

The Articles of Confederation

The Declaration of Independence did not provide a government for the new nation. Therefore in 1777, while the Revolutionary War was still being fought, the Continental Congress drew up a plan of government –the Articles of Confederation. It was approved by the 13 states and began to operate in 1781.

A confederation is a loose association, rather than a firm union, of states. The Articles of Confederation set up a “firm league of friendship, among the 13 states. Each state in the nation was to have equal powers and in most ways was independent of the other states. The central, or national government had very limited powers. The people of the 13 states did not want a strong central government. They feared that such a government might use its power to limit the freedom of the separate states.

Under the Articles of Confederation, the national government consisted of a lawmaking body of one house, called Congress and was example of a unitary or one body governing political system. The states sent representatives to Congress. Each state had one vote in Congress, regardless of the number of people living in the state.

There was no provision in the Articles for a president or an executive branch to carry out the nation’s laws. Instead, the Articles gave the states the power to enforce the laws passed by Congress. In part, this arrangement stemmed from the people’s suspicion of strong leaders after their experience with King George III of Great Britain. The Articles also did not establish a national court system to interpret the laws and punish lawbreakers.

During the Revolutionary War, the 13 states were willing to work together and make sacrifices to achieve victory. Things were different in the years following the Revolution, however. Many Americans suffered difficult times after the war. Property had been destroyed. Trade with other nations had slowed. American businesses had suffered. Moreover, the war left the nation deeply in debt. The new government tried to handle these problems, but it was too weak to solve them.

Weaknesses of the Confederation

There were many reasons for the weaknesses of the nation’s government under the Articles of Confederation. Congress had trouble passing laws because a vote of 9 of the 13 states was needed to pass important measures. Without a president or an executive branch, there were no officials to ensure that the laws passed by Congress

were carried out. Nor were there national courts to interpret the laws or to judge those who broke them.

In addition, changing the Articles of Confederation to make the national government stronger was difficult. Changes in the Articles required the unanimous vote of all 13 states.

Another weakness of the new government was that Congress lacked the power to collect taxes. Congress could ask the states to contribute money to pay the national government's expenses, but Congress had no power to force states to make these contributions.

Without money, Congress could not pay the nation's debts or carry on any government programs that might be needed. Congress also could not pay the soldiers who had fought in the Revolutionary War.

Under the Articles of Confederation, the national government also lacked other important powers. It could not regulate, or control, trade between the states or with foreign nations. Each state regulated its own trade, causing many disputes among the states and with other nations. In addition, most of the states issued their own money.

The states acted more like small, separate nations than states that were members of a confederation. A confederation is a loose association or league of people or governments (such as states). The states often refused to obey the laws of Congress. As a result, relations between the states and Congress worsened.

The Confederation Fails

The Articles of Confederation succeeded in establishing a new nation –a major achievement. Yet the national government set up by the Articles failed in a number of important ways.

The main trouble with the government set up by the Articles was that the states refused to give the national government enough power to operate effectively. The states feared a strong central government and thus kept most of the real power in their own hands.

The people of each state continued to think of themselves as belonging to their particular state rather than to the nation as a whole. This was natural because the states were separated by great distances and transportation was poor. Also, there was little contact between many of the states. It took years before the states began to think of themselves as parts of a single nation.

The weaknesses of the national government became clear as the young nation began to face new problems. The states quarreled over the location of boundary lines. They became involved in disputes over

trade. The national government was powerless to end these disagreements. It seemed to many that the new nation was about to break up into several small nations.

Many leaders began to favor strengthening the national government. As a result, in 1787 Congress asked the states to send representatives to a meeting to consider what could be done to improve the national government.

A New Constitution

In May 1787 a group of the nation's most respected leaders met in Independence Hall in Philadelphia. They had been sent as delegates, or representatives, of their states to find ways to improve the national government. The delegates soon became convinced that changing the Articles of Confederation was not enough. They decided instead to create a completely new plan of government –a new constitution.

The meeting became known as the Constitutional Convention. The leaders who attended the Convention wrote a constitution that established a government for the United States that has endured for more than 200 years. The new plan of government drafted by the delegates is the Constitution of the United States. It is the world's oldest written constitution still in effect.

The Delegates

The 55 delegates who attended the Constitutional Convention included many of those who had been involved in the nation's struggle for independence. George Washington had led the American army to victory over the British in the Revolutionary War. Respected by all, he was chosen to preside over the Convention. He called on speakers and kept the meetings running smoothly.

At 81 years of age, Benjamin Franklin –diplomat, inventor, writer –was the oldest delegate to the Constitutional Convention. Among the other delegates were James Madison, Alexander Hamilton, James Wilson, Roger Sherman, William Paterson, and Edmund Randolph.

