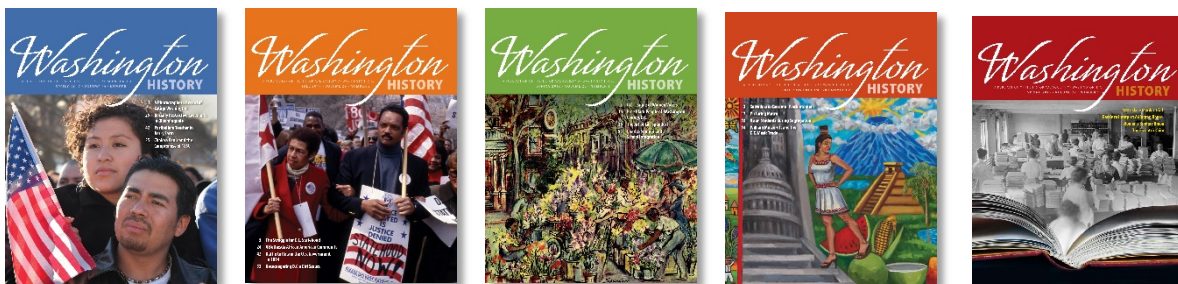




Washington History in the Classroom

This article, © the Historical Society of Washington, D.C., is provided free of charge to educators, parents, and students engaged in remote learning activities. It has been chosen to complement the DC Public Schools curriculum during this time of sheltering at home in response to the COVID-19 pandemic.



“Washington History magazine is an essential teaching tool,” says Bill Stevens, a D.C. public charter school teacher. “In the 19 years I’ve been teaching D.C. history to high school students, my scholars have used *Washington History* to investigate their neighborhoods, compete in National History Day, and write plays based on historical characters. They’ve grappled with concepts such as compensated emancipation, the 1919 riots, school integration, and the evolution of the built environment of Washington, D.C.

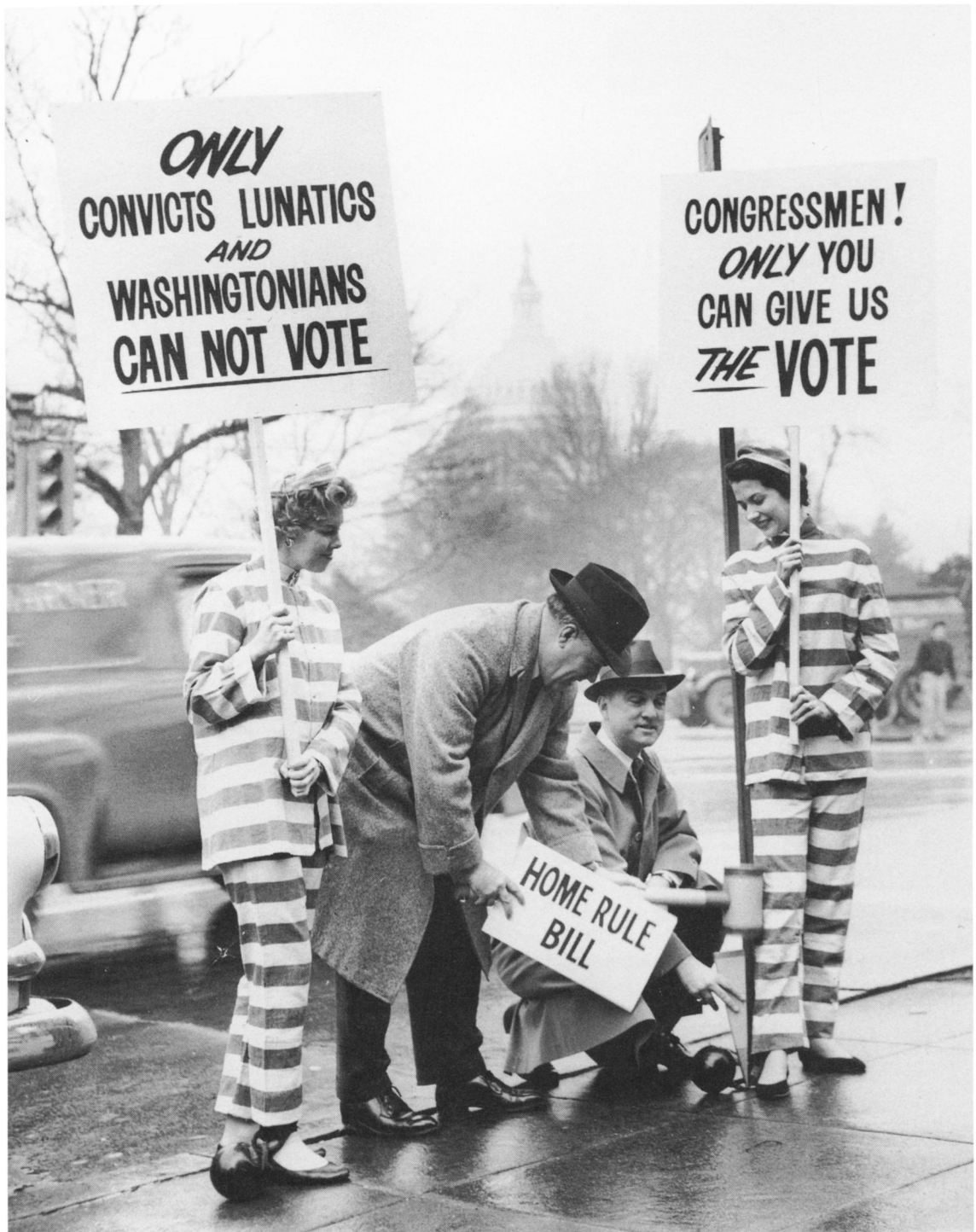
I could not teach courses on Washington, D.C. history without *Washington History*.”



