AMERICA'S FOUNDING DOCUMENTS IN PLAIN ENGLISH

THE ARTICLES OF CONFEDERATION

in Plain English



THE FULL TEXT | ARTICLE BY ARTICLE | REVIEW QUESTIONS | TIMELINE

The Original Text, Explained Article by Article

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America's Founding Documents in Plain English

The Articles of Confederation in Plain English

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The Articles of Confederation in Plain English: The Original Text, Explained Article by Article

Part of the series America's Founding Documents in Plain English.

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Chapter 1: Our First Constitution

Ask most Americans what our first constitution was and they'll name the one we have now. They'd be wrong. Before the Constitution of 1787, the United States ran on a shorter document called the Articles of Confederation. The National Archives calls it the nation's "first constitution."

It lasted only eight years in force, and it's usually remembered as a failure. That's not the whole story. The Articles held thirteen states together through the end of a war, made peace with Britain, and set up a plan for new states in the West that the country used for the next century and more. Its weaknesses also taught the founders exactly what to fix when they wrote the Constitution. You can't really understand the Constitution without understanding the Articles first.

A Government for a War

When Richard Henry Lee proposed independence on June 7, 1776, his resolution asked for two other things too: alliances with foreign countries and a plan of confederation for the colonies. On June 11 Congress set up three committees. One wrote the Declaration of Independence. Another was told to work out what form a union of the states should take. That committee had one member from each colony, and its main writer was John Dickinson, the same man who had written the Olive Branch Petition and refused to sign the Declaration.

A confederation is a union of states that agree to work together for certain purposes while each keeps most of its own power. Think of a group of neighbors who form an association to share a road and a well, but each runs his own house as he sees fit.

The big arguments in Congress were the same ones that would come back in 1787. Should a big state like Virginia get more votes than a small state like Delaware? How should the costs of the war be divided? Who owns the huge western lands that several states claimed? Congress argued over these questions on and off for more than a year while fighting a war.

In the end Congress chose one vote for each state, no matter its size, and agreed to split costs based on the value of each state's land. On November 15, 1777, Congress approved the Articles and sent them to the states. All thirteen had to approve before the Articles could take effect.

Waiting on Maryland

Virginia ratified first, on December 16, 1777. Most states followed in 1778. New Jersey held out until November 1778, and Delaware until February 1779. Then everything stopped on Maryland.

Maryland's problem was land. Some states, like Virginia, had old charters that let them claim land stretching far to the west. Maryland had no such claims. Its leaders feared that states with huge western claims would grow too powerful. Maryland refused to ratify until those states agreed to give their western claims to the whole union.

For two years the United States fought a war without its plan of government in force. Congress kept running things anyway, as it had since 1775. Finally Virginia agreed to give up its western claims, and Maryland's legislature ratified on March 1, 1781. That day the Articles of Confederation took effect.

How It Worked, in One Paragraph

Under the Articles there was no President and no national court system. There was just Congress, a single body where each state had one vote, cast by a small group of delegates the state legislature chose and could call home at any time. Congress could make war and peace, deal with other countries, borrow money, and run a post office. But it could not tax anybody. It could only ask the states for money, and the states often didn't pay. It could not regulate trade between the states either. Most big decisions needed nine of the thirteen states, and changing the Articles themselves needed all thirteen. The rest of this book walks through each article and shows you where those rules came from and why they caused trouble.

In a Nutshell

- The Articles of Confederation were the first constitution of the United States, in force from March 1, 1781, until the Constitution took over in 1789.
- Congress approved them on November 15, 1777, but they needed all thirteen states to ratify.
- Maryland held out until March 1, 1781, over the western lands claimed by other states.
- The Articles created a confederation: a league of states, each keeping most of its own power, with one Congress and no President or national courts.
- Congress could not tax, and most important decisions needed nine states.

Review Questions

1. What is a confederation?
2. Who was the main writer of the Articles of Confederation?
3. When did Congress approve the Articles, and when did they take effect?
4. Why did Maryland refuse to ratify for so long?
5. Name two things the Articles did not have that the Constitution has today.

Chapter 2: A League of Friendship

The opening of the Articles and its first three articles answer three basic questions. What is this union called? Who keeps the power? And what are the states promising each other?

A word on the text before we start. The original is printed here as the National Archives transcribes it, with the old spelling and capitals. You'll notice the document writes "united states" in small letters most of the time. In 1777 the phrase still often described states acting together more than one nation. Watch for words like "Stile" for style and "defence" for defense. They're not typos.

The Opening

> To all to whom these Presents shall come, we, the undersigned Delegates of the States affixed to our Names send greeting. 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 One Thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in the Words following, viz. "Articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

> **In plain words:** *To everyone who reads this: we, the delegates of the states named below, send greetings. On November 15, 1777, in the second year of American independence, the delegates of the United States of America meeting in Congress agreed to certain articles of confederation and permanent union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in the following words:*

This opening is a formal greeting, the way legal documents of the time began. "To all to whom these Presents shall come" means "to everyone who sees this document." "Presents" here means the document itself. "Viz." is short for a Latin word meaning "namely" or "that is."

Notice the date. Congress agreed to the Articles on November 15, 1777, which the document calls "the Second Year of the Independence of America." Americans were already counting years from 1776.

Notice also the phrase "perpetual Union." Perpetual means lasting forever. The states were promising that this union would never end. That promise comes back in Article XIII, and it matters for a later argument: when the Constitution replaced the Articles, some people asked whether a "perpetual" union could be swapped for a new one. Chapter 9 comes back to that.

The state names look odd because spelling wasn't standardized: "Newhampshire," "Massachusetts-bay," "Rhodeisland and Providence Plantations." Rhode Island's full official name included "Providence Plantations" for a long time after this.

Article I: The Name

> Article I. The Stile of this confederacy shall be, "The United States of America."

In plain words: *The name of this confederation will be "The United States of America."*

"Stile" is the old spelling of style, which here means official name. The Declaration had used the words "united States of America" too, but the Articles made "The United States of America" the official name of the confederation. The National Archives notes that Dickinson's draft named it that way.

Article II: The States Keep Their Power

> 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.

In plain words: *Each state keeps its sovereignty, freedom and independence, and every power, authority and right that this confederation does not clearly hand over to the United States in Congress.*

This short article may be the most important one in the whole document. It tells you who's in charge: the states.

Sovereignty means supreme power, the final say. Each state kept it. The central government, which the Articles call "the United States, in Congress assembled," only got the powers that were "expressly delegated," meaning clearly spelled out in writing. If a power wasn't written down, the states kept it.

You might ask, "What's so bad about that?" It's simple: in a crisis, a government that can only do what's spelled out word for word can't adapt. Every new problem needed the states' permission.

Compare this to the Tenth Amendment, added to the Constitution in 1791: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Notice what's missing. The Tenth Amendment left out the word "expressly." In 1819 Chief Justice John Marshall pointed to that missing word in McCulloch v. Maryland. He wrote that the Tenth Amendment "omits the word 'expressly.'" How much it means has been argued over ever since. The Amendments books in this series cover the Tenth Amendment in detail.

Article III: A League of Friendship

> 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, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

> **In plain words:** *The states each join a firm league of friendship with one another for their shared defense, the security of their liberties, and their common good. They promise to help each other against any force or attack made on any of them because of religion, sovereignty, trade or any other excuse.*

"Severally" means each one separately. The states aren't merging into one country here. Each one is separately joining a "league of friendship." A league is an alliance or partnership, the kind of agreement countries make with each other.

The purposes are listed: "common defence" (protecting each other), "the security of their Liberties" (keeping their freedoms safe), and "their mutual and general welfare" (the good of all). Some of those words sound familiar. The Constitution's Preamble, written ten years later, also talks about "the common defence" and "the general Welfare."

The states promise to defend each other against attacks for any reason, "religion, sovereignty, trade, or any other pretence whatever." A pretence (pretense) is an excuse. Whatever reason an enemy gives for attacking one state, the others will help.

Here's the catch. A league of friendship depends on the friends. There was no court to enforce the promise and no national army that could act on its own. If a state didn't hold up its end, there wasn't much anyone could do about it.

In a Nutshell

- The Articles open with a formal greeting and call the union a "perpetual Union" of thirteen named states.
- Article I gave the country its official name: "The United States of America."
- Article II said each state keeps its sovereignty and every power not "expressly delegated" to Congress.
- Article III joined the states in a "firm league of friendship" for defense, liberty and the common good.
- The arrangement depended on the states keeping their promises, with little power to make them.

