



Written by [Joe Wolverton, II, J.D.](#) on September 5, 2016

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## Elbridge Gerry's Goings-on

Elbridge Gerry was a forceful member of the Founding generation whose name and contribution to the cause of liberty have been nearly forgotten by his 21st-century countrymen. In truth, the name of Gerry likely would be completely unknown were it not for its attachment to the apportionment scheme known as “gerrymandering.”



Given that Gerry was among the most active participants at the Constitutional Convention of 1787 (he delivered at least 119 speeches on a variety of subjects), and given his leadership role in the unsuccessful anti-Federalist attempt to prevent ratification of the document drafted during that historic summer in Philadelphia, his near anonymity is something of a head-scratcher.

Gerry was born on July 17, 1744 in Marblehead, Massachusetts, the third of 12 children of Thomas Gerry, a wealthy and influential codfish merchant. Thomas was, M.E. Bradford writes, a “sober Puritan,” but he and all his children threw themselves zealously into the organized resistance to English economic regulations being imposed on trade in Massachusetts and elsewhere.

Although the Gerry family’s fierce opposition to the Stamp Act, the Sugar Act, and the Boston Port Act likely stemmed from the detrimental effect those measures had on their business shipping dried codfish to the West Indies, Elbridge’s sincere and steadfast commitment to the patriot cause is beyond dispute.

In fact, Gerry’s resistance to what he and his countrymen considered English despotism was so reliable and respected that he was elected time and again to political office in local and state government before and after the outbreak of the War for Independence.

### Beginning to Toil

While serving as a member of the Massachusetts General Court, Gerry became acquainted with men who soon would become the leading lights of the struggle for the restoration of American liberty, men with famous and familiar names such as Sam Adams and John Hancock.

During his time toiling with these rebellious representatives, Gerry became a protege of Sam Adams, the founder of the Sons of Liberty and an eloquent and charismatic prophet of the patriot cause.

That isn’t to say that Gerry was merely a spectator, however. He employed his education (he graduated from Harvard in 1762) and his enthusiasm to write the Essex Resolves, a formal enumeration of “unconstitutional acts” committed by the representatives of the Crown in Massachusetts.

Even in this worthwhile endeavor, though, Gerry’s work lingers in the historical shadow cast by the much more well-known Suffolk Resolves. The Essex contribution is notable in its own right, and it is



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worth noting that while John Hancock, Sam Adams, Benjamin Lincoln, and Robert Treat Paine were all members of the body of deputies that congregated at the Salem courthouse to compile a list of grievances against the royal governor and the king, it was Elbridge Gerry who was tasked by those talented patriots to take pen in hand and memorialize their remonstrances.

Among the four items that comprise the Essex Resolves, the last is memorable for its claim of “the necessity and most vigorous and immediate exertions for preserving the freedom and constitution of [Massachusetts].”

The final paragraph of the Essex Resolves declares that those deputies and any others who should be elected by the people of Massachusetts were now to be known as the Provincial Congress, and they would work out the policies to be pursued in addressing the “dangerous and alarming situation.”

While working in the Massachusetts Provincial Congress, Gerry was selected to sit on the Committee of Correspondence, and it was in this company that he was responsible — along with Hancock and Sam Adams — for concocting and carrying out a plan to prepare the patriots, including arming them in anticipation of war with British soldiers stationed in and around Boston, whose movements and methods were becoming increasingly insufferable and provocative.

The night before the “Shot Heard ‘Round the World” was fired at Lexington Green, Elbridge Gerry’s work to help restore liberty and self-government to Massachusetts was almost brought to an abrupt and early end. Gerry was sleeping at a tavern when British regulars busted in, intending to capture the colonial rabble-rouser. Still dressed in his night shirt, Gerry escaped unharmed, fleeing into the field of a nearby farm.

As petition after petition failed to achieve any acceptable reconciliation with the Crown, Gerry’s active participation in the political arena persisted, but he served and suffered personally, as well. During his time as chairman of the Massachusetts Committee of Supply, Gerry’s family shipping business located at Marblehead contributed considerably to the supplying of material to the Massachusetts militia. Gerry’s personal fortune took a hit at this time, as the ships that would have been used to carry out trade between Massachusetts and the Caribbean were instead occupied moving critical stores from Boston to the troops in the field.

In January 1776, he was elected to the Second Continental Congress, scheduled to meet the following month in Philadelphia.

Here again, Gerry demonstrated not only his unwavering allegiance to the cause of powerfully pushing back against the crescendo of British abuse of authority (very early in his term he called for separation from the “prostituted government of Great Britain”), but his willingness to sacrifice his personal welfare, as well.

