

Activity Two: How should the President be elected?

Student Name _____ Date _____

Reading Set A: Mode of election – first round of arguments

1. [Election by the people or Congress?](http://www.yale.edu/lawweb/avalon/debates/601.htm) (1 June 1787)
<http://www.yale.edu/lawweb/avalon/debates/601.htm>

The next clause in Resolution 7, relating to the mode of appointing, & the duration of, the Executive being under consideration,

Mr. WILSON said he was almost unwilling to declare the mode which he wished to take place...He would say however at least that in theory he was for an election by the people...

Mr. SHERMAN was for the appointment by the Legislature, and for making him absolutely dependent on that body, as it was the will of that which was to be executed. An independence of the Executive on the supreme Legislature, was in his opinion the very essence of tyranny if there was any such thing...

Mr. WILSON renewed his declarations in favor of an appointment by the people. He wished to derive not only both branches of the Legislature from the people, without the intervention of the State Legislatures but the Executive also; in order to make them as independent as possible of each other, as well as of the States...

2. [Electoral College introduced – and rejected](http://www.yale.edu/lawweb/avalon/debates/602.htm) (2 June 1787)
<http://www.yale.edu/lawweb/avalon/debates/602.htm>

The mode of appointing the Executive was resumed.

Mr. WILSON made the following motion, to be substituted for the mode proposed by Mr. Randolph's resolution, "that the Executive Magistracy shall be elected in the following manner: That the States be divided into ----- districts: & that the persons qualified to vote in each district for members of the first branch of the national Legislature elect ----- members for their respective districts to be electors of the Executive magistracy, that the said Electors of the Executive magistracy meet at ----- and they or any ----- of them so met shall proceed to elect by ballot, but not out of their own body ----- person in whom the Executive authority of the national Government shall be vested."

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 by the national Legislature.

Mr. GERRY opposed the election by the national legislature. There would be a constant intrigue kept up for the appointment. The Legislature & the candidates wd. bargain & play into one another's hands, votes would be given by the former under promises or expectations from the latter, of recompensing them by services to members of the Legislature or to their friends...He seemed to prefer the taking the suffrages of the States instead of Electors, or letting the Legislatures nominate, and the electors appoint. He was not clear that the people ought to act directly even in the choice of electors, being too little informed of personal characters in large districts, and liable to deceptions...

On the question for agreeing to Mr. Wilson's substitute, it was negatived: Massts. no. Cont. no. N. Y. no. Pa. ay. Del. no. Maryland. ay. Virga. no. N. C. no. S. C. no. Geo. no.

3. [Election by state governors proposed](http://www.yale.edu/lawweb/avalon/debates/609.htm) (9 June 1787)
<http://www.yale.edu/lawweb/avalon/debates/609.htm>

Mr. GERRY, according to previous notice given by him, moved "that the National Executive should be elected by the Executives of the States..." If the appointment should be made by the National Legislature, it would lessen that independence of the Executive which ought to prevail, would give birth to intrigue and corruption between the Executive & Legislature previous to the election, and to partiality in the Executive afterwards to the friends who promoted him. Some other mode therefore appeared to him necessary. He proposed that of appointing by the State Executives... He supposed the Executives would be most likely to select the fittest men, and that it would be their interest to support the man of their own choice.

Mr. RANDOLPH, urged strongly the inexpediency of Mr. Gerry's mode of appointing the National Executive... Bad appointments would be made; the Executives of the States being little conversant with characters not within their own small spheres. The State Executives too notwithstanding their constitutional independence, being in fact dependent on the State Legislatures will generally be guided by the views of the latter... A National Executive thus chosen will not be likely to defend with becoming vigilance & firmness the National rights against State encroachments...

On the question for referring the appointment of the National Executive to the State Executives as proposed by Mr. Gerry Massts. no. Cont. no. N. Y. no. N. J. no. Pa. no. Del. divd. Md. no. Va. no. S. C. no. Geo. no...

Activity Two: How should the President be elected?

