

March 9, 1863 (Doc. 168)

168. TO STEPHEN ALEXANDER

Smithsonian Inst^{on}
March 9th 1863

My Dear S.

I will endeavour to obtain for you a copy of the Bill establishing the National Academy as soon as I can go to the Government printing office.¹

It was carried through the two houses of Congress by Mr Wilson and the other members from Mass. at about 12 o'clock on the last night of the session without opposition.² I had no hand in making out the list and indeed was not informed of the project until after the resolutions were in charge of Mr Wilson.³

I am not well pleased with the list or the manner in which it was made. It contains a number of names which ought not to be included and leaves out a number which ought to be found in it. The proper plan would have been to start with say two⁴ members and to have given them an opportunity to fill up the remaining thirty by degrees after a thorough canvas of the several candidates. Instead of this the whole list of members to which the society is limited is mentioned in the law of Congress and therefore at present there is no room for the addition of other members. I do not think that one or two individuals have a moral right to choose for the body of scientific men in this country who shall be the members of a national academy and then by a political ruse, obtain the sanction of a law of Congress for the act.⁵

The foregoing is my opinion of the affair but since the Academy is now established by law either for good or for evil I think it becomes the friends of science in this country whose names are on the list to make an effort to give the association a proper direction and to remedy as far as possible the evils which may have been done.

A meeting has been appointed to take ~~take~~ place as soon as the opinion of the members can be obtained as to the time of holding it in New York.⁶

I think it probable it will be held in april or may.

All well— Love to wife and little ones.

Truly your's affectionatly
Joseph Henry

Prof. Alexander
Princeton College
New Jersey

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Family Correspondence, Henry Papers, Smithsonian Archives.

Previously printed, with variations in punctuation and capitalization, in Nathan Reingold, ed., *Science in Nineteenth-Century America: A Documentary History* (1964; Chicago, 1985), p. 204.

1. Legislation establishing the National Academy of Sciences passed both houses of Congress on March 3 in the closing hours of the Thirty-Seventh Congress and was signed into law by the president later that day. The legislation was brief. In three sections, it named fifty incorporators; provided for the academy to organize itself (by adopting a constitution, by-laws, and rules and regulations), to elect new members (not to exceed a total of fifty), to divide into classes, and to report to Congress; called for an annual meeting, and authorized the academy to "investigate, examine, experiment and report upon any subject of science or art" when requested by any government department. Although the expenses of the investigations were to be paid for by government appropriations, there was to be no other compensation to the academy for services provided to the federal government. Cochrane, *National Academy*, pp. 54-55.

2. Senator Henry Wilson (1812-1875) of Massachusetts introduced the measure in the Senate on February 20. A politically adept and ambitious Radical Republican, Wilson had campaigned extensively for Lincoln and had been successful in drafting and ensuring passage of legislation abolishing slavery in the District of Columbia (1862) and establishing the first effective federal military draft (1863). On March 3, as the Senate was preparing to adjourn, Wilson proposed "to take up a bill, which, I think, will consume no time, and to which I hope there will be no opposition. It is a bill to incorporate the National Academy of Sciences. It will take but a moment, I think, and I should like to have it passed" (Cochrane, *National Academy*, p. 53). Suggesting it was "unnecessary" (Cochrane, *National Academy*, p. 56) to read the list of incorporators, Wilson read the remaining two sections of the bill, which was then passed by voice vote. When the bill was taken up in the House, it passed with no debate. ANB; Cochrane, *National Academy*, pp. 53, 56.

3. The extent of Henry's involvement in the establishment of the academy became a matter of debate among his fellow scientists. According to him (Doc. 172), when the subject of establishing a national academy of sciences had come up a month earlier, he and Alexander Dallas Bache and Charles Henry Davis had doubted whether Congress would pass such legislation and had decided instead to ask the navy to

appoint them to advise the department on scientific questions. Shortly after the establishment of the Permanent Commission, however, Davis became convinced that legislation creating a national academy could pass Congress. According to J. E. Hilgard of the Coast Survey, Louis Agassiz had tried to interest Senator Charles Sumner in legislation to establish a national academy. In early February Agassiz found a willing collaborator in Wilson, the other senator from Massachusetts. When Agassiz arrived in Washington on February 19 as a newly-elected Smithsonian regent (having been nominated by Wilson), instead of going to the Smithsonian Building where Henry was expecting him, he went to Bache's house on Capitol Hill and there met with Bache, Benjamin Peirce, and B. A. Gould to draft legislation based on plans drawn up by Davis and Bache. The draft was given to Wilson and he introduced it in the Senate the next day.

