

**FEDERAL LEGISLATIVE HISTORY AND STATUTORY INTERPRETATION
A SELECTED BIBLIOGRAPHY OF LAW JOURNAL ARTICLES**

**Compiled by Richard J. McKinney, Federal Reserve Board Law Library
Last updated in December, 2018**

Most all of the following journal citations are available on the electronic subscription services of either LexisNexis or Westlaw and accessible by just typing in the citation. Most of the articles are also available on HeinOnline.

Abramowicz, Michael and Emerson H. Tiller. Citation to legislative history: empirical evidence on positive political and contextual theories of judicial decision making. 38 J. Legal Stud. 419-443 (2009).

Alexander, Larry. How to Understand Legislatures: a Comment on Boudreau, Lupia, McCubbins, and Rodriguez. 44 San Diego L. Rev. 993-999 (2007).

Alicea, Joel. Note. Stare Decisis in an Originalist Congress. 35 Harv. J.L. & Pub. Pol'y 797-819 (2012).

Anderson, Jill C. Misreading Like a Lawyer: Cognitive Bias in Statutory Interpretation. 127 Harv. L. Rev. 1521-1592 (2014).

Araujo, Robert John, S.J. Statutory making and interpretation: the lessons of 1533-35 for the present age. 83 Miss. L.J. 543-603 (2014).

Barker, William B. Statutory Interpretation, Comparative Law, and Economic Theory: Discovering the Grund of Income Taxation. 40 San Diego L. Rev. 821-880 (2003).

Barrett, Jesse M. Note: Legislative History, the Neutral, Dispassionate Judge, and Legislative Supremacy: Preserving the Latter Ideals Through the Former Tool. 73 Notre Dame L. Rev. 819 (1998).

Bassett, Debra Lyn. Statutory Interpretation in the Context of Federal Jurisdiction. 76 Geo. Wash. L. Rev. 52-98 (2007).

Baude, William and Stephen E. Sachs. The law of Interpretation. 130 Harv. L. Rev. 1079-1147 (2017).

Bell, Bernard W. Article: Legislative History Without Legislative Intent: The Public Justification Approach to Statutory Interpretation. 60 Ohio St. L.J. 1 (1999).

Boudreau, Cheryl, Arthur Lupia, Mathew D. McCubbins and Daniel B. Rodriguez. What statutes mean: interpretive lessons from positive theories of communication and legislation. 44 San Diego L. Rev. 957-991 (2007).

Brannon, Valerie C. Statutory Interpretation: Theories, Tools, and Trends. Cong. Research Serv., [R45153](#) (2018).

Braunig, Lindsay Traylor. Note. Statutory Interpretation in a Choice of Law Context. 80 N.Y.U. L. Rev. 1050-1078 (2005).

Bressman, Lisa Schultz and Abbe R. Gluck. Statutory Interpretation from the Inside--an Empirical Study of Congressional Drafting, Delegation, and the Canons: part II. 66 Stan. L. Rev. 725-801 (2014).

Breyer, Stephen. The 1991 Justice Lester W. Roth Lecture: On the Uses of Legislative History in Interpreting Statutes. 65 S. Cal. L. Rev. 845. (1992).

Brudney, James J. Lawrence Baum. Protean Statutory Interpretation in the Courts of Appeals. 58 Wm. & Mary L. Rev. 681-763 (2017).

Brudney, James J. and Corey Ditslear. The Warp and Woof of Statutory Interpretation: Comparing Supreme Court Approaches in Tax law and Workplace Law. 58 Duke L.J. 1231-1311 (2009).

Brudney, James J. Intentionalism's revival. 44 San Diego L. Rev. 1001-

Brudney, James J. The Supreme Court as interstitial actor: Justice Ginsburg's eclectic approach to statutory interpretation. 70 Ohio St. L.J. 889-925 (2009).

Bruhl, Aaron-Andrew P. Communicating the Canons: How Lower Courts React When the Supreme Court Changes the Rules of Statutory Interpretation. 100 Minn. L. Rev. 481-559 (2015).

Bryant, Christopher and Timothy J. Simeone. Remanding to Congress: the Supreme Court's New "On the Record" Constitutional Review of Federal Statutes. 86 Cornell L. Rev. 328 (2001).

Bryner, Nicholas S. An ecological theory of statutory interpretation. 54 Idaho L. Rev. 3-44 (2018).

Buck, Stuart. Salerno vs. Chevron: What to Do About Statutory Challenges. 55 Admin. L. Rev. 427-476 (2003).

Buzbee, William W. The One-Congress Fiction in Statutory Interpretation. 149 U. Pa. L. Rev. 171 (2000).

Caiola, Eugene P. Comment. Retroactive Legislative History: Scierter Under the Uniform Security Litigation Standards Act of 1998. 64 Alb. L. Rev. 309 (2000).

Cannan, John. A Legislative History of the Affordable Care Act: How Legislative Procedure Shapes Legislative History. 105 Law Libr. J. 131-173 (2013).

Coco, Nathan F. Comment: Has Legislative History Become History?: A Critical Examination of *Central Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.* 20 Iowa J. Corp. L. 555 (1995).

Colloquy on "The Use of Legislative History in a System of Separated Powers" by Jonathan R. Siegel; response by John F. Manning, reply by Jonathan R. Siegel. 53 Vand. L. Rev. 1457 (2000).

