



THE OLD

FAIRFAX HERALD

FRIENDS OF THE HISTORIC FAIRFAX COURTHOUSE

Volume:2 Issue:1

www.olfairfaxcourthouse.org

Season: Summer 2016

Dear Friends,

Time has moved quickly. We continue to create Fairfax County tours and find ways to support our mission which states, “the Friends of the Historic Fairfax Courthouse (FHFxCH) will showcase, teach and promote an appreciation for the history of Fairfax County, the Fairfax Courthouse, documents in the Fairfax County Circuit Court Historic Records, and the history of northern Virginia’s multi-cultural American heritage central to the lives of our community. “

This spring we were involved with a collaborative effort with the Bull Run Civil War Round Table. Two archeology sites were discovered 'in our back yard' on Ox Road near the Braddock Road intersection close to George Mason University. This was a rare find. It is nice to know that history can be literally under our feet!

Construction crews found many old logs sunk in the earth that had been used for planking or corduroying roads during the horse and buggy era from the 1850’s through the early 1900’s. It was extremely labor intensive to build. It was their version of asphalt to help with sticky clay mud impeding their steps in the winter and clouds of dust making it miserable in the summer. During the Civil War we have records that it was maintained by soldiers. We hope to have historical signage up about it in the fall.

This season, we have created two new tours. One is a walking tour geared towards George Mason University students called *Diversity Lives Here* in Fairfax City. The brochure of the tour is on the back page of this newsletter. We would be delighted to give the tour to those who are interested.

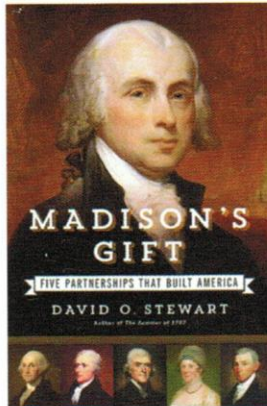
The other tour is the Constitutional Rights Tour. June 2016 is the 240th anniversary of the Virginia Declaration of Rights authored mostly by George Mason. To celebrate this milestone, we are offering a Fairfax County bus tour through the Virginia Historical Society and the George Mason University History Department. It is part of their 2016 NoVA Banner Lecture Series. It includes visits to the historic Fairfax Courthouse, the colonial Pohick Church, Gunston Hall: Home to George Mason, and the Workhouse Arts Center where suffragists were imprisoned before the passage of the 19th amendment giving women the right to vote. We have plans to offer it again. Included here is our historical material for your interest and review. So, sit down and enjoy with us an armchair tour of our rich heritage here in Fairfax County.

Please, pass the good news on.

Sincerely,

Jenee Lindner
President, Friends of the Historic Fairfax Courthouse

VIRGINIA HISTORICAL SOCIETY GEORGE MASON UNIVERSITY 2016 NoVA BANNER LECTURE SERIES



James Madison's Gift: The Power of Partnership
DAVID O. STEWART

Wednesday, April 13, 2016

7:30 p.m.

Old Town Hall, 3999 University Drive

Fairfax, Virginia

Reception and book signing following the lecture

The lecture is free and open to the public

To reach his lifelong goal of a self-governing constitutional republic, James Madison blended his talents with those of key partners—the dashing Alexander Hamilton, the heroic George Washington, the magnetic Thomas Jefferson, and the soldierly James Monroe. With those extraordinary partners, Madison led the drive for the Constitutional Convention, secured the Constitution's ratification, and guided the nation through the War of 1812. But it was his final partnership with Dolley that allowed Madison to escape his natural shyness and reach the greatest heights. Theirs was a love story, a unique one that sustained Madison through his political rise, his presidency, and a fruitful retirement.

David O. Stewart, an attorney and an independent historian, is the author of several books, including *The Summer of 1787: The Men Who Invented the Constitution*, *American Emperor: Aaron Burr's Challenge to Jefferson's America*, and *Madison's Gift: Five Partnerships That Built America*.

The 2016 NoVA Banner Lecture Series
is presented in collaboration with

Fall for the Book Festival
Friends of the Historic Fairfax Courthouse
Historic Fairfax City, Inc.
Osher Lifelong Learning Institute

Visit the Virginia Historical Society
428 North Boulevard | Richmond, Virginia 23220

THE VIRGINIA HISTORICAL SOCIETY/
GMU HISTORY DEPARTMENT
2016 NoVA BANNER LECTURE SERIES



Constitutional Rights Bus Tour

Friday, June 24, 2016

8:15 a.m. – 3:00 p.m.

Bus Departs from Fair Oaks Mall

Fairfax, Virginia

\$50 / VHS members and guests and

OLLI members only

Lunch included

Fairfax Courthouse – Enjoy a unique opportunity to tour this iconic Fairfax landmark on which construction began in 1799. Rare original documents, including George and Martha Washington's wills and the only existing document signed by George Washington and George Mason, will be brought out of the vault exclusively for display to our group.

Pohick Church – Take a seat in a pew once occupied by George Washington and George Mason, who were vestrymen in this colonial church, to hear the story of Truro Parrish's role from the settling of northern Virginia through the Civil War told by a character in period costume.

Gunston Hall – Experience colonial living on a VIP tour of the house and grounds before sitting down to lunch as Executive Director Scott Stroh delivers the VHS/GMU NoVA Banner Lecture. Starting from the time that George Mason's ancestors settled in Virginia, Stroh's lecture will focus on the Virginia Declaration of Rights and how it led to Mason's role in the constitutional convention and why he refused to sign the Constitution.

The Workhouse Arts Center – Put yourself in the place of the women who were imprisoned here by President Woodrow Wilson for picketing the White House in July of 1917. The brick workhouse buildings, constructed under President Theodore Roosevelt by the resident prisoners, now house a small museum and art studios.

The 2016 NoVA Banner Lecture Series is presented in collaboration with

Friends of the Historic Fairfax Courthouse, Inc.

Osher Lifelong Learning Institute

Historic Fairfax City, Inc.

Fall for the Book Festival

To register for this bus tour, visit
<https://tickets.vahistorical.org/Info.aspx?EventID=25>

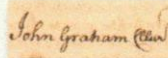
Fairfax County Clerks of Court

County Court

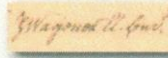
Catesby Cocke 1742-1746



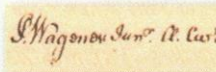
John Graham 1746-1752



Peter Wagener 1752-1772



Peter Wagener, Jr. 1772-1798



George Deneale 1798-1801



William Moss 1801-1833



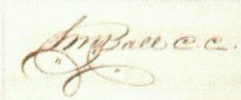
F. D. Richardson (pro tem) 1833-1835

Thomas Moss 1835-1839

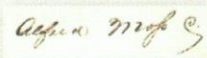


Alfred Moss (pro tem) Oct.-Nov., 1839

Spencer M. Ball 1839-1852



Alfred Moss 1852-1861



During the Civil War, the county clerks served the Union government once it took control of Fairfax County (see inset). The clerks named below served as Clerk of County Court. In 1903, an Act of Assembly abolished the County Court system, leaving only Circuit Court.

