

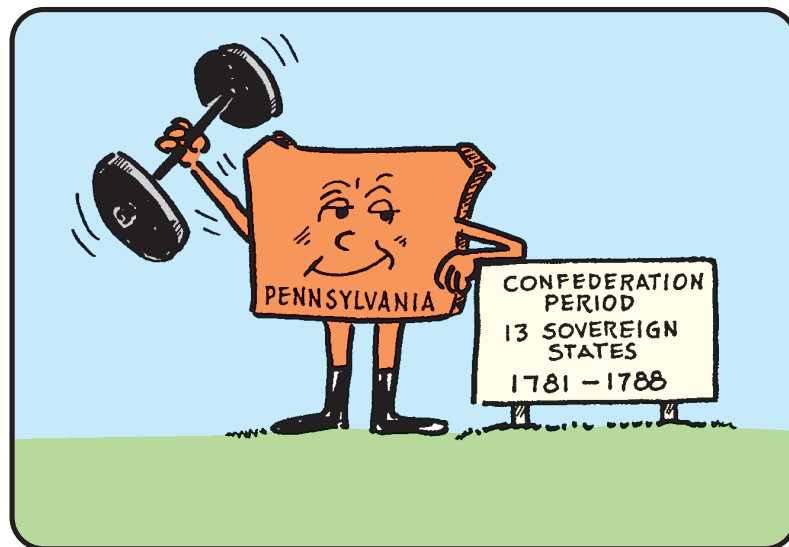
SECTION 11  
**CONFEDERATION PERIOD**  
1781-1788

1781

1788

“The Stile of this confederacy shall be ‘The United States of America.’”

Articles of Confederation, Article I,  
Ratified March 1, 1781



### ARTICLES OF CONFEDERATION

The United States' first Constitution, 1781-88

**On June 7, 1776, Richard Henry Lee, Virginia delegate to the Continental Congress, proposed that the “United Colonies are, and of right ought to be, free and independent states,” and that “a plan of confederation be prepared and transmitted to the respective colonies for their consideration and approbation.”**

**A plan called the Articles of Confederation was adopted by Congress in 1777 and ratified by 12 of the 13 states by 1779. Maryland withheld ratification until states with claims to western lands ceded those lands to Congress “for the good of the whole.” By 1781 all states with land claims had agreed to cede them, and on March 1, Maryland ratified the Articles.**

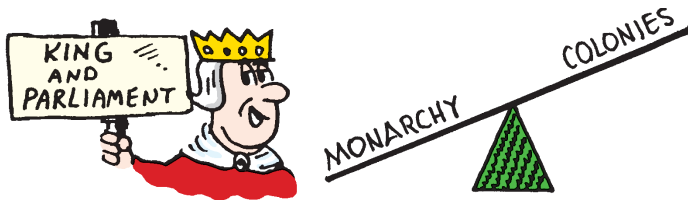
**On March 1, 1781, the Articles of Confederation became the law of the land—and remained so until replaced in 1788 by the Constitution of the United States.**

