

The Presidency in the Constitutional Convention

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Empowering a president

Some at the Convention felt an executive necessary to the carrying out of the laws passed by the legislature; others felt an executive not only unnecessary but dangerous. But all of the major plans included one in some form or another. In the Virginia Plan, a weak executive was a single person, who, along with the judiciary, would have some veto power over the legislature. In the New Jersey Plan, the executive was not one person, but a council of sorts, a sort of co-presidency. In both cases, the executive was chosen by the legislature. These presidents were nothing like the president we know today.

The reason is clear - the royal governors and the King, and their love of power, were fresh on the minds of the Framers. The need for a third branch, a branch whose task is the carrying out of the laws, was clear under the concept of the separation of powers. But the Framers wanted to be careful, to avoid creating a position from which a tyrant could rule over the states.

One of the driving forces behind the strong presidency we have today is a figure virtually unknown today, but who was very prominent in his day, and eventually would serve on the Supreme Court: James Wilson of Pennsylvania. Scottish by birth, Wilson was educated by some of the greatest minds in Scotland at the time, leading to a great trust in the common sense of the common man. He was an adamant supporter of the relatively new notion that the government served the people, that all power derived from the people, rejecting the social contract theory that the people allowed themselves to be ruled in exchange for certain guaranteed rights. His theory required the direct election of as many representatives as possible; to him, an appointed President was as dangerous, or at least as onerous, as a monarch. He is considered responsible for our peculiar [Electoral College](#).

When the Convention took up the question of the President, they had a few decisions to make: single individual or committee? Appointed or

elected? And what powers should the President, in whatever form, be able to carry out? The debate started on [June 1](#), when Wilson almost immediately moved that the Executive be a single person. Sherman was opposed - the lines were clear. States rightists wanted a weak executive; nationalists a strong one. Wilson noted that each of the states had single executives; the idea is well-known and seemed to work. When it came to a vote, the single executive prevailed.

The Virginia Plan also called for the President to have a council to advise him, but the idea was deemed unnecessary with the separation of powers being built into the Constitution, and it was eliminated.

Next, to decide on a term and how the President would be chosen - by the people or by the legislature? The idea of direct election sounds so simple to us today, but in 18th century America, there were no parties, no conventions, no mass media ... how would the people know who to vote for? Many supported the idea of direct election, but considered it impractical. Wilson came through again and on [June 2](#), proposed something akin to our present [Electoral College](#). But his plan was voted down, and the matter was debated and redebated over the course of the next six weeks.

At the same time, the term of the President was debated; the delegates toyed with many ideas, including a seven year, non-reelectable term, a three-year reelectable term, and a term which was essentially life, or on good behavior. But there was little consensus here either.

Neither matter was fully resolved, and they were referred to the Committee of Detail. Its executive was elected by the legislature for a seven-year, non-reelectable term, and he was impeachable. This portion of the Committee's draft was debated on [August 24](#), and Wilson once again lobbied for an popularly elected President. Debate produced little result, and another committee was formed to iron out these and other details. This committee took Wilson's Electoral College idea and expanded upon it; electors would be chosen by the states in whatever manner they desired, which accommodated selection by the state legislature, governor, or the people. This was read to the Convention on [September 4](#), and included details on the powers of the President, his checks by the legislature, and details on the procedures on impeachment.

