

## **Elbridge Gerry Behind the Compromise of the Constitution**

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### **Abstract**

Elbridge Gerry was a delegate from Massachusetts at the 1787 Constitutional Convention in Philadelphia, Pennsylvania. Gerry's role in the formation of the Great Compromise is often over-shadowed by his reputation for being one of three men present on September 17, 1787 who refused to sign the Constitution. Comparatively little detailed scholarship has contributed to Gerry's role during the Constitutional Convention. Roger Sherman is accredited with the genius of the bicameral national legislature that holds equal representation in the Senate and proportional representation in the House. However, there are those who put forth great ideas and those who lead others to compromise in order to reap the success of a great idea. Gerry was a persuasive advocate for the necessity of compromise. When Gerry was the last delegate in the room to speak during the representation deliberations, the vote followed by passing in his favor. It is noteworthy to recognize the uniquely effective leadership style of Elbridge Gerry during the Constitutional Convention because it exhibits that being the last voice to debate is more influential to others than being the first to get a point across. For this topic, I have addressed the notes of James Madison and Robert Yates on the Constitutional Convention of 1787 in volume I of Farrand (1966).

**Keywords: Constitutional debates, Elbridge Gerry, Representation**

### **1. Introduction**

In 1744, Elbridge Gerry was born the son of a wealthy family in Marblehead Massachusetts. Gerry attended Harvard, worked as a merchant, mentored by Samuel Adams, and became a delegate from the state of Massachusetts to serve in the Continental Congress for 7 years inconsecutively during the American Revolutionary Era.<sup>1</sup> In Gerry's years as a politician some of the most important documents he guided and influenced were the Declaration of Independence, the Articles of Confederation, and the United States Constitution earning him, rightfully so, the title of a Founding Father. While Gerry signed the Declaration of Independence and the Articles of Confederation, he refused to sign the Constitution because the document lacked a Bill of Rights. Gerry was a very vocal man during the deliberations held at the Convention of 1787, he wanted a stronger central government but also wanted to maintain states' rights—Gerry's middling views made him the ideal advocate for compromise between the two conflicting sides<sup>2</sup> which would later come to be known as the Federalists and the Anti-Federalists. As a politician Gerry was persistent, direct, and strategic in his efforts to guide the direction of the Convention. However, Gerry is not recognized for his grand influence on the creation of our Constitution except within the contents of James Madison and Robert Yates notes during the Convention of 1787. It is fair to say that Madison and Yates were on opposing sides during the Convention yet both authors acknowledge the influence of Elbridge Gerry. Madison wrote the model of the Constitution and signed the document at its completion on September 17<sup>th</sup>, 1787. Yates left the Convention on July 5<sup>th</sup>, 1787<sup>3</sup> and did not return. For the purpose of this paper I will only be discussing a few of what I felt were his most influential actions during the early deliberations of the 1787 Constitutional Convention. Gerry was an influential advocate of restrictions

on the Congressional power of the purse; he was a man of compromise in the arena of representation and chaired the first grand committee<sup>4</sup>. One factor that I take into consideration when reading the debates in Madison's notes, is that during this time we were not the United States, we were Virginians, Pennsylvanians, Delawareans, etc. meaning there was no supreme government overseer or executive, legislative, or judicial branch to force compromises between the states. The United States is not the United States; in 1789, they are the United States. It would take the men themselves to convince the others to form compromise, the question was, how do you persuade another to give up his autonomy?

