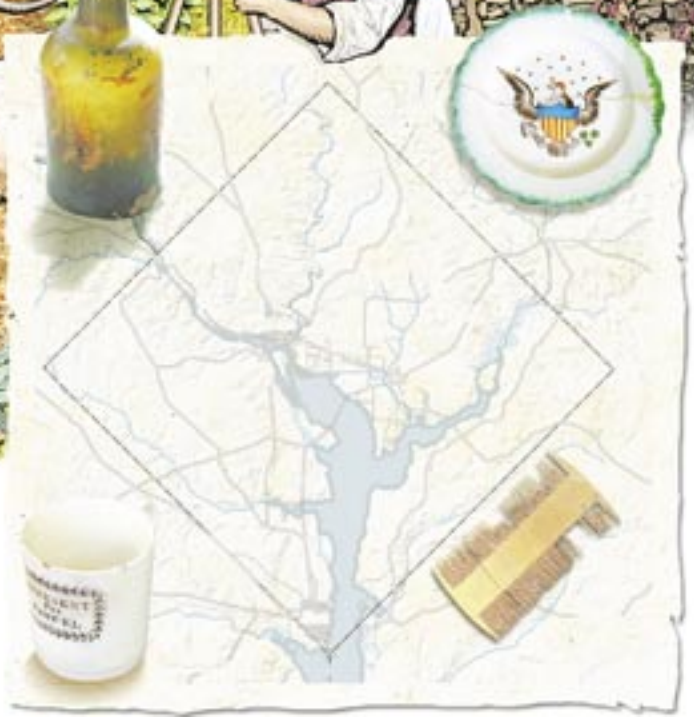
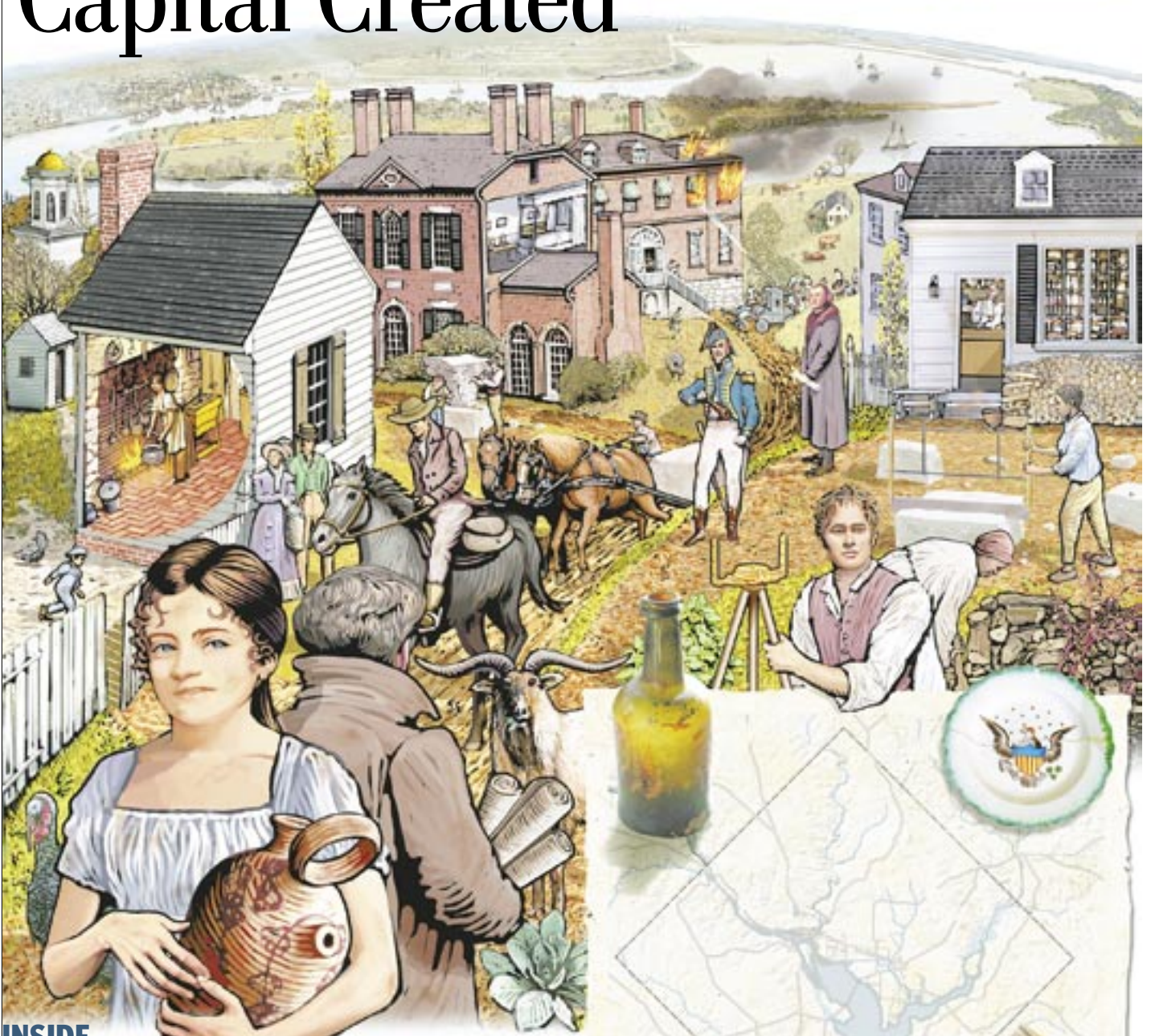


Our Nation's Capital Created



INSIDE

5 Lewis and Clark

7 The Capital Emerges

13 Long Bridge

16 Law and Order: Powers of the Supreme Court



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Our Nation's Capital Created

KidsPost Article: "The Unboring Illustrated True Story of the Washington Area from 1600 to Right Now, Part 3"

Lesson: Physical and conceptual foundations are needed to establish a nation's capital.

Level: All

Subjects: History, social studies

Related Activity: Language arts, art

About This Series

This is the third of nine parts of KidsPost's illustrated look at the history of the Washington area. Each installment will treat a different period—European settlement, the creation of the nation's capital, the Civil War era, the turn of the century, up to the present. In the background of today's drawing is what research tells us about how the city looked from the Virginia side of the Potomac as the Capitol and White House started to take shape. In the foreground are examples of the way people here looked and lived in those days. Students in each of the three jurisdictions—Maryland, Virginia and the District—will find something meaningful in this study.

November: Compromise Creates a Capital City

The story of the creation of the nation's capital in Washington can be used to illustrate much about the nature of America.

It's a way to teach the Constitution that authorized the new federal city. To introduce a Supreme Court case that addressed the balance of power of the branches of government.

It's a way to teach children why residents of Washington do not

enjoy the same voting rights as citizens of other states.

It's a way to illustrate both the pragmatism and the romanticism of the politicians who built the government and the capital.

On the one hand, the choice of Washington as capital involved an old-fashioned political deal among northern and southern politicians. On the other hand, the very idea was breathtakingly ambitious. Plan a city. Create a city from nothing. Build it. Try to make it say something eloquent about a new nation.

The experiment was exactly like the experiment of the Constitution itself. Plan a Republic. Create it. Make it speak about the new nation and its ideals.

Read and Discuss

Give students "Q and A," a reproducible that provides essential information about the selection of a site and creation of Washington, D.C.

Explore the Explorers

Discuss with students the reasons for early explorers' expeditions and the countries that sponsored them. You may wish to use the 1400-1600 timeline found in First Families as well as "Timeline: 1600-1750" found in First Towns. These timelines give students a quick reference on world and North American events. Review world and national events found in this guide's "Timeline: 1750-1850." How does exploration beyond the Appalachian Mountains

In the Field

➤ <http://www.nps.gov/fomc/>

Fort McHenry

Site of the Battle of Baltimore during the War of 1812 and inspiration for the "Star-Spangled Banner."

