

“The Articles and the Constitution”

Weaknesses of the Articles	How Overcome by Constitution
1. States were sovereign	People of the whole nation were made sovereign. A federal union from which succession was impossible was created, and the Federal Constitution and laws were made the Supreme law of the land.
2. No independent executive	Article II provides for President chosen indirectly by the voters. President is given “the executive Powers”; he is made Commander in Chief of the Army and Navy, and he may take all steps necessary to see that laws are faithfully executed.
3. No Federal courts. Federal laws enforced by state courts.	Separate system of Federal provided by Article III with authority to enforce Federal laws and annual state laws inconsistent with Federal Constitution of laws.
4. No power to collect taxes.	Article I, Section 8, gives Congress power to regulate commerce with foreign nations, among the several states, and with Indian tribes.
5. No power over interstate and foreign commerce.	Article I, Section 8, empowers Congress to “lay and collect taxes, duties, import and exercises.”
6. Congress an assembly of delegates who were chosen by state legislatures, were expected to vote as instructed and could be recalled.	Congress composed of representatives who have definite tenure and can act in any manner they choose.
7. Articles could be amended only by consent of all the states.	Constitution can be amended with approval of three-fourths of states.
8. Congress had only specifically delegated powers.	Congress given implied, as well as delegated powers
9. Central government could not act directly upon people.	Central government exercises its power directly upon the people and concurrently with state governments.

Plans before the constitutional convention*

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<p>Randolph, Virginia</p> <p>Bicameral One house popularly elected; second chosen by first from nominees of state legislatures</p> <p>Voting based on money contributions or free population or both Powers of Congress broad</p> <p>Single executive chosen by Congress for one term only</p> <p>Authority to execute laws and exercise executive rights invested in Confederation Congress</p> <p>Supreme and inferior courts; judges appointed by Congress for life; Council of Revision to exercise a suspensive veto over acts of the natural and state legislatures.</p> <p>Federal government to admit new states and guarantee republican forms of government; Federal government to regulate state laws incompatible with Union; also to use force against any state failing to fulfill its duty.</p>	<p>Paterson, New Jersey</p> <p>I. <u>Legislative</u> Unicameral Delegates to be chosen by state legislatures</p> <p>Each state one vote</p> <p>Powers of Congress enlarges; states to collect taxes but Congress to act if states default.</p> <p>II. <u>Executive</u> Plural executive chosen by Congress for one term only</p> <p>Authority to execute laws, appoint, direct military operations.</p> <p>III. <u>Judicial</u> Supreme Court only, judges appointed by plural executive for life</p> <p>IV. <u>Federal-State Relations</u> Acts of Congress and treaties “Supreme law of the respective states,” conflicting state laws forbidden; Federal executive to use force against noncooperative states.</p>	