

## WE THE PEOPLE...\*

### WHY DID THE FOUNDERS WANT TO CHANGE THE ARTICLES OF CONFEDERATION (1781)?

#### PURPOSE OF LESSON 11

In 1776, the Second Continental Congress voted to declare the colonies independent of the British government. The thirteen colonies were now independent states. But the states needed to cooperate to fight the war against the powerful British army and navy. So one of the first tasks of the Congress was to organize a national government.

A national government was also necessary to perform all of the activities of government studied in earlier lesson – to control trade among the states, and between the states and foreign nations, and to manage conflicts among the states over such issues as were their borders were to be.

The first government created by the Founders did not work well despite all their knowledge of political philosophy, history, and government. A knowledge of the shortcomings of the government is important in understanding that unless a government is organized properly, it may not work very well. It also helps in understanding why our government is organized as it is.

When you have finished reading and discussing this lesson, you should be able to explain why the newly independent Americans created their first constitution, the Articles of Confederation, as they did. You should also be able to explain the problems of the government under the Articles of Confederation. This lesson also introduces the following new ideas terms which you should be able to explain.

**National government**

**Articles of Confederation**

**Majority rule**

**Loyalists**

**Factions**

**Shays' Rebellion**

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\* This is a continuation from the I, II, III and IV issue of the journal.



## THE CREATION OF THE ARTICLES OF CONFEDERATION

In 1776, a committee appointed by the Congress and led by John Dickinson of Pennsylvania wrote a draft of constitution for the first national government. It was called the Articles of Confederation. But the Americans quickly realized that agreeing on what kind of national government to create would not be easy. Members of the Congress argued on and off for more than a year before they came up with a constitution they could agree to present to the states for approval. Then the states argued about the constitution for <sup>3</sup> more years before all of them approved it.

Two major fears made it difficult for the Founders to agree upon the Articles of Confederation:

- the fear of creating a national government that was too strong
- the fear that some states would have more power than others in the national government

These fears and the solutions developed by the Founders are described below. Review the solutions and be prepared to explain the possible advantages and disadvantage of each.

### 1. FEAR OF A STRONG NATIONAL GOVERNMENT

Once the war against Great Britain had started, each state was like a separate nation with its own constitution and government. To the people, their state was their “country” and all eligible voters could have a voice in government. They could elect members of their communities to represent their interests in their state legislatures. The government was close enough to most citizens so they could even participate in some of its activities.

The founders agreed they needed a national government. But they were afraid of making one that was too strong. They believed that most of the powers of government should be kept by the states because citizens could control state governments more easily than they could control a national government.

Meanwhile, the states were cooperating in the fight to free themselves from the control of a distant government in Great Britain. The Founders believed that the British government had deprived citizens of their rights, including their right to representation in the affairs of government. Many were afraid that if they agreed to create a strong national government, it could dominate the state governments and might become as dangerous to the rights of citizens as the British government had proved to be.

The solution: create a weak national government

The Founders finally arrived at a solution to this problem: they created a weak national government. The government created by the Articles of Confederation was just a national legislature, the Continental Congress. There was no executive or judicial branch. While Congress was permitted to establish courts for certain limited purposes, most legal disputes were handled in state courts.

The articles of Confederation left most of the powers of government with the states; the national government had little power over the states and their citizens. For example;

- The Continental Congress did not have the power to control any person in any state. Only the state governments had power over their citizens.
- The Continental Congress did not have the power to collect taxes from the states or from the people directly. It could only request money from the state governments, which were supposed to raise the money from their citizens.
- No important decision could be made by the Continental Congress unless at least nine of thirteen state approved. This limitation on the powers of Congress applied, for example, to its ability to declare and conduct war, enter into treaties or alliances with other nations, and coin or borrow money.

## **2. FEAR THAT SOME STATES WOULD DOMINATE OTHERS IN THE NATIONAL GOVERNMENT**

The leaders in each state wanted to make sure that the new national government would be organized in a way that would not threaten their state's interests. As a result, the most important disagreement was over how states would vote in Congress. Would each state have an equal vote, or would states with greater population or wealth be given votes than others? Decisions in the Congress would be made by majority vote. Some leaders were afraid that the majority would use their power for their own interest at the expense of those who were in the minority.

