

Resolved, The Framers of the Constitution Would Approve of the Modern Presidency

PRO: David Nichols

CON: Terri Bimes

Americans are supposedly a forward-looking people, devotees of progress who have scant respect for traditions or customs. But, at least when it comes to politics and government, Americans are, arguably, the most backward-looking people on the face of the Earth. What other nation spends so much time trying to decipher the intentions of people who lived more than two centuries ago? Few people in France, Germany, or Great Britain care about what politicians of the far-distant past would say about today's political debates. Nobody in England asks, "What would Pitt the Younger say?" Even fewer care what George III would say. But Americans care a great deal about what James Madison, Alexander Hamilton, and the other founders would say about the ways in which Americans order their political lives.

One reason Americans care is that the United States, unlike Britain, has a written constitution that is a touchstone for how it resolves legal and political disputes. In deciding constitutional questions, federal and state judges regularly rely on the words of the framers to decipher the meaning of the Constitution. Politicians, too, frequently appeal to the framers to support their interpretations of what is and is not constitutional. Whether arguing about guns in the home, prayer in public schools, or filibusters in the Senate, Americans want to know what the framers had in mind when they wrote the Constitution.

The Constitutional Convention was conducted in the summer of 1787 behind closed doors—no cameras, no reporters, no observers. The fifty-five delegates were sworn to secrecy. Although one might think this secrecy would make it difficult for anyone to say today what the framers had in mind, fortunately, the convention was blessed with an energetic young member who was determined to leave a detailed record of the proceedings. Every day that the convention was in session, Virginia's James Madison sat directly below the president's chair, facing the delegates, and

taking detailed notes of what they said. Every evening, he would write out the notes he had scribbled down during the day. It was a labor, he said, that almost killed him, yet it was also a labor that succeeded in bringing the framers' deliberations to life for subsequent generations.

Even with Madison's heroic labor, the task of determining what the framers intended remains difficult. The framers were hardly a unified group. They were a diverse collection of individuals with many different ideas and interests. Some were slaveholders; some abhorred slavery. Some were wealthy; some were of modest means. Some favored democracy; others feared the masses. Moreover, whose intent matters the most? Is it the intent of the fifty-five men who attended the convention or only of the thirty-nine who signed the document? Should the intent of the hundreds of delegates at the state ratifying conventions matter more? Or should the intent as interpreted by the most articulate or the most prolific of the framers be accorded special importance? New York's Alexander Hamilton, who penned the essays in *The Federalist Papers* that focus on the presidency, is often read as the authoritative framer, but he missed more than half of the convention's proceedings.¹

Complicating matters still further, the decisions reached in the convention often were not what any delegate or group of delegates intended. Many decisions were the product of compromise and bargaining. Such decisions might be defended and rationalized after the fact, but, as the political theorist Michael Walzer points out, they reflected, as political decisions often do, "the balance of forces, not the weight of arguments."²

David Nichols and Terri Bimes are well aware of the difficulties in ascertaining a single intent, but in their pro and con arguments they gamely try to reconstruct what the framers believed about the presidency. According to Nichols, the framers envisioned a strong and democratic executive. Although he does not ignore the differences between the presidency of 1787 and the presidency of today, Nichols argues that today's presidency is a natural outgrowth of the presidency created by the framers. Bimes's understanding of the framers' intent is diametrically opposed. In crucial respects, she argues, the modern presidency is unrecognizable from the relatively weak office intended by the framers. They would neither recognize nor approve of the office that exists today. Short of bringing Madison, Hamilton, and the rest of the framers back from the grave, this is not a question that can be answered definitively. But it is a question that we must continue to ask.

PRO: David Nichols

The framers of the Constitution would approve of the modern presidency because, to a great extent, they created it. The essential elements of that presidency—executive discretion, legislative leadership, a substantial

administrative apparatus directed by the president, and the president's role as popular leader—originated in the institutional arrangements and incentives the framers established in Article II of the Constitution.³ Important changes in society and technology as well as in the size, scope, and purpose of government have occurred since the time of the founders, but these changes only accentuate the importance of a powerful, popular president to the successful operation of the U.S. constitutional system.

