FORGOTTEN FOUNDER

By Stephan A. Schwartz

It had rained over the weekend, breaking the sweltering heat that had made Philadelphia a caldron for most of the spring and summer of 1787. The air was cool and fresh on the Monday morning the delegates to the Constitutional Convention gathered for a last time at the war-worn State House (now Independence Hall). They had argued amongst themselves up to the last minute, and even now not one of them was entirely happy w0ith the results they had achieved. Forty one of the 61 delegates originally appointed were present. The aristocratic Charles Pinckney of South Carolina, 29 but claiming he was only 24 to make his accomplishments seem all the more remarkable was dressed in his usual flamboyant silks. The redoubtable Benjamin Franklin representing Pennsylvania at 81 was dressed in plain unembroidered brown, and was easing tensions with humourous stories. Lanky raw boned Roger Sherman from Connecticut, a powerful force at the convention, though a poor man, was dressed in black, his thick muscular wrists sticking out from his too short sleeves.

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It was after three o'clock before they finally got everything organized, and what they achieved set the pattern for our peculiarly American way of conducting public ceremonies: No costumes or symbols. No class differences. Only the barest hint of ceremonial behavior. For all the democratic simplicity though, no one doubted that something of great importance was taking place.

The Constitution had been professionally copied out on a sheep skin parchment. It lay on a small baize covered table at the front of the room where the delegates had been meeting. Next to it was a silver inkstand and a newly trimmed goose quill.

They sat in silence as their new Constitution was read to them. Then Franklin, knowing how fragile the consensus for acceptance actually was, rose to try and explain why he was prepared to sign. He was not up to the physical task though, and his younger colleague James Wilson had to read his words. Franklin confessed there were several parts of the Constitution "which I do not at present approve."

Nathaniel Gorham of Massachusetts immediately asked to speak, offering at this final hour an amendment that would increase the size of the House. The meeting stood at a parlous point; it could easily spiral back into acrimonious debate. George Washington, one of the seven delegates from Virginia, stood to speak for the first and only time. Through the weeks of the debate, although the presiding officer, he had sat silently on a simple chair in front of the assembly. By his silence he had made himself

the chalice of their commitment to integrity. His request that Gorham's change be approved, and that events move on, was irresistible. But still they struggled. Finally, though, they lined up by state, with the New Hampshire delegation at the head. A shaft of golden late afternoon light lit the table, in a way that some saw as an omen, as they began signing the document their compromises had created. Franklin had to be helped to the small table, and was silently weeping as he wrote his name. Washington signed with almost unapproachable dignity knowing, as they all did, that he would be the first President.

Three people refused to sign. One of them was George Mason who, more than any other individual, had influenced all three American sacraments: The Declaration of Independence, the Constitution, and the Bill of Rights. Sixty two, gouty and irascible, this militia colonel with serious Virginia land holdings had been a slave owner most of his life. Yet now he withheld his support from the document he had played so large role in crafting, because the Constitution did not end the slave trade, and there was no Bill of Rights.

Mason had told his colleagues that slavery was a moral error that would bring "the judgment of heaven on the United States. As nations cannot be rewarded or punished in the next world they must be in this. By an inevitable chain of causes and effects providence punishes national sins by national calamities." He could not get his fellow delegates to accept his point.

Nor could he get them to see why, since the individual states guaranteed personal rights, that the federal level must also acknowledge and guarantee them as well. They did not yet see what Mason already understood: In the new system they were creating, the federal government could overwhelm the states' guarantees, unless the federal Constitution specifically acknowledged that rights were not abstract concepts, but real powers innate to every individual. Personal rights, Mason saw, served as part of the system of checks and balances they had carefully built into the new government.

His decision not to sign astonished some, and alienated others, as he must have known it would. We will never know whether he appreciated what his refusal would cost him, but it is hard to believe that a man so aware of nuance in so many other public matters would have been unaware of what his stand would mean.

He had been born to George and Ann Thomson Mason in 1725, on a Potomac River plantation in what is now Fairfax County, Virginia. He was a fourth generation member of a family that had been wealthy and influential for so long that even before the United States was a country the Masons were the definition of "old money." Little is known of his early childhood, except that his father drowned in a boating accident when he was 10, and the responsibility for his upbringing from then on was shared by his mother and his uncle, John Mercer. The transition was to change the course of his life, and American history.

