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NEBRASKA'S LIVE STOCK SANITARY COMMISSION AND THE RISE OF AMERICAN PROGRESSIVISM

DAVID LEE AMSTUTZ

TOWARD A PROGRESSIVE AGE

In the years after the Civil War, the United States experienced tremendous economic growth. Entrepreneurs such as John D. Rockefeller and Andrew Carnegie built giant corporate businesses that dominated entire industries. The practice of vertical integration—in which a single business controlled all aspects of production and marketing—drew workers from different areas together under the same employers. Moreover, the corporations conducted interstate commerce, and they became powerful enough to drive competitors out of business. With their smaller rivals

removed, the corporations were free to market their goods across the United States. As efforts to foster economic prosperity continued into the twentieth century, they began to include reforms, indicating that private business does not have to be incompatible with public welfare.

Corporate business growth was the natural outcome of American liberalism. Liberalism, in its nineteenth-century sense, may be defined as a retreat from traditional authority. Without a king or a strong central government, private individuals were left to their own devices. The ones who had the means were able to assume leading roles in society.¹ Between the American Revolution and the Civil War, different views of American liberalism appeared. Thinkers such as Thomas Jefferson vilified strong national government as the principal threat to liberty. Federalists, and later Whigs, took a different view. They believed that government aid to private enterprise, as well as internal improvements, would help the United States prosper.²

Both the Jeffersonian and Federalist-Whig constructs of liberalism continued to exist after

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the Civil War. The national government provided federal lands and assistance to the railroads, but it did little to regulate them.³ That task fell to the states, some of which passed "Granger laws" to direct railroad operations within state borders.⁴ The Civil War established that a state could not leave the Union, and it also ended slavery, but the concept of states' rights remained valid in many ways.

By the time Theodore Roosevelt became president in 1901, Americans were ready to accept a strong national government and a powerful executive.⁵ The developments that made Roosevelt's administration possible occurred in the decades before he took office. It was during the late 1800s—the time known as the Gilded Age—that the national government moved from Federalist-Whig policies to actual regulation of business. This tendency was a fundamental part of progressivism.⁶

At its heart, progressivism was a comprehensive set of reforms that helped the United States adapt to changes that occurred during the Gilded Age. People expected government to address issues of urban growth, overcrowding, labor unrest, and the domination of the economy by corporations.⁷ Although the federal government began to regulate businesses, progressivism was not a repudiation of capitalism or the free market. Progressives shared the goal of economic growth with the Federalists and the Whigs, and the government only modified its tactics because America's situation had changed. During the nineteenth century, businesses needed state and federal aid to expand. Once the giant corporations formed, it became necessary to regulate them to preserve the free market.⁸

Progressivism, it must be remembered, differed from Populism. The Populist Party of the 1890s shared some of the progressives' goals, but the Populists envisioned far more government involvement in the economy. They advocated federal ownership of railroads and communications,⁹ and they also proposed a subtreasury. This plan called for the government to loan farmers money and keep surplus crops as collateral. Because the crops were to be

stored in government-owned warehouses, the idea resembled collectivized agriculture.¹⁰ The Populists made some efforts to embrace industrial laborers, but the party's main constituents were small farmers from the Great Plains, West, and South.¹¹ While the Populist Party collapsed after the presidential election of 1896,¹² progressivism was just getting started. Progressive tendencies began in the 1880s, and the movement emerged full-blown during the administration of Theodore Roosevelt.¹³

The state of Nebraska contributed to progressive thought in the 1880s. Like the other states in the Great Plains, Nebraska was heavily involved in the livestock industry. When contagious diseases threatened Nebraska's livestock, the state advocated a Federalist-Whig policy by requesting federal assistance. The national government's powers were limited, however, and Nebraska took action by creating an agency called the Live Stock Sanitary Commission. In 1888 Nebraska began calling for federal regulation of the large-scale meatpacking industries in Chicago. These parallel impulses for assistance and regulation served the same objective, that of helping Nebraska's livestock interests. Progressive regulation of business was only another stage of the Federalist-Whig effort to foster prosperity.

In its call for protection and regulation, Nebraska sought to expand the federal government's powers. The Live Stock Sanitary Commission's efforts demonstrate the difficulty of coordinating interstate trade, and Nebraska would gladly have relinquished some of its autonomy in exchange for federal intervention. In time, the hopes of Nebraska's livestock interests were realized, and the federal government assumed greater responsibility for the livestock industry. This involvement led to the Meat Inspection Act of 1906 which was an important progressive reform.

GROWTH OF THE LIVESTOCK INDUSTRY

The Great Plains cattle trade, which was vital to Nebraska's economy, began in Texas. Spaniards introduced cattle to the region in



FIG. 1. Cattle magnate Alexander Hamilton Swan. (Photograph RG1085-71-01. Used by permission of the Nebraska State Historical Society.)

