

THE PEARL  
RIVER VALLEY  
*Reservoir*  
*Project*

By

JAMES E. SORRELS

BUREAU OF GOVERNMENTAL RESEARCH  
THE UNIVERSITY OF MISSISSIPPI, 1962

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A Study of the Creation  
and Promotion of  
a Regional Reservoir

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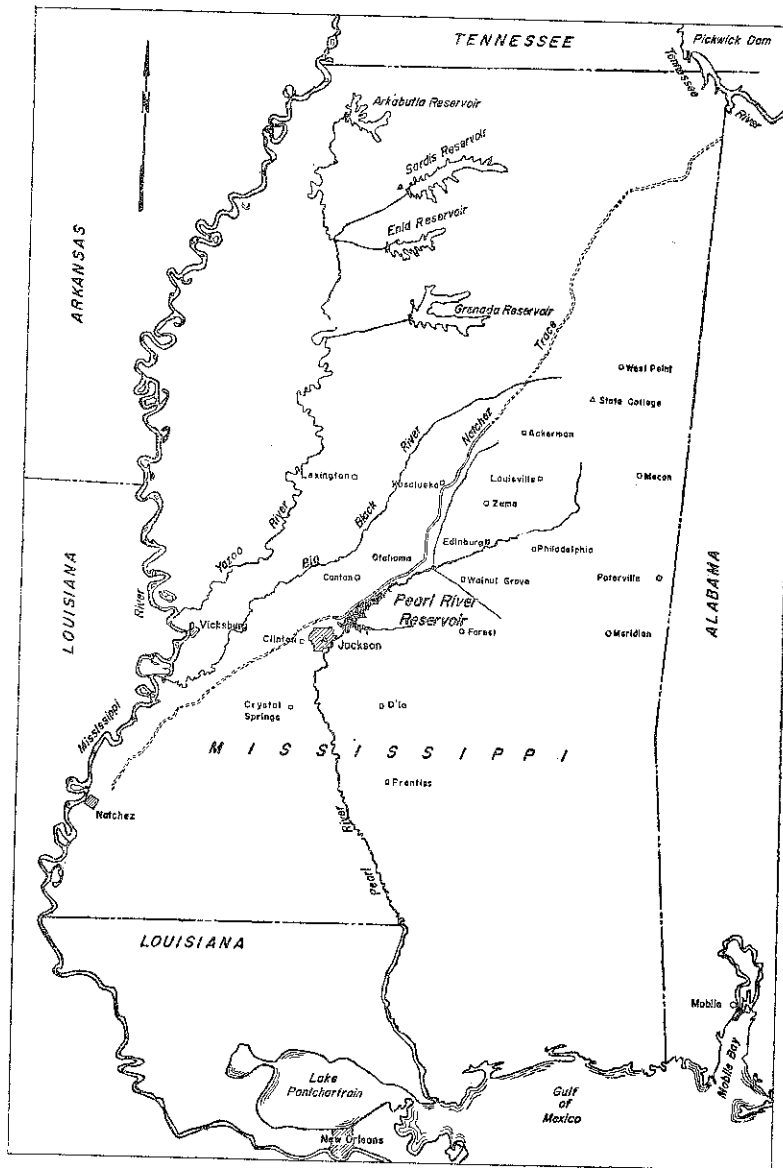
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## Foreword

It is a pleasure for the University of Mississippi, through its School of Business and Government, to publish this study of the Pearl River Valley Reservoir Project. Mr. James E. Sorrels, its author, wrote a thesis on this same subject to satisfy the requirements for a Master of Arts degree in political science at the University. After having the chief participants read the thesis carefully to establish its accuracy, the author and the Bureau of Governmental Research would like to take this opportunity to express their appreciation for the careful attention given by these readers to the original manuscript. The developments as described herein are ones in which all citizens of Mississippi and particularly those citizens living in the five counties comprising the Pearl River Valley Water Supply District can take just pride.

It is definitely fitting for the University of Mississippi to tell this truly magnificent story to the Mississippi public and to all interested persons throughout the United States. The realization of this significant accomplishment can only be credited to the tenacity, high intelligence, self-confidence, local initiative, and political acumen of the businessmen and public servants of Hinds and neighboring counties. Mr. Sorrels, now Planning Assistant and Industrial Representative, Mississippi Agricultural and Industrial Board, has rendered a real service to his state by writing this brief history at a time when it was still possible to discuss this subject with those whose memories of events remain keen and not jaded by the passage of the years.

This monograph treats only the first phase, but nevertheless an extremely important phase, of what will undoubtedly prove to be one of the most important events in the history of Mississippi's largest metropolitan area. The University is deeply indebted to Messrs. Baxter Wilson, H. Vaughan Watkins, Horace Lester and Mitchell Robinson for providing both the encouragement and financial support to make the publication of this monograph possible.



LOCATION MAP

Source: Lester and Harza Engineering Companies.

Opinions and statements appearing in this volume are not necessarily those of the University of Mississippi but are rather the author's. He, of course, accepts the customary responsibility for them.

Edward H. Hobbs  
Director  
Bureau of Governmental Research  
University of Mississippi  
University, Mississippi

## Preface

Water, a first requisite of life, faces unprecedented assault throughout the nation. Skyrocketing populations, industry and agriculture consume it in astronomical quantities. It is estimated that the total water consumption of the United States ranges from 100 to 150 billions of gallons per day.

To keep industries humming, pipes and pumps steadily plumb the depths of declining water tables at a rate which is of extreme concern to urban planners. Water supply, so bountifully abundant in the nation's formative years, cannot be ignored in the 1960's. No longer can water be written off as one of America's inexhaustible resources. The answer to the water supply challenge lies in urban and regional planning on a bold and dynamic scale.

One such non-Federal project, only a "dreamer's folly" to the skeptical in decades past, is the Pearl River Reservoir, a five-county undertaking now under construction in central Mississippi. Technologically, the projected building of an earthen dam more than three miles long to impound water in 31,000 acres poses no mammoth engineering problems. Even the initial financial burden remains within reasonable public tolerances. Thus, the remarkable story of the reservoir lies in the inception of the idea, selling it to the public and effecting its execution without substantial Federal aid. The last point alone makes the project noteworthy.

Public acceptance of the Pearl River Reservoir's immense potential was not automatic. The road to that goal meanders across all facets of mass communication, the key to educating the public to a watershed project which assures an adequate water supply to Mississippi's growing capital city, Jackson, and promises an economic boost to the entire region.

The activities of the men who worked for realization of the Pearl River Valley Water Supply District have been novel,

diverse and far-reaching. Their goals are so challenging that an accurate recounting and appraisal of their techniques to achieve them may make a concrete contribution to regional planning far beyond the borders of Mississippi. To that end, this analysis of a contemporary, still embryonic regional water reservoir is dedicated.

The author gratefully acknowledges the invaluable advice and encouragement of Dr. Edward H. Hobbs, Director, Bureau of Governmental Research, University, Mississippi, and the assistance received from officials of the Pearl River Valley Water Supply District, the Pearl River Industrial Commission, various state agencies, private firms and outstanding citizens associated with the development of the project.

James E. Sorrels  
Jackson, Mississippi

CHAPTER 1

## Mitch's Ditch

### The Early Years

When a bulldozer cranked up July 28, 1960, on the Rankin County, Mississippi, farm of Edgar Spann, the roar of the diesel heralded a new era for central Mississippi.

The Pearl River Reservoir was on its way to physical reality. Within three years, enough water will be impounded to meet the needs of a city of a half million. Industry and commerce will have the water it needs to flourish. Hundreds of thousands will find a vast recreational outlet at their doorsteps.

Few will remember the tiring spade work it took to accomplish it all. The days of the derisive "Mitch's Ditch" attitude already have passed, although the appellation stands as a tribute to former State Senator Mitchell Robinson's tenacity.

One of the original leaders in planning the \$22,000,000 dam and reservoir, Mr. Robinson joined others in discussing the problems of an adequate water supply for Jackson, the bustling capital of Mississippi, as early as 1926. These discussions centered on the Pearl River, a stream which rises in Neshoba County, Mississippi, and slowly flows by Jackson on a 485-mile course to the Gulf of Mexico.

The decades between those initial groping steps and definitive action offer an unparalleled study of the diverse steps leading to the formation and realization of a regional plan for an adequate watershed. None of the steps was easy.

Noting that the Pearl River presented the problem of inadequate water supply for Jackson during minimum flow periods and the hazard of floods during maximum flow, Mr. Robinson and others succeeded in obtaining a flood control and navigability study by the United States Army Corps of Engineers.

Coming in the depression year of 1930, the report submitted to Congress by the Engineers was unfavorable.<sup>1</sup> But the dream to control the Pearl River failed to die. Seventeen years later, Mitchell Robinson was at work again. He wrote Representative John Bell Williams, who serves Mississippi's Seventh Congressional District, asking him to contact the War Department to determine the responsibility of the United States in the construction of locks and dams on the Pearl River.

Mr. Robinson's letter noted he had conferred with State Senator Earl Evans of Canton on the possibilities. Their talks centered on placing locks and dams on the Pearl to create a water supply for Jackson and Canton, reclaim lowlands and establish a recreational facility.<sup>2</sup>

A conference was held February 6, 1947, with General Raymond A. Wheeler, Chief of Army Engineers, advising Representative Williams that authorization for a preliminary flood control survey had been made.

Under the supervision of Colonel Mark M. Boatner, district engineer at Mobile, Alabama, the survey produced a partially favorable report on April 22, 1949. The chief of engineers then authorized a detailed flood control survey limited to the Pearl River and tributaries at and above Jackson on May 2, 1949.<sup>3</sup>

Getting plans out of the hands of "studies" and on to drawing boards is a major problem in most urban and regional projects. Dovetailing goals of various agencies doesn't come easily, either. On March 3, 1955, the Water Resources Committee of the Jackson Chamber of Commerce expressed concern about the Engineers' survey, feeling that it was moving too slowly to

<sup>1</sup>U. S. Army Engineer District, Mobile, Corps of Engineers, Survey Report For Flood Control—Pearl River, Number 63, June 30, 1959.

<sup>2</sup>Mitchell Robinson to John Bell Williams, February 4, 1947. (Copy owned by Mr. Mitchell Robinson, Jackson, Mississippi.)

<sup>3</sup>U. S. Corps of Engineers, *op. cit.*, p. 1.

meet the increasing water demands of Jackson's growing populace.

Chamber Manager Mendell Davis emphasized to the committee that the Army Engineers were not concerned primarily with water reserves but with flood control and navigability of streams. At any rate, the survey could not be expected before July, 1957.<sup>4</sup>

Meanwhile, the tremendous drain of a growing metropolis on its water supply was increasing. Meeting on June 23, 1955, the Water Resources Committee reported Jackson's water consumption had increased in excess of five times the amount consumed in 1935. Water was being used by the city at the rate of 17 to 22.5 million gallons per day. Further discussion indicated that ultimate exhaustion of wells and water tables was inevitable, that water pollution in the Pearl River was a mounting problem, and that action should be initiated to correct the water situation before a state of emergency existed.<sup>5</sup>

During the meeting of June 30, 1955, John Batte, Jr., strongly urged that action be taken to construct a reservoir on the Pearl River for flood control, water supply and recreational purposes. The committee took no formal action on the proposal, but continued to discuss the problems of water supply, flood control and pollution abatement.<sup>6</sup>

The possibility of constructing a reservoir on the Pearl River received further attention during the Water Resources Committee meeting of July 11, 1955. The primary factor discussed was the most economical location to construct a dam and reservoir within the Pearl River basin. The committee considered a dam 15 feet in height with a pool storage of 72,000 feet as desirable. It was also pointed out that a local firm would be available to conduct an engineering feasibility study.<sup>7</sup>

Before the meeting of July 11, B. J. Christiansen and K. V. Boone of the Mobile office of the Corps of Engineers reported

<sup>4</sup>Water Resources Committee, Jackson Chamber of Commerce, Minutes, March 3, 1955.

<sup>5</sup>*Ibid.*, June 23, 1955.

<sup>6</sup>*Ibid.*, June 30, 1955.

<sup>7</sup>*Ibid.*, July 11, 1955.

to the Water Resources Committee that the Engineers would assist any community with its water supply problem if carried out in coordination with studies or surveys being conducted by the Corps.

Mr. Christiansen suggested the possibility of constructing a flood control storage reservoir consisting of a 4,000 foot dam approximately 60 feet in height which would inundate approximately 80,000 acres. He further suggested that a pro rata sharing of the cost of the project could possibly be agreed upon among the counties directly involved. Mr. Christiansen also told the committee that an additional \$24,300 would be required to complete the flood control study being conducted by the Army Engineers.<sup>8</sup>

In the Water Resources Committee meeting of September 9, 1955, plans and techniques of approach to Jackson's water supply problems began to take a more definite shape. The committee drew a tentative plan for programming and acquainting the public with the water problems faced by the city and area. It invited members of the local press and television stations to participate in presenting the water problem to the general public.<sup>9</sup>

In order to co-ordinate newspaper and television coverage, a press conference was held on September 16, 1955. With four members of the press and representatives from television stations WLBT and WJTV of Jackson attending the September 16 meeting, the Water Resources Committee released to these media of mass communication the plans for considering a reservoir on the Pearl River and the ensuing benefits to be derived from the project. The committee pointed out that adequate water supply was a must for the future development of the area regardless of the expense involved.<sup>10</sup>

Nevertheless, after the reports by the Jackson newspapers and television stations little positive action was taken on the reservoir project for the remainder of 1955.

<sup>8</sup>Ibid., July 7, 1955.

<sup>9</sup>Ibid., September 9, 1955.

<sup>10</sup>Ibid., September 16, 1955.

"I knew we had to have a vehicle on which to travel," Mr. Robinson recalled.

In an effort to continue service to his community, Senator Robinson conferred with State Assistant Attorney General Lester Franklin in outlining a bill providing for the creation and appointment of a commission to study and plan for the development of the Pearl River basin. Senator Robinson hoped for successful passage of the bill during the 1956 session of the Mississippi Legislature.<sup>11</sup>

Senator Robinson and Assistant Attorney General Franklin combined their efforts in organizing and phrasing the proposed bill, hoping to eliminate all unconstitutional, invalid or illegal phrases prior to its introduction into the Mississippi Senate.

#### Creating an Industrial Commission

The primary guide studied by Mr. Robinson and Mr. Franklin was prior legislation creating quasi-municipal and metropolitan districts. These special type districts, sometimes referred to as "ad hoc" authorities, are used to carry out functions which cannot be conveniently provided by established units of government.<sup>12</sup> In conducting their research, particular emphasis was given to the construction of bills establishing Mississippi's water drainage districts and port development legislation.

The final draft of the bill provided for the creation of the Pearl River Industrial Commission composed of single representatives from Rankin, Leake, Simpson, Lawrence and Hinds counties. The proposed bill authorized the governor to appoint the commissioners from a list of three recommendations submitted by the boards of supervisors of each of the five counties to be included in the commission. It further authorized the commission to study and plan for the development of the Pearl River basin with respect to industry, irrigation and recreational potential.

In addition, the bill provided that the commission was to study the most advantageous use of available water supplies; to

<sup>11</sup>Interview with Mitchell Robinson, Jackson, Mississippi, June 16, 1960.

