

Procedures Manual for  
Delegate Positions on All Substantive Roll Calls  
At the United States Constitutional Convention, 1787

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## 1. General

### 1.1. Goal

The goal of this project was to code delegate votes on all substantive motions at the Constitutional Convention of 1787 using statements from debates, the recorded votes of the state blocs, and other information.

### 1.2. Primary Sources

Farrand, Max. Ed. 1911. *The Records of the Federal Convention of 1787 Volumes I, II, & III*. New Haven: Yale University Press.

Hutson, James. Ed. 1987. *Supplement to Max Farrand's the Records of the Federal Convention of 1787* (Supplement). New Haven: Yale University Press.

### 1.3 Secondary Sources (used only for attendance)

Collier, Christopher. 1971. *Roger Sherman's Connecticut, Yankee Politics and the American Revolution, 1<sup>st</sup> ed.* Middletown: Wesleyan University Press.

Jenkins, William Summer. Ed. 1949. "Minutes of the General Assembly of PA, third session, eleventh assembly". *Records of the States of the United States of America*. Washington, D.C.: Library of Congress. PA A.2.

Lloyd, Gordon. (n.d.) "The Constitutional Convention". *TeachingAmericanHistory.org*. Ashbrook Center. Retrieved 2011 from <<http://teachingamericanhistory.org>>.

McCormick, Richard Patrick. 1950. *Experiment in Independence: New Jersey in the Critical Period, 1781-1789*. New Brunswick: Rutgers University Press.

*Minutes of the Supreme Executive Council of Pennsylvania, from its organization to the termination of the Revolution.*\_1853. Pennsylvania Archives. Harrisburg: Theo. Fenn and Co. 218-275.

O'Conner, John E. 1979. *William Paterson, Lawyer and Statesman, 1745-1806*. New Brunswick: Rutgers University Press.

Prince, Carl E. Ed. 1979. *The Papers of William Livingston*. Trenton: New Jersey Historical Commission.

Smith, Paul et al. Ed. 1982. *Letters of Delegates to Congress, 1774-1789*. Washington, D.C.: Library of Congress.

## 2. Preparing for Coding

With the exception of substantive amendments disguised as motions to postpone, the following procedural motions were not coded:

Motion to Adjourn: To end the day's session.

Motion to Commit: To refer a motion to a committee.

Motion to Postpone: To end current debate on the issue.

Motion to Reconsider: To continue debate on a motion, amendment, or measure that was previously postponed.

Motions that were procedural but contained substance, like *some* motions to postpone, were coded by researchers and investigators from the Constitutional Convention Research Group (CCRG).

### Example:

Vote 1: A motion to postpone debate on Randolph's 3<sup>rd</sup> proposition, "resolved that in order to carry into execution the design of the States in forming this Convention, and to accomplish the objects proposed by the Confederation a more effective Government consisting of a legislative, executive, and judiciary ought to be established (F 1:35)."

Because this motion to postpone debate on Randolph's 3<sup>rd</sup> proposition was really an attempt to substitute it with another version of the same issue, the motion was considered substantive and coded.

### 2.1. Gathering Vote Information

The following initial information was gathered in an excel file to help research assistants code delegate votes.

Vote Number: Vote 1

Date of Vote: May 30

Page Number in the journal: F 1:32

Vote Tally in the journal: 4-4

The Statement of the Vote in the journal: "It was moved by Mr. Read seconded by Mr. C. C. Pinckney to postpone the consideration of the last resolution in order to take up the following: Resolved that in order to carry into execution the design of the States in the forming of this convention and to accomplish the objects proposed by the confederation "a more effective government consisting of a Legislative, Judiciary, and Executive ought to be established".

Page Number in Madison's Notes: F 1:35

Vote Tally in Madison's Note: 4-4

Statement of the Vote in Madison's Notes: "Motion by Read and CC Pinckney to postpone Randolph's 3<sup>rd</sup> proposition "that a national government ought to be established consisting of a supreme Legislative, Executive, and Judiciary" in favor of "Resolved that in order to carry into execution the Design of the States in forming this Convention, and to accomplish the objects proposed by the Confederation a more effective Government consisting of a Legislative, Executive, and Judiciary ought to be established".

Vote numbers came from the tables in the journal, known as the “Record of Votes.” At times, there were votes that were not recorded in the record (we call these unnumbered votes). We identify these votes with a letter as a suffix. For example, after “vote 4,” and before “vote 5,” the Convention votes on an issue that is not recorded in the Secretary’s record. Hence, this vote was marked as “vote 4a.” With the exception of such suffixes, unnumbered votes were treated the same way as numbered votes.