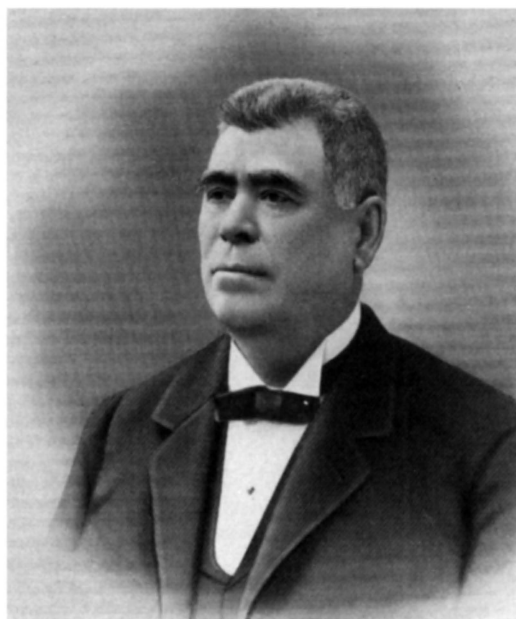


FIG. 2. William A. Paxton served as president of Union Stock Yards Company of Omaha from 1883 until 1884, and from 1894 until 1907. (Photograph RG1085-71-02. Used by permission of the Nebraska State Historical Society.)

the eighteenth century, and their numbers reached 5 million by 1865. Although herdsmen sold cattle in New Orleans and the Ohio Valley during the antebellum era, Texans did not begin marketing beeves to the North in large numbers until after the Civil War. Joseph G. McCoy completed the first successful cattle drive in 1867 when he brought a herd to Abilene, Kansas. Towns further west, including Newton, Ellsworth, and Dodge City, became focal points of the beef trade as other drovers followed McCoy's example. Cattlemen found that their herds grazed successfully on the Northern Plains, and cattle began appearing throughout Colorado, Wyoming, Montana, Kansas, Nebraska, and the Dakotas. The number of beeves in Nebraska jumped from 37,000 in 1860 to 1.1 million in 1880.¹⁴

The railroads encouraged the growth of the livestock trade. The packing industry developed during the Civil War because the Union Army relied on meat, and railroad companies opened numerous stockyards around Chicago.

These businesses merged to form the Chicago Union Stock Yard and Transit Company in 1865. With the war's end, the railroads began carrying beeves from key points on the Plains to markets farther east. Refrigerated cars made it possible to slaughter livestock on the Plains and ship dressed meat to major companies, such as those operated by Gustavus Swift, Philip D. Armour, Nelson Morris, and George H. Hammond. New packing centers opened in Cincinnati, Milwaukee, St. Louis, Omaha, Kansas City, Oklahoma City, and Fort Worth.¹⁵

Omaha entered the packing industry in 1883. Alexander Hamilton Swan, a cattle magnate from Wyoming, convinced William A. Paxton to move the Transfer Stock Yards of Council Bluffs, Iowa, to Nebraska. Swan, Paxton, and Colin J. Mackenzie created the South Omaha Land Syndicate, which took responsibility for establishing the new stockyard and building a residential area for workers. A group of investors, including Swan and

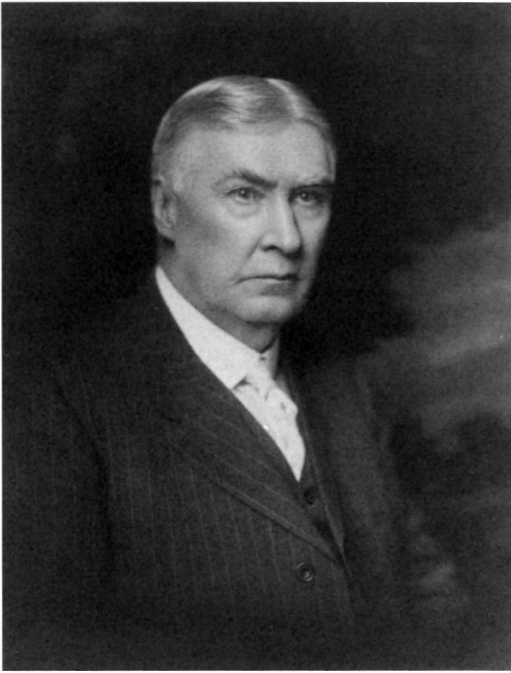


FIG. 3. John A. McShane served as president of Union Stock Yards Company of Omaha from 1884 until 1894. (Photograph RG1085-71-03. Used by permission of the Nebraska State Historical Society.)

