
Seth Barrett Tillman, None

Available at: https://works.bepress.com/seth_barrett_tillman/158/
reprinted in 2 Documentary History, p. 650.) My other articles explaining
the Constitution’s rules of federalism include *The Original Meaning of the
Privileges and Immunities Clause*, 43 Ga. L. Rev. 1117 (2009); *A Republic,
Not a Democracy? Initiative, Referendum, and the Constitution’s Guarantee
Clause*, 80 Tex. L. Rev. 807 (2002); and *Statutory Retroactivity: The
Clauses and the Fifth Amendment).

On the difference between “treaties” and “compacts,” see David E. Engdahl,
*Characterization of Interstate Arrangements: When is a Compact not a

There is wide scholarly debate about whether the federal judicial power
allowed a private party to sue an unconsenting state. The discussion in
the text is based principally on my own independent look at the evidence,
including the often-overlooked interpretive resolutions of New York and
Rhode Island.

Caleb Nelson, *Sovereign Immunity as a Doctrine of Personal Jurisdiction*, 115
Harv. L. Rev. 1559 (2002) is one of the newer and better articles on the
subject, and one can find other citations in its footnotes.

**CHAPTER 4 THE HOUSE, THE SENATE, AND THE VICE PRESIDENT**

For an article suggesting that Congress could delegate some responsibilities
to just one house, see Seth Barrett Tillman, *A Textualist Defense of Article I,
Section 7, Clause 3: Why Hollingsworth v. Virginia Was Rightly Decided, and

This book’s discussion of “advice and consent” is based on my previously
unpublished research. A useful article is Adam J. White, *Toward the
Framers’ Understanding of ‘Advice and Consent’: A Historical and Textual
of the truth only because the author did not know that in the eighteenth
century “advice” could mean “deliberation.”

For other sources relevant to this chapter, see the list under the heading
“Sources Relevant Across Chapters.”

**CHAPTER 5 ABOUT THE GRANTS OF POWERS TO CONGRESS**

On the Necessary and Proper Clause, see Randy E. Barnett, *The Original
Meaning of the Necessary and Proper Clause*, 6 U. Pa. J. Const. L. 183 (2003);
John Marshall’s Defense of McCulloch v. Maryland (Gerald Gunther