Both the journal of the Constitutional Convention and Madison’s notes were used to identify motions for two reasons. First, Madison’s notes included unnumbered votes more often than the journal. Second, the journal only identifies the final vote for some series of votes. Madison’s notes appeared to identify every vote leading up to the final vote, offering more detail and insight into the convention and its proceedings.

## **2.2. Translating Votes**

For coding purposes, a graduate research assistant translated the language used in the journal and Madison’s notes into a language that coders could easily understand. The coders were given the translation, the language directly from the journal, and Madison’s notes to help them code as well as a copy of Farrand, which includes delegate statements. All translations were agreed to by at least two people and included with the information stated in section 2.1.

### **Example:**

Vote 165

The journal: “to strike out the words ‘national legislature’ out of the second clause of the 9<sup>th</sup> resolution, reported from the Committee of the whole House and to insert the words ‘the Citizens of the United States’.”

Madison’s notes: “question on an election by the people instead of the Legislature.”

Translated version: “The 2<sup>nd</sup> clause of the 9<sup>th</sup> resolution of the Amended VA Plan (F 1:230) states that the National Executive shall be chosen by the national legislature. The proposal is to have the National Executive chosen by the citizens of the United States.”

## **2.3. Attendance**

Farrand (1966, 3: 586-90) records the attendance of the delegates but some of his records are vague. We took the following steps to improve our data on attendance.

Our attendance records are primarily based on Farrand (1966, 3: 586-90) with updates from Hutson (1987) and Collier (1971) – the latter was used to find more precise dates for the attendance of William Samuel Johnson and Roger Sherman. CCRG researchers also examined *The Journals of the Continental Congress* and the *Letters of Delegates to Congress* to determine if delegates were meeting in Congress when they were allegedly at the Constitutional Convention; they looked at the *Minutes of the General Assembly of Pennsylvania* and the *Minutes of the Supreme Executive Council of Pennsylvania* to see if any of the Pennsylvania delegates were conducting state business during a Convention meeting; and they consulted biographies for members from new Jersey and Delaware to see if we could attain more precise

times of departure for specific delegates. In cases where Benjamin Franklin was at the Executive Council of Pennsylvania, the times of the meeting did not overlap with the Convention or they were unspecified. Additional sources provided no new information.

There is a significant gap in our knowledge of the attendance of delegates from Delaware, which is most obvious when the state vote was divided on one or more votes during the same day (June 12, 22; July 12, 13, 24). There are also cases where Delaware did not vote for parts of days or even whole days. This happened throughout the Convention and often more than once in a single day. It could be that the state was at its minimum attendance requirement for voting; three for Delaware (Farrand 3:559-586) and someone is walking in and out of the meeting. The current attendance records cannot explain either phenomenon because there is not enough information in Farrand's works or the *Supplement* to suggest who might be gone. Since we force coded a member of Delaware delegation only six times out of 794 votes, this limitation should have little effect on our vote inferences. "Force coding" is explained below, in section 3.4.

As a point of reference, our attendance records can be compared to those provided at <TeachingAmericanHistory.org>. For a handful of cases, our attendance records conflicted with this website. In each instance we utilized James H. Hutson's *Supplement* to Max Farrand's *The Records of the Federal Conventions of 1787* to investigate if there was substantial evidence for us to overturn our individual cases in favor of Gordon Lloyd's attendance records. This resulted in us changing 51 delegate attendances over a total of 44 days. In all other cases, our attendance records match those from Farrand (1966).

To further prevent false forced codes (explained below) we kept a record of votes where a state was divided on a vote and there was no conclusive explanation as to why (such as when someone must have been absent from a state, but there was no conclusive evidence as to who was absent.). We did not "force code" any delegate from such a state in the nine days in question.

## 2.4. State Votes

State votes were determined from the journal and Madison's notes. Whenever there was a contradiction we coded the state vote as unknown, rather than favoring one of the two documents.

If it was known that a vote passed unanimously (as noted by the journal), we coded every state in attendance as voting in the affirmative. Since it was possible that a state delegation stepped out during this unnumbered vote, a state would only be marked as voting in this situation if the state voted for the previous numbered vote and the next numbered vote. If there was ever any doubt, the state vote was coded as "unknown." Also see section 5.2.

If a state was divided in its vote, meaning the state was present but half the delegation voted yea and half voted nay, the state was marked as "3" for divided.

