

CONFEDERATION PERIOD

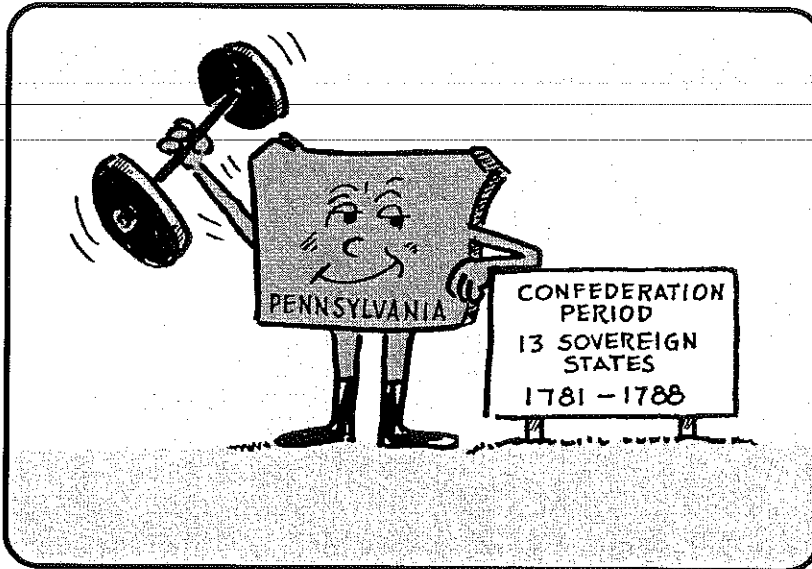
1781-1788

1781

1788

“The Stile of this confederacy shall be ‘The United States of America.’”

Articles of Confederation, Article I,
Ratified March 1, 1781



ARTICLES OF CONFEDERATION

The United States' first Constitution, 1781-88

On June 7, 1776, Richard Henry Lee, Virginia delegate to the Continental Congress, proposed that the “United Colonies are, and of right ought to be, free and independent states,” and that “a plan of confederation be prepared and transmitted to the respective colonies for their consideration and approbation.”

A plan called the Articles of Confederation was adopted by Congress in 1777 and ratified by 12 of the 13 states by 1779. Maryland withheld ratification until states with claims to western lands ceded those lands to Congress “for the good of the whole.” By 1781 all states with land claims had agreed to cede them, and on March 1, Maryland ratified the Articles.

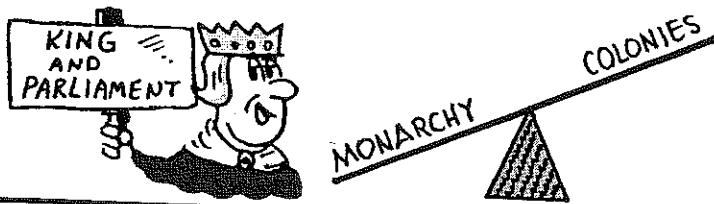
On March 1, 1781, the Articles of Confederation became the law of the land—and remained so until replaced in 1788 by the Constitution of the United States.

11-1 ★ THE BIG QUESTION: WHO WILL BE IN CHARGE?

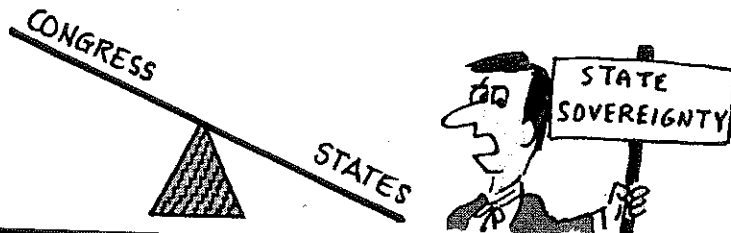


SHIFTING BALANCE OF POWER: AN OVERVIEW

MONARCHY 1607-1776
BRITISH CONSTITUTION (UNWRITTEN)



