

# Chapter 3

## *Creating the Constitution*

# Lesson 1

## Articles of Confederation 1781



### Key Terms

factions  
loyalists  
majority rule  
national government

### What You Will Learn to Do

- Determine why the Founders created the Articles of Confederation and the concerns that resulted

### Linked Core Abilities

- Communicate using verbal, non-verbal, visual, and written techniques
- Apply critical thinking techniques

### Skills and Knowledge You Will Gain Along the Way

- Explain why Americans needed a national government after the colonies declared independence from Great Britain
- Explain how the Founders designed the first constitution, the Articles of Confederation
- Compare the advantages and disadvantages of the Articles of Confederation
- Define key words contained in this lesson

# Chapter 3

## *Introduction*

The first government created by the Founders did not work well. Knowing the shortcomings of that government is important in understanding that unless a government is organized properly, it may not work very well. It also helps in understanding why our government is organized the way it is. In this lesson you find out why the Founders created the Articles of Confederation, the way they did it, and the problems that resulted from a weak national government.

## *How the Articles of Confederation Were Created*

In 1776, each of the newly independent states created its own government. In addition to these state governments, Americans also considered creating a national government to manage relationships among the states and to unite the states in their relations with the rest of the world.

### *Key Note Term*

**national government**—manages relationships among the states and unites the states in relations with the rest of the world

A **national government** was necessary to control trade among the states, and between the states and foreign nations, and to manage conflicts among the states about such issues as borders. Some leaders had seen the need for a national government for some time to deal with foreign relations and economic and commercial problems. Benjamin Franklin, who had proposed a colonial government in 1754, submitted a draft for articles of confederation to the Second Continental Congress in July 1775. Several other proposals were made that summer and fall, but the question of independence from Great Britain for the moment was more important than forming a national government.

On June 7, 1776, Richard Henry Lee introduced a set of resolutions to the Second Continental Congress; one was for independence, the other was to form a national government. From these resolutions came both the Declaration of Independence and the Articles of Confederation.

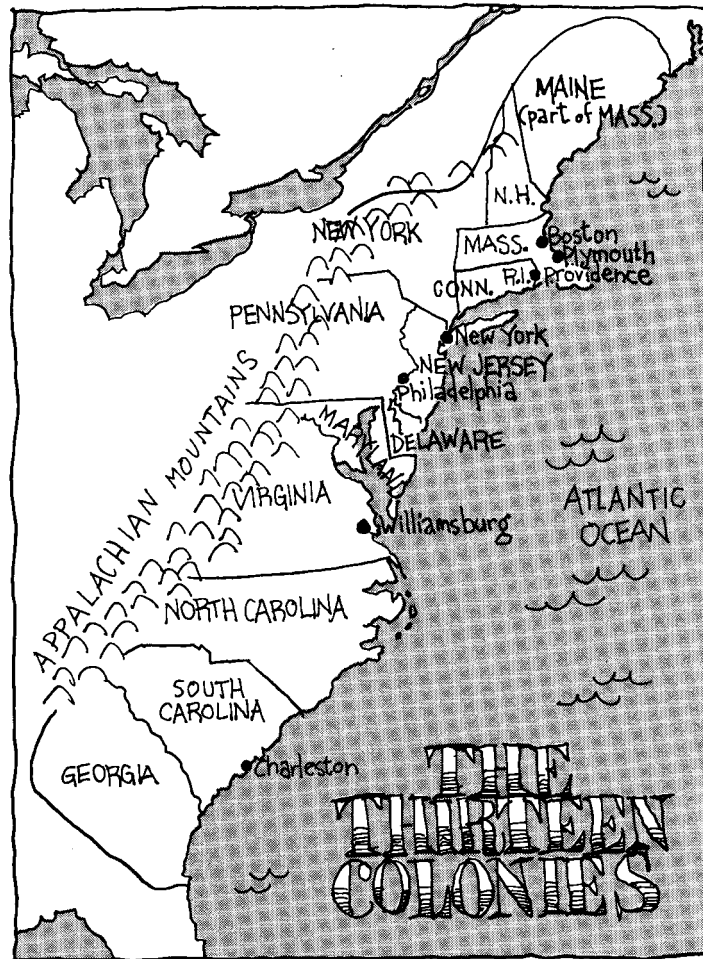
## *Problems Addressed in the Articles of Confederation*