John A. McShane, also formed the Union Stock Yards Company of Omaha.¹⁶

McShane became president of this company in 1884. Intent on building Omaha's economic fortunes, he invited major meatpackers to begin operations at the Union Stock Yards. George H. Hammond and Company leased a plant in Omaha, and by 1885 this enterprise was butchering an average of 500 cattle and 1,000 hogs each day. The Union Stock Yards also built a packinghouse for a Chicago firm called Fowler Brothers. Thomas J. Lipton opened a plant in 1887, which Michael and Edward Cudahy assumed in conjunction with Philip D. Armour. Union Stock Yards offered Gustavus Swift eleven acres of land and \$135,000 to erect a packinghouse in Omaha. He did so in 1888.¹⁷

The federal government took an interest in the livestock industry, although the government assumed relatively few new powers. In

1884 President Chester A. Arthur signed an act that created the Bureau of Animal Industry (BAI) within the Department of Agriculture. This agency was responsible for investigating animal diseases and preventing the export of diseased livestock.¹⁸ Since the 1860s the territories and states of the Plains had dealt with diseases such as pleuropneumonia, Texas fever, and hog cholera, typically by enacting quarantines.¹⁹ The act that created the BAI was careful not to infringe upon state laws. It said:

Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia, or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to cooperate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.²⁰

The BAI concentrated on researching diseases rather than preventing interstate trade in diseased animals.²¹ The National Cattle Growers' Association lobbied for greater government involvement. In addition to giving the BAI more sweeping powers, the association maintained that the president of the United States should regulate the domestic trade of animals. Nebraska's legislature supported these measures with a resolution that Republican senator Charles F. Manderson presented to Congress.²² As Nebraskans sought to expand



FIG. 4. Charles F. Manderson served in the U.S. Senate from 1883 until 1894 and as president of Union Stock Yards Company of Omaha in 1907. (Photograph RG1085-71-04. Used by permission of the Nebraska State Historical Society.)

the federal government's powers, they relied on their state government to meet their immediate needs. Close relationships between state governments and corporate businesses did not appear on the Plains as they did in the Northeast,²³ but Nebraskans favored an active state government as a stopgap measure in protecting their interests.

CREATION OF THE LIVE STOCK SANITARY COMMISSION

To control the spread of disease in livestock, Nebraska appointed a state veterinarian and a Live Stock Sanitary Commission. The governor appointed the veterinarian with the advice and consent of Nebraska's senate, and he also appointed the livestock commissioners. The veterinarian investigated all claims of animal disease in the state, while the commission set policy. Consisting of three members who were

engaged in livestock production, this body could request the governor to proclaim quarantines against other states. It also oversaw the confiscation and destruction of animals believed to be contagious. The commissioners determined how to dispose of these animals and also set rates of reimbursement for the owners.²⁴

The bill that provided for the state veterinarian and the Live Stock Sanitary Commission passed both houses of the Nebraska legislature with little difficulty, although the act did not win the two-thirds majority necessary for it to take effect immediately. In the state's House of Representatives, 49 Republicans and 10 Democrats (a total of 59 votes) supported the bill, while 25 Republicans, eight Democrats, one Anti-Monopoly Democrat, and one Independent (a total of 35 votes) opposed it.²⁵ In the Senate, 20 Republicans and six Democrats (a total of 26 votes) supported the bill, while five Republicans opposed it.²⁶

Republican governor James William Dawes approved the act on March 5, 1885, but it did not go into effect until June 5. In the meantime, western states struggled to contain pleuropneumonia in cattle, glanders in horses, and cholera in hogs. Many individuals waited anxiously for Dawes to take action. H. N. Taylor, an agent of the BAI in Denver, Colorado, wrote to the Nebraska governor. Taylor told Dawes that Colorado's state sanitary board had established a quarantine against all cattle from Missouri, Illinois, Kentucky, Ohio, Pennsylvania, West Virginia, New Jersey, New York, Delaware, Connecticut, Maryland, Virginia, and Washington, DC. Colorado was also planning to quarantine against Nebraska unless it proclaimed its own restrictions against cattle from these states.²⁷

John A. McShane, who was a Democratic member of Nebraska's senate as well as president of the Union Stock Yards Company,²⁸ forwarded a message to Dawes from the Wyoming Stock Growers' Association. McShane noted that the association represented the owners of approximately 1.8 million cattle, valued at over \$100 million. People living in Nebraska owned

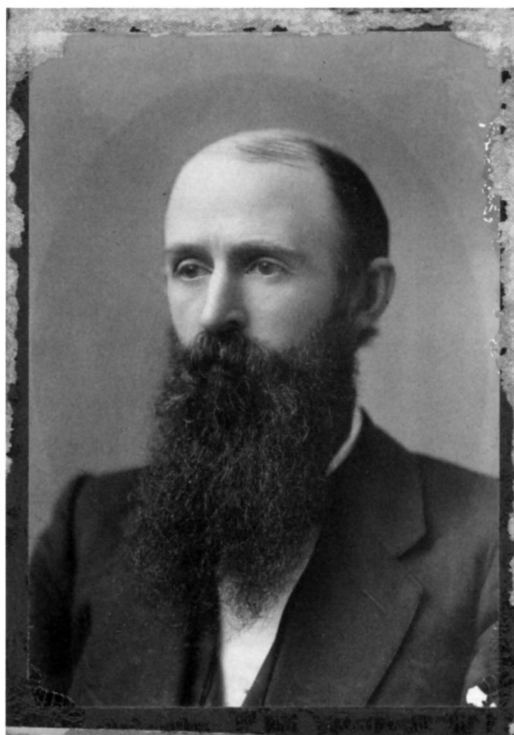


FIG. 5. Governor James William Dawes. (Photograph RG3859-01. Used, by permission of the Nebraska State Historical Society.)