CONFEDERATION 1781-1788
ARTICLES OF CONFEDERATION



REPUBLIC 1788
U.S. CONSTITUTION

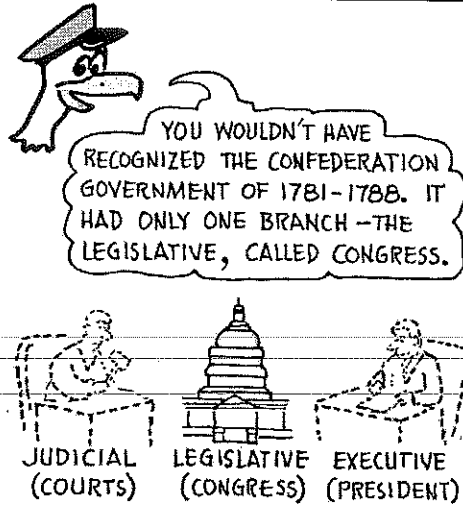


11-2 ★ ARTICLES OF CONFEDERATION: 13 SOVEREIGN STATES

sovereign—supreme power; independent

THE CONFEDERATION GOVERNMENT UNDER THE ARTICLES OF CONFEDERATION, 1781-88

The Confederation Government—despite certain limitations—successfully fought the American Revolution, won independence, and negotiated a remarkably favorable peace treaty.



The single-house Congress was composed of two-to-seven delegates from each state, who voted as a unit. No matter how large a state in population, it had only one vote in Congress.

Votes of two-thirds of the states were required to pass laws.

Amendments to the Articles required a unanimous vote. This made it hard to change the Articles of Confederation.

CONGRESS, DESIGNED TO BE WEAK, HAD FEW POWERS.

Congress could:

1. Declare war
2. Make treaties
3. Manage Indian affairs
4. Maintain an army and navy
5. Coin and borrow money
6. Regulate weights and measures
7. Establish a postal service



CAN YOU FIGURE OUT TWO BIG POWERS CONGRESS LACKED?



STATE POWERS

The thirteen sovereign states followed this golden rule. Each controlled its own purse strings, holding the power to:

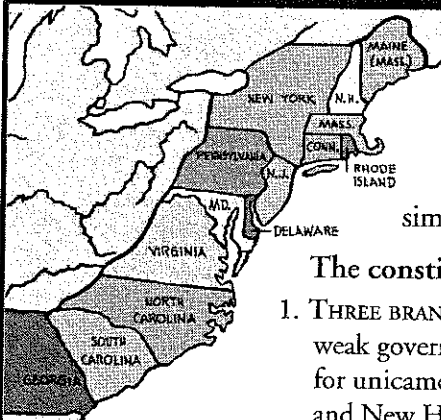
1. tax



2. regulate trade.



STATE CONSTITUTIONS



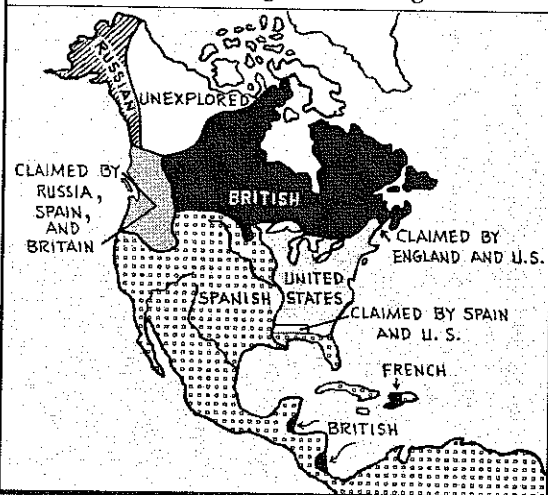
State constitutions were written during the Revolution by every state except Rhode Island and Connecticut, both of which simply revised their colonial charters.

