

# Education for a Republic: Federal Influence on Public Schooling in the Nation's First Century

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Today, as people argue over federal aid to public education, we tend to view the first century of the American nation as an era when public schools were entirely a grassroots affair. Compared to the bureaucratic schools systems of the present the schools of the past looked like community institutions, quite unconnected with federal policy or national politics. But the story of federal influence on the creation of public or "common" schools is more complex, and its implications for education more profound, than we often realize.

Starting with an eastern span of thirteen states at the time of the Constitution, the nation grew during its first century into a union of states that reached across a continent. The states shared, as Article 4, Section 4 of the Constitution said they must, "a Republican form of Government." Only Congress could create new states from the territories springing up in the vast new regions of West and South. Congress had the duty of ensuring that each territory aspiring to statehood did establish through its own constitution just such a "Republican form of Government." In the negotiations over statehood between territorial assemblies and Congress, it became clear over time that political leaders both in the nation's capital and in the new states assumed that education was an essential feature of a republican government based upon the consent of the people. Thus in the United States, national and state governments played complementary roles in the spread of the American common school.

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## Land Grants and Schools in the Wilderness

Even before the federal constitution was ratified, the story of the federal government's involvement with schools began with the Ordinance of 1785, which was passed by the congress established under the Articles of Confederation. The ordinance specified how property lines in the western territory should "be measured with a chain . plainly marked by chaps on the trees, and exactly described on a plat, whereon shall be noted . all mines, salt springs, salt-licks, and mill-seats." The document stipulated that land should be divided into townships, each six miles square and subdivided into 36 lots each a mile square. In business-like fashion, it established the terms of the deed between the United States and citizens buying lands from the public domain. One clause linked the congressional ordinance explicitly to schooling: "There shall be reserved the lot No. 16, of every township, for the maintenance of public schools, within the said township. The intention of the framers was that the land would be sold to settlers and the income from the sales would be used to support the school.

Two years later, the Confederation Congress passed the, Ordinance of 1787. This measure went further than its predecessor by setting the rules for governing the territory northwest of the Ohio River. The ordinance stipulated a plan for a governor, general assembly, and courts for each territory to be created from that immense wilderness. It established the procedure whereby each might become a state. Between the existing states of the Confederation and the new ones, the ordinance proclaimed a compact that prohibited slavery and guaranteed religious freedom and basic legal rights like those later embodied in the Bill of Rights. Laying down fundamental conditions for building new states, the ordinance also included a sentence asserting that "religion, morality and

knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

During the first century of the new nation, Congress granted more than 77 million acres of the public domain as an endowment for the support of public schools. In times of pressing national debt, congressional leaders were eager to sell the western lands owned by the federal government; land speculators persuaded Congress to include subsidies for schools as an inducement to attract settlers.

The tracts ceded to states for the support of public schools grew steadily over the years. In 1841, Congress passed an act that granted 500,000 acres to eight states, later increased to make grants to a total of nineteen states, to be used for "internal improvements." A majority of these states devoted all or part of the income from these lands to the schools. In 1848, Congress approved the policy of reserving two lots, 16 and 36, for the support of schools when it established the territorial government of Oregon. In 1850, California was the first state to receive both lots, amounting to 5.5 percent of the public domain in the state. The desert states of Utah, Arizona, and New Mexico where much of the land had little value each received four sections per township for the support of public schools.

The federal government also granted money, such as distributions of surplus federal revenue and reimbursements for war expenses, to the states. Though Congress rarely prescribed that such funds be used only for schools, education constituted one of the largest expenses of state and local governments, and so they used federal monies for this purpose. Moreover, Congress awarded a certain percentage of proceeds from the sale of U.S. lands within the borders of the new state; the amount ranged from three to ten percent, with most states receiving five percent. Twelve states, all of them west of the Mississippi except Wisconsin, decreed in their constitutions that income from this fund should flow to the common school fund.

On the surface, the legal and constitutional framework of the new nation gave federal authorities little say over the financing and governance of public schools. In the beginning, land endowments for schools had more to do with expediency in selling land and settling communities than with a principled and fixed educational policy. But as time went on, leaders writing constitutions in the new territories came to regard the grants as fundamental to statehood. Many of these leaders hoped that the federal largesse might one day provide full support for the common schools. In some territories the income from federal lands granted to the states and then leased or sold to settlers constituted the only source of state funding. In nearly every state, the availability of the land grants served to generate revenue for public institutions.