Cooney, John F. Signing Statements: A Practical Analysis of the ABA Task Force Report. 59 Admin. L. Rev. 647-672 (2007).

Corrigan, Hon. Maura D. and J. Michael Thomas. "Dice Loading" Rules of Statutory Interpretation. 59 N.Y.U. Ann. Surv. Am. L. 231-245 (2003).

Corrington, John. Note: *Burlington Industries, Inc. v. Ellerth*: "Whole-Cloth Creation" or Manifestation of Congressional Intent?. 27 Pepp. L. Rev. 175 (1999).

Costello, George A. Article: Average Voting Members and Others "Benign Fictions": The Relative Reliability of Committee Reports, Floor Debates, and Other Sources of Legislative History. 1990 Duke L.J. 39 (1990).

Costelloe, Sylvia. Note. The Need for Conditions Limiting the Use of Legislative History in Statutory Interpretation: Lessons from the British Courts. 29 Notre Dame J.L. Ethics & Pub. Pol'y 299-327 (2015).

Cross, Frank B. The Significance of Statutory Interpretive Methodologies. 82 Notre Dame L. Rev. 1971-2004 (2007).

Culotta, Michael L. The Use of Committee Reports in Statutory Interpretation: a Suggested Framework for the Federal Judiciary. 60 Ark. L. Rev. 687-706 (2007).

Davis, Bart M., Kate Kelly and Kristin Ford. Use of Legislative History: Willow Witching for Legislative Intent. 43 Idaho L. Rev. 585-600 (2007).

Dawson, Edward C. Adjusting the Presumption of Constitutionality Based on Margin of Statutory Passage. 16 U. Pa. J. Const. L. 97-152 (2013).

Deacon, Daniel T. Justice Scalia on updating old statutes (with particular attention to the Communications Act). 16 Colo. Tech. L.J. 103-119 (2017).

Dessayer, Kathryn Marie. Note: The First Word: The President's Place in "Legislative History". 89 Mich. L. Rev. 399 (1990).

DeFrancesco, Lindsay. Note. *Yates v. United States*: Floundering About in the Choppy Waters of Statutory Interpretation. 75 Md. L. Rev. 620-656 (2016).

Devins, Neal E. Eighteenth Annual Administrative Law Issue: Conference on Statutory Interpretation: The Role of Legislative History in Judicial Interpretation: A Discussion Between Judge Kenneth W. Starr and Judge Abner J. Mikva: Article: Regulation of Government Agencies Through Limitation Riders. 1987 Duke L.J. 456 (1987).

Dickerson, Reed. Symposium: The Legislative Process: Statutory Interpretation: Dipping Into Legislative History. 11 Hofstra L. Rev. 1125 (1983).

Dolbow, Laura E. Agency Adherence to Legislative History. 70 Admin. L. Rev. 569-628 (2018).

Doran, David D. Comment: Equitable Tolling of Statutory Benefit Time Limitations: A Congressional Intent Analysis. 64 Wash. L. Rev. 681 (1989).

Dortzbach, Kenneth R. Article: Legislative History: The Philosophies of Justices Scalia and Breyer and the Use of Legislative History by the Wisconsin State Courts. 80 Marq. L. Rev. 161 (1996).

Drakeman, Donald L. Charting a New Course in Statutory Interpretation: A Commentary on Richard Ekins' The Nature of Legislative Intent. 24 Cornell J.L. & Pub. Pol'y 107-143 (2014).

Dubbs, Thomas A. Textualism and Transnational Securities Law: a Reappraisal of Justice Scalia's Analysis in *Morrison v. National Australia Bank*. 20 Sw. J. Int'l L. 227-281 (2014).

Dunigan, Meaghan. Note. The Intelligible Principle: How It Briefly Lived, Why It Died, and Why It Desperately Needs Revival in Today's Administrative State. 91 St. John's L. Rev. 247-278 (2017).

Easterbrook, Hon. Frank H. The absence of method in statutory interpretation. 84 U. Chi. L. Rev. 81-97 (2017).

Easterbrook, Frank H. Symposium on Statutory Interpretation: What Does Legislative History Tell Us? 66 Chi.-Kent. L. Rev. 441 (1990).

Elhauge, Einer. Preference-Eliciting Statutory Default Rules. 102 Colum. L. Rev. 2162 (2002).

Elhauge, Einer. Preference-Estimating Statutory Default Rules. 102 Colum. L. Rev. 2027 (2002).

Engel, Anthony L. Note. Questionable Uses of Canons of Statutory Interpretation: Why the Supreme Court Erred When It Decided "Any" Other Means "Some". (*Small v. United States*, 125 S. Ct. 1752, 2005.) 96 J. Crim. L. & Criminology 877-909 (2006).

Epstein, Lee, Nancy Staudt and Peter Wiedenbeck. Judging Statutes: Thoughts on Statutory Interpretation and Notes for a Project on the Internal Revenue Code. 13 Wash. U. J.L. & Pol'y 305-323 (2003).

Eskridge, William N., Jr. All About Words: Early Understandings Of The "Judicial Power" In Statutory Interpretation, 1776-1806. 101 Colum. L. Rev. 990 (2001).

Eskridge, William N. Jr. Expanding *Chevron's* domain: a comparative institutional analysis of the relative competence of courts and agencies to interpret statutes. 2013 Wis. L. Rev. 411-454 (2013).

