THE ARTICLES OF CONFEDERATION

NICE TRY BUT NOT EXACTLY WHAT WE HAD IN MIND

OVERVIEW

- **ONE OF THE FIRST WRITTEN CONSTITUTIONS**
- **FOCUS**
  - **RIGHTS**
  - **DUTIES**
  - **POWERS**

BOTH FOR THE GOVERNMENT AND THE PEOPLE

- **DESIGNED TO CREATE A GOVERNMENT FOR THE COUNTRY**
  - **NATIONAL CONGRESS**
    - **REPRESENTATIVES FROM EACH STATE**
    - **ONE VOTE PER STATE**
    - **MAJORITY RULE**

OBJECTIVE: WEAK CENTRAL GOVERNMENT

- **CONGRESS HAD LIMITED POWER**
- **SUPERVISE WITHOUT AUTHORITY**
- **STATES WERE LIKE MINI-COUNTRIES**
- **STATES WERE MORE LIKE ALLIES THAN PART OF ONE COUNTRY**
- **NO JUDICIAL SYSTEM**
- **NO EXECUTIVE BRANCH**
- **CAN'T TAX STATES**

IT WAS A DISMAL FAILURE

WHY DID IT FAIL?

- CONGRESS WAS TOO WEAK
  - NO POWER TO PUNISH
  - NO POWER TO COLLECT TAXES
  - NO SYSTEM OF COURTS
  - NO CENTRAL AUTHORITY
- STATES LOOKED OUT FOR THEMSELVES BEFORE COUNTRY
- ECONOMY WAS FAILING/ INFLATION SKYROCKETED
- FARMERS REBELLED AGAINST STATES

HAD TO BE FIXED BEFORE THE WHOLE EXPERIMENT WENT INTO THE TOILET

HOW WAS IT STRUCTURED?

- STATE ROLES AND RESPONSIBILITIES
  - KEEP INDEPENDENCE
  - MAINTAINS LEGAL JURISDICTION WITHIN BORDERS
  - KEEPS ALL POWERS NOT GIVEN TO CONGRESS
  - UNION OF FRIENDSHIP
    - COMMON DEFENSE
    - SECURITY OF FREEDOMS
    - DEFEND EACH OTHER
    - RESPECT THE LAWS AND RULINGS OF OTHER STATES
- RIGHTS OF THE PEOPLE
  - LIMITED TO FREE INHABITANTS
  - COME AND GO ACROSS STATE LINES FREELY
  - TRAMPS, THOSE ON CHARITY, FUGITIVES EXCLUDED.
  - UNIVERSAL EXTRADITION FOR CRIMES.

DUTIES OF THE CONGRESS

- MANAGE GENERAL AFFAIRS OF THE COUNTRY
- STATES PROVIDE REPRESENTATIVES (TERM LIMITED)
  - CAN BE RECALLED AND REPLACED WHEN DESIRED
  - TWO-SEVEN REPRESENTATIVES PER STATE
  - ONE VOTE PER STATE

WHAT STATES CANNOT DO

- NO AMABASSADORS TO FOREIGN COUNTRIES
- NO ALLIANCES OR TREATIES WITH FOREIGN COUNTRIES
- NO TREATIES OR ALLIANCES WITH OTHER STATES
- NO TAXES THAT INTERFERE WITH CONGRESS
- NO WARSHIPS IN PEACETIME
- NO ARMIES IN PEACETIME OTHER THAN DEFENSIVE FORTS
- NO INDEPENDENT WARS, UNLESS
  - DEFENSE
  - HOSTILES
- CANNOT ACT OUTSIDE REGULATIONS SET BY CONGRESS

MILITARY AND FINANCE

- STATES APPOINT ALL OFFICERS WITH RANK OF COLONEL AND BELOW
- COMMON TREASURY WILL PAY FOR WAR
  - STATES PUT MONEY INTO TREASURY BASED ON LAND VALUE
  - CONGRESS ASSESSES LAND VALUES
  - STATES COLLECT TAXES FROM CITIZENS TO PUT INTO TREASURY
  - CONGRESS SETS TIMEFRAME FOR PAYMENTS

