

# Commerce Drives the Appeal to Revise the Articles of Confederation: A Script and Lesson

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## Lesson Objectives:

- Students will learn about the role commerce played in the request for a convention to amend the Articles of Confederation that leads to the creation of the Constitution.
- Students will learn about the weaknesses of the Articles of the Confederation in regards to foreign commerce (especially Britain).
- Students will be able to identify the main reasons for the Commerce Clause of the Constitution.

## Lesson Procedures:

### Day One:

Students will revisit content by looking at the Articles of Confederation and review its weaknesses with a partner. Review/discuss the weaknesses together as a class discussion, especially focusing on issues of trade regulation. Distribute the notes organizer and read/discuss the definition of Article 1, Section 8, Clause 3 of the US Constitution (see attached sample notes organizer). Ask for volunteers to participate in the script reading planned for day two. These students should prepare for their presentation.

### Day Two:

Have students use the notes organizer to record information from the script reading. After the presentation, students should compare/discuss their notes with a partner. Discuss with entire class by projecting notes on the screen.

### Assessment:

Students will be completing a written exam at the end of the unit of which this lesson is conducted. One of the questions will focus on the content learned in this lesson.

## Notes Organizer

### The Commerce Clause

Article 1, Section 8, Clause 3, of the Constitution empowers Congress "to regulate Commerce with foreign Nations, and among several States, and with the Indian Tribes." The term *commerce* as used in the Constitution means business or commercial exchanges in any and all of its forms between citizens of different states. Intrastate, or domestic, commerce is trade that occurs solely within the geographic borders of one state. As it does not move across state lines, intrastate commerce is subject to the exclusive control of the state. Interstate commerce, or commerce among the several states, is the free exchange of commodities between citizens of different states across state lines. Commerce with foreign nations occurs between citizens of the United States and citizens or subjects of foreign governments and, either immediately or at some stage of its progress, is extraterritorial. Commerce with Indian tribes refers to traffic or commercial exchanges involving both the United States and American Indians.

<b>Main concerns/issues regarding trade/commerce</b>	<b>Main concerns/issues regarding trade/commerce</b>
<b>National Level</b>	<b>Common Citizen</b>

## The Script

### The Setting

New York City, March 1787

A public forum to demonstrate the inadequacy of the national government in regards to foreign commerce, especially relations with Britain

### Roles

Finneas Murphy

Moderator

John Jay

Gideon Wells

Alexander Hamilton

George Washington

Benjamin Armstrong

Margaret O' Roy

### Sources Used in Script

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*The Papers of Alexander Hamilton*, vol. 4, ed. Harold C. Syrett. New York: Columbia University Press.

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## Script

**Finneas Murphy:** Hear ye, hear ye, gather 'round and take your seats everyone. Welcome, citizens of New York and distinguished guests. It is my pleasure as chief magistrate to welcome you to our glorious city. You could have been anywhere in this fine city tonight, but you have chosen to make your presence at this magnificent state house. Judging by the crowded room, many of our citizens are passionate about our forum's topic this evening. As your obedient servant, I welcome you to New York City. I now turn the forum over to your moderator.

**Moderator:** Good evening my esteemed citizens of the great state of New York and distinguished guests. I, your obedient servant, welcome you to tonight's forum concerning the present state of affairs with our national confederation. These panelists would like to persuade you to support the movement to strengthen the Articles of Confederation by giving the national government more power to regulate commerce. Our speakers are especially concerned about our trade relationship with Britain. We will begin our forum with opening remarks from our fellow New Yorker and Secretary of Foreign Affairs, Mr. John Jay. Mr. Secretary, please proceed.

**John Jay:** My fellow citizens, our young nation is in great peril. Merchants in Europe insult us by destroying our commerce. Not only is our pride and sovereignty at stake, but our very economic livelihood. We are the laughingstock of the world.

