

A Hatred of Politics, A Love for Liberty

George Mason stood against a Central Federal Government

The Bill of Rights received a lot of attention during its recent 200th anniversary, but little recognition was given to George Mason, who was the driving force behind the document. Mason (1725-1792) was the author of the [1776 Virginia Declaration of Rights](#), which the Marquis de Condorcet called "*the first Bill of Rights to merit the name.*" Mason fought against ratification of the [United States Constitution](#) because it contained no bill of rights. As a leader of the Anti-Federalists, it was his sole objections that led to the first 10 Constitutional Amendments which were ratified in 1791.

Mason is relatively unknown among the Founding Fathers of America, but his intellect was renowned as one of the finest in the Colonies. In fact, Thomas Jefferson called Mason "*the wisest man of his generation.*" Mason had very little formal education but was an avid reader of his father's extensive library, considered at the time to be the most extensive library in Virginia. Fellow Virginian Edmund Randolph added: "*He was behind none of the sons of Virginia in knowledge of her history and interest. At a glance, he saw to the bottom of every proposition which affected her.*" James Madison praised Mason as "*a powerful reasoner, a profound statesman, and a devoted republican.*"

This plantation owner and neighbor of George Washington was not well-known outside his native Virginia due to his extreme reluctance to become involved in politics. Mason had a distaste for committee work and a contempt for what he called the "babblers" who predominated in politics. In his will he advised his heirs to prefer "*the happiness and independence [of] a private station to the troubles and vexations of public business unless the necessity of the times should engage them in public affairs.*" Where are the George Mason's of the new millenium?

Mason turned down appointments to both the Continental Congress and the U.S. Senate, but the needs of his turbulent times did cause him to leave home on two significant occasions. From 1775 to 1780, he served reluctantly in the Virginia House of Delegates, where he took a leading role in every aspect of formulating a new state government and **almost single-handedly wrote the state constitution and the Declaration of Rights**. The second occasion was in 1787, when Mason was persuaded to leave his native state to attend the Constitutional Convention in Philadelphia. Here he was one of the five most frequent speakers, **arguing passionately for individual freedoms and against centralized governmental authority**. His persistent objections ring no less true today, and **his refusal to sign the final document helped bring attention to the need for a national Bill of Rights**.

When the Constitutional Convention of 1787 was called, Mason arrived on May 17 and had been in town less than two weeks when he wrote to his son that he had begun "*to grow heartily tired of the etiquette and nonsense so fashionable in this city.*"

For once, Mason was impressed by his peers, writing that *"America has certainly, upon this occasion, drawn forth her first characters."* He was also impressed by the seriousness of the business at hand, noting that *"the eyes of the united States are turned upon this assembly, . . . may God grant that we may be able to gratify them, by establishing a wise and just government."*

Throughout the convention, **Mason consistently spoke out in favor of the rights of individuals and the states as opposed to the federal government.** He spoke out strongly against a ten square mile Federal district (Washington, DC) that ironically came to be located just a few miles from his home. Concerning the proposed District of Columbia, Mason said:

"This ten miles square may set at defiance the laws of the surrounding states and may . . . become the sanctuary of the blackest crimes! Here the federal courts are to sit . . . what sort of jury shall we have within the ten miles square? The immediate creatures of government!"

There are many today who would agree with those words spoken more than 200 years ago by perhaps one of America's finest advocates of Freedom and Liberty. Is there any doubt that Washington, DC, has become one of the highest crime cities in America? How odd that the current history books used in our public schools make little mention of George Mason. Is this due to the fact that Mason was an adamant Anti-Federalist and opposed a large Central Government for the united States of America?

Mason also spoke out in favor of popular elections, unrestricted admission of new western states, and **in favor of a three-part executive branch.** As the summer wore on, compromises were reached on most major issues, but a growing Federalist consensus began to emerge. What finally turned Mason against the proceedings were decisions reached on a bill of rights and on slavery.