A common assumption among presidential scholars is that the Constitution, reflecting the founders' fear of monarchy, created a relatively weak chief executive—or, at most, provided a vague outline of the office that would only be filled in by history. The debates that surrounded the creation of the presidency reveal, however, a different and more complex picture.

The men who gathered in Philadelphia in the summer of 1787 had learned much about the problems of democratic government in the eleven years since the signing of the Declaration of Independence. Among other things, they had learned that overthrowing British rule was only the first step toward establishing a free and independent nation. Such a nation required a competent government, and the Articles of Confederation were inadequate to the task. The equal representation of the states in the Continental Congress, the requirement that major structural changes receive unanimous approval, and the inability of Congress to levy taxes were all important defects of the Articles, but perhaps their most fundamental flaw was the absence of a mechanism to enforce decisions of the national government. There was no national executive authority under the Articles, and from the beginning of the Constitutional Convention, most delegates agreed that an independent executive was essential to the success of a new constitution.

None of the delegates entered the convention with a definite plan for accomplishing this goal. Many were not fully aware of the enormity of the task, and even by the end of the convention most did not appreciate the originality and scope of their invention. The presidency evolved gradually over the course of three months of debate. This debate focused on specific practical problems involving the structure of the executive, and it occurred in the context of a host of other debates, not the least of which were states' rights and slavery. The creation of the presidency required compromise and improvisation. Through this process, however, a deeper and more complex understanding of executive power emerged, so that by the end of the process the framers were able to deliver a new institution to the world—the popular modern presidency.

The Virginia Plan provided the starting point for the debate on the executive. It called for the creation of a national executive that would be elected by the legislature for an undetermined number of years. The executive would receive a fixed salary, would be ineligible for reelection, would possess a general authority to execute the national laws, would enjoy the executive rights vested in Congress by the Articles of Confederation, and

together with “a convenient number” of the national judiciary, would form a council of revision with the power to veto all laws subject to override by a vote of the legislature.⁴

This plan was only an outline: It did not even specify the number of executives. Edmund Randolph of Virginia wanted a plural executive, claiming that a unitary executive would be the “fetus of monarchy.” Roger Sherman of Connecticut argued that, because the executive was to be a servant of the legislature, the legislature should be free to determine the number of executives it desired at any time. No other delegate, however, agreed with Sherman. Even Randolph stressed that the executive must be independent of the legislature.⁵

What powers would this independent executive possess? Article II does not present an extensive list of specific powers, but this has more to do with the framers’ understanding of the character of executive power than with any desire to create a weak presidency. Article I begins, “All legislative Powers *herein granted* shall be vested in a Congress” (emphasis added), whereas Article II begins, “The executive Power shall be vested in a President.” Legislative powers could be enumerated in the Constitution, but the executive power could not be so easily delineated. The legislature makes laws or general rules, but the executive must implement these laws in an infinite number of possible circumstances. No rule can cover all cases, the framers realized. That is why an independent executive was needed.

The framers did, however, recognize that the president would need assistance. Some delegates suggested that the Constitution include a list of officers who would help the president carry out the law. They wanted there to be no doubt that the president was to be the head of the administrative offices of the government.⁶ But their proposal was rejected because it might interfere with executive independence. It was feared that constitutionally created offices would undermine the unity of the executive branch. The president was to be the only constitutional officer responsible for the execution of the laws. The framers, then, created the structure of an executive branch under the direction of a president, leaving later presidents to expand it as the times required.

The framers’ understanding of executive power is most apparent in two of the powers listed at the beginning of Article II, Section 2: the commander-in-chief power and the pardoning power. The commander-in-chief power involves the use of force, and the pardoning power involves the need for discretion. Together, these two provisions are a good description of executive power. Because of its many members, Congress is not suited to quick action, and because it makes laws that must apply to all citizens, it does not have the discretion to deal with particular circumstances. Force and discretion are the essence of executive power. Congress has often complained about the executive’s unilateral use of force or discretion, but when President George Washington issued a proclamation of neutrality during

the war between Great Britain and France in 1793, he understood the place of executive discretion in the Constitution; and when he led the militia in 1794 against an uprising by farmers in western Pennsylvania against a federal tax on liquor and distilled drinks (it was known as the Whiskey Rebellion), he understood the need for forceful action. The framers did not want the president to be a servant of Congress.

