

THE BRIDGES OF ARLINGTON COUNTY

William H. Rehnquist & Francine Zorn Trachtenberg

Introduction

by Francine Zorn Trachtenberg

HE INVITATION FROM THE Arlington Historical Society (AHS) to its annual dinner on April 27, 2001 highlighted two facts: the occasion was the bicentennial of the founding of Arlington, Virginia and the speaker was the Chief Justice of the United States, William H. Rehnquist. The AHS had landed a big fish. The mention of the Chief Justice gave the invitation a decidedly weighty tone. If the topic of his speech was referenced in the invitation, I have no recollection of it and it played no role in my decision to attend.

For about a decade, I had been working as a member of the senior management team of WETA, Washington's public broadcasting station (which is actually housed in Arlington). Among my responsibilities was serving as a liaison to residents and government officials in Arlington (as well as in Richmond, the state capital). I normally

In 2001, when he gave the speech printed here, William Rehnquist (1925-2005) was Chief Justice of the United States, and Francine Zorn Trachtenberg (now retired) was Senior Vice President, Strategic Projects, and Vice President of Educational Services at WETA Public Broadcasting in Washington, DC. It is based on the version at www.supremecourt.gov/public info/speeches/viewspeeches.aspx?Filename=sp_04-27-01.html (courtesy of the Supreme Court's Public Information Office), with a few minor defects fixed.

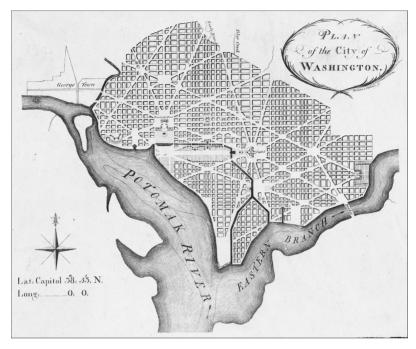
would have viewed the invitation from AHS as a professional obligation, a simple meet and greet, in-and-out social affair where one shook hands, exchanged words with fellow attendees and then went home, sometimes skipping the program portion of the event. But the opportunity to hear someone of the Chief Justice's stature was "an occasion" as we used to say in my neighborhood. The social and political profile of the evening of April 27 had certainly been raised.

The text of the Chief's talk is presented below. The Chief begins with a short description of Arlington's history. It took several centuries for the town to evolve into a place of its own, a location separate and distinct from its neighbors, Washington to the east and Alexandria to the south.

In 1790, with the passage of the *Residence Act* (officially titled, "An Act for establishing the temporary and permanent seat of the Government of the United States"), Congress established a home for the newly established Federal government. A ten-square-mile parcel was created with land ceded for this purpose by the states of Maryland and Virginia, drawn with a northernmost tip above Georgetown and below Falls Church, VA (where the shipping channel of the Potomac River ended), to a southernmost corner at Jones Point, VA. This land was known as the District of Columbia.

The Potomac River meanders through this territory providing not only a picturesque vista but also a geographic demarcation: "east of the River," "across the River" and "on the River" were but three of the descriptive terms used over the years to explain location. Soon after the District's founding, metes and bounds were surveyed by a team led by Major Andrew Ellicott and his partner, Benjamin Banneker, using 40 sandstone rounds placed approximately every mile along the four sides of the newly established borders, 36 of which are still in place.

Legislation stipulated that all newly constructed Federal buildings were to be placed on the Maryland side of the river, and an elaborate grid laying out the city was drawn up by Pierre L'Enfant, a design later modified by Major Ellicott. The map was put on an engraving plate and printed. It was the turn of a century, and a future world capital was in its infancy.



Andrew Ellicott's "Plans for Washington, D.C." (ca. 1792).

But within the city's borders, the western territory of Alexandria and Arlington (on the Virginia side of the river) soon became disenchanted with the economics of the newly formed District. In 1846 a vote was held, and Congress returned territory to Virginia in an act of "retrocession." Fifty years after being carved from the ribs of two states, the once elegant diamond-shaped city of Washington looked like someone had chewed a huge bite out of its side.

