

Reading: A review of the issues facing the new nation in 1787

#1 – The Problems with the Articles of Confederation

The structure of Congress under the Articles of Confederation prevented it from fulfilling its responsibilities. Congress was comprised of one house, and each state had one vote on all matters. The legislatures of each state selected their delegates to Congress, and had the power to recall them at any time. Furthermore, nine of thirteen states had to agree to any Congressional request for funds from the states. In this activity you will see that because the state delegations were inclined to represent the interests of their own state, rather than what was necessary for the good of the whole Union, congressional debates frequently became deadlocked. Even if Congress was actually able to muster nine votes in favor of a change, it still had to rely on the goodwill of the states for compliance.

#2 – The problem of Congress' lack of authority

Because the states had jealously surrendered very limited powers to the national government under the Articles, Congress had no means of compelling states to comply with requests for funds or preventing them from violating the Articles of Confederation. As a result, Congress was incapable of fulfilling its responsibilities. Those responsibilities included:

- Raising funds from the states to defray the costs of defense and the war against Great Britain
- Managing foreign relations for all of the states, including making treaties and alliances with foreign nations
- Paying both domestic and foreign debts incurred by the United States

Congress' inability to fulfill these responsibilities placed the United States in a precarious situation that threatened the security and stability of the Union. The need to remedy these dangers led many Americans to call for a Convention to amend the Articles of Confederation.

#3 – The question of Representation

When the delegates to the Philadelphia Convention convened in May of 1787 to recommend amendments to the Articles of Confederation, one of the first issues they addressed was the plan for representation in Congress. This question was especially contentious, and kept the delegates embroiled in debate and disagreement for over six weeks. One group of delegates believed that they were not authorized to change the "federal" representational scheme under the Articles of Confederation, according to which the states were equally represented in a unicameral Congress by delegates appointed by the state legislatures. Another group of delegates believed that the current scheme of representation under the Articles of Confederation was flawed and had to be replaced with a better one—a "national" one. The question was finally resolved by the Connecticut Compromise, which resulted in a system of representation that would be "partly national, partly federal," involving a combination of the two kinds of representation.

#4 – The question of creating the Office of the Presidency

As the delegates at the Philadelphia Convention of 1787 continued to develop a plan of government that would remedy the defects of the Articles of Confederation, one of the most difficult challenges was creating the office of the presidency. All of the delegates agreed that some kind of executive office was necessary. Some delegates, however, recalled the recent tyranny of the English King and were hesitant to create an independent executive that might abuse its powers in like manner. Another group of delegates believed that an energetic and independent executive was necessary if the national government was to fulfill its responsibilities of promoting the security and stability of the Union. The debates between these two groups focused on several questions: What kinds of powers should the president have? What kinds of

controls ought to be in place that would prevent the executive from abusing its powers, but still allow it to act with energy, speed and decision? How should the president be selected, and what length of term is appropriate? Should the president be eligible to run for re-election? Should the president be impeachable? The delegates debated these questions throughout the summer of 1787 and only reached a final agreement near the closing days of the Convention.

ARTICLES OF CONFEDERATION VS. THE CONSTITUTION

The following chart compares some of the provisions of the Articles of Confederation with those in the Constitution. It's important to note that most commentators see the Articles period (1781-1789) as a weak one in terms of governmental power. Whether that is a positive or negative for the United States depends on one's point of view regarding the size and influence of a national government.

Issues	Articles of Confederation	Constitution
Levying taxes	Congress could request states to pay taxes	Congress has right to levy taxes on individuals
Federal courts	No system of federal courts	Court system created to deal with issues between citizens, states
Executive Branch	No executive with power. President of U.S. merely presided over Congress	Executive branch headed by President who chooses Cabinet and has checks on power of judiciary and legislature
Amending document	13/13 needed to amend Articles	2/3 of both houses of Congress plus 3/4 of state legislatures or national convention
Representation of states	Each state received 1 vote regardless of size	Upper house (Senate) with 2 votes; lower house (House of Representatives) based on population
Raising an army	Congress could not draft troops, dependent on states to contribute forces	Congress can raise an army to deal with military situations
Interstate commerce	No control of trade between states	Interstate commerce controlled by Congress
Disputes between states	Complicated system of arbitration	Federal court system (Judicial Branch) to handle disputes
Sovereignty	Sovereignty resides in states	Constitution the supreme law of the land
Passing laws	9/13 needed to approve legislation	50%+1 of both houses plus signature of President

Task 1: The question of representation

Using your book as a resource (pgs. 62 – 65) and match the statements listed below with the correct plan. Respond to the questions that follow.

A. Favored large States
B. Favored small states
C. Proposed an entirely new national government
D. Bicameral legislature based on population
E. Bicameral legislature – one vote per state
F. A national executive branch – elected by the legislature
G. A national court system – created by the legislature
H. Based more closely on the Articles of Confederation
I. Congress would be able to regulate trade and impose taxes
J. That the executive office of more than one person be elected by Congress

<i>Virginia Plan</i>	<i>New Jersey Plan</i>

1. What were the key elements of the Connecticut Compromise (Great)?

2. How did the Three – Fifths Compromise and the census help delegates resolve issues of representation?

- NOTE: Slavery was not the only issue not directly addressed at the Philadelphia convention. The Constitution drafted said nothing about national citizenship. They chose to leave that to each state because the delegates could not agree on the answers. Each state also had its own laws regarding the issue of voting rights.

Task 2: The question of the Executive office

1. What issues did the delegates have to decide regarding the organization of the executive branch of the government and how did they resolve those issues? (ex. think powers and elections) – see front page

Task 3: Significance of the Commerce and Slave Trade Compromise

1. The framers generally agreed that Congress must have the power to regulate foreign and interstate trade. What was the significance of forbidding Congress the power to act on the slave trade? (pg. 65-66)

Task 4 Addressing the weaknesses of the Articles

Respond to the following questions using the “Articles vs. Constitution” table on the handout.

1. List four (4) ways the federal government would be more powerful under the Constitution than it was under the Articles of Confederation.
 - a.
 - b.
 - c.
 - d.

Task 5 The Fight for Ratification

The battle over the ratification of the document was not easily decided. In your own words, identify the key arguments/differences between the Federalists and Anti-Federalists. **** Use page 67-70 of your class textbook as a resource to complete the table below.***

Federalists	Anti-Federalists