The dark side of the story is that vast sums were lost through corruption or mismanagement. States like Ohio, Indiana and Illinois found it difficult to realize profits from the lands for use in establishing public schools. Learning from experience, Congress and state constitutions began to specify prices and conditions of sale for the lands sold to support schools. The states created supposedly inviolate common school funds to be allocated to local districts. To receive this money, local educators were expected to comply with state regulations about the length of the school term and teacher qualifications.

The gradual evolution toward state control of federal land grants was more the result, of pragmatic experience than the outcome of deliberate educational policy. Partly because of a strong commitment to states' rights in the period before the Civil War, Congress stopped short of trying to control the management of education grants, even when states were abusing the terms under which they received the grants. In Illinois, for example, the legislature diverted the funds intended for schools to other purposes. State officials refused to make the required reports to the U.S. Treasury. In retaliation, the federal government refused to make payments. Congress resolved the dispute by repealing the requirement that states make reports.

As years went by, state constitutions in the West became specific about such bureaucratic matters. The educational provisions that regulated land grants expanded along with other language

controlling the establishment of schools. Indirectly, the federal government provided leverage to states for centralizing control over schools. By the end of the nineteenth century, Congress itself began to set the terms for the sale of lands to support schools in the enabling acts of new states. It went so far as to require several new states—Montana, North Dakota, South Dakota, and Washington—to establish free, non-sectarian public school systems as a condition for admission to the union and receipt of the land grants.

After the mid-century, congressional grants became more generous and controls over the disposition of land more strict. Citizens in the northwestern states, profiting from the mistakes of governments to the east, creatively conserved and used the funds from land sales for the public good instead of private gain. In states west of the Mississippi, roughly ten percent of the school budgets came from the sale of public land granted for school purposes. This was far less than a full subsidy of public education, but it was also far from negligible.

The procedure of drafting a constitution and then gaining congressional approval for statehood prompted the citizens of the territories to think systematically about public schools. The act of constructing a frame of government, and of recognizing the place of education in that structure, gave leaders the opportunity to make choices among the policies that had been tried in other states. The newer states could borrow from the experiences of the older ones. In this way, citizens shaped and reinterpreted a living constitutional tradition, embodied in the federal and original state constitutions.

The organization of American education grew more complex as public institutions and the society as a whole expanded in the nineteenth century. Constitutional provisions on schools reflected this growing complexity. In the earlier documents, idealistic preambles and brief treatments of federal land grants seemed enough when settlers were building only log schools in the wilds of the Midwest. By contrast, when territorial assemblies in the sparsely populated far Northwest states created constitutions, they wrote elaborate new bureaucratic structures into their educational provisions. They were to reflect the best examples of institution-building in their time.

Although more attuned to administrative detail than leaders in the early years, these educational policy-makers also continued to reflect the ideology that had fueled nearly a century of effort to create common schools as an essential feature of American government. In 1874, a group of 77 college presidents and city and state superintendents of schools issued a statement that described this process of institutional development:

*As a consequence of the perpetual migration from the older sections of the country to the unoccupied Territories, there are new states in all degrees of formation, and their institutions present earlier phases of realization of the distinctive type that are presented in the mature growth of the system as it exists in the thickly-settled and older States. Thus States are to be found with little or no provision for education, but they are rudimentary forms of the American State, and are adopting, as rapidly as immigration allows them to do so, the type of educational institutions already defined as the result of American political and social ideas.*

While the educational provisions of constitutions of the original states changed but little, new states aspired to incorporate the most up-to-date public school systems. They wanted to show themselves to be enlightened and civilized as they joined the union of states. Accordingly, they wrote more and more elaborate provisions for education into their state constitutions. They codified the institutional structures that had developed through statutory law in the older states, such as state boards of education, county and state superintendents, and teacher-training institutions. Turning against earlier traditions of religious instruction, many prohibited, sectarian instruction in public schools and any public aid to schools affiliated with religious groups. Some constitutional conventions in the South after the Civil War mandated compulsory school attendance in their constitutions, even though their states had only recently established a common school system. An expanding nation composed of dozens of newly-added states became a country in which the new states could copy from the old and the old were challenged to innovate to match the progress achieved by younger peers.

