Lessons of the 35th Congress: The Morrill Land Grant College Act

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Congress's capacity for deadlock is one of its most widely acknowledged traits. Riven by partisan and sectional splits, the legislative branch is popularly considered unable to act decisively on prominent budgetary issues on its own, without the aid of executive leadership or outside commissions. The Reagan administration, after its successes with the Presidential Commission on Social Security Reform and the Scowcroft Commission on M-X missile basing, routinely referred divisive issues to special panels. So convinced is Congress of its own immobility that it refers issues (Medicare, for example) to special commissions *before* reaching an impasse. Legislators are unjustified in presuming an inevitable stalemate. History furnishes examples in which skillful advocates threaded important legislation through congresses divided by the deepest of animosities. The passage of the Morrill Land Grant College Act is one such case.

Historians often place the Morrill Act amidst the logjam of legislation burst loose during the Civil War by the departure of Southern representatives. The 37th Congress, beset by war but freed of the most obstructive sectional issues, passed the Homestead Act, the Pacific Railroad Act, and other legislation held in abeyance by previous congresses, sometimes for decades. Leonard P. Curry argues that initiatives like the Morrill Act prove that it is "possible to make creative use of wartime tensions and war-spawned administrative machinery in the social and economic spheres."[1] The Morrill Act, however, would have become law without war. It first passed Congress in 1859 and was vetoed by President James Buchanan. The election of 1860, which replaced Buchanan, and not the coming of the war, broke the logjam for the Morrill Act. It is possible for Congress to make significant changes in the social and economic spheres unaided by wartime tensions and in spite of tensions within Congress itself.

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This paper is an examination of the circumstances that allowed the Morrill Act to pass through one of the most contentious congresses ever assembled. These circumstances were hardly unique to this bill, but they were vitally important to its eventual success. First, the existence of a nationally recognized farm crisis provoked a search for solutions. Second, a persuasive grass-roots lobby with allies in the state legislatures and the federal government pressured Congress to act. Finally, the persistent efforts of its advocates in Congress allowed the bill to draw support from all parties and sections.

CRISIS

In 1841 a young New England merchant travelling in the West marvelled at the richness of Illinois farms compared with ones in his native Vermont. "They seem to live upon the cream of creams, the best of the best land in the world," he reckoned. "Butter 6¼ cents the pound, pork 3 cts., milk free as water, fowls mild or tame the cost of a charge of lead and powder." Justin Smith Morrill's observations told him what declining prices told farmers in New York, Virginia, and South Carolina: that Western producers would soon bankrupt their Eastern colleagues. "Eastern strength cannot compete with the Western Samson," Morrill prophesied. "It will be a very short time until the agriculture of the unnumbered prairies . . . will overwhelm the manuring, stone-picking, winter exhausted farmers of New England."[2]

With each diminishing harvest, Eastern farmers grew painfully aware that their exhausted earth could not keep pace with the huge yields of the newly-opened lands. "Our soils are old and worn out," complained a New York agriculturist, "and we have now been called upon to compete with the virgin soils of Europe and America." Discouraged farmers read reports from the territories of prodigiously fecund soil. The Arkansas bottom lands, according to one article, were so replete with nutrients "that stables are moved to get away from the accumulated manure heaps, its use as a fertilizer being unknown."[3]

Western farmers, meanwhile, wondered how many years their lands could escape the fate of the East. The prosperous farms of the Mississippi Valley, a St. Louis magazine warned, "if not arrested by an improved system of cultivation, will ultimately be reduced to that exhausted condition that marks the older states of the Union." By the late 1840s, soil depletion was an actual or impending crisis for most of the country. Farmers grew most concerned in regions that at first seemed immune to exhaustion. Massachusetts farmers, who had coaxed scant bounty from stubborn ground since Squanto taught the Pilgrims how, raised less alarm than did growers in New York, whose lime-rich earth had seemed for generations inexhaustible. But by 1850, apprehensive Westerners and dismayed New Yorkers joined stone-

picking New Englanders in calling for relief from the universal calamity of soil depletion.[4]

Hope for relief fastened on the new agricultural science being introduced in Europe. In the 1820s, Justus von Liebig began to test scientifically the properties of soils and to develop artificial fertilizers. Governments across the continent copied his laboratory at Giessen and established research farms and schools for chemists. Americans attributed the rejuvenation of European farming to scientific methods. "In the hands of Liebig," the *New York Times* declared, "agriculture is the science of medicine applied to the soil." American magazines identified this new science as the remedy for the soil crisis. After his book *Organic Chemistry and its Application to Agriculture and Physiology* appeared in English in 1841, interest in Liebig reached "craze proportions," and farmers, educators, and journalists began to ask where the American Liebigs would come from.[5]

