

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit <http://www.djreprints.com>.

<http://www.wsj.com/articles/SB10001424052702304741404575564484261874188>

BOOKSHELF

What He Saw at the Revolution

A firebrand as opposed to a strong national government as he was to British tyranny.

By *Robert K. Landers*

Updated Oct. 22, 2010 12:01 a.m. ET

"I know not what course others may take, but as for me," Patrick Henry famously declared at a revolutionary convention of his fellow Virginians on March 23, 1775, "give me liberty, or give me death!" The war for independence was inevitable, he said—and in fact Lexington and "the shot heard around the world" were less than a month away. Even after Lexington, there were moderates, like John Dickinson of Pennsylvania, who still hoped for reconciliation with the mother country. But Henry, who had begun publicly flirting with treason a dozen years earlier, was definitely not among them.

Henry's radical advocacy of independence is not his only legacy, as Harlow Giles Unger observes in "Lion of Liberty," his vivid biography of the Virginia firebrand. A foe of a strong national government who fought against ratification of the federal Constitution, Henry helped bring about the addition of the Bill of Rights. And his championing of states' rights had less fortunate reverberations down through the decades.

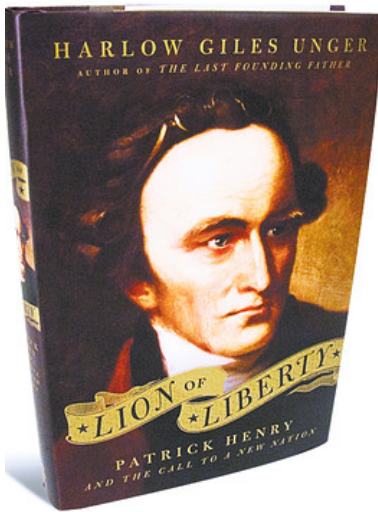
Our knowledge of Henry's words and deeds at some crucial points is less than certain. The known text of his "liberty or death" speech, for instance, is a reconstruction made 40 years after the event. Mr. Unger at times brings his subject into a sharper focus than a strict adherence to what is surely known would permit. But it is illuminating to see Patrick Henry thus, part legend though the "lion" may be.

A self-taught back-country lawyer and spellbinding orator, Henry in 1763 at his first major trial denounced Britain's putative tyranny in annulling an act by Virginia's House of Burgesses. The measure let landowning parishioners pay their taxes to the Anglican Church in cash rather than the usual tobacco (which drought had made unusually precious). The act was needed for the people's economic survival, Henry said; a king who overruled such an act "had degenerated into a tyrant and forfeited all right to his subjects' obedience to his order of annulment." Despite the cries of "treason," the 27-year-old Henry effectively won the damages case brought by a clergyman and was carried from the courthouse in triumph.

Two years later, newly elected to the House of Burgesses, Henry raged against the supposed tyranny of Britain's Stamp Act, which required the purchase of revenue stamps on legal documents and other items. The anti-Act resolutions that Henry put forward "represented the first colonial opposition to British law," Mr. Unger writes.

The Stamp Act was the first direct tax imposed by Parliament on the colonies, the author notes, but the tax would have had only a trivial impact on the average American. Heavily in debt after the French and Indian War, and with its empire suddenly enlarged by the acquisition of Canada from the French, Britain not unreasonably thought that Americans should pay for imperial protection against Indian attacks. The stamp tax had been in effect in England for decades. And because the franchise was so restricted, most taxpayers there—despite Henry's claim to the contrary—had no more representation in Parliament than the Americans did. Even so, Parliament's extension of the tax was ill-timed, Mr. Unger says: "Increased duties were already strangling the American economy."

By asserting that only Virginia's General Assembly had the right to impose taxes on Virginians, and by warning of what might happen if George III persisted in tyranny, Henry once again provoked cries of "treason"—but Virginia adopted his resolutions against the Stamp Act, and other colonies soon followed suit. "Mr. Henry gave the first impulse to the ball of the



revolution," Thomas Jefferson said. Over the next 10 years, as that ball received more such impulses, Henry seems never to have factored into his "liberty or death" calculations the risk that an armed struggle for independence would also turn into a civil war, as of course it did. In Henry's apparent view, averting civil war was not up to intransigent radicals like himself.

LION OF LIBERTY

By Harlow Giles Unger

(Da Capo, 322 pages, \$26)

Elected governor in 1776 and then twice re-elected, Henry became an effectual wartime executive (unlike his successor, Jefferson), even taking on what Mr. Unger calls "dictatorial powers" in a "political turnabout [that] was nothing more than a statesman's adaptation to changing realities." After the war, the champion of small farmers in Virginia's Piedmont hills served two more terms as governor before retiring to private life.

Out of office in 1787, Henry refused to attend the Constitutional Convention, later saying that he had "smelt a rat." As opposed to a strong national government as he had been to British "tyranny," Henry claimed that a coup d'état was in progress and said that the proposed constitution "squints towards monarchy." He objected not only to the absence of a bill of rights but also to the federal government's powers to tax the people without their state legislature's consent and to send troops into any state to enforce federal laws.

Without Henry's and others' active opposition, there would have been no Bill of Rights. But he was not satisfied with the outcome, declaring: "This Constitution cannot last." And just as Henry had predicted, Mr. Unger notes, "tyranny" ensued. "Congress imposed a national whiskey tax without the consent of state legislatures—much as the British had done with the stamp tax—and President Washington sent troops to crush tax protests in western Pennsylvania, much as the British had in Boston." With the Alien and Sedition Acts of 1798, President John Adams and Congress suppressed free speech and freedom of the press. Despite such infringements of liberty, Henry did not urge taking up arms against the government.

A few months before his death in June 1799—he was the father of 18 children by then and a wealthy man thanks to his law practice and land speculation—Henry advised: "We should use all peaceable remedies first before we resort to the last argument of the oppressed—revolution—and avoid as long as we can the unspeakable horrors of civil war." But tragically, Mr. Unger writes, Henry's passionate struggle for states' rights had "sowed the seeds of secession in the South" for the Civil War to come.

Mr. Landers is the author of "An Honest Writer: The Life and Times of James T. Farrell."