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The Character of the Executive Office

By Richard Henry Lee.

The great object is, in a republican government, to guard effectually against perpetuating any portion of power, great or small, in the same man or family. This perpetuation of power is totally uncongenial to the true spirit of republican governments. On the one hand the first executive magistrate ought to remain in office so long as to avoid instability in the execution of the laws; on the other, not so long as to enable him to take any measures to establish himself. The convention, it seems, first agreed that the president should be chosen for seven years, and never after to be eligible. Whether seven years is a period too long or not, is rather a matter of opinion; but clear it is, that this mode is infinitely preferable to the one finally adopted. When a man shall get the chair, who may be reelected from time to time, for life, his greatest object will be to keep it; to gain friends and votes, at any rate; to associate some favorite son with himself, to take office after him. Whenever he shall have any prospect of continuing the office in himself and family, he will spare no artifice, no address, and no exertions, to increase the powers and importance of it. The servile supporters of his wishes will be placed in all offices, and tools constantly employed to aid his views and sound his praise. A man so situated will have no permanent interest in the government to lose, by contests and convulsions in the state; but always much to gain, and frequently the seducing and flattering hope of succeeding. If we reason at all on the subject, we must irresistibly conclude that this will be the case with nine tenths of the presidents. We may have, for the first president, and perhaps, one in a century or two afterwards (if the government should withstand the attacks of others) a great and good man, governed by superior motives; but these are not events to be calculated upon in the present state of human nature. A man chosen to this important office for a limited period and always afterwards rendered, by the constitution, ineligible, will be governed by very different considerations. He can have no rational hopes or expectations of retaining his office after the expiration of a known limited time, or of continuing the office in his family, as by the constitution there must be a constant transfer of it from one man to another, and consequently from one family to another. No man will wish to be a mere cipher at the head of the government. The great object of each president then will be to render his government a glorious period in the annals of his country. When a man constitutionally retires from office, he retires without pain; he is sensible he retires because the laws direct it, and not from the success of his rivals, nor with that public disapprobation which being left out, when eligible, implies. It is said that a man knowing that at a given period he must quit his office, will unjustly attempt to take from the public, and lay in store the means of support and splendor in his retirement. There can, I think, be but very little in this observation. The same constitution that makes a man eligible for a given period only, ought to make no man eligible till he arrive to the age of forty or forty-five years. If he be a man of fortune, he will retire with dignity to his estate; if not, he may, like the Roman consuls, and other eminent characters in republics, find an honorable support and employment in some respectable office. A man who must, at all events, thus leave his office, will have but few or no temptations

to fill its dependent offices with his tools, or any particular set of men; whereas the man constantly looking forward to his future elections, and perhaps, to the aggrandizement of his family, will have every inducement before him to fill all places with his own props and dependents. As to public monies, the president need handle none of them, and he may always rigidly be made to account for every shilling he shall receive.

On the whole, it would be, in my opinion, almost as well to create a limited monarchy at once, and give some family permanent power and interest in the community, and let it have something valuable to itself to lose in convulsions in the state, and in attempts of usurpation, as to make a first magistrate eligible for life, and to create hopes and expectations in him and his family of obtaining what they have not. In the latter case, we actually tempt them to disturb the state, to foment struggles and contests, by laying before them the flattering prospect of gaining much without risking anything.

The constitution provides only that the president shall hold his office during the term of four years; that, at most, only implies, that one shall be chosen every fourth year. It also provides that in case of the removal, death, resignation, or inability, both of the president and vice-president, congress may declare what officer shall act as president; and that such officers shall act accordingly, until the disability be removed, or a president shall be elected. It also provides that congress may determine the time of choosing electors, and the day on which they shall give their votes. Considering these clauses together, I submit this question -- whether in case of a vacancy in the office of president, by the removal, death, resignation, or inability of the president and vice president, and congress should declare that a certain officer, as secretary of foreign affairs, for instance, shall act as president, and suffer such officer to continue several years, or even for his life, to act as president, by omitting to appoint the time for choosing electors of another president, it would be any breach of the constitution? There appears to me to be an intended provision for supplying the office of president -- not only for any remaining portion of the four years, but in cases of emergency-- until another president shall be elected. . . . [But] we do not know that it is impossible; we do not know that it is improbable, in case a popular officer should thus be declared the acting president, that he might continue for life, and without any violent act, but merely by neglects and delays on the part of congress. . .

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