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**Civics 101: Articles of Confederation**

**CPB:** [00:00:00] Civics 101 is supported in part by the Corporation for Public Broadcasting.

**Nick Capodice:** [00:00:04] I think now is as good a time as any to admit a bit of a minor confession. I sometimes have so much trouble reading primary source documents. I've got Article 9 in the Articles of Confederation in front of me I think I have read it ten times. I don't know what it means. These documents were written a long time ago.

**Nick Capodice:** [00:00:24] They can be hard to understand.

**Paul Bogush:** [00:00:26] Primary sources are difficult to bring to light.

**Nick Capodice:** [00:00:29] This is Paul Bogush. He's a teacher at Dag Hammarskjold middle school.

**Paul Bogush:** [00:00:32] A lot of times in a classroom it's very easy to give your standard quiz where the kids will read through the documents. They'll name the different parts and spit it back on a test. But I wanted my kids to ingest the documents a little bit differently.

**Nick Capodice:** [00:00:44] So how on earth do you convey to someone the challenges of governing under the Articles of Confederation without putting them in a chair and making them read it a hundred times.

**Nick Capodice:** [00:00:54] So Hannah imagine you're sitting in a class you're about to do a blah blah boring day and your teacher comes in with his giant sack of blocks and just dumps them on the table. Heads up. No class today. We're going to play a game.

**Hannah McCarthy:** [00:01:10] You love games.

**Hannah McCarthy:** [00:01:10] I do.

[00:01:12] So the teacher cues up some war music, and they play Articles of Confederation. The class is divided into teams which are states, and more students are put in the bigger states.

**Paul Bogush:** [00:01:25] So the Group of Eight represented Virginia the Group of Six represented Pennsylvania. The group of four represented New York. The group of two represented Connecticut. And finally the one lonely kid by themselves represented Delaware.

**Nick Capodice:** [00:01:37] Oh poor Delaware. But each state got a different amount of blocks and was told to make a big strong fort that is still standing at the end of class. And the bigger your state was the more blocks you got. So Virginia got a ton of blocks and Delaware got three. Delaware's fort is done in like 5 seconds. But. Every state could do whatever they wanted to help each other out. They could trade blocks they could sell blocks that could help build each other's forts and they could change any rules of the game at all as long as they followed two guidelines.

**Paul Bogush:** [00:02:10] Rule number one: any state can propose a new rule as long as four out of the five groups agree to it. And rule number two: Each state would only get one vote regardless of their size.

**Hannah McCarthy:** [00:02:21] So they can do anything.

**Nick Capodice:** [00:02:23] Anything.

**Hannah McCarthy:** [00:02:23] But they need to convince almost all of the other states to agree.

**Nick Capodice:** [00:02:28] Yeah. And Delaware right off the bat proposes a rule that all states should share their blocks equally so everyone gets the same amount. And you can probably guess how that went. So Delaware tries another tack.

**Paul Bogush:** [00:02:39] Delaware also tried to buy blocks from other states but none of the other states want to sell them. They immediately shot Delaware down and so Delaware was stuck with just their three measly little blocks. But at that moment, me, who is playing England, stepped in and offered to sell Delaware some of the blocks that we had on hand. The other states thought this was immensely unfair and so they tried to stop it.

**Nick Capodice:** [00:03:06] But that didn't work because Connecticut also wanted more blocks and bought them from England.

**Hannah McCarthy:** [00:03:11] Did they pass any rules at all?

**Nick Capodice:** [00:03:12] I spoke with several teachers who played Paul's game and they all said no matter how many times they've played it not one rule got passed. And at the end the class the teacher looks at all the forts of the different states and says, "What if I told you that Delaware's fort is solely responsible for protecting the entire class?"

**Paul Bogush:** [00:03:36] In every single class that I did this activity the kids that were in the group from Virginia all came to the same conclusion. And that was if they weren't so greedy and selfish and if they cared more about the other states during the process that they would still have power when it was all over.

