

✕ E S S A Y S

Merrill M. Jensen (1905–1980), an influential professor of history at the University of Wisconsin for more than a generation, produced a trilogy of works on the Revolution, all of them displaying elements of the neo-Progressive view that class interests shaped the course of American politics. This selection from *The New Nation: A History of the United States During the Confederation, 1781–1789* (1950) expresses some of Jensen's reasons for believing that the United States was starting to thrive under the Articles, before the monied nationalists supplanted it. Professor of history Jack N. Rakove of Stanford University explores congressional politics during the war and through the 1780s in his *Beginnings of National Politics* (1979), from which the second essay is drawn. Although Rakove finds some successes in the measures of Congress under the Articles, he also points out the impediments to action, the growing recognition among congressmen of structural problems, and the declining stature of Congress.

The Achievements of the Confederation

MERRILL JENSEN

It is commonly believed that during the Confederation the government of the United States was a weak and incompetent affair, devoid of power and ideas, without a record of achievement, and sinking fast into oblivion. Certain basic ideas are set forth about it: it was difficult to get a quorum of Congress to do business; it had no income; it had no power to handle the country's ills, and so on. The government was "weak," of that there is no question. It had been created that way deliberately because its founders had feared, and during the 1780s they continued to fear, a strong central government as they had feared and fought against the British government before 1776.

Yet one cannot understand the history of the Confederation government if one talks of it only in terms of efforts to remedy its obvious weaknesses. To do so is to miss much of the point of the political history of the American Revolution. One misses also the fact that the central government struggled mightily with problems left by the war and with still others arising from the birth of a new nation. Furthermore, one loses sight of the fact that the government of the Confederation achieved a measure of success, at least according to the likes of those who believed in the kind of central government provided by the Articles of Confederation.

The Congress of the Confederation laid foundations for the administration of a central government which were to be expanded but not essentially altered in function for generations to come. The United States acquired a vast source of future wealth as the states ceded their claims to western lands. The national domain became a fact in 1784. Between then and 1787, in three great ordinances, Congress laid down the basic policies that were to be used as the United States spread westward to the Pacific. At the same time a permanent staff of government employees was built up. These men

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carried on the affairs of the central government whether Congress was in session or not. When the Washington administration took over in 1789, the members of the new administration in effect moved into front offices staffed with men who for years had handled the details of foreign affairs, finance, Indian relations, the post office, and the like. Many of these employees continued to do the basic work of the central government after 1789 as they had done before. The government under the Constitution of 1787 would have been as helpless without them as the Confederation would have been, yet this "bureaucracy" has been unknown to most of the people who have written of the Confederation.

The government of the Confederation struggled to straighten out the tangled mess that resulted from the financing of the war, and here too made progress. Finally, it faced the basic issue of the relationship of the balance of power between the central government and the states. That issue was before the people of the new nation from the outset of the war. After 1783 the believers in the federal system provided by the Articles of Confederation sought hard to solve its problems. They recognized that the central government needed more power and they sought to acquire that power, meanwhile carefully guarding against any basic change in the nature of the Articles of Confederation.

As one views the achievements of the Confederation, it is evident that the story is not a negative one, but a story of steady striving toward a goal. The "weakness" of the central government under the Confederation was the weakness of any government that must achieve its ends by persuasion rather than by coercion. There was a large group of the citizens of the new nation who believed in persuasion; a smaller but equally powerful group believed in a central government with coercive authority. The triumph of the latter group in the face of the achievements of the Confederation government was a victory for a dynamic minority with a positive program. It parallels in many ways the achievement of an equally dynamic, but quite different minority, in bringing about the war for independence and in writing the Articles of Confederation.

The Creation of the National Domain

The fact of expansion into new land loomed even larger in American thought and economy in the 1780s than it had in the colonial period. The dispute over the control of the West contributed to the tensions leading to the war for independence, but independence did not end the dispute, for Americans fought with one another as to whether the central government or the individual states should control the lands claimed by them on the basis of their ancient charters. . . .

The man chiefly responsible for the foundation of the first "colonial policy" of the United States was Thomas Jefferson. He had long been interested in the region west of the Alleghenies, not as a speculator, but as a statesman, a scientist, and a believer in agrarian democracy. Where others wanted to hand the West over to speculators, he wanted it to belong to

actual settlers. Where others distrusted westerners as banditti and wanted them ruled by military force, he wanted them to govern themselves. Thus when he brought the Virginia cession to Congress, he had definite ideas about what should be done. He was made chairman of a committee to draft an ordinance for the government of the new public domain. He believed that the land should be given to the settlers, for they would have to pay their share of the national debt anyway. Why should they pay double? If settlers had to pay for the lands, they would dislike the union. Furthermore, they would settle the lands no matter what Congress did. One settler in the West would be worth twenty times what he paid for the land, and he would be worth that every year he lived on his farm.

