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He "Smelt a Rat," But Still He Lost—Or Did He? Patrick Henry at the Virginia Convention on the Ratification of the United States Constitution: Richmond, June, 1788

Presented by James M. Elson
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This was the predicament in which the celebrated orator of Virginia, Patrick Henry, is said to have found himself. Engaged in an extensive and lucrative practice of law, he once mistook the side of the cause on which he had been retained, and delivered a splendid and very convincing argument on behalf of his antagonist. His distracted client came up to him whilst he was progressing, and, interrupting him, bitterly exclaimed, "You have ruined me! You have undone me!"

"Never mind. Give yourself no concern," replied the adroit advocate, and turning to the court, continued his argument by observing, "May it please Your Honor and gentlemen of the jury. I have just stated to you what I presume my opponent will urge on his side. I will now show you how fallacious his reasoning and how groundless his pretensions are."

The skillful orator proceeded, successfully refuted every argument which he himself has previously advanced, and won his cause.

When Henry Clay of Kentucky related this apocryphal tale in an 1811 congressional speech, Patrick Henry had been dead only a dozen years and the memory of his forensic exploits was still green. Like the subject of his anecdote, Mr. Clay was a native of Hanover County, Virginia, and a successful lawyer and orator. Although both he and his audience knew the story of Patrick Henry's switching sides in mid-argument and still winning his case was a myth, doubtless there remained a kernel of suspicion that it could have really happened.

"He is by far the most powerful speaker I ever heard. . . . He is in my opinion the first man upon this continent," wrote George Mason to his neighbor, Martin Cockburn, in 1773.

"In one word, it is said that the edicts of Mr. Henry are enregistered with less opposition in the Virginia assembly than those of the grand monarch by his parliaments. He has only to say ' Let this be law,' and it is law," wrote a worried George Washington to James Madison in November of 1788—and this *after* Henry had lost in the Virginia Convention of 1788.

"His eloquence was peculiar, if indeed it should be called eloquence, for it was impressive and sublime beyond what can be imagined. Although it

was difficult, when he had spoken, to tell what he had said, yet while speaking, it always seemed directly to the point." So remembered the elderly Thomas Jefferson to Daniel Webster during an 1824 visit to Virginia by the Massachusetts statesman. Then, with more than a touch of the schizophrenic combination of praise and condescension that characterized his recollections of Henry after the orator's death, the Sage of Monticello added: "When he had spoken in opposition to my opinion, had produced a great effect, and I myself had been highly delighted and moved, I have asked myself, when he ceased, 'what the devil has he said?' and could never answer the inquiry."

If Patrick Henry, Voice of the American Revolution, could inspire the unreserved admiration of George Mason, author of the Virginia Declaration of Rights; cause George Washington, the greatest American who ever lived, sleepless nights; and haunt the rational mind of Thomas Jefferson, that quintessential American son of the Enlightenment, why did he go down to defeat in what was arguably the most important debate in which he ever participated? He "smelt a rat," but still he lost—or did he?

This next may at first appear to be a digression, but I think you'll see shortly why it isn't: In June of last year we commemorated the 200th anniversary of Patrick Henry's death at Red Hill. In his "Thoughts in Memoriam" delivered at the newly refurbished Henry family cemetery, Dr. Tom Morris, President of Emory & Henry College, historian, and political scientist, whose commentaries you have doubtless seen on regional television, offered this insight:

"My view of the founding of our country—the Virginia view as I call it—goes something like this: Patrick Henry supplied the passion and sounded the call to arms; Thomas Jefferson wrote the Declaration of Independence, George Mason wrote the Bill of Rights, George Washington defeated the British Army, James Madison wrote the Constitution; and once Patrick Henry applied the political pressure, Madison submitted the Bill of Rights to Congress. Washington, Jefferson, Madison, and Monroe took turns being president of the United States. If that was not enough, John Marshall shaped the government as Chief Justice of the United States for thirty-four years. And that pretty well sums up the first sixty years or so of American history. Let us not forget, Patrick Henry was a shining light in a constellation of remarkable political leaders."

Clever, isn't it? Of course, all of us in Dr. Morris' audience that warm spring day last June sat there and smiled and felt good about being

citizens of the Old Dominion. But never mind the leadership in Virginia that far exceeded anything the other twelve colonies or states could offer *combined* during at least the last quarter of the 18th century—if not for a time before and after. Virginia was during that period the largest (don't forget it included present-day West Virginia and Kentucky), as well as the most populous, and possibly the wealthiest of the former British colonies. "The example of Virginia is a powerful thing!" Patrick Henry admonished his fellow delegates early on during the ratification convention's debates . Indeed it was. Without Virginia's consent, the new government's chances of getting off the ground were slim indeed.

