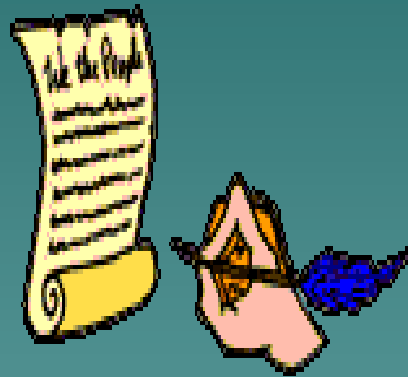


# ARTIKEL KONFEDERASI DAN KONSTITUSI AMERIKA SERIKAT



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# INTRODUCTION

## ARTIKEL KONFEDERASI



- ◆ Articles of Confederation, first constitution of the United States. The Articles were in force from March 1, 1781, to June 21, 1788, when the present Constitution of the United States went into effect. The Articles were written in 1777 during the early part of the American Revolution by a committee of the Second Continental Congress of the 13 colonies.
- ◆ The head of the committee, John Dickinson, presented a report on the proposed articles to the Congress on July 12, 1776, eight days after the signing of the Declaration of Independence. Dickinson initially proposed a strong central government, with control over the western lands, equal representation for the states, and the power to levy taxes. Bentuk sentralisasi

- ◆ Because of their experience with Great Britain, the 13 states feared a powerful central government; consequently, they changed Dickinson's proposed articles drastically before they sent them to all the states for ratification in November 1777.



- ◆ The Continental Congress had been careful to give the states as much independence as possible and to specify the limited functions of the federal government.

- ◆ Yang pro dengan sentralisasi
- ◆ Lebih memilih desentralisasi

- ◆ Despite these precautions, several years passed before all the states ratified the articles. The delay resulted from preoccupation with the revolution and from disagreements among the states. These disagreements included quarrels over boundary lines, conflicting decisions by state courts, differing tariff laws, and trade restrictions between states.
- ◆ The small states wanted equal representation with the large states in Congress, and the large states were afraid they would have to pay an excessive amount of money to support the federal government.

- ◆ In addition, the states disagreed over control of the western territories. The states with no frontier borders wanted the government to control the sale of these territories so that all the states profited.
- ◆ On the other hand, the states bordering the frontier wanted to control as much land as they could.
- ◆ Eventually the states agreed to give control of all western lands to the federal government, paving the way for final ratification of the articles on March 1, 1781.



# THE PROVISIONS OF THE ARTICLES

- ◆ The articles created a loose confederation of independent states that gave limited powers to a central government. The national government would consist of a single house of Congress, where each state would have one vote.
- ◆ Congress had the power *to set up a postal department, to estimate the costs of the government and request donations from the states, to raise armed forces, and to control the development of the western territories. With the consent of nine of the thirteen states, Congress could also coin, borrow, or appropriate money as well as declare war and enter into treaties and alliances with foreign nations.*

# THE PROVISIONS OF THE ARTICLES

- ◆ There was no independent executive and no veto of legislation. Judicial proceedings in each state were to be honored by all other states.
- ◆ The federal government had no judicial branch, and the only judicial authority Congress had was the power to arbitrate disputes between states.
- ◆ Congress was denied the power to levy taxes; the new federal government was financed by donations from the states based on the value of each state's lands. Any amendment to the articles required the unanimous approval of all 13 states.



# WEAKNESS

- ◆ In attempting to limit the power of the central government, the Second Continental Congress created one without sufficient power to govern effectively, which led to serious national and international problems.
- ◆ The greatest weakness *of the federal government under the Articles of Confederation was its inability to regulate trade and levy taxes. Sometimes the states refused to give the government the money it needed, and they engaged in tariff wars with one another, almost paralyzing interstate commerce.*



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- ◆ The government could not pay off the debts it had incurred during the revolution, including paying soldiers who had fought in the war and citizens who had provided supplies to the cause.
- ◆ Congress could not pass needed measures because they lacked the nine-state majority required to become laws. The states largely ignored Congress, which was powerless to enforce cooperation, and it was therefore unable to carry out its duties.

