

## Constitutional Rights Foundation

[\*Bill of Rights in Action 21:4\*](#)

# The Articles of Confederation

**During the American Revolution, Americans drafted the Articles of Confederation to set up a new government independent of Britain. The Articles served as the constitution of the United States until 1789, when a new constitution was adopted.**

In the years leading up to the American Revolution, tension grew between the colonists and Britain. In 1765, 27 delegates from nine colonies met to oppose legislation passed by Parliament imposing a stamp tax on trade items. The delegates to the Stamp Act Congress drew up a statement of rights and grievances and agreed to stop importing goods from Britain. Parliament repealed the Stamp Tax Act. But it continued to impose new taxes on the colonies, and hostility to Britain kept growing. In 1773, some colonists protested a tax on tea by dressing up as Indians, boarding three British ships, and dumping their cargo of tea into the harbor. In response to the Boston Tea Party, Britain closed the Port of Boston.

In turn, colonists convened the First Continental Congress in Philadelphia in September 1774. There was significant disagreement among the delegates. Many had supported efforts to repeal the offensive laws, but had no desire for independence. Even after battles broke out at Lexington and Concord in 1775 and the colonies began assembling troops to fight the British, many delegates remained loyal to the king. John Hewes, a delegate from North Carolina wrote in July 1775: “We do not want to be independent; we want no revolution . . . we are loyal subjects to our present most gracious Sovereign.”

Many delegates felt a strong sense of loyalty to the Empire. But they also opposed independence because they saw a need for strong central control. Without the authority of a Parent State, wrote Joseph Galloway, a delegate from Pennsylvania, “many subjects of unsettled disputes . . . must involve us in the horrors of civil war.”

A second Continental Congress met in May 1775, and Congress began advising the colonies on how to set up new state governments without royal governors and judges. On July 4, 1776, Congress issued the Declaration of Independence. The tie with Britain was now formally cut. But the challenge of developing a central authority for the newly independent states remained.

### Creating a Constitution

Congress had appointed a committee to draft a plan of confederation. The chairman of the committee was John Dickinson, a former opponent of independence. He had spoken in favor of a strong central government. On July 12, 1776, Dickinson’s committee presented its draft of a federal constitution to Congress.

After a few days of debate, Congress was deeply divided. One major issue was representation: whether each state should have an equal vote, or, as John Adams wrote, “whether each shall have a weight in proportion to its wealth, or number, or exports and imports, or a compound ratio of all?” Another issue was taxation. And the third and most contentious issue was determining the boundaries of colonies that claimed to own land west of the Allegheny Mountains “to the South Seas.”

Congress continued debating the Articles of Confederation, but the war was putting tremendous demands on the delegates. Some delegates lost interest in a confederation now that the revolution had begun. But others felt strongly that a formal confederation was necessary to make foreign alliances. In frustration, one delegate wrote: “No foreign court will attend to our applications for assistance before we are confederated. What contract will a foreign State make with us, when we cannot agree among ourselves?”

Finally, in November 1777, Congress agreed on an amended version of the Articles. Congress urged the states to ratify the Articles of Confederation by March 10, 1778.

The states did not comply. The issue in contention was the ownership of the land west of the Alleghenies. Three “landless” states, New Jersey, Delaware, and Maryland, insisted that Congress should have the power to set the disputed boundaries. They also demanded that land unsettled before the war should be common property, and Congress should eventually divide it into new states. When New York and Virginia finally agreed to cede their claims to western territory, the three holdout states agreed to sign. The Articles of Confederation were finally ratified on March 1, 1781.

### **How the New Confederation Worked**

During the months of debate, many changes were made to the original draft. One was offered by Thomas Burke of North Carolina. He was a leader strongly opposed to having a strong central government. Because of their experience with the British government, many delegates agreed with him. Burke thought “that unlimited power cannot be safely trusted to any man or set of men on Earth.” He believed that Dickinson’s draft undermined the independence of the states. To prevent that, he introduced an amendment, which was approved by 11 states and stands as Article II of the Confederation. (Article I named the union as “The United States of America.”) In its final form, the amendment reads:

Each State retains its sovereignty, freedom and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the united states in Congress assembled.

With the addition of Article II, Congress could exercise only the powers expressly delegated to it. Those included the control of war and foreign affairs and the power to regulate trade with Indians. It had the power to regulate the value of its coinage (and that of the states), but no control over states printing paper money. Congress was also empowered to provide a board of arbitration to settle disputes between states and between individuals claiming land under different grants.

But many important powers were not assigned to Congress. It lacked the power to regulate trade, the power to levy and collect taxes, and the authority to limit the powers of the individual states. Nor did the Articles create any federal courts.

