

George Washington specifically included land in Virginia southwest of the Potomac River in his design for the seat of government, as shown by this map by Artemas C. Harmon based on surveys by Andrew Ellicott in 1791–92. Courtesy, Kenneth Bowling.



# The Debates over the Retrocession of the District of Columbia, 1801–2004

Mark David Richards

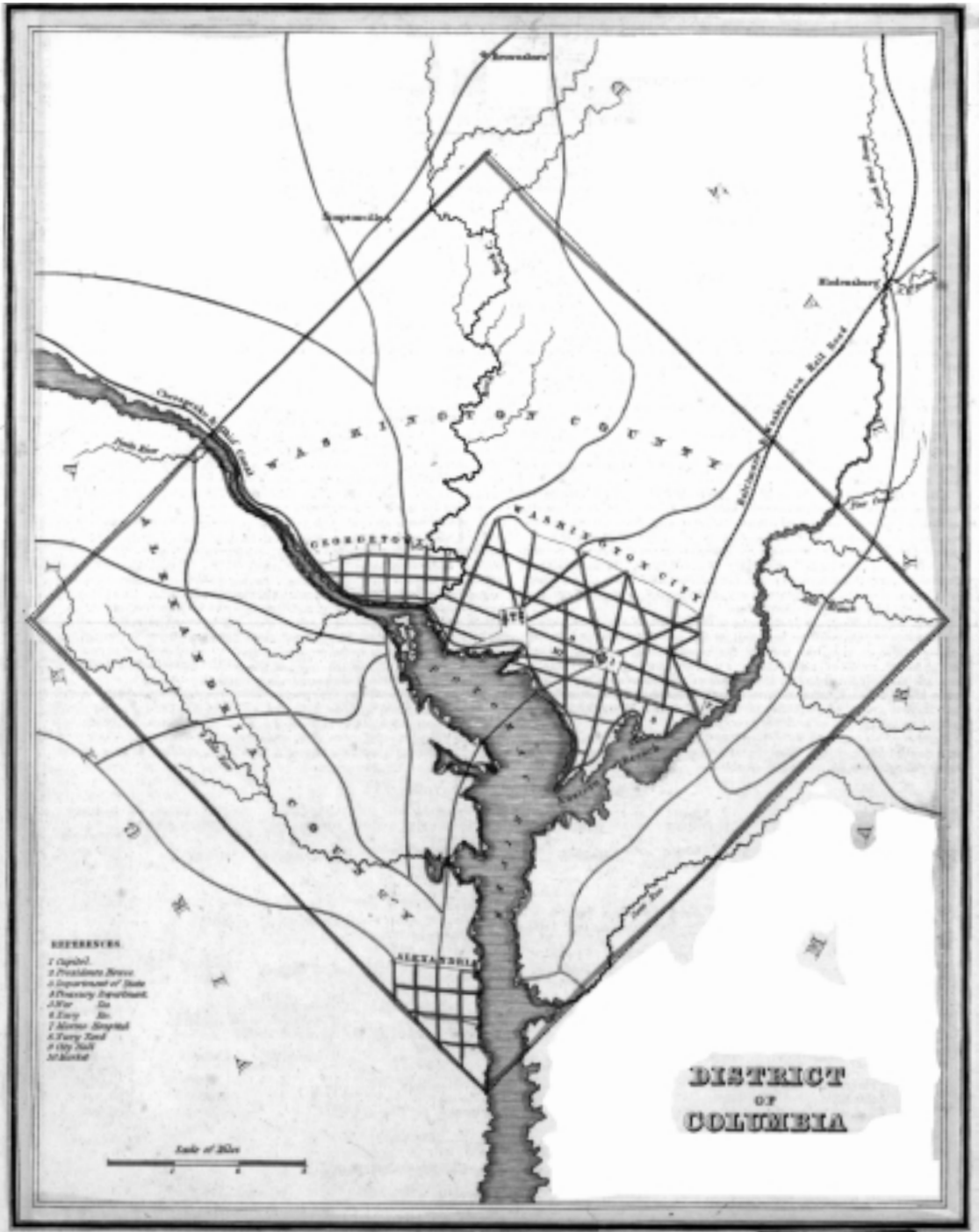
Until 1846, the District of Columbia was a “10 Miles Square” diamond spanning the Potomac River. President George Washington determined the District’s shape in 1791 in order to include his hometown of Alexandria, Virginia. In 1846, Congress retroceded, or returned, the entire District southwest of the Potomac River to Virginia, a fissure that perhaps foreshadowed the great storm that was to fragment the nation. Although many believe slavery to have been the main reason why retrocession occurred, the record suggests a more textured story with District political rights and economic grievances at the fore.

In fact, the history of retrocession in the District is much broader than just the events surrounding the retrocession of Virginia. Congress and the District’s citizens debated retrocession as early as 1801

and long after 1846; indeed, the discussion still continues today. For example, early Washingtonians submitted numerous petitions and congressional leaders sponsored several bills in support of retrocession in the first decade of the nineteenth century. After retrocession, Presidents Lincoln and Taft questioned the wisdom and even the constitutionality of the decision. In the end, however, the Supreme Court sidestepped the issue and the U.S. Attorney General viewed the matter as a *fait accompli*. Today, a few supporters continue to raise the idea of retroceding most of the remaining area to Maryland as a solution to the District’s continued political inequality and economic problems. It is not hard to understand why. Residents of the former portion of the District, now located in Virginia, enjoy equal constitutional rights and provide an economic engine to that state. District citizens remain disenfranchised and struggle economically. Virginia representatives to Congress, elected by citizens from the former southwestern portion of the District, serve on congressional oversight committees and have greater power over District affairs than the District’s own elected officials.

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This map by T.G. Bradford shows the five original jurisdictions of the District of Columbia: Washington City, the seat of government, Georgetown, Washington County, Alexandria, and Alexandria County. Almost as soon as Congress arrived in Washington in 1800, politicians and residents began debating the idea of retroceding, or returning, these lands to Maryland and Virginia. Courtesy, Library of Congress.

The earliest debates over retrocession were intricately related to questions about exclusive federal authority over the District in particular and about federal power in general. The Sixth Congress moved from Philadelphia to the nation's new seat of government in Washington City and convened its second session there on November 17, 1800. President John Adams opened a joint session of Congress with an annual message on November 22 and told members, "It is with you, gentlemen, to consider whether the local powers over the District of Columbia vested by the Constitution in the Congress of the United States shall be immediately exercised."<sup>1</sup>

After limited debate, Congress assumed exclusive legislative authority in all cases whatsoever over the District in the Organic Act ("An Act Concerning the District of Columbia"), signed into law on February 27, 1801. Historian William C. diGiacomantonio described passage of the Organic Act as a "last-ditch, 11th-hour insurance polic[y] aimed at perpetuating Federalist influence, and the power of the national government generally, beyond the political life of the Federalist party."<sup>2</sup> The debate over exclusive legislative authority was one of many issues that divided the Federalists, who supported exclusive jurisdiction, and Democratic-Republicans, who opposed it.<sup>3</sup> Representative John Smilie of Pennsylvania (Republican) was one of the most consistent proponents of the idea that Congress could incorporate Washington City without assuming exclusive jurisdiction.<sup>4</sup> He told members that he "wished to destroy the bill" unless his colleagues could "prove to him that the rights of these people could be reserved." Under exclusive federal control, District citizens would lose precious rights, Rep. Smilie cautioned:

Not a man in the District would be represented in the Government, whereas every man who contributed to the support of a Government ought to be represented in it, otherwise his natural rights were subverted, and he left, not a citizen, but a subject. This was one right the bill deprived these people of, and he had always been taught to believe it was a very serious and impor-

tant one. It was a right which this country, when under subjection of Great Britain, thought worth making a resolute struggle for, and evinced a determination to perish rather than not enjoy.<sup>5</sup>

Residents of Alexandria made the same point in a town meeting and in a petition to Congress.<sup>6</sup>

In contrast, Representative John Dennis of Maryland (Federalist) argued the bill would increase the prosperity of District residents. He added that the amount of their actual power in their state legislatures was "little in essence."<sup>7</sup> If it should be necessary, he argued, "The Constitution might be so altered as to give them a delegate of the General Legislature when their numbers should become sufficient."<sup>8</sup>

Although the Sixth Congress assumed exclusive federal authority under the Organic Act, the Democratic-Republican-controlled Congress continued to debate the matter between 1803 and 1805. In January 1803, Representative John Bacon of Massachusetts (Republican) introduced resolutions to retrocede the District, provided the states of Virginia and Maryland consented.<sup>9</sup> Debate opened in February, with Rep. Smilie maintaining that "he never could understand the reason for giving Congress an exclusive jurisdiction over ten-miles square. He believed there was but one reason: It had been thought good policy to introduce this article into the Constitution to facilitate its adoption, as it was known that all parts of the Union were anxious to have the seat of Government."<sup>10</sup> He said, "It did not appear to him, in any proper point of view, necessary that Congress should possess such exclusive jurisdiction. There was no doubt that, let Congress sit where they would; they would always have sufficient power to protect themselves. . . . If Congress can derive no solid benefit from the exercise of this power, why keep the people in this degraded situation?"<sup>11</sup>

Rep. Smilie also raised concerns about the time and expense of acting as the District's legislature and questioned congressional competency to legislate for the District. He noted that "the trouble and expense would increase with the increasing number of inhabitants."<sup>12</sup> He again warned about the loss of political rights: "Here,

the citizens would be governed by laws, in the making of which they have no voice—by laws not made with their own consent, but by the United States for them—by men who have not the interest in the laws made that legislators ought always to possess—by men also not acquainted with the minute and local interests of the place, coming, as they did, from distances of 500 to 1,000 miles.”<sup>13</sup>

Again, some congressional members countered that District citizens would be disenfranchised only temporarily—eventually they would be represented in Congress and granted a territorial legislature. Representative Benjamin Huger of South Carolina (Federalist) pointed out that just “because [District residents] are now disenfranchised of their rights, it does not follow that they are always to remain so.” Huger looked forward to the time when the inhabitants through their numbers and riches would be entitled to representation. With respect to their local concerns, he argued that when they grew more numerous and wealthy, “there would be no difficulty in giving them a Territorial Legislature.”<sup>14</sup>

Representative James Asheton Bayard, Sr. of Delaware (Federalist) further argued that Congress did not have the constitutional power to recede the District and believed that District residents were willing to live under “the protection of Congress.”<sup>15</sup> District citizens were not “slaves,” he argued, “they are children, over whom it is not our wish to tyrannise, but whom we would foster and nurture.” Besides, he asked, what obligation had Congress to remain here if the area was receded? “Unfix the Capitol, and recede the District, and, believe me, Congress will soon take wings and fly to some other place.”<sup>16</sup> He, too, believed that the establishment of a territorial legislature would solve the problem.

