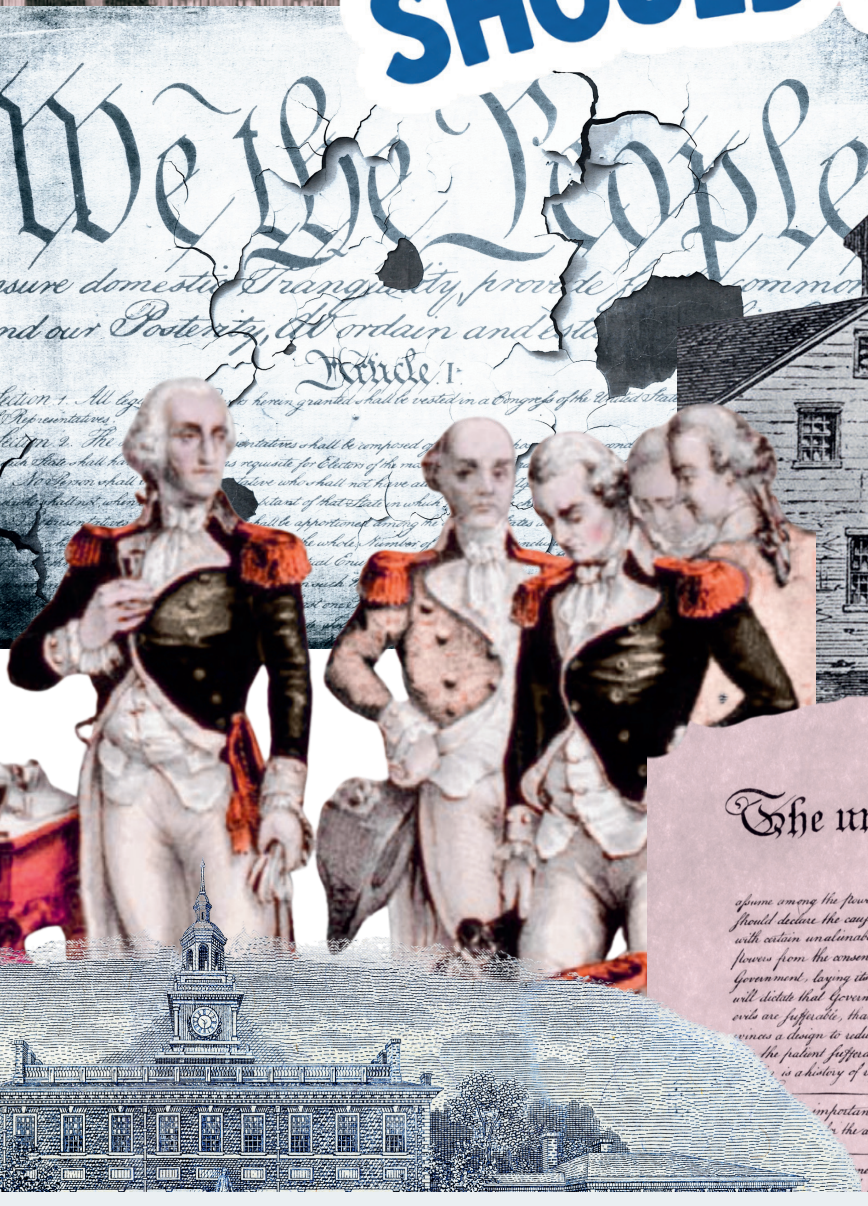
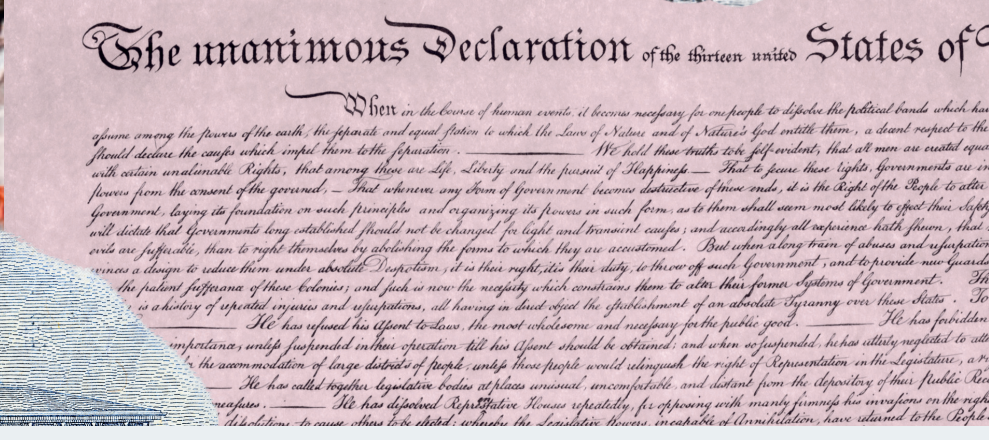
1787: WHAT KIND OF GOVERNMENT SHOULD WE HAVE?









NATIONAL ISSUES FORUMS INSTITUTE

Historic Decisions

James Madison Center for Civic Engagement
JAMES MADISON UNIVERSITY



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Introduction

It is the spring of 1787. We are now in a critical period. Our new confederation is unstable and the peace we won just four years ago is threatened. We've lost the unity inspired by our fight against Britain. Trade is difficult and our physical safety is uncertain. There are conflicts within and threats from without.

We have rejected rule by a monarch. This Confederation, some argue, is an insufficient replacement to being ruled by a king. The Congress can't impose taxes and lacks the authority to enforce decisions.

Too often, representatives don't even show up for meetings. Agreements made during the ratification of the Articles of Confederation are fragile.

We are saddled with war debt. Veterans and others who put their lives or livelihoods on the line haven't been paid, and farmers are going bankrupt. The loss of homes and farms to creditors has led to local uprisings. Foreign creditors doubt our solvency. A recent rebellion led by Daniel Shays, a Revolutionary War veteran, resulted in bloodshed. In 1783, George Washington sent a letter to states expressing concerns about the long-term viability of the country under the Confederation Congress. He urged the states to relinquish some powers and establish "an indissoluble Union of the States under one Federal Head" or risk "anarchy and confusion."