<sup>12</sup>Donald H. Webster, *Urban Planning and Municipal Public Policy* (New York, 1958), pp. 62-63.



study means of protecting the area against pollution and industrial waste; and to adopt a long-range plan of sewage disposal for the area.<sup>13</sup>

The studies to be carried out by the commission were to be conducted in co-operation with the State Water Control Board. The commission had no authority to take action on the results of its studies, to acquire property or to raise funds without authorization of the next session of the Legislature.<sup>14</sup>

Senator Robinson introduced Senate Bill Number 1964, calling for creation of the commission, in mid-session of the 1956 Legislature and began working within the Water and Flood Control Committee to gain favorable support. Outside of committee endeavors, the primary technique used in promoting the bill was a co-ordinated effort among Senators and Representatives of the counties directly involved to explain the need, requirements and provisions of the bill to their fellow legislators. It was obvious to all legislators that no taxation or expenditures would be required of those counties not represented on the commission; that it was primarily to provide for water development studies within a specified area; and that it was designed to protect the public interest in water resources.<sup>15</sup>

During the regular meeting of the Water Resources Committee of the Jackson Chamber of Commerce on March 23, 1956, the bill calling for creation of the Pearl River Industrial Commission was read and discussed. The committee adopted a resolution indicating its support of the bill and notified Senator Robinson of their action. However, City Commissioner Chalmers Alexander pointed out to the committee that a noticeable water shortage occurred in the city only six weeks out of each year, during September and October. Commissioner Alexander brought up the fact that the practical aspects of constructing a proposed reservoir had not been ascertained.<sup>16</sup>

Within the Legislature, the supporters of Senate Bill 1964 continued to gain backing and successfully steered it to approval

<sup>13</sup>Mississippi Code, Section 5956-41 (1942).

<sup>14</sup>Ibid., Section 5956-41.

<sup>15</sup>Interview with Mitchell Robinson, *op. cit.*, March 23, 1960.

<sup>16</sup>Water Resources Committee, *op. cit.*, March 23, 1956.

on April 5, 1956. After passage of the bill, organization of the commission was delayed because the county boards of supervisors did not take prompt action in submitting their recommendations for membership on the commission to the governor.

Fortunately, Horace Lester, principal engineer, Lester Engineering Company, Jackson, had taken considerable interest in the proposed reservoir project during 1955 and 1956. Mr. Lester was aware that additional public support was needed in order to arouse sufficient interest in the water problems affecting the five-county area.

To gain support for the commission, he invited 15 special guests to attend a meeting of the Jackson chapter of the American Society of Civil Engineers to be held on May 8, 1956. Mr. Lester, who was then serving as president of the Jackson chapter, invited Lieutenant Colonel Robert Kramer, U. S. Army Corps of Engineers, Mobile, to address the group on the possibility of flood control on the Pearl River.<sup>17</sup>

The meeting brought together influential persons interested in the purposes of the Pearl River Industrial Commission. Included were Senator Robinson, county supervisors and local businessmen. After Lieutenant Colonel Kramer's presentation, the needs and problems faced by the yet unestablished commission were discussed. Of great importance, the meeting served as a means of discussing the commission informally and provided an active nucleus of co-ordination for future action and support in getting members of the commission appointed.

After the ASCE meeting in Jackson, Senator Robinson and Mr. Lester arranged for a flight over the Pearl River basin in an effort to develop a better knowledge of the water resources of the five-county area to be represented on the commission. Gathering information from the flight and other available sources, Senator Robinson and Mr. Lester arranged a meeting with the Madison County Board of Supervisors in Canton to discuss the provisions of Senate Bill 1964 creating the commission. They also touched on the advantages of a reservoir on the Pearl River south of Carthage.

<sup>17</sup>Interview with Horace B. Lester, Jackson, Mississippi, April 23, 1960.

However, the Madison County supervisors were not generally enthusiastic with their reservoir plans, explaining that the International Paper Company owned thousands of acres of timber lands within the proposed reservoir area and negotiations with the company would be required.

Refusing to become discouraged, Senator Robinson and Mr. Lester continued to make their proposal for a reservoir to individual leaders and citizens in the five counties to be represented on the commission. Their principal technique was to make personal contacts with prominent leaders and city officials in an effort to gain their personal support for the commission and the proposed reservoir.

They noted their greatest support usually appeared among those primarily interested in water sports and large recreational facilities.<sup>18</sup>

Senator Robinson and Mr. Lester realized that it would be impractical to attempt to gain support of the general public without resorting to mass communication methods. They chose first the newspapers, which have long provided a quick and far-reaching method of informing the public on an infinite number of subjects, to express their ideas.

Senator Robinson and Mr. Lester met with Robert Webb of the Jackson *State Times* and outlined their opinions as to the need for the commission and reservoir. A summary of their statements to Mr. Webb appeared in the *State Times* on August 5, 6 and 7 in 1956.

Senator Robinson reported to Mr. Webb that he had long hoped the formation of an industrial commission would lead to stabilization and utilization of the current flow on the Pearl River. Using mostly incomplete information, Mr. Robinson thought it might be possible to dam the river at a point south of Carthage where the Yockanookany and Tuscolameta streams merge with the Pearl River. Mr. Lester also favored this location. As a result of their flight over the Pearl basin, Mr. Lester and Senator Robinson observed that a dam 15 to 25 feet in

<sup>18</sup>*Ibid.*, June 22, 1960.

height would probably be adequate to meet the water needs of the five interested counties. The proposed reservoir would compose an area of water about 20 miles long and 4 or 5 miles wide. Other than a dirt dam and flood gate, they envisioned little other necessary construction at this embryonic stage.<sup>19</sup>

So much for the proposed reservoir's structural design—the public had to be shown specific benefits.

What could the proposed dam and reservoir mean in terms of tangible improvements for central Mississippi?

What would be the benefits to business, industry and agriculture?

The answers to these questions were of great importance. The commission had not yet been realized. The reservoir project was still a dream. A large portion of the public was still unaware of the movement underway to establish a unit of government to co-ordinate plans for the control of the waters of the Pearl River.

The technique was simple. A clear and concise enumeration of the benefits would stimulate interest and eliminate confusion. By using the newspapers effectively, the "man on the street" could be introduced to the project in a persuasive manner.

Horace Lester could see numerous benefits of the proposed dam and reservoir. They had to be presented to the public in a clear and persuasive manner—and they were of interest to all five counties, not Hinds County alone.

To carry out these goals of obtaining public support, Mr. Lester consolidated the many advantages of the proposed dam and reservoir as follows:

1. The reservoir would provide a "dependable and known quantity" of water for Jackson and its suburbs.
2. The dam would provide means of flood control to remove thousands of acres of timber, farm lands and portions of the city metropolitan area from the menace of floods.
3. New lands would be opened to industry and plant expansion in Hinds and Rankin counties.

<sup>19</sup>*State Times* (Jackson, Mississippi), August 5, 1956.

4. The length of all highway structures across the Pearl River would be reduced and the volume of highway fills required to cross the flood plain decreased.

5. Maintenance costs of structures crossing the Pearl River would be reduced.

6. New and better recreational facilities would be provided.

7. Sewage from Jackson and waste from industry located within the Pearl River basin would be adequately removed.

8. Underground water reserves would be replenished.

9. If adequate water supply, control and development were to take place in the Pearl River basin, a dam and reservoir would have to be constructed to meet the demands of the future.

Senator Robinson thought an additional and obvious benefit of the project would be the "natural pipeage" formed by the channel to the Jackson metropolitan area in the event of low water supply.<sup>20</sup>

In their appeal for support within the five-county area, Mr. Lester and Senator Robinson observed that city councils, boards of supervisors, chambers of commerce and thousands of private citizens would be affected and interested in the objectives of the project as it applied to their community or county. The job of the proposed commission, they pointed out, was to co-ordinate and plan with these various agencies in the interest of the general public. In a story in the *State Times*, they emphasized the fact that the problem of getting the commission appointed and organized still remained.

As a reminder to the county boards, they noted that all counties had not submitted their recommendations to the governor for appointment on the commission. They clearly explained that regardless of the action the commission was to find advisable, it was compelled by law to await the next session of the Legislature to follow through on financing. Under the original statute the commission received its operating funds from the counties' "general fund."

<sup>20</sup>Ibid.

In further explaining the financial aspects of the commission, Senator Robinson envisioned its operations to be similar to those of the Orleans Levee Board which levies a millage tax for levee protection at New Orleans. Under this type of financing, bonds floated to cover the cost of construction of the reservoir would be retired by a millage levy. Additional revenues could be obtained from water sales for irrigation. In concluding their views in a newspaper report on August 5, 1956, Senator Robinson and Mr. Lester said any investment in the reservoir would be repaid many times through the financial advantages to the area involved. In the eyes of Senator Robinson, the project could resemble a "virtual Holland" in the heart of Mississippi.<sup>21</sup>

A new method of approach was utilized in the Lester and Robinson comments to the *State Times* on August 6, 1956. They outlined the disadvantages to be encountered without construction of the reservoir. Basing their figures on a study made by the Corps of Engineers, they related that every time the Pearl River overflowed its banks in the Jackson area about \$90,000 went "down the drain." Flood damage in the Pearl River basin was estimated to be \$750,000 annually! They believed the commission, if organized, would be an important instrument in obtaining flood control for the Pearl basin.

Another very important function of the commission would be to make studies of the sewage disposal problem in the Jackson area. Downstream pollution dangers mounted during periods of low stream flow, and Mr. Lester said Jackson would soon be faced with the expense of constructing a sewage plant. In concluding their comments of August 6, Mr. Lester and Senator Robinson expressed confidence in the prospect that firms and individuals owning lands within the proposed reservoir area would co-operate in releasing their lands to the commission for a worthy public purpose.<sup>22</sup>

The final article in the series appeared in the *State Times* on August 7, 1956. The method of closing the series was similar to the final hour of a good lecture: a summary of the main points with emphasis on the facts to be remembered.

<sup>21</sup>Ibid.

<sup>22</sup>Ibid., August 6, 1956.

The various benefits of the proposed reservoir were repeated. Emphasis was given to the need of establishing the commission to rivet together the resources of the five-county area. It was pointed out that the commission was empowered to hire a professional staff to make the proposed studies, and that all five or any grouping of two counties could enter into projects for mutual benefit. If financial support was required, the commission would have to await the next session of the Legislature for approval.<sup>23</sup>

The articles appearing in the *State Times* served their purpose. They aroused the interest of an extremely powerful civic organization, the Jackson Chamber of Commerce.

At the request of the Water Resources Committee of the Jackson Chamber, Senator Robinson addressed its members on September 21, 1956. He outlined the progress being made on the commission and reported that four counties had submitted their recommendations to the governor. Senator Robinson appealed for the support of the committee in working out a program suitable to all counties represented on the commission. Mr. Robinson pointed out that passage of a finance bill would be needed to implement the programs of the commission and offered his assistance in the Senate to gain its approval. After discussing the water problem faced by the area, the committee expressed belief that a further study should be made before positive action was to be taken on a dam or reservoir project.<sup>24</sup>

Because actual organization of the commission continued to move slowly, Senator Robinson and Mr. Lester met with R. L. Moss of Lena, a Leake County supervisor, and organized a meeting with a delegation from the Leake County Chamber of Commerce. The meeting was held in Jackson on October 11, 1956, and served as a valuable means of explaining the project to an interested and influential civic group. They agreed to co-operate in making personal contacts with prominent and influential citizens throughout the five counties in an effort to gain support for the organization of the commission. Their

<sup>23</sup>*Ibid.*, August 7, 1956.

<sup>24</sup>Water Resources Committee, *op. cit.*, September 21, 1956.

endeavors met with success on December 18, 1956, when the Pearl River Industrial Commission was officially organized.<sup>25</sup>

At the official organizational meeting, Mr. W. P. Bridges Sr. of Jackson was selected Chairman, and J. A. Morrow of Brandon, Vice Chairman. Other members of the commission included R. L. Moss, J. W. Walker, A. T. Burt, O. S. McPherson and Dr. T. H. Gresham.

<sup>25</sup>Lester, *op. cit.*, April 23, 1960.

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CHAPTER 2

## The Number One Project

### Determining the Facts

Formation of the Pearl River Industrial Commission took the river basin planning out of the hit-or-miss category in which it had so long lain.

Men of integrity and enlightened public interest had lent their talents unceasingly. Nevertheless, many of their thoughts and ideas were born of incomplete data. In many instances, wishes were the father to thoughts.

But such ideas, even if at times off-base, can bear fruit. With the organization of the Pearl River Industrial Commission, the pieces in the basin's jigsaw puzzle began to fall together.

One of the most significant advances came when the Jackson Chamber of Commerce assembled and elected Baxter Wilson, president of Mississippi Power and Light Company, as chairman of the Water Reserve Committee. He immediately conferred with chamber directors and others about a concerted program in 1957. It was decided that full attention would be given "The Number One Project"—to encourage prompt action to assure Jackson of an adequate and long-range water reserve.<sup>20</sup>

Baxter Wilson's selection as chairman was the key. A man of considerable influence, personality and talent, he brought many years of organizational experience into play. He was an executive equipped with the ability to choose leaders who could get things done. The Jackson Chamber had chosen well.

<sup>20</sup>Chamber of Commerce, Jackson, Mississippi, "Notice" to members of the Water Reserve Committee, January 10, 1957.

The January 10, 1957, "notice" to members of the Water Reserve Committee indicated that the members of the committee were selected with great care and after considerable deliberation. Included were two area leaders, Frank Allen of the Canton Exchange Bank, Canton, and J. C. Murray of the Rankin County Bank, Brandon. These two men were hailed as outstanding citizens of their communities. Influential members from Jackson were Marvin Collum, George Godwin, Zach Hederman, George Huth, Stuart Irby, Fred Johnson, Dr. Harvey Johnson, Vernon Johnson, Harry Lambdin, Joe Latham, P. K. Lutken, W. M. Mann, Dumas Milner, W. R. Newman, Jim Phillips, Louis Pitts, Robert Rall, Mitchell Robinson, Nat Rodgers, Leland Speed, E. O. Spencer, Roger Stribling, O. H. Swayze, William Vaughey and John Walsh.<sup>27</sup>

The steering committee of the Water Reserve Committee met on January 16, 1957, and adopted four recommendations for consideration by the full committee. They were:

1. A large reservoir located at some point north of Jackson is desirous from the standpoint of future water reserve supply, industrial development and flood control.

2. An engineering study by a competent firm should be launched immediately to determine feasibility of the proposed reservoir.

3. If determined feasible, work should be initiated promptly to develop a project to construct the reservoir.

4. To implement these proposals, it was recommended that the Water Reserve Committee be designated as the agency to arrange for the engineering study; to co-operate with other interested groups and agencies; and to make recommendations as to how the necessary projects could be carried out when the basic engineering facts were determined.<sup>28</sup>

On January 17, 1957, Mr. Wilson began personal discussions and correspondence with engineering firms to determine their interest in the project and the estimated cost of their services.

<sup>27</sup>Ibid.

<sup>28</sup>Water Reserve Steering Committee, Jackson Chamber of Commerce, Minutes, January 16, 1957.

During the Water Reserve Committee meeting of January 25, Mr. Wilson expressed belief that the only approach to solving the water problem was to obtain an engineering study to determine the facts. He cited the successful experience of the City Airport Commission in solving a complicated community problem by hiring a competent engineering firm to develop facts and make recommendations.

Mr. Wilson thought the cost involved in the study would be about \$15,000. He hoped this money could be obtained from the city and Hinds County. It was then voted unanimously that Mr. Wilson be authorized and instructed to appoint a subcommittee to present the plans for the engineering study to the city and Hinds County and to solicit their financial support.<sup>29</sup>

To co-ordinate plans and maintain support throughout the Chamber membership, President W. P. McMullan forwarded a "Special Bulletin" to the directors advising them of the progress Mr. Wilson had been making and the motions adopted by the Water Reserve Committee.

