cross state boundaries and would stretch from coast to coast. Supporters of Shackleford’s bill were attacked as the “kings of the dirt roads” who followed “rural mail carriers...to erect a road system without any plan or purpose.” By the time the bill reached the Senate, the American Automobile Association had written to senators urging that they vote against it. Ultimately the bill failed.<sup>58</sup>

Despite the failure of the Shackleford bill, Congress did eventually pass a Federal Highway Act in 1916 and again in 1917. Although these bills were seen by most as a compromise, there is little doubt that the majority of congressmen believed they were enacting a bill to aid rural roads. As time passed however, the automobile lobby would slowly become the dominant force behind good road advocacy, a fact that would be reflected in future modifications of the law.<sup>59</sup> Regardless, the Federal Highway Acts of 1916 and 1917 were a watershed event - not only did they have a huge impact on road development across the country, but they also set a precedent that in the future would fundamentally alter the existing relationship between different levels of government, especially in Texas.

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<sup>58</sup> Ibid., 81.

<sup>59</sup> Ibid., 83.

Although Texas and the South shared many of the same social, political, and economic conditions, worked toward similar goals, and faced similar challenges, Texas stood alone in its inability to build roads. Despite the best efforts of road advocates, Texas seemed to lack the political will to address its road problems. While there are many reasons for this, most can be traced to Texas' unique history. Whether a Spanish frontier, a Mexican state, an independent Republic, or a State in the Union, each period of Texas history left a legacy of general refusal to address its transportation problems. Then came post-Reconstruction prejudices that not only brought about constitutional roadblocks, and an almost blind belief in rail, but also brought county governments determined to protect their road building authority. Other historical events, such as Anglo American filibustering attempts, the Mexican-American War, and the Gold Rush, also did little to encourage road building. After all, as Texas had over four hundred years of roads built with little government involvement there was little incentive for the state to change. No matter how organized or vocal good road advocates seemed to be, no matter how logical or rational their arguments, the attitude of the politicians in Austin seemed to be "if it aint broke don't fix it."

Further differentiating the Texas good road movement was its unchanging nature. While other regions were often divided in their priorities, Texas remained remarkably constant. The distinction between rural roads, farm to market roads, and highways that existed in other areas of the country did not exist in Texas. It could be said that the condition of Texas roads were so poor that most road advocates would have seen the creation of any roads as an improvement. Instead, divisions in Texas

seemed focused on the road labor tax and the perceived disparity between the demands on the rich and the poor, the farm owner and the farm worker, convict labor versus free labor, and county control versus state. While other states were making great strides in road building by creating some form of central highway authority, Texas stubbornly maintained the status quo. If it weren't for the Federal Highway Acts of 1916 and 1917 it is quite possible that Texas on its own might postponed creating a state road building authority for years. While this may seem like an exaggeration, the political fights and scandals that would arise over the next 30 years would in fact be a direct result of Texas's stubborn refusal to change.



Figure 1. The gold rush through Texas 1848<sup>60</sup>

<sup>60</sup> Beiber, 247. The Forty-Niner's route from Dallas-Fort Worth tracks state-highways 199 and 114 today through Jacksboro and Seymour, then drops south and tracks Interstate 20 from Mitchell County through Midland to the Pecos River. The northern route from San Antonio tracks Interstate 10 to El Paso and the southern tracks state highway 90 as far as the Pecos.

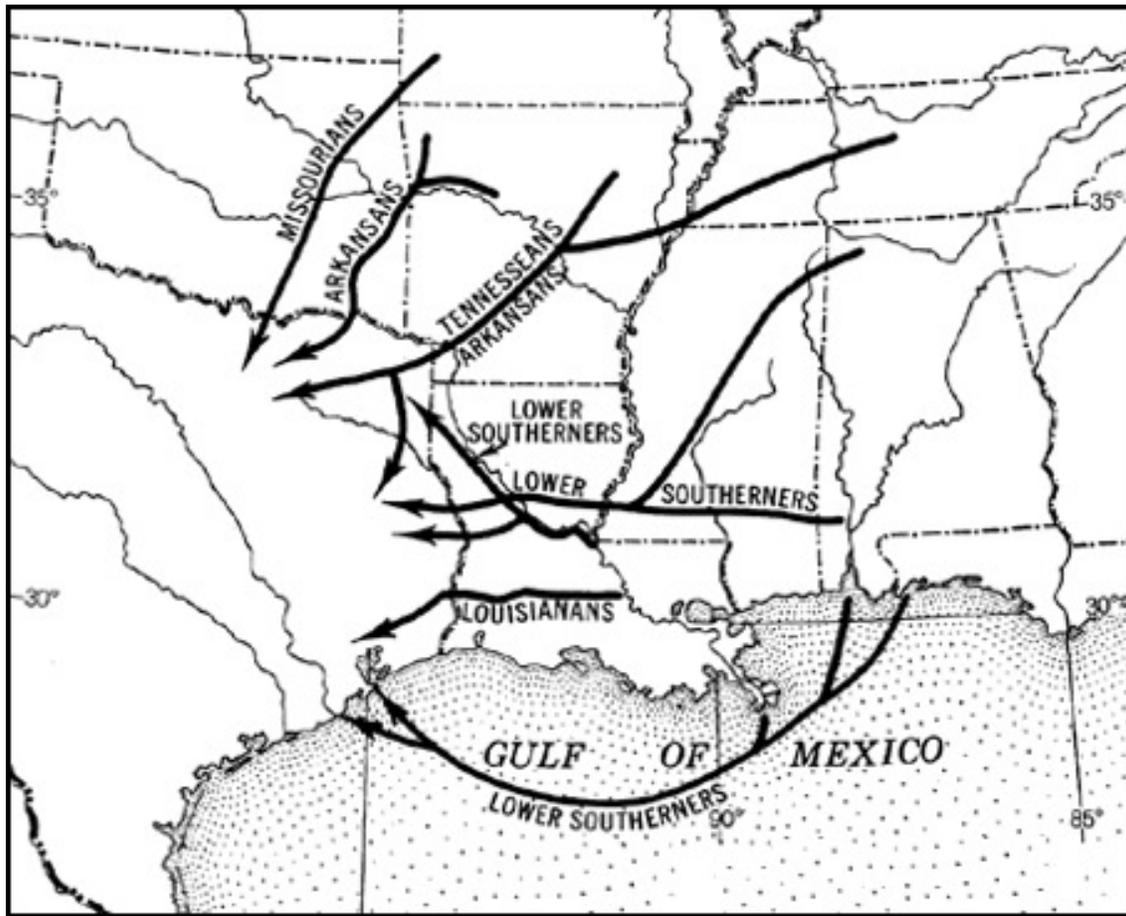


Figure 2. Settlement routes of southerners into Texas<sup>61</sup>

<sup>61</sup> Terry G. Jordan, "Population Origins in Texas, 1850," *The Geographical Review*, (January, 1969): 93. Many current highways utilize these routes. The Missourians came south on what is now Highway 75 through Denison and Sherman, the Arkansans through Paris, the Tennesseans along Interstate 30 from Little Rock to Dallas, the Louisianaans along state highways 63 and 190 through Livingston.

## CHAPTER 3

### THE CREATION OF THE TEXAS HIGHWAY DEPARTMENT

At the time of the 1895 National Good Roads convention in Houston, Texas clearly lagged behind the rest of country in road development. Five years later, at the turn of the century, things had yet to improve: the state still did not have a highway department, it still did not grant aid for road development, and roads were still being built under control of the county courts. In addition, of all the resolutions passed by the convention, the most significant had been ignored: material supply camps had not been created, and legislative roadblocks to the use of state convicts for road labor remained. Worse still, Texas's underdeveloped and overburdened road system was beginning to feel the pressure brought about by the state's turn-of-the-century surge in rural population. This not only hindered Texas's ability to remain open for settlement, but also made it increasingly difficult for the farmer to supply food to the state's rapidly growing urban population.<sup>62</sup> In the face of these overwhelming conditions, the need for some form of state oversight of public roads was becoming increasingly obvious. Inconsistent engineering, a lack of cooperation between counties, and poor funding, all served to exacerbate these problems.

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<sup>62</sup> Huddleston, 25.

Although a handful of legislators did make several attempts at addressing these issues, each time their efforts were met with defeat and indifference. The same prejudices it seems, that hindered the widespread acceptance of the good roads movement in Texas, were not just embraced by the legislature, but were actually embodied in the state's constitution. For this reason, legislative attempts to address the state's road problems were problematic.

As a post-Reconstruction document, the Texas constitution was typical of many southern constitutions. Rather than being an outline of broad fundamental principles that define a state's governance, it was in fact a code of laws written in reaction to the political issues of the day, specifically the perceived excesses of radical Republican Reconstruction.<sup>63</sup> It was also verbose, disorganized, and poorly conceived. Related provisions are scattered throughout different sections of the document to such an extent that a detailed index is necessary. Some of its passages in fact, are so poorly written as to defy understanding, while others have even been declared impossible to interpret by the Texas Supreme Court.<sup>64</sup> Its most troublesome flaw however, especially when discussing the obstacles to good roads, is the many requirements and limitations it places on state and local governments. By fragmenting authority, and establishing many independent elected offices, the constitution limited legislative and executive power, and defined in the minutest detail the powers and responsibilities of all levels of

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<sup>63</sup> Daniel J. Elazar. *The Principles and Traditions Underlying State Constitutions*. *Publius*, Vol. 12. No. 1 *State Constitutional Design in Federal Systems*. (Winter, 1982): 21.

<sup>64</sup> Joe E. Ericson and Earnest Wallace. "The Constitution of 1876," in *The New Handbook of Texas*, ed. Ron Tyler and others (Austin: Texas State Historical Society, 1996), 290.

government within the state. Unfortunately, it was also designed to be difficult to amend.

These constitutional restrictions gave Texas lawmakers few options and huge obstacles. In order for legislators to address the state's road problems in any meaningful way, they would have to do more than just pass new laws regulating funding and responsibility, they would have to pass constitutional amendments, withstand court challenges, and address fundamental and preexisting attitudes on the separation of government powers. Needless to say, this would require the legislature to act in a determined, highly motivated way. Unfortunately, with the good roads movement in Texas hampered by divisions, and challenged by a firmly entrenched county power structure, legislators in Texas felt less pressure to pursue reform measures than other states. Many legislators in fact, felt the task before them too difficult to pursue, and preferred instead to maintain the status quo and continue to function through the counties. Regardless of the reasons, it was this continued failure of the legislature to act that proved to be the greatest challenge to good roads in Texas. Whether unable or unwilling, the lawmakers in Austin seemed completely incapable of effecting any meaningful change. It would in fact, take an act of congress and the promise of massive federal aid before Texas legislators found the will to successfully challenge these obstacles.

The first legislative attempts by lawmakers to address the needs of road building occurred in 1903. That year two road bills were introduced. While the first bill further refined the role of county convict labor in road building, the second bill, introduced by

Senator James Faulk, was significant in that it marked the beginning of the state's first serious proposal for the creation of a State Bureau of Public Roads. Unfortunately, it received little support from the rest of the legislature and the measure died in committee.<sup>65</sup> In the 1905 legislative session Representative O.P. Bowser introduced a bill to make the professor of civil engineering at the Agricultural and Mechanical College of Texas the "State Expert Engineer," whose defined duties would be to supervisor road development throughout the state and regulate the power of county commissioners. It too died after the Committee on Roads, Bridges and Ferries recommended that it not pass.<sup>66</sup> In 1907 Representative Clarence Gilmore proposed a similar bill which not only defined the State Engineer's terms of service, his powers, duties and salary, but also declared a state of emergency."<sup>67</sup> Although this bill had support from the Committee on Roads, Bridges and Ferries, it died on the speaker's desk.<sup>68</sup> In 1909, Representative John T. Briscoe introduced a bill "to provide for the appointment of a Commissioner of Highways." Unfortunately, both the Speaker of the House, and the Committee on Roads, Bridges and Ferries opposed the bill and it was killed by amendment.<sup>69</sup> Two years later, in 1911 the most comprehensive road reform bill to date was proposed in the Senate. Not only did it provide for a State Highway

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<sup>65</sup> *Journal of the House of Representatives 1903*, (Austin: Von Boeckmann-Jones Co. 1903), 1028.

<sup>66</sup> *Journal of the Texas House of Representatives 1907*. 944.

<sup>67</sup> *Ibid.*, 1107.

<sup>68</sup> *Journal of the Senate of Texas 1907*, (Austin: State Printers, 1914), 1137.

<sup>69</sup> *Journal of the Texas House of Representatives 1909*, 231.