The framers also wanted the president to play an independent role in the legislative process. The Virginia Plan had called for the executive to share the veto power with the judiciary, but the convention delegates excluded judges because they feared such a scheme would undercut executive responsibility and independence. They wanted a president who could stand up to Congress and thereby play an active role in the legislative process.

In Article II, Section 3 of the Constitution the framers also specified that the president “shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient.” The initial version of this provision began with the word “may” rather than “shall.” The change was made at the suggestion of Gouverneur Morris, a delegate from Pennsylvania who wanted to ensure that the president would play an active role in the legislative process. If recommending legislation were merely an option, a president might be reluctant to do so for fear of arousing the jealousy of the legislature. By making it mandatory, the framers enabled presidents to defend their actions as an obligation of their office.

Their constitutionally prescribed authority to help to set the agenda at the beginning of the legislative process together with their right to cast a veto at the end of that process have enabled presidents to exert tremendous legislative influence. Not all presidents have taken full advantage of this potential, but it exists because of the efforts of the framers.

Although they concede that the framers wanted an independent president, most scholars have concluded that the framers did not want a popularly elected one. Early in the Constitutional Convention, James Wilson of Pennsylvania called for the popular election of the president, claiming that it was necessary to guarantee executive independence from the legislature.⁷ But during most of the convention, a majority of the delegates supported legislative election. Political scientist Charles Thach has argued that the preference for legislative election was based more on the fears of the small states than on any theory of executive power. The small states supported legislative selection because they thought it would give them more power than they would have in a direct popular election. They hoped to use their control of the Senate to veto any candidate of whom they disapproved. However, when the delegates turned their attention to the specific mechanism for legislative election of the president, it became clear that a majority supported a joint vote of the House and the Senate.

Because the influence of the small states would be greatly diminished in such an election, the small states became open to a compromise.⁸

The compromise was, of course, the Electoral College. The idea of an Electoral College was first introduced on June 2 by James Wilson, who saw it as only a minor modification of his plan for a direct popular election. Recent commentators, however, often portray the Electoral College as a product of the framers' distrust of democracy. They go on to argue that if the framers distrusted democracy, they certainly would not approve of what is arguably the most important element of the modern presidency—popular leadership.

To be sure, some convention delegates did speak disparagingly of popular election. George Mason of Virginia said, "It would be as unnatural to refer the choice of a proper character for chief magistrate to the people, as it would be to refer a trial of colors to a blind man."⁹ Roger Sherman of Connecticut said the people would be ill-informed, and South Carolinian Charles Cotesworth Pinckney complained that the people would be led by a few "active and designing men."¹⁰ None of these delegates, however, supported the Electoral College; they were all proponents of legislative election. It was the delegates who defended the principle of popular election, such as James Madison, James Wilson, and Gouverneur Morris, who were the prime supporters of the Electoral College.

If these framers supported popular election, why then (apart from Wilson) did they not favor direct popular election? The reason was the need for compromise on two issues not directly related to executive power: federalism and slavery. Because the number of electors each state received in the Electoral College would be based on the number of representatives and senators from a state, the small states would have a little more weight in the Electoral College than they would in a direct popular election. The desire to protect the interests of their states, and not a distrust of democracy, motivated these delegates.

Madison also argued that the different election laws in the states made direct popular election virtually impossible.¹¹ Madison was gently reminding the delegates that direct popular election would reopen the question of slavery and potentially rip the convention apart.¹² The South wanted its entire slave population to count in apportioning seats in the House of Representatives, whereas the Northern states argued that because the South did not recognize the rights of slaves as human beings, slaves should not count for purposes of apportionment. The Three-Fifths Compromise allowed the South to gain some representation in Congress based on its slave population, but no such compromise would be possible in a direct popular election of the president. Either the South would lose a substantial part of its power in the election because its slaves could not vote, or it would have to allow its slaves to vote. Neither option was acceptable to the South. The Electoral College, however, incorporated the Three-Fifths Compromise

into the selection of the president because it based the number of electors for each state on the size of its congressional delegation.