Rep. Smilie countered by asking if there had ever been a government possessed of unlimited power that had not abused it. “You may give them a charter,” he said, “But of what avail will this be, when Congress may take it away at any moment? They would continue forever to be ultimately governed by a body over whom they had no control.”<sup>17</sup>

Smilie was not alone in raising concerns and proposing retrocession as a possible solution. Rep-

resentatives from Virginia offered various retrocession options. Representative John Dawson (Republican) moved to divide the two questions of retroceding the Virginia portion from the Maryland portion, while Representative John Randolph suggested retroceding all the territory except Washington City. Representative John Smith (Republican) said that the people of Alexandria had been “very anxious to be admitted into the ten-miles square; and they were admitted”; therefore, he concluded, they had been admitted with their consent. Before he would vote for a retrocession proposal, he wanted to be sure the people of the District wanted to be retroceded. With so much debate and so little consensus, the resolutions of the retrocession bill failed 66 to 26.

In March and December of 1804, congressional leaders again introduced bills to retrocede all parts of the District of Columbia except Washington City, but there was not a quorum to refer the resolutions to the Committee of the Whole and they postponed the discussion.<sup>18</sup> Congress took up the December bill again in January 1805. The Republicans continued to make the same arguments about the necessity of retrocession. Representative Ebenezer Elmer of New Jersey (Republican) believed that, through retrocession, District citizens would regain their “former rights, privileges, and habits.” He argued that District residents are “as much the vassals of Congress as the troops that garrison your forts, and guard your arsenals. They are subjects, not merely because they are not represented in Congress, but also because they have no rights as freemen secured to them by the Constitution. They have natural rights as men, and moral agents; they may have some civil rights constructively secured to them by the Constitution; but have not one political right defined and guaranteed to them by that instrument, while they continue under the exclusive jurisdiction of Congress.”<sup>19</sup>

The debate centered around several key questions, including whether Congress had the constitutional power to cede any part of the District, and whether District residents needed to be consulted. Members of Congress first debated the constitutionality issue. Representative Richard

Stanford of North Carolina (Republican) argued that Congress had the power to cede the area and reiterated his reasons for support: the federal government should focus on national issues; retrocession would save money; and the people of the District should have the same rights as citizens living in states.<sup>20</sup> Opponents claimed that retrocession was unconstitutional. Some argued that the consent of both the citizens of the District and of the whole U.S. was necessary. Others countered that the citizens of the District had been ceded to Congress without their consent; therefore Congress did not need to consult District citizens to recede them to their former states. Representative John Baptiste Charles Lucas of Pennsylvania (Republican) argued, “Certainly, Mr. Chairman, the inhabitants of this district are not in a worse situation than subjects are under a monarchy; yet a worse treatment is offered to them; by the present resolutions they are to be receded against their consent to Maryland and Virginia. [T]hey are to be transferred as a bale of good; and if they can be transferred to Maryland and Virginia, they may be transferred to Vermont and Georgia.”<sup>21</sup> However, he pointed out that the transfer of the District to Congress had not been done by “violence or conquest,” and therefore could not be considered “of a despotic kind.” He added, “No pecuniary advantages could ever induce me to part with my elective franchise; but it has been the pleasure of those people to part with theirs, and the Constitution of the United States has authorized them to do so.”<sup>22</sup>

Representative Marmaduke Williams of North Carolina (Republican) also did not think Congress had the power to recede the area and he thought the retrocession bill was being offered as “an opening wedge for the removal of the seat of Government,” another controversial topic during this decade.<sup>23</sup> Following much debate, Congress again rejected the motion to recede. By 1808, the debate became less about retrocession and, as Williams’s earlier comments revealed, more about some members’ desire to remove the seat of government from the District altogether. Retrocession had become so associated with the idea of removing the federal seat of government from Washington City to a more northern city



*The maker's mark on this early nineteenth century stoneware pot reads "ALEX D.C.," highlighting Alexandria's early history as part of the District. Courtesy, The Lyceum.*

that District residents preferred to postpone gaining political rights immediately rather than watch the city die on the vine.<sup>24</sup>

Despite their willingness to place the city's development ahead of their own rights, residents grew increasingly disillusioned with federal rule during the 1810s and 1820s. District residents felt that the federal government consistently neglected issues of importance to them and felt powerless to do anything about it. Residents observed laws changing in Maryland and Virginia, while Congress did little to respond to changing District needs. In fact, Congress failed to develop a unified code of law for the District—Virginia laws continued to govern the portion of the District southwest of the Potomac while Maryland laws regulated the portion northeast of the Potomac River. And both sets of law were frozen in place from the time Congress assumed authority in 1801. Frustrated by their inability to get the federal government to contribute to physical and economic development as well as by their reduced political rights, each of the five separate jurisdictions within the District—Washington City, Washington County, Georgetown, Alexandria City, and Alexandria County—came to different conclusions about what solutions would solve their political and economic problems.

In 1822, a committee of 12 District citizens, appointed by a meeting of the citizens of Washington City, explained some of their legal and political problems and demanded that Congress redress their grievances. They wanted a single civil and criminal code to replace the two inherited from Maryland and Virginia and equal legal and expanded political rights for District citizens. The committee appealed to Congress to hear “all the before enumerated grievances,” prayed “for adequate and immediate remedies from the assembled wisdom and virtue of the nation,” and offered two solutions. “The committee confess that they can discover but two modes in which the desired relief can be afforded, either by the establishment of a territorial government, suited to their present condition and population, and restoring them, in every part of the nation, to the equal rights enjoyed by the citizens of the other portions of the United States, or by a retrocession to the states of Virginia and Maryland, of the respective parts of the District which were originally ceded by those states to form it.”<sup>25</sup> That same year, proposals emerged from Congress for the retrocession of Georgetown and Alexandria to their parent states.<sup>26</sup>

Two years later, a group of 107 District residents presented a memorial to Congress expressing outrage at District citizens being treated as aliens. They demanded equal rights for the inhabitants of the District on the grounds that no clause of the Constitution could “have been intended to confer a power to destroy that liberty which the constitution was framed to protect.” The memorial called upon Congress to take action using its legislative power, but advocated, for the first time from a local citizens group, “such amendments to the Constitution of the United States, as shall hereafter secure to the inhabitants of the District of Columbia equal rights in every State, a territorial government, and representation in the House of Representatives of the United States on an equal footing with other territories; and whatever its population shall amount to that of the smallest States, a representation in both Houses of Congress, on an equality with every state.”<sup>27</sup>

Washington City residents were not alone in protesting their situation. Alexandrians mounted

their first local retrocession movement in 1824, led by Stevens Thomson Mason, great-grand-nephew of George Mason. At this time, however, Mason could organize only limited support for retrocession. Historian Robert L. Scribner observed that in Alexandria, “the townsmen were not yet willing to alter the situation in which Washington had placed them.”<sup>28</sup>

While residents of Washington City never developed a strong interest in retrocession because they wanted the seat of government to remain in the District and they benefited more from their proximity to the federal government, many residents of the port towns of Alexandria and Georgetown began to seriously consider retrocession because the economic benefits that they had hoped for had not materialized. City leaders wanted to improve their economic situation by developing natural resources, but needed more money and private capital.<sup>29</sup> In states, municipalities could turn to their state legislature for capital-friendly policies and laws. Georgetown and Alexandria similarly appealed to Congress, but with disappointing results. Residents of the southwestern portion of the District watched with envy as the Virginia General Assembly provided funds for development to the residents of the James River country and opposed federal support for important Alexandria projects, such as that of the Alexandria Canal Company.<sup>30</sup>

By the 1830s, Alexandrians, particularly merchants, began more seriously to entertain the idea of reuniting with Virginia. Alexandria residents felt they received less favorable treatment from the federal government compared to residents on the northern side of the Potomac. For example, Congress had from the beginning forbidden the construction of federal buildings on the southwest side of the Potomac River. Historian John Hammond Moore wrote, “Stagnant trade, a static population, and a sense of being ‘left out’ of District affairs—coupled with the financial burden resulting from heavy outlays for two canals—created a restless mood in Alexandria. Old-timers remembered the halcyon days of the 1790s before the District of Columbia became a reality, and others wondered if reunion with Virginia might not somehow bring relief from the municipal



*The inclusion of Alexandria into the District of Columbia was part of George Washington's dream for the seat of government, and therefore many Alexandrians were initially hesitant to support retrocession. Here, Washington has his left hand on a map of the District and his right arm on the shoulder of his step-grandson, George Washington Parke Custis, who would fight retrocession for many years. Courtesy, George Washington's Mount Vernon.*

debts that mounted to nearly two million dollars.”<sup>31</sup>

Elected officials of Alexandria City held an advisory referendum on January 24, 1832; 419 voted “against all the propositions submitted, and for remaining ‘as we are,’” while 310 voted “for retrocession to Virginia.”<sup>32</sup> Options for a local (territorial) legislature and a non-voting delegate to Congress received one vote each.

