

The Historical Roots of the Originating Clause of the U.S. Constitution: Article I, Section 7

F O R R E S T M C D O N A L D
M I C H A E L M E N D L E

IN AUGUST OF 1982 Congress passed a bill for increasing federal revenues by \$98.3 billion a year. Though this was the largest tax increase in American history, its magnitude was not the most singular aspect of the measure. Rather, what was most extraordinary was that the bill originated in the Senate, in direct contravention of Article I, Section 7 of the Constitution: "All Bills for raising Revenue shall originate in the House of Representatives." It is true that the Senate went through the motions of couching its bill as an amendment to a House bill (the clause goes on to say, "but the Senate may propose or concur with amendments as on other bills"), but the House bill being amended was a bill to reduce revenues, not to raise them. As a bill to raise revenue, the measure clearly originated in the Senate.

Now, some learned scholars and jurists are convinced that the courts, in recent years, have handed down many a decision which is not grounded in a reasonable reading of the Constitution; but the procedural specifications and the allocation of powers—those features which make the Constitution a law governing government—have remained substantially inviolate. The House has never attempted to poach upon the Senate's exclusive power to try impeachment cases, the Supreme Court has never tried to negotiate a treaty, no president has ever tried to place a justice on the Supreme Court without senatorial approval. Similarly, the Senate has never, until now, so baldly usurped a power that unequivocally belongs to the House.

For reasons of political expediency a majority in the House went along with the

usurpation, but eighteen Representatives determined to challenge the bill in the courts. In a suit filed even before the bill was passed, Representative W. Henson Moore (D-Louisiana) and seventeen plaintiffs¹ asked the Federal District Court of the District of Columbia for a summary judgment declaring that the act is unconstitutional. That suit and the constitutional violation underlying it make it of current interest to consider how the Originating Clause found its way into the Constitution.

Article I, Section 7, Clause 1 grew out of a compromise in the Constitutional Convention of 1787—or, more properly, two compromises—but it expressed a principle that was deeply rooted in American constitutional law. The principle was succinctly summarized in the slogan of the American Revolution, "No taxation without representation." In the British Parliament, the House of Commons had the exclusive power of originating tax bills because the Commons represented the people and the Lords did not. In the American colonies, the elective popular assemblies, representing the people, had the power and the upper houses or councils did not. Under the Articles of Confederation, the predecessor of the Constitution, Congress had no power to tax, for its members represented states, not people; the state legislatures, representing the people, did have the taxing power. And under the Constitution the House of Representatives was given the exclusive power to originate revenue bills because in it the people were represented in proportion to their numbers, whereas in the Senate the states

were represented equally irrespective of the numbers of their inhabitants.

The right of the House of Commons to the sole initiative in matters of taxation was unquestioned from the early fifteenth century onward. Never formally established by statute but never formally denied or even strongly challenged in the fifteenth through eighteenth centuries, this prescriptive right was not a privilege maintained for privilege's sake, a matter of mere ceremony. Rather, the initiative was a fundamental application of an even more basic principle—that the Commons had the dominant role in establishing the timing and amount of the contributions to the king's coffers made by the people. Indeed, from the late seventeenth century until 1911, the only matter in dispute about the revenue-raising roles of the two Houses of Parliament was whether the House of Lords possessed the capacity to amend money bills. In 1911 the Lords lost that right.

The right of initiative of the House of Commons, of course, presumes the existence of an institutionally distinct body of that name. Although knights and burgesses had been called sporadically to certain meetings of the king's council called "parliaments" in the thirteenth century and with increasing regularity in the fourteenth, initially their presence was not essential to the work of parliaments and they certainly did not form a distinct chamber. In the middle decades of the fourteenth century, the principle that the subject could be taxed only by his own consent was attached to the presence of knights and burgesses at parliaments; these decades also mark the first, by no means definitive, association of the knights and burgesses with each other—the Commons—as a group distinct from the rest of the parliament, the lords. Only in the last third of the fourteenth century did the House of Commons acquire absolute institutional integrity.²

The emergence of the House of Commons necessitated redefinition or clarification of the principle that taxation required the assent of the subject. By this time (c.