**Moderator:** What does this mean, specifically?

**John Jay:** Our commerce, price of commodities, riches, and safety are the sport of foreigners. American ships, regardless of cargo, are not allowed access to English, French, or Spanish islands or ports in the West Indies because of commercial restraints imposed upon us. These nations are taking advantage of our new confederation government's imbecility in its lack of power to enforce treaties and regulate commerce.

**Moderator:** So, this leads you to suggest we need to make some basic changes.

**John Jay:** [Yes.] I beseech you, my fellow Americans, listen to our speakers today and support their efforts to be catalysts for change in empowering our government to more effectively deal with foreign affairs regarding commerce.

**Moderator:** Mr. Gideon Wells, from Massachusetts, will inform us of the present state of affairs. Please, Mr. Wells, proceed.

**Gideon Wells:** Britain has closed its ports to our shipping and merchants. We are shut out of trade with Britain's mainland and her ports in the West Indies, yet British ships continue to infiltrate our harbors to sell their goods and undercut our merchants.

**Crowd:** Bloody British lack of respect. Damn Lobsterbacks, booo, hissss, etc.

**Moderator:** Please, please, I understand and appreciate your passion and enthusiasm, but I beseech you to keep this civil. Thank you, please continue, Mr. Wells.

**Gideon Wells:** Presently, the Confederation Congress lacks the power needed to protect our

commercial interests.

**Moderator:** Can you give a little background on this?

**Gideon Wells:** [Certainly.] From 1784 to 1786, members of our Congress have made attempts to remedy the situation by proposing strengthening the powers of our national government in regards to foreign commerce to address commercial relations with Britain. Congress submitted new amendments asking for limited authority over foreign commerce and considered committee reports seeking additional commercial powers to no avail.

**Moderator:** And as I understand it, delegates from several states met in Annapolis to address these issues?

**Gideon Wells:** [Yes.] Delegates from some states met in Annapolis in September to express concern about trade issues and other weaknesses of our confederation. This convention's final report was submitted to Congress and to the states calling for a constitutional convention in Philadelphia in May. We hope that all states will be represented and the outcome will give Congress more powers to regulate foreign commerce. Our commercial interests are in a critical state of affairs, but we are hopeful for a positive outcome at May's convention in Philadelphia.

**Moderator:** Thank you, Mr. Wells. We now will hear from the esteemed gentleman from New York, Colonel Alexander Hamilton.

**Alexander Hamilton:** We need to strengthen our government in regards to powers to regulate foreign commerce. We must be able to negotiate commercial treaties with Britain and other European nations if we are to be economically competitive in world trade. When commerce is a national object, nations will form treaties with us.

**Moderator:** What would you suggest we do to achieve those goals?

**Alexander Hamilton:** Think of how beneficial it would be if we could retaliate against the British by limiting her merchants access to our ports until Britain opens her ports to our shipping. The states need to unify under the national government on this to create and enforce a cohesive set of restrictions on British ships to serve the interests of our union and defense interests on the Atlantic Coast.

**George Washington:** Please excuse me, sir. May I interject here?

**Moderator:** Of course, General, please honor us.

**George Washington:** We must consolidate our union. Under our national government, we must have the power to regulate foreign trade. I agree with Colonel Hamilton: foreign nations will need to give us equal advantages in commerce in fear of retaliation. The moment the English know we can retaliate, they will relax in their restrictions on our commerce and that moment will never arrive until our union is consolidated.

**Moderator:** And as I recall, this has been of interest to you for a long time?

**George Washington:** [Most certainly.] Trade is vital to our economic livelihood. I have believed this for a long time. Two years ago, I hosted a conference at Mount Vernon with delegates from Virginia and Maryland to address trade and river navigation issues. We created the Mount Vernon Compact to create a foundation of cooperation for trade issues. All states must work together to promote unity in our efforts to establish strong trade relationships with foreign nations to secure our economic prosperity. There is economic power in national unity.

