

Topic of Discussion – *The Articles of Confederation*

Chapter Information ~ Ch 8; 3 sections; 294 pages

Confederation to Constitution (1776-1791)

Section 1 ~ The Confederation Era Pages 234-241

Section 2 ~ Creating the Constitution Pages 242-247

Section 3 ~ Ratification and the Bill of Rights Pages 248-256

Key Ideas

The Articles of Confederation was the first formal central government.

The Articles of Confederation did not address the need for a strong central government.

The Articles of Confederation did not meet the needs of the newly formed United States

Related Topics

The End of the Revolutionary War brought about change

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I Introduction

1. On July 4, 1776, the colonial Americans signed the Declaration of Independence which separated them from England and left them with no central government. At the conclusion of the Revolutionary War, the American people needed to install a new government—and quickly. As early as May 1776, Congress advised each of the colonies to draw up plans for state governments; by 1780, all thirteen states had adopted written constitutions. In June 1776, the Continental Congress began to work on a plan for a central government. It took five years for it to be approved, first by members of Congress and then by the states. The first attempt at a constitution for the United States was called the Articles of Confederation.
2. Agreed to by the Continental Congress November 15, 1777 and in effect after ratification by Maryland, March 1, 1781, the Articles of Confederation served as a bridge between the initial government by the Continental Congress of the Revolutionary period and the federal government provided under the Constitution for the United States.
3. This first constitution was composed by a body that directed most of its attention to fighting and winning the War for Independence. It came into being at a time when Americans had a deep-seated fear of a central authority and long-standing loyalty to the state in which they lived and often called their "country." The resulting government was weak. Efforts to make it stronger

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failed. A convention called in May 1787 to re-write the Articles decided to draft an entirely new Constitution.

4. Ultimately, the Articles of Confederation proved unwieldy and inadequate to resolve the issues that faced the United States in its earliest years; but in granting any Federal powers to a central authority—the Confederation Congress—this document marked a crucial step toward nationhood. The Articles of Confederation were in force from March 1, 1781, until March 4, 1789, when the present Constitution went into effect.
5. In summary, the Continental Congress wrote the Articles of Confederation during the Revolutionary War. The articles were written to give the colonies some sense of a unified government. Once the thirteen colonies became the thirteen states, however, each one began to act alone in its own best interest. A new governing document was needed in order for these new states to act together, to become a nation.

Summary 1

1. After the ratification of the Declaration of Independence, establishing the "united colonies" as Free and Independent States, the Continental Congress set to work on the task of drawing up a

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document that would provide a legal framework for that Union, and which would be enforceable as the law of the new land.

2. The Articles were written during the early part of the American Revolution by a committee of the Second Continental Congress of the now independent thirteen sovereign states. The head of the committee, John Dickinson, who had refused to sign the Declaration of Independence, nevertheless adhering to the will of the majority of the members of the Continental Congress, presented a report on the proposed articles to the Congress on July 12, 1776, eight days after the signing of the Declaration of Independence. Dickinson initially proposed a strong central government, with control over the western lands, equal representation for the states, and the power to levy taxes.
3. Because of their experience with Great Britain, the 13 states feared a powerful central government. Consequently, they changed Dickinson's proposed articles drastically before they sent them to all the states for ratification in November 1777. The Continental Congress had been careful to give the states as much independence as possible. The Articles deliberately established a confederation of sovereign states, carefully specifying the limited functions of the federal government. Despite these precautions, several years passed before all the states ratified the articles. The delay resulted from preoccupation with the revolution and from disagreements among the states. These

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disagreements included quarrels over boundary lines, conflicting decisions by state courts, differing tariff laws, and trade restrictions between states.

4. The small states wanted equal representation with the large states in Congress, and the large states were afraid they would have to pay an excessive amount of money to support the federal government. In addition, the states disagreed over control of the western territories. The states with no frontier borders wanted the government to control the sale of these territories so that all the states profited. On the other hand, the states bordering the frontier wanted to control as much land as they could.
5. Eventually the states agreed to give control of all western lands to the federal government, paving the way for final ratification of the articles on March 1, 1781, just seven and a half months before the surrender of Lord Cornwallis and his British Army at Yorktown, October 19, 1781, the victory ended fighting in the War of Independence and virtually assured success to the American cause. Almost the entire war for five long years had been prosecuted by the members of the Second Continental Congress as representatives of a loose federation of states with no constitution, acting at many times only on their own individual strengths, financial resources and reputations.
6. Under the Articles, on paper, the Congress had power to regulate foreign affairs, war, and the

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postal service and to appoint military officers, control Indian affairs, borrow money, determine the value of coin, and issue bills of credit. In reality, however, the Articles gave the Congress no power to enforce its requests to the states for money or troops, and by the end of 1786 governmental effectiveness had broken down.

