

Executive Power

Teacher Power Point Notes

Historical background leading up to debate excerpts in the Constitutional Convention addressing this essential question:

How can the delegates make an executive strong enough to carry out the laws, but not so strong that he acts like a king?

How England Began to Limit the Power of Kings

- **Magna Carta**

- **Main idea**—This was the first time in English history that the king's power was officially limited. The Magna Carta introduced the idea that certain people—like the barons—had legal rights that even the king had to respect, such as protection from unfair imprisonment and the right to a fair trial.

- **Details**

- 40 English Barons forced King John to sign the Magna Carta in 1215. It included protections for the barons and other nobles against the power of the king.
- The 1215 Magna Carta did not resolve the conflict and was reissued in 1216, 1217, 1225, and 1297. The 1297 version was entered into official Statute Rolls of England
- The memory of the Magna Carta was revived and reinterpreted by Whig writers during the Glorious Revolution in 1688
- During the American Revolution, American Revolutionaries drew on the Magna Carta for inspiration and to justify defending their rights as Englishmen. They used Magna Carta as inspiration when writing their bills of rights in state constitutions and later in the federal constitution

- **Glorious Revolution**

- **Main idea**—The Glorious Revolution of 1688 showed that the king's power should be limited by law and shared with Parliament. It led to the creation of a constitutional monarchy, where the king or queen had to follow the laws and work with Parliament to govern the country.

- **Details**

- It marked the peaceful overthrow of King James II who, along with his father, heavily emphasized “divine right of kings.” James II was peacefully replaced by William III and Mary II under the condition that they accept the Bill of Rights (1689), which firmly established Parliament's authority over the Crown and some basic civil rights for subjects.
- This change in power inspired ideas about a limited monarchy, along with individual rights and checks and balances

American Revolution: Americans Break Away from the King

- **Main idea**—Colonists believed their rights as Englishmen were being violated. When they complained to the king and his representatives, they felt they were not heard. Discontent grew and protests began. Most Americans still saw themselves as Englishmen and wanted to fix their problems. In January 1776, Thomas Paine published a pamphlet that went viral. He attacked the idea of having a king all together. This prepared Americans to support separation from England.

- **Details**

- After the French and Indian War (known as the Seven Years War globally), the British government was in a lot of debt from funding the war. They believed Americans should help to pay for their defense against their enemies and rolled out tax policies to recoup some money.

Because Americans had direct representation in Parliament, they believed their rights as Englishmen were being violated. Many Americans said “no taxation without representation” This escalated as Americans began resisting the tax policies.

- Thomas Paine published a pamphlet called *Common Sense* in January 1776. It ultimately sold 500,000 copies in a population of 2 million people. He attacked the idea of having a king as wrong. He said no person should have governmental power just because of their family name or birth and that kings often abused their power.
- When the United States became independent from Great Britain in 1776, Americans no longer wanted to be ruled by a king. They were afraid of having another strong government that might take away their rights, just like the British government had done.

Articles of Confederation

- **Main idea**—After declaring independence, the Americans knew they needed to create a new form of government. However, they were afraid of making a government that was too powerful like a king, so they created a loose confederation among the states called the Articles of Confederation. It had weaknesses and after the Revolutionary War ended, it revealed more problems, which led to gathering at the Constitutional Convention to discuss solutions to the problems.

- **Details**

- Under the Articles of Confederation, the government couldn't collect taxes, control trade between the states, or make sure people followed its laws. One big problem was that it didn't have an **executive branch**—the part of government that carries out laws and handles daily work.
- Many people believed the Articles of Confederation had too many problems, so representatives from each of the

states held a meeting to fix them. This meeting took place in Philadelphia in the summer of 1787 and is called the **Constitutional Convention**.

- At the convention, most of the delegates agreed that the new government needed an executive branch. However, many were worried because the executive in England, King George III, had too much power. They didn't want their new leader to become like a king and take away people's rights. So, part of their work included creating an executive that had the power to enforce laws, but not so strong that it acted like a king.

Debate in the Constitutional Convention of 1787 Concerning Executive Power

Essential Question after going through the debate excerpts: How can the delegates make an executive strong enough to carry out the laws, but not so strong that he acts like a king?

Debate A: How many executives should there be?

Debate B: How should the executive be chosen?

Debate C: How long should the executive hold office?

Summary from the worksheet

Debate A:

How many executives should there be?

These excerpts mostly highlight discussion around making the executive a single person or a council.

- John Rutledge (South Carolina) thought it was good to place executive power in a single person, but not giving the one person the power to go to war.
- Roger Sherman (Connecticut) Thought a council was best and not to set the number in the council, but make sure they were accountable to the Congress.

