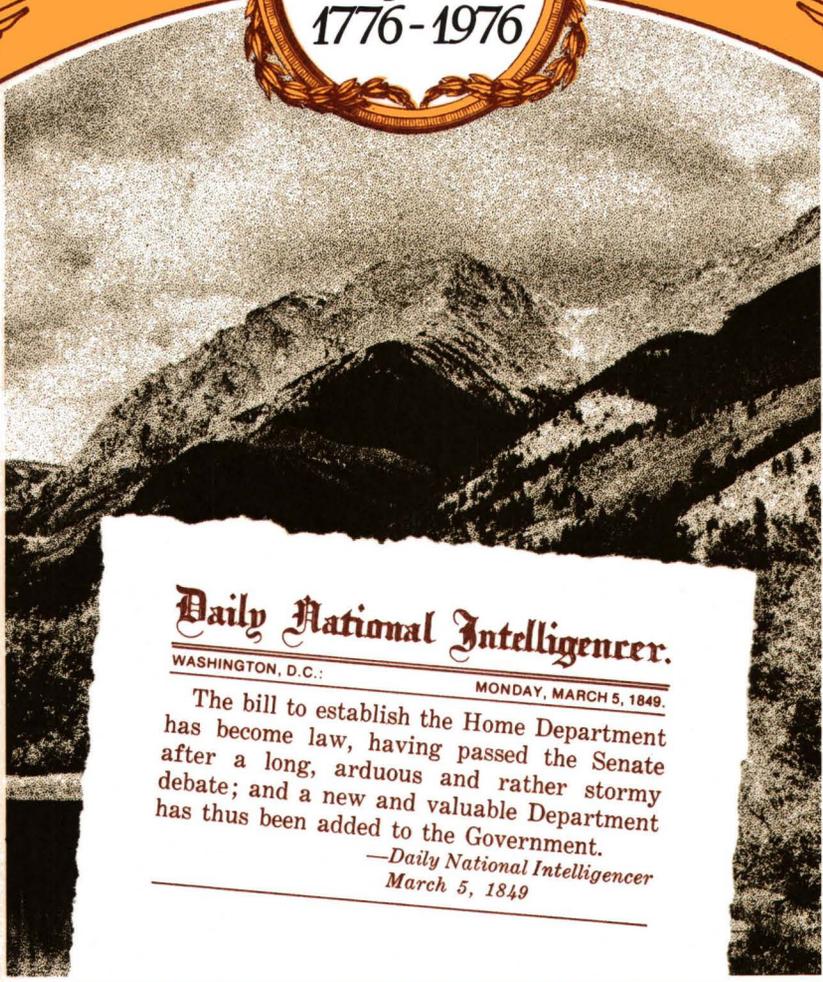


Historical
Vignettes
1776-1976



Daily National Intelligencer.

WASHINGTON, D.C.:

MONDAY, MARCH 5, 1849.

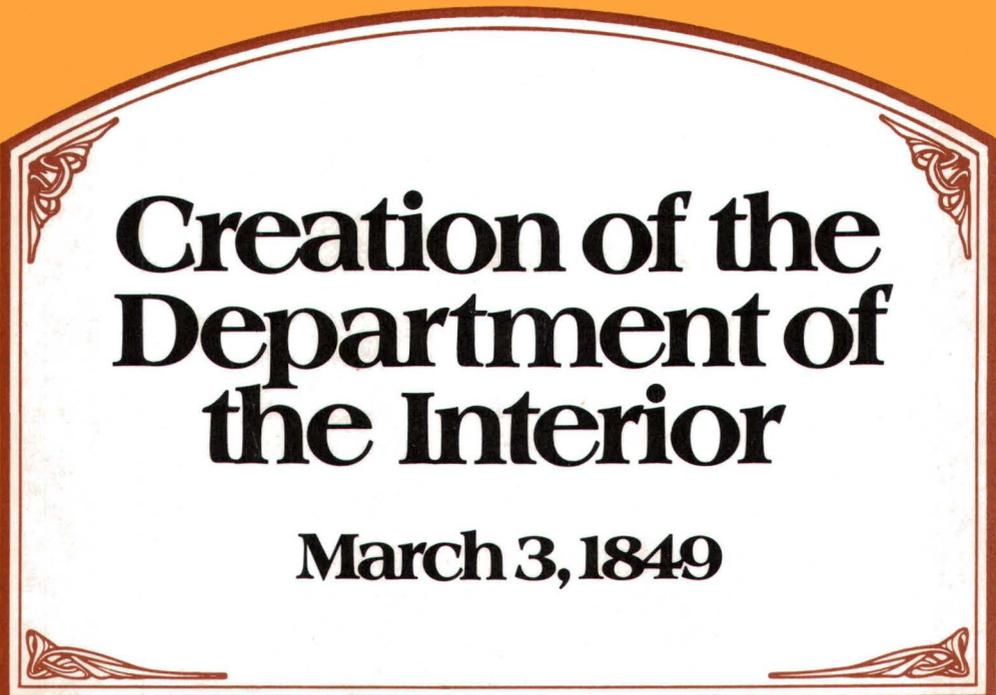
The bill to establish the Home Department has become law, having passed the Senate after a long, arduous and rather stormy debate; and a new and valuable Department has thus been added to the Government.