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Reading Set B: Mode of election – second round of arguments

1. [Election by the people or Congress? Part 2](http://www.yale.edu/lawweb/avalon/debates/717.htm) (17 July 1787)
<http://www.yale.edu/lawweb/avalon/debates/717.htm>

... "To be chosen by the National Legisl:"

Mr. GOVERNOR. MORRIS was pointedly agst. his being so chosen. 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... If the Legislature elect, it will be the work of intrigue, of cabal, and of faction... 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...

Mr. PINKNEY did not expect this question would again have been brought forward; An Election by the people being liable to the most obvious & striking objections. They will be led by a few active & designing men...

Mr. Govr. MORRIS... If the Executive be chosen by the Natl. Legislature, he will not be independent on it; and if not independent, usurpation & tyranny on the part of the Legislature will be the consequence...

Col. MASON... He conceived it would be as unnatural to refer the choice of a proper character for chief Magistrate to the people, as it would, to refer a trial of colours to a blind man. The extent of the Country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the Candidates...

Question on an election by the people instead of the Legislature; which passed in the negative.
Mas. no. Cont. no. N. J. no. Pa. ay. Del. no. Md. no. Va. no. N.C. no. S.C. no. Geo. no.

2. [Should the President be re-eligible for office?](http://www.yale.edu/lawweb/avalon/debates/719.htm) (19 July 1787)
<http://www.yale.edu/lawweb/avalon/debates/719.htm>

Mr. WILSON. It seems to be the unanimous sense that the Executive should not be appointed by the Legislature, unless he be rendered in-eligible a 2d. time: he perceived with pleasure that the idea was gaining ground, of an election mediately or immediately by the people.

Mr. MADISON... It is essential then that the appointment of the Executive should either be drawn from some source, or held by some tenure, that will give him a free agency with regard to the Legislature... The people at large was in his opinion the fittest in itself. It would be as likely as any that could be devised to produce an Executive Magistrate of distinguished Character. The people generally could only know & vote for some Citizen whose merits had rendered him an object of general attention & esteem...

Mr. GERRY. If the Executive is to be elected by the Legislature he certainly ought not to be re-eligible. This would make him absolutely dependent. He was agst. a popular election. The people are uninformed, and would be misled by a few designing men. He urged the expediency of an appointment of the Executive by Electors to be chosen by the State Executives. The people of the States will then choose the 1st. branch: The legislatures of the States the 2d. branch of the National Legislature, and the Executives of the States, the National Executive. This he thought would form a strong attachnt. in the States to the National System. The popular mode of electing the chief Magistrate would certainly be the worst of all...

3. [Dangers of election by Congress](http://www.yale.edu/lawweb/avalon/debates/724.htm) (24 July 1787)

<http://www.yale.edu/lawweb/avalon/debates/724.htm>

Mr. HOUSTON moved that he be appointed by the "Natl. Legislature..."

Mr. GERRY. We seem to be entirely at a loss on this head. He would suggest whether it would not be adviseable to refer the clause relating to the Executive to the Committee of detail to be appointed. Perhaps they will be able to hit on something that may unite the various opinions which have been thrown out...

Mr. Govr. MORRIS. Of all possible modes of appointment that by the Legislature is the worst. If the Legislature is to appoint, and to impeach or to influence the impeachment, the Executive will be the mere creature of it...Much had been said of the intrigues that will be practised by the Executive to get into office. Nothing had been said on the other side of the intrigues to get him out of office. Some leader of party will always covet his seat, will perplex his administration, will cabal with the Legislature, till he succeeds in supplanting him...In order to get rid of the dependence of the Executive on the Legislature, the expedient of making him ineligible a 2d. time had been devised. This was as much as to say we shd. give him the benefit of experience, and then deprive ourselves of the use of it. But make him ineligible a 2d. time-and prolong his duration even to 15- years, will he by any wonderful interposition of providence at that period cease to be a man? No he will be unwilling to quit his exaltation, the road to his object thro' the Constitution will be shut; he will be in possession of the sword, a civil war will ensue, and the Commander of the victorious army on which ever side, will be the despot of America. This consideration renders him particularly anxious that the Executive should be properly constituted...It is the most difficult of all rightly to balance the Executive. Make him too weak: The Legislature will usurp his powers: Make him too strong. He will usurp on the Legislature. He preferred a short period, a re-eligibility, but a different mode of election. A long period would prevent an adoption of the plan...