Two major problems made it difficult for the Continental Congress and the states to accept the Articles of Confederation:

- **the fear of creating a national government that was too strong**
- **the fear that some states would have more power than others in a national government**

## *Fear of a Strong National Government*

After the war against Great Britain had started, each state was like a separate nation with its own constitution and government. To the people, their state was their “country” and all eligible voters could have a voice in government. They could elect

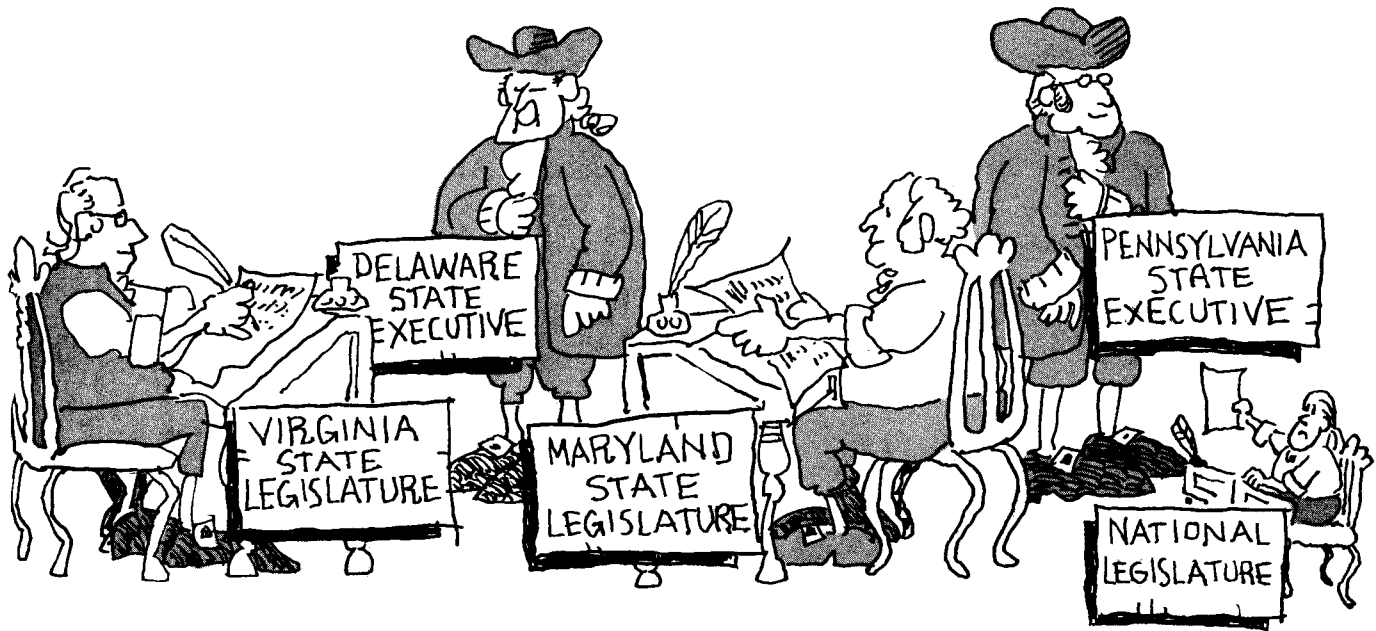


*How did independence create a need for a national government?*

members of their communities to represent their interests in their state legislatures. The government was close enough to most citizens so they could even participate in some of its activities.

