



ARTICLES OF CONFEDERATION

The Articles of Confederation was the first written constitution of the United States. Stemming from wartime urgency, its progress was slowed by fears of central authority and extensive land claims by states before it was ratified on March 1, 1781. Under these articles, the states remained sovereign and independent, with Congress serving as the last resort on appeal of disputes. Congress was also given the authority to make treaties and alliances, maintain armed forces and coin money. However, the central government lacked the ability to levy taxes and regulate commerce, issues that led to the Constitutional Convention in 1787 for the creation of new federal laws.

From the beginning of the American Revolution, Congress felt the need for a stronger union and a government powerful enough to defeat Great Britain. During the early years of the war this desire became a belief that the new nation must have a constitutional order appropriate to its republican character. A fear of central authority inhibited the creation of such a government, and widely shared political theory held that a republic could not adequately serve a large nation such as the United States. The legislators of a large republic would be unable to remain in touch with the people they represented, and the republic would inevitably degenerate into a tyranny. To many Americans their union seemed to be simply a league of confederated states, and their Congress a diplomatic assemblage, representing thirteen independent polities.

The impetus for an effective central government lay in wartime urgency, the need for foreign recognition and aid, and the growth of national feeling. Altogether six drafts of the Articles were prepared before Congress settled on a final version in 1777. Benjamin Franklin wrote the first and presented it to Congress in July 1775. It was never formally considered. Later in the year Silas Deane, a delegate from Connecticut, offered one of his own, which was followed still later by a draft from the Connecticut delegation, probably a revision of Deane's.

None of these drafts contributed significantly to the fourth version written by John Dickinson of Pennsylvania, the text that after much revision provided the basis for the Articles approved by Congress. Dickinson prepared his draft in June 1776; it was revised by a committee of Congress and discussed in late July and August. The result, the third version of Dickinson's original, was printed to enable Congress to consider it further. In November 1777 the final Articles, much altered by this long deliberative process, were approved for submission to the states.

By 1779 all the states had approved it except Maryland, but prospects for acceptance looked bleak, because claims to western lands by other states set Maryland in inflexible opposition. Virginia, the Carolinas, Georgia, Connecticut, and Massachusetts claimed by their charters to extend to the "South Sea" or the Mississippi River. The charters of Maryland, Pennsylvania, New Jersey, Delaware, and Rhode Island confined those states to a few hundred miles of the Atlantic. Land speculators in Maryland and these other "landless states" insisted that the West belonged to the United States, and they urged Congress to honor their claims to western lands. Maryland also supported the demands because nearby Virginia would clearly dominate its neighbor should its claims be accepted. Eventually Thomas Jefferson persuaded his state to yield its claims to the West, provided that the speculators' demands were rejected and the West was divided into new states, which would be admitted into the Union on the basis of equality with the old. Virginia's action persuaded Maryland to ratify the Articles, which went into effect on March 1, 1781.

Not all issues had been settled with ratification, however. A disagreement over the appointment of taxes forecast the division over slavery in the Constitutional Convention. Dickinson's draft required the states to provide money to Congress in proportion to the number of their inhabitants, black and white, except Indians not paying taxes. With large numbers of slaves, the southern states opposed this requirement, arguing that taxes should be based on the number of white inhabitants. This failed to pass, but eventually the southerners had their way as Congress decided that each state's contribution should rest on the value of its lands and improvements. In the middle of the war, Congress had little time and less desire to take action on such matters as the slave trade and fugitive slaves, both issues receiving much attention in the Constitutional Convention.

Article III described the confederation as "a firm league of friendship" of states "for their common defence, the security of their liberties, and their mutual and general welfare." This league would have a unicameral congress as the central institution of government; as in the past, each state had one vote, and delegates were elected by state legislatures. Under the Articles, each state retained its "sovereignty, freedom, and independence." The old weakness of the First and Second Continental Congresses remained: the new Congress could not levy taxes, nor could it regulate commerce. Its revenue would come from the states, each contributing according to the value of privately owned land within its borders.

But Congress would exercise considerable powers: it was given jurisdiction over foreign relations with the authority to make treaties and alliances; it could make war and peace, maintain an army and navy, coin money, establish a postal service, and manage Indian affairs; it could establish admiralty courts; and it would serve as the last resort on appeal of disputes between the states. Decisions on certain

specified matters—making war, entering treaties, regulating coinage, for example—required the assent of nine states in Congress, and all others required a majority.

Although the states remained sovereign and independent, no state was to impose restrictions on the trade or the movement of citizens of another state not imposed on its own. The Articles also required each state to extend “full faith and credit” to the judicial proceedings of the others. And the free inhabitants of each state were to enjoy the “privileges and immunities of free citizens” of the others. Movement across state lines was not to be restricted.

To amend the Articles the legislatures of all thirteen states would have to agree. This provision, like many in the Articles, indicated that powerful provincial loyalties—and suspicions of central authority—persisted. In the 1780s—the so-called Critical Period—state actions powerfully affected politics and economic life. For the most part, business prospered and the economy grew. Expansion into the West proceeded and population increased. National problems persisted, however, as American merchants were barred from the British West Indies and the British army continued to hold posts in the Old Northwest, American territory under the Treaty of Paris. These circumstances contributed to a sense that constitutional revision was imperative. Still, national feeling grew slowly in the 1780s, although major efforts to amend the Articles in order to give Congress the power to tax failed in 1781 and 1786. The year after the failure of 1786, the Constitutional Convention met in Philadelphia and effectively closed the history of government under the Articles of Confederation.

The Reader’s Companion to American History. Eric Foner and John A. Garraty, Editors. Copyright © 1991 by Houghton Mifflin Harcourt Publishing Company. All rights reserved.