Review Questions

1. What does "perpetual Union" mean?
2. What official name did Article I give the confederation?
3. According to Article II, who kept sovereignty, and what powers did Congress get?
4. What word in Article II is missing from the Tenth Amendment, and why does that matter?
5. What is a league, and what kind of league did Article III create?

Chapter 3: Neighbors, Not Strangers

Article IV deals with something we take for granted today: crossing a state line. If you live in Nevada and drive to California, you don't need a passport, you can buy and sell there, and a court judgment from Nevada still counts. Article IV is where those ideas first show up in a national document. Almost all of them were carried over, sometimes word for word, into the Constitution.

Article IV: Rights Across State Lines

> Article IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, 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; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other State of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

> **In plain words:** *To keep friendship and contact strong among the people of the different states, the free inhabitants of each state, except paupers, vagrants and fugitives from justice, are entitled to all the privileges and protections of free citizens in every state. The people of each state may travel freely into and out of any other state, and while there they get all the same trade and business privileges, and pay the same taxes and fees and follow the same rules, as the people who live there. But those rules can't stop an owner from moving goods he brought into a state on to his home state. And no state may put any tax, duty or restriction on the property of the United States or of any state.*

This is a long sentence with a simple idea at its center: a citizen of one state isn't treated like a foreigner in another.

"Privileges and immunities" means rights and protections. A privilege is a right or benefit. An immunity is protection from something, like protection from being taxed more than a local. When you're in another state, you get the same basic rights as the people who live there.

"Free ingress and regress" means the freedom to come and go. "Intercourse" in the 1700s simply meant dealings or communication between people.

Now look at who was left out. The rights went to "the free inhabitants," and the article names exceptions: "paupers, vagabonds and fugitives from Justice." A pauper is a very poor person who depends on public charity. A vagabond is a homeless wanderer. States didn't want to be stuck caring for other states' poor. And the word "free" meant that enslaved people had none of these rights at all.

The trade part matters too. A Pennsylvania merchant selling in New York had to follow New York's rules and pay New York's fees, but only the same ones New Yorkers paid. That was meant to stop states from

punishing each other's businesses. As Chapter 9 explains, it didn't fully work, because states could still put taxes and rules on trade that hurt their neighbors.

The Constitution kept the core idea in a single short line in its own Article IV: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." Notice it dropped the list of exceptions.

Returning Fugitives

> If any Person guilty of, or charged with, treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the Governor or executive power of the state from which he fled, be delivered up, and removed to the state having jurisdiction of his offence.

> **In plain words:** *If a person who is guilty of, or charged with, treason, a felony or another serious crime in one state runs away from justice and is found in another state, then when the governor of the state he fled asks for him, he will be handed over and sent back to the state where the crime happened.*

This is what we now call extradition: sending an accused person back to the state where he's charged. Without it, a criminal could just cross a state line and be safe. A felony is a serious crime. A "high misdemeanor" here means another serious wrongdoing.

The Constitution's Article IV repeats this almost word for word. It also added a separate clause, right after it, requiring that a person "held to Service or Labour" who escaped to another state be "delivered up." That clause was about enslaved people who escaped. The Thirteenth Amendment, which ended slavery in 1865, made it a dead letter. The Constitution book in this series explains it.

Respecting Each Other's Courts

> 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.

> **In plain words:** *Each state must give full trust and respect to the official records, laws and court decisions of every other state.*

"Full faith and credit" means each state has to honor the official acts of the others. If a court in Connecticut decides that you owe someone money, you can't escape the judgment by moving to Massachusetts. A marriage or a property record from one state counts in another.

This one carried over almost untouched. The Constitution's Article IV begins: "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." The Constitution added one new piece. It lets Congress pass laws saying how those records are proved and what effect they have. Under the Articles, there was no such power, so nobody could settle disputes about how the rule worked.

In a Nutshell

- Article IV gave the free inhabitants of each state the same basic rights in every other state, except paupers, vagabonds and fugitives from justice.
- It let people travel and trade freely between states on the same terms as locals.
- It required states to return people who fled from criminal charges.
- It required each state to give "full faith and credit" to the records and court decisions of the others.
- The Constitution kept all three ideas in its own Article IV.

Review Questions

1. What are "privileges and immunities"?
2. Which groups did Article IV leave out of these rights?
3. What is extradition?
4. Give an everyday example of "full faith and credit."
5. What did the Constitution add to the full faith and credit rule?

Chapter 4: One State, One Vote

Article V describes the only branch of government the Articles created: Congress. It says who the delegates are, how long they can serve, who pays them, how they vote, and what protection they get. Some of its ideas lasted. One of them, equal votes for every state, caused a fight that nearly broke up the Constitutional Convention ten years later.

Article V: Delegates to Congress

> Article V. For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, 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, for the remainder of the Year.

> **In plain words:** *To manage the shared business of the united states more easily, each state's legislature will choose delegates every year, in whatever way it decides, to meet in Congress on the first Monday of every November. Each state keeps the power to call back any of its delegates at any time during the year and send others to finish the year.*

Notice who picks the delegates: "the legislature of each state." The people didn't vote for members of Congress. Their state lawmakers chose them, every year.

Then notice the power to "recall." A recall is calling someone back home and replacing them. A state could pull its delegates out of Congress at any time, for any reason. That told every delegate who his boss was. He worked for his state, not for the nation.

Compare that to the Constitution. Members of the House are elected directly by the people for two years. Senators were originally chosen by state legislatures for six years, and the Seventeenth Amendment later made them directly elected too. The Constitution gives states no way to recall them.

> No State shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

> **In plain words:** *No state may be represented in Congress by fewer than two or more than seven members. Nobody may serve as a delegate for more than three years in any six-year period. And no delegate may also hold any job under the united states for which he, or someone else on his behalf, gets a salary, fees or any other payment.*

This paragraph sets size limits, term limits and an ethics rule.

Each state sent between two and seven delegates. But as you'll see in a moment, it didn't matter how many it sent. Each state still got only one vote.

The term limit is strict: no more than three years out of any six. Afterward, a delegate had to sit out. The idea was to keep anyone from becoming a permanent fixture in power.

The last part bars delegates from holding a paid federal job at the same time. Emolument means pay or profit from a job. The idea was to keep Congress from handing out paid jobs to its own members. The Constitution kept a version of this rule in Article I.

> Each State shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In plain words: *Each state pays its own delegates, both at a meeting of the states and while they serve on the Committee of the States.*

"Maintain" means support or pay for. Each state paid its own delegates. That's one more tie binding delegates to their states. Under the Constitution, members of Congress are paid by the national treasury.

One Vote Each

> In determining questions in the united states, in Congress assembled, each state shall have one vote.

In plain words: *When the united states in Congress decide questions, each state has one vote.*

This is the shortest paragraph in Article V and the one with the biggest effect. Virginia, with the most people, had one vote. Delaware and Rhode Island, among the smallest, each had one vote too.

You might ask, "Why would the big states agree to that?" It's simple: in 1776 and 1777 the states saw themselves as separate, equal partners in an alliance, a little like countries in a treaty. In a treaty, each country gets one voice. The big states argued for votes based on population and lost. The same fight broke out again in Philadelphia in 1787, and the answer there was a compromise: the Senate gives each state two votes, and the House gives more seats to states with more people.

Free Speech in Congress

> Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

In plain words: *What members say and how they debate in Congress cannot be challenged or punished in any court or anywhere outside Congress. And members of Congress are protected from*

being arrested or jailed while going to, coming from or attending Congress, except for treason, felony or breaking the peace.

"Impeached or questioned" here means challenged or held against them. The idea is that lawmakers have to be free to speak their minds without fear of being sued or arrested for it.

The arrest protection kept a governor or a sheriff from stopping a delegate on his way to an important vote. It did not protect him if he committed a serious crime.

The Constitution kept both protections, in nearly the same words, in Article I, Section 6. They're often called the Speech or Debate Clause and the Arrest Clause.

In a Nutshell

- State legislatures chose their delegates every year and could recall them at any time.
- Each state sent two to seven delegates, and no one could serve more than three years in any six.
- Each state paid its own delegates.
- Every state had one vote, no matter its size.
- Delegates were protected for what they said in Congress and from arrest on the way to and from Congress, except for serious crimes.

Review Questions

1. Who chose a state's delegates to Congress under the Articles?
2. What does it mean that a state could "recall" its delegates?
3. What was the term limit for delegates?
4. How many votes did each state have in Congress?
5. How did the Constitution settle the argument over equal votes for each state?
6. Why did delegates need freedom of speech and debate?

Chapter 5: What the States Gave Up

Article II said the states kept every power not expressly handed to Congress. Article VI is where the states actually handed some over. It's a list of things no state may do on its own, mostly in dealing with foreign countries and making war. Article VII adds a short rule about who picks army officers.