1400) the assent of the Commons to taxation was seen to be a crucial and inviolable element in the process, a statement not at all true of the Commons' role in the judicial work of parliaments and not strictly correct for the making of statutes.³ The question of initiative seems to have arisen—for the first and last time—in a probing of the "new" bicameral structure in 1407.⁴ In this episode, the lords spiritual and temporal, in the presence of Henry IV (and not unlikely at his urging), discussed the defense needs of the kingdom and shifted promptly to a consideration of the cost: "the above mentioned lords were asked . . . : 'What aid will suffice and is necessary in this situation?' . . . the same lords replied . . . no less aid would suffice than . . . a Tenth . . . and a Fifteenth . . . And further, that there be granted continuation of the subsidy of wool, woollens, and leather." By order of the king, a delegation of the Commons was summoned to hear what the lords had informally concluded and to report it to the House of Commons "in order that they might approach as near as possible to conformity with the intention of the lords."

The Commons was "greatly disturbed" at the report. They declared "this was to the great prejudice and derogation of their liberties." Henry backed off, "in no wise wishing anything to be done, either now or in future, . . . against the liberty of the estate on whose behalf they have come to parliament." But Henry also wished to preserve the freedom of discourse of the lords. With the "advice and assent" of the lords, Henry simply declared a compromise. Both the lords and the House of Commons could discuss revenue needs by themselves. But neither could tell the king of their separate deliberations or inform him of any joint discussions. When the lords and the commons agreed, however, the king would be informed "in the accustomed manner and form; that is to say, through the mouth of the Speaker of the commons." The formal procedure, therefore, began with the House of Commons.

If this was not an absolutely clear and definitive statement of the Commons' right

of initiative by Henry, it was close; most notable is the phrase "accustomed manner and form," as if Henry did not wish to appear to tamper with a practice already established. The account also is careful to suggest that the lords consulted with the king only informally about the amount of the supply: they spoke "individually" and "severally." What matters most is that the principle of Commons initiative in taxation was practiced without dispute in the fifteenth and sixteenth centuries. The preamble formulae in the fifteenth-century acts transformed practice into doctrine by the mere repetition: the Commons "grant," the Lords "assent," a phrasing that assumed initiative lay with the Commons.⁵

In the sixteenth century, granting formulae varied, but the principle of Commons initiative was far too well entrenched to depend upon them. Only once was the principle even called into question, and then the 1407 episode (which became known as the "Indemnity of the Commons" or the "Indemnity of the Lords and Commons") was used, or perhaps misused, as a precedent. In 1593, the Lords—most likely at the prompting of the Queen—proposed at a conference of the two houses three subsidies instead of the two that the Commons had already agreed to grant. The need for an additional supply was not seriously contested in the lower house, but apparent breach of privilege was. And the episode of 1407 was "like the touch of a holy relic" when introduced into the debate. In the event, the subsidies were granted, but without any notice being taken of the Lords' demand. The Lords cooperated by dropping the matter.⁶

In 1625, a subsidy bill was passed under the old style of the Commons "grant," the Lords "assent." This was repeated in 1628, the Lords rather ineffectually protesting. A well-known lawyer, John Glanville, resisted the Lords' attempt to be named in the preamble as co-grantors (under the inclusive style of "subjects") by maintaining that the "sole right of propounding subsidy is the Commons' indemnity"; another echo of 1407.⁷ In the Short Parliament (April-

May 1640), the episode was repeatedly cited in debates on whether the Lords had violated the Commons' privilege merely in communicating to them a resolution that—in the Lords' view—supply ought to precede redress. The Lords were careful to acknowledge that "subsidies ought to move first from you." At that time, Lord Keeper Finch, speaker for the Upper House at a conference, added that the bills ought then to go to the Lords and then back to the Commons for presentation by the Speaker of the House of Commons.⁸ While in essence that remained the practice, in 1671 the Commons resolved that the Lords could not alter tax rates in revenue bills.⁹ The resolution had no legal standing and the Lords never agreed until 1911.¹⁰ In 1678, however, a similar resolution restated the doctrine in unambiguous form:

all aids and supplies . . . are the sole gift of the Commons: and all bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit and appoint in such bills the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which ought not to be changed or altered by the House of Lords.¹¹

The no-amendment doctrine was contentious as a principle, but it was by no means an unfair statement of most later seventeenth- and eighteenth-century practice. Indeed, the very rare occurrence of friction in the fifteenth, sixteenth, and seventeenth centuries over the dominant role of the Commons in the raising of parliamentary revenues leads to a similar conclusion. The somewhat forced application of the 1407 episode to the circumstances of 1593, 1628, and 1640 really serves to show that any attempt to interfere with the practical dominance of the Commons in revenue-raising was characterized as a violation of the prescriptive right of initiative. The two went together. The initiative was designed to preserve the freedom of consent.

