KANSAS AND THE HIGHWAYS, 1917-1930
MARY ROWLAND

The people of Kansas witnessed a number of changes in their state government after World War I. Trends toward centralization of services, the movement for efficiency through regulation and standardization, and the rise of professional groups appeared in almost every facet of state enterprise. Control of the state's road system is illustrative of these changes. When the state government assumed administrative responsibility over most roads during the 1920's, it signaled a new relationship with the 105 counties, inaugurating a different stance with the federal government, and led to a dominance by professional engineers who used regulatory means to insure their control over the newly centralized system.

From 1917 to 1930 Kansas greatly expanded its highway network with improved roads because of the demand for good roads, the lure of federal money to finance them, and the willingness of county governments to construct them. This unparalleled expansion created a conflict between the counties which wanted autonomy in road building and the Kansas Highway Commission which wanted a centralized and efficient system of highways. At the same time, the state had to respond to stronger demands of the federal government for a well-ordered highway system, and the lever which Washington used to force compliance with federal regulations was the same that the state used over the counties: money.

The manner in which state government responded to the federal government and the counties reflected administrative changes toward centralization, regulation, and professionalism. The establishment of the highway commission in 1917, the various political crises under Gov. Henry J. Allen, the financial crisis of 1925, and the ultimate resolution of the highway issue in 1928 demonstrated these managerial responses.

Establishment of the Commission

Historically, control of roads was a county responsibility, paid for by citizen labor, with no trained engineers, few regula-
William C. Markham (1868-1961) was the first secretary of the Kansas Highway Commission. The first issue of the commission's magazine, *Kansas Highways*, October, 1917, included his poem, "Trails," and an editorial in which he suggested: "Kansas has given prohibition, health laws and the 'blue sky' to the nation. Why should she stand at the foot of the class in making the highways of her commercial and social life what they ought to be?" Photograph reproduced from *Men of Kansas* (Topeka: The Topeka Capital, 1905).


Historically, control of roads was a county responsibility, paid for by citizen labor, with no trained engineers, few regulations, and little planning. But in the early 1900’s “good road” organizations, taking note of the burgeoning automobile business, lobbied for the improvement and expansion of highway systems. By 1916 federal legislation provided financial aid that was to be channeled through a state agency. This photograph, labeled “stuck,” was in Kansas Highways, Topeka, v. 1, no. 3 (April, 1918).

absence of a centralized highway commission, but since the law provided for a three-year period in which such an agency could be organized, there appeared to be no problem. In the summer and fall counties planned to hire road superintendents and to set up road benefit districts similar to those already existent. There apparently was never any intention of not using the county system to build roads. The benefit district kept payment of roads within the counties and roads had been, in fact, built under the old system. The public mood was to take the best of the old, localism, and blend it with the best of the new, federal money. The unknown ingredient was the extent of the state’s involvement.

The Kansas legislature of 1917 responded to the temptation of federal money amid pressures from counties eager to receive these funds by passing a highway bill. Signed by Gov. Arthur Capper, the law created a three-man commission whose major function was to serve as a clearinghouse for federal funds. Payment of road construction was to be from federal money with township and benefit district funds providing the required match. The new law gave counties authority to draw road plans, deposit federal money locally, and control road building within the counties. Although the commission retained the right of supervision of these projects, counties did not see any threat to their power, nor did they realize the implication of the supervisory function of the commission. In the words of the governor, “The State Highway Commission was created for the sole purpose of centralizing the energies of the state in road building and enabling us to make use of the $2,148,000 offered by the federal government to be expanded during the next five years.”

Unfortunately, the structure of the state highway commission did not meet either the

SHALL WE HAVE STATE AID?

PROPOSED AMENDMENT.

