

## Chapter 6

### The Road to Philadelphia

QuickTime™ and a  
TIFF (Uncompressed) decompressor  
are needed to see this picture.

Historians have called the six years following the end of the Revolution 'the Critical Period.' It was critical, historians claim, because the United States was teetering at the brink of collapse, unable to pay its debts, control its borders, its treaties, suppress its rebellions, encourage its trade, or establish its currency. Yet, the United States was able to win its war against the most powerful nation in the world, borrow enough money to keep the government going, pull out of a depression, increase its trade, and resolve the question of western lands. This chapter discusses the Critical Period by looking at the country's problems and how the constitutional convention came about. It also presents the issues that can be resolved in a mock convention in your classroom.

#### Surrender at Yorktown

While paper money, revolutionary war debts, and higher taxes concerned farmers and creditors, other equally pressing problems drew the attention of those with a more national outlook. The new nation was unable to negotiate a favorable trade treaty with Great Britain. Alluding to the fact that the government under the Articles lacked the power to enforce treaties, the British scornfully suggested that they sign separate agreements with each of the 13 states. While the British refused to allow Americans to trade with Canada and the West Indies, they did allow the U.S. to export raw materials to Great Britain in American ships. But a concession in this trade was accompanied by Great Britain's refusal to vacate the forts in the northwest, something it had agreed to do at the end of the Revolution.

One excuse the British gave for not leaving the forts was that the United States was not living up to the Peace Treaty of 1783. The United States had promised to return lands taken from Americans who left their country because they sided with England during the war, or to open their courts to British litigants. Even a government far stronger than the one under the Articles probably could not have forced states to take the lands from their current owners and return them to the original owners. Few people wanted to see these lands back in the hands of those whose loyalty to England caused them to flee the country during the Revolution.

In the far west, Spain blocked access to the Gulf of Mexico by refusing Americans permission to use the ports in New Orleans, denying them navigation rights of the mighty Mississippi River. In Florida, the Spanish encouraged Native Americans to harass American settlers. The situation was so bad that one American diplomat was willing to surrender the right to use the mouth of the Mississippi for American trade in exchange for a treaty to trade with Spain. Meanwhile, western settlers, despairing of getting help from their weak government, plotted to break away from the Union, form a western re-public, and seek an alliance with Spain. In the east, states squabbled over conflicting land claims and taxed each other's imports. New Jersey and New York feuded over islands along the mouth of the Hudson River, and New York would not permit the importation of firewood from Connecticut. Worse, Congress was helpless as states refused to pay their fair share of taxes. The states contributed barely one-half a million dollars a year, an amount that enabled Congress to pay its employees, but neither the cost of the war nor the interest on foreign loans. Unable to pay the wages for the remaining soldiers, Congress resorted to

issuing paper money – a total of \$451,000/000 – and borrowing large sums from foreign nations. By the mid-1780's, the total U.S. debt exceeded \$70/000,000 with no prospects of ever paying the interest, let alone the principle.

Meanwhile, the weakened Congress often could not act for want of a quorum. An army mutiny was headed off by the dramatic appearance of George Washington, who refused an offer from his disgruntled officers to lead them. Attempts at amending the Articles to give Congress the power to tax imports or enforce treaties failed to get the required approval of all 13 states.

## Trade and Western Lands

Some encouraging things did occur during the Critical Period. For instance, trade with England increased considerably, and new trade routes were opened with Holland and France. Imports from England, however, greatly exceeded exports, thus causing a loss of gold and silver coin.

Congress, as weak as it was, did manage to resolve one major problem. It made provisions through the Land Ordinance of 1785 and the Northwest Ordinance of 1787, to deal with the territory west of the Appalachian Mountains. These laws resolved issues that predated the Revolution. The new laws allowed the land to be sold in lots of 640 acres, prohibited slavery, al-

QuickTime™ and a  
TIFF (Uncompressed) decompressor  
are needed to see this picture.

slavery, and allowed settlers to form governments. Once the population a designated territory reached 60,000 and the settlers wrote a constitution, it could, with Congress's approval, enter the Union as anew state with the same rights and privileges of existing states. These acts set an important precedent. The US would expand westward by new state with the same rights and privileges of existing states. These acts set an important precedent. The US establishing self-governing territories and states – not colonies to be ruled by an equivalent of Parliament and George 111! Unfortunately, shortage of funds compelled Congress to sell 1,500,000 valuable acres of the Northwest territory to a land company for the paltry price of 9 cents an acre, and was unable to protect settlers on these lands from the various Indian tribes living in the vicinity.

Disregarding the aforementioned gains under the Articles of Confederation, Alexander Hamilton summed up its weaknesses in stark language:

*There is scarcely anything that can wound the pride or degrade the character of an independent nation that we do not experience.... Do we owe debts to foreigners and to our own citizens contracted in a time of imminent peril for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and*

*important posts in the possession of a foreign power which, by express stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of our interests, not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity? ... Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government even forbids them to treat with us. Our ambassadors abroad are the mere pageants of mimic sovereignty.<sup>3</sup>*

## Steps Toward the Convention

As early as 1780, Alexander Hamilton called for increasing the powers granted under the Articles. Several amendments, dealing mainly with the power to collect tariffs, were defeated because one or two states refused to ratify them. Under George Washington's and James Madison's leadership in 1785, Virginia and Maryland discussed their mutual problems concerning navigation of the Potomac River. Encouraged by their success, a call for a conference at Annapolis was extended for the next year. Five states attended. Hamilton and Madison used the occasion to call for a convention of all states to meet on May 14, 1787:

*To take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union...*

Congress by and large ignored this request until February 1787. Spurred by Shays' rebellion, it called for a convention to meet on May 14, in Philadelphia:

*for the sole and express purpose of revising the Articles of Confederation\* and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of government and the preservation of the Union.*

## The Issues at Hand

While Shays' Rebellion was the immediate cause for revision of the Articles, it only served to focus attention on their many weaknesses. It was dear to many who tried to deal with national problems that the United States desperately needed to be able to: (1) raise money, (2) enforce the treaties it made with foreign countries, (3) establish a uniform currency, (4) regulate commerce between the states, (5) impose a tariff, and (6) allow changes in the constitution that would take effect without the agreement of every state. In addition, the U.S. needed (7) an executive branch of government that could enforce the laws made by Congress.

Although the above were generally agreed upon, much remained to be decided:

> Should the states each have one vote in Congress, or should representation be in proportion to their population?

---

<sup>3</sup> Quoted in Richard Hofstadter, *Great Issues in American History: From the Revolution to the Civil War, 1765-1865*, Vintage Books, New York, 1965, pp.33-34.

- > How should power be divided between the national and state government?
- > How far could the people be trusted to choose good leaders, and how much did their power need to be curbed with careful checks and balances?
- > Was it necessary to issue a statement protecting the people's rights? If so, what rights needed to be protected?
- > What should be done about slavery and the slave trade?

All these questions and many more faced the men who in May 1787, set out to write a new U.S. constitution. These are also the questions that you will be asked to work out, just as they did, by making speeches, arguing, and compromising.

### **Suggested Student Exercises:**

1. Summarize the accomplishments and the failures under the Articles of Confederation, stating whether you think the evidence shows that:
  - a) The failures were or were not due to the weaknesses of the Articles of Confederation and
  - b) A few amendments would or would not have been sufficient to allow the country to deal with the problems it faced between 1777 and 1786.