Comparatively little detailed scholarship has contributed to Gerry's role during the Constitutional Convention and even less to the method in which Gerry influenced the delegates of the convention. Works such as Edward J. Drake's article *The Men Who Didn't Sign the Constitution* (1963) and S.E. Morison's article *Elbridge Gerry, Gentleman-Democrat* (1929) usually mention that Gerry was a voluble man during the constitutional debates and will mention the ideas that Gerry supported. Morison even aims to reveal the inconsistency in the political nature of Elbridge Gerry as motivated by politics and economics but he does not engage in a critical analysis of Gerry's influence and action during the debate. Archivist at the National Archives and Records Administration, Greg Bradsher's article *A Founding Father in Dissent* (2006) is more specific in framing a connection between Gerry's want of compromise, aside from his belief that money bills should originate in the House, and his appointment as chair of the committee appointed to solve the question of representation but he does not specify how Elbridge Gerry was influential during these debates or the how Gerry was appointed the chair of such an important committee. Despite the overarching historical view of Elbridge Gerry as a merchant, debatably an elitist, the man who refused to sign the Constitution, governor of Massachusetts, and creator of the political practice of gerrymandering,<sup>5</sup> there are scholarly works that express the value of Elbridge Gerry as a delegate to the Constitutional Convention in great detail. The primary scholarship used in reflection of Gerry's contributions is a biography by George Athan Billias titled *Elbridge Gerry: Founding Father and Republican Statesman* in which Billias enumerates Gerry's several contributions and influence on the Constitutional Convention in great detail. Billias provides the necessary gratitude deserved to the influence of Elbridge Gerry by committing a 20%<sup>6</sup> of his book to Elbridge Gerry's importance as a delegate to the Constitutional Convention. Reviewers such as Mark O. Hatfield credit Billias with the discovery that "As chair of the committee that resolved the impasse between the large and small states over representation in the national legislature, Gerry made several impassioned speeches in support of the "Great Compromise," which provided for equal representation of the states in the Senate and proportional representation in the House of Representatives,"<sup>7</sup> and it is through Elbridge Gerry's impassioned speeches and influence that without the Constitution would not be the same document it is today.<sup>8</sup>

## 2. Body

During the deliberations of the 5<sup>th</sup> resolution<sup>9</sup> Gerry motioned to add "excepting money bills, which shall originate in the first 'branch of the national Legislature'"<sup>2</sup> and it was seconded by Mr. Pinckney<sup>10</sup> but did not pass when voted on with 8 noes to 3 ayes. This initial failure did not discourage Gerry from continuing to reinforce the problem of money bills originating in the Senate. Gerry argued that the reasoning behind the necessity for money bills to originate in the first branch of the national Legislature is that the Congressmen of the first branch were, "more immediately representative of the people, and it was a maxim that the people ought to hold the purse-strings"<sup>11</sup> and if the Senate had the power the senators would be able to create a group of representatives in the House that would be deliver the desires of the senatorial branch. The arguments of Butler<sup>12</sup> and Madison<sup>13</sup> against Gerry's motion were that there was no analogy to fall back upon in regard to the House of Lords in British Parliament and that the Senators in Congress would still be representative of the people. The motion failed a second time with 3 ayes and 7 noes.<sup>14</sup>

Gerry was not deterred from his intentions of having this stipulation of money control being held in the House's favor. When it came time again for the deliberations on the question of representation held by both houses on July 6<sup>th</sup> 1787 in the 1<sup>st</sup> clause regarding the origin of money bills, Wilson<sup>15</sup> and Williamson<sup>16</sup> suggested that if either body was to have the power of originating money bills, that power should be found in the second branch<sup>17</sup>; Franklin was of the opinion that the power of originating money bills would be best held by representatives closest to the people.<sup>18</sup> The first clause that went into restricting money bills was passed in the affirmative but just barely and can be found in its final version in Article 1 Section 7 Clause 1 of the United States Constitution that reads, "All Bills for raising Revenue shall originate in the House of Representatives but the Senate may propose or concur with Amendments as on the other bills".<sup>19</sup> Compromise can be found within this first clause of Article 1 Section 7. The idea of money bills originating in the House of Representatives, put forward by Gerry, is inscribed in the first part of the clause with the stipulation of the Senate's capacity to amend the bills was the compromise found in the Constitutional deliberations. Through Gerry's persistence on the matter of originating money bills he forever marked the Constitution with his idea

which is now referred to as the Origination Clause. While highly contended through the history of our nation, the practice of money bills originating in the House has been nullified by Congress.