The constitutions shared these features:

1. THREE BRANCHES OF GOVERNMENT—with a weak governor, a bicameral legislature (except for unicameral legislatures in Pennsylvania and New Hampshire), and a tenured judiciary
2. PROPERTY QUALIFICATIONS FOR VOTING AND HOLDING OFFICE
3. BILLS OF RIGHTS to guarantee personal liberty. Virginia's Bill of Rights, called the Declaration of Rights, was written in June 1776 by George Mason. It became a model for those of other states and for the United States Bill of Rights.

LAND GAINED AFTER THE REVOLUTION

In the 1783 Treaty of Paris, Britain ceded to the United States land extending west to the Mississippi River. How would the new western territory be settled, organized, and governed?



11-3 ★ THOMAS JEFFERSON'S IMPACT ON CONFEDERATION ACHIEVEMENTS



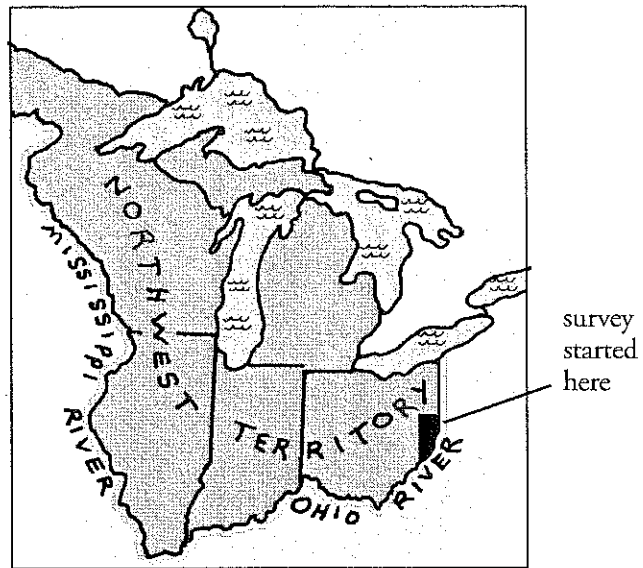
In 1784 Thomas Jefferson, serving in the Confederation Congress, created a plan of government for organizing western lands into states on an equal basis with the original thirteen.

Jefferson's plan—including grid surveys, public education, prohibition of slavery, religious freedom, and self-government—was incorporated in the

LAND ORDINANCE OF 1785 and
NORTHWEST ORDINANCE OF 1787.

LAND ORDINANCE OF 1785—JEFFERSON'S PLAN FOR SURVEYING AND SELLING WESTERN LANDS

The Northwest Territory (and later, other territories) would be surveyed and divided into townships, each six miles square. The townships would be subdivided into 36 sections, one mile square (640 acres).



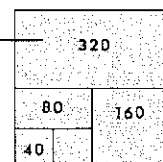
Sections of land would be sold at public auction for a minimum of \$1.00 per acre. Jefferson wanted to make it easy for Americans to own property.

Section 16 of each town would be used to support free public schools—a priceless gift from Jefferson, who believed in a free system of tax-supported schools. His attempt in 1779 to establish such a system in Virginia was defeated by the Virginia legislature.

6 mile square township
(36 sections, each 1-mile square)

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

One-mile square section=640 acres



NORTHWEST ORDINANCE OF 1787—REPUBLICAN STATEHOOD FOR THE NEW TERRITORIES

In 1784 Thomas Jefferson had proposed prohibiting slavery in ALL future states after 1800, but this clause lost by one vote in the Confederation Congress.



Jefferson lamented that one vote:

“The voice of a single individual would have prevented this abominable crime from spreading itself over the new country.”

THE 1787 NORTHWEST ORDINANCE:

- ◆ Prohibited slavery in the Northwest Territory—based on Thomas Jefferson’s 1784 proposal.
- ◆ Allowed the Northwest Territory to divide into three to five territories—each with self-government and a bill of rights that included religious freedom.

TERRITORIAL GOVERNMENT WOULD DEVELOP IN THREE STAGES:
(This plan also applied to subsequent territories.)