Washington concluded with a prayer that "the hearts of the Citizens [would be inclined] to cultivate a spirit of subordination and obedience to Government." However, not everyone is so eager for citizens to submit to the federal government. Richard Henry Lee, former President of Congress (the highest national office under the Articles of Confederation), has expressed concern in a private letter to George Mason that those rushing to strengthen the federal government do so "without reflecting that every free nation, that hath ever existed, has lost its liberty by the same rash impatience."

Challenges from Near and Far

We face communication and transportation challenges. Compared to Europe, the postal service is inadequate and roads are poor. The countryside is vast, with many different natural environments and climates. Our only cities are Philadelphia, New York, Boston, Baltimore, and Charleston. Ninety percent of Americans live in rural areas.

In 1783, the Massachusetts Supreme Court ruled that its state constitution is incompatible with slavery, beginning the end of slavery in that state.

Congress is considering passing legislation that would forbid slavery in the territories northwest of the Ohio River; Pennsylvania, Connecticut, and Rhode Island



Foreign trade is essential to economic stability. | ©RA/Lebrecht Music & Arts

have already passed legislation to gradually emancipate enslaved people. But enslaved people still account for one-fifth of our population, with 90 percent residing in the southern states. The economic prosperity of that region, and some say of the entire Confederation, depends on slavery, but there is increasing talk of abolishing the trans-Atlantic slave trade. These disputes about slavery threaten to tear apart our Confederation.

Our relationship with Great Britain remains tense.

Many in Parliament are angry about the Revolution and no longer wish to trade with us. They are restricting American exports to Britain and the West Indies. At the same time, they are flooding the states with cheap British-made goods. And, since we are no longer part of the British Empire, we have lost the protection of the British navy. Our ships are now easy prey for pirates. With exports down, we have a shortage of gold and silver. To compensate, some state legislatures have passed "tender laws" that require merchants to accept paper money. But the value of this paper money fluctuates wildly. A bag of flour that costs five dollars one day could be twice as much just a few months later. Our paper money is just about worthless.

Relationships between states tend to be competitive, not cooperative. Commercial, territorial, and boundary disputes abound. We do not trust each other, and security is weak. People are fearful, and there is conflict from every corner—foreign countries pitting one state against another, westward expansion igniting brutal battles between colonists and indigenous groups, and the roiling threats of violence over slavery.

How to Govern?

It can take years for a critical issue to even be considered in the Continental Congress, much less resolved. Two years ago, in 1785, several Virginia and Maryland commissioners met at Mount Vernon to work on trade agreements and improving navigation on the Potomac. This almost failed because, initially, the Virginians didn't show up.

Another meeting was held in Annapolis last year. In addition to the trade problems, those present felt that "the defects [of the Articles of Confederation] upon a closer examination, may be found greater and more numerous" than anticipated. A new meeting to consider how to improve our government is planned for this spring. It will be in Philadelphia, and delegates from all 13 states are asked to attend.

Many believe that without some kind of change we cannot maintain our liberty and prosper. If we are to succeed, we need to figure out what kind of government can work for Americans—we who are so politically, geographically, economically, culturally, and socially diverse.

What Are Our Options?

The current state of affairs has sparked conversations in pubs and shops, town squares and farmyards. Everywhere, people are asking the same questions: What should we do? How will we survive? How can our hard-won liberty be sustained? The questions boil down to this: What kind of government should we have?

Now is the time to share our ideas with the delegates to the Philadelphia convention. What happens there might very well affect each and every one of us for years to come.

- **Option 1: Strengthen the Current Partnership Among Equals.** The Articles of Confederation and Perpetual Union need to be amended. The current one-vote-per-state Confederation Congress assures that we are a union of equal members, but the current central government lacks the power to raise funds or make binding decisions. It needs to have the power to hold states accountable without impinging on their rights. We must figure out a workable balance that gives the central government more power and yet still respects each state's autonomy.

1775 - 1783:
Britain's rebellious North American colonies temporarily ban or suspend the Atlantic slave trade as part of the boycott against British imports.

1775:
Pennsylvania Abolition Society formed in Philadelphia, the first abolition society within the territory that is now the United States.

1777:
Constitution of the Vermont Republic partially banned slavery, freeing men over 21 and women older than 18 at the time of its passage. The ban was not strongly enforced.

Abolition and Slavery

1775 - 1785



©Leonard de Selva/Corbis

What Are Our Options?

- **Option 2: Create a Strong Central Government.** To maintain our independence, we must ensure our stability. We need a strong central government to protect our interests. Too much freedom at either the state or the personal level can be destructive. A republican form of national government, with proportional representation from all of the states, guarantees that individual citizens will still have a say. A stronger central government in a new federal union of the states will also have the authority to safeguard our economic stability and physical security.
- **Option 3: Let States Govern Themselves.** Now that we have our liberty, we should dissolve the Confederation and let the states govern themselves as independent republics. Local governance works best. We are too economically, geographically, and culturally diverse to form one nation. Each state has its own traditions of self-governance, some going back a century or more. Each has its own way of determining citizenship. We've proven we can successfully unite in the face of a common threat, and we can do it again if need be.

Shays' Rebellion was an armed uprising that began in 1786 in response to war debts. | ©Bettmann/CORBIS



Shays' Rebellion

In 1786, Massachusetts officials tried to collect back taxes from the populace to pay off war debt. Farmers couldn't afford it, in part because many were veterans who hadn't been compensated for their military service. Animals, furniture, and land were seized. Farmers also faced high legal fees and debtors' prison. Many feared they'd become tenant farmers instead of free men. In response, Daniel Shays, a 39-year-old veteran and farmer, led a rebellion. Shays and his followers formed an army. In January 1787, they marched on a Continental Army arsenal in Springfield. Congress authorized raising an army to restore order but was unable to fund it. Eventually, Boston merchants and the governor used their own money to put down the rebellion. Daniel Shays escaped, but in April five men were tried for treason and condemned to hang. Some thought "Shays men" were heroes; others called them dangerous rebels. One of the rebels said, "I earnestly stepped forth in defense of this country, and liberty is still the object I have in view."