Engineer, but it also proposed the creation of a state highway department and automobile registration fees. It also died in committee.<sup>70</sup>

In 1909 during the first special session of the legislature, Governor Campbell proposed legislation providing for “a more efficient road system for the state of Texas.” Not only did he request that counties be allowed to create road districts in “any political subdivision, or in any defined district hereafter to be described in any county of the state,” but also he wanted these districts to be able to provide for the issuance of bonds and for the assessment and collection of taxes.”<sup>71</sup> The reason for this bill is complicated. Normally, counties paid for the construction of roads by passing bonds or levying taxes. However, as the constitution had no provisions allowing counties to issue bonds, it was required that each county must first receive approval from the legislature and the State Attorney General. Consequently, as an increasing number of counties were trying to improve their roads, the legislature was spending an inordinate amount of time debating bond issues. In 1909 for example, legislators in Austin passed or amended over 48 road bills for various counties. Further complicating matters was the fact that the political subdivisions that made up a county were often at odds with each other. Whenever a county attempted to raise taxes or pass a bond issue, many of the cities and towns within that county feared that their tax dollars would be used to benefit other cities. This made countywide elections for the approval of road bonds and taxes highly contentious,

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<sup>70</sup> *Journal of the Senate of Texas 1911, 1471-1472*

<sup>71</sup> *Journal of the Texas House of Representatives: 1<sup>st</sup> and 2<sup>nd</sup> Special Called Session 1909, 503.*

often pitting city against city. As a result, counties often found it difficult, if not impossible, to get voter approval.<sup>72</sup>

A typical example occurred in Grayson County in 1906. Their effort to pass a road bond was defeated by the voters of several good-sized towns when each feared that the other might gain greater advantage. In response, the Texas legislature made several attempts to define or amend the existing laws. In 1907 for instance, the legislature passed a bill to enable subdivisions within counties to levy special taxes and issue bonds for the improvement of roads. This would in theory help diminish the rivalries between cities. Although the bill was championed by representatives of Grayson and Van Zandt counties, and eventually passed, it was declared defective by the Attorney General, who deemed it unconstitutional and unenforceable unless it was first submitted to a vote of the people. The amendment was submitted and defeated, as was a related amendment that would have given counties the actual authority to create their improvement districts. Ironically, it was the urban voter who proved to be the amendment's greatest supporter - rural and agrarian voters seemed to feel that they would receive the least benefit. Despite the failure of the 1907 bill, a county subdivision bill was finally approved and signed by Governor Campbell in 1909. This marked the first significant victory for road advocates in the state.<sup>73</sup>

Despite the repeated failures of the legislature to create some form of highway authority, the successful passage of the bond law led many advocates to believe that a

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<sup>72</sup> *Dallas Morning News*, October 1, 1910.

<sup>73</sup> *Ibid.*

new era of progress had arrived. Copies of the law were published and distributed among various commercial clubs and organizations throughout the state. Within a year of its passage road advocates were claiming unprecedented progress. In an October 1910 edition of the *Dallas Morning News* for instance, a prominent road advocate wrote a full-page article proclaiming Texas at the forefront of road building. While the bond law did allow counties to make great strides in undertaking road construction, it would be a gross exaggeration to declare Texas at the forefront. Granted, the road building efforts of the previous ten years had brought significant achievements: the creation of the Agricultural and Mechanical College school of highway engineering, a twofold increase in the issuance of county road bonds, and a significant increase in the number of roads under contract, but Texas still had less than 3000 miles of “improved” roads.<sup>74</sup> In a state of over three million people, with an area that covered 265,896 square miles, this figure was small.<sup>75</sup> Texas was in fact, well behind the rest of the country in road development - including the rural south.

While Texas was patting itself on the back for its mediocre achievements, every other state in the Union was establishing some form of highway department with varying levels of authority and responsibility. New Jersey for example, the first state to establish a highway commission, was one of the few that built and maintained roads entirely at the state’s expense. As the commission consisted of the Governor, President of the Senate, Speaker of the House, and a Commissioner of Public Roads, it exerted the

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<sup>74</sup> Ibid.

<sup>75</sup> Pratt, 106.

greatest level of control over local governments in road matters. The commissioner not only approved all roadwork beforehand, but also had complete control over the distribution of funds, and could withhold money from counties that he felt had neglected road maintenance.<sup>76</sup> In a similar manner, twenty-nine other states had strong state-run highway departments, though with varying degrees of authority. Although many of these states built and maintained roads entirely at the state's expense, others built roads through state aid to local governments.<sup>77</sup>

Other states had a highway authority that acted in a purely advisory capacity. Delaware, Florida, and West Virginia for instance, had highway commissions whose only role was to provide information and assistance to local officials. While states such as Colorado, Connecticut, and Delaware, put the matter in the hands of a single engineer or commissioner.<sup>78</sup> The authority these commissioners possessed over local officials in planning, construction and maintenance, was often limited to grants and financial aid in the building of state roads, leaving county officials to build local roads any way they saw fit. Needless to say, as there was often little uniformity in design and construction, the quality of these roads varied.<sup>79</sup>

While many states exercised what little control they had through grants in aid, some state road commissions evolved into highly centralized administrations. New

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<sup>76</sup> John A. Lapp, Highway Administration and State Aid. *The American Political Science Review*. (November, 1916): 736.

<sup>77</sup> *Ibid.*, 736.

<sup>78</sup> *Ibid.*, 737-738.

<sup>79</sup> *Ibid.*, 737.

York is perhaps the most important example of this style of centralized authority. Although New York townships elected local highway superintendents, they were subject to the regulations of the state highway commission and held little authority of their own. The commission had authority to supervise all highways and bridges, prescribe the rules and regulations that governed county engineers, and declare public meetings in any county in the state. Similar examples of this style of authority could be found in New Mexico, Iowa, and Illinois.<sup>80</sup>

Other states had very complicated systems of authority that were often required by law to cooperate with, and answer to, seemingly unrelated bureaucracies. California for example, had a State Department of Engineering with an advisory board composed of the Governor, a State Engineer, the General Superintendent of State Hospitals, three appointed members, and the Chairman of the State Board of the San Francisco Harbor Commission. In addition to this diverse group, the board was required to work with the California Board of Prison Directors, since they had full control of the rock crushing plant at Folsom Prison, and would be able to provide much of the rock and gravel used for road building.<sup>81</sup>

Texas however had no such commission, and if the legislature had its way it probably never would. In those rare instances when legislative attempts were made to create some form of highway authority, success was always beyond reach. Because supporters could not agree on the basic design and function of the department, any

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<sup>80</sup> Ibid., 737.

<sup>81</sup> American Highway Association, *Good Roads Yearbook: 1912*, (Washington, DC: American Highway Association, 1912), 37.

success that they might have had was ultimately undermined. By 1913 supporters of a highway authority fell into three camps: one camp wanted a commission style department staffed by political appointees; others wanted a department staffed with engineers from academia; while still others wanted a single engineer to coordinate in an advisory role with county governments. Perhaps the best example of these divisions derailing legislative efforts occurred in 1913 when Governor Oscar Colquitt, in an address to the legislature, requested that it enact a “general good roads law for Texas.” Specifically, he wanted roads that were “uniform in width and (of) substantial construction.”<sup>82</sup> In addition, he also asked for the passage of a law creating the office of Highway Engineer whose duties would be to co-operate with county officers in designing and building better roads.”<sup>83</sup> Unfortunately, he also warned the legislature against forming a commission style highway authority, declaring his belief that “...commission machinery does not work as well as one responsible and competent man.” It was his belief that commissions were political in nature, and as such were often a source of conflict and disagreement, with the result that, “factions and jealousies spring up.”<sup>84</sup> Despite Governor Colquitt’s assurance that he would not support a commission style highway authority, the legislature attempted to give him one anyway. When the bill reached his desk he promptly vetoed it.

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<sup>82</sup> *Journal of the Texas House of Representatives 1913*, 48.

<sup>83</sup> *Ibid.*, 48.

<sup>84</sup> *Ibid.*, 48.

Although proponents of road reform could not agree on which style of authority would be best suited for Texas, they could at least agree on one thing – no matter what style of road authority was chosen, whether a single engineer or a commission, the county would remain the principle road building authority. Of all the bills proposed after 1900, none would have created a position or office with enough power to exceed that held by the county road commissioners. The reason for this is clear, because the constitution made no provisions for state owned roads; in the minds of most lawmakers, all roads in Texas were county roads.

However, on July 11, 1916, Congress passed a law that would give new impetus to the good roads movement in Texas. The Federal Aid Road Act of 1916 allowed the Federal government to appropriate funds to aid states in their construction of rural roads. It also, however, stipulated that the funds would not be released until state legislatures had agreed to certain provisions, notably matching dollar-for-dollar all federal funds advanced through an established state-run highway department.<sup>85</sup> In turn, the Federal Bureau of Public Roads would work with these newly formed highway departments in reviewing each county's construction designs, road locations, and cost estimates. It was hoped that by working together, they could ensure that roads were built with some degree of uniformity and that the various roads of adjoining states would connect at their boundaries. It was also believed that the free exchange of information that cooperation brought would not only help minimize costs, but also

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<sup>85</sup> Texas Highway Department, *History of Texas Roads and the Texas Highway Department*, (Austin: Texas Highway Department, 1948), 4.

develop more efficient road-building techniques. Unfortunately, as Texas had no established highway department, it would receive none of the funds to be appropriated. Adding insult to injury, if a road building authority had existed in Texas, the complex formula used to decide the allocation of funds would have ensured that Texas would have received the largest appropriation of any other state.<sup>86</sup>

Following the successful passage of the federal law, good road advocates redoubled their lobbying efforts and began holding mass meetings across the state. As support grew, the legislative committee of the Texas Good Roads Association met with Governor James Ferguson to solicit his endorsement. Although Ferguson was no friend of the good roads movement, he did consider himself a “friend of the farmer,” and as such, may have found it hard to deny his support for the creation of a state highway department when presented with the facts. Although Governor Ferguson was not without misgivings, declaring his disdain for the “speed maniac,” and requesting a ten-mile per hour speed limit, he did ultimately recommend to the legislature that it create both a highway department and a commission.<sup>87</sup>

In response, on April 4<sup>th</sup> 1917, the Texas legislature’s creation of the Texas Highway Department passed into law. According to the provisions of the act, administrative control of the department would be vested in the hands of a State Highway Commission and a State Highway Engineer. The commission, which was to be composed of three men each serving a two-year term, was to be appointed by the Governor and approved by the Senate. The Governor would designate a chairman, and

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<sup>86</sup> Huddleston, 35.

<sup>87</sup> *Ibid.*, 37.

in the event of a vacancy, appoint a replacement. To aid in its work, the commission was to appoint a graduate of a “first-class” college of civil engineering to the office of State Highway Engineer. His defined duties were to direct the work of the department in general, and prepare under direction of the commission, the plans for the location and construction of all state highways. It was hoped that such a requirement would not only instill competence and technical efficiency within the department, but would also bring some degree of uniformity to the state’s highway system. Paradoxically, although the State Highway Engineer held no real voting power within the commission, he held most of the authority within the highway department. Not only was he responsible for offering counsel to the commission, but he was also required to file construction and maintenance reports on a quarterly, biannual, and annual basis. This made him the primary administrator of the department. Ironically, the mandated duties of the highway commissioners and the State Highway Engineer effectively gave the political appointees a mere supervisory role, while the professional engineers ran the day-to-day management of the department.<sup>88</sup>

In addition to defining the specific duties of the department’s leadership, the law also outlined the department’s functions. The law stipulated that the highway department was to grant state aid to counties in the order in which applications were received, accompanied by plans and specifications, and with the monetary amounts figured by a complicated formula. According to the law, financial aid for state highway

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<sup>88</sup> Stephen Douglas Cruse, “Roads For Texas: Creation of a State Highway Department” [MA Thesis, University of North Texas, 1992], 19.

development within a county's borders would not exceed one-fourth the total cost of its construction and would not assist the county in constructing more than ten miles of road during the course of a year. The law also stipulated that the county would maintain all highways constructed with state aid.<sup>89</sup>

One of the more important of the highway department's functions was its requirement to collect and maintain all statistical data on Texas roads. Not only was it responsible for gathering information on the mileage, character, and condition of the public roads within each county, but it also had to maintain financial statistics on cost and expenditures. Without this information, it was felt that the department would be unable to determine the most cost effective method of addressing the individual needs of each county. Of all the powers bestowed upon the department however, the most significant was its ability to reject any county road engineer that did not meet with its approval. By defining the qualifications of county engineers, the state gained an effective tool to address the problems caused by county control. Not only could the department set new standards of quality throughout the state, but it could also help guarantee some level of uniformity across all counties.<sup>90</sup>

Funding for the new department would be provided through motor vehicle registration. Motorcycles would be taxed three dollars, non-commercial vehicles taxed according to horsepower, and commercial vehicles taxed according to weight. Failure to register was a misdemeanor fine of not less than ten dollars and not more than twenty-

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<sup>89</sup> Texas Highway Department, 6.

<sup>90</sup> Cruse, 21.

five. All money collected would be deposited into a state highway fund. Counties meanwhile would continue to levy taxes and issue bonds to pay for their share of the funds.<sup>91</sup>

While creation of the highway department was without a doubt a watershed event, and represented a genuine desire by the legislature to make a competent and efficient department, any short-term benefits its creation might have brought were quickly hampered by America's involvement in World War One. In fact, the very day that Governor Ferguson signed the Highway Department bill, the U.S. Senate approved President Wilson's declaration of war.<sup>92</sup> Although the war effort shifted public interest from road issues, Texas highway officials wasted no time in their efforts. In fact, within six months of the department's creation Texas had not only successfully submitted its first proposal for matching funds, but had also expended over nine million dollars in road construction, maintenance, and improvement. As the war continued however, federal funds quickly decreased. By September of the following year, road building throughout the U.S. ground to a halt as the federal government curbed the usage of oil, tar, and asphalt for the duration of the war and declared a moratorium on all roadwork deemed non-essential. At the war's end however, the Texas Highway department looked forward to road building at unprecedented levels.<sup>93</sup> Unfortunately, despite the

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<sup>91</sup> Cruse, 39.