1. A Congressionally appointed governor and 3 judges at the first stage
2. An elected legislature and a non-voting delegate to Congress when the population reached 5,000 free, white males
3. A state constitution and admission to statehood when the above population reached 60,000

A UNIQUE POLICY
The Northwest Ordinance set forth a democratic land policy rare in history: it adopted Jefferson’s proposal to take in new western lands as equal states rather than subordinate colonies.

EXPANSION OF FREEDOMS IN THE STATES

*** VIRGINIA STATUTE FOR RELIGIOUS FREEDOM**

Thomas Jefferson, after writing the Declaration of Independence in 1776, returned home to Virginia to serve as a member of the Virginia legislature. Here, between 1776 and 1779, he revised Virginia’s code of laws, democratizing the laws in regard to property, religion, and other matters. Other states incorporated and added to his democratic revisions.

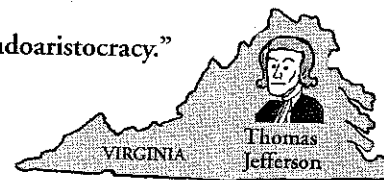
◆ **Feudal property laws abolished: entail and primogeniture**

Jefferson said “these laws, drawn by myself, laid the ax to the foot of pseudoaristocracy.”

- 1) **ENTAIL:** land inheritance restricted to descendents of original owner
- 2) **PRIMOGENITURE:** right of the oldest son to property inheritance

◆ **Anglican Church was disestablished, 1776-1790.**

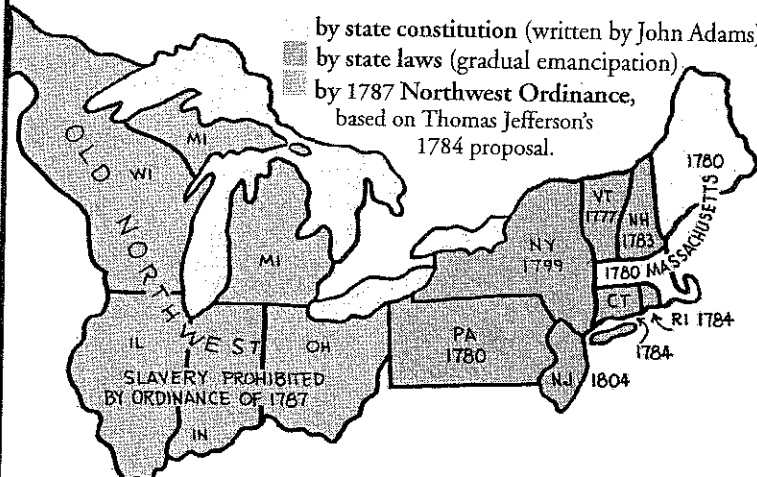
◆ **Slavery was abolished in northern states, 1777-1804.**



◆ **VIRGINIA STATUTE FOR RELIGIOUS FREEDOM**

Jefferson’s 1779 Bill for Establishing Religious Freedom was enacted into law in 1786. It established freedom of religion and the separation of church and state. It became the model for the First Amendment to the United States Constitution. It stated, in part:

“Almighty God hath created the mind free... We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever... but that all men shall be free to profess...their opinions in matters of religion, and that the same shall in no wise...affect their civil liberties.”



11-4 ★ PROBLEMS OF THE CONFEDERATION

The Confederation lasted only a few years: from 1781 to 1788.

What were the problems?

How would the Constitution solve them?

1. NO TAXING POWER—NO MONEY

The national government gradually went broke. Why? The Confederation government could request money from the states, but it could not require them to pay taxes. So few did.



2. INFLATION

The Continental Congress had issued paper money to pay its \$40,000,000 war debt.