Bill Stevens engages with his SEED Public Charter School students in the Historical Society’s Kiplinger Research Library, 2016.

Washington History is the only scholarly journal devoted exclusively to the history of our nation’s capital. It succeeds the *Records of the Columbia Historical Society*, first published in 1897. *Washington History* is filled with scholarly articles, reviews, and a rich array of images and is written and edited by distinguished historians and journalists. ***Washington History*** authors explore D.C. from the earliest days of the city to 20 years ago, covering neighborhoods, heroes and she-roes, businesses, health, arts and culture, architecture, immigration, city planning, and compelling issues that unite us and divide us.

The full runs of *Washington History* (1989-present) and its predecessor publication the *Records of the Columbia Historical Society* (1897-1988) are available through JSTOR, an online archive to which many institutions subscribe. It’s easy to [set up a personal JSTOR account](#), which allows for free online reading of six articles per month in any of their journals, or join the Historical Society at the [Membership Plus](#) level for unlimited free access to our publications.



This 1940s home rule protest took an arresting approach to the fight for equal rights for Washingtonians. Author Steven J. Diner reviews the battles for home rule and voting rights that have marked the city's history since 1800, when lawyer Augustus Woodward warned of the dangers of congressional control of the city. Courtesy, Washingtoniana Division, D.C. Public Library, © Washington Post.

The City under the Hill

by Steven J. Diner

This article is adapted from the 22nd Annual Conference on Washington, D.C., Historical Studies, October 14, 1995.

Augustus Woodward prophesied well, but incompletely. The Virginia-born lawyer and Washington resident, stunned by a proposal that the newly arrived Congress govern the federal district directly, warned readers of the *National Intelligencer* in 1800, "No policy can be worse than to mingle great and small concerns. The latter become absorbed in the former, are neglected, and forgotten."¹

But Woodward foretold only half of the story. Congress has neglected the workaday needs of the capital while absorbed with weightier matters, but it has also eagerly involved itself in local matters that mirrored national political issues. The Republican Congress that swept into power in the 1994 elections and has attempted to impose on the District a host of conservative social policies, including charter schools, tuition vouchers, and the elimination of publicly funded abortions, is only the most recent to engage in a long-

standing congressional practice. For congressional neglect of the capital city has alternated with congressional efforts to address the "greater concerns" of the nation by way of the "lesser concerns" of the District.