Jefferson proposed that the domain be divided into ten districts which ultimately would become states. . . . There was to be self-government by the people, not arbitrary government by congressional appointees. Whenever Congress offered a piece of territory for sale, the settlers within it were to establish a temporary government and to adopt the constitution and laws of whatever state they chose. Whenever the territory had 20,000 people, they were to hold a convention, adopt a constitution, and send a delegate to Congress. When the population of the territory equalled that of the free inhabitants of the smallest of the thirteen states, the new state was to be admitted to the union as an equal partner. The new state must agree to remain a part of the United States; be subject to the central government exactly as the other states were; be liable for its share of the federal debt; maintain a republican form of government; and exclude slavery after 1800. Thus Jefferson planned a government for the national domain. When the Ordinance of 1784 was finally adopted by Congress, only a few changes were made. The reference to slavery was dropped and one new restriction was added: the future states might not tax federal lands nor interfere with their disposal.

It is too often said, and believed, that the Northwest Ordinance of 1787, which repealed the Ordinance of 1784, provided for democracy in the territories of the United States. The reverse is actually true. Jefferson's Ordinance provided for democratic self-government of western territories, and for that reason it was abolished in 1787 by the land speculators and their supporters who wanted congressional control of the West so that their interests could be protected from the actions of the inhabitants.

Meanwhile, with the Ordinance of 1784 adopted, the next step was to provide for the survey and sale of the lands. Jefferson was on the committee appointed to draft such a plan and here too he had ideas, although his belief that the West should be given to the actual settlers was soon lost sight of in the need of Congress for revenue and in the rise of new speculative groups.

Jefferson left for France to replace Franklin as minister before the Ordinance was completed. In its final form the Ordinance of 1785 provided that the West should be divided into townships, each containing thirty-six square miles. Four sections in each township were to be reserved for the

United States, and also one third of the gold, silver, and copper. In each township lot sixteen was set aside for public schools. Once surveyed, the lands were to be sold at public auction by the loan office commissioners in each of the states. The land could not be sold for less than a dollar an acre and payment was to be in specie, loan office certificates reduced to specie value, or certificates of the liquidated debt of the United States. Lands were reserved to provide the bounties promised the army during the war. This Ordinance was adopted by Congress 20 May 1785. . . .

But the Land Ordinance of 1785 was soon forgotten. New speculative interests swept down upon Congress and grabbed for enormous chunks of the public domain. The drive was spearheaded by New Englanders and by others who had few if any ties with the pre-revolutionary land companies. No group was more interested in the West than ex-army officers who saw in western lands an outlet for the desires and energies that had been so frustrated at the end of the war. . . .

What these men hoped for was a military colony in the Old Northwest such as they had proposed to Congress from Newburgh in the spring of 1783. But Congress soon made it plain that it was going to sell land, so the officers changed their plans. Early in 1786 Rufus Putnam and Benjamin Tupper issued a call to the Massachusetts officers and soldiers who had served in the Revolution. They proposed county meetings to choose delegates to a meeting at Boston to organize an association to be called the Ohio Company. The company was organized and shares of stock were sold. . . .

The Ohio Company asked for a virtual suspension of the Land Ordinance of 1785. Four ranges had been surveyed but had not been put up for sale when the Ohio Company appeared before Congress offering a million dollars for lands beyond the survey. . . .

The shift in tactics smoothed the way for the Ohio Company. . . . The price was to be not less than a dollar an acre payable in loan office certificates reduced to specie value and in other certificates of the liquidated debt of the United States. Up to one seventh of the total purchase price could be paid in the land bounty certificates issued to the officers and soldiers of the Continental Army. The price, however, was reduced by a third, for that much allowance was made for bad land and for incidental expenses. The purchase was an enormous bargain, for national debt certificates were selling for as little as ten cents on the dollar in the open market. In the final sale Congress held back some of the land. Section sixteen in each township was reserved for education. Section twenty-nine was set aside for "the purposes of religion." Sections eight, eleven, and twenty-six in each township were reserved by Congress for future sale. Not more than two townships were to be set aside for "the purposes of a university."

While the Ohio Company was making plans to exploit the West, the West itself was boiling with activity. Before surveys could be made, Congress must get the Indians to give up their claims. The result was a series of treaties. One treaty was signed at Fort McIntosh in 1785, but the Shawnee, the most important tribe, refused to come. A second treaty was negotiated

at Fort Finney in 1786. The Shawnee attended and gave up some of their claims. There was no alternative to treaty-making except to kill the Indians, an alternative which the westerners tried their best to carry out.

Meanwhile, without regard for Congress or the Indians, settlers were moving beyond the Ohio and squatting on likely looking pieces of land. In 1785 Congress ordered the settlers to stay south of the Ohio. Troops were raised and sent to the frontier. They burned squatters' cabins but they could not kill the dogged hunger of men for land. When the troops moved on, the settlers came back and rebuilt their homes. John Armstrong, an officer given the task of removing the settlers, declared that they were "banditti whose actions are a disgrace to human nature." The settlers were defiant. . . . Such men fought both the soldiers and the Indians. South of Ohio the Kentuckians demanded help from both Congress and Virginia and carried on a bloody struggle all the while. Between 1783 and 1790 perhaps 1,500 Kentuckians were killed and 2,000 horses were stolen. No one knows how many Indians or squatters north of the river lost their lives.