# 11-1 ★ THE BIG QUESTION: WHO WILL BE IN CHARGE?

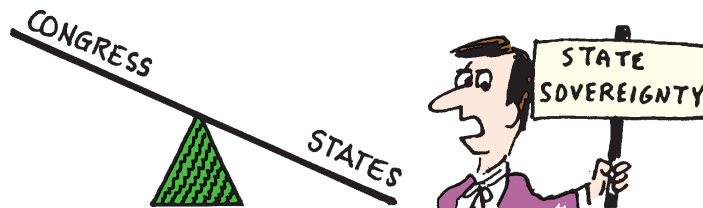


## SHIFTING BALANCE OF POWER: AN OVERVIEW

**MONARCHY 1607-1776**  
BRITISH CONSTITUTION (UNWRITTEN)



**CONFEDERATION 1781-1788**  
ARTICLES OF CONFEDERATION



**REPUBLIC 1788**  
U.S. CONSTITUTION

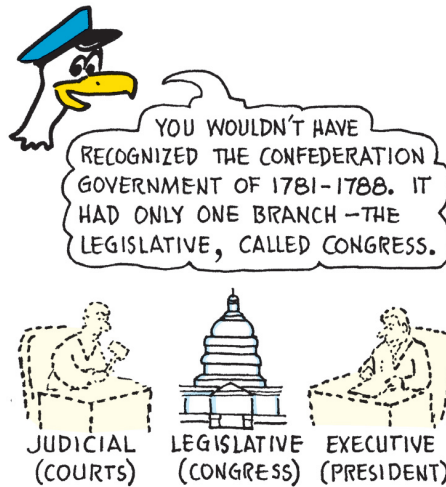


# 11-2 ★ ARTICLES OF CONFEDERATION: 13 SOVEREIGN STATES

*sovereign*—supreme power; independent

## THE CONFEDERATION GOVERNMENT UNDER THE ARTICLES OF CONFEDERATION, 1781-88

The Confederation Government—despite certain limitations—successfully fought the American Revolution, won independence, and negotiated a remarkably favorable peace treaty.



The single-house Congress was composed of two-to-seven delegates from each state, who voted as a unit.

No matter how large a state in population, it had only one vote in Congress.

Votes of two-thirds of the states were required to pass laws.

Amendments to the Articles required a unanimous vote. This made it hard to change the Articles of Confederation.

### CONGRESS, DESIGNED TO BE WEAK, HAD FEW POWERS.

Congress could:

1. Declare war
2. Make treaties
3. Manage Indian affairs
4. Maintain an army and navy
5. Coin and borrow money
6. Regulate weights and measures
7. Establish a postal service

CAN YOU FIGURE OUT TWO BIG POWERS CONGRESS LACKED?



### STATE POWERS

The thirteen sovereign states followed this golden rule. Each controlled its own purse strings, holding the power to:

1. tax



2. regulate trade.



### STATE CONSTITUTIONS



State constitutions were written during the Revolution by every state except Rhode Island and Connecticut, both of which simply revised their colonial charters.

The constitutions shared these features:

1. THREE BRANCHES OF GOVERNMENT—with a weak governor, a bicameral legislature (except for unicameral legislatures in Pennsylvania and New Hampshire), and a tenured judiciary
2. PROPERTY QUALIFICATIONS FOR VOTING AND HOLDING OFFICE
3. BILLS OF RIGHTS to guarantee personal liberty. Virginia's Bill of Rights, called the Declaration of Rights, was written in June 1776 by George Mason. It became a model for those of other states and for the United States Bill of Rights.

### LAND GAINED AFTER THE REVOLUTION

In the 1783 Treaty of Paris, Britain ceded to the United States land extending west to the Mississippi River. How would the new western territory be settled, organized, and governed?



## 11-3 ★ THOMAS JEFFERSON'S CONFEDERATION ACHIEVEMENTS



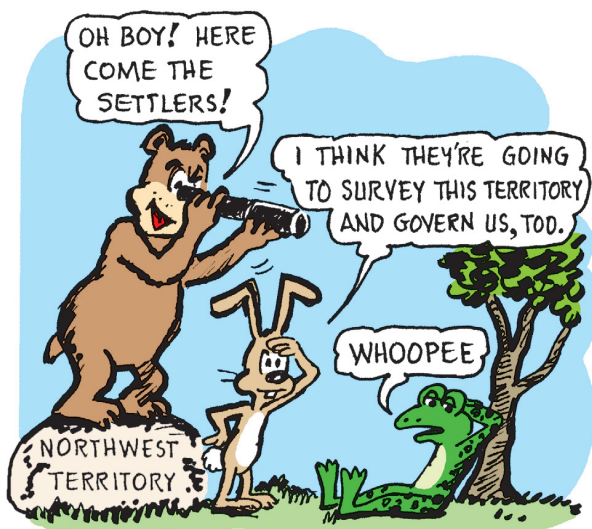
In 1784 Thomas Jefferson, serving in the Confederation Congress, created a plan of government for organizing western lands into states on an equal basis with the original thirteen states.

Jefferson's plan—including grid surveys, public education, prohibition of slavery, religious freedom, and self-government—was incorporated in the

LAND ORDINANCE OF 1785 and  
NORTHWEST ORDINANCE OF 1787.

### LAND ORDINANCE OF 1785—JEFFERSON'S PLAN FOR SURVEYING AND SELLING WESTERN LANDS

The Northwest Territory (and later, other territories) would be surveyed and divided into townships, each six miles square. The townships would be subdivided into 36 sections, one mile square (640 acres).