about 400,000 of these cattle. According to McShane, an epidemic of disease in western Nebraska would "ruin one of the greatest industries in America." He stressed the need for a well-experienced veterinarian.²⁹

The Wyoming Stock Growers' Association expressed tremendous "gratification" with Nebraska's new law. The association's executive committee maintained that such acts were a grave necessity. The association advised the Nebraska governor, providing details about quarantine yards that had been constructed in Cheyenne, Wyoming. Also, the association noted that there had been recent outbreaks of pleuropneumonia in Calloway County, Missouri, and Peoria, Illinois. The message concluded with a resolution imploring Dawes to appoint a state veterinarian and a livestock commission as soon as possible.³⁰ In the

absence of cohesive federal regulation, the western states urged cooperation among themselves. The BAI was eager to stay informed about such activities. The agency contacted the Nebraska governor and asked for a copy of the new law. J. M. Hoffman, Dawes's private secretary, readily complied.³¹

Governor Dawes appointed the livestock commissioners as soon as the law took effect. The individuals he selected were George W. Barnhart of Cheyenne County, J. C. Birney of Saline County, and Daniel D. Johnson of Cass County.³² The Live Stock Sanitary Commission held an organizational meeting on June 24, 1885, with John A. McShane also attending.³³ The search for a state veterinarian became complicated for several reasons. At McShane's urging, Dawes offered the position to Dr. Daniel E. Salmon, who was the chief of the BAI.³⁴ This situation indicates the attitudes that existed toward government. Dawes and McShane assumed that Salmon would choose to leave a federal position for a state one. When the chief of the BAI declined, Dawes contacted Norman J. Colman, the U.S. commissioner of agriculture, and asked about possible nominees.³⁵

Another matter had to be settled before a state veterinarian could be appointed. Nebraska's legislature had failed to provide for the veterinarian's salary in the state's budget. When private lenders agreed to advance funds, Dawes selected Dr. Julius Gerth Jr.³⁶ Gerth was an agent of the BAI who was investigating hog cholera in Nebraska. He possessed a degree in veterinary science and was highly qualified. According to the terms of Nebraska's law, Gerth was to cooperate with the Live Stock Sanitary Commission and advise the commissioners.³⁷

FOCUSING ON INTERSTATE TRADE

The commission took up the matter of a pleuropneumonia quarantine in earnest. On July 16, 1885, the commissioners requested Governor Dawes to prohibit the importation of cattle from Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West

Virginia, Ohio, Illinois, Kentucky, Tennessee, Missouri, and Washington, DC. Dawes complied. The governor issued a proclamation saying that cattle from these states could only enter Nebraska with the permission of the Live Stock Sanitary Commission. Points of entry were limited to Omaha, Plattsmouth, Blair, and Falls City.³⁸

According to the commission's rules, all cattle from the specified states had to be quarantined at a point of entry for at least ten days. The cattle had to receive bills of health from Nebraska's state veterinarian or another authorized inspector. Owners had to furnish proof that their cattle were free from disease, that is, a certificate of health from the state of origin and affidavits from two "disinterested parties." Cattle that did not meet these requirements were held at the owners' expense. Moreover, no railroad could ship cattle from the quarantine states into Nebraska.³⁹ Both the Union Pacific Railroad and the Baltimore and Maryland Railroad accepted these conditions. Railroad officials in Omaha wrote to George W. Barnhart, asking for copies of the commission's rules.⁴⁰

J. B. Dinsmore, president of Nebraska's State Board of Agriculture, recognized the potential of the quarantine to create tensions with other states. Dinsmore wrote to Dawes, arguing that the ten-day waiting requirement would keep many animals out of Nebraska and work to the detriment of the state fair. Dinsmore maintained that a certificate of health would be sufficient to prevent the spread of disease.⁴¹ Daniel Wheeler, secretary of the Omaha Fair Association, echoed these sentiments. He insisted that the governor's proclamation was "too sweeping and general in its character."⁴² Dawes responded, saying that he was only carrying out the wishes of the Live Stock Sanitary Commission. The governor showed a certain amount of flexibility by saying that the cattle would not have to be detained for ten days if they received a clean bill of health from a Nebraska inspector. Still, Dawes determined to enforce the rules of the Live Stock Sanitary Commission.⁴³

Other states began to protest Nebraska's policy. On September 5, 1885, Governor George Hoadly of Ohio wrote to Dawes. Hoadly claimed that Ohio's Board of Live Stock Commissioners had conducted a "careful examination" of cattle throughout the state, and that pleuropneumonia no longer existed in Ohio. The Ohio governor asked Dawes to lift Nebraska's quarantine.⁴⁴ Paul Paquin, the state veterinarian of Missouri, also requested a repeal of the quarantine restrictions. He told Dawes that BAI inspectors had found no trace of pleuropneumonia in Calloway County since April.⁴⁵

