Articles of Confederation Weaknesses and Constitutional Legacy

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Introduction

The thirteen states of America fought the 'War of Independence' with the British in order to achieve complete freedom from British colonial rule. The war, which was declared in 1775, came to an end with the victory of the American states in 1783. During this war period, the American states decided to form their own Constitution, and therefore, the task was assigned to the committee presided by John Dickinson with the aim to draw up Articles of Union. This Committee under Dickinson reported on July 12, 1776, to plan the Articles of Confederation and the Perpetual Union. The plan was debated in Congress for over a year. In 1777, these articles were transmitted to the various states for ratification. The ratification was completed on March 1, 1781, when Maryland conveyed its approval. The Articles of Confederation had a total of 13 Articles focusing on the system of government and the basic structure of the administration of the United States. The document had many weaknesses, which caused it to be replaced by the current Constitution of the U.S.

Discussion

Explanation of the Articles

Article I

The first Article of the Articles of Confederation is the most important article as it gives the country its name. The country was announced as a confederation whose name was "United States of America."

As simple as it seems, this article is an important part of the history of the U.S. because it officially uses the name "United States of America" for the first time. Another key point is the use of the term 'United States.' The name connects and binds the 13 states together.

Article –II

Article II of the Articles of Confederation gives each state its sovereignty, freedom, and independence. The article indicates that the states will be given complete authority to run their matters separately.

The article also states that all those powers, rights, and jurisdictions on matters that are not being explicitly mentioned or delegated to the central power will, by default, be the authority of the states.

The major positive aspect of this article is that it avoids large changes to the trade policies, currencies, and other matters for the states. Although the same can be stated as to be having a bad impact on the country as a whole, it bailed out the states from big losses because, had the policies been shifted to uniformity, a sudden fluctuation in the trades and businesses would have occurred, and the states might have had in the initial years of the U.S acted in rebellion to the policies. Granting full freedom to the states made them happy.

Article III

This article states the bond of friendship among the states of America, mainly focusing on the combined defense, the security of their right to freedom, and the welfare in general. The states are being addressed by the article, announcing that they are bound to each other to assist one another against all kinds of enemies. The article also accounts for the unity of the states on account of religious sovereignty, trade, or any other matter that may affect them individually or separately.

The article shows a strong intent of keeping all the states together. This article doesn't have many weaknesses as its sole focus is on the common defense of all the states as a whole nation. However, the article doesn't address the situation when a state would possibly reject participation in the case of common defense. No strong policy is being presented in that particular case in this article.

Article IV

Article 4 of the 1st constitution of America covers the subject of the rights, duties, and privileges of the citizens of the U.S. The article starts by urging the citizens of all the states to have friendly mutual relations among themselves through whichever of the states they represent. It then announces that the free inhabitants of all the states or areas will be given all the privileges and immunities of free citizens in several states. The people also have the right to form another state and are assured of all the privileges to carry out trade and commerce.

The article also highlights some of the actions of the citizens that are considered violations of the country's policies. Certain restrictions will be applied to the property trade in order to keep the rights of the inhabitants intact. The acts of felony or treason or any other similar action, better or worse, shall not be tolerated by the government, and the doer will be bound to jurisdictions by the executive

powers. Article 4 also says that the records or acts or judicial proceedings in any of the states will be fully trusted and credited, highlighting the intention of building a trusting relationship between the national government and all the states.

In the entire document, only this article addresses the general public of the United States of America. It gives the people their rights and affirms their privileges, and it also tells them about cases where they would be held accountable by the central power.

The article does not necessarily mention any power of the government in the enforcement of the rights and privileges of the people, nor does it mention the law and order system of the National government, which would act against crimes.

This article also doesn't mention the slaves in the States because it doesn't recognize them as citizens.

Article V

According to Article 5 of the Articles of Confederation, an annual meeting would be held in the Congress on the first Monday of November, with all the states participating in the meeting having at least two members and a maximum of seven members for each state. The article also declares the authority of the states to recall or change their delegates. The delegates would not be allowed to participate in more than three meetings in a term of six years, nor would any person being a delegate hold any office under the U.S., which would be paying him a salary.

The article also calls for the authority of the states to maintain its own delegates in a meeting of the states. Each state is given one vote to determine its opinions on matters. Freedom of speech in Congress would not be objected to, and the members of Congress would be given complete protection from any law and order conflict unless it is due to the commitment of treason or felony or the breach of peace.

