

FEDERALIST NO. 39

James Madison



The Framers, although they created a lower house (the House of Representatives) to be closer and more responsive to the people, did not give much thought to the actual nature of elections. In fact, most of the "elected" officials in the new national government were to be elected only indirectly by "the people." Furthermore, at the time of the Philadelphia convention, voting was fairly limited by most states, which allowed only white, male property owners to vote. In fact, the Constitution specifies that the qualifications for voters are to be left to the states. Over the years, however, voting rights have been expanded through constitutional amendment, statute, and decisions by the U.S. Supreme Court. In the 1780s, voting *per se* was not of much concern; instead, Federalists stressed that some positions were elective in a republican form of government.

If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior. It is *essential* to such a government that it be derived from the great body of the society, not from an inconsiderable proportion or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans and claim for their government the honorable title of republic. It is *sufficient* for such a government that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character. According to the constitution of every State in the Union, some or other of the officers of government are appointed indirectly only by the people....

... The House of Representatives, like that of one branch at least of all the state legislatures, is elected immediately by the great body of the people. The Senate, like the present Congress and the Senate of Maryland, derives its appointment indirectly from the people. The president is indirectly derived from the choice of the people, according to the example

in most of the states. Even the judges, with all other officers of the Union, will, as in the several states, be the choice, though a remote choice, of the people themselves. The duration of the appointments is equally conformable to the republican standard and to the model of state constitutions. The House of Representatives is periodically elective ... for the period of two years.... The Senate is elective for the period of six years.... The president is ... to continue in office for the period of four years.... The tenure by which the judges are to hold their places is, as it unquestionably ought to be, that of good behavior.

Toward Critical Thinking

1. Why were the "form" of elections or qualifications for voting of little apparent concern to the Framers?
2. Does the campaign process produce a Congress in tune with the American people? Would term limits (which would limit members to a fixed number of terms) result in more meaningful elections and give voters greater opportunity to reveal their wishes?

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THE RESPONSIBLE ELECTORATE

V. O. Key Jr.



Key notes that much can be read from the election returns—both from isolated elections and in the patterns that have emerged historically. Some elections represent a new order, such as the election of 1936. Political scientists refer to this election as a realigning election because it signaled a dramatic change in voter allegiances. Other elections, while possibly providing a mandate for a particular candidate, are not nearly so dramatic. Elections also legitimize the government says Key—a point also noted by Madison in *Federalist No. 39* (Reading 63).