In 1835, the Common Council of Alexandria appointed a committee of three “to attend to the interests of the Town before Congress.” Francis L. Smith, Robert Brockett, and Charles T. Stuart sent an 11-page memorial to the District Committee explaining that their role was “especially to urge upon that body the subject of retrocession.” They outlined the issues “which impel them greatly to desire, to return to the State of Virginia, from which in an evil hour, they were separated” and concluded that they could see no other way

besides retrocession to rectify the situation. Their grievances included:

that we are a disfranchised people, deprived of all those political rights, and privileges, so dear to an American citizen, and the possession of which is so well calculated to elevate and dignify the human character; that the exclusive jurisdiction which Congress possesses over us, however wisely and moderately exercised, is a despotism. . . .

[and that] Our situation is essentially different, and far worse, than that of our neighbors on the northern side of the Potomac. They are citizens of the Metropolis, of a great, and noble Republic, and wherever they go, there clusters about them all those glorious associations, connected with the progress and fame of their country. They are in *some* measure compensated in the loss of their political rights. . . . How is it,



with the citizens of Alexandria when they go abroad, or their sons are sent to the various literary institutions in the States, from a sense of their degraded political condition, they are induced to pass themselves as citizens of Virginia. . . .

Alexandrians also resented being “yet governed by antiquated *English* statutes [from] more than half a century ago” that Congress had done little to correct. The Committee further expressed outrage at a Supreme Court decision that it said found the “inhabitants of this District are not constitutionally entitled to many of their civil rights of citizens of the states,” even though “an alien, a British subject may sue in the Federal courts of the Union, we are denied the privilege.”<sup>33</sup> Finally, the memorialists concluded, “while the principles of free government are yearly extending with the rapid march of civilization, and . . . dynasties are yielding to their influence, here about, in the *ten miles square*, in and about the capital of this great country, there is no improvement, no advance in popular rights.”<sup>34</sup>

The retrocession of Georgetown to Maryland also gained support in the 1830s. The Maryland Senate created a select committee on the retrocession of Georgetown to Maryland to review the history of cession and the case for retrocession. On March 28, 1838, the Select Committee presented a report to the Maryland legislature that found “no valid objection on the part of the State to accept a retrocession of the Territory.” Indeed, Maryland found that it had much to gain by having Georgetown back. “It will give the State an important commercial port on the Potomac. . . . It will also give the State an almost unlimited artificial water power for manufacturing purposes, created by the canal. . . . Georgetown may be made to rank in manufacturing importance with any city in the Union.”<sup>35</sup> The report offered resolutions calling for Maryland to approve the retrocession of Georgetown and Washington County, provided Congress would be willing “to surrender their peculiar jurisdiction.” If Congress supported the measure, the area would become the sixth election district within Montgomery County. But support within Georgetown itself was apparently still limited. According to a member of

the *Potomac Advocate* newspaper, an 1838 vote sponsored by the Board of Common Council of Georgetown revealed that only 139 of 549 Georgetown residents favored retrocession.<sup>36</sup>

With all of this activity in Alexandria and Georgetown, Congress began to debate the issue of retrocession once again. In 1838, Congress instructed the Committee of the District of Columbia “to inquire into the expediency of receding, under proper instruction and reservations, with the consent of the people of the District, and of the States of Maryland and Virginia, the said District to the States.”<sup>37</sup> Chairman of the House District Committee James W. Boulidin (D-Va.) reported on April 11, 1838, that the Committee voted “against the expediency of retrocession.”<sup>38</sup> But the issue remained alive. On July 17, 1840, Maryland Senator William D. Merrick (Whig), who served on the Committee of the District of Columbia, moved to take up a bill to retrocede all areas outside of Washington City, but after a short discussion, the Senate voted 25 to 13 to table the bill.<sup>39</sup> In 1838, 1839, and 1841, Merrick introduced memorials from citizens in Georgetown and Washington County in support of retrocession of those areas to Maryland. The 1841 memorial highlighted congressional neglect, and pointed out that “the people are almost afraid to present their grievances, least a body in which they are not represented, and which feels little sympathy in their local relations, should in their attempt to make laws for them, do more harm than good.” The writers said that, from “sad experience they have learned that Congress does not and cannot afford congenial and proper legislation, such as their condition and prosperity demand.”<sup>40</sup>

The idea of retrocession generated such public interest and discussion in 1840 in part because of anger over a variety of economic concerns, especially congressional refusal to recharter District banks. At a July 23 town meeting, Georgetown residents offered resolutions in support of retrocession.<sup>41</sup> Georgetown Mayor Cox appointed a committee of five on the issue who complained that:

[O]ur prayer for a recharter, as well as the prayer of every one of the other five Banks of the District for the same, was rejected, and nothing



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FRIDAY MORNING, August 28, 1840.

COMMUNICATIONS.

SUBJECT OF RETROCESSION.

NO. IX.

To the People of the Town and County of Alexandria.

I now proceed to inquire what has Virginia done for the town of Alexandria while it formed a part of the State, or since it ceased to be a part thereof.

Upon examining the laws of the General Assembly of Virginia in relation to this town, there will appear to be none other than such as relate to laying off the town, incorporating it, making additions to it, and regulating the police. If the Legislature of Virginia have, at any time, by loan or donation, contributed any pecuniary aid to the town, I have not been able, after a most diligent search of the legislative acts of that State, to discover any evidence of such aid. If any such be known to any persons who now advocate retrocession, let such person produce or state where the evidence may be found.

I have, also, shown what little has been done by Virginia, up to the year 1801, for Alexandria, and with what difficulty that little was obtained.

[COMMUNICATED.]  
DISTRICT BANKS.

A miserably lame attempt is made to screen the Administration party in Congress, from the odium which justly rests upon it, for its oppressive and tyrannical course in relation to the Banks of this District—a course which has called forth not only the deep indignation of the true friends to the interests and prosperity of the District at home, but has even aroused the feelings of the people of the whole country, who are not bound by party allegiance to the incubus that is now pressing down the free citizens of this republic to the earth. It would be a sufficient answer to the attempt referred to, barely to remark, that the party had majorities in both houses of Congress—that they could at any time have rechartered the Banks if they had chosen to do so—that they failed to pass any such measure; and that, therefore, theirs is the responsibility, and theirs the fault. But, in addition to this, and admitting that part of the attempt is based upon a true statement of facts, is it thought that we can forget the efforts made by Wm. Cost Johnson at the head of the Session, to have the Senate bill taken up and the pertinacious refusal of the party in the House, to hear the appeal of a suffering people for relief? Is it thought that we can forget the course of Allen and Tappan, in the Senate—and that of Weller, and Duncan & Co. in the House of Representatives?—Is it thought that we are such dolts and idiots as not to know that it was the rabid Loco-Focus of Congress, who prostrated the Banks, and gloried in their prostration, and that the rabid friends of these party tools, in their hearts, also rejoiced with them? Let the advocates of power lay “no such flatteringunction to their souls.” We know, and we shall remember. Those who were immediately and deeply interested in the recharter of the Banks did give the subject their early and particular attention, but, from the first, it was seen that the party had come to a determination to prostrate them. The Banks were put down by the Loco Focus as a part of their policy. They cared not for the defenceless people of this District. They cared only for PARTY. The Whigs, the friends of the people

Alexandrians heatedly debated the idea of retrocession, as demonstrated by the Alexandria Gazette and Virginia Advertiser from August 28, 1840. Courtesy, Alexandria Library Special Collections.

To the Common Council of Alexandria:—

The undersigned memorialists, beg leave to remind the Council, that, some months ago, a vote of the people of the town of Alexandria was taken, under the direction of Council, for the purpose of ascertaining, in the most authoritative form, their wishes upon the subject of receding the town & county to the State of Virginia; & that the ~~results~~ <sup>results</sup> of their votes so taken were referred to Council, who have not as yet adopted any measures to give effect to the wish of the people thereby expressed.

Your memorialists state that they were among the very large majority of voters, who, upon the occasion referred to, expressed by their votes, their desire to be receded to Virginia, and are unwilling that the matter should be forgotten or neglected, & their wishes disregarded.

Your memorialists trust that Council, after calling upon the people to signify their wishes upon the subject of retrocession in the manner referred to, & after having obtained from them so decided an expression in its favor, will not now permit the matter to drop; but that, on the contrary, the proper steps will be taken to lay their votes, in a suitable manner, before the authorities of the several States of the Union, & of the General Government.

Your memorialists, therefore, pray Council to take the subject into their serious consideration, as its importance to the welfare of this community deserves, & to adopt such measures, in relation thereto, as may seem best calculated to draw towards it the attention of all concerned.

Alex<sup>a</sup> 18<sup>th</sup> Jan. 1841.

W Rowles

Wm C Rowles

Three months after an 1840 referendum in which Alexandrians voted overwhelmingly in favor of retrocession to Virginia, petitioners urged the Common Council of Alexandria to pursue the matter with the state legislature and Congress. Courtesy, Alexandria Library Special Collections.

