

## The Articles of Confederation

- I. How revolutionary was the American Revolution?
  - A. How do you get students to appreciate the importance of this question?
    1. Perfect question for teenagers
    2. What does it mean to be your own person?
    3. How do you become an adult, while recognizing the deference that is due to your parents
  - B. Two extremes in historical interpretation
    1. Civic Republican School
      - a. American Revolution represents only a minor change from British rule
      - b. Democratic Institutions already in place in the colonies
      - c. Revolution just an extension of the Court/Country split in England
      - d. Teenage rebellion followed by process in which you turn into your parents
    2. Liberal School
      - a. England is abusive, or at least has failed to recognize that we have grown up
      - b. Franklin argument—we have become a new and different nation
      - c. Long tradition of American heroes without parents or with bad ones—Tom Sawyer and Huck Finn
  - C. Reflects debate between loyalists and revolutionaries
    - a. Loyalists—we are family and can work it out
    - b. Revolutionaries—Its too late for that. Its time to leave.
- II. The Declaration helps to sort out these questions. It lays out an argument to show why the revolutionaries were not merely hormonally challenged teenagers, but mature individuals making a rational decision
  - A. Decent respect for the opinions of mankind
  - B. No longer appealing to the rights of Englishman but to the laws of nature and nature's God
  - C. Begin with self-evident truth. What is it?
  - D. In what respects are we equal?
  - E. Not simply anti-government—Governments are instituted to protect rights
  - F. Power of Government is based on consent
  - G. People can alter or abolish govt. when it no longer serves the end of protecting rights
- III. There is a conservative dimension to the Declaration
  - A. Prudence dictates changes should not be made lightly
  - B. Govt. is not bad. It is necessary to protect rights.
  - C. Not even clear that monarchy is always bad
    1. Government is established by consent, but does not have to operate by consent
    2. King George is a tyrant, but not all kings are necessarily tyrants

- D. Question of the proper form of govt. is left open
    - 1. Declaration has a limited purpose
    - 2. Explains why we are revolting
  - E. But it leaves open important questions
    - 1. We have defined tyranny
    - 2. Have yet to decide the structure of a legitimate govt.
- IV. Colonists immediately faced with the issue of structuring a govt. They had local govts., but now that they were no longer linked by the British govt., they needed to find a way to organize against that govt. The states never really existed as independent entities.
- A. A draft of the Articles was submitted to Congress on July 12, 1776.
    - 1. Approved by Congress in November of 1777
    - 2. Not ratified by all states until 1781
  - B. Original draft called for a relatively strong central govt., but many compromises were necessary to gain approval
  - C. Nonetheless the final draft was ambitious in many respects
    - 1. Article III foreshadowed the Constitution's Preamble calling for a common defense, the security of liberty, and concern for the general welfare
    - 2. Article IV guaranteed that citizens of all states would enjoy the privileges and immunities of the citizens of each state
    - 3. Article VI forbid states from conducting foreign policy or establishing a standing army or navy, except at the direction of Congress
    - 4. Article IX had an extensive list of powers including coinage of money, borrowing money, conduct of Indian affairs, and establishing post offices
    - 5. Article XII called for assumption of all war debts by the national govt.
    - 6. Article XIII declared that the national government was supreme and perpetual—no question of right to secede
  - D. But the Articles severely limited the means by which the govt. could achieve these ends
    - 1. Article I said the states retain sovereignty, and Congress can only exercise expressly granted powers
    - 2. Article V --Delegates to Congress are to be selected in a manner determined by the state legislatures
    - 3. Article VIII required all taxes to be levied by the states
    - 4. Article IX --most decisions would require the approval of 9 states
    - 5. Article XII—Amendments would require unanimous approval
    - 6. Most important limitation was the absence of any power of enforcement. The president will only be a presiding officer
- V. Articles reflect an internal contradiction. They had ambitious goals, but were willing to provide enough power to accomplish those goals
- A. Product of a Whig tradition of distrust of govt. power
  - B. Adolescent reaction—don't tell me what to do, but take care of me
- VI. Articles could claim a number of successes
- A. We won the war
  - B. Concluded a peace treaty
  - C. Organized the Northwest territory

VII. Problems were more significant

A. Money

1. War debt
2. Operating expenses
3. Only financial wizardry of the two Morrisses (Robert and Gouverneur) kept the government afloat

B. Foreign Policy difficulties

1. Britain unwilling to abide by treaty
2. Spain a threat in the west and south

C. No means to settle disputes between the states or to enforce a settlement

D. Instability within states

1. Shays rebellion
2. Fear that rule of law would be overwhelmed

VIII. Government survives by improvisation

A. Congressional committees tried to exercise some executive powers

B. States tried to workout private deals with one another

1. Md. And Va. Met in 1785 to resolve a dispute over fishing rights in the Potomac River
2. This worked so well that they called for a meeting of all the states in Annapolis the next year
3. Annapolis Convention was a great failure
  - a. Only five states showed up
  - b. Md. Did not even send a representative
  - c. A few states arrived after the meeting had adjourned
4. Hamilton and Madison, however, used it as an occasion to call for another convention the next year in Philadelphia—This was the origin of the Constitutional Convention of 1787