These limits made sense. Thirteen states each running its own foreign policy would have been chaos. The trouble, as you'll see, was enforcing them.

Article VI: No Separate Foreign Policy

> Article VI. No State, without the Consent of the united States, in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conferrence, agreement, alliance, or treaty, with any King prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the united states, in congress assembled, or any of them, grant any title of nobility.

> **In plain words:** *No state may, without the consent of Congress, send ambassadors to or receive them from any king, prince or foreign country, or make any conference, agreement, alliance or treaty with one. No one holding a paid or trusted office under the united states or any state may accept any gift, payment, office or title of any kind from a king, prince or foreign country. And neither Congress nor any state may grant any title of nobility.*

The first part keeps foreign affairs in the hands of Congress. An embassy here means an official mission sent from one government to another. Only the union, acting through Congress, could do that, unless Congress said otherwise.

The second part is an anti-bribery rule. Anyone holding an "office of profit or trust," meaning a paid or important public job, could not accept a "present, emolument, office, or title" from a foreign power. The worry was that foreign kings could buy American officials with gifts. Notice that under the Articles this ban was absolute; there's no "with the consent of Congress" for officials. The Constitution kept the rule but let Congress approve exceptions. People call that the Emoluments Clause.

The third part bans titles of nobility, like duke or earl. A country that had just declared "all men are created equal" wasn't going to create a class of lords. The Constitution kept this ban for both the national government and the states.

> No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the united states, in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

In plain words: *No two or more states may make any treaty, confederation or alliance with each other without the consent of Congress, which must state exactly what it's for and how long it will last.*

The states couldn't form smaller alliances inside the union. Imagine the New England states forming their own league, or the southern states forming theirs. Splits like that could tear the union apart. Congress had to approve any such agreement and know exactly what it was for. The Constitution has a similar rule in Article I, Section 10: no state may, without the consent of Congress, "enter into any Agreement or Compact with another State."

> No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united States in congress assembled, with any king, prince, or State, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

In plain words: *No state may set any import taxes or duties that would get in the way of treaties Congress makes with any king, prince or country, including the treaties Congress has already proposed to France and Spain.*

An impost or duty is a tax on goods coming into a place. States could still tax imports, which is important. This paragraph only stopped them from doing it in ways that broke a treaty. In 1777 Congress was working on treaties with France and Spain, and it didn't want a state's taxes to wreck them.

Keep this paragraph in mind. Because the states kept the power to tax imports, and Congress didn't have it, the states ended up charging each other and foreign merchants different taxes. Chapter 9 explains how that tangle helped bring on the Constitution.

> No vessels of war shall be kept up in time of peace, by any state, except such number only, as shall be deemed necessary by the united states, in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up, by any state, in time of peace, except such number only as, in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

In plain words: *No state may keep warships in peacetime, except as many as Congress decides it needs to defend itself or its trade. No state may keep any body of troops in peacetime, except as many as Congress decides it needs to garrison the forts necessary for its defense. But every state must always keep a well-regulated and disciplined militia, well armed and equipped, and must keep ready in public storehouses a proper number of cannons and tents and a good supply of weapons, ammunition and camp gear.*

This paragraph limits state armies and navies in peacetime, again because thirteen state military forces could mean thirteen different wars. But then it requires something: a militia.

A militia was the body of ordinary citizens, usually able-bodied men, who trained part-time and could be called up in an emergency. They weren't full-time professional soldiers. "Well regulated" meant well trained and organized. "Accoutred" means equipped. "Field pieces" are cannons that could be moved on wheels.

You'll recognize the phrase "well regulated" from the Second Amendment, written about a dozen years later. The Amendments books in this series explain that amendment and the long debate over what it means.

> No State shall engage in any war without the consent of the united States in congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the united states in congress assembled, can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

In plain words: *No state may go to war without the consent of Congress, unless it is actually invaded, or has received reliable word that some Native nation is planning to invade it and the danger is so close that there's no time to ask Congress first. And no state may give commissions to warships, or grant letters of marque or reprisal, unless Congress has first declared war, and then only against the country Congress declared war on, and under rules Congress sets. The exception is when a state is plagued by pirates. Then it may fit out warships for that emergency and keep them as long as the danger lasts or until Congress decides otherwise.*

The main rule is simple: states can't start wars. The exceptions are for emergencies when a state is already under attack or an attack is about to happen and there isn't time to ask. Notice the specific mention of "some nation of Indians." In 1777, frontier settlements were often in conflict with Native nations, and states wanted the right to defend themselves fast.

"Letters of marque and reprisal" need explaining. In those days a government could give a private ship owner a license to attack and capture enemy ships. The private ship was called a privateer. Without that license, he'd be a pirate. Under the Articles, only Congress could authorize that, except when pirates were attacking a state. The Constitution also gives the power to grant letters of marque to Congress.

Article VII: Choosing Officers

> Article VII. When land forces are raised by any state, for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made appointment.

> **In plain words:** *When a state raises land forces for the common defense, the legislature of that state, or whoever the state chooses, appoints all officers up to and including the rank of colonel. Any vacancies are filled by the state that made the first appointment.*

This article split control of the army. When a state raised troops for the common defense, the state appointed the officers up to colonel. Congress, under Article IX, appointed the generals. It meant the soldiers and their regimental officers came from home and owed their posts to their states. It's one more example of how the Articles kept the states at the center.

In a Nutshell

- No state could deal with foreign countries, form alliances with other states, or start a war without Congress's consent, except in an emergency.
- Officials could not take gifts, pay or titles from foreign powers, and nobody could create titles of nobility.
- States could keep only the peacetime troops and warships Congress allowed, but each had to keep a well-regulated, well-armed militia.
- States could still tax imports as long as they didn't break treaties, which caused trouble later.
- States appointed officers up to colonel for the troops they raised.

Review Questions

1. Why didn't the Articles let states send their own ambassadors or make their own treaties?
2. What did the anti-bribery rule in Article VI forbid?
3. What is a militia, and what did Article VI require of the states about it?
4. When could a state go to war without Congress's consent?
5. What was a letter of marque?

Chapter 6: Paying the Bills

If you want to know why the Articles of Confederation failed, start here. Article VIII is about money, and it's only two sentences long. Those two sentences left the national government with bills it couldn't pay and no way to make anyone pay them.

Article VIII: The Common Treasury

> 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 value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the united states, in congress assembled, shall, from time to time, direct and appoint. 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 assembled.

> **In plain words:** *All the costs of war, and all other expenses for the common defense or general welfare that Congress approves, will be paid out of a common treasury. The states will fill that treasury, each paying a share based on the value of all the land in that state that has been granted to or surveyed for any person, along with the buildings and improvements on it, figured in whatever way Congress directs from time to time. The taxes to pay each state's share will be set and collected by the authority of that state's legislature, within the time Congress agrees on.*

Let's break it down.

"Charges" and "expenses" are the bills: paying soldiers, buying supplies, paying back loans. "Defrayed out of a common treasury" means paid out of one shared fund. So far, so good.

Next, who fills the treasury? The states. Each state's share was based on the value of the land in that state that had been granted or surveyed, plus buildings and improvements. Congress chose land value because it was a rough measure of wealth.

Now the key sentence: "The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states." To lay and levy a tax means to set it and collect it. Only the states could do that. Congress could tell each state how much it owed, which was called a requisition, but Congress itself couldn't tax a single person.

What Went Wrong

In theory the states had to pay. In practice, nothing made them. The Articles didn't give Congress any way to punish a state that ignored a requisition, and many states did ignore them. They had their own war debts, their own citizens to keep happy, and no wish to raise taxes for a distant Congress.

The numbers were grim. The Constitution Annotated, the official legal guide to the Constitution prepared for Congress, says that for the 1786 requisition Congress asked the states for $3,800,000 and collected only $663. It concludes that the states "had failed to meet congressional requisitions on a massive scale and Congress was bankrupt."

Soldiers went unpaid. The country couldn't pay the interest on its own war debt.

The Fix That Never Came

Congress tried to fix this. In February 1781, just before the Articles took effect, it asked the states for the power to collect a duty on imported goods. This plan was called the Impost of 1781. The money would go straight to Congress, so it wouldn't have to beg the states.

But a change like that was really an amendment to the Articles, and Article XIII required every state to agree. In 1782 Rhode Island said no. Virginia, which had first approved, changed its mind and repealed its approval, saying that letting anyone but its own assembly tax its citizens was "injurious to its sovereignty." The plan died.

