Preservation of the Old Dominion: The role of national security concerns in the Virginia Ratification Debates

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Preservation of the Old Dominion: The Role of National Security Concerns in the Virginia Ratification Debates

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Joseph Harrington
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ABSTRACT

This thesis will display the ways in which national security concerns played into the debate over whether Virginia should ratify the United States Constitution. The vast majority of primary sources used in this thesis come from speeches delivered by the representatives from throughout Virginia (which at this time included present-day West Virginia and Kentucky) in the Virginia Ratifying Convention. The three major areas which this thesis explores are the threat of war with other states, the threat of war with foreign nations, and the threat of slave insurrections. The chapter on threat of war with other states examines the possibility of an actual deterioration of the relationships between the states to the possible end of a civil war. It then examines the arguments made by the Federalists and Anti-Federalists over whether ratifying the Constitution would prevent this disaster from befalling the new nation, and if it would possibly remedy other issues which had arisen between the states. The chapter on the threat of war with foreign nations at first looks at the state of relations between the United States and its then-recent adversary, Great Britain, as well as the other European powers France, Spain, and the Netherlands. It will then examine the arguments made by each side of the ratification debate, as to whether ratification is necessary to improving relations with the other nations (especially with regards to the repayment of delinquent debts), as well as the ability of the new government formed under the Constitution to better arm itself against the possibility of foreign invasion. The third chapter covers the threat of slave rebellions, a constant fear for Southerners up until the end of the American Civil War. The Constitution’s twenty-year protection of the existence of the slave trade, as well as
the lack of an explicit protection for the right to own slaves already held in the United States, led to extended arguments over whether the Constitution really made Virginia safer from the possibility of slave rebellions. This thesis will conclude that concerns about the security of the nation, and Virginia, were crucially important to the Virginia Ratification Debates.
INTRODUCTION

The Constitution of the United States is such an ingrained part of the national heritage and political thought of Americans that it seems hard to comprehend just how close it came to being discarded by the new nation.\(^1\) By 1787, the ultimate failure of the Articles of Confederation, the document which loosely connected the thirteen states after their independence from Great Britain, prompted the leaders of the nation to look to a new system of government to meet their needs. While it was generally accepted that this new government would have to take on greater powers than those that were granted to the Confederation, many were concerned with the possible abuse of these powers.

As the ratification process wound its way through the states, it became clear that the fate of the proposed form of government would hinge almost entirely on the situation in Virginia. Technically, the Constitution had already been ratified by the required nine states which would render it in effect, but a United States without Virginia simply would not have succeeded, and those on both sides of the ratification debate knew this.\(^2\)

\(^1\) The first major historical work to analyze the United States Constitution was Charles Beard’s Economic Interpretation of the Constitution of the United States, which argues that the framers were mostly concerned with protecting their own economic interests. The ideological side, which focuses more on the political ideas behind the Constitution, can be found in books such as Gordon Wood’s Creation of the American Republic. Unruly Americans, by Woody Holton, is the most recent work to tackle the American Revolution from a Neo-Progressivist lens. The battle over the Constitution was detailed quite fully in Robert Allan Rutland’s The Ordeal of the Constitution: The Antifederalists and the Ratification Struggle of 1787-1788. The most recent work on the ratification process is Pauline Maier’s Ratification. The study of Anti-Federalism had been largely untouched until Cecelia M. Kenyon’s article “Men of Little Faith: The Anti-Federalists on the Nature of Representative Government” appeared in a 1955 issue of The William and Mary Quarterly, prompting more historians to explore this subject. Recently, historian Saul Cornell has become a preeminent expert on the subject of Anti-Federalism, and their beliefs, including works such as The Other Founders: The Anti-Federalism and the Dissenting Tradition in America, 1788-1828. As far as a focus on Virginia, the most exhaustive work on the subject is Norman K. Risjord’s Chesapeake Politics 1781-1800. David C. Hendrickson’s Peace Pact was revolutionary in that it was the first to focus directly on the national security concerns surrounding the composition and ratification of the Constitution. Thus far, there has not been a major work dedicated to detailing the national security concerns specifically addressed in the Virginia Ratification Convention.

\(^2\) News of New Hampshire’s ratification, which officially put the Constitution into effect, had not
The advocates of the Constitution in Virginia faced a far more difficult task than their Federalist brethren in most other states. As Virginians were preparing to elect their delegates to what promised to be a tightly contested convention in Richmond, newspapers were reporting on the overwhelming success of the Federalists in six other states, three of which passed the Constitution unanimously. One of the major reasons for the relative strength of the Anti-Federalist forces in Virginia was that few prominent statesmen in the other states fell within the ranks of the Anti-Federalists. This could not have been farther from the case in Virginia. The Constitution's advocates did include popular figures as James Madison, Edmund Randolph, and Virginia's greatest hero, George Washington. However, Virginia legends such as Patrick Henry (regarded as second only to Washington in the minds of Virginians) and George Mason gave great weight to the Anti-Federalist side of the debate.

Throughout the ratification process, Federalists expressed their fears, both in public and private, that their cause was headed for failure. The eventual victory of the Federalists in Virginia left many observers confused over why the state had seemingly shifted its political trajectory, and any explanations for this were guesses, at best. Anti-Federalist James Monroe felt that the idea that George Washington would be elected the first president seduced Virginians enough to vote in favor, while Richard Henry Lee

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4 An additional reason for the strength of the Federalists' arguments was the very fact that these arguments were much more likely to be heard at all. The vast majority of publications in Virginia at the time of the ratification debate was blatantly Federalist and printed only pro-Federalist material. The major exception to this was The Virginia Gazette, and Winchester Advertiser, which consciously attempted to print a balance of Federalist and Anti-Federalist material.
attributed the Federalists’ success to an ambiguous “change in the minds of men.”

Before delving into the various areas which the debates over the Constitution addressed, it should be noted that the notion that there was a distinct, unified Anti-Federalist side is far from accurate. As historian Saul Cornell points out, the Anti-Federalists were a group with incredibly varied views, which often led to conflicting arguments against the Constitution.

While the debates over ratification were marked by a wide variety of topics discussed—interstate commerce, the subjugation of the state powers to the federal authority, the powers of taxation—the statesmen of Virginia, as well as the other states, were terribly concerned about issues which centered on the security of their home states, and the nation as a whole. The perceived weakness of the nation to threats, both internal and external, was greatly concerning to the men who gathered in Richmond in 1788 to argue in favor of or against the Constitution.

This paper will examine the variety of national security concerns which were addressed in the Virginia convention. Additionally, it will attempt to evaluate the prowess of either side of the debates in arguing the various issues, and which side—the Federalists or the Anti-Federalists—seemed to gain traction for their overall position on the Constitution from each of the issues discussed.

The first chapter deals with the role that slavery played in the Virginia debates. This issue, more so than any others discussed in this paper, wound up making the Federalist position look far more beneficial to the people of Virginia than that of their

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opposition; namely, that the solutions to the problems caused by slavery and the slave trade would find a good deal of salve in the Constitution. Both sides agreed that the institution of slavery in Virginia rendered the Commonwealth more vulnerable to attack, either by slaves rebelling on their own, or being prompted to do so by an invading force as the British had done in the Revolution. The Constitution's twenty-year protection of the slave trade, and its seeming lack of a direct protection of the institution of slavery, were the two major issues over which the Virginia convention argued.

The second chapter deals with the perceived threat of war with other states. While it may seem amazing to the unfamiliar observer or casual historian today, the notion that the thirteen states, fresh off of their great unity in the Revolution, could actually attack each other and become engulfed in a civil war, was a very real threat in the minds of many Americans at this time. This chapter will first analyze the relationships Virginia had with the other states, and what the specific threats to Virginia were in the minds of those at the Convention. It will then examine the benefits and concerns of forming a stronger, more united nation with these other states, as argued by the Virginia Federalists and Anti-Federalists. Finally, the chapter will analyze one of the most powerful weapons in the Federalists' arsenal: the controversial idea that some Anti-Federalists, particularly Patrick Henry, were in fact fomenting for an independent Virginia, which would lead to the destruction of the Old Dominion.

The third chapter deals with a threat that was very fresh on the minds of all Americans in the wake of the Revolution, the possibility of war with other nations. The obvious threat in the minds of those at the Virginia Convention was Great Britain, and the necessity of having a nation strong enough to defend herself and her interests in the face
of British hostility was one of the primary concerns of the Federalists. Also crucial to this debate was the fact that America's allies in the Revolution, France and Spain, as well as other European nations, were also perceived to be possible threats to the national security of the new nation, in large part because of the growing agitation caused by the lack of American repayment of the debts they incurred from European lenders. The reality of these threats, as well as the issues of the ability of a national government to raise funds to pay off debts, raise a standing army, and support a militia, were all critical elements to the national defense debates which are covered in this chapter.

The importance of the Federalist victory in Virginia cannot be overstated. Those on both sides of the ideological divide over the Constitution knew the importance of what they were doing. If Virginia was to ratify, assuming New York would follow suit (which seemed likely), the Constitution would have the backing of the two most powerful states, along with the numerous smaller states from which it had already received approval. If it failed to do so, regardless of what the other states did, the leadership of the new nation would be forced to start anew on forming a new governmental system, and any document which would come out in the wake of such a failure would likely be rendered much weaker. The Federalists knew that they had to make their stand in Virginia, and win, or risk losing the document which enshrined the ideas and system which they believed would best lead to the development, stability, and security of their nation.
CHAPTER 1
WAR WITH OTHER STATES

The United States of America; the idea that thirteen sovereign states would band together to successfully defeat the most powerful nation on earth in order to gain their independence is something that is incredible, even over two-hundred years later. And after this unity, brought about by the common goal of liberty and independence, they formed a new nation, under the Articles of Confederation, establishing these states to be in a “firm league of friendship.”¹ The residents of the new nation were full of anticipation, that this new experiment in liberty would fulfill their dreams of a new era of prosperity and peace. However, the reality was far from this ideal.

The truth of the matter was, the new nation was united in name only. While the Revolutionary War did force the states to work together to defeat their adversary, the peace which ensued resulted in a breakdown of the willingness of the states to cooperate with one another. Due to the relatively short time in between the end of the Revolution and the ratification of the Constitution, many are unaware of just how tumultuous this period really was. Amazing as it may sound, many of the political leaders of the day, especially those who would eventually join the ranks of the Federalists, felt that if something was not done to correct the disputes among the states and the failures of the Articles of Confederation, the nation might break down, resulting in separated sovereign confederacies, at best, and ceaselessly warring states dominated by various European nations.

powers, at worst\textsuperscript{2}

Thus, securing peace and unity among the states was one of the primary concerns of those who gathered in Philadelphia in 1787. However, the consolidated nature of the new government led to many fears that the states would lose their sovereignty and eventually, would become little more than theoretical entities with no powers. This was one of the main arguments made by the Anti-Federalists in the various state conventions.

In Virginia, these forces, led by Patrick Henry and George Mason, not only argued that the salve of the Constitution was worse than any malady facing the nation, they even argued that the supposed threats of disunity and internal strife were greatly exaggerated. Henry, arguably the Old Dominion’s most vociferation Anti-Federalist, even hinted that Virginia may not suffer from existing as a separate state.\textsuperscript{3} The resulting victory by the Federalist forces in Virginia can be attributed, at least in part, to the fears of disunion and civil war held by many of the delegates.

This paper will examine this idea of a fear of disunity expressed in the Virginia Convention. First, it will examine the historical situation, the truth about the threat of intra-state quarrels, and the threat of war in Virginia. It will subsequently examine the arguments made by both sides about the relationships between Virginia and the other


\textsuperscript{3} Most of the Anti-Federalists were opposed to any form of disunity from the other states, but vocally favored a rejection of the Constitution in order that a less powerful form of government may be presented, which Virginia and the other twelve states may join. It was the issue of disunity in the nation which split the Anti-Federalists among themselves. Edmund Randolph had many problems with the Constitution, had refused to sign it while serving as a representative of Virginia at the Philadelphia Convention, and yet his fears over the evils of disunion were so great that in the months between the Philadelphia and Richmond conventions, he switched his views and became one of the most ardent voices in favor of ratification. George Mason, though a passionate Anti-Federalist, fell into the camp of those who wanted Virginia to reject the Constitution in order that a better unifying document would be produced. Patrick Henry, arguably the most radical of all the Anti-Federalists in Virginia, was the only one who spoke of the way in which Virginia was better off existing as an independent entity in lieu of ratifying the Constitution. Although he vociferously denied that he actually sought this outcome, it provided a great deal of fodder for his Federalist adversaries to exploit.
states, such as the fear that Virginia will be dominated by other states if it ratifies the Constitution, or that it will be attacked in due time if it does not. It will then examine the disputes which had arisen between Virginia and other states with regards to credit and trade, and the most controversial topic in the realm of dealings with other states: the Jay Treaty and the navigation of the Mississippi River. Finally, it will examine the arguments made by the Federalists and the Anti-Federalists, over the likelihood of a breakup of the nation, and whether demanding changes in the Constitution were worth the possibility of Virginia standing alone, either temporarily or indefinitely, with all of the other states forming a nation around it. Overall, this paper will display the importance of the issue of peace with the other states to those who ratified the Constitution in Virginia, and will show how this issue played a key role in securing its ratification.

I.

At the time of ratification, Virginia was rapidly changing, from a state with the vast majority of its population along the eastern seaboard, to one which stretched all the way to the Mississippi River. Historian Norman K. Risjord thoroughly breaks down the land and people of the various areas of Virginia in the late 18th Century in his work *Chesapeake Politics: 1781-1800*. The Northern Neck area of Virginia, which encompassed the land “between the estuaries of the Potomac and Rappahannock rivers…as far west as the Blue Ridge Mountains,” was dominated by wealthy Virginia landowning families: the Carters, the Lees, and the Washingtons. This area underwent a significant decrease in slaveowning in the years leading up to the Ratification debates,

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especially among the upper class planters, which may have made the Constitution’s
slavery provisions less of a concern for them as they would have been years prior. The
Northern Neck area was strongly Federalist during ratification.