When we knew a state did not vote, as specified by the journal, the state would be marked as "DNV" (did not vote). All delegates within the state were also recorded as "DNV." This was

because votes were tallied by votes in state blocs, not as individuals. Thus, if a state did not cast a vote, no delegate could have casted a vote.

It could be argued that delegates in attendance at a time a state bloc was marked “DNV” cast votes that were unresolved, or conflicting between the delegates, in the bloc. However, the goal of this project was to code votes, not to make inferences on individual delegate positions. Therefore, we treated delegates in these cases as “DNV,” and coded the remaining statements as “preferences,” as described below.

## **2.5. Debate Days**

In order to code votes consistently during debate days, a rule was created to determine which statements could be applied to which votes. We assumed a statement must (1) be germane to the vote, as indicated by its content, and (2) come from the same debate as the vote. More specifically, we determined that a debate on an issue started at the time the issue was first raised. The debate is considered to have continued until the issue at hand was voted on and a separate issue was raised. This yielded three cases that were included in the debate days:

- 1) When there was a discussion on a vote immediately following said vote, but before a new issue was raised.
- 2) When an issue was raised, debated, postponed, and voted on at a later date.
- 3) When issues were raised and voted on, but a new issue was not immediately raised.

The vast majority of debate days had a duration of less than one day.

## **3. Coding Delegate Votes**

The coding of votes proceeded in three main steps – coding based on attendance, coding based on recorded votes, and coding based on statements. In applicable cases, force coding was used to determine delegate votes as a fourth and final alternative.

### **3.1. Coding Based on Attendance**

The first step was to assign a delegate the vote recorded for his state if his delegation had no more than two members attending. By the formal rules of the Convention, the vote of each state delegation was determined by a majority of its attending members. Hence, if two delegates attended and the state was recorded as yea (nay), then both of the delegates must have voted yea (nay). Cases where the state was divided or the vote recorded for the state did not match in Madison’s notes and the journal were not coded in this step.

#### **Example:**

For vote 387, to prohibit the states from issuing paper currency, Georgia is recorded as a yea. Thus, both Abraham Baldwin and William Few are coded as “yea” because they were the only delegates from Georgia in attendance.

### 3.2. Coding based on Motions and on Recorded Votes

Next, we coded any delegate who motioned, or seconded a motion, as voting in favor of that motion. This assumes that delegates will only motion something they intend to vote in favor of, even if that motion is strategic. We also coded any delegate votes that were explicitly recorded in Madison's notes or the notes of other delegates.

#### **Example:**

Vote 110, the Convention voted on whether each state should get one vote in the Senate: Madison records that, "Geo. Divd. Mr. Houston no Mr. Baldwin ay (Farrand 1966, 1:510)." Because of this, Houston was coded as a "nay" and Baldwin was coded as a "yea".

Vote 249, the Convention votes on whether or not someone should be a resident of the United States for one year to be eligible to serve in the House of Representatives: In McHenry's notes, he specifies how the entire state of Maryland voted (Farrand 1966, 2:226), which was used to code the Maryland delegation. There was no contradictory information.

### 3.3. Coding Based on Statements

Additional votes were inferred using statements made by delegates in debate, as recorded in the notes of James Madison, Robert Yates, Rufus King, and other delegates (collected in Farrand 1966). We also used statements from personal manuscripts and speeches published in Farrand's (1966) Volume III or the *Supplement* (Hutson 1987), as described below. To allow for preference changes, a statement was applied to a roll call only if it came from the same debate as the roll call.

#### **Example:**

Nathaniel Gorham, a member of the Massachusetts delegation, was inferred as voting "nay" on vote 387. In response to the motion to add an absolute prohibition of state currency to Article XII (of the resolves of the Committee of Detail), Gorham said the purpose of the clause was already protected in Article XIII, which required the consent of the national legislature for the states to issue currency. He further claimed, "an absolute prohibition would rouse the most desperate opposition from its partizans" (Farrand 1966, 2: 439).

Limiting codes to votes coming from the same debate allowed for possible changes in preferences across the course of the Convention.

Coders were also asked to record their confidence in a vote, which helped resolve future discussions on a code more quickly.

### 3.4. Forced Coding

Lastly, we re-used our attendance records, the codes inferred in section 3.3, and the votes recorded for the state blocs to infer whether the remaining members of a delegation must have

voted in a particular way. The idea was that the majority of a delegation must vote the same as the vote recorded for their state. If enough minority positions were inferred in from statements (as described in section 3.3), then the remaining, majority positions must have been the same as the vote recorded for the state.