The State shall never be a party in carrying on any works of internal improvement except to aid in the construction of roads and highways and the reimbursement for the cost of permanent improvements of roads and highways, constructed after March 1, 1919; but such aid and reimbursement shall not be granted in any county for more than 25 per cent of the cost of such road or highway, nor for more than ten thousand dollars per mile, nor for more than 100 miles in any one county, except that in counties having an assessed valuation of more than 100 million dollars such aid and reimbursement may be granted for not more than 150 miles of road or highway; and the restrictions and limitations of Sections 5 and 6 of Article XI of the Constitution, relating to debts and internal improvements, shall not be construed to limit the authority retained or conferred by this amendment.
meaning or the conditions of the federal act, which had intended that the state, not the counties, carry on construction. That Kansas violated the intent was clear because, as the first secretary of the commission, William C. Markham, wrote:

For five years when the road appropriation bill would come before the United States Senate for approval, some Senator would introduce an amendment which defined that “State funds” could be provided by counties and hence the State Highway Departments in several States could approve road construction only on projects where funds were provided by counties. The legislature limited the power of the commission and left as much to the counties as the federal law would allow, in part, because the power structure and the relationship of the state and counties remained unchanged. By allowing localism to flourish, the legislature of 1917 avoided the potential conflict between local control and centralized authority. This evasion posed problems for succeeding gubernatorial administrations.

In spite of the political issues of control, the federal law had, nevertheless, mandated the establishment of a state highway system. The first steps involved the classification of roads, the designation of which could be considered “state roads” to be improved with federal funds, and the determination of the number of miles within the state system over which the state engineer would have supervisory authority. The commission called public meetings around the state to ascertain public opinion over the proposed state system, but since Kansas did not yet think of road building as a state function, few persons attended these meetings. The professional engineer’s role became even more important in the absence of expressed local sentiment. In fact, because the engineers had legislative authority to approve plans, make regulations relative to construction, and inspect locally built roads, their power automatically became greater than county commissions had assumed. The engineers’ rise to power was limited only by the amount of money they could control.

Although most of the problems of the first commission centered around its relationship with the counties, Kansas’ struggle with the federal government, through the Bureau of Public Roads, began the day the commission organized itself. On April 4 Secretary of Agriculture David L. Houston wrote Governor Capper the first of many inquiries about Kansas’ support of its highway program.

Despite the fact that the administrative structure was established in 1917, actual progress on road construction was slow because of the entry of the United States into World War I. Aside from the amount of time spent with the War Department and the Council on National Defense, lack of rail transportation and shortages of material and labor hindered the commission’s work. By the end of 1918, however, the commission had established itself and its duties in conformity with the intention of the county commissioners rather than the Department of Agriculture. Twenty-three petitions for federal aid had been received, and the counties were proceeding to use the machinery established in Topeka to build their roads. The commission’s engineering staff had begun its work enforcing standards with which the counties had to comply. Relations with the federal governments were cordial, but the basic question, the extent of state involvement in road building, had already been raised. As long as public opinion was behind the commission, and as long as the status quo was

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Henry J. Allen (1868-1950), a long-time good roads advocate, was elected governor in 1918. During the legislative session of 1919 there was popular pressure for a state constitutional amendment to allow the state to engage in road building and for a law to finance such a system. When the legislature voted to submit the amendment to the people in the general election, it became the major political issue of 1920. Governor Allen was unswerving in his efforts to get the amendment passed, and his labors paid off when Kansas voters approved it 284,689 to 193,347. Photograph and cartoon, opposite, reproduced from Kansas Highways, Topeka, v. 2, no. 2 (January, 1919), and v. 2, no. 3 (May, 1919).


7. D. L. Houston to Arthur Capper, April 4, 1917; Capper to Houston, April 9, 1917, ibid., no. 104.

Opposition to good-roads legislation in Kansas came from farmers' organizations, some county commissioners, and many Democrats. V.C. Bryson, Overbrook farmer who opposed the constitutional amendment in 1920, wrote that Kansas was “coming under the domination of Centralization of Power” that would be as destructive as the “Bolsheviki” and the I.W.W. State Sen. Smith L. Jackson of Garnett opposed a special appropriation in 1925 to comply with federal requirements and suggested that the absence of federal aid to Kansas highways would only hurt “Road Machinery people” and inconvenience “a few engineers.”

maintained in fact, if not in name, the highway commission could function as if the intent of the 1916 law were being met.

