

Some Debates in the Constitutional Convention

on Executive Power

During the Constitutional Convention, the delegates debated several issues related to the executive. We now call the executive the president. These are some excerpts from the debates. Read through the debates below and answer the questions. Prepare for class discussion.

Debate A

How many executives should there be?

Jump to e675267, e675300, and e675326

June 1

Mr. Wilson moved that the national executive consist of a single person. . .

Mr. Rutledge [sic] He said he was for vesting the Executive power in a single person, tho' he was not for giving him the power of war and peace. A single man would feel the greatest responsibility and administer the public affairs best.

Mr. Sherman . . . the person or persons ought to be appointed by and accountable to the Legislature only, which was the depository [center of trust] of the supreme will of the Society. . . he wished the number [of executives] might not be fixed, but that the legislature should be at liberty to appoint one or more [executive leaders] as experience might dictate.

Mr. Randolph strenuously opposed a unity in the Executive magistracy [power in one person, rather than a council]. He regarded it as the foetus [fetus or unborn baby] of monarchy. . . He could not see why the great requisites for the Executive department, vigor, despatch & responsibility could not be found in three men, as well as in one man. . .

Mr. Wilson said that Unity in the Executive instead of being the fetus of Monarchy would be the best safeguard against tyranny. . .

June 2

Mr. Randolph opposed [a single executive] with great earnestness. . . He urged . . . that the appointments would generally be in favor of some inhabitant near the center of the Community, and consequently the remote parts would not be on an equal footing. He was in favor of three members of the Executive to be drawn from different portions of the Country.

Mr. Butler contended strongly for a single magistrate as most likely to answer the purpose of the remote parts. If one man should be appointed he would be responsible to the whole, and would

be impartial to its interests. If three or more should be taken from as many districts, there would be a constant struggle for local advantages. . . .

June 4

Mr. Wilson was in favor of the motion [of a single executive] . . . All know that a single magistrate is not a King. . . . All the 13 States . . . agree in placing a single magistrate at the head of the Government. The idea of three heads has taken place in none. . . . Among three equal members, he foresaw nothing but uncontroled, continued, & violent animosities [hatred] . . .

Mr. Gerry. was at a loss to discover the policy of three members for the Executive. It wd.[would] be extremely inconvenient in many instances, particularly in military matters, whether relating to the militia, an army, or a navy. It would be a general with three heads.

What topic did the delegates debate in Debate A?
What were some of the solutions proposed?
Share two reasons for why some delegates preferred more than one executive.
Share two reasons for why some delegates preferred only one executive.

Debate B

How should the executive be chosen?

Jump to e675267, e675300, e672923, and e672925

On May 29, there was a resolution that a national executive (president) should be chosen by the national legislature (Congress).

June 1

Mr. Sherman said he considered the Executive magistracy as nothing more than an institution for carrying the will of the Legislature into effect, that the person or persons ought to be appointed by and accountable to the Legislature only, which was the despositary [center of trust] of the supreme will of the Society. . . .

Mr. Wilson . . . in theory he was for an election by the people. Experience, particularly in New York and Massachusetts, showed that an election of the first magistrate by the people at large was both a convenient and successful mode. . . .

June 2

On June 2, Mr. Wilson opposed the national legislature (Congress) choosing the executive and proposed this: the states would be divided into districts, and the people who were allowed to vote in each district would choose electors to represent them. Then, those electors would meet and vote by ballot to select the executive.

Mr. Wilson repeated his arguments in favor of an election without the intervention of the States. He supposed too that this mode would produce more confidence among the people in the first magistrate, than an election in the national Legislature.

Mr. Gerry, opposed the election by the national legislature. There would be a constant intrigue [secret plans] kept up for the appointment. The Legislature & the candidates wd.[would] bargain & play into one another's hands, votes would be given by the former under promises or expectations from the latter, of recompensing [repaying] them by services to members of the Legislature or to their friends. . . .

Mr. Williamson could see no advantage in the introduction of Electors chosen by the people who who [sic] would stand in the same relation to them as the State Legislatures, whilst the expedient would be attended with great trouble and expence [sic]. . . .

