
THE CONGRESS PROJECT

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Companion Bill:
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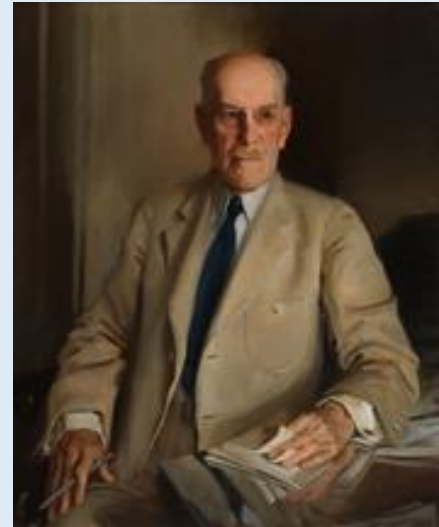
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Summary

The stated purpose of the Taylor Grazing Act is “to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes” (*Congressional Record*, 73rd Congress, Index, 541). The bill would take 173,000,000 acres of land in the western states for public domain under jurisdiction of the Department of the Interior. States that had districts for the Taylor Grazing Act in 1937 included California, Oregon, Idaho, Montana, Wyoming, Colorado, Utah, and Arizona. The bill was meant to end the “tragedy of the commons” situation in which all the livestock farmers were utilizing land that was owned technically by no one, and therefore no one was regulating the grazing. Representative [Edward Taylor](#) (D-CO) introduced the bill on January 5, 1934. Previously, in the 72nd Congress, the Coltonⁱ Bill, which was very similar to the Taylor Grazing Act, was introduced. The Department of the Interior, prior to congressional passage, approved of the bill. The act was considered in the 2nd session of the 73rd Congress in 1934. It was adopted on June 16, 1934, and signed by President Roosevelt on June 18, 1934 (*Congressional Record*, 73rd Congress, June 18, 1934, 12455).



Above: Rep. Edward Taylor (D-CO), sponsor of the Taylor Grazing Act.

Key supporters of the bill were Rep. Taylor, who considered it a key conservation measure against desertification (*Congressional Record*, 73rd Congress, April 10, 1934, 6364), and Representative [Roy Ayers](#) (D-MT), who thought the regulation of grazers was necessary in the western states to prevent overgrazing (*Congressional Record*, 73rd Congress, April 10, 1934, 6358). Primary opponents of the bill included Representative [Vincent Carter](#) (R-WY), who believed it took away states’ rights (*Congressional Record*, 73rd Congress, April 10, 1934, 6348), as well as Representative [Compton White](#) (D-ID), who thought it was unnecessary for the federal government to step in (*Congressional Record*, 73rd Congress, April 10, 1934, 6361).

The bill had forty-seven amendments between the House and Senate. There were twenty-five amendments on the bill in the House: fifteen were committee amendments and all but six were passed. In the Senate total there were twenty-two amendments: fourteen were committee amendments and all but one passed. The only amendment to not pass was dropped on the floor without a vote. There were no roll call votes. There was some opposition from members from western states but not for partisan reasons. Final passage of the bill was completed via voice vote.

Background

The Congress for this bill met from 1933 to 1935. The president was Franklin Roosevelt (D-NY), meaning Democrats controlled the White House, House, and Senate.ⁱⁱ In total, the Democrats held 313 seats and the Republicans held 117. The Farmer-Labor party held five seats.¹ In the 1932 election, Franklin Roosevelt had beaten former Republican president Herbert

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Hoover. This would be his first of five successive presidential wins.ⁱⁱⁱ The Democrats already held the House before the election and gained control of the Senate following it.

In June 1934,^{iv} the then-Secretary of Agriculture Henry Wallace spoke at a Wyoming Stock Growers Association meeting about how the public range was overgrazed and would soon be eroded and ruined permanently.^v Some westerners denied a need for the bill, claiming the reason for the bad land was a lack of rain. However, many ranchers supported it because it brought management to an undermanaged and overgrazed area. The federal government thought the bill necessary because much of the west was seeing desertification and huge environmental issues, ruining many farmers' lands.^{vi} Studies showed "there was a long period of unrestricted, heavy grazing pressure that resulted in severely reduced rangeland productivity and health."^{vii} This bill effectively ended homesteading^{viii}, despite some Congressmen's denial of this effect.^{ix}