Eskridge, William N., Jr. Legislative History Values. (Symposium on Statutory Interpretation). 66 Chi.-Kent. L. Rev. 365 (1990).

Eskridge, William N., Jr. The new textualism and normative canons. (Reviewing Justice Antonin Scalia and Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts*.) 113 Colum. L. Rev. 531-592 (2013).

Eskridge, William N., Jr. Textualism and Original Understanding: Should the Supreme Court Read the Federalist But not Statutory Legislative History? 66 Geo. Wash. L. Rev. 1301 (1998).

Farber, Daniel A. Do Theories of Statutory Interpretation Matter? A Case Study. 94 Nw. U. L. Rev. 1409 (2000).

Farber, Daniel A. and Philip P. Frickey. Symposium on the Theory of Public Choice: Legislative Intent and Public Choice. 74 Va. L. Rev. 423 (1988).

Fleischer, Holger. Comparative approaches to the use of legislative history in statutory interpretation. 60 Am. J. Comp. L. 401-437 (2012).

Footnote, Elizabeth V. Statutory Interpretation or Public Administration: How Chevron Misconceives the Function of Agencies and Why It Matters. 59 Admin. L. Rev. 673-724 (2007).

Fraley, Jill M. Scaled Legislation and New Challenges in Statutory Interpretation. 101 Ky. L.J. 233-279 (2012-2013).

Fritts, Spencer S.. Comment. Perez: a Call for a Renewed Look at Chevron, Jurisdictional Questions, and Statutory Silence. 40 Campbell L. Rev. 173-203 (2018).

Giles, Allison C. Note & Comment: The Value of Nonlegislators' Contributions to Legislative History. 79 Geo. L.J. 359 (1990).

Ginsburg, Hon. Douglas H. Bork's Legislative Intent and the Courts. 79 Antitrust L.J. 941-951 (2014)

Gluck, Abbe R. Congress, statutory interpretation, and the failure of formalism: the CBO canon and other ways that courts can improve on what they are already trying to do. 84 U. Chi. L. Rev. 177-212 (2017).

Gluck, Abbe R., Hon. Richard A. Posner. Statutory Interpretation on the Bench: a Survey of Forty-Two Judges on the Federal Courts of Appeals. 131 Harv. L. Rev. 1298-1373 (2018).

Gluck, Abbe R. and Lisa Schultz Bressman. Statutory Interpretation from the Inside—an Empirical Study of Congressional Drafting, Delegation, and the Canons: Part I. 65 Stan. L. Rev. 901-1025 (2013).

Gluck, Abbe R. The states as laboratories of statutory interpretation: methodological consensus and the new modified textualism. 119 Yale L.J. 1750-1862 (2010).

Goodman, Maxine D. Reconstructing the Plain Language Rule of Statutory Construction: How and Why. 65 Mont. L. Rev. 229-268 (2004).

Grabow, John C. Article: Congressional Silence and the Search for Legislative Intent: A Venture Into "Speculative Unrealities". 64 B.U.L. Rev. 737 (1984).

Grassley, Senator Charles and Jennifer Shaw Schmidt. Policy Essay: Practicing What We Preach: A Legislative History of Congressional Accountability. 35 Harv. J. on Legis. 33 (1998).

Gregory, Robert J. Overcoming Text in an Age of Textualism: A Practitioner's Guide to Arguing Cases of Statutory Interpretation. 35 Akron L. Rev. 451-489 (2002).

Greene, Abner S. The Missing Step of Textualism. 74 Fordham L. Rev. 1913-1936 (2006).

Grunfest, Joseph A. and A.C. Pritchard. Statutes with Multiple Personality Disorders: The Value of Ambiguity in Statutory Design and Interpretation. 54 Stan. L. Rev. 627 (2002).

Hardy, I. T. General Article: Creating an Expert System for Legislative History Research: Project Clear's "Lexpert". 85 Law Libr. J. 239 (1993).

Hasen, Richard L. Bad Legislative Intent. 2006 Wis L. Rev. 843-896 (2006).

Healy, Michael P. The Attraction and Limits of Textualism: The Supreme Court Decision in PUD No. 1 of *Jefferson County v. Washington Department of Ecology* (Statutory Interpretation and Environmental Law). 5 N.Y.U. Envtl. L.J. 382 (1996).

Healy, Michael P. Article: Legislative Intent and Statutory Interpretation in England and the United States: An Assessment of the Impact of *Pepper v. Hart*. 35 Stan. J. Int'l L. 231 (1999).

Healy, Michael P. Spurious Interpretation Redux: Mead and the Shrinking Domain of Statutory Ambiguity. 54 Admin. L. Rev. 673-686 (2002).

Heath, Edward. Essay: How Federal Judges Use Legislative History. 25 J. Legis. 95 (1999).

Herman, Bill D. and Oscar H. Gandy, Jr. Catch 1201: A Legislative History and Content Analysis of the DMCA Exemption Proceedings. 24 Cardozo Arts & Ent. L.J. 121-190 (2006).

Hutchens, J.T. A New New Textualism: Why Textualists Should Not Be Originalists. 16 Kan. J.L. & Pub. Pol'y 108-128 (2006-2007).

Ismay, David K. and M. Anthony Brown. The Not So New Textualism: a Critique of John Manning's Second Generation Textualism. 31 J.L. & Pol. 187-235 (2015).

Imwinkelried, Edward J. A more modest proposal than A Common Law for the Age of Statutes: greater reliance in statutory interpretation on the concept of interpretative intention. 68 Alb. L. Rev. 949-971 (2005).

