

Topic 1.4: Challenges of the Articles of Confederation

Concept Application

Before You Read

The first government of the United States was established in the Articles of Confederation. Challenges with this form of government caused many to support the new Constitution. As you prepare to analyze the Articles, think about what you remember about the issues that many had with this governmental structure. Some categories have been provided to guide your brainstorming.

Issues	What you recall
Raising and collecting taxes	
Making changes to the government	
State versus federal power	

*Required Document:
Excerpts from The Articles of Confederation*

Paired with: Excerpts from Letter #1 of the Federal Farmer to the Republican

Related Concepts:

- Constitution
- Confederation
- Challenges under the Articles of Confederation
- Shays' Rebellion

Process

Describe structures and functions.

Concept Application

Describe political principles, institutions, processes, policies, and behaviors.

The Articles of Confederation

You may already know that our Constitution sets up a federal system, in which states are joined together but with a national government that is supreme when there is a conflict and with certain powers that are exclusive to the national government (e.g., regulating inter-state and international trade, declaring war, concluding treaties, etc.).

The Articles of Confederation, however, set up a different type of government. As you read the text, consider how the government under the Articles was structured. Identify how power was divided between the national government and the states. As you read, consider the challenges that some of the provisions of the Articles may have presented to the young country.

The directions and questions in the margin will guide your note-taking and help you see how the government under the Articles of Confederation was structured and designed to function as our first plan of government.

The Articles of Confederation

Authored by the Second Continental Congress, 1777

Ratified by Maryland (last state to do so) on March 1, 1781

Of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

ARTICLE I.

The [Style] of this confederacy shall be “The United States of America.”

Academic Vocabulary

What is meant by a *confederation*?

Check Your Understanding

What do you think is the purpose of this document?

ART. II.

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled

Academic Vocabulary

Use your prior knowledge and context clues to define *sovereignty* and *jurisdiction* in the space below the paragraph.

Check Your Understanding

Highlight or underline what the document says here about the powers of the states.

ART. III.

The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever. . . .

Check Your Understanding

Circle the clues in this article that help explain the founders' idea of a confederation.

ART. V.

For the more convenient management of the general interests of the united States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

Concept Application

Summarize the structure of the Congress as outlined in the Articles.

No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united States, for which he, or any other for his benefit, receives any salary, fees or emolument of any kind. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States. In determining questions in the united States in Congress assembled, each state shall have one vote. . . .

Check Your Understanding

Highlight or underline how many votes each state had under the Articles.

ART. VIII.

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the united States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united States in congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the united States in congress assembled.

...

ART. IX.

The united States in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever ...

... The united States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal, in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of the majority of the united States in congress assembled.

imposts: something imposed, i.e. taxes

duties: taxes on imported goods

Check Your Understanding

Circle the text that explains how taxes will be assessed and collected under the Articles.

Concept Application

How is power divided between the states and the national government in Article VIII?

Academic Vocabulary

Define commerce using the context of this article.

Check Your Understanding

In this passage, find evidence that Congress lacked the sole power to regulate commerce under the Articles. Highlight or underline where you see that evidence.

Connect to Content

Describe one way in which the powers granted to Congress under the Articles caused problems for the young republic.

Concept Application

Describe the difficulties the powers not granted to Congress in this section of the Articles would likely have caused to the function of the government.

ART. XIII.

Every State shall abide by the determination of the united States in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united States, and be afterwards confirmed by the legislatures of every State

Check Your Understanding

Circle how many states would have to agree to any changes (amendments) to the Articles.

Concept Application

How does the amendment process reflect the division of power between the Confederation Congress and the states?

How might the amendment process impact the functions of the government?

After You Read

Thinking Like a Political Scientist

Reasoning Process: Process

What were the characteristics of Congress outlined in the Articles of Confederation?

Based on this reading, what are your thoughts about the structural weaknesses of the Articles?

Political Science Disciplinary Practices

Concept Application

Going beyond the text, what challenges were or might have been faced by a government in which the national government is designed to be weak?

The evidence in the text supports the idea that the national government relied on a large majority of the states to take action. How does this feature of the Articles of Confederation influence the balance of power between the states and the national government?

Letter #1 from the Federal Farmer to the Republican

“Letter #1 of the Federal Farmer to the Republican” is one of the most often read and cited works of the Anti-Federalists. While the author used the pseudonym, Federal Farmer, many have speculated these letters to be the work of Richard Henry Lee. Lee was a prominent Anti-Federalist who was selected to be a delegate to the Constitutional Convention but refused to serve.