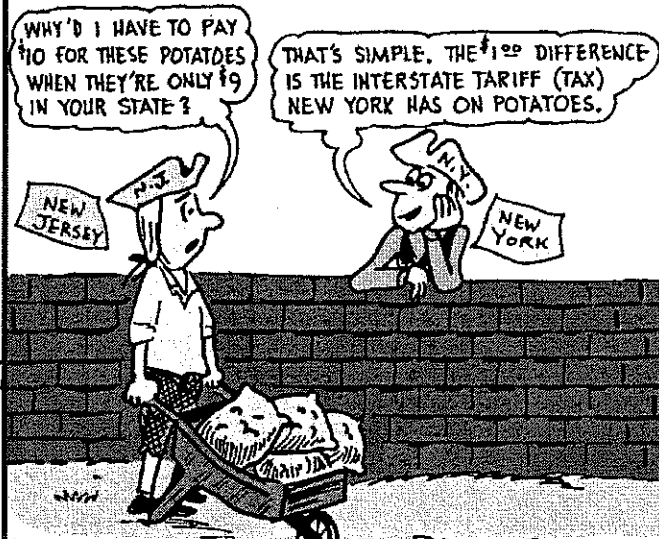
These continental dollars were not backed by gold or silver, so their value was inflated: 40 paper dollars to 1 silver dollar.



Creditors avoided debtors trying to pay them with this worthless paper money, and hostility developed between the two groups.

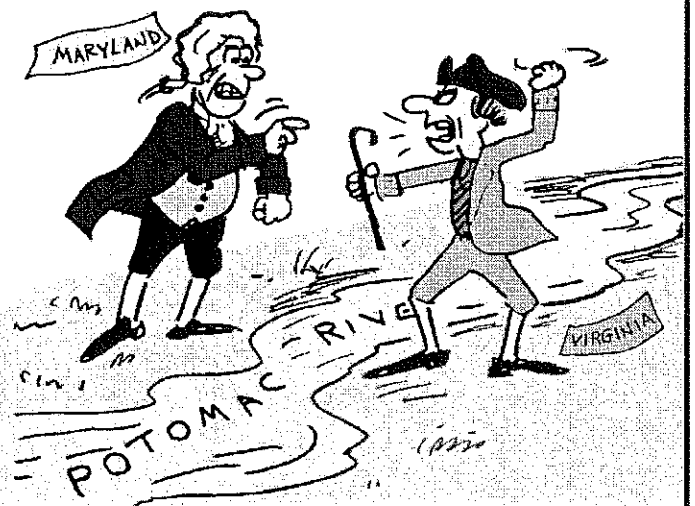
3. TARIFF WARS

Each state, exercising its sovereignty, charged rival states a tariff (a tax on imported goods).



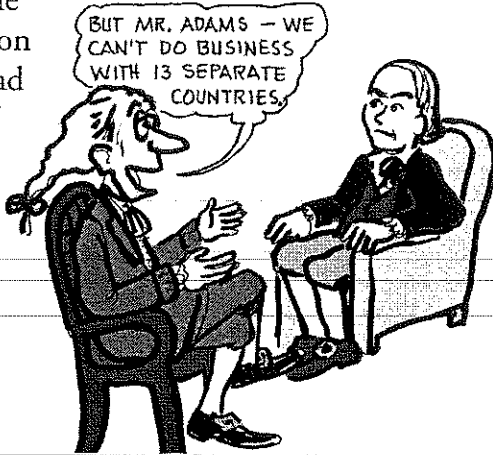
4. JEALOUSY AND QUARRELING AMONG STATES

Would warfare break out between the sovereign states, as it did frequently in Europe among sovereign nations?



5. FOREIGN AFFAIRS IN SHAMBLES

Each state had different trade regulations, a frustrating situation for foreign governments and businessmen. Furthermore, foreign countries distrusted the Confederation because it had no power of the purse to back its agreements.



6. DISRESPECT FROM OTHER COUNTRIES

Monarchical nations, such as England and Spain, gleefully waited for the Confederation to fall apart. They were certain that the foolish idea of self-government would never work.

