

Speech in favor of the Twelfth Amendment, 1803

Introduction

Until 1804, American presidents were elected under a system established in the US Constitution in which each member of the Electoral College voted for two presidential candidates. The candidate who received the most votes became president; the candidate with the second-most votes became vice president.

The flaws of this system were exposed by the elections of 1796 and 1800. In 1796, Federalist candidate John Adams was elected president. Adams' fellow Federalist candidate, Thomas Pinckney, however, was not the runner up; Democratic-Republican Thomas Jefferson earned the second-most votes, making him vice president to an opposing political party. In 1800, another problem arose when Adams and Jefferson faced off for the presidency again. The Republicans planned to elect Jefferson president and Aaron Burr vice president. Instead, Jefferson and Burr received the same number of votes, sending the tie to be decided by the Federalist-controlled House of Representatives. Jefferson was ultimately elected.

By 1803, Congress decided to remedy those flaws with a Constitutional amendment. In this speech Massachusetts Senator Timothy Pickering urged his colleagues to support the Twelfth Amendment, reforming the Electoral College and providing new guidelines for the election of the president. Referring to the election of 1800, Pickering asked, "Suppose at the time of the late President election, no President had been elected until after the fourth of March—who would answer for the consequences?"

Pickering noted that the framers had expected amendments to be added to the Constitution and that "it is a well known fact that the amendments already incorporated into the constitution have greatly increased its friends." He argued that the Twelfth Amendment would help realize the original intent of the framers and give the Constitution "Stability and duration."

Congress passed the Twelfth Amendment in December 1803, and it was ratified by the states in 1804.

Excerpt

Suppose at the time of the late Presidential election, no President had been elected until after the fourth of March- who would answer for the consequences? Would not the great States then have refused (in agreeing to a new Constitution which must then have been formed) to give the small States an equal vote with the larger in the Senate,- and this precious article in the present constitution cannot ever be altered- privilages enjoyid under the present constitution are much

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greater than could be expected were a new Constitution now to be formed,- to prevent the Constitution from running out by the present amendment is of more importance to the Small States, than can possibly ever be gained to them by electing a President under the Constitution as it now is.- I believe, Sir we ought not to calculate to turn, or have a wish to the election of a President, in any other way than by the Electors, for without this popular privilege the constitution would not have been adopted- again four small States which send but Eight members to the House of representatives have a right to Sixteen votes for President while a gr[lost text] State, having a right to send say from 18 to 25 members can add but two to her member in the choice of a President is not this advantage great enough for small States in that particular, under such an institution. . . .

Under an impression that the proposed amendment if adopted will give Stability and duration to the Constitution I shall give it my hearty support-

Questions for Discussion

Read the transcript and apply your knowledge of American history in order to answer these questions.

1. Describe the difference in the process by which a president would be elected prior to and following the adoption of the Twelfth Amendment.
2. Explain why the development of political parties created a demand for an amendment to the Constitution regarding presidential elections.
3. List and explain two reasons Timothy Pickering gives in his speech in support of the proposed Twelfth Amendment.

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Image

Mr. Speaker -
 The People, by their Electors shall elect the President.
 This is undoubtedly the meaning and the true construction
 given the Constitution. - then I carry this fully into
 effect is doubtless pursuing the wishes of the framers of
 that Instrument. - and I contend that the Amendment
 under consideration is calculated to accomplish this
 object - and without this amendment, a person not
 having the confidence of the Nation may be elected -
 can it be said with this contingent, that the Constitution
 will inspire so full confidence as if ^{the} difficulty was
 removed. - Confidence in a Republican government is
 important, confidence cannot be placed in such a
 government if the Majority cannot govern. -
 But, Sir, we are told that certain great States are
 determined to usurp all authority and bear down the
 constitution; that the very plane where we now are is
 to become Virginia property, and therefore we must not
 touch that sacred instrument the constitution. - and, Sir if
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Timothy Pickering, Speech in favor of the Twelfth Amendment, October 17, 1803. (Gilder Lehrman Collection, GLC05321.02)

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I believe, Sir, we ought not to calculate to turn, or have a wish for the election of a President, in any other way than by the Electors; for without this popular privilege the constitution would not have been adopted—again four small States, which send but eight members to the House of representatives, have a right to sixteen votes for President while a great State, having a right to send say from 18 to 25 Members can add but two to her number in the choice of a President is ^{not} this advantage great enough for small States in that particular, under such an institution.—

On the subject of innovation, great clamour is made, I am not in favour of innovation or amendments except for important and weighty considerations;—but were not amendments expected? most certainly they were expected and I will venture to say that without this provision, the constitution would never have been adopted.— And will any Gent. say that amendments have or yet injured the constitution? it is a well known fact that the amendments already incorporated into the constitution have greatly increased its friends.— Are Gents afraid this amendment will also increase its friends and stability and in that way prevent and destroy a favorite object with some, namely, a division of the Union between the northern and Southern States?— I will not accuse any Gent. in this house with such base motives, but Sir I believe there are men base enough in New England to wish for such a measure.

Under an impression that the proposed amendment if adopted will give stability and duration to the constitution I shall give it my hearty support.—

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Transcript

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