4. [Mason reviews the various proposals](http://www.yale.edu/lawweb/avalon/debates/726.htm) (26 July 1787)

<http://www.yale.edu/lawweb/avalon/debates/726.htm>

Col. MASON In every Stage of the Question relative to the Executive, the difficulty of the subject and the diversity of the opinions concerning it have appeared. Nor have any of the modes of constituting that department been satisfactory. 1. It has been proposed that the election should be made by the people at large; that is that an act which ought to be performed by those who know most of Eminent characters, & qualifications, should be performed by those who know least. 2. that the election should be made by the Legislatures of the States. 3. by the Executives of the States. Agst. these modes also strong objections have been urged. 4. It has been proposed that the election should be made by Electors chosen by the people for that purpose. This was at first agreed to: But on further consideration

has been rejected...After reviewing all these various modes, he was led to conclude, that an election by the Natl. Legislature as originally proposed, was the best. If it was liable to objections, it was liable to fewer than any other...

Activity Two: How should the President be elected?

Student Name _____ Date _____

Directions: Read the documents that accompany Activity 2 Reading Sets A and B and complete the following chart.

How Should the President Be Elected?

| Mode of Election | Reasons For | Reasons Against |
|------------------|-------------|-----------------|
| By the People | | |
| By Congress | | |

| | | |
|----------------------------|--|--|
| By Electoral College | | |
| By the States | | |

Activity Two: How should the President be elected?

Directions: Read the documents that accompany Activity 2 Reading Sets A and B and complete the following chart.

How Should the President Be Elected? TEACHER COPY

| Mode of Election | Reasons For | Reasons Against |
|------------------|---|---|
| By the People | <p>Wilson—President should be as independent as possible.</p> <p>Madison—Would be as likely as any that the people would produce an executive of distinguished character. The people generally could only know and vote for some citizen whose merits had rendered him an object of general attention and esteem.</p> | <p>Gerry—People shouldn't be involved—too little informed of personal characters and liable to be deceived.</p> <p>Sherman—People would never be sufficiently informed and would always vote for someone from their own state—largest state would have the best chance of appointment.</p> <p>Pinckney—would be led by a few active and designing men. Most populous states could combine and appt. their choice.</p> <p>Mason—the extent of the country renders it impossible for the people to have the capacity to judge the qualifications of the candidates.</p> |
| By Congress | <p>Sherman—President should be absolutely dependent on the Legislature—an independent executive would be tyranny. Sense of nation would be expressed by the legislature.</p> <p>Pinckney—Legislature would choose a fit man to carry out the laws they make.</p> <p>Rutledge—Appointment by National Legislature, or by Senate only - would be sufficiently independent if not re-eligible.</p> | <p>Gerry—Constant intrigue would be kept up for the appointment, which would lessen the independence of the executive and cause corruption. Would cause partiality by the executive to those who supported him.</p> <p>Morris—Executive would be a mere creature of the leg. If appointed and impeachable by that body-cause intrigue and factions. Exec would not be independent.</p> <p>Gerry—could not be re-eligible because it would make him absolutely dependent on the Legislature.</p> <p>Morris—Executive would court the popularity of the Legislature by sacrificing Executive Rights, join the legislature after his term, and enjoy the fruits of any policies enacted while in office.</p> |