Dawes referred these communications to Gerth. The state veterinarian responded, saying that he could not justify repealing the quarantine for either Missouri or Ohio. The Live Stock Sanitary Commission did not consider a state to be safe until it had been free of disease for a year. Paquin admitted that pleuropneumonia had existed in Missouri six months ago, and Hoadly made no mention of how long Ohio had been clean. Moreover, neither of these governors explained the measures they were taking to keep disease out of their states.⁴⁶ Paquin denounced Gerth's decision in a bitter letter to Dawes. The Missouri veterinarian reiterated that there had been no pleuropneumonia in Calloway County for six months. He described the quarantine as a "great detriment to both states" and expressed hope that Dawes would remove the restrictions before long.⁴⁷

More controversy developed when Governor R. J. Oglesby of Illinois wrote to Dawes. A circular from the Live Stock Sanitary Commission of Illinois found three chronic cases of pleuropneumonia in the state, but Oglesby suggested easing the quarantine restrictions for certain counties in Illinois.⁴⁸ Gerth denied this request. Because disease still existed in Illinois, the Nebraska veterinarian claimed that he would be remiss in his duties if he recommended raising the quarantine.⁴⁹ These disputes were inevitable. Because states were responsible for regulating the livestock trade, it was virtually impossible to coordinate a uniform trade policy across the nation. Each

state acted in its own interest, and this impulse brought states into conflict with one another.

The Live Stock Sanitary Commission did its best to encourage trade and maintain good relations with other states. On January 9, 1886, the commission drafted a resolution saying that pleuropneumonia no longer existed in some of the states subject to the quarantine. Accordingly, the commission requested that Dawes repeal his initial set of restrictions and issue a new quarantine against Pennsylvania, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, and Washington, DC. The governor did so two days later.⁵⁰

DISEASE AND QUARANTINES

Concern about Texas fever caused the Live Stock Sanitary Commission to take further action. This disease, also called "splenic fever," was common in cattle from the southern states. On March 2, 1886, the commission requested Dawes to proclaim a quarantine against cattle shipped all or part way from Texas, Arkansas, Louisiana, Alabama, Mississippi, Florida, Georgia, Tennessee, North Carolina, and South Carolina. These restrictions were to be effective during the months of April, May, June, July, August, September, and October. Dawes granted the request on March 18.⁵¹ The governor made another modification on September 28, 1886. Pleuropneumonia had reappeared in Illinois, and Dawes put this state back on the quarantine list.⁵²

States continued to protest Nebraska's restrictions. Although the governor of Texas accepted Nebraska's rules,⁵³ Governor Henry B. Harrison of Connecticut and Governor J. Proctor Knott of Kentucky requested that the quarantine be lifted.⁵⁴ William B. Bate, the governor of Tennessee, did likewise. The Tennessee executive claimed that only nine cattle in his state had pleuropneumonia, and they belonged to a man named F. B. Hamilton who lived in Madison County. According to Bate, Tennessee's livestock commissioners, a BAI inspector named W. H. Wray, and Daniel

E. Salmon himself, had inspected the cattle. These individuals, along with Tennessee commissioner of agriculture A. J. McWhirter, agreed that the diseased cattle were not contagious because they had the chronic form of the disease. Bate had already requested the state of Kansas to remove its quarantine, and now the Tennessee governor requested Nebraska to do the same.⁵⁵

GRADUAL FEDERAL GROWTH

As the states discussed quarantine restrictions, Nebraska encouraged the expansion of the BAI's activities. Congress had appropriated \$100,000 for the BAI in 1885, authorizing the commissioner of agriculture to use as much of this fund as was necessary to prevent the spread of pleuropneumonia.⁵⁶ In the spring of 1886, Congress considered giving further responsibilities to the BAI. Dawes and Gerth inquired if the proposed amendments addressed the issue of hog cholera. F. G. Nesbit, the acting commissioner of the U.S. Department of Agriculture, informed Gerth that the measures under consideration only applied to pleuropneumonia.⁵⁷

Governor Dawes presented the matter to Congress. In a letter to Senator Charles F. Manderson, the governor insisted that the BAI take action against hog cholera. The disease had "worked incalculable damage to the farmers" of Nebraska, and Manderson was to request additional provisions.⁵⁸ Dawes also sent this message to congressional representative James S. Laird.⁵⁹ Congress paid little attention. The federal government empowered the BAI in some ways, saying that the agency could purchase and destroy diseased animals to "prevent the spread of pleuropneumonia from one state into another." The new statute was completely silent about the subject of hog cholera.⁶⁰

Nebraska's state veterinarian and Live Stock Sanitary Commission made their first biennial report to the governor on December 1, 1886. The commission concluded that their work, "although limited, has been a success."