Gerry was assigned by the congress to serve on the Committee of the Commissary, and as such he oversaw and organized the supply of goods to the Continental Army. While he was in Philadelphia, Gerry’s father and brothers carried on with their shipping business in Marblehead. Gerry could have parlayed his family’s position into pecuniary gain, but he refused to profit from the war, even going so far as to hammer out an agreement with other New England merchants to set fixed prices for various commodities required by the American military.

As stated above, Gerry was no moderate. Of those who preferred petitions to combat and who pushed



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for reconciliation rather than resistance, Gerry wrote, “Some timid minds are terrified at the word independence. If you think caution in this respect good policy, change the name.”

Independence was declared, and although Gerry was an ardent advocate, he was away from Philadelphia on that historic date and did not sign the Declaration of Independence until he got back to town in September.

Despite his unalloyed allegiance to the restoration of American liberty, within two years of signing the Declaration of Independence, Gerry would take leave of his seat in Congress, protesting what he saw as increasingly invasive policies. He was accused of having failed to secure Massachusetts’ quota of supplies for the army and did not return to Philadelphia for three years, although he was technically still a delegate. Indeed, Gerry’s rock-ribbed defense of the sovereignty of the state of Massachusetts and its authority to set and pursue domestic policy without interference from Congress alienated him from many members of the Second Continental Congress.

During his absence from Philadelphia, Gerry sat as a member of the Massachusetts State Legislature, working to protect state prerogatives from the meddling of the members of the Continental Legislature.

With the successful conclusion of the War for Independence, Gerry continued serving as a member of Congress and the Massachusetts State Legislature, never neglecting his private business interests, however. His last few years in Congress — he left for the last time in November 1785 — were spent in a variety of endeavors: pushing for development of the Northwest Territories (investments in those areas would have brought him a substantial windfall were the territories to become states), fighting for the dissolution of the Society of the Cincinnati (the, some argued, aristocratic organization comprised of former officers of the Continental Army), and for the related cause of mustering out the remaining armed forces, insisting that such was unnecessary and was nothing more than a standing army, a perpetual threat to liberty.

## **Constitutional Conventioneer**

When the call for revision of the Articles of Confederation led to a convention of the states scheduled to begin in May 1787, Gerry was once again sent by the citizens of Massachusetts to represent their interests and their independence.

This assignment in Philadelphia would be as friendless as his previous stint, owing principally to his principles. Gerry refused from the first banging of the gavel to give an inch of Massachusetts soil or sovereignty to a “national” government. As described by M.E. Bradford, “As he made clear in 119 speeches and in many motions and seconding of motions, [Gerry] had not come to Philadelphia to vote Massachusetts out of existence or to compromise its political or cultural integrity.”

As far as Elbridge Gerry was concerned, his purpose in Philadelphia was to amend the Articles of Confederation, not replace them, and to establish some sort of workable confederation that would prevent populist uprisings of the sort carried out by Daniel Shays and his associates. In other words, Gerry wanted to perpetuate the union, establish domestic tranquility, and obviate the conditions that created calls for radical democracy.

“The evils we experience flow from the excess of democracy,” he said during a speech delivered on May 31 in opposition to a proposal to have the members of the “national legislature” elected by the people, rather than by the state legislatures.



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As the purpose of the convention became clear to Gerry, he toiled tirelessly to thwart what he perceived as a push for a national rather than a federal government, as made clear, to him, by the introduction by Edmund Randolph of the Virginia Plan.

On May 30, Gerry is reported by James Madison (the architect of the Virginia Plan) to have “entertained the same doubt” as expressed by Charles Pinckney of South Carolina, namely, “whether the act of Congress recommending the convention or the commissions of the deputies to it could authorize a discussion of a system founded on different principles than the federal constitution [the Articles of Confederation].”

Despite his misgivings of the legitimacy of the apparent aim of the convention’s organizers to abolish the Articles of Confederation and replace them with a constitution establishing a more “energetic government,” Gerry stayed at the convention, contributing something to nearly every issue of importance debated during that long, hot summer of 1787.

Gerry’s positions were not always consistent, however. He seems to have, in modern parlance, flip-flopped on any number of issues, even those of seeming substantial impact on the independence of the states.

This fluidity of favor prompted Brion McClanahan to describe Elbridge Gerry as “quite possibly the most complex character of the Founding generation.”

It is easy to see why McClanahan would take such a position with regard to Gerry. He was, it seemed, all over the map during the convention. For example, he said he feared that the proposed plan of government would leave states “altered as in effect to be dissolved,” and refused to give his assent to any suggestion that states be subordinate in sovereignty to the proposed “general government.”