—*Daily National Intelligencer*
March 5, 1849

**Creation of the
Department of
the Interior**

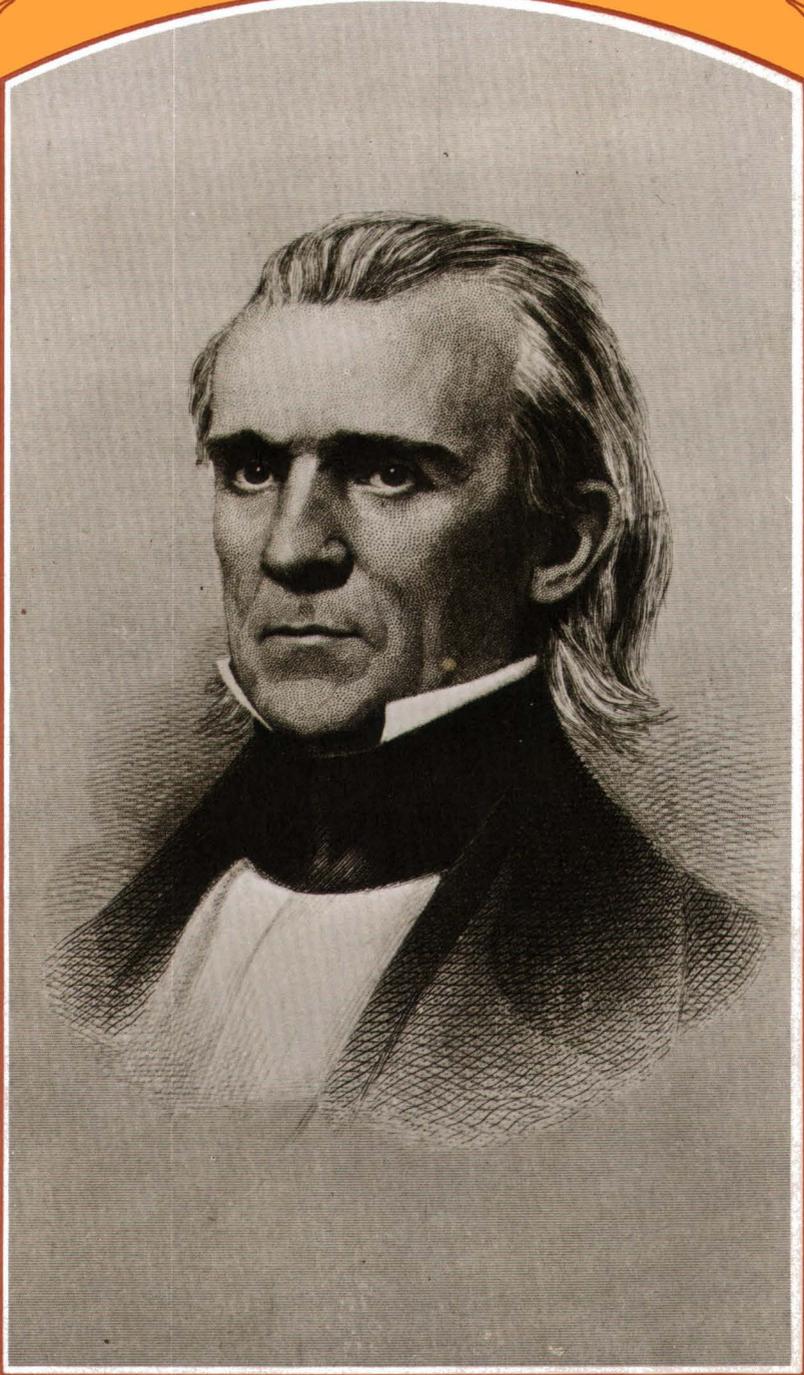
March 3, 1849





Creation of the Department of the Interior

March 3, 1849



President James K. Polk (1848)

Early Efforts To Establish A Home Department

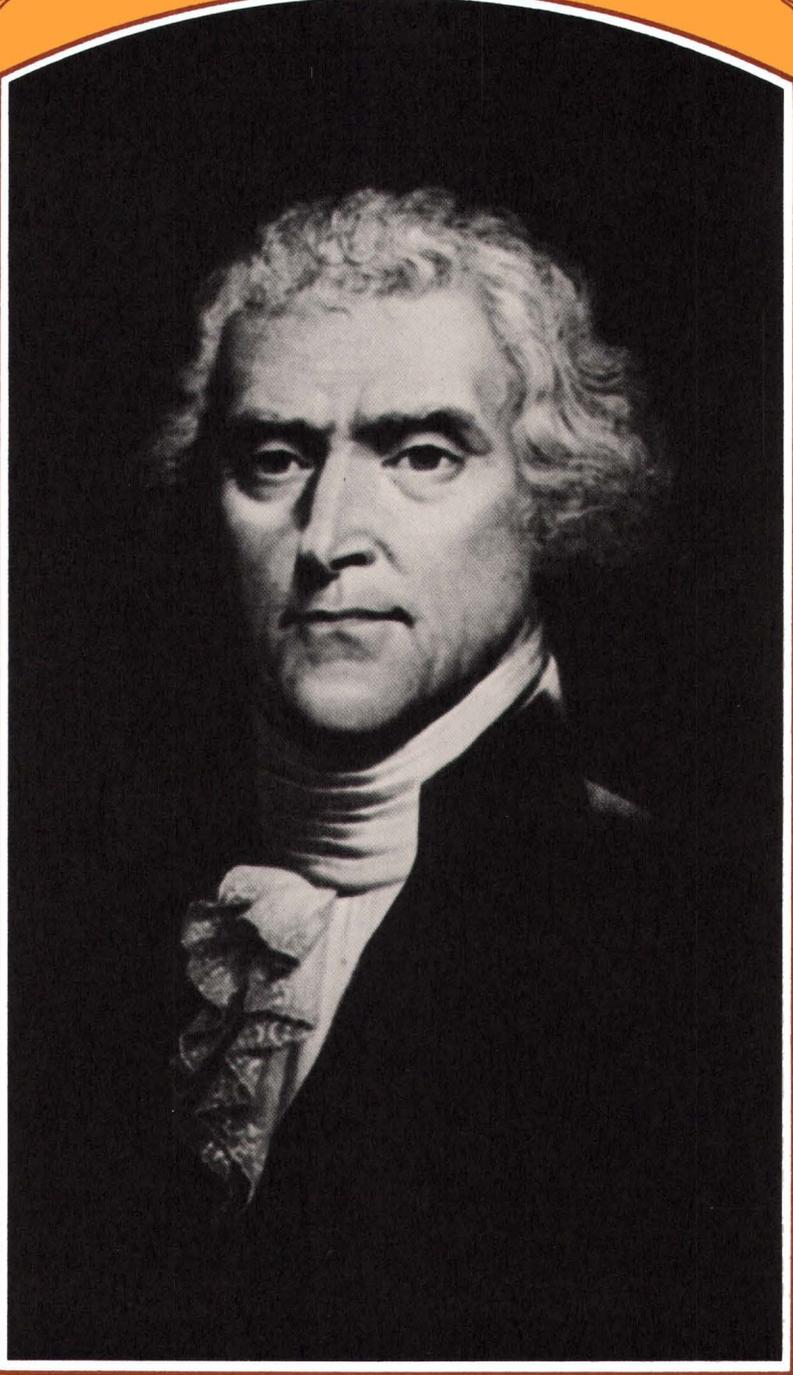
In 1789, during a Congressional debate, John Vining of Delaware led an unsuccessful effort to create a Home Department for the new government under the Constitution.

