

JAMES MADISON'S NOTES OF THE FEDERAL CONVENTION* (1787)

“LADIES AND GENTLEMEN, the *presidents* of the United States.”

A typographical error, right? Not if certain delegates to the Constitutional Convention had had their way. The question of whether the national executive should be unitary—a person—or plural—a group of people—occasioned the convention’s first serious debate about the nature of the executive in the new plan of government the delegates were creating.

The convention came into being because on February 21, 1787, the Confederation Congress passed a resolution calling for “a Convention of delegates who shall have been appointed by the several states to be held in Philadelphia for the sole and express purpose of revising the Articles of Confederation.” The government that had been created by the Articles in 1781 was widely regarded as having a number of weaknesses, including insufficient powers and the absence of an executive branch.

The convention met from May 25 to September 17, 1787. The delegates went far beyond their charter, drafting an entirely new plan of government that, if approved by nine of the thirteen states, would replace the Articles.

The presidency is the Constitution’s most original feature. Yet although Virginia delegate James Madison often is referred to as “the father of the Constitution,” his paternity does not extend to the executive branch. As Madison readily admitted, his views about the executive were vague and variable. Like most of the delegates, he feared both executive power and executive weakness, regarding the former as the seed of tyranny and the latter as the wellspring of anarchy.

In advance of the convention, Madison helped to write the Virginia Plan, a draft for an entirely new government that was presented to the delegates by his state’s governor, Edmund Randolph, on May 29. The plan included a provision for a “National Executive,” as well as a “National Legislature” and a “National Judiciary,” but it said nothing about whether the executive would be unitary or plural. The convention accepted the Virginia Plan as its working document, and then reconstituted itself as a Committee of the Whole House to review it thoroughly.

The debate on the executive began on June 1, when Pennsylvania delegate James Wilson “moved that the Executive consist of a single person.” In his daily notes

*Go to http://avalon.law.yale.edu/subject_menus/debcont.asp.

on the convention, Madison recorded “a considerable pause” in the debate as the delegates considered the magnitude of the decision Wilson was asking them to make.

Concern that a unitary executive would be “the foetus of monarchy,” in Randolph’s phrase, prompted some convention members to propose alternatives. Randolph favored “three members of the Executive to be drawn from different portions of the Country.” Roger Sherman of Connecticut urged leaving the decision to the legislature, which at different times might prefer that “a person or persons” execute its decisions, depending on circumstances. Massachusetts delegate Elbridge Gerry wanted to attach a council to any executive the convention decided to create “in order to give weight & inspire confidence.”

In the end, Wilson’s argument that a unitary executive would give “most energy dispatch and responsibility to the office” prevailed. A plural executive could not lead, act promptly in time of crisis, or be held accountable, he contended. Seven state delegations voted in favor of Wilson’s motion, with only three opposed. Madison records that Virginia delegate George Washington, the most esteemed person in the country, voted aye. Washington and his fellow delegates knew that if a new plan of government were adopted, the first unitary executive would be him.

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Tuesday, May 29

... Resolutions proposed by Mr. [Edmund] Randolph [of Virginia] in Convention ...

7. Resd. that a National Executive be instituted; to be chosen by the National Legislature for the term of— years, to receive punctually at stated times, a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the Magistracy, existing at the time of increase or diminution, and to be ineligible a second time; and that besides a general authority to execute the National laws, it ought to enjoy the Executive rights vested in Congress by the Confederation. . . .

He concluded with an exhortation, not to suffer the present opportunity of establishing general peace, harmony, happiness and liberty in the U. S. to pass away unimproved.

It was then Resolved—That the House will tomorrow resolve itself into a Committee of the Whole House to consider of the state of the American Union.—and that the propositions moved by Mr. Randolph be referred to the said Committee.

Adjourned. . . .

Friday, June 1

... The Committee of the whole proceeded to Resolution 7. “that a national Executive be instituted, to be chosen by the national Legislature—for the term of— years &c to be ineligible thereafter, to possess the executive powers of Congress &c.”

Mr. [Charles Cotesworth] PIN[C]KNEY [of South Carolina] was for a vigorous Executive but was afraid the Executive powers of the existing Congress might

extend to peace & war &c., which would render the Executive a monarchy, of the worst kind, to wit an elective one.

Mr. [James] WILSON [of Pennsylvania] moved that the Executive consist of a single person.

Mr. C[harles] PIN[C]KNEY [of South Carolina] seconded the motion, so as to read “that a National Ex. to consist of a single person, be instituted.

A considerable pause ensuing and the Chairman asking if he should put the question, **Docr. [Benjamin] FRANKLIN [of Pennsylvania]** observed that it was a point of great importance and wished that the gentlemen would deliver their sentiments on it before the question was put.

Mr. [John] RUTL[E]DGE of [South Carolina] animadverted on the shyness of gentlemen on this and other subjects. He said it looked as if they supposed themselves precluded by having frankly disclosed their opinions from afterwards changing them, which he did not take to be at all the case. 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. [Roger] SHERMAN [of Connecticut] 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 depository of the supreme will of the Society. As they were the best judges of the business which ought to be done by the Executive department, and consequently of the number necessary from time to time for doing it, he wished the number might not be fixed but that the legislature should be at liberty to appoint one or more as experience might dictate.