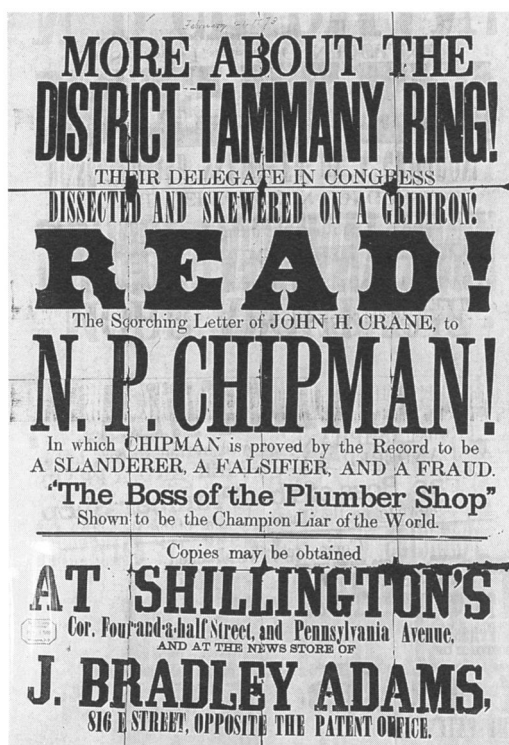
Money has undergirded this pattern of congressional neglect and intervention. The capital city, where the federal presence makes much of the land untaxable, has never been able to meet its fiscal needs without federal assistance. As early as 1835, New Jersey Senator Samuel Southard reported to Congress, "The city is involved in pecuniary obligations from which it is *utterly impossible* that it can be relieved by any means within its own control, or by any exertions which it may make, unaided by Congressional legislation."² When Congress eliminated home rule and placed the city under three congressionally appointed commissioners in 1878, it sweetened the deal and won the support of the local business elites by agreeing to pay 50 percent of the city's annual budget. Congress lowered the percentage formula after World War I and soon abandoned it entirely, but it has continued to provide a federal payment. And when Congress wrote the current Home Rule Charter, it kept for itself final authority over the city's annual bud-

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get and prohibited the local government from taxing income earned in the city by non-residents. Holding the city's purse strings, Congress has found it easy, even under home rule, to pursue its national agenda through local affairs.

In the early years of the nation, when a small federal government had relatively little impact on daily life, Congress generally ignored the capital and left its three local governments (Washington City, Georgetown, and Washington County) free to manage as best they could. But as the national debate over slavery increasingly polarized the nation, the District of Columbia became a special battleground. Opponents of slavery secured the abolition of the city's slave trade in the compromise of 1850, and nine months before Lincoln's Emancipation Proclamation, Congress abolished slavery in the District and compensated its slave owners.

Washington also became a testing ground for Republican Reconstruction policies. In 1862 the military governor of Washington established a "Contraband Department," which provided rations, jobs, and some housing for newly freed slaves who had fled the Confederacy, anticipating the subsequent activities of the Freedmen's Bureau throughout the South. In 1866, 19 months before ratification of the Fourteenth Amendment, Congress overrode President Andrew Johnson's veto to extend voting rights to African-American men in the District of Columbia, despite vigorous local objections. Congressman George Julian of Indiana, a principal supporter of the bill, proclaimed bluntly that black suffrage would punish local residents who sympathized with the Confederacy. They "will recoil from [African American suffrage] with horror. . . ," he explained. "To be voted down by Yankee and Negro ballots will seem to them an intolerable grievance, and this is among the excellent reasons why I am in favor of it. . . ." In 1862 Congress also established public schools for



This circa 1872 broadside appeared in response to the extensive city improvements undertaken by the Territorial Government's Alexander "Boss" Shepherd ("The Boss of the Plumber Shop"). The District's non-voting delegate Norton P. Chipman defended the public works program during a congressional investigation. Courtesy, Washingtoniana Division, D.C. Public Library.

the black citizens of the District under federal control but funded by local tax revenue. For the next several years, Congress tried to force resistant local officials to turn over the sums mandated.

Because the federal government had grown large and important during the Civil War, postwar congressmen showed a new interest in paving streets, building sewers, and generally improving the city's physical infrastructure. To accomplish the task, Congress established the Territorial Government in 1871. Often erroneously described as the city's first experiment in home rule (the city had elected a city coun-

cil continuously since 1802), this short-lived government consisted largely of federal appointees. President Grant named Alexander R. "Boss" Shepherd, who dominated the government and directed the program of physical improvements that bankrupted the city, as well as the other members of the Board of Public Works and a Board of Public Health, the upper house of the legislature, and Governor Henry Cooke. Despite the predominant role of federal appointees in bringing about the financial collapse, Congress used the District's fiscal crisis as a reason to abolish local suffrage entirely and to place the District of Columbia under three presidentially appointed commissioners temporarily in 1874. Only when it decided to make the commissioner system permanent in 1878 did it commit itself to funding half of the District's annual budget.

