



# Harvard Model Congress Boston 2024

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## GUIDE TO THE CONSTITUTIONAL CONVENTION

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### A NOTE FROM THE CHAIRS

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Welcome delegates to this year's Constitutional Convention Committee! Below you will find the historical context you need to successfully place yourself in the shoes of the Founding Fathers, tasked with constructing a new government from scratch. In this guide you will find information about the convention's procedure and norms, knowledge about your fellow delegates and the states they represent, possible choices you could make, a broad overview on the positions held on a range of issues, and an annex of document for you to examine.

While this guide does seek to provide a solid basis for your discussions, it is not exhaustive. We *highly encourage* you to conduct your own research to better understand the issues you will be faced with and the stances of the Founding Father whom you will represent. We also want to note that while we expect our committee's discussions to portray historically accurate stances and conversations, you are *encouraged* to deviate from the Constitution that came out of this convention.

### INTRODUCTION

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*Philadelphia, 1787*

Delegates from around the fledgling United States have gathered at the start of summer, called to act to repair the increasingly dysfunctional government operating under the Articles of Confederation. The task before you is to overhaul the current supreme law of the land, which will guide our nation for the centuries to follow. Each of you is representing your own state, with its own unique political, economic, and social interests. At times, you may find that these differing interests deeply divide the positions of delegates. However, it is up to you to debate, comprise, and draft a new charter for

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the nation in the hopes of ultimately forming a more durable union, a more perfect United States of America.

Included for you in this document is some preliminary information to guide your planning for the convention. You will find below information on convention procedure, as well as brief background information on the states and their delegates. Use this document to get your bearings for the debates to come, but branch out and do your own research as well. Be sure to study the issues affecting the United States, its people, and its government in its first decades. Have a sense of what your fellow delegates will be seeking to achieve, as well as what the people of your home state will be demanding of you. Familiarity with the governing documents of the United States will be useful, but you must also be ready to depart with these. You should be prepared to cast aside much of the Articles of Confederation and perhaps even the bulk of the Constitution you think you know today. Be willing to operate outside the box of familiarity. Good luck!

## CONVENTION PROCEDURE

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The Constitutional Convention predates much of the congressional procedure we know in the 21st century. Many of the rules we will follow will ultimately seem quite familiar to you, but included in this section for your review are selections of the rules of the original Constitutional Convention extracted from the notes of James Madison [you'll find the implication for HMC in brackets]:

1. Every member, **rising to speak**, shall address the President; and whilst he shall be speaking, none shall pass between them, or hold discourse with another, or read a book, pamphlet or paper, printed or manuscript—and of two members rising at the same time, the President shall name him who shall be first heard [please stand while giving speeches, chairs will call on you at the beginning of a moderated caucus and create a speakers' list to determine the order of speeches].
2. A member shall not speak oftener than twice, without special leave, upon the same question; and not the second time, before every other, who had been silent, shall have been heard, if he choose to speak upon the subject [we will call on those who haven't spoken for a caucus first before allowing anyone to give a second speech on the same topic].
3. A motion made and seconded, shall be repeated, and if written, as it shall be when any member shall so require, read aloud by the Secretary, before it shall be debated; and may be withdrawn at any time, before the vote upon it shall have been declared [we will take motions then tell you what motions are on the table before you vote on them].
4. When a debate shall arise upon a question, no motion, other than to amend the question, to commit it, or to postpone the debate shall be received [when

- we introduce an article/clause to our Constitution and you may only motion to amend, vote, or table the article/clause].
5. A question which is complicated, shall, at the request of any member, be divided, and put separately on the propositions, of which it is compounded [if you don't like one specific section of an article, you may motion to divide the question and vote on it separately from the rest of the article].
  6. A writing which contains any matter brought on to be considered, shall be read once throughout for information, then by paragraphs to be debated, and again, with the amendments, if any, made on the second reading; and afterwards, the question shall be put on the whole, amended, or approved in its original form, as the case shall be [once something is voted to be introduced, we will read it to the committee, then it will be explained by its authors, then the committee may debate it before it is amended and voted on].
  7. A member may be called to order by any other member, as well as by the President; and may be allowed to explain his conduct or expressions supposed to be reprehensible. And all questions of order shall be decided by the President without appeal or debate [please let us know if you have questions or concerns about other delegates' behavior privately and if anyone deviates from parliamentary procedure, we will make sure to keep everyone on track—that said we don't mind if you make mistakes].
  8. Upon a question to adjourn for the day, which may be made at any time, if it be seconded, the question shall be put without a debate [at the end of committee sessions you may motion to recess/adjourn debate].
  9. When the House shall adjourn, every member shall stand in his place, until the President pass him [don't worry about this one].
  10. No member shall be absent from the House, so as to interrupt the representation of the State, without leave [please ask us if you need to step out of the room for a drink or break].
  11. That nothing spoken in the House be printed, or otherwise published or communicated without leave [do not do any committee work outside of committee. Please take a break, eat, enjoy Boston, and have fun!].

We will generally be following parliamentary procedure (please see the HMC guide to ParliPro), though instead of bills or resolutions we will be passing articles. Articles can be proposed for addition to our final document instead of passing a number of smaller parts. After the first session of debate, we will work together as a committee to brainstorm a list of topics that need to be addressed in the constitution. From there we will work together to ensure that the constitution created is comprehensive. Since

ParliPro can be tricky in this committee, we will walk you through everything you need to know and will nudge you, when necessary, so you know what to do and when.

## CONVENTION NORMS

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As a result of the historical nature of this committee, some of the views held by the delegates you will be representing are anachronistic and problematic. Many of the figures at the Convention owned enslaved people, advocated, explicitly or implicitly, for racial and/or gender-based inequality, and did not believe in the fundamental humanity of people of color. This committee will ask you to take on the views of your assigned character, but we will keep our discourse aligned with modern standards of respect and decency. While your delegate character may propose something along the lines of what became the 3/5 Compromise, you may not use racist language in espousing your proposal. During discussions of such topics, feel free to disassociate from the character and utilize the third rather than the first person. HMC strives to be a welcoming, intentional, and inclusive community and this committee is meant to be fun and educational for all.

