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Elbridge Gerry to William Cushing Cambridge, Mass., 21 January 1788

Sir

It is with great reluctance that I trespass a moment on the time of the honorable Convention, employed as it is, on a subject of the highest importance to this country, but I am under the necessity of stating some facts, & their consequences, as they relate to myself—

On the 14th of this month, the Convention passed a vote requesting me “to take a seat in the house, to answer any question of fact from time to time, that the Convention may want to ask, respecting the passing of the constitution.” this request was unexpected, & I complied with it, contrary to my inclination, not doubting in the least that I should be treated with delicacy & candor.

Every Gentleman who will reflect but a moment, must be sensible, that my situation on the floor of the convention, was not eligible: that it was a humiliating condition, to which nothing could have produced my submission, but the respect I entertained for the honorable Convention, & the desire I had of complying with their wishes—

after having on Saturday morning [19 January] stated an answer to the question proposed the preceeding evening, I perceived that your honorable body were considering a paragraph which respected an equal representation of the States in the Senate, & one of my honorable Colleagues [Caleb Strong] observed, that this was agreed to by a Committee consisting of a member from each state, & that I was one of the number, this was a partial narrative of facts, which I conceived placed my conduct in an unfavorable point of light, probably, without any such intention on the part of my colleague.

I was thus reduced to the disagreeable alternative of addressing a letter to your honor for correcting this error, or of sustaining the injuries resulting from its unfavorable impressions: not in the least suspecting, that when I had committed myself to the convention without the right of speaking in my own defence, any Gentleman would take an undue advantage from being a member of the House, to continue the misrepresentation by suppressing every attempt on my part to state the facts. I accordingly informed your honor, that I was preparing a letter to throw light on the subject, & at my request you was so obliging as to make this communication to the house. my sole object was, to state the matter as it respected my conduct, but I soon perceived, that it was misunderstood by the honorable Judge Dana, who rose with an appearance of party virulence which I did not expect, & followed one misrepresentation with another, by impressing the House with the Idea, that I was entering into their debates. I requested leave repeatedly to

explain the matter, but he became more vehement, & I was subject to strictures from several parts of the House, till it adjourned without even being permitted to declare, that I disdained such an intention, & did not merit such unworthy treatment.

I confess to you sir, that the indelicacy & disingenuity of this procedure distressed my feelings beyond anything I had ever before experienced: for, had every member of the honorable House, requested me by a vote to partake in their debates, I should have considered it as improper, & unconstitutional, & from principles of decency, & propriety, should have declined their request: and Judge Dana has been too long in public life with me, not to know, that it has never been my practice, to attain objects by improper means, indeed, sir, so remote were my wishes from entering into your debates, that after having passed a judgment on the constitution in the federal convention, I would not have taken a seat in the state convention, with the unanimous suffrages of the citizens of Massachusetts, because in a matter of such important consequence, it was my wish that the final decision should be made by themselves. this was a fact early known to my particular friends, & I do not mention it to suggest an impropriety in accepting a seat in both conventions, but merely to shew the injustice done me on this occasion.

If Judge Dana was apprehensive that the facts which I should state, would eventually prejudice the cause he so ardently advocated, still I conceive, he could not be justified in precluding those facts, which were necessary to do me justice; for bad indeed must be that cause which will not bear the light of truth.

Judge Dana took sanctuary under the rules of the House, but I never yet heard of a rule, that was intended to prevent an injured person from addressing a letter to the body who should redress his wrongs, or from giving information of such an intention: and I conceive sir, that neither the honorable convention, or any republican body on earth, who had requested an individual to attend them for the purpose of giving them information, would have had any objection to granting him leave to *speak*, much less to address to them a letter, merely for the purpose of setting a matter right, which in the progress of debates, had by an erroneous statement tended to his injury.

It is true, sir, I differ in opinion from a number of respectable members of your honorable House, on the subject of the proposed constitution, but I flattered myself, that not a member could be found so deficient in liberality, as to bear animosity towards me on this account. the strong impressions which I felt, & which I still feel, that this system without amendment will destroy the liberties of America, inferred on me an indispensable obligation to give it my negative: & having done this, I feel the approbation of my own mind, which is infinitely preferable to universal Applauses without it. if, nevertheless, my conduct in this instance has given offence; if there is at this time so little freedom in America, as that a person in discharging a most important public trust, cannot conduct according to the obligations of honor, & dictates of his Conscience, it appears to me of little consequence, what form of Government we adopt, for we are not far removed from a state of slavery.

I shall only add sir, that I have subjoined a state of facts, founded on documents relative to my consent that the lesser States should have an equal representation in the senate—that I still entertain the highest respect for the honorable Convention who I am sure will never countenance unfair proceedings of any member of the house, but that I cannot again place myself in a situation, where I must hear my conduct misrepresented without the privilege of requesting leave of your honorable body to establish facts & promote Justice—

I have the honor to be sir with the highest respect for the honorable Convention & yourself, your most obedt. & very humble servt

A State of Facts

a State of Facts, referred to in the preceeding letter—

The Business of the federal Convention having been opened by Governor Randolph of Virginia, & the outlines of a plan of Government having been proposed by him, they were referred to a Committee of the whole House, & after several weeks debate, the Committee reported general principles for forming a constitution, amongst which were the two following—