The agency had responded to over 1,200 communications regarding animal diseases, and Nebraska was free of pleuropneumonia.⁶¹ While the quarantine had greatly reduced the risk of introducing the disease, Nebraska was not absolutely safe. The commissioners maintained that

no state that has so far escaped this worst of all calamities to the cattle industry can feel safe until Congress has enacted a law regulating the movement of all diseased, suspected, or exposed cattle within an infected district, and prohibiting the movement of all cattle out of said district, except on permit issued by a United States government inspector, until contagious pleuropneumonia has been stamped out, and the district declared free. When this is done, every state can and will remove the present obstructions so embarrassing to the cattle traffic, arising from the vexatious local quarantines proclaimed by different states.⁶²

At this time, the two main threats to livestock were glanders in horses and cholera in hogs. For the former, state authorities had brought about the destruction of 309 horses and mules. Of these animals, 211 had been killed by order of the commission, and the rest were killed voluntarily by their owners. At the time of the report, the commission had received 426 letters requesting examination of horses. Of these complaints, 166 had not been answered because of time constraints. The commissioners described this situation as deplorable, saying,

we would most earnestly recommend that the law be amended to enable the Live Stock Sanitary Commission, upon recommendation of the state veterinarian, to employ and secure such expert assistance as may from time to time be required, the assistants to be known as deputy state veterinarians, and to be clothed with such powers as may be necessary for the performance of their duties.⁶³

The commission recommended reimbursing the owner of each destroyed horse or mule at two-thirds of the animal's appraised worth.⁶⁴

Hog cholera was an even greater danger. Although the disease was not as prevalent as it had been in 1884 and 1885, it still existed in every Nebraska county. Cholera threatened a "large percentage" of Nebraska's \$80 million livestock interest and also damaged the economy in other ways. The committee estimated that the Union Pacific Railroad and the Baltimore and Maryland Railroad each lost \$25,000 because fewer hogs were being shipped.⁶⁵ To cope with the problem, Gerth recommended the killing and cremating of every infected animal. The state veterinarian also advocated the inspection of each animal to be slaughtered, strict enforcement of quarantines, and compulsory disinfection of all places having contact with disease.⁶⁶

In summary, the commission envisioned a more active role for both state and federal government. Certainly these measures were intended to facilitate commerce and capitalism, but they also addressed the public interest by promoting sanitation. The commission's report noted that three Nebraskans had died of glanders in the past year.⁶⁷

CONTINUED STATE ACTION

In 1887 Nebraska's legislature reorganized the Live Stock Sanitary Commission into a "Board of Live Stock Agents." This body cooperated with the state veterinarian and functioned in the same manner as the commission, but the legislature provided more detailed procedures for inspections, reimbursement for destroyed animals, disinfection, and penalties. Cooperation with the BAI and the U.S. Department of Agriculture were essential features of the new act. The law stated that

the livestock agents be authorized and directed to co-operate with the commissioner of agriculture of the United States, or any officer or authority of the general government in the suppression and extirpation



FIG. 6. Governor John M. Thayer. (Photograph RG2720-04. Used by permission of the Nebraska State Historical Society.)

of any and all contagious diseases among domestic animals, and in the enforcement and execution of any and all acts of Congress to prevent the importation or exportation of diseased cattle, and the spread of infection or contagious diseases among domestic animals.⁶⁸

The livestock agents continued to adapt Nebraska's quarantine restrictions. Between 1888 and 1891 the agents asked Governor John M. Thayer to issue proclamations on seven separate occasions. The agents usually specified certain counties, rather than entire states.⁶⁹ Although Nebraska's legislature modified the offices of the state veterinarian and the livestock agents periodically, these positions became permanent fixtures in the state's governmental bureaucracy.⁷⁰

The BAI cooperated with state agencies as its powers slowly expanded. In 1888 Congress

appropriated \$15,000 to help the BAI conduct research on hog cholera.⁷¹ Nebraska's livestock agents also investigated the disease. Despite professional differences between Dr. Gerth and Frank S. Billings, a researcher at the University of Nebraska, these efforts did much to advance the germ theory of disease.⁷² The BAI retained the authority to purchase and destroy cattle infected with pleuropneumonia, and the livestock agents exercised this power in regard to horses with glanders. Between December 1, 1886, and November 30, 1888, the agents destroyed 830 horses and mules. Reimbursement costs for Nebraska totaled \$36,071.50.⁷³

REQUESTING REGULATION

As Nebraskans advocated federal action on the issue of disease, they also called for regulation of the livestock industry. Senator Charles F. Manderson supported a resolution to investigate the packing companies in Chicago. The resolution, presented to the U.S. Senate by George Vest of Missouri on May 16, 1888, was a response to falling cattle prices. It proposed a committee to determine whether Chicago packers were dominating the beef trade unfairly.⁷⁴ The federal government had begun efforts to regulate the railroads with the Interstate Commerce Act of 1887, and Vest's resolution applied the idea to meatpacking.⁷⁵

Manderson hurried to praise Vest's resolution, saying that "immense firms" seemed to control the nation's beef industry. The Nebraska senator noted the numbers of beeves that the Chicago packers had butchered in 1887:

