


Article I, Section 09, Clause 7 of the United States Constitution

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April 7, 2011

Article 1, Section 9, Clause 7

7: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

This clause of the Constitution seems utterly unremarkable today. It reads like an accounting textbook, never hinting at the long history of struggle summed up in the first sixteen (16) words. Nor do the remaining twenty-two (22) words indicate, on their face, the antiquity of the ethical judgment they imply. Yet, if you scratch the surface, the Appropriations Clause holds wonders.

For centuries before the Constitution's ratification, English-speaking legislatures had contended with the executive for control over the power to spend. Beginning with Runnymede and the Magna Carta, what would become Parliament had striven to limit the King's control over money raised and spent. While religious and commercial differences played a role in the conflict, the English Civil War began as a battle over Parliament's exercise of independent judgment in refusing to support a King's call for greater taxes. By 1689 at the end of the Glorious Revolution, Parliament had written into law through the English Bill of Rights legislative control over the *raising* of money, asserting "[t]hat levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament ... in other manner than the same is or shall be granted, is illegal." Parliamentary control over how Kings spent the funds Parliament helped raise began with the insertion of instructional language into a grant of funding in the 14th Century. While Parliament's control over spending remained incomplete in the 1780s, English-speaking legislatures had been trying to control how funds they raised were spent for 400 years before the founding.

On the West side of the Atlantic, these efforts were accelerated by the distaste the Colonials often had for the Crown's appointed Colonial Governors. So firmly had Colonial legislatures established control over what funds were taxed, borrowed, and spent by Governors that Madison could define the "power of the purse" in the Federalist Papers as the power "to propose the supplies requisite for the support of government" and safely assume that his readers would know exactly what he meant. Indeed, in Federalist 58, Madison went further, explaining the power, not entirely accurately in terms of British practice, but consistent with the Colonial experience of annual, line-item appropriations, as:

that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activities and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining redress of every grievance, and for carrying into effect every just and salutary measure.

The Appropriations Clause wrote this Colonial practice into stone. In America, no money would leave the treasury without the passage of an appropriations bill passed by Congress. The intervening centuries under the Constitution have seen further conflict over the contours of the Appropriations Clause – for example, battles over Presidential discretion to “impound” appropriated funds (meaning, to refuse to spend them). But the bedrock principle of the Appropriations Clause has almost never been called into question.

Ancient as the story hidden within the first half of the Appropriations Clause is, the second half of the clause, that requiring “*a regular Statement and Account of the Receipts and Expenditures[.]*” has it beat by thousands of years.

The core, ethical requirement of the clause is that any one entrusted by law to spend the people’s money has a duty to show that he has done so as a faithful steward. That requirement has its roots in the book of Exodus. Moses himself came back after the construction of the Ark of the Covenant with a report on how the funds raised were actually spent.

The Founders expected their Presidents to be no more ethical people than Moses had been. Accordingly, they wrote into the Constitution a requirement of the same kind of reporting Moses had provided.

As a result, the clause is one of the clearest examples of biblical influence on the Constitution.

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