The Shenandoah Valley area, in northwestern Virginia, was made up heavily of
Scots-Irish settlers, as well as many German communities. The Valley was composed of
a rapidly growing population of farmers, among whom slaveowning was quite rare. Like the Northern Neck areas, the Shenandoah Valley region leaned heavily Federalist.

The Middle Tidewater region, as Risjord refers to it, stretches from the Rappahannock to
the James River, and includes Alexandria, Fredericksburg and Richmond, as well as the
modern-day Tidewater area in the southeast. This area was marked by numerous smaller
plantations, and the highest rate of slave-ownership in the entire state. This region,
overall, leaned Federalist as well. The Piedmont Area, which stretched from Richmond
to the Blue Ridge Mountains, was largely made up of wheat and corn planters (due to the
soil conditions, few planted tobacco like their neighbors to the east). This area was
home to Thomas Jefferson and James Madison, and also had a notable decline in slave
ownership in the years preceding ratification.

Southwestern Virginia was mainly populated by “a society of poor farmers,” who
voted overwhelmingly Anti-Federalist. Southside Virginia, the area below the James
River, made most of its revenue from the production and shipping of tobacco and pork
products. Though somewhat mixed, the far eastern parts of the Southside voted

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5 Risjord, 1978, 23.
7 Risjord, 1978, 33-34.
9 Risjord, 1978, 44.
11 Risjord, 1978, 47.
Federalist, while the delegates from the more interior counties, whose membership included Patrick Henry, leaned Anti-Federalist. The areas which would eventually become West Virginia and Kentucky were still very lightly populated, although the number of inhabitants was swiftly growing. The delegates from present-day West Virginia voted strongly Federalist, while those from Kentucky, who were heavily suspicious of Northern intentions and the trading rights of the Mississippi River, were decidedly Anti-Federalist.

Those who gathered in Richmond in 1788 represented some of the most prominent figures from the American Revolution, as well as many statesmen who had yet to make distinctive marks on their world, but would eventually come to do so. James Madison, the most vocal supporter of the Constitution in Virginia, as well as its principle drafter, represented Orange Country in central Virginia. Edmund Randolph, the Governor of Virginia at the time of ratification, had refused to sign the Constitution in Philadelphia, believing its provisions to be harmful to Virginia. However, in the time between Philadelphia and the Richmond Convention, Randolph decided the threat of disunion was worse than the problems with the Constitution, and so he became a vocal supporter of the proposed document. The other major Federalists included George Nicholas of Albemarle Country, Edmund Pendleton of Caroline County, John Marshall of Henrico County, and Henry Lee of Westmoreland County.

15 Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9, 907-
The two principle Anti-Federalists were George Mason and Patrick Henry. Mason had represented Virginia in Philadelphia, but had refused to sign the finished document, largely because of the lack of a bill of rights.\textsuperscript{16} Patrick Henry, nicknamed the “son of thunder,” had refused to participate in the convention at Philadelphia, and was adamantly opposed to the proposed Constitution, fearing it endangered the liberties of Virginians.\textsuperscript{17} A hero of the American Revolution, Henry was, as Richard Beeman described him, “the acknowledged political leader of his country. And his country was the independent, sovereign state of Virginia.”\textsuperscript{18} Also among the ranks of the Anti-Federalists were William Grayson of Prince William County, and future United States Presidents John Tyler of Charles City County and James Monroe of Spotsylvania County.\textsuperscript{19}

The entire notion of states warring on each other was very controversial in the time of the ratification. Throughout the battles, the Federalists highlighted examples of how states had overstepped their bounds, and the threats posed by various states which could eventually lead to war. Many of the Anti-Federalists, however, thought that these were little more than exaggerated fairy tales, claiming that there was such a sense of unity and cooperation among the states, war was next to impossible, and the risks which came with the Constitution certainly were not worth any increase in peace replacing the supposed calamity in which they lived without it.\textsuperscript{20}

The economic problems facing Virginians had been at the forefront of political

\begin{footnotes}
\item\textsuperscript{16} Beeman, 2009, xxi.
\item\textsuperscript{17} Beeman, 2009, 396.
\item\textsuperscript{18} Beeman, 2009, 396.
\item\textsuperscript{19} Kaminski, \textit{Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9}, 907-908.
\item\textsuperscript{20} Hendrickson, 2006, 13.
\end{footnotes}
debates in the state for a decade.  

Throughout the 1780s, Virginia experienced an economic downturn, in which prices for important goods such as tobacco and wheat fell drastically. The shortage of paper money led many debtors—merchants, planters and smaller farmers—to advocate increased printing of money, while most creditors—"middling to wealthy planters, some merchants, and lawyers who from interest and prejudice preferred fiscal orthodoxy to experimentation." Broadly speaking, those who were on the creditor side of the spectrum eventually became advocates for the Constitution, while the debtor-side tended to side with the Anti-Federalists. It was in a state of such economic turmoil that the new system of government would be debated and decided.

This issue of Virginia’s security against threats from her neighboring states came up several times in the ratification debates. In a speech to the convention on June 4th, Patrick Henry argued that there was no threat of war which those in Virginia were fretting over, no disturbance to their sense of peace Or at least, this had been the case in the years prior to the discussion of the new Constitution. Now, Henry explained, the people of Virginia have been worked into a frenzy over a theoretical catastrophe with which only months earlier they were totally unaware. Rather than be fearful of threats such as insurrection or internal disputes, Virginians are fearful in large part because of this new system, Henry argued.

Three days later, Henry again brought up this issue, stating clearly his opinion.

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22 Risjord, 1978, 162-163. For more specifics on the role that a scarcity of money in Virginia exacerbated the depression, see “Chapter Six: Depression Politics” in Risjord’s Chesapeake Politics: 1781-1800.
that Virginia was in a very desirous situation: that “public and private security are to be found here in the highest degree.” Further, there was no threat, in Henry's mind, or war coming from any other state. Even if another state were to war on Virginia, the “superiority of our cause would give us an advantage over them.”

William Grayson also felt that the assertions of Virginia's weak situation used by the Federalists to encourage ratification were non-existent. He stated that if these threats were not real, and the Federalists could not produce any solid evidence to that end, then they should admit as much and thus place the debate on honest and rational footing. Making his point clear, he mocked the Federalist assertions that Virginia was in danger from all sides, and the panacea to these dangers would be the Constitution:

_Pennsylvania and Maryland are to fall upon us from the North, like the Goths and Vandals of old—The Algerines, whose flat sided vessels never came further than Madeira, are to fill the Chesapeake with mighty fleets, and to attack us on our front... And the Carolinians from the South, mounted on alligators, I presume, are to come and destroy our corn fields and eat up our little children!_

There is no threat of internal war, Grayson surmised. For one thing, the unity which was both felt in the spirit of all of those who lived through the Revolution would prevent this, as would their respect for the fact that any changes to the Articles had to be made with every state acceding to them. A rejection of the Constitution by Virginia would not create so hostile a situation as to lead to its invasion and forced inclusion, as the Federalists feared. There was one other thing, Grayson argued, which would unite the

states, Constitution or no, and that was external threats posed by the British and Spanish. As long as these nations and their desires to maintain some control over North America remained in the minds of Americans, the threat of internal strife would be nullified.

On June 24th, the day before the vote on ratification was to take place, Henry reiterated the arguments which had been made by the Anti-Federalists throughout the debates. In lieu of the Constitution, Henry argued, the states had done a commendable job of sacrificing local interests for the overall good. On the reverse side of this, disunion may actually be brought about by the very Constitution which was purported to prevent it. In both New York and North Carolina, there was strong opposition to the Constitution, and a loud call for its amending prior to ratification. Henry concluded thusly, if Virginia ratifies, and neither of these states do, the Union may fall into a strong state of internal strife, just what the Federalists so feared.

However, the Federalists obviously felt that Virginia's place without the Constitution was less secure than Henry wanted them to believe, that the threat of disunion was very real, and that Virginia was very vulnerable to attack. George Nicholas compared the state of existence of Virginia to that of England and Scotland before their unification. As he explained, their competing interests, their close proximity, as well as the ability of foreign powers to manipulate each side against the other, all played into frequent warfare between the two nations, until they finally achieved a lasting peace by uniting as one nation. All of these threats were very real concerns for the Federalists, and

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was a major reason that they felt the Constitution needed to be ratified to head off these threats of war between the states.

Edmund Randolph disagreed completely with Henry's analysis of the situation in Virginia. Randolph dismissed Henry's arguments that the threat was simply invented, and the sense of calamity in Virginia over the preceding year had more to do with the Constitution itself and little to do with actual threats was unbelievable. Randolph agreed with Henry that there had been a general sense of calm in the years prior, however, the increasing sense of fear stemmed not from the Constitution itself, but from rapidly deteriorating situations throughout the state and the nation. Indeed, the economy of the new nation had grown stagnant, threats existed from Spain and Britain, and the government as it existed under the Articles of Confederation was ineffective (even the most ardent Anti-Federalist conceded this point). This, not the Constitution, was the reason for the agitation in Virginia.

Further, the Federalists argued that the threat of other states warring on Virginia was made worse by the relative insecurity in which Virginia existed. Madison had long through that Virginia, and the South as a whole, was vulnerable, both economically stemming from its dependence on Northern traders to sell its goods, and militarily, because of the plethora of rivers which permeated its lands thus rendering it vulnerable to attacks from navies of other states or nations.

Randolph brought these very weaknesses to light in the Virginia debates. He asked his fellow delegates, “What divine pre-eminence is Virginia possessed of above

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Contrary to Henry's supposition that Virginia was in an advantageous position of strength, and it would be the epitome of foolishness for any state to attack it, Randolph asserted that Virginia was in a very vulnerable position. In a world where the British navy was the fear of the seas, Virginia had no navy, and would clearly be vulnerable in this area. Even if Virginia was independent and sought to build a navy, the financial strain it would put on the Commonwealth would be unbearable. He echoed Nicholas' assertion that the various great nations of the world were only able to become great by unifying with their neighbors, thus precluding the threat of domestic strife

Randolph mentioned other characteristics of the state which rendered it unsuitable to exist as an independent nation. The natural resources were limited to the point that it could not independently support a strong economy; the Chesapeake Bay rendered the state ripe for invasion by sea; and the presence of slaves and Indians, both likely to raise an insurrection against white Virginians; all of these rendered the state incredibly vulnerable. Finally, Randolph ominously declared that if the states of Pennsylvania and Maryland, both of which had already ratified the Constitution, ever decided to wage war on Virginia, they could do so with relative ease, because of their geographic proximity to it. For these reasons, Randolph argued, Virginia was in no place to separate itself from the Union, or even threaten temporary disunion in the name of previous amendments.

In contrasts to the cries of the weakness of Virginia made by the Federalists, the Anti-Federalists viewed Virginia as being in a relatively secure position in its

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surroundings. Henry argued that Randolph's arguments about the threat of Indians, rather than rendering the state weaker in the absence of ratification, actually made the ability of Virginia to stand alone stronger, because the other states would have to work with Virginia in order to protect themselves against the threats on the frontier.\textsuperscript{38} In fact, the growing number of Virginians living on the frontier rendered them, in Henry's eyes, in a more stable situation than most other states, states which may be forced to call on the help of these Virginia settlers, not attack them.

While the debate raged between the position of strength versus weakness in which Virginia existed, regarding the possibility of invasion or attack by other states, the question remains over the likelihood of such an event actually occurring. Had relations with the other states, which had seemed so strong in the Revolution, deteriorated to the point that there was a real chance of the states waging war on one another? Further, would Virginia's refusal to join the union under the Constitution prompt such a military reaction on the parts of these states?

Certainly the Federalists thought so. Edmund Randolph admonished his fellow Virginians, saying that a refusal to ratify would severely damage relations with other states beyond the point of repair.\textsuperscript{39} If the other states were to form a union around the Constitution, this would transform them from “our friends, brothers” into “our bitterest enemies.”\textsuperscript{40} He added that the United States had enough to fear from foreign powers in Europe encroaching on them, without adding to the number of competing foreign powers

\textsuperscript{38} Patrick Henry, Speech of 6 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,1054.

\textsuperscript{39} Edmund Randolph, Speech of 6 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,978.

\textsuperscript{40} Edmund Randolph, Speech of 6 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,977.
by pushing the other states into that category by separating from them.

