

**The Articles vs. The Constitution**  
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**Lesson Focus and Context:** This lesson has students analyze the Articles of Confederation and practice summarizing information. Additionally, it demonstrates how we can analyze political systems in history. Through a comparison of the Articles and Constitution, students will be able to recognize and understand why the Articles of Confederation were ineffectual for the government of the United States. This activity also provides the teacher with differentiation and formative assessment strategies to measure student understandings of Federalism, the Branches of Government, and Checks and Balances.

**Essential Question(s):** What political system was the Articles of Confederation? How were the Articles of Confederation different from the Constitution? What political system is our government today? How did the framers balance state and federal powers? What are the three branches of government and how is power divided between the three?

Lesson Sequence and Understandings:

- 1) What do historians do when they examine the political aspects of a civilization and society? Turn to the “what is government?” handout to guide the lesson.
- 2) Discuss how the “what is government?” handout applies to our system of government.
- 3) Now, let us look at what was here before our current system. Try to get a sense of how many students know that there was a government before the Constitution, and see if they know what it was.
- 4) Hand out the Articles of Confederation primary source document analysis note cards. This is a practice in summarizing information and its meaning. Try to condense the information from each article into text form. Go over Article I as a class.
- 5) While work is being done on summaries, hand out the Political Analysis worksheet. When the pair has finished their summary for their article, they can begin filling out the worksheet with information they already know. When everyone is finished, have each group present their summary. While the class is presenting, students can work on the analysis worksheet.
- 6) Go over the analysis worksheet together. Try to get a sense of what type of system the Articles were and what problems they presented.
- 7) View the Constitution Powerpoint and try to complete the political analysis worksheet. Go back and discuss the questions again in how they relate to our current system.

I’m including in this packet a series of documents that I use for our Constitution unit. They include handouts I use for assessment and practice and can help with differentiating classroom instruction. We will take some time to use the folders today, and as you can see they are easy and cheap to make.

# **What is Government?**

**When studying the POLITICAL aspects of a society, look for clues that answer these questions:**

- Who or what makes the laws?**
- Who or what enforces laws?**
- What happens to people who break the laws?**
- How do people know what the laws are?**

**Articles of Confederation**  
**Primary Source Document Analysis (i.e. Understanding difficult texts!)**

**EXAMPLE:**

<b>Article I Text</b>	<b>Summarize its meaning</b>
The stile of this confederacy shall be, “The United States of America.”	The states that signed the Articles are agreeing that they will come together as allies, but each state will remain separate politically and economically from the whole. This type of government was put into place because of the fear of having a strong central government, but after a short time, it proved very ineffective and the framers realized it was necessary to revise the Articles. While they came together to revise the articles, they left with a whole new system of government—the Constitution.
<b>Definitions and Discussion Items</b>  <b>Stile:</b> Style or type of <b>Confederacy:</b> Union of separate political organizations that come together for some common purposes; a league	

<b>Article III Text</b>	<b>Summarize its meaning</b>
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 them-selves 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.	
<b>Definitions and Discussion Items</b>  <b>League</b>  <b>Defence</b>	

<b>Article VII Text</b>	<b>Summarize its meaning</b>
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.	
<b>Definitions and Discussion Items</b>	

<b>Article II Text</b>	<b>Summarize its meaning</b>
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.	
<b>Definitions and Discussion Items</b>	
<b>Sovereignty</b>	
<b>Jurisdiction</b>	

<b>Article XI Text</b>	<b>Summarize its meaning</b>
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.	
<b>Definitions and Discussion Items</b>	

Article V Text	Summarize its meaning
<p>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, ... 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, ... 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 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 ... 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.</p>	
Definitions and Discussion Items	

Article VIII Text	Summarize its meaning
<p>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... shall be defrayed out of a common treasury, which shall be supplied by the several States, ... The taxes for paying that proportion [of property and improvements] 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.</p>	
Definitions and Discussion Items	