John Harris  
William Smith  
James H. McLaugh  
W. H. Brown

G. L. Moore  
T. M. Stanton  
Geo. C. Conway  
Robt. S. Vinton

James Irvine  
S. Thomas  
Samuel Miller  
Richd. L. January  
Wm. B. Springfield  
A. B. Miller  
Robertson

C. Smith  
Wm. D. Murphy  
John L. Harper  
Jno. S. Proctor  
Wm. Wright

W. C. Gaches  
Henry Campfield  
John H. Lloyd  
Samuel Priddy

Samuel W. Adams

Wm. H. Carpenter  
James P. Middleton  
Jos. H. Miller  
Robt. Crupper

S. M. Crupper  
Wm. Dean  
John H. January

Memorial  
in relation to the vote  
on  
Retrocession  
taken 2<sup>o</sup> Oct. 1840.  
1841-8<sup>o</sup> July-Dec  
Hans on table

whatever granted to the Banks but the privilege, and a specific time wherein, to close up their concerns, thus leaving the whole District without banking institutions, and this through the votes and influence of member of the Senate who insist on the destruction of all Banks as a policy of the Administration.<sup>42</sup>

The committee resolved that Congress had denied to District residents laws they deemed “absolutely necessary to their happiness and prosperity, and such as exist in every State in this Union, and have thereby failed to discharge their solemn duty, wantonly and wickedly exposing the people of this District to ruinous embarrassment and distress.”<sup>43</sup> They called for retrocession to Maryland.

Despite these frequent protests, Georgetown’s interest in retrocession remained limited for a variety of reasons. As District residents, they did not pay state taxes. Some were concerned that taxes would increase as part of Maryland. Furthermore, the Maryland legislature did not pass legislation indicating that state would be willing to accept the receded part.<sup>44</sup> Georgetown Mayor Henry Addison called for discussion of retrocession on the grounds of federal neglect, but opinion remained divided.<sup>45</sup> Most residents apparently came to feel they would do better by forming a territorial government with Washington City and County under federal rule.

Meanwhile, anger over congressional failure to recharter the banks intensified the retrocession debate in Alexandria town and county. On July 7, 1840, Alexandria Mayor Edgar Snowden chaired a town meeting in which residents offered resolutions in support of retrocession. Snowden

established a committee of 13 to “adopt such measures as they may deem necessary to carry into effect the unanimously expressed desire of this meeting, that the town and county of Alexandria be retroceded to the state of Virginia as soon as practicable.”<sup>46</sup>

In August and September of 1840, the *Alexandria Gazette and Virginia Advertiser* documented a lively retrocession debate featuring a series of 12 articles in opposition by “A Citizen.” A Citizen argued that residents were better off economically and judicially under congressional rule than as part of the state of Virginia, even without representation. He pointed out that the General Assembly of Virginia had not helped Alexandria at all with the development of the Alexandria Canal and only a few Virginia members of Congress had supported the Alexandria effort to secure funds from Congress for needed measures. One by one, A Citizen refuted the major reasons for retrocession:



*George Washington Parke Custis (1781–1857), step-grandson of George Washington, initially fought retrocession because of concerns over Alexandria’s canal debt. Once Virginia agreed to provide relief, Custis celebrated retrocession. Courtesy, George Washington’s Mount Vernon.*

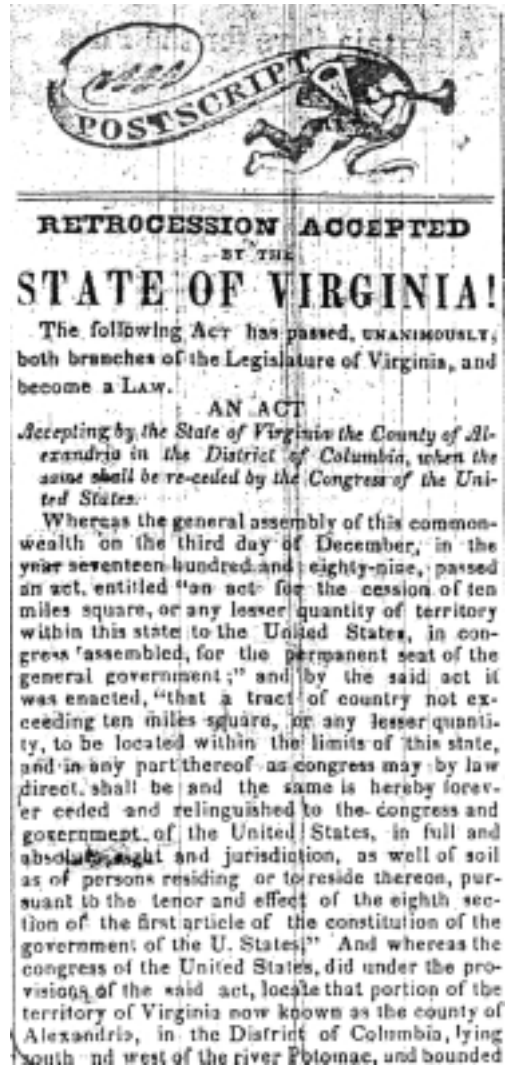
What are the reasons assigned for seeing a retrocession to Virginia, and thus increases our taxes at least 20,000 dollars, and also, give up our present well arranged and convenient judiciary system? They are that Congress, at its last session, refused to rechar-

ter our banks, upon such terms as we deemed reasonable, and, also that from four to five hundred persons out of a population of eight thousand, may have the right to vote, in connexion with Fairfax, for one delegate to represent the two counties in the General Assembly of Virginia, at Richmond; and to unite with three other counties to elect a representative for Congress, neither of whom may be the choice of the voters of the town, and both of whom may be taken from one of the other counties.<sup>47</sup>

On October 2, 1840, the Common Council of Alexandria organized its own referendum to determine the wishes of its citizens regarding retrocession to Virginia. Voters in both the town and county of Alexandria supported retrocession, 537 to 155. However, some residents of the county complained they had not received adequate notice of the vote. Nevertheless, the Common Council distributed the results of the referendum to the president, Congress, governors, and state legislatures throughout the United States.<sup>48</sup> Three months later, a group of 34 citizens, impatient with the Common Council, sent a memorial to that body to “beg leave to remind the Council” of the majority support for retrocession, and announced that they were “unwilling that the matter should be forgotten or neglected.”<sup>49</sup> They urged the Council to give the subject serious consideration. Alexandria’s merchant class, in particular, increasingly supported retrocession.<sup>50</sup>

Between 1840 and 1846, the Committee of 13 lobbied Congress and the state legislature. On February 3, 1846, the Virginia General Assembly agreed to the retrocession of Alexandria, provided Congress approve.<sup>51</sup> The vote was not recorded,<sup>52</sup> as the commonwealth of Virginia kept no records of debates or discussions in the General Assembly until the twentieth century. Upon hearing the news, the citizens of Alexandria town fired a 100-gun salute honoring Richmond’s overture.

However, not all Alexandrians celebrated. George Washington Parke Custis of Arlington House chaired a meeting of some 50 concerned Alexandria County citizens at Ball’s Cross Roads. Custis, the grandson of Martha Washington and her first husband, Daniel Parke Custis, grew up at Mount Vernon and as late as the 1830s held tenaciously to his George Washington’s view of the federal capital as a seat of empire.<sup>53</sup> At the meeting, he argued that the town council was “disposing of us as so many swine in the market, without our knowledge, and most clearly against our expressed wishes, repeatedly made known and publicly expressed, of which these very thirteen people had positive personal knowledge.”<sup>54</sup> He presented a memorial explaining grievances and solicited signatures.



*Following years of lobbying, the Virginia General Assembly took the first official step towards retrocession when it passed a retrocession bill in February of 1846, as shown here in the Alexandria Gazette. The U.S. House of Representatives passed its own retrocession bill three months later in May, and the Senate followed in July. President Polk signed the bill into law on July 10, 1846. Courtesy, Alexandria Library Special Collections.*

On February 5, the *Alexandria Gazette* published the text of the Virginia retrocession act. In the same issue, a county resident using the pen-name “Freeholder” articulated county residents’ frustration with the process by which retroces-

sion had come about. Freeholder criticized the Alexandria city commissioners for arranging a deal with the District Committee wherein Congress agreed to first pass the retrocession bill and then pass a subsequent bill that would pay off Alexandria's canal debt. Freeholder could not understand the logic of separating these issues. "This is the kind of diplomacy, which others may comprehend, but which I confess I do not," he wrote. Apparently concerned because the state legislature had made no overtures regarding the debt, Freeholder berated the Committee of 13 for going to Richmond "to transfer us—our families and our fortunes—to the government of Virginia!" Finally, Freeholder chastised the Common Council: "[a]s regards those of the county, not the *slightest notice whatever* was taken of them; they, as a matter of course, like the vassals of olden times, were considered and treated as villains in gross, bound to obey at the behests of their lords." He noted that even the people of Fairfax had been consulted "while the people of Alexandria County were passed by in silence, and perhaps I shall be justified in saying in silent *contempt*. . . . If I have herein told the truth, is not the Common Council justly charged with having attempted (using a figure of speech) to transfer us, 'like so many swine in the market,' from one government to another?" Freeholder concluded, "retrocession, without full and ample relief, will never meet the approbation of the people of this town and county."<sup>55</sup> The repeated use of the "swine" analogy suggests that Custis may have been the author of this letter.

Just three weeks later, the House Committee on the District approved the Retrocession Act. Representative Robert Mercer Taliaferro Hunter of Virginia reported to the House that the Committee has "come to the conclusion that there is much in the petition to commend itself to the favor of Congress."