| | | |
|-----------------------------|---|---|
| <p>By Electoral College</p> | <p>Wilson—States divided into districts and people qualified to vote for Senators would elect members from their district to be electors-would meet and elect (not one of their own) the executive. No intervention by the states—also would produce confidence among the people.</p> <p>Morris—would guard against the Executive courting popularity in the Legislature</p> | <p>King—An appointment by electors chosen by the people for the purpose would be liable to fewest objections.</p> <p>Madison—Electors chosen for the occasion, meet at once, and proceed immediately with the appointment; there would be little opportunity for corruption.</p> |
| <p>By the States</p> | <p>Gerry—State legislatures nominate and electors appoint. Executive should be elected by governors whose proportion of votes should be the same as allowed in the election of the Senate.</p> <p>Appt by State Executives—they would be most likely to select the fittest men. Would be in their interest to support the man of their choice.</p> <p>People would choose the 1st branch of National Leg/ state leg's would choose the 2nd branch/ state executives choose the National Executive. Would form a strong attachment to the National System.</p> | <p>Randolph—Bad appointments would be made, because governors wouldn't know the characteristics of men not within their own spheres. Governors are dependent on state legislatures and would be guided by them and prefer favorites within the state. President thus chosen would not likely defend national rights against state encroachments.</p> <p>Madison—Being standing bodies, state executives would be courted and intrigued by the candidates, by their partisans, and by foreign powers</p> |

Activity Two: How should the President be elected?

Student Name _____ Date _____

Reading Set C: Mode of election – third round of arguments

1. [Electoral College re-introduced](http://www.yale.edu/lawweb/avalon/debates/824.htm) (24 August 1787)
<http://www.yale.edu/lawweb/avalon/debates/824.htm>

Mr. Govr. MORRIS opposed the election of the President by the Legislature. He dwelt on the danger of rendering the Executive uninterested in maintaining the rights of his Station, as leading to Legislative tyranny. If the Legislature have the Executive dependant on them, they can perpetuate & support their usurpations by the influence of tax-gatherers & other officers, by fleets armies. Cabal & corruption are attached to that mode of election: so also is ineligibility a second time. Hence the Executive is interested in Courting popularity in the Legislature by sacrificing his Executive Rights; & then he can go into that Body, after the expiration of his Executive office, and enjoy there the fruits of his policy. To these considerations he added that rivals would be continually intriguing to oust the President from his place. To guard against all these evils he moved that the President "shall be chosen by Electors to be chosen by the People of the several States"

Mr. CARROL 2ded. him & on the question it passed in the negative. N. H. no. Mas. no. Ct. ay. N. J. ay. Pa. ay. Del. ay. Md. no. Va. ay. N. C. no. S. C. no. Geo. no...

2. [Brearily Committee recommends electoral system](http://www.yale.edu/lawweb/avalon/debates/904.htm) (4 September 1787)
<http://www.yale.edu/lawweb/avalon/debates/904.htm>

Mr. BREARLY from the Committee of eleven made a further partial Report as follows. "The Committee of Eleven to whom sundry resolutions were referred on the 31st. of August, report that in their opinion the following additions and alterations should be made to the Report before the Convention, viz...

(4) After the word 'Excellency' in sect. 1. art. 10. to be inserted. 'He shall hold his office during the term of four years, and together with the vice-President, chosen for the same term, be elected in the following manner, viz. Each State shall appoint in such manner as its Legislature may direct, a number of electors equal to the whole number of Senators and members of the House of Representatives to which the State may be entitled in the Legislature. The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify and transmit sealed to the Seat of the Genl. Government, directed to the President of the Senate-The President of the Senate shall in that House open all the certificates; and the votes shall be then & there counted. The Person having the greatest number of votes shall be the President, if such number be a majority of that of the electors.'...

The (4) clause was accordingly taken up...

Mr. RANDOLPH & Mr. PINKNEY wished for a particular explanation & discussion of the reasons for changing the mode of electing the Executive.

