

READING #6

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 Ratification of the Articles was delayed by a dispute over the vast American Indian lands west of the Alleghenies. Seaboard states such as Rhode Island and Maryland insisted that these 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 9 votes out of 13 required to pass important laws. 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.

THE UNITED STATES IN 1783



Powers The Articles gave the 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, the congress had to rely upon taxes voted by each state. Neither did the government have executive power to enforce its laws.

Accomplishments Despite its weaknesses, the congress under the Articles did succeed in accomplishing the following:

1. Winning the war. 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.
2. Land Ordinance of 1785. Congress established a policy for surveying and selling the western lands. The policy provided for setting aside one section of land in each township for public education.
3. Northwest Ordinance of 1787. For the large territory lying between the Great Lakes and the Ohio River, the 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.

Problems with the Articles The 13 states intended the central government to be weak—and it was. The government faced three kinds of problems:

1. Financial. Most war debts were unpaid. Individual states as well as the congress issued worthless paper money. The underlying problem was that the congress had no taxing power and could only request that the states donate money for national needs.
2. Foreign. European nations had little respect for a new nation that could neither pay its debts nor take effective and united action in a crisis. Britain and Spain threatened to take advantage of U.S. weakness by expanding their interests in the western lands soon after the war ended.
3. Domestic. 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.

The United States Under the Articles, 1781–1787

Four years separated the signing of the Treaty of Paris of 1783 and the meeting of the Constitutional Convention in Philadelphia. During that time, the government operated under the Articles of Confederation, which consisted of a one-house congress, no separate executive, and no separate judiciary (court system). The country faced several major problems.

Foreign Problems

Relations between the United States and the major powers of Europe were troubled from the start. States failed to adhere to the Treaty of Paris, which required that they restore property to Loyalists and repay debts to foreigners. In addition, the U.S. government under the Articles was too weak to stop Britain from maintaining military outposts on the western frontier and restricting trade.

Economic Weakness and Interstate Quarrels

Reduced foreign trade and limited credit because states had not fully repaid war debts contributed to widespread economic depression. The inability to levy national taxes and the printing of worthless paper money by many states added to the problems. In addition, the 13 states treated one another with suspicion 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 rivalry and tension.

The Annapolis Convention

To review what could be done about the country's inability to overcome critical problems, George Washington hosted a conference at his home in Mt. Vernon, Virginia (1785). Representatives from Virginia, Maryland, Delaware, and Pennsylvania agreed that the problems were serious enough to hold further discussions at a later meeting at Annapolis, Maryland, at which all the states might be represented. However, only five states sent delegates to the Annapolis Convention in 1786. After discussing ways to improve commercial relations among the states, James Madison and Alexander Hamilton persuaded the others that another convention should be held in Philadelphia for the purpose of revising the Articles of Confederation.

Drafting the Constitution at Philadelphia

After a number of states elected delegates to the proposed Philadelphia convention, congress consented to give its approval to the meeting. It called upon all 13 states to send delegates to Philadelphia "for the sole and express purpose of revising the Articles of Confederation." Only Rhode Island, not trusting the other states, refused to send delegates.

The Delegates

Of the 55 delegates who went to Philadelphia for the convention in the summer of 1787, all were white, all were male, and most were college-educated. As a group, they were relatively young (averaging in their early forties). With few exceptions, they were far wealthier than the average American of their day. They were well acquainted with issues of law and politics. A number of them were practicing lawyers, and many had helped to write their state constitutions.

The first order of business was to elect a presiding officer and decide whether or not to communicate with the public at large. The delegates voted to conduct their meetings in secret and say nothing to the public about their discussions until their work was completed. George Washington was unanimously elected chairperson. Benjamin Franklin, the elder statesman at age 81, provided a calming and unifying influence. The work in fashioning specific articles of the Constitution was directed by James Madison (who came to be known as the Father of the Constitution), Alexander Hamilton, Gouverneur

Morris, and John Dickinson. While they represented different states, these convention leaders shared the common goal of wanting to strengthen the young nation.

Several major leaders of the American Revolution were not at the convention. John Jay, Thomas Jefferson, John Adams, and Thomas Paine were on diplomatic business abroad. Samuel Adams and John Hancock were not chosen as delegates. Patrick Henry, who opposed any growth in federal power, refused to take part in the convention.

Key Issues

The convention opened with the delegates disagreeing sharply on its fundamental purpose. Some wanted to simply revise the Articles. Strong nationalists, such as Madison and Hamilton, wanted to draft an entirely new document. The nationalists quickly took control of the convention.

Americans in the 1780s generally distrusted government and feared that officials would seize every opportunity to abuse their powers, even if they were popularly elected. Therefore, Madison and other delegates wanted the new constitution to be based on a system of checks and balances so that the power of each branch would be limited by the powers of the others.

Representation Especially divisive was the issue of whether the larger states such as Virginia and Pennsylvania should have proportionally more representatives in Congress than the smaller states such as New Jersey and Delaware. Madison's proposal—the Virginia Plan—favored the large states; it was countered by the New Jersey Plan, which favored the small states. The issue was finally resolved by a compromise solution. Roger Sherman of Connecticut proposed what was called the Connecticut Plan or the Great Compromise. It provided for a two-house Congress. In the Senate, states would have equal representation, but in the House of Representatives, each state would be represented according to the size of its population.

Slavery Two of the most contentious issues grew out of slavery. Should enslaved people be counted in the state populations? The delegates agreed to the Three-Fifths Compromise, which counted each enslaved individual as three-fifths of a person for the purposes of determining a state's level of taxation and representation. Should the slave trade be allowed? The delegates decided to guarantee that slaves could be imported for at least 20 years longer, until 1808. Congress could vote to abolish the practice after that date if it wished.