Regardless of the rough-edged perimeter, residents and leaders on both sides of the Potomac agreed that as the area's population and commerce developed, greater access across the river was required. Boats and barges had been the most common way to reach the opposite shore but soon a series of bridges arched across the river at various waterfront-crossing points, some designed for pedestrian use, others for transport of wagons, animals and eventually trains and automobiles.

It is the history of the creation of these bridges joining Arlington and the District of Columbia that is the subject of Chief Justice Rehnquist's dinner talk. Whether the legal scholars present that night were surprised to learn the topic of the speech I do not know, but I can say that this author, an art historian by training, was delighted. And I know about the importance of bridges, having grown up in Brooklyn, New York.

Of the three bridges that span New York City's East River, it is the iconic Brooklyn Bridge that stands strongest in my mind. It is the bridge of my childhood. In all seasons, at all times of day, a sighting of that bridge still gives me a rush, even after more than a half-century of snap-shot views. Along with its aesthetic delight, however, the bridge also symbolizes the "great divide" between Manhattan and the rest of the City of New York. From colonial days until the great bridge was completed at the end of the Nineteenth Century, crossing the river from Brooklyn to Manhattan was considered nearly as challenging an adventure as Columbus' trip across the ocean to the New World. It was the opening of a world of opportunities. In the past fifteen years, the sociological turnstile has changed, Brooklyn has been "rediscovered," and pilgrims from Manhattan, Queens and New Jersey make trips to not from Brooklyn for their voyages of opportunity and discovery.

If my friends and colleagues in Virginia ever had similar yearnings to reach Washington, I cannot say, but few people who observe the two jurisdictions will fail to notice the differences in architecture and style between these communities.

Washington is a "low city," its buildings conforming to a prescribed set of zoning regulations that limit the height of buildings so that, for the most part, their construction does not impede clear sightlines to major national monuments, especially the U.S. Capitol and Washington Monument. Many of the rules and regulations first specified in the Federal "Heights of Buildings Act of 1910" remain in force today, with certain amendments and refinements.

Arlington, in contrast, has permitted tall buildings to sprout in several of its neighborhoods, especially along the river's edge, thereby giving District residents a wonderful skyline to observe, one akin

to what folks in New Jersey experience while looking out across the Hudson to New York City (alas, more a metaphorical allusion than a real-world comparison). While traveling in an automobile through Arlington with a Virginia lawyer friend, I sped up to cross an intersection. My companion spoke up in his gentle southern timbre and asked, "Do you know the difference between Virginians and New Yorkers, Fran?" Before I could respond he smiled and answered his own question, "Virginians see that yellow light and slow down waiting the arrival of red. New Yorkers speed up to get to the other side before it turns red." I've not seen any statistical analysis to support his observation, but it struck me as an interesting reflection.

Chief Justice Rehnquist approached the subject of the bridges of the Potomac in an organized fashion, though not in the only way one could present the topic. As any academic lecturer (and any courtroom litigator) knows, there are often many theories that explain or describe a given set of facts. The Chief Justice could have described the history of the bridges in the chronological order of their construction, or begun with the bridge most frequently crossed. He might even have taken an alphabetical sequencing approach. He chose instead to work geographically, from north to south, beginning with what is currently known as "Chain Bridge" (coincidentally also the earliest of the bridges) and working his way downstream to the complex of 14th Street crossings. He intermingled history and engineering, peppering the stories with interesting asides of biography and politics.

Of the Potomac River bridges, Memorial Bridge resonates most strongly with me; its story is recounted about midway in the Chief Justice's talk. Like the Brooklyn Bridge, it plays an important role in understanding American history. The "feet" of the bridge are close to the two sides of the river's edge, but the span of Memorial Bridge is far wider and deeper: it stretches from the Lincoln Memorial to Arlington Cemetery, vivid reminders of the Civil War. Arlington House, the landmark within the cemetery that stands high on a hilltop overlooking the Potomac River, traces its roots from a relative of George Washington to the family of Robert E. Lee, the military leader of the Confederacy.