One can debate the merits of the Three-Fifths Compromise, but its importance to the creation of the Electoral College cannot be ignored. The Electoral College represented the best approximation of direct popular election the framers could achieve, considering the political realities they faced. The framers who were the most influential in creating the Electoral College wanted a popular election; and in practice, that is what they got. Presidential electors have seldom exercised any independent judgment—and never in a way that affected the outcome of an election. The electors have been a conduit for, not a filter of, popular opinion.

The most far-sighted of the founders, Gouverneur Morris, understood the potential for popular leadership inherent in the constitutional presidency: “The Executive Magistrate should be the guardian of the people, even the lower classes, against Legislative tyranny, against the great and the wealthy who in the course of things will necessarily compose—the Legislative body. . . . The Executive therefore ought to be constituted as to be the great protector of the mass of the people.”¹³

Morris also predicted the rise of political parties, explaining that two parties would soon form—one in support of the president and one in opposition. Not all the framers were as prescient as Morris, and even he undoubtedly would find many aspects of modern American politics strange and disagreeable. But the framers were the first to see the need for a powerful, popularly elected executive in a modern republic, and they would certainly approve of the modern presidency they did so much to create.

CON: Terri Bimes

The job description of the modern president revolves around three central domestic roles: chief legislator, popular leader, and chief executive of the federal bureaucracy. Today, presidents are expected to offer extensive domestic legislative programs, which then become the basis for Congress’s agenda. When President Dwight D. Eisenhower decided not to propose a legislative package in 1953, he was broadly criticized for falling short of the standard set by Presidents Franklin D. Roosevelt and Harry S. Truman. In pursuit of their programs, presidents now routinely barnstorm the country, delivering speeches to all manner of audiences. Indeed, “going public”—the strategy of rousing the people to put pressure on Congress to enact the president’s priorities—has become a routine feature of the modern presidency.¹⁴ Finally, modern presidents lead the immense federal bureaucracy, which provides the substantial resources needed to launch presidential initiatives independent of Congress. Within that bureaucracy, a “presidential branch” has emerged that

is especially responsive to an administration's priorities.¹⁵ Signing statements, executive orders, and other mechanisms are increasingly being used to shape bureaucratic decision making. None of these three central roles of the modern presidency is spelled out in the Constitution. The framers would certainly be surprised at what they have wrought.

In fact, the Constitution says very little about executive power. The vesting clause of Article II states, "The executive Power shall be vested in a President of the United States of America." It is followed by a list of specific presidential powers. In the domestic policy realm, the most important are the duty to report on the State of the Union to Congress from time to time, to recommend "necessary and expedient" legislation to Congress, and to nominate officers to the various departments with the approval of the Senate. As spelled out in Article I, the president also is empowered to veto legislation, subject to override by a two-thirds majority of each chamber. This terse description of executive power constitutes the extent to which the Constitution gave the nation's first presidents formal guidance on domestic policymaking.

This scarcity of guidance is not surprising, however. The debates at the Constitutional Convention focused more on how presidents would be selected than on the proper scope of presidential power. This emphasis likely reflected the delegates' view that the legislature would be the most powerful branch of government, at least in domestic policymaking. As James Madison noted in *Federalist* No. 51, "The legislative authority necessarily predominates" in a republic.¹⁶ The legislative branch enjoyed two critical advantages: its close ties to the people and its authority to make laws. Thus, the most important question of executive design was how to provide a mode of election that ensured some independence from Congress, while still leaving the president accountable to the public. The obvious answer—popular election—was advocated by a handful of the founders—notably James Wilson and Gouverneur Morris—but it was widely regarded as impractical. In the view of most of the founders, the people would be unable to judge candidates for the presidency and would have trouble agreeing on a single candidate. Election of the president by the legislature was repeatedly, if controversially, approved by the Constitutional Convention, but this plan foundered on a basic dilemma: unless the president was ineligible for reelection, legislative selection would give presidents a strong incentive to defer to congressional whims in the hope of securing another term. Yet limiting each president to a single term was inadvisable because reelection was regarded as a vital incentive for good behavior by the president.

The Electoral College emerged as the solution: it gave the president a power base independent of Congress, while providing a measure of accountability. Although several of the founders expected the ultimate selection of the president to often end up in the hands of the House of

Representatives (the Constitution-mandated solution when a single candidate failed to obtain a majority in the Electoral College), this mode of election afforded at least a partial barrier to legislative domination of the president. The Electoral College also solved the dispute between large and small states by granting each state a number of electors equal to its representatives and senators.