➤ http://www.historyisfun.org/yorktown/yvc_farm.cfm

1780s Farm

At the Yorktown Victory Center visitors can observe and assist typical activities that were the lifestyle after independence was won.

➤ <http://www.whitehouse.gov/>

The White House

Tour, history and current activities at the White House. Check out the Barney cam.

➤ <http://www.mdmunicipal.org/cities/index.cfm?townname=Williamsport&page=home>

Williamsport, Maryland

Built on an early Indian trail, the town was where a ferry was established in 1744. The National Park Service maintains a section of the C&O Canal.

➤ <http://www.peircemill-friends.org>

Peirce Mill on Rock Creek

Built in the 1820's, and operated commercially until 1897. Peirce Mill is on the National Register of Historic Places.

Collingwood Library and Museum on Americanism

Located on nine acres that were originally part of George Washington's River Farm, the library has American heritage and genealogy sections. At this point ferries crossed the Potomac in Revolutionary times.

8301 East Boulevard Drive
Alexandria, VA 22308
703-765-1652



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Our Nation's Capital Created (continued)

begin to change after 1750? What is the impact of the Declaration of Independence and Constitution on exploration? Students may be asked to profile James Cook, Simon Fraser, James Weddell, Father Junipero Serra and Captain George Vancouver. Add to these explorers, the motivation, the routes taken and territory explored by Daniel Boone, Meriwether Lewis and William Clark.

Create a Timeline

"Timeline: 1750-1850" is divided into two main sections—the North American experience and that of the rest of the world. A few significant examples from history and discovery, inventions and technology, arts and literature are indicated. You might have students add examples from their current study. What events were taking place in Maryland, Virginia and D.C. during this period?

The more detailed "Time Line, America During the Age of Revolution, 1764-1775" and "Time Line, America During the Age of Revolution, 1776-1789" can be found on the Library of Congress site (<http://memory.loc.gov/ammem/bdsds/timeline.html>).

Read Art

Look at parts of the illustration to get a better whole picture of life at the turn of the 19th century. Review the key on page 6 of this guide. What do items 1, 3, 4, 9 and 19 reveal about daily life? How do items 1, 2, 6, 7, 14, 15, 17, 18 and 20 reflect employment? What do items 3 and 13 communicate about safety concerns? Ask students to

make other groupings that reflect life in this period.

Check Out Geography

Give students "Map It." Population clusters, two bridges across the Potomac River and a canal can be seen on this map.

In addition to the questions provided in the reproducible, you may discuss with students the technological advances and materials needed to build the bridges and canal.

This map may also be used in a study of the Battle of Bladensburg and the War of 1812. "Map It," "Bladensburg Falls, the Capital Burns and a Flag Waves" and "Long Bridge Across the Potomac," found in this guide, work together to present the geography covered in troop movement from Bladensburg to the White House and the Navy Yard and the escape route across the Potomac River.

Perspective: By 1753 tobacco, wheat and produce are shipped to England and the Caribbean from Alexandria's bustling port and on Market Square George Washington drills his militia troops. There was no bridge to cross the Potomac River south of D.C. until December 1940.

Do Battle

Give students "Bladensburg Falls, the Capital Burns and a Flag Waves." This is meant to stimulate further study of the War of 1812 in our area, including the battles of Baltimore and Bladensburg and burning of the capital city.

Go to the Source

➤ <http://memory.loc.gov/ammem/bdsds/bdsdhome.html>

Documents from the Continental Congress and the Constitutional Convention, 1774-1789

The online collection contains 274 documents from the Library of Congress rare book and special collections division archives.

➤ <http://www.pbs.org/ktca/liberty/index.html>

Liberty! The American Revolution

PBS special background material, from the aftermath of the French and Indian War to the creation of the Constitution

➤ <http://earlyamerica.com/review/1998/scalping.html>

Archiving Early America

➤ <http://memory.loc.gov/const/fed/fedpapers.html>

The Federalist Papers

Essays written by Alexander Hamilton, John Jay and James Madison urging ratification of the proposed U.S. Constitution.

➤ <http://www.aoc.gov/>

The Architect of the Capitol

Responsible to the United States Congress for the maintenance, operation, development and preservation of the United States Capitol Complex, the architect of the Capitol provides historic information as well as recent projects.

➤ <http://memory.loc.gov/ammem/gwhtml/gwhome.html>

The George Washington Papers at the Library of Congress

Over 65,000 documents from 1741-1799

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Our Nation's Capital Created (continued)

Transport Them

Students will need to be reminded that the roads were not paved and the first bridges, beginning in 1797, were made of wood. You might place them in that period in one of the following ways.

- Acquaint them with Robert Harper who operated a ferry at Harpers Ferry. Or with George Mason III whose income came from tobacco, a fishing business and a ferry service across Occoquan Creek. Let them represent the ferry operators along local rivers.

- Read to students an excerpt from the letter that Meriwether Lewis wrote to President Jefferson on July 8, 1803. Lewis had just taken seven days to travel from Harpers Ferry to Pittsburgh. As he prepares to head west, Lewis writes: "No occurrence has taken place on my journey hither sufficiently interesting to be worthy of relation: the weather has been warm and dry; the roads in consequence extremely dusty..."

Give students "Getting Around in Dust, Over Rocks and Across Rivers." This activity may be done before or after studying the map provided in this guide and using "Map It." The third question in this activity may be used with "First Draft of History."

Examine the First Draft of History

This activity illustrates how journalists incorporate historic perspective into news accounts. On Tuesday, December 9, 2003, the Supreme Court decided in a seven-to-two decision that

Maryland does not have the power to stop the Fairfax County Water Authority from building and operating a new intake for drinking water. The washingtonpost.com breaking news article is provided. It illustrates the author's use of history to give perspective.

If you wish to use the news peg to compare breaking news coverage with next-day coverage and coverage when the Court agreed to take the case, you are provided the URLs to access three Washington Post articles.

Learn about Law and Order

There was no Supreme Court building when the U.S. capital moved to D.C. in 1800. A committee room in the new Capitol building was the first place the Court convened. In 1810, it moved to the Senate's former chambers on the ground floor. Four years later the Supreme Court had to move again to temporary quarters when the British burned the Capitol. From 1819 to 1860, the Supreme Court met in their restored chamber.

Just as the capital city was established in this period, the Supreme Court was laying the foundation for its role within the framework of the U.S. Constitution. The following activity introduces students to one of the pivotal cases that established the balance of powers between the three branches of government.

1. Divide students into three groups representing the judicial, legislative and executive branches of government. Review each branch's role in our government.

Navigating the Maryland-Virginia Water Dispute

➤ <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A25204-2001Apr16.html>

1785 Deal Floats to Top Of Potomac Pipe Battle

Md., Va. Dispute Founding Fathers' Terms

By Brooke A. Masters

Tuesday, April 17, 2001; Page B01

➤ <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A49291-2003Dec9.html>

Supreme Court Rejects Maryland's Rule Over River

By Fred Barbash

Tuesday, December 9, 2003; 1:31 PM

➤ <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A50942-2003Dec9.html>

High Court Rules For Va. Over Md. In Water Dispute

Potomac Battle Dates Back Centuries

By Charles Lane and Maria Glod

Wednesday, December 10, 2003; Page A01



LIBRARY OF CONGRESS

Arguments in *Virginia v. Maryland*, a dispute between the two states regarding water use from the Potomac River, was argued in the U.S. Supreme Court, shown in the background. Andrew Baida, left, and Joe Curran represented Maryland.