**POLITICAL CRISIS UNDER ALLEN**

In 1918, Capper, who had served his two terms as governor, sought a U.S. senate seat. The Republicans chose Henry J. Allen, a longtime good-roads advocate, as their gubernatorial nominee. His November election victory elated the good roads enthusiasts because they were assured he would push for permanent highways in the same manner as had Capper. His administration was, however, clouded by many difficulties over the road situation. The basic problems that confronted the governor centered around a constitutional limitation against engaging in internal improvements; the Department of Agriculture’s belief that the Kansas commission was inadequately funded and staffed; the threat of a federally controlled system of roads replacing the state aid model; and the growing local resentment toward the highway commission.

At the beginning of the 1919 legislative session, the good roads people and the highway commission pressed for a state constitutional amendment to allow the state to engage in road building, a law to finance such a system, and more laws clarifying the extent of state regulation. The commission, despite its many recommendations to the governor, took the position that it should not lobby for these changes, but only carry out what policy the legislature made. The good-roads people were not so pas-
They actively championed the constitutional amendment which read in its final form:

The state shall never be a party in carrying on any works of internal improvements except to aid in the construction of roads and highways and the reimbursement for the cost of permanent improvements of roads and highways, constructed after March 1, 1919; but such aid and reimbursement shall not be granted in any county for more than 25 percent of the cost of such road or highway, nor for more than ten thousand dollars per mile, nor for more than one hundred miles in any one county, except that in counties having an assessed valuation of more than one hundred million dollars such aid and reimbursement may be granted for not more than one hundred fifty miles of roads or highways; and the restrictions and limitations of sections 5 and 6 of article XI of the constitution, relating to debts and internal improvements, shall not be construed to limit the authority retained or conferred by this amendment.9

When the legislature voted to submit this “Good-Roads” amendment to the people in the general election, it became the major political issue of 1920. Active supporters included such diverse groups as the B. F. Goodrich Rubber Company, the Sinclair Refining Company, the motor transport industry, the State Association of County Commissioners, the State Chamber of Commerce, the Kansas Editorial Association, the Kansas Bankers Association, the Western Retail, Implement, Vehicle, and Hardware Association, the Kansas Board of Agriculture, and of course, the good-roads associations and the highway commission. Arguments for the amendment ranged from the fact that almost every other state spent more money on road construction than Kansas to the practical aspects of all-weather roads for the state.10

Still, there was much opposition to the amendment. Much of it came from farmers, particularly the Grange and Farmers’ Union organizations, some county commissioners, many Democrats, labor union leaders who were angry with Allen over the Court of Industrial Relations, and those who had traditionally opposed centralization of highway construction. One vociferous opponent was Rodney A. Edward of Castleton, a county commissioner and officer of the Taxpayers League of Reno county who often wrote elected officials complaining of increased state activities.

In one of his more graphic letters, he wrote:

I represent one third [sic] of the people of this county, and am not a subordinate of your subordinate [M. W. Watson, state highway engineer]. I take no orders from Topeka. . . . That order of Watson’s [re the tax levy for hard surfaced roads] is bureaucracy [sic]. Had it been dated from Berlin under the old regime, it would have been very appropriate, but not in Kansas. I was elected by the people of my county, and recognize no other authority. . . . The hard road law gives the state engineer autocratic power over localities, and I shall resist the enforcement of the law, just as my father resisted the enforcement of the Dred Scott decision though he got into jail for it. . . . This [the amendment] would be wholly bad, worse than bad roads, for the integrity of local self-government is of infinitely more importance [sic] than improved highways.11

Another farmer, V. C. Bryson, was equally colorful in his opposition to the amendment. He felt that Kansas was “ridding herself of the Bolshevik, the I.W.W. is finding the State an unattractive place to operate in and the Non-Partisan League finds no welcome here, yet Kansas is fast coming under the domination of Centralization of Power that is going to prove as destructive to her citizens as any one of the three organizations mentioned.”12 Still others opposed the amendment because of their opposition to the commission which was “surrounded . . . by hard road enthusiasts. . . .”13

In spite of such opposition, Governor Allen was unstinting in his efforts to get the amendment passed. His labors paid off when the people of Kansas by a vote of 284,689 to 193,347 approved the amendment on November 2, 1920. In some places, the amendment passed by a six-to-one vote.14

