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Roger Sherman, Oliver Ellsworth, and the Formation of America's Constitutional Order (Chapter Five of Great Christian Jurists in American History)

Mark David Hall

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In 1822, former President John Adams wrote to the biographer John Sanderson that Roger Sherman was "one of the most cordial friends which I ever had in my life. Destitute of all literary and scientific education, but such as he acquired by his own exertions, he was one of the most sensible men in the world. The clearest head and steadiest heart. It is praise enough to say that the late Chief Justice Ellsworth told me that he had made Mr. Sherman his model in his youth. ... [He] was one of the soundest and strongest pillars of the revolution."[1] Among the important participants in the War for Independence, the Constitutional Convention, and the First Federal Congress, few had as much influence on the creation of America's constitutional order as Sherman and Ellsworth. And none of the more famous founders regularly referenced by students of the era represent as well the 50–75 percent of Americans in this era who were Calvinists.[2]

BIOGRAPHIES

Sherman was born in Massachusetts in 1721 to Mehetabel and William Sherman. William was a farmer and cobbler and, like most residents of the

[1] John Adams to John Sanderson, November 19, 1822, in *Biography of the Signers to the Declaration of Independence*, ed. Robert Waln and John Sanderson (Philadelphia: R. W. Pomeroy, 1822), 3:298.

[2] Studies on religion in the American founding routinely focus on some combination of the following leaders: Benjamin Franklin, George Washington, Thomas Jefferson, James Madison, Alexander Hamilton, and John Adams. Of these men only Adams was a member of a Reformed church at the end of his life, but he came to embrace non-Calvinist (and even heterodox) theological views. For profiles of each of these men and other founders (including Sherman and Ellsworth), see Daniel L. Dreisbach, Mark D. Hall, and Jeffry H. Morrison, eds., *The Founders on God and Government* (Lanham: Rowman and Littlefield, 2004); Dreisbach, Hall, and Morrison, eds., *The Forgotten Founders on Religion and Public Life* (Notre Dame: University of Notre Dame Press, 2009); and Dreisbach and Hall, eds., *Faith and the Founders of the American Republic* (New York: Oxford University Press, 2014).

state, a Congregationalist. William died in 1741, and shortly thereafter Roger moved to New Milford, Connecticut, where he worked as a cobbler, surveyor, and store owner. Sherman never went to college, but he was a voracious reader. He taught himself advanced mathematics and, in 1750, he began publishing a popular almanac that was issued annually or biannually until 1761. Sherman also studied law and was admitted to the Litchfield bar in 1754.[3]

As Sherman prospered professionally, he was elected to several six-month terms in the lower house of Connecticut's General Assembly. In 1760, after the death of his first wife (with whom he had seven children), Sherman moved to New Haven. There he opened a store next to Yale College and sold general merchandise, provisions, and books. Sherman married Rebecca Prescott three years later, and the two had eight children. In 1766, Connecticut voters chose him to be one of the twelve members of the upper house, or Council of Assistants. Traditionally, four Assistants were selected by the General Assembly to serve with the deputy governor as judges on Connecticut's Superior Court – the colony's highest judicial body. Sherman was appointed to this court in 1766, and he held both offices until 1785, when he resigned as an Assistant. He remained a Superior Court judge until he became a member of the US House of Representatives in 1789.

We know little about Sherman's and Ellsworth's service on the Superior Court because judicial decisions were not formally reported until the end of their careers. From the manuscript records and unofficial accounts that are available, it appears that most cases adjudicated by Sherman and Ellsworth involved mundane criminal, civil, and procedural issues. Some of them reflect the political culture of late eighteenth-century Connecticut. For instance, divorces were granted only for causes like desertion and cruelty, and an ecclesiastical society was denied the ability to fire a minister who had not violated the "covenant" between him and the society. One case involved "a Presentment of Grandjury against Drake for Defaming Mr. P. a Clergyman viz. for charging him for being an Arminian, unfit to be a Minister of the Gospel." None of the judges who heard the case denied that such an accusation was slander, but the lower court decision was overturned on a procedural issue.[4]

[3] Biographical details are drawn from Christopher Collier, *Roger Sherman's Connecticut: Yankee Politics and the American Revolution* (Middletown: Wesleyan University Press, 1971); William R. Casto, *Oliver Ellsworth and the Creation of the Federal Republic* (New York: Second Circuit Committee on History and Commemorative Events, 1997); and Michael Toth, *Founding Federalist: The Life of Oliver Ellsworth* (Wilmington: ISI Books, 2011).

[4] John T. Farrell, ed., *The Superior Court Diary of William Samuel Johnson, 1772–1773* (Washington, DC: American Historical Association, 1942), 105, 231, 60–61; *Ecclesiastical Society* v. *Beckwith*, 1 Kirby 91 (1786). The handwritten opinion for the last case is available in the Connecticut State Library.

Beginning in 1774, Sherman accepted multiple appointments to the Continental Congress. Collectively, he served 1,543 days in that body, and he helped draft and signed virtually every significant document produced by it. He served on numerous committees, including those charged with drafting the Declaration of Independence and the Articles of Confederation. In 1783, Sherman and Richard Law accepted the task of revising *all* of Connecticut's statutes. Notably, Sherman penned a law guaranteeing religious liberty to all Christians in the state.[5]

In 1787, Sherman was appointed to the Federal Constitutional Convention where he was an active participant. He was also a leader in Connecticut's ratification convention, and he wrote six "Letters" for the *New Haven Gazette* responding to anti-Federalist objections. Under the new Constitution, Sherman was elected first to the House of Representatives (1789–1791) and then appointed to the US Senate to fill the unexpired term of William Samuel Johnson. Sherman served in the Senate until his death on July 23, 1793.

Oliver Ellsworth was born in 1745 to David and Jemima Ellsworth. Tutored as a young man by the influential New Divinity minister Joseph Bellamy, he began his college education at Congregationalist Yale College and finished it at the Presbyterian College of New Jersey (now Princeton). Upon graduation, he studied law under Jesse Root and was admitted to the Connecticut bar in 1771. The following year he married Abigail Wolcott, a member of a prominent Connecticut family, with whom he had nine children.