Because Mr. Wilson was planning to confer with city and county officials prior to the regular board meeting in February, President McMullan felt the most effective presentation could be made with the full support of the board. He requested all objections be submitted by January 30, and if there were none, the Chamber of Commerce would present the proposal to the city and county as having sanction of the directors. In an effort to encourage their support, Mr. McMullan closed as follows:

We are all in agreement as to the importance of this project, and upon the importance of action without further delay. I am confident that we want Chairman Wilson and his committee to feel that they have our support.<sup>30</sup>

No objections were submitted by the directors, and a water resources conference was held in the Jackson City Hall on January 30, 1957. At this conference Mr. Wilson reviewed the water

<sup>29</sup>Water Reserve Committee, Jackson Chamber of Commerce, Minutes, January 25, 1957.

<sup>30</sup>Chamber of Commerce, Jackson, Mississippi, "Special Bulletin" to Board of Directors, January 25, 1957.

problems faced by the city and the recommendations approved by the Chamber. Mayor Allen Thompson said the City Commission was keenly interested in the reservoir project and was in unanimous agreement to appropriate up to \$15,000 to finance the engineering study as outlined by the Chamber recommendation.<sup>31</sup>

On the same day of the water conference, a *State Times* report kept the public informed of the developments taking place concerning the city's water problem. The article revealed that the reservoir proposal had the support of W. P. Bridges, chairman of the Pearl River Industrial Commission, and Rex Brown, chairman of the City Planning Board. The City Commission unanimously directed that the money for the engineering study be obtained from the water department or from water bond issue funds.<sup>32</sup>

On February 11, 1957, the Water Reserve Committee heard proposals by three engineering firms indicating an interest in the engineering feasibility of the reservoir project. Representatives from Michael Baker Incorporated, Ebasco Services Incorporated and Lester Engineering Company outlined the scope and cost of their services. A final decision on the firm to be hired was postponed until the next day.<sup>33</sup> On February 12, the Water Reserve Committee announced that it was their opinion that the international reputation of Ebasco should be combined with the local experience of Lester Engineering Company in conducting the feasibility study.

Following consultation between the firms, they proposed to conduct studies of the Pearl River above Jackson as far north as Carthage in an attempt to determine one or more dam sites that would be feasible from an engineering and economic standpoint. They estimated the cost of their services to be \$12,500. The firms planned to submit interim reports to the committee and a final report would be completed in four or five months. After discussion, the committee voted unanimously to approve the proposals made by Ebasco and Lester Engineering Company.<sup>34</sup>

<sup>31</sup>Water Reserve Committee, *op. cit.*, January 30, 1957.

<sup>32</sup>*State Times*, January 30, 1957.

<sup>33</sup>Water Reserve Committee, *op. cit.*, February 11, 1957.

<sup>34</sup>*Ibid.*, February 12, 1957.

On March 26, 1957, a "Special Bulletin" to the members of the Water Reserve Committee advised them of progress on the engineering study. It revealed that the engineers engaged in the project had obtained helpful data from the Mobile office of the U. S. Corps of Engineers, the Jackson office of the U. S. Geological Survey and the office of the City Engineer. The bulletin also reported that water consumption data of cities of 500,000 population had been studied in an effort to make more accurate estimates of Jackson's demand for water in the future.<sup>35</sup>

The Chamber of Commerce continued to publicize the study among its 2,400 members through releases in the official monthly publication of the organization. Through the newspapers, television stations and radio, a more carefully planned approach was adopted. The Water Reserve Committee agreed unanimously on May 8, 1957, that the initial release to the newspapers, radio and television stations be prepared in a manner that would sell the idea of the necessity and practicality of the reservoir to the citizens of the area.<sup>36</sup>

In a story in the *Jackson Daily News* on May 8, 1957, considerable emphasis was placed on the recreational aspects of the proposed reservoir. Jackson and surrounding communities were pictured as meccas for sportsmen having an interest in hunting, fishing, swimming and water sports. The reservoir was described as three times the size of Grenada Lake in north central Mississippi and having sufficient water to adequately supply a population of 500,000. Industrial, commercial and agricultural advantages were also sited.<sup>37</sup> A like story appeared in *The Clarion-Ledger* on May 9, in which the Mayor and City Commission were commended for their progressive and co-operative attitude in working with the Chamber of Commerce on the project.

An editorial by Robert Webb in the *State Times* edition of June 2, 1957, predicted the reservoir would be the first step of a massive program to develop the economic potential of the Pearl River Valley. Chairman Bridges of the Pearl River In-

<sup>35</sup>Chamber of Commerce, Jackson, Mississippi, "Special Bulletin" to Water Reserve Committee, March 26, 1957.

<sup>36</sup>Water Reserve Committee, *op. cit.*, May 8, 1957.

<sup>37</sup>*Jackson Daily News*, May 8, 1957.

dustrial Commission pledged his every resource to the successful completion of the reservoir. Numerous economic and recreational benefits were outlined for the entire basin area. It was revealed that millions of dollars would be required to complete the project and hope was expressed that Federal Aid would not be required.<sup>38</sup>

Horace Lester spoke at the May 8, 1957, meeting of the Water Reserve Committee and outlined the results of the preliminary engineering study. He said the reservoir proposal was feasible and a challenge to Jackson's leaders in planning for the future. The committee unanimously endorsed the reservoir and authorized the consulting engineers to pursue and complete the study of a reservoir in the area described in the preliminary report.<sup>39</sup>

The principal findings and conclusions of the engineering feasibility study were submitted to the Jackson City Commission in July, 1957. The findings were:

1. In the event Jackson's population reached 500,000, an estimated output of 150 gallons per person per day would be required of the water system.

2. A reservoir capacity of 50,000 acre-feet would be needed to assure sufficient water supply for a population of 500,000 during periods of minimum stream flow.

3. A dam constructed across the Pearl River near Jackson would be feasible, but should be of sufficient height to avoid overtopping during flood periods. The proposed dam would form a reservoir providing more storage than required for water supply.

4. Two designs for the dam were considered—one having a spillway capacity equal to twice the maximum recorded flow of 60,000 cubic feet per second and the other a capacity equal to five times that amount because agreement with proper authorities must be obtained before spillway capacity of the dam could be fixed.

<sup>38</sup>State Times, June 2, 1957.

<sup>39</sup>Water Reserve Committee, *op. cit.*, May 8, 1957.

5. The annual cost of the project based on a 4 per cent interest rate and an amortization period of 40 years was estimated to be \$970,000 for a spillway capacity of 120,000 cubic feet per second.

6. A dam and reservoir constructed on the Pearl River near Jackson would create such numerous collateral advantages as lakeside real estate, recreational benefits, industrial acreage, timber growth, flood relief and pollution abatement.

7. If two Pearl River dams were constructed, and if normal pond level behind the higher of two dams was set at an elevation which would provide above spillway crest the 50,000 acre-feet required for water supply, a volume of 270,000 acre-feet would be available for storing flood waters. However, this storage would be insufficient to lower river stages significantly during floods and would reduce recreational benefits of the project should it be used as a flood control reservoir.

8. By construction of a dam and reservoir on the Pelahatchie Creek, the Yockanookany River, or about 40 miles upriver from Jackson, the domestic and light industrial needs of Jackson could be met. However, these sites would create a greater problem in delivering water to the city; provide insufficient runoff to meet the requirements of heavy industry; and lack the collateral advantages of the site near Jackson.

9. Before construction of a dam and reservoir could be undertaken on the river or its tributaries, approval would have to be obtained from the State Board of Water Commissioners. And, if the river was found to be navigable, approval of the Corps of Engineers would be required.<sup>40</sup>

The engineering feasibility report was accepted by the City Commission of Jackson and then presented to the Chamber of Commerce for study and recommendations. The Water Reserve Committee received the study for final consideration on August 7, 1957. The study was reviewed before the committee by Mr. Lester and Mr. Larned (Ebasco) and submitted to them for further action. The study was unanimously endorsed by the

<sup>40</sup>Lester Engineering Company—Ebasco Services Incorporated, Studies of the Pearl River Valley Reservoir, Appendix "C", July, 1957, pp. 4-6.



committee with the recommendation that it be submitted to the Pearl River Industrial Commission for implementation.

The committee recommended that the commission immediately employ competent consultants to determine the economic feasibility and legislative requirements to further develop the project. It was further recommended that funds for future studies be made available by the City of Jackson and the counties having representation on the commission. The committee endorsed a proposal to co-operate and work with the commission in future development of the project.

Commission Chairman Bridges commented that it was important to keep all counties "up and down" the Pearl River interested and sympathetic with the project in order to maintain their support in legislative and financial matters.<sup>41</sup>

Immediate plans were adopted to increase support and enthusiasm throughout the basin area. Prepared releases would be made for the newspapers and television stations. In another important move, the project was designated the Pearl River Valley Reservoir, a step designed to eliminate opposition which might develop if the project was too closely identified with the City of Jackson.<sup>42</sup>

A clear image quickly began to appear in public print. *The Clarion-Ledger* on August 8, 1957, entered an appeal to the counties composing the commission. It emphasized that the Pearl River Industrial Commission was to be the co-ordinating body for the project. It further set out these facts: the project was named the Pearl River Valley Reservoir in view of its benefits to the people of the Pearl River Valley; the reservoir was to be 17 miles long formed by a dam about 59 feet in height and 16,500 feet in length and would cover some 23,000 acres near the Natchez Trace Parkway; estimated cost of the reservoir would be \$18,000,000 to \$24,000,000 with an annual amortization cost ranging from \$970,000 to \$1,280,000 over a 40-year period; and, the numerous benefits to the area were repeated along with a summary of the engineering study.<sup>43</sup>

<sup>41</sup>Water Reserve Committee, op. cit., August 7, 1957.

<sup>42</sup>Ibid.

<sup>43</sup>The Clarion-Ledger (Jackson, Mississippi), August 8, 1957.

With the successful launching of a five-county campaign to gain additional public support for the reservoir underway, the members of the Water Reserve Committee could look back with pride on their accomplishments in the eight months which had elapsed since undertaking "The Number One Project" of encouraging prompt action to eliminate Jackson's water problems.

A carefully selected committee under purposeful leadership had accomplished a major objective in completing a favorable engineering study. A four-point plan had been initiated and partially completed. The support of the Board of Directors of the Chamber of Commerce had been achieved. Successful negotiation with the City Commission had resulted in an appropriation of \$15,000 to finance the engineering study. Prepared press releases had kept the public informed of the developments of the reservoir program. The Pearl River Industrial Commission had been asked to implement the reservoir plan and identify the project with the Pearl River Valley area.

A major hurdle remained, however. The groundwork to establish a sound reservoir project had not been completed—a technical economic study would have to be accomplished. Simply stated, would the economic benefits of the reservoir be worth the expense of the project?

### The Economic Feasibility of the Project

After negotiations with the Water Reserve Committee and the Pearl River Industrial Commission, President Ross Dodds of the Hinds County Board of Supervisors announced that Hinds County had been requested to provide \$15,000 to the commission for the economic feasibility study to be made on the reservoir project.

The Hinds County Board announced they were in agreement in making the \$15,000 available to the commission and would make the necessary budget arrangements. In addition to Hinds County, the commission also planned to request financial assistance from other counties affected by the project on a proportional basis according to the county's assessed valuation.<sup>44</sup>

<sup>44</sup>State Times, September 1, 1957.

Shortly after reaching financial agreement with the Hinds County Board, the Pearl River Industrial Commission officially agreed to act as sponsoring agency in the conduct of the economic study. The economic study was to deal with methods of financing the project, applicable Federal Aid or programs and additional legislation required to continue the project. The commission was to consult and co-ordinate with the Water Reserve Committee as the program developed. Lester and Ebasco Engineers were retained to make the study.<sup>45</sup>

To keep the public informed of the progress of the reservoir program, Chairman Bridges announced on September 10, 1957, that the Pearl River Industrial Commission was proceeding to determine the following:

1. The money required to construct the reservoir.
2. The financial sources available to the project.
3. The extent to which the reservoir would be self-supporting.
4. The legal problems to be resolved.

Chairman Bridges of the commission and Chairman Wilson of the Water Reserve Committee jointly announced in an article released to the press that they found "no opposition and only enthusiasm among the people" for the reservoir.<sup>46</sup> In an effort to increase this "enthusiasm," Mr. Wilson was invited to review the progress of the project at the Jackson Exchange Club on September 23, 1957. At the Exchange Club meeting, Mr. Wilson reviewed the history of the project, the Water Reserve Committee's approach to the water problem, and the advantages to be derived from the reservoir.<sup>47</sup>

Research on the financial support available for the reservoir project continued through the co-ordinated efforts of the consulting engineers. During October, 1957, they submitted a report to Chairman Bridges of the commission for his immediate consideration. As a result of the report, a crucial meeting was

<sup>45</sup>Chamber of Commerce, "Special Bulletin," op. cit., September 9, 1957.

<sup>46</sup>Jackson Daily News, September 10, 1957.

<sup>47</sup>"Pearl River Reservoir Development—1957," (personal reservoir files of R. Baxter Wilson, Jackson, Mississippi).

held between Chairman Bridges and members of the Water Reserve Committee on October 15, 1957.

Mr. Bridges explained to the committee that certain facts had been developed by the associated engineers which should be made known to those concerned with the reservoir project. It had been found that no Federal Aid would be available to the project and the only significant source of revenue would be from the sale of water. It appeared that a revenue bond issue would not be possible and that full faith and credit of some political subdivision would have to be used to underwrite the necessary bond issue. Mr. Bridges requested advice from the committee, as representatives of the City of Jackson, if the project was to be continued.

Chairman Wilson expressed the opinion that the studies should be continued to assure Jackson's future growth. He further believed the reservoir to be an absolute necessity to the growth of the area. All members of the committee expressed similar views and desired continuation of the project. A motion was made and unanimously adopted that it was the feeling of the Water Reserve Committee that the engineering studies should be continued and that every effort should be expended toward arranging the necessary financing of the reservoir project.<sup>48</sup>

The importance of the October 15 meeting is apparent. If the committee had faltered at the challenge of financing the project without Federal Aid, future progress on the reservoir would have been doubtful.

With the vigorous support of the Water Reserve Committee and the Pearl River Industrial Commission, Ebasco and Lester Engineers continued to conduct their joint study of the economic feasibility of constructing the reservoir. The results of the joint effort were presented to the commission on December 17, 1957. A summary of the principal findings of the study follows:

1. Federal funds would not be available to defray costs of the project.

<sup>48</sup>Water Reserve Committee, op. cit., October 15, 1957.

2. Approval of design and permission to construct the dam would have to be obtained from the U. S. Corps of Engineers. The height of the dam, spillway design, normal pool level and inundated land area could be determined only after agreement with the Corps of Engineers.

3. Congressional approval would have to be obtained if it was found necessary to flood the Natchez Trace or Parkway land.

4. The proposed dam and reservoir would have to be approved by the State Board of Water Commissioners. The approval of the State Board of Health would be required on all characteristics of design influencing the potability of water.

5. Enabling legislation would be required to provide the commission with the authority and power to plan, build, finance and operate the project.

6. The project appeared to be economically justified since economic benefits were estimated to total 3.36 times the cost.

7. Once in complete operation, direct revenues from the project were estimated to be short of costs in the amount of \$880,600 annually.<sup>49</sup>

The study further indicated that economic benefits and direct revenue estimates were based on the financial experience of other reservoirs, estimates or appraisals of similar governmental projects, and locally informed sources as to lease values. The study disclosed that benefits from the project would at least equal the cheapest alternative method of obtaining an assured water supply for the basin area.