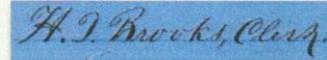
F. D. Richardson 1870-1880

F. W. Richardson (pro tem) 1880-1881

F. W. Richardson 1881-1903

The following men served as Clerk of the Court during the Civil War and Reconstruction:

Henry T. Brooks 1861-1865



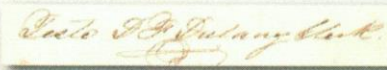
W. B. Gooding 1865-1866

William M. Fitzhugh 1866-1867



F. D. Richardson (pro tem) 1867-1869

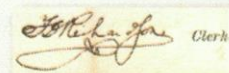
Daniel F. Dulaney 1869-1870



Circuit Court

William Moss 1831-1835

F. D. Richardson 1835-1880



F. W. Richardson (pro tem) 1880-1881

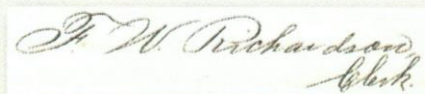
John W. Graham 1881-1887



William E. Graham 1887-1903



F. W. Richardson 1904-1935



John M. Whalen 1936-1945

Thomas P. Chapman 1945-1967

W. Franklin Gooding 1967-1973

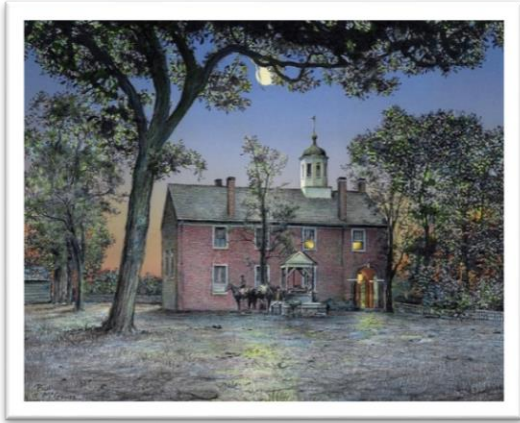
James E. Hoofnagle 1976-1983

Warren E. Barry 1984-1991

John T. Frey 1992-

Historic Fairfax County Courthouse

4000 Chain Bridge Road, Fairfax, VA 22030



Old Fairfax Courthouse by Paul McGehee
www.paulmcgeheeart.com

Started in 1799 and completed in 1800 as the seat of government for the growing county of Fairfax, Virginia, the courthouse building has been the scene of many historical occurrences. The first court session held in the new building concerned the recording of the will of George Washington's nephew Corbin Washington. The courthouse was later to hold the wills of both George and Martha Washington. Through the years of the early 19th century, the courthouse saw everything from county registrations, marriage licenses, property deeds, wills, court cases, polling and elections, and so on, typical of those days in a southern United States republic.

The courthouse grounds also became the town meeting place for fox hunts, merchants, and county fairs. These gatherings later became festive occasions known as "court days." In keeping with the spirit of those times, today there is a gem known by locals and visitors alike, a Saturday morning market from May through October, behind the old historic courthouse on West Street and Main Street.

On April 12, 1861 a new chapter unfolded for the Fairfax Courthouse and the young nation as Civil War broke out following the attack on Fort Sumter at the Charleston, South Carolina harbor. Tensions quickly mounted. On May 23, 1861, Fairfax County residents approved the Ordinance of Secession by a vote of 945 to 289, with 11 of 14 Fairfax County precincts voting in favor. The vote at Fairfax Courthouse was overwhelmingly for secession, 151 to 8. There were reports that armed officials helped persuade some voters.

In the wee hours of the morning on June 1, 1861, 210 Confederate Virginia troops bivouacking around the courthouse grounds found themselves engaged in a surprise attack from Union Cavalry forces. The ensuing chaotic skirmish led to the first death of a Confederate officer in the Civil War, Captain John Quincy Marr, who commanded the Warrenton Rifles. The attack on Fairfax Courthouse was to go down in history as one of the first skirmishes of the Civil War between northern and southern forces. By July, the Confederates abandoned the area, as all eyes and manpower on both sides were focusing on the huge battle yet to come to be called the 1st Battle of Manassas (Confederate name)/Bull Run (Union name).

The quick thinking and fleeing court clerk, Alfred Moss, saved the will of George Washington and other historic papers. He took them on horseback by night for safekeeping into other Virginia environs. The Fairfax courthouse would exchange hands several times throughout the Civil War. These historic papers were returned to the courthouse after the end of the war.

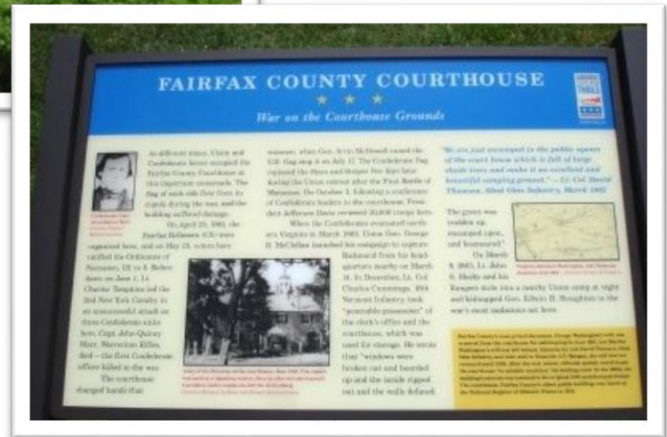
Unfortunately, during the Civil War and the Union occupation of the courthouse building, many important documents were destroyed. They were used to fuel fires. Luckily, Martha Washington's will was found scattered on the floor. It was taken and saved by a Union officer. His heir, years later, sold this historic document to J. P. Morgan for a tidy sum of money. Her will remained in the possession of the Morgan family for many years. Eventually, it returned to the Fairfax Courthouse, where they are now both displayed from time to time in the Fairfax County Clerk's Circuit Court Historic Records office.

Over a century ago, Civil War cannons were placed to remind passersby of its historic past, facing north, and a monument was erected in memory of Captain Marr. Today, the old Fairfax Courthouse has been restored and is one of the oldest and most historic places in northern Virginia. Newer buildings on the grounds still serve as the Fairfax Juvenile and Domestic Relations General District Court.

Civil War on the Courthouse Grounds



Inscription. At different times, Union and Confederate forces occupied the Fairfax County Courthouse at this important crossroads. The flag of each side flew from its cupola during the war, and the building suffered damage.