**Hannah McCarthy:** [00:03:53] I'm not 100 percent certain how this game is related to the Articles of Confederation.

**Nick Capodice:** [00:03:58] I think you will be by the end of this episode.

**Hannah McCarthy:** [00:03:59] All right.

**Hannah McCarthy:** [00:04:00] But what did those students learn that day.

**Paul Bogush:** [00:04:04] That we basically need government to save us from ourselves.

**Nick Capodice:** [00:04:13] Not quite in the lauded canon of the Constitution or the Declaration of Independence; this document is usually remembered for one thing. It's weaknesses. I'm Nick Capodice.

**Hannah McCarthy:** [00:04:26] And I'm Hannah McCarthy.

**Nick Capodice:** [00:04:27] And this is Civics 101 our founding documents series. Today we're talking about America's first rule book, the Articles of Confederation. To start, Harvard professor Danielle Allen told me that the Articles of Confederation are even mentioned within the Declaration of Independence.

**Danielle Allen:** [00:04:45] If you go back to that second sentence where they say that it's the job of the people to lay the foundation on principle and organize the powers of government? That, those two phrases are there to-do list. And that's exactly the committees they set up in June of 1776. They needed a committee to articulate the foundation of principle, that was the committee drafting the Declaration of Independence, and then they needed a committee to organize the powers of government. And that was the committee drafting the Articles of Confederation.

**Nick Capodice:** [00:05:11] This was a committee of 13 led by anti-independence Congressman John Dickinson of Delaware.

**Hannah McCarthy:** [00:05:17] So they were written even before we declared independence from Britain.

**Nick Capodice:** [00:05:22] No because there were sixteen months of revisions.

**Nick Capodice:** [00:05:26] And then the Continental Congress adopted them in 1777 but they weren't fully ratified by the states until 1781. The American revolution didn't end till 1783.

**Hannah McCarthy:** [00:05:37] Ok so Articles of Confederation what do they say.

**Nick Capodice:** [00:05:40] The first article is just "the style of this Confederacy shall be the United States of America."

**Hannah McCarthy:** [00:05:47] Confederacy, like the South in the civil war?

**Nick Capodice:** [00:05:52] Yeah Confederacy is just a style of government with individual sovereign states. No big central power running everything. The most famous one today is the European Union.

**Hannah McCarthy:** [00:06:03] But why did we want it to be like that.

**Nick Capodice:** [00:06:05] Here's Linda Monk, she's a constitutional scholar and the author of The Bill of Rights a User's Guide.

**Linda Monk:** [00:06:10] I think it's it's a new government trying to decide OK we didn't like the way the old King did it or the old government did it. How are we gonna do it now? I mean we, think about that that the colonies, the former colonies were able to unite together to fend off the world's strongest military was astonishing. But again as Washington recognized, a revolution by itself is commonplace.

**Nick Capodice:** [00:06:44] A revolution is an idea and that's a lot easier than a rulebook. We wanted to make sure we got everything right. And when you think about the mindset of the people who wrote this they were coming from a monarchy and they wanted this new system of government to be as opposite as possible to what rule under England was like. I've even heard teachers refer to this using a Goldilocks metaphor, that monarchy was too hot and the Articles of Confederation were too cold.

**Hannah McCarthy:** [00:07:11] And the constitution is going to be just right.

**Nick Capodice:** [00:07:13] Exactly. I asked Joel Collins, law professor at South Carolina Honors College, about the Goldilocks metaphor.

**Nick Capodice:** [00:07:20] Too, hot one's too cold, and constitution is just right.

**Joel Collins:** [00:07:22] Well that's a simplification. I don't agree with you. OK let's talk about the articles. So so here we are. We have declared our independence we fought for our independence. We've won the surrender of Cornwallis at Yorktown. By the way I call it The War of Independence not the Revolutionary War. We weren't trying to overthrow King George just wanted our freedom. But the one thing that these newly formed states had in common was a desire to avoid a strong central government. They did not want that. The articles are referred to, in the language of their articles, a firm league of friendship. And the articles were designed to be really inefficient.