The states retained all powers not expressly delegated to Congress. Each state had only one vote (but was required to have at least two representatives in Congress and could have as many as seven). No one could be a member of Congress for more than three out of every six years. No one could be president of Congress for more than one year out of any three. Citizens of each state were allowed to move freely to any other state. And states were required to extradite criminals and to give “full faith and credit” to the judicial proceedings of other states.

Thus the Articles created a union of equal states. The central government was subordinate to the member states, and no individual was likely to assume the power and prestige that come from serving long terms in office.

### **Depression and Rebellion**

On November 5, 1781, Congress unanimously elected John Hanson the first president of the United States. The Articles of Confederation did not specifically define the powers of the president.

Hanson and the seven other men served as president under the Articles of Confederation. They formed various departments including a Department of War, an office of Foreign Affairs, and a national post office.

### Articles of Confederation

The Articles of Confederation set up the first government of the United States. Here is a summary of the government it set up.

**Executive Branch.** No executive branch.

**Judicial Branch.** No judicial branch. Each state had its own court system.

**Legislative Branch.** Congress. Each state had 1 vote. The Congress elected a president to preside over Congress.

**Passing a Law.** Nine of the 13 states must vote in favor of it.

**Amending.** To change the Articles, every state had to agree.

**Raising an Army.** No power to raise an army. Could only ask states to send soldiers.

**Taxing.** No power to tax. Could only ask states for tax money.

**Controlling Trade.** No power to control trade between the states or with other nations.

**Bill of Rights.** None.

Congress created a national land policy and set up a territorial administration to handle the vast western lands. The Land Ordinance of 1784 and the Northwest Ordinance of 1787 set criteria for statehood in the western territories. These acts were significant achievements for the Confederation Congress.

Congress also faced problems that ultimately it could not solve. The war with Great Britain had ended in 1783, and an economic depression followed. It lasted more than five years. War debts were accumulating, and many states had not paid the amount they were supposed to. Seven of the 13 states had issued their own paper money. Many debts were being paid with this money, which had little, if any, value. Anger and bitterness grew among merchants, wealthy planters, and other creditors who were owed money. Some states began levying duties on goods. New York, for example, taxed cabbages from New Jersey. These duties outraged merchants.

Members of Congress tried to address the war debt by introducing amendments that would allow Congress to impose import duties. One such amendment in 1781 almost passed, but it was defeated because one state, Rhode Island, refused to give the unanimous consent required to amend the constitution. A similar amendment in 1786 was defeated when New York would not consent.

The economic depression and disputes over paper money also caused problems for state governments, particularly in New England. Massachusetts tried to solve its finance problems by increasing the poll tax and adopting a stamp tax. These taxes outraged farmers, who felt they were overtaxed and underrepresented. In August 1786, a mob of angry farmers interrupted a meeting at Hampshire County Court. The farmers were led by Daniel Shays, a bankrupt farmer who had served in the Continental Army. The uprisings continued throughout the fall until the state recruited an army of 1,200 volunteers and defeated Shays and his band of rebels.

### **Toward a Stronger Union**

Shays' rebellion was crushed, but the uprising worried many wealthy men who had feared democracy even before the revolution. After the rebellion broke out, Noah Webster penned an article that appeared in many newspapers. He stated that he would "definitely prefer a limited monarchy" because he would rather be subject to the "caprice of one man than to the ignorance of a multitude." Some leaders grew convinced that the new nation needed a strong central government to crush rebellions and to control the actions of states and their citizens.

Faced with opposition within Congress, these leaders decided to convene a convention to discuss issues of commerce and trade. In January 1786, the Virginia legislature invited states to send delegates to Annapolis in September. The delegates met for four days and concluded that it would not be possible to give Congress the power to regulate trade without changing the Articles. Accordingly, they sent a report to Congress recommending another convention.

When Congress met again in January 1787, it agreed to call a convention to meet in Philadelphia in May. The convention was to meet for “the sole and express purpose of revising the Articles of Confederation” and recommending changes to “render the federal constitution adequate to the exigencies of government and the preservation of the union.”

The stated purpose of this convention was to revise the Articles of Confederation. When the delegates met, however, they abandoned the idea of amending the Articles of Confederation (which required the unanimous agreement of the states). They decided instead to write a new constitution that would go into effect when nine states had ratified it.

The new constitution upended the balance of power between the central government and the states. Under the Articles, states could pass any laws they wished to. Under the new constitution, the powers of both Congress and the state legislatures were limited. The new constitution gave the central government more powers, but it also provided safeguards against unchecked democracy. Faced with a choice between a league of sovereign states or a stronger union, the country’s leaders chose to create a nation.

#### For Discussion

1. Why were the Articles of Confederation created?
2. What were the accomplishments and failures of the Articles of Confederation?
3. What do you think accounted for the failures?