Article VI Text	Summarize its meaning
<p>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 conference, agreement, alliance, or treaty, with any King, prince or State; ... No two or more States shall enter into any treaty, confederation, or alliance whatever, between them ... No State shall lay any imposts or duties, which may inter-fere with any stipulations in treaties, ... No vessels of war shall be kept up in time of peace, by any State, except ... 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 ... 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... and shall provide and constantly have ready for use... a 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 ... unless such State be actually invaded by enemies, or... by some nation of Indians to invade such State, and the danger is so immi-nent ... nor shall any State grant commissions to any ships or vessels of war... except it be after a declaration of war by the united States...</p>	
<p>Definitions and Discussion Items</p>	

Article IV Text	Summarize its meaning
<p>The better to secure and perpetuate mutual friendship ... of the different States in this union, the free inhabitants of each of these States, ...shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, ... 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 ... be delivered up, ...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.</p>	
Definitions and Discussion Items	

Article X Text	Summarize its meaning
<p>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.</p>	
Definitions and Discussion Items	

Article XII Text	Summarize its meaning
<p>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.</p>	
<p>Definitions and Discussion Items</p>	

Article XIII Text	Summarize its meaning
<p>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 inviol-ably 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.</p>	
<p>Definitions and Discussion Items</p>	



Article IX Text	Summarize its meaning
<p>The united States, in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, ... 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 ... The united States... shall also be the last resort on appeal, in all disputes ... between two or more States concerning boundary, jurisdiction, or any other cause whatever and... for disputes respecting territorial jurisdiction between different States.</p> <p>The united States... shall have the sole right of regulating the alloy and value of coin struck by their own authority... 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 ...</p> <p>The united States, in congress assembled, shall never engage in a war... nor enter into alliances, nor coin money, nor regulate the value nor ascertain the sums and expenses necessary for the defence, 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.</p> <p>The congress of the united States shall ... publish the journal of their proceedings monthly ... when it is desired ... at his or their request, shall be furnished with a transcript of the said journal ... to lay before the legislatures of the several States.</p>	
Definitions and Discussion Items	

## **Articles of Confederation Summary Guide**

Article I: Establishes a confederacy as the political form of the new government.

Article II: Each state retains their own independence, but they agree to come together as a whole and be allies/friends. This is a permanent union between the states, but each state will maintain their own affairs as an independent political unit. If a power has not been granted to the U.S., then it is the responsibility of the state.

Article III: The states enter into this union for the primary purpose of protecting their independence. They will come to the aid of one another if a state is attacked.

Article IV: People who live in each state are not restricted from moving and doing business in another state. If someone is convicted of a crime in one state and they go to another and are caught, that state has to return them. Each state will have their own court systems and laws and those decisions will be recognized by the other states.

Article V: Only one vote is allowed per state, but states can send 2-7 delegates. The delegates have to be decided each year and a delegate cannot serve for more than 3 years in a 6-year period. Delegates can't hold any other office in which they are paid. They are also protected in that they can't be arrested while going to Congress (unless for treason, felony, or breach of the peace) and their freedom of speech is protected.

Article VI: This article outlines the powers denied to the states. States are not allowed to carry on their own foreign relations independent of the government. They can't make trade agreements that go against treaties that Congress has already established. A state can't maintain a Navy or troops unless Congress has established what is needed to protect the state. States have to maintain a militia and have supplies for them. States cannot declare war without the permission of Congress (unless they are invaded by Indians or have a surprise attack in which they can't wait for permission from Congress to defend themselves).

Article VII: When states are raising their army, they can appoint the colonels and lesser officers however they choose.

Article VIII: If Congress declares war, the common treasury has to pay for it and the states will supply to the common treasury based on the taxes the state raises as they set in their own legislatures. (The government of the U.S. does not have the ability to raise taxes. They must depend on the states to supply the treasury.)

