

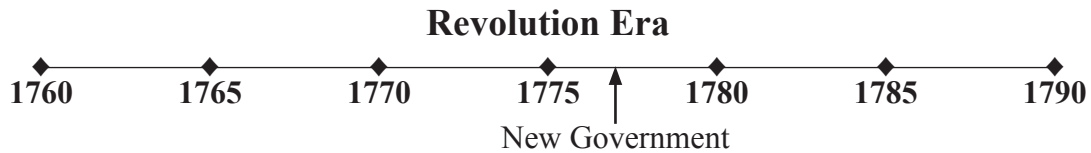
LESSON 5: ARTICLES OF CONFEDERATION, 1777

Vocabulary

- Continental Congress—Colonies sent delegates to this meeting in 1774 to decide on unified action against the Intolerable Acts
- Governor—The head of a state government who carries out the laws of that state
- Stamp Act—An unpopular tax by the British government to raise revenue in the colonies
- Townshend Acts—British taxes on imports of paper, paint, lead, glass, and tea
- Confederation—A group of states united for a common purpose but having a weak central government
- President—The head of the national government, who carries out national laws
- Tariff—A tax, most often on imports
- Treaty—Agreement between countries, often at the end of a war
- Currency—Coins and paper money
- Congress—Representatives who make laws
- Treaty of Paris (1783)—Treaty ending the Revolutionary War, in which Britain recognized the United States as an independent nation

LESSON 5: FORMING A NEW GOVERNMENT

Student Handout 1: Problem



The year is 1777, and you are a member of the Continental Congress. Americans declared independence from England a year ago and are fighting an all-out war against the British army and navy to secure that independence. The former 13 colonies are now 13 states and have set up state governments. The states are like 13 independent countries in many ways, although the non-consumption campaigns and the declaration of independence from Britain have brought about some measure of unity. Most states have weak governors because the governors remind people of the oppressive British king. For example, in New York the governor is the commander of the state militia and is supposed to make sure laws are carried out—and those are his only powers. In Massachusetts, the governor can also appoint officials and veto bills (but his veto could be overridden by a two-thirds vote of the legislature), but that’s the limit of his power. Most people feel that only local representatives should have the power to tax them (“no taxation without representation”). National taxes remind many Americans of the hated Stamp Act and Townshend Acts, with their hated customs officials. Some people think the national congress should be completely eliminated after the war with Britain is won.

On the other hand, some delegates argue for a strong national legislature in order to regulate trade and prevent strife between states. They fear anarchy if a stronger national union isn’t achieved.

Now it is time to form some sort of national government, at least until the war is won, and to form a stronger union to protect liberty. The Continental Congress, which has been operating against England for three years, has appointed you to a committee to write a constitution for the new government.

You are to decide which powers to give the national government. Put your answers in the left column (Your View). You will fill in the right column after looking at what was actually decided.

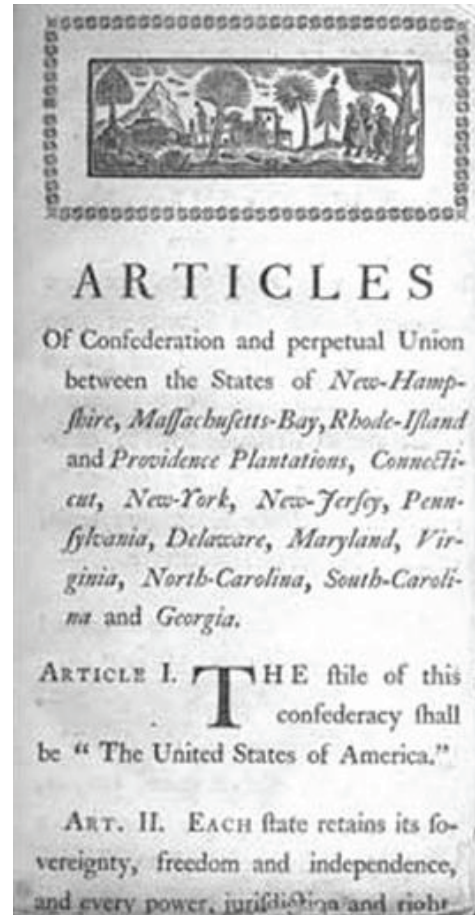
Characteristics of the new government:	Your view (what you think is best):	Actual characteristics
1. Will there be a president (a governor for the national government)—yes or no?		
2. Should there be one vote per state, or should states have votes based on population (e.g., one for every 50,000 people, meaning that more-populous states would have more representatives)?		
3. There are 13 states. How many votes will be needed to pass a law—seven (a majority), nine (two-thirds), or all 13?		
4. How many votes will be needed to pass a law—a simple majority, $\frac{2}{3}$ majority, or unanimous decision?		
5. Who should be allowed to vote in elections—all adults, men only, or property-owning men only?		
6. Who should be allowed to be a representative—all adults, men only, or property-owning men only?		
7. Which of the following powers should the national government have? (Remember, any power you don't give to the national government could still be given to the states.) Yes/no for each.		
a. Taxation—states would be allowed to tax, but so would the national government		
b. Defense—the government would be able to raise and direct an army, which it is already doing at this point		
c. Ability to regulate trade—to prevent states from instituting tariffs against other states or countries		
d. Negotiate treaties with other countries		
e. Enforce one currency (one type of money) for all 13 states		