During the course of my employment at WETA, I also served a brief term as chairperson of the Arlington County Travel and Tourism Commission. At that time I tried to "reunite" Arlington and Washington through the use of a new branding initiative. "Arlington is Washington's Left Bank," I suggested, noting the number of theaters, shops and restaurants in the town. I went further to propose we construct a new pedestrian and bicycle bridge from the John F. Kennedy Center (on the Washington side) through Roosevelt Island (in the middle of the Potomac) to Arlington (on the Virginia side). Neither plan was executed, although in the words of one friend, "the ideas were not without some merit."

Chief Justice Rehnquist resided in Arlington for more than two decades. AHS invited a hometown resident to deliver the keynote speech at its bicentennial celebration, a gathering of over 250 locals. Although the Arlington Historical Society is a non-partisan organization, Arlington then and now has strong Democratic leanings. The date of this speech — April 2001 — arrived only a few months after the Court's *Bush v. Gore* ruling. On this particular evening, Democrats outnumbered Republicans in the room. If feelings were still sensitive, there was little evidence of it: A standing ovation was given at the end of the talk. The Chief Justice had bridged the political divide with historical grace.

REMARKS

by William H. Rehnquist

HANK YOU CHAIRMAN McGeary for the kind introduction. It is a great pleasure to be here tonight. As an Arlington resident for 17 years, I am especially pleased to be with you on the occasion of the bicentennial of the founding of Arlington.

But I do feel bound to express some doubt as to exactly why the year 2001 has been selected as the bicentennial of our county. I am by nature something of a skeptic about these things - I was one of a small minority which felt that the year 2001 - not the year 2000 - was the bicentennial year. This was a matter that could be argued

either way, and since there are no ancient documents indicating that they were written in the year zero — or, for that matter, any ancient documents indicating that they were written B.C. — you could pay your money and take your choice.

The bicentennial date for Arlington seems like a similar judgment call. There is no doubt that the act of Congress creating the District of Columbia took effect in 1801, and that the District as originally constituted included what is presently the District as Washington County, and what is presently the City of Alexandria and Arlington County as Alexandria County in Virginia. But one may scan the documents and maps of that day in vain to find even one single reference to "Arlington." It seems an apt occasion to use Gertrude Stein's famous phrase "There is no there there" - or perhaps, a more accurate paraphrase, "there was no there then." The name Arlington came into existence in our county shortly after 1801 when George Washington Parke Custis, the heir of George and Martha Washington, built a mansion house on a prominent rise looking towards the District across the river. Completed in 1817, he first called it Mount Washington, and then changed the name to Arlington. Robert E. Lee married the Custis' daughter and lived in the house with his wife when he was on leave from military duty in the United States Army. The official name of the house now is Arlington House, the Robert E. Lee Memorial.

In the spring of 1861 Robert E. Lee and his wife and family left Arlington House and moved to Richmond, where Lee took command of the Confederate armies. Union troops occupied the mansion and its land and buildings; the estate served as headquarters for the Union Commander in Northern Virginia, General Irwin McDowell. McDowell's tenure as Union Commander, of course, ended with his disastrous defeat at the first Battle of Manassas.

Congress enacted a law in 1863 which required owners of land occupied by federal troops to pay taxes to federal tax collectors. A tax of \$92.07 was assessed against Arlington House, but Mrs. Lee, who was too frail to appear in person, sent a relative to pay the tax. The Tax Commissioners in Alexandria refused to accept the payment – saying that the owner must appear in person to pay the tax –



The Custis-Lee Arlington mansion (ca. 1864).

and the estate was sold for taxes. It was bought in 1864 by the federal government for \$26,800. A 200-acre section was set aside as a military cemetery, the beginning of what is today Arlington National Cemetery.