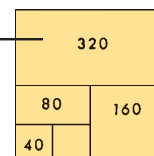
Sections of land would be sold at public auction for a minimum of \$1.00 per acre. Jefferson wanted to make it easy for Americans to own property.

Section 16 of each town would be used to support free public schools—a priceless legacy from Jefferson, who believed in a free system of tax-supported schools. His attempt in 1779 to establish such a system in Virginia was defeated by the Virginia legislature.

6 mile square township  
(36 sections, each 1-mile square)

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

One-mile square section=640 acres



**NORTHWEST ORDINANCE OF 1787—REPUBLICAN STATEHOOD FOR THE NEW TERRITORIES**

In 1784 Thomas Jefferson had proposed prohibiting slavery in **ALL** future states after 1800, but this clause lost by one vote in the Confederation Congress.



Jefferson lamented that one vote:  
 “The voice of a single individual would have prevented this abominable crime from spreading itself over the new country.”

**THE 1787 NORTHWEST ORDINANCE:**

- ◆ Prohibited slavery in the Northwest Territory—based on Thomas Jefferson’s 1784 proposal.
- ◆ Allowed the Northwest Territory to divide into three to five territories, each with
  - self-government and
  - a bill of rights that included religious freedom.
 This provision, too, was based on Jefferson’s 1784 proposal.

**TERRITORIAL GOVERNMENT WOULD DEVELOP IN THREE STAGES:**  
 (This plan also applied to subsequent territories.)

1. A Congressionally appointed governor and 3 judges at the first stage
2. An elected legislature and a non-voting delegate to Congress when the population reached 5,000 free, white males
3. A state constitution and admission to statehood when the above population reached 60,000

**A UNIQUE POLICY**

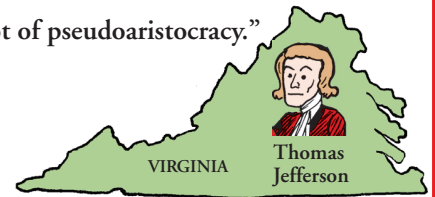
The Northwest Ordinance adopted Jefferson’s proposal to take in new western lands as equal states rather than subordinate colonies. This set forth a democratic land policy unique in history.

**JEFFERSON EXPANDS FREEDOM IN THE VIRGINIA CONSTITUTION. OTHER STATES FOLLOW.**

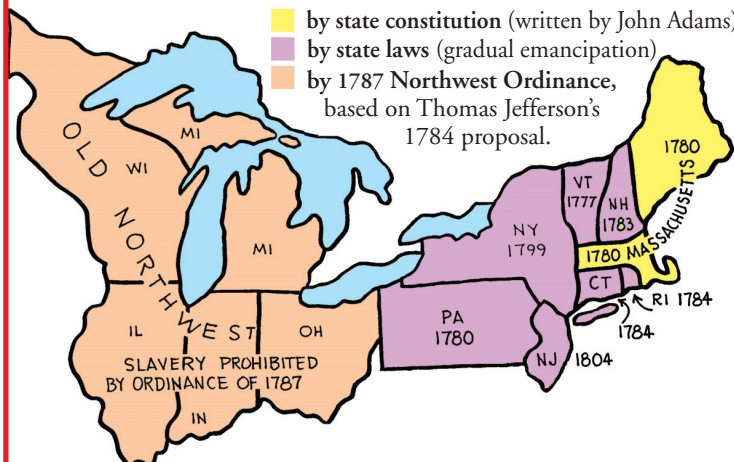
Thomas Jefferson, after writing the Declaration of Independence in 1776, returned home to Virginia to serve as a member of the Virginia legislature. Here, between 1776 and 1779, he revised Virginia’s code of laws, democratizing the laws in regard to property, religion, and other matters. Other states incorporated and added to his democratic revisions.

◆ **Feudal property laws abolished: entail and primogeniture:**

- Jefferson proudly noted, “these laws, drawn by myself, laid the ax to the foot of pseudoaristocracy.”
- 1) **1776 —ENTAIL:** land inheritance restricted to descendents of original owner
  - 2) **1785—PRIMOGENITURE:** right of the oldest son to property inheritance



- ◆ Anglican Church disestablished, 1776-1790.
- ◆ Slavery abolished in northern states, 1777-1804.