Randolph continued by describing the tenuous relationship that existed between Virginia and several of her sister states. For instance, he pointed out that Maryland and Virginia had encountered some difficulties over “commercial regulations,” which could easily have been resolved by a stronger federal control, but in the absence of such, could have led to conflict between the states.\(^{41}\)

Randolph continued that all the delegates needed to look to for an example of independent nations in close proximity with each other, each seeking their own independent interests, would be to study the history of the world. The Union, Randolph insisted, was all that stood between the colonists and “unspeakable calamities” which had come to fruition in so many nations throughout the history of the world.\(^{42}\) Fellow Federalist George Nicolas added to the threats that would come with Virginia's refusal to ratify, saying that this would give an excuse for Maryland to annex the Northern Neck area of Virginia, a fate which could be prevented simply by ratification.\(^{43}\)

Despite the pleadings of the Federalists for ratification in the name of peace with the other states, the Anti-Federalists asserted, in a variety of ways, that the fate of Virginia, if it chose not to ratify, was unlikely to be anywhere near as disastrous as their opponents had predicted. Patrick Henry dismissed the threat posed by Maryland as pure Federalist fabrications. Pointing to the overwhelming majority of delegates to the Maryland delegation who requested that the new government amend the Constitution (by


Henry's count eighty who favored such a course of action to fewer than ten who were opposed), Henry asked his fellow delegates if their neighbor to the north would really make war on them as a result of Virginia withholding its ratification in order to demand prior amendments, a sentiment which so many obviously shared in Maryland.\(^{44}\)

Henry next attacked the supposed threat posed by Pennsylvania, which was in such a close proximity to much of Virginia, shared a long border at the time as pointed out in the debates by Federalist Edmund Randolph.\(^{45}\) Henry asked where any historical precedent existed for war with Pennsylvania. Quite the contrary, Henry asserted, Pennsylvania had been an excellent neighbor for the length of time the states had existed, and there was no sign that would point to any change in the status of that relationship.\(^{46}\) Indeed, as historian Risjord points out, Virginia had increasingly deep ties to Pennsylvania, stemming both from a great number of immigrants coming south from the Keystone State into the Old Dominion, but also the extensive trading networks between the two, and the high number of German-descended residents in the Shenandoah Valley of Virginia.\(^{47}\) Unlike Maryland, Henry admitted, there was a strong Federalist sentiment in Pennsylvania, and yet, that sentiment was waning as time went on, with increasing numbers of Pennsylvanians wary about the document to which their delegates had signed their names.\(^{48}\) The fact that Pennsylvania had rushed to ratify, while Virginia had taken its time, considered the advantages and disadvantages of the proposed system, and

\(^{44}\) Patrick Henry, Speech of 9 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,1053.  
\(^{47}\) Risjord, 1978, 31-33.  
reserved the right to its sovereignty until the errors observed could be rectified would unlikely be cause for attack by Pennsylvania, and more likely would gain a fair amount of respect from the people there.

Henry's comrade William Grayson argued that by refusing to ratify, Virginia may inspire New York and North Carolina to follow suit. If that would be the case, the result would not be war between the states who had ratified against those who had not, because the power house states—Virginia and New York—would be untouchable by the other states. Thus, instead of the civil war which the Federalists predicted, the result would be a return to the design of the Constitution, and a redesigned structure of government which better protected the interests of the states and the people against encroachments from the federal government and the other states.

Anti-Federalist James Monroe added to these arguments, saying that Virginia's status as a powerful state, as well as the honorable character of those in the other states, would prevent them from declaring war on their non-ratifying neighbor, even if they were pressured to do so by the federal government. Rather, the states would consider it to be in both their interest, and the interest of the nation as a whole, to make concessions to Virginia. Abandoning the prerequisite of amendments to the Constitution in order to prevent a very unlikely war with the other states, Monroe concluded, would result in a permanent loss of Virginia's sovereignty.

II.

The sovereignty of Virginia was one of the most crucial components on the minds of many of the statesmen at the Virginia Convention, and maintaining a large degree of state power was very important to many of the delegates, especially the Anti-Federalists. Because of this, the next issue which is important to consider in the way that the issue of security against the encroachments and possible attacks of other states is the nature of the relationship that Virginia had with the other states, and what would happen if they agreed to surrender a great deal of their state sovereignty to the whims and desires of the collective other states. Despite their assertions that Virginia had nothing to fear from the other states in the way of military action should they fail to ratify, the Anti-Federalists were far from wholly confident the dependability of their fellow states in other matters. On the contrary, many of those who opposed the stronger union under the Constitution were motivated, in part, by a fear that their interests would be rendered less secure by the domination of the other states, especially those to the North. The Federalists took the middle path between these two extremes, arguing that if a union were entered into with the other states, the system established by the Constitution provided many safeguards for the interests of Virginia, but if Virginia refused to enter into the Union, they were seriously risking war with the other states. Additionally, the continued strife among the states, which the Federalists believed the Constitution could help solve, could lead the states towards the path to tyranny.

However, increased cooperation among the states stemming from an overbearing national government was still a great concern for many Virginians. Fear of Northern domination of the Union was an emerging fear in the minds of Southerners. One of the
most vocal proponents of this fear was Patrick Henry.\textsuperscript{51} Similarly, George Mason, although he had been in favor of a more centralized national government, had been turned off to the Constitution partially because of all of the concessions made to the smaller states, and what he saw as the resulting disproportionate power given the North.\textsuperscript{52} One of the major ways in which these men argued that the other states would attempt to dominate them would be on the issue of taxation.

In a discussion on the powers of Congress to tax, Henry made the point that Virginia, once agreeing to the Constitution, would have no recourse to oppose taxes laid on it by the new federal government.\textsuperscript{53} Henry asked his fellow delegates, “[s]uppose every delegate from Virginia opposes a law laying a tax, what will it avail?”\textsuperscript{54} The shift from taxation through requisitions, as had existed under the Articles of Confederation, to the ability to levy direct taxes on the states, was feared by the Anti-Federalists, both because of the ability of other states to abuse the federal powers, as well as the threat of force with which the new government would be empowered.\textsuperscript{55}

The Federalists, on the contrary, insisted that the other states would not force unfair taxes on the other states, and that the power of direct taxation was needed in order

\textsuperscript{51} Banning, 1989, 262.
\textsuperscript{52} Banning, 1989, 268-269.
\textsuperscript{53} Patrick Henry, Speech of June 5 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9, 961.
\textsuperscript{54} Patrick Henry, Speech of June 5 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9, 961.
\textsuperscript{55} Requisitions were essentially requests by the United States government for a certain amount of funding from each of the states. While theoretically this should have paid for the debts which the governments owed, and further pay for the continued operation of the government, the lack of force behind these requests resulted in the continued inability of the government to pay its debts. Anger over the failure of other states to resolve their debt problems, and the resulting fear that foreign nations to whom the debt was owed may attack the United States as a result, was a great concern for the Federalists, and a perceived source of insecurity at the time of ratification. In addition to the threat the anti-Federalists saw in the vein of sectionally-biased taxation, George Mason argued that Virginia and the rest of the slaveholding states could be forced to pay an unfair amount of taxes on their slaves, even to the point of having to free them all. For more on this issue and the debate over taxes, slavery and security, see the chapter on slavery.
to preserve the security of the union.\textsuperscript{56} Francis Corbin argued that several of the other states, under the Articles of Confederation, by refusing to pay their share of the requisitions, crippled the defense capabilities of the nation.\textsuperscript{57} Thus, the power to raise direct taxes to support the defense of the nation is crucial to the security of the nation, else “foreign nations will crush” the United States.\textsuperscript{58}

Randolph also spoke on this issue of taxation, and his candid words reveal a sense of deep exasperation with several of the other states, and their failure to comply with the requisitions needed for the support of the government. While the Anti-Federalists feared that a tyranny of the majority would arise and reduce Virginia to a position of weakness in the area of taxation, Randolph argued that the alternative, giving the states far too much power to override federal mandates was exactly what several states—especially Rhode Island, which he described as being in “rebellion against integrity”--had been doing under the Articles, to the disruption of the republic.\textsuperscript{59} This failure of several states to comply with requisitions was the cause of much chagrin to the states who had complied, and was one of the leading causes of animosity between the states prior to ratification. Randolph subsequently reiterated his point, concluding that Congress “ought to be fully vested with the power to support the Union...defend them from external invasions and insults.”\textsuperscript{60} The refusal of the other states to provide for this had rendered the United States less secure from foreign invasion, and as a result also increased the

\textsuperscript{56} For more on the threat posed to the United States by foreign debts, see the Chapter on War with Foreign Nations.
\textsuperscript{57} Francis Corbin, Speech of 7 June 1788, in Kaminski, \textit{Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9}, 1011.
\textsuperscript{58} Francis Corbin, Speech of 7 June 1788, in Kaminski, \textit{Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9}, 1011.
anger the states felt for one another.

III.

While the Federalists eloquently defended the Constitution, and the notion that it prevented the other states from encroaching on the rights of Virginia, they realized that there was a strong suspicion within their state that the Northern powers were ready to make concessions which would benefit themselves, yet the resulting sacrifice would be made by Virginia. This fear was no phantom stirred up by Anti-Federalist agitators, but rather, was embodied clearly in the highly controversial issue of the Jay Treaty.\(^6^1\)

In 1785, John Jay, the Secretary of Foreign Affairs for the United States, was put in charge of securing a trade agreement with Spain.\(^6^2\) The United States was in a very desperate situation with regards to trade, as Great Britain had cut off all of its colonies from trading with its enemy in the Revolution, and even nations which were nominally allied with the United States had placed severe restrictions on American trade.\(^6^3\) Indeed, the situation has deteriorated to the point that Jay attempted to achieve this treaty with Spain in return for “surrendering the American claim to navigate the Mississippi River for a period of twenty-five to thirty years.”\(^6^4\) Although Jay had been specifically instructed, according to the demands of representatives of the South, not to surrender these rights, Congress, in the words of writer David Waldstreicher, “fudged the voting rules” in order for Jay to have this trick up his sleeve anyway.\(^6^5\)

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\(^6^1\) Historian Lance Banning notes that this issue was so volatile, and had led to such strong resentment of the Northern States by the Southern states, that it may have been a major factor which compelled Madison to push for the Constitutional Convention in the first place. Banning, 1989, 264, 267.

\(^6^2\) Hendrickson, 2006, 3.

\(^6^3\) For more on the issue of foreign trade, see the Chapter on War with Foreign Nations

\(^6^4\) Hendrickson, 2006, 3.

\(^6^5\) David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification* (New York: Hill and Wang,
When news of this reached the southern states, they were up in arms. It is important to remember that the southern political mindset at this time was based heavily on the belief that as the population of the nation moved South and westward, as had been the trend since the Revolution, the South would gain both in prominence and relative political power.\(^{66}\) Indeed, this had been argued by the Federalists on several occasions as a reason that the Constitution would benefit the South in the long run, because of the growing representation they would have in the House of Representatives. However, the treachery of the Jay-Gardoqui Treaty threatened to end this dream of growing Southern importance. On a more pragmatic level, this issue was directly threatening to those in the area of Virginia which would later become Kentucky, as they desired to use the Mississippi River to transport their goods.\(^{67}\)

The Jay-Gardoqui Treaty was considered to be such an important issue, the Virginia Convention agreed to dedicate a debate specifically on it. The debate revealed a deep suspicion of northern interests and lingering fears that the South was not safe in a system whereby it could be exploited by the North. This Pandora's Box was opened on June 12, by Anti-Federalist William Grayson, when he openly declared that the beliefs of many Federalists, that “no member of Congress had any idea of giving up that river” was absurd.\(^ {68}\) Immediately, delegates on both sides of the debate began arguing about this. James Madison subsequently motioned that they should have a discussion dedicated entirely to this issue.\(^ {69}\) The Anti-Federalists knew that this was one of their strongest

\(^{66}\) Banning, 1989, 265.

\(^{67}\) This issue, more than any of the others, swayed the Kentucky delegation overwhelmingly against ratification.


issues, and so they argued their fear of Northern ambition tirelessly. Henry argued that
the federal “veil of secrecy,” a theme he brought up regularly, could result in such
decisions as surrendering the Mississippi without even knowing who agreed to this
course of action.\textsuperscript{70} Henry added that if the seven Northern states were willing to
surrender the Mississippi, that is all the votes which are needed to make a treaty and
abandon the South.\textsuperscript{71}

James Monroe, in a surprising departure from his typical lockstep with his fellow
Anti-Federalists, pointed out that the United States had been in such dire straits when the
Jay-Gardoqui Treaty was being conducted, that it hardly shows a continued threat of
Northern willingness to sacrifice Southern interests.\textsuperscript{72} That said, Monroe still felt uneasy
about giving this power to the federal government, and concluded that the power to make
treaties should require more of a majority than the Constitution required.\textsuperscript{73}

Grayson followed this, and was outspoken in his suspicion of the Northern
intentions. He alleged that the Northern states were less concerned with preserving the
Union as they were with dominating it.\textsuperscript{74} Grayson exclaimed, “I know every step will be
taken to prevent emigrations from thence; as it will be transferring their population to the
Southern States.--They will coincide in no measure that will tend to increase the weight
or influence of the Southern States.”\textsuperscript{75}

As the debate drew to a close, Henry made one final appeal, especially to the delegates from Kentucky. He made it clear that if the Constitution were ratified, and the Mississippi navigation rights subsequently abandoned, Virginia’s “Western brethren will be ruined.” As it became increasingly clear that the results of the Virginia convention would come down to a handful of votes, Madison's fears that this issue would turn Kentucky squarely against the Constitution seemed to be confirmed, and threatened to swing Virginia into the Anti-Federalist camp.

Although this was one of the weaker points for the Federalists to argue from, Madison and his allies made a solid case that the rights of the South were not endangered by the Constitution; quite the contrary, they may even be further protected. In a similar vein to the point made by his opponent, James Monroe, Madison argued that the Jay-Gardoqui Treaty was not drafted in a vacuum, but rather must be viewed as what it was, a product of “the time of our greatest distresses, and particularly when the Southern States were the scene of war.” Indeed, Madison put an altruistic spin on the Northern intentions, arguing that they were looking for any solutions to assist the war-ravaged South, and this measure, though drastic, seemed one of the few opportunities they had.

Madison continued, saying that the rights of navigation of the Mississippi will be protected under the Constitution. Partly, he asserted, by the emigration which had already taken place from the Northern States to the frontier. As Madison argued, these settlers to the west left behind friends and families, who would oppose any such plans.