Article VI

Article VI of the Articles of Confederation of the United States focuses on the power limitation of the States. States are not allowed to engage in the sending or receiving of any embassies with a foreign country or ruler. The U.S. officials are also banned from receiving any titles or honors of nobility from foreign countries or from the states or the US government itself, according to this article. If two states want to form a treaty or a sort of alliance with each other, they must inform the U.S. Congress about the idea behind it and the date it would come to a conclusion. The States are not allowed to impose taxation policies that clash with the treaties signed with France and Spain. The article also states that the States are required to keep their military force properly regulated at all times and should not keep a standing army unless it is for the case of garrisoning of a fort. The states are also disallowed from

engaging in any sort of war without Congress's consent unless it is a case of invasion or the state is about to be invaded by the Indians.

This article takes the right of the states to get into foreign relations individually with the other states. The act was a wise choice by the constitution makers because it saved the country from any sort of monarchy. The U.S. was a progressive as a whole unit and had big enemies in British who would do anything to hurt the country. Therefore, the act of states not being given the power to get into foreign relations with other countries was an overall positive.

Article VII

This article focuses on the implementation of the point of common defense addressed in Article III. It states that in case of a need for common defense, all the officers of Colonel Rank or under that will be appointed by the administration of each state, respectively, the purpose of which would be to raise the forces for each state. The vacancies may also be filled in the direction of the state by the state that first issued the appointment.

This article gives the power of using the military to the states without much authorization or leadership from the National government. The act is a bad choice because it would make the assembling of the whole army a very difficult and long process at the time of an invasion.

Article VIII

This article addresses the formation of a national treasury that would deal with all the expenses of war or other National matters. The States would pay taxes proportional to the value of the land of each. The states are also given the responsibility of collecting taxes and sending them to the national government.

This article gives most of the power and authority to the states as the collection of taxes is made the responsibility of the states. In this article, the national government becomes dependent on the states for money to exercise authority and other important matters.

Article IX

Article IX of the Articles of Confederation is the longest of the articles and addresses many major matters like foreign affairs, wars, treaties, laws of the seas, and the formation of armies. The article defines the powers of Congress, stating that Congress will have the sole right to wage war or form peace. The article also states that Congress has the authority to all foreign policies like sending or receiving of ambassadors, signing of treaties or entering into alliances, decision on the method of division of the prizes collected from war, granting of letters of marque or reprisal and appointment of the courts for dealing with sea crimes and captured prizes.

The article also suggests that the matters and disputes among the states will be dealt with by the respective states, but if they fail to do so, Congress will act as the court of last resort. The Congress would also be responsible for setting measurement standards, regulating the value of the coins, regulating trade affairs (especially the Indian trade matters), establishing and regulating post offices, and making rules to govern the army and navy. The article also states that the appointment of the executive would be made to exercise powers in case of a recession of Congress.

The Congress would also have the authority to determine the money it requires, loan money, build and control the navy, and develop an army representation quota for each state. The raising of the army officers and soldiers is the responsibility of the state.

The article at the end marks the authority of Congress as it states that Congress would not act on any of the matters it is accountable for without the consent of at least nine states. Therefore, the delegates of the states would vote on all the acts of the Congress, and the Congress would be only entitled to the matters passed by the majority of the states. Congress would also be required to record and publish all its proceedings.

Article X

This article gives the executive committee of the states the authority to take care of matters in the recess of the Congress with the same powers as the ones exercised by the Congress itself during the annual assemblies. The power will be given to the executive committee as long as it doesn't act without the consent of at least nine of the thirteen states.

This article, although it is overall fine, doesn't address the appointment of the executive authority, nor is it a strong solution to the regression of Congress because of important matters like foreign policy or other administrative authorities dependent on Congress.

Article XI

This article puts forward the idea of Canada joining the U.S. Confederation by expressing that if Canada wishes to join the U.S., it may join with complete advantages that are entitled to the Union. It also says that if the other colonies wished to join the Confederation of the U.S., they would only be given the same privileges if at least nine states agreed with it.

This article was a smart step towards engaging Canada to join the U.S., and it would benefit the U.S. a lot if Canada joined.

