***We the People: the Citizen & the Constitution***

2019-2020 High School Hearing Questions

Information, Tips, Analysis, & Resources from the Oregon high school We the People community

Unit 2 / Q. 1

**Abigail Adams said that individuals involved in Shays’ Rebellion were “ignorant, wrestless desperadoes, without conscience or principals, [who] have led a deluded multitude to follow their standard, under pretence of grievences which have no existance but in their immaginations.”\* To what extent would you agree with her assessment?**

* What other events of the Confederation Period were cause for concern for many Americans?
* In your view, have there been other events in our nation’s history that were similar to the “crisis of the Confederation Period”?

\* Abigail Adams to Thomas Jefferson, “To Thomas Jefferson from Abigail Adams, 29 January 1787,” January 29, 1787, *Founders Online*, National Archives, accessed August 19, 2019, https://founders.archives.gov/documents/Jefferson/01-11-02-0087.

**Collaboration Tips:**

**3** different questions are in this overall question.

Dates/Timespan/Era of this question: **Pre-Constitution**

Historical events/context that connects to this question:

* **Shays Rebellion**
* **Suffrage**
* **Civil Rights**
* **Secession**
* **Reapportionments**
* **Hamilton letters**
* **Bleeding Kansas**
* **Great Depression**

Sections of the US Constitution that apply: **Amendment Process**

People/historical figures connected to the question: **Abigail Adams**

Possible Current Events that apply:

* **States Rights events**
* **States suing Trump regarding issues such as sanctuary status**
* **National Debt**

Possible Court cases that apply: ***Martin v. Hunger Lessy***

**Comments from Justice Jack Landau:**

*Shays’s Rebellion: Following the Revolutionary War, the country suffered a severe economic depression. The war damaged farmland. Meanwhile, Britain stopped much of its trading with the states. (Among other things, Britain barred the importation of goods from America that could be imported from elsewhere in the Empire; British shippers were prohibited from buying ships in America, where they previously had purchased 1/3 of their vessels. The GNP of the new country is estimated to have fallen by 50%. Hard currency (gold and silver) became tough to come by (it fell by 80% in the early 1780s from its pre-war levels), because creditors demanded repayment in specie. At the same time, state legislatures imposed substantial tax increases to satisfy congressional war requisitions. Congress would accept only gold or silver, so the states demanded hard currency from taxpayers. But taxpayers -- especially farmers -- didn’t have any. Tens of thousands of farms were lost. Farmers petitioned state legislatures for relief. Lots of legislatures were responsive. Most often, they authorized the issuance of paper currency to be used to pay debts. But commercial interests -- especially lenders and speculators -- were opposed. Paper money quickly depreciated, which cost the lenders, who claimed that the issuance of paper money (and requiring them to accept it) amounted to a form of a taking of property that enabled farmers to escape their obligations. Their “party line” was that the failure to pay taxes was due to indolence. Affluent Americans complained of western farmers being lazy and spending their money on drink. That view is reflected in the Abigail Adams quote. In Massachusetts, the state legislature refused to enact paper-money or other relief legislation. Groups of farmers seized courthouses to prevent foreclosures from taking place. Daniel Shays, a Revolutionary War captain, led a group of protestors to march on a federal arsenal to get weapons and ammunition. They were met with resistance. Four protesters were killed. The state was powerless to respond. A privately financed military force finally suppressed the insurrection, which terrified the country.*

*Confederation-era problems: There were problems with the Articles themselves. They created a national Congress, but then failed to give it most of the basic powers of a sovereign government. The Articles failed to give Congress the authority to tax. To raise revenue, Congress could “requisition” money from the states, but could not force them to pay. (To get around that problem, Congress issued paper money, but it ended up nearly worthless -- 5% of its printed value by 1779.) When it did requisition from the states, some states declined to pay their share. By 1787, the states had paid only 60% of the 1781 requisition, 20% of the 1785 requisition, and 2% of the 1786 requisition. Because the states didn’t pay, Congress couldn’t repay its loans and, as a result, had a tough time establishing credit with lending nations. The Articles similarly failed to give Congress authority to regulate commerce. In fact, Article IX expressly prohibited Congress from making treaties that interfered with the power of states to conduct trade. The problem was, following the war, the British barred trade with the states for certain goods. Different states responded differently. Some states -- Massachusetts, Rhode Island, New York, and Pennsylvania -- imposed tariffs on imported British goods. But other states -- Connecticut, New Jersey, and Delaware -- took advantage of that by offering the British free ports of call. In retaliation, New York imposed steep tariffs on goods imported from other states that had imported goods from Britain. Connecticut responded by suspending all trade with New York. Congress meanwhile could do nothing. Some thought that the authority of Congress should be expanded. The problem there was that doing that required an amendment to the Articles, and that could happen only with unanimous approval of the states. In 1781, Congress proposed being given authority to levy a 5% duty on imports to raise money for the war. All of the states approved except Rhode Island. (According to Madison, Rhode Island, which got a lot of money from such duties, thought giving Congress the authority to impose duties would cost it money.)*

*A second, similar amendment was proposed in 1783. Again, it failed -- this time with New York rejecting it. (With the end of the war, the sense of urgency to empower Congress had waned, and the state worried that a Congressional duty would interfere with the state’s own duties.) In 1783, Congress proposed an amendment to give it authority to regulate commerce. But southern states resisted out of fear that congressional power to regulate trade would hurt their economies. (Southern states tended to oppose import duties, because they needed to import so much of their tools and farm implements, while the northern states -- which manufactured the things -- liked the import duties.) The Articles similarly imposed a supermajority requirement on congressional action (9 states), and state tendencies to vote their own economic interests meant that Congress often couldn’t garner the votes to do anything. The Articles also failed to give Congress the authority to enforce its otherwise authorized actions. They authorized Congress to enter into treaties with foreign nations, but failed to give Congress the authority to force states to comply with the terms of those treaties. So, for example, the Treat of Paris that ended the revolutionary war required states to return property or provide restitution for property seized from loyalists during the war. But states outright refused to comply.*

*Aside from problems with the Articles themselves, there were sectional conflicts that the Articles couldn’t do anything about. As mentioned, there were trade wars between the states. During the early 1780s, Congress also tried to negotiate a deal with Spain concerning American access to the Mississippi River. The southern states wanted to assert American authority over the river. Spain rejected such claims. The northern states didn’t care about the river and were concerned instead about mollifying the Spanish to stimulate trade with the Eastern Seaboard. John Jay was given authority to negotiate a treaty, but, because of divisions among the states, nothing came of the negotiations.*

*Other events similar to the Confederation crisis: In the sense that the Confederation period revealed significant structural weaknesses in the American system of government, it could be argued that the Civil War was similar. It brought to a head the inconsistency of proclaiming that all are created equal and government-sanctioned slavery and resulted in a fundamental realignment of state and federal authority with the ratification of the Fourteenth Amendment. In a similar vein, it could be argued that the Great Depression of the twentieth century brought to light the inability of government as it then existed to address issues of economic security and resulted (especially after West Coast Hotel v. Parrish) in a significant reconsideration of the limits of national governmental power.*