THEY'LL SOON BE BEGGING KING GEORGE TO TAKE THEM BACK INTO THE BRITISH EMPIRE.



7. DEBTOR—CREDITOR CONFLICTS: SHAYS' REBELLION, 1787

In Massachusetts, debt-ridden farmers hurt by inflation couldn't meet payments on their farm mortgages. Rather than go to debtors' prison and/or lose their farms to creditors suing them in court to foreclose (claim the property as payment of the debt), a group of farmers, led by Daniel Shays, took up arms against the courts.



NOW JUDGE, YOU DON'T REALLY WANT TO HOLD COURT TODAY, DO YOU?



ER - NO, I THINK I'LL GO HOME AND READ MY LAW BOOKS.

FORTUNATELY, THE MASSACHUSETTS MILITIA PUT DOWN SHAYS' REBELLION, FOR THE CONFEDERATION GOVERNMENT WAS TOO WEAK TO ACT IF NEEDED.

THE NATION WAS ALARMED TO SEE ARMED REBELLION AGAINST HONEST DEBTS. CREDITORS-AND ALL PROPERTY OWNERS- FEARED THAT LAW AND ORDER WOULD GIVE WAY TO MOB VIOLENCE WITHOUT A STRONG CENTRAL GOVERNMENT.

George Washington, considering the Confederation's problems, feared the worst. In 1784 he had written:

I PREDICT THE WORST CONSEQUENCES FROM A HALF-STARVED, LIMPING GOVERNMENT, ALWAYS MOVING ON CRUTCHES AND TOTTERING AT EVERY STEP.



In 1787, hearing of Shays' Rebellion, Washington wrote,

"There must be lodged somewhere a supreme power [a national government], without which the union cannot be of long duration."

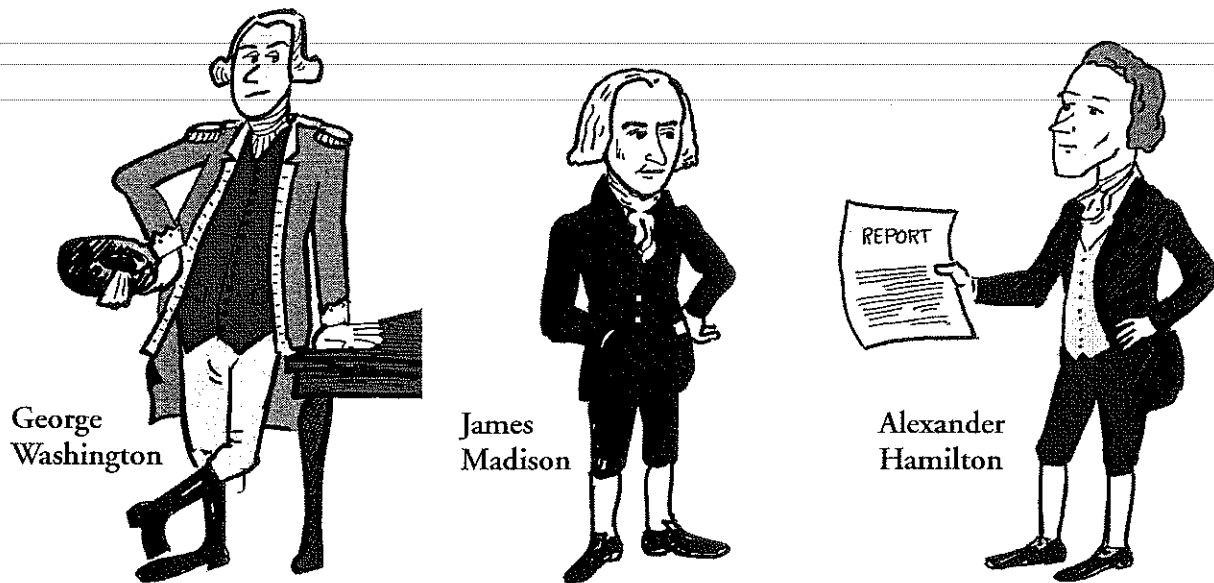
What would the Americans do?