Let us stress this again: at this Constitutional Convention, delegates will debate and engage with each other within the historically accurate frameworks of their political, economic and national beliefs. That accuracy does not extend to the racism with which many of our delegates in history generated and supported their proposals.

## QUESTIONS A CONSTITUTION MUST ADDRESS

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**How much power should a central government have?** Some delegates argued that a strong central government, with the power to raise revenue and create laws that supersede state legislation would create unity and clarity. Others were hesitant to cede their power to a larger central government, preferring self-government at the state level and desiring a more restricted central government, like that of the articles of confederation.

**What structure should the government take?** Many argued for a three-branch government with an executive, legislative, and judiciary branch. However, this committee is free to pursue other structures for the government.

**What should an executive look like?** How much power should the executive have? Should there only be one executive or should there be two? Or more? How should they enter office? Should they have a term limit? How long should their term be? How should they be addressed? Who should council them? How will they be checked to avoid another King?

**How should the legislature be structured?** Should there be one chamber or two? Or more? Should representatives be decided by population or evenly allocated to each state? How many representatives should there be? Who will select representatives? What will the legislature be able to do? What rules should govern it? What legislation can it pass? What are its limits? How should its power be controlled?

**Who should be able to vote?** Only white, landowning men? Or should suffrage be expanded? Should traditionally unrepresented groups get the vote?

**How should officials be chosen for office?** Should they be directly elected? Should state legislatures choose representatives? Who should be eligible for office? Should there be any constraints on who can and cannot serve in a position?

**What rights should be protected?** What protections will individuals and states have, if any? Will some of the tyrannical practices of the monarchy be allowed to resurface? Or will they be expressly forbidden forever? Will special circumstances change the rules?

## INTRODUCTIONS TO STATES AND DELEGATES

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### *Connecticut*

#### **State Information**

Connecticut's free population of 249,073 in 1790 was the eighth largest in the nation. Slaves made up approximately one percent of Connecticut's population. Although Connecticut had not yet abolished slavery as neighboring Massachusetts had, slave labor played a minimal role in the economy of the state. Most of the population of Connecticut was evenly distributed among the counties and was agricultural, although Hartford, New Haven, and New London were emerging as large merchant cities. In fact, colonial Connecticut merchants had a notorious reputation for allegedly tricking unknowing buyers into buying counterfeit wooden nutmegs, earning Connecticut residents the epithet of "nutmeggers" and the state the title of "The Nutmeg State," nicknames that are still used today.

#### **Delegate Biographies**

*William Samuel Johnson*

**Born:** 1727; Stratford, Connecticut

**Education:** Yale College, 1744

William Samuel Johnson was born into a tremendously influential family. His father was the first president of King's College (later Columbia University) and a well-known Anglican cleric. Instead of following in his father's footsteps into the clergy, Johnson pursued a career in law. In his practice, he represented clients from nearby New York State as well as Connecticut and he had strong ties to New York City merchants. Johnson was also politically active. In the 1750s, he served as an officer of the Connecticut militia. He was elected to the colonial assembly in 1761 and 1765, and he was elected to the Upper House in 1766 and 1771. While he opposed the Stamp Act and other British actions taken against the colonists, he maintained strong allegiance to the Crown.

Johnson acted as Connecticut's agent in Britain from 1767 to 1771, and he refused to serve in the First Continental Congress, to which he was elected. He focused on achieving peace between Britain and the colonies. However, as radicals gained power in Connecticut, Johnson fell out of favor with the British government. He did not resume his political career until 1785, when he served as a delegate to the Continental Congress at

which he was involved in the campaign against taxation without representation. As a member of the Constitutional Convention, Johnson was well respected and an active proponent of a *strong federal government* that maintained protection of small states, like his native Connecticut. As such, he favored equal representation for all states.

### *Roger Sherman*

Born: 1721; Newton, Massachusetts

Education: None

Sherman was the son of a farmer and cobbler in Massachusetts and only attended common school. Throughout his life, he read widely to supplement his lack of a formal education. After his father's death, Sherman moved to New Milford, Connecticut, where he ran a town store and worked as a surveyor. Although he never attended college, Sherman became a lawyer, then a representative in the colonial assembly and a judge.

In 1761, Sherman left his law practice and purchased two stores in New Haven, Connecticut. While in New Haven, Sherman served as an associate judge of the Connecticut Superior Court and as a representative to both houses of the colonial legislature. In this capacity, he participated in the fight against Britain, supporting non-importation measures and heading the New Haven Committee of Correspondence. Sherman was a Connecticut delegate to the Continental Congress from 1774 to 1781 and from 1783 to 1784, helping to draft the Declaration of Independence and the Articles of Confederation and serving on committees concerning Indian affairs, national finances, and military matters. He unsuccessfully advocated that the United States levy high taxes rather than borrow excessively or the issue paper currency. At the Constitutional Convention of 1787, he was one of the principal authors of the Great Compromise, often called the Connecticut Compromise in his honor, which created a bicameral legislature.

At the Constitutional Convention, Sherman was initially opposed to creating a new Constitution, favoring a modification of the existing Articles of Confederation, which he helped author. In particular, Sherman was vehemently opposed to having population-based representation, instead wanting each state to have equal representation, as in the Article of Confederation. Sherman also pushed for a means of raising revenue for the government to be included. Also of note, Sherman opposed paper currency, was wary of giving the executive too much power, and personally opposed slavery. Sherman continued

to serve on the Connecticut Superior Court during his time with the Continental Congress. He was elected mayor of New Haven in 1784.

### *Delaware*

#### **State Information**

Delaware's free population of 59,096 was the smallest of any state. Slaves made up 13% of Delaware's population. As a border state, Delaware relied more on slave labor than Pennsylvania and Massachusetts. Delaware was primarily an agricultural state.

#### **Delegate Biographies**

*Gunning Bedford, Jr.*

Born: 1747, Philadelphia, Pennsylvania

Education: College of New Jersey (later Princeton), 1771

Bedford was born into a distinguished colonial family that had originally settled in Jamestown, Virginia. At the College of New Jersey (Princeton), Bedford was a classmate of James Madison. After studying law in Philadelphia, Bedford won admittance to the Bar and set up a practice. He later lived in Dover, Delaware, after which he moved to Wilmington, Delaware.