Farmers believed science could help them. Widely used fertilizers—manure, peat, bone, marl, lime, and guano—were fickle, and farmers wanted to understand why they worked on some soils at some times and not at other times elsewhere. "In schools of scientific and practical agriculture," a farm journal predicted, "these problems would ere long be solved." Farmers also looked to reputable science for protection against quack soil doctors and fraudulent fertilizers. In 1840, anything that looked and smelled like guano could be sold for the genuine article. A writer to the *Genesee Farmer* in 1851 urged the periodical to expose one fraud and warned that even well-meaning fertilizer manufacturers could produce worthless manures unknowingly. Farmers hoped scientists could find new crops that would germinate in played-out soil. In 1850, the Patent Office began mailing imported seeds to growers. The program was immensely popular, but the recipients often misunderstood the properties of new varieties. One aspiring planter wrote Congressman Morrill in 1855 to ask for sugar cane seeds he planned to grow in Vermont.[6] Specialization also led farmers to lean on science. By 1840, "von Thünen rings," belts of specialized farms, encircled the growing cities of the East, supplying urban buyers with milk, eggs, fruit and other perishables. To farmers relying on a single commodity, one stock disease or fruit pest could mean ruin.[7]

AGITATION

Periodicals, agricultural societies, and lecturers spread the message of better farming through science and formulated an agenda that included appointing state agriculturists and establishing schools. Agricultural journalism began in the 1820s and became a growth industry in the 1840s and 1850s. John S. Skinner first published the *American Farmer* in Baltimore in 1819.

New England Farmer appeared in Boston three years later. In the 1830s, new publications issued from New Hampshire, Virginia, Maine, Tennessee, Pennsylvania, Massachusetts, Ohio, and South Carolina. By 1849, thirty journals were in print. These magazines tirelessly (and tiresomely) pushed agricultural education, translated lectures by European scholars, and compared European approaches to schooling.[8]

Agricultural societies instructed farmers on the advantages of education. Before 1800 there were perhaps a dozen societies in the United States. As with periodicals, the new scientific theories stirred farmers' interest in associations. In 1858, the United States Patent Office counted over 900 agricultural societies, five sixths of them established after 1849. Societies hired lecturers, exchanged information, held fairs, and organized under state and national chapters. In 1841, Solon Robinson, agricultural editor of the *New York Tribune,* organized the Agricultural Society of the United States in order to secure Smithson's fund for "a great school and library of agricultural science." The society dissolved after failing this undertaking, but in 1851, eleven state boards of agriculture called for a meeting in Washington to organize the United States Agricultural Society. The Society convened annual meetings to discuss its two principal objectives: the establishment of agricultural colleges and the creation of a federal department of agriculture. Congressman Morrill attended both the 1856 and the 1857 meetings which endorsed resolutions favoring a federal land grant for agricultural universities.[9]

By 1857, a national constituency advocating agricultural colleges actively sought government support. The vigor of this constituency varied between regions depending on the severity of the soil crisis, the vitality of agricultural societies, the stridency of the agricultural press, and the existence of a local farm college in need of support. Farm school advocates assembled a battery of arguments to arouse farmers and win over city dwellers to the cause of agricultural education. They claimed that with schooling, farmers would rise to the level of other educated professions, taking a place alongside doctors and lawyers in the public regard, and that universities would mean cheaper bread and meat for urban workingmen. One propagandist resorted to the time-honored justification for indefensible proposals, national security. "He who tills the soil, assisted by an education which will render him independent by his labor," he declared, "will defend the soil against aggression."[10]

Occasionally the farm school lobby staged arresting displays of popular support. In 1851, the Illinois legislature took up the question of how to use an unspent portion of the state's college and seminary fund. Through notices posted at county fairs, a corresponding committee of academics headed by Jonathan Baldwin Turner encouraged farmers to meet at Granville, Illinois on 18 November. A throng from all over the state turned out to ratify Turner's

proposal for the establishment of an agricultural university.[11] With significant exceptions, however, the lobby was more effective at mobilizing educated opinion than at inciting the broad mass of cultivators.

Advocates disagreed on the type of agricultural education they espoused. Writers in the farm press debated over the importance of field labor in the curriculum, the relative value of research and teaching, and whether the object of the university should be to educate the sons of farmers or to bring educated men into farming. These disagreements prevented proponents from uniting behind a plan for a national university and fueled the development of schools suited to the needs of different states.

A number of private cow colleges developed curricula and petitioned for government support. As early as 1796, the first agricultural school opened in South Carolina. Thirty three years later, the state took charge of the school and appointed trustees. In 1824 Stephen Van Rensselaer established his famous institute at Troy, New York. The Gardiner Lyceum, a private academy aided by the State of Maine, operated between 1821 and 1832. Ohio's Farmers' College, established in 1846, had 330 students by its tenth year. In 1848, Morrill, then a gentleman farmer, declined a place as trustee of Vermont's Norwich University, a school of industrial and agricultural arts.