# WEAKNESS

- ◆ Congress could not force the states to adhere to the terms of the Treaty of Paris of 1783 ending the American Revolution, which was humiliating to the new government, especially when some states started their own negotiations with foreign countries.
- ◆ In addition, the new nation was unable to defend its borders from British and Spanish encroachment because it could not pay for an army when the states would not contribute the necessary funds.
- ◆ Leaders like Alexander Hamilton of New York and James Madison of Virginia criticized the limits placed on the central government, and General George Washington is said to have complained that the federation was "little more than a shadow without substance."



# WEAKNESS

- ◆ On February 21, 1787, Congress called for a Constitutional Convention to be held in May to revise the articles.
- ◆ Between May and September, the convention wrote the present Constitution of the United States, which retained some of the features of the Articles of Confederation but gave considerably more power to the federal government.
- ◆ It provided for an executive branch and allowed the government to tax its citizens. Congress also went from one house to two houses—the Senate and House of Representatives.

# TEXT OF THE ARTICLES OF CONFEDERATION

- ◆ 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 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 Words following, viz.  
"Articles of Confederation and perpetual 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.

# CONSTITUTION OF THE UNITED STATES

- ◆ Constitution of the United states, system of fundamental laws of the United States of America. The Constitution was drawn up by 55 delegates to the Constitutional Convention in Philadelphia during the summer of 1787 and ratified by the states in 1788. The Constitution defines distinct powers for the Congress of the United States, the president, and the federal courts.
- ◆ This division of authority is known as a system of checks and balances, and it ensures that none of the branches of government can dominate the others. The Constitution also establishes and limits the authority of the federal government over the states and spells out freedoms and liberties for U.S. citizens.

**We the People** of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

### Article I.

**Section 1.** All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**Section 2.** The electors in each State shall have the choice every second Year by the People of the most eligible Citizens, suitable to the State, in each State, shall have Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who shall not, when elected, be seven Years an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States, which may be admitted into the Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for the Term of Years, and including Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of seven Years, in such Manner as they shall direct by Law made. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative; and the Electors in each State shall have the Qualification requisite for Electors of the most numerous Branch of the State Legislature.

The House of Representatives shall choose their Speaker and other Officers, and shall have the Privilege of Speech, as in the Case of the Senate.

The House of Representatives shall also choose a Speaker and other Officers, and shall have the Privilege of Speech, as in the Case of the Senate.

**Section 3.** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years, and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Clases. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Course of the said Term, the Electors in such State shall have the Qualification requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be seven Years an Inhabitant of that State in which he shall be chosen.

The Electors in each State shall have the Qualification requisite for Electors of the most numerous Branch of the State Legislature.

The Senate shall choose their other Officers, and also a President pro tempore in the Absence of the President, and when he shall exercise the Office of



# FORCES THAT SHAPED THE CONSTITUTION

- ◆ In 1774 the Parliament of Great Britain capped a series of abuses against the American colonies by imposing a tax on tea imports to the colonies.
- ◆ The colonies quickly agreed to convene a Continental Congress, which in 1776 appointed two committees—one to draft the Declaration of Independence and the other to prepare a “form of confederation” among the colonies.
- ◆ In 1778 this second committee produced the Articles of Confederation. They took effect in 1781 when Maryland, the last holdout state, ratified them.



- ◆ The Articles of Confederation established a league of friendship among the states, but not a political union. Each state remained separate and sovereign (under self-rule).
- ◆ The central government consisted of a one-chamber Congress, in which each state had a single vote. Congress had few powers, lacking even the authority to impose taxes.
- ◆ Any congressional action required the approval of 9 of the 13 states. The government had no president and no central court.



- ◆ As a result, Congress in the 1780s could not deal with serious national problems, such as the repayment of about \$40 million in domestic debt and \$12 million in foreign debts incurred during the American Revolution (1775-1783).
- ◆ States also incurred about \$25 million in debt during the war. Small creditors, including soldiers who had lent money to the revolutionary cause, were starved for cash because the states were slow to repay.
- ◆ Many of these creditors were forced to sell their repayment notes to speculators at greatly reduced values, and the states feared mob violence. A depression in the mid-1780s threatened farmers in many states with foreclosures of their properties and jail.