Yet, less than a month from his warning that the convention was overstepping its bounds and encroaching on state authority, Gerry reprimanded those representatives who were jealously guarding the sovereign status of their states. On June 29, James Madison made the following entry in his record of the proceedings of the convention:

Mr. Gerry urged that we never were independent states, were not such now and never could be even on the principles of the confederation. The states and the advocates for them were intoxicated with the idea of their *sovereignty*.

Such swings of support were dubbed by McClanahan as a “typical Gerry turnabout.”

There were, however, some issues where Gerry staked out his position and from which he never retreated. He fought repeatedly for inclusion of a bill of rights, for state control of the election of the executive, and for a prohibition on the acceptance by congressmen of “offices” while serving in the legislature and for a year afterwards.

It was on this last point, a point that seems so timely in this era of the revolving door between the Capitol and contractors, that Gerry spoke at great length.

Gerry worried that allowing federal legislators to accept such positions would “produce intrigues of ambitious men for displacing proper officers in order to create vacancies for themselves.”

To avoid such avarice, Gerry advocated inclusions of explicit restrictions on the practice. When other members argued that congressmen could be relied on to not take such self-serving steps, Gerry warned,



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“Confidence is the road to tyranny.”

Yet another example of Elbridge Gerry’s ability to foresee a time when federal officials would usurp powers beyond those enumerated in the Constitution is found in the record of the deliberations of August 17. On that day, upon hearing a recommendation that the president be endowed with the exclusive power to declare war, Gerry is reported to have said that he “never expected to hear in a republic a motion to empower the executive alone to declare war.”

The Founding Fathers wisely assigned the power to declare war to Congress. But in light of the unconstitutional usurpation of that very power by generations of American presidents, one must wonder if Gerry would consider the United States of America a republic today.

## Prescient Observer

Finally, on Saturday, September 15, the penultimate day of deliberation at the Constitutional Convention, Elbridge Gerry declared eight “objections that determined him to withhold his name from the Constitution.” He added, however, that he could “get over all these” if it wasn’t for three aspects of the proposed government that he believed would leave “the rights of citizens ... rendered insecure.” These three insuperable threats to individual liberty were:

1. The power of Congress to “make whatever laws they may please to call necessary and proper”;
2. The power of Congress to “raise armies and money without limit”;
3. The power to establish “tribunals without juries, which will be Star Chambers as to civil cases.”

Each of Gerry’s complaints about the Constitution’s granting of too much power to the central government has proven prophetic.

Despite clear statements by James Madison, Alexander Hamilton, and others of the original intent of this provision, the “necessary and proper clause” has become an inch-wide gap of ambiguity through which has passed a mile-wide column of congressional tyranny.

The armed forces of the United States are strong and they should be. What they should not be, however, is the military arm of an empire that inserts itself into every civil war and foreign combat zone around the globe.

As for money, with the establishment in 1913 of the Federal Reserve, the government created a cartel possessed of the power to control the economic welfare of the United States and to exert substantial control over the financial stability of the entire planet.

Finally, regarding Gerry’s warning regarding the empaneling of tribunals without juries and their propensity to function like the Star Chamber (an English court of the 14th to 17th centuries that met in secret, with no record of indictments, no identification of witnesses, and no transcript of the proceedings), the likening of the FISA courts’ (courts created by the Foreign Intelligence Surveillance Act Amendments) absolute approval of requests by the government to monitor citizens’ electronic communication to the decisions of the Star Chamber is apt and accurate on many points.

After the convention, Gerry sent a letter to the Massachusetts State Legislature explaining why he could not consent to the Constitution. His reasons weren’t enough to satisfy many lawmakers, who accused him of being self-serving and of poor judgment.



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Regardless of these recriminations, Gerry persisted in his opposition to the Constitution.

Among other things, Gerry feared many in Massachusetts (and her sister states) would be inclined to blindly accept the proposed constitution simply because of the promises of the famous names associated with its production and promotion. “It must be admitted, that a free people are the proper guardians of their rights & liberties—that the greatest men may err — & that their errors are sometimes, of the greatest magnitude,” he declared.

Once again, time has proven Gerry prescient. We are, today, being led to accept any number of unconstitutional programs and policies by the savvy speeches of very powerful people. Sadly, most of these schemes serve ultimately not to protect us, but to deprive us of our God-given right of self-government and lull us into a stupor, leaving our liberties unguarded, prey for freedom-fearing despots.





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