1780:
Pennsylvania passes An Act for the Gradual Abolition of Slavery, freeing future children of enslaved people. Those born prior to the Act remain enslaved. The Act becomes a model for other Northern states.

1783:
Massachusetts Supreme Judicial Court rules slavery unconstitutional, a decision based on the 1780 Massachusetts Constitution.

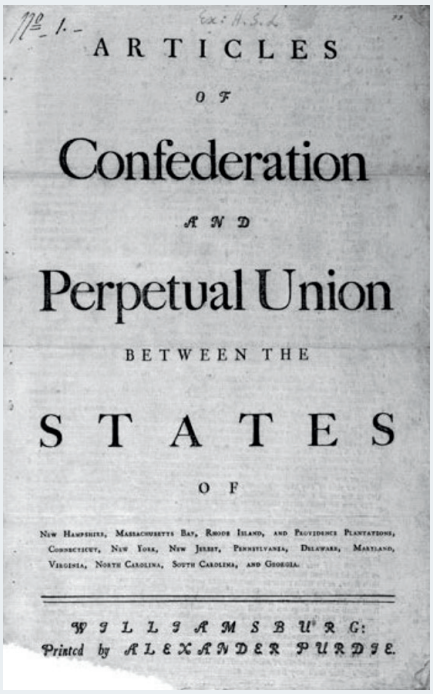
1784:
Connecticut begins a gradual abolition of slavery, freeing future children of enslaved people and later, all enslaved people.

1783:
New Hampshire begins a gradual abolition of slavery.

1784:
Rhode Island begins a gradual abolition of slavery.

OPTION 1 STRENGTHEN THE CURRENT PARTNERSHIP AMONG EQUALS

Keep the Articles of Confederation and Perpetual Union in place, but amend them.


ARTICLES
OF
Confederation
AND
Perpetual Union
BETWEEN THE
STATES
OF
WILLIAMSBURG:
Printed by ALEXANDER PURDIE.

Articles of Confederation and Perpetual Union

The Articles of Confederation and Perpetual Union created a confederation based on the ideal of a "league of friendship," which guaranteed that people could move freely from one state to another. It was drafted in 1776, used by the Continental Congress beginning in 1777, but not ratified by all states until 1781. A confederation is a form of government where sovereign power is held by the states or countries forming the confederation. Those countries, states, or independent entities, voluntarily give up some limited and defined powers to the confederation government, often for mutual defense and or economic cooperation.

Under the Articles, each state, regardless of size, had one vote in Congress and amending the Articles required the unanimous consent of all 13 states. Those powers included the power to declare war, appoint military officers, sign treaties, make alliances, appoint foreign ambassadors, and manage relations with indigenous groups. Only the states have the power to tax. Congress can raise money by asking the states for funds, borrowing from foreign governments, or selling the western lands. Congress cannot draft soldiers or regulate trade.

The Articles are too weak as they now stand, according to this option, but they are worth keeping and should be improved. These Articles were strong enough to hold us together during a war against the strongest empire on earth. Now that the crisis of war is behind us, we must develop ways of making sure the states live up to their commitments.

There also needs to be a way to fund the activities of the central government, and to mediate conflicts between states.

People who favor this option feel we were too cautious when we intentionally created our weak central government. While this made sense given our history with Great Britain, the past decade has shown us that we must have greater accountability among Confederation members. In addition, we need to figure out a way to fund the appropriate activities of the central government, and to create a means for resolving squabbles between states if this "league of friendship" is to continue.

This option's priority is to maintain and improve the confederation of states by improving how the partnership operates. The current "one state, one vote" rule in the Confederation Congress guarantees that we are a union of equal members. However, states must be held accountable, not only to the Congress, but to our own agreements with each other.

Ensure Accountability

Poor attendance is hampering the Confederation Congress. For example, when the Treaty of Paris, which formally ended our war with Britain, was sent to Congress in 1783, it wasn't considered for weeks because there weren't enough delegates present. Critical work related to security, stability, and prosperity is continually put off. There need to be appropriate consequences for absenteeism. First on the list of reforms should be an attendance policy. This option holds we shouldn't accommodate bad behavior by delaying votes or rescheduling meetings. If delegates neglect responsibilities, this should result in the loss of their state's vote on the legislation being considered.

We also need to develop a more nimble process for amending the Articles of Confederation. We are a young republic, and our needs will change over time. We have already tried to amend the Articles, but efforts have always failed—twice due to the veto of a single state.

The current requirement for a unanimous vote should be replaced with a two-thirds majority, or nine out of 13 states. This is what is required for all other important legislative decisions, even declaring war, yet a single state can block an amendment. This allows one state to stop the progress of the entire union, even if every other state is in agreement.

Provide for a Loyal and Effective Defense

Those in favor of strengthening the Confederation say we must be prepared to defend ourselves against aggression from other nations and in territorial battles with indigenous tribes. Because most men's loyalties lie with their states, we should establish a national militia of citizen soldiers. This would not be a central army, but a cooperative force. Each state would have a quota, roughly based on population as well as can be determined. While the states will contribute the soldiers, their salaries and provisions will be paid for by the Confederation. In this way, everyone is guaranteed compensation, and soldiers' loyalties will be more evenly divided between their state and the central government.

Of course, each state will also continue to maintain its own militia, comprised of citizen soldiers sufficient for its own protection. These various units may also form alliances with other states or support the national militia as needed to face foreign threats, as was done during the Revolution.

