

Topic 3.7

The Articles of Confederation

The source of the evil is the nature of the government.

Henry Knox to George Washington, December 17, 1786

Learning Objective: Explain how different forms of government developed and changed as a result of the Revolutionary Period.

Having declared independence, the 13 colonies were faced with the task of fighting for it. To win such a war of independence, the colonists realized that they needed some form of government. The challenge was bringing together 13 distinct colonies united largely by a distrust and fear of a tyrannical British government. This led to an intentionally weak form of central government under a document, the **Articles of Confederation**, that was written by the Second Continental Congress during the Revolutionary War.

Organization of New Governments

While the Revolutionary War was being fought, leaders of the 13 colonies worked to change them into independently governed states, each with its own constitution (written plan of government). At the same time, the revolutionary Congress that originally met in Philadelphia tried to define the powers of a new central government for the nation that was coming into being.

State Governments

By 1777, ten of the former colonies had written new constitutions. Most of these documents were both written and adopted by the states' legislatures. In a few states (Maryland, Pennsylvania, and North Carolina), a proposed constitution was submitted to a vote of the people for ratification (approval).

Each state constitution was the subject of heated debate between conservatives, who stressed the need for law and order, and liberals, who were most concerned about protecting individual rights and preventing future tyrannies. Although the various constitutions differed on specific points, they had the following features in common:

List of Rights Each state constitution began with a “bill” or “declaration” listing basic rights and freedoms. Common provisions identified the right to a jury trial and the freedom of religion. These rights and freedoms belonged to all citizens, and state officials could not infringe (encroach) on them.

Separation of Powers With a few exceptions, the powers of state government were given to three separate branches: (1) legislative powers to an elected two-house legislature, (2) executive powers to an elected governor, and (3) judicial powers to a system of courts. The principle of separation of powers was intended to be a safeguard against tyranny—especially against the tyranny of a too-powerful executive.

Voting The right to vote was extended to all White males who owned some property. The property requirement, usually for a minimal amount of land or money, was based on the assumption that property owners had a larger stake in government than did the poor and property-less.

Office-holding Those seeking elected office usually had to meet a higher property qualification than the voters.

The Articles of Confederation

At Philadelphia in 1776, as Jefferson was writing the Declaration of Independence, John Dickinson drafted the first constitution for the United States as a nation. Congress modified Dickinson's plan to protect the powers of the individual states. The Articles of Confederation, as the document was called, was adopted by Congress in 1777 and submitted to the states for ratification.

Ratification Approval of the Articles was delayed by a dispute over state claims to the vast American Indian lands west of the Alleghenies. Some states, such as Rhode Island and Maryland, insisted that states give up these claims and the lands be under the jurisdiction of the new central government. When Virginia and New York finally agreed to cede their claims to western lands, the Articles were ratified in March 1781.

Structure of Government The Articles established a central government that consisted of just one body, a congress. In this unicameral (one-house) legislature, each state was given one vote, with at least nine votes out of 13 required to pass important laws. There was no separate executive, nor a separate judiciary (court system). Amending the Articles required a unanimous vote. A Committee of States, with one representative from each state, could make minor decisions when the full Congress was not in session.

Powers The Articles gave Congress the power to wage war, make treaties, send diplomatic representatives, and borrow money. However, Congress did not have the power to regulate commerce or to collect taxes. To finance any of its decisions, Congress had to rely upon taxes voted by each state. Neither did the government have executive power to enforce its laws.

The United States Under the Articles, 1781-1789

The 13 states intended the central government to be weak—and it was. It consisted of a weak Congress and no executive or judicial branch.

Accomplishments

Despite its weaknesses, Congress under the Articles did have some lasting accomplishments:

- **Independence:** The U.S. government could claim some credit for the ultimate victory of Washington's army and for negotiating favorable terms in the treaty of peace with Britain.
- **Land Ordinance of 1785:** Congress established a policy for surveying and selling the western lands. The policy set aside one square-mile section of land in each 36 square-mile township for public education.
- **Northwest Ordinance of 1787:** For the large territory lying between the Great Lakes and the Ohio River, Congress passed an ordinance (law) that set the rules for creating new states. The Northwest Ordinance granted limited self-government to the developing territory and prohibited slavery in the region.

THE UNITED STATES IN 1783



By reserving land for schools and banning slavery, the government made the Northwest Territory attractive to both White and free Black settlers. However, the government auctioned land by the square mile (640 acres). So, even though the starting price per acre was a low \$1 per acre, the benefit of the system went first to those rich enough to spend at least \$640 at once. The purchasers, then, sold off the land in smaller parcels to less wealthy Americans.

Weaknesses of the Articles

These accomplishments were overshadowed by the difficulties the country faced in addressing certain problems without a strong government.