The experience of more than forty years seems to have demonstrated that the cession of the county and town of Alexandria was unnecessary for any of the purposes of a seat of government, mischievous to the interest of the District at large, and especially injurious to the people of

that portion which was ceded by Virginia. . . . In the District itself, this union of the counties of Washington and Alexandria has been the source of much mischief.<sup>56</sup>

The bill came to the House floor for debate on May 7, 1846.<sup>57</sup> Rep. Hunter presented the House of Representatives with an eloquent case for retrocession. He argued that the people of Alexandria had not been consulted in the original compact; that the Constitution defined the maximum size of the District but not the minimum size; there were no federal structures in Alexandria; and that there was more space in the other part of the District than Congress would ever need.

There is yet a higher consideration . . . which must weigh deeply with every American statesman, and which appeals to all that is most cherished in American sentiment: I mean the obvious propriety of depriving no more of our people of political rights and privileges than may be indispensable for the purposes of safety and security in the seat of government. To this extent the evil is unavoidable, but there can be no higher obligation than that which rests upon American political rights and privileges than may be actually necessary. . . . [H]ow shall we answer for our mission, if without necessity we deprive a portion of our own people of these very rights, which in the face of the world we have declared to be inestimable?<sup>58</sup>

Hunter concluded, "[T]he occasion has now offered, and I wish to rid myself of the sin of holding them in their present condition, by voting for this bill. I say from the sin, for it is a sin, to retain them unnecessarily in this state of quasi bondage. Let us, then, restore them to Virginia, to their political rights and privileges, and awaken in them the energies of freeman."<sup>59</sup>

Debate in the House focused on two central questions: whether Congress had the power to recede the area and, if it did, whether it was appropriate to exercise it. Many raised the same concerns articulated at the beginning of the century; for example, some opponents once again argued that retrocession would be unconstitutional

unless the states adopted an amendment. Representative John A. McClernard of Illinois asked why “only the southern part of the District would vote on retrocession . . . why not the entire area?”<sup>60</sup> He noted that Congress had required the whole state of Texas to vote on its admission to the Union. Representative Erastus D. Culver of New York asked, “(a) was the real motive of retrocession to prevent escaped slaves from taking refuge in the District, and (b) if Congress had the power to ‘make’ retrocession, then could it not also ‘make’ abolition?”<sup>61</sup> Despite criticisms, the House of Representatives approved the bill, 96 to 65.

Public reaction to the retrocession vote was varied. Although most members of the House apparently did not believe retrocession made the District vulnerable, a reader of the *National Intelligencer* did. Politics had become increasingly sectional and tense in the late 1840s, and this writer raised security concerns:

George Washington, no doubt, looked upon the District with a military eye, and purposely located it in such a manner as to include all the heights which would command the capitol, the President’s House, and the public offices. If the county of Alexandria should be retroceded, Virginia will have all the commanding heights to the west side of the river opposite to Georgetown and Washington, from which she might bombard the town, the President’s House, the public offices, and even the capitol itself. In short, she would command the city. This deserves grave consideration.<sup>62</sup>

On May 28, the Board of Aldermen and Board of Common Council of the City of Washington passed a resolution arguing that with the retrocession of the southwest portion of the District, “the integrity of the District as a whole will have been broken into and violated, and its territory dismembered; and this, too without the consent of the people of the District, or of the state of Maryland, a part to the original compact.” Officials expressed their ongoing fear that retrocession “may eventually tend to weaken the compact by which the seat of the General Government was permanently located in said District, and, in the

end, prove the first step towards abrogating or destroying said compact, in the removal of the seat of Government to some other place, whereby total ruin and destruction would be brought upon the industrious and patriotic citizens of Washington.”<sup>63</sup> Despite these concerns, Washington residents did not generally voice opposition to retrocession, perhaps because they were sympathetic to their neighbors’ dilemma. The Washington Council wrote apologetically that they “desire[d] to be distinctly understood that they do not wish improperly or gratuitously to interfere with the desires or arrangements of their brethren of the Virginia side of the Potomac, and that it would be painful to come into conflict with them upon this or any other subject.”<sup>64</sup>

Alexandria’s reaction focused on disappointment that the bill did not address their debt and fear that their tax burden would increase. “Congress will in no event assume and pay the debt, or any part thereof, now due by the corporation of the city of Alexandria.” On June 17, the *Alexandria Gazette* published all of the various petitions to Congress on these issues containing some 500 names.<sup>65</sup> While some Alexandrians had signed a petition against retrocession under any circumstances, most—301 individuals from the town—signed a petition against “retrocession without relief.” They wanted Congress to assume approximately \$561,600 in local public debt.

That same day, the bill moved to the Senate for a vote and Senator William H. Haywood (D-N.C.), Chair of the District Committee, reported the House bill with a recommendation that it be rejected. On July 2, the bill survived a procedural roll-call vote and passed 32 to 14.<sup>66</sup> There were no significant political party differences in the vote. The next day, the *National Intelligencer* announced the bill’s passage and editorialized nonchalantly that this vote

shows conclusively that the majority of that body do not believe that it proposes any infringement of the Constitution of the United States, any interference with the perpetuity of the seat of Government within what will henceforth constitute the District of Columbia; or any injury or prejudice to the interests of the City founded



by Washington, and honored by bearing his name.<sup>67</sup>

Given the extent to which sectional tensions based especially on the issue of slavery shaped national politics during these years, it is interesting to note that few members of Congress raised the issue of slavery when enumerating all the possible arguments for or against retrocession. There was some limited discussion that the anti-slavery members in the District Committee in Congress opposed retrocession because free blacks were not allowed to live in Virginia and a smaller District might benefit slaveholders because runaways to the District, who previously were rarely returned, would become more vulnerable. One member of Congress mentioned this point in the debates. But the overall arguments and especially the vote on retrocession in Congress lend little support to the belief that slavery was a leading cause of retrocession. There were almost no references to slavery in connection with the retrocession debates. Between 1836 and 1844, the House of Representatives passed a gag rule that prohibited debate or discussion on any memorial, resolution, proposition, or paper relating to slavery. That could explain both the absence of references to retrocession as a way for slave merchants in Alexandria City to preserve the slave trade in the event that the slave trade was abolished in the District, and the absence of references to retrocession potentially facilitating abolition in the District.

However, the actual vote in 1846 indicates that the issue was not sharply divided along free versus slave lines. A majority of both free and slave states supported retrocession in both the Senate and the House. There were no free states in which all members voted against retrocession; in only three slave states did all members approve: Arkansas, Florida, and Louisiana. Jefferson Davis voted against retrocession and Andrew Johnson voted for it. Two Virginians in the House voted against retrocession: Joseph Johnson of Bridgeport (now in West Virginia) and George Coke Dromgoole of Brunswick County.

Historian John Hammond Moore concluded that Alexandria's decision to retrocede was not "rooted in North-South animosities which fifteen

### Retrocession Vote By Free Versus Slave State, 1846

	Senate (56)		House (225*)	
	Yes	No	Yes	No
<b>28 State total</b>	<b>32</b>	<b>14</b>	<b>96</b>	<b>65</b>
<b>14 Free states</b>				
Connecticut	0	2	2	1
Delaware	2	0	1	0
Illinois	0	2	4	1
Indiana	1	1	3	3
Maine	1	1	3	1
Massachusetts	1	0	2	3
Michigan	0	0	1	1
New Hampshire	2	0	1	1
New Jersey	1	1	2	0
New York	0	2	12	10
Ohio	2	0	4	10
Pennsylvania	1	1	8	10
Rhode Island	2	0	0	2
Vermont	0	1	2	1
<b>Subtotal</b>	<b>13</b>	<b>11</b>	<b>45</b>	<b>44</b>
<b>14 Slave states</b>				
Alabama	1	0	4	1
Arkansas	2	0	1	0
Florida	2	0	0	0
Georgia	0	0	6	1
Kentucky	2	0	3	5
Louisiana	2	0	3	0
Maryland	1	0	1	2
Missouri	2	0	2	2
Mississippi	1	0	2	2
North Carolina	0	2	4	4
South Carolina	1	0	5	1
Tennessee	2	0	9	1
Texas	1	1	0	0
Virginia	2	0	11	2
<b>Subtotal</b>	<b>19</b>	<b>3</b>	<b>51</b>	<b>21</b>

\*There were two non-voting Delegates, both Democrat (Iowa and Wisconsin). Delegates opinions are not recorded.

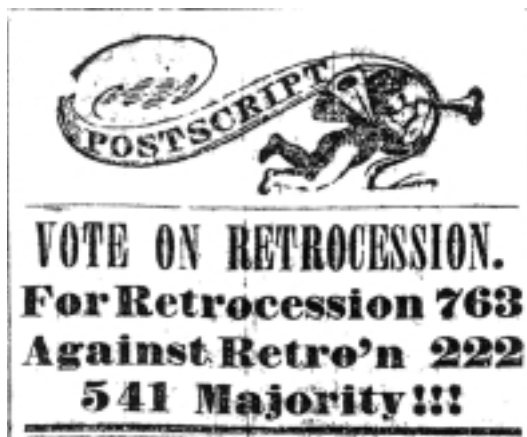
years later would lead to war, nor were they based upon any intense, deep-seated desire by residents of Alexandria and its rural enclave (called Alexandria County until 1920) to be part of the Old Dominion once more.<sup>68</sup> Historian Constance McLaughlin Green noted, however, that “For the slave-owning South, Virginia’s reacquisition of a third of the ten-mile square was a victory” because “two pro-slavery members added to the Virginia Assembly would certainly strengthen the position of tidewater planters in their intensifying political struggle with piedmont and mountain county farmers.”<sup>69</sup>

A week after the Senate passed the Retrocession Act, President James K. Polk signed the bill into law on July 10, 1846. The measure could not become effective until Alexandria voters held a referendum, and the public response was varied. Residents of the northern side of the District and some Alexandria residents felt that retrocession had been “railroaded” through and held public meetings. Some opponents thought that the retrocession bill was “a contest between the wealthy and the laboring classes.”<sup>70</sup> Some were angry that the congressional bill did not allow for the assumption of debt. The “retrocession without relief” idea finally caused enough concern that the Virginia Assembly agreed to assume the Alexandria canal debt.<sup>71</sup>