**Hannah McCarthy:** [00:08:08] So how did this purposefully inefficient government work?

**Lindsey Stevens:** [00:08:12] They have one branch of government and that's the Legislative branch. And they call that the Confederation Congress.

**Nick Capodice:** [00:08:18] That's Lindsey Stevens, government teacher from Katy Texas.

**Lindsey Stevens:** [00:08:21] It's unicameral so there's only one group and one state gets one vote. So that's the structure of it. And then they specifically list what powers the national government can have. They have the power to coin money the power to make treaties with foreign nations and they also do have the power to request money from the states.

**Nick Capodice:** [00:08:42] Request money. That word request. It's really important. The federal government isn't taxing states. They're just asking the states for money.

**Hannah McCarthy:** [00:08:51] And what if the states say no?

**Nick Capodice:** [00:08:53] You just stand on your porch and shake your fist at them and then if you're another state you say, well look Delaware didn't do it I'm not going to do it either.

**Lindsey Stevens:** [00:09:00] After the American Revolution ends the states no longer have a common purpose. That was what was holding this League of Friendship together, that they all had a common interest and that was winning the American Revolution and sticking it to the man sticking it to the British government. Once that common interest is gone, the quarrels, the fighting begins.

**Linda Monk:** [00:09:20] It's like 13 arguing brothers and sisters they all want to be equal.

**Nick Capodice:** [00:09:24] That's Linda Monk again.

**Linda Monk:** [00:09:26] No, you take out the garbage. No I don't want to take out the garbage, you take out the garbage. And it particularly came down to this issue of taxation of how are you going to support a government if the states individually aren't willing to pay taxes to cover the costs? And like I say the, can you imagine today if we had an army of unpaid soldiers? Would we expect that government to long continue? No. So the biggest issue was that Congress as it would say the United States in Congress Assembled, that was actually the name of the government. It had some powers, but fundamental is the power to tax. And until you had some agreement amongst the states that was going to allow that it was going to be very difficult.

**Hannah McCarthy:** [00:10:17] The articles could be amended right.

**Nick Capodice:** [00:10:19] Yes.

**Hannah McCarthy:** [00:10:19] So why didn't we just add an amendment saying that the government could tax the states?

**Nick Capodice:** [00:10:24] Well the amendment process itself was a huge issue.

**Joel Collins:** [00:10:28] It took 13 out of 13 to change the articles. Rhode Island, which they call Rogue Island wouldn't ever go along with anything. They were always the "no" vote. And as a result of that they couldn't get that 13 out of 13 votes necessary. By the way each state had one vote. That's the way it worked back then. And that's the way it worked at the Constitution Convention, each state had one vote. It took nine out of 13 to enact anything. They never had the power to create and fund an army or a navy. They never had a right to control interstate commerce, and these states were effecting disadvantages on each other by enacting tariffs and levies, duties and all that. And so the trade was just a mess. There were menacing foreign powers looking at these rich colonies sitting there, you know, unorganized and ununited. It had no chief executive.

**Hannah McCarthy:** [00:11:32] No president at all.

**Nick Capodice:** [00:11:34] Well there was a president of Congress but that's like for trivial pursuit. Not a president with powers like you and I know it. There was also no judicial branch no national courts and no official meeting place. No, like, building.

**Joel Collins:** [00:11:48] Go back and read about all the various places the Articles of Confederation, the Confederation Congress met. They met New York, Philadelphia, Lancaster Pennsylvania one time. And one of the books that I assigned to my students David O. Stewart says, "a peripatetic government can never be expected to be very strong and powerful."