- Edmund Randolph (Virginia) opposed a single executive because it looked like a king.
- James Wilson (Pennsylvania) thought that a single executive was not like a monarchy but prevented tyranny.
- The next day, Edmund Randolph (Virginia) thought that a single executive would not be connected to the farther parts of the country and appointing a committee of three for the executive made it more possible to stay connected with all the country.
- Pierce Butler (South Carolina) strongly wanted a single executive. He thought that one person would do a better job representing the whole country than dividing it among a few representatives from various regions, which would lead to struggles for local advantage.
- The next session, James Wilson was in favor of a single executive. He said the various states each have one governor and none have three. He thought an executive council of three would lead to competition.
- Elbridge Gerry (Massachusetts) opposed a council of three executives, especially in military matters.

Debate B

How should the executive be chosen?

It was proposed that the executive be chosen by the legislature (what would become Congress).

- Roger Sherman (Connecticut) thought the executive's job was carrying out the will of the legislature, so it makes sense that the legislature appoints the president.
- James Wilson (Pennsylvania) proposed that each of the districts elect a representative to choose the president.
- The next day, James Wilson (Pennsylvania) repeated his reasons for wanting an election where the state legislatures didn't get involved. He also thought that his suggestion to choose representatives from the districts would help people trust the president more than if Congress chose the president.

- Elbridge Gerry (Massachusetts) worried that if Congress chose the president it would lead to corruption and secret deals. Presidential candidates might promise favors in exchange for votes. It could lead to dishonest government.
- Hugh Williamson (North Carolina) thought there was no benefit for having electors chosen by the people. He thought they would act just like the state legislatures anyway, but the process would be more complicated and expensive.
- Gouverneur Morris (Pennsylvania) strongly opposed having Congress choose the president. He believed that the president would do whatever Congress wanted if they had the power to choose him and to remove him. He thought the people should vote directly, like they did in states like New York and Connecticut. If Congress chose the president, it would lead to corruption.
- Roger Sherman (Connecticut) Congress would make a better choice in the president than the general public. Most people would not know the candidates well enough to make an informed decision. This could give larger states an unfair advantage, too (because some representation in Congress was based on population). If Congress chose, it would require a majority vote across representatives.

Debate C

How long should the executive hold office?

James Wilson (Pennsylvania) moved the president should serve for 3 years, supposing that he could be re-elected.

- Charles Pinkney (South Carolina) moved the president should serve for seven years
- Roger Sherman (Connecticut) supported three years and wanted to allow for re-election, so the best candidates were not thrown out.
- George Mason (Virginia) supported seven years without allowing for re-election
- Gunning Bedford (Delaware) opposed seven years. It was too long. He asked the delegates to imagine if the president was unqualified what that would do for the country.

- Luther Martin (Maryland) moved to make the president ineligible to serve more than one term.
- Gouverneur Morris (Pennsylvania) If a president can't be re-elected, he might not try as hard to be a good leader since there was no reward for doing well. He might use his short time in office to gain money or help his friends instead of focusing on the welfare of the country. In times of crisis, people might break the rules to keep a good leader in power, which could hurt the Constitution.
- Rufus King (Massachusetts) Did not like preventing the president from running a second time. He agreed with Mr. Sherman that if someone proves to be fit for office, he ought not to be excluded.
- Elbridge Gerry (Massachusetts) wanted a long term, like 10, 15, 20 because this would make the executive more independent from the legislature.
- Luther Martin (Maryland) withdrew his motion to prevent the president to run a second time. Then he moved that the president should serve for eleven years.
- Elbridge Gerry (Massachusetts) suggested fifteen years
- Rufus King (Massachusetts) twenty years because it's the average life span of princes.
- William Davie (North Carolina) eight years

Some Outcomes of the Debates in the Constitutional Convention about the President (Executive)

- The executive is vested in a single person, not a council.
- The president will serve for a term of four years. He is allowed to run again. The 22 Amendment added in 1951 limited a president to serve two terms.
- Rather than allowing Congress to choose the president, the delegates created a group of electors from each state. These electors could not hold public office to prevent any conflict of interest. This is the Electoral College.

Essential Question

How did the delegates make an executive strong enough to carry out the laws, but not so strong that he acts like a king?

Other ideas to possibly bring up after discussing the content of the debate excerpts.

1. Limited Time in Office
 - a. The presidential term is 4 years and the 22nd amendment limited the number of terms to 2.
 - b. From the debates, we saw suggestions for the president to serve 7, 10, 11, 15, and 20 years. They chose to limit the term to 4 years and allow for re-election.
2. Checks and balances
 - a. Congress makes laws and can override a president's veto
 - b. The Supreme Court can declare a president's actions unconstitutional.
3. Shared Powers
 - a. The Senate must approve any treaties made by the president.
 - b. The president can nominate positions, like for the Supreme Court, but the Senate must confirm.
4. Impeachment
 - a. If the president abuses his power or breaks the law, Congress can impeach and remove him from office.