The solution: give each state one vote

The solution adopted was to give each state one vote in the Continental Congress regardless of its population.

In 1781, after four years of discussion, all of the state governments agreed to accept the Articles of Confederation as the constitution for the national government of the United States. For the first time since the term was used in the Declaration of Independence, the former colonies became officially known as the "Unites States of America."

## **PROBLEMS CAUSED BY THE WEAKNESSES OF THE ARTICLES OF CONFEDERATION**

You have seen how the people of the states solved the problem of their fear of a strong national government: they created a government that had very limited power. Because the states were afraid that the Continental Congress might be able to control them, they made sure that they controlled it. Every action taken by the Continental Congress had to be with



the consent, approval, and cooperation of most of the states. As a result, the nation began with a very weak national government.

The difficulties that arose under the Articles of Confederation led to the decision to develop our present Constitution. They are described below.

### **1. NO MONEY AND NO POWER TO GET IT**

Congress had to rely upon voluntary contributions from the state governments to pay for the costs of the national government. It had no power to force the states to live up to their promises to make the contributions.

This system did not work. The states had promised to give the national government \$10 million to pay for the costs of fighting the Revolutionary War. They only paid \$1.5 million. Congress had borrowed most of the money it needed to pay for the war by selling revenue bonds to Americans and foreigners, and it had no way to pay its debts. The state governments and many of the people living in the states were also deeply in debt after the war.

### **2. NO POWER OVER THE STATE GOVERNMENTS AND THEIR CITIZENS**

Congress did not have the power to make laws regulating the behaviour of citizens or the states or to force state governments or their citizens to do anything. The citizens could be governed only by their own state governments. This meant that if members of a state governments or citizens within a state disobeyed a resolution, recommendation, or request made by the national governments, there was no way the national government could make them obey. The Articles clearly stated that each state kept its “sovereignty, freedom, and independence.”

The national government’s inability to make state governments and their citizens live up to treaties it had made led to a serious situation. Not all of the colonists had been in favor of the Revolutionary War; some had remained loyal to Great Britain. Thousands of these people, called loyalists, still lived in the United States. When the war was over, the national governments signed a peace treaty with Great Britain called the Treaty of Paris, which was intended in part to protect loyalists’ rights and ensure that they were treated fairly. Some of these loyalists owned property in the states and some had loaned money to other citizens.

Some state governments refused to respect this treaty. They often made it difficult for loyalists to collect the money owed to them by other citizens. Sometimes the states had confiscated the loyalists’ property during the war. The national government had no power to force the state governments to respect the property rights of the loyalists or

to force individual citizens to pay back money owed to the loyalists. Thus, the national government was powerless to live up to its promise to the British government to protect the rights of these citizens.

### 3. UNENFORCEABLE TRADE AGREEMENTS

Although Congress had the power to make agreements with foreign nations, it did not have the power to make state governments live up to these agreements. This raised another difficulty. Some citizens imported goods from other nations and then refused to pay for them. Not surprisingly, people in foreign countries became reluctant to trade with people in the United States. In addition, when Great Britain recognized how weak Congress was in controlling foreign trade, it closed the West Indies to American commerce. As a result, many Americans lost money because they were unable to sell their goods to people in other nations. Others were not able to buy goods from abroad.

### 4. UNFAIR COMPETITION AMONG THE STATES

Congress had no power to make laws controlling business to trade among the states. As a result, people in some states, often with the help of their state governments, tried to take advantage of people in other states. For example, in order to benefit local businesses, some state governments passed laws forbidding the sale of goods from other states.

Such activities prevented efficient and productive trade among the states and caused serious economic problems for the country. Businesses failed, and many people became poverty-stricken and unable to repay money they had borrowed from other citizens. This created another serious situation.