Congress tried again with the Impost of 1783, a five percent duty on most imports meant to pay the war debt. Most states agreed. New York did not accept it on Congress's terms, and in February 1787 its assembly voted to keep its conditions, which ended the plan. James Madison wrote that New York had "put a definitive veto on the Impost."

You might ask, "Why didn't they just let Congress tax?" It's simple: for many Americans, that's exactly what they had fought the British over. They had just thrown off a distant government that taxed them. They weren't eager to give a new distant government the same power. That fear was real and honest, and it took the crisis of the 1780s to change enough minds.

What the Constitution Changed

The Constitution's first listed power for Congress, in Article I, Section 8, is the power "To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States." Put that next to Article VIII and you can see the lesson the founders learned. Under the Constitution, the national government collects its own taxes directly. It doesn't have to ask.

In a Nutshell

- Article VIII said the costs of the union would come from a common treasury.
- Each state's share was based on the value of its land, buildings and improvements.
- Only the states could set and collect taxes; Congress could only send requisitions.
- The states often didn't pay, and Congress had no way to make them, leaving it broke.
- Attempts to give Congress an import tax failed because every state had to agree.
- The Constitution fixed this by giving Congress the power to tax directly.

Review Questions

1. How was each state's share of the national costs figured under Article VIII?
2. Who had the power to set and collect taxes under the Articles?
3. What was a requisition, and why didn't it work well?
4. Why did the Impost of 1781 fail?
5. What power did the Constitution give Congress that fixed this problem?

Chapter 7: What Congress Could Do

Article IX is the longest article by far. It's where the Articles finally list the powers the states gave to Congress. Reading it, you might be surprised how much is there: war and peace, treaties, an army and navy, money, the post office, even settling fights between states.

The catch is in the details. Almost every big power needed nine of thirteen states to agree, and Congress had powers on paper that it couldn't actually carry out without the states' help. This chapter walks through Article IX one paragraph at a time.

War, Peace and Treaties

> Article IX. The united states, in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article - of sending and receiving ambassadors - entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever - of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united States, shall be divided or appropriated - of granting letters of marque and reprisal in times of peace - appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts; for receiving and determining finally appeals in all cases of captures; provided that no member of congress shall be appointed a judge of any of the said courts.

> **In plain words:** *Congress alone has the right and power to decide on peace and war, except in the cases listed in Article VI. It alone can send and receive ambassadors and make treaties and alliances, but no trade treaty may stop the states from taxing foreigners the same as their own people, or from banning the export or import of any kind of goods. Congress makes the rules for deciding which captures on land or sea are legal and how prizes taken by American forces are divided. It grants letters of marque and reprisal in peacetime, appoints courts to try piracy and serious crimes on the high seas, and sets up courts to make final decisions on appeals in all capture cases. But no member of Congress may be a judge on any of these courts.*

"Sole and exclusive" means only Congress, nobody else. War, peace, ambassadors and treaties belonged to the union.

Notice the big exception tucked into the middle. Congress could make treaties, but no trade treaty could stop a state from taxing foreign goods or banning imports and exports. That meant a foreign country negotiating a trade deal with Congress knew any state could undercut it.

"Captures" and "prizes" were enemy ships and cargo taken in war. Someone had to decide whether a capture was legal and who got the money. Congress could set up courts for appeals in these cases. Along

with courts for piracy and serious crimes at sea, these were the only national courts the Articles provided for.

Settling Fights Between States

> 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; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority, or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of congress, to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as congress shall direct, shall, in the presence of congress, be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present, shall refuse to strike, the congress shall proceed to nominate three persons out of each State, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress, for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward: "provided, also, that no State shall be deprived of territory for the benefit of the united states.

In plain words: *Congress is also the final court of appeal in all current or future disputes between two or more states over borders, authority or anything else. When one state in a dispute petitions Congress for a hearing, Congress notifies the other state and sets a day. The two states' agents then choose judges together to form a court. If they can't agree, Congress names three people from each state, and the two sides take turns striking names until thirteen are left. From those, seven to nine names are*

drawn by lot in front of Congress, and any five of them may hear the case, with the majority deciding. If a side doesn't show up without good reason, or won't strike names, the secretary of Congress strikes for it. The court's decision is final, even if a side refuses to take part. Every judge must swear to decide fairly, "without favour, affection, or hope of reward." And no state can lose territory for the benefit of the united states.

That's a long, careful procedure for something important. In the 1780s several states claimed the same land. Without a way to settle those claims, the disputes could have turned violent.

The procedure works like picking a jury. Each side strikes names it doesn't trust until a smaller pool is left, and then the final judges are drawn by lot, meaning by chance. The goal was a court both sides would accept as fair.

The Constitution replaced this with something simpler. Disputes between states go directly to the Supreme Court.

> All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the united states, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

In plain words: *Disputes over private land ownership claimed under grants from two or more states, where the land was granted before the states' borders were settled, will, when either side petitions Congress, be decided as nearly as possible in the same way as border disputes between states.*

This covers a problem that followed from the last one. If two states both claimed the same land, each might have sold or granted the same farm to different people. When the border got settled, who owned the farm? This paragraph let those private owners use the same court process.

Money, Measures, Native Nations and the Mail

> The united states, in congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states - fixing the standard of weights and measures throughout the united states - regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated - establishing and regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office - appointing all officers of the land forces in the service of the united States, excepting regimental officers - appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states; making rules for the government and regulation of the said land and naval forces, and directing their operations.

> **In plain words:** *Congress alone has the right and power to set the metal content and value of coins made by the union or by the states, and to fix the standard of weights and measures across the united states. It regulates trade and manages all affairs with Native nations that are not members of any state, as long as no state's right to make laws within its own borders is violated. It sets up and runs post offices between the states and charges enough postage to cover their costs. It appoints all officers of the army except regimental officers, appoints all naval officers, commissions all officers in the service of the united states, and makes the rules for governing and directing the army and navy.*

Here's a grab bag of national jobs.

"Alloy" is the mix of metals in a coin. Congress could decide what a coin was made of and what it was worth. But notice that states could still make their own coins. Congress only regulated them.

A standard of weights and measures means everyone uses the same pound and the same foot. That matters for fair trade.

The clause on "the Indians, not members of any of the states" gave Congress power over dealings with Native nations, but then added a limit: as long as it didn't violate a state's right to make laws within its own borders. Those two parts pulled against each other. The Constitution later gave Congress the power "To regulate Commerce... with the Indian Tribes" without that limit.

The post office was a real national service. Congress ran mail routes between the states and paid for them with postage.

Finally, the military. Congress appointed generals and naval officers, while the states, under Article VII, appointed the officers of their own regiments.

Running the Government

> The united States, in congress assembled, shall have authority to appoint a committee, to sit in the recess of congress, to be denominated, "A Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction - 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; to ascertain the necessary sums of money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted, - to build and equip a navy - to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the united states; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the united states, in congress assembled; but if the united states, in congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

In plain words: *Congress may appoint a committee to sit while Congress is in recess, called "A Committee of the States," made up of one delegate from each state. It may appoint other committees and civil officers needed to manage the general business of the united states under its direction. It may choose one of its members to preside, but no one may serve as president for more than one year in any three. It may figure out how much money the united states needs and spend it on public expenses. It may borrow money or issue paper money on the credit of the united states, reporting every six months to the states what it has borrowed or issued. It may build and equip a navy. It may decide the size of the army and ask each state for its share of soldiers, in proportion to the number of white inhabitants in each state, and that request is binding. Each state legislature then appoints the regimental officers, raises the men, and clothes, arms and equips them at the expense of the united states, and they march where and when Congress says. If Congress decides a state should raise fewer men than its share and another state more, the extra men are raised the same way, unless the state decides it can't safely spare them, in which case it sends as many as it can safely spare.*

This paragraph sets up the closest thing the Articles had to an executive branch. There was no President of the United States in the modern sense. Congress picked one of its own members to "preside," which means to run the meetings. That person was called the President of Congress and could serve only one year out of three. He had no power to enforce laws or command anything.

Congress could also appoint committees and "civil officers" to do the daily work. Over time it created departments, such as a Department of Foreign Affairs in 1781, run by people Congress chose.

"Emit bills" means issue paper money. During the war Congress printed huge amounts of it, called Continental currency. The National Archives notes that by the mid-1780s paper money was flooding the country.

Now look at how the army was raised. Congress decided how many soldiers were needed and sent each state a requisition for its "quota." The quota was based on "the number of white inhabitants in such state." Enslaved people were not counted toward a state's share of soldiers. Like the money requisitions in Article VIII, the soldier requisitions were "binding" on paper, but Congress had no way to make a state comply.