George Washington believed that only a strong, national government could save the states from political and financial ruin.

George Washington's nationalist view was shared by other American leaders, including his young friends James Madison, a fellow Virginian, and Alexander Hamilton of New York, his chief military aide during the Revolutionary War.

Madison and Hamilton had become friends as members of the Continental Congress in 1782, when both attempted—in vain—to strengthen the Confederation government.



George Washington

James Madison

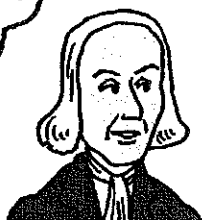
Alexander Hamilton

The three friends shared views in person and through correspondence during the 1780s.

Individually and together, Washington, Madison, and Hamilton guided events toward a peaceful overthrow of the Articles of Confederation and the creation of a new constitution that achieved “a more perfect union”—which we still enjoy today, two centuries later.

Here's an idea: Instead of a confederation government—a league of sovereign states, what about a federal government—a union that divides powers between a strong national government and the states? Baron de Montesquieu, the French philosopher, said that concentration of power results in tyranny and that the division and balance of power results in freedom.

A liberal and energetic constitution, well guarded, might restore us to respectability.



WASHINGTON



MADISON



HAMILTON

There may have been some excuse for setting up a weak Confederation, but there is no excuse for continuing it. We must think continentally, as nationalists.

11-6 ★ A BOLD PROPOSAL

Two conferences, one successful and the other a failure, led to an unexpected proposal from Alexander Hamilton.

1783: MOUNT VERNON CONFERENCE

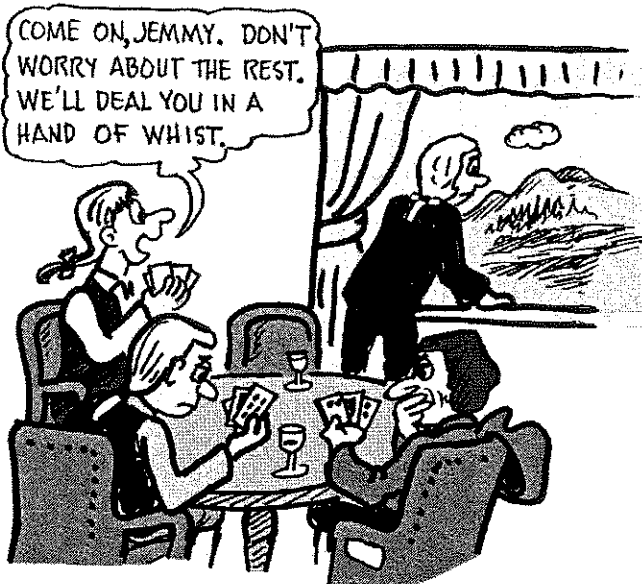
George Washington helped solve an immediate problem of the Confederation. He hosted a meeting of Virginia and Maryland delegates to settle disputes over fishing rights and navigation improvements on the Potomac River.

The meeting was a success.

1786: ANNAPOLIS CONFERENCE

James (Jemmy) Madison, encouraged by Washington's success, arranged for the Virginia legislature to call a meeting of all thirteen states in Annapolis, Maryland. The purpose: to discuss interstate commerce.

The meeting failed because delegates from only five states came. Among them was Madison's friend Alexander Hamilton from New York.



ANNAPOLIS CONFERENCE PROPOSAL: A 1787 FEDERAL CONVENTION

Alexander Hamilton snatched victory from defeat.

He wrote a bold proposal for the group, asking Congress to convene all the states in Philadelphia in May 1787 to correct "such defects as may be discovered to exist" in the Articles of Confederation—and to find ways "to render the Constitution of the Federal Government adequate to the exigencies [urgent needs] of the Union."

Would Congress agree?

