

Exhibit J

Declaration of Professor Robert W.T. Martin

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1. I am a citizen of the United States, and a resident of the State of Massachusetts.
2. In 1997, I earned a Ph.D. in Political Science from the University of Minnesota, Minneapolis, Minnesota. I started my Ph.D. studies in political science in the Political Science Department at Indiana University, Bloomington, Indiana during the years 1989 to 1991. In 1989, I earned a B.A. in Political Science/Philosophy from the University of Connecticut, Storrs, Connecticut (Summa cum laude, Phi Beta Kappa, and University Scholar).
3. I have earned the following grants, fellowships, and honors: Dean's Scholarly Achievement Award—Notable Year Achievement, May 2014, Hamilton College; Class of 1963 Excellence in Teaching Award, May 2004, Hamilton College; Finalist, Carnegie Scholars Program, Carnegie Corporation, 2004; Gladys Krieble Delmas Fellowship, New-York Historical Society (in residence, March 2003); University of Minnesota Doctoral Dissertation Supplemental Grant for travel to Midwest Political Science Association Annual Meeting, Chicago, Illinois (1996); and Doctoral Dissertation Fellowship, University of Minnesota, 1995-1996.
4. I have taught at the Department of Government at Hamilton College (Clinton, New York) continuously since 1997. From 2012 to the present, I have been a professor. Between 2005 and 2012, I was an associate professor. Between 2002 to 2005, I was an assistant professor. From 1997 to 2002, I was a visiting assistant professor. I was departmental Chair from 2009 to 2013 and currently serve as Interim Chair. Between 1996 and 1997, I was an instructor in the Department of Political Science, Macalester College, St. Paul, Minnesota.
5. I have three full length books, each of which discusses Alexander Hamilton. These include: *Government by Dissent: Protest, Resistance, and Radical Democratic Thought in the Early American Republic* (2013); *The Many Faces of Alexander Hamilton: The Life and Legacy of America's Most Elusive Founding Father* (Douglas Ambrose & Robert W.T. Martin eds. 2006); and *The Free and Open Press: The Founding of American Democratic Press Liberty, 1640-1800* (2001).
6. I have nine journal articles and book chapters, and two focus on Alexander Hamilton. These include: "'With Good Motives, For Justifiable Ends': Hamilton and Democratic Citizenship," in Ambrose and Martin, eds., *The Many Faces of Alexander Hamilton* (2006); and

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“Reforming Republicanism: Alexander Hamilton’s Theory of Republican Citizenship and Press Liberty,” 25 *The Journal of the Early Republic* 21-46 (Spring 2005).

7. I have nine book reviews and encyclopedia entries.

8. I have eleven invited lectures and conference papers, and two of which were specifically on Hamilton. These include: “The Many Legacies of Alexander Hamilton,” as featured panelist and curator, Alexander Hamilton Symposium, Museum of American Finance, January 11, 2007; and “The Many Faces of Alexander Hamilton,” as featured panelist and book signing, The Bernard and Irene Schwartz Distinguished Speakers Series, New-York Historical Society, September 26, 2006.

9. My Hamilton-related publications are cited in legal materials. *See, e.g.*, Kate Elizabeth Brown, *Rethinking People v. Croswell: Alexander Hamilton and the Nature and Scope of “Common Law” in the Early Republic*, 32 *LAW & HIST. REV.* 611, 613 n.5 (2014); Michael Kent Curtis, *Book Review*, 46 *AM. J. LEGAL HIST.* 108 (2004) (reviewing ROBERT W. T. MARTIN, *THE FREE AND OPEN PRESS* (2001)).

10. I have reviewed photoduplicates of the February 26, 1793 roll of officers. There are two such documents. The longer of the two documents was reproduced (in part) in *The Papers of Alexander Hamilton* (“PAH”). For convenience, I call the original document, which was reproduced (in part) in PAH, the *Complete Report*. The shorter of the two documents was reproduced in *American State Papers* (“ASP”). For convenience, I call the original document, which was reproduced in ASP, the *Condensed Report*. The two originals are in longhand, and the PAH and ASP reproductions are typeset. I have also examined the typeset reproductions. The photoduplicates were supplied to me by Seth Barrett Tillman. I am satisfied that those photoduplicates are complete or substantially complete.

11. For the reasons I explain below, I conclude that the signature in the *Complete Report* is Alexander Hamilton’s signature. (This includes the signatures in the cover letter and in Annexes X, XI, XII, and XIII.) This document is what it purports to be: a communication from the Treasury to the Senate, responding to a prior Senate order, and signed by the Secretary of the Treasury, Alexander Hamilton. It was dated February 26, 1793 and transmitted to the Senate the next day.

12. For the reasons I explain below, I conclude that the signature in the *Condensed Report* is not Alexander Hamilton’s signature. This document is a scrivener’s copy. It may have been

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produced contemporaneously with the *Complete Report*, or it may have been produced as late as 1834 when *ASP* was published.