Jacobstein, J. Myron and Roy M. Mersky. General Article: Congressional Intent and Legislative Histories: Analysis or Psychoanalysis? 82 Law Libr. J. 297 (1990).

Jellum, Linda D. The art of statutory interpretation: identifying the interpretive theory of the judges of the United States Court of Appeals for Veterans' Claims and the United States Court of Appeals for the Federal Circuit. 49 U. Louisville L. Rev. 59-109 (2010).

Jordan, William S. Article: Legislative History and Statutory Interpretation: The Relevance of English Practice. 29 U.S.F.L. Rev. 1 (1994).

Kavanaugh, Brett M. Fixing Statutory Interpretation. (Reviewing Robert A. Katzmann, Judging Statutes). 129 Harv. L. Rev. 2118-2163 (2016).

Kelley, Patrick J. Theories of legislation and statutory interpretation: natural law and the intention of legislature. 1 Wash. U. Jur. Rev. 97-138 (2009).

Kertesz, Geoffrey C. Note. And Then Along Came John: Federal Statutory Interpretation in Contravention of State Law Violates Principles of Federalism. 36 Loy. L.A. L. Rev. 1651-1675 (2003).

Killebrew, Pau. Where Are All the Left-Wing Textualists? 82 NYU L. Rev. 1895-1928 (2007).

Killenbeck, Mark R. Article: A Matter of Mere Approval? The Role of the President in the Creation of Legislative History. 48 Ark. L. Rev. 239 (1995).

Kiracofe, Adam W. Note. The Codified Canons of Statutory Construction: a Response and Proposal to Nicholas Rosenkranz's Federal Rules of Statutory Interpretation. 84 B.U. L. Rev. 571-607 (2004).

Klee, Kenneth N. Article: Ignoring Congressional Intent: Eight Years of Judicial Legislation. 62 Am. Bankr. L.J. 1 (1988).

Koby, Michael H. Article: The Supreme Court's Declining Reliance on Legislative History: The Impact of Justice Scalia's Critique. 36 Harv. J. on Legis. 369 (1999).

Kozinski, Honorable Alex. Article: Should Reading Legislative History Be an Impeachable Offense? 31 Suff. U.L. Rev. 807 (1998).

Krishnakumar, Anita S. The anti-messiness principle in statutory interpretation. 87 Notre Dame L. Rev. 1465-1520 (2012).

Krishnakumar, Anita S. Textualism and statutory precedents. 104 Va. L. Rev. 157-233 (2018).

Lee, Malinda. Reorientating the Debate on Presidential Signing Statements: The Need for Transparency in the President's Constitutional Objections, Reservations, and Assertions of Power. 55 UCLA L. Rev. 705-744 (2008).

Lee, Thomas R. and Stephen C. Mouritsen. Judging ordinary meaning. 127 Yale L.J. 788-879 (2018).

Lemos, Margaret H. The Politics of Statutory Interpretation. (Reviewing Antonin Scalia and Bryan A. Garner, Reading Law: The Interpretation of Legal Texts.) 89 Notre Dame L. Rev. 849-907 (2013).

Lewis, Kevin Michael. Note. Text(+plus+other+stuff)ualism: textualists' perplexing use of the Attorney General's Manual on the Administrative Procedure Act. 1 Mich. J. Env'tl. & Admin. L. 287-317 (2012).

Lies, Elizabeth A. Comment. Censoring Legislative History: Justice Scalia on the Use of Legislative History in Statutory Interpretation. 72 Neb. L. Rev. 568 (1993).

Liu, Cory R. Note. Textualism and the Presumption of Reasonable Drafting. 38 Harv. J.L. & Pub. Pol'y 711-727 (2015).

Livingston, Michael. Article: Congress, the Courts, and the Code: Legislative History and the Interpretation of Tax Statutes. 69 Tex. L. Rev. 819 (1991).

Lockwood, Cristina D. Creating Ambiguity in the Void for Vagueness Doctrine by Avoiding a Vagueness Determination in Review of Federal Laws. 65 Syracuse L. Rev. 395-449 (2015).

Lumia, Dennis C. Casenote. An Agency's Volte-Face Statutory Interpretation--When Do Courts Stop Deferring and Start Judicial Interpretation? (Rag Cumberland v. DEP, 869 A.2d 1065, Pa. Commw. Ct. 2005.) 18 Vill. Envtl. L.J. 285-306 (2007).

Lunenburg, William V. Justice Rehnquist, Statutory Interpretation, the Policies of Clear Statement, and Federal Jurisdiction. 58 Ind. L. Rev. 211 (1983).

Lynch, Michael J. The U.S. Code, the Statutes at Large, and Some Peculiarities of Codification. 16 Legal Ref. Serv. Quar. 69 (1997).

Manning, John F. Chevron and Legislative History. 82 Geo. Wash. L. Rev. 1517-1552 (2014).

Manning, John F. Competing Presumptions About Statutory Coherence. 74 Fordham L. Rev. 2009-2050 (2006).

Manning, John F. Response: Deriving Rules of Statutory Interpretation from the Constitution. 101 Colum. L. Rev. 1648 (2001).

Manning, John F. Textualism and Equity of the Statute. 101 Colum. L. Rev. 1 (2001).

Manning, John F. Textualism and Legislative Intent. 91 Va. L. Rev. 419-450 (2005).