The American Founding Fathers derived their understanding of this crucial constitutional principle mainly from Sir William Blackstone's *Commentaries on the Laws of England*—"a book which," in the words of James Madison, "is in every man's hand"—though the lawyers among them were also familiar with the strictures on the subject in Sir Edward Coke's *Institutes*. It was, Blackstone wrote, "the ancient indisputable privilege and right of the house of commons," that all taxes "begin in their house, and are first bestowed by them." The general reason for this, he went on, was that taxes "are raised upon the body of the people, and therefore it is proper that they alone should have the right of taxing themselves." There was also another reason, Blackstone added, and that was that the Lords, as a permanent hereditary body, "are supposed to be more liable to be influenced by the crown . . . than the commons, who are a temporary elective body, freely nominated by the people."¹²

Blackstone's *Commentaries*, coincidentally, were published in 1765, the year that Parliament passed the Stamp Act, the first parliamentary act for the purpose of raising revenue in America. Americans responded by convening the Stamp Act Congress, which adopted a series of resolutions of protest. Resolutions three through six are relevant to the matter at hand:

III. That it is *inseparably essential to the freedom of a people, and the undoubted right of Englishmen*, that NO TAX be imposed on them, *except with their own consent*, given personally, or by their representatives.

IV. That the people of the colonies are not, and from their local circumstances, cannot be represented in the house of commons in *Great Britain*.

V. That the only representatives of the people of the colonies, are the persons chosen therein by themselves; and that NO TAXES ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

VI. That ALL *supplies to the crown*, being free gifts of the people, it is un-

reasonable, and inconsistent with the principles and spirit of the British constitution, for the people of *Great Britain* to grant to his Majesty the property of the colonies.¹³

In 1767, in the most widely read publication of the Revolutionary epoch prior to Thomas Paine's *Common Sense* (1776), the Philadelphia lawyer John Dickinson (who twenty years later would be an influential member of the Constitutional Convention) put the case even more clearly. Citing Coke's *Institutes*, Dickinson traced the evolution of "gifts and grants of their own property . . . made by the people [to the sovereign] under the several names of aids, tallages, tasks, taxes and subsidies, etc. . . . But whatever the name was, they were always considered as *gifts of the people to the crown, to be employed for public uses*."¹⁴

These principles were clearly operative in the deliberations of the Constitutional Convention. Governor Edmund Randolph of Virginia opened "the main business" of the Convention on May 29, 1787, by proposing fifteen resolutions. These included a call for a bicameral Congress, the number of members of each house being proportioned either to the taxes paid in a given representative district or to the number of inhabitants thereof. Since both houses would represent the taxpayers, each would have full power of initiating all legislation, tax measures included.¹⁵

A strong minority in the convention opposed the abandonment of the one-state-one-vote rule of the Articles of Confederation, however, and after two weeks of debate on the Randolph Plan, they offered (June 15) the alternative "Small States Plan" drawn up by William Paterson of New Jersey.¹⁶ Paterson's resolutions were designed to preserve a unicameral Congress in which voting would continue to be equal by states. Congress would be authorized to levy duties on goods imported from abroad and to impose a constitutionally specified stamp tax; but otherwise the power of taxation even for national purposes would continue to reside

exclusively in the popularly elected state legislatures. Paterson's plan was rejected, bicameralism was settled upon, and representation in proportion to population was agreed to in regard to the Lower House; but throughout the rest of June the delegates remained sharply divided over the rule of representation in the Upper House.¹⁷

On Saturday, June 30, Benjamin Franklin put his finger on the heart of the dispute. "The diversity of opinion," he said, "turns on two points. If a proportional representation takes place, the small States contend that their liberties will be in danger. If an equality of votes is to be put in its place"—that is, if Congress represented states equally instead of individuals—"the large States say their money will be in danger." Franklin therefore proposed a compromise: that in all legislation concerning the sovereignty of the states or increasing national authority or decreasing state authority, each state have one vote; and that in all matters concerning the levying and collection of taxes and the appropriation of public funds, voting be apportioned in accordance with the taxes actually paid by each state. Though Franklin's motion was consistent with the principles incorporated into the Constitution as finally adopted, it was rejected at the time.¹⁸