**Example:**

Massachusetts was recorded as a “yea” on vote 387. Because Caleb Strong was absent and Nathaniel Gorham was coded as “nay,” the two remaining Massachusetts delegates, Elbridge Gerry and Rufus King, must have voted yea in order for a majority of the Massachusetts delegation to have voted “yea”.

To avoid false force codes, a delegate we did not force code delegate if their attendance was unclear. Forced codes were only used for states in which there were more than three members in attendance. Data without such codes are available upon request.

### **3.5. Delegate “Preference” Codes**

When a state delegation did not vote (DNV), we would mark every delegate from the state as DNV to signify they did not vote. Since we were coding votes and not preferences, it was decided that it would be imprudent to code delegates that did not cast a vote the same way as we coded those that did cast a known vote.

Yet some information identifying how delegates *would* have voted had the state cast a vote was available to the researchers, such as explicit statements of the delegates. To distinguish these types of codes, which we call preference codes, from vote codes of the delegates, the following practice for relevant cases was adopted:

- 1) If a delegate attended and made a statement that was equivalent to a “yea” vote, we coded their statement as [DNVY], code 2.
- 2) If a delegate attended and made a statement that was equivalent to a “nay” vote, we coded their statement as [DNVN], code 7.
- 3) If a delegate attended and made a statement that was germane to debate but we were unable to determine his preference from his statement was, we coded their statement [DNVA], code 8.

Users can decide for themselves whether they want to separate preference codes from vote codes or combine the two.

### **3.6. Volume III and the Supplement**

After votes were coded based on information from Farrand’s *Volumes I and II*, we incorporated information from Farrand’s *Volume III*.

In the first step, independent coders looked throughout all of *Volume III* and the *Supplement* for statements that were germane to a specific roll call vote and record them. Two coders were

assigned to this task and each read *Volume III* and the *Supplement* in their entirety. If a statement could be attached to a specific roll call vote, the coder recorded a brief, one sentence summary of what each roll call vote was about and the specific roll call vote(s) it applied to. We did not use this information unless it was clearly related to a specific roll call. Footnotes in Farrand's *Volumes I* and *II* helped relate said information to specific roll calls.

Up to this point, codes were not recoded. Instead, we simply identified statements that could potentially be used to further code delegates.

In the second step, two independent coders incorporated information from *Volume III* and the *Supplement* under the following protocol:

- 1) We had to allow for changes in positions. **Example:** the Pinckney Plan, appearing in *Volume III*, could not be used because it may have been written before Pinckney arrived at the Convention and Pinckney may have been persuaded to change positions before any issues were raised at the Convention. We omitted information from the Hamilton Plan for similar reasons.
- 2) A statement for *Volume III* and the *Supplement* had to clearly match a specific roll call vote. This meant that it was rare to use a statement to code a vote when the issue was raised multiple times (like apportionment). It was common if an issue was raised only once (like the 1/13ths threshold for ratification, which had three votes all in the same day). Furthermore, a statement like "I *always* opposed the 3/5<sup>th</sup> clause" might be used to code all roll call votes on 3/5ths apportionment, but a statement such as, "I was opposed to the 3/5ths clause" might not be used to code any roll call votes on 3/5ths apportionment (unless we can determine which 3/5ths roll call vote it was related to).
- 3) Precedent was given to information from the debate days in question over information from *Volume III* and the *Supplement* written on another day.

### 3.7. No Debate Issue

There was an initial concern that we should not code votes without statements or motions from at least two delegates. We were concerned that allowing such codes would over-sample a small number of delegates who could be coded solely by attendance (section 3.1). However, we decided that such decisions were best left to those utilizing the data and coded any substantive roll call where at least one position could be inferred by a statement (section 3.3), a motion or recorded vote (section 3.2), or attendance (section 3.1).

## 4. Ensuring Proper Coding

### 4.1. Training Coders

The supervisor checked the codes produced by the coders. The first concerns were to align the work of the coders with the goals of the project and to ensure the quality of the coding. For the first two months, the supervisor would re-code everything the coders coded. The supervisor would then provide written feedback, which was first sent to the primary investigator for approval. The coder would read over the feedback, make sure he or she understood it, and would

then incorporate it into his/her coding if he/she agreed with it. Direct discussion ensued if the coder and supervisor did not agree. As the coders became more comfortable with the coding process, the supervisor would thoroughly audit half of the votes and review the other half for the purposes of quality control.

