

## Lesson 10

# Why did the Founders think a new constitution was needed?

### Purpose of Lesson

After declaring independence in 1776, the Continental Congress formed a committee to write a plan of government for the country. The result of that committee's work was our first national constitution, the Articles of Confederation. It was not easy to create a government that the states could agree on. It took five years before every state ratified the new constitution.

Under the Articles of Confederation, the national government successfully conducted the war against Britain and accomplished some important tasks. Despite its successes, however, there were serious problems with the Articles of Confederation.

When you have completed this lesson you should be able to describe the creation of the Articles of Confederation. You should also be able to explain how the problems with the Articles of Confederation caused the Founders to write a new constitution.

### Terms to know

national government  
Confederation Congress  
Articles of Confederation  
Northwest Ordinance  
Shays' Rebellion

### The creation of the Articles of Confederation

It was not easy to write and agree upon a new constitution for the United States. The Founders had to deal with a number of difficult questions. What type of **national government** should they create? How much power should they give it?

Many people feared giving too much power to a central government because of their experience under British rule. Another fear was that some states might have so much power in the national government that they could dominate the others. Both of these fears influenced the organization of the first American government.

The result was that the Founders created a weak national government. Each state had one vote no matter how large its population. The legislature, called the **Confederation Congress**, had only one house. There was no executive branch to carry out the laws passed by Congress. Instead, the country was run by congressional committees, causing much confusion.

The states were afraid that Congress might be able to control them. So they made sure that Congress was weak and its powers limited. The states kept most of the power. Every action taken by Congress had to be with the consent, approval, and cooperation of the states. Nine of the thirteen states had to approve any decision



Congress made in order for it to become law. All thirteen had to agree to any change in the Articles of Confederation.

### **Achievements under the Articles of Confederation**

The national government under the Articles of Confederation was responsible for a number of important achievements.

- It successfully waged the war for independence against Great Britain.
- It negotiated a peace treaty, the Treaty of Paris, to end the American Revolution.
- It provided that each state recognize the laws of the other states. A marriage in one state would be valid in all other states. A citizen could travel freely from one state to another. Criminals who had crossed state borders could be sent back to the state in which they committed their crime.
- It passed the **Northwest Ordinance** of 1787. This was the most important law passed by Congress under the Articles. It gave people in the northwestern lands the right to organize their own governments. Once they had done this, they could ask to be admitted as new states with the same rights as the original thirteen states. The law also provided for public education and forbade slavery. The western settlers were guaranteed freedom of worship, the right to trial by jury, and due process of law.

These were major accomplishments. However, there were serious problems with the national government that led to the decision to develop a new constitution.