- ◆ In May 1786, delegates from each state were called to a trade convention in Annapolis, Maryland, to find common ground on waterway navigation rights and other issues.
- ◆ Only five states sent delegates, and they decided to postpone any action.
- ◆ Before adjourning, the delegates in attendance asked their state legislatures to call a national convention to meet in Philadelphia the following May to investigate “important [government] defects ... of a nature so serious as ... to render the situation of the United States delicate and critical.”

- ◆ Later in 1786 and in 1787, poor farmers led by Daniel Shays stormed several courthouses and tried to seize a federal arsenal. Local militias suppressed the uprising, known as Shays' Rebellion, but it sent tremors through the 13 states.
- ◆ Some legislatures began to enact laws relieving debtors of their debts, which angered many wealthy creditors.
- ◆ States with good seaports took advantage of merchants in other states by imposing large import and export taxes.
- ◆ These and other problems required national solutions that neither the states nor the Confederation Congress had the political will to confront.
- ◆ The continuing crisis and the threat of further rebellions spurred the states to call a convention to revise the Articles of Confederation.

# PERMASALAHAN SELAMA KONVESI KONSTITUSI AS

Terjadi perdebatan:

1. Metode perolehan suara yg didasarkan pada jumlah penduduk
2. Budak
3. Memperjuangkan prinsip persamaan hak
4. Wilayah Barat yg sedang berkembang dicegah untuk mendapatkn status negara bagian

# TUJUAN KONVENSI

- ◆ Tujuan utama hanya untuk mengamandemen artikel konfederasi
- ◆ Diabaikan. Menyelaraskan kekuasaan pusat dan kekuasaan lokal



# PERTIKAIAN ANTARA GOLONGAN FEDERALIS DAN GOLONGAN ANTI FEDERALIS

## FEDERALIS

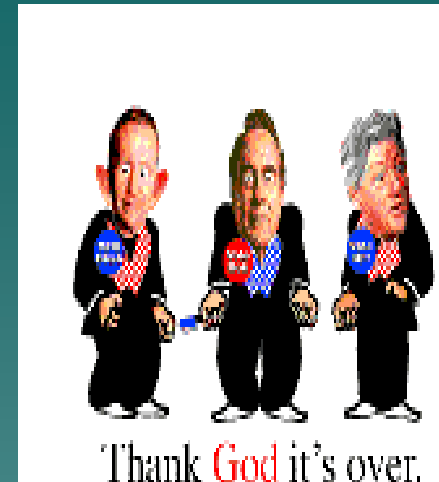
1. Alexander Hamilton
2. Mewakili gol pedagang, perkotaan, dan pelabuhan
3. Memihak pem. Pusat
4. Mengajak masy. Untuk mencintai efisiensi, keteraturan, dan organisasi
5. Takut anarki & berpikir dalam kerangka ketertiban

## Anti Federalis

1. Thomas Jefferson
2. Mewakili go. Petani
3. Mendukung hak-hak negara bagian
4. Mendukung republik agraris dan desentralisasi
5. Takut tirani dan berpikir dalam kerangka kebebasan

# PROSES RATIFIKASI

1. DELAWARE
2. NEW JERSEY
3. GEORGIA
4. PENNSYLVANIA
5. CONNECTICUT
6. MASSACHUSSETTS
7. Akhir Juni 1788: Maryland, South Carolina, dan New Hampshire
8. Virginia, 26 Juni 1788
9. New York (Alexander Hamilton, James Madison, John Jay: The Federalist Papers)
10. 26 Juli, North Carolina
11. Rhode Island, 1790





Setelah ratifikasi kemudian dimulailah pengaturan pemerintahan.

Ibukota New York, 1790 pindah ke Philadelphia, dan 1800 ke Washington D. C.