<sup>92</sup> Huddleston, 42.

<sup>93</sup> *Ibid.*, 43.

authority and expertise vested in the newly created department, Texas' continued reliance on matching county funds would continue to cause problems.

With the new influx of money, counties began building roads at a record pace. Unfortunately, these roads continued to be built with little uniformity of design or construction, were scattered haphazardly, and were often disconnected from each other. Evidently, the veto power held by the State Highway Engineer worked better in theory than it did in actual practice. Worse still, many roads remained unfinished because counties still found it difficult to finance them. And while counties were allowed to issue bonds, the practice virtually guaranteed that they would exist in a perpetual state of debt. Further complicating matters was the fact that bonds were only passed in those counties where enough people voted for them. And as a county's ability to raise funds depended on the size of its population, the wealthier and more populated counties usually received the greatest benefit. This made the distribution of federal funds unequal.<sup>94</sup>

The problems faced by the Texas Highway Department must not have been unique to Texas, because in November 1921 the Federal Aid Road Act was amended so that federal funds could now be matched by state funds. This effectively removed county control from the equation. To remain eligible after 1924, state highway departments would be required to have exclusive control of design and building procedures. This meant that the Texas legislature would need to enact new laws and measures which would not only relieve Texas counties of construction and maintenance

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<sup>94</sup> *Ibid.*, 42.

supervision, but would also make drastic procedural changes. Unfortunately, Governor Will Hobby, who had become governor upon Ferguson's impeachment, had not placed a high priority on road development, favoring instead issues of education. In addition, the Good Roads Association, the most effective road lobby in the state, had disbanded in 1917 after the successful creation of the State Highway Department. However, as the possibility of losing federal funds became more likely, around two hundred good road advocates met in the Senate chamber of the capital building in Austin and founded the Texas Highway Association. In attendance was Governor Pat Neff, who took office in January, 1921. In his address to the Association he declared that he strongly favored good roads and promised his support for any legislation that would enable the state to secure federal aid for highway construction. He called upon the organization to create a 'big road building program for the state, not a sickly, puny one.'<sup>95</sup>

In an effort to fulfill Governor Neff's wishes, the following January lawmakers in Austin passed a proposed constitutional amendment that would authorize the state to assume total control of all aspects of highway construction and maintenance. In addition, they also addressed funding issues by passing supplemental laws that would increase automobile license fees and institute a one-cent per gallon gasoline tax. The proceeds would go into the state highway fund earmarked for road development. While the amendment and laws fulfilled the platform of both the Democratic Party and the Texas Highway Association, it was not without critics. Many, like the Texas County

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<sup>95</sup> Norman D. Brown, *Hood, Bonnet, and Little Brown Jug: Texas Politics, 1921-1928*, (College Station: Texas A&M University Press, 1984), 135.

Judges Organization, resented the laws for what they were – an encroachment on the powers of county government. Others saw it as a waste of Texas taxpayer money, declaring that the state was replacing competent county road departments with inexperienced state ones.<sup>96</sup> Governor Neff however, remained supportive, declaring in a 1923 speech that scarcely one hundred miles of continuous pavement existed anywhere in Texas, and that all the good pavement that did exist ultimately ended in a mud hole.<sup>97</sup> Unfortunately, In July, the Attorney General’s Office declared that the amendment proposal was invalid due to a technicality. According to the constitution, all amendment proposals were required to be published in the newspapers of each Texas county on four separate occasions, with the first publication appearing no later than ninety days before a vote. According to the Attorney General’s office, there were serious doubts that these requirements had been met; even if the amendment were to be approved by a vote from the people, he would still declare it invalid. Because constitutional amendments could only be submitted during regular sessions of the legislature, the amendment seemed to be doomed. Both the Highway Department and the Texas Highway Association reacted bitterly to the Attorney General’s ruling. Many supporters in fact, questioned the Attorney General’s motives. Russell Hubbard of the Highway Commission for example, believed that the Attorney General’s ruling was a ridiculous pretense. He pointed out that no constitutional amendment since 1912 had been adequately publicized, including those providing for free textbooks and state-wide prohibition. Regardless of the Attorney General’s motives, his ruling ultimately failed to derail the goals of the

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<sup>96</sup> Huddleston, 48.

<sup>97</sup> Brown, 134.

amendment. In an ironic twist, an unrelated ruling by the civil appeals court in Waco would make a constitutional amendment unnecessary.<sup>98</sup>

During the previous legislative session a law was passed dividing automotive registration fees between the counties and the state. However, in 1924 several counties had refused to turn over their fees to the state. It was their belief that since counties built their roads with their own money, the roads belonged to the county. They also believed that they had the right to keep for their own use the tax funds they collected. The tax collector of Limestone County in fact, had obtained an injunction. The court of civil appeals in Waco, however, overturned the injunction and subsequently ruled that the state did possess the function to build highways, the state did have the right to levy taxes for road construction, the legislature could assume authority over public roads, and that the legislature could administer the road system through the agencies it designated.<sup>99</sup> The importance of this ruling cannot be overstated. From that date forward, ultimate responsibility for the construction and maintenance of all urban and rural state highways lay with the Texas Highway Department. Not only did it allow the legislature to meet the new requirements for federal aid, but it also prevented forever a return to the counties as the principle power behind road construction. With that one ruling, the State was finally given extensive control over all financial and technical aspects of road construction and maintenance.<sup>100</sup>

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<sup>98</sup> Huddleston, 49-50.

<sup>99</sup> Ibid., 50-51.

<sup>100</sup> Ibid., 52.

Although new state road laws adopted in 1925 met the requirements set by the 1921 federal highway act, they did so in an indirect way. Although they provided for competitive bidding, made the state the primary source of funding, and established procedures for allocating contracts, the state still had to depend on the county's ability to reimburse the state. In addition, the counties still had some degree of autonomy: they could still allocate road contracts as they saw fit, they could still designate their own road building priorities, and they still had complete control over their own local road building programs. Regardless, there is little doubt that the balance of authority had shifted overwhelmingly to the State Highway Department.<sup>101</sup>

Although the failure of the Federal Road Aid Act of 1916 to minimize the state's dependence of county control made the law somewhat inadequate, it was significant for three very important reasons: it legitimized the involvement of the federal government in road construction for the first time since the Jacksonian era, it forever rejected the notion of a nationwide highway system under complete federal control, and it created the incentive needed by the states to address their road issues in earnest. When it was revised in the 1921 highway bill, it redefined the state's role in the development of its highways and fundamentally altered the relationship between differing levels of government.<sup>102</sup> Like it or not, state authority now had primacy over county governments in almost all issues concerning roads and highways. While it is true that the federal government did not have direct and total authority over a state's road building decisions, its ability to withhold funding gave it substantial leverage - leverage it needed

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<sup>101</sup> Ibid., 52.

<sup>102</sup> Hugill, 342.

to ensure that each state would build an administrative structure with enough authority to oversee construction in the most efficient and cost effective manner. As long as the states met the required federal guidelines, they would continue to receive funding and could look forward to a future of road building unencumbered by heavy financial and legal restraints.

Of all the states in the union, Texas perhaps benefited the most from the highway bill's passage. Given its legislative history, there is reason to doubt that Texas would ever have developed a highway department on its own. While it is true that in almost every legislative session after 1903 a handful of lawmakers did make repeated attempts to create some kind of highway authority, each time their efforts were met with such little enthusiasm, that the bills either died in committee or were killed by amendments. In those rare instances in which a bill did achieve broad legislative support, it would either be vetoed by the governor, or challenged by the attorney general's office. Only after the passage of the 1916 Federal Highways Act, did Texas lawmakers find the political will to brush aside their indifference; address the legal and constitutional roadblocks to good roads; and create an administrative organization with enough technical expertise and financial authority to address the state's dependence on county control. The simple yet powerful structure created by the legislature gave Texas, for the first time, the power to address its transportation problems in earnest.

Unfortunately, Texas still could not proceed unimpeded with highway construction and maintenance. For the next several years, the Highway Department would become a focal point of Texas politics as unscrupulous politicians saw in the

newly formed department unprecedented opportunities for exploitation. In fact, almost immediately after its formation the first charges of incompetence and political corruption surfaced, setting a precedent that would be repeated numerous times in the years to come.



Figure 3. First public highway commission meeting, 1917<sup>103</sup>

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<sup>103</sup> From the T.G.R.A. files in the Cushing Library at Texas A&M University. This photo was also widely reproduced in various Texas Highway Department publications throughout the years.

## CHAPTER 4

### “FERGUSONISM” AND THE STRUGGLE FOR CONTROL

While the establishment of the Texas Highway Department was undeniably important, its creation placed Texas in a rather unfamiliar position. Because its Constitution had for decades limited the role of government, there had never existed in Texas an agency or bureaucracy endowed with such broad reaching power or one responsible for such immense sums of money. Almost immediately upon its creation, in fact, the Highway Department not only became the largest department in the state, but also the department with the largest budget of any agency in its history.<sup>104</sup> In addition, because legislators had such little experience in the creation of a department with comparable authority, they had legislated its design and administrative functions in the broadest and most basic of terms. Departmental structure, divisions of authority, administrative procedures, and the basic logistics of running the department, had to a large extent been left to the whims of the Highway Commissioners and the State Highway Engineer. This failure of the legislature to address the highway department's control of expenditures, and its failure to provide strict legislative guidelines, would prove to be a source of much political turmoil in the years to come. It seems that the

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<sup>104</sup> Huddelston. 61.

absence of formalized procedures, especially in regards to control and funding, would provide unscrupulous politicians an irresistible opportunity for personal profit and political gain. In fact, almost immediately following the department's inception the first accusations of incompetence, corruption, nepotism, and graft, began to surface, accusations that would reappear in similar form on an almost routine basis for the next 20 years.

Regardless of the legitimacy of the charges behind the highway scandals, the turmoil they created made debate over the department's oversight a central issue in Texas politics. Road issues, in fact, would become so prominent in the politics of the day that they would decide the fate of numerous administrations. The response to these scandals was equally important. Not only did legislative response reshape the department in fundamental ways by redefining its functions and limiting its authority, but also the scandals forced road advocacy to take a fundamental shift in direction. Each political scandal, each threat to the highway department, and each attempt to misuse, control, or divert highway funds, would inevitably be met with an increasingly unified, and powerful, opposition. As a result good roads advocacy in Texas would no longer be limited to rural and agriculture concerns, it would instead evolve into a group of powerful interests drawing support from all sectors of society. Road advocacy, in fact, would evolve into one of the most powerful lobby groups in the state. This made highway scandals of the 1920s and 1930s, and the legislative and political reaction to them, every bit as significant an influence on the Texas good roads movement as the creation of the highway department itself.

The State Highway Commission faced its first political attack almost immediately after its formation. Although no accusations of actual corruption were made, a 1918 legislative investigation of the department uncovered so many cases of incompetence and inefficiency that many began to suspect that Governor Colquitt had been correct in his belief that commission style authority led to factions and friction. According to the findings of a legislative probe, petty jealousies and inter-office politics were the main source of the highway commission's problems. Evidently, each of the individual highway commissioners had developed his own close personal ties with various employees in the department. If one commissioner found fault with another commissioner's "pet," he often refused to take disciplinary action for fear of offending the other commission member. In addition, commissioners often made decisions without consulting the other commission members. This often led to a great deal of resentment between the different members of the commission, and ultimately culminated in a 1918 legislative probe that produced many administrative changes. Commissioners could no longer decide the salary of the State Highway Engineer or other key personnel; instead their salary would now be decided by the legislature, as was oversight of the highway department's maintenance and operating expenses. In addition, the purchasing of equipment and the assignment of supply contracts was given to a newly created Board of Control, an agency responsible for the purchasing of all supplies used by the various departments and institutions of the state. This included furniture, fixtures and all non-perishable items. These changes gave the legislature broader fiscal control while still leaving the commission with enough authority to do its

job.<sup>105</sup> The Board of Control, however, would continue to be a source of abuse as politicians and commissioners found creative ways to circumvent its authority.<sup>106</sup>

While this early controversy over the department can easily be brushed aside as nothing more than the growing pains of a new bureaucracy, its timing could not have been worse. In June of the previous year, the legislature had filed impeachment proceedings against Governor James Ferguson. While the central issue surrounding his impeachment was the University of Texas scandal, the articles of impeachment did include a charge of misappropriating highway department funds. Specifically, he was charged with depositing department funds into his own bank in Temple Texas for his own personal profit.<sup>107</sup> Although the charges levied against the highway commission portrayed them as incompetent rather than criminal, the controversy, along with Ferguson's impeachment, brought an increased awareness of the fact that the highway department could be a tempting target for abuse. This realization must have caused road advocates much apprehension when James Ferguson announced that his wife Miriam would be running for governor in the primaries of 1924.

During the primaries of that year, road issues were of secondary importance; the main focus was opposition to the KKK and to the political vindication of James Ferguson. After the announcement of Miriam's candidacy however, the highway department quickly found itself facing political intrigue from Ex-Governor Ferguson

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<sup>105</sup> Cruze. 32.

<sup>106</sup> Huddleston. 43.