From 1773 onward, Ellsworth served his state in a variety of offices including as a member of the lower and upper houses of the General Assembly, Committee on the Pay Table (responsible for ensuring that Connecticut's troops in the War for Independence were paid), Council of Safety (Connecticut's Board of War), and as Superior Court Judge. From 1778 to 1783, he was a delegate to the Continental Congress. He was one of the five members of Congress to serve on the Committee of Appeals, a tribunal responsible for reviewing admiralty cases from state courts.

At the Constitutional Convention of 1787, Ellsworth joined Sherman in advocating for a stronger but limited national government. He served on the important five-person Committee of Detail, which convened in late July to translate the numerous proposals and motions into a coherent document. Ellsworth left the Convention three weeks before its conclusion, so he did not have an opportunity to sign the Constitution. But he was an active promoter of

[5] Protecting only Christians may seem illiberal (with good reason!), but there is no record of any citizen living in the state at that time who would not have identified himself or herself as a Christian.

it in his home state, publishing thirteen pro-ratification essays under the pseudonym of "A Landholder." Connecticut was the only state where each of its delegates to the Constitutional Convention also served in its ratification convention. According to the *Connecticut Courant*, in this convention "all the objects to the Constitution vanished before the learning and eloquence of a Johnson, the genuine good sense and discernment of a Sherman, and the Demosthenian energy of an Ellsworth." The reporter was biased, but the sense of Federalist domination conveyed in this account was accurate as evidenced by the January 9, 1788 vote of 128–40 to ratify the Constitution.[6]

Following the ratification of the Constitution, Connecticut's General Assembly selected Ellsworth and Johnson to be the state's first two Senators. His major contribution in this body was to serve as the chief draftsman of the Judiciary Act of 1789. Article III of the US Constitution states that "The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Many delegates at the Federal Convention and First Federal Congress (including Sherman) believed that it was only necessary, prudent, and cost-efficient to create one federal court, the Supreme Court, and to let state courts serve as trial and lower appellate courts. Ellsworth argued, to the contrary, that it was important to have lower federal trial and appellate courts to help establish the authority of the new national government. Section 25 of the act also made it clear that the Supreme Court could overturn state court decisions involving federal laws or the US Constitution.[7]

Institutionally, the act created a Supreme Court consisting of one Chief Justice and five Associate Justices, thirteen district courts, and three circuit courts (each consisting of two Supreme Court Justices riding circuit and a district court judge). Although a portion of this law was declared unconstitutional in *Marbury* v. *Madison* (1803) and the federal court system was altered as America expanded and grew in population, it is no exaggeration to say that this act is one of the single most important pieces of legislation ever passed by Congress.

In 1796, President George Washington nominated Ellsworth to be the third Chief Justice of the United States Supreme Court. He was unanimously confirmed by the Senate and served until illness forced him to resign in

[6] *The Documentary History of the Ratification of the Constitution, vol. 3: Ratification of the Constitution by the States: Delaware, New Jersey, Georgia, Connecticut*, ed. Merrill Jensen et al. (Madison: State Historical Society of Wisconsin, 1978), 554.

[7] Fergus Bordewich, *The First Congress: How James Madison, George Washington, and a Group of Extraordinary Men Invented the Government* (New York: Simon & Schuster, 2016), 105–112; Toth, *Founding Federalist*, 136–137; Casto, *Oliver Ellsworth*, 59–76.

1800. The Court heard few cases during his tenure, and Ellsworth joined too late or missed the opportunity to participate in the few relatively important cases such as *Ware* v. *Hylton* (1796), *Hylton* v. *United States* (1796), and *Calder* v. *Bull* (1798). He did issue a noteworthy opinion in *United States* v. *La Vengeance* (1796), which helped flesh out the application of the Judiciary Act to admiralty cases. Although the practice is often credited to John Marshall, Ellsworth strongly discouraged the use of seriatim opinions and successfully encouraged his fellow Justices to write single, unified opinions.[8]

An important public duty of federal judges in the eighteenth century was to provide charges to Grand Juries. These were regularly published, and they were intended to help cultivate a spirit of affection for the new national government and laws. These charges were sometimes idealistic rather than descriptive, but even so they reveal the vision Justices like Ellsworth had for his nation. A 1796 charge by Chief Justice Ellsworth is particularly telling:

> Happily for our laws they are not written in blood, that we should blush to read, or hesitate to execute them. They breath the spirit of a parent; and expect the benefits of correction, not from severity, but from certainty. Reformation is never lost sight of, till depravity becomes, or is presumed to be incorrigible. Imposed as restraints, here are, not by the jealousy of usurpation, nor by the capriciousness of insensibility; but as aids to virtue and guards to rights, they have a high claim to be rendered efficient . . . . Let there be vigilance – constant vigilance and fidelity for the execution of laws – of laws made by all, and having for their object, the good of all. So let us rear an empire sacred to the rights of man; and commend a government of reason to the nations of the earth.[9]

These passages capture well Ellsworth's beliefs that laws should encourage virtue and punish vice, but with the end of reformation in mind. They reveal both a realistic view of human nature and an optimistic view of what good laws can help accomplish.

As a Senator and Justice, Ellsworth was an important advocate for peaceful co-existence with other nations. He successfully encouraged President Washington to send then-Supreme Court Chief Justice John Jay to Great Britain in 1794 to negotiate "The Treaty of Amity, Commerce, and

[8] Casto, *Oliver Ellsworth*, 109–113; *The Documentary History of the Supreme Court of the United States, 1789–1800*, ed. Maeva Marcus et al. (New York: Columbia University Press, 2003), 7:8.

[9] *The Documentary History of the Supreme Court of the United States, 1789–1800*, ed. Maeva Marcus et al. (New York: Columbia University Press, 1990), 3:119–120.

Navigation, between His Britannic Majesty and the United States of America," commonly known as the Jay Treaty. In response to strong opposition to the treaty in the House of Representative, in 1796 Ellsworth, now serving as Chief Justice, issued an advisory opinion stating that the House has no role in the Treaty making process. The Treaty was ratified later that year. Although unpopular with some Americans, it helped keep the peace between Great Britain and the fledgling republic.

In 1799, in the midst of an undeclared war with France, President Adams appointed Ellsworth to be one of three commissioners to America's old ally. The commissioners were unable to resolve all outstanding controversies, but did succeed in negotiating a treaty that ended the undeclared war and guaranteed freedom of commerce between the two nations. Unfortunately, the international travel was ruinous for Ellsworth's health, and upon returning home he promptly resigned from the Supreme Court. However, he was elected to the upper house of the Connecticut legislature in 1802, and was reelected every year until his death in 1807.