Initial House Consideration

Representative [Arthur Greenwood](#) (D-IN), the Democratic majority whip, introduced the special rule as House Resolution 307 and general debate was set at two hours. It was read for amendments under the five-minute rule. It was then set as an open rule providing for three hours of debate. Representative [Edward Goss](#) (R-CT) was annoyed that the rule would waive points of order on appropriations issues. He pointed out "that there are about 500 permanent appropriations which open the back door of the Treasury...to amounts that are impossible to estimate" (*Congressional Record*, 73rd Congress, April 10, 1934, 6345). Taylor attempted to appease Goss by pointing out he is also a member of the Committee on Appropriations and they "created a new subcommittee...to look into the permanent and indefinite appropriations" (*Congressional Record*, 73rd Congress, April 10, 1934, 6346). The rule finally passed via voice vote (*Congressional Record*, 73rd Congress, April 10, 1934, 6346).

The House went over the general information about the bill and the breakdown of the money charged for permits to graze on this land was as follows: twenty-five percent toward local taxation, twenty-five percent to improvement of the land and fifty percent to the federal treasury.

The sponsor of the bill, Rep. Taylor, stated "this bill is a great national conservation measure for the welfare of our entire country" as he warned that continued overgrazing in the western states would cause desertification (*Congressional Record*, 73rd Congress, April 10, 1934, 6364). Republican minority whip Representative [Harry Englebright](#) (R-CA), Representative [Roy Ayers](#) (D-MT), and Representative [Samuel Hill](#) (D-WA) were concerned that the bill abrogated all the homestead laws already in place in the nation (*Congressional Record*, 73rd Congress, April 10, 1934, 6361). This became one of the primary reasons of objection to the bill. As Ayers put it,

"I believe that...ultimately these lands should be turned over to the States. The older and non-public-land States of this country have already all of the lands within their borders turned over to them. This means that they have had all of the land rights from the high heavens to the center of the earth turned over to them, and they have enjoyed all of the privileges" (*Congressional Record*, 73rd Congress, April 10, 1934, 6357)

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While Ayers verbally stated the land should be turned over to the states, he generally supported the bill because he felt there did need to be some regulatory action (*Congressional Record*, 73rd Congress, April 10, 1934, 6357, 6358).

Representative [Vincent Carter](#) (R-WY) was a primary voice against HR 6462. He claimed it was “a reformer’s nightmare” despite it being referred to previously as “a reformer’s dream” (*Congressional Record*, 73rd Congress, April 10, 1934, 6348). His primary concern was the lack of states’ rights in the bill (*Congressional Record*, 73rd Congress, April 10, 1934, 6348).^x He accused the Department of the Interior of pressuring it through Congress.

Representative [Robert Rich](#) (R-PA), the primary opponent to Carter’s argument,^{xi} said “it’s a grave injustice” to the eleven western states that the bill would take land from and affect; the power should be overturned to the states to handle themselves. However, he also felt dual authority would be “ridiculous” and thus the power needed to be given to the federal government for simplicity’s sake (*Congressional Record*, 73rd Congress, April 10, 1934, 6354).

Representative [James William Robinson](#) (D-UT) was favorable towards the bill even though it would affect his home state. He believed that herders were abusing the land and the bill would “protect and rehabilitate the land...[and] stabilize the stock industry” (*Congressional Record*, 73rd Congress, April 10, 1934, 6356). He also believed that land no longer going towards homesteading was not an issue because all of the truly valuable land out west was already homestead land (*Congressional Record*, 73rd Congress, April 10, 1934, 6357).



Above: Rep. James William Robinson (D-UT).

Representative [Compton White](#) (D-ID) stated that “public lands are effectively administered right now by the laws of Idaho,” while the other Idaho representative, Representative [Thomas Coffin](#) (D-ID), contradicted White by saying that larger cattlemen and shepherds took too much control of the land and regulations were necessary (*Congressional Record*, 73rd Congress, April 10, 1934, 6361).

Representative [Charles Millard](#) (R-NY) questioned why Alaska had been excluded from this bill (*Congressional Record*, 73rd Congress, April 10, 1934, 6364). Representative [John Taber](#) (R-NY) made an amendment to strike out Alaska’s exclusion because there were herds of reindeer in Alaska similar to cattle and sheep herds. Taylor argued against the amendment, stating reindeer herding was not an exceedingly large business. The amendment failed (*Congressional Record*, 73rd Congress, April 10, 1934, 6365).

