Extract from J. David Alvis et al., The Contested Removal Power, 1789-2010 (University Press of Kansas 2013), citing Bailey-Tillman Exchange on Federalist No. 77

Seth Barrett Tillman

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THE
CONTESTED
REMOVAL
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J. David Alvis, Jeremy D. Bailey, and F. Flagg Taylor IV
The Contested Removal Power, 1789–2010

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treated as executive prerogatives by British commentators. See Alexander Hamilton and James Madison, *The Federalist-Helvidius Debates of 1793 and 1794,* ed. Michael B. Salton (Indianapolis: Liberty Fund, 2007), 63. It is also important to point out that the passage occurs right after Madison denies the applicability of the 1779 Naval Declaratory Act in the 1793 question about neutrality.

65. Ibid.
66. Ibid., 913.
67. Ibid.
68. Ibid., 914–915.
69. "Federalist No. 77," 315.
73. William Smith (S.C.) to Edward Rutledge, June 21, 1787, in Smith to Rutledge Correspondence, 832.
74. "Federalist No. 70," 472.
75. Ibid.
76. "Federalist No. 71," 481.
77. "Federalist No. 72," 488.
78. Ibid., 487.
79. Ibid.
80. Ibid., 488.
81. "Federalist No. 77," 515.
82. Ibid., 515–516.
83. "Federalist No. 72," 488.
37. Ibid., 18.
38. Ibid., 20, 29.
39. Ibid., 31–33.
40. Ibid., 50–52.
44. Ibid., 214, emphasis added. Notice that this passage undermines Seth Barrett Tillman’s argument about Hamilton’s use of displacé in Federalist No. 77. It is clear that displacé cannot mean replace here because the president may not replace without the consent of the Senate, precisely the inverse of Tillman’s reading of Federalist No. 77. See Chapter 11: “The Decision of 1789.”
45. This point is reinforced by consideration of the context: Adams did not appoint his own cabinet but instead retained Washington’s cabinet; the men Adams fired were Hamilton’s cronies and were from Adams’s perspective undermining presidential authority.
46. This was itself a departure from another passage in The Federalist, where Hamilton had observed that the written opinions clause was a “mere redundancy” because it grew from the right of “the office.” Federalist, No. 74, Cooke, 500.
48. Lucius Junius Brutus [pseud.] Examination of the President’s Reply to the New-Haven Remonstrance with an Appendix Containing the President’s Inaugural Speech, the Remonstrance and Reply; Together with a List of Removals from Office and New Appointments Made Since the Fourth of March, 1801 (New York: George F. Hopkins, 1801).