In the 18th century books were rare and valuable. Most families owned only a Bible, and even wealthy gentry might have no more than five or 10 books. Mercer possessed over 1,500. To have read and to own so many volumes marked Mercer as a man out of the ordinary, and being given the run of such an extraordinary library afforded Mason a significant opportunity. One third dealt with law and governance, including social criticism by such writers as the English philosopher John Locke, while much of the rest was the great literature of the day, with a heavy flavoring of satirists such as Jonathon Swift, the author of *Gulliver's Travels.*

History is vague about the relationship between the uncle and his ward, but it does say that like his friend George Washington, except for his childhood tutor, and a stint in a private school, Mason would receive little formal training. Mercer's library was his education. Like his friend Benjamin Franklin, Mason was an autodidact whose force of intellect simply overcame his education limitations. And although he would never become a multi-faceted, multi-lingual "intellectual" like Jefferson, Franklin, or Hamilton, armed by nothing more than Mercer's library, and his own tenacious drive Mason, who never took the bar, would come to be acknowledged as an authority on law, particular navigation rights, and land contracts. His contemporaries also note his command of historical and literary information. But what mattered most to Mason as he emerged from this period of his life was how a society should govern itself, and the rights of the individual,

In 1746, when he was 21, Mason assumed control of about 20,000 acres of prime Virginia land, broken into farms scattered across several counties, including the family seat, a 5,500 acre tobacco, and later wheat, plantation about 20 miles south of what is now Washington, D.C.. Political philosophy might be a passion for America's 18th century elite, but knowing how to run a successful international agricultural operation -- which is what colonial plantations were -- was what was essential; and it was no small achievement, nor one easily attained.

To be successful required knowing land, surveying, agronomy, market analysis, contract law, managing people, and a host of other skills. By modern standards a planter operated in a horrible business climate: fixed assets, fluid debts at outrageous interest, market laws stacked in favor of England, and little ready cash with which to work. Many failed, but Mason proved good at it and his neighbors soon knew it. At his death he owned 80,000 to 100,000 acres and, unlike many planters of the Revolutionary era, he was not crippled by debt.

Four years after taking control of his legacy, Mason married Ann Eilbeck, a planter's daughter. In an age when marriage was still largely seen through the prism of connections, theirs was a love match which lasted until Ann's death, 23 years later. They had 12 children together, nine of whom lived past childhood, five sons and four daughters. Although he was considered by many to be a difficult man, George's love for Ann was passionate, tender, and unwavering. Years later he chose to be buried next to her even though he had remarried.

Midway through their first decade together, at a time when the great 18th Century manor houses of Virginia were being built, Ann and George began the construction of their own home. Like Thomas Jefferson, George Washington, and other planters, Mason designed the house, assisted by two gifted indentured servants, William Buckland, and Bernard Sears. Like Jefferson's Monticello, or Washington's Mount Vernon, Gunston Hall, as Mason called the Georgian style house, was an extension of the man. Given Mason's wealth and station, it is surprisingly small – on the order of a home in a modern upscale development -- simple and restrained on the outside and very well appointed and elegant on the inside.

Mason's choice of the site for the new house also says a lot about the man. He could have put it anywhere. He owned miles of rolling countryside with river views. He *chose* to put it near the main colonial road that ran between Williamsburg -- Virginia's capital and most important urban center -- and Philadelphia, then America's leading and most cosmopolitan city. The colonial leadership, sometimes with their wives and families, sometimes without, rode up the drive to spend a day or a week sitting in his gardens looking out at the Potomac, riding over his land, or eating at his well-stocked table. In the evenings they gambled at loo or whist in his drawing room. Somewhere along the line, they gave Mason the latest information on events in the country, and got him to give them his views. He was one of the greatest mentors of the colonial leadership. Jefferson, who was greatly influenced by him, called Mason "the wisest man of his

generation". James Madison would later say, "My private intercourse with him was chiefly on occasional visits to Gunston when journeying to & fro from the North, in which his conversations were always a feast to me." Thus a man who did not like to travel, but who wanted to be at the center of his country's intellectual action, achieved his purpose.

What made the advice Mason offered so easy to take for many of the other Founders was not only its wisdom but the fact that it came from someone who, unlike most of them, was not a competitor for office or public notice. Mason loved the philosophy of governance, liked shaping it, but acknowledged that he had no tolerance for the jostling camaraderie of public political life, and lacked the patience for its daily practice. He derisively described many well-known public figures as "Babblers"; a typically Masonian observation.