13. In a footnote to an amicus brief submitted to this Court (Southern District of New York), Seth Barrett Tillman asserted:

See Report on the Salaries, Fees, and Emoluments of Persons Holding Civil Office Under the United States (Feb. 26, 1793), in 14 *The Papers of Alexander Hamilton* (“PAH”), 157, 157–59 (1969), perma.cc/49RT-TTGF. The editors of *PAH* marked this document “DS,” meaning “document signed,” which indicates that this document was the original signed by Hamilton. The original Hamilton-signed document, on which the *PAH* reproduction is based, remains in the vaults of the National Archives & Records Administration (Record Group #46). An excerpt of the original Hamilton signed document is available at bit.ly/2rQCDxX. Amicus notes that an entirely different document (but bearing a similar name) can be found in *American State Papers* (“ASP”). *See List Of Civil Officers Of The United States, Except Judges, With Their Emoluments, For The Year Ending October 1, 1792*, in 1 *American State Papers/Miscellaneous* 57 (1834). The document in *ASP* was not signed by Hamilton. The undated *ASP* document was drafted by an unknown Senate functionary. Unlike Hamilton’s manuscript, the record in *ASP* includes the President and Vice President. Both documents are probative of the legal meaning of *Office . . . under the United States* as used in the Senate order. But the two documents are not equally probative. There is no reason to favor a document of unknown provenance over the Hamilton-signed original which was, in fact, an official communication from the Executive Branch responding to a Senate order.¹

The historical record is not entirely clear, but for the reasons I explain below, my best professional view is that Tillman’s assessment of the signatures and provenance of the two documents is correct.

14. The scholars who worked for years compiling and editing the *PAH* had access to both the *Complete Report* and the *Condensed Report*. They chose to label the *Complete Report* “DS” (a “document signed” by Hamilton) and they reprinted its 2-page cover letter, yet they merely pointed readers to the *Condensed Report* as an abbreviated version accessible in the *American State Papers*.

15. The *Complete Report*’s cover letter has a pencil endorsement stating “To be condensed & printed. See page Journal 441 & 497.” This endorsement is described in a letter from Kate

¹ Brief for Scholar Seth Barrett Tillman as *Amicus Curiae* in Support of the Defendant at 19 n.76, *Citizens for Responsibility and Ethics in Washington v. Donald J. Trump, President of the United States of America*, Civ. A. No. 1:17-cv-00458 (S.D.N.Y. June 16, 2017) (filed by Professor Josh Blackman & Robert W. Ray, Esq.), Doc. No. 37, 2017 WL 2692500, <https://ssrn.com/abstract=2985843>.

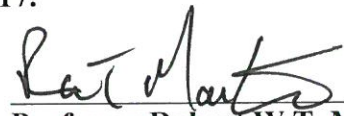
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Mollan (National Archives and Records Administration) to Tillman, 7 June 2017, at 2, and that letter's description has been confirmed by my own inspection of a pdf of the *Complete Report*. This endorsement calls for a *future* condensed printing of the *Complete Report* by someone with access to the original *Complete Report*. Because the *Complete Report* was submitted to the Senate, the office of the Secretary of the Senate would in all likelihood have controlled custody of the original. This position is supported by the fact that the *Condensed Report* has on its backside the note, "Condensed by Order of the Secretary of the Senate." Furthermore, the pages referenced in the endorsement on the cover letter to the *Complete Report* (i.e., pages 441 & 497) correspond to reports of Senate action reported in the Gales and Seaton print of the *Senate Journal*. At page 441, the Gales and Seaton reproduction of the *Senate Journal* reports the Senate order directing Hamilton to produce a financial statement; at page 497, the Gales and Seaton reproduction of the *Senate Journal* reports that the Senate had received Hamilton's report. The Gales and Seaton print of the *Senate Journal* was published in 1820. Hamilton died in 1804. From this evidence, I conclude that the *Condensed Report* is not a Hamilton-created or Hamilton-signed document, but was created by order of the Secretary of the Senate no earlier than 1820.

16. Two unusual characteristics of the *Condensed Report* support the conclusion that it is not a Hamilton original. Hamilton's closing line and signature in the *Condensed Report* (p.3) are squeezed in between the descriptive opening paragraph and the listed information, as if an afterthought. Secondly, the salaries of the President and Vice-President are listed first, before the returns from the Secretary of State, but those returns are listed as "No. 1" in the *Complete Report's* cover letter.²

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 7th day of Sept, 2017.



Professor Robert W.T. Martin

² Had Hamilton thought that Senate order's language of "Persons holding civil office ... under the United States" included the President and Vice-President, their salaries would properly be listed with No. X to XVIII, as based on "accounts which have been received from the officers to which they respectively relate." The fact that Hamilton did not include their salaries is some substantial indication that Hamilton did not believe that this information was responsive to the Senate's order.