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On the 19th of October 1787, Patrick Henry sat down at his desk and with mixed emotions penned this letter to the person he admired more than any other living man:

"I was honored by the receipt of your favor together with a copy of the proposed constitution, a few days ago, for which I beg you accept my thanks. . . .

I have to lament that I cannot bring my mind to accord with the proposed constitution. The concern I feel on this account is really greater than I am able to express. Perhaps mature reflections may furnish me reasons to change my present sentiments into a conformity with the opinions of those personages for whom I have the highest reverence. Be that as It may, I beg you will be persuaded of the unalterable regard and attachment with which I ever shall be, dear sir

Your obliged and very humble servant, P. Henry"

The letter was, of course, addressed to "General Washington."

General Washington, it may be remembered, had presided over the 1787 "Miracle at Philadelphia," as one historian entitled her monograph on the event. Although Patrick Henry was chosen as a delegate he refused to go. Later, when asked why, he is supposed to have replied, "I smelt a rat!" If he didn't actually say this, it was only because he didn't think of it. And perhaps he had a point: After all, the stated intention of the Philadelphia convention was to amend the Articles of Confederation. Instead, meeting in secret, the Articles were jettisoned and an entirely new constitution devised. Nine of the thirteen states had to ratify the new constitution for it to take effect.

Patrick Henry, after completing his fifth term as Virginia's governor, had retired to Prince Edward County a little more than a year before, where

he hoped to make some money farming and resume his once-lucrative law practice. The county would send two delegates to a special state ratifying convention, called for Richmond in June. Henry was already one of Prince Edward's two representatives in the state assembly, and it was assumed that they would stand unopposed for this extra duty. Still, Henry presented himself for election on the third Monday in March, 1788. This was "court day," when the people assembled at the little hamlet of Prince Edward Court House, today's Farmville to do business and trade gossip, as well as taking care of legal matters. Standing on the court house steps, the orator made his appeal to them and was elected by acclimation.

After the huzzahs died down, the crowd began to break up. As Patrick Henry made his way out of the courthouse yard, an old squirrel hunter, dressed in buckskin, came up to give him a sharp tap of the shoulder. "Old fellow, stick to the people," the hunter said. "If you take the back track, we are gone."

* *

On Monday, June 2nd 1788, Richmond seemed even more agitated than it had been during Benedict Arnold's raid seven years before. On only two points did the politicians agree: the fate of the Constitution, with seven states having already ratified, rested with Virginia, and Virginia's convention appeared as evenly divided as it could be.

After the convention was called to order by its president, Edmund Pendleton, opened with prayers, and the role taken, delegate George Nicholas of Albemarle asked if any member would object if "the short-hand gentlemen should be suffered to take down the business of the house." George Mason and Patrick Henry objected, arguing that reporters were not members of the convention. The following day, however, David Robertson, a prominent Petersburg lawyer, was permitted to take stenographic notes. The convention had moved from the capitol, its initial site, to the New Academy building on Shockhoe Hill, the largest in Richmond. to accommodate its 170 delegates and the hundreds of spectators who assembled each day to see and hear history being made. Stenographer Robertson was banished to a seat in the gallery and later admitted to doubts about the accuracy of his note taking. His record was first published in 1805 under the title *Elliot's Debates* and went through several editions in the early 19th century.

Years later, John Marshall, who was a delegate at the convention, commented that "Mr. Henry was reported worst of all—no reporter could

correctly report him." The eminent jurist, St. George Tucker, who had been present at both Henry's "Liberty or Death" Speech in 1775 and the Ratification Convention in 1788, also thought Henry was not properly taken down, but believed the orator was just as eloquent on the latter occasion as on the former. Still, despite Henry's own objections to the short-hand man's presence at the convention and the stenographer's inability to get it exactly right, we find in the notes an excellent summation of Henry's political philosophy and, with the exception of his arguments in the later British debts case, the only instance in which a speech of his was taken down at the time it was delivered.