Pay for Defense and Mail with Tariffs

During the Revolution, the soldiers were poorly equipped and were not compensated in a timely manner. Since so many soldiers preferred to serve in their state militias, the Continental Army offered enticements, including bonuses, offers of free land after the war, and pensions for officers. But these promises were broken. After acrimonious negotiations, sometimes verging on mutiny, soldiers finally received back pay, and officers were only given five years of full pay, instead of the pensions of half pay for life they had been promised.

To prevent the threat of future mutinies, this view argues that the Confederation Congress must be given the authority to raise the money needed to support its militia by imposing tariffs on foreign trade. The monies from these tariffs should also be used to pay off any remaining war debt.

Everyone—but especially businesses, the army, and settlers on the frontier—depends on the post office for the timely conveyance of vital information. It is one of the only ways we have to stay connected. The Articles specify that Congress has "the sole and exclusive right and power of . . . establishing or regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office." Yet this essential service is chronically underfunded.

So this option holds that a portion of the tariffs collected by the Confederation Congress should be used to better fund and expand the postal service.

Congress should establish a common exchange rate and a standard system of weights and measures so that the tariffs are equitably levied. While the Congress will be required to use these standards, the states should be free to use them or opt out as they wish.

Minimize Confusion and Conflict Among the States

In the current Articles, states are prohibited from forming treaties with each other without the consent of Congress, yet the mechanism for resolving differences concerning interstate trade and boundary disputes is elaborate and rarely used. Too often, competition breeds hostility. Those who favor this option say there should be a neutral third party to resolve state disputes. Furthermore, clearly established boundaries, both internal between the states and along the western frontier, will increase everyone's security and foster economic expansion.

Therefore, we should amend the articles to create a court for arbitration, comprised of judges from each of the 13 states, to resolve interstate commerce and border disputes. The basic principles should be established by the Confederation Congress, but this court should act independently of the Congress. For example, each state could appoint two judges for five-year terms. The judges from the plaintiff states should recuse themselves from any cases involving their states.

What We Could Do

Here is a summary of what should be done so the Articles of Confederation will work more effectively.

- **Develop an attendance policy** that, if violated, will result in the loss of a state's ability to vote on the legislation being considered in that Congressional session.
- **Require a two-thirds majority**—not the current unanimous one—for approval of amendments to the Articles of Confederation, as is the case with other important legislative decisions.
- **Establish a national militia** of citizen soldiers drawn from states to protect the territories and our merchants.
- **Give the Confederation Congress a limited right to impose tariffs** to support Confederation activities, including a national militia, the post office, and a court for arbitration.
- **Support the establishment of common exchange rates** and a standard system of weights and measures for use by the Confederation.
- **Create a joint judicial system** for arbitrating interstate commerce and border disputes.



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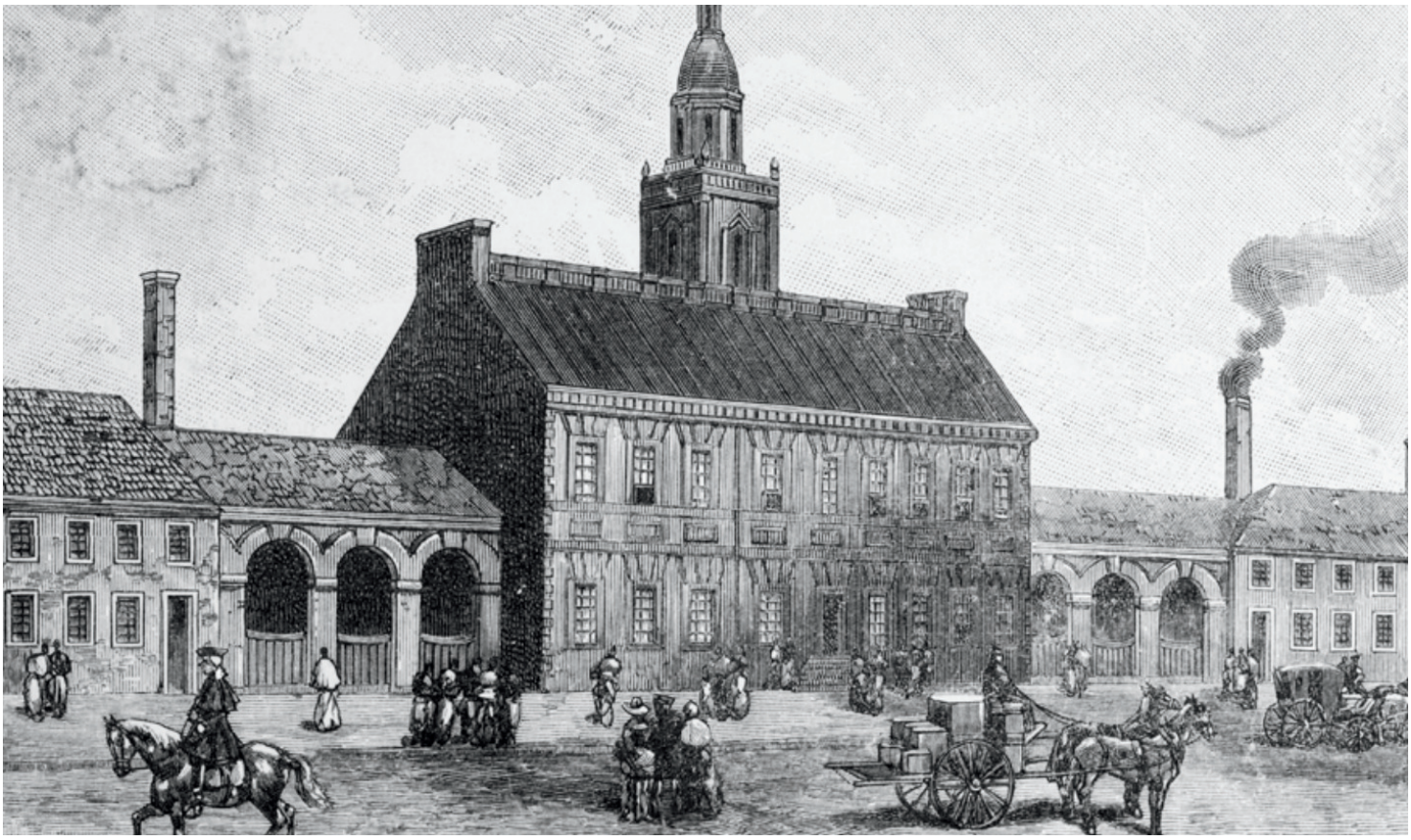
Republican Motherhood

While women are not seen as legally separate from their husbands, our understanding of women's roles and responsibilities is changing in 1787. Ever since the Revolution, women have proven that they are patriotic and can run households when men are absent. They are also the primary caregivers for children. We are beginning to recognize that girls must be educated if they are to become mothers who can raise their own children to be virtuous citizens.