RELIGIOUS COMMITMENTS

Sherman and Ellsworth were exemplary Calvinists from a region dominated by members of that tradition. John Calvin (1509–1564), whose followers comprise what is commonly referred to as the Reformed tradition, embraced the quintessential Protestant doctrines of *sola fide*, *sola scriptura*, and the priesthood of all believers. These beliefs encouraged widespread literacy and a commitment to translating and printing the Bible in the vernacular.[10] Although ecclesiastical structures varied, Reformed churches leaned toward democratic forms of government, and nowhere was this truer than among the Calvinists who immigrated to America. Reformed Christians also emphasized the Christian doctrine of human depravity, which inclined them to avoid concentrated political power and to support the rule of law and checks on political actors.

Sherman and Ellsworth were raised and educated in this tradition, and both became members and leaders in their local Congregational churches. It is important to recognize that even *joining* a Congregational church in the eighteenth century was not a simple formality. Someone desiring to become

[10] For instance, Christopher Collier estimates that "virtually every" Connecticut voter in 1787 could read. Collier, *All Politics Is Local: Family, Friends, and Provincial Interests in the Creation of the Constitution* (Hanover and London: University Press of New England, 2003), 83.

a member had to convince the congregation that he or she had a conversion experience and was committed to living a pious life. As well, church members made every effort to elect only pious men to be church leaders (unlike Anglican churches in the South, where local gentry were routinely appointed to be church leaders regardless of their devotion to the faith). Both Sherman and Ellsworth were members of such churches, and Sherman was chosen "Deacon upon trial" in 1755 and "was established Deacon" in 1757. He was regularly elected clerk of his local ecclesiastical society, and he served on the school and other committees.[11] Ellsworth's biographers do not mention if he was a leader in his local church, but later in life he was a trustee of the Missionary Society of Connecticut, so it is likely that he was.[12]

Ellsworth was by all accounts a serious Calvinist. A pious man, when he arrived in New York City to begin his service in the Senate, he was pleasantly surprised to find the "great decence [sic] & appearance of devotion with which divine service is attended. Instead of gazing, whispering & laughing, most of the Ladies, & many of the Gentlemen kneel at prayers on . . . benches in their seats with their heads inclined so as to conceal their faces."[13] Later in life he, Judge John Treadwell, and the Reverends Strong and Perkins, were appointed by the Missionary Society of Connecticut to prepare a "Summary of Christian Doctrine" for use in new settlements. Their 63-page theological primer covered doctrines such as the Trinity, the Holy Scriptures ("the word of God and the only perfect rule of faith and manners"), Providence, and "total depravity."[14] Six thousand copies of this thoroughly Calvinist work were printed in 1804.[15]

Academics hoping to find an "enlightened" founding regularly question the orthodoxy of America's prominent founders, but few have contended that Sherman and Ellsworth were anything other than pious Calvinists. For instance, Sydney Ahlstrom, in his magisterial *A Religious History of the American People*, points to Sherman as evidence that "theological maturity abounds" in the founding era.[16] Similarly, Mark Noll, Nathan Hatch, and

[11] Records of New Milford/First Congregational Church, Connecticut Church Records, reel #582, 5, Connecticut State Library.

[12] *The Connecticut Evangelical Magazine* IV (August 1803), 80.

[13] Bordewich, *First Congress*, 24.

[14] Trustees of the Missionary Society of Connecticut, *A Summary of Christian Doctrine and Practice: Designed Especially, for the Use of the people in the New Settlements of the United States of America* (Hartford: Hudson & Goodwin, 1804), 5, 7, 16–19, 23.

[15] N.A., *Contributions to the Ecclesiastical History of Connecticut* (New Haven: William L. Kingsley, 1861), 168.

[16] Sydney E. Ahlstrom, *A Religious History of the American People* (Garden City: Doubleday, 1975), 1:492.

George Marsden refer to him as one of the founders who "made lifelong efforts to base their personal lives on biblical teaching."[17] More recently, James H. Hutson, after noting that "many of the Founders were recognized as religious specialists," comments that "[n]o one, perhaps, eclipsed Roger Sherman."[18] Yet none of these scholars consider in detail the connection between Sherman's faith and his political views/actions. My monograph, *Roger Sherman and the Creation of the American Republic*, attempts to fill this gap in the literature.[19]

A few scholars have deemphasized the importance of Sherman's faith. For instance, in his excellent biography of Sherman, Christopher Collier mentions his religious views in passing but does not consider them in detail until a brief section in the last chapter where he writes, "one of Roger Sherman's most prominent characteristics was his compromising temper. Indeed, expedience is a hallmark of his political career. His lapses from flexibility were few. Perhaps, however, it is to be expected that a man over seventy would develop some rigidities, especially in religion, and Sherman's part in the New Divinity fracas that rumbled through Connecticut in the late eighties and nineties is most uncharacteristic."[20] Likewise, historians James D. German and Richard Bushman underestimate the significance of Sherman's commitment to Calvinist theology and practices.[21]

Students of the founding era regularly mention Ellsworth in passing, especially in works on the Federal Constitutional Convention and the pre-Marshall federal courts. However, prior to the early 1990s little scholarship focused specifically on Ellsworth, and there was virtually no discussion of his religious commitments.[22] Since that time, William Casto and Michael Toth have argued persuasively that Ellsworth's Calvinist convictions regarding human nature and Christian morality had an important influence on both his political/legal theory and his contributions to the creation of the American republic.[23]

[17] Mark Noll, Nathan Hatch, and George Marsden, *The Search for Christian America* (Westchester, IL: Crossway Books, 1983), 74.

[18] James H. Hutson, ed., *The Founders on Religion: A Book of Quotations* (Princeton: Princeton University Press, 2005), xiv.

[19] Mark David Hall, *Roger Sherman and the Creation of the American Republic* (New York: Oxford University Press, 2013).

[20] Collier, *Roger Sherman's Connecticut*, 75, 323–324, 31–37.