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77 Banning, 1989, 277.
which would lead to the ruins of their former neighbors. Madison concluded his argument by saying that a national government, increased in strength and respect abroad, will do far more to protect the interests of the western country than any alternative system.\textsuperscript{79}

Madison's fellow Federalists bolstered his claims of increased strength under the Constitution, and a rejection of Northern desires for dominance. Henry Lee of Westmoreland disputed Patrick Henry's claim that representatives from the North sought to abandon the Mississippi navigation rights, and insisted that this had never been the plan for acquiring trade from Spain.\textsuperscript{80} The most pointed rejection of the Anti-Federalist arguments came from George Nicholas. He made the insightful comment that this mortal sin of giving away the Mississippi navigation had occurred under the very system which the Constitution was meant to replace.\textsuperscript{81} The fact that such a measure was deemed necessary, and was nearly accomplished, under the Articles proves the necessity of abolishing that system of government and replacing it. The very fact that there was a way for the Congress to get around the rules in order to empower Jay with this bargaining chip clearly displays the degree to which the existing government “merits censure.”\textsuperscript{82}

While the Anti-Federalists had made strong points, that the Northern politicians would seek to dominate their Southern counterparts if ratification would go through, the arguments made by the Federalists were equally convincing that the interests of the South were more, not less, protected by the proposed Constitution.

\textsuperscript{80} Henry Lee, Speech of 13 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10,1229.
\textsuperscript{81} George Nicholas, Speech of 13 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10,1249.
\textsuperscript{82} George Nicholas, Speech of 13 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10,1249.
In quite a contrast to the powerful arguments made by the Anti-Federalists on the issue of the Mississippi Navigation, one course of argument which severely weakened the cause forwarded by the opponents of the Constitution was the very idea that Virginia could threaten disunion in order to achieve previous amendments. Even more shocking than this idea, Patrick Henry, ever the firebrand, even seemed to be arguing that Virginia may be better off as an independent nation, rather than ratify the Constitution.

Henry, and many of his fellow Anti-Federalists, felt that Virginia was in such a powerful position that its rejection of the Constitution would force another convention which would make changes to the Constitution before Virginia would acquiesce to the new form of government. William Grayson argued that the strength of Virginia and New York, another state very divided over the issue of ratification, would render the Constitution moot should all the other states ratify, yet these two refuse. In these circumstances, the states would be forced to amend the document before either of these states would join the Union.

For historical precedence, Henry pointed to the examples of Maryland and Vermont, each of whom had resisted a full acceptance of the Articles of Confederation, and yet they were able to stand on their own. How much better of a position, Henry asked, is Virginia in than these smaller states? And if this course of action were taken, Virginia could then request to join the Union, providing certain changes be made to the Constitution, at which point the other states would “open their arms and cheerfully

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receive us.”  

In fairness to Henry, despite what his opponents often accused of him, he repeatedly stated that he was opposed to Virginia attempting to secede, claiming that such as thing is “most abhorent [sic] to my mind.”  Henry's proposed course of action was simply for Virginia to decline to ratify, hopefully to be joined by other states whose conventions were after Virginia's, at which point a new convention would become imperative, and the flaws in the Constitution could be rectified.

Still, the Federalists were able to take these ideas and run with them, bringing up the terrors that could come from Virginia's refusal to ratify. Undoubtedly the most vocally pro-Union member of the convention was Edmund Randolph. Although Randolph had many qualms with the Constitution, he felt that the disintegration of the Union was far worse than any threats which may result from ratification. Responding to the assertion by the Anti-Federalists that Virginia could hold out without any damaging consequences, Randolph reversed their argument that the Union needed Virginia, by saying that the Union would collapse without Virginia, an outcome which would be worse than any which could result from ratification.

Francis Corbin agreed with the statements of his fellow Federalists, and used Massachusetts' ratification as an example for Virginia to follow. Massachusetts also, Corbin noted, had a great deal of apprehension about parts of the Constitution, and yet they ratified it, lest they should threaten the union with dissolution. The fact that

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88 Gutzman, 2007, 86.
89 Francis Corbin, Speech of 7 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,1019.
Massachusetts—New England’s most powerful state—and Virginia—the sentinel of the South—each desperately desired the Constitution to be amended, would this not force the hand of the new government to give into these demands? Thus, Corbin surmised, the Constitution should be adopted, amendments strongly requested, and the Union thus saved from destruction.

IV.

In retrospect, it seems likely that the threats that would come with a breakup of the Union swayed enough votes into the Federalists camp to tilt Virginia in favor of ratification. Like Randolph, these swing delegates may have opposed some aspects of the Constitution, but the alternative to ratification was far too terrible to consider. The very notion that the United States was on the brink of dissolving and possibly headed for a civil war in the years just after their spectacular display of unity over Britain seems strange to many casual historians. However, this fear that the days of the new republic were numbered, and the prospect that their new nation endowed with liberty and prosperity would be resigned to the funeral pyre of unrealized hopes and dreams, weighed heavily on the minds of Americans at the time of ratification.

The Federalists argued adeptly that, if war were to break out, Virginia was in no place to defend herself, either against rogue states, or the combined force of the United States, should Virginia choose to exist apart from the Union. The Anti-Federalists played to the very real concerns of the potential for Northern abuse in areas such as taxation and trade agreements such as the Jay-Gardoqui Treaty, it is possible that their accusations against the North may have inadvertently furthered the Federalist cause, by showing just
how badly relations between the states had become. The fact that the Anti-Federalists were arguing that Virginia could wait for the Constitution to be amended, even if this meant a temporary separation from the Union, was likely a key factor in convincing a majority of the delegates to the Virginia Convention to join with their fellow states (including New York, the remaining crucial state which ratified just days before Virginia), in ratifying the Constitution, and forging the next step in the formation of the United States.

[90] It is interesting to note that Madison would later admit that he had underestimated Northern desires for power over the South, and had come to believe that many of the fears expressed by the Anti-Federalists in the Virginia debates were quite correct. Robert Allen Rutland, *The Ordeal of the Constitution: The Antifederalists and the Ratification Struggle of 1787-1788* (Boston: Northeastern University Press: 1983), 310.
In the wake of the American Revolution, and the patriot and French triumph which culminated at the Battle of Yorktown, it seemed as though the young United States was well on its way towards peace with powers abroad. The defeated British had granted many concessions to their former colonies, the largest of which was obviously the recognition of its independence. Further, America had been joined in her crusade for independence by France. European support was crucial for American victory. France and Spain looked favorably upon the new continent, if only because America represented an additional distraction to England. It certainly seemed as though the United States was finally in a situation to control its own destiny, and steer itself towards an existence of peace, security, and prosperity.

For many Americans, the promise of the Revolution quickly turned to disappointment, as the reality of the American situation became increasingly evident. It was true that they had secured their independence from Great Britain, however, a combination of a lack of international respect, and the fact that the American government, and various state governments, had failed to repay much of the debt from British lenders during the war, allowed Britain to ignore key parts of the Treaty of Paris, thus delaying the true realization of peace with their former colonies. Additionally, there were rumblings that France, Spain, and the Netherlands were equally unhappy with the delay in repayment for the debts which the colonists had accrued from them. Although the degree of severity of the issues facing the United States was heavily disputed between
the Federalists and Anti-Federalists, all agreed to some extent that the new nation was struggling in a state of economic stagnation, with debts unpaid, external trade nearly non-existent, and no organized way to defend itself should war come. The solution to these problems, presented by the delegates to the Constitutional Convention in Philadelphia, was a new form of government; one which had energy, and the ability to solve the problems which were facing the nation. However, while the supporters of the Constitution viewed these enlarged powers as essential to its achieving its aims, many others viewed them with contempt and fear. In the Virginia Convention, especially, Patrick Henry and George Mason clearly expressed their alarm at the tyranny which could arise from this form of government should it be ratified. Their Federalist adversaries, however, made a clear case for why the new powers granted the federal government would do more to strengthen the security of the new nation against powers abroad, a necessity which they argued was urgent.

This chapter will argue that of all the national security concerns discussed in the Virginia ratification debates, the fear of attack from abroad was the greatest, and the most real in the minds of Virginians. First, it will examine the history in the years prior to the debates, and the state of treaties, trade, and the credit crisis as it existed at that time. Next, it will examine the positions taken by each side in the Constitutional debates over the possibility of a war with Great Britain, and whether ratifying the Constitution would render the new nation more or less secure against this threat. Following this, it will do the same for those nations who were allies to the United States, France and Spain, as well as other nations in Europe, and the best ways to prevent any risk of war with them. Finally, it will examine two of the most controversial aspects of the new Constitution, yet
two that were deemed most essential to the continued ability of the United States to
defend itself: the federal government’s proposed control over the state militias, as well as
their ability to raise and support a standing army. In examining these topics, it will
become evident that fear about war with other nations, and the best way to maintain
peace, was a major concern for all delegates to the Virginia convention, both Federalists
and Anti-Federalists.

I.

The legacy of the American Revolution, and the unity of the states in that
turbulent era, cast a shadow on all of the political debates which emerged in the decades
following its resolution. During the debates over ratification in Virginia, both the
proponents and opponents of the Constitution pointed to the successes and the failures of
the Revolution in order to make their arguments over the necessity of ratification. The
Anti-Federalists used the American victory as an example that the limited nature of the
Articles of Confederation was appropriate in times of peace, and in times of war, the
spirit of unity which the states would feel in opposing an invading power would provide
the additional energy in government necessary to defeat the enemy. Patrick Henry, ever
the enthusiastic speaker, gave the Articles the highest degree of praise of any in the
Virginia convention, declaring that it was this government which “carried us through a
long and dangerous war.”¹ Henry went on to extol the glorious American victories in the
Revolution, and declared that if any danger were to arise on the horizon, that same spirit
which held the Americans steadfast against the British would again arise and again they

¹ Patrick Henry, Speech of 5 June 1788, in John P. Kaminski and Gaspare J. Saladino, eds. The Documentary
History of the Ratification of the Constitution, Ratification of the Constitution by the States, Vol. 9, Virginia [2],
(Madison: State Historical Society of Wisconsin, 1990), 953.
would be triumphant, without the need for the Constitution.

To counter Henry's arguments, Federalists argued that American unity during the Revolution stemmed from the active presence of a powerful enemy. Absent such a presence, American unity was in danger. The Articles of Confederation simply lacked the energy and authority necessary to hold the union together.\(^2\) As Randolph explained to his fellow delegates: “[t]he confederation has done a great deal for us, we all allow, but it was the danger of a powerful enemy, and the spirit of America, Sir, and not any energy in that system that carried us through that perilous war. Though he acceded to the arguments made by many of the Anti-Federalists that the American forces had performed in ways that were “brilliant, effectual, and successful,” this could not be counted on to be the status quo, as the failure of the Articles that had occurred in the aftermath of the Victory at Yorktown had proved.

The credit Randolph paid to the strength of the bond felt by the states during the Revolution was not as widely shared by many of his fellow Federalists. Edmund Pendleton ominously declared that this spirit of unity felt by the states had “nearly reached the end of its power” until the Revolutionaries were saved by the signing of the Treaty of Paris.\(^3\) John Randolph argued even more strongly that the Articles had been a failure, even in the midst of the Revolution. Though the rebels eventually succeeded in their drive for independence, he argued that many setbacks befell them as a result of the incompetence of the Articles of Confederation.\(^4\) Marshall pointed out that the ineptness

\(^3\) Edmund Pendleton, Speech of 5 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,947.
of the system of requisitions, by which the United States government was still struggling to acquire the necessary financial support, had “rendered our resistance less efficient than it might have been.” Further, he blamed the failures of the Articles as a cause for many who joined the loyalist cause and the inability to utilize the resources of the nation to the utmost of their potential. The fact that this system continued to cause trouble for the Americans, and that now they were without the unifying force of a war, made it clear—at least in Marshall's opinion—that they had to implement the new Constitution for their own safety and security.

II.

The problems the United States was facing, many of which had led to strained relations with foreign powers, comprised many of the key issues over which the Federalists and Anti-Federalists sparred. The issue of how to raise funds, should war arise again in the United States, was a real concern for many of the delegates. Although the requisitions system of the Articles of Confederation had worked well enough to secure victory for the Americans in the Revolution, the crisis with the debts incurred during the Revolution was threatening to undermine the very sovereignty which they had worked so hard to achieve. Indeed, many Americans saw the failure of the states to repay the debts to European creditors as a great evil, and one which may lead to war, and had led to an international boycott of American goods. Randolph, in part, also blamed this stagnation in commerce on the British control of the seas, and asked his fellow Virginians if the

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United States could ever have the funds to raise a navy powerful enough to defend its commerce against encroachments by foreign powers. Further, Randolph asked, if war did come in the present situation with America already gravely indebted to so many European nations, who would loan even more to a nation with no record of reliability in repaying loans?

Henry’s reply to this was the rather weak argument that if the United States were to increase the size of its navy in order to bolster commerce, it would likely instead be seen as an increased threat abroad, and thus it would be even more excluded from international trade agreements. Not only would they see an advantage in directly preventing Americans from reestablishing their commerce, but they would use funds to influence and bribe Senators under the new system of government. Henry warned, “I know that if [Senators] be not above all price, they may make a sacrifice of our commercial interests. They may advise your President to make a treaty that will not only sacrifice all your commercial interests, but throw prostrate your Bill of Rights.” The only protection from this, should the proposed Constitution be adopted, would be the merit of the Senators, which is far too fragile a protection, Henry concluded.

