

Articles of Confederation versus the U.S. Constitution

Directions: Read the following passages about the Articles of Confederation and the U.S. Constitution. Use the information in the passages to fill in the graphic organizer comparing these two documents and the governments they created.

Articles of Confederation

After declaring themselves free from England's rule, the people in the 13 colonies set out to create a new government. Unlike today, most Americans viewed themselves as citizens of their state, not the country as a whole. In addition, Americans were worried about giving too much power to the national government. As a result, the power of state governments over the national government became the defining feature of the new constitution.

The Articles of Confederation was the first constitution of the United States. It lasted from 1781 until 1789, when it was replaced by the U.S. Constitution. Under the articles, the country was a confederacy with each having a single vote in the national government. The national government had only one branch -- Congress. Unlike today's government the President was not a separate branch of government and there was no Supreme Court.

Congress was given the power to conduct foreign affairs, make treaties, declare war, maintain an army and a navy, coin money, and establish post offices. And the new nation did have a few successes:

- It negotiated the Treaty of Paris which ended the Revolutionary War.
- It kept the young nation together during the war and for 6 years after the war.
- It passed the Northwest Ordinance, which created a way for new states to join the U.S.

However, there were a number of problems with the new government. Laws passed by Congress required the approval of 9 of the 13 states, which made it difficult to create laws. More importantly, Congress was very limited in its powers:

- It could not raise money by collecting taxes. It could only ask states for money.
- It had no control over trade between different states or trade with other countries.
- It could pass laws but could not force the states to follow them. If a state refused to follow a law passed by Congress, there was nothing that Congress could do.
- Amendments required the approval of all 13 states. This meant that it was basically impossible for Congress to change the constitution and fix its obvious problems.

Several failures illustrated the new government's weakness:

- It was unable to pay off the debt from the American Revolution because it could not raise money through taxes. This made the U.S. government appear poor and weak to foreign governments. It also hurt the government's ability to borrow money.
- It could do nothing to settle disagreements between states. When states began raising taxes on inter-state trade, this led to problems with the economy. Congress could see the problems developing, but could do nothing to settle these disagreements or force states to work together.
- The government was powerless to put down Shay's Rebellion. This failure made it clear that Congress was too weak to protect the rights of its citizens and maintain law and order in the new country.

The nation's leaders realized that a stronger central government was needed if the United States was going to survive. In 1787 the Constitutional Convention met in Philadelphia to draw up a new constitution.

U.S. Constitution

Many of the new nation's leaders believed that the government created under the Articles of Confederation was too weak to govern effectively and that the U.S. was going fall apart if nothing was done to change the situation. In 1787, the Constitutional Convention met in Philadelphia to discuss how to address the problems with the Articles of Confederation.

Almost all delegates agreed that a new constitution was needed, but that was about all they could agree on. Some delegates, like Thomas Jefferson, believed that the Revolution was fought to free the colonies from a strong central government and wanted very strict limits on the powers of the new national government. Other delegates, like Alexander Hamilton, believed that a strong central government was necessary for the survival of the new country.

There were other issues that delegates disagreed about. For example:

- Representation: How would many votes would each state get in Congress? Would the number of votes be based on a state's population or would each state have an equal number of votes? Would slaves be counted in a state's population?
- Slavery: Would slavery be allowed to continue?
- States Rights: How would the constitution protect the powers of state governments? How would the national government's power be limited so that it could not abuse its power?

In the end these issues were worked out using a series of compromises:

Issue	Compromise/Solutions
<p>Representation:</p> <p>1. How would the legislature be chosen? The large states wanted representation based upon population; the smaller states wanted all states represented equally.</p> <p>2. How would slaves be counted? The North did not want to count slaves for the purpose of representation in Congress; the south wanted slaves to be counted in the state's population.</p> <p>Slavery:</p> <p>1. Would slavery continue?</p> <p>Power of the Federal Government:</p> <p>1. How would the powers of the states be protected?</p> <p>2. How would the national government's power be limited so that it could not abuse its power?</p>	<p>1. The Great Compromise: A <i>bicameral</i> (two chamber) legislature was created...</p> <p>a) The Senate - All states represented equally. 2 representatives for each state.</p> <p>b) The House of Representatives - Representation by population. 435 representatives, with each state receiving votes in proportion to their population.</p> <p>2. The 3/5 Compromise: Slaves were to be counted in a state's population but not as a full person. Every 5 slaves would be equal to 3 people in the population count.</p> <p>1. Yes. But the Congress would have the power to ban importing slaves from Africa after 20 years (in 1808).</p> <p>1. Federalism: Powers would be divided between the state governments and the national government. Any power that was not specifically given to the national government in the constitution would be given to the states.</p> <p>2a. Checks and Balances (a.k.a. Separation of Powers) – The government was divided into three branches -- Executive, Legislative and Judicial. Each branch has a specific role to play in the national government and the powers of each branch are held in check by the powers of the other branches. In this way power is divided and one branch can gain too much power.</p> <p>2b. Bill of Rights – The first 10 amendments to the constitution. They list specific rights that U.S. citizens have that their government can not violate.</p>