When the Revolutionary War began, Bedford served in the Continental Army, possibly as an aide to General Washington. After the Revolution, Bedford served in the Delaware legislature, on the state council, and in the Continental Congress from 1783 to 1785. He was chosen as a delegate to the Annapolis Convention but did not attend. His work in the Constitutional Convention included advocating for the *rights of small states* and emphasizing the *need for a limited federal government*-- a unique position among many small state representatives who looked for a strong government to restrain bigger states. Bedford did not trust a strong federal system to effectively hold back highly populated states. Moreover, Bedford opposed slavery and advocated for abolition.

*John Dickinson*

Born: 1732, Talbot County, Maryland

Education: College of New Jersey (later Princeton), 1771

Dickinson was the son of a prosperous Maryland farmer. Private tutors educated him when his family moved to Dover, Delaware, and he studied law in Philadelphia and London. In 1760, he served as Speaker of the Assembly of the Three Lower Counties (Delaware). He then won a seat as a member in the Pennsylvania assembly, in which he defended the colonial government. This won him respect but cost him his seat in the legislature in 1764.

Dickinson is known as one of the great revolutionary thinkers. He wrote an influential pamphlet that urged Americans to seek repeal of the Stamp Act by pressuring British merchants. The Pennsylvania legislature appointed him as a delegate to the Stamp Act Congress. In 1767 and 1768 Dickinson wrote a series of newspaper articles for the Pennsylvania Chronicle that came to be known as Letters of a Pennsylvania Farmer which attacked British taxation policy and urged resistance to unjust laws but also emphasized the possibility of a peaceful resolution. Dickinson received an honorary degree from the College of New Jersey (later Princeton University). In 1768, he championed rigorous

colonial resistance to the Townshend Acts in the form of non-importation and non-exportation agreements.

Dickinson was well respected in revolutionary circles, but lost much of his popularity due to his refusal to support the use of violence as a means of resistance to the Crown. In 1774, he chaired the Philadelphia Committee of Correspondence and briefly sat in the First Continental Congress as a representative from Pennsylvania. In 1775, he chaired a Philadelphia Committee of Safety and held a colonelcy in the first battalion recruited to defend the city of Philadelphia. He served as a delegate to the Second Continental Congress, in which he wrote the Declaration of the Causes of Taking Up Arms. Throughout his time in Congress, he continued to oppose separation of the colonies from Britain.

In Congress, he voted against the Declaration of Independence. Later in 1776, though reelected to Congress, he declined to serve and also resigned from the Pennsylvania Assembly. Dickinson came out of retirement to take a seat in the Continental Congress in 1779 to sign the Articles of Confederation, having headed the drafting committee. In 1781, he became president of Delaware's Supreme Executive Council after helping compose the state constitution, and then served as president of Pennsylvania from 1782 to 1785. In 1786, representing Delaware, he attended and chaired the Annapolis Convention.

Dickinson is regarded by some as an early feminist, viewing men and women as spiritual equals, frequently corresponding with and seeking counsel from women, defending women in courts, and being the first to introduce gender inclusive language into the Articles of Confederation. Many credit his beliefs as deriving from the Quaker faith.

At the Constitutional Convention, Dickinson advocated for a strong central government, under the condition that all states were represented equally.

### *Georgia*

#### **State Information**

Georgia's free population of 72,548 was the eleventh largest in the nation. Georgia's slaves made up about 26% of the state's total population—a typical percentage for a southern state. Originally founded as a buffer colony between the Carolinas and Spanish Florida, Georgia was one of the most sparsely populated and undeveloped states in the union.

#### **Delegate Biography**

*William Few*

Born: 1748; Maryland

Education: Self-taught lawyer

Born in rural Baltimore, William Few moved to North Carolina at the age of ten. In 1771, his family was forced to move again to Georgia as a result of his, his father's, and his brother's association with the "Regulators," a group of frontiersmen who opposed the royal governor. William stayed behind another five years, settling the family's affairs.



When he joined his family in Wrightsboro, GA, he set up a law practice in Augusta. He had been admitted to the Bar based on informal study.

Few was a Whig supporter and became actively involved in politics. He won a lieutenant-colonelcy in the dragoons and was elected to the Georgia provincial congress of 1776. During the war, he served in the assembly both in 1777 and 1779. He also sat on the state executive council and held the positions of surveyor-general and Indian commissioner. Additionally, Few participated in the Continental Congress (1780-88) and was reelected to the Georgia Assembly (1783).

Few supported a *strong national government* and the creation of a new form of government. Because Few was absent for all of July and part of August (due to his congressional service), he never made a speech at the Convention. Nonetheless, he was a critical player, gaining support for the Constitution in his home state.

### *Maryland*

#### **State Information**

Maryland's free population of 319,728 was the sixth largest in the nation. Maryland's slave population made up about 25% of its total population. The people of Baltimore and Baltimore City comprised approximately 10% of the total population. While Baltimore's size paled in comparison to other large ports (more than 110,000 slaves and free people lived in Charleston), it was the most densely populated and urbanized area in the state.

#### **Delegate Biography**

*Luther Martin*

Born: 1748; Brunswick, New Jersey

Education: College of New Jersey (later Princeton), 1766

Though a native of New Jersey, Martin moved to Maryland after receiving his undergraduate degree and taught for three years before pursuing law. He was admitted to the Virginia Bar in 1771. Martin was an early and ardent advocate of American independence. In the fall of 1774, he served on the patriot committee of Somerset County. In December he attended a convention of the Province of Maryland in Annapolis, which deliberated on recommendations of the Continental Congress. As Maryland's Attorney General, Martin actively prosecuted Loyalists to the British crown, whose numbers were strong in the state. Martin was part of the Baltimore Light Dragoons militia, with whom he joined French General Marquis de Lafayette's forces near Fredericksburg, Virginia in July 1781. Martin later had to leave the battlefield to prosecute a trial.

In 1785, Martin was appointed to the Continental Congress, though his public and private duties prevented him from traveling to Philadelphia. He came to the Constitutional Convention as an avid opponent of central government and strong opponent of slavery and ended up leaving the Convention early and protesting the Constitution's ratification. Part of the rationale for Martin's walk-out was the

absence of support for a bill of rights. At the Convention, Martin was wary of the pledge to secrecy under which the conference proceeded, ultimately breaking that pledge during his lobbying against the ratification of the Constitution.