As was the case with many other issues over which the delegates to the Ratification Convention discussed, the issue of war with foreign nations was one which the Federalists argued had a dire urgency that needed resolving immediately, whereas the Anti-Federalists believed that there was no immediate threat, and so they should not

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rashly ratify the Constitution in order to stave off some illusory danger.\textsuperscript{11} Henry blamed the sense of general unease throughout Virginia not on foreign threats or the ineptness of the Articles of Confederation, but rather on these very dangers totally contrived by the Federalists in order to secure ratification.\textsuperscript{12} Henry challenged the Federalists directly, saying “[l]et not Gentlemen be told, that it is not safe to reject this Government. Wherefore is it not safe? We are told there are dangers; but those dangers are ideal; they cannot be demonstrated.”\textsuperscript{13}

Randolph responded to Henry's challenge that there was not any truth in the cries of calamity, saying that the “cry of peace, Sir, is false.”\textsuperscript{14} The truth of the matter was, Randolph said, was that the United States was in a terrible state of disorder, and there was nothing but more danger on the horizon. Those who seek justice, Randolph asserted, would not agree that there was a state of peace. Nor would those to whom debts were owed by the government. Can the merchant whose business has dried up due to the inability of the nation to protect commerce say that he was living in a state of peace, Randolph continued. As Randolph put it bluntly, “There is no peace, Sir, in this land: Can peace exist with injustice, licentiousness, insecurity, and oppression? These considerations, independent of many others which I have not yet enumerated, would be a sufficient reason for the adoption of this Constitution, because it secures the liberty of the citizen, his person, and property, and will invigorate and restore commerce and industry.”

The best solution available to the Virginia delegates was to ratify the Constitution and

\textsuperscript{11} Kevin Raeder Gutzman, \textit{Virginia's American Revolution: from Dominion to Republic 1776-1840} (Lanham, Maryland: Lexington Books, 2007), 87.


finally grant the federal government the energy and ability to resolve these problems.

III.

Continuing with this response to Henry's challenge to the notion of threats abroad, the convention debated the nature of the relations the United States had with foreign powers, and the likelihood that they would attack the United States. The most obvious threat to American security was their recent adversary in the Revolution: Great Britain. The continuing problems the new nation had in dealing with Great Britain were, by far, the most obvious and concrete of all international issues. Largely as a result of the failure of Americans to repay British lenders the amount owed on the debts incurred during the Revolution, Britain refused to comply with all of the agreements made under the Treaty of Paris.\textsuperscript{15} The most ominous of these British violations of the treaty was the fact that they maintained their pre-Revolutionary forts along the frontier of the United States, fully armed and manned.\textsuperscript{16} Thus, the issue of repayment of debts and the controversy surrounding requisitions was taken beyond the level of simply damaging the nation's reputation and credit, to being a legitimate national security threat.

Federalists Edmund Randolph and Edmund Pendleton discussed how the weakness of the Articles of Confederation was to blame for the poor relations the United States had with Great Britain. Randolph was one of the first to broach this issue at the Convention, saying clearly that the inability of the nation to repay its debt placed it in great danger with regards to the British.\textsuperscript{17} He argued that not only was it necessary for

\textsuperscript{15} Gutzman, 2007, 89.
\textsuperscript{17} Edmund Randolph, Speech of 4 June 1788, in Kaminski, \textit{Documentary History Ratification Constitution},
the nation to maintain its honor abroad, but it was also crucial that they take the necessary steps to protect themselves. Further, he labeled the system of requisitions as an abject failure, stating that the states had held these requests for funding, and indeed the national government itself, with no esteem. Edmund Pendleton echoed his comrade's statements, saying that the Articles gave Congress the imaginary power to tax, without the power to actually ensure the money would be collected. He recounted how, during the last session of the Congress, the issue of British debts was brought up, the total of the debt was split among each of the states, and the states “either complied with partially, or not at all.” This inability to repay debts gave the nations abroad the impression, Pendleton felt, “that we had no Government at all.”

Patrick Henry feared that the replacement of requisitions with the power of direct taxation, like so many of the new powers granted the federal government under the Constitution, would lead to economic tyranny by the federal government. He argued that while the necessity of paying the debt was certainly important, the means of raising funds should be left to the states, who have more of a knowledge of their own internal issues, and thus their payments should be prompt, but still voluntary. Henry argued that he was willing to be flexible on this issue, and if something arose which demanded federal intervention into raising funds, such as a war or to pay off the debt, he saw no problem in allowing this to happen, provided there were very strict Constitutional

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Ratification Constitution States, Vol. 9,935.


guidelines for when and how this would be conducted. Regarding the power of direct
taxation, Henry told his fellow Virginians, “I am willing to give it conditionally,” but he
felt that the Constitution lacked any of the necessary safeguards to keep the federal
government from taxing the states and the citizens too death.  

Henry took his expressions of fear of an abuse of federal power in the issue of
national debts a step further, saying that the Constitution would allow foreign creditors to
sue American debtors in federal courts, which would lead to their ruining. The
possibility of facing a “tribunal,” which the debtor did not think they would have to face
when they took out the original loan, would be absolutely unfair, and Americans would
be overwhelmed by “unjust and vexatious” claims of debts, which they either would have
to pay or face the court.  

John Marshall rejected Henry’s argument on this issue, saying that if the debt was
owed, the form by which it was collected does not amount to a “retrospective law,” but
rather just another method by which they would have to pay the debt they were obliged to
repay anyway.  If they have freely taken out the debt and are delinquent in its
repayment, Marshall continued, they should be forced to repay it. Although it is easy to
overlook the security issues which were intertwined with the issue of the national debts
owed to foreign powers, it cannot be overstated how much the relationships between
America and her British lenders came into the minds of those gathered in Richmond to
decide the fate of the Constitution.

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In addition to issues of the British presence on the frontier and the issue of national debt, the question of the trade boycott America faced from Britain was a major concern for those gathered at the Constitutional Convention. After the conclusion of the Revolutionary War, America was outside of the trade protections they had enjoyed under the British Navigation Acts, which resulted in the crippling of American trade. This dearth of revenue from shipping helped to perpetuate the debt problems of the American states, especially those in the South, keeping the instability which stemmed from the lack of repayment alive. As historian Lance Banning notes, trade concerns were a primary concern for James Madison in his advocacy of the Constitution, feeling that a stronger national government would help to improve the weak state of American shipping.

Francis Corbin was one of the first to address this issue in the Convention. Responding to the assertions of Anti-Federalists that the calamity supposedly facing the United States was completely blown out of proportion and the Constitution would not serve as a remedy for imaginary distresses, Corbin challenged this using the British trade issue as one example. An exacerbated Corbin declared that the “West-Indies are blocked up against us. Not the British only, but other nations exclude us from those islands—Our fur trade gone to Canada.” The reality was, Corbin would argue, the United States needed a stronger federal government in order to defend itself from such heinous encroachments upon its sovereignty as were being perpetuated by the British.

Madison added to his friend’s argument, bringing up the total lack of international

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26 Hendrickson, 2006, 200-201.
recognition the United States was getting from nations such as Britain. He brought up the instance in which the United States had attempted to arrange more favorable trading terms with Great Britain, and they were “laughed at by the Minister of” Great Britain.\(^{30}\) The minister Madison referred to was most likely the British Foreign Secretary Marquis of Carmarthen, who made it clear that his reason for rejecting American overtures for increased trade was the noncompliance by the United States to the terms of the Treaty of Paris.\(^{31}\) Madison made it quite clear that he blamed this inability to comply with the treaty on the shortcomings of the Articles of Confederation, and thus it was imperative that the delegates approve of the Constitution in order to rectify the situation Virginia, and the nation, were in.

This issue of the British control of American trade was not met with much argument by the Anti-Federalists, who remained largely silent on the issue. James Monroe pointed out, in a sort of sidebar, that “Our trade is engrossed by a country with which we have no commercial treaty. That country is Great-Britain. That monopoly is the result of the want of a judicious regulation on our part. It is as valuable and advantageous to them, on its present footing, nay more so, than it could be by any treaty.”\(^{32}\) The fact that Monroe agreed with many of the Federalists who argued that the commercial problems facing the nation were caused, at least in part, by a weak national government, is fascinating.

In a rather bizarre argument, Anti-Federalist John Tyler made the case that the


\(^{31}\) Editorial Footnote, The Virginia Convention, Saturday, 7 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,1049.

situation with Britain, while certainly not preferable, would not descend to the point of war, directly because of the trade situation. The extreme advantage Britain had in European trade, he argued, would be enough to make Britain want to maintain the circumstances as they were.\footnote{John Tyler, Speech of 25 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10,1527.} So while Tyler certainly was not arguing that the trading situation was one which was ideal, in a sort of roundabout way, he did say that it protected them from the possibility of attack by the British.

This issue was quite strong for the Federalists, as shown by the relative silence on the part of their ideological adversaries. It was clear to many of the delegates to the Constitutional convention that the situation with Britain was something which needed to be resolved, not only for the economic prosperity of the nation, but also in order to remove the security threats which existed as a result of their inability to comply with the Treaty of Paris under the Articles of Confederation.

IV.

The possibility of war with their recent adversary, Great Britain, was frightening enough for the Virginia delegates, but was there any truth to the claims that their former allies, France and Spain, or any other European powers, may have ill intentions for the United States, as some of the Federalists were purporting? While the degree of hostility the United States faced from each of these powers was debated highly, it was clear that relations between the nations were far from ideal. Spain had blocked American trading from the West Indies, and France had severely restricted American shipping to both the
French mainland and its colonies. Additionally, as a result of the sluggish American repayment of debts owed to French lenders, France refused to lend any more money to the United States until that situation was resolved. As David Hendrickson described the time, “commercial jealousy” on the part of the European powers motivated them to keep the United States from gaining a commercial foothold.“The desire to establish America's good faith, so central to the development of a national character, stood in tatters. The debts of the union had not been discharged, and there was a whole class of disaffected soldiers and unpaid creditors, foreign and domestic, who were cursing that good faith.” It certainly seemed that the situation the United States found itself in with regards to relations with other powers was far from ideal.

The Federalists were quick to assert that these threats were real, and that the best solution to resolving these was to ratify the Constitution, as the increased ability of the national government to raise funds against the debt would bring an end to this cycle of chaos. The Anti-Federalists retorted that the threats from these European powers were vastly overstated, and that this was just one more overblown issue used by the Federalists to hasten the unwise passage of the Constitution.

Patrick Henry, made it clear that he felt that rather than being looked upon with scorn by nations such as France, the young United States was actually looked upon with a great deal of admiration. “The American spirit,” Henry exclaimed “has fled from hence,” and had spread throughout much of Europe, carrying with it a new-found appreciation for liberty. In light of this, Henry continued, nations such as France were reshaping their

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34 Hendrickson, 2006, 200-201.
35 Hendrickson, 2006, 201.
37 Patrick Henry, Speech of 5 June 1788, in Kaminski, Documentary History Ratification Constitution,
own government, and had nothing but the highest amount of respect for the United States, their model for what government should be.

Later in the debates, Henry continued to deny any ill will on the part of the French. Henry used Thomas Jefferson, the ambassador to France at the time of the Virginia debates, who had reported, according to Henry, that the feelings within the French leadership towards the United States was quite amiable.\textsuperscript{38} Henry continued, saying that Europe had far more pressing issues with which to contend, than focusing a great deal of energy on “little American matters.”\textsuperscript{39} Henry felt that the same was the case with Spain and Holland, that they would not feel it in their interest to attack the United States over the delays in repayment of debts.

Anti-Federalist James Monroe used the geographical situation of the United States to show that they had far less to fear than the Federalists seemed to think. France, Monroe insisted, was not a threat because it did not have any colonies “contiguous to our country.”\textsuperscript{40} Those nations who were in possession of such colonies, Great Britain and Spain, were equally unlikely to enter into war with the United States, although Monroe did not go as far as to explain why Spain would not take this course of action. Monroe also asserted that the supposed risk of attack as a result of the debts was nothing but hot air. Neither of those nations had shown any hostile intent; quite the contrary, Monroe asserted, Holland had continued to lend money to the United States.

As the Anti-Federalists continued to defend the positive relationship between the

\textit{Ratification Constitution States, Vol. 9, 959.}
\textsuperscript{40} James Monroe, Speech of 10 June 1788, in Kaminski, \textit{Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9}, 1107.
United States and various European powers, the Federalists would have none of it, hammering home the examples of strained relations which were evident all around them. Randolph, continuing the role he had taken throughout the debates as Henry's primary foil, said that Henry's assertion that there was no problem with international relations was ludicrous. Randolph beckoned for his fellow delegates to simply consider the state of trade; “Cast your eyes to our seaports, see how commerce languishes.” The reason for this, he continued, was not a lack of resources from which the American economy could draw. Quite the contrary, the United States was “blessed by nature” with an abundance of resources, and yet the severe limitations on trade, largely a result of the non-payment of debts, rendered these resources useless.

Randolph's language grew ever more ominous as he continued. If Virginia were to separate from the Union, as he and his fellow Federalists had accused their opponents—especially Henry—of desiring, the result would be disastrous with regards to international relations. Virginia owed a great deal of money to France, and were it to separate from the Union, it would be without the protections that came from it, and France could rein down upon Virginia in order to reclaim what was owed it. France, Randolph continued, would commandeer any ships from Virginia, continue to cripple its trade, and even may invade in order to achieve their ends. Spain and Holland, he continued, would be equally tempted to take similar courses of action.

The solution, Randolph made clear, was for Virginia to more fully unite with the

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other states, in order to gain the strength that would come from increased unity under the Constitution. "If we become one sole nation, uniting with our sister States, our means of defence [sic] will be greater; the indulgence for the payment of those debts will be greater, and the danger of an attack less probable." Weakness and disunity, Randolph concluded, would lead to attack, but strength and unanimity would discourage it.

Randolph's fellow Federalist Francis Corbin echoed his sentiments, saying that a great deal of tumult has resulted in France from the failure of the United States to repay its debt. Corbin asserted that merchants had been driven out of business, that French finances were in a state of disarray, and there was only so much that France would accept before it did something drastic in order to stem the tide of these problems. Corbin exclaimed that the best way to avoid this outcome would be to implement the revenue systems included in the proposed Constitution, so that the debts would actually repaid, and not delayed eternally.