Company	Beeves
Morris	432,507
Swift	557,468
Armour	477,000
Hammond	210,320
Libby, McNeil and Libby	126,112
Total	1,803,407

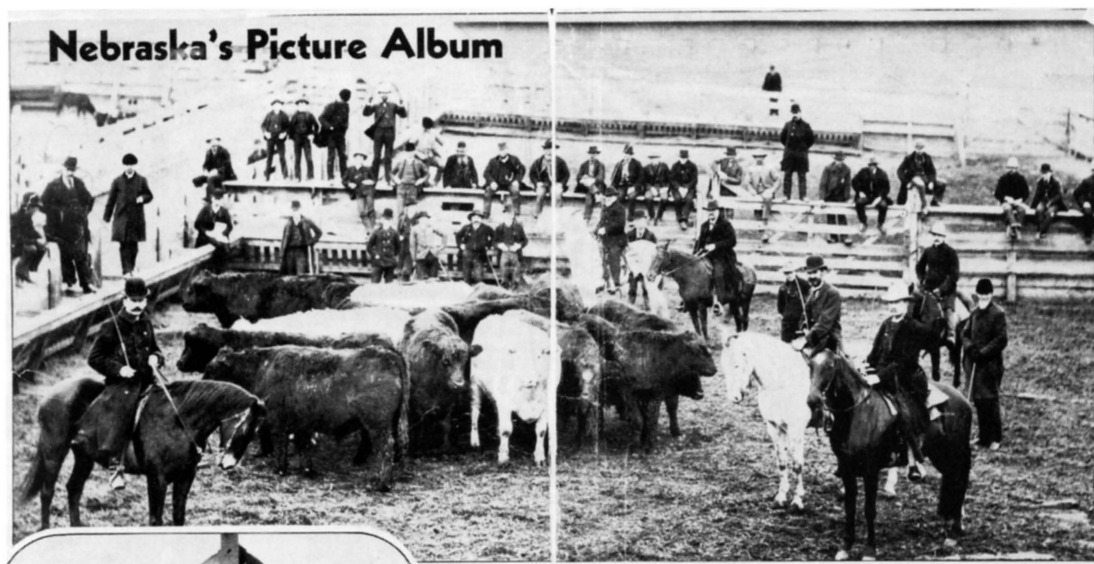


FIG. 7. A scene from the Union Stock Yards Company of Omaha in 1894. (Detail from photograph RG2341-757. Used by permission of the Nebraska State Historical Society.)

Given these figures, Manderson claimed

if the natural order of things were permitted to obtain in this cattle trade, there would have been in the last two or three years and there would be in the future a very great decrease in the number of cattle killed and sold in the markets of Chicago to the advantage of the far western communities.

Even though the Union Stock Yards Company was trying to attract large-scale investors at this time, Manderson leveled accusations at the packers in Chicago. He maintained that

it is something artificial and objectionable that continues to maintain Chicago as the great cattle market of this country. It is true that Kansas City now stands second and Omaha third in this great industry, and with good chances for great increase to both.

The senator admitted that cattle exports had decreased, but he noted that the prices of meat products had not fallen accordingly.⁷⁶ In truth,

the price of range cattle had fallen because of the demand for higher-quality beef, which came from corn-fed cattle. Manderson and Vest blamed the situation on big business, however, and the Senate listened to their concerns. It passed Vest's resolution for an investigative committee.⁷⁷

The committee, which consisted of Vest, Manderson, P. B. Plumb of Kansas, Richard Coke of Texas, and S. M. Cullom of Illinois, conducted its investigation over the next two years.⁷⁸ It presented its final report to Congress on May 1, 1890. The investigation indicated that the packers had been pooling, or cooperating among themselves, to set levels of production. The bill that became the Sherman Antitrust Act was under debate at the time, however, and the committee members assumed that this law would provide necessary regulation.⁷⁹

In the meantime, the committee recommended extending the cattle trade to Great Britain. Britain had quarantined American beeves, and the committee urged federal action in regard to the matter. They wanted the president to begin diplomatic relations



FIG. 8. *The original Union Stock Yards Company exchange building.* (Detail from photograph RG2341-757b. Used by permission of the Nebraska State Historical Society.)

aimed at modifying the quarantine, and they also advocated a meat inspection act to calm British fears about unsafe cattle. The committee requested federal regulation of business in two other ways: prohibiting the “monopoly” of steamships that carried cattle to other countries and preventing discrimination by railroads that favored the large packers.⁸⁰

A meat inspection bill had been under debate in Congress at the time of the Vest committee’s report.⁸¹ This act became law on August 30, 1890. It empowered the Department of Agriculture to inspect pork products bound for export, with the inspections occurring at the places in which the meat was packed. In the event that such an inspection was

not made, the secretary of agriculture could approve inspection at the place of exportation.⁸² Congress provided for similar inspection of beeves with an act approved on March 3, 1891. This law also called for inspection of all hogs, cattle, and sheep intended for interstate commerce before slaughter.⁸³