Although a lifelong slaveholder, Mason abhorred the institution, feeling that *"every master of slaves is born a petty tyrant."* He favored abolition as soon as it was economically feasible and wished to halt all future importation of slaves. However, a hasty compromise was worked out permitting the slave trade to continue for another 20 years.

This compromise upset Mason, and he wrote bitterly to Thomas Jefferson:

"the precipitate, and not to say indecent, manner in which the business was conducted, during the last week of the Convention, after the patrons of this new plan found they had a decided majority in their favor; which was attained by a compromise between the Eastern and the two Southern states to permit the latter to continue the importation of slaves for twenty odd years; a more favorite object with them than the liberty and happiness of the people."

For Mason, the last straw came on September 12, 1787, when his proposal to include a Bill of Rights in the new Constitution was defeated. Not even Mason's offer to write an immediate version himself was enough to sway the delegates who were impatient to wrap up matters and go home. The convention also voted down Mason's proposal to hold a second convention, and Mason declared he *"would sooner chop off my right hand than put it to the Constitution as it now stands"*. James Madison wrote to Thomas Jefferson *"Colonel Mason left Philadelphia in an exceeding ill humor indeed"* and Mason was not present when the other delegates signed on September 17, just five days after Mason's proposal to include a Bill of Rights in the federal

Constitution.

Foremost among Mason's objections was that *"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."* There were several other objections raised as well, but it was the lack of a Bill of Rights that was seized as a rallying point for the Anti-Federalists.

Mason proceeded to publish what he called his [Objections to this Constitution of Government](#). His original list of objections claimed that the:

Constitution upset the English common law, the basis for all States law;

Made Congress into a form of oligarchy;

Allowed the federal courts to destroy the State courts; and,

Left the presidency rudderless without a "Constitutional Council."

Mason feared that without the restrictions of this Constitutional Council, *"a natural cabinet will grow out of the principal officers of the great departments; the worst and most dangerous of all ingredients for such a Council in a free country."* These days, how very correct this statement turned out to be. Mason had predicted what America is now experiencing. Since 1861, this nation has seen the Presidency become what may be deemed an anarchy through the use of Presidential Executive Orders, Directives and Proclamations, and an excess of Executive Departments.

As for the unchecked Presidential powers, Mason thought the Chief Executive might misuse his *"unrestrained power of granting pardons for treason and screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his own guilt."* Mason strongly insisted that

"The President's treaty-making powers, combined with Senatorial approval, will make such pacts the supreme law of the land without any scrutiny by the people's branch of government, the House of Representatives. And by allowing a congressional majority to pass laws restricting American commerce, the five Southern States, whose product and circumstances are totally different from that of the eight Northern and Eastern States, may be ruined."

The created office of the Vice President, Mason thought, was disastrous and unnecessary, since the incumbent *"for want of other employment is made president of the Senate, thereby dangerously blending the executive and legislative powers."*

Mason also lambasted the vague construction of the Constitution and foresaw the "general welfare" clause as a catchall term bound to be abused. Although Mason specifically called for declarations of freedom of the press and trial by jury, he lamented the ban on *ex post facto* laws in the state legislatures since *"there never was nor can be a legislature but must and will make such laws, when necessity and the public safety require them."*

Gloomy to the end, Mason predicted that without an immediate ban on slave trading the nation would be "*weaker, more vulnerable, and less capable of defense,*" and under the proposed Constitution would

"set out [as] a moderate aristocracy then degenerate into either a monarchy or tyrannical aristocracy. It will most probably vibrate some years between the two, and then terminate in the one or the other."

First as a handwritten text and then as a printed pamphlet, Mason's *Objections* made the rounds in Philadelphia's political circles during the last two weeks of September 1787. From the opening phrase of his *Objections* to the Bill of Rights (James Madison offered the same to Congress two years later), the line is so direct that we can say Mason forced Madison's hand. Federalist supporters of the Constitution could never overcome the protest created by Mason's phrase "*There is no Declaration of Rights.*" Months later, Hamilton was still trying "to kill that snake" in [Federalist No. 84](#). Oliver Ellsworth's *Landholder* essays in 1787-88, perhaps more influential than the papers of "Publius" (The Federalist Papers), also made a frontal attack on Mason's *Objections*, as did Federalist James Iredell in North Carolina in 1788.