### 5. THREATS TO CITIZENS' RIGHT TO PROPERTY

Many people believed that one of the most serious problems in the United States during the 1780s was the failure of the governments to protect their citizens' property rights. As you have learned, in most states the government was controlled by the legislative branch, composed of representatives elected by a majority of the people.

A faction is a group of people that seeks to promote its own interests. During this period, a number of factions developed that sometimes formed majorities in the state legislatures. These majorities were accused of making laws that benefited themselves at the expense of the minority and of the common welfare. For example, they passed laws that canceled debts, confiscated the property of loyalists, and created paper money resulting in inflation which benefited the debtors at the expense of those to whom they owned money.



People who were being hurt by such laws argued that their property was not being protected by their state governments. They claimed that the state governments were being used by one class of people to deny the rights of others and that they were not acting for the common good.

Some people argued that there was too much democracy in the state governments. They claimed that representative government with majority rule did not adequately protect the natural rights of individual citizens or the common welfare. They argued that majority rule, when the majority pursued its own selfish interests at the expense of the rights of others, was just another form of tyranny, every bit as dangerous as that of an uncontrolled king.

### **SHAYS' REBELLION AND THE SEEDS OF CHANGE**

A dramatic event that finally convinced many people of the need for a stronger national government was Shays' Rebellion. Farmers in Massachusetts had serious economic problems. When they could not pay their debts, many of them lost their homes and their farms. Some were even put into prison. Popular discontent rose, and angry crowds prevented the courts from punishing people or selling the property of those who could not pay their debt.

In November, 1786, a group of several hundred angry farmers gathered under the leadership of Daniel Shays. Because they needed weapons to use in their rebellion against the state government, they tried to capture the arsenal at Springfield, where arms were kept for the state militia. Although Shays' men were defeated, their rebellion frightened many property owners who feared similar problems might arise in their states.

The fears raised by such conflicts as Shays' Rebellion, combined with the difficulties in raising taxes and regulating foreign trade, convinced a growing number of people of the need to strengthen the national government. George Washington was one of these people. He wrote to James Madison, "We are either a united people or we are not. If the former, let us act a nation. If we are not, let us no longer act a farce by pretending to it."

The steps taken to create a stronger national government and the way in which it was organized are the subject of the next unit.

### **REVIEWING AND USING THE LESSON**

1. The Articles of Confederation showed its writers' fears of a strong national government and left most important powers to the states. What important powers were denied the national government by the Articles?
2. Why do you suppose the smaller states were satisfied with the government set up the Articles of Confederation?

3. How might the experience of the Founders with the state governments have affected their belief in the importance and role of civic virtue in a republic?
4. Select several national problems in the period after the Revolution and show how the lack of power of the national government under the Articles of Confederation contributed to them.
5. The Articles of Confederation demonstrated a distrust of a strong national government. Many people today share this attitude toward national power. Do you believe it is justified? Why?
6. What are “factions”? Explain why they were considered a problem for American government in the 1780s. What organized groups that exist today would the Founders call factions?

### **UNIT THREE: THE CONSTITUTION**

#### **PURPOSE OF UNIT THREE**

You have studied the philosophical and historical influences on the Framers of our Constitution. This unit will provide you with an understanding of how they wrote the Constitution and some of the most important debates they had over its development and ratification.

When you completed this unit, you should be able to explain how the Constitution was developed, how it organizes our government, some of the basic debates that occurred during its development, and the positions of the Federalists and Anti-Federalists in the struggle over the ratification of the Constitution.

#### **LESSON 12**

#### **WHO ATTENDED THE PHILADELPHIA CONVENTION AND WHAT HAD THEY AGREED TO DO?**

##### **PURPOSE OF LESSONS 12**

The constitution was written at a convention held in Philadelphia in 1787. This lesson describes how the convention came to be held, some of the most important people who attended it, and some of the first steps they took to create our present Constitution.

When you complete this lesson, you should be able to describe the steps leading to the calling of the Philadelphia Convention and the characteristics of the Framers who attended it. Some of the basic terms it contains which you should be able to explain are listed below.