Another controversial amendment was introduced by Englebright^{xii} that would change jurisdiction of the bill from the Secretary of the Interior to the Secretary of Agriculture. This amendment was rejected by a voice vote (*Congressional Record*, 73rd Congress, April 10, 1934, 6369).

The primary opposition to the bill, Carter, attempted to insert an amendment that would have required state legislation to approve the bill for it to be enacted in the state. He said his

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amendment should pass because it was on the original bill. Representative [René De Rouen](#) (D-LA) said this amendment on the Colton bill was what killed the bill in the previous Congress, so ultimately the amendment for this bill was rejected (*Congressional Record*, 73rd Congress, April 10, 1934, 6373).

The previous question was ordered on the bill and the amendments were agreed to; the bill was ordered to be engrossed and read a third time. On roll call vote demanded by Englebright, there were eighty-four yeas and thirty-one nays. Englebright then objected to the vote on the ground a quorum was not present, so the House adjourned (*Congressional Record*, 73rd Congress, April 10, 1934, 6374).

The unfinished business was completed April 11, 1934. Englebright again demanded a roll call vote and Representative [Joseph Martin](#) (R-MA) asked for the yeas and nays. The yeas and nays were ordered, and the results were as follows: yeas 265, nays 92, not voting 73 (*Congressional Record*, 73rd Congress, April 11, 1934, 6414).

The Taylor Grazing Act was then referred to the Senate Committee on Public Lands and Surveys (*Congressional Record*, 73rd Congress, April 11, 1934, 6379).

Initial Senate Consideration

Senator [Alva Adams](#) (D-CO) reported the bill to the Senate with amendments on May 26, 1934 (*Congressional Record*, 73rd Congress, May 26, 1934, 9607). On June 12, Adams moved the Senate to proceed to consider and it was agreed to by a voice vote (*Congressional Record*, 73rd Congress, June 12, 1934, 11139).

There did not appear to be as much controversy in the Senate as there was in the House. Senators' primary concern was land being taken from homestead lands.^{xiii}

Adams began debate by defending the bill as he claimed the land used for public grazing was not suitable for homesteads and was also far too unregulated (*Congressional Record*, 73rd Congress, June 12, 1934, 11139). Senator [William Borah](#) (R-ID) was concerned that the bill operated in the interests of larger herders. Adams denied this by stating the permits issued by the Secretary of the Interior would not be biased for larger herders (*Congressional Record*, 73rd Congress, June 12, 1934, 11142).

Senator [Robert Carey](#) (R-WY) brought up the issue of states' rights, believing the land the bill is considering should be for the states to decide what to do with (*Congressional Record*, 73rd Congress, June 12, 1934, 11142).

Borah offered an amendment to strike out the phrase that would have allowed for imprisonment for trespassing on the public lands being discussed without a permit, which passed (*Congressional Record*, 73rd Congress, June 12, 1934, 11142).

Senator [Carl Hatch](#) (D-NM), also trying to prevent this act from undoing any of the Homestead Act, offered an amendment providing that the water in the grazing districts must be protected

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against those who have grazing permits so as to not drought out the homestead areas (*Congressional Record*, 73rd Congress, June 12, 1934, 11155).

The bill passed the Senate on June 12, 1934, by a voice vote (*Congressional Record*, 73rd Congress, June 12, 1934, 11162). While it was introduced on May 26, it was only debated and amended on the day of its passage.

Secondary House Consideration

HR 6462 was ordered printed with amendments of the Senate numbered. The House concurred in the Senate amendments on June 13, 1934 (*Congressional Record*, 73rd Congress, June 13, 1934, 1419).

Secondary Senate Consideration

The Senate then requested to return the bill to the House, and it was so ordered (*Congressional Record*, 73rd Congress, June 15, 1934, 11634).

The House disagreed with the Senate's amendments and requested a conference (*Congressional Record*, 73rd Congress, June 15, 1934, 11778). The conferees were appointed.

Initial Senate Conference Report Consideration

The conference report was submitted to the Senate and agreed to June 16 (*Congressional Record*, 73rd Congress, June 16, 1934, 12004).

Initial House Conference Report Consideration

The conference report was submitted to the House and agreed to on June 16 as well (*Congressional Record*, 73rd Congress, June 15, 1934, 12167).