Manning, John F. What Divides Textualists from Purposivists? 106 Colum. L. Rev. 70-111 (2006).

Manning, John F. Why Does Congress Vote on Some Texts But Not Others? 51 Tulsa L. Rev. 559-577 (2016).

Manning, John F. Without the Pretense of Legislative Intent. 130 Harv. L. Rev. 2397-2433 (2017).

Margeton, Stephen G. Of Legislative Histories and Librarians. 85 Law Libr. J. 81 (1993).

Mark, Daniel. Legislative Intent and Purposive Interpretation. (Reviewing Richard Ekins, The Nature of Legislative Intent; Neil Duxbury, Elements of Legislation.) 60 Am. J. Juris. 227-245 (2015).

Mashaw, Jerry L. Norms, Practices, and the Paradox of Deference: A Preliminary Inquiry into Agency Statutory Interpretation. 57 Admin. L. Rev. 501-542 (2005).

Mayton, William T. Article: Law Among the Pleonasm: The Futility and Aconstituionality of Legislative History in Statutory Interpretation. 41 Emory L.J. 113 (1992).

McCubbins, Mathew D. and Daniel B. Rodriguez. What Is New in the New Statutory Interpretation? Introduction to The Journal of Legal Issues Symposium. 14 J. Contemp. Legal Issues 535-547 (2005).

McGowan, Miranda. Do as I do, not as I say: an empirical investigation of Justice Scalia's ordinary meaning method of statutory interpretation. 78 Miss. L.J. 129-198 (2008).

McGreal, Paul E. A Constitutional Defense of Legislative History. 13 Wm. & Mary Bill Rts. J. 1241-1273 (2005).

McLeod, Ian. Literal and Purposive Techniques of Legislative Interpretation: Some European Community and English Common Law Perspectives. 29 Brook. J. Int'l L. 1109-1134 (2004).

McManus, Ryan. Note. Sitting in Congress and Standing in Court: How Presidential Signing Statements Open the Door to Legislator Lawsuits. 48 B.C. L. Rev. 739-780 (2007).

Michel, Chris. Comment. There's No Such Thing as a Political Question of Statutory Interpretation: The Implications of *Zivotofsky v. Clinton*. (Zivotofsky ex rel. Zivotofsky v. Clinton, 132 S. Ct. 1421, 2012.) 123 Yale L.J. 253-265 (2013).

Mikva, Abner J. Eighteenth Annual Administrative Law Issue: Conference on Statutory Interpretation: The Role of Legislative History in Judicial Interpretation: A Discussion Between Judge Kenneth W. Starr and Judge Abner J. Mikva: A Reply to Judge Starr's Observations. 1987 Duke L.J. 380 (1987).

Miller, Jeffrey G. Plain Meaning, Precedent, and Metaphysics: Lessons in Statutory Interpretation from Analyzing the Elements of the Clean Water Act Offense. 46 Env'tl. L. Rep. News & Analysis 10297-10325 (2016).

Molot, Jonathan T. The Rise and Fall of Textualism. 106 Colum. L. Rev. 1-69 (2006).

Mullins, Morell E., Sr. Coming to Terms with Strict and Liberal Construction. 64 Alb. L. Rev. 9 (2000).

Nagle, John Copeland. The Worst Statutory Interpretation Case in History. (Reviewing William D. Popkin. *Statutes in Court: The History and Theory of Statutory Interpretation*.) 94 Nw. U. L. Rev. 1445 (2000).

Nelson, Caleb. A Response to Professor Manning. 91 Va. L. Rev. 451-470 (2005).

Nelson, Caleb. Judicial Review of Legislative Purpose. 83 NYU L. Rev. 1784-1882 (2008).

Nelson, Caleb. Statutory Interpretation and Decision Theory. (Book review. Reviewing Andrian Vermeule, *Judging Under Uncertainty: An Institutional Theory of Legal Interpretation*.) 74 U. Chi. L. Rev. 329-368 (2007).

Nelson, Caleb. What is Textualism? 91 Va. L. Rev. 347-418 (2005).

Neuborne, Burt. Background Norms for Federal Statutory Interpretation. (Symposium: The Federal Court Docket; Issues and Solutions). 22 Conn. L. Rev. 721 (1990).

Nimmer, David. Appreciating Legislative History: The Sweet and Sour Spots of the DMCA's Commentary. 23 Cardozo L. Rev. 909-990 (2002).

Noah, Lars. Article: Divining Regulatory Intent: The Place for a “Legislative History” of Agency Rules. 51 *Hastings L.J.* 255 (2000).

Nourse, Victoria F. Elementary Statutory Interpretation: Rethinking Legislative Intent and history. 55 *B.C. L. Rev.* 1631-1658 (2014).

Nourse, Victoria. Picking and choosing text: lessons for statutory interpretation from the philosophy of language. 69 *Fla. L. Rev.* 1409-1437 (2017).

Nourse, Victoria F. The Constitution and Legislative History. 17 *U. Pa. J. Const. L.* 313-363 (2014).

Note: A *Chevron* for the the House and Senate: Deferring to Post-Enactment Congressional Resolutions that Interpret Ambiguous Statutes. 124 *Harv. L. Rev.* 1507-1527 (2011).

Note: Judicial Review of Congressional Factfinding. 122 *Harv. L. Rev.* 767-786 (2008)

Note: Textualism as Fair Notice. 123 *Harv. L. Rev.* 542-563 (2009).

