

## NEW JERSEY IN THE AMERICAN REVOLUTION

visit to Petersfield, Fell did not miss a day in Congress from December 5, 1778, to October 30, 1779.

6. The Commercial Committee, which functioned as an executive department of Congress, was charged with securing war material and supplies from abroad. It was Fell's favorite assignment.

7. The Marine Committee, progenitor of the Department of the Navy, supervised the construction and maintenance of an American fleet.

8. In late February 1779 a 1,000-man British force led by Lt. Col. Thomas Sterling crossed over from Staten Island into New Jersey near Elizabethtown and surrounded Livingston's home, "Liberty Hall," only to find that the chief executive had spent the night elsewhere.

### 6 "A True Patriot" on Increased National Authority

[*New-Jersey Gazette*, April 11, 1781.]

When presented with the rare opportunity of creating their own national government, the framers of the Articles of Confederation sought to avoid the political-constitutional problems that had destroyed the First British Empire. The numerous complaints about the British system generally fell into two categories: interference in local affairs by a distant legislature in which the people were not directly represented, and arbitrary acts of chief magistrates, whether provincial governors and their advisers or the king and his ministers. Not surprisingly, the Articles provided for a decentralized confederation in which the essential powers of governance resided in the individual states. But in so doing they created a national government incapable of governing nationally. The congressmen resembled ambassadors representing sovereign states more than legislators. Each state had one vote, and the assent of nine members was necessary for the passage of important measures; amendments to the Articles required unanimous consent. Congress itself was denied the crucial powers of taxation and regulation of commerce. Moreover, Congress could only recommend action, which the states could accept or reject at their pleasure; there was neither an executive to implement (the president was simply an administrative figure) nor a federal judiciary to interpret congressional measures. To "A True Patriot," that was no way to run a country. In the course of a series of articles dealing with the problems confronting the nation, the unidentified essayist assays the weakness of the federal establishment and suggests that Americans may have gone too far in the attempt to prevent governmental usurpation of their freedoms. The questions he raises were those asked later in the federal convention of 1787 that produced a new national constitution.

## XII AN IMPERFECT UNION

February 8, 1781

. . . 3. *The want of necessary power in the collective body of the United States.* It is not the number of states in the union, or of their delegates in council, which can procure our preservation or deliverance, but *the power and abilities they possess.* However great the power of extensive America may be, what may it avail, if it cannot be brought to a necessary point, to frustrate the views of our enemies? However great our resources, what benefit can they afford, if they cannot be brought forth for a seasonable supply? An essential defect in most republics is a want of necessary power, in their representative body, which causes dilatory operations, and frequently pernicious consequences to the commonwealth. Of all others; the American republic seems to have neglected this leading principal, in their constitution: While every state has been engaged in its own, the general one has been neglected. And I am fully persuaded, that this is the chief cause of our most distressing calamities. It is true, we have a Congress, a Council of the United States. But are they much more than a mere Council. The acts of that august body have often raised in my mind the idea of a strange novel in the political world. They say, be it resolved, that such and such things be recommended to the respective states. Then if a mere majority in either branch of any Legislature gives a negative upon the measure, ten to one, if the whole is not void, however necessary it may be. Beside the pernicious delays, which attend such a course of business, the different Legislatures cannot possibly be competent to judge of matters, elsewhere debated upon proper materials. A want of necessary power in Congress may endanger the chain of union. For instance, Congress has parcelled out to the different states, their respective quotas of supplies for the support of the war. Suppose one, two, or three states, on some pretended excuses, refused to comply, what then? Must the others make up their deficiencies, or must the army suffer, disband, and the country be lost? It seems evident, that every department in an empire, ought to enjoy such powers as are necessary for the discharge of its offices for the good of the community. Therefore all such powers as belong to the policy or good and wholesome government of each individual state, ought to be, and remain unalienable. But the powers by which the general matters and concerns of the empire are to be managed, ought to be lodged in Congress, agreeable to such general outlines, particulars ought to be squared. It may be said, it is dangerous to entrust Congress with too much power. I answer, what is too much? What is necessary for the well-being and safety of the whole, cannot be *too much.* Why is such power more dangerous in Congress, than in the respective Legislatures? Are not its members annually elected from among our citizens, daily liable to mix again with them in the private stations of life; and so become again one with them? Or is it because the Legislatures, and not the people, appoint them? Then the danger originates from the Legislatures. If so, it might be remedied by dividing each state into circles, and the people themselves to appoint their delegates. This objection therefore rather insinuates some secret views, than real danger. To Congress ought to belong the disbursement of the publick finances; but a sufficient check against danger here, would be, that the different states had a free and incontrollable right, to inspect the national accounts, to instruct their delegates, and to impeach and punish them for maladministration . . . .

A TRUE PATRIOT.