Scarlet and Black


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When Rutgers became New Jersey’s land-grant college in 1864 under the Morrill Act of 1862, the state legislature had no indigenous community to answer to. It had been decades since the Lenni Lenape left their final footprints in the region they had known for centuries. Pried from their land through years of state-sanctioned violence, coercion, and trickery, the people the European settlers called the “Delaware Indians” met a fate of repeated removal and resettlement through the West.1 The Morrill Act granted states the right to proceed from federal lands to help fund schools for agriculture and the mechanic arts within their borders. As a proprietary state, New Jersey held no land within the public domain. Any lands that would help establish a scientific school for the state’s industrial white classes were merely drawn from a vast faraway lottery. For many of the state’s white inhabitants, the “Indian Question” was safely shelved as a distant memory.

Yet in becoming a land-grant college, Rutgers and the state of New Jersey were forced to revisit the “Indian Question”—even if their collective response was one of shameless silence, uninterest, and erasure. Indeed, the provisions of the Morrill Act demanded and protected this silence, while the Civil War consumed the nation’s attention. Embroiled in a violent political climate that threatened to rupture New Jersey’s racially stratified society, legislative officials rarely glanced at matters beyond the war effort. If there was a pressing question related to the state’s non-European population, it concerned the movement and freedom of those of African descent.2 For the faculty, and later the board
of trustees at Rutgers College, the time was ripe to take advantage of a federal endowment toward a scientific school. No thought was ever given to where that endowment would be drawn from.

What did it mean to bid for, win, and ultimately uphold the prestigious title of land-grant college within a broad national context of Native American land dispossession and Removal? In what ways could Rutgers be held morally

FIGURE 7.1    Morrill Act. Special Collection and University Archives, Rutgers University Libraries.
culpable for benefiting from the proceeds of Indian land seized by the federal government?

When I began this project in spring 2016, I was kindly cautioned about the potential research difficulties that I faced. Supervising this project, Dr. Camilla Townsend, an expert in Native American history, counseled that I would either find something small (and still significant) or nothing at all. Regardless, investigating what could and could not be found was just as important as sharing a narrative.

It became clear early in my research that I would have to pursue a serpentine trail of archival silences in order to explore my questions. As a nineteenth-century African Americanist I felt somewhat familiar with the prospect of freeing a narrative from a constraining colonialist archive. Enslaved silhouettes often appeared in the archive in uneven, flat, and wholly violent ways. Reading silences befitted my training. But my relative privilege as a nineteenth-century African Americanist presented itself the more I struggled with the dead silence surrounding Native Americans, the Morrill legislation, and Rutgers College. For example, I realized that as property harnessed to white capital, slaves created at least some incentive for whites to pen a record. Whether they appeared in wills, court records, personal diaries, proslavery accounts, or abolitionist literature, they were, in some form, there. But in this case, Native Americans were nowhere to be found. Their presence simply problematized, challenged, and delegitimized the logic undergirding the Morrill Act. Their erasure was paramount to the establishment and growth of white capital. This core agenda manifested itself in different ways through federal and state records.

I started with the aim to find a tangible piece of evidence that would expose how Rutgers College benefited from proceeds under the Morrill Act at the expense of Native Americans. After some preliminary research, I visited the National Archives in Washington, DC, with the hope of locating the physical land certificate or “land scrip” that was paid to New Jersey by the federal government. Though the specialists at the National Archives were invaluably helpful, my progress hit multiple walls. Besides the draft of the actual Morrill bill, the National Archives held very few related records. This was the case for two main reasons: first, my research dates, which initially began in 1862, coincided with the incredibly turbulent period of the Civil War. Very few federal records survived the Civil War. As an archivist explained to me, missing federal documents between 1861 and 1865 were simply not uncommon. Second, the National Archives held few documents related to the Morrill Act and its implementation because the period in which the act was passed predated the establishment of the National Archives system. Prior to then, there was no centralized federal record-keeping system. Surviving documents therefore rested on the whim of federal officials—what they deemed worthy of preservation. Original
or duplicate copies of the federal land scrips issued to each state seemed to fall under this category.

Searching for federal land scrips proved incredibly difficult as the surviving documents were not consistently categorized. Land scrips were scattered across state and federal archives in boxes marked for agricultural colleges established following the second Morrill Act (1890), or in various land records. Refining my search down to a reasonable guess was deeply challenging. As one of the original thirteen colonies and a proprietary state, I learned that New Jersey’s land records were not housed at the National Archives. This included the land certificate or scrip that was paid by the federal government in favor of the state of New Jersey. (It didn’t matter that the scrip was for federal land somewhere in the West.) With the incredible help of the archival specialists, I was fortunate to view a land scrip issued to the state of Georgia for land in Utah. Leaving the National Archives, I visited the Bureau of Land Management in Washington, DC, where I confronted the same problems.