Two days later the Convention voted on a motion for equal representation in the Upper House, and the result was a tie—five state delegations for, five against, and one divided. As Roger Sherman of Connecticut put it, the Convention was "now at a full stop." After some discussion it was agreed that a committee, consisting of one delegate from each state, be appointed to seek some kind of compromise.¹⁹

The compromise recommended by the committee—based on a new proposal by Franklin—was that the states be given equal representation in the Upper House, in exchange for which representation in the Lower House would be proportional to population, and "that all Bills for raising or appropriating money and for fixing the salaries of the Officers of the Government

of the United States, shall originate in the first Branch of the Legislature, and shall not be altered or amended by the second Branch."²⁰

The proposal met a lukewarm reception when it was reported on July 5. James Madison said that the small states had made no real concession at all, that the Originating Clause could be circumvented by collusion, and that it would lead to "frequent & obstinate altercations" between the two houses. James Wilson of Pennsylvania, Pierce Butler of South Carolina, and Hugh Williamson of North Carolina expressed similar sentiments, and a few others insisted that the only equitable basis for apportioning representation was taxes actually paid.²¹ These notions were echoed the next day by others who insisted upon proportional representation in both houses. In response, defenders of the compromise explained its rationale. "The consideration which weighed with the Committee," said George Mason of Virginia, "was that the 1st. branch would be the immediate representatives of the people, the 2d. would not. Should the latter have the power of giving away the peoples money, they might soon forget the Source from which they received it. We might soon have an aristocracy."²²

The compromise was discussed and debated for another ten days, during which two important related principles were established. One principle was that it would be improper to consider the enumeration of the powers of Congress until the basis of representation was determined—that is, until it was settled whether the "second branch," or Senate, should represent states, people, or taxes paid. The second principle was established on July 12, when the Convention agreed that taxation and representation in the "first branch," or House of Representatives, should be tied together by a provision that both taxes and representation would be apportioned on the basis of population.²³

Finally, on July 16, the amended package compromise—both direct taxation and representation in the House apportioned to each state on the basis of its population,

and equal representation of the states in the Senate—was passed. At that stage, it should be pointed out, the Senate was to have no power to alter or amend bills for raising or appropriating money and fixing salaries of officers of the government.²⁴

On Thursday, July 26, the Convention took a recess, turning its resolutions over to a five-man Committee of Detail which was charged with preparing a draft of a constitution. The Convention reassembled on August 6 and began to deliberate upon the Committee of Detail's draft. That draft included the entire representation/direct-taxation/origination compromise as passed on July 16.

Then the matter took a sudden turn that led the convention along a tortuous path toward the adoption of Article I, Section 7, as it finally appeared in the Constitution. Some delegates from the smaller states, who had won equal representation in the Senate by agreeing to vest the House with exclusive power to originate money bills, now reneged on their concession. They were joined by a number of ardent nationalists from other states who feared that the origination provision would embroil the two houses in rancorous contests which might weaken the national authority. Still others objected to the Originating Clause because slaves were to be counted in the census on which apportionment of representation in the House would be based. On August 8, these three groups succeeded in having the Originating Clause dropped altogether.²⁵

For nearly a month advocates of the Originating Clause attempted vainly to have it reinstated. Debates and various motions regarding it arose on August 9, 13, 15, and 21.²⁶ They finally succeeded through another compromise. On August 31 the Convention appointed a Committee of Eleven (one delegate from each state present) to consider a number of minor resolutions and one large problem, the question of how the president should be elected. In that committee, delegate Pierce Butler proposed the electoral college system, in which each state chooses a number of electors equal to the combined

number of its Representatives (based on population) and Senators (two per state irrespective of population). That feature gave the less populous states a disproportionate voice in the national government quite in addition to the disproportionate voice they had gained through equal representation in the Senate. Neither the Senate nor the Presidency being a democratic branch, it became all the more important to champions of the Originating Clause to have bills for raising revenue originate solely in the democratic branch of government, the House of Representatives; and they made the Originating Clause a *sine qua non* of their support for the electoral college. The small states delegates and the ardent nationalists acquiesced, and a bargain was struck. The Committee of Eleven made its reports September 1-5, and these included the electoral college and the restored Originating Clause, but with the change that the Senate could now propose amendments to House-originated bills for raising revenue.²⁷

On September 8 the Originating Clause came up for final consideration. It read as follows: "All bills for raising revenue shall originate in the House of Representatives; and shall be subject to alterations and amendments by the Senate." It was moved to strike the part after the semicolon and substitute the words, "but the Senate may propose or concur with amendments as in other bills"—that being the language of the Constitution of Massachusetts. The substitution was adopted unanimously, and then the clause as amended was passed by a vote of nine states to two.

