

Articles of Confederation

Book of the Month

by Don Miller

The Articles of Confederation are the dinosaur bones of American democracy, emerging only when historians dig down into the nation's early forays into self-rule. As with the farmer whose plow has caught fast on some paleolithic jawbone buried deep in his backfield, this ancient artifact has much to tell us. And like many neglected stories, the Articles grant us a humbling perspective; the Founding Fathers were fallible. They didn't get the nation's governing rules right on the first try.

Of all the early attempts to create a framework for our nation's government, the Articles of Confederation and Perpetual Union of the States (referred to as the Articles of Confederation) are perhaps least well-known. Though short-lived and imperfect, the Articles served as the Founding Fathers' first effort to form a national government.

Representatives from all thirteen colonies met at Independence Hall in Philadelphia from July 1776 to November 1777, debating and finalizing a set of rules to guide the new nation, not yet recognized on the world stage. The American Revolution had just begun.

On June 12, 1776, a day after appointing the Committee of Five to prepare a draft of the Declaration of Independence, the Second Continental Congress resolved to appoint a committee of 13, a group that included one representative from each colony, to prepare a draft of a constitution for a union of the states. John Dickinson of Pennsylvania served as Chairman of the Committee.

Dickinson's position within the colonial leadership, and the choices he made in the face of British power, illustrate the mixed allegiances felt by many patriots. Dickinson was an early critic of the overreach of Britain's King George III and Parliament. He earned the moniker, "Penman of the Revolution," for his *Letters from a Farmer in Pennsylvania*, published in 1767 and 1768, calling out the onerous new taxes England was levying on her colonies.

Dickinson's efforts on behalf of the colonies went beyond these critical tracts. As a member of the First Continental Congress, he drafted most of the 1774 "Petition to the King", and then, a year later as a member of the Second Continental Congress, he wrote the "Olive Branch Petition."

Both attempts to reconcile the colonies with King George were dismissed (the King refused even to receive the "Olive Branch Petition"). In the wake of these disappointments, Dickinson wrote the first draft of the Articles of Confederation and Perpetual Union, which was signed in 1777. The man had proven his patriotism, having served as an officer with a Pennsylvania militia (the Associators) during the Revolution. But, when the moment came to formally cast his lot with the colonies, John Dickinson refused to sign the Declaration of Independence.

Despite balking at this formal statement, Dickinson continued to serve in many high government posts. He served as president of Delaware (1781–1783) and president of Pennsylvania (1782–1785). He was elected president of the Annapolis Convention in 1786 (which called for the Constitutional Convention of 1787). And, as a delegate for Delaware, he signed the United States Constitution.

As erstwhile subjects of colonial power, the Framers were understandably cautious, fearing the creation of a state that replaced one autocratic form of government with another. Their reluctance to relinquish local control to a central ruling body showed in the flawed system they devised.

The final draft of the Articles of Confederation was completed on November 15, 1777.^[9] Consensus was achieved by including language guaranteeing that each state retained its sovereignty. It established a unicameral legislature with limited and clearly delineated powers.

Once written and passed by Congress, the individual states had to ratify the instrument by popular vote. It would take more than three years before all thirteen colonies signed off on the Articles, becoming effective March 1, 1781. This was even before Cornwallis had surrendered at Yorktown on October 19, 1781.

The surrender of Cornwallis did not change matters; the new Confederation Congress's attempt to govern was frustrated by the limitations placed upon the central government, raising funds, regulating commerce, and conducting foreign relations among them. Shays' Rebellion in 1786 and 1787 in Massachusetts underscored the Articles' weakness when facing large-scale internal discord.

Prominent political thinkers began asking for changes to the Articles. As early as September 1786, delegates from five states met to address burdensome trade barriers between them. Soon, more states spoke up about gathering to revise the Articles, and a meeting to strengthen them was set to take place in Philadelphia on May 25, 1787. Delegates to the Federal Convention, as it was known at the time, quickly agreed that altering the Articles would not be enough, and so went beyond their mandate and replaced it with a new constitution. This gathering is now known as the Constitutional Convention.

On March 4, 1789, the Confederation Congress directed that the government under the Articles be replaced by one under the Constitution they had created. The new Constitution, the one we recognize and revere today as our nation's essential governing charter, provided for a much stronger federal government by establishing a chief executive -- the President -- as well as courts, the two houses of Congress, and powers of taxation.