<sup>107</sup> Cortez A.M. Ewing, "The Impeachment of James Ferguson" *The Political Science Quarterly*, (June, 1933): 200.

and A. R. Losh, the District Engineer of the U.S. Bureau of Public Roads. It seems that Losh held a personal grudge against State Engineer Gibb Gilchrist, and had personally approached former governor Ferguson to solicit support in his charges against the Highway Department. According to Losh, when Miriam announced her candidacy, Gilchrist had begun putting as much money as possible under contract in an attempt to keep the Fergusons' hands out of the highway fund and limit their control of the department. Losh's effort to turn James Ferguson against the highway department was only moderately successful. After a six-week investigation of Gibb Gilchrist's contract allocations, the legislature exonerated the highway department of all accusations. While it is true that former governor Ferguson did develop a dislike for the highway department, its roots were based primarily on his desire for political vindication and less on the efforts of Losh. To Ferguson the department was a source of political patronage and profit.<sup>108</sup>

Not surprisingly, soon after Miriam Ferguson's election anti-Ferguson critics began pointing out growing ethics problems within her administration. These charges included questionable practices in the granting of paroles and pardons, the allocation of textbook funds, and the operation of the prison system. Some of the greatest criticisms however, were reserved for the Fergusons' road building program.<sup>109</sup> With over 983,000 motor vehicles in the state by this time, Texas led the South in motor vehicle registration and road expenditures, and as few procedures for the allocation of these

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<sup>108</sup> Huddleston. 54-55.

<sup>109</sup> Ibid., 56.

funds had been established, the Ferguson's were evidently attempting to institute their own.<sup>110</sup> Governor Ferguson not only appointed staunch supporters to fill the seats of the highway commission, but also she divided the state into three regions, with each region being the domain of an individual commissioner. Under her administration, each commissioner was given total administrative control and unlimited power to allocate contracts as he saw fit within his region. Although this was not strictly prohibited, the legislature had never intended the commission to divide responsibilities on a regional basis, but had instead assumed that the commission would manage as a unit, pooling their expertise and making statewide decisions, hopefully unanimously. In addition, the commissioners used an alleged shortage of state owned equipment as a pretext to institute a policy of contracting with private firms.<sup>111</sup> Former governor Ferguson, who seemed to be the real power in the Governor's mansion, was urging the diversion of funds from the state to the counties so that the highway department's main role would be to maintain uniformity of construction. Although each of these decisions taken alone might not have seemed disconcerting, taken together they gave an appearance of corruption, and considering the Fergusons' history it's not hard to understand why. It was a situation that most road advocates saw as ripe for abuse.

Accusations of mismanagement of the new highway department again began to spread. Actual scandal, however, first erupted when Louis Kemp, the executive secretary of the Texas Highway and Municipal Contractors Association, became a

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<sup>110</sup> Brown, 134.

<sup>111</sup> Huddleston, 61-62.

political embarrassment for both Governor Ferguson and the highway commission when he went public about the commission's improprieties. Kemp, who had naively sought an alliance with James Ferguson to help expose the commission's unethical practices, was shocked to find out that James Ferguson not only didn't care, but also was quickly making him a scapegoat. Kemp's actions not only made him an enemy of the Ferguson administration, but also the Ferguson-appointed highway commission and the contractors that had received preferential treatment. Kemp quickly found himself without a job and facing criticism by his enemies.<sup>112</sup>

In response to this treatment, Kemp began publishing an insider account of the unethical practices of the commission in a weekly newsletter entitled *The Goat Bleats*, a reference to Ferguson's attempt to make Kemp "the goat." It quickly became something of a success. When newspapers began publishing Kemp's articles and reprinting his evidence against the Fergusons, subscriptions skyrocketed. Kemp soon found himself surrounded by powerful supporters such as former Governor Oscar Colquitt, and former State Highway Engineer Gibb Gilchrist. As a result, State Attorney General Daniel Moody began investigating numerous irregularities in the contracts signed by the highway commission, including questionable contract allocations, financial irregularities, and the misappropriation of equipment and material.<sup>113</sup>

Originally, the highway department was allowed to handle its own appropriations of equipment and material. Following James Ferguson's impeachment

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<sup>112</sup> Ibid., 62.

<sup>113</sup> Ibid., 62-70.

however, the legislature passed responsibility for appropriations to the State Board of Control. Under Miriam Ferguson's administration, the Board of Control was ignored and the system of appropriation abused. Testifying before an investigating committee of the legislature in 1926, members of the Board of Control complained that the Highway Department had ignored their organization in making purchases, severely abusing the provisions of the law allowing emergency purchases by the department. According to testimony, when approval from the Board of Control for certain requisitions was refused, the requisition was withdrawn. Then a rent contract was signed by the highway department with various bidders with the understanding that the articles rented would belong to the state at the end of a predetermined period. This practice of "renting-to-own" effectively removed the Board of Control from the equation.<sup>114</sup>

During the height of the controversy Miriam declared that she was once again fighting the Klan, personal enemies, crooked contractors, and disgruntled county officials who resented their loss of power. She then ordered the suspension of all new road contracts. Lee Satterwhite, the Speaker of the House in the Texas legislature, said "it appears that Mrs. Ferguson is mad with power."<sup>115</sup> James Ferguson however, defended his wife's administration by claiming that the state honestly contracted to replace the substandard roads constructed by Klan contractors. In his explanation, so many contractors were Klansmen, and non-Klan contractors were so few and far between, that there was no need to advertise for bids. He also claimed that the attention

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<sup>114</sup> Frank M. Stewart. "Purchasing of Highway Equipment in Texas." *The American Political Science Review*, (May, 1930): 410.

<sup>115</sup> *Dallas Morning News*, October 28, 1925.

they were getting from the Attorney General was motivated by nothing more than naked ambition. According to former Governor Ferguson, Moody had a “political bee in his bonnet.”<sup>116</sup> In one speech he even challenged Attorney General Moody to “...come out in the open” and to “get in the game and play fair.”<sup>117</sup> Although James Ferguson was correct in his assertions that Attorney General Moody wanted to ascend to the governorship, it was Dan Moody who stemmed the impeachment proceedings against Miriam.<sup>118</sup> As Moody did have political ambitions of his own, and argument could be made that he did not want to instigate impeachment proceedings out of concern that other legislators might create reputations and would challenge him in the upcoming elections. In addition, the Fergusons still had a substantial following in the legislature. The same legislature that Moody would depend on for a successful impeachment had in fact, already voted to restore James Ferguson’s full political rights. This made a successful impeachment highly unlikely.<sup>119</sup> Whatever Dan Moody’s motives, in the end he ruled that an unauthorized special session of the legislature could not be financed by the state for the sole purpose of impeachment. This effectively made impeachment proceedings against Miriam Ferguson impossible.<sup>120</sup>

Despite the Attorney General’s best efforts, not a single state official was ever convicted. However, one large construction company, the American Road Company,

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<sup>116</sup> *Dallas Morning News*, November 28, 1925.

<sup>117</sup> *Dallas Morning News*, January 28, 1926.

<sup>118</sup> Huddleston, 75.

<sup>119</sup> *Ibid.*, 74.

<sup>120</sup> *Ibid.*, 74.

was found to have received contracts without any competitive bidding. It was also believed that the contracts they signed had numerous irregularities. Although they were only required to pave with one application of asphalt, the highway commission promised that they would be paid for two. In light of these irregularities, the citizens of Texas now viewed the highway department, and the Fergusons, with suspicion. Not only were the Fergusons present at the meetings in which these contracts had been allocated, but also the owners of the company, and the three members of the commission, were all personal friends of the Fergusons. In the end the American Road Company's contract was cancelled, and the company was banned from engaging in any business activity within Texas for perpetuity. It was also ordered to refund over \$600,000, and its road contracts reallocated.<sup>121</sup>

Upon successful completion of the American Road Company suit, Dan Moody began prosecuting other construction companies such as the Hoffman Construction Company, the Marine Construction Company, and Sherman & Youmans with equal success. Throughout it all State Highway Engineer Gibb Gilchrist provided valuable information on all the technical aspects of road building and appeared numerous times as an expert witness for the State. More than any other man it was Gilchrist who provided Moody with the evidence needed to prosecute the suits. In the end two of the three members of the highway commission resigned, including Joe Burkett and Commission Chairman Frank Lanham. Testimony had clearly showed that they were not only involved in inappropriate contract allocations but had also accepted suspicious

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<sup>121</sup> Ibid., 69.

payments and gifts from contractors. Unfortunately, during a recess of the legislature, Governor Ferguson made liberal use of her authority and appointed two replacements: Hal Mosley and John Cage. Because their appointments were made during a recess, the new commissioners would be able to work for several months before their confirmation hearing in Senate. It quickly became apparent however, that they were in fact no better than the previous Ferguson appointees. Soon after their appointments they attempted to reallocate road contracts on roads that had already been allocated, and in some cases, actually completed. In doing so, they had allocated contracts to three contractors, one of which had ties to Frank Lanham, the Commission Chairman who had just been forced to resign. Evidence presented during a Senate investigation showed that these contracts went against the expressed wishes of State Highway Engineer W. P. Kemper. Furthermore, after Kemper had stated in a formal letter to the commission his belief that the roadwork was unnecessary and a waste of taxpayer money, the highway commission promptly fired him. Unfortunately, Attorney General Moody was in the middle of his gubernatorial campaign and did not pursue the charges. The Senate however, voted not to confirm Mosley and Cage, and the third commissioner, John Bickett, was forced to resign due to ill health.<sup>122</sup>

When the Senate refused to confirm Governor Ferguson's commissioners, she vowed to continue her efforts to control the highway commission and continued to make appointments with little regard to their chances of success. This brought the political infighting to a fevered pitch. As Moody had won the election and was awaiting

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<sup>122</sup> Ibid., 78-80.

his inauguration, the Fergusons were attempting to saddle him with a highway commission that would continue their policies. Governor elect Moody however, wanted the Senate to refuse the Ferguson appointees so he could begin his administration by appointing his own. In the end Governor-elect Moody got his way and the Senate refused to confirm any of Governor Ferguson's appointments.<sup>123</sup>

The most infamous episode of the Ferguson administration was probably the construction of the "invisible track" road: a two-lane road from Temple to Belton being built in the Ferguson's home county. The narrow road was being constructed by laying twelve-inch brick on top of a preexisting crushed rock county road. The contractor, Frank Denison of Temple, claimed the simple construction was so cost effective that it would revolutionize the highway industry. Making matters worse, the promoter of the road, Stuart B. Moore, was misrepresenting himself as a Southern Pacific Railroad official in an effort to convince the U. S. Bureau of Public Roads to adopt his patented brick construction design. Upon its completion, the Fergusons staged a grand opening ceremony complete with speeches and a drive through inspection. There were so many politicians in attendance that one reporter remarked that Temple appeared to have become the new state capital.<sup>124</sup> Needless to say, Attorney General Moody watched all this with a suspicious eye. Unfortunately, there was little he could do. For years following the Ferguson era the State Highway Commission would refuse to repave the

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<sup>123</sup> Ibid., 83.

<sup>124</sup> *Dallas Morning News*, December 16, 1925.

crumbling Temple-Belton road, preferring instead to leave it as a monument to the excesses of “Fergusonism.”<sup>125</sup>

More than any other factor, it was the highway scandals of 1925 and 1926 that fueled the next gubernatorial primary. On one side stood Dan Moody who claimed that James Ferguson, a private citizen, ran the highway department as if it was his own private company. On the other side stood James and Miriam Ferguson who accused Moody of sympathizing with the KKK, evolutionists, and big oil companies. During the campaign the accusations became so caustic that years later when James Ferguson lay dying on his deathbed, Moody refused to meet with him to make amends.<sup>126</sup>

Upon Dan Moody’s election he assumed the governorship faced with a highway department in complete disarray. Only two years of control by the Fergusons had completely devastated its cash reserves. The highway department’s expenditures for the year of 1927 had so far exceeded revenue that the department had less than 2 million dollars available. Its reputation, and its ability to build roads, had become so damaged that the U.S. Bureau of Public Roads actually suspended federal aid to Texas. If that wasn’t bad enough, James and Miriam Ferguson still had supporters in the legislature who hampered Governor Moody’s efforts at reform by calling for a complete reorganization of the highway department. Rather than a commission constituted of appointees, they had hoped to make it an elected body, effectively removing Governor Moody from control and preventing the appointment of new commissioners until the

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<sup>125</sup> Huddleston, 72.

<sup>126</sup> Ibid., 76-77.

next election. In an effort to stem this legislation, Moody quickly appointed Ross Sterling, Cone Johnson, and Walter R. Ely as commissioners. Sterling, who was appointed chairman of the commission, quickly began removing all Ferguson appointees from the Highway Department. The State Highway Engineer, the Assistant State Engineer, the State Maintenance Engineer, the State Construction Engineer, the Superintendent of Aid Projects, the Chief Clerk, and all eighteen District Engineers were summarily fired.<sup>127</sup> This not only removed Ferguson supporters from within the department, but it also sent a signal to the U.S. Bureau of Public Roads that Texas was serious about reform. In addition, Ross Sterling revised the agency's accounting and auditing procedures, and hired an outside auditor to determine the agency's true fiscal condition. The audit revealed that the department had virtually no money for construction or maintenance.<sup>128</sup> Fortunately, the commission was still able to allocate contracts by promising prompt payment upon the restoration of federal aid. Contractors awaiting payment would not have long to wait. In April, barely four months after Governor Moody's inauguration, the U.S. Bureau of Public Roads restored federal aid, thanks in large part to the reform efforts of Ross Sterling and Governor Moody.<sup>129</sup>

The complete transformation of the Highway department did not sit well with either the Fergusons, or their supporters in the legislature. Refusing to be silent, James Ferguson made liberal use of his newspaper, *The Forum*, to make numerous accusations

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<sup>127</sup> Ibid., 91.