Note: Why Learned Hand Would Never Consult Legislative History Today. 105 *Harv. L. Rev.* 1005. (1992).

Nourse, Victoria. Misunderstanding Congress: statutory interpretation, the supermajoritarian difficulty, and the separation of powers. 99 *Geo. L.J.* 1119-1177 (2011).

O'Connor, Gary E. Restatement (First) of Statutory Interpretation. 7 *N.Y.U. J. Legis. & Pub. Pol'y* 333-364 (2004).

Ohlendorf, John David. Purposivism Outside Statutory Interpretation. 21 *Tex. Rev. L. & Pol.* 235-282 (2016).

Ohlendorf, John David. Textualism and Obstacle Preemption. 47 *Ga. L. Rev.* 369-443 (2013).

Ohlendorf, John David. Textualism and the Problem of Scrivener's Error. 64 *Me. L. Rev.* 119-164 (2011).

Paolini, Angela J. Note: Administrative Law – Supreme Court Defers to Congressional Intent in Social Security Disability Benefit Delays. 60 *Tul. L. Rev.* 205 (1985).

Parnagian, Christopher P. Comments: *New York City Health and Hospitals Corporation v. Perales*: Unclear Congressional Intent, Permissible Agency Interpretation. 67 *St. John's L. Rev.* 105 (1993).

Parker, Stephanie Lyn. Note. The folly of Rule 14a-11: *Business Roundtable v. SEC* and the Commission's next step. (*Business Roundtable v. SEC*, 647 F.3d 1144, 2011.) 61 *Am. U. L. Rev.* 715-728 (2012).

Parrillo, Nicholas R. Leviathan and Interpretive Revolution: the Administrative State, the Judiciary, and the Rise of Legislative History, 1890-1950. 123 *Yale L.J.* 266-411 (2013).

Peabody, Bruce G. Congressional Constitutional Interpretation and the Courts: A Preliminary Inquiry into Legislative Attitudes, 1959-2001. 29 *Law & Soc. Inquiry* 127-175 (2004).

Platt, Alexander I. Debiasing Statutory Interpretation. 39 *Ohio N.U. L. Rev.* 275-318 (2012).

Popkin, William D. Article: Judicial Use of Presidential Legislative History: A Critique. 66 *Ind. L.J.* 699 (1991).

Posner, Richard A. Reply: The Institutional Dimension of Statutory and Constitutional Interpretation. 101 *Mich. L. Rev.* 952 (2003).

Price, Zachary. The rule of Lenity as a Rule of Structure. 72 *Fordham L. Rev.* 885-941 (2004).

Pryor, Hon. William H. Jr. Textualism after Antonin Scalia: a tribute to the late great justice. 8 *Faulkner L. Rev.* 29-47 (2016).

Pushaw, Jr., Robert J. Talking Textualism, Practicing Pragmatism: Rethinking the Supreme Court's Approach to Statutory Interpretation. 51 *Ga. L. Rev.* 121-233 (2016).

Quinn, Randall W. The Supreme Court's Use of Legislative History in Interpreting the Federal Securities Laws. 22 *Securities Reg. L.J.* 262 (1994).

Rakoff, Todd D. Statutory Interpretation as a Multifarious Enterprise. 104 *Nw. U. L. Rev.* 1559-1586 (2010).

Ramer, John D. Note. Corpus Linguistics: Misfire or More Ammo for the Ordinary-meaning Canon? 116 *Mich. L. Rev.* 303-328 (2017).

Robinson, Matthew. Note. Deferring to Congressional Interpretations of Ambiguous Statutory Provisions. 16 *N.Y.U. J. Legis. & Pub. Pol'y* 565-606 (2013).

Rodriguez, Daniel B. and Barry R. Weigast. The Paradox of Expansionist Statutory Interpretations. 101 *Nw. U. L. Rev.* 1207-1256 (2007).

Rodriguez, Daniel B. and Barry R. Weigast. The Positive Political Theory of Legislative History: New Perspectives on the 1964 Civil Rights Act and its Interpretation. 151 *U. Penn. L. Rev.* 1417 (2003).

Rogers, George R. Comment: Legislative Intent vs. Executive Non-enforcement: A New Bounty Statute as a Solution to Executive Usurpation of Congressional Power. 69 *Ind. L.J.* 1257 (1994).

Rosenkraz, Nicholas Quinn. Federal Rules of Statutory Interpretation. 115 *Harv. L. Rev.* 2085-2157 (2002).

Ross, Stephen F. Statutory interpretation as a parasitic endeavor. 44 *San Diego L. Rev.* 1027-151 (2007).

Schacter, Jane S. Article: The Confounding Common Law Originalism in Recent Supreme Court Statutory Interpretation: Implications for the Legislative History Debate and Beyond. 51 *Stan. L. Rev.* 1 (1998).