The referendum took place on September 1 and 2 at the Alexandria Courthouse. The scene was lively. Retrocessionists sang a song to the tune of “Vive la Campagne”:

Come Retrocessionists, give a loud shout,  
Hurrah! We’ll retrocede,  
And show the anti’s what we’re about,  
Hurrah! We’ll retrocede.  
For freemen’s lives we are bound to lead,  
And to Virginia retrocede;  
The ladies all cry out, ‘God speed,’  
Hurrah! We’ll retrocede.<sup>72</sup>

The referendum passed 763 to 222. White men of Alexandria City supported the retrocession measure 734 to 116, while those in Alexandria County voted against retrocession 106 to 29.<sup>73</sup>



*Before retrocession could be finalized, Alexandrians had to hold a referendum demonstrating local support, which occurred on September 1 and 2, 1846. On September 3, the Alexandria Gazette celebrated Alexandria’s support for retrocession. Days later, President Polk transferred Alexandria town and county to Virginia, which formally accepted the retrocession bill and the territory on March 13, 1847. Courtesy, Alexandria Library Special Collections.*

Though they could not vote, Alexandria’s African-American population also had reservations about retrocession.<sup>74</sup> Prominent free black business leader Moses Hepburn wrote to New York abolitionist Gerrit Smith:

I know that could you but see the poor colored people of this city, who are the poorest of gods poor your benevolent hart would melt at such an exibition, fancy but for a moment you could have seen them on the day of Election when the act of Congress retroceding them to Virginia should be rejected or confermed, whilst the *citizens* of this city & county were voting, gods humble poor wer standing in rows on eather side of the court House and as the votes were announced every quarter of an hour the suppressed wailings and Lammentations of the people of color wer constantly assending to god for help and succor in this the hour of ther need. And whilst ther cries and Lammentations wer heard going up to the Lord of sabaoth the curses and shoughts and sounds of the wide mouthed

artillery which made both the heavens and earth shake and admonished us that on the side of the opresor there was great power. Oh sir there never was such a time here before.

Hepburn's overriding concern, like that of other African Americans, was how Virginia would treat free blacks. He continued, "We have been permitted heretofore to meet together in gods sanctuary which we have erected for the purpose of religious worship. But wheather we shall have this priveledge when the Virginia laws are extended over us we know not, we expect that our schools will all be broken up [and] our privelidges which we have enjoyed for so maney years will all be taken away."<sup>75</sup> As he feared, when Alexandria became part of Virginia in 1847, most African-American schools were closed due to Virginia state laws prohibiting the education of African Americans. Not until the federal occupation of Alexandria during the Civil War would African Americans once again have educational opportunities.<sup>76</sup>

The day after the referendum, the *Alexandria Gazette*, a long-time supporter of retrocession, declared, "It is with pride and pleasure we announce that, by a vote of the people of the Town and County of Alexandria . . . that portion of the District originally ceded . . . by the State of Virginia . . . has been RETROCEDED to the parent State, and will henceforth again become a component part of the Old Dominion."<sup>77</sup> The *Gazette* reported the next day that the announcement of the results was "received with the loudest cheers, and a salvo from the artillery."

The large crowd of citizens immediately formed in procession, and headed by a band of young men, singing appropriates and patriotic songs. . . . As soon as night closed in, the people began, to assemble . . . around the public square, *en masse*. The young folks lighted their torches and flambeaux, flags, banners, and transparencies were produced, the cannon thundered, fire arms of all kinds were discharged, rockets, squibs and crackers were let off, and general joy and enthusiasm prevailed. The people were then addressed in appropriate and eloquent speeches. . . . As soon

as the speaking was over, the crowd formed in procession, and marched through the principal streets, crossing the old line which used to divide us from Virginia, and, upon the soil of our State, firing a National Salute of RETROCESSION.<sup>78</sup>

Days later, on September 7, 1846, President Polk issued the proclamation of transfer from the federal government to Virginia. On December 7, Governor William Smith of Virginia told the General Assembly that "Nothing now remains but for you to provide for the extension of our jurisdiction over [the town and county of Alexandria]."<sup>79</sup>

Not all were satisfied with this turn of events. On December 2, residents of Alexandria County, which had voted overwhelmingly against retrocession, assembled a Committee of Nine which wrote a memorial to the governor. Signed by members of prominent families, including the Balls, Carlins, and Birches, the Committee felt that the legislature had been misinformed about their support.

The act of retrocession is an act in clear and obvious hostility to the spirit and provisions of the constitution of the United States, and beyond the possibility of honest doubt, null and void; That therefore we respectfully invoke the senate and house of assembly to disregard and give no countenance or head to any so-called commissioners or representative pretending or purporting to speak for and in behalf of the citizens of the county of Alexandria, and more especially of the citizens of the country part of the same.<sup>80</sup>

The Committee expressed anger that the Alexandria town council had not consulted with the rural part of Alexandria "or advised of the intention to seek a change of our allegiance, the whole proceeding having been concocted and determined upon in secret meeting of the Corporation of Alexandria, an irresponsible body, having no manner of right to act upon the subject." It argued that the question of the constitutionality of retrocession had yet to be determined by the Supreme Court, that the fed-



*Alexandria, seen here in 1861, thrived following retrocession, unsuccessfully reviving debates over the retrocession of Georgetown and Washington County to Maryland. Courtesy, Alexandria Library Special Collections.*

eral “10 miles square” was indivisible and had to be ceded in whole, not in part, and that the will of the majority of the whole District had not been considered.<sup>81</sup> The Courts of Justice Committee first deliberated on the petition and then referred it to the select committee upon subjects relating to the city and county of Alexandria, which was responsible for the issue of retrocession.

Significantly, George Washington Parke Custis, who had chaired the meeting at Ball’s Cross Roads opposing retrocession in February, did not sign the petition.<sup>82</sup> His shift in opinion probably occurred because his main concern—assumption of Alexandria’s canal debt, which he articulated in the *Alexandria Gazette* letter he likely penned under the name “Freedholder”—had been addressed. Thus, on March 20, when Alexandrians celebrated retrocession with national salutes and a procession, Custis joined other local leaders to deliver “eloquent” addresses to residents in the public square.<sup>83</sup>

Alexandrians elected Custis, along with Francis Smith and Robert Brockett, commissioners to

represent the area before the state legislature. One of Alexandria County’s main concerns was that it did not want to share a delegate to the House with Fairfax County. When the Virginia General Assembly approved the retrocession bill on March 13, 1847, officially bringing Alexandria City and County under Virginia’s jurisdiction, Alexandria and Fairfax counties were to share a delegate “until a reapportionment shall take place, or until otherwise provided by the General Assembly.”<sup>84</sup> However, in December of 1847, a delegate from each location arrived to the General Assembly and demanded to be seated. Both were seated without a squabble, suggesting that a “gentleman’s agreement” had been made.<sup>85</sup>

Alexandria experienced a number of changes after retrocession. For whites, particularly merchants and businessmen, many of these changes were positive. Retrocession brought about a period of affluence built on new railroads, banks, industry, and a vigorous slave trade that lasted until the Civil War. State legislative support allowed Alexandria to improve basic city services.

A gas light company began in 1851, followed by a new water system the next year. In response, the population of Alexandria grew by almost 50% during the 1850s, from 8,700 to 12,650 in 1860.<sup>86</sup> However, as noted above, the changes were less positive for free blacks, accelerating their migration to the more liberal jurisdictions of Washington and Georgetown.<sup>87</sup> Between 1840 and 1850, the free black population of Alexandria declined from 1,962 to 1,409.<sup>88</sup>

Alexandria's experience led to a number of efforts to retrocede the areas outside of Washington City to Maryland, but none succeeded. On December 22, 1848, Senator Stephen A. Douglas (D-Ill.) submitted a unanimously approved resolution instructing the Committee on the District of Columbia to inquire into "the expediency and propriety of the retrocession of the said District to the State of Maryland."<sup>89</sup> However, Representative Simon Cameron (R-Pa.) offered a petition of citizens from his state in support of the abolition of slavery in the District and in opposition to retrocession of any portion of the District to Maryland.<sup>90</sup> As Cameron's example shows, the debate had begun to shift by the late 1840s. As historian Mary Beth Corrigan argues, "Local and national events after 1848 heightened national attention in District affairs." In particular, the abolitionist-assisted escape attempt of 77 Washington slaves aboard the *Pearl* in April 1848 brought on renewed anti-slavery attacks and activism in Washington. Many of the *Pearl* slaves were sold down South as punishment, providing fodder for anti-slavery activists to attack the District slave trade and its consequences for African Americans.<sup>91</sup>

It was within this atmosphere that Kentucky Senator Henry Clay proposed the abolition of the District slave trade as part of the Compromise of 1850. Though Clay himself was a slaveowner, he believed that ending the slave trade in the District would deflate abolitionist attacks. Corrigan argued that "Every member of Congress who voted on that bill understood that it merely ended the transport of slaves into the District for sale. . . . Clay reminded the congressmen of the advantage of Alexandria's retrocession back to Virginia in 1846. At worst, crossing the river presented an incon-

venience to Maryland owners, as Alexandria completely absorbed the District's role and emerged as the major slave depot of the South during the 1850s."<sup>92</sup> Thus, Douglass's resolution to retrocede Maryland got tied up in anti-slavery politics that had not been an issue a few years earlier for Virginia; the resolution was tabled indefinitely.<sup>93</sup>