Inadequate funding was a common weakness of private schools. Gardiner Lyceum closed for want of funds. Rensselaer Institute could attract few students willing to pay the $150 annual tuition, which was only slightly less than Harvard charged and more than Yale or Brown. In straitened circumstances despite high enrollment, the trustees of Farmers' College twice petitioned Congress for a land grant in the 1850s.[12]

Backers of agricultural education pressed several state legislatures to support colleges or enjoin the federal government to do it for them. Michigan's constitution of 1850 mandated the endowment of an agricultural school and in 1855 the state purchased a 676 acre tract near Lansing. Sixty-one students enrolled in 1857, the institution's first year. Maryland chartered a school in 1856, and trustees raised $53,000 to purchase a site in Prince George's County. Pennsylvania appropriated $50,000 in 1857 to establish the Farmers' High School, and the following year Iowa appropriated $10,000 and five sections of land worth $14,000 for its agricultural college.[13]

Some states petitioned Congress for a national agricultural university. Massachusetts asked in 1852 for a federal land grant to create a West Point for farmers. Two years before Maryland established its school, that state's agricultural society urged Congress to purchase Mount Vernon and convert it into a university and experimental farm. Legislatures subsidizing a university of their own, however, wanted a land grant to be parceled out among the states. Congressman Morrill filed among his papers a petition from the trustees of the University of Iowa asking for a land grant. Michigan in 1850 called upon Congress to donate 350,000 acres to its college.[14]

Proponents of agricultural colleges found a potent ally in the Federal Patent Office. Throughout the 1850s, the Commissioner of Patents' annual report to Congress discussed the work of European agricultural universities and the need for similar institutions in the United States. The 1851 report contained an article by Jonathan Baldwin Turner, "Plan for an Industrial University," describing the aims of Illinois's proposed college.[15] Patent Office officials met with representatives of the United States Agricultural Society and encouraged their ambitions for a federal department of agriculture.

Despite a string of victories, farm school advocates never suffered from a reputation as canny lobbyists. The more ground their proposals gained, the more they appeared in the press as selfless defenders of the general good, "preferring no chances for making personal or party capital, and holding out no prospects of snug berths for cousins and younger brothers." The *New York Daily Times* considered the idea so praiseworthy that it advanced itself, without help from "a skillful and well-drilled lobby." The persistent urgings of a small but earnest group of agricultural scholars and writers began to be heard as the voice of the popular will.[16]

ADVOCACY

That Justin Smith Morrill should have emerged as the champion of agricultural education is unsurprising. The soil crisis and the agitation on behalf of agricultural science touched Morrill's life even before his election to Congress, and it continued to do so afterward in the insistent letters of desperate Vermont farmers. Morrill's own acquaintance with agriculture, as the son of a prosperous farm implements dealer and as a gentleman farmer after a successful career in manufacturing, was on more cordial terms than for most of the Vermont yeomen with whom he claimed professional kinship. Having eschewed agriculture as a younger man, he was able as a statesman to speak of it with an emotion untinctured by adverse experience. Morrill entered Whig politics in 1844 as county chairman, joined the state committee in 1848, and went as a delegate to the national convention in 1852.[17]

He was elected to Congress in 1854 by the barest of majorities: fifty-nine votes. The following year Morrill helped mend the split in the Whig party that had caused his narrow margin by joining in the organization of the Republican Party. In the House of Representatives, he was named first to the Committee on Territories and later to the Agriculture Committee, where he staked out agriculture and the tariff as his areas of expertise. On 28 February 1856, he first proposed that the federal government inquire into the establishment of "national agricultural schools upon the basis of naval and military schools."[18]

The 35th Congress was no peaceable forum. Members took disagree-

ments to the point of bloodshed on more than one occasion, and Preston Brooks's assault on Senator Charles Sumner was only the most celebrated of the altercations that disrupted the prewar Congress. Shortly after Morrill's election, the House floor erupted into a fracas involving nearly all members present when Lawrence Keitt of South Carolina and Galusha Grow of Pennsylvania started a fistfight in the well. Honored colleagues snatched up spitoons and leapt into the fray. Brandishing the ceremonial mace, the sergeant-at-arms quelled the riot by arresting the entire chamber.[19]

On 14 December 1857, Morrill introduced the first version of his bill to donate public lands for the support of agricultural colleges. House Resolution 2 granted 6,340,000 acres of the public domain valued at $1.25 per acre to each of the states in lots of 20,000 acres (or its equivalent in scrip) for each senator and representative in Congress. A state could accept the grant if it agreed to establish within five years "not less than one college" primarily dedicated to agriculture and the mechanic arts. Morrill failed an attempt to have his bill referred to the Agriculture Committee, of which he was a member, and it went instead to the Committee on Public Lands.[20]

