

## The Creation of the Articles of Confederation

### We have declared independence

- Now that we are independent, what do the colonies (now called states) look like?
  - Each state created its own Constitution
  - The following were included in Constitutions for the states:
    - Natural rights and higher law
      - **The purpose of government is to protect the rights of citizens to life, liberty, and property.**
    - Social Contract
      - **Government is formed as a social contract; the people agreed that the formation of government was needed to protect their rights.**
    - Popular sovereignty
      - **Popular sovereignty means that the people are the highest authority.**
    - Representation
      - **States wanted to be represented by elected representatives of the people; 70% of white men were eligible to vote as opposed to 10% in Great Britain.**
    - Separation of Power
      - **Government was divided into legislative, executive, and judicial branches.**
    - Checks and Balances
      - **Most checks were within the legislative branch – sometimes by having 2 houses within the legislature. The people could also check the government through the election process.**

### What else was in the state constitutions?

- The right to vote for men who met certain qualifications
  - Race
  - Age
  - Land ownership
- Free and frequent elections
- Freedom of speech and press
- Freedom to petition the government
- No taxation without representation
- ALL states' Bill of Rights included rights for people accused of crimes
  - Right to an attorney
  - Right to a jury trial
  - Protection from unreasonable searches
  - Protection from excessive bail and fines

### Fears of the Founders

- The states had their own Constitutions, which means they had their own rights, government structure, and processes they followed within the state.
- Why would the Founders want to create a national government at this point in history?
  - A national government was essential to unify the states and conduct the Revolutionary War.

### What were the founders' fears in creating a new central government?

- Think like an early American...what would you be afraid of in a government?
  - Too much power in the central government

- Creation of a monarchy
- Having a central government nullify the constitutions of the states
- Lack of social contract
  - Will the government overpower the will of the people?

### **Based on the fears of your fellow Americans, what would you do as a founder?**

- The Founders recognized that they did need a central government of some kind....
- They thought it would be best to create a **weak** central government
- They outlined this government in the nation's first constitution, known as the **Articles of Confederation**.

### **What is a Confederation?**

- It is a state-centered, decentralized government where the primary powers of government are held at the state level and which no president exists.

### **How did the Articles of Confederation Set up the Government?**

- The Articles only created a **legislative branch**
  - There was no executive branch (no president or cabinet).
  - There was no judicial branch (courts).
- The Articles gave each state (regardless of size) one vote, giving the *states* total control of the **legislature**.
  - "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated."
  - The **legislature** is responsible for declaring war, making laws, and serving as the final court in disputes between states.
- States were responsible for sharing money spent by the United States of America, since the central government had no power to tax the states.

### **What did the Articles get right??**

- Under the articles, the national government was able to:
  - Wage war against Great Britain
  - End the American Revolution with the Treaty of Paris
  - Provided that each state would recognize laws of the other states
    - Allowed freedom of movement between states
    - Marriage in one state was to be recognized in all states
  - Passed the Northwest Ordinance
    - Provided a means for new states to become recognized
    - Prohibited the westward expansion of slavery
    - Gave rights to western settlers in newly admitted states

### **Where did the Articles of Confederation go Wrong?**

- Congress was not given any power to tax the people
  - No taxes=no money to run the country
  - Where did the Articles of Confederation go Wrong?
- Congress had no power to enforce its own laws in the states
  - No enforcement=people in various states doing what they want
- Congress could not make states follow trade agreements with other nations
  - Bad trading relations with other counties = no international trade
- Congress could not regulate trade between the states.
  - High trading taxes between states = difficulty trading goods = slow

business = lost jobs

- Citizens in states thought their property rights were being violated
  - Violated property rights = need for national government to check the states
- There was no national court system
  - No national court system = different systems by state = confusion in the justice system
  - Interstate issues would have no courts to go to on the federal level
  - No means of checking the laws of the legislature
- There was no executive branch for the central government
  - This means there was no President or party responsible for enforcing laws; no authority behind the laws
  - There was no figure head for the government
  - No means of checking the policies created by the legislature (what happens when all power is in one branch of government?)
- It required a unanimous vote to make changes to the Articles
  - This made it very difficult to make any changes to the Articles

### **So what Happened Next?**

- Relations between the States and the Government worsened because of the government's inability to enforce any laws.
- Farmers in Massachusetts were beginning to lose their farms due to economic problems
  - The Farmers blamed high taxes imposed by the state for the economic downturn
  - Many farmers lost their farms and homes; some were even put in prison
- As a result, local farmers, led by Daniel Shays decided to rebel by shutting down the courts using force – they even raided a federal arsenal to take weapons for their rebellion

### **Shays' Rebellion**

- Shays' rebellion scared the colonists
  - The government couldn't raise an army to protect the states.
  - Who was going to maintain order if the states couldn't?
  - Would rebellions like this begin to spread?
  - Could the country survive with things like this going on?
- The colonists knew that something needed to be done about all of the problems the government was having under the Articles.

### **Philadelphia Convention**

- Because of Shays' Rebellion and at the urging of the states, Congress invited delegates from all of the states to Philadelphia
- The purpose of this meeting was "for the sole and express purpose of revising the Articles of Confederation"
  - Delegates (representatives of the states attending the convention) were only to revise the Articles...