13. V. C. Bryson, When We Sweep—Sweep Clean (no imprint).
FIRST FEDERAL AID ROAD BUILT IN KANSAS

Opposition to highway building heightened after World War I, partially because of inflationary costs in the building industry. As long as people thought the federal government would be paying a large share of construction costs, the public favored a state highway system. Although the good roads amendment had passed, the 1921 legislature did not appropriate money to finance it. In addition to the lack of state funding and adverse public opinion, the Kansas Highway Commission received complaints from the federal government. As early as 1919 the U.S. Bureau of Public Roads advised that the state highway department could not provide the proper engineering supervision required on federal aid projects. If Kansas did not comply with the federal highway act, federal money would no longer be available. These photographs, reproduced from Kansas Highways, Topeka, v. 2, no. 2 (January, 1919), show various steps in the construction of a brick road between Junction City and Fort Riley, the first federal aid road built in Kansas.
Allen's problems over highways would have been much simpler if the strictly state-county quarrel had been the only issue. But as early as 1919, the Bureau of Public Roads called to his attention that the Kansas Highway Department was inadequately financed and could not provide proper engineering supervision required on federal aid projects. Allen was only too aware that the lack of money prevented the commission from doing what the 1916 law had provided and that its effectiveness was being severely hurt by adverse public opinion. Opposition to highway building had heightened after the war, partially because of inflationary costs in the building industry. The rising costs of highway construction was to prove to be the major factor in negative reaction to the commission. As long as the people thought that the federal government would be paying a large share of construction costs, the public favored hard-surfaced roads. When the realities of construction costing $45,000 to $60,000 per mile and subsequent large bond issues emerged, the taxpayer was less eager to improve the state's highways. 16

Although the good roads amendment had passed, the legislature of 1921 had not appropriated money to finance it. Authorities in Washington once again pointed out the problems with the Kansas funding base. On March 8, 1921, the new secretary of agriculture, Henry C. Wallace, telegraphed O. O. Wolf of Ottawa, the chairman of the senate fees and salaries committee, advising him that the highway commission was severely hampered in its work by weak funding. On March 11, the Bureau of Public Roads advised the state senate and the highway commission that the highway department was too small to do what it was mandated to do and that the Department of Agriculture would not pay for projects improperly supervised. 17

At the same time, Allen had been attempting to solve problems of funding and resolve com-


plaints by the Department of Agriculture, he was also campaigning to get the federal government to increase the amount of state aid. He worked most closely with Kansas' senior U.S. senator, Charles Curtis of Topeka, reputedly one of the more influential men in Washington. The Kansas legislature, in support of Allen's endeavors, passed a proclamation in favor of more federal aid. Allen then convened representatives from seven Midwestern states in Kansas City in July to discuss increased aid, and at the national governor's conference that fall, he introduced a resolution calling for more assistance. The issue of the extent of federal involvement arose because the 1916 law was to expire in 1921 and some congressmen wanted to substitute a system of federally financed, administered, and constructed highways for the federal aid program.19

The major leaders of this movement were in the Eastern states which had constructed their hard-surfaced roads in the early part of the century and resented the Western states receiving so much federal money. The large automobile lobbying associations, such as the American Automobile Association, the Federal Highway Council, the Highways Industry Association, and a "number of trail boosters," also supported a federal system. The measure was opposed by the secretary of agriculture, the American Association of State Highway Officials, both major political parties, and the Farm Bureau. Active lobbying continued until a new highway bill, recognizing the principles of the original 1916 law, was passed by Congress and signed by Pres. Warren Harding in November, 1921.20


The new federal law presented several problems to the state. Governor Allen wrote Senator Curtis that part of the new law called for state funds to be at least equal to the amount appropriated by the federal government. This was not possible in Kansas because of the limitations of the “Good-Roads” amendment. Allen feared that if the amount of state aid had to equal federal aid, then the constitution would have to be amended again. The other problem the governor saw lay in the requirement for a state fund for maintenance. Since counties in Kansas maintained roads, the state did not meet this provision either. Curtis then worked to get the bill amended in such a way that the state could comply and still receive federal aid.