Mr. Govr. MORRIS said he would give the reasons of the Committee and his own. The 1st. was the danger of intrigue & faction if the appointmt. should be made by the Legislature. 2. the inconveniency of an ineligibility required by that mode in order to lessen its evils. 3. The difficulty of establishing a Court of Impeachments, other than the Senate which would not be so proper for the trial nor the other branch for the impeachment of the President, if appointed by the Legislature, 4. No body had appeared to be satisfied with an appointment by the Legislature. 5. Many were anxious even for an immediate choice by the people. 6. the indispensable necessity of making the Executive independent of the Legislature. -As the Electors would vote at the same time throughout the U. S. and at so great a distance from each other, the great evil of cabal was avoided. It would be impossible also to corrupt them. A conclusive reason for making the Senate instead of the Supreme Court the Judge of impeachments, was that the latter was to try the President after the trial of the impeachment...

Mr. BUTLER thought the mode not free from objections, but much more so than an election by the Legislature, where as in elective monarchies, cabal faction & violence would be sure to prevail.

Mr. PINKNEY stated as objections to the mode...2. The Electors will be strangers to the several candidates and of course unable to decide on their comparative merits. 3. It makes the Executive reeligible which will endanger the public liberty...

Mr. WILSON. This subject has greatly divided the House, and will also divide people out of doors. It is in truth the most difficult of all on which we have had to decide. He had never made up an opinion on it entirely to his own satisfaction. He thought the plan on the whole a valuable improvement on the former. It gets rid of one great evil, that of cabal & corruption; & Continental Characters will multiply as we more & more coalesce, so as to enable the electors in every part of the Union to know & judge of them. It clears the way also for a discussion of the question of reeligibility on its own merits, which the former mode of election seems to forbid...

3. ["We have made a bold stroke for Monarchy"](http://www.yale.edu/lawweb/avalon/debates/905.htm) (5 September 1787) <http://www.yale.edu/lawweb/avalon/debates/905.htm>

The Report made yesterday as to the appointment of the Executive being taken up.

Mr. PINKNEY renewed his opposition to the mode, arguing 1. that the electors will not have sufficient knowledge of the fittest men, & will be swayed by an attachment to the eminent men of their respective States...

Mr. GERRY did not object to this plan of constituting the Executive in itself, but should be governed in his final vote by the powers that may be given to the President.

Mr. RUTLIDGE was much opposed to the plan reported by the Committee...He was also against a re-eligibility. He moved to postpone the Report under consideration & take up the original plan of appointment by the Legislature, to wit. "He shall be elected by joint ballot by the Legislature to which election a majority of the votes of the members present shall be required: He shall hold his office during the term of seven years; but shall not be elected a second time."

On this motion to postpone N. H. divd. Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. ay. S. C. ay. Geo. no...

Mr. RANDOLPH. We have in some revolutions of this plan made a bold stroke for Monarchy...

4. [Electoral College accepted](http://www.yale.edu/lawweb/avalon/debates/906.htm) (6 September 1787)
<http://www.yale.edu/lawweb/avalon/debates/906.htm>

The Report relating to the appointment of the Executive stands as amended, as follows,

"He shall hold his office during the term of four years, and together with the vice-President, chosen for the same term, be elected in the following manner.

Each State shall appoint in such manner as its Legislature may direct, a number of electors equal to the whole number of Senators and members of the House of Representatives, to which the State may be entitled in the Legislature:

But no person shall be appointed an Elector who is a member of the Legislature of the U. S. or who holds any office of profit or trust under the U. S.

The Electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the Seat of the General Government, directed to the President of the Senate.

The President of the Senate shall in the presence of the Senate and House of Representatives open all the certificates & the votes shall then be counted.

The person having the greatest number of votes shall be the President (if such number be a majority of the whole number of electors appointed)...

Activity Two: How should the President be elected?

Student Name _____ Date _____

Directions: Record your answers to the discussion questions for Activity Two Reading Set C.

| Question | Answer |
|--|--------|
| What did the delegates think about an election by the people in Document #1? | |
| What were the objections to the election of the President by the Legislature in Document #1? | |
| What did the Brearly Committee recommend in Document #2? | |
| What reasons did G. Morris give on behalf of the Committee for the change in Document #2? | |
| Are other members ready to accept this mode of election in Document #2? Explain. | |

In Documents #3 and #4, what mode of election was finally agreed upon?