**\*\*Article IX:** The primary power Congress has is the right to declare war (except for circumstances listed in Article VI). Congress is the head of state and deals with all foreign relations. Congress has the power to set up temporary courts to resolve conflicts between states or resolve disputes over territories claimed by both states. Congress determines weights and measures (basically a standardized system for trade), including the amount of metal used in coins and the worth of the coins, but the states mint them. Congress can regulate trade and will deal with Indians as long as they do not infringe upon the states. Congress cannot do anything –war, coin money, borrow money, raise an army, etc., **UNLESS** nine of the thirteen states agree.

Article X: The committee of the states has the authority to act in the place of Congress when they are not in session. They can't adopt additional powers while Congress is in session, and have to have the agreement of 9 states if they take on powers while Congress is not in session.

Article XI: This article deals with accepting Canada as a state if they declare independence from Britain. The key to this article is that it sets the precedence for how additional territory will be accepted into the union. A sovereign territory can enter as a state and is not taken as a colony. Also, Britain was still a great threat and the framers would have loved to have Britain out of the picture in North America.

Article XII: In regards to the debt of Congress, the United States is acknowledging that the money borrowed by the Continental Congress to gain independence will be repaid and is the debt of the United States (however, there is no plan spelled out on how it will be repaid).

Article XIII: Delegates who sign the Articles of Confederation also bind the states to follow the rules and regulations included in the Articles and decided upon by Congress. The union is perpetual and the only way to revise the articles is if Congress and the legislatures of each state agree. (When states and people were not concerned about threats to their safety, they were very lax in their commitment to the Articles of Confederation.)

Problems with the Articles....

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1777-1789

- The first government of the U.S. was a decentralized league of states.
- From the beginning there were many problems with the Articles of Confederation. Radical Revolutionaries were forced to re-think their ideas on government and, while they initially met to revise the Articles, they ended up drafting a whole new system.

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Problems with the Articles

- The Articles of Confederation did not give Congress the right to
  - Force states to give money to the national government
  - Manage trade between states
  - Set tariffs
- There was no executive—just an executive committee that governed when Congress was not in session (poor attendance for both!)
- There was only 1 house and each state received 1 vote. 9 of 13 states were needed to enact legislation.
- There was no judicial system. Congress only established temporary courts as needed.

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## Understanding Our Constitution




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## Essential Questions



- How did the framers of the Constitution try to balance state and federal powers?
- What are the three branches of the federal government and what are the requirements for membership in each branch?
- How is power divided between the three branches of government?

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## Federalism



- Under the Federal system, the national government is sovereign, but different political entities (states) within are granted powers.
  - **Delegated Powers** are powers granted to the federal government. These include the elastic Clause: Article I, section 8—Congress can “make all laws which shall be necessary and proper.”
  - **Reserved Powers** are “reserved” for state governments and their citizens. They include the creation of local governments and holding elections. States control education and trade within their borders
  - **Concurrent Powers** are shared by both the federal and state governments.

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# Separation of Powers

DESIGNED TO BALANCE EACH BRANCH  
AGAINST THE OTHERS

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## Article I: Legislative Branch

- **Bi-Cameral means 2**
  - House of Representatives
  - Senate

### Responsibilities

- Makes the laws
- Each house of Congress carries out most work in committees

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## House of Representatives

- U.S. Census every 10 years determines the number
- Apportionment: No state can gain unless another state loses one
- Represents a district of voters in a state
- The leader of the House of Representatives is the Speaker of the House

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### Senate

- Senate: represents the interest of the entire state
- There are 2 senators per state
- Vice President of the U.S. is President of the Senate
- Does not join in debates, but can cast a vote to break a tie
- If the VP is absent, president pro tempore leads the Senate

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### Article II: Executive Branch

#### Responsibilities

- President is responsible for enforcing and carrying out the laws of Congress
  - 14 executive departments do the president's work
  - Department heads are chosen by the President and Congress approves
  - Secretaries of each department make up the cabinet and advise the president
- Commander in chief of armed forces (can send in troops, but only Congress can declare war)

#### Checks

- President can veto laws Congress passes
- House of Representatives can impeach the president for acts of "treason, bribery, or other high crimes and misdemeanors"
- Can issue an Executive order: Command with the power of law