Frontier warfare and the settlement of the land by more and more squatters convinced many a member of Congress that the westerners should be denied the right of self-government. "The emigrants to the frontier lands," wrote Timothy Pickering, "are the least worthy subjects in the United States. They are little less savage than the Indians; and when possessed of the most fertile spots, for want of industry, live miserably." Pickering's attitude was shared by many important leaders who had long feared the growth of the West and who distrusted all westerners. Very few easterners took much stock in Jefferson's ideal of self-government for the West as expressed in the Ordinance of 1784. By 1786 Congress was once more discussing the problem of government for the West. James Monroe, who had made a tour of the West with troops in 1785, declared that the question with regard to government was: "Shall it be upon colonial principles, under a governor, council and judges of the United States, removable at a certain period of time and they admitted to a vote in Congress with the common rights of the other states, or shall they be left to themselves until that event?"

The reconsideration of the Ordinance of 1784, which arose from the fear of westerners and the danger of Indian war, was given new urgency by the Ohio Company. These men wanted a guarantee of property rights and rigid political control. The result was the Northwest Ordinance of 1787. Richard Henry Lee put the whole case neatly when he said that the new Ordinance seemed necessary "for the security of property among uninformed, and perhaps licentious people, as the greater part of those who go there are, that a strong toned government should exist, and the rights of property be clearly defined." In another letter he said that "the form of this government . . . is much more tonic than our democratic forms on the Atlantic are."

Under the Ordinance of 1787, government was to be carried on by a governor, a secretary, and three judges appointed by Congress. These men were to adopt whatever laws they chose from those of the thirteen states. Whenever a district had 5,000 male inhabitants, the landowners could choose

an assembly. The first task of this assembly was to nominate ten men from whom Congress would pick five to act as a legislative council. The assembly could pass laws, but the governor was to have an absolute veto on all legislation. The Northwest was to be divided into not more than five nor less than three districts. Whenever any one of those divisions had 60,000 free inhabitants it was to be admitted to Congress and then be free to write a constitution and establish a state government. The government of the West by Arthur St. Clair in the years after 1787 was an ample demonstration of both the westerners' dislike of eastern control, and of the clear purpose of eastern speculators to get and keep a position of pre-eminence.

So far as the government of the United States was concerned, the sale of land began to pave the way for the payment of the national debt. It was a matter of newspaper comment that such sales "must give an immediate rise to the current value of the securities of the United States, which are received in payment for the lands as specie." Congress was at last in a position to carry out the conviction of many Americans that the sale of the lands was all that was needed to solve the financial burden left by the Revolution. The conflict in policy had been decided in favor of sales rather than of settlers, although even so, the land was cheap by comparison with what lands farther east were selling for. Before 1789 the sales made by the United States amounted to 1,487,986 acres for which Congress got \$839,203 in securities. In addition, bounty warrants for another 238,150 acres of land were taken in.

In the years to come the Land Ordinance of 1785 and the Ordinance of 1787 remained the basis for the sale and government of the national domain. By the 1830s the United States had sold more than forty-four million dollars worth of land and thus justified those men in the 1780s who had believed that the national domain alone would pay the foreign and domestic debt of the United States.

The Creation of a Bureaucracy

A second major achievement of the Confederation was the creation of a bureaucracy which carried on the day-to-day work of the central government. To talk of the Confederation government in terms only of Congress—of its difficulties in doing business, of the failure of some of the states to be fully represented—is to tell a distorted story, for the government continued to function whether Congress met or not. Congress was primarily a policy-making, not an administrative body, although administrative officers were elected by and responsible to it. This practice was reversed after 1789 when administrative officers were made responsible to the executive rather than to the legislature. The creation of a responsible staff of civil servants by the Confederation government is an almost unknown story. These men carried on the work of the departments of war, foreign affairs, finance, and the post office in season and out. Many of them continued to be employed after 1789. The best example of this was Joseph Nourse of Virginia who became register of the treasury in 1779, a post which he held until 1829 when he

retired because of old age. He kept books and prepared innumerable reports for Robert Morris, the board of treasury, Alexander Hamilton, and the secretaries of the treasury who followed him. If it had not been for Nourse and men like him, with years of practical experience in the day-to-day affairs of government behind them, the Washington administration would have been badly hampered. . . .

The one figure who, more than any other, represented continuity throughout the Revolution was Charles Thomson, the Irish-born "Sam Adams of Philadelphia." He was elected secretary of the First Continental Congress by the radical element which had immediately sensed in him a fellow spirit. Thomson kept the Journals and all the other papers of Congress and saw to their printing. He performed every sort of job that Congress wanted done, even to serving for a time as president. His office carried on correspondence between Congress and the state governments; his signature and seal were placed on the official versions of ordinances, commissions, and treaties. At its peak, his office had a deputy secretary, two clerks, and a messenger, and all of them were overworked. Thomson plainly ranked, in the eyes of many congressmen, with the president, and with the heads of executive departments after 1781. . . . When the new government was established in 1789, Thomson was chosen to carry to Mt. Vernon the official notification of Washington's election to the presidency. . . .