When Custis Lee's mother died in 1873, he brought suit to recover ownership of the estate. The case came to the Supreme Court of the United States in 1882, and was a classic example of how hard cases can make arguably bad law. There was no doubt that the tax commissioners were wrong when they refused to accept Mrs. Lee's tender of the money owed for taxes by a relative – the law imposed no such requirement. But there was a second question in the case – the land was actually being used by the United States government for a military cemetery – and the long-established doctrine of Sovereign Immunity said that the government may not be sued without its consent. This latter issue caused the Court to rule – by a vote of 5 to 4 – in favor of Custis Lee. This was good news for Lee, who had a good claim to the property, but bad news for the law, since the decision confused the doctrine of Sovereign Immunity well into the twentieth century.

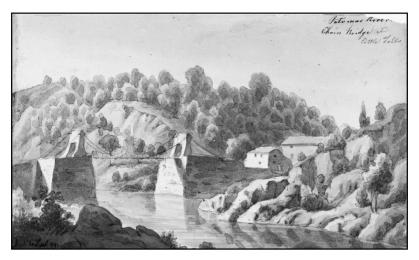
So, early in the nineteenth century, we do find the name of "Arlington," but it is attached to a house, and not a county. How did the county get this name?

In 1846, the Virginia General Assembly agreed to the retrocession of the Virginia part of the District of Columbia — what we now know as the City of Alexandria and Arlington County, if Congress approved. Congress authorized a referendum of the residents of the area; the measure carried by a vote of 763 to 222. Voting records indicate that the town of Alexandria voted in favor of retrocession, but the residents of what is now Arlington County preferred to remain in the District. So the Virginia part of the District returned to the Old Dominion State as Alexandria County. Then in 1870 the town of Alexandria became an independent city under Virginia law, so that you have both a City of Alexandria and a County of Alexandria. This was obviously going to be a source of confusion, but that confusion endured for 50 years — until in 1920 the Virginia legislature renamed Alexandria County as Arlington County.

So, if we were to be technical, and insist that an entity be in existence at its birth date, we would have to say that 2001 is not the bicentennial of Arlington County, but the 71st anniversary of its creation. But I do not propose to be a specter at the feast, and so I will in effect stipulate that this is the 200th year of Arlington County's existence.

In 1800, Arlington had a total population of a little less than 1,000. At the time of the retrocession 45 years later it had 1,300 residents. In 1900, the population had grown to 6,430. It then grew steadily, not spectacularly, up until the end of World War II; in 1920 it had a population of about 16,000 which had grown by 1940 to 57,000. But then a tremendous population explosion took place in the World War II and post-War era — by 1950, Arlington had more than doubled its population 10 years earlier, and had 135,000 people.

I suppose the reasons for this growth are many, and I am not enough of an historical expert to apportion causation. Part of it was undoubtedly the general flight to suburbia nationwide after World War II; part of it was because of the growth of the city of Washing-



Chain Bridge (ca. 1839).

ton itself. But for any of these reasons to have come into play, it was absolutely necessary to have bridges cross the Potomac River from the District to Arlington. At the time the District was created, both Georgetown and Alexandria were thriving ports, but there weren't any suitable bridges across the river in this area. Ferries soon proved inadequate, and so the building of bridges began.

The earliest Potomac River bridge crossing was built in 1797 at "Little Falls," the site of the present-day Chain Bridge. If this were a quiz show, I would pose to this audience the question of how many bridges have been constructed at this site – between then and now – any takers?

The answer is eight. The first bridge lasted seven years, the second bridge six months before being destroyed by fire. The third bridge, said to be the first metal suspension bridge in America and the one for which the bridge is named, was built in 1810 and washed away in 1812. Similar fates attended the fourth, fifth, and sixth bridges.

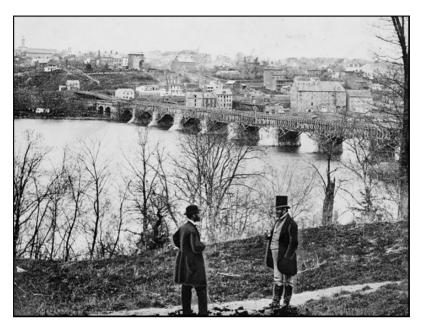
The seventh Chain Bridge was built by the federal government's Corps of Army Engineers in 1874. This bridge lasted for almost fifty years, until it was closed in 1927 for repairs. Those repairs were

finally completed in 1940, and the result is the Chain Bridge that we know today.