[21] James D. German, "The Social Utility of Wicked Self-Love: Calvinism, Capitalism, and Public Policy in Revolutionary New England," *Journal of American History* 82 (Dec. 1995): 966, and Richard L. Bushman, *From Puritan to Yankee: Character and the Social Order in Connecticut, 1690–1765* (Cambridge, MA: Harvard University Press, 1967), 255.

[22] A partial exception to this generalization is William Garrott Brown's uncritical biography, *The Life of Oliver Ellsworth* (New York: Macmillan, 1905).

[23] See especially, Casto, *Oliver Ellsworth*; Toth, *Founding Federalist*.

Sherman and Ellsworth are worthy of study in their own right, but they are also representatives of a theological tradition that retained a significant influence among Americans in this era. Sydney Ahlstrom estimates that the Reformed tradition was "the religious heritage of three-fourths of the American people in 1776."[24] Similarly, Yale historian Harry Stout states that prior to the War for Independence "the vast majority of colonists were Reformed or Calvinist."[25] Finally, William R. Hutchinson calculates that "[a]t least 90 percent of the colonists . . . had come out of the Calvinist rather than the Lutheran side of the Protestant Reformation."[26] These figures may be high, but a plethora of studies make it clear that Calvinist churches dominated New England and were well represented throughout the rest of the nation. In 1776, 63 percent of New England churches were Congregationalist, 15.3 percent were Baptist, and 5.5 percent were Presbyterian.[27] Thus approximately 84 percent of the region's churches were in the Reformed tradition, and these tended to have larger and more influential congregations.

Calvinists differed among themselves on many issues, but a long tradition of political reflection led to a remarkable unity with respect to three late-eighteenth century controversies: the War for Independence, the Creation of the Constitution, and the Drafting of the First Amendment's religion clauses. Sherman and Ellsworth were central players in each of these controversies.

RESISTANCE TO TYRANTS IS OBEDIENCE TO GOD

The idea that tyrants may be justly overthrown is regularly attributed to John Locke, but long before he wrote the *Second Treatise* Reformed Christians had fully embraced this doctrine. In his *Institutes*, Calvin encouraged inferior magistrates to actively resist tyranny. After the publication of the final edition of this work, he may have embraced the more radical idea that the people themselves may justly revolt against a tyrant, but even if he did not, later Calvinists – particularly those in the Anglo-American tradition – clearly did.[28] The reaction of Sherman, Ellsworth, and many of their fellow Calvinists in

[24] Ahlstrom, *Religious History*, 1:426

[25] Harry S. Stout, "Preaching the Insurrection," *Christian History* 15 (1996), 17.

[26] William R. Hutchinson, *Religious Pluralism in America: The Contentious History of a Founding Ideal* (New Haven: Yale University Press, 2003), 20–21.

[27] Roger Finke and Rodney Stark, *The Churching of America, 1776–1990: Winners and Losers in Our Religious Economy* (New Brunswick: Rutgers University Press, 1992), 29. Most but not all Baptists in this era were Calvinists.

[28] The development of Protestant resistance theory is told in concise form by Quentin Skinner in *The Foundations of Modern Political Thought*, vol. 2: *The Age of Reformation* (Cambridge:

America to perceived abuse by Parliament and the Crown is best understood in light of the Reformed tradition's commitment to opposing tyrants.

In 1765, Parliament's Stamp Act attempted, for the first time, to raise revenue by directly taxing American colonists. Although the taxes were not high, in the minds of many Americans they were clearly unconstitutional and to pay them would encourage arbitrary government. As the conflict with Great Britain escalated, American patriots produced a host of pamphlets, essays, and resolutions attacking perceived abuses. Many of their legal, constitutional, or political complaints were not based on Reformed theology per se, although general Calvinist concerns about tyrannical rulers seem to have heightened their wariness compared to their non-Reformed colleagues. Recognizing that many Americans were committed Calvinists helps explain why in some cases, such as the possible appointment of an Anglican bishop and the Quebec Act, Americans were alarmed by these seemingly innocuous policies.[29] Parliament eventually repealed the Stamp Act, but in a move seemingly designed to stoke Calvinist fears of tyrannical government, it passed the Declaratory Act in 1766 which asserted that Parliament had the authority to make laws binding colonists "in all cases whatsoever."

Later in the same year, Sherman wrote a letter to his friend William Samuel Johnson, then serving as Connecticut's agent in London, in which he asked:

> If the Succession according to the present Establishment Should cease for want of an Heir or if the Parliament should alter it and admit a Papist to the Crown, would not the Colonies be at Liberty to joyn with Brittain or not [?]
>
> These questions may serve for speculation but it is not likely they will need to be Resolved in our Day, and I hope not till the time comes when the Nations shall learn war no more [Isaiah 2:4].[30]

In posing this hypothetical question, Sherman could have chosen a variety of constitutional violations or immoral actions. It is telling that the nightmare scenario that came to mind was Parliament permitting a "Papist" to become king. Revealing as well is his clear understanding that situations could arise wherein the colonies would be justified in breaking away from the British empire.

Cambridge University Press, 1978), especially Chapters 7–9. See also Hall, *Roger Sherman*, 12–62.

[29] On these controversies, see Hall, *Roger Sherman*, 20–27, 48–62.

[30] Mark David Hall, ed., *Collected Works of Roger Sherman* (Indianapolis: Liberty Fund Press, 2016), 147.

In a personal letter written to Johnson in 1768, Sherman emphasized no "Colonial Assembly on this continent will ever concede that the Parliament has authority to Tax the colonies."[31] Well before calls for the formation of a continental congress, Sherman was an ardent defender of American rights and he indicated that using force to protect these rights was justified. When the Continental Congress convened in 1774, Sherman was among Connecticut's delegates. He served in the body throughout the War for Independence and was involved in crafting a host of significant documents including the Declaration of Rights, Articles of Association, and Declaration of the Causes and Necessity of Taking up Arms. When it came time to appoint a committee to write a declaration of independence, Sherman was a logical candidate to be a member. On June 11, 1776, Congress appointed Sherman, Benjamin Franklin, John Adams, Thomas Jefferson, and Robert Livingston to such a committee. Unfortunately for Sherman's future fame, the next day he was also appointed to the committee to draft what became the Articles of Confederation (Livingston was the only other delegate to serve on both committees). Two days later, he was appointed to the Board of War. He was the only member of Congress to serve on all three of these committees. Jefferson, of course, took the lead in drafting the Declaration, but there is no reason to suspect that Sherman did not wholeheartedly support the Declaration, including its famous assertions that

> all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.[32]

These words reflect arguments long made by patriots in New England. Reformed Americans were almost universally patriots, a fact recognized by many contemporaries. In a 1775 speech urging reconciliation between Great Britain and the colonies, Edmund Burke warned his fellow members of Parliament that Americans "are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is

[31] Roger Sherman to William Samuel Johnson, June 25, 1768, in Collier, *Roger Sherman's Connecticut*, 70.

