

Activity Three: Length of the President's term in office

Student Name _____ Date _____

Reading Set A: Term of office – first round of arguments

1. [Shorter term and eligible for re-election](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 moves that the blank for the term of duration should be filled with three years, observing at the same time that he preferred this short period, on the supposition that a reeligibility would be provided for.

Mr. PINKNEY moves for seven years.

Mr. SHERMAN was for three years, and agst. 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 a 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. An impeachment he said would be no cure for this evil, as an impeachment would reach misfeasance only, not incapacity. He was for a triennial election, and for an ineligibility after a period of nine years.

2. [Should the President be impeachable?](http://www.yale.edu/lawweb/avalon/debates/602.htm) (2 June 1787)
<http://www.yale.edu/lawweb/avalon/debates/602.htm>

Mr. DICKENSON moved "that the Executive be made removeable by the National Legislature on the request of a majority of the Legislatures of individual States." It was necessary he said to place the power of removing somewhere...

Mr. SHERMAN contended that the National Legislature should have power to remove the Executive at pleasure.

Mr. MASON. Some mode of displacing an unfit magistrate is rendered indispensable by the fallibility of those who choose, as well as by the corruptibility of the man chosen. He opposed decidedly the making the Executive the mere creature of the Legislature as a violation of the fundamental principle of good Government...

Mr. DICKENSON considered the business as so important that no man ought to be silent or reserved. He went into a discourse of some length, the sum of which was, that the Legislative, Executive, & Judiciary departments ought to be made as independent. as possible; but that such an Executive as some seemed to have in contemplation was not consistent with a republic: that a firm Executive could only exist in a limited monarchy...A limited Monarchy he considered as one of the best

Governments in the world...A limited Monarchy however was out of the question. The spirit of the times-the state of our affairs, forbade the experiment, if it were desirable...

On Mr. DICKENSON'S motion for making Executive removeable by Natl.; Legislature at request of majority of State Legislatures was also rejected-all the States being in the negative Except Delaware which gave an affirmative vote...

Mr. WILLIAMSON 2ded. by Mr. DAVIE moved to add to the last Clause, the words- "and to be removeable on impeachment & conviction of mal-practice or neglect of duty"-which was agreed to.

3. "Let the Executive be for life" (18 June 1787)

<http://www.yale.edu/lawweb/avalon/debates/618.htm>

Mr. HAMILTON...As to the Executive, it seemed to be admitted that no good one could be established on Republican principles. Was not this giving up the merits of the question: for can there be a good Govt. without a good Executive...What is the inference from all these observations? That we ought to go as far in order to attain stability and permanency, as republican principles will admit. Let one branch of the Legislature hold their places for life or at least during good behaviour. Let the Executive also be for life. He appealed to the feelings of the members present whether a term of seven years, would induce the sacrifices of private affairs which an acceptance of public trust would require, so as to ensure the services of the best Citizens...But is this a Republican Govt., it will be asked? Yes if all the Magistrates are appointed, and vacancies are filled, by the people, or a process of election originating with the people...It will be objected probably, that such an Executive will be an elective Monarch, and will give birth to the tumults which characterize that form of Govt. He wd. reply that Monarch is an indefinite term. It marks not either the degree or duration of power. If this Executive Magistrate wd. be a monarch for life-the other propd. by the Report from the Comtte of the whole, wd. be a monarch for seven years...Having made these observations he would read to the Committee a sketch of a plan which he shd. prefer to either of those under consideration...

IV. The supreme Executive authority of the United States to be vested in a Governour to be elected to serve during good behaviour...

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Directions: Read the documents that accompany Activity Three Reading Set A and answer the following questions.

Question	Arguments FOR	Arguments AGAINST
1. What arguments were given regarding monarchy?		
2. What arguments were given for/against making the President eligible to run for re-election after his term expired?		
3. What arguments were given for/against impeachment? What was decided?		
4. What arguments were given for/against a longer length of term in office? What term lengths were suggested?		

