



Written by [Joe Wolverton, II, J.D.](#) on July 26, 2023

On This Day at the Convention of 1787: You Won't Believe What the Delegates Approved Regarding Presidential Elections

On this day, July 26, in 1787, the delegates at the Constitutional Convention in Philadelphia agreed to the following method of electing the president of the United States:

1. He would be chosen by Congress;
2. He would serve a term of seven years; and
3. He would be ineligible for re-election

That's right. That's the method of electing the president that was approved by the convention. While they'd vacillated many times about many aspects of this important provision for several days prior, on July 26, a majority finally settled on those three points regarding the president.



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This may surprise some readers, particularly those who have not read James Madison's *Notes of Debates in the Federal Convention of 1787*. You see, if you have read that collection of Madison's daily record of events that summer in Philadelphia, you'd realize that the government we ended up with in the Constitution we know today underwent changes by the day and sometimes by the hour!

This was never more evident than in the debates regarding the power and election of the president.

One of the principal points of contention was who would elect the president. In the Virginia Plan, the executive would be elected by the "national legislature," that is to say, Congress. That plan was approved — only Pennsylvania and Maryland opposed — but there were many who believed that this put the president too much in the pocket of federal lawmakers. James Wilson was the most ardent of those advocating for the popular election of the president.

Wilson admitted that he was "apprehensive that it might appear chimerical," but that he was, "in theory at least, for an election by the people." The remark was noteworthy because at that time, state executives were chosen by the people under the constitutions of only three states: New Hampshire, Massachusetts, and New York. Accordingly, Wilson comprised his dogmatic adherence to democracy and proposed that the people choose electors who would then choose the president.

Elbridge Gerry rose to declare that by allowing Congress to elect the president:

[T]here would be a constant intrigue kept up for the appointment. The Legislature and the candidates would bargain and 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 their friends.



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That said, he was not in favor of popular election, either. He complimented Wilson on his proposal regarding electors, but, he said he “feared it would alarm and give a handle to the State partizans, as tending to supersede altogether the State authorities.” In other words, the states would not allow their will to be superseded when it came to electing an officer of the government that *they* were creating!

As an alternative, Gerry proposed that the states elect the president, or, that state legislatures nominate men for president and the electors could choose from among them. The people would have no role in this regard as, Gerry said, the people were “too little informed of personal characters in large districts, and liable to deceptions.”

With Wilson’s motion defeated — eight states against, two in favor — he accepted defeat.

Later, however, he would rise as spokesman for those in favor of popular election of the president and reiterated their earnest plea for a president chosen by the people. He was dead set against election by the federal legislature, arguing that it would result in an executive that “would be too dependent to stand the mediator between the intrigues and sinister views of the Representatives and the general liberties and interests of the people.”

Following those remarks, Charles Pinckney, George Mason, and Hugh Williamson rose in turn to oppose putting the election of the president in the hands of the people, observing that “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” and that the people would end up being “led by a few active and designing men.”

With the hindsight of history, that warning seems eerily accurate. And if Mason thought the country was too big in 1787 for the people to truly know the characters of the men running for president, imagine what he’d think now!

It is worth pondering whether it’s possible that the people could be properly informed on such a vital concern as the integrity of the candidates for president, particularly since today the president is all but elected by popular vote.

Popular election of the president was roundly rejected by the delegates, only Pennsylvania voting for it. Now, believe it or not, as various proposals were being bandied about that day, James McClurg of Virginia made a motion that the president remain in office for a term of “*good behavior!*” That is to say, until death or impeachment.

McClurg’s fellow Virginians jumped to their feet and shot down that motion. George Mason said “good behavior” was simply “a softer name for an executive for life and that the next would be an easy step to an hereditary monarchy;” and James Madison declared that he could never “be thought to favor any step towards monarchy” and this real object “was to prevent its introduction.”

Madison remained on his feet and rehearsed a bit of history, reminding the representatives that “experience had proved a tendency in our government to throw all power into the legislative vortex” and that governors had become little more than “cyphers, the legislatures omnipotent.” He accordingly argued that the executive and legislative branches must be separated and stay that way if the people were to kept from revolution against republican government.

Debate then ensued and despite efforts to reduce the term of office for the president to six years and to allow him to be re-elected, when the day was through, the representatives voted in favor of the process I pointed out at the beginning of the article.



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Can you believe how close we came to a system for electing the president and for a term of office that are so radically different than those that eventually were enshrined in the Constitution?

How would Americans react today if the Constitution were altered according to the vote of the delegates on July 26, 1787?



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