[32] Hall, *Collected Works*, 193.

a persuasion not only favorable to liberty, but built upon it."[33] A few months later, British Major Harry Rooke confiscated a presumably Calvinist book from prisoners taken at Bunker Hill and remarked, "It is your G-d Damned Religion of this Country that ruins the Country; Damn your religion."[34] Similarly, the Loyalist Peter Oliver railed against "Mr. *Otis's* black Regiment, *the dissenting Clergy*, who took so active a part in the Rebellion."[35] King George III himself reportedly referred to the War for Independence as "a Presbyterian Rebellion," a sentiment echoed by a Hessian soldier who described it as "an Irish-Scotch Presbyterian rebellion."[36] Finally, and many similar observations could be given, in 1780 Anglican clergy in New York wrote that "[d]issenters in general, and particularly Presbyterians and Congregationalists were the active Promoters of the Rebellion" because "from their infancy [they] imbibe Republican, levelling Principles."[37]

Connecticut's General Assembly was not in session when the Continental Congress voted to adopt the Declaration of Independence, but when it reconvened in October 1776 its first act was to unanimously approve the document. Ellsworth was not a member of this body at the time, but through his service on Connecticut's Committee on the Pay Table, the Council of Safety, and, from 1778 to 1783, the Continental Congress, he demonstrated his commitment to American Independence.

American patriots had a variety of motives and were influenced by different intellectual traditions. But the almost unanimous support of Reformed Christians for the patriot cause at least suggests that they were drawing from a long and rich history of Calvinist resistance literature. This literature encouraged them to be ever-vigilant for those who might attack their rights. Sherman and Ellsworth indisputably shared these views.

33 Edmund Burke, "On Moving His Resolutions for Conciliation with the Colonies," in Edmund Burke, *Conciliation with the Colonies*, ed. Cornelius Beach Bradley (Boston: Allyn and Bacon, 1895), 20.

34 John Leach, "A Journal Kept by John Leach, During His Confinement by the British, in Boston Gaol, in 1775," *New England Historical and Genealogical Register* 19 (1865): 256; Douglass Adair and John A. Schutz, eds., *Peter Oliver's Origin and Progress of the American Rebellion* (Stanford: Stanford University Press, 1961), 41.

35 Johnson, *History of the American People*, 173.

36 Johann Heinrichs to Herr H., January 18, 1778, in "Extracts from the Letter Book of Captain Johann Heinrichs of the Hessian Jäger Corps," *Pennsylvania Magazine of History and Biography* 22.2 (1898): 137.

37 Clergy of New York, October 28, 1780, quoted in Patricia Bonomi, "'Hippocrates' Twins': Religion and Politics in the American Revolution," *History Teacher* 29.2 (Feb. 1996): 142.

BUILDING A CONSTITUTIONAL TRADITION

Literally millions of eighteenth-century Americans learned to read using the explicitly Calvinist *The New England Primer*. More than two million copies were printed during that century alone and, in spite of its name, the text was used throughout America.[38] Many editions included a version of the alphabet where every letter is illustrated by a brief phrase – the most famous of which is "In Adam's Fall, we sinned all." Most Christians agree that humans are sinful, but Calvinists, with their doctrine of total depravity, place particular emphasis on the idea. Politically, this often led them to support constitutional restraints on governments and to oppose concentrated power. Sherman and Ellsworth shared these convictions.[39]

On May 16, 1787, Sherman, Ellsworth, and William Samuel Johnson were appointed to be Connecticut's representatives to the Constitutional Convention. Sherman did not arrive until May 30, the day after Madison presented his famous Virginia Plan. Madison, and a few other leading lights – notably James Wilson and Alexander Hamilton – had become convinced that the United States needed a powerful national government that could act independently of the states. Madison's plan included a legislature where members of the lower house would be elected by the people from proportionately sized districts. There would be an upper house, but its members would be chosen by the lower house from candidates nominated by state legislatures. An executive and judges would be appointed by the legislature, and acting together they might negate legislation. The national legislature would have a general grant of power and the ability to veto state laws.[40]

Madison's plan would have created a national government with effectively unlimited power and where states-qua-states would be completely unrepresented. Small states would have significantly less power under Madison's proposal than they did under the Articles of Confederation, and *all* state governments would be at the mercy of the new national government's ability to pass laws and veto state legislation. Nationalists like Madison, Wilson, and Hamilton thought that a powerful national government was necessary for prosperity and the protection of liberty, and that the state governments and

[38] *The New-England Primer*, ed. Paul Leicester Ford (1727; reprint, New York: Dodd, Mead, 1897).

[39] Michael Toth reports that after Count de Volney "shared his plans for restructuring the French government," Ellsworth observed that "there is one thing for which you have made no provision – the selfishness of man." Toth, *Founding Federalist*, 10–11.

[40] Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1911), 1:20–23.

local attachments were detrimental to these ends. For many Americans, particularly Reformed Americans, such concentrated power was a threat to liberty.

Sherman may have been tempted to dismiss Madison's proposals as utopian speculation if not for the convention's May 31 votes for electing members of the first branch by the people (rather than appointment by the state legislatures, as preferred by Sherman), and, more significantly, the 9–0–1 vote to grant the new national legislature the power to legislate "in cases to which the States are not competent" – i.e., in any area it sees fit. Surprisingly, even Ellsworth voted for the plan, and Sherman cast the *only* recorded vote dissenting from this general grant of power.[41]

Throughout the summer Sherman, and eventually Ellsworth, fought tenaciously for the creation of a stronger national government; but one with limited, strictly defined powers. Early in the summer Sherman listed what he thought the national government should do:

> The objects of the Union, he thought were few. 1. defence agst. foreign danger. 2. agst. internal disputes & a resort to force. 3. Treaties with foreign nations 4. regulating foreign commerce, & drawing revenue from it . . . . All other matters civil & criminal would be much better in the hands of the States.[42]

He offered a more detailed list of powers on July 17, less than a week before the issue was sent to the Committee of Detail.[43] Ellsworth was appointed to this important committee, and the committee's draft constitution contained an early version of what became Article I, Section 8.[44] The enumeration of Congress' powers, rather than a plenary grant as desired by Madison, Wilson, and Hamilton, is one of the most significant contributions Sherman, Ellsworth, and their allies made in Philadelphia. And it is a contribution informed by their Calvinist view of human nature.

