

## II-4. THE ARTICLES OF CONFEDERATION (FIRST CONSTITUTION OF THE UNITED STATES)

In 1781, the thirteen states adopted Articles of Confederation. The Articles served as the constitution for the national government until 1788. This written plan for government included a preamble and thirteen articles, or main sections.

### Origins and Purposes of the Articles of Confederation

Thirteen American states, which had been British colonies, declared their independence in 1776. The Second Continental Congress served as the temporary national government of these thirteen states.

Representatives from each of the thirteen colonies had formed the First Continental Congress in 1774 in order to register formal protests against the British government. The Second Continental Congress convened in May of 1775, after the outbreak of fighting between the Americans and British. This group of representatives from each colony issued the Declaration of Independence in 1776. The Second Continental Congress also conducted the War of Independence.

In 1776, the Second Continental Congress appointed a committee to draft a plan of government for the thirteen American states. That committee, headed by John Dickinson of Delaware, wrote the Articles of Confederation. The Continental Congress adopted the articles in 1777 and then submitted them to the states. The articles required that every state ratify (approve) them before they could have the force of law. In March 1781, the last of the thirteen states, Maryland, ratified the articles. The new country—the United States of America—now had a framework for government.

The Articles of Confederation established the union of the thirteen American states. The preamble stated that the thirteen states “agree to certain articles of confederation and perpetual union.”

The preamble indicated that the confederation created by these articles would be a union of equal states, which would last forever. The states saw the union as a defensive alliance of thirteen separate states designed to protect against possible foreign interference. They did not view the Articles as the vehicle for the creation of a new nation-state made up of the formerly independent states. Under the articles, the thirteen states remained sovereign.

Leaders of the thirteen states remained unwilling to grant very much power to a central government. Memories of the causes of the rebellion against the British government were strong. They prevented the creation of a powerful new central government which people feared might

infringe upon their civil liberties and rights.

### Main Features of Government Under the Articles of Confederation

Article I said that the name of the confederation “shall be ‘The United States of America’.”

Article II consisted of a strong statement of states’ rights. It said: “Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.”

This statement left the central government only those few powers specifically listed in the Articles of Confederation. All other powers of government belonged to the states. States retained their sovereignty, as each conserved the power to govern affairs within its territory without interference from the central government.

Article III declared the Confederation a “firm league of friendship” to provide for the common defense and general welfare of the state belonging to it.

Article IV required each state to recognize and respect the judicial proceedings and public records of the other states in the Confederation. It also provided the people of each state with an unrestricted right to travel in the states of the Confederation.

Article V established a “Congress” as the basic institution of the central government. Each state could freely decide how to select its representatives to Congress who would serve one-year terms of office. The articles allowed each state to send from two to seven representatives to Congress, and each state paid its own delegates. However, regardless of the size of a state’s delegation, each state had only *one vote* in the Congress. Thus, a small state like Delaware had voting power equal to that of a large state like Pennsylvania.

Article VI included several limitations upon the states. For example, no state was permitted—“without the Consent of the united states in congress assembled”—to:

- exchange ambassadors with other nations.
- make treaties or alliances with other states or nations.
- impose taxes on imports that would violate treaties made by the “united states in congress assembled” and a foreign power.
- maintain vessels of war.
- go to war.

This article required each state to “always keep up a well regulated and disciplined militia, sufficiently armed and accoutered. . . .”

Article VII set forth rules for the appointment of military officers and the raising of armed forces within the states. It gave the states the right to name officers under the rank of colonel.

Article VIII provided that a "common treasury" to be "supplied by the several states" would finance the costs of war or other expenses having to do with the "general welfare, and allowed by the united states in congress assembled." The states were to send money collected in taxes from the people of each state to the "common treasury." However, the articles gave the central government no authority to force the states to give money for the "common treasury."

Article IX specified the "sole and exclusive" powers of Congress. It granted the Congress certain powers and denied it all others. Each state would exercise other powers of government within its own boundaries. Congress had power only to:

- declare war and make peace.
- exchange ambassadors with foreign powers.
- make treaties and alliances with foreign powers.
- arbitrate certain kinds of disputes between two or more states.
- settle boundaries of the states.
- settle land ownership disputes between two states.
- regulate the value of money.
- borrow money.
- establish a postal system.
- manage relationships with Indian nations.
- regulate weights and measures.
- maintain a navy and an army requested from the states.
- appoint executive committees or departments to manage the affairs of the United States under the direction of Congress (Departments of War, Finance, and Foreign Affairs the national government established, as well as the office of Post Master General).
- appoint one member of Congress to serve as a President, or presiding officer, at the meetings of Congress (This person could serve for a term of one year and had power only to manage the meetings of Congress).