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Reading Set B: Term of office – second round of arguments

1. [Mason argues against monarchy](http://www.yale.edu/lawweb/avalon/debates/717.htm) (17 July 1787)
<http://www.yale.edu/lawweb/avalon/debates/717.htm>

Col. MASON...He considered an Executive during good behavior as a softer name only for an Executive for life. And that the next would be an easy step to hereditary Monarchy. If the motion should finally succeed, he might himself live to see such a Revolution. If he did not it was probable his children or grand children would. He trusted there were few men in that House who wished for it. No state he was sure had so far revolted from Republican principles as to have the least bias in its favor...

2. [The dangers of ineligibility](http://www.yale.edu/lawweb/avalon/debates/719.htm) (19 July 1787)
<http://www.yale.edu/lawweb/avalon/debates/719.htm>

On reconsideration of the vote rendering the Executive re-eligible a 2d. time...

Mr. GOUVERNEUR MORRIS... What effect will this have?

1. it will destroy the great incitement to merit public esteem by taking away the hope of being rewarded with a reappointment...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...

These then are the faults of the Executive establishment as now proposed. Can no better establishment be devised? If he is to be the Guardian of the people let him be appointed by the people? If he is to be a check on the Legislature let him not be impeachable. Let him be of short duration, that he may with propriety be re-eligible...He suggested a biennial election of the Executive...

Mr. RANDOLPH urged the motion of Mr. L. Martin for restoring the words making the Executive ineligible a 2d. time. If he ought to be independent, he should not be left under a temptation to court a re-appointment. If he should be re- appointable by the Legislature, he will be no check on it...

On the question shall he be ineligible a 2d. time? Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. ay. S. C. ay. Geo. no.

3. Impeachment accepted (20 July 1787)

<http://www.yale.edu/lawweb/avalon/debates/720.htm>

..."to be removeable on impeachment and conviction for mal practice or neglect of duty."

Mr. PINKNEY & Mr. Govr. MORRIS moved to strike out this part of the Resolution. Mr. P. observd. he ought not to be impeachable whilst in office

Mr. DAVIE...He considered this as an essential security for the good behaviour of the Executive.

Mr. WILSON concurred in the necessity of making the Executive impeachable whilst in office...

Col. MASON. No point is of more importance than that the right of impeachment should be continued. Shall any man be above Justice? Above all shall that man be above it, who can commit the most extensive injustice?...

Docr. FRANKLIN was for retaining the clause as favorable to the Executive...What was the practice before this in cases where the chief Magistrate rendered himself obnoxious? Why recourse was had to assassination in wch. he was not only deprived of his life but of the opportunity of vindicating his character. It wd. be the best way therefore to provide in the Constitution for the regular punishment of the Executive where his misconduct should deserve it, and for his honorable acquittal when he should be unjustly accused...

Mr. MADISON thought it indispensable that some provision should be made for defending the Community agst. the incapacity, negligence or perfidy of the chief Magistrate. The limitation of the period of his service, was not a sufficient security. He might lose his capacity after his appointment. He might pervert his administration into a scheme of speculation or oppression. He might betray his trust to foreign powers...

Mr. PINKNEY did not see the necessity of impeachments. He was sure they ought not to issue from the Legislature who would in that case hold them as a rod over the Executive and by that means effectually destroy his independence. His revisionary power in particular would be rendered altogether insignificant.

Mr. GERRY urged the necessity of impeachments. A good magistrate will not fear them. A bad one ought to be kept in fear of them. He hoped the maxim would never be adopted here that the chief magistrate could do no wrong...

Mr. RANDOLPH. The propriety of impeachments was a favorite principle with him...The Executive will have great opportunities of abusing his power; particularly in time of war when the military force, and in some respects the public money will be in his hands...

On ye. Question, Shall the Executive be removeable on impeachments? Mas. no. Ct. ay. N. J. ay. Pa. ay. Del ay. Md. ay. Va. ay. N. C. ay. S. C. no. Geo. Ay...