The use of public lands for education had precedents going back to the Northwest Ordinance. In the context of congressional politics in the 1850s, however, Morrill's proposal had to surmount a breastwork of customary objections raised whenever the question of public lands arose. The most unbudgeable brick in this fortification was the argument that it was unconstitutional to apply revenue from land sales to functions not specifically delegated to the federal government. Since the veto of Henry Clay's distribution bill of 1836, the Democratic Party had held to the principles contained in President Andrew Jackson's veto message: no use of public lands to enlarge federal powers, a strict construction of the Constitution, and noninterference in the internal affairs of states.[21] When a particular diversion of land revenue appealed to all parties and sections, Congress had been able to devise narrow exceptions to meet the contingency. One standard exception was for cases where the proposed disposition enhanced the overall value of the public lands. Railroads did that. In the late 1850s, however, several small precedents with no covering excuse—grants for an asylum in Kentucky and for Columbian College—crept into law without alarming the sentries and gave Morrill and his supporters invaluable aid. By 1858, Democratic congressmen could not pronounce the traditional constitutionalist and states rights arguments against land grants without first apologizing for a series of votes that went against their espoused principles.

These arguments, however, masked deeper interests that were not so easily overcome. No issue aside from slavery aroused more sectional antagonisms than the public lands. By long habit, Southerners equated depletion of the public domain with an augmentation of the tariff. But the question had repercussions beyond raising Southern hackles. It was one corner of a

triangular relationship among the three economic issues that had preoccupied Congress since 1828: the tariff, public lands, and internal improvements. One historian concisely summarized the connection between these questions in a sectional context:

> The interest of the different sections in these issues, in order of their importance, was as follows: the Northwest—low priced public lands, internal improvements, a high tariff; the Southwest—low-priced public lands, a low tariff, internal improvements; the seaboard South—a low tariff, no internal improvements at federal expense, high-priced public lands; the North Atlantic states—a high tariff, high priced public lands, internal improvements.[22]

In these circumstances, each section could obtain its primary interest only by sacrificing a secondary interest.

On this matrix was superimposed the sectional logic of the Morrill bill. The proposal satisfied each of the three interests of the Northwest, diminishing the price of land, improving local institutions, and (if its detractors were correct) stimulating a demand for revenue that would drive up the tariff. Western congressmen, however, were concerned that the formula for parcelling out grants favored populous Eastern states (granting Rhode Island as much as Iowa or California), and feared that Eastern speculators would buy up the scrip and retard settlement.[23] There was also something unfrontiersmanlike about agricultural schools. "We want no fancy farmers," Minnesota's Senator Henry Rice explained, "If you wish to establish agricultural colleges, give to each man a college of his own in the shape of one hundred and sixty acres of land."[24] Rice and other Westerners believed a drain on the public domain might jeopardize homestead legislation.

Congressmen from the Southwest responded to the same arguments, and were concerned further that the bill might adversely affect the tariff and revenue available for other internal improvements. The bill went against all the interests of the Southeast, and Morrill found no supporters there. But the strong public support for agricultural schools in the Northeast overcame that region's customary objections to lowering the price of Western lands and induced a number of Democratic representatives to defy party discipline and support the bill.

Morrill, David Walbridge of Michigan and the Reverend Amos Brown, president of People's College, a state-chartered agricultural school at Havana, New York, canvassed members to identify the bill's supporters. As the House was heavily Democratic, their only chance was to rely on the discipline of Republican members while attempting to split the Democratic vote. Their survey turned up a number of Northeastern Democrats willing to cross party lines. "We daily gained hope," Morrill later recalled. The outcome they most feared was that the bill would be quashed in committee by Public Lands

Chairman Williamson R. W. Cobb of Alabama. After much labor, Walbridge and Morrill persuaded a majority of committeemen to release the bill by voting for an adverse report.[25]

The committee waited four months before reporting the bill unfavorably on 15 April 1858 by a vote of seven to two. Walbridge and probably Henry Bennett of New York cast the dissenting votes. The committee report recited the states rights argument. The public domain, it declared, is "part of the public funds, and can be devoted to no purpose forbidden to the money of the federal government." Leaving the proposal's merit undisputed, it suggested that once public lands had been applied to one worthy purpose, others would claim similar assistance until the federal government became custodian of the poor and aged, and federal patronage usurped the authority of the states. Funds had been used in like manner before, the report admitted, but "these instances warn us against them as a precedent of wrong."[26]

Morrill rose in the House chamber five days later to deliver his first address on behalf of the bill. He began by referring to the many petitions Congress had received from state legislatures, North and South, in support of grants for colleges, and maintained that members resorted to constitutional arguments only when substantive objections were scarce. The heart of his speech concerned the severity of the soil crisis and the proven worth of agricultural science. Presenting figures showing a sharp decline in wheat, potato, and tobacco yields between 1840 and 1850, he warned of a creeping defoliation and depopulation of the land. The alternative, he testified, was to turn, as Europe had, to the scientific methods pioneered by Liebig. Morrill catalogued the educational innovations of Prussia, Belgium, Saxony, France, England, and Russia, maintaining that Russia owed its victories in Crimea to "her agricultural forces."[27] Aided by science, the Europeans were rapidly reversing the New World's agricultural supremacy over the Old and threatening the United States' balance of payments. Americans spent over $100 million on agricultural imports in fiscal year 1857. Although he carefully refrained from describing the particular type of university his proposal would create, he applauded Michigan's example and asserted that "tuition would be free" and students would defray their expenses by "swinging the scythe."[28]