An illustration was presented to emphasize the cost involved in using a system of wells for water supply. For example, if Jackson's population increased to 500,000 an investment of approximately \$12,400,000 would be required to meet the water demands of the city and industry by using a system of wells. This investment would consist of a well system requiring 132 wells costing \$47,000 each, or a total of \$6,204,000. In addition, the cost of pipes, right-of-ways, booster pumping stations and other well-gathering equipment was conservatively estimated to

<sup>49</sup>Lester—Ebasco, op. cit., "Preliminary Study of Economic Benefits," pp. 2-3.

cost another \$6,204,000. In order to finance the system, an amortization and interest charge would amount to approximately \$871,000 annually. Power costs were estimated to be about \$105,000 annually. Future expense would have to be considered in long range planning of a well system for the city. The life expectancy of each well would be about 15 years. Additional problems presented by a well system could center around the difficulty of determining industrial requirements and the possible conflict of municipal and private interests over well locations.<sup>50</sup>

Major economic benefits to be derived from the reservoir, other than water supply and industrial use, would be irrigation, pollution abatement, land enhancement, additional underground water reserves, recreation and increased convention and conference trade.

Direct revenue sources, not including Jackson's share of the water cost, would be primarily recreational trade, concessions, marine sales and service, land rentals, lease of home and cabin sites, industrial water sales and special fishing permits. Indirect revenues, estimated to be a minimum of \$431,855 annually after the fifth year of operation, would be received principally from tax revenues accruing to the state, counties, and the City of Jackson.<sup>51</sup>

On December 27, 1957, Chairman Bridges met with the Water Reserve Committee and reviewed the completed economic feasibility study. It was his opinion that the larger of two reservoirs under consideration should be constructed even though Federal funds would not be available.

Bridges also told the committee that it had been determined that the assessed valuation of all the property to be affected by the reservoir was only \$365,000 and was producing only \$17,000 in tax revenues to all the governmental subdivisions involved.<sup>52</sup>

Although the assessed valuation of the property affected by the proposed reservoir appears low, it must be pointed out that

<sup>50</sup>Ibid., pp. 17-19.

<sup>51</sup>Ibid., pp. 19-27.

<sup>52</sup>Water Reserve Committee, op. cit., December 27, 1957.

the International Paper Company owns over 20,000 acres within the area and has substantial investments in the acreage, young timber growth and merchantable timber. Officials of the paper company agreed to sell the acreage to the commission provided the majority of the people within the five-county area supported the project.

At the December 27 meeting with the Water Reserve Committee, Vaughan Watkins, attorney for the commission, reported that a bill was being drafted to enable the commission to continue its operations. The enabling legislation being drawn would make possible a special authority patterned after the drainage districts developed throughout Mississippi. A study of special governmental districts, somewhat the same as that conducted in establishing the commission, had also aided Mr. Watkins and his staff in organizing provisions of the bill.

Although no conclusions had been reached, Mr. Watkins pointed out that it appeared the best methods of financing the project would be through a contract with the City of Jackson for water purchases and a two-mill tax levy which possibly could be obtained from the State as a rebate. The tax rebate would be similar to that given to Jackson County for port development.<sup>63</sup>

After general discussions of the economic study and preliminary financing plan, the committee unanimously endorsed the reports and pledged its full co-operation to the commission in moving ahead as promptly as possible to carry out necessary plans to complete the reservoir. With this enthusiastic support, Chairman Bridges of the commission outlined the following steps to be carried out:

1. Arrange a conference with both Senators and the three Mississippi Congressmen whose districts include counties in the project area to acquaint them with the reservoir program and to explore the possibility of obtaining Federal assistance as the project progresses.

2. Schedule a conference with the City Commission of Jackson to acquaint the commission with the economic study and

<sup>63</sup>Ibid.

to begin negotiations to determine the manner in which the city would fit into the financing plan.

3. Plan meetings with the boards of supervisors of the counties involved in the project to thoroughly acquaint them with the project and its benefits to central Mississippi.

4. Arrange conferences with representatives of the Pearl River and coastal communities to co-ordinate with them in getting the two-mill rebate from the State portion of the ad valorem tax levy.<sup>64</sup>

Chairman Wilson of the Water Reserve Committee also recommended that conferences be arranged with representatives of the three Jackson banks and persons experienced in bonding matters to explore in detail possible financial plans for the project and to develop one or more plans that would be attractive as well as provide the necessary funds. The members of the commission and the committee agreed to implement the proposals as early in 1958 as possible.<sup>65</sup>

In respect to the reservoir program, the last four months of 1957 had been as productive for the Pearl River Industrial Commission as the first eight months had been for the Water Reserve Committee of the Jackson Chamber of Commerce.

The second major objective of the project, an economic feasibility study, had been successfully completed. The Hinds County Board of Supervisors had agreed to co-operate in the project and appropriated \$15,000 to finance the economic study.

The project had not withered because federal aid would not be available. Plans for continual progress on the reservoir program had been drawn and agreed upon for implementation in 1958.

The challenge ahead was to meet and convince the people in the areas affected that the reservoir program was truly a "Number One Project" for central Mississippi.

<sup>64</sup>Ibid.

<sup>65</sup>Ibid.

## Creating A New District

### Financing the Project

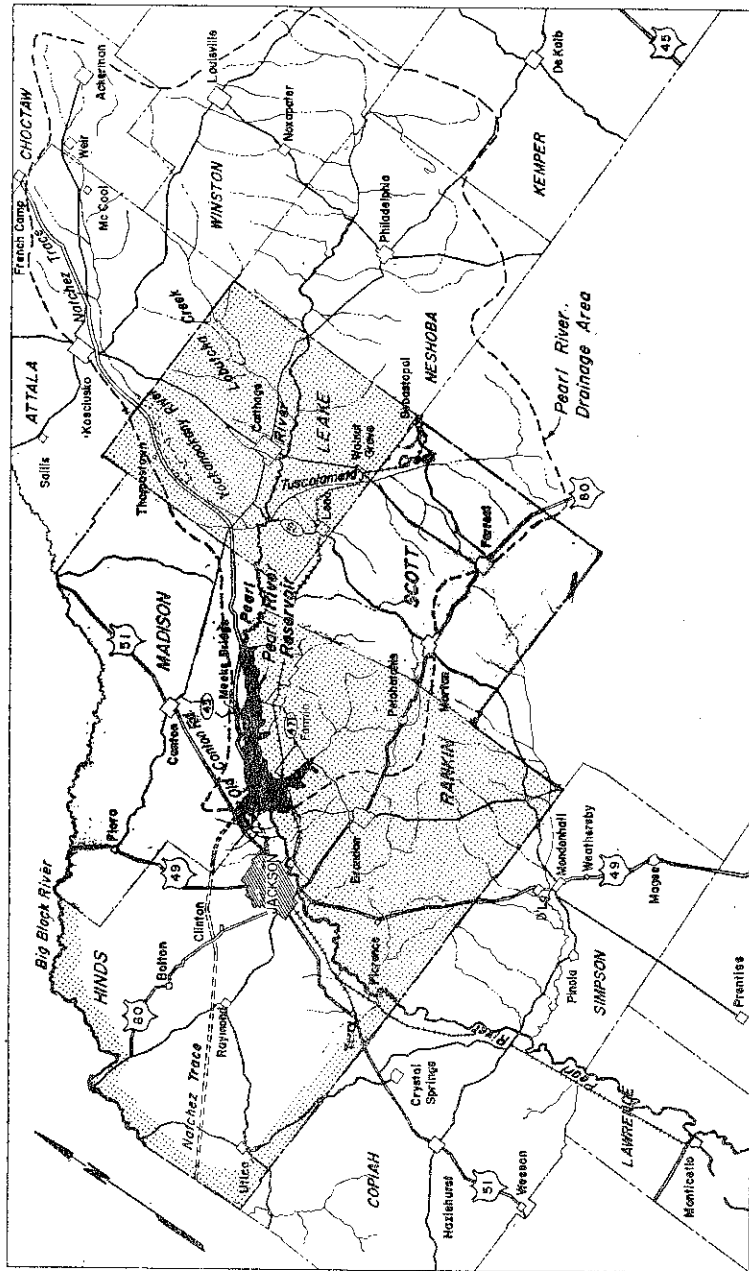
The Water Reserve Committee had been introduced to a preliminary plan for financing the reservoir project by attorney Vaughan Watkins on December 27, 1957. At a January 7, 1958, meeting, Mr. Watkins was again called upon to review some of the financial proposals considered by the commission and engineers engaged in the project.

He reported that a rebate of two mills from the State ad valorem tax from the five counties most directly involved in the proposed reservoir would produce \$450,000 annually. Another source of revenue would be a contract with the City of Jackson for water supply at a \$500,000 annual payment. In the event a second guaranteed tax source would be necessary, legislation could be developed which would give the five counties authority to levy a special two-mill tax under a structure similar to the numerous drainage districts in the State. The special legislation, if used, would produce an additional \$450,000 per annum.

Under the two ad valorem tax proposals, Hinds County would produce 77 per cent of the revenue involved and the City of Jackson 90 per cent of the Hinds County figure. This was considered reasonable in view of the fact that Jackson would be the main beneficiary of the project.<sup>69</sup>

After discussion, the committee unanimously agreed on the following:

<sup>69</sup>Ibid., January 7, 1958.



AREA MAP

Source: Lester and Harza Engineering Companies.

1. Approval of the general outline of the financial plan as presented.

2. Submission of the proposed financial plan to two or three outstanding underwriting companies for their opinions of the plan and their suggestions and recommendations.

3. After consideration of recommendations made by the underwriting companies, presentation of the financial plan to the Water Reserve Committee, the City Commission and the Hinds County Board of Supervisors.

4. Discussion of the financial plan with all boards of supervisors and agencies within counties directly concerned with the project at the earliest possible time.

Commission Chairman Bridges co-ordinated with Chairman Wilson of the Water Reserve Committee in announcing plans to invite all supervisors and leading citizens from the counties involved in the project to present the financial plan in a positive manner.<sup>57</sup>

Additional plans for presenting the financial proposal were discussed by the Advisory Committee of the Water Reserve Committee on January 15, 1958. Chairman Wilson called on the committee to work out plans to obtain the support of the City Commission and the Hinds County Board of Supervisors, and to plan for contacts with boards of supervisors and key citizens in the other counties represented on the commission.

The group concluded that Chairman Wilson should arrange a conference with city and Hinds County officials as soon as possible. Rex McRaney of the State Game and Fish Commission agreed to contact interested sportsmen and political leaders in the four other counties. He hoped to stimulate their interest in inviting a delegation from the Pearl River Industrial Commission and Water Reserve Committee to visit each county and explain the reservoir project and methods of financing the proposal.<sup>58</sup>

On January 16, 1958, a conference was held by members of the Water Reserve Committee, the Pearl River Industrial

<sup>57</sup>Ibid.

<sup>58</sup>Advisory Committee of the Water Reserve Committee, Minutes, January 15, 1958.

Commission, the City Commission of Jackson, and the Hinds County Board of Supervisors. The purpose was to acquaint the City Commission and Hinds County Board with the financial plans developed for the proposed reservoir. It was hoped their support and co-operation would be gained so contacts could be made with the four other counties as soon as possible. Vaughan Watkins was called upon to review the financial plan presented to the Water Reserve Committee on January 7, 1958. Mr. Watkins said four nationally known underwriting companies had indicated the plan should find a ready market and that three of the companies might form a syndicate to bid on the bond issue.

Former Governor Hugh White, a guest at the conference, expressed belief that the revenues from the project would be even greater than estimated. He enthusiastically approved the plans for financing the project and urged that it be taken to the Legislature as promptly as possible. After a conference with the two commissioners, Mayor Thompson of Jackson stated the city group was in unanimous agreement in pledging its full co-operation to the project. He revealed that the city could make available the payment of the \$500,000 annually from Water Department funds for a guaranteed source of water supply. Chairman Ross Dodds of the Hinds County Board of Supervisors said his group was also in complete agreement to support the project and would pass an order to that effect at their next meeting.

The meeting was closed after an announcement by Mr. Wilson that plans would be developed for contacts with the four other counties. After contact with all counties was made, and favorable support gained, the plan would be submitted to the Legislature for enactment of the necessary enabling act.<sup>50</sup>

To continue the forward momentum of the reservoir project, the Water Reserve Committee was again assigned the number one 1958 project of developing an adequate water reserve for the City of Jackson. The support given to the financial plan of the reservoir by county and city officials was an excellent start on the new year.

<sup>50</sup>Water Reserve Conference, Jackson Chamber of Commerce, Minutes, January 16, 1958.

### The County-by-County Approach

The Water Reserve Committee met January 20, 1958, and outlined plans for approaching Madison, Rankin, Leake and Scott counties to gain their support in financing the reservoir project.

The financial plan was reviewed by Mr. Watkins so that all members could be informed of the latest development. Mayor Allen Thompson repeated his assurance that the city would sign a contract for payment of \$500,000 annually for a guaranteed water reserve. It was announced that the Hinds County Board of Supervisors had placed an official order in their minutes pledging their support to the project.

Chairman Bridges of the commission revealed that he had conferred with Governor J. P. Coleman and obtained his pledge of support in helping to secure necessary enabling legislation to carry out the construction of the reservoir.<sup>50</sup>

The committee felt the greatest need now lay in convincing citizens in the four other counties involved that the reservoir was a worthy project of great potential benefit to the entire central Mississippi area. To fail in gaining their support would mean failure of the entire reservoir program. Sound planning and convincing salesmanship would be needed to insure success.

Members of the committee and commission decided the initial contact with the counties would be made in the county courthouse of each county involved. The meetings were to explain the reservoir story, solicit co-operation of leading citizens, and request the support of legislators in the passage of necessary legislation. Baxter Wilson, Parham Bridges, Vaughan Watkins and Horace Lester were to appear at each meeting.<sup>51</sup>

A "Special Bulletin" published by the Jackson Chamber on January 21, 1958, assigned members of the Water Reserve Committee and other interested members various duties in helping make the contacts in Rankin, Madison, Leake and Scott counties a success. The bulletin suggested the following sales techniques:

<sup>50</sup>Water Reserve Committee, *op. cit.*, January 20, 1958.

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



In each of these counties a group of local citizens is developing a group of county leaders and inviting them to meet at the county courthouse to hear representatives of the Jackson Chamber of Commerce and Pearl River Industrial Commission. The objective of the meetings is to give the invited key leaders sufficient information so they will be sold on the project, and they, in turn, will sell their legislative delegation on joining in sponsoring of the necessary enabling legislation. Included in the group to be invited to each meeting will be the Board of Supervisors, their attorney, key business leaders, the local newspaper editor, and the county legislative delegation.<sup>62</sup>

Former Governor Hugh White, Dr. Felix Underwood, Colonel Battle Barksdale and Jack Pepper would attend as many meetings as possible. State Senator Mitchell Robinson and Jackson Chamber of Commerce Director Mendell Davis were to attend all meetings. Meetings were scheduled for Brandon and Carthage on January 27, Canton on January 28, and Forest on January 29.<sup>63</sup>

In order to gain widespread publicity, newspaper articles announcing the courthouse meetings began to appear throughout the five counties. All interested persons were urged to attend and ask questions concerning the construction of the reservoir and methods of financing. In closing, the articles included a summary of the reservoir project and the benefits it would provide to central Mississippi.

