

Comparing the Articles and the Constitution

The United States has operated under two constitutions. The first, The Articles of Confederation, was in effect from March 1, 1781, when Maryland ratified it. The second, The Constitution, replaced the Articles when it was ratified by New Hampshire on June 21, 1788.

The two documents have much in common - they were established by the same people (sometimes literally the same exact people, though mostly just in terms of contemporaries). But they differ more than they do resemble each other, when one looks at the details. Comparing them can give us insight into what the Framers found important in 1781, and what they changed their minds on by 1788.

The following is a comparison, detailing the similarities and differences between the Constitution and the Articles. The topic page for The Articles and the Constitution Explained Page may also be of some interest.

Formal name of the nation

Articles: The United States of America

Constitution: (not specified, but referred to in the Preamble as "the United States of America")

Legislature

Articles: Unicameral, called Congress

Constitution: Bicameral, called Congress, divided into the House of Representatives and the Senate

Members of Congress

Articles: Between two and seven members per state

Constitution: Two Senators per state, Representatives apportioned according to population of each state

Voting in Congress

Articles: One vote per state

Constitution: One vote per Representative or Senator

Appointment of members

Articles: All appointed by state legislatures, in the manner each legislature directed

Constitution: Representatives elected by popular vote, Senators appointed by state legislatures

Term of legislative office

Articles: One year

Constitution: Two years for Representatives, six for Senators

Term limit for legislative office

Articles: No more than three out of every six years

Constitution: None

Congressional Pay

Articles: Paid by states

Constitution: Paid by the federal government

When Congress is not in session...

Articles: A Committee of States had the full powers of Congress

Constitution: The President can call for Congress to assemble

Chair of legislature

Articles: President of Congress

Constitution: Speaker of the House of Representatives, Vice President is President of the Senate

Executive

Articles: None

Constitution: President

National Judiciary

Articles: Maritime judiciary established

Constitution: Federal judiciary established, including Supreme Court

Adjudicator of disputes between states

Articles: Congress

Constitution: Supreme Court

New States

Articles: Admitted upon agreement of nine states (special exemption provided for Canada)

Constitution: Admitted upon agreement of Congress

Amendment

Articles: When agreed upon by all states

Constitution: When agreed upon by three-fourths of all states

Navy

Articles: Congress authorized to build a navy; states authorized to equip warships to counter piracy

Constitution: Congress authorized to build a navy; states not allowed to keep ships of war

Army

Articles: Congress to decide on size of force and to requisition troops from each state according to population

Constitution: Congress authorized to raise and support armies

Power to coin money

Articles: United States and the states

Constitution: United States only

Ex post facto laws

Articles: Not forbidden

Constitution: Forbidden of both the states and the Congress

Bills of attainder

Articles: Not forbidden

Constitution: Forbidden of both the states and the Congress

Taxes

Articles: Apportioned by Congress, collected by the states

Constitution: Laid and collected by Congress

Ratification

Articles: Unanimous consent required

Constitution: Consent of nine states required