7. Nevertheless, some solid accomplishments had been achieved: certain state claims to western lands were settled, and the Northwest Ordinance of 1787 established the fundamental pattern of evolving government in the territories north of the Ohio River. Equally important, the Confederation provided the new nation with instructive experience in self-government under a written document. In revealing their own weaknesses, the Articles paved the way for the Constitutional Convention of 1787 and the present form of U.S. government.
8. The Articles were in force from March 1, 1781, to March 4, 1789, when the present Constitution of the United States went into effect. During those years the 13 states were struggling to achieve their independent status, and the Articles of Confederation stood them in good stead in the process and exercise of learning self-government.
9. The articles created a loose confederation of independent states that gave limited powers to a central government. The national government would consist of a single house of Congress, where

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each state would have one vote. Congress had the power to set up a postal department, to estimate the costs of the government and request donations from the states, to raise armed forces, and to control the development of the western territories. With the consent of nine of the thirteen states, Congress could also coin, borrow, or appropriate money as well as declare war and enter into treaties and alliances with foreign nations.

10. There was no independent executive and no veto of legislation. Judicial proceedings in each state were to be honored by all other states. The federal government had no judicial branch, and the only judicial authority Congress had was the power to arbitrate disputes between states. Congress was denied the power to levy taxes; the new federal government was financed by donations from the states based on the value of each state's lands. Any amendment to the articles required the unanimous approval of all 13 states.
11. In attempting to limit the power of the central government, the Second Continental Congress created one without sufficient power to govern effectively, which led to serious national and international problems. The greatest weakness of the federal government under the Articles of Confederation was its inability to regulate trade and levy taxes. Sometimes the states refused to give the government the money it needed, and they engaged in tariff wars with one another, almost para-

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lyzing interstate commerce. The government could not pay off the debts it had incurred during the revolution, including paying soldiers who had fought in the war and citizens who had provided supplies to the cause. Congress could not pass needed measures because they lacked the nine-state majority required to become laws. The states largely ignored Congress, which was powerless to enforce cooperation, and it was therefore unable to carry out its duties.

12. After the Colonial victory in the Revolutionary War, it became obvious to the Founding Fathers that the original attempt would not be equal to the task of providing the equitable law which they sought.
13. Congress could not force the states to adhere to the terms of the Treaty of Paris of 1783 ending the American Revolution, which was humiliating to the new government, especially when some states started their own negotiations with foreign countries. In addition, the new nation was unable to defend its borders from British and Spanish encroachment because it could not pay for an army when the states would not contribute the necessary funds.
14. Leaders like Alexander Hamilton of New York and James Madison of Virginia criticized the limits placed on the central government, and General George Washington is said to have complained that the federation was "little more than a shadow without substance."

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15. On February 21, 1787, Congress called for a Constitutional Convention to be held in May to revise the articles. Between May and September, the convention wrote the present Constitution for the United States, which retained some of the features of the Articles of Confederation but gave considerably more power to the federal government. The new Constitution provided for executive and judicial branches of government, lacking in the Articles, and allowed the government to tax its citizens.

Summary 2

1. The Articles of Confederation served as the written document that established the functions of the national government of the United States after it declared independence from Great Britain. It established a weak central government that mostly, but not entirely, prevented the individual states from conducting their own foreign diplomacy.
2. The Albany Plan, an earlier, pre-independence attempt at joining the colonies into a larger union, had failed in part because the individual colonies were concerned about losing power to another central institution. However, as the American Revolution gained momentum, many political leaders saw the advantages of a centralized government that could coordinate the Revolutionary War. In June of 1775, the New York provincial Congress sent a plan of union to the Continental Con-

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gress, which, like the Albany Plan, continued to recognize the authority of the British Crown.