Morrill concluded by moving to close debate. Cobb, however, took precedence with a motion to table, providing the first test of the bill's support in the House. To everyone's surprise, the motion failed, 83–114. Morrill walked to his rooms on 4½ Street that evening confident that when discussion resumed his measure would pass. Two days later, the House again took up H.R. 2, agreeing to hear a speech in opposition to the measure before granting Morrill's motion for a vote. Cobb stood and repeated his committee's constitutional objections to the measure. Attempting to win votes in the Northwest, he explained that Morrill's distribution formula, by apportioning land in relation to a state's representation in Congress, favored states least in

need of an agricultural school and best prepared to pay for one while it shortchanged new states and left out territories altogether. Before subsiding, Cobb acknowledged his votes in favor of land grants for railroads and asylums and attempted to reconcile his earlier opinions with his principled opposition to the use of the domain in this case.[29]

The speaker called the roll and H.R. 2 passed by a vote of 105 to 100. Voting followed party lines except among Northeastern Democrats, who split evenly, lending fourteen votes for passage. These, with the help of eight votes from the South and Southwest gave the bill a slim victory.

VOTING BY PARTY AND SECTION

	NE			NW			SE	S		SW		
	R	D	U†	R	D	AM	D	D	AM	D	AM	
Y	48	14	9	24	1	1	0	2	5	1	0	105
N	2	14	1	5	17	0	20	30	3	6	2	98*

*Although the count was 100, only 98 names appeared on the roll.
†Unaffiliated, American, and Fusion party members.

The bill had mixed prospects in the Senate. Northeastern Republicans aroused the antagonism of the Northwest just weeks before H.R. 2 came up for consideration by quashing the Pacific Railroad bill. On 27 January, New England senators ended a month-long debate by voting down all reasonable versions of the bill in favor of an unpassable substitute. Northwestern senators needed Eastern support to overcome Southern opposition and threatened to kill Eastern legislation if they did not get it. "New England, New York and Pennsylvania have the strength to give us the road," Iowa's Senator James Harlan declared. "We expect and have a right to expect them to give us their united support." He added that Westerners were annually called upon to vote sums for coastal surveys, lighthouses, and other legislation in which they "have no direct interest."[30] Minnesota augmented the embittered Western faction by two when it joined the Union while the measure was pending.

An outpouring of support from the states partly compensated for these setbacks. Thirteen state legislatures petitioned Congress in support of the measure. Legislatures in Iowa, California, and Vermont instructed their senators to vote for it. Iowa's instruction was particularly useful in neutralizing Harlan. Ohio passed, then later withdrew such an instruction.[31] H.R. 2 also had the advantage in the upper chamber of being referred to a friendly chairman. C.E. Stuart, a Michigan Democrat, coaxed a tie vote out of his

committee and the measure was reported without recommendation on 6 May.[32]

Senator Benjamin Wade of Ohio managed the bill with the aid of Stuart, J.A. Pearce of Maryland, and J.J. Crittenden, a Kentucky Whig who believed the bill resembled the measures of his former colleague, Henry Clay. Their opponents, Clement C. Clay of Alabama, David Pugh of Ohio, James M. Mason of Virginia, and Jefferson Davis of Mississippi, reminded the Senate that this legislation had not been sanctioned by a single committee. Democrats appealed for party unity and restated the principles of land policy handed down from Jackson. On 2 February 1859, during the second session of the 35th Congress, Pugh moved to have H.R. 2 recommitted to the Public Lands Committee. To recommit a bill, in most cases, is to kill it. Wade and Stuart watched dejectedly as the motion narrowly succeeded, twenty-eight to twenty-six.[33]

The bill's supporters, reinforced by President Williams of Michigan Agricultural College and lobbyists from Indiana, Ohio, Kansas and Illinois, redoubled their efforts and produced an overnight miracle. The following morning, California's Senator Gwin seized the floor and moved to reconsider H.R. 2. The motion carried by one vote. Discussion continued another four days before Wade moved for final passage. The president *pro tempore* announced the result: yeas, twenty-five; nays, twenty-two. The help of seven Republican votes from the Northwest as well as both of Kentucky's Whig senators enabled a fourteen-to-one majority of Northeastern senators to carry the rest of the country with them.[34]

SENATE VOTES BY PARTY AND SECTION

	NE			NW		SE	S		SW	
	D	R	U	D	R	D	D	W	D	
Y	2	10	2	1	7	0	0	3	0	25
N	1	0	0	5	0	7	5	0	4	23

Both opponents and proponents now worked to enlist the help of President Buchanan. Senator Slidell of Louisiana took an imposing delegation of Southern Democratic senators to the White House. Buchanan routinely appeased disunionist sentiments by acceding to fireaters' demands, and the delegation doubtless received an earnest hearing. Morrill, belonging to the other party, had to rely on the questionable assistance of Daniel E. Sickles, Democratic representative of the first through eighth wards of the City of New

York. Sickles had been Buchanan's aide in London and enjoyed the president's confidence, but he deserved his reputation as an unsound character. In the same year that he became Morrill's emissary, Sickles shot and killed Francis Scott Key's son on the field of honor (Lafayette Park in this case) for "dishonoring his bed."[35] His aim as an advocate was less sure, and Buchanan vetoed the bill on 24 February.

