

The U.S. Constitution as “Fixin’ What was Broke”  
with the Articles of Confederation

**What was Broken**

**The “FIX”**

Power of the National Government	The Supremacy Clause (Article VI) A Stronger Congress (Article I)
No Power to Collect Taxes	An Expressed Power (Article I, Section 8)
No Power over Interstate and Foreign Commerce	An Expressed Power plus the Power to Regulate Instruments of Commerce (Bankruptcy, Coining Money, Enforcing Patents and Copyrights, etc).
No Mandatory Power to Raise an Army	An Expressed Power (Article I, Section 8)
National Government had only Specific, Limited Powers	Congress given Implied Powers (Article I, Section 8, Clause 18)
	The “Necessary and Proper” Clause
No Independent Executive	A President Chosen Indirectly by Voters (Article II)
Enforcement of National Laws dependent on State Courts	Establishment of a Supreme Court and Grant of Power to Establish Lower National Courts (Article III)
The Amendment Process	Liberalized Amendment Rules
WHAT MIGHT BREAK	THE “FIX”
Too Much Power	Federalism
	Separation of Powers
	“Separate Institutions Sharing Power”
	Bicameralism
	Differing Terms
	Differing Means of Selection, thus Differing Constituencies
	Differing Formal Qualifications
	Checks and Balances