July 17

Mr. Governr. [sic] Morris was pointedly agst. [the executive chosen by the legislature]. He will be the mere creature of the Legisl: if appointed & impeachable by that body. He ought to be elected by the people at large, by the freeholders of the Country. That difficulties attend this

mode, he admits. But they have been found superable in N. Y. & in Cont. and would he believed be found so, in the case of an Executive for the U. States. If the people should elect, they will never fail to prefer some man of distinguished character, or services; some man, if he might so speak, of continental reputation. If the Legislature elect, it will be the work of intrigue, of cabal, and of faction: it will be like the election of a pope by a conclave of cardinals; real merit will rarely be the title to the appointment. (He moved to strike out "National Legislature" & insert "citizens of U. S")

Mr. Sherman thought that the sense of the Nation would be better expressed by the Legislature, than by the people at large. The latter will never be sufficiently informed of characters, and besides will never give a majority of votes to any one man. They will generally vote for some man in their own State, and the largest State will have the best chance for the appointment. If the choice be made by the Legislr [Legislature]. A majority of voices may be made necessary to constitute an election.

What topic did the delegates debate in Debate B?
What were some of the solutions proposed?
What argument did the delegates make against having the legislature choose the executive?
Why did some delegates oppose the people voting directly for the executive?

Debate C

How long should the executive hold office?

Jump to e675266, e675282, e673013, e673131, and e673134

June 1

Mr. Wilson moves that the . . . the term of duration [for the executive] should be . . . three years, observing at the same time that he preferred this short period, on the supposition that a re-eligibility [re-election] would be provided for.

Mr. Pinkney moves for seven years.

Mr. Sherman was for three years, and agst.[against] the doctrine of rotation as throwing out of office the men best qualified to execute its duties.

Mr. Mason was for seven years at least, and for prohibiting a re-eligibility . . .

Mr. Bedford was strongly opposed to so long a term as seven years. He begged the committee to consider what the situation of the Country would be, in case the first magistrate should be saddled on it for such period and it should be found on trial that he did not possess the qualifications ascribed to him, or should lose them after his appointment. . . .

July 19

Mr. Martin moved to reinstate the words "to be ineligible a 2d.[second] time".

Mr. Gouverneur [sic] Morris What effect will this [making the executive ineligible for reelection] have? 1. it will destroy the great incitement to merit public esteem by taking away the hope of being rewarded with a reappointment. It may give a dangerous turn to one of the strongest passions in the human breast. The love of fame is the great spring to noble & illustrious actions. Shut the Civil road to Glory & he may be compelled to seek it by the sword. 2. It will tempt him to make the most of the Short space of time allotted him, to accumulate wealth and provide for his friends. 3. It will produce violations of the very constitution it is meant to secure. In moments of pressing danger the tried abilities and established character of a favorite Magistrate will prevail over respect for the forms of the Constitution. . . .Let him be of short duration, that he may with propriety be re-eligible. . . .

Mr. King. did not like the ineligibility...he who has proved himself to be most fit for an Office, ought not to be excluded by the constitution from holding it. . . .

July 24

Mr. Gerry. That the Executive shd.[should] be independent of the Legislature is a clear point. The longer the duration of his appointment the more will his dependence be diminished--It will be better then for him to continue 10, 15, or even 20--years and be ineligible afterwards.

Mr. L. Martin, suspending his motion as to the ineligibility, moved "that the appointment. of the Executive shall continue for Eleven years.

Mr. Gerry suggested fifteen years.

Mr. King twenty years. This is the medium life of princes.

Mr. Davie Eight years

What topic did they debate in Debate C?

What were some of the solutions proposed?

The Constitution

The final decisions of the Constitutional Convention were written in the Constitution. The Constitution discusses the executive in Article II of the Constitution. Read the following statements to determine what the delegates decided. Bolding of text added.

The executive Power shall be vested in a President of the United States of America. . .

He [the President] shall hold his Office during the Term of four Years

It does not say anything about limits to being re-elected. Much later in 1951, the US changed the Constitution with the Twenty-Second Amendment which does limit the number of times a person can be elected to president to only two times.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State

may be entitled in the Congress . . . [The people elect the electors who elect the president, separate from electing the Legislature.].

What did the delegates decide regarding who the executive would be?

What did the delegates decide regarding who would elect the president?

What did the delegates decide about the term length and the number of times the executive can be re-elected?

PREPARE FOR CLASS DISCUSSION

The delegates debated whether the executive should be one person or a council. What do you think about their final decision to choose a single executive? What are the pros and cons of that choice?

The delegates debated different ways for electing the executive: letting Congress choose, using a national popular vote, or having electors from each district vote. What do you think of the final decision. Would you have chosen the same method out of the options?

The delegates debated how long the executive should serve. Some suggestions included serving for 7, 10, 11, 15, or 20 years. In the end, they chose a 4-year term with the option to run again. What do you think of that decision? Would you have chosen a different term of service?

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