### *Massachusetts*

#### **State Information**

Massachusetts's free population of 378,556 was the fourth largest in the nation. Massachusetts was the only state in the Confederation that had no slaves. Although Boston was a significant center of mercantile activity, much of Massachusetts's population was distributed throughout the central part of the state, where most people lived an agrarian lifestyle.

#### **Delegate Biographies**

##### *Elbridge Gerry*

Born: 1744; Marblehead, Massachusetts

Education: Harvard College, 1762

The son of a wealthy and politically active merchant-shipper, Gerry spent his early career with his father and two brothers in the family business, exporting dried codfish to Barbados and Spain. He served in the colonial legislature from 1772 to 1774 and he took part in the Marblehead and Massachusetts Committees of Correspondence. When Parliament closed Boston Harbor in June 1774, Gerry's hometown of Marblehead became a major port of entry for supplies donated by patriots throughout the colonies to relieve Bostonians and Gerry helped transport the goods.

Between 1774 and 1776, Gerry attended the first and second Provincial Congresses. He served with Samuel Adams and John Hancock on the Council of Safety. He was also chairman of the Committee of Supply, which raised troops and dealt with military logistics. On the night of April 18, 1775, Gerry attended a meeting of the Council of Safety at an inn in Menotomy (Arlington) and barely escaped the British troops marching on Lexington and Concord.

In 1776, Gerry entered the Continental Congress. He was considered an expert on military and financial matters. He earned the nickname "soldiers' friend" for his advocacy of better pay and equipment for the poorly supplied Continental Army, yet he vacillated on the issue of pensions. Despite his disapproval of standing armies, he recommended requiring soldiers to sign long-term enlistments as a tool to win the war. Until 1779, Gerry sat on the board that regulated Continental finances. After one heated price debate, Gerry walked out of Congress and did not return for three years. During the interim, he engaged in trade and privateering, and he served in the lower house of the Massachusetts legislature.

As a representative in Congress from 1783 to 1785, Gerry struggled with the task of building a new national government, but he was apparently a better revolutionary than a statesman. Gerry advocated for a strict separation of federal and state powers, against the popular election of representatives, and for checks on the power of government. The preservation of individual freedoms was paramount to Gerry. In the end, Gerry voted

*against* the Constitution as it did not outline individual rights or give the federal government sufficient specific powers.

*Nathaniel Gorham*

Born: 1738; Charlestown, Massachusetts

Education: None

Born into modest means, Gorham began his political career as a public notary. In 1771, he was elected to the colonial legislature. A staunch patriot, he was a delegate to the Provincial Congress, a member of the Massachusetts Board of War, a delegate to the state Constitutional Convention, and a representative in both the upper and lower houses of the legislature. He served as Speaker of the Lower House in 1781, 1782, and 1785. A moderate nationalist, he served his country as well as his state. He was a member of the Continental Congress from 1782 to 1783 and from 1785 to 1787. He was the president of the Congress from June 1786 to January 1787.

When Gorham attended the Constitutional Convention in 1787, he balanced several duties, serving as the Convention's acting president during George Washington's absences, the judge of the Middlesex County court of common pleas, and as a member on the Governor's Council.

At the Convention, Gorham supported a *strong executive* in power, believing having a single leader would allow for more effective government responses.

### *New Hampshire*

#### **State Information**

New Hampshire's free population of 141,899 was the tenth largest in the nation. A mere 157 slaves lived in New Hampshire, making it the state with the second fewest slaves in the nation (Massachusetts had abolished slavery). Consistent population densities in all regions of the state indicate that New Hampshire was mostly agrarian at the time of the Constitutional Convention.

#### **Delegate Biography**

*John Langdon*

Born: 1741, Portsmouth, New Hampshire

Education: None

The son of a prosperous farmer, John Langdon eventually became a successful merchant. An avid revolutionary, Langdon sat on the New Hampshire Committee of Correspondence and a non-importation committee. After acting as Speaker of the New Hampshire Assembly and a member of the Continental Congress, Langdon became a colonel in the New Hampshire militia in 1776. He fought at the Battle of Saratoga in 1777.

After leading a military campaign against the British in Rhode Island, he returned to politics. Langdon served as Speaker of the New Hampshire legislature from 1777 to 1781. He was a member of the Continental Congress from 1783 to 1784 and held various other positions in the government of New Hampshire. He and fellow delegate Nicholas

Gilman were delayed in arriving to the Constitutional Convention because New Hampshire was unwilling to pay their expenses; Langdon eventually paid for both himself and Gilman to attend. They did not arrive in Philadelphia until July 21. By that time, much of the most pressing business had already occurred. After the Convention, Langdon served as the first President Pro Tempore of the United States Senate and later as the Governor of New Hampshire.

Throughout the Convention, Langdon advocated for a *strong national government*, particularly the ability of the national government to regulate commerce.

### *New Jersey*

#### **State Information**

New Jersey's free population of 184,139 was the ninth largest in the nation. New Jersey's slave population was less than 6% of its total population. This was a normal proportion for a northern state and significantly lower than the average proportion of slaves that a southern state of its size would have. Consistent population densities in all regions of the state indicate that New Jersey was mostly agrarian at the time of the Constitutional Convention.

#### **Delegate Biographies**

*William Livingston*

Born: 1723; Albany, New York

Education: Yale College, 1741

Admitted to the New York City Bar in 1748, Livingston quickly rose to prominence as the political leader of the Calvinist faction within the city, generally pitted against the more conservative Anglicans. A clever satirist, Livingston fought against parliamentary interference in the colony's affairs. From 1759 to 1769, Livingston led the majority faction in the colonial assembly. His faction lost power as it grew increasingly divided over the debate about how to properly respond to British taxation. Tired of political battles and of the burdens of his law practice, Livingston retired to Elizabethtown (now Elizabeth), New Jersey.