On January 26, the day before the first meetings in Brandon and Carthage, *The Clarion-Ledger*, the *Jackson Daily News* and the *State Times* reported the discussions to take place in the counties. A schedule of time and place of meetings was listed along with general topics to be discussed by the panel. The *State Times* proclaimed the meetings could be the most important of the year within the counties.<sup>64</sup>

In making their appeal for support in the various counties, the panel leaders concentrated their efforts on explaining the

<sup>62</sup>"Special Bulletin," *op. cit.*, January 21, 1958.

<sup>63</sup>*Ibid.*

<sup>64</sup>*State Times*, January 26, 1958.

general outline of the reservoir proposal, the need for the project, the costs involved and the benefits to be derived from the dam and reservoir.<sup>65</sup> Enlarged maps and charts of the reservoir area were used to assist the panel in demonstrating various recreational and industrial locations. Large lettering was used to point out areas for boating and water sports, fishing, industrial sites, lakeside real estate and camp and cottage locations. Charts and blackboards were used to display the total acreage of a county and the total acreage required by the reservoir. These diagrams were placed in prominent positions near the speaker's rostrum. Rough notes, studies, and newspaper articles were available for reference by the panel and those attending. Photographs were made of prominent citizens and panel members at each meeting.

A "handout" of five mimeographed pages was distributed to all persons attending the meetings. The handout contained eight major paragraphs labeled:

1. The Facts
2. A Sportsman's Paradise
3. Fun For The Whole Family
4. A Magnet For Industry
5. A Boost For Agriculture
6. Looking To The Future
7. Proposed Legislation And Financing
8. Summary

These handouts were carefully written materials designed to appeal to sportsmen, businessmen and farmers. The numerous recreational, industrial and agricultural benefits of the project were outlined and briefly discussed. A short summation of the financial plan and legislation required was also presented.<sup>66</sup>

### The Pearl River Valley Water Supply District

The county-by-county approach of selling the need and benefits of the proposed reservoir was highly successful. All

<sup>65</sup>Interview with W. Parham Bridges, Sr., Jackson, Mississippi, February 6, 1960.

<sup>66</sup>"Pearl River Reservoir Development," *op. cit.*, (personal files of R. Baxter Wilson, 1958).



counties, as represented in the courthouse meetings, had at least given their unofficial approval to "go ahead" with the project. The next step was to create a special governmental district to supervise and finance construction of the reservoir.

The Water Reserve Committee and Pearl River Industrial Commission worked closely in planning introduction of the necessary enabling legislation to the Mississippi Legislature. The Water Reserve Committee requested the Chamber directors to provide \$6,000 to pay for illustrated brochures explaining the project, to carry out a statewide newspaper campaign, and to cover expenses of luncheons and conferences deemed advisable.<sup>67</sup> The request was approved at a special meeting on February 3, 1958.

As determined by the Ebasco-Lester economic feasibility study submitted to the Pearl River Industrial Commission on December 17, 1957, additional legislation would be required to provide the commission with authority and power to plan, finance, construct, operate and maintain the reservoir. In order to accomplish these objectives, Chairman Bridges authorized the commission's attorney, Vaughan Watkins, to proceed in drawing up necessary legislation to carry out further action in getting the reservoir constructed.<sup>68</sup>

Mr. Watkins and his staff began the initial drafting of the Pearl River Valley Water Supply District Act in October, 1957, and completed their work in January, 1958. The primary guidelines used were the special port and drainage district bills, the Water Act of 1956 and the election laws of the state. The bill was designed to be of public interest to the entire State as well as the local areas primarily concerned with the proposed dam and reservoir. The advice of bonding experts and attorneys was obtained during many reviews of the draft prior to its final completion.<sup>69</sup>

The bill was introduced in both houses of the Legislature in February, 1958, by Senator Mitchell Robinson and Representative Jim Morrow. The bill was referred to the Senate

<sup>67</sup>Water Reserve Committee, *op. cit.*, February 3, 1958.

<sup>68</sup>Interview with H. Vaughan Watkins, Jackson, Mississippi, June 21, 1960.

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

Finance Committee and the House Ways and Means Committee. While undergoing committee consideration, the Water Reserve Committee invited nine senators and seven representatives from the central Mississippi area to its meeting of February 18 to suggest means of strengthening the bill and to eliminate unfavorable provisions.<sup>70</sup>

The Mississippi Association of Supervisors, the State American Legion, the Mississippi Hotel Association, the Mississippi Economic Council, the Mississippi Bankers Association, the Junior Chamber of Commerce and numerous influential citizens were contacted by the members of the Water Reserve Committee, Pearl River Industrial Commission, Jackson Chamber of Commerce and other well-known individuals interested in promoting the successful passage of the reservoir enabling act.<sup>71</sup>

Senator Mitchell Robinson was successful in obtaining a favorable consideration of the bill in the Finance Committee in March, 1958, but because of unfavorable discussion on the floor of the Senate it was requested that the bill be returned to the committee for further study.

The attack on the bill had centered mainly on some provisions thought to be illegal and unconstitutional. Upon the bill's return to the committee, Mr. Robinson obtained the assistance of eight attorneys to make changes in wording and meaning of some provisions of the bill. A total of sixty-two changes, some being very minor, were made in the bill prior to its return to the calendar.<sup>72</sup>

Senator Robinson realized at the time Senate Bill 1724 was called up for consideration the second time that most members of the Senate were well acquainted with its provisions. However, he requested that he be allowed to discuss the act and make map references as to the reservoir's boundaries. After some twenty minutes of discussion by Mr. Robinson, members of the Senate became restless and requested the Chair to proceed with the bill and eliminate useless detail. Senator Robinson

<sup>70</sup>Water Reserve Committee, *op. cit.*, February 18, 1958.

<sup>71</sup>Chamber of Commerce, Jackson, Mississippi, "Special Bulletin" to Water Reserve Steering Committee, February 20, 1958.

<sup>72</sup>Interview with Mitchell Robinson, *op. cit.*, June 30, 1960.

then requested the Chair to permit him to discuss the bill section by section. The Senate members then called for postponement and for laying the motion "on the table."

Mr. Robinson immediately countered to amend his former motion to discuss the bill paragraph by paragraph rather than section by section. Members of the Senate then rose to protest the unfairness and length of the procedure and moved for a vote by morning roll call. The President of the Senate obtained order, and after proper procedures, Senate Bill 1724 was passed by a unanimous vote.<sup>73</sup>

The bill received favorable consideration in the House and a final vote of the Legislature unanimously approved the act on May 5, 1958.

Reasons for success of the bill were varied. Widespread publicity, personal contacts, organizational influence, luncheons and dinners, favorable public opinion and smooth tactics and strategy within the Legislature were all important factors in the unanimous passage of the act.<sup>74</sup>

The enactment created a governmental subdivision of the state known as the Pearl River Valley Water Supply District. Its objectives were to supervise, construct, operate and maintain a reservoir on the Pearl River. The district was considered necessary and essential to the control of the waters and tributaries of the Pearl River for domestic, municipal, commercial, industrial, agricultural, manufacturing and recreational uses. In addition, the district controls waters of the Pearl River used for irrigation purposes, flood prevention, timber development and pollution abatement within the district.<sup>75</sup>

All powers of the district are exercised through a board of directors composed of members of the Pearl River Industrial Commission (if the member's county is a member of the district) and one member appointed from the Board of Water Commissioners, the State Game and Fish Commission, the Forestry Commission and the State Board of Health. Each board or

<sup>73</sup>Ibid.

<sup>74</sup>Interview with James A. Morrow, Brandon, Mississippi, June 21, 1960.

<sup>75</sup>Advance Sheet—General Acts of the Regular Legislative Session of 1958, (Published under authority of Section 4213 and 4214, Miss. Code), pp. 20-21.

commission will appoint its own member to the district to serve at the pleasure of the board or commission appointing him. In the event a new county becomes a part of the district, the board of supervisors of the county will appoint one additional member to the board of directors of the district. The board is required to elect a president and vice president of the district annually, and such other officers deemed necessary.<sup>76</sup>

### The Powers of the District

The powers of the district are contained under Section 11(a) through (x) of the Pearl River Valley Water Supply District Act. It has been this section that has come under considerable legal attack in court actions taken against the district. Under Section 11 of the act, the district is empowered through its board of directors:

1. To impound overflow water and surface water of the Pearl River and its tributaries within the project area; construct a dam or dams, reservoirs, works and other necessary facilities; control, store, preserve, distribute and sell waters of the project; and to construct other facilities necessary for processing and transporting water to the various facilities concerned with the project.
2. To acquire and develop any other available water necessary and useful to the project and its facilities.
3. To prevent or aid in prevention of damage to persons or property from waters of the Pearl River or its tributaries.
4. To forest, reforest, or aid in preventing soil erosion and floods; to control, store and preserve water for irrigation of land and prevention of water pollution within the project area.
5. To acquire by purchase, lease, gift, or other manner, and to maintain and use, all property, real, personal, or mixed, necessary for the project and within the powers, rights, privileges and functions conferred on the district.
6. To acquire property, real, personal, or mixed, within the project area not exceeding one-quarter mile from the out-

<sup>76</sup>Ibid., pp. 21-22.

side line of the 300-foot above sea level contour on each side of the Pearl River, according to condemnation proceedings provided by law; eminent domain proceedings of the district shall be superior and dominant to the right of eminent domain of railroad, telegraph, telephone, gas, power and other such companies or corporations; amount and character of interest in land, or other property and easements acquired shall be determined by the board, and their determination shall be conclusive and not subject to attack in the absence of abuse of discretion or fraud on part of the board; mineral or drilling rights shall not be acquired by the board, and such rights will be given due consideration; any site or plot of land to be rented, leased, or sold for the purpose of operating recreational facilities for a profit shall be rented, leased, or sold through public bids, and the board shall accept the highest bid only after proper notification of former owners, who shall have exclusive right for a period of thirty days to meet such bid.

7. To require necessary relocation of roads, highways, railroads, telephone and telegraph lines, power lines, gas pipe lines, mains or facilities in the project area provided due compensation is first paid to the owners, or agreement as to compensation is made.

8. To overflow and inundate any public lands and property within the project area.

9. To construct, extend, improve, maintain and reconstruct any and all facilities of any kind within the project area necessary or convenient to the project and within its powers, rights and privileges.

10. To sue and be sued in its corporate name.

11. To adopt, use and alter a corporate seal.

12. To make by-laws for the management and regulation of its affairs.

13. To employ engineers, attorneys and necessary agents and employees to properly finance, construct, operate and maintain the project; to pay reasonable compensation for such services; to employ a general manager who shall, at the discretion of the board, have the power to employ and discharge employees; and

to employ fiscal agents or advisors in connection with its financing program and issuance of bonds.

14. To make contracts and to execute necessary instruments to exercise its powers, rights, privileges and functions.

15. To make or cause to be made surveys and investigations for information to facilitate the accomplishment of the purposes of the district.

16. To apply for and accept grants from the United States or corporations or agencies created or designated by the United States, and to ratify and accept applications made by voluntary associations to such agencies for grants to construct, maintain or operate any project undertaken by the district.

17. To do any and all acts or things necessary or convenient to the exercising of the powers, rights, privileges or functions conferred upon the district by the act or any other act of law.

18. To make necessary contracts in the issuance of bonds.

19. To enter into contracts with municipalities, corporations, districts, public agencies or political subdivisions of any kind for any services, facilities or commodities provided by the project; to obtain necessary facilities from such agencies and to enter into contracts under terms and at such times as the parties may agree.

20. To fix and collect charges for services and facilities provided by the project, and to impose penalties for failure to pay charges when due.

21. To operate and maintain any works, plants or facilities of towns within the project with the consent of the governing body of any such town or city.

22. To lease, sell or otherwise dispose of property of any kind or interest within the project area as authorized by the act, for the purpose of furthering the business of the district.

23. When the board shall deem it unnecessary to the business of the district to own any lands acquired, such lands will be advertised and sold at the highest bid. Upon receipt of the bid, proper notification of the former owner or heirs shall be

made, and such former owner or heir shall have the exclusive right for thirty days to meet the bid and to purchase said property.

24. Bona fide resident householders living or maintaining a residence on land taken by the district by condemnation shall have the right to repurchase not exceeding forty acres of his former land or other available land from the board for a price not exceeding the price paid for condemning his land.<sup>77</sup>

Other important sections of the act provide the district with additional rules and regulations to control park and recreational facilities, bond issues, bond sales, amounts, validations, tax levees, refunding, legal investments, tax exemptions and agreements with the United States and other governmental agencies. Section 32 of the act, the Savings Clause, states that if any provision of the act shall be found unconstitutional or invalid, it would not apply to the other valid provisions of the act.<sup>78</sup>

If there is a major weakness within the powers granted to the board of directors of the district, Section 11(f) appears to be the most likely noted provision. The section came under attack in the Legislature and had to undergo amendment prior to acceptance of the act.<sup>79</sup>

As previously outlined, Section 11(f) empowers the district to acquire property up to one-quarter mile from the outside line of the 300-foot contour on each side of the Pearl River within the boundaries of the district under eminent domain proceedings.

The district has the power to decide the amount of property or easements to be acquired, and their determination is conclusive except for abuse of discretion or fraud. Of greater controversy, the board may rent, lease or sell lands within the one-quarter mile area to any person, firm or corporation for purposes of operating a facility for profit. The board is re-

<sup>77</sup>Ibid., pp. 26-31.

<sup>78</sup>Ibid., pp. 31-39.

<sup>79</sup>Interview with James A. Morrow, op. cit., June 21, 1960.

quired to advertise for public bids any lands to be sold, leased or rented. Upon receipt of the highest bid, former owners shall have the exclusive right to meet the highest bid for a period of thirty days. The board shall not in any event rent, lease or sell to any former owner more land than was taken from him, or one-quarter mile of shore line, whichever is the lesser.<sup>80</sup> It is obvious that many sections of the one-quarter mile shore line will be the choice areas bordering the reservoir.

The possible loss of this potentially profitable land has naturally been of deep concern to land owners within the one-quarter mile area.

Who should control these lands?

Is the one-quarter mile shore line absolutely necessary to the sound operations of the district throughout the reservoir area?

Does Section 11(f) violate the Mississippi Constitution which provides that private property may be taken only for public use?

The Mississippi Supreme Court has ruled in the district's favor on most of these questions. In a later chapter, greater detail will be given to the question of constitutionality of Section 11(f).

If Section 11 (f) has caused the greatest controversy over the establishment of the district, Sections 3 through 10 appear likely to arouse little dispute as to their intent. Section 3 provides the general authority under which the district is organized. The district shall be an agency of the State and may be composed of one or more counties. The provisions of Section 4(a) require all powers of the district to be exercised through a board of directors composed of members of the Pearl River Industrial Commission whose counties become members of the district and one member appointed from the Board of Water Commissioners, the State Game and Fish Commission and the State Board of Health. The district is required to have representation from other State agencies that are vitally interested

<sup>80</sup>"Advance Sheet," op. cit., pp. 27-29.

in the operations of the reservoir. The section further requires that each director take the oath of office required by Section 268 of the Mississippi Constitution.