From Sherman and Ellsworth's perspective, Madison, Wilson, and other nationalists wanted to concentrate far too much power in the national government. One of the ways in which they sought to do so was by grounding it immediately on the authority of the people. Wilson, for instance, openly

> contended strenuously for drawing the most numerous branch of the Legislature immediately from the people. He was for raising the federal

[41] Ibid., 1:48–50, 53–54. Sherman also wanted state legislatures to pay national representatives to increase their accountability to the states. Ibid., 1:373.

[42] Ibid., 1:133.

[43] Ibid., 2:25–26.

[44] Ibid., 2:25–26, 181–183.

> pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible.[45]

Because Sherman wanted to keep the "federal pyramid" as shallow as possible, and because of his commitment to states' rights, he vigorously opposed Wilson's proposal. He responded to Wilson's argument by noting that "[i]f it were in view to abolish the State Govts. the elections ought to be by the people."[46] Similarly, Ellsworth contended that "the only chance we have to support a general government is to graft it on the state governments," and that selection of senators by state legislatures would protect the states and result in better qualified senators.[47] Two years later, Sherman elaborated on the significance of having state legislatures select members of Congress when he wrote to John Adams that "senators being eligible by the legislatures of the several states, and dependent on them for reelection, will be vigilant in supporting their rights against infringement by the legislature or executive of the United States."[48]

On June 6, John Dickinson, George Read, and other small-state delegates insisted that states be represented equally in at least one house of the legislature. The next day, Dickinson proposed and Sherman seconded a motion requiring senators to be chosen by state legislatures.[49] Discussion about the composition and power of the Senate led to Sherman and Ellsworth's most famous contribution to the Constitution. On June 11, Sherman proposed

> that the proportion of suffrage in the 1st branch should be according to the respective numbers of free inhabitants; and that in the second branch or Senate, each State should have one vote and no more. He said as the States would remain possessed of certain individual rights, each State ought to be able to protect itself: otherwise a few large States will rule the rest.[50]

Ellsworth immediately seconded the proposal, but the motion was defeated. However, Sherman's observation that the "smaller States would never agree to the plan on any other principle" eventually convinced a majority of delegates to support their compromise.[51] Sherman's plea was reinforced a few days later by William Paterson's New Jersey Plan. The plan contained many of

[45] Ibid., 1:44.
[46] Ibid., 1:132–133
[47] Ibid., 1:414–415.
[48] *The Works of John Adams*, ed. Charles Francis Adams (Boston: Charles C. Little and James Brown, 1850), 6:440.
[49] Farrand, *Records*, 1:136–137, 150.
[50] Ibid., 1:196.
[51] Ibid., 1:201; see also 1:468–469, 484–485.

Sherman's ideals, notably a strengthened national government dependent immediately on the states and the state legislatures. At a minimum, the New Jersey Plan helped delegates from the larger states to see that delegates from smaller ones would not simply surrender the power they possessed under the Articles.[52]

After weeks of debate and a multitude of proposals, the delegates agreed to form a committee consisting of one member per state to "devise & report some compromise" on the issue of representation. Ellsworth was appointed to represent Connecticut, but he was unable to serve and so was replaced by Sherman. On July 5, the committee proposed that "in the 1st branch of the Legislature each of the States now in the Union shall be allowed 1 member for every 40,000 inhabitants" and "that in the 2d branch each State shall have an equal vote."[53] After weeks of debate, the Convention agreed to Sherman and Ellsworth's "Connecticut Compromise" by a vote of 5–4–1.[54]

Sherman had proposed something akin to the Connecticut Compromise in the Continental Congress, and by any measure he and Ellsworth were its primary advocates in the Convention. The compromise provided the small states and all state governments with an important measure of protection. Extreme nationalists like Madison, Wilson, and Hamilton remained displeased with it, but they should have recognized that without this compromise the Constitution would not have been ratified by more than a handful of states.

Sherman and Ellsworth opposed concentrated power at almost every turn. Among their major victories were an enumeration of Congress' powers and the Connecticut Compromise. By empowering state legislatures to select senators, the states as states retained significant power in the new national government. The Seventeenth Amendment, ratified in 1913, removed the power of selecting senators from the state legislatures, and new interpretations of the commerce and necessary and proper clauses in the twentieth century lay the groundwork for the significant expansion of the national government's power in the 1930s. But Sherman and Ellsworth helped to create a constitution that kept the national government largely within the bounds of its enumerated powers for a century-and-a-half, and their understanding of the proper balance between state and national power serve as a useful guide for those who believe that the national government has become too large, powerful, and unwieldy.

[52] Ibid., 1:282–293.
[53] Ibid., 1:11, 516, 526; 2:3.
[54] Ibid., 2:5, 13–15.

Connecticut was the only state to send each of its Federal Convention delegates to serve in the first federal Congress. Johnson and Ellsworth, Sherman's legal mentor and his protégé respectively, were selected by the General Assembly to be Connecticut's first United States Senators. Sherman was elected to the House of Representatives. The Senate's deliberations were closed to the public, so details of Ellsworth's contributions are sketchy. But multiple newspapers covered the proceedings in the House, so reports of debates in this chamber were more widely available. They both made contributions to debates over executive power, the national debt, and the proper scope of the federal government, but perhaps most relevant for contemporary debates are their contributions to drafting the First Amendment's religion clauses.

