

# George Washington Parke Custis, Retrocession, and the Disputed Role of Slavery

*By Charles S. Clark*

Much of history unfolds in loud, public, well-documented events. But other historic developments run their course beneath the surface, glowing subtly in subtexts or broader settings that require intellectual excavation. Inevitably, they spawn clashing interpretations.

Such was the case with retrocession, the separation of Alexandria County (including the future Arlington) from the District of Columbia, which Congress enacted, after decades of debate, in 1846 and Virginia finalized in 1847.

One of the leading figures in the legislative and political proceedings was George Washington Parke Custis (1781–1857), the step-grandson of George Washington who was raised at Mount Vernon (Fig. 1). He created Arlington House, which became our county's namesake, and was a large-scale slaveowner.

An examination of the rhetoric of Custis, leaders of Alexandria City, and members of Congress from the North and South lend credence to a common argument about the motivations for Alexandrians to seek separation, after nearly five decades, from the national capital. The federal government, whose law denied citizens on the Virginia side of the ten-square-mile district the right to vote or run for Congress, had declined to invest in Alexandria through infrastructure and military installations that might boost an ailing local economy. Development, by law, would occur on the District side of the Potomac (formerly in Maryland).

But another motive, equally powerful, was often left unspoken: Virginians' attachment to the institution of slavery. Many in the Alexandria establishment feared a rising North-based abolitionist movement that would eventually free the enslaved living in the District before any southern state would be forced to.

Labyrinthine evidence can be assembled for both views.

### The Evolving Role of Custis

Among the most visible and elite citizens of Alexandria County—which wouldn't split to form Arlington until 1920—was Custis. After

*Fig. 1: George Washington Parke Custis, 1808.*



Courtesy of the Corcoran Collection

constructing Arlington House to honor George Washington—using enslaved and free labor—he made his name as an orator, essayist, commemorator of patriotic history, and playwright. He was also the owner of 200 enslaved men, women, and children (most of them on two plantations down on Virginia’s Pamunkey River east of Richmond). This led to his activism in promoting the agenda of the American Colonization Society, which sought to deport freed American Blacks to Africa.

But oddly, Custis’s role as a spokesman on retrocession has him on both sides of the question in different eras. His involvement commenced early in the nineteenth century, only three years after Congress enacted the law codifying the boundaries of the new federal capital that had been laid out in 1791. Because the surveyed ten-mile-sided square had roped in the northernmost Virginia side of the Potomac, Custis’s residency at Arlington House—after he broke ground for it in 1802—denied him, and other residents of Washington, DC, the right to vote or seek federal office.<sup>1</sup>

Even so, Custis’s Federalist beliefs in strong central government and his loyalty to George Washington prompted him to defend the newly described capital even when southern critics began early to clamor that Alexandria County belonged in Virginia. In 1804, at age 23, Custis chaired a group that drafted a petition to Congress to head off any such legislation. His letter, addressed to the Speaker of the House from Arlington House and dated December 11, was titled, “Enclosing Sundry Resolutions Agreed to by the Inhabitants of Alexandria County, Relative to the Recession of the Jurisdiction of that Part of the Territory of Columbia, which was Ceded to the United States by the State of Virginia.” The text defending the existing District boundaries read:

Resolved, that the fundamental principles of all just governments, forbid that the citizens thereof should be ceded and transferred without their consent, from one sovereignty to another, except in cases, where the national safety may absolutely demand it.” Secondly, it resolved “that the cession of the people and territory of Alexandria County to the state of Virginia, or any other state, or sovereign power whatsoever, without such consent previously obtained, being not

necessary for the national safety, will be subversive of our rights and injurious to our prosperity.<sup>2</sup>

But the desire by some Virginians to rid themselves of the “ruinous evil” of residence in the District of Columbia emerged again in the 1820s. A town hall meeting on March 9, 1824, as covered by the *Alexandria Gazette*, produced a voice vote at which retrocession lost 419–310.<sup>3</sup>

As the Virginia county ramped up economic development over the decades, however, the views of Custis and others would change. Through several administrations, the federal government failed to locate agency buildings, roads, and military installations in Alexandria County. Congress declined to fund the Potomac-side canal that was built in the late 1830s linking the Alexandria port to the Aqueduct Bridge into Georgetown. (It was built with private and local funds, practically in Custis’s front yard.)