In an age notable for it highly mannered speech, Mason was quite different. His insights were never hidden in language. Mason's fellow Virginian, Edmond Randolph said with some irony, that Mason was not "wantonly sarcastic," but Jefferson was blunter: "His elocution was neither flowing nor smooth… his language was strong, his manner most impressive, and strengthened by a dash of biting cynicism, when provocation made it seasonable. "

One person who didn't seem to mind was Mason's near neighbor, George Washington. The two Georges had known each other at least since Washington was in his teens and Mason in his twenties -- he was 7 years

older. Their plantations were of similar size, and they speculated together in the Western lands of Ohio. When they married, they lived less than a day's ride apart.

Washington was ambitious, newly affluent -- having married well and improved his fortune -- and no one ever mistook him for anything but a leader. Unusually big – six feet three inches and 175 pounds – when the average male height was five feet seven inches, and famously strong with solid muscles and big hands, Washington moved, danced, and rode a horse with such athletic grace that people remarked upon it. He was not an intellectual; his tastes ran to the broadside newspapers, as many as ten a day, "pop" fiction like *Peregrine Pickle* and *Tom Jones*, or works on farming. He was almost always in control of himself, measured his words, and rarely said anything to offend. He was probably sterile from a childhood illness, and the only child who ever seems to have completely captivated his heart was Patsy, the child of his step-daughter.

Mason in contrast had always been rich, took his high status in the gentry as a given, and his children and his wife were his life. The only portrait we have of him is from the time of his marriage, when he was 25, and in it his round face is already developing a double chin. In contrast to Washington who always wore his own hair, Mason, like most of the other gentry, shaved his head twice a week and wore a wig that matched his natural chestnut color. Only after the Revolution when wearing wigs was seen as "English" and unpatriotic did Mason let his own hair grow out, and it never showed much gray. He was short, but stood very straight,

and made a powerful impression, although nothing like the commanding presence of Washington. Also unlike Washington, who was very conscious of how people perceived him, Mason by all accounts was genuinely uninterested in whether he was liked or not -- except when it came to Washington. Contemporaries saw Mason as in many ways Washington's mentor but, as they grew older it was Mason who seems to have worked hardest to keep the friendship strong.

One thing the two men had in common was a notable commitment to integrity. Washington's, of course, comes down to us, while Mason's has been forgotten. Its flavor can be seen in a letter he wrote to his son John when the young man went into the merchant business. His father gave him the counsel by which he had governed his own life: "Live in a frugal Style, without parade or Ostentation, avoid all unnecessary Expence, & do as much of your Business your selves, as you can; . . . Attend with Diligence & strict Integrity to the Interest of your Correspondents & enter into no Engagements which you have not the almost certain Means of performing."

Although considered by themselves and others to be rich, rich meant something quite different in the 18th century than in the 20th. Both Washington and Mason might live grandly, but the truth was they were both chronically short of ready money -- a very real problem in a world without the commercial credit we take foregranted today. Many of the small farming deals between Washington and Mason were barters: Prussian blue paint for plantation-made rose head nails. Gifts also went

back and forth: seeds or seedlings, or a fragrant mix of the season's dried flowers to scent a room.

Both the men and the women talked about the slaves which made up a considerable portion of their wealth, and whose presence in many ways dominated their lives. It is hard for us today to understand slavery; the concept is so repugnant that even educational reenactments at living historic sites like Williamsburg, Virginia excite controversy. But 200 years ago both slaves and masters looked back on a history where slavery had always been a fixture of life, and which the Bible condoned. For all that continuity, by the mid-18th century many in the colonial elite to which the Washingtons and Masons belonged, were deeply conflicted about it.

We don't know much about the views of the wives on slavery, and Washington's final views were still forming, but Mason's had become clear and characteristically acerbic: he had grown to loath what the next century would call "the peculiar institution". In his typical blunt style he wrote, ". . . that slow Poison, [slavery] . . . is daily contaminating the Minds & Morals of our People. Every Gentlemen here is born a petty Tyrant. Practiced in Acts of Despotism & Cruelty, we become callous to the Dictates of Humanity, & all the finer feelings of the Soul. Taught to regard a part of our own Species in the most abject & contemptible Degree below us, we lose that Idea of the dignity of Man which the Hand of Nature had implanted in us, for great & useful purposes. Habituated from our Infancy to trample upon the Rights of Human Nature, every generous, every liberal Sentiment, if not extinguished, is enfeebled in our Minds.

And in such an infernal School are to be educated our future Legislators & Rulers."

Mason also deplored the deliberate policy on the part of many planters of keeping slaves illiterate and uneducated. Sending slaves back to Africa, to Mason, seemed cruel, and very unlikely to be successful. Also he didn't think the slaves would want to go back, and he was right. (By 1847, even with free passage, only 13,000 former slaves had made the trip back to Africa.)