These acts set a precedent for federal regulation of business. The inspections for which the laws provided were voluntary,⁸⁴ and yet a company that did not agree to inspection could not mark its products with a federal stamp. At a time when foreign countries refused to buy American meat because they worried about contamination, the ability to deny a seal of inspection was a considerable power. The BAI



FIG. 9. *Inspectors at Swift and Company in Omaha shortly after the Meat Inspection Act of 1906 took effect. (Photograph RG2341-909. Used by permission of the Nebraska State Historical Society.)*

received increased funds so it could assist with the inspections, as well as purchase and destroy animals infected with contagious diseases.⁸⁵ All these developments expanded the Department of Agriculture, which gained Cabinet status in 1889.⁸⁶ The growing bureaucracy pursued the same goal as Nebraska's Board of Live Stock Agents, that of helping Nebraska's livestock producers prosper.

Rumblings against the "beef trust" in Chicago continued throughout the 1890s. By 1902 the prices of beef products had risen, and consumers made numerous complaints against the packing industry. The Justice Department responded by launching an investigation. Rather than wait for the courts to rule on their cooperative pooling practices, Swift, Armour, Morris, and Hammond decided to merge their holdings into an entity called the National Packing Company.

Peter S. Grosscup, judge of the Circuit Court for the Northern District of Illinois, looked to the Sherman Antitrust Act for ways to restrict the packers. He interpreted the Sherman Act, which had become law on July 2, 1890, as a guarantee of free competition in the marketplace. An injunction that Grosscup handed down on February 25, 1903, prohibited the packers from activities that would undermine competition. However, the judge added that it was permissible to curtail shipments of meat to certain areas to prevent overproduction. Thus, the packers retained a degree of freedom to coordinate their production efforts. The Supreme Court further limited the injunction in 1905, ruling that only acts specifically mentioned in Grosscup's ruling were prohibited.⁸⁷

Not one to accept defeat easily, President Theodore Roosevelt undertook new efforts to regulate the packing companies. He ordered



FIG. 10. Team of federal meat inspectors assigned to the Cudahy Packing Company in Omaha, January 1, 1910. (Photograph RG2341-909. Used by permission of the Nebraska State Historical Society.)

the Department of Agriculture to investigate inspection practices in Chicago. The department's report, completed on April 15, 1906, found inadequacies in the current system but noted that the dismal conditions described in Upton Sinclair's novel *The Jungle* were "greatly exaggerated." Undaunted, Roosevelt began cooperating with Indiana senator Albert Beveridge to draft a stricter law for meat inspection.⁸⁸ The pair gained much support from progressive reformers, including women's groups who perceived inspection as a moral cause.⁸⁹

Although great debate ensued about the nature of this law, the packers were not necessarily opposed to inspection. Jonathan O. Armour admitted that trying to market noninspected meat would be financially "suicidal."⁹⁰ The House of Representatives and the Senate

ultimately reached a compromise on the issue. The federal government required inspection of all meat products destined for international or interstate commerce, and yet the Department of Agriculture was to pay for the inspections. These terms were included in the 1906 appropriations act for the Department of Agriculture, which is commonly called the Meat Inspection Act. The law stipulated that federal funding for inspections would be permanent, and the act appropriated \$3 million for such purposes in 1906.⁹¹

By regulating the packing industry, progressives tried to protect the free-market economy. A traditional view is that the packers manipulated the government to assure their dominance,⁹² but it is more accurate to say that the goals of American liberalism remained as they had been under the policies of the Federalists

and the Whigs. In some instances, government helped businesses, and in others, it tried to preserve competition and protect consumers, but its objective was always the promotion of economic prosperity.

Nebraskans understood the twin impulses for aid and regulation. As the state struggled to protect its livestock industry, it looked to the federal government for assistance. Nebraskans also expected the federal government to prohibit unfair practices by large businesses. The state's leaders supported both of these goals at the same time, indicating that aid and regulation were nothing more than different manifestations of the same agenda.

Nebraskans knew that state agencies were not fully capable of aiding and regulating nationwide industries. The policies of the Live Stock Sanitary Commission and the Board of Live Stock Agents often led to disputes with other states, and Nebraska consistently called for greater federal involvement. These efforts contributed to the rise of progressivism, which was an effort to help all aspects of society, including capitalism, reach their full potential. In the Northeast, as well as California, state governments formed close ties to corporate businesses.⁹³ This kind of relationship could not meet all of the livestock industry's needs, however, and Nebraska contributed to the growth of a progressive system at the national level.

NOTES

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3. *Ibid.*, 259.

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23. Higgs-Evenson, *The Price of Progress*, 10.
24. *Nebraska Laws, Joint Resolutions, and Memorials* (Henry Gibson, 1885), chap. 4.
25. Nebraska Legislature, House of Representatives, *House Journal of the Legislature of the State of Nebraska, Nineteenth Regular Session* (Lincoln, 1885), 4-6, 1229-30.
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32. Hoffman to George W. Barnhart, J. C. Birney, and Daniel D. Johnson, June 5, 1885, Dawes Papers.
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