An English Heritage

These leaders knew history well, and they had learned many important lessons from the past. The delegates wanted the American people to enjoy the rights the English had fought for and won during past centuries. This heritage from England included the rights mentioned in the Magna Carta (the "Great Charter"), which the English people had won from King John in 1215. This important document guaranteed that free

people could not be arrested, put in prison, or forced to leave their nation unless they were given a trial by other free people who were their equals. It also guaranteed that the citizens of England were to be judged only according to English law.

The members of the Constitutional Convention also wished the new American nation to have the rights contained in the English Bill of Rights of 1689. One of these rights was the right to petition, or request, the government to improve or to change laws. Another was the right to a fair punishment if a citizen were found guilty of a crime.

The Convention delegates in Philadelphia also studied carefully the example of parliamentary government in England. Parliament is the lawmaking body of the British government. It is bicameral. That is, it consists of two parts, or houses. It is made up of the House of Lords, appointed by the monarch, and the House of Commons, elected by the people. This system enables each house to check and improve the work of the other house.

Writing the Constitution

The framers of the Constitution agreed that the national government had to be given greater power. At the same time, most of the framers agreed that the states should keep the powers needed to govern their own affairs. To achieve this balance, the framers established a system of government known as federalism, or a federal system. In a federal system the many powers of government are divided between the national government, which governs the whole nation, and state governments, which govern the people of each state. Thus, in a federal system (from the Latin word, *foedus*, meaning “compact” or “league”), the states share power with the national government.

The framers worked out the new plan of a federal system at their meetings during the hot summer months of 1787. They discussed many ideas and proposals and settled many differences of opinion by a series of compromises. A compromise is an agreement in which each side gives up part of its demands.

The most serious disagreement arose over the question of representation in the new national legislature, or lawmaking body. The larger states favored a legislature in which representation would be based on the size of a state’s population. The smaller states wanted each state to have an equal number of representatives in the legislature.

For weeks the framers argued over this issue. Finally, both sides agreed to a compromise. Their agreement provided for a lawmaking body of two houses, called Congress. In one house, the Senate, the states were to have equal representation. In the other house, the House of Representatives, each state was to be represented according to the size of its population. This agreement is known as the Great Compromise.

A Strong New Nation

Many other compromises were reached as the Convention delegates worked on the Constitution. The framers agreed to take away some of the powers of the states and to increase the powers of the new national government. The national government was given the power to tax, to regulate trade among the states and with foreign nations, to raise armed forces, and to coin and print money.

Provision was made for a president to carry out the nation's laws. A Supreme Court and other national courts would interpret these laws.

By September 1787 the delegates had completed their work. Probably no delegate was satisfied with every part of the document. Benjamin Franklin, for example, did not approve of parts of the Constitution. Yet he believed that the framers had written the best Constitution possible. For this reason, he urged the delegates to sign the document.

Most of the delegates shared Franklin's belief. Of the 42 framers present that day, 39 signed the Constitution. After a farewell dinner, the delegates left for home.

Approving the Constitution

The work of the members of the Constitutional Convention was not over after they left Philadelphia. The Constitution now had to be sent to the states for their ratification, or approval. Before the Constitution could go into effect, it had to be ratified by 9 of the 13 states. Each state set up a special convention of delegates to vote on the Constitution.

People quickly divided into two groups over the issue of adopting the Constitution. Some people strongly supported the new plan of government. Others were opposed to it. The public was swamped with pamphlets, letters to newspapers, and speeches representing both sides of the debate.

Federalists and Anti-Federalists

Supporters of the Constitution were called Federalists. They favored a strong national government. The

Federalists argued that the government under the Articles of Confederation was too weak to keep the country united. They feared that unless the Constitution was adopted, the United States would break up into 13 separate nations.

People who opposed the new Constitution were called Anti-Federalists. They feared that a constitution that established a strong national government defeated the purpose of the recent war against Great Britain. The Anti-Federalists did not believe that the proposed Constitution would protect the power of the states and the freedom of the people.

The Constitution is Ratified

Gradually, those who favored the Constitution gained support. Many citizens, however, were upset that the Constitution did not contain a list of the rights of the people. Finally, it was agreed that such a list, or bill, of rights for the people would be added if the new Constitution were ratified.

Most of the states ratified the Constitution in 1787 and 1788. The new government of the United States began to operate in March 1789. Two states, North Carolina and Rhode Island, did not approve the Constitution until it went into effect.

New York City was chosen as the nation's temporary capital. There, on April 30, 1789, George Washington was sworn in as the first president of the United States. Members of the new Senate and House of Representatives arrived to begin their work. The nation's new government was underway.