It was not until July 5, 1922, that the secretary of agriculture notified Allen that the Kansas commission could qualify under the federal highway act and suggested that the state modify its operation to be in compliance with the intent of the law. In the next legislature proponents of good roads introduced bills in both houses to establish a state highway system, but these were easily defeated. The commission was in such low standing that one bill was introduced to abolish it and turn over its functions to the county commissioners. The legislature followed the lead of the neopopulist governor, Jonathan M. Davis, who favored local autonomy in road building and who opposed the centralization of services advocated by his Republican predecessors.

THE FINANCIAL CRISIS OF 1925

Under the administration of Governor Davis, highway building and financing lagged. Long a believer in farm-to-market roads, Davis mirrored the antipathy of many farmers toward hard-surfaced roads and the resultant large bond issues required to finance them. Although he originally supported additional road construction, he came to favor more a conservation of the state’s financial resources.

By the time Davis’s Republican successor, Ben S. Paulen of Fredonia, was inaugurated governor in 1925, the road situation—both construction and administration—had deteriorated badly, and the legislature had to take positive steps to build up the system. In the major road bill of 1925 the legislature established a commission independent of the governor, a state road system not to exceed 8,690 miles, a state highway fund, and a county and state fund for maintenance and construction. It also levied a two-cent-per-gallon tax on all motor fuel sold or used in the state for any purpose.

The legislature apparently had intended to pass a specific appropriation in an amount not to exceed $75,000 to be used for commission activities, but adjourned without actually budgeting the money. This omission caused the greatest crisis in the history of the commission and led to a direct confrontation with Washington. On February 5, 1925, the secretary of agriculture, Howard M. Gore, wrote Paulen demanding that the state comply with the federal highway act and reminded the governor that this request had been made of the state much earlier. The concern about adequate financing was not only an issue with federal authorities. The state engineer also wrote county commissioners explaining the financial difficulties of the commission which necessitated requesting a deficiency appropriation from the legislature. Should that plan have failed, payment on federal aid projects would have stopped because there would be inadequate staff to prepare vouchers and make inspections. Since there was approximately $3,000,000 in federal aid contracts requiring inspection, federal authorities could have suspended payment, placing the burden of payment on the counties. The legislature did approve the requested deficiency funds and slightly increased the funding available to the commission for 1926 and 1927.

But when the $75,000 was not included in the general appropriations bill, rumors circulated that the Bureau of Public Roads would cut off federal funds for the 1926 projects. Paulen wrote Senator Curtis and asked him to

22. Henry I. Allen to Charles Curtis, May 17, 1921; Curtis to Allen, May 21, 1921, ibid.
24. Ibid., 1925 (1925), ch. 214.
25. Secretary of agriculture to Ben S. Paulen, February 5, 1925, summarized in letter from W. M. Jardine to W. V. Buck, May 16, 1925; L. B. Tillotson to all county commissioners, county engineers, and resident engineers, February 21, 1925, Paulen to C. B. Griffith, May 6, 1925, Paulen correspondence, subject file—Highway Matters.
In 1925 Kansas' highway program was temporarily blocked when the state highway commission did not meet requirements for federal funds. Ben S. Paulen, Fredonia Republican who succeeded Davis as governor, was faced by a road situation—both construction and administration—that had deteriorated badly. The 1925 legislature passed some needed legislation but failed to appropriate the funds needed for state highway commission activities. This omission caused the greatest crisis in the history of the commission and led to a direct confrontation with Washington. In May, 1925, William M. Jardine, secretary of agriculture, advised Governor Paulen that Kansas did not meet the requirements of the federal highway act and that federal aid would be suspended. A former Kansan, Jardine had been dean of agriculture at Kansas State College, Manhattan, from investigate. Curtis reported that the entire Kansas road situation was under scrutiny in Washington. In response to that information, Paulen requested an attorney general's opinion on whether the $75,000 mentioned in the road bill could be spent for supervision of federal aid projects. After reviewing the legislation, the attorney general ruled that since it was not an actual general fund appropriation, it would not be diverted for supervision. The clear meaning of this interpretation was that even state officials saw Kansas in noncompliance with the federal law.