For all their inner-conflict though neither man had any clear idea what to do. To the 21st Century mind the answer is easy: Free your slaves! But the 18th Century was a different world, with different values. Even simple human considerations were complex on this issue. Freeing slaves meant they often had to leave the state, tearing apart life-long relationships. Freeing them in the slave culture of Virginia, and its surrounding states, also meant making them, at best, vulnerable to exploitation and, at worst, recapture and re-enslavement. For the plantation owner mass manumission also meant financial and, thus, social suicide.

As the years passed, the issue for Mason seems to have grown more and more intolerable. Finally, by one account, he came to believe that only one solution would work. Planters, and other slave holders should be reimbursed by the government for the value of their slaves, and slavery should end. The importation of slaves should be stopped, immediately. At the same time, a program of education before emancipation should be

begun so that the slaves could at least read and write, and claim their birthright with some measure of equality. He thought it would take a generation to accomplish all this, but saw no alternative.

It was a sensible and coherent view, an amalgam of self-interest and his belief that forcing a change in the economy without compensation would bankrupt the leadership of Virginia and the other major slave holding states –- whose wealth was inextricably tied up with slavery -- creating disorder and providing fertile ground for destabilizing demagoguery. Like slavery itself, it is difficult to appreciate, in the 21st Century, how fearful 18th Century affluent Americans, including Mason, were of mob actions and the demagogues that rallied them. Only the early days of union organizing and our fear of communism in the 1950s conjures up a modern empathetic echo.

Although it would be hard to prove, it is interesting to speculate as to whether Mason's views influenced Washington. Born into a slave-owning world, initially, he did not question its order. By the time he became President, however, Washington had begun to see slavery as wrong. He allowed his valet William Lee to marry a free black woman, and hired her to work at Mount Vernon, even though he did not like her, so the married couple could be together. When he died, whether swayed by Mason or not, he closely followed Mason's plan. He freed his slaves, and made allowances for education and training. The elderly were cared for. William Lee got his freedom, housing, food, and basic clothing for life, as well as $30 a year (quite a large sum at the time).

Both men, as representatives of their class, saw public service as a responsibility but here, as well, their approaches were very different. Washington saw public office as part of his life plan. . Public office wasn't where Mason's fire burned best. He was by choice and disposition a "back room" man, although at 25, he became a justice of the Fairfax County court, and between 1754 and 1779, he was a trustee of the city of Alexandria. Concurrently, he stood for election and, in 1759, he was elected to the Virginia House of Burgesses, the colonial legislature.

For Mason, though, "there never was a government over a very extensive country without destroying the liberties of the people." He saw state sponsorship of religion as one way this control was expressed, and he was an early proponent of what was called "disestablishmentarism", the movement to separate church and state. Another way governments got control, was through taxes, and Mason was a powerful opponent of taxation without representation.

Mason's strengths came out best when it was time to commit a position to paper. When the Stamp Act of 1765 brought the colonies to a fever of indignation, it was Mason who wrote an open letter "To the Committee of Merchants in London" which was published in the London *Public Ledger*. When the British government, in response, began what the Americans saw as punitive taxation, Mason became a member the inter-colony Committees of Correspondence and was a major author in drafting non-importation resolves to boycott British products.

Although he not like to travel and rarely went further than 100 miles, this public work kept him away from home much more than he liked. He was never really comfortable being away from his wife, nor happy about his children growing up without a father's presence, as the death of his father had left him deprived. When his wife Ann died in 1773, Mason was devastated. "…I will not attempt to describe my Feelings: I was scarce able to bear the first Shock; a Depression of Spirits, & setled Melancholly *(sic)* followed, from which I never expect, or desire to recover." At 48, he was a widower with nine children, and he took his duties as a single parent very seriously. His world shifted inward, even as depression and the stress it produced took their toll. He developed some kind of gastrointestinal disorder, and his incipient gout flared and became very painful.

Although "determined to spend the Remainder of my Days in privacy & Retirement with my Children, from whose Society alone I cou'd *(sic)* expect Comfort . . ." ultimately his friends and his principles would not let him really withdraw. In July 1774, a year after Ann's death, Mason went up to spend the night at Mount Vernon. The invitation from Washington was more than social. Boston Port had been closed, and the Virginia colonists felt a powerful need to somehow support the people of Massachusetts. To meet that need Mason sat down at a table in Washington's parlor and wrote the Fairfax Resolves outlining the colonists' constitutional grounds for their objections to the Boston Port Act. It was the beginning of his public writing on constitutional issues.