Although Hilgard placed Henry among the drafters of the bill, Henry claimed, and it seems to have been generally accepted, that he did not help draft the bill. What was disputed, however, was whether he had a chance to object to the list of incorporators, which proved controversial because it included some who seemed unqualified and excluded others who should have been included. Peirce wrote Bache on March 27 that Agassiz swore that Henry was not only consulted about the list but "took part in arranging it." Bache responded on March 30 that he and Davis agreed that Henry saw the list in time to object. Henry wrote Agassiz (Doc. 222) a year-and-a-half later that he didn't raise objections to the list before passage because he didn't think Congress would approve the legislation.

Cochrane, *National Academy*, pp. 51-52; J. E. Hilgard to George Engelmann, March 29, 1863, Archives, Missouri Botanical Garden; Benjamin Peirce to A. D. Bache, March 27, 1863, and Bache to Peirce, March 30, 1863, Peirce Papers, Houghton Library, Harvard University.

4. Henry obviously meant twenty, as he wrote the next day to John W. Draper, who was not included on the list (Draper Papers, Library of Congress):

The proper plan would have been to choose say twenty members of whose election there could be no doubt and then give them the power to gradually elect the remaining thirty after a critical consideration of the relative

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merits of the several candidates. The list contains a number of names unknown to the history of science and omits an equal number richly deserving a place.

5. Even Agassiz soon had second thoughts about the list. He wrote Bache on March 6 (RH 754, Rhees Collection, Huntington Library): "Our first business should be to remedy the informality of the first appointments by submitting the whole again to a vote and making arrangements by which old fogies could be dropped from time to time, so that the Academy shall always be a live body."

The list had been drawn up hastily and some scientists, including Asa Gray, thought it reflected spite on the part of the drafters, particularly Gould and Peirce. According to Hilgard's letter of March 29 (cited above), the scientists wanted to specify only a few incorpo-

rators in the legislation ("say Bache Henry Agassiz") and let the members carefully choose additional members in successive elections, but Wilson "insisted that the thing should be all ready made." Selection of the fifty was done "in too great haste doubtless." Among the omissions were George P. Bond, director of the Harvard College Observatory, whom Peirce had opposed, and Spencer F. Baird, whom Agassiz did not hold in high regard. Others left out were Elias Loomis, Eben N. Horsford, and James H. Coffin. Gray to George Engelmann, April 24, 1863 (Engelmann Papers, Archives, Missouri Botanical Garden); Cochrane, *National Academy*, pp. 61-62.

6. On March 5, Wilson sent letters to the fifty incorporators to inform them of the legislation and to announce an organizational meeting to be held in New York at a date to be determined. Cochrane, *National Academy*, p. 56.

169. TO JOSEPH LEIDY

Smithsonian Institution
March 11th 1863

My Dear Sir

I was so much occupied with business near the end of the session of Congress¹ that I was unable to give an immediate answer to your note of the first of march² and therefore deferred my reply until a moment of more leisure.

I am surprised to learn that you have not received the specimens of abnormal growth submitted to you for examination. They were given in charge to Mr Cope³ who was at the time on a visit to the Institution.

I have also received in addition to your remarks a highly commendatory letter from Dr. Wyman in regard to the paper of Dr Mitchel[1]^A and have ordered the article to be immediately put to press.⁴

I have written to the trustees of the University of Penn^a recommending Dr. Mitchell^B as the successor of Dr. Jackson⁵ and also privately to Bishop Potter urging the same appointment.⁶ I have advocated the proposition that, other things being equal, a position in one of our larger Institutions of learning ought, to be given, in preference to the candidate who has done most by original research to advance the branch of knowledge to which the vacant chair pertains. The adoption of this rule would not only stimulate original investigations, but also ensure a higher class of teachers. The man of original research as a general rule must possess