#### **Philadelphia Convention**

#### **Delegate**

#### **Ratification**

#### **The Federalist**



## **ATTEMPTS TO SOLVE THE PROBLEMS OF THE ARTICLES OF CONFEDERATION**

As a result of the problems experienced under the Articles of Confederation, a number of prominent leaders suggested holding a meeting of representatives of all of the states. The purpose of the meeting was to discuss ways in which these problems could be solved. James Madison of Virginia persuaded his state legislature to call for such a meeting.

In 1786, all thirteen states were invited to send representatives to a meeting in Annapolis, Maryland. Only five states sent representatives. Disappointed at the turnout at the meeting, Madison and the others decided not to discuss the Articles of Confederation. Instead, they wrote a report which they sent to Congress and every state legislature. The report asked each state to send representatives to a meeting that was to be held in Philadelphia in 1787. The purpose of the Philadelphia meeting was to change the Articles of Confederation in order to strengthen the national government.

## **CONGRESS APPROVES A MEETING TO IMPROVE THE ARTICLES OF CONFEDERATION**

At first, Congress ignored the report. Then, in February of 1787, Congress voted to support the meeting of the state representatives. However, it only gave them the authority to develop a plan to improve the Articles of Confederation. This plan was then to be sent to Congress for it to use as it wished. As far as Congress was concerned, the men who met in Philadelphia were just advisers to Congress.

## **WHO ATTENDED THE PHILADELPHIA CONVENTION?**

Fifty-five delegates attended the meeting which later became known as the Philadelphia Convention. It was a remarkable group of men that we now call the Framers of the Constitution. Most of them were fairly young. The average age was forty-two. The youngest delegate was only twenty-seven. About three-fourths of the Framers had served in Congress. Most had been prominent in their states, where many had held political position. Most had played important parts in the Revolution. Some were rich, but most were not. A French diplomat in America at the time said that the Framers “without being rich are all in easy circumstances”.

Another French diplomat stationed in America observed: “If all of the delegates named for the Philadelphia convention are present, one will never have seen, even in Europe, an assembly more respectable for talents, knowledge, disinterestedness, and patriotism than those who will compose it. “From Paris, Thomas Jefferson wrote to John Adams in London that the convention “really is an assembly of demigods”.



We should remember, however, that some of the Framers were men of modest abilities and questionable motives. Probably the most balanced view of the men at Philadelphia has been given by Max Farrand, a historian, who wrote: “Great men there were, it is true, but the convention as a whole was a whole was composed of men such as would be appointed to a similar gathering at the present time: professional men, business men, and gentlemen of leisure; patriotic statesmen and clever, scheming politicians; some trained by experience and study for the task before them; and others utterly unfit. It was essentially a representative body.”

Most of the stories of the Framers are worth telling in detail. But we will limit ourselves to introducing you to some of the most important. We will also mention some of the leaders who did not attend but who played a part in the establishment of our constitutional government.

### GEORGE WASHINGTON

George Washington was probably the most respected and honored man in the country. During the Revolutionary War he had left his farm at Mount Vernon, Virginia, to lead the American army to victory over the British. When the war was over and there was no longer a need for a large army, Washington returned to private life on his plantation. He was one of the leading citizens who were convinced that a stronger national government was necessary. But he expressed this opinion only in private and only to a few people, because he was not interested in getting involved in politics.

At first, Washington refused to accept the invitation to attend the convention. Later, he agreed to be a representative from Virginia. He agreed because he feared that if he did not attend, people might think that he had lost his faith in republican government. Washington was not active in the debates, but his presence and his support of the Constitution were essential to its ratification by the states. When the time came to select their first president, there was no one else that Americans could unite behind other than this honorable man who, time and time again, had set aside his own interest and devoted himself to the common welfare of the nation.

### JAMES MADISON

James Madison, of all the framers, probably had the greatest influence on the organization of the national government that was developed at the convention. Born in 1751, Madison was one of the youngest of the revolutionary leaders. He became active in Virginia politics in the 1780s and was one of the most influential leaders in favor of a stronger national government. His influence at the convention was great in part because he brought with him a plan that he had already developed for creating a better national government – the Virginia Plan. After some debate over alternatives, this plan was used as the basis for discussion about how to improve the government.