4. Longer term and ineligible for re-election (24 July 1787)

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

Mr. WILLIAMSON was for going back to the original ground; to elect the Executive for 7 years and render him ineligible a 2d. time...It was pretty certain he thought that we should at some time or other have a King; but he wished no precaution to be omitted that might postpone the event as long as possible. -Ineligibility a 2d. time appeared to him to be the best precaution. With this precaution he had no objection to a longer term than 7 years. He would go as far as 10 or 12 years...

Mr. L. MARTIN & Mr. GERRY moved to re-instate the ineligibility of the Executive a 2d. time.

Mr. ELSEWORTH...The Executive he thought should be reelected if his conduct proved him worthy of it. And he will be more likely to render himself, worthy of it if he be rewardable with it...

Mr. GERRY. That the Executive shd. 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...moved "that the appointmt. 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...

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Directions: Read the documents that accompany Activity Three Reading Set B and answer the following questions.

Question	Arguments FOR	Arguments AGAINST
1. What arguments were given regarding monarchy?		
2. What arguments were given for/against making the President eligible to run for re-election after his term expired?		
3. What arguments were given for/against impeachment? What was decided?		
4. What arguments were given for/against a longer length of term in office? What term lengths were suggested?		

James Wilson

State: Pennsylvania (Born in Scotland, immigrated 1765)

Age at Convention: 45

Date of Birth: September 14, 1742

Date of Death: August 28, 1798

Occupation: Lawyer, Public Security Interests, Real Estate and Land Speculation, Latin Tutor at College of Philadelphia

Convention Contributions: Arrived May 25 and was present through the signing of the Constitution. He spoke often and with much fervor on behalf of a strong central government.

Biography from the National Archives: Wilson reached the apex of his career in the Constitutional Convention (1787), where his influence was probably second only to that of Madison...Only Gouverneur Morris delivered more speeches.

**Roger Sherman**

State: Connecticut (Born in Massachusetts)

Age at Convention: 66

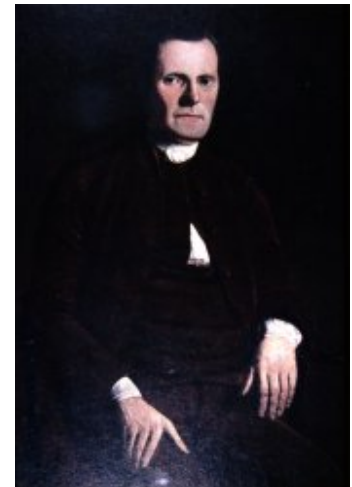
Date of Birth: April 19, 1721

Date of Death: July 23, 1793

Occupation: Lawyer, Merchant, Public Security Interests, Cobbler

Convention Contributions: Arrived May 30, and except for a brief absence in late July, was present until he signed the Constitution. He debated with James Madison over the representation issue and was influential in securing the passage of the Connecticut Compromise.

Biography from the National Archives: Although on the edge of insolvency, mainly because of wartime losses, Sherman could not resist the lure of national service. In 1787, he represented his state at the Constitutional Convention, and attended practically every session.

**Elbridge Gerry**

State: Massachusetts

Age at Convention: 43

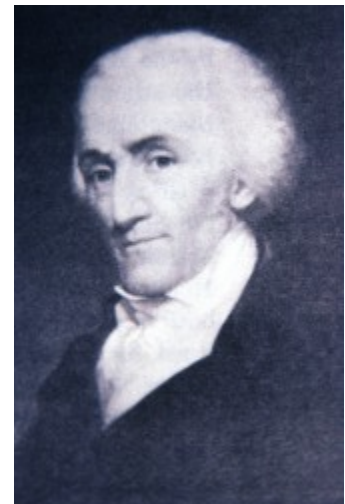
Date of Birth: July 17, 1744

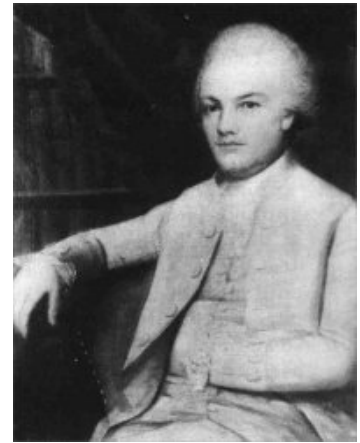
Date of Death: November 23, 1814

Occupation: Businessman, Public Security and Interests, Real Estate Land Speculation, Mercantile, Manufacturing and Shipping, Investor