3. Some Continental Congress delegates had also informally discussed plans for a more permanent union than the Continental Congress, whose status was temporary. Benjamin Franklin had drawn up a plan for "Articles of Confederation and Perpetual Union." While some delegates, such as Thomas Jefferson, supported Franklin's proposal, many others were strongly opposed. Franklin introduced his plan before Congress on July 21, but stated that it should be viewed as a draft for when Congress was interested in reaching a more formal proposal. Congress tabled the plan.
4. Following the Declaration of Independence, the members of the Continental Congress realized that it would be necessary to set up a national government. Congress began to discuss the form this would take on July 22, and disagreed on a number of issues, including whether representation and voting would be proportional or state-by-state. The disagreements delayed final discussions of confederation until October of 1777. By then, the British capture of Philadelphia had made the issue more urgent. Delegates finally formulated the Articles of Confederation, in which they agreed to state-by-state voting and proportional state tax burdens based on land values, though they left the issue of state claims to western lands unresolved. Congress sent the Articles to the states for ratification at the end of November. Most delegates realized that the Articles

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were a flawed compromise, but believed that it was better than an absence of formal national government.

5. Virginia was the first state to ratify on December 16, 1777, while other states ratified in 1778. When congress reconvened in June of 1778, the delegates learned that Maryland, Delaware and New Jersey refused to ratify the Articles. The Articles required unanimous approval from the states. These smaller states wanted other states to relinquish their western land claims before they would ratify the Articles, New Jersey and Delaware eventually agreed to the conditions of the Articles, with New Jersey ratifying them on Nov 20, 1778 and Delaware on Feb 1, 1779. This left Maryland as the last remaining holdout.
6. Irked by Maryland's recalcitrance, several other state governments passed resolutions endorsing the formation of a national government without the state of Maryland, but other politicians such as Congressman Thomas Burke of North Carolina persuaded their governments to refrain from doing so, arguing that without unanimous approval of the new Confederation, the new country would remain weak, divided, and open to future foreign intervention and manipulation.
7. Meanwhile, in 1780, British forces began to conduct raids on Maryland communities in the Chesapeake Bay. Alarmed, the state government wrote to the French minister Anne-César De la Lu-

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Merne asking for French naval assistance. Luzerne wrote back, urging the government of Maryland to ratify the Articles of Confederation. Marylanders were given further incentive to ratify when Virginia agreed to relinquish its western land claims, and so the Maryland legislature ratified the Articles of Confederation on March 1, 1781.

8. The Continental Congress voted on Jan 10, 1781, to establish a Department of Foreign Affairs; on Aug 10 of that year, it elected Robert R. Livingston as Secretary of Foreign Affairs. The Secretary's duties involved corresponding with U.S. representatives abroad and with ministers of foreign powers. The Secretary was also charged with transmitting Congress' instructions to U.S. agents abroad and was authorized to attend sessions of Congress. A further Act of Feb 22, 1782, allowed the Secretary to ask and respond to questions during sessions of the Continental Congress.
9. The Articles created a sovereign, national government, and as such limited the rights of the states to conduct their own diplomacy and foreign policy. However, in practice this proved difficult to enforce, and the state of Georgia pursued its own independent policy regarding Spanish Florida, attempting to occupy disputed territories and threatening war if Spanish officials did not work to curb Indian attacks or refrain from harboring escaped slaves. Nor could the Confederation gov-

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ernment prevent the landing of convicts that the British Government continued to export to its former colonies. The Articles also did not allow Congress sufficient authority to compel the states to enforce provisions of the 1783 Treaty of Paris that allowed British creditors to sue debtors for pre-Revolutionary debts, an unpopular clause that many state governments chose to ignore. Consequently, British forces continued to occupy forts in the Great Lakes region. These problems, combined with the Confederation government's ineffectual response to Shays' Rebellion in Massachusetts, convinced colonial leaders that a more powerful central government was necessary. This led to the Constitutional Convention that formulated the current Constitution of the United States.

Summary 3

Why did the Articles of Confederation fail?

1. The Articles of Confederation established the first governmental structure unifying the thirteen states that had fought in the American Revolution. They went into effect on March 1, 1781 and lasted until March 4, 1789 when they were replaced by the US Constitution. Why did the Articles of Confederation only last eight years? In effect why did the Articles of Confederation fail?

Questions to Think About

Why did the colonies change to being known as states?