Despite his aversion for public office, when Washington was named Commander-in-Chief of the Continental Army in 1775 the Virginia Legislature asked Mason to take Washington's seat in that body. Almost immediately he was an "elder" to whom other members turned. Constant consultation, plus his natural affinity and passion for the subject, forced Mason to really grapple with the relative rights of citizens and government, and how this might play out in the sweaty compromises of politics. In April, while serving on Fairfax County's Committee of Safety he wrote, "We came equals into this world, and equals shall we go out of it. All men are by nature born equally free and independent. To protect the weaker from the injuries and insults of the stronger were societies first formed; . . . Every society, all government, and every kind of civil compact therefore, is or ought to be, calculated for the general good and safety of the community. Every power, every authority vested in particular men is, or ought to be, ultimately directed to this sole end; and whenever any power or authority whatever extends further, or is of longer duration than is in its nature necessary for these purposes, it may be called government, but it is in fact oppression. ...In all our associations; in all our agreements let us never lose sight of this fundamental maxim--that all power was originally lodged in, and consequently is derived from, the people. We should wear it as a breastplate, and buckle it on as our armour."

In 1776, for the second year in a row, two delegates were elected from each Virginia county to form what was called a convention. Its purpose was to replace the House of Burgesses, the colonial legislature. Mason,

now 51, was amongst those selected that year, and he felt he could not decline. But he was absent at first as the delegates straggled into Williamsburg, confined to Gunston Hall by a "smart fit of gout," every step was an agony, his joints ached down to the bone. But if his body was missing, his presence was not. When the pain eased, and he could travel again, Mason arrived at the tavern where he would be staying and found himself already appointed to a committee charged with drafting a "Declaration of Rights and a Constitution."

On Saturday the Fourth of May little Rhode Island seceded. The first colony to declare its freedom from England. The news electrified the Virginians. Mason began work that Monday on the 6th filled with enthusiasm, but it didn't last. It made him crazy to sit in meetings with people who took turns for hours pontificating. He complained to one of his closest friends, Richard Henry Lee, that the committee was "overcharged with useless members who… would draft a thousand ridiculous and Impracticable proposals..." By the end of the first week, he had more or less pushed most of them aside. It is a measure of the respect in which he was held that they went along with this.

Edmund Pendleton, chosen as Speaker that year wrote Jefferson, then in Philadelphia representing Virginia at the Continental Congress, "The Political Cooks are busy in preparing the dish and as Mason seems to have the Ascendancy in the great work, I have Sanguine hopes it will be framed so as to Answer it's (sic) end… but I am a stranger to the Plan."

The Plan began with the Enlightenment philosophy of the Englishman John Locke (1632-1704), who argued that government's sole purpose was to protect the natural rights, liberty, and property of the people. And he enumerated most of the rights Mason would later list. But it was Mason who saw why it was important to make Locke's abstractions law. He had come to believe that a democracy had to *begin with the formal legally binding commitment that individuals had inalienable rights.*. Rights that came from the Creator and were superior to any government. A bill of rights seems such a given in our lives today, that it is hard for us now to appreciate how really radical this insight was.

One other committee member did play a significant role: Young Madison, just 25 and beginning his public career. At a glance he made an odd contrast with the stout acerbic Mason, who was twice his age. Madison, so slight of stature it was said he was no bigger than half a piece of soap was pale and shy, a bookish man who spoke with a high voice. Although university educated he had quite modest means. Yet in other areas, where it counted most, they were the same. Like Mason, Madison did his homework, knew his citations, and could marshal his thoughts into a compelling argument. And he never babbled. When Madison proposed that they strengthen the freedom of religion clause, Mason saw his point and readily agreed.

That summer spent writing Virginia's Constitution and Bill of Rights with Mason would become the precursor event upon which Madison would build his own place in history eleven years later when, still only 36, he

would be the principal architect of the Federal Constitution. And the bond formed in 1776 between Mason and Madison, although they did not agree on many things, would still prove important during the Constitutional Convention in 1787.

But that wasn't all. Madison and Jefferson were close, both being public figures at an early age, holding many opinions in common, by way of being neighbors, and both seeing Mason for all his crankiness as a mentoring figure.

The two younger men communicated regularly and candidly and Madison let Jefferson know what their thinking was as he and Mason worked. Madison understood the implications of what Mason was doing, and knew Jefferson would as well. Virginia's Declaration of Rights would be an unprecedented political statement; nowhere in modern times had a government acknowledged such a concept as individual "inalienable rights," let alone formalized as a limitation on its own power.