**Crowd:** Three cheers for General Washington: Huzzah, Huzzah, Huzzah!

**Moderator:** Once again, General, thank you for your leadership. Please continue, Colonel Hamilton.

**Alexander Hamilton:** Providing the national government more power to regulate trade would also generate revenue for the national government by issuing an impost that would make commerce productive of general revenue for the general benefit of the nation. Our government needs revenue to pay off our debts and pay for needed government services.

**Moderator:** I see a businessman from New York is with us. Would you introduce him Mr. Hamilton?

**Alexander Hamilton:** It is my pleasure to introduce Mr. Benjamin Armstrong.

**Benjamin Armstrong:** Thank you, Colonel Hamilton. My fellow merchants and I are concerned about the economic state of affairs in regards to commerce and our relationship with Britain. Not only are we excluded from British ports, but we are forced to pay heavy duties and our commerce is reduced to a pathetic, begging situation in every part of the globe.

**Moderator:** This sounds like we are in a real position of weakness.

**Benjamin Armstrong:** [Yes.] We are at the mercy of restrictions of foreign nations who have strangled our trade economy because our government cannot retaliate by using leverage for trade agreements and treaties. We need to empower our national government to effectively deal with insults to our authority as an equal trading partner on the world stage. The United States is not respected in the global trade markets and we need to remedy that.

**Crowd:** Respect, respect! Damn British, etc.

**Benjamin Armstrong:** We did not fight a long and bloody war for independence only to be disrespected by the very empire we defeated. We must be assertive and advocate for the economic prosperity we deserve.

**Moderator:** Thank you, Mr. Armstrong. Colonel Hamilton, please continue.

**Alexander Hamilton:** Thank you, Mr. Armstrong. Indeed, it is humiliating that we are disrespected by Britain and other nations. That is why the upcoming convention in Philadelphia is crucial to our economic and political survival. We need a government capable of regulating, protecting, and extending commerce. This government must also be able to exclude Britain from all ports as leverage for treaties. We are at a critical period for our nation's survival.

**Moderator:** Thank you, Colonel Hamilton. Mr. Jay, would you please provide examples of what you

have observed regarding how these issues of commerce are impacting our citizens and our economy?

**John Jay:** Indeed, it is my duty to inform the good citizens of New York, and all Americans, of the reasons why we need to strengthen the powers of our national government in regards to foreign commerce.

**Moderator:** And those reasons would be?

**John Jay:** Here are my observations: 1) Canada and British garrisons control the fur trade--we lost it. 2) Ship building has greatly decreased. 3) Foreign ships infiltrate our harbors. 4) Our schooners stay close to the coast and only a few sloops can be seen on our rivers. 5) American seamen are working on foreign ships and our shipbuilders are employed in other countries. 6) Our agriculture and industry continue to increase production, but goods decrease in value because other nations refuse us access to their markets even though we let all nations access our markets. 7) We are excluded from the Mediterranean and have no power to command the free use of that sea. Our government needs more power to regulate foreign trade. Our credit abroad is nearly extinguished.

**Moderator:** Could you please explain how our citizens have directly been impacted by this weakness in our confederation government?

**John Jay:** Certainly. First of all, we need to sell our goods to the world. Our citizens produce more than we can consume. Cattle brought to the city for market have to be taken back to the farm because of lack of buyers. Provisions and merchandise remain on store shelves. Prices for corn, wheat, flour, and lumber continue to rapidly fall.

**Moderator:** I am told that debt is another significant problem facing our citizens.

**John Jay:** [Yes.] Debt is a huge issue, interest keeps accumulating, and borrowing money is virtually impossible. Lawsuits and ridiculously high interest rates for property contracts run rampant. Farmers are losing their property and being put in debtor's prison. Land and property have greatly decreased in value with many farms falling on executions for less than half their value. Our citizens are in various forms of distress. Our government and leaders have let them down. Something must change, or our nation will fall to ruin.

**Moderator:** Thank you, Mr. Secretary.

**John Jay:** If I may, Sir, I would like to allow Mrs. Margaret O'Roy an opportunity to speak on behalf of her husband who is currently in debtor's prison. Her story will shed some light on how our farmers are suffering due to the weakness of our national government in regards to regulating trade.