OPTION 2 CREATE A STRONGER UNION

Replace the Articles of Confederation with a new federal constitution that gives the central government more power.

The State House, Philadelphia, 1776 | ©Bettmann/CORBIS



According to this option, there are fatal flaws in the Articles that no amount of revising can fix. Now is the time to make things right.

In 1783, General George Washington pessimistically said, "To suppose that the general concerns of this country can be directed by 13 heads, or one head without competent powers, is a solecism, the bad effects for which every man who has had the practical knowledge to judge from, that I have, is fully convinced of; tho' none perhaps has felt them in so forcible and distressing a degree." A solecism is something that is not just poorly done. It is completely unacceptable.

Diplomat John Jay was more optimistic, but gradually he shared Washington's doubts. Last summer, in a letter to Thomas Jefferson, he wrote, "To be respectable abroad it is necessary to be so at Home, and that will not be the Case until our public Faith acquires more Confidence, and our Government more strength." Washington's criticism came from his military experiences; Jay's, from his foreign relations experience. That they so agree is striking. Our priority is to create a more powerful central government. We need a Congress with the authority to safeguard security and economic stability. Rather than depending on states as intermediaries, citizens should relate directly to the national government.

Make a Fresh Start

During the Revolution, the aristocrat and common man shared a bond. Economic conflicts did not disappear, but they receded in the face of war. While there were fewer options for indentured white workers and free Africans—and almost none for enslaved people—the war offered free white men opportunities to improve their social and economic status. Many new homesteads and towns were pioneered by some of these veterans and their families.

Now things are different. Financial instability has led to excessive loss of homes, farms, and businesses. This hurts communities and harms the economy. We need a stronger central government in a new federal union to resolve disputes before everyday people are driven to pick up arms like they did during Shays' Rebellion.

This option holds that we need to abolish the Articles and create a new constitution that turns the Confederation into a national republic that is accountable to citizens. We need to create a new federal system that divides powers between a strong central government and several state governments. In this view, the new national government should include a representative legislature that is proportional to each state's population, and the delegates should be chosen by popular vote.

In order to assure representation is fairly distributed, the federal government needs to regularly conduct a census to track population and wealth. While enslaved people are not currently considered citizens, they do contribute to each state's wealth, especially in the South. Thus, delegates calling for a census have suggested enslaved people be counted at three-fifths of their population.

Maintain Stability

Consistency in governmental affairs will enhance stability. The legislature should appoint an executive for a seven-year term. Having a single executive officer will help us launch a new government, just as having one leader—General Washington—inspired the trust needed to launch a new nation.

Citizenship and voting rights vary by state, so we need to establish nationwide standards. Over the past decade, many states have expanded land-holding requirements for voting to include other forms of property, such as ships. In large part, this was so veterans could vote. The land-holding requirement had also unjustly penalized many hard-working merchants, sailors, and tradesmen.

We are not a direct democracy but have a tradition of representative government. Those drawn to this option are not calling for universal voting rights. Most hold that any white man over the age of 21, who is not financially beholden to another person, should have this right. This means he should not be indentured and must own land or other tangible assets. Proponents argue that people without financial independence are vulnerable to manipulation. For example, since voting is not private, an employer could demand that employees vote according to his directive. They say that since a wife is bound to follow her husband's lead, to give her the vote would really mean giving her husband two votes.

Put Our Financial Affairs in Order

As colonies, we relied on French, Spanish, and British currency. States, and eventually the Continental Congress, then began issuing paper money. These "Continentals" were supposed to be backed by revenues from taxes, but that never happened. We say "not worth a Continental" to mean something is worthless.

Due to the shortage of coins, the most dependable currency, a complicated system has emerged. Along with paper money and coins, we have personal notes and a barter system. It's difficult to figure out how much something is really worth. In this view, we need a single national currency, and states and other entities should be prohibited from issuing their own currencies.

To have a sound economy, Congress should have the right to raise funds by taxation to pay the war debt and other governing expenses, including for a standing army. This money should be used to pay all war debts incurred by the states and central government. Allowing Congress to raise funds directly is the most efficient approach.

Build a Common Identity

Our national character is marked by civic virtue and a common commitment to our Declaration of Independence. We should be willing to set aside self-interest for the public good. We have left aristocratic regimes, like those of the British Empire, behind to create a new way of life. Our leaders owe their authority to the people.

American identity draws on a shared history of patriotism. Those who call for strong central government say we need to celebrate our new republic with common holidays and a national anthem to mark our independence and honor veterans. This would bring us together and send a clear message on what we stand for.

What We Could Do

Here is a summary of what this option says ought to be done in order to form a new constitutional government more powerful than the one we have now.

- **Abolish the Articles of Confederation.** Create a federal constitution and a representative legislature that is proportional to each state's population, with enslaved people counted at three-fifths.
- **Allow the new Congress to appoint an executive** for a seven-year term.
- **Establish nationwide standards** for citizenship and voting rights.
- **Give Congress the authority to create and direct a regular army and navy.**
- **Give Congress the right to levy tariffs** to pay war debts, including debts owed by the states. Establish a single national currency, and prohibit states and other entities from issuing their own currencies.
- **Celebrate our identity** by establishing national holidays and a national anthem.