**Hannah McCarthy:** [00:12:10] This doesn't sound good.

**Joel Collins:** [00:12:11] There were so many problems. There was no common currency. Think about that. You couldn't go into some other state and use your money because it was no good. There were exchange rates but they wildly fluctuated and they were not consistent. For one thing without liquid currency available people who owed money and who couldn't pay their debts with bartered crops or something like that were in a heck of a bind.

**Nick Capodice:** [00:12:41] Hannah you've got to look up photos of this early American currency. It may have been an economic nightmare but it was certainly a beautiful one. You've got Connecticut shillings, Rhode Island dollars, and Virginia pounds sterling.

**Hannah McCarthy:** [00:12:54] I'm seeing the flaws of the Articles of Confederation but were there any strengths to it?

**Nick Capodice:** [00:12:59] I asked Lindsay that exact question.

**Lindsey Stevens:** [00:13:01] Under the Articles of Confederation the Continental Congress was able to pass one very successful law and that's the Northwest Ordinance.

**Lindsey Stevens:** [00:13:11] The Northwest Ordinance decided what we were going to do with the land that we had acquired through the Treaty of Paris at the conclusion of the American Revolution.

**Nick Capodice:** [00:13:20] This land that we got from Britain at the end of the war was called the Northwest Territory and it includes most of modern day Ohio Indiana Illinois Michigan and Wisconsin.

**Lindsey Stevens:** [00:13:30] And the question that the delegates had to answer is, "What are we going to do with this land? Are we going to make it a colony? Are we going to make it a territory? Can it be admitted as a state?" And they saw the writing on the wall that if they left it as a colony the Territory could eventually have another revolution.

**Hannah McCarthy:** [00:13:50] So this is another example of let's not do things the way that England did. We don't want another little colony to break off and have a revolution, right?

**Nick Capodice:** [00:13:59] Right. So they say these territories can become states part of the United States. But there are some requirements;.

**Lindsey Stevens:** [00:14:05] They have to have self-government, they have freedom of speech freedom of the press freedom of religion. They're not allowed to have slavery.

**Hannah McCarthy:** [00:14:13] OK. Stop. This ordinance says slavery is not legal in new states?

**Nick Capodice:** [00:14:20] Yep. We're three documents in and we have finally arrived at our first national limitation on the expansion of slavery. But states that practice it already are allowed to continue to practice.

**Hannah McCarthy:** [00:14:33] And therefore become even more rich and powerful.

**Nick Capodice:** [00:14:36] Yes. So this can be viewed as a pro slavery and an antislavery ordinance. But that aside, if a new territory abides by these rules it can apply to become a state. They have to have a constitution and they had to be approved by the Congress.

**Lindsey Stevens:** [00:14:53] But once they went through that process they were able to have equal rights and equal representation in the government as the original 13 states. And that was really a revolutionary idea of us adding more states to our union that really didn't happen in the past.

**Hannah McCarthy:** [00:15:10] So there is a little good but it seems like a lot of problems in this weak system of government. How does it all come crashing down in the end.

**Nick Capodice:** [00:15:21] It crashes like this. You got this government that can't tax,, can't collect money and therefore can't pay soldiers. And as Linda Monk puts it:.

**Linda Monk:** [00:15:30] Unpaid soldiers after war's over are not a good idea.

**Nick Capodice:** [00:15:35] And it leads to something called Shays' Rebellion.

**Linda Monk:** [00:15:39] We can think of that term harshly today, call it rebellion instead of, say, revolution. But really Daniel Shays had been a captain, he was a Revolutionary War veteran. These were farmers from Western Massachusetts who had gone off to defend their country while the bankers from Boston were foreclosing on their debts and taking away their homes. That didn't sound fair or to the people of western Massachusetts and Shays and other unpaid veterans.

**Joel Collins:** [00:16:09] So he and these farmers decided to march on the armory in Springfield Massachusetts and seize the guns and weaponry and ammunition, and they were gonna then march down to where the Confederate Congress was meeting. And they were gonna absolutely fire 'em up, they were gonna take over the government.