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Our Nation's Capital Created (continued)

2. Give students "The Foundation: Powers of the Supreme Court." Read Article III of the Constitution. For more background information, teachers may wish to visit the annotated Constitution on Findlaw (<http://caselaw.lp.findlaw.com/data/constitution/article03/13.html#2>).

3. Discuss terms and concepts found in Article III.

4. Read and discuss the applicable portion of the Judicial Act of 1789.

5. Have students examine the facts of *Marbury v. Madison*. You might note that today Justice Marshall would be forced to recuse himself because of conflict of interest.

6. Have students, meet in groups reflecting their respective roles, to formulate positions:

- Justices who are actually going to rule on the facts of *Marbury v. Madison*;
- Legislators who have created the law giving the Supreme Court the power to force government officials within their official capacity to comply with orders relating to their official duties; and
- Officials appointed by the President who are under his direct control. This includes the Secretary of State.

Have students draft an opinion based upon their arguments and their groups. After they have determined their positions, have students argue the pros and cons of the Supreme Court's having the power to rule whether or not laws are constitutional and how they should be interpreted and applied. While doing this exercise,

have students convey how their positions might influence their arguments.

7. Give students "*Marbury v. Madison* (1803)." According to what they understand of Article III and the Judicial Act of 1789, ask students to write a short statement of their personal feelings on whether or not the Court's ruling is correct. What has been the impact of *Marbury v. Madison* on contemporary issues?

Enrichment

1. Have students take a stand. The prompt: Imagine that you are a Virginia or Maryland merchant in 1776, and you are a local political leader. Everyone seems to be talking about the fight for independence from Great Britain. Some are in favor of independence and others are opposed. Write a speech expressing your views. Are you in favor of having a federal capital? Be sure to explain the reasons for your position.

2. Have students conjecture the reaction of President Thomas Jefferson to the *Marbury v. Madison* ruling. What were Jefferson's views on separation of powers during the writing of the Constitution? Why did he order Madison not to deliver the approved commissions? After discussion, provide students with this excerpt from a letter that Jefferson wrote to Abigail Adams in 1804. What is his view of the Court's decision?

"The Constitution . . . meant that its coordinate branches should be checks on each other. But the opinion which gives to the judges

Lewis and Clark

In May 1804, Captain Meriwether Lewis, Captain William Clark and a select group of volunteers from the United States Army and civilian life ventured west towards the Pacific coast, beginning a two-year journey.

➤ <http://www.army.mil/cmh-pg/LC/index.htm>

Corps of Discovery

The Center of Military History resources include profiles of the people and mission of Lewis and Clark and the U.S. Army Corps of Discovery. Compilation of Lewis and Clark Bicentennial Commemoration events and links.

➤ <http://www.loc.gov/exhibits/lewisandclark/>

Lewis & Clark and the Revealing of America

"Rivers, Edens, Empires," The Library of Congress online exhibit.

➤ <http://www.nps.gov/lecl/VisitorInfo/VI.htm>

Lewis and Clark National Historic Trail

A National Park Service comprehensive site of history, trail sites, books and links.

➤ <http://www.loc.gov/exhibits/treasures/trr001.html>

The Lewis and Clark Expedition

The Library of Congress maps of the expedition.

➤ <http://www.americasstory.com/cgi-bin/page.cgi/aa/explorers/lewisandclark>

Lewis and Clark

The Library of Congress page for younger students

➤ <http://www.nps.gov/hafe/lewis/photos-hist.htm>

Harpers Ferry at the Time of Meriwether Lewis

A graphic look at early 1800s Harpers Ferry



An Integrated Curriculum For The Washington Post Newspaper In Education Program

the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action but for the Legislature and Executive also in their spheres, would make the Judiciary a despotic branch.”

3. Put the following items in chronological order. How does each reflect the emergence of an American identity?

- 1789: George Washington becomes first president, April
- 1780: American Academy of Sciences founded, Boston
- 1793: Eli Whitney invents cotton gin
- 1790: United States Patent Office grants its first patent

- 1769-1782: Daniel Boone explores Kentucky wilderness
- 1787-1788: “Publius” writes The Federalist Papers
- 1826: The Last of the Mohicans, James Fenimore Cooper
- 1773: First Continental Congress meets; Boston tea party
- 1802: U.S. Military Academy founded at West Point, N.Y.
- 1776: Thomas Paine publishes Common Sense
- 1804-1864: Nathaniel Hawthorne, novelist and short-story writer
- 1788: New Hampshire becomes ninth state to ratify the Constitution; adoption is official, June 21

Focus on the War of 1812

➤ <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A99076-1999Jun9.html>

In Defense of Our Capital

Michael Farquhar Washington Post Staff Writer

June 9, 1999; Page H3

The need for an adequate defense of the nation’s capital became desperately apparent on the evening of Aug. 27, 1814. Looking up the Potomac that day from Fort Warburton about 15 miles south of the District on a peninsula jutting from the Maryland shore, the American commander of the fort, Capt. Samuel Dyson, could see smoke rising from the smoldering ruins of Washington. The British had successfully fought their way into the city several days earlier and set fire to the White House and Capitol, among other buildings, leaving a trail of devastation.

➤ <http://www.washingtonpost.com/wp-dyn/education/kidspost/nie/A99056-1999May12.html>

A Grand New Flag

Curt Suplee Washington Post Staff Writer

May 12, 1999; Page H3

In a private room at the Smithsonian Institution, Old Glory is being given a three-year, high-tech makeover. And to be honest, it’s about time. The original Star-Spangled Banner that flew briefly over Fort McHenry during the War of 1812—and that inspired Francis Scott Key to write the words for one of the world’s least singable national anthems—is visibly the worse for nearly two centuries of wear.

Credits

- Illustration by Patterson Clark, The Washington Post
- Map by Gene Thorp, The Washington Post
- Q and A, and research and reporting for the KidsPost series by Fred Barbash, The Washington Post
- Law and Order by Salihah Essed, a third-year law student at Howard University School of Law. She teaches Constitutional Law through the Marshall-Brennan Constitutional Literacy Project at Dunbar High School in the District of Columbia.

Key (for use with Page 5)

- 1. Taking water to the workers.
- 2. Delivering building plans.
- 3. A separate kitchen building protected the main house from fire.
- 4. The outhouse, also called a privy.
- 5. A smartly dressed couple.
- 6. On his mail route, a post rider.
- 7. A stone carver and his young apprentice.
- 8. Church steeple (Federalist style).
- 9. Sleeping quarters for the wealthy.
- 10. Georgetown, a bustling port.
- 11. Pennsylvania Avenue, between the Capitol and the President’s House.
- 12. Long Bridge.
- 13. Bucket brigade fighting a fire.
- 14. Straining to pull a slab of marble.
- 15. A navy captain on shore leave.
- 16. President Thomas Jefferson.
- 17. A general store.
- 18. Sawing through stone.
- 19. Grabbing firewood for the kitchen.
- 20. A surveyor with his compass begins measurements for new construction.

The Unboring, Illustrated True Story of the Washington Area From 1600 to Right Now

PART 3

The time is the early 1800s. Congress has chosen Washington to be the nation's capital.

Construction zone

On paper, the plan looks great. On the ground, it looks like a mess.

There are just a few streets, none of them paved. There are just a few buildings, none of them finished.

It's not a town at all, but an encampment strewn with workmen

and work animals, with huts, and pile after pile of lumber and stone, the building blocks for a city the Founding Fathers hope will rival Paris.

Paris? To foreign visitors, the very idea is laughable. They make fun of us—but not for long.