I left Washington feeling disappointed. My experience within the archives was very positive as far as assistance went, and the excuses for not housing certain records appeared reasonable. But I felt the frustration of wanting to share a piece of evidence as a small form of justice. It was a huge affront to Native Americans to be ignored as a factor in federal and state discussions of the apportioning of “public lands.” After all, in a “two birds, one stone” kind of way, distributing vast federally held lands seemed to be a central component of the Morrill legislation.

At the New Jersey State Library and Archives in Trenton, I perused Senate journals, legislative documents, and reports from the Department of Agriculture, New Jersey Agricultural Society, Department of Education, and the Rutgers Scientific School. I noted down important dates and cross-checked them in the New Jersey Civil War newspapers collection at the state archives. Yet there was no discussion regarding land in the Western states/territories. Everywhere the “Indian Question” appeared to be comfortably settled by a deafening silence. Even the language of disposing scrips for “unappropriated public lands” seemed to augment a grotesque sense of waste and abundance, with no regard to the violence that this committed upon the Indians already inhabiting these vast regions. They were invisible.

The more I researched, the more I was forced to move the goalpost. From locating the federal land scrip issued to the state of New Jersey, I turned my focus toward the provisions of the act, the arguments presented by the Rutgers Board of Trustees to win the award, and finally the actual implementation of the act in the state. I read the records of the Rutgers Board of Trustees in the hope of adding characters and a human face to discussions around the act. Here I learned that Indians were really not part of the land-grant discussion. I decided to combine the
silences of the archives with a broader reading of the Morrill Act as a system. In doing so, it became clear that the Morrill Act was itself legitimized by the lie of the “Indian Question” as a past, settled matter. Moreover, the legitimacy of the Morrill legislation rested on a national acceptance of Native American erasure. Though Indian erasure occurred at the national level, it was perpetuated at the state and local levels. When the faculty and Rutgers Board of Trustees entered the bid to become a land-grant university, they bought into this silently unethical system.

The Morrill Act and Its Implementation in New Jersey

The Morrill Act, also known as the Agricultural Colleges Land Grant Act, marked the “first federal aid to higher education.” Enacted in 1862, it was the first in a triumvirate of acts designed to provide federal help toward the establishment of agricultural and scientific schools. Under the terms of the act, each state was entitled to a portion of “public lands” for “the benefit of agriculture and the mechanic arts” in at least one designated college. Each state received 30,000 acres of “public land for each Senator and Representative in Congress to which the state was entitled.” Actual land was handed over to the states that could locate “public land” within its limits. For other states with no land within the public domain, such as New Jersey, “an equivalent amount of land scrip or land certificate” was issued. The scrip authorized the selection of “unappropriated public lands” that, as Greg Bradsher notes, were generally “anywhere in the West.” Within five years of its passage, over 2.4 million acres of land was located under the Morrill Act. According to a report by the Department of the Interior, General Land Office, this amounted to just under a third of the total “public lands disposed of during the year ending June 30, 1867.”

Though vague, the terms under which the scrip could be disposed revealed the underlying purpose of the act. Prohibiting states from owning land in another region, the responsibility fell on individual states to sell their land scrip to “private persons.” Many states sold their scrip in full or part to individual wealthy white investors. Though the market was unfavorable, among the act’s provisions was the stipulation that states establish or declare their institutions within five years of accepting its terms. Locating acreage thus fell on individual speculators who could choose any “unappropriated public land” that wasn’t mineral land. Thus, the Morrill Act represented a federal scheme to transfer vast lands into the hands of white investors and settlers. The fact that many Indian tribes inhabited these lands was irrelevant. Their existence was systematically erased by the greater project of white Western settlement.

The Morrill bill was originally proposed by Justin Smith Morrill of Vermont to the House of Representatives in 1857. For Morrill and the bill’s proponents, such legislation would be revolutionary in uplifting the nation’s industrial
classes, instilling in them an ideal character of robust innovation, physical vitality, and technological expertise on a world level. Most importantly, as Morrill argued, the legislation would bring the average white American man into greater synergy with the land he inhabited, setting the foundation for the survival of a free nation built from the ground up. He argued, “If this bill shall pass, the institutions of the character required by the people, and by our native land, would spring into life, and not languish from poverty, doubt, or neglect.”