This text presents a somewhat complex argument that can only be understood with a clear comprehension of some of the key provisions of the Articles of Confederation and the reasons that the Second Continental Congress and the states decided to create a weak central government. However, it is also critical to consider the weaknesses of the national government under the Articles of Confederation that led to the drafting of a completely new constitution in the summer of 1787.

As you read the text, consider how the government actually operated under the Articles of Confederation. Identify the challenges that some of the provisions of the Articles may have presented to the young country.

Published in pamphlet form in November 1787

OCTOBER 8th, 1787.

DEAR SIR,

MY letters to you last winter, on the subject of a well balanced national government for the United States, were the result of a free enquiry; when I passed from that subject to enquiries relative to our commerce, revenues, past administration, etc. I anticipated the anxieties I feel, on carefully examining the plan of government proposed by the convention. It appears to be a plan retaining some federal features; but to be the first important step, and to aim strongly at one consolidated government of the United States. It leaves the powers of government, and the representation of the people, so unnaturally divided between the general and state governments, that the operations of our system must be very uncertain.

Check Your Understanding

What about the proposed Constitution troubles the Federal Farmer?

Check Your Understanding

Circle the text where the author gives his opinion on the division of power between the national government and the states.

My uniform federal attachments, and the interest I have in the protection of property, and a steady execution of the laws, will convince you, that, if I am under any bias at all, it is in favor of any general system which shall promise those advantages.

The instability of our laws increases my wishes for firm and steady government; but then, I can consent to no government, which, in my opinion, is not calculated equally to preserve the rights of all orders of men in the community. My object has been to join with those who have endeavored to supply the defects in the forms of our governments by a steady and proper administration of them.

Though I have long apprehended that fraudulent debtors, and embarrassed men, on the one hand, and men, on the other, unfriendly to republican equality, would produce an uneasiness among the people, and prepare the way, not for cool and deliberate reforms in the governments, but for changes calculated to promote the interests of particular orders of men ...

I know our situation is critical, and it behooves us to make the best of it. A federal government of some sort is necessary. We have suffered the present to languish; and whether the confederation was capable or not originally of answering any valuable purposes, it is now but of little importance.

Check Your Understanding

Circle the two interests the Federal Farmer states he has.

Check Your Understanding

What are the main concerns of the author in these two paragraphs? Paraphrase them in the space below the paragraphs.

Concept Application

Why does the author believe a federal government of some sort is necessary?

. . . A constitution is now presented which we may reject, or which we may accept with or without amendments, and to which point we ought to direct our exertions is the question. To determine this question with propriety; we must attentively examine the system itself, and the probable consequences of either step. . . .

The first principal question that occurs, is, Whether, considering our situation, we ought to precipitate the adoption of the proposed constitution? If we remain cool and temperate, we are in no immediate danger of any commotions; we are in a state of perfect peace, and in no danger of invasions; the state governments are in the full exercise of their powers; and our governments answer all present exigencies, except the regulation of trade, securing credit, in some cases, and providing for the interest, in some instances, of the public debts; ...

....

The present moment discovers a new face in our affairs. Our object has been all along, to reform our federal system, and to strengthen our governments—to establish peace, order and justice in the community—but a new object now presents. The plan of government now proposed is evidently calculated totally to change, in time, our condition as a people. Instead of being thirteen republics, under a federal head, it is clearly designed to make us one consolidated government.

...

Concept Application

Circle the words and phrases in the passage that describe the author's feelings about how quickly the Constitution is being put forward for adoption.

Check Your Understanding

What is the Federal Farmer referring to when he states, "a new object now presents"?

Check Your Understanding

Circle what the author asserts is the real objective of the proposed Constitution.

precipitate: to move or act quickly, perhaps unwisely

We expected too much from the return of peace, and of course we have been disappointed. Our governments have been new and unsettled; and several legislatures, by making tender, suspension, and paper money laws, have given just cause of uneasiness to creditors.

By these and other causes, several orders of men in the community have been prepared, by degrees, for a change of government; and this very abuse of power in the legislatures, which in some cases has been charged upon the democratic part of the community, has furnished aristocratical men with those very weapons, and those very means, with which, in great measure, they are rapidly effecting their favorite object.

And should an oppressive government be the consequence of the proposed change, posterity may reproach not only a few overbearing, unprincipled men, but those parties in the states which have misused their powers.

