

New York Times

AUGUST 5, 2011, 9:30 PM

The Do-Everything Congress

By **MARK GREENBAUM**

... the 37th Congress ... was actually one of the most productive and momentous in American history.

Like President Lincoln, Congress took office not knowing if the United States would endure. When it convened, about a third of the seats in both chambers were vacant, as newly declared Confederates had emptied Washington. Fittingly, members served under an unfinished Capitol dome – construction on the cast-iron edifice began in 1855 and would not be completed until 1863 – at once a symbol of republican government striving to rise up just as fierce fighting mere miles south on the battlefields of Virginia, and elsewhere, sought to tear it down.

Yet, despite the mortal threat that hung over the nation throughout the two-year session, the new Congress was able to pass laws of incredible breadth and significance for both the immediate stability and future growth of the United States. Congress's work in these early years of the Civil War helped lay the track not simply for the Union's victory, but the groundwork for the nation's educational, socio-economic and physical expansion. The 37th Congress, in the words of the historian Leonard Curry, set the "blueprint for modern America."

First came the Revenue Acts of 1861 (and later 1862) which created the first federal income tax, to help fund the Union war effort. While the acts would be repealed after the war, their impact on the future economic direction of the nation is clear: with their precedent, income taxes would serve as future keystones of the nation's economy, as would the National Banking Act passed near the conclusion of the session, which established a single national currency.

In 1862, Congress ended slavery in the District of Columbia, a critical forerunner to the Emancipation Proclamation and, eventually, abolition. Soon thereafter it created the Department of Agriculture, a guiding engine for the nation's agricultural expansion during the post-Civil War era – a boom that the same Congress facilitated with the Homestead Act which enticed over a million Americans westward on the promise of earning 160 acres of land to call their own. Also helping spur that drive was the Pacific Railway Act of 1862, which began the construction of the first transcontinental railroad from Omaha and San Francisco, culminating with the famous linking of the Central and Union Pacific lines at Promontory, Utah seven years later.

The 37th Congress's contribution to education was also estimable. A week before the brutal Seven Days Battles raged outside of Richmond, it passed the Morrill Land-Grant Colleges Act, which set aside over 15 million acres for the founding of agricultural and mechanics schools. The landmark act led to the founding of institutions including Cornell, Berkeley and the University of Wisconsin, and established the backbone of the finest public university system in the world.

And in one of its final legislative moves in 1863, it passed the False Claims Act to combat abuses by federal contractors. Better known today as "Lincoln's Law," the act remains arguably the most effective anti-fraud statute ever passed, having recovered over \$20 billion from war profiteers and deterred exponentially more since 1986 alone.



How did such a visionary slate of legislation come to pass? To be sure, Congress remained focused throughout the session on supporting the war effort, and assorted measures like the Revenue Acts were enacted with that overarching goal in mind.

The quick answer is that Congress was able to move so adroitly because Republicans held the White House and possessed huge majorities in both the House and Senate. Founded in the mid-1850s, the party catapulted to immediate success with the dissolution of the Whig Party and the collapse of the Know Nothing movement, doing well in the 1856 elections and capturing the House of Representatives just two years later. In 1860, Republicans won nearly three-fifth majorities in each chamber, paving the way for a unified government.

Prior to Republicans' birth and quick rise, Democratic congresses had been stymieing economic growth for years. Looking back in 1863, Maine Republican Senator and future Treasury Secretary William Fessenden captured his party's ambitious outlook in the 37th, noting, "I cannot say that the wiser course was not to make the most of our time, for no one knows how soon this country may again fall into a democratic slough."

From the beginning, the Republicans had a clear idea about what they wanted. As the historian Eric Foner has observed about the young party, "their outlook was grounded in ... its emphasis on social mobility and economic growth, it reflected an adaption of that ethic to the dynamic, expansive, capitalist society of the antebellum North." Indeed, the party's core principle held that any American could advance himself in society and achieve economic independence, and that the future lay with industrial growth and westward expansion, away from the decayed, slaved-based southern model.

The role of government, then, was to make this happen. These were old Whig philosophies Lincoln himself had subscribed to from the very start of his political career in his almost monastic pursuit of internal improvements.

At times the anti-slavery element of the party platform could overwhelm the economic-development element as the era in Congress is remembered mostly for colorful figures like Thaddeus Stevens, Benjamin Wade and Charles Sumner, who were dedicated first and foremost to the slave issue. Similarly, many Democrats who had switched sides to the Republican Party in the 1850s, including Salmon Chase, Gideon Welles and Francis P. Blair, did so over slavery and did not agree with many of their new party's core economic views.



Ultimately, however, Radical Republicans' focus on slavery, and former Democrats' misgivings, did not derail the enactment of the party's economic agenda. While many early state Republican platforms ignored economic issues to avoid divisions, this had already begun to change near the end of the 1850s, as many converted Jacksonian Democrats began to tone down their anti-government sentiments in the wake of the Panic of 1857.

Not that infighting was lacking on Capitol Hill. Partisanship during the war was perhaps even more toxic than ever; Republicans created the Committee on the Conduct of the War largely to disgrace Democratic generals in the aftermath of the disastrous Battle of Balls Bluff (where Republican Senator Edward Baker was killed).

But in the end, progress would define the Congress's work and would build the nation as the old-line Whiggish vision of economic growth and opportunity won out.

It's understandable why the drama of the Civil War should overshadow the grinding legislative activities of Capitol Hill and the 37th Congress. But for anyone who has ever gone to a public university, spent a dollar bill or ridden a passenger train cross-country, it's a legislative session that deserves to be remembered.