However, residents and congressmen continued to be interested in the idea of retrocession. In June 1856, Georgetown residents presented a petition "praying the retrocession of that city to the State of Maryland" to the Committee of the District of Columbia.<sup>94</sup> Just as the City Council of Georgetown took up the matter by appointing a joint committee to inquire into the expediency of annexation to Washington City, the Senate also got involved on the question of retrocession to Maryland. Council members expressed their annoyance at what they interpreted as the Senate's intrusion:

[Councilman] Dr. Tylor . . . [learned] that the Senate on Thursday, direct[ed] the committee on the District to inquire into the expediency of retroceding Georgetown, and all the territory in the District west of Rock Creek, to Maryland. It seemed to him to be remarkable coincidence, that just as [Georgetown's] representatives had moved in a matter of a different character, this should be sprung upon them. He thought when he first saw the resolution that it was offered in response to a memorial from the people of Georgetown, but upon inquiry he had learned that it was offered at the request of one individual. He was decidedly favorable to retrocession to Maryland, but did not think it practicable. He deplored the present condition of Georgetown, but thought that there was intelligence enough among her people to inquire for themselves into the expediency of any changes which they might desire to effect.<sup>95</sup>

The City Council passed a resolution in support of their bill to examine unification with Washington City by 9 to 0. Despite the Council's vote, Chair of the District Committee Senator Albert Gallatin Brown of Mississippi introduced a bill shortly thereafter "to take the sense of the people living west of Rock creek, in D.C., on the question of the retro-

cession of that part of said District to the State of Maryland.”<sup>96</sup> Months passed, but the bill received little debate. In the end, efforts to retrocede Georgetown and Washington County to Maryland ended when Mississippi seceded and Brown was elected to the Confederate Senate in 1862.

However, the outbreak of Civil War in April 1861 reopened the retrocession question, particularly the wisdom of having returned Alexandria to Virginia. On May 24, 1861, the Union Army occupied Alexandria, making it the first Confederate town to fall to Union forces and the longest-occupied territory of the Civil War. In August 1861, Senator James Wilson Grimes (R-Iowa) introduced a bill declaring the “‘Act to retrocede the country of Alexandria, in the District of Columbia, to the State of Virginia,’ to be unconstitutional, and for repealing the same.” The bill proffered that Congress “‘had no power to retrocede or convey back to the State of Virginia the land so ceded and accepted and made part of the permanent seat of the government,’” therefore, the act should be “‘repealed, null, and void.’”<sup>97</sup>

In his first State of the Union message on December 3, 1861, President Abraham Lincoln echoed Grimes’s concerns and suggested restoring George Washington’s original boundaries.

The present insurrection shows, I think, that the extension of this District across the Potomac at the time of establishing the capital here was eminently wise, and consequently that the relinquishment of that portion of it which lies within the state of Virginia was unwise and dangerous. I submit for your consideration the expediency of regarding that part of the District and the restoration of the original boundaries thereof through negotiations with the State of Virginia.<sup>98</sup>

In the haze of war, Congress did not act on either Grimes’s bill or Lincoln’s suggestion. However, the issue remained alive after the war’s end. One year after Lincoln was assassinated, both houses of Congress took up the issue of retrieving the southwest portion of the District. Congress wished to “repeal and declare null and void, and [desired] that the jurisdiction of Congress, and the laws provided for the District of Columbia be, and the same are

hereby, put in force, as same as if said act of retrocession had never been passed.”<sup>99</sup> *The Washington Star* reported that some senators accused those who had supported retrocession of being “rebels and traitors,” while others disagreed. One member commented that the retrocession vote was “the most mixed-up vote he had ever known.”<sup>100</sup>

The bill moved through the House quickly; on March 7, 1867, it passed 111 to 28 along party lines.<sup>101</sup> The next day, the Senate referred the bill to the Committee on the Judiciary. The *Alexandria Gazette* wrote, “Sad are the countenances and heavy the hearts of our people! No remonstrance of theirs, we are afraid, can now ward of the impending blow! But, until the deed is consummated, we abstain from remarks.”<sup>102</sup> On March 11, Henry Wilson (R-Mass.) introduced a petition signed by 837 Alexandria citizens, headed by William H. Hodgkin, in support of returning to the District. The *Alexandria Gazette* reported that the petition had been circulated “in the different colored churches in this city.”

[T]he interests, rights, property, and the future business and prosperity of Alexandria are made to depend upon the expression of such ‘a public opinion,’ irrespective of the wishes, opinions and remonstrances of the resident, settled, and permanent citizens of this place, who have their all at stake. . . . [T]he vote or the voice of a number of colored persons who flocked in here during and since the war, and will flock out again in a few months . . . [should not] control the whole condition of things and to override, and outweigh on such a question, involving the dismemberment of a State.<sup>103</sup>

As Reconstruction progressed, however, particularly with the reintroduction to Congress of southern politicians, negotiations over how to treat the former Confederacy became more delicate. By July 1868, the chair of the Committee of the Judiciary asked that the bill be discharged from further consideration, after which the bill was postponed indefinitely.<sup>104</sup> Had the bill passed, it is unclear whether President Andrew Johnson, who had voted for retrocession in 1846, would have supported it.

These debates reopened the topic of retrocession among Alexandria's citizenry. In 1874, 430 Alexandrians signed a petition to Congress asking that it enact the House bill passed in 1867 repealing the act "whereby our City and County were retroceded to the State of Virginia."<sup>105</sup> The next year, an Alexandria County citizen attempted to obtain a decision from the Supreme Court about the legality of the 1846 retrocession, but the court refused to hear the case. It held that because the federal government and the state of Virginia, the parties of the act, were satisfied with the agreement, a private individual could not question its constitutionality.<sup>106</sup>

Late-nineteenth century concerns about the pace and direction of urban development in the District once again resurrected the question of whether retrocession had been legal. The upcoming centennial anniversary in 1900 of the federal government's move to Washington led members of Congress and city officials to review the city's plan. General support for reviving and extending L'Enfant's original plan for the District, which had included the territory southwest of the Potomac River, was the specific cause of the renewed debate.<sup>107</sup> In 1896, Senator James McMillan (R-Mich.), soon to be appointed chairman of the Park Improvement, or McMillan, Commission in charge of considering planning issues for the District, introduced a resolution, adopted by the Senate, asking the Attorney General for an opinion about the constitutionality of retrocession. On January 15, 1897, Attorney General Judson Harmon stated that the constitutionality had not been judicially determined.<sup>108</sup>

Following the publication of the McMillan Commission's report in 1902, Congress introduced a joint resolution directing Harmon "to bring suit to determine the constitutionality of the retrocession of that portion of the original District of Columbia that was ceded to the United States by the State of Virginia." The resolution was referred in the Senate to the Judiciary Committee and Chairman George F. Hoar of Massachusetts reported,

It seems to the Committee that it is not expedient that this act of retrocession should be set aside by Congress, even if Congress has the

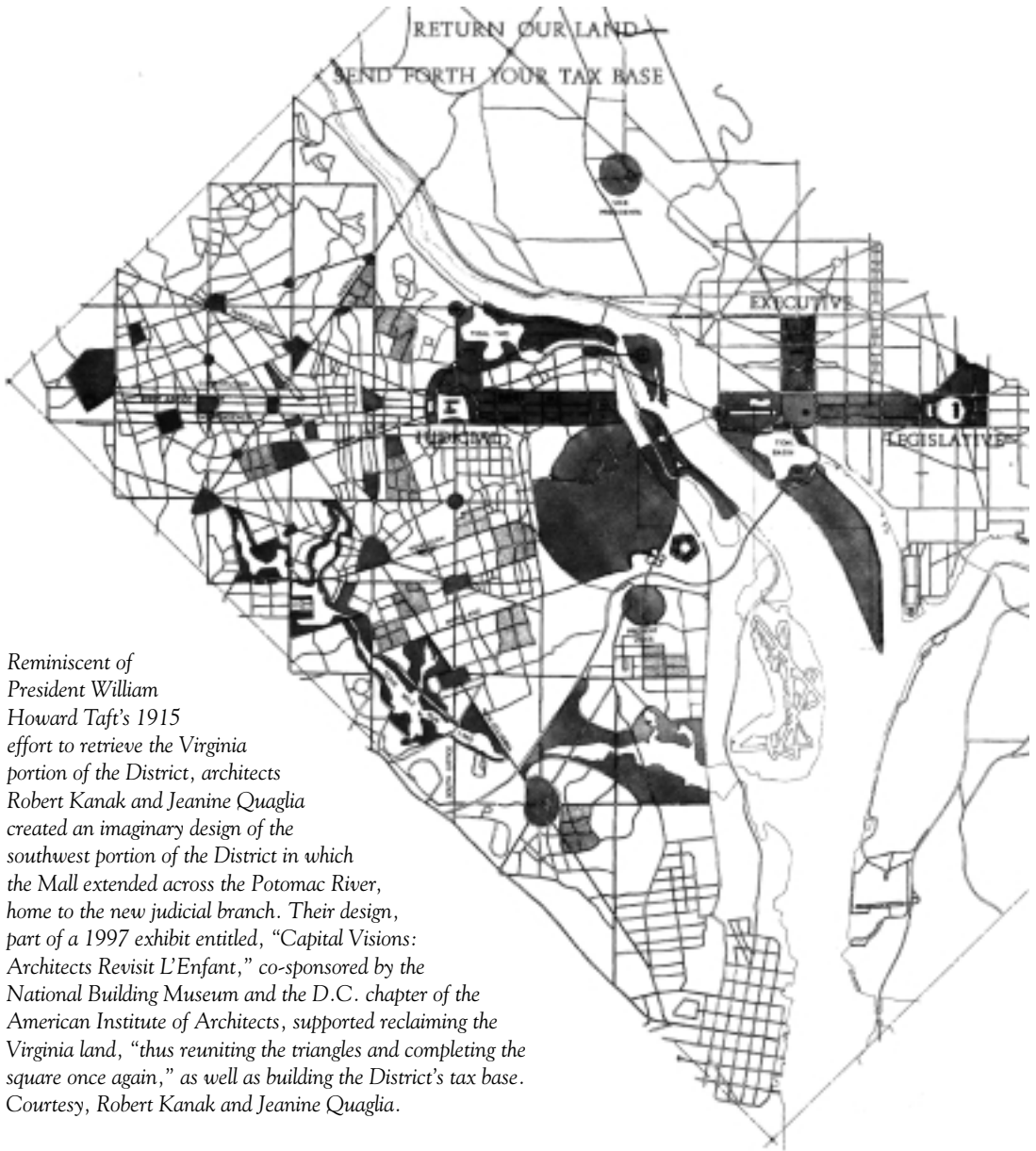
power to do so, without consent of Virginia. . . . As to the suggestion that the retrocession was unconstitutional, it seems to us the answer is that from the nature of the case it is a political and not a judicial question, and that it has been settled by the political authorities alone competent to decide it. . . . If it be desirable that Alexandria become a part of the District of Columbia again, the only way to accomplish it will be to open negotiations with Virginia and get her consent.

