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An Imperfect Union

Next to independence, confederation was the most important concern of New Jersey leaders during the Revolution. Indeed the two issues were inseparable. Just as intercolonial cooperation had proved vital in forging a united front capable of winning independence, national union was deemed essential to securing American sovereignty. And just as membership in the British Empire had contributed greatly to the welfare and prosperity of colonial New Jersey, an effective central government was now seen as vital to obtaining political parity with the other states and resolving sundry economic problems. Virtually everyone in New Jersey, as elsewhere, concurred on the necessity of confederation, but many differed on the nature of the national union.

Richard Henry Lee appropriately linked independence and confederation when he coupled his famous resolution of June 7, 1776, calling for a declaration of independence, with the proposal that "a plan of confederation be prepared and transmitted to the respective colonies for their consideration and approbation." Congress moved toward the latter objective five days later by appointing a special committee headed by John Dickinson of Pennsylvania (brother of New Jersey's Philemon Dickinson) to fashion a plan of union. On July 12 Dickinson's committee presented to Congress the proposed instrument of national government known as the "Articles of Confederation and Perpetual Union." There ensued some sixteen months of debate in which the New Jersey delegates, particularly John Witherspoon, emerged as staunch supporters of confederation (Doc. 1). The Congress agreed to the Articles on November 15, 1777, and two days later asked the several states to accede to the new instrument of government.

But it took over three years to complete ratification. The primary point of contention was the disposition of western lands: should the trans-Appalachian territory become a national domain under the jurisdiction of the federal

government or could individual states reserve title to portions of the region by virtue of their colonial charters? The issue went beyond the predictable disagreement between those states which had land claims and those like New Jersey which did not, because sale of the lands had important implications for the mode of western settlement and the revenue of the national government. Despite the qualified land cessions of Connecticut and Virginia and disagreement over numerous other matters, the states slowly but surely endorsed the Articles. Maryland, the last holdout, agreed to ratification in February 1781. On March 1 the Articles of Confederation became operative as the first constitution of the United States.

Despite their enthusiasm for central governmental authority, Jerseymen were dissatisfied with parts of the Articles of Confederation. Like the other states, New Jersey wanted to incorporate into the Articles provisions that would promote its own vested interests as well as provide for the common weal. The state made its objections known to Congress in the form of a list of suggested revisions to the Articles known as the "Representation" adopted by the General Assembly on June 16, 1778 (Doc. 2). But when later that month Congress rejected the proposed amendments of the various states and resolved to preserve the Articles in their original form, most states promptly assented to the instrument of government. By the end of July only Delaware, Maryland, and New Jersey had not signed. New Jersey became the first of the recalcitrants to capitulate when on November 20 the legislature, convinced of the necessity of confederation and moved by the eloquent appeal of Congressman Nathaniel Scudder (Doc. 3), voted to ratify the Articles (Doc. 4).

New Jersey joined the confederation, but it proved to be a most imperfect union. (Ratification of the Articles of Confederation made no appreciable difference in the operation of the national government, since the Articles were basically the codification of established congressional practice.) The problem was threefold. First, it was simply impossible to create from scratch an effective civil government at the national level during a time of war and revolution. The government of the United States operated more by inertia and instinct than by direction and design during the early years of the war. Symbolic of the governmental instability is the fact that the Continental Congress moved eight times to five different communities (including Princeton from June to November 1783) between the initial outbreak of hostilities and the final conclusion of peace. Second, the congressmen were not professional statesmen but private citizens for whom governing the nation was a part-time job. Aside from service in revolutionary organizations, few of the eleven men who represented New Jersey in the Congress during the war had held significant political office prior to independence and most had no political experience at all; only John Witherspoon, a recent immigrant from Scotland, could be said to have had a national rather than provincial political consciousness. The work of the delegates was long, hard, and unrewarding; theirs was truly a labor of love (Doc. 5). Third, the Articles themselves contained fatal weaknesses. Less a reflection of the Spirit of '76 than a reaction to the grievances that had led to revolution, the philosophy of government expressed in the Articles was inadequate to the needs of national union. It did not take long for the citizenry to realize that the basic problems of the central government stemmed not from the disruptions of

war but from insufficient authority (Doc. 6). Peace proved them correct. Under the augmented national government provided by the federal Constitution in 1787 the United States finally achieved a "more perfect Union."

1 John Witherspoon, Speech in the Continental Congress on the Necessity of Confederation

[*Works of John Witherspoon,* 9:135-41.]

Delivered after he had been a member of Congress less than a month, Witherspoon's forceful speech on behalf of the proposed Articles of Confederation voiced basic assumptions common to most New Jersey Whigs: (1) that national union and independence went hand in hand; (2) that the most serious threat to America's quest for national sovereignty came from internal divisions rather than from external pressures; (3) that the most serious obstacle to confederation was the prospect of attempted domination by the larger states; and (4) that through the study of historical precedents much could be learned about the resolution of current and future problems. Underlying each of these convictions was the fundamental belief in the inevitable progress of mankind that was essential to the thinking of liberal members of the revolutionary generation and eloquently expressed in the Declaration of Independence.

[July 30, 1776][1]

The absolute necessity of union to the vigour and success of those measures on which we are already entered, is felt and confessed by every one of us, without exception; so far, indeed, that those who have expressed their fears or suspicions of the existing confederacy proving abortive, have yet agreed in saying that there must and shall be a confederacy for the purposes of, and till the finishing of this war. So far it is well; and so far it is pleasing to hear them express their sentiments. But I intreat gentlemen calmly to consider how far the giving up all hopes of a lasting confederacy among these states, for their future security and improvement, will have an effect upon the stability and efficacy of even the temporary confederacy, which all acknowledge to be necessary? I am fully persuaded, that when it ceases to be generally known, that the delegates of the provinces consider a lasting union as impracticable, it will greatly derange the minds of the people, and weaken their hands in defence of their country, which they have now undertaken with so much alacrity and spirit. I confess it would to me greatly diminish the glory and importance of the struggle, whether considered as for the rights of mankind in general, or for the prosperity and happiness of this continent in future times.

It would quite depreciate the object of hope, as well as place it at a greater