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### Article III: Judicial Branch

#### Responsibilities

- Interprets the Laws
- Supreme Court is highest
- Hear cases regarding constitutional/public interest issue (many cases, but only a few are picked)
- 9 Justices
- Lead justice is called the Chief Justice

#### Checks

- Can decide if a federal or state law is unconstitutional
- President appoints courts

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# Articles of Confederation vs. the Constitution

Articles of Confederation	Constitution
<b>Executive Branch</b> <ul style="list-style-type: none"> <li>• No executive to administer/enforce legislation</li> <li>• Congress has sole authority to govern</li> <li>• Executive committee to oversee government when Congress out of session</li> </ul>	<b>Executive Branch</b> <ul style="list-style-type: none"> <li>• President administers and enforces federal laws</li> </ul>
<b>Legislative Branch</b> <ul style="list-style-type: none"> <li>• Unicameral (1 house legislature)</li> <li>• Each state has 1 vote regardless of population</li> <li>• Nine votes (of original 13) needed to enact major legislation</li> </ul>	<b>Legislative Branch</b> <ul style="list-style-type: none"> <li>• Bicameral (2 house legislature)</li> <li>• Each state has equal representation in Senate</li> <li>• Each state represented according to population in the House</li> <li>• Simple majority to enact legislation</li> </ul>
<b>Judicial Branch</b> <ul style="list-style-type: none"> <li>• No national court system</li> <li>• Congress established temporary courts to hear cases of piracy</li> </ul>	<b>Judicial Branch</b> <ul style="list-style-type: none"> <li>• National court system headed by Supreme Court</li> <li>• Courts hear cases involving national laws, treaties, and constitutionality as well as cases between states or between a state and citizens of another state.</li> </ul>
<b>Other Matters</b> <ul style="list-style-type: none"> <li>• Admission to confederacy by 9 votes (of original 13)</li> <li>• Amendment to Articles by unanimous vote</li> <li>• States retain independence</li> </ul>	<b>Other Matters</b> <ul style="list-style-type: none"> <li>• Congress to admit new states (must have a republican government)</li> <li>• Amendment to Constitution by 2/3 vote of both houses or by national convention, followed by ratification by 3/4 of the states</li> <li>• States accept Constitution as the "Supreme Law of the Land"</li> </ul>

# Articles of Confederation

## Constitution

No executive to administer/enforce legislation

Congress has sole authority to govern

Executive committee to oversee government when Congress out of session

Unicameral (1 house legislature)

Each state has 1 vote regardless of population

Nine votes (of original 13) needed to enact major legislation

Congress established temporary courts to hear cases of piracy

Amendment by unanimous vote

States retain independence

President administers and enforces federal laws

Bicameral (2 house legislature)

Each state has equal representation in Senate

Each state represented according to population in the House

Simple majority to enact legislation

National court system headed by Supreme Court

Amendment to Constitution by 2/3 vote of both houses or by national convention, followed by ratification by 3/4 of the states

States accept as the "Supreme Law of the Land"



**Articles of Confederation vs. Constitution**

Who/What makes the laws? What does the system look like? Describe it.

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Who/What administers laws in this system? What does it look like?

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What happens to people who break the laws? How does the government help solve problems when people and political systems do not get along? \_\_\_\_\_

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In regards to the body that enforces laws in this system, what does it look like? \_\_\_\_\_

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**Comparing the Articles to the Constitution: Branches of Government**

	Articles of Confederation	Constitution
Executive Branch		
Legislative Branch		
Judicial Branch		

# **Activity Folders and Additional Review Materials**

**Federal**

**State**

**Shared**

**Delegated**

**Reserved**

**Concurrent**

# Federalism

**Delegated Powers:** Powers granted to the federal government

- (Elastic Clause: Article I, section 8: "Make all laws which shall be necessary and proper")

**Reserved Powers:** Powers reserved for state governments and citizens

- Create local governments and hold elections
- States control education and trade within their borders