....

—We shall view the convention with proper respect—and, at the same time, that we reflect there were men of abilities and integrity in it, we must recollect how disproportionately the democratic and aristocratic parts of the community were represented—Perhaps the judicious friends and opposers of the new constitution will agree, that it is best to let it rely solely on its own merits, or be condemned for its own defects.

The plan proposed appears to be partly federal, but principally however, calculated ultimately to make the states one consolidated government. ...

Connect to Content

Describe two weaknesses of the Articles of Confederation, as mentioned by the author.

Academic Vocabulary

How does the author use the word *oppressive* here to send a signal about the proposed Constitution?

Check Your Understanding

Paraphrase the author's position regarding some of the men who are arguing for change in the space below this paragraph.

Academic Vocabulary

What does the author's use of the word *consolidated* here say about his views on the power of the states?

There are three different forms of free government under which the United States may exist as one nation; and now is, perhaps, the time to determine to which we will direct our views.

1. Distinct republics connected under a federal head. In this case the respective state governments must be the principal guardians of the peoples rights, and exclusively regulate their internal police; in them must rest the balance of government. The congress of the states, or federal head, must consist of delegates amenable to, and removable by the respective states: This congress must have general directing powers; powers to require men and monies of the states; to make treaties; peace and war; to direct the operations of armies, &c. Under this federal modification of government, the powers of congress would be rather advisory or recommendatory than coercive.

2. We may do away the federal state governments, and form or consolidate all the states into one entire government, with one executive, one judiciary, and one legislature, consisting of senators and representatives collected from all parts of the union: In this case there would be a compleat consolidation of the states.

3. We may consolidate the states as to certain national objects, and leave them severally distinct independent republics, as to internal police generally. Let the general government consist of an executive, a judiciary, and balanced legislature, and its powers extend exclusively to all foreign concerns, causes arising on the seas to commerce, imports, armies, navies, Indian affairs, peace and war, and to a few internal concerns of the community; to the coin, post offices, weights and measures, a general plan for the militia, to naturalization, and, perhaps to bankruptcies, leaving the internal police of the community, in other respects, exclusively to the state governments; as the administration of justice in all causes arising internally, the laying and collecting of internal taxes, and the forming of the militia according to a general plan prescribed. In this case there would be a compleat consolidation, quoad [with respect to] certain objects only.

Content Application

The author describes three possible forms of government that could be instituted. After reading this first option, describe one way that it is similar to, and different from, the Articles of Confederation.

Check Your Understanding

How does this second option connect to the author's prior use of the term consolidation?

Check Your Understanding

How does this third option compare to the first and the second options?

Touching the first, or federal plan, I do not think much can be said in its favor: The sovereignty of the nation, without coercive and efficient powers to collect the strength of it, cannot always be depended on to answer the purposes of government; and in a congress of representatives of foreign states, there must necessarily be an unreasonable mixture of powers in the same hands.

As to the second, or compleat consolidating plan, it deserves to be carefully considered at this time by every American: If it be impracticable, it is a fatal error to model our governments, directing our views ultimately to it.

The third plan, or partial consolidation, is, in my opinion, the only one that can secure the freedom and happiness of this people. I once had some general ideas that the second plan was practicable, but from long attention, and the proceedings of the convention, I am fully satisfied, that this third plan is the only one we can with safety and propriety proceed upon.

...

Independent of the opinions of many great authors, that a free elective government cannot be extended over large territories, a few reflections must evince, that one government and general legislation alone never can extend equal benefits to all parts of the United States: Different laws, customs, and opinions exist in the different states, which by a uniform system of laws would be unreasonably invaded. The United States contain about a million of square miles, and in half a century will, probably, contain ten millions of people; and from the center to the extremes is about 800 miles.

Before we do away the state governments or adopt measures that will tend to abolish them, and to consolidate the states into one entire government several principles should be considered and facts ascertained:—These, and my examination into the essential parts of the proposed plan, I shall pursue in my next.

Your's, &c.

THE FEDERAL FARMER.

Check Your Understanding

Circle the issues or problems the author finds with the first and second options.

Check Your Understanding

Of the three discussed, which plan does the author believe would be the most likely to “secure the freedom and happiness of this people”? How does he support this conclusion?

Check Your Understanding

Highlight or underline the argument the author makes about why a “consolidated” government is not possible over a country the size (and future size) of the United States.

