

The United States in Congress Assembled, November 5, 1781 – March 4, 1789

As prescribed in the Articles of Confederation, the Articles took effect on the first Monday of November, 1781 — November 5 of that year — and the United States in Congress Assembled, a new government and the nation's first, sprang into being that day. The new government's first act was its electing John Hanson its president. "Hanson, in fact, did serve the first full term as President of Congress under the Articles of Confederation and is the only Marylander ever to serve *in the highest office* of the United States."¹ [Emphasis added]

Here one today sees confusion in nomenclature, with the successive administrations of the United States in Congress Assembled sometimes referred to as the Continental Congress, Continental Congresses, a continuation of the Second Continental Congress or even Congresses of the Confederation. There appears to be some evidence that this confusion actually dates from the 1780s. The source of confusion is probably that the United States had three differently named national bodies within a period of 250 days in 1781 and that a nation with hardly a print press at the time simply lost track of the rapid changes in a very exciting transition. To recapitulate, the Second Continental Congress existed until March 1 of that year, the nearly phantom Congress of the Confederation existed the following day until November 4, and the United States in Congress Assembled came into being on November 5.

What definitively reveals the differences in the roles and powers of the Second Continental Congress, the Congress of the Confederation and the United States in Congress Assembled, and the temporal transitions from one to another of these bodies are the Articles of Confederation themselves which established the United States in Congress Assembled by name and do not mention either the Second Continental Congress or the Congress of the Confederation at all. The Articles of Confederation thus comprised the nation's first governmental charter and was the nation's sole legitimizing governing document until replaced when the Constitution was adopted in 1788. While the Declaration of Independence created the new nation and laid out the moral principles of national governance, it did not provide for formal governing processes such as a head of state, elections, terms of office and detailed delineation of the national government's powers and perquisites that the Articles of Confederation did.

The United States in Congress Assembled lasted for seven and a half years, a record for any of the four national bodies up to that time. It deliberately replaced itself by convening the Constitutional Convention to improve upon national governance, adopting the Constitution of the United States and effecting the transition to the nation's second form of government under the Constitution which we know today.

Encarta defines government as a "political organization comprising the individuals and institutions authorized to formulate public policies and conduct affairs of state." Clearly, the level of authorization conferred on the United States in Congress Assembled by the states was vastly greater than that which the colonies had conferred on the Second Continental Congress.

United States in Congress Assembled First Body Granted National Governing Authority

While in order to "formulate public policies and conduct affairs of state," the Second Continental Congress had to gain the explicit consent of the colonies or most of them in order to act on nearly all measures, the United States in Congress Assembled was explicitly granted broad authority unto itself by all thirteen states when they individually ratified the Articles of Confederation. Thus, the United States in Congress Assembled was the first body in the nation's history to rise to this level. In short, the Second Continental Congress could not govern for lack of authority to do so, but the United States in Congress Assembled did govern because it had been granted governing authority and was explicitly charged by the thirteen states to govern.

¹ *Ibid.*, p. 5.

Second Continental Congress Not Created to Govern

The timing of the two bodies' creation is indicative of the first not being a national government while the other was. The Second Continental Congress was called for by the 21-day-long First Continental Congress which sought deeper consultation among the then colonies two years before independence was declared. The Second Continental Congress was neither set up as a government nor given powers by the colonies to act as such, though of necessity and on a limited basis it had to take on some of the prerogatives and authority of a national government in the prosecution of the Revolutionary War.

In contrast, the United States in Congress Assembled was created after the Declaration of Independence and with victory in the Revolutionary War only months away when it became patently obvious that the new nation would require a government. While the end of the war in October, 1781, was not precisely foreseeable when the Articles of Confederation were ratified on March 1 that year, it was highly fortuitous that Cornwallis's surrender occurred less than 30 days before the Articles of Confederation prescribed the launching of the United States in Congress Assembled.

Second Continental Congress Dissolves Itself

Perhaps the single most indicative circumstance that the United States in Congress Assembled was the nation's first government is that the Second Continental Congress created it. If the Second Continental Congress had regarded itself as sufficient as a government for the new nation and authorized by the states to govern, it would have continued itself, but it didn't; it dissolved itself instead in order to create a new stronger body with many of the powers and authorities which the Second Continental Congress never had.

Public In 1781 Viewed United States in Congress Assembled As First Government

And finally, the national press reported the creation of the United States in Congress Assembled as the birth of the nation's first government. For example, in its edition of March 22, 1781, *The Maryland Gazette* wrote, "Thus will the *first of March, 1781*, be a day memorable in the annals of America, for the final ratification of the Confederation and Perpetual Union of the Thirteen States of America — a union, begun by necessity, cemented by oppression, and now finally consolidated into a confederacy of these new and rising states . . .". [Emphasis in the original]

From these observations of the relative powers and authorities of the two bodies, the timing and reasons for their creation, the fact that one dissolved itself to create the other, and public reaction, we conclude, as the people of the time and especially authors since have, that the United States in Congress Assembled was the first of two forms of government that the United States has had, the second being our current form of Constitutional government which came into being in 1789.

Two First Presidents

This then leads us to the old and controversial question of who was the nation's first president, John Hanson or his protégé, George Washington. I have long been amused by this question and especially by the belief of some that it must be *either* Hanson or Washington who was the first president. In fact, clearly they both were: in 1781, Hanson became the first president under our nation's first form of government, the United States in Congress Assembled, and in 1789 Washington became the first president under our second and present constitutional form of government. In fact, the United States had two first presidents.

That Hanson was president in the full sense is amply demonstrated by the facts that he did head the sole branch of government at the time, was elected by the highest elected body in the land to do so, did thus occupy the prescribed highest office in the land and was the first head of state recognized at home and abroad. To be sure, his powers as executive were fewer than those of presidents under the later Constitution, but indisputably he was the new nation's first chief executive. So, yes, John Hanson was our first president, and then George Washington was too when we changed our form of government, and, as demonstrated here, this is how Washington saw it.