In Madison's notes, Gerry impresses his wisdom of compromise, family and unity amongst the delegates of the states in a small speech during the deliberations of representation on June 29<sup>th</sup>, 1787,

We never were independent States, were not such now, & never could be...The States & the advocates for them were intoxicated with the idea of their *sovereignty*...The fate of the Union will be decided by the Convention. If they do not agree on something, few delegates will be appointed to Congress...instead of coming here like a band of brothers, belonging to the same family, we seemed to have brought with us the spirit of political negotiators.<sup>20</sup>

Gerry discussed in this speech that during the deliberations for the Articles of Confederation he had voted for equal suffrage among all states even though he thought it unjust but he did it to reach a compromise between Massachusetts and the poorly populated states.<sup>14</sup> There were two main visions of how representation was going to look in the legislative branch of the United States. One was the Virginia Plan which favored the larger states with a system of representation based on population (or property). The second vision came in the form of the New Jersey Plan, which mirrored the same form of representation held under the Articles of Confederation, with equal representation for each state regardless of population. Tension and frustration clouded and suffocated the delegates on the question of representation. The smaller less populous states would need to give up most of their power or influence in Congress if the new form of government implemented the Virginia Plan. The larger states felt entitled to having greater representation in Congress because they had more people and therefore more interests to represent than the smaller states. Gunning Bedford<sup>21</sup> threatened, "Sooner than be ruined, there are foreign powers who will take us by the hand."<sup>22</sup> The small states threatened to seek foreign aid if the larger more populous states revoked the equal suffrage given under the late Articles of Confederation. The convention was partite and neither side wanted to budge but the threat of complete division, foreign powers, and the loss of all the freedom fought for in the American Revolution loomed in the minds of the delegates. Gerry reminded the delegates that the states were never considered independent in themselves but only in their union. Gerry underhandedly issued a warning that without their union there will be no Congress thus eliminating their power as delegates. On July 2<sup>nd</sup>, 1787 the states were equally divided on the question of equal representation in the second branch of Congress.<sup>23</sup> Gerry was in favor of the motion put forth by Pinckney that a committee composed of one delegate from each state be formed to, "devise and report some compromise"<sup>24</sup> Gerry was the last delegate to speak on the matter before the vote to commit was taken. The motion passed and one delegate from each state was elected by ballot to hold a position on the committee. Gerry was elected to represent Massachusetts. It was then motioned for the committee to consider the 7<sup>th</sup> and 8<sup>th</sup> resolve, so instead of deciding how representation would look in only the second branch the committee would decide how it would be in both branches of Congress. Again, Gerry was the last voice to speak on the matter before the vote was taken, "The world at large expect something from us...Accommodation is absolutely necessary, and defects may be amended by a future convention."<sup>25</sup> There is strength in being the last man in the room to speak. Gerry's words were the last words heard before the vote was taken. It was his words that resonated in the minds of the delegates before the vote and this influenced the vote of the delegates in Gerry's favor. The motion passed. Gerry was the last delegate to speak on both of these motions regarding the committee and the importance, the necessity of compromise. I find it to be of no great coincidence that Elbridge Gerry was, "chosen chairman"<sup>26</sup> of the committee. I also find the wording of Yates' notes to be of interest because in any other instance the general words used to indicate the method by which one was selected for a position was either elected or appointed but he settled on the word *chosen* to describe how Gerry became the chair of the what would arguably be the most important committee during the Constitutional Convention. In the following journal entry from Yates, on July 5<sup>th</sup>, 1787, he entitles Gerry by referring to him as "The honorable Mr. Gerry"<sup>27</sup>, which displayed his admiration for Gerry as he did not entitle the other delegates at this stage in the convention with such pleasantries. The committee then devised a solution to the problem of representation in both branches of Congress; Gerry (as chair of the committee) reported to Congress that in the first branch there would be 1 representative per 40,000 inhabitants of a state and in the second branch there would be an equal vote.<sup>28</sup> This decision, when presented to Congress, was not accepted on its first reading. The question of originating money bills in the House was also reported by the grand committee. Objections from Gouverneur Morris<sup>29</sup> combatted the committee's report in saying that apportionment in the House should be based on property and inhabitants. Nathaniel Ghorum<sup>30</sup> recommended that the larger states be separated into parts because he believed equal division would generate strong government. Gerry opposed the division of the large states because it could cause mass division which would force coalitions to form between these small states for the safety and protection of their states. The compromise initially delivered by Gerry supporting the principle of equal vote in the upper house and vote by population in the lower house was later adopted when reviewed and concluded a second time by a second special committee. This solution has come to be known as The Great Compromise.

