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## Patrick Henry Speech: Virginia Convention 24 June 1787 (excerpts)

Mr. *Henry* after observing, that the proposal of ratification was premature, and that the importance of the subject required the most mature deliberation, proceeded thus:—The Honorable Member must forgive me for declaring my dissent from it, because if I understand it rightly, it admits that the new system is defective, and most capitally: For immediately after the proposed ratification, there comes a declaration, that the paper before you is not intended to violate any of these three great rights—the liberty of religion, liberty of the press, and the trial by jury. What is the inference, when you enumerate the rights which you are to enjoy? That those not enumerated are relinquished. There are only three things to be retained. Religion, freedom of the press, and jury trial. Will not the ratification carry every thing, without excepting these three things? Will not all the world pronounce, that we intended to give up all the rest? Every thing it speaks of by way of right is comprised in these three things. Your subsequent amendments, only go to these three amendments. I feel myself distressed, because the necessity of securing our personal rights, seems not to have pervaded the minds of men: For many other valuable things are omitted. For instance:—General warrants, by which an officer may search suspected places, without evidence of the commission of a fact, or seize any person without evidence of his crime, ought to be prohibited. As these are admitted, any man may be seized; any property may be taken, in the most arbitrary manner, without any evidence or reason. Every thing the most sacred, may be searched and ransacked by the strong hand of power. We have infinitely more reason to dread general warrants here, than they have in England; because there, if a person be confined, liberty may be quickly obtained by the writ of *habeas corpus*. But here a man living many hundred miles from the Judges, may rot in prison before he can get that writ.—Another most fatal omission is, with respect to standing armies. In your Bill of Rights of Virginia, they are said to be dangerous to liberty, and it tells you, that the proper defence of a free State consists in militia;<sup>1</sup> and so I might go on to ten or eleven things of immense consequence secured in your Bill of Rights, concerning which that proposal is silent. Is that the language of the Bill of Rights in England?—Is it the language of the American Bill of Rights, that these three rights, and these only, are valuable? Is it the language of men going into a new Government? Is it not necessary to speak of those things before you go into a compact? How do these three things stand? As one of the parties, we declare we do not mean to give them up. This is very dictatorial. Much more so, than the conduct which proposes alterations as the condition of adoption. In a compact there are two parties,—one accepting, and another proposing. As a party, we propose

that we shall secure these three things; and before we have the assent of the other contracting party, we go into the compact, and leave these things at their mercy. What will be the consequence?—Suppose the other States will call this dictatorial? They will say, Virginia has gone into the Government, and carried with her certain propositions, which she says, ought to be concurred in by the other States. They will declare, that she has no right to dictate to other States, the conditions on which they shall come into the Union. According to the Honorable Member's [George Wythe] proposal, the ratification will cease to be obligatory unless they accede to these amendments. We have ratified it. You have committed a violation, they will say. They have not violated it. We say we will go out of it. You are then reduced to a sad dilemma: To give up these three rights, or leave the Government. This is worse than our present Confederation, to which we have hitherto adhered honestly and faithfully. We shall be told we have violated it, because we have left it for the infringement and violation of conditions, which they never agreed to be a part of the ratification. The ratification will be complete. The proposal is made by one party. We, as the other, accede to it, and propose the security of these three great rights; for it is only a proposal. In order to secure them, you are left in that state of fatal hostility, which I shall as much deplore as the Honorable Gentleman. I exhort Gentlemen to think seriously, before they ratify this Constitution, and persuade themselves that they will succeed in making a feeble effort to get amendments after adoption. With respect to that part of the proposal, which says, that every power not granted remains with the people; it must be previous to adoption, or it will involve this country in inevitable destruction—To talk of it, as a thing subsequent, not as one of your unalienable rights, is leaving it to the casual opinion of the Congress who shall take up the consideration of that matter. They will not reason with you about the effect of this Constitution. They will not take the opinion of this Committee concerning its operation. They will construe it as they please. If you place it subsequently, let me ask the consequences? Among ten thousand implied powers which they may assume, they may, if we be engaged in war, liberate every one of your slaves if they please. And this must and will be done by men, a majority of whom have not a common interest with you. They will therefore have no feeling for your interests. . . .