The president's role as popular leader was not at stake in these debates. By delegating the decision on how electors would be chosen to each state legislature, the framers neither precluded nor required a substantial role for ordinary voters in selecting the president. In the first presidential election in 1788, the state legislatures divided equally on the issue of how popular the presidential vote should be. Six states (Delaware, Maryland, Massachusetts, New Hampshire, Pennsylvania, and Virginia) opted for various sorts of direct popular election of electors, and five states (Connecticut, Georgia, New Jersey, New York, and South Carolina) opted for legislative appointment of electors.¹⁷ Thus the framers' endorsement of the Electoral College cannot be interpreted as a stamp of approval for modern popular presidential leadership.

It is highly unlikely that even the two main supporters of popular election, Gouverneur Morris and James Wilson, envisioned the president going out on the hustings to rally voter support. Instead, Morris and Wilson conceived of the president as a patriot king—that is, as a leader who would rise above politics and not engage in aggressive popular leadership appeals. Morris described the president as the “guardian of the people” and the “great protector of the people” against legislative tyranny.¹⁸ Wilson, in his defense of the executive at the Pennsylvania convention held to consider ratification of the Constitution, contended that the president would “watch over the whole with paternal care and affection.”¹⁹ Meanwhile, throughout *The Federalist Papers*, Hamilton and Madison described campaigning as the art of flattering prejudice and distracting people from their true interests.²⁰ In *Federalist* No. 10, for example, Madison argued that a large republic would make it more difficult for “unworthy candidates to practice with success the vicious arts by which elections are too often carried.”²¹ In *Federalist* No. 71 Hamilton lamented that, although “the arts of men” can delude the people, the executive would be their “guardian,” rescuing them from the “fatal consequences of their own mistakes.”²² The president would not respond to “every sudden breeze of passion,” but instead would take a more reflective view of the public good. In short, these framers portrayed the executive as a trustee who exercises his own judgment rather than as a delegate who slavishly follows the opinions of the people.

Most of the framers supported a more limited conception of executive power than did Morris, Wilson, and Hamilton. Certainly, many of the convention delegates would have been uncomfortable with the notion of the president as a guardian protecting the public interest against legislative

excesses. Distrust of executive power still ran deep in a nation that had only recently fought a war against the British king. But there was no disagreement among the framers that the role of Congress was to initiate legislation and that presidents would not actively cultivate mass support in order to pressure Congress to cater to their priorities. The supporters and opponents of a strong executive agreed on this much.

Although the framers anticipated a more direct role for the president in leading the executive branch, their conception of presidential administrative leadership was limited when judged by the standards of the modern presidency. At first, convention delegates granted the power to make appointments—one of the president's most important tools in controlling the bureaucracy—to the Senate. But toward the end of the convention that idea fell by the wayside, in part because the Senate now represented states rather than population. The convention voted instead to give the power of appointment to the president, preserving an important role for the Senate in providing advice and consent. As historian Jack N. Rakove has noted, "The growth of the presidency owed more to doubts about the Senate than to the enthusiasm with which Hamilton, Morris, and Wilson endorsed the virtues of energetic administration."²³ In *Federalist* No. 51 Madison clarified why the president and the Senate were linked in this manner, explaining that the "qualified connection between this weaker department [the executive] and the weaker branch of the stronger department [the Senate]" would enable "the latter . . . to support the constitutional rights of the former, without being too much detached from the rights of its own department."²⁴ The presidency needed the support of the Senate because otherwise it would lack the firmness to withstand the initiatives of the House, the more popular legislative branch.²⁵

In summary, the framers anticipated a division of powers in which Congress would be the leading legislative force and the president would provide a limited check. The House would be the branch closest to the people, and as such would have a critical advantage in battles with the president. As a trustee for the nation, the president would not be entirely divorced from the people, nor would he wield public opinion as a weapon in institutional or policy battles. Even in the area of administration, where the president had the appointment power, the framers expected close consultation and cooperation with the Senate to be the norm.