The president gave six reasons for his action. First the bill was a budget-buster. If it became law the Treasury would lose its revenue from land sales, $5 million, which was badly needed after 1857's financial panic. Second, the bill proposed to mingle the fiscal operations of the federal and state governments, a situation bound to cause conflict. Third, the bill invited speculators to acquire large expanses of Western land and hold them as an investment against the better interests of the new states. Fourth, the federal government had no power to enforce the bill, insofar as it could not supervise the funds once they had passed to the states. Fifth, existing colleges would be injured by competition from subsidized universities. A sounder measure serving the same purpose, Buchanan proposed, would be to establish a fund to endow agricultural professorships at colleges already in operation. Finally, the president argued, "such grants are, in my opinion, a violation of the Constitution." The federal government had no power to fund with land projects it could not fund with taxes.[36]

Morrill listened as the clerk read the president's veto message to the House. Then he rose and told the members that "while this is not in any sense a party question, the president has endeavored to make it one." Representatives from both sides of the aisle had supported the bill, he observed, yet the president chose to reject it on partisan pretexts. If revenue were scarce, why had Buchanan wasted over $10 million on naval exercises against Paraguay? Morrill examined the president's objections and judged each to be a thin disguise for party motives. He then moved the previous question on reconsideration of the bill. It again received 105 votes, not enough for an override. The veto extinguished hope for enactment during Buchanan's presidency. Morrill did not even introduce the measure in the 36th Congress, but bided his time, confident the bill would have the next administration's support.

Backers of agricultural schools hoped the election of 1860 would remove the last obstacle to passage of the Morrill Act. Three of the four presidential candidates supported it. Stephen Douglas and John Bell had voted for it.[37] Abraham Lincoln declared his support during the campaign.[38] Only John C. Breckinridge stood opposed, having declared his opinion by casting a tie-breaking vote for a hostile motion during Senate consideration.[39] When the 37th Congress convened on 4 December 1861, Lincoln was in office and Republicans had lost nine seats in the House and gained five in the Senate. Fewer than half the Democrats in the House and less than a third in the Senate, the remnant of the party loyal to the Union, took their seats.

Republicans thus held heavy majorities in both Houses in spite of their indifferent success at the polls.[40]

Morrill dropped his bill into the hopper one week after the session began. This time, the legislation apportioned a quantity of land larger by half than had H.R. 2. In other respects, the bill, numbered H.R. 138, resembled its precursor. Wade introduced it in the Senate as S. 298 and both were sent to the committees on public lands. The Senate panel reported back first, on 16 May 1862, the only favorable committee report the bill ever received.[41]

The debate in the Senate between 22 May and 10 June assumed a less dogmatic character than the discussion of three years earlier. Senators readily devised amendments to resolve outstanding disputes. Westerners' chief objection was that the bill would allow Easterners to "gobble up" tracts in the new states. The Senate had approved the Homestead Act just a week earlier. Like the Morrill bill, it had passed a previous Congress only to be vetoed by Buchanan. The bills were dissimilar, however, in that the homestead bill appealed chiefly to Western states. Several of the congressmen most active on behalf of homestead legislation, were as active in opposing the Morrill bill. Pro-homestead legislators feared the Morrill grant would boost absentee landlordism, slow emigration, and stunt the economic and political development of the new states, cancelling the benefits of their act. Senators Solomon Pomeroy of Kansas and Rice of Minnesota, however, realized that the two interests could be reconciled. Pomeroy proposed an amendment to prevent the entire scrip issue from being drawn from any one state or any one person from acquiring more than 640 acres. The Senate narrowly approved the amendment, and it became part of the final law. The proviso soothed Rice and other Westerners concerned about speculation.[42] When vote on final passage was called, S. 298 carried by a huge margin, thirty-two to seven. Five Western Republicans combined with two Democrats—Saulsbury (Delaware) and Wright (Indiana)—in opposition. Senators from Wisconsin and Minnesota, three of the opposing votes, feared an issue of land scrip would hurt the value of land newly granted for railroads in their states.[43]