On April 25, 1861, the Fairfax Riflemen (CS) were organized here, and on May 23, voters here ratified the Ordinance of Secession, 151 to 8. Before dawn on June 1, Lt. Charles Tompkins led the 2nd New York Cavalry in an unsuccessful attack on three Confederate units here. Capt. John Quincy Marr, Warrenton Rifles, died—the first Confederate officer killed in the war. The courthouse changed hands that summer, when Gen. Irvin McDowell raised the U.S. flag atop it on July 17. The Confederate flag replaced the Stars and Stripes five days later during the Union retreat after the First Battle of Manassas. On October 3, following a conference of Confederate leaders in the courthouse, President Jefferson Davis reviewed 30,000 troops here.

When the Confederates evacuated northern Virginia in March 1862, Union Gen. George B. McClellan launched his campaign to capture Richmond from his headquarters nearby on March 14. In December, Lt. Col. Charles Cummings, 16th Vermont Infantry, took “peaceable possession” of the clerk’s office and the courthouse, which was used for storage. He wrote that “windows were broken out and boarded up and the inside ripped out and the walls defaced. The green was trodden up, encamped upon and besmeared.” On March 9, 1863, Lt. John S. Mosby and his Rangers stole into a nearby

Union camp and night and kidnapped Gen. Edwin H. Stoughton in the war's most audacious act here.

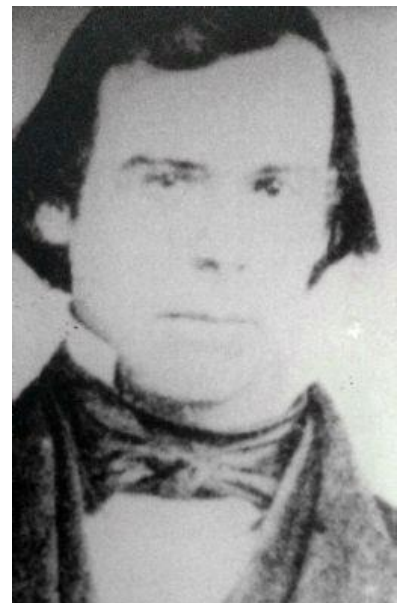
"We are just encamped in the public square of the court house which is full of large shade trees and make it an excellent and beautiful camping ground." – Lt. Col. David Thomson, 82nd Ohio Infantry, March 1862

(Sidebar): Fairfax County's most prized document, George Washington's will, was removed from the courthouse for safekeeping in June 1861, but Martha Washington's will was left behind. Taken by Lt. Col. David Thomson, 82nd Ohio Infantry, and later sold to financier J.P. Morgan, the will was not returned until 1920. After the war, county officials quickly voted to put the courthouse "in suitable condition" for holding court. In the 1960s, the building's exterior was restored to the original 1800 architectural design. The courthouse, Fairfax County's oldest public building, was listed on the National Register of Historic Places in 1974.

Erected 2011 by Virginia Civil War Trails.

Location. 38° 50.763' N, 77° 18.419' W. Marker is in Fairfax, Virginia. Marker can be reached from Main Street (Virginia Route 236) near Chain Bridge Road (Virginia Route 123). Marker is on the grounds of the old Fairfax County Courthouse. Marker is in this post office area: Fairfax VA 22030, United States of America.

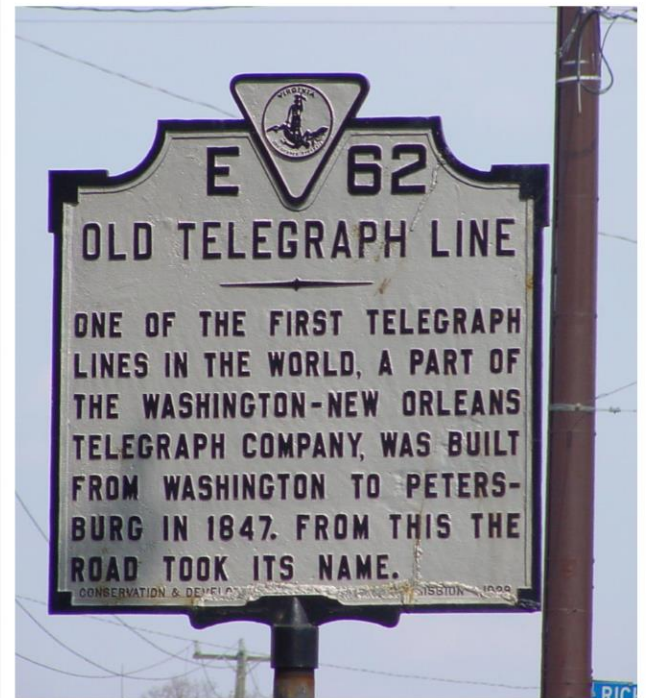
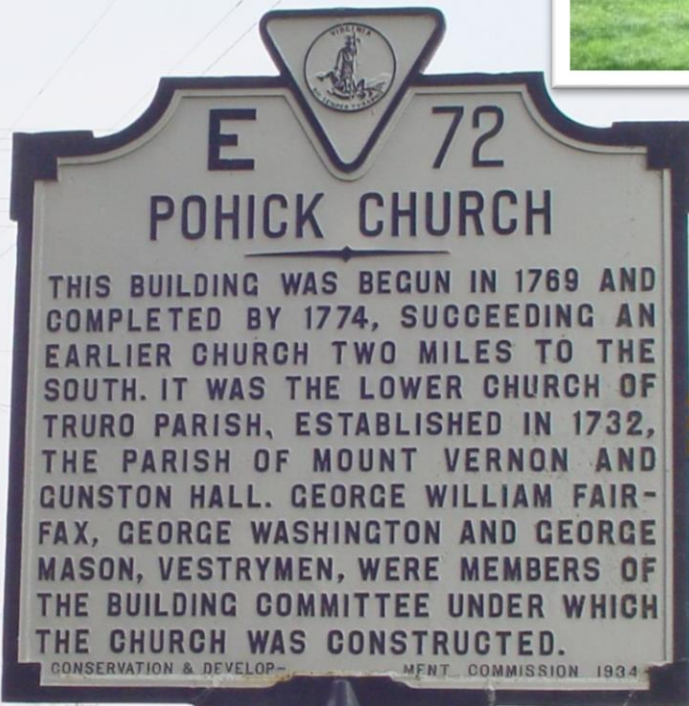
More about this marker. On the left side of the marker is a portrait of *Confederate Capt. John Quincy Marr-Courtesy Virginia Military Institute*. On the bottom of the marker is a photo captioned *Army of the Potomac at the courthouse, June 1863. The cupola was used as a signaling station. Shortly after this photograph was taken, Union regiments left for Gettysburg.* Courtesy *National Archives and Records Administration*. On the right side of the marker is a map of *Virginia between Washington and Manassas Junction, July 1861 - Courtesy Library of Congress*.



