



## ARTICLES OF CONFEDERATION

### ARTICLES OF CONFEDERATION: FRANKLIN'S INITIAL DRAFT

#### TIME AND GRADE LEVEL

**One** 45 or 50 minute class period in a **Grade 9-12** US history, civics, or government course.

#### PURPOSE AND CRITICAL ENGAGEMENT QUESTIONS

History is the chronicle of choices made by actors/agents/protagonists in specific contexts. This simulation places students in the Continental Congress in June of 1776 and asks them to devise a plan for a confederation for the rebellious British colonies. Using a proposal submitted to Congress by Benjamin Franklin as a starting point, they will convene as the congressional committee charged with drafting articles of confederation. In this lesson, they will consider what they think is best for *all* the colonies (soon to become states). In the following lesson, they will represent the interests of the particular constituents whom they represent.

#### LESSON OBJECTIVES

- Students will be able to cite two prior attempts to confederate disparate colonies for military purposes: the New England Confederation of 1643 and the Albany Plan of 1754 (which was never instituted).
- Students will be able to explain key features of the plan that Benjamin Franklin first proposed to Congress in 1775.
- Students will be able to identify those components of Franklin's plan likely to stir political opposition.
- Students will be able to present pro and con arguments for these contentious measures.
- Students will be able to explain the timing—why Congress did not consider Franklin's plan in 1775, but did so in June 1776.

#### OVERVIEW OF THE LESSON

##### Prefatory homework:

Handout A: **Benjamin Franklin's 1775 “Articles of Confederation and Perpetual Union”**

##### In class:

1. Homework review and discussion: 15-20 minutes

2. Presentation—Congress forms a committee to draft a plan of confederation: 5 minutes
3. Class convenes as the committee to draft a plan of confederation: 20-25 minutes
4. Bridge to next lesson: 5 minutes

Summary Homework / Extended Activities

## MATERIALS

*Background Handout:*

- A. Benjamin Franklin's 1775 "Articles of Confederation and Perpetual Union"

*Classroom Handout*

- B. Committee to Draft a Plan of Confederation

## PREFATORY HOMEWORK

**Handout A: Benjamin Franklin's 1775 "Articles of Confederation and Perpetual Union"** Go over instructions on that sheet.

## CLASS ACTIVITIES: 45-50 MINUTES

### 1. HOMEWORK REVIEW AND DISCUSSION: 15-20 minutes

Wide ranging discussion of Franklin's proposal, based on the notes that students have prepared for their homework.

### 2. PRESENTATION—CONGRESS FORMS A COMMITTEE TO DRAFT A PLAN OF CONFEDERATION: 5 minutes

Distribute Handout B: **Committee to Draft a Plan of Confederation.** Students can read this or teacher can present the material. Go over instructions on that sheet.

### 3. CLASS CONVENES AS THE COMMITTEE TO DISCUSS A PLAN OF CONFEDERATION: 20-25 minutes

This can be done in breakout groups or as a class. Student delegates should have Handout A and Handout B before them during this session. Ideas should be jotted down on the board and briefly discussed, but no decisions are necessary at this time. The point here is for students to familiarize themselves with the various options, together with plausible arguments for and against them. Not until the next lesson, when students represent particular states, will votes be taken.

### 4. BRIDGE TO THE NEXT LESSON: 5 minutes

Teacher sums up the discussion so far: the class has come up with many ideas, as did members of the Continental Congress. But decisions would not be made on merit alone. Inevitably, certain ideas would benefit some interests while proving detrimental to others. In the next lesson, we will examine the draft that the committee presented to Congress and experience the divisions some of its provisions created. Teacher then distributes Handout A for the next lesson, “**Dickinson Draft.**”

## SUMMARY HOMEWORK / EXTENDED ACTIVITIES

1. Research the historical antecedents for the Articles of Confederation—the [1643 New England Confederation](#) and the [1754 Albany Plan of Union](#)—and identify portions of those plans that Franklin incorporated into his scheme in 1775.
2. Discuss the historical roots of the [preamble to the 1787 United States Constitution](#), referencing [Article II of the New England Confederation of 1643](#), [Article II of Franklin's plan](#), and [Article III of the final Articles of Confederation](#).
3. Discuss the interrelationship among the three parts of [Richard Henry Lee's June 7, 1776, motion in Congress](#). How did each part necessitate the others?
4. Write an essay responding in depth to any of the broad questions posed in Handout A: **Benjamin Franklin's “Articles of Confederation and Perpetual Union.”**

## **Handout A: Benjamin Franklin's “Articles of Confederation and Perpetual Union”**

Historically, dating back a century-and-one-half, each new British colony in North America was a world unto itself, with its own laws, economies, religious sects, and so on. Only occasionally did colonies attempt to form some sort of Confederation. In 1643 four New England colonies, while warring with Native people, confederated for military purposes, but that proved short-lived. More than a century later, in 1754, intercolonial delegates meeting at Albany tried to fashion another confederation, but nothing came of it.

