

The Articles of Confederation:  
The Very Thing That Makes Us Strong Makes Us Weak

Eliza Dorfman  
3/2/15  
American History  
Mr. Bedar  
Junior Thesis

The Articles of Confederation was the governing document of the United States from its ratification in 1781 until its displacement in 1787. From 1788 to present day, over 200 years, the U.S. Constitution has dictated the government and laws under which Americans live. It is completely entrenched in our beliefs and is one of the most important components of the American identity. However, before the Constitution there was the Articles of Confederation. Often forgotten beneath the glorified Constitution, the Articles were the first form of central government ever adopted by the United States. Although regularly dismissed as a failed form of government due to its intrinsic shortcomings, the Articles of Confederation created a representative democracy that gave power to the people. The Articles successfully provided a governing structure that led the United States through the Revolutionary war, expertly achieved diplomatic success in the Paris Peace Treaty of 1783, and enabled the creation of a form of land division that would continue to be used for generations to come. Despite these considerable successes, the Articles of Confederation had overwhelming shortcomings. The inability to directly tax, to regulate interstate trade, and to respond to concerns of citizens feeling oppressed by state levied rates led to its downfall. The Article's various successes and failures both stem from its commitment to a decentralized government. When circumstances favoured the loose structure and independence granted by the Articles of Confederation the nascent government achieved great success. When situations demanded accountability and responsibility the Articles did not confer on the government the power to make necessary demands of its states and citizens. This raised questions of the direction of the government, and led to the constitutional convention in Philadelphia, which ultimately tore it apart.

As the governing document of a democratic republic, the Articles of Confederation demanded of the people of the republic that they "surrender their personal desires to the public good" and stressed "a morality of social cohesion and devotion to the common welfare" (Wood 94). While this has not entirely disappeared under the Constitution, the weaker central government of the Articles of Confederation sought a level of individual participation and personal motivation that is coerced under the Constitution. In contrast to the strong federal government of today, the Articles of Confederation was little more than "an alliance among closely cooperating sovereign states" (Wood 21). Created in 1777, the Articles were written largely in order to develop a more uniform war effort against the British during the Revolution. The original thirteen independent states were wary of strong central powers, having experienced first hand the oppression to which it can lead. The original governmental structure put an emphasis on the people's and the states' capacity to rule in such a way that would benefit the citizens of the nation as a whole. Created largely by the men who would later be called "The Founding Fathers", the Articles of Confederation conferred upon Congress limited powers. These included the ability to wage war, create treaties, interact with the Native Americans, grant loans, print money, and conduct a postal system (Wood 71). Significantly, there was no power conferred upon Congress to tax the citizens of the United States, nor any power to regulate trade. Essentially the Articles of Confederation was government put in place with the sole purpose of organizing, protecting, and aiding the individual states. There was not only no wish, but also no means by which they could oppress nor repress the citizens of the United States.

The Articles of Confederation differed greatly from the government the U.S. calls its own today. While establishing a democratic republic, similar to what is formed in the Constitution, the Articles had no executive or judicial branch, and depended solely on a unicameral legislative body, a congress made up of delegates from each state. These representatives were voted in through the state legislatures. Every state, regardless of size, population, or wealth, had a single vote in the congress. There was a president of the legislators, however this role was minimal and consisted mostly of watching over the congress without taking sides or directing debates among representatives. The position was ceremonial and the tasks associated with it were more secretarial than administrative. The concept of an executive was absent; the president presided but did not govern (Burnett 34).

One of the most basic rights associated with governments is the ability to tax. However, this was a power withheld from the Congress of the United States under the Articles of Confederation. While it seems obvious to most current day observers that the ability to tax, especially during war, is imperative to a government's and a nation's success it was not always looked at this way. The Colonies prior to the Revolution felt they were unfairly taxed. William Bradford, publisher of the *Pennsylvania Journal and Weekly Advertiser* referred to the Stamp Act of 1765 as "insupportable Slavery" and urged his readers to find methods to "elude the Chains forged for us" (Bradford Colonists Respond to Stamp Act). Though this distrust of taxes was originally due to the fact that colonists were not directly represented in England's parliament, it contributed to the belief that all taxes were suspect. Thus, despite the excitement within the new nation about its structure as a democracy in which its citizens were to be adequately represented,

taxes remained a strongly hated symbol of the power of government. While Congress did have the ability to demand money from the states, which were legally bound to comply, many people "believed that the states maintained the authority to independently decide whether to pay their requisitions" (Dougherty 5). Due to this misplaced sense of sovereignty many states neglected to collect taxes from their citizens in the quantity necessary, or any quantity at all. In 1781 Robert Morris assumed the role of the Superintendent of Finance. Occupying one of the only specified roles in the government, Morris worked to repair the dire financial situation of the United States. Under difficult circumstances he eventually met with some results. In a letter to John Hanson, president of congress, Robert Morris wrote "The United States have call'd for eight Million of Dollars early in November last [1780], of which the first quarterly Payment was to have been made on the first Day of April next [1781]. But I cannot find that a single State has laid the Taxes" (Morris Founders of Defects of Articles). Without an executive power or a means of directly taxing United States citizens, the legislative body was forced to simply accept what the states chose to give them and hopefully and continuously ask for more.