This is the third of nine parts of KidsPost's illustrated look at the history of our area. In the background of today's drawing is what research tells us how the city looked from the Virginia

side of the Potomac as the Capitol and the President's House (the White House) started to take shape. In the foreground are examples of the way people here looked and lived in those days.

Coming in January: Washington grows up.



THE ARCHITECT OF THE CAPITOL

In 1801, the Capitol's completed north wing connects to "the oven," where the House of Representatives met.



How They Did It

The year is 1800. Congress has chosen Washington to be the nation's capital. On paper, the plan looks great. On the ground, it looks a mess. There are just a few streets, none of them paved. There are just a few buildings, none of them finished. It's not a town at all but an encampment strewn with work men, work animals, with huts, and pile after pile of lumber and stone, the building blocks for a city the Founding Fathers hope will rival Paris. Paris? To foreign visitors in 1800, the very idea is laughable. They make fun of us—but not for long.



Map It

During this period, a capital city is envisioned for the new nation. Population grows. George Washington introduces a bill in the Virginia House of Burgesses in 1774 to build a series of canals around the Potomac's five worst obstacles. Ferry service is augmented or replaced by wooden bridges. In 1812 the nation is tested.

1. Of the three first towns—Alexandria, Bladensburg and Georgetown—which two are more settled? How can you tell from the map?
2. What forms a natural boundary line between Maryland and Virginia?
3. What part of the District of Columbia was provided by Virginia? What part of the District of Columbia was provided by Maryland?
4. Locate Little Falls Bridge, the first bridge to cross the Potomac River. It was built in 1797. What bridge currently crosses the Potomac River in this location?
5. Locate the Washington Canal. Why was this canal needed?
6. Long Bridge, a wooden toll bridge, was built in 1809. Why do you think it was located at this point in the Potomac River?
7. Trace the route that British troops may have taken after the Battle of Bladensburg as they headed to the White House? To the Navy Yard? To Long Bridge?





An Integrated Curriculum For The Washington Post Newspaper In Education Program

Q&A

In 1787, the Constitutional Convention met in Philadelphia and drafted the Constitution of the United States. The Constitution gave the new Congress the power to select a city to be the nation's capital and gave Congress control over the city. When the first Congress convened, it chose the site for the city that would become Washington.

Why was Washington chosen to be the nation's capital?

It was roughly mid-way between north and south. (Remember, there was no “west” in the 1700s.) The Virginians—including George Washington, Thomas Jefferson and James Madison—were very influential in the new government. Last of all, there was a complicated deal between members of Congress. Alexander Hamilton wanted the new government to take on debts incurred by many states while fighting the revolutionary war. The southerners from Virginia agreed in exchange for the northerners' agreement to place the new capital on the Potomac.

Why did the framers of the Constitution limit the size of the new capital city to “10 miles square?”

In those days, politicians really worried about the power of a central national government. It was a new idea. Many were afraid the federal government would keep adding on to the size of the capital city, gobbling up surrounding states. So they limited the size.

Was Washington ready to be a capital city?

Definitely not. Alexandria, Georgetown and Bladensburg were small ports. The land that is now the “federal city” was completely undeveloped, woods, fields, farmland and marshland. There were few roads, none of them paved. Philadelphia or New York, already bustling cities, probably could have handled it better and, in fact, had been the site of previous governments under the Articles of Confederation and, in

the case of New York, under the new Constitution.

So the idea of building a whole new city was pretty dreamy?

Yes it was and that appealed to George Washington and Jefferson especially. They were creating a new form of government. Why not a new form of city to go with it, a city planned to be grand and to symbolize the Republic about to be born? These men were visionaries. They liked big new ideas and big new projects.

How long did it take to complete the new city?

Many decades. Even by the time of the Civil War, the Capitol building remained unfinished.

Is it true that the British burned the new capital city in 1814?

Yes. During the War of 1812, British troops (the same army that attacked Fort McHenry in Baltimore while Francis Scott Key wrote the Star Spangled Banner) came south and set fire to the new White House and the Capitol. Everybody fled in panic.

Who actually did the construction work?

Slaves. Immigrants from countries such as Ireland. Stone carvers from all over. They came here and lived in makeshift housing—huts really. Stone carvers. Carpenters. Laborers. It was a huge undertaking. They had to move great blocks of stone from quarries all across the region using barges and horses. They cut timber from nearby forests and hauled it through the mud to the

construction sites.

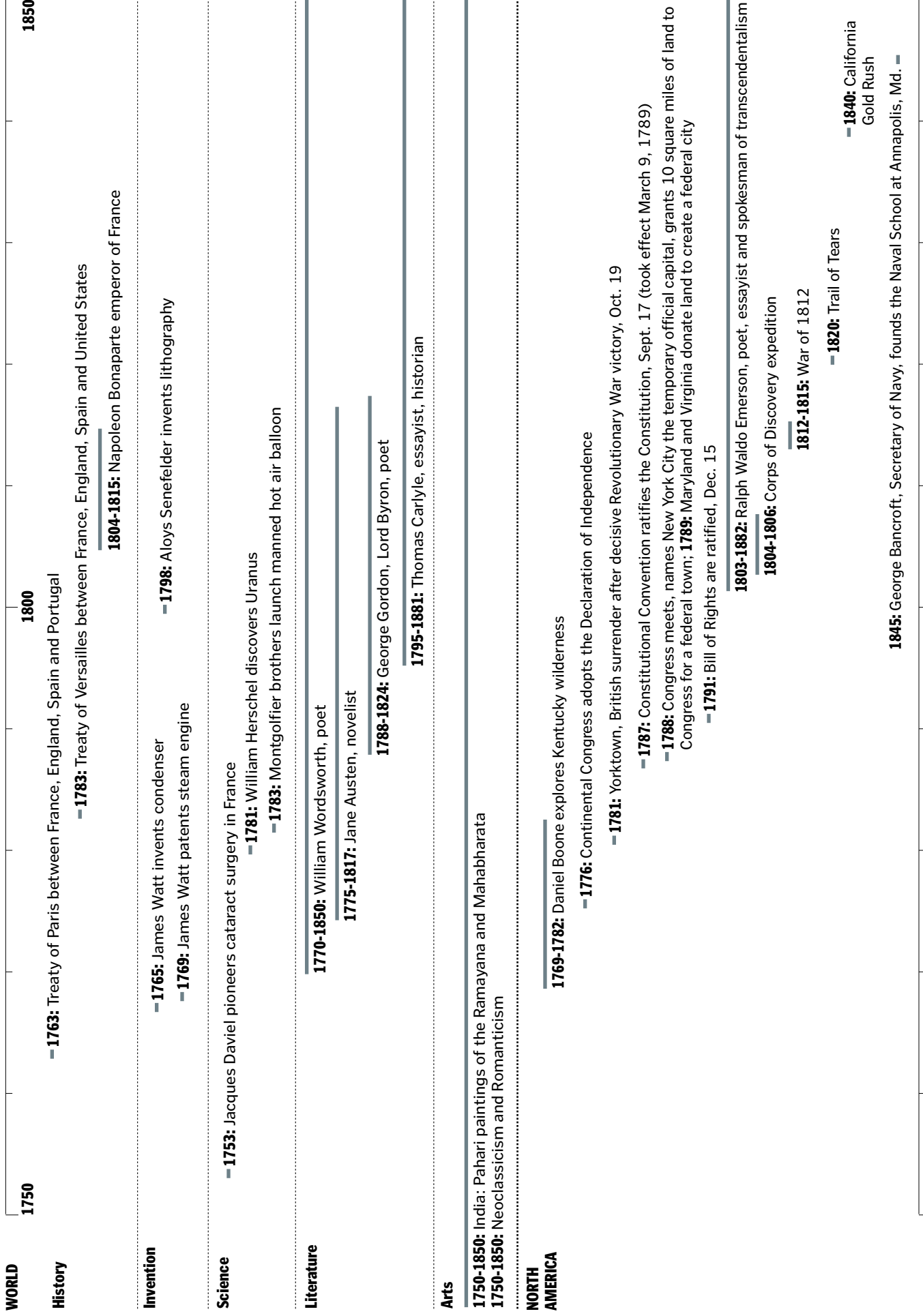
Where did they get the land for the new city?