Aftermath

The bill was examined and signed on June 18, the last day of the House's session (*Congressional Record*, 73rd Congress, June 18, 1934, 12576). It was presented to President Roosevelt that same day, and he immediately signed the bill (*Congressional Record*, 73rd Congress, June 18, 1934, 12578; *Congressional Record*, 73rd Congress, June 18, 1934, 12455).

To execute the act, the Secretary of the Interior Harold Ickes created the Division of Grazing. The act "provided for cooperation with local stockmen."^{xiv} By 1937, the federal government had begun arresting violators of the bill.^{xv} In Colorado, charges were filed in the U.S. District Court against two Rio Blanco County sheep raisers. They grazed 2,500 sheep on public land without a permit. This was the only recorded case at the time, but there could have been more private charges made following.

There was also some backlash from western grazers following the act. Stockmen in Arizona protested the Taylor Grazing Act because they were concerned they could not graze in certain

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areas in the summer: they were used to using the same range year-round.^{xvi} Loren Pratt Jr. and D.K. Judd wrote letters to the Secretary of the Interior, Arizona Cattle Growers Association, and Arizona Wool Growers Association in protest. The letters contained the primary complaint that Utahns were taking over their grazing district, and they would be forced to move north to Utah in the winter because they cannot graze the same strip year-round.

The act and its powers has expanded since passage, as in 1954 the limitation on acreage for the act was eliminated.¹⁴ World War II then encouraged Congress to allow the Division of Grazing to distribute emergency licenses to increase production in the range.¹⁴ The Grazing Service also began a road program, building 2,000 miles of roads still in use today.¹⁴ However, by 1945, appropriations were greatly reduced due to “philosophical differences” with the current Congress, and the Division of Grazing was absorbed by the Bureau of Land Management.¹⁴

This bill has been utilized in Supreme Court decisions in the 1990s, as the National Cattlemen’s Beef Association challenged Interior Secretary Babbitt who allegedly had violated the Taylor Grazing Act by not “adequately [safeguarding]” grazing privileges with a grazing preferences definition changed to conform to land use plans. The Court sided with Babbitt, stating the law “gave the secretary broad discretion.”^{xvii}

More recently, Cliven Bundy, a cattle rancher from Nebraska, had an armed standoff with the government over grazing rights in 2014. The Taylor Grazing Act was a contributing law to his plight due to a 1976 Congress deciding the federal government “would retain ownership” of the land it took up in the 1930s, despite the law originally intending final disposal eventually.^{xviii}

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References

“The Taylor Grazing Act.” *US Department of the Interior Bureau of Land Management*.
http://www.blm.gov/wy/st/en/field_offices/Casper/range/taylor.1.html

“Senate Grazing Hearings Testimony.” *FarmGuardian*.
<http://famguardian.org/publications/propertyrights/testimon.html>

“Taylor Grazing Act.” *FamGuardian*.
<http://famguardian.org/publications/propertyrights/taylor.html>

Tanner, Russell. “Leasing the Public Range: The Taylor Grazing Ac.,” *WyoHistory.Org*.
<http://www.wyohistory.org/essays/leasing-public-range-taylor-grazing-act-and-blm>

Wall Street Journal. 1937. “Government Acts to test Grazing Act in Colorado.” *Wall Street Journal*, March 11.

The Christian Science Monitor. 1935. “Taylor Grazing Act Ruling Protested by the ‘Arizona Strip.’” *The Christian Science Monitor*, October 11.

Skaggs, Rhonda, Edwards, Zach, Wright, Brandon T., and Williamson, John B. 2011.
“Vegetation Maps at the Passage of the Taylor Grazing Act (1934): A Baseline to Evaluate Rangeland Change After a Regime Shift.” *Rangelands* 33(1): 13-19.

Walsh, Edward. 2000. “Court Backs US on Land Use.” *The Washington Post*, May 16.

Hayward, Steven. 2014. “Washington Versus the People: The Solution to Today’s Land War.” *Forbes*, May 7.

Ross, Joseph. 1984. “Managing the Public Range- 50 Years Since the Taylor Grazing Act.” *Rangelands* 6(4).

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ⁱ The Colton bill was essentially the same as the Taylor Grazing Act, introduced by Congressman Don Colton (R-UT); it passed the House but failed in the Senate by not reaching a vote by the end of session (Peffer, E. Louise. *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-50* Stanford University Press, 1951, pp. 203-15).