The Rule of Nine

> The united states, in congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof nor ascertain the sums and expenses necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the united states in congress assembled.

> **In plain words:** *Congress may never go to war, grant letters of marque and reprisal in peacetime, make treaties or alliances, coin money or set its value, decide how much money is needed for the defense and welfare of the united states, issue paper money, borrow money on the credit of the united states, spend money, decide how many warships to build or buy or how many soldiers and sailors to raise, or appoint a commander in chief of the army or navy, unless nine states agree. On any other question, except adjourning from day to day, a majority of the states must agree.*

This is the rule that made Congress so slow. Nearly every important power on the list needed nine of the thirteen states to say yes. Not nine delegates. Nine states. If five states were absent, or their delegations were split, nothing could pass.

You might ask, "Why make it so hard?" It's simple: the states didn't fully trust a central government, even one made of their own delegates. Requiring nine states meant no small group of states could drag the rest into war or debt. It protected the states, at the cost of making the union hard to run.

The Constitution dropped this rule. Most laws now pass by a simple majority of each house of Congress.

Keeping a Record

> The congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six Months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the Journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

> **In plain words:** *Congress may adjourn to any time within the year and to any place in the united states, but never for more than six months at a time. It must publish its journal every month, except parts about treaties, alliances or military operations that it decides must be kept secret. Any delegate may ask that each state's yes and no votes on a question be written in the journal, and any delegate may get a copy of the journal, minus the secret parts, to give to his state legislature.*

This is an early open-government rule. Congress had to publish a record of what it did every month, and a delegate could demand a recorded vote. The "yeas and nays" are the yes and no votes. That way the people back home could see how their state voted.

The Constitution kept the idea. Article I requires each house of Congress to keep and publish a journal and to record the yeas and nays when enough members ask.

In a Nutshell

- Congress alone could make war and peace, send ambassadors and make treaties, but states kept control over taxing trade.
- Congress was the final court for disputes between states, using a careful process to pick fair judges.
- It regulated coins, weights and measures, Native affairs, the post office and the military.
- It could borrow money and print paper money, but it raised soldiers and money only by sending requisitions to the states.
- There was no President in the modern sense, only a President of Congress who ran meetings for a one-year term.
- Most important decisions needed nine of thirteen states.

Review Questions

1. Name three powers Article IX gave to Congress alone.
2. How did Article IX settle disputes between states?
3. What was the "Committee of the States"?

4. Who was the "President" under the Articles, and what was his job?
5. How were a state's soldier quotas figured?
6. How many states had to agree before Congress could go to war, borrow money or make treaties?

Chapter 8: Canada, Old Debts and a Union Meant to Last Forever

The last four articles and the closing paragraph tie up loose ends. One lets a committee act when Congress is away. One leaves the door open for Canada. One promises to pay the debts of the war. And the last one makes two promises that would cause trouble: the union will last forever, and the Articles can't be changed unless every state agrees.

Article X: The Committee in the Recess

> 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 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, is requisite.

> **In plain words:** *The Committee of the States, or any nine of its members, may use, while Congress is in recess, whatever powers Congress, with the consent of nine states, decides from time to time to give it. But no power may be given to the committee that the Articles say requires the agreement of nine states in Congress.*

Congress didn't meet all year. Article IX allowed a "Committee of the States," one delegate from each state, to keep things running during the breaks. Article X says what that committee could do: only what Congress handed to it, and never the big powers that needed nine states. In other words, the committee could handle routine business but couldn't declare war or borrow money on its own.

Article XI: An Open Door for Canada

> Article XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

> **In plain words:** *If Canada agrees to this confederation and joins in the actions of the united states, it will be admitted into the union and get all its advantages. But no other colony will be admitted unless nine states agree.*

This is one of the most surprising lines in the Articles. Canada could join just by agreeing. No vote needed. Any other colony needed nine states.

Canada never joined, but the invitation stayed in the Articles until the end.

Article XII: Paying the War Debts

> Article XII. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united States, for payment and satisfaction whereof the said united states and the public faith are hereby solemnly pledged.

> **In plain words:** *All paper money issued, money borrowed and debts taken on by or under Congress before the confederation met under these Articles will be considered debts of the united states. The united states and the public faith are solemnly pledged to pay them.*

Congress had been running the war since 1775, long before the Articles took effect in 1781. It had printed money and borrowed from France, from Dutch bankers and from Americans. This article says the new confederation takes on all of those debts. "The public faith" is the honor and trust of the nation. The country's word was on the line.

The promise was easier to make than to keep. As Chapter 6 showed, Congress couldn't raise enough money to pay. When the Constitution was written, it made the same promise in Article VI: "All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation." This time the national government had the power to tax, so it could actually pay.

Article XIII: Forever, and Only All Together

> Article XIII. Every 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 con-firmed by the legislatures of every state.

> **In plain words:** *Every state must follow the decisions Congress makes on all questions the confederation gives it. Every state must faithfully keep these Articles, and the union will last forever. No change may ever be made to any of them unless Congress agrees to it and the legislatures of every state then confirm it.*

Article XIII has three parts.

First, every state must "abide by," meaning obey, what Congress decides. That sounds strong. But the Articles never said what would happen if a state didn't. There were no national courts to order it and no national officials to enforce it.

Second, the Articles must be "inviolably observed," meaning never broken, and "the union shall be perpetual." The promise of a permanent union is stated twice in the Articles, here and in the title.

Third, and most important, no change could be made without Congress agreeing and then every single state legislature confirming it. Thirteen out of thirteen.

You saw in Chapter 6 what that meant. When Congress asked for the power to collect an import tax, one state, Rhode Island, was enough to stop it. Then New York stopped the second try. Neither import tax was ever adopted, because unanimous agreement was almost impossible to get.

The Constitution solved this with Article V. An amendment now needs approval from three-fourths of the states, not all of them. And the Constitution itself only needed nine states to ratify before it took effect among them. Chapter 9 explains how the founders justified replacing a "perpetual" union that couldn't be changed without everyone's consent.

The Closing

> And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, Know Ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In Witness whereof, we have hereunto set our hands, in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth Day of July, in the Year of our Lord one Thousand seven Hundred and Seventy eight, and in the third year of the Independence of America.

> **In plain words:** *And since it has pleased the Great Governor of the World to move the hearts of the legislatures we represent in Congress to approve these articles and authorize us to ratify them: Know that we, the delegates signing below, using the power given to us for this purpose, in the name of the people we represent, fully ratify and confirm every one of these articles of confederation and permanent union and everything in them. We also solemnly pledge, on behalf of the people we represent, that they will follow the decisions of Congress on every question given to it by this confederation, that the states we represent will faithfully keep these articles, and that the union will last forever. In witness, we have signed our names in Congress at Philadelphia, Pennsylvania, on July 9, 1778, in the third year of American independence.*

"The Great Governor of the World" is a way of referring to God. As with similar phrases in the Declaration, the Articles don't say more than that.

Notice the date: July 9, 1778. That's the date written at the end of the document. The National Archives notes that the last sheet of the parchment bears the signatures of delegates from all thirteen states. The National Archives transcription does not list their names, so this book doesn't either.

In a Nutshell

- Article X let a Committee of the States handle routine business while Congress was in recess.
- Article XI invited Canada to join automatically; any other colony needed nine states.
- Article XII pledged the union to pay the debts Congress had taken on since 1775.
- Article XIII required every state to obey Congress, declared the union perpetual, and allowed changes only if every state agreed.
- The closing paragraph was signed at Philadelphia starting July 9, 1778.

Review Questions

1. What could the Committee of the States not do?
2. How could Canada join the confederation, and how could any other colony join?
3. What did Article XII promise?
4. What did it take to change the Articles of Confederation?
5. How does the Constitution's amendment process differ from the Articles'?

Chapter 9: Why the Articles Failed, and What They Taught

The Articles of Confederation were in force for only eight years. By 1787 many of the country's leaders believed the union was in danger of falling apart. This chapter looks at what the Articles got right, what went wrong, and how their failures shaped the Constitution.

What the Articles Got Right

It's easy to call the Articles a failure. That isn't fair to the people who lived under them. Under the Articles, the United States finished the Revolutionary War and made peace with Britain. The Treaty of Paris, signed on September 3, 1783, by John Adams, Benjamin Franklin and John Jay, formally recognized the United States as an independent nation and set its western border along the middle of the Mississippi River.