The post office department was established by Congress in 1775. Benjamin Franklin, who had been deputy postmaster general for the American Colonies, was put in charge until he went to France. Beneath him were a secretary, a comptroller, and a growing number of deputy postmasters throughout the United States. The biggest problem was lack of funds because the Confederation Congress, like those of later days, kept rates low for political reasons. The officer who represented continuity was Ebenezer Hazard who held various offices from 1775 until 1782 when he became postmaster general, a post he held to the end of the Confederation. In 1782 the department had twenty-six riders carrying mail, and a variety of officials at headquarters in Philadelphia. Bad roads, poor ferry service, dishonest riders, and highwaymen all led to poor service.

There were constant congressional investigations, charges, and countercharges as to the source of inefficient service. Furthermore, until the Confederation was ratified, the states paid little attention to Congress's desire for a monopoly of the postal business. Even after 1781, however, some states insisted that they had the power to establish postal service within their borders. . . . The post office department found it difficult to pay expenses out of income, but so does it now. Meanwhile the postal service expanded. By 1788 there were sixty-six deputy postmasters scattered from Maine to Georgia, and in the same year, Congress directed the postmaster to provide service to the Ohio Valley.

The war department was set up under a single executive in 1781, and General Benjamin Lincoln was appointed its head. . . . Early in March 1785, General Henry Knox was elected secretary from among several ambitious

candidates. The most ardent of them was Timothy Pickering of Massachusetts, an earnest seeker of government jobs after 1783. However, Knox's friends had promoted him ever since Lincoln's resignation, and Knox had the enormous advantage of Washington's support. . . . As secretary, Knox had many duties. He was in charge of public stores, the disposition of troops, frontier defense, including the superintendents of Indian affairs who were ordered to obey his instructions, and the administration of the military bounty lands. In 1788 the department consisted of Knox, three clerks, and a messenger. Six hundred and seventy-nine men and officers were in the army. These men were stationed at various posts on the frontier. Arms and ammunition were located at various arsenals scattered from Massachusetts to South Carolina. Knox, both as a private individual and as secretary of war, heartily supported the ideals of the nationalists. He spoke of the "vile state governments" as "sources of pollution" and he worked actively in the suppression of Shays's Rebellion. Thus it was natural for the Washington administration to take him and his department over into the new government without a break in continuity of policy or personnel.

The first "Secretary for Foreign Affairs" was Robert R. Livingston of New York. . . . Then in May 1784 John Jay was elected before his return from Europe. . . . Congress moved to New York late in 1784 and Jay accepted the post. At once he made it clear that he intended to play an important role and that if Congress did not like it, he would resign. Congress soon agreed that all correspondence relating to foreign affairs should go through Jay's office, which was staffed with an undersecretary, a doorkeeper, a messenger, clerks, and three interpreters. Jay busied himself with problems of foreign trade, infractions of the Treaty of Peace, and negotiations with foreign powers. He attended Congress, served on committees, and debated on the floor. His prestige and power were great, although his popularity was uncertain. He represented, as no other man except Charles Thomson, continuity of policy because of the turnover of membership in Congress and the failure of many states to be represented during sessions. . . . Politically he was as much of a nationalist as Henry Knox, and his letters constantly refer to his hope of adding power to the central government. . . .

Robert Morris's name is well known, but the significance of his public life is but dimly realized. As a figure of the Revolution he is perhaps a more important symbol than Sam Adams, for the latter's work was finished in 1776, whereas Morris's greatness and influence began then and rose to its peak in 1781-1783, when he shaped the policies of government and dominated much of the economic life of the new nation. Beyond this, he was for a time the figure around which centered all those men who sought to give the new nation a powerful central government and who, in 1783, contemplated without many qualms the possibility of doing so by force. . . .

The final story of Morris's administration remains to be told. There is no question but that he was an extremely skillful manipulator of funds and credit and that he brought a measure of system into the chaos of Revolutionary finance. But in the course of doing so it seems evident that he did not

distribute available funds with an even hand, that he did use his financial power to reward friends and partners while ignoring the claims of equally worthy citizens. . . .

When a man's enemies, his friends, and foreign observers all agree that he is using his office for private gain, even if the charge is completely unfounded, his tenure is apt to be uncertain or, at least, his usefulness slight. After repeated threats to do so, and long after he had lost control of Congress, Morris finally retired 1 November 1784.

As the campaign against Morris mounted, his enemies made plans to take over the treasury. The Massachusetts delegates, acting on their instructions, moved that the treasury be "revised." The result was a report which in effect slapped Morris, for it declared that if any of the proposed three commissioners engaged in trade directly or indirectly, they could never thereafter hold any office under the United States. Congress at first rejected the report, declaring that there had been "very great advantages" from the administration of Robert Morris. But the very next day the ordinance was passed. It provided that a board of treasury should exercise the powers of the superintendent of finance and suffer only loss of office if they engaged in trade. . . .