Confederate Captain John Quincy Marr

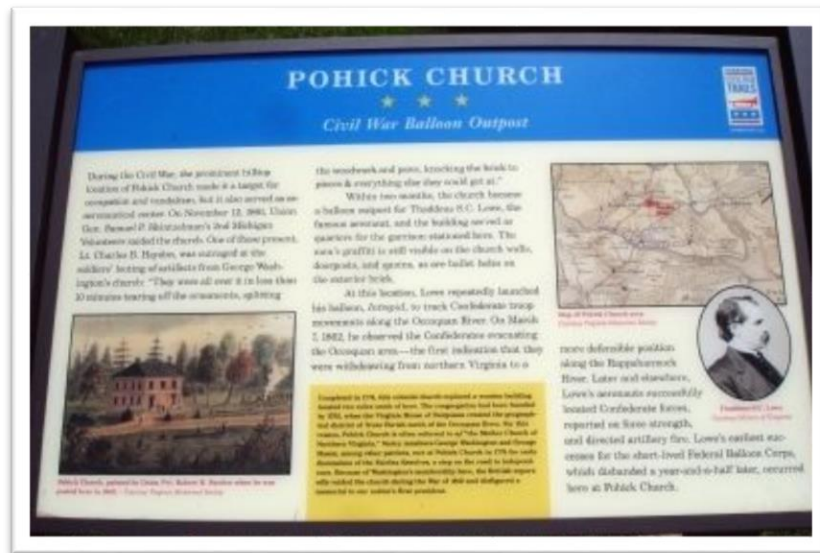
Pohick Church

9301 Richmond Highway
Lorton VA 22079



POHICK CHURCH: Civil War Balloon Outpost

Other nearby markers Pohick Church (next to this marker);
Old Telegraph Line (next to this marker).



Inscription. During the Civil War, the prominent hilltop location of Pohick Church made it a target for occupation and vandalism, but it also served as an aeronautical center. On November 12, 1861, Union Gen. Samuel P. Heintzelman's 2nd Michigan Volunteers raided the church. One of those present, Lt. Charles B. Haydon, was outraged at the soldiers' looting of artifacts from George Washington's church: "They were all over it in less than 10 minutes tearing off the ornaments, splitting the woodwork and pews, knocking the brick to pieces & everything else they could get at."



Within two months, the church became a balloon outpost for Thaddeus S.C. Lowe, the famous aeronaut, and the building served as quarters for the garrison stationed here. The men's graffiti is still visible on the church walls, doorposts, and quoins, as are bullet holes on the exterior brick.

At this location, Lowe repeatedly launched his balloon, *Intrepid*, to track Confederate troop movements along the Occoquan River. On March 2, 1862, he observed the Confederates evacuating the Occoquan area – the first indication that they were withdrawing from northern Virginia to a more defensible position along the Rappahannock River. Later and elsewhere, Lowe's aeronauts successfully

located Confederate forces, reported on force strength, and directed artillery fire. Lowe's earliest successes for the short-lived Federal Balloon Corps, which disbanded a year-and-a-half later, occurred here at Pohick Church.

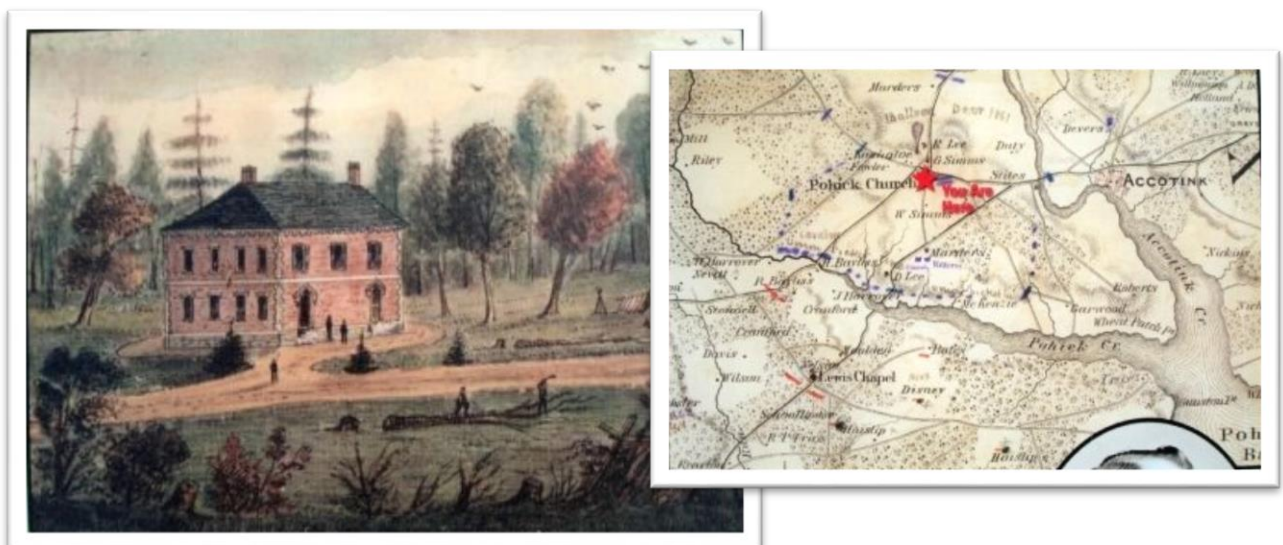
(*Sidebar*): Completed in 1774, this colonial church replaced a wooden building located two miles south of here. The congregation had been founded by 1732, when the Virginia House of Burgesses created the geographical district of Truro Parish north of the Occoquan River. For this reason, Pohick Church is often referred to as "the Mother Church of Northern Virginia." Vestry members George Washington and George Mason, among other patriots, met at Pohick Church in 1774 for early discussions of the Fairfax Resolves, a step on the road to independence. Because of Washington's membership here, the British reportedly raided the church during the War of 1812 and disfigured a memorial to our nation's first president.

Erected by Virginia Civil War Trails.