As debate intensified in the 1830s and 1840s, minds changed. Congress repeatedly declined to charter banks in Northern Virginia, and the complications of adhering to legal systems in both the District and Virginia prompted a demand for simplification. “In the District itself, the union of the counties of Washington [formerly in Maryland] and Alexandria has been the source of much mischief,” wrote Rep. Robert M. T. Hunter of Virginia in a congressional committee report. He offered an end to disagreements among Alexandrians. “If Alexandria were to be returned to Virginia, we should have but one code to attend to, and fewer people and interests to provide for,” he wrote.<sup>4</sup> (Hunter during the Civil War would serve as Jefferson Davis’s wartime Secretary of State). Alexandrians also resented being governed by antiquated English statutes that Congress had never updated. On the other hand, leaving the District might also mean paying Virginia’s higher taxes.

For years, there was little consensus, and some in Congress regarded the entire retrocession act unconstitutional, absent an amendment to the Constitution and a referendum among District residents. The process that would eventually be required under the statute would include passage in the House and Senate, the president’s signature, approval of a referendum among eligible Alexandria voters, and passage by the Virginia General Assembly.

The central issue, however—as stated in petitions, hearings, and in the preamble to the 1846 act—clearly emerged to be the lack of federal investment in infrastructure. As summarized by District of Columbia historian Amos B. Cassleman in 1908, “The United States did not need Alexandria County for the purposes of the seat of government; the public buildings were all erected on the north side of the river, as required by law, none on the south side.”

He noted, “The act of retrocession was enacted as a favor to the citizens of the town of Alexandria.”<sup>5</sup>

A key backer of separation was *Alexandria Gazette* publisher and pro-slavery State Delegate Edgar Snowden. “Here we have no public money expended—no public buildings—no ‘extra appliances and means to boot,’ on which our neighbors on either side of the Potomac, rely,” he said. Snowden also resented northerners telling Alexandrians how to handle “our domestic matters.”<sup>6</sup>

Custis was considered an informal leader on the question by the prominent farming families of rural Alexandria. He was chairman as they gathered on January 31, 1846, at Ball’s Cross Roads tavern (today’s Ballston section of Arlington). Those residents of the future Arlington were more dependent on the District of Columbia market for their crops than were the portside ship workers and shopkeepers. “High-handed and unauthorized measures” being pushed continually by Alexandria City leaders prompted Custis to complain that rural county residents were being treated “as so many swine in the market, without our knowledge, and most clearly against our express wishes.”<sup>7</sup> He also wrote letters to editors, disguising his identity, making similar arguments.

But a subsequent resolution in support of retrocession by the Virginia Assembly in February 1846 prompted Congress to make it happen. A resulting “Act to Retrocede the County of Alexandria, in the District of Columbia, to the State of Virginia” passed the US House by 96–65, and the Senate by 32–14. President James Polk signed it into law on July 10, 1846.<sup>8</sup>

The drama wasn’t over. For Alexandria to rejoin Virginia, the law required a referendum of voting-age citizens of Alexandria before final

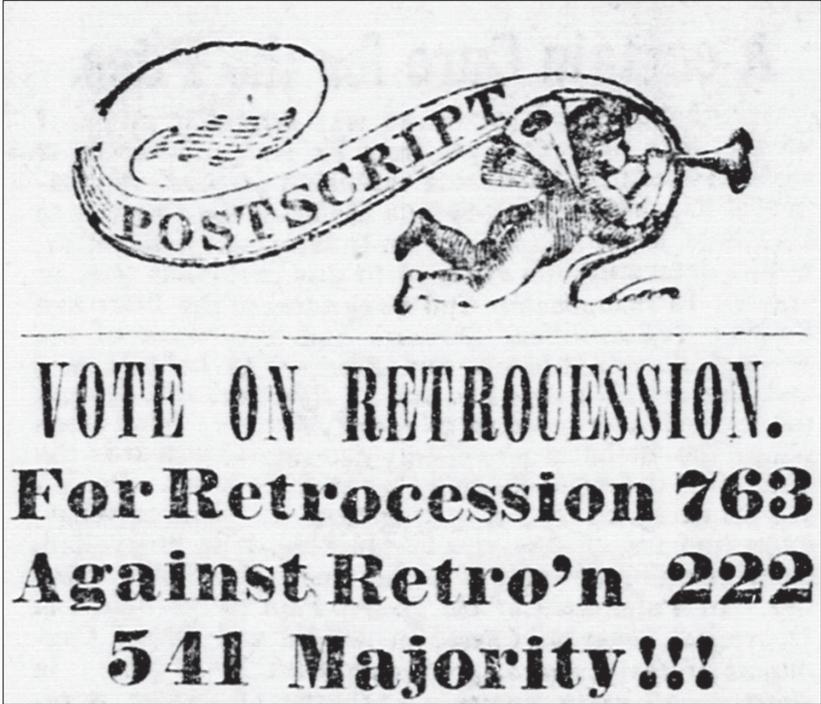
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## Custis was considered an informal leader.