Mr. WILSON preferred a single magistrate, as giving most energy dispatch and responsibility to the office. He did not consider the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of Legislative nature. Among others that of war & peace &c. The only powers he conceived strictly Executive were those of executing the laws, and appointing officers, not appertaining to and appointed by the Legislature.

Mr. [Elbridge] GERRY [of Massachusetts] favored the policy of annexing a Council to the Executive in order to give weight & inspire confidence.

Mr. RANDOLPH strenuously opposed a unity in the Executive magistracy. He regarded it as the foetus of monarchy. We had he said no motive to be governed by the British Governmt. as our prototype. He did not mean however to throw

censure on that Excellent fabric. If we were in a situation to copy it he did not know that he should be opposed to it; but the fixt genius of the people of America required a different form of Government. 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. The Executive ought to be independent. It ought therefore in order to support its independence to consist of more than one.

Mr. WILSON said that unity in the Executive instead of being the fetus of monarchy would be the best safeguard against tyranny. He repeated that he was not governed by the British Model which was inapplicable to the situation of this Country; the extent of which was so great, and the manners so republican, that nothing but a great confederated Republic would do for it.

Mr. Wilson's motion for a single magistrate was postponed by common consent, the Committee seeming unprepared for any decision on it; and the first part of the clause agreed to, viz-"that a National Executive be instituted."

Saturday, June 2

... **Mr. RUTL[E]DGE & Mr. C. PIN[C]KNEY** moved that the blank for the no. of persons in the Executive be filled with the words "one person." He supposed the reasons to be so obvious & conclusive in favor of one that no member would oppose the motion.

Mr. RANDOLPH opposed it with great earnestness, declaring that he should not do justice to the Country which sent him if he were silently to suffer the establishment of a Unity in the Executive department. He felt an opposition to it which he believed he should continue to feel as long as he lived. He urged 1. that the permanent temper of the people was adverse to the very semblance of Monarchy. 2. that a unity was unnecessary a plurality being equally competent to all the objects of the department. 3. that the necessary confidence would never be reposed in a single Magistrate. 4. 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. [Pierce] BUTLER [of South Carolina] 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. In Military matters this would be particularly mischievous. He said his opinion on this point had been formed under the opportunity he had had of seeing the manner in which a plurality of military heads distracted Holland when threatened with invasion by the imperial troops. One man

was for directing the force to the defence of this part, another to that part of the Country, just as he happened to be swayed by prejudice or interest.

The motion was then postpd. the Committee rose & the House Adj. . . .

Monday, June 4

The Question was resumed on motion of **Mr. PIN[C]KNEY** 2ded. by **WILSON**, “shall the blank for the number of the Executive be filled with a single person?”

Mr. WILSON was in favor of the motion. It had been opposed by the gentleman from Virga. [**Mr. Randolph**] but the arguments used had not convinced him. He observed that the objections of Mr. R. were levelled not so much agst. the measure itself, as agst. its unpopularity. If he could suppose that it would occasion a rejection of the plan of which it should form a part, though the part was an important one, yet he would give it up rather than lose the whole. On examination he could see no evidence of the alledged antipathy of the people. On the contrary he was persuaded that it does not exist. All know that a single magistrate is not a King. One fact has great weight with him. All the 13 States tho agreeing in scarce any other instance, agree in placing a single magistrate at the head of the Governmt. The idea of three heads has taken place in none. The degree of power is indeed different; but there are no co-ordinate heads. In addition to his former reasons for preferring a unity, he would mention another. The tranquility not less than the vigor of the Govt. he thought would be favored by it. Among three equal members, he foresaw nothing but uncontroled, continued, & violent animosities; which would not only interrupt the public administration; but diffuse their poison thro’ the other branches of Govt., thro’ the States, and at length thro’ the people at large. If the members were to be unequal in power the principle of the opposition to the unity was given up. If equal, then making them an odd number would not be a remedy. In Courts of Justice there are two sides only to a question. In the Legislative & Executive departmts. questions have commonly many sides. Each member therefore might espouse a separate one & no two agree.

Mr. SHERMAN. This matter is of great importance and ought to be well considered before it is determined. Mr. Wilson he said had observed that in each State a single magistrate was placed at the head of the Govt. It was so he admitted, and properly so, and he wished the same policy to prevail in the federal Govt. But then it should be also remarked that in all the States there was a Council of advice, without which the first magistrate could not act. A council he thought necessary to make the establishment acceptable to the people. Even in G. B. the King has a Council; and though he appoints it himself, its advice has its weight with him, and attracts the Confidence of the people.

Mr. [Hugh] WILLIAMSON [of North Carolina] asks **Mr. WILSON** whether he means to annex a Council.

Mr. WILSON means to have no Council, which oftener serves to cover, than prevent malpractices.

Mr. GERRY was at a loss to discover the policy of three members for the Executive. It wd. 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.

On the question for a single Executive it was agreed to Massts. ay. Cont. ay. N. Y. no. Pena. ay. Del. no. Maryd. no. Virg. ay. [Mr. R[andolph]. & Mr.[John] Blair no-Doctr. [James]Mc.C[lur]g. Mr. [James] M[adison]. & Gen [George] W[ashington]. ay. Col. [George] Mason being no, but not in house, Mr. [George] Wythe ay but gone home]. N. C. ay. S. C. ay. Georgia ay.