ⁱⁱ <http://history.house.gov/Congressional-Overview/Profiles/73rd/>

ⁱⁱⁱ <http://www.britannica.com/event/United-States-presidential-election-of-1932>

^{iv} This was only a few days before the passage of the Taylor Grazing Act.

^v Historians claim the ruin of the land was exaggerated by the Great Depression and extreme drought, causing the “Dustbowl” in the American West.

^{vi} “The Taylor Grazing Act,” *US Department of the Interior Bureau of Land Management*, http://www.blm.gov/wy/st/en/field_offices/Casper/range/taylor.1.html

^{vii} Svejcar, Tony, “The Northern Great Basin: A Region of Continual Change,” *Rangelands*, March 2015.

^{viii} Homesteading is when a family can “claim, improving, and acquire” the title of a plot of federal land for farming or grazing, originating from the Homestead Act of 1862 (Tanner, Russell “Leasing the Public Range: The Taylor Grazing Act,” *WyoHistory.Org*, <http://www.wyohistory.org/essays/leasing-public-range-taylor-grazing-act-and-blm>); (Ross, Joseph, “Managing the Public Range- 50 Years Since the Taylor Grazing Act, *Rangelands*, 6-4; 1984)

^{ix} Tanner, Russell “Leasing the Public Range: The Taylor Grazing Act,” *WyoHistory.Org*, <http://www.wyohistory.org/essays/leasing-public-range-taylor-grazing-act-and-blm>

^x Some of the other problems with the bill that he listed included:

- 1) He doubts its necessity, since there is already legal authority of grazing districts from an Executive withdrawal order in 1910
- 2) It gives the Secretary of Interior too much control over the livestock industry, he then said this act “can be compared to the dictatorship in Russia” and gives away power that “rightfully belongs to the states”
- 3) He calls it “federalism to the extreme” and that too much administrative control will hurt economic growth
- 4) The West is too diverse in climates and culture, so the states need to hold the power
- 5) Local government is too important in the West for this federal power
- 6) “The Federal Government has already taken the corn and left us the husk, which has partially paralyzed us; now it wants to paralyze us completely by taking the husk,” (*Congressional Record*, 73rd Congress, April 10, 1934, 6349)
- 7) Overgrazing was not the reason for the extreme erosion in the West, but rather 99% of the erosion was from naturally occurring rains and floods (*Congressional Record*, 73rd Congress, April 10, 1934, 6350)
- 8) If land is overgrazed, why are they not reducing stock but just redistributing it? That would mean certain land is not overgrazed, and what will they do with the land that is not in the grazing district? (*Congressional Record*, 73rd Congress, April 10, 1934, 6351)
- 9) The only reason for this bill is the Secretary of the Interior will use it to hire more men in the Forestry Department to take on more unnecessary projects and give themselves more power (*Congressional Record*, 73rd Congress, April 10, 1934, 6352)
- 10) This bill “violates one of the traditional doctrines of the Democratic party- states rights” (*Congressional Record*, 73rd Congress, April 10, 1934, 6352).

^{xi} Other opponents included Representative Fletcher Swank (D-OK) who argued that the point of this bill is to equalize the problem that men with more cows and more powerful farms are outrunning men with smaller farms, not any of the reasons previously stated by Carter and Representative Harry Stubbs (D-CA) who made the statement that “Congress must be guided by national interests,” he then goes on to debunk the concern that the bill will undo homestead lands as well as Carter’s idea that the Forest Department will gain too much power with this bill (*Congressional Record*, 73rd Congress, April 10, 1934, 6355).

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^{xii} Englebright was the Republican minority whip during this Congress.

^{xiii} However, historians have noted that homesteading was never attempted on most of the land used for the Taylor Grazing Act.

^{xiv} Ross, Joseph, "Managing the Public Range- 50 Years Since the Taylor Grazing Act, *Rangelands*, 6-4; 1984.

^{xv} "Government Acts to test Grazing Act in Colorado," *Wall Street Journal*, March 11, 1937.

^{xvi} "Taylor Grazing Act Ruling Protested by the 'Arizona Strip,'" *The Christian Science Monitor*, October 11, 1935.

^{xvii} Walsh, Edward, "Court Backs US on Land Use" *The Washington Post*, May 16, 2000.

^{xviii} Hayward, Steven, "Washington Versus the People: The Solution to Today's Land War," *Forbes*, May 7, 2014.