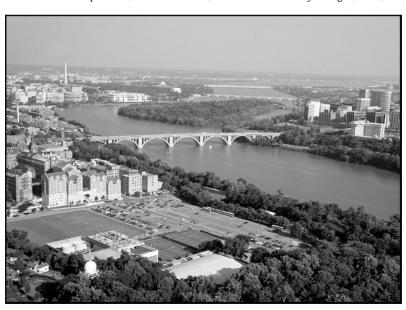
The Key Bridge also has an interesting history. In the early 1800s commerce was increasing rapidly and merchants wanted to link the Chesapeake and Ohio Canals by an aqueduct so that canal boats could cross the Potomac River. The project to build the quartermile aqueduct began in 1833. Blocks of gneiss (a local stone quarried from the hillside below Little Falls) were used to build the underwater piers, which were constructed inside cofferdams or large waterproof wooden tubes that went from the river's surface to the river's floor. Weather conditions, leaks in the tubes and pump failures made progress slow, but ten years later, in 1843, the 1,456-foot-long aqueduct, 40 feet above the river, was completed. The bridge, known as the Potomac Aqueduct, enabled canal boats to proceed with their cargoes from Georgetown and the upper Potomac River region to Alexandria and deep water to transfer their goods to sea-worthy vessels.

The Civil War interrupted plans to make an upper level for a railroad crossing above the lower canal level, and instead the canal was drained to make a roadway for military troops. In 1866 the boat channel was restored to private ownership and a toll highway and footpath were built on top of the lower canal level. The going rate for a foot passenger was two cents; a horse or any ox or other horned cattle, five cents; a vehicle drawn by one animal cost fifteen cents, twenty-five cents if drawn by two; and a penny for any pig, sheep or other live animal. The only exemptions from the tolls were the military troops and munitions.

After the war, both District and Virginia citizens complained about what they considered exorbitant tolls. They petitioned Congress, arguing that all of the other Potomac River bridges were owned by the federal government and toll-free, and in 1881 Congress authorized the purchase of the Aqueduct. At first, the owners refused to sell, and it was not until 1886 that a sale took place. The government bought the Aqueduct for \$125,000, and a new light iron truss bridge was constructed on top of the old stone piers and opened for traffic two years later.



The Potomac Aqueduct (above, ca. 1865), and the modern Key Bridge (below).

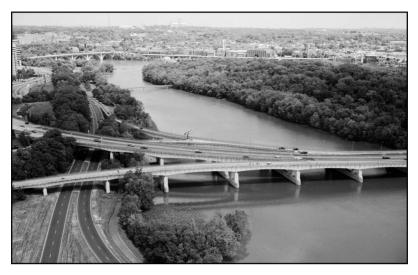


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The District of Columbia was responsible for the repair and up-keep of the Aqueduct Bridge for the next thirty years. At this point the old stone piers were found to be disintegrating and beyond repair. In 1916, Congress authorized replacing the old Aqueduct Bridge; the replacement is today's Key Bridge, named after Francis Scott Key who had lived in a house nearby on M Street. (The house was later demolished to make room for a ramp of the Whitehurst Freeway.) In 1924, a marble tablet was placed on the end nearest M Street on the Washington side by the National Society, United States, Daughters of 1812, with the following inscription: "This Bridge is named in honor of Francis Scott Key, author of the Star Spangled Banner, September 14, 1814. Then Conquer we must for our cause is just and this be our motto, 'In God is our trust.'"