### 3. Conclusion

To convince your neighbor that you have to trim the branches that overhang on your side of the fence is easier than persuading a complete stranger. In order to stand on mutual ground with another who is arguing in opposition to one's point is to achieve compromise. The only way to achieve compromise is by each party taking the same number of steps inward to find the middle ground. These precedents of compromise laid by our founding fathers such as Elbridge Gerry are ignored in modern American politics. We have divided ourselves to the point where we can hate one another based simply on political affiliation or stance on an issue; we have divided ourselves so much to the point that we can see party separation and population geographically on a map of the United States.<sup>31</sup> With divisions deepening in our current political climate, the need for mutual understanding and compromise becomes greater. Compromise was the foundation of the United States of America and only compromise will allow us to survive as a nation. With the influence of Elbridge Gerry, today the United States Congress has representation by population in the House of Representatives and an equal vote in the Senate for every state, all money bills (technically) originate in the House of Representatives, and these two rules of our laws are written into our Constitution. Elbridge Gerry was a firm contributor to the Convention of 1787; he pushed the delegates to accept the middle ground that would bind our nation together for over 200 years. We can learn how to maintain our foundations from the unnamed founders; we can learn from Elbridge Gerry.

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### 5. Endnotes

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1. Bradsher, Greg. "A Founding Father in Dissent." National Archives and Records Administration. Summer 2006. Accessed November 05, 2016. <https://www.archives.gov/publications/prologue/2006/spring/gerry.html>

2. Ibid.

3. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 536.

4. The grand committee was a committee composed of eleven men created during the Constitutional Convention of 1787 to answer the question of how the states would be represented in the House of Representatives and in the Senate whether it is by population or equal vote from large states to small states. The grand committee was the procurer of what is known as the Great Compromise in which the grand committee decided that the states were to be represented by population in the House and by equal vote in the Senate.

Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 522.

5. Goodman, Paul. "Elbridge Gerry, the Founding Fathers, and the Republic of Virtue." *Reviews in American History* 5, no. 4 (1977): 496-502. doi:10.2307/2701402.

6. Ibid.

7. Mark O. Hatfield, with the Senate Historical Office. *Vice Presidents of the United States, 1789- 1993* (Washington: U.S. Government Printing Office, 1997), pp. 63-68.

8. Billias, George Athan. *Elbridge Gerry: founding father and republican statesman*. New York, NY: McGraw-Hill, 1976, pg. 204.

9. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 224.

10. Charles Pinckney was a delegate from South Carolina

11. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 233.

12. Pierce Butler was a delegate from South Carolina

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13. James Madison was a delegate from Virginia
  14. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 234.
  15. James Wilson was a delegate from Pennsylvania
  16. Hugh Williamson was a delegate from North Carolina
  17. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 544.
  18. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 546.
  19. U.S. Const. art. I, § 7, cl. 1
  20. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 467.
  21. Gunning Bedford was a delegate from Delaware
  22. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 501.
  23. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 510.
  24. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 511.
  25. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 519.
  26. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 522.
  27. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 524.
  28. Max Farrand and David Maydole Matteson, *The Records of the Federal Convention of 1787, Volume I*, (New Haven: Yale University Press, 1966), pg. 526.
  29. Gouverneur Morris was a delegate from Pennsylvania
  30. Nathaniel Ghorum was a delegate from Massachusetts
  31. Gregor Aisch, Adam Pearce and Karen Yourish. "The Divide Between Red and Blue America Grew Even Deeper in 2016." *The New York Times*. November 10, 2016. Accessed November 18, 2016. [https://www.nytimes.com/interactive/2016/11/10/us/politics/red-blue-divide-grew-stronger-in-2016.html?em\\_pos=small&emc=edit\\_up\\_20161111&nl=upshot&nl\\_art=0&nlid=206837&ref=headline&te=1&r=1](https://www.nytimes.com/interactive/2016/11/10/us/politics/red-blue-divide-grew-stronger-in-2016.html?em_pos=small&emc=edit_up_20161111&nl=upshot&nl_art=0&nlid=206837&ref=headline&te=1&r=1).