Livingston returned to politics during the upsurge of revolutionary activity. He became a member of the Essex County, New Jersey Committee of Correspondence (there is now a town of Livingston, NJ in Essex County) and served as a delegate to both Continental Congresses. In June of 1776, he left Congress to command the New Jersey militia. He left that post when he was elected the first governor of the state later in the year, a position that he continued to hold upon being selected as a delegate to the 1787 Convention in Philadelphia.

At the Convention, Livingston advocated for the abolition of slavery, but ultimately chaired the committee that reached a compromise on how the slave trade would be

regulated. After the signing of the Constitution, Livingston avidly promoted it in his home state of New Jersey.

### *David Brearley*

Born: 1745; Spring Grove, New Jersey

Education: College of New Jersey (later Princeton), did not graduate

Born and raised near Trenton, New Jersey, Brearley studied and originally practiced law in Allentown, New Jersey. An avid supporter of the American Revolution, he was once arrested for high treason by the British, but a group of patriots freed him. In 1776, he took part in the convention that drew up the New Jersey state constitution. During the Revolutionary War, he rose from a captain to a colonel in the militia.

After the war, Brearley was elected Chief Justice of the New Jersey Supreme Court—a position he held from 1779 to 1789. As chief justice, Brearley presided over the important case of *Holmes v. Walton* (1780), which was an early expression of the principle of judicial review. He received an honorary MA degree from the College of New Jersey in 1781.

At the Constitutional Convention, Brearley opposed proportional representation for the states but favored allotting one vote for each state. He also chaired a committee that handled “postponed parts”, shaping many of the more creative facets of the Constitution, notably shaping the role of the President, creating the role of Vice President, and determining the rules for impeachment. He later served at the New Jersey Constitutional Convention and as a presidential elector in the election of 1789.

## *New York*

### **State Information**

New York’s free population of 340,241 was the fifth largest in the nation. New York’s slave population was less than 6% of its total population, a normal percentage of slaves for a northern state (in fact, almost the exact same percentage as New Jersey). Certain counties in New York were far more populous than others. Albany County was twice as large as any other. Dutchess and New York Counties also comprised substantial portions of the population. The counties along the Hudson River had significant mercantile activity. Counties in western New York were very sparsely populated.

### **Delegate Biographies**

#### *Alexander Hamilton*

Born: 1757; Nevis, British West Indies

Education: King’s College (later Columbia University), did not graduate

The illegitimate son of a Scottish aristocrat, Alexander Hamilton grew up on the island of St. Croix in the West Indies. In 1769, Hamilton became an apprentice clerk for a merchant who would later become his benefactor. Realizing the boy’s ambition and intellect, several of the community’s wealthy merchants raised a fund for Hamilton’s education.

In 1772, Hamilton traveled to New York City, where he lived in the home of William Livingston. Hamilton entered King’s College (later Columbia University) in 1773, but the

Revolution soon interrupted his studies. Despite his youth, Hamilton wrote several widely read revolutionary pamphlets in 1774 and 1775. In 1777, he joined General Washington's staff as his secretary and aide. He remained a close confidante to Washington throughout most of the war, but a personal disagreement between the two of them led to Hamilton's subsequent stationing with Lafayette in Yorktown, Virginia in 1781.

After the war, Hamilton entered the legal field and established a law office in New York City. Because of his interest in strengthening the central government, he represented New York at the Annapolis Convention in 1786, where he was an early proponent of the Constitutional Convention. His hopes soon came to fruition, and he was New York's chief representative in Philadelphia even though he was in opposition to the Clintonian majority in New York. Along with James Madison and John Jay, Hamilton published the brilliant and influential Federalist Papers under the pseudonym Publius. Politically, *Hamilton was initially in favor of a somewhat monarchical form of government. He later reformed his platform to advocate a more balanced, democratic government.* He eventually served as Secretary of the Treasury under President George Washington, where he clashed frequently with Secretary of State Thomas Jefferson. The two contrasting philosophies of governance and conceptions of democracy espoused by the two men are still widely debated today. Hamilton was famously murdered in a duel with Jefferson's first vice president, Aaron Burr, in 1804.

*John Lansing, Jr.*

Born: January 30, 1754; Albany, New York

Education: None

After passing the Bar in 1775, twenty-one-year-old John Lansing embarked on a significant political career. From 1776 to 1777, he served as the military secretary to General Philip Schuyler. Between 1780 and 1788, he served six terms in the New York Assembly. During the final terms, he was the Speaker of the Assembly. While not serving in the Assembly, Lansing sat in the Confederation Congress. In 1786, he began his four-year tenure as mayor of Albany. A staunch supporter of the Articles of Confederation, he was elected to and attended the Constitutional Convention as a member of the Clintonian faction of New York State. Lansing wished that the Convention would focus on reforming the Articles of Confederation to strengthen the existing government with additional enforcement powers and the ability to raise revenue. Lansing walked out of the Convention early when the Articles were abandoned, especially concerned about ideas for a new government that he felt overstepped state sovereignty without securing individual freedoms. Along with other delegates who walked out, Lansing voiced his opposition to the final Constitution.

*Robert Yates*

Born: January 27, 1738; Schenectady, New York

Education: Undocumented

Yates was educated privately in New York City and later studied law with William Livingston. He was admitted to the New York Bar in 1760 and then moved to Albany, where he sat on the Albany Board of Aldermen between 1771 and 1775. During the Revolutionary War, Yates served on the Albany Committee of Safety and represented his county in four Provincial Congresses and in the state convention from 1775 to 1777. At the convention, he sat on various committees, including the one that drafted the first

constitution for New York. On May 8, 1777, Yates was appointed to New York's Supreme Court, where he attracted criticism for his fair treatment of Loyalists.

In the 1780s, Robert Yates was recognized as leader of the Anti-Federalists. He opposed giving up any rights to the national government (such as the right to collect import duties) that might diminish the sovereignty of the states. Upon his arrival to Philadelphia in 1787, he expected that the delegates would simply discuss revising the existing Articles. To his dismay, the Convention opted to dismantle the Articles. In protest, Yates left the Convention early alongside Lansing. Following his abandonment of the Convention, Yates gathered with other *Anti-Federalists* and was a strong advocate for the protection of *individual liberties*.