Events were moving almost faster than their correspondence though. In the midst of Madison's and Mason's work in Williamsburg, the Virginia Convention sent Richard Henry Lee to Philadelphia, where he introduced a measure declaring national independence. It was well received, and with the usual legislative courtesy of the day, Lee would normally have been made the chairman of the committee charged with drafting the declaration. But Lee learned his wife was sick, and asked permission of the Congress to return home. In his place, that Tuesday, June the 11th,

Thomas Jefferson was appointed. Jefferson, only 33, thought John Adams, as the more senior member of the committee, should draft the declaration. In fact he asked to be excused from the committee so that he could join Mason and Madison in drafting the Virginia constitution. His request for leave was denied, and Adams soon made it clear why he felt Jefferson was the man for the job.

"Why will you not?" Jefferson asked of Adams, when the Massachusetts leader declined the task of writing the declaration. "You ought to do it?"

"Reasons enough," said Adams.

"What are your reasons?"

Adams was almost as blunt as Mason in his speech. He replied, "First, you are a Virginian, and a Virginian ought to appear at the head of this business. Second, I am obnoxious, suspected, and unpopular. You are very much otherwise. Third: You can write ten times better than I can."

"Well," Jefferson responded, "If you are decided I will do as well as I can."

Like Mason though, Jefferson hated to write in committees, and he didn't like to be edited with one exception – Benjamin Franklin, who was also a member of the committee. Franklin understood Jefferson's desire to do the first draft himself, if the task was going to be his to do, and left him to

it. Roger Sherman and Robert Livingston also agreed. But what to write, and how to write it? Part of the answer would soon arrive by courier from Williamsburg.

The day after Jefferson was appointed, Mason's Declaration of Rights was adopted in Williamsburg on Wednesday the 12th of June. Mason's Virginia Declaration of Rights began "… all men are by nature equally free and independent, and have certain inherent rights . . . namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursueing *(sic)* and obtaining Happiness and Safety."

The influence this had on Jefferson is transparently obvious. Jefferson's draft of the Declaration read: "We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with [inherent and] inalienable rights; that among these are life, liberty, and the pursuit of happiness…"

With some minor corrections from Franklin and others, this became the immortal words that comprise what may be the most famous political statement in history: "We hold these truths to be self-evident. That all men are endowed by their Creator with certain inalienable rights. The right to life, liberty, and the pursuit of happiness…." We credit Jefferson, but the impulse and content were clearly formed by George Mason.

So compelling was Mason's formulation that by 1783 every state in the newly created union had incorporated a declaration of rights into its state

documents, many just adopting his words or with minor variants. And his formulation reached Europe as well. Congress sent Franklin to head a secret diplomatic mission, whose other members were Silas Deane and Richard Henry Lee. They were ordered to France to seek help for the American cause. Franklin took the Virginia Declaration with him and spread copies through the fashionable salons of Paris. When the mathematician-philosopher the Marquis de Condorcet read Mason's words he said, "its author is entitled to the eternal gratitude of mankind."

On the 29th of June the Virginia constitution Mason had principally authored was adopted, freeing him to return to Gunston Hall and his beloved family. The war, however, soon made any hopes for a private life impossible. During the war-years Mason raised and paid much of the cost of equipping a militia of which he became the colonel. Although he had

been a militia colonel before the war, this service fixed the rank to his name and, for the rest of his life, he would be known as Colonel Mason.

By the time the war was over, Mason had watched Washington's struggles with the Continental Congress and Robert Morris' attempts to raise money, and seen everything he despised about politicians confirmed. He tried once again to withdraw into a private existence, and sought to reconstitute the family structure he had not had since Ann's death. He proposed to Sarah Brent, also in her 50s, of the nearby wealthy Brent planter family. Their families had known each other for years, and Sarah and Ann had been friends. It was to be a marriage of friendship and mutual comfort, but not the passionate romance he had had with Ann.

Mason soon found once again, however, that a completely private life was not to be his. By 1783, the new nation's leaders were calling at Gunston Hall to talk about the inadequacy of the Articles of Confederation. Jefferson wrote to Madison: "You have seen G.M., I hope, and had much conversation with him. What are his sentiments on the amendment of our constitution? What amendments would he approve? Is he determined to sleep on, or will he rouse and be active?"

Madison wrote back, "I . . . had an evening's conversation with him. . . on . . . revising our form of government, he was sound and ripe and I think would not decline participation in such a work."

Perhaps to test his interest, Mason was asked to serve on a committee to negotiate a navigation agreement between Virginia and Maryland for their common usage of the Potomac River. For Mason it was an irresistible invitation, and his colleagues probably knew it. He had made a national reputation as an authority on these issues, and the Potomac River was the central artery of commerce for his own lands. It was lost on no one that a successful agreement would be the first proof that cooperation between the states could be achieved. By the time the agreement was signed, Mason, in spite of himself, was fully back in public life.