<sup>128</sup> Ross Sterling and Ed Kilman, *Ross Sterling, Texan: A Memoir by the Founder of Humble Oil and Refining Company* (University of Texas Press: Austin, 2007) 80.

<sup>129</sup> Huddleston, 91.

of corruption and incompetence within the new department, while his friends in the legislature continued their efforts to alter the makeup of the highway commission. Representative Brooke Stevenson for example, tried to pass a bill that would divide the state into five districts with each district answering to its own commissioner. Others however wanted a nine-person commission. Each of these efforts failed. Most in fact never made it out of committee<sup>130</sup>

While the reform efforts of Governor Moody and Chairman Sterling were successful, they failed to address one significant aspect of reform; they had overlooked the Board of Control, an oversight that would continue to hinder the highway department's ability to appropriate material and equipment. Roy Tennant, a shoe salesman from the Ferguson's home county, had been appointed to head the Board of Control by Miriam Ferguson in 1925. Tennant's business associates included staunch Ferguson supporters such as Frank Denison, the contractor of the infamous Temple to Belton road, and Stuart Moore, the promoter who had misrepresented himself to the U.S. Bureau of Public Roads. Tennant abused his position to divert as much state business as he could towards these associates. He even went so far as to ignore the highway department's requests for a specific brand of equipment because his associates did not happen to sell that brand. Only after the intervention of Governor Moody did the highway department begin receiving the equipment it desired.<sup>131</sup>

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<sup>130</sup> Ibid., 91.

<sup>131</sup> Ibid., 98-99.

The record of the Moody administration is noteworthy more for its administrative achievements than for its legislation. Under his leadership the highway department made a serious effort to operate above suspicion and avoid financial irregularities. His appointment of Ross Sterling as Chairman of the Commission, and his reappointment of Gibb Gilchrist as State Highway Engineer, helped lay a foundation for the department's remarkable record of achievement in the years that followed.<sup>132</sup> Ross Sterling meanwhile, used his tenure as chairman to create a reputation that would help put him the governor's office in the next election.

As Chairman of the Commission, Ross Sterling was a passionate and effective good roads advocate. In a 1928 address to the Gulf Coast Good Roads Association, Sterling explained that although Texas was fifth in population, it ranked fortieth in highway building. In addition, he stated that while Texas spent less than four dollars per capita annually on highways, other states spent as much as ten dollars. He also announced with pride that under his chairmanship "...the present highway commission has accomplished more road improvement than any previous administration did in twice the time."<sup>133</sup>

When Ross Sterling was elected governor, defeating Miriam Ferguson in 1930, he made good roads a central issue of his campaign. Unfortunately, as the depression increased its grip on the Texas economy, Governor Sterling was forced to embrace a

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<sup>132</sup> Brown, 426.

<sup>133</sup> Gulf Coast Good Roads Association, *Good Roads for Texas: Address of R.S. Sterling, Chairman, State Highway Commission, Before the Annual Meeting of County Judges and Commissioners, Dallas, October 12, 1928* (Houston: n. p., 1928), 3.

fiscally conservative attitude towards the state budget. He also found himself forced to deal with more pressing problems, problems that would complicate his efforts to govern the state economy: the oil field crisis in east Texas, the agricultural crisis over declining cotton prices, and a conflict with Oklahoma over the Red River Bridge. In the face of these problems road construction often took a back seat in Governor Sterling's priorities.<sup>134</sup> In an effort to deal with these challenges Governor Sterling hoped to move a large portion of the state's gas fund into the general revenue fund. Ironically, although Sterling got his wish for fund diversion, he ended up vetoing the bill on constitutional grounds. As the Highway Department had already allocated over twenty million dollars for highway construction, it would be impossible for the state to divert any funds without the highway department canceling contracts or borrowing on future revenue.<sup>135</sup>

Sterling's record as governor must have been a disappointment to road advocates. His preoccupation with the other crises was exploited by the Fergusons who continually portrayed him as incapable of coping with the depression or building roads. Not only could he not pass a road building program that would have created numerous road related jobs, but also he failed to pass tax relief for burdened county and local governments. This portrayal of Governor Sterling – not entirely inaccurate – would contribute much to the re-election of Miriam Ferguson.<sup>136</sup>

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<sup>134</sup> Huddleston, 148.

<sup>135</sup> Ibid., 149.

<sup>136</sup> Ibid., 162.

Almost immediately after the Fergusons opened their campaign, road construction and the highway commission became an issue once again. Although not the central issue of the election, Governor Sterling's seeming inability to build roads or deal with the impact of the depression were exploited to good effect by Miriam and James Ferguson. Alleging waste and mismanagement, the Fergusons came out on the attack. Former Governor James Ferguson charged that the previous administration had denied state aid to more than thirty counties that had voted local bonds, and that Governor Sterling and the highway commission had built roads as political favors for friends. Miriam meanwhile charged the highway commission with abuse of power and accused it of being arrogant, disrespectful, and dictatorial. She further promised that if elected she would use all the powers of the Governor's office to remove the commissioners.<sup>137</sup>

In addition to these "reform measures" the Ferguson's wanted to divide the \$30,000,000 gas fund three separate ways – one-third to schools, one-third to the state highway department, and one-third to a general revenue fund. This led Governor Sterling to state that the Fergusons wanted to divide \$10,000,000 to the general fund, \$10,000,000 to the school fund, and \$10,000,000 to the Ferguson fund. He claimed that if the Fergusons got their way the state road construction program would cease.<sup>138</sup> After a runoff election Miriam Ferguson once again became Governor of Texas, much to the dismay of good road advocates and highway department officials. Once again, as in her

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<sup>137</sup> Ibid., 163.

<sup>138</sup> Ibid., 164.

first administration, the highway department quickly allocated road funds before the Fergusons could divide it, and once again she began making numerous attempts at controlling the highway department.

In an effort to block the contract allocations rushed through by the highway department James Ferguson, as a private citizen, filed suit in an effort to receive a temporary injunction against the commission. It was, he stated, an attempt to stop the agency from indulging in deficit spending, a practice prohibited in the constitution. This injunction, however, was quickly overturned.<sup>139</sup> Miriam meanwhile, began leveling even more serious charges. She alleged that state road commissioners had lost more than \$1,000,000 by accepting checks from banks in liquidation. This prompted a Senate investigation of the highway department's finances – an investigation that ended with the department's complete exoneration when it was revealed by the state auditor that there was only a shortage of \$103.46.<sup>140</sup>

During this same period Governor Ferguson launched what would become her first attempt to control the highway commission – she tried to nominate Frank Denison, the contractor of the infamous Belton-Temple road, as a highway commissioner. After a heated debate in the Senate, Denison failed to receive the necessary number of votes for confirmation. The governor handed Denison his commission papers anyway. In response, State Attorney General James Allred attempted to file an injunction in the State Supreme Court. In an unbelievable twist, since Miriam Ferguson had requested that the Senate vote on Denison's confirmation in private, and that they not make their

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<sup>139</sup> Ibid., 180.

<sup>140</sup> Ibid., 184.

verdict public, Allred could not prove to the judge that Denison had been denied confirmation. After a lengthy consultation, Judge Ocie Speer, declined to allow the Attorney General to file proceedings because neither Allred nor Denison's attorney could agree on how the Senate voted! Allred then redrafted his application making existing commissioners Ely, Martin, and Johnson, parties in the suit. He eventually won his injunction.<sup>141</sup>

When Miriam Ferguson lost this fight, she then tried to force a bill through the legislature that would make the commission elected in a general election rather than appointed. Conveniently, the bill also allowed her to replace the current commission members with interim members until the next election year. After strong opposition, both in the press and in the legislature, the bill died in committee.<sup>142</sup>

After losing these first two battles, Governor Ferguson attempted one last maneuver in her attempt to control highway funds. If she could not control the highway department at the state level, she would try to control it from the federal level by appointing Frank Lanham to the federal bureau that monitored the activities of state highway departments. Despite pressure from future Speaker of the House Sam Rayburn, the Federal Bureau of Public Roads refused Lanham's appointment. Ultimately, Lanham was rejected for two reasons: first, individual states did not as a rule receive federal road appointments; and second, Lanham's forced resignation from the commission under Miriam Ferguson's first administration, made him uniquely unqualified for the job.<sup>143</sup>

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<sup>141</sup> *Dallas Morning News*, March 3, 1933.

<sup>142</sup> Huddleston., 186.

<sup>143</sup> *Ibid.*, 190.

Miriam Ferguson's inability to gain control of the highway department was the main reason behind its remarkable growth during this period. Many new offices were created within the department, including the office of Landscape Architect and the office of Assistant Engineer. In addition, a research division was created with the expressed purpose of increasing economical design and construction. Most interesting, however, was the formation of the office of Claims Adjuster, whose job was to work with the Attorney General to address all claims brought against the Highway Department. This office might not have been established without the ongoing presence of the Fergusons.<sup>144</sup>

Another positive result of the Fergusons' political scheming was the creation of the Texas Good Roads Association. Less than a week after the election of Miriam Ferguson, good road advocates met in Fort Worth to organize the new road advocacy group. Taking its name from the previous organization that had successfully lobbied for a state highway department in 1917, the new Texas Good Roads Association was in reality a much different organization. Although the two groups shared common cause and a common name, the newest incarnation represented a much broader cross section of the population. Its membership was no longer limited to those whose concerns were the effects of rural isolation; it was instead an organization comprised of individuals with a financial stake in Texas roads. Its members included bankers, lawyers, lumbermen, contactors, oilmen, and representatives of the automobile industry.<sup>145</sup>

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<sup>144</sup> Texas Highway Department, 15-17.

<sup>145</sup> Minutes of the Good Roads Associations Executive Committee Meeting: January 18, 1933, *Plan of Organization*. 7.

Founded with the expressed purpose of fighting Governor Ferguson's proposed division of highway funds, they would in fact play a major role in staving off dozens of attempts by politicians to divert highway funds for non-road purposes, and would eventually evolve into one of the most powerful special interest groups in the state.<sup>146</sup>

When the Fergusons decided not to run in 1934, road advocates and highway officials rejoiced. Upon the election of James Allred as Governor however, the battle for control of the Highway Department would continue much as it had under the Ferguson administration. Allred, like the Fergusons before him, had proposed a bill to divert general highway revenues for other uses, specifically to a state old age pension fund. Once again, the Texas Good Roads Association began lobbying efforts to protect highway funding. Ike Ashburn, the president of the Texas Good Roads Association, complained that if the bill passed, Texas stood to lose over \$2,500,000 in federal aid.<sup>147</sup> One editorial in the *Dallas Morning News* predicted that the bill's passage would not only result in the highway department's suffering a million dollar deficit in the following year, but also would threaten the jobs of over 50,000 road workers.<sup>148</sup> When Allred appointed Harry Hines to the commission, the highway department and the Good Roads Association began to worry. Many saw it as part of a conspiracy to remove popular State Highway Engineer Gibb Gilchrist who, along with the Texas Good Roads Association, had been spearheading the lobbying efforts against fund diversion.

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<sup>146</sup> Minutes of the Good Roads Associations Executive Committee Meeting: January 18, 1933, *First Annual Report from President Ike Ashburn*. 2.

<sup>147</sup> *Dallas Morning News*, October 3, 1936.

<sup>148</sup> *Ibid.*

Fortunately, as the entire highway department, with the exception of Harry Hines, lobbied heavily against it, the bill did not pass.<sup>149</sup>

Following his reelection in 1936, Allred appointed former attorney general Robert Lee Bobbit as the new highway commission chairman. Bobbit, along with Harry Hines, gave Allred the control he needed and ultimately sealed the fate of Gibb Gilchrist, who Allred blamed in large part for the failure of his planned fund diversion. Ironically, Gilchrist's replacement, Julian Montgomery, was also forced to resign. Because Gilchrist's forced resignation did not go down well with the department heads inside the highway department, most refused to work with the new engineer. The new engineer, in fact, received nothing but opposition and was viewed as nothing more than Allred's yes-man.<sup>150</sup>

After the formation of the highway department, road advocacy in Texas took a fundamental shift in direction. While the rest of country continued debating the needs of the farmer versus the needs of the automobile industry, or the need for local roads versus the need for interstates, in Texas the debate shifted to control of the authority. While it is true that James Ferguson pandered to the needs of the farmer in his attempts to get Miriam elected, no real divide existed among the road advocates of Texas or the highway commission. With the control of the highway department always in a state of uncertainty, and highway funds always under threat, Texas had little time for such debates. The primary concerns of Texas road advocates were always protecting funding and maintaining control. Considering the condition of Texas roads, the state's sheer

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<sup>149</sup> Huddleston, 202.

<sup>150</sup> Ibid., 203.

size, and the historical neglect, Texas road advocates could ill afford to waste time debating such trivial distinctions.