### **Problems under the Articles of Confederation**

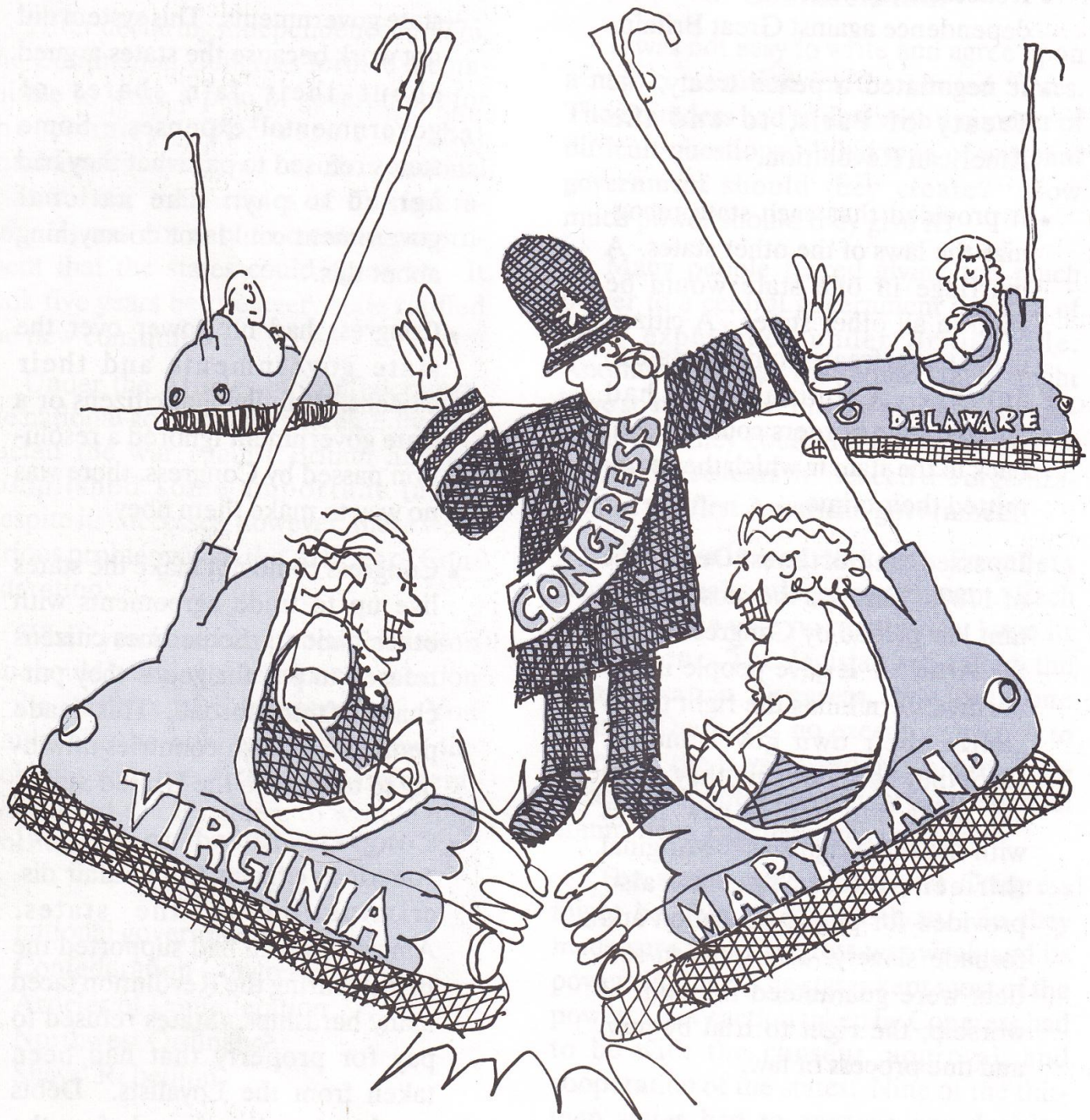
- Congress had no money and no power to get it. It had to rely upon voluntary contributions from the state governments. This system did not work because the states argued about their fair shares of governmental expenses. Some states refused to pay what they had agreed to pay. The national government could not do anything about this.
- Congress had no power over the state governments and their citizens. If individual citizens or a state government ignored a resolution passed by Congress, there was no way to make them obey.
- Congress could not make the states live up to trade agreements with other nations. Sometimes citizens refused to pay for goods they purchased from abroad. This made people in foreign countries unwilling to trade with the United States.
- Congress failed to protect American citizens from unfair discrimination by the states. Americans who had supported the British during the Revolution faced many hardships. States refused to pay for property that had been taken from the Loyalists. Debts owed to Loyalists from before the



Revolution were not honored after the war.

- Congress had no power to prevent unfair competition among the states. States taxed goods from other states and trading often became impossible. Business slowed down and people lost their jobs.

People who were being hurt by these actions argued that the state governments were not protecting their property. They believed all states should use the same money. They thought that legal agreements made in one state should be honored throughout the nation. Many of these people began to think that a strong national government was needed to protect their property rights.



How does this picture illustrate the problems of Congress under the Articles of Confederation?



## Shays' Rebellion

By 1786, ten years after the Declaration of Independence, many Americans were in a difficult financial situation. Businesses failed, trade suffered, and many people were in debt. Soldiers who had fought in the Revolution still had not been paid. Congress could not control the country and people worried about what would happen. A dramatic event occurred that finally convinced many Americans it was time for a change.