Trade The northern states wanted the central government to regulate interstate commerce and foreign trade. The South was afraid that export taxes would be placed on its agricultural products such as tobacco and rice. The Commercial Compromise allowed Congress to regulate interstate and foreign commerce, including placing tariffs (taxes) on foreign imports, but it prohibited placing taxes on any exports.

The Presidency The delegates debated over the president's term of office—some argued that the chief executive should hold office for life. The delegates limited the president's term to four years but with no limit on the number of terms. They also debated the method for electing a president. Rather than having voters elect a president directly, the delegates decided to assign to each state a number of electors equal to the total of that state's representatives and senators. This electoral college system was instituted because the delegates feared that too much democracy might lead to mob rule. Finally, the delegates debated what powers to give the president. They finally decided to grant the president considerable power, including the power to veto acts of Congress.

Ratification On September 17, 1787, after 17 weeks of debate, the Philadelphia convention approved a draft of the Constitution to submit to the states for ratification. Anticipating opposition to the document, the Framers (delegates) specified that a favorable vote of only nine states out of 13 would be required for ratification. Each state would hold popularly elected conventions to debate and vote on the proposed Constitution.

Federalists and Anti-Federalists

Ratification was fiercely debated for almost a year, from September 1787 until June 1788. Supporters of the Constitution and its strong federal government were known as Federalists. Opponents were known as Anti-Federalists. Federalists were most common along the Atlantic Coast and in the large cities while Anti-Federalists tended to be small farmers and settlers on the western frontier. (See table on the next page for more on the two groups.)

The Federalist Papers

A key element in the Federalist campaign for the Constitution was a series of highly persuasive essays written for a New York newspaper by James Madison, Alexander Hamilton, and John Jay. The 85 essays, later published in book form as *The Federalist Papers*, presented cogent reasons for believing in the practicality of each major provision of the Constitution.

Outcome

The Federalists won early victories in the state conventions in Delaware, New Jersey, and Pennsylvania—the first three states to ratify. By promising to add a bill of rights to the Constitution, they successfully addressed the Anti-Federalists' most telling objection. With New Hampshire voting yes in June 1788, the Federalists won the necessary nine states to achieve ratification of the Constitution. Even so, the larger states of Virginia and New York had not yet acted. If they failed to ratify, any chance for national unity and strength would be in dire jeopardy.

Debating the Constitution		
	Federalists	Anti-Federalists
Leaders	George Washington, Benjamin Franklin, James Madison, Alexander Hamilton	From Virginia: George Mason and Patrick Henry; From Massachusetts: James Winthrop and John Hancock; From New York: George Clinton
Arguments	Stronger central government was needed to maintain order and preserve the Union	Stronger central government would destroy the work of the Revolution, limit democracy, and restrict states' rights
Strategy	Emphasized the weaknesses of the Articles of Confederation; showed their opponents as merely negative opponents with no solutions	Argued that the proposed Constitution contained no protection of individual rights, that it gave the central government more power than the British ever had
Advantages	Strong leaders; well organized	Appealed to popular distrust of government based on colonial experiences
Disadvantages	Constitution was new and untried; as originally written, it lacked a bill of rights	Poorly organized; slow to respond to Federalist challenge

Virginia In 1788, Virginia was by far the most populous of the original 13 states. There, the Anti-Federalists rallied behind two strong leaders, George Mason and Patrick Henry, who viewed the Constitution and a strong central government as threats to Americans' hard-won liberty. Virginia's Federalists, led by Washington, Madison, and John Marshall, managed to prevail by a close vote only after promising a bill of rights.

Final States News of Virginia's vote had enough influence on New York's ratifying convention (combined with Alexander Hamilton's efforts) to win the day for the Constitution in that state. North Carolina in November 1789 and Rhode Island in May 1790 reversed their earlier rejections and thus became the last two states to ratify the Constitution as the new "supreme law of the land."

Adding the Bill of Rights

Did the Constitution need to list the rights of individuals? Anti-Federalists argued vehemently that it did, while Federalists argued that it was unnecessary.

Arguments for a Bill of Rights

Anti-Federalists argued that Americans had fought the Revolutionary War to escape a tyrannical government in Britain. What was to stop a strong central government under the Constitution from acting similarly? Only by adding a bill of rights could Americans be protected against such a possibility.

Arguments Against a Bill of Rights

Federalists argued that since members of Congress would be elected by the people, they did not need to be protected against themselves. Furthermore, people should assume that all rights were protected rather than create a limited list of rights that might allow unscrupulous officials to assert that unlisted rights could be violated at will.

In order to win adoption of the Constitution in the ratifying conventions, the Federalists finally backed off their position and promised to add a bill of rights to the Constitution as the first order of business for a newly elected Congress.

The First Ten Amendments

In 1789, the first Congress elected under the Constitution acted quickly to adopt a number of amendments listing people's rights. Drafted largely by James Madison, the amendments were submitted to the states for ratification. The ten that were adopted in 1791 have been known ever since as the U.S. Bill of Rights. Originally, they provided protection against abuses of power by the central (or federal) government. Since the ratification of the 14th Amendment in 1868, most of the protections have been extended to apply to abuses by state governments as well. Below is the text of the Bill of Rights.

First Amendment "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Second Amendment "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Third Amendment "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner prescribed by law."

Fourth Amendment "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Fifth Amendment "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Sixth Amendment "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Seventh Amendment "In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Eighth Amendment "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Ninth Amendment "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Tenth Amendment "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

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¹ *United States History: Preparing for the Advanced Placement Examination* (Des Moines, Iowa: AMSCO Publishing, 2016).