Most local citizens never liked the unrepresentative commissioner government, but the city's business elite exercised extraordinary influence in this system and supported it vigorously. By the end of the nineteenth century, when municipal corruption by working-class political machines elsewhere became a prime concern of Progressive reform, many members of Congress and federal officials saw not just necessity but virtue in Washington's unelected "commission government." Speaking in Buffalo, New York, in 1901, District Commissioner Henry B. Macfarland extolled the virtues of the city's "ideal form of government."

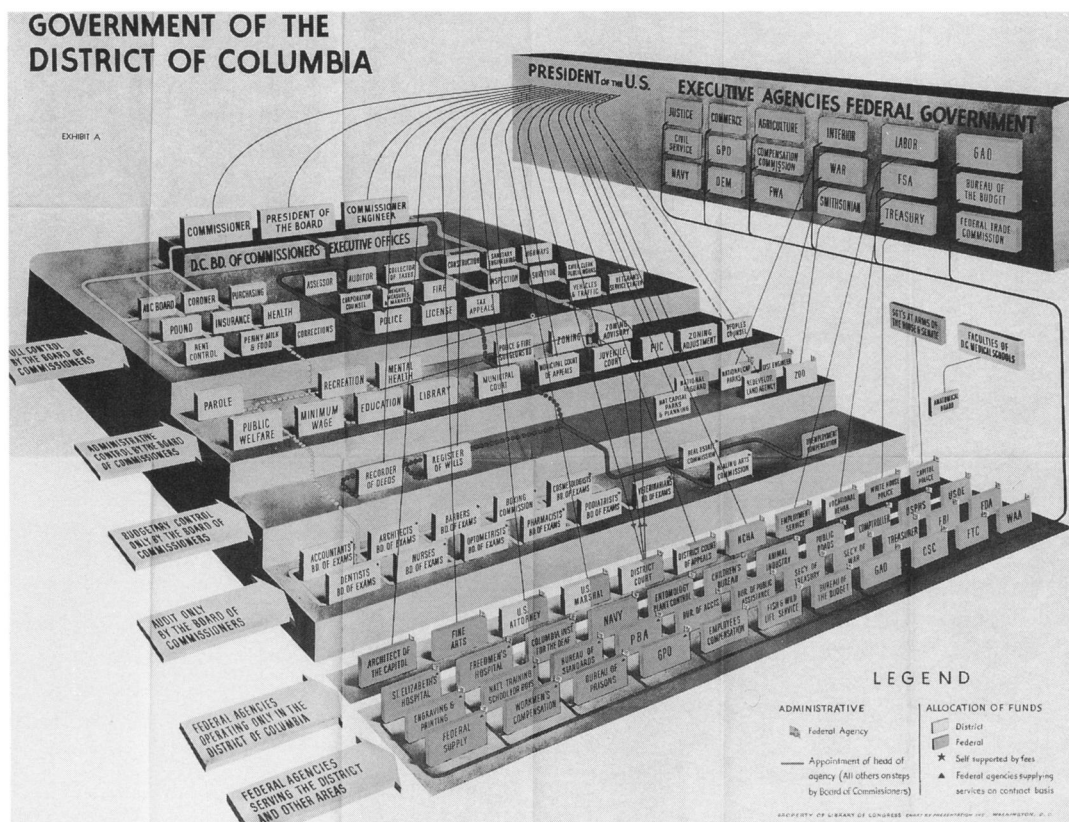
The fact that it is an exception to all other governments in the United States, in that it provides for taxation without representation and is autocratic in form, grieves some good people in the District who care more for sentiment than for substance. . . . Self-government of the most direct and effective character is in the possession of the people of the District of Columbia. . . . [It is] admittedly the best in the United States, because it is a government by the best citizens.⁴