**Concurrent Powers:** Powers the federal government and state governments share

## **Powers Delegated to the National Government**

- Declare war
- Maintain armed forces
- Regulate interstate and foreign trade
- Admit new states
- Establish post offices
- Set standard weights and measures
- Coin money
- Establish foreign policy
- Make all laws that are necessary and proper for carrying out delegated powers

## **Shared Powers (Concurrent)**

- Maintain law and order
- Levy taxes
- Borrow money
- Charter banks
- Establish courts
- Provide for public welfare

## **Reserved to States**

- Establish and maintain schools
- Establish local governments
- Regulate business within state
- Make marriage laws
- Public safety
- Assume other powers not delegated to the national government or not prohibited to states

# Delegated

# Reserved

# Concurrent (Shared)

Declare war

Maintain armed forces

Regulate interstate and foreign trade

Admit new states

Establish post offices

Set standard weights and measures

Coin money

Establish foreign policy

Levy taxes

Maintain law and order

Borrow money

Charter banks

Establish courts

Provide for public welfare

Establish and maintain schools

Establish local governments

Regulate business within state

Make marriage laws

Public safety

Assume other powers not delegated to the national government or not prohibited to states

Make all laws that are necessary and proper for carrying out delegated powers

# **The Branches of Government and their Responsibilities**

## **Legislative Branch (Congress)**

- Writes the laws
- Confirms presidential appointments
- Approves treaties
- Grants Money
- Declares War

## **Executive Branch (President)**

- Proposes laws
- Administers the laws
- Commands armed forces
- Appoints ambassadors and other officials
- Conducts foreign policy
- Makes treaties

## **Judicial Branch (Courts with the Supreme Court as the highest level)**

- Interprets the Constitution and other laws
- Reviews lower-court decisions

# **Legislative**

# **Executive**

# Judicial

Writes the laws

Confirms presidential appointments

Approves treaties

Grants Money

Declares War

Proposes laws

Administers the laws

Commands armed forces

Appoints ambassadors and other officials

Conducts foreign policy

Makes treaties

Interprets the Constitution and other laws

Reviews lower-court decisions

# Legislative

# Executive

# Judicial

Writes the laws

Confirms presidential appointments

Approves treaties

Grants Money

Declares War

Proposes laws

Administers the laws

Commands armed forces

Appoints ambassadors and other officials

Conducts foreign policy

Makes treaties

Interprets the Constitution and other laws

Reviews lower-court decisions



# **Branches and Checks**

## **Legislative Checks on Executive**

- May impeach the president
- May reject appointments
- May reject treaties
- May withhold funding
- May override a veto
- \*May reject appointments to the Supreme Court (also a check on judicial)

## **Legislative Checks on Judicial**

- May propose constitutional amendments to overrule judicial decisions
- May impeach Supreme Court justices
- \*May reject appointments to the Supreme Court (also a check on executive)

## **Executive Checks on Legislative**

- May adjourn Congress in certain situations
- May veto bills

## **Executive Checks on Judicial**

- Appoints judges

## **Judicial Checks on Executive**

- May declare executive actions unconstitutional

## **Judicial Checks on Legislative**

- May declare laws unconstitutional

### **Legislative Branch (Congress)**

Writes the laws  
Confirms presidential appointments  
Approves treaties  
Grants Money  
Declares War

### **Executive Branch**

Proposes laws  
  
Administers the laws  
  
Commands armed forces  
  
Appoints ambassadors and other officials  
  
Conducts foreign policy  
  
Makes treaties

### **Judicial Branch**

Interprets the Constitution  
and other laws  
  
Reviews lower-court  
decisions

May reject appointments  
May reject treaties  
May withhold funding  
May impeach the president  
May override a veto  
May adjourn Congress in  
certain situations  
May veto bills

May declare laws  
unconstitutional  
May declare executive  
actions unconstitutional  
Appoints judges  
May propose constitutional  
amendments to overrule  
judicial decisions  
May impeach Supreme  
Court justices  
May reject appointments to  
the Supreme Court

