

Sec. 1—The President

Clause 1—Powers and Term of the President

not in all instances. The Articles of Confederation vested all powers in a unicameral congress. Experience had demonstrated that harm was to be feared as much from an unfettered legislature as from an uncurbed executive and that many advantages of a reasonably strong executive could not be conferred on the legislative body.³

Nevertheless, the Virginia Plan, which formed the basis of discussion, offered in somewhat vague language a weak executive. Selection was to be by the legislature, and that body was to determine the major part of executive competency. The executive's salary was, however, to be fixed and not subject to change by the legislative branch during the term of the executive, and he was ineligible for re-election so that he need not defer overly to the legislature. A council of revision was provided, of which the executive was a part, with power to negative national and state legislation. The executive power was said to be the power to "execute the national laws" and to "enjoy the Executive rights vested in Congress by the Confederation." The Plan did not provide for a single or plural executive, leaving that issue open.⁴

When the executive portion of the Plan was taken up on June 1, James Wilson immediately moved that the executive should consist of a single person.⁵ In the course of his remarks, Wilson demonstrated his belief in a strong executive, advocating election by the people, which would free the executive of dependence on the national legislature and on the states, proposing indefinite reeligibility, and preferring an absolute negative though in concurrence with a council of revision.⁶ The vote on Wilson's motion was put over until the questions of method of selection, term, mode of removal, and powers to be conferred had been considered; subsequently, the motion carried,⁷ and the possibility of the development of a strong President was made real.

Only slightly less important was the decision finally arrived at not to provide for an executive council, which would participate not only in the executive's exercise of the veto power but also in the exercise of all his executive duties, notably appointments and treaty making. Despite strong support for such a council, the Convention

³ C. THACH, *THE CREATION OF THE PRESIDENCY 1775–1789* chs. 1–3 (1923).

⁴ The plans offered and the debate is reviewed in C. THACH, *THE CREATION OF THE PRESIDENCY 1775–1789* ch. 4 (1923). The text of the Virginia Plan may be found in 1 M. FARRAND, *THE RECORDS OF THE FEDERAL CONVENTION OF 1787* 21 (rev. ed. 1937).

⁵ *Id.* at 65.

⁶ *Id.* at 65, 66, 68, 69, 70, 71, 73.

⁷ *Id.* at 93.