In the 1947 case of *Everson* v. *Board of Education*, Justice Wiley Rutledge observed that "no provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment. It is at once the refined product and the terse summation of that history."[55] To understand this history, Justice Rutledge, like many Justices after him, turned primarily to the views of Thomas Jefferson and James Madison. These two founders desired a stricter separation between church and state than virtually any of their colleagues. By way of contrast, Calvinist founders such as Sherman and Ellsworth were far more comfortable with close cooperation between church and state.[56]

Sherman and Ellsworth, like other Federalists, initially opposed a bill of rights. Sherman, taking a conservative approach, wrote in December of 1788 that he

> hoped that all the states will consent to make a fair trial of the constitution before they attempt to alter it; experience will best show whether it is deficient or not, on trial it may appear that the alterations that have been proposed are not necessary, or that others not yet thought of may be necessary; everything that tends to disunion ought to be avoided. Instability in government and laws tends to weaken a state and render the rights of the people precarious.[57]

[55] *Everson* v. *Board of Education*, 330 U.S. 1, 33 (1947) (Rutledge, J., dissenting); Mark David Hall, "Jeffersonian Walls and Madisonian Lines: The Supreme Court's Use of History in Religion Clause Cases," *Oregon Law Review* 85 (2006): 563–614.

[56] See Casto, *Oliver Ellsworth*; and Hall, *Roger Sherman*.

[57] "Observations on the Alterations Proposed as Amendments to the New Federal Constitution," December 4, 1788, in Hall, *Collected Works of Roger Sherman*, 498.

At Madison's insistence, the House eventually approved a motion by Fisher Ames to form a select committee composed of one member from each state to consider amendments. Madison and Sherman were both appointed to it. There are no records of the committee's deliberations, but it did produce the only handwritten draft of the Bill of Rights known to exist. The draft is in Sherman's handwriting, which suggests that he played an active role in the committee's deliberations.[58]

Madison's proposed bill of rights contained nine amendments that would have been interspersed throughout the Constitution. His first proposal was to insert the words "Government being intended for the benefit of the people, and the rightful establishment thereof being derived from their authority alone" before the words "We the people" in the Constitution's preamble.[59] Sherman immediately rose to object both to the wording of the amendment and its placement. He argued that

> we cannot incorporate these amendments in the body of the Constitution. It would be mixing brass, iron, and clay . . . . I conceive that we have no right to do this, as the Constitution is an act of the people, and ought to remain entire – whereas the amendments will be the act of the several legislatures.[60]

Sherman eventually won on both points. Significantly, amendments, it was decided, would be placed at the end of the Constitution.

On August 15, the House turned to Madison's proposal to insert the phrase "no religion shall be established by law, nor shall the equal rights of conscience be infringed" into Article I, Section 9. Sherman objected that he "[t]hought the amendment altogether unnecessary, insomuch as congress has no authority whatever delegated to them by the constitution, to make religious establishments, he would therefore move to have it struck out."[61] After a short discussion, the House agreed to Samuel Livermore's substitute: "congress shall make no laws touching religion, or infringing the rights of conscience."[62]

There is no record that Sherman joined the brief debate over the remainder of what became the First Amendment. He did contribute to discussions over the second provision concerning religion to come before the House; Madison's

[58] Ibid., 643–644.

[59] Charlene Bangs Bickford et al., eds., *Documentary History of the First Federal Congress* (Baltimore: The Johns Hopkins University Press, 1992), 11:1208 (hereafter *DHFFC*).

[60] Ibid., 11:1212, 1233; 4:27–31. Sherman's reference to "brass, iron, and clay" is an allusion to Daniel 2:31–35.

[61] Ibid., 11:1260–1262.

[62] Ibid., 3:149–150. In the Constitutional Convention, Sherman argued that Article VI's prohibition on religious tests was "unnecessary, the prevailing liberality being a sufficient security agst. such tests." Farrand, *Records*, 2:468.

proposal attached to what is now the Second Amendment providing that "no person religiously scrupulous, shall be compelled to bear arms."[63] Although largely forgotten today, this provision provoked almost as much recorded debate as the First Amendment's religion provisions. Sherman's most significant objection was to James Jackson's proposal that persons exempted from military service should be forced to pay for a substitute. He contended:

> It is well-known that those who are religiously scrupulous of bearing arms, are equally scrupulous of getting substitutes or paying an equivalent; many of them would rather die than do either one or the other – but he did not see an absolute necessity for a clause of this kind. We do not live under an arbitrary government, said he, and the states respectively will have the government of the militia, unless when called into actual service.[64]

Sherman was sympathetic to the plight of pacifists, but he preferred to rely on state and federal legislatures to protect them. Madison's proposal was eventually rejected by the Senate, but Madison and Sherman were able to include a similar provision in the nation's first militia bill.[65]

Unlike Sherman, Madison did not trust states to protect rights, so he proposed an amendment stipulating that "no state shall infringe the equal rights of conscience, nor the freedom of speech, or of the press, nor of the right to trial by jury in criminal cases." This restriction on the states, which Madison conceived "to be the most valuable amendment on the whole list," occasioned little debate and with minor revisions was passed by the House on August 17. However, the Senate rejected the proposed amendment and Madison was unable to save it.[66]

On August 22, the House appointed Egbert Benson, Theodore Sedgwick, and Sherman to "prepare an introduction to and arrangement of Articles of Amendment."[67] The House approved the report, which consisted of seventeen articles, and it was sent to the Senate. There are few records of the Senate's debates, but Ellsworth was clearly an active participant. After a week of debate, Ellsworth produced a record of the amendments the Senate accepted, rejected, or altered.[68] Indeed, William Casto goes so far as to call Ellsworth "the Senate floor leader for the Bill of Rights."[69]

[63] *DHFFC*, 11:1285.
[64] Ibid., 11:1286.
[65] Ibid., 11:1285–1288.
[66] Ibid., 11:1292; 4:39.
[67] Hall, *Roger Sherman*, 144–145.
[68] *DHFFC*, 1:168.
[69] Casto, *Oliver Ellsworth*, 78.