As well as neglecting to give Congress the ability to directly tax the citizen, or to compel the states to pay their full requisites, the Articles of Confederation denied Congress the ability to regulate domestic trade. It is easy to see why the framers of the Articles paid little attention to this issue, as one would assume there be would little controversy to arise from trade between states. While the states had disagreements surely they would be more willing to work them out than to buy from a foreign entity such as England, a country they had only recently won independence from. However, prior to the

Revolution the thirteen colonies depended heavily on trade with Britain, "Nearly half of all English shipping was involved in American commerce" (Wood 13). Because the colonies were able to depend so heavily on British trade there was very little production in the actual states and so most of the American economy was based on raw materials. As such, after the war there was still a strong dependence on European manufactured items. It was largely due to this, as well as the states' mentality that they were still separate nations, that the freedom provided to the states concerning trade led not to economic peace in the country but rather to feuds and a failed commerce system.

The United States under the Articles of Confederation did have some significant successes including the triumph in the Revolutionary War. While often discounted as a failed document, many people forget that it was under this "failure" that the U.S. managed to defeat the world's best army at the time. Without the unification between the states that the Articles established the American colonies would have never received the aid from France that they desperately needed. In the end it was the components of the government under the Articles that are frequently criticized that were most helpful in the war. Had the United States organized a stronger central government with a permanent stronghold it would have been relatively easy for the British to stop the revolution. As it was, the "fragmented and local character of authority in America inhibited decisive action of the British. There was no nerve center anywhere whose capture would destroy the rebellion" (Wood 77). This was at times an inhibitor for the Americans as well. As they did not have one center and considered themselves independent states without a cohesive national identity, General Washington's job was made much more difficult.

Regardless of this lack of central command or national patriotism the people were able to join one cause against the British as they fought together for democratic representation.

After having won the Revolutionary war, the Confederation Congress sent four men to France in order to discuss the peace treaty with Britain, France and Spain. Negotiated by John Adams, Ben Franklin, John Jay, and Henry Laurens, the Paris Peace Treaty of 1783 is considered by some "the greatest achievement in the history of American diplomacy" (Wood 88). By playing off the fears of the three European countries involved the American diplomats were able to benefit greatly. The Treaty of 1783 gained the United States their independence, and expanded their borders to the Mississippi River on the west, the thirty-first parallel to the south, and to what is roughly the present day border with Canada in the north (Wood 87). As a new country, with no experience in foreign politics these men artfully navigated these diplomatic meetings and were able to achieve much more than what congress ever dreamed of. Unlike the revolution where the Articles succeeded due to a common interest all citizens could agree upon, the Treaty of 1783 triumphed due to the lack of citizen involvement. With only four members of Congress to negotiate there were fewer opinions in Europe demanding different acquisitions. The loose and flexible nature of the Articles of Confederation allowed an outcome unconstrained by a strong executive or congressional oversight.

The Articles of Confederation created a system of land division that was ultimately a success and eventually allowed for expansion westward. This land was obtained from the British during the Paris Peace Treaty of 1783. The North West Ordinance was able to stop land disputes by forcing states to relinquish land claims

in the west and creating a public land reserve, which the Confederation Congress could organize into territories and plots (Wood 73). Due to the requirement that all the states give up their unprecedented allegations, the disputes on the ownership of western lands died down and thus created a more unified United States. The Northwest Ordinances organized the land into six square mile townships, which were further broken down into 36 sectors. The minimum tract of land available for purchase was 640 acres (Aley 270). In every township one sector was reserved as land for schools, and the other land was divided into even plots to be sold to new settlers. The creation of the Land Ordinance was perhaps one of the Article's best moves. This acknowledgement of the "settlers' destiny in the West" was something the British tried to suppress in their colonies (Wood 74). Thus citizens throughout the United States appreciated the Congress' disposal of the Proclamation of 1763 line, which forbade the movement west and had been strongly enforced by the British (Wood 22). In addition, the land divided was sold at fairly low and reasonable rates of one dollar an acre (Aley 270). This allowed many of the citizens of the east who wanted more land to move without having to fear for their economic standing and general rights as citizens since it promised to end "second-class colonies" (Wood 74). These territories were given the ability to enter the union as states that were equal to the preexisting ones, meaning anyone living in these new states held the same rights and political liberties. The triumph of the Northwest Ordinances came largely from the lack of interference by any states or individual. It allowed for a straightforward and unambiguous westward expansion plan to be created and successfully enacted.