approval from the Virginia Assembly. President Polk named Custis as chair of a five-member commission overseeing the vote (the others were Robert Brockett, George H. Smoot, George W. D. Ramsay, and James Roach). Advertisements boosting retrocession were published in the *Alexandria Gazette*, the *Virginia Advertiser*, and the *Southern Churchman*, promoting a public oral vote. It took place on September 1–2, 1846, at the courthouse in Alexandria. Retrocession passed by 763–222 (Fig. 2). Most in rural Alexandria opposed it (Custis himself abstained).<sup>9</sup>

Custis, with Brockett and Francis Smith, was named by Alexandrians to travel to Richmond to lobby. Once approval came from the General Assembly, Alexandrians, on March 20, 1847, celebrated with a parade, torches, flags, and a 100-gun salute. Custis was among the leaders who spoke in Market Square.<sup>10</sup> The cheers had more to do

*Fig. 2: On September 3, 1846, the Alexandria Gazette published this retrocession vote tally.*



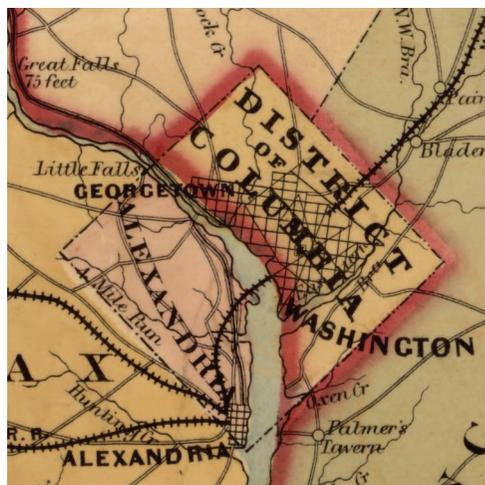
with restored pride and hopes for a new economic dynamism than the practice of slavery. According to news coverage, a song rang out: “For freemen’s lives we are bound to lead, and to Virginia retrocede... The ladies all cry out, ‘God Speed,’ Hurrah, We’ll retrocede (Fig. 3).”<sup>11</sup>

### Arguments to Soft-Pedal Slavery

The nineteenth-century Americans who implemented retrocession could hardly have known that in just over a dozen years the country would be wracked by a civil war, with slavery the prime issue. But the existence of that “peculiar institution” was never far from the minds of politicians. Locals of all stations knew well that Alexandria hosted a significant slave market in the 1820s through 1850s (visitable today as a newly renovated museum on Duke Street) (Fig. 4). Discussions of the issue’s moral aspects were unpleasant enough—as they can be today—and often avoided. And southern politicians, beginning in 1836, successfully began enforcing a “gag” rule in the House and Senate forbidding debate on the issue. (It lasted until 1844 in the House; 1850 in the Senate).

How important was slavery to Alexandrians? Not as central as in other state and urban economies. “What differentiated Alexandria from most Deep South cities was the relatively small proportion of slaves,” wrote Congressional Research Service and Alexandria historian Harold Hurst. In most large southern cities, enslaved Blacks made up 25–40 percent of the population, while Alexandria’s had declined to just 11 percent. Similarly, within Virginia the enslaved populations were larger than Alexandria County’s: Richmond’s was

*Fig. 3: Map of Alexandria City and County after Retrocession, 1849.*



Courtesy of the Library of Congress



*Fig. 4: The infamous Franklin and Armfield slave prison in Alexandria City, 1836.*

as high as 30 percent, Fredericksburg's 25 percent, and Norfolk's 22 percent.<sup>12</sup>

State priorities also came into play in the calculations of retrocession. "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 the Alexandria Canal Company," wrote DC-based sociologist Mark David Richards.<sup>13</sup>

And the congressional vote to retrocede produced strange bedfellows. As several scholars have noted, the final July 1846 vote did not break down on North-South or pro- and antislavery lines. "A number of northern Congressman supported retrocession, and two of the measure's most vocal opponents were from future states of the Confederacy—[Democratic] Senator William H. Haywood of North Carolina and Representative William W. Payne of Alabama," one modern writer noted. Future Confederate States president Senator Jefferson Davis of Mississippi voted No, while future Vice President and President Andrew Johnson of Tennessee voted Yes.<sup>14</sup>