Each director shall receive a fee not to exceed \$15.00 for each meeting of the district, or each day spent in attending to the necessary business of the district. The directors are required to elect a president and vice president annually, and other officers as necessary. A secretary and treasurer shall be appointed by the board. The treasurer shall give bond in a sum not less than \$50,000 and each director in a sum not less than \$10,000. The conditions of the bond require the directors and the treasurer to faithfully execute the duties of their office and account for all money which may come into their custody.<sup>81</sup>

Section 5 provides that the Pearl River Industrial Commission shall petition the Chancery Court of the First Judicial District of Hinds County to organize and establish the district. The counties forming the district, engineering feasibility studies, and a general description of the lands to be included in the project are required to be presented in the petition.<sup>82</sup>

Under Section 6, the Board of Water Commissioners is required to submit their recommendations concerning the water supply district after the district has filed its petition with the Chancery Court. Section 7 provides that the Chancery Court hear the petition during the term of court or at such time the chancellor may fix. Under the provisions of Section 8, all parties may appear to contest the petition. If upon hearing of the petition the project is found to be feasible and practical and conducive to the public welfare of the State as a whole, the chancellor shall order an election in each county desiring to become a part of the district.<sup>83</sup> The people in each county must make the final decision. They alone have the final choice as to their participation in the project.

Section 9 of the act requires that county elections on the district shall be held, as far as practicable, in the same manner as other elections. The section further requires that:

<sup>81</sup>Ibid., pp. 21-22.

<sup>82</sup>Ibid., pp. 22-23.

<sup>83</sup>Ibid., pp. 24-25.

. . . ballots used at such election shall have printed thereon the words "FOR BEING INCLUDED IN THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT" and "AGAINST BEING INCLUDED IN THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT" and the voter shall vote by placing a cross (x) or check mark (v) opposite his choice on the proposition. In any particular county, should a majority of the qualified electors voting in such election in such county vote in favor of the creation of the Pearl River Valley Water Supply District then that county shall become a part of the water supply district . . . . In any particular county, should a majority of the qualified electors voting in such election in such county vote against being included in the Pearl River Valley Water Supply District, then that county shall not become a part of the Water Supply District.<sup>84</sup>

Appeals from orders or decrees of the Chancery Court by any person aggrieved or interested is provided for under Section 10.

Throughout the United States, special districts similar in nature to the Pearl River Valley Water Supply District are subject to controversy over powers granted them by the legislature of the state.

Opponents contend they fragmentize governmental affairs, cause duplication and waste, create confusion and difficulty of citizen comprehension. Furthermore, special districts are attacked for possessing officers who are distant from public accountability and difficult to remove from office. Many special districts are berated for having financial powers which may result in excessive costs, high interest rates, and insufficient safeguards for the general public.<sup>85</sup>

Those in support of special districts argue that such bodies give the public considerable elasticity, continuity and efficiency

<sup>84</sup>Ibid., p. 26.

<sup>85</sup>John C. Bollens, *Special District Governments in the United States* (Berkeley and Los Angeles, 1957), pp. 245-246.

similar to that in private commercial management. Normally, these special districts are reasonably free from partisan politics and possess direction by officers of high caliber who show zeal and drive in the performance of their duties. Advocates further contend these special governmental units possess unique ability to cross political boundaries and carry on intergovernmental co-operation with other agencies with a minimum of friction.<sup>86</sup>

Basically, appointing officials must assume considerable responsibility in selecting men of ability and integrity to direct the affairs and operations of special district governments. In many cases it would not be difficult to appoint a politically influential friend or acquaintance. However, it is a real test of statesmanship to seek out and select capable men who possess a sincere state and community interest.

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<sup>86</sup>Ibid., p. 245.

## CHAPTER 4

# A Crucial Year

### Filing the Petition

Members of the industrial commission from Hinds, Madison, Leake and Rankin counties met on May 6, 1958, and signed a declaration of intentions to proceed with the construction of the reservoir project and support the Pearl River Valley Water Supply District. Although Scott County was not represented at the meeting, the commission decided to extend the county an invitation to membership.<sup>87</sup>

In conferences with the Scott County Board of Supervisors, the commission determined that residents of the county were receptive to the general reservoir program. However, the supervisors were cautious as to the county's entry into the commission because of possible tax obligations. The supervisors did not wish to place the county or the proposed water supply district in an embarrassing position in an election to determine the county's support for the reservoir project. Realizing the importance of a strong five-county petition, the industrial commission carried on an extensive "selling" campaign among civic groups and interested citizens in the county. After careful consideration by the board of supervisors, Scott County entered the commission late in May of 1958.<sup>88</sup>

The commission petitioned the Chancery Court of the First Judicial District of Hinds County on June 6, 1958, to organize and establish the water supply district. The petition proposed the inclusion of Hinds, Madison, Rankin, Leake and Scott

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<sup>87</sup>Pearl River Industrial Commission, Minutes, May 6, 1958.

<sup>88</sup>Interview with William A. Huff, Forest, Mississippi, June 15, 1960.

counties as members of the district. Simpson, Neshoba and Lawrence counties, members of the industrial commission, were not included in the district petition because it had been determined by personal contact with citizens of the three counties that they would not endorse the two-mill tax levy authorized by the act. The general feeling expressed in these counties indicated a majority of the qualified electors would not vote in favor of being included in the district.<sup>88</sup>

In a statement to the press, Chairman Bridges of the commission stressed that approval by the voters of the tax levy did not necessarily mean that the tax would be levied. He said the two-mill tax levy would be used only if other sources of revenue to finance the project were inadequate.<sup>89</sup>

Section 20 of the district act, which empowers the district to levy a special tax not to exceed two mills on all taxable property within the district, had caused some fear of additional tax burdens among citizens in the reservoir area. In an effort to overcome these fears, publicity released by the commission and the Jackson Chamber of Commerce gave considerable attention to the special tax levy and the likelihood that it would not be needed to finance the project.

After receiving the petition requesting establishment of the district, Chancellor Stokes V. Robertson set July 24, 1958, as the date to begin hearings. While awaiting the hearing, the industrial commission and Water Reserve Committee enlisted prominent Mississippi citizens who favored the project to testify at the proceedings. Among those testifying at the hearing in support of the water supply district were former Governor Hugh White, Jack Pepper of the Board of Water Commissioners, Rex McRaney, former director of the State Game and Fish Commission and Mendell Davis, general manager of the Jackson Chamber of Commerce.<sup>91</sup>

Mr. White testified that the dam and reservoir project was the most important proposal of its kind in Mississippi during the past 25 years and was a necessity to attract new heavy industry into the area.

<sup>88</sup>Interview with Horace Lester, *op. cit.*, April 23, 1960.

<sup>89</sup>Jackson Daily News, July 26, 1958.

<sup>91</sup>State Times, July 26, 1958.

According to Mr. Pepper's testimony, the reservoir would supply water for about one-fourth of the population of Mississippi, as some 500,000 people lived within 50 miles of the reservoir site. Mr. Pepper also noted that seepage from the reservoir could boost underground water supplies as far away as Greenville, Mississippi.

Mr. McRaney believed construction of the project would considerably increase hunting and fishing in central Mississippi, perhaps as much as \$3,000,000 annually in increased income from these sports.

Mendell Davis noted that the central Mississippi area had been "handicapped" in its negotiations with new industries because of inadequate industrial water supply.<sup>92</sup>

Some of those who appeared at the hearings, however, were not unqualifiedly in favor of establishing and organizing the water supply district. Lewis Culley Sr., Jackson realtor who owns land within the project area, expressed the opinion that the act creating the district was unconstitutional. On July 25, 1958, Mr. Culley's attorney, John C. Sullivan, brought suit in the Hinds County Chancery Court against creation of the district on the grounds that Section 11(f) of the district act was unconstitutional.

Mr. Sullivan attacked Section 11(f) as a violation of Section 17 of the Mississippi Constitution which provides that private property may be taken only for public use.

In presenting his case, Mr. Sullivan charged that Section 11 (f) allowed the board of directors to purchase a strip of land along the reservoir's shore line one-fourth mile deep, and that such land taken under eminent domain proceedings would allow the board to later resell the land to private enterprise or persons.<sup>93</sup>

Chancellor Robertson refused to consider the constitutional objection on the ground that under provisions of the act he could rule only on whether construction of the reservoir was practical and in the public interest.

<sup>92</sup>Ibid.

<sup>93</sup>Ibid.



In reply to this decision, Mr. Sullivan stated he would contest the provisions of the act in the Mississippi Supreme Court. After dismissal of the suit, Chancellor Robertson ruled that construction of the reservoir was in the public interest and was practical from an engineering and economic standpoint. The Chancellor set August 26, 1958, the date of the State Democratic Primary, as the date for the water supply district election. The results of the elections were to be reported to the Chancellor on September 5, 1958, for final orders creating the district and providing for future construction of the reservoir. The proposed appeal to the Mississippi Supreme Court could not cause postponement of the county referendum since no appeal could be formally filed until the Chancellor entered his final order on September 5, 1958.<sup>84</sup>

#### The Culley Position

Mr. Culley said he strongly favored construction of the Pearl River Reservoir. He agreed with former Governor Hugh White that the reservoir project is the most important undertaking of its kind in Mississippi in many years. Mr. Culley, however, does not agree with all the provisions of the water supply district act. In his opinion, Section 11(f) allows the board of directors of the district to acquire certain properties by eminent domain that are not needed by the district.

He further contends that the powers granted to the board allow the directors to develop and subdivide land not necessary to the operations of the district and to sell the land to the general public for private use. It is Mr. Culley's opinion that this violates the Mississippi Constitution under Section 17, which permits taking of private property only for public use.<sup>85</sup>

Although Section 11(f) allows former owners the option of meeting the highest bid in the event of resale of their land taken by eminent domain proceedings, Mr. Culley feels that a wealthy person could bid a high price which a former land owner would be unable to meet financially. Mr. Culley also contends the act is socialistic in nature in that it sets a precedent for other State agencies to be vested with similar powers.

<sup>84</sup>Ibid.

<sup>85</sup>Interview with Lewis L. Culley, Sr., Jackson, Mississippi, April 9, 1960.

To illustrate his contention, Mr. Culley points out that perhaps the State Highway Department would desire additional footage of property in excess of that actually needed for highway construction. After obtaining the excess footage, the department could then proceed to sell or lease the land for the establishment of a private enterprise. In other words, such agencies possess the power "to enter into the real estate business without proper safeguards or regulations."<sup>86</sup>

Mr. Culley agrees that the dam and reservoir have tremendous potential advantages and benefits to offer the people of Mississippi, and in this view, the project should be constructed. However, he feels that the State has agencies currently established possessing the needed powers to control the shore line of the reservoir. Mr. Culley has been outspoken in his position, and along with some others of similar view, has presented an attack on the act through newspapers, advertisements, radio and television.

#### The Commission Defends the Act

In reply to criticism of the powers granted to the board of directors of the water supply district, the industrial commission, the Jackson Chamber of Commerce, and private citizens defended the provisions of the act through various means of mass communication: radio, television, public speeches and newspapers.

The commission released the following statements to the press concerning the need for shore line control and the acquisition of land and property within the district:

1. The officials of the State Health Department would not approve the reservoir project unless the district controlled the shore line.

2. The reservoir is a public project and any establishment erected on the shore line which produces revenue would be operated only in the public interest.

<sup>86</sup>Ibid.



3. The district act provides two specific and special safeguards for the rights of individual property owners. One safeguard provides that former land owners may meet the highest bid on any property taken from them by eminent domain in the event the property is placed for lease or sale. Another safeguard provides that any owner whose home is taken has the right to secure from the district in some location abutting the reservoir a maximum of 40 acres at the same price received for the property.

4. Under normal circumstances, a similar reservoir project would involve the condemnation of hundreds of land holdings. In the Pearl River project however, one corporate interest, the International Paper Company, owns more than one-half of the entire area of the proposed reservoir and has agreed to co-operate in the project. For this reason, the district's acquirement of other necessary property will create a minimum of disturbances.

5. The water supply act requires that any action taken by the board of directors as to land acquisition must be necessary and legal as interpreted by the courts. Property owners will be paid full value for their property as established by qualified appraisers, or as established by eminent domain jury.

6. The law making the one-quarter mile acquisition possible does not necessarily make it mandatory. The law shall be administered by a fourteen member board of directors representing each county within the district.<sup>67</sup>

The industrial commission's defense of the water supply act has consistently maintained the necessity of the powers granted to the board of directors. The commission has given considerable emphasis to the explanation of these powers through timely and well written press releases. And it has attempted to answer each objection as it was encountered in a direct and convincing manner.

#### An Important Referendum

After the favorable decision by Chancellor Robertson on July 25, 1958, that the reservoir construction was in the public

<sup>67</sup>The Clarion-Ledger, August 13, 1958.

interest, immediate plans were made by the industrial commission to wage a successful campaign for the reservoir within the five counties included in the district petition.

Chairman Bridges outlined four basic steps in getting a promotional program underway:

1. Selection of a panel from the industrial commission and Water Reserve Committee to meet with newspaper editors in the five counties to provide them with information on the reservoir project and operations of the water supply district.

2. The establishment of a "speakers bureau" and speakers' kit of information to be co-ordinated with interested groups from Junior Chambers of Commerce in the five counties.

3. Plan the full utilization of sportsmen's clubs willing to support the project in all counties having such organizations.

4. Arrange meetings with the county boards of supervisors, attorneys for the boards, and chancery clerks to discuss the project and make necessary arrangements to carry out promotional work within the county.<sup>68</sup>

The Water Reserve Committee also took prompt action in preparing a program to win votes for the reservoir in the election on August 26. As early as June 30, 1958, a "Special Bulletin" from Chairman Wilson to all members of the committee asked their support in submitting information on persons possessing qualities of leadership within the five counties who would accept some responsibility at the local level in working for passage of the reservoir program. Mr. Wilson pointed out that the elections had to be carried by a majority of those voting, and that:

. . . a properly planned educational program in each county, led by persons of good reputation and ability in the county, is going to be mighty important. No one individual has knowledge of all five counties, but the pooled information of interested Jacksonians should be very helpful.<sup>69</sup>

<sup>68</sup>Pearl River Industrial Commission, *op. cit.*, July 25, 1958.

<sup>69</sup>Chamber of Commerce, "Special Bulletin," *op. cit.*, June 30, 1958.

Members of the industrial commission and Jackson Chamber of Commerce remained in the background to allow local leaders the forefront in obtaining support in favor of the project.<sup>100</sup> Newspapers throughout the district area were supplied news releases on the forthcoming reservoir election at a pace probably unmatched in the history of central Mississippi journalism. An official publication of the Jackson Chamber of Commerce proclaimed that leaders within the five-county area were almost solidly behind the project. The publication also reported that editors of every newspaper within the proposed district were in support of the project and that local clubs and individuals were encouraging citizens to vote for the district.<sup>101</sup>

The Junior Chamber of Commerce of Jackson was among the first civic groups to organize a special committee to encourage a favorable vote for the reservoir. The committee worked to gain support of civic groups in Hinds County and among Junior Chambers in Scott, Rankin, Leake and Madison counties. Young business and professional men were noted as groups who would be the main beneficiaries of the reservoir project.<sup>102</sup>

During the first week of August, Chairman Bridges of the industrial commission held a briefing on the reservoir with 75 members of the press, radio and television. Mr. Bridges recapped all the potentials of the reservoir. It was Mr. Bridges' opinion that proper explanation of the project would overcome any antagonism to the successful completion of the reservoir. The commission's attorney, Vaughan Watkins, told the group that the special two-mill tax levy was not expected to be needed to construct or operate the reservoir since revenue estimates were conservative.

Touching on a controversial issue, Mr. Watkins said property owners would be paid a fair price for any land acquired by the district and would have a 30-day option to rebuy former property placed on sale by the district.<sup>103</sup>

The briefing apparently convinced members of the press still in doubt that the project was in the public interest and

<sup>100</sup>Water Reserve Committee, op. cit., August 13, 1958.