I will pause at this point, ladies and gentlemen, to remind you that the title of this paper is "*Patrick Henry* at the Virginia Convention of 1788." It would be impossible for me to give an adequate summary of the entire convention in the short time we have tonight. Rather, I will attempt to encapsulate Henry's political philosophy through excerpts from his speeches. I have found this to be no easy task. Of the 652 pages of the convention's record as printed in *Elliot's Debates*, 136, or over a fifth, are taken up with Henry's oratory. On several days he made three speeches, on another day five, and on another eight. And yet, as his cousin Judge Edmund Winston, a delegate from Campbell County, remembered, when Henry was speaking "there was a perfect stillness throughout the house, and in the galleries. There was no inattention or appearance of weariness. When any other member spoke, the members and the audience would in half an hour be going out or moving from their seats."

Henry and George Mason carried the burden of the argument for the Antifederalists, as those who were against ratification—or at least ratification without prior amendments—were called. Other prominent Anti-federalists included James Monroe, William Grayson, and John Tyler (father of the future president). Virginia's then-governor, Edmund Randolph, who had served as the state's first attorney general in 1776 (and who subsequently become the first attorney general in the new federal government and later secretary of state), shouldered the lion's share of the debate on the side of the Federalists. James Madison, the father of the document under consideration, spoke often and intelligently on behalf of his creation. However, Madison had none of the forensic flair of his ally Randolph and of which his antagonist, Henry, possessed in abundance. The Federalists also received powerful support from John Marshall, George Nicholas, and Henry ("Light Horse Harry") Lee. Notably absent Virginians

included Richard Henry Lee, whose sentiments were Antifederalist; Thomas Jefferson, who was in France, and generally favored ratification with amendments; and George Washington, who exerted considerable influence for ratification from Mount Vernon. There was a universal, if unspoken, recognition that General Washington would be the first president under the new system, if approved.

Henry remained silent on the convention's second day, Tuesday, June 3rd, and began his participation the day following. Undoubtedly he began his initial speech in his customary, deceptively halting manner, which inevitably built to a climax:

"Mr. Chairman, the public mind as well as my own is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation—and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. . . .

"This proposal of altering our federal government is of a most alarming nature. . . . You ought to be extremely cautious, watchful, jealous of your liberty; for instead of securing your rights you may lose them forever. . . . I repeat it again, and I beg gentlemen to consider, that a wrong step made now will plunge us into misery, and our republic will be lost. . . .

"And here I would make this inquiry of those worthy characters who composed a part of the late federal convention. I am sure they were fully impressed with the necessity of forming a great consolidated government instead of a confederation. That this is a consolidated government is demonstrably clear, and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen. But, sir, give me leave to demand what right had they to say *We the People*. My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask who authorized them to speak the language of *We, the People*, instead of *We the States*? States are the characteristics and the soul of a confederation. If the states be not the agents of this compact, it must be one great consolidated national government of the people of all the states....

"The federal convention ought to have amended the old system—for this purpose they were solely delegated: The object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member to know what danger could have arisen

under the present confederation and what are the causes of this proposal to change our government."

The next day, Thursday, June 5th, Henry got to the heart of his argument:

"Here is a revolution as radical as that which separated us from Great Britain. It is as radical, if in this transition our rights and privileges are endangered and the sovereignty of the states be relinquished: And can we not see plainly that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost by this change so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of free men? Is it worthy of that manly fortitude that ought to characterize republicans? It is said eight states have adopted this plan. I declare that if twelve states and an half had adopted it, I would with manly firmness, and in spite of an erring world, reject it."

Henry then spoke the two sentences which, for me, sum up his entire argument at the convention and contain the essence of his political philosophy:

"You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government. . . . Liberty, the greatest of all earthly blessings—give us that precious jewel and you may take everything else. . . ."

As Henry continued, he demonstrated at the same time his innate distrust of human nature and his idealism:

"When the American spirit was in its youth, the language of America was different. Liberty, sir, was then the primary object. . . . But now, sir, the American spirit, assisted by the ropes and chains of consolidation, is about to convert this country into a powerful and mighty empire. If you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your government will not have sufficient energy to keep them together. . . .

"The Constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting; it squints towards monarchy. And does this not raise indignation in the breast of every true American? Your president may easily become a king. Your senate is so imperfectly

constructed that your dearest rights may be sacrificed by what may be a small minority; and a very small minority may continue forever unchangeably this Government, although horridly defective. Where are your checks in this Government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded. But its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs, should they be bad men. . . . Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men without a consequent loss of liberty. . . .