The Founders agreed they needed a central government, but they were afraid of making one that was too strong. Americans believed that the British government had deprived people of their rights, including their right to be represented in government. They thought this was likely to happen with any central government that was both powerful and far away. Consequently, they were convinced that government should be close to the people so they could control it and make certain that it did not violate their rights. Finally, their study of history and political philosophy led them to believe that republican government could only succeed in small communities where people shared common ideas and beliefs.

The Founders finally arrived at a solution to this problem—they created a weak national government. The government created by the Articles of Confederation was just a central legislature, the Confederation Congress. There were no executive or judicial branches. While Congress could establish courts for certain



*Why did the Founders create a weak national government?*



*New York State Currency*

*What problems might result from each state issuing its own currency?*

*Courtesy of the Center for Civic Education.*

limited purposes, most legal disputes were handled in state courts. Moreover, Article II states:

*Each state retains its sovereignty, freedoms, and independence, and every Power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.*

The Articles of Confederation left most of the powers of government with the states; the national government had little power over the states and their citizens. For example:

- The Confederation Congress did not have any authority over any person in any state; only the state governments had authority over their citizens
- Congress did not have the power to collect taxes from the states or from the people directly; it could only request money from the state governments, which were supposed to raise the money from their citizens
- Congress did not have the power to regulate trade among the various states

### ***Fear That Some States Would Dominate Others in the National Government***

The leaders in each state wanted to make sure that the new national government would be organized in a way that would not threaten their state's interests. As a result, the most important disagreement was about how states would vote in Congress. Would each state have one vote, or would states with greater population or

wealth be given more votes than others? Decisions in the Congress would be made by majority vote. Some leaders were afraid that the majority would use its power for its own interest at the expense of those who were in the minority.

The solution to this problem was to give each state one vote in the Confederation Congress regardless of its population. The Articles also provided, however, that on important matters; for example, whether to declare war, nine states would have to agree. This way the seven smaller states could not outvote the six larger states.

### ***Examining the Advantages and Disadvantages of the Articles of Confederation***

Work with a study partner, or in small groups, to complete the following exercise.

Read the following excerpts from the Articles of Confederation. For each excerpt create a list of advantages to the states and/or to the national government resulting from the Article. Create a second list of the disadvantages to the states and/or to the national government resulting from the Article. When you finish, compare your lists and be prepared to share your ideas with the class.

#### **Articles of Confederation**

Article II. Each State retains its sovereignty, freedom and independence, and every power . . . which is not by the confederation expressly delegated to the United States, in Congress assembled.

Article V. No State shall be represented in Congress by less than two, nor more than seven members . . . In determining questions in the United States, in Congress assembled, each State shall have one vote.

Article VIII. All charges of war and all other expenses that shall be incurred for the common defense or general welfare . . . shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State. . . . The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States. . . .

Article IX. The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences . . . between two or more States. . . .

Article IX. The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States. . . .

Article XIII. . . . nor shall any alteration at any time hereafter be made in any of [these articles]; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every state.

## ***Weaknesses in the Articles of Confederation***

On March 1, 1781, Maryland became the last state to ratify the Articles. Maryland had wanted western lands to be under the control of Congress, not of individual states. Not until New York, Connecticut, and Virginia surrendered their western claims did Maryland ratify the Articles.

You have seen how the people of the states attempted to deal with their fear of a strong national government by creating a national government that had very limited power. This reflected their belief that power that is not given is power that cannot be misused.