James Madison also argued that this was an issue which rendered it imperative that the delegates to the Virginia Convention vote for ratification. Because of the "notoriously feeble" Articles of Confederation, no other nation would enter into treaties with the United States. These nations, Madison continued, fear that the United States will never be able to come through on its part of the treaties, and the abject failure of the states to repay the war debts simply proves that this is likely the case.

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46 Francis Corbin, Speech of 7 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,1008.
47 Francis Corbin, Edmund Randolph, Speech of 7 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,1009.
With regards to the likelihood of an attack from foreign nations, the Anti-Federalists had the advantage. The evidence that France, Spain and Holland were prepared to go to war in order to secure repayment was scant, at best. However, the Federalists had the advantage of pointing to the dismal condition of American commerce. This stark example of the way that the United States was unquestionably hurting from its failure to repay the debt was undeniable, and helped to further the ratification process in Virginia.

V.

Two of the most controversial, yet critical, national defense aspects of the Constitution, were the increased ability of the federal government to use troops to defend the nation: the power to control the state militias, and the ability to raise a standing army, even in times of peace. The Constitution's granting of the ability of the federal government to call forth the state militias was one of the most disturbing violations of state sovereignty to the Anti-Federalists. The ability of a state to control this aspect of its own defense—from attacks from Indians, domestic threats such as revolts of slaves or disgruntles citizens, and even foreign invasions, and also from encroachments of abusive governmental authorities (as had been necessary in the Revolution)—was deemed by most statesmen of the time to be an essential method of preserving liberty and security. The fact that a degree of this power would not be held concurrently with the federal government was frightening to many in the Virginia convention.

One of the major fears regarding the militia was that congress could purposely fail to arm them, and thus if the national government became tyrannical, there would be one
less check on the abuse of power. Patrick Henry thundered that the proposed national
government's “controul [sic] over our last and best defence [sic], is unlimited.”49 The
supposed protection, Henry continued, that the states had in the power reserved to them
of appointing officers would be pointless for a group of unorganized and unarmed men.

The notion that the federal government could come to have total control over the
militias was very concerning for the Anti-Federalists. Henry warned that the
combination of giving the president power over the nation's defenses and placing the state
militias under the control of the federal government would inevitably lead to a swift
decay in the liberty of the nation. “Away with your President, we shall have a King: The
army will salute him Monarch; your militia will leave you and assist in making him King,
and fight against you: And what have you to oppose this force? What will then become of
you and your rights? Will not absolute despotism ensue?”50 George Mason also argued
against the way the Constitution empowered the federal government to control the
militia. Like Henry, Mason argued that the militias could be phased out by the federal
government, as it would slowly but steadily fail to arm them, until they would cease to
exist.51

The Federalists were quick to point out the necessity of granting a limited amount
of control of the state militias to the federal government, and yet explained how the states
would still have a large degree of control over their own militias, so the prospects of a
decline in security of the emergence of national tyranny were highly unlikely. James

49 Patrick Henry, Speech of 5 June 1788, in Kaminski, Documentary History Ratification Constitution,
Ratification Constitution States, Vol. 9,958.
50 Patrick Henry, Speech of 5 June 1788, in Kaminski, Documentary History Ratification Constitution,
Ratification Constitution States, Vol. 9,964.
51 George Mason, Speech of 14 June 1788, in Kaminski, Documentary History Ratification Constitution,
Ratification Constitution States, Vol. 10,1270.
Madison pointed out that the instances in which the federal government can actually call forth the militias are severely limited. The state militias can be controlled by the federal government only to “provide for the execution of the laws, suppress insurrections, and repel invasions.” Madison continued that the necessity of the federal government having these abilities should be obvious, and that a lack of these would result in a severely crippled ability of the United States to respond to attacks. The Constitution, Madison argued, may actually strengthen the militias, because it would create a more organized body which would be more adequately trained, in contrast to the disorganized and often unreliable forces which existed during the Revolution.

The Virginia Federalists were quick to argue that an absolute loss of state control of the militias was not a realistic concern. Madison astutely showed how the very structure of the proposed United States government would preclude the possibility of the militia just becoming mercenaries for a tyrannical king. Certainly the President was entrusted with a large degree of control over the military forces, but much of that power also depended on the compliance of Congress, which would act as a safeguard of the people. The security of liberty, Madison continued, was more secure with a better-established militia, because a strong militia would preclude the need to establish a regular standing army. Francis Corbin passionately argued against Henry's supposition that the militia would become an instrument of tyranny prepared to carry out the President's every

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whim. The militia, Corbin pointed out, is comprised of the people.\textsuperscript{56} “Shall we fight against ourselves?”\textsuperscript{57} The very character of the militia, Corbin felt, a military body comprised of the local citizenry, precluded the risk that they would become anti-democratic agents under the proposed Constitution. Responding to the fears that the militia may purposefully be neglected by the federal government, George Nicholas responded that this theory is based on a faulty reading of the powers granted the federal government. Simply because the national government \textit{can} arm the local militias does not mean that the states are forbidden from doing this.\textsuperscript{58} If the situation arose that the national government was not arming the Virginia militia, Virginia could simply provide these arms.

VI.

In addition to the fears of a loss of local control of the militias, the phrase “standing army” became a frightening buzzword in the Virginia debates, which the Anti-Federalists used to try to convince their fellow delegates of the possible tyranny which would emerge from the Constitution, should it be ratified. The Federalists would respond by explaining how mechanisms put into place by the Constitution would curtail the ability of the federal government to use the standing army to impose tyrannical rule upon the people, while at the same time the increased powers of defense would make the nation more secure.

\textsuperscript{56} Francis Corbin, Speech of 7 June 1788, in \textit{Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9.}, 1014.
\textsuperscript{57} Francis Corbin, Speech of 7 June 1788, in \textit{Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9.}, 1014.
\textsuperscript{58} George Nicholas, Speech of 14 June 1788, in \textit{Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10.}, 1280.
This fear of a despotic military, like many of the issues the Anti-Federalists argued passionately over, cannot simply be dismissed as irrational ramblings of politicians. Many of the controversial issues, standing armies included, were grounded in fears based upon events which actually occurred in the years leading up to and during the American Revolution. Indeed, Americans were ingrained with a knowledge of the abuses imposed upon the people by standing armies and mercenaries throughout British history. So the Anti-Federalist ideology, within this issue, can be seen as a continuation of what Max Edling calls the “Country Whig” ideology of British politics—a theory marked by a strong devotion to the militia and a rejection of standing armies, among other things.

Bemoaning the likely (in his mind) descent of the nation into tyranny, Patrick Henry declared that the presence of a standing army would permit the President to be an unchecked authoritarian. As soon as the new President took power, Henry feared, he would act with the authority vested in his office of commander-in-chief, and would seek to constrain all who opposed him. Henry furthered his argument, by saying that the combination of the powers of Congress—to raise a standing army, to control the militia, and to raise funds through direct taxation—would inherently lead towards tyranny and oppression. The seemingly unlimited nature of these powers, under the Constitution, needed to be severely restricted, or else the citizens of the United States would face the

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60 Hendrickson, 2006, 41.
unhappy consequences. Henry's contemporary, George Mason, asked his fellow delegates to consider the situation of the colonies before the Revolution. In that era, in a manner repeated throughout history, a standing army was established among the people, the British government attempted to disarm the people, and tyranny ensued.\(^{65}\)

The Federalists made it clear that they were no friends to a perpetual standing army (which Madison referred to as “one of the greatest mischiefs that can possibly happen”), and yet the necessity of such a force existing rendered it necessary to entrust this power to the national government.\(^{66}\) In order to control possible abuses, the Federalists argued, certain measures were built into the system of government which would prevent the possibility of such abuses of power from becoming reality. James Madison made his personal aversion to the standing army clear. He told his fellow delegates, “I wish there was no necessity of vesting this power in the General Government. But suppose a foreign nation to declare war against the United States, must not the general Legislature have the power of defending the United States?”\(^{67}\) Thus, he continued, the national government must have this power, or they would place themselves at risk by their vulnerability in the eyes of foreign nations. In an argument similar to Madison’s, John Marshall explained to the convention the unfortunate necessity of granting the federal government the power to raise an army. As one of the primary reasons for establishing the national government embodied in the Constitution was for defense, Marshall argued, the new government must not be denied the necessary powers.

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\(^{67}\) James Madison, Speech of 6 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9, 993.
to accomplish this.\textsuperscript{68} “Until mankind shall cease to have ambition and avarice, wars will arise. The prosperity and happiness of the people depend on the performance of these great and important duties of the General Government.”\textsuperscript{69} The states, Marshall continued, cannot be counted upon to effectively repel invasions by acting on their own.

On June 14\textsuperscript{th}, James Madison adeptly summarized his reasoning for how the Constitution’s entrusting Congress with the power to raise an army would no only fail to materialized into the feared tyrannical force the Anti-Federalists assumed it would, it would actually render this possibility less likely than it was under the Articles of Confederation.\textsuperscript{70} As Madison argued, the best way to prevent against the possibility of a standing army contrary to liberty is to “render it unnecessary.”\textsuperscript{71} This, Madison argued, was one of the reasons why the national government should have control over the state militias: so that they could be used in all but the most dire of circumstances requiring military action. Further, the separation of powers, both between the states and the national government, as well as among the three national branches, would render the likelihood of the national government using any military force against the will of the people extremely unlikely. George Nicholas seconded this argument, declaring that until “there be a necessity for an army to be raised, militia will do.”\textsuperscript{72}

\begin{footnotesize}
\footnotesize{\textsuperscript{68} James Madison, Speech of 10 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,1119.}
\footnotesize{\textsuperscript{69} John Marshall, Speech of 10 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,1119.}
\footnotesize{\textsuperscript{70} James Madison, Speech of 14 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10,1272.}
\footnotesize{\textsuperscript{71} James Madison, Speech of 14 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10,1272.}
\footnotesize{\textsuperscript{72} George Nicholas, Speech of 14 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10,1279.}
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The ability of the national government to defend itself against encroachments was obviously important to those on all sides of the debate over the ratification of the Constitution. However, the manner in which this should be accomplished wound up being one of the most heavily contested groups of issues over which the Federalists and Anti-Federalists sparred. How can we repair our damaged relations with our former allies, and our former adversary, from the Revolution? What is the likelihood that any of these may attack us in order to achieve repayment of debts? What forces will the new government be entrusted with in order to achieve peace and stability? Each of these was a key question in the minds of the delegates to the Virginia Convention.

The Anti-Federalists certainly made some convincing arguments that the new government need not be entrusted with too many military powers, and that the international situation was not so dire as to rush the Constitution through, unamended. However, the Federalists were able to starkly paint a picture of a new nation with so much unrealized potential for success, devoid of commerce, unable to get credit, the scorn of foreign nations, and vulnerable to attack. While each side had stronger arguments on different points, the necessity of changing the damage done by the Articles of Confederation swayed enough votes into the Federalist column to narrowly pass the Constitution, and maintain the unity of the United States.
While there was certainly no shortage of external threats to the American people; they also were keenly aware of one incredible vulnerability with which the nation was faced, specifically the Southern States: slavery. It was the very real threat of slave rebellions and uprisings which concerned so much of the leadership of the new country. Additionally, the emerging issues of the immorality of slavery and the slave trade were gaining more of a national audience than ever before in the history of the nation, which weighed heavily on the minds of the Virginia delegates. Thus, it is not surprising that many of the men involved in the drafting and ratification of the Constitution used a great deal of scrutiny in analyzing the ways in which the Constitution dealt with slavery and the slave trade. Indeed, the delegates to the Virginia Ratification Convention experienced a very heated and passionate exchange between imposing figures in the state such as Patrick Henry, George Mason, Edmund Randolph and James Madison. The former two, in their struggle against the ratification of the Constitution, argued that the proposed system of government endangered the safety of the new republic with its tolerance of slavery, especially the continuation of the slave trade. At the same time, they would argue that the Constitution did too little to protect the rights of slaveholders to retain their slaves, and argued that the Northern states and their leadership may use the new federal powers to force emancipation on the South. The arguments made by Federalists such as Madison and Randolph, made the case that while the Constitution certainly had defects, especially the continuation of the slave trade, it was still a vast improvement on the...
Articles of Confederation, and increases the security of the new nation against the possibility of slave uprisings. Also, in their rebuttals of the Anti-Federalist critiques, the Federalists chastised Henry and Mason for their glaring hypocrisy in arguing that the Constitution both protects slavery, this dangerous and reprehensible institution far too extensively, and at the same time that it does not protect the interests of slaveholder enough.

This chapter will show the way in which delegates to the Virginia Ratification Debates dealt with the issue of slavery as a security issue. First, it will establish the nature and the changing public opinion of the 'peculiar institution' as it existed in the Old Dominion in the 1780s. Then, it will briefly describe the changes to the slavery policy in the United States which would take place under the proposed Constitution. After establishing these as a backdrop for the debates in Virginia, this paper will examine the arguments made by each side, first those made by the Anti-Federalists, then the responses by the Federalists, over whether the alterations to the legal status of slavery rendered by the Constitution would make the state, and the nation, more or less secure. Overall, the goal of this paper is to show how crucial an issue slavery was in the minds of many of the delegates, and how they believed their decisions may either save their fellow Virginians from, or doom them to, the reality of slave insurrection and domestic warfare.

I.