The debates and scandals over control of the highway commission during the 1920s and 1930s ultimately hampered the highway department's ability to fulfill its mandate. They did however, keep road issues alive and in the minds of the voter. Unfortunately, as the effects of the depression took center stage, road issues would gradually become less and less important, at least to the man on the streets. This waning interest was more than made up for by the increasing influence of the Texas Good Roads Association. As a special-interest group that drew support from various business and finance sectors across the state, it was incredibly well funded and had huge reserves with which to finance its efforts at educating the public and lobbying lawmakers. The TGRA worked so closely with the highway department that their relationship was almost symbiotic. As time passed, their political influence would continue to grow and they would play a significant role in the economic well being of the Texas transportation system, if not the state itself.

In addition to the Good Roads Association, Texas also benefited from the efforts of men such as Ross Sterling, Dan Moody, and Gibb Gilchrist. Each of these men possessed a genuine concern for the condition of Texas roads, and each worked effectively to address the many political threats to the highway department. During his tenure as commission chairman, Ross Sterling restored the highway department's reputation after the Ferguson administration had depleted its funds by using the department as tool of patronage. To road advocates of the day, Sterling was a dream

come true – a true believer in good roads who possessed enough genuine authority to make a difference. As State Attorney General, Dan Moody prosecuted numerous cases of waste, mismanagement, and questionable contract allocations. Moody, like Sterling before him, made good use of his reputation as a reformer to ascend to the governorship. During his ten year tenure as State Engineer, Gibb Gilchrist not only used his technical expertise to build Texas roads in the most efficient and cost effective manner, but he also used his administrative skills to build a highway department that to many was a model of efficiency. During his tenure, Gilchrist's built over \$300,000,000 worth of highways in Texas and became one of the preeminent road experts in the country. Federal highway authorities were constantly seeking his opinions.<sup>151</sup> Upon his resignation, he accepted the position as Dean of Texas A&M University's School of Engineering, and he eventually became president of the university.

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<sup>151</sup> *Dallas Morning News*, January 7, 1937.



Figure 4. Early photos of road construction, circa 1920 <sup>152</sup>

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<sup>152</sup> From the T.G.R.A. files in the Cushing Library at Texas A&M University

## CHAPTER 5

### DEPRESSION AND WAR: FINAL RESOLUTION

Although the struggle for political control of the highway department was the most visible and divisive problem facing the good roads movement in Texas, its impact on the state's road building was not as great as one might expect. Despite the heated nature of the debate, and the brief cessation of federal aid, for the most part the highway department had still been able to function. In fact, the department's record of achievement during the 1920s and early 1930s was actually respectable, if not impressive. The mileage of "improved" roads within Texas's borders had increased significantly, and their level of uniformity and quality improved with each passing year.<sup>153</sup> In addition, the legacy of "Fergusonism" had led to many positive, though often unintentional changes: there now existed within the department an engineering staff that was the envy of other states; checks and balances had been created in the form of new legislation and increased oversight; divisions of responsibility had been further refined; and public awareness of the need for good roads was at an all time high. Perhaps the most important legacy of this period however, was the formation of the Texas Good Roads Association. Although originally founded to protect highway funds from the

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<sup>153</sup> Minutes of the Good Roads Associations Executive Committee Meeting: January 18, 1933, *First Annual Report from President Ike Ashburn*, pg. 4.

machinations of James and Miriam Ferguson, its role in the state's governance would increase dramatically with each passing year. Not only would it influence legislation and help address the greatest challenges the highway department would ever face – the Great Depression and World War Two – but it would also play a central role in shaping the state's postwar economy.

While this era's legacy did have its positive aspects, to trivialize the negative impact of this period's partisan politics would be a mistake. Although the struggle for control did increase awareness of road issues, and did force the state to address numerous problems inherent in the system, the partisan nature of the debate diverted attention away from more serious problems, problems that Texas had either been dealing with since the highway department's inception, or problems made increasingly obvious by the passage of time, changing economic conditions, and accumulated neglect. The increasing debt of county governments, the proper division of authority, and the logical prioritization of road projects, were each issues that were overlooked, neglected, or marginalized during the political distractions of the day. Despite this fact, most road advocates showed little concern. Ike Ashburn, the first president of the T.G.R.A., even went so far as to describe this period as one of "vaunted prosperity" for road advocates in the state.<sup>154</sup> After all, roads were getting built, and highway funds were for the most part successfully being protected. The threat these other unresolved issues posed were seen by advocates of the day as negligible, especially when compared to the threats posed by fund diversion and the cessation of federal aid.

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<sup>154</sup> Ibid., 4.

This optimism among road advocates however, would prove to be short-lived. Changing social and economic conditions brought about by the Depression and World War Two would exacerbate these unresolved issues to such an extent that they would become some of the greatest threats ever faced by the Texas Highway Department. Financial challenges faced by county governments would worsen to such an extent that road advocates would be forced into a divisive debate over county debt and state funding. World War Two would not only bring manpower and material shortages, but also the temporary suspension of all state road construction. Once again, federal intervention would largely be responsible for solving these issues. This time however, Texas was able to address some of the issues on its own. Ironically, the greatest challenges to Texas' road building capabilities proved to be the most successful instigator of reform. If it were not for the Depression and World War Two, Texas might still be struggling to build roads today.

The Depression did not immediately affect Texas. As its population was primarily rural, most Texans gave little thought to the problems of the industrialized north. For this reason, during the depression's earliest years, department officials and road advocates showed little concern.<sup>155</sup> As its effects deepened however, the legislature reached the inevitable conclusion that the highway department, as the largest and best-funded agency in the state, should take the lead in combating the depression's debilitating effects. In April, 1931, a year and a half after the crash, the legislature decreed that all state agencies were required to use American-made materials in the

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<sup>155</sup> Ibid., 2.

construction of all roads, bridges, and public buildings; and that all machines used in their construction should be of American manufacture. The highway commission meanwhile, took this a step further by requiring that all contractors purchase Texas manufactured products from Texas firms so long as the price was the same or better than their usual sources. In September, the legislature also recommended that the highway commission grant all future road contracts exclusively to Texas contractors. A year later, in 1932, the highway department, in an effort to maximize the number of jobs available for those most effected by the depression's debilitating effects, dictated that all work that could be done by hand should be done by hand – machines should only be used as a last resort.<sup>156</sup> None of these measures impeded road building, but they were an omen of harsher steps.

Despite these efforts, it quickly became apparent that effectively addressing the impact of the depression was beyond the abilities of state governments. As early as 1930, congress had begun passing a series of emergency appropriations for state road building programs. The first of these was an effort to sustain employment by advancing the states over eighty million dollars in excess of the usual allocations. Of this supplemental aid Texas received over five million dollars. Even by the standards of the day this was not a significant amount. In 1932 however, congress passed the Emergency Relief and Construction Act, which allocated an additional one hundred twenty million dollars. This time Texas received over twenty four million dollars.<sup>157</sup> After 1933 the Roosevelt Administration continued these efforts. Reflecting its belief that road

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<sup>156</sup> Huddleston, 170-171.

<sup>157</sup> Ibid., 171-172 .

construction was the best and most economical public work for the relief of unemployment, the New Deal allocated to this type of work, and this type alone, 100 percent of its cost. Furthermore, it warned the states not to divert their road funds to other purposes unless they wished to jeopardize federal appropriations.”<sup>158</sup> Although it could not be said that this increase in road and drainage projects resulted in reviving the economy, many cities across the south did see some degree of economic improvement. In fact, by 1935 many southern cities, for the first time since the depression, began seeing an increase in the number of building permits and an actual, if slight, improvement to property values..<sup>159</sup>

While these attempts by the various levels of government to use road-building programs as a tool for economic relief were important issues to road advocates during this period, in Texas, advocates were more concerned with the ever-increasing debt accrued by county governments. As the depression deepened, and county authorities found it increasingly difficult to raise funds, many found themselves in financial crisis. In part, this was due to the shortcomings of the legislation that created the highway department. When the legislature in 1925 decreed that the state assume total control of road construction, it had failed to create an equitable plan to reimburse counties for their contributions to the state road system. They had in fact a system of funding and allocation that gave counties a greater degree of autonomy than was perhaps prudent. After all, as the roads and highways would be intersecting various county borders, and

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<sup>158</sup> Minutes of the Good Roads Associations Executive Committee Meeting: January 18, 1933, *First Annual Report from President Ike Ashburn*, pg. 4.

<sup>159</sup> Douglas, L. Smith. *The New Deal in the Urban South* (Louisiana State University Press, Baton Rouge, 1988) 125-127.

would have a significant impact on the inhabitants of those counties, it is not unreasonable to expect that county authorities might require some degree of control. However, as the legislation that created the highway department was an attempt to meet the requirements for federal aid and still acknowledge county authority, it resulted in a compromise that made the allocation of highway contracts and funding highly political. County rivalries often hampered the efforts of the highway department as judges, commissioners, and members of every county and city chamber of commerce lobbied for highway programs within their jurisdiction. In order to avoid charges of favoritism or nepotism, department officials were often forced to give each a hearing. This made the allocation of funds highly contentious with money being allocated often out of political concerns rather than practicality. In the minds of many road advocates, these issues derived directly from the state's continued dependence on county funding. Unfortunately, as time passed, and the effects of the depression deepened, the financial burdens this system placed on counties became increasingly difficult to ignore. Because counties were finding themselves in a continuous state of debt, issues of county road-bond indebtedness and tax relief quickly became the primary concerns of Texas road advocates. Ironically, since county governments now saw the need for debt relief as superceding the need for maintaining control, county authorities and road advocates became unlikely allies. The complexity of the issue however, meant that there were no simple solutions. As the debate became more and more divisive, advocates began taking sides.

Although many legislative attempts at addressing county debt had been made in the past, the first serious attempt during the depression era occurred in 1931. In that year the highway commission endorsed a ten-year road program that would be financed by a combination of a statewide bond issue and ‘pay-as-you-go’ appropriations. In the proposed program, a \$200,000,000 state bond issue would be retired through the gasoline tax and used to reimburse the counties for the bond debt they had been accruing since the highway department’s inception.<sup>160</sup> As the bill had Governor Moody’s support it seemed that the counties at long last might be relieved of their debt. Unfortunately, the amendment and proposal had its critics. Debate in the legislature would continue long after Governor Moody had left office. While it passed the senate with a narrow two-thirds majority, in the house it ran into opposition. Representatives Ben Brooks and J.W. Stevenson altered the proposed amendment by forcing passage of a bill that would provide tax relief for homeowners and divert gas taxes away from road programs. While the bills of Brooks and Stevenson provided tax relief for counties, they did so at the expense of future road construction. By the time the amended bill made its way back to the senate in May of 1931, it was doomed to failure.<sup>161</sup>

By 1932 county relief had become such an election year issue that Governor Sterling called a special session of the legislature to consider the state’s assumption of road-related county debt. In response, the legislature passed a measure that would authorize the state to assume all county bonds. Governor Sterling quickly signed the

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<sup>160</sup> Huddleston, 139.

<sup>161</sup> Ibid., 145.

measure into law. As written, the law would allow Texas to not only reimburse various county road districts for their expenditures on state road improvements, but also assume the equity and interest portions of the debt accrued by the counties' issuance of road bonds. Instead of a statewide bond issue similar to the one proposed by Governor Moody, Governor Sterling chose to continue with "pay-as-you-go" appropriations and finance the assumption of debt by allocating one-fourth of the gasoline tax to a "County Road District Highway Fund." In addition, a "Board of County Road District Indebtedness" was created that would be responsible for the allocation of these funds. This new board was comprised of the State Highway Engineer, the State Comptroller, and the State Treasurer. Unfortunately, the law was inadequate and failed to achieve its goals. By diverting funds from the gasoline tax the law not only hampered the highway department in its road building efforts, but it also failed to generate enough money to fully reimburse county debt. While the counties were able to pay off all of their interest, the money raised by the gas fund was only enough to pay off thirty percent of their principle. In response the counties were forced to raise ad valorem taxes in order to meet the difference.<sup>162</sup>

Although the law's passage failed to actually meet its goals, it did put an end to a long-standing debate. As far back as 1928 many advocates had been lobbying for a statewide bond issue, effectively removing from the county the responsibility for raising funds for state highways. During his tenure as chairman of the highway commission Ross Sterling had been the biggest advocate of this idea. Almost immediately upon his

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<sup>162</sup> Ibid., 176.

appointment, he had proposed a three hundred million dollar statewide bond issue that would eventually be retired from the state's gas tax. Not surprisingly, the idea had its critics. Many believed that funding allocations would fall victim to petty politics, as various counties would be forced to lobby for their own needs above those of their neighbors. In addition, many feared that this would give the highway commission an inordinate amount of power. Considering the policies of the Ferguson administration, the fears were easily justified. Opponents of the measure, rather than depend on funding created by the issuance of statewide bonds, preferred to create new forms of revenue so the state could continue the method of "pay-as-you-go" appropriations. Advocates of "pay-as-you-go" preferred raising the gasoline tax, creating new license fees, and instituting a receipt tax on all commercial vehicles. A few critics however, wanted an entirely new approach – they wanted a road-building program funded by property taxation. In addition, they also wanted the legislature to finally authorize the employment of state convict labor in order to minimize the cost of construction. Supporters of this form of "pay-as-you-go" appropriations believed that the legislature would be better able to estimate costs, pledge more specific sums of money to road building programs and would consequently be more cost effective. It was also believed that the state would be able to build roads without burdening future generations with the debt accrued by a state or county bond issue. Ultimately, proponents of "pay-as-you-go" appropriations and statewide bond issues reached a compromise. In a legislative subcommittee, a report was created which proposed a constitutional amendment that would enable the state to create a permanent highway fund and allow it to issue a two

hundred and twenty five million dollar bond issue. The proceeds of this bond issue would be used to reimburse the counties for previous expenditures. In addition to this new state bond issue, there would also be numerous new taxes and registration fees. Not only would they “pay-as-you-go,” but also counties would also be relieved of their debt.<sup>163</sup>

