Articles of Confederation

The need for a united policy during the [War of Independence](http://www.britannica.com/EBchecked/topic/617805/American-Revolution) led the thirteen states to draft and approve an organic document for a national government.  In 1776, the [Continental Congress](http://www.britannica.com/EBchecked/topic/134850/Continental-Congress) created a committee to draft such a [document](https://memory.loc.gov/ammem/collections/continental/).  In 1777, the committee reported a draft that had been prepared by Delegate [John Dickinson](http://www.britannica.com/EBchecked/topic/162181/John-Dickinson).  After a period of debate and addition of amendments, the text was approved by the Congress and submitted to the states for ratification.  Unlike the current [Constitution](https://www.loc.gov/rr/program/bib/ourdocs/Constitution.html), all thirteen states had to approve the Articles before it would be in effect.  A number of years elapsed between the approval of the draft of the [Articles of Confederation](https://www.loc.gov/rr/program/bib/ourdocs/articles.html) by the Continental Congress in late 1777 and the ratification by the final state in 1781.

Under the [Articles of Confederation](http://www.britannica.com/EBchecked/topic/131843/Articles-of-Confederation), the power of the national government was exclusively centered in the Congress.  The Congress, called the “Congress of the Confederation” under the Articles, was based upon the institutions of the Second Continental Congress and, as such, was a [unicameral](http://www.merriam-webster.com/dictionary/unicameral) body where each state had one vote.  The Articles provided for the annual appointment of delegates to the Congress, for the recall of delegates, and for the minimum and maximum number of delegates that would make up each state’s delegation.  In addition, provision was made for term limits for delegates.  Delegates were granted protection from arrest for activities arising from their official duties under a Speech and Debate Clause, a practice which was continued in the current Constitution.  The Congress was to meet annually and provision was made for the creation of a Committee of the States to conduct business when the Congress was not in session.

The Articles provided for no permanent national judiciary, although the Congress was given sole jurisdiction in matters of boundary disputes between states, and as part of the war powers it was given the power to create courts to determine prize cases (cases related to the capture of enemy commercial vessels on the high seas).  No national executive was created; instead, after the ratification of the Articles in 1781, the Congress annually elected an individual who served as the President of the Congress.  The position had no broad executive powers, however.

As with the current Constitution, the Articles envisioned a level of comity between the states.  The Articles provided that “the free inhabitants of each of these states, paupers, vagabonds and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states.”  In addition, citizens were allowed the right to freely move with their property between the states.  [Clauses](https://memory.loc.gov/ll/llsl/001/0100/01280004.tif) governing extradition and the full faith and credit of public proceedings were also included.

In some ways the powers granted to the Congress under the current Constitution and the Articles are similar.  Both provide that the Congress has the sole authority for declaring [war](https://memory.loc.gov/ll/llsl/001/0100/01300006.tif)(although the Articles allowed for the States to wage war in instances of immediate invasion when the Congress was not in session).  Both provide that the national government would conduct foreign affairs, although the Articles allowed for states to send and receive embassies with the approval of Congress.  Both allow the Congress to set a system of uniform weights and measurements and to set standards for uniform coinage.  The Confederation Congress could also regulate interstate movement of the [mails](https://memory.loc.gov/ll/llsl/001/0100/01310007.tif).

However, while the Articles provided that the Congress would have the power to pay the debts of the national government, it did not provide for a means for that body to directly raise revenue.  Although the Congress had certain authority which could be used to regulate the economy, it lacked enforcement power.  In addition, because of the perceived weakness of the national government, the diplomatic standing of the nation suffered.  The new nation was unable to compel the removal of British forces from the territory north of the Ohio River as required by the [Treaty of Paris](http://www.britannica.com/EBchecked/topic/1357064/Treaty-of-Paris).   These and other shortcomings resulted in proposals to amend the Articles, which ultimately led to the [Constitutional Convention](http://www.britannica.com/EBchecked/topic/134275/Constitutional-Convention) of the summer of 1787.

It is worth noting that the government created by the Articles did have a lasting impact.  The Congress was able to successfully resolve disputes over the division of the western lands that had been surrendered by Great Britain after Independence.  The [Land Ordinance of 1785](https://memory.loc.gov/ll/lljc/028/0300/03870375.tif)(laws passed by the Continental and Confederation Congresses are called ordinances) and the resulting [North West Ordinance of 1787](https://rs6.loc.gov/ll/llsl/001/0100/01740050.tif) are the most long lasting as they provided for the disposition of public lands and procedures for organizing territorial governments in the lands west of the Appalachian Mountains.  The framework established by these Ordinances was to be used later in the history of the country.  In addition, the Congress, in establishing the Federal Court of Appeals to resolve prize cases, provided a precedent for the establishment of the later [Federal court system](http://www.uscourts.gov/FederalCourts.aspx).  Finally, although the Articles have not often been cited in subsequent legal opinions, the idea that the union formed by them was “perpetual,” as set forth in Article XIII, was cited in dicta by Chief Justice Samuel Chase in the opinion of the Supreme Court in [Texas v. White](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0074_0700_ZO.html), 74 U.S. 700, 725 (1868).

On June 11, 1776, the Second Continental Congress appointed three committees in response to the Lee Resolution proposing independence for the American colonies. One of these committees, created to determine the form of a confederation of the colonies, was composed of one representative from each colony. John Dickinson, the delegate from Delaware, was the principal writer. Dickinson’s draft of the Articles of Confederation named the new country "the United States of America." It also provided for a Congress with representation based on population, and gave to the national government all powers not designated to the states. After considerable debate and alteration, Congress adopted the Articles of Confederation on November 15, 1777. Under the articles, each state retained "every Power...which is not by this confederation expressly delegated to the United States." Each state had one vote in Congress. Instead of forming a strong national government, the states entered into "a firm league of friendship with each other." Because of disputes over representation, voting, and western lands claimed by some states, ratification by all 13 states, necessary to bring the confederation into being, was not completed until March 1, 1781, when Maryland became the last state to ratify.