Convention Contributions: Arrived May 29, was present through the signing of the Constitution. He chaired the committee that presented the Connecticut Compromise but did not think that the Constitution provided adequate protection for the rights of individuals and the rights of the States. He refused to sign the Constitution.

Biography from the National Archives: Gerry was one of the most vocal delegates at the Constitutional Convention of 1787.



George Mason**State:** Virginia**Age at Convention:** 62**Date of Birth:** December 11, 1725**Date of Death:** October 7, 1792**Occupation:** Planter and Slave Holder, Lending and Investments, Real Estate Land Speculation, Public Security Investments, Land owner**Convention Contributions:** Initially Mason advocated a stronger central government but withdrew his support toward the end of the deliberations. He argued that the Constitution inadequately represented the interests of the people and the States and that the new government will "produce a monarchy, or a corrupt, tyrannical aristocracy."**Biography from the National Archives:** At Philadelphia in 1787 Mason was one of the five most frequent speakers at the Constitutional Convention. He exerted great influence, but during the last 2 weeks of the convention he decided not to sign the document.**Charles Pinckney****State:** South Carolina**Age at Convention:** 29**Date of Birth:** October 26, 1757**Date of Death:** October 29, 1824**Occupation:** Lawyer, Planter and Slave Holder, Lending and Investments, Public Security Interests**Convention Contributions:** Arrived May 25 and was present through the signing of the Constitution. He was a warm supporter of Madison's attempt to build a stronger central government.**Biography from the National Archives:** He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during the debates.**Edmund Randolph****State:** Virginia**Age at Convention:** 34**Date of Birth:** August 10, 1753**Date of Death:** September 2, 1813**Occupation:** Governor of Virginia, Planter and Slave Holder, Lending and Investments, Real Estate and Land Speculation**Convention Contributions:** He is best known for introducing and defending the Virginia Plan and then declining to sign the Constitution of September 17, 1787.**Biography from the National Archives:** He sat on the Committee of Detail that prepared a draft of the Constitution, but by the time the document was adopted, Randolph declined to sign. He felt it was not sufficiently republican, and he was especially wary of creating a one-man executive. He preferred a three-man council since he regarded "a unity in the Executive" to be the "foetus of monarchy."

Gouverneur Morris

State: Pennsylvania (Born in New York)

Age at Convention: 35

Date of Birth: January 31, 1752

Date of Death: November 6, 1816

Occupation: Lawyer, Mercantile, Manufacturing and Shipping, Educator

Convention Contributions: He spoke more frequently than any other delegate and supported the effort to build a strong central government. He is best remembered for writing the Preamble to the Constitution.

Biography from the National Archives: Morris emerged as one of the leading figures at the Constitutional Convention. His speeches, more frequent than those by anyone else, numbered 173.

**Alexander Hamilton**

State: New York (Born in British West Indies, immigrated 1772)

Age at Convention: 30

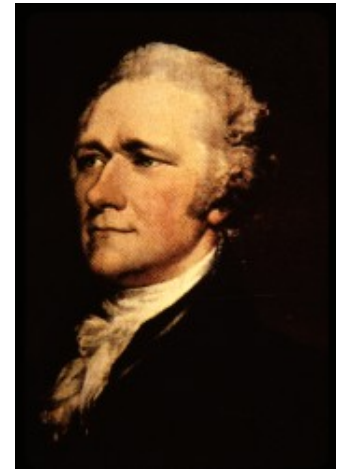
Date of Birth: January 11, 1757

Date of Death: July 12, 1804

Occupation: Lawyer, Public Security Interests, Real Estate, Land Speculation, Soldier

Convention Contributions: His most important contribution was the introduction and defense of the Hamilton plan on June 18, 1787, that argued neither the Virginia Plan nor the New Jersey Plan were adequate to the task at hand.