As abolitionist sentiment expanded domestically and internationally, some Alexandrians feared that the slave trade would be abolished in the District—which would come true in 1850—influencing their views on retrocession. One member of Congress raised the topic in

floor debate, expressing concerns that antislavery members in the District “opposed retrocession because free blacks were not allowed to live in Virginia, and a smaller District might benefit slaveholders because runways to the District, who previously were rarely returned, would become more vulnerable.”<sup>15</sup> Free Blacks themselves in Alexandria expressed apprehension about returning to southern rule as well—their fears were borne out when, after the return to Virginia governance, their schools were closed by state law.<sup>16</sup>

Writing in 1907, twentieth-century Commonwealth’s Attorney Crandal Mackey observed that the Arlington area before the Civil War was a refuge for runaway slaves, and that some felt that tougher Virginia enforcement of the rights of slave owners would serve Alexandrians better.<sup>17</sup>

During the debates in the House of Representatives, one northern abolitionist Whig lawmaker, Erastus Culver of New York, suggested that “the ‘whole truth’ behind this measure had not been revealed.” According to Naval Historian (and former Arlington Historical Society president) Dean C. Allard, Culver claimed that a hidden motive was to facilitate the apprehension of fugitive slaves, a step that would far be easier if Alexandria was under the jurisdiction of a southern state. He also warned against transferring more than a thousand slaves in the District of Columbia area from federal to Virginia control.<sup>18</sup>

Virginia legislators were mindful of the impact of retrocession on their statewide agendas. In Congress, Alabama Democratic Rep. William Payne “suggested that the slave areas of Eastern Virginia were anxious to consummate retrocession in order to gain a voting advantage in the Virginia legislature over the nonslaveholding countries of Western Virginia,” according to US House committee historian Nelson Rimensnyder, summarizing the May 1846 House debate. “The retrocession of Alexandria to Virginian jurisdictions allowed the lucrative Alexandria slave-trading activity to continue to operate after the Compromise of 1850 abolished slave-trading operations in the District of Columbia... Had Alexandria remained part of the District of Columbia, Alexandria’s slave-trading operations would have had to move to a less-advantageous central location.”<sup>19</sup>

Perhaps most passionate on viewing slavery as a key motivator is University of Louisville Historian A. Glenn Crothers. Pro-retrocession

politicians remained relatively silent on the issue of slavery in the debates in the mid-1840s, he argued, highlighting essays published in the *Alexandria Gazette*, one allegorical entitled “History of Delphi.” “Men like [Democrats] R.M.T. Hunter of Virginia and John C. Calhoun of South Carolina...viewed retrocession as part of a broader campaign to protect the institutions and interests of the South,” the historian noted. “In order to foreclose the possibility of antislavery politicians using Alexandria to forward their political agenda, supporters of retrocession both in and out of Congress deliberately downplayed the sectional implications of redrawing the district’s borders and studiously avoided any direct mention of slavery.”<sup>20</sup>

The clincher, in Crothers’s view, is that if slavery were not the issue, “the two leading pro-South politicians of the 1840s teamed up together to pass a measure that is irrelevant to their interests.”<sup>21</sup>

### **An Issue That Won’t Die**

The debates over retrocession never completely ended. In 1861, talk revived when Union troops occupied Alexandria. Newly inaugurated President Abraham Lincoln called for a renegotiation of Alexandria’s retrocession, saying the outbreak of the Civil War demonstrated that the original boundaries were “eminently wise,” the 1848 move “dangerous.”<sup>22</sup> An 1867 bill to undo the separation failed, as did others in the 1870s and 1890s during Reconstruction. In 1910, Republican Senator Thomas Carter of Montana began a “Crime of ’46” push to return Alexandria to the old 10-mile square.<sup>23</sup> In 1963, then-Attorney General Robert Kennedy explored the constitutionality of proposals for the portion of the District formerly known as Washington County to “retrocede” back to Maryland. He told the House Committee on the District of Columbia that such changes could be made only by constitutional amendment.<sup>24</sup>

Not to be outdone, Loudoun County, Virginia Republican Delegate Dave LaRock—in 2020—issued a proposal to push heavily Democratic Alexandria and Arlington back to DC to “Square the Box!”<sup>25</sup>

As for Custis, he remained vocal to protect his interests on the slavery issue for most of his adult life. But like his idol George Washington, he awaited until after his death, in 1857, to free the enslaved persons in his charge. (That was accomplished by his executor, son-in-law Robert

E. Lee, after a five-year wait for the enslaved—in the midst of Lee’s commanding role defending the South in the Civil War).