But the idea was too powerful. Mason's pamphlet soon circulated along the Atlantic seaboard and by the onset of winter the *Objections* had appeared in newspapers in Virginia and New Jersey. Mason himself paid for a second printing and sent George Washington the pamphlet early in October, claiming that "*a little Moderation & Temper, in the latter End of the Convention, might have removed my misgivings.*"

Mason also mailed one to Thomas Jefferson, then at his diplomatic post in Paris, explaining that "*These Objections of mine were first printed very incorrectly, without my Approbation, or Privity; which laid me under some kind of Necessity of publishing them afterwards, myself... You will find them conceived in general Terms; as I wished to confine them to a narrow Compass.*" Mason went on to add to his *Objections* list those matters related to:

Regulating the state militias;

The potential power to abuse the election process; and,

The power of congressmen to raise their own salaries.

"But it would be tedious to enumerate all the Objections, and I am sure they cannot escape Mr. Jefferson's Observation." But whatever his other objections, it was the issue of the Bill of Rights that struck Jefferson. Not long after Mason's pamphlet reached Jefferson's desk in Paris, the American minister was writing to friends at home in outspoken terms. Jefferson told Madison he liked the Constitution but was alarmed by "*the omission of a bill of rights,*" and, to John Adams's son-in-law, Jefferson said bluntly

"Were I in America, I would advocate it [the Constitution] warmly till nine states should have adopted, and then as warmly take the other side to convince the remaining four that they ought not to come into it till the declaration of rights is annexed to it."

In a backhanded way, Jefferson's plan became the model. Alarmed by Anti-Federalist strategy that aimed at a second federal convention, friends of the Constitution wanted to derail any

scheme for another national gathering. Although Madison was concerned that a bill of rights would offer little real protection and by enumerating some rights put others in jeopardy, if concessions on the bill-of-rights issue could forestall demands for a second convention, Federalists came to realize they must pay that price. Starting at the Massachusetts ratifying convention in February 1788, Federalists in charge of counting votes abandoned their adamant position and began to talk about "recommendatory amendments."

Among those points and objections already noted, **Mason sought to keep the Union from swallowing the sovereign States, and thus he supported selection of Senators by the State Legislatures** and vowed *"he never would agree to abolish the State governments. or render them absolutely insignificant."* Oddly enough, in 1913, the 17th Amendment to the federal Constitution abolished election of national Senators by the State Legislatures.

Nine of the 13 states were needed for ratification of the federal Constitution, and the fight was a heated one in many states. One of the casualties was the friendship of Mason and Washington, as the latter bitterly referred to Mason as his *"quondam friend."* When the Virginia ratification convention began in June 1788, the Anti-Federalist contingent was led by Mason and Patrick Henry. Among the supporters of the Constitution in the Virginia delegation were such luminaries as Madison, George Wythe, Richard Henry Lee, John Tyler, Benjamin Harrison, and John Marshall, as well as Washington and Jefferson, who did not attend but were known supporters. After much emotional debate, Virginia ratified the Constitution by an 89-79 vote, four days after New Hampshire became the ninth state to ratify.

After this defeat, Mason retired to his plantation for the final time. He turned down a seat in the U.S. Senate preferring, as usual, to offer advice from home. James Madison introduced a federal [Bill of Rights](#) that was essentially based on Mason's submission to the first session of Congress. Mason commented

"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."

Jefferson visited Mason in late September of 1792, and found him reconciled with himself on every issue except the slavery compromise. A week later, Mason died peacefully. To the end, he was a man who hated politics but loved liberty.

This article was compiled by Anthony Wayne for *Lawgiver.Org* with excerpts from the May 1992 issue of *The Freeman* and *A Bicentennial Chronicle* by the American Historical Association, 1985.