Land-grant agricultural colleges, Morrill continued, would prove . . . the perennial nurseries of patriotism, thrift and liberal information—places “where men do not decay.” They would turn out men for solid use, and not drones. It may be assumed that tuition would be free, and that the exercise of holding the plow and swinging the scythe—every whit as noble, artistic, and graceful, as the postures of the gymnastic or military drill—would go far towards defraying all other expenses of the students. Muscles hardened by such training would not become soft in summer or torpid in winter; and the graduates would know how to sustain American institutions with American vigor.

Nature and the land, and man’s ability to manipulate as well as live harmoniously within it, seemed to provide the blueprint for American progress, health, and civilization. What made this vision unique was the notion that this was the destiny of white America. It was a narrative that completely wrote over Native Americans’ relationship to the land.

However, the bill was vetoed by President James Buchanan in 1859. In his very extended veto message, Buchanan critiqued the bill while exposing and ultimately endorsing its intent. Outlining six key objections, Buchanan contended that the bill was unconstitutional, ill-timed, and, in many ways, un-American. “The establishment of these colleges has prevailed over the pressing wants of the common Treasury,” he stated. “No nation ever had such an inheritance as we possess in the public lands. These ought to be managed with the utmost care, but at the same time with a liberal spirit toward actual settlers.” Buchanan never mentioned the fact that such vast “public lands” were already inhabited, owned, cultivated, and settled by various Native American tribes. Instead, in claiming that the United States “inherited” these lands, Buchanan subscribed to a dominant national myth that effectively whitewashed the violent truth of how these lands came under government possession. He continued:

The United States is a great landed proprietor, and from the very nature of this relation it is both the right and the duty of Congress as their trustee to manage these lands as any other prudent proprietor would manage them for his own best advantage. Now no consideration could be presented of a stronger character to induce the American people to brave
the difficulties and hardships of frontier life and to settle upon these lands and to purchase them at a fair price than that to give to them and to their children an assurance of the means of education.\footnote{17}

Buchanan questioned the constitutionality of the federal government interfering in state matters such as the educational system. He was also unconvinced that selling “public lands” to wealthy speculators would later benefit those that he was most concerned about: actual white settlers. And, of course, Buchanan subscribed to an ideal of true American character rooted in a masculinized notion of strength, individualism, and self-creation. But in questioning the constitutionality of the bill, Buchanan never challenged its underlying ethics.

It was Buchanan’s successor, President Abraham Lincoln, who signed the Morrill Act on July 2, 1862. At a time when the nation was consumed by a growing Civil War, Lincoln signed the act partly to fulfill the promise he had made while running for the presidential ticket. This is not to say that the act was a tangential matter in a society immersed in the Civil War. As historian Jean Wilson Sidar argues, “The law was passed partly because of the awareness of Northern leaders of the important of science, agriculture, and industry for the war effort, partly because the Eastern states were interested in getting a share of the public lands, and partly because land speculators hoped for personal profit.”\footnote{18} In many ways, the Morrill Act was an integral component of a nation at war. It is no surprise, then, that the bill that was presented to Lincoln was almost identical to the original version presented to Buchanan. One important amendment was added: that students undergo mandatory military training as part of their education.

New Jersey accepted the provisions of the act on March 21, 1862. The state was endowed with a land scrip for 210,000 acres of “public lands.” Faced with a declining “market for college scrip” and a looming July 2, 1867, deadline to establish their college, Governor Joel Parker along with the commission appointed to dispose the scrip began to release acres of scrip at far less than the minimum government value of $1.25 per acre.\footnote{19}By December 1864, the state had sold 36,000 acres at 70 cents. The buyer was James Bishop and Co., a New Jersey–based firm.\footnote{20} The remaining 173,920 acres were sold in October 1865 to New Yorkers Hiram Slocum and Francis Howland. The rate was a substandard 50 cents.\footnote{21} The total earnings amounted to $115,945.95, “to which the trustees of Rutgers College added $54.05 to make an even $116,000.”\footnote{22} The state used the proceeds to purchase state bonds, out of which annual interest in the amount of $6,960 was paid to the trustees at Rutgers College. Neither Rutgers nor the state of New Jersey got their hands dirty by locating land in the West. The responsibility fell on the individual purchasers of the scrip, if and when they chose to redeem it.

Although New Jersey accepted the Morrill Act in March, “the first evidence of interest at Rutgers was not recorded until the minutes of the faculty meeting
on December 8, 1862.” Revitalized by the new leadership of President William Campbell, the school desperately sought funding to realize the faculty's new visions. Along with his colleague David Murray, George Hammell Cook, the school's renowned geologist, drafted the proposal for Rutgers to be considered for the land grant. Cook was popularly known for his sympathy toward "the education of the sons of farmers and mechanics." Despite his respect for agricultural sciences and the land, Indians or Indian land, however, did not figure into his campaign. The concept of the Morrill Act merely coincided perfectly with Cook's educational “philosophy that science should serve men,” as biographer Jean Wilson Sidar argued. What Sidar failed to highlight was that “men” referred exclusively to white men. The Morrill Act’s “system of education uniquely suited to the furtherance of the agricultural and mechanical arts and to the education of a democratic citizenry” was specifically furnished to a democratic white citizenry.