7th “That the right of suffrage in the first branch of the national Legislature” (by which was intended the house of Representatives) “ought not to be according to the rule established in the articles of Confederation, but according to some equitable ratio of representation Vizt in proportion to the whole number of white & other free citizens & Inhabitants, of every age, sex, & condition, including those bound to servitude for a term of years & three fifths of all other persons not comprehended in the foregoing description, except indians not paying taxes in each state”—

8thly “That the right of suffrage in the second branch of the national legislature, meaning the Senate, ought to be according to the rule established for the first”

In the Committee of the whole, the eighth Article above recited, for which I voted, was carried, if my memory serves me by six States against five; & when under consideration of the convention, it produced a ferment, & a seperate meeting as I was informed of most of the delegates of those five States—the result of which was a firm determination on their part not to relinquish the right of an equal representation in the Senate, confirmed as it was to those States by the articles of confederation. the matter at length became so serious, as to threaten a dissolution of the Convention, & a Committee consisting of a member from each state was appointed, to meet (if possible) on the ground of accomodation.—the members from the three large states of Virginia, pennsylvania & Massachusetts, were Mr Mason Doctor Franklin & myself, & after debating the subject several days, during which time the convention adjourned, the Committee agreed to the following report

“That the subsequent propositions be recommended to the Convention, on condition that both shall be generally adopted.

first [“]That in the first branch of the legislature, each of the States now in the union be allowed one member for every forty thousand Inhabitants, of the description reported in the seventh Resolution of the committee of the whole House—that each state not containing that number shall be allowed one member—that all Bills for raising or appropriating money, & for fixing the salaries of the officers of Government of the united States shall originate in the first branch of the legislature, & shall not be altered or amended by the second branch & that no money shall be drawn from the treasury of the united States, but in pursuance of appropriations to be originated by the first branch—

secondly “That in the second branch of the Legislature, each state shall have an equal vote”

The Number of 40,000 inhabitants to every member in the House of Representatives, was not a subject of much debate, or an object insisted on, as some of the committee were opposed to it—accordingly on the 10th of July a motion was made “to double the number of Representatives being sixty five” & it passed in the negative.

The admission however of the smaller States to an equal representation in the Senate, never would have been agreed to by the Committee or by myself as a member of it without the provision “that all bills for raising or appropriating money & for fixing the salaries of the officers of Government” should originate in the house of Representatives & “not be altered or amended” by the Senate “& that no money should be drawn from the treasury” “but in pursuance of such appropriations”

This provision was agreed to by the convention at the same time & by the same vote, as that which allows to each State an equal voice in the senate, & was afterwards referred to the Committee of detail & reported by them as a part of the Constitution, as will appear by documents in my possession. nevertheless the smaller States, having attained their object of an equal voice in the Senate, a new provision now in the Constitution was substituted, whereby the Senate have a right to propose amendments to ~~money~~ revenue bills; & the provision reported by the committee was *effectually destroyed*.

It was conceived by the committee to be highly unreasonable & unjust, that a small State which would contribute but one sixty fifth part of any tax should nevertheless have an equal right with a large state, which would contribute eight or ten sixty fifths of the same tax, to take money from the pockets of the latter, more especially as it was intended, that the powers of the new legislature should extend to internal taxation—it was likewise conceived, that the right of expending should be in proportion to the ability of raising money—that the larger States would not have the least Security for their property, if they had not the due command of their own purses—that they would not have such command, if the lesser states in either branch had an equal right with the larger to originate or even to alter money bills—that if the Senate should have the power of proposing amendments, they may propose that a bill originated by the house to raise one thousand should be increased to one hundred thousand pounds—that altho the house may negative amendments proposed by the Senate, yet the giving them power to propose amendments would enable them to increase the Grants of the house, because the Senate (as well as the house) would have a right to adhere to their votes & would oblige the house to consent to such an increase on the principle of accomodation—that the lesser States would thus have nearly as much command of the property of the Greater as they themselves—that even if the representation in the senate had been according to numbers in each State, money bills should not be originated or altered by that branch, because by their appointments the members would be farther removed from the people, would have a greater & more independent property in their offices, would be more extravagant, & not being so easily removed, would be ever in favour of higher Salaries than members of the House.—that it was not reasonable to suppose the aristocratical branch would be as saving of the public money as the democratical branch—last but that on the other hand, should the senate have only the power of concurrence, or nonconcurrence of such bills they would pass them altho the Grants should not equal their wishes: whilst with the power of amendment they would never be satisfied with the Grant of the House—that the Commons of Great Britain had ever strenuously & successfully contended for this important right, which the Lords had often but in vain endeavoured to exercise—that the preservation of this right, the right of holding the purse strings, was essential to the preservation of Liberty—& that to this right perhaps was principally owing the liberty that still remains in great Britain—

These are the facts & reasons whereon was grounded the admission of the smaller States to an equal representation in the Senate, & it must appear that there is an essential difference between an unqualified admission of them to an equal representation in the Senate, & admitting them from necessity, on the express condition provided in the recited report of the committee— it must also appear, that had that provision been preserved in the constitution & the senate precluded from a right to alter or amend money or revenue bills, agreeably to the said report, the lesser States would not have that undue command of the property of the larger States which they are now to have by the constitution—& that I never consented to an equal representation of the States in the Senate as it now stands in the new ~~plan of Government~~ System—

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