In July of 1775, three months after the outbreak of armed conflict but almost a year before the Declaration of Independence, Benjamin Franklin dusted off ideas he had pushed at Albany and worked them into a plan he titled “Articles of Confederation and perpetual Union.” He presented his scheme to his fellow delegates in the Continental Congress, yet Congress did not even discuss the matter. But one year later, after independence, Franklin’s draft served as a starting point for congressional delegates charged with formulating rules for a confederated United States of America.

Below are key selections from that draft. As you read them, circle or highlight key words or phrases, and prepare notes to share in class for these questions:

1. Why do you think Article III was so critical? How would colonies have reacted if this guarantee were missing?
2. Consider the powers granted to Congress in Article V. Are these too expansive? Too restrictive? What would you add to or subtract from this list? (Yes, this is a huge and open-ended question; for now, try putting yourself back in that time and give it some serious thought.)
3. Consider Articles VI, VIII, and VIII, which stipulate that colonies paying more expenses will have a greater share of representation. This deviated from how the Continental Congress operated: each colony, no matter how large or small, had only one vote. What political difficulties do you think Franklin’s proposal would encounter?
4. Why do you think Franklin included Articles X and XI? What did he hope to prevent by these provisions? How might white settlers, or western speculators and land companies, react to this?
5. Article XII established the threshold for amendments. What was it, and do you think it was the right one?
6. What do you think of Franklin’s open invitation to other colonies in Article XIII? If adopted in the final Articles of Confederation, how might this have altered the future of the nation?
7. In sum, which of these articles do you think would encounter significant opposition? And from whom?

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- *Art. I. The Name of this Confederacy shall henceforth be The United Colonies of North America.*

[NOTE: The New England Confederation of 1643 called itself “The United Colonies of New England.”]

- *Art. II. The said United Colonies hereby severally enter into a firm League of Friendship with each other, binding on themselves and their Posterity, for their common Defence and Offence, against their Enemies for the Security of their Liberties and Propertys, the Safety of their Persons and Families, and their common and mutual and general Welfare.*

[NOTE: The second article of the New England Confederation read, “The said United Colonies for themselves and their posterities do jointly and severally hereby enter into a firm and perpetual league of friendship and amity for offence and defence, mutual advice and succor upon all just occasions both for preserving and propagating the truth and liberties of the Gospel and for their own mutual safety and welfare.”]

- *Art. III. That each Colony shall enjoy and retain as much as it may think fit of its own present Laws, Customs, Rights, and Privileges, and peculiar Jurisdictions within its own Limits; and may amend its own Constitution as shall seem best to its own Assembly or Convention.*
- **Art. IV. SUMMARY:** Each colony elects its delegates annually. Congress meets in a different colony each year “till the whole Number be gone through, and so in perpetual Rotation.”
- *Art. V. That the Power and Duty of the Congress shall extend to the Determining on War and Peace, to sending and receiving ambassadors, and entering into Alliances, the Reconciliation with Great Britain; the Settling all Disputes and Differences between Colony and Colony about Limits or any other cause if such should arise; and the Planting of new Colonies when proper. The Congress shall also make and propose such general Regulations Ordinances as tho' [thought] necessary to the General Welfare, ... such as may relate to those that may relate to our general Commerce; or general Currency; to the Establishment of Posts; and the Regulation of our common Forces. The Congress shall also have the Appointment of all General Officers, civil and military, appertaining to the general Confederacy, such as General Treasurer, Secretary, &c.*
- *Art. VI. All Charges of Wars, and all other general Expences to be incur'd for the common Welfare, shall be defray'd out of a common Treasury, which is to be supply'd by each Colony in proportion to its Number of Male Polls between 16 and 60 Years of Age; the Taxes for paying that proportion are to be laid and levied by the Laws of each Colony....*

[EXPLANATION: “Male Polls” means males eligible to vote. At the time, eligibility was determined by each colony. Voting was limited either to those paying taxes or to those with a specified amount of property. Generally, women were not eligible to vote, although sometimes widows were on the voting roles, representing their deceased husbands’ estates.]

- *Art. VII. The Number of Delegates to be elected and sent to the Congress by each Colony, shall be regulated from time to time by the Number of such Polls return'd; so as that one Delegate be allowed for every 5000 Polls...*

- Art. VIII. SUMMARY: Each delegate to Congress has one vote, and a quorum consists of one-half of all delegates.

[NOTE: Together, Articles VII and VIII amount to proportional representation: large colonies will have more votes in Congress than small colonies. Also note that Article VI provides for proportional payment into the “common Treasury.” In this manner, taxation and representation are linked—colonies that pay the most also have the most say.]

- Art. IX. SUMMARY: Congress selects a 12-person “executive Council,” empowered to conduct all business when Congress is “in the Recess.” The Council can also “receive Applications from foreign Countries” and “prepare Matters for the Consideration of the Congress.” Each “Councillor” serves for three years, with four elected in any given year. Two-thirds of the Council constitute a quorum.
- *Art. X. No Colony shall engage in an offensive War with any Nation of Indians without the Consent of the Congress, or great Council above mentioned, who are first to consider the Justice and Necessity of such War.*

[NOTE: The New England Confederation of 1743 read, “And for that the justest wars may be of dangerous consequence, especially to the smaller Plantations in these United Colonies, it is agreed that neither the Massachusetts, Plymouth, Connecticut, nor New Haven, nor any of the members of them, shall at any time hereafter begin, undertake, or engage themselves, or this Confederation, or any part thereof in any war whatsoever … without the consent and agreement of the forementioned eight Commissioners.” Those “Commissioners” functioned like Congress and the Council in Franklin’s proposal.]