The duties of the new board were many. It supervised the treasury officials who were settling the accounts of the military departments, the continental loan officers in the states, the commissioners who were settling accounts between the United States and the states and between the United States and individuals. The multitudes of memorials sent to Congress were turned over to the board for investigation. The board called for documents, heard evidence, and reported back to Congress. . . .

In addition, . . . the board prepared endless reports to Congress on income and outgo. They paid the troops and the civil employees. They kept up a constant correspondence with state officials urging prompt payments of monies provided by state legislatures. The board worked out careful procedures for the conduct of the business of handling accounts. When Congress referred a question to the board, it examined the merits of the case and reported back to Congress. . . .

As the board struggled in the swamps of unsettled accounts and wrangled with the states, its members often sounded like the man whose administration they had so bitterly denounced. As they sat on the inside looking out, they too became concerned with acquisition of more power for the central government. Samuel Osgood declared that the management of money matters was a serious business. . . . He now believed that Congress either must have coercive power to collect money or to levy an impost. He admitted that the power to do justice would also involve the power to do injustice: "power must be lodged somewhere yet it should be done with a proper degree of caution and such checks" as to prevent misuse. He had once been opposed to such power, but experience had obliged him to change. Patriotism and public virtue "are no match in this country for dishonesty and intrigue. Americans have no more virtue than other people." Osgood had moved far since 1783. Arthur Lee too had moved as he faced the problems of finance.

. . . Money was desperately needed to pay interest on the foreign debt and the salaries of the employees of the Confederation government. Such men as Lee and Osgood, unlike their fellow officers Jay and Knox, did not want a "national" government, but they did want enough power lodged in Congress to maintain the Confederation. . . .

The Confederation: A Union Without Power

JACK N. RAKOVE

It has always been difficult to avoid viewing the political developments of the mid-1780s from any perspective other than the Constitutional Convention of 1787. However one assesses the true character of the four years separating the coming of peace from the assembling of the Convention, the framing and ratification of the Constitution indisputably marked the culminating event in the history of Revolutionary politics and political thinking. In one sense, then, it is of only secondary importance to determine whether the new republic actually lay at the brink of chaos—the admittedly exaggerated image we have inherited from John Fiske—or was a basically prosperous society recovering as rapidly as could be expected from the dislocations of the war, as Merrill Jensen persuasively argued some years ago. As Bernard Bailyn has recently written,

Despite depressions, doubts, and fears for the future, and despite the universal easing of ideological fervor, the general mood remained high through all of these years. There was a freshness and boldness in the tone of the eighties, a continuing belief that the world was still open, that young, energetic, daring, hopeful, imaginative men had taken charge and were drawing their power directly from the soil of the society they ruled and not from a distant, capricious, unmanageable sovereign.

At last "free from the corruption and inflexibility of the tangled old-regime whose toils had so encumbered Americans in the late colonial period," the citizens of the newly independent United States discovered a "sense of enterprise and experimentation" whose impulses were expressed "in every sphere of life."

Such a portrait reminds us, of course, not merely that healthy societies experience political malaise, but also that politics may well have mattered little to an overwhelming majority of the population intent, as anyone would sensibly be, on returning to the private joys and ambitions of ordinary life. If Alexander Hamilton could retire from Congress to practice law and, it seems, ignore politics almost completely until 1786, one can only conclude that masses of his fellow citizens shared his relative unconcern.

Even so, some American leaders were consistently troubled by the visible debilities in the governments of the new republic. . . . This [selection] will briefly survey the major problems of policy and politics that troubled Congress during the mid-1780s. . . .

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Capital

During the final years of the war, Congress had groped for ways to enhance its authority; in the first months of peace, it found itself struggling simply to maintain its dignity. The first insult came in late June 1783, when a small contingent of Pennsylvania soldiers mutinied, marched on Philadelphia, and surrounded the building where both Congress and the state council regularly met. After the council refused its request to call out the militia, Congress resolved to quit Philadelphia. The delegates adjourned to nearby Princeton, a college town that they soon discovered was no better prepared to accommodate Congress in a sudden flight than Baltimore and York had been in 1776 and 1777. . . .

Although some Philadelphians—including Charles Thomson, still secretary of Congress—hoped that conciliatory gestures could induce the delegates to return, public opinion in the nation's leading city turned against its former guests when resolutions to that effect narrowly failed to pass Congress. By late October, Benjamin Rush observed, Congress was being "abused, laughed at, pitied & cursed in every Company." Thomas Willing, a former delegate and merchant partner of Robert Morris, took the whole episode lightheartedly. "I have never said any thing to you about the removal of the Congress from this City," he wrote William Bingham; "it was not worth while. [W]e shall laugh at it hereafter over a glass of Wine." In the end, Willing believed, Congress "must finally sitt down *here*, & *here* only. The Bank itself, together with the enterprizing spirit of the people of Pennsylvania, will ever support their measures, better than they can be supported elsewhere." . . .