#### **4.2. Inter-Coder Reliability**

In order to confirm codes and establish consistency in the project between independent coders each vote was coded twice, using two research assistants. These assistants did not share codes, or the interpretations of the other coder. Both the coder and the re-coder determined what were the proper debate days and both coded based on attendance, motions, statements, and forced codes.

Discussion and questions about the material were encouraged between the coders with the supervisor and primary investigator regarding codes. We did not encourage the same conversations between the re-coder and the supervisor or primary investigator. Instead, we asked re-coders to make decisions independently and to the best of their ability. The purpose of this was to obtain independent judgments of the coders, not the opinions of the supervisor or primary investigator through the same source of guidance. Re-coders were experienced coders by the time they were given assignments to code. Hence, they did not need the initial months of practice described above.

When the supervisor received re-codes, he compared the re-codes to the original codes and made a record of the following disagreements:

- 1) When there was an opposite code with the same information (i.e., one coder marked a delegate as a “y” or “n” and the other coded the opposite despite the fact that they used the exact same statements to code the vote.).
- 2) When there was an opposite code with different information (i.e., one coder marked a delegate as a “y” or “n” and the other coded the opposite but they gathered different statements to code the vote.).
- 3) When there was a “no confidence” or missing code with the same information (i.e., one coder marked a delegate as casting a “y” or “n” vote while the other coder gave the delegate a “0” or did not code the delegate, despite the fact that they used the exact same statements.).
- 4) When there was a “no confidence” or missing code with different information (i.e., one coder marked a delegate as casting a “y” or “n” vote while the other coder did not code the delegate, and they used different statements.).
- 5) When there was no contradiction but the code needed to be addressed (i.e., one coder specified that a delegate motioned or seconded a motion while the other coder did not identify that the delegate motioned or seconded.).
- 6) When there was a difference in debate days.

The total number of inconsistencies that were identified are summarized in the table below:

Table 1  
Number of Inconsistencies by Type

Type 1	Type 2	Type 3	Type 4	Type 5	Type 6
67	17	173	744	24	48

We anticipated that counts for type 2 and 4 inconsistencies would be large for two reasons. First, codes without confidence were the results of vague statements, allowing the re-coder to infer a stance that the original coder did not see (or vice-versa). Second, introducing new information would, more times than not, change a “no confidence” code to a “yes (y)” or a “no (n)” code. Thus, we are less concerned with the large number of type 2 and 4 inconsistencies.

The inconsistencies we are most concerned with are types 1 and 3. These types of inconsistencies were the results of the coder and re-coder utilizing identical information but reaching different conclusions. While a total count of 240 type 1 and 3 inconsistencies appears large, there were 1,172 instances in which the two coders could have reached differing codes with identical information. Hence, with identical information, a coder and re-coder reached opposite conclusions roughly 6% of the time and one coder gave “no confidence” while the other gave a firm “y/n” roughly 15% of the time. Such discrepancies were resolved with the process described below (section 4.3).

### **4.3. Determining the Proper Code after a Contradiction**

After the code contradictions were recorded, a list of inconsistencies was sent to both the coder and re-coder. These were reviewed independently by the two coders to determine if a contradiction was the result of a mistake or misunderstanding on the part of one of them. Codes that could not be quickly resolved were slated for weekly discussion groups.

### **4.4. Discussion Groups**

Disagreements slated for discussion were sent to all members of the discussion group at least one day before the meeting so that members would have time to look over the text. The group consisted of the primary investigator, the graduate supervisor, and all coders and re-coders – typically five people. When the group met, the coder who was assigned the vote would remind everyone of the issue, describe the vote, and then explain the disagreement. Other members of the research team would offer his or her thoughts in order to try to reach a consensus on the appropriate code. Unanimous agreement was almost always achieved in determining the appropriate code. If unanimity was not achieved, the code was left missing.

### **4.5. Can Votes be Inferred from Statements?**

The procedure proposed for this study implicitly equates a position stated by a delegate with his vote on the issue. In other words, it assumes no strategic “talking.” There are two reasons that this assumption may be reasonable. First, because votes were taken verbally and sequentially,

delegates who stated positions contrary to their vote could incur fairly high costs. Other delegates would notice their inconsistencies and might discount their statements on future votes. Second, in cases where historians believe there was a vote trade (such as preventing Congress from prohibiting the importation of slaves until 1808 traded for rejection of a 2/3rds majority requirement to pass navigation acts) delegates who were allegedly parties to the vote trade always seemed to state positions consistent with the vote trade they were about to cast or they remained silent. Thus, there is good reason to expect strategic “talking” to be rare.