. . . With respect to subsequent amendments, proposed by the worthy Member [George Wythe], I am distressed when I hear the expression.—It is a new one altogether, and such a one as stands against every idea of fortitude, and manliness, in the States, or any one else.—Evils admitted, in order to be removed subsequently, and tyranny submitted to, in order to be excluded by a subsequent alteration, are things totally new to me. But I am sure he meant nothing but to amuse the Committee. I know his candour. His proposal is an idea dreadful to me. I ask—does experience warrant such a thing from the beginning of the world, to this day?—Do you enter into a compact of Government first, and afterwards settle the terms of the Government? It is admitted by every one, that this is a compact.—Although the Confederation be lost, it is a compact Constitution, or something of that nature. I confess I never heard of such an idea before. It is most abhorrent to my mind. You endanger the tranquillity of your country—you stab its repose, if you accept this Government unaltered. How are you to allay animosities?—For such there are, great and fatal. He flatters me, and tells me, that I could influence the people, and reconcile them to it. Sir, their sentiments are as firm and steady, as they are patriotic. Were I to ask them to apostatize from their native religion, they would despise me. They are not to be shaken in their opinions, with respect to the propriety of preserving their rights. You never can

persuade them, that it is necessary to relinquish them. Were I to attempt to persuade them to abandon their patriotic sentiments, I should look on myself as the most infamous of men. I believe it to be a fact, that the great body of yeomanry are in decided opposition to it. I may say with confidence, that for nineteen counties adjacent to each other, nine-tenths of the people are conscientiously opposed to it. I may be mistaken, but I give you it as my opinion, and my opinion is founded on personal knowledge in some measure, and other good authority.<sup>2</sup> I have not hunted popularity by declaiming to injure this Government. Though public fame might say so, it was not owing to me that this flame of opposition has been kindled and spread. These men never will part with their political opinions.—If they should see their political happiness secured to the latest posterity, then indeed they might agree to it. Subsequent amendments will not do for men of this cast. Do you consult the Union in proposing them? You may amuse them as long as you please, but they will never like it. You have not solid reality, the hearts and hands of the men who are to be governed. Have Gentlemen no respect to the actual dispositions of the people in the adopting States? Look at Pennsylvania and Massachusetts. These two great States have raised as great objections to that Government as we do. There was a majority of only nineteen in Massachusetts. We are told, that only 10,000 were represented in Pennsylvania, although 70,000 had a right to be represented.<sup>3</sup> Is not this a serious thing?—Is it not worth while to turn your eyes for a moment from subsequent amendments, to the situation of your country?—Can you have a lasting Union in these circumstances? It will be in vain to expect it. But if you agree to previous amendments, you shall have Union, firm and solid. I cannot conclude without saying, that I shall have nothing to do with it, if subsequent amendments be determined upon. Oppressions will be carried on as radically by the majority when adjustments and accommodations will be held up. I say, I conceive it my duty, if this Government is adopted before it is amended, to go home.—I shall act as I think my duty requires.—Every other Gentleman will do the same. Previous amendments, in my opinion, are necessary to procure peace and tranquillity. I fear, if they be not agreed to, every movement and operation of Government will cease, and how long that baneful thing *civil discord*, will stay from this country, God only knows. When men are free from restraint, how long will you suspend their fury? The interval between this and bloodshed, is but a moment. The licentious and wicked of the community, will seize with avidity every thing you hold. In this unhappy situation, what is to be done? It surpasses my stock of wisdom. If you will in the language of freemen, stipulate, that there are rights which no man under Heaven can take from you, you shall have me going along with you:—Not otherwise.—(Here Mr. Henry informed the Committee, that he had a resolution prepared, to refer a declaration of rights, with certain amendments to the most exceptionable parts of the Constitution, to the other States in the Confederacy, for their consideration, previous to its ratification. The Clerk then read the resolution, the declaration of rights, and amendments, which were nearly the same as those ultimately proposed by the Convention, which see at the conclusion.)<sup>4</sup> He then resumed the subject. I have thus candidly submitted to you Mr. Chairman, and this Committee, what occurred to me as proper amendments to the Constitution, and a declaration of rights containing those fundamental unalienable privileges, which I conceive to be essential to liberty and happiness. I believe, that on a review of these amendments it will still be found, that the arm of power will be sufficiently strong for national purposes, when these restrictions shall be a part of the Government. I believe no Gentleman who opposes me in sentiments, will be able to discover that any

one feature of a strong Government is altered; and at the same time your unalienable rights are secured by them. The Government unaltered may be terrible to America; but can never be loved, till it be amended.

