

Part III: The Articles of Confederation

As the colonial rebellion of 1775 grew into the War of Independence, the responsibilities of government were suddenly thrust on the Continental Congress. In addition to creating the Continental Army and issuing the Declaration of Independence on July 4, 1776, the congressional delegates appreciated the need to link the thirteen colonies within a formal political structure.

The task of developing a political plan fell to a committee of thirteen delegates, chaired by John Dickinson of Pennsylvania. On July 12, 1776, the committee submitted a draft proposal for loosely uniting the colonies. Nearly sixteen months passed before the colonial del-

egations that made up the Congress approved a document forming a confederation.

The legislatures of the rebellious colonies (designated as “states” by the confederation) were responsible for ratifying the plan. All except Maryland quickly approved it. (Maryland withheld its ratification until the large states gave up their claims to land extending to the Mississippi River.) During the war years, the Articles of Confederation served as the guiding principles for the new nation. When Maryland finally gave its ratification in March 1781, the first Constitution of what would be called the “United States of America” officially took effect.

Excerpts from the Articles of Confederation

Whereas, the delegates of the United States of America, in Congress assembled, did, on the fifteenth day of November in the year of Our Lord 1777, and in the second year of independence of America agree to certain articles of confederation and perpetual Union between the states of [the thirteen former British colonies are listed]...

Article I

The stile [name] of this confederacy shall be “The United States of America.”

Article II

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.

Article III

The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them....

Article IV

...The free inhabitants of each of these states...shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress [travel] to and from any other state and shall enjoy therein all the privileges of trade and commerce, subject to the same duties [taxes], impositions and restrictions as the inhabitants thereof.... Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

Article V

Delegates shall be annually appointed in such manner as the legislature of each state shall direct...with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead.... No state shall be represented in Congress by less than two nor more than seven members....In determining questions in the United States in Congress assembled, each state shall have one vote.

Article VI

[Individual states are prohibited from making treaties with one another or foreign countries without the approval of Congress. State taxes on imports in conflict with treaties made by the Congress are prohibited. Except in case of invasion, no state may engage in war without the consent of Congress.]

Article VII

[When land forces are needed for common defense, the state raising the army will appoint all officers at and under the rank of colonel.]

Article VIII

All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury which shall be supplied by the several states in proportion to the values of all land within each state.... The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress.

Article IX

The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war,...sending and receiving ambassadors, and entering into treaties. [The states retain the right to prohibit the importation or exportation of any goods; no treaty of commerce can restrict this.]

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever. [For each dispute, a special court consisting of seven to nine judges is to be created, then disbanded after the case is decided.] The court shall proceed to pronounce sentence or judgment which shall be final and decisive....

[Congress is granted the authority to regulate the composition and value of coin struck by the United States or by individual states, to fix standard weights and measures, manage Indian affairs, regulate post offices, appoint land and naval officers serving the United States, and make rules regulating the land and sea forces and direct their operations.]

The United States in Congress assembled shall have the authority:

- a) to appoint a committee to sit in the recess of Congress...and to consist of one delegate from each state....

- b) to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction....
- c) to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years....
- d) to ascertain the necessary sums of money to be raised....
- e) to borrow money or emit bills on the credit of the United States....
- f) to build and equip a navy, to agree upon the number of land forces....
- g) [to requisition troops from the individual states proportional to their white population.]....

[All important issues involving war and peace and the expenditure of money will require the assent of nine state delegations, each having a single vote.]

Article X

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of the nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled be requisite.

Article XI

[Canada may join on an equal footing with the original thirteen states. Any other additions require the agreement of nine state delegations.]

Article XII

[Debts incurred by the Continental Congress before the Articles of Confederation take effect remain valid.]

Article XIII

Each state shall abide by the determinations of the United States in Congress assembled on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them unless such alteration be agreed to in a Congress of the United States and be afterwards confirmed by the legislatures of every state....

Name: _____

Study Guide—Part III

1. Look up the word “confederation” in a dictionary and write down the meaning which you think best fits the arrangement that the thirteen states created.
2. Review Articles I, II, and III. Explain why one historian commented that after March 1781 there were fourteen semi-independent governments in America.
3. Why do you think that the authors of the Articles of Confederation gave each state equal representation in Congress, regardless of population?
4. According to Article VIII, how is the national government to be funded? What potential problems do you foresee in this arrangement?
5. According to Article IX, how many states were required to approve major decisions? According to Article XIII, how many states were required to approve changes in the Articles of Confederation?
6. The phrase “United States in Congress assembled” occurs frequently in the Articles of Confederation. Why is this phrase a more accurate description of the new government than the phrase “United States of America,” which is used only once?