The ultimate location of the national capital was destined to remain unresolved until the famous Compromise of 1790 led to the planning and construction of Washington. Although hardly the most critical issue confronting the Continental Congress in the mid-1780s, this problem did symbolize several major aspects of the transition to peacetime politics. Its residence in five separate cities and towns during a period of little more than a year and a half did nothing to enhance the wounded dignity of Congress. The adamant opposition against returning to Philadelphia demonstrated the persistence of the partisan rancor nurtured during the final years of the war, when a small cluster of delegates centered on New England but abetted by Arthur Lee had been aroused against Robert Morris and the two principal interests he seemed to represent—the commercial ambitions of Philadelphia and the diplomatic designs of France. . . . Finally, the capital issue foreshadowed the role sectionalism would play in the politics of the mid-1780s. It was hardly surprising that sectional feelings influenced the outcome of this question. But other substantive issues soon arose that exposed the potential conflict among major regional interests in equally obvious but also more dangerous ways, ultimately raising the question of whether or not there was one common national interest the states could mutually support. The establishment of a national capital at least presupposed the survival of the

confederation; other issues pertaining to commercial policy toward foreign powers and the settlement of the west seemed to point toward its dissolution.

Revenue

Finance, the great dilemma of the early 1780s, remained the central test of the authority Congress would be able to exercise after the peace. The revenue plan of April 1783 had embodied three major proposals: a revised impost, a request for supplemental funds to be appropriated by the states for the use of Congress, and a recommendation that population replace land values as the basis for apportioning the common expenses. Having framed a compromise that most members felt answered the reasonable objection of the states, Congress had agreed that none of these resolutions would take effect until all had been unanimously approved. This stringent condition apparently reflected an opinion that further modifications of this program would effectively reduce Congress to precisely the situation it sought to escape: a precarious dependence on the goodwill and efficiency of the states. Congress was anxious to deter individual states from attaching the sorts of restrictive conditions that had been incorporated in several of the acts ratifying the impost of 1781. As a result, the new revenue program remained a dead letter.

The impost nevertheless came close to adoption. It survived critical tests in Virginia, where Washington intervened in its behalf, and Massachusetts, where Robert Morris overcame forceful opposition by transmitting extracts from diplomatic dispatches in which John Adams had emphasized the importance of securing national credit. But Rhode Island remained obstinate and refused to ratify until 1785. In Connecticut feelings against the commutation of military pensions ran particularly high, and the impost was rejected twice before being approved in the spring of 1784. Georgia had never ratified the first impost—an omission largely overlooked during the furor over Rhode Island—and delayed ratifying the amended version until 1786.

By then New York was the only state that had yet to grant the impost in some form. . . . In 1785 the New York Senate rejected the impost, and when in 1786 the assembly did pass an act of ratification, it contained provisions that Congress deemed unacceptable. During the five years that an impost had been under consideration, all the states had accepted it at one time or another; but although Congress made a last futile effort to set it in operation, the New York rejection constituted the final verdict.

Other provisions of the program of 1783 also came to nothing. Congress did not receive unanimous approval for its amendment proposing the apportionment of expenses according to population. . . . To meet its current operating expenses, Congress continued to rely on requisitions on the states. The results were hardly satisfying. Remittances proved inadequate to the servicing of the foreign debt, which had remained the indisputable obligation of the confederation, and Congress was forced to postpone payments to

major foreign creditors. The one sign of hope in this otherwise gloomy picture was the completion in 1784 of the major western land cessions, which finally enabled Congress to begin to plan for the disposition of the new national domain. Disagreements over the plans for settling and governing these territories prevented the immediate exploitation of this resource, however.

The desultory progress of these measures effectively defeated Robert Morris's plan to use the creation of a consolidated national debt to justify endowing Congress with independent revenues. Rather than provide the funds Congress wanted or wait until they were unanimously ratified, the states began to make separate provisions for satisfying the public creditors whom Morris had hoped to make dependent on Congress. State notes were issued in exchange for federal securities, making the states, in effect, the creditors of Congress. As the states responded to the demands of their own citizens by absorbing a substantial proportion of the domestic debt, the rationale for granting Congress independent revenues was progressively weakened. . . .

When Morris finally left office in the fall of 1784, his opponents were still cautiously optimistic about the financial prospects of Congress. [Arthur] Lee and [Samuel] Osgood soon comprised a majority of the new Board of Treasury, and while it was true, as Holten complained, that "there is not much pleasure in being a member of Congress, unless a man can bear duning very well," it now seemed possible that the states would grow less suspicious of Congress and more willing to support it. Osgood had his doubts on this score, but Lee was more optimistic. The prospective opening of the west, Lee believed, could yet do wonders. "With this fund well managed," he informed John Adams, "the public debt may soon be annihilated." Howell agreed. "The western world opens an amazing prospect as a national fund," he wrote in February 1784; ". . . it is equal to our debt."

