

The Articles of Confederation

After the ratification of the Declaration of Independence, establishing the "united colonies" as Free and Independent States, the Continental Congress set to work on the task of drawing up a document that would provide a legal framework for that Union, and which would be enforceable as the law of the new land.

The Articles were written during the early part of the American Revolution by a committee of the Second Continental Congress of the now independent thirteen sovereign states. The head of the committee, John Dickinson, who had refused to sign the Declaration of Independence, nevertheless adhering to the will of the majority of the members of the Continental Congress, presented a report on the proposed articles to the Congress on July 12, 1776, eight days after the signing of the Declaration of Independence. Dickinson initially proposed a strong central government, with control over the western lands, equal representation for the states, and the power to levy taxes.

Because of their experience with Great Britain, the 13 states feared a powerful central government. Consequently, they changed Dickinson's proposed articles drastically before they sent them to all the states for ratification in November 1777. The Continental Congress had been careful to give the states as much independence as possible. The Articles deliberately established a confederation of sovereign states, carefully specifying the limited functions of the federal government. Despite these precautions, several years passed before all the states ratified the articles. The delay resulted from preoccupation with the revolution and from disagreements among the states. These disagreements included quarrels over boundary lines, conflicting decisions by state courts, differing tariff laws, and trade restrictions between states.

The small states wanted equal representation with the large states in Congress, and the large states were afraid they would have to pay an excessive amount of money to support the federal government. In addition, the states disagreed over control of the western territories. The states with no frontier borders wanted the government to control the sale of these territories so that all the states profited. On the other hand, the states bordering the frontier wanted to control as much land as they could.

Eventually the states agreed to give control of all western lands to the federal government, paving the way for final ratification of the articles on March 1, 1781, just seven and a half months before the surrender of Lord Cornwallis and his British Army at Yorktown, October 19, 1781, the victory ended fighting in the War of Independence and virtually assured success to the American cause. Almost the entire war for five long years had been prosecuted by the members of the Second Continental Congress as representatives of a loose federation of states with no constitution, acting at many times only on their own individual strengths, financial resources and reputations.

Under the Articles, on paper, the Congress had power to regulate foreign affairs, war, and the postal service and to appoint military officers, control Indian affairs, borrow money,

determine the value of coin, and issue bills of credit. In reality, however, the Articles gave the Congress no power to enforce its requests to the states for money or troops, and by the end of 1786 governmental effectiveness had broken down.

Nevertheless, some solid accomplishments had been achieved: certain state claims to western lands were settled, and the Northwest Ordinance of 1787 established the fundamental pattern of evolving government in the territories north of the Ohio River. Equally important, the Confederation provided the new nation with instructive experience in self-government under a written document. In revealing their own weaknesses, the Articles paved the way for the Constitutional Convention of 1787 and the present form of U.S. government.

The Articles were in force from March 1, 1781, to March 4, 1789, when the present Constitution of the United States went into effect. During those years the 13 states were struggling to achieve their independent status, and the Articles of Confederation stood them in good stead in the process and exercise of learning self-government.

The Provisions of the Articles

The articles created a loose confederation of independent states that gave limited powers to a central government. The national government would consist of a single house of Congress, where each state would have one vote. Congress had the power to set up a postal department, to estimate the costs of the government and request donations from the states, to raise armed forces, and to control the development of the western territories. With the consent of nine of the thirteen states, Congress could also coin, borrow, or appropriate money as well as declare war and enter into treaties and alliances with foreign nations.

There was no independent executive and no veto of legislation. Judicial proceedings in each state were to be honored by all other states. The federal government had no judicial branch, and the only judicial authority Congress had was the power to arbitrate disputes between states. Congress was denied the power to levy taxes; the new federal government was financed by donations from the states based on the value of each state's lands. Any amendment to the articles required the unanimous approval of all 13 states.

Weaknesses

In attempting to limit the power of the central government, the Second Continental Congress created one without sufficient power to govern effectively, which led to serious national and international problems. The greatest weakness of the federal government under the Articles of Confederation was its inability to regulate trade and levy taxes. Sometimes the states refused to give the government the money it needed, and they engaged in tariff wars with one another, almost paralyzing interstate commerce. The government could not pay off the debts it had incurred during the revolution, including paying soldiers who had fought in the war and citizens who had provided supplies to the cause. Congress could not pass needed measures because they lacked the nine-state

majority required to become laws. The states largely ignored Congress, which was powerless to enforce cooperation, and it was therefore unable to carry out its duties.

After the Colonial victory in the Revolutionary War, it became obvious to the Founding Fathers that the original attempt would not be equal to the task of providing the equitable law which they sought.

Congress could not force the states to adhere to the terms of the Treaty of Paris of 1783 ending the American Revolution, which was humiliating to the new government, especially when some states started their own negotiations with foreign countries. In addition, the new nation was unable to defend its borders from British and Spanish encroachment because it could not pay for an army when the states would not contribute the necessary funds.

Leaders like Alexander Hamilton of New York and James Madison of Virginia criticized the limits placed on the central government, and General George Washington is said to have complained that the federation was "little more than a shadow without substance."

On February 21, 1787, Congress called for a Constitutional Convention to be held in May to revise the articles. Between May and September, the convention wrote the present Constitution for the United States, which retained some of the features of the Articles of Confederation but gave considerably more power to the federal government. The new Constitution provided for executive and judicial branches of government, lacking in the Articles, and allowed the government to tax its citizens.