

### 4.3 THE PROBLEMS WITH THE ARTICLES

States were afraid that the Continental Congress might be able to control them, so they made sure that they controlled it. Every action taken by the Continental Congress had to be with the consent, approval, and cooperation of at least nine of the states. As a result, the nation began with a very weak national government.

The creation of a weak national government, with strong state governments dominating the political arena, led to some problems for these new United States:

- **Competition among the states hurt national commerce.**

In order to benefit local businesses within the state, state legislatures passed laws forbidding the sale of goods from competing states. Trade among businesses from different states dried up, **debts** grew, businesses failed, and **bank-ruptcies** and **foreclosures** increased.

- **The States had the real power over their citizens while Congress did not.**

The Articles clearly stated that each state kept its "sovereignty, freedom, and independence." This independence ensured that the citizen's loyalty and first duty was to the state.

While the national government signed a peace treaty with Great Britain which was intended in part to protect **loyalists'** rights and ensure that they were treated fairly, there was no way to enforce this agreement within the states. The non-loyalists could not be forced, by Congress, to pay back their debts to the loyalists. State governments could not be forced to – although the treaty said they must – return property confiscated from these loyalists during the war. The national government was without power to live up to its promise to the British government to protect the rights of these citizens. It had authority, but no power.

- **International trade agreements were unenforceable.**

**Commerce** with other nations would be important to a young and growing country. The national Congress could make agreements on trade, imports, and exports, to enhance this trade. But Congress did not have the power to make state governments live up to these agreements.

Commerce dwindled and depressions were deepened when other countries retaliated (England closed the West Indies to American commerce). Americans lost money during these trade battles. Trade dried up as other countries were reluctant to trade with the new United States.

- **How could Congress raise money?**

Congress could only get money through voluntary contributions from the states. It could *ask* the states for money, but it could not force the states to pay for their "fair share" of the nation's bills.

The states contained many people who were still personally deeply in debt after the Revolutionary War. Many states were also in so much debt that they could not pay their obligations.

- **Threats to property rights. Was there too much democracy?**

With the **economic depression** of the 1780s facing many areas of the new United States came rising discontent. The discontent was heard strongly in the democratically-elected state legislatures. In the legislatures, which controlled most state governments in the absence of strong executive branches, the representatives often voted to enhance their own self-interest. These majorities were accused of making laws that benefited themselves at the expense of the minority and of the common good (does this sound familiar?).

For example, they passed laws that cancelled debts, confiscated people's property, and created inflation by issuing paper money benefiting the people who owed money (debtors) at the expense of those to whom they owed money (creditors).

In the language of the late 1700s the term *democracy* was often associated with "mob rule." This mob-type rule was associated with the poorer classes which now could exercise some power through their representatives in the state legislatures (for the most part, before America, the poorer classes had no say in most societies around the globe. The prospect that they did now, brought fear to many who were of means). Could there be *too* much democracy? Some people felt that representative government with majority rule did not adequately protect the natural rights of individual citizens or the common welfare. The natural right that was being ill-treated was the right to property. This was, after all, one of the major reasons Englishmen came to America: to secure property rights unimpeded by the King. Was majority rule simply just another form of **tyranny**, just as bad as the tyranny of an out-of-control king?

Representative of the mood of the poorer people, especially the farmers, was **Shay's Rebellion**, in November, 1786.

Farmers in Massachusetts were in difficult economic situations. Unable to pay their debts, many of them lost their homes and their farms. Some were even put into debtor prisons. Anger arose from the masses. Courts became ineffective in punishing people or selling the property of those who could not pay their debts. Verdicts were ignored and juries would not convict people who were clearly in default and owed money to creditors.

Daniel Shays led hundreds of angry farmers who invaded a weapons arsenal to get weapons with which they would force money from the state legislature. The uprising convinced a growing number of people of the need to strengthen the national government to give it more power. George Washington even wrote to James Madison, "We are either a united people or we are not. If the former, let us act as a nation. If we are not, let us no longer act a farce by pretending to it."