POWERS OF CONGRESS

- DECLARE WAR
- MAKE PEACE
- SEND AND RECEIVE AMBASSADORS
- FORM TREATIES AND ALLIANCES
- DETERMINES LAWS OF THE SEA
- DISTRIBUTES ITEMS SEIZED AMONG STATES
- ISSUE LETTERS OF MARQUE
- ESTABLISHES COURTS FOR CRIMES ON HIGH SEAS
- SETTLES ARGUMENTS BETWEEN STATES
- SET WEIGHTS AND MEASURES
- DETERMINE VALUE OF PRECIOUS METALS
- REGULATE TRADE WITH NATIVE AMERICANS
- ESTABLISH POST OFFICES

MAKE THE RULES TO RUN AND REGULATE THE MILITARY

CONGRESS POWERS (CONT'D)

- CREATE COMMITTEES TO MANAGE AFFAIRS
- MAKE ONE OF THEIR REPRESENTATIVES "PRESIDENT"
  - SERVE ONE YEAR OUT OF ANY THREE YEAR PERIOD.
- DECIDE HOW MUCH MONEY IS NEEDED TO RUN THE GOVERNMENT
- BORROW MONEY
- ISSUE CREDIT
- SET THE SIZE OF FORCES FROM EACH STATE BASED ON POPULATION
- CONGRESS CANNOT DO ANYTHING WITHOUT APPROVAL OF 9 STATES

COMMITTEE OF THE STATES

- MEETS WHEN FULL CONGRESS IS ON BREAK
- ONE REPRESENTATIVE FROM EACH STATE
- AT LEAST 9 STATES
- FULL AUTHORITY WHEN IN SESSION
- CAN GRANT ITSELF POWERS ONLY WITH APPROVAL OF 9 STATES.

LENGTH AND TERMS OF AGREEMENT

- **STATES HAVE TO OBEY DECISIONS OF CONGRESS**
- **PERMANENT AGREEMENT**
- **CAN'T CHANGE ANYTHING IN THE ARTICLES UNLESS ALL STATES AGREE**
- **ENDS WITH HOPE FOR APPROVAL**

AND AS IT WENT

- SIGNED ON JULY 9, 1778
- RATIFIED MARCH 1, 1781
- FELL APART BY 1787
- ONLY SUCESSES:
  - LAND ORDINANCE 1785
  - NORTHWEST ORDINANCE OF 1787
- IT WAS AMERICA’S FIRST GOVERNMENT!!!

WHEN YOU WRITE A CONSTITUTION YOU HAVE TO REFER TO THESE FOR A FOUNDATION

- GREECE AND ROME
  - DEMOCRATIC ELEMENTS
  - ARISTOTLE AND GOVERNMENT
  - ROMAN REPUBLIC
- MAGNA CARTA 1215

THOMAS HOBBES
“LEVIATHAN” (1651)

- **ORIGIN OF CENTRAL GOVERNMENT**
- **SOCIAL CONTRACT THEORY**
- **GIVE UP “STATE OF NATURE” FOR PROTECTION BY A GOVERNMENT**
- **MAN IS INHERENTLY EVIL AND NEEDS A CENTRAL LEADER TO KEEP CONTROL**

JOHN LOCKE
“TWO TREATISES OF GOVERNMENT” (1689)

- **NATURAL RIGHTS OF MAN**
  - **LIFE**
  - **LIBERTY**
  - **PROPERTY**
- **GOVERNMENT RESPONSIBLE TO PROTECT RIGHTS OF THE PEOPLE**
- **PEOPLE CAN CHANGE GOVERNMENT IF THEY SEE A NEED.**

MONTESQUIEU
“THE SPIRIT OF THE LAWS” (1748)

- **THREE TYPES F GOVERNMENT**
  - **MONARCHIES**
  - **REPUBLICS**
  - **DESPOTISMS: RULER HOLDS ABSOLUTE POWER.**
- **CONCEPT OF SEPARATION OF POWERS**

EARLY AMERICAN IDEAS

- **ALBANY PLAN OF UNION**
  - **BEN FRANKLIN**
  - **TRIED TO UNIFY COLONIES**
  - **BASED ON THE IROQUOIS CONFEDERACY**
- **DECLARATION OF INDEPENDENCE**
  - **THOMAS JEFFERSON**
  - **NOT DESIGNED TO INSTITUTE A GOVERNMENT**
  - **BASED ON LOCKE'S IDEAS**
  - **GOVERNMENT IS SUPPOSED TO PROTECT PEOPLE'S RIGHTS**

VIDEOS TO SUPPORT

- HIP HUGHES
- JOHN GREENE
- EXTRA HISTORY
- APUSH REVIEW