Foreign Affairs Relations between the new United States and the European powers were troubled. European nations had little respect for a nation that could neither pay its debts nor take united action in a crisis. For example, the country could not enforce the Treaty of Paris that ended the Revolutionary War. The U.S. government was too weak to stop Britain from maintaining military outposts on the western frontier and restricting trade. It was also too weak to force states to restore property to Loyalists and repay debts to foreigners as the treaty required. Britain and Spain threatened to take advantage of U.S. weakness by expanding their interests in the western lands.

Economic Problems The underlying problem was that Congress had no taxing power and could only request that the states donate money for national needs. It had no dependable source of revenue to repay the money it borrowed to fight the war. Similarly, states had large unpaid debts as well. The unpaid debts resulted in limited credit and reduced foreign trade. The printing of worthless paper money by many states added to the problems. These problems combined to cause an economic depression.

Internal Conflicts The 13 states treated one another as rivals and competed for economic advantage. They placed tariffs and other restrictions on the movement of goods across state lines. A number of states faced boundary disputes with neighbors that increased interstate tension. The national government had no power to settle these disputes.

Shays's Rebellion In the summer of 1786, Captain Daniel Shays, a Massachusetts farmer and Revolutionary War veteran, led other farmers in an uprising against high state taxes, imprisonment for debt, and lack of paper money. The rebel farmers stopped the collection of taxes and forced the closing of debtors' courts. In January 1787, when Shays and his followers attempted to seize weapons from the Springfield armory, the state militia of Massachusetts broke Shays's Rebellion.

REFLECT ON THE LEARNING OBJECTIVE

1. Explain how during the American Revolution different forms of government arose and adjusted to the ideals and demands of the Revolution.

KEY TERMS BY THEME

Expansion (MIG, POL)

Land Ordinance of 1785
Northwest Ordinance of 1787

A New Nation (SOC)

Articles of Confederation
Shays's Rebellion

Final Break (WOR)

Treaty of Paris (1783)

MULTIPLE-CHOICE QUESTIONS

Questions 1–3 refer to the following excerpt.

“Let us see what will be the consequences of not authorizing the federal government to regulate the trade of the states. Besides the want [lack] of revenue and of power, besides the immediate risk to our independence, the dangers of all the future evils of a precarious Union. . .

There is something noble and magnificent in the perspective of a great federal republic, closely linked in the pursuit of common interest—tranquil and prosperous at home, respectable abroad. But there is something proportionably diminutive and contemptible in the prospect of a number of petty states, with the appearance only of union.”

Alexander Hamilton, “Arguments for Increasing the Power of the Federal Government,” July 1782

1. Hamilton’s comment that “there is something proportionably diminutive and contemptible in the prospect of a number of petty states, with the appearance only of union” is most directly a criticism of
 - (A) the British form of government
 - (B) the ideals of the Enlightenment
 - (C) the Declaration of Independence
 - (D) the Articles of Confederation
2. Hamilton’s comments in the excerpt were similar to his concerns about
 - (A) the rapid expansion by settlers onto the lands of American Indians
 - (B) the slowness of the negotiations over the Treaty of Paris
 - (C) the need to repay state debts after the Revolutionary War
 - (D) the importance of passing the Northwest Ordinance
3. This excerpt provides support for the argument that Hamilton believed that the Articles of Confederation should be
 - (A) kept as they are because they were working well
 - (B) amended to protect the rights of states better
 - (C) discarded so states could act independently
 - (D) replaced with a new constitution

SHORT-ANSWER QUESTION

Use complete sentences; an outline or bulleted list alone is not acceptable.

1. “The government designed by the Articles of Confederation made it easy for relatively small groups of people—especially individual states or sections of the country—to block any change. There was a requirement for every single state to agree to alter the powers of the Confederation...

From the beginning the Union had been a pretty loose alliance, so people felt relatively free about saying they just didn’t feel like going along with a particular policy... The result was stalemate. I can tell you that the people who wrote the Constitution thought a stalemated government could not survive.”

George William Van Cleve, interview, *The Nation*, 2017

“The conventional view is that American political history from the Declaration of Independence to the Constitution was dominated by ‘the complete inability of the government set up by the Articles of Confederation to function.’ This view ignores effective exercises of national power that took place during this period and the evolution of institutions extending beyond the text of the articles. Congress and the state judiciaries often read the Articles broadly and expansively in response to the practical needs of the country. The institutions created by Congress exercise wide powers that furthered national unity, and the states acquiesced.”

Eric M. Freedman, “The United States and the Articles of Confederation: Drifting Toward Anarchy or Inching Toward Commonwealth?” *Yale Law Journal*, November 1978

Using the excerpt, answer (a), (b), and (c).

- (a) Briefly explain ONE major difference between Van Cleve’s and Freedman’s interpretations of the value of the Articles of Confederation.
- (b) Briefly explain how ONE historical event or development in the period 1754 to 1800 that is not explicitly mentioned in the excerpts could be used to support Van Cleve’s interpretation.
- (c) Briefly explain how ONE historical event or development in the period 1754 to 1800 that is not explicitly mentioned in the excerpts could be used to support Freedman’s interpretation.