On September 21, the House agreed to some of the Senate's amendments, disagreed to others, and appointed Madison, Sherman, and John Vining to a conference committee to reconcile the differences. Ellsworth headed the Senate's delegation to this committee. He was joined by Maryland's Charles Carroll and New Jersey's William Paterson. The conference committee eventually approved twelve amendments, and a final report, written in Ellsworth's hand, was returned to both bodies.[70] The House approved the proposed amendments with a few minor changes, the Senate consented to the amendments passed by the House, and they were sent to the states where the ten that we now know as the Bill of Rights were ratified.[71]

America's founders differed with respect to whether and/or how civic authorities should support Christianity. On balance, Reformed Christians were more sympathetic to significant state support for religion, as suggested by the survival of establishments in Vermont (1807), Connecticut (1819), New Hampshire (1819), Maine (1820), and Massachusetts (1833). Yet when Supreme Court justices have turned to founding era history to shine light on the meaning of the religion clauses, they have overwhelmingly relied on the views of two southern Anglicans – Thomas Jefferson and James Madison. This approach is particularly ahistorical because Jefferson was not even involved in crafting or ratifying the First Amendment.[72]

James Madison is often called the father of the Bill of Rights, and there is no doubt that he deserves much credit for the final product. He initially proposed it, he pushed for it, and he was heavily involved in debates and committee work surrounding it. However, even the brief treatment provided here makes it evident that he did not dominate the process. Sherman was on the important committee of eleven that reported amendments to the House (a committee chaired by John Vining, not Madison), and the draft Bill of Rights in Sherman's hand shows that he was an active participant. The text of every amendment put forward by Madison was ultimately changed, and some of his suggestions were rejected altogether. Notably, his proposal to prohibit states from restricting certain rights, which he considered "the most valuable

[70] *DHFFC*, 11:1292, 19:1430, 1827; William R. Casto, "Oliver Ellsworth's Calvinist Vision of Church and State in the Early Republic," in Dreisbach, Hall, and Morrison, eds., *The Forgotten Founders on Religion and Public Life*, 65–100.

[71] *DHFFC*, 4:6–9, 35–48; 3:216–218, 228–229; Robert A. Rutland, *The Birth of the Bill of Rights* (New York: Collier Books, 1962), 194–221.

[72] It is sometimes asserted that Jefferson's Virginia Statute for Religious Liberty influenced the authors and ratifiers of the First Amendment. I argue that there is little evidence to support this proposition. See Hall, "Madison's Memorial and Remonstrance, Jefferson's Statute for Religious Liberty, and the Creation of the First Amendment," *American Political Thought* 3 (Spring 2014): 32–63.

amendment on the whole list," was not adopted. It was not a critical committee, yet it is worth noting that Sherman, not Madison, sat on the three-person House committee charged with arranging the amendments proposed by the House. It seems likely that Ellsworth was Madison's counterpart in the Senate, and he was clearly his equal on the conference committee.

It is understandable that scholars and jurists favoring the strict separation of church and state are drawn to Madison and Jefferson. Although even those founders did not consistently act on this principle, Madison's *Memorial and Remonstrance* (1785) and his "Detached Memoranda" (c. 1817), and Jefferson's *Bill for Establishing Religious Liberty* (1779) and his letter to the Danbury Baptists (1802) offer support for this position.[73] Yet Jefferson did not help draft the Bill of Rights, and if Madison was a driving force behind the First Amendment, the document was ultimately a product of a community – a community that included the following members of Reformed churches: Roger Sherman, Oliver Ellsworth, John Langdon, Caleb Strong, Paine Wingate, Philip Schuyler, Abraham Baldwin, Elias Boudinot, Jonathan Elmer, William Paterson, Fisher Ames, Abiel Foster, Benjamin Huntington, James Jackson, Jeremiah Wadsworth, Nicholas Gilman, Egbert Benson, James Schureman, Henry Wynkoop, Daniel Hiester Jr., Daniel Huger, Benjamin Bourne, William Smith, and Hugh Williamson. Certainly these men were not all equally influential, but at least Sherman, Ellsworth, Huntington, Baldwin, Boudinot, Paterson, and Ames played important roles in key committees and/or debates. None of these seven men advocated anything like a wall of separation between church and state, and there is little reason to believe that many of their colleagues did either.

One way to illustrate this point is to look at other actions of the First Congress that concern religion. To give just one example, *on the day after* the House approved the final wording of the Bill of Rights, Elias Boudinot proposed that the president recommend a public day of thanksgiving and prayer. In response to objections by Aedenus Burke and Thomas Tucker that those practices mimicked European customs and that such calls were properly issued by states, Sherman:

> Justified the practice of thanksgiving, on any signal event, not only as a laudable one in itself, but as warranted by a number of precedents in holy writ: For instance, the solemn thanksgivings and rejoicings which took place

[73] For discussion of the founders' views on church–state relations, see Mark David Hall, "Did America Have a Christian Founding?" *First Principles Series*, The Heritage Foundation, June 7, 2011. Available at: www.heritage.org/research/lecture/2011/06/did-america-have-a-christian-founding (accessed September 18, 2017).

> in the time of Solomon, after the building of the temple, was a case in point. This example he thought, worthy of christian imitation on the present occasion; and he would agree with the gentleman who moved the resolution.[74]

The House approved the motion and appointed Boudinot, Sherman, and Sylvester to a committee to meet with senators on the matter. The Senate concurred with the House's motion, and Congress requested that President Washington issue what became his famous 1789 Thanksgiving Day Proclamation.[75] It is noteworthy that both Burke and Tucker worked *against* the Bill of Rights and that Boudinot and Sherman almost certainly supported it. There is no record of the House vote in favor of asking the president to declare a day of public prayer and thanksgiving, but the September 26 *New York Daily Advertiser* noted that it passed by "a great majority."[76]

CONCLUSION

Roger Sherman and Oliver Ellsworth represent well the many civic leaders in the founding era who were influenced by the Reformed tradition. Their convictions led them to play significant roles in securing American independence and creating a new constitutional regime. Their religious tradition taught them to be watchful of tyrannical rulers and to be suspicious of concentrated power. Their contributions, individually and collectively, to the creation of a limited national government with separated powers and checks and balances has served America well. Both initially opposed the creation of a bill of rights, but they nevertheless were important participants in debates over these constitutional amendments. Neither desired to establish a national church, but both were comfortable with a minimal cooperation between church and state at the national level, and closer cooperation between these entities at the state level. Their views on these matters may seem old-fashioned to some, but anyone interested in an accurate account for the founders' political and legal ideas cannot afford to ignore them.

74 *DHFFC*, 11:1500–1501.

75 In Daniel L. Dreisbach and Mark David Hall, eds., *The Sacred Rights of Conscience* (Indianapolis: Liberty Fund Press, 2009), 453–454.

76 *DHFFC*, 11:1501.