As the months went by the problems and inadequacies of the Articles became more and more apparent. Finally, a consensus emerged that something had to be done, and a Constitutional Convention was planned.. Franklin, who along with Jefferson had deep respect for Native American cultures, called it "The Great Council Fire". It would be held in Philadelphia, and seven Virginians agreed to represent their state: Washington, Madison, George Wythe, Edmund Randolph, Dr. James McClurg, John Blair – and Mason.

Mason's selection does not seem unusual, but his acceptance does – Patrick Henry declined -- given his distaste for political "Babblers" and committee meetings. Mason seems to have considered all that, and to have concluded that the worst irritants were notably absent. "America has certainly, upon this occasion, drawn forth her first characters…" he would write explaining how he felt. And so, at 62, he rode down his

drive and onto the road as it snaked through the fragrant Virginia loblolly pines on a May morning in 1787. As short as the distance was to Philadelphia, it was the longest trip Mason had ever made.

His sense of duty could make him go, but it could not make him like Philadelphia or its society. Barely hours after arriving on May 27th he was already writing his son George, Jr. that he was "…heartily tired of the etiquette and nonsense so fashionable in this city."

It was not a case of a country squire being intimidated by the big city; quite the contrary. "It would take me some months to make myself master of them," he confided to his son, "and that it should require months to learn what is not worth remembering as many minutes, is to me so discouraging a circumstance as determines me to give myself no manner of trouble about them."

Many of the delegates, maybe most of them, and certainly their appointing state committees, believed the purpose of the convention was to jigger with the Articles. But Madison had something very different in mind, he wanted to write an entirely new national constitution. Convincing his fellow Virginians to support him in this was not a trivial undertaking, and convincing the entire convention even harder. One of the first people Madison turned to was Mason, who on the whole favored local power. It surely did not hurt that Madison's proposed constitutional solution was largely a recasting of Mason's earlier Virginia effort, which Madison had shared in. Once committed, Mason pushed Madison's

program with a will; he was one of the five most frequent speakers that long hot summer.

His positions throughout were consistent with his principles, even when, as was frequently the case, they were against his own self-interest, or the interests of his Virginia. He almost always argued against the interests of the rich, when they abrogated the rights of the individual. He supported the power of the common man against the elite, arguing for popular elections. He fought fellow Virginians and other delegates from the original 13 states who sought to hold on to power, arguing for the admission and full equality of any new western states. Fearing the oppression of monarchy he sought a three-person executive. But always and uppermost he argued for a bill of rights to be included in the new constitution, and against the slave trade. To end slavery the first step, must surely be the end of the slave trade.

To his mind it was clear that "This infernal traffic" would end in disaster. He found the convention's compromise of counting a black slave as three-fifths of a free white man -- in order to increase the representation of the slave states in the proposed Congress -- a demeaning sophistry that no man of integrity could support.

The unwillingness of the delegates to deal with slavery was only the beginning of Mason's disappointments. When the rights issue emerged, he proposed that a bill of rights be incorporated into the Constitution but, when the state delegations caucused – each state had only one vote – it

quickly became evident that most of the delegates did not get his point. When his proposal was defeated 10 states to none it was a dreadful blow.

Mason made a last effort to explain his reasons for the positions he had taken, sending to some friends 16 written objections. A Philadelphia paper picked his memorandum up and published it without his approval, and it was soon the source of intense debate. The House he said, because of restrictions as to who could vote, was not truly representative of the nation, and the Senate (whose members were selected differently than they are today) was too powerful. He worried that the power of the federal judiciary would destroy the state judiciaries, render justice unattainable, and enable the rich to oppress and ruin the poor. He might, he said, be able to live with those issues, but the absence of a declaration of rights and the failure to deal with slavery could not be overlooked. "…there is no Declaration of Rights, and the laws of the general government being paramount to the laws and constitution of the several states, the Declaration of Rights in the separate states are no security."

When his objections were still ignored, he turned his face against the new Constitution, and refused to sign it, saying he would "rather chop off my right hand than sign." Because of his active involvement throughout the convention, and his long association with constitutionalism, this refusal caused enormous pain and consternation to the other signers.

As the convention wound down, and the delegates packed into the taverns and inns, Mason must have faced an awkward time. He was

staying at the largest and most prominent place in town, the Indian Queen Tavern, along with Madison and other delegates for whom the passage of the Constitution was a triumph. As a final awkwardness, like Washington, he had had to borrow money to come to the convention, now he had to borrow more to get home.