"This government has not the affection of the people at present. Should it be oppressive, their affection will be totally estranged from it—and sir, you know that a government without their affections can neither be durable nor happy. I speak as one poor individual—but when I speak, I speak the language of thousands. . . ."

On Saturday, June 7th, Henry issued a call for a bill of rights similar to the Virginia Declaration of Rights:

"That government is no more than a choice among evils is acknowledged by the most intelligent among mankind and has been a standing maxim for ages. . . . There are certain political maxims which no free people ought ever to abandon. . . . We have one, sir, *That all men are by nature free and independent, and have certain inherent rights, of which, when they enter into society, they cannot by any compact deprive or divest their posterity.* We have a set of maxims of the same spirit, which must be beloved by every friend to liberty, to virtue, to mankind. Our Bill of Rights contains those admirable maxims."

On Monday, June 9th, Henry amplified his argument for amendments:

"I am constrained to make a few remarks on the absurdity of adopting this system and relying on the chance of getting it amended afterwards. When it is confessed to be replete with defects, is it not offering insult to your understandings to attempt to reason you out of the propriety of rejecting it until it be amended? Does it not insult your judgment to tell you—adopt first and then amend? Is your rage for novelty so great that you are first to sign and seal--and then to retract? Is it possible to conceive of a greater solecism? I am at a loss what to say. You agree to bind yourself hand and foot—for the sake of what ? Of being unbound. You go into a dungeon—for what? To get out. Is there no danger when you go in that the

bolts of federal authority shall shut you in? Human nature will never part with power."

Henry continued speaking for about ten minutes, then concluded with a summary containing this statement: "But I should be led to take that man to be a lunatic who should tell me to run into the adoption of a government, avowedly defective, in hopes of having it amended afterwards." Henry ("Light Horse Harry") Lee then spoke for approximately thirty minutes in favor of the Constitution. Governor Edmund Randolph, as a delegate in Philadelphia, had refused to sign the document, but now in Richmond was its most vocal proponent. Patrick Henry had not been reluctant to point this inconsistency out to the convention during the previous week of debates. At this juncture, Randolph had apparently taken all he could of Henry's needling and, with his temperature rising during Lee's speech, had come to a boil. He rose to respond to his perceived assailant:

"I find myself attacked in the most illiberal manner by the honorable gentleman. I disdain his aspersions and his insinuations. His asperity is warranted by no principle of parliamentary decency nor compatible with the least shadow of friendship; and if our friendship must fall *Let it fall like Lucifer, never to rise again.*"

Randolph followed this outburst with a lengthy explanation of his changed position. Henry rose to offer him an apology for any unintentional offense. Randolph's brusque retort was that if it had not been for Henry's "concession," he would have disclosed certain facts that "would have made some men's hair stand on end." Henry's response to Randolph was that if he had anything to say against him, he should do so. Randolph, after failing to carry out the threat, read part of a letter to his constituents in which he expressed sentiments friendly to union with other states, presumably to justify his present position. He then tauntingly threw the letter on the clerk of the convention's table, declaring that it might lie there "for the inspection of the curious and malicious."

Henry had been willing to overlook Randolph's earlier aspersions. But the reference to "the curious and malicious" seemed needlessly provocative, even to the man Jefferson was later to describe as " the best natured man in society I almost ever knew," and which all contemporary reports confirm. Considering the strong political issues which he had supported, up to this point, Henry's life had been remarkably free of private quarrels, but now he felt his honor was involved. That night he and his representative, Colonel William Cabell of Amherst County, called on

Randolph. There was a great feeling of relief in the Convention the next day when it was learned that the dispute had been amicably settled. On the authority of Colonel Cabell, Henry's son-in-law, Judge Spencer Roane later reported: "Mr. Henry acted with great firmness and propriety. He let Mr. Randolph down pretty easily, owing to the extreme benignity of his disposition," And thus was the Henry-Randolph duel denied to history.

Thursday, June 12th, 1788. Although, as you may have noted by now, not all of Patrick Henry's dire prophecies came true, here are three others for your consideration:

"Honorable gentlemen say that a poor man, as enlightened as any [other], has an equal chance with a rich man to be elected? He will stand no chance, though he may have the finest understanding of any. . . . Where is the chance that a poor man can come forward with the rich?"