Most of it was in Maryland, owned by wealthy men and some men who came in and bought land just to sell it to the new government. At the beginning, the new federal district included part of Arlington but the government never really used this portion of the federal district and later it went back to Virginia.

Why couldn't they just build the new city in Maryland instead of creating a whole new territory?

Just as the states worried about federal power, the Founding Fathers worried about state power. After the Revolutionary war, soldiers demanding pay staged a big demonstration in Philadelphia and surrounded the state house where the Congress was meeting. When the leaders of that Congress asked Pennsylvania for help from the Pennsylvania militia, they didn't get it. From that day on, they believed that any new federal government could not be at the mercy of some state or local government in a crisis. This is why the District of Columbia is run by Congress. This is the origin of the people of the District being treated differently than other Americans, having no self-government as the states do.

Timeline (1750-1850)





An Integrated Curriculum For The Washington Post Newspaper In Education Program

First Draft of History

In 1726 William Parks established newspapers in Annapolis, Md., and Williamsburg, Va. The Virginia Journal and Alexandria Advertiser, Alexandria's first newspaper, was established in 1784. One wonders if one of these newspapers reported the 1785 interstate compact that was drawn up at Mount Vernon. Reporters in 2003 did.

On Tuesday, December 9, 2003, the Supreme Court

decided in a 7-to-2 decision that Maryland does not have the power to stop the Fairfax County Water Authority from building and operating a new intake for drinking water. Lawyers arguing for Maryland and Virginia drew upon old documents and the justices sought previous rulings to form their decision.

Lawyers, judges and reporters use historic documents.

1. After reading the breaking news story below, highlight where the reporter included historic perspective.
2. Summarize how these documents relate to the current water dispute: 1632 royal charter, 1785 compact and the Black Jenkins award of 1877.
3. How does the inclusion of historic background help the reader to understand the issues?
4. What other information does the reporter provide to explain the dispute that began in 1966?

Virginia Wins Potomac Dispute; Supreme Court Rejects Maryland's Rule Over River

By Fred Barbash
Washington Post Staff Writer

Virginia today won the latest battle of the Potomac when the Supreme Court rejected Maryland's claim of regulatory control over the river.

Specifically, the court decided in a seven-to-two decision that Maryland does not have the power to stop the Fairfax County Water Authority from building and operating a new intake for drinking water.

The dispute, on its face arcane, had become a water fight in the continuing struggle among the Washington area's proponents of fast-growth, slow-growth and no-growth.

The decision was not a surprise. Maryland had lost the argument in an earlier ruling by a special master.

Maryland officials, supported by critics of development in Virginia, had tried to block the intake as a water grab that would over-drain the river.

As its legal authority, Maryland cited agreements dating back to the 17th century concerning regulation of the Potomac. It argued that under a 1632 royal charter, Maryland's sovereignty over the Potomac was "well settled." It also said that Virginia had acquiesced in Maryland's authority for so many years that it could no longer dispute it.

Chief Justice William H. Rehnquist wrote the opinion for the court supporting the special master's finding that Maryland lacked the authority it claimed.

Rehnquist said that the many historic compacts and agreements setting forth

the two states' rights to use of the river demonstrated that nothing was ever "well settled." In fact, he said, an award by an arbitrator in an earlier dispute, in 1877, gave Virginia authority "free from regulation" by Maryland to build improvements near her shore and to take water from the river.

Regarding the claim that Virginia had gone along with Maryland's authority, Rehnquist said Maryland simply had its facts wrong.

Justices John Paul Stevens and Anthony Kennedy dissented.

The Potomac is the main source of drinking water for the Washington area. It also forms the natural boundary between Maryland and Virginia, which have been arguing about it off and on long before there was a U.S. Constitution.

While Maryland has claimed control of the river under the 1632 royal charter, the two states had worked out a form of joint regulatory custody in various later compacts that were ratified by the U.S. Congress. (The Federal government also enjoys considerable authority over the Potomac, as it does over all navigable waters.)

The current argument began in 1996, when the Fairfax County Water Authority, which supplies 1.2 million customers across Northern Virginia, asked Maryland's Department of the Environment to approve construction of a new water intake 725 feet from the Virginia shore, near the point close to Poolesville, Md., where Seneca Creek flows into the non-tidal Potomac.

Maryland officials, who were at that point in favor of slower growth, refused to issue a

permit to the authority, saying the increased outflow of water would hurt the river. The state of Virginia filed suit.

While Maryland eventually permitted construction of the intake—which is now in operation—Virginia pursued its legal assault to the Supreme Court. Under the Constitution, the court has "original jurisdiction" in such disputes—meaning a litigant can go directly to the justices, who first appoint a special master to consider the dispute on their behalf.

The special master decided that Maryland's power was limited by a 1785 compact between the two states signed at Mount Vernon—when George Washington actually lived there—and also by the arbitration called the Black Jenkins award of 1877.

The Supreme Court supported the special master's decision today. The 1785 treaty allows Virginia to make various shoreline improvements and withdraw water, Rehnquist wrote for the majority. In their dissent, Stevens and Kennedy argued that Maryland owns the riverbed and retains control over its use.

"This is major victory for economic development and quality of life in northern Virginia," Virginia Attorney General Jerry W. Kilgore (R) said in a statement. "Ensuring that Virginians have access to water in an environmentally sound way will help ensure that Northern Virginia remains vibrant and strong."

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Long Bridge Across the Potomac

We call it the Fourteenth Street Bridge. Thousands use it daily to cross the Potomac River between Virginia and D.C. When an Air Florida plane crashed into the deck of the bridge during a snowstorm in 1982, it was not the first time that a span crossing the Potomac at this point met with disaster.

William H. Rehnquist, Chief Justice of the U.S. Supreme Court, cited the history of the Arland D. Williams, Jr., Memorial Bridge, its official name since 1985, at the Arlington Historical Society Bicentennial Banquet, at the Army-Navy Country Club, April 27, 2001. Here are excerpts from remarks by Justice Rehnquist:

