

‘For the People, for the Country’ Review: Patrick Henry’s Last Stand

In 1799, George Washington sought the help of friends who might ‘rescue their Country from the pending evil.’ Patrick Henry answered the call.

Time has reduced the Virginia patriot Patrick Henry to the historical equivalent of a one-hit wonder, remembered largely for his stirring 1775 oration in support of raising military forces to oppose British misrule. His electrifying closing words—“give me liberty or give me death”—provided a rallying cry for the nascent revolutionary movement.

Did Henry do anything else of note? Despite an admirable recent biography by Jon Kukla, few Americans remember Henry’s five terms as Virginia’s governor during and after the Revolutionary War. Nor are they likely to recall, from his dayslong duel with James Madison at the 1788 Virginia convention, his impassioned opposition to ratifying the Constitution.

In “For the People, for the Country: Patrick Henry’s Final Political Battle,” John Ragosta aims to revive Henry’s reputation by celebrating the moment, several years later, when he urged Americans to calm down, abandon thoughts of disobeying the central government and work to change controversial policies through constitutional processes.

Mr. Ragosta, a historian at Monticello and the author of “Religious Freedom: Jefferson’s Legacy, America’s Creed,” observes: “Sometimes in a democracy, you lose.” Unless those who lose are willing to follow Henry’s example and “work with our co-citizens to

improve our nation in ‘a constitutional way,’ ” he warns, “we can yet lose the nation itself.”

The book’s pivot is the conflict between Federalists and Democratic-Republicans in 1798-99. Each group had coalesced as a political party

largely in response to the mayhem triggered by the French Revolution. When the two major combatants, France and Britain, began targeting the merchant ships of the neutral United States, American sympathies divided. Led by George Washington and then John Adams, the Federalists mistrusted the French revolutionaries. As energized by Thomas Jefferson and James Madison, the Democratic-Republicans identified with the revolutionaries and felt profound gratitude for the French support that had allowed Americans to win their independence.

In 1798, as the argument grew increasingly vehement, the Federalists jammed the Alien and Sedition Acts through Congress. The legislation included a ban on spoken or written words about the president or Congress that were “false, scandalous and malicious,” a characterization that could cover much political speech. The legislation also made it illegal to “combine and conspire” against government measures.

Mr. Ragosta points out that the acts’ repercussions have often been underestimated—the Adams administration, he tells us, vigorously enforced the repressive laws, bringing more than 100 indictments rather than the 20 or so that many historians cite. Democratic-Republican editors and writers landed in jail. Others undoubtedly were cowed into silence.

Alarmed by this Federalist overreach, Jefferson and Madison responded with overreach of their own, drafting protest resolutions for the Kentucky and Virginia legislatures. Kentucky's, written by Jefferson, called the Constitution a mere "compact" between sovereign states that could, if they chose, "nullify" federal laws. Virginia's slightly more careful version, provided by Madison, asserted that states might "interpose" themselves against unconstitutional federal laws. Taken together, the resolutions preached that states need not follow federal law, spawning the nullification doctrine that would be adduced to support Southern secessionists in future decades.

Two other prominent Virginians, Washington and Henry, recoiled from those resolutions, recognizing their potential to destroy the union. These two leaders, close to the end of their lives, shared a mutual respect formed over decades. When plotters approached Henry in 1777 about superseding Washington as commander in chief of the Continental Army, Henry swiftly alerted the general, winning his gratitude. In 1788, even when Henry nearly persuaded Virginia's ratifying convention to reject the Constitution that Washington thought essential to the nation's future, Washington did not react harshly. Rather he honored Henry's opposition as principled, especially his pledge to work to "remove the defects of that system—in a constitutional way," not by direct action against the new government.

On Jan. 15, 1799, Washington wrote despairingly to Henry of those Mr. Ragosta describes as "sowing dissension and undermining the union." Washington called for others to step forward who could "rescue their Country from the pending evil." A few weeks later,

Henry traveled to “court day” in his home county in southern Virginia. At the courthouse, he delivered his last great speech, denouncing the Virginia and Kentucky resolutions and any other “parricidal attempt” to deny the national government’s powers.

The people, he insisted, had approved the Constitution and chosen the representatives who enacted the Alien and Sedition Acts. He disliked all three but insisted that no state can unilaterally change congressional laws or create constitutional change. “Virginia cannot control the government of Congress,” he declared, “no more than the county of Kent can control that of England.” He implored his countrymen not to “split into factions which must destroy that union upon which our existence hangs.” Coming from a champion of states’ rights, Henry’s words commanded attention. Not three months later, Patrick Henry would be dead.

Eventually the crisis of 1799 abated. Diplomatic agreements were reached with France. To win the presidency in 1800, Jefferson moderated his divisive actions and speech, then proclaimed in his inaugural address that “we are all republicans, we are all federalists.” The Alien and Sedition Acts were allowed to expire.

The extent to which this ending may be attributed to Henry’s speech is difficult to gauge, which Mr. Ragosta, a careful scholar, acknowledges. Yet he applauds the Virginian for helping to define “the legitimate role of a loyal opposition” in a republic. Dissenters, Henry made clear, may dispute policies, but they may not withhold their loyalty from the government elected by the people. Mr. Ragosta’s persuasive and insightful book reminds us that opposition

without loyalty to the government becomes lawlessness and riot,
unworthy of those who created our republic.