◆ **VIRGINIA STATUTE FOR RELIGIOUS FREEDOM\***

Jefferson’s 1779 Bill for Establishing Religious Freedom was enacted into law in 1786. It established freedom of religion and the separation of church and state. It became the model for the First Amendment to the United States Constitution. It stated, in part:  
 “Almighty God hath created the mind free.... We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever... but that all men shall be free to profess...their opinions in matters of religion, and that the same shall in no wise...affect their civil liberties.”

## THE VIRGINIA STATUTE FOR RELIGIOUS FREEDOM

WRITTEN AS A BILL BY VIRGINIA ASSEMBLYMAN THOMAS JEFFERSON IN 1779 AND ENACTED INTO VIRGINIA LAW IN 1786

THOMAS JEFFERSON



**Whereas, Almighty God hath created the mind free;** that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being Lord, both of body and mind yet chose not to propagate it by coercions on either, as was in his Almighty power to do,

**that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time;**

**that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical;** that even the forcing him to support this or that teacher of his own religious persuasion is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the Ministry those temporary rewards, which, proceeding from an approbation of their personal conduct are an additional incitement to earnest and unremitting labours for the instruction of mankind;

**that our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry, that therefore the proscribing any citizen as unworthy the public confidence, by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages, to which, in common with his fellow citizens, he has a natural**

right, that it tends only to corrupt the principles of that very Religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments those who will externally profess and conform to it;

**that though indeed, these are criminal who do not** withstand such temptation, yet neither are those innocent who lay the bait in their way;

**that to suffer the civil magistrate to intrude his powers** into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy which at once destroys all religious liberty because he being of course judge of that tendency will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with or differ from his own;

**that it is time enough for the rightful purposes of civil** government, for its officers to interfere when principles break out into overt acts against peace and good order;

**and finally, that Truth is great, and will prevail if left** to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

**Be it enacted by General Assembly that no man shall** be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief,

**but that all men shall be free to profess, and by** argument to maintain, their opinions in matters of Religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

**And though we well know that this Assembly elected** by the people for the ordinary purposes of Legislation only, have no power to restrain the acts of succeeding Assemblies constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet we are free to declare, and do declare that the rights hereby asserted, are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

## 11-4 ★ PROBLEMS OF THE CONFEDERATION

The Confederation lasted only a few years: from 1781 to 1788.

What were the problems?

How would the Constitution solve them?

### 1. NO TAXING POWER—NO MONEY

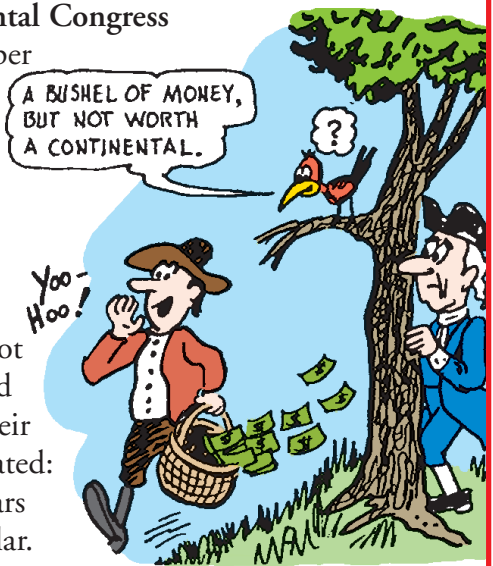
The national government gradually went broke. Why? The Confederation government could request money from the states, but it could not require them to pay taxes. So few did.



### 2. INFLATION

The Continental Congress had issued paper money to pay its \$40,000,000 war debt.

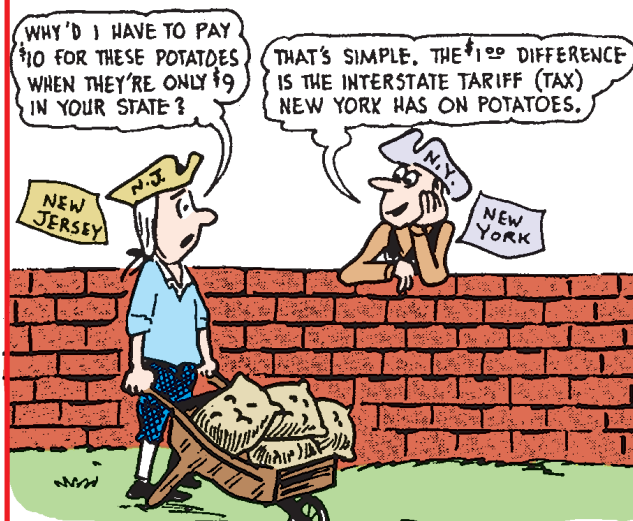
These continental dollars were not backed by gold or silver, so their value was inflated: 40 paper dollars to 1 silver dollar.