### *North Carolina*

#### **State Information**

North Carolina's free population of 395,005 was the third largest in the nation. North Carolina's slave population made up about 20% of its total population, a percentage slightly lower than most other southern states. With little population density variation among its counties, North Carolina's population and economy were primarily agrarian. There were heavily populated areas in counties surrounding rivers, where mercantile activity dominated.

#### **Delegate Biography**

*Hugh Williamson*

Born: 1735; West Nottingham, Pennsylvania

Education: The College of Philadelphia, 1757; MD, University of Utrecht, 1764.

Because his parents hoped that he would become a Presbyterian minister, Williamson was educated at private preparatory schools and the College at Philadelphia before training in Connecticut for the ministry. He became a licensed Presbyterian preacher, but he was never ordained. He chose instead to teach mathematics at his alma mater.

In 1764, Williamson studied medicine at Edinburgh and London and eventually obtained a medical degree from the University of Utrecht. In 1768, he became a member of the American Philosophical Society. He then served on a commission that observed the orbits of Venus and Mercury, and received an honorary degree from the University of Leyden for his 1771 essay on comets.

Sailing from Boston to London in 1773, Williamson saw the Boston Tea Party and carried news of it to London. He warned the British Privy Council that the colonies would rebel if the British did not change their policies. In 1775, Williamson published a pamphlet that solicited the support of the English Whigs for the American cause. When the United States proclaimed its independence, Williamson was in the Netherlands. He sailed back to the United States, settling first in Charleston, South Carolina, and then in Edenton, North Carolina. There, he prospered in a mercantile business and once again took up the practice of medicine. During the war, Williamson became the Surgeon General of state troops—a duty that included crossing battle lines to tend to enemy wounded.

After the war, Williamson was elected to the Lower House of the North Carolina state legislature and to the Continental Congress in 1782. Three years later, he left

Congress and returned to the legislature. In 1786, he was chosen to represent his state at the Annapolis Convention but arrived too late to take part. Afterwards, he again served in Congress and was chosen as a delegate to the Constitutional Convention where he played a large part in the Great Compromise.

At the Convention, Williamson was a strong voice in favor of a *strong national government*. Williamson personally opposed the institution of slavery.

### *Pennsylvania*

#### **State Information**

Pennsylvania's free population of 433,611 was the second largest in the nation. Pennsylvania, strongly influenced by the Quakers, who opposed slavery, had a slave population that made up less than one percent of its total population. Although much of Pennsylvania's economy was agriculturally based, Philadelphia was a large city with vibrant mercantile activity.

#### **Delegate Biographies**

*Benjamin Franklin*

Born: 1706; Boston, Massachusetts

Education: None

One of America's legendary educators, scientists, newspaper editors, philosophers, and statesmen, Franklin entered politics early in his life. He served as clerk and member of the colonial legislature, deputy postmaster of Philadelphia, and deputy postmaster general of the colonies. He represented Pennsylvania at the 1754 Albany Congress. Beginning in 1757, Franklin acted as the agent for Pennsylvania in England. During the Stamp Act crisis, Franklin first assumed the role of spokesman for American rights in London.

Franklin took an active role in the Revolution, returning to Philadelphia in May 1775. He was one of the Continental Congress's strongest supporters of independence and helped draft the Declaration of Independence. Later, he served as Postmaster General and acted as President of the Pennsylvania State Constitutional Convention.

During the late revolutionary years, Franklin served the United States as a diplomat. Franklin personally directed the negotiations that brought about the alliance of the US with France, and he (along with John Jay and John Adams) negotiated the Treaty of Paris of 1783, which ended the Revolutionary War. Upon his return in 1785, Franklin became president of the Supreme Executive Council of Pennsylvania. Franklin was a notable and avid abolitionist. At the advanced age of 81, he was the senior statesman of the Constitutional Convention. As such, Franklin rarely engaged in debate, instead guiding the delegates with witty quips and wisdom wherever possible.

*James Wilson*

Born: 1741 or 1742; Carskerdo, Scotland

Education: University of St. Andrews, University of Glasgow, University of Edinburgh

Wilson immigrated to America in 1765, arriving in the midst of the Stamp Act agitations. He accepted a position as a Latin tutor at the College of Philadelphia (later part



of the University of Pennsylvania) but left to study law under John Dickinson. After being admitted to the Philadelphia Bar, Wilson practiced at Reading, Pennsylvania and later Carlisle, Pennsylvania. At the same time, he was a professor of English literature at the College of Philadelphia, which had awarded him an honorary MA in 1766.

In 1774, Wilson became chair of the Carlisle Committee of Correspondence, attended the first provincial assembly, and wrote an essay entitled *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament*, which circulated widely in England and America. In 1775, he was elected to both the provincial assembly and the Continental Congress. Although he voted to delay declaring independence, he eventually signed the Declaration of Independence on August 2, 1776.

Wilson later became very conservative, leaving Congress and eventually becoming Advocate General for France in America from 1779 to 1783. This position required him to deal with commercial and maritime matters and to legally defend Loyalists and their sympathizers. In 1781, Congress appointed Wilson as one of the directors of the Bank of North America. In 1782, Wilson was reelected to Congress. He also served between 1785 and 1787.

At the Convention, Wilson was integral, giving the second largest number of speeches of the delegates. Wilson was an avid opponent of paper money, arguing that the government should only use gold or silver in the repayment of debts. Wilson believed that representation ought to be *determined by population*, to ensure popular control of government. Likewise, Morris was one of only a handful of delegates to the convention who believed in expanding suffrage beyond land-owning men. Wilson also articulated the idea of “one man, one vote,” the idea that each district ought to have the same population size. Moreover, Wilson advocated for a *strong central government*.

### *Gouverneur Morris*

Born: 1752; Westchester (present Bronx) County, New York

Education: King's College (later Columbia University), 1768

Morris was born to a wealthy and politically active French-English New York family. His elder half-brother, Lewis, signed the Declaration of Independence. Morris was educated in excellent private schools. In early life, he lost a leg in a carriage accident. He graduated from King's College at the age of 16, and was admitted to the New York City Bar only three years later.