*How was Congress's ability to govern hurt by not being able to collect taxes from the states?*



The limitations of the Articles of Confederation and the difficulties that arose under them led to the decision to develop our present Constitution. These limitations include:

- **No money and no power to get it.** Congress had no power to tax. All it could do was request that state governments pay certain amounts to support the costs of the national government. This system did not work. Congress had borrowed most of the money it needed to pay for the Revolutionary War from Americans and foreigners, but had no way to pay its debts. The state governments and many of the people living in the states were also deeply in debt after the war. Therefore, when Congress requested \$10 million from the states to pay for the costs of fighting the war, the states paid only \$1.5 million.
- **No power over the state governments and their citizens.** Congress did not have the power to make laws regulating the behavior of citizens or the states or to force state governments or their citizens to do anything. The citizens could be governed only by their own state governments. This meant that if members of a state government or citizens within a state disobeyed a resolution, recommendation, or request made by the national government, there was no way the national government could make them obey. The Articles clearly stated that each state kept its “sovereignty, freedom, and independence.” The national government’s inability to make state governments and their citizens live up to treaties it had made led to a serious situation. Not all of the colonists had been in favor of the Revolutionary War; some had remained loyal to Great Britain. Thousands of these people, called *loyalists*, still lived in the United States. When the war was over, the national government signed a peace treaty with Great Britain called the Treaty of Paris. It was intended in part to protect loyalists’ rights and ensure that they were treated fairly. Some of these loyalists owned property in the states and some had loaned money to other citizens.

### Key Note Term

**loyalists**—colonists who remained loyal to Great Britain during the American Revolution

Some state governments refused to respect this treaty. They often made it difficult for loyalists to collect the money owed to them by other citizens. In some cases the states had confiscated the loyalists’ property during the war. The national government had no power to force the state governments to respect the property rights of

the loyalists or to force individual citizens to pay back money owed to the loyalists. Thus, the national government was powerless to live up to its promise to the British government to protect the rights of these citizens.

- **Unenforceable trade agreements.** Although Congress had the power to make agreements with foreign nations, it did not have the power to make state governments live up to these agreements. This raised another difficulty. Some citizens imported goods from other nations and then refused to pay for them. Not surprisingly, people in foreign countries became reluctant to trade with people in the United States. In addition, when Great Britain recognized how weak Congress was in controlling foreign trade, it closed the West Indies to American commerce. As a result, many Americans lost money because they were unable to sell their goods to people in other nations. Others were not able to buy goods from abroad.
- **Unfair competition among the states.** Congress had no power to make laws regulating trade among the states. As a result, some states levied taxes on goods passing through them to other states. For example, both New York and Pennsylvania taxed goods going to New Jersey which was compared to “a keg tapped at both ends.” Such activities prevented efficient and productive trade across state lines. It also worsened the economy, which was still recovering from the devastation of the war.
- **Threats to citizens’ right to property.** Many people believed that one of the most serious problems in the United States during the 1780s was the failure of the state governments to protect their citizens’ property rights. In most states the government was controlled by the legislative branch, composed of representatives elected by a majority of the people.

People with common interests formed *factions*. These factions sometimes formed majorities in the state legislatures. James Madison defined a faction as a group of people that seeks to promote its own interests above the interests of other individuals or groups. These groups were accused of making laws that benefited themselves at the expense of the minority and of the common good. For example, they passed laws that canceled debts and that confiscated the property of loyalists. They created paper money causing inflation that benefited debtors at the expense of their creditors. People hurt by such laws argued that their property was not being protected by their state governments. They claimed that the state governments were being used by one class of people to deny the rights of others.

Some people argued that these problems were the result of too much democracy in the state governments. They claimed that representative government with **majority rule** did not adequately protect the natural rights of individual citizens or the common good. They argued that majority rule, when the majority pursued its own selfish interests at the expense of the rights of others, was just another form of tyranny, every bit as dangerous as that of an uncontrolled king.

### Points to Ponder

1. The Articles of Confederation demonstrated a distrust of a strong national government. What were the historical and philosophical reasons for this distrust?
2. What were the positive and negative consequences of a weak national government?
3. Why do you think the smaller states were satisfied with government under the Articles of Confederation?
4. Many people today continue to distrust the federal government. In your opinion, is such distrust justified? Explain your position.