You find all the resources of the Continent may be drawn to a point. In danger, the President may concentrate to a point every effort of the Continent. If the Government be constructed to satisfy the people, and remove their apprehensions, the wealth and strength of the Continent will go where public utility shall direct.—This Government, with these restrictions, will be a strong Government united with the privileges of the people. In my weak judgement, a Government is strong when it applies to the most important end of all Governments,—the rights and privileges of the people.—In the Honorable Member's proposal, jury trial, the press, and religion, and other essential rights, are not to be given up.—*Other essential rights*—What are they?—The world will say, that you intended to give them up. When you go into an enumeration of your rights, and stop that enumeration, the inevitable conclusion is, that what is omitted is intended to be surrendered. Anxious as I am to be as little troublesome as possible, I cannot leave this part of the subject, without adverting to one remark of the Honorable Gentleman [George Wythe]. He says, that rather than bring the Union into danger, he will adopt it with its imperfections. A great deal is said about disunion, and consequent dangers. I have no claim to a greater share of fortitude than others, but I can see no kind of danger. I form my judgment on a single fact alone,—that we are at peace with all the world, nor is there any apparent cause of a rupture with any nation in the world. Is it among the American States that the cause of disunion is to be feared?—Are not the States using all their efforts for the promotion of Union? New-England sacrifices local prejudices for the purposes of Union. We hear the necessity of the Union, and predilection for the Union, re-echoed from all parts of the Continent; and all at once disunion is to follow! If Gentlemen dread disunion, the very thing they advocate will inevitably produce it.—A previous ratification will raise insurmountable obstacles to Union. New-York is an insurmountable obstacle to it, and North-Carolina also. They will never accede to it, till it be amended. A great part of Virginia is opposed most decidedly to it, as it stands. This very spirit which will govern us in these three States, will find a kindred spirit in the adopting States. Give me leave to say, that it is very problematical, that the adopting States can stand on their own legs. I hear only on one side, but as far as my information goes, there are heart-burnings and animosities among them. Will these animosities be cured by subsequent amendments?

Turn away from America, and consider European politics. The nations there which can trouble us, are France, England, and Spain. But at present we know for a certainty, that those nations are engaged in very different pursuits from American conquests. We are told by our intelligent Ambassador [Thomas Jefferson], that there is no such danger as has been apprehended. Give me leave then to say, that dangers from beyond the Atlantic are imaginary. From these premises then, it may be concluded, that from the creation of the world, to this time, there never was a more fair and proper opportunity than we have at this day to establish such a Government, as will permanently establish the most transcendent political felicity. Since the revolution there has not been so much experience.—Since then, the general interests of America have not been better understood, nor the Union more ardently loved, than at this present moment. I acknowledge the weakness of the old Confederation. Every man says, that something must be done. Where is the moment more favourable than this? During the war when ten thousand dangers

surrounded us, America was magnanimous. What was the language of the little State of Maryland? “I will have time to consider. I will hold out three years. Let what may come, I will have time to reflect.”<sup>5</sup> Magnanimity appeared every where. What was the upshot? America triumphed. Is there any thing to forbid us to offer these amendments to the other States?—If this moment goes away unimproved, we shall never see it return. We now act under a happy system, which says, that a majority may alter the Government when necessary. But by the paper proposed, a majority will forever endeavor in vain to alter it. Three-fourths may. Is not this the most promising time and place for securing the necessary alterations? Will you go into that Government, where it is a principle, that a contemptible minority may prevent an alteration? What will be the language of the majority?—*Change the Government*.—Nay, seven-eighths of the people of America may wish the change; but the minority may come with a *Roman Veto*,<sup>6</sup> and object to the alteration. The language of a magnanimous country and of freemen is, *Till you remove the defects we will not accede*. It would be in vain for me to shew, that there is no danger to prevent our obtaining those amendments, if you are not convinced already. If the other States will not agree to them, it is not an inducement to Union. The language of this paper is not dictatorial, but merely a proposition for amendments. The proposition of Virginia met with a favourable reception before. We proposed that Convention which met at Annapolis. It was not called dictatorial. We proposed that at Philadelphia. Was Virginia thought dictatorial? But Virginia is now to lose her pre-eminence. Those rights of equality to which the meanest individual in the community is entitled, is to bring us down infinitely below the Delaware people. Have we not a right to say, *hear our propositions*? Why, Sir, your slaves have a right to make their humble requests. Those who are in the meanest occupations of human life, have [a] right to complain. What do we require? Not pre-eminence, but safety: That our citizens may be able to sit down in peace and security under their own fig trees. I am confident that sentiments like these, will meet with unison in every State: For they will wish to banish discord from the American soil. I am certain that the warmest friend of the Constitution, wishes to have fewer enemies—fewer of those who pester and plague him with opposition. I could not withhold from my fellow-citizens any thing so reasonable. I fear you will have no Union, unless you remove the cause of opposition. Will you sit down contented with the name of Union, without any solid foundation?

1. Article 13 of the Declaration of Rights reads: “That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence 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.”

2. Henry probably meant the counties south of the James River of which his home county of Prince Edward was approximately the geographical center. The delegates from these counties voted overwhelmingly against ratification.

3. The minority of the Pennsylvania Convention claimed (in its “Dissent”) “that of upwards of *seventy thousand* freemen who are intitled to vote in Pennsylvania, the whole convention has been elected by about *thirteen thousand* voters. . . .”

4. The resolution presented by Patrick Henry was probably the resolution that, on 25 June, was defeated by a vote of 88 to 80.

5. In November 1777 Congress sent the Articles of Confederation to the states for ratification. The Maryland legislature ratified them on 2 February 1781 and the state’s congressional delegates signed them on 1 March.

6. Roman veto is probably a reference to the power of any one of ten tribunes to disallow a law.

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