<sup>101</sup>Chamber of Commerce, Jackson, Mississippi, "Building Jackson," August, 1958.

<sup>102</sup>State Times, August 3, 1958.

<sup>103</sup>The Clarion-Ledger, August 6, 1958.

worthy of their support. Between August 10 and 26, numerous news stories and editorials supporting the reservoir began to appear in newspapers throughout the five counties concerned with the water supply district.

In recognition of this favorable publicity, an editorial by Oliver Emmerich of the *State Times* emphasized the importance of neighboring editors giving their support to the reservoir project. He expressed gratification for their support and the confidence held in them by their readers.<sup>104</sup>

The *Progress Herald* of Morton, the *Madison County Herald* of Canton, the *Scott County Times* of Forest, *The Carthaginian* of Carthage, the *Brandon News* of Brandon and the *Hinds County Gazette* of Raymond all made vitally important contributions by forming favorable public opinion in favor of the reservoir project. The newspapers in the five counties, as a single force, appear to have been the most important instruments of persuasion used by those supporting the project. They consistently reached a large number of people and, without doubt, convinced many electors that the reservoir was a step forward in the economic betterment of Mississippi.

On August 15, full page advertisements began to appear in the Jackson papers in support of the reservoir and called for a "Yes" vote by the people in the referendums of August 26. Four complete pages, with pictures, appeared in the August 21 issue of the Morton *Progress Herald*. The ads, sponsored by 50 local business firms and individuals, emphasized the reservoir's benefits to Scott County and central Mississippi.<sup>105</sup>

The *Madison County Herald* of Canton ran eight full pages on the benefits of the reservoir in its issue of August 21. A great appeal to water sports and fishing was made, and scenes from Sardis, Grenada and Mansell Lakes were portrayed. The proposed reservoir was extolled as a "mecca for all fishing, boating, and water sports lovers."

One page was devoted largely to the television speech made by former Governor Hugh White on August 20 and appealed

<sup>104</sup>State Times, August 12, 1958.

<sup>105</sup>Progress Herald (Morton, Mississippi), August 21, 1958.

primarily to the industrial advantages of the reservoir. The third page included a picture of the Natchez Trace and Pearl River and noted that the river had played an important part in the development of Madison County for 260 years. Page four was devoted to the history of the industrial commission and the proposed water supply district.

Page five contained pictures of the reservoir area and an outline of the benefits the project would provide to the area. Also included were names of 17 prominent citizens from various counties within the reservoir area who endorsed and recommended the project after careful investigation. Page six listed the State Board of Water Commissioners, Game and Fish Commission and the Mississippi Forestry Commission as supporters of the project. Lions, Rotary and Civitan Clubs members who supported the project were listed on page seven. The final page appealed to the citizens of Madison County to vote for the reservoir.<sup>106</sup>

Similar eight or five page material appeared in the *Scott County Times*, the *Brandon News* and *The Carthaginian* at least five days prior to the election date. The primary differences in these various ads were the appeals to the particular county in which they appeared and the businesses, organizations or individuals sponsoring them.

Those opposing a favorable vote on the water supply district were not silent in their protests. A typical example of their position was presented in one press release as follows:

Since it has been revealed that Home-Sites, Summer Cottage Sites, or Factory Acreage, that is sold from time to time by the Commission, NOT being of RECREATIONAL nature, does NOT have to be sold to the highest bidder. There being NOTHING in the law protecting the former LAND-OWNER allowing him to repurchase at ANY price, I am NOW realizing that I have been MIS-LED. (See paragraph V—Section 11, Senate Bill 1724.) I have read the statute and have found out that I have been told other MIS-LEADING facts.

<sup>106</sup>Madison County Herald (Canton, Mississippi), August 21, 1958.

I CANNOT support such tactics, and I will vote AGAINST being a part of "Scheming" such as this.<sup>107</sup>

Of all the advertisements and editorial comments on the proposed reservoir project, the vast majority strongly supported the project and called for a large vote in its favor. The benefits to industry, employment, business and the general public were made known again and again. Editorial comment was even made that in some cases it would appear that fairness and justice would not be applicable in an equitable manner to all, but these complaints "must be balanced against the good for all that the project promises."<sup>108</sup>

Second only to the newspapers in reaching the people in the five counties were television appearances, radio news reports, and the vast number of civic organizations supporting the reservoir.

Commission attorney Vaughan Watkins spoke on financing plans for the project on television station WJTV, Jackson, on August 18. Former Governor White appeared on television station WJTV on August 20 and 22, and on station WLBT on August 21. In these appearances, he urged voters within the five counties to vote for the project. Mr. White considered the reservoir as a boost to the economy and industrial future of the State. He spoke of the project as a definite step forward and an example of "big league" progress for Mississippi.<sup>109</sup>

A panel of prominent citizens from all five counties appeared on television stations WJTV and WLBT on August 24 to discuss the advantages of the reservoir and to urge citizens of the district area to support the project.<sup>110</sup>

Throughout the five counties, numerous civic organizations announced their support for the reservoir project and urged their members to vote for the district petition on August 26. Typical of the clubs supporting the project were the Utica, Morton, Canton, Brandon, Florence and Jackson Central Lions

<sup>107</sup>Ibid.

<sup>108</sup>Ibid.

<sup>109</sup>Jackson Daily News, August 21, 1958.

<sup>110</sup>"Pearl River Reservoir Development — 1958," (personal reservoir files of R. Baxter Wilson, Jackson, Mississippi).

Clubs; the Leake and Scott County Farm Bureaus; the Pelahatchie, Jackson and Capitol Civitan Clubs; the Pearl Men's Civic Club; the Leake County Conservation Club; the Edinburg Puritan Club; the Florence Home Demonstration Club; and the Capitol Optimist Club. The project also received support from city officials, chambers of commerce and junior chambers in the many communities located in the five counties.<sup>111</sup>

The efforts expended in behalf of the reservoir by newspapers, television, radio, chambers of commerce, local city governments, farm bureaus, civic organizations, state agencies and commissions, bankers, sportsmen's groups and personal contacts resulted in an overwhelming vote in favor of joining the water supply district. The final vote was tabulated as follows:<sup>112</sup>

County	For District	Against District
Hinds	12,877	1,201
Leake	2,600	417
Scott	1,748	601
Madison	1,422	516
Rankin	2,366	316

The qualified electors within the five counties had made their decisions. By a substantial majority, they voted to proceed with establishing a new and special governmental mechanism to provide enforcing and financing methods for the proposed dam and reservoir. The supporters of the big project had cleared a major hurdle. Future success would depend on those appointed to positions of leadership and trust in the direction and operation of the district.

The Pearl River Valley Water Supply District was formally organized on September 5, 1958, the date Chancellor Robertson entered his decree officially creating the district. The board of directors elected W. P. Bridges, Sr., chairman; J. A. Morrow of Brandon, vice chairman; W. A. Huff of Forest, secretary; and W. E. McIntyre of Brandon, treasurer. The other members included Elmore Anderson of Madison County, R. L. Moss of Leake County, Fred A. Moore of Scott County, T. N. Brooks

<sup>111</sup>State Times, August 24, 1958.

<sup>112</sup>Chamber of Commerce, "Building Jackson," *op. cit.*, September, 1958.

of Leake County, R. M. Nonnemacher of the Mississippi Board of Water Commissioners, A. B. Farris of the Mississippi Forestry Commission and Dr. A. L. Gray of the Mississippi State Board of Health.<sup>113</sup>

At the first organizational meeting, the directors made plans to initiate negotiations with the Housing and Home Finance Agency in Atlanta for financial assistance under the terms of Public Law 560, 83rd Congress, approved August 2, 1954. The funds would be needed by the district during the interim required to settle an appeal to the Mississippi Supreme Court and until arrangements for a bond issue could be completed. The board also decided that an engineering firm of national reputation would be hired in association with the local firm of Lester Engineers.<sup>114</sup>

After consideration of proposals made on October 22 and 23, 1958, Harza Engineering Company of Chicago was selected by the board to be associated engineers with Lester Engineering Company in completing construction of the project.<sup>115</sup>

The board reported December 19, 1958, that the application for funds from the Housing and Home Finance Agency had been approved in the amount of \$276,800. The funds would be loaned to the district to aid in financing the preliminary engineering work required to continue with the reservoir project. A formal offer from the HHFA would be received as soon as necessary papers and documents could be completed.<sup>116</sup>

The year 1958 had been a crucial one in the progress and development of the proposed Pearl River reservoir project. It had also been an extremely successful one for organizations and private citizens supporting the reservoir.

A financial plan for the reservoir had been presented by a skilled panel in each county with very favorable results.

<sup>113</sup>Lester Engineering Company—Harza Engineering Company, Pearl River Valley Reservoir on the Pearl River in Mississippi, "Project Planning Report," Vol. 1, July 31, 1959, X, 1.

<sup>114</sup>Pearl River Valley Water Supply District, Minutes, September 5, 1958.

<sup>115</sup>*Ibid.*, October 23, 1958.

<sup>116</sup>*Ibid.*, December 19, 1958.

Senator Mitchell Robinson, Representative Jimmie Morrow, and a host of other legislators, had successfully guided enabling legislation through the Mississippi Legislature providing for the Pearl River Valley Water Supply District. The combined efforts of civic organizations, city officials and numerous other groups, with the support of press, radio and television, had carried the district to an impressive victory in the county referendums.

If legal controversies could be won, and favorable public opinion maintained, future prospects for a dam and reservoir on the Pearl River were extremely good.

## CHAPTER 5

# Courts And Controversy

### The District and the Mississippi Supreme Court

On September 5, 1958, the Hinds County Chancery Court entered its official decree creating the Pearl River Valley Water Supply District. Lewis Culley had unsuccessfully contested the creation of the district before Chancellor Robertson on July 25, 1958. In association with Dr. Ben N. Walker Jr., also a land owner within the district, Mr. Culley appealed to the Supreme Court of Mississippi. Dr. Walker and Mr. Culley brought their appeal before the Court on the following counts:

1. The district act violates Section 33 of the Mississippi Constitution in that it is based upon an unconstitutional delegation of legislative power.
2. The act violates Section 90 of the Mississippi Constitution in that it is a local and not a general law.
3. The act violates Section 81 of the Mississippi Constitution by authorizing the construction of a dam and reservoir on the Pearl River, which will create a permanent obstruction to navigation on the river.
4. The act violates Section 112 of the Mississippi Constitution which requires uniform and equal taxation. The act is invalid because Section 16 assigns or allocates to the district two mills of the four-mill ad valorem levy for state and county property taxes during the period bonds are outstanding.
5. The act violates Section 17 of the Mississippi Constitution and the due process clauses of the State and Federal Constitution because it empowers the district to acquire private

property by condemnation and then to rent, lease or sell the property for private use.<sup>117</sup>

On January 12, 1959, the Mississippi Supreme Court by a six to three decision upheld the district act as valid and constitutional. Justice William N. Ethridge wrote the majority decision.

In answer to the contention that the act conferred an unconstitutional delegation of legislative power, Justice Ethridge said the "dividing line between a legislative and a judicial act is often imperceptible." To warrant creation of the district, certain facts had to be found to exist. The findings of the Chancery Court were held by the majority to be essentially factual in nature. The determination of these facts was a proper function exercised by the Chancery Court.<sup>118</sup>

The second contention charged that the act was unconstitutional in that it was a local and not a general law in violation of Section 90 of the State Constitution. In reply to the charge, Justice Ethridge said that Section 5(a) of the act provides for inclusion within the district any counties through which the Pearl River runs or borders. Under this classification, a total of 13 counties could become a part of the district. Section 90 does not prevent a reasonable classification by the Legislature if it has basis in fact. The district is in a unique position to operate in a general and uniform manner on every person coming within the district classification and capable of serving a large portion of the population of the State. Justice Ethridge further concluded:

A state may classify persons and objects for the purpose of legislation. In fact, all legislation involves classification to some extent. Classification under Constitutional Section 90 must be reasonable, and must be based on proper and justifiable distinctions . . . . The facts amply warrant a conclusion that the Pearl River Valley constitutes an area of the state which, because

<sup>117</sup>"Cases Decided in the Supreme Court of Mississippi," Southern Reporter, CVIII (February 19, 1959), 390-399.

<sup>118</sup>Ibid., p. 397.

of the economic, population, geologic and water-supply factors, supports the classification adopted.<sup>119</sup>

Justice Ethridge's opinion on the contention that the dam and reservoir would create a permanent obstruction to navigation concluded that no evidence had been shown that the Pearl River was a navigable waterway as defined by Sections 686 and 8414 of the Mississippi Code. "The burden of establishing that fact was upon the appellants, and they failed to meet it."<sup>120</sup>

A fourth attack on the district act proclaimed the act invalid because Section 16 assigned or allocated to the district two mills of the four-mill ad valorem levy for state and county property taxes, and was therefore not uniform and equal throughout the state. In part, Justice Ethridge replied:

. . . No requirement of uniformity or equal protection under the Mississippi and Federal Constitutions limits the power of the Legislature in respect to the allocation, distribution and application of public funds . . . .

The equal and uniform requirement relates to the levy of taxes, and not to the distribution or application of the revenue of the State.<sup>121</sup>

The final and major contention of the suit brought by Dr. Walker and Mr. Culley charged that the act violated Section 17 and the due process clauses of the State and Federal Constitutions in that it empowers the district to acquire private property by condemnation and then rent, lease or sell it for private use.

Justice Ethridge ruled that the district was clearly authorized by statute to take eminent domain over the one-quarter mile perimeter area under Section 11(f) of the act, provided it was necessary for public purposes or for a public use.<sup>122</sup>

Justice Ethridge said that undisputed evidence had shown that it was necessary and for a public use for the district to control the one-quarter mile perimeter area and to possess the power of eminent domain over it. He further said the objec-

<sup>119</sup>Ibid., pp. 397-398.

<sup>120</sup>Ibid., p. 398.

<sup>121</sup>Ibid., p. 399.

<sup>122</sup>Ibid., pp. 399-400.

tions of the appellants were necessarily based upon circumstances which may or may not occur under powers granted by the act, but the Court would not assume in advance that the district would abuse its powers. He said the Court would presume the board of directors of the district will manage, lease and sell acquired lands only for a public purpose. Furthermore, Judge Ethridge stated the Court does not decide cases on "non-existent hypothesis."<sup>123</sup>

Justice Ethridge concluded the important majority decision with the following statements:

As already stated, we herein judicially decide that all property taken by the District, including any taken within the quarter-mile perimeter, will be for a public use. Whether the taking of a particular piece or parcel of property is necessary for the public use is . . . essentially a legislative question, to be determined by the District; but the courts may interfere if the District's determination of the question of public necessity is the result of fraud or abuse of discretion.

This important and far-sighted project by the State and the counties in the District appears in its magnitude and public purposes to be a significant example of the essential vigor of state and local governments. It evidences a far-sighted and progressive public spirit, and is a refreshing demonstration of initiative by the State, as contrasted with the current trend toward reliance on the Federal Government for projects of this magnitude. We hold that the Act is constitutionally valid and the District is properly created.<sup>124</sup>

Justices Lee D. Hall, Percy M. Lee, James G. Holmes, Richard O. Arrington and Robert G. Gillespie concurred with Justice Ethridge in the majority decision. Chief Justice Harvey McGehee wrote a dissenting opinion in the case. Justice William G. Roberds concurred in a partial dissent written by Justice John W. Kyle.

<sup>123</sup>Ibid., p. 400.

<sup>124</sup>Ibid., pp. 402-403.