That same year, Congress created three Executive Departments: State or Foreign Affairs, Treasury, and War. It also provided for an Attorney General and a Postmaster General.

Washington's first Cabinet consisted of Secretary of State Thomas Jefferson, Secretary of the Treasury Alexander Hamilton, Secretary of War Henry Knox, Attorney General Edmund Randolph, and Postmaster General Samuel Osgood. The Attorney General first became a full-fledged member of the Cabinet in 1814 and the Postmaster General in 1829. Congress established the Navy Department in 1798 and its Secretary was made a Cabinet officer.

In the early history of the Nation, duties that belonged in a Home, or Internal Affairs, Department were apportioned by Congress among other departments. Thus, Secretary of State Jefferson found the bulk of his time was taken up by domestic matters, particularly in the disposition of patents and operations of the Mint.

The idea of setting up a separate department to handle domestic matters was put forward on numerous occasions during and after Washington's time. President Washington suggested that a special bureau or department would be useful to look after agricultural matters.



Thomas Jefferson

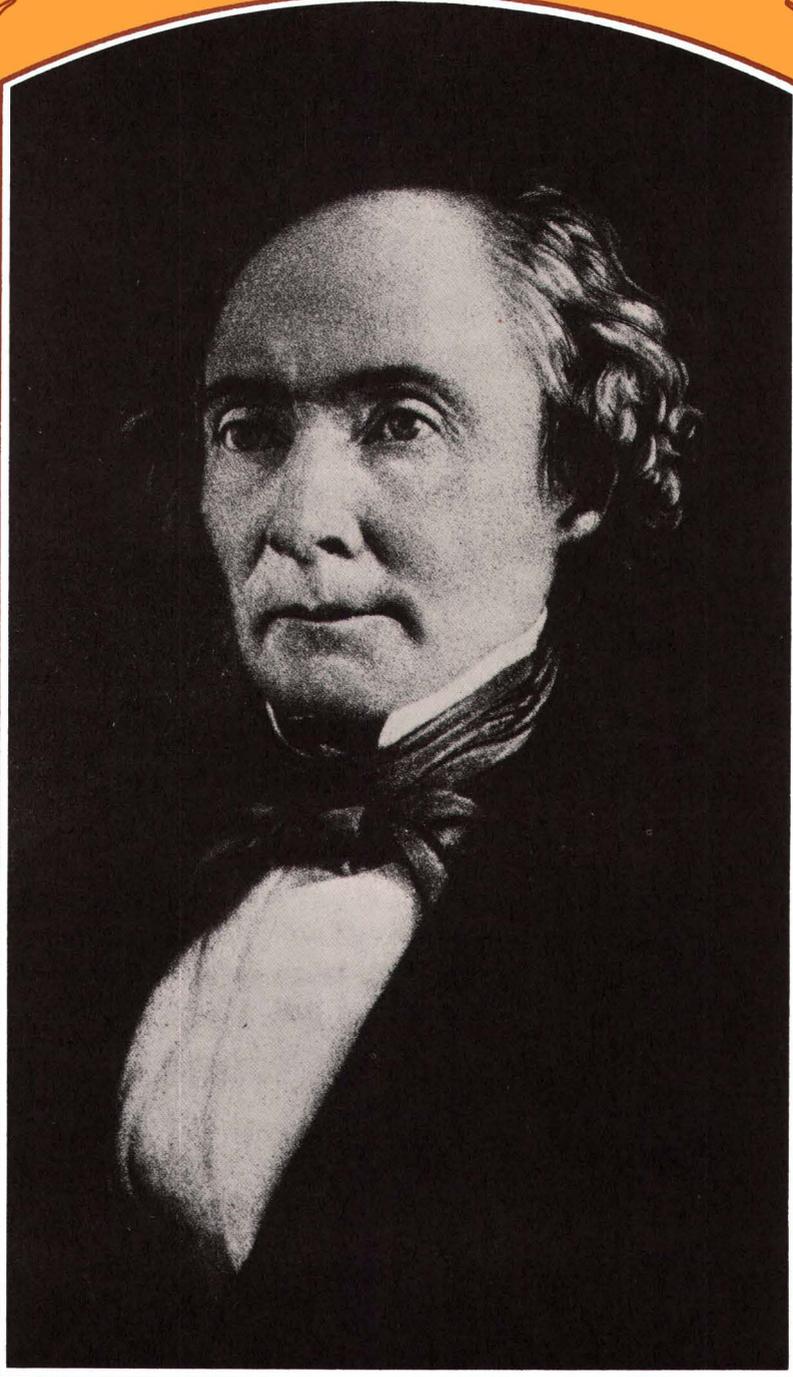
II

Shortly before the War of 1812, a House Committee appointed to study operations and organization of the Patent Office suggested the propriety of establishing a distinct Home Department.

After the War of 1812, pressing administrative problems brought renewed proposals for a Home, or Interior, Department. The Senate, in a move to relieve the situation, instructed Department heads to submit a joint plan for administrative reform. The Secretaries replied in 1816 with a proposal to improve fiscal management, create a solicitorship of the Treasury, and establish a Home Department.