In reality, impartial observers agreed with residents that the commissioner gov-

ernment was cumbersome and inefficient. As early as 1888, a Citizens Committee of One Hundred reported widespread dissatisfaction with the commission government, notwithstanding "the loyal support given it by the 'privileged classes,'" and petitioned Congress to change it.⁵ James Bronson Reynolds, who prepared a study of the District government for President Theodore Roosevelt, complained it did not follow the best administrative practices. Political scientist Walter F. Dodd in 1909 criticized "the division of authority among numerous governmental agencies" and, confirming Augustus Woodward's prediction, reported that "Congress cannot devote an adequate amount of time to consideration of problems purely local to the federal capital."⁶

In 1910 the newly organized District Suffrage League conducted a straw poll on local voting rights at 56 sites throughout the city. Almost 11,000 people favored local suffrage, and fewer than 1,000 opposed it. Strengthened by these results, the league unsuccessfully petitioned Congress for home rule in 1913, complaining that "the laws of the District are a jumble," the city's affairs "managed by several different sets of authorities, usually quite independent of one another," and asserted that "among the residents of the District there has always been a strong sentiment in favor of municipal self-government and representation in Congress."⁷

By the 1930s, criticism of government inefficiency and congressional neglect had become widespread. Merlo Pusey, a *Washington Post* writer, prepared a series of articles on "The District Crisis," complaining that "local legislation is usually dominated by a few willful individuals, chiefly in the House of Representatives," and "personal whims often count for more than all the public opinion that can be mustered."⁸ And a congressional consultant concluded in 1939 that "the present organization is involved and confused. . . . Little of rime or reason, logic or consistency, is to be found



in the whole conglomeration.”⁹ Numerous other plans for reorganization emerged from private research agencies such as the Brookings Institution, congressional committees, the Board of Commissioners, federal agencies, and local business and citizen groups. Small wonder that when the District Suffrage League organized a plebiscite on voting rights in 1938, the 95,538 people who participated voted eleven-to-one in favor of congressional representation and seven-to-one in favor of home rule.¹⁰

Following World War II, Congress and successive presidents moved again from neglect to active interest in the District government as local issues again became increasingly intertwined with national politics. Rapid suburbanization, coupled with discrimination that confined African Americans to central-city housing,

made Washington a majority-black city by 1957, just as the Civil Rights movement was gaining broad support outside the South. President Harry S Truman, who embraced civil rights and desegregated the military, announced his support for home rule. The issue of District voting rights became fused with the cause of civil rights.

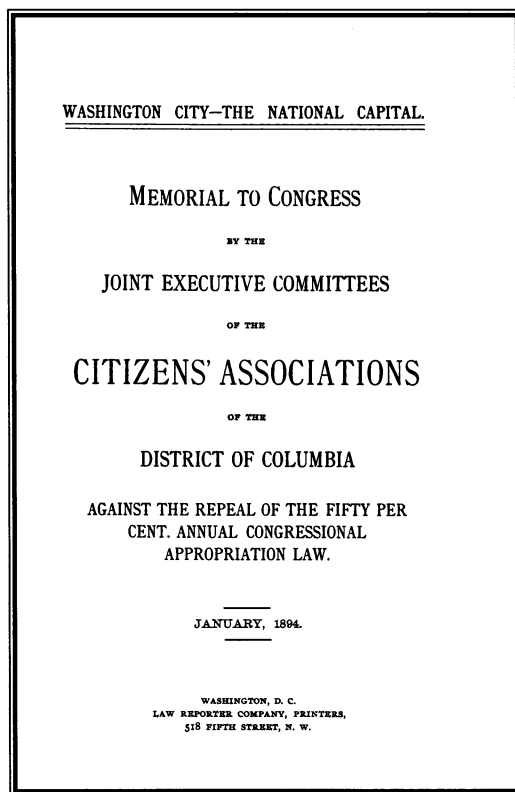
If the Civil Rights movement breathed life into the home rule cause, it also stiffened the opposition of the southern segregationists who dominated the House Committee on the District of Columbia. In the early 1960s, for example, 11 of the 15 Democrats on the House District Committee, including the powerful chairman, John L. McMillan of South Carolina, came from southern or border states. Between 1949 and 1960 the Senate passed home rule bills five times, but no home rule legislation ever left McMillan’s committee.¹¹