Creditors avoided debtors trying to pay them with this worthless paper money, and hostility developed between the two groups.

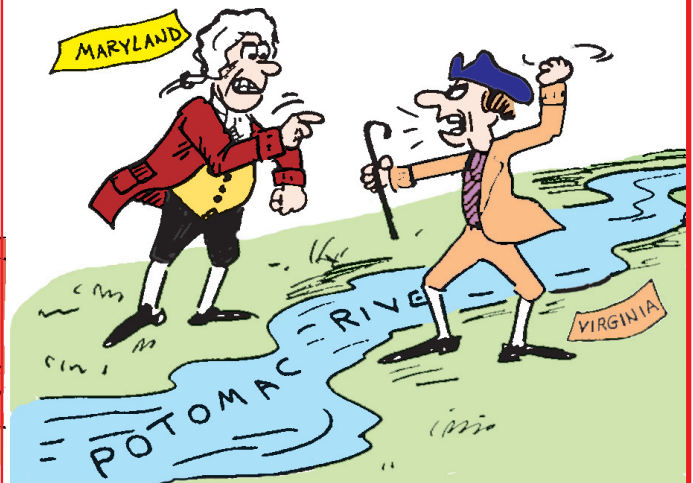
### 3. TARIFF WARS

Each state, exercising its sovereignty, charged rival states a tariff (a tax on imported goods).



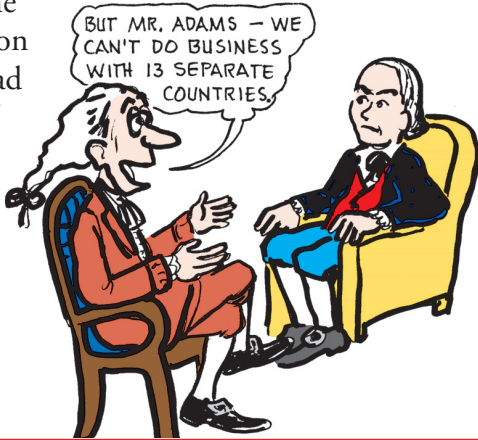
### 4. JEALOUSY AND QUARRERING AMONG STATES

Would warfare break out between the sovereign states, as it did frequently in Europe among sovereign nations?



5. FOREIGN AFFAIRS IN SHAMBLES

Each state had different trade regulations, a frustrating situation for foreign governments and businessmen. Furthermore, foreign countries distrusted the Confederation because it had no power of the purse to back its agreements.



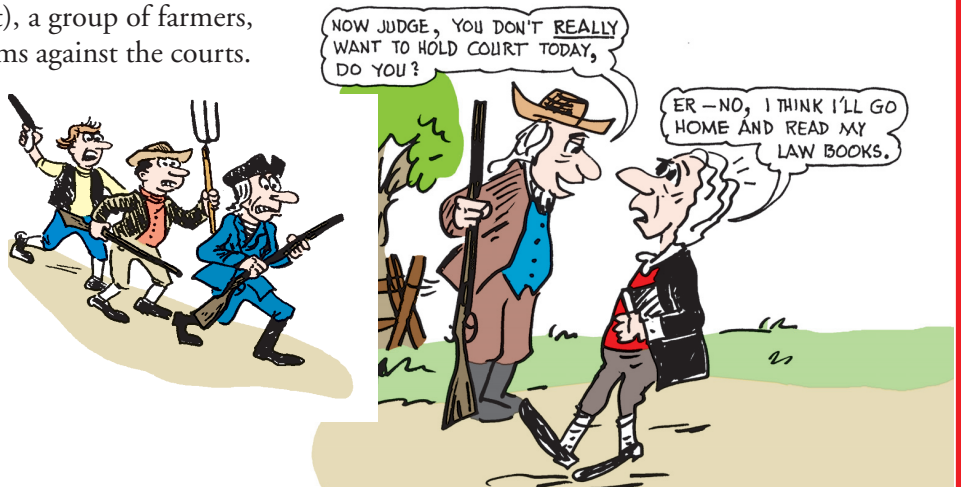
6. DISRESPECT FROM OTHER COUNTRIES

Monarchical nations, such as England and Spain, gleefully waited for the Confederation to fall apart. They were certain that the foolish idea of self-government would never work.