In his dissenting opinion, Chief Justice McGehee said the Court was not, in his opinion, vested with the authority to decide the question of whether the land which may be obtained by eminent domain proceedings under Section 11(f) would be taken for a public use. He thought the question of the taking of the lands by the district under powers granted to it by the act was a judicial question to be determined in a court of eminent domain and was not an issue in the proceeding.<sup>125</sup>

Chief Justice McGehee said further that a land owner, at the very threshold of any suit in eminent domain, is entitled to litigate the issue whether his lands will be taken for a public use. In effect then, the Chief Justice was of the opinion that the Court was being asked to render a declaratory judgment or advisory opinion which it had no authority to make.

Justice McGehee also considered the act unconstitutional in authorizing the district to require the relocation of roads and highways under certain necessary conditions unless a constitutional amendment was passed. Jurisdiction over roads and highways is maintained by the boards of supervisors and the State Highway Commission.<sup>126</sup>

After the January 12 decision of the Mississippi Supreme Court, attorneys for Culley and Walker filed a suggestion of error before the Court claiming that the Court approved a question not legally before it during the appeal. In addition, it was claimed that the two-mill tax levy allowed by the act could not be constitutionally applied within the five counties of the district because it would jeopardize the State tax structure as a whole. A final contention stated that the act was illegal and invalid because it passed the State Legislature under the guise of being of benefit to the entire State.<sup>127</sup>

On March 9, 1959, the State Supreme Court overruled the suggestion of error and reaffirmed its right to rule on the use of land surrounding the proposed reservoir even though this point was not appealed. After this reversal, Dr. Walker and Mr. Culley said they would appeal their case to the United

<sup>125</sup>Ibid., p. 405.

<sup>126</sup>Ibid., pp. 406-407.

<sup>127</sup>State Times, February 12, 1959.

States Supreme Court on the grounds the district deprived them of their property without due process of law, and that the Legislature unconstitutionally delegated a legislative question to the courts.<sup>128</sup>

However, on May 15, 1959, Mr. Culley and Dr. Walker agreed to withdraw their appeal to the United States Supreme Court following consultation with the directors of the district. In a public statement on the matter, Chairman Bridges said the board "realized these gentlemen are making a personal sacrifice and know that they do it to further the ultimate success and completion of the project."<sup>129</sup>

Although faced with many engineering and financial problems, the possibility of an appeal to the U. S. Supreme Court had loomed as another major obstacle in the reservoir project. With the proposed appeal settled in apparent harmony, the district board of directors hoped to move forward rapidly in carrying out the reservoir program.

#### Financial Plans and Controversy

To pay for the multitude of costs involved in financing the construction and operation of the dam and reservoir, the district act empowered the board of directors to issue bonds not in excess of \$25,000,000 in principal amount to finance the project.

The act further provides that these bonds shall not bear an interest rate in excess of 6 per cent per annum, and no bond shall have a maturity date extending beyond 40 years starting January 1, 1961. All bonds issued by the district must be secured by net revenues earned by the district, the special tax levy of two mills on taxable property within the district, or by the two-mill ad valorem tax levy provided by each county within the district.<sup>130</sup>

To obtain the necessary funds to retire bonded indebtedness which the district might incur, the board of directors

<sup>128</sup>The Clarion-Ledger, March 10, 1959.

<sup>129</sup>Ibid., May 16, 1959.

<sup>130</sup>"Advance Sheet," *op. cit.*, pp. 32-35.

planned to obtain revenues for the project principally from the following sources:

1. A \$500,000 yearly sum from the City of Jackson for a guaranteed source of water supply.
2. Revenues derived from sales, leases and concessions on the reservoir shore line.
3. All revenues from the State's two-mill ad valorem tax normally imposed on the five counties within the district.
4. Revenues derived from the special two-mill tax levy on taxable property within the district in the event it is needed.<sup>131</sup>

Because of the complexities of actually putting this four-point financial program into operation, the board of directors of the district concluded that financial consultants should be hired to advise them on necessary procedures in issuing bonds and other financial matters.

During October and November, 1958, representatives from various national and local investment firms presented bids to act as financial consultants for the district. The board of directors gave full consideration to the bids submitted by the F. S. Smithers Company of New York, the Equitable Securities Corporation of Chicago, and a third group consisting of Leland Speed Company, Leland R. Speed, Hamp Jones, Max T. Allen and Henry Allen of Jackson.

The Leland Speed Company, and associates, were hired by the district after submitting the lowest bid at a flat fee rate of \$75,000. The fee included the printing of prospectus, travel expenses and any other similar expenses incurred by the consultants. The board of directors said that all prospective investment firms advised the employment of a financial consultant and strongly urged that the consultant be permitted to bid on bonds issued by the district.<sup>132</sup>

After a year's consideration of the manner and amount of sale of the first bond issue, the directors of the district adopted the recommendation of its financial advisors that the initial

<sup>131</sup>State Times, July 27, 1958.

<sup>132</sup>Jackson Daily News, November 26, 1959.



bond sale should be in an increment of \$4,400,000 by public auction.<sup>133</sup>

The public announcement of this decision by the district board of directors created considerable controversy among city officials and representatives of investment houses. Mayor Allen Thompson of Jackson strongly opposed the sale of the bonds in increments because of the possibility that large investment firms would not participate in a public auction or partial bond sale.<sup>134</sup>

As the bond sale dispute became more heated, Mayor Thompson indicated that the \$500,000 contract which the city had agreed to make with the district might remain unsigned until the matter was settled. However, on November 20, 1959, the Jackson City Commission voted two to one in favor of allowing the district to sell its proposed \$22,000,000 total bond issue in any legal manner as determined by the board of directors and the district's fiscal advisors. The City Commission also signed the \$500,000 contract with the district for a guaranteed water supply on November 18, 1959.<sup>135</sup>

The board of directors then announced that a \$4,400,000 bond sale would be conducted by public auction on December 8, 1959. The bond issue was held on that date and the \$4,400,000 sale was purchased by the Leland Speed Company, the First National Bank of Memphis, Allen and Company of Jackson, and Hamp Jones of Jackson for a bid of 4.4999 per cent interest. There were no apparent competitive bids entered at the sale.<sup>136</sup>

The bond sale and controversy were not quickly forgotten. In fact, there had been mounting publicity in the Jackson newspapers on the bond issue for several weeks. Many statements and charges were made which to some extent portrayed the decision of the district unfavorably. To make matters worse, the district was faced with harassing legal problems resulting from the bond issue.

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<sup>133</sup>Ibid.

<sup>134</sup>The Clarion-Ledger, November 19, 1959.

<sup>135</sup>Ibid., November 21, 1959.

<sup>136</sup>State Times, December 28, 1959.

On December 28, 1959, Lewis Culley, Hugh L. Davis and Robert Ray filed suit in the Hinds County Chancery Court on grounds that the bond issue was illegal, exorbitant, excessive in costs and unconstitutional. Over the objection of the district's attorney, Vaughan Watkins, Chancellor Stokes Robertson set a hearing on the matter for January 7, 1960, to determine if the district could proceed with its bond issue. The suit had been successful in delaying the validation of the total \$22,000,000 bond issue even though \$4,400,000 had been offered for sale.<sup>137</sup>

At the hearing, Chancellor Robertson approved the \$22,000,000 bond issue and dismissed the suit against the district for lack of evidence showing the board of directors to have been guilty of fraud or to have misused discretion in the handling of the bond issue. Chancellor Robertson concluded that it was apparent the district had been acting "in good faith."<sup>138</sup>

A subsequent bond issue in the amount of \$8,800,000 was sold by sealed bid to A. C. Allen and Associates of Chicago on May 3, 1960. Unlike the initial bond issue, the sale to A. C. Allen and Associates created no apparent unfavorable publicity for the district.<sup>139</sup> If the two bond sales can serve as a guide, it appears certain that a sealed bid type of sale meets more with the approval of investors. From all indications, the board of directors and their financial advisors will continue with this type of bond issues in the future. It must be noted, however, that the second bond issue was sold at a higher interest rate (4.5609 per cent) than the initial sale by public auction. The question of selling bonds by sealed bids or public auction can itself be subject to lengthy debate and examination.

Preliminary tasks undertaken to make the Pearl River Reservoir a reality advanced at a rapid pace during 1957 and 1958. The Pearl River Industrial Commission and the Water Reserve Committee of the Jackson Chamber of Commerce had been instrumental in planning a successful five-county election creating the Pearl River Valley Water Supply District.

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<sup>137</sup>The Clarion-Ledger, December 29, 1959.

<sup>138</sup>Jackson Daily News, January 8, 1960.

<sup>139</sup>The Clarion-Ledger, June 14, 1960.

The activities of the commission and the committee had clearly demonstrated that the general public will gladly support a logical and progressive program designed to benefit their economic well-being.

Between the months of November, 1959, and January, 1960, the board of directors of the district had been subject to severe criticism for its manner of conducting the initial bond issue. The crux of the matter was the district's decision to follow the advice of its financial consultant, Leland Speed, and offer its first bonds in an increment of \$4,400,000 by public auction. Lewis Culley, who has not been generally successful in his legal actions against the district, took exception to the bond issue and requested the General Legislative Investigating Committee to conduct an inquiry into the affairs and operations of the district.

At the same time that Mr. Culley's request for the investigation was made public, the Jackson newspapers released articles that Chairman Bridges of the district had attempted to purchase property adjacent to the proposed dam site during January, 1959. The attempted purchase involved lands owned by Dr. Ben N. Walker, Sr.<sup>140</sup> Mr. Bridges stated he did not intend to buy the land for his personal use, but rather to obtain an option for the district.

The increasing unfavorable publicity concerning the operations of the reservoir prompted immediate remedial action by the board of directors of the district. On December 12, 1959, in a wise move to restore public faith in the reservoir program, the directors of the district announced to the press that they had written Chairman Mayes McGehee of the General Legislative Investigating Committee expressing their willingness "to appear before the committee at any time to answer any question" relating to the conduct of the district.<sup>141</sup>

On December 17, 1959, more positive action was taken by the directors to maintain public support. A press conference was held with newspapermen and broadcasters from the five

<sup>140</sup>Jackson Daily News, December 11, 1959.

<sup>141</sup>Ibid., December 12, 1959.

counties composing the district. The directors announced at the conference that the members of the district had resolved not to speculate in lands bordering the reservoir. Furthermore, the directors announced that future bond sales would be offered only by sealed bids.<sup>142</sup>

Since January, 1960, the reservoir project has continually gained in prestige and enjoys again the widespread support of a project dedicated to the welfare of thousands of Mississippi citizens.

A contract with Harbert Construction Company of Birmingham has been signed for construction of the huge reservoir dam, and it is hoped that final work on the dam will be completed in August, 1961.

The continual progress of the Pearl River Reservoir project depends to a large extent upon sound leadership in directing a portion of Mississippi's natural resources to serve the needs of its people.

Godspeed.

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<sup>142</sup>Ibid., December 17, 1959.

## Summary And Conclusion

In years hence, the trials and perplexing problems in planning and executing the Pearl River Reservoir project will be history.

A beautiful dam and reservoir will stand less than a dozen miles from Jackson, Mississippi, the State's capital and largest city. Water, one of civilization's life lines, will be abundant to meet the city's increasing needs.

Boaters and water sports enthusiasts who once had to make the long trip north to Grenada and other Federally built reservoirs in North Mississippi will be within a few minutes drive of a huge recreational playground of their own creation.

An industrial boom within the district area seems likely. New commercial enterprise should flourish and populations increase throughout central Mississippi. All this, if it holds true, and it seems almost a certainty, will reflect the wisdom of a regional plan which called for local citizens to invest the sum of \$22,000,000, plus amortization, in their own future.

It is true that backers of the Pearl River Valley Reservoir sought Federal Aid in their initial efforts. It is also true that they did not pitch up their hands in resignation when they learned Federal support would not be forthcoming.

While water supply increasingly is becoming a national problem, the Pearl River Reservoir will stand as an illustrious example of urban and regional planning independent of Washington. This independence is not easy. The Mississippi taxpayer residing within the district area will have to "foot the bill." From all indications, it will be money well spent.

The immediate future may reveal that aggressive self-interest motivated a few men in backing the reservoir. It seems much clearer, though, that the vast majority of the steps leading to its creation came from enlightened public interest.

Out of the collective thinking of leaders in five central Mississippi counties evolved a regional watershed plan designed to grace human life in the area for generations to come. As former Governor Hugh White characterized it, the Pearl River Reservoir was "Big League" thinking.

In summing up the broad techniques used by men and organizations supporting the reservoir project, urban planners may note that it took aggressive selling, legislative enactments, county referendums, court hearings and a substantial sum of money to gain its initial success. Capable leadership and sound planning have been the keys to success of the project in the past. Their continued use will mean success in the present and in the future.

Many of these points appear self-evident now, although research of a contemporary nature has its perils. It is much easier to give flowers to the past than to the future.

In reality, a reservoir with more than 30,000 acres of water impounded by a rolled earthen embankment with a minimum height of 35 feet and a maximum of 60 feet may far surpass its economic feasibility report for the Pearl River basin.

Some experts confidently predict the annual benefits to cost ratio of 3.36 to 1 may be exceeded. Central Mississippi, already building into a great metropolis at Jackson, may burst into greater development. Time will reveal its fruits and its failures.

From the days when the reservoir idea was labeled "Mitch's Ditch" to acceptance of the basin's full potential, the record makes one point clear:

A region can solve its own water problems if plans are presented to its people intelligently and forcefully. To this point the Pearl River Reservoir, whose construction has only barely begun, stands as a testimonial.

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- Water Resources Subcommittee, Minutes, July 11, 1955, May 21, 1956, Chamber of Commerce, Jackson, Mississippi.

#### NOTICES AND RECORDS

- "Building Jackson," Chamber of Commerce, Jackson, Mississippi, XXI (April, 1957), 1-4; and XXII (July, 1958), 1-2; (August, 1958), 1-4; (September, 1958), 1-2.
- "Notice" to Water Reserve Committee, Chamber of Commerce, Jackson, Mississippi, January 10 and January 16, 1957; and May 8 and August 20, 1958.
- "Pearl River Reservoir Development, 1957-1960," (Personal Pearl River Reservoir files of R. Baxter Wilson), Mississippi Power and Light Company, Jackson, Mississippi.
- "Special Bulletin" to Board of Directors, Chamber of Commerce, Jackson, Mississippi, January 25, 1957.
- "Special Bulletin" to Water Reserve Committee, Chamber of Commerce, Jackson, Mississippi, March 26, July 1, and September 9, 1957; and January 17 and 21, February 20, and June 6 and 30, 1958.

#### INTERVIEWS

- W. Parham Bridges, Sr., Jackson, Mississippi, February 6, 1960.
- George Carter, Sand Hill, Mississippi, June 16, 1960.
- Lewis L. Culley, Sr., Jackson, Mississippi, April 9, 1960.
- George Farr, Jackson, Mississippi, June 22, 1960.
- Alton B. Farris, Morton, Mississippi, June 16, 1960.
- William A. Huff, Forest, Mississippi, June 15, 1960.
- Horace B. Lester, Jackson, Mississippi, April 23 and June 22, 1960.
- James A. Morrow, Brandon, Mississippi, June 21, 1960.
- Rombert M. Nonnemacher, Canton, Mississippi, June 28, 1960.
- Mitchell Robinson, Jackson, Mississippi, June 16, 22, and 30, 1960.
- Eugene Thomas, Jackson, Mississippi, April 15, 1960.
- H. Vaughan Watkins, Jackson, Mississippi, June 21, 1960.