The passage of the Twenty-third Amend-

This 1947 chart illustrates how the system of federal control complicated the operations of the District under the presidentially appointed commissioner system. Courtesy, Library of Congress.

ment and the desegregation of Washington's schools illustrate how local Washington issues became fused with national civil rights politics. Immediately after the Supreme Court's momentous decision, announced May 17, 1954, striking down racial segregation in public schools, President Eisenhower urged that Washington be a model for the nation in desegregating its schools, and the Board of Education moved quickly to eliminate its dual system in time for September. School opened fairly peacefully, and within the next few years integrationists wrote glowingly, as one put it, of Washington's "Miracle of Social Adjustment."¹² Segregationists in Congress, on the other hand, determined to use Washington's experience to stiffen opposition to the court ruling in the South. Georgia's James Davis, a member of the House District Committee, declared in 1956 that desegregation in Washington was "not only a scholastic failure, but—as an experiment in human relations—a nightmare." He presided over notorious congressional hearings designed to discredit Washington's unified school system. White citizens councils in the South circulated widely the final report of his committee, which called for re-establishment of a dual school system in the capital.¹³

In 1960 Congress passed a resolution for a constitutional amendment granting District citizens the right to vote for president. The Senate version would have also outlawed poll taxes, an important civil rights goal, but the House separated the issues and then killed the poll tax resolution. Within nine months of its approval by Congress, 38 state legislatures ratified the amendment, many unanimously. In the South, however, only Tennessee voted favorably. One opponent in North Caroli-



In 1894, neighborhood citizens' associations asked Congress to keep its 1878 commitment to fund half of the District's budget. Courtesy, WD, DCPL.

na denounced it as "another effort to strengthen the National Association for the Advancement of Colored People."¹⁴

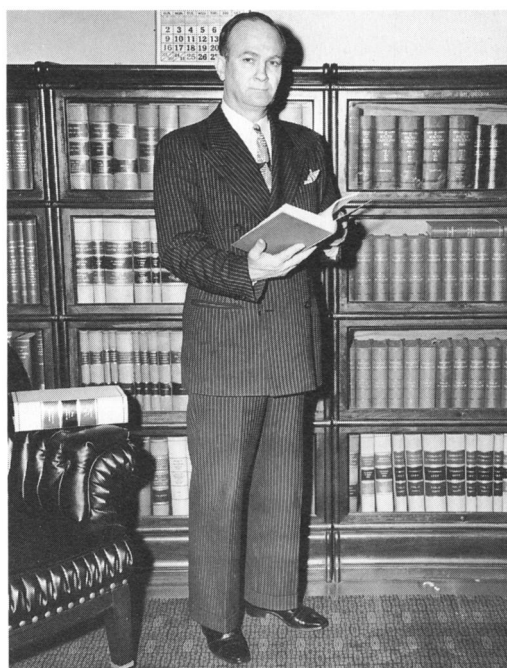
By the late 1960s, as civil rights triumphed nationally, Congress and the president took a series of steps toward home rule and voting rights for the District. In 1967 President Lyndon Johnson, frustrated in his efforts to secure a home rule charter for the city, submitted an executive reorganization plan to Congress abolishing the Board of Commissioners and replacing it with a single mayor/commissioner and a city council. Johnson then appointed an African American, Walter Washington, as mayor/commissioner (popularly known simply as mayor), and a black majority to the City Council.

The following year Congress provided for the election of the Board of Education. In 1969 it established a District court system separate from the federal courts, and in 1970 it provided for an elected, non-voting D.C. delegate to Congress. By this time, voting rights for the District, like civil rights generally, enjoyed strong bipartisan support. In 1969, Republican President Richard M. Nixon urged Congress to provide for "an orderly mechanism for achieving self-government in the District of Columbia," asserting in his message to Congress that "full citizenship through local self-government must be given to the people of this city. . . . The District's citizens should not be expected to pay taxes for a government which they have no part in choosing or to bear the full burdens of citizenship without the full rights of citizenship."¹⁵

In an extraordinary instance of poetic justice, John McMillan lost his seat in Congress in 1972 at the hands of African-American voters whom the federal Voting Rights Act had recently enfranchised. The chairmanship of the House District Committee now fell to Charles Diggs, a black congressman from Detroit, and Congress soon passed a home rule charter.