The Cabinet report of 1816 (also known as the "Report of the Four Secretaries"), recommended that the new Home Department supervise territorial governments, construction of Federal highways and canals, and the Post Office, Patent Office and Indian Office.

President Madison praised the Cabinet suggestions and urged creation of a new executive department to assume duties that were overburdening existing departments and other responsibilities not tied to any department.



Robert J. Walker

III

In January 1817, Senator Nathan Sanford of New York reported to the Senate a bill to establish a Home Department along the lines recommended by the Four Secretaries, but the effort was unsuccessful.

Interest in creating a Home Department lagged during the next decade. Various efforts to establish a Home Department were made between 1827 and 1849, but none proved successful until Secretary of the Treasury Robert J. Walker in December 1848 put before Congress his carefully conceived plan to establish the Department of the Interior.

This vignette is about that effort—and success—especially March 3, 1849, the last day of the 30th Congress, when the Senate in a dramatic night session approved a House-passed bill to create the Department of the Interior to take charge of the Nation's internal affairs.



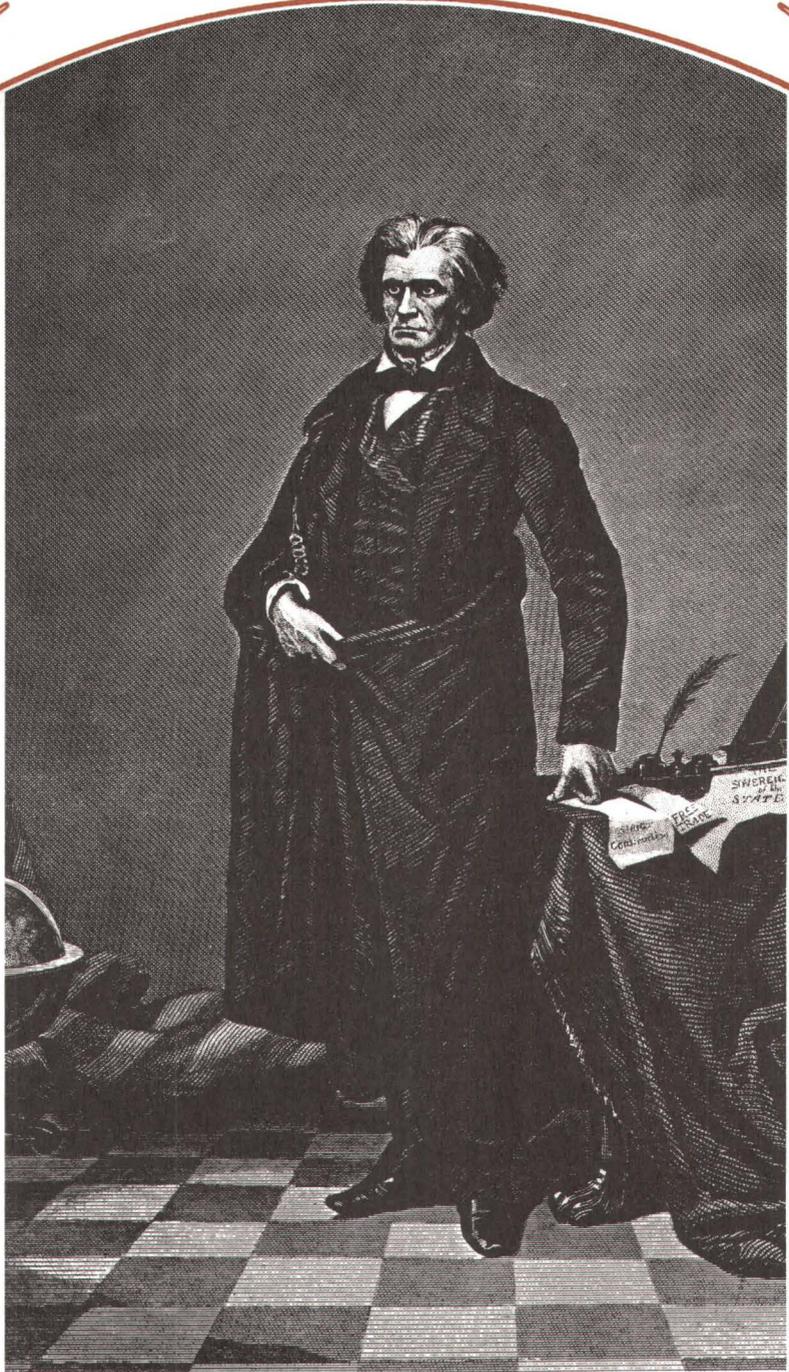
A flurry of wintry blasts greeted Members of Congress as they slogged through rain, sleet, and snow to the final session of the 30th Congress Saturday, March 3, 1849.

Gathered in an atmosphere of frenzied activity, the Senate and House wrestled with such important measures as annual appropriations bills, Statehood for California, and a proposal to create the Department of the Interior.

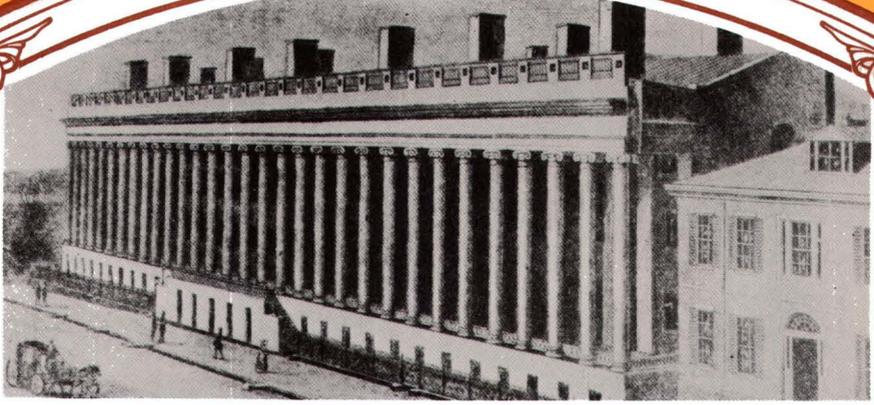
Historians have pointed out that it was an unlikely time to establish a new department of government and they probably are correct, because James K. Polk, a Democrat, was President while the Whigs dominated the House and were strong in the Senate.