Article XII

According to Article XII of the Articles of Confederation of America, all the debts that the Congress had

before the formation of the country will now be the responsibility of the newly formed United States of America.

This article was also defective because, as far as the tax collection was concerned, it was the responsibility of the states. Therefore, paying off debts through the center was a difficult task.

Article XIII

This article declares that all the decisions of the United States in the assembled Congress would be respected by every state. The states will be entitled to act in accordance with the decisions made by Congress. The article also defines the strength of the Union. It states that the Union will stand perpetually with no room for any sort of exception or alteration unless it is being done by Congress and accepted by the Legislatures of all States.

Article XIII then concludes the Articles of Confederation by inferring that all the articles and all the things stated in this document must be accepted in the complete sense in order to ratify it as the Constitution of the U.S. The states and the central power would be entitled to act in accordance with the thirteen articles of this constitution.

Weaknesses And The Absences Of The Articles Of Confederation As A Constitutional Document

Article II declared all the powers of the states, giving a weak authority to the central government. In other words, the center was declared weak, and the states were declared strong in authority. The problem with this was that a weak central government could never hold the 13 powerful states together. In case of any issues or differences, the states would’ve easily opted for separation because of all the authority they had.

George Washington, who was the Commander in Chief of the War of Independence of America and the first President of the United States of America, called the Articles of Confederation a ‘rope of sand’ mainly due to the weak central government and no strong authority with the center.

The Constitutional document also lacked an effective executive authority. The President of the Congress was the only person responsible for the proper working of the Congress without having been vested with any strong executive powers. Congress also had a secretary for finance and a secretary for foreign affairs, but they were merely appointed as agents of Congress and had no authority to take the initiative or propose any effective administrative measures.

The Articles of Confederation also didn’t assign any judicial powers to Congress. Therefore, the judicial system was weak, and those violating the laws wouldn’t be addressed or punished. The document also lacked the separation of powers of the U.S., with no mention of the division of the judiciary,

military, and government nor any proper mention of their powers and responsibilities. All the judicial, military, and local policy matters were given to the states by the Constitution.

The Congress assembly representation and voting criterion were also weakly defined as the general public was not given any representation with all the voting or representation authority vesting with the States. No matter what the population or area of the State would be, it could only necessarily have one vote.

The responsibility for tax collection was given to the states by Article VIII. This was a majorly flawed decision because Congress had to depend upon the States for money. This policy would also enable the states to commit violations in paying taxes because the states could not be properly controlled by the national government in terms of accountability or in case of any other matter.

The trade and commerce freedom was given to each of the States. This would create the problem of having non-uniform trade systems. All the states would have different laws and different policies of trade and commerce as they would also compete with each other in it. The absence of the mention of establishing a uniform system of trade and commerce was another problem.

Another major problem with this document is the absence of the unification of the currency of the United States. The currency of each state was different, which made it even more difficult to keep the states together or manage the states from the center altogether.

The lack of power to enforce law and order from the center was the biggest defect in the Articles of Confederation. The Congress had no force with itself to act upon a rebellion or an interstate conflict. The states also had the right to separate from the country if they wanted, which would make the unity of the country vulnerable in the future (Alexis, 2015).

Finally, another major problem with the Articles of Confederation is that it would not be changed until a majority of the States voted for its change. So, the faults in the Constitution and the presence of a weak National government would stand.

Conclusions

The Articles of Confederation was the first constitutional document of America. It was a highly unpopular document due to a lot of defects and weaknesses it carried. However, it had some positive influences, like officially giving the name “United States of America” to the country and providing a stepping stone for the second and current constitution of America. The Constitution was mainly criticized because it gave no authority to the central government, and even if there was authority given to a matter, the center had no power to enforce or exercise its authority. The article had a major flaw in the absence of separation of powers of the country, and the currency, trades, and tax policies put forward by the document were also very weak and insufficient. Therefore, a new Constitution Committee was formed in 1876 called the ‘Philadelphia Convention on Constitution

Making,’ which gave the final draft of the Constitution in 1787. The Constitution was finally ratified in 1788 and has since been the official Constitution of America.

References

Articles of Confederation. (2018). Ushistory.org. Retrieved 21 April 2018, from https://www.ushistory.org/documents/confederation.htm

Alexis, D. T. (2015). DEMOCRACY: In America (Classic Reprint). FORGOTTEN BOOKS.