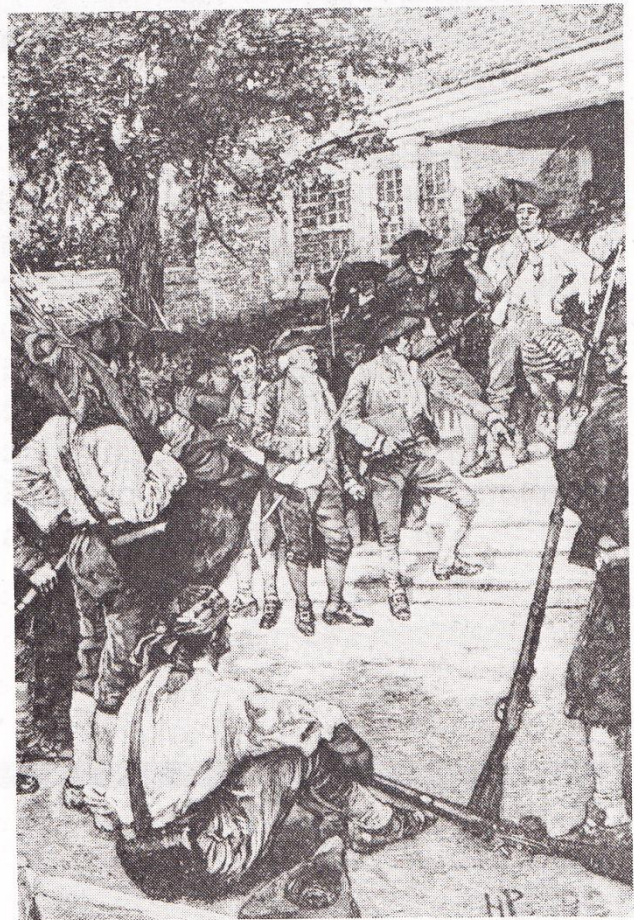
Farmers in Massachusetts had serious economic problems. Farm prices were low, and when farmers could not pay their debts, many lost their farms and homes. Some were even put in prison. Many people claimed that the new state taxes had put them in debt. As a result, they felt that the state was not protecting their interests.

Farmers began to close down local courts to keep the state from taking their farms. These closures spread to other counties and into neighboring states. In November, 1786, several hundred angry farmers in Massachusetts gathered under the leadership of Daniel Shays. They needed weapons to use in their rebellion against the state government. Shays' followers tried to capture the arsenal at Springfield where arms were kept for the state militia.

Although Shays' followers were defeated, Shays' Rebellion frightened many property owners. They feared that such actions might become widespread. The national government had not been able to put down the rebellion because it had no troops. People were asking how the country could continue to exist if it could not keep law and order.

Shays' Rebellion and the difficulties of governing under the Articles of Confederation led to the call for a new constitution. This was not an easy decision nor was it done quickly. In 1786 Virginia invited all the states to send representatives to a meeting in Annapolis, Maryland. The purpose was to consider trade problems. Only five states sent representatives.

The Annapolis meeting sent a report to the Confederation Congress requesting a convention of all the states to revise the Articles. After much deliberation, Congress invited the states to send delegates to a convention in Philadelphia. This convention would be "for the sole and express purpose of revising the Articles of Confederation."



Why did Shays' Rebellion frighten many Americans?



## Problem solving

### Was a new constitution needed?

As states prepared to select delegates for the Philadelphia Convention, they had to decide what position their delegates would take. To better understand the issues involved, your class should be divided into four groups. Each group should take one of the positions below. Groups may wish to review the above sections on the creation, achievements, and problems of the government under the Articles in developing their positions.

- Defend the Articles of Confederation as the best way to organize the national government.
- Argue that the Articles should be kept, but revised to make up for their weaknesses. Explain the proposed revisions.
- Argue to scrap the Articles and write a new constitution.
- Listen to the arguments presented by the other three groups and decide the position of your state's delegates at the Philadelphia Convention.

## Reviewing and using the lesson

1. Why might people from states with smaller populations have been satisfied with the government set up by the Articles of Confederation?
2. Why do you think some people today still oppose a strong national government? Name some issues that states might prefer to decide for themselves.