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Student Handout 2: Outcomes

The new constitution was called the Articles of Confederation, and it was the first constitution of the United States. As the title implies, the new government was a confederation, a loose agreement among powerful states that had only a weak central government. The Articles had the following characteristics:

1. There was no president. This made it difficult to enforce laws passed by Congress. There was a president of Congress, but he didn't have any enforcement powers. Congress had executive committees to carry out laws, but these were largely ineffective. Without a president and without a supreme court there were no separate branches and no checks and balances. Congress had all the power of the national government, though that wasn't much power at this point.
2. There was one vote per state, reflecting the idea that the national government was an agreement among states
3. Nine votes out of 13 were required to pass a law. This requirement made it difficult for the Congress to take action when needed.
4. All 13 votes were required to change any articles, making amendments almost impossible, even when confronted with changing circumstances
5. Only property-owning men were allowed to vote in elections. This requirement seems very undemocratic today, but at the time, the idea of holding elections at all was unusual
6. Only property-owning men were allowed to be representatives. The thinking was that those who owned property would have a stake in making sure the government was successful, since they might lose their property if the government failed.
7. Powers:
 - a. The national government did not have the power to tax. The representatives at the Continental Congress could not agree on the proportion of taxes each state should pay. The main obstacle was the opposition of Southern states to including slaves in the count to determine the amount of taxation. As a result of the deadlock on national taxes, the Articles government was forced to ask the states for money, which meant



it never got the money it needed. In 1781, for example, the states paid only \$50,000 out of \$4 million owed to the Confederation. According to most historians, the lack of the power to tax was the biggest weakness of the Articles of Confederation. Without tax revenue, the national government wasn't powerful enough to unite the states. It was a great problem during the war against Britain, but remained a problem even after the war ended. Many Americans wondered if the government could defend the country adequately.

- b. The government did have the power to raise an army, but as shown in the explanation above, it didn't have the money necessary to pay the army. Many Americans wanted a stronger army to protect them against Native Americans. Others wanted a stronger government to protect property against riots and lawlessness.
- c. The government did not have the power to prevent tariffs between states (the power to regulate trade). Unfortunately, states did put up tariffs, which reduced trade between them. The country suffered economically due to reduced trade.
- d. The government did have the power to negotiate treaties, which was important to ending the Revolutionary War, in the Treaty of Paris (1783)
- e. The government did not have the power to enforce and regulate one currency. As a result, inflated currencies became more common, causing prices to rise. The unstable prices made it harder to trade and invest, which further hurt the economy of America.

Overall, the weakness of the national government in Articles of Confederation reflected the Americans' fears of a strong central government. The most glaring weakness was the lack of the ability to tax (7a). The government limped along for years, unable to do very much to solve problems facing the new republic. Attendance of representatives was so low that the Congress often lacked a quorum (the minimum number of members necessary to conduct the government's business) to vote on bills.

On the other hand, the Articles were democratic in some ways, and the new government established the concept of government by the people. In addition, the government provided enough political stability to win the war against Britain and bring about an independent nation.

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Student Handout 3: Primary Source

Articles of Confederation (excerpt)

Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

I.

The Stile of this Confederacy shall be “The United States of America.”

II.

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.

III.

The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare...

V.

...In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests or imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

VI.

...No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies...

VIII.

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, 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 within the time agreed upon by the United States in Congress assembled.

IX.

The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners...

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—fixing the standards of weights and measures throughout the United States...

The United States in Congress assembled shall never engage in a war, nor grant letters of marque or reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of the majority of the United States in Congress assembled...

XIII.

Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State...

Agreed to by Congress 15 November 1777. In force after ratification by Maryland, 1 March 1781.

QUESTIONS FOR ANALYSIS

1. How many powers do the states retain (get) under the Articles (Article II)?
2. What is the reason stated for forming the government (Article III)?
3. Which level of government (local, state, or national) has the power to tax (Article VIII)?
4. Which level of government has the power to issue money (Article IX)?
5. What do you think are the strengths and weaknesses of this government?