The core components of the Articles of Confederation

The first government of the United States following the Declaration of Independence was the Articles of Confederation. A confederation is a state-centered, decentralized government where the primary powers of government are held at the state level. The Declaration of Independence spoke of the many abuses of King George III, who, as a monarch, ruled over the executive, legislative and judiciary powers of the government. In the Declaration, Thomas Jefferson stated that both King George III and the form of government in place at the time both failed to protect the colonists' "life, liberty and pursuit of happiness." The unitary government, one that centralized the legislative, executive and judicial powers, was unacceptable to the colonists when they sought to create a government after declaring their independence from the British crown.

The colonists decided to create a government that was quite different from a unitary system where the

powers of government were concentrated in a single person. This decentralized system reflected the colonists' fear of a powerful central government. Under the Articles of Confederation, states retained their freedom and independence. Each of the 13 states had a vote in the weak national Congress (appointed by the state governments), while a vote of all 9 states was required in order to pass any laws and a unanimous vote of all 13 states was required for the Articles to be amended. The national Congress was also denied the power to tax, so it could not pay for the army and navy needed to defend the nation.

The result of this decentralized approach was that each state functioned in many ways as an independent country. Several states negotiated their own trade agreements with those countries that the king had previously convinced not to have a relationship with the colonies, while other states established their own militaries. The result of these state actions was that the states did not function as a nation. Fears emerged that 13 states functioning as independent countries would make the nation vulnerable.

Together the lack of powers held by the weak national Congress coupled with each state's independent and often conflicting actions, raised concerns that the Articles of Confederation were not designed in a way to protect the new nation.

Adding to these concerns was Shays Rebellion, when 2000 western Massachusetts farmers marched on county courthouses to prevent land foreclosures. The farmers' land was threatened with foreclosure because they were assured that they did not have to pay taxes and other debts on their land during the Revolutionary War. These promises were not kept, which prompted the farmers to revolt in 1786. Congress would not respond because it was too weak and did not have its own army.

Shays' Rebellion prompted representatives from five states to meet in Annapolis, Maryland in February 1787 to call for a constitutional convention of all 13 states the following May in Philadelphia. Congress stated that the purpose of this May convention was "the sole and express purpose of revising the Articles of Confederation."

The main ideas and principles of the U.S. Constitution

The delegates attending the constitutional convention (Rhode Island did not send a delegate) in Philadelphia ignore Congress' instructions. It was the delegates' goal to create a new government that respected the will of the people (missing from the unitary system under King George III) while creating a strong

central government (missing from the decentralized government).

The founders accomplished these goals by creating several government structures that together gave the people a voice in government, limited government power and respected that the national and state governments would have both separate and shared powers. These structures included:

a) The Great Compromise: The Great Compromise created a bicameral (bi=two, camera=chamber) or two house legislature. The New Jersey plan, which would have given each state equal representation in the legislature, was reflected in creating the Senate, where each state is represented by two members regardless of size. The Virginia plan, where the states were represented in the national legislature based on each state's population, was reflected in creating the House of Representatives, where each state is represented based on its population with the proviso that each state was guaranteed one representative even if that state was smaller than a typical congressional district. The Great Compromise brought these two ideas together, where the Congress combined the House of Representatives and the Senate insuring that each state was represented equally and based on its population.

b) The North-South Compromise: Southern states were concerned that the northern states would enjoy more representation because they had larger populations when compared with the white population in several southern states. The southern states were concerned that the northern states would impose unfair taxes on them, while the south would also be disadvantaged by the northern industrial interests.

The North-South Compromise, also called the Three-Fifths Compromise, addressed these concerns by counting slaves in the population count for purposes of representation. The southern states would be allowed to count each slave as three-fifths of a person. The result changed the South's representation in the House of Representatives. Without counting slaves, the southern states would have 35% of the seats in the House of Representatives; when counting slaves, the southern states enjoyed 45% of all seats in the House of Representatives.

c) Separation of Powers: The new system separated legislative, executive and judiciary powers into

three separate branches of government. This insured that power would not be concentrated in one place as it had been under King George III. Members of each branch served for different terms of office, had to meet different qualifications, were selected through different means (the U.S. Senate was selected by state legislatures until the 17th amendment (1913)), and could not serve in more than one branch at the same time (One exception: The Vice-President serves as the President of the Senate and breaks ties in the Senate. The Vice-President is not elected to the Senate).

d) Checks and Balances: Checks and balances insured that no branch of government would function without influence by at least one other branch of government. This approach insured that independent powers held by each branch would not be abused. Checks and balances take different forms for different forms of government. For example, the president may veto an act passed by Congress, while the president may appoint members of the U.S. Supreme Court with the approval (“advice and consent”) of the Senate. The principle of checks and balances was further enhanced in 1803 when the U.S. Supreme Court gave itself the power of judicial review in *Marbury v. Madison*.