Like the land ordinances of the 1780s, state constitutions in the nineteenth century became much more than documents designed to attract new residents and win statehood. They were strategies for achieving organized social life—a political system, a rule of law, a structure of governance and adequate financial incentives for creating institutions such as public schools. Similar to the town and city plats of the developers, but for an entire system of government, these documents promised that the state on the periphery would one day match the ideal of statehood most admired by its predecessors. Reflecting upon this process during the California constitutional convention of 1849, a delegate quoted the view of Robert J. Walker, U.S. Secretary of the Treasury, who argued:

*Each state is deeply interested in the welfare of every other; for the representatives of the whole regulate by their votes the measure of the Union, which must be the more happy and prosperous in proportion as its councils are guided by more enlightened views, resulting from the more universal diffusion of light, knowledge, and education. In this process of forming new states, Congress played a subdued role, setting the terms for territorial government, shaping the requirements for admission in the enabling acts, approving the new constitutions, then granting vast amounts of federal land to stimulate improvements, including public schools, in the fledgling societies on the frontier.*

## Political Ideology and Public Schooling

Nowhere is the perceived importance of schooling more apparent than in the language used to describe it in state constitutions. A striking feature of the educational clauses in nineteenth century state constitutions is their idealistic tone. With the exception of language in the declarations of rights, no other sections contained so much exhortation to virtue. None of the other parts of government received such justifications phrased in the political discourse of the eighteenth century. Sections on the legislative branch did not extol the virtues of representative government, nor those on the judiciary the glories of justice. Clauses on suffrage, militia, corporations, revenue, and divisions of the executive branch were plain and businesslike. In contrast, the high-flown justifications of the common school declared public education to be a shared value. It was a fundamental guarantee built into government. Like those other guarantees embedded in the declarations of rights, it was a common good above the squabbles of political party or sect.

The Ohio constitution of 1802 reflected this belief by including a provision for schooling in the declaration of rights itself. Such idealism about education entered into the debates of constitutional conventions with an intensity that often reconciled extreme political differences. To mark a moment of concord between jousting Whigs and Democrats in the Illinois constitutional convention of 1847, a delegate said, "As the soul rises into immortality when the body falls into decay and perishes, so does the cause of education rise in splendor and "grandeur above all party schemes and factions."

In ascribing such importance to public schooling, the framers of state constitutions were consciously developing a connection between education and democracy. A resonant political argument, this connection went back to the rhetoric of the nation's founding fathers. "The business of education has acquired a new complexion by the independence of our country," wrote Benjamin Rush, a Pennsylvanian who signed the Declaration of Independence and served as an articulate spokesman for republican ideas, in 1786. "The form of government we have assumed," he continued, "has created a new class of duties to every American." Rush thought it necessary to establish "nurseries of .wise, and good men," a system of education from common schools through colleges, to ensure the survival of the republic.

Thomas Jefferson had frequently given voice to such sentiments, as when he wrote to his friend George Wythe, "Preach, my dear Sir, a crusade against ignorance; establish & improve the law for educating the common people." On another occasion, Jefferson had written, "I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education." John Adams, James Madison and other central actors in the creation of the new republic had made similar pleas for an expanded

commitment to learning as a safeguard for the republic. "In proportion as the structure of government gives force to public opinion," said George Washington in his Farewell Address as president of the United States, "it is essential that public opinion should be enlightened."

Reflecting this ideological connection between schooling and the great political experiment of democratic nationhood, at least 17 states adopted language about schooling in their constitutions that closely resembled that of the Ordinance of 1787 and the Massachusetts constitution of 1780, the latter written by John Adams. In part, this copying was an obligatory bow towards their patron, Congress, acknowledging the purpose of the public lands granted to - new states for schools. North Dakota's constitution put the underlying principle in these words in 1889:

*A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the State of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.*

The last clause indicates that the delegates recognized not only a state interest in education but a national one as well. Like the Bill of Rights, the common school was becoming "irrevocable," an inalienable guarantee of the republican form of government. Both the Florida Reconstruction constitution of 1868 and Washington's constitution of 1889 declared it the "paramount duty of the state" to educate all children.

Education as stimulus to "internal improvement" was a theme that complemented the political and moral argument for schooling. In 1837, the Michigan constitution instructed the legislature to "encourage, by all suitable means, the promotion of intellectual, scientific, and agricultural improvement." Iowa, one of many states that copied Michigan's language, added "moral" to the list of "improvements" in its constitution of 1846, a change that appeared in subsequent clauses in California, Kansas, West Virginia, and Nevada. Many legislators in Congress and in the states regarded public schools, like roads and canals and railroads, as part of the infrastructure needed for economic development and the settlement of new regions.