Unlike the Arlington Memorial Bridge, the Fourteenth Street Bridge

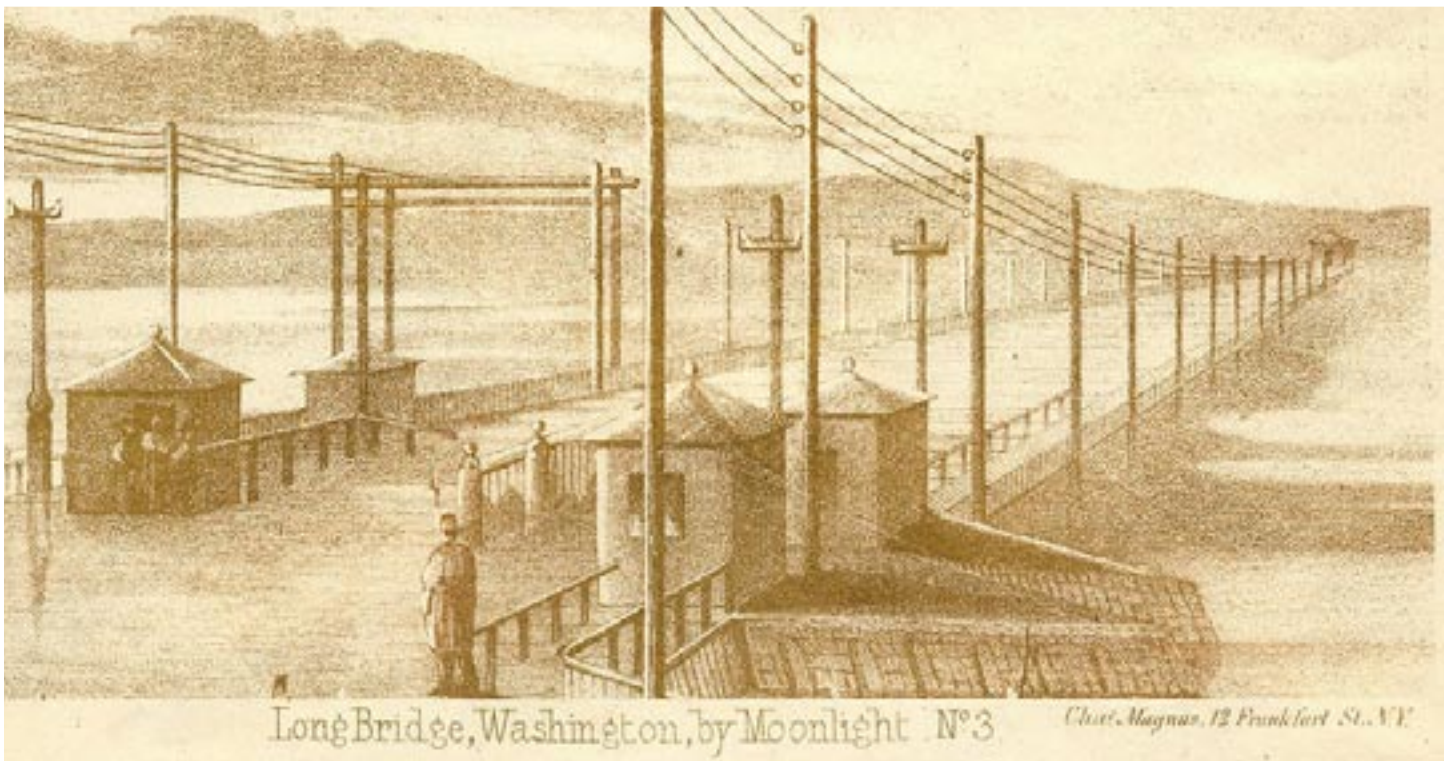
site has always been strictly utilitarian. The first wooden, mile-long toll bridge, called Long Bridge, was built in 1809. Today, a few years short of two hundred, the Fourteenth Street Bridge complex has five spans across the Potomac River: three steel girder highway bridges, one railroad span and a two-track metrorail span that opened in 1983. At the time of the original wood construction, the Potomac River had a “Washington Channel” and a “Virginia Channel” with a sea of mud flats in between.

During the 1814 British invasion of Washington and burning of the Capitol, the President, James Madison, and other government dignitaries used Long Bridge to escape to Virginia, after

their disastrous defeat at the Battle of Bladensburg. The Americans destroyed the Virginia end of the bridge to keep the British away and the British burned the Washington end to prevent the Americans returning to the Capital.

Four years later, the bridge was back in use. In 1831, high water and ice swept away several spans of Long Bridge and another bridge crossing was not in place until 1835. Long Bridge was frequently damaged by floods or ice because of its construction and low profile; but, with numerous repairs and changes in construction, it managed to serve for the next 71 years.

Source: http://www.roadstothefuture.com/14th_Street_Bridge.html



LIBRARY OF CONGRESS

A view of Long Bridge during the Civil War with guard houses and soldiers present. This is the bridge that was reconstructed after the Americans and British set fire to it during the War of 1812. Drawbridges at both ends allowed boats to pass upriver to the port of Georgetown.

Bladensburg Falls, the Capital Burns, a Flag Waves

The United States declared war on England June 18, 1812, to preserve “Free Trade and Sailor’s Rights.” The Second War of American Independence, or War of 1812, lasted three years. The British had a more important antagonist to face—Napoleon—so England’s powerful forces did not confront troops of the young American nation until 1814.

Initiate Engagement

In August 1814, a powerful British force sailed up the Patuxent River and landed. Follow their progress on a map. Begin at Point Lookout. It is August 17. Online you can follow the progress to Bladensburg at “Our Unspoken Shame: The Battle of Bladensburg” (<http://www.angelfire.com/fl2/hf/bladebg.html>). You will learn that at Pig Point Commodore Joshua Barney destroyed his own gunboat flotilla to prevent its capture by the British.

- What happened in Bladensburg, one of our three first towns in this area?

March on Washington

On their way to burn Washington, British troops passed near Indian Queen Tavern where George Washington often stayed since it was a day’s horse ride from Mount Vernon.

Three main locations were set on fire in Washington, D.C., in 1814—the Navy Yard, the Capitol and the White House.

–Established in 1799, the Navy Yard was one of the country’s first naval yards. The Commandant set fire to the installation rather than see it fall into the hands of invading British. Much of the Washington Navy Yard was destroyed.

–French engineer Pierre Charles L’Enfant and President Washington had placed the Capitol at the east end of the Mall on what was then called “Jenkins’ Hill.” Washington placed the cornerstone in 1793, but the Congress and Supreme Court were not settled into the chambers until 1810.

–The White House, completed in 1800, was home to fourth President James Madison and his wife Dolley.

- Read more. What happened to the Capitol and the White House?

Attack Baltimore

Withdrawing from Washington, the victorious British returned to their ships and proceeded to attack Baltimore and Fort McHenry.

Early on September 12, 1814, six ships of the British Royal Navy anchored off North Point. Troops unloaded to begin a land assault. Visit “The Battle of North Point” (<http://www.bcpl.net/~etowner/npbattle.html>) to follow troop movement toward Baltimore.

British ships sailed the Patapsco River toward Baltimore. They had to pass Fort McHenry that had been built in 1776 to protect Baltimore from attack by water. A 25-hour bombardment took place. On the morning of September 14, the “Star Spangled Banner” flew inspiring the song by Francis Scott Key. Visit Fort McHenry (<http://www.nps.gov/fomc/home.htm>) to learn more about the Battle of Baltimore. If you cannot go to Baltimore, learn about it from a friend of the fort (<http://www.bcpl.net/~etowner/patriot.html>)

- When and where was a treaty signed to end the War of 1812? Who won?



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Bridging History: Another Account

Many history books state, as Justice Rehnquist did, that President Madison crossed Long Bridge to Virginia as the British approached D.C. Below is an excerpt from a journal published by the White House Historical Association

Preface. Among the laborers at the Department of the Interior is an intelligent colored man, Paul Jennings, who was born a slave on President Madison's estate, in Montpelier, Va., in 1799. His reputed father was Benj. Jennings, an English trader there; his mother, a slave of Mr. Madison, and the granddaughter of an Indian. Paul was a "body servant" of Mr. Madison, till his death, and afterwards of Daniel Webster, having purchased his freedom of Mrs. Madison. His character for sobriety, truth, and fidelity, is unquestioned; and as he was a daily witness of interesting events, I have thought some of his recollections were worth writing down in almost his own language.

On the 10th of January, 1865, at a curious sale of books, coins and autographs belonging to Edward M. Thomas, a colored man, for many years Messenger to the House of Representatives, was sold, among other curious lots, an autograph of Daniel Webster, containing these words: "I have paid \$120 for the freedom of Paul Jennings; he agrees to work out the same at \$8 per month, to be furnished with board, clothes, washing," &c.