Who decided that the states should control the power?

Weren't the states aware of what the liability would be with a weak central government?

How was the United States understood by the other countries?

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The Articles of Confederation by B Feinberg

Topic of Discussion – *The Articles of Confederation*

Chapter Information ~ Ch 8; 3 sections; 294 pages

Confederation to Constitution (1776-1791)

Section 1 ~ The Confederation Era Pages 234-241

Section 2 ~ Creating the Constitution Pages 242-247

Section 3 ~ Ratification and the Bill of Rights Pages 248-256

Key Ideas

The Articles of Confederation was the first formal central government.

The Articles of Confederation did not address the need for a strong central government.

The Articles of Confederation did not meet the needs of the newly formed United States

Related Topics

The End of the Revolutionary War brought about change

The Colonies had an existing form of government

Each Colony was run different from the others

An immediate concern was over federal control

The Central government was not effective

Key Connections - 10 Major (Common) Themes

1. How cultures change through the blending of different ethnic groups.
2. Taking the land.
3. The individual versus the state.
4. The quest for equity - slavery and it's end, women's suffrage etc.
5. Sectionalism.
6. Immigration and Americanization.
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2. The purpose of the Articles of Confederation was to create a confederation of states whereby each state retained "its sovereignty, freedom, and independence, and every power, jurisdiction, and right . . . not . . . expressly delegated to the United States in Congress assembled." In other words, every state was as independent as possible with the United States only responsible for the common defense, security of liberties, and the general welfare. To this effect, the Articles were purposely written to keep the national government as weak as possible. However, there were many problems that soon became apparent as the Articles took effect.

Weaknesses of the Articles of Confederation

Following is a list of the weaknesses of the Articles of Confederation:

1. Each state only had one vote in Congress, regardless of size.
2. Congress did not have the power to tax.
3. Congress did not have the power to regulate foreign and interstate commerce.
4. There was no executive branch to enforce any acts passed by Congress.
5. There was no national court system.

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6. Amendments to the Articles of Confederation required a unanimous vote.

7. Laws required a 9/13 majority to pass in Congress.

Under the Articles of Confederation, states often argued amongst themselves. They also refused to financially support the national government. The national government was powerless to enforce any acts it did pass. Some states began making agreements with foreign governments. Most had their own military. Each state printed its own money. There was no stable economy.

In 1786, Shays' Rebellion occurred in western Massachusetts as a protest to rising debt and economic chaos. However, the national government was unable to gather a combined military force amongst the states to help put down the rebellion.

Gathering of the Philadelphia Convention

As the economic and military weaknesses became apparent, individuals began asking for changes to the Articles that would create a stronger national government. Initially, some states met to deal with their trade and economic problems. As more states became interested in meeting to change the Articles, a meeting was set in Philadelphia on May 25, 1787. This became the Constitutional Convention.

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Timeline

- June 11, 1776 - The Continental Congress resolved "that a committee be appointed to prepare and digest the form of a confederation to be entered into between these colonies."
- June 12, 1776 - The committee members were appointed "to prepare and digest the form of a confederation to be entered into between these colonies."
- July 12, 1776 - The first draft of the Articles of Confederation was presented to the Continental Congress.
- Nov 15, 1777 - The Continental Congress adopted the Articles of Confederation.
- Nov 17, 1777 - The Articles of Confederation were submitted to the states with a request for immediate action.
- June 26, 1778 - The Articles of Confederation were ordered to be engrossed.
- June 27, 1778 - The first engrossed copy was found to be incorrect, and a second engrossed copy was ordered.
- July 9, 1778 - The second engrossed copy of the Articles was signed and ratified by the delegates from eight states

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- July 21, 1778 - North Carolina delegates signed the ratification of the Articles of Confederation.
- July 24, 1778 - Georgia delegates signed the ratification of the Articles of Confederation.
- Nov 26, 1778 - New Jersey delegates signed the ratification of the Articles of Confederation.
- May 5, 1779 - Delaware delegates signed the ratification of the Articles of Confederation.
- March 1, 1781 - Maryland delegates signed the ratification of the Articles of Confederation.
The Articles were finally ratified by all thirteen states.
- Feb 21, 1787 - Congress approved a plan to hold a convention in Philadelphia to revise the Articles of Confederation.

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