Construction of the concrete and steel Key Bridge began in 1920 and because of the emergency of the First World War, then-Secretary of War Newton D. Baker decided the bridge was a military necessity and authorized its construction by hiring day laborers rather than by contract. Wooden cofferdams were built and towed to position for pouring the concrete superstructure. The giant steel arches were floated into place on scows. The river's currents, the pressures of ice during the winter months and the sheer size of the arches made this very dangerous labor and several lives were lost during the construction. Weather conditions and the wiles of the Potomac affected the final price tag for the bridge - \$2.5 million, more than twice the original estimate. The bridge is 1,450 feet long and 70 feet wide with 8-foot sidewalks on either side of a 50-foot roadway that is elevated 85 feet above the water. It was opened for traffic in 1923. In 1939, an extra span was added to the south end in Virginia to provide an underpass for lanes of the George Washington Memorial Parkway.

Another landmark bridge, between Key Bridge and the Arlington Memorial Bridge, is the relatively new Theodore Roosevelt Memorial Bridge, which was built forty-one years ago in 1960. At the time, the Commission of Fine Arts and the National Park Service opposed building another bridge in the area of the Mall, Lincoln Memorial and Arlington Cemetery. Ignoring a study that revealed

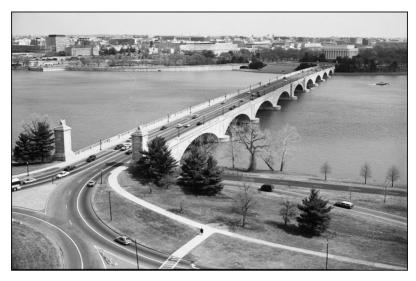


The Theodore Roosevelt Memorial Bridge, with the Key Bridge in the distant background and in the middle distance the pedestrian bridge to the Theodore Roosevelt Island National Memorial.

that it would cost the same amount of money to dig a tunnel under the Potomac as it would to cross over it, as well as citizens' complaints, the powers that be decided to build the bridge. The Theodore Roosevelt Memorial Bridge, which is six lanes wide, 2,400 feet long and cost \$24.5 million, was called "The Potomac Compromise."

Generally considered to be the most beautiful of the capital city's bridges is the Arlington Memorial Bridge, begun in 1926 and finished in February 1932 at a cost of \$6,650,000.

As early as 1837 Daniel Webster quoted President Andrew Jackson's wish that a bridge "with arches of enduring granite" be built across the Potomac as a symbol of the union of the North and the South. Congress took the first step toward making the bridge a reality when it passed a resolution in 1886 asking the Secretary of War to provide a report on the "expediency of constructing a government bridge from a point at or near the foot of New York Avenue or New Hampshire Avenue, on public grounds, across the Potomac . . . which would not materially affect navigation of the river." No action was taken on the first bridge study but Congress asked for a second

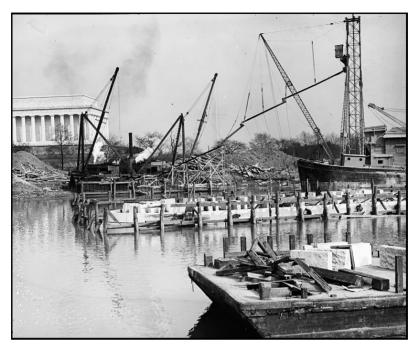


The Arlington Memorial Bridge.

study in 1890 "to examine and report on the most suitable kind of bridge . . . from a point at or near the foot of New York Avenue across the Potomac River to a point on the United States National Cemetery Grounds at Arlington, so as to connect in the best manner the public grounds on both sides of the Potomac River."

Around this time, Congress also decided that the bridge should be a monumental — rather than a utilitarian — structure. In 1901, a design competition was held and a design selected, but the project was abandoned. A short time later, the McMillan Park Commission and the Commission of Fine Arts reviewed the idea of a memorial bridge and a decision was made to align the bridge with the Lincoln Memorial and Arlington House.

The Arlington Memorial Bridge construction began in 1926 with forty contractors participating in the project. To my surprise there is a connection between this bridge and the Supreme Court. In 1931 the foundations for the Supreme Court building were being completed and the Arlington Bridge Commission contracted to haul excavated material from the building site on Capitol Hill to the Memorial Bridge site to use for land-fill.



