THE DEBATE OVER THE U.S. CONSTITUTION IN NORTH CAROLINA

Part 1: The Articles of Confederation, America's Flawed First Constitution

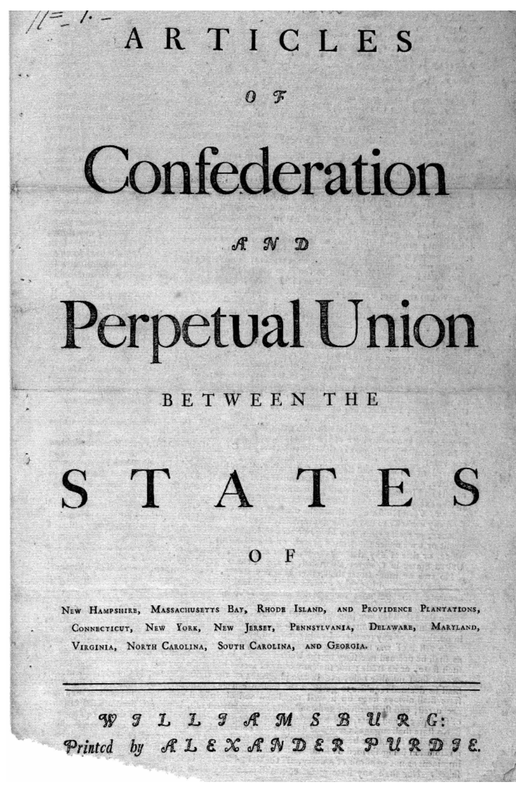
LEARNING OUTCOME:

Students can:

- *Describe the powers of the U.S. government and state governments under the Articles of Confederation, the weaknesses of the Articles of Confederation, and the problems that caused Americans to conclude that the document needed to be improved or replaced.*

For the first 12 years of its existence as an independent country, the United States was a loose association of states. Each state had all the same powers as an independent country. The U.S. Declaration of Independence explained the reasons why Americans were declaring independence from Great Britain and identified several "self-evident truths" regarding individual rights and the proper role of every government. However, the Declaration of Independence did not provide any details about the structure and powers of the new U.S. government or the specific legal rights that would be guaranteed to individuals by law. In other words, the Declaration of Independence was not a constitution.

A **constitution** is a written legal document that defines the structure and powers of a government and often limits those powers. It explains how the country's other laws will be made, enforced, judged, and interpreted. It also explains how the leaders who make, enforce, and interpret the laws will be chosen.


ARTICLES 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.

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Before the Revolutionary War, almost all of the 13 colonies had written constitutions. (Historians consider the colonial-era constitution of Connecticut to be the world's first constitution.) Immediately after the United States declared its independence, representatives in each of the 13 states' legislatures began writing a new constitution for their state. The representatives at the Second Continental Congress, who were the **de facto** (that is, in actual fact) government of the United States, recognized that the United States would also need a national constitution describing the structure and powers of the United States government. They wrote a document known as the Articles of Confederation (or just, "the Articles"), which was the United States' first constitution. The Continental Congress began using the Articles as their unofficial constitution in 1777, and the document became the official constitution of the United States in 1781.

The Articles of Confederation gave the U.S. Congress the power to declare war, create an army and a navy, print and manage a **currency** (money) for the United States, and appoint **ambassadors** (government officials who have the authority to speak on behalf of the United States to the representatives of other countries). However, the Articles did not create an executive branch or a judicial branch for the United States and did not give the U.S. government the power to tax.

Under the Articles of Confederation, there was no president of the United States, there was no U.S. Supreme Court, and there were no U.S. taxes. According to the Articles, each state was **sovereign**, meaning that each state had the same powers as an independent country. The United States government was like a club of states. Each state government could decide the degree to which it participated in the club.

The Articles of Confederation gave state governments many of the same powers as the U.S. government. For example, the U.S. government had the power to create money for use throughout the United States (U.S. dollars). However, each state government also had the power to create its own money. So, for around 12 years after the Declaration of Independence, North Carolina had its own money (North Carolina dollars). South Carolina, Virginia, and other states also printed their own money for use in their state. Moreover, under the Articles of Confederation, a state government could make a treaty with another country independently from the U.S. government or other state governments. According to the Articles, the U.S. government could create an army and a navy, but so could the states. After the American Revolutionary War, several states had **militias** (armies under the authority of the state government) that were much larger than the U.S. army.

During the American Revolutionary War, state governments found ways to work together under this flawed system in order to win the war. Even without a strong central government, each state's leaders and representatives were willing to cooperate and compromise to ensure that the United States would continue to exist as an independent country (or to be more precise, as 13 independent countries). However, after the United States won the war, the flaws in the Articles of Confederation became increasingly apparent.

The U.S. Congress achieved one big success under the Articles of Confederation: the Northwest Ordinance of 1787. This law set up the process for adding new states to the United States, and it identified a list of rights that the U.S. government promised to guarantee to people living in the Northwest Territory, a region of the United States that had not yet become a state. (The land that used to be the Northwest Territory eventually became the states of Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota.)

However, the failures of the Articles of Confederation were much more apparent than its successes. The United States government was in debt as a result of the Revolutionary War but couldn't collect taxes to pay back its debts. Since the government had the power to print money but not to tax, it printed large amounts of money that became less and less valuable. Since the value of U.S. dollars fell, the price of everything that could be bought with U.S. dollars went up and up. This is called inflation. Also, disputes arose between state governments over the exact location of their borders and other issues, but the U.S. government was too weak to resolve these issues. For example, there was a disagreement between leaders in North Carolina and South Carolina about the location of the border between the two states. The U.S. government didn't have any power to address this dispute.

By 1786 (three years after the treaty that officially ended the American Revolutionary War), many Americans feared that the United States might not continue to last as a stable independent country. Then, in 1786 and 1787, things got even worse. In the state of Massachusetts, a group of farmers and former soldiers began attacking state government offices. They eventually took over the state capital. This uprising was called Shays' Rebellion. The people participating in this uprising wanted lower taxes and relief from debt. The Massachusetts state militia did not provide much help to stop this rebellion, since Daniel Shays and most of the protestors who joined his rebellion were also members of the Massachusetts state militia. At this time, the U.S. army was too small and weak to respond because the U.S. government had no money to pay soldiers or buy equipment (since it had no power to tax).

Eventually, wealthy merchants in Boston paid to organize an army of mercenaries to stop the rebellion. However, the seriousness of Shays' Rebellion and the inability of the U.S. government to do anything about it led many Americans to conclude that the United States needed to improve or replace the Articles of Confederation.

READING REVIEW QUESTIONS:

In general, what is a constitution?

Write a paragraph describing in your own words the powers that the United States government had under the Articles of Confederation.

Write a paragraph describing the problems that the United States experienced in the years following the end of the American Revolutionary War, which led Americans to conclude that the Articles of Confederation needed to be changed or replaced.