This next one is particularly apropos to the 15th of next month:

"Bring forth the federal allurements and compare them with the poor contemptible things that the state legislatures can bring forth. . . . On the other hand, there are rich, fat federal emoluments—your rich, snug, fine, fat federal offices—The number of collectors of taxes and excises will outnumber anything from the states. Who can cope with the excisemen and the taxmen?"

And finally this prediction which came true, due principally to the efforts of Mr. Henry's sometime associate in the practice of law, Mr. Marshall:

"Then the honorable gentleman said, that the two judiciaries and legislatures would go in a parallel line and never interfere—that as long as each was confined to its proper objects, that there would be no danger of interference; that like two parallel lines, as long as they continued in their parallel direction, they would never meet. I contend that they must interfere, and that this interference must subvert the state government as being less powerful."

On Monday, June 16th, Henry again insisted on a Bill of Rights

"The necessity of a Bill of Rights appears to me to be greater in this government than ever it was in any government before. . . . If you intend to reserve your unalienable rights, you must have the most express stipulation. A Bill of Rights may be summed up in a few words. What do they tell us? That our rights are reserved. Why not say so? Is it because it will consume too much paper? Gentlemen's reasonings against a Bill of Rights do not satisfy me."

Thursday, June 19th. Does this have a contemporary ring to it?

"But I beg gentlemen to consider the American impeachment. What is it? It is a mere sham—a mere farce. When they do anything derogatory to the honor or interest of their country, they are to try themselves! . . . Can there be any security when offenders mutually try one another?"

Tuesday, June 24th. Patrick Henry, like most of the other delegates to the ratification convention, was a slave owner. In a letter thirteen years earlier to Robert Pleasants, a Quaker leader, who had educated his slaves, then freed them, Henry had stated:

"Is it not amazing that at a time when the rights of humanity are defined and understood with precision, in a country above all others fond of liberty, that in such an age and in such a country, we find men professing a religion the most humane, mild, gentle, and generous, adopting a principle as repugnant to humanity, as it is inconsistent with the Bible and destructive to liberty?"

Henry then admitted to Pleasants: "Would anyone believe I am the master of slaves of my own purchase! I am drawn along by the general inconvenience of living here without them. I will not, I cannot justify it."

But this was June 24th, 1788, not January 18th, 1773, and the Virginia Convention on the Ratification of the United States Constitution was drawing to a close. Henry was too good a politician not to have a feeling of where the convention was going—and it was not going in his favor. So Patrick Henry played his last two cards—the South versus North card and the race card:

". . . [The national government] will search that paper and see if they have power of manumission. And have they not, sir? Have they not the power to provide for the general defense and welfare? May they not think that these call for the abolition of slavery? May they not pronounce all slaves free, and will they not be warranted by that power? There is no ambiguous implication. . . , the paper speaks to the point. They have the power in clear unequivocal terms and will clearly and certainly exercise it. As much as I deplore slavery, I see that prudence forbids its abolition. I deny that the general government ought to set them free, because a decided majority of the states have not the ties of sympathy and fellow-feeling for those whose interest would be affected by their emancipation. The majority of Congress is to the north and the slaves are to the south. In this situation, I see a great deal of the property of the people of Virginia in jeopardy and their peace and tranquility gone away. I repeat it again, that it would rejoice

my very soul that every one of my fellow beings was emancipated. As we ought with gratitude to admire that decree of heaven, which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellow-men in bondage. But is it practicable by any human means to liberate them without producing the most dreadful and ruinous consequences? . . ."

Henry, the consummate trial lawyer who could unerringly gage his audience, was concluding his battle by appealing to the strongest fears of his contemporaries. I understand why he did this, but I wish he hadn't. It was, in my opinion, the low point of Henry's career.

When the Convention convened the following day, June 25th, it was apparent that Virginia was going to ratify the Constitution of the United States of America. From his low of the previous day, Henry, in my opinion, rose to his greatest moment in the Virginia Convention of 1788.

This is the conclusion of Patrick Henry's last speech:

"I beg pardon of this house for having taken up more time than came to my share, and I thank them for the patience and polite attention with which I have been heard. If I shall be in the minority, I shall have those painful sensations which arise from a conviction of being overpowered in a good cause. Yet I will be a peaceable citizen! My head, my hand, and my heart shall be at liberty to retrieve the loss of liberty and remove the defects of that system—in a constitutional way. I wish not to go to violence, but will wait with hopes that the spirit which predominated in the revolution is not yet gone, nor the cause of those who are attached to the revolution yet lost. I shall therefore patiently wait in expectation of seeing that government changed so as to be compatible with the safety, liberty, and happiness of the people."