**Nick Capodice:** [00:16:33] So Massachusetts says "we need help" and the federal government requests that the states chip in with money and soldiers and cannon. But all those states say they've got their own problems.

**Hannah McCarthy:** [00:16:43] So what happens.

**Nick Capodice:** [00:16:44] What happens is wealthy private citizens are losing money due to this uprising pool their resources together and they hire a private military to quell Shays and the 4000 plus rebels. But look at the implication of this. You've got private citizens hiring private citizens to go to war with private citizens. Is that what you want? Is that what America is? Is that what this new nation is going to be like? And if it happens in Massachusetts who's to say it's not going to happen in your state? Shays' Rebellion is a cautionary tale.

**Nick Capodice:** [00:17:24] So we're at the beginning of the end. As is so often the case it comes down to money. All this time the states have been doing whatever they could with their own constitutions and every state had their own constitution by the way, just to make things work when it came to interstate commerce, dealing with those Rhode Island shillings and those Connecticut dollars. So what they had to do is create treaties just to trade with each other, like foreign nations. And there's a call for a political convention at Mann's Tavern in Annapolis Maryland to talk about how we should handle trade between the states.

**Joel Collins:** [00:18:01] James Madison was there. Only five states sent representatives. The host state Maryland sent nobody.

**Lindsey Stevens:** [00:18:09] They have been given directives from their states to discuss interstate commerce and to create trade agreements. But on New Jersey's directive from their state it says "anything else pertinent to the success of our country."

**Nick Capodice:** [00:18:23] Anything else pertinent to the success of our country. Anything else? New Jersey is like, "anything any of us, you, want to chat about while we're all here? Some sort of big elephant in the room? Maybe we could talk about fixing this disaster of a government system? But they can't do much with just five states so they decide to meet up again next year. But not this bar in Maryland. Let's do it proper, let's do it in Philadelphia.

**Hannah McCarthy:** [00:18:56] I think I know where this is going....

**Nick Capodice:** [00:18:56] The point of this episode is not to say the Articles of Confederation were an abject failure and oh how foolish were we. They taught us a great deal about ourselves. So I want to end with a final thought from Lindsay Stevens.

**Lindsey Stevens:** [00:19:08] Some people call the Articles of Confederation a "learning to crawl before you walk" document, taking the first steps of creating a national government. Some people consider it to be a total mistake. I think those people are looking at it with with the insight of what we know today.

**Lindsey Stevens:** [00:19:25] If you think about it though the Articles is really a good first step towards a national government. What we learned from the articles is that absence of power doesn't create a limited government, it actually creates an ineffective government. You nkow, government has a purpose. And that is to protect the unalienable rights of its citizens. In order for that to happen we do have to give the government some power. We just have to be careful about how we do that. And so we developed a system of checks and balances, separation of powers in order to make sure that that system stays in place and that the government's power is limited.

**Nick Capodice:** [00:20:00] So, did we learn from our mistakes? Can we keep this republic, Hannah?

**Hannah McCarthy:** [00:20:07] Find out next time on Civics 101.

**Nick Capodice:** [00:20:11] Today's episode was produced by me, Nick Capodice, with Hannah McCarthy.

**Hannah McCarthy:** [00:20:14] Our staff includes Jacqui Helbert, Daniela Vidal-Alee and Ben Henry. Erika Janik is our executive producer.

**Nick Capodice:** [00:20:20] Maureen McMurray is a justice fighter in the firm league of friendship.

**Nick Capodice:** [00:20:24] If you want to check out some photos or read more about Paul Bogush's lesson plan on teaching the Articles of Confederation with blocks, head on over to our website civics101podacst.org.

**Hannah McCarthy:** [00:20:35] Music in this episode by Jahzzar Blue Dot Sessions Kevin McCloud, ASura, and Scott Gratton.

**Nick Capodice:** [00:20:42] Civics 101 is a production of NHPR. New Hampshire Public Radio.