7. DEBTOR—CREDITOR CONFLICTS: SHAYS' REBELLION, 1787

In Massachusetts, debt-ridden farmers hurt by inflation couldn't meet payments on their farm mortgages. Rather than go to debtors' prison and/or lose their farms to creditors suing them in court to foreclose (claim the property as payment of the debt), a group of farmers, led by Daniel Shays, took up arms against the courts.



FORTUNATELY, THE MASSACHUSETTS MILITIA PUT DOWN SHAYS' REBELLION, FOR THE CONFEDERATION GOVERNMENT WAS TOO WEAK TO ACT IF NEEDED.

THE NATION WAS ALARMED TO SEE ARMED REBELLION AGAINST HONEST DEBTS. CREDITORS-AND ALL PROPERTY OWNERS- FEARED THAT LAW AND ORDER WOULD GIVE WAY TO MOB VIOLENCE WITHOUT A STRONG CENTRAL GOVERNMENT.

George Washington, considering the Confederation's problems, feared the worst. In 1784 he had written:

I PREDICT THE WORST CONSEQUENCES FROM A HALF-STARVED, LIMPING GOVERNMENT, ALWAYS MOVING ON CRUTCHES AND TOTTERING AT EVERY STEP.

OH GEORGE, DON'T BE SUCH A PESSIMIST...

In 1787, hearing of Shays' Rebellion, Washington wrote,

"There must be lodged somewhere a supreme power [a national government], without which the union cannot be of long duration."

What would the Americans do?



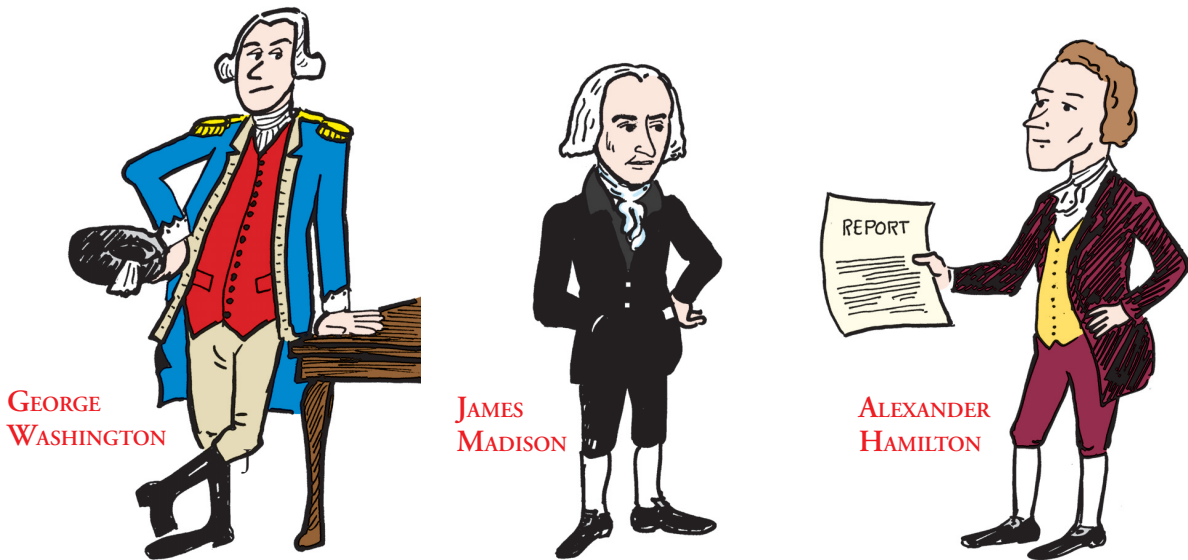


## 11-5 ★ THREE FRIENDS: A MEETING OF NATIONALIST MINDS

George Washington believed that only a strong, national government could save the states from political and financial ruin.