The modern presidency has overturned each of these expectations. Strains in the founders' model could be seen even in the conduct of the first presidents, but for the most part George Washington and his immediate successors sought to abide by the model of the restrained patriot king.²⁶ Washington played a vital role in defining appropriate presidential behavior, helping to resolve some of the ambiguities left by the framers. In many ways Washington was the republican embodiment of a patriot king. His two tours of the country as president were not the modern-day campaign

swings in which presidents kiss babies and shake hands.²⁷ Rather, great formality and aloofness marked these affairs. Washington also stuck to a script devoid of comment on public policy issues, and his remarks were strictly ceremonial. The most common criticism of the tours was that they were monarchical in nature—more befitting a king than an elected president. Partly as a result of such criticism, Washington's successors generally did not go out on tour and assiduously avoided monarchical gestures. Above all, the first generation of presidents generally steered clear of explicit appeals to the public to support their policies.

In the capital, Washington often entertained public visitors, but these events, or levees as they were called, resembled his tours of the country: Washington stood at the fireplace and greeted each visitor with a bow. After making some brief remarks, he then resumed his place in front of the fireplace and each visitor then bowed to the president as he or she left the room.²⁸ By holding these levees, Washington acknowledged that it was important for the president to be accessible to the public. At the same time, the regal choreography of the event imposed a respectful distance between the president and the people.

Even Washington's one bold public appeal, which appeared in his farewell address, showed the vitality of the patriot leadership model. In the address Washington dealt with the rise of political parties—entities that are crucial to the operation of the modern presidency but that were disparaged by the framers. Even though by the end of his administration Washington had cast his lot with the Hamiltonian Federalists and against the Jeffersonian Republicans, he used this stance of nonpartisanship to attack those who opposed his administration's foreign policy. He warned Americans about a "small but artful and enterprising minority of the community" who sought to replace the "delegated will of the nation" with the "will of party."²⁹ The fact that Washington attacked the Jeffersonian Republicans in the language of nonpartisanship reveals the power of the patriot king model in the early republic. It is also noteworthy that Washington waited until he was leaving office to launch an explicitly political attack in an address that is now widely regarded as a campaign document.³⁰ Only then could he offer such criticisms without appearing to promote his own self-interest.³¹

The early presidents were also circumscribed in how they practiced legislative leadership. The president was expected to leave most of the initiative and maneuvering of the legislative process to Congress. Even when the president and his allies lobbied for legislation, they used hidden-hand leadership techniques that were consistent with the norm that made it unacceptable for the president to aggressively push his program through Congress.³² Thomas Jefferson, for example, drafted bills behind the scenes and had members of Congress introduce them as their own. He also quietly appointed floor leaders to be his personal lieutenants in Congress, directed cabinet members to act as political liaisons with Congress,

lobbied members of both parties at White House dinners, and anonymously penned editorials supporting his administration's policies in the official government newspaper.³³ The Federalists attacked Jefferson for his backstage dominance of Congress, but Jefferson's public deference to the legislature limited the damage.

Finally, in part because the federal bureaucracy was so small, the president's administrative role was limited in the early republic. The general expectation was that departments would be staffed by people chosen for their good character and that they would serve during good behavior. Even Jefferson, who took office after the acrimonious election of 1800, did not purge many Federalists from the bureaucracy. John Quincy Adams, one of the last presidents to adhere to this character-based norm when staffing the bureaucracy, promised in his inaugural address to base his appointments on "talent and virtue alone."³⁴ With the election of Andrew Jackson in 1828 came an avowedly partisan approach to administration. Bureaucratic appointments would now be distributed on the basis of party loyalty and service. But this partisan approach did not necessarily empower the White House. Instead, presidents became brokers, forced to respond to the aggressive patronage demands of state and local party organizations. Not until the twentieth century did presidents begin to build an extensive bureaucratic apparatus that they could control, the Executive Office of the President. The rise of presidential administration has been a relatively recent process, not something foreordained by the Constitution.³⁵

In general, then, the most important features of the modern presidency were neither anticipated nor desired by the founders. They neither wanted nor expected the president to become the chief legislator, setting much of Congress's agenda. Nor did they want or expect the president to be a public opinion leader, aggressively rallying the people to the administration's side in battles with the legislative branch. Nor, finally, did they desire or anticipate that the president would become the leader of an extensive administrative apparatus. These elements of the modern presidency, which took shape over many decades, have created an office that neither the founders nor early presidents would recognize, let alone embrace.