The civic, economic, moral, and intellectual benefits of schooling merged together easily into the belief in education as a common good. Supporting this conception was a web of ideological assumptions. One was the conviction that in a government depending on the will of the people, the citizens must be properly educated so that they could, in turn, influence their government in an orderly way. As the Committee on Public Lands in the U.S. House of Representatives argued in a report on land grants in 1826:

*The foundation of our political institutions, it is well known, rests in the will of the People, and the safety of the whole superstructure, its temple and altar, daily and hourly depend upon the discreet exercise of this will. How then is this will to be corrected, chastened, subdued? By education—that education, the flat rudiments of which can be acquired only in common schools.*

For school leaders it seemed natural and not at all paradoxical that a government by the people must also restrain the people. John D. Pierce, Michigan's first state superintendent of public instruction, expressed this view in a way that was typical of the educational thought of the nineteenth century:

*However unpretending and simple in form, our government is nonetheless effective and perfect. It proceeds from the people—is supported by the people—and depends upon the people—and at the same time restrains and controls the people more effectually than the most rigid systems of despotism. But how is this political fabric to be preserved? Only by the general diffusion of knowledge. Children of every name and age must be taught the qualifications and duties of American citizens, and learn in early life the art of self-control—they must be educated. And to accomplish this object, our chief dependence must necessarily be the free school system.*

A related assumption was that educated leaders would perceive the common good, and that when they did not, they could be influenced by citizens who were educated to recognize their rights and responsibilities. Justice Joseph Story, one of the nation's greatest legal minds in the nineteenth century, told a group of New England educators that "the American republic, above all others, demands from every citizen unceasing vigilance and exertion, since we have deliberately dispensed with every guard against danger or ruin, except the intelligence and virtue of the people themselves." Such assumptions about democracy and education gave rise to widespread agreement on the fundamental necessity of enlightened schooling for the survival of the republic, even among people who otherwise disagreed vehemently over many other issues. Democrats, Whigs, and Republicans each had their own reasons distrusting government and its actions, but each party, in its own formulation, looked to public education as a means of strengthening a republican form of government by creating upright individual citizens.

In 1822 an advocate of such a link between republicanism and education, Governor Dewitt Clinton of New York, argued that "the first duty of a state is to render its citizens virtuous by intellectual instruction and moral discipline, by enlightening their minds, purifying their hearts, and teaching them their rights and their obligations." Many leaders who sought to curb the powers of state governments and to limit their provision of social services were nonetheless willing to support vigorous public school systems partly because they believed that self-regulation by strong individuals was a substitute for external regulation by a strong state. In 1848 the Maine superintendent of common schools, echoing the education clause of the state constitution, instructed school committees to ask prospective teachers: "What method or methods would you adopt in order to inculcate the principles of morality, justice, truth, humanity, industry, and temperance?" A speaker for the American Institute of Instruction in 1878 challenged his fellow educators to make sure that the schools were living up to their republican responsibilities:

*If you wish the public schools to strongly entrenched in hearts of the people, especially in the hearts of the tax-payers, let such measures be taken as shall show beyond a doubt that the schools are really protecting, defending and preserving preserving the Constitution and the government, and that they are really making the government safe.*

The hope that a common education might exist above politics and sectarian strife was—and is—no more than a vision. Laden with political idealism, sometimes this vision illuminated and sometimes it obscured the problems of a pluralistic, unequal society. Public education was and always will be inherently political. The high rhetoric of the constitutions advocated a basis of universal public learning for sustaining the political community of a new nation. Yet, leaders were often willing, perhaps unwittingly as much as purposefully, to use new constructs of the public interest and the common good to favor some people's interests more than those of others.

Nevertheless, in public education Americans of different political persuasions attempted to keep alive the dream of an electorate that sought the common good because it was educated to do so. Herein lay the appeal of a system of common schools that would somehow exist above politics, nonpartisan and nonsectarian. For many founders of the nation and the states it was a deeply held commitment, a motive to action. And it was for this reason, seeing the importance of education to the formation of democratic governments across the nation, that the federal government played a role in stimulating and shaping the creation of common schools. Once embedded in political ideology and the legal structure of new states, those schools spread rapidly in the new nation. Over and over again—in constitutional debates and educational provisions, in the speeches of politicians and school leaders, in the textbooks children read in school, in sermons and newspaper editorials—people expressed the conviction that common schooling was a bulwark of the republic. Acting upon this belief in complex ways as the nation expanded in the nineteenth century, national, state and local leaders worked together to create systems of education. They believed, with Thomas Jefferson, that their survival as a political community depended upon it: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

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## Suggested Reading:

Lawrence A. Cremin, *American Education: The National Experience, 1783-1876* (1980).

Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780- 1860* (1983)

David Tyack and Elisabeth Hansot, *Management of Virtue: Public School Leadership in America, 1820-1980* (1982).

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