The bill sailed just as swiftly through the House. H.R. 138 received a negative report from the Public Lands Committee, chaired by John F. Potter of Milwaukee. Potter had been floor manager of the homestead bill that passed the House in February. Morrill let his own version die and moved on 19 June to vote on S. 298 without debate. Potter fired the full magazine of hostile motions—to refer to committee, to adjourn, to table, to suspend consideration pending amendments—with no effect. The bill achieved another crushing victory, ninety to twenty-five. With two exceptions, the opponents were Westerners. Indiana supplied six negative votes, Illinois three, and Minnesota and Ohio two apiece.[44]

A word ought to be said about the possibility that the Morrill Act benefited by vote swapping between its supporters and advocates of Pacific

railroad and homestead legislation. Congress considered all three bills more or less simultaneously between 1857 and 1862. The configuration of votes lent itself to logrolling. Homesteads and the railroad appealed to the West, farm colleges to the East. The mood of debate on each of the bills undoubtedly affected the political climate in which the others were considered. The antagonism between these measures and the disparity in their political weight, however, made a straight trade unlikely. Until Pomeroy's amendment, Western members generally believed the Morrill grant would invalidate homestead legislation. By depressing the market for land, it would also hurt the railroad. But more importantly, homesteads for colleges was an uneven trade. Most of the Morrill Act's significance—its precedent for federal aid to education, the founding of eminent scholarly institutions, Big Ten basketball—was unforeseen by its framers. Conversely, Congress acknowledged the homestead and Pacific railroad bills as weighty matters. Both were discussed in the afternoon session reserved for important national concerns. Congress considered the Morrill Act during the "morning hour," in which the chamber relaxed procedural rules and took up smaller matters, such as special bills for the relief of individuals. On one occasion, Stuart tried to have the railroad bill postponed so that debate on H.R. 2 could continue into the afternoon. The Senate literally laughed.[45] Morrill made no mention of bargaining for votes in his frank memoir. If an exchange occurred it would have been less a bargain than a sop thrown by a magnanimous Westerner.

Happily, the 101st Congress does not face the degree of internal discord that characterized the 35th. Except for the occasion when Representative Robert Dornan stopped Representative Tim Penny outside the House chamber to "straighten his tie," recent congresses have not witnessed physical violence between members, nor is party or sectional feeling as potent a force as it was in the 1850s. Morrill's Congress, on the other hand, did not have to contend with the pressures of dividing a dwindling budget. But even more to his advantage, Morrill did not have to buck an assumption of legislative paralysis on the part of his colleagues. He is often credited with great optimism for having pushed the land grant college bill into law at the darkest hour of the Civil War. More surprising, though, was the confidence in Congress he showed by introducing the bill in the first place. Authored by a freshman, minority member of the lower house and rejected by two committees, H.R. 2 still managed to pass. Despite its rancor, the 35th Congress justified Morrill's high expectations.

Few members of the Congress convened in January 1989 will have such expectations. The day after the session opened, Senators Domenici and Johnston suggested an "automatic" budget to overcome legislative deadlock by going into effect on an arranged date should Congress, as may be expected, fail to act. By acknowledging its paralysis instead of defeating it, Congress is

surrendering its authority in chunks to the Executive and unelected commissions. It could learn from its predecessors. In his farewell address, President Reagan warned of "an eradication of the American memory that could result, ultimately, in an erosion of the American spirit."[46] This is one Reagan message that most Americans can agree on.

ENDNOTES

1. Leonard P. Curry, *Blueprint for Modern America: Nonmilitary Legislation of the First Civil War Congress* (Nashville: Vanderbilt University Press, 1968), 6.

2. Journal of a trip to the West, 1841, pp. 13, 148, Justin S. Morrill Papers (hereafter cited as *JSMP*), reel 43, frames 22435, 22440.

3. "Science and Agriculture," *Working Farmer,* September 1849, 128; "Manures," *Working Farmer,* February 1849, 4.

4. "Legislative Aid to Agriculture," *Valley Farmer,* January 1857, 10; Margaret W. Rossiter, *The Emergence of Agricultural Science: Justus Liebig and the Americans, 1840–1880* (New Haven: Yale University Press, 1975), 3–7

5. "Liebig," *Encyclopaedia Brittanica,* 11th ed. (Cambridge: Cambridge University Press, 1910), 16:591; "A Free Agricultural College," *New York Daily Times,* 23 January 1856, 4; Rossiter, *Emergence of Agricultural Science,* 172.

6. "Analogy Between Medical and Agricultural Education," *The Farmer's Cabinet,* 15 January 1839, 194; Rossiter, *The Emergence of Agricultural Science,* 149; Letter from a farmer in Springfield, Vt., 8 December 1855, *JSMP,* 1:265.

7. Margaret W. Rossiter, "The Organization of Agricultural Improvement in the United States, 1785-1865," in *The Pursuit of Knowledge in the Early American Republic,* ed. Alexander Oleson and Sanborn C. Brown (Baltimore: Johns Hopkins Press, 1976), 280.