Currency

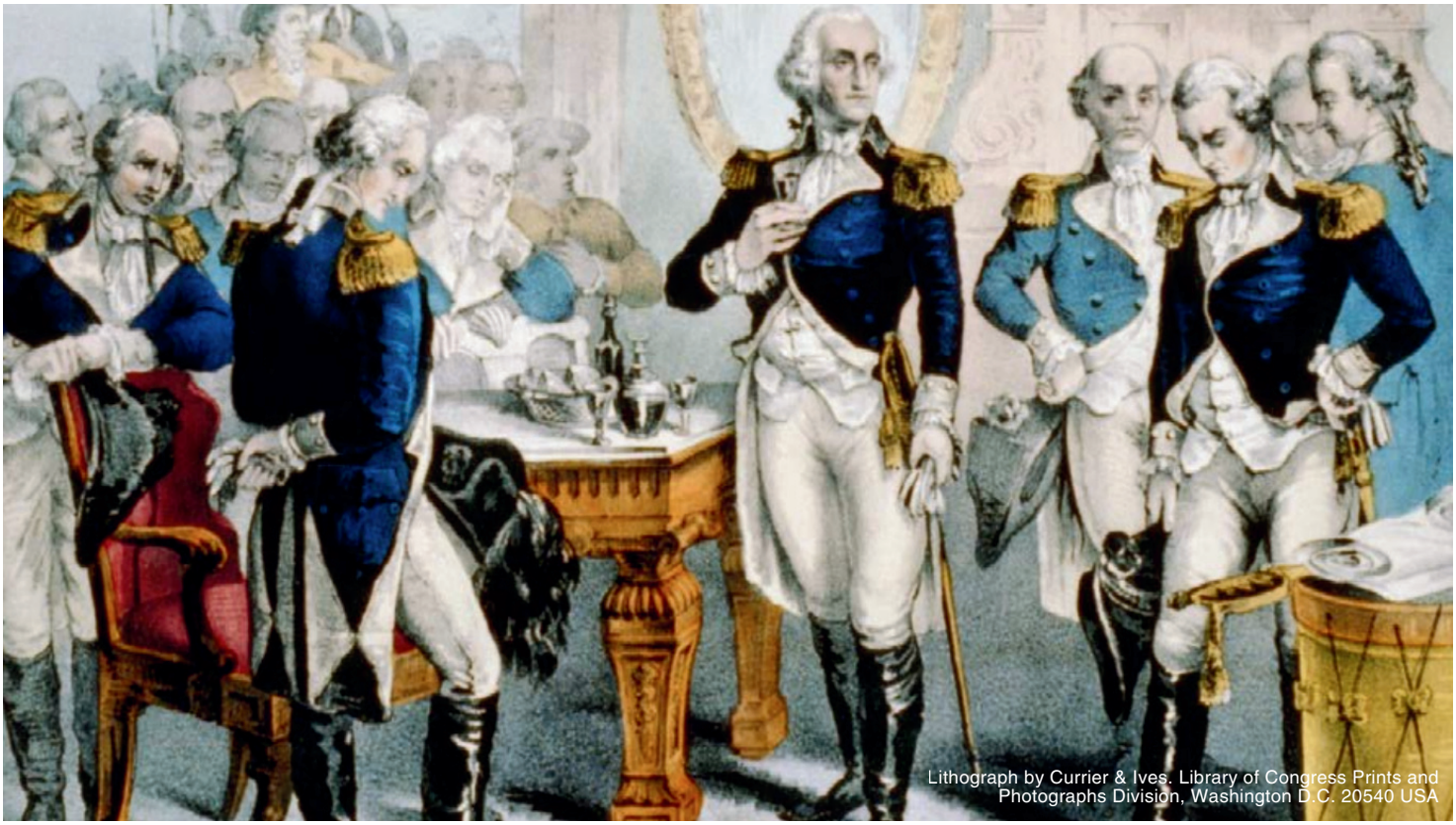
Trade requires currency: money all parties recognize as valuable. Everyone recognizes coins minted from precious metals like gold as being valuable. But paper notes are backed only by government promises they can be redeemed for coins or accepted as payment for taxes. They can become worthless quickly.

With a shortage of coins in early colonies, Americans relied on currency issued by other nations. Each colony, and later the states, produced their own paper money as well. During and after the war, the Confederation did the same. State currencies were in pounds, while the Congress used the Spanish dollar. Many of these currencies are now traded far below face value, though none as low as Continental dollars.

The notes issued by states differ in value. With 13 different state currencies, the worthless Continental, and international coins in circulation, trade requires difficult conversions. In 1786, the Confederation Congress passed legislation to establish a national mint and create a new dollar. However, under current law, states can still create their own currencies.

OPTiON 3 LET STATES GOVERN THEMSELVES

Dissolve the Confederation. The states are sovereign and should govern themselves.



Washington taking leave of the officers of his army at Francis's Tavern, Broad Street, New York, Dec. 4, 1783

This option says it's unnatural for a far-flung, diverse people to unite as one nation. We fought for self-rule and rejected rule by a government thousands of miles away, so why should we submit to one hundreds away?

As General Washington observed, states are bound together by "a rope of sand." Rather than turn that rope into a chain, we should dissolve the Confederation. Some state legislatures trace their history back a century or more, and even the newest legislatures issue currency, impose taxes, and regulate trade. Nine have armies, and several have navies.

The Declaration of Independence states we have the right "to alter or to abolish [the government], and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness." Our priority is to institute self-governance at the state level and focus on the more intimate institutions and civic practices essential for local self-rule.

We suggest states boycott the meeting planned in Philadelphia. Even Patrick Henry, the great patriot of the American Revolution, has refused to participate. While publicly he said the absence is because his personal affairs need his attention, he has privately acknowledged it is because, in his words, "I smell a rat."