Some of the Nation's most illustrious orators were on the Senate floor that day—among them Daniel Webster, Jefferson Davis, John C. Calhoun, and James M. Mason—briskly debating whether to establish the Department of the Interior.

After much maneuvering and lengthy debate, the Senate late in the evening of March 3 approved a House-passed measure and rushed it to the Vice President's room at the Capitol. There, as midnight neared, President Polk signed the measure that ended efforts dating back 60 years to establish a Federal department for internal affairs.



John C. Calhoun



Treasury Department in the 1840s

Writing on the issue in 1936, Harold L. Ickes, a long-time Secretary of the Interior (1933-46), said the six-decade delay in establishing the department was due mainly to “States’ rights and the ever occurring problem of expenditures in government.”

In setting up the new Department, Congress transferred to it the General Land Office from the Treasury Department, the Patent Office from the State Department, and the Bureau of Indian Affairs and Pension Office from the War Department.

The Department also was assigned responsibility for supervision of the Commissioner of Public Buildings, the Board of Inspectors, the Warden of the Penitentiary of the District of Columbia, the Census of the United States, the accounts of marshals and other officers of the United States courts, and of lead and other mines in the United States.

The Department of the Interior came into being from a need to provide adequate administrative machinery to handle increased responsibilities arising out of the Mexican War, duties that were to involve three of Interior’s four major divisions. None of this work was a new phase of Government activity, but the Department later experienced a decided increase in functions, undertaking wholly new types of responsibility and raising such new Cabinet units as the Departments of Agriculture, Commerce, and Labor.

Probably the most authoritative history concerning the establishment and early history of the Department—“The Origins and Early History of the United States Department of the Interior”—was written in 1964 by Norman O. Forness at Pennsylvania State University. Forness, after extensive research, concluded that Robert J. Walker, Secretary of the Treasury in the Polk Administration, was mainly responsible for the Department’s creation.



“Walker possessed a feeble physical frame that seemed a mismatch for the magnitude of his energy, capability, and ambition,” Forness wrote. “But if he was only a ‘mere whiffle of a man,’ he was also one of the most extraordinary persons ever to sit at the head of the Treasury Department. From this office he laid before Congress the blueprint for the Department of the Interior.”

Before appointment to President Polk’s Cabinet, Walker moved from Pennsylvania to Mississippi and became a United States Senator from that State. As Chairman of the Senate Committee on Public Lands in the 1830s, he promoted the selling of public lands only to actual settlers to discourage land speculation.

His policy repudiated control of public lands by a few and served as the basis for his plan to establish a new executive department.

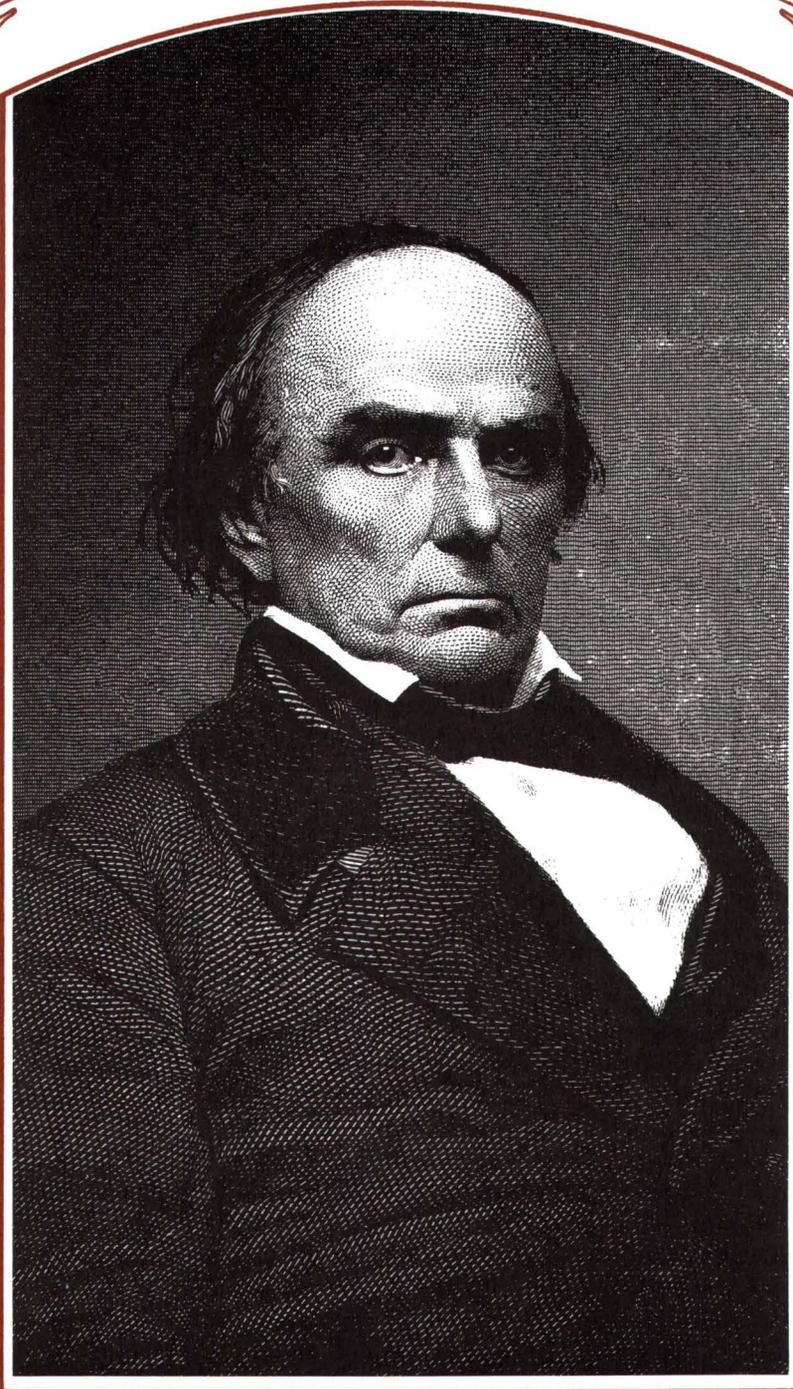
By the late 1840s, Walker found the Treasury Department burdened with fiscal duties and did not wish to become involved in managing the vast domain acquired from Mexico.

