

Dec 13, 2004

Dear Mr. Tillman:

I have read your article on Art I, 5.7, cl.3 with care and interest. I find it historically absolutely convincing, and if you wish to quote me to that effect when you submit it to a traditional hard bound law review, you have my permission. I don't think it likely to change the laws on the subject, but it should certainly change historical scholarship.

I note minor typos on pages 59 and 78, and fiercely object to the use of "she" when talking about the president - that is politically correct fadism, having no place in an article this serious - but I observed only two factual errors. In the note on page 5 you say that "during the colonial period, nearly all governors were appointed by the Crown." The governors in 9 colonies were so appointed, but those in Connecticut and Rhode Island were chosen by the freeholders and those in Pennsylvania and Delaware were chosen by the proprietors, the Penn family. Again, on page 9 you write that those who were unhappy with Chisholm "is a bit unclear." All who owed money to British merchants before the war were unhappy with it. This means mainly but not exclusively tobacco planters; George Mason said that if federal courts were opened to such suits, the Revolution would have been pointless.

My congratulations on a well-done bit of scholarship.

Very truly yours,  
Lance McDonald