Had it not been for Madison, we probably would not know much about what happened



during the convention. The Framers had decided to keep the discussions of the meetings secret, but they trusted Madison to take notes during the proceeding. Most of what we know today about what happened is based on those notes.

After the convention, Madison's convincing arguments about the best way to organize the new government led him to be one of three men asked to write a defence of the newly written Constitution. This defence was a series of articles written for newspapers in New York. It is now called The Federalist. It was used to convince the citizens of New York to vote for delegates to the state ratifying convention who were favorable to the Constitution. It is the most important work written by Americans on the basic principles and ideas underlying our constitutional government. Madison later became the fourth President of the United States.

### **OTHER IMPORTANT DELEGATES**

In addition to Wigton and Madison, the delegates included many other prominent men. Benjamin Franklin was 81 and in poor health, but because he was so well respected, his participation at crucial moments contributed a great deal to the success of the Convention. Alexander Hamilton while one of the greatest supporters of a strong national government, left in frustration before the Convention was half over, returning for a few days and to sign the completed document in September. However, as you will learn in a later lesson, he was one of the authors of the Federalist and played a major role in the struggle over the ratification of the Constitution. George Mason the author of the Virginia Bill of Rights, was a great champion of the rights of the people and of the states. He believed the national government created by the Constitution threatened those rights. He was one of the three delegates who refused to sign the Constitution at the close of the convention.

### **IMPORTANT FOUNDERS WHO DID NOT ATTEND THE CONVENTION**

There were also some important political leaders who did not attend the convention.

Thomas Jefferson had drafted the Declaration of Independence, served as governor of Virginia, and was a member of Congress under the Articles of Confederation. At the time of the convention he was ambassador to France and was unable to attend.

Thomas Paine, the author of Common Sense and the Rights of Man, was with Jefferson in France.

John Adams, one of America's most important political thinkers and the second President of the United States, was on a diplomatic mission to England.

Patrick Henry, revolutionary leader, refused to attend the convention because he was against the development of a strong national government. He suspected what might happen at the convention, and said that he "smelled a rat." Henry was one of the leaders who campaigned against adoption of the Constitution.

## THE CONVENTION BEGINS

By May 25, 1787, delegates from a majority of the states were present in Philadelphia. George Washington was unanimously elected to be the presiding officer.

Almost immediately the Farmers agreed on two things:

1. They decided to ignore the instruction they had received from Congress to limit their work to improving the Articles of Confederation. Instead, they began to work on the development of a new constitution. The Framers were convinced that the defects of the Articles were so serious that it would be better not to use them as the basis for their discussion.
2. They decided to keep the record of what they said at the convention a secret for thirty years. There were two reasons for this.
  - The Framers wanted to develop the best constitution they could. This required a free exchange of ideas. They were afraid that if their debates were made public, many of the delegates would not feel free to express their opinions.
  - The Framers thought that the constitution they developed would have a greater chance of being accepted if people did not know about the arguments that went on while it was being created.

The Framers also agreed that although the delegations from each state varied in size, each state would have one vote at the convention.

The Framers were committed to the development of a strong national government. During the convention there was a great deal of agreement on fundamental principles and most of the basic issues. As a result, the Framers were able, in less than four months, to create a constitution that has lasted for two hundred years. This remarkable achievement began with a first session at which only seven of the thirteen states had delegates present. By the end of the convention every state except Rhode Island was represented.

The next lessons will help you understand the Constitution they developed and the basic reasons for its main features.

## REVIEWING AND USING THE LESSON

1. What was the original purpose for calling a meeting in Philadelphia in 1787? Why was the purpose changed?
2. Describe the members of the Philadelphia Convention as a group.
3. Were the members of the Philadelphia Convention right to ignore their original instructions? Why?
4. Why did the Framers decide to keep the debates in the convention a secret for so long?
5. Should the debates at the Philadelphia convention have been open to the public? Why?

*(Will be continued in the next issue)*