Secretary Walker knew that the Federal government could not escape dealing with land speculators. He knew also that the power of his department to control and sell public land would increase the risk of corruption and further bog down administrative procedures in the Treasury. Because of these considerations, he recommended a separation of public land administration from the Treasury Department. He desired to escape the political pressures and legal difficulties that frequently plagued the General Land Office and concluded that establishment of a new department was the best way to achieve that objective.

Walker’s plan for a Department of the Interior appeared in his December 1848 annual report to the House of Representatives. Expansion of the Nation, Walker said, had made the duties of the Treasury Department greater than it could properly perform.

With the addition of new territories, Walker pointed out, activities of the General Land Office would become more and more associated with mineral lands, private land claims, and conflicting titles in New Mexico and California.

Because decisions by the Commissioner of the General Land Office on land issues could be appealed to the Secretary, the latter faced more judicial, rather than financial, questions. Walker reminded the House that he personally pronounced judgment in more than 5,000 land title cases between March 1845 and December 1848.



Daniel Webster

Walker further warned that unless a new department was soon created, the public interest would suffer from a breakdown of the Treasury Department.

Samuel F. Vinton, an Ohio Whig, reported a bill from the House Ways and Means Committee February 12, 1849, to create a Department of the Interior and remained a key figure in securing its passage. The House Agriculture Committee filed a report the same day urging enactment of the bill reported by the Ways and Mean Committee.

"It seemed a most inauspicious occasion to seek the passage of a proposal which had failed on several earlier attempts," Forness wrote. "Sectional bitterness, factionalism, and personal feuds so dominated the session that its enactment of the Interior Department bill is a matter of real wonder. To appreciate the bill's success in this obstreperous session of Congress, some attention must be given to the political situation from which it emanated."

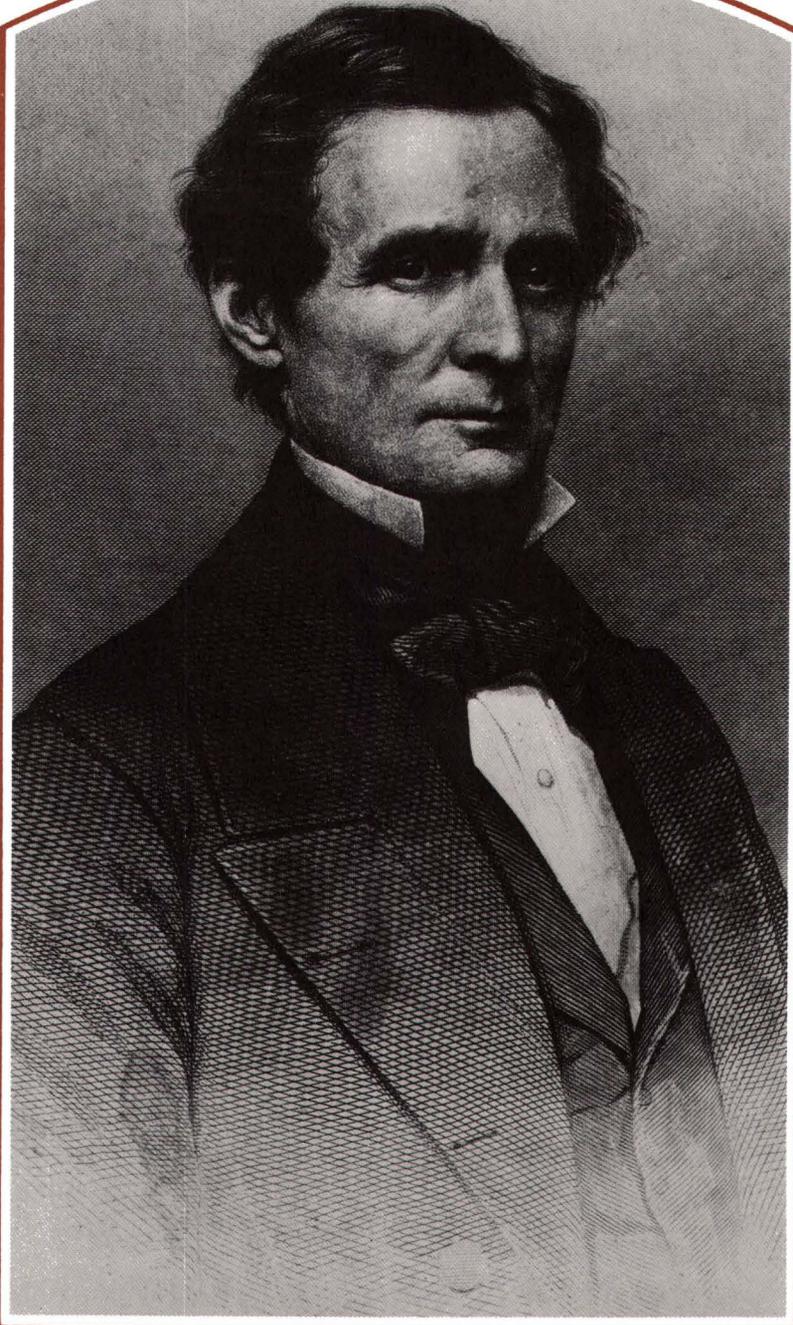
Vinton saw the Interior proposal as a plan to increase the internal strength of the Nation and also help end fraudulent land practices and speculation.