The compromise was controversial from the start, since it raised the tax burden on almost every sector of society. Moreover, it required a constitutional amendment. Most advocates saw the prospect of the compromise receiving the requisite two-thirds majority highly unlikely. It also managed to effectively divide road advocates. Some advocacy groups like the Texas Highway Club and the Gulf Coast Good Roads Association (a predecessor of the T.G.R.A.) were willing to accept the diversion of gas taxes for the most pragmatic of reasons – of all the efforts proposed to solve the combined problems of county debt and road financing, the compromise proposal had the greatest chance of being implemented. Furthermore, because the compromise allowed the state to issue bonds as well as create new sources of revenue, it would increase the amount of money available for road construction, a fact that made the diversion of gas tax funds acceptable to good road advocates who would normally oppose any effort to divert funds. Other advocacy groups, however, felt the compromise was too expensive. Fred B. Robinson of Waco for instance, a director of the United States Good Roads Association, lobbied against the compromise. Instead of a state bond issue he wanted to continue with “pay-as-you-go” appropriations by increasing

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<sup>163</sup> Ibid., 114.-116

automobile registration fees. Former governors Oscar Colquitt, James Ferguson, and Miriam Ferguson also expressed their dissatisfaction with the bonding aspects.<sup>164</sup>

Ultimately, this compromise effort failed. The two-thirds majority needed for the constitutional amendment was only five votes short. In response, Governor Moody called a special session of the legislature and challenged them to devise some way to increasing the highway department's budget. This effort also failed. Only after Governor Moody called a second special session on May 21, 1929 was the legislature able to pass a bill that the Governor could sign. By raising gas taxes and lowering registration fees they were able to create a functioning budget.<sup>165</sup> However, the issues of county indebtedness and statewide bonding were ignored and would remain an issue until 1932 when Governor Sterling's successfully addressed the county debt issue.

While it is true that Texas was finally able to offer financial relief to counties, this lead to an unforeseen complication. With the counties no longer encumbered by years of accumulated debt, their attitude toward road building changed significantly. As road construction was no longer the financial burden it once was, the lobbying efforts of various counties to bring highway construction to their own geographic area increased significantly. There were in fact, over 254 county judges, 1,016 county commissioners and thousands of city and chamber of commerce officials, who could lobby the highway commission in an effort to bring new highway contracts to his constituency, and most of them did. As the economy worsened, the demand for jobs, including road-related

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<sup>164</sup> Ibid., 118-120.

<sup>165</sup> Ibid., 126.

construction jobs, made these lobbying efforts all the more important. In order to avoid charges of favoritism the highway commission did its best to give each advocate a hearing, and allocated contracts out of reasons more political than practical. This sectional aspect of highway planning never went away. In fact, it continues to this very day.<sup>166</sup>

With the issue of public funding and state bond issues seemingly resolved, and manpower at an all time high thanks to state and federal responses to the Depression, the last years of the 1930s were fairly prosperous ones for road advocates. When congress, in an effort to prepare for the coming war, passed the Federal Highway Act of 1940, many thought that this prosperity would continue. It authorized the federal government to assume the cost of projects on all existing highways of strategic military importance. In 1941, this policy was further defined when congress called for the creation of a new “strategic highway network” and extended the funding to include the construction of any and all roads that granted access to military posts, and airstrips. As national defense agencies had designated over 6000 miles of Texas highways as part of the network, Texas could be assured of receiving a large amount of the funding.<sup>167</sup>

In preparation for this massive building program, the highway department began making a thorough examination of all roads designated by the War Department as being of “strategic military importance.” In the process, they uncovered some startling statistics. The War Department had designated various Texas roads and highways as being of first, second and third priority. Together these highways accounted for 27

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<sup>166</sup> Ibid., 209.

<sup>167</sup> Ibid., 225-226.

percent of the Texas highway system, with first priority roads totaling 18 percent, or 4,154 miles. The average daily peacetime traffic on these designated roads varied from 1,131 vehicles per mile on third priority roads to 1,642 vehicles per mile on first priority, and although the strategic network comprised little more than a quarter of the state's entire highway mileage, it carried well over half of the state's highway traffic. The highway department, seemingly unaware of these statistics, never maintained these highways in a manner proportional to their usage. In fact, they were in such a state of disrepair that the War Department designated them as "not up to standards." The fact that the War Department saw the importance of these roads begs the question as to why the Highway Department did not. Their importance must have been obvious. It's more than likely that the conditions of these highways can be seen as a direct legacy of years of county authority and political struggle for control of the department. After all, since its founding in 1917 the Texas Highway Department has, as often as not, been forced to make decisions based on political considerations. Issues such as traffic density and the proportional allocation of funds were often secondary to the job of protecting revenue or just getting roads built.<sup>168</sup>

Regardless of the reasons behind its neglect, the Highway Department was now faced with the seemingly impossible task of bringing these roads up to the standards of the War Department – a job that according to the estimates of the highway commission would require an expenditure of approximately eighty million dollars. Unfortunately, the total federal highway funds received in one year, after having been matched by state

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<sup>168</sup> Texas Highway Department's 12<sup>th</sup> Biennial Report: 1938-1940. pg 2-3

funds, would only constitute approximately fifteen million dollars. Under such financial constraints it would take the highway department over six years to complete their goal. Almost immediately the highway commission, the Texas Good Roads Association, and other civic groups began lobbying for additional Federal Aid.

Despite these challenges, the appropriation of funds that Texas received as a result of the Federal Aid Acts did allow Texas to build roads on an unprecedented scale. Throughout 1941 and early 1942 highway and road construction boomed across the state. And although the highway department was never able to reach the goals set by the War Department, this period was one of overwhelming success and optimism. In its twelfth biennial report the highway department predicted that the arrival of numerous Army and Naval installations would necessitate the construction of new roads and highways to connect Texas with other military establishments in adjoining states. Advocates and highway officials alike believed that this increase in mileage would have a significant impact on traffic and trade within Texas' borders. It was also believed that the increased military traffic would raise gas tax revenues to unprecedented levels. Unfortunately, this optimism, though justified, was short lived. Once the war arrived, manpower shortages, the rationing of gas and building materials, and the pounding of military traffic on the already stressed highway network, would make it impossible for the highway department to continue with new construction or even maintain the highway system at its usual standards.<sup>169</sup>

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<sup>169</sup> Ibid., 5.

After Pearl Harbor, and the patriotic rush to enlist that followed, the Texas Highway Department suddenly found itself with a skeleton workforce. In response, it quickly cancelled all non-strategic highway work and in some instances even encouraged its employees to enlist for military service, promising them full re-employment after the war. However, the War Manpower Commission, the agency created by President Roosevelt to balance to labor needs of the country, listed road maintenance workers as draft deferrable and urged them to stay at their jobs. Although, this deferment did not included engineers, most of the highway department's trained engineering personnel had already been released to enlist.<sup>170</sup> In addition to manpower shortages other aspect of the war economy would hinder the highway department. Asphalt shortages for instance, led to a suspension of repair programs. This in turn led to more accidents. In an attempt to address this problem the legislature passed a law lowering the top speed from 65 to 35 throughout the state. While this reduction in the speed limit may have saved lives, it also reduced the sale of gasoline and threatened gas tax revenue already diminished by rationing and tax refunds for the military and government.<sup>171</sup>

The decline in automobile registration revenue during these years also complicated matters. With each passing year of the war, the number of non-military automobiles on Texas roads declined significantly: eight percent in 1942 and a further 12 percent in 1943. This trend would continue throughout the war years as new automobile manufacturing came to a standstill and older cars became unfit for travel.

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<sup>170</sup> Texas Highway Department 14th Biennial Report: 1944-1946. 2-5

<sup>171</sup> *Highway Highlights*, (October 15, 1943) 2.

This decline, while significant in Texas, was much worse in other states. Because Texas had the greatest increase in military activity, it benefited from a population growth. Unfortunately, the shortage of personnel, revenue, and building supplies offset any advantage this influx might have brought and caused the Texas Highway Department to struggle throughout the war.<sup>172</sup>

Because the war hindered almost every aspect of Texas' road building program, road advocates had little option other than plan for the future. With this in mind the American Association of State Highway Officials wrote to Governor Coke Stevenson requesting that he send state highway officials to Washington to lobby for postwar federal aid. As a result, in March 1944, delegates from the Texas Good Road Association testified before the U.S. Senate committee on Post Office and Post Roads, and the House Committee on Roads. In their testimony they argued that approximately \$768 million would be needed to repair and build Texas roads in the years immediately following the war. In response, congress enacted a three-year, \$1,500,000,000 postwar highway bill, with Texas once again receiving more funds than any other state.<sup>173</sup> It provided for a three-year construction program under which Texas was allocated \$43,500,000 for primary highways, \$30,000,000 for Farm-to-Market Roads, and 13,500,000 for urban routes through metropolitan areas.<sup>174</sup> As usual this came with a price: Texas would still have to match these federal contributions dollar for dollar. Once again the first reaction of the lawmakers in Austin was an attempt to raise gas taxes. No

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<sup>172</sup> Ibid., 1.

<sup>173</sup> Huddleston, 232.

<sup>174</sup> *Texas Highway Department Fifteenth Biennial Report: 1944-1946*. 2-5

one seemed to be willing to add to the public's tax burden however, and the attempt failed. Eventually, they solved the problem by combining surplus revenue from county and district road indebtedness, with money earned from the return on war bond investments.<sup>175</sup>

While this influx of federal funds was important, it was not the most significant legacy of the war years. Because partisan politics took a back seat to war preparedness during these years, the war did have some positive effects. Confirmation of highway department commissioners for instance, was no longer a long drawn out political battle. Most in fact were no longer contested.<sup>176</sup> In addition, the curtailment of all non-military road building programs allowed the highway commission to prepare for post war construction in a more considered and deliberate way. Those engineers still employed by the highway department for instance, used this period of inactivity to compile road surveys in preparation for a postwar boom. In a similar manner, highway department officials continued their work by acquiring as much of the necessary rights-of-way from affected counties and cities as they could. In fact, by 1943 they had successfully completed enough highway construction plans that at the war's end they were ready to expend over 25 percent of the estimated 106 million dollar post-war budget.<sup>177</sup>

This period of inactivity was not limited to the highway department. The same rationing and manpower shortages that led to the curtailment of road building had just as profound an effect on other sectors of the economy. Consequently, postwar planning

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<sup>175</sup> Huddleston. 231.

<sup>176</sup> Ibid., 229.

<sup>177</sup> *Highway Highlights* (November 15, 1943) 1.

was seen as an important issue, not only among the politician in Austin, but also among the citizenry as a whole. The reasons for this were as much patriotic as practical. Most politicians viewed it their duty to provide adequate employment for returning troops. As a result, in 1943 Governor Stevenson created the Postwar Economic Planning Commission with the sole purpose of charting a course of action for after the war. The chair of the commission was former State Highway Engineer Gibb Gilchrist. Although members of the commission were drawn from a broad spectrum of business and economic sectors, transportation was the most heavily represented. Of the thirty-member committee, five in fact, were from the Texas Good Roads Association leadership. Other sectors represented were railroads, the automotive industry, agriculture, manufacturing, publishing, education, labor, finance, and medicine. These sectors, however, were limited to only one representative each. According to *Highway Highlights*, the official newsletter of the Texas Good Roads Association, a number of the commissioners representing other business sectors had at one time or another expressed support for good roads.<sup>178</sup> This preponderance of good road advocates on the commission is significant: not only does it illustrate that politicians acknowledged the growing economic importance of good roads to the Texas economy, but it also shows the growing political clout of the Texas Good Roads Association. After all, it was the lobbying efforts of the association that was most responsible for the vast sums of highway money being funneled in to Texas by the federal government.

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<sup>178</sup> Ibid., 1.

Shortly after the commission's creation, it held its first meeting in Waco Texas. While much of the meeting dealt with the election of officers, their primary focus was on addressing the manpower problems that would arise as a result of demobilization; the changes that industry and commerce would undergo during the switch to a postwar economy; and relieving the problems created by the long period of inactivity during the war years.<sup>179</sup> According to Chairman Gilchrist, the commission should "do all in our power to bring about a condition under which our returning soldiers will find again an appreciative land of free opportunity."<sup>180</sup> One of the committee's most significant objectives however, was their desire to return county and state government to "fiscal-sufficiency" and "self reliance." This desire was especially strong among good road advocates who feared a return to depression-era WPA style work programs which they felt had made the highway department more of an employment agency than a road building authority.<sup>181</sup> Contrary to all stereotypes of lobbyists and bureaucrats, the commission voted itself a limited existence.<sup>182</sup>

The importance of Governor Stevenson's Post War Economic Committee on the future of Texas highways should not be overlooked. For the first time in Texas' history representatives of almost every business and industrial sector of the state, working in an official capacity, openly called for improved roads. In their first interim report to the Governor, the commission's Agricultural Committee, Education Committee, and

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<sup>179</sup> The First Interim Report of Governor Stevenson's Postwar Economic Committee. Pg 10.