Location. 38° 42.547' N, 77° 11.595' W. Marker is in Lorton, Virginia, in Fairfax County. Marker is at the intersection of Richmond Highway (U.S. 1) and Old Colchester Road (Virginia Route 611), on the right when traveling north on Richmond Highway

Marker is at this postal address: 9301 Richmond Highway, Lorton VA 22079

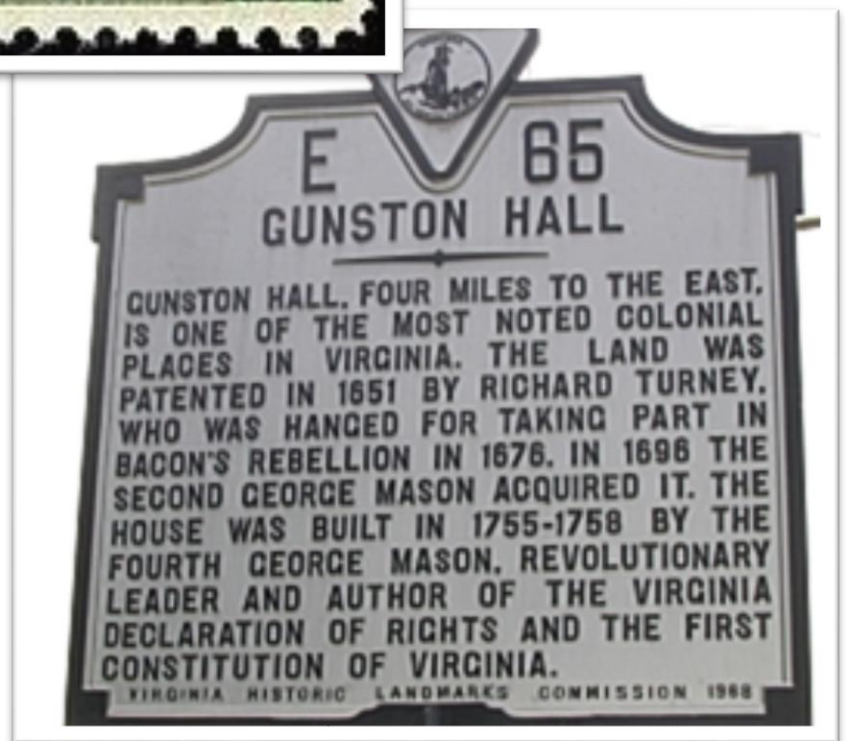
More about this marker. The lower left of the marker displays a painting captioned *Pohick Church, painted by Union Pvt. Robert K. Sneden when he was posted here in 1862.* - *Courtesy Virginia Historical Society.* The upper right of the marker has a map captioned *Map of Pohick Church area.* - *Courtesy Virginia Historical Society*





Gunston Hall: Home to George Mason

10709 Gunston Road
(Mason Neck),
Lorton, VA 22079



Mission Statement

To utilize fully the physical and scholarly resources of Gunston Hall to stimulate continuing public exploration of democratic ideals as first presented by George Mason in the 1776 Virginia Declaration of Rights.

The US Constitution

The Fairfax Resolves (1774) and the Virginia Declaration of Rights (1776) were written mostly by George Mason. The Declaration of Independence (1776) and the Bill of Rights (1789) were influenced by George Mason's Virginia Declaration of Rights.

The Virginia Declaration of Rights, written by George Mason in 1776, inspired many of the protections of individual rights and liberties which are in the *Bill of Rights*. Both documents emphasize:

- Freedom of Speech
- Freedom of Religion
- Freedom of the Press
- The Right to a Speedy Trial
- The Right to Trial by Jury



History of the Fairfax Resolves

1774 had been a turbulent year in the Colonies. Reacting to the Boston Tea Party and the growing revolutionary fervor in Massachusetts, the British closed the Port of Boston, dissolved the Massachusetts legislature and instituted a series of measures that became known as the Intolerable Acts as punishment. Outraged at the treatment of Massachusetts, the Virginia House of Burgesses formally protested the Boston Port Act which closed Boston to all shipping. The royal governor promptly dissolved the House to express British displeasure that Virginia dared to support its northern neighbor and question the actions of the Crown.

On July 5, 1774, Washington and others from Fairfax County met in Alexandria, Virginia, to appoint a committee to draft a statement that would, as Washington described it, "define our Constitutional Rights. The statement would also formally serve as instructions to Fairfax County's delegates to the Virginia Convention. Deciding not to retire meekly, the now dispossessed members of the House of Burgesses decided to hold a convention of Virginia's counties on August 1, 1774 to respond to British actions. The members dispersed to their counties to determine where their residents stood and to receive instructions for the Virginia Convention.

With George Washington serving as Chairman of the drafting committee, written primarily by George Mason, the resolutions rejected the British Parliament's claim of supreme authority over the American colonies. The Resolves clearly delineated the mistakes, depredations and crimes of the Crown that violated the rights of free Englishmen. It included resolves against taxation without representation and the importation of slaves. In addition, Fairfax called for the establishment of a Congress including all colonies. In the Resolves, the freeholders expressed a desire to remain subjects of the British Empire, but they insisted that "we will use every means which Heaven hath given us to prevent our becoming its slaves."

The **Fairfax Resolves** was adopted by this Fairfax County committee in the colony of Virginia on July 18, 1774. George Washington and Charles Broadwater were elected to present the resolves at the Virginia Convention charging them to "...present these Resolves as sense of the people of this county upon the measures proper to be taken in the present alarming and dangerous situation of American." In the heat of late July, 1774, they make their way to Williamsburg to attend the outlawed convention. They carried with them the "resolves" detailing Fairfax County's opposition to the most recent actions of British Crown and Parliament. The "Fairfax Resolves" were a small but significant part of the drama that paved the way for the uniting of Britain's American colonies and ultimately the Colonies' declaration of independence from England in 1776. More than thirty counties in Virginia would pass similar resolutions in 1774, "but the Fairfax Resolves were the most detailed, the most influential, and the most radical.

The Fairfax Resolves, like the many other similar resolutions summarized the feelings of many colonists in mid-1774 — a conviction that their constitutional rights were being violated by British policies. Finally, political rivalries in Virginia were muted to some degree, allowing such figures as

Washington and Mason to work productively with the more radical Patrick Henry, Richard Henry Lee and others.

Finally, The Fairfax Resolves were a small but significant part of the framework uniting the shipping and mercantile interests of Massachusetts with the agricultural, plantation economy of Virginia. The Resolves also marked a step forward in inter-colonial cooperation as more Americans began to realize that a threat against one colony was a threat against all. The joining of Virginia and Massachusetts in common cause was necessary to unite all the colonies which, in turn, permitted July 4, 1776 to happen.

Signatories

- Robert Adam
- Charles Alexander
- Philip Alexander
- Charles Broadwater
- William Brown
- John Carlyle
- Martin Cockburne
- Townsend Dade, Jr.
- John Dalton
- George Gilpton
- Henry Gunnell
- Robert Hanson Harrison
- William Hartshorne
- James Kirk
- Thomas Lewis
- George Mason
- Lee Massey
- Edward Payne
- William Payne
- Thomas Pollard
- William Ramsay
- William Rumney
- Thomas Triplett
- George Washington, Esq.
- John West

The Virginia Declaration of Rights

Virginia's Declaration of Rights was drawn upon by Thomas Jefferson for the opening paragraphs of the Declaration of Independence. It was widely copied by the other colonies and became the basis of the Bill of Rights. Written by George Mason, it was adopted by the Virginia Constitutional Convention on June 12, 1776.