Afterthought: Indians, Race, Citizenship, and the Morrill Act

The national violence committed against Native Americans continues through our largely uncritical celebration of the Morrill Act and traditionally white land-grant colleges such as Rutgers University. Indeed, the positive impact of the act cannot be doubted. It offered the first federal assistance to higher education, enabling millions of Americans access and upward mobility. It also set the federal government’s responsibility to education more broadly—an area previously taken strictly as a state matter. Through the act’s vague provisions, states were given a very attractive incentive to use the federal government’s resources to build their educational systems. The legacy of the Morrill Act—with over 150 years of amendments and revisions—often precedes the violence of the original act of 1862.

Even the process through which the act became diversified in its reach is worthy of exploration and critique. As Cynthia L. Jackson and Eleanor F. Nunn have noted, “The Morrill Act of 1862 had established land-grant schools for whites.” In 1890, a second Morrill Act was enacted to serve a racially segregated South: “The act required states with racially segregated public higher education systems to provide a land-grant institution for black students.” Funding to private institutions in states where there was no public institution was permitted. Unlike traditionally white colleges such as Rutgers, black land-grant colleges navigated a hostile, racially tiered education system with limited resources and a segregated curriculum. Their position was tenuous and heavily circumscribed. Jackson and Nunn state that “although the concentration in agricultural and the mechanical arts was clear whether the institutions were a HBCU [historically black college or university] or historically white, the breadth, depth, and scope
of their curricula were very different. HBCU land-grant schools would focus on vocations and technical training. Historically white land-grant institutions would concentrate on research.”

During the late nineteenth century, some Native Americans attended black land-grant colleges. Where they had been previously erased by the Morrill Act, they “appeared” in black colleges as recipients of the proceeds of the act. Yet the U.S. postbellum society constructed upon a black-white racial binary conspired to commit more violence on Native Americans. For example, when a group of Native Americans joined the historically black Hampton Agricultural and Normal Institute in Virginia, Helen W. Ludlow, one of the institute’s teachers, interrogated “the cause of Indian education.” Speaking as if Indian students were savages, she questioned: “Will Indians study? Can they learn? . . . Will Indians work? Can they be broken in to civilized pursuits?”

Beginning in 1878, Native Americans joined Hampton Institute’s Indian program as part of President Ulysses S. Grant’s “Peace Policy,” a “haphazardly implemented plan for ‘civilizing’ the Native American.” Led by Booker T. Washington, the emphasis upon race and education as a “civilizing” mission yielded ideological tensions that spoke to Native American students’ refusal to reject their tribal cultural identification. As historian Donal F. Lindsey writes, Washington “knew that ‘the average Indian felt himself above the white man and, of course, he felt himself far above the Negro.’ He wondered whether a race thought to cherish freedom even more than the white would obey a former slave.” The agricultural pursuits of Hampton Institute—under the provisions of the Morrill Act—also failed to operate seamlessly among its Native American student body. The school’s stock and grain farm became frequently used as a “reformatory or penal colony for refractory Indians.” As Lindsey continues, “Indians sent there dreaded its stricter discipline and the exile from friends, and some may have also felt shame, because their tribes viewed farming as women’s work.”

The structure of a racially segregated education system neither respected nor considered what form an appropriate education for a student body of multiple Native American tribes should assume. The project of “civilization” meant assimilation and insertion into a racially stratified society. Thus, on the surface it may seem that Indians at Hampton benefited from the proceeds under the Morrill Act, but the reality was far more insidious. Invoking a reverberation of violence that had started generations earlier, “education” came at the price of cultural identity.

A glance at Native American attendance at Hampton Institute, a black land-grant college during the late nineteenth century, offers an afterthought to my questions and research findings. Throughout the nineteenth century, Rutgers was never forced to address the ethics of its prestigious position as a land-grant college. As a traditionally white college, its status as a land-grant
college guaranteed that its students would pursue agricultural and scientific studies that would propel them into society’s professional classes. As a traditionally white college in a state that had long since purged its Native population, Rutgers enjoyed a safe distance from Indians. Nobody gave a thought to the consequences of reaping the benefits of the Morrill Act. Silence around Native Americans reaffirmed the legitimacy of Rutgers College’s land-grant status.