To test the conjecture, the investigators compared “known” votes of the delegates to votes inferred from delegate statements. One set of “known” votes are those cases where no more than two delegates from a state attended. For each of these cases, delegates must vote with the recorded position of their state (unless the state was divided). The investigators used the name index in Farrand (1966) to identify substantive statements made by delegates during those days. Roll call votes were matched to each relevant statement (if any) and the delegate’s vote was inferred on the roll call using the method described in section 3.1. When this process was completed, Farrand’s records were utilized to record the vote of the delegate’s state on the relevant roll calls. From these data, the percentage of inferences that were identical to the delegate/state votes was then determined.

The process produced 61 cases where both a statement for a delegate and a vote for the delegate (based on the state’s vote) could be inferred.<sup>2</sup> Of these, 58 were in agreement (95%). Only three statements came from days other than the vote. In all three of these cases, the statement was coded consistently with the delegate’s vote. This experiment suggests that the process used to infer votes generally provides an accurate assessment of actual votes. In other words, cases of strategic talking (where a delegate talks one way but votes another) are considered to be rare.

## **5. Other Issues**

### **5.1. Thresholds**

Some of the most important votes at the Constitutional Convention were related to apportionment and the term length of an office holder. These were the hardest series of votes to code. Ultimately, codes were only assigned to votes for which we had clear and direct evidence on how the delegate voted. Many of these votes unfolded in a logical way.

#### **Example:**

Consider the number years an individual must be a citizen of the United States before they would be eligible to serve in the Senate. It was first proposed that an individual should be a citizen for at least fourteen years to be eligible (Farrand 1966, 2:238). This fails and then it was proposed that an individual should be a citizen for thirteen years (Farrand 1966, 2:239). This fails, then

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<sup>2</sup> There were an additional three cases where the state vote was divided (Maryland v70; Maryland, v71; Connecticut, v457); one case where the state vote was not specified; and two cases where the delegate’s statement was insufficient to code his vote (Sherman, v389; Sherman, v503). These cases are not included in the 61 case total.

ten years was proposed (Farrand 1966, 2:239), followed by nine years (Farrand 1966, 2:239). Finally, the convention agreed to seven years (Farrand 1966, 2:272).

Initially, we coded these votes in the following manner. When a delegate supported a motion, or made a motion, we would assume he supported only that motion and he would oppose all other motions with lower thresholds. So when Morris motioned that an individual must be a United States citizen for fourteen years (Farrand 1966, 2:238) before being eligible to serve in the Senate, we assumed he was a no vote for fewer years.

While this process appeared to make sense we discovered information that contradicted the practice. Luther Martin proposed that thirteen states should be necessary for ratification of the Constitution and was quite adamant about it (Farrand 1966, 2:476-277). Since the votes regarding ratification proceeded logically, we coded Martin as a “y” on having 13 states ratify the Constitution and on the subsequent lower thresholds considered (12 states, 10 states, and 9 states). While coding Martin we ran across a statement he wrote in response to a Land Holder after the Convention (Farrand 3:288). In this letter Martin explained the he wanted 13 states to ratify the Constitution but voted yes on every subsequent vote in fear that the number required for ratification would drop even lower. Since Martin specifically said how he voted, we coded him based on these additional statements. But it left us with bigger conclusions. We would have to leave delegate codes missing for subsequent threshold votes unless there was direct information that allowed us to code such votes.

## **5.2. Nem Con**

Madison would sometimes record that the vote was agreed to or disagreed to “nem con.” We initially took nem con to mean “nemine contradicente” or “without objection.”

However, it was not clear whether this meant no delegates voiced an objection or no state voiced an objection. Hence, we treated state votes as unknown.

## **6. Categories of Votes**

The data also includes a category for each vote. The primary category refers to the most appropriate description of the vote, while the secondary category identifies the second and possibly third best description. Each roll call was assigned a primary category, but the number of secondary categories varied by roll call. Procedural motions that were also substantive, like a motion to postpone, were coded by their substantive qualities in the primary category.

To ensure that categories were properly assigned, two independent research assistants identified all categories. Unlike vote coding, differences between the two research assistants were resolved in meetings with the primary investigator.

A table listing the frequency of primary and secondary codes is published in:

Dougherty et al. 2012. "A New Dataset of Delegate Positions on all Substantive Roll Calls at the U.S. Constitutional Convention," Historical Methods, 45(3): 135-141.

## **7. Contact Information**

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