<sup>180</sup> *Highway Highlights* (November 15, 1943) 2.

<sup>181</sup> First Interim Report of Governor Stevenson's Postwar Economic Committee. Pg 10.

<sup>182</sup> *Highway Highlights* (November 15, 1943) 2.

Postwar Public Works Committee, each listed the improvement of public roads as a necessity if Texas is to achieve its postwar goals. The public works committee in fact spent the majority of its first report outlining the positive effects the postwar highway bill would have on other sectors of the economy.<sup>183</sup>

When the war ended the Texas Highway Department found itself in an enviable position. In addition to the influx of money provided by the postwar highway bill, the increase in military traffic and the curtailment of road building programs brought by the war, had allowed the gasoline tax revenue to hold up surprisingly well. Although there was a huge backlog of surveys and plans waiting to begin construction, they had been created with the fewest political pressures since the highway department was formed. There were however, still impediments to getting construction under way. During the first few months controls of various Federal agencies delayed inauguration of new work, and critical material shortages continued to complicate road development. The most difficult problem however, was its inability to secure and hold trained engineers and technicians. Not only was the return of former employees less than expected, but also the department's best construction workers had chosen other employment upon returning to civilian life. Consequently, as highway construction began, engineers were often forced to work in the field as construction supervisors. This hampered the department's ability to advance many projects beyond the planning stage."<sup>184</sup>

Despite these challenges, one month after V-J day the Texas road-building program began in earnest and the department was taking bids on \$5,000,000 of new

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<sup>183</sup> First Interim Report of Governor Stevenson's Postwar Economic Committee. Pg 10.

<sup>184</sup> Texas Highway Department Fifteenth Biennial Report: 1944-1946. pages 2-5.

construction per month, a rate that would continue through the remainder of the year. And while the cost of road construction was approximately 45 percent higher than it was before the war, there was no shortage of contractors willing to accept the work. Most contracts in fact, were assigned as fast as they were offered. Within a year of the war's end the net mileage of paved roads on the state system had increased by almost 1,000 miles, bringing the state maintained road system to a total of 32,790 miles, including 24,544 miles of paved roads and 7,149 miles of Farm-to-Market roads.<sup>185</sup>

According to the highway department's biennial report, the Farm-to-Market road program attracted more public attention than almost any other highway department activity during this period.<sup>186</sup> This is understandable when one considers the historical role that the farmer and rural isolation played in the Texas good roads movement. With over sixty million dollars available to develop two-lane, dustless, all-weather roads; and bridges designed to carry 15-ton trucks; it was estimated that the program would bring 62 percent of all rural Texans within one mile of a paved road, and 74 percent within two.<sup>187</sup> This was an milestone readily embraced by the farmer. And as the State Highway Commission selected farm-to-market projects only after consultation with various county judges and commissioners' courts, political struggles with county authorities were negligible. Indeed, as the state would be responsible for the maintenance of these roads, county authorities had little to complain about.

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<sup>185</sup> Ibid., 2-5.

<sup>186</sup> Ibid., 2-5

<sup>187</sup> Ibid., 2-5.

Unlike previous challenges, the Depression and World War Two were unique: they were not reflective of any of the social, political, or geographic influences peculiar to Texas: they could not be traced back to the state's poorly written constitution, they were not caused by real or perceived social divisions, and they were not the result of post-reconstruction prejudices. Their roots were in fact national and global. This made finding solutions at the state level exceedingly difficult, if not impossible. Federal intervention was once again needed to address the many problems that these two obstacles brought. For the first time, however, Texas did seem willing and able to address many of the challenges on its own. While the federal government did pass new laws to increase federal aid to the states, and did dictate new road building priorities, Texas managed to create significant reform measures without federal intervention. Not only did it successfully relieve the counties of years of accumulated debt, but it also made good use of the inactivity of the war years to plan for the future in a most deliberate and effective manner.

By the war's end, Texas had done so much in resolving its road building problems that it was in a position to build roads with a degree of efficiency unprecedented in its history. By 1948 the activities of the Texas Highway Department were at the highest peak in its history. Improvement projects and new construction were being completed in record time thanks in large part to the huge backlog of surveys and plans that had been completed during the department's period of inactivity.<sup>188</sup> In fact, the highway department's biennial report during this period is almost celebratory in its

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<sup>188</sup> Texas Highway Department Sixteenth Biennial Report: 1946-1948. pg. 2.

tone. Page after page is filled with one success story after another. Discussions of challenges and reform, which had been such a mainstay of previous biennial reports, were now conspicuous in their absence. For the first time in its history Texas was entering an era of modern transportation unencumbered by partisan politics, insufficient funds, inadequate infrastructure, or a shortage of manpower and material.<sup>189</sup> It was building roads with the fewest challenges since the establishment of the highway department and was the leading state in the country with miles under contract. In fact, of all the roads being built in the United States, fully one fourth were being built in Texas.<sup>190</sup> Without the challenges brought about by the Depression and World War Two, this period of prosperity would have been unlikely. In fact, it is entirely possible that the political battles over control of the highway commission that characterized much of the late 1920s and early 1930s would have continued indefinitely, county governments would still be struggling to raise highway funds, and highway contracts would still be allocated for political rather than practical reasons. Ironically, while the Depression and World War Two were the greatest challenges to Texas road building ability, they ultimately served to resolve them.

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<sup>189</sup> Ibid., 2.

<sup>190</sup> Ibid., 2.

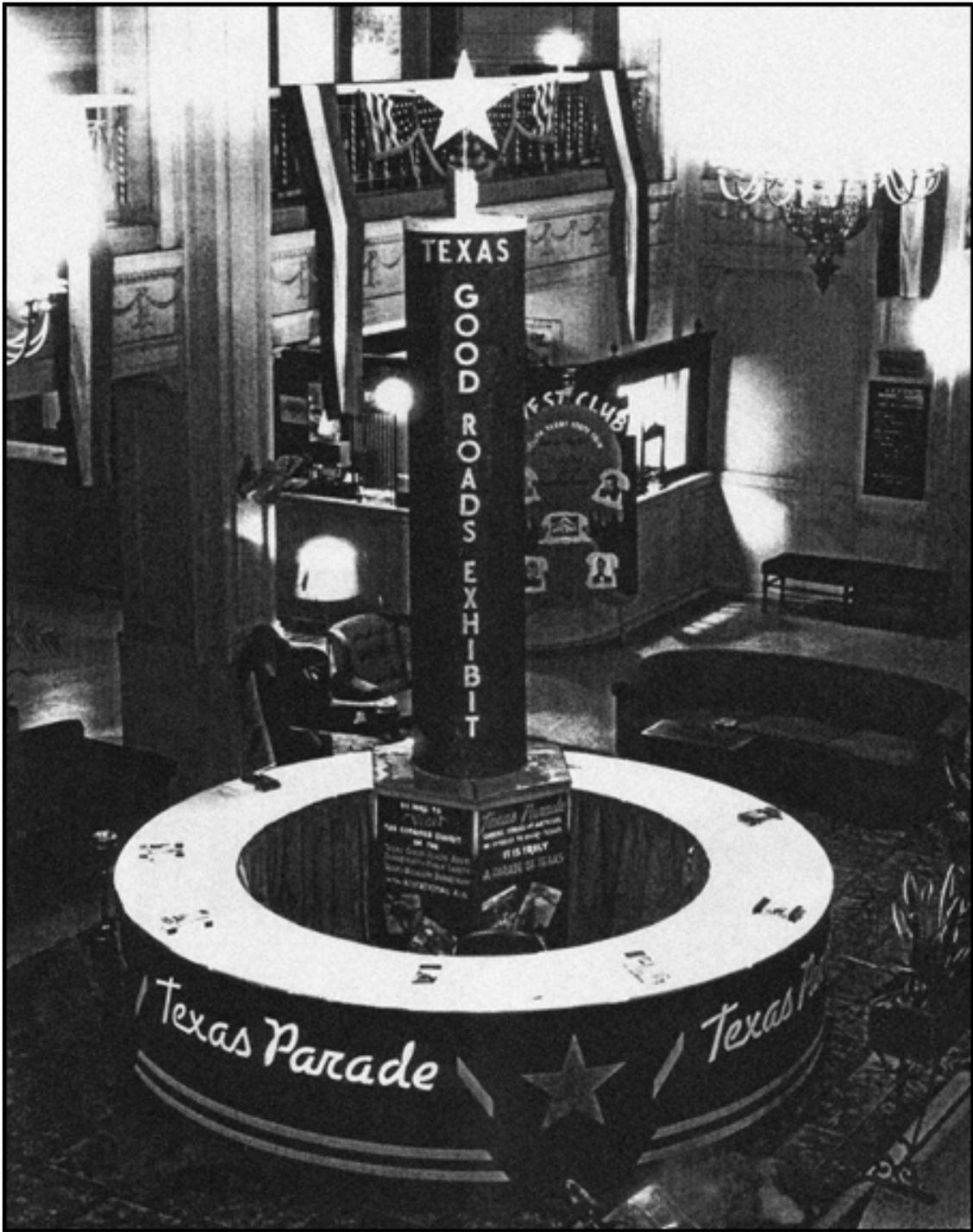


Figure 5. State fair exhibit of the T.G.R.A. circa late 1930s<sup>191</sup>

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<sup>191</sup> From the unprocessed T.G.R.A. files in the Cushing Library at Texas A&M University.

## CHAPTER 6

### CONCLUSION

There is little more fundamental to the economic well being of a society than its transportation system. This fact makes the inability of Texas to build roads all the more difficult to comprehend. Even in the south, a region which shares many of the same historical influences as Texas, state governments were able to make some form of progress on their own. In fact, most southern states had already formed highway departments long before many other regions of the country. While it is true that Texas was a southern state embedded in cotton culture, racism, and one-party politics, as a southern frontier region it was unique enough to ensure that its attitude towards road building would be significantly different. The scattered nature of its population, its size, and a long history of spontaneous unplanned road development, were each a legacy of the Texas frontier experience which helped forge unique attitudes toward roads. The Fergusons on the other hand, were typical southern demagogues. This combination of influences were so firmly entrenched they were never fully abandoned until after World War Two.

The more obvious legacy of these historically shaped attitudes was the political divisions that they brought. Whether it was the struggle to overcome constitutional

restraints, dealing with county officials determined to maintain authority, or preventing the diversion of funds by unscrupulous politicians, every attempt by Texas lawmakers and advocates to address its road building problems was met with a divisive political battle. While road advocates in Texas were not alone in dealing with political obstacles, the degree to which these obstacles became partisan issues was rarely achieved in other states. In Texas they not only destroyed administrations, as in the case of “Ma” Ferguson, but they also served to create them. Ross Sterling for example, went directly from Chairman of the Highway Commission to the governor’s chair, while Governor Moody first gained notoriety while working as the Attorney General investigating the Ferguson administration’s many highway scandals, a precedent later repeated by James Allred. Because of these scandals road issues were, for a significant period of time, the defining issues in Texas politics.

Another aspect of the Texas good roads movement that differentiated it was the movement’s driving motives. Because the movement at the national level was constantly evolving in response to changing circumstances and changing industrial interests, congressional legislation reflected these changing priorities. As the number of automobiles grew for instance, the ability of automotive manufactures to influence legislation also grew. Despite this, the primary benefactors of good roads remained primarily rural, especially in Texas. Because of the sheer extent of its borders, and its more recent history as a frontier, these agrarian and rural concerns remained central to the good roads movement in Texas much longer than in other regions of the country.

Despite these problems Texas was able to make progress thanks in large part to federal intervention. In fact, with few exceptions, each and every successful effort by Texas lawmakers was immediately preceded by federal legislation. The Rural Free Delivery of Mail, the Federal Road Aid Act of 1916, the revocation of federal aid in 1924, and the passage of Post War Economic Bill, are each examples of the federal government instigating reform that allowed Texas road advocates to achieve their goals. While it is true that other states profited from federal legislation in much the same way, Texas always seemed to gain the greatest benefit. Time and time again, after new federal legislation Texas was able to solve one of its many problems. In addition, when the federal government allocated funds, Texas received the largest appropriation of any state in the union. While it is tempting to attribute this to the effectiveness of the state's lobbying efforts, the most likely reason lies in the fact that few other states needed the funds more. After all, only Texas seemed unable to achieve its goals on its own. It is this fact I believe, which is the most defining characteristic of the good roads movement in Texas.

It's easy to talk about the legacy of the Texas good roads movement. The far-reaching changes it brought are obvious to anyone who tries to imagine a life without roads: ease of mobility, decreased rural isolation, increased urbanization and industrialization, are each a result of the increased number of improved roads. Indeed, it often seems that early road advocates were prophetic in their descriptions of the changes that good roads would bring. What is less obvious however, but in my opinion of equal importance, is the political legacy of the movement – the fact that Texas roads

required active participation from all levels of government and forced a fundamental reevaluation of their roles. The relationships between the county, state, and the federal government that exist today were in large part shaped by the good roads movement during the first half of the 20<sup>th</sup> century. This aspect of the movement's legacy is, I believe, every bit as significant as any of the social and economic benefits that good roads may have brought.

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