Congress under the Articles also passed one of the most important laws in American history. The Northwest Ordinance, adopted on July 13, 1787, set up a government for the lands north of the Ohio River and laid out a path for those lands to become "not less than three nor more than five States," equal to the original thirteen. It protected religious freedom and trial by jury there, encouraged schools, and declared, "There shall be neither slavery nor involuntary servitude in the said territory." The National Archives notes that its plan was later used as the country expanded to the Pacific.

And the Articles proved that thirteen very different states could work together as one union, even a loose one. That was not obvious in 1776.

What Went Wrong

The weaknesses you've read about in this book added up.

Problem	What happened
Congress could not tax.	It could only send requisitions, and the states often didn't pay. For the 1786 requisition, the Constitution Annotated reports Congress asked for $3,800,000 and collected $663.
Congress could not regulate trade.	Each state made its own trade rules, and no trade treaty could stop a state from taxing or banning imports and exports.
There was no executive.	No one had the job of carrying out the laws Congress passed.
There were no national courts.	Apart from special courts for captures at sea and disputes between states, Congress had no courts to enforce its decisions.
Most big decisions needed nine states.	That high bar made it hard for Congress to act.
Changes needed all thirteen states.	One state could block any fix, as Rhode Island and New York did with the import tax.
Congress could not make states keep the nation's promises.	Many states ignored the Treaty of Paris clause letting British creditors collect old debts, and British troops stayed in forts around the Great Lakes.

The National Archives sums it up this way: with the states keeping so much power, the central government "could not tax and was generally impotent in setting commercial policy," paper money was "flooding the country," and "disputes over territory, war pensions, taxation, and trade threatened to tear the country apart."

Shays' Rebellion

The event that frightened the country most happened in western Massachusetts. After the war, many farmers there were deep in debt, and creditors wanted to be paid in hard cash, which was scarce. Farmers lost land and property to debt collectors. Veterans who were still owed pay for their service were especially angry.

Starting in August 1786, armed groups of farmers began blocking county court hearings where debts were collected. Their best-known leader was Daniel Shays, a former captain in the Continental Army. His followers called themselves "Regulators." On January 25, 1787, about 1,500 of them marched on the federal armory at Springfield. Militia defending it fired warning shots and then cannon, killing four of the rebels and wounding twenty. The rest scattered.

Here's the part that alarmed people. The militia that put the rebellion down, about 1,200 men under former General Benjamin Lincoln, was raised by Massachusetts and paid for by private merchants. Congress couldn't help. It had no money and almost no army. Most of the rebels, including Shays, were later pardoned.

You might ask, "Were the rebels right or wrong?" People argued about that then and historians still do. Some saw desperate farmers and veterans treated unfairly. Others saw a threat to law and order. Either way, the rebellion showed that the national government could do nothing in a crisis. George Washington was alarmed by it, and it helped draw him back into public life.

Annapolis and Philadelphia

Leaders had been talking about fixing the Articles for years. In September 1786, commissioners met at Annapolis, Maryland, to discuss trade problems among the states. Only five states sent anyone: New York, New Jersey, Pennsylvania, Delaware and Virginia. With so few present, they decided not to go ahead. Instead, they issued a report, drafted by Alexander Hamilton, calling on the states to send delegates to Philadelphia "on the second Monday in May next" to make the national government adequate to the needs of the union.

In May 1787 delegates met in the Pennsylvania State House in Philadelphia, now called Independence Hall. They were supposed to revise the Articles. By mid-June they had decided to start over with a whole new design. In September they signed a new Constitution.

Replacing a "Perpetual" Union

There was a problem. The Articles said the union was "perpetual" and could only be changed with all thirteen states' approval. The new Constitution said it would take effect once nine states ratified it. How could nine states replace an agreement that all thirteen had signed?

James Madison took on that question directly in The Federalist, No. 43, published in January 1788. He asked "on what principle the confederation, which stands in the solemn form of a compact among the States, can be superceded without the unanimous consent of the parties to it?" His answer pointed to "the absolute necessity of the case" and "the great principle of self-preservation." If you've read the first book in this series, his next words will sound familiar. He appealed to "the transcendent law of nature and of nature's God," which declares that "the safety and happiness of society" are the goals of every government.

In other words, Madison used the same reasoning as the Declaration of Independence. When a form of government fails to protect the safety and happiness of the people, the people may replace it. Not everyone was convinced, and the argument over ratification was fierce. But by the summer of 1788 enough states had ratified, and the new government began in 1789.

Lessons Carried Into the Constitution

Under the Articles	Under the Constitution
A league of friendship among sovereign states.	"We the People" ordain and establish a national government with its own Congress, President and courts, while the states keep their own powers.
One house of Congress; each state has one vote.	Two houses: the Senate, with two senators per state, and the House, with seats based on population.
No executive.	A President to carry out the laws.
No national courts, except for special cases.	A Supreme Court and other federal courts.
Congress can't tax; it sends requisitions.	Congress can lay and collect taxes.
States control trade.	Congress regulates trade with foreign nations and among the states.
Nine states needed for most big decisions.	Most laws pass by a majority in each house.
All thirteen states needed to amend.	Three-fourths of the states needed to amend.

The companion book in this series, The Constitution of the United States in Plain English, walks through every one of those changes clause by clause.

In a Nutshell

- Under the Articles, the United States won the war, signed the Treaty of Paris in 1783 and passed the Northwest Ordinance in 1787.
- Congress could not tax, regulate trade, enforce its decisions or change the Articles without every state.
- Shays' Rebellion in 1786 and 1787 showed that the national government could not act in a crisis.
- The Annapolis meeting of 1786 called for a convention in Philadelphia, which wrote a new Constitution in 1787.
- Madison defended replacing the "perpetual" Articles with the same reasoning the Declaration used: the safety and happiness of the people come first.

Review Questions

1. Name two important things the United States accomplished under the Articles.

2. What did the Northwest Ordinance say about slavery in the Northwest Territory?
3. What was Shays' Rebellion, and why did it worry national leaders?
4. What did the Annapolis meeting of 1786 recommend?
5. How did Madison justify replacing the Articles without all thirteen states' consent?
6. Name three changes the Constitution made to fix the weaknesses of the Articles.

Timeline

This timeline covers the main events in this book. Each date comes from the sources listed at the back.

Date	Event
June 7, 1776	Richard Henry Lee proposes independence in Congress.
June 11, 1776	Congress appoints committees, including one to plan a confederation, with John Dickinson as principal writer.
July 4, 1776	Congress approves the Declaration of Independence.
November 15, 1777	Congress adopts the Articles of Confederation and sends them to the states.
December 16, 1777	Virginia becomes the first state to ratify.
July 9, 1778	Delegates sign the Articles in Philadelphia.
November 20, 1778	New Jersey ratifies.
February 1, 1779	Delaware ratifies.
February 3, 1781	Congress asks the states for the power to collect an import duty (the Impost of 1781).
March 1, 1781	Maryland ratifies, and the Articles take effect.
November 1, 1782	Rhode Island rejects the Impost of 1781.
April 18, 1783	Congress proposes the Impost of 1783, a five percent duty on most imports.
September 3, 1783	The Treaty of Paris is signed, recognizing American independence.
August 1786	Protests by indebted farmers grow in western Massachusetts.
September 11-14, 1786	Commissioners from five states meet at Annapolis and call for a convention in Philadelphia.
January 25, 1787	Shays' Rebellion: about 1,500 rebels march on the Springfield armory and are driven off.
February 15, 1787	New York's assembly keeps its conditions on the Impost of 1783, ending the plan.
May 1787	The Constitutional Convention meets in Philadelphia.
July 13, 1787	Congress adopts the Northwest Ordinance.
September 17, 1787	The Convention signs the new Constitution.
January 23, 1788	The Federalist No. 43 addresses replacing the Articles without unanimous consent.
1789	The Constitution takes effect, replacing the Articles of Confederation.

The Articles of Confederation: The Full Text

Here are the Articles of Confederation straight through, as transcribed by the National Archives. The spelling, capitals and punctuation are the originals. The transcription does not include the names of the signers.

To all to whom these Presents shall come, we, the undersigned Delegates of the States affixed to our Names send greeting. 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 One Thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in the Words following, viz. "Articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Article I. The Stile 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, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Article IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, 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; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other State of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person guilty of, or charged with, treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the Governor or executive power of the state from which he fled, be delivered up, and removed to the state having jurisdiction of his offence.

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. For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, 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, for the remainder of the Year.

No State shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

Article VI. No State, without the Consent of the united States, in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conferrence, agreement, alliance, or treaty, with any King prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the united states, in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the united states, in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united States in congress assembled, with any king, prince, or State, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace, by any state, except such number only, as shall be deemed necessary by the united states, in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up, by any state, in time of peace, except such number only as, in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly

have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the united States in congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the united states in congress assembled, can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

Article VII. When land forces are raised by any state, for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made appointment.