A DECLARATION OF RIGHTS made by the representatives of the good people of Virginia, assembled in full and free convention which rights do pertain to them and their posterity, as the basis and foundation of government.

Section 1. That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Section 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.

Section 3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration. And that, when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and infeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

Section 4. That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, nor being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

Section 5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part, of the former members, to be again eligible, or ineligible, as the laws shall direct.

Section 6. That elections of members to serve as representatives of the people, in assembly ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assembled for the public good.

Section 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

Section 8. That in all capital or criminal prosecutions a man has a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land or the judgment of his peers.

Section 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive and ought not to be granted.

Section 11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other and ought to be held sacred.

Section 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

Section 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

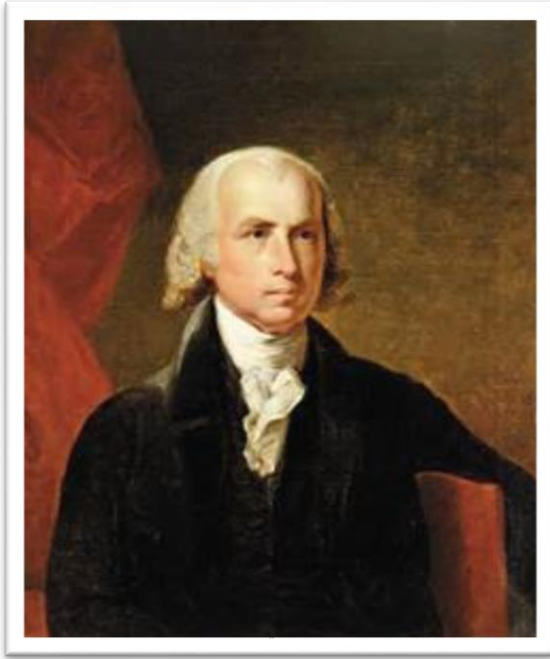
Section 14. That the people have a right to uniform government; and, therefore, that no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof.

Section 15. That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles.

Section 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other.

Returning to the Virginia Declaration of Rights

In celebration of the 240th anniversary of the Virginia Declaration of Rights, Randy Barnett, Director of the Georgetown Center for the Constitution at Georgetown University spoke at Gunston Hall: Home to George Mason. He discussed the forming of the US Constitution. This excerpt gives an historical analysis from his most recent book.



James Madison had a problem. After living for ten years under the Articles of Confederation, he had worked tirelessly behind the scenes to bring about a convention to devise a new constitution. In September 1786, he participated in a preliminary convention in Annapolis, Maryland. By 1787 he had secured enough support of key players like George Washington and Benjamin Franklin to convene a constitutional convention in Philadelphia.

Now, with his friend and mentor Thomas Jefferson in Paris serving as the ambassador to France, the pressure was on the thirty-six-year-old Madison. Before journeying to Philadelphia, he crammed for the gathering like a student for his exams. Jefferson had sent along a chest of books on political theory and history from his private library, which Madison assiduously

studied. For the cerebral Madison had a truly fundamental problem to solve.

Like many others, he had concluded that the American regime governed by the Articles of Confederation was grossly inadequate and contrary to what the Virginia Declaration of Rights referred to as "the common benefit, protection, and security of the people." Even most of the "anti-federalists" who ended up opposing the new Constitution conceded as much. But why was this happening? Why had the "republicanism" of the founding generation failed them so?

Madison needed to figure this out.

Madison concluded that we must be far more realistic about popular majorities. All civilized societies, he explained, "are divided into different interests and factions, as they happen to be creditors or debtors - Rich or poor - husbandmen, merchants or manufacturers -members of different religious sects - followers of different political leaders - inhabitants of different districts - owners of different kinds of property," etc. ...

The idea of democracy and democratic rule can be traced back to the ancient Greeks, where the term *demagogue* also arose. Although democracy or rule by the many had been posited as the alternative to aristocracy, or rule by the few, the problem Madison identified with "republican Government" as it had been implemented was that it was simply too democratic or majoritarian.

Three states - Pennsylvania, Georgia, and Connecticut - had unicameral or one-chamber legislatures, elected annually. Another three states - Massachusetts, New Jersey, and North Carolina - had bicameral legislatures with an upper and lower house, and representatives to both chambers were elected annually. Rhode Island elected members to both chambers every six months. In New Hampshire the members of the upper chamber or council were selected annually by members of the annually elected house. Only five states - Delaware, Maryland, New York, South Carolina, and Virginia-had upper chambers whose members sat for longer terms than did those in the lower house.

Equally important was the dependence of the executive and judiciary on the will of the legislature. In ten states, the executive was chosen by one or both houses of the legislature. Only in Massachusetts, New York, and Rhode Island was the governor elected by the voters. Only in Delaware, Massachusetts, Maryland, Virginia, New York, and North Carolina were judges clearly appointed to serve "on good behavior," meaning for life unless impeached. The rest either served for a period of years or were apparently removable by a simple vote of the legislature.

Later, when defending the proposed Constitution in the tenth of a series of newspaper essays called *The Federalist*, Madison (writing pseudonymously as Publius) publicly presented the critique he had developed in his "Vices" essay: "Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties." Why? Because legal "measures are too often decided, *not according to the rules of justice and the rights the minor party*, but by the superior force of an interested and overbearing majority."...

Even those who remained more amenable to democracy, like George Mason of Virginia, "admitted that we had been too democratic" in forming state governments though he "was afraid that we should incautiously run into the opposite extreme."

So, at the convention, pretty much everyone agreed on the problem. What divided them was the appropriate solution. With the problem of majoritarian democracy in the forefront through- out the summer of 1787, the delegates wrestled with how to devise a new "republican form of government" in which the people's "personal liberty private property & personal safety" would be better secured from a majority of the people themselves.

Although Madison's initial proposals were not accepted, neither were anyone else's. Instead, gradually and painfully, piece by piece, element by element, the convention delegates devised a more perfect Republican Constitution: the Constitution of the United States.

- *Our Republican Constitution: Securing the Liberty and Sovereignty of We the People*, pgs.53-58 by Randy E. Barnett (with permission from the author)

George Mason, the Framers Who Refused to Sign the Constitution

by James D. Best

The eyes of the United States are turned upon this assembly and their expectations raised to a very anxious degree. May God grant that we may be able to gratify them, by establishing a wise and just government. George Mason, in a letter to his son



In the end, George Mason did not believe the Constitution established a *wise and just government*. He was one of only three delegates present in the final days of the convention who didn't sign the document. The other two refused to sign due to their personalities. Elbridge Gerry was mercurial and cantankerous by nature, and Edmond Randolph was afraid to be associated with something that might fail. George Mason, on the other hand, refused to sign based on his principles.