By early 1786, however, the experience of administering the treasury was providing Lee and Osgood with evidence not of the inherent dangers of power but rather of the frustration of exercising it under the circumstances prevailing in the mid-1780s. As E. James Ferguson has observed, they eventually found themselves writing "diatribes against the states almost in the style of the Financier whom they had displaced." The conclusion seemed unavoidable that a financial system based on requisitions and the levying of state taxes would never work, as Osgood admitted in January 1786. . . . "I am clear in one point," Osgood observed,

that the united states must be entrusted with Monies other than the scanty Pittance that they obtain from the annual Requisitions—Ten Months will more explicitly show all that we cannot exist as a Nation without more prompt & effectual Supplies—Congress must either be vested with coercive Powers as to the Collection of Money or with the Impost which last for many Years to come will not be equal to the Necessities of the Nation; they must therefore if vested with the last be vested with the former also—or cease to be a Congress of any Consequence to the Union.

For Osgood, once so fearful of the dangers of federal power, Congress was now a "Sovereign Body [which] ought always to have a Power to do Justice" to its creditors. . . . Now he was convinced that "Americans have no more Virtue than other People," and that "We must be governed by Laws, or we shall be no Nation at all." Although Osgood, like Lee, subsequently opposed the Constitution, his disillusionment in 1786 was profound; Gouverneur Morris could hardly have spoken more cynically. . . .

Dilemmas of Foreign Policy

The foreign policy problems of the mid-1780s . . . raised two major questions about the future of the confederation. First, would Congress enjoy sufficient authority and support to enable it to protect American interests in the world of nations? Second, and perhaps more disturbing, was there a general, coherent national interest that Congress could defend, or had the very success of the struggle for independence undermined the strongest foundation of American unity? Because the conduct of foreign policy was clearly the principal responsibility that Congress would exercise in time of peace, these posed the most alarming questions the delegates encountered between the Treaty of Paris and the calling of the Philadelphia Convention. Even the states' failure to supply the continental treasury could be subsumed under their larger inability to recognize the existence of a legitimate sphere of national interest. An impoverished Congress could neither satisfy foreign creditors nor keep up military forces capable of defending American claims and interests along its extensive frontiers, nor even maintain a diplomatic corps that European nations could take seriously. When the Committee of the States abruptly adjourned in August 1784, Charles Thomson was forced to reflect on how much Americans had yet to learn about the character of their mutual interests. "Whatever little politicians may think," . . .

time will evince that it is of no small consequence to save appearances with foreign nations, and not to suffer the federal government to become invisible. A government without a visible head must appear a strange phenomenon to European politicians and will I fear lead them to form no very favourable opinion of our stability, wisdom or Union.

When critics of the Articles talked of amendments and reforms, what they had in mind were primarily these responsibilities of foreign relations, the great affairs of state as they were traditionally conceived.

These were concerns, however, that for the most part only experienced politicians could find deeply troubling, and that the majority of Americans deemed largely irrelevant to their own immediate interests. . . . The conversion from the wartime politics of patriotism to the candid pursuit of local and private interests foredoomed any attempt to secure the unanimous approval that amendments to the Articles required. The comparatively modest amendments Congress had proposed in April 1784 were never adopted, and

there was little reason to believe that the broader commercial powers under consideration in 1785 and 1786 would soon enjoy a different reception.

Land

When, in 1785, James Monroe argued that a strategy of delaying agitation for major amendments was the wisest course Congress could take, he may well have been drawing lessons from the history of another issue that interested him intensely: the organization and development of the new national domain. The disposition of western lands had been among the most difficult questions Congress had confronted during the war, precisely because, like the issues of the mid-1780s, it had forced the states to balance considerations of self-interest against the pressing demands of national welfare. . . . If this issue, seemingly so intractable in 1776 and so intimately connected with the particular interests of the states, had finally been resolved in favor of the confederation, might it not provide a model for compromise and common sense on other matters as well?

So Monroe might have reasoned. The framing of a policy for the opening of the west *was* the one undisputed postwar achievement of Congress and, as several historians have recently argued, an achievement that represented not merely the visionary imprint of Thomas Jefferson (who played a leading role in the deliberations of 1784) but also the shared concerns of most delegates. Indeed, one of the most recent students of the evolution of the 1787 Ordinance has concluded that "its history is apparently nothing more or less than that of a rather ordinary piece of noncontroversial legislation," and that throughout the mid-1780s the "continuity and consensus of thought" about key provisions of territorial government "are obvious." Had other problems not intervened, the creation of the national domain might conceivably have fulfilled some of the expectations it had evoked within Congress all along, enhancing its influence, replenishing its treasury, and demonstrating that substantial power could be safely entrusted to the federal government, thereby weakening objections against the further revision of the Articles.