In discussing the bill on the House floor February 12, Vinton said the measure essentially had originated through Secretary Walker and that "no better plan could be devised." He outlined major divisions of the new department and emphasized, in particular, the proposal would relieve the Treasury Secretary from spending four hours each day deciding disputed land cases.

Howell Cobb, a Georgia Democrat, led the House opposition to the proposal, denouncing it as "an attempt to obtain without deliberation passage of a bill intended to change completely the character of an important department of government."

Richard Brodhead, a Pennsylvania Democrat, countered Cobb's charge, pointing out that the proposal, in effect, had been before Congress since the filing of Walker's annual report the preceding December.

Three days later (February 15) the bill again was brought to the House floor and passed, 112 to 78, with 99 Whigs and 13 Democrats voting for it and 74 Democrats and four Whigs voting against it. With only a minimum of debate the House passed an important measure just three days after its first reading.



Jefferson Davis

The Senate Finance Committee reported the bill to the Senate March 3, the last day of the 30th Congress.

“On this memorable day, between debates on a government for California and appropriations for the coming fiscal year,” Forness wrote, “the Senate alternately praised and damned, but ultimately passed the Interior Department bill. Although the success of the bill depended very little upon ideas exchanged on the Senate floor, the debate illustrated a variety of beliefs regarding the American system of government.”

Once the measure reached the Senate floor, several Senators moved to table the bill, but Senator Jefferson Davis of Mississippi, who strongly favored the measure, pleaded that young States especially wanted the new Department of the Interior.

Davis maintained that the checks and balance system of government applied to departments and that it was a violation of principle for the officer in charge of finding ways and means to operate the government also to have charge of disbursements. “A division of the Treasury Department is essential to rigid economy and just accountability in government,” Davis argued.

Mississippi’s Henry S. Foote called on the Senate to disregard party considerations and approve the bill, while two other Democrats—Virginia’s Robert M. T. Hunter and Ohio’s William Allen—attacked the bill on the grounds it would solve nothing and impose additional expenses on taxpayers.

Following those exchanges, Massachusetts’ Daniel Webster, long dedicated to the idea of the new department, reminded his colleagues the proposal went all the way back to the days of Madison and Monroe.

Webster supported the measure because he felt the business of government had outgrown the existing administrative system, particularly with regard to public lands, and because he believed it was generally a popular idea throughout the country.

Not all New Englanders shared Webster’s opinion. John M. Niles, a Connecticut Democrat, opposed the bill as an improper subject for legislation. Departments, he maintained, grew out of public duties and unless the government assumed new responsibilities, it could not create a new department.

“Now, can you, by law, create a new department where there are no additional public duties to be discharged?” asked Senator Niles.

“Why, sir, it is not a new department; it is a new Cabinet officer. What are his appropriate duties? He has no appropriate duties by this bill; and the very fact that the bill provides for this high officer but one clerk proves that he has no duties whatever as the head of a department. It cannot be called a department. This is only a bureau. The officer is to have supervision in case of appeal, but he has no independent judicial department.”

Senator Niles made clear his opposition to any change other than reorganization of existing offices and laid the groundwork for further attacks on the bill by strongly questioning the constitutionality of the plan to create the Department of the Interior.

Virginia’s Senator James M. Mason followed Niles, asserting that the Federal Government had been established to serve exterior—not interior—affairs of the Nation.

Mason also expressed dislike for the proposal because of additional patronage it would give the incoming Whig Administration, but centered his principal criticism of the bill on the States’ rights issue.

Following Mason’s speech, in an action signifying eventual victory for proponents of the proposal, the Senate voted, 31 to 22, against tabling the bill.

John C. Calhoun, a former Secretary of War and Secretary of State from South Carolina, saw something ominous in the very expression “Secretary of the Interior,” and charged there was no need for the new department.

Senator Foote of Mississippi, refuting charges that the new department was unnecessary and would be a radical innovation, said the bill reflected the growth of the Nation and effected “a judicious and necessary division of labor.”

As to encroachment on the rights of States, Foote contended the bill would have the opposite effect by limiting the power of the Treasury Department and making it easier to detect any encroachment.



Four o’clock approached and the Senate temporarily laid aside the Interior proposal to consider pressing appropriations bills. After disposing of those measures it recessed until 6 p.m.

Upon reconvening at six that evening, opponents and proponents of the Interior bill knew it was a race against time, with adjournment only six hours away.

If opponents could tack an amendment to the proposal, the bill would die, because not enough time remained for the House to consider an amended version and settle differences with the Senate.

Virginia's Senator Hunter again took the floor, striking hard at the argument that the Interior measure mainly was to relieve the overworked Treasury and argued, in fact, that most of its bureaus would come from the War and State Departments. Hunter said he especially disliked the idea of removing the General Land Office from the Treasury, since it was involved in both the control and receipt of public revenues.

Hunter supported amendments to cripple the bill, and brought an immediate response from Senator George E. Badger, a North Carolina Whig, who declared a vote for amendments was a vote against the bill.

"The bill may not be as perfect as the ingenuity of wise men can make it," said Badger, "but it is for the purpose of establishing a great and important principle. It is a bill to establish a Home Department against which, upon what principle, can anyone object?"