Let States Make Their Own Decisions

Those elected to national office do not always represent the interests of common farmers. Those drawn to this option say local rule is preferable because it's closer to the people. Smaller societies are less likely to be corrupted because those who live and work with local leaders are better able to evaluate their characters. Proponents believe we should disband the Congress of the Confederation and acknowledge the state governments as fully sovereign, independent republics.

The states still face potential military threats from indigenous groups, the Barbary pirates, and European intruders. However, proponents of sovereign states say every state should be solely responsible for its own defense since each faces different threats. They argue that, without the state-based citizen militias, we would never have won the war, and professional soldiers cannot match the passion and intensity of a man defending his home.

Proponents also say each state knows how to best manage its relations with tribes, because they vary widely by location.

If shared interests or region-wide threats emerge, states can voluntarily band together. During the Revolution, we proved we can quickly unite in the face of a common

threat. If necessary, we can do it again. Government and military leaders from states should meet regularly or in response to emerging crises to consider shared security concerns. But these meetings ought to be advisory, with no power to compel state action. The meetings will foster diplomatic relations and cooperation among sovereign states and could include negotiations to resolve state claims concerning the western lands. During war, these meetings could help form temporary military unions among states, raising a new Continental Army.

This view states no one should be responsible for losses suffered by speculators who were trying to profit from the war. It's true that many of the original lenders purchased bonds for patriotic reasons; and some bonds are still held by foreign governments. However, as their value dropped, many bonds were resold at reduced value to speculators seeking financial profit. It is these speculators who would profit if these bonds were paid off at original value, and not the original lenders, who put their money behind the revolution. In keeping with the support of sovereign states, each state should determine what to do about its own war debt. This would include debts owed by the state and any portion of the debt accrued by the Confederation Congress that state legislatures may feel responsible to pay. States that want to maintain good relations with a particular creditor or nation may work out a repayment plan, but those not wanting to reward speculators may choose to default.

Some Rights Are Bound to Responsibilities

One of the Declaration's most famous sentences reads, "We hold these truths to be self-evident, that all men are created equal." If these truths are indeed self-evident, then we don't need a national constitution to create them. Natural law already does so. If states do not agree the law of nature is sufficient to ensure these rights, they can establish their own bills of rights at the local level, or maintain previously established statements of rights. In addition to natural rights, there are citizenship rights. These may or may not include such things as voting, having a separate legal identity, owning property, and speaking in public. This option holds that these rights should only be given to those who can use them wisely.

Those capable of making wise judgments should have more rights, such as men who have achieved financial independence. In contrast, many, but not all, think women are less capable and wish to continue the long-established doctrine of coverture, which holds that a wife doesn't have a separate legal identity but relies on her husband's authority. Without her own legal identity, while she may be a citizen, many citizenship rights are not available. But there are exceptions. An especially capable woman may need to make independent decisions. In such cases, obtaining some citizenship rights could be beneficial for her and her family. Also, granting these privileges can vary by region. Some northern states have granted free Africans voting rights unimaginable to those in power in many southern states. Thus, individual rights should be determined by those who understand local circumstances.

Arbitrate Disputes Where They Arise

Shays' Rebellion demonstrated that the interests of wealthy and common people can clash. Many say the wisest judgments arise from local knowledge, and, therefore, all criminal and civil cases, whether between states or individuals, should be arbitrated at the local level. This may mean using juries of peers in some states and magistrates in others. But either way, local and state judicial systems are the only ones capable of ensuring courts make decisions that truly express beliefs and values of local people. They should be free to do so.

The provision in the Articles that allows the central government to arbitrate disputes between states has rarely been used. Yet, as the successful resolution of trade disputes between Virginia and Maryland demonstrated, states can resolve their own disputes. This option also holds we don't need a central government to regulate interstate trade. Few Americans are engaged in long-distance trade beyond their own communities or states. Each state should be free to make the decision on whether or not to intervene in the marketplace.

What We Could Do

Here is a summary of what this option holds ought to be done if we choose to rely on local rule.

- **Disband the Congress of the Confederation.**
- **Make each state responsible for its own defense,** raising armies or navies as needed. States can meet to discuss shared security concerns.
- **Let each state decide what to do about its war debt.**
- **Allow each state to determine appropriate rights** for individuals, and whether or not individuals should be granted the privilege of citizenship.
- **Arbitrate all criminal and civil cases** at the state or local level.
- **Allow the market to resolve all trade disputes.**

Citizenship, Rights, and Responsibilities

As it now stands, the rights of Africans, indigenous peoples, and women differ by state. Also, although property requirements vary from state to state, thirty to forty percent of America's white male citizens do not own sufficient property to qualify for the vote.

In 1776, New Jersey gave propertied, single women the right to vote, something that no other state has done. In most states, women are not authorized to speak in public sessions and can only own property under limited conditions. In some states, adult single women and widows are recognized as having an independent financial and/or legal status. According to the legal doctrine of coverture, a wife does not have an identity separate from her husband's, and so all wages and property are under her husband's control.

The political, economic, and social activities of free or emancipated Africans are restricted in many states. Most forbid interracial marriage, and churches and schools are segregated.

Pennsylvania, Connecticut, and Rhode Island have all passed legislation to gradually abolish slavery, and the state constitution makes slavery illegal in Massachusetts.

However, many of the southern states would never consider such a thing, and are also pressuring the northern states to assist in capturing people who escaped from slavery.

1787: WHAT KIND OF GOVERNMENT SHOULD WE HAVE?

OPTIONS SUMMARY

No one is sure about how we should govern ourselves, but everyone agrees that without some kind of change we cannot maintain our liberty and prosper. If we are to succeed, we need to figure out what kind of government can work for a people who are so politically, geographically, economically, culturally, and socially diverse.

The current state of affairs has sparked conversations in taverns and shops, town squares and farmyards. Everywhere, people are asking the same questions: How are we going to get through this? How are we going to survive? How can our hard-won liberty be sustained? Now is the time to share our ideas with the convention delegates. What happens in Philadelphia might very well affect each and every one of us for years to come.