—J.B.R. ...

After the war had been going on for a couple of years, the people of Washington began to be alarmed for the safety of the city, as the British held Chesapeake Bay with a powerful fleet and army. Every thing seemed to be left to General Armstrong, then Secretary of war, who ridiculed the idea that there was any danger. But, in August, 1814, the enemy had got so near, there could be no doubt of their intentions. Great alarm existed, and some feeble preparations for defense were made. Com. Barney's flotilla was stripped of men, who were placed in battery, at Bladensburg, where they fought splendidly. A large part of his men were tall, strapping negroes, mixed with white sailors and marines. Mr. Madison reviewed them just

before the fight, and asked Com. Barney if his "negroes would not run on the approach of the British?" "No sir," said Barney, "they don't know how to run; they will die by their guns first." They fought till a large part of them were killed or wounded; and Barney himself wounded and taken prisoner. One or two of these negroes are still living here.

Well, on the 24th of August, sure enough, the British reached Bladensburg, and the fight began between 11 and 12. Even that very morning General Armstrong assured Mrs. Madison there was no danger. The President, with General Armstrong, General Winder, Colonel Monroe, Richard Rush, Mr. Graham, Tench Ringgold, and Mr. Duvall, rode out on horseback to Bladensburg to see how things looked. Mrs. Madison ordered dinner to be ready at 3, as usual; I set the table myself, and brought up the ale, cider, and wine, and placed them in the coolers, as all the Cabinet and several military gentlemen and strangers were expected. While waiting, at just about 3, as Sukey, the house-servant was lolling out of a chamber window, James Smith, a free colored tman who had accompanied Mr. Madison to Bladensburg, galloped up to the house, waving his hat, and cried out, "Clear out, clear out!"

General Armstrong has ordered a retreat!" All then was confusion. Mrs. Madison ordered her carriage, and passing through the dining-room, caught up what silver she could crowd into her old-fashioned reticule, and then jumped into the chariot with her servant girl Sukey, and Daniel Carroll, who took charge of them; Jo. Bolin drove them over to Georgetown Heights; the British were expected in a few minutes. Mr. Cutts, her brother-in-law, sent me to a stable on 14th street, for his carriage. People were running in every direction. John Freeman (the colored butler) drove off in the coachee with his wife, child, and servant; also a feather bed lashed on behind the coachee, which was all the furniture saved, except part of the silver and the portrait of Washington (of which I will tell you by-and-by).

I will here mention that although the British were expected every minute, they did not arrive for some hours; in the mean time, a rabble, taking advantage of the confusion, ran all over the White House, and stole lots of silver and whatever they could lay their hands on.

About sundown I walked over to the Georgetown ferry, and found the President and all hands (the gentlemen named before, who acted as a sort of body-guard for him) waiting for the boat. It soon returned, and we all crossed over, and passed up the road about a mile; they then left us servants to wander about. In a short time several wagons from Bladensburg, drawn by Barney's artillery horses, passed up the road, having crossed the Long Bridge before it was set on fire. As we were cutting up some planks a white wagoner ordered us away, and told his boy Tommy to reach out his gun, and he would shoot us. I told him "he had better have used it at Bladensburg." Just then we came up with Mr. Madison and his friends, who had been wandering about for some hours, consulting what to do. I walked on to a Methodist minister's, and in the evening, while he was at prayer, I heard a tremendous explosion, and, rushing out, saw that the public buildings, navy yard, ropewalks, &c., were on fire. ...

It has often been stated in print, that when Mrs. Madison escaped from the White House, she cut out from the frame the large portrait of Washington (now in one of the parlors there), and carried it off. This is totally false. She had no time for doing it. It would have required a ladder to get it down. All she carried off was the silver in her reticule, as the British were thought to be but a few squares off, and were expected every moment. John Suse' [Jean-Pierre Sioussat] (a Frenchman, then door-keeper, and still living) and Magraw, the President's gardener, took it down and sent it off on a wagon, with some large silver urns and such other valuables as could be hastily got hold of. When the British did arrive, they ate up the very dinner, and drank the wines, &c., that I had prepared for the President's party. ...

Source: <http://historicaltextarchive.com/sections.php?op=viewarticle&artid=48>; A Colored Man's Reminiscences of James Madison; White House History: A journal published occasionally by the White House Historical Association (740 Jackson Place N.W., Washington, D.C. 20506), Volume 1, Number 1, 1983, pp. 46-51; An eyewitness account of the White House in 1814 and insight into President and Mrs. Madison. Jennings also relates the role of African-American troops in the Battle of Bladensburg.

Getting Around in Dust, Over Rocks and Across Rivers

Native American trails became the first routes between the ports of Bladensburg, Georgetown and Alexandria. Settlement took place along the rivers and creeks, and farms began to produce crops in fertile areas. As produce needed to be transported from farm to markets, paths broadened and ferries provided passage. It is not surprising that bridges and canals would be built as the population and commerce grew.

1. After reading each of the following statements, put them in chronological order.

_____ Andrew Jackson was the first president to ride on a train. He rode from Ellicott's Mills to Baltimore in 1833.

_____ In 1802 five segments of the Washington Canal were completed.

_____ "Little Falls," the first bridge to cross the Potomac River, was built in 1797.

_____ The first section of the Chesapeake & Ohio Canal was completed in 1831. It connected Georgetown to Seneca.

_____ In the early 1700s, ferry service operated in many locations along the Potomac River.

_____ A year after Congress authorized the building of "Long Bridge" across the Potomac, it was completed in 1809.

_____ George Washington became the first president of the Potowmack Canal Company in 1785.

_____ The Washington Branch of the Baltimore & Ohio (B&O) Railroad opened its first station by the U.S. Capitol grounds on Pennsylvania Avenue, on August 25, 1835.

2. You are on the banks of the Potomac River in 1780. Your horse-drawn wagon is loaded with fresh produce and chickens that need to get to the other side. How will you accomplish this task?

3. In what ways did the first bridges and Washington Canal influence life in this area?

4. In 1784, The Virginia Journal and Alexandria Advertiser became the first newspaper published in Alexandria. Select a year between 1785 and 1850. Write a news article that might have appeared in the paper. (By the way, that newspaper became The Alexandria Gazette that is published today.)



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Law and Order

Foundation: Powers of the Supreme Court

Thomas Jefferson in the Declaration of Independence, expressing the relationship of citizens in a democracy to their government, stated that governments derive “their just Powers from the Consent of the Governed.” The U.S. Constitution that relates our national and federal structure and shared authority was adopted September 17, 1787. The Bill of Rights that guarantees individual rights was ratified in 1791.

Our Constitution can be amended. Social conditions can be questioned. Laws can be made. Is there a means to ensure that civil rights are not abused and the Constitution is followed? Why does the Supreme Court have judicial review?

Article III of the Constitution

“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish ... The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made under Authority ... In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.”

Applicable Section of the Judicial Act of 1789

“The Supreme Court shall also have appellate jurisdiction from the circuit courts, and courts of the several states, in the cases hereinafter specifically provided for; and shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime

jurisdiction, and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States.”

Facts of *Marbury v. Madison*

President John Adams at the end of his term appointed 58 members of his own party to vacant government positions. All received the advice and consent of Congress. Secretary of State John Marshall delivered 41 of those appointments.

The new president, Thomas Jefferson, ordered James Madison, the new Secretary of State, not to deliver the last commissions so he could appoint men who agreed with his ideas.