**Moderator:** Of course, Mr. Secretary, I am honored to be your obedient servant. Mrs. O'Roy, please tell us your story.

**Margaret O' Roy:** Thank you, Sir. My husband Jonah and I and our seven children have a small farm 'bout ten miles from here. We gonna lose that farm because we cannot pay our taxes or our debt. Jonah is in debtor's prison and we in deep trouble. Creditors have already took mos' of our livestock and be comin' for our land next. We don't know what to do.

**Moderator:** Mrs. O’Roy, how did your family fall on to such hard times?

**Margaret O’Roy:** My husband and my two eldest boys joined the New York militia and went to war for our independence. Before they left, we got a loan to plant more crops because there was a need for goods durin’ the war. We thought we’d be able to pay the debt with the harvest and their soldierin’ pay. My eldest boy, Samuel, was badly wounded, is bedridden and needs expensive medicine. When the war ended, demand for goods went down, we couldn’t sell our stuff. Government money paid to the soldiers was worthless. We couldn’t make our loan payments and got further and further behind. Meanwhile, creditors were demanding government payback and taxes increased. Oh, it is so awful, we are in such despair, oh my, oh my.

**Crowd:** Oh, the inhumanity, the injustice, boooo, hissss, etc.

**Moderator:** Don’t give up hope Mrs. O’Roy. I am sure you will get some help and everything will be resolved. Please continue.

**Margaret O’Roy:** Creditors took us to court for not payin’ our debt and they took most of our livestock for partial payment and Jonah was sent to debtor’s prison. My husband and sons fought, bled, and sacrificed so we could create a new nation and have a better life. God, Almighty, our lives have been destroyed and we are in a much worse off than when we were subjects of King George. The war was all for nothing.

**George Washington:** Please, please, excuse me; I cannot bear to listen to this tragedy any longer. Mrs. O’Roy, here is a handkerchief for your tears. Your husband and sons are veterans and your family should have never been put into this horrible situation. Your son will get the medical attention he deserves. I will send you my personal physician. We owe it to those who sacrificed everything for freedom and a better life for future generations of Americans. The war will not have been fought in vain!

**Crowd:** Let’s hear is for the General! Huzzah, huzzah, huzzah!

**Margaret O’Roy:** Bless you, Sir; you are an angel sent from heaven to save us.

**Moderator:** Indeed, General, your benevolence and generosity are an inspiration to us all.

**Crowd:** Long live General Washington! Huzzah, huzzah, huzzah!

**Alexander Hamilton:** May I address the audience?

**Moderator:** Yes, please do, Colonel.

**Alexander Hamilton:** If Mrs. O’Roy’s story doesn’t convince our fellow Americans that we need a stronger national government to regulate trade, I don’t know what will. Our foreign trade crisis is destroying our farmers as well as our merchants, our nation’s economic prosperity is in peril, and our fellow citizens are suffering. Many Americans are worse off than they were before the war. We must act. Spread the message that the main purpose of the convention in May is to give our government power to regulate trade so that our economy and our citizens will thrive.



**John Jay:** I echo Colonel Hamilton's sentiments. We must empower our national government in regards to trade or it will be our national ruin.

**George Washington:** Let us never forget the ideals of the Revolution. So many have made sacrifices, let's not throw it all away in fear of a strong national government which must protect our liberty, security, and property. We have a challenge ahead of us in our efforts to amend our confederation, but we owe it to our fellow Americans to improve the flaws of our current governing system.

**Gideon Wells and Benjamin Armstrong** (in unison): We are with you, General.

**Moderator:** Thank you to all who participated in this forum. I am eager to see what emerges from the constitutional convention.

**Crowd:** God save General Washington, long live Washington!

**Finneas Murphy:** Fellow Americans, thank you for your participation in our forum today. Enjoy your time in New York City. God bless America.