In the years following the American Revolution, the state of slavery and the ways in which white Americans thought about the institution had been changing, changes which would have large ramifications in the battle over the Constitution. Slavery had existed in
Virginia since shortly after its founding as a colony, although the nature of perpetual slavery was a concept that developed over the years. By the middle of the Eighteenth Century, the increasing dependence on slave labor in agriculture was progressing rapidly, even in middle colonies of New York, New Jersey and Pennsylvania.\(^1\) However, with the outbreak of the American Revolution and its aftermath, the state of slavery was thrown into confusion. The first mainstream anti-slavery sentiments emerged at this time, beginning with ministers who blamed the struggles against the British as divine judgment for the colonies' perpetuation of slavery.\(^2\) Further, the hypocrisy of struggling for ideals such as 'liberty' and 'independence' while holding other humans in bondage was simply too apparent for many Americans, who subsequently adopted anti-slavery sentiments. However, unlike the abolitionist movements which would come to prominence in the 19\(^{th}\) Century which advocated an immediate end to slavery, most anti-slavery advocates in the early United States favored a systematic, gradual emancipation. Historian Matthew Mason notes that this brief period after the conclusion of the Revolution was marked with genuine opposition to slavery as it existed even among many Southerners.\(^3\)

That is not to say that this shift was caused entirely, or even primarily, by humanitarian concerns among Southerners. There was a corresponding pragmatic reason for the decline in support for slavery. Within Virginia, the value of tobacco had steadily dropped in the years after the Revolution, and the subsequent shift to other agricultural products which required less labor to cultivate resulted in a large drop in the use of slaves

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\(^2\) Mason, 2006, 13-14.
\(^3\) Mason, 2006, 14.
throughout most of the state.\textsuperscript{4} The depression which the state experienced led to a large decrease in the rate of landholding among Virginians, which in turn also reduced the need for slaves. By the end of the Revolutionary War, Virginians tended to agree that slavery was quickly entering a state of obsolescence, and was likely to disappear totally from the nation; at least in the Upper South and the northern states.\textsuperscript{5}

One of the earliest battles over slavery and the Constitution occurred in Philadelphia, between the representatives of the Deep South, and those of the other states.\textsuperscript{6} Many of the delegates, especially George Mason, wanted to bring an end to the slave trade, and hoped to enshrine such a ban in the Constitution. However, delegates from the South Carolina, such as Charles Pinckney, as well as those from Georgia stated in no uncertain terms that a limit on the slave trade would result in an automatic rejection of the Constitution by his state.\textsuperscript{7} When accosted for this by the Virginia delegation, Pinckney turned the tables on them and argued that Virginia had a surplus of slaves, and so their motives for curtailing the trade were less altruistic or security-minded, and more concerned with benefiting economically from turning African slaves into a scarcer commodity.\textsuperscript{8}

Despite the Virginia delegation's protests, the document which emerged from the convention was one in which slavery provisions were largely pleasing to the delegates from most of the colonies, Virginia being one of the main exceptions. In a bizarre

\textsuperscript{8}Beeman, 2009, 324-329.
alliance, the states of New England supported the Deep South in approving the section of the Constitution which prohibited the newly-formed Congress from interfering with the slave trade for twenty years after ratification. In return for this, the Deep South agreed to vote in favor of removing the proposed requirement that Navigation Acts be approved by two-thirds of Congress to take effect, and be replaced with the requirement of a simple majority.\footnote{George Mason, Speech of 24 June 1788, in John P. Kaminski and Gaspare J. Saladino, eds. *The Documentary History of the Ratification of the Constitution, Ratification of the Constitution by the States, Vol. 10, Virginia [3]*, (Madison: State Historical Society of Wisconsin, 1993), 1488.}

The real loser in this compromise was Virginia, whose delegates were nearly unanimous in their opposition to both provisions.\footnote{Beeman, 2009, 324-329.} The continuation of the slave trade both continued the existence of the institution which was regarded as both immoral and destabilizing, as well as removed the economic advantage described by Pinckney which Virginia had over the other major slaveholding states.\footnote{James Madison, Speech of 17 June 1788, in Kaminski, *Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10*, 1339.} The other end of the compromise—the removal of the two-thirds majority for Navigation Acts—also harmed Virginia's interests as its delegates saw them, because they felt that the Northern Congressional leaders, who outnumbered their southern counterparts, would be able to pass a variety of Navigational Acts which would only serve to benefit the shipping industries of the North.\footnote{The Navigation Acts compromise would also have repercussions in the Virginia ratification debates over the issue of the Mississippi Navigation. For further information about this aspect, see the chapter on War with Foreign Nations.} These concessions to Virginia's neighbors to the North and South would come back to haunt the Federalists during the Virginia Ratification Debates, as they tried to argue that the concessions made did not render the document damaging overall.
Apart from these, the Constitution contained few other references to slavery. Aside from the continuation of the slave trade, a Fugitive Slave Clause was also inserted into the Constitution, which protected the interest of slaveowners whose slaves ran to other states, and it also allowed for the taxation on the importation of slaves.\textsuperscript{13} These are the only areas of the Constitution which dealt directly with slavery. However, much to the amazement of Virginia Federalists like James Madison, his political opponents would find slavery-related arguments in many seemingly unrelated parts of the proposed government.

It should be noted that the terror of slave rebellion which existed in the minds of many Southerners was not just some phobia of a hypothetical scenario which had little to no chance of occurring. Quite the contrary, the years preceding and in the midst of the Revolution, the white colonists lived through what David Waldstreicher referred to as “the largest slave rebellion in American history.”\textsuperscript{14}

II.

With the issue of slavery such a controversial and turbulent issue, it is unsurprising that it would be raised in the debates over the Constitution in Virginia. To a modern observer, it seems as if the battle of slavery in the debates was one which the Anti-Federalists, especially Henry and Mason, wound up arguing in circles. In attempting to discredit the Constitution from various perspectives on slavery, they wound up instead with an argument which, according to their political adversaries, came off as confused.

\textsuperscript{13}No form of the word “slave” can be found in the Constitution, but the framers wrote the articles dealing with slavery in such a way that while it was clear or what they were referring.

and totally inconsistent. Both men spoke at great length about the dangers which the continued existence and expansion of slavery would bring to Virginia, and then transitioned immediately into arguing that the Constitution did not place enough safeguards on the institution, and the Northern states would try every way they could in order to free the slaves. A large part of the Anti-Federalist fear stemmed from their belief that, under the system of government proposed by the Constitution, the North would dominate the political scene, and subjugate Southern interests in all areas, including slavery, to their own.  

One of their major fears was that the new Congress would use increased powers such as taxation as a backdoor approach towards emancipation.  

The first shot the Anti-Federalists fired over the issue of slavery came on June 11, 1788, when George Mason lambasted the Constitution's protection of the slave trade. Mason declared that the Federalist argument that the ratification of the Constitution was crucial for the security of the nation was proved fallacious by the protection of the slave trade. As Mason described it “domestic safety is said [by the Federalists] to be in danger. This Government does not attend to our domestic safety. It authorizes [sic] the importation of slaves for twenty odd years, and thus continues upon us that nefarious trade.” The very presence of any slaves, Mason continued, renders the Commonwealth in an incredibly weak position, and yet rather than attempting to curtail the importation of slaves, the Constitution rather “adds daily to our weakness”.  

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16 Einhorn, 2002, 559.  
19 George Mason, Speech of 11 June 1788, in Kaminski, *Documentary History Ratification Constitution,*
When the First clause of the Ninth section of the proposed Constitution, which contained the controversial twenty year protection of the slave trade, was placed before the convention for debate, the Anti-Federalists again brought up the issue of the dangers of the slave trade. On the morning of June 17th, Mason immediately took the floor after the reading of this clause, and continued where his assault on the slave trade protection the week prior had left off. Mason implored his fellow delegates that this “fatal section” was the more dangerous of the entire Constitution to the security of the new nation.

Since before the Revolution, Mason declared, America had been on the path towards ending the terrible system. The continual existence of the slave trade, perpetrated by the nefarious collusion of the British government and “African merchants,” was “one of the great causes of our separation from Great-Britain.” This trade, Mason argued, has been on a steady path towards extinction in a majority of the states, and yet this clause derails this trend. He then stated that it would be better to establish the new nation without the inclusion of Georgia and South Carolina, rather than accede to their demands, and in doing so, destroy the security of the entire nation. In his conclusion, Mason stated that this is an excellent example of how the Constitution failed to live up to the promise of opportunity it provided. Rather than seizing the chance to finally end the trade, they enshrined it, in the Constitution.

*Ratification Constitution States, Vol. 9, 1161.*

20 The convention had agreed early on to go through the Constitution line-by-line and have a debate upon the reading of each section. While there were times when this model was followed, there were frequent instances of various delegates, Patrick Henry in particular, going off on tangents which had little or nothing to do with the clause in question, much to the frustration of members such as Madison. This is the reason that Mason began railing against the protection of the slave trade before that section was technically supposed to be discussed.


John Tyler, a fellow Anti-Federalist, echoed Mason’s sentiments. Taking Mason’s argument that the Revolution had effectively ended the slave trade, and took it further and embellished it. Tyler described the state of the slave trade: “The revolution had put a period to it; but now it was to be revived [and] thought nothing could justify” its continued existence. Tyler, taking Mason’s arguments a step further, also used this issue to illustrate further the Anti-Federalist fear of implied powers. The very fact that there had to be a specific provision barring the federal government from interfering with the slave trade, Tyler argued, proved that the federal government would be able to assume other, non-specified powers which were supposedly reserved to the states. After all, with no specific power to regulate slavery given to the federal government by the Constitution, why would those present at the Philadelphia Convention have felt it necessary to include such a provision, other than the fear of tyrannical implied powers stemming from the Federal government?

On the 24th, Mason again discussed the impropriety of including the slave trade clause, just to appease South Carolina and Georgia, and his disgust that Virginia’s neighbors to the North and South were willing to risk insurrection and instability for their own economic gain. Despite the general agreement by most of the delegates to Philadelphia that the United States would be better off requiring a two-thirds vote to ratify Navigation Acts, the delegates to the South had abandoned their principles and agreed to make this unwise alteration to the Constitution so that they could secure the

25 The idea that the Constitution granted far-reaching authority to the Federal government to operate in a nearly unlimited way, in the name of ‘implied powers,’ was a great fear for the Anti-Federalists. The ways in which the new government may abuse these powers were brought up in a variety of the arguments.
necessary votes to keep the slave trade in operation.

The Anti-Federalists also discussed the ways in which the changes to the state and nation's defenses may be threatened by the Constitution and unable to respond in the event of an uprising, in a way similar to the way they were able to use the threat of slave insurrection to try to display the problems stemming from implied powers. Patrick Henry feared the Constitution’s wording on the clause barring any state from warring on any entity, except in the case of an invasion of that state. He feared that, depending on how the federal government would actually interpret this law, this may preclude a state from defending itself against various forms of domestic insurrection, including a slave uprising. Henry was concerned that if “there should happen an insurrection of slaves, the country cannot be said to be invaded.--They cannot therefore suppress it, without the interposition of Congress.” Henry declared his concern that though it is Congress and the Executive's prerogative to defend the states in cases like this, they may neglect to do so. This, combined with the hands of the state ostensibly being tied by their inability to make war in the absence of an actual invasion would place Virginia totally at the mercy of whatever domestic faction sought to rebel. Henry's solution to this was to guarantee to the states the power to control and regulate their own militias. To force a state to wait for approval from Congress, Henry argued, before using the militia to suppress a slave rebellion would be catastrophic: “Occasions for calling [the militia] out may be urgent,

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29 The Constitution's granting of the power of regulating and calling forth the state militias to the federal government was one of its most controversial aspects, at least with regards to the Virginia Convention. Anti-Federalists like Henry and Mason, who already feared that the Constitution's centralizing aspects would result in tyranny, felt that the loss of control of the militias by the states would be one fewer barrier between Virginia and tyranny. For a more detailed discussion of the militia powers, see the chapter on War with Foreign Nations.
pressing, and instantaneous. The States cannot now call them, let an insurrection be ever so perilous, without an application to Congress. So long a delay may be fatal.”

III.

The perceived lack of protections in the Constitution for those who already held slaves was another major concern of the Virginia Anti-Federalists. Much to the amazement of their Federalist opponents, Henry, Mason and others argued that their property was at risk, the same property which they argued was both “diabolical” and destabilizing. In his June 11th speech against the slavery provisions of the Constitution, Mason argued that lack of an explicit protection for the owning of slaves in the Constitution rendered the Southern states vulnerable to the growing abolitionist ideas in the Northern States. While he reiterated his belief that slavery, especially the slave trade, was a tremendous evil, still he argued that “it will involve us in great difficulties and infelicity to be now deprived of them.”

Mason again argued this point during the major debate over the slave trade clause on June 17th. He stated that the Constitution has taken the worse of each position on slavery: that it should not have denied the new government the ability to immediately ban the slave trade, and it should have enacted certain protections for those who own slaves already in America. “They have done what they ought not to have done, and have left

34George Mason, Speech of 17 June 1788, in Kaminski, Documentary History Ratification Constitution,
undone what they ought to have done.”

Following up on the arguments made by Mason, Patrick Henry argued that the new federal government could, indeed, take the slaves from slaveowners if the present Constitution was ratified, unaltered. Henry made the case that since the slave trade was *expressly* noted as an exception to Congress' power, the lack of a similar exception for the ownership of slaves shows that this power is at risk. Even more concerning, Henry felt that “its omission was done with design,” and that Northern statesmen were plotting to free slaves in the Southern states.

When challenged to explain exactly how the new government would actually have the ability to free slaves, Henry declared that Congress would find this power “among ten thousand implied powers which they may assume.” Indeed, he argued, all that it would take would be for the United States to become involved in some war, and the federal government could free the slaves in the name of war powers as a necessary action for the protection of the nation. Thus, by giving the federal government such extensive powers, both with regards to national defense, and in the form of implied powers, the Southern states were clearly risking the security of their own property.