The Committee recommended that the resolution be indefinitely postponed.<sup>109</sup> Some Virginians supported a proposal to cede part of Arlington County along the Potomac River to the federal government.<sup>110</sup> But congressional representatives from Virginia said that the state would "vigorously oppose any effort to reopen the question of retrocession," and as historian Amos B. Casselman wrote that federal officials agreed, saying, "the act of retrocession should be regarded as an accepted fact, a *fait accompli*, not to be reopened or disturbed."<sup>111</sup>

Undaunted, Senator Thomas H. Carter (R-Mon.) launched a campaign in 1910 to solve the "Crime of '46" by restoring the 10-miles square, but he received no support.<sup>112</sup> He based his analysis on the work of George Washington University professor Hannis Taylor, who argued that neither Virginia nor Congress had the right to retrocede the land without passing a constitutional amendment.<sup>113</sup> Taylor argued that because Maryland and the original landowners, who were part of a quadrilateral agreement in 1791, had not been consulted, either retrocession was void or Maryland and the heirs of the original landowners could lay claim to Washington, D.C.<sup>114</sup>

President William Howard Taft also found retrocession problematic. In a 1915 *National Geographic* article, he called retrocession an example of the work of "little Americans" who "minimize everything national," and described it as an "injury" and "egregious blunder" that he wanted to fix:

The injury to Washington inflicted by the retrocession of the Virginia part of the District was serious, and one of the questions that we ought



Reminiscent of President William Howard Taft's 1915 effort to retrieve the Virginia portion of the District, architects Robert Kanak and Jeanine Quaglia created an imaginary design of the southwest portion of the District in which the Mall extended across the Potomac River, home to the new judicial branch. Their design, part of a 1997 exhibit entitled, "Capital Visions: Architects Revisit L'Enfant," co-sponsored by the National Building Museum and the D.C. chapter of the American Institute of Architects, supported reclaiming the Virginia land, "thus reuniting the triangles and completing the square once again," as well as building the District's tax base. Courtesy, Robert Kanak and Jeanine Quaglia.

to meet promptly is whether we cannot retrieve some of the ground lost by that egregious blunder. While I was in the White House I conferred with Representatives of Virginia in the House and Senate to see whether we might not procure some legislation by the State of Virginia tendering back all or a part of that which had been retroceded. I found that since Alexandria had grown in to a prosperous city Virginia would never willingly part with it, but that jurisdiction

of the remainder of the district, a considerable part of which the United States already owns . . . Virginia might be willing to cede again to the government if the government would acquire by condemnation the beautiful Palisades and the country back of it.<sup>115</sup>

President Taft was interested in retrieving 7,300 acres along the shoreline; in an earlier annual message to Congress, he said the federal government



already owned 1,000 acres, claimed that the rest was “not of great value,” and noted that Virginia congressmen would support the measure if it became parkland.<sup>116</sup> His proposal, however, did not advance.

Despite obvious continued interest in the retrocession question at the turn of the century, general support stood for leaving Alexandria and Arlington in Virginia and against returning any other part of the District to Maryland. For much of the twentieth century, as three presidentially appointed commissioners governed Washington, the retrocession issue lay dormant. Residents instead struggled to gain political rights incrementally. They succeeded in winning the right to vote for president in 1961, a non-voting delegate to the House of Representatives in 1970, and limited home rule in 1973. Retrocession gained some prominence in 1993 during the statehood debates in the House of Representatives. That year, Congress defeated a bill to create the State of New Columbia by 63 votes. Representative Ralph Regula (R-Ohio) opposed statehood but supported retrocession. He said that retrocession was a better way for the District to achieve equal political rights and explained the benefits:

If the point of the statehood legislation is to provide for voting representation for the residents of D.C., and to provide autonomy and self-reliance, then I do not see why an alternative suggestion that accomplishes the same goals should not also be considered.

I support making the District a city in Maryland instead of a State. . . .

[L]et me say that the first reaction I get to my proposal from D.C. politicians is outrage because they say the people of the District would never support becoming a city in Maryland. However, after I introduced retrocession legislation, I received several hundred phone calls and letters from D.C. residents who support my proposal.<sup>117</sup>

Since 1989, Rep. Regula has introduced seven bills for retrocession.<sup>118</sup>

However, the idea has not gained widespread popularity in the District. Recent opinion polls show that 21% of District adults support the idea; 68% oppose.<sup>119</sup> Despite the polls, some local res-

idents continue to work for retrocession. For example, the Committee for the Capital City (CCC) supports retrocession or partial retrocession, in which District residents would gain a House member and would vote for Maryland senators. Citing the historical precedent of Virginia’s retrocession and many of the same historical arguments for retrocession voiced in earlier debates, the CCC argues that “the solution . . . reunion with Maryland [is] practical, logical and achievable.”<sup>120</sup> Still, District residents tend to favor other solutions to their ongoing political and economic problems. Nearly 90% of District residents have expressed support for equal voting rights in Congress, and 66% for statehood.<sup>121</sup>

Moreover, the State of Maryland has not expressed interest in having the District. In 1998, Governor Parris N. Glendening expressed his opposition.

I am adamantly opposed to retrocession . . . [u]nder the Maryland Constitution, the District of Columbia is too small to be a county, so in all probability it would be divided between Montgomery County and Prince George’s County. That would further dilute the ability of the residents of the current District to achieve greater home rule. . . . It would be a difficult adjustment for many who have invested heavily to suddenly find all the rules changed. The impact on the residents of Maryland would also be very upsetting. For three hundred years, the economic and political power center of Maryland has been the greater Baltimore area. That has been slowly changing over the past half century, with the Washington suburbs growing in population and influence. . . . One can only begin to imagine the economic, social and political chaos this would create. In time, undoubtedly, adjustments would be made, the new population would be assimilated, and the governance structure would find a way to meet the new challenges. But why put millions of citizens through all that trauma? No one will be better off as the result of retrocession, either in the short term or long term.<sup>122</sup>

Despite the limited interest residents and leaders of the Washington area seem to have in



*In 1973, Congress created the National Capital Service Area (NCSA), above in dark gray, as part of the Home Rule Charter. Since federal buildings are today spread across the region and the nation, District advocates for equal political rights argue that there is no justifiable reason for keeping District citizens disenfranchised. Both statehood and retrocession advocates argue for changing the status of the area outside of the NCSA. Statehood advocates want that area to become the state of New Columbia and retrocessionists want to return the area to Maryland. Courtesy, Matthew Gilmore.*

retrocession currently, the idea of retrocession historically has captured the imagination of many who saw it as the best solution to the District's political and economic problems. Debates over retrocession in the District of Columbia began in the months following Congress's arrival to Washington in 1800, climaxed with the successful retrocession of Alexandria to Virginia in 1846, revived as Washington attempted to deal with growth and development at the turn of the twentieth century, and cooled during most of the twentieth century. However, the idea remains alive today as one possible solution to winning the same political and economic rights enjoyed by citizens living in states, along with the more popular proposals for equal voting rights in Congress coupled with a secure form of local self-government or statehood.



Indeed, many of the reasons why residents proposed retrocession over the past 200 years remain unaddressed. In the 1840s, District residents on the Virginia side of the Potomac River demanded retrocession to regain their lost political rights and to improve their economy, which they felt Congress was doing little to help develop. Residents of the former Virginia territory felt that Congress little understood and neglected their local needs and, with no representation in that body, saw few ways to redress their grievances. Today, the former portion of the District now located in Virginia has a population of 317,736 and is an economic engine for all of Virginia. The median income in Arlington County is \$63,000 and in Alexandria, \$56,000, compared to \$40,000 in the District. Twenty percent of persons living in the District live below the poverty level, compared to nine

percent in Alexandria and eight percent in Arlington County.<sup>123</sup>

Most importantly, residents of the former District regained their political rights in 1847 as part of Virginia. Today they share two senators and two representatives in Congress. Ironically, their representatives sit on congressional committees that oversee District affairs and exert power over the District. By comparison, District citizens

remain disenfranchised under federal rule, and their government lacks legislative, judicial, and budgetary autonomy.<sup>124</sup> District citizens continue to demand equal political rights, but after two centuries as a separate jurisdiction, most residents are not fond of a contemporary retrocession to Maryland. Like their predecessors, they continue to prefer to remain an independent jurisdiction with equal rights.

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