With retrocession, however, Custis made a peace separate from slavery. In a letter to his caretaker of the Pamunkey plantations in January 1848, Custis wrote that he had intended to visit “the low country,” but was too busy because “the citizens of this country (now a part of Virginia) did me the honor to elect me first” to one of their committees.<sup>26</sup>

The issue was still on Custis’s mind that November on election eve, when he addressed a Whig barbecue in Bladensburg, Maryland. “Living, as I always have, within the limits of the District of Columbia, no vote was vouchsafed to me until the recent act of retrocession set that part of the District, where my residence is, to the State of Virginia. And I am about to give my maiden vote!” Custis told an enthusiastic crowd backing Zachary Taylor for president. “In doing it, I shall exercise a privilege enjoyed by no other voter in the nation—the privilege of casting the only vote that can be cast hailing from the sacred shades of Mount Vernon, and representing the family of the greatest and best of departed men, the Father of the Country!”<sup>27</sup>

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### About the Author

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### Endnotes

1. For a discussion of the District of Columbia boundaries, see <http://www.virginiaplaces.org/boundaries/retrocession.html>.

2. No. 18 Letter from George W. P. Custis (Chairman) addressed to the Speaker, from Arlington House, District of Columbia, December 11, 1804. District of Columbia History Center.
3. Michael Lee Pope, *Hidden History of Alexandria, DC*, The History Press, 2011, 132.
4. R.M.T. Hunter, "Retrocession of Alexandria to Virginia," *Committee Report 325*, 29<sup>th</sup> Congress, 1<sup>st</sup> Session, Committee for the District of Columbia.
5. Amos B. Casselman, "The Virginia Portion of the District of Columbia," *Records of the Columbia Historical Society* 12, December 8, 1908.
6. A. Glenn Crothers, "The 1846 Retrocession of Alexandria: Protecting Slavery and the Slave Trade in the District of Columbia," included in *In the Shadow of Freedom: The Politics of Slavery in the Nation's Capital*, Edited by Paul Finkelman and Donald R. Kennon, US Capitol Historical Society by Ohio University Press, 2011, 159 (CK).
7. *Alexandria Gazette and Virginia Advertiser*, February 5, 1846. Discussed in Carole L. Herrick, *Ambitious Failure: Chain Bridge: The First Bridge Across the Potomac River* (Reston, VA: Higher Education Publications, 2012), 141.
8. Harrison Mann, "Chronology of Action on the Part of the United States to Complete Retrocession of Alexandria County (Arlington County) to Virginia," *Arlington Historical Magazine* 1, no.1, October 1957.
9. Dean C. Allard, "When Arlington Was Part of the District of Columbia," *Arlington Historical Magazine* 6, no. 2 (1978): 36–47.
10. *Alexandria Gazette*, March 23, 1846.
11. Mark David Richards, "The Debates Over the Retrocession of the District of Columbia, 1801–2004," *Washington History*, Spring/Summer 2004: 1–29.
12. Harold W. Hurst, *Alexandria on the Potomac: The Portrait of an Antebellum Community* (University Press of America, Lanham, 1991), 38–41.
13. Mark David Richards, "The Debates."
14. Dean C. Allard, "When Arlington."
15. Mark David Richards, "The Debates."
16. Ibid.
17. C. B. Rose, *Arlington County, Virginia: A History* (Arlington, VA: Arlington Historical Society, 1976), 82.
18. Dean C. Allard, "When Arlington," 31.
19. Nelson F. Rimensnyder, *Retrocession of Alexandria, 1846*, "The Planning, Development, Government, and Institutions of the Nation's Capital, 1808–1978," House Committee on District of Columbia, Government Printing Office, 5.

20. A. Glenn Crothers, "The 1846 Retrocession."
21. Crothers email to researcher John Richardson, February 13, 2017.
22. Theodore W. Noyes, "The Presidents and the National Capital," *Records of the Columbia Historical Society* 20 (1917): 78.
23. Mark David Richards, "The Debates."
24. "Legal Memorandum of United States General Robert F. Kennedy on District of Columbia Retrocession and Related Statehood Proposals," Hearings on Home Rule, US Committee on the District of Columbia, Government Printing Office, 1963, 341–352.
25. Charlie Clark, "Our Man in Arlington," *Falls Church News-Press*, February 7, 2020.
26. Custis to Francis Nelson, January 6, 1847, Library of Congress Custis-Lee Papers.
27. *Richmond Whig*, November 3, 1848.