When TIME magazine reported that Timothy McVeigh had sought justification for his actions in Oklahoma in an unnamed Patrick Henry biography while awaiting trial, I thought what a tragedy it was that he had not encountered Henry's last 1788 Virginia Convention speech before embarking on his mission of destruction. Although Henry had bitterly fought the Constitution's ratification, paradoxically, his speech embodied the heart of constitutionalism: You make your case, you take a vote, and, if the vote turns out against you, you seek to change the outcome in a constitutional way. Henry gave us that lesson.

Shortly after Henry's last oration, the Virginia Convention ratified the Constitution of the United States, 89 votes to 79. Two days later, the

body approved a list of twenty amendments to be added to the new federal document.

Amendments, however, were by no means a sure thing. Madison had promised to deliver in Congress, but Henry was putting his faith in a second federal convention.

"Dear Sir," wrote Patrick Henry to his friend, Richard Henry Lee, "I postponed answering your favor until I could have the pleasure of congratulating you on your election to the office of Senator of Virginia. The friends of the system are much displeased that Mr. Madison was left out of the choice. . . ."

Another Henry ally, William Grayson, had been chosen by the Virginia legislature for the second initial seat in the United States Senate. Henry's letter was written on November 15th, 1788. Two days later George Washington penned his complaint to James Madison that in the legislature Henry had only to say "let this be law, and it is law."

There was still the possibility of a seat in the fledgling United States House of Representatives for Mr. Madison. However, the committee charged with determining Virginia's congressional districts had a majority of Antifederalists and did its best to gerrymander Madison out of the running. "Henrymandering," we might call it today, except that Henry was not a member of the committee. Madison found himself in a tough fight against an upcoming politician named James Monroe to represent his home district of Orange County—and a few other not-so-friendly counties. Despite his initial refusal to come home from New York to his congressional district because "it will have an electioneering appearance, which I have always despised and wish to shun," in the end he was forced to do so. Failure to campaign would surely have cost Madison the election. He did campaign—reluctantly—and he won, but he made it clear that the currying of popular favor was not his idea of what a disinterested statesman was supposed to do.

There was, of course, no second federal convention to consider amendments, and, in 1791, Madison delivered on the commitment he had been forced to make during his congressional campaign. The amendments were ten in number, not the twenty requested by the Virginia Convention, and we call them our Bill of Rights. Patrick Henry retired from the Virginia Legislature in the same year. And so, to quote Patrick Henry's best modern biographer, Henry Mayer: "I will leave to you the beguiling question of apportioning credit between the man who drafted the first ten amendments and the man who made him do it."

A concluding quote from Mayer, because he has summed up the importance of Henry and the Antifederalists far better than I ever could:

"Modern historians once stigmatized the Antifederalists as 'men of little faith.' Had Patrick Henry heard the charge, he would have clearly rejected it. Citizens, he believed, are not supposed to have faith in their governors; they are supposed to have faith in themselves. We can best honor Patrick Henry's political legacy of democratic participation and individual dissent by recognizing the legitimacy, indeed, the necessity of political conflict in a free society. As a sentinel for liberty, Patrick Henry manifested the citizens' essential skepticism against entrenched power, yet he did so mindful of the need to nourish the commonweal and lead lives of civic virtue. He was a political man in an age that honored politics and believed in its possibilities. In speaking the language of thousands, he teaches us, most of all, to speak for ourselves and our deepest aspirations for the common good."

An epilog: A few years before he died in 1813, Edmund Randolph, the only man known to have come close to having a physical confrontation with Patrick Henry, wrote a *History of Virginia*. He had had more than two decades to reflect on the Virginia Convention of 1788. Randolph's appraisal of Henry's role in the events of his day is surprising fair, in many respects highly complimentary. I end with this brief excerpt:

"His style of oratory was vehement, without transporting him beyond the power of self command or wounding his opponents by deliberate offense. . . . His lightning consisted in quick successive flashes, which rested only to alarm the more. His abilities as a writer cannot be insisted on, nor was he fond of a length of details, but for grand impressions in the defense of liberty, the Western world has not yet been able to exhibit a rival. . . ."

I submit to you, ladies and gentlemen of the Sphex Club, that for grand impressions in the defense of liberty, the Western world has <u>still</u> not yet been able to exhibit a rival.

Thank you.