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 value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the united states, in congress assembled, shall, from time to time, direct and appoint. 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 assembled.

Article IX. The united states, in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article - of sending and receiving ambassadors - entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever - of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united States, shall be divided or appropriated - of granting letters of marque and reprisal in times of peace - appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts; for receiving and determining finally appeals in all cases of captures; provided that no member of congress shall be appointed a judge of any of the said courts.

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; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority, or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of congress, to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as congress shall direct, shall, in the presence of congress, be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present, shall refuse to strike, the congress shall proceed to nominate three persons out of each State, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress, for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward: "provided, also, that no State shall be deprived of territory for the benefit of the united states.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the united states, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The united states, in congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states - fixing the standard of weights and measures throughout the united states - regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated - establishing and regulating post-offices from

one state to another, throughout all the united states, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office - appointing all officers of the land forces in the service of the united States, excepting regimental officers - appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united States, in congress assembled, shall have authority to appoint a committee, to sit in the recess of congress, to be denominated, "A Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction - 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; to ascertain the necessary sums of money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted, - to build and equip a navy - to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the united states; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the united states, in congress assembled; but if the united states, in congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states, in congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof nor ascertain the sums and expenses necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the united states in congress assembled.

The congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six Months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the Journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

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 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, is requisite.

Article XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

Article XII. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united States, for payment and satisfaction whereof the said united states and the public faith are hereby solemnly pledged.

Article XIII. Every 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 con-firmed by the legislatures of every state.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, Know Ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In Witness whereof, we have hereunto set our hands, in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth Day of July, in

the Year of our Lord one Thousand seven Hundred and Seventy eight, and in the third year of the Independence of America.

Answer Key

Chapter 1: Our First Constitution

1. A union of independent states that agree to act together for certain purposes while each keeps most of its own powers.

2. John Dickinson.

3. Congress approved them on November 15, 1777. They took effect on March 1, 1781, when Maryland ratified.

4. It wanted states with large western land claims, such as Virginia, to give those lands to the whole union first.

5. Any two of: a President, a national court system, the power for Congress to tax, the power to regulate trade between states.

Chapter 2: A League of Friendship

1. A union meant to last forever.

2. "The United States of America."

3. Each state kept its sovereignty. Congress got only the powers expressly, or clearly, delegated to it in the Articles.

4. "Expressly." Leaving it out suggests the national government under the Constitution is not limited only to powers spelled out word for word, though people have argued over how much it means.

5. An alliance or partnership. Article III created a "firm league of friendship" among the states.

Chapter 3: Neighbors, Not Strangers

1. The basic rights and protections that citizens enjoy. Article IV gave free inhabitants of one state the same ones in every other state.

2. Paupers, vagabonds, fugitives from justice, and anyone who was not free, meaning enslaved people.

3. Sending an accused person back to the state where they are charged with a crime.

4. A court judgment, marriage or property record from one state is honored in another state.

5. It gave Congress the power to pass laws on how those records are proved and what effect they have.

Chapter 4: One State, One Vote

1. The state legislature.

2. It could call them home and replace them at any time during the year.

3. No more than three years in any six-year period.

4. One.

5. By compromise: each state has two senators in the Senate, and the House gives more seats to states with more people.

6. So they could speak their minds in Congress without fear of being sued or punished for it.

Chapter 5: What the States Gave Up

1. Thirteen separate foreign policies would cause confusion and conflict; foreign affairs belonged to Congress.

2. Officials could not accept any present, payment, office or title from a foreign king, prince or country.

3. A body of ordinary citizens trained as part-time soldiers. Every state had to keep a well-regulated, disciplined and well-armed militia.

4. When it was actually invaded, or when an invasion was so close there was no time to consult Congress.

5. A government license letting a private ship owner attack and capture enemy ships.

Chapter 6: Paying the Bills

1. By the value of the land granted or surveyed in that state, along with its buildings and improvements.

2. Only the state legislatures.

3. A request from Congress to a state for its share of money. The states often didn't pay, and Congress had no way to force them.

4. It needed every state's approval. Rhode Island rejected it, and Virginia withdrew its approval.

5. The power to lay and collect taxes, duties, imposts and excises directly.

Chapter 7: What Congress Could Do

1. Any three of: deciding on war and peace, sending and receiving ambassadors, making treaties and alliances, setting the value of coins, fixing weights and measures, managing affairs with Native nations, running the post office, appointing military officers.

2. Congress served as the final court of appeal. A special court was formed by having each side strike names and then drawing judges by lot.

3. A committee of one delegate from each state that could act while Congress was in recess.

4. A member of Congress chosen to preside over its meetings, for no more than one year in three. He had no power to enforce laws.

5. In proportion to the number of white inhabitants in the state.

6. Nine.

Chapter 8: Canada, Old Debts and a Union Meant to Last Forever

1. It could not use any power that the Articles said required the agreement of nine states.

2. Canada could join just by agreeing. Any other colony needed nine states to agree.

3. That the union would pay all the debts Congress had taken on before the Articles took effect.

4. Approval by Congress and then confirmation by the legislature of every state.

5. It requires three-fourths of the states, not all of them.

Chapter 9: Why the Articles Failed, and What They Taught

1. Any two of: finishing the Revolutionary War, the Treaty of Paris of 1783, the Northwest Ordinance of 1787.

2. "There shall be neither slavery nor involuntary servitude in the said territory," except as punishment for a crime.

3. An armed uprising of indebted farmers and veterans in western Massachusetts in 1786-1787. It showed that the national government had no money or army to deal with a crisis.

4. That the states send delegates to a convention in Philadelphia in May 1787 to fix the national government.

5. He pointed to absolute necessity and self-preservation, and to the principle that government exists for the safety and happiness of society.

6. Any three of: a President, federal courts, the power to tax, the power to regulate trade, a two-house Congress, majority votes for most laws, and amendments with three-fourths of the states.

Glossary

Accoutred. Equipped, especially with military gear.

Adjourn. To end a meeting or session, either for a while or until a set time.

Alloy. A mix of metals, such as the metals used to make coins.

Amendment. A change or addition to a law or constitution.

Armory. A place where weapons are made or stored.

Bankrupt. Unable to pay one's debts.

Bills of credit. Paper money issued by a government, a promise to pay its value later.

By lot. Chosen by chance, such as drawing names from a hat.

Commissioner. A person given authority to represent a state or government for a particular task.

Confederation. A union of independent states that agree to act together for certain purposes while each keeps most of its own powers.

Defray. To pay for a cost.

Delegate. A person chosen to speak and act for others at a meeting.

Delegated. Handed over to someone else to use on your behalf.

Duty. A tax on goods, especially goods brought in from another country.

Embassy. An official mission sent by one government to another, or the ambassador and staff who carry it out.

Emit bills. To issue paper money.

Emolument. Payment, salary or profit from a job or office.

Executive. The part of a government that carries out and enforces the laws. Under the Articles there was no separate executive branch.

Expedient. Useful or practical for a particular purpose.

Expressly. Clearly and directly stated, not just implied.

Extradition. Sending a person accused or convicted of a crime back to the place that has the right to try or punish them.

Felony. A serious crime, usually punished by more than a year in prison.

Full faith and credit. The rule that each state must respect the laws, records and court decisions of the other states.

Garrison. To station troops in a fort or town to defend it.

High seas. The open ocean outside any country's waters.

Impost. A tax on goods brought into a place; a duty.

Ingress and regress. Going in and coming out; the freedom to enter and leave.

Inviolably. In a way that must never be broken or violated.

Journal. An official daily record of what a lawmaking body does.

League. An alliance or partnership of states or groups for a shared purpose.

Letter of marque and reprisal. A government license that allowed a private ship owner to attack and capture enemy ships in wartime.

Levy. To set and collect a tax.

Militia. A body of ordinary citizens trained as part-time soldiers who can be called up in an emergency.

Ordinance. A law or official order, especially one passed by a government body.

Pauper. A very poor person who depends on public charity to live.

Perpetual. Lasting forever; never ending.

Preside. To be in charge of a meeting.

Privateer. A privately owned ship, or its captain, licensed by a government to attack enemy ships.

Privileges and immunities. The basic rights and protections that citizens enjoy. Under the Articles and the Constitution, a citizen of one state gets them in every other state too.

Prize. An enemy ship or cargo captured at sea in wartime.

Public faith. The honor and trustworthiness of a nation in keeping its promises, especially to pay its debts.

Quota. A fixed share that each person or group must provide.