In early 1776, before the *Declaration of Independence*, Mason drafted the *Virginia Declaration of Rights* and framed Virginia's constitution. George Mason was rightfully proud of the *Virginia Declaration of Rights*, and pleased that it became a model for other states.

SECTION I. That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

SEC. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.

The document had sixteen sections, but these short paragraphs encompassed the Founding Principles. The concepts look familiar because Thomas Jefferson eloquently incorporated them in the second paragraph of our *Declaration of Independence*.

Therein lies the rub. George Mason's primary objection to the Constitution was the absence of a bill of rights. He not only refused to sign the document at the convention, he hotly fought against it during Virginia ratification, despite promises by James Madison and others to add a bill of rights in the first congress.

Although he believed a bill of rights was mandatory, he had additional objections to the Constitution. Among his other concerns, he believed the convention was giving the executive

branch (president) too much power. On June 4, he made an angry speech to the federal Convention.

We are, Mr. Chairman, going very far in this business. We are not indeed constituting a British government, but a dangerous monarchy, an elective one... Do gentlemen mean to pave the way to hereditary monarchy? Do they flatter themselves that the people will ever consent to such an innovation? If they do I venture to tell them, they are mistaken. The people will never consent!

During the convention, Mason consistently argued for a three-person executive. In his mind, a one-person presidency was far too close to the monarchy they had just fought a bloody war to escape.



As owner of Gunston Hall, Mason was one of the richest planters in Virginia. He owned seventy-five thousand acres and over ninety slaves. Despite his membership in the planter class, Mason often expressed opposition to slavery. During ratification, however, he argued that the Constitution did not adequately protect slavery. This may, however, have been a political ploy to persuade slaveholding delegates to oppose adoption.

When his neighbor, George Washington was inaugurated, Mason remained pessimistic. In fact, he was so frustrated with a federal government he believed was too strong, he retired from politics. This was the country's loss. George Mason made great intellectual contributions to our founding. He unswervingly supported natural (inalienable) rights, both in Virginia and the nation. To a great extent, we owe him our gratitude for the first ten amendments.

What about the other two non-signers? Elbridge Gerry reversed his allegiance to become an ardent Federalist, but later bolted the Federalist Party to join the Jeffersonian Republicans. Edmond Randolph was a simpler sort. Washington promised him the position of Attorney General in his administration, and he became a keen supporter of the Constitution during the Virginia ratification.

James D. Best is the author of *Tempest at Dawn*, a novel about the 1787 Constitutional Convention.

<http://www.whatwouldthefoundersthink.com/george-mason-the-framer-who-refused-to-sign-the-constitution>

On September 25, 1789, the First Congress of the United States therefore proposed to the state legislatures 12 amendments to the Constitution that met arguments most frequently advanced against it. The first two proposed amendments, which concerned the number of constituents for each Representative and the compensation of Congressmen, were not ratified. Articles 3 to 12, however, ratified by three-fourths of the state legislatures, constitute the first 10 amendments of the Constitution, known as the Bill of Rights.

Bill of Rights

Amendment 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment 2: A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment 3: No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment 4: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment 5: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 6: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment 7: In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment 8: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

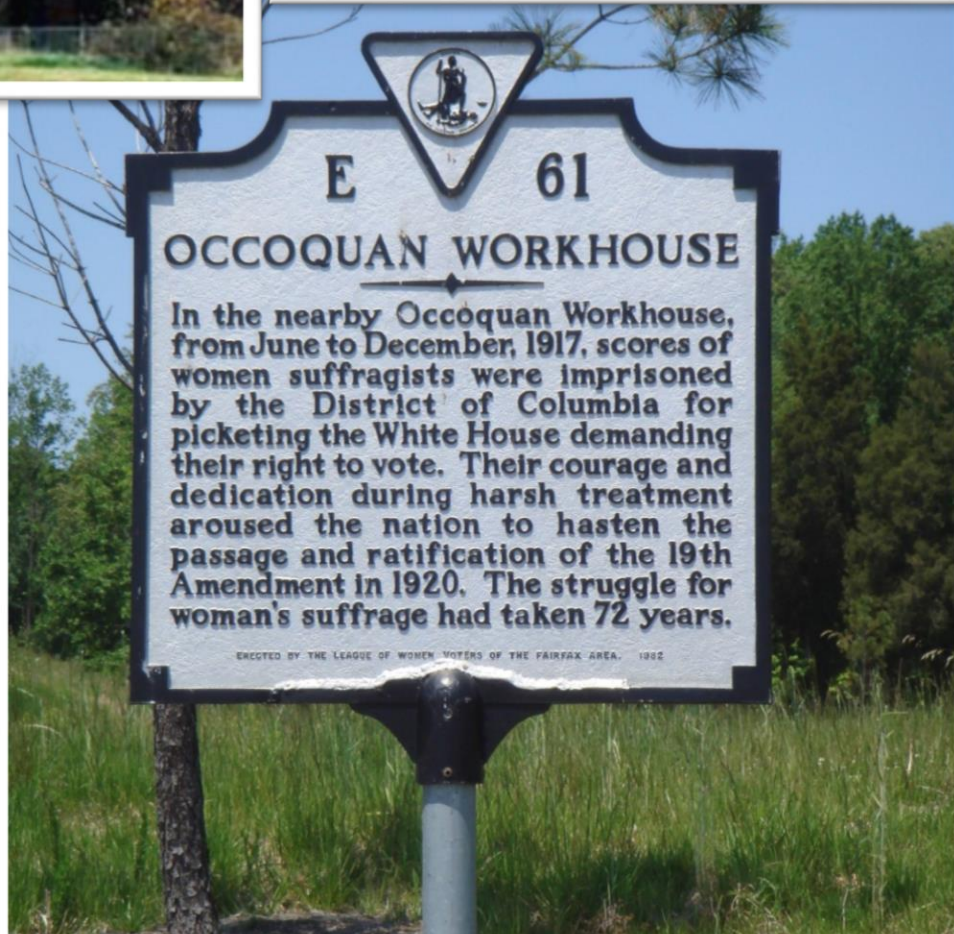
Amendment 9: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment 10: The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Workhouse Arts Center

Former DC Correctional Workhouse Prison Facility

9518 Workhouse Way, Lorton, Virginia 22079



A Short History of the D.C. Correctional Complex at Lorton



In 1908, rumors of deplorable conditions at the District of Columbia's jail and workhouse in Washington sparked a special investigation by president Theodore Roosevelt. A special Penal Commission was appointed and after review, recommended a complete change in the treatment of D.C. prisoners. The federal government responded in 1910 by purchasing a 1,155-acre tract of land in Lorton Virginia, where a new kind of workhouse was to be constructed. The Lorton Reformatory featured symmetrical brick buildings in Classical architecture, laid out as dormitories rather than cell blocks. The open-air designs let in sunlight and fresh air, and the number of walls and watch towers were kept to a minimum. Pursuing

a Progressive-Era reform policy, the Workhouse and Reformatory were supposed to “rehabilitate and reform prisoners through fresh air, good food and honest work.”