As previously mentioned, many of the states did not view the Congress as having the full authority to enforce the Articles of Confederation and thus they did not adhere to all of the Article's clauses. Most importantly, they did not collect or remit the taxes required of them. Many States neglected to raise the taxes that were demanded due to their citizens legitimately not having the funds. Instead of discarding their regressive tax system in these circumstances, and placing the bulk of taxes on the wealthier classes, the state governments implemented massive tax cuts (Brown, Dougherty 12). While this was beneficial to the people of the lower classes it had a negative impact on the state governments. These changes led to a situation where the states had little to no money and thus were unable to pay forward to the federal government. In addition, states would at times withhold money from the central government because they "could gain more by withholding contributions and letting other states provide these goods on their behalf" (Dougherty 8). States that did not pay their requisites could still claim the same benefits, such as protection from foreign aggressors and lowered federal debt, as the states that had paid (Dougherty 9). Under these circumstances there was little incentive to actually pay requisite taxes towards the federal government. Some historians argue that the "Articles of Confederation failed to encourage requisition payments" (Dougherty 13). Alexander Hamilton believed that the Articles of Confederation were "defected and requires to be altered. It is neither fit for war nor peace" (Hamilton Founders of Defects of Articles). An alternate view is that the Articles were problematic, not because they did not provide an incentive to pay taxes, but it was rather because the document failed to "organize a union where

state and national interests coincided" (Cain, Dougherty 202). The incentive to pay taxes to the government is quite obvious; at least in the beginning years of the Articles, the reward was winning independence from Great Britain. However, if States could withhold their share of requisites they would reap the same benefits without losing money and could instead use the collected taxes for internal improvements to further their state, instead of their nation. In this case the decentralized structure of the Articles of Confederation was powerless to solve the taxation problem.

Under the Articles of Confederation many state trade wars began breaking out within the United States. Although attempts were made to grant Congress power over commerce they were all ineffective. Congress watched on as "the separate states attempted to pass ineffectual navigation acts of their own" (Wood 150). It got to the point where states placed greater taxes on other states' products than foreign made products. In Connecticut there were "heavier duties on goods from Massachusetts than on those from Great Britain" (Wood 150). The trade issue was one of the prominent concerns that eventually pushed the congress to host the Philadelphia Convention, which ultimately led to the demise of the Articles and the rise of the Constitution. However, while not providing the Articles with power to regulate trade proved to be a large mistake it was not truly due to the Articles of Confederation that these troubles arose. It was the individual states that did not communicate and discuss their trade that led to this failed mercantilism. In addition many states still viewed the other states of the U.S. to be separate entities and as such would heavily favor their own merchants, "restricting foreign vessels to certain ports... in favor of vessels belonging to [their] own citizens"

(Madison 2). The Articles of Confederation having left these powers in the hands of the states placed them in a position to easily take advantage of the trade system. The states responded to the freedom granted under the Articles of Confederation by taking a narrow view of their own advancement and not aligning their interests with the others states and the new nation.

Additional pressure to reform the Articles of Confederation came from the unease among the ruling classes caused by Shays Rebellion in 1787. Along with the organized efforts of Daniel Shay, the Northeast had erupted into disarray in multiple locations as the less wealthy attempted to gain debt relief. One farmer, Plough Jogger, spoke in Massachusetts saying he had "been greatly abused, [had] been obliged to do more than [his] part in the war; been loaded with class rates, town rates, province rates, Continental rates and all rates . . . The great men are going to get all we have and I think it is time for us to rise up and put a stop to it" (Zinn 92). Multitudes of similar issues arose outside of Massachusetts. In Rhode Island "debtors had taken over legislature and were issuing paper money" and in New Hampshire "several hundred men, in September 1786, surrounded the legislature in Exeter, asking that taxes be returned and paper money issued" (Zinn 93). Many farmers were put out of business and thrown in debtors' prison due to their inability to pay taxes. In order to stop these arrests the farmers mobbed courts, gaining control of the courthouses. They were able to stop the meetings until elections, upon which they were hoping that politicians who favoured debt relief would be elected. This form of civil unrest was an expression against the new government that portrayed the same frustrations the small farmer and working man

had exhibited towards the British. Only twelve years prior during the earlier stages of the American Revolution, a rebellion with similar grievances and goals formed in Worcester, Massachusetts;