At first, Morris feared the revolutionary cause because he believed that it would bring mob rule and because many in his social circle were Loyalists. But in 1775, he took a seat in New York's Revolutionary Provincial Congress. In 1776, he also served in the militia and helped draft the first New York state constitution. He joined New York's Council of Safety in 1777. Morris served in the state legislature from 1777 to 1778 and in the Continental Congress from 1778 to 1779. He was one of the youngest and most brilliant members of the Continental Congress. He signed the Articles of Confederation and drafted instructions for Benjamin Franklin in Paris, as well as diplomatic directions that provided a partial basis for the Treaty of Paris. Morris was also a close friend of Washington and one of his strongest congressional supporters.

Defeated in his bid for reelection to Congress in 1779, Morris moved to Philadelphia and resumed the practice of law. In 1781, he returned to the public sphere

when he became the principal assistant to Robert Morris, Superintendent of Finance for the United States (to whom he was unrelated), a position which he held until 1785.

At the Convention, Morris advocated for a *strong central government*. Morris allegedly believed in some form of oligarchy, believing that the people are not capable of self-government. Similarly, Morris opposed integrating new, Western states as they would not be able to provide “enlightened” statesmen to the central government. This opposition may also have been a means of curbing the power of slave-holding states. Morris was also vocal in his support of *religious freedom* and his disdain for slavery.

### *South Carolina*

#### **State Information**

South Carolina’s free population of 249,073 in 1790 was the seventh largest in the nation. South Carolina’s slave population of 107,094 comprised about 30% of the total population; slaves made-up a larger percentage of the population in South Carolina than in any other state. About a third of the state’s total (slave and free) population lived in Charleston, a mercantile hub. The remainder of the state was more sparsely populated and more agrarian.

#### **Delegate Biographies**

*John Rutledge*

Born: 1739; Charleston, South Carolina

Education: Middle Temple in London 1760

Brother of Edward Rutledge, who signed the Declaration of Independence, John Rutledge studied law in London before giving up the practice to return to his plantation in Charleston. John was active in politics before the Revolution, chairing a committee of the Stamp Act Congress that petitioned the House of Lords. Rutledge partook in the First Continental Congress and the Second Continental Congress. He was instrumental in reorganizing the South Carolina state government and served as president of the lower house of the legislature until 1778.

Rutledge is considered one of the most influential delegates at the convention. He never missed a session and was vocal in committee. He was a *moderate nationalist* and championed Southern interests. Furthermore, Rutledge chaired the Committee of Detail. Rutledge felt strongly that the power of an executive should rest on one person rather than several. Rutledge also argued to expand suffrage beyond landowners, to reduce resentment and reduce divisions.

He remained involved in the new government, attending the South Carolina ratifying convention and later serving as an Associate Justice of the US Supreme Court.

Although Washington nominated him as chief justice following John Jay, the Senate did not confirm him.

### *Charles Pinckney*

Born: 1757; Charleston, South Carolina

Education: None

The son of a wealthy lawyer and planter and the second cousin of Charles Cotesworth Pinckney, Charles Pinckney received all of his education in Charleston, where he began practicing law in 1778. At that time, Pinckney enlisted in the South Carolina militia and served at the siege of Savannah, Georgia from September through October of 1779. When Charleston fell to the British, Pinckney was taken prisoner; he was not to be freed until June 1781.

Because of his service in the Continental Congress from 1777 to 1778 and from 1784 to 1797, as well as in the state legislature from 1779 to 1780 and 1786 to 1787, Pinckney was elected to the Constitutional Convention. Pinckney staunchly advocated a *strong national government*. Pinckney proposed an elaborated version of the Virginia Plan, describing a bicameral legislature with greater detail. Pinckney was in favor of *religious freedom* and opposed to a national religion. Notably, Pinckney also introduced the writ of habeas corpus. In the newly formed government, Pinckney was appointed Minister of Spain after he served as South Carolina's governor.

### *Charles Cotesworth Pinckney*

Born: 1746; Charleston, South Carolina

Education: 1764; Christ Church College, Oxford

Charles Cotesworth Pinckney, the second cousin to fellow delegate Charles Pinckney, was born to two prominent parents—his father was a painter, while his mother had introduced and promoted indigo culture in South Carolina. In 1753, Pinckney accompanied his father to England. His father had been appointed colonial agent for South Carolina. Pinckney was educated in Europe.

When Pinckney returned home in 1769, he was elected to the Provincial Assembly. He acted as Attorney General for several towns in the colony in 1773. In 1775, he joined the revolutionary cause and was part of the Provincial Congress. Pinckney chaired the committee that drew up an interim government for South Carolina; he also joined the First South Carolina Regiment as a captain. He soon rose to the rank of colonel and fought in several crucial battles in the South, including the defense of Charleston, South Carolina and the siege of Savannah, Georgia. When the British seized Charleston in 1780, he was taken prisoner and held until 1782. That year, he left the army as a brevet brigadier general.

Although he managed his legal practice and his family's estates in the Charleston area, he remained politically active, serving twice in the Lower House of the state legislature and once in the state Senate. A *fierce nationalist*, he represented South Carolina at the Constitutional Convention, hoping for a strengthened government with

checks and balances. Pinckney felt that the direct election of representatives was impractical.

### *Virginia*

#### **State Information**

Virginia's free population of 747,550 was the largest in the nation. Virginia's slaves made up about 28% of the state's total population, a typical percentage for a southern state. Although Virginia was the largest state in the union, none of its seventy-eight counties vastly exceeded any of the others in population. Despite the fact that eastern Virginia had many cities, such as Richmond, the economy was still primarily agrarian.

#### **Delegate Biographies**

*George Mason*

Born: 1725; Virginia

Education: None

Though he was an orphan, George Mason quickly became one of the wealthiest planters in Virginia. In 1752, he acquired an interest in the Ohio Company, which speculated in western lands. He was a justice of the Fairfax County court and a trustee of the city of Alexandria, a position he held until 1779. In 1759, he was elected to the Virginia House of Burgesses.

When the Stamp Act of 1765 outraged colonists, Mason wrote on their behalf to London merchants. When the British Government revoked the Ohio Company's charter, he wrote his first major state paper, *Extracts from the Virginia Charters, with Some Remarks upon Them*. He composed Virginia's Declaration of Rights, which Jefferson invoked in the first part of the Declaration of Independence.