Further, Henry argued, in the event of a war, the Northern states may seek to accomplish two ends by the same means; by requiring that slaves must fight for the United States, many slaves would thus be taken from their masters, and the nation would

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be able to bolster its fighting numbers. This, Henry felt, would be a situation very tempting to the North, as it would be very beneficial to them, with all of the costs of such an action being paid for by the South. Henry reminded his fellow Virginians how, out of desperation during the Revolution, the American government had granted freedom to any slave willing to fight with them against the British. Would not the situation repeat itself, especially with the growing anti-slavery sentiments in the North? If the Constitution had a clear protection for slavery, Henry summarized, this would not be a threat. However, as it stood, every slaveowner in Virginia was at risk.

The other major threat to the continued existence of slavery in Virginia was through the power of taxation. As they had done with the issues of the militia and implied powers, Anti-Federalists Grayson, Mason and Henry tied slavery into their fear of the ability of the federal government to levy taxes on the states, which they feared would lead to subjugation of the states. William Grayson argued that it would benefit the Northern states to lay a heavy tax burden on the owners of slaves, because they could raise funds for the new government without having to pay it themselves. He continued that national government, as it existed under the Articles of Confederation, had no such ability, but rather was limited to seek requisitions based on the total amount of money needed and apportioned proportionately to all of the states. However, with the growth in the ability of the government to collect taxes, and especially to force states to pay them, Grayson felt that the right to own slaves was in grave jeopardy. Mason agreed with

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40 The Articles of Confederation granted Congress the power to collect taxes in the form of requisitions, which were essentially requests for a certain amount of funding with few options of recourse should a state fail to pay. This was seen as one of the major reasons for the credit and debt crisis of the post-Revolutionary era, and Federalists felt that granting the power for Congress to levy taxes states were required to pay in the Constitution would alleviate this. Many of the Anti-Federalists, on the other hand, felt that this power was too broad, and would be rife for abuse by the other states.
Grayson, bringing this point home in his extended June 17th critique of the Constitution's slave clauses. He argued that Congress may pass tax legislation which would be such a burden to the Southern States that “such a tax as will amount to manumission.” Henry reiterated his friend's argument, saying that the design of the tax code in the Constitution was inherently flawed, and that flaw could easily lead to abuse by the Northern states with the aim of ending slavery. Henry railed that “Congress...had power to lay and collect taxes, imposts and excises. Imposts (or duties) and excises were to be uniform. But this uniformity did not extend to taxes.--This might compel the southern states to liberate their negroes.” Thus, Henry continued, the seemingly protective clause of slavery, the fugitive slave clause, would be rendered pointless, because Congress could use this back door to force slaveowners to forsake their possessions. In response to the supposed protection that the Constitution was infused with on the issue of taxation: that direct taxes would be levied equally among the states, Henry responded that taxes on property were clearly not protected enough to warrant the ease of mind over the issue which the Federalists openly felt.

IV.

The most outspoken of the Anti-Federalist leaders made the case to their fellow delegates thusly. The Constitution served to continue an evil—the slave trade—which, in addition to being gravely immoral, would greatly endanger the safety of the new nation, while at the same time, it did nothing to adequately protect the right to own slaves

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"Einhorn, 2002, 559.
already in the United States, and left many ways open through which emancipation could
occur. Despite their best efforts on the issue of slavery, this was one of the few issues on
which the Anti-Federalists were largely rhetorically defeated, largely due to the awkward
position in which they placed themselves, of both attacking and defending slavery. In
response to these criticisms of the slavery clauses of the Constitution, the Virginia
Federalists, led by James Madison, picked apart the arguments made by their adversaries,
and showed how the Constitution, in reality, increased the security of the new nation
against the threat of slave insurrections.

The protection of the slave trade was obviously a major way in which the security
of the new nation was threatened, and so the Federalists set about explaining how that
clause, though not idea, did not necessarily make the nation less safe, as the Anti-
Federalists had asserted. First of all, the Federalists made it clear that they were as
opposed to the continued importation of slaves as the Anti-Federalists. Indeed,
Madison privately voiced serious concerns about this, but throughout the debates, he
maintained the stance that the overall increase in the security of the nation would be
improved by the Constitution, slave trade or no.

Responding to Mason's criticisms of the slave trade compromise, Federalists
Madison and George Nicholas made it clear that while it was certainly less than
preferable, the “Southern States would not have entered into the Union of America,
without the temporary permission of that trade. And if they were excluded from the

\[44\] After the Compromise was reached on the Navigation Acts and the slave trade at the Philadelphia Convention, Edmund Randolph felt that this rendered the document so repugnant that he would oppose its ratification, and he did indeed refuse to sign the document. However, his fears of disunion, and the resulting threats cause by it, were so great that he eventually came to advocate for ratification in the Virginia Debates. Richard Beeman, *Plain, Honest Men: The Making of the American Constitution* (New York: Random House, 2009), 329.

\[45\] Waldstreicher, 2009, 133.
Union, the consequences might be dreadful to them and to us.”\textsuperscript{46} Yes, the threat posed by
the extension of the slave trade is great, Madison continued, but the “dismemberment of
the Union would be worse.”\textsuperscript{47} Further, Madison argued that the Constitution's ban on
slavery was an improvement on the prior status of the slave trade, because under the
Articles of Confederation, the federal government had no power to control the slave trade
at all. Under the Constitution, while the federal government was banned from placing
restrictions on the slave trade for twenty years, after that, it would regain the power to do
so, and thus the Constitution was a marked improvement in the security of the nation.
Further, Madison pointed out, the Constitution does nothing to force any state to allow
the slave trade, and thus Virginia's pre-existing ban on this practice would remain, also
maintaining a more secure state of existence. Nicholas echoed Madison's argument that
Virginia was forced into this situation, but in harsher terms. He asked if those who were
so opposed to this clause were willing to risk the terrible threat of disunion and sacrifice
the nation just for “this temporary inconvenience.”\textsuperscript{48}

The Federalists also targeted the idea that the Constitution rendered Virginia more
susceptible to slave insurrections, arguing that the military powers in the Constitution
made Virginia more secure against these, not less. On June 6\textsuperscript{th}, just three days into the
debates, Edmund Randolph made the case that Virginia was in a very precarious
situation, caused by a variety of factors, not the least of which was the plethora of slaves
throughout the state (according to his numbers, amounting to 236,000, compared to

\textsuperscript{48} George Nicholas, Speech of 17 June 1788, in Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 10, 1342.
This, he argued, made it imperative that Virginia band together with the other states to form a strong, stable Union, capable of defending itself in the case of an insurrection or invasion. In response to Patrick Henry's assertion that Virginia could possibly hold out on ratification to force certain changes to be made to the Constitution, Randolph argued that the presence of so many slaves made this proposal both farcical and dangerous.  

Countering Patrick Henry's argument that the federal control of the militia would also render the states vulnerable to slave attacks, George Nicholas stated that the opposite was true. For one thing, Nicholas argued, Henry's assertion that the Constitution may preclude a state from defending itself against an insurrection, because they are only provided to war when actually invaded, is ludicrous. The reality, Nicholas stated, was that this clause clearly bans a state from “war with a foreign enemy,” and there is nothing in the Constitution which bars a state from calling forth the militia to suppress domestic rebellions, and Henry was simply raising “groundless” specters. Further, if the state militias were totally under the power of their respective state governments, then what would happen in the event of a slave uprising? Because of the presence of slaves in the south, these states would be the most likely epicenters of insurrections. Yet the majority of the local militia members are in the Eastern States, whose states would very likely refuse to send their forces to slaveholding states in order to suppress such an insurrection.

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50 Henry was one of the few Anti-Federalists who publicly suggested that Virginia might benefit or at least not be harmed by remaining out of the Union, which was shocking to many of his opponents and provided much useful fodder for Federalist rhetoric.
uprising. However, by placing the militias under the umbrella of the federal government, which is charged with defending the states against attacks both foreign and domestic, the slave states thus benefit.

The Federalists also took aim at their adversaries' assertion that slavery was unsafe under the proposed Constitution. Madison argued that the fugitive slave clause, although not a direct statement of protection for slaveowners, is a tacit recognition of the right to own slaves. Further, Madison asserted, this protection from slaves escaping is a marked improvement on the Articles of Confederation, for it is a “better security than any that now exists.” The Anti-Federalist assertion that implied powers may be used to free the slaves is false, Madison continued, and the power of manumission is in no way granted to the federal government. In truth, since five states had a large number of slaves, and several more had some including New Jersey, Connecticut and the powerful New York, the likelihood of a nationwide push to emancipate all slaves was slim.

Madison also argued against the idea that the extended powers of taxation may be used to free the slaves. He stated that the rate of taxing slaves is clearly set out in the Constitution: the states are to be taxed according to population, and slaves are to count as three-fifths of a white person, and the states would be taxed according to their total population. Beyond this, Madison argued, the only power the federal government had to place a tax on slaves was a ten dollar per slave tax on importing slaves, which the Anti-

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Federalists had already stated was an abomination and should be discouraged. Of all the issues regarding slavery in the Constitution, nothing aroused more passionate commentary on the Federalist side than the perceived hypocrisy of Henry and Mason in response to their venomous attack on the slave trade, and their impassioned pleas for more protections of slavery. After Mason's early treatise against slavery on June 11th, Henry Lee of Westmoreland County made his displeasure with Mason's argument quite clear. As he told the convention, “Is it not obviously inconsistent to criminate [the Constitution] for two contradictory reasons? I submit to the consideration of the Gentleman, whether, if [slavery] be reprehensible in the one case, it can be censurable in the other?” He then moved that they dismiss with this absurd topic, and return to what was actually supposed to be the topic of discussion.

During the major debate over the slavery provisions, George Nicholas again brought up the hypocrisy of the Anti-Federalists. He accused Henry and Mason of attempting to dig up anything they could which would put the Constitution in a negative light, no matter how absurd or contradictory. Nicholas summed up this argument by saying “that it was advantageous to Virginia, that it should be in the power of Congress to prevent the importation of slaves after twenty years, as it would then put a period to the evil complained of.”

On June 24th, the day before the voting on ratification would take place, several

58 Another Henry Lee represented Bourbon County in present-day Kentucky. Delegates to the Virginia Convention, Kaminski, Documentary History Ratification Constitution, Ratification Constitution States, Vol. 9,907.
Federalists made one final push to show the hypocrisy of the Anti-Federalist arguments. Randolph bluntly stated that the “inconsistency proves in some degree, the futility of their arguments.”62 James Innes, who had made little input in the debates until this point, also took the floor to give his opinion that the Anti-Federalists “complain and argue against [the Constitution’s slavery provisions] on contradictory principles.”63 Zachariah Johnson, another Federalist who had tended to hold his tongue until this point, also took this opportunity to address the Convention and state that even if the Anti-Federalists are correct that the Constitution will lead to the eventual abolition of slavery, this would be a good thing, finally accomplishing something long overdue64 With such voices strongly condemning the Anti-Federalist arguments, James Madison was able to take a step back, rhetorically, avoiding attacks on the apparent hypocrisy of his opponents, and simply reiterate why ratifying the Constitution would render the Commonwealth more secure from slave insurrections than they had been previously65

V.

An accurate understanding of what effect the arguments over slavery had on the individual members of the Virginia convention is quite difficult to ascertain. Certainly it seems that the Federalists were able to adeptly and thoroughly debunk each of the points raised by the Anti-Federalists. The increased security stemming from a stronger national defense, especially the federal control of the militia, was clearly presented as a security

against the chance of insurrection. The extension of the slave trade, while certainly repulsive, was not so damaging to the securities provided by the Constitution as a whole as to turn a majority of the delegates against it. And ultimately, the contradictory arguments made by the Anti-Federalists that the Constitution both did too much and too little to protect slavery likely served as their undoing on this issue. While it may never be fully known the way in which this debate affected the voting decisions of each of the delegates, it is clear that the threat of slave rebellion, and the national security abilities of the federal government, were a great concern to both Federalist and Anti-Federalist alike. And this fear helped shape much of the debate, and paved the way towards the eventual ratification in Virginia.
CONCLUSION

The eventual victory of the Constitution in Virginia has been attributed to a multitude of factors. Likely, the reason for the extremely narrow victory will never fully be understood; however, it seems clear that the national security threats in the minds of Virginians produced a situation which made the citizens of the state receptive to any solutions which were presented to them.

On the issue of slavery, while certainly the policies enshrined in the Constitution were less than ideal for the security of Virginia (as the Federalists conceded), it was still a step forward in ending the peculiar institution and the slave trade which was viewed with such contempt by many Virginians. With regards to the threat of other states' belligerence, the Federalists were able to convince a great many of their fellow delegates that a stronger unity was needed to stave off the possibility of an eventual civil war. Finally, the necessity of the United States possessing the ability to defend itself militarily and stand up for itself in international disputes was yet another issue to which the Federalists had a solution, and the Anti-Federalists simply did not. While none of these issues alone guaranteed final Federalist success, the ability of Madison, Randolph, and others to chip away at the reservations that many delegates had with regards to the Constitution and convince them that the net result of ratification would be increased security and stability for Virginia and the nation as a whole, were crucial to the eventual passage of the Constitution in Virginia.

The Federalists had the advantages of better communication through newspapers, and the advantage of being far more cohesive in their arguments than the Anti-Federalists. Yet the major advantage which the Federalists seem to have had over their
opponents was that they were the side with a solution, while the Anti-Federalists came off as obstructionists who had no real answers to the variety of crises which faced Virginia. This, in all likelihood, was a key component of the eventual triumph of the Federalists, and the ratification of the Constitution.
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