Three of the champions of the Originating Clause—Mason, Gerry, and Randolph—refused to sign the finished Constitution, and Mason and Gerry included the Senate's amending power among their objections. Mason put it succinctly: "The Senate have the power of altering all money bills . . . although they are not the representatives of the people or amenable to them." Gerry went into more detail: "That even if the representation in the Senate had been according to numbers, in

each State, money bills should not be originated or altered by that branch, because, by their appointments, the members would be farther removed from the people, would have a greater and more independent property in their offices, would be more extravagant . . . that it was not reasonable to suppose the aristocratical branch would be as saving of the public money as the democratical branch . . . that the preservation of this right, the right of holding the purse-strings, was essential to the preservation of liberty—and that to this right, perhaps, was principally owing the liberty that still remains in Great Britain."²⁸ It should be added that, in objecting to the Senate's power to amend revenue bills, Gerry never suggested that the Senate could, by amendments, change a House-originated bill not for raising revenue into a Senate bill that did raise revenues—nor did anyone in any of the state ratifying conventions make such a claim.

The other advocates of the Originating Clause, however, accepted the final version of the clause and approved the finished Constitution. Since these included not only Franklin but also John Dickinson—preeminently the American spokesman and expert on the rationale for the underlying English foundation of the originating doctrine—this support seems especially significant. Perhaps the clearest explanation of the clause was offered by James Madison, though Madison had, during the Convention, thought the matter not especially important. Speaking in the House of Representatives on May 15, 1789, Madison said "the principal reason" the Constitution gave the House the originating power was that members of the House "were chosen by the People, and supposed to be best acquainted with their interests, and ability [to pay taxes]. In order to make them more particularly acquainted with these objects, the democratic branch of the Legislature consisted of a greater number, and were chosen for a shorter period, so that they might revert more frequently to the mass of the People."²⁹

In *Federalist* 39, his famous essay explaining that the American system was

"partly national, partly federal," Madison elaborated the underlying constitutional principle that the House was the "democratical" branch of the government: "The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion, and on the same principle, as they are in the legislature of a particular State. So far the government is *national*, not *federal*. The Senate, on the other hand, will derive its powers from the States, as political and coequal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is *federal*, not *national*."³⁰

Hamilton, in contrast to Madison, regarded "the exclusive privilege of originating money bills" as being of crucial importance. That power, along with the House's "sole right of instituting impeachments" and its power to "be the umpire in all elections of the President" in which no single candidate got a majority of the electoral votes, were to Hamilton "important counterpoises" to the Senate's special powers in regard to treaties, executive appointments, and the trial of impeachment. In sum, Hamilton believed the Originating Clause to be an integral part of the Constitution's delicate system of checks and balances.³¹

One final note is in order. It might be argued that the Seventeenth Amendment (adopted 1913), by providing for the election of Senators by popular vote instead of by state legislatures as in the original Constitution, destroyed the rationale for the Originating Clause by making the Senate also a "democratic" branch, representing the people. Such an argument, however, collapses in the face of equal representation in the Senate which, incidentally, is the one feature of the Constitution which is not subject to amendment. The State of California elects one Senator for every eleven million inhabitants, whereas the neighboring State of Nevada elects one Senator for every 350,000 inhabitants. In choosing Senators, then, the vote of a Nevadan counts approximately thirty-one

times as much as the vote of a Californian. The House of Representatives—especially since the establishment of the one-man-one-vote principle by the Supreme Court in *Reynolds v. Sims*, *Wesberry v. Sanders*, and other reapportionment cases—continues to represent the people. The Senate, constitutionally exempt from those decisions, continues to represent the states as political societies. The constitutional principle underlying the Originating Clause thus remains intact.