After You Read

Thinking Like a Political Scientist

Reasoning Process: Process

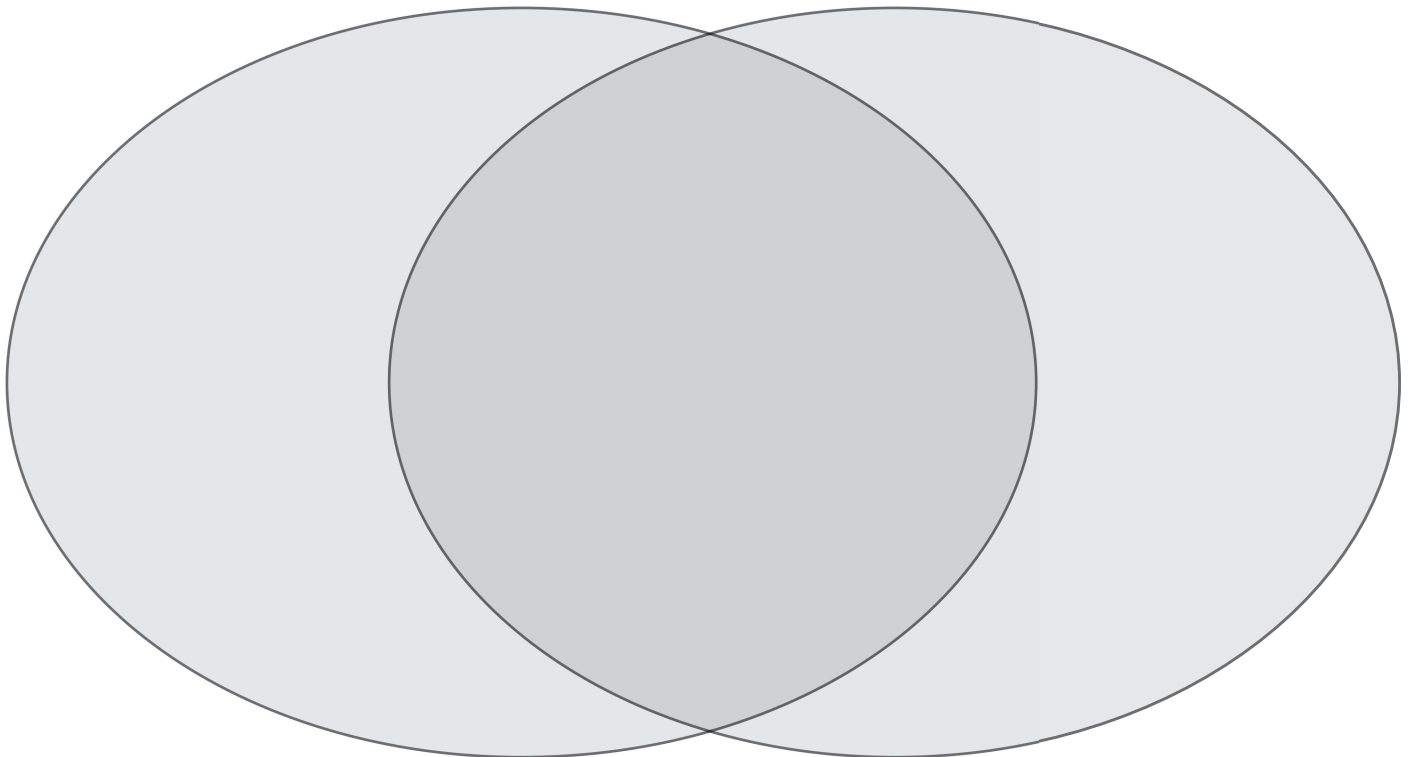
What does the author believe to be the right balance of power between the national government and the states?

Based on this reading, what are your thoughts about the structural weaknesses of the Articles?

Political Science Disciplinary Practices

Concept Application

Which of the three versions of government described by the Federal Farmer is most like the Articles? Which is most like the Constitution? Use the Venn Diagram Below to categorize the details from his argument.



Making Connections

Now, think about both readings as you complete the table below.

Which challenges with the Articles of Confederation did the Constitution resolve? How?

Issue	In Articles of Confederation	Resolved in the Constitution
Amendment Process		
Inability to tax		

Do you think the Federal Farmer’s fears of a “consolidated government” have been realized in our government today? How might you connect that concern to the current political debates over federalism and the proper balance of power between the national government and the states?