"During the late summer of 1774 thousands upon thousands of farmers and artisans deposed every Crown-appointed official in Massachusetts outside of Boston . . . each time a court was slated to meet under British authority in some Massachusetts town, great numbers of angry citizens made sure it did not. These patriots were furious because they had just been disenfranchised by the Massachusetts Government Act . . . For seven months the patriots reigned supreme in rural Massachusetts." (Raphael)

Shays Rebellion started in late 1786 in Massachusetts with a group of distressed farmers led by Revolutionary war veteran Daniel Shay. Provoked into insurrection by the same problems as under the British; high taxes and massive debt, the farmers were infuriated by the system. Then on January 25, 1787 Shay and his men marched to a federal arsenal with the goal of seizing weaponry and arming themselves. A Massachusetts militia was ultimately able to subdue the farmers. However, the events caused much clamor among powerful and influential men as the idea of the common man as unruly and rowdy began to spread. This was a most important turning point for the Congress, as they began to see their current national government as having "too good an opinion of human nature" (Washington Letter to John Jay 1786). However, as stated by Jogger, those who rebelled were the men that had "been obliged to do more than [their] part in the [Revolutionary] war". These were the men that felt the oppression of England and they fought in the war not so the American ruling class could escape their obligation to the English, but so that the regular people would have representation in the government. Many of the politicians of the time believed as Hamilton did that, "the people are turbulent and changing, they seldom judge or determine right" (Zinn 96). While the States neglected to fulfill their

obligations to the loose central government of the Articles of Confederation, they had accepted the concerns of the upper classes as their primary interest and in doing so repressed the masses.

As this rebellion stewed in the back of the minds of the member of the Confederation Congress, the Philadelphia convention was called. Two governmental plans of great importance were introduced at this convention. The first was the Virginia plan, which suggested the creation of an executive branch, a judicial branch, and two legislative houses (Wood 155). One of the legislative branches, the lower house, would have states represented by their population. The upper house officials would be elected by lower house members and would have no organized system of representation, meaning smaller states could easily have no voice within it. This was no mere revision to the Articles; the Virginia plan was a formula for a federal government in which the United States would no longer be "a confederation of independent republics but a national republic" (Wood 154). The second plan, the New Jersey plan, was created by the smaller states in response. Outraged by the lack of representation, the New Jersey plan proposed a government very similar to the Confederation. The single existing legislative body would be preserved but Congress would gain the ability to tax and regulate trade while at the same time "maintain[ing] basic sovereignty of the states" (Wood 155). The New Jersey plan was eventually rejected in favor of what was essentially the Virginia plan, with the added Connecticut Compromise, which gave every state two representatives in the upper house. The Virginia plan succeeded in part due to the support of the larger states that wanted more authority. The Virginia plan was an effort of the upper ruling class to create a government that was less representative of the

people's views, and more centralized. By distancing one of the representative bodies from the voting people the government was becoming less directly responsive to the voters. The Virginia plan was favoured by a majority of those in Congress because at the time Congress was mostly people of the wealthy ruling class. This was due to the fact many states had land qualifications for candidates running for office, meaning only the very wealthy could become politicians. The Anti-Federalists, as the adversaries of the Virginia plan and the constitution were named, believed that "aristocratic politicians were the greatest threat to liberty" (Dougherty 165-166). The new plan of government provided a chance for aristocrats to gain more control than they previously had. Under the Articles of Confederation the people could be reasonably directly represented, at least in states that did not have extreme qualification laws. The people could vote for whomever they wanted in office, even if that happened to be one of the so called "demagogues" that that ruling classes disliked so greatly. In the newly proposed system of government, the Virginia plan, the system of voting was distanced from the people, making it harder for them to elect representatives they felt would adequately and accurately represent the masses.

The Articles of Confederation went down in history as the failed precursor of the Constitution. Often viewed as an inherently flawed document, there are few discussions that account for the paradoxical nature of its successes and failures. Due to the decentralized structure of the government created under the Articles of Confederation, the nation had the ability to win the Revolutionary War, acquire land in what was not only the first, but also one of the most impressive diplomatic feats in the history of the United States foreign policy, and create a land division system that allowed for growth and

expansion across North America. However, the lack of a strong federal government also permitted dysfunctional actions by the sovereign states leading to failures in the tax system, interstate trade, and the protection of United States citizens from the oppression of state governments. America went on to enact the United States Constitution, which created a strong federal government. However, regardless of this more powerful central government the United States is still plagued by tension between federal and state power. The dissolution of the Articles of Confederation resulted from the inability of states and the national government to align their interests. While there are no longer discussions concerning trade between the states, the issue of federal versus state sovereignty remains unresolved. From abortion laws to taxation to gay rights the United States has yet to arrive at a peaceful resolution to the question of where the line should be drawn between local and federal jurisdiction, and how to align the interests of the disparate regions and states that comprise the United States of America.