### Key Note Term

**factions**—groups that seek to promote their own special interests at the expense of the common good

### Key Note Term

**majority rule**—a principle of democracy which asserts that the greater number of citizens in any political unit should select officials and determine policies

## Shays' Rebellion Sows the Seeds of Change

Many people realized that the Articles of Confederation were weak, but it took a dramatic event to convince them of the need for a stronger national government. In 1786, a group of several hundred angry farmers in Massachusetts gathered under the leadership of Daniel Shays. Their intent was to attack the state government.

The farmers had serious economic problems. Those who could not pay their debts lost their homes and their farms. Some were sent to prison. Discontent arose among the people and mobs prevented the courts from selling the property of those who could not pay their debts.

Shays and his men needed weapons for their rebellion. They tried to capture the arsenal at Springfield, Massachusetts, where arms were kept for the state militia (see Figure 3.1.1). Although Shays' men were defeated, their rebellion frightened many property owners who feared similar problems might arise in their states.

The fears raised by such conflicts as Shays' Rebellion, combined with difficulties of raising revenues and regulating foreign trade, convinced a growing number of people to strengthen the national government. George Washington was one of these people. He wrote to James Madison saying, *"We are either a united people or we are not. If the former, let us act as a nation. If we are not, let us no longer act a farce by pretending to it."*

*Figure 3.1.1: Shays' Rebellion forced people to examine the weaknesses of the national government.*

*Courtesy of Bettmann/Corbis Images.*



## Achievements of the First National Government

Although the national government under the Articles of Confederation left much to be desired, it did accomplish a number of important things. The Revolutionary War (see Figure 3.1.2) was conducted under this government and, through the efforts of its diplomats it secured recognition of American independence by European governments.

Perhaps the most lasting achievement of the Confederation government was the Northwest Ordinance of 1787, which defined the Northwest Territory and created a plan for its government. The ordinance provided for the transition from territory to statehood for what would become five states north of the Ohio River and east of the Mississippi. The ordinance saw to it that the states provided for education by setting aside land for that purpose, and also stated that slavery would be forever prohibited from those lands.

The Confederation Congress could make these regulations for the Northwest Territory because it had complete control over it. Yet Congress had not the slightest control over enforcing its own treaties in the 13 states. By 1787, many people had agreed that the power of Congress needed to be adjusted, because such a situation could not last. The first steps then were taken to create a stronger national government.



*Figure 3.1.2: Molly Pitcher carried water to the troops during the Battle of Monmouth in 1778. When her husband fell from heat stroke, she took his place.*

*Courtesy of Bettmann/Corbis Images.*



*How did problems that arose in the Northwest Territory demonstrate the weaknesses of the new national government?*

## Conclusion

In this lesson you examined the national government formed by the Articles of Confederation. It was the first of two constitutions for a national government written between 1776 and 1787. In 1776, the Second Continental Congress voted to declare the colonies independent of the British government. The new states needed to cooperate to fight the war against the powerful British army and navy. One of the first tasks of the Congress was to organize a national government to fight the war.

The first government created by the Founders did not work well despite all their knowledge of political philosophy, history, and government. Knowing the shortcomings of that government is important in understanding that unless a government is organized properly, it may not work very well. It also helps in understanding why our government is organized as it is.

You should be able to explain why the newly independent Americans created their first constitution, the Articles of Confederation, as they did. You also should be able to explain why some people thought the government under the Articles of Confederation was not strong enough.

In the following lesson, you will take a look at what it took to create our Constitution.

## Lesson Review

1. Why did the Articles of Confederation fail to provide for an executive and a judicial branch of government? How did the Articles of Confederation deal with fears that some states would dominate others in the national government?
2. What were some of the weaknesses of the Articles of Confederation? What were some of the achievements of the national government under the Articles of Confederation?
3. What was Shays' Rebellion? Why did it occur? What was its historical importance?
4. What is a "faction"? Why did some Founders consider factions to be a threat to natural rights?