- *Art. XI. A perpetual Alliance offensive and defensive, is to be enter'd into as soon as may be with the Six Nations [Iroquois]; their Limits to be ascertain'd and secur'd to them; their Land not to be encroach'd on, nor any private or Colony Purchases made of them hereafter to be held good; nor any Contract for Lands to be made but between the Great Council of the [Iroquois] Indians at Onendaga and the General Congress. The Boundaries and Lands of all the other Indians shall also be ascertain'd and secur'd to them in the same manner; and Persons appointed to reside among them in proper Districts, who shall take care to prevent Injustice in the Trade with them, and be enabled at our general Expence by occasional small Supplies, to relieve their personal Wants and Distresses. And all Purchases from them shall be by the General Congress for the General Advantage and Benefit of the United Colonies.*
- *Art. XII. As all new Institutions are Subject to may have Imperfections which only Time and Experience can discover, it is agreed, That the General Congress from time to time shall propose such Amendments of this Constitution as they may be found necessary; which being approv'd by a Majority of the Colony Assemblies, shall be equally binding with the rest of the Articles of this Confederation.*
- *Art. XIII. Any other and every Colony from Great Britain upon the Continent of North America and not at present engag'd in our Association shall may upon Application and joining the said Association be receiv'd into this Confederation, viz. [Ireland] the West India Islands, Quebec, St. Johns, Nova Scotia, Bermudas, and the East and West Floridas; and shall thereupon be entitled to all the Advantages of our Union, mutual Assistance and Commerce. [NOTE: Between lines, Franklin added Ireland to his list of invitees.]*

- CONCLUSION: *These Articles shall be propos'd to the several Provincial Conventions or Assemblies, to be by them consider'd, and if approv'd they are advis'd to impower their Delegates to agree to and ratify the same in the ensuing Congress. After which the Union thereby establish'd is to continue firm till the Terms of Reconciliation proposed in the Petition of the last Congress to the King are agreed to; till the Acts since made restraining the American Commerce and Fisheries are repeal'd; till Reparation is made for the Injury done to Boston by shutting up its Port; for the Burning of Charlestown; and for the Expence of this unjust War; and till all the British Troops are withdrawn from America. On the Arrival of these Events the Colonies [shall] return to their former Connection and Friendship with Britain: But on Failure thereof this Confederation is to be perpetual.*

[EXPLANATION: In July 1775, when Franklin conjured this scheme for a confederation, nobody in Congress was proposing that the colonies actually declare their independence. (See ConSource lesson plans *Independence in 1774?* and *Independence in 1776?*) But Franklin reasoned that the colonies were *in fact* governing themselves, and it was best to do so according to a coherent plan. If Britain ceded to Congress's demands, these Articles of Confederation would immediately cease. On the other hand, if the colonies were to declare their independence in the future, they would have a viable confederation already in place.]

## **Handout B. Committee to Form a Plan of Confederation**

In July 1775, delegates to Congress were not ready to take the giant leap that Franklin proposed. But as the war with Britain continued and escalated, hopes for reconciliation dimmed. On May 15, 1776, the Virginia Convention [instructed its delegates in Congress](#) to push for independence, form “foreign alliances,” and prepare a “Confederation of the Colonies.” Accordingly, on June 7, 1776, Virginia’s Richard Henry Lee introduced [a historic motion in Congress](#):

*That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.*

*That it is expedient forthwith to take the most effectual measures for forming foreign alliances.*

*That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.*

Five days later, on June 12, [Congress formed a committee](#), with one delegate from each state, “to prepare and digest the form of a confederation to be entered into between these colonies, consist of a member from each colony.” [Note the word “colonies” instead of “states.” They would not become states until Congress passed the first part of Lee’s motion.]

**You are now to convene as that committee. For this lesson, imagine that you have only the good of *all* the rebellious colonies in mind, regardless of how your individual colony might be affected. In the following lesson, you will have a chance to argue on behalf of the *specific* colony you represent.** Using Benjamin Franklin’s 1775 proposal as a preliminary guide, discuss what you think should be included—and excluded—in a plan for confederation. Items you might wish to address include:

- What powers should Congress have, and what should be left to the separate colonies?
- Who should fund the Confederation?
- Representation in Congress: should large colonies have a greater say than small ones?
- Should Congress or the separate colonies control relations with Indian nations?
- Threshold for amendments: unanimous, a simple majority, or somewhere in between?
- Invitation to other British colonies: who should be on that list?

Feel free to consider any other issues as well. You are working on a blank slate. Nothing has been determined in advance. But as you introduce and discuss proposals, try to stay “in character,” a person in 1776 who has no idea what the future will bring. What ideas were not only attractive but also plausible *at that time*?