8. Liberty Hyde Bailey, *Cyclopaedia of American Agriculture* (New York: Macmillan Co., 1909), 4:78-79.

9. Bailey, 292; Alfred C. True, *A History of Agricultural Education in the United States, 1785-1925* (Washington: Government Printing Office, 1929), 23; Lyman Carrier, "The United States Agricultural Society, 1852-1860," *Agricultural History* 6 (October 1937) 4:279-80, 283.

10. Donald B. Marti, "The Purposes of Agricultural Education: Ideas and Projects in New York State, 1819-1865," *Agricultural History* 45 (1971) 4:272-73; "A Free Agricultural College," *New York Daily Times,* 23 January 1856, 4; "Manures," *Working Farmer,* February 1849, 4.

11. Edmund J. James, "Origin of the Land Grant College Act of 1862," *The University [of Illinois] Studies* 4 (1910) 1:20; Earl D. Ross, *Democracy's College: The Land Grant Movement in the Formative Stages* (Ames: Iowa State College Press, 1942), 38-39. Turner claimed in later life to have written the Land Grant Act and to have selected Morrill to introduce it. His claim and his daughter's vigor in advancing it kept a scholarly controversy over the bill's authorship alive until Ross settled the question in Morrill's favor in 1942.

12. Bailey, 364, 376; Ross, 12; True, 44-45; Morrill to Davis, 8 December 1848, *JSMP,* 1:36; and Marti, 278.

13. Department of Education, *Report of the Commissioner of Education, 1867-8* (Washington: Government Printing Office, 1868), part 6, 267, 273-74, 259-60, 282.

14. *Report of the Commissioner of Education,* 267, 273-74, 259-60, 282, 273; *JSMP,* 1:264; and James, 14.

15. U.S. Patent Office, *Report of the Commissioner of Patents for the year 1851,* part II, Senate Ex. Doc. 118, 32nd Cong., 1st sess. (Washington: Robert Armstrong, 1852), 37-44.

16. "Education for the People," *New York Daily Tribune,* 26 February 1853, 4; "A Free Agricultural College," *New York Daily Times,* 23 January 1856, 4.

17. Morrill's background has been examined in detail by William B. Parker in *The Life and Public Services of Justin Smith Morrill* (New York: Da Capo Press, 1971). See also Randall Leigh Hoyer, "The Gentleman from Vermont: The Career of Justin S. Morrill in the United States House of Representatives" (Ph.D. diss., Michigan State University, 1974).

18. True, 97.

19. Parker, 69-70.

20. *Congressional Globe,* 35th Cong., 1st sess., 32-33.

21. Raynor Greenleaf Wellington, *The Political and Sectional Influence of the Public Lands, 1828-1842* (Boston: Riverside Press, 1914), 51; True, 103.

22. Wellington, 9.

23. *Congressional Globe,* 35th Cong., 1st sess., 1741.

24. Ibid., 717.

25. Parker, 264.

26. *Congressional Globe,* 35th Cong., 1st sess., 1741.

27. Actually, Russia lost. Morrill perhaps interpreted Russia's stout defense against the advanced armies of France and Great Britain as a victory of sorts.

28. *Congressional Globe,* 35th Cong., 1st sess., 1693–95.

29. Ibid., 1697, 1742.

30. *Congressional Globe,* 35th Cong., 2nd sess., 27 January 1859, 627; ibid., 11 January 1859, 311; Robert R. Russel, *Improvement of Communication with the Pacific Coast as an Issue in American Politics, 1783-1864* (Cedar Rapids: Torch Press, 1948), 221-32.

31. True, 103; Parker, 267; *Congressional Globe, 35th Cong., 2nd sess., 714, 854.*

32. *Congressional Globe,* 35th Cong., 1st sess., 1989.

33. *Congressional Globe,* 35th Cong., 2nd sess., 734; Isaac L. Kandel, *Federal Aid for Vocational Education* (New York: Carnegie Foundation for the Advancement of Teaching, 1917), Bulletin # 10, 11.

34. True, 103; *Congressional Globe,* 35th Cong., 2nd sess., 857.

35. Parker, 268.

36. *Congressional Globe,* 35th Cong., 2nd sess., 1412-13.

37. Ibid., 857.

38. Carrier, 3; Bailey, 411.

39. Kandel, 9.

40. *Congressional Quarterly's Guide to Congress* (Washington: Congressional Quarterly, 1982), 897.

41. *Congressional Globe,* 37th Cong., 1st sess., 99.

42. Ibid., 2626-69.

43. Russel, 266-67.

44. *Congressional Globe,* 37th Cong., 1st sess., 2432, 2770.

45. *Congressional Globe,* 35th Cong., 2nd sess., 187.

46. Pete V. Domenici and J. Bennett Johnston, "How to Fix the Budget Process," *Washington Post,* 13 January 1989, A21; "Text of President Reagan's Farewell Address," *Washington Post,* 12 January 1989, A8.