- Schanck, Peter C. The Uses and Values of Legislative Histories: A Reply. 82 Law Libr. J. 303 (1990).
- Schanck, Peter C. The Only Game in Town: Contemporary Interpretive Theory, Statutory Construction, and Legislative Histories. 82 Law Libr. J. 419 (1990).
- Scheef, Robert W. Temporal Dynamics in Statutory Interpretation: Courts, Congress, and the Canon of Constitutional Avoidance. 64 U. Pitt. L. Rev. 529-587 (2003).
- Schuld, Michelle. Note. Statutory Misrepresentation: *Small v. United States* Darkens the Already Murky Waters of Statutory Interpretation. (*Small v. United States*, 544 U.S. 385, 2005.) 40 Akron L. Rev. 751-788 (2007).
- Schwartz, Jack. Article: The Court of Appeals at the Cocktail Party: The Use and Misuse of Legislative History. 54 Md. L. Rev. 432 (1995).
- Seegmiller, Travis M. Note. The New Gray Area for the "Blue Book" after *Robinson v. Commissioner*: Twelve Factors to Keep in Mind When Using the Blue Book as a Tool of Statutory Interpretation. (*Robinson v. Commissioner*, 119 T.C. 44, 2002.) 57 Tax Law. 833-844 (2004).
- Shapiro, Sidney A. Eighteenth Annual Administrative Law Issue: Conference on Statutory Interpretation: The Role of Legislative History in Judicial Interpretation: A Discussion Between Judge Kenneth W. Starr and Judge Abner J. Mikva: Article: Heightened Scrutiny of the Fourth Branch: Separation of Powers and the Requirement of Adequate Reasons for Agency Decisions. 1987 Duke L.J. 387 (1987).
- Shobe, Jarrod. Agencies as Legislators: an Empirical Study of the Role of Agencies in the Legislative Process. 85 Geo. Wash. L. Rev. 451-535 (2017).
- Siegel, Jonathan R. The Inexorable Radicalization of Textualism. 158 U. Penn. L. Rev. 117-178 (2009).
- Siegel, Jonathan R. The Legacy of Justice Scalia and His Textual Ideal. 85 Geo. Wash. L. Rev. 857-921 (2017).
- Sinclair, M. B. W. Review Essay: Legislative Intent: Fact or Fabrication? 41 N.Y.L. Sch. L. Rev. 1329 (1997).
- Sinclair, Michael. The Proper Treatment of "Interpretive Choice" in Statutory Decision-Making. 45 N.Y.L. Sch. L. Rev. 389 (2002).
- Slawson, W. David. Legislative History and the Need to Bring Statutory Interpretation under the Rule of Law. 44 Stan. L. Rev. 383 (1992).
- Slocum, Brian G. Overlooked temporal issues in statutory interpretation. 81 Temp. L. Rev. 635-687 (2008).

Smith, Laura R. Comment: The Battle Between Plain Meaning and Legislative History: Which Will Decide the Standard for Pleading Scienter After the Private Securities Litigation Reform Act of 1995? 39 Santa Clara L. Rev. 577 (1999).

Snyder, Fritz. Article: Legislative History and Statutory Interpretation: The Supreme Court and the Tenth Circuit. 49 Okla. L. Rev. 573 (1996).

Solan, Lawrence M. Is It Time for a Restatement of Statutory Interpretation? 79 Brook. L. Rev. 733-756 (2014).

Solan, Lawrence M. Jurors as Statutory Interpreters. 78 Chi.-Kent L. Rev. 1281-1318 (2003).

Solan, Lawrence M. Private Language, Public Laws: The Central Role of Legislative Intent in Statutory Interpretation. 93 Geo. L. J. 427-486 (2005).

Southerland, Harold P. Theory and Reality in Statutory Interpretation. 15 St. Thomas L. Rev. 1-59 (2002).

Special Issue. Determining Legislative Intent in State Courts: Selected Methods and Sources. Introduction by Linda Kawaguchi; articles by Merrilee S. Harrell, Janis Fusaris, Kathleen Brown, Kristin Ford, Brian Huddleston, Kincaid C. Brown, George R. Jackson, Barbara H. Garavaglia, Thomas P. Davis, Rhonda R. Schwartz, Darla Jackson, Amy Atchison, Jennifer Lentz and Patricia A. Cervenka. 30 Legal Ref. Serv. Q. 1-147(2011).

Stabile, Susan J. Article: The Role of Congressional Intent in Determining the Existence of Implied Private Rights of Action. 71 Notre Dame L. Rev. 861 (1996).

Starr, Kenneth W. Eighteenth Annual Administrative Law Issue: Conference on Statutory Interpretation: The Role of Legislative History in Judicial Interpretation: A Discussion Between Judge Kenneth W. Starr and Judge Abner J. Mikva: Observations About the Use of Legislative History. 1987 Duke L.J. 371 (1987).

Staszewski, Glen. Avoiding Absurdity (in statutory interpretation) . 81 Ind. L.J. 1001-1065 (2006).

Staszewski, Glen. Statutory Interpretation as Contestatory Democracy. 55 Wm. & Mary L. Rev. 221-304 (2013).

Steinman, Adam N. "Less" Is "More"? Textualism, Intentionalism, and a Better Solution to the Class Action Fairness Act's Appellate Deadline Riddle. 92 Iowa L. Rev. 1183-1236 (2007).

Stephenson, Matthew C. Legislative Allocation of Delegated Power: Uncertainty, Risk, and the Choice Between Agencies and Courts. 119 Harv. L. Rev. 1035-1070 (2006).

Stephenson, Matthew C. The Price of Public Action: Constitutional Doctrine and the Judicial Manipulation of Legislative Enactment Costs. 118 Yale L.J. 2-62 (2008).

Strauss, Peter L. Symposium on Statutory Interpretation: When the Judge Is Not the Primary Official With Responsibility to Read: Agency Interpretation and the Problem of Legislative History. 66 Chi.-Kent. L. Rev. 321 (1990).