Thus, Article IX gave Congress few powers. These few powers were further limited by the provision that certain important powers could be carried out only after approved by nine of the thirteen states. Other actions required a majority vote (seven) of the thirteen states.

Article IX stated that "The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the united states,

or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy unless nine states assent to the same, nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled."

Article X provided for a "committee of the states" to carry out the duties of Congress whenever Congress was not in session. The "committee of the states" consisted of one delegate from each state. The "committee of the states" could take actions only with the approval of nine states.

Article XI said that the British colonies in Canada could join the Confederation as equal members. No other colony could join the Confederation "unless such admission be agreed to by nine States."

Article XII pledged that the United States would take responsibility for the debts the Continental Congress had incurred before the establishment of the Confederation.

Article XIII required every state to obey the decisions of Congress "on all questions which by this confederation are submitted to them." No state of the union could violate the Articles of Confederation. Furthermore, amendments to the Articles of Confederation required the support of every state legislature to become binding.

#### EXERCISES FOR LESSON II-4

##### Reviewing and Interpreting the Articles of Confederation

1. Identify the correct statements in the following list. Be prepared to explain your answers. Place a check mark in the space next to each correct statement.
  - a. The Articles of Confederation declared the independence of the United States of America from Great Britain.
  - b. The Articles of Confederation did not take effect until the thirteen states ratified them.
  - c. The states ratified the Articles of Confederation in 1777.
  - d. The Articles of Confederation established terms under which thirteen separate states would become the United States of America.
  - e. Delegates who directly represented the American people created the Confederation.

- \_\_\_ f. Members of the Second Continental Congress proposed and wrote the Articles of Confederation.
- \_\_\_ g. The Articles of Confederation included a preamble, thirteen articles, and a bill of rights.
- \_\_\_ h. By ratifying the Articles of Confederation, the governments of the thirteen states gave up most of their powers.
- \_\_\_ i. The United States government included a Congress, which was to make laws, and a Chief Executive, who was to enforce laws within the thirteen states.
- \_\_\_ j. Americans wanted to limit the powers of their central government as a result of their recent experiences with the British government.

2. Read each of the following statements. Decide whether or not each statement describes an aspect of government under the Articles of Confederation. If so, answer YES. If not, answer NO. Circle the correct answer under each statement.

Identify the number of the article or articles that support(s) your answer. Write this information in the appropriate blank below each item.

- a. Congress could ask the states to supply money to pay its expenses, but could not force the states to pay.  
 YES                      NO                      Article # \_\_\_
- b. Congress had power to declare war, but could only do so if nine states agreed.  
 YES                      NO                      Article # \_\_\_
- c. The "committee of the states" conducted the business of the United States government during periods when Congress was not meeting.  
 YES                      NO                      Article # \_\_\_
- d. The Congress could establish executive committees and departments to manage U.S. government business.  
 YES                      NO                      Article # \_\_\_
- e. The states with large populations had more representatives and votes in Congress than did states with smaller populations.  
 YES                      NO                      Article # \_\_\_
- f. Congress could expand its powers if necessary to deal with a serious problem confronting the United States.  
 YES                      NO                      Article # \_\_\_

- g. Five of the thirteen states could stop the United States government from making a treaty even if the other eight states favored it.  
 YES                      NO                      Article # \_\_\_
  - h. An amendment could be made to the Articles of Confederation only if two-thirds of the states agreed to it.  
 YES                      NO                      Article # \_\_\_
  - i. The document supposedly bound every state to obey decisions of Congress made in agreement with the Articles of Confederation, but the government had no authority to force a state to obey.  
 YES                      NO                      Article # \_\_\_
  - j. All the states were supposed to cooperate to resist attacks against any one of them.  
 YES                      NO                      Article # \_\_\_
  - k. No state could make a treaty with a foreign power without the consent of Congress.  
 YES                      NO                      Article # \_\_\_
  - l. Congress retained every power not granted specifically to the states.  
 YES                      NO                      Article # \_\_\_
3. Why did Congress have so much trouble passing laws under the terms of the Articles of Confederation?
4. Why was it difficult or impossible for the government of the United States to enforce laws under the terms of the Articles of Confederation?
5. Why was it difficult or impossible for the government of the United States, under the Articles of Confederation, to raise money to pay its expenses?
6. Why was it difficult or impossible for the government of the United States, under the Articles of Confederation, to settle disputes between the states or between citizens of different states?
7. (a) List three important weaknesses of the Articles of Confederation as an effective plan for government of the United States?  
 (b) Which of these weaknesses proved most significant in causing the failure of government under the Articles of Confederation?  
 (c) What amendments might the states have added to the articles to make this plan for government more effective? Prepare at least three amendments and explain how they might have remedied defects in the Articles of Confederation.