



VIEW*S* & VISIONS

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Life in Jefferson County is Steeped in Rich History

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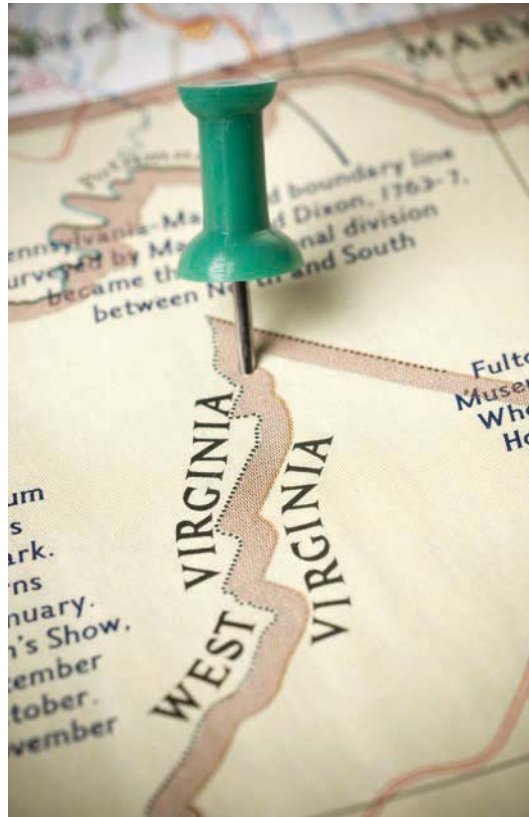
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Printz earned his bachelor's degree from the University of Virginia and his law degree from West Virginia University. He has been named to *The Best Lawyers in America*, *Super Lawyers* and *Chambers USA: America's Leading Lawyers for Business*, and is peer-review rated AV by Martindale-Hubbell.

He is president of the Defense Trial Counsel of West Virginia and also serves on the association's Employment Law Committee. He also is a member of the Defense Research Institute and its Commercial Litigation Committee. Printz is a permanent member of the Fourth Circuit Judicial Conference, and serves on the Law and Medicine Committee of the West Virginia State Bar.

The cleaving of West Virginia from secessionist Virginia during the Civil War was controversial from a constitutional perspective. Just as interesting was the court battle over which of the two states would keep Jefferson and Berkeley Counties.

The backstory is familiar. Following Virginia's secession in April 1861, a second pro-Union Virginia government was formed in Wheeling, the Restored Government of Virginia, which voted to create a new state – West Virginia. A referendum on a state constitution passed in April 1862, which recognized 48 counties with the option to include Jefferson and Berkeley Counties. No votes were taken in Jefferson or Berkeley Counties at the time, because they were controlled by the Confederacy.



In December 1862, the United States Congress ratified the new state of West Virginia, consisting of 48 counties, adding that slavery would be eliminated within its boundaries.

In May 1863, Union troops had occupied Jefferson and Berkeley Counties, and a majority of those voting in special elections chose to join West Virginia. The two counties were then included in the new state and President Abraham Lincoln proclaimed statehood on June 20, 1863.

This was not the end of the story, however. When old Virginia formed a new government after being restored to the Union at the end of the Civil War, in December 1865, its legislature repealed the Restored Government's inclusion of Jefferson and Berkeley Counties as part of the new state and then sued to recover the two counties in the U.S. Supreme Court. Virginia argued that Congress had never approved Jefferson and Berkeley Counties as part of the new state and, in any event, the special elections were fraudulent. After all, most of the eligible voters were fighting for the South.

In what can be described as "home cooking," the Supreme Court of the United States ruled in *Virginia v. West Virginia*, 78 U.S. 39 (1871) that Congress' approval of statehood inferred contingent boundaries, i.e., the two counties. The Court also held that despite allegations of fraud, the certification of the special elections by Governor Francis Harrison Pierpont of the Restored Government was conclusive. So ended the tug of war.

I grew up in Jefferson County and came to know its unique connection with our nation's history and its ties with Southern culture at an early age. Fifty years ago, the sleepy communities



Shepherdstown Bridge

of Charles Town, Shepherdstown and Harpers Ferry were surrounded by farms and orchards. The land was worked as it had been a century before. The FFA was the largest club at each of the county's three small high schools. A large percentage of school-age children were active in 4-H. The Jefferson County Fair was the significant event of the year. The population was stable. Churches were filled on Sundays.

In the following half-century, the county's population nearly tripled. Jefferson County is now part of Washington and Baltimore's Greater Metropolitan Area and has become a bedroom community for a legion of commuters. For many others, the federal government has come to Jefferson County through the Department of Agriculture, the Fish and Wildlife Service, the U.S. Coast Guard, the National Park Service, and the U.S. Customs and Border Patrol. Shepherdstown has become a destination city. Harpers Ferry National Historical Park sees more than a million visitors a year. Charles Town, surrounded by five Washington family mansions, has been infused with millennials seeking to start

careers and families. The county's median income for a family, circa 2010, is \$77,185.

Despite this transformation, the county has not lost its character. Tractors and combines still stall traffic on rural roads, and the county fair remains the largest annual event. For many who call Jefferson County home, the pace of life can be measured and adjusted.

The farm on which I now live is one of the county's oldest, carved from a Lord Fairfax land grant in the mid-1700s. It straddles a narrow road lined with trees that, with little momentum, leads one down to the Potomac River and Packhorse Ford, where Lee and his army crossed to Antietam and subsequently made their retreat. From the back porch of the stone farmhouse, the gap at Harpers Ferry is in full view where the mountains, two rivers and three states meet. Below that are the pastures and crops of farm after farm, only occasionally interrupted by homes and fences.

From that bucolic view, the future of Jefferson County comes into focus. The county is pulled in different directions

by its citizens. The protection and preservation of its past and rich history has influenced its leaders over the past two decades. Residential development, once booming, now proceeds at a more measured pace, alongside total farmland protection that should exceed 5,000 acres in 2016. Small manufacturing operations have thrived in the county, but larger industries may be coming to call. Shepherd University, once a sleepy college with enrollment in the hundreds, now has a 325-acre campus and 4,300 students. American Public University, an online school founded in 1991 in Charles Town, has an enrollment of nearly 47,000. The combination of these influences and competing dynamics against the growing metropolitan area at its borders undeniably will improve the quality of life for its citizens.

Jefferson County is a gem. At least one songwriter agrees. John Denver's "Take Me Home, Country Roads" speaks of the Blue Ridge Mountains and the Shenandoah River. Only Jefferson County can claim both. ♪