Biography from the National Archives: He played a surprisingly small part in the debates, apparently because he was frequently absent on legal business, his extreme nationalism put him at odds with most of the delegates.

**Hugh Williamson**

State: North Carolina (Born in Pennsylvania)

Age at Convention: 51

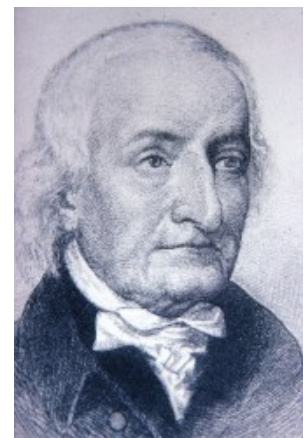
Date of Birth: December 5, 1735

Date of Death: May 22, 1819

Occupation: Lending and Investments, Real Estate and Land Speculation, Public Security Interests, Doctor, Merchant, Math Professor at College of Philadelphia, Author

Convention Contributions: Arrived May 25, was present through the signing of the Constitution. His most important role at the Convention was his guidance of North Carolina to support the Connecticut Compromise.

Biography from the National Archives: faithfully and demonstrating keen debating skill, he served on five committees, notably on the Committee on Postponed Matters, and played a significant part in the proceedings, particularly the major compromise on representation.



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Reading Set C: Term of office – third round of arguments

1. [Brearily Committee recommends four year term and re-eligibility](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...

(4) After the word 'Excellency' in sect. 1. art. 10. to be inserted. 'He shall hold his office during the term of four years...

The latter part of Sect. 2. Art: 10. to read as follows.

(9) 'He shall be removed from his office on impeachment by the House of Representatives, and conviction by the Senate, for Treason, or bribery, and in case of his removal as aforesaid, death, absence, resignation or inability to discharge the powers or duties of his office, the vice-president shall exercise those powers and duties until another President be chosen, or until the inability of the President be removed.'...

2. [Four year term accepted](http://www.yale.edu/lawweb/avalon/debates/906.htm) (6 September 1787)
<http://www.yale.edu/lawweb/avalon/debates/906.htm>

Mr. SPAIGHT & Mr. WILLIAMSON moved to insert "seven" instead of "four" years for the term of the President. On this motion N. H. ay. Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. ay. N. C. ay. S. C. no. Geo. no.

Mr. SPAIGHT & Mr. WILLIAMSON, then moved to insert "six" instead of "four." On which motion N. H. no. Mas. no. Ct. no. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. ay. S. C. ay. Geo. no

On the term "four" all the States were ay, except N. Carolina, no.

3. [Impeachment clause expanded](http://www.yale.edu/lawweb/avalon/debates/908.htm) (8 September 1787)
<http://www.yale.edu/lawweb/avalon/debates/908.htm>

The clause referring to the Senate, the trial of impeachments agst. the President, for Treason & bribery, was taken up.

Col. MASON. Why is the provision restrained to Treason & bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences...Attempts to subvert the Constitution may not be Treason as above defined...He movd. to add after "bribery" "or maladministration."...

Mr. Govr. MORRIS...An election of every four years will prevent maladministration.

Col. MASON withdrew "maladministration" & substitutes "other high crimes & misdemeanors agst. the State"

On the question thus altered N. H. ay. Mas. ay. Ct. ay. N. J. no. Pa. no. Del. no. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay...

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Directions: Read the documents that accompany Activity 3 Reading Set C and answer the following questions.

Question	Answer
1. What did the Brearly Committee recommend concerning the length of term?	
2. What did the Brearly Committee recommend concerning eligibility for re-election?	
3. What did the Brearly Committee recommend concerning impeachment?	
4. Did all the delegates agree with the Brearly recommendations? Explain.	