These dramatic developments still left the residents of the District far short of full citizenship rights. Under the Home Rule Charter, Congress still had to enact the city's budget, and it could overturn local legislation within a specified time period. The presidentially appointed U.S. attorney for the District of Columbia remained the local criminal prosecutor for the city, and the president also selected the city's judges. Most important, District residents still had no voting representation in the House or the Senate.

Riding the crest of the national consensus in favor of civil rights, D.C. voting rights advocates won bipartisan support in both houses of Congress to pass by the required two-thirds vote a resolution for a constitutional amendment granting two



The segregationist representative from South Carolina, John McMillan, headed the southern-dominated House District Committee for nearly the entire period from 1945 until 1972. The year after his defeat, Congress finally passed Washington's home rule charter. Courtesy, WD, DCPL

senators, representation in the House commensurate with the District's population, and the right to ratify constitutional amendments. Prominent Republicans such as Robert Dole, Barry Goldwater, and Strom Thurmond joined liberal Democrats, arguing that America's democratic tradition demanded representation for citizens and taxpayers.

At about the same time that the representation amendment went to the states for ratification, a new conservatism began to take hold in American politics, advocating a drastic reduction in the size and scope of government and a social agenda based on traditional Christian values. Manifested first in successful state and local tax limitation initiatives in the late 1970s, especially

in California, the new conservatism swept Ronald Reagan and a Republican Senate into office in 1980. For the new conservatives, Washington symbolized big government, and its social problems showed evidence of the decline of moral values under permissive liberal policies.

The new conservatives first articulated this view of Washington during the debate over the representation amendment. Republican Senator Orrin Hatch argued that "the District of Columbia is . . . the seat of an ever-expanding . . . National Government and reaps millions upon millions of dollars in benefits as a result. . . . This city is one of the best kept and well financed cities in the world today as a result of taxes from people all over the country." Fellow Republican Senator S.I. Hayakawa of California argued in the same vein, "There is a kind of fundamental conflict of interest between the District of Columbia and the 50 states if the 50 states undergo war, depression, a disaster of any kind. If a disaster is large enough," he continued, "Washington automatically prospers."¹⁶ Conservative political theorist Walter Berns wrote the following year that "a strategy to check [the growth of the federal government] is urgently needed, and the worst course of action is to grant representation to the faction promoting still further growth," the citizens of the District.¹⁷ Such arguments figured prominently in the successful conservative campaign to prevent ratification of the amendment by the states.

The new congressional conservatives, like those before them, sought to use their authority over the mostly liberal Democratic and African-American District government to advance conservative causes. In the past 15 years, Congress has periodically banned the use of local taxes for abortion services for the poor and scuttled the city's gay rights law, employment benefits for non-marital partners of city workers, and an overhaul of the sexual assault laws. It has also tried to impose capital punishment. And in the early 1980s, when the

U.S. Supreme Court struck down the use of legislative vetoes and thereby placed doubt on the legality of the Home Rule Charter, the Reagan administration sought to take away the local government's control of the criminal code as its price for correcting the legal deficiencies of the city charter. The city's fiscal crisis enabled congressional conservatives to argue that the capital's local government demonstrated the failure of high-tax, big government to solve social problems, conveniently ignoring the fact that congressionally imposed restrictions on taxing the income of commuters and nonprofit corporations had significantly contributed to the city's plight. Congressional Republicans have since put forward a host of conservative proposals, arguing once again that Washington can be a model for the nation.

All this has a depressingly familiar ring. The mingling of Augustus Woodward's "great and small concerns" produced unresponsive and poorly run local government through a century of direct federal governance and continued congressional intervention in local matters for national political purposes. The authors of the Constitution provided for a federal district to strengthen a weak central government at a time when no state trusted any other to house the national capital; this problem is long past, but the constitutional provision for "exclusive legislation" over the federal district remains. It will continue to produce undemocratic interference in the lives of local residents no matter who controls Congress. Only statehood, retrocession of the District to Maryland, or a constitutional amendment can prevent federal intervention in local affairs. Unfortunately, none of these seem likely in the foreseeable future. ☞

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