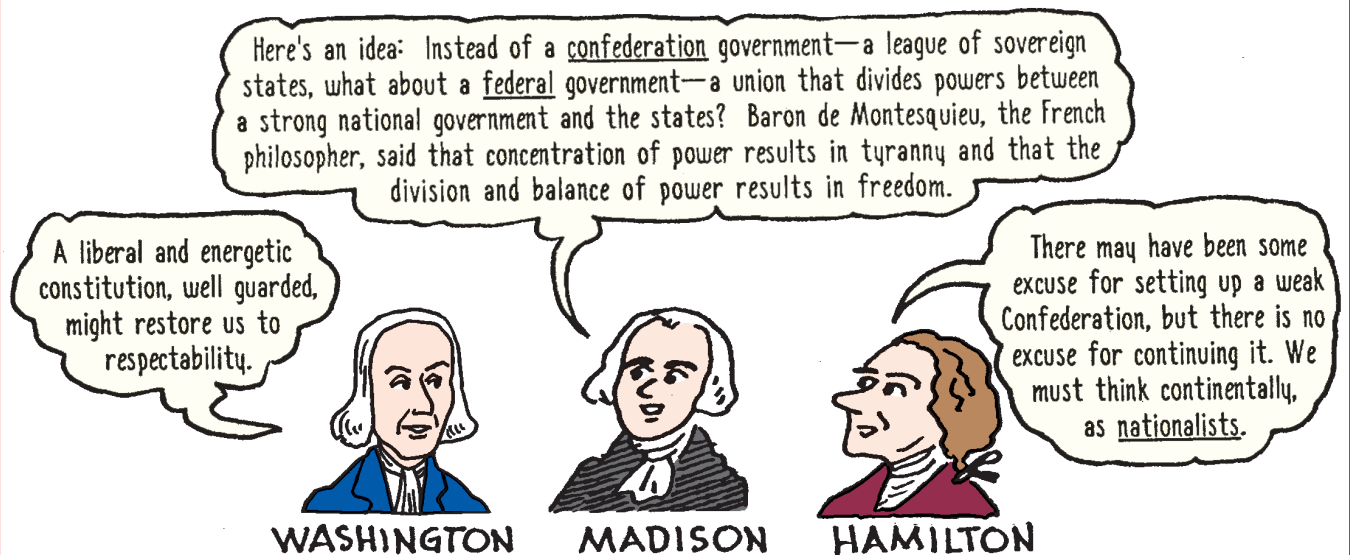
George Washington's nationalist view was shared by other American leaders, including his young friends James Madison, a fellow Virginian, and Alexander Hamilton of New York, his chief military aide during the Revolutionary War.

Madison and Hamilton had become friends as members of the Continental Congress in 1782, when both attempted—in vain—to strengthen the Confederation government.



The three friends shared views in person and through correspondence during the 1780s.

Individually and together, Washington, Madison, and Hamilton guided events toward a peaceful overthrow of the Articles of Confederation and the creation of a new constitution that achieved “a more perfect union”—which we still enjoy today, two centuries later.



## 11-6 ★ A BOLD PROPOSAL

Two conferences, one successful and the other a failure, led to an unexpected proposal from Alexander Hamilton.

### 1783: MOUNT VERNON CONFERENCE

George Washington helped solve an immediate problem of the Confederation. He hosted a meeting of Virginia and Maryland delegates to settle disputes over fishing rights and navigation improvements on the Potomac River.

The meeting was a success.



### 1786: ANNAPOLIS CONFERENCE

James (Jemmy) Madison, encouraged by Washington's success, arranged for the Virginia legislature to call a meeting of all thirteen states in Annapolis, Maryland. The purpose: to discuss interstate commerce.

The meeting failed because delegates from only five states came. Among them was Madison's friend Alexander Hamilton from New York.



### ANNAPOLIS CONFERENCE PROPOSAL: A 1787 FEDERAL CONVENTION

Alexander Hamilton snatched victory from defeat.

He wrote a bold proposal for the group, asking Congress to convene all the states in Philadelphia in May 1787 to correct "such defects as may be discovered to exist" in the Articles of Confederation—and to find ways "to render the Constitution of the Federal Government adequate to the exigencies [urgent needs] of the Union."

Would Congress agree?