NOTES ●

PRO

1. *The Federalist Papers* were originally published as a series of eighty-five newspaper articles (under the pseudonym Publius) intended to explain the

thinking that led to the Constitution and to persuade Americans to adopt it as the cornerstone of the new nation. The essays were written by James Madison, Alexander Hamilton, and John Jay.

2. Michael Walzer, *Politics and Passion: Toward a More Egalitarian Liberalism* (New Haven, CT: Yale University Press, 2004), 96.
3. For the classic description of the modern presidency, see Fred I. Greenstein, “Change and Continuity in the Modern Presidency,” in *The New American Political System*, ed. Anthony King (Washington, DC: American Enterprise Institute, 1978), 243–44.
4. Max Farrand, ed., *The Records of the Federal Convention of 1787*, 4 vols. (New Haven, CT: Yale University Press, 1966), 1:21.
5. *Ibid.*, 1:65–66, including quote.
6. *Ibid.*, 2:342.
7. *Ibid.*, 1:68–69.
8. Charles Thach, *The Creation of the Presidency, 1775–1789* (Baltimore: Johns Hopkins University Press, 1969), 101–3.
9. Farrand, *Records of the Federal Convention of 1787*, 2:31.
10. *Ibid.*, 2:29, 2:30.
11. *Ibid.*, 1:111.
12. See Donald L. Robinson, “To the Best of My Ability”: *The Presidency and the Constitution* (New York: Norton, 1987), 82–83.
13. Quoted in Farrand, *Records of the Federal Convention of 1787*, 2:52.

CON

14. Samuel Kernell, *Going Public: New Strategies of Leadership*, 3rd ed. (Washington, DC: CQ Press, 1997).
15. John C. Hart, *The Presidential Branch: From Washington to Clinton* (Chatham House, 1994).
16. *Federalist No. 51*, in *The Federalist Papers* (New York: Penguin Books, 1961), 322.
17. North Carolina and Rhode Island had not ratified the Constitution by the time of the first presidential election and could not participate. See Congressional Quarterly Books, *Selecting the President: From 1789 to 1996* (Washington, DC: Congressional Quarterly, 1997), 4.
18. Farrand, *Records of the Federal Convention of 1787*, 2:52.

19. Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* (New York: Burt Franklin, 1888), 2:448.
20. *Federalist* No. 71, 432.
21. *Federalist* No. 10, 82.
22. *Federalist* No. 71, 432.
23. Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Knopf, 1996), 267.
24. *Federalist* No. 51, 323.
25. Rakove, *Original Meanings*, 281.
26. Ralph Ketcham, *Presidents above Party: The First American Presidency, 1789–1829* (Chapel Hill: University of North Carolina Press, 1984), 4.
27. In addition to these two tours, President Washington visited Rhode Island upon its admittance to statehood.
28. As described in Stanley Elkins and Eric McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 49–50.
29. George Washington, “Farewell Address,” September 17, 1796, in *A Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, 1897), 214.
30. Elkins and McKittrick, *The Age of Federalism*, 494.
31. Garry Wills, *Cincinnatus: George Washington and the Enlightenment* (Garden City, NY: Doubleday, 1984), 88–89.
32. Fred I. Greenstein, *The Hidden-Hand Presidency: Eisenhower as Leader* (New York: Basic Books, 1982); Robert M. Johnstone Jr., *Jefferson and the Presidency: Leadership in the Young Republic* (Ithaca, NY: Cornell University Press, 1978).
33. James Sterling Young, *The Washington Community, 1800–1828* (New York: Columbia University Press, 1966), 162–63; Mel Laracey, *Presidents and the People: The Partisan Story of Going Public* (College Station: Texas A&M Press, 2002).
34. John Quincy Adams, “Inaugural Address,” March 4, 1825.
35. Terry Moe, “The Politicized Presidency,” in *The New Direction in American Politics*, ed. John E. Chubb and Paul E. Peterson (Washington, DC: Brookings, 1985), 235–71.