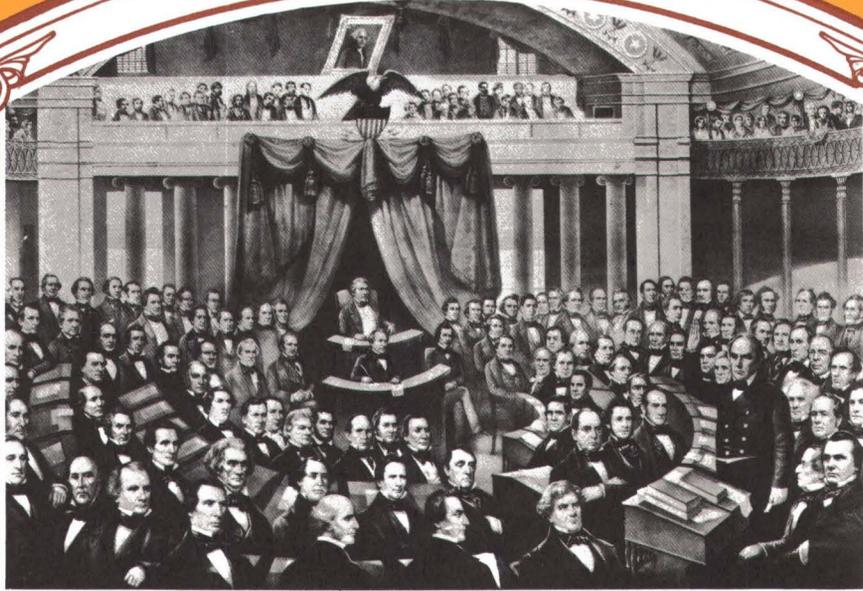
It was at least 7:30 as supporters of the bill paused, wondering if they could maintain sufficient momentum to pass the bill before adjournment.

Senator Charles G. Atherton of New Hampshire told the Senate he had no intention to delay progress on the bill, but merely wished to submit a Conference Report and supposed it was in order to do so. Informed his move would not be in order, Atherton moved to table the Interior bill so he could submit the Conference Report.

The motion to table again lost, this time 29 to 19.

The Senate then turned down amendments to restrict the Secretary of the Interior's appointive and removal power of clerks and to give the Treasury additional officers.

It was nearly nine o'clock as Senator Mason moved to strike from the bill authority to establish the Interior Department and instead give enacting powers to a new Assistant Secretary of the Treasury. The amendment was rejected, 30 to 23.



Daniel Webster addressing U.S. Senate on compromise measures in 1850.

Daniel Webster and Jefferson Davis made their final pleas for the bill.

Webster chided the opposition for prolonging the debate and basing their argument on the question of power. "There is not a particle of this bill, not a sentence, for extending the power of the Government," he declared.

Davis said the bill no longer was being debated on its merits, adding that party and patronage issues were irrelevant and that arguments alleging increased power and the Federal Government could not deal with domestic issues were false.

The bill then was reported without amendment and read three times as spectators waited anxiously for a roll call vote.

The results were announced, and by a margin of six votes—31 to 25—the Senate approved the bill to create the Department of the Interior.

Of 31 in favor, 21 were Whigs and 10 were Democrats. Of those opposed, 24 were Democrats and one was a Whig.

Although Democrats supporting the bill apparently did so because they felt it was advantageous to their individual States, their support was crucial to the bill's passage. Also, since they came mostly from the South and border States, their strong support doubtless influenced a wavering President Polk to sign the measure.



March 3rd had been an extremely busy day for President Polk. At his office an hour earlier than usual, he was occupied constantly all day. About sunset, having cleared his desk of all pending business, he left The White House with his family and members of his Cabinet to occupy quarters at the Willard Hotel.

A short time later, President Polk and his Cabinet went to the Capitol, so the President would be available to receive and act on bills presented to him the last night of Congress. In going to the Capitol, he followed the custom of previous Presidents to be on "The Hill" during the final evening of a Congressional session.

It was after eleven o'clock when the Interior bill reached President Polk, as he awaited Congressional messages in the Vice President's room at the Capitol.

A short time later he signed the measure. Polk wrote in his diary that he did not have enough time to consider the bill carefully, but found no constitutional objections against it. He did reflect apprehensions voiced by some Senators that the Interior Department, through consolidating tendencies, might draw power from the States and extend Federal jurisdiction unduly, but such fears were not strong enough to prevent him from approving on March 3, 1849, creation of a new Federal Department to supervise internal affairs.



Polk remained at the Capitol until after 3 o'clock, when he returned to the Willard. At six in the morning, a joint Congressional Committee delivered the Civil and Diplomatic Appropriations Bill and a measure to extend the revenue laws of the United States over California, which the President signed. The 30th Congress adjourned at 6:30 that morning, March 4, 1849.

The Department of the Interior bill appeared to be of relative unimportance to Polk. He spent several pages in his diary discussing matters he handled that day both before and after signing the Interior bill and then wrote:

"I find that I have omitted to notice the passage by Congress, after night of this day's proceedings, of a bill to establish the Department of the Interior, or Home Department. It was presented to me for my approval late at night and I was much occupied with other duties. It was a long bill containing many sections and I had but little time to examine it."

(This statement seems difficult to reconcile against the fact that one of Polk's top-ranking Cabinet members, Secretary of the Treasury Robert Walker, presented the entire plan in his annual report to the Congress the previous December and undoubtedly provided a copy of that report to Polk. Polk's diary, carefully kept from 1845 to 1849 but not on a daily basis, makes no mention of Secretary Walker's report).

"I had serious objections to it, but they were not of a constitutional character, and I signed it with reluctance. I fear its consolidating tendency. I apprehend its practical operation will be to draw power from the States, where the Constitution has reserved it, and to extend the jurisdiction and power of the United States by construction to an unwarrantable extent. Had I been a member of Congress I would have voted against it. Many bills pass Congress every year against which the President would vote were he a member of that body, and which he yet approves and signs."

Zachary Taylor was inaugurated as President shortly after noon, Monday, March 5. President Polk left Washington by steamboat at three o'clock the morning of March 6 for Nashville, where he hoped to live in retirement. Illness, however, overtook the former President and he died June 15, 1849, a little more than three months after he left office.



The new Department of the Interior emerged not from a *hasty* attempt to solve problems current in 1849, but from the enlarging responsibilities of the federal government for the management of domestic affairs from the days of Washington. The lingering desire for a simple government of limited power had delayed the department's advent, but by 1849 the need for such a department at least loomed larger than any argument of opposition. Because the future augured only increased federal responsibility in domestic affairs, responsible political leaders again undertook to create a Department of the Interior.

*Norman O. Forness,
Historian*

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