Nine of the 13 states were needed to ratify. In the weeks that followed, debate over accepting the new Constitution raged with a contention and hard feeling that tore families and friendships asunder. Among the "Anti-Federalists" in Virginia were Mason, Richard Henry Lee, and Patrick Henry. Among the "Federalists," or supporters of the Constitution, were Washington, Jefferson, Madison, George Wythe, John Tyler, Benjamin Harrison, and John Marshall. That Mason did not care whether he was liked, was well-known. But this must have been a hard time even for him. After an unusually bitter debate, Virginia ratified the Constitution by an 89-79 vote. On "the first Wednesday in March" -- March 4th 1789 -- the Constitution went into effect.

For Mason it had been a calculated act of public sacrifice; and he was not unaware of what might happen. Particularly painful to him was the effect his actions had on Washington who would be governing under the new Constitution. We do not know Washington's exact feelings, but it is not hard to see that he felt betrayed by the man who had been his mentor. If Frankling could sign, why not Mason? But Mason could see no way to avoid what he felt must be done: "You know the friendship which has long existed (indeed from our early youth) between General Washington

and myself," he would write that same year. "I believe there are few men in whom he placed greater confidence; but it is possible my opposition to the new government, both as a member of the national and of the Virginia Convention, may have altered the case. In this important trust, I am truly conscious of having acted from the purest motives of honesty, and love to my country, according to that measure of judgement which God has bestowed on me, and I would not forfeit the approbation of my own mind for the approbation of any man, or all the men upon earth."

He and Washington never visited one another again and, until Mason died five years after the convention, Washington referred to him, as "my former friend, Colonel Mason."

But whatever sense of betrayal the private Washington might feel, President Washington understood the value of a man like Mason. When the District of Columbia was being planned he asked Madison to solicit Mason's thoughts on the siting of the new Federal city.

Mason retired to Gunston Hall for the last time, even as the perspective about him was changing -- at least within the state and national leadership. He was invited to become one of Virginia's senators in the first U.S. Senate but he declined, and was not present when the first Congress met in New York on 25 September 1789. During the months since the Convention, Mason's sacrifice had had its effect. He missed the first session of the first Congress, when Madison introduced a Bill of Rights that was essentially a restatement of Mason's words. As soon as it

passed and was sent out to the states for ratification, Mason commented from Gunston Hall: "I have received much satisfaction from amendments to the federal Constitution that have lately passed . . . with two or three further amendments . . . I could cheerfully put my hand and heart to the new government." His only sadness about his new country was the absolute unwillingness to deal with slavery.

Sometime in late September Mason, contracted what was called "the fever of the season", probably malaria which was endemic in Virginia during the late summer and early fall each year. He died peacefully at home on 7 October 1792. In the end Mason was confounded one last time by slavery. In his will he did not free his slaves, as Washington would five years later. Why he made this choice, we will never know, but if he remained true to his convictions, and it is hard to imagine Mason doing anything else, perhaps he did not free them because he could not see how a single planter acting alone could effect a solution in a matter the nation should address. In the end it may have been as simple as this: Family was more important even than principle. Mason was unwilling to bankrupt his children. Slavery was both a major source of their inherited wealth, and the means to work the land he was leaving them. It can not have been an easy decision. Washington, who had no children, did not have to face that choice.

Although recognized by his fellow-Founders, Mason never overcame the public's disregard for him as the result of his stand at the Constitutional Convention, and the events that flowed out of it. His obituaries were

small, and as time passed he was largely forgotten, except as a name on high schools and a university in Virginia.

But, to those few who have looked deeply into America's democracy Mason's star has never dimmed, nor has his influence waned. In the Senate chamber his bust stands with those of Moses, the Babylonian King Hammurabi, the great lawgiver, and his friend Jefferson. When the U.N. was founded his words were the basis for its declaration of human rights. In October 1949, President Harry Truman wrote to a correspondent, "Too few Americans realize the vast debt we owe [George Mason]. His immortal Declaration of Rights in 1776 was one of the finest and loftiest creations ever struck from the mind of man. George Mason it was who first gave concrete expression to those inalienable human rights that belong to every American citizen and that are today the bedrock of our democracy. Our matchless Bill of Rights came directly from the amazing wisdom and far- seeing vision of this patriot. Those first ten amendments to our Constitution, which we call our Bill of Rights, were based on George Mason's great Declaration of Rights. That is why I say that George Mason will forever hold a special place in our hearts."