

Articles of Confederation vs. the U.S. Constitution

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What are they?

Articles of Confederation

- First National Government for the U.S.
- “a firm league of friendship” among States
- Effective as of March 1, 1781 until September 17, 1787

U.S. Constitution

- Current U.S. government
- System of checks and balances
- Focuses on will of the people
- Has lasted over 200 years with amendments

Major Differences

- Branches
- Powers of National Government
- Powers of States
- Elections
- Money
- Success/Failure

Branches of Articles

Unicameral Government

- Only Congress existed

Branches of Constitution

Three Branches

- Executive
- Legislative
- Judicial

What these branches do

- Executive – “Carries out the law” (The President)
- Legislative – “Makes the law” (Congress and the Senate)
- Judicial – “Interprets the law” (Supreme Court and Federal Courts)

Powers of National Government under Articles

- Make war and peace
- Send and receive ambassadors
- Make treaties
- Borrow money
- Set up a monetary system
- Build a navy
- Raise an army by asking the States for troops
- Fix uniform standards of weights and measure
- Settle disputes among the States

Powers of National Government under Constitution

Expressed

27 powers such as:

- Lay and collect taxes
- Coin money
- Regulate foreign and interstate commerce
- Raise and maintain armed forces
- Declare war
- Fix Standards of weights and measurements
- Grant patents and copyrights

Implied

- Necessary and Proper Clause

Inherent

- Power to regulate immigration
- Deport aliens
- Acquire territory
- Give diplomatic recognition to other states
- Protect nation against rebellion or internal subversion

Powers of States under Articles

- Powers not explicitly given to Congress
- Responsible for “ safety and happiness” of the people
- More obligations to Congress than powers for themselves

Powers of States under Constitution

Reserved Powers

- Marriage/Divorce issues
- Licensing for practices
- Public school systems
- Units of local governments
- Permit and regulate forms of gambling

Denied Powers under Constitution

National

- Levy duties on exports
- Deny freedom of religions
- ANYTHING guaranteed under Bill of Rights

State

- Enter into treaty or alliance or confederation
- Coin money
- ANYTHING guaranteed under Bill of Rights

Elections under Articles

- Each State had one vote in Congress
- Congress basically elected everything
- President only served a one year term and up to three terms

Elections under Constitution

- People vote for local, state, and national positions
- Few governmentally appointed positions such as Supreme Court judges
- Electoral college used in presidential voting
- President serves a four year term and up to two terms

Money for Articles

- States required to loan funds to Congress upon request
- No taxation allowed

Money for Constitution

- People are taxed both by federal government and state government

Success of Articles

- Began innovation in what a national government would be like
- Created a stronger will in people to gain authority in government without fear of a king

Weaknesses in the Articles

- Not allowed to tax-could only raise money through borrowing
- No regulation of trade between the States
- No authority or force for obedience from the States
- No changes unless agreement among all 13 legislatures = no amendments

Failures of Constitution

- Does not define “Necessary and Proper” in the Elastic Clause, gray area might give more power to government than originally wanted
- Interpretations of this silent document vary greatly even with powers granted and denied

Success in the Constitution

- System of checks and balances to not allow total control of anyone
- Looks for the “will of the people”
- Makes room for amendments

THE END