The Articles of Confederation contain a [preamble](https://en.wikipedia.org/wiki/Preamble), thirteen articles, a [conclusion](https://en.wikipedia.org/wiki/Eschatocol), and a signatory section. The preamble declares that the states "agree to certain articles of Confederation and perpetual Union." What follows here summarizes the purpose and content of each of the thirteen articles.

1. Establishes the name of the confederation with these words: "The stile of this confederacy shall be 'The United States of America.'"
2. Asserts the sovereignty of each state, except for the specific powers delegated to the confederation government: "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated."
3. Declares the purpose of the confederation: "The said States hereby severally enter into a firm league of friendship with each other, for their common defense, 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, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever."
4. Elaborates upon the intent "to secure and perpetuate mutual friendship and intercourse among the people of the different States in this union," and to establish[equal treatment](https://en.wikipedia.org/wiki/Equality_before_the_law) and [freedom of movement](https://en.wikipedia.org/wiki/Freedom_of_movement) for the free inhabitants of each state to pass unhindered between the states, excluding "[paupers](https://en.wikipedia.org/wiki/Pauper), [vagabonds](https://en.wikipedia.org/wiki/Vagabond_%28person%29), and [fugitives](https://en.wikipedia.org/wiki/Fugitive%22%20%5Co%20%22Fugitive)from justice." All these people are entitled to equal rights established by the state into which they travel. If a crime is committed in one state and the perpetrator flees to another state, he will be [extradited](https://en.wikipedia.org/wiki/Extradition) to and tried in the state in which the crime was committed.
5. Allocates one vote in the [Congress of the Confederation](https://en.wikipedia.org/wiki/Congress_of_the_Confederation) (the "United States in Congress Assembled") to each state, which is entitled to a delegation of between two and seven members. Members of Congress are to be appointed by state legislatures. No congressman may serve more than three out of any six years.
6. Only the central government may declare war, or conduct foreign political or commercial relations. No state or official may accept foreign gifts or titles, and granting any title of nobility is forbidden to all. No states may form any sub-national groups. No state may tax or interfere with treaty stipulations [already proposed](https://en.wikipedia.org/wiki/Model_Treaty). No state may wage war without permission of Congress, unless invaded or under imminent attack on the frontier; no state may maintain a peacetime standing army or navy, unless infested by pirates, but every State is required to keep ready, a well-trained, disciplined, and equipped militia.
7. Whenever an army is raised for common defense, the state legislatures shall assign military ranks of colonel and below.
8. Expenditures by the United States of America will be paid with funds raised by state legislatures, and apportioned to the states in proportion to the real property values of each.
9. Grants to the United States in Congress assembled the sole and exclusive right and power to determine peace and war; to exchange ambassadors; to enter into treaties and alliances, with some provisos; to establish rules for deciding all cases of captures or prizes on land or water; to grant [letters of marque and reprisal](https://en.wikipedia.org/wiki/Letter_of_marque) (documents authorizing [privateers](https://en.wikipedia.org/wiki/Privateer)) in times of peace; to appoint courts for the trial of pirates and crimes committed on the high seas; to establish [courts for appeals in all cases of captures](https://en.wikipedia.org/wiki/Court_of_Appeals_in_Cases_of_Capture), but no member of Congress may be appointed a judge; to set weights and measures (including coins), and for Congress to serve as a final court for disputes between states. The court will be composed of jointly appointed commissioners or Congress shall be appoint them. Each commissioner is bound by oath to be impartial. The court's decision is final. Congress shall regulate the post offices;appoint officers in the military;and regulate the armed forces.

The United States in Congress assembled may appoint a president who shall not serve longer than one year per three-year term of the Congress; to request requisitions from the states in proportion with their population; or take credit. Congress may declare war; enter into treaties and alliances; appropriate money; or appoint a commander in chief without nine states assented. Congress shall keep a journal of proceedings and adjourn for periods not to exceed six months.

1. "The [Committee of the States](https://en.wikipedia.org/wiki/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."
2. If "Canada" (as the British-held [Province of Quebec](https://en.wikipedia.org/wiki/Province_of_Quebec_%281763%E2%80%931791%29) was also known) accedes to this confederation, it will be admitted.[[16]](https://en.wikipedia.org/wiki/Articles_of_Confederation#cite_note-16)
3. Reaffirms that the Confederation accepts war debt incurred by Congress before the existence of the Articles.
4. Declares that the Articles shall be perpetual, and may be altered only with the approval of Congress and the ratification of all the state legislatures.

While still at war with Britain, the revolution's leaders were divided between forming a national government with powers either strong and centralized (the "federalists"), or strictly limited (the "anti federalists"). The Continental Congress compromised by dividing sovereignty between the states and the central government, with a [unicameral](https://en.wikipedia.org/wiki/Unicameral) legislature that protected the liberty of the individual states. It empowered Congress to regulate military and monetary affairs, for example, but provided no mechanism to compel the States to comply with requests for either troops or funding. This left the military vulnerable to inadequate funding, supplies, or even food.[[17]](https://en.wikipedia.org/wiki/Articles_of_Confederation#cite_note-17)

Text

https://www.gpo.gov/fdsys/pkg/SMAN-107/pdf/SMAN-107-pg935.pdf