During the war, he helped form the foundations of the new government, advocating for the separation of church and state and playing a key role in organizing military affairs. His early work, *Extracts from the Virginia Charters*, played a key role in setting the Anglo-American boundary at the Great Lakes rather than the Ohio River. Mason also wrote a plan for Virginia's surrender of its Western territories to the United States. After a brief retirement from politics, Mason attended the Mount Vernon meeting, and then served as a delegate to the Constitutional Convention in 1787.

At the Convention, Mason pursued a stronger national government in order to check the powers of the states. Alongside the other delegates from Virginia, Mason helped create the Virginia plan, featuring a bicameral legislature with representation based on population. Mason feared that the Northern states would dominate Southern states and sought to defend Southern interests.

*James Madison, Jr.*

Born: 1751; Port Conway, Virginia

Education: College of New Jersey (later Princeton University), 1771

James Madison was born into Virginia's planter aristocracy. After receiving an outstanding education at home, at a private school, and at the College of New Jersey, he returned home to Montpelier, Virginia where he embraced the revolutionary cause. He joined the Orange County Committee of Safety, and served as delegate to the Virginia

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convention, where he helped frame the state constitution. He served from 1776 to 1777 in the House of Delegates and from 1778 to 1780 in the Council of State. His poor health prevented him from serving in the military.

For most of the 1780s, Madison represented Virginia in the Continental Congress. He was one of the initiators of the Mount Vernon Conference, and he attended the Annapolis Convention of 1786. He played a significant role in establishing the Constitutional Convention in 1787 and in legitimating it to the public in the Federalist Papers—especially Federalist No. 10. Madison was also responsible for writing the Virginia Plan and advocating for *strong central government*. Madison himself favored a single executive. Madison's notes from the Convention were an invaluable resource to the public. One of the greatest political thinkers in American history, he came to be known as the Father of the Constitution.

*Edmund J. Randolph*

Born: August 10, 1753; Williamsburg, Virginia

Education: College of William and Mary

During the Revolutionary War, Edmund Randolph served as an aide-de-camp to George Washington and attended Virginia's first state constitutional convention in 1776. In 1779, he was elected to the Continental Congress. In November 1786, he was elected Governor of Virginia and delegate to the Annapolis Convention.

At the Constitutional Convention, Randolph was instrumental in introducing the Virginia Plan and advocated abolition and the establishment of a strong federal government. Though he sat on the committee that composed the Constitution, Randolph refused to sign it. He felt the Constitution had deviated too far from the republican values inherent in the Virginia Plan and so, Randolph advocated a second grand convention. After the passage of the Constitution, he was appointed the first Attorney General of the United States and later served as the Secretary of State.

*\*Rhode Island*

### State Information

Though Rhode Island was one of the original thirteen states under the Articles of Confederation, the state elected to boycott the convention. It was ultimately the last of the thirteen to ratify the completed Constitution.

## GUIDE TO FURTHER RESEARCH

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### Secondary Literature

Further research will be required as to best embody your assigned framer. Much of this information can be found online for free. Feel no need to go beyond online research, but below is a list of histories of the founding and biographies of framers if you seek to go further. Nevertheless, the purchase of additional materials may be cost

prohibitive. If so, please reach out to the chairs, and they will likely be able to attain a copy for you.

- *The Framers' Coup*, Michael Klarman
  - Details the extremely complicated and contentious road the Constitution took from drafting to eventual ratification
- *First Principles*, Thomas E. Ricks
  - Details what the founding fathers took from classic sources to the drafting of the Constitution
- *Miracle at Philadelphia*, Catherin Drinker Bowen
  - A narrative of the Constitutional Convention based largely on Madison's notes.
- *The Autobiography of Benjamin Franklin*, Benjamin Franklin
- *Hamilton*, Ron Chernow's biography
- *James Madison and the Making of America*, Kevin R. C. Gutzman
- *James Madison*, Ralph Ketcham,
- *John Adams*, David McCullough
- Akhil Reed Amar, *The Words that Made Us: America's Constitutional Conversation, 1760-1840*

### Primary Sources

The goal of this committee is not to recreate the US Constitutions verbatim. Naturally, some of many of its features may be replicated, but remember than you are able to branch out. Many of the primary sources below come those defending and attacking the Constitution. From these sources, you will be able to glean general viewpoints which can be used to estimate the opinions the framers may have had regarding your eventual constitution. Hyperlinks are included for your convenience.

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Beyond these sources, looking into the writings of your individual framer is a fantastic place to start.

- [The Constitution of the United States](#)
- [The Articles of Confederation](#)
  - Research and take note of the failings of the Articles, as they gave the framers cause to replace them.
- [The Declaration of Independence](#)
- [The Pennsylvania Constitution of 1776](#)
  - An example of an early state constitution which was hyper democratic and ultimately failed.
- [The Federalist Papers, Publius](#)
  - Below are some of the most notable of *The Federalist Papers*
  - “Federalist Paper No. 10,” Madison
    - On factions and republicanism
  - “Federalist Paper No. 51,” Madison
    - On checks and balances
  - “Federalist Paper No. 54” Madison
    - On the 3/5 compromise
  - “Federalist Paper No. 81” Hamilton
    - On the judiciary and judicial Review
- [“On Ancient and Modern Confederacies,” Madison](#)
  - Written leading up to the Constitutional Convention, Madison sought to determine why confederacies tended to fail.
- Below are the first essays of three Anti-Federalist in opposition to the Constitution which will be useful in creating argument against certain constitutional frameworks and provisions.
  - [“Brutus I,” George Clinton](#)
  - [“Federal Farmer I,” Believed to be Melancton Smith but still a point of historical debate](#)
  - [“Centinel I,” Samuel Bryan](#)
- [“Common Sense,” Paine](#)
  - A popular 1776 pamphlet arguing for American independence.
- [The Spirit of Laws, Montesquieu](#)
  - A 1748 work of political philosophy that informed the framers’ view on separation of powers

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- [\*Law of Nations, Vattel\*](#)
  - A book which informed the framers' thoughts on international law.
- [\*Two Treatises of Government, Locke\*](#)
  - Perhaps the most influential work of political philosophy of the time. Pay most of your attention to the "Second Treatise."