Yet the success of any western policy was itself contingent on the extent to which Congress could exercise authority in other matters, and by 1786 its debilities were threatening to undermine the anticipated results of the long struggle to acquire a national domain. The mere enactment of provisions for territorial government and settlement could not guarantee that Congress would be able to discharge its mandate effectively or retain the loyalty of western settlers. Would migrants to the west maintain their allegiance to the confederation if it proved incapable of defending the frontiers or forcing Spain to open the Mississippi? If the process of settlement proceeded as slowly as many members now believed it would, and if it were as carefully regulated as Congress intended, difficulties could presumably be avoided. Still, it was hard enough to imagine how the geographical barriers inhibiting the integration of the seaboard and the interior would be overcome even if political disputes between these disparate regions did not arise.

By the summer of 1786, the collapse of the revenue plan of 1783 and the bitter rift within Congress over the Mississippi converged to point toward more ominous conclusions. Even Rufus King, who was hardly an enthusiast for rapid western development, was alarmed when the Board of Treasury was forced to "explicitly declare their utter inability to make [a] pitiful advance" of \$1,000 to transport ammunition to American posts along the Ohio River. Monroe and other southern delegates believed that the northern willingness to acquiesce in the closure of the Mississippi was designed "to break up . . . the settlements on the western waters, prevent any in future, and thereby keep the States southward as they now are"—that is, a numerical minority of the existing union. . . .

As the furor over the Mississippi subsided somewhat in early 1787, such fears receded as well, and Congress went ahead to complete the Northwest Ordinance. Nevertheless, far from being the notable exception to the otherwise pathetic history of Congress in the 1780s, the still problematic fate of its western policy indicated just how dangerous the unresolved difficulties of the confederation could become. If the confederation could not surmount its postwar lassitude and internal divisions, it was entirely conceivable that Britain and Spain would emerge as the dominant political forces in the interior of the continent, leaving the thirteen original states clinging to the ocean, deprived of the resources of the west, and still bickering over explosive issues of foreign affairs.

Reputation

Until the final months before the Philadelphia Convention, serious concern about the future of the confederation was in all probability confined to a small and elite circle of American politicians and their connections. Discussions of the peacetime plight of Congress appeared only infrequently in American newspapers and never developed into a full-fledged, much less incisive debate over the state of the union. . . . Americans probably knew as much if not more about Parliament, whose debates were often reprinted in their newspapers, as they did about Congress, which still sat behind closed doors even after the coming of peace effectively undercut the claim that its deliberations were best conducted in secret. . . .

One reason why Congress received so little attention was that it was often incapable of reaching decisions. Caught between various sources of sectional rivalry and the conflicting interests that periodically set Congress at loggerheads with the states, the delegates were hard pressed to frame policies they could realistically expect to be endorsed or executed by the states. But its constitutional handicaps hampered congressional efficiency in another way. Its lack of power could not make service at Congress attractive to veteran politicians whose own prestige might serve to enhance its precarious influence. When Jefferson expressed a belief that "the best effects [would be] produced by sending our young statesmen" to Congress, he hoped their exposure to national issues would eventually lead them to "befriend federal measures" whenever they returned to their states. But his statement

also implied a certain doubt as to whether Congress would be able to do anything of real importance in the near future. In its weakened state, Congress could command neither the regular attendance nor the personal loyalties of many of its members, and both its reputation and the progress of business suffered accordingly.

From the time of its retreat to Princeton until the very demise of the confederation, Congress struggled almost constantly to maintain the quorum of seven states required by the Articles. The transaction of even minor business required the approval of all seven, and major decisions could be taken only with the affirmative vote of nine states. A state that was represented by two members—the minimum fixed by the Articles—always risked losing its vote if both disagreed, or whenever one member was ill, or decided he had more pressing business of his own to attend to, or left unexpectedly for home when his overdue relief failed to appear. Congress suffered as well, since the indisposition of a single delegate could prevent a quorum, while a divided delegation lessened any possibility of creating a majority. To have anything passed in Congress in the mid-1780s required a fair amount of luck and a substantial level of consensus. Neither came readily to hand. . . .

In its internal proceedings and its relations with the states, Congress was a victim of the clash of interests that shaped the course of politics in the mid-1780s. The major issues of these years—revenue, commerce, expansion—forced each state to calculate the benefits and costs that would flow from particular decisions. Freed from the patriotic constraints that had always operated, although unevenly, during the war, the states were no longer obliged to defer to the wisdom of Congress and the overriding demands of the common cause. The delegates, too, enjoyed greater liberty and, in a sense, a greater obligation to serve as the actual representatives of their constituents. They felt less impelled to subordinate the particular desires of their states to the larger good of the union. Most members agreed that Congress deserved greater support from the states than it was receiving—particularly after the influence of Robert Morris was, for better or worse, curtailed—but they themselves were often uncertain how far their personal loyalties to its interest extended. Few shared the sort of disinterested commitment that can be attributed to Madison. Until they grew more convinced that the problems of the union demanded a clear priority over the demands of the states, the task of strengthening Congress could only proceed on a piecemeal, gradual basis.

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