On May 12, 1925, the secretary of agriculture, William M. Jardine, mailed Paulen a copy of the letter he had sent to State Highway Engineer W. V. Buck indicating that the federal government had ruled that Kansas did not meet the requirements of the federal highway act. He reviewed the long history of the department's struggle with the state commission over insufficient funding and staffing. In light of these limitations, the Department of Agriculture had concluded that Kansas could adequately supervise only a limited amount of work and certainly not the amount mandated. Since there was no assurance that the money would be spent in a manner which would safeguard federal expenditures, Jardine ruled that the commission must confine itself to operations already begun or specifically approved.

26. Ibid.

1913 to 1918, and president of the college from 1918 to 1925. He was appointed secretary of agriculture in 1925 by Pres. Calvin Coolidge. In June Jardine sent his representatives to Kansas to confer with the governor and the highway commission. As a result, the state commission issued a report which Governor Paulen sent to legislators; the commission voted to reorganize itself; and the governor borrowed stopgap funds from Kansas banks to continue highway work until the 1927 legislature could appropriate the needed money. On July 18, Jardine wrote the highway commission that Kansas now met federal requirements. The financial crisis of 1925 was over. Photograph of road detour sign, above, reproduced from Kansas Highways, Topeka, v. 3, no. 3 (October, 1920).

Shortly after the official announcement that federal aid would be suspended, several interested good roads groups came up with proposals for retaining the federal money. A group from Wyandotte county offered to lend the commission enough money to allow it to receive federal aid. The Kansas Association of Chambers of Commerce offered to help the governor by borrowing the money and securing support for a special session to appropriate the necessary funds.28

While Paulen was interested in raising enough money to comply with federal requirements, Buck was concerned with the specific recommendations of the Bureau of Public Roads. Jardine sent his representatives to Kansas on June 4 to meet with the governor and the highway commission. The resultant engineers’ report estimated that at least $6,000,000 for construction and $2,000,000 for maintenance were necessary. To administer a budget of this size, they recommended that the state be divided into six divisions, each headed by an engineer. On June 9 the commission issued a statement in which they concluded that “they should prepare to give Kansas a Highway Department that ‘WILL INSURE THE PROPER PROTECTION FOR STATE AND FEDERAL FUNDS EXPENDED.’” Paulen sent a copy of the report to every member of the legislature and indicated that if some action were not taken, Kansas could lose about $2,000,000 during the next two fiscal years. He sought their support for a stopgap measure by

plan and supported the army of engineers who will be on the job for a few hours (very few) every day, that a much too large part of the money is not being really put on the road.” He suggested that the absence of federal aid would little affect roads in Kansas but would prove to be a “terrible blow to the Cement Trust, Brick Combine, Road Machinery people and that there might be a few engineers inconvenienced.”

By the end of June, the majority of legislators had approved the governor’s plans and Paulen sought to secure funds from banks rather than private citizens or chambers of commerce. Although some financial institutions were unable to lend money because of the poor wheat crop in the western part of the state, banks offered more than $1,000,000 to the governor. He borrowed only $56,800.31

On June 23 the highway commission voted to reorganize itself along the lines suggested by the Bureau of Public Roads and on July 1, the new organization was effected. By July 18 the Department of Agriculture had been notified of the change. Secretary Jardine wrote Buck at that time:

This Department feels that the reorganization of the State Highway Department has progressed to such point that we may now resume consideration and approval of new projects, with the understanding that our continued consideration and approval of projects will be contingent on the efficient and economical functioning of the State Highway Department organization in actually accomplishing the work.32

The crisis was over. Federal aid was assured for the next two years and the legislature was committed to appropriating sufficient funds to allow the commission to perform its mandated duties. By so doing, the crucial decision on highway operations was made. Kansas, by raising additional money for commission administration, affirmed that it wanted federal aid for road construction. After 1925, regardless of the sentiment for local autonomy, Kansas wanted federal money and would accept whatever state centralization was necessary to


30. Smith L. Jackson to Ben S. Paulen, June 11, 1925, Paulen correspondence, subject file—Highway Matters.


insure the funds. Some voices were raised against graduate engineers and the various
models established in Washington for “efficient and economical functioning” but after
1925, Kansans generally recognized that there
would be supervision by professionals of all
local roads constructed with federal money.
The highway department was recognized as
the source of road regulation, and its authority
in setting standards for the state was not
seriously challenged again.

