Written at a convention intended to merely revise the Articles of Confederation, the United States Constitution structured a new form of government to free the post-Revolutionary country of its tyrannical history. However, as with any major change, the Constitution was met with both strong support and fierce resistance. Most notably, these opposing opinions faced off in the Federalist and Anti-Federalist papers, which revealed the thoughts of those supporting and fighting against its ratification. James Madison argued in favor of the Constitution through many of the Federalist Papers, and Federalist 39 is just another example. With reference to the Constitution itself and Federalist 51, one can see Federalist 39 showcases the necessity of a republican form of government, as well as the variation of national and federal characteristics provided by the radical document.

In order to begin to properly assess Madison’s argument, one must first look at how he defines a republic, the system of government he claims the Constitution represents. Although it does not always stay true to form in other countries, a republic is described as “... a government which derives all its powers 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,” with its foundation focused upon the necessary say of society (Federalist 39). This groundbreaking system of a true republic, designed to prevent the repetition of the tyranny Americans faced while under British rule, is based upon a society “... broken into so many parts, interests, and classes of citizens, that the rights in individuals... will be in little danger (Federalist 51).” Whether through direct or indirect means, one can argue that Madison’s ideas on the presence of this societal influence are present throughout each of the three branches of government. The Electoral College selects the president based on popular vote, members of the House of Representatives are voted upon by their individual districts, Senators were to be selected by state legislators, and federal judges are nominated by the President (U.S. Const., Art. I, II, III). Senators and federal judges are prime examples of positions appointed through indirect means; while they are not directly elected into office by the people, those who the people selected for other offices nominate them, hopefully reflecting the will of the public. The power of government officials stems from the vast array of ideals and desires of the public, fueling this true republic.

Before this analysis of Madison’s argument, however, two more concepts explored in Federalist 39 must be understood. Throughout the essay, he explains how the new Constitution is a combination of both national and federal rule, differing depending on the topic addressed. In relation to the paper, the use of the term “national” references the more individual aspect of a republic, as power stems from the individuals comprising the country, unique in their beliefs and ideas (Federalist 39). On the other hand, “federal” rule views power as operating on the political bodies composing the country (Federalist 39). Madison carefully analyzes and categorizes the different positions, facets, and operations of the proposed government throughout his essay.

In order to combat the majority of the power residing in the legislative branch, the Framers carefully looked to “... divide the legislature into different branches; and to render them, by different modes of election and different principles of action (Federalist 51).” They assigned different compositions, powers, and checks on the rest of government, spelled out in Article II of the Constitution. Through these specific designations arises the first clear balance between a federal and national government presented by Madison. The House of Representatives, which is slated to have “... one [representative] for every thirty thousand,” was set to be arranged in proportion to the population of each individual state (U.S. Constitution, Art. II). The more people a state had, the more representatives they would have in the House. Based upon this information, Madison rules that the House of Representatives is an element of a national government, as it “... will derive its powers from the people of America (Federalist 39).” This is certainly true in the first many years under the Constitution, following the 1:30,000 ratio (Art. I). The people of the nation also hold a strong voice in electing their representatives for this chamber, as a direct voting system is in place, counting each vote of each individual. While the House of Representatives is now frozen at 435 representatives, Madison’s claims of the national character of the House were accurate at the time (Lowi et al. 136). To balance the national chamber of Congress is the federally-based Senate. The Constitution delegates that Senators will not be directly elected by the people, but rather, by the state legislators voted in by the people. Moreso, the states hold the power to determine the “... time, places, and manner” of their elections (U.S. Constitution, Article I Section III). The Senate’s power is determined not from looking to the individuals, but to “... the States, as political and coequal societies,” as the choices of the people elect the people’s national senators (Federalist 39). Further perpetuating the federal character of the Senate is the “principle of equality” in allowing two senators to represent each state, regardless of size (Federalist 39). Although Congress is only one branch of the government, one can clearly see that its powers are derived from a healthy blend of national and federal governance, determined by the different characteristics and elections for each chamber.

Much like the legislative branch, the power of the executive is of a compound nature. Madison finds the process of electing the president to exhibit both national and federal characteristics, largely because of the Electoral College. The election of the president, while it begins with the popular vote, is translated into this system of electoral votes. As the Constitution describes it, “Each State shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives,” where the winner of the popular vote in any particular state will receive all of the electoral votes for the state (Art. II, Sec. I). Through the popular vote, the election considers the states “... in their political characters,” exhibiting a federal source; as it is translated into the ratio of the Electoral College, they are considered “partly as distinct and coequal societies, partly as unequal members of the same society,” viewing the voters under a compound lens; yet, the individual delegates of the College are from various “distinct and coequal bodies,” demonstrating an individualistic, national outlook reflecting voters (Federalist 39). Through this process designed to protect the American people, one can indeed see the compound source of the executive’s power through the election process.

The operation of the government under the Constitution can be deemed of the national character, as it is primarily facilitated by and performed under the will of the people (Federalist 39). However, when considering the extent of its powers, the source of power grows murky. The clearest point of reference for this complication is found in the Tenth Amendment, which states that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people (U.S. Const., Amend. X).” The powers of the government extend only to certain, clearly enumerated tasks and objects. Through the implementation of federalism in the Tenth Amendment, the Constitution, in part, recognizes states as sovereign bodies. Unless specifically barred, the states are free to implement their own laws, education systems, and local governments. They possess the capabilities to partially rule over themselves. Madison recognizes that the extent of governmental powers, if solely national, would serve to have supremacy over all things and citizens (Federalist 39). If following this wholly-national system, one would find a repeat of the tyranny Americans wrote the Articles of Confederation, and then the Constitution, to escape. Yet, through the division of power enumerated in the Constitution, a true republic can be modeled.

With the foundations of the operations of government, one can find the national and federal sources of government at work in the Constitution itself. Oftentimes, the government rules upon the “majority rules” system, where decisions need not be unanimous but must represent the will and desires of most. The process of establishing the Constitution is no exception. Nine of the thirteen states were required to ratify it before it could become law (U.S. Const. Art. VII). Madison declares this act federal, “... derived from the Supreme authority in each State, the authority of the people themselves,” as the individual states agree to enter under the government not to form one body, but a nation comprised of independent states (Federalist 39). It is this independence that allows ratification to take on the national character. The process of amending the Constitution also follows the “majority rules” ideal in offering that 2/3 of the states in the nation can hold “... a Convention for proposing Amendments (U.S. Const. Art. V).” In this requirement, the amendment process is deemed federal (Federalist 39). However, as this majority is based on the proportion of states rather than the proportion of citizens, the process is deemed under the federal character (Federalist 39). It is this key element of “majority rules” and its application to ratification and amending that best distinguishes the accuracy of Madison’s declarations. Through the compound character of ratifying and amending the proposed document, Madison highlights how even the establishment of the Constitution allows for a blended source of power that sets the precedent for the rest of the document’s life.

“The interest of the man must be connected with the constitutional rights of the place (Federalist 51).” In a republican form of government, the power comes from the people and the government acts on the desires of the people (Federalist 39). In order to form a true republic, however, the powers of the government must arise from both national and federal sources that consider the individuals and national bodies. One can find great logic in Madison’s conclusions about the sources of governmental power, supported throughout the Constitution and Federalist Papers.

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