Laying the foundation for the Arlington Memorial Bridge (ca. 1926), with the Lincoln Memorial in the background.

Arlington Memorial Bridge is made of reinforced concrete "dressed" with North Carolina granite; it is 2,163 feet long and has a 60-foot-wide roadway with 15-foot walkways on either side. Though no longer in operation, the bridge has one of the longest (216 feet), heaviest (3,000 tons) and fastest (one minute) draw spans in the world; its ornamental design makes it almost invisible. The low design of the bridge was intentional, so as not to distract from the view of the Lincoln Memorial from the Virginia side of the Potomac.

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 years later, 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.

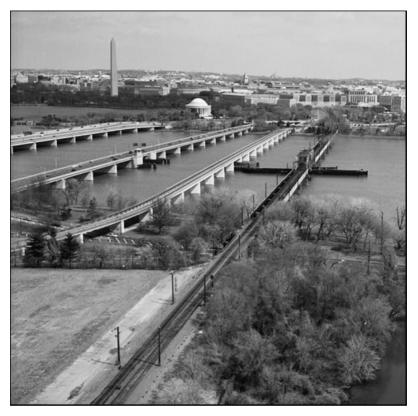


The Long Bridge (ca. 1860s).

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. The "Highway Bridge" replaced it in 1906.

At the turn of the century the average daily traffic over the Highway Bridge was 52 single electric trolley cars, 201 two-car trains, 103 automobiles, 780 double-animal teams, 370 single-animal teams, 543 pedestrians and 8 equestrians. The swing span of the Highway



The several spans of the modern 14th Street Bridge.

Bridge opened 14 times a day; the swing span was not used after 1961. Compare this with the daily bumper-to-bumper traffic using the bridge today!

Of the present Fourteenth Street Highway Bridges, the south-bound, outbound span, closest to Memorial Bridge, is called the George Mason Memorial Bridge; it was completed in 1962 and replaced the Highway Bridge. The northbound, inbound span (the original modern-day 14th Street Bridge) was completed in 1950 and named the Rochambeau Memorial Bridge, after the French revolutionary war general Count Jean Baptiste Donatien de Vimeur Rochambeau, a French officer who accompanied George Washington on the march to the Battle of Yorktown in 1781. In 1985 the bridge

was renamed the Arland D. Williams, Jr. Memorial Bridge. Williams died while saving others from the icy Potomac when an Air Florida plane crashed into the deck of the bridge and fell into the frozen river during a snowstorm in 1982. The metro track and the railroad bridge spans have yet to be named. One lesson to be drawn from the naming of these various bridges collectively called by all local drivers "the 14th Street Bridge" is that if you give a single name to a bridge in a single location – Key Bridge, for example, or Chain Bridge, for example – people will remember it and call it by that name. But if you give several different names, including a French name which many people are unsure how to pronounce – to different spans of the same bridge, people will take the easy way out and end up calling the bridge by something they can remember – the 14th Street Bridge!

So surely the bridges have been a vitally important part of making Arlington what it is today - a county with many advantages and few disadvantages. A relatively low real property tax rate, many good public schools, an excellent public library are some which occur to me. Many of you in the audience can probably come up with others. You may be interested to know that the most frequently visited tourist attraction in Arlington is Arlington National Cemetery. If you think that you have seen one cemetery you have seen them all, this is not a great advertisement for our county. But Arlington National Cemetery is definitely in a class by itself, as anyone who has stood amidst the gravesites on that hill and looked over at the monuments and buildings in the District can attest. Probably the most indisputable advantage of living in Arlington is, to employ real estate terminology, "location, location, location." If you want to live in an area of mostly single family residences, many parts of Arlington afford the easiest commute from Northern Virginia into the District of Columbia.

Our present county of nearly 190,000 people has indeed evolved from merely the rural part of Alexandria County two centuries ago. It is fitting that we commemorate its 200th anniversary this evening.