Official hostility of the Kansas Association of
County Commissioners ended in December of
the same year when its new president, William
A. Hess of Humboldt, declared that it was
largely up to the commissioner to see that the
new road law was successful and carried out.
The association, in turn, passed a resolution
supporting the commission and pledging its
support and cooperation. The State County
Engineers Association also endorsed the activi-
ties of the commission and passed a resolution
favoring a constitutional amendment which
would allow for road construction and main-
tenance with state money. The Kansas supreme
court also came to reinforce the position of a
state system by issuing a preemptory writ of
mandamus against the Linn county com-
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, 1925, the diverse elements
within the state began lobbying for a constitu-
tional amendment which would strengthen
the language of the 1920 amendment by deleting
the $10,000 limitation and specifically allowing
for state financing of a state highway sys-
tem. Although the leader in this movement was
the Association of Chambers of Commerce,
many others from different economic interests
throughout the state supported such a plan.
Paulen had been slow to recognize the need for
a constitutional amendment and was reluctant
to call a special session of the legislature to
amend the constitution. But by the fall of 1926,
he recognized that only with an amendment
could be secure the kind of road program he
wanted.

In spite of the pressure for an amendment
and a congressional revision in the federal aid
bill for appropriations which made it appear
that Kansas could not receive further federal
aid without a constitutional amendment, the
1927 legislature did not act. Instead, the road
bill retained the concept of county control of
construction, maintenance, and improvements
subject only to the approval by the state. The
major difference was that the system could be
financed by a state highway fund created from
a motor fuel tax. The financing aspects of the
law pleased the good-roads people who felt
that roads would be built faster than ever, and

33. “The Success of Present Road Law Depends Largely on
Commissions,” ibid., December, 1925, p. 5, “Settle Road War,”
Ibid., v. 3, no. 3 (March, 1926), p. 5.

34. Session Laws of Kansas, 1927 (1927), ch. 255, Kansas City
some editorial opinion reported that the new commission had more opportunity to shape road development than any other commission since 1917. When the commission hired John W. Gardner, a former commissioner, as director, the public was pleased. Gardner's policies soon became clear when he ordered that no more roads would be hard-surfaced without preliminary work being done one year before the fact. He had seen the dangers of a fragmented system and knew firsthand its limitations. Consequently, his actions as director were based on the assumption that the state needed a comprehensive and planned system. 35

In the middle of 1928, the Department of Agriculture was again causing problems for Kansas. Since the new federal aid law, the Phipps-Dowell act, did not carry the usual amendment providing a way for the states with no state-controlled system to receive aid, Paulen was concerned about what Kansas could do to secure aid after June 30, 1929. 36 Paulen, of course, recognized that Kansas had never fully complied with the original aid law and had been receiving money only because of amendments to the appropriation bills. He also recognized that the new law with its requirement of a 50-50 match of state and federal money was impossible under the 1920 constitutional amendment which limited state participation to $10,000 per mile. 37 Since the Department of Agriculture was unwilling to accept any more promises and was holding firm to the notion that states must meet all requirements before receiving aid, it was apparent that Kansas, the only state without a state-controlled system, must take decisive action. It could either comply with the law or lose the aid. The decision had been made in 1925 that the state wanted the aid, so the question in 1928 was more "when" and "how" rather than "if" the state would comply.

Shortly after receiving official confirmation from Jardine that Kansas would not receive aid in 1929, Paulen once again urged an amend-