The Workhouse, Reformatory and Penitentiary buildings of the DC Prison at Lorton were active over a 92-year period. The Lorton prison complex, situated on Laurel Hill, consisted of seven separate facilities. The first prisoners arrived on site in 1910 and lived in tents until they built and occupied temporary Workhouse buildings using wood from the property. Temporary housing for a Reformatory for “hopeful” inmates opened in 1916. Initially, neither the Workhouse nor the Reformatory had walls, fences, cells, or locks and the prisoners lived dormitory style. The Workhouse, also known as the Occoquan Facility, operated as an agricultural work camp, complete with a poultry farm, hog ranch, slaughterhouse, dairy, blacksmith, sawmill and other structures. Inmates worked on farming the land, as well as producing brick and manhole covers, re-treading tires, and knitting sweaters.

A Women’s Workhouse was opened in 1912 on a nearby site. Sentences were of short duration and were for soliciting, prostitution, disorderly conduct and drunkenness. Women did laundry and made clothes for the prisoners of the two institutions. Some worked on the lawn and in the garden.

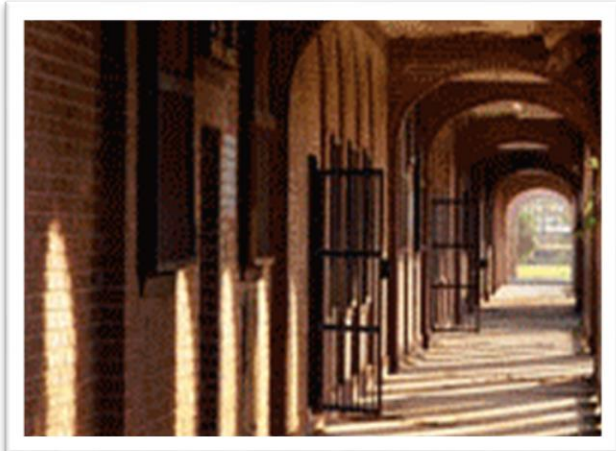
A medium security facility was here on site, but was demolished in 1998. It most notably held 168 women, many from the picketing of the White House, for the women's suffrage movement in 1917. Finally, the 19th amendment to the Constitution was ratified and for the first time women were allowed to vote in the November 1920 national election.

Wooden structures at the Workhouse and Reformatory were replaced in the 1920’s and 30’s by today’s brick facilities. The central Lorton Reformatory, built in 1920, was used to house more serious offenders, constructed with brick made by prisoners at the Occoquan Facility. Adjacent to this complex is the maximum security facility, the only area surrounded by walls. The Lorton site also included a minimum security facility (which also housed Nike missile site W-64), and a youth correction center. DC’s first architect, Snowden Ashford, designed the buildings of both the Workhouse and the Reformatory in Colonial Revival architectural style to convey Progressive-Era ideals of the integration of work, home, education, recreation, health and religion.



In pursuit of their mission, inmates raised beef and dairy cattle, hogs, poultry, vegetables and fruit. Corn, wheat and hay for horses were also produced on the complex’s extensive acreage. Initially farmed with horse power, it was 95% mechanized in 1950. At its height, prisoners farmed 1300 acres. Over time the farming operations

declined and ended in 1998 with the dairy's closure. Male inmates made license plates, brooms, furniture, mattresses, hydrants, and manhole covers. They became electricians, plumbers, mechanics and performed maintenance on the facilities. Female prisoners sewed clothing ran the laundry and helped with the gardens.



Prisoner built and ran the Lorton & Occoquan Railroad from the Occoquan wharf to the tracks of the RF&P railroad (near today's Amtrak Auto train station) were built by 1922 and transported prisoners and materials such as coal bricks, wood and industrial products. From 1931 to 1938, a 10-acre walled Penitentiary with cellblocks was built by inmates using bricks made in kilns along the Occoquan. It was later referred to as Maximum Security and housed the more hardened criminals.

An anti-aircraft missile site was built on the Complex by the US Army in 1953-54 for defense against a nuclear attack by the Soviet Union. The missile system (nicknamed "Nike"

after the Greek goddess of victory) became the showplace for other such systems across the nation. It closed in 1974 with the signing of the ABM Agreement with the Soviets; the launch area was converted into a 400-bed minimum security facility in 1985.

In 1966, the US Appeals Court's *Easter Decision* ruled alcoholism a public health problem, not a crime. Most Workhouse inmates had been arrested for public intoxication. As a result, almost 60% of the inmates were released leaving insufficient inmates to staff the farm and other Workhouse operations. In 1966, the brickyard also closed after 55 years and its 200 acres were leased to the Northern Virginia Park Authority. The Men's and Women's Workhouses were closed between 1966 and 1968 and the remaining inmates were transferred to other DC or Federal prisons. Most of the buildings were turned over to DC's Public Health Dept. for use as an Alcohol Rehabilitation Center. The buildings came back into use later on as medium security facilities, but only for males.

The empty space at the Workhouse was put to use in 1967 to house protestors arrested at the Pentagon demonstrating against the Vietnam War. Norman Mailer wrote of his experiences as a "political prisoner" at the facility in his book, *Armies of the Night*. In 1968, civil rights' protestors – arrested at the Peoples' March on Washington – were kept there as well.

By 1995 the Lorton Complex housed at least 7300 inmates, 54% above capacity. The District of Columbia lacked the funds needed to construct housing for the exploding population and to maintain the facilities at adequate staffing level, The US Government therefore assumed overall financial and administrative control of the prison system via a trusteeship arrangement.

After the Lorton Prison's closure in November 2001, 2324 acres were sold to Fairfax County in 2002 for \$4.2M. The County had earlier undertaken a comprehensive adaptive reuse study for this prime location. The Lorton Arts Foundation opened the Workhouse Arts Center at Lorton in September, 1998.

In addition, the *Turning Point Suffragist Memorial Association* is set to build a national memorial at Occoquan Regional Park. . The goal is to have the memorial completed for the centennial anniversary of ratification of the 19th Amendment, August 2020. To learn more on how you can "make history" by supporting the project, go to www.suffragistmemorial.org or e-mail the Executive Director at pwirth@suffragistmemorial.org.

<http://workhousemuseums.org/history/>

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