In sum, the 1982 tax act, being unlawfully enacted, was a palpable and dangerous violation of the letter and spirit of the Constitution. To allow the act to

stand will be to open the way to additional usurpations by other branches: if the Senate can usurp the power to originate bills for raising revenue, what is to stop the President from collecting taxes without congressional authorization or from arbitrarily increasing or decreasing income tax rates? How far would the process have to go before the principles of separation of powers and checks and balances—which together with federalism comprise the limitations on power in America—would be dead letters? How long would it be before the noble idea of a law that governs government would have perished from this nation?

¹The co-plaintiffs were Philip Crane (Illinois), Elliott Levitas (Georgia), Stephen L. Neal (North Carolina), James G. Martin (North Carolina), James D. Santini (Nevada), Carroll Hubbard, Jr. (Kentucky), John H. Roussetot (California), Lawrence P. McDonald (Virginia), Richard T. Schulze (Pennsylvania), Billy Lee Evans (Georgia), Ed Bethune (Arkansas), Richard C. Shelby (Alabama), Bob Stump (Arizona), Daniel B. Crane (Illinois), James E. Jeffries (Kansas), J. Patrick Williams (Virginia), and Larry E. Craig (Idaho). ²On the early history of parliament and the commons, see George O. Sayles, *The King's Parliament of England* (N.Y., 1974) and Bryce Lyon, *A Constitutional and Legal History of Medieval England*, 2nd ed. (N.Y., 1980), 408-430, 535-561. ³Bertie Wilkinson, *Constitutional History of England in the Fifteenth Century (1399-1485)* (London, 1964), 283-284, 311-312. ⁴*Ibid.*, 281-282, 309-310. ⁵On the secondary role of "assent," see the description of procedure in the reign of Henry VI, *ibid.*, 312. ⁶J. E. Neale, *Elizabeth I and her Parliaments* (London, 1969), 2:298-312. ⁷Mary Frear Keeler, Maija Jansson Cole, and William B. Bidwell, eds., *Commons Debates 1628* (New Haven, 1978), 4:349, 354. ⁸Esther S. Cope, ed., in collaboration with Willson H. Coates, *Proceedings of the Short Parliament of 1640*, Camden Soc. 4th ser., no. 19 (London, 1977), 206, 269-270; cf. refs. cited *sub* 9 *Hen. IV*, 321. ⁹J. P. Kenyon, *The Stuart Constitution*

(Cambridge, 1966), 413, 417, 418. ¹⁰Parliament Act of 1911. In 1909, Asquith, then Prime Minister, argued in the Commons that no one "will deny that the house of lords has a technical right to reject a finance bill. . . . But ever since 1628 . . . , when . . . the mention of the lords was deliberately omitted from the granting words in the preamble of supply bills, this house has asserted with ever-growing emphasis its own exclusive right to determine the taxation and expenditure of the country." See *Sources of English Constitutional History*, ed. and trans. Carl Stephenson and Frederick Marcham (N.Y., 1937), 822, 843. ¹¹Kenyon, *Stuart Constitution*, 419. ¹²William Blackstone, *Commentaries on the Laws of England*, 4 vols. (London, 1792 edition), 1:169. ¹³Quoted in Forrest McDonald, ed., *Empire and Nation* (Englewood Cliffs, N.J., 1962), 23. ¹⁴*Ibid.*, 21-22. The publication was, of course, Dickinson's *Letters of a Pennsylvania Farmer*. ¹⁵Max Farrand, ed., *Records of the Federal Convention of 1787*, 4 vols. (New Haven, 1937), 1:20-22. ¹⁶*Ibid.*, 1:242-245. ¹⁷*Ibid.*, 1:242-508. ¹⁸*Ibid.*, 1:488-489. ¹⁹*Ibid.*, 1:510-520. ²⁰*Ibid.*, 1:524, 526. ²¹*Ibid.*, 1:544. ²²*Ibid.*, 1:544. ²³*Ibid.*, 1:548-606, especially 591-597, 2:1-12. ²⁴*Ibid.*, 2:14. ²⁵*Ibid.*, 2:222-225. ²⁶*Ibid.*, 2:232-234, 273-280, 297-298, 357-359. ²⁷*Ibid.*, 2:483-516. ²⁸*Ibid.*, 2:638, 3:266. ²⁹*Ibid.*, 3:356. ³⁰*The Federalist* (Modern Library Edition, New York, 1937), 247. ³¹*Ibid.*, number 66, p. 432.