Shobe, Jarrod. Intertemporal Statutory Interpretation and the Evolution of Legislative Drafting. 114 Colum. L. Rev. 807-877 (2014).

Sullivan, Marquerite M. Notes & Comments: *Brown & Williamson v. FDA*: Finding Congressional Intent Through Creative Statutory Interpretation – A Departure From Chevron. 94 NW. U.L. Rev. 273 (1999).

Sunstein, Cass R. and Adian Vermeule. Interpretation and Institutions. 101 Mich. L. Rev. 885 (2003). See Posner in reply.

Sunstein Cass R. and Adian Vermeule. Interpretive Theory in Its Infancy: A Reply to Posner. 101 Mich. L. Rev. 972 (2003).

Symposium: Administrative Statutory Interpretation. Introduction by Glen Staszewski; articles by Jerry L. Mashaw, Avi Perry, Noga Morag-Levine, Richard J. Pierce, Jr., Michael Herz, Jonathan R. Siegel, Glen Staszewski, Margaret H. Lemos, Kevin M. S tack and Kristin E. Hickman. 2009 Mich. St. L. Rev. 1-272.

Symposium: Statutory Interpretation: How Much Work Does Language Do? Articles by James J. Brudney, Linda D. Jellum, Anita S. Krishnakumar, Rebecca M. Kysar, Eric Lane, Mathew D. McCubbins, Daniel B. Rodriguez, Victoria F. Nourse, Jane S. Schacter, Jonathan R. Siegel and Lawrence M. Solan. 76 Brook. L. Rev. 901-1048 (2011).

Terrell, Timothy P. Statutory Epistemology: Mapping the Interpretation Debate. 53 Emory L.J. 523-559 (2004).

Tiefer, Charles. Articles: The Reconceptualization of Legislative History of the Supreme Court. 2000 Wis. L. Rev. 205 (2000).

Tushnet, Mark. Theory and practice in statutory interpretation. 43 Tex. Tech. L. Rev. 1185-1201 (2011).

Vaughn, Robert G. Article: A Comparative Analysis of the Influence of Legislative History on Judicial Decision-Making and Legislation. 7 Ind. Int'l & Comp. L. Rev. 1 (1996)

Vermeule, Adrian. The Cycles of Statutory Interpretation. 68 U. Chi. L. Rev. 149 (2001).

VerSteeg, Russ. Article: Sparks in the Tinderbox: Feist, "Creativity," and the Legislative History of the 1976 Copyright Act. 56 U. Pitt. L. Rev. 549 (1995).

Wald, Patricia M. Article: The Sizzling Sleeper: The Use of Legislative History in Construing Statutes in the 1988-89 Term of the United States Supreme Court. 39 Am. U.L. Rev. 277 (1990).

Walker, Christopher J. Inside Agency Statutory Interpretation. 67 Stan. L. Rev. 999-1079 (2015).

Christopher J. Walker. Lawmaking Within Federal Agencies and Without Judicial Review. 32 J. Land Use & Envtl. L. 551-565 (2017).

Walker, Melanie E. Comment: Congressional Intent and Deference to Agency Interpretations of Regulations. 66 U. Chi. L. Rev. 1341 (1999).

Whisner, Mary. Other Uses of Legislative History. 105 Law Libr. J. 243-254 (2013).

Whittington, Keoth E. Much ado about nothing: signing statements, vetoes, and presidential constitutional interpretation. 58 Wm. & Mary L. Rev. 1751-1791 (2017).

Widiss, Deborah A. Undermining congressional overrides: the Hydra problem in statutory interpretation. 90 Tex. L. Rev. 859-942 (2012).

Williams, Stephen F. Textualism and Original Understanding: Restoring Context, Distorting Text: Legislative History and the Problem of Age. 66 Geo. Wash. L. Rev. 1366 (1998).

Wilson, Ross A. Note. A third way: the presidential nonsigning statement. 96 Cornell L. Rev. 1503-1544 (2011).

Wise, Michael J. Note: Court Disregards Legislative History of the Civil Rights Act of 1991 and Bucks Current Trends Regarding Punitive Damages: *Kolstad v. American Dental Ass'n*, 108 F.3d 1431 (D.C. Cir. 1996). 23 Dayton L. Rev. 643 (1998).

Witty, Peter N. Notes: Plain Language, Congressional Intent, and Common Sense. 71 Notre Dame L. Rev. 799 (1996).

Wright, Abby. Comment. For All Intents and Purposes: What Collective Intention Tells Us About Congress and Statutory Interpretation. 154 U. Pa. L. Rev. 983-1024 (2006).

Yoo, John Choon. Marshall's Plan: The Early Supreme Court and Statutory Interpretation. 101 Yale L. J. 1607 (1992).

Zahn, Thomas E. Casenote. Settled No More: An Administrative Agency May Overturn Prior Judicial Interpretation of a Statute Within Its Jurisdiction So Long as the Statutory Language is Ambiguous. (National Cable & Telecommunications Association, et al. v. Brand X Internet Services et al., 125 S. Ct. 2688, 2005.) 8 Duq. Bus. L.J. 143-167 (2006).

Zeppos, Nicholas S. Article: Legislative History and the Interpretation of Statutes: Toward a Fact-Finding Model of Statutory Interpretation. 76 Va. L. Rev. 1295 (1990).