Ratify. To formally approve, making something official.

Recall. To call an official back and remove them from office before their term is over.

Recess. A break between meetings of a lawmaking body.

Regiment. A large military unit, usually commanded by a colonel.

Requisition. Under the Articles, a formal request from Congress to the states for money or soldiers. Congress could not force the states to pay.

Severally. Each one separately.

Sovereignty. Supreme power or final authority over a territory and its people.

Supersede. To replace something older with something new.

Term limit. A rule limiting how long a person may serve in an office.

Territory. Land belonging to the United States that is not yet a state.

Title of nobility. An inherited rank such as duke, earl or lord that sets a person above others by birth.

Treasury. The fund of money a government has to pay its bills, or the office that manages it.

Treaty. A formal written agreement between two or more countries.

Vagabond. A person with no home or job who wanders from place to place.

Viz.. An old abbreviation meaning "namely" or "that is."

Sources and Further Reading

These are the pages I checked while writing this book, in October 2026. Web addresses change, so if one stops working, search the site for the page title. They are listed by chapter.

Chapter 1: Our First Constitution

National Archives, Milestone Documents: Articles of Confederation (1777) (adopted November 15, 1777; "first constitution"; in force March 1, 1781 until 1789; Dickinson principal writer; one vote per state; Maryland ratified March 1, 1781; weaknesses; source of the transcript). https://www.archives.gov/milestone-documents/articles-of-confederation

National Archives: Lee Resolution (three parts; June 11, 1776, three committees, including one to "prepare and digest the form of a confederation"). https://www.archives.gov/milestone-documents/lee-resolution

Office of the Historian: Articles of Confederation, 1777-1781 (debate over voting and costs; western lands left unresolved; sent to states November 1777; ratification dates; Maryland and Virginia's western claims; weaknesses after 1781). https://history.state.gov/milestones/1776-1783/articles

Chapter 2: A League of Friendship

National Archives: transcript of the Articles of Confederation (source of all original text in this book). https://www.archives.gov/milestone-documents/articles-of-confederation

National Archives: Bill of Rights transcript (Tenth Amendment wording). https://www.archives.gov/founding-docs/bill-of-rights-transcript

National Archives: McCulloch v. Maryland (1819), text of the opinion. https://www.archives.gov/milestone-documents/mcculloch-v-maryland

Chapter 3: Neighbors, Not Strangers

National Archives: Constitution transcript (Article IV wording). https://www.archives.gov/founding-docs/constitution-transcript

National Archives: The Constitution: Amendments 11-27 (Thirteenth Amendment, ratified December 6, 1865). https://www.archives.gov/founding-docs/amendments-11-27

Chapter 4: One State, One Vote

National Archives: Constitution transcription (Article I, Sections 2 and 3). https://www.archives.gov/founding-docs/constitution-transcript

National Archives: The Constitution: Amendments 11-27 (Seventeenth Amendment, ratified April 8, 1913). https://www.archives.gov/founding-docs/amendments-11-27

Office of the Historian: Congress debated whether voting would be proportional or state by state, and chose state by state. https://history.state.gov/milestones/1776-1783/articles

Chapter 5: What the States Gave Up

National Archives: Constitution Art. I Sec. 9 ("without the Consent of the Congress, accept of any present, Emolument, Office, or Title") and Sec. 10 limits on states. https://www.archives.gov/founding-docs/constitution-transcript

Chapter 6: Paying the Bills

Office of the Historian: delegates agreed on tax burdens proportional to land values. https://history.state.gov/milestones/1776-1783/articles

Constitution Annotated (Congressional Research Service, as published by Cornell's Legal Information Institute): Art. I Sec. 8 Cl. 1, Historical Background of the Taxing Power (no national power to tax; requisitions ignored; 1786 requisition $3,800,000

asked, $663 collected; "Congress was bankrupt"). https://www.law.cornell.edu/constitution-conan/article-1/section-8/clause-1/historical-background-of-the-taxing-power

Constitution Annotated, official copy at constitution.congress.gov: ArtI.S8.C1.1.2, Historical Background on Taxing Power (footnote: "In the requisition of 1786, the last before the Constitution, Congress mandated that states pay $3,800,000, but it collected only $663"; confirmed by Andrew 2026-10-27). https://constitution.congress.gov/browse/essay/artI-S8-C1-1-2/ALDE_00013388/

Center for the Study of the American Constitution, University of Wisconsin-Madison: "America's First Proposed Federal Tariff: The Imposts of 1781 and 1783" (February 3, 1781 impost; Rhode Island rejection November 1, 1782; Virginia repeal; 1783 five percent impost; New York vote February 15, 1787; Madison's "definitive veto"). https://csac.history.wisc.edu/2025/04/08/americas-first-proposed-federal-tariff-the-imposts-of-1781-and-1783/

National Archives: Constitution, Art. I Sec. 8 (taxing power wording). https://www.archives.gov/founding-docs/constitution-transcript

Chapter 7: What Congress Could Do

National Archives: Constitution transcription (Article III, Section 2: controversies between two or more states; original jurisdiction where a state is a party). https://www.archives.gov/founding-docs/constitution-transcript

Office of the Historian: Congress created a Department of Foreign Affairs (January 10, 1781) and elected Robert R. Livingston Secretary (August 10, 1781). https://history.state.gov/milestones/1776-1783/articles

National Archives: "paper money was flooding the country, creating extraordinary inflation". https://www.archives.gov/milestone-documents/articles-of-confederation

Chapter 8: Canada, Old Debts and a Union Meant to Last Forever

National Archives: Constitution, Art. VI (debts "as valid against the United States under this Constitution, as under the Confederation"). https://www.archives.gov/founding-docs/constitution-transcript

Center for the Study of the American Constitution: amendments required unanimous approval of the state legislatures; Rhode Island and Virginia ended the 1781 impost, New York the 1783 impost. https://csac.history.wisc.edu/2025/04/08/americas-first-proposed-federal-tariff-the-imposts-of-1781-and-1783/

National Archives: the engrossed copy is six sheets of parchment; the last sheet bears signatures of delegates from all 13 states. https://www.archives.gov/milestone-documents/articles-of-confederation

Chapter 9: Why the Articles Failed, and What They Taught

National Archives, Milestone Documents: Treaty of Paris (1783) (signed September 3, 1783; Adams, Franklin and Jay; recognized independence; Mississippi boundary). https://www.archives.gov/milestone-documents/treaty-of-paris

National Archives, Milestone Documents: Northwest Ordinance (1787) (adopted July 13, 1787; three to five states; rights; schools; Art. 6 on slavery; plan used westward). https://www.archives.gov/milestone-documents/northwest-ordinance

Office of the Historian: Congress lacked authority to enforce the Treaty of Paris debt clause; many states ignored it; British forces kept occupying Great Lakes forts; Georgia's own policy toward Spanish Florida; Shays' Rebellion convinced leaders a stronger government was needed. https://history.state.gov/milestones/1776-1783/articles

Constitution Annotated: requisitions and the 1786 figures. https://www.law.cornell.edu/constitution-conan/article-1/section-8/clause-1/historical-background-of-the-taxing-power

National Archives: Articles of Confederation (1777), on the weaknesses that led to the Constitutional Convention. https://www.archives.gov/milestone-documents/articles-of-confederation

George Washington's Mount Vernon: Shays' Rebellion (1786-1787; debts and land seizures; veterans owed pay; Regulators; Springfield armory January 25, 1787; about 1,500 rebels; four killed and twenty wounded; Governor Bowdoin; about 1,200 militia under Benjamin Lincoln funded by private merchants; most pardoned; effect on the Convention and on Washington). https://mountvernon.org/digital-encyclopedia/article/shays-rebellion

Founders Online (National Archives): Address of the Annapolis Convention, September 14, 1786, with editorial note (meeting dates, five states present, Hamilton as drafter per Madison, call for a Philadelphia meeting "on the second Monday in May next"). https://founders.archives.gov/documents/Hamilton/01-03-02-0556

The Founders' Constitution (University of Chicago Press): The Federalist No. 43, January 23, 1788 (Cooke edition), Madison on replacing the Confederation without unanimous consent. https://press-pubs.uchicago.edu/founders/documents/a7s10.html

U.S. Government Publishing Office, Ben's Guide: ratification dates (New Hampshire, the ninth state, June 21, 1788). https://bensguide.gpo.gov/j-states-ratification

National Archives: Constitution transcript (Preamble; Art. I Secs. 2, 3, 8; Art. II Sec. 1; Art. III Sec. 1; Art. V). https://www.archives.gov/founding-docs/constitution-transcript

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