37. W. M. Jardine to John W. Gardner, June 29, 1928, ibid.
On February 15, 1929, the state legislature passed a new road bill which removed any limitation of the state's authority to engage in road building and appropriated $15,000,000 to complete the state system. The passage of this bill finally settled the issue of control of state highways. The highway commission had successfully battled federalization of the nation's roads in the early 1920's and at the same time had substantially reduced the influence of local governments. The state's highway system was now controlled by the state, and Kansas would have a well-organized, well-financed highway department staffed by professional engineers. The photograph, upper left, was captioned, "Is this a real road?" in Kansas Highways, Topeka, v. 1, no. 3 (April, 1918). The photograph, left, of road machinery in Johnson county was in Kansas Highways, July, 1918. The first photograph, above, which was in the same magazine in August, 1919, shows a highway crew making a cut for a concrete road west of Lawrence. Below it, another photograph from the magazine, October, 1920, shows workmen finishing a concrete road in Atchison county.
ment to the constitution to give the state complete control of the highway system. The governor sent a letter to all legislators and asked them to sign a statement reading: “I deem a special session advisable that such an amendment may be voted by the people at the general election of 1928. I will endeavor to get the amendment adopted. . . .” Typically, Paulen added a postscript of his own: “Under no circumstances do I feel obligated to call a special session unless the necessary number of signers to this petition justify such action.” Also true to form, this exercise in group process disgusted Senate Leader Ben F. Hegler of Wichita who urged the governor to aggressively push for the amendment. Paulen, however, was not acting independently of the national Kansas leaders. The cautious U.S. senate majority leader, Charles Curtis, had telegraphed him that he was convinced by the people in Washington that Kansas had to amend the constitution to receive any aid after June 30, 1929. Senator Capper also reported that he felt there was no choice except to amend the constitution.

At the special session held in July, the legislators voted two proposals to go before the voters. The first provided that section 8 of article 11 of the state’s constitution should be amended to read: “The State shall never be a party in carrying on any work of internal improvement except that it might adopt, construct, reconstruct and maintain a state system of highways, but no general property tax shall ever be levied nor bonds issued by the state for such highways.” The second proposal added a new section to article 11 which read: “The state shall have power to levy special taxes, for road and highway purposes, on motor vehicles and on motor fuels.” When Paulen signed these bills into law, he said, “I am pleased with the action of the legislature in submitting the road amendment to the people. Having always been of the opinion that the highway question was one for public consideration and approval, the results of the fall election should, for a time at least, settle the state’s road policy.”

Immediately after the special session, the campaign began to get the amendments passed. The Kansas Highway Bureau, an independent, nonpartisan organization, was founded for this one purpose. The Kansas Association of Chambers of Commerce published a good-roads primer and distributed 100,000 copies. Other major advocates were the Republican party, the Farm Bureau, and certain educational groups. Despite opposition from the Grange and the Farmers’ Union, Kansas decided road policy in November by overwhelmingly passing the roads amendment 493,989 to 117,506 and the tax on fuels by a vote of 444,806 to 136,719.

In December Paulen’s special committee on roads, headed by Charles F. Scott, prominent conservative Republican and editor of the Iola Register, recommended that all roads within the state be placed under the direct and exclusive control of a state highway system “in order that the mandate of the constitutional amendment may be carried into effect.” In the same month, newly elected Republican Gov. Clyde M. Reed appointed a committee of legislators to study road legislation prior to the convening of the 1929 session. Conferences around the state represented varying opinions on the road issues and forwarded their views to the legislature. As the chairman of the senate roads and highways committee later said, “probably no legislative committee had more opportunity of ascertaining the wishes and desires of the people of Kansas on any given question than had the roads committee upon the matter of road legislation.”

Despite some opposition in the house, the legislature passed a new road bill on February 41. Special Session Laws of Kansas, 1928 (1928), chs. 3-4; Kansas Senate Journal, special session, 1928, p. 11; Topeka Daily Capital, July 22, 1928.
43. Report of the road committee, December 5, 1928; Paulen correspondence, subject file—Highway Matters, Topeka Daily Capital, December 5, 1928.
15, 1929, which removed any limitation of the state’s authority to engage in road building and appropriated $15,000,000 to complete the state system. Reed signed the bill on February 22 in the presence of former Governors Allen and Paulen. The new highway program was officially under way on April 1, 1929.

The passage of this bill finally settled the issue of control of state highways. Kansas was on the way to having a well-organized, well-financed highway department staffed by professional engineers to carry on road construction. The highway commission had successfully battled federalization of the nation’s roads in the early 1920’s and at the same time had substantially reduced the influence of local governments. When the state entered into the roads business in 1917, the highway commission had wanted to combine the best of the old, the localism, with the best of the new, the federal aid. The unknown force was the extent of state involvement. By 1929 the final decision had been made. The state was understood to be the unit of government most responsive to the public’s demand for good transportation. The state’s influence was supreme.

46. Ibid., February 23, 24, 1929.