This issue guide suggests three possible options for how we should govern ourselves. Each has its strengths, but there is no perfect solution. Which actions do we support? What trade-offs and consequences are we willing to accept? We need to deliberate together to make the right choice for all of us.

Option 1 Strengthen the Current Partnership Among Equals

Keep the Articles of Confederation and Perpetual Union in place, but amend them.

Main Arguments in Favor of This Option	Examples of What Might Be Done	Consequences and Trade-offs
The Articles of Confederation and Perpetual Union need to be amended. The current one-vote-per-state Confederation Congress guarantees we are a union of equal members. But the current confederation lacks the power to raise funds or make binding decisions. It needs to have the power to hold states accountable without impinging on their rights. We must figure out a workable balance that gives the central government more power, and yet still respects each state's autonomy. But, giving the Confederation Congress the ability to hold states accountable would reduce each state's autonomy. Also, majority rule is not the same as equality. In some situations the loss of the one-state, one-vote agreement would mean that the wishes of one state would be overridden by the preferences of other states.	The Congress should develop an attendance policy. Non-attendance will result in loss of a state's ability to vote in that session.	This could penalize representatives who cannot attend due to the precarious state of travel, and there will be disagreements about where Congress should meet.
	Approval of amendments to the Articles of Confederation should require a two-thirds majority, not the current unanimous one.	A dissenting state would be forced to go along with a decision it doesn't support.
	Give Congress limited rights to collect tariffs to support activities like a national militia, post office, and arbitration court.	National tariffs would compete for dollars with state legislatures; states involved in international trade would bear a heavier financial burden; and tariffs would increase the cost of imported goods.
	Establish a national militia of citizen soldiers to protect the territories and our merchants.	This kind of military may not be able to stave off more experienced armies of professional soldiers.
	Congress should establish common exchange rates and a standard system of weights and measures.	People and states may manipulate or disregard the standards, and centralized standards will undermine local citizens' ability to determine currency values for themselves, or to trade goods directly through barter.
	Create a joint judicial system for arbitrating interstate commerce and border disputes.	States will have to submit to an external body, which undermines their sovereignty.



Option 2 Create a Strong Central Government

Replace the Articles of Confederation with a new federal constitution that gives the central government more power.

Main Arguments in Favor of This Option	Examples of What Might Be Done	Consequences and Trade-offs
To maintain our independence, we must shore up our stability. Too much freedom at either the state or the personal level can be destructive. We need a strong central government to protect our liberty so we can realize our goal of being an independent nation with a sound economy and secure borders. A republican form of government with proportional representation from all of the states assures that individual citizens will still have a say. A stronger central government will have the authority to do what needs to be done to protect our economic stability and physical security. This would also increase our status in the eyes of other nations. But, a republican form of government based on proportional representation would reduce the authority of state governments. While we would be more secure as a nation, creating a powerful central authority could mean the unique needs and desires of individual communities would be secondary to the needs of the nation.	Create a federal constitution and representative legislature proportional to state populations, with enslaved people counted at three-fifths of their population.	The smaller states will lose influence and power.
	The legislature should appoint an executive for a seven-year term.	Having an appointed manager, rather than a leader selected by the people, may weaken citizens' loyalties. Also, long terms can lead to the misuse of power.
	Establish national standards for citizenship and voting.	White men without property, women, and free Africans in some states could lose their current voting rights if different national standards are adopted.
	Give Congress the authority to create and direct a regular army and navy.	Soldiers would have a stronger allegiance to the central government than to the states. Soldiers will be stationed far from their homes, imposing the authority of strangers on local communities.
	Have the federal government assume all state and national war debts, establish a single national currency, prohibit states and other entities from issuing their own currencies, and give Congress the right to levy tariffs.	This may impose a heavier tax burden on citizens and would be unfair for states that have already paid their debts. A common currency would undermine the freedom of the states and private institutions.
	Celebrate our identity by establishing national holidays and a national anthem. This will honor the sacrifice of soldiers and their families.	Local and regional perspectives about historic events and traditions may be minimized or overlooked altogether.



Option 3 Let States Govern Themselves

Dissolve the Confederation. The states are sovereign and should govern themselves.

Main Arguments in Favor of This Option	Examples of What Might Be Done	Consequences and Trade-offs
Now that we have our liberty, dissolve the Confederation and let the states govern themselves. In an agricultural society such as ours, local governance works best. We are too economically, geographically, and culturally diverse to form one nation. Each state has its own traditions of self-governance, some going back a century or more. Each has its own way of determining citizenship. We've proven we can successfully unite in the face of a common threat, and we can do it again if need be. But, small countries face greater military and economic vulnerability than larger ones. Also, instead of an integrated system, many of the basic functions of government would be replicated. This would be more expensive and result in fragmentation. Finally, local rule can lead to insular thinking and distrust of outsiders.	Disband the Congress of the Confederation.	The lack of a central government could result in greater economic and physical vulnerability, since no one will be attending to the collective interest of all of the states.
	Make states responsible for their own defense, raising armies or navies as needed. Leaders from each state could meet regularly to consider collective security.	Frontier and coastal states will incur a heavier burden, while some states would benefit without sharing the cost. Having multiple armies in close proximity increases the risk of violence between states.
	Each state will determine the legal rights and citizenship privileges of its individuals.	Individuals could be citizens in one state, yet lose those rights when traveling to another. Despite our fears of centralized governments, tyranny can also thrive at the local level.
	Each state should determine what to do about its own war debt.	Debts incurred by the Confederation Congress may not be fully repaid, which will hurt everyone's reputation and credit worthiness. States that contributed more than others to the fight for independence bear disproportionate burden.
	Criminal and civil cases will only be arbitrated at the state or local level.	This fosters insular thinking and the tyranny of the majority. Anyone involved in interstate trade or travel will have to be well-versed in the laws of various states.
	All trade disputes should be resolved in the marketplace.	Some would be hurt by unfair business practices. With no central authority, interstate trade could be unpredictable, and states could interfere in people's private matters.



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