William Marbury, who had been appointed justice of the peace of the District of Columbia but had not received his commission, initiated the case. Marbury wanted the Supreme Court to award writs of mandamus (an order that would force Madison to deliver the commissions), through the power conferred by Congress upon the Supreme Court to issue writs of mandamus. The new Chief Justice of the U.S. was John Marshall.

Know the Terms

Appellate Jurisdiction: Authority to review cases decided by a lower court

Inferior Court: A court with less power whose decisions can be reviewed and overturned by a higher court

In Law and Equity: The notion that the judiciary's power should extend to equity as well as law

Judicial Power: Ability to interpret the law and determine whether or not the law is constitutional

Judicial Review: Means by which the courts may declare unconstitutional any federal or state laws and policies that violate rights, rules or principles in the Constitution

Jurisdiction: The legal authority of a court to hear and decide a case

Ordain: To issue an order

Original Jurisdiction: Authority of a court to hold a trial, as distinguished from appellate jurisdiction through which courts hear appeals from trial judgments

Separation of Powers: Distribution of powers among the legislative, executive and judicial branches of national government

Vested: Having an absolute right or title, when previously the holder of the right or title only had an expectation.

Writ of mandamus: Court order to a government agency, including another court, to follow the law by correcting its prior actions or ceasing illegal acts

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Marbury v. Madison (1803)

Beyond the Facts of the Case

Marbury v. Madison forced the Court to review its role in light of the separation of powers doctrine and to outline what its relationship would be to the executive and legislative branches.

Implication of the Case

In 1803, the recently established Supreme Court ruled how the law would be interpreted and applied in the United States. *Marbury v. Madison* was a landmark decision in which Chief Justice John Marshall shaped the judiciary's role within the three branches of the Federal government.

Laying the groundwork

Speaking for the Supreme Court, Marshall stated that Madison should deliver the commission to Marbury; however, the Court did not have the power to issue writs of mandamus.

In this opinion the Court made it clear that it is not the role of the judiciary to overstep into the political nature of the executive branch. The Court clarified the limits on its own jurisdiction by stating that it did not have the authority to hear questions of a political nature. Rather it is within the Court's jurisdiction to rule on questions relating to the rights of individuals.

The Court then went on to determine if Congress can confer upon the Supreme Court powers beyond those that Congress could establish under the Constitution of the United States.

Chief Justice John Marshall headed the Supreme Court from 1801 to 1835.

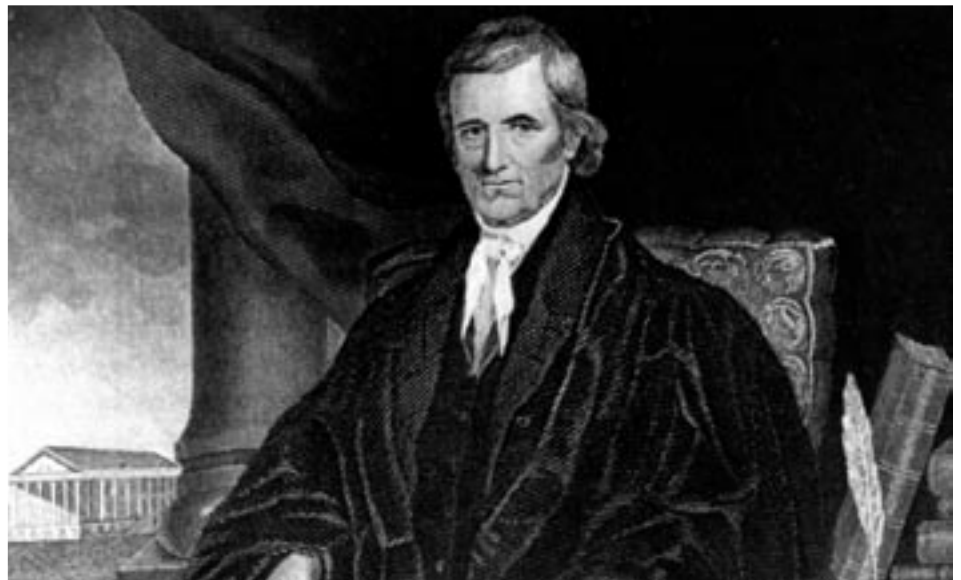
The Courts ruling

The Court determined that Congress could not give the Supreme Court powers that were beyond those that it had the ability to establish under the Constitution. The decision specifically outlined the powers of the Court under its original and appellate jurisdiction. The Court came to two conclusions that are the foundation of its role in the United States government today:

1. The United States Constitution is the "supreme law of the land" and trumps any laws created by the legislature not in conformity with it.
2. "It is emphatically the province and duty of the judicial department to say what the law is." This ruling was an important one because it established that although the Legislative branch, with the approval of the Executive branch, had the power to create the law, the Judicial branch had the power to interpret the laws made by the legislature, to review them to determine whether or not those laws are legal within the framework of the Constitution.

Significance of the decision

This case is significant in the history of the Supreme Court because it lays a framework for a branch of government whose powers were not clearly defined in the Constitution. Although the Supreme Court's powers were outlined in the Judiciary Act of 1789 by Congress, the Court still did not completely recognize its abilities until Chief Justice John Marshall stepped in to lead the Court in its journey from becoming the weakest branch of government in its beginnings to an equal branch of government.



PORTRAIT BY ALONZO CHAPEL VIA ASSOCIATED PRESS



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Academic Content Standards (The main lesson addresses these academic content standards.)

This lesson addresses academic content standards of Maryland, Virginia and the District of Columbia. Among those that apply are:

Maryland*Social Studies*

United States History (2.0). Grades 4-5: Students are able to describe how colonies were established and governed including the early democratic ideas and practices that emerged. Grades 6-8: Analyze changes of land and water transportation, including a network of roads, canals and railroads, and their impact on the economy and settlement patterns.

Skills

In the context of Maryland up to contemporary times and United States history through 1790, students are able to analyze issues by stating the issue, identifying and summarizing viewpoints and drawing conclusions based on evidence. In the context of United States history through 1877, students are able to interpret, evaluate and organize primary and secondary sources of information including pictures, graphics, maps, atlases, artifacts, timelines, political cartoons, videotapes, journals and government documents.

A complete list of State Content Standards of Maryland can be found at <http://www.mdk12.org/mspp/standards/>.

Virginia*History*

United States History to 1877. 5.2 The student will trace the routes and evaluate early explorations of the Americas, in terms of the motivations, obstacles, and accomplishments of sponsors and leaders of key expeditions ...

5.4 The student will analyze the United States Constitution and the Bill of Rights, in terms of the powers granted to the Congress, the President, the Supreme Court, and those reserved to the states.

11.17 The student will develop skills for historical analysis, including the ability to analyze documents, records, and data (such as artifacts, diaries, letters, photographs, journals, newspapers, historical accounts, etc.)

A complete list of Standards of Learning of Virginia can be found on the Web at <http://www.pen.k12.va.us/>.

Washington, D.C.*Social Studies*

Social Diversity and Social Change. The student will describe how the area of Washington, D.C., was selected and named as our capital city.

Religious, Ethical, and Philosophical Forces in History. The student demonstrates an understanding of people, events, problems and ideas that were significant in creating the history of Washington, D.C.

Chronology and Space in Human History. Students understand chronological order and spatial patterns of human experiences, by placing the stories of people and events in the context of their own time and place. By the end of Grade 5, the student will

- identify and describe major political, social and economic changes in American history up to the year 1800;
- develop maps, time lines, graphs, charts, databases to teach history to others;
- demonstrate an understanding of how European colonization and settlement affected the lives of indigenous peoples of Africa and the Americas.

A complete list of Standards for Teaching and Learning of the District of Columbia Public Schools can be found at <http://www.k12.dc.us>.